14745.

In the High Court of Justice.

PROBATE, DIVORCE, AND ADMIRALTY DIVISION.

(DIVORCE). W.D.

Cates
Frances
Elizabeth

v

Cates.
Hubert
Henry

COURT MINUTES.

Petition Filed 16 Dec. 1891

Decree Nisi

Final Decree

CLOSED
UNTIL
1993

W B & L—(282R)—7016-1000-6-90

Cates v Cates

Francess Elizabeth Hubert Henry

D} Nordon

1891 Dec. 16th	M. Nordon of 23 Wormwood Street E.C. filed Petition for Dissolution and Affidavit & issued Citation
" 21st	Nordon filed Petition for alimony pendente lite.

[*Alimony pending Suit.*]

In the High Court of Justice.

PROBATE, DIVORCE, AND ADMIRALTY DIVISION.

(DIVORCE.)

Cates *against* Cates

UPON HEARING the Solr for the Petr + reading the Petition for Almony pendente lite + the Affidavits of H. Parkinson + Petitioner sworn respectively the 20th Feb. 1892 + 8th Mch. 1892
I DO ORDER that Hubert Henry Cates

the Respondent do

pay or cause to be paid to Frances Elizabeth Cates

the Petitioner

Alimony pending Suit at and after the rate of £38 - 0 - 0

per annum to commence from the date of the service of the Citation issued in this Cause,

~~to wit, the~~ ~~day of~~ ~~, 18~~, and to be payable monthly

Dated the 9th day of Mch. 1892

@ Charles P. Butt

137

W B & L (x)—18112—250-8-91

1892
Mch. 16th

Nordon Reid Affidavit of Service of Alimony Petition & Affidavit in support of same

14745

In the High Court of Justice
Probate Divorce and
Admiralty Division
(Divorce)

Cates
v
Cates

Affidavit
in
Support of Petition for Dissolution of Marriage.

FILED 16 DEC 1891

M Nordon
Solicitor
23 Wormwood Street
London E.C.
Petitioners Solicitor

In the High Court of Justice
Probate Divorce and Admiralty Division
(Divorce)

In the Matter of the Petition of Frances Elizabeth Cates for a Dissolution of marriage

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I Frances Elizabeth Cates of 2 Marmaduke Street Edge Hill in the City of Liverpool wife of Hubert Henry Cates of the said City Marine Chief Engineer make oath and say: ——

1 — That I am the Petitioner in the above matter and was on the 28th day of February 1889 lawfully married to Hubert Henry Cates the Respondent in this suit at the Cathedral Church of St Peters in the City of Liverpool aforesaid.

2 — That after my said marriage I (your Petitioner) lived and cohabited with my said husband at 96 Newcombe Street Anfield near Liverpool aforesaid and subsequently at 45 Adelaide Road and at 2 Marmaduke Street both in Liverpool aforesaid and

that there has never been any issue of the said marriage.

3 — That the said Hubert Henry Gates is a man of violent and uncontrollable temper and in the habit of using foul disgusting and filthy language and oaths imprecations and threats of personal violence and that he has upon divers occasions beaten and assaulted me and has caused me great pain and injury both physical and mental and so seriously impaired my health.

4 — That shortly after the said marriage while living in Newcombe Street aforesaid namely in or about the month of June 1889 on one occasion the said Hubert Henry Gates to terrify and annoy your Petitioner after using most foul and disgusting language took up a pair of brass fire tongs and with them in the my presence (I being alone with him in the house) smashed several pictures then hanging on the wall and threatened to also smash my head with the said tongs in consequence whereof I swooned away and was unconscious for several hours.

5 — That while living in Newcombe Street aforesaid in order to further terrify vex and annoy me the said

Hubert Henry Gates on two occasions threatened and actually attempted to commit Suicide by swallowing poison.

6 — That on another occasion while living in Newcombe Street aforesaid namely on or about the 21st day of March 1890 the said Hubert Henry Gates beat and abused me and struck me two violent blows on the head and locked me in a portion of the house and threatened me with other violence I however escaped from the house and fearing further violence sought refuge at the residence of a mutual friend That subsequently namely on or about the 24th day of March 1890 an agreement of separation was drawn up and between and signed by me and the said Hubert Henry Gates whereby we mutually agreed in the future to live separate and apart.

7 — That in or about the month of March 1890 and at divers other times the said Hubert Henry Gates committed adultery with one Maggie Butler sometimes called Maggie Baker in a house of ill fame No 5 Hardwick Street in the said City of Liverpool.

