169882 25/5

In the Supreme Court
of the State of Victoria.

PROBATE JURISDICTION.

IN THE WILL OF James Cooper Stewart late of Kensington Road South Yarra and also of 46 Queen Street Melbourne in the State of Victoria Solicitor deceased.

PROBATE.

I certify that the sum of Five hundred and eighty five pounds 8s 4d ~~the~~ Duty on this Probate has been paid

Dated this 28th day of Feby 1920

R L Weldon
Commissioner of Taxes.

MALLESON, STEWART, STAWELL & NANKIVELL,
Proctors,
46 Queen Street, Melbourne.

Sands & McDougall Pty. Ltd., Printers, Melbourne.

832

In the Supreme Court
OF THE STATE OF VICTORIA.

PROBATE JURISDICTION.

IN THE WILL OF James Cooper Stewart late of Kensington Road South Yarra and also of 46 Queen Street Melbourne in the State of Victoria Solicitor deceased.

BE IT KNOWN that on the Seventeenth day of December in the year of our Lord one thousand nine hundred and nineteen the will (a true copy of which is hereunto annexed) of James Cooper Stewart. late of Kensington Road South Yarra and also of 46. Queen Street Melbourne in the State of Victoria Solicitor deceased who died on the Eighteenth day of August. One thousand nine hundred and nineteen and who had at the time of h~~is~~ death ~~no~~ real estate within the jurisdiction ~~sworn not to exceed in value~~ but left.

If no "real estate" or no "personal estate" same must be stated.

~~and~~ personal estate within the jurisdiction, sworn not to exceed in value Seventeen thousand and one hundred and ten pounds thirteen shillings and seven pence was proved by George Alexander Waugh Stewart of 46. Queen Street Melbourne Accountant - one of the Executors named therein leave being reserved to Albert Robert Higgins of 46. Queen Street Melbourne Accountant the other Executor named in the said Will to come in and prove the same saving the rights of the substituted Executrix named therein he the said George Alexander Waugh Stewart ~~the execut named therein, he~~ having been first sworn that he would well and truly collect and administer according to law the estate of the said James Cooper Stewart. and would exhibit and deposit in the office of the Master-in-Equity a true and perfect inventory of the said estate within three months of the order granting Probate and a true and just account of h~~is~~ administration of the said estate within fifteen months of the said order. This Grant is made upon the condition that no portion of the assets shall be distributed or paid during the war to any beneficiary or creditor who is a German Austro-Hungarian Turkish or Bulgarian subject wherever resident or to any one on his behalf or to any one on behalf of any person resident in Germany Austria-Hungary Turkey or Bulgaria whatever nationality without the express sanction of the Crown and if any distribution or payment is made contrary to this condition the Grant of Probate will be forthwith revoked

Given at Melbourne this second day of March in the year of our Lord One thousand nine hundred and twenty 20.

NBC

D W
17/11/19

L. S.

J Carter

Registrar of Probates.

169832

IN THE SUPREME COURT

OF VICTORIA.

IN THE PROBATE JURISDICTION.

IN THE Will OF

James Cooper Stewart.

late of Kensington Road South Yarra and also of 116. Queen Street. Melbourne in the State of Victoria Solicitor deceased.

Order

FOR Probate.

17. 11. 19

MALLESON, STEWART, STAWELL & NANKIVELL,
PROCTORS,
46 QUEEN STREET, MELBOURNE.

Sands & McDougall Pty. Ltd., Printers, Melbourne.

In the Supreme Court
OF VICTORIA. } IN THE PROBATE JURISDICTION.

IN THE Will ___ of James Cooper Stewart.
late of Kensington Road South Yarra and also of 46.
Queen Street Melbourne in the State
of Victoria Solicitor ___ deceased.

BEFORE THE REGISTRAR

The Seventh day of November ___ 1919.

