

proceedings to obtain the nullification of your marriage on the ground that the marriage has not been consummated owing to physical malformation or inability on your part and as it will be necessary to apply to the Court for an Order that you should be medically examined we shall be glad if you would inform us of the name of your Solicitor or if you have no Solicitor acting for you if you would see our Mr. Maddock as soon as possible as it is -- necessary for Mr. Paice to leave the Colony for India at an early date.

Yours truly,

MADDOCK JAMIESON & LONIE

5. IN reply to such letter I received a letter from the Respondent of which the following is a copy :-

Belmore Road,  
Deeplene, 6/4/19.

Maddock Jamieson & Lonie,  
Solicitors,

Dear Sirs/

I am in-receipt of your letter dated second April 1919 and as I have no Solicitor wish to make an appointment to meet Mr. Maddock at his Office on Tuesday morning at 11 o'clock.

Yours truly,

F. M. PAICE.

6. ON the eighth instant at 11 o'clock the Respondent saw me accompanied by her brother. I read to them the Petition in this matter and explained to them the nature of the -- Petitioner's complaint as stated in his Affidavit sworn and filed herein. I further told them that in view of the allegations made by the Petitioner an Order would probably be made by the Court that Respondent should submit herself to medical -- examination for the purpose of verifying or otherwise the allegations made <sup>by</sup> the Petitioner.

7. THE Respondent in reply said that the allegations

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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

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

1. I am the Petitioner herein.

*M*  
2. THIS is a Suit instituted by me for a Decree that the  
Marriage celebrated between the Respondent and me is null and  
void.

3. I have made arrangement with Messieurs Bird and --  
Company General Merchants of the Chartered Bank Buildings Calcutta  
India to go to India to take up a position with it and I have  
booked my passage by the Steamship "Houtaman" which was to have  
left Victoria for India about the middle of April 1919, but the  
time of the said Steamship's departure has been definitely fixed  
for the third day of May 1919. It is imperative for me to --  
return to India otherwise I will lose an important engagement  
and the state of my finances are such that I cannot afford to do  
so.

4. I am desirous that an Order be made that I be --  
examined on oath De bene esse before a Judge of the Supreme  
Court or any Officer thereof or any other person appointed by  
a Judge of the Supreme Court prior to my departure for India.

SWORN at Melbourne in the State of  
Victoria this 24<sup>th</sup> day of April  
1919

Before me,

*F. E. Paice*  
*John M. ...*

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

1919 No. 127

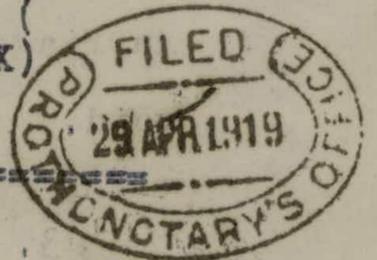
Divorce and Matrimonial Causes  
Jurisdiction.

P A I C E

- v -

AFFIDAVIT OF  
MR. F. E.  
P A I C E

PAICE (otherwise COX)



In the Supreme Court }  
of Victoria } 1919 No. 127

12

Paice Petitioner

Paice (otherwise Cox) Respondent

IN THE SUPREME COURT  
OF THE STATE OF VICTORIA

This is the Order of His Honor  
the Justice Hood marked with  
the letter "A" referred to in the  
affidavit of Henry Bernette  
and, <sup>now</sup> produced and shown  
to him at the time of his  
swearing his affidavit herein  
this 30th day of April 1919  
Before me,

1919 No. 127

Divorce and Matrimonial Causes  
Jurisdiction.

*J. D. Burston*

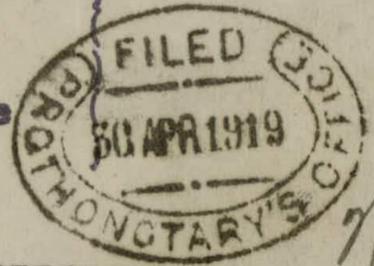
A Commissioner of the  
Supreme Court of the State  
of Victoria for taking affidavits

P A I C E

ORDER ON  
SUMMONS.

