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IN THE SUPREME COURT
OF VICTORIA.

IN THE PROBATE JURISDICTION

IN THE WILL

John O'Hare
late of Victoria in the
County of Victoria deceased

AFFIDAVIT OF EXECUTOR *and*
Executor



James M. Mowbray
Solicitor
John H. Mowbray

Cuthbert & Co., Law Stationers, 118 Chancery Lane, Melbourne.

In the Supreme Court } IN THE PROBATE JURISDICTION.
OF VICTORIA.

IN THE WILL

John O'Hare _____
late of *Barwo* _____

of Victoria *Farmer* _____ deceased

*We Mary Ann Rose O'Hare. widow
and Martin O'Hare. farmer both of
Barwo in the Colony of Victoria jointly and
severally* — make oath and say —

1. That *we are* seeking to obtain Probate of the Will _____
of the above-named *John O'Hare* _____ deceased.

2. The said deceased died on the *eighth* _____ day of *January*
one thousand eight hundred and ninety eight
at *Barwo aforesaid* _____

3. The said deceased left a Will bearing date the *second* _____ day of
March One thousand *eight hundred and ninety six* which is as *we*
believe the last Will and Testament of the said deceased and which is unrevoked.

4. By his said Will the testator appointed *us these deponents Mary
Ann Rose O'Hare and Martin O'Hare* _____
executrix and _____
executor thereof.

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

6. The said Will was executed in the presence of *James Long of Nathalia
in the said Colony of Victoria Managing Clerk
to Frederic Albert Ham of the same place Solicitor
and Henry Hall Jackson of Nathalia aforesaid
Bank Clerk*

7. The said deceased left property in Victoria not exceeding in value the sum
of *£2442. 12. 6* _____ consisting of *real estate*
of the value of *£* _____ and *personal estate only*
of the value of *£* *but did not leave any real estate*

8. That if ~~we~~ obtain probate ~~we~~ will well and truly collect and administer according to law to the best of ~~our~~ 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 ~~us~~ as ~~his~~ executors or of any other person or persons for ~~us~~ that ~~we~~ 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 ~~us~~ or to the hands or possession of any other person or persons for ~~us~~ and the same so made will sign with ~~our~~ 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 ~~we~~ will make or cause to be made a true and just account of the administration of the estate which ~~we~~ have undertaken as to ~~our~~ receipts and disbursements, and as to what portion is retained by ~~us~~ and what portion remains uncollected and the same so made will sign with ~~our~~ 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.

9. That to the best of ~~our~~ 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.

Severally sworn by the
abovesigned deponents the
said Mary Ann Rose
O'Hare and Martin O'Hare
at Nathalia in the Colony
of Victoria this third day
of February one thousand
eight hundred and ninety
eight.

Before me

R. O'Hare

M. R. O'Hare
Mention Office

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

625

Dated *7 days March* 1896

W I L L

— of —

Mr. John. O'Hare.



Fred A Ham
Solicitor
Nathalia

*Mackinnon
Bankrupt
Nathalia*

"A"

This is the paper writing marked "A" referred to in the annexed joint and several Affidavit of Mary Ann Rose O'Hare and Martin O'Hare. Given before me, this third day of February A.D. 1898

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

T H I S I S T H E L A S T W I L L A N D T E S T A M E N T
of me J O H N O ' H A R E of Barwo in the Colony of --
Victoria Farmer . I hereby revoke all prior Wills and
other Testamentary dispositions . I appoint my Wife Mary
Ann Rose O'Hare and my Brother Martin O'Hare (hereinafter
called my Trustees ") executrix and executor respectively
and Trustees of this my Will and I declare that all trusts
and powers hereinafter reposed in my Trustees may be --
exercised by the survivor of my Trustees, after the death
of such survivor I appoint my eldest Son then living
Trustee and executor of my Will . I direct that my ----
Daughters are to have a home and be provided for at my
homestead at Barwo during such time as they shall remain
single and I direct my Trustees to pay to each of my --
daughters on her marriage the sum of Seventy five pounds
for her own use and benefit such sum to be and remain a
charge upon my estate until paid . And I empower my ----
Trustees if necessary to sell any part of my personal
estate or Mortgage any land to which I shall be entitled
at my death for the purpose of paying the said sum to my
daughters as they shall marry . Should any of my said
daughters marry during my life time and be paid the said
sum the daughter so marrying shall be exempt from the
provisions of my Will relating to the marriage of such
daughter . I empower my Trustees during the lives of
my Wife the said Mary Ann Rose O'Hare my brother Martin
O'Hare and my sister Sarah O'Hare and the survivor of
them to carry on my farming business as they may think
beneficial to my estate and for that purpose to employ
my live and dead agricultural stock and such part of my
real and personal estate as they shall think fit for
the purposes of the said business and shall hold the said
business and farm and agricultural stock and all other
my real and personal estate and all profits and income
arising therefrom subject to such right of carrying on
my said business as aforesaid and also to the payment
of the said sum of Seventy five pounds to each of my
said daughters as aforesaid U p o n T r u s t for the
use and benefit of the said Mary Ann Rose O'Hare , Martin
O'Hare , and Sarah O'Hare and the survivors or survivor

of them during their or his or her natural life . Upon
the death of such survivor I direct that my said real and
personal estate subject to the payment of Seventy five
pounds to each of my daughters as aforesaid shall be --
divided equally between my four Sons Martin Patrick , ---
William Vincent , John Joseph , and Philip . I appoint
my said Wife Guardian of my infant children and after her
death the Trustees or Trustee for the time being of this
my Will . I n W i t n e s s whereof I have hereunto set
my hand this seventh day of March
One thousand eight hundred and ninety six .

S I G N E D by the said John O'Hare
as and for his last Will and Testament
in the presence of us both present at
the same time who at his request in his
presence and in the presence of each other
have hereunto subscribed our names as
witnesses

John O'Hare

James Clerk
to *Fred A. Ham*
Solicitor

M. Jackson
M. Jackson
Bank Clerk
Nathalia

Nathalia