

13/884

In the Supreme Court
of the Colony of Victoria

Probate Jurisdiction

In the Will of
Charles Albert Frederick
deceased

Attestation of
which

Applicant of
A. E. Heuerlein
verifying statement

Attest



A. V. Smith

In the Supreme Court
of the Colony of Victoria

In its Probate Jurisdiction

In the Will of Charles Albert Frederick
Eller late of Hamburg in Germany
Gentleman deceased

I August Christian Huenerbein of
Melbourne in the Colony of Victoria Importer
make oath and say:—

1. That Probate of a certified copy of the Will
of the above named Charles Albert Frederick Eller was
on the eleventh day of October one thousand eight
hundred and seventy five granted to me as one of
the Executors nominated by the said Will George
Haswell Oakley the other Executor nominated by the
said Will having duly renounced Probate thereof

2. That the paper writing or Statement and
Inventory hereto annexed marked A contains to the
best of my knowledge and belief true particulars
of the Estate of or to which the said Testator was
at his death possessed or entitled and the value
thereof and of the debts due by the said Testator
and an Inventory of all and singular the property
lands and hereditaments goods chattels and credits
of the said Testator which have come to my hands
possession or knowledge or to the hands or possession
of any other person or persons for me

3. That the balance of Seven thousand six
hundred and eighty nine pounds fourteen shillings
and four pence appearing by the said paper writing
to remain after deducting the total amount of such

debts from the value of the Estate of the said
Testator is the true balance of the Estate of the
said Testator so far as I know and believe

4. That by the said will the said Testator gave
all his property with the exception of two small
legacies which are so far as I know and believe
provided for out of the Estate in Europe to his
three children

Sworn at Melbourne in the
Colony of Victoria this —
eleventh day of December
one thousand eight hundred
and seventy five —

Before me

A. C. Hume

W. H. Main

A Commissioner of the Supreme Court of the
Colony of Victoria for taking affidavits —

In the Supreme Court
of the County of Victoria

13/8/84
Probate Jurisdiction

In the Will of
E. A. F. Elliston deceased

Applicant of
Executor



W. H. Small

In the Supreme Court
of the Colony of Victoria

In its Probate Jurisdiction

In the Will of Charles Albert Frederick
Maler late of Hamburg in Germany
Gentleman deceased

I August Christian Huenerbein of Melbourne in the
Colony of Victoria Importer — make oath and say

1. That by the Mail which arrived in this Colony from
Europe in the month of July last I received a letter from
Gustav Schramm of Hamburg in Germany Agent accompanied
by the Certificate hereto annexed marked "A"

2. That I am well acquainted with both the German and
English languages and the paper writing hereto annexed marked
"B" contains a true and correct translation of such Certificate
into the English language furnished to me by William Hermann
Tischer of Melbourne aforesaid Acting Imperial Consul for
Germany

3. That from the information so received as aforesaid as well
as from previous telegrams and letters informing me thereof
I am enabled to state as to my belief that the said Charles
Albert Frederick Maler died at Florence in Italy on the eleventh
day of April last and that his remains were removed to the
town of his late residence Hamburg ~~V. A. H.~~ and interred
there on the twenty seventh day of the same month of April

4. That the said Gustav Schramm for several years
previously to and down to the death of the said Charles Albert
Frederick Maler as aforesaid acted as Manager or representative
for him in Hamburg aforesaid in certain mercantile business chiefly
relating to the export from Germany to this Colony for sale
here of musical instruments and other merchandize and
for several years past I have also acted as the Agent in
Melbourne aforesaid of the said Charles Albert Frederick Maler

deceased in connection with the same business here and during such period I have been in frequent correspondence with the said Charles Albert Frederick Otter and also with the said Gustav Schramm and during the time I have so acted as Agent and for many years previously thereto I know that the said Charles Albert Frederick Otter deceased resided with his family in ^{rd. No. 4} Homburg aforesaid

5 That as I verily believe the said Charles Albert Frederick Otter made his Will dated the twenty seventh day of February one thousand eight hundred and seventy five and which Will is as I verily believe unrevoked

