

21

30198

In the Supreme Court  
of the Colony of Victoria.

In its Probate Jurisdiction

In the Estate of Emily  
Sarah Weston late of Spring  
Street Esq. in the Colony of  
Victoria her marriage and Testator  
deceased intestate.

Affidavit

George Birmingham  
M. J. S. o. a. surety.



Wm Lewis, Stationer,  
for the Esq.

In the Supreme Court }  
of the Colony of Victoria }

In its Probate Jurisdiction

In the Estate of Emily Sarah Hiscox late of  
Ryrie Street Geelong in the Colony of Victoria <sup>Historian</sup>  
and Poulker deceased intestate

I George Cunningham of Geelong in the Colony of  
Victoria Member of the Legislative Assembly of the said  
Colony make oath and say.

- 1 That I am residing in Fenwick Street Geelong aforesaid  
and have my place of business in Malop Street Geelong  
aforesaid.
- 2 That I am worth property to the amount of One thousand  
one hundred and one pounds over and above what will  
pay all my just debts and liabilities.
- 3 That I am not surety for any other person
- 4 That my property to the amount of the said sum of One  
thousand one hundred and one pounds consists of my  
freehold dwellinghouse and premises in Fenwick Street  
aforesaid part of Government Allotment six of Section forty  
six in the Town of Geelong in the Parish of Corio and County  
of Erant in the said Colony of the value of Two thousand pounds
- 5 That I have for the last thirty two years resided and still  
reside in Geelong aforesaid.

Sworn at Geelong in  
the Colony of Victoria this  
twentieth day of August  
1885 Before me

George Cunningham  
Res. M. M. M.

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

38192  
In the Supreme Court  
of the Colony of Victoria

In its Probate Jurisdiction

In the Estate of Emily  
Sarah HICKOX late of Rupee  
Street residing in the Colony of  
Victoria Highmanger and Southwell  
deceased intestate.

Affidavit of Thomas Barton  
as a surety.



Erskine Lewis & Spaldenwick  
Solicitors  
40th St. Melbourne.

In the Supreme Court  
of the Colony of Victoria }

In its Probate Jurisdiction.

In the Estate of Emily Sarah Hiscox late  
of Ripie Street Geelong in the Colony of Victoria  
Fishmonger and Poulterer deceased intestate.

I Thomas Batten of Geelong in the Colony of Victoria  
Butcher make oath and say

- 1 that I am residing in Aberdeen Street Newtown by Geelong  
aforesaid and have my place of business in Ripie Street  
Geelong aforesaid
- 2 that I am worth property to the amount of One thousand  
one hundred and one pounds over and above what will  
pay all my just debts and liabilities
- 3 that I am not surety for any other person
- 4 that my property to the amount of the said sum of One  
thousand one hundred and one pounds consist of my  
freehold property comprising a Butcher's shop, dwelling  
and outbuildings (tenanted by Mr. Martin) situate in  
Moorabool Street South Geelong part of Government  
Allotment eleven of Section two in the Town of South Geelong  
in the Parish of Corio County of Grant in the said Colony  
of the value of One thousand one hundred and ten pounds.
- 5 that I have for the last thirty years resided and still  
reside in Geelong aforesaid.

Sworn at Geelong in the Colony  
of Victoria this twentieth day of  
August 1885 Before me

Thomas Batten

Res. J. H. Smith

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

In the Supreme Court  
of the Colony of Victoria

30/98

In its Probate Jurisdiction

In the Estate of Emily Sarah  
HISCOX late of Ripie Street Geelong  
in the Colony of Victoria Fishmonger  
and Poulterer deceased intestate

Administration Account



H. Speed,  
Geelong.

In the Estate of Emily Sarah Hiscox late of Rupert Street Geelong in the  
Colony of Victoria Fishmonger and Poulterer deceased intestate.

Account of the Administration of the Estate of the said deceased: Exhibited and deposited by the Administratrix.

