

147947

IN THE SUPREME COURT  
of Victoria.

July 16/2 [17]

PROBATE JURISDICTION

IN THE WILL of THOMAS TIVENDALE.

of High Street Malvern.

in the State of Victoria Grocer  
deceased.

ORDER

— FOR —

PROBATE

Milton L. Davey,

Solicitor,  
Melbourne.

IN THE SUPREME COURT  
of Victoria }

Probate Jurisdiction.

IN THE WILL OF THOMAS TIVENDALE.

late of High Street Malvern in the State of Victoria Grocer  
deceased.

BEFORE THE REGISTRAR.

The Fifteenth day of January 1917

UPON APPLICATION this day made by the Proctor for the  
Applicant and upon reading the several affidavits of RICHARD  
RIMMINGTON PARSONS, SUSAN TIVENDALE, CLARENCE CHARLES MADDOCKS, and  
WILLIAM ALFRED SMITH respectively sworn and filed herein.

THIS COURT DOTH ORDER that PROBATE of the Will of the said  
THOMAS TIVENDALE deceased be granted to SUSAN TIVENDALE, of High  
Street Malvern in the State of Victoria Widow the executrix named  
in and appointed by the said Will .

BY THE COURT.

*Karter*

Registrar of Probates.



147947

IN THE SUPREME COURT OF  
Victoria.

IN THE WILL OF THOMAS TIVENDALE  
late of ~~High Street~~ <sup>of</sup> Glenmore  
in the State of Victoria where  
deceased.

PROBATE.

I certify that the sum of £6-8-  
~~10~~ Duty on this Probate has been  
paid.

*R. J. Wolden*  
Commissioner of Taxes  
14th February 1917.

Milton L. Davey

Solicitor

Melbourne.

IN THE SUPREME COURT  
of Victoria

IN THE PROBATE JURISDICTION.

IN THE WILL OF THOMAS TIVENDALE

late of High Street Malvern in the State of Victoria Grocer  
deceased.

BE IT KNOWN that on the <sup>15<sup>th</sup> day of January in the year of our Lord One thousand nine hundred and Seventeen the will (a true copy of which is hereunto annexed) of THOMAS TIVENDALE late of High Street Malvern in the State of Victoria Grocer deceased who died on the <sup>15<sup>th</sup> day of June One thousand nine hundred and sixteen and who had at the time of his death real estate within the jurisdiction, sworn not to exceed in value the sum of One hundred and thirty four Pounds and personal estate within the jurisdiction, sworn not to exceed in value the sum of Seven hundred and <sup>nine</sup> ~~thirty~~ one Pounds ~~Seventeen Shillings~~ was proved by Susan Tivendale of High Street Malvern in the said State Widow the executrix named therein she having been first sworn that she would well and truly collect and administer according to law the estate of the said 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 her administration of the said estate within fifteen months of the said order.</sup></sup>

Given at Melbourne this sixteenth day of February,  
in the year of our Lord One thousand nine hundred and  
seventeen.

D.W.  
24/1/17

J. Carter.  
Registrar of Probates

B. D.

147947

## IN THE SUPREME COURT

OF VICTORIA.

## PROBATE JURISDICTION.

IN THE WILL of

THOMAS TWENDE

late of High Street Malvern

## in the State of Victoria      Grocer

deceased.

# AFFIDAVIT OF EXECUTRIX

Harston, Partridge & Co.,  
10 Milton Street, Melbourne.

Harston, Partridge & Co., Printers, Melbourne.

In the Supreme Court }  
OF VICTORIA.

PROBATE JURISDICTION.

IN THE WILL of THOMAS TIVENDALE.

late of High Street Malvern

in the State of Victoria Grocer

deceased

I SUSAN TIVENDALE

of High Street Malvern

Widow

in the State of Victoria

make oath and say—

1. That I am seeking to obtain Probate of the Will  
of the above-named Thomas Tivendale deceased  
and I am of the full age of twenty-one years.

