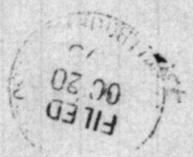


Dated 12 Decr 1873

13/ 850

Second
Codicil

to the Will of
George Webster Esq:



James Harvey
Solicitor
Invercargill

In the Supreme Court of
the Colony of Victoria

In its probate jurisdiction

In the Will of George Webster formerly of Selang in the Colony of
Victoria Special Assignee but late of Invercargill and elsewhere in
the Province of Otago and Colony of New Zealand (Residence deceased
deceased before me this twelfth day of August one thousand eight hundred
and seventy three

James Harvey

A Commissioner of the Supreme Court of the Colony of
Victoria for Probate Affairs

This is the document marked
A referred to in the amended
affidavit of Henry James Gibbs
shown before me the twelfth
day of August 1875

James Gibbs
at the request of
the said testator
I have signed the
marginal addition
written hereon before
me

This is a Codicil to the Will of me
George Webster at one time of
Geelong in the Colony of Victoria Official Assignee
now of Binnmore in Otago New Zealand Runholder
which Will was prepared for me by and is now in
the custody of Messieurs Woolley and Harwood of
Geelong in the Colony of Victoria aforesaid Solicitors
Whereas since making said Will I have left the
Colony of Victoria and settled in the Colony of New
Zealand and acquired Freehold Lands and other
property in said Colony of New Zealand and I am
desirous of appointing Executors and Trustees in the
Colony of New Zealand NOW I hereby appoint my
wife Emily Webster and Henry James Gibbs of Invercargill
in the said Province of Otago Merchant to be Trustees
and Executors under my said Will for the Colony of
New Zealand to act either by themselves or along with
the Executors and Trustees named in the said Will
as may be convenient I direct that all New Zealand
property whether real or personal shall be sold and
the proceeds applied in conformity with the Trusts
fully set out in my said Will but always subject
to and in conformity with the terms of my Deed of
Copartnership with Richard Gibbs of Cornhill London
in England Gentlemen In all other respects I
confirm my said Will In witness whereof I have
herunder set my hand this twelfth day of
December in the year of Our Lord One thousand
eight hundred and seventy three

x at the absolute
discretion of my said
Trustees either held
and dealt with by
them or
George Webster
James Gibbs
at the request of
the said testator
I have signed the
marginal addition
written hereon before
me

Signed by the said Testator
George Webster as and for a
Codicil to his said 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 sight
and presence of each other have
subscribed our names as attesting
witnesses and along with the said
Testator also signed the marginal
addition written hereon before
execution

George Webster

James Gibbs
at the request of
the said testator
I have signed the
marginal addition
written hereon before
me

J. Harwood
accountant
Invercargill

Dated 7th Sept. 1862.

850

Will of
George Webster
of Shelton. -

and

Codicil endorsed.



Woolley & Harwood
Shelton.

This is the last Will and Testament

of me George Webster of Geelong in the Colony of Victoria Esquire I bequeath all my household furniture implements of household (flat) linen china glass wine stores and consumable provisions unto my dear wife Emily Webster absolutely I devise and bequeath All the real and the residue of the personal estate to which I shall be entitled at my decease to my friends Joseph De Little of Melbourne in the said Colony Merchant and Charles Alfred Woolley of Geelong aforesaid Gentlemen their heirs executors administrators and assigns respectively Upon trust as soon as conveniently may be to sell my real estate together or in parcels by public auction or private contract with power to make any special conditions as to Title evidence of Title or otherwise and to buy in the premises at any public sale or to receive either on terms or gratuitously any contract and to sell without being answerable for any loss And upon trust to convert and get in my residuary personal estate And I direct that my said Trustees shall stand possessed of the proceeds of sale of such real and personal estate and all monies coming to their hands by virtue of this my will Upon the trust hereinafter declared And I empower my said Trustees to postpone the sale or conversion of any part of my real or residuary personal estate for such period or periods as my said trustees may in their discretion think proper And I declare that until the whole of my real and residuary personal estate shall be sold and converted into money respectively the unsold and unconverted portions thereof shall be subject to the trusts hereinafter contained and the rents and yearly proceeds thereof shall be deemed annual income for the purposes of such trusts and such real estate shall be transmissible as personal estate and considered as converted in equity And I empower my said trustees to let any part of my real estate that may from time to time be unsold at rack rent for such term and subject to such conditions as my Trustees may think fit And I declare that the receipts of my said Trustees for any money paid to them in that character shall be sufficient discharges and shall exonerate the persons paying the same from all liability in respect of the application thereof And I further declare that if my said Trustees herein named or either of them or any Trustees or Trustee to be appointed under this provision shall die (whether in my lifetime or after my decease) or become unwilling or unable to act as trustees or trustee of my will it shall

