

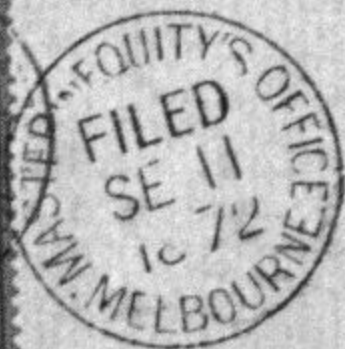
In the Supreme Court of the
Colony of Victoria

W 149

In its Ecclesiastical Jurisdiction

In the Will of James Petrie late
of Melbourne in the Colony of Victoria
Farmer deceased

affidavit of L Henderson



Woolcott Turner
Agent for
J. H. Russell
Attorney

W 149
W

In the Supreme Court
of the Colony of Victoria

In its Ecclesiastical Jurisdiction

In the Will of James Petrie late of
Melbora in the Colony of Victoria Farmer
deceased.

I Lawrence Henderson of Melbora in the Colony of Victoria
Farmer made oath and say

- 1 That the annexed paper writing marked A is the true
last Will and Testament of James Petrie late of Melbora in the
Colony of Victoria Farmer deceased
- 2 That the said Will was executed in the presence of me this
deponent and one William Curtis and that we set and subscribed
our names as witnesses thereto in the presence and at the request
of the said testator and in the presence of each other.
- 3 That the names or signatures of "James Petrie" "William
Curtis" and "L Henderson" set and subscribed at the foot of the
said Will are respectively of the proper handwriting of the said
James Petrie, William Curtis and of me this deponent.

Sworn at Melbora in the Colony of
Victoria this sixth day of
September in the year of our Lord
One thousand eight hundred and seventy
two

L Henderson

Before me

Keogh

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

Dated 25th July 1872

149

Shill
of
James Petrie



This is the last Will and Testament of me James Petrie of Nova in the Colony of Victoria Farmer I appoint my Father Thomas Petrie of Nova aforesaid Gentleman Robert Elliot of Nova aforesaid Gentleman and my wife Ellen Petrie to be co-executors executrix and Trustees of this my Will I bequeath to my brother Charles Ross Petrie of Nova aforesaid Farmer a Legacy of Four hundred pounds such sum to be paid to him within six months after my decease such legacy to be paid out of such portions of my personal estate as shall not consist of the furniture and effects in the house occupied by me at the time of my decease and if such portion of my personal estate shall be insufficient to pay such legacy then I direct that my real estate shall be charged with the payment of any balance that may be remaining I give and bequeath all the household furniture and effects in the house occupied by me at the time of my death unto my wife absolutely I give devise and bequeath the residue of my personal effects and all my real estate unto my said Trustees upon trust that my said Trustees shall sell and dispose of the same and shall pay and apply the proceeds of such sales in the following manner to-wit namely they shall pay any balance that may be remaining due and unpaid of the before mentioned legacy of Four hundred pounds and the residue shall be paid and divided in the following manner namely one fourth part thereof to my Father the said Thomas Petrie one fourth part thereof to my Mother Mary Petrie for her absolute use and benefit free from the debts contract or engagements of her present or any future husband and her receipts alone shall be a sufficient discharge to my said Trustees and the remaining half thereof shall be paid to my wife the said Ellen Petrie for her own absolute use and benefit free from the debts contract or engagements of any future husband with whom she may intermarry and her receipts alone to be a sufficient discharge to my said Trustees Provided however that if my before mentioned said personal estate shall be sufficient to pay the said legacy of Four hundred pounds and the said Thomas Petrie Mary Petrie and Ellen Petrie shall prefer so to do my said Trustees shall be at liberty to refrain from selling my said real estate and may also if they think it expedient so to do keep the said residue if any of my said personal estate in the same state of investment as the same may be at the time of my decease or may from time to time alter or vary any such investments as they think fit and in case my said real estate and the residue if any of my said personal estate shall not be sold then as to my real estate I direct that my said Father Thomas Petrie and Mother Mary Petrie and my said wife Ellen Petrie shall hold my said real estate as tenants thereof in common and not as joint tenants and they shall be entitled

This is the paper writing marked A referred to in the annexed affidavit of Lawrence Thomson sworn before me this 10th day of September A.D. 1872
 George Thomson J.

subsc. in witness whereof

to the annual or other rents issues and profits of my said real estate
and also the interest or the residue (if any) of my said personal estate in
the proportions following namely one fourth thereof to my said father one
fourth thereof to my said mother and one half thereof to my said wife.
And I direct that in case of the death of either of my said Executors and
Executrix and Trustees during my life time the surviving executor or executrix
or executrix shall be my executor executrix or executrix as the case may be
And I revoke all former wills declaring this to be my last Will and Testament.
In Witness whereof I have hereunder set my hand this twenty fifth day of
July in the year of our Lord One thousand eight hundred and seventy two

Signed by the said Testator as his last Will
and Testament in the presence of us present at
the same time who at his request in his presence
and in the presence of each other have subscribed
our names as Witnesses

James Petrie

L Henderson
Farmer
Kiowa

W. Curtis
Farmer
Kiowa