Dated 12th October 1915

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W I L L

of

JOHN BATTEN ESQ.,

Williams & Matthews,

"A"

16315

THIS IS THE LAST WILL AND TESTAMENT of me JOHN BATTEN of Collins Street Melbourne General Printer.

1. I REVOKE all former Wills and Testamentary dispositions and APPOINT my dear wife ISABELLA to be Executrix and Trustee of this my Will and DECLARE that the benefits hereinafter given to her are independent on her said offices and that the expression "my Trustee" hereinafter used means and includes as well my said wife as other the Trustee or Trustees for the time being of this my Will.

2. I BEQUEATH the sum of One hundred pounds unto MATILDA BIRD (whose maiden name was Matilda Morley) of Number 16 Kylemore Road West Hampstead London in England Widow to be paid to her as soon as reasonably possible after my death.

3. CHARGED (in exoneration of my residuary estate) with the payment of all duty payable in respect thereof at my death I DEVISE unto my said wife and her heirs absolutely my freehold land at the corner of Westgarth and McLachlan Streets Northcote having frontages to each of those streets of about One hundred and twenty feet together with my dwellinghouse and all buildings and improvements thereon and appurtenances thereto and I BEQUEATH unto my said wife absolutely :-

(a) All my watches jewels trinkets and wearing apparel and all my furniture plate and effects in my dwellinghouse at the time of my death other than money or securities for money and deeds and documents of title (not being deeds and documents of title to the land hereinbefore devised to her) and other than the personal property hereinafter given to my grandson George Batten:

(b) The policy of Assurance on my life issued by the National Mutual Life Association of Australasia Limited Numbered 11060 and all moneys payable thereunder: and

(c) The sum of Six hundred pounds.

4. CHARGED (in exoneration of my residuary estate) with the payment of all duty payable in respect thereof at my death and also as mentioned in clause Seven hereof I BEQUEATH unto my son HENRY FRANCIS BATTEN :-

(a) The goodwill of my trade or business of a general Printer and the stock in trade machinery plant and effects employed therein or belonging thereto at my death together with the lease of the premises wherein such business is then carried on and the benefit of all contracts then subsisting in respect of such business and all then outstanding book debts and moneys due to me in such business but not any moneys standing to my credit or the credit of my business account at my Bankers or any cash in my business safe or till or any negotiable securities my said son discharging and indemnifying my general estate from all debts and liabilities due or subsisting in respect of the said business at my death and if so required by my Trustee entering into a bond or covenant (with or without sufficient surety or sureties as my Trustee shall deem fit) in that behalf such bond or covenant to be prepared by my Trustee whose costs of and in connection therewith shall be paid by my said son: and

(b) The sum of Six hundred and fifty pounds.

Witnesses C.W. Stewart

John Batten

C.W. Stewart

5. CHARGED (in exoneration of my residuary estate) with the payment of all duty payable in respect thereof at my death I DEVISE unto my Trustee and her heirs my three allotments of freehold land - in the Royal Park Estate Brunswick Numbered Fourteen Twenty six and Twenty seven partly situate at and - partly adjoining the corner of Wyuna Street and Brunswick Street West and having an aggregate frontage of about One hundred and fifty eight feet to Wyuna Street and of about One hundred and forty eight feet ten inches to Brunswick Street West with the appurtenances and I BEQUEATH unto my Trustee the sum of Two - hundred pounds IN TRUST as to the property comprised in such devise and bequest respectively and the - rents profits and income thereof respectively for my grandson GEORGE BATTEN (son of the said Henry Francis Batten) in case he shall survive me and shall have attained or shall attain the age of Twenty one years BUT if my said grandson shall predecease me or shall survive me and afterwards die under the age of - Twenty one years all the property so given in trust for him as aforesaid shall sink into and form part - and follow the destination of my residuary estate.

6. CHARGED (in exoneration of my residuary estate) with the payment of all duty payable in - respect thereof at my death I BEQUEATH unto my said grandson my Carpenters tools and bench my phonograph and its records my Bagatelle board my ten volumes of Chambers Encyclopoedia and the remainder (or such thereof as he shall select) of the books forming my library and I DECLARE that his receipt therefor - though given during his minority shall be a good discharge and that if he shall predecease me the property comprised in this bequest shall sink into and form part and follow the destination of my residuary Estate.

7. I DEVISE unto my Trustee and her heirs my three allotments of freehold land in the Prince of Wales Park Estate Northcote namely Allotment Twenty eight having frontages of about One hundred and - twenty four feet to Christmas Street and about One hundred and fifteen feet to Hamilton Street: Allotment Twenty nine having a frontage of about Sixty six feet to Christmas Street by a depth of about One hundred and forty eight feet: and Allotment Forty one having a frontage of about Sixty six feet to Hammond Street by a depth of about One hundred and forty eight feet: and also my Allotment of freehold land in the - Fitzroy Junction Estate Northcote containing about One acre two roods thirty eight perches Numbered One hundred and thirty three on the Plan of Subdivision lodged in the Office of Titles and Numbered 1738 and having a frontage to Merri Parade of about Five hundred and twenty three feet nine inches WITH in each - case the appurtenances IN TRUST to sell the same as and when it shall seem expedient so to do and with - all the powers of an absolute owner as regards interim management AND to hold the net proceeds to arise from such sale and the income thereof and all rents and profits derived from such lands before sale IN - TRUST for such of them my three granddaughters (daughters of my said son) ETHEL BATTEN AUDREY BATTEN - and CATHERINE BATTEN as shall survive me and have attained or shall attain the age of Twenty one years if more than one equally AND I charge (in exoneration of my residuary estate) the property by Clause Four hereof given to my said son with the payment of all duty payable at my death in respect of the property devised by this clause.

8. I DIRECT my Trustee to invest (either together or separately) every expectant share in - the trust premises by depositing the same (in the name of my Trustee) at interest in some Bank in Melbourne.

Witnesses C.W. Stewart. C.W. Stewart.

John Batten

9. I DEVISE AND BEQUEATH all the residue of my real and personal property whatsoever and wheresoever UNTO AND TO THE USE OF my Trustee her heirs executors and administrators according to the nature thereof respectively UPON TRUST to sell call in and convert the same into money as and when it shall seem expedient so to do and to hold the net proceeds arising from such sale calling in and conversion IN TRUST for my said wife and son equally if they both survive me but if one only of them shall survive me then IN TRUST for her or him solely.

IN WITNESS whereof I have set my hand to this my Will contained on this and the two preceding sheets of brief paper this twelfth day of October One thousand nine hundred and fifteen.

John Batten

SIGNED by the said JOHN BATTEN the Testator as and for his last Will and Testament in the presence of us both present at the same time who at his request in his sight and presence and in the sight and presence of each other have hereunto subscribed our names as attesting witnesses.

A Williams
Solicitor Melbourne

C.W. Stewart.
Solicitor, Melbourne.

"A"

IN THE SUPREME COURT OF VICTORIA

PROBATE JURISDICTION

IN THE WILL of JOHN BATTEN late of Collins Street Melbourne in the State of Victoria General Printer deceased.

This paper writing marked "A" was produced and shown to Isabella Batten at the time of her swearing her affidavit Sworn before me this 13th. day of August One thousand nine hundred and nineteen.

Oswald Barnett

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