

395099

IN THE SUPREME COURT  
OF QUEENSLAND  
TOWNSVILLE

MR JUSTICE R.J. DOUGLAS

No. 235 of 1946

IN THE WILL AND ONE CODICIL OF  
JOSEPH BARKER late of Oak Hills  
Station, Via Ingham, in the State  
of Queensland, Grazier, deceased.

PROBATE

H. ERIC DANN  
SOLICITOR  
66 LAKE STREET  
CAIRNS

TOWN AGENTS :-  
WILSON RYAN & GROSE  
SOLICITORS  
DIENHAM STREET  
TOWNSVILLE



6129422034

UPRS 7591/P/0002

Unit 001383

Disc 1 395/099

Disc 2

Date TO

Locn U/AA/006/01/03

Impressed  
duty £65

QUEENSLAND STAMP DUTY  
Impressed  
Duty  
£500

IN THE SUPREME COURT  
OF QUEENSLAND  
TOWNSVILLE

MR. JUSTICE R. J. DOUGLAS

No. 235 of 1946

BE IT KNOWN that on the twentyeighth day of January One thousand nine hundred and fortyseven the last Will with one Codicil of JOSEPH BARKER late of Oak Hills Station, Via Ingham, in the State of Queensland, Grazier, deceased who died at "Churston" Private Hospital, Finch Street, East Malvern City of Malvern in the State of Victoria on the twentyfourth day of April One thousand nine hundred and fortysix a copy whereof is hereto annexed was proved and registered in the Supreme Court of Queensland at Townsville and that administration of all and singular the personal estate of the said deceased was granted by the said Court to JOHN BARKER of Long Pocket Via Ingham in the State of Queensland Butcher and ANNIE MARGARET AGNES BARKER of Long Pocket Via Ingham aforesaid Spinster a lawful son and a lawful daughter of the deceased respectively and the Executors named in the said Will and Codicil they having first undertaken faithfully to administer the same by paying the just debts of the deceased and the legacies bequeathed by the said Will and Codicil so far as they are thereunto bound by law and to distribute the residue if any of the said estate according to law and to file an inventory of the said estate within six months from the date hereof and to file an account of their administration within fifteen months from the date hereof and to file a further inventory and account whenever required by law so to do - This Grant is made subject to the condition that no portion of the assets of the deceased shall be distributed or paid during the war to any beneficiary or creditor who is in an enemy country or to anyone on his behalf or to or on behalf of any

SWORN - Realty under £16,293-0-0  
 Personality under £104,984.0.0  
 AND THAT the Testator died on the twentyfourth day of April One thousand nine hundred and fortysix.

L.S.

person resident in an enemy country of whatever nationality without the express sanction of the Crown and if any distribution or payment is made contrary to this condition this Grant of Probate will be forthwith revoked. PROVIDED that this condition shall not apply to a prisoner of war or to anyone on his behalf.

L.S.

Given under the Seal of the  
Court at Townsville on the  
day and year aforesaid

L.S.

J. Shannon

REGISTRAR

TAKEN OUT BY :-

H. ERIC DANN  
SOLICITOR FOR THE SAID EXECUTORS  
66 LAKE STREET  
CAIRNS.

TOWN AGENTS :-

WILSON RYAN & GROSE  
SOLICITORS  
DENHAM STREET  
TOWNSVILLE.

L.S.

