

In the Supreme Court
of Victoria

87-777

Probate Jurisdiction

In the Will of Charles

Wright late of the Whitehor

Hotel, MacKenzie Street

McDonough in the State of
Victoria, Licensed Auctioneer
deceased.

Attendant of Executors



Wright & Lane
120 Queen Street
McDonough

In the Supreme Court
of Victoria }

Probate Jurisdiction

In the Will of Charles Wright late of
"The Mistletoe" Hotel MacKenzie Street
Melbourne in the State of Victoria
Licensed Victualler deceased.

We James Westley formerly of "Spreydon" ~~in~~
Riversdale Road in the State of Victoria but
now of "Sonoma" Riversdale Road Hawthorn
aforesaid Solicitor and Henry Collis Boyd
of "The Shamrock" Brewery Victoria Street
Collingwood in the State of Victoria Brewer
make oath and say:

1. That we are seeking to obtain Probate
of the Will of the abovesaid Charles
Wright deceased —
2. That the said deceased died on the fifth
day of June One thousand nine hundred and
three —
3. The said deceased left a will bearing
date the twenty fifth day of May One thousand
eight hundred and ninety eight 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 ~~is~~
appointed us the said James Westley and
Henry Collis Boyd 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 Charles Alfred Dale of N^o 120 Queen Street Melbourne aforesaid Solicitor using the signature "Charles A. Dale" and Frank Rawlinson of N^o 3 Row Street Thornbury in the said State Clerk to Mess^{rs} Westley & Dale Solicitors Melbourne using the signature "Frank Rawlinson".

7. The said deceased left real estate in the State of Victoria not exceeding the value of Thirty three thousand seven hundred and ninety pounds seven shillings and eight pence and personal property in the said State not exceeding the value of Eleven thousand five hundred and seventy one pounds eleven shillings and ten 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 lands 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 lands possession or knowledge of us or to the lands or possession of any other person or persons for us and the same so made will sign with our proper hands writing 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 hands-writing 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 —

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 the said James Westley and Henry Collis Boyd at Melbourne in the State of Victoria this ~~10th~~ day of — July One thousand nine hundred and three.

James Westley

Henry Collis Boyd

Before me

J. P. Thompson

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

This Affidavit is filed on behalf of the Applicants

Dated 25th day of May 1890

Will of
Charles Wright Esq^{ue}



Wesley & Dale
120 Queen Street
Melbourne

777

"A"
This is the paper writing marked A, referred to in
the Affidavit of James Wesley and Henry Collins, Esqrs
to which this is annexed, severally sworn this
day of July 1903



J. P. Thompson

J. P.

Before me

A Commissioner for

This is the last Will and Testament of me Charles
Wright of the Masteloe Hotel Mackenzie Street in the City of Melbourne in
the Colony of Victoria Licensed Victualler I hereby revoke all former Wills
or other testamentary dispositions by me at any time heretofore made and
declare this only to be my last Will and Testament I appoint James
Wesley of "Spreydon" Riversdale Road Hawthorn in the said Colony
Solicitor and Henry Collins Boyd of The Shamrock Brewery Victoria
Street in the City of Collingwood in the said Colony Brewer (heretofore
called "my Trustees" which expression shall extend to and include the
Survivors of them but executors or administrators or other the Trustee or
Trustees for the time being of this my Will) to be the Executors and
Trustees of this my Will I give devise and bequeath all my real
and personal estate whatsoever and wheresoever of and to which I may
be seized possessed or entitled at the time of my decease unto my Trustees
Upon Trust that they do and shall sell and convert into money the
same or such parts thereof as shall be of a saleable or convertible nature
(but not including those parts of my real and personal estate heretofore
particularly mentioned and provided for) and to get in the other
parts thereof with full discretionary power to sell by Public Auction
or private Contract together or in parcels subject to such terms and
conditions as to the title or evidence of title or the time or mode of
payment of the purchase money or as to credit or otherwise or any
matters relating to the sale as my Trustees shall judge expedient And
also to fix reserve biddings and to buy in property offered for sale and
vacate or vary the contracts for sale and to resell without liability to
answer for any consequent loss and generally to effect the sale and
conversion of my said trust estate in such terms and in such manner
as they shall deem most advantageous Also full discretionary power
to suspend either altogether or for such periods as my Trustee shall
think expedient the sale conversion or getting in of my said Trust
estate or any part or parts thereof without liability for any consequential
loss Also full discretionary power during the suspense of the sale
conversion or getting in of my said trust estate and to manage and
order all the affairs thereof as regards letting occupation repairs
insurance against fire and all other matters And also full discretionary
power to employ Managers receivers accountants agents and others in

