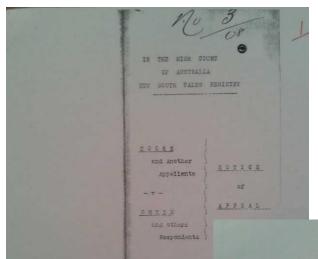
#### Wesley Green Cooke's Equity Case:

#### His marriage certificate

-1	2	3		- 4	5	6	1	8	9 Panny	10
No.	When and where Married.	Names and Surasmus of the Parties.		Condition of the Pertins, (Bacheler or Spineter; Widowse or Widow; Divorced, or Divorced Publicase.)	Birth Plant.	Back or Profession.	Ages	Usual pace of Residence.	Father's Christian Name and Burname, Mother's Constinu Name and Maddon Surgame,	Father's Bank or Profession.
105	1903 Morthowoolog	Westey Co.	ok freew	Nachelor	fleworthing Allr	Jul Man on Fran			Hen Thomas fleen Ellen Meba Cork	
7	Northomorlos		Well s	Sprieter	Delhungras	Typist	24	270 Victorial	Jenge Robest Wite Marin Lee	, Suit Constan
Iarried	in the Ch of Si	Peler the with the st	NO.		in writing to the Marriage  Minister.	This Marriage was appearanced between us	1.6 G	liles .	In the presence of us \ \ \lambda_{\text{con } \text{2}}	d Cooper

Wesley Cooke Green appears to have sued his siblings over land in 1906. The land was owned by Mary Cooke his grandmother [Ellen's mother] and when she died on 7<sup>th</sup> Sept 1895 a year after her daughter, the land went to her eldest son Henry Peter Cooke and youngest Peter Cook. Mary Grigg Cooke's will of 15<sup>th</sup> October 1882 indicates she has left to her eldest son her land selection of 2 allotments in total of 180 acres at Broadwater Richmond River and to her youngest Peter Cooke all other lands that she owned in Richmond River. The case was brought against Henry Peter Cooke, Arthur Whipps who appears to have brought the land from Henry Peter, Peter Cook, Jane Briggs wide of Henry Briggs, Grace Ethel Green, John Thomas William Green, William Jonathan Cooper Green, Theophilus Victor Elishama Green, Barnabus Uzziel Green, Daisy Nightingale and Rupert Contennal Cornwall Green the latter two being listed as infants under the age of 21 years. The court case went on for years. It took until March 1908 for a judgement in Wesley's favour occurred. Mary was deemed to have died intestate and therefore her descendants received portions of ownership over the disputed lands.

Married Woman This is the last Will and Festament of many booke wife of Peter Coake of 28 Union Street Dymond Sydney in the Colony of New South Water I hereby give devise and bequeath to my closest son Heury Teler Cooke my proselections in the Parish of Broadwaler Country of Rous Richmond River Land District New Jouth Wales namely the selection of 80 acres (official number on plan (of) and the selection of 100 acres (official number on plan (8) thereby give devise and bequeath to my youngest son dela looke all other land which I possess in the Richmond Rever Land District in New South Wales declare this to be my last Will and Testament in witness whereof I the said Mary bake have herewok set my land this thirty first day of October in the year of Our Lord one thousand eight hundred and Mary Cooke



Affadavit filed in the High Court by Wesley Cooke Green.

of New South Wales dated the Tenth day of March Dre throughed nine hundred and eight and made in the suit in which the abovenamed Wesley Cooks Green is Plaintiff and the showenessed Henry Peter Cooks Arthur Whipps Fater Cook James Brigg the wife of Henry Brigg Green Ethal Breen John Thomas William Green William Jonathan Cooper Breen Theophilus Victor Elishmah Green and Barmabas Dasiel Green and Daisy Nightingale Green and Rupert Centennial Currowall Green the two last named being infants under the age of Twenty-one years are Defendants upon the following smanget other grounds:

- 1. THAT at the death of the said lands were held by her for her separate use at law and in equity and passed under her will to the appellant Benry Teler
- 2. THAT under the dream lambs
  Alienation nots and the Descriptions
  thereunder the lands in question
  being Conditional Purchase and
  Additional Conditional Purchase lands
  were and could only be held by the
  said Many Cooks a married woman for
  her separate estate
- the said hery tooks originally took
  the said hery tooks originally took
  the said hends to her separate use
  none of the subsequent mealings by
  her had the effect or were intended
  to here the effect of desiroping
  such existing separate estate.

