

93.176

IN THE SUPREME COURT OF
THE STATE OF VICTORIA.

PROBATE JURISDICTION.

In the will of Carl Theodor
Kawerau late of Eastwood Stre
Street Ballarat East in the
State of Victoria gentleman
deceased .

— A C C O U N T —



David Clarke
Solicitor

B A L L A R A T .

<u>ASSETS.</u>	£	s	d.	<u>DISTRIBUTIONS.</u>	£	s	d
Cash found on deceased				J.M.Gray groceries		6	0
			16-15-5	J.King Drugs		2	6
Proceeds sale of --				Mrs Listerger Board			
effects	3	5	3	and attendance	8	0	0
Amount received from				Wing Kee Medical --			
Christ Church -----				attendance	2	7	6
sustentation fund	3	10	0	Dr Salmon Medical			
Amount received for				attendance & Certificate			
Funeral expenses ---				of death	1	11	6
from Trustees -----				Hill & Grose -----			
sustentation Fund	8	16	6	Commission on sale of			
Deposit in Union Bank				furniture		7	6
and interest	152	2	6	C.Morris funeral			
Amount of assurance				expenses	7	16	6
policy in London --				Bennett repairs Grave	1	0	0
Lancashire Co.	200	0	0	Certificate of Death		7	6
				Minnie C Thiodon legacy			
						50	0
				H.C.Herbert legacy	15	0	0
				Exchange on cheque			
				£ 200		2	6
				D.Clarke legal expenses			
						12	12
				Probate duty affidavit			
				and other fees and			
				advertising	16	15	10
				Stamps		2	2
				H.C.Herbert commission	9	12	3
				Glasbrenner C do	9	12	3
				Bank charges		5	0
				Balance to W.A.Brahe			
				German Consul ^{Consul} in trust			
						248	8
						384	9
						8	8

Henry C. Verbeke
Carl O. Glasbrenner

Executors.-

£ 384 - 9 - 8

248 - 8 - 8
 £ 384 - 9 - 8

~~IN THE SUPREME COURT OF THE~~
~~STATE OF VICTORIA.~~

~~PROBATE JURISDICTION~~

~~In the will of Carl Theodor~~

~~Kawerau late of Eastwood Street~~

~~Ballarat East in the State of~~

Victoria Gentleman deceased .

~~A C C O U N T~~

~~David Clarke~~

~~Solicitor~~

~~BALLARAT~~

IN THE SUPREME COURT OF)
THE STATE OF VICTORIA.)

PROBATE JURISDICTION.

IN THE WILL of Carl Theodor Kawerau
late of Eastwood Street Ballarat East
in the state of Victoria Gentleman
deceased.

WE Henry Charles Herbert of Lydiard Street Ballarat in the
State of Victoria Auctioneer and Carl Glasbrenner of Eastwood
Street Ballarat East in the said State Watchmaker executors
of the estate of above named Carl Theodor Kawerau deceased
do hereby respectively certify that the following is a true
and just account of our administration of the estate of the
said deceased up to the date hereof.

Dated this 31st day of March One thousand
nine hundred and five. _____

Henry Charles Herbert }
Carl Glasbrenner. } Executors

93 176

IN THE SUPREME COURT OF VICTORIA
PROBATE JURISDICTION

IN THE WILL OF CARL THEODOR
KAWERAU late of Eastwood Street
Ballarat East in the State of
Victoria Gentleman deceased.

AFFIDAVIT OF SEARCHES



Arthur Phillips
60 Queen Street Melbourne
for David Clarke
Ballarat.

IN THE SUPREME COURT)
OF VICTORIA)

IN ITS PROBATE JURISDICTION

Q
IN THE WILL of CARL THEODOR KAWERAN
late of Eastwood Street Ballarat
East in the State of Victoria
Gentleman deceased.

I CALEB ALBERT EVANS of 60 Queen Street Melbourne Clerk to
Mr Arthur Phillips of the same place Solicitor make oath and say
as follows:-

1. That I have since the death of the abovenamed deceased
searched and find that no will of the said deceased is deposited
in the Office of the Registrar General.
2. That I have this day searched in the proper office of this
Honorable Court and find that no caveat is lodged in this matter.
3. That no application for probate or administration in this
matter *Q* has heretofore been made to or been granted by this Honorable
Court or to or by the Registrar of Probates of this Court.

