

44

110 44



IN THE SUPREME COURT OF VICTORIA

Donald R.

Probate Jurisdiction.

In the Will of

Edgar
Rutherford Freeman Aroca
late of
in Victoria
deceased.

ORDER FOR

Probate

[Signature]

17/3/09

E. S. Gately
Maryborough

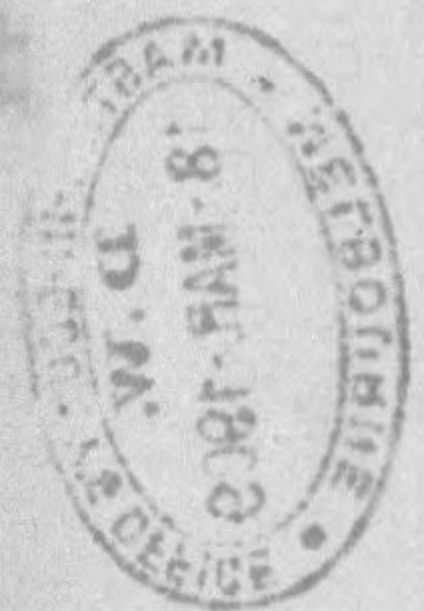
Cuthbert and Co., Law Stationers, Chancery Lane

In the Supreme Court } IN THE PROBATE JURISDICTION
OF VICTORIA.

In the Will of *Al Tow*
late of *Rutherfords Creek near Avoca* deceased
in Victoria *Labourer*

BEFORE THE REGISTRAR.

The *eleventh* day of *March* 190 *9*



Upon Application this day made by the proctor for the applicant and upon reading ^{John and} the several affidavits of *Alfred Henry Wolfe and Francis Henry Rye* and ~~the~~ several affidavits of *Joseph Henry Beaman*

sworn

and filed herein **This Court Doth Order** that

Probate of the will of
the above named *Al Tow* deceased be granted to *Alfred Henry Wolfe of Avoca in Victoria Farmer and Francis Henry Rye of Avoca exors and Scadler*
the executors named in and appointed by
the will of the said deceased

By the Court

Registrar of Probates.

110 41

In the Supreme Court

OF VICTORIA.

IN THE PROBATE JURISDICTION

IN THE WILL OF *Alb Stou Lake*
of Rutherford's Creek
near Arica in
Victoria Harbour
deceased.

PROBATE.

I CERTIFY THAT

there is no

other property in this estate

of the value of \$10,000.
17/3/1919

E. J. S. Golley, M.A., F.R.C.S.,
Bayborough

In the Supreme Court
OF VICTORIA.

IN THE PROBATE JURISDICTION.

IN THE WILL OF *Ah Tow*
late of *Rutherford's Creek near Avoca*
in Victoria, *Labourer*, deceased

BE IT KNOWN that on the *seventh* day of *March*
in the year of our Lord One thousand nine hundred and *nine*
The Will (a true copy whereof is hereunto annexed) of *Ah Tow*
late of *Rutherford's Creek*
near Avoca in Victoria Labourer
deceased, who died on the *first* day of *February*
One thousand *nine* hundred and *nine* and who had at the time of his
death real estate within the jurisdiction sworn not to exceed in value

*If no Real Estate or
no Personal Estate
same must be stated*

twelve pounds ten shillings
and personal estate within the jurisdiction sworn not to exceed in value
*one hundred and fifty four pounds five shillings
and ninepence.*
was proved by *Alfred Henry Wolfe Farmer and
Francis Henry Kaye Saddler both of Avoca
in the State of Victoria*
the executors named therein the having been first sworn
that they would well and truly collect and administer according to law the
estate of the said deceased and would exhibit and deposit in the office of
the Master-in-Equity a true and perfect inventory of the said estate within
three months of the order granting probate and a true and just account of
their administration of the said estate within fifteen months of the said order

Given at Melbourne the *seventeenth* day of
March in the year of our Lord One Thousand
nine hundred and *nine*

Wm W. W. W.
Registrar of Probates.

