

Item



R 23 225 321

Ordered For	Mervyn Dougherty
Date to View	13 May 2013
Ordered On	11:01, 8 May 2013
Container Code	C 287 327
Archives Reference No	AAOW W3846 22775 Box 954
Item Reference	
Record Number	4281/46
Part Number	
Alternative Record No	
Title	Roberts, Mary Ann Fletcher

Dates	1946 - 1947
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Preservation Details	Issuable
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WGTN G UB 22 f

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DOUGHERTY Mervyn



P 11 599



R 23 225 321

IN THE SUPREME COURT OF NEW ZEALAND
WELLINGTON DISTRICT
(Napier Registry)

P4281

3

IN THE ESTATE of MARY ANN FLETCHER
ROBERTS late of Waipukurau in
the Provincial District of
Hawkes Bay, Married Woman,
deceased.

AFFIDAVIT OF DUE EXECUTION



LEE MACKIE HARKER & McKAY,
SOLICITORS,
WAIPUKURAU.



IN THE SUPREME COURT OF NEW ZEALAND
WELLINGTON DISTRICT
(Napier Registry)

IN THE ESTATE of MARY ANN FLETCHER
ROBERTS late of Waipukurau
in the Provincial District of
Hawkes Bay, Married Woman,
deceased.

I, IAN WALLACE NICOL MACKIE of Waipukurau in the
Provincial District of Hawkes Bay, Solicitor, make
oath and say as follows:-

1. THAT I am one of the subscribing witnesses to
the last Will and Testament of the above-named Mary
Ann Fletcher Roberts of Waipukurau in New Zealand,
Married Woman, deceased, bearing date the eighth day
of March One thousand nine hundred and forty six (1946)
now produced and shewn to me.

2. THAT the said testatrix duly executed her said
Will on the day of the date thereof by making her mark
at the foot or end thereof as the same now appears
thereon, in the presence of me and of Elizabeth Fox of
Waipukurau in New Zealand, Clerk, the other subscribed
witness thereto, and we thereupon attested and subscribed
the said Will in the presence of the said testatrix.

3. THAT previously to the execution as aforesaid of
the said Will by the said testatrix the same was read
over to her by me and she, the said deceased, at such
time seemed thoroughly to understand the same.

SWORN at Waipukurau this)

9th day of May
1946. Before me:-

Ian Wallace Nicol Mackie

amato

A Solicitor of the Supreme Court of New Zealand.

IN THE SUPREME COURT OF NEW ZEALAND
WELLINGTON DISTRICT
(Napier Registry)

P. H. 281

2

IN THE ESTATE of MARY ANN FLETCHER
ROBERTS late of Waipukurau in
the Provincial District of
Hawkes Bay, Married Woman,
deceased.

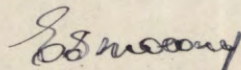
AFFIDAVIT TO LEAD TO GRANT OF
PROBATE TO EXECUTORS



LEE MACKIE HARKER & McKAY,
SOLICITORS,
WAIPUKURAU.



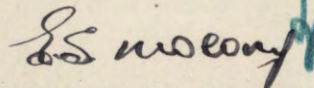
Stamp Duties Office,

Certificate No. 1946/220NAPIER, 8th January, 1947.Memorandum for Messrs. Lee, Mackie, Harker & McKay,
Solicitors, WAIPUKURAU.In re MARY A. F. ROBERTS, deceased. (Court No. 4281)It is hereby certified that the net amount upon which the sealing fee on Probate
~~or Letters of Administration~~ is payable to the Supreme Court in the above estate isTwo hundred and forty five ----- pounds
sixteen ----- shillings and eight pence. (£ 245 : 16 s. 8 d.)

Assistant Commissioner of Stamp Duties.

[N.B — When the fee is tendered this certificate must be handed to the Registrar of the Court,
by whom it will be retained.]

Stamp Duties Office,

Certificate No. 1946/220NAPIER, 8th January, 1947.Memorandum for Messrs. Lee, Mackie, Harker & McKay,
Solicitors, WAIPUKURAU.In re MARY A. F. ROBERTS, deceased. (Court No. 4281)It is hereby certified that the net amount upon which the sealing fee on Probate
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sixteen ----- shillings and eight pence. (£ 245 : 16 s. 8 d.)

