

“I will not maintain you”:
Understanding Economic Abuse in South Australia,
1859-1893

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Abstract

Twenty-first century understandings of economic abuse have evolved significantly, both in terms of its prevalence within the majority of domestic abuse cases and as a form of violence in and of itself. Economic abuse is an integral component of domestic abuse as it is often key to the establishment of coercive control that prevents the victim from leaving an abusive relationship. Understanding the historical context of economic abuse is key to determining how to address the current crisis. An increasing number of studies are concerned with the history of domestic abuse in the wider Australian context, but there has been little consideration of the history of violence towards women in colonial South Australia. Moreover, while wife desertion in colonial South Australia has recently received more attention, there remains a large gap in the literature as to how desertion functioned alongside other variations of economic abuse.

This thesis considers the different kinds of economic abuse and corresponding physical abuse that many married women endured, and it examines how they were able to survive this abuse through legal recourse, employment, and relying on a network of family and friends. I argue that desertion and failure to support within a relationship both signified a husband's refusal to maintain his wife financially. Consequently, to better understand a woman's experience of abuse, it is crucial to study desertion alongside the failure to support within a relationship, as desertion was usually only one 'event' within a troubled marriage. I draw on matrimonial petitions that were submitted to the Supreme Court between 1859 and 1893 and newspaper reports of court cases, which signify the first occasions of women seeking legal recourse in the form of divorce, separation and protection orders against abusive husbands in the state. The case studies reveal how, despite enduring continuous abuse and desertion in their

domestic lives, the women exercised agency through the legal system and by, in many cases, gaining some degree of self-sufficiency through employment. Ultimately, these fleeting moments of agency should not be overstated, as my thesis demonstrates over and over again that the consequences of continuous abuse, neglect and periods of desertion were devastating for these women and their families.

Thesis Declaration

I certify that this work contains no material which has been accepted for the award of any other degree or diploma in my name, in any university or other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text. In addition, I certify that no part of this work will, in the future, be used in a submission in my name, for any other degree or diploma in any university or other tertiary institution without the prior approval of the University of Adelaide and where applicable, any partner institution responsible for the joint-award of this degree.

I give permission for the digital version of my thesis to be made available on the web, via the University's digital research repository, the Library Search and also through web search engines, unless permission has been granted by the University to restrict access for a period of time.

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Signed: _____

Date: _____

31/05/2021

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Introduction

In this thesis I examine women's experiences of economic abuse in colonial South Australia and explain how this abuse became deeply entangled with other types of violence. I begin by examining the case of a woman named Decima Jeynes. Her experience illustrates the economic and other abuses that many women were forced to endure at the hands of their husbands. As I demonstrate over the course of the thesis, Decima's unsuccessful attempts to attain financial stability due to Charles's repeated abuse mirrors countless other women's experiences in the period.

In 1880, Decima and her husband, Charles, were married at Bromley, on the outskirts of London. They lived together in the neighbourhoods of Bow, Poplar and later, Peckham. Charles was not only a heavy drinker and physically violent, but he also embezzled his employer's money in order to desert Decima. Charles was imprisoned in London for the embezzlement after his failed desertion attempt. Meanwhile, Decima gave birth to their only child who lived for a mere five weeks, his death 'caused by heart disease the consequence of the troubles and hardships endured by [her]'.¹ On 1 January 1884, Charles once again set off from London, this time headed to South Australia. He left her 'without any means of support and homeless', funding this subsequent desertion by selling Decima's property.² After receiving news that Charles had 'a comfortable home for her in the colony and was in permanent employment and doing well', Decima travelled to Adelaide on the Steam Ship

¹ State Records of South Australia (SRSA), GRG 36/51 Matrimonial petitions, no. 637, 1887, Decima Jeynes.

² SRSA, GRG 36/51/637, 1887, Jeynes.

Iberia. Upon her arrival, however, she learned that Charles was unemployed, without a home, and wholly unable to provide for her.

As had been the case in London, Decima was compelled to earn her own money. Up until the lodging of her petition for a dissolution of marriage on 23 September 1887, she was employed by Mr. Beaumont of Rundle Street, where she earned £1 in weekly wages. This indicates that she likely worked at Beaumont's Fancy Bazaar, located at 238 Rundle Street, which sold imported dolls, toys, and other gifts. According to Decima, her income was 'barely sufficient for [her] maintenance and support'. With the exception of her clothes, she argued that she was 'not worth twenty five pounds'.³ Decima did not have family or friends to financially support her in Adelaide, setting her apart from women whose relatives lived with them in the colony. And although Decima earned an income, it did not sufficiently cover her needs. Decima's case ultimately highlights the isolation that was central to deserted and abused women's experiences. It also demonstrates how desertion rarely took place in a vacuum. For many women who submitted matrimonial petitions in colonial South Australia, desertion was only one factor within the larger context of economic, physical and emotional abuse.