W

do 17/3/09

110 44

**In the Supreme Court
OF THE STATE OF VICTORIA.**

IN THE PROBATE JURISDICTION

IN THE WILL of *Al. Jow*
late of Rutherford
Essex near Arosa
in Victoria late
deceased.

Affidavit of Executor's.



E. J. J. Jolley
Bayberridge

Cuthbert and Co., Law Stationers, Chancery Lane

In the Supreme Court) IN THE PROBATE JURISDICTION
OF THE STATE OF VICTORIA.)

IN THE WILL of Ah Tow
late of Rutherford's Creek near Arcoa
in Victoria Labourer deceased

We Alfred Henry Wolfe Farmer and
Francis Henry Kaye Saddler both of Arcoa
in the State of Victoria make oath and say—

1. THAT we are seeking to obtain Probate of the Will
of the above-named Ah Tow deceased.

and are both of the full age of twenty-one years

2. THE said deceased died on the first day of February
one thousand nine hundred and nine
at Rutherford's Creek and was unmarried at the time of his death

3. THE deceased left a Will bearing date the nineteenth day of
October One thousand nine hundred and eight which is as we
believe the last Will and Testament of the said deceased and which is unrevoked

and was of the full age of twenty-one years at the date of the execution thereof

4 BY his said Will the Testator appointed the present deponents
Alfred Henry Wolfe and Francis Henry Kaye
executors thereof

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

6. THE said Will was executed in the presence of Edward Francis George Jolley
Barister & Solicitor of Maryborough and John Baly
Farmer of Percypdale

7. THE said deceased left property in Victoria not exceeding in value the sum of
one hundred and sixty six pounds fifteen shillings &
ninepence

consisting of real estate of the value of twelve pounds ten shillings

and personal estate of the value of one hundred and fifty four pounds
four shillings & ninepence

Set out Codicils if any and date thereof.

If the statement is filed herewith state particulars whereof are fully set out in statement filed herein if not particulars of estate to be set out distinguishing realty from personalty.

8. THAT if *he* obtain probate *he* 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 *h* *is* death which at any time after shall come to the power or control hands or possession of *us* as *h* *is* execut~~or~~ or of any other person or persons for *us* that *he* 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 *he* 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 *our* knowledge information and belief the said deceased did not within the space of *two* years preceding the date of *h* *is* death convey or otherwise dispose of for other than adequate valuable consideration any real or personal property of which he was seized or possessed.

Sworn by both of the above
named deponents at
Knox in Victoria this
eight day of February
A D 1909

Alfred Henry Wolfe

Francis Henry Kaye

Before me *W. M. Chelley*

a Commissioner of the Supreme Court of
Victoria for Taking Affidavits

110 44

In the Supreme Court

OF VICTORIA.

IN THE PROBATE JURISDICTION.

IN THE Will of *Ab Lou*
late of Ruthersford
Esq. near Arca
in Victoria Island
deceased.

AFFIDAVIT OF
PUBLICATION OF NOTICES
AND SEARCHES.



Guthbert & Co., Law Stationers, Chancery Lane, Melb.

E. J. S. Golley
Maryborough

In the Supreme Court

OF VICTORIA.

IN THE PROBATE JURISDICTION.

IN THE *Will of Ah Tow*
late of Rutherford's Creek near Avoca
in Victoria Labourer deceased.

I J. H. Keenan of Melbourne
in the State of Victoria *do hereby* *and* *procur*

make oath and say

1. THAT the following advertisement duly appeared in the *Argus*
Newspaper published in *Melbourne* on the *fifth* day of
February 1909 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 last Will of Ah Tow late of
Rutherford's Creek near Avoca in the said
State Labourer deceased may be granted to
Alfred Henry Wolfe of Avoca Farmer and Francis
Henry Kaye of Avoca Saddler the executors named
in and appointed by the said Will.

