

## UTR7.158 - KAYE MERLIN BRUTTON BEQUEST

### Recitals-

- A. Kaye Merlin Brutton, late of "Carramar", Esplanade, Mount Martha, in the State of Victoria, who died on 19 July 1984, bequeathed to the University his residuary estate, directing that "the Council of the University shall have discretion to apply the assets concerned both as to capital and income to support whether in the faculty of Medicine or in the faculty of Science or in both research into Cancer, Diseases of the Liver, Ophthalmic Diseases and Ophthalmic Defects (and in particular the neurological aspects of vision) and Angina Pectoris or any one or more of them".
- B. Probate of the Will of the late Mr. Brutton was granted on 5 December 1984, and on 13 May 1985, 30 May 1985, and 27 May 1985, summonses were issued pursuant to Part IV of the Administration and Probate Act on the application of the deceased's daughter, Elizabeth Murphy, his widow, Dorothy Evelyn Christine Brutton, and his former wife, Cecilia Brutton, respectively, the last-mentioned action being discontinued on 5 November 1986.
- C. Orders were made by the Supreme Court of Victoria on 10 February 1987 granting Elizabeth Murphy and Dorothy Evelyn Christine Brutton each a legacy of \$300,000 from the estate, in lieu of the sums bequeathed by the Will, \$5,000 and \$30,000 respectively.
- D. The University received \$1,001,025 by way of partial distribution and expects to receive further smaller sums at the time of final distribution of the estate.
- E. The faculties of Medicine, Dentistry and Health Sciences and Science have agreed that research funds are to be apportioned between them on a four-fifths to one-fifth basis respectively, and that any future change to that ratio is to be determined by the Council.

It is provided as follows-

- 1. The sum of \$1,001,025 and any accumulations and additions to the sum forms a fund called the "Kaye Merlin Brutton Bequest Fund" ("the fund") and the fund must be paid into an investment pool and remain there until the Council directs otherwise.
- 2.
  - (a) Subject to the provisions of the succeeding paragraphs the net annual income of the fund is apportioned between the faculties of Medicine and Science ("the faculties") in a ratio of four-fifths to one-fifth respectively ("the ratio") and must be applied for the purposes of research into cancer, diseases of the liver, ophthalmic diseases (and in particular the neurological aspects of vision) and angina pectoris or any or more of them.
  - (b) The Council may at the request of the faculties alter the ratio referred to in paragraph (a).
  - (c) The Council may on the recommendation of the faculties, direct that the capital of the fund be resorted to in order to provide for any of the purposes specified in paragraph (a) and in giving such direction the Council must determine whether the capital sum is to be applied to one faculty to the exclusion of the other or, in appropriate circumstances, how the sum is to be apportioned between the faculties.