

Dated 25th April 1901.

Mr Joseph Gaskins



Second Floor

This and the sheet of paper writing hand is the paper writing
marked & referred to in the witness affidavit of
James D'Orman —
dated of September 19 of
1898 —
Signed —
Before me L. P. St. J. 3

"A"

This is the last Will and Testament of me Joseph Griffiths
of Richmond in the State of Victoria I direct all my
just debts funeral and testamentary expenses to be paid I appoint
the Trustees Executors and Agency Company Limited Trustee and
Executor hereof and declare that the said Company may execute
any of the trusts hereof by its own officers I devise all my real estate
and bequeath all my personal estate unto the said Company Upon
the trusts following: Up to my real estate now occupied by me and
the furniture pictures books and other household effects thereto Upon
trust to permit my daughter Catherine Mary Griffiths to have the
use and enjoyment thereof during her life so long as she resides
thereto a house for such of my children and grandchildren as are
unmarried or widows and willing to live with her And I declare
that the said Company shall not be bound to refer to the preservation
or insurance thereof or be liable for any destruction or damage thereto
or loss thereof And upon the death of the said Catherine Mary Griffiths
or with her consent in writing if alive I direct that the said freehold
property furniture pictures books and other household effects shall be sold
by Public Auction and the proceeds thereof be held upon the trusts hereinafter
declared as to my residuary personal estate but such freehold property shall
not be so sold for a period of five years after my decease And as to the rest of
my real estate Upon trust after the expiration of five years from my
decease to convert the same into money when the said Company shall deem
advisable but not without the current in writing of the said Catherine
Mary Griffiths if alive And so soon as conveniently may be after my
decease to convert the rest of my personal estate into money Provided
that the said Company may allow any existing investments to remain
and renew the same from time to time without incurring any responsibility
And invest the same and the net proceeds of my said real estate upon
first mortgage over real estate within three miles of the General Post Office
in the City of Melbourne which is then producing rent or in the purchase
of the securities of the Government of the State of Victoria And I direct my
said Trustees to pay out of the income of my real and personal estates
and investments thereof for all rates taxes insurance repairs and other
outgoings in respect of my said property in Richmond (if it is insured)
and my other real estate and to consider the income from my estate as
divided into five equal parts but nevertheless without making any actual
division of my estate and upon trust to stand possessed of one part of such
income in trust to pay the same to my daughter Catherine Mary Griffiths
during her life As to another of such parts to pay the same to my daughter
Catherine Mary Griffiths in trust for the benefit of my son Frank Arthur
Griffiths during his life to be used and applied in such manner as my
said daughter Catherine Mary Griffiths shall in her absolute uncontrolled
discretion think advisable And after her death or in case of her absence
from Victoria to pay the same to one of my other daughters who may be
living in Victoria to be applied by her for the benefit of my said son in
such manner as such daughter shall in her absolute uncontrolled

