

110

IN THE SUPREME COURT OF  
VICTORIA

In the Probate Jurisdiction

IN THE WILL OF MINNIE CROMPTON  
late of 218 Hotham Street  
Elsterwick in the State of  
Victoria Widow deceased.

ORDER FOR PROBATE

Russell Bona & Russell  
19 Queen Street  
MELBOURNE  
Proctors for the applicant.



IN THE SUPREME COURT  
OF VICTORIA

In the Probate Jurisdiction

IN THE WILL of MINNIE CROMIE late of 218  
Hotham Street Elsternwick in the State of  
Victoria Widow deceased.

Before His Honor Mr. Justice Macfarlan  
The twenty-seventh day of November 1922

THE ORDER NISI herein dated the nineteenth day of October  
1922 coming on for hearing this day and upon reading the  
said Order Nisi and the several affidavits exhibits and  
the caveat therein referred to and the further order of this  
Court dated the twenty-sixth day of October 1922 and the  
affidavit of Geoffrey Francis Carmichael sworn and filed  
herein and upon hearing Mr. Clyne of counsel for William  
Henry Thomas the executor of the will of the above-named  
deceased, and Mr. Ket of counsel for Edward John Ford the  
caveator and the legal personal representative of Eliza  
Hyland the caveatrix herein BY CONSENT THIS COURT DOTH ORDER  
that the said Order Nisi be and the same is hereby made  
absolute AND it is further ordered that probate of the said  
Will be granted and committed to William Henry Thomas of  
218 Hotham Street Elsternwick in the said State Civil Servant  
the executor named in the said Will.

By the Court



*Walter S. Skipton*

Master-in-Equity

186011

In the Supreme Court  
of Victoria.

*[Signature]*  
IN THE PROBATE JURISDICTION.

IN THE WILL OF Minnie Cromie  
late of 218 Hotham Street  
Elsternwick in the State  
of Victoria widow deceased.

PROBATE.

I certify that the sum of *Twenty four pounds four shillings and six pence*  
the Duty on this Probate has been paid.

*[Signature]*  
*Deputy Commissioner of Taxes*

Russell Bona & Russell  
19 Queen Street  
Melbourne  
Proctors for the applicant.

Harston, Partridge & Co., Printers, Melbourne.

In the Supreme Court }  
OF VICTORIA.

IN THE PROBATE JURISDICTION.

IN THE WILL OF **Minnie Cromie** late of 218 Hotham Street  
Elsternwick in the State of Victoria Widow deceased

BE IT KNOWN that on the *23<sup>rd</sup>* day of *November*  
in the year of our Lord One thousand nine hundred and ~~twentytwo~~ *twentytwo* the will (a true  
copy of which is hereunto annexed) of **Minnie Cromie**  
State of Victoria Widow late of 218 Hotham Street Elsternwick in the  
deceased who died on the *eighth* day of *July*  
One thousand nine hundred and *twentytwo* and who had at the  
time of ~~her~~ death real estate within the jurisdiction sworn not to exceed in  
value **Seven hundred and fifty pounds**

If no "real  
estate" or no  
"personal  
estate" same  
must be stated.

and personal estate within the jurisdiction, sworn not to exceed in value **two  
hundred and eighty pounds sixteen shillings and sixpence**  
was proved by **William Henry Thomas of 218 Hotham Street  
Elsternwick aforesaid Civil Servant**

the execut~~or~~ named therein, he having been first sworn that he would  
well and truly collect and administer according to law the estate of the said  
**Minnie Cromie deceased** and would exhibit and deposit  
in the office of the Master-in-Equity a true and perfect inventory of the said  
estate within three months of the order granting Probate and a true and just  
account of **his** administration of the said estate within fifteen months of the  
said order.

~~This Grant is made upon the condition, that no portion of the assets shall  
be distributed or paid during the War to any beneficiary or creditor who is a  
German, Austro-Hungarian, Turkish, or Bulgarian subject wherever resident, or  
to any one on his behalf, or to or on behalf, of any person resident in Germany,  
Austria-Hungary, Turkey, or Bulgaria, of whatever nationality, without the express  
sanction of the Crown, and if any distribution or payment is made contrary to this  
condition the Grant of Probate or Letters of Administration will be forthwith  
revoked.~~

Given at Melbourne this *eighth* day of  
*January* in the year of our Lord One thousand  
nine hundred and ~~twenty-two~~ *twenty-two*

Seal

*OW.*  
*5.12.22*

*J. Carter*

Registrar of Probates.

