

Dated 99 10 1902

Will  
of  
George Trimmie Esq<sup>r</sup>



Jm Smith & Co

"A"

This is the paper writing numbered A referred to  
in the annexed affidavit of John Scrimgeour and  
Charles Seymour sworn this  
fourth day of May 1906  
Before me

Alfred Hall

A Commissioner of the Supreme Court of  
Victoria in the County of Victoria

I George Jimmie of Cornelia Creek in the County of Rodney  
and State of Victoria a Member of the Legislative Council of the said State  
Hereby revoke all wills Codicils and other testamentary dispositions heretofore made  
by me and declare this to be my last Will I bequeath the charitable legacies  
following: namely: To the Melbourne Hospital for the Sick the sum of One  
hundred pounds To the Melbourne Benevolent Asylum the sum of one hundred  
pounds and to the Geelong Hospital for the Sick the sum of One hundred pounds  
And I direct that the receipt of the Treasurer for the time being of the said  
Hospitals and Asylum respectively shall be a sufficient discharge to my Executors  
for the said charitable bequests respectively I devise and bequeath all the real  
and personal estate whatsoever and wheresoever of or to which I shall at my death  
be seized possessed or entitled or over which I shall have a general power of appointment  
or disposition by Will (except what I otherwise dispose of by this my Will or any  
Codicil hereto) Unto and To the use of my nephew John Jimmie of Glenore  
Sheep Farmer (the son of my brother William Jimmie) and Charles Emmerton  
of Waverdon Walsh Street South Yarra in the City of Melbourne in the said State  
Solicitor their heirs executors and administrators Upon the Trusts hereinafter declared  
(that is to say) Upon Trust that the said Trustees or Trustee shall carry on the  
business of a Sheep Farmer now carried on by me at Cornelia Creek aforesaid during the  
period of Ten years from my death if they or he shall be of opinion that such business  
can be so long continued to the advantage of my estate with liberty to the said  
Trustees or Trustee to retain and use the whole or any part of the capital which shall  
be employed therein at my decease and any further part of my estate which they  
or he may think fit so to use And with liberty also from time to time to  
employ any person as Manager of the said business and the said Trustees or  
Trustee shall have the same powers and discretions as to the mode of conducting  
the said business and otherwise in relation thereto as if they or he were absolute  
owners or owner thereof Provided nevertheless and I further declare that if any one  
or more of the said Trustees shall be unwilling to engage in and continue such  
business as aforesaid he or they may allow his or their Co-trustee or Co-trustees  
to engage in and continue the same and to act alone in the execution of the  
trusts of this my Will in relation thereto And I declare that any Trustee or  
Trustees who may so abstain from engaging in such business shall be entirely  
free from all responsibility in connection therewith and that the Trustees or  
Trustee who shall act in the trusts hereinbefore declared in respect of the carrying on  
of my said business shall be entitled to be fully indemnified out of my Estate in

(1)

