

3<sup>rd</sup> / 31<sup>st</sup>

IN THE SUPREME COURT  
OF THE COLONY OF VICTORIA.

IN ITS PROBATE JURISDICTION.

IN THE WILL OF *James  
Ferguson*  
late of *Melbourne* in the  
Colony of Victoria *Macleod*  
*deceased.*

AFFIDAVIT OF EXECUTORY





In the Supreme Court)  
OF THE COLONY OF VICTORIA.

IN ITS PROBATE JURISDICTION.

IN THE WILL OF *James Fergusson* late  
of *Melbourne* in the Colony of  
*Victoria* Wholesale Stationer  
deceased.

*I Henrietta Fergusson* \_\_\_\_\_  
of *Glenferrie* \_\_\_\_\_  
\_\_\_\_\_ in the Colony of Victoria  
*Widow* \_\_\_\_\_ make oath and say—

1. That *I am* seeking to obtain Probate of the Will of the above-named  
*James Fergusson* \_\_\_\_\_ deceased.
2. The said deceased died on the *thirteenth* day of *April* \_\_\_\_\_  
One thousand eight hundred and *eighty eight* \_\_\_\_\_

3. The said deceased left a Will bearing date the *Fifth* \_\_\_\_\_ day  
of *December* One thousand eight hundred and *seventy one*  
which is as *I* believe the last Will and Testament of the said deceased  
and which is unrevoked *unless the same was revoked*  
*by a Will alleged to have been executed by the said*  
*deceased in or about the month of March One thousand*  
*eight hundred and eighty two*
4. By his said Will the said testator appointed *me this deponent*

*this lawful Widow* sole executrix thereof. \_\_\_\_\_

5. The paper writing hereunto annexed marked "A" is the true last Will of the  
said deceased as *I* verily believe. *unless the same was*  
*revoked by the said Will alleged to have been*  
*executed by the said deceased in the said month*  
*of March*
6. The said Will was executed in the presence of *George Henry Taylor*  
of *Queen Street Melbourne* in the said Colony  
*Solicitor* and *Arthur Henry Manton* of *Queen*  
*Street Melbourne* aforesaid Solicitor.
7. The said deceased left real estate in the Colony of Victoria not exceeding  
in value the sum of *One hundred and Three thousand*  
*pounds* \_\_\_\_\_  
and personal property in the said Colony not exceeding in value the sum of *Thirty*  
*eight thousand pounds*.



8. If I obtain 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 hand writing 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 hand writing 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 probate.

Sworn at *Melbourne* in the Colony  
of Victoria this *fifteenth* day  
of *May* One thousand  
eight hundred and *eighty eight*  
Before me

*Henrietta Ferguson*

*Geo: Bullen*

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



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— The Will of —

James Ferguson Esq  
M. & A.

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James & Margaret  
70 Queen Street



This is the Will marked "A" referred to in the annexed  
affidavit of Henrietta Fergusson sworn the 13<sup>th</sup>  
day of May 1888 Before me

Geo. Cullen  
Commissioner for

This is the last Will and Testament of me  
James Fergusson of Collins Street West in the  
City of Melbourne in the Colony of Victoria  
Member of the Legislative Assembly I revoke  
all other wills by me at any time heretofore  
made I give devise and bequeath unto my  
wife Henrietta Fergusson all my real and  
personal estate and effects whatsoever and  
wheresoever situate To hold the same unto and  
to the use of my said wife her heirs executors  
administrators and assigns for ever I appoint  
my said wife executrix of this my will  
In witness whereof I the said James Fergusson  
have to this my last Will and Testament  
affixed my hand this fifth day of December  
in the year of our Lord one thousand eight  
hundred and seventy one.

Signed Published and Dictated  
by the said James Fergusson  
as and for his last Will and  
Testament in the presence of  
us who in his presence at his  
request and in the presence of  
each other have subscribed  
our names as Witnesses

James Fergusson

Geo. A. Taylor  
Thames

William  
Atmantow  
Sob. Melbourne