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In the Supreme Court
 of the Colony of Victoria

41/690
 Probate Jurisdiction

In the Will of
 Elizabeth West
 deceased



Inventory Statement
 and Affidavit



W. C. Brewster
 Director
 53 Little Collins Street
 East

Approved and signed
 by the executor
 of the will
 of the deceased
 Elizabeth West
 W. C. Brewster

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 the paper writing hereunto annexed
marked "A" contains a true statement of all and
singular the real and personal estate of or to
which the above named deceased was at the time
of his death possessed or entitled and of the values
thereof respectively and of the liabilities due thereon
and shows a balance of Seven thousand three
hundred and sixty six pounds eight shillings and nine pence
which is the net value of the said real and
personal Estate -

The Deponents William Morley and
Albert Read were severally sworn at
Melbourne in the Colony of Victoria
this Twentieth day of July One
thousand eight hundred and seventy six
Before me

William Morley

Albert Read

J. Mansfield

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

Dated 6th day of October 1845

In w B
David Nisbet decd
27/10/76 G.M.

Will of Mr David
Nisbet

14/690

This is the last Will and Testament of

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 Kane 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 Weeks 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 situate in Gore Street Fitzroy in the said Colony unto the said Jane Weeks To hold the same unto the said Jane Weeks 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 Brad and Fitzwalter George Brad 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 unpaid Legacy or Devise unto my dear Sister Euphemia McDiarmid 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

W.H.S.
2002

Witnesses

W.H.S.
John McDiarmid
John McDiarmid

(1) David Nisbet

At the time of my decease William Morley of Sandridge aforesaid carrier 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 by 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 Read of the City of Melbourne in the said Colony Gentlemen Executors of this my last Will and Testament And I do hereby authorize 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 heir 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

Witnesses

W. H. Tomkins

John M. Viner

(2) David M. H. H.

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 — day of October — One thousand eight
hundred and seventy five A.

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

Notary to Mr Albert Brad

Scholar Melbourne

John W. Nisbet
Collingwood

Received of
Messrs J. & W. G. & Co. 157, 159
Broadway
New York

141 690

Will & Testament
of
David McKelvey
as shown

1853
141 291 1/2

Received into the Office of the Registrar
General of the Colony of Victoria, at
Melbourne the Minutes of a Special
Meeting of the Board of the same Colony, held
on the 18th day of the month of April
1875, in the presence of a Notary Public of the
said Colony, and numbered
One hundred and ninety one (No 191)
Both 257 and verified by
Henry Frederick Chapman Clerk to the Registrar
at Melbourne and Bernard Stothard
Notary Public at Melbourne

Henry Frederick Chapman

Notary Public

Robert Lawrence

Glasgow

Know all Men by these Presents That We David Nisbet sometime called David Stirling Nisbet, presently in Glasgow but recently settled at Melbourne, Collingwood in the Colony of Victoria and Mrs Phoebe Patrick or Nisbet spouses - (Considering that we have been married for sometime without having any children and that neither of us have made any settlement of our affairs by Marriage Contract or otherwise and being resolved, while in the enjoyment of health to make such settlement so as to prevent all disputes after our respective deaths do hereby make this our mutual last will and Settlement - We do hereby assign bequeath dispose and Convey from us and the first deceaser of us to the longest liver of us with full power of disposal our whole means and estate real and personal heritable and moveable including houses, tenements, lands, goods, cattle, horse, household furniture, Carts, Utensils, debts, and sums of money, and all others, the real and personal means and estate whatsoever belonging to us or either of us, with the Bonds Bills Receipts accounts and other vouchers of the same, with all that has followed or may be competent to follow them, Surrogating and substituting the said longest liver of us in our and the deceaser's full right title and place of the premises with full power to call for uplift and receive the whole debts and sums of money above assigned and if need be to call and pursue for the same by action or actions at Law or in equity as accords, but under burden always of payment of our and the first deceaser's whole just and lawful debts and sickled and funeral expenses and any legacies which we may hereafter mutually agree to bequeath by a joint writing under our hands and for the more fully carrying into effect these presents either in this Country or in the Colony, in so far as there may be property belonging to us situated there respectively we appoint ~~Francis Underwood of Birmingham~~ ~~ham~~ and Mrs Elizabeth Patrick or Underwood his spouse the one in absence of the other to be Executors of this our will in Great Britain, and William Oliver of Melbourne and John Williamson of Mooney ponds Melbourne the one in absence of the other to be our Executors in the said Colony of Victoria or elsewhere abroad where either of us may have property at the time of the death of the first deceaser of us In Witness whereof we declare and publish this as our last will and Settlement and have set our hands and seals to these presents written by Archibald Pollock, Clerk to Robert Samond, Writer, in Glasgow in duplicate at Glasgow this Tenth day of June in the year of our Lord Eighteen Hundred and fifty three before these Witnesses James Campbell, Clerk to the said Robert Samond and Archibald Pollock aforesaid.

