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## Lepisto, Tuula

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**From:** AI2Orders@records.nsw.gov.au  
**Sent:** Thursday, 15 August 2013 5:22 PM  
**To:** Publications Officer  
**Subject:** Copy Order 16314 - Credit Card - Online

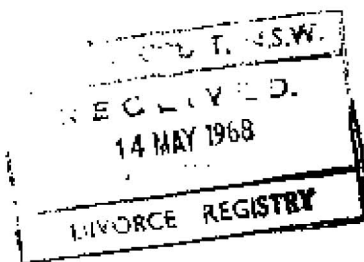
## Client details

Order No: 16314  
Date Sent: 15/08/2013 5:22:00 PM  
**Customer**  
Name: James Smoother  
Street: P.O.Box 9101  
Suburb: West Bathurst  
State: New South Wales  
Postcode: 2795  
Country: Australia  
Contact phone: 0409766684  
Contact email: [smoother@greatest.com.au](mailto:smoother@greatest.com.au)

## Ordered Items

Series	Consignment	Container	Item No	Title	Price
13495: Divorce and matrimonial cause case papers	26	344	4181/1962	Divorce papers Marcelle McMillan - Gilbert Roy McMillan	30.00
				Postage Fee	4.00
				Administration Fee	15.00
				Order Total	49.00

The order has been paid online. The payment number is **1249954579**.



... 9-5-68.  
G. R. McMILLAN  
68 A. MELVILLE ST  
SOUTH PLYMPTON  
SOUTH AUSTRALIA  
5038

Prothonotary Officer  
Sydney.

Dear Sir;

I wish to obtain  
a decree absolute to enable me to  
re-marry in June. I was married to  
Barcelle Renwick at Goulburn N.S.W.  
on 9-10-43 and to the best of my  
knowledge was divorced in Sydney  
on 6-9-63, and decree absolute on  
7-12-63.

Thanking you  
yours faithfully  
G. R. McMILLAN

Gilbert Roy McMILLAN

Enclosed \$2.00  
Pmt NO 4161/62

*List No. 7414*  
IN THE SUPREME COURT OF  
NEW SOUTH WALES  
MATRIMONIAL CAUSES JURISDICTION

No. **4161** of 1962.

**McMILLAN**

versus

**McMILLAN**

Other suits between parties	Prior Divorces of either party

SET DOWN *30/5/63*

	Notice of Address for service filed	Answer filed	Other pleading filed
Respondent			
Co-Respondent			
Other person...			

TRUST A/c. No.



IN THE SUPREME COURT OF  
NEW SOUTH WALES  
MATRIMONIAL CAUSES JURISDICTION

No. 4161 of 1962.



*Copy 26/9/63*

M. C. ILLAN

v.

M. C. ILLAN

DECREE *NISI* OF  
DISSOLUTION OF  
MARRIAGE.

**TO**

Take notice that if you fail to carry out the acts required of you by the within decree (or order) within the time specified in the decree (or order) for carrying out those acts, further legal proceedings may be taken against you for the purpose of compelling you to carry out those acts.

**To the Petitioner and the Respondent**

A party to the marriage who marries again before this decree has become absolute (unless the other party has died) will commit the offence of bigamy.

If, after this decree has been made but before it has become absolute, it comes to the notice of a party to the suit who has an address for service that a party to the marriage has died, he or she is required by rule 188 of the Matrimonial Causes Rules to make and file an affidavit stating such particulars of the date and place of death as are known to him or her.

If the parties to the marriage become reconciled before this decree becomes absolute, application should be made to the Court for the rescission of this decree.

Prepared in the Registry.

James L. Diamond & Co.,  
Solicitors,  
25 O'Connell Street,  
SYDNEY, N.S.W. 28-2340.

# DECREE NISI OF DISSOLUTION OF MARRIAGE.

(UNDEFENDED)

FORM 35 (A) 4.

*Matrimonial Causes Act 1959.*

IN THE SUPREME COURT OF  
NEW SOUTH WALES  
MATRIMONIAL CAUSES JURISDICTION

No. 4161 of 1962

BETWEEN

MARCELLE Mc MILLAN

*Petitioner*

AND

GILBERT ROY McMILLAN

*Respondent*

Before the Honourable Mr. Justice Nagle

The Sixth day of September, 1963.

This suit was heard this day, Mr. Hogan appearing  
for the petitioner, and the respondent not defending the suit.

The Court was satisfied that at the time when the suit was instituted the petitioner was domiciled in Australia according to the principles of the common law (~~or was domiciled in Australia within the meaning of the Matrimonial Causes Act 1959~~) and that

1. Under Section 28 of the Act the petitioner had established the following ground for relief

## FREQUENT CONVICTIONS

~~SECTION 28~~

The Court therefore decreed that, upon and subject to the decree of the Court becoming absolute, the marriage solemnized on the Ninth day of October, 1943, at Goulburn, New South Wales between Marcelle McMillan and Gilbert Roy McMillan, the petitioner, the respondent, be dissolved.

The Court further ordered:\*

1. That the Petitioner have the custody of George Renwick McMillan, Richard Muxley McMillan, Lynda Marcelle McMillan, Paul Raymond McMillan and Peter Thomas McMillan the children of the marriage. And the Court declared that it was satisfied that proper arrangements had been made for the welfare, advancement, and education, of the said children as set out in Paragraph

\* Here set out any further orders made by the Court at the trial, including particulars of any arrangements stated in pursuance of rule 18b.

*SL*

..12.

Isabelle McMillan  
Petitioner

v Gilbert Roy McMillan  
Respondent

No. 4161 of 1962

Courtesy (1A) of the Petitioner.

*Is*

IS.

BY THE COURT

*W. J. G. L. H. T.*  
JUDICIAL DEPUTY REGISTRAR

MEMORANDUM OF DECREE NISI HAVING BECOME ABSOLUTE:

1. Date of decree nisi: - 6 SEP 1963
  2. Date of order under Section 71: - 6 SEP 1963
  3. Date of determination or discontinuance of appeal: Not Applicable
  4. Date of order under sub-section (3) of Section 72: Not Applicable
  5. Date on which intervention determined: Not Applicable
- The decree nisi of dissolution of the marriage between the petitioner and the respondent solemnized on the 9th day of October 1943, became absolute on the 7th day of December 1963.

Dated this 9th day of December 1963.

*A. J. M. Nixon*  
Deputy Registrar.



M. M.

PUBLIC

SEARCH FORM

Fee (if any)

Charged .....

Minimum fee for search 3/-

No person without leave of a judge shall be allowed to search in the Divorce office of the court for the papers in any suit, cause or proceeding unless he is a party to the suit, cause or proceeding or is acting for such party as his Solicitor.

FULL NAME  
of Parties:

PETITIONER

GILBERT ROY Mc MILLAN

RESPONDENT

MARCELLE

No. of Suit:

No

of (year) 19

(year petition was  
filed).

If this information is not available, give date of commencement of suit, as nearly as possible, or other information available. In searches for Certificates of dissolution three years will be searched without fee).

married 4 3

INFORMATION SOUGHT:

DA 7.12.63  
4161/62  
63

I have the right to search and obtain this information (as a party to the suit) or (as a Solicitor for a party to the suit).

Signed: .....

Address: .....

Date: .....

Solicitor for: .....

IN THE SUPREME COURT

OF NEW SOUTH WALES

MATRIMONIAL CAUSES JURISDICTION

Matrimonial Causes Act 1959.

CORAM: HAGLE, J.

*McMillan v McMillan*

- 6 SEP 1963

*Pet.*

EXHIBIT

*A*

*Kay Waddy*  
ASSOCIATE

No. 4161

of 1962.

McMILLAN

- v -

McMILLAN

MAKER OF

DEEDS

JAMES L. DIAMOND & CO.

Solicitors,

25 O'Connell Street,

SYDNEY. Phone 28 2340.

No. 21.

St 4449

NEW SOUTH

WALES.

N<sup>o</sup>. 274



N<sup>o</sup>. C 615592

IN MINISTER'S REGISTER.

MARRIAGE ACT, 1899-1934.

REGISTRAR'S No. ....

(FOURTH SCHEDULE.)

## CERTIFICATE OF MARRIAGE.

Insert Christian  
and Surname in  
full of Minister  
or Registrar.

Insert  
Designation.

Place.

Insert Christian  
and Surname of  
Bridegroom at  
full length.

Insert Designa-  
tion, Residence,  
and Condition of  
Bridegroom.

Insert Christian  
and Surname of  
Bride at full  
length.

Insert Designa-  
tion, Residence,  
Condition of  
Bride.

N.B.—“Condition.”  
Bachelor—Spinster,  
Widower—Widow,  
Divorced, or  
Divorced (Peti-  
tioner), as the case  
may be.

I, Samuel Russell Scott being  
a minister of the Presbyterian Church  
do hereby Certify that I have this day at St Andrew's Presbyterian  
Church Goulburn N.S.W. duly celebrated Marriage between  
Gilbert Roy McMillan  
Soldier 114<sup>th</sup> Aust. General Hospital Glenmore N.S.W. Bachelor  
and Marcelle Renwick  
Office Clerk 17 Austrial Ave. Westmead N.S.W. Spinster

after declaration duly made before me as by law required.

DATED this Tenth day of October 1943.

S. Russell Scott { Signature of Minister  
or Registrar. MR.

Signatures of Parties  
to Marriage. { G. R. McMillan (Bridegroom.)  
MRenwick (Bride.)

