

559

Jan 29/61

In the Supreme Court
OF THE COLONY OF VICTORIA.

14 / 559

PROBATE JURISDICTION.

IN THE
Will
of *George Thomson* late
of *Vafnaguala* in the Colony
of Victoria *Merchant* deceased

ORDER FOR *Probate*

Accd
29/6/61
Barnett

In the Supreme Court
OF THE COLONY OF VICTORIA

IN ITS PROBATE JURISDICTION.

IN THE *Will* of *George*
Thomson late of *Tarnagulla*
in the Colony of Victoria *Merchant* deceased

Before His Honor W. Justice Moresworth

THE *Twelfth* day of *April* One thousand
eight hundred and seventy *six*

Upon hearing W. Evans of Counsel and

UPON READING the several affidavits sworn and filed herein IT IS ORDERED that

probate of the *Will* of the above named
deceased be granted to *Thomas Bourne and Arthur Tomelby*
of *Tarnagulla* in the Colony of
Victoria *Storekeepers* the *Executors* named in
and appointed by the said *Will*

BY THE COURT

Wm. Moresworth
Master in Equity

I Certify that the sum of \$ 752.85
for duty upon this Probate has been paid

Wm H Blair

22/6/76

In the Supreme Court
of the County of Nelson

14/ 559
In the Probate Jurisdiction

Copy
Probate

of the last Will and Testament
of George Thomson late of the
Parish of St. Andrew in the County
of Westmorland deceased

Recd

\$ 752.85

21/6/76

Wm H Blair

Asst. Clerk

James
Dunlop

In the Supreme Court
of the Colony of Victoria

In its Probate Jurisdiction

In the Will of George Thomson late of
Tarragulla in the Colony of Victoria
Merchant deceased

Be it known unto all men by these Presents that on
the twelfth day of April in the year of our Lord
one thousand eight hundred and seventy six the
last Will and Testament of George Thomson late
of Tarragulla in the Colony of Victoria Merchant -
deceased (a true copy whereof is herewith annexed)
was exhibited and proved before this Honourable
Court and administration of all and singular the
lands tenements and hereditaments goods chattels rights
credits effects and estate to the said George Thomson in
anywise belonging at the time of his death within the
Colony of Victoria was and is hereby committed to Thomas
Conrue of Tarragulla in the Colony of Victoria Merchant
and Arthur Herdman Somelby of Berlin in the Colony
of Victoria Storekeeper the Executors named in and appointed
by the said Will they the said Thomas Conrue and
Arthur Herdman Somelby having first duly sworn
that they will pay the debts of the said George
Thomson the Testator so far as the property left by him
will extend and the law bind them the said Thomas
Conrue and Arthur Herdman Somelby so to do and
that they will exhibit and deposit in the office of the
Master in Equity a true and perfect Inventory of
the goods chattels credits and estate of the said
deceased within three calendar months of the date of

the Order for Probate and a true and just
account of their administration of the estate
of the said deceased within fifteen calendar
months of the date of the said order pursuant
to the Rules of this Honorable Court and that the
said George Thomson deceased had at the time
of his death property within the said Colony
under the value of £ 20,000,

Testator sworn to have died
on the 26th day of Nov^r
A.D. 1875 and property
sworn under £ 20,000

By the Court
J W
Master in Equity

In the Supreme Court
of the Colony of Victoria }

In its Probate Jurisdiction

In the Will of George Thomson
late of Larvagulla in the Colony
of Victoria Merchant deceased

I Thomas Courrie of Larvagulla in the Colony
of Victoria Merchant make oath and say as follows

