

# The Will of William Cowper

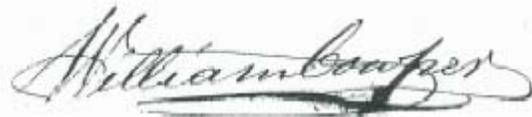
Dated 5<sup>th</sup> January 1856

**This** is the **Last Will and Testament** of me The Reverend William Cowper of the City of Sydney in the Colony of New South Wales Doctor in Divinity. I give and bequeath unto my dear wife Harriet Cowper all my furniture books plates linen and china which shall be in and about the house I shall occupy at the time of my decease for her own absolute use and benefit. And I give devise and bequeath all the residue of my estate whether the same shall consist of cash government or other securities shares in Bank's or other Companies or of any other property whatsoever of which I shall be possessed or entitled unto my said wife and my friends John Campbell Esquire and Robert Campbell Esquire both of the Wharf in George Street in the City of Sydney aforesaid. To hold receive and take the same unto them the said Harriet Cowper John Campbell and Robert Campbell their executors administrators and assigns upon and for the trusts intents and purposes hereinafter mentioned that is to say upon trust that they my said trusties and the survivors and survivor of them their his and her executors and administrators do and shall collect get in and convert into money such part of my said estate as consists of ready money bills of exchange promissory notes and other simple contract debts and thereout in the first place pay and discharge all my just debts funeral and testamentary expenses and do and shall lay out and invest on Government or good and sufficient real security the residue of such moneys and from time to time as they or he shall think expedient call in for the purposes of reinvestment such securities and also all securities on which any part of my said estate is at present invested and sell and convert into money my shares and interest in joint stock and other companies and the money so to be got in and the proceeds arising from the sale of such shares and interest from time to time reinvest on Government or real securities as aforesaid. And upon trust to pay and apply the annual interest of one thousand pounds part of such trust moneys for or towards the maintenance and education of my daughter Elizabeth Ann Cowper until she shall attain the age of twenty one years and immediately after she shall attain that age upon trust to pay the said interest and annual proceeds into her own proper hands to and for her use and benefit exclusively of any husband with whom she may intermarry and immediately after the decease of my said daughter upon trust to pay and divide the said principle sum of One thousand pounds to an amongst all and every the children of her my said daughter lawfully to be begotten as well daughters and sons share and share alike and in case my said daughter shall attain the said age of twenty one years and shall depart this life without leaving lawful issue her surviving then upon trust to pay assign and transfer the said principal sum of One thousand pounds and all interest to arise therefrom which shall not have been applied as aforesaid to such person or persons and in such parts and proportions as she my said daughter shall by any deed or instrument or by here last will and testament to be duly executed or signed and published by here (notwithstanding her coverture) appoint give or devise the same. And upon trust to pay and apply the interest of the like sum of One thousand pounds other part of my said estate fir and towards the maintenance and education of my son Sedgwick Spelman Cowper until he shall attain the said age of twenty one years and immediately after, he shall have attained that age upon trust to pay the said sum of one thousand pounds unto him my said son to and for his own proper use and benefit. And in case my said son shall depart this life under the age of twenty one years without leaving lawful issue or in case my said daughter shall depart this life under the said age of twenty one years and without issue and without having exercised the power hereinbefore set apart for them my said son and daughter respectively shall fall into and form part of my general estate. And upon trust to pay and apply the annual interest of my said estate except such part as is hereinbefore appropriated unto her my said wife and here assigns during the form of her natural life to and for her and their own use and benefit. And in case such annual interest shall in any one or more years fall under