6 That by the said Will the said Charles Albert Frederick Otter appointed me this deponent and George Haswell Oakley of Melbourne aforesaid Executors thereof so far as his Estate in Australia is concerned and by the same Will he appointed the said Gustav Schramm Executor thereof so far as the regulation of his Estate in Europe was concerned

7 That as I am informed and believe the said George Haswell Oakley has duly renounced the Probate and Executorship of the said Will

8 That as I verily believe the said Charles Albert Frederick Otter left property in Germany aforesaid not exceeding in value Three hundred pounds

9 That I am seeking to obtain Probate of the said Will and if I obtain such 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 his 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 ^{calendar} fifteen months next ensuing the order granting Probate

10. That the said Charles Albert Frederick Mates deceased left no Real Estate in this colony so far as I know and believe but he left Personal Estate in the said colony not exceeding in value as I believe the sum of Seven or eight thousand pounds —

Sworn at Melbourne in the
colony of Victoria this Fifth
day of October one thousand
eight hundred and seventy
five — Before me

A. C. Hummerstein.

James Scott

A Commissioner of the Supreme Court of the
colony of Victoria for taking affidavits

In the Supreme Court
of the Colony of Victoria

In the Probate Jurisdiction

In the Will of Charles Albert Friedrich Moller
late of Hamburg in Germany Gentleman deceased

This is the paper writing marked B opened & in the affidavit of August-
Christian Heuserlein and the witnesses signed this 7th day of-
October 1875 - Before me.

Amelia Savage

A Commissioner &

Translation.

B

Extract.

from the Registry of deaths of the evangelical
lutheran parish.

Hamburg v. a. Höhe of the year 1875 No. 49.

In the year of Christ Eighteen hundred
seventy five on the eleventh of April at
eleven o'clock at night, died in St. Lorenz:

Carl Albert Friedrich Moller, gentleman,
from Melbourne, Australia, widower from
Jane, Charlotte, nee Coghill, at an age of
47 years and 16 days (born at Kustrelitz
on the 25 March 1828) and was buried
in the cemetery here according to christian
usage on the 24th of April, at 4 o'clock in
the afternoon in the presence of the sexton
of the church Wilhelm Daumhof and of the
gravedigger Heinrich Zimmerling, who
both as well as myself the minister signed
this registry.

sig: Wilh. Daumhof. sig: H. Zimmerling
(S. S.) v. Gross.

That the foregoing correctly extracted
from the registry of deaths of this
evangelic-lutheran parish and of the
same tenor is, is hereby certified by
me, the minister there, under my own
hand with the seal of this parish
attached. So done Hamburg v. a. Höhe
29th April 1875.

sig: v. Gross
Pastor prim: over

The above signature of den Pastor permarino
Gross of this place is hereby verified.

Hamburg den 29^{ten} April 1875.

(L. S.)

Royal Town Court
II Section

sig: L. Stumpff.

Chief Justice of the Royal Town Court.

Seen for legalization of the signature
of L. Stumpff Chief Justice of the
Royal Town Court Section II of Hamburg

Frankfurt am 29^{ten} April 1875

sig: C. L. Kuchel

H. B. M. Consul.

I hereby certify that the foregoing
is a true and correct translation
of the annexed document (marked B)
written in the German language.

Melbourne 4th August 1875.

The Acting Consul of the German Empire.



W. H. Wischer

"E"

This is the paper marked "E" produced and sworn to William Hermann Hecker at the time of swearing his affidavit in this matter sworn this fourth day of October 1875 Before me

W. H. H. Air Auszug

A Commissioner to

In the Supreme Court of the County of Cook
In the Will of Charles Albert Frederick states take of Homburg in Germany - Gentleman deceased -

"A"

This is the Certificate marked "A" referred to in the affidavit of August Christian Huemerlein and thereto annexed sworn this fifth day of October 1875 Before me

James S. Lehigh
A Commissioner to

dem Erb-Protokoll der evangelisch-lutherischen Pfarren

Homburg v. d. Höhe, vom Jahr 1875 Nr. 49.

