

"A" In the Supreme Court of Victoria Probate Jurisdiction

In the Will and two Codicils Hereto of  
Jane Emma Murphy deceased.

This is the foregoing marked "A" referred to in the affidavit of Alexander Belmonte  
Murphy and produced and shown to him at the time of his swearing the  
same this 20th day of November 1924 Before me

Fred J. Wroonell

A Commissioner of the Supreme Court of Victoria for taking affidavits.  
This is the foregoing marked "A" referred to in the affidavit of Belmonte  
produced and shown to him at the time of his swearing the same  
this 16th day of December 1924 Before me

Fred J. Wroonell

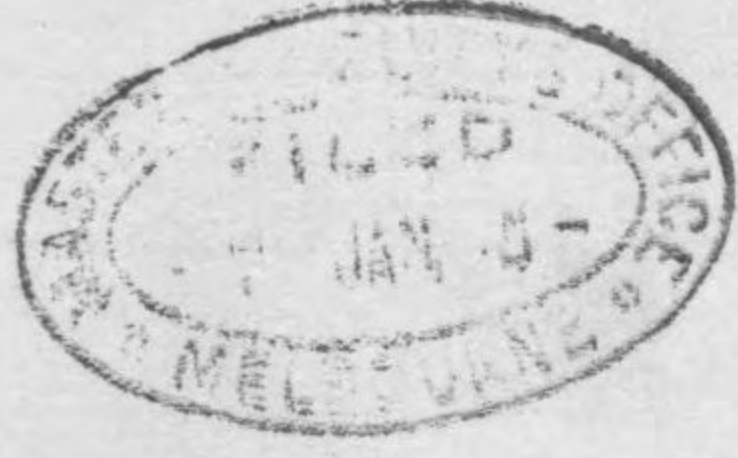
A Commissioner of the Supreme Court of Victoria for taking affidavits.

This is the foregoing marked "A" referred to in the affidavit of Alexander  
Stephen Belmonte and produced and shown to him at the time of his  
swearing the same this 17th day of December 1924 Before me

*[Signature]*  
A Commissioner of the Supreme Court of Victoria for taking affidavits  
in New South Wales.

This is the foregoing marked "A" referred to in the affidavit of Michael  
Henry Belmonte and produced and shown to him at the time of his  
swearing the same this 17th day of December 1924 Before me

*[Signature]*  
A Commissioner of the Supreme Court of Victoria for taking  
affidavits in New South Wales.



*[Signature]*

Wm J. E. Murphy  
of  
C.D. 117

"A"

*[Signature]*

14<sup>th</sup> 202711  
Date 17<sup>th</sup> July 1920

11202

711

"A"

I Jane Emma Murphy of "The Bricos" Mornington in Victoria, Widow, hereby revoke all testamentary instruments heretofore made by me, and declare this to be my last Will I appoint my brothers Alexander Stephen Balcombe and Herbert Henry Balcombe, my brother-in-law William Dickens Quick and my nephew Lieutenant Colonel Balcombe Quick D.I.C., F.R.C.S. (hereinafter called my trustees) to be the Executors and Trustees of this my Will And I declare that all the powers authorities and incumbrances by this my Will vested in or given to or provided for my trustees shall respectively devolve upon and be exercisable by and available for the survivors and survivor of them and the executor or administrators of such survivor and other the trustee or trustee for the time being of this my Will I bequeath to The Queen Victoria Hospital in Melbourne in Victoria One hundred pounds for the general purposes thereof And I declare that the receipt of the Treasurer or other Officer for the time being of the said Hospital shall be a sufficient discharge for the same. I direct my trustees to retain out of the capital of my residuary estate and investments hereinafter disposed of, One hundred pounds, and to expend the income thereof in keeping in repair and good order my grave and gravestone, And I express my wish to be buried in my late father's burial place in the Melbourne General Cemetery, I bequeath the following specific legacies:

To my sister Agnes Elizabeth Balcombe my picture of New Zealand by Aubrey (watercolor) of the only exit of water from Lake Manapouri.

To my sister Lucia Emily Quick my picture (watercolor) by Aubrey Moonlight scene on Lake Manapouri.