Assistant Commissioner of Stamp Duties.

[N.B — When the fee is tendered this certificate must be handed to the Registrar of the Court,
by whom it will be retained.]

IN THE SUPREME COURT OF NEW ZEALAND,

H281 Wellington District,
Papua Registry.

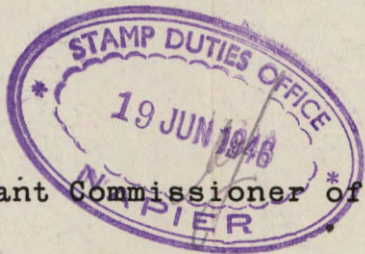
Re Mary Ann Fletcher Roberts, Deceased.

Received from the Registrar, Supreme Court,

Papua :-

Probate,
~~Letters of Administration,~~
~~Order to Administer,~~
 Copy Will,
 Exemplification.

Dated this 19 day of June 1946.



for Assistant Commissioner of Stamp Duties.

IN THE SUPREME COURT OF NEW ZEALAND
WELLINGTON DISTRICT
(Napier Register)

IN THE ESTATE of MARY ANN FLETCHER
ROBERTS late of Waipukurau in
the Provincial District of Hawke
Bay, Married Woman, deceased.

✓

WE, HENRY WILLIAM STEPHEN HORACE BUCHANAN of Waipukurau
Farmer and GEORGE FLETCHER of Onga Onga, Farmer,
severally make oath and say as follows:-

1. THAT we knew MARY ANN FLETCHER ROBERTS of
Waipukurau in the Dominion of New Zealand, Married Woman,
now deceased, when alive and that the said Mary Ann
Fletcher Roberts was resident or was domiciled at
Waipukurau within this Judicial District, and that the
nearest registry office of this Court to the place where
the said Mary Ann Fletcher Roberts was resident or was
domiciled is at Napier.

2. THAT the said Mary Ann Fletcher Roberts died at
Waipukurau on or about the seventh day of April One
thousand nine hundred and forty six (1946) as we are
able to depose from having been present at her funeral.

3. THAT we believe the typewritten document now
produced, bearing date the eighth day of March One thous-
and nine hundred and forty six (1946) to be the last
Will and Testament of the said deceased and that we are
the executors therein named.

4. THAT we will faithfully execute the said will by
paying the debts and legacies of the said deceased, so
far as the property will extend and the law binds and
will whenever ordered so to do after the grant of
Probate to us file in this Court and verify by affidavit
a true full and perfect inventory of all the estate
effects and credits of the said deceased which shall
have come into our hands possession or knowledge and

Henry W. S. Buchanan
George Fletcher

also a full distinct and proper account of our execution of the Will which shall set forth the dates and particulars of all receipts and disbursements and show which of the same are in our opinion on account of capital and on account of income respectively.

5. THAT according to our knowledge and belief, the estate and effects of the said deceased in respect of which Probate is sought to be obtained are under the value of. £280.

AND I the said HENRY WILLIAM STEPHEN HORACE BUCHANAN for myself say:

6. THAT I was born at Tikokino in New Zealand and am a British subject by birth and that I am not and never have been an alien enemy within the meaning of "The Enemy Property Emergency Regulations, 1939"

AND I the said GEORGE FLETCHER for myself say:

7. THAT I was born in Lancashire in England and am a British Subject by birth and that I am not and never have been an alien enemy within the meaning of the said Regulations.

8. THAT we are informed by Henry Joseph Peers nephew of the said Mary Ann Fletcher Roberts deceased and verily believe that the said Mary Ann Fletcher Roberts deceased was born at Napier in New Zealand and was never an alien enemy within the meaning of the said regulations.

9. THAT according to our knowledge information and belief based upon the result of our inquiries and particularly upon the information referred to in the last preceding paragraph hereof the said Mary Ann

[Handwritten signature]

[Handwritten signature]

Fletcher Roberts deceased was not at the time of her death an alien enemy within the meaning of the said Regulations.

