

IN THE SUPREME COURT

IN ITS PROBATE JURISDICTION.

IN THE WILL OF *Edward Young*

Overbury

late of Amerson

in the Colony of Victoria *gentleman*
deceased.

AFFIDAVIT OF EXECUTOR

MASTERS-IN-EQUITY'S OFFICE
FILED.
13 APR. 98
BALBOURNE

michael haupt & partners

Harston Partridge & Co., Printers, Chancery Lane.

Baltanaw

In the Supreme Court }
OF VICTORIA.

IN ITS PROBATE JURISDICTION.

IN THE WILL OF *Edward Irving Overbury*
late of *Smcaton*
in the Colony of *Victoria Gentleman* deceased

I Isabella Anderson the Elder
of *Smcaton* in the Colony of Victoria
Gentlewoman make oath and say—

1. That *I am* seeking to obtain Probate of the Will of the above named
Edward Irving Overbury deceased.

2. The the said deceased died on the *twenty third* day of *February*
One thousand eight hundred and *ninety eight* at *Breswick in*
the Colony aforesaid—

3. The said deceased left a Will bearing date the *twenty eighth* day of
may One thousand eight hundred and *ninety five* which is as *I WD*
WD believed the last Will and Testament of the said deceased and which is unrevoked—

WD 4. By his said Will ^{the said} testator appointed *me this deponent and William*
Anderson of "Loatka" Lydiard Street North Ballarat in the Colony
aforesaid a member of the Legislative assembly of the said Colony executor and
executor thereof—

5. The paper-writing hereunto annexed marked "A" is the true last Will and
Testament of the said deceased as *I* verily believe.

WD ~~6. The said Will was executed in the presence of~~

WD ^{no} 6. The said deceased left ^{no} real estate in the Colony of Victoria ~~not exceeding the~~ *WD*
WD ~~value of~~ but left

~~and~~ personal property in the said Colony not exceeding the value of *Six hundred*
and fifty pounds—

WD 7 8. That to the best of *my* 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.

129 2. That if I obtain probate I will well and truly collect and administer according to law 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 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 hand writing 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 remains uncollected and the same so made will sign with my proper hand writing, 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 Ballarat in the
Colony of Victoria this sixth day
of April — One thousand
eight hundred and ninety eight.

Before me

W. D. B. O'Connell

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

Isabella Anderson

A. This is the paper writing marked A referred to in the
affidavit of Isabella Anderson the Elder
Sworn before me this 7th day of April 1898
W. Dickson
A Commissioner

This is the last Will and Testament of me Edward
Living Overbury of Inceaton Gentleman made this
28th day of May 1895. as follows

I give and bequeath all my real and personal
estate and effects whatsoever and wheresoever (in consideration
of her great and valuable kindness to me for many years) unto
Isabella Anderson Senior of Inceaton aforesaid Gentlewoman
her heirs executors administrators and assigns to and for her
and their own absolute use and benefit subject only to the
payment of my just and lawful debts funeral and testamentary
expenses and I appoint the said Isabella Anderson and
William Anderson of Dallarat Member of the Legislative
Assembly of Victoria Executors and Executor of this my
Will and I hereby revoke all previous Wills

In Witness whereof I have hereunto set my hand the
day and year above written

Edward. Living. Overbury

Signed and acknowledged by the said
Edward Living Overbury as and for
his last Will and Testament in the presence
of us who in his presence and at his
request and in the presence of each
other have subscribed our names as
Witnesses

Robert Anderson P.
Inceaton
Grazier

H. W. W. W.

Inceaton

Mining Agent

This is the paper writing marked A referred to in the affidavit of William
Anderson Sworn before me this 7th day of April 1898.

H. C. W. W. W.
A Commissioner