

In the Supreme Court of
the Colony of Victoria

Probate Jurisdiction

160

In the Will of Joseph
Willie deceased

Affidavit of Executor
in support of application
for Probate



Klingenden & Cursey

In the Supreme Court
of the Colony of Victoria

In its Probate Jurisdiction

In the Will of Joseph Willkie formerly
of Lawrence Lodge Avoca Street South Yarra
in the Colony of Victoria Merchant late of
Chelsea Middlesex in England deceased

I George Gregory of William Street in the City of
Melbourne in the Colony of Victoria Timber Merchant
make oath and say as follows -

- 1 That Joseph Willkie formerly of Lawrence Lodge
Avoca Street South Yarra in the Colony of Victoria
late of Chelsea Middlesex in England departed this
life on the tenth day of December one thousand
eight hundred and seventy five -
- 2 That the said Joseph Willkie was by Inquisition
taken on the nineteenth day of May one thousand
eight hundred and seventy one found to be of an
unsound mind -
- 3 That the said Joseph Willkie deceased made his Will
bearing date the sixteenth day of January one thousand
eight hundred and seventy one which is as I believe an
unrevoked and thereby appointed George Percy of
Charminster Dorset England Thomas Jackson Jackson
Barton of London messrs Deponent and his wife or
Frances Elizabeth Aburhead Willkie Executors thereof
and the said Will purports to be executed in the presence
of John George Sauerbrey Accountant Queen Street in
Melbourne aforesaid and Edward J - Vickers
Clerk Queen Street Melbourne aforesaid they being then
in the employ of the said deceased -

1 That the paper writing hereunto annexed marked A is the true last Will and Testament of the said deceased as I verily believe.

5 That the said deceased left real Estate in the Colony of Victoria not exceeding in value the sum of Six hundred and thirty pounds —

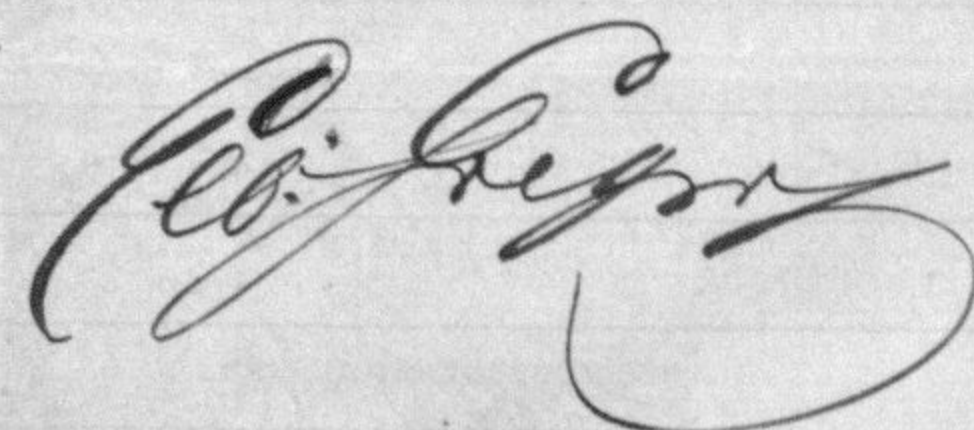
and personal property in the said Colony not exceeding in value the sum of Twelve thousand two hundred and forty pounds —

6 That I am seeking to obtain Probate of the said Will of the said deceased

7 That if I obtain Probate I will well and truly collect and administer according to law to the best of my 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 me as his executor or of any other person or persons for me that I will make or cause to be made a true and perfect Inventory of all and singular the property lands and hereditaments goods and chattels and credits of the said deceased which shall have come to the hands possession or knowledge of me or to the hands or possession of any other person or persons for me and the same so made will sign with my 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 I will make or cause to be made a true and just account of the administration of the Estate which I have undertaken as to my receipts and disbursements and as to what portion is retained by me and what portion or

remains uncollected and the same so made will sign with my 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.