David Nisbet

Signed by me at request of the testator Mr Patrick or Nisbet (who cannot write & who grants me authority) in presence of herself and the said witnesses

Robert Samond
Notary Public

Signed Sealed and delivered in presence of by the said David Nisbet or David Stirling Nisbet and by Robert Samond, Notary Public in the direction and in the presence of the said Phoebe Patrick or Nisbet -
in presence of Archibald Pollock, Clerk, in Glasgow
James Campbell, Clerk, in Glasgow.

*In the Supreme Court
of the Colony of Victoria*

1911 £99
Probate Jurisdiction

*In the Will of
David. Nisbet late
of Melbourne in the
Colony of Victoria
Edward Guder deceased*

*Order Absolute
for Probate*

*19/6
10/7/56
W. B. Russell
1911*

*W. B. Russell
Proctor
53 St. Hill, Collins Street East*

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



Friday the seventh day of July - One
thousand eight hundred and seventy six -

Before His Honor Mr Justice Molesworth

Upon hearing Mr Walsh Counsel
learned for William Morley and Albert
Prad the Executors named in and appointed
by the Will of the said David Nisbet dated
the sixth day of October One thousand
eight hundred and seventy five; upon
reading the Affidavits of William Morley
and Albert Prad filed herein on the nineteenth
day of April One thousand eight hundred and
seventy six and the Affidavit of Henry Cuslow
Sturt filed herein on the twentieth day of
April One thousand eight hundred and seventy
six, the caveat lodged by one Phoebe Nisbet
dated the twelfth day of April One thousand
eight hundred and seventy six; the Order of
this Court dated the twenty seventh day of
April One thousand eight hundred and seventy

six, and the finding of the Jury
empanelled to try the Issue directed by
the said Order, and upon hearing
Counsel learned for the said Phoebe Nisbet
This Court doth Order That
Probate of the Will of the said David
Nisbet dated the sixth day of October One
thousand Eight hundred and seventy five
be granted to William Morley and Albert
Read the Executors therein named -

App.



By the Court

Geo. H. Johnston

Master-in-Equity

I certify that the sum of £ 220 9. 10. for
Duty on this Probate

Lushen

Geoff. Blair
25/7/76

In the Supreme Court
of the Colony of Victoria

14/ 690

in its Probate Jurisdiction

In the Will of
David. Wisbit late
of Colquhoun in
the Colony of Victoria
Hors. Dealler deceased

Copy
Probate

Recd of
£ 220 9. 10

25/7/76

H. C. Crosswell

Proctor

53 Little Collins Street East

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 hereunto annexed) was exhibited and proved before this Honorable Court and Probate of the said Will was and is hereby granted to William Morley of Sandridge in the said Colony Carrier and Albert Read of the City of Melbourne in the said Colony Gentleman the Executors named in and appointed by the said Will the said William Morley and Albert Read 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 -

Given under my hand and the
Sworn under seal of the Supreme Court of the Colony
of Victoria this seventh day of July
Testator died on in the Year of our Lord One thousand
the first day of April right hundred and seventy six -

1846.

G. G. B

By the Court



J. W.

Master in Equity