SWORN at Melbourne in the State of Victoria)
this sixth day of October 1904.)

Before me

W. Evans

W. Evans

A Commissioner of the Supreme Court of Victoria for taking affidavits

83 170

in the Supreme Court
of Victoria

Probate Jurisdiction

in the Will of Carl
Theodor Hansen late
of Eastwood District District
East in the State of
Victoria Gentleman
deceased.

Applicant
of
Carl Theodor Hansen.



David Clarke
Solicitor
Ballarat

In the Supreme Court }
of Victoria

Probate Jurisdiction

In the Will of Carl Theodor
Kawerau late of Eastwood Street
Ballarat East in the State of
Victoria Gentleman deceased.

I Carl Glasbrenner of Eastwood Street Ballarat
East in the State of Victoria Watch maker make
oath and say as follows:

1. I am one of the executors now seeking to obtain probate of the will of the abovenamed deceased.

2. I was well acquainted with the said deceased for a great many years prior to the date of his death.

3. In September 1904 the deceased sent for me. On going to the place where he was residing I saw the deceased. He said that he wished me to write a letter for him to his nephew Julius Bauer at Dornholzhausen near Homburg - Germany. I sat down and wrote in German as he dictated it to me the letter a copy of which is hereunto annexed marked A.

4. The said deceased thereupon signed the said letter and handed it to me requesting me to give it to Henry Charles Herbert of Lydiard Street Ballarat Auctioneer with instructions not to post it until after his the said Carl Theodor Kawerau's death.

5. On the following day I handed the said letter to the said Henry Charles Herbert and I am informed by the said Henry Charles

Herbert and verily believe that on the death of the said Carl Theodor Kaueran he forwarded the said letter to the said Julius Bauer at his address above given.

6. On the first day of November 1904 I caused my Solicitor Mr. David Clarke of Lydiard Street Ballarat to write to the said Julius Bauer as follows:

November 1st 1904.

Mr. Julius Bauer
Dornholzhausen.
A. D. Höhe
near Homburg,
Germany.

Dear Sir,

Your uncle Mr. Carl Theodor Kaueran of this City died here recently. I enclose a copy of his will. In it you will notice that he refers to certain letters which he has written to you instructing you how the balance of his estate is to be distributed among his nephews or nieces. The net value of the estate only amounts to about £360, but before the money can be obtained the will must be duly proved in the Supreme Court of this State. The court requires the production of the letters mentioned in the will. Will you please communicate with me by return mail and if you have the letters forward them on to me.

If you have not got the letters let me know what has become of them and if you can let me know what the instructions in them were. By doing so the executors will be able to get the money and remit

it without delay.

Yours truly
David Clarke.

and on the eleventh day of January 1905 my said Solicitor received from the said Julius Bauer a reply enclosing the said copy letter herunto annexed marked A which reply was as follows:

Dornholzhausen b. Homburg. a. d. H.
December 4 1904.

Mr. David Clarke
Barrister and Solicitor
Lynn's Chambers,
Lydiard Street
Ballarat.

Dear Sir

I got your letter and the copy of my uncle Carl Theodor Kaueran's last will. In September I received a letter from my uncle in which he instructed me how to distribute the balance of his estate among his nephews and nieces after his death. The copy of this last letter you will find duly proved by the mayor of my dwelling place inclosed in this writing and so the last will of my uncle may duly proved in the Supreme Court of your State, that the money may be forwarded to me in order to fulfill the last wishes of my dead uncle. You will kindly tell me if the first mentioned person Minnie King is still living. When the executors have got the money you will kindly give me notice and remit it to me.

Yours truly
Julius Bauer.

7. The document herunto annexed marked B.

is a correct interpretation in English of the said copy letter marked A.

S. On the first day of November 1904 I caused my said Solicitor to write to Maria the wife of Jacob Jetzler mentioned in the will of deceased which has been lodged herein to her address as given in the said ^{similar to that written to the said Julius Kauer-} will and on the eleventh day of January 1905 my said Solicitor received from her a reply in German of which the true and correct interpretation into English is as follows:-

Diesenhofen St. Thurgau Schweiz
5th November 1904.

