

177306

IN THE SUPREME COURT

OF VICTORIA

✓

PROBATE JURISDICTION

IN THE WILL and CODICIL thereto  
of CHARLES BROUGH late of Nepean  
and Bay Roads Moorabbin in the  
State of Victoria Market Gardener  
deceased

===== ORDER FOR PROBATE =====

6

2/2/21

304

Maddock Jamieson & Lorie,  
Proctors,  
136-138 Queen Street,  
Melbourne.

IN THE SUPREME COURT  
OF VICTORIA

} PROBATE JURISDICTION

IN THE WILL and CODICIL thereto of CHARLES BROUGH  
late of Nepean and Bay Roads Moorabbin in the State  
of Victoria Market Gardener deceased.

BEFORE THE REGISTRAR

THE Twenty-first day of February 1921

UPON APPLICATION this day made by the Proctor for the Applicants  
AND UPON READING the several Affidavits of Mary Brough, George John  
Brough, Horace Walter Brough and Stanley Harold Calder respectively  
sworn and filed herein THIS COURT DOTH ORDER that PROBATE of the WILL  
and CODICIL thereto of the said CHARLES BROUGH late of Nepean and Bay  
Roads Moorabbin in the State of Victoria Market Gardener deceased be  
granted to MARY BROUGH of Nepean and Bay Roads Moorabbin in the State  
<sup>Widow</sup> of Victoria, and GEORGE JOHN BROUGH and HORACE WALTER BROUGH both of  
Bay Road Moorabbin in the said State Market Gardeners respectively the  
Executrix and Executors named in and appointed by the said Will.

BY THE COURT

Marker

Registrar of Probates



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IN THE SUPREME COURT

OF VICTORIA

PROBATE JURISDICTION

IN THE WILL and CODICIL thereto  
of CHARLES BROUGH late of Nepean  
and Bay Roads Moorabbin in the  
State of Victoria Market --  
Gardener deceased

P R O B A T E

2. I certify that the sum of  
£137/4/8. to witness whereon  
has been paid.

K.W. Weller ✓  
Administrator of Estate

207-21

Maddock Jamieson & Lonie,  
Proctors,  
136-138 Queen Street,  
Melbourne.

IN THE SUPREME COURT  
OF VICTORIA

PROBATE JURISDICTION

IN THE WILL and CODICIL thereto of CHARLES BROUGH late of Nepean and Bay Roads Moorabbin in the State of Victoria Market Gardener deceased.

B E I T K N O W N that on the *Seventeenth* day of *February* in the year of our Lord One thousand nine hundred and twenty-one the Will and -- Codicil thereto (true copies of which are hereunto annexed) of CHARLES BROUGH late of Nepean and Bay Roads Moorabbin in the State of Victoria Market Gardener deceased who died on the fifteenth day of May One thousand nine hundred and twenty and who had at the time of his death Real Estate within the Jurisdiction sworn not to exceed in value Two thousand seven hundred and sixty-five pounds and Personal Estate within the Jurisdiction sworn not to exceed in value Three hundred and ninety-seven pounds fifteen shillings and sevenpence were proved by MARY BROUGH of Nepean and Bay Roads Moorabbin in the State of Victoria Widow of the said deceased GEORGE JOHN BROUGH and HORACE WALTER BROUGH both of Bay Road Moorabbin in the said State Market Gardeners respectively the Executrix and Executors named in and appointed by the said Will they having been first sworn that they would well and truly collect and administer according to law the Estate of the said Charles Brough deceased and would exhibit and deposit in the Office of the Master-in-Equity a true and perfect Inventory of the said Estate within three months of the Order granting Probate and a true and just Account of their -- administration of the said Estate within fifteen months of the said Order. This Grant is made upon the condition that no portion of the Assets shall be distributed or paid during the War to any Beneficiary or Creditor who is a German, Austro-Hungarian, Turkish or Bulgarian Subject wherever resident or to any one on his behalf or to or on behalf of any person resident in -- Germany, Austria-Hungary, Turkey or Bulgaria of whatever nationality without the express sanction of the Crown and if any distribution or payment is made contrary to this Condition the Grant of Probate will be forthwith revoked.

*Rebel* GIVEN at Melbourne this *25<sup>th</sup>* day of *July* in the year  
of our Lord One thousand nine hundred and twenty-one.

*SW 21/2/21* *Seal* *M.W.*

*J Carter*  
Registrar of Probates

177306

IN THE SUPREME COURT.

OF VICTORIA

## PROBATE JURISDICTION

IN THE WILL and CODICIL  
thereto of CHARLES BROUGH

in the State of Victoria **Market**  
**G a r d e n e r** —  
deceased.

**AFFIDAVIT OF EXECUTRIX**

## and Executors



Maddock Jamieson & Lonie,  
Proctors,  
136-138 Queen Street,  
Melbourne.

In the Supreme Court }  
OF VICTORIA.

PROBATE JURISDICTION.