Assets

Distribution

1885		1885	
Aug <sup>r</sup> 13 <sup>th</sup> et seq		Aug <sup>r</sup> 13 <sup>th</sup> et seq	
By Sale to said deceased's daughter Harriette Sarah Jann of said deceased's real estate, being part of Allotment Six of Section Six in the parish of Moorparanpal in the County of Grant with the erections & standing and being thereon: no improvements having been made to the said property from the time of purchase by said deceased up to the date of her decease and such sale being at the same price as said deceased paid.	£200. 0. 0	To payment of the several liabilities as correctly particularized in the verified Statement filed in the said estate: the total of the said liabilities being =	82. 14. 10
Received on Policy of Assurance for Two hundred pounds on the life of the said deceased issued by the Australian Alliance Assurance Company and numbered 6459	199. 14. 11	To H. Speed, Solicitor &c Geelong amount of accounts rendered for costs & expenses including those rendered as incidental to obtaining Letters of Administration	78. 0. 0
Received from Savings Bank Geelong as standing to deceased's credit	48. 0. 0	Further accounts including preparing exhibiting and depositing both Inventory £1. 13. 6 and Administration Account £2. 14. 6	4. 8. 0
Received from Colonial Bank of Australasia Geelong as on current cash account	41. 0. 0	To payments in account with said deceased's daughter Harriette Sarah Jann on Sale of realty as mentioned on other side	200. 0. 0
Received in account with Administratrix' husband, J. S. Bayley, for Furniture goods chattels plant and effects in upon and about the business premises occupied and rented by the said deceased in Rupert Street Geelong, ascertained by careful valuation to be fairly appraised at the values stated in the verified Statement filed in the said estate: the total of the said values being =	79. 12. 6	Ditto on return of money lent to W. Jann, with interest	104. 0. 0
Received in account on Administratrix and her Sister dividing the Watches and Articles of Jewellery between them at the Values given in the said verified Statement =	31. 0. 0	Ditto by Cheques on account £50 £22 and £20	92. 0. 0
Money on said premises	2. 0. 0	To payments deducted in account with Administratrix' husband, J. S. Bayley, and retained by way of Commission on assets at 2 1/2 %	25. 9. 10
Received from collection of the Book debts particularized in the said verified Statement as being due from residents in and about Geelong for goods supplied and from Jenkins of Melbourne, Major of Ballarat and Lewcock of Ballarat together with Sundries including a few fish &c in shop: the whole realizing £9. 13. 1 less than the several sums given in the said Statement.	274. 6. 8	To Funeral expenses of said deceased	10. 12. 6
Received on return, in account, of money lent to W. Jann, with interest	104. 0. 0	To deducted in account by way of payments to Administratrix on account of her moiety of net proceeds of Estate commensurate with above mentioned payments in account to her Sister	396. 0. 0
Received on return, in account, of money actually lent to said J. S. Bayley (erroneously given in said Statement as £50)	40. 0. 0		
(The dishonored Bill of Exchange for £40 in questionable connection with Crawford Hiscox's assigned estate has proved wholly unproductive and is valueless).			
	£1019. 14. 1	Balance	26. 8. 11
			£1019. 14. 1

The above stated balance of £26. 8. 11. is in hand for equal distribution between the Administratrix and her said Sister Harriette Sarah Jann as the only children of the said deceased

As Witness my hand this Twentieth day of September 1886

Emily Marian Bayley  
Administratrix

30198  
In the Supreme Court  
of the Colony of Victoria.

In its Probate Jurisdiction.

In the Estate of Emily  
Sarah Skinner late of Sydney  
New South Wales in the Colony of  
Victoria Her Executor and Paulsen  
deceased in testate.

Applicant of Publication of Notice



Wm. H. Speed,  
for the Applicant.



In the Supreme Court  
of the Colony of Victoria }

In its Probate Jurisdiction

In the Estate of Emily Sarah Hiscox  
late of Ripie Street Geelong in the Colony of  
Victoria Fishmonger and Poulterer deceased  
intestate.