#### INTERESTING EQUITY SUIT.

GREEN V. COOKE, WHIPPS, AND OTHERS.

MR JUSTICE A. H. SIMPSON has had an interesting case before him in the Equity Court since Thursday of last week.

This was a suit arising out of the disputed This was a suit arising out of the disputed ownership of two blocks of land at Broadwater, each containing 180 acres. The plaintiff was Weeley Cook Green, and the defondance, Henry Press Gooks, Henry Cooke, Arthur Whipps, and others.

Mr. Leverrier (instructed by Mr. W. F. Brennau) appeared for the plaintiff; Dr. Coghlan (instructed by Mr. W. T. Flynn) for the defendant Arthur Whipps; Mr. Mann (instructed by Mr. H. W. Forster) for the defendant H. P. Cooke.

The case for the plaintiff was that in

The case for the plaintiff was that in August, 1891, the defendant Peter Cooke and his mother, Mary Cooke, transferred the allotments to the said Mary Cooke as the allotments to the said Mary Cooke as sole owner. Mary Cooke, who was plaintiff's grandmother, died on September 7, 1895, leaving a will made in October 1882, and letters of administration were granted to the defendant H. P. Cooke in 1896. About the year 1900, H. P. Cooke, who claimed to own the land, purported to sell the property to the defendant Whipps. The transfer, it was stated, was not registered, nor had Whipps paid the purchase money. Mary Cooke left as next-in-kin her husband, Peter Cooke, since deceased, three children, Peter Cooke, H. P. Cooke, three children, Peter Cooke, H. P. Cooke, and Jane Brigg (wife of Henry Brigg), and eight grandchildren, children of her deceas-ed daughter, Ellen Green, of whom plaintiff

Plaintiff asked that it might be declared that Mary Cooke died intestate as to the land in question; that the defendant H. P. Cooke be restrained from transferring the land to the defendant Whipps, or in any way dealing with it other than as regards his beneficial interest in it as one of the next-of-kin; that defendant H. P. Cooke be ordered to furnish an account of all rents be ordered to turnish an account of all refis and profits, and that the amount found to be due be charged against his beneficial in-terest in the property; that a receiver be appointed, and defendant Whipps be ordered to deliver up possession of the land to such receiver; that Whipps be charged occupation rent for the time he had been in possession; that the land might be sold by the Court for the purpose of distribution among the parties entitled to participate; and that, if necessary, the estate of Mary Cooke be administered by the Court. For the defence, H. P. Cooke stated that

the land was transferred by him to his mother, who re-transferred it to him and his brother Peter. The transfer by him was made on the faith of a promise by his mother that she would hold the property as trustee for him, his brother being afterwards joined as trustee with her. Improvements were carried out to benefit him as owner of the land, and it was understood the property was to pass to him under his mother's will, and by that will she dehis mother's will, and by that will she de-vised it to him for his own use. His brother Peter joined in the agreement for sale to Whipps in 1994. Defendant sub-mitted that he was entitled to the land, and that the suit should be dismissed with

Defendant Whipps set out that he pur-chased the land from H. P. Cooke, be-lieving him to be absolute owner, and had spent about £600 in improvements. He claimed that, if the Court decided that Mary Cooke died intestate, he was entirled to be repaid the money he had spent, and to have a lien on the land for the amount expended by him.

Evidence is now proceeding in the suit.

#### EQUITY.

(Before Mr. Justice A. H. Simpson.) DISPUTED OWNERSHIP OF LAND.