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and amount to less than Three hundred pounds for any one year it is my will and I do hereby direct my said Trustees out of the principal moneys of my said estate to make up the income of my said wife for every such year to the sum of Three hundred pounds. And immediately after, the decease of my said wife I direct my surviving or continuing trustees or the trustees or trustee for the time being of this my will to assign transfer pay and divide all the residue and remainder of my said estate unto and equally between and amongst them my said son and daughter **Elizabeth Ann Cowper** and **Sedgwick Spelman Cowper** and my sons and daughter **Thomas Cowper**, **Mary Stephana** the widow of George Brook, Esquire deceased **Charles Cowper** and **William Macquarie Cowper** share and share alike and I do hereby give devise and bequeath the same to them my said children accordingly Provided always and I do hereby declare my will to be that in case any or either of my said children shall depart this life, in my lifetime or before he she or they shall attain the age of twenty one years leaving lawful issue then I give devise and bequeath the part or share of every child so dying of any in my said estate and property and whether an original or accruing share unto his her or their child or children (if more then one equally share and share alike) upon their severally attaining the age of twenty one years provided always and I do hereby declare that in the trustees hereby nominated and appointed or to be appointed as hereinafter, is mentioned any or either of them or their respective executor, administrators or assigns shall die or be desirous of being discharged from or refuse or become incapable to act in the trusts hereby in them respectively reposed or shall be about to reside out of the said Colony then and in every such case it shall be lawful for the then surviving or continuing trustees or trustee or the executors or administrators of the last surviving or continuing trustee by any writing under their his or her hand or respective hands from time to time to nominate and appoint, any other person or persons to be a trustee or trustees in the room of the trustee or trustees so dying desiring to be discharged or refusing or declining or becoming incapable to act as aforesaid or being about to reside out of the said Colony. And when and so often as any new trustee or trustees shall be nominated as aforesaid All the said trust estate money and promised funds and securities shall by all proper assignments, and transfers be vested in such new trustee or trustees solely or jointly with the surviving or continuing trustee or trustees as occasion shall require and that such new trustee or trustees shall have the same powers and authorities in all respects whatsoever as if he or they had been originally nominated a trustee or trustees under this my Will provided also that the trustees hereby appointed or to be appointed as hereinbefore is mentioned shall not be answerable or accountable the one for the other or others of them not for the signing of receipts for the sake of conformity not for involuntary loss which may happen to the said trust estates moneys and premises and that it shall be lawful for the trustee or trustees fir the time being to reimburse themselves respectively and to allow to their co-trustee and co-trustees respectively their costs and expenses in discharging the trusts hereby in them respectively reposed. And I appoint my said Wife and the said John Campbell and Robert Campbell Executrix and Executors of this my Will and I hereby revoke all former Wills by me made and declare this to be my last. In witness whereof I have to each sheet of this Will contained in four sheets of paper set my hand this fifth day of January one thousand eight hundred and fifty six.

A handwritten signature in cursive script, appearing to read "William Cowper". The signature is written in dark ink on a light background.

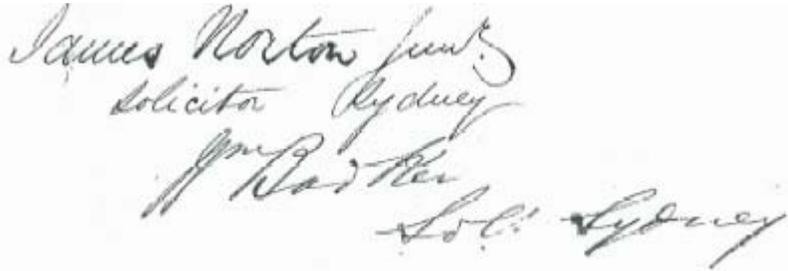
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Dated 5<sup>th</sup> January 1856

**Signed** and **Published** by the said William Cowper the testator as and for his last Will and Testament in the presence of us, who in his presence as his request and in the presence of each other have hereunto subscribed our names as witnesses, the word "one" in the third line from the bottom of the first page having been previously interlined.

James Norton  
Solicitor Sydney

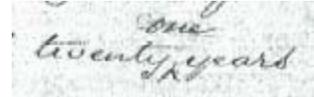
Mr. Barker  
Solicitor Sydney



James Norton junr  
Solicitor Sydney  
Mr. Barker  
Solicitor Sydney

### *Transcribers Note:*

The last sentence above regard the word 'one' refers to this entry on page one of the original document, which I corrected in the transcript



one  
twenty years

**Note on Page 1** of original document - written in the left column.

This is the paper writing referred to in the Affidavit of Harriet Cowper John Campbell and Robert Campbell hereunto annexed sworn before me this ninth day of August 1858



A Commissioner for Affidavits