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

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

4. The said deceased left a Will bearing date the Sixteenth day of  
May One thousand nine hundred and sixteen which is as I  
believe the last Will and Testament of the said deceased and which is unrevoked.

5. That the testat or was of the full age of twenty-one years at the date of the  
execution of the said Will.

6. By his said Will the said testat or appointed myself this deponent

executrix thereof.

7. The paper writing now produced and shewn to me and marked "A" is the  
true last Will and Testament of the said deceased as I verily believe.

8. The said Will was executed in the presence of William A Smith then and  
now of 114 Tennyson Street St Kilda and Clarence Charles Maddocks then  
and now of "Rushlea" Tooronga Road Malvern.

9. The said deceased left real estate in the State of Victoria not exceeding the  
value of ONE HUNDRED AND THIRTY FOUR POUNDS  
and personal property in the said State not exceeding the value of SEVEN HUNDRED AND  
nine THIRTY ONE POUNDS AND SEVENTEEN SHILLINGS

as set out in the\* inventory now produced and shewn to me and marked  
with the letter "B"

10. That if ~~I~~ obtain probate ~~I~~ will well and truly collect and administer according to law to the best of my knowledge and ability the property, lands and hereditaments goods, chattels and credits of the said deceased at the time of ~~his~~ death which at any time after shall come to the power or control hands or possession of ~~X~~ as ~~his~~ exec~~ut~~ive or of any other person or persons for me that ~~I~~ 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 me or to the hands or possession of any other person or persons for me and the same so made will sign with my 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 ~~X~~ will make or cause to be made a true and just account of the Administration of the estate which ~~I~~ have undertaken as to my receipts and disbursements and as to what portion is retained by me and what portion remains uncollected and the same so made will sign with my 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.

SWORN at Melbourne in the State  
of Victoria this 6<sup>th</sup>  
day of October One thousand  
nine hundred and sixteen

Before me

John Vincent

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

Susan Lovendal

147947

IN THE SUPREME COURT  
of Victoria.

PROBATE JURISDICTION.

IN THE WILL OF Thomas Thivendale  
late of High Street, Malvern  
in the State of Victoria, Groan  
deceased.



AFFIDAVIT OF CLERK OF COURT  
CHARLES MADDOCKS



Milton L. Davey,  
101 Swanston Street,  
MELBOURNE.

In the Supreme Court,  
of the State of Victoria. }

Probate Jurisdiction.

IN THE WILL of THOMAS TIVENDALE late of High Street Malvern  
in the State of Victoria Grocer deceased.

I, CLARENCE CHARLES MADDOCKS of "Rushlea" Tooronga Road,  
Malvern Traveller make oath and say:-

1. THAT I am one of the subscribed witnesses to the LAST  
WILL and TESTAMENT of the above deceased which will bears date the  
16th day of May 1916 and is produced and shewn to me at the time of  
swearing this my Affidavit, and marked with the letter "A".

2. THAT the circumstances under which the said Will was  
executed by the said THOMAS TIVENDALE deceased are.

In the course of my business as a traveller I called upon  
the said deceased who requested me and WILLIAM ALFRED SMITH (who is  
also a traveller and was in the said shop) to witness his Will.

3. THAT the said THOMAS TIVENDALE, WILLIAM ALFRED SMITH  
and myself this deponent then went into an adjoining room and the  
said THOMAS TIVENDALE thereupon executed the said Will by signing  
the name THOMAS TIVENDALE immediately opposite the word "Signed" in  
the <sup>2<sup>nd</sup></sup> line of the said Will in my presence and in the presence of  
the said WILLIAM ALFRED SMITH and we thereupon attested the said  
Will in the presence of the said THOMAS TIVENDALE and in the  
presence of each other.

THAT the interlineation immediately above the 15<sup>th</sup> line in the  
said Will was inserted prior to the execution of the said Will by  
the said deceased.

