This Literature made the twenty fourth day of April in the year of our lord one thousand eight hundred and forty four **Between** Askin Morrison of Hobart Town in Van Dieman's Land merchant of the first part, James Radcliff of Hobart Town aforesaid Esquire of the second part and Thomas Alexander O'Donahoo of Hobart Town aforesaid Esquire of the third part

Whereas by letter patent bearing date the seventh day of November in the third year of the reign of Her Majesty Queen Victoria. Her said Majesty did give and grant unto the said Askin Morrison and his heirs all that tract of land containing two thousand five hundred and sixty acres or thereabouts situate and being in the County of Pembroke in Van Dieman's Land and bounded as follows (that is to say) on the Southern South Western and South Eastern sides by the Sandspit River on the South West by a line of eighteen chains to the Eastern Angle of Lot 343 purchased from the Crown by Richard Radcliff by a continued North Westerly line of eighty chains along that Lot to its Northern Angle and by its North Eastern boundary line produced twenty seven chains along Crown land on the North West by a line of one hundred and seventy one chains and fifty links perpendicular to the last line along Crown land to the Southern Angle of a grant to Simon Hadley and by a continued North Easterly line of twenty one chains and fifty links along that grant to the salt water (Pacific Ocean) and thence by the salt water to the Sandspit River aforesaid to hold the same with the appurtenances unto and to the use of the said Askin Morrison his heirs and assigns subject to such exceptions and reservations as in the said Letters Patent are mentioned

And Whereas Thomas O'Donahoo deceased the father of the said Thomas Alexander O'Donahoo resided upon the said tract of land at the time of his decease and was buried upon a point of land which being part those of such point of land being situated sixty six chains or thereabouts to the South of a place there called Johnsons Point and being bounded on the North East and South East by Carrickfergus Bay

And Whereas shortly after the burial of the said Thomas O'Donahoo a fence was erected around his grave to mark the situation thereof and to protect the same

And Whereas the said James Radcliff afterwards became entitled to the said tract of land and being so entitled he promised and agreed to grant to Eliza O'Donahoo the widow of the said Thomas O'Donahoo and the heirs of her body the point or piece of land whereon the said Thomas O'Donahoo was buried as aforesaid to be as hereinafter is mentioned with liberty to her the said Eliza O'Donahoo and the heirs of her body to erect thereon a tomb or tombs but not to reside thereon nor to cultivate the same nor to erect thereon and building other than a tomb or tombs

And Whereas the said James Radcliff afterwards caused application to be made for a grant of the said land from the crown to be issued to the said Askin Morrison and his heirs

And Whereas the said hereinbefore in part recited Letters Patent were accordingly issued to the said Askin Morrison and his heirs and the said Askin Morrison is now seised of the said land and hereditaments comprised and described in the said Letters Patent in trust for the said James Radcliff and his heirs he the said Askin Morrison having no beneficial interest therein as he doth hereby acknowledge and declare

And Whereas the said Eliza O'Donahoo hath lately departed this life leaving the said Thomas Alexander O'Donahoo and his heirs to the uses hereinafter mentioned

From this Literature (made in pursuance of the Island of Act of Van Dieman's Land and its Dependencies intitled "An Act for rendering a release as effectual for the Conveyance of Freehold Estates as a Lease and Release by the same parties")

Witnesseth that in consideration of the premises and of five shillings by the said Thomas Alexander O'Donahoo in hand paid to the said Askin Morrison at or before the execution of these presents the receipt thereof is hereby acknowledged He the said Askin Morrison (at the request and by the direction of the said James Radcliff testified by his executing these presents)

Hath bargained sold and released and by these presents

Doth bargain sell and release and so far as he lawfully can or may but not further or otherwise and not by way of Warranty of title grant and confirm and the said James Radcliff

Doth remise release and confirm unto the said Thomas Alexander O'Donahoo and his heirs

All That point or piece of land situate in the said County of Pembroke in Van Dieman's Land aforesaid whereon the said Thomas O'Donahoo was buried as aforesaid and which said point or piece of land is bounded on the North East by Carrickfergus Bay from the Eastern Extremity of the said point or piece of land to a point distant one hundred yards from the grave of the said Thomas O'Donahoo thence towards the North West West and South West by a curved line every part of which is also one hundred yards distant from the said Grave and which extends to Carrickfergus Bay aforesaid and on the South East by Carrickfergus Bay aforesaid to the Eastern Extremity of the said point or piece of land together with the said Grave and all buildings and appurtenances to the said point or piece of land belonging or appertaining and the ? and ? remainder and remainders of and in the said point or piece of land and premises and all the estate right title interest claim and demand whatsoever of them the said Askin Morrison and James Radcliff and each of them out of in or to the same

