Probate

of

The last Will and Testament
and one Codicil
of

Elizabeth Griffiths

No. 3489. In the Supreme Court, Ecclesiastical
of Tasmania Jurisdiction

Be it known unto all men by these presents that on the nineteenth day of March in the year of our Lord one thousand eight hundred and eighty eight the last Will and Testament with one Codicil thereto of Elizabeth Griffiths late of Launceston in Tasmania Widow deceased who died at Launceston in Tasmania on the ninth day of February one thousand eight hundred and eighty eight (a true copy of which Will and Codicil is hereunto annexed) was exhibited and proved before this Honorable Court and that Administration of all and singular the goods chattels rights credits and effects of the said deceased within the Island of Tasmania and the Dependencies thereof was and is hereby committed unto William Lawrence Jenkin of Launceston aforesaid Lawyer and Tinsmith one of the Executors in the said Will named (William Aikenhead of Launceston aforesaid Journalist the other Executor in the said Will named having by Deed Poll under his hand and seal dated the twenty second day of February one thousand eight hundred and eighty eight duly renounced Executorship of the said Will and Codicil) He the said William Lawrence Jenkin having been first sworn well and truly to perform the said Will and Codicil by paying first the debts of the said deceased and then the legacies therein bequeathed so far as the estate shall thereunto extend and the law bind him And to make and exhibit unto this Honorable Court a true and perfect Inventory of all and every the goods chattels rights credits and effects of the said deceased on or before the thirteenth day of September now next ensuing And to render a just and true account of his Executorship when he shall lawfully be called thereunto And further that he believes the goods chattels rights credits and effects of the said deceased at the time of his death did not exceed in value the sum of One hundred and eighty pounds in Tasmania and the Dependencies thereof

Given under my hand and the Seal of the Supreme Court of Tasmania the Sixth day of April in the year of our Lord one thousand eight hundred and eighty eight
By the Court

G. Pallen Adams
Registrar

Seal of the Supreme Court of Tasmania affixed

Elliston & Walker for Waldron Proctor
2 folios
Dict. 9 fos.

This is the Last Will and Testament of me Elizabeth

Griffiths of Launceston in Tasmania Widow I bequeath to my Daughter Jane Jones the Wife of George Jones of Longford in Tasmania the sum of One hundred pounds I bequeath to my Daughter Eliza Bencraft the Wife of George Bencraft of Melbourne in the Colony of Victoria the sum of One hundred pounds I bequeath to my Daughter Helen Emma Aikenhead the Wife of William Aikenhead of Launceston aforesaid Journalist the sum of One hundred pounds I bequeath to my Daughter Anne Griffiths of Launceston aforesaid Spinster during her life the use and enjoyment of all the Books pictures plate linen china household furniture and household effects which shall at my decease be in or about my Dwelling-house And I require my Executors as soon as practicable after my decease to cause an Inventory to be taken of the same in duplicate and for them and my said Daughter to sign both parts and that one part shall be kept by my said Daughter and the other part by my Executors And I direct that after the decease of my said Daughter the said Books pictures plate linen china household furniture and household effects shall fall into and form part of my Residuary Trust Estate and shall be sold by my Trustees and the net proceeds divided as hereinafter directed with regard to that Estate I direct my Executors as soon as conveniently may be after my decease to obtain payment from my sons Frank Henry Griffiths and Clarence George Griffiths of all moneys owing by them to me as various advances made to them by me have been so made on the distinct understanding that they should be repaid at my decease as my said sons will then have ample means out of which to provide the said moneys. I devise and bequeath all my Real and Personal estate whatsoever (except what I otherwise dispose of by this my Will or any Codicil hereto) unto and to the use of my son-in-law the said William Aikenhead and my friend William Lawrence Jenkin of Launceston aforesaid Assayer and Timekeeper their heirs executors and administrators respectively Upon trust as to the Cottage I have recently erected upon the Traveller's Rest property situate at Muddy Plains in Tasmania to set the same aside and also one acre of land immediately adjoining thereto and to allow my said Daughter Anne Griffiths to use and occupy the same or permit her to receive the rents and profits thereof during her life And after her decease the same shall fall into and form part of my residuary Trust Estate and shall be sold by my said Trustees and the net proceeds divided as hereinafter directed with regard to that Estate And as to the remainder of my said real and personal estate Upon trust that they the said William Aikenhead and William Lawrence Jenkin or the survivor of them or the heirs executors or administrators (as the case may be) of such survivor shall in such manner and under such stipulations and upon such terms in all respects as they or he shall think fit sell collect or otherwise convert into money (according to the nature of the premises) all such parts of the same premises as shall not consist of ready money and may buy in or rescind any contract for sale or of any other description and resell without being answerable for any loss and may for the purposes aforesaid execute and do all such assurances and things for effectuating such sale as they or he shall think fit And shall out of the moneys to arise from such sale collection and conversion and the money of which I shall be possessed at my death pay my Funeral and Testamentary expenses and debts and the legacies other than specific bequeathed by this my Will or any Codicil hereto And shall invest the residue of the said moneys in the names or name or under the legal control of the said William Aikenhead and William Lawrence Jenkin or the survivor of them in or upon Debentures of the Government of Tasmania or in or upon Mortgage of real estate in Tasmania or on fixed deposit at interest in any bank in Tasmania with power to vary the said securities at their or his discretion And shall pay the income of the said Trust moneys and the investments for the time being representing the same quarterly to my said daughter Anne Griffiths during her life And after her decease shall hold the said moneys herein called my Residuary Trust Estate together with other moneys falling in as aforesaid Upon trust to divide the same equally between and among my said Daughters Jane Jones Eliza Bencraft and Helen Emma Aikenhead And in case at the time of the distribution of my Residuary Trust Estate or any portion thereof any of my said three Daughters shall be deceased then I direct that the share of any such as shall be so deceased shall be equally divided between and among her or their Daughters And I declare that the legacy or share of any Female under this my Will shall be for her sole and separate use and benefit and free from the debts control and engagements of her present or any future husband and so that her receipt alone shall be a sufficient discharge for the same And I declare that the Trustee or Trustees for the time being of this my Will may postpone the sale and conversion of my Real and Personal Estate or any part thereof for so

