

Amory

In the Supreme Court.

1919, No. 127

Paice

v.

Paice

(Otherwise Case)

Box 11



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No.

Nature of Document.

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Petition

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Affid. verifying

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preference

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Petition

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Affid of service

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Notice to produce

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Affid of Clarette

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Affid JH Maddock

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Affid F.E. Paice

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Order of examination

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Affid of service of order

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Order to Medical Insp

Minute of Med Insp being sworn

Examination D.B.S.

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Minute of Medical Insp

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Minute of receiving & opening reports

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Search

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Notice to produce

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Notice to produce

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Affid as to service of test

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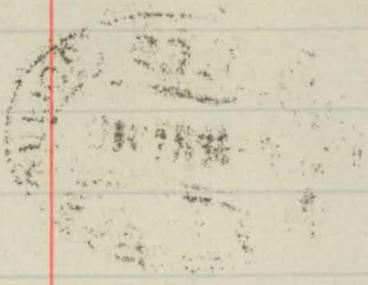
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TO THE SUPREME COURT
OF THE STATE OF VICTORIA

1919 No. 127

Divorce and Matrimonial Causes Jurisdiction.

FRANK ERNEST PAICE

Petitioner

- against -

FLORENCE MARTHA PAICE (otherwise FLORENCE
MARTHA COX)

Respondent

THE 9th day of April 1919

THE PETITION of FRANK ERNEST PAICE of Fuchsia Street
Blackburn in the said State

S H E W E T H :-

1. THAT on the 23rd. day of December 1914 a ceremony of marriage
was in fact celebrated between Your Petitioner and Florence Martha
Cox the abovenamed Respondent at Calcutta India by the Reverend W.
Norledge according to the rites of the Baptist Church.

2. THAT at the time when the said ceremony of marriage was
celebrated the said Respondent was, and ever since has been, and
still is unable to consummate the same by reason of the malformation
frigidity or other defect of the parts of generation of the said
Respondent and such defect is incurable by art or skill and will
so appear upon inspection.

YOUR PETITIONER THEREFORE PRAYS that Your Honors will be
pleased to decree :-

1. That the marriage in fact celebrated between
Your Petitioner and the said Respondent is null
and void.
2. THAT Your Petitioner may have such further and
other relief in the premises as to Your Honors
may seem meet.

Frank Ernest Paice

Witness!

H. Carnette
Clerk to Messrs Jamieson & Co
Solicitors
Melbourne

*In case of a decree nisi being granted
neither party can legally re-marry
until such decree has been made
absolute*



Mr. Hood J.

20th May 1919.

C.A. V.

29th May 1919.

Further heard
adjourned for a week.

J.A.R.

5th June 1919.

Decree nisi of nullity
of marriage on the
ground alleged in the
petition.

J. A. Richardson
Associate.

IN THE SUPREME COURT
OF THE STATE OF VICTORIA

1919 No.

Divorce and Matrimonial Causes
Jurisdiction.

P A I C E

PETITION FOR
DECREE FOR
NULLITY OF
MARRIAGE

PAICE (otherwise
C O X)

This Petition is filed by Messieurs
Maddock Jamieson and Lonie of Nos. 136
and 138 Queen Street Melbourne in the
said State Solicitors for the Petitioner
who resides at Fuchsia Street Blackburn
in the said State and whose address for
service is at the Office of the said
Messieurs Maddock Jamieson and Lonie.

*The Decree was granted herein on
the fifth day of June 1919 has
this day been made absolute by me.
Taken at Melbourne this
fifth day of September 1919.*

[Handwritten signature]
[Handwritten signature]
[Handwritten signature]



7/40

IN THE SUPREME COURT)
OF THE STATE OF VICTORIA) 1919 No. 127

Divorce and Matrimonial Causes Jurisdiction.

