

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

4408

Middlecoat MH

vs

Middlecoat F

Petition for Judicial Separation

10/-

Filed 9 Jun 1891

14th (?)

Arthur Newton & Co  
24 Great Marlborough Street  
Regent Street  
W  
Solicitors for the Petitioner

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

To the Right Honorable the President of the Probate Divorce and Admiralty Division of Her Majesty's High Court of Justice

The 9<sup>th</sup> day of June A.D. 1891

The humble Petition of Mary Henrietta Middlecoat of 142 Evering Road Stoke Newington in the County of Middlesex the lawful Wife of Francis Middlecoat a retired Colonel in the Madras Staff Corps

SHEWETH

1. That your Petitioner (then Mary Henrietta Locke Spinster) was on the 10<sup>th</sup> day of January 1866 lawfully married to the said Francis Middlecoat at Saint Georges Cathedral Madras India
2. That after her said Marriage your Petitioner lived and cohabited with the said Francis Middlecoat at Raipore in the Madras Presidency of India and at Rangoon, at Bangalore, and other places and that your Petitioner and her said Husband have had issue of their said Marriage ten Children to wit three sons and seven daughters of which the following are now under the age of 16 years to wit Winifred Violet aged 13 years , Margaret Harriet Locke and George Robert Burn aged respectively 9 years; and David aged 7 years
3. That from and immediately after the said Marriage down to the present time the said Francis Middlecoat has constantly illtreated your Petitioner and has used violent filthy and abusive language and epithets to her in the presence of her Servants and Children more especially upon the occasions hereinafter set out

4. That within three or four days after the said Marriage the said Francis Middlecoat falsely accused your Petitioner of having committed incest
5. That within a month of the said Marriage you Petitioner was compelled to seek and obtain a Magisterial Decree of Separation from the said Francis Middlecoat in consequence of his serious illtreatment of your Petitioner
6. That upon many occasions the said Francis Middlecoat had been guilty of indecent conduct in the presence of his Daughters and has refused to listen to the remonstrances of your Petitioner upon the subject
7. That upon an occasion whilst living at Pallavaram and Bangalore in India the said Francis Middlecoat called your Petitioner a whore
8. That upon the 17<sup>th</sup> July 1887 at Pallavaram in India the said Francis Middlecoat was guilty of cruelty to your Petitioner in that he said the following words to your Petitioner "You have lied hellishly and damnably, Your house will be a Whoreshop within a week of my death"
9. That upon many occasions the said Francis Middlecoat has compelled your Petitioner to submit to his having sexual intercourse with her although at the time your Petitioner was physically unwell and such sexual intercourse caused her great pain and suffering
10. That upon the 31<sup>st</sup> May 1891 the said Francis Middlecoat violently pushed your Petitioner at 142 Evering Road aforesaid
11. That upon an occasion happening shortly before Christmas 1890 the said Francis Middlecoat pushed your Petitioner with such violence that at 232 Amhurst Road Stoke Newington aforesaid that she fell on the floor and was hurt in the presence of her children
12. That in the month of May 1891 upon his return from India the said Francis Middlecoat came into the bedroom at 142 Evering Road aforesaid where your Petitioner and her two Children were lying seriously ill and persisted in making a great noise causing great pain and anguish to your Petitioner and great harm to the sick Children
13. That upon another occasion happening in the month of May 1891 the said Francis Middlecoat came into the Room at 142 Evering Road aforesaid where your Petitioner was attending to her daughter Mary Constance who was seriously and dangerously ill and persisted in abusing and shouting at your Petitioner although requested not to do so causing great pain and distress of mind to your Petitioner and her said Daughter
14. That upon the 11<sup>th</sup> May 1891 whilst your Petitioner was suffering from a disease known as the Influenza and was in a very weak state and whilst your Petitioner was suffering from her monthly periods, both of which facts were known to the said Francis Middlecoat he the said Francis Middlecoat insisted upon having sexual intercourse with your Petitioner and caused her great pain and moreover the said Francis Middlecoat used filthy and abusive language to your Petitioner upon the said occasion
15. That your Petitioner is afraid to cohabit with the said Francis Middlecoat both on her own account and on the account of the Children of the said Marriage

Wherefore Your Petitioner prays That your Lordship may be pleased to decree that your Petitioner may be judicially separated from the said Francis Middlecoat and that she may have such further and other relief as to your Lordship may seem meet in the premises

(signed) Mary H Middlecoat

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In the Matter of the Petition of Mary Henrietta Middlecoat for a Judicial Separation

Affidavit of the Petitioner verifying the Petition

Filed 9 Jun 1891

Arthur Newton & Co

24 Great Marlborough Street

Petitioners Solicitors

In the Matter of the Petition of Mary Henrietta Middlecoat for a Judicial Separation

I Mary Henrietta Middlecoat of 142 Evering Road Stoke Newington in the County of Middlesex the lawful Wife of Francis Middlecoat a retired Colonel in the Madras Staff Corps make oath and say as follows:

1. I have read the Petition about to be presented by me against the said Francis Middlecoat and I say that the statements contained in Paragraphs 1 to 5 and 7 to 15 all inclusive are within my own knowledge true and I further say that I verily believe the statements contained in Paragraph 6 to be true
2. I further say that there is no collusion or connivance between me this Deponent and the said Francis Middlecoat

Sworn at 11 Argyll Place in the County of London this 9<sup>th</sup> day of June 1891

(signed) MH Middlecoat

Before me

(signed) ?? Norman

A Commissioner to administer oaths in the Supreme Court of Judicature

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

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Middlecoat v Middlecoat

Answer to Petition for judicial separation

2/6

Filed 27 July 1891

Napoleon Argles Co  
6 Lombard Court EC  
Respondent's Solicitors

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

The 27<sup>th</sup> day of July 1891

Between

Mary Henrietta Middlecoat Petitioner

and

Francis Middlecoat Respondent

Answer to Petition for Judicial Separation

The Respondent Francis Middlecoat by Messrs Napoleon Argles Co, his solicitors, in answer to the petition filed in this case, saith:-

1. That he denies that there have been ten children issue of his said marriage and says that three children born of the Petitioner since marriage are not his children as hereinafter set forth.
2. That he denies that he has been guilty of cruelty as alleged in the said Petition.
3. That he denies that he accused the Petitioner of having committed incest as alleged in Paragraph 4 or at all.
4. That no magisterial decree of separation was granted to the Petitioner as alleged in Paragraph 5.
5. That he denies that he has been guilty of indecent conduct in the presence of his daughter as alleged in Paragraph 6 or at all.
6. The Respondent further saith that in the year 1874 the said Mary Henrietta Middlecoat at Bangalore in the presidency of Madras, India, and also in the year 1876 at St Thomé in the said presidency of Madras habitually committed adultery with Colonel, then Captain Robert Tait, since deceased.
7. That between the years 1874 & 1881 the said Mary Henrietta Middlecoat at Bangalore aforesaid and at Palaveram also in the said presidency of Madras habitually committed adultery with Captain Algernon Henry Wilmer, with Sir Robert Dalryell K.C.S.I., with Captain O.V. Boddy R.E. and with Captain Herbert Edward Porter.

8. That on the 6<sup>th</sup> day of May 1875 the said Mary Henrietta Middlecoat at Bangalore aforesaid gave birth to a child Lucy of which the said Mary Henrietta Middlecoat led the Respondent to believe the said Colonel Robert Tait was the father.
9. That on the 5<sup>th</sup> day of December 1881 the said Mary Henrietta Middlecoat at Madras gave birth to twins Margaret Harriet Locke and George Robert Burn of which the said Captain Herbert Edward Porter is the father.
10. That the Petitioner has condoned the cruelty (if any) of the Respondent alleged in the said Petition.

Delivered the 27<sup>th</sup> day of July 1891 by Messrs Napoleon Argles Co of 6 Lombard Court in the City of London Respondents Solicitors

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

Cause 4408

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Middlecoat MH v Middlecoat F

Reply

2/6

Filed 5 August 1891

Arthur Newton & Co

Solicitors

24 Great Marlborough Street

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

Cause 4408

Between

Middlecoat MH Petitioner

and

Middlecoat F Respondent

By way of Replication to the Answer of the Respondent filed herein the Petitioner Mary Henrietta Middlecoat by Messrs Arthur Newton & Co her solicitors says as follows:-

1. That as to paragraphs 1, 2, 3, 4 & 5 of the said Answer she joins issue upon the denials therein contained
2. That further to paragraph 1 of the said Answer she does not admit that three of the children born of her since marriage are not the children of the Respondent and further she says that all children born of her since marriage are the lawful and legitimate children of the Respondent
3. That as to paragraph 6 of the said Answer she does not admit that she has committed adultery as alleged with Colonel Robert Tait
4. That as to paragraph 7 of the said Answer she does not admit that she has committed adultery with all or any of the persons therein named as alleged
5. That as to paragraph 8 of the said Answer she admits that she gave birth to a child "Lucy" but she denies that she ever led the Respondent to believe that the said Colonel Robert Tait was the father of the said child and further she says that the said child was the lawful and legitimate child of the Respondent
6. That as to paragraph 9 of the said Answer she admits that she gave birth to twins as alleged but she denies that the said Captain Herbert Edward Porter is the father of the said twin children, and further she says that the said twin children are the lawful and legitimate children of the Respondent
7. Alternatively that the adultery (if any) committed by her has been condoned by the Respondent
8. That as to paragraph ten of the said answer she denies that she has ever condoned the acts of cruelty of the Respondent set out in the Petition herein as alleged

Wherefore the Petitioner Prays:- That your Lordship may be pleased to decree that your Petitioner may be judicially separated from the said Francis Middlecoat and that she may have such further and other relief as to your Lordship may seem meet in the Premises

Delivered the 5<sup>th</sup> day of August 1891 by Messrs Arthur Newton & Co of 24 Great Marlborough Street  
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Solicitors for the Petitioner