

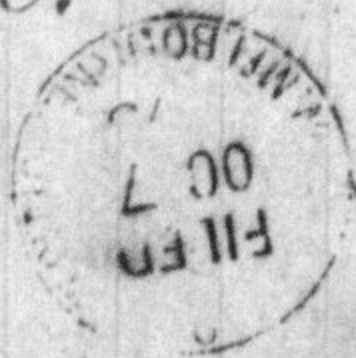
In the Supreme Court
of the Colony of Victoria

13/ 884

Probate Jurisdiction

In the Will of Charles
Albert Frederick Slater
deceased.

Affidavit of
W. H. Wischer Esq in
support of Motion
for Probate.



A. W. Smale.

In the Supreme Court }
of the Colony of Victoria }
In its Probate Jurisdiction.

In the Will of Charles Albert Frederick
Mater late of Homburg in Germany
Gentleman deceased.

1. W
1 William Hermann Wischur of Melbourne
in the Colony of Victoria ^{Gentleman} make oath and say: -

That I am acting Consul of the German
Empire at Melbourne aforesaid and in such
Capacity I received in the month of July last
the letter written in the German language -
produced and shewn to me at the time of
swearing this Affidavit and marked "A" signed
L. Stumpff and the paper writing hereto annexed
marked "B" is a true copy or translation into the
English language of such letter.

2. That I have compared the signature
L. Stumpff attached to the said letter marked
"A" with the signature L. Stumpff and the
description appended thereto in the same handwriting
attached to the paper writing produced and
shewn to me at the time of swearing this Affidavit
and marked "B" and which latter signature
as appears by the same paper writing is duly
verified by the British Consul at Frankfurt
in Germany aforesaid.

3. That the meaning of the said description
translated into the English language is "Chief
Justice" at the Royal "Town Court" and from
such Comparison and the information thereby
afforded I verily believe such respective signatures

to be those of the same person and that the said
L. Stumpff is the first Judge or Chief Justice at Homburg
v.d. Höhe of the Royal District Court there.

4. That accompanying such letter I received
from the said L. Stumpff the Document or certified
copy Testament therein referred to bearing a seal
purporting to be that of the said Royal District
Court and the signature of the said L. Stumpff.
and which said Document is also hereto annexed
and marked "C" and the paper writing hereto
annexed and marked "D" is a true copy or translation
into the English language of such Certified Copy
Testament.

5. That I have perused the said Certified Copy
Will and letter respectively and from the information
derived by me from such perusal as well as from my
own previous knowledge of the law in Germany relating
to the Wills or Testaments of persons domiciled there
I am enabled to state as to the best of my belief that
the original Will or Testament of which the said
Document marked C purports to be a copy is now
deposited as of record in the said Royal District
Court at Homburg aforesaid and that all due forms
which the laws in force there require have been
duly fulfilled and that the said Original Testament
is a legal Testament made and published in
accordance with such laws.

Sworn at Melbourne in the
Colony of Victoria this ~~fourth~~
day of October one thousand eight
hundred and seventy five. Before me

W. H. Nichol

W. H. Nichol

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

"D"

Homburg. v. d. Höhe 22nd May 1875

Translation of:

Royal Town Court.

Copia vidimata.

Testament.

I Carl Albert Friedrich Mater
gentleman, order by this my last Will and
Testament as follows:

Art. 1.

To heirs of the whole of my property no
matter what it may consist of I appoint
my children, viz:

- 1, Emma Mater
- 2, Blanca Victoria Mater
- 3, Henry Mater

and their legitimate descendants.

Art. 2.

The business which is carried on by me
in Melbourne under the firm Mater & Co
shall be continued by my heirs on their
joint account for 5 years (five years) after
the day of my death, provided, that the
yearly profit made in the business be
equal to 10% interest on the capital
invested in it by me.

None of my heirs shall during this period
draw more than One Thousand Thalers
yearly out of the business.

Should however the profit made in this
business in any year not be equal to the
before mentioned amount, then any of my
heirs shall have the right to demand
liquidation of the business.

The management of the business of the firm

over

In the Supreme Court of the Colony of Victoria In the Probate Jurisdiction In the Will of Charles Albert Fredericks Mater late of Homburg in Germany

Spentleman deceased. referred to in the Affidavit of William Hermann Wischer and day of October 1875. Before me.

