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9/167206

IN THE SUPREME COURT
OF VICTORIA

PROBATE JURISDICTION

In the Will of John McIlhenny
late of number 105 Alfred
Crescent North Fitzroy in the
State of Victoria Gentleman
deceased.

[Handwritten signature]

ORDER FOR PROBATE

[Handwritten signature]
[Handwritten signature]
[Handwritten signature]

Hill & Talbot,
442 Chamberlayne,
MELBOURNE

IN THE SUPREME COURT)
)
OF VICTORIA)

PROBATE JURISDICTION

In the Will of John McMahon late of Number
105 Alfred Crescent North Fitzroy in the
State of Victoria Gentleman deceased.

BEFORE THE REGISTRAR

The *twelfth* day of *November* One thousand nine
hundred and nineteen.

UPON APPLICATION this day made by the proctors for the
applicant and Upon reading the several affidavits of Etheldreda
Schieblich and John Pathfield Talbot respectively sworn and
filed herein.

THIS COURT DOETH ORDER that probate of the Will of the said
John McMahon deceased be granted to Etheldreda Schieblich of
"Cremona" Humber 54 Point Nepean Road Elsternwick in the State
of Victoria Married Woman one of the Executors named therein
leave being reserved to John Joseph McMahon Leo Luke McMahon
and Frank Fitzroy McMahon all Medical officers of the Australian
Imperial Forces on Service Abroad the other executors named
therein to come in at any time and prove the same.

By the Court

Harter

Registrar of Probates



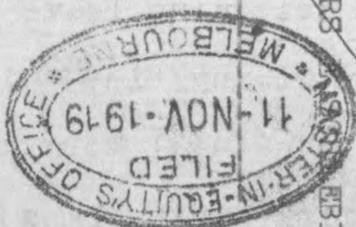
167206

IN THE SUPREME COURT
OF VICTORIA

PROBATE JURISDICTION

IN THE WILL of JOHN McMAHON
late of Number 105 Alfred
Crescent North Fitzroy in the
State of Victoria gentleman
deceased.

AFFLIDAVIT of MRS ANNE ELLICH



Hill & Talbot
Solicitors & Co.,
442 Chancery Lane,
Melbourne.

IN THE SUPREME COURT)
OF VICTORIA) PROBATE JURISDICTION

IN THE WILL of JOHN McMAHON late of number
105 Alfred Crescent North Fitzroy in the
State of Victoria gentleman deceased.

1 ETHELDREDA SCHIEBLICH of "Cremona" No.54 point Nepean Road
Elsternwick in the state of Victoria married woman make oath and
say:-

1. That I am one of the executors of the said John McMahon
deceased and as such am applying for Probate of the Will of the
said John McMahon reserving leave to the other executors named --
therein to come in at any time and prove the same.

2. That I am a natural born British Subject of His Majesty
King George the Fifth having been born at Number 99 Brunswick
Street Fitzroy in the said State on the twenty fifth day of June
One thousand eight hundred and seventy seven.

Ann 3. That I am the wife of ----- Franz Ottomar Schiebllich
to whom Letters of Naturalisation were granted and which were
enrolled by filing a duplicate in Register of Naturalisation
Certificates Volume 10 page 9342 and dated the ninth day of March
One thousand nine hundred and ten.

SWORN at Melbourne in the)
State of Victoria this --)
Tenth day of *November*)
One thousand nine hundred and)
nineteen.)

)
) *Etheldreda Schiebllich*
)
)
)
)
)

Before me

J. J. Hanby

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

167206
IN THE SUPREME COURT

OF VICTORIA

PROBATE JURISDICTION

In the Will of John McMahon
late of Number 105 Alfred
Crescent North Fitzroy in the
State of Victoria Gentleman
deceased.

P R O B A T E

I certify that the sum of
*Seven pounds seven shillings
seven pence*
for duty on this Probate has
been paid

R. D. Coeller

Commissioner of Taxes

9/12/1919

Hill & Talbot
442 Whancery Lane,
MELBOURNE

IN THE SUPREME COURT)
OF VICTORIA) PROBATE JURISDICTION

In the Will of John McMahon late of Number 105
Alfred Crescent North Fitzroy in the State of
Victoria Gentleman deceased.

