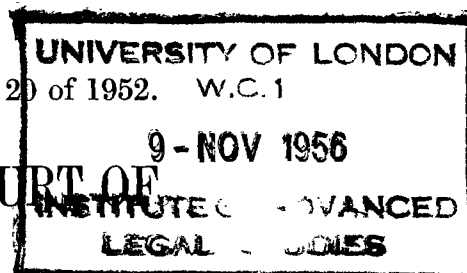


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In the Privy Council.

No. 20 of 1952. W.C.1



ON APPEAL FROM THE SUPREME COURT OF
BERMUDA

(DIVORCE JURISDICTION)

BETWEEN

CECIL WALDRON ANDREW (Respondent) Appellant

AND

HELEN ANDREW (Petitioner) Respondent.

RECORD OF PROCEEDINGS

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In the Privy Council.

No. 20 of 1952.

ON APPEAL FROM THE SUPREME COURT OF BERMUDA (DIVORCE JURISDICTION)

BETWEEN

CECIL WALDRON ANDREW (*Respondent*) *Appellant*

AND

HELEN ANDREW (*Petitioner*) *Respondent.*

RECORD OF PROCEEDINGS

No. 1.

Petition of Helen Andrew.

No. 1.
Petition of
Helen
Andrew,
20th June,
1951.

IN THE SUPREME COURT OF BERMUDA.
DIVORCE JURISDICTION.

1951 : No. 17.

To the Honourable the Chief Justice.

Dated the 20th day of June, 1951

The Petition of HELEN ANDREW sheweth :—

1.—That your Petitioner was on the 20th day of July, 1946, lawfully
10 married to Cecil Waldron Andrew, Company Director (hereinafter called
the Respondent) at the Register Office of the District of St. Marylebone in
the Metropolitan Borough of St. Marylebone in London, England.

2.—At the time of the marriage aforesaid your Petitioner's name was
Helen Andrew. She was the widow of Allen Lynton Holliday and had
changed her name from Holliday to Andrew by deed poll executed in or
about the early part of 1936.

No. 1.
Petition of
Helen
Andrew,
20th June,
1951—
continued.

3.—That after her said marriage your Petitioner lived and co-habited with the Respondent until about the 14th day of September, 1946, at Round Island near the town of Poole in County of Dorsetshire in England ; in the town of Larchmont in the State of New York one of the United States of America from about the 20th day of September, 1946, until about September, 1947 ; from about September, 1947, until the date hereof in Pembroke Parish in the Islands of Bermuda.

4.—There is no issue of the said marriage, but your Petitioner and the Respondent have two children born prior to the marriage, namely, Margo Helen, born on the 19th day of January, 1938, and Christopher Waldron, 10 born on the 30th day of May, 1942. Of these two children the second is entitled to legitimation.

5.—That your Petitioner resides in a house called “ Boreen ” situate at Reid Street Extension in Pembroke Parish in the said Islands and has no occupation. That the said Respondent is a Company Director and resides at “ Boreen ” aforesaid, though his present whereabouts are unknown. Both your Petitioner and the Respondent are domiciled in Bermuda, and in addition thereto your Petitioner is resident in these Islands and has been ordinarily resident in these Islands for a period of three years and upwards immediately preceding the commencement of these proceedings. 20

6.—That no previous proceedings with reference to the said marriage have taken place in the Supreme Court or in any other Court by or on behalf of either party to the said marriage.

7.—That since about December, 1946, the Respondent has treated your Petitioner with cruelty to an increasing degree to the extent that your Petitioner is no longer able to live with the Respondent. Particulars of various of the matters complained of in the nature of cruelty are set out below :—

Your Petitioner separated from her first husband in or about April, 1934, by reason of his incurable epilepsy and alcoholism 30 which had made it impossible for her longer to live with him. In or about the end of 1935 your Petitioner formed an association with the Respondent and at his persuasion thenceforward lived with him as his wife, changing her name to Andrew by deed poll at his suggestion in order to conceal the true state of affairs.

In or about July of 1946 the Respondent formed the intention of leaving England permanently and of residing thenceforward in the United States of America, and in order to take with him your Petitioner and the children, married your Petitioner as before described, your Petitioner having become a widow on or about the 24th day of November, 1940. 40

From about the month of December, 1946, the Respondent has shown increasing disregard for your Petitioner and for the children, and has made conditions increasingly difficult for her.

In or about August, 1947, the Respondent informed your Petitioner that they would be unable to continue to live in the United States of America because of currency restrictions and that it would be necessary to reside in a sterling area. Accordingly your Petitioner and the Respondent came to the Islands of Bermuda at about that time and the Respondent purchased first of all a house in Paget Parish by name Lower Ferry and shortly thereafter the house called Boreen where your Petitioner has since resided.

No. 1.
Petition of
Helen
Andrew,
20th June,
1951—
continued.

10 The Respondent, after taking up residence in Bermuda, became engrossed in business affairs and made frequent journeys of varying duration, but usually of months at a time to the United States of America and to other parts of the world, leaving your Petitioner alone in Bermuda with the children. At such times thenceforward whenever the Respondent was in Bermuda he carried on a course of conduct apparently designed to break the spirit of your Petitioner and to make her completely subservient to him. He chose every opportunity to quarrel violently with your Petitioner, and unless the result of the quarrel was a complete submission of your Petitioner he would continue to browbeat her for hours at a time. He had no hesitation in waking your Petitioner in the middle of the night and of commencing and
20 continuing this course of conduct.

The continuance of this conduct by the Respondent began to impair your Petitioner's health, and even as early as December, 1946, it was necessary for her to seek medical advice because of it.

During the last two and a half years the Respondent has greatly changed and his attempts completely to dominate your Petitioner have increased in intensity to the extent that your Petitioner has been under medical care for a large portion of this time.

30 In or about the beginning of 1949, while paying a visit to the town of Santa Barbara in the State of California one of the United States of America, your Petitioner discovered inadvertantly that the Respondent had apparently been carrying on an affair with some other woman, which affair was of long standing. Your Petitioner remonstrated with the Respondent on this matter and thenceforward the conduct of the Respondent towards your Petitioner became increasingly worse, and was also visited on the daughter Margo, whom he began to bully and to ridicule in the same way. The Respondent has for the last two years persisted in his continuous treatment of the said child in the manner described and has in the coarsest way ridiculed her attainment of puberty, to her extreme embarrassment and to the prejudice of her health.

40 In or about the end of September, 1950, as a result of a quarrel started by the Respondent in the usual way, he assaulted your Petitioner by grasping her by the throat and throwing her violently into a chair on three occasions, finally breaking the chair.

In or about the end of October, 1950, as the result of a similar quarrel the Respondent threatened to thrash your Petitioner and was taking steps to carry out his threat, from which he was prevented by the child Margo attempting to call the police.

No. 1.
Petition of
Helen
Andrew,
20th June,
1951—
continued.

The Respondent by his conduct has made it almost impossible for your Petitioner to make or to keep friends in Bermuda, and those which she has made the Respondent has attempted to force her away from.

The conduct of the Respondent during the last two years has had a serious effect on the health of the child Margo and she now refuses to remain in the house if the Respondent is there. The effect on her health has been noticed and brought to the attention of your Petitioner by the Headmistress of the school which she attends.

Your Petitioner's health has likewise been affected seriously and she has been under the continuous care of a physician. 10

Your Petitioner therefore prays that Your Honour will be pleased to decree :—

- (1) That the marriage of the Petitioner with the said Respondent be dissolved.
- (2) That she may have the care and control of her said children.
- (3) That the said Respondent may be condemned in the cost of these proceedings.
- (4) That Your Honour will order that the said Respondent do pay to your Petitioner such sums of money by way of alimony pending suit as may seem just. 20
- (5) That your Petitioner may have such further and other relief as may be just.

(Signed) HELEN ANDREW.

No. 2.
Affidavit
in support
of Petition,
20th June,
1951.

No. 2.
Affidavit in Support of Petition.

IN THE SUPREME COURT OF BERMUDA.
DIVORCE JURISDICTION.

1951 : No. 17.

In the Matter of the Petition of HELEN ANDREW for a dissolution
of marriage. 30

AFFIDAVIT.

I, HELEN ANDREW, of Pembroke Parish in the Islands of Bermuda, the Petitioner, make oath and say as follows :—

1. That the statements contained in my petition dated the 20th day of June, 1951, are true.

- 2. That the said petition is not presented or prosecuted in collusion with Cecil Waldron Andrew, the Respondent.
- 3. That I have not condoned the cruelty alleged in the said petition.

No. 2.
Affidavit
in support
of Petition,
20th June,
1951—
continued.

Sworn at the City of Hamilton in the Islands of Bermuda this 20th day of June, 1951 **HELEN ANDREW.**

Before me :

10 G. ORRETT WHITNEY,
A Commissioner for taking affidavits in the
Supreme Court of Bermuda.

No. 3.
Answer of Respondent.

No. 3.
Answer
of Re-
spondent,
24th
November,
1951.

IN THE SUPREME COURT OF BERMUDA.
DIVORCE JURISDICTION.

1951 : No. 17.

Between

HELEN ANDREW *Petitioner*
and
CECIL WALDRON ANDREW *Respondent.*

20 **ANSWER.**

The Respondent Cecil Waldron Andrew in answer to the petition herein says :—

- 1.—He admits the allegations of paragraph 1 thereof.
- 2.—He admits the allegations of paragraph 2 thereof except that he says the Petitioner changed her name in or about May, 1946, and not in the year 1936.
- 3.—He admits the allegations of paragraph 3 thereof.
- 4.—He admits the allegations of paragraph 4 thereof, except the last paragraph thereof.
- 30 5.—He admits the allegations of paragraph 5 thereof, except that he does not admit that his whereabouts at the date of the petition were unknown to the Petitioner.

No. 3.
 Answer
 of Re-
 spondent,
 24th
 November,
 1951—
continued.

6.—He admits the allegations of paragraph 6 thereof.

7.—He denies that he has treated the petitioner with cruelty at the time alleged in paragraph 7 thereof or at any time.

8.—For facility of reference the Respondent desires to designate successively the sub-paragraphs of paragraph 7 thereof (which contain the particulars of the acts of cruelty alleged therein) by the letters from (A) to (M) inclusive of the alphabet and refers thereto by the said letters respectively.

(A.B.) As to the allegations of paragraphs so designated (A) and (B) he says :—

10

(1) That the Petitioner separated from her first husband in the year 1932 and in November of that year (not in the year therein alleged) commenced to cohabit with the Respondent.

(2) That in or about March, 1946, the Petitioner and the Respondent formed the intention of emigrating to the said United States.

(3) That the fact of the Petitioner's widowhood was unknown to her or the Respondent until about June, 1946.

(4) That the Respondent married the Petitioner out of regard for her and in the interests of the said children and not, as therein inferred, solely or primarily for the purpose of emigrating with her and them.

20

(c) As to the paragraph so designated (c) the Respondent denies every allegation therein and says that the amicable relationship which had existed between them prior to October, 1946, thereafter was seriously disrupted from time to time by the misconduct of the Petitioner hereinafter complained of.

(D) As to the paragraph so designated (D) the Respondent says that their emigration from the United States to Bermuda was determined upon with the ready assent of and out of consideration for the wishes of the Petitioner.

(E) As to paragraph so designated (E) the Respondent—

30

(1) admits making journeys abroad for business reasons and for reasons of his health and says that at considerable expense he brought the Petitioner's parents to Bermuda to visit her and from time to time provided suitable companions to reside with and assist her during his absences.

(2) says that at considerable expense he has permitted the Petitioner to visit England on one occasion and the United States on four occasions.

(3) denies that the quarrels or differences which have occurred have been sought by him and says that notwithstanding the frequent repetition of unreasonable conduct and serious misconduct on the part of the Petitioner he has exercised great patience and restraint towards her.

40

(4) denies that he " browbeat " the Petitioner or that he awakened her in the night as therein alleged.

(F.G.) As to paragraphs so designated (F) and (G) the Respondent admits that since December, 1946, and in fact since the year 1945 it has been necessary for the Petitioner to seek medical advice but he denies that his conduct has impaired her health. He further says that the Petitioner and he have been advised by her physicians from time to time that her physical and mental ailments are to be attributed primarily to an early and protracted condition common to women of a certain age and called a "change of life." He denies that he has attempted to dominate the Petitioner as alleged.

No. 3.
Answer
of Re-
spondent,
24th
November,
1951—
continued.

10 (H) As to the paragraph so designated (H) the Respondent—

(1) admits that over a period of years he has formed a close friendship both of a personal and business nature with the woman referred to but denies that his relationship with the said woman or the Petitioner's discovery thereof in any way affected the Respondent's conduct towards the Petitioner or his daughter Margo as therein alleged ;

(2) denies that he bullied or ridiculed his said daughter in the manner alleged or in any way.

20 (I) As to the paragraph so designated (I) the Respondent (I) says that the quarrel therein alleged resulted from the misconduct of the Petitioner as hereinafter complained of and in particular that upon his return from abroad at that time he was greatly distressed to find a most hostile attitude towards him on the part of the Petitioner, himself and his belongings segregated and a complete division in the household and his said daughter alarmingly indoctrinated against him and the Petitioner engaged in disloyal conduct and unwise friendships ;

(2) denies that he assaulted her in the manner alleged, but admits that he compelled her forceably to sit in a chair to listen to his justifiable remonstrations.

30 (J) As to the paragraph so designated (J) the Respondent says that the alleged quarrel arose upon discovery by the Respondent that for a considerable period during the Respondent's absence the Petitioner habitually had left the home at night, the said children being alone in the house, and on the occasion in question the Petitioner persisted in so leaving the said children for a trifling reason when it was necessary for the Respondent to be absent from the home and further that the threat or attempt to call the police alleged was dictated by malice only on the part of the Petitioner and also that the Petitioner brought upon herself the Respondent's threat to chastise her by striking the Respondent violently in the face with her hand and otherwise exhibiting an extreme hysterical temper.

40 (K) As to paragraph so designated (K) the Respondent denies the allegations therein but admits that he has had just occasion to counsel the Petitioner against undesirable companions.

(L) As to the paragraph so designated (L) the Respondent—

(1) admits that the child Margo is unfriendly towards him and he charges that over a considerable period of time the Petitioner has studiously

No. 3.
Answer
of Re-
spondent,
24th
November,
1951—
continued.

and disloyally contrived to turn the mind of the child against him. He has no knowledge, and does not admit, that the child has refused to remain in the house as alleged ;

(2) says that if the child's health is affected the cause thereof is not as alleged.

(M) As to the paragraph so designated (M) the Respondent repeats the facts stated in paragraph (F.G.) (*supra*) and says that in addition to the natural causes of ill health therein mentioned and the Petitioner's mental and physical health have been adversely affected by her conduct in the matters complained of herein. 10

9.—That the Petitioner has since the celebration of the marriage treated the Respondent with cruelty.

PARTICULARS :

(A) Within a few months after the marriage the Petitioner's attitude towards the Respondent became unreasonable and the Petitioner exhibited great discontent. This change became extremely pronounced in January, 1947.

(B) Since January, 1947, to the present time the Petitioner has vacillated in her conduct between period of extreme regard and affection and consideration for the interests of the Respondent and acts of the extremist disloyalty and hostility. 20

(C) The Petitioner has during the period from December, 1946, to the present time surreptitiously formed intimate associations with a number of men, and in respect of two at least of them she has admitted committing marital infidelities.

(D) Consequent upon the anxiety caused by the Petitioner's said indiscretions and vacillating conduct the respondent has suffered severe nervous disorders and great unhappiness from time to time, which disorders have re-occurred since January, 1948.

(E) Prior to June, 1950, the relationship between the Petitioner and the Respondent, although seriously affected by her irresponsible conduct, had not been decisively fractured. 30

(F) In June, 1950, deciding to take the said child Christopher with him to visit his aged grandparents in England, without cause, the Petitioner refused to permit the child to accompany the Respondent.

(G) On returning to Bermuda early in October, 1950, the Respondent found the Petitioner completely estranged from him and throughout his stay in the home she devised every means to exclude him from her society and the society of friends and neglected the Respondent for the company of others. 40

(H) During and since the year 1949 the Petitioner has in an irresponsible manner persistently defamed the Respondent's character and reputation

and has submitted to the undue influence and counsel of others to the detriment of the Respondent and the marital relation.

(i) Since April, 1950, the Petitioner has been unduly extravagant and irresponsible in money matters causing the Respondent considerable worry and embarrassment.

10 (j) Upon medical advice and with agreement on the part of the Petitioner the Respondent went abroad for the purpose of complete rest necessitated by ill health and it was agreed between them that the Respondent would return to Bermuda in June, 1951, for the children's holidays. Notwithstanding this said undertaking the Petitioner, without the knowledge or consent of the Respondent, removed herself and children to England, misapplying the Respondent's funds for the purpose, where she remained for about four months during which time the Petitioner avoided all contact with the Respondent's relations resident in England, and upon the arrival of the Respondent avoided him by returning to Bermuda without communicating her intention so to do.

(k) The Petitioner has influenced the said two children against the Respondent and has refused and refuses all access to them on the part of the Respondent.

20 Wherefor the Respondent humbly prays that the prayer of the Petitioner may be rejected and that Your Lordship will be pleased to exercise your discretion in his favour and decree :—

- (1) That his marriage with the Petitioner may be dissolved.
- (2) That he may have such further and other relief as may be just.

Dated the 24th day of November, 1951.

GRAY & SMITH,
Attorneys for the Respondent.

No. 3.
Answer
of Re-
spondent,
24th
November,
1951—
continued.

30 **No. 4.**
Affidavit in Support of Answer.

IN THE SUPREME COURT OF BERMUDA.
DIVORCE JURISDICTION.

1951 : No. 17.

No. 4.
Affidavit
in support
of Answer,
24th
November,
1951.

Between

HELEN ANDREW *Petitioner*

and

CECIL WALDRON ANDREW *Respondent.*

40 I CECIL WALDRON ANDREW of Paget Parish in the Islands of Bermuda, the Respondent in the above entitled cause, make oath and say as follows :—

1.—That all the statements set forth in my Answer dated the 24th day of November, 1951, are true.

No. 4.
Affidavit
in support
of Answer,
24th
November,
1951—
continued.

2.—That this answer is not presented or prosecuted in collusion with the Respondent.

3.—That I have not in any manner condoned the cruelty alleged in my answer.

C. W. ANDREW.

Sworn at Hamilton, Bermuda, this
24th day of November, 1951.

Before me,

THOMAS N. DILL,
A Commissioner for taking affidavits in the
Supreme Court of Bermuda.

10

No. 5.
Particulars
re Answer,
11th
December,
1951.

No. 5.

Particulars re Answer.

IN THE SUPREME COURT OF BERMUDA.
DIVORCE JURISDICTION.

1951 : No. 17.

Between

HELEN ANDREW *Petitioner*

and

CECIL WALDRON ANDREW *Respondent.* 20

PARTICULARS.

The following are further and better particulars of the acts constituting cruelty, referred to in the ninth paragraph of the Answer, furnished at the request of the Petitioner's Attorneys by letter dated the 4th December, 1951.

1.—As to the acts of disloyalty and hostility referred to in paragraph 9 (B) of the Answer :

(1) The Respondent refers to and repeats the facts stated in paragraph 9 (C) (F) (G) (H) (I) (J) and (K) thereof and the particulars contained herein.

(2) Since May, 1951, the Petitioner has prevented the said children 30 from replying to the Respondent's letters to them during his absence abroad and has obstructed or prevented access to the said children on the part of their half-sister and half-brother.

2.—(1) As to the associations and infidelities referred to in paragraph 9 (c) of the Answer, the names of the men concerned, with the dates or periods of such association, are :—

- (a) Sydney Ballinger during December, 1946 ;
- (b) Don Iddon during June and July, 1947 ;
- (c) J. H. Johnston during May, 1949 ;
- (d) David Evans from May, 1950, to October, 1951.
- (e) Alexander Deane from September, 1950, to November, 1950.

No. 5.
Particulars
re Answer,
11th
December,
1951—
continued.

(2) The character of the said associations and infidelities the Respondent believes was adulterous in each case.

(3) The said infidelities occurred respectively during the said periods of association hereinbefore mentioned and the following particulars 10 only are known to the Respondent :—

- (a) As to the said Sydney Ballinger at his house near Bedford Village, State of New York.
- (b) As to the said Don Iddon, on the 8th June, 1947, on the ship "Queen Elizabeth" ; on the 17th June, 1947, near Pelham, New York State ; on the 25th June, 1947, at Mayfair House, Park Avenue, New York City.
- (c) As to the said J. H. Johnston on the 14th May, 1949, at the house of one Gibbons in Pembroke Parish ; on the 17th May, 1949, at the dwelling of the said Johnston ; on the 18th May, 20 1949, at the Respondent's house "Marley Beach," Warwick Parish ; on or about 21st May, 1949, at a place unknown between Tom Moore's Tavern and "Marley Beach" aforesaid.

(4) Admissions were made by the Petitioner to the Respondent from time to time both verbally and in letters, now believed to be in the Petitioner's possession. In or about October, 1948, the Petitioner admitted that at Mayfair House aforesaid and on the "Queen Elizabeth" sexual intercourse had taken place between the said Don Iddon and herself.

In or about July or August, 1949, the Petitioner admitted having indulged in sexual intercourse with the said Johnston at "Marley Beach" 30 and at the house of the said Gibbons on three occasions.

3.—As to the allegations of defamation in paragraph 9 (H) of the Answer :

(1) The Petitioner made defamatory statements, the particulars of which are unknown to the Respondent, concerning the character of the Respondent to Mrs. Annie Pearman, Mr. & Mrs. W. R. Andrews and Mr. & Mrs. Lateer, with whom the Respondent had business relations. The said statements were made in June to September, 1949, and at other times in or about July, 1950.

(2) The Petitioner also defamed the Respondent to the said David 40 Evans and his wife during the period of association between her and them

No. 5.
Particulars
re Answer,
11th
December,
1951—
continued.

aforesaid. The tenor of the said defamatory statements was the tenor of the allegations contained in the petition.

(3) The Petitioner also made defamatory statements concerning the Respondent, the particulars of which are unknown to him, to Sir and Lady Illingworth, to Mr. & Mrs. Dykes and to other friends or acquaintances during the year 1950 and the early part of 1951.

(4) The Petitioner also made defamatory statements by letter in or about July, 1950, concerning the Respondent to Robert West and James Briscoe, godparents of the said children, to the effect that the Respondent was consorting with women. 10

(5) As to the allegation of undue influence in the said paragraph 9 (H) :
The said David Evans exercised an improper domination over the Petitioner antagonistic to the Respondent and calculated to disrupt her marital and parental obligations.

The said Alexander Deane influenced her to absent herself from her home leaving her children, and later the Respondent, until late hours at night.

4.—As to the allegations in paragraph 9 (I) :

(1) In or about February, 1950, when adequate financial provision was made available to her by the Respondent, the Petitioner without his knowledge surrendered and received payment for certain Canadian National Steamship tickets provided by the Respondent to the amount of £106, which sum was spent by the Petitioner. 20

(2) In or about December, 1950, the Petitioner being aware that it was necessary for the Respondent to curtail expenditures generally and for the purpose of paying insurance premiums amount to upwards of £400 due upon life insurance policies in her favour and of providing credit for the Respondent in London whereby certain assets of the Respondent in Bermuda might be made available for the maintenance of the Petitioner, agreed to obtain a loan of £1,600 upon the said policies the Respondent agreeing to repay the said loan as soon as he was able. In breach thereof the Petitioner, having obtained payment of the said premiums upon the Respondent's credit in London, cancelled her application for the said loan without informing the Respondent, thereby causing much embarrassment. 30

(3) The Respondent having in early 1950 left with the Petitioner money amounting to upwards of £300 and a cheque for £100 for the purpose of having a reserve fund, the Petitioner spent the said moneys without informing the Respondent thereof.

(4) In or about June, 1951, the Petitioner, without the Respondent's knowledge, and in breach of her undertaking to economise, cashed in further steamship tickets of Furness-Withy Company, belonging to the Respondent, and with other funds travelled with the children to England there remaining about three months. The Petitioner has raised a loan of £1,000 from a bank on more onerous terms than those of the said cancelled insurance loan. 40

(5) The Petitioner, having undertaken in January, 1951, to assist actively in making ready the Respondent's house "Lower Ferry" for advantageous renting and to enable an increase in her allowance from the Respondent, neglected so to assist.

No. 5.
Particulars
re Answer,
11th
December,
1951—
continued.

(6) During her said visit to England the Petitioner, without the Respondent's knowledge, disposed or attempted to dispose of certain paintings valuable to and belonging to him.

Dated the 11th day of December, 1951.

GRAY & SMITH,
Attorneys for the Respondent.

10

No. 6.

Affidavit of Respondent verifying Particulars.

No. 6.
Affidavit
of Re-
spondent
verifying
Particulars,
11th
December,
1951.

IN THE SUPREME COURT OF BERMUDA.
DIVORCE JURISDICTION.

1951 : No. 17.

Between

HELEN ANDREW *Petitioner*

and

CECIL WALDRON ANDREW *Respondent.*

20 I, CECIL WALDRON ANDREW of Paget Parish in the Islands of Bermuda, the above named Respondent, make oath and say :—

1.—That I can give no further or better particulars in reference to the ninth paragraph of my answer filed herein than the particulars furnished herewith at the request of the Petitioner's attorneys by letter dated 4th December, 1951.

Sworn at Hamilton, Bermuda, this 11th day }
of December, 1951, before me, } C. W. ANDREW.

THOMAS N. DILL,

A Commissioner for taking affidavits in
the Supreme Court of Bermuda.

30

No. 7.
Reply of
Petitioner,
14th
December,
1951.

No. 7.
Reply of Petitioner.

IN THE SUPREME COURT OF BERMUDA.
DIVORCE JURISDICTION.

1951 : No. 17.

Between
HELEN ANDREW *Petitioner*
and
CECIL WALDRON ANDREW *Respondent.*

REPLY.

10

The Petitioner, Helen Andrew, by James Eugene Pearman her solicitor, in reply to the Respondent's Answer filed in this Court saith that she denies each and every allegation contained in the Answer and joins issue thereon.

Wherefore Your Petitioner prays that Your Lordship will be pleased to decree :—

- (1) That the marriage of Your Petitioner with the said Respondent be dissolved.
- (2) That she may have the care and control of her said children.
- (3) That the said Respondent may be condemned in the costs of these 20 proceedings.
- (4) That Your Lordship will order that the said Respondent do pay to Your Petitioner such sums of money by way of alimony pending suit as may seem just.
- (5) That Your Petitioner may have such further and other relief as may be just.

Dated the 14th day of December, 1951.

CONYERS DILL & PEARMAN,
Attorneys for the Petitioner.

No. 8.
Application
for
Registrar's
Certificate,
18th
December,
1951.

No. 8.
Application for Registrar's Certificate.

30

IN THE SUPREME COURT OF BERMUDA.
DIVORCE JURISDICTION.

1951 : No. 17.

Between
HELEN ANDREW *Petitioner*
and
CECIL WALDRON ANDREW *Respondent.*

APPLICATION FOR REGISTRAR'S CERTIFICATE.

The Petitioner hereby applies for the Certificate of the Registrar that 40 the proceedings in this cause are correct and the pleadings in order.

The Court will not be asked to exercise its discretion on behalf of the Petitioner.

The suit is by the wife for dissolution of marriage and is defended, and is to be heard before the Court itself without a jury.

Appearance has been entered by the Respondent and Answer has been filed.

Place of trial Supreme Court of Bermuda, Hamilton, Bermuda.

Dated the 18th day of December, 1951.

No. 8.
Application
for
Registrar's
Certificate,
18th
December,
1951—
continued.

10

CONYERS DILL and PEARMAN,
Attorneys for the Petitioner.

No. 9.
Registrar's Certificate.

IN THE SUPREME COURT OF BERMUDA.
DIVORCE JURISDICTION.

1951 : No. 17.

Between
HELEN ANDREW
and
CECIL WALDRON ANDREW
Petitioner
Respondent.

No. 9.
Registrar's
Certificate,
18th
December,
1951.

20 I DO HEREBY CERTIFY that the proceedings in this cause are correct and the pleadings in order.

Dated the 18th day of December, 1951.

(Signed) W. NORMAN PARKER,
Registrar.

No. 10.
Discretion Statement of Respondent.

IN THE SUPREME COURT OF BERMUDA.
DIVORCE JURISDICTION.

1951 : No. 17.

30 Between
HELEN ANDREW
and
CECIL WALDRON ANDREW
Petitioner
Respondent.

No. 10.
Discretion
Statement
of Re-
spondent,
15th March,
1952.

DISCRETION STATEMENT.

Prior to my marriage I had formed a close friendship both of a personal and business nature with one Lillian (Peggy) Hall.

No. 10.
Discretion
Statement
of Re-
spondent,
15th March,
1952—
continued.

After my marriage I committed no adultery until January, 1949, when in Palm Springs, California, I met the said Lillian Hall and committed adultery with her on two occasions. In the same month in the City of New York on one occasion I committed adultery with the said Lillian Hall, which adultery my wife has condoned.

The said Lillian Hall is the person referred to in Paragraph 7—H—of the Petition herein and paragraph 8 (4) of my answer herein.

Although the friendship between me and the said Lillian Hall has continued down to the present time no further acts of adultery have taken place.

10

Dated the 15th day of March, 1952.

(Signed) C. W. ANDREW.

I certify that the statement contained herein is signed and dated, that nothing contained therein necessitates an amendment of the pleadings under Rule 4 (1) (c) of the Matrimonial Rules, and that Rule 28 (4) of the said Rules is not in question.

DONALD C. SMITH,
of Counsel for the Respondent.

Filed 15th March, 1952.
Supreme Court of Bermuda.

20

GRAY and SMITH,
Attorneys for the Respondent.

No. 11.
Judge's
Notes.

No. 11.
Judge's Notes.

IN THE SUPREME COURT OF BERMUDA.

1951 : No. 17.

Between

HELEN ANDREW *Petitioner*

and

CECIL WALDRON ANDREW *Respondent.* 30

Mr. J. E. PEARMAN for Petitioner.

Mr. D. C. SMITH for Respondent.

(Monday, 10th March, 1952. Court at 10.15 a.m.).

PEARMAN addresses—Refers generally to grounds of petition and to history of association with Respondent both before and after marriage—move to United States, 1946, after marriage—move to Bermuda, 1947, because Bermuda a sterling area—return to United States, 1948—visit to United States in 1949 (California)—incident discovered (relating to another woman) while in California. From then on relations deteriorated materially.

Respondent then adopted a course of conduct calculated to establish mental domination—fault finding—explanations demanded of everything—complete submission was only way to escape—persecution then ceased but was invariably renewed.

No. 11.
Judge's
Notes
—continued.

Petitioner became ill—developed cysts—had to have medical attention.

1950 Respondent absent from Bermuda for long periods—Petitioner's health improved and she decided to stand up for herself—she no longer submitted.

- 10 In September, 1950, assault by Respondent on Petitioner.
In October, 1950, attempt by Respondent to thrash Petitioner.
1951 Respondent again away for long periods.
Early in 1951 cohabitation ceased and instructions given by Petitioner for divorce proceedings.
Daughter Margo was also involved in persecution.

PEARMAN then called the Petitioner, Helen Andrew.

[When Petitioner, Helen Andrew, had taken witness stand and had been sworn, I intervened and addressed Smith, counsel for Respondent, to following effect :

- 20 I pointed out to Smith that in paragraph 2 of the Further Particulars (dated 11th December, 1951), which paragraph related to paragraph 9 (c) of the Respondent's Answer, five men were named and that it was stated that the Respondent believed that the character of the Petitioner's associations was adulterous in each case. I said that I noted that none of these men had been served with a copy of the Answer.

I went on to tell Smith that in my view the fact that these allegations were included in particulars of acts of cruelty did not make them any the less allegations of adultery and that therefore Rule 17 (2) of the Matrimonial Causes Rules, 1943, applied.

- 30 As no one of the men named had been served I said that in my view no evidence could be given of adulterous intercourse with any one of them.

Smith in reply said that Respondent was not in a position to prove adultery and after he had tentatively applied for an adjournment (which was opposed by Pearman for the Petitioner) he formally withdrew all allegations of adultery.

In the result the words " and in respect of two at least of them she has admitted committing marital infidelities" were struck out of paragraph 9 (c) of the Answer and paragraph 2 was struck out of the Further Particulars.]

No. 12.

Helen Andrew, Examination.

Petitioner's
Evidence.

- 40 HELEN ANDREW : (sworn)

Formerly married to Allen Holliday. Married Respondent 20th July, 1946. Left first husband in 1932. He suffered from epilepsy and

No. 12.
Helen
Andrew.
Examina-
tion.

Petitioner's
Evidence.

No. 12.
Helen
Andrew.
Examina-
tion—
continued.

alcoholism. He was dishonest in selling articles to buy drink. Went to live in Camden Town where he sold contents of flat.

In 1932 I met Respondent ; there was deep mutual attraction ; we lived as man and wife from early 1933. Made enquiry about divorce from Holliday but was advised impossible as law then was.

Changed name by deed poll.

Two children, Margo and Christopher, born of union as stated in Petition.

Respondent was a man of means. I was very happy—lived at house near Exeter. 10

(Court asks for evidence as to domicile).

Husband and I came to Bermuda in August, 1947. When we came to Bermuda my husband had told me we would have to live in Bermuda permanently. I understood that we were to live here permanently. This has been our only home. House was bought.

This (Bermuda) has been my ordinary place of residence since 1947 and I live here now. We lived in California for three months. No other home except Bermuda since we left Larchmont in October, 1948.

Early in 1946 my husband told me he was intending to live in the United States. He paid short visit to States and came back. I was a South African and quota for South Africans was full. 20

For that reason we *had* to get married. Before that we had discussed marriage. My husband said he had no belief in marriage. But so as to get visa for States we got married. When we went to New York we stayed at the Gotham Hotel. Ballinger's wife offered accommodation. We stayed in the guest cottage first then at the main house of Ballinger—both of us and the children.

Near Christmas my husband announced he was going to England. I objected as I was in a strange country. He went in spite of my objections. He went for six weeks. 30

When he got back he quarrelled with Mrs. Ballinger and that resulted in the four of us moving to a small hotel in New Rochelle.

Shortly afterwards we went to *Larchmont* where my husband bought a house.

Relations between us—husband difficult at this time. He was highly nervous and fault-finding. We had no servants. We saw a good deal of each other then. He would come back in evening when he went to New York. Some days he did not go to New York.

About six weeks after arrival in Larchmont he insisted on my going to England to see my parents. 40

My sister arrived at Larchmont three days after I left. My husband followed me to England. This was at the request of the manager at Athenaeum Court which my husband owned.

I went back to Larchmont before him. He came back a fortnight later.

In August 1947 decision was made to go to Bermuda—sterling area. It was impossible to carry on business in United States.

" Boreen " was bought and we began to live there just before Christmas 1947. We were together here for several weeks. My husband's nervousness irritability, etc., continued here in Bermuda.

From early part of 1948 he began making business trips.

While he was here his conduct vacillated, sometimes he was extremely affectionate and kind and at other times finding fault and nagging.

He would make me sit in a chair—ask me questions quickly and demand answers. Before I could answer he would answer for me. If I said it was incorrect he would call me a liar. Sometimes these inquisitions went on for
10 an hour or until I broke down and cried and asked him to stop.

Then when I broke down he would say he felt better and that I could kiss him and he would go and get a cup of tea and send my son to comfort me.

But this " kindness " never until I had broken down.

In Spring 1948 we went to Larchmont to sell the house. I went to decorate the house. My husband went to England during the time we were at Larchmont. House was sold.

