

In the Supreme Court
of the Colony of Victoria

Probate Jurisdiction

In the Will of
David Nisbet Esq.
of Geelong in
the Colony of
Victoria deceased
Under proved

Affidavit of
Executors



H. C. Crosswell
Proctor
53 Little Collins Street
East

690

In the Supreme Court
of the Colony of Victoria

In its Probate Jurisdiction

In the Will of David
Nisbet late of Collingwood
in the Colony of Victoria
Horse Dealer deceased

We William Morley of Sandridge in
the Colony of Victoria Carrier and Albert
Read of the City of Melbourne in the said
Colony Gentleman severally make Oath
and say:

1. That David Nisbet of Collingwood
in the Colony of Victoria Horse Dealer
departed this life on the first day of April
Our thousand eight hundred and seventy six.
2. That he left a Will and the paper
writing marked "C" herewith annexed is the
last Will and Testament of the said David
Nisbet.
3. That the said Will is dated the
sixth day of October Our thousand eight
hundred and seventy five and these Deponents
William Morley of Sandridge aforesaid
Carrier and Albert Read of Melbourne
aforesaid Gentleman are appointed Executors
thereof.
4. That the names of the subscribing

Witnesses thereto are William Henry
Toukins of Bedford Street Gotham in
the said Colony of Victoria Law Clerk and
John McVicar of Otter Street Collingwood
Labourer

5. That by the said Will the whole
of the Testator's property, after the payment
of his debts funeral expenses and certain
Legacies, is left to his Sister ^{Euphonia} Elizabeth
Mewirkrad of Dunedin in the Colony of
New Zealand Widow

6. That the value of the property
left by the said Testator is Seven thousand
five hundred pounds or thereabouts and the
value of the real estate is Five hundred
pounds and of the personal Estate Seven
thousand pounds

Severally sworn by the said
Deponents William Wooley and
Albert Read at Melbourne in the
Colony of Victoria the nineteenth
day of April in the year of our
Lord One thousand eight hundred
and seventy six
Before me

William Wooley

Albert Read

W. W. Harris

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

14/ 690

Will of David
Vissel deceased

Dated 6th day of October 1875

In re A
David Nisbet dec

690

27/10/76
M

Will of Mr. David
Nisbet



This is the last Will and Testament of me David

Nisbet of Collingwood in the Colony of Victoria Horse Dealer I give and bequeath unto Edward Baylee - now and for a long time since residing with The Reverend Henry Haun the sum of One thousand pounds sterling I also give and devise any reversionary Estate or Interest that I may be entitled to in the real Estate contained in a certain Deed of Settlement made by me upon and for the benefit of my Wife Phoebe Nisbet unto the said Edward Baylee To hold the same unto the said Edward Baylee to and for his own absolute use and benefit I give and bequeath unto Jane Hicks who is now and has been for some time past residing at the Royal Hotel Sandridge in the said Colony the sum of One thousand pounds sterling I also give and devise All those two messuages or tenements and premises situated in Gow Street Fitzroy in the said Colony unto the said Jane Hicks To hold the same unto the said Jane Hicks to and for her own absolute use and benefit I give and bequeath the sum of Four hundred pounds sterling to be divided equally between Albert William Perad and Fitzwalter George Perad but in case of the death of either of them then I give and bequeath the share of the party so dying unto the Survivor of them And I hereby direct that all the aforesaid Legacies shall be paid by my said Executors within three calendar months after my decease I give devise and bequeath (subject to the payment of my just debts and funeral and testamentary expenses and Legacies bequeathed by this my Will) All the rest residue and remainder of my real and personal Estate whatsoever and wheresoever including any lapsed Legacy or Devise unto my dear Sister Esophrina Muirhead now residing at Dunedin in the Colony of New Zealand Widow to and for her own absolute use and benefit But in case my said Sister should die in my lifetime then I give devise and bequeath ^{the same} unto and equally between and among all and every the children of my said Sister who being a Son or Sons shall attain the age of twenty one years and being a Daughter or Daughters shall attain that age or marry to be divided between and among every of them (if more than one) in equal shares and if there shall be but one child the whole to be ~~in~~ ^{for} such one child Provided always and I do hereby declare my Will to be, that if at the time of my decease William Morley of Sandridge aforesaid Carrier

