

^{20/87}
In the Supreme Court
of the Colony of Victoria

Probate Jurisdiction

In the Will of Michael
De Pass deceased.

Affidavit of
Winfield Attenborough



Bennett Attenborough & Wilkes

576913
OFFICE OF TITLES
VICTORIA

30 MAY 1951

LODGED IN SUPPORT
OF APPLICATION

51388

Master Supreme Court

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

In the Will of Michael De Pass late
of Number 23 Norfolk Square Paddington
in the County of Middlesex in England
Merchant deceased.

I Minfield Menborough of 107 Collins Street West
in the City of Melbourne in the Colony of Victoria
Gentleman make oath and say

1. That I am informed and verily believe that
Michael De Pass the above named deceased departed
this life at number 35 Albany Villa Grove in the
County of Sussex on the seventh day of October one
thousand eight hundred and seventy eight
2. That I am informed and verily believe that the
said Michael De Pass duly made his Will bearing
date the seventh day of June one thousand eight
hundred and seventy six whereby he appointed his
wife Jimmy De Pass Arthur Halford and Daniel
De Pass Executrix and Executors thereof
3. That I am informed and verily believe that
Probate of said Will of the above named deceased was
on the sixth day of January one thousand eight
hundred and seventy nine duly granted by the
Principal Probate Registry of the High Court of
Justice in England to Jimmy De Pass the widow
the Executrix named in and appointed by the said
Will power being reserved of making the like grant
to Arthur Halford and Daniel De Pass the Executors
named therein
4. That the said Michael De Pass deceased is the

person named in the Exemplification or parchment writing herunto annexed and marked "A" and such Exemplification was as I verily believe duly issued out of and under the seal of the Principal Probate Registry of the High Court of Justice in England.

5. That the said Michael De Pass deceased was as I am informed and verily believe at the time of his death possessed of personal property in England of the value of one thousand pounds.

6. That the said Arthur Halford and Daniel Westiss have not as I am informed and verily believe proved the Will of the said deceased.

7. That by the Deed Poll or Power of Attorney herunto annexed and marked "B" and which said Deed Poll or Power of Attorney was as I verily believe duly executed by the said Jimmy De Pass said I this deponent was with Mathew Mitchell of Melbourne Merchant appointed the Attorney of the said Jimmy De Pass amongst other things to obtain administration of the Estate of the above named deceased in the Colony of Victoria.

8. That the said Michael De Pass was part owner of certain lands situate in Maryborough in the Colony of Victoria and also in Flinders Street in the City of Melbourne and in the Parish of Spring Plains in the County of Bathurst in the said Colony and certain sheep, cattle and stock on the Spring Plains Station at Spring Plains aforesaid amounting in value to the sum of seventeen thousand pounds.

9. That the interest of the said deceased in the properties above mentioned was on the fourteenth day of November one thousand eight hundred and seventy three mortgaged to Daniel De Pass and ^{Jimmy} Arthur Halford to

secure the sum of sixteen thousand pounds and interest thereon and on the twenty first day of January one thousand eight hundred and seventy ^{the said property and stock were} five mortgaged by the said deceased to Aaron De Pass to secure the sum of seven thousand one hundred pounds and interest.

10. That I am informed and verily believe that at the time of the death of the said deceased the whole of the said sums together with a large arrear of interest was still due and owing.

11. That I am informed by the said Jimmy De Pass and verily believe that the property comprised in the said Mortgages being insufficient for the payment of the said Mortgage debts the said Jimmy De Pass has assigned and transferred all the right title and interest of the said deceased in the said mortgaged premises in satisfaction of the said mortgage debts and that the said deceased had not as I am informed and verily believe any other property in the Colony of Victoria.

12. That the said deceased had at the time of his death real property in the Colony of Victoria not exceeding in value thirteen thousand pounds and also personal property in the said Colony not exceeding in value four thousand pounds.

Sworn at Melbourne in the Colony of Victoria this fourth day of February one thousand eight hundred and eighty

Before me

Arthur Wake

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

Dated 1879

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M^{rs} J De Pass

to

Mess^{rs} W. Attenborough
& M. Mitchell

Power of Attorney

576 914

OFFICE OF TITLES
VICTORIA

30 MAY 1951

LODGED IN SUPPORT
OF APPLICATION

513 88

Master Supreme Court

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

In the Will of Michael De Pass of
23 Norfolk Square,
Paddington

This is the Power of Attorney marked A produced
and shown to Thomas O'Malley
at the time of swearing his affidavit herein this
Sixth day of October One thousand
eight hundred and seventy nine

Before me

J W Astin

A Commissioner &c

This is the power of attorney marked B mentioned and referred
to in the annexed affidavit of Winfield Attenborough sworn before me
this fourth day of February 1880