My sister took my daughter to Bermuda to school before me.

I had got a cable from my husband asking me to wait in Larchmont. I understood that my husband had had a nervous breakdown.

20 When he joined me in Larchmont he was worse than ever—he looked very ill and strained.

We went back to Bermuda almost immediately. He treated me worse than ever. It was more frequent.

As an example : I bought my father some tobacco for his birthday. My husband found the bill and when I explained what it was he was furious and said I had no right to do it without his permission. This developed into a frightful row and I ran out of the house. He forced me to sit in a chair and said he would rip me up and he brought up all my faults.

30 On these occasions he used to scream at me until I could stand it no longer (it happened on this occasion)—lasted half an hour sometimes.

Another occasion : Row about book which my daughter and I had read—He disagreed with the author's views. Row developed as before and husband went on till Margo and I broke down and cried.

This was the sort of thing that was going on.

Condition worsened after my husband came back from England in 1948.

40 Early in 1949 I met my husband in New York and we went together to Santa Barbara, California—children were with us. In Santa Barbara I discovered something about my husband. On one occasion a note was torn. I saw heading " My darling lover." I read it. My conclusion was there was someone who had known him for a long time—intimately for a long time. I sent a cable to my husband to come back. I taxed him with this matter.

He said he couldn't decide between us. He loved us equally well. He broke down. He became more difficult with me though I didn't refer to the matter any more.

He became much worse—accused me of all sorts of indecencies. He accused me of associations with other men. He wouldn't let me finish cooking (for the children).

Petitioner's
Evidence.

No. 12.
Helen
Andrew.
Examina-
tion—
continued.

Petitioner's
Evidence.

No. 12.
Helen
Andrew
Examina-
tion—
continued.

Incidents then became more frequent every day and at night.

When I went to California I weighed 138 lbs. When I returned I weighed 96 lbs.

I always broke down under brow beatings. If I admitted what he accused me of he stopped.

I admitted things which I hadn't done in order to save mental torture.

I used to walk about the streets crying.

Above refer to visit to California.

I went to a doctor.

I was suffering from nervous strain. I had cysts in breast and uterus. 10
I slept very badly—had sleeping pills, injections and sedatives.

He asked me if I would mind having his woman-friend to stay with the two of us. He was browbeating me. To keep him quiet I said "yes." I was brought to such a state that I agreed.

Another time he asked me if I would sign a deed to provide that if anything happened to me the woman should have my small son.

After two or three months in California I went back to Bermuda and stayed at Marley Beach. My husband had gone very suddenly to England. He said his secretary had taken his files and might show them to Scotland Yard or something. He was talking about currency matters—money he 20
had got out of England and shouldn't have got.

Conditions at Marley Beach just the same as in California. Almost anything would start him off. E.G. If I didn't look at scenery when he said look at scenery but looked at dog instead.

From time when letter discovered his attitude to Margo became awful. On one occasion he swung Margo round the room naked and told her little brother to laugh at her.

He was always nagging her and pulled her nightie down and used to make fun of her breasts which were then forming.

She (Margo) was very upset—she used to cry—became hysterical. 30
I was terribly upset but when I remonstrated my husband got worse.

When we got back from California when Margo got back from school he deprecated (cried down) the value of schoolwork and said she would be better employed scrubbing floors.

Ridiculing of her body development continued.

Complaints were made from school about her work and behaviour. The child became unstrung and naughty which she ordinarily was not. Things very difficult in 1949.

My health suffered—I went to Dr. Curtis—nerves and cysts.

My husband used to be away frequently going on trips and coming 40
back.

In 1950 my husband was away for seven months at a stretch—returned to Bermuda in August. Through kindness of friends, etc., I improved enormously in health and in mental outlook. But I was still receiving letters—they were brow-beating letters. I was terrified at having letters. This condition of breasts cleared up within one month of my husband leaving.

I became greatly improved. My husband came back in August. I did not expect him. He immediately demanded deeds of my house. I refused to let him have them. There was a row but I found I could stand up for myself better.

Petitioner's
Evidence.

No. 12.
Helen
Andrew.
Examina-
tion—
continued.

At end of September, 1950, some incident happened—something to do with the children. There was an argument. He pushed me into a chair—I got up and he threw me back so violently that it broke the back cushion off the chair. He caught me by the throat and threw me into the chair. I hit back and then he hit me very hard across the face. It was a blow with the
10 open hand. His glasses dropped off and he couldn't see.

In October, 1950, a friend of mine was in hospital, a Mrs. Shepherd. She had very few friends in Bermuda so I tried to go to see her daily.

I was leaving the door on my way there when my husband tried to stop me. He asked me where I was going. I said "to the hospital." He said I was a liar and he was going to thrash me. He dragged me into the sun room. He shouted and raved, my small boy was screaming. I called to Margo to call the Police. He went to take the telephone away and in the struggle Margo hit him in the face with the telephone and cut his face in three places. He stopped then. I was afraid that he was actually going to
20 carry out the threat.

In January, 1951, my husband went away. I have not lived with him since. Later I instructed my attorney to issue a petition.

I felt I couldn't stand any more—my health and mind couldn't stand any more and I felt it was very unfair to the children.

In 1949 and 1950 times were worse—really bad after discovery of the letter.

My husband has had suspicions of my associations with other men. He would interrogate me on particular ones. I have been out to dinner on a couple of occasions with one man but that is all. I have not done anything
30 else. There has been nothing in my method of living to which anyone could take exception.

I have made admissions under pressure but they were not true. I even used to make up stories.

His behaviour to me was quite fantastic.

I have not influenced the children against him. They are frightened of him—no security.

It is not true about my ill-health being due to menopause though he told me so often that I began to believe it.

Prior to 1950 I could not make friendships. My husband was so rude
40 to them that because of his conduct I could not make friends.

During the period of time after he returned from 7 months absence I went out a lot more than I had done before. I didn't want to be left alone with my husband. I would not admit that I neglected my children. I am quite satisfied that my marriage is at an end.

Petitioner's
Evidence.

No. 13.

Helen Andrew, Cross-examination.

No. 13.
Helen
Andrew.
Cross-
examina-
tion.

CROSS EXAMINATION :

I have been exact in all details in my evidence.

I said my husband did not approve of marriage. I *did* approve of marriage. I knew my husband had no intention of marriage. The reason for our marriage was to take me to the United States. The reason was *not* that we both wanted to marry—(re-iterates about South Africa, etc.).

The journey to the United States made it important. I was much in love. We did not know I was free until my husband investigated. 10

My husband had talked about going to United States but didn't.

Neither of us knew that my (former) husband had died 5 years before until the investigation.

If we had known I would have married but I don't think my husband would have.

We were on *very* good terms. I was devoted to him and I understood he was devoted to me.

I don't agree that my husband's attitude to marriage was due to the fact that we were not free to marry.

No. 14.
Dr. Harry
Croil Curtis.
Examina-
tion.

No. 14.

20

Dr. Harry Croil Curtis, Examination.

(Evidence of Dr. Curtis interposed by consent).

HARRY CROIL CURTIS—sworn :

Registered medical practitioner—24 years—I know Mrs. Andrew who has just left witness box.

First consulted me on 9th August, 1949. She came as private patient—had a glandular problem. I found cystic mastitis—an inflammatory process of breast.

No symptoms at that time except cystic mastitis.

Subsequently—Feb. 1951, she consulted me frequently, she had nervous 30 symptoms. I prescribed sedatives. She described certain conditions. She was highly nervous and irritable and showed nervous tension.

I would say she did have symptoms of an early menopause.

They diminished considerably on more than one occasion.

I did not feel that these symptoms were completely organic.

Worry, persecution, etc., could have given rise to the organic symptoms I observed.

Dr. Harry Croil Curtis, Cross-examination.

Petitioner's
Evidence.No. 15.
Dr. Harry
Croil Curtis.
Cross-exam-
ination.

CROSS EXAMINATION :

I discussed the probable causes of her condition when I first examined her.

(Statement from letter saying condition had been of 3 years duration).
That might have been patient's interpretation.

Likely symptoms of change of life would be of different patterns, varying according to individual.

10 In majority of cases there are mental disturbances varying in degree. I have never heard of woman being driven to sexual excesses through change of life.

As to woman being turned against her husband, that would not happen if their life was compatible.

Wife might be generally difficult to people including her husband.

I have been consulted by Mr. Andrew about his wife. I don't remember telling Mr. Andrew that his wife might give him a lot of trouble (in sexual way) in that condition. I may have. I don't think I ever said that a wife in that condition might be capable of doing anything.

20 I have treated the children. I don't remember telling him that Christopher was his friend for life. I don't remember saying that the children needed all the love and care they could get.

From my notes :—

	1949	{	August 23rd ...	Breasts improved.
			Sept. 9th ...	She showed considerable improvement.
			Sept. 27th ...	She was considerably upset (mental condition).
			Oct. ...	Improved again.
	30		Jan., 1950 ...	She has a reactivation—advised to have a pathological test.
			Feb., 1950 ...	Condition same—treatment given—some improvement.
			Mar., 1950 ...	Symptoms same as in Sept. Complained of fatigues, seemed nervously upset.
			Jan., 1951 ...	Re-activation of breast symptoms and between 12th and 19th January recurrence of emotional upset.
	40		Feb., 1951 ...	I saw her for last time. She was then improved (my notes don't specify but I presume in <i>both respects</i>).

Between August, 1949, and when I last saw her I did not know of any fluctuations of weight.

About marked reduction in weight just before that I made no note.

Petitioner's
Evidence.

It would be of interest of course if there were such a marked loss of weight.

No. 15.
Dr. Harry
Croil Curtis
Cross-exam-
ination—
continued.

She did tell me when I first saw her of the operation she had had in California. I did not communicate with her doctor.

Loss of weight would not be expected as a result of operation in California—minor.

I never saw anything which would lead me to think that she was subjected to persecution by her husband.

Sept. 27th : She said she was having burglar and husband trouble.

BY COURT :

I did not notice that she was emaciated when she first came to see me.

10

No. 16.
Helen
Andrew.
Cross-exam-
ination (*con-
tinuing*).

No. 16.

Helen Andrew, Cross-examination (continuing).

HELEN ANDREW (cross examination continuing) :

I don't think that Respondent belittled marriage state so as to make me feel more comfortable about our unmarried state. I don't agree.

I did not exaggerate in the box.

I went to the States willingly and went with hope for a bright future.

I lived in a difficult situation in somebody else's house. I did not expect a bed of roses. No sensible person would.

20

I never had any trouble with my hostess. (When my husband went away and came back). *He* made things difficult—rudeness—He did *not* find me changed. I was disillusioned and upset and hurt when he left me alone the first Christmas.

I was not cold with my husband, I had not fallen out with Mrs. Ballinger.

Not true that my husband found me a changed woman.

April 1947 I went to England. I didn't want to go. I wanted to see my people but not then, not until I had fixed up my house.

My sister was coming to Canada in any case. My husband made her come earlier. I did not need a holiday, I needed a settled home.

My sister came. I enjoyed seeing my parents—I did not wish to go but I did enjoy seeing my parents.

I don't agree that my husband arranged for my trip out of kindness.

I left England on "Queen Elizabeth" in June. I enjoyed the trip—I met several very nice people. I had met a particular man and saw him on way back. I saw him on three occasions.

I told my husband I went to have dinner with him at Pierre Hotel.

Another occasion he drove me to my house at Larchmont.

We stopped on the way for a drink. I probably told my husband.

40

I never started to deceive my husband. What I told my husband was *under duress*. Petitioner's Evidence.

My husband was a sadistic person, bullied me, etc. etc. until I told him these false statements. I would *have told him anything*.

I gave Mr. Pearman all my letters ; all that I had.

I don't remember anything. I have no other letters in my house than those I produced. It is a lie that I had other letters in my possession. No. 16.
Helen
Andrew.
Cross-examination (continuing).

I am not a treacherous person. I did not intend to bring out about the currency evasions. *You* (Smith) have brought it out.

10 I might have said that if my husband took my children away I would give him away. I might have said that *under duress*. But I had no intention of doing so.

I don't know whether it would be true if Mr. W. R. Andrews said that I told him the above.

My husband told me in California that he was dreadfully worried about some files that Harris had. I believe he (husband) got them back.

I don't think my counsel knew what the answer was when he asked me the question (about secretary).

20 I liked it in Bermuda. I have been happy in Bermuda but not with my husband—there have been moments of happiness but mostly desperately unhappy. I did everything in my power to try to make life as it was before but nothing I could do would satisfy him.

Continual nagging—browbeating. He accused me of indecency, misconduct, horrible suggestions. This went on over a period of time. It became much worse in California.

I have never nagged. I have merely taken it—never given it.

It is not true that I was not honest and above-board with my husband. I would have written anything.

BY COURT :

30 The letters I got from him were so terrifying that I admitted things by letter. *Duress by post*—same as if he had me in chair bullying and hectoring and browbeating.

I don't call it a lie (my life). I was trying to do my best. I was struggling against horrible mental strain. I didn't confide in anyone. I didn't tell anyone. I felt it was disloyal. I kept it bottled up.

I might have discussed matters at the end with Mr. Andrews who was closely associated with my husband, not a close friend of mine.

I did not have financial dealings with Mr. Andrews.

I might have discussed my marriage trouble with Mr. Andrews.

40 He advised me I should make enquiries about my husband's doings in New York. I wrote and got reply that they knew nothing. Andrews was not advising me to disrupt the marriage. He did not tell me that my husband regarded me as a sick woman nor that my husband was anxious to get him to try to restrain me from doing rash things.

It is not true that my troubles were due to my own actions and to my physical condition.

Petitioner's
Evidence.

No. 16.
Helen
Andrew
Cross-exam-
ination (*con-
tinuing*).

I have been happy with the children during the last year.

I recognise these letters—this is in my handwriting—Tuesday 9th it is dated, no month, no year mentioned.

(Witness agrees that letter says “ I went to Dr. Curtis this morning—
“ confirms change of life—says been going on 2 or 3 years. Letter does
“ begin ‘ Darling heart ’.”)

I am of a very loving nature. The whole motive of the letters is to assuage my husband's sadistic nature or to try to.

(Letters put in evidence.)

(Why these letters ?) There was a mental hangover. He continued 10
the torment in his letters and after 2 or 3 years of torture it took me a long
time to get over. The letters might extend over periods of parts of 1948,
1949 and a part of 1950. As to the expressions of endearment it is true
that they went on until the latter part of the correspondence. The letters
changed to “ Dear Andrew ” etc. after I had made friends and felt more
ease of mind.

BY COURT :

“ Duress by post ” had ceased to have so much effect.

(As to letters in Feb. 1950 “ Darling Andy ” and “ My dear Andrew ”
in August 1950) :

I had been receiving advice from friends, Mr. Andrews was not one
of them, and I was not surprised when Mr. Andrews told me that my husband
wanted to get rid of me. 20

Nobody advised me to act quickly before my husband did. Nobody
advised me to seek a divorce. The Revd. and Mrs. Evans helped me a lot
but did not advise me to seek divorce. Mrs. Evans was a very great friend
of mine. They returned the furniture they borrowed.

I remember my husband coming to the rectory screaming. I don't
remember my husband remonstrating with Mr. Evans about advice he
gave me. 30

(Witness examines letters) :

1. Wed. evening—can't tell date. (probably written October 1948).
It does contain expression “ Dearest love, etc.”—It was all untrue—I was
trying to get back to a normal state of life—give and give and give in the
hope that things might come right. It seems that the letter was written
soon after he left.

Probably in October 1948. It could have been when he went to
California.

Husband's behaviour had been *very* bad before California got much
worse after incident of letter. 40

I can't think what I meant by “ diabolical and beastly wrong ” or
“ wickedness and attack.”

My husband did give me nice presents at one time. I don't know
what the present referred to in the letter was.

I referred to “ generous understanding ” because if I used such

expressions he would get better. I don't know what he would understand from that.

I had not committed any peccadilloes.

BY COURT :

I can't explain what I meant by "attack" etc. I can't remember now but they must have meant something at the time—something intelligible.

I was trying to prostrate myself—trying to buy pleasantness from him.

10 (Other expressions put to witness) :

I loved him beyond all things. I was willing to prostrate myself.

(In twelve other letters of different dates) :

I wrote such letters. I have not kept his letters. I destroyed the "persecution" letters but did keep odd letters, which I handed to Mr. Pearman.

2. (A letter of about March 1949.) I agree the letter might be in March, 1949. I agree that words (quoted) showed concern for him my husband—letter contains words "I share troubles with you etc." The words were words of a loving wife which I was.

20 3. (A letter starting "sweetheart"—also March 1949.) I was writing like this on account of strain on my health caused by my husband.

I never bullied my husband. I tried to help him through difficulty. That was why I wrote like that. I was not sick. I think letter was from Santa Barbara.

4. (Letter April, 1949 ? Beginning "My beloved Andy"—"talked to me on phone etc." I wrote to him to try to make him happy. I wanted to give and give and give.

"What a double-crossing swine" referred to Harris. I don't know why my husband fell out with Harris.

30 "I am with you in heart and spirit, etc." It may have been that that letter was written in April, 1949.

"They both send their daddy heaps of love." I always tried to keep that up—affection for father.

5. (Letter May 1949 ?) "Next time she (Queen) comes in you will be on her. I'll be on quay etc. etc." "I'll be on the quay too 'excited to move Your adoring wife."

It could be that he arrived on May 23rd.

I still had love for him and wanted to keep it alive.

40 7. (Letter dated Sat. 14th.) Probably May, refers to a party at Mr. Gibbons—remember a Dr. Johnston there. It was not an unwise friendship.

8. "My darling Andrew I am so sorry to see you go. Love from "bottom of heart etc."

Petitioner's
Evidence.

No. 16.

Helen

Andrew.

Cross-exam-
ination (*con-
tinuing*).

Petitioner's
Evidence.

No. 16.
Helen
Andrew.
Cross-exam-
ination (*con-
tinuing*).

"Reference to complications I have got into—how sad for all pain and anguish I have brought you. Will never again fail your trust."

He had tormented me and I would have said anything. I wrote this because my husband had tortured me. *I had done nothing*. One could never understand what he brought me to. I had told him that I had, therefore I said "I will not again fail your trust." He tormented me by letter just the same.

I advised my husband to go to a psychiatrist.

(Handed paper by Smith.)

(Witness is asked whether itinerary shown on paper is correct.)

(Going through the particulars put to her): As to October 10th— 10
2 months after arrival. It could have been correct. There were so many movements. Probably in November. I met my parents in New York.

(Jan. 10th 1948. Husband to England correct.)

August 6th, 1948. Very difficult to remember correctly whether my husband went to England then. I imagine it is so.

November 20th, 1948. I went from Bermuda to California.

January 1949. Quite possible my husband went away for about two or three weeks.

March 2nd 1949. Husband to England. I agree it was about that 20
time. I don't take exception to the dates—I can't say exactly.

(Paper put in evidence and marked Exhibit D.)

(Letter numbered 19, dated Sat.-Sun. 3rd and 4th put to witness.)

I can't remember whether this letter was written December, 1949

(words read out by Smith—marked.)

I see those words. (More words read out.) I find those words.

(Words "Your wondrous love I so nearly destroyed, God knows why.")

I find those words. It could have been written in December 1949.
My health was destroyed by my husband's persistent nagging. 30

I could have written this any time.

I could have written anything—trying to recapture love.

Always making excuses for him continuously. I could have admitted anything when I wanted something back so badly.

Letter No. 24. (Words "My darling one etc. etc." put to Witness.)

I presume this written shortly after a departure of my husband. I don't think it was January 1950, I think earlier. I could be wrong. I was always expressing concern. I loved him dearly. My own suffering was a secondary consideration.

Letter No. 26. Wed. 25th. ("Darling one sorry 'Raw' not pulling 40
weight") put to witness.

I find these words in the letter.

(Please be happier, etc. etc.—all the unhappiness I have caused you, etc.)

It could have been anytime—in answer to suggestion it was written early in 1950). It is on the same paper.

Letter No. 27. Tuesday 26th.

If I did not write daily I was reprimanded.

(As to husband's letters) I didn't like to keep unpleasant things around me.

"Wish so much I could give happiness and contentment but that I guess I have destroyed."

(Reference to "faith.") I had turned to religious matters. I was always religious and turned more to religion when I was in trouble.

Petitioner's
Evidence.

No. 16.

Helen
Andrew.
Cross-exam-
ination (*con-
tinuing*).

Letter No. 28. (January 1950.)

10 (Margo's card arrived—very thrilled . . . afraid Chris playing with train less and less.)

It is not quite truthful that Margo was thrilled. Not all part of the same thing. White lie—to comfort the father. He knew very well Margo did not like him. Children don't forget cruelty.

Letter No. 29. I don't disagree. It might be January, 1950.

("My heartfelt thoughts etc. etc. . . . with all my heart to make amends.")

That is just another repetition.

Letter No. 31. (Suggested by Smith it was written in January, 1950.)

20 I just accept that. (Suggested date.)

(Passage: "About 7 o'clock the phone rang etc.")

A person had met Bill Andrew. Bill Andrew gave him the address and I said to the person "I don't wish to meet you again" (putting off the man who rang).

I got a shock. I felt sick, horrible, beastly.

(Smith puts following passages to witness: "All that I got myself into . . . faith . . . regain self-respect . . . I have told you the whole truth and so have freed myself from fear . . . I perhaps no longer deserve the happiness etc. etc. . . . have to be meek and humble . . . horror and shame of the past few years, I want so much to be near you etc. etc. . . . to reach inside happiness.")

30

I wrote that because I had told my husband the person named had attempted to kiss me—my husband had accused me of awful indecencies—and that I had reprimanded him. I had admitted the attempt to kiss to my husband and he had bullied me and browbeaten me.

I was doing everything—I wrote and prostrated myself—he had browbeaten me and accused me of awful indecencies.

(Asked what she had to gain by letters in those terms)

40 I hoped eventually to get back my happiness. I felt that he didn't really mean the things he said.

I was not trying to feed the jealous flame.

It did not matter how I demeaned myself. I wanted to get back.

I had denied all those things.

Letter No. 33. Wednesday Feb. 1st. Witness admits the same notepaper.

Petitioner's
Evidence.

No. 16.

Helen
Andrew.

Cross-exam-
ination (*con-
tinuing*).

(Smith puts these words to witness : " Christopher so thrilled etc.")
I was suffering from great mental strain. My health is very good—
nervous troubles only. He was not writing kindly. I had not given my
husband any shock. I had not committed any infidelities though I had
admitted them.

BY COURT :

I did write words suggesting I had done him grievous wrong. I don't
think my husband really believed them. I wanted to help him. I did not
want to turn him mad, make him worse.

Letter No. 36. Monday 6th. 10

It could be Feb. 1950.

(Words " I would love you to come home before going to California
etc." put to witness).

I see those words. My husband may have gone to California in
April 1950.

(" The other misdemeanours Price I have brought upon
" myself etc. etc. Don't shirk price etc.")

This is just a repetition. I can't explain now, I could have then. He
accused me of many misdemeanours.

Letter No. 43. Suggested 22nd Sept. 1950. 20

(Smith puts letter to Witness : " Dear Andrew " and asks why this
change ?)

Reason perhaps was that I had seen the light—was turning myself
away. I had begun to get a clearer mind. My mind began to unravel.
His letters had perhaps stopped. I wasn't being badgered.

(Reference to English discipline connected with Christopher).

Christopher had been pushed along. Brigadier Ardern had got him
to the Garrison School. He was not clinging to me too much. " That
stage " :—Stage when I wasn't going to be pushed around.

(" Margo getting better ; temper improved ") 30

She did improve when her father wasn't there. She was always being
nagged etc.—badly treated by father. My husband always shouted.

He had been a long time away and I had straightened my mind out.
(to explain that earlier in year she had asked him to come back before going
to California).

BY COURT :

Date—September, 1950 ? Date could be then or even later. My
husband was trying to get me back to the States. I didn't wish to go.
Husband returned shortly afterwards.

Letter No. 44. Suggested date September, 1950, beginning " Dear 40
Andrew."

(" He told me you were trying to get rid of me and I had better strike
first ")

I had written to my cousins. I was interested then as I then wanted
to get free. I had decided then I would stand up for myself.

My move to get a divorce was dictated by a new-found happiness not by fear. Petitioner's Evidence.

I did not have much to do with Andrews. He (Andrews) knew a good deal of what I had suffered. I thought he was being kind. I don't know what my husband was doing. I wouldn't be surprised at anything my husband was doing.—(in answer to question that husband was seeking Andrews' help to keep the family together.)

—
No. 16.
Helen
Andrew.
Cross-examination (continuing).

Letters 45 and 46.

Letter 45 : Suggested by Smith of March 1950.

10 (“ My darling etc. . . . completely cleared my heart and soul
“ cleared my heart and conscience you may never believe I am telling
“ truth sorrow and trouble I have wrought etc. . . . warped and
“ frantic mind Now turn to God etc. etc. . . . Havoc I have
“ brought upon you. Now you know all—other suspicion utterly
“ groundless past sins have confessed Taken for
“ a ride ”)

I don't know what it refers to. He is intelligent—over intelligent. He has an analytical keen mind. He is quite unable to understand a loving mind.

20 As to reference to a recent letter “ sweet loving understanding ” I had to prostrate myself etc. to get a sweet letter.

I used to put those things “ Havoc, past sins, etc.”

When I prostrated myself he was very kind.

Letter No. 46. (November, 1949 ?)

(“ 17 years ago my darling we met, two sparks burst into flame that
“ night Read again your loving letters lump in my throat
“ Bill A. worried about files.”)

I was not on bad terms with my husband. He nagged me. I was loving. This was after California trouble. I have not exaggerated the

30 California trouble.

I had letters daily—sometimes twice daily.

I destroyed them—(explaining why no “ nagging ” letters produced)—the ones supplied were not retained but were kept inadvertently. I had to search for them.

I have no letter from my husband bearing out my story that my husband wrote nagging letters.

I destroyed unpleasant letters ; only kept very beautiful letters.

I was concerned that my husband might take my son away.

40 It was insisted by my husband that I should sign deed that his woman friend should take care of child.

My husband is very interested in his son.

I have not poisoned the minds of the children against their father. The damage was done by my husband himself. The children did write letters but I dictated them.

When I wrote that the children were delighted. I wanted to bring the children and father together. I did it out of kindness. The upbringing of the children has been entirely mine. The children have not seen father

Petitioner's Evidence. since January, 1951. Christopher may have said he was sorry his father had gone.

No. 16. (How had Respondent turned the children against himself when he wasn't there ?)

Helen Andrew. I agree that my husband has not seen children since January, 1951.

Cross-examination (continuing). We did not have a holiday at Marley Beach when my husband was away. Evans and his wife were there. I did not tell them about my troubles. They knew I was upset. I did not show the Evans a letter from my husband—(suggestion that Evanses were surprised to find it a very nice letter)—I don't know, I have no recollection of showing a letter to the 10 Evanses.

I don't care what you infer.

I might have talked to Mr. Andrews about my husband.

Duress extended during times of my husband's absence.

About letters which my husband thinks showed I was guilty of misdemeanours all that time I was under duress.

I didn't put myself straight because of the way I am made. He always started again.

My motive was to get back to the happiness I had known.

I thought that was the way to get back. I couldn't see the stupidity. 20

Re-examination. RE-EXAMINED :

(Pearman puts letter marked " At Sea " to witness).

I had many letters like that.

(Petitioner recalled and questioned by Court : says : (as recorded by Chief Justice's secretary)) :

By Court BY COURT :

We lived in the same house after he'd been away for seven months. He came in and out, he didn't always sleep there. He came at odd moments.

I had sexual intercourse last before he went away for the seven months, 30 i.e. January, 1950. Not since then.

Between September, 1950 and January, 1951 there was no sexual intercourse at all but on and off we lived in the same house.

I never knew if he'd be there or not. Sometimes he'd be there sometimes not.

He returned and said to me that I musn't expect him to take me out, etc. Nothing was discussed on sexual intercourse. I slept with Margo. We never discussed the question. I did not refuse him nor he me. Nothing was said.

I went to England in June 1951 just after I'd started these proceedings. 40 I haven't written to him since. He wrote one or two letters to me, that's all.

(Questioned about letters to husband) I wrote those letters to guard against his writing to me.

I was extremely confused mentally. When someone has been mentally tormented for hours on end I was terrified. I was frightened.

I hoped that he'd turn and be kind, it was an impossible thing to expect but I couldn't see properly. It was hard to tell someone else what he'd accuse me of. Perhaps if I'd opened my heart to my sister it would have been better.

I still believed that I loved him very dearly but I had this frightful fear of him. I did love him dearly. I used to be strung up when I wrote them and I tried to get close. I confessed that I was wicked to him to make him be kind.

10 I can only tell you that this love and fear went hand in hand. I didn't want to lose anyone who meant so much to me. I cried when I wrote the letters. I believed that I loved him. I was so frightened I had to get a friend to open the letters. I do understand.—(how perplexing it is).

It's very perplexing *to me*. It was fear of him and fear of losing him. By pouring out love I thought I might recapture it. He inspired fear in me. It's so very difficult to work out.

I am trying desperately to answer you.

I think as my mind cleared I realised that I was going on something that had passed.

It sounds stupid but it is so.

20 It is true. It is a most extraordinary thing. I wanted to do everything to please him. He had an extraordinary effect on me.

The letters (from husband) had the same effect on me as when he sat me in the chair. So much I didn't understand. He used to talk on subjects beyond my understanding. I didn't understand his language. He had terrific influence on me.

I wish I could clear it for you. I had these double feelings.

These specific acts (of alleged cruelty in September and October 1950) took place after my husband went away for seven months and had returned.

30 He hadn't treated me cruelly in a physical way before January 1950 when he went away. I had never stood up to him.

(In further explanation of letters to husband): I was filled with intense fear and intense love—that is what I thought at the time. I thought that my mind was in complete confusion. After that my mind cleared and I had a different viewpoint entirely.

To the best of my knowledge and belief the letters were full of intense love and intense fear.

During his 7 months absence the fear diminished.

40 I went to Church frequently and in consequence of the change in general circumstances of my life I decided to stick up for myself and not be browbeaten around.

As my mind cleared I realised I'd been living under an illusion. I think I never had seen clearly. I began to feel completely different and at peace in my mind. The continual pounding had caused me to be other than myself.

I meant my letters when I wrote them.

I felt that nothing was worth going back to that state.

It was a longing at first and then it gradually wore itself out.

Petitioner's
Evidence.

No. 16.

Helen
Andrew.
Examina-
tion
By Court

—continued.

Petitioner's
Evidence.

No. 16.
Helen
Andrew.
Examina-
tion
By Court
—continued.

They all went together, fear and love hand in hand.

It took a long time but it was diminishing when I wrote "Dear Andrew,"
There was no specific thing that caused it. Since then I have lived quietly
with the children and been happy.

I can't explain it to myself. I just fell out of love, that is right.

As the fear started to leave me, my mind cleared, my health improved.
I had been in love, it was as if I were released from something.

When he came back—or just before—I was very kind, he spurned me
at times. I had intense pity for him which is perhaps akin.

I can only describe it as liberation. It was almost a release from 10
something. It's beyond me to work out, a psychologist might explain it.

I am being absolutely honest before God.

No. 17.
Gwendolyn
May Cole.
Examina-
tion.

No. 17.

Gwendolyn May Cole, Examination.

GWENDOLYN MAY COLE, sworn :

I am Mrs. Andrew's sister ; I have known Mr. Andrew during his
marriage to my sister.

I knew when they came to United States in September, 1946. I stayed
in Larchmont about April, 1947, it was at Mr. Andrew's invitation ; the
original invitation was that I should spend six months holiday and during 20
that time an opportunity would be given for my sister to visit her parents
in England.

My sister left 2 or 3 days after I arrived.

Mr. Andrew went to England 9 or 10 days afterwards.

I remained in house until they departed for Bermuda.

In July and August their relations were agreeable except for small
things.

These trivialities did not lead to anything wrong (quarrels) in my
presence.

My sister sometimes came back from walks with her husband looking 30
upset—as if she had been crying. When I asked her she said " Andrew is
" worried about business affairs."

Respondent's attitude to Margo was that he was inclined to pick her up
on small things and to ridicule her in front of her small brother.

After my sister went to Bermuda I did not see her till April, 1948,
when she came back to Larchmont.

I thought my sister looked unhappy—I did not see much of her. I was
working in New York. She looked in fairly good health. I can't remember
whether I saw Andrew. I did perhaps for very short intervals.

During that time I brought Margo to Bermuda leaving my sister and 40
Christopher in Larchmont.

17 or 18 days later they went to Bermuda.

I noticed when Mr. Andrew came to Bermuda he seemed not at all well. I was only there a day after his arrival. He seemed hysterical and very highly nervous. I am a trained nurse.

Petitioner's Evidence.

Next time I saw my sister was in November, 1948, for a few hours only —1 hour or one and a half hours. She was on her way to California.

No. 17.
Gwendolyn May Cole.
Examination—
continued.

Next time I saw her was in November, 1949. She and her husband were staying in New York. I was then very shocked at her appearance. She was very under-weight, she had lost a lot of weight and looked very unhappy.

10 I did not see her alone. She was accompanied by a friend—a woman—every time I saw her. I telephoned to her hotel. I spoke to her once—on other occasions Andrew answered the telephone and said she was in her bath or gave some excuse. I eventually spoke to her.

I felt in my own mind that I was being stopped from seeing my sister. I next saw my sister in January 1951. Her physical appearance had then improved. She was in a nervous state but had improved. Mr. Andrew was not there during the whole period of six weeks I was in Bermuda.

I came to Bermuda in September 1951 and I have stayed with my sister ever since. In January 1951 I did not know that my sister was
20 contemplating proceedings.

No. 18.

Gwendolyn May Cole, Cross-examination.

No. 18.
Gwendolyn May Cole.
Cross-examination.

CROSS-EXAMINED :

I am sure it was January 1951 on the 19th that I arrived in the *Britannic*—stayed at Boreen. I can't express any opinion about Andrew knowing or not knowing whether I was here. I did not know that Mr. Andrew left Bermuda on 26th January, 1951.

I never saw him. I have no idea what she writes to her husband about me. I have no idea of anything being planned behind her husband's
30 back. I was going to Ethiopia in March 1951. I was delayed on account of my husband not finding accommodation.

My sister's troubles were never discussed with me by anybody.

My sister came back to Larchmont in April 1947 ; Andrew came back
10 days later.

I had 10 days alone with my sister. We went out together, shopping etc. I think that perhaps on two or three occasions she went alone she went mostly with me. I remember being introduced to a friend of hers—a man—I met him for a short time.

Before my sister left for England in April 1947 I saw her for 2 or 3 days.
40 She seemed quite well and on good terms with her husband.

Petitioner's
Evidence.

No. 18.
Gwendolyn
May Cole.
Cross-exam-
ination—
continued.

After my brother-in-law came back to Larchmont in June 1947 I did not notice any coldness on the part of my sister towards her husband.

Her relations with her husband were as far as I can see exactly the same. I did notice that she was upset. I imagined that it might be something about the children. She did not confide in me. I had no reason to think it had anything to do with the man (friend).

I stayed with them until they went to Bermuda. Andrew was back and forth to New York. My sister was not always distressed. Andrew was upset from time to time. I thought it was because of the stress of business. 10

It is not true that I knew the real reason for the distress and coldness and that it was on account of the man. I did ask her from time to time—she said that Andrew had business troubles. I had no idea that my sister was running round with the literary gentleman. I only met him for a very short time. I remember one occasion when Mr. Andrew telephoned from London and my sister was not at home.

I think she did not come in till midnight, then she rang him. I think that was the only time. That was the only time I knew of the whole time I was there.