To my sister Alice Mabel Maund Emmerton my Tortoiseshell Workbox and Desk in one, given by General Bertram to Mrs Abell on her marriage, two plates originally in Mrs. Keropfur's collection with Royal coat of arms, square in shape.

To my niece Ruth Emma Griffiths my China Bowl with lid.

To my granddaughters Cynthia Elaine and Hersey Brookes each

Witnesses Edna Scott  
Elfie Scott

I Jane E. Murphy

an old Dresden china Plate with birds.

To my grandniece Elizabeth Nancy Griffiths old Dresden Plate with birds.

To my niece Mabel Balcombe Brookes my glass cabinet - (standing on the larger one) with contents, also locket containing Napoleon's hair.

All the rest of my jewellery trinkets and my lace and clothing to my son Alexander Balcombe Murphy. I empower my trustees as to any of the articles by this my Will or any codicil hereto specifically bequeathed to infants to deliver the same to the father or mother of any such infant, whose receipt shall discharge my trustees from all responsibility respecting the articles so delivered. I bequeath to my said son Alexander Balcombe Murphy absolutely all the stock furniture articles chattels and effects which shall at my death be in or about or used in connection with "The Briers" (except the articles hereinbefore specifically bequeathed). I devise and bequeath all my real and personal estate whatsoever (except what I otherwise dispose of by this my Will or any codicil hereto) unto and to the use of my trustees upon trust that my trustees shall sell call in and collect the same and shall out of the monies arising thereby and all other monies forming part of my estate pay my funeral and testamentary expenses and debts including the Probate Estate and Legacy duties and other death duties if any payable at my death in respect of any and every part of my estate or the dispositions thereof contained in this my Will which shall be considered as part of my testamentary expenses, and be paid accordingly, and my debts, and the legacies (other than specific) hereto bequeathed. And shall invest the residue of the said monies in any of the investments for the time being authorized by law in England or in the Commonwealth of Australia or any of the States thereof, for the investment of trust monies and may vary

Witness  
Edmund Fell  
Elfie Scott

2 June 2. 1911

such investments at discretion and shall pay to my said son Alexander Balcombe Murphy so much of the income of the said residuary monies and investments accruing due in his lifetime as would not although the same were payable to him be by his act or default or by operation of law so disposed of as to prevent his personal enjoyment thereof, and shall apply so much thereof as would if the same were payable to him be disposed of as last aforesaid for the benefit of my said son Alexander Balcombe Murphy and his wife children and other issue for the time being in existence or some one or more of those objects if any, or if none of the person or some one or more of the persons who if the trusts and provisions hereinafter contained in favor of his children had failed of effect would be entitled to the same income in such proportions at such times and in such manner as my trustees shall in their uncontrolled discretion think fit and after the death of my said son Alexander Balcombe Murphy shall stand possessed of the said residuary trust premises and investments and the income thereof in trust for all or such one or more exclusively of the other or others of the children of my said son at such age or time or respective ages or times if more than one in such shares and with such future and executory or other trusts for the benefit of the said children or some or one of them and with such provisions for their respective maintenance education or advancement at the discretion of my trustees or of any other persons or person and upon such conditions with such restrictions and in such manner as my said son shall by Deed or Deeds with or without a power of revocation or by Will or Codicil appoint and in default of such appointment and so far as no such appointment shall extend in trust for all the children or any the child of my said son who being sons or a son shall attain the age of twenty one years or being daughters or a daughter shall attain that age or marry

Witness Edwin C. Pitt  
Elfie Scott.