STAMP DUTIES OFFICE  
28 JAN. 1947 00860  
TOWNSVILLE

THIS IS THE LAST WILL and testament of me JOSEPH BARKER of Oak Hills Station near Ingham in the State of Queensland Grazier I HEREBY REVOKE all wills and other testamentary dispositions heretofore made by me I APPOINT my son JOHN BARKER of Long Pocket near Ingham in the State of Queensland Butcher and my daughter ANNIE MARGARET AGNES BARKER of Oak Hills Station aforesaid Spinster (hereinafter called my trustees) to be the executors and trustees of this my will I GIVE DEVISE AND BEQUEATH to my son the said JOHN BARKER for his own sole use and benefit absolutely my farm situated at Macknade near Ingham aforesaid comprising Subdivisions 1 and 2 of Portion 62, Subdivision 1 of Portion 116, Subdivision 1 of Portion 223 and Subdivision 2 of Portions 223 and 16 in the County of Cardwell Parish of Marathon containing 312 acres and 1 perch together with all improvements thereon and my farm implements machinery and live stock belonging to me and which shall be on the said farm at the time of my decease subject to any lease of the said farm which shall be in existence at the date of my death I GIVE AND BEQUEATH the following legacies free of all Probate Succession Estate duty and other duties or charges whatsoever to (a) my niece CORALIE BARKER of Melbourne the sum of Two hundred pounds (£200.0.0) (b) my niece ANNIE SPENCER of Ingham aforesaid Hospital Matron the sum of TWO HUNDRED POUNDS (£200.0.0) (c) my niece DAISY DERRINGTON of Cairns in the said State wife of Reginald Derrington the sum of TWO HUNDRED POUNDS (£200.0.0) (d) my niece BELL HILL of 25 Repton Road East Malvern Melbourne in the State of Victoria Spinster the sum of TWO HUNDRED POUNDS (£200.0.0) my niece MARJORIE BARKER of Melbourne aforesaid the sum of TWO HUNDRED POUNDS (£200.0.0) AND such legacies shall be for the absolute sole use and benefit of each of such legatees AND subject to the proviso hereinafter contained such legacies shall not be payable until one year after the grant of PROBATE of my will and no interest shall be chargeable on the said legacies or any of them during such year PROVIDED that

THIS IS THE LAST WILL and testament of me JOSEPH BARKER of Oak Hills Station near Ingham in the State of Queensland Grazier I HEREBY REVOKE all wills and other testamentary dispositions heretofore made by me I APPOINT my son JOHN BARKER of Long Pocket near Ingham in the State of Queensland Butcher and my daughter ANNIE MARGARET AGNES BARKER of Oak Hills Station aforesaid Spinster (hereinafter called my trustees) to be the executors and trustees of this my will I GIVE DEVISE AND BEQUEATH to my son the said JOHN BARKER for his own sole use and benefit absolutely my farm situated at Macknade near Ingham aforesaid comprising Subdivisions 1 and 2 of Portion 62, Subdivision 1 of Portion 116, Subdivision 1 of Portion 223 and Subdivision 2 of Portions 223 and 16 in the County of Cardwell Parish of Marathon containing 312 acres and 1 perch together with all improvements thereon and my farm implements machinery and live stock belonging to me and which shall be on the said farm at the time of my decease subject to any lease of the said farm which shall be in existence at the date of my death I GIVE AND BEQUEATH the following legacies free of all Probate Succession Estate duty and other duties or charges whatsoever to (a) my niece CORALIE BARKER of Melbourne the sum of Two hundred pounds (£200.0.0) (b) my niece ANNIE SPENCER of Ingham aforesaid Hospital Matron the sum of TWO HUNDRED POUNDS (£200.0.0) (c) my niece DAISY DERRINGTON of Cairns in the said State wife of Reginald Derrington the sum of TWO HUNDRED POUNDS (£200.0.0) (d) my niece BELL HILL of 25 Repton Road East Malvern Melbourne in the State of Victoria Spinster the sum of TWO HUNDRED POUNDS (£200.0.0) my niece MARJORIE BARKER of Melbourne aforesaid the sum of TWO HUNDRED POUNDS (£200.0.0) AND such legacies shall be for the absolute sole use and benefit of each of such legatees AND subject to the proviso hereinafter contained such legacies shall not be payable until one year after the grant of PROBATE of my will and no interest shall be chargeable on the said legacies until one year after the grant of probate PROVIDED that

my trustees may at their absolute discretion pay any of the said legacies at any time during the said period of one year after probate is granted I GIVE DEVISE AND BEQUEATH all the rest and residue of my real and personal estate of what nature or kind soever and wheresoever situate that I may be seised of possessed of or entitled to at the time of my decease (hereinafter called my residuary estate) unto and to the use of my trustees UPON TRUST to transfer assign and convey my said residuary estate to my son and daughter the said JOHN BARKER and ANNIE MARGARET AGNES BARKER in equal shares as tenants in common for their and each of their own sole use and benefit absolutely and if only one of my said children shall survive me then to transfer assign and convey my said residuary estate to that one who shall survive me absolutely PROVIDED ALWAYS that if any child of mine shall die in my lifetime leaving issue living at the date of my death such issue shall stand in the place of such deceased child and take "per stirpes" and equally between them if more than one the share in my residuary estate which such deceased child would have

