

IN THE SUPREME COURT OF
NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION.

No. 1-727 of 1926.



H A T T E R)

-v-)

H A T T E R)

P E T I T I O N .

R.F. STUART-ROBERTSON.

IN THE SUPREME COURT OF

NEW SOUTH WALES

MATRIMONIAL CAUSES JURISDICTION

No. 727 of 1926.

TO THE HONORABLE LANGER MEADE LOFTUS OWEN JUDGE OF THE MATRIMONIAL CAUSES JURISDICTION

IN RE ELIZABETH WILSON TURNBULL HATTER of Unwins Bridge Road, Tempe in the
State of New South Wales, Married Woman.

Petitioner.

A N D

ALBERT THOMAS HATTER of Sydney her husband.

Respondent.

The First day of June in the year of our Lord one thousand nine hundred
and twenty six.

THE PETITION OF ELIZABETH WILSON TURNBULL HATTER

S H E W E T H :-

1. That your Petitioner ELIZABETH WILSON TURNBULL HATTER then ELIZABETH WILSON TURNBULL McWILLIAMS was on the fifth day of January one thousand nine hundred and twenty two lawfully married to Albert Thomas Hatter at Sydney in the State of New South Wales, according to the rites of the Salvation Army.
2. That your Petitioner was born at St. Peters in the State of New South Wales and your Petitioner's said husband was born at Marulan in the State of New South Wales and both are at the present time and have been for three years and upwards domiciled in the State of New South Wales.
3. That your Petitioner and her said husband have had no issue of their said marriage.
4. That your Petitioner filed her petition in this Honorable Court for a Decree for Restitution of Conjugal Rights and a Decree was pronounced by this Honorable Court on the Twentieth day of April one thousand nine hundred and twenty six commanding her husband to return home to your Petitioner and render to her conjugal rights within twenty one days after service of a copy of the said Decree on him.
4. That a copy of the said Decree was served on the Petitioner's said husband on the First day of May one thousand nine hundred and twenty six personally in Elizabeth Street, Sydney in the State of New South Wales.
5. That neither since the service of the said Decree upon him nor within twenty one days thereafter nor at all has your Petitioner's said husband returned to co-habitation with your Petitioner or rendered to her conjugal rights.
7. That your Petitioner charges that her said husband has deserted her without reasonable cause by reason of him not having complied with the said Decree of the Court for Restitution of Conjugal Rights.

WHEREFORE YOUR PETITIONER HUMBLY PRAYS

1. That your Honor will be pleased to decree that the marriage of your
Petitioner with her said husband be dissolved.
2. And that your Petitioner may have such further and other relief in
the premises as to your Honor may seem meet.

Elizabeth Wilson Turnbull Hatter

Petitioner.

NOTE. This Petition is filed by R. F. Stuart-Robertson of 147, Elizabeth Street, Sydney in the State of New South Wales, the Solicitor for ELIZABETH WILSON TURNBULL HATTER of Unwins Bridge Road, Tempe, the abovenamed Petitioner.

IN THE SUPREME COURT OF
NEW SOUTH WALES.
MATRIMONIAL CAUSES JURISDICTION.

727 of 1926



Hatter

v.

Hatter

Certificate of
the Registrar
of no
Intervention.

Decree Nisi served 14/9/28 ✓

Period expires 14/3/29 ✓

ppa with power

Coram Owen J.
16. 4 1929
Decree Absolute
<i>ABK.</i>
Associate.

X

R. J. Stuart Robertson

IN THE SUPREME COURT OF
NEW SOUTH WALES.
MATRIMONIAL CAUSES
JURISDICTION. }

No. 727 of 1926

BETWEEN

Elizabeth Wilson Turnbull Hatter

Petitioner,

and

Albert Thomas Hatter

Respondent.

IN pursuance of the 22nd Section of the "Matrimonial Causes Act, 1899," and on the request in writing by the Petitioner, I hereby submit the name of this suit to the Court for confirmation of the Decree *Nisi* herein, and I hereby certify that no matter in opposition to the final Decree herein is now pending.

Dated this

16th

day of

April 1929.

W. H. Hazelton

W. H. Hazelton

Deputy Registrar.



IN THE SUPREME COURT
OF NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION.

NO. 727 of 1926^H.



H A T T E R)

V

H A T T E R)

AFFIDAVIT OF SERVICE
OF DECREE NISI ON
CROWN SOLICITOR.

Deponent: L. S. Smith

Sworn: 15th March, 1929.

ROBSON AND COWLISHAW,
SOLICITORS,
17, O'CONNELL STREET,
SYDNEY.

IN THE SUPREME COURT
OF NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION)

NO. 727 of 1926.

BETWEEN ELIZABETH WILSON TURNBULL HATTER

petitioner

-and-

ALBERT THOMAS HATTER

Respondent.