May have heard sister's telephone conversation. The invitation to my sister was to spend the evening with friends. The man friend may have been one. I knew nothing about telephone conversations after. 20

My sister did not mention "Mayfair House" to me as the place she was going. I have no recollection of the telephone conversation when she telephoned to husband in London. I knew nothing about it before or after.

In April 1948 I was working in New York. I visited my sister whenever I could get time off. My parents came to the States in April 1948. I think they were there only for a day and a half. My sister appeared unhappy.

I have no idea of the cause of her unhappiness at that time. I did not notice any improvement in relations. I didn't see Andrew at that time. I brought Margo down to Bermuda on September 1st, 1948. It was 18 days later in Bermuda that I noticed Andrew seemed unwell. I have no idea of the cause. Next saw sister in November 1948 when she was on way to California. I saw her for 1½ hours. 30

I did not see her again till November 1949—a year later. I noticed that she had lost weight etc. Her friend was Miss Peggy Roberts.

My sister and I were always very friendly. I didn't see much of my sister in the early days. I was training in hospital. I had very little time to see my sister on that occasion. Miss Roberts I had known for some years—she had lived with my sister in England. I was anxious to see my sister. I merely had an impression that Andrew was trying to stop me seeing my sister. 40

My first knowledge about my sister's intention to start divorce proceedings was when my sister came to England in June 1951. I corresponded with her once or twice a month. I knew nothing about it before. Our parents lived in Dorset in respondent's house. The children had

relatives outside Exeter, two aunts, the respondent's sisters. As far as I know they did not visit their aunts. I don't know why. I do know why they did not go to Barking. Petitioner's Evidence.

I have no idea ; I have no knowledge that Andrew had asked that the children should be taken to see aunts. No. 18.
Gwendolyn
May Cole.

I have no knowledge why the children should not see their half brother and sister except that they have never seen much of them. I don't know anything about my sister intentionally keeping the children away from their paternal relations. I was surprised when I heard in Court the contents Cross-examination—
continued.

10 of my sister's letters. I knew nothing about the contents of the letters. I think it was in September 1951 that I first knew I was going to be a witness. I knew nothing about the letters.

She told me in England that she was going to start divorce proceedings.

I have never read or seen the petition. She was worried about the divorce. I don't remember any occasion when my sister told me about the letters and was unhappy about the result of the proceedings.

(No Re-examination.)

No. 19.

Margo Andrew, Examination.

No. 19.
Margo
Andrew.
Examination.

20 MARGO ANDREW, sworn :

I am 14 years old. My father and mother are in Court. I remember coming over to the States 4 or 5 years ago. I remember going to California in 1949 with my father and mother. My father was away most of the time—going away from time to time. There were quarrels between my father and mother all the time. Christopher and I used to get upset. There was shouting going on. Mother used to be locked in the bedroom—I can't say how long. I used to go to school. When my father was at home I didn't see much of mother. I could hear her crying when she was with my father and she used to cry afterwards. I tried to comfort her.

30 My father when I was in California used to make fun of me—about my person because I was developed. Used to drag me by my leg. Christopher and my father used to make fun of me. This often happened. My mother tried to stick up for me and this led to trouble with my father.

We came back to Bermuda and spent part of the summer at Marley Beach.

At Marley Beach same things happened as in California. My father still made fun of me but I can't remember him dragging me around.

Petitioner's
Evidence.

No. 20.

Margo Andrew, Cross-examination.

No. 20.
Margo
Andrew.
Cross-exam-
ination.

CROSS-EXAMINED :

When were in California it was January—March 1949. I was eleven at that time. Father used to swing me round by the legs and on the floor. He didn't do that to Christopher. There have been occasions when my father had to correct me. He would tell me to help my mother. I remember getting letters from my father. I replied sometimes. I couldn't talk to my father as one talks to one's father and mother.

My mother didn't go out much at end of 1950. My father was very nervous at that time. I got presents from my father. I sometimes wrote to thank him and sometimes not. He used to buy Christopher many toys ; Christopher used to like that. I still have a bad temper—(with reference to mother's letter about her temper). 10

I was not sad when my father left. I am afraid I was rather glad because things were more peaceful when he was away.

My mother wrote like that—(about Christopher being sorry when father left)—because she wanted peace when father came back.

I was excited when I went back to England. I wanted to see my granny. We stayed with granny and my mother went to South Africa. She went to South Africa in July and came back just before we left. She did not take us to see my aunt Madge. I had only seen my aunt Madge once. I didn't know them well. 20

(As to half brother and sister, David and Cecile)—I have never been very fond of David, Cecile is much older than I am. David is much older than Christopher. It didn't occur to me that I wanted to see half-brother and sister very much.

No. 21.
Margo
Andrew.
Re-exam-
ination.

No. 21.

Margo Andrew, Re-examination.

RE-EXAMINED :

30

(By PEARMAN on certain points accidentally omitted in examination-in-chief—SMITH not objecting).

I remember something happening in October. Mother was going to Mrs. Shepherd at the hospital. Daddy said he didn't believe it and called her a liar and I protested. He slapped my face. He called mummy into the sunroom. He pushed her down in the chair and threatened to thrash her. Mummy told me to call the police. Daddy tried to take the telephone away from me. I thought he was going to hit me so I hit out at him with the telephone. I was scared after that because of blood. I didn't realize how hard I had hit him. Daddy accused mummy of hitting him. She 40

said she had not done it, that I had done it, which was true. My father was very angry.

Petitioner's
Evidence.

CROSS-EXAMINATION :

It was a desk telephone. I hit out at him because I thought he was going to hit me. It was dark. I did hit him. It was not the case he pulled the telephone and I had to let go. I don't remember my mother hitting my father. It may have been so but I didn't see it. My father was in a sick nervous state. I don't remember any complaint about my mother leaving the children alone. After the incident I went to the hospital with
10 my mother.

No. 21.
Margo
Andrew.
Cross-exam-
ination.

I don't remember on this occasion any complaint by my father though he had sometimes.

Miss Shepherd lived in an apartment in the house.

No. 22.

Wilfred Raymond Andrews, Examination.

No. 22.
Wilfred
Raymond
Andrews.
Exam-
ination.

WILFRED RAYMOND ANDREWS, sworn :

I appear in response to a sub-poena. I take this stand (sub-poena) because I am involved in litigation with Mr. Andrew. In the latter part of 1947 I began a business association with Mr. Andrew. When I first knew
20 them relations between the Andrews (Mr. and Mrs.) seemed to be good (happy).

I spent part of the summer of 1949 at Marley Cottage. I saw something of the parties (Mr. and Mrs. Andrew) then.

Relationship then showed differences between them and they were not getting on well together.

I was aware before 1949 that they were unhappy, Mr. Andrew made me aware. He discussed with me private matters including the relationship between him and his wife. He appeared to think Mrs. Andrew had been unfaithful to him. I had no personal knowledge.

30 In 1949 this condition still existed. I was still in confidential relationship to respondent. Position seemed about the same.

In 1948 Mr. Andrew had talked to me about a particular matter— Mr. Andrew gave me to understand it had cleared up. In 1949 something new came into the picture. In 1949 the cottages where I lived and they lived were fairly close together. I became aware that they were having acute differences. Mr. Andrew spent time questioning or talking to Mrs. Andrew. As to personal observation, on two occasions I couldn't hear exactly what was going on. I heard Andrew's voice, he seemed to be doing most of the talking. He seemed to be questioning her quite closely
40 in a sharp way.

It always caused her to be upset. She seemed upset quite frequently. I remember once speaking to Mr. Andrew and saying that the continual

Petitioner's
Evidence.

No. 22.
Wilfred
Raymond
Andrews.
Examina-
tion—
continued.

questioning of Mrs. Andrew was not doing her any good. I believed I remarked that she might go crazy if he went on like that. It was a serious comment.

Mr. Andrew asked me to keep a watch on his wife and to see if she was committing any misconduct. I did so and reported periodically to Andrew. This went on from the end of 1949 to the end of the summer of 1950.

I did not observe anything definite. I was a close friend of Andrew at that time. In keeping my eye on Mrs. Andrew I saw nothing definitely bad but she was very friendly with certain persons.

But there was nothing of a compromising nature.

10

As to domination : It would coincide with my view that he tried to dominate her. When I first met Mr. Andrew I did not gather the impression that he was a domineering natured person.

Later I began to think that he was domineering. In the latter part of 1950 I thought he was being domineering to myself. I was to do as he told me where he told me—that is what he said in November—December 1951. Consequences would be that I would be " finished " unless I fell in with his wishes.

I observed his relationship with a certain lady—good and pleasant relationship. It appeared to me that Mr. Andrew did domineer in that 20 relationship.

I did observe from 1949 on that Mrs. Andrew was getting very rundown looking and limp.

She seemed happier when he was away—I saw her frequently up till September or October 1950.

In the first part of the association, 1947—end of 1949 Mrs. Andrew seemed to welcome his return. Afterwards she seemed to fear his return.

Andrew's attitude towards his daughter Margo did not seem to be very friendly. He seemed to be very fond of Christopher. Now and again he seemed to be hard on the child (Margo).

30

I did see Andrew making fun of Margo's development.

In the summer of 1950 Margo and Mrs. Andrew had had the chicken-pox. He made Margo uncover herself in bed to show marks of chicken-pox. He jokingly pointed out her development. My impression was that this embarrassed her.

I was friendly with both parties. I had a disagreement with Mr. Andrew and the supervision stopped.

Before that in June and July 1950 I told him that I didn't like doing it. It was very embarrassing to me.

Mr. Andrew said that unless he got knowledge of his wife he could 40 not control her and if I stopped it would be bad for me and for business ventures.

He did not appear to accept my assurances that there was nothing wrong in Mrs. Andrew's behaviour. He wanted to go on.

At the beginning it was my impression that Mr. Andrew's action was reasonable.

Latterly Mr. Andrew's suspicions and attitude did not appear to be reasonable. It appeared to become an obsession with him.

(Statement in letter about middle of 1950 that Witness had told Mrs. Andrew that Mr. Andrew was trying to get rid of her and she had better strike quickly.)

I didn't say anything along that line. Mrs. Andrew would say that it looked as if her husband were trying to get rid of her and I would reply that it did look like it.

I did think that it was beginning to look like it in spite of Mr. Andrew's assurance to the contrary.

10 *She* had made a suggestion that perhaps she had better act first and I had agreed.

I did not advise her to write to anyone in New York.

Petitioner's
Evidence.

No. 22.
Wilfred
Raymond
Andrews.
Examina-
tion—
continued.

No. 23.

Wilfred Raymond Andrews, Cross-examination.

No. 23.
Wilfred
Raymond
Andrews.
Cross-exam-
ination.

CROSS-EXAMINED :

Confirms about normal attitude (to Witness's mind) of Andrew's behaviour at first.

Agrees that same suspicions came up at different times in relation to different men.

20 Agrees that when one matter had been dealt with, another would come up.

. . . . I was on intimate terms with Andrew ; I wanted to help him. I was also on friendly terms with Mrs. Andrew. My desire was to keep the marriage together. I was taken into the confidence of both parties. I tried my best to prevent a rupture.

I would not agree that Mr. Andrew was sorely tried as a husband. I would not agree that there was much in his wife's general conduct to try him sorely.

I know that Andrew had a nervous collapse. March or April 1949 was the time of collapse.

30 In August 1948 I was in London with Andrew. He was having a trying business time.

In April 1948 he was very ill. Mrs. Andrew was also suffering from time to time—not always very rational—sometimes quite irrational.

I made reports to Andrew and counselled *her* to pull herself together.

(SMITH puts letter of August 7th, 1950 to Witness who reads : " This " only gossip but feel you have heard all about it. The Evanses and Mrs. Andrew have had a rift this was coming.")

I do remember Evans telling me he had read a letter from Andrew and was surprised to find it was a nice letter.

Petitioner's
Evidence.

No. 23.
Wilfred
Raymond
Andrews.
Cross-exam-
ination—
continued.

Andrew had been out of the island for some time. The terrible nervous strain was I understood, because of Andrew's letters.

Mrs. Andrew did have self-pity at times.

("They say they never know when to believe Helen (Mrs. Andrew) etc.")

I agree that that shows she was irrational. Letter of "Sunday 16th." My letter to Andrew. It may have been in July 1950.

(Passage: "When I see people confused etc. etc. etc. . . . H wants a life that you have never agreed with . . . wants another frame . . . if she has no wrong she would stand up to you but she has wrong.") 10

I wrote those words as my analysis of the position at the time. I was implying that she had a guilty conscience otherwise she would stand up to her husband.

I recall an incident when I and Mr. Andrew were arriving. We were met by Mrs. Andrew—I am not clear but it was probably in May 1949. I don't remember saying to Andrew that Mrs. Andrew looked like a hunted animal. I did say to Andrew something to the effect: "What's the matter with Mrs. Andrew."

I remember that Andrew spoke to me about his wife's conduct with a certain man. The man was well-known as a man who chased women. 20

I did gather from him that he was much concerned about this man. If it had been my wife I would have been concerned. I did connect the two things—my impression of Mrs. Andrew's appearance and what Andrew told me.

I think Andrew believed the worst.

Letter of July 3rd put to the witness: I think it must have been 1950.

(Passage read: "I have known for some time etc. . . . She likes social side . . . I cannot be two-faced. I believe I am helping her. I can only advise you request a proper report on Chris. He is not so backward. He is a whipping post for your actions . . . God how 30
"I hate all this between you . . . You must obtain some form of control
" . . . I think the game is clever.")

I remember having all that in mind. Control meant control of the general situation. Mrs. Andrew was very confused—never in the same mind. I do remember talking to Andrew and also to Mrs. Andrew advising that Christopher should be sent to school.

I remember receiving a letter from Mr. Andrew.

Letter put to Witness.

("save her for herself . . . duplicity running amok . . . horrible
"results could ensue . . . evidence we have agreed upon . . . actual 40
discovery. Now for the children . . .") (Whole letter read to Court.)

I think this letter was in 1950 before July 23rd. I believe Andrew went to England in June.

This letter is more in respect of his family than most others. It is the only one which dealt only with his family.

His wife was giving him (Andrew) a great deal of concern.

No. 24.

Wilfred Raymond Andrews, Re-examination.

Petitioner's
Evidence.No. 24.
Wilfred
Raymond
Andrews.
Re-exam-
ination.

RE-EXAMINED :

(Dock incident): I did say a few days later that Mr. Andrew communicated something to me about his wife. I think he told me his wife had told him. I knew nothing about it except what Andrew had told me.

My only reason for thinking Andrew believed it was that he told me he believed it.

10 Andrew has told me only one other time about an admission to him by his wife. It was my understanding that these admissions were made by Mrs. Andrew by dint of examination over long periods. I would say that Andrew was capable of carrying out such examinations. He has done the same kind of thing with me—same kind of interrogation. He would not accept answers until he got the answers that he wanted. It was not easy to support. It upset me considerably.

As to the reference to "cause for concern": I meant that *he was* concerned not that his wife's conduct was such as would reasonably cause concern.

Case for Petitioner.

20

No. 25.

Cecil Waldron Andrew, Examination.

Respondent's
Evidence.No. 25.
Cecil
Waldron
Andrew.
Examina-
tion.

SMITH opens the case for Respondent :

CECIL WALDRON ANDREW, sworn :

30 I was born in London and have spent most of my life in England. I was on the Stock Exchange and in an investment company. The account of my marriage with my wife as given by her is correct. We emigrated to the United States in 1946. In March 1946 we were discussing emigration to the United States. My wife was agreeable. There were problems of the South Africa quota and of visa to the United States. We found out her husband had died, and married fourteen days later. We would have got married whether we had been going to the United States or not. I did not disparage marriage. I did express an opinion that as so many marriages had crashed the married state was sometimes destructive of love. Our marriage from my point of view was of love, not of convenience.

My business affairs were under six different headings and necessitated travelling. I went back to England in November, 1946, in that connection. I am a freeholder in Bermuda. Bermuda is my only home now. For a year I considered myself domiciled in the United States. In April 1949

Respondent's
Evidence.

No. 25.
Cecil
Waldron
Andrew.
Examina-
tion—
continued.

we agreed (my wife and I) that Bermuda would be preferable. I bought a house called "Lower Ferry" and a house called "Boreen." I gave my wife "Boreen" I travelled a good deal. I have not altered that intention (to live permanently in Bermuda). In January 1950 I tried to induce my wife to go to California. I did not succeed. We lived here mainly in consideration of the warmer climate. I intended to make Bermuda my real home, living here with my wife and children.

My only property in the United Kingdom has been up for sale all along. (Witness looks at itinerary): This is correct subject to a minor alteration—July *vice* June 1947. 10

I agree that there were living difficulties before I bought the Larchmont house.

I have disposed of the Larchmont house. The first rupture between my wife and me was as follows. I went to England at the end of November, 1946. I returned on January 16th, 1947 and found my wife a completely changed person. She was completely detached from me and insensitive to my thoughts and ideas. I was incredulous and wrote a letter which I did not deliver. It was very pronounced and I was shocked. I could not get anything out of her. Apparently her only cause of complaint was that I had left at Christmas time. Her attitude was in contrast with the letters 20 I had been receiving. My wife told me she had not got on with Mrs. Ballinger. I did not quarrel with Mrs. Ballinger. I purchased a house at Larchmont in March 1947. My wife went to England in April. I left again for England in May. The house was left in charge of my wife's sister. When I met her in England there were good relations between us—good relations had already been established in February when the house in Larchmont was bought. My wife went back to Larchmont in June 1947. I joined her there later in June. On the night I returned my wife informed me she had kissed a man and it was on her mind. I believed it was innocent and the incident was 30 forgotten. I met the man, he was a journalist. Everything was all right when we sailed to Bermuda to live here. On the voyage she was peculiar and very quiet and for the first five weeks in Bermuda she continued being very quiet and detached and I thought she was unwell. Afterwards everything went well. We bought a house and her parents came over. We met her parents in New York. I also met Harris.

On January 10th 1948 I went to England. Between the New York visit which was short and January 10th relations were happy. I returned to Bermuda on February 23rd. On my way from England to New York my mind went back to the journalist. I interviewed him personally, he 40 denied having been out on that night. When I got back to Bermuda I raised this matter with my wife. I told her what I had done and she completely reassured me.

In April 1948, April 22nd, I went back to New York with my wife and saw her parents off to England. My wife and I stayed together in New York for about 4 months with the children. On August 6th, 1948, I went to England. I returned to the United States in September. I joined my wife and children and we went back to Bermuda. Just before I went to

England on August 6th my wife told me that she had been at his (journalist's) flat for an hour before going to dinner with him. She said she couldn't remember where the flat was. I had very important business in England but during my stay there four or five days after arrival, at breakfast one morning I had an extraordinary experience which my doctor called a nerve storm. I was quite ill though I could at intervals carry out business. He ascribed the nerve storm to this affair. I had this at the back of my mind.

Respondent's Evidence.
No. 25.
Cecil Waldron Andrew. Examination—
continued.

I had a letter from my wife on the *Queen Mary*—it was a letter of re-assurance. I had with this nerve storm extreme depression on the way across from England to New York. Then I met my wife in New York and we came down to Bermuda together. I asked my wife, because of the state of my mind, to let me know the truth. She told me that she had been back to the man's flat after dinner and she implied that she had no alternative. She told me in effect that she had committed infidelity and I made up my mind to go back to New York. She also admitted misconduct with this man on the ship. There was no compulsion on my part whatever. I thought she was most honourable in saying what she did. I told my wife of my intention to go back to New York. She tried to help me and the very morning I was about to sail she made this last admission to avoid "danger" from the man. I went to New York in October. My wife and children joined me in New York in November. We went to California where we joined my wife's cousins, the Briscoes—two families. I went down the west coast to Santa Barbara and back. I left my wife and family in California. Relations with my wife were strained while we were in California. I put infidelity down to my wife's condition—having believed the admission.

I did not lock my wife in the bedroom.

Margo was out of hand. She kicked her brother and fell on her back. It was only on one occasion. This was the occasion when I took her by the foot to stop her. She tried to kick me. She ended by laughing.

(Note from a woman at Santa Barbara.)

My wife did send me a telegram. I went back immediately and we discussed the letter. I had known the writer for many years. I had been closely associated with her for many years. She was a stock-exchange client and had become one-tenth owner of Atheneum Court. There was also a personal relationship. My wife did not know anything about the woman as far as I know. The opening words "My darling lover" were exceptional but were a true description of my relations with this woman at that time. I explained the whole thing fully to my wife. She accepted my explanations and I destroyed the letter. From then on we were closer together than ever before as expressed in letters.

I left soon after for London. Up to the time I left and afterwards—as expressed in letters—we were closer than we ever had been.

My wife's statements that in California I accused her of indecencies, waking her in the middle of the night, are not true.

Respondent's
Evidence.
—
No. 25.
Cecil
Waldron
Andrew.
Examina-
tion—
continued.

She did certainly become thin but I gathered that was from the tumour that she had.

As to mental torture alleged by my wife—I say that is not true.

As to deed about handing over son to woman friend—there was no suggestion of a deed.

She went back to Bermuda from California. I had gone to England to see Harris. As to Harris's movements—he defrauded me and was guilty of treachery.

I got back to Bermuda in May 1949 and went to New York on June 29th returning to Bermuda in July. 10

In August I went again to New York and came back after two weeks.

For the first 6 weeks after my return in May 1949 my relations with my wife were quite happy. Then by chance remarks it came out that she had had an intense affair with a man—similar in type to the previous man.

I went off to New York as I didn't want to go through with all I had been through before.

She had admitted a compromising relation with the man but had said there had been no actual misconduct. In New York I had reason to doubt and I came back to Bermuda. At the time of the admission 20 I believed what she had said—that there had been no actual misconduct.

When I got back to Bermuda I put the logic of it to my wife.

This was when I returned in August 1949 after two weeks in New York.

My wife then admitted it all. I reasoned with her how illogical her explanation was. She admitted misconduct. We were both very upset.

It is not true that I bullied and badgered her into the admission.

As to Andrews' statement that he heard bullying etc.—he lived 80 yards away and couldn't have heard anything.

I tried to cosset her.

I went back to New York with my wife and we went to see friends to cheer her up and we then met Miss Peggy Roberts—a companion for my wife—in New York. She had come out from England. I also made her a present of a rare dog. They—wife, companion and dog—went back to Bermuda. My wife was obviously ill. Later she wrote thanking me for a very happy month in New York. 30

During that Christmas 1949 to January 1950 relations were quite happy but she seemed strained. We lived together as man and wife. I myself was rather ill and unable to bear worry. Social activities I could stand only in a limited way. We talked over the future.

I went to New York then came back to Bermuda for about a month 40 and then went away again. Our relations as far as I was concerned were happy. I thought with the companion everything would be all right. I went to the west coast of the United States. I greatly improve. Her

cousin's were perturbed because they had had no letters from my wife. I went back to New York originally intending to return to Bermuda to be with my son. That was in June 1950. But her letters had so changed that I decided to go to London for three weeks to report. I asked for the boy to be sent up to New York to take the trip with me. To my astonishment my wife refused—said we must discuss the matter. So I went off to England alone. These were the three reasons given by my wife :—

1. Boy didn't want to travel with Bill Andrews.
- 10 2. I would take the boy away from her.
3. The boy did not want to fly.

I thought this was hostile conduct on the part of my wife.

My wife had referred to a certain man in her letters. She had shown that he had influenced her. I returned to Bermuda in September or October, 1950 having in mind what Bill Andrews had told me. Then on arrival, on the first day this man telephoned to Boreen. I asked to speak to him and requested him to meet my wife and myself. It was arranged that we should meet the following evening at his house which was a Rectory. Nobody was in the house when we called.

- 20 I had an interview with this man in December. My wife and I were both present. I asked why he had advised my wife in the way he did having met me for only 2 hours, why he reproached me etc. He said "If it weren't for my cloth I would sock you on the jaw" and I said "You still haven't answered my question." Then there was a great deal of hysteria. I took my wife who was very upset, home.

- 30 As to the manner of living after my return in September—I lived at Boreen. I lived segregated—My daughter was in with my wife. I did not live with my wife as man and wife. She was highly strung, tense and a completely changed woman. She went to parties and to dances. She had arranged to keep me apart and as a visitor only.

As to my relations with the children—Margo as always was difficult. I had very good relations with Christopher. About ridiculing Margo—when she was preening herself and the little boy became provocative I tried to make the whole affair of growing up a natural thing to them both. I thought I was overcoming her natural trend to become too conscious or self-conscious of maturity. It was a surprise and shock to me to have that brought up as a charge of cruelty. I hated to see her here in Court.

- 40 About the middle of the period (four months) I felt it deeply that my wife entertained friends of mine and new ones of hers without including me and making me a party. The Illingsworths were entertained by her. They had her back without me. On her birthday she suggested that I should take her alone to a dance. I didn't feel up to it. I gave her £25 to give a party at home. The party was given. I kept away from that party. I arrived at a conclusion that my wife had habitually been at a certain house—the house of the introducer of a certain man.

Respondent's
Evidence

No. 25.
Cecil
Waldron
Andrew.
Examina-
tion—
continued.

Respondent's
Evidence.
No. 25.
Cecil
Waldron
Andrew.
Examination—
continued.

She kept his identity from the children as well as from myself. When taxed with this she admitted she had withheld the identity of the man from me and the children. She said she had done this to avoid me assuming that her relations with the man were improper. She denied that she had had any serious affair but admitted that she had been out with him. I had a chance interview with the man. I felt there was something in it because she went to the house so frequently. She went there because the man was also a frequent visitor.

As to the incident in October 1950—My wife had been leaving the children at Boreen with only telephone contact with next door neighbour as protection and I had been in the habit of coming home early to protect them. My wife as far as I knew, on this occasion was going to the "Priest's" house and I asked her to stay in as I had to go out. She took exception to that. I asked her to come into the sunroom to exclude the children. They (children) nevertheless came into the sunroom. She was excited and hit me on the face. I had merely told her she shouldn't leave the children alone in the house as she was only going out to talk. 10

Both children I think were there in the sunroom but it was dark and in the heat of the moment I warned her that if she did that again I should have to deal with her stringently. I did not use the word "thrash." I never use that word. Then she hit me again. Then I struck her with my hand on her head and told her to sit down. Meanwhile she had cried excitedly for the police. She said excitedly "Call the police." Margo went to the telephone and my words then were "Let's have some sense here" and Margo accidentally in releasing the telephone hit my lip. She did strike me but quite accidentally. I ascribed it at the time to an accident. My mouth bled and I said "Switch the light on." The children cried. Then we all went in and talked sensibly. My wife rang up Evans and told him she wasn't coming round. Then my wife and Margo went to hospital to see Miss Shepherd. I never gripped my wife by the throat. I don't recall breaking a chair. I can't remember any occasion except the one of the telephone when there was any violence. 20 30

I did request Andrews to keep an eye on my wife and to report to me. I never made any threat to Andrews in connection with my relations with my wife. I made no such threat whatever.

This is a carbon copy of a letter sent to Andrews. I never told Andrews that I intended to divorce my wife. I told my wife I had looked into the matter of desertion and it took three years in Bermuda. This was in the latter part of 1950. She had said she wanted to get rid of me. This is the letter in which she said that Bill Andrews had said that I wanted to divorce her. The letter (of which this is a carbon copy) showed ("not to go to finality") that I had no intention to divorce her. Anything which Bill Andrews may have said about my wishing to divorce my wife was said entirely without my authority and was entirely untrue. 40

I can't think of any reason why Bill Andrews drew such a deduction. There was nothing in between these two letters to suggest to Bill Andrews

that I had changed to my wife and was intending to divorce her. I got the information that my wife had written to her cousins on the subject of divorce from Bill Andrews. I didn't gather that he had advised her.

Respondent's Evidence.

(Copies of letters from Witness to Petitioner put to him and he gives dates as far as he can).

No. 25.
Cecil Waldron Andrew. Examination—
continued.

- Letter 1. Mid June 1950.
- 10 „ 2. July or anyway in middle of 1950.
- „ 3. 28th May, 1951.
- „ 4. May, 1950.
- „ 5. November, 1949.
- „ 6. Can't say date.
- „ 7. Can't remember—probably April, 1950.
- „ 8. 12th May, 1951.
- „ 9. About March, 1950.
- „ 10. Beginning of April, 1950.
- „ 11. 30th April, 1951.
- „ 12. May or June 1950.
- „ 13. March, 1950—(*Queen of Bermuda*).
- 20 „ 14. April, 1950.
- „ 15. April/May, 1950.
- „ 16. May 1950.
- „ 17. — 1951.
- „ 18. July 1951.
- „ 19. October/November 1949
- „ 20. Don't know.
- „ 21. Marked "Special"—April/May 1951.
- „ 22. April 1950.

Letter No. 1 was written when my wife refused to let my son accompany me to England.

30 "Horrible example of duplicity"—I used this expression because she was refusing my son a normal life. She gave *three* reasons.

"Chris was God sent opportunity" . . . I was trying to tell her that she let me go to California and then reneged. To send Chris would have been a bridge. It was the biggest thing I had had in relation to my wife. I did regard it as a matter of weighty importance that she refused to let my son go with me.

I have never found any reasonable excuse for such behaviour.

Letter No. 3. My wife knew I had meagre funds and that I wanted to get money. She allowed me to think that she was going to do this and

Respondent's
Evidence.
—
No. 27.
Cecil
Waldron
Andrew.
Examina-
tion—
continued.

I heard for the first time from England that she had not done what she was to have done.

Letter No. 4. It had to do with an onerous job. I had to contact an American in Poole.

(Parting with Poole "Somehow everything doesn't matter any more.")

This referred to a change in my wife's letters. "Don't take too much notice of me etc."—I think that was written in a moment of depression.

Letter No. 7. "Bless you for all your loving thoughts etc." I was 10 extremely nervous. "Bear with me" I can't remember why I said that.

Letter No. 9. "Do hope you better etc. . . . new-found faith" Prospect of journey was upsetting me.

Letter No. 15. "I need a long talk with you, etc. . . . but how much is real and deep all is contradiction."

Same explanation as before. I was in a nervous state. I had had letters of doubt from her.

Letter No. 16. "mind and reality love is love, etc. . . ."

I gathered from her letter that influence from that man had become 20 great; that she was changing her ways and ideas entirely from our normal concepts—(leading a social life as opposed to an "unsocial life"—our normal life).

I was perplexed and was divided between my intelligence and my love.

Letter No. 18. July 1951. "Dear Helen step taken in flying "so far not informing me of safe journey folks at Ashton."

I was then referring to my wife taking my children to England without telling me anything about it. I knew nothing about her going to South Africa. All this was kept secret. I didn't see the children. I missed them. I saw my wife's parents. 30

(SMITH puts in letter from Andrews to Andrew. Witness examines letter).

(SMITH puts to Witness wife's statement that she was compelled by duress to make admissions which were false admissions.)

My letters did not contain any threats or recriminations. The letters produced are fair samples. It is not true that my letters contained "duress" etc. In dealing with my wife I always tried to be reasonable. I deny absolutely her allegations of browbeating, bullying or exercising domination. I have never driven friends from her. It is not true. I am still in poor health. Before these troubles arose I was in normal health. 40 Since the spring of 1948 I have been consulting doctors for nervous disorders. I don't think she (wife) did it intentionally or realised my reaction. I do attribute my ill-health to differences with my wife—not to business worries.

Cecil Waldron Andrew, Cross-examination.

Respondent's
Evidence.No. 26.
Cecil
Waldron
Andrew.
Cross-exam-
ination.

CROSS-EXAMINATION :

I have no doubt that my marriage is completely at an end. I have been sure of that ever since the service of the petition. I was not under any misapprehension that these proceedings were going to be very painful—and equally so in the case of my wife. I am amazed that my wife brought these proceedings.

10 I cross-petitioned because I thought it was very unjust to be accused of cruelty. I cross-petitioned because I wanted my freedom and on just grounds. I am without malice and that is the truth. About the entry of Mrs. Andrew into the States ; I agree that without marriage it would have been extremely difficult to get into the States together as man and wife. It was not then only that I tried to find out about Holliday's death. I tried two years before and again a year before that. I did hold the opinion—from a discussion point of view—that marriage was destructive of love. I have not held the view that marriage was "legalised prostitution."

20 The suggestion that I did not enquire about her husband's death until the question arose of going to the States is false. Living conditions at Ballingers were most onerous—they themselves were most hospitable. I had met the Ballingers in April 1946. I think my wife had met him in the spring of 1946. My wife protested only on the telephone after I left—Christmas 1946. I reject the suggestion that my wife objected strongly.

It is entirely wrong to say that my wife's "coldness" was due to the trouble over Christmas. I can only say what I got from the doctor that it was the change of life.

30 I used to argue with Mrs. Ballinger but I didn't quarrel with her. I know my wife said she was very friendly with Mrs. Ballinger but that was a lie. It would be pure imagination to say that the reason I left the Ballingers was on account of a quarrel with Mrs. Ballinger.

(Statement of wife that she had allowed a man to kiss her). I did not consider it important from my point of view but only as it affected her.

Everything was happy till we went to Bermuda. Everything was as before. I may have reverted seven times to this incident—kissing.

40 My wife seemed very sad on arrival in Bermuda. On coming back in February on the ship with the clearing of my mind etc. and beginning to think the matter over, I began to think there was more in the incident. It was seven months later than the incident. I hadn't discussed it with my wife. In July 1947 my telephone conversation from England to New York with my wife—when she was out till midnight—brought the matter to my mind.

With reference to my conversation when my wife told me she had been at a man's flat etc., it was not a voluntary statement. It was in answer to a question. I saw this telephone number and a note and that of the

Respondent's
Evidence.
No. 26.
Cecil
Waldron
Andrew.
Cross-examination—
continued.

house brought it to my mind. I saw a person's name and a number in a small notebook. I saw the name of the house and its number in an address book. Both these places were where that man stayed. When the matter came up my wife and I had a discussion. I had a letter of reassurance when I was about to return to England. My visit to England lasted four weeks. I accepted the reassurance given by my wife before I left and asked for another when I was to leave England. The reassurance was accepted on each occasion. I was not exactly happy but I was reassured. I had a nervous collapse in England. I believe that this nervous collapse was because of the trouble with my wife. Entering Hamilton harbour I asked my wife to reassure me finally. I went back to the States for three and a half weeks. I was in a state of nervous collapse. 10

(California). At the end of January my wife discovered that letter. She summoned me back and taxed me with carrying on with another woman. She was very upset. I was upset too. I might have cried. I did not faint. I did not put on "an act" to elicit my wife's sympathy. From the end of January to the middle of March we remained in California.

(As to wife's statement that this was a very bad time.) It is quite untrue that interrogations etc. used to last for hours. We were locked up in bedroom as I used to get up late and we locked the door so as to keep out the children. 20

I would say that my wife's crying etc. during the last two weeks and before her departures was due to her health. The story told by my wife and Margo as to California is not true. Her loss of weight was not due to trouble with me but to the cysts. I heard Dr. Curtis say that it was trivial—would not cause loss of weight (i.e. the operation for cysts or tumour).

I was not worrying about my secretary in London.

I did not always have suspicions about one man or another. It is inaccurate to say I always had suspicions. I did not carry out a persistent questioning of my wife until she broke down. 30

May 1949—end of 1950.

She only "broke into tears" when she confessed. September 1948–August 1949. The only occasions when she broke into tears were when she confessed. I do not remember Andrews telling me that if I didn't stop my wife would be driven off her head.

In 1950 she expressed fear of my return to Andrews. That was the only occasion to my knowledge.

What was said by my wife and Margo about my wife's fear of me was not true.

Position of wife and Margo different from position of Andrews (as to domination). 40

On one occasion only I offered physical violence.

