

In the Supreme Court  
of Victoria

102747

Probate Jurisdiction

In the Will of George  
Theilberg late of Danmum  
in the State of Victoria  
relined farmer and  
storekeeper deceased

Affidavit

of  
Dealers.



Ernest Friend Williams

Proctor

Marriage

In the Supreme Court

Probate Jurisdiction

In the Will of George Streitberg  
late of Darnum in Victoria  
retired farmer and storekeeper deceased

We Benjamin Copley of Darnum in  
Victoria and John Simmonds of  
Warragul in Victoria farmers severally  
make oath and say

1 That we are landowners and farmers  
resident in the district of Warragul and  
have so resided for upwards of 30 years  
and 7 years respectively

2 That we have a thorough knowledge  
of land in the said district and particularly  
that situated near Darnum which is  
distant about 4 miles from Warragul  
and I the said Benjamin Copley own  
and have owned property at Darnum aforesaid  
for upwards of 25 years and I the said  
John Simmonds have owned land in the same  
last mentioned district for 7 years

3 That we were requested by John George  
Harris Streitberg James Martin Streitberg  
and Charles Gosler Streitberg to value the  
lands of abovesaid deceased (save and  
except township property at Darnum) for  
the purpose of enabling them to advise  
the values of deceased's properties devised to  
them by deceased's will as by the will required.

4 That we valued the said lands most carefully

and thoroughly and went Carefully over  
and examined the same together for that  
purpose. That the document herewith  
annexed marked A is our valuation of  
said lands. That such valuation is a true  
and fair one and <sup>shows</sup> the actual value of said  
lands. We went specially together to <sup>Launabing</sup>  
Place to inspect and value the lands of  
deceased there

By the abovesaid deponents }  
Sworn at Warragul in the } Benjamin Dopley  
State of Victoria this eleventh }  
day of April 1907 } John Simmonds  
Before me }  
W. S. D. S. W.

A Commissioner of the Supreme Court  
of Victoria for taking affidavits

102717

IN THE SUPREME COURT.  
OF VICTORIA.

PROBATE JURISDICTION.

IN THE  
Will  
of George Streitberg  
late of  
Hannum

in the State of Victoria, retired farmer and  
Stone Keeper  
deceased.

Affidavit of Publication of Notice and of  
Searches.



*Edw Cameron & Sonwick*  
101  
Hogon, Partridge & Co., Printers, Melbourne.  
*Gray & Sons & Widdowson*  
*Proctors*  
*Warragul*

In the Supreme Court. }

PROBATE JURISDICTION.

OF VICTORIA.

IN THE Will of George Streitberg  
late of Darnum  
in the State of Victoria retired farmer and Storekeeper deceased

I, John James Hanby of Number 425 Little Collins Street Melbourne  
in the State of Victoria Managing Clerk to Messieurs Gisp, Cameron and Rennie of  
the same place Solicitors make oath and say—

1. That the following advertisement duly appeared in the Argus  
newspaper published in Melbourne on the Third  
day of November 1906 namely

~~Notice is hereby given that after the expiration of fourteen days from~~  
~~the publication hereof application will be made to the Supreme Court~~  
~~of the State of Victoria in its Probate Jurisdiction that~~ Probate  
of the Will of George Streitberg late of Darnum in  
Victoria retired farmer and storekeeper deceased

may be granted to John George Harris Streitberg of Darnum  
aforesaid storekeeper and James Martin Streitberg and Charles  
Gessler Streitberg both of Launching-place farmers the  
executors appointed by the said will

Dated this third day of November 1906  
Gray Friend and Williamson proctors Warragul.

- 2. That I have since the death of the deceased searched and find that no Will of the above-named deceased is deposited in the office of the Registrar-General.
- 3. That I have this day searched in the proper office of this Honorable Court and find that no caveat is lodged in this matter.
- 4. That no application for probate or administration in this matter has heretofore been made to or been granted by this Court or by the Registrar of Probates of this Court.

SWORN at Melbourne in the  
State of Victoria this 23<sup>rd</sup> day of  
January One thousand nine  
hundred and Seven.

J. J. Hanby

Before me

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

102747  
In the Supreme Court

Probate Jurisdiction

In the will of George  
Speitberg late of Danmum  
in Victoria retired farmer  
and stockkeeper deceased

Applicant of  
messrs James Martin  
Speitberg and Charles  
Speider Speitberg



Per Fred Williamson  
Proctor  
O'Meara & Co

In the Supreme Court.