Judgment was given in the suit arising out of the disputed ownership of two blocks of land at Brondwater, near Lismore. The plaintiff was Wesley Cook Greene, and the defendants, Hebry Peter Cook, Peter Cook, Arthur Whipps, and others.

Mr. Leverrier (instructed by Mr. W. F. Bren-nan) appeared for the plaintiff; Dr. Coghlan (in-structed by Mr. W. T. Flynn) for the defendant Arthur Whipps, Mr. Mann (instructed by Mr. H. W. Foster) for the defendants, H. P. Cook and P Cook, Mr. J. L. M'Laughlin (of Messre, John M'Laughlin and Sots) appeared for the infant

defendants.

His Honor stated that by an agreement of July 27, 1899, Henry Peter Cook and Peter Cook agreed to sell to Arthur Whipps 330 acres, made up of 180 acres and 150 acres of fand near ta-more. Plaintiff disputed the right of the two Cooks to sell the 150 acres in its entirely, but did not dispute that they were each entitled to quarter shares of it, which, of course, they had a right to sell. Mary Cook died is September, 1895, and by ker will bequeathed to Henry Peter Cook is acres of land, and other land to Poter Cook. She left as her next-of-kin two sons (Henry Peter Cook and Peter Cook), one daughter (Mrs. Brigg) and eight children of a deceased daughter (Mrs. Greene), who were all parties to the sun. The question was wheth-er the devise of the 185 acres under the will of Mrs. Cook was valid? This especial open the question whether she held the immerered inter-est in the 185 acres for her separate use. If she est in the 180 acres for her separate use. If she did it was not disputed that she could dispuse of did it was not disputed that she could dispuse of the will; if not, she had no power to dispuse of it by will, and as to that particular area, she died intestate. In this case plaintiff, who was the son of Mrs. Greene was cuttiled to one-eighth of a quarter interest, that was to say he was entitled to one-thirty-second share in the 180 acres. As to the 180 acres, his flower found that Mrs. Cook deed intestate. This Honor intimated that before making a decree he would hear counsel as to the precise

decree he would hear counsel up to its precise

form.

Northern Star (Lismore, NSW: 1876 - 1954) Tue 3 Mar 1908

#### EQUITY.

(Before Mr. Justice A. H. Simpson.) A VALUABLE LISMORE PROPERTY.

GREEN V. COOKE.

This was a guit arising out of the disputed ownership of two blocks of land at Broadwater. near Lismore, each containing 180 acres. The plaintiff was Wesley Cook Green, and the defendants, Henry Peter Cooke, Peter Cooke, Ac-

Mr. Leverrier (instructed by Mr. W. F. Bren-nan) appeared for the plaintiff; Dr. Coghlan (instructed by Mr. W. T. Plynn) for the defen-dant Arthur Whippe; Mr. Mann (instructed by Mr. H. W. Forster) for the defendant H. P.

Oncks.
The taking of evidence was concluded.
The case stands part heard.

#### INTERESTING EQUITY SUIT.

GREEN V. COOKE, WHIPPS, AND OTHERS.

MR JUSTICE A. H. SIMPSON has had an interesting case before him in the Equity Court since Thursday of last week.

This was a suit arising out of the disputed ownership of two blocks of land at Broadwater, each containing 180 acres. The plaintiff was Wesley Cook Green, and the defoundances, Henry Percer Grover, Proces Cooke, Arthur Whipps, and others.

Mr. Leverrier (instructed by Mr. W. F. Brennan) appeared for the plaintiff; Dr. Coghlan (instructed by Mr. W. T. Flynn) for the defendant Arthur Whipps; Mr. Mann (instructed by Mr. H. W. Forster) for the defendant H. P. Cooke.

The case for the plaintiff was that in August, 1891, the defendant Peter Cooke and his mother, Mary Cooke, transferred the allotments to the said Mary Cooke as sole owner. Mary Cooke, who was plaintiff's grandmother, died on September 7, 1895, leaving a will made in October 1882, and letters of administration were granted to the defendant H. P. Cooke in 1896. About the year 1900, H. P. Cooke, who claimed to own the land, purported to sell the property to the defendant Whipps. The transfer, it was stated, was not re-gistered, nor had Whipps paid the purchase money. Mary Cooke left as next-in-kin her husband, Peter Cooke, since deceased, three children, Peter Cooke, H. P. Cooke, and Jane Brigg (wife of Henry Brigg), and eight grandchildren, children of her deceased daughter, Ellen Green, of whom plaintiff is one.