To have and to hold the said point or piece of land and all other the hereditaments and premises hereby released or expressed or intended so to be with the appurtenances unto the said Thomas Alexander O'Donahoo and his heirs to the use of the heirs of the

Body of the said Eliza O'Donahoo deceased so long as they or any of them shall not cultivate the same point or piece of land or any part thereof nor reside thereon nor erect thereon or upon any part thereof any building or buildings other than a Tomb or Tombs so long as they shall not permit of suffer any other person or persons to cultivate the said point or piece of land or any part thereof or to reside thereon or upon any part thereof or to erect thereon any other building than a Tomb or Tombs But of the heirs of the body of the said Eliza O'Donahoo or any of them shall at any time cultivate the said point or piece of land or any part thereof or reside thereon or erect thereon or upon any part thereof any building or buildings other than a Tomb or Tombs or permit or suffer any other person or persons so to do Then and from thenceforth the said Thomas Alexander O'Donahoo and his heirs shall stand seised of the said point or piece of land and all other the hereditaments and premises hereby released with the appurtenances To the use of the said James Radcliff and his heirs and assigns for ever

And the said Askin Morrison for himself his heirs executors and administrators doth hereby covenant promise and agree to and with the said Thomas Alexander O'Donahoo and his heirs and assigns that he the said Askin Morrison hath not at any time heretofor made done committed or knowingly permitted any act deed matter or thing whatsoever whereby or by means whereof the said point or piece of land and premises hereby released or extinguished or intended so to be are is or may be impeached charged incumbered or prejudicially in title estate or otherwise howsoever

