

IN THE HIGH COURT OF JUSTICEPROBATE DIVORCE AND ADMIRALTY DIVISION(DIVORCE)NEWCASTLE UPON TYNE DISTRICT REGISTRY

To the High Court.

The fifteenth day of November, 1955.

The Petition of ELIZABETH NIELSEN sheweth that:-

1. On the 30th day of September, 1950 the Petitioner, Elizabeth Nielsen, then Elizabeth Patterson, Spinster, was lawfully married to Vagn Aage Nielsen (hereinafter called "the Respondent") at the Danish Seamans Memorial Church, First Floor, 4, Eslington Road in the District of Newcastle upon Tyne in the County Borough of Newcastle upon Tyne.
2. After the said marriage the Petitioner and the Respondent lived and cohabited at 38, Proctor Street, Walker, Northumberland and there is issue of the said marriage now living, one child, namely Julie Ann Nielsen born on the 12th November, 1951.
3. The Petitioner is now living at 13, Bainford Avenue, Denton Burn, Newcastle upon Tyne, the Respondent, who is a Seaman, is now living outside the jurisdiction of this Court, and both the Petitioner and the Respondent are domiciled in England, or alternatively were so domiciled immediately before the Respondent's desertion as set out below.
4. During the three years immediately preceding the presentation of this Petition the Petitioner has ordinarily resided at 13, Bainford Avenue, Denton Burn, Newcastle upon Tyne aforesaid and the Respondent is not domiciled in the United Kingdom or in the Channel Islands or the Isle of Man. Further to the knowledge of the Petitioner no proceedings for dissolution of nullity of the said marriage or judicial separation or restitution of conjugal rights or for any other relief

in respect of the said marriage are pending in any other country.

5. There have not been any previous proceedings in this Court or in any County Court or in any Court of Summary Jurisdiction with reference to the said marriage or the said child of the marriage either by or on behalf of the Petitioner or the Respondent save that on the 10th July, 1952, at the Newcastle upon Tyne Magistrates Court the Petitioner obtained a separation and maintenance Order against the Respondent on the grounds of his persistent cruelty and desertion. She also obtained an Order for the custody of and maintenance for the said child of the marriage. On the 23rd October, 1952, the Respondent applied to the said Magistrates Court and obtained a variation order decreasing the amount of maintenance payable on the ground that the Respondent's means had altered in amount. There has been no resumption of cohabitation since the date of the original Order aforesaid.
6. Since the celebration of the said marriage the Respondent has treated the Petitioner with cruelty.
7. The Respondent is a man of a violent temper and of a jealous disposition and he has frequently struck the Petitioner with severe blows, causing pain and suffering as well as humiliation and distress of which the following are specific examples:-
 - (a) In December, 1950 the Respondent picked up the wireless, threw it on the bed during a quarrel. The Petitioner escaped to the landing hotly pursued by the Respondent who caught hold of the Petitioner by her neck with both hands and began to strangle her. The Petitioner screamed and her mother came to her rescue.
 - (b) On 19th February, 1951 during the evening and following a quarrel over some trivial matter the Respondent struck many severe blows on the Petitioner's

face and legs. The Petitioner was much distressed and upon retiring upstairs to bed the Respondent insisted upon having sexual intercourse with her which the Petitioner refused, whereupon the Respondent seized the Petitioner in his arms, threw her on to the bed, tore off her underclothes and made her submit to sexual intercourse.

(c) Following this last said incident the Petitioner felt so humiliated and distressed that the following day she tried to leave the matrimonial home, but the Respondent refused to allow her outside the house. When the Petitioner persisted in her attempts to leave the Respondent struck her more severe blows across her face and legs. Further such blows were struck over the two days following but the Petitioner managed to leave and return to her parents' home on about the 22nd February, 1951.

(d) In July, 1951, when the Petitioner was about five months pregnant, during a Sunday afternoon the Respondent insisted upon having sexual intercourse against the Petitioner's will. The Petitioner struggled violently but she was struck in the face by the Respondent, after which she fainted and was revived by the Respondent throwing water over her. The Petitioner took out a Summons on the grounds of persistent cruelty following this incident but she withdrew the complaint upon the Respondent's promise to behave better towards her in the future.

(e) In May, 1952, on a Sunday afternoon there was a quarrel whilst the Petitioner and Respondent were out walking with the child in a perambulator. When the Petitioner got back to their home the Respondent struck her across the face. The same evening after the Petitioner had put the child to bed the Respondent caught hold of the Petitioner and demanded sexual

intercourse. The Respondent struck the Petitioner several blows and wrenched off her pyjamas and forced her to submit to sexual intercourse. Immediately after this had finished the Petitioner ran out of the matrimonial home with the child and went to her parents' house.

(f) The following night the Petitioner returned to collect her belongings taking two friends with her. As the Petitioner was packing up in the bedroom the Respondent threatened to murder her and struck her in the face. Her two friends came to her rescue and as the Respondent endeavoured to strike them the Petitioner tried to escape to the stairs. The Respondent rushed out after her and pushed her so violently that she fell down the stairs.

8. The Petitioner has not in any way connived at or condoned the said cruelty.
9. This Petition is not presented or prosecuted in collusion with the Respondent.

WHEREFORE the Petitioner prays that:-

1. The said marriage may be dissolved;
2. The Respondent may be condemned in the costs of these proceedings.
3. She may have such further and other relief as may be just.

R. A. PERCY.

I, ELIZABETH NIELSEN of 13, Bainford Avenue, Denton Burn in the City and County of Newcastle upon Tyne, the Petitioner in the above cause, make oath and say as follows: -

1. That the statements contained in the above Petition are true.

SWORN by the said Elizabeth Nielsen)
at the City and County of Newcastle)
upon Tyne, this fifteenth day of)
November, 1955.)

ELIZABETH NIELSEN.

Before me,

BARRY JONES.

A Commissioner for Oaths.

IN THE HIGH COURT OF JUSTICE
PROBATE DIVORCE AND ADMIRALTY DIVISION
(DIVORCE)

NEWCASTLE UPON TYNE DISTRICT REGISTRY

In the matter of the Petition of

ELIZABETH NIELSEN

for dissolution of marriage.

PETITION

AFFIDAVIT IN SUPPORT

Swinburn G. Wilson & Son,
Solicitors,
Newcastle upon Tyne.