W. H. Wischer
A Commissioner &c.

Mater & I during the (5) five years as mentioned in Art. 1. as also the liquidation of the business, Art. 2, shall be solely in the hand of my son Henry Mater and my present manager Mr August C. Hinerbein in Melbourne, whose duty it shall be to annually render a report and balance sheet to my daughters or their guardians for their inspection.

Art. 3.

So far as my estate in Australia is concerned I nominate as executors of this Testament

a. Mr August C. Hinerbein

b. Mr George Haswell Oakley

both being in Melbourne while so far as the regulation of my estate in Europe is concerned I nominate Mr Gustav Schramm Agent of Hamburg executor of this Testament

Art. 4.

Should at the time of my death any of my in Art. 1. appointed heirs or their substitutes not be of age then I appoint, provided that the minors or minor be living in Europe, as guardians of the resp. minors.

a. Baron Rudolph von Luttwitz

b. Baron Arthur von Luttwitz

but should at the time of my death my children, then yet under age, live in Australia, then I appoint Mr Houlton Voss in Sydney their or his guardian

Art. 5.

That part of the fortune which falls to the lot of my daughters Emma and Blanca Victoria Mater shall not be handed over to them to deal with it themselves but shall be placed under the administration of two (2) male administrators and only the interest

over)

of the capital shall be handed over to my daughters that however without any deduction. This administration shall especially also be continued in case one of my daughters should get married. My daughters shall have power to select the administrators themselves, shall however on no condition whatsoever nominate their resp. husbands as administrators.

Should my daughters not have decided as to the persons to be made administrators within one month from date of my death in that case shall Baron Rudolph von Luttwitz, or if they should be in Australia at that time, then shall Mr Houston Voss nominate (2) two administrators for them.

The management of the Estate however shall be out of court.

Art. 6.

I provide the following legacies.

- a. to my housekeeper Miss Marie Schreider the sum of £ 1,000.-
- b. I give to the son of Miss Marie Margarete Schreiber from Sindlingen, Carl Schreiber, born at Darmstadt, until he has completed his twentyfirst year, the annual income of twelve pounds Sterling, which my heirs shall pay quarterly in advance to my legatee or his lawful guardian.

Art. 7.

Former last Wills and Testaments are hereby annulled.

Art. 8.

I retain the right to add to this Testament by slips, which shall, if written or even only signed by me, have the same effect as if they had been word for word included in this Testament

over

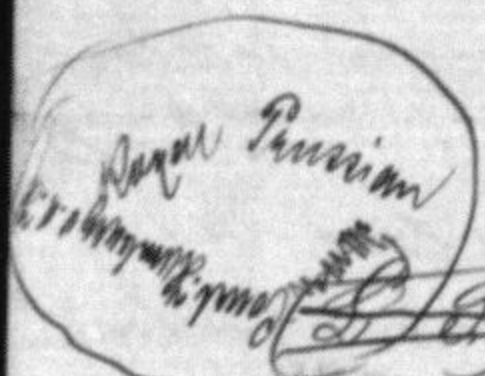
Art. 9.

Should this not be lawful as a solemn
Testament, then it is my Will that it be
considered as a codicil, fideicommiss (entailed-estate)
a present in case of death or in any other
lawful manner.

Testified to by my own signature.

Homburg v. d. Höhe 27th February 1875.

C. A. J. Hader.



Pro Copia vera

Royal Town Court

I Section

sig L. Stumpff

No. 3. VII. No. 841.

884

I hereby certify that the foregoing
is a true and correct translation
of the annexed document (marked A)
written in the German language

Melbourne 4th August 1875.

The Acting Consul of the German Empire.

W. W. Wischa



In the Supreme Court of the Colony of Victoria.
In the case of Charles Albert Frederick Esterle late of Homburg in Germany Plaintiff
vs
The Commissioners of the Homburg Homburgische Wäcker
This is the document or certified copy of the original referred to in the Affidavit of Mr. Esterle
and which annexed hereto this 11th day of October 1875 before me.
A Commissioner of the Court.
W. G. M. M.

H A

Homburg v. d. Höhe, den 22. Mai 1875

Königliches Amts-Gericht.

Copia videmata.
Testament.

Ich der unterschriebene Prantier Carl Albert Friedrich Esterle
hiermit auf dieses mein Testament letztwillig zur Folge.

art 1.