FIRST SHEET the nineteenth day of January, 1944

W. FORBES

O. CRAWLEY

WITNESSES

JOSEPH BARKER  
TESTATOR

taken if he or she had survived me AND I DECLARE that if my said son shall not survive me then the devise of my farm property situated at Macknade near Ingham aforesaid and the bequest to my said son of the livestock and chattel property situated thereon shall lapse PROVIDED ALWAYS that if my said son shall die in my lifetime leaving issue living at my decease such issue of my said son shall stand in his place and take "per stirpes" and equally between them if more than one my said farm property at Macknade near Ingham aforesaid

and the live stock and chattel property situate thereon hereinbefore devised and bequeathed to my said son IN THE EVENT of my said son dying in my lifetime leaving no issue him surviving then and in that event I GIVE DEVISE AND BEQUEATH such farm property together with all my farm implements machinery and live stock which shall be on my said farm at the date of my decease and subject to such lease as aforesaid to my daughter the said ANNIE MARGARET <sup>AGNES</sup> BARKER for her own sole use and benefit absolutely AND I FURTHER DECLARE that if any one of or all the said CORALIE BARKER ANNIE SPENCER DAISY DERRINGTON BELL HILL and MARJORIE BARKER shall predecease me then the bequest in favour of that person or those persons so dying in my lifetime as aforesaid shall lapse and be included in and form part of my residuary estate AND I DIRECT that all probate succession estate and other duties costs expenses or charges payable in relation to the legacies hereinbefore bequeathed and the specific devise hereinbefore made by me and also all other costs and expenses in relation to the administration of my estate and this my will shall be paid out of my residuary estate AND I DECLARE that my trustees shall have the following powers :- (a) To invest any of the trust funds under this my will in or upon such securities as are allowed by law for the investment of trust funds with power at their discretion to vary such investments (b) To mortgage or lease any part or parts of my real and personal property upon such terms and conditions as they may in their discretion consider to be advantageous to my estate (c) To raise any part or parts of the then presumptive or vested share of any infant beneficiary under the trusts hereinbefore declared and pay or apply the same as my trustees shall think fit for the advancement education and benefit in life of such infant beneficiary with power to pay the same to the parent or to the guardians or guardian of such infant

J.B.  
W.F.  
O.C.

beneficiary for the purpose aforesaid without seeing to the application thereof (d) During the minority of any infant beneficiary to apply the whole or such part as my trustees shall think fit of the income of the expectant or presumptive share of such infant beneficiary for or towards his or her maintenance education and benefit with power to pay the same to the parent or to the guardians or guardian of such infant beneficiary for the purpose aforesaid without seeing to the application thereof (e) To postpone the sale calling in and conversion of my said estate or any part thereof so long as my trustees shall in their absolute discretion think proper and I empower my trustees during such postponement to make out of my

SECOND SHEET the nineteenth day of January, 1944

W. FORBES

O. CRAWLEY

WITNESSES

JOSEPH BARKER

TESTATOR

estate any outlays they may think proper for improvements to any part of my estate or for the benefit of my said estate and all income to be derived from my said estate during such postponement shall be paid and applied by my trustees in the same manner as the corpus of my said estate AND I DECLARE that if neither my said son and daughter shall survive me I APPOINT Queensland Trustees Limited of Brisbane in the State of Queensland to be the sole executor and trustee of this my will and that Company shall exercise all the powers and duties of the executors and trustees of this my will in the same manner as if it had been named as the sole executor and trustee of this my will and in the case of neither of my said son and daughter me surviving the said Company shall be included in the term "my trustees" AND I FURTHER DECLARE



that if my said son or daughter or the survivor of them shall act as the trustees or trustee of this my will they he or she shall have the statutory powers of appointing new and additional trustees of this my will I DECLARE that the share of any infant beneficiary under this my will shall be payable on his or her attaining the age of twentyone years IT IS MY DESIRE AND I DIRECT that all legal business connected with the application for and obtaining Probate of this my will the preparation lodging and passing Succession Accounts the transmission of freehold and leasehold property and all other matters connected with the administration of my estate shall be carried out by HERBERT ERIC DANN of Cairns Solicitor IN WITNESS WHEREOF I have hereunto set my hand to this my will at Cairns in the State of Queensland this nineteenth day of January in the year one thousand nine hundred and fortyfour

