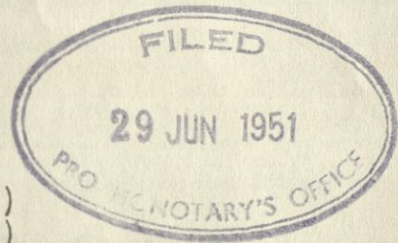


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IN THE SUPREME COURT
OF VICTORIA

1951 No. 846

DIVORCE AND MATRIMONIAL CAUSES
JURISDICTION



WEBB

V

WEBB

AFFIDAVIT VERIFYING
PETITION



OSWALD BURT & CO.
Solicitors
394 Collins Street
MELBOURNE.

IN THE SUPREME COURT

OF VICTORIA

1951 No. 846

DIVORCE AND MATRIMONIAL CAUSES JURISDICTION

DOROTHY JEAN WEBB

Petitioner

-against-

CARL WEBB

Respondent

I DOROTHY JEAN WEBB of Bute in the State of South Australia Married Woman make oath and say as follows :-

1. I am the abovenamed Petitioner.

2. I was lawfully married to the abovenamed Respondent on the 4th day of October 1941 at St. Matthews Prahran in the State of Victoria by the Reverend John Bruce Montgomerie according to the rites of the Church of England.

3. The Respondent has without just cause or excuse wilfully deserted me and without any such cause or excuse left me continuously so deserted during three years and upwards.

4. I am 30 years of age and was born at Ballarat in the State of Victoria. I am and have been for two years and upwards domiciled in the State of Victoria.

5. The Respondent is 45 years of age. I have been informed by the Respondent and verily believe that he was born at Yarraville in the State of Victoria where he still had his home and was domiciled at the time of the said marriage. After the said marriage the Respondent resided in Bromby Street South Yarra until April 1947, when he left that address. I do not know the present address of the Respondent but I am advised by my Solicitors and verily believe that in the circumstances above set out the Respondent will be deemed to be domiciled in the State of Victoria.

6. Prior to the said marriage I was a spinster and was by occupation a Pharmacist and Chiropodist. Since the said marriage I have been supported partly by the Respondent and partly by my earnings as a Pharmacist and Chiropodist.

per Mr. Cawley Notary Public having authority to administer oaths in the Supreme Court of South Australia

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7. Prior to the said marriage the Respondent was a bachelor. Both prior to and since the said marriage the Respondent has been by occupation an Electrical Engineer and Instrument Maker.

8. There is no issue of the said marriage, living or dead.

9. After the said marriage the Respondent and I lived and co-habited as man and wife at a flat in Bromby Street South Yarra in the State of Victoria for a little over four years until about January 1946 when the Respondent terminated the matrimonial relationship as hereinafter appears. Thereafter we remained at the same address until about the 13th September 1946 when I left the flat in the circumstances hereinafter appearing.

10. Since the said marriage the Respondent has always been of a moody disposition. He would be perfectly reasonable for a time, but then without any apparent cause he would completely ignore people and quite often be rude. Even early in our marriage he sometimes refused to speak to me for hours on end. Small things led to quarrels. For several weeks shortly after our marriage I nursed the Respondent's mother. This resulted in my being run down in health. Nevertheless the Respondent expected me to resume my employment. During the first 18 months of our married life I had almost 12 months in the home, but that was most miserable for me as I was allowed money only for food and had no new clothes of any kind as the Respondent told me I was not earning. I went back to business and was expected to hand my pay to the Respondent and account for any expenses paid out of my earnings. I found myself working all hours and caring for a home. I had several illnesses and the Respondent was very displeased at my spending money on doctor's bills.

11. The Respondent used to bet on the races. If he lost he would be sullen and rude to me, or anyone else. If he lost

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576-157 *W. Webb*

at cards, he would become unpleasant to everyone, and one night in the year 1945 while playing with guests he threw his hand on the table and went to bed without saying a word. One night in the year 1945 when he was losing he got his long bladed carving knife and threatened a guest who had won money from him. All this led to breaking up old friendships of mine. He had no particular friends of his own. He has written many poems, most of them on the subject of death, which he claims to be his greatest desire. He rarely wished to go out anywhere, but usually went to bed about 7 p.m., often night after night.

12. This conduct on the part of the Respondent continued through the years until 1945. One night in January 1946, he told me that we were not suited to each other, and would be better apart. He was quite rational on this occasion, but the following day he was enraged and refused to say anything further on the matter when I tried to discuss his statement. From that time on he abused me constantly and seemed determined to drive me out of the flat. He refused to let me get his meals for him or do his mending washing or ironing. In fact he refused to have anything to do with me. He forced me to move to the front room by myself. From this time on he did not even take my pay from me. If I asked him anything concerning the conduct of the flat, he would fly into a rage and abuse me, calling me a dirty rotten bitch. He had called me that in public twice before and it then became his favourite term for me. He said that he wanted me out of the flat. As soon as I spoke he would call me a liar and scream at me "Shut your bloody mouth" or "Shut up and get out".