In Witnesseth whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

This Indenture

made the twenty fourth day of April in the year of our Lord One thousand eight hundred and forty four **Between** Askin Morrison of Hobart Town in Van Diemens Land Merchant of the first part James Kadcliff of Hobart Town aforesaid Esquire of the second part and Thomas Alexander O'Donahoo of Hobart Town aforesaid Esquire of the third part **Whereas** by Letters Patent bearing date the seventh day of November in the third year of the reign of Her Majesty Queen Victoria Her said Majesty did give and grant unto the said Askin Morrison and his heirs All that tract of land containing Two thousand five hundred and sixty acres or thereabouts situate and being in the County of Pembroke in Van Diemens Land and bounded as follows (that is to say) on the Southern South Western and South Eastern Sides by the Sandspit River on the South West by a line of eighteen chains to the Eastern Angle of Lot 343 purchased from the Crown by Richard Kadcliff by a continued North Westerly line of eighty chains along that Lot to its Northern Angle and by its North Eastern boundary line produced twenty seven chains along Crown land on the North West by a line of One hundred and seventy one chains and fifty links perpendicular to the last line along Crown land to the Southern Angle of a Grant to Simon Hadley and by a continued North Easterly line of twenty one chains and fifty links along that Grant to the Salt Water (Pacific Ocean) and thence by the Salt Water to the Sandspit River aforesaid To hold the same with the appurtenances unto and to the use of the said Askin Morrison his heirs and assigns Subject to such exceptions and reservations as in the said Letters Patent are mentioned **And whereas** Thomas O'Donahoo deceased the Father of the said Thomas Alexander O'Donahoo resided upon the said tract of land at the time of his decease and was buried upon a point of land called Prince, point, Peninsula, point thereof, point of land being situated sixty six chains or thereabouts to the South of a place there called Johnstons Point and being bounded on the North East and South East by Carrickfergus Bay **And whereas** Hadley after the burial of the said Thomas O'Donahoo a fence was erected around his Grave to mark the situation thereof and to protect the same **And whereas** the said James Kadcliff aforesaid became entitled to the said tract of land and being so entitled he promised and agreed to grant to Eliza O'Donahoo (the Widow of the said Thomas O'Donahoo) and the heirs of her body the point a piece of land whereon the said Thomas O'Donahoo was buried as aforesaid (to be bounded as hereinafter is mentioned) with liberty to her the said Eliza O'Donahoo and the heirs of her body to erect thereon a Tomb or Tombs but not to reside thereon nor to cultivate the same nor to erect thereon any building other than a Tomb or Tombs **And whereas** the said James Kadcliff aforesaid caused application to be made for a Grant of the said land from the Crown to be issued to the said Askin Morrison and his heirs **And whereas** the said hereinbefore in part recited Letters Patent were accordingly issued to the said Askin Morrison and his heirs and the said Askin Morrison is now seised of the said land and hereditaments comprised and described in the said Letters Patent in trust for the said James Kadcliff and his heirs he the said Askin Morrison having no beneficial interest therein as he doth hereby acknowledge and declare **And whereas** the said Eliza O'Donahoo hath lately departed this life leaving the said Thomas Alexander O'Donahoo the eldest Son and heir of her body her surviving **And whereas** the said James Kadcliff hath requested the said Askin Morrison to convey the point a piece of land hereinbefore referred to and hereinafter described to the said Thomas Alexander O'Donahoo and his heirs to the uses hereinafter mentioned **Now this Indenture** (made in pursuance of the Act of the Island of Van Diemens Land and its Dependencies intituled "An Act for rendering a release as effectual for the Conveyance of Freehold Estates as a Lease and Release by the same parties") **Witnesseth** that in consideration of the premises and of five shillings by the said Thomas Alexander O'Donahoo in hand paid to the said Askin Morrison at or before the execution of these presents the receipt whereof is hereby acknowledged He the said Askin Morrison (at the request and by the direction of the said James Kadcliff testified by his executing these presents) **Doth** bargained sold and released and by these presents **Doth** bargain sell and release and so far as he lawfully can & may but not further or otherwise and not by way of warranty of title grant and confirm and the said James Kadcliff **Doth** remise release and confirm unto the said Thomas Alexander O'Donahoo and his heirs **All that** point a piece of land situate in the said County of Pembroke in Van Diemens Land aforesaid whereon the said Thomas O'Donahoo was buried as aforesaid and which said point or piece of land is bounded on the North East by Carrickfergus Bay from the Eastern Extremity of the said point or piece of land to a point distant One hundred yards from the Grave of the said Thomas O'Donahoo thence towards the North West West and South West by a curved line every part of which is also One hundred yards distant from the said Grave and which extends to Carrickfergus Bay aforesaid and on the South East by Carrickfergus Bay aforesaid to the Eastern Extremity of the said point a piece of land together with the said Grave and all buildings and appurtenances to the said point a piece of land belonging or appertaining And the reversion and reversions remainder and remainders of and in the said point or piece of land and premises And all the estate right title interest claim and demand whatsoever of them the said Askin Morrison and James Kadcliff and each of them out of in or to the same **To have and to hold** the said point a piece of land and all other the hereditaments and premises hereby released or expressed or intended so to be with the appurtenances unto the said Thomas Alexander O'Donahoo and his heirs To the use of the heirs of the body of the said Eliza O'Donahoo deceased So long as they or any of them shall not cultivate the same point or piece of land or any part thereof nor reside thereon nor erect thereon or upon any part thereof any building or buildings other than a Tomb or Tombs so long as they shall not permit or suffer any other person or persons to cultivate the same point or piece of land or any part thereof or to erect thereon any other building than a Tomb or Tombs But if the heirs of the body of the said Eliza O'Donahoo or any of them shall at any time cultivate the said point or pieces of land or any part thereof or reside thereon or erect thereon or upon any part thereof any building or buildings other than a Tomb or Tombs or permit or suffer any other person or persons so to do then and from thenceforth the said Thomas Alexander O'Donahoo and his heirs shall stand seised of the said point or piece of land and all other the hereditaments and premises hereby released with the appurtenances To the use of the said James Kadcliff his heirs and assigns for ever **And** the said Askin Morrison for himself his heirs executors and administrators doth hereby covenant promise and agree to and with the said Thomas Alexander O'Donahoo his heirs and assigns that he the said Askin Morrison hath not at any time heretofore made done committed or knowingly permitted any act deed matter or thing whatsoever whereby or by means whereof the said point or piece of land and premises hereby released or expressed or intended so to be are or may be impeached charged incumbered or prejudicially affected in title estate or otherwise howsoever **In witness** whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Askin Morrison

James Kadcliff