

In the Supreme Court.

Probate Jurisdiction.

65\*41

In the Will and two Codicils of  
William Blake, late of Mangaratha  
in Victoria, landowner, deceased.

Affidavit of publication  
and search.



John G. Metcalf.  
Doctor  
Mangaratha.



In the Supreme Court  
— of Victoria —

Probate jurisdiction.

In the Will and two Codicils of William  
Clark, late of Wangaratta, in Victoria, Land-  
owner, deceased.

I, William Herbert Mosham of No 456 Chancery Lane Melbourne Clerk to  
Thomas Miles of the same place Solicitor, make oath and say :-

1. That the following advertisement duly appeared in the "Herald"  
newspaper published in Melbourne on the seventeenth day of May  
A.D. 1897. 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 Probate of the last Will and  
Testament, and Codicils thereto of William Clark, late of Wangaratta, in Victoria  
Landowner deceased probate of whose will and codicils thereto was on the 13<sup>th</sup>  
day of July 1871, granted by the said Supreme Court to James Willett, of Wangaratta  
aforesaid, farmer, one of the executors named in and appointed by the said will (leave being  
reserved to Arthur Jennings Smith, another executor named in the said will and codicils to come  
in and prove the same) may be granted to the said Arthur Jennings Smith, now of Edi, farmer  
pursuant to such leave reserved. — Dated this 15<sup>th</sup> day of May 1897. —

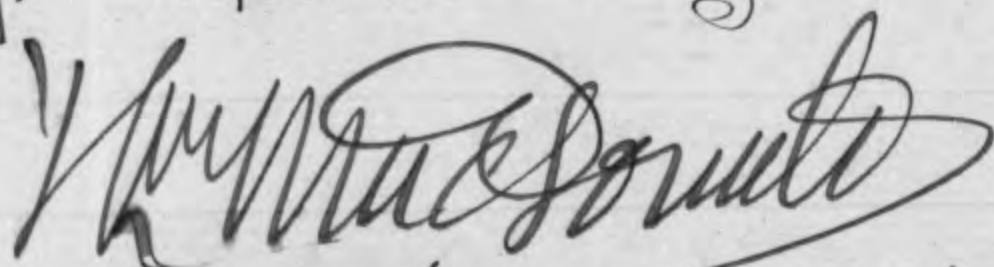
"Thos. F. Notcutt, Reid Street Wangaratta. Proctor for the said Arthur  
Jennings Smith"

2. That since the date of the death of the above-named deceased I have  
searched in the office of the Registrar General and find that no will of  
the said deceased is therein deposited.

3. 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 Victoria  
this fourteenth day of June  
A.D. 1897. Before me

W. H. Mosham.



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



- 9/212
- 1 Will & Adicals
  - 2 Brist
  - 3 Rule for Probate
  - 4 Aff of Executor
  - 5 " Pub & Sch
  - 6 " Witness to Will
  - 7 Statement

65/41

- 1 Copy Probate
- 2 off Sch.
- 3 Praepte
- 4 Receipt of 2 Miles
- 5 off of Exor
- 6 Note of Master

13 Documents

9/212 + 65/41

IN THE SUPREME COURT.

1900 No. 1014.

Kett  
V.  
Smith

SUBPOENA  
DUCES TECUM  
on behalf of the

This Subpoena was issued by *William  
Henry Roberts.*

of *Stalbridge Chambers,  
Chancery Lane Melbourne.*

in the Colony of Victoria Solicitor for the

*Plaintiff*

*Penland & Roberts.  
Stalbridge Chambers  
Chancery Lane Melbourne.*



En the Supreme Court

1900. No. 1014.

BETWEEN *Ismina Maria Kett on behalf of herself*  
*and all other persons interested under the Will*  
*& Codicils of William Clark deceased* — Plaintiff

and

*Arthur Jennings Smith Executor and Trustee*  
*of the Will and Codicils of William Clark*  
*deceased.* Defendant

Victoria by the Grace of God of the United Kingdom of  
Great Britain and Ireland Queen Defender of the Faith.

TO *Thomas P. Webb Esquire Master in*  
*Equity Law Courts Melbourne.*

GREETING—

We command you to attend at the sittings of our Supreme  
Court to be holden at *Melbourne*  
on *Tuesday* the *15<sup>th</sup>* day of  
*May* 1900 at the hour of *half past ten*  
o'clock in the *fore* noon and so from day to day during the said  
Sittings until the above cause is tried to give evidence on behalf of the  
*Plaintiff* and also to bring with you and produce at the time  
and place aforesaid *the Will and Codicils of William*  
*Clark late of New Zealand in the Colony of*  
*Victoria deceased. Also all papers*  
*(except the deeds of Præmises) lodged*  
*and filed in the Office of the Master*  
*in Equity of the said Supreme Court*  
*upon the Application for Probate of the*  
*said Will and Codicils of the said William*  
*Clark to James Willett and Arthur Jennings*  
*Smith the Executors named in and appointed*  
*by said Will and Codicils. Also the Statement*  
*of Assets and Liabilities filed in the above*  
*Application on or about the 15<sup>th</sup> day of*  
*September 1891. Also all accounts filed*  
*in the Estate of the said William Clark.*

Seal



WITNESS—*The Honourable Sir John Madden Knight*  
*Chief Justice of our Supreme Court at Melbourne*  
the *11<sup>th</sup>* day of *May* in the year of our  
Lord One thousand *nine* hundred at Melbourne.



In the Supreme Court.

Probate Jurisdiction.  
**65\*41**

In the Will and two Codicils of  
William Clark late of Wangaratta in  
Victoria, Landowner, deceased.

Præcipe

On application to the Registrar of Probates for grant of Probate of the will and two codicils of the above named deceased (probate of whose will and codicils thereto was granted on the 13<sup>th</sup> July 1871 to James Willett one of the executors named therein leave being reserved to Arthur Jennings Smith to come in and prove the same) to the said Arthur Jennings Smith pursuant to such leave reserved.

470  
Thos. F. Norcutt.  
Proctor  
Wangaratta.

*Alfred Norcutt Esq  
Registrar of Probates  
Wangaratta  
13th July 1871*

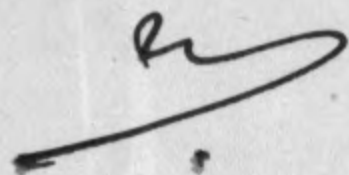
65\*41

Wrote the Journal of  
Sept 20 & 21  
at the house of Mr. J. H. Smith  
at the house of Mr. J. H. Smith  
at the house of Mr. J. H. Smith

Sept 22  
at the house of Mr. J. H. Smith  
at the house of Mr. J. H. Smith  
at the house of Mr. J. H. Smith

14-23

I think this should be  
regarded as a new plant  
& be signed J. W. Deposition  
The form is correct being pursuant  
to the original plant & that leave  
can be removed



17. 8. 97



MELBOURNE,

Law Courts, *July 2<sup>nd</sup>* 1897.

Re *William Clark deceased.*

Received from the Master-in-Equity the undermentioned

documents in the above matter, which I hereby undertake to return  
on demand.

Refer to authority  
for taking documents  
off the file:—

*W.H.*  
Documents, viz.:—

*Probate* filed *14<sup>th</sup>* June 1897.

"

"

*Thos. Ailes*

*Proctor*

*per W.H. Moxham.*