BE IT KNOWN twelfth (L.S.) that on the twelfth day of March ~~November~~
in the year of our Lord One thousand nine hundred and nineteen the
Will (a true copy of which is hereunto annexed) of John McMahon
late of Number 105 Alfred Crescent North Fitzroy in the State of
Victoria Gentleman deceased who died on the First day of April One
thousand nine hundred and eighteen and who had at the time of his
death real estate within the jurisdiction sworn not to exceed in
value the sum of Eight hundred and twenty five pounds and personal
estate within the jurisdiction sworn not to exceed in value the sum
of Two hundred and fifteen pounds was proved by Etheldreda Schieblich
(in the said Will called Etheldreda Schieblich) of "Cremona" Number
54 Point Nepean Road Elsternwick in the State of Victoria Married
Woman one of the Executors named in and appointed by the said Will
leave being reserved to John Joseph McMahon Leo Luke McMahon and
Frank Fitzroy McMahon all Medical Officers of the Australian Imperial
Forces on Service Abroad the other executors named in and appointed
by the said Will to come in at any time and prove the same she the
said Etheldreda Schieblich having been first sworn that she would well
and truly collect and administer according to law the estate of the
said John McMahon deceased and would exhibit and deposit in the Office
of the Master in Equity a true and perfect inventory of the said
estate within three months of the order granting Probate and a true
and just account of her administration of the said estate within
fifteen months of the said order This Grant is made upon the condition
that no portion of the assets shall be distributed or paid during
the War to any beneficiary or creditor who is a German Austro-Hungarian
Turkish or Bulgarian subject wherever resident or to any one on his
behalf or to anyone on behalf of any person resident in Germany
Austria-Hungary, Turkey or Bulgaria of whatever nationality without

the express sanction of the Crown and if any distribution or payment is made contrary to this condition the Grant of Probate will be forthwith revoked.

Given at Melbourne this *fifth*
day of *December* in the year of our
Lord One thousand nine hundred and nineteen.

DW

13. 11. 19

J. Carter

Registrar of Probates

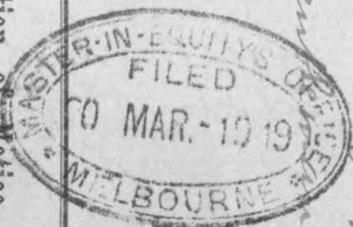
W.H.

167206

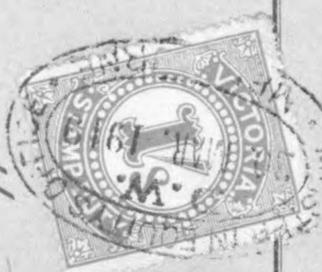
In the Supreme Court
OF VICTORIA.

PROBATE JURISDICTION.

IN THE Will of John McMahon
date of Number 105 Affid
late of Vincent North Fitzroy
in the State of Victoria *Per*
deceased



Affidavit of Publication of Notice
and of Searches.



*File Halbot
4112 State Collins Street
Melbourne*

Harston, Partridge & Co., Printers, Melbourne.

In the Supreme Court

PROBATE JURISDICTION.

OF VICTORIA.

IN THE Will _____ of John McMahon

late of Number 105 Alfred Crescent North Fitzroy

in the State of Victoria Gentleman _____ deceased

I John Pathfield Talbot _____
of 442 Little Collins Street Melbourne _____
in the State of Victoria Clerk to Messieurs Hill and Talbot of the same place
make oath and say—

g.m. ✓

1. That the following advertisement duly appeared in the Argus newspaper published in Melbourne on the twenty seventh day of February day of One thousand nine hundred and nineteen namely

Notice is hereby given that after the expiration of fourteen days from the publication hereof application will be made to the Supreme Court of the State of Victoria in its Probate Jurisdiction that Probate of the Will of John McMahon late of Number 105 Alfred Crescent North Fitzroy in the State of Victoria Gentleman deceased may be granted to Etheldreda Schueblich (in the said will called Etheldreda Schueblich) of "Cremona" No 54 Point Nepean Road Elsternwick in the said State Married Woman one of the Executors named in and appointed by the said will leave being reserved to John Joseph McMahon Leo Luke McMahon and Frank Fitzroy McMahon all medical officers of the Australian Imperial Forces on Service Abroad the other Executors named in and appointed by the said will to come in at any time and prove the same

Dated the twenty seventh day of February 1919
Hill and Talbot 442 Chancery Lane Melbourne Proctors for the said applicant

2. That I have since the death of the deceased searched and find that no Will of the above-named deceased is deposited in the office of the Registrar-General.
3. That I have this day searched in the proper office of this Honorable Court and find that no caveat has been lodged in this matter.
4. That no application for probate or administration in this matter has heretofore been made to or been granted by this Court or the Registrar of Probates of this Court.
5. That I am a Clerk in the permanent employment of Messieurs Hill and Talbot only the proctors acting generally in this application

SWORN at Melbourne in the
State of Victoria this Twentieth day of
March _____ One thousand nine
hundred and nineteen

John Pathfield Talbot

Before me
J. J. Miller

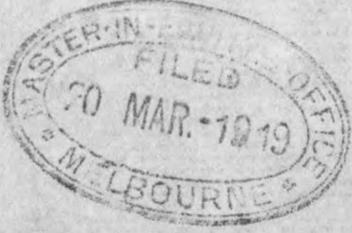
A Commissioner of the Supreme Court of the State of Victoria for taking Affidavits.