Im Jahr Christi nebstzugeschrieben fünf und
sinzigsten des alten April Abends um 4
Uhr in Florenz: Carl Albert Friedrich
Mater, Knabe, aus Melbourne, Australien,
- Sohn von Jane Charlotte geb: Coghill
im einem Alter von 47 Jahren 16 Tagen
(geboren zu Vinszenz d. 25. März 1828.)
und wurde nach fünfzigstündigem Krampf am
April, Donnerstag 4 Uhr, in Gegenwart der
Pfarrenmänner Wilhelm Dannhof und
Lehrermeister Heinrich Zimmerling, welche beide
anwesend waren, im Schlaf, in der Photo Hall
in der Pfarrhaus zu Homburg.

Wilk: Dannhof, H. Zimmerling. *Gross*
Starb & Leichnam

Das Vorstehendes aus dem
Protokoll der evangelisch-lutherischen Pfarren dahier getreulich extrahiert und dem-
selben gleichlautend, sey, wird von mir, der Zeit Pfarrer allda, pflichtmäßig bezeugt,
urkundlich meiner eigenhändigen Namens-Unterschrift und begedruckten Siegels
der hiesigen Pfarren. -- So geschehen

Homburg v. d. Höhe, den 29. April 1875.

Gross Oberpfarrer

In demselben eigenhändigen Namens-Unterschrift steht da
Homburg



Shaffhausen Grossm. für ein raris. frament ymmit,
bis langweiligt.

Homburg den 29. April 1875.



Richter O. Homburg II. Obkt.

L. D. Richter
O. Homburg II. Obkt.

Seen for legalization of
the signature of L. Richter
Chief Justice of the Royal
Town Court, Section II of
Homburg.

Frankfurt am
29 April 1875



L. Richter
Homburg II. Obkt.

In the Supreme Court
of the Colony of Victoria
13 / 884
Probate Jurisdiction

In the Will and
Codicil of Charles Albert
Frederick Water deceased

Administration Account



A. W. Swale.

In the Supreme Court
of the Colony of Victoria

In its Probate Jurisdiction

In the Will and Codicil of Charles
Albert Frederick Maber late of Homburg
in Germany Gentleman deceased.

Account of the Administration of
the Estate of Charles Albert Frederick
Maber deceased by August Christian
Muensterlein Executor.

Receipts

1875					
May 31	Amount received for goods sold and hire of instruments from date of death of Testator to 31 May	91.	6.	2.	
June 30	The like ^{during month of} June	520.	4.	6	
July 31	The like July	782.	16.	2.	
Aug. 31	The like August	745.	7.	6	
Sept. 30	The like September	533.	3.	1	
Oct. 31	The like October	557.	7.	8	
Nov. 30	The like November	968.	1.	4	
Dec. 31	The like December	782.	12.	8	
1876 Jan. 31	The like January	427.	1.	10	
Feb. 29	The like February	471.	11.	5	
March 31	The like March	338.	4.	1	
April 30	The like April	1215.	6.	10	
May 31	The like May	641.	19.	9	
June 30	The like June	394.	18.	8	

Receipts (continued)

July 31	The like July	742. 19. 2.
Aug. 31	The like August	629. 8. 6.
Sept. 30	The like September	1305. 13. 9.
Oct. 31	The like October	196. 5. 2.
Nov. 21	The like November	291. 18. 9.

Disbursements.

1875		
June 30	Amount paid for purchase of Goods in Melbourne remittances to Hamburg for purchase of goods there and general Merchandise charges during the month of June	276. 4. 10.
July 31	The like July	1191. 19. 6.
Aug 31	The like August	850. 4. 3.
Sept 30	The like September	869. 3. 3.
Oct. 31	The like October	982. 16. 6.
Nov 30	The like November	525. 0. 11.
Dec. 31	The like December	1260. 5. 6.
1876		
Jan 31	The like January	418. 11. 1.
Feb 29	The like February	1302. 7. 4.
Mar 31	The like March	278. 5. 6.
April 30	The like April	1089. 6. 3.
May 31	The like May	324. 15. 6.
June 30	The like June	958. 10. 6.
July 31	The like July	348. 8. 9.
Aug 31	The like August	758. 2. 2.
Sept 30	The like September	682. 10. 0.
Oct 31	The like October	217. 14. 9.
Nov 21	The like November	152. 12. 3.
	Amount paid for Probate Duty	115. 6. 11.
	Amount paid Mr. A. W. Smale Law Costs	52. 18. 0.
	Amount paid Mr. A. W. Smale Law Costs	2. 0. 0.

