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Dated 31 March 1884.

Exhibit
A
Summer
Summer
21.10.84
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W. Hill

— of —
J. J. Summer Esq^{re}.



J. W. Eggleston

This is the Last Will and Testament

of me Theodoros John Sumner of Honey Park in the County of Bourke and Colony of Victoria Esquire. I devise the freehold messuage or dwelling house with the gardens yards paths offices and appurtenances thereto belonging ^{with the land thereunto adjoining and containing in all about twenty one and} situate in the County of Bourke in said Colony and known as Honey Park and also my estate known as Earimil to my dear wife Sarah Jones Sumner during so long as she shall continue my widow she mourning and keeping insured the dwellinghouse and out offices against loss by fire to their full value and also keeping the same together with the fences in good repair and condition (reasonable wear and tear excepted) I bequeath my carriages carriage and saddle horses with the harness and accoutrements belonging thereto and other domestic animals (but not including the Alderney and all other horned cattle) housekeeping stores and provisions wines liquors fuel household furniture linen china plate pictures prints musical instruments and other household effects belonging to me at my decease and which shall be in and upon my estate of Honey Park aforesaid to my said wife absolutely. I also give and bequeath unto my said wife the implements and utensils stock of hay corn and straw and other moveable effects which shall be used or employed in or about my coach house and stables or shall be standing or being on my said estate of Honey Park at my decease also the gardening implement and utensils green house and hot house furniture pots plants in pot and other moveable effects which shall be used or employed in or about my gardens and pleasure grounds at my decease. I devise all the reversion in expectancy of and in my estates of Honey Park and Earimil after the decease or marrying again of my said wife and all the residue of the real estate to which I shall be entitled at my decease (except estates vested in me as trustee or mortgagee) And I bequeath the residue of the personal estate to which I shall then be entitled unto and to the use of my said wife, James Grace eldest son of my late partner Richard Grace Esquire and John Waterhouse Eggleston of Melbourne Gentlemen their heirs executors administrators and assigns or respectively Upon trust to sell my said real estate and so much of my said residuary personal estate as shall be of a saleable nature together or in parcels by public auction or private contract (with liberty to make any special or other conditions as to the title or evidence of title or otherwise and to buy in the premises at any sale by public auction and to rescind either on terms or gratuitously any contract for sale and to resell without being answerable for any loss and to get in the rest of my residuary personal estate and to dispose of the net moneys to arise from such real estate and residuary personal estate after payment thereof of my just debts funeral and testamentary expenses the duty on my estate and the expenses incident to the execution of the preceding trust according to the trusts hereinafter declared concerning the same Nevertheless I give to my said trustees discretionary authority to postpone for such period as to them shall seem expedient the sale of all or any part of my residuary real estate and the sale and getting in of all or any part or parts of my residuary personal estate and also to let from year to year or for any term not exceeding seven years in possession at the best rent and to manage at their discretion the unsold real estate. But I declare that from the time of my decease the unsold real estate and outstanding personal estate shall be subject to the trusts hereinafter declared concerning the said net moneys and the rents issues and yearly produce thereof shall be deemed annual income for the purposes of such trusts and such real estate shall be transmissible as personal estate and be considered as converted in Equity I direct my said trustees to stand possessed of the net moneys to arise as aforesaid hereinafter called my residuary trust estate

This is the Will or paper writing marked 'A' referred to in the annexed affidavit Sarah Jones Sumner, James Grace and John Waterhouse Eggleston

