


Dated 5 May 1863

W
Will

of

Mr Tho: Tipping

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Filed 27/3/64


This is the last Will and Testament

of me Thomas
Tipping of Happy Valley Bendigo in the Colony of Victoria Quartz Miner
I give devise and bequeath to my dear wife Agnes All my weatherboard
House outhouses and fencing situate on Crown Land at Happy Valley aforesaid and
which premises are now in my occupation And all my right title and interest of
and in the claims known by the name of The Albert The Adventure and The
Midway and which are situate on the reef called or known by the name of The
Victoria Reef And all my household furniture and all other my real and
personal estate of what nature kind or quality soever and wheresoever the same
may be **So hold** the same according to the respective natures thereof unto and to
the use of my said wife her heirs executors and administrators **In Trust** for my
said wife (if she thinks fit) to continue to live in occupy use and enjoy my said
weatherboard house furniture and premises at Happy Valley aforesaid or to let the
same at an annual rental And to receive the rent thereof and the dividends and
profits of all and every my said gold claims and other my estate and to apply
pay and dispose of the same in manner following My said wife is to pay and
dispose of the annual sum of Two Hundred and Fifty Pounds for and towards the
maintenance of herself and the maintenance and education of my child or
children by my said wife who shall be living at the time of my death **And I**
direct my said wife to accumulate the residue if any of my said rents
dividends and profits from time to time by investing the same in such securities
as she may think fit with power for my said wife in the event of a deficiency
occurring in any one year ^{to} resort to the accumulation of any preceding year or
years and to apply the same for and towards her maintenance and the maintenance
and education of my said child or children so as to make up each and every year
the annual sum of two hundred and fifty pounds my will and desire being that
my said wife shall during her widowhood receive for herself and my child or children
as aforesaid the sum of two hundred and fifty pounds a year neither more nor less
And in the event of my said wife marrying again then my will and desire is
that she shall receive and retain one gross sum of Fifty Pounds only and no more
for her wedding outfit And upon such marriage I will that her life interest
aforesaid shall cease and that she shall not be entitled to participate in any
portion of my said estate or of the rents interest and profits thereof or of any part
thereof except the said sum of fifty pounds **And I will** that the sum of

This is the paper writing contained in three sheets of paper referred to in the
annexed Affidavit of Agnes Tipping sworn before me this twenty-fifth day of March in the
year of our Lord one thousand eight hundred and sixty seven

J. A. Montgomery

A Commissioner of the Supreme Court of the
Colony of Victoria for taking Affidavits

This is one of the sheets of the Will of Thomas Tipping referred to in the
annexed Affidavit of John Smith Pyner and John Wilkinson Pyner sworn before
me this second day of April in the year of our Lord one thousand eight
hundred and sixty seven

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A Commissioner of the Supreme Court of
the Colony of Victoria for taking Affidavits

This is one of the stubs of the Will of Thomas Dipping referred to
in the annexed Affidavit of John Smith Turner and John Wilkinson Esqrs.
sworn before me this second day of April in the year of our Lord one thousand
eight hundred and sixty seven

G. W. M. Turner
A Commissioner of the Supreme Court of the
Colony of Victoria for taking Affidavits

Seventy Five Pounds a year shall be thenceforth paid and applied in and towards
the maintenance and education of each and every of my children who shall be
living at the time of her marriage And after the payment and application of
such sum or sums I direct the surplus of my said rents interest and profits (if
any) to be invested in manner aforesaid and to be held by my said wife upon the
trusts of this my will for my said child or children as aforesaid And I empower
my said wife on my said child or children as the case may be attaining his her
or their age or respective ages of twenty one years to sell out pay and apply so
much of the said accumulations as she may deem proper for his her or their
advancement benefit and advantage And I hereby direct and empower my
said wife if she shall desire but not otherwise to apply to the Crown to have the
said land on which my said house is built to be put up for sale by public auction
and to purchase the same And to enable her to do so I give her power to borrow
money by way of Mortgage on any of my said real or personal estate And I
desire her to hold the said premises if so purchased and the rents and profits
thereof subject to the repayment of all monies which may have been borrowed or
the interest payable in respect thereof upon the trusts of this my will And
I further empower my said wife in the exercise of her discretion at any time
to sell either by public auction or private contract all any or every of my said
claims or to carry on or abandon all or any of them as to her may seem best
without being answerable to any person or persons for what she may do in the
premises And I direct my said wife in case she shall sell the said claims
or any of them to invest the money or monies to be produced by such sale or sales
on such securities and in such manner as she may think right and to hold the
same upon the trusts of this my will And after the death or marriage of my
said wife whichever shall first happen I give devise and bequeath all my real
and personal estate and all accumulations thereof for all and every my children
who shall be living at the time of her death equally to be divided between them
as and when they shall attain their respective ages of twenty one years and if only
one child shall be living at the time of her death then I give devise and bequeath
all my said real and personal estate and accumulations as aforesaid unto such
one child And I direct my said wife Agnes to pay all my just debts
funeral and testamentary expences And I appoint her Sole Executrix of
this my Will And I authorize my said Executrix to satisfy any debts
claimed to be owing by me or my estate and any liabilities which I or my
said estate may be alleged to be subject upon any evidence she may think proper