UPON APPLICATION this day made by the proctor for the Applicant and upon reading the several affidavits of George Alexander Waugh Stewart.
and Arthur Baker. ___

respectively sworn and filed herein THIS COURT DOTH ORDER that Probate
of the Will of the said James Cooper Stewart. be granted to
the said George Alexander Waugh Stewart. of 46. Queen Street.
Melbourne in the State of Victoria Accountant. one of the Executors
named therein leave being reserved to Albert Robert Higgins of 46.
Queen Street Melbourne aforesaid Accountant the other executor named
in the said Will to come in and prove the same Saving the rights
of the substituted Executrix named therein ~~the said~~ as well

STAMP DUTY EQUITY'S OFFICE MELBOURNE VICTORIA 2 POUNDS 2 7 NOV 1919

BY THE COURT

Registrar of Probates ~~and Administrations~~

In the Supreme Court
of the State of Victoria

169832 ~~169832~~

Probate Jurisdiction

In the Will of James Cooper Stewart late of Kensington Road South Yarra and also of 46 Queen Street Melbourne in the State of Victoria Solicitor deceased.

Inventory of Assets

Malleson Stewart Stawell & Nankivell
Proctors
46 Queen Street
Melbourne

"B"

In the Supreme Court of the State of Victoria } Probate Jurisdiction

In the Will of James Cooper Stewart late of Kensington Road South Yarra and also of 46 Queen Street Melbourne in the State of Victoria Solicitor deceased.

This is the Inventory marked "B" referred to in the affidavit of George Alexander Waugh Stewart sworn before me this 13th day of November 1919.

Henry Taylor

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

---

In the Supreme Court of the State of Victoria } Probate Jurisdiction

In the Will of James Cooper Stewart late of Kensington Road South Yarra and also of 46 Queen Street Melbourne in the State of Victoria Solicitor deceased.

Inventory of Assets

Real Estate. nil

Personal Estate.

Money in Bank on current account with.

The ~~Commercial~~ Commonwealth Bank of Australia Ltd.	£155.15.7	
National Bank of Australasia Ltd.	15.12.11	
Bank of New South Wales	126.8.3	
Royal Bank of Australia Ltd	1094.14.10	£1392.11.7

Debentures or Bonds

£500 War Loan. Inscribed Stock due _____

Carried forward £

Brought forward £		1392. 11. 7
due 1925. 4½ % at £96. 5/-	£481. 5. 0	
£500 war Loan. Inscribed Stock		
due 1927. 4½% at £96. 5/-	481. 5. 0	962. 10. 0
Interest on Inscribed Stock.		
Interest on said Inscribed Stock. £1000 at		
4½ % for 64 days		7. 17. 9
Shares		
1. £100 Preference share in Debenhams		
Proprietary Ltd at £100	£100. 0. 0	
1275 Bellambi Coal Co of £1 at 28/-	1785. 0. 0	
67 ordinary in National Bank of		
Australasia at £6. 1. 0	405. 7. 0	
Melbourne Trust Limited	18. 0. 0	2308. 7. 0
Debts due to the Estate.		
A. D. Johnson. advanced	£272. 0. 0	
Interest thereon at 10% from 13/6/1915 18/8/19	4. 18 4	
£373. 8. 4 Misses Hetherington. Cash advanced	96. 10. 0	373. 8. 4
Interest in a Partnership or business		
approximate value of deceased's share of costs and		
undrawn profits used in the business of		
Malleson Stewart Stawell & Nankivell		5065. 18. 11
Goodwill amount payable to deceased's		
estate for his share of goodwill in the		
business of Malleson Stewart Stawell &		
Nankivell		7000. 0. 0
		£17110. 13. 7

