

Dated 10th April, 1879

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Codicil

to

the Will of

*The Honble George
Ward Cole.*

Wingender Charley & Dickson

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This is a Codicil to the last Will of me George Ward Cole of St. Ninians Brighton Commander R.N.

and a Member of the Legislative Council of the Colony of Victoria which Will bears date the Ninth day of October One thousand eight hundred and seventy one I direct the Trustees or Trustee for the time being of my said Will to pay to my Son Farguhar Mc Crae Cole during the lifetime of my Wife Thomas Anne Cole an annuity of One hundred and fifty pounds a year to be considered as accruing from day to day but to be paid by equal half yearly payments the first whereof shall be made at the expiration of six calendar months from my death And I direct and declare that if the income or derivable from my residuary personal estate shall in any year or years be less than the sum of Six hundred pounds then I direct that in any such year or years the annuity so made payable to my said Son shall be reduced to the sum of One hundred pounds. And whereas my said Wife by Indenture dated the Twenty first day of December One thousand eight hundred and seventy four and made between herself of the first part, myself of the second part and Margaret Morison Cole and Agnes Bruce Cole Cole the daughters of myself and my said Wife Thomas Anne Cole of the third part a certain piece or parcel of land containing eight acres two roods and thirty two perches situate in the Parish of Moorabbin and therein more particularly described upon part of which land is built the messuage or tenement now in the occupation of myself and family was upon the death of the survivor of myself and my said Wife granted and appointed by my said Wife unto and to the use of our said daughters Margaret Morison Cole and Agnes Bruce Cole Cole their heirs and assigns as tenants in common And in case of sale of any of the said land and of the proceeds of sale being invested in the purchase of other land or laid out upon Mortgage then my said Wife directed such purchased lands or the moneys the proceeds of any sale of the land to be equally divided between our two said daughters And whereas I am desirous of making a further provision for my said Son Farguhar Mc Crae Cole so as to make the share to which he shall upon the death of my said Wife be entitled under my Will equal to the share which each of my said two daughters will take under my Will and under the beforesaid

This is the Codicil marked B referred to in the annexed affidavit of Thomas Anne Cole and James Graham and produced before me and Thomas Anne Cole on her swearing the affidavit before me this 27th day of May 1879
John Hamilton Commissioner

This is the Codicil marked B referred to in the annexed affidavit of Thomas Anne Cole and James Graham and produced before me and Thomas Anne Cole on her swearing the affidavit before me this 28th day of May 1879
James Graham Commissioner

Witnesses
Bessie Graham
Robert J. Goodman

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George Ward Cole

mentioned Indenture of grant and appointment taken together
 Now I direct and declare that the Trustees or Trustee for the
 time being of my said Will shall upon the death of my said
 Wife ascertain by valuation or otherwise the value of the said
 piece or parcel of land so granted and appointed by my said
 Wife as aforesaid or in case of a sale thereof or of any part
 thereof having been made then the value of my said daughters
 shares in the aforesaid investments (and I expressly declare that the
 valuation so made by my said Trustees or Trustee shall be final
 and conclusive) And I direct that my said Trustees or Trustee
 shall out of my residuary personal estate pay to my said Son
 Farquhar Mc Crae Cole an amount equal to one equal half
 part of such valuation for his absolute use and benefit and I
 make the same payment a first charge upon my said residuary
 personal estate And I declare that my said Trustees or
 Trustee shall stand possessed of the remainder of my said
 residuary personal estate and of the stocks funds shares and
 securities upon which the same shall be invested and the
 interest dividends and income thereof Upon trust for my
 said three children being my only surviving children and the
 surviving children of my present marriage viz: Farquhar Mc Crae
 Cole Margaret Morison Cole and Agnes Bruce Cole Cole equally
 between them as tenants in common And in all other respects
 I confirm my said Will **In witness** whereof I have to
 this Codicil to my last Will comprised in this and the preceding
 sheet of paper hereunto set my hand this Twelfth day of
April One thousand eight hundred and seventy nine.

Signed and acknowledged by the said Testator
 George Ward Cole as a Codicil to his last Will in the
 presence of us, present at the same time, who in his
 presence at his request and in the presence of each
 other have hereunto subscribed our names as witnesses.

George Ward Cole

Bessie Graham
 Morrallo San Brighton

Robert J. Bodman

Attended Clerk to Edward Sharkey
 Solicitor

Melbourne

Dated 7th Decr 1871.

