

— Probate —
— of —
— The last Will and Testament —
— of —
— John Scott —

No. 3883. In the Supreme Court } Ecclesiastical
of Tasmania } Jurisdiction

Be it known *with all men by these presents*
that on the fifteenth day of July One thousand eight hundred and ninety the last Will and Testament of John Scott late of Launceston in Tasmania deceased who died at Fitzroy near Melbourne in the colony of Victoria on the third day of June One thousand eight hundred and ninety (a true copy of which Will is hereto annexed) is now before and proved before this Honorable Court. And that a true and correct copy of the said Will and the chattels, rights credits and effects of the said deceased in the colony of Tasmania and the dependences thereof was and is hereto committed to Richard Green of Launceston aforesaid John Charles Ferguson of Launceston aforesaid Thomas Griffiths of Launceston aforesaid Robert Green of Launceston aforesaid John Charles Ferguson and Thomas Griffiths having been first sworn well and truly to perform the said Will by paying out the debts of the said deceased and the legacies therein bequeathed so far as the assets of the said deceased will permit them. And to make and exhibit unto this Honorable Court a true and correct inventory of all and every goods chattels, rights credits and effects of the said deceased in or before the fifteenth day of June now next ensuing And to render a just and true account of their administration they shall be lawfully called hereunto. And further that they shall pay the goods chattels, rights credits and effects of the said deceased at the time of his death and of his administration the sum of Twenty one thousand three hundred and eighty pounds in Tasmania and the dependences thereof.

Seal of the Supreme Court
of Tasmania official

Witness my hand and the Seal of the Supreme Court of Tasmania this fifteenth day of July One thousand eight hundred and ninety
Richard Green
John Charles Ferguson
Thomas Griffiths
Robert Green

+ dls
Lucas & Co. Bath
for all persons
Proctor
21/05

This is the last Will

and Testament of me John Scott Esquire in Tasmania Esquire I give all my plate linen china glass books pictures furniture and other household effects to my dear wife Elizabeth Scott absolutely And I also give to her the sum of Three hundred pounds to be paid within one calendar month after my decease I give likewise and bequeath all my personal and personal estate not hereinbefore otherwise disposed of unto Richard Green of Launceston merchant and Thomas Griffiths of Launceston merchant their heirs executors administrators and assigns respectively Upon trust that the said Richard Green John Esquire Griffiths and Thomas Griffiths or the survivor of them or the heirs executors or administrators of such survivor or other the Trustees or Trustee for the time being of this my Will shall sell call in and convert into money the same or such part thereof as shall not convert into money except that any share and interest in any business which at the time of my decease I shall be carrying on or interested in in partnership with the said Thomas Griffiths and my real estate held occupied or used in connection with such business shall not be sold during the continuance of such partnership business) and shall with and out of the money produced by such sale calling in and conversion and with and out of such part of my personal estate as shall consist of money pay my funeral and testamentary expenses and debts And shall invest the residue of such moneys in the names or name of the Trustees or Trustee for the time being of this my Will in or upon real or Government Securities or by deposit in any Bank with power for the said Trustees or Trustee from time to time to vary the said investments into or for others of the same or a like value And I direct and declare that the Trustees or Trustee for the time being of this my Will shall stand possessed of the said residuary trust moneys and the Securities in or upon which the same shall from time to time be invested And also of my share in any business which at the time of my decease I shall be carrying on or interested in in partnership with the said Thomas Griffiths And also all real estate held occupied or used in connection with such business (all of which moneys securities shares in business and real estate are hereinafter called the residuary trust estate) In trust by with and out of the income thereof To pay to my said wife Elizabeth Scott during her life the annual sum of Three hundred pounds by equal half yearly payments the first of such payments to be made at the expiration of six calendar months after my decease And during such time as any business which at the time of my decease I shall be carrying on or interested in in partnership with the said Thomas Griffiths shall continue to be carried on under such partnership To pay to my son Walter William Scott during his life the annual sum of Three hundred pounds by equal half yearly payments the first of such payments to be made at the expiration of six calendar months after my decease Provided always that if during such time as any such partnership business as aforesaid shall continue to be carried on as aforesaid the share of profit arising from such partnership business which shall be payable to the Trustees or Trustee for the time being of this my Will in respect of the share and interest in the said partnership business belonging to my estate shall be less than the sum of Three hundred pounds for and during any year then and in every such case I direct that the sum payable to my said son Walter William Scott shall be reduced proportionately and he shall be only entitled to receive payment for a during such year of a sum equal to the amount of the share of the profits arising from such partnership business payable to the said Trustees or Trustee for and during such year And I direct and declare that upon the termination and winding up of any such partnership business as aforesaid the Trustees or Trustee for the time being of this my Will shall pay to my said son Walter William Scott if he shall be then living such an amount as shall be equal to the amount received by the Trustees or Trustee for the time being of this my Will for or in respect of the share belonging to my estate or in the capital of the said partnership business and of all the goods and real estate held occupied or used in connection with such business And I further direct and declare that subject to the provisions in favor of my said wife and son hereinafter contained the Trustees or Trustee for the time being of this my Will shall stand possessed of the residuary trust estate Upon trust for all my daughters in equal shares Provided always and I declare that the Trustees or Trustee for the time being of this my Will shall retain the shares or shares which any daughter or daughters of me shall become entitled to of and in the residuary