I Henry Speed of Geelong in the Colony of Victoria an  
Attorney and Proctor of this Honorable Court make oath and  
say - That the following advertisement duly appeared  
in the "Argus" newspaper published in Melbourne on the  
Nineteenth day of June One thousand eight hundred and  
eighty five namely: In the Supreme Court of the Colony of  
Victoria. In its Probate Jurisdiction. In the Estate of Emily Sarah  
Hiscox of Ripie Street Geelong in the Colony of Victoria Fishmonger  
and Poulterer deceased intestate. Notice is hereby given that  
after the expiration of fourteen days from the publication  
hereof application will be made to this Honorable Court that  
Administration of the Estate of the above named deceased may  
be granted to her son-in-law (said deceased's two children  
consenting and directing) John Samuel Bayley of Ripie Street  
Geelong aforesaid Business Manager for the said deceased.  
Dated this 19<sup>th</sup> day of June 1885. Henry Speed Market Square  
Geelong Proctor for the said John Samuel Bayley."

Sworn at Geelong in the Colony  
of Victoria this seventh day of  
July 1885 Before me

H. Speed

Res. M. M. M. M.

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

38198  
In the Supreme Court  
of the Colony of Victoria.

In the Probate Jurisdiction

In the Estate of Emily  
Sarah Hoisson late of Sydney  
New South Wales in the Colony of  
Victoria Administratrix of the  
deceased intestate.

Affidavit of search for caveat.



IN EQUITY'S OFFICE  
FILED  
JULY 1888  
MELBOURNE.  
Wm. H. Sheena  
per  
Wm. H. Sheena

In the Supreme Court  
of the Colony of Victoria }

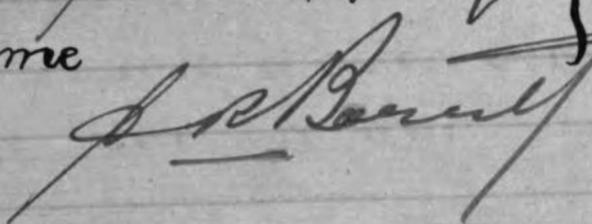
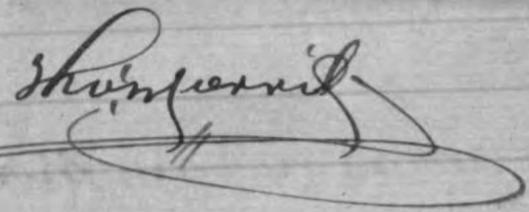
In its Probate Jurisdiction

In the Estate of Emily Sarah Hiscox  
late of Turpie Street Geelong in the Colony  
of Victoria Fishmonger and Poulterer  
deceased intestate.

I Thomas Morris of Melbourne  
~~do hereby solemnly swear~~ do solemnly swear and say.

That I have this day searched in the proper Office  
of this Honorable Court and find that no Caveat is  
lodged in this matter.

Sworn at Melbourne in the Colony  
of Victoria this 9<sup>th</sup> day of July  
1885. Before me

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

3/9/88  
In the Supreme Court  
of the Colony of Victoria.

In its Probate Jurisdiction

In the Estate of Emily  
Sarah Hoiscon late of Rupie  
street Geelong in the Colony of  
Victoria, Widow deceased and Testator's  
deceased intestate.

Affidavit of due in law  
applying (by consent) for administration

Master in  
Equity  
FILED  
8 JULY 1888  
MELBOURNE.  
for the  
Executors

In the Supreme Court  
of the Colony of Victoria }

In its Probate Jurisdiction

In the Estate of Emily Sarah Hiscox  
late of Turie Street Geelong in the Colony  
of Victoria Fishmonger and Poulterer  
deceased intestate.

I John Samuel Bayley of Turie Street Geelong in the  
Colony of Victoria Fishmonger and Poulterer make oath  
and say.