In the Will of Jergo Streitberg  
late of Darnum in the State of  
Victoria retired farmer and  
storekeeper deceased

We John George Harris Streitberg of  
Darnum in Victoria storekeeper and James  
Martin Streitberg and Charles Gosler  
Streitberg both of Launching Place in  
Victoria farmers severally make oath and  
say

1 That probate of the will of the abovesaid  
deceased has as we are informed and verily  
believe been granted to us the executors named  
in and appointed by the said will by this  
Honorable Court

2 That in the statement of assets and liabilities  
of said deceased lodged by us in the office  
of the Master in Equity and verified by our  
affidavit the debt owing by the said deceased  
to one "Rev M Eachern" for a mortgage given  
by said deceased is given as "five hundred  
pounds" That the true amount of the said  
mortgage debt is Six hundred pounds

3 That annexed hereto and marked with the  
letter A is a letter received by our solicitor Messrs  
Gazfield & Williamson from the said Rev  
M Eachern

4 That we bona fide believed when the said  
affidavit was sworn that the said mortgage debt  
was Five hundred pounds but had had no opportunity

57  
of Communicating with the said mortgagee.  
That since the said affidavit was sworn  
we have received the bill of charges on account  
of Dr. Murphy deceased's medical attendants  
referred to in the said statement of assets and  
liabilities. The full amount thereof is Five  
pounds five shillings only (£5.5.0)

By the abovenamed John George Harris }  
Streitberg Sworn at Warragul in Victoria } J. M. Streitberg  
this 29<sup>th</sup> day of January 1907 }  
Before me  
W. S. Cairne

A Commissioner of the Supreme Court of Victoria  
for taking affidavits

By the abovenamed James Martin } J. M. Streitberg  
Streitberg Sworn at Lilydale in }  
Victoria this sixth day of ~~January~~ February }  
1907 Before me Tho. E. Calver }

A Commissioner of the Supreme Court of Victoria  
for taking affidavits

By the abovenamed Charles Gosler } J. M. Streitberg  
Streitberg Sworn at Lilydale in }  
Victoria this sixth day of February }  
1907 Before me Tho. E. Calver }

A Commissioner of the Supreme Court of Victoria for  
taking affidavits

102747

IN THE SUPREME COURT  
OF VICTORIA-----

PROBATE JURISDICTION

IN THE WILL of George Streit-  
berg late of Darnum in  
Victoria retired farmer and  
storekeeper deceased



J. G. PROBERT



*Probert & Co. Solicitors*  
for  
Gray Friend & Williamson  
Proctors  
Warragul

MADE IN U.S.A.  
IN THE SUPREME COURT  
OF VICTORIA

PROBATE JURISDICTION

IN THE WILL of George Streitberg  
late of Bloomfield in Victoria  
retired farmer and storekeeper  
deceased

I JOHN GEORGE HARRIS STREITBERG of Darnum in Victoria storekeeper  
make oath and say:-

1. That I am one of the executors of the will of above named deceased

2. That when the said George Streitberg deceased gave to me his business of a storekeeper at Darnum as set out in the affidavits sworn by myself and my co-executors James Martin Streitberg and Charles Gossler Streitberg and filed herein I continued the said business exclusively of the said George Streitberg for about 18 months <sup>in conjunction with my brother the said Charles Gossler Streitberg</sup> and thereafter to the present day by myself. The income tax returns for the said business were sent in by me for the whole period since I obtained the said business first for myself and the said Charles Gossler Streitberg and thereafter for myself alone. Income Tax returns were not sent in by the said George Streitberg deceased for or in respect of the said business for any period subsequent to his gift to me of the said business

2. That the said George Streitberg collected all book debts due to him from the said business up to the time I obtained same and that there were no book debts from the said business or otherwise owing to him the said George Streitberg at the time of his death

SWORN at Warragul in the State  
of Victoria this 7<sup>th</sup> day of June  
one thousand nine hundred and  
seven Before me

*J. H. Streitberg*

*W. J. Irvine*  
A Commissioner of the Supreme Court of Victoria for taking affidavits

In the Supreme Court  
of Victoria

102747

Probate Jurisdiction

In the Will of George  
Streitberg late of Darwin  
in the State of Victoria  
retired farmer and stockkeeper  
deceased

— Affidavit —  
of —

Messrs J. G. H. Streitberg  
& M. Streitberg and  
L. G. Streitberg

Each covered by  
Gray Street & Williamstown

Proctors

Warragul



IN THE SUPREME COURT

PROBATE JURISDICTION

IN THE WILL of George Streitberg  
late of Darnum in the State of  
Victoria retired farmer and  
Storekeeper deceased

WE JOHN GEORGE HARRIS STREITBERG of Darnum in Victoria store-  
keeper and JAMES MARTIN STREITBERG and CHARLES GOSSLER STREITBERG  
both of Launching Place in Victoria farmers severally make oath  
and say