Witnesses

Charles Dwyer
Frank J. Rowenston

Charles Wright

and about the affairs of my said trust estate with such salaries or remuneration as my Trustees shall think reasonable. And as to the moneys to arise from the sale conversion and getting in under the trusts and declarations aforesaid of my said real and personal estate I direct that my Trustees shall stand and be possessed thereof Upon trust thereout in the first place to pay or retain all the expenses incidental to the execution of the preceding trusts and powers and also my debts and my funeral and testamentary expenses (including all probate and other duty payable on the estates of deceased persons in respect of my said trust estate and which I direct shall be paid as a debt and not charged against any beneficiary under this my Will. And further to pay thereout the sum of Fifty pounds for the erection of a suitable Tombstone over my Grave. And in the next place do and shall pay the following legacies which I give and bequeath accordingly that is to say: To my daughter Sophia Wright now about thirty two years of age and living with W^{rs} Andrews of Langridge Street in the City of Colingwood a legacy of One thousand pounds To my Brother Samuel Wright at present residing in or near Great Dover Street London England Pianoforte Manufacturer a legacy of Five hundred pounds To my niece Sarah Kirby the wife of W^r Kirby of Downed Square Carter Street Kensington London aforesaid gentleman the sum of One hundred pounds To my nephew Thomas Wright of the Guards a legacy of One hundred pounds To the said James Westley a legacy of Two hundred pounds To the said Henry Collis Boyd a legacy of One hundred pounds such last mentioned legacies to the said James Westley and Henry Collis Boyd be given to them in addition to and not in substitution of any claim for commission in the execution of the trusts of this my Will which they or either of them might otherwise have To the Treasurer for the time being of the Institution or Society known as The Hawthorn Ladies Benevolent and District Visiting Society for the benefit of that Institution or Society the sum of Fifty pounds I direct that my Trustees shall stand possessed of the sum of Sixty pounds part of the moneys to arise from the sale conversion and getting in of my said real and personal estate as aforesaid Upon trust to expend the same in providing a suitable Memorial Window for the Church of England at Hawthorn in the said Colony known as "St. Columbs"

9 mths
annu

FR
C. W. C.

Witnesses

Charles Dole
Frank Rawenson

Charles Wright

I direct that my trustees shall also out of the moneys to arise and be produced from the sale conversion and getting in of my said real and personal estate as aforesaid pay to the Treasurer for the time being of an institution of the nature of a Foundling Hospital to be established in or near the City of Melbourne when the same shall be so established a legacy of One thousand pounds for the benefit of such institution but until such an institution has been established as is hereby contemplated (the determination of which question I declare shall rest on and abide by the opinion of my Trustees) such sum of One thousand pounds shall be deposited by my Trustees in any of the Associated Banks in the City of Melbourne or in such other Bank as they shall approve and the income thereof shall be paid by my Trustees to the Treasurer for the time being of the institution now known as the Homeopathic Hospital to be applied for the benefit of that institution. And I direct that my Trustees shall in the next place out of the moneys to arise from the sale conversion and getting in under the trusts and declarations aforesaid of my said real and personal estate set aside and invest in any of the modes of investment hereinafter mentioned a sum of Three thousand pounds and shall pay the annual income thereof to or permit the same to be received by the Treasurer for the time being of the institution now known as the Melbourne Hospital for the benefit of that institution. And also do and shall in like manner and out of the moneys to arise from such sale conversion and getting in as aforesaid set aside and invest the same in any of the modes of investment hereinafter mentioned a sum of Two thousand pounds and pay the annual income thereof to or permit the same to be received by the Treasurer for the time being of the institution known as the Alfred Hospital for the benefit of that institution. And also do and shall out of the moneys to arise from such sale conversion and getting in as aforesaid set aside a sum of One thousand pounds and invest the same in any of the modes of investment hereinafter mentioned and shall distribute the annual income thereof equally between and pay the same into the poor boxes placed in the Courts of Petty Sessions respectively situated in the Cities of Melbourne South Melbourne Fitzroy and Collingwood such distribution and payment to be made half yearly in the months of June and December in each year. And

Witnesses.