FRANK ERNEST PAICE

Petitioner

- and -

FLORENCE MARTHA PAICE (otherwise FLORENCE
MARTHA COX)

Respondent

PR7
I, FRANK ERNEST PAICE of Fuchsia Street Blackburn in the State of Victoria *of no occupation,* the abovenamed Petitioner make oath and say :-

1. THAT the statements contained in Paragraphs 1 and 2 of my Petition filed in the above Cause are true.
2. THAT I am 30 years of age and was born at Christchurch New Zealand and am domiciled in the State of Victoria.
3. THE said Respondent is 31 years of age or thereabouts and was born in Victoria and is domiciled in the said State of Victoria.
4. BEFORE marriage I was a Bachelor and a Theological Student and after marriage I followed the occupation of a Missionary and Superintendent of Technical Schools in India.
5. THE said Respondent before marriage was a Spinster and earned her livelihood as a Shop Assistant and after marriage was maintained and supported by me.
6. IMMEDIATELY after the said ceremony of marriage Respondent and I went to reside at Mymensingh East Bengal India where we remained for a period of about 4 months when we moved to Faridpur East Bengal

aforesaid where we resided until the month of December 1918 when the Respondent returned to Melbourne and went to reside with her parents.

7. FOR a period of 2 years prior to the Respondent leaving for Melbourne as aforesaid although living in the same Bungalow we lived entirely apart owing to the circumstances mentioned in Paragraph 9 hereof.

8. I continued to reside in India until the month of January 1919 when I returned to Victoria and since my return to Victoria the Respondent and I have lived separate and apart owing to the causes aforesaid.

9. THAT from time to time since the said ceremony of marriage was celebrated I attempted to have sexual intercourse with the said Respondent so as to consummate the said marriage but found that I was unable to do so by reason of the malformation frigidity or other defect of the parts of generation of the said Respondent.

10. THERE are no children issue of the said marriage.

11. SAVE as aforesaid there have been no separation or separations between me and the said Respondent.

12. I distinctly and unequivocally deny all collusion or connivance past or present direct or indirect with the Respondent.

SWORN at Melbourne in the State of
Victoria this eighth day of April
1919

L. E. Paice

Before me,

J. R. Thompson

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

This Affidavit is filed on behalf of the Petitioner.

IN THE SUPREME COURT
OF THE STATE OF VICTORIA

1919 No. 127

Divorce and Matrimonial Causes
Jurisdiction.



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P A I C E

- v -

AFFIDAVIT
VERIFYING
PETITION

PAICE (otherwise COX)



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IN THE SUPREME COURT

OF THE STATE OF VICTORIA

1919 No. *127*

Divorce and Matrimonial Causes
Jurisdiction.

P A I C E

- v -

PAICE (otherwise COX)

PRAECIPE FOR
CITATION



7/40



IN THE SUPREME COURT
OF THE STATE OF VICTORIA

1919 No. 127

Divorce and Matrimonial Causes Jurisdiction.

FRANK ERNEST PAICE Petitioner

- against -

FLORENCE MARTHA PAICE (otherwise
FLORENCE MARTHA COX) Respondent

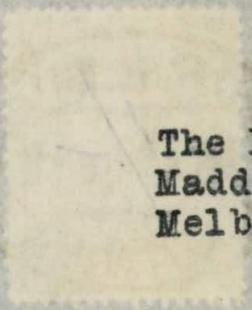
Citation for FRANK ERNEST PAICE of Fuchsia Street

Blackburn in the State of Victoria against FLORENCE MARTHA
PAICE (otherwise known as Florence Martha Cox) ^{of Belmore Road Balwyn} for nullity
of marriage.

Dated the 9th day of April 1919

J A Maddock

Proctor for the said Frank
Ernest Paice.



The Petitioner's address for service is at the Office of
Maddock Jamieson and Lonie of 136 and 138 Queen Street
Melbourne in the State of Victoria.

This citation and a sealed copy Petition were served by me at Queen Street Melbourne in the State of Victoria on the Respondent on Thursday the 17th day of April 1919

H. Hammett

IN THE SUPREME COURT OF THE STATE OF VICTORIA

1919 No. 127

Divorce and Matrimonial Causes Jurisdiction.