This is the Paper which marked A, referred to in the Affidavit of William Morley and Albert Head sworn before me the Thirtieth day of April one thousand eight hundred and seventy six

W. H. F. J. W. 2.
 A Commissioner of the Supreme Court of the Colony of Victoria
 the place of the said paper affixed

W. H. F. J. W. 2.

Witnesses
 W. H. F. J. W. 2.
 W. H. Tomkins
 John W. Wicks

1

David Nisbet

should be indebted to me in any sum or sums of money secured on Mortgage
of his property and which money may not be required for the payment of
my debts funeral and testamentary expenses and the Legacies hereby given
I direct my Executors hereinafter mentioned not to call in and require
payment of such sum or sums of money until after the expiration of three
years from the day of the date of my decease for the said William Morley
paying interest ~~at~~ at and after the rate of eight pounds per centum
per annum upon the same which interest is to be paid to the persons who
would at the time of my decease be entitled to the principal money so secured
And I do hereby nominate and appoint my Friends the said William
Morley and Albert Brad of the City of Melbourne in the said Colony
Gentlemen Executors of this my last Will and Testament And I do
hereby authorise and empower my said Executors to pay any debts
owing or claimed to be owing from me upon any evidence they or he shall
think proper and to accept any composition or security for any debts owing
to me and allow such time for the payment of any such debt or composition
for a debt as to my said Executors shall seem reasonable and also to
compromise and compound or submit to arbitration and adjust and
settle all debts accounts transactions matters and things which shall at
the time of my death be owing or claimed to be owing from or to me or
my Estate or be depending or arise between me or my said Executors or
any other persons and for any of the purposes aforesaid to enter into give
and execute such Deeds of composition and other Instruments as my
said Executors shall think expedient and to abide by observe and perform or
to contest or dispute any transaction which may have been entered into as
aforesaid and generally to act in regard thereto as they or he shall deem
expedient without being responsible for any loss thereby occasioned And
I do hereby declare that the receipt or receipts in writing of my
said Executors or the survivor of them or the executors or administrators
of such Survivor shall be a good and effectual discharge and
discharges for the money therein respectively acknowledged to be
received and shall to all intents and purposes discharge the person or
persons taking such receipt or receipts his her or their heirs executors
or administrators Provided also And I do hereby further
declare my Will to be that the Executors of this my Will shall not
be answerable the one for the other of them and by no means for

Witnessed

W. H. Tomkins

John M. Vick

2

David H. H. H.

involuntary losses and also that it shall be lawful for the said Executors
or the Survivor of them or the Executors or administrators of such
Survivor to reimburse themselves or himself out of the monies which
shall come to their or his hands by virtue of this my Will all the costs
and expenses to be incurred by them or him in the execution. In
Witness whereof I the said David Nisbet the Testator have to this
my last Will and Testament contained in this and the two preceding
sheets of paper set my hand to each sheet thereof the sixth + 7 day of
October - Our thousand eight hundred and seventy five -

Signed by the said Testator David
Nisbet as and for his last Will and
Testament in the presence of us, who
in his presence, at his request, and in
the presence of each other (all being
present at the same time) have hereunto
subscribed our names as Witnesses

David Nisbet

W. H. Tomkins

Clerk to Mr. Albert Brad

Solicitor Melbourne

John M. W. W. W.
Collingwood

I hereby certify that the sum of Two hundred and twenty Pounds Sterling 4/6
Shillings and ten pence has been paid for Duty
on the within Probate of W. W. Cair
25/7/76

In the Supreme Court
of the Colony of Victoria

In its Probate Jurisdiction

In the Will of David Miskel
late of Collingwood in the Colony of
Victoria whose Executor deceased