1. I am one of the Executors named in and appointed by the said Will -
2. I have read the Joint and several Affidavit of myself and Arthur Herdman Jowelly sworn in this matter on the Twenty fifth day of April last and the Exhibits annexed thereto being Statements A. B. C. D. E. and F.
3. The items of £13145-1-11 and £11095-2-11 in said Statement C include debts owing to my late firm to the extent of £2321-19-10 for which Bills of Exchange had been taken by my late firm and discounted
4. The items of £3557-5-11 in said Statements D and E are mere ledger entries to show the proportion in which the assets of my late firm are divisible -
5. The real estate of the late firm of Thomson and Courrie as shown by said Statement B amounts in value to Two thousand eight hundred and seventy three pounds -
6. The personal estate of the said firm as shown by said Statement C after deducting the item of £2321-19-10 mentioned in paragraph three of this my Affidavit amounts in value to Thirty thousand six hundred and seventy four pounds and eleven shillings
7. The liabilities of the said firm as shown by the said Statement E after deducting the ledger entry of £3557-5-11 amount to Two thousand one hundred and seventy six pounds seventeen shillings and ten pence -
8. After deducting the amount of the liabilities

from the amount of the real and personal estate of the said firm the sum of Thirty one thousand three hundred and seventy pounds thirteen shillings and two pence remains, which is the value of the net assets of the said firm as shown by the said statements -

9 The profit and loss accounts and capital accounts of the said firm show that the said sum of Thirty one thousand three hundred and seventy pounds thirteen shillings and two pence is divisible as follows, the sum of Seventeen thousand four hundred and sixty three pounds nineteen shillings and seven pence to the Executors of my late partner the said George Thomson deceased and the sum of Thirteen thousand nine hundred and six pounds thirteen shillings and seven pence to me this deponent

£17463-19-7
13906-13-7
£31370-13-2

Sworn at Armagulla in the Colony of Victoria this Seventh day of June One thousand eight hundred and seventy six

Thomas Condit

Before me

John Cooper

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

of Eighteen thousand eight hundred and
pounds nine shillings and five
pence half penny as such net value

Sworn at Tarnagulla
in the Colony of Victoria
by the said Thomas
Comrie this Twenty fifth
day of April in the
year of our Lord one
thousand eight hundred
and Seventy six

Thomas Comrie

Before me

John Payne

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

Sworn at Tarnagulla
in the Colony of Victoria
by the said Arthur
Herdman Tomelty this
Twenty fifth day of April
in the year of our Lord
One thousand eight
hundred and Seventy
six

A. H. Tomelty

Before me

John Payne

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 Supreme Court
of the Colony of Victoria

In its Probate Jurisdiction

In the Will of George Thomson late
of Tamagulla in the Colony of Victoria
Merchant deceased.

Statement A

Showing all Real Estate of or to which the
above named George Thomson deceased was at
the time of his death possessed or entitled within
the Colony of Victoria and the value thereof apart
from his interest in Real Estate belonging to the
firm of Thomson & Courie of which deceased was
at the time of his death a partner, which interest
is shown hereafter in Statement B

1 1 rood 4 perches and $\frac{4}{5}$ ^{ths} of a perch -

Crown allotments 3 and 4 Section 13^A
Township and Parish of Tamagulla County
of Gladstone. On these allotments is a
4 roomed wooden Cottage with iron roof
Kitchen and outhouses, fenced with flooring
boards, occupied by deceased at date of death.

2 22 $\frac{2}{5}$ ^{ths} perches - allotment 2 Section 13^A

Parish of Tamagulla, Township Tamagulla
County of Gladstone, unfenced, no
improvements, adjoins allotments 3 and 4
above mentioned.

250

3 1 rood 12 perches allotment 1 Section 4
Township and Parish of Waanyarra County
of Gladstone, on this is erected a 4

250

Thomas Courie
a 11 J. Melly

Brought Forward £ 250. 0. 0

	roomed wooden cottage, fenced with palings, unoccupied for about 12 years	75	
4	2 roods 13 perches - allotment 2 Section 4 Township and Parish of Waanyana County of Gladstone, unfenced, no improvements	5	
5	35 1/2 perches - allotment 10 Section 4. Township and Parish of Waanyana, unfenced no improvements	2	10
6	1 rood 3 perches - allotment 11, Section 4 Township and Parish Waanyana - Unfenced, no improvements	3	
		<hr/>	<hr/>
		£ 335	10

This is the exhibit marked A referred to in
the annexed affidavit of Thomas Courie and
Arthur Herdman Somelty sworn before me
this 25th day of April 1876.

