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In the Supreme Court

Ecclesiastical Juris
- diction -

In the Will of
Josh. Percival Stone
Dec^r -

Affidavit of
Execution -

Thos. C. H. Shaw
Printer,
55 Bowke St West

In the Supreme Court
of the Colony of Victoria
In its ecclesiastical jurisdiction

In the Will of Joseph Percival Howe
late of Gore Street Collingwood in the
Colony of Victoria Mexican Deceased
I Ellen Howe of Gore Street Colling-
wood in the Colony of Victoria the
Widow and Sole executrix of the last
Will and testament of the said Joseph
Percival Howe deceased make Oath and
Say - That the said Joseph Percival
Howe late of Gore Street Collingwood
aforesaid, Mexican departed this
life on the Ninth day of November
A D 1859.

That I believe the annexed
paper writing bearing date the seven-
teenth day of September A D 1859
to be the true last Will and testament
of the said Joseph Percival Howe late
of Gore Street Collingwood aforesaid
Deceased which is as I believe un-
revoked and thereby appointed me
the said Ellen Howe Sole Executrix thereof.

That I will pay all his debts
and legacies as far as the property
left by him will extend and the
Law binds me so to do.

That I will exhibit a full
and true inventory of all his

his property together with a true
account of my administration
thereof into the Registry of this
Honorable Court when lawfully
required

That I believe his property
does not exceed in value Two hundred
and Eighty Pounds Sterling

Ellen Gore

Sworn at Melbourne
in the Colony of Victoria
on the Eighth
day of December
A.D. 1859 Before me
H. H. M. J. J.
a Commissioner for
taking affidavits

XD

The last Will
& Testament of
Joseph Percival
Hore

J. P. Ch. D. M.
or
of St. Boniface & West

In the name of God Amen, I Joseph
Percival Store of Grayford Cottage Gore
Street Collingwood in the Colony of Victoria
Musician being Weak in Body but of Sound
and disposing Mind Memory & Understanding
Praise be God for the same do make public
and declare this my last Will and Testament
hereby revoking all other Will or Wills.
by me at any time heretofore made =
First I direct that all my Just debts and
Funeral expenses be fully paid and satisfied
and Subject thereto. I give and bequeath
all my Household Furniture Good Chattels
and Effects Money's Securities for Money
and all other Personal Estate of which I may
die possessed of and entitled to unto my
dearly beloved Wife Ellen Store otherwise
Clothes to and for her own sole and separate
use and benefit and free from the debts or
Engagements of any Husband she may after
my decease marry And Whereas by
Indenture bearing date the thirtieth day
of September One thousand eight hundred and fifty
four I am now seized of a & otherwise entitled
to all that piece or parcel of Land situate
lying and being in the Parish of Outpawpaw
in the Colony of Victoria being part of portion
number eighteen of the said Parish & comprising
lots

W. M.

W. M.

Joseph Percival Store

lots Six Hundred and Six and Six hundred and Seven on the plan of Subdivision of the said Portion number eighteen and portion number nineteen of the said Parish Commencing at a Point on the Southern side of a Road called the Separation Road which is formed equally out of the said Portions numbers eighteen and nineteen distant Three thousand Three Hundred and fifteen links East from the Western boundary line of the said Portion number eighteen and bounded as therein. And I am also by Indenture bearing date the third day of December One thousand eight hundred and fifty seven Seized or otherwise Well entitled to. All that piece or parcel of Land Situate and lying in the Parish of Ika Ika in the County of Bourke and Colony of Victoria and being part of a Suburban Section or Portion number Seventy two. and marked in the Plan of Subdivision of said Portion as lots thirty three and thirty four and Bounded as in said last mentioned Indenture mentioned Together with all Edifices buildings Ways easements Privileges and appurtenances thereto belonging except however that Portion of said piece or parcel of Land which by Acknowledgment endorsed

J. M.

No 2.

Joseph Percival Hore.

On said last mentioned Indenture and dated the thirty first day of July One thousand eight hundred and fifty eight. I sold to the Mayor Aldermen Councillors and Citizens of the City of Melbourne To give and devise the same respectively and every part and parcel thereof together with all buildings and improvements erected thereon unto my said dearly beloved Wife Ellen Hore upon Trust and to and for the uses intents and purposes hereinafter mentioned and expressed. That is to say to the use of my said Wife until my Children Rufus Henry Hore and Lauretta Hore or the Survivor of them shall attain the age of Twenty One years and it is my Will that in the meantime my said Wife shall receive the Rents Issues and profits of all my said Freehold Premises and apply the same towards the Maintenance Education and Support of my said Children and also towards the Maintenance and Support of my said Wife. And I Will and direct that my said Wife shall on my said Children attaining the age of Twenty One years as aforesaid Set up and Sell either by Private Sale or Public Auction. All my said Freehold Premises for the best

J. M.

No 3.

Joseph Percival Hore

and Highest Price that can be had for the
Same and that the proceeds thereof be
equally divided between my said Wife
Ellen Hore and my said Children Rufus
Henry Hore and Lauretta Harriet Hore
Share and share alike to and for their
own sole and Separate use and benefit
and as to the Shares of my said Wife
and daughter that they shall have
and receive the Same absolutely free
and clear from the Control Debts or
Engagements of any Husband they or
either of them may intermarry with
And in the event of the Death of my said
Wife or either of my said Children before
they shall have attained the age of
Twenty One Years as aforesaid then and
in such Case it is my Will and
Desire that the Share or Shares of any
or either of them so dying shall be
equally divided between the Survivor
and if there shall be but one then to
Such Survivor alone to and for his or her
own sole and Separate use and benefit.

But

Joseph Percival Hore

but if my said Wife should happen to be such
Survivor then and in such Case it is my
Will and desire that no part of my said
Freehold Property should be sold but
that my said Wife should have take and
receive the Rents Issues and Profits of
my said Freehold Property for and during
the Term of her Natural life free and absolutely
clear from the Debts Control or Engagements
of any Husband she may after my Decease
intermarry with. And from and after
her Decease I will and desire All my
said Freehold Property to Such person
or persons as shall then be my lawful
heir or next of Kin to and for their own use
and benefit for ever I also further
give devise and bequeath unto my
said Son Rufus Henry Hore all my
Musical Instruments. And of this
my Will I nominate and appoint
my said dearly beloved Wife sole
Executrix and Residuary Legatee
and also Guardian of my said Children
In Witness Whereof I have hereunto

Joseph Percival Hore

I Put my Name and affixed my
Seal this Seventeenth day of September
One thousand eight hundred and fifty
nine = Joseph Percival Hore

Signed Sealed published
and declared by the above
named Joseph Percival
Hore as and for his last
Will and Testament in the
presence of us who at
his request in his presence
and in the presence of
each other have subscribed
our names as witnesses.

Wm. W. W. W.

15 C. J. Nolan

W. W. W.

N. 6.

This is the will referred to in
the annexed affidavit of Ellen Hore
~~sworn~~ before me on the Eighth day
of December 1857. -

W. W. W. -
a Commissioner for taking
Affidavits