

22/215
In the Supreme Court
of the Colony of Victoria

Probate Jurisdiction

In the Will of Joseph
Hoardie deceased

Applicant in Support
of application

5



Recorder to Registrar

MASTERS IN EQUITY
FILED
JULY 1881
H. J. [unclear]

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

In the Will of Joseph Hardie late
of Emerald Hill in the Colony of
Victoria Engineer deceased

We Hugh Jamieson Aitken of Clarendon Street
Emerald Hill in the Colony of Victoria Boot
Merchant and Agnes Hardie of Moray Street
Emerald Hill aforesaid Widow, severally make
oath and say

- 1 That we are seeking to obtain Probate of the Will of
the above-named Joseph Hardie deceased
- 2 That the said deceased died on or about the twenty
ninth day of April One thousand eight hundred and
eighty one leaving his last Will and Testament bearing
date the twenty ninth day of June One thousand eight
hundred and sixty nine which is as we believe unrevoked
and thereby appointed us the Deponents Executor
and Executrix thereof.
- 3 That the paper writing produced and shewn to
us at the time of being sworn to this Affidavit
and marked with the letter "A" is the true last
Will and Testament of the said deceased as we
verily believe
- 4 That the said Will was executed in the presence of
Charles Roy of Melbourne Solicitor and Anthony
Madden of Moray Street aforesaid Railway Clerk
- 5 That the said deceased left no real estate in the Colony
of Victoria but he left Personal property in the said
Colony not exceeding the value of One hundred
and seventy four pounds
- 6 That If we obtain 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 executor and executrix 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 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

4 And I the said Hugh Jamieson tither for myself say that I am the Hugh Tither named in the said Will and at the time of the Execution thereof I was a Storeman and resided at Moray Street

J.P.P. Emerald Hill aforesaid and the deceased at the time
of making his Will ^{as I verily believe} informed me that he had appointed
me to be an executor thereof.

Sworn by the Deponent Hugh
Jameson taken at Melbourne
in the colony of Victoria this
Thirtieth day of June One
thousand eight hundred and
eighty one

H. J. Arthur

Before me

Thos. D. Durham

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

Sworn by the Deponent Agnes
Hardie at Melbourne in the
Colony of Victoria this Thirtieth
day of June One thousand
eight hundred and eighty one

Agnes Hardie

Before me

Thos. D. Durham

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

22/2/85
DATED 30th June 1881

re J. Hardie decd.

Statutory Declaration

of
George Jameson Mathew



CLEVERDON & EGGLESTON,
SOLICITORS,
CHANCERY LANE,
MELBOURNE.

Harston & Co., Printers, 77 Chancery Lane, Melbourne.

In the Will of Joseph Hardie deceased

I Hugh Jamieson Atken of Emerald Hill
in the Colony of Victoria Boot Merchant do solemnly
and sincerely declare

THAT in the month of March One
thousand eight hundred and eighty one I
lent the above-named Joseph Hardie
deceased the Sum of Twenty pounds and
the said sum was not repaid to me in
the lifetime of the deceased and is still
justly due and owing to me

H. J. Atken

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of an Act of the Parliament of Victoria rendering Persons making a False Declaration punishable for wilful and corrupt perjury.

DECLARED at Melbourne in the
Colony of Victoria this Thirtieth
day of June One thousand
eight hundred and eighty one

Before me

H. J. Atken

Henry P. Fergus

In the Supreme Court
of the Colony of Victoria

12/2/73
Probate Jurisdiction

In the Will of Joseph
Hardie deceased

Applicant of Search
for Grant



Sherrin & Eggleston

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

In the Will of Joseph Hardie late
of Emerald Hill in the Colony of
Victoria Engineer deceased

I John Alfred Isaacs of 92 Chancery Lane Melbourne
in the Colony of Victoria Law Clerk make oath
and say:—

That I have this day searched in the proper Office
of this Honorable Court and find that no caveat
is lodged in this matter

Sworn at Melbourne in the
Colony of Victoria this Fifth
day of July One thousand
eight hundred and eighty one

J. A. Isaacs

Before me
M. Robertson

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

32/2/5-

In the Supreme Court
of the Colony of Victoria

Probate Jurisdiction

In the Will of Joseph
Harden deceased

Applicant - of William
Alexander



MASTER IN EQUITY
5 JULY 1891
FILED
OFFICE

Alexander & Co. Solicitors
Melbourne

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

In the Will of Joseph Hardie
late of Emerald Hill in the Colony
of Victoria Engineer deceased