Portion of Estate retained by the said
Executor.

Stock in trade fixtures &c valued at	657	11	8
Cash in hand.	29	14	3

Portion of Estate remaining uncollected

Amount payable by Master H ^o Sydney	4873	17	4
— " — " — " — " W. J. Reeves	26	10	0
— " — " — " — " J. M. Rooklidge	26	0	0
— " — " — " — " R. Jones	25	0	0
— " — " — " — " 62 debtors under £25	259	4	9
Customs Drawbacks	138	8	9

E. & O. E.

Melbourne. 21st November 1876

A. C. Hummerlin.

Executor of the Will and Codicil of
the late Charles Albert Frederick Master
deceased.

In the Supreme Court
of the Colony of Victoria

Probate Jurisdiction

13/8/84

In the Will of Charles
Albert Frederick Mather
deceased

Affidavit of insertion

of advertisement in Court

by

2



A. W. Smale

In the Supreme Court
of the Colony of Victoria

In its Probate Jurisdiction

In the Will of Charles Albert Frederick Mater
late of Homburg in Germany Gentleman deceased

I William Tomline Wilkinson of Queen Street in
the City of Melbourne in the Colony of Victoria Clerk
to Arthur William Smale of the same place Proctor
make oath and say

1. That there appeared in the "Argus" Newspaper
printed and published in the City of Melbourne -
aforesaid on the twenty-fifth day of August One thousand
eight hundred and seventy-five an advertisement in
the words and figures or to the purport and effect
following that is to say

Notice is hereby given, that after the expiration
"of fourteen days from the day of the publication of this
"advertisement an application will be made to the -
"Supreme Court of the Colony of Victoria, in its Probate
"Jurisdiction, that Probate of the Will or of an -
"exemplified or authenticated copy of the Will of -
"Charles Albert Frederick Mater late of Homburg -
"in Germany, Gentleman, and who died at Florence
"in Italy, may be granted to August Christian -
"Huenerbein, one of the Executors named in and -
"appointed by the said Will, George Haswell Oakley
"the other Executor therein named, having duly -
"renounced such Probate

" Dated this twenty-fifth day of August, one thousand
"eight hundred and seventy-five

" Arthur William Smale, Bank Chambers
" Queen Street Melbourne, Proctor for the said August Christian
" Huenerbein "

2. That I have this day searched in the Proper Office of this Honorable Court and find that no Caveat has been lodged in this matter

3. That I have this day searched in the proper office namely that of the Registrar General of the Colony of Victoria the Officer authorised to have the Custody of deposited Wills and find that no Will of the abovenamed Charles Albert Frederick Mater has been deposited therein

Sworn at Melbourne in the Colony of Victoria this seventh day of October one thousand eight hundred and seventy-five
Before me

H. J. P. Munson

W. H. Fair

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

In the Supreme Court of
the Colony of Victoria
1884
Probate Jurisdiction

In the Will of Charles
Albert Frederick Muter
deceased

Affidavit of William
Someline Wilkinson



A. W. Drake

In the Supreme Court of
the Colony of Victoria

In its Probate Jurisdiction

In the Will of Charles Albert Frederick Mater
late of Homburg in Germany Gentleman deceased

I William Tomline Wilkinson of Bank Chambers
Queen Street Melbourne in the Colony of Victoria Clerk
to Arthur William Smale of the same place Proctor -
make oath and say

1. That I was present and did see George Haswell
Oakley the person named in the Proxy of Renunciation -
hereto annexed marked A duly sign ~~and~~ deliver
the said Proxy of Renunciation and that the name or
signature "Geo H. Oakley" set opposite the seal at the foot
or end thereof is of the proper handwriting of the said
George Haswell Oakley