13. In the month of March 1946 on returning from the pictures, where I had been with friends one Saturday night I found that Respondent had locked me out. I went to the side window, and lit a match to wake him up. He accused me of trying to set the curtains on fire. He finally came to the door and struck me. When he returned to bed I entered the flat. I gathered my night attire and stayed with my friends for the night. The following afternoon I entered the flat to change my clothes. He came into

*James McEachern
admitted cash on 5/6/5*
*Notes Public having authority to
investigate and report to
Cmte by Search Australia* *W Webb*

my room and struck me again, he knocked me across my bed and I struck my head on the wall. A week later I went away to Lorne for a holiday and remained there for 14 days. On the evening of my return from Lorne I asked him about my cat, which was sick. He flew into a rage and abused me, calling me a bloody bastard and a dirty bitch. He threatened me and I told him I would call the police if he didn't stop abusing me. With that he tried to strike me with a kitchen fork. I grabbed the nearest thing for protection - a sugar basin - and threw it at him, then ran for my life out of the front door. By this time neighbours had come out from the flats above. Just as I cleared the doorstep he kicked me so hard that my spine was bruised for some time. I informed St. Kilda Road Police and a constable came in and quietened him. I was afraid to charge him as he had threatened me with my life. I went back to my room whilst the constable was still there and put a coat on and went to look for accommodation at a hotel. I could not get in and after walking about for some time, I returned to the flat in the early hours of the morning. As the Respondent had removed the lock from my door and also the bathroom door, I placed a couch across the inside of my door. I was afraid to stay there however so that day found accommodation in a hotel.

14. A couple of days later, being about the end of March 1946, I returned to get some clothes and found Respondent in the flat. He had broken most of the kitchen crockery and glasses, and water and tea was spilt everywhere. I found him lying in a wet bed, gazing into space. He could hardly speak and was rambling. I got him out of bed and found he was unable to walk. I wanted to call a doctor, but he said if I did and he got better he would kill me. The smell of ether was so strong that other tenants complained. I found empty bottles and after a struggle got him to tell me what else he had taken, namely forty Phenobarbital tablets. I informed the Police and neighbours. For about a week I cared for him, even hand feeding him. As soon as he was about again, he told me

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South Australia 1945
by Webb

that I was a fool to help him get better. From then on he became more violent, and one night entered my room, when I was in bed and stood over me threateningly. Next night he tried to throw me out of the flat by force. I slept with a neighbour, a Mrs. Davies of Flat 3. My mother called on him, but he refused to talk to her. I returned the next night. He objected to my returning and said that he did not want me in the flat. I nevertheless remained.

15. In about the month of June 1946 Respondent again abused me and threatened to take my life. I called the Police and 1st Constable Coleman came in. Respondent told the Constable that I had imagined everything. He would admit nothing to the Constable whom he knew personally, but got out of bed and offered him a cup of tea. Again in about July 1946 I called in Constable Carter of St. Kilda Road Police, after being chased out of the flat and struck as I reached the front porch. The Constable entered the flat but the Respondent said very little to him other than that I only imagined these things and that I was quite mad at times. Outside the flat Constable Carter advised me to see about having him bound over to keep the peace, and agreed with me that he could be dangerous.

16. My father arrived in Melbourne from Darwin soon after this in August 1946. In the month of September 1946 I had to call my father at 1 a.m. to come to my aid as the Respondent was ill-treating me. He came in and the Respondent promised not to ill-treat me again. My father remained outside the flat until 3.30 a.m. About this time the Respondent offered me £60 to leave the flat. I pointed out that I had paid more than £60 to the value of the home and said that if he would give me £50 and some of the furniture I would go. He then refused to discuss the matter. Later I told him that if he would give me just the money I would go, but he then said "You will get nothing from me, ever. Just get out while you've got your life to do so." I then left the flat on Friday, 13th September 1946. I left with only a few shillings to keep me going.

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17. In March 1947 I took maintenance proceedings against the Respondent in the Court of Petty Sessions at Prahran and on the 1st day of May 1947 an order was made that the Respondent pay me the sum of £1.10.0. weekly for my maintenance.

18. Sexual intercourse between the Respondent and me last took place shortly prior to January 1946.

19. Save as aforesaid there has been no separation between the Respondent and me and no Deed of Separation has ever been executed between us.

20. I distinctly and unequivocally deny all collusion or connivance past or present direct or indirect with the Respondent or any person liable to be made Respondent.

SWORN at *Adelaide* in the State)

of South Australia this *11th*

day of *June* 1951.

Before me:

W. Webb.

J. E. McCarthy

Notary Public Having authority to administer oaths in the Supreme Court of South Australia

A Commissioner of the State of Victoria for taking Affidavits in the State of South Australia

This Affidavit is filed on behalf of the Petitioner