P A I C E



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- v -

CITATION

PAICE (otherwise COX)

The address of the Petitioner is Fuchsia Street Blackburn in the State of Victoria.

The address for service of the Petitioner is the Office of Messrs. Maddock Jamieson and Lonie of Nos. 136 and 138 Queen Street Melbourne in the said State Proctors for the Petitioner.

The Petitioner seeks a Decree for nullity of marriage from the Respondent.



Maddock Jamieson & Lonie

IN THE SUPREME COURT
OF THE STATE OF VICTORIA

1919 No. 127

Divorce and Matrimonial Causes Jurisdiction.

F R A N K E R N E S T P A I C E

Petitioner

- against -

FLORENCE MARTHA PAICE (otherwise
FLORENCE MARTHA COX)

Respondent

GEORGE THE FIFTH by the Grace of God of the United
Kingdom of Great Britain and Ireland and of the
British Dominions beyond the Seas King Defender
of the Faith.

To
FLORENCE MARTHA PAICE (otherwise Florence Martha Cox) /
*of Belmore Road,
Balwyn.*

THESE ARE TO COMMAND YOU that within eight days of the
service hereof on you inclusive of the day of such service if
you intend to defend this Suit you do cause an appearance to be
entered at the Office of the Prothonotary of this Court in --
Melbourne and TAKE NOTICE that in default of so doing the Court
may proceed to hear this Suit in your absence. If you intend
to defend this Suit you must also file an answer in the said
Office within twenty-one days from the service of this Citation.

THE *Ninth* day of *April* 1919.

[Signature]
Prothonotary

Supreme Court,
William Street,
Melbourne.

*In case of a Decree Nisi being granted
neither party legally re-marry until
such Decree has been made absolute*

In the Supreme Court }
of the State of Victoria }

1919 No. 127

Divorce & Matrimonial Causes Jurisdiction

Frank Ernest Parce

Petitioner

and

Florence Martha Parce (otherwise

Florence Martha Coe.)

Respondent

Search for Appearance herein

Dated this 25th day of April 1919

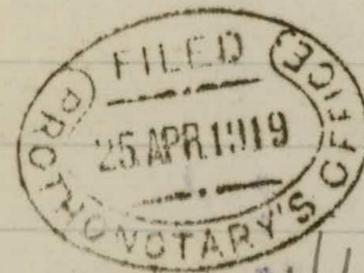
Maddock Jameson Lewis

Proctor for the Petitioner.

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In the Supreme Court

1919 / 127



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Search for
Appearance



Maddock James Laurie
Solicitors
Wellington

IN THE SUPREME COURT)
OF THE STATE OF VICTORIA (1919 No. 127

Divorce and Matrimonial Causes Jurisdiction.

F R A N K E R N E S T P A I C E

Petitioner

- and -

FLORENCE MARTHA PAICE (otherwise
FLORENCE MARTHA COX)

Respondent

1919
I, HENRY CLARNETTE of 15 Yarra Grove ~~Street~~ Hawthorn in the State of Victoria Clerk to Messieurs Maddock Jamieson and Lonie of 136 and 138 Queen Street Melbourne make oath and say as follows :-

1. I did on the seventeenth day of April 1919 at Queen Street Melbourne in the State of Victoria personally serve Florence Martha Paice (otherwise Florence Martha Cox) the abovenamed Respondent with a true copy of the Citation in this suit (which appeared to me to have been regularly issued out of this Court and which was dated the ninth day of April 1919) together with a copy of the Petition herein sealed with the Seal of this Court by leaving such copy Citation and Sealed Copy Petition with the said Respondent in person.

2. I did on the seventeenth day of April 1919 endorse on the said Citation the day of the month and week of service of the service thereof on the Respondent.

SWORN at Melbourne in the State of Victoria this twenty-fifth day of April 1919

H. Clarnette

Before me,

J. R. Thompson

J. R. Thompson

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

This Affidavit is filed on behalf of the Petitioner.