Probate

Granted 7th day of July 1876

Extracted by
H. C. Crisswell
Proctor
33 Little Collins Street East

Received £220-19-0
25 July 1876
W. W. Cair

14/690
26/9/71

This is the last Will and Testament of me David Nisbet of Collingwood in the Colony of New Zealand I give and bequeath unto Edward Baylee now and for a long time since residing with The Reverend Henry Kane the sum of One hundred and thirty five pounds Sterling I also give and devise any reversionary Estate or Interest that I may be entitled to in the Real Estate contained in a certain Deed of Gift unto me upon and for the benefit of my wife Phoebe Nisbet unto the said Edward Baylee To hold the same unto the said Edward Baylee to and for the benefit I give and bequeath unto Jane Wicks who is now and has been for some time past residing at the Royal Hotel Sandridge a sum of One thousand pounds Sterling I also give and devise All those two Messuages or Tenements and premises situate in Gore the said Colony unto the said Jane Wicks To hold the same unto the said Jane Wicks to and for her own absolute use and benefit I give the sum of Four hundred pounds Sterling to be divided equally between Albert William Read and Fitzwalter George Read but in case of the death of either of them Then I give and bequeath the share of the party so dying unto the Survivor of them And I hereby direct that the Legacies shall be paid by my said Executors within three calendar months after my decease I give devise and bequeath subject to my just debts and funeral and testamentary expenses and Legacies bequeathed by this my Will All the rest residue and remainder of my personal Estate whatsoever and wheresoever including any lapsed Legacy or Devise unto my dear Sister Euphemia Mcuirhead now residing in the Colony of New Zealand Widow to and for her own absolute use and benefit But in case my said Sister should die in my lifetime I give devise and bequeath the same unto and equally between and among all and every the children of my said Sister who shall attain the age of twenty one years and being a Daughter or Daughters shall attain that age or marry to be divided equally among every of them (if more than one) in equal shares and if there shall be but one child the whole to be in trust for such one child And I do hereby declare my Will to be that if at the time of my decease William Morley of Sandridge aforesaid barriour should be indebted to me in any sum or sums of money secured on Mortgage of his property and which money may not be required for the payment of my debts and funeral expenses and the Legacies hereby given I direct my Executors hereinafter mentioned not to call in and require payment of such sum or sums until the expiration of three years from the day of the date of my decease he the said William Morley paying Interest at and after the rate of Eight pounds per cent upon the same which interest is to be paid to the persons who would at the time of my decease be entitled to the principal money so secured And I do hereby nominate and appoint my Friends the said William Morley and Albert Read of the City of Melbourne in the said Colony Gentlemen Executors of this my last Will and Testament And I do hereby authorise and empower my said Executors to pay any debts owing from me upon any evidence they or he shall think proper and to accept any composition or security for any debts owing to me and to the payment of any such debt or composition for a debt as to my said Executors shall seem reasonable and also to compromise and compound or to adjust and settle all debts accounts transactions matters and things which shall at the time of my death be owing or claimed to be owing from me or be depending or arise between me or my said Executors or any other persons and for any of the purposes aforesaid to enter into give and execute such and other Instruments as my said Executors shall think expedient and to abide by observe and perform or to contest or dispute any transaction or matter entered into as aforesaid and generally to act in regard thereto as they or he shall deem expedient without being responsible for any loss thereby occasioned I do hereby declare that the receipt or receipts in writing of my said Executors or the Survivor of them or their Executors or administrators of such receipt or receipts shall be a good and effectual discharge and discharges for the money therein respectively acknowledged to be received and shall to all intents and purposes be deemed to be such receipt or receipts and I do hereby declare my Will to be that the Executors of this my Will shall not be answerable the one for the other of them and by no means for involuntary losses which shall come to their or his hands by virtue of this my Will all the costs and expenses to be incurred by them or him in the execution of the said David Nisbet the Testator have to this my last Will and Testament contained in this and the two preceding sheets of paper set my hand and seal thereof the sixth day of October One thousand eight hundred and seventy five David Nisbet Signed by the said Testator David Nisbet in the presence of us who in his presence at his request and in the presence of each other (all being present at the same time) subscribed our names as Witnesses W. H. Tomkins Clerk to Mr Albert Read, Solicitor, Melbourne John McVicar