Signatures of  
Witnesses. { R. G. Anthony  
G. Macdonald

Vide Sections 5, 23,  
and 24, Marriage  
Act, 1899-1934.

“The declaration on the back hereof must be duly made and signed,  
otherwise the parties and the officiating Minister or Registrar are  
liable to the punishment by law provided in that behalf.”

# DECLARATION BEFORE DISTRICT REGISTRAR OR MINISTER.

S.S.

I, Gilbert Roy McMillan Soldier of 114th Aust. General Hospital Hempden N.S.W.  
Bachelor being duly sworn, do on my oath declare that I have duly obtained the written consent required by the Marriage Act, 1899-1934, and I believe there is no impediment or lawful objection by reason of any kindred relationship, or alliance, or any former marriage, or the want of consent of parents or guardians, or any other lawful cause, to my being married to  
Marcelle Renwick Office Clerk of 17 Audley Ave Westmead N.S.W.  
Spinster daughter of Sydney Thomas Renwick of 17 Audley Ave Westmead N.S.W.  
Office Clerk and I hereby further declare that I have full knowledge that if I swear or affirm falsely I shall be guilty of perjury, and be liable to be punished accordingly.

(Signature of Bridegroom)

And I, the said Marcelle Renwick Spinster being duly sworn, do on my oath declare that I have attained the age of twenty-one years (or) that I have duly obtained the written consent required by the Marriage Act, 1899-1934, and I believe there is no impediment or lawful objection by reason of any kindred relationship, or alliance, or any former marriage, or the want of consent of parents or guardians, or any other lawful cause, to my being married to the said  
Gilbert Roy McMillan  
Office Clerk and I hereby further declare that I have full knowledge that if I swear or affirm falsely I shall be guilty of perjury, and be liable to be punished accordingly.

(Signature of Bride)

Declared and sworn that and affirmed by both parties named this 7th day of October, 1943. Before me,

N.B.—ATTACH WRITTEN CONSENT TO CERTIFICATE FOR REGISTRAR.

THE CONSENTS OF Gilbert Roy McMillan Soldier 114th Aust. General Hospital Hempden N.S.W.  
Office Clerk were given in writing to the marriage of the Bridegroom.  
 THE CONSENTS OF Sydney Thomas Renwick Office Clerk 17 Audley Ave Westmead N.S.W.  
Office Clerk were given in writing to the marriage of the Bride.

Bridegroom's name, designation or employment, residence, condition.	Age last Birthday	Country	Town or County	Birthplace	Father's Christian Name and Surname	Father's Rank or Profession	Mother's Christian Name and Maiden Surname
Bridegroom	20	Victoria	Footscray	Footscray	George Roy McMillan	Editor & Printer	Brooklyn Mary Gilbert
Bride	18	N.S.W.	Sydney	Sydney	Sydney Thomas Renwick	Office Clerk	Hazel Blanche Strickley

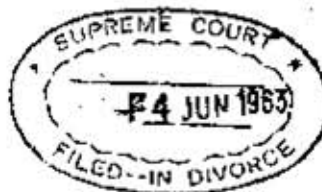
I, the declarant, the facts should be stated.



IN THE SUPREME COURT OF  
NEW SOUTH WALES  
MATRIMONIAL CAUSES JURISDICTION

No. 4161 of 1962.

*Undef. Dist No: 7414*



M. McMILLAN

REGISTRAR'S  
CERTIFICATE  
THAT SUIT  
IS READY  
FOR TRIAL

G.R. McMILLAN

*COR. No*  
CORAM: NAGLE, J.

-6 SEP 1963

*Hog an for Retit.*

*No app for Resp.*

*Deeds proved. Being satisfied  
I make order for the  
permanent custody of the  
children of the marriage in  
accordance with the request in  
the Petition.*

*Rescinded D/N for dissolution  
of the marriage.*

*Ray J. Walsh*

*7/12/63 Assoc*



# REGISTRAR'S CERTIFICATE THAT SUIT IS READY FOR TRIAL

Form 34.

Matrimonial Causes Act 1959

IN THE SUPREME COURT OF  
NEW SOUTH WALES  
MATRIMONIAL CAUSES JURISDICTION

No. 4161 of 19 62

BETWEEN

MARCELLE McMILLAN

Petitioner

AND

GILBERT ROY McMILLAN

Respondent

1. In pursuance of paragraph (c) of sub-rule (5.) of rule 178 of the Matrimonial Causes Rules, I certify that this suit is ready for trial.

~~1. This suit has been set down for trial by leave of the Court.~~

~~1. This suit has been set down for trial in pursuance of a request under sub-rule (2.)/(3.) of rule 175 of the Matrimonial Causes Rules notwithstanding that, in my opinion, the following matters are not in dispute.~~

2. No proceedings, other than proceedings comprising this suit, are pending in this Court between the petitioner and the respondent.

~~2. In addition to proceedings comprising this suit, the following proceedings are pending in this Court between the petitioner and the respondent:~~

3. Division 6 of Part XI. of the Matrimonial Causes Rules does not apply in relation to any proceedings comprised in this suit.

~~3. A compulsory conference was held in accordance with the provisions of Division 6 of Part XI. of the Matrimonial Causes Rules and agreement between the petitioner and respondent was/was not reached at that conference.~~

3. The petitioner/respondent complied with the provisions of sub-rule (1.) of rule 166 of the Matrimonial Causes Rules but the respondent/petitioner failed to attend/take part in a conference for the purpose of Division 6 of Part XI. of those Rules.

~~3. This suit has been set down for trial in accordance with sub-rule (2.) of rule 166 of the Matrimonial Causes Rules.~~

4. I certify that I have duly complied with the provisions of paragraphs (a) and (b) of sub-rule (5.) of rule 178 of the Matrimonial Causes Rules in relation to this suit.

*dd* Dated this 4<sup>th</sup> day of June, 1963.

*Ally*  
Acting Deputy Registrar.

IN THE SUPREME COURT  
OF NEW SOUTH WALES  
MATRIMONIAL CAUSES JURISDICTION  
Matrimonial Causes Act 1959.

No. 4161 of 1982.

*L.A.*  
2-10-82

McKILLIN

- v -

McKILLIN

DECISION FOR  
"Dissolution  
of Marriage"

JAMES L. DIAMOND & CO.  
Solicitors,  
25 O'Connell Street,  
SYDNEY. Phone 28 2340.

Matrimonial Causes Act 1959

IN THE SUPREME COURT  
OF NEW SOUTH WALES  
MATRIMONIAL CAUSES JURISDICTION

No. 4161 of 1962.

BETWEEN MARCELLE McMILLAN /  
Petitioner  
- AND - GILBERT ROY McMILLAN /  
Respondent

TO THE ABOVENAMED SUPREME COURT

The Petitioner whose address is 12 Fourth Avenue, Canley Vale in the State of New South Wales and whose occupation is Table Hand, petitions the Court for a decree of dissolution of marriage against the Respondent who is also known as Maxwell Morrison, and who is at the present time confined at Fremantle Prison in the State of Western Australia and whose last known occupation was Clerk, on the ground of frequent convictions.✓

MARRIAGE.

1. The Petitioner, then a spinster, was lawfully married to the Respondent, then a bachelor, at Goulburn in the State of New South Wales on the 9th day of October 1943 according to the rites of the Presbyterian Church.✓
2. The surname of the Petitioner immediately before the marriage was Renwick.✓
3. Neither the Petitioner nor the Respondent had been previously married.✓

BIRTH OF PETITIONER AND RESPONDENT

4. The Petitioner was born at Sydney in the State of New South Wales on the 17th day of June 1925 and the Respondent was born at Footscray in the State of Victoria on the 22nd day of March 1923.
5. Both such birth places are in Australia.✓

DOMICILE OR RESIDENCE

6. The Petitioner is, within the meaning of the Act, domiciled in Australia. The facts on which the Court will be asked to find that the Petitioner is so domiciled are as follows:

- a) Both the Petitioner and the Respondent were born in Australia.
- b) The Petitioner has resided in Australia all her life.
- c) The Respondent has resided in Australia all his life.
- d) The Respondent has not at any time expressed any intention of leaving Australia to permanently reside elsewhere and so far as is known to the Petitioner the Respondent intends to reside permanently in Australia.✓

COHABITATION

7. Particulars of the places at which and periods during which the Petitioner and the Respondent have cohabited are as follows:

During the marriage the parties cohabited together at various places in New South Wales and finally at 12 Fourth Avenue, Canley Vale, with the exception of the periods when the Respondent was confined in prison as is hereinafter referred to and otherwise for a period of about two months during 1952 when the Respondent went to Tasmania with the consent of the Petitioner in order that he might find employment in that State.

The Petitioner cannot recollect precisely when in 1952 this break in cohabitation occurred.

8. The date on which and circumstances in which cohabitation between the Petitioner and Respondent last ceased are as follows:

On or about the 9th day of October 1961 when the Respondent left the Petitioner without any cause occasioned by her; the Respondent had threatened to

leave the Petitioner a short time before the 9th day of October 1961. When the Petitioner returned to the matrimonial home from work on that day, the Respondent had left the home taking his clothes and personal belongings.

#### CHILDREN

9. Particulars relating to the infant children of the marriage who are living at the date of this petition are as follows:

- a) Jennifer Patricia McMillan born on the 22nd day of June 1946.
- b) George Renwick McMillan born on the 22nd day of December 1948.
- c) Richard Huxley McMillan born on the 20th day of June 1950.
- d) Lynda Marcelle McMillan born on the 24th day of January 1953.
- e) Paul Raymond McMillan born on the 25th day of August 1955.
- f) Peter Thomas McMillan born on the 7th day of February 1958.