3. Jane E. Murphy



the sale conversion and collection so long as they shall deem proper of the whole or any part of my residuary estate, my residuary real estate being nevertheless considered as personally from my death. And may make any such sale in concurrence with any trustees or other persons interested in any undivided or other share or interest in any property offered for sale and any trustees may make such arrangements as they shall think fit as to selling under the same conditions and as one sale and for the distribution or apportionment of the proceeds of sale according to the interests in the property sold or otherwise as the circumstances may require and any trustees may during such postponement as aforesaid manage and let my residuary real estate for the time being unsold for such terms of years at such rents for such purposes under such conditions and in such manner as the said trustees or trustee shall think fit and any letting may be made in concurrence with any persons interested in any estate or undivided share in the property with such conditions as to division or apportionment of rent and as to the reversion thereof to a trustee or otherwise as to my trustees may seem fit and may make out of the income or capital of residuary estate any outlay which such trustees may consider proper for improvements repairs or otherwise for the benefit or in respect of my residuary real or personal estate and I declare that the net rent or other income produced from my estate previously to its conversion shall be applied in the same manner as if the same were income proceeding from such investments as are heretofore authorized and I declare that every determination of my trustees upon any doubt difficulty or question arising in relation to the trusts of this my Will although such determination may not be in accordance with the strict rules of law and although my trustees or any one or more of them may be personally interested in the result of such determination shall bind all persons interested under this my will or

Witnesses

Edwin C. Fie  
Elfie Scott

to Jane E. Murphy

any condition hereto and shall not be objected to or questioned upon any ground whatsoever. In witness whereof I the said Jane Emma Murphy have to this my last Will written on this and the five preceding sheets of paper set my hand this Seventeenth day of July One thousand nine hundred and twenty.

Signed by the said Jane Emma Murphy as  
and for her last Will in the presence of us  
present at the same time also at her request  
in her right and presence and in the presence  
of each other have hereunto subscribed our  
names as witnesses.

Jane E. Murphy

Edwin C. Felt  
Elfie Scott

Clerks & M. Smith & Emmerton  
Solicitors Melbourne

202711

DATED 15<sup>th</sup> December 1921.

"B"

C O D I C I L

to the WILL dated  
17th of July 1920

-- of --

MRS. JANE EMMA MURPHY



J. M. Smith & Emmerton.

"B"

4 Cons

I JANE EMMA MURPHY of "The Briars" Mornington in Victoria - -  
Widow DECLARE this to be a Codicil to my last Will bearing -  
date the Seventeenth day of July One thousand nine hundred and  
twenty by which I have amongst other things devised my real -  
estate to Trustees upon trust for sale and for the investment  
of the proceeds and to stand possessed of the income thereof -  
upon trust in favor of my son ALEXANDER BALCOMBE MURPHY for  
his life and otherwise as therein expressed NOW I DECLARE  
that the Trustees of my said Will shall permit my said son - -  
during his life to have the free use and occupation of my - -  
residence and lands situate in Mornington aforesaid containing  
about One thousand one hundred acres known as "The Briars" in  
which I am now residing free from Land Tax rates insurance and  
other outgoings which I DIRECT my said Trustees to discharge  
together with all necessary expenses for keeping the said - -  
premises in tenantable repair including repairs to rabbit-proof  
and other fences out of the income of my residuary trust prem-  
ises AND I DIRECT that the sale of the said premises shall -  
be suspended during the lifetime of my said son AND I ALSO -  
DIRECT that no sale shall be made during the lifetime of my -  
said son of my share and interest in the property now subject  
to the trusts of an Indenture of Settlement dated the Sixth -  
day of June One thousand eight hundred and fifty-six made - -  
between Alexander Beatson Balcombe and Emma Joanna Balcombe -  
his wife of the one part and John Reid of the other part reg-  
istered in the Registrar General's Office at Melbourne Number  
21 Book 38 without the consent in writing of my sisters for -  
the time being living and of the Trustees and the persons of -

