

Western Australia

In her Majesty's Court for divorce and matrimonial causes.

To His Honor Archibald Paull Burt Chief Justice of Western Australia and Judge of Her Majesty's Court for divorce and matrimonial causes.

The Twentieth day of November in the year of our Lord One thousand eight hundred and seventy two.

The Petition of Emma Collins of Perth in the Colony of Western Australia wife of Peter Collins.

Sheweth

1. That on the ninth day of September in the year of our Lord One thousand eight hundred and sixty seven your Petitioner, then Emma Woodhead, and then being of the age only of seventeen years or thereabouts, was lawfully married to Peter Collins at the church at Bunbury in the said Colony.
2. That after her marriage your petitioner cohabited with the said Peter Collins at Bunbury aforesaid for a period of about two months.
3. That there has been no issue of the said marriage.
4. Very soon after the said marriage the said Peter Collins began to ill-treat your petitioner and about a fortnight subsequent to the date of the said marriage he struck your Petitioner in the face with great violence; on several other occasions he struck your petitioner and pulled her about by the hair of her head; he very frequently threatened her with most violent threats, using the most coarse and insulting language, and frequently said that as soon as your petitioner's Father and Mother had left the district (which they were then about doing) that he (she said Peter Collins) would have her to himself and could do what he liked with her, and your petitioner being then as before stated only about seventeen years of age, became much frightened and from his general ill-treatment and violent threats feared that he would do her some great injury and harm.
5. That about two or three days before your petitioner left the said Peter Collins as after mentioned his conduct was more than usually violent and he beat her very severely, and used the most violent threats, and your petitioner became more than ever alarmed, and on the afternoon on which she left he struck her with great violence.
6. About the beginning of the month of November One thousand eight hundred and sixty seven your petitioner by reason of the great and confirmed cruelty practised towards her by the said husband, and the violent threats he so frequently used to her, and especially by reason of the ill-treatment mentioned in the last preceding paragraph, withdrew from the house of her said husband to the house of her Father, who then resided at Bunbury but shortly thereafter went to ... at York, and that from, and after such date your petitioner hath continued to reside with her said Father and hath lived separate and apart from her said husband and hath never returned to his house or to cohabit with him.
7. That the said Peter Collins has never, to the knowledge and belief of your petitioner, until a few months ago enquired after your Petitioner, nor hath he contributed in anyway towards her support, but about six months ago he became aware that your petitioner was entitled to a Legacy and other monies in England and then he began to enquire about your petitioner; that your Petitioner on several occasions offered to return to the said Peter Collins if he would provide a proper home, which however he has neglected to do, and your petitioner firmly believes that he never had any

intention to live again with her but that his sole purpose was, if possible, to obtain receipt of the money fallen to her.

8. That your petitioner only attained her age of twenty one years on the seventeenth day of September One thousand eight hundred and seventy one, and from the time of leaving her said husband as before stated she resided with and was totally dependent upon her Father for her support.

9. That your petitioner only recently became aware of the acts of adultery alleged to have been committed by her said husband Peter Collins as after stated.

10 That on the nineteenth day of September One thousand eight hundred and seventy two your Petitioner obtained from the Police Magistrate at Perth an order protecting her property and effects from the said Peter Collins and Creditors and persons claiming under him, on the grounds of desertion.

11. That about two years ago the said Peter Collins formed an illicit connexion with one Mrs Crogan, a married woman but whose husband is absent from the Colony, at Perth aforesaid, and repeatedly during the period which has elapsed since that time and particularly during the months of May June July August and September One thousand eight hundred and seventy two at her residence in Murray Street and elsewhere in Perth aforesaid has committed adultery with the said Mrs Crogan.

12. That the said Peter Collins and Mrs Crogan have been since the month of October last, and are now, or have been until a few days last, past, living in adultery and residing together as man and wife in one room in a house called the "Old Pier Hotel" in Perth aforesaid.