This is the Will and last testament made by me George Webster of Geelong in the Colony of Victoria Esquire on the 15th day of October 1878

George Webster

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George Webster

This is the will made and last testament made by me George Webster of Geelong in the Colony of Victoria Esquire on the 15th day of October 1878

George Webster

be lawful for the Trustee or Trustees for the time being whether continuing or declining to act or if none for the executor or administrators or either or any of the executor or administrators of any deceased Trustee to appoint a fit person or persons to be a Trustee or Trustees in the place of any Trustee or Trustees dying or becoming unwilling or unable to act and upon any such appointment the original number of the Trustees of this my will may be increased And I declare that the Trustee or Trustees for the time being of my will shall be competent to exercise all the powers and discretions hereby confided to the Trustee herein named or to my Trustees generally and that all the Clauses herein contained so far as they concern my Trustees herein before named shall extend and apply to the Trustee and Trustees for the time being of my will And that every Trustee to be appointed under this provision shall by virtue of his appointment become and be an Executor of this my will And I further declare that my said Trustees shall not be answerable for each others receipts nor for losses happening without their own respective default and that they shall be at liberty to retain and allow to each other out of the trust premises all expenses incident to the execution of the trusts and powers of this my will I devise all estates vested in me as Trustee or Mortgagee unto the said Joseph De Little and Charles Alfred Woolley their heirs and assigns subject to the trusts and equities affecting the same respectively I appoint the said Joseph De Little and Charles Alfred Woolley Executors of my said will And I revoke all former wills by me made I declare that my said Trustees shall stand possessed of the proceeds of sale of my said real and residuary personal estate and all monies coming to their hands by virtue of this my will upon Trust after payment of my just debts and funeral and testamentary expenses to pay the legacy or sum of One thousand pounds to my Father Captain Joseph Webster of Her Majesty's 7th Regiment And I direct that if my said Father shall die in my lifetime the said legacy or sum of One thousand pounds shall be applied by my said Trustees in the same manner as the sum of One thousand pounds next hereinafter mentioned And upon further trust to set apart the sum of One thousand pounds and invest the same in accordance with the power for investment hereinafter contained and pay the income thereof to such of my sisters or such my Sister as

shall first happen the said sum of One thousand pounds shall revert to and become divisible as part of the residue of my estate and upon further trust to pay one third of the residue of the said proceeds of sale and conversion and monies and all other my estate to my dear wife Emily absolutely And as to the remaining two thirds of the said residue or in the event of my said wife dying in my lifetime then as to the whole of the said residue I declare that my said Trustees shall stand possessed thereof upon trust for my Child if only one or for my Children if more than one in equal shares But if any of them being a Son or Son shall die under the age of twenty one years or being a daughter or daughters shall die under that age without having been married Then in trust as to as well the share originally limited under the preceding trust as the shares eventually limited under this executory trust to my and every Child so dying for the others and other of my Children and if more than one in equal shares But if there shall be no Child of mine who being a Son shall attain the age of twenty one years or being a Daughter shall attain that age or surviving then in trust as to one half for my said wife Emily Webster if she shall be then living and as to the other half or in the event of my said wife being then dead then as to the whole for my Sisters Louisa Webster Harriett the wife of J Ammesty Smith and Emma Webster or such of them as shall be then living to take if more than one in equal shares I direct my said Trustees to invest the share or shares of my estate as well original as accruing to which under any of the dispositions hereinbefore contained any infant may be entitled or presumptively entitled in the names of my said Trustees in or upon any government or real securities or the Capital Stock of any incorporated Company or on Mortgage of any Station and Stock in Australasia New Zealand or Great Britain And I empower my said Trustees to vary and transfer the investments from time to time for any other investments of the description aforesaid I empower my said Trustees to apply the whole or any part of the income of the share of my estate to which any Infant may be entitled or presumptively entitled as aforesaid in or towards the maintenance and education or otherwise for the benefit of such Infant during minority And I direct my said Trustees to accumulate the unapplied income and add the accumulations to the Capital of the

