

Mr. Mesdorpme Lord  
of Melton of Melton  
9 212  
His Ecclesiastical Jurisdiction

He the Will of William  
Blacke late of Melton  
in the County of North  
Lancashire deceased  
Trusts of Communication  
of Melton Land.





A

Whereas William Clark, late of Wangaratta in the Colony of Victoria Landowner deceased departed this life on or about the twenty fourth day of April one thousand eight hundred and seventy one having previously made his last Will and Testament and two Codicils thereto in writing bearing date respectively the ~~24~~ twenty fourth day of February one thousand eight hundred and seventy one the eleventh day of March one thousand eight hundred and seventy one and the seventeenth day of April one thousand eight hundred and seventy one and of the said Will appointed David Evans of Hurdle Creek in the said Colony Sheep Farmer Arthur Jennings Smith of Wangaratta aforesaid Bank Manager and James Willett <sup>of Wangaratta aforesaid Farmer</sup> Executors

And whereas the said David Evans is desirous of renouncing Probate of the said Will and Codicils of the said William Clark deceased NOW KNOW all men by these presents that I the above named David Evans for divers good Causes and Considerations me hereunto moving have renounced and do hereby renounce my right title and interest in and to Probate of the said Will and Codicils And in order that this my proxy and this my renunciation herein contained may have its due effect in law I do hereby nominate and appoint Henry Hedderwick of No 41 + 43 Queen Street in the City of Melbourne in the said Colony one of the Proctors of the Supreme Court of the Colony of Victoria or in his absence any other Proctor of the said Court to be my true and lawful Proctor for me and in my name to appear before the said Court and to exhibit

In its Ecclesiastical Jurisdiction

In the Will and Codicils of William Clark late of Wangaratta in the Colony of Victoria Landowner deceased

In the Supreme Court of the Colony of Victoria

This is the Proxy of Renunciation marked & referred to in the

affidavit of Henry Hedderwick sworn before me this day

Eighteenth day of July A.D. 1871 Robert G. Gellens

a Commissioner &c



this my proxy and may and procure the same  
and the renunciation herein contained to be  
admitted and enacted and generally to do and  
perform all other acts matters and things needful  
or necessary in my behalf in the premises I hereby  
granting unto my said Proctor full power and  
authority to appoint one or more substitute or  
substitutes for the above purpose And what  
my said Proctor and his substitute or substitutes  
or any or either of them shall lawfully do or  
cause to be done in or about the premises on  
my behalf I do hereby promise to ratify allow  
and confirm In witness whereof I have  
hereunto set my hand and seal this tenth  
day of July one thousand eight hundred and  
seventy one.

Signed sealed and delivered  
by the above named David  
Evans in the presence of

David Evans

Frank Thomas

Mud Lake Station



In the Supreme Court  
of the Colony of Victoria

In the Ecclesiastical Jurisdiction

In the Will and Codicils  
of William Clark late of  
Wangaratta in the Colony of  
Victoria deceased

Affidavit verifying

Signature of Mr David Evans  
to Proxy of Revueclation—

At

Palmer & Heddewick



In the Supreme Court  
of the Colony of Victoria }

In its Ecclesiastical Jurisdiction

In the Will and Codicils of William  
Clark late of Wangaratta in the Colony of  
Victoria Landowner deceased

I Henry Adderwick of Numbers 41 & 43 Queen  
Street in the City of Melbourne in the Colony of  
Victoria Gentleman make oath and say as follows

1 That I know and am well acquainted with the  
handwriting and signature of David Evans of Hurdle  
Creek in the Colony of Victoria Shop Farmer having  
acted as his Solicitor and been in frequent correspondence  
with him during the past twelve months

2 That the name or signature "David Evans" set  
and subscribed to the paper writing or Proxy of  
Renunciation herewith annexed and marked with the  
letter A is the signature and handwriting of the said  
David Evans

Sworn at Melbourne in the  
Colony of Victoria this eighteenth  
day of July One thousand  
eight hundred and seventy one }

H. Adderwick.

Before me

Robert C. Gresson

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



In the Supreme Court  
of the Colony of Victoria

In its Ecclesiastical Jurisdiction

In the Will and Codicils  
of William Clark late of  
Wangaratta in the Colony of Victoria  
Landowner deceased