All of the said children are living with the Petitioner at her abovementioned address.

#### PREVIOUS PROCEEDINGS

10. Since the marriage there have not been any previous proceedings in a court between the Petitioner and the Respondent.

11. Since the marriage there have not been any proceedings, instituted otherwise than between the parties to the marriage, concerning the custody, guardianship, welfare, advancement or education of a child of the marriage.

#### FACTS

12. The facts relied on by the Petitioner as constituting the ground specified above are as follows:

- a) On the 7th day of June 1955 the Respondent was convicted at Parramatta Quarter Sessions on a charge of larceny as a servant and was sentenced to two years imprisonment



with hard labour such sentence to date from the 2nd day of June 1955.

- b) On the 18th day of July 1956 the Respondent was convicted at Sydney Quarter Sessions on a charge of assault and robbery and was sentenced to five years penal servitude.
- c) On the 17th day of January 1962 the Respondent was convicted at the Police Court, Perth in the State of Western Australia, on a charge of stealing and a charge of receiving stolen goods and was sentenced to a term of three months imprisonment with hard labour.
- d) On the 6th day of March 1962 in the Supreme Court of Western Australia holden at Perth, the Respondent was convicted of the offence of breaking, entering and stealing and was sentenced to four years imprisonment with hard labour.
- e) The Respondent has habitually left the Petitioner without reasonable means of support both during the terms of his imprisonment at various times and also whilst he was at liberty; the Petitioner has been compelled to work for at least the past four years in order to support herself and the children of the marriage. At such time as she has not been in employment she has been compelled as a result of the Respondent's failure to support her, to obtain assistance from the Child Welfare Department and from the Department of Social Services.

#### CONDONATION, CONNIVANCE AND COLLUSION

13. The Petitioner has not condoned or connived at the ground specified above, and is not guilty of collusion in presenting this petition./

#### OTHER MATTERS

14. Pursuant to Rule 41 the following arrangements are proposed by the Petitioner for the welfare, maintenance and education of the children of the marriage:

The home in which the Petitioner resides with the six children of the marriage is a home owned by The Housing Commission of New South Wales and let to the Petitioner as tenant. The said home consists of four bedrooms, a lounge room, kitchen and bathroom with all the usual conveniences and is sufficiently large for the comfort of the Petitioner and the said six children. The eldest child, Jennifer Patricia McMillan is a Clerk employed by Borg-Warner (Australia) Limited at 52 Lisbon Street, Fairfield; she is in regular employment and is entirely self-supporting.

The child, George Renwick McMillan, attends Liverpool High School regularly. The children, Richard Huxley McMillan, Lynda Marcelle McMillan and Paul Raymond McMillan, all regularly attend Canley Vale Public School. At the date of this petition the child, Peter Thomas McMillan, is not old enough to attend school but he attends Fairfield Day Nursery.

The Petitioner is absent from the home only whilst she is at work; she does not leave the home to go to her work before the children and she arrives home from work less than one hour after the children return from school. The Petitioner works to support herself and the said children of the marriage and has throughout the marriage properly cared for them and attended to the best of her ability to their welfare, education and advancement. She proposes to continue to attend to their welfare, advancement and education.

15. The Petitioner has the following property:

- a) A 1952 Model Vauxhall Sedan motor car worth approximately £150.
- b) Furniture including a television set, refrigerator and washing machine, the total value of which furniture she

estimates to be approximately £350; however the sum of approximately £90 is owing in respect of the television set on a hire purchase agreement.

- c) Personal clothing and effects valued at approximately £50.
- d) Jewellery including an engagement ring the total value of such jewellery being approximately £40.

16. The Petitioner has the following weekly income:

Salary as table hand in the printing trade, gross,	£13:10: 0.
Child Endowment	2: 5: 0.
Partial war pension	2: 0: 1.
Board received from daughter, Jennifer	2: 0: 0.
	<u>£19:15: 1.</u>

17. The Petitioner has the following weekly financial commitments:

Rental of home	£ 3:18: 0.
Food, approximately	7: 0: 0.
Electricity and gas approximately	11: 0.
Fares for self	15: 0.
Clothing for self	1: 0: 0.
Repayments on hire purchase of television set	1: 4: 0.
Repayment on personal loan (this is in respect of a loan of £200 entered into in October 1962 for a term of three years)	1:18: 0.
Income Tax deducted at source	<u>1: 0: 0.</u>
	<u>£17: 6: 0.</u>

Clothing for the children of the marriage is frequently purchased by the Petitioner's mother but she is an elderly woman and this arrangement will not continue indefinitely.

18. With regard to the Petitioner's capability to earn income she states that she is 37 years of age and is working because she is compelled so to do to support the children of



the marriage and herself. She has little skills or training and in fact her present occupation of table hand is not skilled work. For this reason it is at times difficult for her to obtain employment and in addition her health is not good as she suffers from a nervous condition.

19. The Petitioner has no knowledge of the Respondent's property.

20. The Petitioner has no knowledge of the Respondent's income when he is at liberty; it is some years since he worked regularly and then he worked as a clerk.

21. The Petitioner has no knowledge of the Respondent's commitments whilst he is not in prison other than as follows:

- a) Normal living expenses, and,
- b) His liability to support the Petitioner and children of the marriage. The Respondent has habitually failed to discharge this obligation.

22. The Petitioner has the following knowledge of the Respondent's capability to earn income, gained from her cohabiting with him during the marriage. The Respondent is 39 years of age and was until he left the Petitioner on the 9th day of October 1961 in excellent health. He is intelligent and well able to work and to find employment.

23. There are no financial arrangements in operation between the parties.

24. There is no order of a court whereby either party is liable to make payments to the other.

25. The home in which the Petitioner resides is as hereinbefore alleged, owned by The Housing Commission of New South Wales and let to her as tenant. The conditions of such tenancy are the usual conditions entered into between The Housing Commission and its various tenants.

ADDITIONAL ORDERS

26. The Petitioner seeks the following additional orders:

- ~~a) That the Respondent do pay the Petitioner's costs of and incidental to this suit including preliminary and interim costs.~~
- bs* 2) That the Petitioner do have permanent custody of the five children of the marriage, namely, George Renwick McMillan, Richard Huxley McMillan, Lynda Marcelle McMillan, Paul Raymond McMillan and Peter Thomas McMillan.✓
- bs* 3) That the Respondent do pay permanent maintenance for the said five children of the marriage in the sum of £2:10: 0 per week for each of them.✓

This petition was settled by Mr. B. M. Hogan of Counsel.

DATED this 20<sup>th</sup> day of December 1962.

*James Leo Diamond*  
Solicitor for the Petitioner.

This petition is filed by James Leo Diamond on behalf of the Petitioner whose address for service is care of James L. Diamond & Co., of 25 O'Connell Street, Sydney.✓

AFFIDAVIT VERIFYING PETITION

I, MARCELLE McMILLAN of 12 Fourth Avenue Canley Vale in the State of New South Wales Table Hand take oath and say as follows:

1. I am the Petitioner named in the within petition.✓
2. The facts stated in the said petition of which I have personal knowledge are true.✓
3. Every other fact stated in the said petition is in my belief true.✓

SWORN by the Deponent on the  
 19<sup>th</sup> day of December  
 1962 at Liverpool. Before me: }

M. McMILLAN

*S.P. in presence of*

J. P.  
 A Justice of the Peace.

CERTIFICATE RELATING TO RECONCILIATION

I, JAMES LEO DIAMOND certify that I am the Solicitor representing the Petitioner and that I have brought to the attention of the Petitioner the provisions of the Matrimonial Causes Act 1959 relating to reconciliation of the parties to a marriage and the approved marriage guidance organizations reasonably available to assist in effecting a reconciliation between the Petitioner and the Respondent and that I have discussed with the Petitioner the possibility of a reconciliation between the Petitioner and the Respondent being effected either with or without the assistance of such an organization.✓

DATED this

20<sup>th</sup>

day of December 1962.

J. Diamond  
 Solicitor for the Petitioner.

---

## CALENDAR or LIST of PRISONERS

tried at the Supreme Court of Western

Australia, holden at PERTH

on the 6TH day

of MARCH 19 62

---

CORAM: NAGLE, J.

McMillan v McMillan

- 6 SEP 1963

Pet. EXHIBIT Dr  
Kay & Leasby  
ASSOCIATE.

CORAM: NAGLE, J.  
McWilliam v McWilliam

- 6 SEP 1963

Retit EXHIBIT E  
Ray H. Wass  
ASSOCIATE.



RECEIVED

22 JAN 1963

4 PAGES



Name *Morrison M.*  
*Fremantle* Prison.  
*Western Australia*

18<sup>th</sup> January 1963

To,

James L. Diamond &amp; Co.

Solicitors

25 O'Connell St

Sydney N.S.W.

