

IN THE SUPREME COURT  
OF THE COLONY OF VICTORIA.

IN ITS PROBATE JURISDICTION.

56\*990

IN THE WILL, *Robert Curtis*

late of *William H Collingwood* in the  
Colony of Victoria *Partner*  
deceased.

Affidavit of MR. J. BORROWMAN.

In support of Application for Probate.

*John B. Bayly*



Verley Bros., Printers, William Street, Melbourne.

In the Supreme Court } IN ITS PROBATE JURISDICTION.  
OF THE COLONY OF VICTORIA.

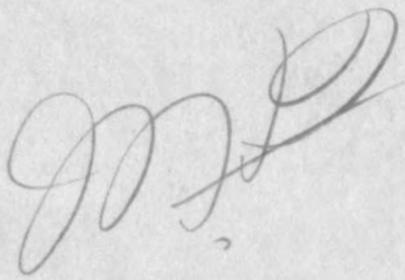
IN THE WILL OF *Robert Curtis* \_\_\_\_\_  
late of *Mollison Street Collingwood* \_\_\_\_\_  
in the Colony of Victoria *Gentleman* \_\_\_\_\_ deceased.

I, JAMES BORROWMAN, of No. 412 Collins Street, in the City of Melbourne, in the Colony of Victoria, Manager of THE TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED, make oath and say—

1. That the said Company is seeking to obtain Probate of the Will \_\_\_\_\_ of the above-named *Robert Curtis* deceased.
2. The said deceased died on the *twenty fourth* day of *December* One thousand eight hundred and *ninety four* at "*Horston*" *No 39 Victoria Parade East Melbourne in the said Colony*
3. The said deceased left a Will bearing date the *twenty first* day of *December* One thousand eight hundred and *ninety two* which is as I believe the last Will and Testament of the said deceased and which I believe is unrevoked.
4. By *his* said Will the said testator — appointed THE TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED executor thereof.
5. The paper writing hereunto annexed and marked "A" is the true last Will of the said deceased as I verily believe.
6. The said Will was signed by the said deceased in the presence of *James McColoney of No 245 Collins Street Melbourne aforesaid Solicitor and John Arthur Clerk Blair then and now of No 245 Collins Street Melbourne aforesaid a law clerk in the employ of the said James McColoney*
7. The said deceased died possessed of property in the Colony of Victoria not exceeding in value the sum of *three thousand six hundred and seventy five pounds and nine pence* consisting of Real Estate of the value of *two hundred and fifty pounds* and Personal Estate of the value of *three thousand four hundred and twenty five pounds and nine pence* \_\_\_\_\_

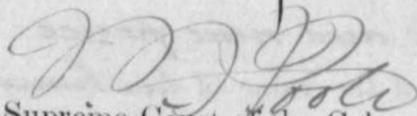
8. If the said Company obtains Probate it will well and truly collect and administer according to law to the best of its knowledge and ability the property lands and hereditaments goods chattels and credits of the said deceased at the time of his death which at any time after shall come to the power or control hands or possession of the said Company as his executor or of any other person or persons for it that it 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 it or to the hands or possession of any other person or persons for it and the same so made will sign with its proper Common Seal 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 it will make or cause to be made a true and just account of the administration of the estate which it has undertaken as to its receipts and disbursements and as to what portion is retained by it and what portion remains uncollected and the same so made will sign with its proper Common Seal and will exhibit and deposit or cause to be exhibited and deposited the said account in the office of the Master-in-Equity within fifteen calendar months next ensuing the order granting probate.

9. That I am the Manager of the said THE TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED.

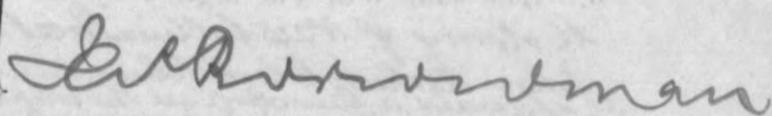


SWORN at Melbourne in the Colony of Victoria, this 24<sup>th</sup> day of January One thousand eight hundred and ninety five

Before me



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



Dated \_\_\_\_\_

Will

of

Mr. Robert Curtis



Moloney + Stuart  
245 Collins Street  
Melbourne

A

This is the last Will and Testament of me *vs* Robert Curtis of Mollison Street Collingwood in the Colony of Victoria Gentleman hereby revoking all previous testamentary dispositions made by me I give devise and bequeath the whole of my real and personal estate wheresoever and whatsoever unto the "Trustees Executors and Agency *vs* Company Limited (hereinafter called the said company) Upon trust as follows :-

This is the *vs* for writing marked with the letter "A" referred to in the affidavit of *vs* sworn this 24th January 1895 before me, *vs* A Commissioner of the Supreme Court of the Colony of Victoria for taking Affidavits.

1. As to All that piece of land situate in Mollison Street aforesaid and on which are erected two cottages known as Numbers 24 and 26 Mollison Street Collingwood to hold the same and all the premises and rights appertaining thereto for the sole use and benefit of Elizabeth Hill of Mollison Street Collingwood aforesaid widow during her life and to pay all the rents and profits arising therefrom or any part thereof to the said Elizabeth Hill during her life and to allow her to occupy and use the whole or any part of the said premises and upon the death of the said Elizabeth Hill to sell the same either by public auction or private contract and either in one or more lots and upon such terms and conditions as the said company may deem fit and the amount realized by such sale to pay to the trustees or committee of management for the time being of the Old Colonists Association of Victoria And I direct that should the said Elizabeth Hill predecease me the said company shall upon my death or as soon thereafter as may be expedient sell the said land and hereditaments and the amount *vs* realized by such sale pay to the Committee or Trustees of the Old Colonists Association of Victoria as aforesaid.

