

46/228

11/10

In the Supreme Court
of the Colony of Victoria.

Prosser & Co
vs
John Moore
and the Estate of John Moore

4/9/91

In the Will -
of John Moore
late of Macclesfield

in the Colony
of Victoria James
deceased

Attendant's Certificate



James Moore
John Moore
John Moore

In the Supreme Court } In the Probate Jurisdiction.
of the Colony of Victoria

In the Will of John Moore
late of Wangaratta
in the Colony of Victoria
Farmer deceased

We, Francis Heach of Essendon in the Colony
of Victoria landowner John Moore of Wangaratta
in said Colony Barker and William Moore of
Wangaratta in said Colony Driver jointly and severally make
oath and say

1. That we are seeking to obtain probate of the Will
of the abovenamed John Moore ——— deceased

2. That the said deceased died on the third day
of August one thousand eight hundred and ninety one. at
Wangaratta aforesaid.

3. The said deceased left a Will bearing date the Sixth
day of January one thousand eight hundred and eighty eight
which is as we believe the last Will and Testament of the said
deceased and which is unrevoked as we believe

4. By his said Will the said Testator appointed
us these deponents and no other persons whatsoever

Executors ——— thereof
5. The paper writing hereunto annexed "A" is the said last
Will of the deceased as we ——— verily believe

6. The said Will was executed in the presence of John Norton
then and now of Wangaratta aforesaid Solicitor and
Ernest Bould then and now of Wangaratta aforesaid
Clerk in the employ of said John Norton.

7. The said Testator left real estate in the Colony of Victoria not
exceeding in value the sum of Three hundred and fifty pounds
three shillings and nine pence

and personal property in the said Colony not exceeding in value
the sum of Three hundred pounds five shillings

making together the sum of Six hundred and
fifty pounds nine shillings and six pence.

8. That if we obtain such 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 come to the hands possession or knowledge of or to the hands or possession of any other person or persons for us 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 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 two years preceding the date of his death convey or otherwise dispose of for other than adequate valuable consideration any real or personal ^{estate} of which was seized or possessed

Sworn by the deponent Francis Hench at Wangaratta in the Colony of Victoria this 19th day of August one thousand eight hundred and ninety one Before me.

Francis Hench

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

Sworn by the deponents John Moore and William Moore at Wangaratta in the Colony of Victoria this 19th day of August one thousand eight hundred and ninety one Before me

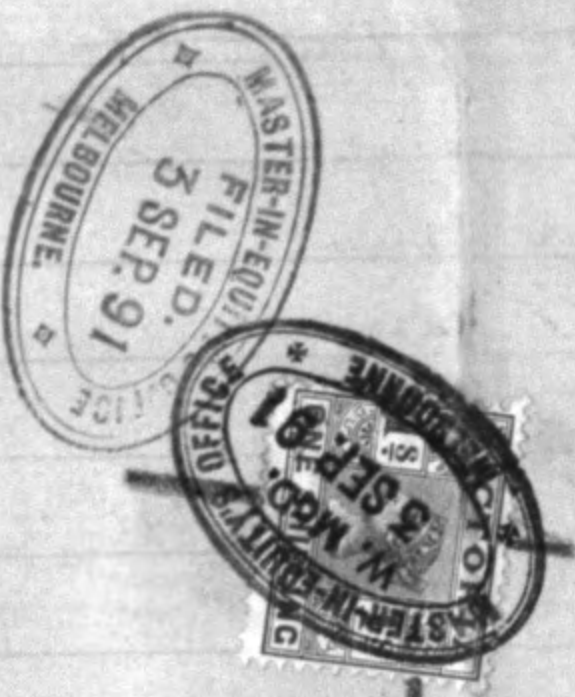
John Moore

William Moore

Commissioner of the Supreme Court of the Colony of Victoria

Indisputable Court
Probate Jurisdiction
In the Matter of John
Morse late of New York
Deceased James deceased

Affidavit of a Dying
Witness —



John Morse
Proctor.
Deceased

In the Supreme Court
of the Colony of Victoria

Probate Jurisdiction

In the Will of John Moore late of
Wangaratta in the Colony of Victoria
Farmer deceased.

I John Norton of Wangaratta in the Colony
of Victoria Solicitor make oath and say

That I was present on the sixth day of January
one thousand eight hundred and eighty eight and did
see John Moore the above named Testator execute the
paper writing or Will hereunto annexed and marked
A

That prior to the execution of the said annexed
Will by the said Testator the following interlineations
were made in the said annexed namely the words
"fit and" between the ~~eleventh~~ and ~~seventeenth~~ lines from the beginning
on the first page thereof and the word "accrue" between
the second and third lines from the beginning of the
second page thereof and which interlineations were
at the time of the execution of said Will as aforesaid
initialled by the said Testator John Moore and me this
deponent and Ernest Boultonmy Clerk

That the signatures which appear on the said Will were
made in the following order: The said Testator signed
his name where it now appears at foot of said Will then initialled
the interlineations aforesaid. I then signed my name occupation
and address and initialled such interlineations and the said Ernest
Boulton did likewise all three persons named remaining during
the whole of such signing and initialling in each others presence

Sworn at Wangaratta in the
Colony of Victoria this 19th
day of August 1891 Before me