On the Fifteenth day of March in the year One thousand nine hundred and twenty nine LEONARD SNOWDEN SMITH, Articled Clerk to Messieurs Robson and Cowlshaw of 17 O'Connell Street Sydney in the State of New South Wales being duly sworn makes oath and says as follows :-

1. I am an Articled Clerk with Messieurs Robson and Cowlshaw of Brook House, 17 O'Connell Street, Sydney Solicitors for the abovenamed Petitioner.

2. Yesterday I enquired at the Crown Solicitor's Office whether a copy of the Decree Nisi pronounced herein on the Twenty sixth day of October One thousand nine hundred and twenty seven had been served on the Crown Solicitor and I was informed by Mr. A. J. White a Clerk of the Crown Solicitor's Office that such copy was served on the Crown Solicitor on the Fourteenth day of September One thousand nine hundred and twenty eight.

SWORN by the Deponent on the
day first above mentioned at
Sydney, before me :

L. S. Smith

J. S. Sanders J.P.
A Justice of the Peace.

IN THE SUPREME COURT OF
NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION

No. 727 of 1926.



H A T T E R)

-V-

H A T T E R)

DECREE NISI.

TO THE WITHINNAMED PETITIONER AND
RESPONDENT.

TAKE NOTICE that if you marry again
before this Decree shall have been
made absolute you will be guilty of
bigamy.

Section 28 of the Matrimonial
Causes Act 1899 provides that the
respective parties to a suit for
dissolution of marriage may marry
again as if the marriage had been
dissolved by death where but not
before -

(a) The time limited for appealing
against a Decree Absolute has expired
and no appeal has been presented - or

(b) Any such appeal is dismissed - or

(c) In the result of any appeal the
marriage is declared to be dissolved.

W. H. Haydon
Deputy Registrar.

R.F.STUART- ROBERTSON,
Solicitor,
147 Elizabeth Street,
SYDNEY.

IN THE SUPREME COURT OF
NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION.

No. 727 of 1926.

H A T T E R)
)
)
 V)
) DECREE NISI.
)
 H A T T E R)

TO THE WITHINNAMED PETITIONER AND
RESPONDENT.

TAKE NOTICE that if you marry again
before this Decree shall have been
made absolute you will be guilty of
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Causes Act 1899 provides that the
respective parties to a suit for
dissolution of marriage may marry
again as if the marriage had been
dissolved by death where but not
before -

(a) The time limited for appealing
against a Decree Absolute has expired
and no appeal has been presented - or

(b) Any such appeal is dismissed - or

(c) In the result of any appeal the
marriage is declared to be dissolved.

Deputy Registrar.

R.F. STUART-ROBERTSON,
Solicitor,
141 Elizabeth Street,
SYDNEY.

IN THE SUPREME COURT OF
NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION.

No. 727 of 1926.

BETWEEN

ELIZABETH WILSON TURNBULL HATTER

Petitioner

AND

ALBERT THOMAS HATTER

Respondent.

The twenty sixth day of October in the year of our Lord
one thousand nine hundred and twenty seven.

THIS CAUSE coming on to be heard this day and the issues to be tried before the Honorable Augustus George Frederic James a Judge of the said Supreme Court WHEREUPON AND UPON READING the petition and issues filed herein the affidavit of Sylvia Allen of service of decree for restitution of conjugal rights sworn on the ninth day of June one thousand nine hundred and twenty six, the affidavit of Percy Arnold Shields of search for certificate of compliance sworn on the eleventh day of June one thousand nine hundred and twenty six the affidavit of Percy Arnold Shields sworn the eleventh day of October one thousand nine hundred and twenty six of service of the petition and citation on the abovenamed respondent the affidavit of Percy Arnold Shields sworn the eleventh day of October one thousand nine hundred and twenty six of search and no appearance by or on behalf of the abovenamed respondent and all filed herein AND UPON HEARING the oral evidence of the petitioner AND UPON HEARING what was alleged by Mr. R.F. Stuart-Robertson the solicitor for the said Petitioner and no one appearing for or on behalf of the said respondent it having been proved to the satisfaction of this Court that the petitioner is domiciled in the State of New South Wales His Honor found the following issues in favour of the petitioner that is to say:

1. Whether Elizabeth Wilson Turnbull Hatter, the petitioner, was married to Albert Thomas Hatter, the Respondent, on the 5th of January, 1922?
2. Whether the respondent has deserted the petitioner without reasonable cause by reason of his not having complied with the

decree of the Court for Restitution of Conjugal Rights?

WHEREFORE THIS COURT DOETH ORDER AND DECREE that the marriage of the Petitioner Elizabeth Wilson Turnbull Hatter with the Respondent Albert Thomas Hatter be dissolved unless within six months after the service of a copy of this Decree upon the Crown Solicitor any person shall shew cause why this Decree should not be made absolute or the Crown Solicitor shall under the direction of the Attorney General by leave of this Court intervene or unless it should otherwise appear that this Decree should not be made absolute AND THIS COURT DOETH FURTHER ORDER that the petitioner's costs of and incidental to this suit be taxed by the proper officer of this Honorable Court and that the respondent do pay into Court the said costs as so taxed within fourteen days after the service upon him of a copy of the Certificate of Taxation and that the said costs unless otherwise ordered be paid out to the petitioner or to Robert Francis Stuart-Robertson her solicitor after this Decree shall have been made absolute.