Dated this 4th day of February 1909
E. F. Jolley, M.A., L.L.M., High Street, Maryborough
Proctor for the executors.

2. THAT I have since the date of the death of the above-named deceased searched in the office of the Registrar-General of the State of Victoria and find that no will of the said deceased is deposited there.

3. THAT I have this day searched in the proper office of the Master in Equity of this Honorable Court and find that no caveat has been 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 the Registrar of Probates of this Court.

I J. H. Keenan do hereby
of Melbourne do hereby
generally in this application

SWORN at *Melbourne* in the State

of Victoria this *25* day of *February*

One thousand nine hundred *and nine*

Before me

J. H. Keenan

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

1325224

No duty payable 11

[Signature]
IN THE SUPREME COURT
OF VICTORIA. 16/3/09

PROBATE JURISDICTION

Approved and allowed balance for duty.

IN THE Will
of *Al Lou*
late of *Puttfordo Creek*
near Apsara
in the State of Victoria *Kabonur*
deceased.

[Signature]
Statement and Affidavit.



Outhbert & Co., Law Stationers, Chancery Lane, Melb.

E. J. S. Gately
Mayborough



In the Supreme Court

OF VICTORIA.

PROBATE JURISDICTION

IN THE *will*
of *An Town*
late of *Rutherford Creek near Ansoe*
in the State of Victoria *Labourer*
deceased

*We Alfred Henry Wolfe of Ansoe in Victoria
Farmer and Francis Henry Kaye of Ansoe
Aporesind Scaddler* make oath and say—

1. That the paper writing hereunto annexed marked "A" contains a true statement of all and singular the real and personal estate of or to which the above named deceased was at the time of his death possessed or entitled, that the values thereof as therein set forth are the true and full values of the several particulars therein mentioned respectively and that the liabilities therein stated are justly due thereon and that the balance of *one hundred and fifty four pounds*

five shillings and ninepence

therein appearing is the full net value of the said real and personal estate.

2. That the said deceased did not within 12 months immediately preceding his death make any conveyance or assignment gift delivery or transfer of any estate real or personal purporting to operate as an immediate gift *inter vivos* whether by way of transfer delivery declaration of trust or otherwise (*)

3. That the said deceased did not at any time make any conveyance or assignment gift delivery or transfer of any estate real or personal relating to any property of which property *bona fide* possession and enjoyment had not been assumed by the donee immediately upon the gift and thenceforward retained by him to the entire exclusion of the deceased or of any benefit to him by contract or otherwise (*)

4. That the said deceased immediately preceding his death did not hold any property whatsoever as a joint tenant (*)

5. That the said deceased at the time of his death had not a general power of appointment by deed or will over any property whatsoever (†)

6. That the following are the particulars of the relationship to the said deceased of the persons beneficially entitled under the *will* of the said deceased namely—

*The beneficiaries are not related in any way
to the deceased*

7. (‡)

Witness *Sworn at Ansoe in Victoria*

*Sworn by both of the above
named deponents at Ansoe
in Victoria this eighth
day of February one thou.
said nine hundred and
nine Before me*

Alfred Henry Wolfe

Francis Henry Kaye

W. H. Challen

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

*. If he did, state save and except and give full particulars of the property and the value of same at deceased's death.
†. If he had, state save and except and give full particulars of the property and the value of same at deceased death.
‡. Where the widow and children or widow or children are entitled and the total net value of the estate does not exceed £2,000 it must be stated in the affidavit that the total value in and out of Victoria does not exceed that sum.

"A"

STATEMENT OF ASSETS AND LIABILITIES.

ASSETS—Real Estate.

21/10/09
Two acres two rods and eight
perches of land being allotment
No 1 of Section N Parish of
Green Mouna County, of Gladstone
on which is erected a two roomed
mud and sapling house 1

✓
12 10 0

Carried forward

£

12 10 0
✓

ASSETS—Personal Estate.