1. THAT we are the executors of the will of abovenamed  
deceased

2. THAT the valuations of real estate set out in the State-  
ment of assets save and except the house and shop property  
at Darnum and liabilities filed herein were made by Messrs  
Benjamin Cropley and John Simmons two landowners resident in  
the district in which the lands at Darnum are situate and who  
are practical and competent valuers with great experience of  
real estate THAT the said house and shop property was valued  
by Mr G.W. Anderson of Warragul land agent and valuer formerly  
a storekeeper at Warragul and a resident of the district for  
about 20 years That the said valuations were made at our  
request before the date of the said statement of assets and  
liabilities and pursuant to an agreement made between us these  
deponents whereby it was agreed that we should abide by the  
said valuations when made as the basis for adjustment of our  
shares under testator's will the said testator having directed  
by his said will that each of us although receiving different  
properties should pay or receive as the case might be necessary  
from the others such sum as might be necessary to make the  
properties devised to each of us of equal value . We chose  
the said valuers as we were aware of their intimate knowledge  
of the properties and district and of their judgment and skill  
in valuing

Harris

3. THAT John George, Streitberg one of these deponents was

married on the twenty-fourth day of February one thousand nine hundred and three At his marriage the testator gave him as a wedding gift the furniture and household effects then being in the dwelling house at his (testator's) store at Darnum township together with some new furniture The total value of such furniture both old and new did not exceed Forty pounds There was no writing or deed of gift. In the same way when this deponent James Martin Streitberg was married on the twenty-fifth day of September 1901 the testator gave to him the said James Martin Streitberg the furniture then being in the dwelling house at the farm at Darnum being part of allotment of section 15 Darnum and 27 Warragul containing about 125 acres together with some new furniture as a wedding gift The total value of such furniture both old and new did not exceed Fifty pounds He also at same time gave the said James Martin Streitberg certain live stock and farming implements then on the said farm of a total value not exceeding Two hundred and eighty pounds There was no writing or deed of gift or duty paid for or in respect of any of the above-mentioned gifts

*W. H. D.*  
*all about personal property of Darnum farm separate*

4. The security given to The Commercial Bank by testator to secure repayment of overdraft was a mortgage of his real estate at Darnum

5. The testator was aged seventy-two years at his death He retired from business by reason of his age and failing health. He had ~~xxxxxx~~ been suffering from a chest disease for many years previously He had always informed us that he would treat us all alike in his will and give us the properties we were in possession of during his life . He discussed all his affairs and repeatedly said he would set us up one by one before he died and did so. There were no deeds or documents signed. The farm lands referred to in paragraph 7 of our affidavit verifying statement of assets and liabilities are the 125 acres mentioned in paragraph 3 hereof

*W. H. D.*

6. THAT there was no deed of gift or writing given by testator to the said John George Harris Streitberg of the business and

stock-in-trade mentioned in paragraph 7 of the said affidavit verifying statement nor any duty paid on such gift. The testator merely told us that he the said John George Harris Streitberg was from that time to have the business and stock as his own. The value of the stock in trade was Three hundred and eighty pounds. The business had no value outside the stock-in-trade there being no goodwill although testator was of opinion there was. This gift was made on the first day of September 1902. From that date the said testator had no interest whatever in the said business or stock-in-trade but retained the book debts incurred therein up to the date of the gift. The said John George Harris Streitberg verbally leased the premises from testator from that time at a rent of Thirty-five pounds a year which he paid. The said John George Harris Streitberg managed the business for about 18 months in conjunction with his brother Charles whom he took into partnership and thereafter by himself. The partnership first and the said John George Harris Streitberg afterwards ordered and paid for all goods in their and his own name exclusive of any control direction or interest by or of the said testator. The partnership between the said two brothers lasted for about 18 months.

7. When the said testator gave his son James Martin Streitberg live stock and furniture on the farm lands at Darnum he verbally leased the said farm lands to the said son at a yearly rent of Fifty pounds. Thereafter the said James Martin Streitberg received the whole benefit and advantage of and worked the said lands and stock exclusive of the testator and also sent in income tax returns in his own name and paid the tax. This continued until the month of June 1906 when the testator being desirous of getting his land at Launching Place improved suggested that the said James Martin Streitberg should leave the Darnum farm and go to Launching Place to assist his brother Charles Gossler Streitberg who was working on the land there. The said James Martin Streitberg did so and the farm land was then let to one Tarbuck as mentioned in

paragraph 7 of the affidavit verifying statement of assets and liabilities  
BY the abovenamed John George Harris Streitberg }  
Sworn at Warragul in the State of Victoria this }  
24<sup>th</sup> day of April 1907 Before me

*W. J. Harris*

*J. G. Harris*

A Commissioner of the Supreme Court of Victoria for taking affidavits

*Handwritten notes:*  
Handwritten notes on the left margin, including "Receipt" and "Income tax".

