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By the Supreme Court
of the Colony of Victoria

~~688~~

The Ecclesiastical
Jurisdiction

By the matter of the Freehold
lands of Bonedius Francis
late of Ormanstein in
the County of Burke
Shorekeeper deceased

Applicant of search for
Title publication of notice
and no award

9
Jace 1883

1880
1881

William Alexander
66 Laurence Lane

In the Supreme Court
of the Colony of Victoria

In its Ecclesiastical Jurisdiction

In the matter of the freehold land of Cornelius
Francis late of Harraweitginn in the
County of Bourke Storekeeper deceased
Intestate

I David Abbott of Sixty six Chancery Lane in the City
of Melbourne in the Colony of Victoria Articled Clerk to
Mr William Cleverdon of the same place Proctor make
oath and say

1 That on the twenty fourth day of November
One thousand eight hundred and seventy I searched
in the proper Office viz the Office of the Registrar General
of the said Colony being the Office in which Wills may be
deposited for the Will of the abovenamed Cornelius Francis
deceased and found that no will of the said deceased
had been deposited in the said Office

2 That I have searched in the proper office
under the provisions of the Transfer of Land Statute and
found that the freehold land of the said Cornelius Francis
deceased referred to in the fourth paragraph of the affidavit
of Mary Ann Francis sworn in this matter viz All
that piece or parcel of land near Pentridge in the Colony
of Victoria in section One hundred and forty nine being
a portion of lots marked eighteen and seven in a
plan made at the sale of said lots with other land
contiguous thereto on the thirteenth day of February
One thousand eight hundred and forty the said land
containing by estimation three acres or thereabouts and
measuring from a point beginning at the North West
corner of the said land three chains thirty three links

South of a road one half chain wide now called Egau
Lane, the said Road running East and West on the
North boundary line of the said two lots numbers
eighteen and seven) and running South bounding
land of one George Sommerville three chains thirty
three links then by a line East the whole length of the said
two allotments numbers eighteen and seven then by
a line bounding land of one "Heathcote three
chains thirty three links North then by a line at right
angles to last line to commencing point has never been
brought under the provisions of the said Statute

3 That notice of the intention of Mary Ann Francis
to apply for a Rule to administer the freehold land
of the abovesaid Cornelius Francis deceased was
published in the "Argus" being one of the Melbourne
daily newspapers published at Melbourne on the
Twenty fifth day of October last and of which the following
is a copy "In the Supreme Court of the Colony of Victoria
In the matter of the Freehold land of Cornelius Francis
late of Parraweitginn in the County of Bourke in the Colony
of Victoria Storekeeper deceased Intestate and in the matter
of the Act of the Parliament of Victoria No 230 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
Ecclesiastical Jurisdiction for a Rule ordering that
the Freehold land of which the abovesaid Cornelius
Francis was the owner at the time of his death shall be
dealt with as if it had been held for a term of years and
that administration thereof may be granted and
committed to Mary Ann Francis of Parraweitginn
aforesaid the widow of the said intestate Dated
this 24th day of October 1870 William Cleverdon 66

"Chancery Lane Melbourne Proctor for the said Mary
"and Francis"

4 That I have this day searched in the proper
office and find that no caveat has been lodged in this
matter

Sworn at Melbourne in the
Colony of Victoria this first
day of December in the year of Our
Lord One thousand eight hundred
and seventy

Before me

James Searns

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

David Abbott

In the Supreme Court
of the Territory of Victoria
with Ecclesiastical Jurisdiction
688

In the Matter of the Trusthold
Land of Cornelius Francis
late of Danawell Spinn in the
County of Bourke Stockholder
deceased —

Affidavit of authentication
by Richard Johnson —

Sworn to and sworn

17th Nov 1870

(688)

Ampleford
66 Francis Lane

In the Supreme Court
of the Colony of Victoria }
In its Ecclesiastical Jurisdiction

In the Matter of the Freehold
Land of Cornelius Francis
late of Carraweit Quin in the
County of Bourke in the Colony of
Victoria Storekeeper deceased.

I Richard Johnston of Carraweit
Quin in the County of Bourke in
the Colony of Victoria Dairy Farmer
make Oath and Say

1. That I am a Dairy Farmer
carrying on business at Carraweit Quin
aforesaid.
2. That I am worth property
to the amount of one thousand pounds
over and above what will pay my
just debts ^{and liabilities} together with my liability in
respect of my suretyship for Mary
Ann Francis mentioned in the following
paragraph.
3. That I am not surety for any
other person other than the said Mary
Ann Francis in respect of her administration
of the personal estate of the said Cornelius
Francis deceased.
4. That my property to the amount
of the said sum of one thousand pounds
consists of freehold land at Carraweit

In the Supreme Court
of the Colony of Victoria

688

In the Ecclesiastical
Jurisdiction

In the Matter of the
Estate of Donald of Cornelius
Francis late of Bonarville
Elm in the County of
Bonarke Stonehaven deceased

Affidavit of Jurisdiction
by *W. H. Maitland*

W. H. Maitland

(688)
W. H. Maitland

Terminus Decretum
66 Richmond Street

In the Supreme Court
of the Colony of Victoria

In its Ecclesiastical Jurisdiction

In the Matter of the Freehold Land
of Cornelius Francis Late of
Darraweit Quim in the County
of Bowke in the Colony of
Victoria Storekeeper deceased.