the age of Twenty-one years for the time being respectively represented or being beneficially entitled to life interests in the said property described in the said Indenture of - - Settlement AND I HEREBY BEQUEATH to ALEXANDER STEPHEN BALCOMBE HERBERT HENTY BALCOMBE WILLIAM HICHENS QUICK and - - BALCOMBE QUICK the Trustees named in my said Will (therein - and hereinafter called my Trustees) as many annuities or sums of One hundred pounds each as there shall be children of my - said son Alexander Balcombe Murphy living at my death UPON - TRUST to pay to each of the said children of my said son the annuity of One hundred pounds until he or she shall die or - shall do or commit or permit some act or default whether - - voluntary or involuntary which if the trust for payment to - him or her of the same annuity were to continue would be inconsistent with his or her personal enjoyment of the whole - benefit of such trust and thenceforth to apply the same - - - annuity for the maintenance or otherwise for the benefit of - such child of my said son or his or her children for the time being or any of those objects in such manner as my Trustees - shall in their discretion think fit so long as there shall be any such object in existence and after the failure of such - objects as aforesaid the same annuity shall cease I DECLARE that my Trustees shall invest such parts of the said - - - annuities respectively and the resulting income thereof as - shall not be applied by them in or towards the maintenance - education or otherwise for the benefit of any such child of my said son in the investments by my said Will authorised in respect of my residuary estate (with the same power to change investments) so long as the same child of my said son shall - be under the age of Twenty-one years AND upon his or her - attaining the said age such accumulations shall be paid to -

Witnesses  
Harry Emmelin  
Elfie Scott

James J. Murphy

him or her AND if he or she shall not attain that age then -  
such accumulations shall form accretions to my said residuary -  
trust premises and follow the destination thereof I REVOKE -  
the legacy to my said son ALEXANDER BALCOMBE MURPHY of - - -  
jewellery trinkets and laces contained in my said Will AND -  
DECLARE that (without prejudice to the specific bequests to -  
others than my said son contained in my said Will prior to the  
legacy to him hereinbefore revoked) all the residue of my china  
in cabinets and articles of curiosity or virtu with the - - - -  
cabinets and cases in which any of them are contained shall be  
held by my Trustees for the children living at my death of my -  
said son in such proportions and shares equal or unequal as my  
Trustees shall determine AND FURTHER that notwithstanding that  
any such child may be a minor my Trustees may deliver any of the  
same effects and premises to him or her without incurring any -  
responsibility in relation thereto AND my Trustees shall not  
be bound to take an inventory nor be concerned for the safe - -  
custody insurance or preservation of such effects and premises  
AND in all other respects I confirm my said Will.

IN WITNESS whereof I the said Jane Emma Murphy have to -  
this Codicil to my last Will contained in this and the Two pre-  
ceding pages set my hand this *Fifteenth* day of  
*December* One thousand nine hundred and twenty-one.

SIGNED by the said JANE EMMA MURPHY  
as and for a Codicil to her last Will  
in the presence of us present at the  
same time who at her request in her -  
sight and presence and in the presence  
of each other have hereunto subscribed  
our names as witnesses.

*Jane E. Murphy*

*Harry Emmerton Solomon-McBarnie*

*Elfie Scott*

*his clerk* - 3 -

"B"  
In the Supreme Court } Probate Jurisdiction  
of Victoria

In the Will and two Codicils thereto of Jane  
Emma Murphy deceased

This is the paperwriting marked "B" referred to in the affidavit of Alexander  
Balcombe Murphy and produced and shown to him at the time of his swearing  
the same this 20<sup>th</sup> day of November 1924 Before me

Jud. J. Kierouse

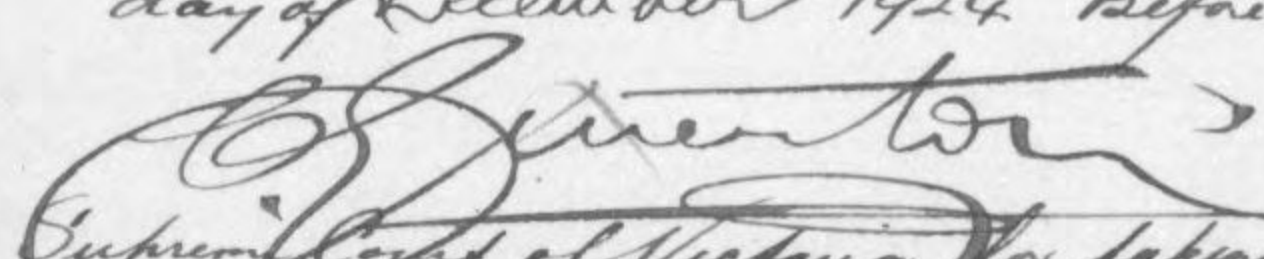
A Commissioner of the Supreme Court of Victoria for taking  
affidavits.