By the above named James Martin

Streitberg Sworn at Warburton

in the State of Victoria this

11<sup>th</sup> day of May

1907

Before me

*[Signature]*

A Commissioner of the Supreme Court of Victoria for taking affidavits

*James Martin Streitberg*

By the abovenamed Charles Gossler

Streitberg SWORN at Warburton

in the State of Victoria this

11<sup>th</sup> day of May

1907

Before me

*[Signature]*

A Commissioner of the Supreme Court of Victoria for taking affidavits

*Charles Gossler Streitberg*

Observations



Faint, mostly illegible handwritten text, possibly bleed-through from the reverse side of the page. The text is arranged in several paragraphs across the page.

"A"

We (the undersigned) have inspected the properties of the late George Strubberg for the purpose of valuing the same. We went over the property at Lancing Place on the 24<sup>th</sup> inst. A great portion of the block is in a very rough state with dead timber lying on the ground & a considerable area of undergrowth about 60 acres have been partly cleared but is overgrown with bracken ferns about half the block is good land & the rest of it only medium & is also very stony. The surface in many places being covered with loose stones & also a deal of rock in places which makes it unfit for cultivation & also very difficult to get it fit for pasture. We value the whole block at £3.15.0 an acre

The farm at Darnum now occupied by Mr Tarbuck we roughly divided into 3 sections. The portion between the Mac river & the north boundary about 20 acres We value at £12 an acre about 70 acres of flat south of the river at £17 & about 40 acres on East & South of very inferior land at £3 an acre

50  
12  
240  
70  
17  
490  
70  
1190

The paddock of 39 acres upon which is erected slaughter house & piggeries We value at £8 an acre

40  
3  
120

Benjn Copley  
John Simmonds

398  
312

This is the document marked A referred to in the annexed affidavits of Benjamin Copley and John Simmonds sworn before me this Eleventh day of April 1907  
Undersigned  
a Commissioner of the Supreme Court of Victoria for taking affidavits

This is the letter marked A referred to in the  
affidavit of John George Harris Streitberg sworn before  
me this 29<sup>th</sup> day of January 1907  
at Perth  
A Commissioner of the Supreme Court of Western  
Australia

This is the letter marked A referred to in the affidavit  
of James Martin Streitberg sworn before me this 29<sup>th</sup> day  
of January 1907  
at Perth

A Commissioner of the Supreme Court of Western  
Australia

This is the letter marked A referred to in the affidavit of  
Charles Gosler Streitberg sworn before me this 29<sup>th</sup> day  
of January 1907  
at Perth

A Commissioner of the Supreme Court of Victoria for taking  
affidavits

"A"

100 Rathmines Road

Auburn, Melbourne 10<sup>th</sup> Jan<sup>y</sup> 1907

Messrs Gray, Friend & Williamson

Dear Sirs

I have just received  
your letter informing me of the  
death of Mr. Streitberg to whom  
my lawyer had lent some money  
for me. I desire sincerely to  
sympathise with the surviving  
friends.

I proceed now to answer the  
questions which you put to me.

- (a) I am the person to whom the land is mortgaged.
- (b) The principal sum lent was £600 and it was to be repaid on 10<sup>th</sup> March 1909. Of course that does not apply now.
- (c) The rate of interest was fixed at 5 per cent and was payable on the 10<sup>th</sup> September and the 9<sup>th</sup> March of each year.
- (d) The interest from the 19<sup>th</sup> September of last year is owing. The buildings I understood from my lawyer

are insured.

- (e) I do not know the name of the office where they are insured or the amount of the premium or when it is due. I leave my lawyer to attend to these things.
- (f) The title and mortgage could be inspected at the office of Thomas Sales Esq., Stalbury Chambers Clarendon Lane, Melbourne.
- Hoping that these answers will give you all the information you require
- I am  
Yours truly  
Duncan S. M. Zachman

In the Supreme Court  
of Victoria

Probate Jurisdiction

In the Will of George Streitberg  
late of Darnum in the State  
of Victoria retired farmer  
and storekeeper deceased.

Receipt

That  
Probate of the Will of above-  
named deceased may be  
granted to John George  
Laris Streitberg of Darnum  
aforesaid storekeeper and James  
Martin Streitberg and Charles  
Gosler Streitberg both of  
Launceston in the said  
State for and in the name of  
the said executors



Crisp Carrer & Rennie  
for  
Gray, Friend & Williamson  
brokers  
Warragul.

203, 1907