Re Divorce Petition #4161

Dear Sir,

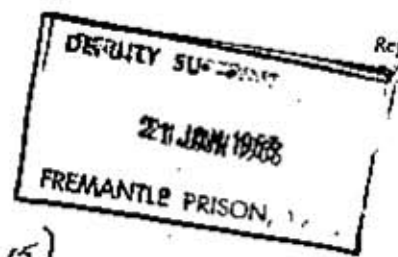
I wish to make you conversant with some of the relevant facts re the above petition filed by you on behalf of my wife Charcella McMillan. As the petition is, apart from my term of imprisonment, a complete fabrication I must inform you that if this petition is not withdrawn and if I have not received, in my hand, assurances to this effect by not later than Friday the 8<sup>th</sup> of February 1963 I will file an answer to this petition and institute proceedings in a counter petition. Under no circumstances can I let this petition go unchallenged as at least 10 of the paragraphs in it are complete falsehoods and I possess irrefutable evidence to this fact. Briefly:—

PAGE 2, Para 8) Completely false, among other evidence is a letter that I possess in my wife's handwriting and signature dated prior to 7<sup>th</sup> of October 1961 which informs my Parents that she requests me to leave her as she no longer wants me as her husband.

PAGE 4, Para e) Complete fabrication, not only have I income tax returns for every year other than those years spent in prison but also during my 5yr term of which I spent 2yrs 10mths in gaol I arranged for my wife to receive the sum of £800 nettt which she duly received. During my first term of imprisonment out of 18mths my Parents and Uncles contributed on my behalf towards the upkeep of my family considerably.

PAGE 4, Para 14) Up until I complied with my wife's request that I find a home for myself elsewhere the house at 12 Fourth Ave was let to me and as far as I know it still is.

PRISONS DEPARTMENT W.A.



Reg. No. 28082

Name Maurice M  
Leemans Prison,  
Ch Western Australia

18<sup>th</sup> January 1963

(PAGE 4, Para 15)

The only property in the house there that belongs to my wife solely is the refrigerator and other than any things purchased since my present sentence began all else is my property, the car is hers the tyres on it are mine.

(PAGE 6, Para 16) I receive a 20% war pension which my wife draw including my portion, she also receives frequent gifts of money from my Parents on my behalf.

(PAGE 6, Para 18) My wife is entitled to Widow's pension and Child Welfare during my imprisonment, never during our cohabitation has she had to work to support our family. She flatly refused my offer of a home in W.A. up to which time I was working as a bricklayer in Bunbury W.A. The nervous condition of a is occasioned by a guilty conscience.

(PAGE 7, Para 20) Completely false statement, my wife has always been aware of the amount of my income and has always been in complete agreement with positions held, my wife and family have always been provided for and she has worked only because of an aversion to housework, in Melbourne when she was not in any part time job she was given a "Valued Customer" card by Charles of Melbourne.

(PAGE 7, 21b) Completely false, evidence will be presented to give the lie to all of the preceding statements as lies.

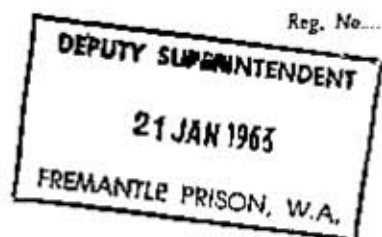
(PAGE 7, Para 22) I have never been in excellent health now or at any other time during our marriage, for 20 years I have battled against the crippling complaints of fibrositis & sciatica but have never failed to support my wife and family and have never been unemployed for a period longer than 5 weeks.

(PAGE 7, Para 23) Completely false.

(PAGE 9, Para 2) False statement.

PRISONS DEPARTMENT W.A.

3



Reg. No. 25082

Name Morrison M

Fremantle Prison.

Western Australia

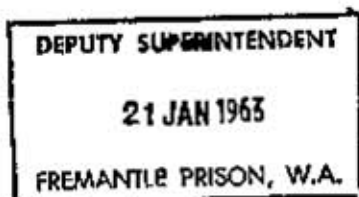
18th Jan. 1963

I give notice that I intend to seek the advice of the Marriage Guidance Council here in W.A. this forthcoming week. During my Army service I made over the maximum allotment permissible as private and as N.C.O. to my wife. After being discharged medically unfit in 1945 we cohabitated in Melbourne but as my wife was not content I took her back to Sydney where I worked as driver and then toy maker and eventually took a C.R.T.S. course in bricklaying and got an all time record of 98%, whilst taking this course on the basic wage I worked as a dresser at the "Shore Royal" Sydney. I then returned to Melbourne to work as a bricklayer and cohabitated with my wife, on account of my previously mentioned afflictions I gave up bricklaying and worked as a Driver-Salesman for Peters Ice Cream, then as same for Nestles, then as Floor Checker for Dennitts Ice Cream, then I took wife and family to Sydney for a 6 weeks holiday at Manly, then returned with family to Melbourne and returned to Dennitts as Driver-Salesman, this is the 1943-1952 period. Then we moved to Tasmania where I worked as Bar-Manager of my Parents hotel and later as railway fletcher but as my wife was homesick I sold up and took family to Sydney where I obtained the position of Cashier for the ice-cream firm Lynams, this in 1954. In 1955 I was sent to prison for 18 months and after my release I worked as Club Steward and then as Linchkeeper and in 1958 I became involved in a Robbery and was sentenced to 5 yrs. for Robbery (only) During this sentence my wife sold my car and used some of the money to pay the deposit on a T.V. set, and used the £800 upon my release in 1961 I obtained the position of Sales Clerk



PRISONS DEPARTMENT W.A.

(4)



Reg. No. 38082

Name Morrison M.

Fremantle Prison.

Western Australia

8th Jan 1963

and lost this position because of blunder made by my wife and daughter. At this time also my wife made it known that she no longer wanted me as her husband. I induced her to give up her job at this time in the vain attempt to see if she would become a house wife and homemaker. She later demanded that she be allowed to return to her previous job and did so but she has since fallen out with these employers, I was at this time giving my wife £20 per week out of the £21-8-0 nett I was earning. On arrival in Perth I was unable to secure any employment through the Comm. Employment Service and had to join an employment agency to secure a job as Barman at a country hotel. I sent my first pay packet intact to my wife but lost the position a few days later and eventually travelled 100 miles to Bunbury where with the help of the Salvation Army I was able to open a credit account for £15 to enable me to purchase a bricklayer's kit, at this time I offered my wife a home in W.A. I had arrived in Bunbury with exactly seven pence in my pocket and board was £5-10-0 per week, I have never been a vagabond or loafer and have paid my way. I am now extricating myself from the criminal way of life and expect to be in a position early next year to offer my family a home in W.A. for which I have Police approval. I was in the past a prominent sportsman with many press cuttings and in Tasmania I was Chairman of a Parents and Citizens Association branch, and a local foundation member. I enclose this letter to be shown to my wife and I am also writing to her. I remain,

yours truly, Robert Alan

CORAM: NAGLE, J.

McWilliam v McWilliam

- 6 SEP 1963

Ret

EXHIBIT

D1

Ray J. Whately  
ASSOCIATE.

THE JUSTICES ACT, 1902.

(2 Edw. VII., No. 11.)

37.—Summary conviction for indictable offence.

(Criminal Code, chapter XLVII.)

WESTERN AUSTRALIA,

PERTH TO WIT.

Be it remembered that on the SEVENTEENTH day of  
JANUARY, 1962, at POLICE COURT, PERTH

MAXWELL MORRISON, being charged before me, the  
STIPENDIARY MAGISTRATE  
undersigned, ~~of His Majesty's Justice of the Peace for a Police or Resident~~  
~~Magistrate for the said State for~~ for the Magisterial District of PERTH,

that he the said MAXWELL MORRISON

at BUNBURY, in the said State, on the 14th

day of January, 1962, (a.) Stole one oxyacetylene plants,

cigarettes, and money to the total value of £45.15.0. the property  
of one Paul VUKELIC, and further on the date aforesaid received  
the said property then well knowing the same to have been stolen.  
Contrary to Sections 378 and 414 of the Criminal Code.

and the amount of the injury done not exceeding Fifty pounds [or the said

MAXWELL MORRISON, having pleaded guilty to the

charge], and the said MAXWELL MORRISON, consenting

to me dealing with the offence summarily, he is convicted of the charge, and I

adjudge the said MAXWELL MORRISON, for the

said offence to be imprisoned in His Majesty's prison [or the (police) gaol] at

FREMANTLE, [there to be kept at hard labour] for the term of

THREE MONTHS.

Given under me hand at PERTH

the day and year first above-mentioned.

STIPENDIARY MAGISTRATE.



(a.) Here state the  
offence, being an offence  
within Chapter XLVII.  
of the Code.

CORAM: NAGLE, J.  
McMillan v McMillan

6 SEP 1963

Ret

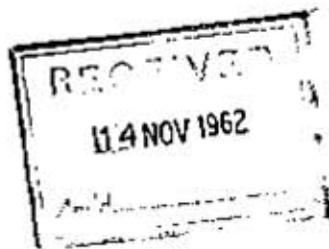
EXHIBIT

Ray & Halsey  
ASSOCIATE

COMMITTAL FOR SENTENCE ON PLEA OF GUILTY.

CERTIFICATE OF CONVICTION. No. 855/1958 ✓

I, Frank Harold Cleland Clerk of the Peace for the State of New South Wales, and, as such Officer, having ordinarily the custody of the Records and Minutes of the Court before which the conviction hereinafter referred to was had, do hereby certify that at a Court of Quarter Sessions holden at SYDNEY in the said State, on the Eighteenth day of July in the year of Our Lord one thousand nine hundred and Fifty Eight before Charles Vincent Rooney Esquire, Chairman of the said Court, GILBERT RAY McMILLAN having previously pleaded guilty before F.G. Pocock Esquire, Stipendiary Magistrate in and for the said State, at Newtown in the said State on the Second day of April, 1958 to a charge that he the said GILBERT RAY McMILLAN on the third day of February, 1958, at Leichhardt in the said State, did assault Helen Florence Oram and robe her of certain property to wit, about £450 in money, one signet ring, and one gold sovereign the property of the said Helen Florence Oram to the amount of about £456. ✓



and been committed to the said Court of Quarter Sessions to be dealt with as provided for by Section 51A of the Justices Act, 1902, as amended, was afterwards and during the sittings of the said Court, duly adjudged and sentences to be kept to PENAL SERVITUDE for a period of FIVE YEARS, ✓ AND WHEREAS at the Court of Criminal Appeal on the 6th November, 1958 their Honours Clancy, Owen, and Ferguson dismissed an application by the said Gilbert Ray McMillan for leave to appeal against the sentence imposed heretofore. Such sentence to date from the 3rd October, 1958.