Arthur Hall
Attorney &c

To all to whom these presents shall come

Timothy De Pass of No 23 Market Square Paddington in the County of Middlesex Widow of Michael De Pass late of the same place Merchant Send Greeting Whereas the said Michael De Pass deceased died on the Seventh day of October One thousand eight hundred and seventy eight at No 35 Albany Villas Ave in the County of Sussex having made and duly executed his last Will and Testament bearing date the seventh day of June One thousand eight hundred and seventy six and therein appointed Timothy De Pass his Wife his Brother in Law Arthur Halford and his Nephew Daniel De Pass Executors and Executors of his said Will And whereas on the Sixth day of January One thousand eight hundred and seventy nine Probate of the said Will was granted by Her Majesty's Court of Probate in England to the said Timothy De Pass power being reserved of making the like grant to the said Arthur Halford and Daniel De Pass the other Executors named in the said Will And whereas the said Arthur Halford and Daniel De Pass have never exercised such Power or in anyway acted or interfered in the trusts of the Will of the said deceased And whereas the said Timothy De Pass is desirous of appointing some persons or person in the Colony of Victoria as her Attorneys or Attorney to apply for and obtain Letters of Administration with the Will of the said Michael De Pass deceased annexed of all and singular the lands hereditaments goods chattels and credits in the said Colony of Victoria which were of or in anywise belonging to the said Michael De Pass at the time of his death Now therefore know ye that the said Timothy De Pass doth hereby nominate constitute and appoint Winfield Attenborough of Melbourne in the Colony of Victoria Solicitor and Matthew Mitchell of Melbourne aforesaid Merchant jointly and each of them separately her Attorneys and Attorney for the purpose of applying to and obtaining from the proper Court or Courts in the said Colony of Victoria a grant of Letters of Administration with the Will annexed of all and singular the lands hereditaments goods chattels and credits of the said deceased in the said Colony of Victoria which were of or in anywise belonging to the said deceased at the time of his death either in her name or in the names or name of such Attorneys or Attorney and for the purpose of obtaining such Letters of Administration in her name or in the names or name of the said Attorneys or Attorney to execute such Bond or Bonds as may be required by Law or may be expedient or necessary for the due administration of the Estate of the deceased And also in her name or in the names or name of the said Attorneys or Attorney to collect get in and receive of and from all and every person or persons liable to pay the same all and every sums and sum of money and other property and effects whatsoever which the said Timothy De Pass now is or may hereafter become entitled to receive as such Executor or aforesaid or otherwise in any part of the said Colony of

20/87



This is the Parchment Writing marked
"A" referred to in the affidavit of
Samuel De Pass sworn this 6th day of
October 1899 Before me

J. W. Astin

Commissioner of the Supreme Court of the Colony
of Victoria for taking Affidavits in London

In the Supreme Court
of the Colony of Victoria

In its Probate Jurisdiction

In the Will of Merchall De Pass.

This is the parchment writing marked A mentioned and referred to in the
annexed affidavit of Whiffeld Atterborough sworn before me this fourth
day of February 1880.

Arthur Blake

A Commissioner &c.

576912

OFFICE OF TITLES
VICTORIA

30 MAY 1951

LODGED IN SUPPORT
OF APPLICATION

51388

Master Supreme Court

De Gasparis

Parsons

1951

In Her Majesty's High Court of Justice

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Be it known that upon search being made in the Principal Probate Registry of the High Court of Justice that on the sixth day of January in the year of our Lord 1879 the last will and Testament of Michael De Pass late of Norfolk Square Paddington in the County of Middlesex Merchant deceased who died at No 35 Albany Villa Grove in the County of Middlesex on the seventh day of October 1878 was proved in the said High Court of Justice by Jimmy De Pass widow the Relict one of the persons named therein. Power reserved of making the like grant to Arthur Halford and Daniel De Pass the nephews the other persons named therein - and which Probate now remains of record in the said Registry. The true tenor of the said will is in the following to wit: -

This is the last Will and Testament

of me Michael De Pass of 23 Norfolk Square Paddington in the County of Middlesex. Firstly I desire that all my just and testamentary expenses be paid and satisfied by my Executors hereinafter named as soon as conveniently may be after my decease. Secondly I give devise and bequeath unto my dear wife Jimmy De Pass all and every my household furniture linen wearing apparel books plate pictures chind horses carriages carts and also all and every sum and sums of money which may be in my house or in my person or which may be due to me at the time of my decease and also all other my monies invested in stocks funds and annuities for money book debts ^{Mon - bonds} money on ^{Mon} bills notes or other securities and all and every other my estate and effects whatsoever and whomever both real and personal whether in possession reversion remainder or expectancy unto my dear wife Jimmy De Pass to and for her use and benefit absolutely. And I do nominate constitute and appoint my said wife Jimmy De Pass my brother in law Arthur Halford and my nephew Daniel De Pass of 26 Westbourne Terrace Paddington to be Executrix & Executors of my will. And hereby revoking all former or other wills by me at any time heretofore made I declare this to be my last will and Testament. In witness whereof I the said Michael De Pass have to this my last will and Testament set my hand the seventh day of January in the year of our Lord one thousand eight hundred and seventy six _____ Michael De Pass _____

Personal Estate
Under One
thousand pounds.