John Norton

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

Dated

1888

File

of
John Moore



John
Margaretta

This is the last Will and Testament of
me John Moore of Hangaratta in the Colony
of Victoria Farmer I desire All the real and
 personal Estate to which I may be entitled at my
 decease to Francis Beach of Hangaratta Hotelkeeper
 and my two Sons John Moore and William Moore
 both of Hangaratta aforesaid their heirs and
 assigns upon the trusts following namely. Upon
Trust in the first place out of my personal Estate
 to satisfy my funeral and testamentary expenses
 and debts and the pecuniary legacies hereinafter
 bequeathed together with the expenses of executing
 this trust. And subject thereto. In Trust to
 permit and suffer my Wife Margaret Moore to use
 occupy and enjoy my real Estate or the rents issues
 and profits thereof and such part of my personal
 Estate as my said Trustees shall think ^{fit and} as may appear
 to them to her advantage during the term of her
 natural life. And from and after the decease of
 my said Wife then. Upon Trust As to all that
 piece of Land being Allotment three of Section six
 parish of Hangaratta for my Son Charles Moore or
 and his heirs. And as to Allotments one and two
 of said Section six for my Son John Moore and his
 heirs. And as to Allotment four of said Section six
 for my Son William Moore and his heirs. And
 as to Allotment thirteen of said Section six to my
 Daughter Harriet Marum and her heirs. And as
 to Allotment twelve of said Section six for my Son
 Thomas Moore and his heirs. I bequeath to my
 Daughter Harriet Marum the sum of Twenty
 pounds and to my Wife Margaret Moore the sum
 of Twenty pounds to be paid as soon as conveniently
 can be after my decease. And as to a sum of Fifty
 three pounds four shillings and eight pence. now

J. Mo.
 J. R.
 E. B.

J. M.
J. R.
C. B.

deposited in the Bank of New South Wales in my name for my said Trustees to hold the same together with the interest which may ^{accrue} therefrom, for the benefit of my Grandson George Moore to be paid to him on his attaining the age of twenty one years AND in the event of my said Grandson dying before attaining the age of twenty one years, then for my said Trustees to pay the same to the Mother of the said George Moore, Mary Jane Fulton Wife of James Fulton of Sydney Blacksmith. AND as to the residue and remainder of my personal Estate at the time of the death of my said Wife for my said Trustees to divide the same equally between my children John Moore, Charles Moore, William Moore, Thomas Moore, and Harriet Marum share and share alike. AND I declare that the receipt of the Trustees or Trustee for the time being acting in the execution of any of the Trusts hereof for any monies paid to them or him in pursuance hereof or of any of the trusts shall effectually discharge the person or persons paying the same and from being concerned to see to the application thereof. AND further that in case any of my Trustees shall die or become unable or unwilling to act in the trusts of my Will, I authorize the surviving Trustees or Trustee or the Executors or Administrators of the last surviving and ~~unwilling~~ willing Trustee to appoint a new Trustee or Trustees in the room of him or them so dying or becoming unable or unwilling to act. AND I declare that each of my Trustees shall be answerable for his own acts and defaults only and may receive and retain his Trust expenses. I appoint the said Francis Keach John Moore and William Moore Executors of this my Will Lastly I revoke all other Wills by me at anytime

heretofore made. And declare this only to be
my true last Will and Testament.

In Witness whereof I have hereunder set my
hand this with day of January One
thousand eight hundred and eighty eight. —
John Moore

Signed by the said testator, as his or
last will and testament in the presence
of us present at same time, who, at his or
request, in his presence, and in the or
presence of each other have subscribed
our names as witnesses. —

John Norton
Lola Wanyaralwa

Ernest Bould

Clerk to Mr. John Norton

This is the paper containing or will contain a statement of
the assets of the deceased at the time of his death
as shown by the account of his estate as shown by the
19th August 1891
John Norton

This is the paper containing or will contain a statement of
the assets of the deceased at the time of his death
as shown by the account of his estate as shown by the
19th August 1891
John Norton

This is the paper containing or will contain a statement of
the assets of the deceased at the time of his death
as shown by the account of his estate as shown by the
19th August 1891
John Norton

This is the paper writing or will marked A referred to in the annexed
 joint affidavit of Francis Keach John Moore and William Moore sworn by the
 said Francis Keach before me this 19th day of August 1891

Edw. [Signature]
 Commissioner &c

This is the paper writing or will marked A referred to in the
 annexed joint affidavit of Francis Keach John Moore and William
 Moore sworn by the said John Moore and William Moore before
 me this 19th day of August 1891

Edw. [Signature]
 Commissioner &c

This is the paper writing or will marked A
 referred to in the annexed affidavit of
 John Keach sworn by him before me this
 19th day of August 1891

Edw. [Signature]
 Commissioner &c

Given under
 the Seal of the
 County of [unclear]
 State of [unclear]

John [Signature]
 John Keach

Subscribed by the said testator, as his
 last will and testament in the presence
 of us present at same time, who, at his
 request, in his presence, and in the
 presence of each other have subscribed
 our names as witnesses.

Subscribed by the said testator, as his
 last will and testament in the presence
 of us present at same time, who, at his
 request, in his presence, and in the
 presence of each other have subscribed
 our names as witnesses.