- 1 That I am seeking to obtain administration of the Estate  
of my lately deceased Mother in law the above named  
Emily Sarah Hiscox
- 2 That the said deceased died on the Fifteenth day of June  
One thousand eight hundred and eighty five intestate.
- 3 That the said deceased left real estate in the Colony of  
Victoria of the Value of Two hundred pounds and personal  
estate in the said Colony of the value of Nine hundred pounds  
two shillings amounting together in value to the sum of  
One thousand one hundred pounds two shillings.
- 4 That the said deceased left her surviving two daughters  
her only children by her predeceased and only husband  
George Henry Hiscox (to whom she was lawfully married  
on the first day of May One thousand eight hundred and  
fifty six) and such two daughters are the only persons  
entitled in distribution to the said estate.
- 5 That in the lifetime of the said deceased, Emily Sarah Hiscox,  
her elder daughter, Harriette Sarah, intermarried with and  
is now the wife of William Yarn of Geelong aforesaid  
Yanner and Currier and Emily Marian, the younger of  
the said two daughters, became and is now the wife of  
me this Deponent.

6 That the said Harriette Sarah Fann (being the person entitled to administer the estate of the said Emily Sarah Hiscox) and my wife and the said William Fann have by an Instrument by way of Disclaimer under their respective hands and bearing date the twenty fourth day of June One thousand eight hundred and eighty five produced and shown to me at the time of swearing this Affidavit, consented to and, so far as they or either of them can or may, directed that Administration of the estate of the said deceased Emily Sarah Hiscox be granted and committed to me this deponent.

7 That the said Emily Sarah Hiscox was at the date of her death justly and truly indebted to me in the sum of Twenty five pounds ten shillings as also appears by the acknowledgment in the before mentioned instrument where I am referred to as "being a Creditor of the said estate to an extent beyond Twenty five pounds."

8 That I have made careful enquiry and search but am unable to find any Will of the said deceased: and I verily believe she left no Will.

9 That if I obtain Administration 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 her death which at anytime after shall come to the power or control, hands or possession of me as her administrator 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 administration 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 Administration.

Sworn at Geelong in the Colony  
of Victoria this seventh - day of July } J. M. Samuel Bayley

1885 Before me

Geo. H. P. Wood

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

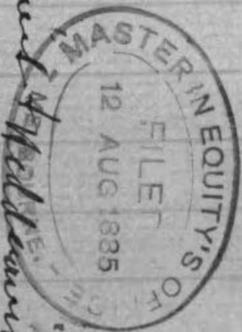
*In the Supreme Court  
of the Colony of Victoria*

*30798*

*In its Prerogative Jurisdiction*

*In the Estate of Emily  
Sarah Hooper late of Ryrie  
Street Sydney in the Colony of  
Victoria Widow and Sole Executrix  
deceased intestate.*

*Affidavit verifying account  
by John Samuel Bouverie to his wife  
Emily Marion Bouverie applying  
for Administration of the said estate*



*Edinburgh & Melbourne  
per J. H. Street  
Sydney*

In the Supreme Court  
of the Colony of Victoria }

In its Probate Jurisdiction

In the Estate of Emily Sarah Hiscox late  
of Turpie Street Geelong in the Colony of Victoria  
Fishmonger and Poulterer deceased intestate.

I Henry Speed of Geelong in the Colony of Victoria an  
Attorney and Proctor of this Honorable Court make oath  
and say.

- 1 That I was present and did see John Samuel Bayley  
named in and described in the Consent herewith  
annexed and whose signature appears at the foot thereof  
sign the said annexed consent
- 2 That the signature "John Samuel Bayley" which appears  
at the foot of the said Consent is of the proper  
handwriting of the said John Samuel Bayley.
- 3 That on witnessing the signature of the said annexed  
Consent by the said John Samuel Bayley I then and there  
signed my name at the foot of the same as the attesting  
Witness thereof and that the signature "Hy Speed" which  
also appears at the foot of the said annexed Consent is  
of my proper handwriting.

Sworn at Geelong in the  
Colony of Victoria this twenty  
ninth day of July 1885  
Before me.

Hy Speed

Herbert M. Scott  
A Commissioner of the Supreme Court of the  
Colony of Victoria for taking Affidavits.

To the Supreme Court  
of the Colony of Victoria.