[Handwritten signature]

Signed by the Testator Michael De Pass and acknowledged by him to be his last will and Testament in the presence of _____
at the same time and subscribed by us as witnesses in the presence of the said Testator and of each other _____
William Ross Campbell 44 Western Road Ealing Middlesex Secretary to a Joint Stock Company



In Her Majesty's High Court of Justice

Be it known that upon search being made in the Principal Probate Registry of the High Court of Justice it appears that on the sixth day of January in the year of our Lord 1879 the last will and Testament of Michael De Pass late of No. 23 Norfolk Square Paddington in the County of Middlesex Merchant deceased who died at No. 35 Albany Villa Grove in the County of Sussex on the seventh day of October 1878 was proved in the said High Court of Justice by Simmy De Pass widow the Relict one of the Executors named therein. Power reserved of making the like grant to Arthur Halford and Daniel De Pass the nephew the other Executors named therein - and which Probate now remains of record in the said Registry. The true tenor of the said will is in the words following to wit: -

This is the last Will and Testament -
of me Michael De Pass of 23 Norfolk Square Paddington in the County of Middlesex. Firstly I desire that all my just debts funeral and testamentary expenses be paid and satisfied by my Executors hereinafter named as soon as conveniently may be after my decease and secondly I give devise and bequeath unto my dear wife Simmy De Pass all and every my household furniture linen wearing apparel books plate pictures chind horses carriages carts and also all and every sum and sums of money which may be in my house or about my person or which may be due to me at the time of my decease and also all other my monies invested in stocks funds and securities for money book debts ^{Mon} money on ^{Mon} bills notes or other securities and all and every other my estate and effects whatsoever and wheresoever both real and personal whether in possession reversion remainder or expectancy unto my dear wife Simmy De Pass to and for her own use and benefit absolutely and I do nominate constitute and appoint my said wife Simmy De Pass my brother in law Arthur Halford and my nephew Daniel De Pass of 26 Westbourne Terrace Paddington to be Executor & Executors of this my will. And hereby revoking all former or other wills by me at any time heretofore made I declare this to be my last will and Testament. In witness whereof I the said Michael De Pass have to this my last will and Testament set my hand the seventh day of June in the year of our Lord one thousand eight hundred and seventy six _____ Michael De Pass _____
Signed by the Testator Michael De Pass and acknowledged by him to be his last will and Testament in the presence of us present at the same time and subscribed by us as witnesses in the presence of the said Testator and of each other _____
William Ross Campbell 41 Western Road Ealing Middlesex Secretary to a Joint Stock Company

Estate
One
pounds.

Personal Estate
Under One
thousand pounds.

M.D.

books plate pictures chind horses carriages carts and also all and every sum and sums of money which may be in my hand
my person or which may be due to me at the time of my decease and also all other my monies invested in stocks funds and
for money book debts money on ^{books} bills notes or other securities and all and every other my estate and effects whatsoever and in
both real and personal whether in possession reversion remainder or expectancy unto my dear wife Jimmy De Pass to and for
use and benefit absolutely And I do nominate constitute and appoint my said wife Jimmy De Pass my brother in law
Halford and my nephew Daniel De Pass of 26 Westbourne Terrace Paddington to be Executrix & Executor
will And hereby revoking all former or other wills by me at any time heretofore made I declare this to be my last will
In witness whereof I the said Michael De Pass have to this my last will and Testament set my hand the seventh
in the year of our Lord one thousand eight hundred and seventy six _____ Michael De Pass _____

Signed by the Testator Michael De Pass and acknowledged by him to be his last will and Testament in the presence
at the same time and subscribed by us as witnesses in the presence of the said Testator and of each other _____
William Ross Campbell 41 Western Road Ealing Middlesex Secretary to a joint Stock Company _____
Frederic Pouncefort 31 Woodfield Road Paddington Clerk. ✓

In Faith and Testimony whereof these Letters Testimonial are issued - Given at London as
of the aforesaid search and the sealing of these Presents this sixth day of October in the year of our Lord
thousand eight hundred and seventy nine

A. Story
Registrar

Jan 79
5/00

Crump & Sons
Extracted by Crump & Sons
Solicitors, 10 Philpot Lane - 3



