

The Courier-Mail (Brisbane, Qld.) Thu 25 Jun 1936

HUSTLED OUT OF HIS HOME HUSBAND LIVED IN outhouse

'The ways of man are inscrutable,' remarked his Honour Mr. Justice Henchman, yesterday, after granting to Harold Landseer Pottenger, of Kuraby, no occupation, an order nisi for divorce from Isoline Mabel Pottenger of Sunnybank on the ground of desertion.

In the course of an extraordinary story of wedded infelicity the plaintiff said that on returning home one night, after a disagreement, he was hustled out of his home by his wife and two sons and the front gate was locked after him.

Mr. W. H. Boden, who appeared for the plaintiff, said an appearance had been entered by the defendant.

Mr. F. W. O'Rourke said he appeared as amicus curiae to point out certain things, and Mr. G. A. Goldsmid, of Messrs. Morris, Fletcher, and Cross, was present with him. On instructions from Messrs. Morris, Fletcher, and Cross he had drawn a defence which was a complete denial of the allegations in the plaint. The defendant had to scratch very hard to keep going. She had looked after the two children of the marriage. According to her story she was not going to spend any money defending.

In answer to his Honour Mr. O'Rourke said the defence had not been delivered. He added that they had got in touch with the Attorney General, who had not intervened, but Mr. C. J. Cosgrove, of the Crown Law Office, had just arrived in Court and wanted an adjournment for half an hour to look into the papers to decide whether the Attorney-General would take any steps. The communications with the solicitor for the plaintiff had been full and satisfactory.

Mr. Boden: I object. The suggestion is that this man Pottenger is deliberately trying to swindle this Court. The petition and writ were issued on March 26, and plenty of time was available. The idea of an adjournment shows there was inefficiency somewhere.

His Honour allowed the adjournment, and when the hearing was adjourned Mr. Cosgrove explained that he appeared out of courtesy to the Court to announce that they would not intervene at that stage. They were not in a position to say whether they would or not.

Took All His Pay Home

Pottenger, giving evidence in support of his petition, said he was married on May 18, 1909, at Hobart, and had lived with his wife in Tasmania, Western Australia, and Victoria. He came to Brisbane with his wife in June 1919, and they went to Sunnybank in August 1924. Two children were born.

After the marriage they were happy for seven years, but his wife gradually developed a sex hostility that led to her becoming neurotic, a condition in which women had extreme imaginations and obsessions. She had two obsessions — she was greatly concerned as to what he did with his money, and she was always suspicious about what he did when he was out of her sight. She insisted that he bring home his pay envelope intact, because she was afraid, he might spend some of his money. So, he regularly gave her his envelope. He had been a business manager in Melbourne and in Brisbane.

Sold Flowers

After having been in Brisbane about two years he bought a home for his wife at Annerley. She assisted in paying the deposit, and the house was put in her name. They lived there for three years,

and then he had a nervous breakdown. Owing to the state of his health he expressed a desire to go on the land and become a farmer. The property at Annerley was sold, and the money realised was paid towards acquiring a farm at Sunnybank, and for six years he worked on that farm.

During all that time he took only his food, and his wife used part of the income of the farm to improve it, and part of it she banked.

Towards Christmas, 1929, as he got no money out of the place, he wanted some to buy a present for his parents in Victoria. The wife refused to give him any, but he got some by selling flowers. However, his wife hearing of it, accused him of mismanaging the place. They had a row, and she decided she could manage the place better than he could.

On January 6, 1930, a deed of separation was drawn up, and after that he tried to organise a retail flower business. In March, 1930, there was a reconciliation, and he went back to his home and lived with his wife and children until October 3, 1930, when she accused him of taking more than half the flower money.

Thrown Out

He was so disgusted that he got into his motor car and drove towards town. When he returned home at 11 p.m. that night he found the front gate locked, but after he had called out and rattled the gate his sons let him in. He went to his wife's bedroom and complained, and she told the boys to put him out. The three of them threw him on the ground, rustled him to the front gate, pushed him out, and locked him out.

He then went to live in South Brisbane. Later he left for the South to seek work, and there he ran out of money, and was almost starving. From Sydney he sent her a lettergram on January 2, 1931.

'Next day,' Pottenger remarked, 'I wrote a letter to my wife, making a passionate appeal for another reconciliation.' He was prepared to do anything to win her love back, and he was very fond of his two sons.

Mr. Boden: What was the state of your health at that time?— I was very ill when I wrote that letter. I had no money at all, and I was relying on the kindness of a traveller friend. I received no reply, so I returned to Brisbane -and went back to the farm at Sunnybank. I stayed in an outhouse about four days. They would not let me into the house, and they would not give me any food. They threatened me with violence so much that I left the place in fear. I was afraid to go back as my wife had an Alsatian dog which was reported to be very savage. Since then, I have lived apart from her.

Wife Has All

'I got out of work,' added the plain tiff, 'and for the last three years I have been on rations. I live in a tin hut in the bush and do my own washing. My wife is a wealthy woman.'

His Honour: How does he come to be suing in forma pauperis?

Mr. Boden replied that Pottenger had put all his property in his wife's name.

His Honour: If a man chooses to give all his property to his wife he cannot complain about it. I think there is evidence really that more than five years ago she refused to let him go into the property to live with her, I find she deserted the plaintiff about October 3, 1930. I am not in a position that I can really refuse an order. I do not believe all his evidence, but I am in a position that I believe some of it as to the main facts. I give judgment nisi for dissolution of the marriage, to be moved absolute after the expiration of three months.

Mr. W. H. Boden (instructed by Messrs. Stephens and Tozer) appeared for the plaintiff. The action was not defended.

Other Information

After the divorce, see below, Mabel' (maiden name Amos) changed her married surname and those of her sons from Pottenger to Pottinger. The Amos ancestors were from Scotland, whereas the Pottenger ancestors date back to the 1600's in Somerset, England.

In other documentation **Harold L. Pottinger** is mentioned with his year of birth and death (1889-1971).

Advertisement The Brisbane Courier Sat 5 Mar 1932

A Free pamphlet for sweet peagrowers, showing how to grow successfully, my prize-winning seed, ed., 1/, 2/. big packets post free. Harold L. Pottinger, horticulturist, care of 179 Edward-St., Brisbane. Telephone B8318.

The two sons Of Harold and Mabel are Norman and Lewis

Military service record **Norman Harold Pottinger**

Service Number: Q101777

Enlisted: 15 May 1941

Last Rank: Private

Last Unit: 15 Infantry Battalion AMF

Born: HOBART, TAS, 31 July 1910

Military service record Lewis **John Pottinger**

Service Number: Q151270

Enlisted: 10 May 1941

Last Rank: Private

Born: ALBISON, TAS, 15 November 1911