- v -

PAICE (otherwise  
COX)



7/45

I appoint *Wednesday* the *30*  
day of *April* 1919 at the hour of --  
*2.30* o'clock in the *after* noon at my  
Office Law Courts William Street  
Melbourne as the time and place for the  
Petitioner and Respondent and Medical  
Inspectors to attend before me.

DATED the *29* day of April 1919.

*J. W. Guthrie*  
Prothonotary  
Associate



THE UNITED STATES OF AMERICA  
DEPARTMENT OF JUSTICE

1918

WALTER W. RORER  
ATTORNEY AT LAW

CHICAGO, ILL.



WALTER W. RORER  
ATTORNEY AT LAW  
CHICAGO, ILL.

WALTER W. RORER



WALTER W. RORER

"A"

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

UPON hearing Mr. Woolf of Counsel for the Petitioner and the Solicitor for the Respondent and UPON READING the Summons dated the twenty-fifth day of April 1919 taken out on behalf of the Petitioner and the Affidavit of the Petitioner sworn the twenty-fourth day of April 1919, the Affidavit of John Henry Maddock sworn the twenty-fifth day of April 1919 and the Affidavit of Henry Clarnette sworn the twenty-eighth day of April 1919 BY CONSENT IT IS ORDERED that two duly qualified medical Practitioners, one to be nominated by or on behalf of the Respondent be appointed Medical Inspectors to examine and inspect and report in writing upon the parts and organs of generation of Frank Ernest Paice the Petitioner in this Cause and of Florence Martha Paice (otherwise Florence Martha Cox) the Respondent in this Cause whether he or she is capable of performing the act of generation and if -- incapable of so doing whether such impotency can or cannot be relieved or removed by art or skill and whether he or she hath or hath not any impediment on his or her part to prevent the consummation of Marriage AND IT IS FURTHER ORDERED that the said reports be delivered by the said Inspectors or one of them under their hands or hand to the -- Prothonotary of the Supreme Court AND IT IS FURTHER ORDERED that the said Frank Ernest Paice the Petitioner and the said Florence Martha Paice (otherwise Florence Martha Cox) the Respondent and the said Inspector so appointed as aforesaid do attend before ~~Joseph A. ...~~ <sup>the Prothonotary</sup> Richardson Esquire Associates to His Honor Mr. Justice Hood at such time and place as he may appoint in order that the said Petitioner and

*JWH*

*JWH*

Respondent may then and there be respectively identified as the parties in this Cause and the said Inspectors sworn faithfully and according to the best of their skill and ability to inspect and examine the parts and organs of generation of the said --  
Petitioner and Respondent and report as aforesaid ~~IT IS FURTHER ORDERED~~ that this Cause should be heard in Camera AND IT IS FURTHER ORDERED that the abovenamed Petitioner be examined viva voce in Melbourne before *Joseph Arthur* Richardson Esquire Associate to His Honor Mr. Justice Hood on *Monday* the *first* day of *May* 1919 at *11.0* o'clock in the forenoon AND IT IS FURTHER ORDERED that the examination so taken be filed in the Prothonotary's Office of the Supreme Court and that an office copy or copies thereof may be read and given in evidence on the trial of this Cause saving all just exceptions without any further proof of the absence of the said witness from the State of Victoria than the Affidavit of the Solicitor or Agent of the Petitioner as to his belief thereof ~~AND I CERTIFY~~ for Counsel.

D A T E D the *28<sup>th</sup>* day of April 1919.

*J. H. H.*



In the Supreme Court  
of the State of Victoria } 1919 No 127.

Divorce and Matrimonial Causes Jurisdiction

Frank Ernest Price Petitioner.