SWORN at Melbourne in the State  
of Victoria this <sup>six</sup> ~~fifteenth~~ day  
of December One thousand nine  
hundred and sixteen. BEFORE ME

Clarence Charles Maddocks

Gerald Barnett

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

147947

IN THE SUPREME COURT  
of Victoria.

PROBATE JURISDICTION.

IN THE WILL of THOMAS TIVENDALE  
late of High Street Malvern  
in the State of Victoria, Grocer  
deceased intestate.

AFFIDAVIT OF PUBLICATION OF  
NOTICE AND OF SEARCHES.



MILTON L. DAVEY.

101 Swanston Street  
Melbourne

IN THE SUPREME COURT  
of Victoria

Probate Jurisdiction.

IN THE WILL of THOMAS TIVENDALE late of High Street Malvern in the State of Victoria Grocer deceased:

I, RICHARD RIMMINGTON PARSONS of 101 Swanston Street Melbourne in the State of Victoria Managing Law Clerk make oath and say:-

I. THAT the following advertisement duly appeared in the "Age" newspaper published in Melbourne on the 21st day of August 1916 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 of THOMAS TIVENDALE late of High Street Malvern in the State of Victoria Grocer deceased may be granted to SUSAN TIVENDALE of High Street Malvern in the said State widow, the executrix named in and appointed by the said Will.

DATED this 19th day of August 1916.

MILTON L. DAVEY, 101 Swanston Street,

Melbourne, Proctor for the applicant.

2. THAT I have since the death of the deceased searched and find that no Will of the above named deceased is deposited in the Office of the Registrar- General.

3. THAT I have this day searched in the proper office of this Honorable Court and find that no caveat has been lodged in this matter.

4. THAT no application for probate or administration in this matter has heretofore been made to or been granted by this Court or the Registrar of Probates of this Court.

5. THAT I am Managing Clerk in the sole and permanent employ of Milton Livingstone Davey only, the Proctor for the applicant herein.

SWORN at Melbourne in the )

State of Victoria this 26th)

day of October 1916.

BEFORE ME

Howard Bennett

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

IN THE SUPREME COURT  
14794  
of Victoria.

PROBATE JURISDICTION

IN THE WILL of Thomas Tivendale,  
late of High Street Malvern  
in the State of Victoria. Grocer  
deceased.

AFFIDAVIT OF WILLIAM

ALFRED STACE



Milton L. Da  
101 Swanston Street,  
MELBOURNE

In the Supreme Court  
of the State of Victoria }

Probate Jurisdiction

IN THE WILL of THOMAS TIVENDALE late of High Street Malvern  
in the State of Victoria Grocer deceased.

I, WILLIAM ALFRED SMITH of 114 Tennyson Street Saint Kilda  
Traveller make oath and say:-

1. THAT I am one of the subscribed witnesses to the LAST WILL  
and TESTAMENT of the above deceased which will bears date the 16th  
day of May 1916 and is produced and shewn to me at the time of  
swearing this my Affidavit, and marked with the letter "A".
2. THAT the circumstances under which the said Will was  
executed by the said THOMAS TIVENDALE deceased are.

In the course of my business as a traveller I called upon the  
said deceased who requested me and CLARENCE CHARLES MADDOCKS (who is  
also a traveller and was in the said shop) to witness his Will.

3. THAT the said THOMAS TIVENDALE, CLARENCE CHARLES MADDOCKS  
and myself this deponent then went into an adjoining room and the  
said THOMAS TIVENDALE thereupon executed the said Will by signing  
the name THOMAS TIVENDALE immediately opposite the word "Signed" in  
the 21<sup>st</sup> line of the said Will in my presence and in the presence of  
the said CLARENCE CHARLES MADDOCKS and we thereupon attested the  
said Will in the presence of the said THOMAS TIVENDALE and in the  
presence of each other.

THAT the interlineation immediately above the 15<sup>th</sup> line in the  
said Will was inserted prior to the execution of the said Will by  
the said deceased.