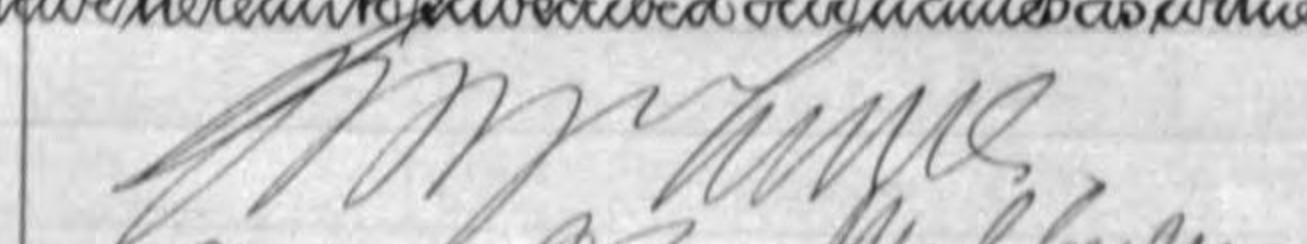
discretion think advisable And if there shall not be any of my daughters in Victoria then to pay to or apply for the benefit of my said son the whole or any part of such income in such manner as the Manager for the time being of the said Company shall in his absolute uncontrolled discretion shall think advisable and accumulate any money not so paid or applied in trust for the person or persons who may ultimately become entitled to the principal sum from which such income shall have arisen As to another of such parts to pay the same to my daughter Elly Florence Cameron during her life And as to another of such parts to pay the same to my daughter Emily Josephine Davenport during her life And as to the other part of such income I direct that while my granddaughter Alice Louisa Davenport the daughter of my late daughter Alice Maria Davenport shall be under the age of twenty one years the said Company shall pay to my said daughter Emily Josephine Davenport the sum of Sixty pounds per annum for the benefit of my said granddaughter and the residue of such part of the said income shall until she attains the age of twenty one years be added to the corpus of my estate And upon my said granddaughter attaining the age of twenty one years to pay such one fifth share of the said income to her during her life All payments of income to be made quarterly And I declare that in case of the death of my said daughter Emily Josephine Davenport during the time any money is payable to her for the benefit of my said granddaughter the said Company shall thereafter while my daughter Catherine Mary Griffiths is alive pay the said money to her for the said purposes and thereafter apply the said money for the like purposes as the Manager of the said Company thinks best in the interest of my said granddaughter And I declare that upon the death of any of them my said children or grandchild either in my lifetime or after my decease leaving lawful children or child then the said Company shall stand possessed of one fifth share in the corpus of my estate in trust for each of the children or child of the one preceding as shall attain the age of twenty one years in equal shares as tenants in common to be paid to them as the youngest of them attaining the said age but if there be no such children or child then the income and corpus thereof shall be held in trust for the others and other of them my said children and grandchild Alice Louisa Davenport and their respective children or child alike manner and upon the same trust as the income and corpus of the shares held in trust for them under the trust hereinbefore contained And in case of the death of all of them without leaving any children or child who shall take under the clauses hereinbefore contained then one half of my said estate shall be in trust for each of the daughters of my late brother Samuel Griffiths late of London England as shall be alive at the time of distribution as tenants in common in such shares that his daughter Alice shall have an amount equal to twice that of any of his other daughters to be paid to them as they respectively attain the said age and so that in case of the death of any of them either in my lifetime or after my decease leaving lawful children or child such children or child shall take their his or her parents share in equal shares as tenants in

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common. And the other one half part thereof in trust for such of the children of my sister in law Charlotte Lubbock as shall be alive at the time of this addition in equal shares as tenants in common to be paid to them as they respectively attain the said age but so that in case of the death of any of them either in my lifetime or after my decease leaving lawful children or child such children or child shall take their his or her parents share in equal shares as tenants in common. And I declare that during the subsistence of a absolute vesting of any share under this my Will (except as hereinbefore provided) the said Company may apply the whole or such part of the income thereof for the benefit of the person for the time being presumptively entitled thereto and shall accumulate the residue and resulting income by investing the same in like manner in trust for the person who may ultimately become entitled to the principal fund from which the same shall have arisen and may resort to such accumulations and apply the same in like manner as if the same were income received in the year in which it shall be so applied. And I declare that should any person for the time being be actually or presumptively entitled to any share or interest in my estate or the income thereof arising anticipate charge or encumber or attempt or affect to arraign anticipate charge or encumber the same or any part thereof or be or become or be made involved or do or suffer any act or thing whereby the same or any part thereof if belonging absolutely to him or her would by his or her act or default or by process or operation of law or otherwise become vested in or payable to some other person or persons or Company then immediately thereupon the said share or interest shall absolutely cease and determine and be held upon the same basis as if such person had then died. Provided nevertheless that should the same be a life interest given to my said granddaughter or my children hereinbefore mentioned the said Company may in the absolute discretion of the Manager for the time being if he thinks fit but not otherwise apply the whole or such part of the income thereof as he may think fit as the same shall be received but not otherwise for the personal support of such person either during the rest of his or her life or for such shorter period and either continuably or otherwise as he shall deem proper. And I declare that any money owing to any female under this my will shall be to and for her sole and separate use and benefit. And hereby revoking all former Wills and Testaments dispositions heretofore made by me I declare this to be my last Will and Testament. WITNESSED whereof I have hereunto set my hand this twenty fifth day of April one thousand nine hundred and one.