GIVEN under my Hand, this Eighth day of November in the year of Our Lord one thousand nine hundred and Sixty Two at Sydney in the State aforesaid.

*[Signature]*  
Clerk of the Peace.

jks.

CORAM: WAGLE, J.

McMillan & McMillan

-6 SEP 1963

Let

EXHIBIT

B

Loyd Glass  
ASSOCIATE

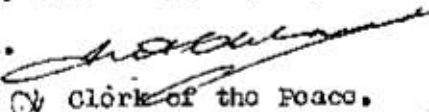
COMMITTAL FOR SENTENCE ON PLEA OF GUILTY.

CERTIFICATE OF CONVICTION. No. 826/55 ✓

I, Frank Harold Cleland Clerk of the Peace for the  
State of New South Wales, and, as such Officer, having ordinarily  
the custody of the Records and Minutes of the Court before which  
the conviction hereinafter referred to was had, do hereby certify  
that at a Court of Quarter Sessions holden at PARRAMATTA  
in the said State, on the Seventh day of June  
in the year of Our Lord one thousand nine hundred and Fifty Five  
before Thomas Sinclair Holden Esquire, Chairman of  
the said Court, GILBERT ROY MacMillan having  
previously pleaded guilty before G.W. Brown  
Esquire, Stipendiary Magistrate in and for the said State, at  
Parramatta in the said State on the Tenth day of  
May 1955 to a charge that he the said GILBERT ROY MacMILLAN  
between the first day of April, 1955 and the 11th April, 1955  
at Parramatta in the said State, then being a clerk to Lynams  
Ice Cream Company Pty. Ltd. did steal certain money to wit the  
sum of £782.13.1 the property of the said Lynams Ice Cream  
Company Pty. Ltd. his said master, /

and been committed to the said Court of Quarter Sessions to be  
dealt with as provided for by Section 51A of the Justices Act,  
1902, as amended, was afterwards and during the sittings of the  
said Court, duly adjudged and ordered to be imprisoned with HARD LABOUR  
for a period of TWO YEARS. The sentence to date from the 2nd June,  
1955. /

GIVEN under my Hand, this Eighth day of  
November in the year of Our Lord one thousand  
nine hundred and Sixty Two at Sydney  
in the State aforesaid.

  
Clk of the Peace.

jks.



22nd February 63.

JLD:JM

Gilbert R. McMillan, Esq.,  
(Maxwell Morrison),  
No. 28082 Fremantle Prison,  
WESTERN AUSTRALIA.

Dear Sir,

re: McMillan v. You. Divorce Petition  
No. 4161 of 1962.

We acknowledge receipt of your letter of the 18th January last. None of your allegations therein contained disclose anything that was not given to us by our client in her original instructions and further we have specifically put to her again your allegations, with the same result.

It appears that you are under some mis-apprehension as to the nature of the ground of divorce on which your wife is petitioning; the ground provided (and we quote Section 28(g) of the Matrimonial Causes Act 1959) "... that since the marriage the Petitioner's husband has, within a period not exceeding five (5) years -

- (1) Suffered frequent convictions for crime in respect of which he has been sentenced in the aggregate to imprisonment for not less than three (3) years;
- and
- (11) Habitually left the Petitioner without reasonable means of support."

We may point out that the sentences referred to do not mean that the person has to have served at lease three years imprisonment, merely that he has been sentenced to terms exceeding three years; further, the leaving without means of support means that the husband has left the wife without support it is immaterial whether she has supported herself by working or otherwise. The period during which failure to support must be shown is the same five years period during which the frequent convictions have been suffered. It is not any part of

2/..



2.

Gilbert R. McMillan, Esq.,  
(Maxwell Morrison),  
No. 28082 Fremantle Prison.

22nd February 1963.

the element of this ground that the husband is otherwise of any bad character and it is not important what the husband earns; if anything, if the husband is earning a reasonable or more than reasonable wage, it would tend to aggravate the fact of his failure to support the wife. Again this ground does not require proof of desertion by the husband and in fact the ground can be sustained where the parties are still living together and it is not necessary to show that the husband has no virtues at all, merely the convictions, sentences and his failure to support the wife.

In our opinion there is no doubt that your wife can sustain her allegations as to all of the elements comprising the ground of frequent convictions and in particular we hold certificates of the various courts in relation to the convictions alleged in the petition.

Further, we are of opinion, from our client's instructions, that you failed properly to support her during the same five years period. Many of your allegations as to your earning capacity and of your earnings at various times in various positions, even if they be in fact true, are completely irrelevant.

Without canvassing at great length the merits of our client's case, we have taken instructions as to your specific allegations:

Page 4. para. (g) - The remarks contained above regarding your failure to support apply to this allegation - it is completely irrelevant whether you have or have not worked every year other than those years spent in prison; the fact is that you have failed to support your wife adequately.

Page 4. para. 14 - If in fact you are the tenant of the home it would make your wife's financial position worse. She therefore would be only living there on sufferance.

Page 4. para. 15 - Our instructions are that most of the furniture has been supplied by various charitable organisations.

Page 6. para. 16 - It is not denied that your wife draws

3/..



3.

Gilbert R. McMillan, Esq.,  
(Maxwell Morrison)  
No. 28082 Fremantle Prison.

22nd February 1963.

your partial war pension amounting to the sum of £2: 0: 1, per week; surely you would not suggest that this amount would be adequate to maintain her and the six children. The gifts of moneys from your parents are not known to be on your behalf and we are instructed that any such amounts would not amount to any more than an average of 5/- per week.

Page 7. para. 20 - Our instructions are that your wife has knowledge of your income in fact for only a period of about four months when you were employed by Marley Reliance. There is no suggestion that our client objected or did not object to the various positions which you held at various times; certainly she did object to any positions that involved an association with persons of a doubtful character.

Page 7. para. 21(b) - As mentioned above, our instructions are that you habitually failed to support your wife adequately.

Page 7. para. 22 - Our instructions do not support your allegations in reply to this paragraph nor do they support your allegations in reply to paragraph 23 (page 7).

The affidavit verifying petition (including paragraph 2 on page 9) was sworn by your wife on oath and her latest instructions are that these facts are still true.

We suggest that if you have to make any further allegations that you refrain from making same in letters to us or to our client; the proper place for same is in an answer to the petition. It is suggested however, that were any answer filed on your behalf, to contain allegations of the type contained in your letter under reply, that the same would be struck out by the Court, on our application as being frivolous and vexatious and we do not see the filing of any answer of that type would achieve any useful purpose on your part.

We are however, prepared to allow you a further period of fourteen (14) days from the date of this letter for the filing of such answer; failing such answer being filed within that time, the suit will be forthwith set down for trial and be proceeded with to a hearing.

Yours faithfully,  
JAMES L. DIAMOND & CO.



Alfred R. McMillan, Esq.  
(Harris) Morrison  
No. 28001 Tennessee Prison  
32nd February 1963

McMillan v McMillan

CORAM: NAGLE, J.

McMillan v McMillan

- 6 SEP 1963

Petit

EXHIBIT

Assoc. E

ASSOCIATE

The affidavits verified petition  
(including paragraph 3 on page 9) was sworn by your wife  
on oath and her latest instructions are that these facts  
are still true.

page 7, para. 11(b) - as mentioned above, our instructions  
are that you negligently failed to support your wife adequately.

page 7, para. 11 - Our instructions do not support your  
allegations in reply to this paragraph nor do they support  
your allegations in reply to paragraph 11 (page 7).

The affidavits verified petition  
(including paragraph 3 on page 9) was sworn by your wife  
on oath and her latest instructions are that these facts  
are still true.

We suggest that if you have to make any  
further allegations that you refrain from making same in  
letters to us or to our client. The proper place for same  
is in an answer to the petition. It is suggested however  
that were any answer filed at your house, to contain  
allegations of the type contained in your letter under  
reply, that the same would be struck out by the Court  
on our application as being frivolous and vexatious and  
we do not see the likelihood of that type would  
achieve any useful purpose on your part.

We are however, prepared to allow you a  
further period of fourteen (14) days from the date of this  
letter for the filing of such answer, failing which answer  
being filed within that time, the same will be forthwith  
set down for trial and be proceeded with to a hearing.

CLERK OF COURT



IN THE SUPREME COURT OF  
NEW SOUTH WALES

## MATRIMONIAL CAUSES JURISDICTION

No. 4161 of 1962.

20 DEC 1962  
REGISTRY.

McMILLAN

NOTICE  
OF  
PETITION

McMILLAN

JAMES L. DIAMOND & CO.  
Solicitors,  
25 O'Connell Street,  
SYDNEY. 28 2340.

# NOTICE OF PETITION.

Matrimonial Causes Act, 1959.

Form 6.