- and -

Florence Martha Price

(otherwise Florence Martha Cox) Respondent

I, Henry Clarnette of 15 Yarra Grove Hawthorn  
in the State of Victoria Clerk to Maddock Jameson and Lurie  
of 136 and 138 Queen Street Melbourne, Solicitor for  
the Petitioner, make oath and say:-

1. I did on the 29<sup>th</sup> day of April 1919 personally  
serve Florence Martha Price (otherwise Florence Martha  
Cox) the Respondent in this cause with a true copy  
of the Order of His Honor Mr. Justice Hood made herein  
and dated the 28<sup>th</sup> day of April 1919 now produced  
and shewn to me marked with the letter "A" by  
delivering such true copy Order to the said Florence  
Martha Price (otherwise Florence Martha Cox)  
in person at Belmore Road Balwyn.

2. I did on the said 29<sup>th</sup> day of April 1919 serve  
Mr. J. Woolf of Queen Street Melbourne Solicitor for the  
Respondent with a true copy of the said Order of His  
Honor Mr. Justice Hood dated the 28<sup>th</sup> day of April 1919  
now produced and shewn to me marked with the  
letter "A" by leaving such true copy with a  
clerk in the employ of the said Mr. J. Woolf  
at his Office, 34 Queen Street Melbourne.

Sworn at Melbourne in the State of Victoria } H. Clarnette  
this 30<sup>th</sup> day of April 1919.

Before me

J. Houston

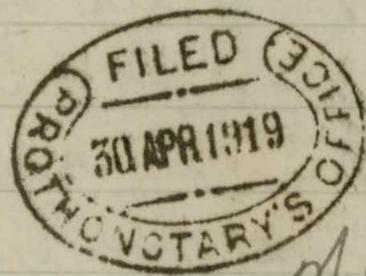
A Commissioner of the Supreme Court of Victoria for taking Affidavits  
This affidavit is filed on behalf of the Petitioner

In the Supreme Court  
of Victoria

1919 No. 127

Divorce and Matrimonial Causes  
Jurisdiction

<u>Paice</u>	}	<u>Appidavit of Service</u>
-v-		<u>of the Order for</u>
<u>Paice</u>		<u>Medical Inspection</u>
		<u>and</u>
		<u>Examination</u>



7/45



Madame Justice Paice  
Salutaris

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

JOHN REGINALD DAVIS of 348 Bay Street Port Melbourne in the  
State of Victoria duly qualified Medical Practitioner  
nominated by or on behalf of the Petitioner and

Y O U are produced as Inspectors in a Cause depending in the  
Supreme Court in its Matrimonial Causes Jurisdiction entitled Frank  
Ernest Paice against Florence Martha Paice (otherwise Florence Martha  
Cox) to examine and inspect the parts and organs of generation of  
Frank Ernest Paice the Petitioner in this cause and also Florence Martha  
Paice (otherwise Florence Martha Cox) the Respondent in this cause. You  
respectively swear by Almighty God that you will faithfully and to the  
best of your skill inspect and examine the parts and organs of --  
generations of each of them the said Frank Ernest Paice and Florence  
Martha Paice (otherwise Florence Martha Cox) make a just and true  
Report in writing to the Prothonotary of this Court whether he or she is  
capable of performing the act of generation and if incapable of so doing  
whether such impotency can or cannot be relieved or removed by art or  
skill AND whether the said Frank Ernest Paice and the said Florence  
Martha Paice (otherwise Florence Martha Cox) hath or hath not any  
impediment on his or her part to prevent the consummation of Marriage  
and whether such impediment (if any) can be cured by art or skill A N D  
that you or one of you will deliver such report under your hands and  
seals closely sealed up to the Prothonotary of this Court at his Office  
at the Law Courts in the City of Melbourne in a closely sealed packet.

SWORN at Melbourne this 30<sup>th</sup> day  
of April One thousand nine hundred  
and nineteen.

Before me

*D. J. Whith*

Prothonotary

*John Reginald Davis*

IN THE SUPREME COURT OF THE STATE OF VICTORIA

1919 No. 127

Divorce and Matrimonial Causes Jurisdiction.