2. That the said George Haswell Oakley was
one of the Executors nominated in the said Will of the said
Charles Albert Frederick Mater deceased

Sworn at Melbourne in the
Colony of Victoria this ~~fourth~~
day of ~~October~~ one
thousand eight hundred and
seventy-five Before me

A. J. Wilkinson

Wm Robertson

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

On the Supreme Court of
the Colony of Victoria

Probate Jurisdiction

On the Will of Charles
Albert Frederick Thacker
deceased

Proxy of Renunciation
by George Hassell Oakley
one of the Executors



A. W. Smale

A

This is the Proxy of Renunciation marked A referred to
in the Affidavit of William Tomline Wilkinson and thereunto
annexed sworn the
day of October one thousand
eight hundred and seventy-five -
Before me

Mr. J. M. Robertson
A Commissioner &c

Whereas Charles Albert Frederick Mater formerly of -
Melbourne in the Colony of Victoria but late of Hamburg v.d.
Hohe Germany Gentleman deceased departed this life on
the Eleventh day of April one thousand eight hundred
and seventy-five having previously made his last Will -
and Testament bearing date the twenty-seventh day of
February one thousand eight hundred and seventy-five
And by the said Will nominated August C. Kuennerlein
and George Haswell Oakley Executors thereof so far as
his Estate in Australia was concerned And whereas
the said George Haswell Oakley is desirous of -
renouncing Probate of the said Will of the said Charles
Albert Frederick Mater deceased Now know all men
by these presents that I the abovenamed George Haswell
Oakley for divers good causes and considerations me -
thereunto specially moving have renounced and do -
hereby renounce my right title and interest in and to
Probate of the said Will and in order that this my
Proxy and this my Renunciation herein contained may
have its due effect in law I do hereby nominate and
appoint Arthur William Smale of Queen Street in the
City of Melbourne aforesaid Gentleman one of the
Proctors of the Supreme Court of the Colony of Victoria
or in his absence any other Proctor of the said Court
to be my true and lawful Proctor for me and in my
name to appear before the said Court and to exhibit
this my Proxy and pray and procure the same and
the Renunciation herein contained to be admitted and
enacted and generally to do and perform all other
acts matters and things needful or necessary on my
behalf in the premises I hereby granting unto my -
said Proctor full power and authority to appoint
one or more substitute or substitutes for the above
purpose and what my said Proctor and his -

substitute or substitutes or either of them shall lawfully
do or cause to be done in or about the premises on my behalf
I do hereby promise to ratify allow and confirm In
witness whereof I have hereunto set my hand and seal
this sixth — day of October in the year of our Lord
one thousand eight hundred and seventy-five

Signed sealed and delivered

by the abovenamed George Haswell
Oakley in the presence of

Geo. H. Oakley

N. J. McKinnon

Clark A. Whale

to the above

In the Supreme Court
of the Colony of Victoria
J.S.
Private Jurisdiction

In the Will of Charles
Albert Frederick
Charles deceased

Further Affidavit of
Mr A. E. Huenenbein



A. W. Swale.

In the Supreme Court }
of the Colony of Victoria }

In its Probate Jurisdiction

In the Will of Charles Albert
Frederick Maber late of Homburg
in Germany Gentleman deceased

I August Christian Huenbein of
Melbourne in the Colony of Victoria
Importer make oath and say: -

1. That I knew and was well
acquainted with Charles Albert Frederick
Maber for twenty four years and upwards
previously to his death and I have been
informed by the said Charles Albert Frederick
Maber and believe the fact to be true
that he was a native of Germany and
born of German Parents and that he
resided in Germany all his life time
until about the year one thousand
eight hundred and fifty when he came
to Australia and in January one
thousand eight hundred and fifty four
was married to Jane Charlotte Simson
the Widow of Donald Campbell Simson
formerly of Charlotte Plains in this Colony
Settler deceased and shortly after such
Marriage he returned to his native
Country and resumed his residence there
at Homburg v. d. Hohe and he had three