

232

IN THE SUPREME COURT OF THE COLONY OF VICTORIA

61-232

In the Supreme Court  
OF THE COLONY OF VICTORIA.

IN THE PROBATE JURISDICTION

IN THE WILL of James Murphy  
late of William Macarthur  
Barade Saint Peter in the  
County of Victoria, Esquire,  
deceased.

PROBATE.

I certify that the sum of £1000 thousand  
four hundred and 45 pence has been paid  
for duty on this Probate has been paid.

Dated this 26th day of June 1896.

Officer under Section 96, Act 1860.

J. M. SMITH & EMMERTON.

Watt & Co., Printers, 149 Little Collins-st. West, Melbourne.

Rec'd. 111458-181-  
W.P. 26/6/96

In the Supreme Court  
OF THE COLONY OF VICTORIA.

IN THE PROBATE JURISDICTION.

IN THE WILL of James Murphy late of  
Marina Beaconsfield Parade Saint Hilda  
in the Colony of Victoria Esquire, deceased.

Be it known that on the Ninth day of June in the  
year of our Lord one thousand eight hundred and ninety six the will

(a true copy whereof is hereunto annexed) of  
James Murphy late of Marina Beaconsfield Parade Saint  
Hilda in the Colony of Victoria, Esquire deceased  
who died on the first

day of May one thousand eight hundred and ninety six  
and who had at the time of his death real estate within the jurisdiction  
sworn not to exceed in value the sum of Forty thousand pounds

and personal estate within the jurisdiction sworn not to exceed in value the  
sum of Forty seven thousand pounds

was proved by James Rotapora Murphy, John Robert  
Murphy and William Murphy all of Marina Beaconsfield  
Parade Saint Hilda aforesaid Gentlemen, the Executors named  
in and appointed by the said Will, they

having been first sworn that they would well and truly collect and administer  
according to law the estate of the said James Murphy 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 this 26<sup>th</sup> day  
June in the year of our Lord one  
thousand eight hundred and ninety six.

M. E. D.  
26/6/96

H. J. Singleton  
Registrar of Probates.

+ John

Property sworn under &  
and that testat  
day of  
A.D. 18

61\*232

In the Supreme Court  
OF THE COLONY OF VICTORIA.



In the Probate Jurisdiction

In the *Will of James William  
late of Victoria deceased*  
*Barred Unit Trusts in the Colony  
of Victoria, Popocate, deceased.*

Order for Probate

*J. M. Smith & Co.*  
*26/9/94*

J. M. SMITH & EMMERTON.

Wait & Co., Printers, 582 Little Collins-street, Melbourne.

In the Supreme Court  
OF THE COLONY OF VICTORIA

IN THE PROBATE JURISDICTION

IN THE Will of James Murphy  
late of Marina Beaconsfield Parade  
Saint Hilda in the Colony of  
Victoria, Esquire, deceased.

BEFORE the Registrar  
THE Ninth day of June 1896.

Upon application \_\_\_\_\_ this day made  
by the Proctors for the Executors of the Will of the above named  
deceased  
and upon reading the several Affidavits of James Hotupna Murphy,  
John Robert Murphy, William Murphy and Ashley  
Oliver Henry  
sworn and filed herein:

This Court doth order that Probate of the Will of the above  
named James Murphy deceased, be granted to  
James Hotupna Murphy, John Robert Murphy  
and William Murphy all of Marina Beaconsfield  
Parade Saint Hilda in the Colony of Victoria, Gentlemen,  
the Executors named in and appointed by the  
said Will.

By the Court.

W. L. Wright  
Registrar of Probates.



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

In the Will of James Murphy late  
of Marina Beaconsfield Parade Saint  
Hilda in the Colony of Victoria Esquire, deceased

We James Murphy, John Robert Murphy and  
William Murphy all of Marina Beaconsfield Parade  
Saint Hilda in the Colony of Victoria, Gentlemen, severally 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 eighty three thousand two hundred and thirty six pounds eleven shillings or or therein appearing is the full net value of the said real and personal estate.

2. 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 his death convey or otherwise dispose of, for other than adequate valuable consideration, any real or personal property of which he was seized or possessed.