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Will

of

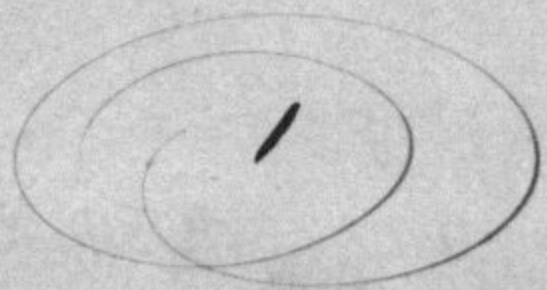
*The Honble Geo:
Ward Cole. —*

ⓧ

Klingender & Charoley

The Honorable George Ward Cole of the City of Melbourne
in the Colony of Victoria a Member of the Legislative Council of the
said Colony hereby revoke all Wills Codicils and other Testamentary
dispositions heretofore made by me and declare this to be my last
Will and Testament I bequeath unto my wife *Thomas Ann*
Cole all my fixtures furniture plate plated articles glass china
Earthenware Musical Instruments Books linen Watches Jewels or
and Ornaments of the person which respectively at the time of my
death shall be in or about or belonging to the Dwellinghouse
which at the time of my death shall be my principal place
of residence I devise all the Mesuages lands tenements or
hereditaments and real estate (including chattels real) of or to which
I shall at my death be seized possessed or entitled or over which
I shall at my death have a general power of appointment or
disposition by Will (except Trust estates and estates vested in me
by way of Mortgage) unto and to the use of my said Wife
and *The Honorable James Graham* of the said City of Melbourne
a Member of the Legislative Council of the said Colony their heirs
executors and administrators respectively according to the tenure thereof
respectively Upon trust that my said Wife and the said *James*
Graham or the survivor of them or the heirs executors or administrators
respectively of such survivor shall sell the same either together or in
parcels and either by public auction or private contract and may
make any stipulations as to title or evidence or commencement of
Title or otherwise which they he or she shall think fit and
may buy in resold or vary any contract for sale and resell or
without being answerable for any loss occasioned thereby and
may for the purposes aforesaid or any of them execute and do all
such assurances and things as they he or she shall think fit
I bequeath all the money securities for money goods chattels
credits and personal estate of or to which I shall at my death
have a general power of appointment or disposition by Will (except
what else I otherwise dispose of by this my Will) unto my
said Wife and the said *James Graham* their executors and
administrators Upon trust that my said Wife and the said *James*
Graham or the survivor of them or the executors or administrators

George Ward Cole



This is the Will made & signed
by the deceased Applicant of *Thomas*
Ann Cole and *James Graham* and
produced to the said *Thomas Ann Cole*
on her swearing the affidavit before
this 27th day of May 1879

John Hamilton
Commissioner

This is the Will made & signed
by the deceased Applicant of *Thomas*
Ann Cole and *James Graham* and
produced to the said *James*
Graham on his swearing the
affidavit before this 28th
day of May 1879

James Graham
Commissioner

Witnesses
James Graham
John Hamilton

H/9

of such survivor shall call in sell and convert into money ~~and~~
 such parts thereof as shall not consist of money And I declare
 that my said Wife and the said James Graham and the
 survivor of them and the heirs executors and administrators ~~and~~
 respectively of such survivor shall out of the moneys to arise
 from the said real estate hereinbefore devised in trust for sale
 and from the calling in sale and conversion into money of
 such parts of the said personal estate lastly hereinbefore bequeathed
 as shall not consist of money and out of the ready money of
 which I shall be possessed at my death pay my funeral
 and testamentary expenses and debts And shall invest the
 residue of the same moneys in the names or name or under
 the legal control of them him or her the said Trustees or so
 Trusted for the time being in any of the public stocks or funds
 or Government Securities of the United Kingdom of Great Britain
 and Ireland or any of the Australasian Colonies or upon freehold
 securities in any of the said Colonies or in or upon the Stocks
 funds shares debentures mortgages or securities of any dividend paying
 Corporation Company or public body Municipal Commercial or
 otherwise (not being a Mining Company) in any of the said
 Colonies and may from time to time vary or transpose such
 Stocks funds shares and securities into or for others of any
 nature hereby authorised and shall pay the interest dividends
 and income of the said residuary moneys and of the Stocks
 funds shares and securities in or upon or into which the
 same or any part thereof may be invested or transposed to
 my said Wife (or permit her to receive the same during her life
 subject to the obligation of maintaining such of my daughters
 as shall be spinsters but without liability to account so long as
 she shall duly and adequately maintain such my said daughters
 and after her death shall stand possessed of the said moneys or
 Stocks funds shares and securities and the interest dividends and
 income thereof In trust for all my children sons as well as
 daughters in equal shares but if there shall be but one child
 then for that child absolutely Provided always and I
 hereby declare that if any child of mine shall die in my lifetime