Dated this 13th day of November 1919

Jno. W. Stawell.
Executor

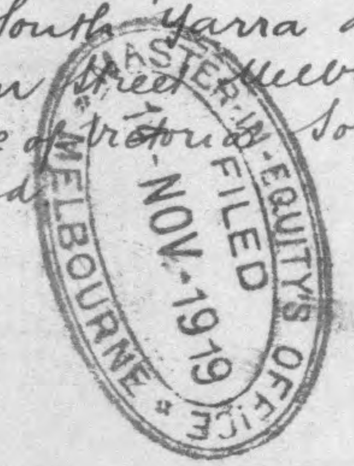
169832

In the Supreme Court

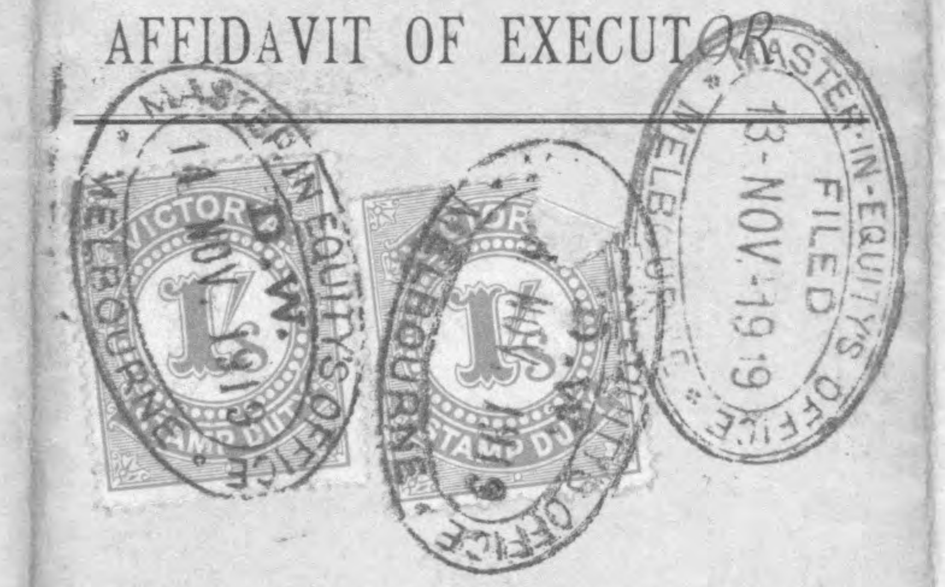
OF THE STATE OF VICTORIA.

PROBATE JURISDICTION

IN THE WILL of James Cooper Stewart late of Kensington Road South Yarra and also of 46 Queen Street Melbourne in the State of Victoria Solicitor deceased



AFFIDAVIT OF EXECUTOR



MALLESON, STEWART, STAWELL & NANKIVELL,
PROCTORS,
46 QUEEN STREET, MELBOURNE.

Sands & McDougall Pty. Ltd., Printers, Melbourne.

In the Supreme Court

OF THE STATE OF VICTORIA.

PROBATE JURISDICTION.

IN THE WILL of James Cooper Stewart
late of Kensington Road South Yarra and
also of 46 Queen Street Melbourne
in the State of Victoria Solicitor
deceased

I George Alexander Waugh Stewart of 46
Queen Street Melbourne in the State of Victoria Accountant
make oath and say—

1. That I am of the full age of twenty-one years and am seeking to obtain Probate of the Will of the above named James Cooper Stewart deceased. leave being reserved to Albert Robert Higgins of 46 Queen Street Melbourne aforesaid accountant to come in and prove the said will

2. That the said deceased died on the eighteenth day of August One thousand nine hundred and ~~eighteen~~ nineteen and was not married at the time of his death.

Nineteen H.H

3. That the said deceased left a Will bearing date the twentieth day of March One thousand nine hundred and nineteen which is as I believe the last Will of the said deceased and which is unrevoked.

4. That the said deceased was of the full age of twenty-one years at the date of the execution of the said Will.

5. That the paper writing now produced to me and marked "A" is the true last Will of the said deceased as I verily believe.

H.H

6. By his said Will the said testator appointed the said Albert Robert Higgins deponent and executors thereof.

7. That the said Will was executed in the presence of Lionel George Sinnott Law Clerk who now resides at 80 Shoobra Road Elsternwick in the said State and Francis Harold Henty Law Clerk who now resides at King Street East Malvern in the said State.

8. That the said deceased left no real estate in the State of Victoria ~~not exceeding in value~~

H.M. E but left

~~and~~ personal property in the said State not exceeding in value Seventeen thousand one hundred and ten pounds thirteen shillings and sevenpence

~~which amounts make together the sum of~~

particulars whereof appear in the Inventory now produced to me and marked "B."