186011

IN THE SUPREME COURT.  
OF VICTORIA.

PROBATE JURISDICTION.

IN THE WILL of

MINNIE CROMIE

late of 218 Hotham Street

Elsternwick

in the State of Victoria Widow

deceased.



AFFIDAVIT OF EXECUTOR



Russell Bona & Russell 1  
19 Queen Street  
Melbourne  
Proctors for the applicant.

Harston, Partridge & Co., Printers, Melbourne.

In the Supreme Court }  
OF VICTORIA.

PROBATE JURISDICTION.

IN THE WILL of MINNIE CROMIE

late of 218 Hotham Street Elsternwick

in the State of Victoria Widow

deceased

I WILLIAM HENRY THOMAS

of 218 Hotham Street Elsternwick

in the State of Victoria

Civil Servant

make oath and say—

1. That I seeking to obtain Probate of the Will  
of the above-named Minnie Cromie deceased  
and I am of the full age of twenty-one years.

2. The said deceased died on the eighth day of July  
One thousand nine hundred and twenty-two

3. The said deceased was un married at the time of her death.

4. The said deceased left a Will bearing date the twenty-fourth day of  
May One thousand nine hundred twenty-two which is as  
believe the last Will and Testament of the said deceased and which is unrevoked.

5. That the testat~~rix~~ was of the full age of twenty-one years at the date of the  
execution of the said Will.

6. By her said Will the said testat~~rix~~ appointed me this deponent the sole  
execut~~or~~ thereof.

7. The paper writing now produced and shown to me and marked "A" is  
the true last Will and Testament of the said deceased as I verily believe.

8. The said Will was executed in the presence of Alfred Henry Clarke of 218  
Hotham Street Elsternwick aforesaid Telegraph Lineman Victorian Railways  
Mary Harris of 218 Hotham Street Elsternwick aforesaid Domestic Servant

9. The said deceased left real estate in the State of Victoria not exceeding the  
value of Seven hundred and fifty pounds  
and personal property in the said State not exceeding the value of Two hundred and  
eighty pounds sixteen shillings and six pence

\*Inventory or  
Copy statement.

as set out in the\* Inventory now produced and shown to me and marked "B"

1030

10. That if I obtain probate I will well and truly collect and administer according to law to the best of my 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 me as executor or of any other person or persons for me that I 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 me or to the hands or possession of any other person or persons for me and the same so made will sign with my 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 I will make or cause to be made a true and just account of the Administration of the estate which I have undertaken as to my receipts and disbursements and as to what portion is retained by me and what portion remains uncollected and the same so made will sign with my 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.

*W. Thomas*

SWORN at **Melbourne** in the State  
of Victoria this *tenth*  
day of **August** One thousand  
nine hundred and **twenty-two**

*W. J. Thomas*

Before me

*W. Augustus Davis*

A Commissioner of the Supreme Court of the State of Victoria for taking Affidavits.

IN THE SUPREME COURT }  
OF VICTORIA }

PROBATE JURISDICTION

IN THE WILL of MINNIE CROMIE late  
of 218 Hotham Street, Elsterwick,  
in the State of Victoria, Widow --  
deceased

P R A E C I P E

for

SUBPOENA AD TEST



*2/10  
Stamp  
on subpoena*

A. G. HALL & WILCOX  
395 Collins Street, Melbourne  
Solicitors for Caveator and Legal  
Personal Representative of Caveatrix

186011

IN THE SUPREME COURT  
OF VICTORIA )

PROBATE JURISDICTION

IN THE WILL of MINNIE CROMIE late  
of 218 Hotham Street, Elsternwick  
in the State of Victoria Widow --  
deceased  
-----

S E A L Writ of Subpoena ad testificandum  
directed to :

ALFRED HENRY CLARKE  
ADA ELIZA UNITT  
AMELIA CLARICE ANDERSON  
ELIZABETH ALICE CLARKE

returnable the 20th day of November 1922.