Charles D. S.
Frank Jamieson

Charles Wright

as to the rest residue and remainder of the moneys to arise from the sale
conversion and getting in under the trusts and directions aforesaid I
declare that my trustees shall hold the same including any part or
parts of my estate which may at any time fall into and become part
of my residuary estate Upon trust to divide the same into five equal
parts and to invest one of such five parts in any of the modes of
investment hereinafter mentioned and to pay the annual income
thereof to or permit the same to be received by the Treasurer for the time
being of the Institution now known as the Melbourne Benevolent
Asylum for the benefit of that Institution And as to one other of such
five parts upon trust to invest the same in any of the modes of
investment hereinafter mentioned and to pay the annual income
thereof to or permit the same to be received by the Treasurer for the time
being of the institution now known as the Childrens Hospital for the
benefit of that institution As to one other of such five parts upon trust
to invest the same in any of the modes of investment hereinafter
mentioned and to pay the annual income thereof to or permit the same
to be received by the Treasurer for the time being of the Institution now
known as The Austin Hospital for Incurables for the benefit of that
Institution As to one other of such five parts upon trust to invest the
same in any of the modes of Investment hereinafter mentioned and to
pay the annual income thereof to or permit the same to be received by
the Treasurer for the time being of the Institution now known as the
Royal Victorian Institute for the Blind for the benefit of that Institution
And as to the remaining one fifth part upon trust to invest the same
in any of the modes of Investment hereinafter mentioned and to pay
the annual income thereof to or permit the same to be received
by the Treasurer for the time being of the Institution now known as The
Victorian Deaf and Dumb Institution for the benefit of that Institution
And I declare that the payment of the annual income arising from
any such moneys aforesaid by my trustees in the manner respectively
before mentioned shall relieve my Trustees of all or any responsibility
of seeing to or being accountable for the application non application
or misapplication thereof And as to all that my real estate situate
in the Shire of Mornington in the Colony of Victoria I direct that my
Trustees shall stand possessed of the same upon trust from time to

Witnesses.

Charles Dale
Frank Dawson

Charles Wright

time to lease all or any part or parts thereof for any term of years and for any purpose at such rent upon such terms and conditions and containing such covenants agreements and provisions in all respects as they shall think fit with full power to accept at any time and from time to time a surrender or surrenders of any such lease and shall pay the annual rent received from such real estate after payment thereof of all proper costs expenses and deductions including any payments for rates taxes and repairs to the President for the time being of the Shire of Mornington or to such other person or persons who may be residing at Selmaffer Point or Hastings as my Trustees shall in their absolute discretion think fit to be by him or them applied towards the relief of such of the poor at Selmaffer Point and Hastings respectively as he or they shall in his or their absolute discretion think fit but my Trustees shall not be required to see to or be in any way answerable for the misapplication or non application by such President or such other person or persons as aforesaid of the annual rent so paid to him or them but so nevertheless that the trusts lastly hereinbefore declared shall be subject to the right of my Trustees in their absolute discretion to sell or mortgage the whole or any part of my said real Estate within the Shire of Mornington for the purpose of raising money to pay my debts or to carry out the provisions of this my Will. And I declare that the share of every female under any of the trusts herein contained shall be for her sole and separate use and benefit and free from the debts control interference or engagements of any husband. And I also declare that the legacies hereinbefore contained including the bequests to the several before mentioned charitable institutions and poor boxes as also the bequest in favor of the poor at Selmaffer Point and Hastings are given free of any legacy duty or other duty payable on the estates of deceased persons. And I direct that my Trustees shall invest any moneys which are by this my Will directed or which may at any time require to be invested in their names or under their legal control upon first Mortgage of realty within the said Colony of Victoria or in the purchase of debentures issued by any of the Governments of any of the Australian Colonies or in the purchase of debentures or stock

Witnesses

Charles D. G.
Frank Rawlinson

Charles Knight

of the Corporation of the said City of Melbourne or upon Debentures
of the Melbourne and Metropolitan Board of Works with power to
vary and change the investments from time to time into or for
any other or others contemplated hereby. And I direct that my
Trustee James Westley whether he shall accept the Trusteeship or
not shall be the Solicitor to my estate and trust property and
as such notwithstanding his acceptance of the Trusteeship be
allowed all professional and other charges for his time and
trouble which if employed as Solicitor to my Trustees not being
himself a Trustee he would be entitled to make. **In witness**
whereof I the said Charles Wight have to this my last Will and
Testament contained on this and the five preceding sheets of Brief
paper and to each sheet thereof set my hand this twenty fifth
day of May one thousand eight hundred and ninety eight.

Signed and acknowledged by the said
Charles Wight the testator as and for his
last Will and Testament in the presence
and sight of us present at the same time
who at his request in his sight and presence
and in the sight and presence of each other
have hereunto subscribed our names as
Witnesses

Charles Wight

Charles Dale

Solicitor Melbourne

Frank Rawlinson

Clerk to Mess^{rs} Westley & Dale

Solicitors Melbourne

and N^o 3. Row Street. Thornbury