Severally sworn by all the abovesigned  
deponents at Melbourne in the Colony of  
Victoria this 15 day of June One  
thousand eight hundred and ninety six

Before me

J. K. Murphy

J. R. Murphy

William Murphy

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

"A"

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

In the Will of James Murphy late of  
Marina Beaconsfield Parade Saint Hilda  
in the Colony of Victoria, Esquire, deceased.

This is the paper writing marked "A"  
referred to in the annexed Affidavit  
of James Murphy late of Marina Beaconsfield Parade Saint Hilda  
in the Colony of Victoria, Esquire, deceased.  
I have this 15 day of May 1896  
Before me  
at (insert name) of the Supreme  
Court of the Colony of Victoria for  
taking Affidavits.

1 May 1896

Statement of Assets

and Liabilities

Assets:

Real Estate:

1. (a) All that piece of land being brown allotments 5 and 6 of Section 10 at North Melbourne having a frontage of 132 feet to Rodford Street by a depth of 165 feet. Let to "Walker & Wood & Co" @ £300 a year

(b) All that piece of land being brown allotment 10 of Section 10 at North Melbourne having a frontage of 82 feet 6 inches to Flemington Road by a depth of 132 feet. Let as to part to the Commercial Bank of Australia Ltd for 21 years from 1st January 1881 @ £33.10.0 per annum

(c) All that piece of land being brown allotment 11 of Section 11 at North Melbourne having a frontage of 82 feet 6 inches to Flemington Road by a depth of 132 feet along Blackwood Road

The whole valued by Spennell Tuckett & Co

5450

2. All that piece of land being brown allotments 5, 6, 9 and 10 of Section 1 Parish of Prahran having frontages to Marine Parade and Park Road St Hilda on which is erected the house known as "Marina" lately in the occupation of the Testator,

The whole valued by Spennell Tuckett & Co

5000

Carried Forward

10450

Liabilities:

Government of Victoria, Income Tax

payable before 13/6 10 8

Metropolitan Board of Works, Water Rates

2 10

Scotch College Melbourne, School fees

29 26

J. St. John & Co, Commission, law costs

225 8 5

Blake & Biggall, law costs

8 8

Upper Merdon Water Works Trust, Water Rates

3 18 9

Carried Forward

405 18 7

# Assets

## Real Estate continued.

Brought Forward £ 10450

3. (a) All that piece of land part of Crown Allotments 3 and 4 Section 1 Melbourne having a frontage of 31 feet 4 inches to Hinders Street by a depth of 55 feet - Let to Edward Coulson and James Grant Haye £154 per annum

(b) All that piece of land part of Crown Allotment 3 Section 1 Melbourne having a frontage of 18 feet to Hinders Street by a depth of 55 feet - Let to John Quiggin for 25 years from 1<sup>st</sup> July 1874 @ £39 per annum

The whole valued by G. Forrester H.C. @

3400

4. All that piece of land being part of Crown Allotment 6 Section 2 and Crown Allotment 7 of Section 2 Melbourne having a frontage of 91 feet to Hinders Street by a depth of 313 feet 6 inches - Let as follows:

A. G. de Motta Basto £132 per annum

A. J. Hayles £240 " "

J. Hurman £120 " "

This land is subject to a rent charge of £208 per annum in favor of M<sup>rs</sup> Mary Murphy who is now of the age of 60 years

Value of land by G. Forrester H.C. £15260:0:0

Value of rent charge 2295:0:0

15965

5. All that piece of land part of Crown Allotment 6 of Section 2 Melbourne having a frontage of 25 feet to Hinders Lane by a depth of 96 feet 9 inches - Let to Gouldbourn Valley Muller boys £84 per annum

Valued by G. Forrester H.C. @

1600

Carried Forward £ 31415

# Liabilities

Brought Forward £

4405 18/7

Carried Forward £

4405 18/7

Assets

Real Estate, cont'd.

Brought Forward £ 314 15 ..

6. All that piece of land at Sladdon containing 104 acres or thereabouts purchased by testator in March 1896 for £2000, the title not being yet complete in his name

2000

7. All that piece of land at Lonsdale known as Monmouth containing 602 acres or thereabouts let to Alfred Johnson without rent.