Whereof your Petitioner humbly prays that this Honorable Court will be pleased to decree dissolution of the said marriage; and that she may have such further and other relief as this Honorable Court may seem meet.

And your Petitioner will ever pray &c

Emma Collins

In Her Majesty's Court of Divorce and Matrimonial Causes

Between Emma Collins Petitioner and Peter Collins Respondent

The twenty seventh day of December One thousand eight hundred and seventy two.

The Respondent Peter Collins by Septimus Burt his Proctor in answer to the Petition filed in the Cause saith

1. That he denies that he has been guilty of cruelty towards toe said Emma Collins as alleged in the petition.

2. That the said Emma Collins left me without and reasonable cause and went to reside at York in the said Colony and there assumed her maiden name and has since represented herself to be a single woman to within a few weeks of filing this petition .

3. That he has never refused to support the said Emma Collins or to provide a home but on the contrary the said Emma Collins has always avoided him and refused to see him.

4. That the said Emma Collins for the first time in the month of November last offered to return to cohabitation with me but only on condition that I would execute a document purporting to be a Release of my right and interest to and in the said legacy and moneys to which the said Emma Collins had become entitled as set forth inn paragraph 7 of the Petition filed in this cause.

5. Respondent further saith That he denies that the said Emma Collins has lived with her father since the time of leaving the respondent and been entirely dependent upon her father for support.

6. That in the month of April last the said Emma Collins formed an illicit connexion with one Henry Seeligson a married man but whose wife is absent from the Colony at Perth aforesaid and lived with the said Henry Seeligson in the house of the said Henry Seeligson at Perth aforesaid and on divers occasions to the best of my knowledge and belief during the months of April and May in the present year at the residence of the said Henry Seeligson and elsewhere in Perth aforesaid has committed adultery with the said Henry Seeligson

7. That since the month of June last the said Emma Collins has lived with one William Wiltshire otherwise William Gale at the residence of the said William Wiltshire otherwise William Gale at Barudon's Hill near Perth in a two roomed cottage and on divers occasions since the month of June last the dates of which are unknown to me at the said cottager to the best of my knowledge and belief committed adultery with the said William Wiltshire otherwise William Gale and the said Emma Collins and the said William Wiltshire otherwise William Gale have been since the said month of June last and are now living in adultery and residing together as man and wife in the said cottage at Barudon's Hill aforesaid.

8. The respondent further saith That he denies that he committed adultery with Mrs Crogan and that he and the said Mrs Crogan ever resided together as man and wife in one room in a house called the "Old Pier Hotel" as in the said Petition set forth.

9. That the said Emma Collins condoned the said adultery with the said Mrs Crogan (if any) Wherefore the Respondent humbly prays That your Honor may be pleased to reject the prayer of the said petition and decree.

And this Respondent will ever pray &c

20 November 1872: Petition for dissolution of marriage on grounds of cruelty and adultery (filed 22 November 1872)

Same date Affidavit verifying the Petition (filed the same day)

Same date Citation extracted. Served 23 November 1872

12 December 1872: Order for further time to answer

21 December 1872: Answer of Respondent

29 January 873 Notice of Motion for directions to be made of Trial and for payment into Court before Trial of Cause of an amount to be ascertained to cover Petitioners costs of the trial and cause. Counsel will be pleased to move in the terms of the notice for a direction as to the mode and time of Trial and that the respondent do also pay unto Court as ascertained sum to cover costs.

Trial set down for 5 March 1873.

Letter to Newspaper by Peter Collins

<https://trove.nla.gov.au/newspaper/article/256613802?searchTerm=peter%20collins>

Death

COLLINS.—At Perth, on 25th July, 1873, PETER COLLINS, aged 38 years.

Reference LDS film 1686264, images 250 to 275 (more documents available than those transcribed)

Henry Seeligson, convict 8121 per *Merchantman*

William Wiltshire otherwise William Gale, convict 5844 per *Palmerston*