I did forcibly put her in chair but there was no violence. I deny saying I was proposing to "thrash" my wife. I said "I must do

something" or words to that effect. I heard her I was shouting. It was exaggerated as a child would exaggerate. In 1946 and 1947 I have no doubt that my wife was greatly in love with me.

I think that the cause of these proceedings is that my wife's love has died. Unhappily I think she is running away from herself—mentally I think she (religion and inconsistency with these proceedings).

I don't think that my judgment in regard to emotional matters has been affected by my nervous breakdown.

Respondent's
Evidence.

No. 26.

Cecil
Waldron
Andrew.

Cross-examination—
continued.

No. 27.

10

Cecil Waldron Andrew, Re-examination.

No. 27.

Cecil
Waldron
Andrew.
Re-examination.

RE-EXAMINED :

My wife feared my return and not me—not me personally but the implications of my return having regard to her changed way of life.

(September–October 1950): By my statement that my wife was "hysterical" I meant she was tense and very excited. She became hysterical as soon as I taxed her with leaving home. I was not harsh or unkind. My wife was in a nervous condition at that time. I was not well. She had improved as compared with 1949.

20 She was mistaken. We were both under nervous strain living abnormally in the same house.

In January, 1951 I was advised to go away for six months. That was followed by my wife going off to England.

BY COURT :

(Chicken-pox incident): It was all in a jocular vein. I might have said that she was getting a big girl. It was common talk in our household. I remember her having chicken-pox. I have no recollection of the incident of showing Andrews Margo's spots or her development.

30 Last lived with my wife as man and wife in March, 1950. I was having sexual intercourse with my wife then just before I went on Trans-continental journey.

SMITH addresses the Court.

PEARMAN addresses the Court.

No. 28.
Judgment.
17th March,
1952.

No. 28.
Judgment.

This case provides a remarkable instance of the complete breakdown of a union between a man and a woman which had lasted for about eighteen years. It would seem that the parties, to some extent perhaps through unfortunate circumstances but mainly through their own amazingly tense and neurotic temperaments, reached a stage when their married life became impossible and had degenerated into a kind of nightmare existence.

I don't propose to attempt a lengthy discourse on the psychological aspects of their relations though I think they are of considerable interest. 10

I must confine myself to the pleadings on both sides and to how far what has been pleaded on either side has been established by the evidence.

We have a petition by the wife for dissolution of marriage on the grounds of her husband's cruelty.

Then we have in the husband's Answer his defence to the charges of cruelty. Lastly we have a counter-petition by the husband also on the grounds of cruelty.

I propose to deal firstly with the Respondent husband's counter-petition. As to that I find that it fails entirely. Even if one accepted the whole of the husband's evidence it is not possible in my view to deduce from it satisfactory proof of the kind of cruelty which would entitle him in law to a decree. 20

The pleadings were amended so as to exclude allegations of adultery so that what is left as regards the wife's conduct with other men, which is I would say the principal allegation on which his charges of cruelty are based, is reduced to undue and clandestine familiarity with other men.

Now all the major acts of familiarity of which he complains take place before March 1950 and he himself has said that during that month he was living with the Petitioner, for the last time, as man and wife and that sexual intercourse was then taking place between them. Having regard to the *nature* of the acts complained of by him these relations with his wife would in my view amount to condonation. After that date in 1950 what is there? He was away from the Colony for seven months, during which time he received reports none of which established anything definite. He may not have liked those reports but how can reports from another person amount to cruelty on the part of the wife? 30

Then there was the period from September 1950 onwards. I cannot find anything in the evidence to establish such cruelty on the part of the wife during that period as to entitle the husband to a decree.

All that I have just said is on the *hypothesis* that one accepts his evidence. I have also of course to bear in mind the husband's prayer for the exercise of the Court's discretion. 40

On a comprehensive scrutiny of the whole of the circumstances I have no hesitation in dismissing his counter-petition and I do accordingly dismiss it.

Next I have to consider the wife's petition as affected by that part of the husband's answer which relates to his defence. She alleges a course of conduct calculated to break her spirit—persistent inquisitions into her behaviour in the nature of what is commonly called “third degree” and the wringing out of her of admissions which she says were false and made by her merely to escape intolerable mental torture. There were produced to the Court her remarkable letters and it must be said that their contents are difficult for an ordinary normal-minded person to understand having regard to her allegations.

No. 28.
Judgment.
17th March,
1952—
continued.

10 But I do nevertheless come to the conclusion that there is sufficient evidence to show that she was in fact subjected to these inquisitions and that they constituted a cruel course of conduct and that they seriously affected her health. There is her own testimony which was unshaken or not shaken much in cross-examination and there is the testimony of the girl Margo, the daughter and perhaps most important, the testimony of W. R. Andrews, especially his warning to the husband, with whom he was then on friendly even intimate terms, a warning which he says was given in all seriousness (he was particularly questioned about that) that if he
20 (Respondent) persisted in treating his wife as he was treating her he could break her down—could drive her crazy, I think was the term used. W. R. Andrews struck me as a very frank witness who was in a difficult position for various reasons.

I therefore pronounce a decree nisi in favour of the Petitioner.

I award costs against the Respondent.

I grant the Petitioner custody and care of the children.

As to alimony *pendente lite* that is granted but must be settled by application to the Registrar.

On application by Smith for Respondent I order that the children be not moved out the Court's jurisdiction without leave of the Court.

Signed. J. TROUNSELL GILBERT.

30 17th March, 1952.

No. 29.

Reasons for Judgment.

N.B.—For the sake of clarity the Petitioner in the original proceedings (now the Respondent) is referred to as “the wife” and the Respondent in the original proceedings (now the Appellant) is referred to as “the husband.”

No. 29.
Reasons for
Judgment.
9th June,
1952.

No. 29.
Reasons for
Judgment.
9th June,
1952—
continued.

The judgment delivered on the 17th March, 1952, which (except for a week-end) followed immediately the final addresses of Counsel, was not intended to be a comprehensive judgment with an exhaustive analysis of the evidence and it therefore seems desirable for me to set out more fully the reasons which led me to dismiss the husband's cross-petition and to grant a decree nisi to the wife.

2. It will be seen that in the judgment delivered on the 17th March I dealt first with the husband's cross-petition and came to the conclusion that it failed entirely. In giving reasons I stated that even if one accepted the whole of the husband's evidence it was not possible to deduce from it 10 satisfactory proof of the kind of cruelty which would entitle him in law to a decree ; and then I went on to deal with the principal allegation on which his charges of cruelty were based, i.e., the allegation of acts of undue and clandestine familiarity with other men. As to that allegation I said in effect that even if acts of such familiarity had been established then the husband must be taken to have condoned those acts. That was a short way of disposing of what seemed to me to be the principal allegation. But had I taken time to deliver a comprehensive judgment with a full statement of the reasons for my conclusions I could have added that, *irrespective of any condonation,* 20

(a) The wife had strenuously denied any improper behaviour and had given an explanation of the admissions which are suggested by passages from her letters to the husband. This explanation, though difficult to understand, could not in my view be rejected as incredible, having regard to her demeanour in the witness box where she was subjected to intensive cross-examination and also (see last part of her evidence) was required to reply to questions put to her by the Court on the significance of her letters. Apart from passages in her letters the evidence of improper behaviour was quite insufficient.

(b) Even if it had been satisfactorily proved that the wife had been 30 guilty of acts of undue familiarity with other men as alleged then those acts would not be such as to entitle the husband to a decree on the ground of cruelty.

As to the other allegations on which the charge by the husband of cruelty on the part of the wife was based I could not find anything established by the evidence which in my view was sufficient to amount to cruelty.

No evidence at all was adduced in support of the allegation relating to defamation contained in paragraph 9 (H) of the reply as amplified by paragraph 3 of the further particulars. Moreover the defamatory statements were not specified. The allegation, also in paragraph 9 (H) of the 40 reply and amplified by paragraph 3 of the further particulars, that the wife " *submitted to the undue influence and counsel of others to the detriment of the Respondent and the marital relation* " appeared on the face of it to lack substance as an allegation of cruelty and the evidence in support of it fell far short of establishing cruelty.

On a general review of the evidence I felt quite satisfied that the husband's cross-petition on the ground of cruelty failed entirely and I accordingly dismissed the cross-petition.

No. 29.
Reasons for
Judgment.
9th June,
1952—
continued.

3. Having dismissed the husband's cross-petition I had next to consider the more difficult matter of the wife's petition—whether the evidence in support of the allegations in the petition, as affected by the evidence in support of the statements in the husband's reply, was sufficient to establish such cruelty as to entitle her to a decree. I tried to resist any inclination to “ bend ” the evidence in such a way as to produce the result
10 that a marriage which was clearly beyond repair and had become repugnant to both parties would be dissolved.

The obvious and (*prima facie*) substantial barrier to the establishment of the wife's allegations was the evidence afforded by her own letters to her husband ; and it was strongly suggested by counsel for the husband that she had not reckoned on the production of those letters when she began proceedings.

I paid special attention to the significance of the letters and questioned the Petitioner closely in an attempt to discover the true answer to the obvious question :—If she had in fact been subjected by her husband to the
20 cruel course of conduct which she described, how could she have brought herself to write such letters to him ? Her explanation appears in the course of her replies in cross-examination and in her replies to my questions at the end of her evidence. It will be seen that her explanation was that she was in a most confused and morbid state of mind and that she was actuated by different co-existing motives—on the one hand fear of her husband with a desire to appease him and to fend off persecution, and on the other hand a strong and desperate desire to restore her life with her husband to its former happiness.

After observing her very closely while she was giving evidence, and
30 after making allowance for possible exaggerations, self-centredness and histrionics, I came to the conclusion that her explanation of her remarkable letters was acceptable and that they did not negative or disprove the evidence given by her, and corroborated to a material extent by her daughter Margo and by the witness W. R. Andrews, as to the course of conduct, pursued by her husband towards her while they were together, that is a course of conduct consisting of persistent “ third degree ” inquisitions, browbeating and hectoring calculated to break her spirit. As I said in the judgment delivered on the 17th March I was impressed by the frankness and honesty of the witness W. R. Andrews.

40 On a review of the whole of the evidence I was satisfied that the course of conduct complained of had been established by the evidence and that it amounted to such cruelty as to entitle the wife to a decree. I should add that I did not attach much importance to the evidence of cruelty to the daughter Margo as showing cruelty towards the wife.

No. 29,
Reasons for
Judgment,
9th June,
1952—
continued.

4. The grounds of appeal as stated in the application for an Order granting conditional leave to appeal are :

1. That the verdict in favour of the Petitioner was against the weight of evidence.
2. That the judgment in favour of the Petitioner was wrong because—
 - (a) the conduct of the Petitioner towards the Respondent conduced to such acts on the part of the Respondent as were alleged against him by the Petitioner ; and
 - (b) the Petitioner condoned the acts alleged to have been committed prior to the 10th day of March, 1950, and conduced 10
by her conduct to such acts on the part of the Respondent as were alleged to have been committed after that date.

I must refrain from arguing in support of my own decision but I think it proper for me to comment on paragraph 2 of the grounds of appeal as follows :—

The proviso to sub-section (2) of Section 6 of the (Bermuda) Matrimonial Causes Act, 1943, reproduces exactly the proviso to sub-section (2) of Section 178 of the (English) Judicature (Consolidation) Act, 1925, as replaced by Section 4 of the (English) Matrimonial Causes Act, 1937. Conduct conduced as a discretionary bar to relief is accordingly confined, 20
by paragraph (d) of the proviso, to cases where the ground of the petition is adultery, unsoundness of mind or desertion and does not include cases (such as this case) where the ground of the petition is cruelty.

As to condonation by the Petitioner of acts alleged to have been committed prior to 10th March, 1950, a ground specified in the first part of sub-paragraph (b), nothing of the kind was put forward or even suggested on behalf of the husband at the trial and I cannot say that I applied my mind directly to such a possible bar to relief in arriving at my decision. No doubt I ought to have done so whether or not the question was raised on behalf of the husband at the trial. 30

I did, however, as I have already stated, pay special and careful attention to the significance of the wife's letters written to her husband during the period prior to March 1950, and I came to the conclusion that her explanation was acceptable. It seems that her explanation so far at least as it relates to fear of her husband, is not consistent with a genuine forgiveness of her husband's behaviour towards her.

Moreover I had in mind not only the acts committed prior to March, 1950, but also the acts committed during the latter part of 1950 ; and as to these further acts there is no question of condonation.

I think therefore that I can say that special consideration of the 40
possibility of condonation on the part of the wife would not have altered my decision to grant her a decree nisi.

Sgd. J. TROUNSELL GILBERT,
Chief Justice.

9th June, 1952.

IN THE SUPREME COURT OF BERMUDA.
DIVORCE JURISDICTION.

1951 : No. 17.

Before The Honourable J. TROUNSELL GILBERT, Chief Justice. On
the 10th, 11th, 12th, 14th, 15th and 17th days of March, 1952.

Between

HELEN ANDREW *Petitioner*

and

10 CECIL WALDRON ANDREW *Respondent.*

DECREE NISI FOR DISSOLUTION OF MARRIAGE.

The Court having taken the oral evidence of the Petitioner and of the witnesses produced on her behalf, and the oral evidence of the Respondent, in support of the Petition, Answer and Reply filed in this cause, and having heard Counsel thereon, the Respondent defending the suit at the hearing, pronounced that the Petitioner had sufficiently proved the contents of the said petition and decreed that the marriage had and solemnised on the 20th day of July, 1946, at the Register Office of the District of St. Marylebone in the Metropolitan Borough of St. Marylebone in London, England,
20 between Helen Andrew (formerly Andrew, by deed poll, Widow) the Petitioner, and Cecil Waldron Andrew the Respondent, be dissolved by reason that since the celebration thereof the said Respondent has been guilty of cruelty towards the Petitioner, unless sufficient cause be shown to the Court why this decree should not be made absolute within six weeks from the 17th day of March, 1952, the date of the making thereof; And condemned the said Respondent in the costs incurred and to be incurred on behalf of the said Petitioner in this cause; And on the application of Counsel for the Petitioner it is ordered that Margo Helen Andrew and
30 Christopher Waldron Andrew, children and issue prior to the marriage between the Petitioner and the Respondent, do remain in the custody of the Petitioner until further order of the Court, but it is directed that such children be not removed out of the jurisdiction of the Court without its sanction.

(Seal.)

Given under my hand and Seal of the
Supreme Court of Bermuda, this 17th day
of March, 1952.

Signed. W. NORMAN PARKER,
Registrar.

No. 31.
Notice of
Motion for
Conditional
Leave to
Appeal to
Her
Majesty in
Council.
7th April,
1952.

No. 31.

Notice of Motion for Conditional Leave to Appeal to Her Majesty in Council.

IN THE SUPREME COURT OF BERMUDA.
DIVORCE JURISDICTION.

1951 : No. 17.

Between

HELEN ANDREW *Petitioner*

and

CECIL WALDRON ANDREW *Respondent.*

TAKE NOTICE that the Court will be moved by Counsel on behalf of the 10
above named Respondent on Thursday, the 17th day of April, 1952, at,
10.15 o'clock in the forenoon, or so soon thereafter as counsel may be heard
for an Order granting conditional leave to the said Respondent to appeal
to Her Majesty in Council under the provisions of sub-section (1) of
Section 2 of the said Act against the judgment of the Court made on the
17th day of March, 1952, dismissing the Respondent's cross-petition and
granting the decree nisi in favour of the Petitioner for the dissolution of
the marriage between the parties OR, alternatively, under the provisions
of sub-section (2) of Section 2 of the said Act on the grounds that the
questions involved in the said appeal ought to be submitted to Her Majesty 20
in Council for decision.

AND FURTHER TAKE NOTICE that the grounds of the appeal to be
submitted on behalf of the respondent are :—

1. That the verdict in favour of the Petitioner was against the weight
of the evidence.
2. That the judgment in favour of the petition was wrong because—
 - (a) the conduct of the Petitioner towards the Respondent
conduced to such acts on the part of the Respondent as were
alleged against him by the Petitioner; and
 - (b) the Petitioner condoned the acts alleged to have been 30
committed prior to the 10th day of March, 1950, and conduced
by her conduct to such acts on the part of the Respondent as
were alleged to have been committed after that date.

Dated the 7th day of April, 1952.

DONALD C. SMITH,
of Counsel for the Respondent.

To Messrs. Conyers, Dill & Pearman,
Attorneys for the Petitioner.

No. 32.

Judgment upon Application by Motion for Conditional Leave to Appeal to Her Majesty in Council.

No. 32.
Judgment
upon
Motion for
Conditional
Leave to
Appeal to
Her
Majesty in
Council.
19th April,
1952.

IN THE SUPREME COURT OF BERMUDA.

1951 : No. 17.

Between

HELEN ANDREW *Petitioner*

and

CECIL WALDRON ANDREW *Respondent.*

10 D. C. SMITH, Esq., for Appellant (Respondent).
N. B. DILL, Esq., for Respondent (Petitioner).

Before The Hon. J. TROUNSELL GILBERT, Chief Justice.

The first point that has arisen in this application is whether having regard to the nature of the proceedings there is an appeal as of right under paragraph (1) of Section 2 of the Appeals Act, 1911, or whether the leave of the Court has to be obtained under paragraph (2) of Section 2. As to this point I cannot see how an appeal against the grant of a decree nisi for the dissolution of marriage can fall within the scope of the words “ or where
“ the appeal involves, directly or indirectly, some claim or question to or
“ respecting property or some civil right amounting to or of the value of
20 “ five hundred pounds or upwards.” It has been urged on behalf of the Applicant that as obligations will result, such as an obligation to pay alimony, which will inevitably involve payments exceeding £500, therefore an appeal lies as of right. I find that argument rather far-fetched. I cannot think that the wording of the paragraph justifies that submission, and it seems from certain cases which I will cite later in another connection that where there were similar words used in Charters of Justice granted to certain Colonies the words were held not to include appeals in cases of divorce. However as will appear later it is unnecessary for me to give any definite
30 ruling on the point.

I will proceed on the assumption that leave of the Court under paragraph (2) of Section 2 of the Act is necessary.

It has been submitted by Captain Dill on behalf of the wife that this case depends essentially on the weight of the evidence, that the decision of the Court was reached after a long and careful trial, that much depended on the demeanour of the witnesses and the way in which they gave their evidence and that there are no matters involved which are of great general or public importance. Captain Dill also submitted that an appeal in this case having regard to the results which might ensue would be merely

No. 32.
 Judgment
 upon
 Motion for
 conditional
 Leave to
 Appeal to
 Her
 Majesty in
 Council.
 19th April,
 1952—
continued.

vexatious. He cited the case of *Prince and Gagnon* (1882—8 Appeal Cases, p. 103) in which it was decided in effect that appeals to the Privy Council would not be admitted unless the case was one of great public interest or involved some important question of law or some property of considerable amount or was otherwise of public importance or of a very substantial character. There is no doubt a great deal in what Captain Dill has said but I think that there still arise questions of interpretation. Paragraph (2) of Section 2 of the Appeals Act, 1911, provides that an appeal shall be from any judgment of the Court “if in the opinion of the Court the question “involved in the appeal is one which, by reason of its great general or 10
 “public importance or otherwise ought to be submitted to His Majesty in
 “Council for decision.” This paragraph (2), as well as paragraph (1) of Section 2 is taken word for word from a set of model rules drawn up for use in Colonies and it is for the Court to consider how to interpret it in relation to particular cases which arise. There are no precedents here in Bermuda as regards divorce proceedings as this is the first application for leave to appeal to the Judicial Committee of the Privy Council from the decision of the Court in a matrimonial cause. Now in Bentwich’s Privy Council Practice, an authoritative book, it is said that a Colonial Court in considering cases in which it has a discretion to grant leave to appeal should be guided 20
 by the decisions which the Judicial Committee itself has given in dealing with cases in which special leave to appeal has been applied for. Applications for Special Leave to Appeal come before the Judicial Committee in cases where the Colonial Court has no power to grant leave or where it has power to grant leave but has refused to grant leave. To turn for guidance to proceedings where the Judicial Committee has considered such applications seems obviously sound as one can thus ascertain what the Judicial Committee has done in exercising exactly the same kind of discretion as this Court has now to exercise.

I have examined a number of cases in which the Judicial Committee 30
 has had to decide whether or not to grant leave to appeal and I find that in cases which concern marriage or the custody of children the Judicial Committee has commonly given leave to appeal.

There is the case of *Hulm v. Hulm*, the case of *D’Orliac v. D’Orliac*, the case of *Camilleri v. Fleri*, the case of *Shire v. Shire* and the case of *In re Skinner*, all of which were matrimonial causes or causes involving custody of children. There was nothing particularly remarkable in these cases as such. The case of *D’Orliac v. D’Orliac*, for example, which seems to be the best known of these cases was a case in which a decree of divorce had been granted on the ground of cruelty—a fairly common or garden 40
 case of divorce one would think. Questions such as the custody of children and access to children are involved in this case and I feel I must be guided by what appear to have been the principles on which the Judicial Committee itself has granted special leave to appeal.

Furthermore as Mr. Smith on behalf of the husband has pointed out this case was a remarkable case in that the evidence was exceedingly complex and difficult to assess.

For the reasons I have given I have come to the conclusion that I should not be justified in refusing leave to appeal.

I accordingly grant conditional leave to appeal on the following conditions :—

- (1) The Appellant must within 21 days find security in the amount of £500 to the satisfaction of the Court for the purposes referred to in paragraph (1) of Section 5 of the Appeals Act, 1911.
- (2) The record must be prepared within three months from to-day's date.
- 10 (3) The Appellant must within 5 days deposit the sum of £50 with the Registrar to cover the expenses connected with the preparation of the Record.

No. 32.
Judgment upon Motion for Conditional Leave to Appeal to Her Majesty in Council.
19th April, 1952—
continued.

The costs of this application will abide the event.

Signed. J. TROUNSELL GILBERT,
Chief Justice.

19th April, 1952.

No. 33.

Notice of Motion for Final Leave to Appeal to Her Majesty in Council.

IN THE SUPREME COURT OF BERMUDA.
20 DIVORCE JURISDICTION.

No. 33.
Notice of Motion for Final Leave to Appeal to Her Majesty in Council.
4th July, 1952.

1951 : No. 17.

Between

HELEN ANDREW *Petitioner*

and

CECIL WALDRON ANDREW *Respondent.*

TAKE NOTICE that the Court will be moved by Counsel on behalf of the above named Respondent on Wednesday, the 9th day of July, 1952, at 10.15 o'clock in the forenoon for an order granting to the Respondent

No. 33.
Notice of
Motion for
Final Leave
to Appeal
to Her
Majesty in
Council.
4th July,
1952—
continued.

final leave to appeal to Her Majesty in Council against the Judgment of the Court made in the above entitled cause on the 17th day of March, 1952.

Dated the 4th day of July, 1952.

DONALD C. SMITH,
of Counsel for the Respondent.

To Messrs. Conyers, Dill & Pearman,
Attorneys for the Petitioner.

No. 34.
Affidavit of
D. C. Smith
on Motion
for Leave
to Appeal
to Her
Majesty in
Council.
4th July,
1952.

No. 34.

Affidavit of Donald Christopher Smith on Motion for Leave to Appeal to Her Majesty in Council.

10

IN THE SUPREME COURT OF BERMUDA.
DIVORCE JURISDICTION.

1951 : No. 17.

Between

HELEN ANDREW *Petitioner*

and

CECIL WALDRON ANDREW *Respondent.*

I, DONALD CHRISTOPHER SMITH of the firm of Gray & Smith, attorneys for the above named Respondent, make oath and say as follows :—

20

1.—On the 19th day of April, 1952, an Order was made by His Lordship the Chief Justice granting to the Respondent conditional leave to appeal to Her Majesty in Council against the judgment of the Court made on the 17th day of March, 1952, in this Cause upon the conditions specified in the said Order.

2.—The said Respondent has duly complied with the said conditions by giving security for costs and by depositing with the Registrar the sum of Fifty pounds in respect of the cost of preparation of the record, which record has been completed within the prescribed time.

SWORN at Hamilton, Bermuda, this 4th day }
of July, 1952, before me, }

DONALD C. SMITH,

30

W. N. PARKER,
Registrar.

Order granting Final Leave to Appeal to Her Majesty in Council.

IN THE SUPREME COURT OF BERMUDA.
DIVORCE JURISDICTION.

1951 : No. 17

No. 35.
Order
Granting
Final Leave
to Appeal
to Her
Majesty in
Council.
9th July,
1952.

Between

HELEN ANDREW *Petitioner*
and
CECIL WALDRON ANDREW *Respondent.*

10 Application by the Respondent Appellant for final leave to appeal to Her Majesty in Council.

D. C. SMITH, Esq., for Respondent.
J. E. PEARMAN, Esq., for Petitioner.

Before : The Honourable J. TROUNSELL GILBERT, Chief Justice.

Smith addresses Court, says conditions on which conditional leave to appeal were granted have been fulfilled.

20 Pearman addresses Court: draws Court's attention to an alleged irregularity in the Discretion Statement filed in the Record in that the Respondent (now the Appellant) stated that his wife had condoned his adultery with Lillian Hall. I agree that such a statement in a discretion statement is improper and should not have been included.

Pearman also draws attention to the delay in filing the discretion statement (which in fact through an inadvertence was not filed until the conclusion of addresses by Counsel). As to this I point out that the adultery specified in detail in the Discretion Statement was in fact covered by the evidence (it was admitted, though in general terms by the husband in the examination-in-Chief and was the subject of cross-examination).

Final leave to appeal granted.

J. TROUNSELL GILBERT,
Chief Justice.

30
9th July, 1952.



Exhibits.
 —
 A.
 Marriage
 Certificate.
 20th July,
 1946.

EXHIBITS.

A.—Marriage Certificate.

CERTIFIED COPY OF AN ENTRY OF MARRIAGE

Pursuant to the Marriage Acts, 1811 to 1939.

“ A ”
 Marriage Certificate

Registration District ST. MARYLEBONE.

1946 Marriage Solemnized at THE REGISTER OFFICE in the District of ST. MARYLEBONE in the METROPOLITAN BOROUGH OF ST. MARYLEBONE

No.	When Married	Name and Surname	Age	Condition	Rank or Profession	Residence at time of marriage	Father's name and Surname	Rank or Profession of Father
197	Twentieth July 1946	Cecil Waldron Andrew	48 years	the divorced husband of Alice Frances Andrew formerly Coates (spinster)	Company Director (Insurance)	7 Basilidon Court, W.1.	George Andrew (deceased)	Printer
	1946	Helen Andrew (name changed by Deed Poll)	38 years	Widow	—	Ashton Near Exeter Devon	Hugh Robert Burt	Retired Schoolmaster

Married in the Register Office by licence before me, H. D. G. Holt. Registrar. P. H. Seymour. Deputy Supt. Registrar.
 This Marriage was solemnized between us, in the Presence of us,

C. W. Andrew
 H. Andrew

C. B. Landaw.
 J. B. Howe.

I, P. H. SEYMOUR, Deputy, Superintendent Registrar for the District of ST. MARYLEBONE in the METROPOLITAN BOROUGH OF ST. MARYLEBONE do hereby certify that this is a true copy of the Entry No. 197 in the Register Book of Marriages No. 232 for the said district and that such Register Book is now legally in my custody.

WITNESS MY HAND this fourth day of July 1951.

P. H. Seymour. Deputy Superintendent Registrar.

B.1—Letters, Petitioner to Respondent.

Friday 5th.

Exhibits.

B1.

Letters,
Petitioner
to Re-
spondent.
Friday 5th
Monday 8th
Tuesday
9th.

My Beloved,

Today you arrived in N.Y. I do hope sweetheart the sea trip has not been too hurting and painful to you and also the N.Y. arrival. I am so very very sorry, that these things so long treasured by you have been made an anguish through the medium of me. I can only darling exort you to be happy as this is the deepest wish in my heart, I will with all my heart and power endeavour my darling to lead you back to that happiness I know
10 you will say, but how ? I also at times will wonder, but in love there must *always* be a way, how else could it be love ? I know I demand a lot—in asking for help and guidance but this is only because in my love for you, I would not fail you in all smaller matters and the gathering of smaller things together surely eventually leads to the large ; that I have failed you so in the past is a devastation beyond my comprehension and understanding, but through your recent helping and holding out of your kindly hand to me has let me see many angles of myself not realized before, which though a revelation to me at the time, give me such strength for the future, please do not ask me to explain all this, have put it down just as my heart and head
20 put it forth, please with your insight know what I mean. I feel so much but cannot work it into words, if muddy forgive—a little down today—no worry—will revive.

The children are lonely and I took them to their swimming this morning. They send their love.

Thought the enclosed might interest and amuse. Also enclosed American stamp and cutting you might want. Bless you my heart, please know beyond all things, please keep close to me. I am surely lost without you,

Always and ever your own

30

HELEN.

Monday 8.

My Darling One,

Thank you, thank you so much for your sweet and lovely letter received this morn, it did so much to lift me.

Discovered Dr. Curtis back at work today so rang him as breasts were still bad, he is starting the injections tomorrow morning 10.30, pain has eased during the day, always does when one is going to a Dr. and breasts are also a little softer tonight, will report to you sweetheart after tomorrow's visit will also tell him about the bowel trouble which has started
40 again may be sympathetic of course.

Am enclosing letter received . . . (page missing) . . . felt the heat and sun getting the better of him we went straight home and I put him to bed . . . ??? Put him there is right he was all over the place actually—but not out-of-doors.

Margo has been very good and continues with the tea, breakfast etc. and also continues to try and control her temper, he bless him although

Exhibits.
 B.1.
 Letters,
 Petitioner
 to Re-
 spondent.
 Friday 5th
 Monday 8th
 Tuesday
 9th—
continued.

naughty, very at times, is always sweet, looks so beautiful at the moment lying naked to the waist upside down on his bed, in our room, with arms above his head, you'd love to see him. I took them to the pool this morn and we bathed on the beach this afternoon the water cooler today, as we have had rain but lovely. Mrs. Pearman back and wished to be remembered to you.

Seem to have been rambling on lot my heart but miss you so much and want to talk with you, just our happy little everyday happenings.

Have listened to the news and all seems only to bear out your fears and thoughts—very disturbing—but like you I feel sure it is coming. 10

Know my heart, I am ever near you in my heart and love you desperately, you have ever been and will always be my *love* no matter what has befallen from the worping and trickery of a bewildered mind—this must be my cross—but please my heart, don't let it be yours. I want so much with all my heart to give you back your beautiful picture—why do we have to be punished so. Forgive I really only meant to tell you of my love for you my sweetheart and to tell you to take all the happiness from life you can.

Ever Your Adoring

HELEN X X X X X 20

Tuesday 9th.

Darlingheart,

Had your Saturday letter this morn so sorry darling you down again, please, please get right our whole future depends on it.

I went to Dr. Curtis this morn, he says breasts full of cysts again, gave injection going to continue weekly for time then fortnightly—confirms change of life says been going on 2 or 3 years at least ; says the depression soon after menstruation is right as this the time the ovaries prepare the egg and this with the change knocked sideways causing distortion and depression has given me pills to take every other day to help ; also sleeping tablets. 30
 Says nerves very overstrung causing the bowel trouble etc., insists on calmness and freedom from worry, otherwise says could affect mind, he is very good I think he knew which injection to give without writing to Dr. Cawey.

Been a funny day with rough sea and heavy showers, hot and muggy but we all had nice bathe this afternoon. I had a big curry this evening and we all ate it up at the Andrews, they loved the "Christopher Curry."

Bill saw G. Harris today, said how's Ann and Major H. she said Ann not well and heard from E.H. this morn first time for ages—says she never knows what he is doing these days. 40

That's all the news today sweetheart, do hope you are getting on and feeling better my darling.

Little numb from injection pills etc. tonight.

Goodnight my love, know I love you beyond all.

Ever Your

HELEN X X X X

B.2—Letter, Petitioner to Respondent.

Wed. 17th.

Exhibits.

B.2.

Letter,
Petitioner
to Re-
spondent.
Wednesday
17th.

My Darling Love,

Thank you so much for the beautiful letter I had this morning, written on Monday last, full of such wonderful understanding and precious love—I have read and re-read it—it made a lump come in my throat it was so full of loving kindness. I wanted to fly into your darling arms to be gathered there so very close never to leave. I love you oh so dearly. I am sorry my heart I lean on you so, but already through your help I am so much stronger and have learnt so much of life—there is of course this beastly change of life to contend with, but sweetheart we will give to each other in
 10 this as you say and so the more readily understand. Know please darling that you have my trust, it is for me to rebuild yours in me and I will do this with all my heart and soul. I have tried to be brave and have tried to patiently await your return. I long for you, your nearness your closeness and miss you desperately but know that this does not help you with all you have to achieve there. Know my heart I am happily with our children I will await for you no matter how long, know to please my love, that I have learnt the most terrible lesson of my life and am never likely to forget it—it has too deeply seared but has come slowly to me as most things do, wonder do you know what I mean and feel sure you do after my
 20 weekend letter.

Children had their Swimming Club party today, Christopher won one prize, for staying under water longer than anyone else in his class, he was so proud, so was I. I know you will be darling.

Mrs. Folis out at Coral Beaches I telephoned to-day and not expected must be staying somewhere else.

Know my darling that I just want to put my hand in yours be gathered by you, give all that is me to you not be frightened of you any more and not to forever feel I have to justify everything I do and run away from hurts and life, lifelong things to break but please continue to help me in th is
 30 daily already you have progressed so well and must of all know that all my heart is always was yours misguided and tho blind tho I be, I am ever yours and ever want to remain so. Bless you my Beloved

XXXXXX

Exhibits.

C.1—Letter, Petitioner to Respondent.

C.1.
Letter,
Petitioner
to Re-
spondent.
October.

Wednesday evening
October

My Dearest Love,

I was so very unhappy to see you go—I hated to part as I know you also did sweetheart, but Oh I was so happy in our nearness and understanding of this diabolical and beastly wrong, to know you had at last got your mind right and your generous understanding of the weakness in my armour which allowed but did not realize the wickedness and attack until too late, this is so badly put my love I could so much better talk to you and have done so—but just had to mention my darling to let you know the deep love and closeness I feel. 10

Christopher was so happy to be able to wave to you he love the Queen going along the harbour and the little speed boat.

When I met him he was covered all over with large heat bumps and Margo was most unwell, hadn't been able to work at school at all, all day, had headache, aching side, very hot and shivering, took them home—took temperatures, Christopher only 99 but Margo 104.4 gave her aspirin and both of them enimers, telephoned Dr. Curtis to know what was around besides mumps and chickenpox and treatment—he said very bad flu—said what I had done was right but also to give magnesia to both and to bathe Margo with cold water until temperature dropped to 101. this I did she went to sleep at 5.30 p.m. and is still so, its nearly 11 and I feel sure she will soon be fine again. To-days heat pretty bad, but lovely this eve. 20

Am wondering sweetheart how but there ? please please have comfort and air conditioning, how else can you achieve what you have set out upon ?

Bill came and spent a couple of minutes while we waved to you, then went his way—rang Dusenbergs but they out. Gained and lost one more poor beknighted crab and caught no flies for George, but have rationed him to 10 per day, cannot overwork myself so much fly-catching. 30

D— have just caught of a insects another hunt, have just finished a successful one after a roach. What a life—full of excitement.

This my sweetheart is a resume of our day, but my mind and thoughts my love have been yours. I have loved and enfolded you you are *my man* and ever have been my heart and *all* of me are *ever* yours.

Please be happy my love. I know you have a great deal to accomplish, but please darling do not *overdo* yourself nothing's worth that.

Bless you my lovely man, take great care of yourself, be happy in me—know I love you beyond all things that I am at your side constantly in mind, thought and heart. 40

Thank you my darling for the very beautiful present, I think it is lovely and so sweet a thought.