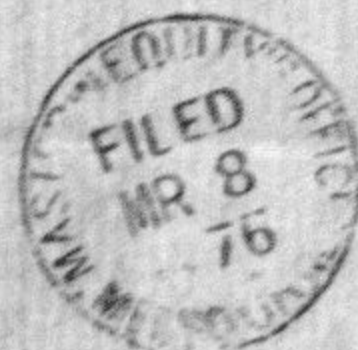
Sworn at Melbourne in the Colony of Victoria this 8th day of March in the year of our Lord one thousand eight hundred and seventy six Before me



J. C. Rogers
Commissioner of the Supreme Court of the Colony of Victoria for taking Affidavits

Last Will of
Joseph Wilkie Esq.
Jan 9. 16th 1871.

160



A

This is the last Will and Testament of Joseph Wilkie of Lawrence Lodge, Avoca Street, South Yarra in the Colony of Victoria Australia. and I do this being in good health and of sound and disposing mind, memory, and understanding blessed be God for the same. this sixteenth day of January one thousand eight hundred and seventy one; and I make, publish, and declare this my last Will and Testament in manner and form following that is first and principally I commend my soul into the hands of Almighty God my Creator hoping for a glorious resurrection and a remission of all my sins through the merits and mediation of my blessed Lord and Saviour Jesus Christ: and my body I commit to the earth to be decently interred at the discretion of my executors hereinafter named and directed.

And as to such worldly estate of which I may be possessed I give and bequeath the same as follows - namely.

In the first place having made a marriage settlement on the 27th of February 1866 with my beloved wife to the extent of Five thousand Pounds to be in real estate as soon as convenient and to be invested with George Pavey and Frederick A Frenchard as trustees I hereby order and request that should this not be invested in real estate before my demise it must be as soon after as possible by the executors or it shall be a first charge upon my estate and be paid over to my wife's trustees George Pavey and Frederick A Frenchard in full

This is the Will of Joseph Wilkie made at
reference to in the annexed affidavits of George Pavey
sworn before me this 16th day of Jan^y 1871

James Corner

Satisfaction of the marriage Settlement.

I also devise and bequeath to my nephew James Wilkie son of my brother Charles the sum of One thousand pounds to be paid to his trustees for his benefit. such trustees to be appointed by my executors.

I also devise and bequeath to Mr. Joseph Paul of Humberston my Cousin the sum of Five hundred pounds and also a like amount of Five hundred pounds to my Cousin Mr. Joseph Thyer of Chester. I also give and bequeath to Mr. Thomas Jackson Barton of London the sum of Five hundred Pounds in the business of Music Sellers carried on at 15 Collins Street East Melbourne Victoria provided he will accept the position I at present hold in the firm of Wilkie Webster & Allan, and that he will come out to the Colony and manage it at least until all my Capital in it has been duly paid to my ~~executors~~ and I advise that he become a partner in the business in the same position as I have myself occupied and if my present partners Mr. John Campbell Webster and Mr. George Lewis Allan agree to admit Mr. Barton as aforesaid I will on those conditions devise and bequeath to them individually, five hundred pounds each to be credited to their capital accounts in our books and debited to my capital account in the same books. All the remainder of my property, personal, freehold, or otherwise I hereby give and bequeath to my dear wife Frances Elizabeth Minhead Wilkie for her life unless she marries again when all should at once go to my children with the exception of my marriage

Settlement and I hereby direct that all my property which comes to my wife on my demise shall be on her demise divided amongst any children I may leave say two parts ^{each of} to the boys and one part each of the girls.

And I hereby appoint as executors to this my last Will Mr. George Pavey of Chancery Lane Dorset and Mr. Thomas Jackson Barton of London Mr. George Gregory of Melbourne Victoria and my beloved wife. To each of the three first I give and bequeath sum of two hundred pounds for acting as executors. And I wish a decent Marble monument erected over my grave at a cost of not over two hundred and fifty pounds.

Signed by the said Joseph Wilkie the testator in the presence of us, present at the same time who in his presence and in the presence of each other attest and subscribe our names as witnesses thereto.

Joseph Wilkie

John George Sauerbrey

Accountant

James Innes Melbourne

Wicks

Clerk Queen St. Melbourne