BY THE COURT

W. H. Hargrave
DEPUTY REGISTRAR

IN THE SUPREME COURT
OF NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION

NO. 727 of 1926



H A T T E R)

V.

REQUEST.

H A T T E R)

ROBSON AND COWLISHAW,
SOLICITORS,
17, O'CONNELL STREET,
SYDNEY.

IN THE SUPREME COURT
OF NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION)

NO. 727 of 1926.

BETWEEN ELIZABETH WILSON TURNBULL HATTER

Petitioner

-and-

ALBERT THOMAS HATTER

Respondent.

I hereby request that the Decree Nisi pronounced herein
by this Honourable Court on the Twenty sixth day of
October One thousand nine hundred and twenty seven be
made absolute.

DATED this

19th

day of

March 1929.

Elizabeth W. T. Hatter
.....

Petitioner.

IN THE SUPREME COURT
OF NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION

NO. 727 of 1926



£ 1-3-6
40

H A T T E R)

v

DECREE ABSOLUTE

H A T T E R)

ROBSON AND COWLISHAW,
SOLICITORS,
17, O'CONNELL STREET,
SYDNEY.

IN THE SUPREME COURT
OF NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION)

NO. 727 of 1926.

BETWEEN ELIZABETH WILSON TURNBULL HATTER
Petitioner

-and-

ALBERT THOMAS HATTER
Respondent.

ON the Sixteenth day of April, 1929.

UPON READING the Decree Nisi granted herein on the Twenty sixth day of October One thousand nine hundred and twenty seven, the Affidavit of Leonard Snowden Smith of service of a copy of the Decree Nisi on the Crown Solicitor sworn on the Fifteenth day of March One thousand nine hundred and twenty nine, the request in writing of the Petitioner that the said Decree be made absolute, and the certificate of the Registrar of the Court that no matter in opposition to the final decree is now pending and all filed herein. This Court doth order and decree that the Decree Nisi aforesaid be and the same is hereby made absolute and that the marriage between Elizabeth Wilson Turnbull Hatter the abovenamed Petitioner and Albert Thomas Hatter the abovenamed Respondent is hereby dissolved accordingly.

ERL

By the Court
W. H. Hargrave
Deputy Registrar



REMINGTON

IN THE SUPREME COURT OF
NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION.

No. 727 of 1926.
603 of 1925

<u>H A T T E R</u>	)	<u>AFFIDAVIT OF SER-</u>
)	
<u>-v-</u>	)	<u>VICE OF DECREE</u>
)	
<u>H A T T E R</u>	)	<u>FOR RESTITUTION OF</u>
	)	<u>CONJUGAL RIGHTS.</u>

Deponent SYLVIA ALLEN.

Sworn 9th day of June A.D. 1926.



INGTON DOND

R.F. STUART-ROBERTSON.

IN THE SUPREME COURT OF
NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION.

No. 603 of 1925.

B E T W E E N

ELIZABETH WILSON TURNBULL HATTER

Petitioner.

A N D

ALBERT THOMAS HATTER

Respondent.

TAKE NOTICE that if you fail to comply with the decree for restitution of conjugal rights made herein on the twentieth day of April one thousand nine hundred and twenty six, you shall be deemed to have been guilty of desertion without reasonable cause and a suit for judicial separation or dissolution of marriage may be instituted against you and a decree of judicial separation or dissolution of your marriage may be pronounced on the ground of desertion althouth the period of three years may not have elapsed since your failure to comply with the decree for restitution of conjugal rights.

DATED this First day of May A.D. 1926.

R. F. Stuart-Robertson

Solicitor for Petitioner.

147, Elizabeth Street,

SYDNEY.

This is the annexure marked "B" mentioned and referred to in the affidavit of SYLVIA ALLEN sworn this *fourth* day of June A.D. 1926 at Sydney Before me :

R. F. Stuart-Robertson
A Justice of the Peace.

TO ALBERT THOMAS HATTER.

IN THE SUPREME COURT OF

NEW SOUTH WALES

MATRIMONIAL CAUSES JURISDICTION.

No. 727 of 1926.

BETWEEN

ELIZABETH WILSON TURNBULL HATTER

Petitioner.

AND

ALBERT THOMAS HATTER

Respondent.

ON this *Ninth* day of June one thousand nine hundred and twenty six SYLVIA ALLEN of 147, Elizabeth Street, Sydney in the State of New South Wales, Clerk, being duly sworn makes oath and says as follows :-

Saturday 1. I did on the First day of May last past, duly serve Albert Thomas Hatter, the abovenamed Respondent with a true copy of the Decree for Restitution of Conjugal Rights made herein on the Twentieth day of April last past, by handing the same to him personally in Elizabeth Street, Sydney aforesaid and at the same time I produced and shewed to him the sealed copy of the said Decree which is hereunto annexed and marked with the letter "A".