Bless you ever,
Goodnight my lovely
Ever your real and true
Woman XXXXX

All three of us we
all love you. XXXXXXXX

C.2—Letter, Petitioner to Respondent.

Exhibits.

Wednesday night.

C.2.
Letter,
Petitioner
to Re-
spondent.
Wednesday.

My Darling Andy,

Thank you so much for your lovely letter received this morning (mondly very early one). I do hope all goes well there & Bon & Young co-operating, also that you are making some headway with the shares. I have written & sent off several letters as my first contribution but of course one does not know whether anything will result from them, but at least its trying.

10 At least sailing the 2nd gives you a little more time to work on B.B. but does it upset your plans ? I am glad in a way as think you might be happier in the Q.M. but do hope it does not mean a longer separation—that would be terrible.

Where are you staying in N.Y. sweetheart ? please do not skimp and scrape yourself, stay at a decent place where you can have good food & peaceful quiet sleep, you must not put further strain on your already overtense nerves, better spend a little more money on yourself now & not on Doctors later, *please* darling.

20 Andy darling, I love you so much, & please know I try so hard to fill the day so that I will not miss you so badly, but there are moments one cannot dodge when I want you close to me so badly—if I could just touch you or hear you, but you seem so very very far away & this time I have no date of return to count on & mark the days off, a silly pastime but it helps, please this is not to worry or upset you, but you have always said, to say what was in my heart. & please do not stop writing me all your troubles I would rather it that way, it brings me closer, I share the troubles with you, I would worry more if you did not tell me, thinking you were keeping the worst back, I prefer to take my pills without the sugar coating.

30 A Mr. J. P. Gowland called to see you last evening (he happens to be the Toy Manufacturer I told you about) his daughter works at the same shop as Mrs. Walker opposite us, he is from Durham, biggish man 50-60, six of family, came out last year just before \$5,000 was stopped they get \$10,000 as his son was just turned 21 & he made some of his money over to him they have very small house 1 bedroom, live hand to mouth, daughter works & have sunk \$8,000 in an invention of a childs ball point pen in shape of dauchand (can't spell) dog in plastic, you twist his tail & his tongue comes out in form of ball point, very good should catch on here terrifically with the young set, he has thousands in production for the fall.

40 A great rebel, would rather starve here than return to England—loathes the Government especially Cripps think you might quite like him, have him plan to call when you return, He heard from Mrs. Walker that you were going to England & wanted asked you if several things he had heard were true, that you can now buy American Stocks in London, but at what rate ? also will lend here on English Insurance Policies, so I said I would mention when I wrote. Trading as "Fiesta Toys" Factory Golita.

Exhibits.

C.3—Letter, Petitioner to Respondent.

C.3.
Letter,
Petitioner
to Re-
spondent.
Thursday.

Thursday eve.

Sweetheart,

These two enclosures came this afternoon. Sorry I cannot write much tonight been a bad day for me, have gone back to my medicine,

I am unhappy with life, so much better not to write much.

Will take more medicine and try to sleep, I'm so sorry about this, saw a picture of my mother today that also helped to upset me. Forgive me I should be braver.

Goodnight darling

Ever

HELEN X X X

10

C.4

C.4—Letter, Petitioner to Respondent.

Letter,
Petitioner
to Re-
spondent.
Monday
18th.

Monday 18th.

My Beloved Andy,

I have been so very fortunate today two wonderful letters from you my love and talked to you on the phone, my only worry is, you sounded so unhappy, please *don't* be my heart, I want you to be happy so very much, I love you with all my heart and want your happiness more than anything else on earth, you must not worry any more about me my darling, you from 20 your letters have more than enough to contend with—what a dirty double-crossing swine—no other words for it—he is, he has sunk about as low as its possible to go. Oh I do hope you succeed my love and crush some of the ego out of him. I am with you in heart and spirit every second of each and every day my darlingheart.

I am rather fatigued after my journey but have borne up very well, I am indeed fortunate to be getting strength as I am, I have always had a wonderful reserve of strength which has pulled me through so *please no worry*, I *know* I will soon be so fit and well, just a little matter of rest now and that's on its way. 30

We had a tragedy first before leaving home “Scrubby” Christopher's Turtle escaped from his bowl and although we searched the house for an hour we were unable to find him, Chris so upset, he cried bitterly, I have promised to get another one in N.Y. for him, he really loved it, poor little chap.

Margoprettysick in the car coming here, but better again now they both send their “Daddy” heaps of love and want to know when you are coming home, they say; “Cheery little Monkeys”—they miss the cane

Darling you do not seem to be getting much sleep, I do hope—

C.5—Letter, Petitioner to Respondent.

Exhibits.

Monday 9th

My Love,

Tomorrow you sail—I watched the “Queen” glide into Hamilton Harbour this morning after taking the children to School—the next time she comes in you will be on her sweetheart as she misses next week—and I shall be on the quay too excited to move—I still can’t quite believe you are on your way—and I wonder how you will be here, whether you will like it and be happy, I’m afraid I love it here and am happier than in California.

10 I like the casual dress and life and the no hurry and knowing people to speak to not nearly such a lovely place—the beautiful coloured sea and sand, against the dirty brown and seaweed. But we will see how you feel darling, we cannot stay where you are not happy and content.

Please darling do not wear yourself out in N.Y. nor get upset nothing is worth that, happiness and love are the real things—content ??? perhaps there is no such thing maybe that is the thing we always seek but never find.

Bless you my heart, know I am always with you, know of all my undying love for you sweetheart, that you are ever in my heart and never out of my mind and thoughts.

20

Ever your adoring wife

HELEN XXXXXXXX

Exhibit C.6 (*not tendered in evidence*).

C.7—Letters, Petitioner to Respondent.

C.7.

Saturday 14th

My Darling heart,

How are you my sweetheart, do hope the trip over with B.A. as company has not been such a terrible strain 9 days only now Sweetheart, almost unbelievable.

30 Went to the dress show with Edith it really was very good for an amiture affair it has been pouring with rain all day but I bathed before breakfast this morn, then took the children to the morning cinema to see “Fantasies” the music was lovely so I enjoyed it, then in the afternoon as still pouring took our children the 2 biggest Andrews children and Kathie to the Aquarium they thoroughly enjoyed it so quite a busy day, in the evening Mr. Gibbons invited Jo A and I to dinner, he is a very good host, but rained to the very last moment. Bless you my sweetheart, sent you cable to N.Y. Docks today do hope you get it Sweetheart, with all my Love my heart Ever & Ever XXXXXXXXXX

Letters,
Petitioner
to Re-
spondent.
Saturday
14th
Sunday
15th.

Exhibits.

Sunday 15th

C.7.
Letters,
Petitioner
to Re-
spondent.
Saturday
14th
Sunday
15th—
continued.

Sweetheart,

One more day and then only one week to go, just had your cable sweetheart, so happy to have it still raining torrents heading off to get breakfast darling helen

Willie just called darling says Bill telephoned her and says you are so well, I do hope so darlingheart. this makes me so happy, please do not overdo N.Y. please take it as easy as possible and don't please get depressed.

Just stopped raining so Chris and I going down for a bathe, he is looking 10 marvelous filled out so much, Margo looking little down today just about due I think poor (illegible) sure pulls her down a bit.

Soon, so very soon now my love. I love you Oh Oh so much. Striking all days off now, tomorrow only one more week Bless you my love.

Ever and Ever yours ever and always

HELEN XXXXXXXXXX
Friday the 13th
Do you still remember ?

Darlingheart,

Just a wee note to tell you *I LOVE YOU* Bless you

Ever and always

Your HELEN XXXXX

I LOVE YOU X

20

C.8.

C.8—Letter, Petitioner to Respondent.

Letter,
Petitioner
to Re-
spondent.
Wednesday

Wednesday eve

My Darling Andy,

I was so glad to see you go, but please know all my love goes with you I *really* and *truly* do love you beyond all things, please know this is so, from the bottom of my heart.

I felt I was so inadequate last night and this morning darlingheart, 30 was so nervously tired out but wanting to give to you so very much and all of me, but doubt from all the strain and stress of the horrible complications I have somehow managed to get involved in, God knows how or why.

How sad I am from all the pain and anguish to your beautiful mind, I have brought upon you, I cannot tell you, but please, my love know I am on my guard against all and everything.

Rest assured my heart, I will never again fail your trust or myself or us.

Do hope you can follow my meaning my heart, find it difficult to arrange into words to really convey what I mean.

Enclosed letter received this morning from Tudor.
Be above all things my blessed Andy, happy, I want this so very very much for you.

We all miss you and have talked together lovingly of you. Bless you always and please take care of yourself. Believe me my love

Always yours

HELEN XXXXXXXXXXXX

STIRPI XXXXXX

C.8.
Letter,
Petitioner
to Re-
spondent.
Wednesday
—continued.

C.9—Letter, Petitioner to Respondent.

Thursday 4th

C.9.
Letter,
Petitioner
to Re-
spondent.
Thursday
4th.

10 No English letter to date
only Teds enclosed. X

Dearlingheart,

So wonderful to hear your voice this evening, lifted my heart was just about to lift the phone to cable you when the phone bell rang and they told me to hang on for a call from the Queen.

20 B. A. had just been in to talk to me, I went to see and talk to E. D. on his behalf to-day but covered it with a pile of (illegible) but discovered she did not know what B. D. has said to (the base source) but she promised to speak to him B. A. now awaits developments from him, but meanwhile has dealt with letter etc.

My love I have wondered so much how you have borne up and what sort of a trip you have had ?

By deeply loving and thinking of you my heart, I have tried hard to send a cloak of love and comfort around you, wishful thinking I guess, but so fervently meant darlingheart.

30 Words fail to convey all I have in my heart for you my love, so much anguish so much covering up and lying in the past, makes my task of regaining your so sorely needed confidence back once more, very very difficult as I unfortunately have not the flare (of good wording) but darling please know I want it more than anything else on earth. Do hope this is understandable, its from my heart that my head cannot think out the right wording Forgive me please love me please I sorely need your loving help I want much to give to you all of me. Bless you my heart ever lovingly.

HELEN XXXXXXXXXXXXXXXXXXXX

Exhibits.

D.

Itinerary.

D—Itinerary.

ANDREW, H. v. ANDREW C. W.

ITINERARY.

1946	Sept.	Parties and family left England for U.S.A.	
	Nov.	Respondent departed for London.	
1947	Jan. 16	Respondent returned New York from England.	
	Apr. 26	Petitioner sailed to England.	
	May 10	Respondent sailed to England to join Petitioner.	
	June 4	Petitioner sailed from London to U.S.A.	
	June 15	Respondent arrived back in U.S.A.	10
	Aug. 10	Parties sailed to Bermuda.	
	Oct. 10	Respondent took Petitioner to New York for short stay.	
1948	Jan. 10	Respondent sailed to England.	
	Feb. 23	Respondent returned to Bermuda.	
	Apr. 22	Respondent took Petitioner to New York with her parents.	
	Aug. 6	Respondent sailed to England.	
	Sept. 7	Respondent arrived U.S.A. and returned Bermuda with Petitioner and family.	
	Oct. 25	Respondent left for New York.	
	Nov. 20	Petitioner and family joined Respondent from Bermuda.	20
1949	Jan.	Respondent made fortnight's tour to El Paso and back home.	
	Mar. 2	Respondent sailed for London.	
	Apr. or late Mar.	Petitioner, with companion, left California to live in Bermuda.	
	May 10	Respondent sailed from England.	
	May 23	Respondent arrived Bermuda.	
	June 29	Respondent departed for New York—returned in July.	
	Aug. 3	Respondent departed again for New York—returned in two weeks.	30
	Sept.	Respondent took Petitioner to New York for one month.	
	Oct.	Petitioner returned to Bermuda with companion.	
	Dec. 12	Respondent returned to Bermuda.	
1950	Jan. 14	Respondent departed for New York.	
	Feb.	Respondent returned to Bermuda (middle of February).	
	Mar. 10	Respondent departed for New York.	
	June 10	Respondent arrived Southampton.	
	July 20	Respondent arrived New York from England.	
	Sept. or Oct.	Respondent arrived Bermuda from New York.	40
1951	Jan. 26	Respondent departed for U.S.A. for six months rest.	
	May/June	Petitioner departed by air to England.	
	Aug. 26	Respondent arrived in Bermuda.	

E.13—Letter, Petitioner to Respondent.

Tuesday 5th.

E.13.
Letter,
Petitioner
to Re-
spondent.
Tuesday
5th.

My Darling One,

So happy to have your Sundays letter in such happy vein, Oh darling I want so much that you should be happy and stay happy and I will do all in my power to try and keep you so my darling.

Seems I shall not be sleeping alone tonight have already killed about a dozen ants and they still keep coming don't know what the sudden attraction is, guess I must have spilled some of my breakfast in bed on the hed.

- 10 So sorry sweetheart about the boil nasty painful things, do hope it is much better by now, drink plenty of liquid daily and if very hot get some salt tablets to take.

The children have had a wonderful day their swimming lesson this morning while I shopped and I took them to the matinee of " Nicholas Nicholby " at 2.30 this afternoon it was exceptionally good and I thoroughly enjoyed it too. We came home ready to get supper and a quiet evening but Bob and Edith turned up terribly excited he had got his promotion from Washington and is now fully fledged captain with shortly expecting title of Major so we all had supper together, they sent their love to you as usual.

- 20 Bought a fly swatter for 1/- today well worth it caught 12 moths within about three switches this eve for George he was getting so very hungry but will only eat things freshly caught day old ones no good.

What do you think your young son said last evening they were eating fried chicken out on the grass and Margo said to him what do you love most Chris chicken or meat or what and he said, " I don't love anything like that at all I only love life " so she said Oh, but what about God and things and he said " But of course I love God best he gave us our lives didn't he " What do you think about him ? I didn't say a word.

- 30 Sweetheart, Mr. Gilmour called me this morning to know if I could let him have the conveyances for Allnatt, that you wanted the mortgage called in, so I got them out of the safe deposit and will let him have them tomorrow, do do take this right darling.

Do wonder what the H—— George is playing at, but hope you have had some news by the time this reaches you.

They are just playing that lovely thing " One Enchanted Evening " darling I always think of us and our wondrous love, when ever I hear lovely tune and one that pulls the heart strings and this is especially one of these.

- 40 My lovely heart, I love and miss you so, so very much but please know I am happier than for ages and ages I feel we are close and at last right, please darling let it be so cannot bear that we should suffer more, but darling please please know how entirely sorry I am to have made your suffering so terribly painful and so long drawn out, I never meant it so, just being so terribly puzzled, twisted and not understanding because of my nature so

Exhibits.

E.13.

Letter,
Petitioner
to Re-
spondent.
Tuesday
5th—
continued

hard to face myself to someone else please say you understand and forgive it all I feel so clean and clear of it all now thanks to your terrible hard work on me, please know my heart let us live again, I am entirely in your hands. Bless you ever, I love you so.

Always your

SENPIE XXXXXXXX

E.19.

Letter,
Petitioner
to Re-
spondent.
Saturday
3rd
Sunday 4th.

E.19—Letter, Petitioner to Respondent.

Saturday, Sunday,
3rd, 4th

No Radio from L.F.
Got Toaster—don't know people.
Marly but look like working people.

10

My beloved Andy,

Your beautiful letter of Thursday morn, so touched me, I am afraid it made me cry—I wanted so much to gather you to my heart cosset and comfort you my precious man—*Please* know me deep inside I love you beyond all things and this my love is really so, I want beyond all things to be with you and close I strive with all of me to give you of my mind “my inner mind” remember sweetheart I have until recently always just accepted my inner mind I have never plumbed it or criticized it not because I didn't want to, but because, I think I didn't know how. I am greatly changed to myself—how I appear outside I do not know—but I have come to live so much more in my mind—perhaps I had to reach this age to know—I have wanted to keep my letters so close to you, but have at times wondered if they would disturb you I seemed to force myself upon you—I was only awaiting your signal my heart, I have so much love to pour out, please know I do feel deeply for others pain but have perhaps in the past tried to run away from it as I have from all pain etc. trying so hard to word properly darlingheart, but feel I am putting badly, yet my heart bursts to give to you—my all—my everything to you, I love you—I love you so. 20

I have been utterly lost for some time now sweetheart, like a rudderless boat caught by the tide I know not where I go I know I love you beyond all things—that the children are us and have to have a life mapped out for them—but most of all I want to be with you darling something we can achieve together but feel the temporary need of rest from decision as feel as I do sometimes—hunch I expect one should call it, I in for bad spell of illhealth—this might sound selfish darling but its not really—I feel I am going to be a drag—you see I don't feel really well at any time—so hard to explain but also feel it will pass within a year—but the feeling is very strong—of course it might only be mental but I don't think so nor do I think 40 it serious but it is what makes me feel I should stay here for a while, too

when my heart longs for me to be near you. I am happy Oh so happy that you feel happier my darling words cannot tell how much joy it gave me to read—and the utter sadness of all you have suffered.

Darlingheart I long for you to be here, I want you so very very much, *really* and *truly*—it has seemed an interminable time since I left you in N.Y. but I have never wanted to press or push, I have waited—eating my heart out longing for the word go I want so much your darling love, your wondrous love, I so wantly nearly destroyed, God know why? Can't write any more sweetheart feel I am making a complete mess of the whole
 10 thing and I wanted it so much to be a lovely letter. I wanted so much to show you my nicer self—my love—my capacity for giving, I am over (illegible) would you rather I did darling sell the saleable cedar or keep at "Paint & Decorating" takes five years to dry—but getting very scarce on the Island—Bill happy to keep until required what do you think?

Bean finishing tomorrow thank goodness we will then have somewhere to sit down—but the floors do look lovely and worth the inconvenience involved.

The children fine darling and send heaps of love—Margo says she is writing you tomorrow had her last Exam today—poor old Chris he struggles
 20 so, but as yet I am afraid he is not the Scholar Margo is—but am sure he will make up for it in other ways.

Oh my heart I love you so much want so very much our closeness and oneness to share all the sorrows and happiness the years to come will bring to help you—to give to you happiness to be of you—there is nothing greater than this that I desire I have been through the valley of the shadows and dragged you to—but have learnt so much I do feel—which I hope with all my heart will make for deep understanding (illegible) with ones warmth—but seem unable to express myself as I wish to. So just please believe I want you so very much and we will talk when you arrive
 30 darling one—just 2 weeks to wait—it is well worth waiting for. My letter sounds stilted and rather smug please forgive—Thank you my darling for everything. Bless you ever. know please you are my universe my all in my heart lover my beloved.

Your HELEN XXXXXXXXXXXXXXXX

E.24—Letter, Petitioner to Respondent.

Thursday 12th.

My Darling One,

Just a little note my sweetheart, only sent one cable as you told me be careful expenses—but thought it alright just for one as you offered me
 40 phone call darling—but I find that too upsetting it tears ones inside and always somehow to me emphasises the parting, but felt to wire you kept us close. Very poorly put, mean so deeply and lovingly. Hope your

Exhibits.
 —
 E.19.
 Letter,
 Petitioner
 to Re-
 spondent.
 Saturday
 3rd
 Sunday 4th.
 —continued.

E.24.
 Letter,
 Petitioner
 to Re-
 spondent.
 Thursday
 12th.

Exhibits.
—
E.24.
Letter,
Petitioner
to Re-
spondent.
Thursday
12th—
continued.

mouth is better and you feeling less nervous darlingheart please go easy and don't try and drive yourself. No sign of any A's today. Saw Danish girl from Colonial Airways I like very much today, she told me she wanted me to meet a very charming American woman staying for several months at Coral Beaches—I asked them both to tea on Sunday and they were delighted—will give you lowdown after Sunday—also met Christopher's fishing friend, Mrs. Archdeacon about 70 English today she is bringing another younger English woman just recently arrived here for tea today week also will report after, going to be quite busy, aren't we ?

Bless you my heart, know I am going to keep happy and do not worry 10
on us at all. look after yourself and get really well and above all know we love you dearly. Chris has been moony and lost without you again today just said wish Daddy didn't have to go away. Had trouble with Muffet last night she went looking for you everywhere and sniffing your shoes it was ages before I could get her to settle down. We are very bolted and barred as there is another man they are after, this makes 3 with the murderer so we are trying to play safe. Everything and all my love my precious darling,

Your HELEN XXXXX

E.26.
Letter,
Petitioner
to Re-
spondent.
Wednesday
25th.

E.26—Letter, Petitioner to Respondent.

20

Wednesday, 25th.

Darling One,

Had your letter sent Q of B late today—uncancelled stamps—I am so sorry my letters are delayed but I have not written every day darling—but A.V. would not know how we are—as we have not had any contact with him or the A's since you left and apart from Nurse visiting us no news—they have not even phoned us.

Perhaps better darling not to send the Colliers and Eve Post to me as how should I get them to "Fourways" I have no desire to make the contact as I do not like the A's atmosphere at all at the moment and 30
prefer to keep ourselves and make our own friends as we have done, don't you think this better darling ?

I am sorry my darling you are still so disheartened and low I wish I could think of something to lift you and give you some happiness and lightness of heart.

So very sorry about the suppositories—do hope they did not cause you pain—I will be much more careful next time.

Sorry R.A.W. not pulling his weight—Darlingheart you are not slipping in your touch—one cannot inspire anyone unless they wish to be inspired—in the past I have watched you trying to inspire people Wilkie 40
George etc.—but has really been you that has been inspired—while in fact they have been calculating what profit they could make from your

inspiration—please see people as they are, don't get so hurt sweetheart—while you think you are failing to inspire you are hurting yourself when you should be shrugging your shoulders knowing they are uninspirable and let them go their way they are evidently not destined in the imaginative direction—but perhaps have talents in other fields—but it is no good to hurt yourself and add extra weight to your already overburdened shoulders. I know it is so easy for me to write this here sweetheart while you struggle there—wondering which way to turn—I wish I could do more to help—perhaps we will have to keep a cook shop in the end—but expect we would
 10 get by—one thing we are not afraid of hard work—given the health and strength to carry on and the will to work is half the battle.

I'm afraid a very unclever letter dailyheart—but meant from the bottom of my heart to try and comfort—please know this. I feel so useless here not contributing a thing but I know it beyond my strength at the moment and do not wish to incur any further troubles and expenses.

Christopher's face much better but Peggy's leg still far from right—she has to rest all day and daily penicilin, blood poisoning.

So far no Star Book arrived yet darling but expect it will soon be here.

20 Colliers is 2/-
 Sat. Eve. Post 2/-
 Holliday 5/6

Still have to price Fortune and Life, Esquire by the way is 6/6. Thought the enclosed cutting might amuse as one of your special friends. Also have you heard B.O.A.C. cutting out N.Y. going direct from here to England?

Please be happier Sweetheart I love you so much—I want so much you should have a happy mind—it weighs so heavily on me—all the pain and unhappiness I have caused you and us, please forgive me and be
 30 happy darling.

Ever I love you,

Your HELEN X X X X X

Exhibits.
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 E.26.
 Letter,
 Petitioner
 to Re-
 spondent.
 Wednesday
 25th—
continued.

E.27—Letter, Petitioner to Respondent.

(26th Jany. 1950)

Darlingheart,

Thank you so much for the "Star Book" which arrived today—it looks like a good month for all of us.

What do you think your son had me do today—when I met him from school he said he was the only boy in his School who hadn't seen

E.27.
 Letter,
 Petitioner
 to Re-
 spondent.
 26th
 January,
 1950.

Exhibits.
 ———
 E.27.
 Letter,
 Petitioner
 to Re-
 spondent.
 26th
 January,
 1950—
continued.

a game of football—so what do I do but go and sit through a game with him at the B.A.A. Field. St. Georges—Prospect Camp or something—how I stuck it I will never know except to watch his dear little face and the enjoyment he got out of it—it was terribly hot with the sun blazing down—still no rain.

Peggy is still laid up with her leg but hopes to get up a little tomorrow. Had a letter from the old folks don't think they always understand what I ask them as their replys sometimes are so rambling and don't always apply—however they are making and sending a list of all furniture etc. left there—they say the Wyes have the “ Bear Picture ” over their side. 10
 They say they are happy where they are—apart from draughts they are fine—but want to know if you want the lawn kept cut etc.

Have not called on the Smiths yet, waiting for Peggy to get better as am pretty busy without her help and also have to look after her at the present—but will see about it as soon as she better.

Believe the Veedam left England today so should be here on the 5th Feb. have not had further letter from Jean Halsey yet.

I wrote Mrs. Chandler before Xmas asking her to send you the English address and to let Marjorie have the children portraits her address is 8911½ Sunset Boulevard, Los Angeles, 46. 20

I have recently written Joann but will write and prompt as you suggest.

The Dudleys are coming to supper on Saturday and Mrs. Archdeacon and her friend to tea on Sunday again, I like her so much she reminds me a little of old Mrs. Walker—just as alive.

Will make a list of the car repairs and send you tomorrow sweetheart—did you know you dented the back fairly badly the day you left when you backed into the wall? Should I have this straightened out too?

Forgive writing worse than ever tonight but cut my hand on broken cup so awkward to hold pen. 30

Think that is all our news for today my darling—do hope you are feeling better and not so swamped with everything—do as your stars say darling don't overdo things don't spread yourself and energy too wide and it says things will work themselves out *with patience* instead of *worry*.

Please take care of yourself my love. I feel so sad inside for you—for us—wish so very very much I could give greater comfort and contentment to you—but that I guess I have destroyed—but I have to live on hope and belief—I am learning to deeply believe and am increasingly getting comfort from inner faith—put badly into words, but I know in my heart what I mean wish so much I could share it with you. 40

Bless you ever my heart. I love you dearly.

Ever HELEN X X X X X

E.28—Letter, Petitioner to Respondent.

Exhibits.

Tuesday, 17th.

E.28.
Letter,
Petitioner
to Re-
spondent.
Tuesday
17th.

My Darling,

Did not write yesterday as little news and not too good, so got Agnes to stay with the children and Peggy and I went to the Cinema saw a very fine English Espionage Film "Against the Wind" have you seen it?

Matthews has not been caught yet despite the N.Y. Police and Dogs—the coloured here are beginning to laugh about it and think themselves very clever.—There is also a very serious water shortage heaps of tanks empty and most others down to the last 2 ft. most serious it has been for many years—Peggy and I are going to check ours tomorrow.

By the way darling I forgot to ask you when you wanted me to take the car to Trots to be done?

I had a very nice letter from "The Pretty Pottery" yesterday telling me that Mr. Tooth senior died several years ago and the only surviving son was killed in the war they would very much have liked to have done business with us as they are turning out very high grade pottery but unfortunately have only just fixed with here and U.S.A.—wish the office had persisted earlier last year when we prompted—they have promised to consider us if anything falls through.

Had a letter from Nannie today she is now living in Winnipeg Canada and has two little sons—also letter from Cecile thanking for the Xmas parcel, very nice letter.

Margo's card arrived and she was very thrilled with it and now looks forward to her party on Saturday.

Afraid young Chris plays with his train less and less expects he like to share it with someone—he misses your enthusiastic help.

So very sorry about your tea, completely forgot it at the last moment.

Molly Masters and Mrs. Evans came to tea today—think they enjoyed it—hope so anyway—but may be not as they are bridge players and perhaps missed that.

The deep freeze is working well but Smith Sales don't like the extension they say one loses so much current that way I should really have a wire same as inside the plug fastened along the wall—what do you say about it?

Haven't seen anything of the A's. Nurse told me they had the photos taken by that man of "Fourways" and that they were very good.

Afraid that's all the news sweetheart—sorry your crossing was so rolly—but do hope it is not too cold and that you are feeling better—how are the piles?

Goodnight my Beloved and God bless and bring you comfort and peace of mind

I love you
Ever

Me X X X X X

Exhibits.

E.29—Letter, Petitioner to Respondent.

E.29.
Letter,
Petitioner
to Re-
spondent.
Friday
27th.

Friday 27th.

Darling One,

Not satisfied with cutting myself yesterday—badly burnt my right thumb today and more difficult than ever to write properly—shall have to be more careful.

Had a letter from Joann today darling she inquired in B's its paid up to April 5th with a balance of 2.99—it is 6.10 per month, she had very little other news.

I don't know why but out of the blue today Ellie A. rang me and pressed us to come to tea she suggested tomorrow or Sunday but we as I told you 10 are busy both days I told her we were only free Monday and Wednesday of next week so she made it Wednesday said she wanted to see me so much??? Mrs. Gillan, Margo's ex teacher is coming to tea on Tuesday and Thursday it's Christopher's class At Home and Friday Margo's—and I must support them both equally. Peggy lot better but still more penicillin tomorrow has only escaped the Hospital by the skin of her teeth she's so fed up about it all—but when I tell her she is depressing us all she shuts up and behaves.

Have not had word of you since Mondays letter Sweetheart—I know I told you not to worry about writing when you over (illegible)—do hope you are alright tho' sweetheart and happier of mind. 20

My heartfelt thoughts are constantly on you my darling—hoping so much for you and for the untangling of your hurt and confused mind.

Please I love you and would so much with all my heart make amends. God bless you ever and bring you peace of mind.

Ever your

HELEN X X X X X X

E.31—Letter, Petitioner to Respondent.

E.31.
Letter,
Petitioner
to Re-
spondent.
Sat/Sun.
28/29.

Sat/Sun 28/29

My Darling Andy,

We had such a nice evening last evening the Dudleys brought their 30 two little girls and we had Margo's friend Mary for the weekend—the meal went well and they seemed to enjoy themselves which was comforting and today Mrs. Archdeacon—her friend and a Mrs. Sisson English—staying at the Elbow Beach Hotel friend of the Littlewoods very sweet old soul—very like my mother and about 70—such a happy teatime we had Mrs. Archdeacon so very amusing—you would enjoy her and must meet.

Mrs. Sisson to overwhelmed at being ask to tea with the others (she is a friend of theirs) has invited us all to lunch at Pedrolinis on Wed.

All this I was going to tell you about and also in reply to your Thursdays letter darlingheart—to try and talk to you as you would I should—but am rather shaken and will do as best I can—but must first tell you that you were right and I wrong.

This evening about 7 o'clock the phone rang and it was Dr. Johnston he said he had met Bill. A. at the Belmont Golf Club and had asked Bill if we were still here and Bill had given him this address so he phoned—I told him very calmly but decidedly that I did not wish to speak to him and wanted nothing whatsoever to do with him and would he refrain from
 10 ever trying to contact me again—this he agreed and rang off.

I'm so sorry to have to mention this but promised to tell you everything and the truth for always so now tell you of this but it was a shock and shook me and I feel sick—horrible —beastly—wish so much I could just reach out and touch your hand to draw comfort—do not worry on this or me sweetheart—you will perhaps laugh at this but I am finding help and comfort from religion—perhaps as a weaker vessel than yourself I need a faith—which I have been seeking to help me over my terrible transgressions—something I have had to have to get my mind straight on myself—for all that which I got myself into—this is not sudden
 20 middleage religious mania darling—but something deep in which to believe and in which to put my trust—unburden my soul and regain my self respect and faith in myself.

I have told you the whole truth of all so thank God love and free from fears there—I only crave with all my heart—for something of us—a closeness —companionship—a loving and deep understanding of each other a sharing of happiness and sorrows alike—I perhaps no longer deserve the happiness and perhaps ask too much of you but hope through faith and seeking of right—I will learn to live generously—to be meek and humble as I should be—to learn utter unselfishness—I have set a hard task for myself but
 30 surely if the want and desire to do is great one will come somewhere near it with perserverance and hope.

Darling is this all very confusing I should so show you the inside me—the striving me to know myself to open myself like a book for you to see and read and understand seems I am seeking all the time to understand myself. Perhaps the great comfort of religion is in the saying “For God will wipe away all sins.” The hope it gives to rebuild on a cleaned foundation and to leave behind the horror and shame of the past few years.

Please I want so much to be so near you. I want so much to be
 40 good—pure—to be kindly and lovingly worthy—to be able to once more laugh together with you for us both to feel a real inside happiness—please darling I am not expecting all this of you—I can understand how you must feel but you asked me to pour out my heart if your letter touched my heart—it did and here I try rather incoherently to do so.

As for celebracy this has not troubled me, I have been too full of inner thoughts and have felt no desire here without you—it will return I think with the cessation of mental and continual strain—pro tem I have

Exhibits.

E.31.

Letter,
 Petitioner
 to Re-
 spondent.
 Sat/Sun.
 28/29.—
continued.

Exhibits.

E.31.

Letter,
Petitioner
to Re-
spondent.
Sat/Sun.
28/29—
continued.

adjusted my mind to await you happily here to know our next move and what your wishes are and what *you* want of life.

I like these friends I am gathering they are all English—travelled, intelligent and very interesting they fill the gap of your absence and speed the days. What more can I say my darling except that strange as it may seem to you and hard for you to believe I love you beyond all things—but desire in no way to force your pace to ask too much or expect too much—only crave your loving understanding guidance and help.

Bless you ever, forgive if incomprehensible,

Ever your HELEN X X X X X 10

E.33.

Letter,
Petitioner
to Re-
spondent.
Feb. 1st.

E.33—Letter, Petitioner to Respondent.

Wednesday, Feb. 1st.

Beloved,

So glad you have at last received some letters and am so grateful for the knowledge that they gave you even a little comfort. Would that I could lift you above all your mental agonies but pray with all my heart that time will help to heal your intense pain darlingheart.

I am so sorry the Poole venture has been such a trial wish you could have had the necessary help—I could never have helped you with this as too wide flung and confusing for my mind, I could only help to build 20 something compact over which I could have personal control and view—large and widespread things have always frightened me, but I will work and give of my all to some small venture which comes within my limited capabilities. I only ask to get my vitality back first—must not fail once I start I would so love that we should achieve something together darling.

We had a very nice lunch today the food very good there were five of us, Mrs Sisson—Mrs Archdeacon—Lois (still without her surname) Peggy and I Only Mrs A and Nurse for tea pretty dull after the good conversation of lunchtime and didn't learn much—said they were sorry nothing had been delivered to us but they had been so busy—I let it go 30 at that

Christopher is going to write you tomorrow Sweetheart he was so thrilled with his letter but his homework seems to overtake him and he even got tearful this evening unusual for him because he couldn't get his train to go properly. So I put him to bed and read him a long story to comfort.

Saw the "Veendam" list today. Jean Halsey and her father are on allright so we will meet them on Sunday morning, it arrives about 9 o'clock.

Mrs. Sisson has very kindly asked us to lunch again next week at the 40 Princess Hotel but didn't know which day yet. Must have heaps of

money, doesn't think Bermuda too expensive Lunch cost her £7.19.0 today she could not see too well and asked me to read it to her—she returns to England at the end of next week—she is from just outside Liverpool.

Mrs. Archdeacon took Chris and I to tea at the "Tea Cosy" yesterday, we met her on Reid St. on way back from school. Chris had 3 scones with cream and jam a coke and then an enormous piece of chocolate cake—she has always been fond of him since she used to have him fishing with her.

Well my darling—think that is all our news—please my heart don't get so down—please try for a little comfort of mind from the things about
 10 you—please I would dream of preaching to you but I would so you were happier—the underlying unhappiness of your letters tear at my heart—if only I could give you back something.

Bless you my darling, know ever my love please.

Your SCORPI X X X X X

Exhibits.

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E.33.

Letter,
Petitioner
to Re-
spondent.
Feb. 1st.—
continued.

E.36—Letter, Petitioner to Respondent.

Monday 6th.

My Beloved,

Just had your Friday's letter—I would love you to come home before going to California my darling if it is not putting extra weight upon you and
 20 disturbing to you too much—the joy of having you sweetheart will outweigh the thought of parting again and when it has to be faced I will be brave and will wait again for the next homecoming—I have told you sweetheart the inner me is a greatly changed person I am so much steadier and more level within perhaps it doesn't show on the outside but it is the inside that counts—it is hard to describe I seem to have found a big inner calm I wish with all my heart—I could share it with you darlingheart perhaps it will also come to you soon darling.