L. S.

W. FORBES

O. CRAWLEY

JOSEPH BARKER

SIGNED AND ACKNOWLEDGED by the )  
 Testator the said JOSEPH BARKER )  
 as and for his last will and )  
 testament in the presence of us )  
 both present at the same time who )  
 at his request in his presence )  
 and in the presence of each other )  
 have hereunto subscribed our names )  
 as witnesses )

JOSEPH BARKER

W. FORBES CLERK CAIRNS

O. CRAWLEY CLERK CAIRNS

L.S.

THIS IS A FIRST CODICIL to the last Will and testament of me JOSEPH BARKER of Oak Hills Station near Ingham in the State of Queensland Grazier which Will bears date the nineteenth day of January 1944 WHEREAS in my said Will I made certain provision for my son JOHN BARKER of Long Pocket near Ingham aforesaid Butcher and for my daughter ANNIE MARGARET AGNES BARKER of Oak Hills Station aforesaid Spinster AND WHEREAS I desire to make further provision for my said son and for my said daughter and also for my employee JOHN GRANT NOW I GIVE DEVISE AND BEQUEATH to my son the said JOHN BARKER for his own sole use and benefit absolutely my pastoral properties

known as Oak Hills Wairuna South Garrawalt and Sea View and all other pastoral properties owned by me at the date of my death together with all plant and equipment used in connection therewith and all live stock running and pasturing thereon as at the date of my death I GIVE DEVISE AND BEQUEATH to my daughter the said ANNIE MARGARET AGNES BARKER for her own sole use and benefit absolutely all those pieces or parcels of land in the County of Cardwell Parish of Marathon described as follows :- (a) Subdivisions 18 19 20 22 25 and 26A of Portion 197 containing in area 122 acres 3 roods 33.1 perches (b) Allotments 1 2 3 4 14 16 and 18 of Section 26 containing in area 2 acres 1 rood 16.61 perches (c) Portion 292 containing in area 286 acres 3 roods 2 perches I ALSO GIVE AND BEQUEATH to my employee JOHN GRANT of Oak Hills Station aforesaid the sum of Two hundred pounds (£200.0.0) for his own sole use and benefit absolutely AND I DECLARE that if my son the said JOHN BARKER shall not survive me then the devise of my pastoral properties as aforesaid and the bequest to my said son of the plant and equipment used in connection therewith and the live stock running and pasturing thereon shall lapse PROVIDED ALWAYS that if my said son shall die in my lifetime leaving issue living at my decease such issue of my said son shall stand in his place and take "per stirpes" and equally between them if more than one my said pastoral properties as aforesaid and the plant and equipment used in connection therewith and the stock running and pasturing thereon hereinbefore devised and bequeathed to my said son IN THE EVENT of my said son dying in my lifetime leaving no issue him surviving then and in that event I GIVE DEVISE AND BEQUEATH such pastoral properties together with all plant and equipment used in connection therewith and all live stock pasturing thereon at the date of