RJA 2. At the same time and place of effecting the above service I also served upon the said Respondent a Notice of the possible consequences of his non-compliance with the said Decree a true copy whereof is hereunto annexed and marked with the letter "B"

3. At the time of the service of the said Decree and Notice as aforesaid on the said Respondent he admitted to me that he was the person referred to therein as the respondent and that he was the husband of Elizabeth Wilson Turnbull Hatter.

SWORN by the Deponent on the day

first abovementioned at Sydney

Before me :-

R. Stuart Robertson L.P.

Sylvia Allen

IN THE SUPREME COURT OF
NEW SOUTH WALES.
MATRIMONIAL CAUSES JURISDICTION.

No. 603 of 1925

<u>H A T T E R</u>	)	<u>DECREE FOR RESTITUTION</u>
)	
<u>-v-</u>	)	<u>OF</u>
)	
<u>H A T T E R</u>	)	<u>CONJUGAL RIGHTS</u>

R.F. STUART-ROBERTSON

Solicitor for Petitioner
147, Elizabeth Street,
SYDNEY.

IN THE SUPREME COURT OF
NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION.

No. 603 of 1925.

BETWEEN

ELIZABETH WILSON TURNBULL HATTER

Petitioner.

AND

ALBERT THOMAS HATTER

Respondent.

The twentieth day of April in the year of our Lord
one thousand nine hundred and twenty six.

THIS CAUSE coming on to be heard this day and the issues to be
tried before the Honorable Augustus James a Judge of the said
Supreme Court WHEREUPON AND UPON READING the Petition and Issues
filed herein, the affidavit of Patrick Quinn sworn on the Twenty-
ninth day of October last of service of the Petition and citation
on the abovenamed respondent the affidavit of Joseph Edward Burrows
sworn on the Thirtieth day of October last of search and no
appearance by or on behalf of the abovenamed respondent and all
filed herein AND UPON HEARING the oral evidence of the Petitioner
and of Maud Warton called on behalf of the Petitioner AND UPON HEAR-
ING what was alleged by Mr. R. F. Stuart-Robertson the Solicitor
for the abov named Petitioner AND no one appearing on behalf of
the respondent is having been proved to the satisfaction of this
Court that the Respondent is domiciled in the State of New South Wales
HIS HONOR found the following issues in favour of the Petitioner that
is to say :-

1. Whether Elizabeth Wilson Turnbull Hatter, the
petitioner, was married to Albert Thomas Hatter, the
respondent on the 5th of January 1922?
2. Whether the respondent has withdrawn from
cohabitation with the petitioner and has kept

This is the annexure marked "A" mentioned and referred to in the affidavit of SYLVIA ALLEN sworn
this 9th day of June A.D. 1926 at Sydney Before me :-

R. Stuart-Robertson
A Justice of the Peace in and for the State of New South Wales.

and continued away from her without
any just cause whatsoever and without any
such cause has refused and still refuses
to render to her conjugal rights?

WHEREFORE THIS COURT DOTH ORDER AND DECREE that the said
Albert Thomas Hatter do within twenty one days from the service
of a copy of this Decree upon him take back or return home to
the said Elizabeth Wilson Turnbull Hatter and render to the
said Elizabeth Wilson Turnbull Hatter conjugal rights AND
IT IS FURTHER ORDERED that the said Albert Thomas Hatter
do within four days after the expiration of the said twenty-one
days file in the registry of this Court a certificate of his
compliance with this decree AND IT IS FURTHER ORDERED that at
the same time as the Decree is served a written notice is to
be served on the respondent calling his attention to the
possible consequence of the non-compliance with the decree.
AND THIS COURT DOTH FURTHER ORDER that the Petitioner's costs of
and incidental to this suit be taxed by the proper officer of
this Court and that the respondent do pay into Court the said
costs as so taxed within fourteen days after service on him of
a copy of the Certificate of Taxation ~~and that the said costs un-~~
~~less otherwise ordered be paid out to the petitioner or to~~
Robert Francis Stuart-Robertson her Solicitor.

9
BY THE COURT

Arthur G. S. King
REGISTRAR

IN THE SUPREME COURT OF

NEW SOUTH WALES

MATRIMONIAL CAUSES JURISDICTION

No. 727 of 1926.
603 of 1925

H A T T E R) AFFIDAVIT OF
) SEARCH FOR CERT-
) IFICATE OF COM-
-v-) PLIANCE.
H A T T E R)

Deponent PERCY ARNOLD SHIELDS

Sworn 11 day of June A.D. 1926.



R. F. S TUART-ROBERTSON.

IN THE SUPREME COURT OF
NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION.

No. 727 of 1926.
602 of 1925

B E T W E E N

ELIZABETH WILSON TURNBULL HATTER

Petitioner.

A N D

ALBERT THOMAS HATTER

Respondent.

ON this *Eleventh* day of June one thousand nine hundred and twenty six, PERCY ARNOLD SHIELDS of 147, Elizabeth Street, Sydney in the State of New South Wales, Articled Clerk, being duly sworn makes oath and says as follows :-

1. I did this day search in the Office of the Registrar of this Honorable Court and find that no Certificate of Compliance has been filed by the Respondent herein Albert Thomas Hatter, in accordance with the Decree for Restitution of Conjugal Rights made on the twentieth day of April last past.