competent to exercise all the powers and discretions hereby confided to the Trustees herein named or to any Trustees generally and that all the Clauses herein contained so far as they concern any Trustees herein before named shall extend and apply to the Trustees and Trustee for the time being of my Will And that every Trustee to be appointed under this provision shall by virtue of his appointment become and be an Executor of this my Will And I further declare that my said Trustees shall not be answerable for each others receipts nor for losses happening without their own respective default and that they shall be at liberty to retain and allow to each other out of the trust premises all expenses incident to the execution of the trusts and powers of this my Will I devise all estates vested in me as Trustee or Mortgagee unto the said Joseph De Little and Charles Alfred Woolley their heirs and assigns Subject to the trusts and equities affecting the same respectively I appoint the said Joseph De Little and Charles Alfred Woolley Executors of my said Will And I revoke all former Wills by me made I declare that my said Trustees shall stand possessed of the proceeds of sale of my said real and personal and personal estate and all moneys coming to their hands by virtue of this my Will upon Trust after payment of my just debts and funeral and testamentary expenses to pay the legacy or sum of One thousand pounds to my Father Captain Joseph Webster of Her Majestys 7th Regiment And I direct that if my said Father shall die in my lifetime the said legacy or sum of One thousand pounds shall be applied by my said Trustees in the same manner as the sum of One thousand pounds next hereinafter mentioned And upon further trust to set apart the sum of One thousand pounds and invest the same in accordance with the power for investment hereinafter contained and pay the income thereof to such of my Sisters or such my Sister as shall for the time being be Spinster or a Spinster for their or her lives or life and if more than one in equal proportions And I direct that upon the death or marriage of all my said Sisters whichever

only one or for my Children if more than one in equal shares But if any of them being a Son or Son shall die under the age of twenty one years or being a Daughter or Daughters shall die under that age without having been married Then In Trust as to as well the share originally limited under the preceding trust as the shares eventually limited under this executory trust to my and every Child or child for the others and other of my Children and if more than one in equal shares) But if there shall be no Child of mine who being a Son shall attain the age of twenty one years or being a Daughter shall attain that age or marry then In Trust as to one half for my said Wife Emily Webster if she shall be then living and as to the other half or in the event of my said wife being then dead then as to the whole for my Sisters Louisa Webster Harriett the wife of J Amessley Smith and Emma Webster or such of them as shall be then living to take if more than one in equal shares I direct my said Trustees to invest the share or shares of my estate as well original as accruing to which under any of the dispositions hereinbefore contained any infant may be entitled or presumptively entitled in the names of my said Trustees in or upon any Government or real securities or the Capital Stock of any incorporated Company or on Mortgage of any Station and Stock in Australasia New Zealand or Great Britain And I empower my said Trustees to vary and transfer the investments from time to time for any other investments of the description aforesaid I empower my said Trustees to apply the whole or any part of the income of the share of my estate to which any infant may be entitled or presumptively entitled as aforesaid in or towards the maintenance and education or otherwise for the benefit of such infant during minority And I direct my said Trustees to accumulate the unapplied income and add the accumulations to the Capital of the respective shares whence the income shall have arisen And I direct my said Trustees to pay the annual income or so much thereof as they shall think fit of the share of my estate to which

any infant Child of mine shall be entitled or presumptively entitled and who shall reside with or under the care of my said wife during such time as such infant shall so reside as aforesaid to my said wife who shall not be held liable to account for the same to any one whomsoever and I further empower my said Trustees to apply any part not exceeding one half of the Capital of the share of my estate to which any infant shall be entitled or presumptively entitled as aforesaid in or towards the advancement in life of such infant I declare that any share of my estate accruing by virtue of any of the dispositions hereinbefore contained to any female shall be for her sole and separate use and her receipts alone notwithstanding Coverture shall be sufficient discharges for the same and I appoint my said wife and the said Joseph De Little and Charles Alfred Woolley and the survivors and survivor of them Guardians and Guardian of my Infant Children In witness whereof I do hereunto set my hand this seventh day of September One thousand eight hundred and sixty two.

George Webster

Signed by the said George Webster as his last Will and Testament in the presence of us present at the same time who in his presence and in the presence of each other do hereunto subscribe our names as witnesses.