I William Cleverdon of 92 Chancery Lane Melbourne
in the Colony of Victoria Proctor make oath and
say as follows:—

1 I have received from Messrs McMeckan Blackwood
and Co who acted as Agents for the Steam Ship
Tararua at the time of being wrecked in the
month of April last a list of all persons who were
saved at the time of such wreck and which I verily
believe to be true such list is as follows:—

Crew

Robert Lindsay	Chief Officer
Peter Maloney	Second Officer
James Burnett	Able Seamen
Edward Johnson	
Charles Stewart	
Torquel Nicholson	
Franz Wanz	
John Weston	
Thomas Wixon	Firemen
Franz Rahiel	
John Maher	Chief Cook
Antonio Miscalef	

Passengers

William Hill	Steerage
John Chatterton	
George Lawrence	

Passengers (continued)

Henry Deely
George Robins
Thomas Davis
John Williams
Gustave Kellier } Steerage

Sworn at Melbourne in the
Colony of Victoria this thirtieth
day of June One thousand
eight hundred and eighty one
Before me

McLennan

W. S. Fleetwood

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

In the Supreme Court
of the Colony of Victoria
22/7/81
In its Probate Jurisdiction

~~the Plaintiff~~
In the Will of Joseph
Hardie Deceased

Applicant's Publication
Notice of Search
for Will



Clarendon Hogden

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

In the Will of Joseph
Hardie late of Emerald
Hill in the Colony
of Victoria Engineer
Deceased

I John Alfred Isaacs of 92 Chancery
Lane Melbourne in the Colony
of Victoria Law Clerk make oath
and say

That the following advertisement
duly appeared in the Argus newspaper
in Melbourne on the Seventeenth
day of May instant 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 Colony of Victoria in its Probate
Jurisdiction that Probate of the Will
of Joseph Hardie late of Clarendon
Street Emerald Hill in the said
Colony Engineer may be granted to
Agnes Hardie of Clarendon Street
Emerald Hill aforesaid the widow
of the deceased and Hugh Jamieson
Aitken (in the said Will called Hugh
Aitken) of Clarendon Street aforesaid
Boot Merchant the Executor and Executor
named in and appointed by the said
Will

Dated this 16th day of May 1881

Cleverdon & Eggleston
92 Chancery Lane Melbourne
Proctors for the Executor and Executor

2 That I have searched and find that
no Will of the above named deceased
is deposited in the office of the Registrar-
- General

Sworn at Melbourne in the
Colony of Victoria this 31st
day of May One
thousand eight hundred
and eighty one

A Isaacs

Before me

Wm A Robertson

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

In the Supreme Court
of the Colony of Victoria
Private Jurisdiction
Q 15, 22.
In the Will of
Joseph Leandrie
deceased.



Inventory



Overton & Eggleston.

In the Supreme Court
of the Colony of Victoria

Probate Jurisdiction

In the Will of Joseph Hardie
deceased.

Inventory of the Estate of the
deceased

Lease of Allotment
G. A. Parish of Longwarry County
of Buln Buln containing 320
acres.

100

The Cattle ~~sold~~ ~~to~~ have been
sold by Auction and realized
the sum of

18. 12. 6

Household Furniture Effects

23. 10

one Share in the Melbourne

Worren Hill Company Limited

5

Dairyming Implements & Dairy
Monthly

8

Dated this 27 day of September 1881.

Augustus Habeler
S. J. Little

In the Supreme Court
of the Colony of Victoria

22/2/81

In the Probate Jurisdiction

In the will of Joseph Gardiner
deceased.

Affidavit of James Hardie



Lawson and Ferguson
of Lawrence Hill
Melbourne.

In the Supreme Court
of the Colony of Victoria

Probate Jurisdiction

In the will of Joseph Hardie late of
Emerald Hill in the Colony of Victoria
Engineer deceased.

I Agnes Hardie of Moray Street Emerald Hill in the
Colony of Victoria Widow make oath and say as follows

1. I am the widow of the abovesaid Joseph
Hardie deceased and he left Melbourne for Dunedin in New
Zealand as a passenger in the Steam Ship "Rotorua" on
the fifteenth day of March One thousand eight hundred -
and eighty one with the intention of residing for a time with
his brother James Hardie of Dunedin aforesaid Draper.