Sincerely yours Before us this fourteenth day of July 1884

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

F. G. M.
Solicitor

Upon trust to pay one tenth part thereof unto my said Wife Sarah Jones Summer absolutely and subject to the trust aforesaid to hold for the benefit of each and every one of my daughters who shall survive me and attain the age of twenty five years one other tenth part. But subject to the trusts following namely as to the yearly income of the share of each child of mine being a daughter accruing due in her lifetime Upon trust during any and every coverture of my same daughter to pay the same yearly income as and when the same shall become due and not by way of anticipation into her own hands for her separate use independently of her husband and for which yearly income her receipts shall be discharges to my trustees. And upon further trust during any and every discoverture of my same daughter to pay her so much of the same yearly income as would not although the same were payable to her be by her act or default or by operation of law disposed of so as to prevent her personal enjoyment thereof and to apply so much of the same yearly income as would if the same were payable to her be disposed of as last aforesaid for the benefit of all or some or one of her children or other issue for the time being in existence if any or if none of the person or some or one of the persons who if the trusts powers and provisions hereinafter contained concerning the same share in favor of her children and issue had failed of effect would be entitled to the same yearly income in such proportions at such times and in such manner as my said trustees shall think fit And as to the capital of the share of each daughter of mine and the yearly income to accrue due after her decease In trust for my grandchild if only one or my grandchildren equally if more than one issue of my same child but on the death of each grandchild who being a son shall die under the age of twenty one years or being a daughter shall die under that age without having been married as well the share originally given as the shares accruing under this cross executory trust to such grandchild shall accrue to the other grandchildren equally or to the other grandchild And if no grandchild being a son shall attain the age of twenty one years or being a daughter shall attain that age or marry then In trust for my other daughters in equal shares. I empower my said trustees to apply for the maintenance and education or otherwise for the benefit of each child grandchild or more remote issue during his or her minority the whole or any part of the income of the share to which such child grandchild or issue shall be entitled in possession and the unapplied income if any shall be accumulated and the accumulations be subject to the like power and so subject shall form part of the capital of the share whence the same income shall have arisen. And I declare that the maintenance clause herein before contained shall apply as well to accruing as to original shares. I direct my trustees to invest the share of each child of mine in the names of such trustees in or upon the Government funds debentures consols or securities of any of the Australasian Colonies or upon the debentures of any city town borough or shire in the Colony of Victoria or on first mortgages of freehold estates in the Colonies of Victoria and New South Wales and not elsewhere with liberty for such trustees to change the investment from time to time for any other or others of the description aforesaid And I subject the share or shares of which under the ultimate trusts hereinbefore declared concerning the original share of each of my children each or any other child of mine shall eventually take to all the trusts and provisions herein contained concerning the original share of such other child inclusive of this clause I devise all the real estate which at my decease shall be vested in me as mortgagee or trustee to my said trustees subject to the equities affecting the same. Provided always that it shall be lawful for my said trustees to investigate arrange and settle all accounts and transactions whatsoever between me and any person or persons with whom I am or shall be concerned in any partnership or partnerships or between me and the representatives of any such person or persons and to wind up all the affairs of such partnership or partnerships and generally to do and execute all such acts matters and things as shall appear to my said trustees to be necessary or expedient for affecting or facilitating the final settlement of all matters arising out of any partnership concerns in which I shall be engaged

at my death or shall at any former period have been engaged. I direct and declare that purchasers and other persons who shall pay any trust moneys to my said trustees shall be exempt from all responsibility in respect of the application of the same And whenever by death whether during my lifetime or after my decease or resignation or fitness to act or otherwise there shall not be three competent acting trustees of this my Will I empower my said wife during her life and after her decease the acting trustee or trustees and if none then any person who shall have renounced or retired from the trusts of this my Will or the executors or administrators for the time being of this my Will by any instrument in writing to appoint a new trustee or trustees so as to fill up the original number or to increase the same. And I direct that every new trustee shall be an executor of this my Will And on every such appointment the necessary assurances shall be executed for vesting the trust estate in the new and old trustees or in the new trustees solely as the case may be And such new trustee or trustees shall as well before as after the trusts premises shall be so vested have the same powers in all respects as the trustees hereby appointed. I appoint my said wife to be executrix and the said James Luce and John Waterhouse Eggleston to be respectively executors of this my Will And I nominate the trustee or trustee for the time being of my Will to be guardian or guardian of the persons and estates of my children during their respective minorities And I declare that as well my said wife as the other trustee or trustees of my Will shall be chargeable only to the extent of her his or their respective actual receipts and be exempt from responsibility for involuntary losses and be entitled to retain all disbursements and expenses incident to the execution of this my Will I declare that the interest or interests of my children respectively under this my Will unless where otherwise directed shall be absolutely vested on my decease I direct that the remaining three tenths parts of my residuary trust estate shall be applied by my trustees employed in such charitable purposes as my said trustees shall in their absolute discretion think fit. I direct that the said John Waterhouse Eggleston shall be entitled to act as solicitor to my estate and charge for his services in the same manner as if he had not been an executor or trustee but had been employed as solicitor by my trustees or executors. **As witness** my hand this twenty first day of March One thousand eight hundred and eighty four.