IN THE WILL and CODICIL thereto of CHARLES BROU  
late of Nepean and Bay Roads Moorabbin \_\_\_\_\_  
in the State of Victoria Market Gardener \_\_\_\_\_ deceased

WE, MARY BROU of Nepean and Bay Roads Moorabbin in the State  
of Victoria Widow GEORGE JOHN BROU and HORACE WALTER BROU both  
of Bay Road Moorabbin in the said State Market Gardeners respectively  
of \_\_\_\_\_ in the State of Victoria  
jointly and severally \_\_\_\_\_ make oath and say—

1. That we are seeking to obtain Probate of the Will and Codicil thereto  
of the above-named Charles Brou \_\_\_\_\_ deceased  
and we are <sup>each</sup> of the full age of twenty-one years.

2. The said deceased died on the fifteenth day of May  
One thousand nine hundred and twenty.

3. The said deceased was married at the time of his death.

4. The said deceased left a Will bearing date the twenty-second day of  
October One thousand nine hundred and nineteen which is as we  
believe the last Will and Testament of the said deceased and which is unrevoked. except so far  
as it is revoked by a Codicil thereto bearing date the twenty-seventh day  
of October One thousand nine hundred and nineteen which Codicil is unrevoked.

5. That the testator was of the full age of twenty-one years at the date of the  
execution of the said Will and Codicil.

6. By his said Will the said testator appointed us these deponents Executrix and

executors thereof.

7. The paper writing now produced and shown to us and marked "A" are  
the true last Will and Codicil of the said deceased as we verily believe.

8. The said Will was executed in the presence of John Henry Maddock then and now  
of 136 and 138 Queen Street Melbourne in the State of Victoria Solicitor  
and Robert Alexander Davie then and now of Bay Road Cheltenham in the  
said State Market Gardener and the said Codicil was executed in the  
presence of George James Scantlebury then and now of Charman Road  
Cheltenham in the said State Medical Practitioner and Winifred Hilda  
Ludbrook then of Point Nepean and Bay Roads Moorabbin aforesaid Nurse but  
now of 26 Bishop Street Box Hill in the said State Nurse.

9. The said deceased left real estate in the State of Victoria not exceeding the  
value of Two thousand seven hundred and sixty-five pounds \_\_\_\_\_  
and personal property in the said State not exceeding the value of Three hundred  
and ninety-seven pounds fifteen shillings and sevenpence

as set out in the\* Inventory now produced and shown to us and marked  
"C".

10. 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 ~~h~~ ~~is~~ death which at any time after shall come to the power or control hands or possession of ~~us~~ as ~~Executrix and~~ ~~h~~ ~~is~~ ~~execut~~ ~~ors~~ 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 to 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.

11. THAT the said deceased was at the time of his death a British Subject by birth.

SEVERALLY SWORDN at Melbourne by  
all the abovenamed Deponents

SWORN at \_\_\_\_\_ in the State  
of Victoria this Third  
day of February One thousand  
nine hundred and twenty-one

Before me

*Mary Brough*  
*George John Brough*  
*Horace W. Brough*

A Commissioner of the Supreme Court of the State of Victoria for taking Affidavits.

177306

IN THE SUPREME COURT

OF VICTORIA

PROBATE JURISDICTION

IN THE WILL and CODICIL thereto  
of CHARLES BROUGH late of Nepean  
and Bay Roads Moorabbin in the  
State of Victoria Market --  
Gardener deceased.

AFFIDAVIT OF PUBLICATION  
OF NOTICE AND SEARCHES



Maddock Jamieson & Lonie,  
Proctors,  
136-138 Queen Street,  
Melbourne.

IN THE SUPREME COURT }  
OF VICTORIA } PROBATE JURISDICTION

IN THE WILL and CODICIL thereto of CHARLES BROU  
late of Nepean and Bay Roads Moorabbin in the State  
of Victoria Market Gardener deceased.

I, STANLEY HAROLD CALDER of 33 Degraves Street Parkville in the  
State of Victoria Law Clerk make oath and say :-

1. THAT I am a Clerk in the sole and permanent employ of Messieurs  
Maddock Jamieson and Lonie only of 136 and 138 Queen Street Melbourne in  
the State of Victoria Solicitors the Proctors acting generally in the  
Application for Probate herein.

2. THAT the following Advertisement duly appeared in the "Age"  
Newspaper published in Melbourne on the ~~16th~~<sup>29th</sup> day of ~~December~~ January 1921, 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 State of Victoria in its Probate Jurisdiction that PROBATE of  
the WILL and CODICIL thereto of CHARLES BROU late of Nepean and Bay  
Roads Moorabbin in the State of Victoria Market Gardener deceased may  
be granted to MARY BROU of Nepean and Bay Roads Moorabbin aforesaid  
Widow GEORGE JOHN BROU of Bay Road Moorabbin in the said State  
Market Gardener and HORACE WALTER BROU of Bay Road Moorabbin aforesaid  
Market Gardener the Executrix and Executors named in and appointed  
by the said Will.

