

21/723

M
In the Supreme Court of New
Zealand of Victoria

in the District Court of Victoria

in the case of John David Bates
the Plaintiff of Victoria for years
supremacy in the County of Victoria
former deceased

affidavit
of the said witness to wit



*for Henry
of Victoria
- Melbourne
New Zealand*

In the Supreme Court of the
Colony of Victoria

In the Probate Jurisdiction

In the will of John Olive late of the Parish of Lauriston near
Sydney in the Colony of Victoria farmer deceased
I Henry James Armstrong of Sydney in the Colony of
Victoria solicitor make oath and say

1 That hereto annexed and marked A is the true last will
and testament of the said John Olive deceased together with a codicil
hereto

2 That the said will and codicil were respectively signed and
acknowledged by the said John Olive as and for his last will and
testament and as and for the codicil hereto respectively on the day the
same respectively bear date namely the tenth day of January 1881 in the
presence of me the deponent and of Volney Banks Shepherdson of
Malmesbury in the said Colony auctioneer we both being present at the
same time and that we the said Henry James Armstrong and Volney
Banks Shepherdson at the request and in the presence of the said John Olive
and in the presence of each other respectively subscribed our names to the
said will and codicil respectively as the witnesses attesting the respective
signatures of the said John Olive hereto

3 That the said John Olive being a person unable to write the
contents of the said will and codicil respectively were read over and
explained to him in the presence of me the deponent and of the said Volney
Banks Shepherdson and the truth and effect thereof respectively were to
the best of my knowledge and belief fully understood by the said
John Olive at the time he signed the same respectively and that he
executed the same by writing his mark hereto respectively in the
presence of us as aforesaid

To wit at Sydney in the Colony of Victoria

this Third day of March A.D. 1881

Before me

Joseph Adams

H. J. Armstrong

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

A

This is the last Will and Testament of me John Olive of the Parish of Lauriston near Kyneton in the Colony of Victoria Farmer

After payment of all my just debts funeral and other expences I give devise and bequeath unto my Wife Mary Olive the whole of my personal estate Also the sole Control of and entire profits arising from my real estate until my youngest Son Charles Edward Olive shall be twenty one years of Age or in the event of his death before that Age for a period of twenty years from the date of this my Will After the term last specified my Wife Mary Olive to occupy the Homestead now occupied by me together with three Acres of Land having a frontage to the Main Kyneton and Malmsbury Road during the whole of her lifetime My real Estate Consisting of farms in the Parish of Lauriston County of Dalhousie I give devise and bequeath unto my Children in the manner hereinafter provided first. Allotment Numbered 264 Parish of Lauriston Containing by Admeasurement 82 acres 1 Rood and 24 Perches more or less together with Allotment 265 of the same parish immediately adjoining the first mentioned Allotment and Containing by Admeasurement 63 acres 2 Roods and 1 Perch more or less to be divided into four equal parts in the following manner A line to be run or taken through the Centre of the two beforementioned blocks of Land from East to West and another line to be run or taken from North to South which lines shall divide the Allotments of Land into four equal Areas or parts The South East division or portion on which the Homestead now stands I give devise and bequeath to my Son John Gilbert Olive the North East division or portion I give devise and bequeath to my Son James William Olive The South West division or portion

This will or explication marked A referred to in the annexed affidavit of Henry James Armstrong sworn this 11th day of March 1881 Before me

Joseph Palmer
a Commissioner

portion I give devise and bequeath to my son
Frederick Charles Olive and the north west division
or portion I give devise and bequeath to my son
Arthur Olive I give devise and bequeath to my
Daughter Elizabeth Frances Olive the undermentioned
Allotments of Land being Allotments 258-259
260 and 261 in the Parish of Lauriston County of
Dalhousie and Containing by Admeasurement
36 acres and 2 perches more or less I give devise
and bequeath to my Daughter Margaret Isaac Olive
portion of Allotment 263 Parish of Lauriston County
of Dalhousie Containing 36 acres more or less the
said portion being bounded on the west by a Road named
Davys Road and on the north by Allotment 257

Allotment 267 Parish of Lauriston to be divided into
two equal parts said Allotment Containing 53 acres
more or less a line to be run and taken through the Centre
of the said Allotment from East to West the division
on the north side I give devise and bequeath to my son
Ernest Olive and the division on the south side I
give devise and bequeath to my son Charles Edward
Olive I give devise and bequeath to my son
Thomas Olive 23 acres of Land being part of Allotment
267 in the Parish of Lauriston the said 23 acres being more
or less and are bounded on the west by Davys Road

The above Comprises the whole of my Real Estate which
I hereby dispose of in manner heretofore prescribed
provided always that all encumbrances in the shape
of Mortgage or Lien of any kind whatever shall be liquidated
or paid before any division of the property is made
and

12/2/81
And it is further provided ~~And it is further provided~~
that a Rent of two Shillings per Acre shall be paid
to my Wife Mary Olive during her lifetime for every
acre of Land now bequeathed and devised by me
the said Rent to be a first Charge on the Land and
payable by the occupier or occupiers of the several
portions specified in this my Will the said Rent
of two Shillings per Acre to be paid in Cash half yearly
in the Months of January and July respectively
in each and every year of my Wife Mary Olive's life-
time and if at any time the said Rent shall remain
unpaid for fourteen days after it shall have been due
or payable it shall be recoverable by distress in the
usual manner as between Landlord and Tenant

And I hereby appoint my Wife Mary Olive sole
Executrix of this my Will

Dated this tenth day of January 1881—

Signed and acknowledged by the
said John Olive the Testator
as and for his last will and
testament in the presence of us
both being present at the same
time who at his request and in
his presence and in the presence
of each other have hereunto subscribed
our names as witnesses and we
certify that the said John Olive
being a person unable to write the
contents of the above will were read
over and explained to him in our
presence and the purport and effect
thereof were to the best of our knowledge
and belief fully understood by him
at the time he signed the same.

his
John X Olive
mark

H. J. M. P. S. P.

Solicitor General

J. B. M. P. S. P.

Auctioneer

W. C. M. B. S. P.