J. McFarlane
A Commissioner &c

Statement B

Showing all Real estate of or to which the
before named George Thomson deceased and
Thomas Courie of Tamagulla in the Colony of
Victoria merchant were at the time of the
death of the said George Thomson jointly
possessed or entitled in the Colony of Victoria
and the value thereof - The said George
Thomson and Thomas Courie carried on

Thomas Courie
a H Somelty

business in Copartnership under the style or firm of
"Thomson & Corrie" and have an equal interest
in the properties described in this statement.

- | | | | | |
|----|---|------|---|---|
| 4 | 30 perches $\frac{3}{10}$ ^{ths} perches - allotment 1
Section 18. Township and Parish
of Tamagulla, County of Gladstone
Hufenced. no improvements -
unoccupied | 20 | " | " |
| 8 | 19 $\frac{1}{2}$ perches - allotment 9. section
13 Township and Parish of
Tamagulla, County of Gladstone
upon which is erected Weather
board store unoccupied for
5 years | 100 | " | ✓ |
| 9 | 25 $\frac{3}{5}$ ^{ths} perches allotment 3 section 13
Township and Parish. Tamagulla | | | |
| 10 | 1 road 11 $\frac{1}{5}$ perches - allotments 1 and 2
section 13 Township and Parish of
Tamagulla - large store 60 by 60
feet occupied by Thomson & Corrie
Weatherboard with brick front and
wooden Verandah. 3 roomed Cottage
wooden furniture store - 6 stall
stable, 2 Buggy houses. Large
underground Tank, Hay shed -
Brick cellar - The Tamagulla
business of "Thomson and Corrie"
was carried on in these premises | 1000 | " | " |
| 11 | 27 perches - allotment 4 section 19 ^A
Thomas Corrie
A W Corrierty | 1120 | " | " |

Township and Parish of Tamazulla -
 Slab store with zinc roof, fenced with
 paling - Unoccupied for 12 months -
 previously occupied by Chinamen at
 2/6 per week rent

20

12 2 woods, allotment 13, section 7 -
 Parish Waanyara - unfenced -
 no improvements, unoccupied

4

13 2 woods, allotment 14 section 7
 Parish Waanyara, unfenced,
 no improvements, unoccupied

4

14 1 wood 30 perches - allotment 3 section
 E Township of Clanelly Parish of
 Tamazulla -

15 1 wood 30 perches - allotment 4 section
 E Township of Clanelly Parish of
 Tamazulla - Weatherboard store
 with iron roof about 25 feet by 40
 feet, 2 stall stable, Million
 detached - fenced with post rail
 and paling, unoccupied for
 about 18 months, previously
 occupied by H.F. Elliott at rental
 of 15/- per week

300

16 14 perches - Part of allotment 31 section
 B Township of Clanelly Parish of
 Tamazulla - Stone Building -

Thomas Connel

1448

A H Tomletty

Brought Forw^d £ 1448

	Containing store and 2 rooms, iron roof, fenced with post and rails at back - now occupied by Alexander Black as Store and Post office but Black pays no rent and simply keeps the place in order	115	
17	1 rood 7 perches Allotment 1 section of Town of Launceston Parish of Launceston County of Bendigo - iron store about 25 feet by 30 feet, unfenced, occupied by Thomson & Bourne as store in which the Jane Vale business is carried on	110	" "
18	19 perches 1/5 th perch - allotment 1 section 14 ^A Parish of Tamarulla, County of Gladstone, Weatherboard Cottage Shingle roof, 4 rooms, fenced with paling, unoccupied for the last 12 months, previously occupied by Goodison at 2/6 per week	30	" "
19	1 rood 2 perches, allotment 11 section 13 Township and Parish of Tamarulla County of Gladstone -		
20	27 perches, allotment 11 ^A section 13 Township and Parish of Tamarulla County of Gladstone - Golden age Hotel, wooden building with shingle		
	Thomas Currie	£ 1703	" "
	W. J. J. J. J.		

Brought Forw^d £ 1703 ..

roof, containing Bar, Billiard room, Cellar
Commercial room and 8 other rooms,
Kitchen and servants room outside, large
stable, Buggy shed, wooden 1 room Cottage
in yard, occupied by Edward Lewis at
rental of £ 2 per week.

750 ..