**Brief** to move that  
Probate of the last Will and Codicils  
of William Clark late of Wangaratta in  
the Colony of Victoria Landowner deceased  
be granted to James Willett of  
Wangaratta aforesaid Farmer one of the  
Executors named in and by the said  
Will leave being reserved to Arthur  
Jennings Smith of Wangaratta aforesaid  
Bank Manager another of the Executors  
named in and by the said Will to concur  
and prove (David Evans of Muddie Creek  
Sheep farmer one other of the Executors  
appointed in and by the said Will having  
renounced Probate of the same)

Attested

3 Witnesses  
James Willett  
Arthur Jennings Smith  
David Evans  
Palmer Hedderwick  
141 & 143 Queen Street  
for Solicitor  
Wangaratta  
13 Dec 1876



In the Supreme Court  
of the Colony of Victoria

212  
J. Ecclesiastical Jurisdiction

In the Will and Executors  
of William Clark late of Hongkong  
in the Colony of Victoria Executors  
deceased.

Deed of Renunciation  
by Arthur Jennings Smith



Palmer & Medhurst



**Whereas** William Clark late of  
Wangaratta in the Colony of Victoria Landowner &  
deceased departed this life on or about the twenty fourth  
day of April one thousand eight hundred and seventy one  
having previously made his last Will and Testament and  
two Codicils thereto in writing bearing date respectively the  
twenty fourth day of February one thousand eight hundred  
and seventy one the eleventh day of March one thousand  
eight hundred and seventy one and the seventeenth day of  
April one thousand eight hundred and seventy one and  
of the said Will appointed David Evans of Hurdle Creek  
Sheepfearer Arthur Jennings Smith of Wangaratta Bank  
Manager and James Willelt of Wangaratta aforesaid  
Farmer Executors **And Whereas** the said

Arthur Jennings Smith is desirous of renouncing probate  
of the said Will and Codicils of the said William Clark  
deceased **Now know all Men by these  
presents** that I the above named Arthur Jennings  
Smith for divers good causes and considerations me  
hereunto moving have renounced and do hereby renounce  
my right title and interest in and to probate of the said  
Will and Codicils **And** in order that this my proxy  
and thus my renunciation herein contained may have its  
due effect in law I do hereby nominate and appoint  
Henry Hedderwick of Nos 41 and 43 Queen Street in the  
City of Melbourne in the said Colony one of the Proctors  
of the Supreme Court of the Colony of Victoria or in his  
absence any other Proctor of the said Court to be my  
true and lawful Proctor for me and in my name to  
appear before the said Court and to exhibit this my  
proxy and pray and procure the same and the  
renunciation herein contained to be admitted and  
enacted and generally to do and perform all other  
acts matters and things needful or necessary in my



behalf in the premises I hereby granting unto my said  
Proctor full power and authority to appoint one or more  
substitute or substitutes for the above purpose And what  
my said Proctor and his substitute or substitutes or any  
or either of them shall lawfully do or cause to be done  
in or about the premises on my behalf I do hereby promise  
to ratify allow and confirm **IN WITNESS** whereof  
I have hereunto set my hand and seal this ~~thirtieth~~ <sup>twenty</sup>  
day of ~~May~~ <sup>May</sup> One thousand eight hundred and  
seventy two

Signed, Sealed and Delivered  
by the said Arthur Jennings Smith  
in the presence of

Arthur D. Bradley

John H. Hall  
Solicitor

Wangaratta



Master of the Supreme Court

Serial No. 9/212

for PRODUCTION

to Julie office

we apply no 51200

Date of Production 26. 10. 19

and

for RETURN

to RECORDS ROOM

Master's Office

*W. H. H. H.*

Date of Return

*Production being very  
thorough and being the  
M. H. H. H.*

212  
The Supreme Court

of the Colony of Victoria

in the District of Jurisdiction

In the Will of William

Clark late of Mangawaka in

the Colony of Victoria deceased

deceased -

Executor's Affidavit



*Palmer & Meddowes  
for Retail*



In the Supreme Court  
of the Colony of Victoria }

In its Ecclesiastical Jurisdiction

In the Will of William Clark late of Wangeratta  
in the Colony of Victoria <sup>late Landowner</sup> deceased

I James Willett of Wangeratta in the Colony of  
Victoria farmer make oath and say

1. That William Clark of Wangeratta in the Colony of  
Victoria landowner departed this life on the twentyfourth  
day of April last.