Signed, published and declared by the Testator
Joseph Griffiths as and for his last Will and Testament
in the presence of us present at the same time and in his
sight and presence at his request and in the presence
of each other have hereunto subscribed our names as witnesses.

Joseph Griffiths.


John T. Weston
his Clerk

IN THE SUPREME COURT
OF THE COLONY OF VICTORIA.

IN ITS PROBATE JURISDICTION.

IN THE WILL —

Joseph Griffiths —
late of Richmond — in the
State of Victoria gentleman
deceased.

Affidavit of Mr. J. BORROWMAN.

In support of Application for Probate.



John J. Borrowman
Troedel & Co. Print.

In the Supreme Court
OF THE ~~STATE~~ OF VICTORIA.

IN ITS PROBATE JURISDICTION.

IN THE WILL OF Joseph Griffiths

late of Church Street Richmond

in the ~~State~~ of Victoria

Gentleman

deceased.

I, JAMES BORROWMAN, of No. 412 Collins Street, in the City of Melbourne, in the Colony of Victoria, Manager of THE TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED, make oath and say—

1. That the said Company is seeking to obtain Probate of the Will
of the above-named Joseph Griffiths
deceased.

2. The said deceased died on the Tenth — day of August —
One thousand nine hundred and one — at Richmond —

3. The said deceased left a Will bearing date the Twenty fifth — day of
April — One thousand nine hundred and one —
which is as I believe the last Will and Testament of the said deceased and
which I believe is unrevoked.

4. By his said Will the said testator — appointed THE TRUSTEES EXECUTORS
AND AGENCY COMPANY LIMITED executor thereof.

5. The paper writing hereunto annexed and marked "A" is the true last Will
of the said deceased as I verily believe.

6. The said Will was signed by the said deceased in the presence of Sir George Turner
of Carlisle Street & Wilda in the said State Solicitor and John Sender Gullion
of Auburn Road Auburn in the said State Managing Law Clerk —

7. The said deceased died possessed of property in the ~~State~~ of Victoria not
exceeding in value the sum of Eighteen thousand two hundred and
sixty four pounds seven shillings and nine pence (£18,264-4-9)
consisting of Real Estate of the value of Three thousand nine hundred
and eighty pounds (£3,980-0-0)
and Personal Estate of the value of Fourteen thousand two hundred
and eighty four pounds seven shillings and nine pence
(£14,284-4-9)

8. If the said Company obtains Probate it will well and truly collect and administer according to law to the best of its 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 the said Company as his — executor or of any other person or persons for it that it 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 it or to the hands or possession of any other person or persons for it and the same so made will sign with its proper Common Seal 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 it will make or cause to be made a true and just account of the administration of the estate which it has undertaken as to its receipts and disbursements and as to what portion is retained by it and what portion remains uncollected and the same so made will sign with its proper Common Seal and will exhibit and deposit or cause to be exhibited and deposited the said account in the office of the Master-in-Equity within fifteen calendar months next ensuing the order granting probate.
9. That I am the Manager of the said THE TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED.
10. *That to my own knowledge information and belief the said deceased did not within the space of two years preceding the date of his death convey or otherwise dispose of for other than adequate valuable consideration any real or personal property of which he was seized or possessed.*

SWORN at Melbourne in the ~~State~~ ^{State} of ~~Colony~~ ^{Colony} of Victoria, this ~~sixth~~ [—] day of ~~September~~ [—] One thousand ~~eight hundred and one~~ [—] Before me *John Brewertonman*
John Brewertonman *C. R. Hodges*

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