21 27 perches $\frac{4}{5}$ perch, allotment 7 section
13 Township Tamapulla, weatherboard
Butchers shop with iron roof, 3
stall stable and shed, fenced
with paling, occupied by Walter
Egrieve at rental of £ 25 per year.
This property has been under offer
for £ 100 for some time, If the present
occupier removes there will be little
chance of obtaining another tenant.

100 ..

22 19 $\frac{1}{5}$ perches, allotment 8 section
13 Township of Tamapulla, No
buildings, fenced with paling -
unoccupied

10 .. 00

23 1 rood 9 perches allotment 11 section
2 Township Waanyana

24 1 rood 3 perches, allotment 10 section
2 Township Waanyana, these
allotments adjoin, fenced
with posts and rails, No other
improvements, unoccupied for
about seven years —

10 ..

Thomas Condie

£ 2573 ..

A. H. Tormenty

Brought Forw^d £2573

25 2 allotments at Berlin formerly held under business license, containing half an acre - iron store about 25 feet by 30 feet, weatherboard house with iron roof about 10 feet by 15 feet, partially fenced with palings, occupied by Thomson & Courie as store in which the Berlin business is carried on. This property has been recently purchased at Government land sale for Mess^{rs} Thomson & Courie but the Crown grant is not yet to hand

130

26 19 ⁴/₅ perches, allotment 2 section 14^A Township and Parish of Tamayulla

27 25 perches allotment 3 section 14 A Township and Parish of Tamayulla weatherboard Cottage with iron roof, 4 rooms, fenced with paling in front & slabs at sides and back, occupied by Jas. Jordan free spent for about 5 or 6 years, the said Jas Jordan being a connection of Testators by marriage

70

28 2 acres 14 perches, allotments 21 and 22 section 6 Township and Parish of Boddington County of Thomas Courie

2773

A. H. J. J. J.

Brought Forward £ 2773

Fallop, no improvements, unfenced
unoccupied

20

29 1 acre 2 roods $2\frac{2}{5}$ ¹⁶ perches. Allotment
18 Section 6 Parish and Township of
Boddington County of Fallop.

30 1 acre 1 rood $33\frac{1}{2}$ perches - Allotment
19 Section 6 Parish and Township
of Boddington County of Fallop, 4
roomed weatherboard Cottage,
iron roof, 2 stall stable and
Buggy house, fenced with saplings
has recently been sold to
Cornelius Shea since Testator's
death for £80.

80

£ 2873

This is the exhibit marked B referred to
in the annexed affidavit of Thomas
Courie, and Arthur Herdman Tomelty
sworn before me this 25th day of
April 1876

J. M. Payne
A Commissioner &c.

Statement "C"

Showing all personal Estate of or to
which the before named George Thomson
deceased and the before named Thomas
Courie were at the time of the death

Thomas Courie

A. M. Tomelty

of the death of the said George Thomson jointly possessed or entitled in the Colony of Victoria and the value thereof - The said George Thomson and Thomas Comrie carried on business in Partnership under the style or firm of "Thomson & Comrie" and have an equal interest in the personal estate described in this statement. The Testator died on the 26th November 1875 but it was impossible without serious loss to his Estate to complete the stock takings until 28th December 1875 and this statement is based on that stock taking, as the stock would not vary materially between the above dates. —

Stock of Groceries in store at Tamagulla taken on 28 th December 1875	3102	9	11
--	------	---	----

The previous stock taking was made on 7th August 1873 and was then £3402. 6. 3 - Both stock takings were made on a similar basis.

Stock of Drapery in store at Tamagulla taken on 28 th December 1875 -	2524	12	11
--	------	----	----

The previous stock taking was made on 7th August 1873 and was then £2084. 6. 5

Working plant in and about store at Tamagulla	272	.	"
---	-----	---	---

Debts due to Mess ^{rs} Thomson & Comrie in connection with the Tamagulla	5899	2	10
---	------	---	----

Thomas Comrie
A. H. Comely

Brought Forward £ 5899 2 10

Business and secured by mortgages, deposits
of deeds and Bills of Sale 13145 1 11

Unsecured debts due to Mess^{rs} Thomson
& Courie in connection with the Jamagulla
business 11095 2 11