9. That if I obtain Probate I will well and truly collect and administer according to law to the best of my 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 me as his Executor or of any other person or persons for me that I 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 me or to the hands or possession of any other person or persons for me and the same so made will sign with my proper hand writing 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 I will make or cause to be made a true and just account of the administration of the estate which I have undertaken as to my receipts and disbursements as to what portion is retained by me and what portion remains uncollected and the same so made will sign with my 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.

SWORN by the above-named deponent George Alexander Waugh Stewart at Melbourne in the State of Victoria this thirteenth day of November and nineteen One thousand nine hundred

Before me Geo. A. W. Stewart.

Henry Taylor

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

Retworn by the abovenamed deponent George alexander waugh Stewart at Melbourne in the State of Victoria this 13 day of November 1919 Before me Geo. A. W. Stewart.

Henry Taylor

a Commissioner of the Supreme court of the State of Victoria for taking affidavits

In the Supreme Court
of Victoria

169832

Probate Jurisdiction

In the Will of James
Cooper Stewart late of
Kensington Road South
Yarra and also of 46
Queen Street Melbourne
in the State of Victoria
Solicitor deceased

affidavit

G. A. W. Stewart

Malleson Stewart Stawell & Nankivell
46 Queen St
Melbourne

In the Supreme Court of Victoria } Probate jurisdiction

In the will of James Cooper Stewart late of Kensington Road South Yarra and also of 46 Queen Street Melbourne in the State of Victoria Solicitor deceased.

I George Alexander Waugh Stewart of 46 Queen Street Melbourne Accountant make oath and say:-

1. I am the applicant for Probate of the said will.
2. The delay in lodging the application for Probate was occasioned through my having to await the completion of the accounts and the taking of the balance sheet as at the date of said deceased's death and upon their competion the application was lodged.
3. The reasons for urgency herein are:-

(a) Mortgage transactions amounting to £13800 require settlement during the next few days

(b) Mortgage transactions amounting to £8800 require to be settled either to day or to morrow

N.L (c) The payment off of one mortgage of £~~5000~~ 2800 the interest from which constitutes the

J.L ~~mortgagees~~ beneficial owners of the mortgage main source of income has been arranged for this day and arrangements have also been made to reinvest the money simultaneously with such payment off. The mortgagor intends to tender the amount owing and unless I am

in a position to receive the same and discharge the mortgage the reinvestment of the moneys may be indefinitely postponed and the said beneficial owners will in the meantime lose interest on the said mortgage money.

(d) There are other transactions which are or will be delayed pending the order granting Probate.

J.H.

(e) The said deceased was the ~~surviving~~ survivor of the trustees who lent the moneys referred to above and until the order granting Probate hereon is made there is no one who can receive and discharge and otherwise deal with the said mortgage moneys.

Sworn at Melbourne in the State of Victoria this 14th day of November 1919 Before me

Geo. A. Watson

Henry Taylor

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

169832

IN THE SUPREME COURT OF

THE STATE OF VICTORIA.

PROBATE JURISDICTION.

IN THE WILL of JAMES COOPER STEWART late of Kensington Road South Yarra and also of 46 Queen Street Melbourne in the State of Victoria Solicitor deceased.

AFFIDAVIT OF PUBLICATION OF NOTICE AND OF SEARCHES.

MALLESON STEWART STAWELL & NANKIVELL,
Proctors,
46 Queen Street, MELBOURNE.

IN THE SUPREME COURT OF)
) PROBATE JURISDICTION.
THE STATE OF VICTORIA.)

IN THE WILL of JAMES COOPER STEWART late of Kensington Road South Yarra and also of 46 Queen Street Melbourne in the State of Victoria Solicitor deceased.