D A T E D the 17th day of November 1922

*A. G. Hall & Wilton*

of 395 Collins Street Melbourne, Solicitors for  
the Caveator and for Legal Personal Representative  
of Caveatrix.

IN THE SUPREME COURT )  
OF VICTORIA )

Probate Jurisdiction

IN THE WILL of MINNIE CROMIE  
deceased and in the matter of  
a Caveat lodged therein.

RETURN OF )  
ORDER NISI ) Brief for Counsel

Mr. Clyne 2 Guas.

Mr. McArthur J.

Order that matter be placed in  
list of cases for hearing at the  
November sitting of Supreme Court  
at Melbourne before Judge without any  
other conditions deliver in writing  
particulars of objection as required  
by the rules within 7 days & that  
there be mutual discovery. Cost to  
be borne in the cause. T.S. Clyne  
26.10.22

Russell Bona & Russell  
19 Queen Street  
Melbourne  
Executor's Solicitors.  
-----

186011

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IN THE SUPREME COURT }  
OF VICTORIA }

Probate Jurid

*[Faint, illegible handwritten text]*

IN THE SUPREME COURT OF THE STATE OF  
VICTORIA

In the Probate Jurisdiction

IN THE WILL of MINNIE CROMIE  
deceased late of 218 Hotham  
Street Elsternwick in the State  
of Victoria widow deceased.

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ORDER NISI

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Russell Bona & Russell  
19 Queen Street  
Melbourne  
Executor's Solicitors.  
-----

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IN THE SUPREME COURT OF  
THE STATE OF VICTORIA

} In the Probate Jurisdiction

IN THE WILL of MINNIE CROMIE late of 218  
Hotham Street Elsternwick in the State of  
Victoria Widow deceased.

Before His Honor Mr. Justice McArthur  
Thursday the nineteenth day of October 1922

U P O N motion this day made by Mr. Clyne of counsel for William  
Henry Thomas the executor named in and appointed by the will of  
the above-named deceased and upon reading the affidavit of the  
said William Henry Thomas sworn in this matter on the tenth day of  
August 1922 and the exhibit marked "A" referred to in the said  
affidavit being the will of the said Minnie Cromie deceased dated  
the twenty-fourth day of May 1922 and the affidavit of Geoffrey  
Francis Carmichael sworn herein on the tenth day of August 1922  
and the Caveat dated the tenth day of August 1922 lodged herein by  
or on behalf of Eliza Hyland and Edward John Ford THIS COURT DOETH  
ORDER that the said Eliza Hyland and Edward John Ford do on  
Thursday the twenty-sixth day of October 1922 show cause unto this  
*Honorable* Court why Probate of the said will of the said Minnie Cromie  
deceased should not be granted to the said William Henry Thomas  
the executor named in the said will and why the said Eliza Hyland  
and Edward John Ford should not pay to the said William Henry  
Thomas his costs of all proceedings occasioned by the filing of the  
said Caveat and of this Order.

By the Court

  
Master-in-Equity.

IN THE SUPREME COURT }  
OF VICTORIA }

Probate Jurisdiction

IN THE WILL of MINNIE CROMIE  
late of 218 Hotham Street  
Elsternwick in the State of  
Victoria Widow deceased.

186011

ORDER ON RETURN OF ORDER NISI

*Open copy*

*10/*  
*Cancelled*  
*1/11/52*

Russell Bona & Russell  
19 Queen Street  
Melbourne  
Solicitors for the Executor  
-----

IN THE SUPREME COURT OF }  
THE STATE OF VICTORIA } In the Probate Jurisdiction


IN THE WILL of MINNIE CROMIE late of 218  
Hotham Street Elsternwick in the State  
of Victoria Widow deceased.