This is the last Will and Testament of me David Nisbet of Collingwood in the Colony of Victoria

I give and bequeath unto Edward Bayley now and for a long time since residing with The Reverend Henry Kane the sum of One thousand pounds
I also give and devise any reversionary Estate or Interest that I may be entitled to in the Real Estate contained in a certain Deed of Settlement made by
me and for the benefit of my Wife Phoebe Nisbet unto the said Edward Bayley To hold the same unto the said Edward Bayley to and for his own absolute use
and benefit I give and bequeath unto Jane Wicks who is now and has been for some time past residing at the Royal Hotel Sandridge in the said Colony the

One thousand pounds sterling I also give and devise All these two Messuages or Tenements and premises situate in Gore Street Fitzroy in
the said Colony unto the said Jane Wicks To hold the same unto the said Jane Wicks to and for her own absolute use and benefit I give and bequeath
unto the said Jane Wicks To hold the same unto the said Jane Wicks to and for her own absolute use and benefit I give and bequeath
me of Four hundred pounds sterling to be divided equally between Albert William Read and Fitzwalter Georgey Read but in case of the death of either of
them I give and bequeath the share of the party so dying unto the Survivor of them And I hereby direct that all the aforesaid

debts shall be paid by my said Executors within three calendar months after my decease I give devise and bequeath subject to the payment of
my just debts and funeral and testamentary expenses and Legacies bequeathed by this my Will All the rest residue and remainder of my real and
personal Estate whatsoever and wheresoever including any lapsed Legacy or Devise unto my dear Sister Euphemia Muirhead now residing at Dunedin
in the Colony of New Zealand Widow to and for her own absolute use and benefit But in case my said Sister should die in my lifetime Then I

devise and bequeath the same unto and equally between and among all and every the children of my said Sister who being a Son or
Daughter (if more than one) in equal shares and if there shall be but one child the whole to be in trust for such our child Provided always
I do hereby declare my Will to be that if at the time of my decease William Morley of Sandridge aforesaid barrier should be indebted to me
for a sum or sums of money secured on Mortgage of his property and which money may not be required for the payment of my debts funeral and testamentary

debts and the Legacies hereby given I direct my Executors hereinafter mentioned not to call in and require payment of such sum or sums of money until after
the expiration of three years from the day of the date of my decease by the said William Morley paying Interest at and after the rate of Eight pounds per centum per annum
on the same which interest is to be paid to the persons who would at the time of my decease be entitled to the principal money so secured And I do hereby

name and appoint my Friends the said William Morley and Albert Read of the City of Melbourne in the said Colony Gentlemen Executors
of my last Will and Testament And I do hereby authorise and empower my said Executors to pay any debts owing or claimed to be
owed from me upon any evidence they or he shall think proper and to accept any composition or security for any debts owing to me and allow such time for

payment of any such debt or composition for a debt as to my said Executors shall seem reasonable and also to compromise and compound or submit to arbitration
and settle all debts accounts transactions matters and things which shall at the time of my death be owing or claimed to be owing from or to me or my Estate
whether by or against me or my said Executors or any other persons and for any of the purposes aforesaid to enter into give and execute such Deeds of composition