In the Probate Jurisdiction

In the Estate of Emily  
Sarah Walker late of Rupert  
Street Esq. in the Colony of  
Victoria Highways and Toulstons  
deceased in testate.

### CONSENT

by John Samuel Burtley to his wife  
Emily Marion Burtley applying for  
Administration of the said estate.

To the  
Esq. Esq.

In the Supreme Court  
of the Colony of Victoria }

In its Probate Jurisdiction

In the Estate of Emily Sarah Hiscox late  
of Ripie Street Geelong in the Colony of Victoria  
Fishmonger and Poulterer deceased intestate

I John Samuel Bayley of Geelong in the Colony of  
Victoria Fishmonger and Poulterer the husband of Emily  
Marian Bayley the younger of the two daughters and  
only children of the above named deceased, Emily Sarah  
Hiscox, do hereby consent to Letters of Administration of  
the Estate of the said deceased being granted and  
committed by this Honorable Court to my said wife  
Emily Marian Bayley.

Dated the twenty ninth day of July 1885 One thousand  
eight hundred and eighty five.

Witness

Henry Speed  
of Geelong

John Samuel Bayley

An Attorney and Proctor of the said Supreme Court.

This is the Consent referred to in the annexed Affidavit of Henry  
Speed sworn before me this twenty ninth day of July 1885

Res. M. A. C. H.

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

This is the Consent referred to in the Affidavit of Emily Marian  
Bayley sworn before me this twentieth day of July 1885

Res. M. A. C. H.

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

38198  
In the Supreme Court  
of the Colony of Victoria.

In its Probate Jurisdiction

In the Estate of Emily  
Sarah Johnson late of Sydney  
New Zealand in the Colony of  
Victoria, Widower and Testator  
deceased in testate.

Applicant's verifying Disclaimers  
to Administration by eldest of two  
and only children of the said  
deceased in testate.



Wm. P. Smith & Co. (Printers)  
for the Executors.

In the Supreme Court  
of the Colony of Victoria }

In its Probate Jurisdiction

In the Estate of Emily Sarah Hiscox late  
of Rupert Street Geelong in the Colony of Victoria  
Fishmonger and Poulterer deceased intestate.

I Henry Speed of Geelong in the Colony of Victoria an  
Attorney and Proctor of this Honorable Court make oath  
and say.

- 1 That I was present and did see Harriette Sarah Yarn  
named in and described in the disclaimer hereunto  
annexed and whose signature appears at the foot  
thereof sign the said annexed disclaimer.
- 2 That the signature "Harriette Sarah Yarn" which appears  
at the foot of the said disclaimer is of the proper handwriting  
of the said Harriette Sarah Yarn.
- 3 That on witnessing the signature of the said annexed  
disclaimer by the said Harriette Sarah Yarn I then and  
there signed my name at the foot of the same as the  
attesting Witness thereof and that the signature "Hy Speed"  
which also appears at the foot of the said annexed  
disclaimer is of my proper handwriting.

Sworn at Geelong in the  
Colony of Victoria this twenty  
eighth day of July 1885.  
Before me

Hy Speed

W. H. Morrison  
A Commissioner of the Supreme Court of the  
Colony of Victoria for taking Affidavits.

<sup>47</sup>  
In the Supreme Court  
of the Colony of Victoria.

In its Probate Jurisdiction

In the Estate of Emily  
Sarah Spencer late of Turpie  
Street Esq. in the Colony of  
Victoria Widow and Paul Peter  
deceased in testate.

Disclaimers to Administration  
by order of two and only children  
of the said deceased in testate.

At the  
Essex,  
Victoria.

In the Supreme Court  
of the Colony of Victoria }

In its Probate Jurisdiction

In the Estate of Emily Sarah Hiscox late  
of Ryrie Street Geelong in the Colony of Victoria  
Fishmonger and Poulterer deceased intestate.