My darling I can understand your confidence in me being broken—how your mind can run on—but please know you now know all—otherwise
 30 I could not have this inner peace—do not let your mind run on A. for there is nothing there for it to run on—you are doing him an injustice he has always been most honourable—any avoidance is due to money or business or something there are no reasons or grounds for anything else—please rest happy on this my love I do not resent your thoughts—the other misdemeanours will have disturbed your confidence and it may take me the rest of my life to return it to you or maybe never—that is the price I have brought upon myself—I do not shirk the price—I only ask that you should no longer have to pay for my mistakes—but know my darling I will do all within my power to restore your faith and confidence in me—I would give
 40 so much to do this.

This just a little note of love darlingheart. Tomorrow I will include any news. I love you—I know this cannot help much—but I do love you with all my heart. Rest happy please my love.

Ever Your

HELEN X X X X X

E.36.

Letter,
Petitioner
to Re-
spondent.
Monday
6th.

Exhibits.

E.43.

Letter,
Petitioner
to Re-
spondent.
Tuesday.

E.43—Letter, Petitioner to Respondent.

Tuesday.

Dear Andrew,

You will I hope have received the accounts by now they were sent from here nearly a fortnight ago the same day as the last one arrived which was the electric light and always later than the rest and so held up the others.

As to the Re-entrys I was worried about them as they expire on Sept. 21st so last week I approached one of the Vice Consuls who is a friend of mine and they have written Washington for a further extension which they feel sure will be granted. I got the necessary dollars from the Currency Control (this extends them another 6 months) mine is allright until November. 10

Christopher I am happy to say is making great progress with Mrs. Anderson and as his mind grasps the method of the work and how to go about it he is getting confidence in himself and losing the fear of going to school—I have cancelled his next term at the High School and thanks to Brig. Ardern he is entered at the Garrison School until Xmas still under Mrs. Anderson it is also cheaper 10/- a month for the Schooling—there are only the children of the Army there so that they get far more individual attention and Mrs. Anderson feels Chris will have caught up with the average child of his age by Xmas also English discipline is good for Chris—he is darling but gets a little out of hand at times which is natural—you are wrong that I expect to protect them always I assure I am too much of a realist for that I am only trying to build within them a strength that will stand them in good stead when they do meet “and I know they will” adversity—but as a mother I know Christopher’s mind—I know he is a mummy Clinger but this has partly been brought about by the continual moves we have made—for now he feels that I am his security in life not the home which is constantly changing and little children *must* have a feeling of security to keep their little minds straight. I too have reached that stage—that is why I am so happy in Bermuda my mind so much more at rest I live without fear—the thought of moving has been like a huge lump in my inside bigger than myself and (I have been unable to overcome it) when I contemplate moving again I get back to that nervous state and have recently had three days in bed unable to move my limbs without great will power—I went back to my pink medicine and bromide and it gradually calmed down again. This is probably a very poor description but I cannot think of how else to describe the feeling but feel you will understand. 20 30

Margo is fine again and at last seems to be free of the ear complication left by the measles she grows apace and is getting very good looking she smiles more—pouts less and her temper seems improved—she is still reading a great deal her latest seem to be History she really has a fund of knowledge for a 12 year old and of course is old beyond her years. 40

I think as I wrote earlier we cannot make any definite discussions unless we can meet to discuss them properly. I recommend you to read if you will "Look to the Rocks" Saunders together with chapters 38-39 Ezekiel it gives a rather different angle on the war in fact suggests that it will be greatly fought out in America especially California and the Rockies. I do hope you are keeping in better health and less tired.

Ever

HELEN.

Exhibits.
—
E.43.
Letter,
Petitioner
to Re-
spondent.
Tuesday—
continued.

P.S. Thank you Chris did get the coloured photo but forgot to mention
10 it in his letter also he loves his St. Christopher.

E.44—Letter, Petitioner to Respondent.

"Boreen."

E.44.
Letter,
Petitioner
to Re-
spondent,

Dear Andrew,

Enclosed are the accounts for July-Aug think they are nearly all in, but
20 thought anyway better to send on these The things on Masters bill and card
table Chesley White are for Lois's room—I put a glass top on the tables from
office as a dressing table for her—the other Chesley White is for glass for
your "Alison Hick" pictures they were beginning to get dirty and I was
worried about them—The Modern Supply Store is for repairs to carpet
sweeper and the blender—floor polish and shampoo Materials on Coopers &
Trimingham's are for Lois' room I recovered the chairs in office and made
settee cover for the bed—Material on Smiths is for Margo's School dresses
the patterns deduct as they are some I ordered for Lois and she will pay me.
Extra to this is £5.5.0 for Mrs. Anderson for Chris's extra lessons and 10/-
for this month at School—its 10/- a month paid in advance.

30 Bill A. called in at Lower Ferry over a week ago when Chris and I were
fishing there—I asked him to let me have the keys—he said he would—but
like all things asked of him they are still not arrived. I looked through the
windows and it looks in poor shape—it was on his advice I wrote N.Y. and
California he told me you were trying to get rid of me and that I had better
strike quickly in the same coin before it was too late—I have a witness on
this—but prefer not to go into it any further in letters if as you say you are
coming soon we can discuss it then together with our future plans—Chris
started School today and loves his new school he is there until Xmas Margo
started on the 18th—You do not mention where we live if we return we
cannot live with relatives with children—I still have unhappy memories of
Ballingers—also I cannot even face 2229 Los Rosas I hope I shall never be
as unhappy again in my life as there.

Exhibits.
—
E.44.
Letter,
Petitioner
to Re-
spondent—
continued.

Chris catches lovely fish at Lower Ferry usually 5 or more & mostly there have been at least 3 large enough for me to cook for him—Margo is writing you. Have just had to buy a new pair of school shoes for Chris he has been bare footed all summer but he has grown so tall & his feet so large—cannot get his shoes on. Chris has had a cough & a bit of bleeding from his anus otherwise I think we are all fine—The hurricane misses but we have had gales for a week took a large branch off our big tree.

The friends I have here are mostly English and above reproach I do not mix with others.

Hope you are keeping in better health.

10

Love

HELEN.

The Electricians Bill is for wires under the floor that burned out and had to have done to avoid fire.

E.45—Letter, Petitioner to Respondent.

E.45.
Letter,
Petitioner
to Re-
spondent.
Tuesday
14th.

Tuesday, 14th.

My Darling,

Today had your letter from the “Queen”—I am so very sorry such a very unhappy letter and a little beyond my understanding—I do not understand the “being taken for a ride” when I wrote the long letter to you I completely cleared my heart and soul and have no further blemish or guilty conscience about anything and when I said I had told you all and this fact had given my mind ease beyond comprehension—not having anything further to hide I meant it before God—I know the difficulties and how hard for you to ever believe I am telling you the truth and because of this and your own constant saying “never overprotest” I simply put the phrase “he not me” (injustice and honourable) after the sorrow and trouble I had wrought, I knew better than to make these claims for myself although on this my conscience and soul are clear and pure and not quite knowing how to word it and the wanting so much to answer the question that seemed to be behind your letters and troubling you this was the way I tried to tell you that on this count there was nothing but cleanliness and purity and I had only ever gone to unburden my then warped and frantic mind—from this although you perhaps find it difficult and perhaps fantastic I now turn to God and prayer for these do not hit back—undermine and destroy—for no human seems able to help another when a distorted and perhaps even slightly disordered mind cries out to be put straight, and from God, faith and prayer I am steadily building and trying to cling to the inner peace that only

believing and faith can bring. The realisation that all humans are sinners in one form or another and all struggling for some better goal—I am sorry I cannot word rightly tonight your letter so upset me—I hoped so much with all my heart that you were steadily going calmer and the preceeding letter had been such a very sweet letter full of forgiveness and love and understanding. I was a little unprepared for this very unhappy one—I am so very very sorry darling and my heart cries out to you—if only there was some way that I could bring you some comfort and happiness I would with all my heart do it.

10 What can I say to you darlingheart—I feel so humble and unworthy with the havoc I have brought upon you—I can only assure you again that you do now *know all*. I have not kept back anything else and I am happy to stand square on this—God knows this other suspicion is completely and utterly groundless—on this I would stake my life.

For my past sins you have suffered beyond belief—I have also suffered too but I have also repented and confessed them and before God if one does these things one is forgiven and the sin washed away and one has a chance to start afresh with a clean slate but also with the will, desire and strength to live a better and fuller life and try to see the suffering of others instead
20 on dwelling on ones own.

I will write on the other matters tomorrow darlingheart but want you to have this for any comfort it might bring although you tell me you no longer care—this is a great tragedy and terribly hurtful.

My love ever

HELEN X X X

E.46—Letter, Petitioner to Respondent.

Thursday, Nov. 17th.

My Darling One,

30 Seventeen years ago today my darling we met, you with the unreliable lighter and bee stories and me in the green dress, so much water has passed under the bridge since then but I am so happy and grateful within my heart that two sparks burst into flame that night—in this world of ours one can never go back but one can learn so well through pain to make a higher grade—a greater understanding—a far more human outlook and an endeavour to give ones all to life and to those one loves all this I have had to learn, through terrible mistakes and maximum pain to others I hope there is still time ahead to give to those from whom I have taken.

I have just read through again your lovely letters, so many precious memories flood back and bring a lump to my throat—my darling I hope so

Exhibits.
—
E.45.
Letter,
Petitioner
to Re-
spondent.
Tuesday
14th—
continued.

E.46.
Letter,
Petitioner
to Re-
spondent.
Thursday
Nov. 17th.

Exhibits.
 E.46.
 Letter,
 Petitioner
 to Re-
 spondent.
 Thursday
 Nov. 17th—
continued.

much you are happier, your letters were so sweet and loving, I want so much to unfold you—somehow I am a little shy—so silly after all this time, how strange life is, how strange our minds—sometimes my thoughts are so deep, they confuse me, I do hope this does not seem all nonsense to you my love, but somehow I just feel I am speaking to you and getting very very close, I have always been shy about that haven't I? Upbringing I expect.

So glad my darling you had a better day and that Myers seems to be coming to his senses, also good the San Bennadro and Wannermakins.

Bill A. worried about sending files A.V. so we repacking tomorrow and sending B.O.A.C. do hope this alright darling.

Hope to move "Boreen" during weekend want the children around and they want so much to come home. Will not overwork I promise, can't anyway, can no longer keep going long.

Darling do hope you feel less weary and the feeling of nerve strain less frequent, I do not expect miracles, but hope so much for progress.

Know please my heart, how I long to gather you—I love you so very much—would so help you. The children send their love, Christopher's throat sounds a little better I think today. Bless you always sweetheart, please be careful.

Ever and ever.

Your HELEN X X X X X

10

20

F.1.
 Letter,
 Respondent
 to W. R.
 Andrews.
 Tuesday.

F.1—Letter, Respondent to W. R. Andrews.

Tuesday, at sea.

Iddon no good and of course completely condoned by me which nullifies.

My Dear Bill,

Hope you fit and find all yr affairs better. The matter of Securities and Ellie Loan—in particular I leave to you for quick action to Ldn as need urgently for B of E Am writing Spurling to facilitate.

I would say how much I appreciate all you do on the other matters and I much I lay confidence in you—Have given all much thought and seek to save her from herself for in a year or two this present duplicity and mad running amok mentally—talkertively and amorously will so destroy even the childrens' conception and loneliness and horrible results could ensue. There is only one way for me to once more get real truth on everyone of infidelity and so have the power (to exert but not to use to finality as to unmask) to control actions now presumptuously thought utterly secret. The evidence we have agree upon is one—John—dentist

30

another for I have condoned—on a story of non performance ” as told me I should have a second string to emphasise the present if we get only circumstantial as against actual flagrant delicta—even actual discovery in the act (which is necessary I think) if J’s story can be got in the Id’ manner i.e. How many occasions and if possible where—You once offered to obtain this and I declined—now for the children and I have the responsibility—confession future despair she will face soon in any case and my protection from her own inward mind and prevention of such and all other harm J. becomes important if he can be bluffed into talk. I even think it was at (illegible) G’s house that night and right through and such confirmed gives me the power to discipline at the right moment and condonation in my acceptance of the former story which removes all rights I had—Showing that forgiveness is not always right but I wanted so to give a chance and keep the family—Time is important as I may DV arrive by July 23 or so and if armed I covet not staying at Boreen which anyway I shall not do.

10 All this for your ear alone and the hope that in your skill, as before, and in the cause of—(protection you can succeed in both—beyond doubt) need actual proof if possible and without you being needed in the end of course but verification is itself a first step—

20 I feel and know it was and is complete in both cases—and there may be others—How about Jay ? Anything will help me to handle the affair with human kindness and save the children from chance discovery and disaster. I care not any longer for myself and can no longer be hurt only very very sad. The duplicity and cleverness of cover-up and lying appals me but makes all this imperatively needed—Really they just running madly though ingeniously amok.

So sorry but I have to turn to you as my only capable friend.

Bless you,

Yours ANDY.

30

F.2—Letter, W. R. Andrews to Respondent.

Sunday.

My Dear Mr. Andrew,

Received a cable from you yesterday—but as yet haven’t been able to get the copy—and the verbal wording of it over the phone via Fourways was a little confusing—the Cable and Wireless Co. here are really a pain in the neck—and it can be most difficult at times.

40 I have spoken to the P and he is being watchful Strangely enough he asked me whom he was to watch—and I told him H—he said he knew you having argued with you at one time He asked with

Exhibits.
—
F.1.
Letter,
Respondent
to W. R.
Andrews.
Tuesday—
continued.

F.2.
Letter,
W. R.
Andrews
to Re-
spondent.
Sunday.

Exhibits.
 —
 F.2.
 Letter,
 W. R.
 Andrews
 to Re-
 spondent.
 Sunday—
continued.

whom H associates I told him them—he replied that he had heard that D was having an affair with a woman and quite a few people were talking about it This was unprompted in any way—could they be the same person—strange that I haven't got wind of it—but maybe our closeness has kept that item of gossip away from our ears I will let you know as I hear any thing.

Mother took Mrs. Andrew and ourselves to Cambridge Beaches for supper last night—the meal was awful—terrible and the place very shoddy—but lots of people about Mrs. A tells mother that Chris could have come to UK—if only I had have wanted to go by boat instead 10 of plane How many stories can we have on this subject—Mother called me on it—it was a little difficult—I do wish Mrs. A would make up a decent story and stick to it—it gets very tiring—and if its done to my own Mothers ears—what sort of stories go to other ears If I find out any I'm afraid I will be very annoyed with Mrs. A and inclined to tell her so. I have always done my damnest to protect her—and I think it most unreasonable that she embarrass me with such confusing stories

Chris is coming to stay with us today Again Mrs. A cannot get her lines straight I repeated to her that she wrote Chris would not travel with me—so yesterday Mrs. A calls up and says could we have 20 Chris as he wants to spend the day with me why the story so unnecessary Understand that it's a yacht service at church and afterwards Evans having big (25) cocktail party or something for crews—Mrs A wanted to be free—don't know about Margo—I checking—think with other friends.

If what P says is true—D is sure in for trouble—I can only warn that the outcome could be most unpleasant in an underneath nature—I cannot understand if it is so the stupidity.

Mrs. A asked for the large duplex (?) and the cottage from the 9th—I told her as far as I knew it was alright but had to report same to BE 30 as they agents—This maybe good—or a blind (who knows) I can fix up in a decent way for them—also it would help us to get them ready for rental We must do this.

I have been very busy in the last week Sales report will be in Mondays mail Ippys had better week—and its redecorated—that is lay out and strangely enough sold things like thrown pottery—two prints—6 piece breakfast Poole blue white—Heals ash trays—I think sales are cash £100 Completely out of Atkins beer mugs—skipper of winning Newport Bermuda race gave crew one each—says seen lots of them in Long Island Yacht clubs—pity we out could have sold lots of 40 them—making a stock buying report on Ippys—we are short in many items. Confident that I can promote sales already getting better reaction and Ellie very happy and loves it—I get a great thrill out of achieving sales of different type goods Out of Atkins horn and bone carving sets—but would like new ones with Ippys name on silk inside box Bermuda should be on as many articles as possible Fourways had busy week—think in region of £400 yacht people love it—they good types

—O’Gorman fired both cooks—he was wise in a way—but having to work like merry hell now Air conditioning an absolute must—I will start on water tomorrow morning this closely tied up with air conditioning—and I buying water trucking again this week Insurance please look into it—its worrying—PADCO without insurance—FWI comes up again within the week—please advise—do I re insure or will you do it Ldn.

Exhibits.
—
F.2.
Letter,
W. R.
Andrews
to Re-
spondent.
Sunday—
continued.

Tiles from Rob—need some badly Animals from Poole Lots people asking bone china—cups and saucers—single pieces not sets—
10 Sadler only one ST sent that we like others poor—but could do with even more decorative cups and saucers—should sell her from \$2.50 to \$5.00 per piece (cup and saucer) Glass we could do with—nice vases heavy type—have some in Elfensen on way I believe Asprey flat silver cigarette cases we are out Also that reasonable priced jewellery—yesterday lady wanted bracelets English—Go easy on hand thrown pottery—but cups and saucers sell Bullerware—sold two small pieces last week Have upper lots of prices—instance carvers £2.17.0 to £4.10.0—plus 5/- case and sold set at that price.

More anon Seeing DS tomorrow—have you written him.

20

BILL.

F.3—Letter, W. R. Andrews to Respondent.

F.3.
Letter,
W. R.
Andrews
to Re-
spondent.
Monday,
July 3rd.

July 3rd, Monday.

My dear Mr. Andrew,

Today received cable—awaiting copy to be certain of wording and will immediately act on DS and McC—more anon on this—I hate having my cables come by phone.

Have nothing on H—haven’t seen or heard of her P reports nothing—but I must do something else—I’m not oversure of his endeavours. . . . Do feel that H needs lots of rope—they are definitely wound up at
30 the moment and will act most carefully—its a very very strange set up—I cannot yet believe yet find it hard not to that they are not doing what we think I wonder if they have been but will be scared now—its very odd—I cannot understand her actions—her foolishness is beyond understanding—although you have a difference and blame it on both sides—it still does not account for acting as she is I fear her actions greatly her in Bermuda—this place is too small—although you have always ignored such—I cannot feel the same—we have had a hard fight—it has been tough on ones moral—but we are getting there—I would hate to have another set back—but such as H’s actions in this small island It is accepted
40 that you and I are one—for that I’m proud and honoured—and I only act in protection of us both and all that you ideas, my work our future and your money needs I have known for a long time that H has not been

Exhibits.
 F.3.
 Letter,
 W. R.
 Andrews
 to Re-
 spondent.
 Monday,
 July 3rd—
continued.

well and have often felt against her actions—it has worried me greatly—but I now realize that health or wrong actions—she cannot continue to act as she is This man or these people are giving her a false sense—and she likes very much the social side—that is evident Give her more time. . . . I find it difficult as to my actions towards her—I cannot be two faced—only when I believe that my act is helping—am I helping her now—I examine myself and believe that I am but find it hard to face her in everyday life What about the beach—have no fears on our score—maybe it would be a very good idea—I’m all for it—I think it might bring forward something—I await your decision—maybe she will not accept 10 now I haven’t been able to trace J—think he out of the island—more anon I can only advise that you request a proper report on Chris—hè’s not as backward as they make out—something should be done—he is a whipping post for your actions—this is not as you would wish it—by all means a mother should not be without her children—no less a father—but the boy should not be the tool—has too keen an edge God how I hate all this between you—you both have had so much, if only it could accepted that a decent way could be found for you both I ponder all this in my mind—and it all comes out that you must obtain some sort of control—you know if I can I will help you—but you must be patient—I 20 think the game is clever—its beyond my understanding—where is the sense—what does she want—sorry if I ramble.

Attached find last weeks and this weeks statements on intake Ippys to date—not as good as last week—large tourist but Jews all Have many ideas I will write you on—we are on the right track and I love it. . . . Why must people wish to destroy—what is the mind that makes it like that My relatives also—what is it—have we done wrong—Christ I cannot see it—if its jealousy—whats it of—what have we to date to feel that way about I dislike confusion—but I’m getting damned tired of disloyalty and two facedness Maybe this is what war is 30 made of—bad feelings gathering momentum until they explode. By the way what about this war business—let me have your reaction—I mean that as feel its important

My mind is full sorry—write more good later.

BILL.

F.4—Letter, W. R. Andrews to Respondent.

F.4.
 Letter,
 W. R.
 Andrews
 to Re-
 spondent.
 Monday
 7th August.

Monday, 7th August.

My dear Mr. Andrew,

Thought best drop you a line—haven’t heard from you since I left NY —hope to soon—you can write care of box 242 Hamilton Post Office if you 40 wish

This only gossip—but feel you should heard about all Evans and Mrs. A. have had a rift—this was coming—whole situation foolish—

life at beach anything but pleasant Seems they had blow up between Mrs. A and Mrs. E—over actually I don't know what Evans spoke with me saturday night—said they didn't understand the score at all—Mrs. A was wearing them out with her selfpity—and she especially is almost on the verge of a collapse—Evans acts somewhat the same also—but I wonder how deep he has got himself—and if he is trying to slide out from under Whole feelings of them towards you has changed—this I feel is turncoat or else they have discovered as they say they have that Mrs. A is an awful liar—and most difficult to understand they are not speaking now—with the exception of casual hello Its all most peculiar—beyond me They talked and said that H was upset over a letter from you—last one I should believe—in fact she been prostrate for three days—just lying in bed—Evans say she let them read your letter—and they said it was a very nice letter full of understanding Evans asked me Friday if they could stay another week—I said they could but if I needed the house they must leave—Mrs. A staying till Wednesday—she has taken in boarder—will find out name—widow—war type—Mrs. A's age I should think. I spoke to Mrs. A last night—to find out how she was—asked if she had heard from you—and how are you—she said letter contained nothing but accounts stuff Also that she has offered everything to you and can do no more Evans himself says that Mrs. A. acts in a most embarrassing manner—he has had to tell her off about this—how much to believe is the question.

I'm afraid Mrs. A is going to get all mixed up sir—I'm not weakening—but I do feel sorry for her in the state of mind that exists—but I also understand that nothing can be done about it unless you have a control I do wish they hadn't got upset over all. I feel things had been cooking nicely.

When I talked with Mrs. and Mr. E—it was mainly in your praise—

which they so readily agree upon—are they frightened—I think so Do feel that something should be done for the children sir—could you not get them sent to a school That another point—Evans says that he understand you not thinking of children's education—this through Mrs. A I said that it was not so you are always considering it—but that circumstances have made it impossible to say or do anything they said that they never know when to believe H—sometimes its how wonderful her life has been and next it—how horrible you have been.

I think you must gather her up a little—but you know best—I cannot get near her—I'm out completely All her social side will likely slide away—and I feel she will get really upset over it—present companion isn't worth a damn—both are pitiers and lean on each other Evans say Helen so very generous—and wonderful—but that they haven't been alone for months—she always around—and D taken in very quickly—Then Mrs. E Mrs. A says temp $1\frac{1}{2}$ degrees below normal—and she has no energy—been like that three days—yet Saturday night had small party and she ate three steaks I truly sir cannot make her out—and I'm frightened I will get caught in cross fire if I'm not careful—you

Exhibits.
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F.4.
Letter,
W. R.
Andrews
to Re-
spondent.
Monday
7th
August—
continued.

Exhibits.
—
F.4.
Letter,
W.R.
Andrews,
to Re-
spondent
Monday
7th
August—
continued.

know I will do anything to help—but people seem able to twist everything around—its beyond me—Mrs. A been talking to Nanny about Mrs. E—yet I asked Mrs. A—as it was most noticeable that breach existed—if she on terms with E's—she says certainly nothing wrong—well how cris crossed can one get Chris very well—but feel he needs a hand sir—school in Eng or such would be the thing—he's a fine boy—and I feel needs you—also Margo for that matter Why not send him off to school sir—none of my business Evans spoke of you private life—and mentioned other person but no name—I said that maybe so—but to the best of my knowledge that was over long ago Mentioned Mrs. A 10 writing to friends—and if in her condition—did she really know what she was doing Still feel that E has been naughty—but he sitting in top seat—could be wrong Please write me Sir—otherwise I will get lost in this tangle—

Regards,

BILL.

G.1.
Letter,
Respond-
ent to
Petitioner.

G.1—Letter, Respondent to Petitioner.

Think on these things
At Sea

To quote : Blessed are the Meek for they shall inherit the Earth, and 20
Blessed are the *pure in heart* for they shall see God.

Helen,

I duly had your letter of 13th re Christopher and dashed off my typed one adding a little after I rec'd yours—I have tried to see behind your amazing actions and contradictions but regrettably cannot see other than duplicity—Re read my cable—it did not designate *my* people—what on earth are you talking of “no mention how long,” “what your plans for him are,” “suggested we all comeover”?? Whilst your first cable requested “conditions” subject further details and “come over later.” Your second that you, without cause, requested my presence to discuss— 30
What? The telephone would have given you any normal answer—the rest is too amazing, distorting, and yet you, with all your foregoing deeper insufferable points—wrote falsely, you knew all it would mean is unhappiness to him and me, and untruthfully gave the reason that he was the cause of not coming—Am afraid you strain credulity and do gravest harm to every worthy circumstance in so trying to act so wrongly whilst covering it all with fair but false sentiment. You have taken the gravest step and your letter a horrible example of duplicity—Exactly what is on.

Do not misjudge the seriousness of the amazing confidence you seem to have that you can be two things—ostensibly willing yet actually scheming 40
—What is this suggestion of going to England, and what is that and all the rest to do with Chris being cossetted and encouraged—as he should have

been by you—and coming with you to, as my cable said explicitly—
 “immediately enhearten the Ancients and me”—On what justification
 and truth did you deprive him of this propitious opportunity, and of so
 much in his life, on what as yet hidden scheme or reason did you in fact
 discourage by not bringing about

Exhibits.
 —
 G.1.
 Letter,
 Respond-
 ent to
 Petitioner.
 —continued.

Any Mother with loving heart would have instantly achieved, his
 excited journey with Bill A. On what ground did you presume to obstruct
 and expect to interfere so disastrously (as would obviously be) in the
 necessity of my work and responsibilities which with of your
 10 making made Bda difficult and England propitious to discharge what had
 to be done there—The explanation and truth is urgent for you to give.

You wrote you prayed that this would straighten and we had drifted
 apart--which latter means you—for I was merely carrying thru what we
 agreed. The journey noted your—vacant and insincere letters—If you
 meant your prayers—Chris was the God sent opportunity to bridge the
 gulf and your frankly spoken renunciation of the American venture the
 simple necessity and just a little genuiness in your letters and talk. Don't
 ignore this when you reply, it is the crux—

G.2—Letter, Respondent to Petitioner.

20

Tuesday

G.2.
 Letter,
 Respond-
 ent to
 Petitioner.
 Tuesday.

Darling,

So sorry you had to cable—was so caught up in everything and mostly
 unknown to you, as yet, factors that got to state could not write—However,
 had booked myself last Friday to sail on 25th to Bda. Now have arranged
 have to sail next Saturday instead. Have asked Bill to meet me, and he will
 run me up to the house—that will save you an early run--Feel I want to—
 have to—clear up everything and put all in order and so I sail—and Monday
 I and the “Book of the Stars”—and I will soon be with you !! I shall be
 able to see everyone and attend to everything.

30

By the time you get this it will be time to stop writing I expect—
 Don't worry—be happy—enjoy yourself. I look forward to seeing
 settlement of much—perhaps there can be peace of mind too then.

Am bringing a most interesting affair—temporarily but don't tell
 children—a Webster Wire Recording Machine—We can hear their voices
 then—it's amazing.

Please be happy Darling
 My love to you
 to them

ANDY X

Exhibits.

G.3—Letter, Respondent to Petitioner.

28/5/51.

G.3.
Letter,
Respond-
ent to
Petitioner.
28th May,
1951.

Personal.

Dear Helen,

I have again to write you urgently for I have failed so far to get any loan, which is the only way we could continue and I have just had confirmation that my Bda balance is £209 which approximates the position I explained to you in Jany together with the fullest understanding in your mind of my grievous position of responsibility of paying Gtc & Co. . . . and the failure of Andrews to be in a position to repay anything 10
as against the original timing by which he would have, by now, be in full monthly payment.

As you are obviously carrying through a calculated process of dismaying and carefully detached actions instead of a kindly and constructive and appreciative overcoming of our difficulties I have perforce to be explicit and reiterate many points

You did agree and indeed willingly signed the letter to London requesting and undertaking that the loan on Policy (which was a gift to you by me entirely for provision in event of my death earlier than 1957) was to provide the premium due in March (which in good faith and relying 20
upon your honourable discharge of the matter Service International paid and should have been reimbursed as they relied on your letter to them or the Yorkshire) and also well in your understanding was to temporarily provide your and the childrens keep for a time You have never had reason, for I have provided and given you all you own despite all happenings to fear non performance of any of my obligations you know I have never defaulted in my life you you however have taken many steps destructive of confidence including this last whereby you have not even helped by informing me of your intentions not to fulfil promises designed entirely and needed too, beyond doubt in the 30
interests of yourself and the children

Much against my wishes and entirely force of circumstances which will in due time be changed by successful gaining of a loan, no doubt I now write you that it is imperative that you now immediately reopen and complete the agreed and offered loan by the Yorkshire for I have no further funds I can, with Gtc payment pending and much detrimental to all our futures if I do not meet in full. There is no other course and I now emphasise you take no umbrage nor fail, at your own responsibility with all its effect too, if the children are in any way even inadvertently brought into these matters. . . . To assist you in this only and honourable course 40
I confirm again though you know it unnecessary despite the provocations of your own behaviour in these and general matters that so soon as I am able I shall discharge the loan and free the policy which of course will be returned to you but which I remind you was only and entirely given for the dual purpose of emergency needs as at present. (i.e. Money saved by me) and to ease your path and protect you all in

the event of my death earlier than 1957 The Policy will of course remain at last March's Paid up value i.e. I do not consider it fitting nor equitable to continue the premium and instead will protect the children separately as soon as I can as you are amply provided in my Gift of the House and the present value of the Policy.

Exhibits.
—
G.3.
Letter,
Respond-
ent to
Petitioner
28th May,
1951—
continued.

Please give your immediate fulfilment to the urgency and requirements for the position is very worrying to me. . . . Dr. Curtis too would ably advise you both as to obligation I am sure and to the unwisdom of causing these worriss your awareness of my many other difficulties should aid your
10 generous assistance in all matters such as rental promotion at LF.
etc. . . . Am so sorry you do not feel differently.

A.

G4.—Letter, Respondent to Petitioner.

G.4.
Letter,
Respond-
ent to
Petitioner.
Monday.

FURNESS BERMUDA LINE.

“ Queen of Bermuda.”

Monday.

Darling,

This to say Hello ! Will probably add and finish later in day—after
20 hearing how you are—Enclosed for Margo—Still no news from Chandler
and want to pay and collect those pictures—she can deliver them to me in
Hollywood—if I ever get there. Only for you am beginning to consider
giving up Poole but by farming it out—Have never given a thing best before,
but think I have to—my mind in the melting pot and cannot do these
building business jobs without enthused helpers. Surely it's easy to ginger
up—surely you have rung Bill A re sheets. Wrote that without any
connection with previous thoughts. Am hoping for news of Christopher and
yourself, as no letters since Monday, though one from FW dated Thursday—
just hoping you and he all right. Before I came out, am writing this with
30 Coffee in 6th Ave—listened to Harold Wilson—he can't even talk lucidly—
all phrases and the old words which add to nil, constantly repeating the same
thought.

Anon.

Had your two Thursday and Friday this morn and you write so nicely I feel happier—bless you for your understanding. Don't know and don't want to weight you at all but somehow everything doesn't matter any more—so have just started to negotiate parting with Poole—its too much—but am so very glad you write as you do. We will see what the future

Exhibits. holds—you seem better which is so good. Thanks so much for Chandler,
 — will write her—Quite understand re books but will send them for you if any
 G.4. good.
 Letter, Your letters lifted me—don't know why though !!! Do you ! ?
 Respond- Look after yourself—be happy—and don't take too much notice of me
 end to —I'll get by.
 Petitioner.
 Monday
 continued.—

Bless you and them,
 Lots of happy days and
 Blessings and Love

ANDY X 10

G.5.
 Letter,
 Respond-
 end to
 Petitioner.

G.5—Letter, Respondent to Petitioner.

N.Y.

Jack flew last eve—before I arrived in City—L I and Roote took me
 2¼ hours to find—amazing after dark. Had a good lunch at Howard
 Johnson just passed Hartford—wonderful road but cold. Connie went to
 Richard and think she definitely anti us. Do hope you're having a good and
 nice time and sleeping well. No after Dinner arrived and it looks
 good.

Bill writes children really well and having time of their lives which is
 good. 20

Bank of Bermuda has had a counter clerk as Currency Spy for over a
 year—and Fitzpatrick a member of R.B.C. that's enough !!!!

Have ask Bill to do Boreen and he is on job—

Well my lovely—do hope you're happy in your days and much more so
 —please do be—Peggy Roberts writes today she sails on 29th and sees us
 next week ?

Have cabled re Dog.

Take great care on your journey—I'll be there to meet you, but don't
 think can get on platform so will wait.

My love to the G's and boys. 30

Bless you,

ANDY.

G.6.
 Letter,
 Respond-
 end to
 Petitioner.
 Monday.

G.6—Letter, Respondent to Petitioner.

N.Y.

Monday

Darling,

Well it's Monday a terrifying amount of arrears of Office drudgery
 but the Islands sold at £2000, but find all will be swallowed up so far as
 seen from belated accounts come from Ellice—who a complete washout—
 A good thing I sold— 40

Don't quite understand re Bekins nor have I used an address yet, but will hasten journey there if possible. Raining today. Exhibits.

Bad journey and arrived late as you will know. G.6.

Have not settled down yet—got Drews man—who may call via Bda. Aspreys ditto today, and no outlook—yet. Strange nothing seems right. I saw Miss Davis and commended her to Brittain and Tyrell—no good to us at all. Hope so much you better and all the others happily well. Letter, Respondent to Petitioner. Monday—continued.

Later, Teatime

10 Just left Dan Provost—still the same sincere man and terribly observant—opened a little on Bill and got confirmation that he (B.W.) was forgetting whose money—?? Developing million in prospect !! for what that's worth.

Am so very glad your happier Darling. Don't worry on me—age not a good thing and the first few days here take time for throat etc. Excuse not much of a letter Hate business and feel so impotent. Don't like the general news, but am determined to work out something somewhere. Island so far so good and another worry gone if it goes through. Give my love to the children and to you, my love—so many happy hours and so much contentment be yours—as said—don't worry on me—no need—spring is here yesterday. Soon I'll write a real letter. 20

Be happy,

Ever

ANDY X

G.7—Letter, Respondent to Petitioner.

N.Y.

Wednesday

G.7.
Letter,
Respondent to
Petitioner.
Wednesday.

Helen Darling,

30 So very glad to have your further letter of Monday, and all so nice Darling. Astounded Bill A and the nonsense re jobs, I especially mentioned them to him and he has met Bungo before. Hope all went well.