Debt due to Mess^{rs} Thomson & Courie by
David Thomson of Bridgewater and secured
by Bills of Sale Exchange and deposits of
Deeds relating to his property there 1358 11 3

Stock of Grocery and Drapery and
working plant in Store of Mess^{rs}
Thomson & Courie at Janevale taken
on 14 December 1875 421 18 8

Unsecured debts due to Mess^{rs} Thomson & Courie
in connection with their business at Janevale 209 18 3

Stock of Grocery and Drapery and
working plant in Store of Mess^{rs}
Thomson & Courie at Berlin taken
on 24 December 1875 549 17

Unsecured debts due to Mess^{rs}
Thomson & Courie with in connection
with their business at Berlin 193 17 6

Debt due by Testator to Mess^{rs}
Thomson & Courie for his excess
in private account over and
above amount of Mr. T. Courie's
private account 15 9 1

Wm. A. Courie
A. H. Somerville
£ 32888 19 5

	Brought forward	£ 32888	19	5
Cash in Union Bank Tamagulla to		71	7	5
credit of Messrs Thomson & Courie				
Cash in hand		36	4	
		£ 32996	10	10

This is the exhibit marked "C" referred to in the annexed affidavit of Thomas Courie and Arthur Herdman Tomelty sworn before me this 25th day of April 1876

John Joseph

A Commissioner &c.

Statement D

Showing all personal Estate of or to which the before named George Thomson deceased was at the time of his death possessed or entitled in the Colony of Victoria and the value thereof - apart from his interest in the personal Estate belonging to the firm of Thomson & Courie of which deceased was at the time of his death a partner, which interest is shown in Statement "C"

Household furniture and effects in private residence at Tamagulla including Jewellery plate and all other personal effects. The valuation placed on these effects is that which the Testator estimated

Thomas Courie

A. H. Tomelty

during his life time and to the amount
for which Testator kept them insured

850 .

Debt due by Mess^{rs} Thomson & Courie
to Testator being the excess of capital
invested by him in the business
over and above the Capital invested
in the business by Mr. J. Courie .

3557 5 11

£ 4407 5 11

This is the Exhibit marked D referred to in
the annexed affidavit of Thomas Courie
and Arthur Herdman Somelty sworn before
me this 25th day of April 1876

John Payne
A Commissioner &c

Statement E

showing the liabilities of the said firm of
Thomson & Courie at date of the death of the
said George Thomson - The said George
Thomson and Thomas Courie carried on
business in Copartnership under the style or
firm of "Thomson & Courie" and had equal
shares in the business - The Estate of
deceased is therefore liable for one half of the
liabilities set forth in this statement

To Testator being excess of capital
invested by him in the business over and
above capital invested therein by J. Courie

3557 5 11

Thomas Courie
A Somelty

	Brought Forward	£	s	d
	3557	5	11	
To Newbridge Brewery Coy Brewer	6	15		
" W. Sutherland, Biscuit maker	2	6	11	
" George Chamley, Miner	116	4	9	
" Hedley & Co., Brewers	2	5		
" Stunmy, Miner	10			
" Sheridan & Co., Brewers	9			
" B. Hodges Wages	45			
" Schukraft, paper	18	6	9	
" J. Henderson & Co. Machinists	71	18		
" Rowden Bros. Tin workers	12	14	6	
" Toohy & Co., Merchants	32	5		
" Smith Ferguson & Co., Merchants	33	15		
" Jas. Service & Co., Merchants	502	6	2	
" Briscoe & Co., Merchants	14	7	1	
" Virgey Son & Co., Merchants	28	8		
" Coe & Green, Merchants	12	12		
" Roche & Co., Furniture Dealers	36	1	8	
" Whitney Chambers & Co., Ironmongers	1	16		
" William Peterson & Co., Merchants	28	15	3	
" Robert Harper & Co.	28	3	2	
" Jas M. Ewan & Co. Merchants	67	3	1	
" Daily Telegraph Proprietors		19	6	
" Saunders Lazarus & Co., Merchants	16	1	9	
" Council Hogarth & Co.	65	10		
" Watson & Paterson, Bacon Curers	17	8		
" Jas Dodgshun & Son Drapers	105	0	8	
" Langood Son & Co., Merchants	55	12	11	
" Cochran & O'Brien Drapers	93	19	4	
" McArthur Sheridan & Copland, Drapers	36	4	7	
" Brooks Robinson & Co., Glass merchants	23	6	7	
" William Watson Sons, Merchants	128	1	2	
Thomas Conroy	£	5153	13	9