8 — That after living apart from the said Hubert Henry Gates pursuant to the agreement for separation set forth in paragraph 6 hereof I consented to resume

cohabitation with the said Hubert Henry Cales on his making many promises of amendment and future good behaviour and expressing great contrition for his past conduct but such cohabitation was only resumed on the express condition that (your petitioner) should occupy a separate bedroom from the said Hubert Henry Cales for a period of six months from the date of the resumption of such cohabitation

9. That subsequently ~~will~~ while residing at 2 Marmaduke Street aforesaid namely in or about the month of February 1891 ~~your Petitioner~~ was again assaulted and beaten by the said Hubert Henry Cales who locked ~~your petitioner~~ me and himself in ~~my~~ Petitioners ~~her~~ bedroom on which occasion the said Hubert Henry Cales seized ~~your~~ me Petitioner by both wrists and forcing ~~her~~ me down bruised ~~her~~ my arms very badly causing great discoloration of the flesh and grievous bodily pain and used dire threats of further violence against ~~her~~ me and threatened to kill ~~her~~ me and ~~your petitioner~~ (in order to escape his violence I was obliged to break several panes of glass in the window in order to attract the attention of the other persons in the house whereby ~~my~~ your ~~petitioners~~ hands were cut and severely hurt.

10. That on another occasion the said Hubert Henry Cales came to ~~your Petitioner~~ me

while undressed in bed and holding a tablknife to ~~your Petitioners~~ my throat threatened to cut ~~her~~ the same and he was with great difficulty prevented from doing so.

11. That on many occasions in public places the said Hubert Henry Cales has publicly insulted ~~your petitioner~~ me by in a loud and angry tone of voice using vile and insulting language towards and telling ~~your Petitioner~~ me to "go to Hell" to the ~~my~~ great annoyance and vexation of mind ~~of your Petitioner~~ and to the injury of your Petitioners reputation

12. That on the 7th day of December 1891 at 2 Marmaduke Street Liverpool aforesaid the said Hubert Henry Cales assaulted and beat ~~your Petitioner~~ me and struck ~~your Petitioner~~ me a violent blow on the side of the head causing the blood to flow from your Petitioners ear and subsequently picked up a heavy iron fire iron rest of the weight of two pounds or thereabouts and threatened to "brain" ~~your Petitioner~~ me and raising the said weapon attempted to strike ~~your Petitioner~~ me therewith but was prevented from doing so by the sister of your Petitioner in consequence whereof (your Petitioner) laid an information against the said Hubert Henry Cales in the Petty Sessional Court for the said City and on the 9th day of December 1891 the said Summons came on for hearing before W. J. Stewart Esquire Stipendiary Magistrate for the City of Liverpool at the Police Courts Dale Street

Liverpool aforesaid when the said Hubert Henry Cates pleaded guilty to an aggravated assault upon your petitioner and an order was made by the Court for judicial separation and the said Hubert Henry Cates was mulcted in a fine for the offence and was bound over in his own ~~no~~ recognizances in £20 to keep the peace for the period of 12 months thence next ensuing

13. That since the making of such order for judicial separation as mentioned in the last preceding paragraph hereof the said Hubert Henry Cole has made many threats of violence against your Petitioner who has been obliged to obtain police protection

14. ~~Your petitioner is~~ I am informed and verily believes that during the years 1889. 1890 and 1891 the said Hubert Henry Cates has committed adultery at Liverpool aforesaid with a woman called Alice but whose full name is unknown ~~by your Petitioner~~ to me

15. I say that there is no collusion or connivance between me and the said Hubert Henry Cates in any way whatever

Sworn at the City of Liverpool this 15th day of December 1891 Before me Alfred Cornett

A Commissioner to administer Oaths in the Supreme Court of Judicature in England

Frances. E. Cates.

Filed on behalf of the Petitioner

14745

In the High Court of Justice
Probate Divorce and
Admiralty Division
(Divorce)

Cates
v
Cates

Petition
for
Dissolution of Marriage

10/-

FILED 16 DEC 1891

20/-

M. Nordon
Solicitor
23 Wormwood Street
London E.C.
Petitioner's Solicitor

In the High Court of Justice
Probate Divorce and Admiralty Division
(Divorce)

The 15th ~~16th~~ day of December 1891.

To The Right Honorable
the President of the said
Division

Cause
No.

The Humble Petition
of Frances Elizabeth Cates of
2 Marmaduke Street Edge Hill in
the City of Liverpool in the County
of Lancaster Wife of Hubert Henry
Cates of the said City Marine Chief
Engineer. ———

Sheweth: ———

1 — That your petitioner then Frances
Elizabeth Murray was on the 28th day of
February 1889 lawfully married to the said
Hubert Henry Cates at the Cathedral Church
of St Peters in the said City.

