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In the Supreme Court of  
the Colony of Victoria

Probate Jurisdiction

In the Will and Codicil of  
John Barker late of Broomhill  
Leabourne in the Colony of  
Victoria Deceased

Applicant of Executors



H. HURRY & CO.  
Solicitors  
MELBOURNE

In the Supreme Court  
of Victoria } Probate Jurisdiction

In the Will and Codicil of  
John Barker late of Broomhill  
Carlsruhe in the Colony of  
Victoria Farmer deceased

We Joseph Barker of Cardwell in the Colony of  
Queensland at present residing at Broomhill Carlsruhe  
in the Colony of Victoria Farmer and William Barker  
of Broomhill Carlsruhe aforesaid Farmer severally  
make oath and say

1. That we are seeking to obtain Probate of the Will  
and Codicil of the abovenamed John Barker deceased
2. The said deceased died on the twenty sixth day  
of March one thousand nine hundred at Carlsruhe  
aforesaid
3. The said deceased left a Will bearing date the  
thirtieth day of March one thousand eight hundred and  
ninety nine which is as we believe the last Will and  
Testament of the said deceased and which is  
unrevoked as we believe save and except by a Codicil  
thereto bearing date the tenth day of March one thousand  
nine hundred
4. By his said Will the said testator appointed his  
wife Catherine Barker (who died on the seventeenth  
day of May one thousand nine hundred) executrix  
and these deponents Joseph Barker and William  
Barker and John Reed of Colac School Teacher  
executors thereof but by his said Codicil the said

testator revoked the appointment of the said John Reed as such executor

5 The paper writing hereunto annexed marked A is the true last Will and Testament of the said deceased as we verily believe and the paper writing hereunto annexed marked B is the codicil abovementioned

6 The said Will was executed in the presence of Henry Henry and of Geoffrey Henry both of Kyneton in the said Colony Solicitors and the said Codicil was executed in the presence of James Burrows Morrison of Barlsruhe aforesaid Farmer and of Mary Sophia Thomson of Kyneton aforesaid Nurse

7 The said deceased left real estate in the Colony of Victoria not exceeding the value of nine thousand one hundred and five pounds and personal property in the said Colony not exceeding the value of one thousand seven hundred and nine pounds seven shillings

8 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

9 That the said deceased was not possessed of any real or personal property outside the Colony of Victoria

10 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 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

Severally Sworn by the above  
named Joseph Barker and  
William Barker at Kyneton  
in the Colony of Victoria  
this eighth - day of June  
one thousand nine hundred  
Before me

Joseph Barker  
William Barker

J. Bartold

cl. Commissioner of the Supreme Court of Victoria  
for taking affidavits

633

Filed

R999

# Bill

of

John Barker



H. HURRY & SON,  
SOLICITORS AC.,  
KYNETON.

A

This is the paper writing or will marked A referred to in the affidavit of Joseph Barker and William Barker sworn this 8<sup>th</sup> day of June 1900  
Before me

Matold  
of Commissioner

84099/1

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### This is the last Will and Testament

of me John Barker of Broomhill barbrute in the colony of Victoria Farmer hereby revoking all wills and other testamentary instruments at any time heretofore made. I appoint my wife Katherine Barker during her life executrix and after her death my sons Joseph Barker and William Barker and my son-in-law John Reed hereinafter called my trustees to be executors and trustees of this my will. I give all my furniture and all articles of personal and domestic use or ornament and also all my buggies horses and harness to my said wife Katherine Barker absolutely I give devise and bequeath all the residue of my property real and personal whatsoever and wheresoever unto my said wife to use and enjoy the same or receive the rents issues dividends income and profits thereof during her life. And after her death I give to my daughter Mary Siddall of Moore Ponds near Melbourne Married Roman my cottage and land in Little Anyle Street Fitzroy near Melbourne for her own sole use and benefit absolutely and my farm being part of the Cheveley Estate containing one hundred and seventy eight acres or thereabouts to my trustees upon trust for my said daughter Mary Siddall to use and enjoy the same or receive the rents and profits thereof during her life and after her death my trustees shall realise the same and divide the proceeds thereof among the children of the said Mary Siddall in equal shares if more than one. And after the death of my said wife I give to my son Joseph Barker of Oakhills near Bardwell Queensland the whole of my shares in the Squatting and Investment Company of Queensland for his own sole use and benefit absolutely - and my farm known as the Victoria Farm at Barbrute aforesaid containing about four hundred and fifty acres I give to my trustees upon trust for the said Joseph Barker to use and enjoy the

