

In the Supreme Court  
of the Colony of Victoria

In the Probate Jurisdiction

In the Will of Margaret  
Boyd deceased late of  
Barramant in the Colony of  
Victoria the wife  
of  
Charles Boyd of the same  
place Swisher

Affidavit

of  
John Tate Nicson Esq



Burkley, Skinner & Stuart  
Solicitors Barristers

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

In the Will of Margaret Boyd  
deceased late of Ballarat in the  
Colony of Victoria Wife of Charles  
Boyd of the same place Printer

I John Noble Wilson of Camp Street Ballarat  
in the Colony of Victoria the Managing Director of  
"The Ballarat Trustees Executors and Agency Company  
Limited" make oath and say

- 1 That the said "The Ballarat Trustees Executors and Agency Company Limited" is seeking to obtain Probate of the Will of the above named Margaret Boyd deceased
- 2 That Margaret Boyd the above named deceased departed this life on the 5th day of July one thousand eight hundred and ninety six at Ballarat in the said Colony
- 3 That the said Margaret Boyd deceased made her Will bearing date the nineteenth day of December one thousand eight hundred and ninety five which said Will is as I believe unrevoked
- 4 By the said Will the said testatrix appointed "The Ballarat Trustees Executors and Agency Company Limited" whose office is at Camp Street Ballarat aforesaid Executor thereof
- 5 That the paper writing hereunto annexed marked "A" is as I believe the true last Will and Testament of the said Margaret Boyd deceased
- 6 That the said Will was as I believe signed in the presence of Mary Dwantry of Raglan Street Ballarat aforesaid Widow and Edmund Doepel of Main Street Ballarat aforesaid Clerk to Messieurs Butcher Monow and Musgrave of Lydiard Street Ballarat aforesaid Solicitors
- 7 That the said Margaret Boyd deceased had at the

time of her death real property in the colony — of  
Victoria not exceeding in value the sum of Three  
thousand and twenty pounds — and  
personal property in the said colony not exceeding  
in value the sum of One hundred and thirty pounds  
✓ That if the said company obtains Probate it  
will well and truly collect and administer according  
to law to the best of its knowledge and ability the  
property lands and hereditaments goods chattels  
and credits of the said deceased at the time of  
her death which at any time after shall come to  
the power or control hands or possession of it as  
her executor or of any other person or persons for it  
that it 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 it or to the hands or  
possession of any other person or persons for it and the  
same so made its Managing Director will sign with  
his proper handwriting or the said company will seal  
with its Corporate Seal 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 it will make or cause to  
be made a true and just account of the administration  
of the estate which it has undertaken as to its  
receipts and disbursements and as to what portion  
is retained by it and what portion remains  
uncollected and the same so made its Managing  
Director will sign with his proper handwriting  
or the said company will seal with its Corporate  
Seal 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


9 That the deceased acquired her property by her personal exertions and from allowances made to her from time to time by her said husband

10 That I am the Managing Director of 'The Ballarat Trustee Executors and Agency Company Limited' and as such duly authorised by the Board of Directors thereof to make this application

Sworn at Ballarat in the Colony of Victoria this Eleventh day of August one thousand eight hundred and ninety six

J. Noble Wilson

Before me

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

Dated \_\_\_\_\_ 1895

Bill of \_\_\_\_\_  
Mrs Margaret Boyd



Subscribed by Mrs Margaret Boyd  
John Ballantyne

A. This is the paper writing marked A referred to in the annexed  
affidavit of John Noble Wilson sworn this Eleventh day  
of August 1896 before me