long as they or he may think fit And that the rents profits and income to accrue from and after my decease of and from such part of my Real and Personal Estate as shall for the time being remain unsold and unconverted shall after payment thereout of all incidental expenses and outgoings be paid and applied to the person or persons and in the manner to whom and in which the moneys produced by such sale and conversion would for the time being be payable or applicable under this my Will if such sale and conversion had been actually made And I declare that the power of appointing a new Trustee or Trustees of this my Will shall be exercisable by the surviving or continuing Trustee or Trustees for the time being or the acting executors or executor administrators or administrator of the last surviving and continuing Trustee or by the last retiring Trustee or Trustees And upon any such appointment the number of Trustees may be augmented or reduced I devise all estates vested in me as a Trustee or Mortgagee unto the said William Aikenhead and William Lawrence Jenkin their heirs executors and administrators subject to the trusts and equities affecting the same respectively but so that the money secured by any Mortgage shall form part of my personal estate I appoint the said William Aikenhead and William Lawrence Jenkin Executors of this my Will And I revoke all former Wills and Testamentary dispositions heretofore made by me and declare this to be my last Will In witness whereof I the said Elizabeth Griffiths have to this my Will contained in this and the two preceding sheets of paper set my hand at Launceston aforesaid this Twenty sixth day of January in the year of our Lord One thousand eight hundred and eighty seven ——— Eliza. Griffiths ——— Signed and acknowledged by the before named Elizabeth Griffiths as her Will in the presence of us present at the same time who at her request in her presence and in the presence of each other have hereunto subscribed our names as Witnesses ——— J. B. Waldron. Sol. Launceston. ——— J. Richardson. Clerk to J. B. Waldron. Sol. Launceston.

This is a First Codicil

to the last Will and Testament of me Elizabeth Griffiths of Launceston in Tasmania Widow which Will is dated the twenty sixth day of January One thousand eight hundred and eighty seven Whereas amongst the real estate devised by my said Will to my Trustees William Aikenhead and William Lawrence Jenkin Upon trust for sale and disposal as therein provided is Fifty acres of land (part of One hundred acres of land situated on the Parramata Road in the Colony of New South Wales known by the name of Shorleys Farm) and other land in the Colony of New South Wales all devised to me by the Will of my Father Samuel Shorley late of Richmond in the Colony of New South Wales deceased but I have never obtained actual possession of any of the said land Therefore as to these two properties I am desirous of making a special provision as follows I devise the said Fifty acres of land situated on the Parramata Road aforesaid and all other my land in the said Colony of New South Wales unto and to the use of the said William Aikenhead and William Lawrence Jenkin their heirs and assigns Upon trust as soon as conveniently may be after my decease to make all proper enquiries as to the said properties and if after enquiry they shall see a reasonable probability (of which they shall be the sole judges and without personal responsibility) of my title to the said properties or either of them being capable of being made perfect and possession being obtained at little risk and expense then to take all such steps as they may think necessary or be advised to establish my title thereto and to obtain the possession the possession thereof And should they succeed in so establishing my title and obtaining such possession then to sell and dispose of the same with all convenient speed in the manner directed by my said Will And as to the proceeds of such sale (if any) I direct my Trustees (after payment of all expenses whatsoever connected with the said properties) to divide the same equally between all my children living at the time of the sale of such properties And in all other respects I hereby confirm my said Will In witness whereof I the said Elizabeth Griffiths have to this First Codicil to my last Will and Testament set my hand at Launceston aforesaid this thirty first day of January in the year of our Lord One thousand eight hundred and eighty eight ——— Eliza. Griffiths ——— Signed and acknowledged by the before named Elizabeth Griffiths as a First Codicil to her last Will and Testament in the presence of us present at the same time who at her request in her presence and in the presence of each other have hereunto subscribed our names as Witnesses J. B. Waldron. Sol. Launceston. ——— Rhoda Bound. Launceston. ———