SWORN at *Waipukuruan*)
by the said HENRY WILLIAM) *Henry W. S. Buchanan*
STEPHEN HORACE BUCHANAN)
this *9th* day of)
May 1946. Before me)

accutate

A Solicitor of the Supreme Court of New Zealand.

SWORN at *Waipukuruan*)
by the said GEORGE FLETCHER)
this *21st* day of) *George Fletcher*
May 1946. Before me)

Clusild

A Solicitor of the Supreme Court of New Zealand.

IN THE SUPREME COURT OF NEW ZEALAND
WELLINGTON DISTRICT
(Napier Registry)

✓
P. 4281

IN THE ESTATE of MARY ANN FLETCHER
ROBERTS late of Waipukurau in
the Provincial District of
Hawkes Bay, Married Woman,
deceased.

✓
NOTICE OF MOTION FOR PROBATE

Lee Mackie Harker & McKay
H. Harker
4.6.46



LEE MACKIE HARKER & MCKAY,
SOLICITORS,
WAIPUKURAU.

P. Tr 22/5
Sol 5/6

IN THE SUPREME COURT OF NEW ZEALAND
WELLINGTON DISTRICT
(Napier Registry)

IN THE ESTATE of MARY ANN FLETCHER
ROBERTS late of Waipukurau in
the Provincial District of
Hawkes Bay, Married Woman,
deceased.

TAKE NOTICE that on the _____ day of _____
One thousand nine hundred and forty six (1946) at 10.30
o'clock in the forenoon or as soon thereafter as Counsel
can be heard Mr. Harker of Counsel on behalf of HENRY
WILLIAM STEPHEN HORACE BUCHANAN of Waipukurau, Farmer and
GEORGE FLETCHER of Onga Onga, Farmer, will apply to this
Honourable Court for an Order that Probate of the Will of
the above-named Mary Ann Fletcher Roberts deceased be
granted to the said Henry William Stephen Horace Buchanan
and George Fletcher the executors in the said Will named
UPON THE GROUNDS appearing in and by the affidavit of the
said Henry William Stephen Horace Buchanan and George
Fletcher sworn and filed herein.

DATED this 21st day of May One
thousand nine hundred and forty six (1946).

LEE MACKIE HARKER & MCKAY .

Solicitors for the said Henry William
Stephen Horace Buchanan and George
Fletcher. *

To
The Registrar,
Supreme Court,

NAPIER

Certified pursuant to the Rules of Court to be correct.

E. P. P. P.

Solicitor engaged in the proceedings

N.B. This application is made in reliance on "The
Administration Act, 1908" Section 3 "The Code of
Cicil Procedure" Rule 413A and subsequent rules.

LH 281

IN THE SUPREME COURT OF NEW ZEALAND
WELLINGTON DISTRICT
(Napier Registry)

5

IN THE ESTATE of MARY ANN FLETCHER
ROBERTS late of Waipukurau in
the Provincial District of
Hawkes Bay, Married Woman,
deceased.

P R O B A T E



LEE MACKIE HARKER & MCKAY,
SOLICITORS,
WAIPUKURAU.

s/o ✓

IN THE SUPREME COURT OF NEW ZEALAND
WELLINGTON DISTRICT
(Napier Registry)

Number P. 4281

IN THE ESTATE of MARY ANN FLETCHER
ROBERTS late of Waipukurau in
the Provincial District of Hawkes
Bay, Married Woman, deceased.

BE IT KNOWN to all men that on this Fourth day of June
in the year One thousand nine hundred and forty six (1946)
the last Will and Testament of MARY ANN FLETCHER ROBERTS
deceased who died on or about the seventh day of April One
thousand nine hundred and forty six (1946) a copy of
which is hereunto annexed, has been exhibited read and
proved before the HONOURABLE HAROLD FEATHERSTON JOHNSTON
a Judge of the Supreme Court of New Zealand and administrat-
ion of the estate effects and credits of the deceased has
been and is hereby granted to HENRY WILLIAM STEPHEN HORACE
BUCHANAN and GEORGE FLETCHER the Executors in the said
Will and Testament named being first sworn faithfully to
execute the said Will by paying the debts and legacies of
the deceased as far as the property will extend and the
law binds AND whenever ordered so to do to file in this
Court and verify by affidavit a true full and perfect
inventory of all the estate effects and credits of the said
deceased which shall have come into their hands possession
or knowledge and also a full distinct and proper account
of their execution of the Will.