*Frederick James
Hickling
Melbourne
Gentleman
Charles Alfred
Woolley
Geelong
Gentleman*

This is a Codicil to the last Will and Testament of me George Webster of Geelong in the Colony of Victoria Esquire which Will bears date the seventh day of September one thousand eight hundred and sixty two whereas by my said Will I have devised and bequeathed certain real and personal estate and given certain powers to Joseph De Little of Melbourne in the said Colony Merchant and Charles Alfred Woolley of Geelong aforesaid Gentleman as Trustees and appointed them Executors of my Will and jointly with my wife Guardians of my infant Children and whereas the said Joseph De Little has ceased to reside in Melbourne aforesaid and it is uncertain whether he may continue to reside in the Colony of Victoria and

Ballarat in the said Colony Banker And I also appoint my Brother in Law Frederick James Hickling as and to be a Trustee and Executor of my said Will in addition to the said Charles Alfred Woolley and Michael Elliot And I devise and bequeath to the said Michael Elliot and Frederick James Hickling jointly with the said Charles Alfred Woolley and confer upon them jointly with him All and singular the estate and effects and powers in my said Will devised and bequeathed to and conferred upon the said Joseph De Little jointly with the said Charles Alfred Woolley and declare that my said Will shall take effect in the same manner as if the name of the said Michael Elliot had been originally inserted therein instead of the name of the said Joseph De Little and as if the name of the said Frederick James Hickling had been originally inserted therein as one of the Trustees and Executors of my said Will But I confirm my said Will in all other respects In witness whereof I do hereunto set my hand this thirty first day of March one thousand eight hundred and sixty five.

George Webster

Signed by the said George Webster as a Codicil to his last Will and Testament in the presence of us present at the same time who in his presence and in the presence of each other do hereunto subscribe our names as witnesses.

*Charles Alfred
Woolley
Melbourne
Fred. R. P. P. P.
Clerk to Messrs Woolley & Harwood
Laws
Geelong*

that any share of my estate accruing by virtue of any of the dispositions hereinbefore contained to any female shall be for her sole and separate use and her receipts alone notwithstanding Coverture shall be sufficient discharge for the same And I appoint my said wife and the said Joseph De Little and Charles Alfred Woolley and the survivors and survivor of them Guardians and Guardian of my Infant Children In witness whereof I do hereunto set my hand this seventh day of September One thousand eight hundred and sixty two.

George Webster

Signed by the said George Webster as his last Will and Testament in the presence of us present at the same time who in his presence and in the presence of each other do hereunto subscribe our names as witnesses.

Michael
Woolley
Gentleman
Charles Woolley
Gentleman

This is a Codicil to the last Will and Testament of me George Webster of Geelong in the Colony of Victoria Esquire which Will bears date the seventh day of September one thousand eight hundred and sixty two Whereas by my said Will I have devised and bequeathed certain real and personal estate and given certain powers to Joseph De Little of Melbourne in the said Colony Merchant and Charles Alfred Woolley of Geelong aforesaid Gentleman as Trustees and appointed them Executors of my Will and jointly with my wife Guardians of my infant Children And whereas the said Joseph De Little has ceased to reside in Melbourne aforesaid and it is uncertain whether he may continue to reside in the Colony of Victoria and I am desirous of adding to the number of the Trustees and Executors of my Will now I revoke my said Will so far as the said Joseph De Little is an object thereof and substitute in his place my friend Michael Elliot of

the said Charles Alfred Woolley and Michael Elliot shall have the same effect in the same manner as if the name of the said Michael Elliot had been originally inserted therein instead of the name of the said Joseph De Little and as if the name of the said Frederick James Fiehlking had been originally inserted therein as one of the Trustees and Executors of my said Will But I confirm my said Will in all other respects In witness whereof I do hereunto set my hand this thirty first day of March one thousand eight hundred and sixty five.

George Webster

Signed by the said George Webster as a Codicil to his last Will and Testament in the presence of us present at the same time who in his presence and in the presence of each other do hereunto subscribe our names as witnesses.