2. The time for filing such Certificate has elapsed the respondent having been duly served with the Decree on the First day of May last past as appears by the affidavit of Sylvia Allen sworn on the Ninth day of May last past and filed herein.

SWORN by the Deponent on the day }
first abovementioned at Sydney }
Before me :- }

W. L. Gerrill J.P.

Percy Shields

A Justice of the Peace in and for the State of New South Wales.

22. 4. 27

IN THE SUPREME COURT OF
NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION

No. 727 of 1926



H A T T E R

-v-

H A T T E R

DRAFT ISSUES

R. F. STUART-ROBERTSON

IN THE SUPREME COURT OF

NEW SOUTH WALES

MATRIMONIAL CAUSES JURISDICTION

No. 727 of 1926

ELIZABETH WILSON TURNBULL HATTER

AGAINST

ALBERT THOMAS HATTER

QUESTIONS FOR THE JUDGE

1. WHETHER Elizabeth Wilson Turnbull Hatter, the Petitioner, was married to Albert Thomas Hatter, the respondent, on the 5th of January, 1922?
2. WHETHER the Respondent has deserted the Petitioner without reasonable cause by reason of his not having complied with the decree of the Court for Restitution of Conjugal Rights?

DEPUTY REGISTRAR.

Settled
Issues to be tried at Sydney
at present sittings.

W. J. H.
Deputy Registrar.

22/4/27

IN THE SUPREME COURT OF
NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION

No. 727 of 1926



H A T T E R)

AFFIDAVIT 9

-v-

OF

H A T T E R)

SEARCH

Deponent: PERCY ARNOLD SHIELDS

Sworn this 11th day of Oct.A.D.1926

R. F. STUART- ROBERTSON

Solicitor,
147 Elizabeth Street,
SYDNEY

IN THE SUPREME COURT OF

NEW SOUTH WALES

MATRIMONIAL CAUSES JURISDICTION

No. 727 of 1926

B E T W E E N

ELIZABETH WILSON TURNBULL HATTER

Petitioner

A N D

ALBERT THOMAS HATTER

Respondent

ON this *eleventh* day of October one thousand nine hundred and twenty six PERCY ARNOLD SHIELDS of 147 Elizabeth Street, Sydney, in the State of New South Wales, Articled Clerk, being duly sworn makes oath and says as follows:-

1. I did this day search the book kept in the office of the Registrar for entering appearances and find that no appearance has been entered in this suit by or on behalf of the abovenamed Respondent.

2. The time for such appearance had then elapsed the respondent having been duly served with the Petition herein on the first day of September last past at No.9 Denison Street, Waverley as appears by the affidavit of Percy Arnold Shields sworn on the *eleventh* day of October instant and filed herein.

SWORN by the Deponent on the day
first abovementioned at Sydney
Before me:-

Percy A. Shields

John D. Lewis JP

A Justice of the Peace in and for the State of New South Wales.

IN THE SUPREME COURT OF
NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION

No. 727 of 1926



<u>H A T T E R</u>	)	<u>AFFIDAVIT</u>
-v-	)	<u>OF</u>
<u>H A T T E R</u>	)	<u>SERVICE</u>

Deponent: PERCY ARNOLD SHIELDS

Sworn this 11th day of Sept. A.D. 1926.

R. F. STUART-ROBERTSON

Solicitor,
147 Elizabeth Street,
SYDNEY.

IN THE SUPREME COURT OF

NEW SOUTH WALES

MATRIMONIAL CAUSES JURISDICTION

No. 727 of 1926

B E T W E E N

ELIZABETH WILSON TURNBULL HATTER

Petitioner

A N D

ALBERT THOMAS HATTER

Respondent

ON this *Eleventh* day of October in the year one thousand nine hundred and twenty six PERCY ARNOLD SHIELDS of 147 Elizabeth Street, Sydney in the State of New South Wales, Articled Clerk, being duly sworn makes oath and says as follows:-

1. On Wednesday the first day of September last past I duly served the abovenamed respondent, Albert Thomas Hatter with a true copy of the petition herein such copy petition having been duly certified as correct in the office of the Registrar of this Honorable Court by Hugh W.S. Jermyn, Clerk in Divorce and sealed on each page with the impress seal of this Honorable Court, and having a Citation duly endorsed thereon addressed to the said Albert Thomas Hatter and commanding him within fourteen days after service to cause an appearance to be entered for him in the said Court, which Citation was signed for the Registrar by the said Hugh W.S. Jermyn, Clerk in Divorce by handing the said copy petition to the said Albert Thomas Hatter personally at a house, No.9 Denison Street, Waverley.

2. The said copy petition had also endorsed upon it the address of the petitioner's solicitor, namely Robert Francis Stuart-Robertson of 147, Elizabeth Street, Sydney in the State aforesaid which said address is within two miles of the General Post Office, Sydney.