Plaintiff asked that it might be declared that Mary Cooke died intestate as to the land in question; that the defendant H. P. Cooke be restrained from transferring the land to the defendant Whipps, or in any way dealing with it other than as regards his beneficial interest in it as one of the next-of-kin; that defendant H. P. Cooke be ordered to furnish an account of all rents and profits, and that the amount found to be due be charged against his beneficial interest in the property; that a receiver be appointed, and defendant Whipps be ordered to deliver up possession of the land to such receiver; that Whipps be charged occupation rent for the time he had been in possession; that the land might be sold by the Court for the purpose of distribution among the parties entitled to participate; and that, if necessary, the estate of Mary Cooke be administered by the Court.

For the defence, H. P. Cooke stated that the land was transferred by him to his mother, who re-transferred it to him and his brother Peter. The transfer by him was made on the faith of a promise made by his mother that she would hold the property as trustee for him, his brother being afterwards joined as trustee with her. Improvements were carried out to benefit him as owner of the land, and it was understood the property was to pass to him under his mother's will, and by that will she dehis mother's will, and by that will she devised it to him for his own use. His brother Peter joined in the agreement for sale to Whipps in 1904. Defendant submitted that he was entitled to the land, and that the suit should be dismissed with

Defendant Whipps set out that he purchased the land from H. P. Cooke, believing him to be absolute owner, and had spent about £600 in improvements. He claimed that, if the Court decided that Mary Cooke died intestate, he was entitled to be repaid the money he had spent, and to have a lien on the land for the amount expended by him.

Evidence is now proceeding in the suit.

### EQUITY COURT.

(Before Mr. Justice A. H. Simpson.)

OWNERSHIP OF LAND NEAR LISMORE.

Green y Cooke and others.

Mr. Leverrier, instructed by Mr. W. F. Brennan, appeared for the plaintiff; Dr. Coglan, instructed by Mr. W. F. Flynn, for defendant Arthur Whipps; Mr. Mann, instructed by Mr. H. W. Forster, for defendant H. P. Cooke.

This was an action respecting the ownership of two blocks of land, of 180 acres each, at Broadwater, near Lismore. Planstiff was Wesley Cooke Green, and the defendants were Henry Peter Cooke, Peter

Cooke, Arthur Whipps, and others,

The statement of claim set forth that in August, 1831, the d.fendant Peter Cooke and Mary Cooke transferred the lands in question, and they became the property of Mary Cooke, who was plaintiff's grandmother. The died on September 7, 1895, having previously made a will in October, 1882. Letters of administration with the will annexed were granted to the defendant H. P. Cooke, in October, 1896. About 1990, H. P. Cooke claimed the rents and profits of the land, and asked that amounts found to be due be charged against his beneficial interest in "to Plaintiff prayed that a receiver property. be appointed, and the defendant Whipps ordered to deliver up possession of the land to him, and be charged with a fair occupation rent during the time he had been in 'ossession; that the lands might be sold by the Court for the purpose of distribution among the parties cutitled to participate; and that, if necessary, the estate of Mary Cooke, might be administered by the Court.

The case stands part heard.

(Before Mr. Justice Street.)

MOTION FOR WINDING UP. He the Williams Meat Company, Ltd.

Mr. R. K. Manning, instructed by Messrs. Perkins, Stevenson, and Co., appeared for the petitioners, Moses Moss and Co. Thomas Alfred Field, and the Union Box and Packing Case Company, Ltd., and moved for an order for the winding up of the Williams Meat Company, Ltd., under the Companies Act, and for the appointment of an official liquidator. Counsel handed in a list of creditors representing debts amounting to about £2000. Mr. Rich, instructed by Mr. Alfred Mitchell, appeared for the respondent company, and the liquidator in the voluntary winding up, to submit to the order asked for. He, however. said that the voluntary winding up was practically completed, and he asked for remuneration to the liquidator in the voluntary winding up, and the costs in connection with the petition.