This is the paperwriting marked "B" referred to in the affidavit of Balcombe  
Quirk and produced and shown to him at the time of his swearing the  
same this 16<sup>th</sup> day of December 1924 Before me

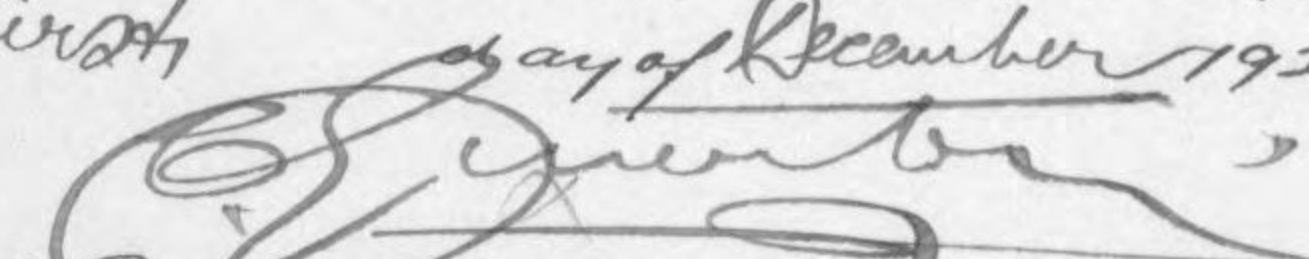
Jud. J. Kierouse

A Commissioner of the Supreme Court of Victoria for taking affidavits

This is the paperwriting marked "B" referred to in the affidavit of Alexander  
Stephen Balcombe and produced and shown to him at the time of his  
swearing the same this First day of December 1924 Before me

  
A Commissioner of the Supreme Court of Victoria for taking affidavits  
in New South Wales.

This is the paperwriting marked "B" referred to in the affidavit of Herbert  
Kent Balcombe and produced and shown to him at the time of  
his swearing the same this First day of December 1924 Before me

  
A Commissioner of the Supreme Court of Victoria for taking  
affidavits in New South Wales.

DATED 19<sup>th</sup> May 202711 1922.

"C"

SECOND CODICIL

to the WILL dated  
17th July 1920

-- of --

MRS. J. E. MURPHY



J. M. Smith & Emmerton.

"C"

I JANE EMMA MURPHY of "The Briars" Mornington in Victoria -  
Widow DECLARE this to be a Codicil to my last Will bearing -  
date the Seventeenth day of July One thousand nine hundred and  
twenty to which I have made a Codicil bearing date the - - - -  
Fifteenth day of December One thousand nine hundred and twenty-  
one I BEQUEATH to my old employee AGNES LAUB  
for her life if she shall be in my employ at my death the - -  
annuity of Twenty-six pounds free from duty and from deductions  
of every kind to be paid by equal monthly instalments the first  
to be made at the end of One month from my death I BEQUEATH -  
to my nephew BALCOMBE QUICK Two hundred and fifty pounds free  
from duty and from deductions of every kind and over and above  
any remuneration to which he may be entitled as an Executor -  
and Trustee of my said Will I APPOINT my son ALEXANDER - -  
BALCOMBE MURPHY to be an Executor and Trustee of my said Will  
in the place of William Hichens Quick appointed by my said - -  
Will and who is now deceased, jointly with my brothers - - - -  
Alexander Stephen Balcombe and Herbert Henty Balcombe and the -  
said Balcombe Quick AND DECLARE that my said Will and Codicil  
shall take effect as if in my said Will the name of my said son  
Alexander Balcombe Murphy had been substituted for that of the  
said William Hichens Quick AND in all other respects I con-  
firm my said Will as altered by the said Codicil.

IN WITNESS whereof I have to this Second Codicil to my -  
last Will set my hand this *Nineteenth day of May*  
One thousand nine hundred and twenty-two.

SIGNED by the said JANE EMMA MURPHY as)  
and for a Second Codicil to her last Will)  
in the presence of us both present at the)  
same time who at her request in her sight)  
and presence and in the presence of each)  
other have hereunto subscribed our names  
as witnesses.