A. H. Somelty

Brought Forw ^d £ 5153	13	9
To Contingent liability on Trade Bills received from Customers and discounted at Union Bank Jamaica amounting to £ 2321. 19. 10 -		
The Contingent liability on these Bills cannot be estimated at less than 25 per Cent. which gives	580	10
	£ 5734	3 9

This is the Exhibit marked E referred to in the annexed affidavit of Thomas Courie and Arthur Herdman solemnly sworn before me this 25th day of April 1876

John Joyce
A Commissioner &c.

Statement F

Showing the net value of the Estate of the said George Thomson deceased at the date of his death.

Assets

Private real Estate as shown in Statement A	335	10
One half the Real Estate of the firm of Thomson & Courie as shewn in Statement B	1436	10
One half of the personal Estate of Thomson & Courie as shewn in Statement C	16498	5 5
Private personal Estate as shown in Statement D	4407	5 11
Thomas Courie	£ 21677	11 4

A. J. Jernally

Total assets £ 21674 11 4

Liabilities

Private liabilities - None -

One half of the liabilities of the firm of Thomson & Courie as shown in statement E .

2867 1 10 1/2

Net value of estate £ 18810 9 5 1/2

This is the exhibit marked F referred to in the annexed affidavit of Thomas Courie and Arthur Herdman Tomelty sworn before me this 10th day of April 1876

John Taylor
A Commissioner &c

Thomas Courie
A. H. Tomelty

I certify amount chargeable with duty

~~£ 18810 9 5 1/2~~

~~£ 22267 11 4~~

~~£ 22267 11 4~~

~~*John Taylor*~~

2/15/76

I certify amount chargeable with duty

£ 18810 9 5 1/2

W. W. Cair

10/6/76

In the Supreme Court
of the Colony of Victoria

In its Probate Jurisdiction

In the Will of George Thomson
late of Tamagulla in the Colony
of Victoria Merchant deceased

We Thomas Cowrie of Tamagulla in
the Colony of Victoria Merchant and Arthur
Herdman Tomelty of Berlin in the Colony of
Victoria Storekeeper jointly and severally
make oath and say as follows that is to
say -

- 1 We are the Executors named in and
appointed by the Will of the above named
George Thomson deceased. —
- 2 The paper writing herunto annexed
marked A contains a true statement of
all the real Estate of or to which the
above named George Thomson deceased was
at the date of his death possessed or entitled
within the Colony of Victoria and the value
thereof so far as we know and believe
save and except the share and interest
of the said George Thomson of and in
the real Estate belonging to the firm of
"Thomson & Cowrie" of which firm the
said George Thomson was at the time of
his death a partner which said share
and interest are hereinafter referred to
in paragraph Four of this our affidavit.
- 3 At the time of the death of the said

George Thomson he was carrying on business at Yamagulla aforesaid and elsewhere in the Colony of Victoria in Copartnership with the said Thomas Courie as merchants and Storekeepers under the style or firm of "Thomson & Courie" and the said George Thomson was entitled to one half the assets and profits of the said Copartnership and the said Thomas Courie was entitled to the other one half of the assets and profits of the said Copartnership. -

4 The paper writing hereunto annexed marked "B" contains a true statement of all Real Estate of or to which the said George Thomson and the said Thomas Courie were at the time of the death of the said George Thomson jointly possessed or entitled as such Copartner as aforesaid and the value thereof to the best of our knowledge and belief the said George Thomson at the time of his death being entitled to one half of such real Estate

5 The paper writing hereunto annexed marked C contains a true statement of all personal Estate in the Colony of Victoria of or to which the said George Thomson and Thomas Courie were at the time of the death of the said George Thomson jointly possessed or entitled as such Copartners as aforesaid and the value thereof to the best of our knowledge and belief, the said George