ADMINISTRATION AND PROBATE ACT

15765

In the Will of John McMahon
late of Number 105 Alfred
Crescent North Fitzroy in the
State of Victoria Gentleman
deceased.

COPY STATEMENT



Hill & Talbot,
442 Chancery Lane,
MELBOURNE

ADMINISTRATION AND PROBATE ACT

In the Will of John McMahon late of
Number 105 Alfred Crescent North Fitzroy
in the State of Victoria Gentleman
deceased

STATEMENT OF REAL AND PERSONAL PROPERTY AND OF
DEBTS AND LIABILITIES

ASSETS - Real Estate

FIRSTLY All those pieces of land being part of
Crown Allotments A10 and All Parish of Gembrook
County of Evelyn and being part of Lots 10, 11
and 16 on plan of subdivision Number 4229 and
being the land particularly described in Certificate
of Title Volume 4126 Folio 825159 Vacant land
Valued at

250: -: -

SECONDLY All that piece of land being subdivision
103 of portion G of Allotment 3 of Section 21
Township of Maribyrnong Parish of Cut Paw Paw
County of Bourke and being the land particularly
described in Crown Grant Volume 3521
Folio 704177 Vacant Land
Valued at

75: -: -

THIRDLY All that piece of land being subdivision
77 of Portion G allotment 3 of Section 21)
Township of Maribyrnong Parish of Cut Paw Paw)
County of Bourke and being the land)
particularly described in Crown Grant)
Volume 3647 Folio 729307 Vacant land)

FOURTHLY All that piece of land being subdivision
76 of portion G of allotment 3 of Section 21)
Township of Maribyrnong Parish of Cut Paw Paw)
County of Bourke and being the land particularly)
described in Crown Grant Volume 3696 Folio 739126)

FIFTHLY All that piece of land being subdivision
75 of portion G of allotment 3 of Section 21)
Township of Maribyrnong Parish of Cut Paw Paw)
County of Bourke and being the land particularly)
described in Crown Grant Volume 3911 Folio)
782014 Vacant land)

SIXTHLY All that piece of land being subdivision
74 of Portion G of allotment 3 of Section 21)
Township of Maribyrnong Parish of Cut Paw Paw)
County of Bourke and being the land particularly)
described in Crown Grant Volume 3950 Folio 789876)
Vacant land)

The property Thirdly, Fourthly, Fifthly and
Sixthly above described is valued at

256: -: -

£581: -: -

SEVENTHLY All those pieces of land being subdivision 17 and 18 of Portion B of Allotment two of Section 21 in the Township of Maribyrnong Parish of Cut Paw Pae County of Bourke and being the land more particularly described in Crown Grants Volume 3746 Folio 749133 and Volume 3746 Folio 749134 respectively
Vacant land - Valued at

108: -: -

EIGHTHLY All that piece of land being subdivision 98 of portion G of allotment 3 of Section 21 in the Township of Maribyrnong Parish of Cut Paw Pae County of Bourke and being the land particularly described in Crown Grant Volume 3628 Folio 725468 Vacant Land Valued at

60: -: -

NINTHLY All that piece of land being subdivision 106 of Portion G of Allotment 3 of Section 21 Township of Maribyrnong Parish of Cut Paw Pae County of Bourke and being the land particularly described in Crown Grant Volume 3781 Folio 756167 Vacant land

With Real estate secondly described valued at £150 say £75 each lot

75: -: -

824: -: -

PERSONAL ESTATE

Land held under any Lease or Licence, Nil
Rents, Nil - Crops, Nil - Live Stock, Nil
Farming Implemets, Nil - Carriages &c., Nil
Harness & Saddlery, Nil - Furniture and Household effects, Nil
Watches trinkets jewellery &c.

Gold watch £20 Chain and locket £15
Chain and medal £10, 5 Pins (gold) £5:11: -
Scarf ring £1 1 opal ring £1:10: -
2 Sapphire rings £4 - 2 Pendants (stone)
£1: 7: 6, 3 pearl studs £1, 3 coral studs 10/-, 3 red stone studs £1
Gold cross £1, Silver presentation Trowel £1
Yellow stone unmounted 5/-

63: 3: 6

Salary or wages, Nil - Pension, Nil
Compensation on retirement or loss of Office, Nil
Money in hand or house, Nil
Money in Bank on Current Account, Nil
Money in Bank on Deposit, Nil
Debentures or Bonds, Nil - Mortgage, Nil
Interest on Money Debentures, Bonds, Mortgages &c., to date of death, Nil - Life Policies, Nil
Bonus, Nil
Shares, Nil - Dividends, Nil - Plant &c., Nil
Tools Nil - Debts due to the estate, Nil
Interest in a partnership or Business, Nil
Stock in a shop or business, Nil - Goodwill, Nil
Interest in a deceased person's estate, Nil
Other personal estate