2 — That after her said marriage your
Petitioner lived and co habited with her said
husband at 96 Newcombe Street Anfield
near Liverpool aforesaid and subsequently

at 45 Adelaide Road and at 2 Marmaduke Street both in Liverpool aforesaid and that there has never been any issue of the said marriage

3 — That the said Hubert Henry Cates is a man of violent and uncontrollable temper and in the habit of using foul disgusting and filthy language and oaths imprecations and threats of personal violence and that he has upon divers occasions struck and violently beaten and assaulted your Petitioner and has caused her great pain and injury both physical and mental and seriously impaired her health

4 — That shortly after the said marriage while living in Newcombe Street aforesaid namely in or about the month of June 1889 on one occasion the said said Hubert Henry Cates to terrify and annoy your Petitioner after using most foul and disgusting language took up a pair of brass fire tongs and with them in the presence of Your petitioner (She being alone with him in the house) smashed several pictures then hanging on the wall and threatened to also smash your Petitioner's head with the said tongs in consequence whereof your Petitioner swooned away and was unconscious for several hours.

5 — That while living in Newcombe Street aforesaid in order to further terrify vex

and annoy your Petitioner the said Hubert Henry Cates on two occasions since threatened and actually attempted to commit suicide by swallowing poison.

6 — That on another occasion while living in Newcombe Street aforesaid namely on or about the 21st day of March 1890 the said Hubert Henry Cates beat and abused your Petitioner and struck her two violent blows on the head and locked her in a portion of the house and threatened her with other violence) your Petitioner however escaped from the house and fearing further violence sought refuge at the residence of a mutual friend That subsequently namely on or about the 24th day of March 1890 an Agreement of Separation was drawn up between and Signed by your Petitioner and the said Hubert Henry Cates whereby they mutually agreed in the future to live Separate and apart.

7 — That in or about the month of March 1890 and at divers other times the said Hubert Henry Cates committed adultery with one Maggie Butler, Sometimes called Maggie Baker, in a house of ill fame Number 5 Hardwicke Street in the said City of Liverpool.

8 — That after living apart from the said Hubert Henry Cates pursuant to the Agreement for Separation set forth in paragraph 6 hereof your Petitioner consented to resume

co habitation with the said Hubert Henry Cates on his making many promises of amendment and future good behaviour and expressing great contrition for his past conduct but such cohabitation was only resumed on the express condition that your Petitioner should occupy a separate Bed room from the said Hubert Henry Cates for a period of 6 months from the date of the resumption of such co-habitation

9.— That subsequently while residing at 2 Marmaduke Street aforesaid namely in or about the month of February 1891 Your Petitioner was again assaulted and beaten by the said Hubert Henry Cates who locked your Petitioner and himself in her bedroom on which occasion the said Hubert Henry Cates seized your Petitioner by both wrists and forcing her down bruised her arms very badly causing great discoloration of the flesh and grievous bodily pain and used dire threats of further violence against her and threatened to kill her and your Petitioner in order to escape his violence was obliged to break several panes of glass in the window in order to attract the attention of the other persons in the house whereby your Petitioners hands were cut and severely hurt.

10.— That on another occasion the said Hubert Henry Cates came to Your Petitioner

while she was undressed in bed and holding a table knife to her throat ~~xxx~~ threatened to cut her throat and was with great difficulty prevented from doing so.

11.— That on many occasions in public places the said Hubert Henry Cates has publicly insulted your Petitioner by in a loud and angry tone of voice using vile & opprobrious epithets towards her and telling her to go "to Hell" to the great annoyance and vexation of mind of your Petitioner and to the injury of her reputation.

12.— That on the 7th day of December 1891 at 2 Marmaduke Street Liverpool aforesaid the said Hubert Henry Cates assaulted and beat your Petitioner and struck her a violent blow on the side of the head causing the blood to flow from her ear and subsequently picked up a heavy iron fire iron rest of the weight of 2 lbs: or thereabouts and threatened to "brain" your Petitioner and raising the said weapon attempted to strike your Petitioner therewith but was prevented from doing so by the sister of your Petitioner in consequence whereof your Petitioner laid an information against the said Hubert Henry Cates in the Petty Sessional Court for the said City and on the 9th day of December 1891 the said Summons came on for hearing before W. J. Stewart Esqre Stipendiary Magistrate for the City of Liverpool at the Police Courts Dale Street

Liverpool aforesaid when the said Hubert Henry Cates pleaded guilty to an aggravated assault upon your Petitioner and an order was made by the Court for Judicial Separation and the said Hubert Henry Cates was mulcted in a fine for the offence and was bound over in his own recognizances in £20 to keep the peace for the period of 12 months thence next ensuing

13 — That since the making of such order for Judicial Separation as mentioned in the last preceding paragraph hereof the said Hubert Henry Cates has made many threats of violence against your Petitioner and she has been obliged to place herself under Police protection.

14 — That during the years 1889 1890 and 1891 the said Hubert Henry Cates has also committed adultery at Liverpool aforesaid with a woman called "Alice" but whose full name is unknown to your Petitioner

Your Petitioner therefore humbly prays your Lordship to decree that her marriage with the said Hubert Henry Cates may be dissolved and that your Petitioner may have such further and other relief in the premises as may seem just

Frances E. Cates.