G. Jimmie

respect of all losses and liabilities which may be sustained or incurred in carrying on or otherwise in relation to such business as aforesaid And I declare that for the purposes thereof the Trustee or Trustees may raise by mortgage of all or any part of my real or personal estate (with or without a power of sale) or by sale any sum or sums of money which such Trustees shall think fit and no Mortgagee shall be bound to enquire into the expediency of raising the money to be advanced by him or to see to the application thereof And I declare that so long as the said business shall be so carried on my step-son Robert Alayne Jimmie and my Step-daughter Isabella Alayne Jimmie shall be entitled to reside in and use the dwelling-house and outhouses at Cornelia Street aforesaid and be maintained out of my Estate as nearly as may be as in my lifetime And subject to the provisions hereinbefore contained in relation to the said business I direct that the said Trustees or Trustee shall in such manner and under such stipulations and upon such terms and conditions and in all respects as they or he shall in their or his uncontrolled discretion think fit sell collect or otherwise convert into money (according to the nature of the premises) all such parts of my residuary Estate (both real and personal) as shall not consist of money And may buy in or rescind or vary any contract for sale without being answerable for loss And may for the purposes aforesaid or any of them execute and do all such assurances and things as they or he shall think fit And shall out of the moneys to be produced by such sale collection and conversion and all other moneys arising from or forming part of my residuary estate pay my funeral and testamentary expenses and debts and the duty payable on obtaining Probate of my Will (which is not to be apportioned among the persons interested in my estate) and Legacies (other than specific legacies) bequeathed by this my Will or any Codicil hereto free from any deduction for duty And shall invest the residue of the same moneys in the names or name or under the legal control of them or him the said Trustees or Trustee for the time being in or upon the Debentures or Stocks of the Government of the Commonwealth of Australia or of any of the States thereof or upon Mortgage or purchase of real estate in the said Commonwealth or States respectively or upon deposit with any incorporated Banking Company And may from time to time vary or transpose such investments into or for others of any nature hereby authorised at their or his discretion And shall stand possessed of the said residuary moneys and of the Stock Debentures Securities and Land from time to time representing the same and the

income thereof Upon Trust to pay thereof the sum of One thousand pounds to my adopted daughter Maud Ethel Jordan absolutely together with interest thereon at the rate of four pounds per centum per annum until payment commencing from my death and subject thereto shall hold the said trust premises and income thereof In trust as to and concerning two equal twenty first parts of the same for the said Robert Helyre Jimmie and as to and concerning one other equal twenty first part of the same for the said Isabella Helyre Jimmie and as to the remaining eighteen of the said twenty first parts and as to any other parts of the said trust premises whereof the trusts hereinbefore declared shall fail In Trust for such person or persons as under the Statutes for the Distribution of the Estates of Intestates would have become entitled to my Estate at my death if I had died intestate and without leaving a widow child or other issue such persons if more than one to take as tenants in common in the shares in which they would have taken my estate under the same Statutes Provided always and I hereby declare that it shall be lawful for the said Trustees or Trustee to defer and postpone the sale conversion and collection of the whole or any part or parts of my said real and personal estate hereinbefore devised and bequeathed in trust for sale respectively so long as to such Trustees or Trustee shall in their or his uncontrolled discretion seem proper but my real Estate shall for the purpose of transmission be impressed with the quality of personality from the time of my death And I empower the said Trustees or Trustee during such interval or postponement to manage and to let all or any part or parts of my real or leasehold hereditaments which may for the time being remain unsold from year to year or for such term or terms of years at such rent or rents for such purposes under such conditions and in such manner as the said Trustees or Trustee shall think fit or to cultivate my real estate and to make out of the income or capital of my real or personal estate any outlay which such Trustees or Trustee may consider proper for improvements repairs insurance calls on shares premiums on policies or otherwise for the benefit or in respect of my real or personal estate And I declare that the net rents and profits or other income produced from every or any part of my real or personal estate previously to the conversion or collection thereof pursuant to the trusts hereinbefore declared (including the profits arising from my said business) shall be applied in the same manner in all respects as if the same were income proceeding from such investments as are hereinbefore directed or authorised and that the whole of the income