A number of books (presented to the Newman College University of Melbourne) as per valuation of E.A. Parr annexed hereto
Books not included in above valuation

150: -: -

1: -: -

£1038: 3: 6

DEBTS

The Land Mortgage Bank of Victoria

Overdraft and Interest to date of death 125: 9: 2

(Secured by Mortgage on Real Estate Firstly
above described)

English Scottish and Australian Bank

Overdraft and Interest to date of death

(Secured by Deposit of deeds referred to
in Real Estate Secondly, Thirdly
Fourthly and eighthly above described)

121: 3: -

Estate of J.W. Johnston deceased

Amount collected by deceased as Executor
of J.W. Johnston deceased and payable
to Life Tenant under such Estate

49: 7: -

Land Tax for 1918

1: 10: -

W. & J. Barr Printers

10: -

Shire of Braybrook, Rates

1: 11: 3

Hill & Talbot Law Costs

3: 3: -

£ 302: 13: 5

Balance

735: 10: 1

£1038: 3: 6

J.H. This is the copy statement marked "B" referred to in the affidavit
of Etheldreda Schieblich and produced and shewn to her at the time
of swearing her affidavit this *nineteenth* day of *March*
1919 Before me

J. J. Harby

A Commissioner of the Supreme Court of Victoria for taking Affidavits

167206

IN THE SUPREME COURT.
OF VICTORIA.

PROBATE JURISDICTION.

IN THE WILL of *John*

Mc Mahon _____

late of *Number 105 Cithred*

Acacent North Fitzroy

in the State of Victoria *Gentleman*

deceased.

AFFIDAVIT OF EXECUTOR



Hill & Talbot

*442 Chaucery Lane
Melbourne*

Harston, Partridge & Co., Printers, Melbourne.

In the Supreme Court
OF VICTORIA.

PROBATE JURISDICTION.

IN THE WILL of *John McMahon*
late of *Number 105 Alfred Crescent North Fitzroy*
in the State of *Victoria Gentleman* deceased

J.M. I *Etheldreda Schieblich* of "*Cremona*" Number 54
of *Point Nepean Road Elsternwick* in the State of Victoria
Married Woman make oath and say—

1. That *I am* seeking to obtain Probate of the Will _____
of the above-named *John McMahon* _____ deceased
and *am* of the full age of twenty-one years.

2. The said deceased died on the *First* day of *April*
One thousand nine hundred and *eighteen*

J.M. 3. The said deceased was ~~married~~ ^{- a widower -} at the time of his death.

4. The said deceased left a Will bearing date the *twenty eighth* day of
March One thousand *nine hundred and eighteen* which is as *I*
believe the last Will and Testament of the said deceased and which is unrevoked.

5. That the testator was of the full age of twenty-one years at the date of the execution of the said Will.

J.M. 6. By his said Will the said testator appointed *Dr. John Joseph McMahon*
Dr. Leoduke McMahon *Dr. Frank Fitzroy McMahon* all *Medical Officers of the*
Australian Imperial Forces on service Abroad and myself *this Deponent*
(in the said Will called Etheldreda Schieblich) Executors thereof

7. The paper writing now produced and shown to *me* and marked "A" is
the true last Will and Testament of the said deceased as *I* verily believe.

8. The said Will was executed in the presence of *Robert John de Courcy Talbot*
of "*Alton*" *New Street Brighton in the State of Victoria* *Solicitor* and
Stanley Chant Holland of *Glenhuntly Road South St Kilda in*
the said State of Victoria *Merchant*

9. The said deceased left real estate in the State of Victoria not exceeding the
value of *Eight hundred and twenty five pounds* _____
and personal property in the said State not exceeding the value of *Two hundred*
and fifteen pounds _____

as set out in the* *Copy Statement* now produced and shown to *me* and marked "*B*"

10. 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* executrix 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 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 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 State
of Victoria this *Thirteenth*
day of *March* One thousand
nine hundred and *nineteen*

Before me

J. Hanby

Atheldreda Schieblich

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

167206
IN THE SUPREME COURT
OF VICTORIA

PROBATE JURISDICTION

In the Will of John McMahon
late of Number 105 Alfred
Crescent North Fitzroy in the
State of Victoria Gentleman
deceased.



PRAECIPE FOR PAPERS

that

Probate of the Will of John
McMahon deceased may be granted
to Etheldreda Schieblich one
of the executors named therein
leave being reserved to John
Joseph McMahon, Leo Luke McMahon
and Frank Fitzroy McMahon the
other executors named therein
to come in at any time and prove
the same.



1839
Hill & Talbot,
442 Chancery Lane,
MELBOURNE

183 9

~~Is the husband of
the applicant
a British subject~~