

Dated 25th April 1901.

WILL

of
Mr Joseph Griffiths.



Signed & Sealed

This and the sheet of paper-writing hereto annexed is the paper-writing marked "A" referred to in the annexed affidavit of James Donovan sworn this — sixth — day of September 1901

Before me C. H. Hoyle

Dr. Convent

This is the last Will and Testament of me, Joseph Griffiths of Richmond, in the State of Victoria Gentleman. I direct all my just debts funeral and testamentary expenses to be paid, I appoint the Trustees Executors and Agency Company Limited Trustee and Executor hereof and declare that the said Company may execute any of the trusts hereof by its own officers. I devise all my real estate and bequeath all my personal estate unto the said Company Upon the trusts following: As to my real estate now occupied by me and the furniture pictures books and other household effects therein Upon trust to permit my daughter Catherine Mary Griffiths to have the use and enjoyment thereof during her life, so long as she provides therein a home for such of my children and grandchildren as are unmarried or widows and willing to live with her. And I declare that the said Company shall not be bound to see to the preservation or insurance thereof or be liable for any destruction or damage thereto or loss thereof. And upon the death of the said Catherine Mary Griffiths or with her consent in writing if alive, I direct that the said freehold property furniture pictures books and other household effects shall be sold by Public Auction and the proceeds thereof be held upon the trusts hereinafter declared as to my residuary personal estate but such freehold property shall not be so sold for a period of five years after my decease. And as to the rest of my real estate Upon trust after the expiration of five years from my decease to convert the same into money when the said Company shall deem advisable but not without the consent in writing of the said Catherine Mary Griffiths if alive. And so soon as conveniently may be after my decease to convert the rest of my personal estate into money. Provided that the said Company may allow any existing investments to remain and renew the same from time to time without incurring any responsibility. And invest the same and the net proceeds of my said real estate upon first mortgage over real estate within three miles of the General Post Office in the City of Melbourne, which is then producing rent or in the purchase of the securities of the Government of the State of Victoria. And I direct my said Trustees to pay out of the income of my real and personal estates and investments thereof for all rates taxes insurance repairs and other outgoings in respect of my said property in Richmond (if it is insured) and my other real estate and to consider the income from my estate as divided into five equal parts but nevertheless without making any actual division of my estate and upon trust to stand possessed of one part of such income in trust to pay the same to my daughter Catherine Mary Griffiths during her life. As to another of such parts to pay the same to my daughter Catherine Mary Griffiths in trust for the benefit of my son Frank Arthur Griffiths during his life to be used and applied in such manner as my said daughter Catherine Mary Griffiths shall in her absolute uncontrolled discretion think advisable. And after her death or in case of her absence from Victoria to pay the same to any of my other daughters who may be living in Victoria to be applied by her for the benefit of my said son in such manner as such daughter shall in her absolute uncontrolled

discretion think advisable And if there shall not be any of my daughters
in Victoria then to pay to or apply for the benefit of my said son the whole
or any part of such income in such manner as the Manager for the time
being of the said Company shall in his absolute uncontrolled discretion
shall think advisable and accumulate any money not so paid or
applied in trust for the person or persons who may ultimately become
entitled to the principal fund from which such income shall have
arisen. As to another of such parts to pay the same to my daughter
Elly Florence Cameron during her life. And as to another of such
parts to pay the same to my daughter Emily Josephine Davenport
during her life. And as to the other part of such income I direct that
while my granddaughter Alice Louisa Davenport the daughter of my
late daughter Alice Louisa Davenport shall be under the age of twenty
one years the said Company shall pay to my said daughter Emily
Josephine Davenport the sum of fifty pounds per annum for the benefit
of my said granddaughter and the residue of such part of the said income
shall until she attains the age of twenty one years be added to the corpus
of my estate. And upon my said granddaughter attaining the age of
twenty one years to pay such one fifth share of the said income to her during
her life. All payments of income to be made quarterly. And I declare
that in case of the death of my said daughter Emily Josephine Davenport
during the time any money is payable to her for the benefit of my said
granddaughter the said Company shall thereafter while my daughter
Catherine Mary Griffiths is alive pay the said money to her for the said
purposes and thereafter apply the said money for the like purposes as the
Manager of the said Company thinks best in the interest of my said
granddaughter. And I declare that upon the death of any of them
my said children or grandchild either in my lifetime or after my decease
leaving lawful children or child then the said Company shall stand
possessed of one fifth share in the corpus of my estate in trust for each of the
children or child of the one possessing as shall attain the age of twenty one years
in equal shares as tenants in common to be paid to them at the youngest of
them attaining the said age but if there be no such children or child then
the income and corpus thereof shall be held in trust for the others and other
of them my said children and grandchild Alice Louisa Davenport and
their respective children or child in like manner and upon the same trusts
as the income and corpus of the shares held in trust for them under the trusts
hereinbefore contained. And in case of the death of all of them without
leaving any children or child who shall take under the clauses hereinbefore
contained then one half of my said estate shall be in trust for each of the
daughters of my late brother Samuel Griffiths late of London England as
shall be alive at the time of distribution as tenants in common in such
shares that his daughter Alice shall have an amount equal to twice that
of any of his other daughters to be paid to them as they respectively attain the
said age and so that in case of the death of any of them either in my lifetime
or after my decease leaving lawful children or child such children or child
shall take their his or her parents share in equal shares as tenants in