Before His Honor Mr. Justice McArthur

Thursday the twenty-sixth day of October 1922

The Order Nisi herein made the nineteenth day of October 1922 coming on for hearing this day and upon reading the said Order Nisi and upon hearing Mr. Clyne of Counsel for William Henry Thomas the executor named in the said Will and Mr. Read of Counsel for the Caveatrix and Caveator Eliza Hyland and Edward John Ford THIS COURT DOETH ORDER that this matter be placed in the list of causes for hearing at the November Sittings of this Honourable Court at Melbourne before a Judge without a jury AND THIS COURT DOETH FURTHER ORDER that the said Caveatrix and Caveator Eliza Hyland and Edward John Ford do within seven days from the date of the service hereof deliver to the said Executor William Henry Thomas in writing particulars of their objections to the grant of Probate of the said Will to the said Executor AND IT IS FURTHER ORDERED that the said Executor and the said Caveatrix and Caveator do make discovery on oath of all testamentary papers of the <sup>testatrix</sup> ~~testatrix~~ which are or have been in their possession power custody or control or which were in the possession power custody or control of the <sup>testatrix</sup> ~~testatrix~~ at the time of her death and afford inspection thereof when so desired AND IT IS FURTHER ORDERED that the costs up to and incidental to this Order be costs in the cause

By the Court

  
Master-in-Equity

IN THE SUPREME COURT }  
OF VICTORIA }

IN THE WILL of MINNIE CROMIE  
late of 218 Hotham Street, --  
Elsternwick in the State of  
Victoria, Widow deceased

-----  
P R A E C I P E  
for  
SUBPOENA DUCES TECUM



*2/6 on  
Subpoena*

A. G. HALL & WILCOX  
395 Collins Street,  
MELBOURNE

Solicitors for Caveator & Legal  
Personal Representative of Caveatrix

186011


IN THE SUPREME COURT  
OF VICTORIA

In its Probate Jurisdiction

IN THE WILL of MINNIE CROMIE late of  
218, Hotham Street, Elsternwick in  
the State of Victoria, Widow deceased  
-----

S E A L Writ of Subpoena duces tecum directed to  
the Master in Equity, Supreme Court, Melbourne,  
returnable the Twenty-seventh day of November One  
thousand nine hundred and twenty-two.

DATED the Twenty-fifth day of November, 1922



*A. G. Hall & Wilson*

of 395 Collins Street, Melbourne, Solicitors for  
the Caveator and for the Legal Personal Represen-  
tative of Caveatrix.

186011

In the Supreme Court

292 ---No.

PROBATE JURISDICTION

IN THE WILL of  
MINNIE CROMIE late  
of 218 Hotham Street  
Elsternwick in the  
State of Victoria  
Widow, deceased

604  
SUBPENA  
---AD-TEST  
DUCES TECUM  
(Sittings).

This Subpœna was issued by W. G. HALL & WILCOX

395 Collins Street, Melbourne -----

in the State of Victoria Solicitor for the **caveator**

and Estate of the Caveatrix deceased

A. G. HALL & WILCOX  
395 Collins Street,  
MELBOURNE.

In the Supreme Court

IN THE PROBATE JURISDICTION

-192-----No-

~~BETWEEN~~

IN THE WILL of MINNIE CROMIE  
late of 218 Hotham Street,  
Elsternwick in the State of  
Victoria, Widow deceased.

~~Plaintiff~~

~~and~~

~~Defendant~~

George V. by the Grace of God of the United Kingdom  
of Great Britain and Ireland and of the British Dominions  
beyond the Seas King Defender of the Faith.

To the Master in Equity, Supreme Court, Melbourne.

GREETING--

We command you to attend at the Sittings of our Supreme Court to be holden at the  
Law Courts Melbourne on Monday ----- the Twenty - seventh -----  
day of November ----- 1922 at the hour of half past ten -----  
o'clock in the fore noon and so from day to day during the said Sittings until the  
above cause is tried to give evidence on behalf of the Caveator and the Legal Personal  
Representative of the Caveatrix deceased and also to bring with you and  
produce at the time and place aforesaid (1) the Will of ELIZA HYLAND late  
of 98 Charles Street, Northcote in the State of Victoria, Widow deceased  
and (2) the Order granting Probate thereof to the Executor named therein.

WITNESS The Honorable Sir William Hill Irvine K.C.M.G.

CHIEF JUSTICE of our Supreme Court at Melbourne the  
Twenty-fifth day of November -----

in the year of our Lord One thousand nine hundred and twenty-two.

by the Court of  
Chas. J. Templeton  
Master in Equity

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PS

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IN THE SUPREME COURT  
OF VICTORIA.

PROBATE JURISDICTION.