2. I am in receipt of a letter from the said -
Joseph Hardie dated the twenty third day of April One -
thousand eight hundred and eighty one which is in his hand
writing and was received by me on the thirteenth day of the
same month and which letter is as follows.

Brown St. Dunedin Apr. 23rd 1881

"My dear wife

"Now I received again and much pleased to hear
"that you were all well and that the children were all behaving
"themselves so well. I had intended to return by the 'Ararua'
"but she was delayed until Sunday so they advised me not to go
"before the next boat which leaves on Thursday the 28th Ap. so if
"all is well you may expect me by the 'Tararua' about Monday
"or Tuesday. I am sorry to say that I have been twice very
"unwell last week but I am quite better again. I think it
"was travelling. It is a wearisome job travelling in New Zealand.
"I was up amongst the lakes ~~and~~ mountains and saw plenty
"of ice and snow but I will give you all the news when I
"come home, if spared to that time. Give my kindest regards to
"all enquiring friends and say that I have good hopes of great
"benefit from the change, at least I have been better here, but it
"remains to be seen how I will be at home. Tell my little

ones that I will expect them to meet me if the ship comes
in at a suitable time. I will say little more as I hope
to see you soon. My love and kisses to them all. James &
Jessie and Family desire to be kindly remembered to you all.
I am not expecting any more letters from you now, but
Rena and Josephine are expecting one from Jean and
Bessa. If you see Mr. Gun you can tell him I will be
home soon. Adieu from your loving husband
Joseph Hardie

The said letter is produced and shown to me at the time
of being sworn to this affidavit and marked with the letter
"A"

3 The said Joseph Hardie intended to and I verily
believe did go on board the Steam Ship "Tararua" at Port
Chalmers Dunedin aforesaid as a passenger although his
name did not appear in the list of passengers in the
possession of Messrs. McMeekan Blackwood & Co the Agents
of the said vessel but in a newspaper published at Otago in
New Zealand it is mentioned that "amongst those reported
to have joined at Port Chalmers is Hardie a brother of
J. Hardie of Dunedin"

4 The telegrams marked respectively with the
letters "B" and "C" and which are produced and shown to
me at the time of being sworn to this affidavit have been
received from the said James Hardie by Adam Kyle of
95 Eastern Road Emerald Hill aforesaid a brother-in-law
of the deceased. The telegrams are as follows.

" Dunedin 30/4/81

" Telegram for Mr. Adam Kyle

95 Eastern Road, Emerald Hill, Melbourne

" Sad news, Tararua wrecked, Joseph passenger, few saved.

" break news Mrs. Hardie, I go wreck, wife further Monday

(Signature) James Hardie

Dunedin 2nd May 1881

" Telegram for Adam Kyle

95 Eastern Rd. Em. Hill

" Brother drowned. Small chance of recovering body

particulars posted

(Signature) James Hardie

5 The letter produced and shown to me at the time of being sworn to this affidavit dated the fifth day of May One thousand eight hundred and eighty one and marked with the letter "D" is in the handwriting of the said James Hardie. I am acquainted with his handwriting and it was duly received by me on or about the thirtieth day of May last. The letter is as follows.

Dunedin 5th May 1881

Mrs. Joseph Hardie

Emerald Hill

Dear Sister-in-law

It is with the deepest feelings of sympathy I have to convey to you the melancholy fate of your dear husband. You already know the rest. I will at once relate the circumstances of his leaving and all I know up to the time of the wreck. After spending what I believe a most pleasant few weeks with us he left on the 28th of April in the 'S. S. Tararua' my wife, Mrs. Wilson, and my youngest girl and myself accompanied him to the steamer at Pt Chalmers and wishing him a hearty good bye and pleasant voyage. On Friday 29th during the afternoon I saw a telegram 'Tararua wrecked passengers all safe'. He thought little of the mishap knowing the lives were all safe. At ten o'clock on Saturday morning we received the startling news that a great disaster had taken place causing great excitement in town. I became exceedingly alarmed knowing the dangerous locality in which the ship lay. I at once made for the Companies Office for particulars of the disaster. They were so imperfect and unreliable, I had still hopes the report was without foundation. Later on the rumours became alarming but still unreliable. I had still hope ^{the Company} At last told me for certain the ship had broken up and nearly all the passengers and crew had perished. They could give no further particulars. With that uncertainty I rushed to the railway station, asked for an express train for the nearest station which the authorities put on for a company of us that were interested and had relations on