Charles Woolley
Gentleman
Fred. R. P. Meo
Clerk to Messrs Woolley & Harwood
Geelong

In the Supreme Court of the
Colony of Victoria

In its Probate Jurisdiction

In the Will of George Webster
formerly of Geelong in the Colony of
Victoria Official Assignee but late of
Invercargill and Benmore in the
Province of Otago in the Colony of New
Zealand, Runholder Deceased

I Henry James Gibbs late of Invercargill
now of Dunedin in the Province of Otago, in the Colony
of New Zealand, Merchant, make Oath and say
First - The above named George Webster deceased
made a Codicil bearing date the twelfth day of December
One thousand eight hundred and seventy three to his
Will in the custody of his Solicitors Messieurs Woolley
and Harwood of Geelong in the Colony of Victoria which
said Codicil is as I believe unrevoked and thereby
appointed his wife Emily Webster and me the said
Deponent Henry James Gibbs of Invercargill aforesaid
Merchant to be Trustees and Executors under his said
Will for the Colony of New Zealand to act either by
ourselves or along with the Executors and Trustees named
in the said Will as may be convenient
Second - The said Codicil is hereunto annexed and
marked with the Letter A
Third - The said Codicil was executed in the presence
of James Harvey of Invercargill aforesaid Solicitor who
has always acted as Solicitor for the said George Webster
in Invercargill and of John Slater Royds of Invercargill
aforesaid Accountant to the said James Harvey
Fourth - That I am well acquainted with the hand

writing of the said James Harvey and John Slater
Royds that they are the attesting Witnesses to the said
Codicil and that the signatures "James Harvey" and
"J. S. Royds" subscribed to the said Codicil are in the
respective proper handwritings of the said James
Harvey and John Slater Royds

Fifth. The said George Webster deceased departed
this life at Invercargill aforesaid on the fifteenth day
of July One thousand eight hundred and seventy five

Sworn at Dunedin, in the Province
of Otago in the Colony of New Zealand
this thirtieth day of August
One thousand eight hundred and
seventy five

M. D. Gibbo

Before me

James Smith

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

In the Supreme Court
of the Colony of Victoria

13/ 850.
In its Probate Jurisdiction

In the Will and —
Codicils of George Webster
deceased —

Affidavit of Executors
in support of application
for Probate —



Harwood & Pincock
Melbong

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

In the Will and Codicils of George
Webster formerly of Geelong in the
Colony of Victoria Esquire Official
Assigned but late of Benmore in the
Province of Otago and Colony of
New Zealand Runholder deceased

The Michael Elliot of the City of Melbourne in the
Colony of Victoria Bank Manager and Frederick
James Hickling of Warrnambool in the said Colony
Bank Manager severally make oath and say

1. George Webster formerly of Geelong in the Colony of
Victoria Esquire Official assigned but late of Benmore
in the Province of Otago in the Colony of New Zealand
Runholder deceased made his will bearing date the seventh
day of September One thousand eight hundred and sixty two
which is we believe unrevoked except so far as the same
is revoked or altered by the first and second Codicils -
thereto dated respectively the thirty first day of March
One thousand eight hundred and sixty five and the twelfth
day of December One thousand eight hundred and seventy three
2. The said George Webster deceased by his said
Will appointed Joseph De Little late of Melbourne
in the said Colony Merchant now deceased and
Charles Alfred Woolley formerly of Geelong in the said
Colony of Victoria but now of Brighton in England
Gentleman executors thereof
3. The said Will was executed in the presence of
one Francis Hynes Hickling formerly of Castlemaine in
the said Colony of Victoria since deceased and of the
said Charles Alfred Woolley

4 The said Francis Hymne Hickling and Charles Alfred Woolley are the attesting witnesses to the said Will

5 The said will and the first codicil thereto are herewith annexed marked with the letter "A"

6 The said George Webster deceased had at the time of his death no real estate in the said Colony of Victoria

7 The said George Webster had at the time of his death personal estate in the said Colony not exceeding in value One thousand one hundred pounds

8 We are seeking to obtain Probate of the Will and Codicils of the said George Webster deceased

9 We will pay all the debts and legacies of the said George Webster deceased so far as the property left by him will extend and the law binds us so to do

10 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 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

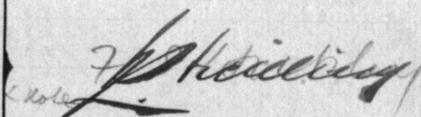
within three calendar months next ensuing the order granting probate and further that we will make or cause to be made a true and just account of the administration of the estate which we have undertaken as to our receipts and disbursements and as to what portion is retained by us and what portion remains 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 by the said Michael Elliot
at Melbourne in the Colony of
Victoria this twentieth day of
~~November~~ One thousand eight
hundred and seventy five Before me



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

Sworn by the said Frederick James
Hickling at ~~Warrnambool~~ in the
Colony of Victoria this eighteenth
day of October One thousand
eight hundred and seventy five Before me



Frederick James Hickling
A Commissioner of the Supreme Court
of the Colony of Victoria for taking affidavits