Have faced I cannot work a full day for time being so ignore all I have written which lousy letters arose from inability to realise this limitation—Budget myself for the day now—Today have possibility of negotiation handing over NY Office and thus leave me freer to travel and rest. Boy Am I giving in—first the Island thrown away—now this—Must do something Clear the decks as finding a new district immense—Ellice unbearably small—he is the next. So very sorry I not measuring up and you still tired—What is it that's got us both—Could hardly get up this morn. Waiting to see what Poole fixes and where McCutchens still got what we sold

Exhibits. them—That disappoints me a lot. Undoubtedly American taste different from ours. Order and enlarge the Acorn stuff—will you ?
 G.7. Much warmer today—Hope nicer for you too. Bless you for all your loving thoughts. Be happy—and bear with me—please Two good Films 40 cents. “ The Chase ” and “ The Velvet Hand ” or glove. R. Russell also Unfaithfully Yrs.—R. Harman, wonderful !
 Letter, Respondent to Petitioner. Wednesday
 —continued.

Keep an eye open for them.
 Lots of love and all blessings
 Ever

ANDY X 10

G.8—Letter, Respondent to Petitioner.

G.8.
 Letter, Respondent to Petitioner.
 12th May, 1951.

12th May 1951.

Personal and Confidential

Dear Helen,

Excuse the typing please this week has been a bad one for my continuing belief in human nature yesterday I received a letter from Wyer with one from your Father regrettably refusing entry to Pipers Hay and had to write him explaining the illogical unreason of obstructing that normality I much regret so having to do but took the opportunity of explaining and emphasising that their tenure and continuance of living there was fully protected and that they could so do just as long as they liked. 20

Today I have cable from London informing me that you have withdrawn your undertaking and the arrangement regarding the Policy and I am so very sorry that you have so failed again to keep to what was, not only counted upon by me you having given your word (and you said that you fully understood the fullest informations I gave you of my dire need to fulfil obligations to London) but you have been so misled, I assume by advisers, as to fail to understand what such entails.

I have throughout tried to meet the various happenings with fitting retention of kindness. You have lived your own way in Bermuda, I perforce have removed myself I accepted the action you took regarding the House albeit in high question I have noted your complete withholding of prompt to the children in their writings and your detachment of even the kindness of news of their progress Logically, if I followed the course and process you do, both your Parents and everyone else would suffer unnecessarily but this you obviously count upon me not doing rightly, for I do understand the manner of your conduct. 30

Unhappily in your failure to complete the Loan we agreed, and the other failure of the Bda end to bring the LF into rental and much else, 40

we have arrived at the position where simple fact and condition brings us to the position where you will have to live at my level of expenditure. Further by your unwarranted action re these Policies the logical position will be that they are discontinued true you gain, perhaps, the paid up value but surely that is a poor thing when it would have been freely given you for you well know that as and when easement of money returned in our affairs you would have been as generously treated as you have always been. Plain logic alters to compulsion the onerous necessity. Your allowance is being stopped as from now but you have
 10 time to write me fully in time for me to restore it under the inevitable conditions brought by your stopping of the temporary loan with the Yorkshire. If you had been as kind as I believe you are and can be it surely would have helped your self esteem and the problem, by giving me time to try other methods, if you had informed me of your intention of stopping and you must see you would have lost nothing by fulfilling that nicety of our position.

Please ponder again on this illogive and unnice way—our problems are simple and if the comfort from Church is as you say such can easily resume the nice way of settlement and mutual assistance and
 20 further there are the Two of Them, who surely you would not in after days like to know nor emulate such as non fulfilling their bargains.

Please hurry reply care of Jimmy, L.A. . . I leave very shortly.

A

G.9—Letter, Respondent to Petitioner.

FURNESS BERMUDA LINE.

“ Queen of Bermuda.”

Sunday.

Lovely,

I do hope you are better and the trials of all complications and me do
 30 not bear too heavily and what a difficult process life has become—never mind Darling—rest please on your new found faith and all your real and lovely nature which has always been of such to me—Keep happy and write me all your trouble always—forgive when I falter too—Was so sorry to tell you of my state but it had to be but I do not want such to fret you Sweet-heart. No post in since yours of Tuesday—Mention only to give you understanding if our interchange of news doesn't wed up—What a weak and inept lot we seem to have become. Had another rude one from Myers today—I had said the best of Poole Teavare was not competitive and though would go would take time—He wish Compete with what. It shows
 40 how little he knows of the problem here. Hope you liked the letter we sent. Am having most of what we have spent to L A for our venture, whatever or

G.8.
 Letter,
 Respond-
 ent to
 Petitioner.
 12th May,
 1951—
continued.

G.9.
 Letter,
 Respond-
 ent to
 Petitioner.
 Sunday.

Exhibits.
—
G.9.
Letter,
Respond-
ent to
Petitioner.
Sunday—
continued.

however it is. The urgency for more seems hurrying forward—Too early to see how soon the World is to be faced with catastrophe but we are on the right line of thought I think, S.B. doesn't look a bad investment for the Coy. now.

Please Darling—know I feel so much for you and ours and confusedly am so distraight but will get by and with what you feel and all else we have we shall find a way and life itself will help us as it grows older. I feel so much I want to do something and so helpless but so much love too.

Bless you ever and don't copy that—find something yourself—Blessed Woman,

Ever,

ANDY X X X

10

G.10.
Letter,
Respond-
ent to
Petitioner.
Saturday.

G.10—Letter, Respondent to Petitioner.

N.Y. Sat. afternoon.

Darling,

Missed the Queen on which I hoped you'd get this Darling—GTC cunningly trying something again put me off—Had to get quick note to Ldn. Hope you all fine and you really getting well—Have been bad this week but varies—sorry for dud notes. Have slowly proceeded towards future and lessening troubles. F.W.I in panic re bookings and very wearisome 20 sustaining all these mentalities (don't give hint). He wrote me J very nice. How come his call to you ?

Have decided upon trying to leave for West end of month or soon after. What address and whose does Joan want, put me down as 35 W.53rd St. N.Y.C.

Did I leave my watch, Have you got photos yet ? What's the name of those Throat Pastilles ? Thanks for all that.

Shall go up to Brit. Columbia—included in the Train ticket and needed re hedgelets, etc. Is there anyone in San Fr. or Nthwards we see ? Need to check on 2229 so feel ought to go now, samples not here yet but must 30 start the real job, don't you think. Had a small kite to take over or share N.Y. Office which would help the final move Westwards. Well, my lovely—am better today—slept last night—just write off bad letters which reflect no sleep and deep pessimism which try as I do most sincerely overwhelm me. It will mend. I write to say—disregard. Give my love to Margo and Christopher. Will write next week so soon as cleared G.T.C. off. Shall also be seeing Parker Brown and hear of that Settlement on Santa B. Will write so often as can and work out whence you can cable or write. Blessings ever be yours—take care and work little and do hope you better. Am posting Starbook on Monday.

40

Bless you all. Do wish other words would come.

Love and Love,

ANDY X X X X

G.11—Letter, Respondent to Petitioner.

Exhibits.

G. 11.
Letter,
Respond-
ent to
Petitioner.
30th April,
1951.

C/O Jimmy

Within a week

30/4/51

Dear Helen,

I have refrained from writing earlier though concerned on some matters which I think you will agree would have been better if you had written on.

10 Firstly, there is the money urgency—I continued into this month despite no word from you on either Lower Ferry—which Rents are an essential to your upkeep—as I explained and you agreed to keep an eye on—I have, of course, heard of Andrews' procrastination there but that is when it needed your attention and influence. Two days ago I heard from him about work (no details) done or being done for you at Boreen—I should have heard from you on this surely. Actually via Ldn. too, it was that he had used this work as a contributory reason for inattention to urgent matters required in Ldn. Typical don't you think ? and improper. Then on same letter and day I was referred to by the Yorkshire, as according to them, you have not yet returned the necessary form sent you for signature. As you
20 know from the next house money payment onward your money comes from that source—it is extremely important to everything that this is attended to without delay, please do and cable care Mortarless—(telephone Number) this will save words in address Normandy 3-3291, Los Angeles to enable me to deal with Ldn., to whom you will recollect, we undertook to reimburse this money and also provide the next premium there from.

I should like news of how you are faring and also, from time to time, on how the children progress—relying on their letters is not enough for my peace of mind.

30 I am shortly writing your parents an assurance that they remain at Piper's Hay although we have to try to sell the freehold, but it will be with the specific proviso that they are secured as tenants (we paying the rent) so long as they wish.

Shall also want one or two pieces of furniture soon and at an appropriate moment would like the return of the World Table lamps and Arm Chair, lent to Evans and return agreed upon.

I do hope you are still enjoying life with no upsets.

So sorry to hear of the Ardens departure and hope you find others—equally nice—soon.

Thank you so much.

A.

Exhibits.

G.12—Letter, Respondent to Petitioner.

G.12.
Letter,
Respond-
ent to
Petitioner.
Wednesday.

FURNESS BERMUDA LINE
" Queen of Bermuda "

Wednesday

Lovely Woman,

Got your letter of Friday/Sat. Sun. yesterday afternoon and it enheartened me. I begin to see what is going on with you and all you write—You see Darling it is difficult via letters and doubly so for in such to you I have, to help, and keep you alright, of times had to refrain. All is so difficult to open one's heart up and naturally too could upset you—No 10
good telling you when under weather for instance, though my letters give it away often. Never knew myself anything would bring one so low, but am better, much better and soon shall be much closer with you when we can talk a little and now I know more as indeed I do—of all and how you are feeling and living. Sorry but can tell and am still much with despairing melancholia and of the mind which connects so much with my inside impossible to live normally but have deeply resisted pills for 3 weeks which perhaps the cause of depressions. I tell you this only because it's best and now able to, hoping it won't hurt you—from all you so lovingly write. And also because though it is physically and denial of my way of living, it is, I feel sure going to be better—the more from all you write, but it's 20
a very slow job.

We will try all in the future and bear with me/I go forth perplexed with world circumstances, for undoubtedly we are now in the 1939 state—made no mistake and the question is where to be—this I seek inspiration on. Money is my trouble—but here again there are small signs that we are beginning though no profit yet and handicapped by my physical limitations. Have ideas now though. Am afraid we shall be forced to go small and carefully. Will you really be alright in this? Am all for shop on general lines we have talked on and am slowly collecting for that.

As you know Bill A under the weather and I cannot see way to easy 30
profit there yet, but we are getting a name and known. Hope he soon better, Think you doing marvellously. What did you think of Jac? Be careful of Graham H. I have difficulty with her soon. She has shares of mine unpaid for, of course wangled by him. He in Switzerland now.

Darling, wish I could see you for a while now and talk and get even closer. Am glad you feel even as you write you do—

Thank you for enclosures. Kiss them for me. Am off and hopeful. It's a long time but all we can do—the times are too charged with pending, unknown to hesitate.

I would so kiss you and love to see you—it could hurt still a lot—but 40
have for several days wanted so much so to do. Be happy Darling, shall be off by time you get this. Have decided to shift small car to Columbus, Ohio. Must get it out of this awful City and have so much junk to take. We need the other one this side.

Darling did you care for my envelope and things I left on chair right entrance of office?

3 p.m. Monday's Bda. letters in but weather bad will get one from you before I go. Cable from Ellie. Bill slightly better

G.13—Letter, Respondent to Petitioner.

FURNESS BERMUDA LINE
 “ Queen of Bermuda ”

Thursday eve

Exhibits.
 G.13.
 Letter,
 Respond-
 ent to
 Petitioner.
 Thursday.

My Lovely,

A fairly rough passage but it's good sea boat.

Have been resting and writing and sorting everything out and reading all day. You're all a lot and scallywags I raced to the stern and watched and waited—you were delayed and I thought you'd turn up Queen Street, 10 but at last you came along—and not one of my family looked—However I waved on and felt very funny—laughed at me—and went below for a cup of Tea—That's no rebuke please—just as it was—You were so sweet and so sincere to me. I go forward I hope to tranquility—I'm alright Darling and you must too take greatest care of yourself—Have thought a lot today of you and them and do hope a happy day though I fear you had rain—hope not, give them my love I do hope you not cold or unwell from waiting.

Am keeping my fingers crossed—had an indicating cable which I provoked offering 2000 which I accepted promptly their best and right valuation and am waiting—It would left so much from my concern. Must 20 not test luck too much !!

Please look after yourself Darling.

You're so lovely,

Ever

ANDY X X X

G.14—Letter, Respondent to Petitioner.

FURNESS BERMUDA LINE
 “ Queen of Bermuda ”

Tuesday

G.14.
 Letter,
 Respond-
 ent to
 Petitioner.
 Tuesday.

Darling—in such haste and much love

30 Thank you so much for your second letter—so nice in all—I so sorry in turn that I don't feel so good—purely aftermath of nerves but have to tell you for it prevents my letters. Seems I can't do a day's work as I get so congested.

Exhibits.
—
G.14.
Letter,
Respond-
ent to
Petitioner.
Tuesday—
continued.

Only seen Drews man—written two letters and then Aspreys this afternoon and I could hardly talk—However—have no worry—have a definite plan and determination and a time table. Hasten to say—of course—re Peggy—just let her go down to Gerald H. and so glad—it helps and she may even then not go.

My love to the two—and she. Glad to hear re Bill A but an alert. Don't overwork—please just do what you enjoy doing.

Spring should be hear so you'll soon be warm.

Please bear with these poor words Darling. Be happy and look after yourself—Bless you.

10

Want you so to keep happy and be better.

Ever

ANDY X

G.15—Letter, Respondent to Petitioner.

G.15.
Letter,
Respond-
ent to
Petitioner.

First two pages of this letter missing in original.

— 3 —

there is comparative safety and a simple yet cultural life for the children but hard going and hopeless for you and even me. The West (new explorations) of course remain ahead for me to see, but the life you want is as you've got now in Bda. Paradise could replace it—after a time, with 20 cultivation, but where's the money ? ? I need long talk with you for am without confidence. Expect all this comes of no contact and uninspires or thoughtful cable which epitomised the dutiful routine exterior—Suppose that to is part of the price of all we have is little touch that can be real—

I find the night hours of times terrible to get through, so bear if this is difficult, it is not meant so but have withheld too much of my thoughts over many weeks and feel so impotent out here. All our past long years are falling into place in torn perspective and and what little and now much you touched in that—getting into line in my mind—sometimes I get quite adrift and then your lovely writings and words appease but how much is real and deep ? 30 I ask myself that and vacilate hereby—take my pills—and keep going but I never find an answer for all is contradiction and my time short for what I do now sue the years of tranquil ageing which anyway have never thought much upon as never envisaged having no substance to stand upon—nor that one could build so much and it disappear as completely in so short a time and this may all be a little obscure, thought it could also be in Your thoughts of my life of which you never give me—but let it be, for it does me good just to write it and it is urgently needful I get rid of it—for it is amazingly vast out here and underlines real things yet makes everything equally futile.

The West coast will bring me to realities—some letters or real message from you likewise. Am going to stop and finish later but shall post in Tulsa, all being well.

Exhibits.

G.15.

Letter,
Respond-
ent to
Petitioner
—continued.

Tulsa 4.30 p.m.

- Arrived after the adventure of car stopping and had to take Petrol Pump to pieces. All right then Air strainer All right and then carburetter and after various thoughts most unusual thing—Jet had worked lose and thus stopped Float working like a cistern water Float caught down. Took me 1.20 minutes, but felt dated having had to and succeeded. Country, 10 Oklahoma fine, had lunch at Will Rogers Town Claremont—just a farming place. It's comparatively flat as I used to imagine fine Roads—I'd like to run Christopher on one of them—short one just to see his wonder and make him feel adventure—also look fwd. to you all making a trip one day. It's sleepy country and they're a million miles from everywhere, but what opportunities, if only I were young. Will leave this now until called at W.U.—in case more news of you or N.Y. Will post to get you and see how long it takes—It should be in N. York in a day—Can't make out how and where yours have gone—I needed news of leaving too. Have so many letters to do must wait a day here—In reality am pushing to the 20 West to get homewards—must get a Re-entry—so soon as get L.A.

My love—would so like to be of and with you yet life has taken you—changed you perhaps, yet I can't yet get it—I try so—but it's as I wrote—my mind and reality against my love of and for you which is ever—so beautiful so loving—yet unknown and now so lovingly trying—but love is love—you can't make it Darling. We'll get something, somehow—but it needs a lot of mind and reality of thoughtful giving, don't think? Talking pills—will stop—Don't let it get you down.

Blessings as ever, Love as ever,

ANDY X X X

30

G.16—Letter, Respondent to Petitioner.

Friday.

My sweet and Poor little Darling,

Have tried 3 times my lovely to write you—to be constructive—help and guide and so want to and also not to hurt or disturb—Your letter and thoughts and tryings so touch me—I so diffident to talk and perhaps hurt or cause you fret. Darling—If I tell you truly it's that, so unhappily, I am still unable to work the day and cannot face everything—For that, if

G.16.
Letter,
Respond-
ent to
Petitioner.
Friday.

Exhibits.
 —
 G.16.
 Letter,
 Respond-
 ent to
 Petitioner.
 Friday—
continued.

nothing more, I am relieved from Poole—If truth be told, all is still *seems* a Conundrum to me though, my Sweetheart, you have so clearly reasoned and talked to me and I do understand lots of how and why and what. I am so very re the telephone reopening but that inevitable I felt—for the last meeting and later entertaining at home was all that was needed. Forgive me reasoning so, but I feel there will be more—I am so sorry for your hurt and dismay. If I tell truly my mind is beyond my understanding—it rolls on and on in the night and always behind my doings of the day revolves and revolves trying to reason, understand and accept. (please know beautiful, and you are so) that forgiving is all yours and this of the mind a thing quite 10 apart) all the time it works reasoning Johnston and Andrews—I know you never meant and could never have known what all this would do and I certainly did not, nor can I realise it, even now—One day I will and we shall see the way to what you speak of. Darling you write so sweetly and I so would help and will work on as we have talked and planned and we'll find some compromise—never fear. That you find comfort in the Church is, in turn, a comfort to me—Please don't fret—I think you are so very wonderful, grappling as you are—It is I who am faulty in health and energy and mind but here everything is a hard nut to crack. Just take this letter—please— as a “ half ” and ill conceived effort—my mind is too tired at the moment— 20 please forgive me and do not worry nor take it to yourself—Am so sorry there isn't money enough to shift you to equal easy circumstance in the West. The Bomb news now confirms our long sighted plan. We are working hard on FW Agency and advertising—I want you—so much—not to misread or let this letter upset you Darling—I shall revive and you will help in all—Bless you ! Give me time to get better. As to children and christening, see how it developes but it seems good for Margc—what do you feel ? You're the better half Church member Darling. Plans seem changing and delay to the West—shall I come back for a 10 days before going—would you like that or would the new parting be worse ? Only a thought ! I don't 30 like how I've put my thoughts nor this letter. Yet feel so inadequate but wanted your thoughts so very much and you so very lovingly wrote, I know them now and will have them with me. I find myself so slow these days.

I shall send this off as want to post—not her hand—and want you to have a letter so much and to give you of my love and all I can however my mind is—Please be happy—Please be brave and tread carefully—enjoy everything we have and forgive my ineptitude now. My love to them both, please kiss them—will write Margo soon—my best and hope she'll be better to Reggy.

And to you my love, I do hope

40

All you want and blessed hours of happiness

You're so nice,

Ever,

ANDY X X X

G.17—Letter, Respondent to Petitioner.

Exhibits.

Bda. Bureax
515 Madison Ave.
N.Y.C.

G.17.
Letter,
Respond-
ent to
Petitioner.
Tuesday.

Tuesday

Dear Helen,

Am so very sorry you find difficulty on reading Policy, but apart from obvious fact that you would not be called upon for I should have calculated and provided for all such—and in your inner heart you know, however you cover it, that I shall not let you down—it shows an appalling and absurd contradiction of the endless generosity you have enjoyed—Why not try for a little while now being just kind—Christian if you will—mutual working towards a happy and real way of life—Please do not persist as now and so force us into a corner so that I have to move in manner I hate and have forborne. I am going to venture suggestion out of my still fervent though perplexed regard and deep admiration—the life you follow now leads to nil—the children like all others will surprise, and unwittingly bring sadness—even if we deceive ourselves no one can for ever deceive them—Forthrightly reorder your household—gradually enter the artistic occupation and deepest satisfaction of independence and creative calling you are so gifted in—building whatever you think best around you and co-operate instead of destroying as this really foolish obstructions of normal need—Anyway my confirmation removes you indisposed to sign. It would so warm you and me, if you had said “sorry not to have told you earlier” for you hurt yourself more than anyone—Please try for no worthy friends would persuade you otherwise—I wish so much and earnestly for your good—Nature is hard and was obscure to us—don’t let it beat you Darling.

I’ll help you all I can if you follow sincerely, you know that. You are perfectly free.

Try and find, read and take, the Old Man’s letter and wonderful wisdom in “Ma cher Contessa”,—

A.

G.18—Letter, Respondent to Petitioner.

G.18.
Letter,
Respond-
ent to
Petitioner.

Care Service International
515 Madison Ave,
N.Y.C.22.

Dear Helen,

Of sheer necessity I reluctantly write as I must It is such an unhappy business when without a word you take for reasons, well likely perhaps to be proper, such a serious and contradictory step of flying so far without even an address nor report of how my responsibility can be

Exhibits.
 —
 G.18.
 Letter,
 Respond-
 ent to
 Petitioner.
 —*continued.*

handled. The expenditures in the face of your recent needs and passing incapacity to assist make it bad enough but in that I shall no longer attempt to persuade for I have tried so far as I can and it must be entirely your own responsibility.

There is another moral aspect which perforce I unhappily have to write upon

By not ensuring that at least, even if you feel unable to correspond with me, the children do and in not, they are led to deception, by setting off on such a great adventure without penning me their excitements and news that you arrive and yet still do not see that I am informed of safe journey is a further unkindness but in turn does their minds harm insofar that they are not being versed in right and kindly behaviour and thought That is surely a most serious and unhappy process which there is no justification for in your mind Please rectify such In your forgetting that we arranged that Christopher would be seeing me and the Summer is here, I would rather here merely prompt you again in the hope that within yourself you will take steps to make an happier memory remain in all our hearts Margo has, I expect, as yet little need of me We accounted for that and time and you will lead to what happens no doubt

As I have written to them I do hope that you all have a lovely time Please enable the Folks at Ashton to see them and I think it would be wonderful for them to really see Barton for their future recollection.

P.S. Believe perhaps you sorely troubled—ready to help if I can.

A.

G.19.
 Letter,
 Respond-
 ent to
 Petitioner.

G.19—Letter, Respondent to Petitioner.

N. Rochelle St.

2.30 p.m.

Hullo Darling ?

Two long letters this morn—Thank you so much—enclosing a check for £100 tomorrow. Tks for the figures quite a real Bk. keeper Darling. Have just left surgeon and I am better and no urgency and not able until after Xmas. Harris a little more venomous and his Solicitors mean and objectionable—evidently he well informed of my movements probably from G. and Anne!! Changed my glasses! Hope Bill better—heard from him again today—seems so—but hope he got cheque after all, though am getting low in cash I expect. Board of Trade Ldn enforcing wind up Mer and Tower unless I put up £50000 by Decr. 1949 nice people!! B. of E. inclined accept me back and you able to stay in Sterling. Maybe its not so nice cannot see why they so easy after all the he—hah we had before

originally—Had the childrens' letters this morn and one from Peggy—
 Could not read either Margo's or Peggy's—written both sides of paper ? !
 So glad you are progressing so—and so hope you go on and on Bless you—
 twould be so lovely to have you well and free of all again.

Am in N. Rochelle Waiting Room—still the same old place—just seen
 Johnny and now ringing Richard—We make no sales—ham-string by bad
 samples ignorance of ourselves and too much letter writing but we shall
 get by next year. 5 pages re Harris today and knocked back a bit, its
 a great task to see through his infamy and what he is really up to—The
 10 Files are so simple yet offer such twisting to a mind like his and he is
 evidently mad at having been thwarted to date. They say I should know
 not lawful to trade away from England either U.S. or Bda. Bill says he
 has Damaged Cane Furniture for Sun Room—the Dtr. I saw today
 comes every year to Bda.—friend of Aquarium Mowbray very nice man
 indeed. Well lovely—thats the lot except I wish for you so much and
 would so see you hapy but frankly don't understand life at all—but am
 not to be counted beaten by that—

Time is rushing on and with B. of E. turn am prepared for our friends
 there and Spurling can deal with it all—Am looking fwd to seeing you in
 20 a little !! home again. Am still afraid you'll overwork despite what you
 say—Important you don't—Look after yourself—Let me know money
 position and can we have a list of what is in the Deposit Book—When you
 have time ? Think they look through these—amazing little Island—and
 amusing—must write Johnny and Marjorie today—I hope ? Kiss THEM
 please. Have we got the Xmas Tree lamps still—Think we can flood light
 if not and have lots of sparkling bits on instead of candles. Are our English
 Ones at Ripen Hey would like them for Madge—Bless you XXX love
 and still love and blessings always

ANDY XX

Exhibits.
 —
 G.19.
 Letter,
 Respond-
 ent to
 Petitioner.
 —continued

30

G.20—Letter, Respondent to Petitioner.

Sat. p.m.

Sweetheart,

Went on Q. Mary today and then to Queen and saw A.V. but altho
 intended giving him yr. letter decided against. Don't know why. Reports
 Bill A better—also had note from B A re Boreen freedom which good.

Don't know if my writings read sense or not but know please—I do try
 to clear matters—even if doesn't appear so and I do want news of you all—
 Please thank Margo for her nice letter—Am writing her separately. Enclosed
 is one for him—no news from you since yrs dated Monday last—hope all

40 alright.

Bless you
 My love

Ever

ANDY X

G.20.
 Letter,
 Respond-
 ent to
 Petitioner.
 Saturday.

Exhibits.

G.21—Letter, Respondent to Petitioner.

G.21.
Letter,
Respond-
ent to
Petitioner.

Special.

I have also watched the developing world affairs—we have now had the Peace move and the Persain Oil signal—this and your staying in Bda. still worries and concerns me a lot. Marjorie and J— some two months ago had an opportunity of an English Tweed Shop and wanted you to come—she a little diffident on writing you as no replies to her earlier two letters to you—also very shortly I pressed her to write you and have done all possible in getting a background all ready for such a venture for you personally—Maine, Mass. or Conn. would suit you better. Remember that weekend of Beautiful country ??? and Joan could help you greatly—I wish so you would think on this for the chance of taking such a step and which could be a quiet or exciting way of life as you care to choose—and give the children much of the reality of life and people—as against limited and guarded upbringing—Also there is a future, shorn of many of later years, can easily pass, emptiness. Any pet activity of creation could be yours—once ensconced—you are perfectly free. 10

Please think long—I've done my best to organise the possibility to save you all initial difficulty.

A. 20

G.22.

G.22—Letter, Respondent to Petitioner.

Letter,
Respond-
ent to
Petitioner.
Thursday.

This just a conversation—X.

Furness Bermuda Line.

“ Queen of Bermuda,” N. York.

Thursday Eve.

Darling,

So glad to have your letter and thanks for photo. Thats me—I like it—think it looks a bit darkish—Thats me. Yes Bill Blew—flew in—but it was a good thing—in correction—Far too thoughtless under excitement and success or the reverse. However better I hope understanding. Apropos Ford—can you seek how they marienate Herrings—the flesh being solid, yet soft, like perfect steak ? 30

Am on warpath—Ellice—gently but firmly—Have G T C weighed—I think—Richard medium and uncertain future I fear, his bent is mathematics. Waiting R. J. Contract. Given them both my love. Writing them very soon. Do hope you have had a nice week and am so sorry re Evans's Have 4 days more before my start—Pittsburg, Columbus, St. Louis, Tryworth, Dallas, Housten L. A. Then concentrate on US—you and

Nthwds to San Fran back Salt Lake (perhaps) Buffalo and around to N. York and hope to have got something really—

Poor Franks—moves in pouring rain S.B. not a word—Would like just to have a few hours and rest or play with you and Bda.—but this time have to accomplish and achieve at least a corner—How are feeling—truly about May.

The World situation gets no better in my view—As I have been writing this—stopped—Heard Eisenhower just warned U.S.A. grievously under-armed—He thought no war but constant threat—

10 This not to worry—if am lucky and F.W. I does its stuff properly and I least bit lucky a nucleus will be achieved—G.T.C. clogs—but I pray I find a little corner and then it is for you to tell what and how you really feel Darling before you shift—but can only tell you after have seen and know what we can reasonably be sure of—if anything. Bless you—don't worry on these things—you really have so much—I think—don't you Darling lovely woman—ununderstandable but still HELEN XXX.

Look after yourself my lovely lovely Helen.

ANDY X

Exhibits.
G.22.
Letter,
Respond-
ent to
Petitioner.
Thursday
—continued.

H—Letter, W R. Andrews to Respondent

20

My dear Mr. Andrew,

Sunday 16th.

This is the umteenth letter I have started in the week—now due to your arrival in NY—I must write—only thing stopping me has been very busy and a little confused of mind. . . . Received both your letters and realize how your mind must feel as they are full of your family—and so I have found it hard writing—but must try a little now.

Do hope you had a restful trip—was surprised to see you leave UK as soon as you did—hope you got DS letter—sorry about time—but could do nothing on that—truly Bermuda—me also.

30

I have much to say to you on your private matter—but I'm terribly sorry sir—I cannot write you on it—I find it most difficult to write as I don't feel I'm saying it to you. . . . P has nothing to report and I neither on the actual thing—this is definite. . . . But I have talked twice with H—accidently—once with E also accidently and with your maid at Boreen—none of the conversations could be termed as unusual—but I feel they are all light on your worries in a small way . . . I cannot write them all as I'm afraid whilst you are not well of mind it is wrong for me to do so—as my grammer is so terrible and I could not be the one to confuse you more than already. . . . But to be brief—H short of funds, you not written, and asking my advice on al. . . . E says H talks to Mrs. not himself (all this

40

very mutual over cocktails at Boreen—nothing underhand—in fact a mutual admiration of H—and a little running down of you—this I agreed to a point

H.
Letter,
W. R.
Andrews
to Re-
spondent.
Sunday
16th.

Exhibits.
 —
 H.
 Letter,
 W. R.
 Andrews
 to Re-
 spondent.
 Sunday
 16th—
continued.

—but then hit him right back)—says H self pity etc etc. . . . Your maid
 —wants you back—I went back into kitchen privately and tried to pry her
 open—believe I could have done—but H too close. . . .

You wanted facts—I havent got any sir—I've tried but no luck—but
 I do think if you want them you must give bags of rope—they are too
 sharpened up I feel.

E—talked with me in a corner of room—quite accidentally—we
 talked on Chris—who was being a perfect little gentleman—and then got
 to H—I said she looked damn well and smart—he said yes poor dear but
 a very worried woman—I replied yes—but maybe a lot of her own making— 10
 he said he understood you very difficult—I agreed fully, said I felt I knew
 you and that you are difficult—but surely one who is married to such
 a person for so many years, should know the score I asked him
 if he had advised her at all in a comfort manner—he said she talks mainly
 with my wife—and naturally he was in a difficult position being what he
 is—I said surely he has the best position to advise He said he
 couldn't understand you himself—I said didn't know you had met—he
 said once for dinner—and he said he had had a fine evening and couldn't
 believe that you same fellow—you had gone out of your way to be
 pleasant—once discover his interest in Navy you had produce photos or 20
 something—and talked on monies you had made out of Hotel—stocks
 etc—all in good taste etc—Then he heard from H that after they left—
 you said—Another evening wasted—this he was most hurt about. I said
 isn't that the usual phrase everybody uses—when they entertain anybody—
 he said maybe—hadn't looked at it like that—I said also that I knew you
 and that if you didn't want to spend evening you would not have done so—
 also that if you not wished to be polite—you definitely would not have
 been so—He said he didn't understand my angle—I replied that I felt
 I knew Mrs. A and yourself a little better than he did, and for my money
 a situation might exist—but that H's pity was creating it a great deal—he 30
 said he had warned her about self pity—as he was aware of that
 He said he couldn't understand your attitude—I said was it up to him to
 understand—he said H asked his and wifes advice—I said that's good—but
 surely he should know the parties concerned He kept remarking
 H a sweet and loving woman.

All this was in the most pleasant tone—and not heard by anybody—
 most casual—took about three minutes and then I stopped it—I played
 friendly—Although his wife looks at me as though I'm an utter snake—this
 maybe so sometimes I feel it.

I could be wrong—and my advice nil—but I feel you should play 40
 the game a little more sir—give them a little more rope—they are
 sharpened to you—ease off—keep her supplied for a little while—see what
 it brings forth—its a hell of a problem for you—I wish I knew what
 I could do.

If only she would cease this self pity business—why hardly a statement
 comes from her that does not involve herself in an indirect manner—its
 not good for her You know I like H sir—and I have no wish to

hurt only to help—for their will be no happiness for either of you at this rate.

I believe I know what you want—I believe I know you even though I might be warned by my knowledge—I cannot be—as I always take a person for all they are not—for the part that I may find advantageous to myself—if I get crossed—well its my own damn fault—and I have only my own shoulder to cry upon—and it is like that that I look at your position—for I cannot help but blame H for being as she is when its been so many years and after all—you have changed—or have you.

10 By the way a new law passed here—three years for separation although you say you have no wish—at the rate it is going—and your own health and living to consider—I cannot see otherwise.

I'm sorry I'm so confused—but I feel I have to write something to you—for I promised—and I cannot see you worried for so long—its no good to me—or yourself when we have so much to do One only has one mind—at least that all I have.

20 They are coming to beach Monday next—By the way I haven't brought this matter up—Mrs. Andrews always did it—if she made no mention to you on the subject—please understand thats up to her—but it has been brought to me and I have had to answer I don't look forward to it at all—but if it will help you—I will do all I can—and I may find out a lot.

Are you still coming down—I do hope so—we have so much to talk about—I haven't time to write all I should be to you—you do understand—but be assured that we are with you 100%—but it would have been better for all if you had have had more time here to guide—although I know your letters are great—I still find that often I get distorted by the local situation or some happening—and then cannot get across to you—why the distortion—so much is doing—and so much to be done.

30 I was asked if you had left UK—I said maybe I couldn't be sure What are your plans for here—when you return H thinks you will come Boreen—but has no idea of when—although mentions it most difficult—lives in fear—I think.

40 I cross examine myself on my attitude towards it al I'm no nosey parker—I'm no sadist to hurt people—I'm only acting because my wife and I have worked hard and suffer a great deal of humiliation here—for a good cause—and also, our future—we have also a heavy load on our shoulders—and we cannot be responsible and happy if others who should be close and helpful are not being so We are too small here—and although we have a lot of sun—we don't have much variety of life H can upset our apple cart quite a lot—and your apples are in the cart—I'm the driver and I'm responsible—and that's why I act as I do—here no such thing as private life exists amongst the better class white people—our life is our business—they are all one Their is no other sport on this island other than gossip—and if you become the ball—and we have been for a couple of years—it can get pretty tiring—but we aint kicked to death yet—by a long chalk.

Exhibits.

H.
Letter,
W. R.
Andrews
to Re-
spondent.
Sunday
16th—
continued.

Exhibits.
 —
 H.
 Letter,
 W. R.
 Andrews
 to Re-
 spondent.
 Sunday
 16th—
continued.

