

9/336

In the Supreme Court
of the Colony of Victoria
336
Ecclesiastical Jurisdiction

At the trial of

Thomas Sammis late of
Castlemaine in the Colony of Victoria
Sunderland deceased -

Applicant of Hyam Street



A. Henderson & Co.
Solicitors
Melbourne

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

In the Will of Thomas Bannister late of -
Castlemaine in the Colony of Victoria Innkeeper
deceased

I Hyam Hart of the City of Melbourne in the Colony of Victoria
Clerk to Leonard Prendergast of the same place Solicitor make
Oath and say

1 That a Notice in the words and figures following was
published in the Age Newspaper published in the said City
of Melbourne on Wednesday the twenty seventh day of
September One thousand eight hundred and seventy one: -

" In the Supreme Court of the Colony of Victoria - In its
" Ecclesiastical Jurisdiction - In the Will of Thomas Bannister
" late of Castlemaine in the Colony of Victoria Innkeeper deceased
" Notice is hereby given that after the expiration of fourteen days
" from the publication hereof an Application will be made to this
" Honorable Court in its Ecclesiastical Jurisdiction that Probate
" of the last Will and Testament of the above named Thomas Bannister
" deceased may be granted to Sarah Bannister of Castlemaine
" aforesaid Widow the Executrix named in and appointed by the
" said Will reserving leave to Nicholas Fitzgerald of Castlemaine
" aforesaid Brewer the Executor named therein to come in and
" prove the same - Dated this 26th day of September A D 1871 -
" Leonard Prendergast 30 S Eclon Chambers Barrs Place, Melbourne
" Proctor for the said Sarah Bannister -

2 That I this day searched in the proper Office of this Honorable
Court and found that no Caveat had been lodged against this Application

Sworn at Melbourne in the Colony of Victoria
this Eleventh day of October 1871 - Before me
Sworn at Melbourne in the Colony of Victoria this twelfth day of
October One thousand eight hundred and seventy one. Before me

Hyam Hart

James Scott
Commissioner of the Supreme Court of the Colony of Victoria for taking Affidavits

In the Supreme Court
of the Colony of Victoria
336
Ecclesiastical Jurisdiction

In the Will of
Thomas Bamnister late of
Eastbourne in the Colony
of Victoria Sheriff deceased

Affidavit of Attaching Writ



E. Sandergast
Scribe & Clerk

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

In the Will of Thomas Bannister late of Castlemaine
in the Colony of Victoria Innkeeper deceased

I John Farran of Castlemaine
in the Colony of Victoria Banker make oath and say

- 1 That Thomas Bannister late of Castlemaine in the Colony
of Victoria Innkeeper departed this life on the Fourth
day of September in the year of our Lord One thousand
eight hundred and and seventy one
- 2 That he made his will in writing bearing date the
fourth day of August in the year of our Lord One thousand
eight hundred and seventy one which is as I believe
unrevoked and thereby appointed his wife Sarah Bannister
and Nicholas Fitzgerald of Castlemaine aforesaid Brewer
Executrix and Executor thereof
- 3 That it was executed in the presence of me and the
said Nicholas Fitzgerald
- 4 That the said Thomas Bannister had at the time of his
death personal property in the Colony of Victoria aforesaid
not exceeding in value Three hundred pounds Sterling

Sworn at Castlemaine
in the Colony of Victoria
this Twelfth day of October
One thousand eight hundred
and seventy one

Before me

W. A. M. 1

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

Farran

In the Supreme Court
of the Colony of Victoria
336
Probate Jurisdiction

In the Will of
Thomas Barnard late of
Castlemaine in the Colony of Victoria
Barrister deceased

Affidavit of David Barnard
Verifying Statement -

Applicant called and
examined for duty under
24th Section 330 and paid full
duty of £200 Will
13/11/71



C. J. Barnard
Solicitor General
Castlemaine

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

In the Will of Thomas Bannister late of
Castlemaine in the Colony of Victoria
Inventor deceased

I Sarah Bannister of Castlemaine in the Colony of Victoria
Widow make oath and say

- 1 That Probate of the last Will and Testament of the above
named Thomas Bannister deceased was on the twelfth day of
October now instant granted by this Honorable Court as I
am informed and verily believe to me as the Executor
named in and appointed by the said Will, reserving leave
to Nicholas Fitzgerald the Executor named therein to come in
and prove the same
- 2 That the said Thomas Bannister deceased in and by his last
Will and Testament bequeathed to his granddaughter Amy
Okea the sum of One hundred pounds to his granddaughter
Jane Okea One hundred pounds and subject to the payment
of the said legacies and of his just debts funeral and
testamentary expenses and of any mortgage debt upon his
freehold property he gave devised and bequeathed all his
estate real and personal whatsoever to me Sarah Bannister
his wife
- 3 That the only persons entitled to a distribution of the
said Estate under the said Will are the said Amy Okea
Jane Okea and myself as I am advised and believe -
- 4 That the paper writing hereunto annexed marked with
the letter "A" contains a true statement specifying the
particulars of the personal Estate of or to which the said
deceased was at the time of his death possessed or entitled
and of the real estate comprised in such Will and the
value thereof and of the debts due by the deceased, and

showing the balance remaining after deducting the amount of the debts from the estate of the said Testator as I verily believe

5- That the said deceased was not at the time of his death possessed of or entitled to any estate of any kind whatsoever other than the real and personal estate contained in and shewn by such statement as I verily believe

6- That after deducting the value of the debts from the value of the estate of the said Testator there will be a balance of Five hundred and ninety pounds - as representing the value of the said real and personal estate of the said Testator as shewn on the said Statement

Sworn at Castlemaine
in the Colony of Victoria
this Twenty fifth day of
October One thousand
eight hundred and seventy
one -

Before me

W. A. Hayter

Garth Barrister

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

9/ 336

In the Supreme Court
of the Colony of Victoria

Ecclesiastical Jurisdiction

In the Will of

Thomas Bannister late of
Castlemaine in the Colony of
Victoria Innkeeper deceased

Brief to move that Probate
of the last will of the above named
deceased may be granted to
Sarah Bannister the widow and
Excutrix - reserving leave to
Nicholas Fitzgerald the Executor to
come in and prove the will -

Attest Quinlan

2 Judo

Printed & Coram Messrs
12th Feb 1871

Wm. Lawler & Co.
Solicitors

L. Prendergast
Bank Place
Melbourne