Signed by the said 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 attesting witnesses the alterations and interlineations initialed F.G.M. and J.W.E. having been first made

Geo. W. Sumner

Frederick George Warlock Attendant
John Eggleston
Sol. Wellcome

X F.G.M.
J.W.E.

In the Supreme Court
of the Colony of Victoria

In its Probate Jurisdiction

In the Will of Theodore
John Turner late of Stoney
Point in the County of Bourke
in the Colony of Victoria
deceased

Affidavit of
Executors and Co-executors



John W. Eyre

In the Supreme Court
of the Colony of Victoria } In its Probate Jurisdiction

In the Will of Theodotus John
Turner late of Honey Park in the
County of Bourke in the Colony of
Victoria Esquire deceased

We Sarah Jones Turner of Honey Park in
the Colony of Victoria Widow James Grace of Melbourne
in the said Colony Merchant and John Waterhouse
Eggleston of Melbourne in the said Colony Solicitor
jointly and severally make oath and say:—

1 That we are seeking to obtain Probate of
the Will of the abovenamed Theodotus John Turner
deceased

2 That the said deceased died on the twentieth
day of April one thousand eight hundred and
eightyfour leaving his last Will and Testament
bearing date the thirtyfirst day of March one
thousand eight hundred and eightyfour which is
as we believe unrevoked and thereby appointed us
the said Sarah Jones Turner, James Grace and
John Waterhouse Eggleston the deponents executrix and
executors thereof.

3 That the paperwriting hereunto annexed
marked A is the true last Will and Testament
of the said deceased as we verily believe

4 That the said Will was executed in the
presence of Frederick George Matlock of Brunswick
Attendant and John Waterhouse Eggleston of Melbourne
aforesaid Solicitor

5 That the said deceased left Real estate

in the Colony of Victoria of the value of Fifty-six
thousand eight hundred and ninety-six pounds
and personal property in the said
Colony of the value of One hundred and thirty eight
thousand eight hundred and eighty-seven pounds —

6 That if we obtain Probate we will well
and truly collect and administer according to law
to the best of our knowledge and ability the
property lands and hereditaments goods chattels
and credits of the said deceased at the time
of his death which at any time after shall
come to the power or control hands or possession
of us as his executive and executors or of any
other person or persons for us; that we will
make or cause to be made a true and perfect
inventory of all and singular the property lands
and hereditaments goods chattels and credits of
the said deceased which shall have come to
the hands possession or knowledge of us or to
the hands or possession of any other person
or persons for us and the same so made will
sign with our proper handwriting and will
exhibit and deposit or cause to be exhibited
and deposited the same inventory in the office
of the Master-in-Equity within three calendar
months next ensuing the order granting Probate;
and further that we will make or cause to
be made a true and just account of the
administration of the estate which we have undertaken
as to our receipts and disbursements and as to
what portion is retained by us and what
portion remains uncollected and the same so
made will sign with our proper handwriting and
will exhibit and deposit or cause to be exhibited

and deposited the same account in the said
office of the Master in Equity within fifteen calendar
months next ensuing the order granting probate —

~~Sworn severally by the deponents~~
~~Sarah Jones Sumner, James Grier~~
~~and John Waterhouse Eggleston~~
~~at Melbourne in the Colony of~~
~~Victoria this fourteenth day of July~~
~~one thousand eight hundred and~~
~~eighty four~~

Sarah Sumner

James Grier

John Eggleston

~~Before me~~

~~John Eggleston~~

~~A Commissioner of the Supreme Court of the Colony of Victoria for taking affidavits~~

Sworn severally by the deponents Sarah Jones Sumner
James Grier and John Waterhouse Eggleston at Melbourne
in the Colony of Victoria this fourteenth day of July one
thousand eight hundred and eighty four — — —

~~Before me~~

A. D. Michie

~~A Commissioner of the Supreme Court of the Colony of Victoria for taking affidavits~~