2. That he made his Will bearing date the ~~or~~  
twentyfourth day of February one thousand eight ~~or~~  
hundred and seventy one and thereby appointed David  
Evans of Hurdle Creek in the said Colony sheepfarmer  
Arthur Jennings Smith of Wangeratta aforesaid Bank  
Manager and me the said James Willett Executors  
thereof And made a Codicil thereto bearing date the  
eleventh day of March last past confirming the said  
Will And made a further Codicil to the said Will bearing  
date the seventeenth day of April last past confirming  
the said Will which said Will and Codicils respectively  
are as I believe unrevoked.

3. That I believe the three paper writings hereunto annexed  
and marked A, B, and C, respectively to be the true last  
Will and Testament of the said William Clark deceased  
and the two Codicils thereto and which said Will and  
Codicils were at the time of the Testators decease in the  
Custody of the said Arthur Jennings Smith.

4. That I will pay all the debts and legacies of the said  
William Clark as far as the property left by him will



extend and the law bind me so to do.

5 That I will Exhibit and deposit in the office of the Master in Equity a true and perfect Inventory of the goods chattels and credits of the deceased @ within three months of the order for probate and a just and true account of my administration of the said Estate of the deceased within fifteen months of the said order pursuant to the Rules of this Honorable Court

6 That the said William Clark had at the time of his death property in the Colony of Victoria and I believe his personal property in the said Colony does not exceed in value of Two thousand pounds.

Sworn at Wangaratta in the Colony of Victoria this Twenty sixth day of June in the year of our Lord one thousand eight hundred and seventy one Before me

James Willett

John Horton

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



212  
In the Supreme Court

of the Colony of Victoria

In the Ecclesiastical Jurisdiction

In the Will & Testate of

William Clark late of Wangaratta

in the Colony of Victoria deceased

deceased



Attendant of Inheritance of

Attendant & Search for Caveat



Patience & Huddleston

for Messrs. Vetchell

Wangaratta



In the Supreme Court)  
of the Colony of Victoria )

In its Ecclesiastical Jurisdiction

In the Will and Codicils of William  
Clark late of Wangaratta in the Colony of  
Victoria Landowner deceased

I Ephraim Edward Mc Dowall of Numbers  
41 and 43 Queen Street in the City of Melbourne in the  
Colony of Victoria Clerk to Messieurs Palmer and  
Medderwick of the same place Solicitors make oath and  
say as follows

1 That there was inserted in the Daily Telegraph  
Newspaper printed and published at Melbourne aforesaid  
on the thirtieth day of May One thousand eight-  
hundred and seventy one a Notice in the words  
and figures or to the effect following (that is to  
say)

" In the Supreme Court of the Colony of Victoria -  
" Ecclesiastical Jurisdiction In the Will of William  
" Clark late of Wangaratta Landowner deceased Notice  
" is hereby given that application will be made to this  
" Honorable Court in its Ecclesiastical jurisdiction after  
" the expiration of fourteen days from the publication of  
" this advertisement that Probate of the Will of the above  
" named William Clark deceased may be granted to James  
" Willett of Wangaratta aforesaid farmer one of the executors  
" named in and by the said Will leave being reserved to  
" Arthur Jennings Smith of Wangaratta aforesaid Bank  
" Manager another of the executors named in and by the  
" said Will to come in and prove ( David Evans of Hurdle  
" Creek sheep farmer one other of the executors appointed in  
" and by the said Will having renounced ) Dated this



" 26<sup>th</sup> day of May 1871 Thos F Notcutt Proctor to the  
"said James Willett Faithful Street Wanganatta "

2 - That I have this day searched in the Book kept  
for that purpose at the Office of the Master in Equity of  
this Honorable Court and found that no Caveat had  
been entered in this matter

Sworn at Melbourne in the  
Colony of Victoria this ~~thirtieth~~  
day of July One thousand eight  
hundred and seventy one

Before me

E. R. M. Howells

James S. Searns

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



In the Supreme Court  
of the Territory of Victoria  
21<sup>st</sup>  
John Ecclestone  
vs  
Jusidichon

In the Court of William  
Harris Esq of the Supreme Court  
in the County of Victoria  
deceased

Applicant producing  
Evidence to null and  
void



Cabinet of the  
for Mr. Harris  
Harris



In the Supreme Court  
of the Colony of Victoria }

In its Ecclesiastical Jurisdiction

In the Will of William Clark late  
of Mangaratta in the Colony of Victoria -  
Land owner deceased

I Albert Hewellyn Ely of Mangaratta in the  
Colony of Victoria Auctioneer make oath and say