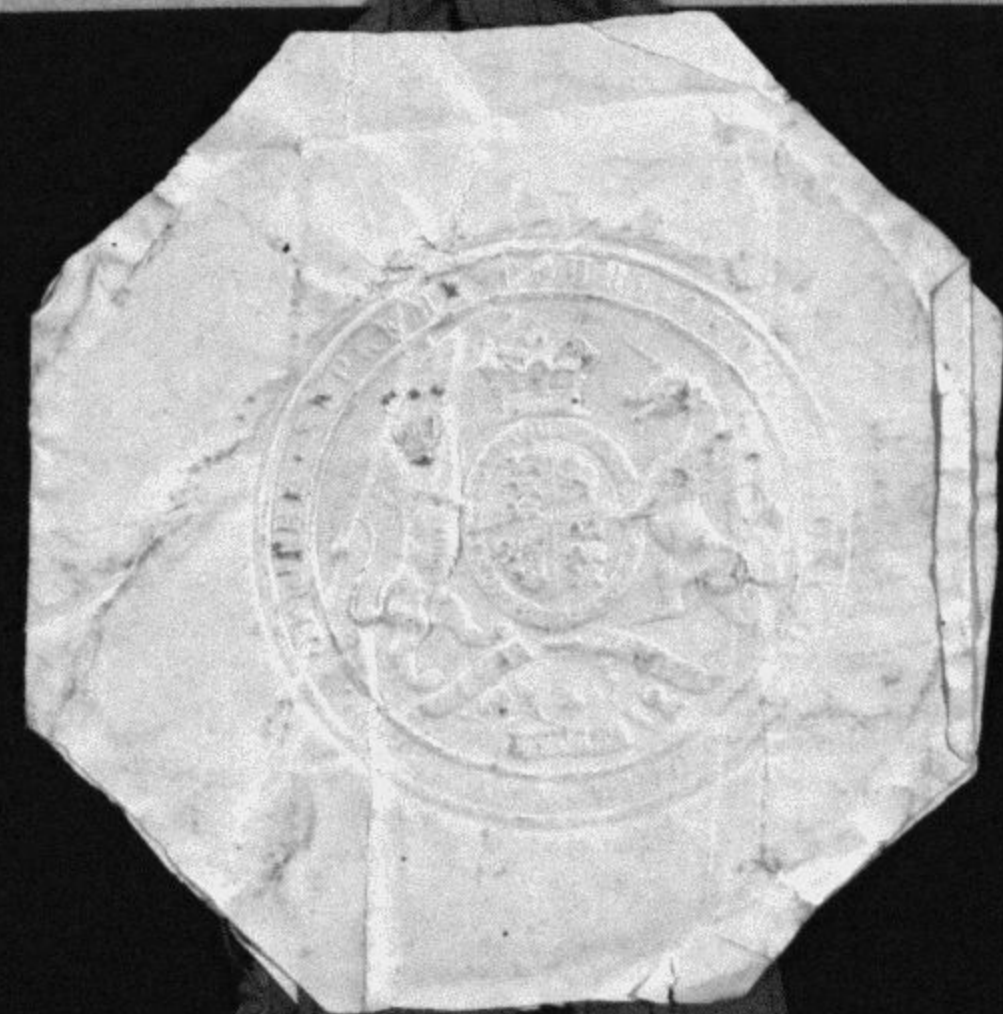
and generally to act in regard thereto as they or he shall deem expedient without being responsible for any loss thereby occasioned And I do
hereby declare that the receipt or receipts in writing of my said Executors or the Survivor of them or the Executors or administrators of such Survivor shall be
a full and effectual discharge and discharges for the money therein respectively acknowledged to be received and shall to all intents and purposes discharge the person

to whom such receipt or receipts his her or their heirs Executors or administrators Provided also And I do hereby further declare
that the receipt or receipts in writing of my said Executors or the Survivor of them or the Executors or administrators of such Survivor shall be
a full and effectual discharge and discharges for the money therein respectively acknowledged to be received and shall to all intents and purposes discharge the person

to whom such receipt or receipts his her or their heirs Executors or administrators Provided also And I do hereby further declare
that the receipt or receipts in writing of my said Executors or the Survivor of them or the Executors or administrators of such Survivor shall be
a full and effectual discharge and discharges for the money therein respectively acknowledged to be received and shall to all intents and purposes discharge the person

lawful for the said Executors or the Survivor of them or the Executors or administrators of such Survivor to reimburse themselves or himself out of the monies
of David Nisbet the Testator have to this my last Will and Testament contained in this and the two preceding sheets of paper set my hand to each sheet
on the sixth day of October One thousand eight hundred and seventy five _____ David Nisbet _____ Signed by the said Testator David Nisbet as and for
his last Will and Testament in the presence of us who in his presence at his request and in the presence of each other (all being present at the same time) have hereunto
set our names as Witnesses _____ W. H. Tomkins Clerk to Mr Albert Read, Solicitor, Melbourne. _____ John McVicar, Collingwood