IN THE WILL

of **Minnie Cromie**

late of **218 Hotham Street**  
**Elsternwick**

in the State of Victoria **Widow**

deceased

**ORDER**

FOR

**P R O B A T E**

**Russell Bona & Russell**  
**19 Queen Street**  
**Melbourne**  
Proctors for the applicant

Harston, Partridge & Co., Printers, Melbourne.

In the Supreme Court }  
OF VICTORIA.

PROBATE JURISDICTION.

IN the Will of Minnie Cromie  
late of 218 Hotham Street Elsternwick  
in the State of Victoria Widow deceased

BEFORE THE REGISTRAR.

THE day of 19 22

UPON APPLICATION this day made by the Proctor for the applicant and upon reading the several affidavits of William Henry Thomas and Geoffrey Francis Carmichael respectively sworn and filed herein

THIS COURT DOTH ORDER that Probate of the will  
of the said Minnie Cromie  
be granted to William Henry Thomas  
of 218 Hotham Street Elsternwick  
in the State of Victoria Civil Servant  
the sole executor named in and appointed by the said Will

BY THE COURT

Registrar of Probates.

186011

u Stromes

Post-Monetary  
notified

26/10/14

Post -  
notified  
notified

114 308  
notified

2 October

22

The Prothonotary  
Melbourne

Sir,

In the Will of MINNIE CROMIE late of  
218 Hotham Street Elsternwick Widow.

His Honor Mr Justice McArthur has, by an  
Order dated the 26th October 1922, directed that  
this matter be placed in the list of causes for -  
hearing at the November Sittings of the Supreme  
Court at Melbourne before a Judge without a jury.

The Proctors in the matter are For the  
Caveators - Messrs A.G.Hall & Wilcox and for the  
Propounder of the Will Messrs Russell Bona &  
Russell.

Yours obediently,

Master in Equity

186011  
IN THE SUPREME COURT  
OF VICTORIA

In the Probate Jurisdiction

IN THE WILL of MINNIE  
CROMIE late of 218, Hotham  
Street, Elsterwick in the  
State of Victoria, widow  
deceased.

AFFIDAVIT FILED IN EQUITY OFFICE  
OF THE MASTER IN EQUITY  
MELBOURNE  
26 DEC 22  
FORD

This Affidavit is filed on be-  
half of the Caveator EDWARD  
JOHN FORD.



A. G. HALL & WILCOX  
395 Collins Street  
MELBOURNE.  
Proctors for the said Edward  
John Ford.

IN THE SUPREME COURT ( )  
OF VICTORIA )

In its Probate Jurisdiction

IN THE WILL of MINNIE CROMIE late of  
218, Hotham Street, Elsternwick in the  
State of Victoria, Widow deceased

--

I, EDWARD JOHN FORD of 98, Charles Street, Northcote in the  
State of Victoria Carrier make oath and say as follows that is  
to say :

1. I AM the Caveator named in the Caveat herein dated the  
Second day of August One thousand nine hundred and twenty-two  
and lodged with the Registrar of Probates on the Eleventh day of  
August One thousand nine hundred and twenty-two
2. THE Caveatrix named in the said Caveat, Eliza Hyland, the  
mother of the said Minnie Cromie deceased, died on the Twenty-  
third day of October instant leaving a Will dated the Twenty-  
second day of August One thousand nine hundred and twenty-two and  
and thereby appointed me her sole executor
3. I INTEND taking immediate steps to prove the Will of the  
said ELIZA HYLAND, <sup>deceased</sup> as executor thereof as aforesaid
4. AS legal personal representative of the said ELIZA HYLAND  
deceased, I object to the Grant of Probate of the Will of the said  
MINNIE CROMIE deceased
5. THE grounds of my objection to such Grant of Probate are that  
the said Will of MINNIE CROMIE deceased was not executed in con-  
formity with the Wills Act and that undue influence was exercised  
upon the said deceased.

S W O R N at Melbourne in the  
State of Victoria this 25<sup>th</sup>  
day of October One thousand nine hun-  
dred and twenty-two - Before me/

} E. J. Ford

*E. J. Ford*

A Commissioner of the Supreme Court of the State of Victoria for  
taking Affidavits.