

In the Supreme Court
of the Colony of Victoria

55*
In its Probate Jurisdiction

In the Will of John
Mather late of Ballarat
in the Colony of Victoria
deceased.

Affidavit of
J. J. Pearson



Margaret Salmon & Co
Pearson & Pearson
Ballarat

In the Supreme Court
of the Colony of Victoria }

In its Probate Jurisdiction

In the Will of John Maher
late of Ballarat in the
Colony of Victoria Farmer deceased

I John Byrne Pearson of Lydard Street Ballarat
in the said Colony Barrister and Solicitor make
oath and say as follows

1 I was well acquainted with the abovenamed
deceased and am one of the attesting witnesses
to his Will annexed to the affidavit of Daniel
Brophy and Richard Stanislaus Foley sworn
herein on the 15th day of October last

2 He made his mark to his said Will instead
of subscribing his name thereto in consequence
of his being unable to write through being illiterate
as I know from having been so informed by
thesaid John Maher immediately prior to his
making thesaid mark and also from his having
on a previous occasion informed me to the like effect

Sworn at Ballarat in the
Colony of Victoria this 23rd
day of December one thousand
eight hundred and ninety three

Before me

Pearson

James

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

55*55

IN THE SUPREME COURT
OF THE COLONY OF VICTORIA.

IN ITS PROBATE JURISDICTION.

IN THE *will*
of *John Walter* late
of *Perth* in the Colony
of Victoria *deceased*

Affidavit ~~of Publication of Notice~~ and of

Searches.



*Warrant is attached in the
for
Hartton, Captain Prince Charles
John
Ballard*

In the Supreme Court
OF THE COLONY OF VICTORIA.

IN ITS PROBATE JURISDICTION

IN THE *Will* of *John*
Maher late of *Ballarat*
in the Colony of Victoria *farmer* deceased

I Sidney Marriott Watson of 59 Chancery Lane Melbourne
in the Colony of Victoria *Attick clerk to Charles Marriott*
Watson of the same place solicitor
make oath and say—

That the following advertisement duly appeared in the
newspaper published in Melbourne on the
day of _____ 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 Colony of Victoria in its Probate Jurisdiction that
of the _____

may be granted to _____

Dated this _____ day of _____ 189

- MS* 18. That I have searched and find that no Will of the above-named deceased is deposited
in the office of the Registrar General.
- MS* 20. That I have this day searched in the proper office of this Honorable Court and find that
no caveat is lodged in this matter.

SWORN at *Melbourne* in the Colony
of Victoria this *fifth* day
of *December* One thousand
eight hundred and ninety *three*

Before me,

[Signature]
A Commissioner of the Supreme Court of the Colony of Victoria for taking Affidavits.

[Signature]

In the Supreme Court

OF THE COLONY OF VICTORIA.

55* * * 5

PROBATE JURISDICTION

IN THE WILL OF

John

Waker

late of

Ballarat

in the

Colony of Victoria

Farmer

deceased

Affidavit of Executors



Marnott Walcott & Co. solicitors
for
Pearson & Mann

W. B. Macdonald, Law Stationer, Printer, &c., 48 Lydiard Street
South, Ballarat.

Ballarat

In the Supreme Court
OF THE COLONY OF VICTORIA

In its Probate Jurisdiction.

IN THE WILL OF *John Maher*
late of *Ballarat* —
in the Colony of Victoria
Farmer deceased

LC We *Daniel Bishop of Sturt Street Ballarat in the said*
and Produce Merchant
Colony Auctioneer, and Richard Stanislaus Foley of Webster
and Produce Merchant
Street Ballarat aforesaid Auctioneer, jointly and severally *LC*
make oath and say —

1. That *we are* — seeking to obtain Probate of Will of the above-named
John Maher — deceased.
2. The said deceased died on the *twenty eighth* — day of *September* —
one thousand eight hundred and *ninety three* — at *Ballarat*
aforesaid —
3. The said deceased left a Will bearing date the *thirteenth* day of
September — one thousand eight hundred and *ninety three*
which is as *we* believe the last Will and Testament of the said deceased and which is
unrevoked.
4. By his said Will the said Testator appointed *no these defonents*