IN THE SUPREME COURT OF  
NEW SOUTH WALES  
MATRIMONIAL CAUSES JURISDICTION }

No.

of 19

BETWEEN

MARCELLE McMILLAN

*Petitioner*

AND

GILBERT ROY McMILLAN

*Respondent*

To Gilbert Roy McMillan ✓

of Fremantle Prison, Western Australia

TAKE NOTICE that a Petition has been presented to the abovenamed Court  
by Marcelle McMillan

of 12 Fourth Avenue, Canley Vale

proceedings for a decree of dissolution of marriage ✓

*instituting*

*and also*

seeking orders with respect to costs, custody and maintenance. ✓

2. A sealed copy of the Petition is delivered to you with this notice.

3. If you intend to consult a solicitor in connexion with the proceedings, you should take to him all the documents delivered to you.

Leave out this  
para. and if  
service is not  
to be effected  
by post.

~~4. The form of Acknowledgment of Service delivered to you with this notice should be completed and signed by you and either you or your solicitor should immediately return it to the petitioner's solicitor. A stamped and addressed envelope is delivered to you for that purpose.~~

5. If you desire—

(a) to deny any facts alleged in the Petition;

(b) to allege any additional facts for the consideration of the Court;

(c) to submit to the Court that it should dismiss any of the proceedings instituted by the Petitioner; or

(d) to make any other submissions to the Court,

you should file an Answer to the Petition.

6. If you wish to institute proceedings for dissolution of marriage, nullity of marriage, judicial separation or restitution of conjugal rights, you may do so in an Answer to the Petition filed by you. If you institute proceedings for dissolution of marriage on the ground that the petitioner has committed adultery, you may also, by the Answer, institute proceedings for damages in respect of the adultery.

7. If you wish to institute proceedings for the purpose of seeking an order with respect to maintenance for yourself, a settlement, the custody or guardianship of infant children of the marriage or the maintenance, welfare, advancement or education of children of the marriage, you should do so by filing an Answer to the Petition. If you fail to do so, you will have to obtain the leave of the Court to institute the proceedings.

8. If you do not wish to file an Answer but wish to receive a copy of each document filed in connexion with the proceedings, you should file a Notice of Address for Service. However, unless you file an Answer, you will not, without the leave of the Court, be entitled to furnish evidence to the Court, or address the Court, at the trial of the proceedings and the Court may hear and determine the proceedings in your absence.

9. Any Answer or Notice of Address for Service filed by you must be filed within twenty eight days after you receive this notice or within such extended period as the petitioner or the Registrar allows, and service of a copy of the Answer or Notice must be effected in accordance with the Matrimonial Causes Rules.

Dated this

20th day of

1962

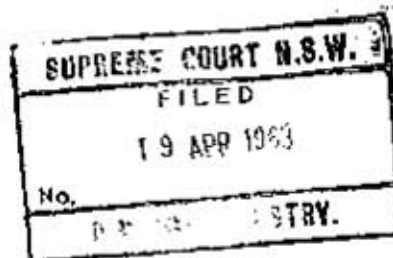
For the Registrar,

Clerk of the Supreme Court.

IN THE SUPREME COURT  
OF NEW SOUTH WALES  
MATRIMONIAL CAUSES JURISDICTION

Matrimonial Causes Act 1959.

No. 4161 of 1962.



McMILLAN

- v -

AFFIDAVIT OF  
SERVICE OF  
PETITION.

McMILLAN

Deponent: B. J. Singleton.

Sworn: *SA* day of February 1963.

This affidavit is filed on  
behalf of the Petitioner.

JAMES L. DIAMOND & CO.  
Solicitors,  
23 O'Connell Street,  
SYDNEY. Phone 28 2340.



Matrimonial Causes Act 1959

IN THE SUPREME COURT

OF NEW SOUTH WALES

MATRIMONIAL CAUSES JURISDICTION

No. 4161 of 1962.

BETWEEN MARCELLE McMILLAN

Petitioner

AND GILBERT ROY McMILLAN

Respondent

I, BRIAN JOHN SINGLETON of 50 Parkside Avenue, Mt. Pleasant in the State of Western Australia Solicitor make oath and say as follows:

1. On the 18th of January 1963 I duly served Gilbert Roy McMillan with a Petition and Notice of Petition by delivering them to him personally at Her Majesty's Prison Fremantle in the presence of the Chief Warder of such prison.
2. At the time of service I said to the person served, "Are you Gilbert Roy McMillan; are you also known as George Roy McMillan and also known as Maxwell Morrison and are you at the present time serving a term of imprisonment at this prison under the name of Maxwell Morrison?" He replied, "Yes."  
I further said to him, "Were you married to Marcelle McMillan at the place and on the date mentioned in this petition?" He replied, "Yes."
3. Annexed hereto and marked with the letter "A" is a document acknowledging receipt of the Petition and Notice of Petition, which was signed in my presence by the person to whom I delivered the Petition and Notice of Petition.

SWORN by the Deponent on the

5<sup>th</sup> day of February 1963

at Perth. Before me:

[Signature]  
A Justice of the Peace.

[Signature]

"A"

Matrimonial Causes Act 1959

IN THE SUPREME COURT

OF NEW SOUTH WALES

MATRIMONIAL CAUSES JURISDICTION

No. 4161 of 1962.

BETWEEN

MARCELLE McMILLAN

Petitioner

AND

GILBERT ROY McMILLAN

Respondent

I, GILBERT ROY McMILLAN acknowledge that on the *eighteenth*  
day of *January* 1963 at *Fremantle*  
I received:

- a) a sealed copy of the Petition in these proceedings,  
and,
- b) a Notice of Petition addressed to me.

I also acknowledge that I am the person referred to in  
the sealed copy of the Petition as the Respondent and that I  
am the person to whom the Notice of Petition is addressed.

I further acknowledge that at the present time I am  
using the assumed name of "Maxwell Morrison".

DATED this *18<sup>th</sup>* day of *January* 1963.

*Robt McMillan*

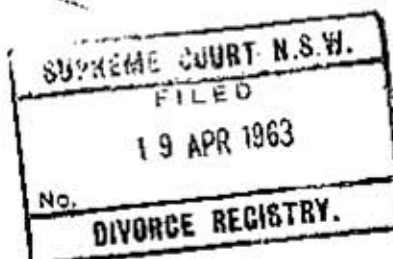
*Brian Singleton*  
Witness.

This is the annexure marked "A" referred to in the affidavit  
of Brian John Singleton sworn on the *9<sup>th</sup>* day of February  
1963 at *Perth*. Before me:

*W. J. [Signature]*  
A Justice of the Peace.

IN THE SUPREME COURT  
OF NEW SOUTH WALES  
MATRIMONIAL CAUSES JURISDICTION  
Matrimonial Causes Act 1959.

No. 4161 of 1962.



McMILLAN

- v -

McMILLAN

AFFIDAVIT  
VERIFYING  
HANDWRITING

Deponent : M. McMillan

Sworn : 11<sup>th</sup> day of March 1963

This affidavit is filed on  
behalf of the Petitioner.

JAMES L. DIAMOND & CO.  
Solicitors,  
25 O'Connell Street,  
SYDNEY. Phone 28 2340.

Matrimonial Causes Act 1959

IN THE SUPREME COURT

OF NEW SOUTH WALES

MATRIMONIAL CAUSES JURISDICTION

No. 4161 of 1962.

BETWEEN

MARCELLE McMILLAN

Petitioner

AND

GILBERT ROY McMILLAN

Respondent

I, MARCELLE McMILLAN of 12 Fourth Avenue, Canley Vale in the State of New South Wales Domestic Duties make oath and say as follows :

1. I am the abovenamed Petitioner.✓
2. I have this day perused the affidavit of BRIAN JOHN SINGLETON of service of the Petition and Notice of Petition herein sworn on the 5th day of February, 1963✓
3. The signature "G.R. McMillan" appearing on the annexure marked "A" to the said affidavit, is in the true and proper handwriting of my husband the abovenamed Respondent.✓

SWORN by the Deponent on the

*eleventh* day of *March*  
1963, at *Canley Vale* Before me

*M. Macmillan*

*R. Bruden*

A. Justice of the Peace.

IN THE SUPREME COURT OF  
NEW SOUTH WALES  
MATRIMONIAL CAUSES JURISDICTION

No. 4161 of 19 62.

2 A.

SUPREME COURT N.S.W.	
FILED	
19 APR 1963	
No.	35295
DIVORCE REGISTRY.	

McMILLAN

REQUEST TO  
SET SUIT  
DOWN FOR TRIAL.

McMILLAN

JAMES L. DIAMOND & CO.  
Solicitors,  
25 O'Connell Street,  
SYDNEY. 28 2340.

# REQUEST TO SET SUIT DOWN FOR TRIAL

Form 31.

Matrimonial Causes Act 1959.

IN THE SUPREME COURT OF  
NEW SOUTH WALES  
MATRIMONIAL CAUSES JURISDICTION }

No. 4161

of 19 62.

BETWEEN

MARCELLE McMILLAN

*Petitioner*

AND

GILBERT ROY McMILLAN

*Respondent*

The petitioner requests the Registrar to set this suit down for trial at Sydney.

2. At the trial of the suit it is proposed to call, as witnesses, the petitioner and one other witnesses who reside, respectively, at Sydney.

\* Or as the  
rule may be  
prescribed  
Form 31 in  
Rule.

\*3. No proceedings, other than proceedings comprising this suit, are pending in this Court between the petitioner and the respondent.

† Leave out  
this paragraph  
if suit is  
undisputed.