IN THE SUPREME COURT
OF THE STATE OF VICTORIA

1919 No. 127

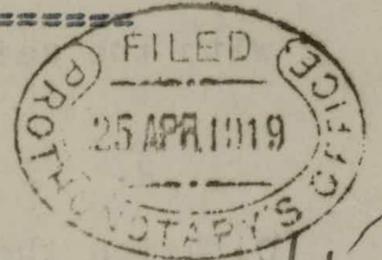
Divorce and Matrimonial Causes
Jurisdiction.

P A I C E

- v -

AFFIDAVIT OF
SERVICE OF --
CITATION AND
SEALED COPY
PETITION.

PAICE (otherwise COX))



11/15



IN THE SUPREME COURT
OF THE STATE OF VICTORIA

1919 No. 127

Divorce and Matrimonial Causes Jurisdiction

FRANK ERNEST PAICE

Petitioner

- and -

FLORENCE MARTHA PAICE (otherwise
FLORENCE MARTHA COX)

Respondent

SET this Cause down for hearing at the May Sittings of this
Court before a Judge without a Jury.

DATED this 25th day of April 1919.

JH Maddock

136 and 138 Queen Street Melbourne
Proctor for the Petitioner.

To the Prothonotary /

No appeal

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IN THE SUPREME COURT OF THE STATE OF VICTORIA

1919 No. 127

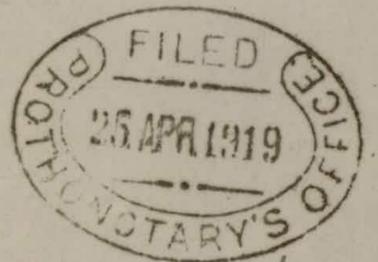
Divorce and Matrimonial Causes Jurisdiction

P A I C E

- v -

PRAECIPE TO SET DOWN FOR TRIAL

PAICE (otherwise COX)



11/15



Maddock Jamieson and Lonie,
136 and 138 Queen Street,
Melbourne.

IN THE SUPREME COURT)
OF THE STATE OF VICTORIA) 1919 No. 127

Divorce and Matrimonial Causes Jurisdiction

FRANK ERNEST PAICE Petitioner

- and -

FLORENCE MARTHA PAICE (otherwise
FLORENCE MARTHA COX) Respondent

PLEASE produce all papers on the file herein to His Honor
Mr. Justice Hood at the Practice Court William Street Melbourne
on Monday the twenty-eighth day of April 1919.

DATED the

28th

day of April 1919.

J. H. Maddock

136 and 138 Queen Street,
Melbourne Proctor for the
Petitioner.

To the Prothonotary /

IN THE SUPREME COURT
OF THE STATE OF VICTORIA

1919 No. 127

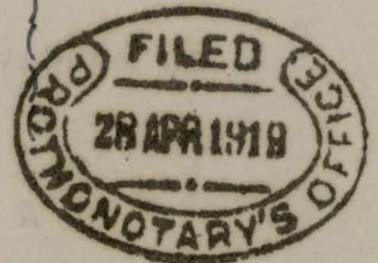
Divorce and Matrimonial Causes
Jurisdiction

P A I C E

- v -

NOTICE TO
PROTHONOTARY TO
PRODUCE PAPERS

PAICE (otherwise
COX)



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Maddock Jamieson and Lonie,
136 and 138 Queen Street,
Melbourne.

Divorce and Matrimonial Causes Jurisdiction.

F R A N K E R N E S T P A I C E Petitioner

- and -

FLORENCE MARTHA PAICE (otherwise FLORENCE
MARTHA COX) Respondent

I, HENRY CLARNETTE of 15 Yarra Grove Hawthorn in the State of Victoria Clerk to Maddock Jamieson and Lonie of 136 and 138 Queen Street Melbourne Solicitors for the Petitioner make oath and say as follows :-

1. I did on the twenty-fifth day of April 1919 personally serve the Respondent herein with a true copy of the Summons now produced and shown to me marked with the letter "A" and with a true copy of the Affidavit of the abovenamed Petitioner sworn the twenty-fourth day of April 1919 and a true copy of the Affidavit of John Henry Maddock sworn the twenty-fifth day of April 1919 by delivering such true copy Summons and Affidavits of the Petitioner and John Henry Maddock to the said Respondent in person at Belmore Road Balwyn.