Valued by J. F. Cunningham

4215 15

8. All that piece of land 50 feet frontage to Marlton Crescent St. Wilda by a depth of 107 feet 4 inches or thereabouts unimproved.

Valued by Samuel Tuckett & Co

200

37830 15

Personal Estate:

Landed property held under lease or license from the Crown Nil

Rents:

Coulson and Hay 4 months to 1st May 1896 89 16 8

Thomas Pitt Balance, rent due at " 163 5 7

Mr. Glaser 1 month to " 12 ..

Thomas Rose 2 months to " 6 13 4

Bank of New South Wales (King's Cross) 4 months to " 13 ..

St. J. Hayles 9th March to 1st May 1896 34 16 11

J. Hurman 9th April to 1st May 7 4 7

Perical & Jennings from 23rd Jan to 1st May 10 10 ..

Castlemaine Brewery Co from 1st Feb to " 33 ..

Crops Nil

Live stock at Monmouth 23 15

Farming implements (see below)

Carriages &c Nil

Carried Forward £ 394 2 1 37830 15

Liabilities

Brought Forward £ 405 18 7

Carried Forward £ 405 18 7

Assets

Personal Estate cont.

|                                                                                                                                                                                                                                                        |                   |       |    |    |     |    |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------|----|----|-----|----|----|
|                                                                                                                                                                                                                                                        | Brought Forward £ | 394   | 2  | 1  | 375 | 30 | 15 |
| Harness and Saddling                                                                                                                                                                                                                                   |                   |       |    |    |     |    |    |
| Furniture as per Inventory                                                                                                                                                                                                                             | chd.              | 551   | 3  | 5  |     |    |    |
| Furniture re at Monmouth                                                                                                                                                                                                                               |                   | 44    | 5  |    |     |    |    |
| Watches, trinkets Jewellery re in Victoria                                                                                                                                                                                                             | Nil               |       |    |    |     |    |    |
| Money in hand or house                                                                                                                                                                                                                                 | Nil               |       |    |    |     |    |    |
| Money in Bank current account at Union Bank of Australia Ltd Melbourne                                                                                                                                                                                 |                   | 1048  | 5  | 1  |     |    |    |
| Money on deposit at Bank of Australia Melbourne due 13 <sup>th</sup> Novr 1896 @ 3%                                                                                                                                                                    |                   | 5000  |    |    |     |    |    |
| Interest thereon from 13 <sup>th</sup> Novr 1895 to date of death (1 <sup>st</sup> May 1896)                                                                                                                                                           |                   | 69    | 9  |    |     |    |    |
| Debentures                                                                                                                                                                                                                                             | Nil               |       |    |    |     |    |    |
| Mortgages:                                                                                                                                                                                                                                             |                   |       |    |    |     |    |    |
| (a) J. Dunchard & J. P. Robertson as Executors of Wm Robertson deceased dated 15 <sup>th</sup> Novr 1892 @ 5 $\frac{1}{2}$ % Interest payable 15 <sup>th</sup> May & 15 <sup>th</sup> Novr secured over 1737 acres of land in the Parish of Kalamangil |                   | 27000 |    |    |     |    |    |
| Interest thereon from 15 <sup>th</sup> Novr 1895 to 1 <sup>st</sup> May 1896                                                                                                                                                                           |                   | 710   | 6  | 4  |     |    |    |
| (b) Wm Lpattan £1600 due 13 <sup>th</sup> April 1897 @ 5 $\frac{1}{2}$ % payable quarterly secured over 320 acres or thereabouts of land in the Parish of Yveringardie                                                                                 |                   | 1600  |    |    |     |    |    |
| Interest thereon from 13 <sup>th</sup> April 1896 to 1 <sup>st</sup> May 1896                                                                                                                                                                          |                   | 46    | 9  |    |     |    |    |
| (c) Alex Haltondorff Beresford & Percy Lillibrand Jarringo under Bill of Sale of Stock on premises at South Melbourne                                                                                                                                  |                   | 1200  |    |    |     |    |    |
| Interest thereon from 23 <sup>rd</sup> Jan'y 1896 to 1 <sup>st</sup> May 1896 @ 5%                                                                                                                                                                     |                   | 16    | 2  | 2  |     |    |    |
| (d) Thomas Guild & John Porter Mortgage dated 9 <sup>th</sup> Sept 1895 @ 5 $\frac{1}{2}$ % payable quarterly                                                                                                                                          |                   | 200   |    |    |     |    |    |
| Interest thereon from 15 <sup>th</sup> July 1896 to 1 <sup>st</sup> May 1896 @ 5 $\frac{1}{2}$ %                                                                                                                                                       |                   | 23    | 4  |    |     |    |    |
| Life Policies in Australian Mutual Assurance Co with bonus additions                                                                                                                                                                                   |                   | 5123  | 14 |    |     |    |    |
| Carried Forward £                                                                                                                                                                                                                                      |                   | 43463 | 8  | 11 | 375 | 30 | 15 |