GIVEN under the Seal of the Supreme
Court of New Zealand at Napier
this fourth day of June One
thousand nine hundred and forty
six (1946).



CERTIFIED TRUE COPY
[Signature]
REGISTRAR



A. J. BENNETTS.

REGISTRAR.

DATED

8th March

1946

X

P. 4281

W I L L

-of-

MARY ANN FLETCHER ROBERTS

LEE MACKIE HARKER & McKAY,

SOLICITORS,

WAIPUKURAU.

This is the typewritten document now produced and shown to HORACE WILLIAM STEPHEN HENRY BUCHANAN of Waipukurau, Farmer and referred to in his affidavit to lead to grant of Probate to himself and George Fletcher as Executors.

Sworn at Waipukurau this 9th day of May 1946

Before me:-

W. Fox

A Solicitor of the Supreme Court of New Zealand

*W. Fox
Solicitor
Waipukurau*

*B Fox
Solicitor
Waipukurau*

This is the typewritten document now produced and shown to GEORGE FLETCHER of Onga Onga, Farmer and referred to in his affidavit to lead to Grant of Probate to himself and Horace William Stephen Henry Buchanan as Executors.

Sworn at Waipukurau this 8th day of May 1946

Before me:-

W. Fox

A Solicitor of the Supreme Court of New Zealand

SIGNED AND ACKNOWLEDGED by the said MARY ANN FLETCHER ROBERTS by her making her mark (she not being able to sign her name due to infirmity) as her last Will and Testament in the presence of us both being present at the same time who at her request in her sight and presence and in the sight and presence of each other have hereunto subscribed our names as attesting witnesses.

Mary Ann Fletcher Roberts
[Handwritten Mark]
Her Mark.

THIS IS THE LAST WILL AND TESTAMENT of me MARY ANN FLETCHER ROBERTS of Waipukurau Married Woman I HEREBY REVOKE all former Wills made by me I appoint H.W.S.H. BUCHANAN of Waipukurau Farmer and GEORGE FLETCHER of Onga Onga Farmer to be the Executors and Trustees hereof I GIVE DEVISE AND BEQUEATH all my property real and personal of whatsoever kind and wheresoever situated unto my Trustees upon trust after payment thereof of my funeral and testamentary expenses and debts to divide the same in equal shares between my following nephews and nieces absolutely, namely:- JAMES WHARMBY PEERS, MARY JOSEPHINE McNEILL, HENRY JOSEPH PEERS, OLIVIA STONE, and GEORGE PEERS PROVIDED THAT should the said JAMES WHARMBY PEERS die in my lifetime then his share in my estate shall be taken by his children by his second marriage in equal shares between them AND PROVIDED further that should any of my other nephews or nieces mentioned die during my lifetime leaving issue who shall survive me and attain the age of twenty one years then such issue shall take equally among them per stirpes and not per capita which their his or her parent would have taken AND I HEREBY EXPRESSLY PROVIDE that should it be found that the said James Wharmby Peers or his heirs shall be entitled absolutely to the house property at Tikokino which has been in my occupation for many years then the said James Wharmby Peers or his heirs shall not participate in the distribution of my estate, but same shall be equally divided between my other four nephews and nieces named IN WITNESS whereof I have hereto set my hand this eighth day of March One thousand nine hundred and forty six (1946).

This is the last Will and Testament of Mary Ann Fletcher Roberts now produced and shown to Jan Wallace Nioi Mackie member of the Executive Council of the Maori Council referred to in his affidavit as to due execution being sworn at Waipukurau this 9th day of May, 1946. Reference
W. Fox
A Solicitor of the Supreme Court of New Zealand