2. THE time for entering appearance to the Citation herein by the Respondent expired on the twenty-fourth day of April 1919.

3. ON the twenty-fifth day of April 1919 I duly searched in the Office of the Prothonotary of this Court and found that no appearance had been entered by or on behalf of the Respondent.

4. THIS Suit has been set down for hearing before a Judge without a Jury at the May Sittings of this Court.

SWORN at Melbourne in the State of Victoria this 28th day of April One thousand nine hundred and nineteen

H. Clarnette

Before me,

C. Houston

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

This Affidavit is filed on behalf of the Petitioner.

IN THE SUPREME COURT OF THE STATE OF VICTORIA

1919 No. 127

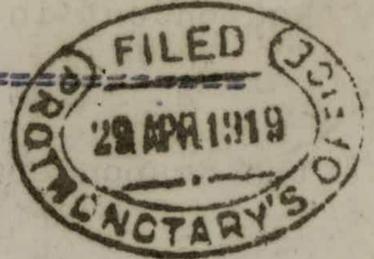
Divorce and Matrimonial Causes Jurisdiction.

P A I C E

- v -

AFFIDAVIT OF HENRY CLARNETTE

PAICE (otherwise COX)



IN THE SUPREME COURT
OF THE STATE OF VICTORIA

1919 No. 127

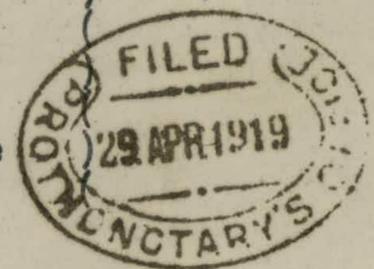
Divorce and Matrimonial Causes
Jurisdiction

P A I C E

- v -

AFFIDAVIT of
J. H. MADDOCK ESQ.

PAICE (otherwise
COX)





were correct and that she would not submit herself to examination. I then told her that the result of such a course might be that the Court would decree that the marriage between herself and the -- Petitioner was null and void without her being heard but that she could at any time before the Decree was pronounced change her mind and appear and give evidence before the Court. She replied that she thought under the circumstances that it was better to let the case go on. Her brother who was present then asked whether the Petitioner was going to make any allowance. I replied that no arrangement of any kind could be made at all and asked whether it would not be as well that Respondent should see a Solicitor on the matter and to this Respondent simply replied "No." They then withdrew.

SWORN at Melbourne in the State
of Victoria this 25th day of
April One thousand nine hundred
and nineteen

W. Maddock

Before me,

J. R. Thompson

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

IN THE SUPREME COURT)
OF THE STATE OF VICTORIA) 1919 No. 1 2 7

Divorce and Matrimonial Causes Jurisdiction.

F R A N K E R N E S T P A I C E Petitioner

- and -

FLORENCE MARTHA PAICE (otherwise
FLORENCE MARTHA COX) Respondent

I, JOHN HENRY MADDOCK of 136-138 Queen Street in the City of Melbourne in the State of Victoria Solicitor make oath and say :-

1. I am the Solicitor for the abovenamed Petitioner.

2. THIS is a Suit instituted by the Petitioner for a decree that the marriage celebrated between the Petitioner and Respondent is null and void by reason of the malformation of the parts of generation of the said Respondent.

3. A sealed copy of the Petition filed on behalf of the Petitioner in the Office of the Prothonotary of this Court together with a copy of the Citation issued out of this Court was on the seventeenth day of April One thousand nine hundred and nineteen I am informed by my Clerk and verily believe personally served on the Respondent.

4. THAT on the second instant I caused to be written and sent to the Respondent a letter of which the following is a copy :-

136 and 138 Queen Street,

Melbourne

2nd. April 1919.

Mrs. F. M. Paice,
c/o. Mrs. A. P. Cox,
Belmore Road,
D e e p d e n e .

Dear Madam/

We have been instructed by your husband to take