

In the Supreme Court.

IN THE PROBATE JURISDICTION,
W. D. 21/10/97
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IN THE WILL OF *James Marshall*
Consul's Heir as James
Wesley
 late of *Burnsby*
 in Victoria, *Southland*
 deceased.

AFFIDAVIT OF EXECUTOR



DUTY STAMP.



By Authority: R. and Printer, Melbourne.

In the Supreme Court of
the Colony of Victoria.

IN THE PROBATE JURISDICTION.

(1) And codicil or
codicils, if any.

IN THE WILL¹ of

*Sampson Marshall (sometimes known
as Sampson Webster) - late of Burrumbeet*
in Victoria, *Gentleman* deceased.

*We, William Marshall, Railway Sanger,
and Mary Marshall, Married Woman, both
of Burrumbeet,* in Victoria,
severally, make oath and say—

(2) If any codicils,
state the number
and date of each.

(3) Or are where
codicils.

(4) Insert full
christian and sur-
name and residence
of each executor.

1. That we are seeking to obtain Probate of the Will¹ of the
above-named *Sampson Marshall (sometimes known as
Sampson Webster)* deceased.

2. The said deceased died on the *eleventh* day of *August*
One thousand eight hundred and ninety six at *Burrumbeet* aforesaid

3. The said deceased left a Will² bearing date the *sixth*
day of *March* *One thousand eight hundred and ninety four* which is as *we*
believe the last Will and Testament of the said deceased, and which is³ *unrevoked.*

4. By his said Will the testator appointed *us the said William Marshall
(in the said Will styled William Webster) and Mary Marshall
(in the said Will styled Mary Marshall Webster) both of
Burrumbeet aforesaid*
executors thereof.

(5) If codicils, they
must also be
marked.

(6) Insert full
christian and sur-
name and residence
of each of the sub-
scribing witnesses
to the Will.

(7) If no real estate
or no personal
property, insert
but did not leave
any real estate (or
personal property,
as the case may be).

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

6. The said Will was executed in the presence of *Alfred Benjamin Gray
of Loch Avenue, Ballarat in Victoria, and Samuel
Ernest of Mount Bynning in Victoria then of
Burrumbeet aforesaid*

7. The said deceased left property in Victoria not exceeding in value the sum
of *One hundred and five pounds*—consisting of *real estate*
of the value of *£* *—* and personal estate

of the value of *£ 105*, but did not *leave any real estate*

8. That if we obtain Probate we will well and truly collect and administer according to
law to the best of our 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 *us* as his executor or of any other
person or persons for *us* that we 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 *us* or to the hands or
possession of any other person or persons for *us* and the same so made will sign with our
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 probate; and, further, that we will make or cause to be made a true and just
account of the administration of the estate which we have undertaken as to our receipts and
disbursements and as to what portion is retained by *us* and what portion remains uncollected,
and the same so made will sign with our 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 Probate.

9. That to the best of my 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
seised or possessed. 10. That we were not aware till recently that Probate of the
said Will was necessary or earlier application would have been made.

Sworn at *Ballarat* in the Colony
of Victoria, this *Eleventh* day of
September *One thousand eight*
hundred and ninety seven by *Mary
Marshall one of the abovenamed*
deponents Before me,

Mary Marshall
Mary Marshall

Registrar of the County Court,

A Commissioner of the Supreme Court for taking Affidavits.

Sworn at *Ballarat* aforesaid this *18th* day of *September*
1897 by *William Marshall* one of the abovenamed
deponents, Before me,

W. Dickson
A Commissioner as aforesaid

*Re-sworn at Ballarat aforesaid this 18th
day of September 1897 by Mary Marshall one
of the abovenamed deponents, Before me*
W. Dickson
A Commissioner as aforesaid

William Marshall

This is the Will marked A referred to in the affidavit of William Marshall and Mary Marshall sworn by the deponent Mary Marshall before me this 11th day of September 1897
W.D. C. 200
A Commissioner of the Supreme Court

A

This is the Will marked A referred to in the affidavit of William Marshall and Mary Marshall sworn by the deponent Mary Marshall before me this 11th day of September 1897.
W.D. C. 200
A Commissioner of the Supreme Court

This is the Will marked A referred to in the affidavit of William Marshall and Mary Marshall sworn by the deponent Mary Marshall before me this 11th day of September 1897.
W.D. C. 200
A Commissioner of the Supreme Court

This is the last Will and Testament of me Sampson Webster of Burrumbett in the Colony of Victoria Gentleman
After payment of my just debts funeral and testamentary expenses I give devise and bequeath all my real and personal estate whatsoever and wheresoever of or to which I shall be possessed or entitled at the time of my decease Unto my daughter in-law Mary Marshall Webster of Burrumbett aforesaid the wife of my son William Webster of the same place Gangster on the Railway. And I appoint my said son William Webster and my said daughter in-law Mary Marshall Webster to be Executor and Executrix of this my Will On witness whereof I have hereunto set my hand this 11th day of March in the year of Our Lord One thousand eight hundred and ninety four &.

Signed by the Testator Sampson Webster as and for his last Will and Testament in the presence of us present at the same time who at his request in his sight and presence and in the presence of each other have hereunto affixed our names as attesting witnesses and We certify that the said Testator Sampson Webster being partially paralysed and unable to write the foregoing Will was first truly distinctly and audibly read over and explained to him by the undersigned Alfred Benjamin Gray of Ballarat Solicitor and the said Testator appeared fully to understand the same and made his mark thereto in our presence

his
Sampson X Webster
mark.

A.B. Gray
Solicitor
Ballarat.

Samuel Spruce
Fasma Burrumbett

This is the Will marked A referred to in the affidavit of Alfred Benjamin Gray sworn before me this 21st day of October 1897
W.D. C. 200
A Commissioner of the Supreme Court

W.D. C. 200
A Commissioner of the Supreme Court

A

This is the wall marked
it referred to in the
affidavit of William
Marshall sworn before
me this 20th day of
November 1897

W. Dickson

A Commissioner
V. J. C.