My Dear Sir,

I thank you very much for your letter of this year and first I must ask your forgiveness for writing in German, but it is nearly fifty years since I learned English, and consequently I cannot now answer fluently in that language. I am sorry that I cannot send you the letter to which my uncle refers in his will, as I never received anyone of that kind. The enclosed card of the first of June 1903 is the last communication that I received from him. As I remained up to this Autumn without any news, I wrote in the beginning of November a card to him which has perhaps by this time reached its destination, and asked for news. This I addressed direct to Ballarat, for, as I did not know his exact address, and wished my letters to go right, if he were living I used

to send my letters to him usually through the German Consulate in Melbourne. Perhaps you may find in the papers he has left behind a copy of the letter that is wanted I am very sorry indeed that I have not received it but perhaps the writer of the card Mr. Lottberger remembers if my uncle wrote and what he wrote. His last letters he dictated to a friend and just put his name to it as weakness of his eyes prevented him writing himself. Two years ago we removed from Schaffhausen to Diesenhofen and my last letter was written to him about the end of January 1903 in which I told him that either the letter in question was lost or was not written to you and that he only fancied he had written it as it often happens with old people that they forget things. If no memorandum be found it is best that the money be sent to me and that I to the best of my knowledge distribute it amongst his heirs, at any rate that would be the simplest way. It would also be very pleasant to me to learn something of the last days and the end of my uncle also the day of his death, and perhaps Mr. Lottberger or someone else would be kind enough to give me information about it.

Hoping for further news.

I am

most respectfully,

Frau Marie Jetzler-Sauer

Oberhof Diesenhofen St. Thurgau

I am a German by birth and in addition to being able to speak and write the English language I am able to speak

and write the German language correctly.

Sworn at Ballarat in
the State of Victoria } ^{made} Carl. Glax Brunner.
this 25th day of
January 1905
Before me

Josuead MacDermott
A Commissioner of the Supreme Court of the
State of Victoria for taking Affidavits—

93 176
In the Supreme Court of
the State of Victoria

Probate Jurisdiction

In the Will of Paul Morda
Seaman late of Eastwood
Street Ballarat East
in the State of Victoria
gentleman deceased.

Applicant

of
Charles Edward Herbert.



David Clarke
Solicitor Ballarat

In the Supreme Court }
of Victoria } Probate Jurisdiction

In the Will of Carl Theodor
Kawerau late of Eastwood
Street Ballarat East in the
State of Victoria gentleman
deceased.

I Charles Edward Herbert of Lydiard Street
Ballarat in the State of Victoria Clerk make
oath and say as follows:-

1. Referring to my Affidavit sworn
herein on the fifth day of October 1904
and filed herein I say that at the time
of execution by the abovesaid deceased of his
will as mentioned in my said Affidavit -
Grame Dowling referred to in my said Affidavit
and I were respectively standing in such
positions as regards the said deceased that
if the deceased had not been blind at the
time of such execution he would have seen the
said Grame Dowling and I sign our names
respectively as described in the said Affidavit.

Sworn at Ballarat in
the State of Victoria
this 3rd day of February
1905.

Before me

Josueva MacDonnell

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

83 176
In the Supreme Court of the

State of Victoria

Probate Jurisdiction

In the Will of Carl
Theodor Sauerma late of
Southwood Street Ballarat
Esq in the State of
Victoria Gentleman deceased

Applicant

of
Charles Edward Herbert



Edward Clarke
Solicitor
Ballarat

In the Supreme Court of }
the State of Victoria }

Probate Jurisdiction

In the Will of Carl Theodor
Kaweraw late of Eastwood Street
Ballarat East in the State of
Victoria Gentleman deceased.

I Charles Edward Herbert of Lydiard Street
Ballarat in the State of Victoria Clerk make
oath and say as follows :-

1. I am employed at the office of Messieurs
Hepburn Dowling and Crawford Auctioneers Lydiard
Street Ballarat aforesaid.

2. On the eighth day of April 1904 Carl
Theodor Kaweraw the abovesaid deceased came
into the said office and said to me in the presence of
Graeme Dowling another clerk employed in the
said office that he wished me to draw up his will.
The deceased was very old and feeble and was unable
to see. When so requested as aforesaid I proceeded
to draw up the will of the deceased in his presence
from instructions which he then dictated to me
and the will now produced and shown to me
marked A is the will which I then drew up.
Immediately I had finished writing out the said
will I read it over to him in the presence of the
said Graeme Dowling and asked the said deceased
in the hearing of the said Graeme Dowling if it
was drawn up in the terms he desired and he
replied that it was perfectly correct. I then
in the presence and hearing of the said Graeme
Dowling asked the deceased to sign the said

will and directed his hand to the place where he had to sign and I held the paper on which the said will is written so that he could do so. The deceased then signed the said will where his signature now appears thereon in the sight and presence of the said Graeme Dowling and myself both present at the same time but owing to the deceased being blind he had considerable difficulty in writing his name at all legibly.