Landed property held under lease or license from the Crown, consisting of

103⁵ Twenty Acres Parish of Avoca
County of Slodstone under Sec
103 Land Act 1901 Licence
for Residence and Cultivation on
which 6 years rent @ £100
have been paid

Brought forward

12 10 0

16 15 0

Improvements, consisting of

5 acres grubbed 10-0 £ 7-10-0
15 acres fencing 15-0 15-0
Fence 15-0-0 15 0 0

23 5 0

Rents, consisting of

Nil

Crops, consisting of

Nil

Carried forward

£

52 10 0

ASSETS—Personal Estate—Continued.

	Brought forward	52	10	0
Mortgages, Interest		Nil		
Life Policies, consisting of		Nil		
Bonuses, consisting of		Nil		
Shares, consisting of		Nil		
Dividends, consisting of		Nil		
Plant, consisting of		Nil		
Tools, consisting of <i>Carpenter's Tools, Rope Bellows, 4 picks, and lasso 2 shovels</i>		1	10	0
Debts due to the Estate, viz. : (If not room here list must be made out and marked as an exhibit.)		Nil		
Interest in a partnership business ^(b) viz.		Nil		
Goodwill, consisting of		Nil		
Interest in a deceased person's estate, consisting of		Nil		
Stock in shop or business, consisting of (If over £50 list to be made out and marked as an exhibit.)		Nil		
	Carried forward	£ 54	0	0

ASSETS—Personal Estate—Continued.

Brought forward 54 0 0 ✓

Live Stock, consisting of 1 *bray* *h* *mare* £ 35-0-0 ✓
 6 *Leed* *cattle* (*young*) @ *£* 1 6 0 0 ✓
 15 *Fowls* @ *1/-* 15-0 ✓
 3 *bucks* @ *1/3* 3-9 ✓

41 18 9 ✓

Farming Implements, consisting of

1 *Chaff* *cutter* 15/- ✓
plough 1-0-0 ✓
Harrow 10-0 ✓
bray 6-0-0 ✓
waggon *ette* 4-0-0 ✓
old bray (*for scrap*) 10-0 ✓

12 15 0 ✓

Carriages, consisting of

one

Harness and Saddlery, consisting of

Set of bray harness & collar £ 2-0-0 ✓
plough chains (*old*) 2-0 ✓

2 2 0 ✓

Furniture, consisting of *collage* *necessaries*

(If over £50 and not enough room to set them out in this space, further sheets can be put in here and sewn up—or list made and marked as an exhibit.) ✓

1 0 0

Carried forward

£

111 15 9 ✓

ASSETS—Personal Estate—Continued.

	Brought forward	111	15	9
Watches, Trinkets, Jewellery, &c., consisting of	<i>his</i>		<i>one</i>	
Other personal effects, clothing, &c., consisting of	<i>nothing of any value</i>		<i>one</i>	
Money in hand or house		43	0	0
Money in Bank or Building Society, Current account (State name of Society or Bank.)			<i>one</i>	
Money in Bank or Building Society, deposit			<i>one</i>	
Interest on same			<i>one</i>	
Debentures, consisting of			<i>one</i>	
Mortgages, consisting of			<i>one</i>	
<i>Hay stacked six tons at Rutherford's Creek</i>				
<i>@ 35/-</i>		10	10	0
<i>1 Gold nugget</i>		1	10	0
	Carried forward	166	15	9

LIABILITIES.