*Harry Emmerton*  
*Solicitor Melbourne*

*Elfie Scott,*  
*His clerk.*

"C"  
In the Supreme Court } Probate Jurisdiction  
of Victoria

In the Will and two Codicils thereto of  
Jane Emma Murphy deceased.

This is the paperwriting marked "C" referred to in the affidavit of Alexander  
Balcombe Murphy and produced and shown to him at the time of his  
swearing the same this 20<sup>th</sup> day of November 1924 Before me

Edw. J. Kerroux

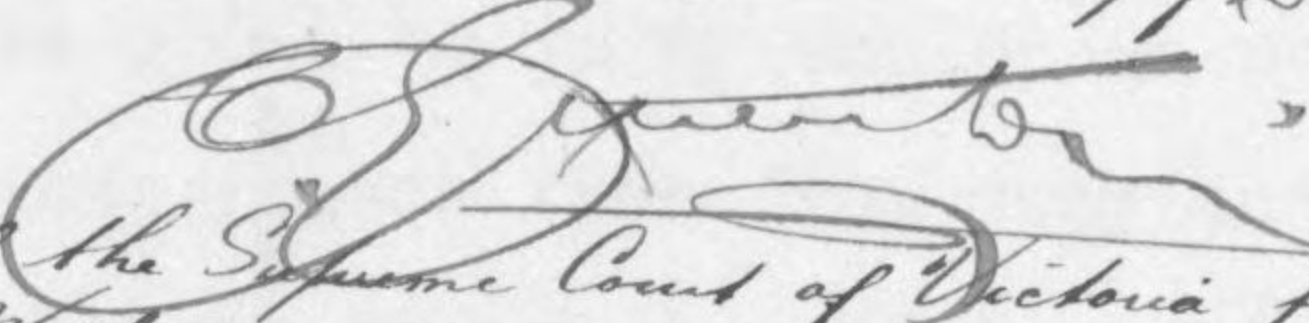
A Commissioner of the Supreme Court of Victoria for taking  
affidavits.

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Leick and produced and shown to him at the time of his swearing the same  
this 16<sup>th</sup> day of December 1924 Before me

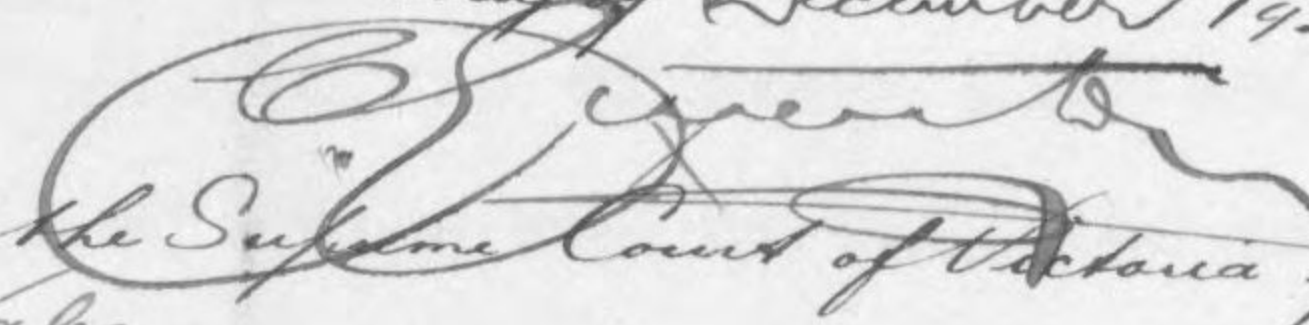
Edw. J. Kerroux

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

This is the paperwriting marked "C" referred to in the affidavit of  
Alexander Stephen Balcombe and produced and shown to him at the  
time of his swearing the same this First day of December 1924  
Before me

  
A Commissioner of the Supreme Court of Victoria for taking affidavits  
in New South Wales.

This is the paperwriting marked "C" referred to in the affidavit of Herbert  
Henry Balcombe and produced and shown to him at the time of his  
swearing the same this First day of December 1924 Before me

  
A Commissioner of the Supreme Court of Victoria for taking affidavits  
in New South Wales.