Liabilities

Brought Forward £ 405 18 7

*Handwritten note:*  
 X £30,000 and if Oliver Smith  
 for m/sk over pp to  
 m/sk bank in Melbourne  
 Carried Forward £ 405 18 7

# Assets

## Personal Estate, Contd.

|                                                                                        |  |       |      |    |       |     |
|----------------------------------------------------------------------------------------|--|-------|------|----|-------|-----|
| Brought forward £                                                                      |  | 43463 | 8    | 11 | 37830 | 15. |
| Policy on the life of W. P. Reynolds. Surrender value                                  |  | ✓     | 153  | 11 | 10    |     |
| Shares:                                                                                |  |       |      |    |       |     |
| 12 Long Tunnel Ltd Mining Coy £87                                                      |  | ✓     | 1044 | 0  | 0     |     |
| 5 Mutual Store Ltd                                                                     |  | ✓     | 8    | 10 | 0     |     |
| Dividends                                                                              |  |       | 1052 | 10 |       |     |
| Dividends on Long Tunnel Ld. £6                                                        |  | ✓     | 24   | 0  | 0     |     |
| " " Mutual Store Ltd                                                                   |  | ✓     | 1    | 17 | 6     |     |
| Plant, Tools                                                                           |  |       |      |    |       |     |
| Debts due to the Estate:                                                               |  |       |      |    |       |     |
| Amount due from J. B. Gardie's Insolvent Estate                                        |  |       |      |    |       |     |
| Secured by Policies of Insurance - Surrender value                                     |  |       | 61   | 4  |       |     |
| Amount payable by W. Gatten on account of costs due to J. M. Smith & Co. Executors     |  | ✓     | 1    | 11 | 0     |     |
| The Life Office Smith & Co.                                                            |  | ✓     | 29   | 14 | 4     |     |
| The Life Office J. J. Jennings                                                         |  | ✓     | 28   | 16 | 6     |     |
| Stock in a shop or business, Interest in a business, Goodwill                          |  |       | 55   | 2  | 4     |     |
| Equitable interest in two Landdowne Pastoral Coy shares now in the name of David Elder |  |       | 1000 |    |       |     |
| Total Real Estate                                                                      |  | ✓     |      |    | 37830 | 15. |
| Total Personal Estate                                                                  |  | ✓     |      |    | 4581  | 147 |
|                                                                                        |  | £     |      |    | 83642 | 97  |

Ludstone Chambers,  
352 Collins Street.  
Melbourne June 22<sup>nd</sup> 1896

J. J. Poole Esq.  
Master in Equity's Office

Sir

re James Murphy's Estate

mtl 11/10/96  
at 200 M

Referring to your enquiry as to whether or  
not there were at the time of Mr Murphy's death, any  
specialty mortgages in Victoria, or property outside  
of Victoria, we have to say that at that time there  
was in Victoria a mortgage deed from Messrs Oliver  
Smith & others to James Murphy on which there  
is now £30,000 and interest due; the security  
consists of stock on "Amington Station" Queensland  
and the deed has been registered in Queensland.  
It is accompanied by a transfer of the "Amington" Lease —  
(Truro & Co)

J. M. Smith & Emmerton