2. And upon trust as to the balance of my real estate and the whole of my personal estate to sell and convert the same into ready money in such manner and at such times and places and upon such terms as the said company shall deem fit and out of the sum thus realized together with all other monies which I may be possessed of at the time of my death *vs* to pay the following legacies:-

*vs* *vs*

3. To the said Elizabeth Hill the sum of One hundred pounds and I hereby direct that should she predecease me or such sale and conversion then to divide the said sum of One hundred pounds equally between such of her children as shall be surviving at the time of such sale

Witnesses

*vs*  
*vs*  
 J. A. B. Blair

Robert Curtis,

and conversion or if there be only one child to pay the same to him or her.

4. To my cousin William Curtis of number 32 George Street Blackfriars Road London the sum of Five hundred pounds and in the event of his predeceasing me or such sale and conversion I direct the said Company to divide the said sum of Five hundred pounds equally between the next of kin of the said William Curtis.
5. To my cousin Rebecca Spink of Number 5 Bloomfield Place Crouch Hill End Hornsey near London Widow the sum of Five hundred pounds and in the event of her predeceasing me or such sale or conversion I direct the said Company to divide the said sum of Five hundred pounds equally between her children surviving at the time of such sale or conversion or if there be only one to pay the same to him or her.
6. To Caroline Abumford of Dour Street Dover Kent England the sum of One hundred pounds if she be alive at the time of my death and in the event of her having predeceased me I direct the said Company to pay sum of Fifty pounds to her son Robert Abumford.
7. To Esther the daughter of Mr Bailey formerly of Charles Street & Middlesex Hospital London, Mantlemaker and sister to George Hewlett Bailey now or formerly of Cavendish Place Cavendish Square London and formerly of Charles Street Middlesex Hospital aforesaid the sum of Four hundred pounds and in the event of her predeceasing me or such sale and conversion I direct the said Company to divide the said sum of Four hundred pounds into two equal parts and distribute one equal part equally between the next of kin of the said Esther Bailey and pay the other equal part to the said George Hewlett Bailey and should he have predeceased me or such sale and conversion then I direct the said Company to pay such other equal part to his next of kin.
8. To Patrick McLean of Brunswick Street Fitzroy Chemist the sum of One hundred pounds and in the event of his predeceasing me or such sale or conversion I direct the said Company to divide the said sum of One hundred pounds equally between his next of kin.
9. To Thomas Hackett of Sydney Road Brunswick Chemist the sum of One hundred pounds and in the event of his predeceasing me or such sale or conversion I direct the said Company to divide the said sum of One hundred pounds equally between his next of kin.

Witnesses

Ja. Maloney  
Solr  
Joh. B. Blair

Robt Curtis.

10. To Mary the wife of A. M. Henderson of Melbourne Architect the sum of Two hundred pounds and in the event of her predeceasing me or such sale or conversion I direct the said Company to divide the said sum of Two hundred pounds between her next of kin.

11. To Louisa Andrew the mother of the said Mary Henderson the sum of One hundred pounds and if she shall have predeceased me or the said sale and conversion I direct the said Company to pay the said sum of One hundred pounds to the said Mary Henderson.

12. To Julia Bartrop wife of G. H. Bartrop of Police Magistrate the sum of One hundred pounds and if she shall predecease me or the said sale and conversion I direct the said Company to pay the said sum of One hundred pounds to her eldest or only child.

13. To the Reverend Canon Handfield of St. Peter's Church Eastern Hill Melbourne the sum of One hundred pounds and if he shall predecease me or the said sale and conversion I hereby direct the said Company to divide the said sum of One hundred pounds between the next of kin of the said Reverend Canon Handfield.

14. To the Reverend W. C. Ford of Sunbury in the Colony of Victoria the sum of Fifty pounds to be held by him in Trust for his daughter Louisa Dorothea until she shall attain the age of twenty one years and thereupon to pay the said sum to her absolutely.

15/16  
And upon trust as to the <sup>final</sup> balance <sup>or residue of such sum</sup> of monies remaining after payment of the sums aforesaid and after adding thereto any other monies which may arise in any way from my estate either by lapse of legacies or otherwise to divide the same into five equal parts or shares and to pay one of such equal fifth part or share to the Protestant Orphan Asylum situate at Brighton in the said Colony of Victoria another of such equal parts or shares to the St. Vincent de Paul Orphanage situate at South Melbourne in the said Colony another to the Home of Hope Collingwood another to the representative of the late D<sup>r</sup>. Singleton deceased to be distributed amongst the charities of the said deceased and the other remaining part or share to the Melbourne Hospital.

And I hereby appoint the said Trustees Executors and Agency

Witnesses

J. H. Blair

J. H. Blair

Robt Curtis

Company Limited to be executors and trustees of this my Will. In  
witness whereof I have to this my last Will and Testament set my  
hand this twenty first day of December One thousand eight hundred  
and ninety two

Signed by the said Robert Curtis the Testator  
as and for his last Will and Testament in the  
presence of us present at the same time who in  
his sight and presence at his request and in  
the sight and presence of each other have &  
hereto subscribed our names as attesting &  
witnesses.

Robert Curtis

J. Moloney

John

J. A. C. Blair

Melbourne

Clerks to Messrs Moloney & Stuart

Solicitors Melbourne