trust

estate upon the trusts following that is to say to pay the income of the share of each such daughter to the same daughter during her life and so that if and so long she shall be under coverture the same shall be for her sole and separate use and she shall not have power to dispose of the same in the way of anticipation either present or after the decease of such daughter in trust for all or any one or more exclusive of the other or others of the children and remote issue of such daughter (such remote issue being born in his lifetime) at such ages or times age or time in such shares (greater than one) and in such manner as she any same daughter by her will or any trustee thereof shall appoint and in default of such appointment and so far as any such appointment shall not extend in trust for the children of my said daughter who being male shall attain the age of twenty one years or being female shall attain that age or marry in equal shares and if there shall be only one such child the whole to be in trust for that one child. But so nevertheless that no child who or any of whose issue shall be a share under any such appointment as aforesaid shall take any part of the residuary trust estate remaining unappointed without bringing the share appointed to him or her into hotchpot and accounting for the same accordingly unless any daughter making such appointment as aforesaid shall thereby direct the contrary. And in case there shall be no child of such daughter who being male shall attain the age of twenty one years or being female shall attain that age or marry then the trust for such daughter absolutely provided always and I hereby declare that if any daughter of mine shall die in my lifetime leaving a child or children who being male shall attain the age of twenty one years or being female shall attain that age or marry then and in every such case such child or children shall take (and if more than one equally between them) the share which his or their parent would have been entitled to and in the residuary trust estate if such parent had survived me. And I declare that the trustees or trustee for the time being of this my will may postpone the sale and conversion of my real and personal estate or any part thereof for so long as they or he may think fit and that notwithstanding that the property of the sale and conversion whereof shall be so postponed may be leased or tenure or may be otherwise of a perishable or wearing out nature and that the profits and income to accrue from and after my decease of and from each part of my real and personal estate as shall for the time being remain unsold and unconverted shall after payment thereof of all incidental expenses and outgoings be paid and applied to the person or persons and in the manner to whom and in which the income of the moneys produced by such sale and conversion would for the time being be payable or applicable under this my will if such sale and conversion had been actually made. And I empower the Trustees or Trustee for the time being of this my will from time to time to let any hereditaments for the time being remaining unsold either from year to year or for any term of years at such rent and subject to such covenants terms and conditions as they or he may think fit. And also to accept surrenders of leases and tenancies and generally to manage the said hereditaments in such manner as they or he may think fit. I appoint the said Richard Green John Charles Ferguson Thomas Griffiths Executors of this my will. And I authorize and empower the said Trustees or Trustee for the time being of this my will to deduct and retain from and out of the income which shall from time to time come to them or his hands under the trusts of this my will a commission or remuneration at the rate of two pounds ten shillings per centum on the amount of such income. And lastly I hereby revoke all former wills Testaments and dispositions heretofore made by me and declare this to be my last will and Testament. In witness whereof I the said John Scott the Testator have to this my last will and Testament contained in this and the three preceding sheets of paper before hand this twenty first day of April one thousand eight hundred and ninety

John Scott

Signed by the said John Scott the Testator as and for his last will and Testament in the presence of us both present at the same time who at his request in his presence and in the presence of each other have hereunto subscribed our names as witnesses. Witness my hand and seal this twenty first day of April one thousand eight hundred and ninety.