P A I C E

OATH TO MEDICAL INSPECTORS.

- v -

PAICE (otherwise COX)



g/45



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

IN THE SUPREME COURT  
OF THE STATE OF VICTORIA

1919 No. 127

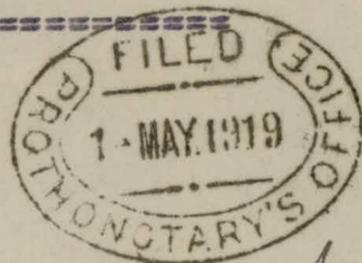
Divorce and Matrimonial Causes  
Jurisdiction.

P A I C E )

- v -

PAICE (otherwise  
COX)

MINUTE ON MEDICAL  
INSPECTORS OF  
PETITIONER AND  
RESPONDENT BEING  
SWORN AND ON  
PETITIONER AND  
RESPONDENT --  
APPEARING FOR  
IDENTIFICATION



*Handwritten signature*



IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

1911

Divorce and Restitution of Conjugal Rights

MINISTER OF MEDICAL  
INSPECTOR OF  
POLICE AND  
MAYOR OF  
CITY OF RICHMOND  
AND  
CITY OF RICHMOND  
--  
APPEAL FROM  
CIRCUIT COURT



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)

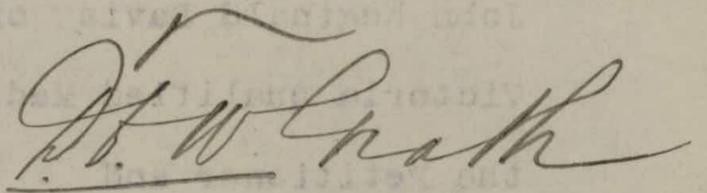
Respondent

ON Wednesday the 30th. day of April 1919 Before the undersigned Prothonotary of the Supreme Court of Victoria personally appeared John Reginald Davis of 348 Bay Street Port Melbourne in the State of Victoria qualified Medical Practitioner nominated by or on behalf of the Petitioner and

who was respectively appointed by order of His Honor Mr. Justice Hood made herein and dated the twenty-eighth day of April 1919 as one of the Inspectors to inspect and examine the parts and organs of generation of each of them the said Frank Ernest Paice and Florence Martha Paice (otherwise Florence Martha Cox) and which said Inspectors are to report in writing to the Prothonotary whether the said Frank Ernest Paice and Florence Martha Paice (otherwise Florence Martha Cox) is or is not capable of performing the act of -- generation and if incapable whether such impotency can or cannot be relieved or removed by art or skill and also whether the said Frank Ernest Paice or the said Florence Martha Paice (otherwise Florence Martha Cox) hath or hath not any impediment on his or her part to the consummation of marriage and whether such impediment (if any) can be cured by art or skill A N D who was duly sworn to inspect and -- examine according to the terms of the order filed in the Office of this Court in this cause Then appeared personally the said Frank Ernest Paice the Petitioner who in the presence of the said Inspector and of the said Prothonotary acknowledged himself to be the Petitioner

or party proceeding in this cause and was identified on oath by John Henry Maddock of 136 and 138 Queen Street Melbourne<sup>his</sup> Solicitor.

No appearance was made before me of any duly qualified, nominated by or on behalf of the Respondent as Medical Inspector pursuant to the said order of His Honor Mr. Justice Hood dated the twenty-eighth day of April 1919 and no appearance was made before me of the said Florence Martha Paice (otherwise Florence Martha Cox) the Respondent herein although it duly appeared by the Affidavit of Henry Clarnette sworn the thirtieth day of April 1919 and filed herein that the said Respondent had been personally served with a true copy of the said order of His Honor Mr. Justice Hood made herein and dated the -- twenty-eighth day of April 1919.



