

34/952

In the Supreme Court of  
the Colony of Victoria

In its Probate Jurisdiction

In the Will of Edwin Amery  
late of Saint Georges Road  
South Yarra in the Colony  
of Victoria Vocalist deceased

Affidavit of Executrix



John S. Stoccolta  
66 Little Collins St. Street,  
Melbourne

Proctor for the Executrix

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

In the will of Edwin Amery late of Saint  
George's Road North Fitzroy in the Colony of Victoria  
Vocalist deceased

We Charles Amery of Saint George's Road North  
Fitzroy in the Colony of Victoria Bricklayer a son of the  
above named Edwin Amery late of Saint George's 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  
above named Edwin Amery late of Saint George's 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 <sup>two days before</sup> the day he died and before his  
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

116 That the said deceased was possessed of or entitled to  
real estate in the Colony of Victoria of the value of  
Five hundred pounds and personal estate within the  
said Colony of the value of Two hundred and seventy  
three pounds fourteen shillings and sixpence

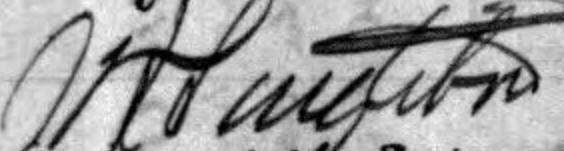
7 That if we obtain Probate we will well and truly collect and administer according to law to the best of our knowledge and ability the property lands and hereditaments goods chattels and credits of the said deceased at the time of his death which at any time after shall come to the power or control 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 ~~fourth~~ day of September  
1887 at Melbourne in the Colony  
of Victoria

Charles Amery  
James Taylor

Before me



A Commissioner of the Supreme Court of the Colony of Victoria

for taking Affidavits

952

Will  
- of -  
Edw<sup>st</sup> Amery, Esq<sup>r</sup>.

---



John S. Woolcott

"A"

*E.S.*  
*J.W. R.B.*

This is the last Will and Testament of me  
Edwin Amery of Saint George's Road North Fitzroy in the Colony  
of Victoria Vocalist I appoint my son Charles Amery of Saint  
George's Road aforesaid Bricklayer and James Taylor also of Saint George's  
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  
recompence 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 Alfred  
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 on the 10th day of September 1887

*H. H. Bullock*

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

*James Woolcock*  
Richard B. Balmer

*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

Signed by the said <sup>Edwin</sup> 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 3  
execution of this Will)

Edwin Amery

John Woolcock  
Solicitor  
Melbourne

Richard B. Balmer,  
his Clerk