Alfred Henry Wolfe, Service of writs £4-00 ✓
 1 days work thatching 60 4 6 0
 H Power Baker Ansoa ✓ 8 0
 Sam^d Mitchell Stonekeeper Ansoa ✓ 4 6
 A.B. Lalar Chemist Ansoa ✓ 10 0

£5 8 6

Summary of Estate ✓ 166 15 9 ✓

Assets

Liabilities 5 8 6

Balance for Duty 161 7 3 ✓

This is the paper writing marked "A" referred to in the annexed affidavit of
 Alfred Henry Wolfe and Francis Henry Kaye
 Sworn before me this Eight day of February 1909

John Chelley

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



110-44

Dated 16th day of August 1909

In the Will of Mr. Jow
late of Rutherford's
Green near Abasco
Labourer deceased

Fifteen months ago



E. J. S. Jolley, M.A., B.L.M.,
Chancery Clerk,
No. 15, Broad Street

In the Supreme Court of Victoria

Probate Jurisdiction

In the Will of Mr Tow late of Rutherfords Creek near Avoca Labourer deceased.

Fifteen months account.

We Alfred Henry Wolfe and Francis Henry Kaye the executors of the above named deceased do hereby certify that the following is a true and just account of our administration of the estate of the above described deceased up to the date hereof.

Dated this sixteenth day of August 1909.

Receipts

To produce of Clearing Sale

£ 160 2 3

Portion of Estate Retained

Nil.

Portion of Estate Uncollected

Nil.

Disbursements

By Auctioneers commission Pinch and Campbell

8 0 0

Paid advertising sale Pinch and Campbell

1 2 6

H. C. Classen, Undertakers fee and cemetery fees

10 0 0

Paid Mr owners money 17 @ 1/-

17 0

Paid Clergyman's fee 10/-; Mitchell & Son goods 10/-

1 0 4

W. Wellington caretaker 12 wks & 3 days @ 5/-

3 2 6

A. H. Wolfe services and expenses

8 6 0

A. Golder services 4/-; A. S. Lalor medicine 10/-

14 0

H. D. Mitchell goods 8/5; John Powers Baker Avoca 2/-

11 5

Shire rates 8/-; Common fees 7/6

15 6

Advertisement Avoca Mail May 14

10 6

Advertisement Argus May 15

10 6

Place & Co., Monumental Masons

20 0 0

Legacy to Executors £10-0-0 Expenses of Probate £11-11-0

21 11 0

Costs of Registration of Executors as proprietors of Land sold to H. D. Mitchell.

2 2 0

Cheques, exchange, duty stamps &c.

4 0

Costs preparing Release to executors and account.

1 1 0

Costs of preparing & filing fifteen months account

12 6

Balance paid to Residuary Legatee Bridget Blanchfield

79 1 6

£ 160 2 3

Signed:— A H Wolfe
F H Kaye

In the Supreme Court

of the State of Victoria

PROBATE JURISDICTION

In the *Will* of

Ah Tow

late of *Rutherfords Creek near
Arcoa in Victoria*

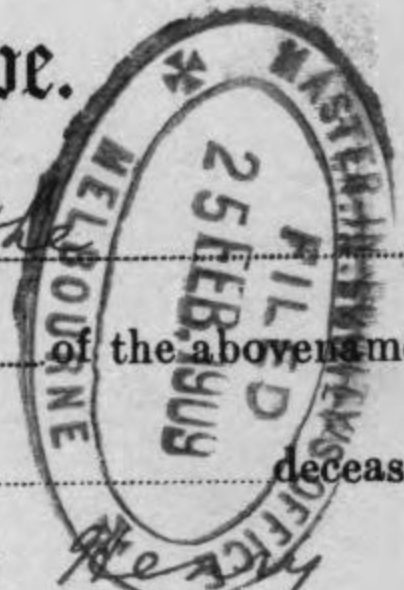
Labourer deceased

Præcipe.

THAT

*Probate of the
Will*

Ah Tow



of the abovesaid
deceased

be granted to

*Edward Henry
Wolfe and Francis
Henry* Executors
named in and appointed
by the said *Will*



505

*F. G. Jolley M.A., LL.M.,
Barrister & Solicitor
No any borough*

Proctor for the Applicant.