SWORN at Melbourne in the State  
of Victoria this six <sup>th</sup> Fifteenth day  
of December One thousand nine  
hundred and sixteen. BEFORE ME

*William a Smith*

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

147947

IN THE SUPREME COURT  
OF VICTORIA.

PROBATE JURISDICTION.

IN THE WILL  
of THOMAS TIVEDALE

late of High Street Malvern  
in the State of Victoria Grocer  
deceased

INVENTORY.



Harston Partridge & Co, Melbourne.



MILTON L. DAVEY  
101 Swanston Street  
Melbourne

In the Supreme Court }  
OF VICTORIA.  
PROBATE JURISDICTION

"B"

This is the inventory marked " " referred to in the  
annexed Affidavit of **SUSAN TIVENDALE**

Sworn this 6<sup>th</sup> day of October 1916

Before me,

*Susan Tivendale*

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

IN THE Will of THOMAS TIVENDALE

late of High Street Malvern

in Victoria Grocer

deceased.

INVENTORY OF ASSETS.

REAL ESTATE.	£	s.	d.
All that piece of Land having a frontage of 61 feet to Eva Street Malvern by a depth of 130 feet being lot 15 on Plan of Subdivision No 4865 lodged in the Office of Titles and being part of Crown portion Sixteen at Malvern Parish of Prahran County of Bourke particularly described in Schedule of Title Volume 3243 folio 648578 The land is vacant land and is valued by the Malvern City Council at £134 and I value the same at	134	0	0
CARRIED FORWARD . . . . .	£ 134	0	0

BROUGHT FORWARD	...	...	...	£	134	0	0
PERSONAL ESTATE.							
Land held under any lease or licence	...	...	...	£			
Improvements	...	...	...				
Rents	...	...	...				
Crops	...	...	...				
Live Stock	...	...	...				
Farming Implements	...	...	...				
Carriages, &c.	...	...	...				
Harness and Saddlery	...	...	...				
Furniture	...	...	...				
Salary or Wages	...	...	...				
Pensions	...	...	...				
Compensation on retirement or loss of office	...	...	...				
Watches, Trinkets, Jewellery, &c.	...	...	...				
Other Personal Effects, Clothing &c.	...	...	...				
Money in hand or house	...	...	...	4	0	0	0
Money in Bank or Building Society,	...	...	...	210	0	0	0
Current Account	...	...	...	Malvern Branch of State Savings Bank			
Money in Bank or Building Society,	...	...	...				
Deposit	...	...	...				
Interest on same	...	...	...				
Debentures	...	...	...				
Bonds	...	...	...				
Mortgages	...	...	...				
Interest on Money, Debentures, Bonds, Mortgages, &c., to date of death	...	...	...				
Life Policies	...	...	...				
Bonuses	...	...	...				
Shares	...	...	...				
Dividends	...	...	...				
Plant, &c.	...	...	...				
Tools	...	...	...				
Debts due to the Estate	...	...	...	82	2	10	
Interest in a Partnership Business	...	...	...				
Goodwill	...	...	...	20	0	0	
Interest in a Deceased Person's Estate	...	...	...				
Stock in Shop or Business	...	...	...	392	17	2	
TOTAL ASSETS	£	843	0	0			

Dated this Sixth

day of October 1916

Susan Liverdale

147947

IN THE SUPREME COURT  
of Victoria.

Probate Jurisdiction.

P 40786

IN THE WILL  
of THOMAS TIVENDALE  
late of High Street Malvern  
in the State of Victoria Grocer  
deceased.

P R A E C I P I



246, 'Gambel  
15/1/17

MILTON L. DAVEY.  
101 Swanston Street  
Melbourne

246

? Full name witness  
Smith.

? Due execution of  
will. Where is  
the signature of  
testator?

Appeal not  
required as to  
circumstances  
under which will  
is alleged to have  
been executed.

? Interpretation of  
will

||? Objections in p.c.

||? order ~~as~~ Rule 23