John Dennis JP

Percy A. Shields

3. At the time of the service of the petition on the said respondent, he admitted to me that his name was Albert Thomas Hatter and that he was the husband of Elizabeth Wilson Turnbull Hatter and the person referred to in the said copy petition as the respondent.

SWORN by the Deponent on the day)
first abovementioned at Sydney)
Before me:-

Percy A. Shields.

John Dennis JP

11/10/26.

A Justice of the Peace in and for the State of New South Wales.

IN THE SUPREME COURT OF
NEW SOUTH WALES
MATRIMONIAL CASES JURISDICTION.

No. 727 of 1926.



H A T T E R

-v-

H A T T E R

ISSUES.

Cocaine found.
16. 10. 27.
I find Domicile proved.
I find marriage proved.
I grant pet. D/Nisi
at 6 mos after decree on
Crown Solicitor
Respect to my costs.

///

B

R. F. STUART-ROBERTSON.

IN THE SUPREME COURT OF
NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION.

No. 727 603 of 1925.



ELIZABETH WILSON TURNBULL HATTER

AGAINST

ALBERT THOMAS HATTER.

QUESTIONS FOR THE JUDGE.

1. _____ Whether Elizabeth Wilson Turnbull Hatter, the petitioner, was married to Albert Thomas Hatter, the respondent, on the 5th of January 1922?
2. _____ Whether the respondent has deserted the petitioner without reasonable cause by reason of his not having complied with the decree of the Court for Restitution of Conjugal Rights?

CVN

Arthur J. Saddington

Registrar.



IN THE SUPREME COURT OF
NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION.

No. 727 of 1926.



H A T T E R

12/27
PRAECIPE

-V-

FOR

H A T T E R

TRIAL.

IN THE SUPREME COURT OF
NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION.

No. 727 of 1926.

BETWEEN

ELIZABETH WILSON TURNBULL HATTER

Petitioner.

-and-

ALBERT THOMAS HATTER

Respondent.

ENTER this Cause for Trial at the present sittings of this
Honorable Court in its Matrimonial Causes Jurisdiction.

DATED this 19th day of September A.D. 1927.

R. J. Stuart Robertson

Solicitor for Petitioner,

147 Elizabeth Street,

SYDNEY.

IN THE SUPREME COURT OF
NEW SOUTH WALES

MATRIMONIAL CAUSES JURISDICTION.

No. 727 of 1926.

H A T T E R

AFFIDAVIT

-v-

VERIFYING

H A T T E R

PETITION.

Deponent ELIZABETH W. T. HATTER

Sworn 1st day of June A.D. 1926.



R.F. S TUARTA ROBERTSON.

IN THE SUPREME COURT OF
NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION.)

No. 727 of 1926.

B E T W E E N

ELIZABETH WILSON TURNBULL HATTER

Petitioner.

A N D

ALBERT THOMAS HATTER

Respondent.

ON this First day of June one thousand nine hundred and twenty six, ELIZABETH WILSON TURNBULL HATTER of Unwins Bridge Road, Tempe in the State of New South Wales, Married Woman, being duly sworn makes oath and says as follows :-

1. I am the abovenamed Petitioner.

2. I was on the fifth day of January one thousand nine hundred and twenty two lawfully married to Albert Thomas Hatter at Sydney in the State of New South Wales, according to the rites of the Salvation Army.

3. I was born at St. Peters in the State of New South Wales and my said husband was born at Marulan in the State of New South Wales and we both are at the present time and have been for three years and upwards domiciled in the said State of New South Wales.

4. My said husband and I have had no issue of our said marriage.

5. I filed a petition in this Honorable Court for Restitution of Conjugal Rights and a Decree was pronounced by this Honorable Court on the Twentieth day of April one thousand nine hundred and twenty six, commanding my husband to return home to me and render to me conjugal rights within twenty one days after service of a copy of the said Decree on him.

6. A copy of the said Decree was served on my said husband on the First day of May one thousand nine hundred and twenty six, personally in Elizabeth Street, Sydney in the State of New South Wales.

John Thomas Hatter

E. W. T. Hatter

7. _____ Neither since the service of the said Decree upon my husband nor within twenty one days thereafter nor at all has my husband returned to cohabitation with me or rendered to me conjugal rights.

8. _____ I charge that my said husband has deserted me without reasonable cause by reason of him not having complied with the said Decree of the Court for Restitution of Conjugal Rights.

9. _____ There is or was no collusion or connivance past or present direct or indirect between me this deponent and the other party to this suit or with any other person whatsoever.

SWORN by the Deponent on the day)
first hereinbefore mentioned at)
Sydney Before me :-)

E. W. J. Hatter

James Parsons

1/6/ 1926.

A Justice of the Peace in and for the State of New South Wales.

23
10

THE
IN/SUPREME COURT OF
NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION.

NO. 727 of 1926.



HATTER

v

HATTER

NOTICE OF MOTION TO SHORTEN
TIME FOR MAKING DECREE
ABSOLUTE.