I couldn't be as frank with you—if I didn't feel that we are alike in
 someway—I know how you act towards people—because I agree with
 your actions—maybe I have a different way—but the end is the same
 whatever way you play the game I wasn't like that till I came
 here—and they have made me like that—although I have never had the
 power to act—as you Why do people want so much of us—then we
 suddenly become intensely disliked because they have had all they want—
 and when we ask somethink extra or even normal we get slapped and
 the whole picture becomes distorted—why do facts become distorted—do
 we make them that way—I've been accused of it—so have you—How 10
 much can one demand of life in return for what one puts into life—is their
 any appreciation for efforts—even decent thoughts become distorted—until
 one wonders if one actually thought i

Lately I've worried about Elleleanor—not in anyway other than am
 I right in what I am doing sir—and she gave me all—I must not let her
 down Thats a confused statement—but I mean—I'm so sure about
 what we are about—I couldn't steer another course if I could think one
 up—but I don't wish to involve her if I'm wrong—you know what
 I mean

When I see people confused—its more than my mind can absorb— 20
 maybe because I feel they have so much themselves—why can they not
 take it and enjoy it I couldn't give a damn whether you live in
 a mansion or a tent—if you like it—well its your life and nobody elses—
 I don't think anybody has the right to expect others to do as they do—other
 than ones wife—their I draw a line H wants a life that you have
 never agreed with—she always wanted it in her mind—why distort the
 whole picture—just because she wants another frame one thing she
 is very much afraid of you don't doubt she has the knowledge to
 be so—but its so stupid—for if she has no wrong—she would stand up to
 you—but she has wrong Do you think maybe she has been 30
 seduced of mind not of body—or is being seduced of mind right now—our
 these people siple and she clever—or maybe you are a very easy target
 sir—for trully you do stand out somewhat.

I would warn you to be careful—for I feel she is on the watch
 I was told that you had condoned all her affair—but not she yours—or
 words similar

I also ask you again not to repeat me—for it would endanger our
 position here greatly I have no wish to lie to you—I have no ban on
 letting you know the truths—for you can then only see the right light—but
 I know you will respect my faith in you on that score

Have some more typing to do—must stop now Please don't 40
 feel too upset sir—you have asked me to write—I find it heard—but so
 much easier to talk with you

BILL

Personal

W.A.

Rule 17 of the Matrimonial Causes Rules, 1943.

Rule 17 of
the Matri-
monial
Causes
Rules, 1943.

17. (1) There shall be filed with every answer, which contains matter other than a simple denial of the facts stated in the petition, an affidavit by the person filing the answer verifying such other matter so far as he has personal cognisance thereof and deposing to his belief in the truth of the rest of such other matter and, where that person is husband or wife of the petitioner, deposing in so far as such other matter is concerned to the existence or otherwise of collusion, connivance and condonation in the manner required by Rule 6 in the case of a petition.

10 (2) Where the answer of a husband alleges adultery and prays for relief the alleged adulterer shall be added to the title of the cause as "A.B. cited" and shall be served personally with an office copy of the answer endorsed with a notice to appear as if it were a petition.

(3) Where the answer of a husband alleges adultery but does not pray for relief, an office copy of the answer shall be served personally on the alleged adulterer endorsed with a notice in accordance with Form 12 in Schedule 1 hereto that he is entitled within the time thereby limited to apply for leave to intervene in the cause.

In the Privy Council.

No. 20 of 1952.

ON APPEAL FROM THE SUPREME COURT OF
BERMUDA (DIVORCE JURISDICTION).

BETWEEN

CECIL WALDRON ANDREW
(Respondent) *Appellant*

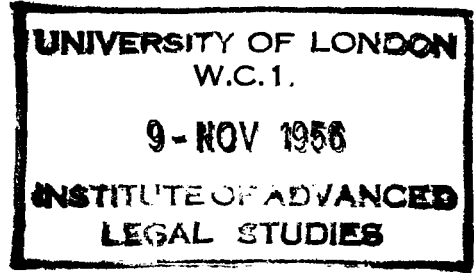
AND

HELEN ANDREW
(Petitioner) *Respondent.*

RECORD OF PROCEEDINGS

MILLES DAY & CO.,
5 Little College Street,
Westminster, S.W.1,
Appellant's Solicitors.

ASHURST, MORRIS, CRISP & CO.,
17 Throgmorton Avenue,
London, E.C.2,
Respondent's Solicitors.



BERMUDA.

1943: No. 8.

THE MATRIMONIAL CAUSES ACT, 1943.

(Printed with amendments up to 25th November, 1952,
incorporated.)

3rd. March, 1943.

WHEREAS it is expedient to extend the jurisdiction of the Supreme Court in matters matrimonial and for the true support of marriage, the protection of children, the removal of hardship, the reduction of illicit unions, the relief of conscience among the clergy, and the restoration of due respect for the law to grant authority in certain cases to decree the dissolution of a marriage and to determine the validity of marriage:

Be it, therefore, enacted by the Governor, the Legislative Council and the Assembly of the Bermudas or Somers Islands as follows:—

1. In this Act the expressions following shall have the meanings herein assigned to them respectively:

**Interpre-
tation
clause.**

“the Court” means The Supreme Court of Bermuda.

“matrimonial Cause” means any action for divorce, nullity of marriage, judicial separation, jactitation of marriage or restitution of conjugal rights.

“the Matrimonial Causes Act, 1857” means the Act of the Parliament of the United Kingdom entitled the Matrimonial Causes Act, 1857.

Jurisdiction of Supreme Court in Matrimonial Causes and Legitimacy Declarations.

2. The Court shall have such jurisdiction —

- (a) in relation to matrimonial causes and matters, as was immediately before the commencement of the Matrimonial Causes Act, 1857, vested in or exercisable by any ecclesiastical court or person in England in respect of divorce a mensa et thoro, nullity of marriage, jactitation of marriage, or restitution of conjugal rights, and in respect of any matrimonial cause or matter except marriage licenses; and
- (b) with respect to declarations of legitimacy and of validity of marriage, as is hereinafter in this Act provided;

and except as in this Act, or in any other Act, or any rule of Court may otherwise be provided, such jurisdiction shall be exercised in conformity with the jurisdiction and practice of the High Court of Justice in England.

Restriction on petitions for divorce during first three years after marriage.

3. (1) No petition for divorce shall be presented to the Court unless at the date of the presentation of the petition three years have passed since the date of the marriage:

Provided that a Judge of the Court may, upon application being made in accordance with the rules of Court, allow a petition to be presented before three years have passed on the ground that the case is one of exceptional hardship suffered by the petitioner or of exceptional depravity on the part of the respondent, but if it appears to the Court at the hearing of the petition, that the petitioner obtained leave to present the petition by any misrepresentation or concealment of the nature of the case, the Court may, if it pronounces a decree nisi, do so subject to the condition that no application to make the decree absolute shall be made until after the expiration of three years from the date of the marriage, or may dismiss the petition, without prejudice to any petition which may be brought after the expiration of the said three years upon the same, or substantially the same, facts as those proved in support of the petition so dismissed.

(2) In determining any application under this section for leave to present a petition before the expiration of three years from the date of the marriage, the Judge shall have regard to the interests of any children of the marriage and to the question whether there is reasonable probability of a reconciliation between the parties before the expiration of the said three years.

(3) Nothing in this section shall be deemed to prohibit the presentation of a petition based upon matters which have occurred before the expiration of three years from the date of the marriage.

4. (1) A petition for divorce may be presented to the Court either by the husband or the wife on the ground that the respondent — Grounds
for petition
for divorce.

- (a) has since the celebration of the marriage committed adultery; or
- (b) has deserted the petitioner without cause for a period of at least three years immediately preceding the presentation of the petition; or
- (c) has since the celebration of the marriage treated the petitioner with cruelty; or
- (d) is incurably of unsound mind and has been continuously under care and treatment for a period of at least three years immediately preceding the presentation of the petition;

and by the wife on the ground that her husband has since the celebration of the marriage, been guilty of rape, or an unnatural offence within the meaning of section one hundred and fifty-three of the Criminal Code.

(2) For the purposes of this section a person of unsound mind shall, without prejudice to any other method of proof, be deemed to be under care and treatment while he is detained —

- (a) as a lunatic or person of unsound mind under the provisions of the Lunacy Act, 1929, or of regulations made thereunder; or

- (b) in pursuance of any order made under the provisions of section eleven of the Supreme Court Act, 1905; or
- (c) as a criminal lunatic under the provisions of the Criminal Code or of the Lunacy Act, 1929.

Provision
as to mak-
ing adulter-
er co-res-
pondent.

5. (1) On a petition for divorce on the grounds of adultery presented by the husband or in the answer of a husband praying for divorce the petitioner or respondent, as the case may be, shall make the alleged adulterer a co-respondent unless he is excused by the Court on special grounds from so doing.

(2) On a petition for divorce on the grounds of adultery presented by the wife the court may, if it thinks fit, direct that the person with whom the husband is alleged to have committed adultery be made a respondent.

Duty of
Court on
presentation
of petition
for divorce.

6. (1) On a petition for divorce it shall be the duty of the Court to inquire, so far as it reasonably can, into the facts alleged and whether there has been any connivance or condonation on the part of the petitioner and whether any collusion exists between the parties and also to inquire into any counter-charge which is made against the petitioner.

- (2) If the Court is satisfied on the evidence that —
 - (i) the case for the petitioner has been proved; and
 - (ii) where the ground of the petition is adultery, the petitioner has not in any manner been accessory to, or connived at, or condoned the adultery, or where the ground of the petition is cruelty the petitioner has not in any manner condoned the cruelty; and
 - (iii) the petition is not presented or prosecuted in collusion with the respondent or either of the respondents;

the Court shall pronounce a degree of divorce, but if the Court is not satisfied with respect to any of the aforesaid matters, it shall dismiss the petition:

Provided that the Court shall not be bound to pronounce a decree of divorce and may dismiss the petition if it finds that the petitioner has during the marriage been guilty of adultery or if, in the opinion of the Court, the petitioner has been guilty —

- (a) of unreasonable delay in presenting or prosecuting the petition; or
- (b) of cruelty towards the other party to the marriage; or
- (c) where the ground of the petition is adultery or cruelty, of having without reasonable excuse deserted, or having without reasonable excuse wilfully separated himself or herself from, the other party before the adultery or cruelty complained of; or
- (d) where the ground of the petition is adultery or unsoundness of mind or desertion, of such wilful neglect or misconduct as has conduced to the adultery or unsoundness of mind or desertion.

7. In any case in which, on the petition of a husband for divorce on the grounds of adultery, the alleged adulterer is made a co-respondent or in which, on the petition of a wife for divorce on such grounds the person with whom the husband is alleged to have committed adultery is made a respondent, the Court may, after the close of the evidence on the part of the petitioner, direct the co-respondent or the respondent, as the case may be, to be dismissed from the proceedings if the Court is of opinion that there is not sufficient evidence against him or her.

Dismissal
of respond-
ent or co-
respondent
from
proceedings.

8. If in any proceedings for divorce the respondent opposes the relief sought, in the case of proceedings instituted by the husband, on the ground of his adultery, cruelty or

Relief to
respondent
on petition
for divorce.

desertion, or, in the case of proceedings instituted by the wife, on the ground of her adultery, cruelty or desertion, the Court may give to the respondent the same relief to which he or she would have been entitled if he or she had presented a petition seeking such relief.

Duties of
Attorney-
General.

9. (1) In the case of any petition for divorce or for nullity of marriage —

- (a) The Court may, if it thinks fit, direct all necessary papers in the matter to be sent to the Attorney General, who may instruct counsel to argue before the Court any question in relation to the matter which the Court deems to be necessary or expedient to have fully argued, and the Attorney General shall be entitled to charge the costs of the proceedings as part of the expenses of his office:
- (b) Any person may at any time during the progress of the proceedings or before the decree nisi is made absolute give information to the Attorney General of any matter material to the due decision of the case and the Attorney General may thereupon take such steps as he considers necessary or expedient:
- (c) If in consequence of any such information or otherwise the Attorney General suspects that any parties to the petition are or have been acting in collusion for the purpose of obtaining a decree contrary to the justice of the case, he may, after obtaining the leave of the Court, intervene and retain counsel and subpoena witnesses to prove the alleged collusion.
- (d) The duties of the Attorney General under this Act shall be exercised in conformity with the practice of His Majesty's Proctor in England in the like matters.

Provisions
as to costs
where At-

(2) Where the Attorney General intervenes or shows cause against a decree nisi in any proceedings for

divorce or for nullity of marriage, the Court may make such orders as to the payment by other parties to the proceedings of the costs incurred by him in so doing or as to the payment by him of any costs incurred by any of the said parties by reason of his so doing, as may seem just.

Attorney-General intervenes or shows cause.

(3) So far as the reasonable costs incurred by the Attorney General in so intervening or showing cause are not fully satisfied by any order made under this section for the payment of his costs, he shall be entitled to charge the difference as part of the expenses of his office, and the Governor may, if he thinks fit, order that any costs which under any order made by the Court under this section the Attorney-General pays to any parties shall be deemed to be part of the expenses of his office.

10. (1) Every decree for a divorce or for nullity of marriage shall, in the first instance, be a decree nisi not to be made absolute until after the expiration of six months from the pronouncing thereof, unless the Court by general or special order from time to time fixes a shorter time.

Decree nisi for divorce or nullity of marriage.

(2) After the pronouncing of the decree nisi and before the decree is made absolute, any person may, in the prescribed manner, show cause why the decree should not be made absolute by reason of the decree having been obtained by collusion or by reason of material facts not having been brought before the Court, and in any such case the Court may make the decree absolute, reverse the decree nisi, require further inquiry or otherwise deal with the case as the Court thinks fit.

(3) Where a decree nisi has been obtained, and no application for the decree to be made absolute has been made by the party who obtained the decree, then, at any time after the expiration of three months from the earliest date on which that party could have made such an application, the party against whom the decree nisi has been granted shall be at liberty to apply to the Court and the Court shall, on such application, have power to make the decree absolute, reverse the decree nisi, require further inquiry or otherwise deal with the case as the Court thinks fit.

Prevention of delay in application for decree absolute.

Appeals to
the Judicial
Committee
of the Privy
Council.

11. (1) No appeal shall lie from a decree absolute for the dissolution or nullity of marriage in favour of any party who having had time and opportunity to appeal from the decree nisi prior to its being made absolute, has not appealed from the decree nisi.

(2) For the purposes of this Act, the provisions of section four of the Appeals Act, 1911, shall, in relation to an application for leave to appeal from a decree, whether nisi or absolute, for the dissolution or nullity of marriage have effect as if for the words "twenty-one days" there were substituted the words "six weeks".

Re-marriage
of divorced
persons.

12. (1) As soon as any decree for divorce is made absolute either of the parties to the marriage may, if there is no right of appeal against the decree absolute, marry again as if the prior marriage had been dissolved by death or, if there is such a right of appeal, may so marry again, if no appeal is presented against the decree, as soon as the time for appealing has expired, or if an appeal is so presented, as soon as the appeal has been dismissed:

Provided that it shall not be lawful for a man to marry the sister or half-sister of his divorced wife or of his wife by whom he has been divorced during the lifetime of the wife, or the divorced wife of his brother or half-brother or the wife of his brother or half-brother who has divorced his brother during the lifetime of the brother or half-brother.

(2) No clergyman, priest or minister of any church or religious denomination shall be compelled to solemnize the marriage of any person whose former marriage has been dissolved on any ground and whose former husband or wife is still living or to permit the marriage of any such person to be solemnized in the church or chapel in his charge.

Divorce pro-
ceedings
after grant
of judicial
separation
or other
relief.

13. (1) A person shall not be prevented from presenting a petition for divorce, or the Court from pronouncing a decree of divorce, by reason only that the petitioner has at any time been granted a judicial separation or a separation order by a Court of Summary Jurisdiction upon the same or substantially the same facts as those proved in support of the petition for divorce.

(2) For the purposes of any such petition for divorce, a period of desertion immediately preceding the institution of proceedings for a decree of judicial separation or a separation order as aforesaid having the effect of such a decree, shall, if the parties have not resumed co-habitation and the decree or order has been continuously in force since the granting thereof, be deemed immediately to precede the presentation of the petition.

(3) A husband or wife, who, prior to this Act coming into force, has been divorced by a foreign court, the decree of which is not recognized by the laws of these Islands, may petition for divorce under the provisions of this Act in the same manner as any other person entitled to apply under this Act.

(4) On any such petition for divorce the Court may treat the decree of judicial separation or the said order as sufficient proof of the adultery, desertion, or other ground on which it was granted, but the Court shall not pronounce a decree of divorce without receiving evidence from the petitioner.

Judicial Separation and Restitution of Conjugal Rights.

14. (1) A petition for judicial separation may be presented to the Court either by the husband or the wife on any grounds on which a petition for divorce might have been presented, or on the ground of failure to comply with a decree for restitution of conjugal rights or on any ground on which a decree for divorce a mensa et thoro might have been pronounced in England immediately before the coming into force of the Matrimonial Causes Act, 1857, and the foregoing provisions of this Act relating to the duty of the Court on the presentation of a petition for divorce, and the circumstances in which such a petition shall or may be granted or dismissed, shall apply in like manner to a petition for judicial separation. **Decree of
Judicial
separation.**

(2) Where the Court in accordance with the said provisions grants a decree of judicial separation, it shall no longer be obligatory for the petitioner to cohabit with the respondent.

(3) The Court may, on the application by petition of the husband or wife against whom a decree for judicial separation has been made, and on being satisfied that the allegations contained in the petition are true, reverse the decree at any time after the making thereof, on the ground that it was obtained in the absence of the person making the application, or, if desertion was the ground of the decree, that there was reasonable cause for the alleged desertion.

(4) The reversal of a decree for judicial separation shall not affect the rights or remedies which any other person would have had if the decree had not been reversed in respect of any debts, contracts or acts of the wife incurred, entered into or done between the date of the decree and of the reversal thereof.

Decree for
restitution
of conjugal
rights.

15. A petition for restitution of conjugal rights may be presented to the Court either by the husband or the wife, and the Court, on being satisfied that the allegations contained in the petition are true, and that there is no legal ground why a decree for restitution of conjugal rights should not be granted, may make the decree accordingly.

Periodical
payments
in lieu of
attachment.

16. (1) A decree for restitution of conjugal rights shall not be enforced by attachment, but where the application is by the wife the Court, at the time of making the decree or at any time afterwards, may, in the event of the decree not being complied with within any time in that behalf limited by the Court, order the respondent to make to the petitioner such periodical payments as may be just, and the order may be enforced in the same manner as an order for alimony in proceedings for judicial separation.

(2) The Court may, if it thinks fit, order that the husband shall, to the satisfaction of the Court, secure to the wife the periodical payments, and for that purpose may direct that it shall be referred to a Judge to settle and approve a proper deed or instrument to be executed by all necessary parties.

**Additional Grounds for Decrees of Nullity and Dissolution
of Marriage.**

17. (1) In addition to any other grounds on which a marriage is by law void or voidable, a marriage shall be voidable on the ground — **Additional grounds for decree of nullity.**

- (a) that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate the marriage; or
- (b) that either party to the marriage was at the time of the marriage a person of unsound mind within the meaning of The Lunacy Act, 1929, or subject to recurrent fits of insanity or epilepsy; or
- (c) that the respondent was at the time of the marriage suffering from venereal disease in a communicable form; or
- (d) that the respondent was at the time of the marriage pregnant by some person other than the petitioner,

and the Court, if satisfied that such grounds exist, may grant a decree of nullity in respect of the marriage.

Provided that, in the cases specified in paragraphs (b) (c) and (d) of this sub-section, the Court shall not grant a decree unless it is satisfied —

- (i) that the petitioner was at the time of the marriage ignorant of the facts alleged;
- (ii) that proceedings were instituted within a year from the date of the marriage; and
- (iii) that marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of the grounds for a decree.

(2) Where a decree of nullity is granted in respect of a voidable marriage, any child who would have been the legitimate child of the parties to the marriage if it had been

dissolved, instead of being annulled, on the date of the decree shall be deemed to be their legitimate child notwithstanding the annulment.

(3) Nothing in this section shall be construed as validating any marriage which is by law void, but with respect to which a decree of nullity has not been granted.

(4) In this section the expression "venereal disease" means a venereal disease within the meaning for the time being of sub-section (1) of section sixty-five of the Public Health Act, 1949.

Proceedings
for decree
of presump-
tion of
death and
dissolution
of marriage.

18. (1) Any married person who alleges that reasonable grounds exist for supposing that the other party to the marriage is dead may present a petition to the Court to have it presumed that the other party is dead and to have the marriage dissolved, and the Court, if satisfied that such reasonable grounds exist, may make a decree of presumption of death and of dissolution of the marriage.

(2) In any such proceedings the fact that for a period of seven years or upwards the other party to the marriage has been continually absent from the petitioner, and the petitioner has no reason to believe that the other party has been living within that time, shall be evidence that he or she is dead until the contrary is proved.

(3) Sections 9 to 12 inclusive of this Act shall apply to a petition and a decree under this Section as they apply to a petition for divorce and a decree of divorce respectively.

Legitimacy Declarations.

Declaration
of legiti-
macy.

19. (1) Any person who is a natural-born subject of His Majesty, or whose right to be deemed a natural-born subject of His Majesty depends wholly or in part on his legitimacy or on the validity of any marriage, may, if he is domiciled in these Islands or claims any real or personal estate situate in these Islands, apply by petition to the Court for a decree declaring that the petitioner is the legitimate child of his parents, and that the marriage of his father and

mother or of his grandfather and grandmother was a valid marriage or that his own marriage was a valid marriage.

(2) Any person who is so domiciled or claims as aforesaid, may apply to the Court for a decree declaring his right to be deemed a natural-born subject of His Majesty.

(3) Applications under sub-sections (1) and (2) of this section may be included in the same petition and on any such application the Court shall make such decree as the Court thinks just, and the decree shall be binding on His Majesty and all other persons whatsoever:

Provided that the decree of the Court shall not prejudice any person—

- (i) if it is subsequently proved to have been obtained by fraud or collusion; or
- (ii) unless that person has been cited or made a party to the proceedings or is the heir-at-law, next-of-kin, or other real or personal representative of, or derives title under or through, a person so cited or made a party.

(4) A copy of every petition under this section and of any affidavit accompanying the petition shall be delivered to the Attorney General at least one month before the petition is presented or filed, and the Attorney General shall be a respondent on the hearing of the petition and on any subsequent proceedings relating to.

(5) In any application under this section such persons shall, subject to the rules of Court, be cited to see proceedings or otherwise summoned as the Court shall think fit, and any such persons may be permitted to become parties to the proceedings and to oppose the application.

(6) The provisions of this Act relating to matrimonial causes shall, so far as applicable, extend to any proceedings under this section.

(7) No proceedings under this section shall affect any final judgment or decree already pronounced or made by any Court of competent jurisdiction.

Miscellaneous.

Provisions
with respect
to jurisdic-
tion in
matrimoni-
al causes.

20. (1) The Court shall have jurisdiction for the purposes of any proceedings under this Act where the husband was domiciled in these Islands at the date of the presentation of the petition and also where —

- (a) a husband domiciled in these Islands has deserted his wife and since such desertion the wife has continued to reside in these Islands;
- (b) a husband domiciled in these Islands has been deported under any law for the time being in force and since such deportation the wife has continued to reside in these Islands; or
- (c) the domicile of the husband is uncertain or unknown but the wife, prior to her marriage, was domiciled in the Islands.

The jurisdiction of the Court under paragraphs (a) and (b) of this sub-section shall not be affected by any change in the husband's domicile since such desertion or deportation.

(2) In addition to the jurisdiction conferred upon the Court by the provisions of the foregoing sub-section, the Court shall have jurisdiction in proceedings by a wife for divorce or for nullity of marriage, although the husband is not domiciled in these Islands, if the wife is resident in these Islands and has been ordinarily resident in these Islands for a period of three years immediately preceding the commencement of the proceedings.

(3) The Court shall also have jurisdiction for the purpose of proceedings under section fourteen of this Act (which section enables the Court to grant a decree of judicial separation) or under section fifteen thereof (which section enables the Court to make a decree for restitution of conjugal

rights) where both the husband and wife are resident in these Islands at the date of the presentation of the petition.

(4) In proceedings under sub-section (1) of section eighteen of this Act (which sub-section enables the Court to make a decree of presumption of death and of dissolution of marriage) the Court shall have jurisdiction in the following cases only, that is to say —

- (a) in any proceedings, if the petitioner is domiciled in these Islands; or
- (b) in proceedings by the wife, if she is resident in these Islands and has been ordinarily resident in these Islands for a period of three years immediately preceding the commencement of the proceedings;

and in determining for the purposes of this sub-section whether a woman is domiciled in these Islands, her husband shall be treated as having died immediately after the last occasion on which she knew or had reason to believe him to be living.

(5) In any proceedings in which the Court has jurisdiction by virtue of this section, the issues shall be determined in accordance with the law which would be applicable thereto if both parties were domiciled in these Islands at the time of the proceedings.

(6) The domicile of any person for the purposes of this Act shall be determined by the principles of the common law, and for such purposes the Court shall not have regard to the provisions of any Act not expressly, or by necessary implication, applicable to this Act.

21. (1) A husband may on a petition for divorce or for **Damages.** judicial separation or for damages only, claim damages from any person on the ground of adultery with the wife of the petitioner.

(2) A claim for damages on the ground of adultery shall, subject to the provisions of any enactment relating to

trial by jury in the Court, be tried on the same principles and in the same manner as actions for criminal conversation were tried in England immediately before the commencement of the Matrimonial Causes Act, 1857, and the provisions of this Act with reference to the hearing and decision of petitions shall so far as may be necessary apply to the hearing and decision of petitions on which damages are claimed.

(3) The court may direct in what manner the damages recovered on any such petition are to be paid or applied, and may direct the whole or any part of the damages to be settled for the benefit of the children, if any, of the marriage, or as a provision for the maintenance of the wife.

Alimony.

22. (1) The Court may, if it thinks fit, on any decree for divorce or nullity of marriage, order that the husband shall, to the satisfaction of the Court, secure to the wife such gross sum of money or annual sum of money for any term, not exceeding her life, as having regard to her fortune, if any, to the ability of her husband and to the conduct of the parties, the Court may deem to be reasonable, and the Court may for that purpose order that it shall be referred to a Judge to settle and approve a proper deed or instrument, to be executed by all the necessary parties, and may, if it thinks fit, suspend the pronouncing of the decree until the deed or instrument has been duly executed.

(2) In any such case as aforesaid the Court may, if it thinks fit, by order, either in addition to or instead of an order under sub-section (1) of this section, direct the husband to pay to the wife during the joint lives of the husband and wife such monthly or weekly sum for her maintenance and support as the Court may think reasonable.

Provided that—

(a) if the husband, after any such order has been made, becomes from any cause unable to make the payments, the Court may discharge or modify the order, or temporarily suspend the order as to the whole or any part of the money ordered to be paid, and subsequently revive it wholly or in part as the Court thinks fit; and

(b) where the Court has made any such order as is mentioned in this sub-section and the Court is satisfied that the means of the husband have increased, the Court may, if it thinks fit, increase the amount payable under the order.

(3) It is hereby declared that the powers of the Court to make orders under sub-sections one or two of this section may be exercised at any time after the decree nisi has been pronounced, so, however, that no such order, save in so far as it relates to the preparation, execution or approval of a deed or instrument, and no settlement made in pursuance of any such order, shall take effect unless and until the decree is made absolute.

(4) On any petition for divorce or nullity of marriage the Court shall have the same power to make interim orders for the payment of money by way of alimony or otherwise to the wife as the Court has in proceedings for judicial separation.

(5) Where any decree for restitution of conjugal rights or judicial separation is made on the application of the wife, the Court may make such order for alimony as the Court thinks just.

(6) In all cases where the Court makes an order for alimony, the Court may direct the alimony to be paid either to the wife or to a trustee approved by the Court on her behalf, and may impose such terms or restrictions as the Court thinks expedient, and may from time to time appoint a new trustee if for any reason it appears to the Court expedient so to do.

23. (1) If it appears to the Court in any case in which the Court pronounces a decree for divorce or for judicial separation by reason of the adultery, desertion or cruelty of the wife that the wife is entitled to any property either in possession or reversion, the Court may, if it thinks fit, order such settlement as it thinks reasonable to be made of the property, or any part thereof, for the benefit of the innocent

Power of Court to order settlement of wife's property.

party, and of the children of the marriage or any or either of them.

Any instrument made under any order of the Court made under this sub-section shall be valid and effectual, notwithstanding the existence of coverture at the time of the execution thereof.

It is hereby declared that the powers of the Court to make orders under this sub-section may in any case in which the Court pronounces a decree for divorce be exercised at any time after the decree nisi has been pronounced, so, however, that no such order, save in so far as it relates to the preparation, execution or approval of a deed or instrument, and no settlement made in pursuance of any such order, shall take effect unless and until the decree is made absolute.

(2) Where the application for restitution of conjugal rights is by the husband, and it appears to the Court that the wife is entitled to any property, either in possession or reversion, or is in receipt of any profits of trade or earnings, the Court may, if it thinks fit, order a settlement to be made to the satisfaction of the Court of the property or any part thereof for the benefit of the petitioner and of the children of the marriage or either or any of them or may order such part of the profits of trade or earnings, as the Court thinks reasonable to be periodically paid by the respondent to the petitioner for his own benefit, or to the petitioner or any other person for the benefit of the children of the marriage, or either or any of them.

Power of Court to make orders as to application of settled property.

24. (1) The Court may after pronouncing a decree for divorce or for nullity of marriage inquire into the existence of ante-nuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree, and may make such orders with reference to the application of the whole or any part of the property settled either for the benefit of the children of the marriage or of the parties to the marriage, as the Court thinks fit, and the Court may exercise the powers conferred by this sub-section notwithstanding that there are no children of the marriage.

(2) The powers of the Court under this section may be exercised at any time after a decree nisi has been pronounced, but no order made under this section shall take effect unless and until the decree is made absolute.

25. (1) In any proceedings for divorce or nullity of marriage or judicial separation, the Court may from time to time either before or by or after the final decree, make such provision as appears just with respect to the custody, maintenance and education of the children, the marriage of whose parents is the subject of the proceedings, or, if it thinks fit, direct proper proceedings to be taken for placing the children under the protection of the Court. **Custody of children.**

(2) On an application made in that behalf the Court may, at any time before the final decree, in any proceedings for restitution of conjugal rights, or, if the respondent fails to comply therewith, after final decree, make from time to time all such order and provisions with respect to the custody, maintenance and education of the children of the petitioner and respondent as might have been made by interim orders if proceedings for judicial separation had been pending between the same parties.

(3) The Court may, if it thinks fit, on any decree of divorce or nullity of marriage, order the husband, or (in the case of a petition for divorce by a wife on the ground of her husband's insanity) order the wife, to secure for the benefit of the children such gross sum of money or annual sum of money as the Court may deem reasonable, and the Court may for that purpose order that it shall be referred to a Judge to settle and approve a proper deed or instrument to be executed by all necessary parties:

Provided that the term for which any sum of money is secured for the benefit of a child shall not extend beyond the date when the child will attain twenty-one years of age.

26. (1) When a petition for divorce or nullity of marriage has been presented, proceedings under section 22, section 23, section 24 or sub-section 3 of section 25 of this Act may, subject to and in accordance with the rules of Court, be **When application for maintenance settlement of property etc. may be made.**

commenced at any time after the presentation of the petition:

Provided that no order under any of the said sections or the said sub-section (other than an interim order for the payment of alimony under section 22) shall be made unless and until a decree nisi has been pronounced, and no such order, save in so far as it relates to the preparation, execution, or approval of a deed or instrument and no settlement made in pursuance of any such order, shall take effect unless and until the decree is made absolute.

(2) The said section 22 shall apply in any case where a petition for divorce or judicial separation is presented by the wife on the ground of her husband's insanity as if for the references to the husband there were substituted references to the wife, and for the references to the wife there were substituted references to the husband, and in any such case and in any case where a petition for divorce, nullity, or judicial separation is presented by the husband on the ground of his wife's insanity or mental deficiency, the Court may order the payments of alimony or maintenance under the said section to be made to such persons having charge of the respondent as the Court may direct.

Wife's
property
in case of
judicial
separation.

27. (1) In every case of judicial separation—

- (a) as from the date of decree and so long as the separation continues any property which is acquired by or devolves upon the wife shall not be affected by any restraint upon anticipation attached to the enjoyment by the wife of any property under any settlement, agreement for a settlement, will, or other instrument; and if she dies intestate shall devolve as if her husband had been dead:
- (b) if alimony has been ordered to be paid and has not been duly paid by the husband he shall be liable for necessaries supplied for the use of the wife.

(2) In any case where the decree for judicial separation is obtained by the wife, and property to which she is entitled for an estate in remainder or reversion at the date

of the decree, and any property to which she becomes entitled as executrix, administratrix or trustee after the date of the decree, shall be deemed to be property to which this section applies, and for the purpose aforesaid the death of the testator or intestate shall be deemed to be the date when the wife became entitled as executrix or administratrix.

28. (1) Where a wife obtains a decree for judicial separation, the decree shall, so far as may be necessary for the protection of any person dealing with the wife, be valid and effectual until discharged, and the discharge or variation of the decree shall not affect any rights or remedies which any person would have had, if the decree had not been discharged or varied, in respect of any debts, contracts or acts of the wife incurred, entered into or done during the period between the date of the decree and the discharge or variation thereof.

Protection
of third
parties.

(2) Any person who, in reliance on any such decree as aforesaid, makes any payment to or permits any transfer or act to be made or done by the wife, shall, notwithstanding the subsequent discharge or variation of the decree, or the fact that the separation has ceased or has been discontinued, be protected and indemnified in the same way in all respects as if at the time of the payment, transfer or other act the decree were valid and still subsisting without variation in full force and effect, or the separation had not ceased or been discontinued, as the case may be, unless at that time that person had notice of the discharge or variation of the decree or that the separation had ceased or been discontinued.

29. The Court may from time to time vary or modify any order for the periodical payment of money made under the provisions of this Act relating to matrimonial causes and matters either by altering the times of payment or by increasing or diminishing the amount, or may temporarily suspend the order as to the whole or any part of the money ordered to be paid and subsequently revive it wholly or in part, as the Court thinks just.

Power to
vary orders.

30. In any case where any person is charged with adultery with any party to a suit or in which the Court may consider, in the interest of any person not already a party to

Powers
to allow
intervention
of
terms.

the suit, that that person should be made a party to the suit, the Court may, if it thinks fit, allow that person to intervene upon such terms, if any, as the Court thinks just.

Evidence.

31. The parties to any proceedings instituted in consequence of adultery and the husbands and wives of the parties shall be competent to give evidence in the proceedings, but no witness in any such proceedings, whether a party thereto or not, shall be liable to be asked or be bound to answer any question tending to show that he or she has been guilty of adultery unless he or she has already given evidence in the same proceedings in disproof of the alleged adultery.

Certain evidence in nullity proceedings to be in camera.

32. (1) During the hearing of any matrimonial cause the Court may at any time order the exclusion from the Court of all persons other than —

- (a) Officers of the Court,
- (b) parties to the case before the Court, their counsel, witnesses and other persons directly concerned in that case or other persons whom any of the parties desires to be present,
- (c) representatives of newspapers and news agencies,
- (d) any other persons whom the Court may permit to be present.

(2) Nothing contained in this section shall be construed in diminution of the powers of the Court to exclude any person or to direct any proceedings under this Act to be heard in camera and in any proceedings for nullity of marriage, evidence on the question of sexual capacity or physical details of wilful refusal to consummate the marriage shall be heard in camera unless in any case the Court is satisfied that in the interests of justice any such evidence ought to be heard in open Court.

Power to make rules of court and to prescribe fees.

33. The Court shall have the like powers of making rules for the purposes of this Act as are provided by Section 22 of the Supreme Court Act, 1905, and may thereby prescribe the fees of barristers and attorneys which may be

allowed as well between them and their clients as between party and party, and the Court may also exempt any indigent party from the payment of fees of Court.

34. From and after the coming into force of this Act the Alimony Act, 1886, is hereby repealed. The Alimony Act, 1886 repealed.

35. The operation of this Act is suspended until His Majesty's pleasure shall be made known. Suspension for His Majesty's Pleasure.