Testatrix died, 10th February 1888. ——— Inventory with the Papers.

In the Will of Elizabeth Griffiths deceased.

Disclaimer by William Aikenhead

To all to whom these presents shall come William Aikenhead formerly of Launceston in Tasmania Journalist but now of Formby in Tasmania Gentleman Sends Greeting Whereas Elizabeth Griffiths late of Launceston aforesaid Widow duly made and executed her last Will and Testament in writing dated the Twenty sixth day of January One thousand eight hundred and eighty seven and thereby (after making several bequests and giving certain directions as to a part of her personal estate) devised and bequeathed All her Real and Personal Estate whatsoever (except what she otherwise disposed of by that her Will or any Codicil thereto) unto and to the use of her Son-in-Law the said William Aikenhead and her friend William Lawrence Jenkin of Launceston aforesaid Assayer and Ironmeller their executors and administrators respectively Upon trust as to the Cottage she the Testatrix had recently erected upon the Traveller's Rest Property situate at Huntly Plains in Tasmania to sell the same aside and also one acre of land immediately adjoining thereto and to allow her Daughter Anne Griffiths to use and occupy the same or permit her to receive the rents and profits thereof during her life And after her decease directed that the same should fall into and form part of her the said Testatrix's Residuary Trust Estate and should be sold by her said Trustees and the net proceeds divided as thereinafter directed with regard to that Estate And as to the remainder of her said real and personal Estate Upon trust that they the said William Aikenhead and William Lawrence Jenkin or the survivor of them or the heirs executors or administrators (as the case might be) of such survivor should in such manner and under such stipulations and upon such terms in all respects as they or he should think fit sell collect or otherwise convert into money (according to the nature of the premises) all such parts of the same premises as should not consist of ready money and should out of the moneys to arise from such sale collection and conversion and the money of which she should be possessed at her death pay her Funeral and Testamentary expenses and debts and the legacies other than specific bequeathed by that her Will or any Codicil thereto And should invest the residue of the said moneys as therein mentioned And should pay the income of the said Trust moneys and the investments for the time being representing the same quarterly to her said Daughter Anne Griffiths during her life And after her decease should hold the said moneys therein called her Residuary Trust Estate together with other moneys falling in as aforesaid Upon trust to divide the same equally between and among her (the Testatrix's) daughters And the said Testatrix thereby appointed the said William Aikenhead and William Lawrence Jenkin Executors of that her Will And whereas the said Testatrix made and executed a First Codicil to her said Will dated the Thirty first day of January One thousand eight hundred and eighty eight whereby she made special provision as to such part of her real estate as is situated in the Colony of New South Wales but in all other respects confirmed her said Will And whereas the said Testatrix died at Launceston aforesaid on the Tenth day of February One thousand eight hundred and eighty eight without having revoked or altered her said Will except so far as the same was altered by her said Codicil as hereinbefore mentioned And whereas the said William Aikenhead hath never in any respect acted and hath wholly refused to act as a Trustee and Executor of the said Will and Codicil Now these presents witness that he the said William Aikenhead hath from the decease of the said Elizabeth Griffiths absolutely disclaimed and renounced and by these presents doth absolutely disclaim and renounce all the real and personal estate and effects whatsoever given devised or bequeathed by the said Will and Codicil And also the respective offices of Trustee and Executor of the said Will and Codicil and all trusts powers and authorities whatsoever by the said Will and Codicil expressed to be reposed in or given to them the said William Aikenhead and William Lawrence Jenkin their heirs executors administrators and assigns and all rights and privileges belonging or annexed to the same or in anywise relating thereto In witness whereof the said William Aikenhead hath hereto set his hand and seal at Formby aforesaid this Twenty second day of February One thousand eight hundred and eighty eight

Signed sealed and delivered by the before named William Aikenhead in the presence of

John Eykes
Soln.
Launce

Wm Aikenhead. (L.S.)