_____ executors thereof. _____
5. The paper writing hereunto annexed marked "A" is the true last Will of the said deceased
as *we* verily believe.
6. The said Will was executed in the presence of *John Byrne Pearson of Lydiard*
Street Ballarat aforesaid Barrister and Solicitor and Charles
Henry William Hardy of Cardigan Terrace Sturt Street
Ballarat Medical Practitioner _____
7. The said deceased left real estate in the Colony of Victoria not exceeding in value the sum
of *Two thousand pounds* _____
and personal property in the said Colony not exceeding in value the sum of *two*
hundred and twenty pounds

8. 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 to the power or control hands or possession of *us* as *he* is executors or of any other person persons for *us* that *we* ~~that~~ 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 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 The following notice appeared in the Evening Standard newspaper published at Melbourne on Wednesday the 4th day of October 1893

" Notice is hereby given that after fourteen days from
" the publication hereof application will be made to the
" Supreme Court of the Colony of Victoria in its Probate
" Jurisdiction that probate of the last Will of John Water
" late of Eyre Street Ballarat Farmer deceased may be
" granted to Daniel Brophy and Richard Stanislaus
" Foley both of Ballarat Produce Merchants the executors
" thereby appointed
" Pearson and Mann Sydney Street Ballarat
" Proctors for the said Executors."

Sworn by both the
abovesaid defendants
at Ballarat aforesaid
this 14th day of October
1893 Before me

Richard S. Foley
Daniel Brophy

Jas. Shaw

A Commissioner of the said Supreme
Court for taking affidavits

In the Supreme Court
of the Colony of Victoria

55*005

Probate Jurisdiction

In the Will of John Maher
late of Ballarat in the
Colony of Victoria Farmer
deceased

Affidavit

of

Mr C. H. Wm. Hardy



Harriet W. Maher
for
Pearson & Mann
Ballarat

In the Supreme Court
of the Colony of Victoria

In its Probate Jurisdiction

In the Will of John Maher
late of Ballarat in the Colony of
Victoria Farmer deceased.

I Charles Henry William Hardy of Cardigan
Terrace Sturt Street Ballarat in the said Colony Medical
Practitioner make oath and say as follows:-

1. I was present on the thirteenth day of September
1893 together with John Byrne Pearson of Ballarat
Barrister and Solicitor and did see the abovementioned
John Maher execute his will ^{now produced to me and} annexed to the
affidavit of Daniel Brophy and Richard Stanislaus
Toley both of Ballarat Auctioneers and Produce Merchants
the executors thereby appointed sworn herein the fifteenth
day of November 1893 by making his mark thereto
and I and the said John Byrne Pearson directly
after he had done so at his request in his sight
and presence and in the presence of each other
subscribed our names as attesting witnesses.

2. Previously to the execution by the said John
Maher of his said Will the same was read over and
the meaning and effect thereof explained to him by
the said John Byrne Pearson in my presence and
he the said John Maher seemed perfectly to under-
stand the same.

3. The Mark x which appears at the foot of the
said Will is the proper mark of the said John
Maher. The signatures "John Byrne Pearson" and

"C. H. Wm Hardy" which also appear at the foot
of the said will are of the respective proper hand:
: writings of me this deponent and the said John
Pyne Pearson.

Sworn at Ballarat in the
Colony of Victoria this 25th
day of November one thousand
eight hundred and ninety three

C. H. Wm Hardy

Before me

J. A. Shaw

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

55*005
IN THE SUPREME COURT
of the Colony of Victoria.

PROBATE JURISDICTION.

IN THE will
of John Maher
late of Ballarat
in the Colony of Victoria
Farmer deceased.

PRAECIPE for Probate to
Daniel Brophy and Richard
Stanislaus Foley the
executors named in the will

413

347

~~offt. Probate~~

Marriott Watson & Winter

Granted

1/2/94

John

for
Pearson & Mann
Solicitors
Ballarat