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Witnesses

James Graham

H. Clutterbuck

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George Maude

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leaving a Child or Children the Child or Children of him or her so dying as aforesaid who being male shall attain the age of twenty one years or being female shall attain that age or marry shall take (and if more than one equally between them) the share to which his her or their parent would have or been entitled of and in the trust premises if such parent or had survived me Provided always and I hereby declare that during the lifetime of my said wife the Trustees or Trustee for the time being of this my Will shall unless she shall otherwise direct in writing defer and postpone the sale or conversion and collection of the whole or any part or parts or parts of my said real and personal estate respectively and permitting my said wife to have the full use and enjoyment thereof and to receive the rents and profits thereof during her life without having to account to the other Trustees of my Will who shall be exonerated from all liability in respect thereof, and from and after the decease of my said Wife then it shall be lawful for the Trustees or Trustee for the time being of this my Will to defer and postpone the sale conversion and collection of the whole or any part or parts of my said real and personal estate respectively so long as to such Trustees or Trustee shall in their or his or her uncontrolled discretion think proper 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 thereof of all incidental expenses and outgoings be paid and applied to or be permitted to be received by the person or persons and in the manner to whom and in which the income of 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 I devise all the hereditaments which at my death shall be vested in me for an estate of inheritance upon any trusts or by way of Mortgage or and of which I shall at my death have power to

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Witnesses

George R. Rye
H. Clutterbuck

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George R. Rye

dispose by Will unto George Gilmore of St Kilda near Melbourne
 aforesaid Gentleman and my Son Languhar McBae Cole
 and their heirs upon the trusts and as to any mortgages subject
 to the equity of redemption which at my death shall be subsisting
 or capable of taking effect therein respectively And I hereby
 appoint my said wife and the said James Graham Executor
 and Executor of this my Will In Witness whereof I the
 said George Ward Cole have to this my last Will and
 Testament contained in this and the three preceding sheets
 of paper set my hand this ninth day of October One
 thousand eight hundred and seventy one

Signed and Acknowledged by the
 said Testator George Ward Cole as his
 last Will and Testament in the presence
 of us present at the same time and who
 at his request in his presence and in the
 presence of each other have herunto subscribed
 our names as Witnesses.

George Ward Cole

James P. Inge
 Solr Melbourne

A. Clutterbuck
 Clerk to Messrs Kluge & Clansley
 Solr Melbourne

In the Supreme Court
of the Colony of Victoria.

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Probate Jurisdiction.

In the Will of George
Ward late of Brighton
Victoria, M.L. deceased.

Affidavit of Executors
in support of application for
Probate.



Kluger & Charlesley & Dickson.

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

In the Will of George Ward Cole
formerly of the City of Melbourne but late of
St Kevins Brighton in the Colony of Victoria
Commander in the Royal Navy and a
Member of The Legislative Council of the
Colony of Victoria deceased.

We Thomas Anne Cole of St Kevins Brighton
in the Colony of Victoria Widow and James Graham of
Little Collins Street East in the City of Melbourne in the
said Colony a Member of The Legislative Council of the
said Colony severally make oath and say as follows

1 That George Ward Cole formerly of the said
City of Melbourne but late of St Kevins Brighton aforesaid
a Member of The Legislative Council of the said Colony
departed this life at Brighton aforesaid on the Twenty-sixth
day of April one thousand eight hundred and seventy nine.

2 That the said deceased duly made and
executed his last Will and Testament bearing date the
Fifth day of October one thousand eight hundred and
seventy one and thereby he appointed us these Deponents
Executors and Executor thereof. That the said deceased
also duly made and executed a Codicil to his said
Will bearing date the Tenth day of April one
thousand eight hundred and seventy nine and we
believe that the said Will is unrevoked save as
appears by the said Codicil thereto.

3 The attesting Witnesses to the said Will
were Henry Robert Fuge and Henry Clutterbuck
Clerks to Messrs Alingender and Charsley of the
said City of Melbourne Solicitors and the attesting

Witnesses to the said Codicil were Besse
Graham of Moorallo Brighton aforesaid Spinster
and Herbert John Goodman Attested Clerk to
Edward Charlesley of the said City of Melbourne
Solicitor.

4 The document herewith annexed marked
A and consisting of five sheets of paper is the
said Will of the said deceased and the document
hereto annexed marked B and consisting of three
sheets of paper is the said Codicil to the said
Will.

5 The said deceased had at the time of
his death real and personal Estate in the said
Colony of Victoria not exceeding together in value
the sum of Seventeen thousand nine
hundred and fifty pounds namely Real Estate
not exceeding in value Twelve thousand nine
hundred and forty pounds and Personal Estate
not exceeding in value Five thousand and ten pounds.

6 That we are desirous as the Executor
and Executor named in and appointed by the said
Will of obtaining Probate of the said Will and
Codicil.

7 That if ^{we} obtain such Probate we
will well and truly collect and administer according
to law to the best of our 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 us as his
Executors or of any other person or persons for us
that we 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 us or to the hands or possession
of any other person or persons for us and the same
so made will sign with our proper handwriting 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
we will make or cause to be made a true and
just account of the administration of the Estate
which we have undertaken as to our receipts and
disbursements and as to what portion is retained by
us and what portion remains uncollected and the
same so made will sign with our 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.

Given by the Deponent Thomas
Anne Cole at Brighton in { Thomas Anne Cole
the Colony of Victoria this twenty seventh
day of May 1879 before me
John H. Hamilton

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

Given by the Deponent James Graham
at Melbourne in the Colony of
Victoria this 28th day of May
1879. Before me

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