

40/424

In the Supreme Court
of the Colony of Victoria

In its Probate Jurisdiction

In the Will of Peter James
late of Penalla in the Colony
of Victoria Farmer deceased

Affidavit of Executors



James & Henry James
Executors
Bank Place Melbourne
and Penalla

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

In the Will of Peter Bruce late of
Benalla in the Colony of Victoria Farmer
deceased

We Gustavus Robert Bruce of Yarrawonga in the Colony of
Victoria Farmer and George Bruce of Yarrawonga aforesaid Livery
Stable Keeper severally make oath and say

1. That we are seeking to obtain Probate of the Will of the above
named Peter Bruce late of Benalla in the Colony of Victoria
Farmer deceased

2. The said deceased died on the first day of September
one thousand eight hundred and eighty nine at Benalla

3. The said deceased left a Will bearing date the fourth
day of December one thousand eight hundred and eighty five
which is as we believe the last will and testament of the
said deceased and which is unrevoked

4. By his said Will the said testator appointed Gustavus
Robert Bruce of Yarrawonga in the Colony of Victoria Farmer
and George Bruce of Yarrawonga aforesaid Livery Stable Keeper
executors thereof

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

6. The said Will was executed in the presence of Samuel
Cuthbert Lamrock of Benalla aforesaid Solicitor and
Patrick Connolly of Rothesay in the said Colony Farmer

7. The said deceased left real estate in the Colony of Victoria
not exceeding in value the sum of seven hundred and
sixty eight pounds fifteen shillings and personal property

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in the said Colony not exceeding in value the sum of
nine hundred and ^{fifty three} ~~two~~ pounds seventeen shillings and nine pence making
together the sum of one thousand ^{seven} ~~two~~ hundred and ^{twenty two} ~~seventy~~ pounds twelve
shillings and nine pence

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 executors 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

Sworn at ^{Probate} ^{severally by the said Gustavus Robert Bruce and George Bruce} *Benalla in the*

Colony of Victoria this twenty third day of September 1889

Before me

Gustavus Robert Bruce

George Bruce

Arthur S. Fearns

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

Dated 4th Aug 1885

Will

-of-

Wm. J. Bruce



S. C. Hancock
Solicitor
Melbourne

"A"

This is the last Will and Testament
of me Peter Bruce of Benalla in the
Colony of Victoria Farmer I direct
all my just debts funeral and Testamentary
expenses to be paid as soon as may
be convenient after my decease
and subject thereto I give devise and
bequeath all the Real and Personal Estate
to which I may be entitled or which
I have power to dispose of at the time
of my decease unto the Executors of
this my Will upon Trust to allow my
wife Ellen Bruce during her life
to receive the rent issue and profits thereof
for her sole use and benefit And upon
and after her death then upon Trust
for Gustavus Robert Bruce, George
Bruce, Margaret Bruce and Katherine
Christina Ellen Buchanan (the first three
names being my children and the last named
being my Granddaughter) or the survivors
of them share and share alike And I declare
that if any of them, my children or Grand
daughters, should die without having received
his or her share under this my Will
leaving lawful issue then such issue
shall take its parents share equally
between them share and share alike
And I hereby appoint the said Gustavus
Robert Bruce of Yarramunga Farmer
and George Bruce of Yarramunga
aforeaid Livery Stable Keeper Executors
of this my Will hereby revoking
all other Wills by me at any time

P. B.
R.

heretofore made and declare this to be
my last Will and Testament In
Witness whereof I have hereunto set my
hand this Fourth day of December one
Thousand eight hundred and eighty five

Signed by the testator the
said Peter Bruce as and
for his last Will and Testament
in the presence of us both being
present at the same time who
at his request in his presence
and in the presence of each
other have hereunto set
our names as witnesses
J. H. Hancock

Peter Bruce

J. H. Hancock

Wm. H. Hancock

This is the Will or paper writing
marked "A" referred to in the annexed
several affidavits of Gustavus Robert
Bruce and George Bruce sworn several
before me this twenty third day of
September 1889

of the County of Clark

Commissioner &c