I, ARTHUR BAKER of 46 Queen Street in the City of Melbourne in the State of Victoria Clerk in the sole and permanent employment of Messrs. MALLESON STEWART STEWART & NANKIVELL only of the same place Proctors make oath and say:-

1. THAT the following advertisement duly appeared in the Argus newspaper published in Melbourne on the Seventeenth day of September One thousand nine hundred and nineteen 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 State of Victoria, in its Probate jurisdiction, that PROBATE of the LAST WILL of JAMES COOPER STEWART, late of Kensington road, South Yarra, and also of 46 Queen street, Melbourne, in the said State, solicitor, may be granted to George Alexander Waugh Stewart, of 46 Queen street, Melbourne aforesaid, accountant, one of the executors named in and appointed by the said will, leave being reserved to Albert Robert Higgins, of 46 Queen street, ------ Melbourne aforesaid, accountant, the other executor named therein and appointed thereby, to come in and prove the said will.

Dated this seventeenth day of September, one thousand nine hundred and nineteen.

MALLESON, STEWART, STAWELL, and NANKIVELL, of 46 Queen street, Melbourne, proctors for the applicants.

2. THAT I have this day searched and find that no Will of the above-named deceased has been deposited in the office of the ----- Registrar-General.

3. THAT I have this day searched in the proper office of this Honorable Court and find that no caveat has been lodged in this matter and further that no application for Probate or Administration in this matter has heretofore been made to or been granted by the Court or the Registrar.

4. THAT it is respectfully requested that this application be treated as an urgent one for the reason as I am informed and verily believe by the said George Alexander Waugh Stewart that there are transactions in connection with trust matters which necessitate a grant of probate herein before they can be completed and arrangements have been made to complete these transactions this week and financial loss will be sustained by some of the parties concerned. unless the said transactions are completed

SWORN at Melbourne in the State of Victoria)
this Thirteenth day of November One thousand) Arthur Baker
nine hundred and nineteen,)

Before me,

F Gwatkin Burnett

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

69832 Urgent

IN THE SUPREME COURT

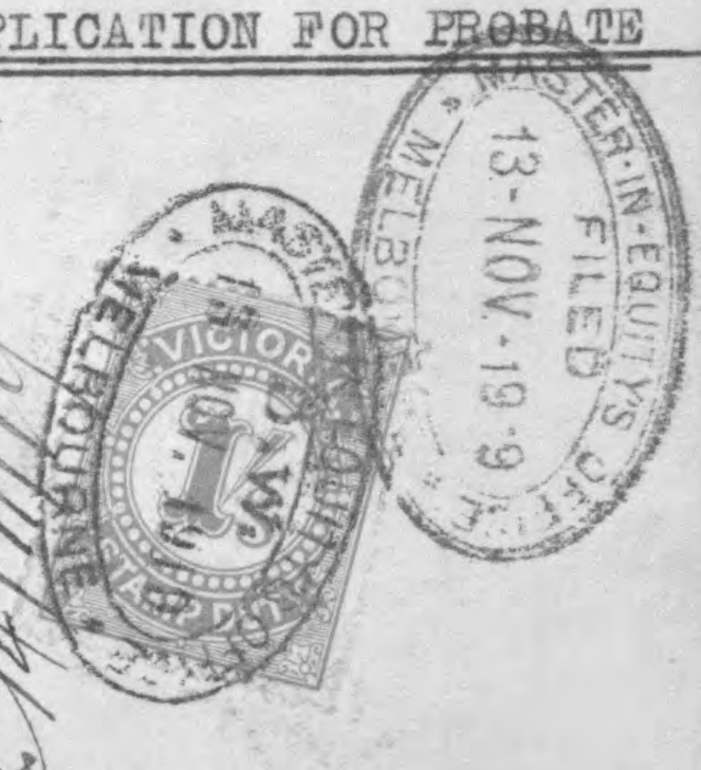
OF VICTORIA

PROBATE JURISDICTION

IN THE WILL of JAMES COOPER STEWART late of Kensington Road South Yarra and also of 46 Queen Street Melbourne in the State of Victoria ------ Solicitor deceased.

P R A E C I P E

ON APPLICATION FOR PROBATE



MALLESON STEWART STAWELL & NANKIVELL,
46 Queen Street,
MELBOURNE.