*[Signature]*  
Notary Public

This is the last Will and Testament of me Margaret  
Boyd of Ballarat in the colony of Victoria wife of  
Charles Boyd of the same place Printer & appoint the  
Ballarat Trustees Executors & Agency Company Limited  
of Camp Street Ballarat to be Trustee and Executor of this  
my will and direct that the said company may by any  
of its officers execute all or any of the trusts of this my will  
I bequeath to each of my daughters Sarah Margaret Boyd,  
Alexandra Georgina Boyd and Ellen <sup>McNeil</sup> ~~Boyd~~ <sup>and Annie</sup> ~~Boyd~~ the  
sum of Fifty pounds to be paid to them free of legacy duty  
when my Trustee shall be in a position to pay the same  
without encumbering my trust estate I devise give and  
bequeath all the real and personal estate and effects of  
which I shall be seized possessed of or entitled to at the  
time of my decease unto the said company (hereinafter  
called my Trustee) Upon trust to sell and convert into  
money my said real estate and such part of my  
personal estate as shall not consist of money when and  
so soon as my Trustee shall consider it advantageous  
so to do and my daughters Elizabeth Jeannette and Isabella  
Victoria shall consent in writing to the sale and conversion  
thereof Nevertheless I empower my Trustee to postpone such  
sale and conversion of my said real and personal  
estate so long as it shall consider it beneficial to my  
said daughters Elizabeth Jeannette and Isabella Victoria  
and my husband Charles Boyd that any part or the  
whole of my real or personal estate should remain  
unsold or unconverted into money as aforesaid the rents  
and income to be derived from such real and personal  
estate to be held by my Trustee upon the same trusts as  
I have hereafter declared in respect to the income and  
dividends to be derived from my trust funds or estate  
from the investments hereinafter mentioned and during  
such suspension of sale and realization I declare that my  
Trustee may let from week to week or for any longer period  
not however exceeding five years any real estate of mine  
for the best rent that can be obtained for the same and  
subject to such terms and conditions as they may think fit

R.D. *[Signature]*

This is the will marked A referred to in the Affidavit of Edmund  
Dwyer as being produced and shown to him at the time of swearing  
and affidavit this 17<sup>th</sup> day of August 1896 before me  
H.E. Curwen J.P.  
of Commission &c

I declare that my Trustee shall stand possessed of the moneys  
to arise from any such sale and conversion of my said real  
and personal estate as aforesaid In trust to pay thereout all  
my just debts funeral and testamentary expenses and the legacies  
to my daughters Sarah May Alexandra <sup>the late Mrs D</sup> Georgina <sup>the late Mrs D</sup> and Ellen and  
Elizabeth Boyd and shall stand possessed of the residue of the  
said moneys arising from the sale and conversion of  
my real and personal estate Upon trust to invest the  
same upon the class of securities authorised by law for  
the investment of trust moneys with power from time to  
time to vary the same for others of a like nature And I  
declare that my Trustee shall hold the income and dividends  
to arise therefrom In trust to pay the same in equal shares  
to my daughters Elizabeth Jeannette Boyd and Isabella  
Victoria Boyd But nevertheless charged with the support  
thereout of my husband Charles Boyd during his life  
I declare that I have the most implicit confidence in  
my said daughters faithfully carrying out the obligations  
which I impose on them of seeing that their father  
so far as the means at their disposal will allow  
will be provided for during his life And from  
and after the death of my said husband I declare  
my said Trustee shall stand possessed of the residue  
of the said moneys arising from the sale and  
conversion of my real and personal estate and  
the securities for the same Upon trust for the  
sole use and benefit in equal shares of my said  
daughters Elizabeth Jeannette and Isabella Victoria  
for their sole and separate use and so that the  
same shall be free from the debts control and  
engagements of any husband with whom either of  
them may intermarry Should either of my said  
daughters die unmarried then and in such case  
the share of the daughter so dying shall go to  
and be equally divided amongst her surviving  
sisters I declare that should any dispute or difference  
arise or any questions be raised touching this my  
Will or the construction thereof or of any matter or thing

R. D. J. W. P. W.

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arising thereout the decision of my Justice shall be  
binding on all persons interested and shall not be  
questioned upon any grounds whatsoever Lastly I  
revoke all prior Wills As witness my hand this  
nineteenth day of December one thousand eight  
hundred and ninety five #

Signed by the said Margaret  
Boyd the testatrix as and for her  
last Will and Testament in the  
presence of us present at the same  
time who at her request in her  
presence and in the presence of  
each other have hereunto  
subscribed our names as witnesses,

Margaret Boyd

May Lusantoy  
Balfour

Clerk to  
James Buchanan & Co  
Solrs Ballarat