board. We travelled from 9 o'clock on Saturday night until
11 o'clock on Sunday afternoon without rest, most of the time
pouring rain. When we reached the scene of one of the
most appalling disasters that has ever happened in this
country. Only 20 out of 120 souls managed to escape with
their lives. My brother your dear husband, I am grieved to
say is one of the unfortunate victims. Our presence at the
scene of the wreck was of very little use. There is nothing
to be seen of the vessel. The beach is strewn with wreckage
for miles. Only five of the bodies has come ashore as yet from
the nature of the current few are expected to turn up. There
is no doubt gross carelessness is the cause of the vessel being
wrecked and a lamentable want of judgment on the part of
the Captain in not sending the passengers to sea in the boats
when a good landing could be had a few miles off. The
mail leaves to day so I must close this letter with again
expressing my deep and heart felt sympathy for your sudden
bereavement and trust that God in his mercy will comfort
you and your family in your distress. My wife and family
also desire to express their deep sympathy with you in your
heavy bereavement. During his stay he became a great
favorite with the children, they therefore were greatly
disappointed when I returned from the wreck without
Uncle Joseph. I will write further next week
Believe me your dear Brother-in-law
James Hardie

Edwd. J. Hardie also

Princes Street Dunedin

The said Joseph Hardie died possessed of no
personal estate out of the colony of Victoria

Sworn at Emerald Hill in
the colony of Victoria this fourth
day of July One thousand eight
hundred and eighty one Before me

Alynes Hardie

Howard D. O'Flaherty
A Commissioner of the Supreme Court of the colony of Victoria
for taking affidavits

In the Supreme Court
of the Colony of Victoria
22/2/85

In its Probate Jurisdiction

In the will of Joseph Hardie
deceased.

Affidavit of John Weston



Attestation Registered
92 Chambers Lane
Melb. vic.

In the Supreme Court,
of the Colony of Victoria

In its Probate Jurisdiction

In the will of Joseph Hardie late
of Emerald Hill in the Colony of
Victoria Engineer deceased

I John Weston of 28 Charles Street Emerald Hill in
the Colony of Victoria Seaman but at present residing
at the Launching Place Upper Yarra in the said Colony
make oath and say as follows

1 I was one of the crew of the Steam Ship "Taranua"
which sailed from Port Chalmers in New Zealand on the
twenty eighth day of April One thousand eight hundred
and eighty one for Melbourne in the Colony of Victoria
The said vessel struck on a reef on point Waipapa on the
Coast of New Zealand on the morning of the twenty ninth
day of the said month of April and was totally wrecked
there. I recollect seeing the abovesaid Joseph Hardie at
Port Chalmers shortly before the vessel sailed. I was working
at a Winch used in loading and unloading vessels at
Port Chalmers and the machinery getting out of order and
becoming unworkable the said Joseph Hardie who was
standing near the Winch at the time endeavoured to put
the machinery right but he was unable to make it workable
by reason of the blow off cock being broken or injured.

2 The said Joseph Hardie came on board the said
Vessel at Port Chalmers; she sailed at about four o'clock in the
afternoon and I saw him after the vessel had sailed from
that port and was at sea in the said vessel

3 The wreck occurred at about quarter ^{past} five o'clock
in the morning on the said twenty ninth day of April and
I left for the shore in the Chief Officers boat which was the
last to leave the wreck but it was upset before reaching

the shore and I swam on shore and remained there from about eight o'clock in the morning on the twenty ninth day of April until the following day at about four o'clock in the afternoon when I left the shore and I did not see the said Joseph Hardie at that time by reason of the utter confusion on board and the darkness of the time

H After I reached the shore I saw the Steamer break up and ultimately go down and witnessed the coming on shore of all the people who were saved from the wreck and the said Joseph Hardie was not amongst those who were so saved

Sworn at Melbourne in the Colony of Victoria this thirtieth day of June One thousand eight hundred and eighty one. Before me
C. W. J. Weston

~~C. W. J. Weston
A Commissioner of the Supreme Court of the Colony of Victoria for taking affidavits~~

Sworn at Emerald Hill in the Colony of Victoria this thirtieth day of June One thousand eight hundred and eighty one. Before me
John Weston

J. Howard
A Commissioner of the Supreme Court of the Colony of Victoria for taking Affidavits

In the Supreme Court
OF THE COLONY OF VICTORIA.