The application for winding up was granted and the official assignes next in rotation was appointed liquidator; question of the costs

## Equity Court, Sydney.

GREEN V. COOKE.

This was a suit arising out of the disputed ownership of two blocks of land at Broadwater, Richmond River, each containing 180 acres. The plaintiff was Wesley Cook Green, and the defendants, Henry Peter Cooke, Peter Cooke, Arthur Whipps, and others.

Mr. Leverrier (instructed by Mr. W. F. Brennan) appeared for the plaintiff; Dr. Coghlan (instructed by Mr. W. T. Flynn) for defendant Arthur Whipps; Mr. Mann (instructed by Mr. H. W. Forster) for the defendant H. P. Cooke.

The case for the plaintiff was that in August, 1891, the defendant Peter Cooke and his mother, Mary Cooke, transferred the allotments to the said Mary Cooke as sole owner. Mary Cooke, who was plaintiff's grandmother, died on September 7, 1895, leaving a will made in October, 1882, and letters of administration were granted to the defendant H. P. Cooke, in 1896. About the year 1900, H. P. Cooke, who claimed to own the land, purported to sell the property to defendant Whipps. The transfer, it was stated, was not registered, nor had Whipps paid the purchase money. Mary Cooks loft as next of kin her husband, Poter Cooke, since deceased, three children, Peter Cooke, H. P. Cooke, and Jane Brigg (wife of Henry Brigg), and eight grandchildren, children of her deceased daughter, Ellen Green, of whom plaintiff is one.

# Disputed Ownership of Land.

In the Equity Court, Sydney, on Frid y, he fore Mr. Justice A.H. Simpson, judgment was given in the suit arising out of the disputed ownership of two blocks of land at Broadwater, near Lismore. The plaintiff was Wesley Cook Greene, and the defendants, Henry Peter Cook, Peter Cook, Arthu

Whipps, and others.

Mr. Leverrier (instructed by Mr. W. F. Brennan) appeared for the plaint'ff; Dr. Coghlan (instructed by Mr. W. Flynn) for the defendant Arthur Whipps; Mr. Mann (instructed by Mr. H. W. Foster) for the defendants, H. P. Cook and P. Cook; Mr. J. L. McLaughlin and Sons) appeared for

the infant defendants.

His Honor stated that by an agreement of July 27, 1899, Henry Peter Cook and Peter Cook agreed to sell to Arthur Whipps 330 acres, made up of 180 acres and 150 acres of land near Lismore. Plaintiff disputed the right of the two Cooks to sell the 150 acres in its ent'rety, but did not dispute that they were each entitled to quarter shares of it, which, of course, they had a right to sell. Mary Cook died in September, 1895, and by her will bequeathed to Henry Peter Cook 180 acres of land, and other land to Peter Cook. She left as her next-of-kin two sons (Henry Peter Cook and Peter Cook), one deceased daughter (Mrs. Brigg) and eight children of a deceased daug! tr (Mrs. Greene), who were all parties to the ruit. The question was whether the devise of the 180 acres under the will of Mrs. Cook was valid This depended upon the question whether she held the transferred interest in the 180 acres for her separate use. If she did it was not disputed that she could dispose of it by will; if not she had no power to dispose of it by will, and as to that particular area

by will, and as to that particular area she died intestate. In this case plaintiff, who was the son of Mrs. Greene was entitled to one eighth of a quarter interest, that was to say he was entitled to one-thirty-second share in the 180 acres. As to the 180 acres, his Honor found Mrs. Cook died intestate His Honor intimated that before making a decree he would hear counsel as to its precise form.

Casino and Kyogle Courier and North Coast Advertiser (NSW: 1904 - 1932), Wednesday 4 March 1908, page 4