nominate and appoint my Trustees the said William Norton, and Albert Read of the City of Melbourne in the said County
of this my last Will and Testament. And I do hereby authorise and empower my said Executors to pay any debts owing or claimed to
owing from me upon any evidence they or he shall think proper and to accept any composition or security for any debts owing to me and allow such time
the payment of any such debt or composition for a debt as to my said Executors shall seem reasonable and also to compromise and compound or submit to arbitration
and adjust and settle all debts accounts transactions matters and things which shall at the time of my death be owing or claimed to be owing from or to me or my estate
or be depending or arise between me or my said Executors or any other persons and for any of the purposes aforesaid to enter into give and execute such Deeds of compromise
and other Instruments as my said Executors shall think expedient and to abide by observe and perform or to contest or dispute any transaction which may have been
entered into as aforesaid and generally to act in regard thereto as they or he shall deem expedient without being responsible for any loss thereby occasioned. And I do
hereby declare that the receipt or receipts in writing of my said Executors or the Survivor of them or their Executors or administrators of such Survivor shall
a good and effectual discharge and discharges for the money therein respectively acknowledged to be received and shall to all intents and purposes discharge the person
or persons taking such receipt or receipts his her or their heirs Executors or administrators. Provided also And I do hereby further declare
my Will to be that the Executors of this my Will shall not be answerable the one for the other of them and by no means for involuntary losses and also that it
shall be lawful for the said Executors or the Survivor of them or the Executors or administrators of such Survivor to reimburse themselves or himself out of the money
which shall come to their or his hands by virtue of this my Will all the costs and expenses to be incurred by them or him in the execution. In witness whereof
the said David Nisbet the Testator have to this my last Will and Testament contained in this and the two preceding sheets of paper set my hand to each sheet
thereof the sixth day of October Our thousand eight hundred and seventy five _____ David Nisbet _____ Signed by the said Testator David Nisbet as and
his last Will and Testament in the presence of us who in his presence at his request and in the presence of each other (all being present at the same time) have hereunto
subscribed our names as Witnesses _____ W. H. Tomkins, Clerk to Mr Albert Read, Solicitor, Melbourne _____ John McVicar, Collingwood _____



In the Supreme Court
of the Colony of Victoria

In its Probate Jurisdiction

In the Will of David Nisbet late of Collingwood in the Colony
of Victoria Horse Dealer deceased

Be it known unto all men by these Presents that on the seventh day of July
in the year of our Lord One thousand eight hundred and seventy six the last Will and Testament of David Nisbet late
of Collingwood in the Colony of Victoria Horse Dealer deceased (a true copy whereof is herewith annexed) was exhibited
and proved before this Honorable Court and Probate of the said Will was and is hereby granted to William Moorley of Sandridge
in the said Colony Barrister and Albert Peard of the City of Melbourne in the said Colony Gentleman the Executors named in
and appointed by the said Will the said William Moorley and Albert Peard having first duly sworn that they will pay all the
debts and legacies of the said deceased so far as the property left by the said deceased will extend and the law bind them so to
do and that they will exhibit and deposit in the Office of the Master in Equity a true and perfect Inventory of the Estate
goods chattels and credits of the said David Nisbet deceased within three months of the Order for Probate and a
true and just account of their Administration of the said Estate of the said deceased David Nisbet within fifteen
months of the said Order pursuant to the rules of this Honorable Court and that they believe the property of the said
David Nisbet does not exceed in value the sum of Seven thousand five hundred pounds

Sworn under
£4500 and
that Testator
did on the first
day of April 1876

Wm. M.

Given under my hand and the seal of the Supreme Court of the Colony of Victoria this seventh
day of July in the Year of our Lord One thousand eight hundred and seventy six.

By the Court

Geo. Atkinson

Master in Equity