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(including the said profits) produced from my estate (real or personal) in its actual condition or state of investment for the time being whether consisting of property or investments of an authorised or of an unauthorised description and whether of a permanent or a wasting character shall as well during the first year from my death as at all times afterwards be applicable as income under the trusts of this my Will. And I declare that the said Trustees or Trustee shall have the fullest powers of determining what articles of property pass under any specific bequest contained in this my Will or any Codicil thereto and of apportioning blended trust funds and of determining whether any moneys are to be treated as capital or income and generally of determining all matters as to which any doubt difficulty or question may arise under or in relation to the execution of the trusts of this my Will or any Codicil thereto. And I declare that any determination of the said Trustees or Trustee in relation to any of the matters aforesaid whether made upon a question formally or actually raised or implied in any of the acts or proceedings of the said Trustees or Trustee in relation to the premises shall bind all persons interested under this my Will and shall not be objected to or questioned upon any ground whatsoever. And I declare that upon every or any appointment of a new Trustee or Trustees of this my Will the number of Trustees may be augmented or reduced but not to less than two and (in addition to the ordinary powers indemnity and right to re-imbursment by law given to Trustees) the said Trustees or Trustee shall be at liberty to dispense wholly or partially with the investigation or production of the Vendors or Mortgageors title on purchasing freehold or on lending money or otherwise to lend or any security with less than a marketable title and shall not be answerable for loss thereby occasioned. And I hereby declare that all the powers authorities and discretions by this my Will expressed to be vested in or given to the Trustees thereof whether by that or any other designation shall devolve upon and be exercisable by the said John Simmie and Charles Emmerton and the survivor of them and the executors or administrators of such survivor or other the Trustees or Trustee for the time being of this my Will. And I hereby appoint the said John Simmie and Charles Emmerton Executors of this my Will. And I declare that the said Charles Emmerton and every other Trustee for the time being of this my Will being a Solicitor shall be entitled to make and receive all

such charges and emoluments for business whether of an ordinary professional or any other character done by him in relation to the administration of my estate or the execution of the trusts of this my Will or any Codicil hereto as he would have been entitled to make and receive in respect of such business if he had not been an Executor or Trustee  
In witness whereof I the said George Simmie have hereunder set my hand and I have also set my hand to each of the four preceding pages of this my Will this 22<sup>nd</sup> day of October One thousand nine hundred and two

Signed by the Testator George Simmie as and for his last Will in the presence of us present at the same time who at his request in his sight and presence and in the presence of each other have herunto subscribed our names as witnesses

G. Simmie

Harry Sumner  
Solicitor Melbourne

A. W. Juster  
His clerk

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Dated \_\_\_\_\_ 1903.

C O D I C I L

to the Will dated 22nd October 1902

- o f -

THE HONORABLE GEORGE SIMMIE

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J. M. Smith & Emmerton

B

This is the paper writing marked "B" referred to in the annexed affidavit of John S. ...  
Charles Emmerton, Federal Commissioner for the  
22nd May 1906 Before me  
*Alfred ...*

I, GEORGE SIMMIE of Cornelia Creek in the County of Rodney and State of Victoria a Member of the Legislative Council of the said State HEREBY DECLARE this to be a Codicil to my last Will dated the Twenty second day of October One thousand nine hundred and two WHEREAS I have by my said Will devised and bequeathed all my residuary real and personal estate to the trustees therein named upon trusts for sale and getting in thereof and the investment of the net proceeds and for payment of a legacy thereout and subject thereto IN TRUST (inter alia) as to one equal twenty first part of the same for Isabella Alleyne Williams in the Will called Isabella Alleyne Simmie NOW I REVOKE the said gift to and trust for the said Isabella Alleyne Williams and in lieu thereof I direct the said trustees to pay to the said Isabella Alleyne Williams out of the net proceeds arising from the sale and getting in of my residuary real and personal estate the sum of ONE THOUSAND POUNDS together with interest thereon at the rate of Four pounds per centum per annum until payment commencing from my death AND I DECLARE that the said one twenty first part of the said net proceeds the trusts whereof are hereinbefore revoked shall be added to and be held upon the trusts in my said Will declared of the share of the trust premises referred to therein as "my remaining eighteen twenty first parts" AND in all other respects I confirm my said Will IN WITNESS whereof I have hereunder set my hand this *Fifteenth* day of *July* in the year of Our Lord One thousand nine hundred and three.

*G. Simmie*

SIGNED by the said George Simmie as and for a Codicil to his last Will and Testament in the presence of us present at the same time who at his request in his sight and presence and in the presence of each other have hereunto subscribed our names as Witnesses

*Harry Emmerton*  
*Solicitor Melbourne*  
*G. A. Morgan*  
*Clerk to J. M. Smith & Emmerton*  
*Solicitors Melbourne*