3. Immediately the said deceased had so executed the said will the said Graeme Dowling and I at the request of the said deceased and in his presence and in the presence of each other respectively affixed our signatures to the said will as witnesses attesting its execution as aforesaid as now appears thereon.

JMD
4. The signature affixed to the said will and purporting to be the signature of the said deceased is of the proper handwriting of the said deceased and the signatures "Graeme Dowling" and "Charles Edward Herbert" to the said will subscribed are of the respective proper handwritings of the said Graeme Dowling and myself.

Sworn at Ballarat in the
State of Victoria this 5th
day of October 1904 } Charles Edward Herbert
Before me.

J. J. MacDermott

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

93 176

In the Supreme Court of the
State of Victoria

Probate Jurisdiction

In the Will of Carl Theodor
Petersen late of Eastward
Street Ballarat last in the
State of Victoria Gentleman
deceased.

Applicant

Præsumptively



David Clarke
Attorney
Ballarat

In the Supreme Court of the }
State of Victoria

Probate Jurisdiction.

In the Will of Carl Theodor Kawerau
late of Eastwood Street Ballarat East
in the State of Victoria Gentleman deceased

I Erasmus Dowling of Lydiard Street Ballarat in the
State of Victoria Clerk make oath and say:

1. — That I have read the affidavit of Charles
Edward Herbert sworn herein on the 5th day of
October 1904 and I say that the statements
therein contained are true and correct.

Sworn at Ballarat in the }
State of Victoria this 5th } Erasmus Dowling
day of October 1904 }
Before me.

Thomasina MacDermott

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

"A"

In the Supreme Court
OF VICTORIA.

IN THE PROBATE JURISDICTION.

IN THE Will of Carl Theodor Kawerau late of
Eastwood Street Ballarat East in the State
of Victoria Gentleman deceased. —

149/04 ✓

STATEMENT OF ASSETS AND LIABILITIES.

ASSETS—Real Estate.

Nil

Carried Forward £

In the Supreme Court

OF VICTORIA.

PROBATE JURISDICTION.

IN THE

Will
of *Carl Theodor Kawerau*
late of *Eastwood Street Ballarat East*
in the State of Victoria *Gentleman*
deceased

Mc Henry Charles Herbert of Lydiard Street Ballarat in the State of Victoria Auctioneer and Carl Glasbrenner of Eastwood Street Ballarat East in the said State Watchmaker in the State of Victoria jointly and 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, that the values thereof as therein set forth are the true and full values of the several particulars therein mentioned respectively and that the liabilities therein stated are justly due thereon and that the balance of *£361 3/8*

therein appearing is the full net value of the said real and personal estate

2. That the said deceased did not within 12 months immediately preceding his death make any conveyance or assignment gift delivery or transfer of any estate real or personal purporting to operate as an immediate gift *inter vivos* whether by way of transfer delivery declaration of trust or otherwise*

3. That the said deceased did not at any time make any conveyance or assignment gift delivery or transfer of any estate real or personal relating to any property of which property *bona fide* possession and enjoyment had not been assumed by the donee immediately upon the gift and thenceforward retained by him to the entire exclusion of the deceased or of any benefit to him by contract or otherwise*

4. That the said deceased immediately preceding his death did not hold any property whatsoever as a joint tenant*

5. That the said deceased at the time of his death had not a general power of appointment by deed or will over any property whatsoever†

6. That the following are the particulars of the relationship to the said deceased of the persons beneficially entitled under the *Will* of the said deceased namely— *Mary Kawerau of parts beyond the seas widow a sister in law of the deceased and his nephews Peter and Fritz and his nieces Marie and Julie all of Switzerland.*

Sworn by the abovenamed *Henry Charles Herbert* at *Ballarat* in the State of Victoria this *1st* day of *October* 1904.