Prothonotary

In the Supreme Court

of Victoria. 1919 No 127

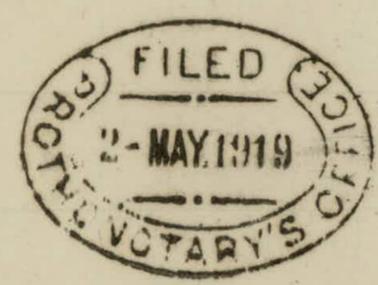
Frank Ernest Paice

Petitioner

v.

Florence Marcha Paice (otherwise  
Cox.)

Respondent.



Examination de bene esse of  
the Petitioner taken & sworn  
the first day of May 1919.



In the Supreme Court  
of the State of Victoria.

Between

1919 No 127

Frank Ernest Paice

Petitioner

and

Respondent.

Examination de bene esse of the Petitioner

Frank Ernest Paice taken and sworn herein.

this first day of May 1919 in pursuance of  
an Order of His Honour Mr. Justice Hood dated  
the 28<sup>th</sup> day of April 1919 before me,

J. A. Richardson.

The Examiner named in the  
said Order.

Mr. L. S. Woolf appeared for the Petitioner.

No appearance for the Respondent.

Frank Ernest Paice, sworn and examined  
by Mr. Woolf said:-

I am the Petitioner in this Suit. I have  
no occupation at present.

On 22<sup>nd</sup> December 1914 I went through  
a ceremony of marriage with the Respondent  
at Calcutta, India. This  
Certificate is signed by myself &  
the Respondent. (Certificate put  
in & marked D.E.P. No 1) It is the  
original marriage certificate.

Exhibit  
D.E.P. No 1.

I am leaving Victoria by the S.S.  
"Houtman" for India & must  
be on board on the afternoon of  
the 2<sup>nd</sup> instant. The vessel leaves  
on Saturday 3<sup>rd</sup> instant. I shall  
be away from Victoria for many  
months.

On the first night of the marriage  
I made no attempt to have  
intercourse with the Respondent.  
Within a night or two later I  
made my first attempt to have  
it. I had a proper erection

J. A. Richardson  
Examiner

F. E. Paice

and was quite capable of having intercourse. I could not get my penis into her vagina beyond an inch. My penis met with an obstruction. The Respondent complained that it hurt her.

From time to time during the last two years I tried to have intercourse with the Respondent. I was never able to do so on account of meeting with this obstruction in the vagina. On each occasion I had a proper erection & was quite capable. In the first month I could not get my penis into her vagina for more than about an inch; my penis came into contact with the obstruction in the Respondent's vagina every time. Later I got my penis in a little more than an inch by pushing hard

J. A. Nitharason  
Examiner.

F. S. Price

against the obstruction. This state of things continued for the first two years. I have never had proper connection with the Respondent, <sup>by</sup> which I mean <sup>J. A. R.</sup> <sup>26/</sup> I have never punctured her vagina for more than a little over an inch.

On several occasions I asked Respondent to try to assist me by putting my penis in the right place. She tried to direct it. She said that it slipped away from the place she wished it to go. She said she could not put it into the right place. She later gave up attempting to assist me. She complained frequently that I hurt her.

On many occasions I told her I was unable to have proper connection with her & asked her to go & see a doctor to be examined to see what was the matter with her. She refused to do so. She gave no reason for her refusal.

J. A. Richardson.  
Examiner

7. E. Paice

J.A.R.  
288/

I said to the Respondent after the first  
<sup>years</sup> two, "It is no use going on like  
 this, as I cannot have proper  
 connection." I then ceased my  
 attempts to have intercourse. The  
 Respondent never complained in  
 any way at my ceasing my  
 attempts to have connection  
 with her.

I have submitted myself in  
 pursuance of the order of His  
 Honour Mr. Justice Hood dated  
 the 28<sup>th</sup> day of April 1919 to  
 examination by Dr. John Reginald  
 Davis.

F. E. Paice

J. A. Richardson  
 Examiner

I Joseph Arthur Richardson certify that  
 the writing on this and the preceding three  
 pages is the examination of the Petitioner  
 Frank Ernest Paice, the same having been  
 read over to him and then signed by  
 him and by myself as Examiner.