FIRST SHEET OF CODICIL DATED the twentyeighth day of May 1945

Joseph Barker  
TESTATOR

D. Shang  
W. Forbes  
WITNESSES

my decease to my daughter the said ANNIE MARGARET AGNES BARKER for her own sole use and benefit absolutely AND I DECLARE that if my daughter the said ANNIE MARGARET AGNES BARKER shall not survive me then the devise of my freehold properties as aforesaid shall lapse PROVIDED ALWAYS that if my said daughter shall die in my lifetime leaving issue living at my decease such issue of my said daughter shall stand in her place and take "per stirpes" and equally between them if more than one my freehold properties as hereinbefore devised and bequeathed to my said daughter IN THE EVENT of my said daughter dying in my lifetime leaving no issue her surviving then and in that event I GIVE DEVISE AND BEQUEATH such freehold properties to my son the said JOHN BARKER for his own sole use and benefit absolutely AND I DECLARE that the gifts devises and bequests herein made shall be free of all probate succession and other duties costs or expenses whatsoever just as other devises gifts and bequests made by my said Will In all other respects I confirm my said Will AND I DECLARE that in my said Will the description of my farm property situate at Macknade near Ingham is referred to as Portion 223 whereas the correct Portion number is 233 I ALSO DECLARE that the two pin marks appearing on the last page of my said Will were made by me at a time when I pinned certain Land Tax Returns to my said Will for the purpose of getting the description of the land now devised in this the first codicil to my Will AND FURTHER that no document of a testamentary nature was ever attached to my said Will IN WITNESS WHEREOF I have hereunto set my hand to this a first codicil to my Will at Cairns in the State of Queensland this twentyeighth day of May in the year One thousand nine hundred and fortyfive.

SIGNED AND ACKNOWLEDGED by the Testator the said JOSEPH BARKER as and for the first Codicil to his last Will and testament in the presence of us both present at the same time who at his request in his presence and in the presence of each other have hereunto subscribed our names as witnesses :-

Joseph Barker

D. Shang Clerk Cairns

W. Forbes Clerk Cairns

L.S.

IN THE SUPREME COURT OF VICTORIA

PROBATE JURISDICTION

IN THE WILL and CODICIL of JOSEPH BARKER late of Oak Hills Station via Ingham in the State of Queensland Grazier deceased

GIVEN under the Seal of the Supreme Court of Victoria this

Fourth day of February 1948 and I CERTIFY that this

Probate has been so sealed upon being produced by John Barker

Butcher and Annie Margaret Agnes Barker ~~Spinster~~ both of Long Pocket in the State of Queensland the Executors named therein

BY THE COURT

*G. Wilson*

In the SUPREME COURT) *27/12/47*  
OF VICTORIA )

REGISTRAR OF PROBATES  
Probate Jurisdiction

In the Will and Codicil of JOSEPH BARKER late of Oak Hills Station Via Ingham in the State of Queensland Grazier deceased

*I certify that the sum of one hundred and twenty pounds has been paid to the executors of the estate of the deceased in Victoria. C.C. Webb. 21.1.48*

This is the paper writing marked "A" produced and shown to FLORA BUTLER at the time of swearing her affidavit this 10 day of December One thousand nine hundred and fortyseven before me,

*J. N. G. G. G.*

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

This is the paper writing marked "A" produced and shown to Susan Lavan Duff at the time of swearing h affidavit this 15 day of December One thousand nine hundred and fortyseven. Before me.

*Susan Lavan Duff*

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

395099

395099  
IN THE SUPREME COURT  
OF QUEENSLAND  
TOWNSVILLE

PURSUANT to the provisions of the  
"Succession and Probate Duties  
Acts 1892 to 1935" I HEREBY

CERTIFY that adequate security  
has been given for the payment of  
Succession Duty in this estate as

by the Certificate of the Deputy  
Commissioner of Stamp Duties  
Townsville filed herein appears.

Dated at Townsville this twenty-  
eighth day of January One thousand  
nine hundred and fortyseven.

J. Shannon

L.S.

REGISTRAR

Noted 31/1/47

The Commercial Banking Company of  
Sydney Limited Cairns Qld.

MR JUSTICE R.J. DOUGLAS

No. 235 of 1946

IN THE WILL AND ONE CODICIL OF  
JOSEPH BARKER late of Oak Hills  
Station, Via Ingham, in the State  
of Queensland, Grazier, deceased.

PROBATE

H. ERIC DANN  
SOLICITOR  
66 LAKE STREET  
CAIRNS

TOWN AGENTS :-  
WILSON RYAN & GROSE  
SOLICITORS  
DENHAM STREET  
TOWNSVILLE



We the undersigned hereby certify that  
we have examined the within copy Probate  
with the original and compared the same  
therewith and certify that the said copy  
Probate is a true and correct copy of the  
original Probate.

Dated this 9th day of December 1947

*J. Coulter*  
*J. Pringle*

} Clerks to  
H. Hurry & Son  
Solicitors  
Kyneton