IN ITS PROBATE JURISDICTION.

IN THE Will _____ of Joseph Hardie _____
late of Emerald Hill _____ in the Colony of Victoria
Engineer _____ deceased.

J.P.D. I the Hugh Jamieson Aitken of Emerald Hill in the
Colony of Victoria Boot Merchant and Agnes Hardie
of the same place Widow severally _____ in the Colony of Victoria
_____ make oath and say—

1. That the paper writing hereunto annexed marked "A" contains a true statement of all and singular the real and personal estate of or to which the above named deceased was at the time of his death possessed or entitled and of the values thereof respectively and of the liabilities due thereon and shows a balance of Forty five Pounds five shillings which is the net value of the said real and personal estate. and the deceased left no personal estate out of the Colony of Victoria.
2. The only persons entitled to a distribution of the said estate ~~are~~ is the widow of the deceased. *J.P.D.*

Sworn at Melbourne in the Colony
of Victoria this Thirtieth _____ day
of June _____ One thousand
eight hundred and eighty one by the
deponent Hugh Jamieson Aitken

Before me

J.P.D.
H. J. Aitken
Thos. D. Derham

Sworn at Melbourne in the Colony of Victoria
this Thirtieth day of June 1881 by the deponent
Agnes Hardie Before me.

J.P.D.
Thos. D. Derham
Agnes Hardie

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

F. Paradise

Wendkaling &

John Smith

No: 45

181 Moray Street Emerald Hill
21st July 1881

Sir,

In the Estate of Joseph
Hardie deceased

In the event of the Property
contained in the statement filed herein
realizing on being sold a larger sum
than that contained therein we undertake
to forthwith file a Supplementary
Statement

We are Sir

Yours Obedy.

J. J. Atkin

Agent Hardie

Executrix and Executor of
the Will of the deceased

To the Master-in-Equity

Mr. Jones states
co. not to be
living on it
there is? be no
possible
2/3/81

GEORGE HOWAT,

STOCK & STATION AGENT.

76. Queen St.

Melbourne 28th May 81

To the Executors of the Estate of the late Jos. Hardie

The following is my valuation of the undermentioned
Stock and Selection &c.

7 Cows @ 30/-	10. 10. 0
13 Steers @ 35/-	23. 15. 0
4 Calves & Bull @ 10/-	2. 10. 0
Cart Plough Tarpauntin & Dray & Wessels	8. 0. 0

320 acres of selected land at
Brandy Creek in the parish of
Langwarrig cannot possibly be
let or sold; now unoccupied, and is
comparatively valueless say

100. 0. 0 - 1/4 1/4 1/4 - 15/-

Yours truly
Geo Howat

6 years
rent



- AUCTIONEER. -
Agent for
NORWICH UNION FIRE INSURANCE SOCIETY.
Loans Negotiated.

172 Clarendon Street,
Emerald Hill.

May 23^d 1881

This is to certify that I have valued
the goods and chattel of the late Joseph
Hardie 191 Moray St Emerald Hill,

and I estimate the same to be
worth Twenty three pounds Ten shilling
£23.10.0

J. A. McFarlane

M^{rs} J. Hardie

191 Moray St Emerald Hill

In the Supreme Court
of the Colony of Victoria

Probate Jurisdiction

22/2/87

In the Will of Joseph
Hardie deceased

Application for Probate
of the last Will of Joseph
Hardie late of Emerald
Hill in the Colony of Victoria
to be granted to Agnes
Hardie of Emerald Hill
aforesaid the Widow of the
deceased and Hugh Jamieson
Aitken (in the said Will called
Hugh Aitken) of Emerald Hill
aforesaid Boot Merchant,
the Executrix and Executor,
named in and appointed by
the said Will

Granted 7 July 1887
M. J. J.

119
see with
prob

Cleverdon & Eggleston

News: I called for Walter how also
to appear in person.

I interrogated her and found
I suspected that her husband
has been a passenger on board
the Turani and was not one of those
saved from the wreck

But
But
6/7/84.

News: I called for the London also
to appear in person.

Interrogated her and found
I suspected that her husband
had been a passenger on board
the Turani and was not one of those
saved from the wreck

But
By
6/7/84.