Foram famer S.
23.10.28.

Sol. Street on
4 days notice.

MKB

IN THE SUPREME COURT OF
NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION)

NO. 727 of 1926.

B E T W E E N ELIZABETH WILLIAM TURNBULL
HATTER

Petitioner

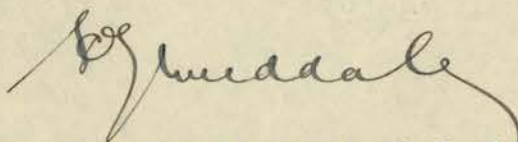
-and-

ALBERT THOMAS HATTER

Respondent.

TAKE NOTICE that this Honourable Court will be moved on
Tuesday the twenty third day of October One thousand
nine hundred and twenty eight before the Honourable Langer
Meade Loftus Owen Judge of the Matrimonial Causes Jurisdic-
tion of the said Supreme Court at the Supreme Court House
King Street, Sydney at Ten o'clock in the forenoon or so
soon thereafter as counsel can be heard on behalf of the
abovenamed Petitioner for an order that the Decree Nisi
herein may be made absolute within a shorter time than therein
provided or for such further order as the Court directs.

DATED the seventeenth day of October 1928.



Solicitor for the abovenamed Petitioner.

This notice of Motion is taken out by SYDNEY CLOSE TWEEDDALE
the Solicitor for the abovenamed Petitioner of "Brook House"
17 O'Connell Street, Sydney at which address service of all
notices and documents will be accepted.

IN THE SUPREME COURT
OF NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION.

NO. 727 of 1926.



H A T T E R)

v.)

H A T T E R)

AFFIDAVIT OF SERVICE
OF DECREE NISI ON
CROWN SOLICITOR.

Deponent: L.S.Smith.

Sworn: 15th October, 1928.

ROBSON AND COWLISHAW,
17, O'Connell Street,
SYDNEY.

IN THE SUPREME COURT
OF NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION

NO. 727 of 1926.

B E T W E E N

ELIZABETH WILSON TURNBULL
HATTER

Petitioner

-and-

ALBERT THOMAS HATTER

Respondent

ON this *Fifteenth* day of October One thousand nine hundred and twenty eight LEONARD SNOWDEN SMITH being duly sworn makes oath and says as follows :-

1. I am an Articled Clerk with Messieurs Robson & Cowlshaw of 17 O'Connell Street, Sydney, Solicitors for the abovenamed Petitioner.

2. On this day I did enquire at the offices of the Crown Solicitor Macquarie Street, Sydney and was informed by Mr. William Benny a Clerk of the Crown Solicitor's Department and verily believe that a copy of the Decree Nisi made herein on the Twenty sixth day of October One thousand nine hundred and twenty seven was duly served on the Crown Solicitor on the Fourteenth day of September last past.

SWORN by the deponent on the
day first above mentioned at
Sydney, Before me :

L. S. Smith

[Signature]

A Justice of the Peace.

IN THE SUPREME COURT
OF NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION.

No. 727 of 1926.



H A T T E R)
)
) AFFIDAVIT IN SUPPORT
) OF NOTICE OF MOTION
v.) FOR A SHORTER TIME TO
) MAKE DECREE ABSOLUTE.
)
H A T T E R)

Deponent E.W.T.Hatter,

Sworn: 12th October 1928.

ROBSON AND COWLISHAW,
17, O'CONNELL STREET
SYDNEY.

IN THE SUPREME COURT
OF NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION)

No. 727 of 1926.

ELIZABETH WILSON TURNBULL HATTER

Petitioner

-and-

ALBERT THOMAS HATTER

Respondent.

ON this *Twelfth* day of October One thousand nine hundred and twenty eight ELIZABETH WILSON TURNBULL HATTER of West Marrickville Married Woman being duly sworn makes oath and says as follows :-

1. I am the abovenamed Petitioner.
2. A Decree Nisi dissolving my marriage with the above-named Respondent on the grounds of non compliance with a decree for Restitution of Conjugal Rights was pronounced by this Honourable Court on the Twenty sixth day of October One thousand nine hundred and twenty seven.
3. Mr. R.F. Stuart-Robertson Solicitor had the Management of my Petition for dissolution of marriage in pursuance of which such Decree Nisi was pronounced, and I was of the belief that he had duly taken out such Decree Nisi and served it on the Crown Solicitor, and that the time for applying for the Decree Absolute had now expired.
4. It was on such belief that I have made arrangements to remarry a certain Mr. William Crook and incidentally to provide a home for my three children who are at present living with me.

E. W. T. Hatter

W. J. Hatter

5. I recently interviewed the said Mr. R.F. Stuart-Robertson and I was informed by him and verily believe that the said Decree Nisi was not taken out until quite recently and that it was only served on the Crown Solicitor on the Fourteenth day of September One thousand nine hundred and twenty eight so that the time for making the Decree Absolute will not expire until some months hence.