J. A. Richardson  
 Examiner.

IN THE SUPREME COURT OF THE STATE OF VICTORIA

1919 No. 127

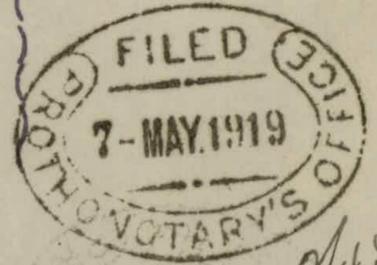
Divorce and Matrimonial Causes  
Jurisdiction.

P A I C E

-v-

REPORT OF  
MEDICAL INSPECTOR.

PAICE (otherwise  
COX)



7/45

===== RECEIVED  
Prothonotary's Office,  
Date.....7.5.19.....

*D. W. Lenth*  
Prothonotary



THE COURT OF THE STATE OF VICTORIA

1881

Director and Registrar  
Jurisdiction

REPORT OF  
MEDICAL EXAMINER



1881

1881

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 REGINALD DAVIS of 348 Bay Street Port Melbourne in the State of Victoria Duly Qualified Medical Practitioner nominated by or on behalf of the Petitioner and appointed by the order of His Honor Mr. Justice Hood made herein and dated the twenty-eighth day of April 1919 as one of the Medical Inspectors to examine and inspect the parts and organs of generation of Frank Ernest Paice the Petitioner in this cause and of Florence Martha Paice (otherwise Florence Martha Cox) the Respondent in this cause and who were to report in writing upon the parts and organs of generation of the said Frank Ernest Paice the said Petitioner and Florence Martha Paice (otherwise Florence Martha Cox) the said Respondent whether he or she is capable of performing the act of generation and if incapable of so doing whether such impotency can or cannot be relieved or removed by art or skill and whether he or she hath or hath not any impediment on his or her part to prevent the consummation of Marriage DO HEREBY REPORT to the Prothonotary of this Court that I have faithfully and to the best of my skill inspected and examined the parts and organs of generation of the abovenamed Frank Ernest Paice the Petitioner in this cause and report on such inspection and examination that

(a) the said Frank Paice hath not any impediment on his part to prevent the consummation of marriage

(b) the said Frank Paice the above-mentioned Petitioner is capable of performing the act of generation

I DO FURTHER REPORT that I have not inspected or examined the parts and organs of generation of Florence Martha Paice (otherwise Florence Martha Cox) the Respondent in this cause. The said Respondent did not submit herself to my inspection and examination.

A S W I T N E S S my hand at Melbourne this *sixth* day of

May One thousand nine hundred and nineteen.

*W. H. Davis*

Hereinbefore named Inspector.

I, JOHN RICHARD DAVIS of 46 1/2 Street Fort Lauderdale in the State of Florida duly qualified medical practitioner licensed by the State of Florida and appointed by the order of His Honor the Justice of the Peace and dated the twenty-sixth day of April 1919 an one of the medical inspectors to examine and inspect the parts and organs of a person of whom I have been named in the Petitioner in this cause and of whom I have been named (otherwise Martin Cox) the Respondent in this cause and who were to report in writing upon the parts and organs of a person of whom I have been named the said Petitioner and Martin Cox (otherwise Martin Cox) the said Respondent whether he or she is capable of performing the act of generation and if incapable of doing whether such incapacity can or cannot be relieved or removed by any or skill and whether he or she can or cannot be relieved or removed on his or her part to prevent the commission of a further act of generation to the procreancy of this Court and I have accordingly and to the best of my skill inspected and examined the parts and organs of a person of whom I have been named the said Petitioner in this cause and report to each of you and examination that

(a) I have not inspected or examined the parts and organs of a person of whom I have been named (otherwise Martin Cox) the Respondent in this cause. The said Respondent did not submit details to my inspection and examination.

A S W I T N E S S my hand at Fort Lauderdale this