

34/952

In the Supreme Court of
the Colony of Victoria

In its Probate Jurisdiction

In the Will of Edwin Amey
late of Saint George's Road
South Sydney in the Colony
of Victoria Decedent deceased

Affidavit of Executors



John S. Woodcock
of Little Collins St. East,
Melbourne
Proctor for the Executors

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

In the Will of Edwin Amery late of Saint
Georges Road North Fitzroy in the Colony of Victoria
Vocalist deceased

We Charles Amery of Saint Georges Road North
Fitzroy in the Colony of Victoria Bricklayer a son of the
above named Edwin Amery late of Saint Georges Road
North Fitzroy aforesaid Vocalist deceased and James
Taylor of Saint Georges Road North Fitzroy aforesaid
Carpenter the Executors of the Will of the above named
Edwin Amery deceased severally make oath and say

- 1 That we were intimately acquainted with the ~~now~~
above named Edwin Amery late of Saint Georges Road
North Fitzroy in the Colony of Victoria Vocalist deceased
who died at North Fitzroy aforesaid on the Third day of
September One thousand eight hundred and eighty seven
and that we saw him ^{two days before} ~~the day~~ he died and before his ~~death~~
death and saw and recognised his body after death
- 2 That the paper writing hereunto annexed and marked
with the letter A is the last Will and Testament of the
said Edwin Amery deceased
- 3 That we the said Charles Amery and James Taylor
are the Executors named in and appointed by the said
Will
- 4 That the attesting witnesses to the execution of the said
Will are John Spark Woolcott of Sixty six Little Collins
Street West in the City of Melbourne and Colony of Victoria
Solicitor and Richard Benjamin Balmer also of Sixty six
Little Collins Street West in the City of Melbourne aforesaid Clerk
to the said John Spark Woolcott
- 5 That the said deceased by his said Will made certain

bequests of parts of his personal estate as mentioned in the said Will and gave devised and bequeathed his real estate and the residue of his personal estate unto us the said Charles Amery and James Taylor upon certain trusts in the said Will particularly set forth for the benefit of his children

1166 That the said deceased was possessed of or entitled to ^{not exceeding the value} real estate in the Colony of Victoria of the value of Five hundred pounds and personal estate within the ^{not exceeding} said Colony of the value of Two hundred and seventy three pounds fourteen shillings and sixpence

7 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 of us or either of us as his Executors or Executor or of any other person or persons for us and 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 either 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 respective 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 respective 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

Severally sworn by the said
Charles Amery and James Taylor
this *twelfth* day of September
1887 at Melbourne in the Colony
of Victoria

Charles Amery

James Taylor

Before me

W. H. Smith

A Commissioner of the Supreme Court of the Colony of Victoria

for taking Affidavits

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Will

- of -

Edwrd Amery, Esq^r



John S. Woolcott

"A"

This is the last Will and Testament of me

E.A.

J.M. RAB

~~Edwin~~ Amery of Saint Georges Road North Fitzroy in the Colony of Victoria Vocalist I appoint my son Charles Amery of Saint Georges Road aforesaid Bricklayer and James Taylor also of Saint Georges Road aforesaid Carpenter Trustees and Executors of this my will I give and bequeath the sum of Ten pounds to the said James Taylor as a recompense for his trouble as such Executor and Trustee I give and bequeath my furniture and household effects to my son Samuel and my daughter Emma in equal shares and proportions in such manner as my said son and daughter may agree and in case they cannot agree upon such division then my said Executors and Trustees shall decide as to the disposition of the said furniture and household effects between my said son Samuel and my daughter Emma And as to my real estate and the rest residue and remainder of my personal estate (hereinafter called my trust estate) I give devise and bequeath the same to my said Trustees Upon trust with all convenient speed after my decease to sell and convert into money such part of my said trust estate as shall not consist of money and to stand possessed of the moneys to arise from such sale and conversion as aforesaid and of such money Upon trust after payment of the legacy beforementioned to the said James Taylor to divide the same between all my children share and share alike such shares to become vested immediately upon my decease And in case any child of mine shall die before me leaving issue him or her surviving then such issue shall take the share his her or their parent would have become entitled to had such parent lived to take a vested interest under this my will I direct that the share of my daughter Ellen the wife of Albert Bull & & shall be retained by my said Trustees Upon trust to pay the same unto my said daughter Ellen for her sole and separate use by equal monthly payments of Twelve pounds each on the first day of each calendar month I declare that my said daughter Ellen shall not have the power to anticipate or mortgage any of the said monthly payments and that her receipt for each of such payments shall alone be a proper discharge I declare that the shares of my daughters shall be for their respective sole and separate use and free from the control of their respective husbands

This is the paper writing marked with the letter A mentioned and referred to in the annexed affidavit of Charles Amery and James Taylor severally sworn before me at Melbourne in the Colony of Victoria this 11th day of September 1887

[Signature]

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

Witnesses
[Signature]
Richard B. Palmer

Edwin Amery

and that the receipts of my said daughters for all moneys payable to them shall alone be proper discharges I revoke all previous Wills and testamentary dispositions and declare this to be my last and only Will and Testament In witness whereof I have to this my last and only Will and Testament contained in this and the preceding sheet of paper hereunto set my hand this twentieth day of May in the year of Our Lord One thousand eight hundred and eighty seven

Edwin Amery

MR. RAB.
Signed by the said ^{Edwin} Edward Amery the Testator and by him declared to be his last Will and Testament in the presence of us who at his request in his presence and in the presence of each other have hereunto subscribed our names as witnesses (the word "Edwin" having been substituted for the word "Edward" in the second line of the first sheet of this Will and in this attestation clause before the execution of this Will)

John Worlock
Solicitor
Melbourne

Richard B. Balmer,
his Clerk