Henry C Herbert

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

by the abovenamed *Carl Glasbrenner* in the State of Victoria SWORN at *Ballarat* this *1st* day of *October*

Carl Glasbrenner

One thousand nine hundred and *four*

Before me

Thomas Mac Dermott

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

* If he did, state save and except and give full particulars of the property and the value of same at deceased's death.

† If he had, state save and except and give full particulars of the property and the value of same at deceased's death.

‡ Where the widow and children or widow or children are entitled and the total net value of the estate does not exceed £2,000 it must be stated in the affidavit that the total value in and out of Victoria does not exceed that sum.

Das vorstehende Brief-Abdruck ist y.
Kameran Theodor mit dem mir 1204=
gelagtem Original inbestimmter Art
y. Lombig's Institut —

Hochholzhausen am 5. December 1904.



For Bürgermeister

[Handwritten signature]

This is the copy letter marked A
referred to in the annexed Affidavit
of Carl Glasbrenner, sworn
this 25th day of January 1905
Before me.

Janssen

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

Offizial

A

Memorandum

Ballarat Deutsche Verein
Phönix Hotel
Barkly Street.

Ballarat September 1904
An Herrn Julius Bauer
Dornhölzhausen bei Kromburg.

Lieber Herr,

Wann du diese Zeilen erfährst bin ich mir
sicher das du lebend sein wirst.

Ich habe bestimmt das mein (Kaufmann) in
Kriegszeiten sehr groß, nach Erfüllung aller finanziellen
verbindlichkeiten - das heißt n. s. w. das die finanzielle
Lage das die zugrunde wurde.

Ich habe dich zu meinem Vormünder ernannt
das die Angelegenheiten, bitte ich dich, gewissenhaft zu
den mich zu die Zeit lebenden Waisen und Kindern,
den Kindern meines Gesessenen - Peter, Fritz, Marie
und Julie zu verwalten, da traue ich allen gleich
stehen als Oudanten vom alten Oudel Theodor.

Es war eine Zeit, wo ich sollte als nachgebender
Mann in die alte Familie zurück zu gehen -
es sollte nicht sein. =

P. S. Ich habe mich sehr geäußert von dem
Marie zu hören, das du so wohl gegangenen
sollst, das es dir angenehm sein wird die
deiner Tätigkeit in Kromburg zu gewinnen.

Ich habe mich mit dem Geistlichen
Theodor Kromburg

Copy.

MEMORANDUM.

Ballarat Deutscher Verein,
Phoenix Hotel,
Barkly Street.

Ballarat, September 1904
To Mr Julius Bauer
Dornholzhausen
bei Homburg

Dear Nephew

When you receive these lines I shall no longer be amongst the living.

I have by Will determined that my estate (it will not be very large) after payment of my debts burial expenses etc. shall be sent to you through the German Consulate of his Country.

I have chosen you as my Confidential Agent. What will be sent to you I ask you to divide equally between the still living nephews and nieces - the children of my brothers and sisters - Peter Fritz, Marie, and Julie, as they are all equally dear to me, in memory of their old Uncle Theodore.

There was a time when I hoped to return to the old native land as a wealthy man - but it was not to be.

P.S. I have been very glad to hear from your sister Marie that you are doing so well, and I hope that it will be granted to you to enjoy the fruits of your industry in good health.

I remember you
your
good bye
Theodor Kammerer

I hereby Attest that the foregoing letter
- a copy of the deceased Kameran's Theodor -
coincides with the Original placed before
me.

Dornholzhausen December 5th 1904.

Aslemönn
Mayor

This is the document marked B
referred to in the annexed Affidavit
of Carl Glasbrenner sworn
this 25th day of January 1905.

Before me.

Johann von Demm

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

93 176

IN THE SUPREME COURT OF VICTORIA
PROBATE JURISDICTION

[Handwritten signature]

IN THE WILL OF **THEODOR
KAWERAN** late of Westwood Street
Ballarat in the State of
Victoria a Gentleman deceased.

[Large handwritten signature]
WILL FOR PROBATE



[Handwritten notes:]
? 252
All fold
113

Arthur Phillips
for David Clarke
Ballarat

[Faint, illegible handwritten text on the left side of the page, possibly bleed-through from the reverse side.]