6. I am therefore desirous of obtaining an order giving me leave to apply to have the decree Nisi made herein on the Twenty sixth day of October One thousand nine hundred and twenty seven made Absolute at the expiration of a shorter time than therein provided or such further order as the Court may deem fit.

7. I crave leave to refer to all documents filed on record herein.

SWORN by the Deponent on the
day first above mentioned at
Sydney, Before me :

} E. W. J. Hatter
}
}



A Justice of the Peace.

IN THE SUPREME COURT
OF NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION

No. 727 of 1926.



HATTER)

v.)

HATTER)

NOTICE OF CHANGE OF
ATTORNEY.

ROBSON AND COWLISHAW
Solicitors
17 O'Connell Street
SYDNEY.

IN THE SUPREME COURT
OF NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION)

No. 727 of 1926.

BETWEEN ELIZABETH WILSON TURNBULL HATTER

Petitioner

-and-

ALBERT THOMAS HATTER

Respondent.

TAKE NOTICE that SYDNEY CLOSE TWEEDDALE of "Brook House"
17 O'Connell Street Sydney has been appointed solicitor
for the Petitioner in this cause in the place of
Mr. R.F.Stuart-Robertson. All documents may be served
at the abovementioned address of the said Sydney Close
Tweeddale.

DATED this eighteenth day of October, 1928.

Sydney Close Tweeddale

IN THE SUPREME COURT
OF NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION

NO. 727 of 1926.



HATTER)
) AFFIDAVIT OF SERVICE OF
) NOTICE OF MOTION AND
v) AFFIDAVIT IN SUPPORT ON
) CROWN SOLICITOR.
HATTER)

ROBSON & COWLISHAW
17 O'Connell Street,
SYDNEY.

IN THE SUPREME COURT)
OF NEW SOUTH WALES) NO. 727 of 1926.
MATRIMONIAL CAUSES JURISDICTION)

B E T W E E N

ELIZABETH WILSON TURNBULL HATTER
Petitioner.

-and-

ALBERT THOMAS HATTER
Respondent.

ON the seventeenth day of October One thousand nine hundred
and twenty eight GORDON JOSIAH FERGUSON of Sydney Law
Clerk being duly sworn makes oath and says as follows:-

1. I am a Clerk with Messieurs Robson and Cowlshaw
of 17 O'Connell Street Sydney Solicitors for the above-
named Petitioner.

2. On this day I did duly serve on the Crown Solicitor
a true copy of the Notice of Motion annexed hereto and
marked "A" and a true copy of the Affidavit of Elizabeth
Wilson Turnbull Hatter sworn on the twelfth instant and
filed herein by leaving them with a Clerk of his Depart-
ment at the Crown Solicitor's offices Macquarie Street,
Sydney.

SWORN by the Deponent on the)
day first above mentioned at)
Sydney, before me:

Gordon J Ferguson

M. J. Anderson

A Justice of the Peace

IN THE SUPREME COURT
OF NEW SOUTH WALES
MATRIMONIAL CAUSES JURISDICTION)

NO. 727 of 1926.

B E T W E E N ELIZABETH WILLIAM TURNBULL
HATTER
Petitioner
-and-
ALBERT THOMAS HATTER
Respondent.

This is the annexure marked "A" referred to in the Affidavit of Gordon Josiah Ferguson Sworn before me the seventeenth day of October 1928.

A Justice of the Peace.

TAKE NOTICE that this Honourable Court will be moved on Tuesday the twenty third day of October One thousand nine hundred and twenty eight before the Honourable Langer Meade Loftus Owen Judge of the Matrimonial Causes Jurisdiction of the said Supreme Court at the Supreme Court House King Street, Sydney at Ten o'clock in the forenoon or so soon thereafter as counsel can be heard on behalf of the abovenamed Petitioner for an order that the Decree Nisi herein may be made absolute within a shorter time than therein provided or for such further order as the Court directs.

DATED theseventeenth day of October 1928.

Sydney Close Tweeddale
Solicitor for the abovenamed
Petitioner.

This notice of Motion is taken out by SYDNEY CLOSE TWEEDDALE the Solicitor for the abovenamed Petitioner of "Brook House" 17 O'Connell Street, Sydney at which address service of all notices and documents will be accepted.



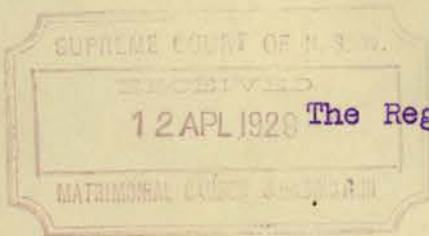
W.

19 *CL*
1209

STATE CROWN SOLICITOR'S OFFICE,
237 MACQUARIE STREET.

SYDNEY, *12th April* 192 *9*.

WHEN REPLYING, PLEASE QUOTE NO. *28-4672*.



The Registrar in Divorce,
Sydney.

Subject: Hatter v. Hatter.

I return ~~papers~~ (2 sets) herein as I do
Encl. *QSH* not intend appearing in the Suit.

John V. Tillet
Crown Solicitor.

NSW STATE ARCHIVES



AF00200918