~~10. The respondent is to be served with a copy of this request on the same day.~~

Dated this 19<sup>th</sup> day of April, 1963.

*Richard*  
Solicitor for the petitioner.

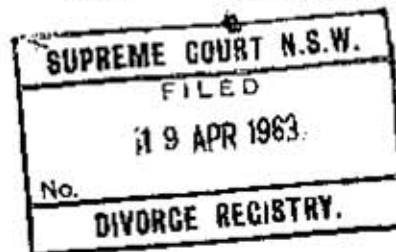
‡ Leave out if  
suit is  
undisputed.

~~11. It is requested that a copy of this request be served on the respondent.~~



IN THE SUPREME COURT  
OF NEW SOUTH WALES  
MATRIMONIAL CAUSES JURISDICTION  
Matrimonial Causes Act 1959.

No. 4161 of 1962.



McMILLAN

- v -

McMILLAN

CERTIFICATE THAT  
SUIT IS READY  
FOR TRIAL.

JAMES L. DIAMOND & CO.  
Solicitors,  
25 O'Connell Street,  
SYDNEY. Phone 28 2340.

Matrimonial Causes Act 1959

IN THE SUPREME COURT

OF NEW SOUTH WALES

MATRIMONIAL CAUSES JURISDICTION

No. 4161 of 1962.

BETWEEN MARCELLE McMILLAN

Petitioner

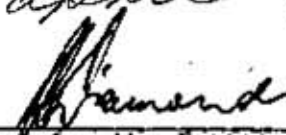
AND GILBERT ROY McMILLAN

Respondent

I, JAMES LEO DIAMOND, the Solicitor for the Petitioner  
certify:

1. That this suit is ready for trial.

DATED this 19<sup>th</sup> day of April 1963.

  
Solicitor for the Petitioner  
25 O'Connell Street  
SYDNEY.

JAMES L. DIAMOND & CO.  
(JAMES L. DIAMOND)  
SOLICITORS

TELEPHONES: OFFICE 28-2340  
PRIVATE XY 4778

*Permanent Trustee Bldg.,*

*25 O'Connell Street,*

*Sydney, 19th October 1962.*

REF. JLD:JM

The Registrar in Divorce,  
Macquarie Street,  
SYDNEY.

Dear Sir,

re: Mrs. M. McMillan v. McMillan.  
No. of 1962.

Should this application be granted I undertake to charge the Petitioner not more than the sum of £15: 0: 0 together with Counsel's fees of £5: 5: 0 and Court fees of £2:10: 0 and any other necessary disbursement or service fee, unless costs be recovered from the husband.

Fees may be suspended.

*K. McMillan*  
Deputy Registrar in Divorce.  
22/10/62

Yours faithfully,

*James L. Diamond*  
Solicitor for the Petitioner.

IN THE SUPREME COURT  
OF NEW SOUTH WALES  
MATRIMONIAL CAUSES JURISDICTION  
Matrimonial Causes Act 1959.

No. 4161

of 1962.

McMILLAN

- v -

AFFIDAVIT OF MEANS

McMILLAN

Deponent: M. McMillan.

Sworn: ~~At~~ day of October 1962.

This Affidavit is filed on  
behalf of the Petitioner.

JAMES L. DIAMOND & CO.  
Solicitors,  
25 O'Connell Street,  
SYDNEY. Phone 28 2340.

Matrimonial Causes Act 1959

IN THE SUPREME COURT

OF NEW SOUTH WALES

MATRIMONIAL CAUSES JURISDICTION

No. of 1962.

BETWEEN MARCELLE McMILLAN

Petitioner

- and -

GILBERT ROY McMILLAN

Respondent

I, MARCELLE McMILLAN of 12 Fourth Avenue, Canley Vale in the State of New South Wales Table Hand make oath and say as follows:

1. I am the abovenamed Petitioner.
2. I have the following property:
  - a) A 1952 Vauxhall Sedan motor car (which is not in good condition) the value of which I estimate to be £150.
  - b) Furniture including a television set, the total value of such furniture being approximately £350, but subject to a hire purchase debt of approximately £90 in respect of the television set.
  - c) Personal clothing and effects worth approximately £50.
  - d) Jewellery worth about £40.
3. I am employed in the printing trade as a Table Hand where my income in the past has been approximately £13: 0: 0 per week gross. On the 8th of October 1962 I commenced a new position in the printing trade; I expect that I will receive a gross weekly wage of £13:10: 0.

My other weekly income is as follows:

Child Endowment £ 2: 5: 0.

Partial War Pension 2: 0: 1.

Board received from my daughter Jennifer

amounting to the sum of -

£ 2: 0: 0.

£ 6: 5: 1.

*R. Brudenell J.P.*

*M. McMILLAN*

4. My approximate weekly commitments are as follows:

Rent of home	£ 3:18: 0.
Gas and electricity	11: 0.
Food	7: 0: 0.
Fares for self	15: 0.
Clothing for self	1: 0: 0.
Repayments on television set	1: 4: 0.
Repayment on personal loan	1:18: 0.

(This is in respect of a loan of £200  
recently entered into for a term of  
three years)

Income tax deducted at source	<u>1: 0: 0.</u>
	<u>£17: 6: 0.</u>

Clothing for the six children of the marriage is paid  
for from time to time by my mother who can also assist  
me in other cases of financial necessity. In particular  
my said mother is prepared to pay the sum of £75: 0: 0  
towards my costs of these proceedings.

5. I respectfully request that I may be allowed to proceed  
in this suit with "fees suspended" or if this application  
be refused that leave may be granted for me to proceed on  
the intermediate scale of costs.

SWORN by the Deponent on the )  
15<sup>th</sup> day of October 1962 )  
at Canby Vale. Before me: )

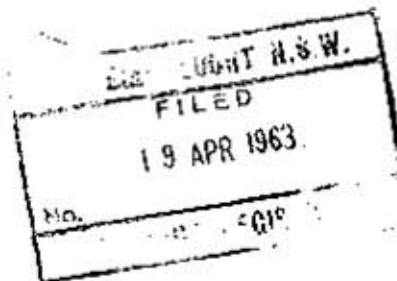
M. Mac Millan

R. Bredon  
A Justice of the Peace.



IN THE SUPREME COURT OF  
NEW SOUTH WALES  
MATRIMONIAL CAUSES JURISDICTION

No. 4161 of 1962 .



McMILLAN

v.

McMILLAN

} NOTICE  
OF  
TRIAL

JAMES L. DIAMOND & CO.  
Solicitors,  
25 O'Connell Street,  
SYDNEY. 28 2340.

## Matrimonial Causes Act 1959.

Form 33(A)

No. 4161

of 1962 -

**BETWEEN**

MARCELLE McMILLAN

**Petitioner**

AND

GILBERT ROY McMILLAN

Respondent

NOTICE is hereby given that this suit has been set down for trial for the sittings of the Court at Sydney.

completing on the xxxxxxxxxxxxxxxxxxxxxxxx day of xxxxxxxxxxxx, 19xx

Dated this

31<sup>st</sup> day of May, 1963.

*C. A. H. Harris*  
Registrar.

To Gilbert Roy McMillan, Esq.,  
(Maxwell Morrison)  
No. 28082 Fremantle Prison,  
WESTERN AUSTRALIA.

James L. Diamond & Co.,  
Solicitors,  
25 O'Connell Street,  
SYDNEY.

Notes:—1. This notice does not necessarily state the actual date on which the suit will be tried by the Court. Inquiry may be made at the office of the Court as to the approximate date on which the suit will be tried. The date of the trial may, in accordance with the usual practice of the Court, be published in certain daily newspapers.

2. If this suit proceeds to trial and a decree of dissolution of marriage is made, the marriage is not dissolved until the decree has become absolute in accordance with the provisions of section 72 of the *Matrimonial Causes Act 1959*.

Matrimonial Causes Act, 1959

IN THE SUPREME COURT OF  
NEW SOUTH WALES  
MATRIMONIAL CAUSES JURISDICTION

No. 4161 of 1962.

McMILLAN

v.

McMILLAN

{ AFFIDAVIT OF  
POSTING OF  
NOTICE OF  
TRIAL.

MATRIMONIAL CAUSES ACT, 1959

IN THE SUPREME COURT  
OF NEW SOUTH WALES  
MATRIMONIAL CAUSES JURISDICTION

No. 4161 of 1962.

BETWEEN:

MARCELLE McMILLAN

*Petitioner*

AND  
GILBERT ROY McMILLAN

*Respondent.*

I, Lawrence Norman Dunn, , Clerk in Divorce,  
of 21 Richmond Avenue, Dee Why,  
in the State of New South Wales, make oath and say

1. On *Tuesday* the *4th* day of *June* 1963,  
at *10.20 a.m.*

I did duly post to  
Gilbert R. McMillan, Esq., (Maxwell Morrison), No. 28082 Fremantle Prison,  
Western Australia.  
and to  
K. McMillan, C/-Messrs. James L. Diamond & Co., Solicitors, 25 O'Connell  
Street, Sydney.

by placing in a letter box situate at the corner of Phillip and King  
Streets, Sydney, a copy of the Notice of Trial herein.

Sworn by the Deponent on the  
*4th* day of  
*June*, 1963.  
at Sydney.