and to compromise or submit to arbitration and settle all matters relating to my estate as she may deem expedient without being responsible for any loss occasioned thereby And I hereby authorize and empower my said wife to appoint any person or persons to be a trustee or trustees in her place who shall hold the said premises upon the trusts of this my will and have the same powers authorities and discretions as if he she or they had been originally appointed trustee or trustees And I hereby declare that the receipts in writing of my said wife or other the trustee or trustees for the time being acting in the execution of any of the trusts aforesaid shall effectually discharge all persons from the payment of any purchase money or for any other monies which may be paid and from being concerned to see to the application or being answerable for the misapplication or nonapplication thereof And I declare that my said wife or other the trustee or trustees for the time being of this my will shall be chargeable only with such monies as she he or they shall actually receive and shall not be answerable for any person in whose hands any of the trust monies shall be placed nor for the insufficiency of securities nor for involuntary losses And that my said wife or other the trustee or trustees for the time being may reimburse herself himself or themselves out of any monies which may come to her their or his hands all expenses properly incurred in or about the execution of the trusts of this my will

In Witness whereof I have hereunto set my hand seal this fifth day of May in the year of our Lord one thousand eight hundred and sixty three

Thomas Dipping

Signed sealed published and declared by the said Thomas Dipping the abovesaid Testator as his Last Will and Testament in the presence of us present at the same time who at his request in his presence and in the presence of each other have hereunto subscribed our names as witnesses

W. J. Dipping
 J. R. Sandhurst

J. R. Sandhurst
 Clerk to J. Dipping

This is one of the sheets of the Will of Thomas Dipping referred to in the annexed Affidavit of John Smith Dipping and John Wilkinson Dipping sworn before me this second day of April in the year of our Lord one thousand eight hundred and sixty seven

W. J. Dipping
 A Commissioner of the Supreme Court of the Colony of Victoria for taking Affidavits

In the Supreme Court
of the Colony of Victoria

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Ecclesiastical Jurisdiction

In the Will of Thomas Tipping
late of Happy Valley Sandhurst
Quartz Miner deceased

Affidavit of
Agnes Tipping that she
will administer.

Recd 27/13/67

Wm Flegg
Sandhurst

In the Supreme Court }
of the Colony of Victoria }

In its Ecclesiastical Jurisdiction

In the Will of Thomas Tipping late of
Happy Valley Sandhurst in the Colony
of Victoria Quartz Miner deceased

I Agnes Tipping of Happy Valley Sandhurst in the Colony
of Victoria Widow make oath and say.

- 1 That I believe the annexed paper writing to be the true
last Will of Thomas Tipping late of Happy Valley aforesaid
Quartz Miner deceased.
- 2 That I will pay all his debts and legacies as far as the
property left by him will extend and the law bind me so
to do
- 3 That I will exhibit a full and true Inventory of all
his property together with a true account of my administration
thereof into the Registry of this Honorable Court when lawfully
required.
- 4 That I believe his property does not exceed in value Five
thousand pounds

Sworn at Sandhurst in the Colony of
Victoria this twenty fifth day of March
in the year of our Lord one thousand eight
hundred and sixty seven.

Agnes Tipping

Before me

J. M. G. M. G.

A Commissioner of the Supreme Court
of the Colony of Victoria for taking Affidavits

In the Supreme Court
of the Colony of Victoria

Ecclesiastical Jurisdiction

In the Will of Thomas Tipping late
of Happy Valley Sandhurst. Quarry
Miner deceased.

Affidavit of John Snaith Pymer
and John Wilkinson Pymer in support
of application for Probate

Filed 3/4/67



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Wm D. Legg
Sandhurst

In the Supreme Court
of the Colony of Victoria }

In its Ecclesiastical Jurisdiction

In the Will of Thomas Tipping late of
Happy Valley Sandhurst in the Colony of
Victoria Quartz Miner deceased.

We John Inaith Pymer of Sandhurst in the Colony of Victoria
Gentleman one of the Proctors of this Honorable Court and John
Wilkinson Pymer of Sandhurst aforesaid Clerk to the said John
Inaith Pymer severally make oath and say.

- 1 That Thomas Tipping late of Happy Valley Sandhurst in the
Colony of Victoria Quartz Miner made his Will bearing date the
fifth day of May in the year of our Lord one thousand eight hundred
and sixty three which is as we respectively believe unrevoked
- 2 That such Will is contained in the three several sheets of Brief
paper hereunto annexed and such Will is now in precisely the
same state as it was immediately after the execution thereof by
the said Thomas Tipping on the fifth day of May one thousand
eight hundred and sixty three.
- 3 That the said Will was executed in the presence of us both being
present at the same time and that we did immediately after the
execution thereof by the said Thomas Tipping and in the presence of
the said Thomas Tipping and of each other subscribe our names
at the foot or end of the said Will as Witnesses.

Severally sworn at Sandhurst in the Colony
of Victoria by the Deponents John Inaith
Pymer and John Wilkinson Pymer this
second day of April in the year of our
Lord one thousand eight hundred and
sixty seven Before me

John Inaith Pymer

John Wilkinson Pymer

George Pymer

A Commissioner of the Supreme Court of
the Colony of Victoria for taking Affidavits