I Harriette Sarah Yarn the wife of William Yarn of  
Geelong in the Colony of Victoria Yarnier and Currier, the elder  
of the only two daughters and children of the above named  
deceased Emily Sarah Hiscox, a Widow at the time of her  
death, being by law entitled to Administer the Estate of the said  
deceased, do hereby absolutely renounce and disclaim all my  
right and title to such Administration and do hereby consent  
to Letters of Administration of the estate of the above named  
deceased being granted and committed to my sister Emily  
Marian Bayley, wife of John Samuel Bayley of Ryrie Street  
Geelong aforesaid Fishmonger and Poulterer, as the only other  
daughter and child of the said deceased.

Dated the twenty eighth day of July = One thousand eight  
hundred and eighty five

Witness

Harriette Sarah Yarn

J. H. Speed  
of Geelong.

An Attorney and Proctor of the Supreme Court.

This is the Disclaimer referred to in the annexed Affidavit of Henry  
Speed sworn before me this twenty eighth day of July = 1885.

Wm. M. Mornick

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

This is the Disclaimer referred to in the Affidavit of Emily Marian Bayley  
sworn before me this thirtieth day of July = 1885.

Res. Stewart

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

30/9/8  
In the Supreme Court  
of the Colony of Victoria.

In its Probate Jurisdiction

In the Estate of Emily  
Sarah Hibberd late of Surrey  
Shire deceased in the Colony of  
Victoria. With my executors and I, her  
deceased intestate.

Affidavit of my younger daughter  
applying (by consent) for administration.



Emp Lewis & Madhwarick  
for the Executors,  
Surrey.

In the Supreme Court  
of the Colony of Victoria }

In its Probate Jurisdiction.

In the Estate of Emily Sarah Hiscox late of  
Rupie Street Geelong in the Colony of Victoria  
Fishmonger and Poulterer deceased intestate.

I Emily Marian Bayley, wife of John Samuel Bayley of  
Rupie Street Geelong in the Colony of Victoria Fishmonger and  
Poulterer, make oath and say.

1. That I am seeking to obtain administration of the estate of  
my lately deceased Mother the above named Emily Sarah  
Hiscox.
2. That the said deceased died on the Fifteenth day of June One  
thousand eight hundred and eighty five intestate.
3. That the said deceased left real estate in the Colony of Victoria  
of the value of Two hundred pounds and personal estate in  
the said Colony of the value of Nine hundred pounds and  
two shillings amounting together in value to the sum of  
One thousand one hundred pounds and two shillings
4. That the said deceased left my elder sister and this deponent  
her surviving, her only children by her predeceased and  
only husband George Henry Hiscox (to whom she was  
lawfully married on the first day of May One thousand  
eight hundred and fifty six), and my said elder sister and  
this deponent are the only persons entitled in distribution  
to the said estate.
5. That in the lifetime of the said deceased, Emily Sarah Hiscox,  
her elder daughter, Harriette Sarah, my said elder sister,  
intermarried with and is now the wife of William Fann  
of Geelong aforesaid Fanner and Currier and I, this deponent,  
the younger of the said deceased's two daughters, became  
and am now the wife of the said John Samuel Bayley.
6. That the said Harriette Sarah Fann (being the person  
entitled to administer the estate of the said Emily Sarah

Hiscox) by an instrument by way of disclaimer under her hand and bearing date the twenty eighth day of July One thousand eight hundred and eighty five, produced and shown to me at the time of swearing this Affidavit, consented to administration of the estate of the said deceased Emily Sarah Hiscox being granted and committed to me this deponent.

7. That my husband, the said John Samuel Bayley by an instrument by way of Consent under his hand and bearing date the twenty ninth day of July One thousand eight hundred and eighty five, produced and shown to me at the time of swearing this Affidavit concurred in my application to obtain administration as aforesaid.

8. That I have made careful enquiry and search but am unable to find any Will of the said deceased: and I verily believe she left no Will.

7M. 9. That if I obtain administration I will well & 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 her death, which at any time after shall come to the power or control hands or possession of me as her administratrix, 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 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 administration; and further, that I will make or cause to be made a true and just account of the administration of the estate which