I Matthew Waitt of Darraweit
Quim in the County of Bowke in the
Colony of Victoria Grazing Farmer
make oath and say

- 1 That I am a Grazing Farmer
carrying on business at Darraweit
Quim aforesaid
- 2 That I am worth property to
the amount of One thousand
pounds over and above what
will pay my just debts together
with my liability in respect of
my suretyship for Mary Ann
Francis mentioned in the following
paragraph
- 3 That I am not surety for
any other person other than the
said Mary Ann Francis in respect
of her administration of the
personal estate of the said Cornelius
Francis deceased
- 4 That my property to the amount

of the said sum of One thousand pounds
consists of freehold land at Derraweit
^{of the value of six hundred pounds freehold land at Derraweit}
^{to the value of six hundred pounds}
Quinn aforesaid, and of goods and
chattels at the same place Derraweit Quinn
aforesaid of the value of fifteen hundred pounds

Sworn at Melbourne
in the Colony of Victoria
the thirtieth day of December
in the Year of our Lord One
thousand eight hundred
and seventy Before me

M. W. H. Ait

James Swain

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

In the Supreme Court of
the Colony of Victoria.

ES
Bishop Ecclesiastical Jurisdiction

In the matter of the Frederick
land of Gornelius Francis
late of Gornelius Francis in the
County of Bourke in the Colony
of Victoria Stonekeeper &
deceased

Advertisement of search for a
Will and publication of
notice and no award

Teste J. S. B. Esq.

1870
J. S. B.
(1870)

William Lewiston
66 Leicesters Lane
Melbourne

In the Supreme Court
of the Colony of Victoria }

On its Ecclesiastical Jurisdiction

In the matter of the Freehold land of
Cornelius Francis late Darrawitgini in
the County of Bourke Storekeeper deceased
intestate

I David Abbott of N^o 66 Chaucery Lane in the City of
Melbourne in the Colony of Victoria Articled Clerk to
Mr William Clendon of the same place Proctor make oath
and say

1 That on the eighth day of December
One thousand eight hundred and seventy I searched
in the proper office viz the Office of the Registrar General of
the said Colony being the Office in which wills may
be deposited for a will of the abovesaid Cornelius
Francis deceased and found that no will of the said
deceased had been deposited in the said Office

2 That I have searched in the proper Office under
the provisions of the "Transfer of Land Statute" and found
that the Freehold land of the said Cornelius Francis
deceased referred to in the fourth Paragraph of the Affidavit
of Mary Ann Francis sworn in this matter viz all that
that piece or parcel of land near Pentridge in the Colony of
Victoria in section N^o 149. being portion of lots marked
eighteen and seven in a plan made at the sale of said lots
with other land contiguous thereto on the thirteenth day of
February One thousand eight hundred and forty the said land
containing by estimation three acres or thereabouts and measuring
from a point beginning at the North West corner of the said land

Three chains thirty three links South of a road one half chain wide now called Egans Lane (the said road running East and West on the North boundary line of the said two lots Numbers eighteen and seven) and running South & bounding land of one George Somerville three chains & thirty three links then by a line East the whole length of the said two allotments numbers eighteen and seven then by a line bounding land of one Beallicote three chains thirty three links North then by a line at right angles to the last line to commencing point has never been brought under the provisions of the said Statute

- 3 That notice of the intention of Mary Ann Francis to apply for a Rule to administer the freehold land of the above named Cornelius Francis deceased was published in the "Argus" being one of the Melbourne daily newspapers & published at Melbourne on the twenty fifth day of October last and of which said notice the following is a copy:—
- "In the Supreme Court of the Colony of Victoria in the matter of the Freehold land of Cornelius Francis late of Darraweitginn in the County of Bourke in the Colony of Victoria Stockkeeper deceased intestate and in the matter of the Act of the Parliament of Victoria No. 230 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 Ecclesiastical Jurisdiction for a rule ordering that the Freehold land of which the above named Cornelius Francis was the owner at the time of his death shall be dealt with as if it had been held for a term of years and that administration thereof may be granted and committed to Mary Ann Francis of Darraweitginn aforesaid the widow of the said intestate Dated this 24th day of October 1876
- William Cleverdon 56 Chancery Lane Melbourne Proctor for the

"said Mary Ann Francis"

4

That I have this day searched in the proper
Office and find that no caveat has been lodged in this
matter

Sworn at Melbourne in the
Colony of Victoria this eighth
day of December One thousand
eight hundred and seventy

Before me

James M. Seward

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

David Abbott

Pr the Supreme Court
of the Colony of Victoria

688

Pr the Ecclesiastical
Jurisdiction

Pr the matter of the
Freehold Land of Bowdler
Francis Earl of Pembroke
in the County of Bourke
Storkeher deceased

Applicant in support of
application for Rule to
administer

Thos R. B. B. B.