*L. N. Dunn*

Before me:

*Elizabeth J. P.*



CALENDAR of Prisoners tried at the Supreme Court of Western Australia, holden at PERTH on the 6TH day of MARCH, 1962, before THE HONOURABLE MR. JUSTICE VIRTUE AND JURY

[illegible]

Dated this 30th

J. MAHONEY  
Clerk of Arraigns.

March 1962

J. E. VIRTUE  
Judge or Chairman.



District of . . . . .		ADELAIDE		No. 1	19 74
Surname . . . . .		McMILLAN			
Christian names . . . . .		Gilbert Roy		No. 264A/8996	
Date of death . . . . .		21.4.1974			
Place of death . . . . .		Royal Adelaide Hospital, Adelaide			
Date of burial, cremation or other disposal of body . . . . .		26.4.1974			
Place of burial, cremation or other disposal of body . . . . .		West Terrace Cemetery			
Sex . . . . .		Male			
Age . . . . .		51 years			
Occupation . . . . .		First Class Machinist and Boiler Attendant			
Usual Residence . . . . .		18 McClaren Street, Adelaide			
Place of birth . . . . .		Footscray, Victoria			
Length of residence in Commonwealth . . . . .		Native years			
Conjugal status . . . . .		Married			
Age at first marriage . . . . .		20 years			
Name of Spouse . . . . .		Dawn Kathleen McMILLAN			
Total issue . . . . .		Living 3 M 2 F		Deceased 1 M. F.	
Cause of death . . . . .				Duration	
		Brain Stem Haemorrhage and			
		Cerebral Infarction following			
		Subdural Haematoma resulting			
		from Blows to the Head			
INFORMANT:	Name . . . . .	V.A. Walker			
	Description . . . . .	Office Manager			
	Residence . . . . .	95 Port Road, Hindmarsh			
	Name of Undertaker . . . . .	P.T. Elliott and Sons			
	Address . . . . .	Hindmarsh			
Date of registration . . . . .		30.4.1974			

FOR OFFICIAL USE ONLY

Entered at the General Registry Office this

19 day of MARCH 19 74

Pro Deputy Registrar

9668



REGISTRAR

BIRTHS, DEATHS AND MARRIAGES REGISTRATION OFFICE, ADELAIDE

I hereby certify that the above particulars are contained in an entry in the Register kept in this Office in the State of South Australia

Given under my hand and seal this 15th day of July, 2013





GORY, Mr. Ern, Gregory. — Marjorie and family and I wish to sincerely thank you and friends for floral tributes, cards, letters, donations to anti-cancer fund and expressions of sympathy in the loss of Dulcie Alvena, will please accept this as our personal thanks.

SS, Ann. — The family expresses sincere appreciation to friends and relatives for flowers, cards, thoughtfulness and prayers during the illness and death of our dear mother. Please accept our thanks.

SS, Ern. — The family expresses sincere appreciation to friends and relatives for flowers, cards, thoughtfulness and prayers during the illness and death of our dear mother. Please accept our thanks.

LEHMANN, Friedrich Otto. — Passed away April 21, 1974. Wonderful memories keep you near. As time unfolds another year. — Mervyn, Rhonda and Cheryl.

McMILLAN. — In loving memory of my dear husband, Gilbert Roy, who passed away April 21, 1974. Very sadly missed.

McNALLY, Nancy. — Passed away April 21, 1971. Words are few, thoughts are deep.

HORGAN John Maurice Foster Road Gilles Retired Labourer who died on the 4th January 1977

JOSEPHS Ella Maria late Fitzroy Terrace Fitzroy who died on the 18th February 1977

LEE Alice Jean late of 1111 Street Marion who died on the 18th May 1977

McKay Clara late Mitcham Married who died on the 8th 1977

PETERS Thomas John 14 Newcastle Street Water Retired Time who died on the 5th 1977

Always remembered missed by loving husband Dawn.

McMILLAN, Gilbert Roy. — Died April 21, 1974. Beloved father of Peter (deceased) Evert (deceased), Trevor (deceased) and much loved husband of Dawn.

McNALLY, Nancy. — Passed away April 21, 1971. Gone are the days we used to share, but in my heart you are always there. — Never forgotten by your life long friend Dot.

MILICH, Joan. — Died April 21

CHOICE TEL SERVICE CLINIC 10 A.M. 223 1086.

A.A.A. THE HOTEL — MC Phone

First choice of for a satisfying onable price

A.A.A. NICOL 249-251 PUL

it please ith a m 10-4

THE ADVERTISER

21 Apr 1977

THE ADVERTISER

21 Apr 1976

a wonderful friend. — Pat and Sharon.

McMILLAN. — In memory of my dear husband Gilbert Roy, died April 21, 1974, aged 51 years. We are still holding hands. — Dawn.

McNALLY — Loving friend. — In sorrow

THE ADVERTISER

21 Apr 1975

tal, Melbourne, loved brother of Bob, brother-in-law of Jean, uncle of Janine, Ian and Sue. Treasured memories.

McMILLAN, Gilbert Roy. — On April 21, loved husband of Dawnie. Sleep peacefully honey. Aged 51.

THE ADVERTISER

25 Apr 1974

1974

B A FR Fr of G Fu CO





South Australian  
Genealogy and Heraldry Society Inc.

GPO Box 592  
Adelaide SA 5001



Mr James Smoother  
P.O. Box 9101  
WEST BATHURST NSW

2705

## South Australian Genealogy and Heraldry Society Inc.

G.P.O. Box 592, Adelaide S.A. 5001

Ph: (08) 8272 4222 Fax: (08) 8272 4910



Thanks for your LOOKUP REQUEST.

Enclosed are the details from the data base and  
sources covered by this service.

RESEARCH SECTION

19/8/13

### With Compliments

#### WEDDING

**PFEIFFER.** —  
Martha, congratula-  
and dad on your  
anniversary  
November 10, 1938.  
H. Proeve at im-  
arch. Point Pass.  
d best wishes from  
19.

#### WEDDINGS

**MCKENZIE.** —  
evin. Congratula-  
and dad on your  
anniversary. —  
andpa. Stephen.  
Carol Michelle.

**ROSEBORN (ROSKING).** Rest in  
Peace.  
**MARSH.** Winifred May (Wyn).  
— Passed away on November  
9, 1978 at the R.A.H. Dearly  
loved wife of Jim and loving  
mother of Ken and Roger.  
loved mother-in-law of Bren-  
da and Joy and loving nana  
of David and Karen. Joanne  
and Nigel.

Aged 65 years. In God's care.  
**McMILLAN.** Dawn Kathleen. —  
Died R.A.H. 21/10/78. Coron-  
er's enquiry for relatives. Ph.  
227 1994.

**MORRIS.** (Sparr) John. — Of  
Main North Road, Parafield.  
On October 1 at hospital, dear-  
ly beloved husband of the late  
Alma Elizabeth and father of  
John and Darrel and step-  
father of Wayne. Aged 68.

**CHAS A. BERRY**  
PTY. LTD. A.F.  
200-202 Magill R.  
Norwood. 332 24

**BROCKENSHIRE.** — AL-  
TIVES and FRIENDS  
late Mrs. ALICE MAU-  
KENSHERE, late of  
grave Street, Largs, E.  
advised that her fu-  
appointed to leave the  
Church, Semaphore Ro-  
ter THIS DAY.

**McGUIRE.** Dora Primrose. —  
On November 8, at Whyalla,  
beloved wife of the late James  
Thomas McGuire, loved mother  
of Peter and Kerry. Loved  
mother-in-law of Sue and Don.  
loved nanna of Angela, Jose-  
phine, Kym and Shannon.  
Aged 62 years. Requescat in  
pace.  
**McNERNY.** Michael Francis. —  
Please refer Return Thanks.  
**McMILLAN.** Dawn Kathleen. —  
Died R.A.H. 21/10/78. Coron-  
er's enquiry for relatives. Ph.  
227 1994.  
**MILLER.** Leslie. — Please re-  
fer to Return Thanks.

**CIOFFI.** Eduardo. — On Nov-  
ember 8, at R.A.H. dearly be-  
loved husband of Doloresa  
and loved father of Nicola,  
Antimo and Giuseppina. Loved  
father-in-law of Lina, Kath-  
leen and Luigi. Loved grand-  
father of 11 grandchildren and  
great-grandchildren. Aged 74  
years. Rinos.

**CHANDLER.** —  
of the late Mr  
HERMAN CHAN-  
Danvers Grove.  
dens, are respect  
that his Funer  
be conducted at  
Gardens Uniting  
ley Grove), TOJ  
at 2 p.m. after  
tege will proce  
field Cemetery  
please by requ  
floral tributes  
Legacy. Waym  
laide would be

711 South Road,  
297 1

THE ADVERTISER  
10 Nov 1978

THE ADVERTISER  
9 Nov 1978





South Australian  
Genealogy and Heraldry Society Inc.  
GPO Box 592  
Adelaide SA 5001

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2013  
S.AUST 5000



Mr James Smoother  
P.O. Box 9101  
WEST BATHURST NSW

2795

# South Australian Genealogy and Heraldry Society Inc.

G.P.O. Box 592, Adelaide S.A. 5001

Ph: (08) 8272 4222 Fax: (08) 8272 4910



Thanks for your LOOKUP REQUEST.

Enclosed are the details from the data base and  
sources covered by this service.

*Carl Zelano*  
RESEARCH SECTION

With Compliments

4/5/13

**S** ing but memories a THE ADVERTISER  
ing — Remembered 22 Apr 1978  
ler Tress, Jean and  
McMILLAN, Gilbert Roy. —  
Loving memories of my dear  
husband who passed away  
April 22, 1973. — Sadly missed.  
Dawn.  
MURPHY, Florence. — In lov-

After all these Memorials, this dear  
soul entered the wrong year of death!