1 That William Clark late of Mangaratta in the Colony  
of Victoria Landowner deceased made his Will dated the  
twenty fourth day of February One thousand eight hundred  
and seventy one which said Will is as I believe unrevoked  
(except so far as the said Will is varied by the two several  
Codicils thereto hereinafter mentioned) and is now produced  
to me and marked with the letter 'A'

2 That the said Will was executed in the presence of  
me and one John Lamont of Mangaratta aforesaid -  
Barrister at Law

3 That the codicil to the said Will dated the eleventh  
day of March One thousand eight hundred and seventy  
one was executed in the presence of me and the said  
John Lamont and that the second codicil to the said  
Will dated the seventeenth day of April One thousand  
eight hundred and seventy one was executed in the presence  
of me and one Benjamin Clay Hutchinson of Mangaratta  
aforesaid Doctor of Medicine both of which said Codicils  
are now produced to me and marked respectively with  
the letters 'B' and 'C'

4 ~~That to the best of my belief the said Will~~  
~~and Codicils were in the possession of~~  
~~at the time of the decease~~

*Do or do not*  
*give this*  
*information*



Sworn at Mangaratta in  
the Colony of Victoria this third  
day of July 1871

Before me

John Horton

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

Albert H. G.



In the Supreme Court  
of the Colony of Victoria

212  
Probate and Administration

In the Will and Codicils of  
William Clark late of  
Murray in the Colony of  
Victoria deceased

Remuneration of  
David Evans



*Patricia McLeod*



On the ~~thirteenth~~ day of July One thousand eight hundred and seventy one before Frederick Wilkinson Esquire Master in Equity of the Supreme Court of the Colony of Victoria at the office of the said Master in Equity Queen Street in the City of Melbourne in the said Colony

A business of renouncing the probate and Executorship of the last Will and Testament and Codicils thereto of William Clark late of Wangaratta in the said Colony Landowner deceased done by David Evans of Hurdle Creek in the Colony aforesaid one of the Executors named in the said Will

On which day appeared personally Henry Hedderwick one of the Proctors of the Supreme Court of the Colony of Victoria and then and there exhibited a proxy duly made and executed by the said David Evans bearing

date the ~~thirteenth~~ day of July one thousand eight hundred and seventy one now filed in this Court and alleged that the said deceased departed this life some time since having duly made and executed his last Will and Testament and Codicils thereto appointed the said David Evans one of the Executors of the said Will And that the said David Evans for divers good causes and considerations him thereunto moving renounced his right title and interest in and to Probate of the said Will and Codicils Wherefore the said proxy prayed and the Master in Equity aforesaid at his petition admitted the said renunciation of the said David Evans so far as by law the same ought to or may be admitted and thereupon decreed letters testimonial to be made

H. Hedderwick  
Proctor and Proxy for the  
said David Evans



In the Supreme Court  
of the Colony of Victoria

21<sup>st</sup>  
Ecclesiastical Jurisdiction

In the Will and Codicils  
of William Clark late of  
Wangaratta in the Colony of  
Victoria deceased

Remuneration of  
Arthur Jennings Smith



Palmer & Macdonald



On the twenty eighth day of June One thousand eight hundred and seventy two before Frederick Wilkinson Esquire Master in Equity of the Supreme Court of the Colony of Victoria at the office of the said Master in Equity Queen Street in the City of Melbourne in the said Colony.

A business of renouncing the Probate and executorship of the last Will and Testament and Codicils thereto of William Clark late of Wanganatta in the said Colony Landowner deceased done by Arthur Jennings Smith of Wanganatta aforesaid one of the executors named in the said Will

On which day appeared personally Henry Hedderwick one of the Proctors of the Supreme Court of the Colony of Victoria and then and there exhibited a proxy duly made and executed by the said Arthur Jennings Smith bearing date the

Twenty ninth day of May One thousand eight hundred and seventy two now filed in this Court and alleged that the said deceased departed this life some time since having duly made and executed his last Will and Testament and Codicils thereto appointed the said Arthur Jennings Smith one of the executors of the said Will. And that the said Arthur Jennings Smith for divers good causes and considerations hereunto moving renounced his right title and interest in and to Probate of the said Will and Codicils. Wherefore the said Proxy prayed and the Master in Equity aforesaid at his petition admitted the said renunciation of the said Arthur Jennings Smith so far as by law the same ought or may be admitted and thereupon decreed Letters testimonial to be made

H. Hedderwick

Proctor and Proxy for the said  
Arthur Jennings Smith