(626) T. M. P. 1870

William Beverton
of Beaumont Lane
Melbourne

On the Supreme Court
of the Colony of Victoria }

On its Ecclesiastical Jurisdiction

On the matter of the Freehold land of Cornelius
Francis late of Darraweitgimin in the County
of Bourke in the Colony of Victoria Storekeeper
deceased

I Mary Ann Francis of Darraweitgimin in
the County of Bourke in the Colony of Victoria
Widow make oath and say

1 That Cornelius Francis late of Darraweitgimin
in the County of Bourke in the Colony of Victoria
Storekeeper departed this life on the eighth day
of August One thousand eight hundred and seventy
intestate

2 That he left me the said Mary Ann Francis
his lawful widow and eight children viz Annie
Amelia, Elizabeth, Frederick William, Mary Anne
John Samuel, Henry James, Estel Florence, and
Cornelius Benjamin, all of whom are infants
under the age of twenty one years his next of kin
him surviving

3 That we are the only persons entitled to
a distribution of his property

4 That the said Cornelius Francis had at the
time of his death freehold property in the Colony of
Victoria consisting of All that piece or parcel of land
near Pentridge aforesaid in Section Number One
hundred and forty nine being portion of lots marked
eighteen and seven in a plan made at the Sale of said

lots with other land contiguous thereto on the thirteenth day of February One thousand eight hundred and forty the said land containing by estimation three acres or thereabouts and measuring from a point beginning at the North West corner of the said land three chains thirty three links South of a road one half chain wide now called Egans Lane (the said Road running East and West on the North boundary line of the said two lots Numbers eighteen and seven) and running South bounding land of one George Somerville three chains thirty three links then by a line East the whole length of the said two allotments Numbers eighteen and seven then by a line bounding land of one Heathcote three chains thirty three links North then by a line at right angles to last line to commencing point

5 That the said Cornelius Francis had at the time of his death other freehold property in the Colony of Victoria consisting of Allotments One and two Section two Township of Narraweitjimin Parish of Narraweitjimin County of Bourke also allotments two, three, four, five, six, seven, eight and nine Section One in the said Township

5 That the said land mentioned in the fourth paragraph of this my affidavit was alienated from the Crown in fee before the first day of October One thousand eight hundred and sixty two the day on which the real property Act No 140 came into operation and that the land mentioned in the fifth paragraph of this my affidavit was alienated from the Crown since the said Act came into operation and is under the provisions of the Transfer of Land Statute and that the said Cornelius Francis a

deceased had power to dispose of all the said land by Will or otherwise than solely by appointment by will or by writing in the nature of a will in exercise of a power

7.1.87

7 That the said land is under the value of £ Five hundred pounds and I am as I believe as the Widow of the said deceased lawfully entitled to administer the same

8 That I will well and truly collect and administer the said land of the said Cornelius Francis deceased so far as the same will extend and the law bind me so to do

7.1.87

9 That I will exhibit and deposit in the Office of the Master in Equity a true and perfect Inventory of the said freehold land of the said ~~freehold land~~ of the said deceased within three months of the order for administration and a true and just account of my administration of the said land within fifteen months of the said order pursuant to the rules of this Honorable Court

Sworn at Melbourne in the Colony of Victoria this second day of December One thousand eight-hundred and seventy

M A Francis

Before me

W. J. Stubbard

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

In the Supreme Court
of the Colony of Victoria

In the Ecclesiastical
Jurisdiction

In the matter of the
freehold land ~~late~~
of Cornelius Francis
late of Darraveitginin
in the County of Bourke
Housekeeper deceased
Intestate

Brief to move for
a Rule ordering that
the freehold land of
which the above named
Cornelius Francis was
the owner at the time of
his death shall be
dealt with as if it
had been held for a
term of years and
that administration thereof
may be granted and
committed to Mary
Ann Francis of
Darraveitginin a presant
the widow of the said
Intestate

Mr. Hood
2nd 29th
Granted 8 Dec 1870

J. J. Clewson
J. J. Clewson

Affidavits shall be sworn &
filed in due course