Zu Lebzeiten meines vorgenannten Nachfolgers soll mein Vermögen in demselben
meiner Ehefrau folgen und zu gleichen Theilen meinen Kindern, nämlich:

- 1, Emma Esterle,
- 2, Blanca Victoria Esterle,
- 3, Henry Esterle,

und nach Ableben derselben sollen dieselben Theile erhalten.

art 2.

Ich von mir unter der Summe Esterle & Co zu Melbourne bestehende
Handlung soll nach meinem Ableben meinem einzigen Sohn nachfolgend
sein. Dieser soll nach meinem Tode die Handlung für mich,
persönliche Verwaltung meines Lebens fortgesetzt werden und nach
Tode, wird der in dieser Handlung erzielte jährliche Reingewinn
mindestens einer Verwaltung meines in dem Geschäft befindlichen
Capitals von zehn Prozent gleichkommen.

Nachdem dieser Zeit über keine der Leben von meinem Ansehen
von dem Reingewinn nicht mehr als Eintausend Thaler jährlich

reicht

aus dem Gesellschaften auszuscheiden.

Wirden dagegen nur in dem Gesellschaften ausgetheilt. Dagegen in einem Jahre die ungenutzten Gassen nicht anzuweisen, so soll jeder seinen Platz beibehalten sein, die Angelegenheiten der Gesellschaft zu führen.

Die Leitung der Gesellschaft der Herren Vater & Co. in der in der 1. Sitzung der Gesellschaften sind die nach der 2. Annahme der Gesellschaften soll ausschließlich von einem Herrn Henry Vater und einem anderen der Gesellschaften Herrn August C. Künsterlein in Melbourne beauftragt werden. Einmal sollen jeder verpflichtet sein, von beiden Vorgesetzten der Gesellschaften jährlich über den Gang der Gesellschaften Bericht zu erstatten und eine Stellung zu übernehmen.

art 3

In der Verwaltung der Gesellschaften soll es sein, so wie die in der Gesellschaften in der Gesellschaften der Gesellschaften sein soll.

a. von Herrn August C. Künsterlein und

b. von Herrn George Haswell Oakley

beide zu Melbourne beauftragt, wiewohl es in der Gesellschaften, jedoch soll es sein, so wie die in der Gesellschaften in der Gesellschaften der Gesellschaften sein soll. Herr Haswell Oakley in Hamburg sein soll.

art 4

art 4

Wirden bei einem Ableben eines Mannes in der 1. Sitzung der Gesellschaften der Gesellschaften der Gesellschaften sein, so soll es sein, so wie die in der Gesellschaften der Gesellschaften sein soll. Der Gesellschaften der Gesellschaften der Gesellschaften sein soll.

a. von Herrn Rudolf von Kellwitz

b. von Herrn Arthur von Kellwitz

Wirden dagegen z. B. einem Ableben eines Mannes in der 1. Sitzung der Gesellschaften der Gesellschaften der Gesellschaften sein, so soll es sein, so wie die in der Gesellschaften der Gesellschaften sein soll. Der Gesellschaften der Gesellschaften der Gesellschaften sein soll.

art 5

Der Mann Wilhelm Emma Vater und Blanche ^{Victoria} Vater soll es sein, so wie die in der Gesellschaften der Gesellschaften der Gesellschaften sein soll. Der Gesellschaften der Gesellschaften der Gesellschaften sein soll. Der Gesellschaften der Gesellschaften der Gesellschaften sein soll.

Wirden bei einem Ableben eines Mannes in der 1. Sitzung der Gesellschaften der Gesellschaften der Gesellschaften sein, so soll es sein, so wie die in der Gesellschaften der Gesellschaften sein soll. Der Gesellschaften der Gesellschaften der Gesellschaften sein soll.

von

Australia and have the same forwarded to us.

The guardians of the deceased's 2 daughters can only sign receipts for monies remitted from Australia to Europe if the guardian of Henry Water signs the receipts as well, it will therefore be advisable that the last mentioned guardian should formally authorize by a special Power of Attorney the two guardians of the daughters to receive the monies out of the estate and to give receipts for the same. We respectfully request the Imperial Consulate to use its influence in endeavoring to remove any difficulties which may arise under the testamentary directions and that an exact schedule of the estate may be prepared and that if possible the estate may be administered with due regard to the interest of the minors concerned.

We request that the proceedings in this matter may be forwarded to us as soon as possible. You may retain your charges out of the Estate in Melbourne.

Royal District Court
Division II

(sig.) L. Stumpff.

To
The Imperial German Consulate
Melbourne.
Australia.

884