common. And the other one half part thereof in trust for such of the children of my sister in law Charlotte Hubbard as shall be alive at the time of distribution in equal shares as tenants in common to be paid to them as they respectively attain the said age but so that in case of the death of any of them either in my lifetime or after my decease leaving lawful children or child such children or child shall take their lion or her parents share in equal shares as tenants in common. And I declare that during the purposes of absolute vesting of any share under this my Will (except as hereinbefore provided) the said Company may apply the whole or such part of the income thereof for the benefit of the person for the time being presumptively entitled thereto and shall accumulate the residue and resulting income by investing the same in like manner in trust for the person who may ultimately become entitled to the principal fund from which the same shall have arisen and may resort to such accumulations and apply the same in like manner as if the same were income received in the year in which it shall be so applied. And I declare that should any person for the time being be actually or presumptively entitled to any share or interest in my estate or the income thereof or any anticipatory charge or encumbrance or attempt or affect to assign anticipatory charge or encumbrance the same or any part thereof or be or become or be made involuntarily or suffer any act or thing whereby the same or any part thereof if belonging absolutely to him or her would by his or her act or default or by process or operation of law or otherwise become vested in or payable to some other person or persons or Company then immediately thereupon the said share or interest shall absolutely cease and determine and be held upon the same trusts as if such person had then died. Provided nevertheless that should the same be a life interest given to my said granddaughter or my children hereinbefore mentioned the said Company may in the absolute discretion of the Manager for the time being if he thinks fit but not otherwise apply the whole or such part of the income thereof as he may think fit as the same shall be received but not otherwise for the personal support of such person either during the rest of his or her life or for such shorter period and either continuously or otherwise as he shall deem proper. And I declare that any money coming to any female under this my will shall be to and for her sole and separate use and benefit. And hereby revoking all former Wills and Testamentary dispositions heretofore made by me I declare this to be my last Will and Testament. IN WITNESS whereof I have hereunto set my hand this twenty fifth day of April one thousand nine hundred and one.

Signed, published and declared by the Testator Joseph Griffiths as and for his last Will and Testament in the presence of us present at the same time and in his right and presence at his request and in the presence of each other have hereunto subscribed our names as witnesses. Joseph Griffiths.

John F. Melburn
his Clerk

899

IN THE SUPREME COURT
OF THE COLONY OF VICTORIA.

IN ITS PROBATE JURISDICTION.

IN THE WILL

Joseph Griffiths

late of *Richmond* — in the
State of Victoria *Residence*
deceased.

Affidavit of Mr. J. BORROWMAN.

In support of Application for Probate.



August & Co. Printers
Treadell & Co. Print.

In the Supreme Court
OF THE COLONY OF VICTORIA.

IN ITS PROBATE JURISDICTION.

IN THE WILL OF

Joseph Griffiths

late of

Church Street Richmond

in the ~~Colony~~ State of Victoria

Gentleman

deceased.

I, JAMES BORROWMAN, of No. 412 Collins Street, in the City of Melbourne, in the ~~Colony~~ State 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 Joseph Griffiths deceased.

The said deceased died on the Tenth day of August One thousand ~~eight~~ ^{nine} hundred and one at Richmond

2. The said deceased left a Will bearing date the Twenty fifth day of April One thousand ~~eight~~ ^{nine} hundred and one 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 Sir George Turner of Carlisle Street Wilda in the said State Solicitor and John Tندر Boulton of Auburn Road Auburn in the said State Managing Law Clerk

7. The said deceased died possessed of property in the ~~State~~ State of Victoria not exceeding in value the sum of Eighteen thousand two hundred and sixty four pounds seven shillings and nine pence (£18,264-7-9) consisting of Real Estate of the value of Three thousand nine hundred and eighty pounds (£3980-0-0) and Personal Estate of the value of Fourteen thousand two hundred and eighty four pounds seven shillings and nine pence (£14,284-7-9)

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.

10. That to my own 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.

SWORN at Melbourne in the ^{State} ~~Colony~~ of
Victoria, this sixth day
of September — One thousand
eight hundred and one
Before me C. B. Hodges

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