Witness my hand

J. Barker

John Barker

same or receive the rents issues and profits thereof during his life subject to payment hereout of the sum of one pound per week to my daughter Katherine Hill of Worribe during her life which said sum of one pound per week I hereby charge on the said land - and after the death of the said Joseph Barker and subject to the said charge should the said Katherine Hill outlive the said Joseph Barker my said trustees shall realise the same and divide the proceeds thereof among the children of the said Joseph Barker in equal shares if more than one - and after the death of my said wife I give to my said trustees upon trust for my son-in-law John Reed of Colac School Teacher my two shops in Morrison Street Kipneton being part of section six Town of Kipneton and now occupied respectively by William Pitt and P. A. Foley also allotments eight, nine, ten, eleven twelve thirteen sixteen and twenty section eleven Town of Kipneton and also the sum of five hundred pounds now secured by a mortgage on the property of Samuel Pullar in High Street Kipneton upon trust to allow him to use and occupy the said lands or receive the rents issues and profits thereof and to pay to him the net annual interest of the said mortgage or of any other like security or which the said sum of five hundred pounds may be re-invested from time to time during his life or until his remarriage and on the death or remarriage of the said John Reed the said lands and mortgage or any investment for the time being representing the same shall be realised by my said trustees and the proceeds divided among the children of the said John Reed by his late wife my daughter Jane Reed in equal shares if more than one - And after the death of my said wife as aforesaid I give to my trustees upon trust for my son William Barker of Broomhill my homestead known as Broomhill containing about ninety acres with the house and buildings thereon also my farm known as Springvale at Barbrube aforesaid containing about one hundred and ninety acres also the paddock known as the Police Paddock at Barbrube aforesaid being allotments eight nine and ten section two Barbrube and also the sum of four

Henry Henry G. Hurry

John Barker

hundred pounds now secured by a mortgage on the property of the late P. H. Bromley at Kington aforesaid upon trust to allow him to use and occupy the said lands or receive the rents issues and profits thereof and to pay to him the net annual interest of the said mortgage or of any other like security on which the said sum of four hundred pounds may be invested from time to time during his life and after his death the said lands and mortgage or any investment for the time being representing the same shall be realised by my said trustees and the proceeds divided among the children of the said William Barker in equal shares if more than one and if there shall be no such child the said trust premises shall form part of the residue of my estate - And as to all the residue of my said estate after the death of my said wife I direct that my trustees shall realise the same and divide the proceeds equally among my children Mary Siddall, Joseph Barker, William Barker and the children of my said deceased daughter Jane Reed such children to take equally among them if more than one the share only which their mother would have taken had she survived me. And I declare that my trustees shall have power to deal with any investments of mine to the best advantage and to vary the same for others of a like nature and that any money not invested may be invested on any security authorised by law for the investment of trust funds or on deposit at interest in any of the established Banks. In witness whereof I have hereunto set my hand this thirtieth day of March one thousand eight hundred and ninety-nine

Signed by the said John Barker and by him declared to be his last will and testament in the presence of us both being present at the same time who in his presence at his request and in the presence of each other have hereunto subscribed our names as witnesses.

John Barker

Henry Perry  
John Kington

John Kington

657

Dated \_\_\_\_\_ 1900

# Codicil

—to—

The last Will and  
Testament—

of John Barker



H. HURRY & SON,  
SOLICITORS & CO.,  
KYNETON.



B

This is the paper writing or codicil marked B referred to in the  
affidavit of Joseph Barker and William Barker, sworn this 8<sup>th</sup> day  
of June 1900  
Before me

84099 / 1

H/H

P. Bartold  
of commissioners etc.

This is a Codicil to the Last Will and  
Testament of me John Barker of Brookhill Leathersruke  
in the colony of Victoria Farmer which will bear date the  
thirtieth day of March one thousand eight hundred and  
~~eighty~~ ninety nine. I hereby revoke the appointment of  
my son-in-law John Reed as executor and trustee of my  
said will. I devise my land with shop thereon in  
Mollison Street Kyneton acquired by me from Thomas Toward  
Simpson and being parts of Crown allotments nine and ten of  
section four "Kyneton" to my wife Catherine Barker for her own  
sole use and benefit absolutely. And in all other respects I  
confirm my said will. In witness whereof I have hereunto  
set my hand this Tenth day of March in  
the year of our Lord one thousand nine hundred

J. B.  
J. B. M.  
J. B. L.

Signed by the said John Barker as  
a codicil to his last will and  
testament in the presence of us both  
being present at the same time who  
in his presence at his request and  
in the presence of each other have  
hereunto subscribed our names as  
witnesses.

John Barker

James Burrows Morrison  
Mary Sophia Thomson