D A T E D this twenty-eighth day of January 1921.  
MADDOCK JAMIESON and LONIE of 136 and 138 Queen Street Melbourne  
Proctors for the Applicants.

3. THAT I have since the date of the death of the abovenamed  
deceased searched in the Office of the Registrar-General of the State  
of Victoria and find that no Will of the said deceased is deposited  
therein.

4. THAT I have this day searched in the proper Office of the  
Master-in-Equity of this Honorable Court and find that no Caveat has  
been lodged in this matter.

5. THAT I have this day searched in the proper Office of the  
Master-in-Equity of this Honorable Court and find that no Application  
for Probate or Letters of Administration in this matter has heretofore  
been made to or granted by the Court or the Registrar.

SWORN at Melbourne in the State of  
Victoria this fifteenth day of  
February 1921

Before me,

S. Calder

D. Weston

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

177306

IN THE SUPREME COURT  
OF VICTORIA

PROBATE JURISDICTION.

IN THE WILL and CODICIL thereto  
of CHARLES BROUH late of Nepean  
and Bay Roads Moorabbin in <sup>NAS</sup> Victoria  
Market Garden deceased



INVENTORY

Q.



MADDOCK, JAMIESON & LONIE,

PROCTORS,

136-138 QUEEN STREET, MELBOURNE.

In the Supreme Court  
OF VICTORIA.

"C"  
IN ITS PROBATE JURISDICTION.

IN THE WILL and CODICIL thereto of CHARLES BROUH  
late of Nepean and Bay Roads Moorabbin in the State  
late of of \_\_\_\_\_ in Victoria Market Gardener  
deceased

INVENTORY of all and singular the Property, Lands and Hereditaments, Goods,  
Chattels, and Credits of the above-named Deceased

		£	s.	d.
Real Estate	... ... ...			
1.	ALL THAT piece of land containing 20 acres or thereabouts being part of Crown Portion 43 Parish of -- Moorabbin County of Bourke and more particularly described in Certificate of Title entered in the Register Book Volume 262 Folio 52245.			
2.	ALL THAT piece of land containing 28 acres or thereabouts being parts of Crown Portion 43 Parish o f Moorabbin County of Bourke and more particularly described in Certificate of Title entered in the Register Book Volume 2484 Folio 496782	2765	0	0
Property, held under lease or license or license from the Crown	Nil.			
Improvements, consisting of	...	Nil.		
Rents	... ... ...	Nil.		
CARRIED FORWARD	...	£ 2765	0	0

BROUGHT FORWARD	...	...	...	£	2765	0	0
Crops, consisting of	...	...	Nil.				
Live Stock, consisting of	...	...	Nil.				
Farming Implements, consisting of	...	Nil.					
Carriages, consisting of	...	...	Nil.				
Harness and Saddlery	...	...	Nil.				
Furniture	...	...		30	0	0	
Salary or Wages	...	...	Nil.				
Pensions	...	...	Nil.				
Compensation on retirement or loss of office	}		Nil.				
Watches, Trinkets, Jewellery, &c.	1..Old Silver Watch and Chain			5	0	0	
Money in hand or house	...	Nil.					
„ in Bank or Building Society	State Savings Bank Cheltenham and						
current account	interest thereon to date of death		152	2	4		
„ in Bank or Building Society							
Deposit, viz.	}	Nil.					
Interest on Money, Debentures,							
Bonds, Mortgages, to date of							
death	...	...	Nil.				
Debentures	...	...	Nil.				
Bonds	5 Bonds valued at date of death			210	13	3	
Mortgages	...	...	Nil.				
Interest on same	...	...	Nil.				
Life Policies	...	...	Nil.				
Bonuses	...	...	Nil.				
Shares	...	...	Nil.				
Dividends	...	...	Nil.				
Plant	...	...	Nil.				
Tools	...	...	Nil.				
Debts due to the Estate	...	Nil.					
Stock in Shop or Business	...	Nil.					
Interest in a Partnership	...	Nil.					
Goodwill	...	Nil.					
Interest in a Deceased Person's Estate		Nil.					
				23162	15	7	

DATED this

Thurs

day of February 1921.

Mary Brough  
George John Brough  
Horace W. Brough

Executrix and Executors

~~W. J. Brough~~ This is the Inventory marked "B" referred to in the annexed Affidavit  
"C" produced and shewn to Mary Brough, George John Brough and  
Horace Walter Brough at the time of their swearing their Affidavit

~~W. J. Brough~~ Sworn this Third day of February 1921

Before me W. J. Brough

A Commissioner of the Supreme Court of the State of Victoria for taking Affidavits.

177306  
IN THE SUPREME COURT  
OF VICTORIA

PROBATE JURISDICTION

IN THE WILL and CODICIL thereto  
of CHARLES BROUGH late of Nepean  
and Bay Roads Moorabbin in the  
State of Victoria Market  
Gardener deceased

P R A E C I



212  
Granted  
July 1/1921  
Maddock Jamieson & Lonie,  
Proctors,  
136-138 Queen Street,  
Melbourne.