Using matrimonial petitions for divorce or judicial separation like that of Decima Jeynes, I examine women's experiences of economic abuse in colonial South Australia, and how these became intertwined with other types of violence. The thesis argues that men's desertion and failure to support are two sides of the same coin, as both signify a husband's refusal to support his wife as was laid out in the marriage contract. To understand more fully a woman's experience of abuse, it is important to consider desertion alongside the failure to support and other types of economic abuse, as desertion was just one incident in a troubled marriage. In fact, as I suggest over the course of the thesis, desertion was sometimes the least

³ SRSA, GRG 36/51/637, 1887, Jeynes.

dangerous aspect of economic abuse in many of these women's experiences. Decima's case demonstrates that deserting husbands did sometimes reunite with their wives, although often only to inflict more abuse and further financial damage.

Today in Australia, we know that economic abuse comprises a crucial and foundational element of domestic abuse. It helps to explain why it is so difficult for victims to leave abusive relationships.⁴ The complex, layered, and web-like structure of domestic abuse, which encompasses different kinds of violence, is what makes it so dangerous. In Australia, 15.7% of women have experienced some form of economic abuse in their lifetime, compared to 7.1% of men.⁵ Since 2012, economic abuse has been recognised as a form of family violence in the Family Law Act.⁶ More broadly, domestic abuse is the primary cause of female homelessness and accounts for 20% of female suicides in contemporary Australia.⁷ Since enacting the National Plan to Reduce Violence against Women and their Children in 2010, the Australian Federal Government has spent \$723 million on the project.⁸

Owing to the complexity in defining domestic abuse, it takes on various meanings to victims, perpetrators and the general public. Many people still consider domestic abuse as only physical or sexual in nature, meaning that emotional, psychological, verbal, and economic abuse often go undetected or unreported. As a consequence, one social sciences study reiterates that the weight given to any case of domestic abuse 'is most often assessed by the extent and nature of any physical injury'.⁹ This is at odds with what we currently know about abuse and the insidious ways a perpetrator gains control in an abusive relationship. The case studies in

⁴ Evan Stark, *Coercive Control: How Men Entrap Women in Personal Life*, (Oxford: Oxford University Press, 2007), 5.

⁵ Jozica Kutin, Mike Read and Roslyn Russell, "Revealed: the hidden problem of economic abuse in Australia," *The Conversation*, 2 March 2017.

⁶ Whitney Bartlett and Rachel Busbridge, "Preventing the financial abuse of women in Australia: can intersectionality help?" *ABC*, 10 September 2019.

⁷ Jess Hill, *See What You Made Me Do: Power, Control and Domestic Abuse*, (Carlton: Black Inc., 2019), 8.

⁸ Legal and Constitutional Affairs References Committee, *Inquiry into domestic violence with particular regard to violence against women and their children*, (Canberra, 2020), 5.

⁹ Judy L. Postmus et al., "Economic Abuse as an Invisible Form of Domestic Violence: A Multicountry Review," *Trauma, Violence, & Abuse* 21, no. 2 (2020): 1.

this thesis show that women in the colonial period similarly dealt with abusive and controlling husbands. As I outline in the following section, researching the history of economic abuse is difficult due to the gendered allocation of roles within the home and in the wider community in colonial South Australia.

Historical Context

This thesis begins in 1859, when South Australians could for the first time apply for divorce and judicial separation through the Supreme Court. South Australia had been settled by white Europeans for only twenty-three years and had already undergone an economic depression in the 1840s.¹⁰ The population was growing quickly too, as historians Robert Foster and Paul Sendziuk point out, and between 1847 and 1851 the South Australian government assisted the passage of 20,000 English, Scottish, Welsh, German, and Irish migrants to the colony.¹¹ In South Australia, women married younger and were also less likely to remain single than their counterparts in other Australian states and in Britain.¹² Alex Castles and Michael Harris explain that, due to ‘ancient English common law applying in South Australia’, it was not until the 1870s that the age of consent was raised above 10.¹³ As a result, young women, particularly those who were destitute or orphaned, were vulnerable in this period to threats of prostitution or sexual violence.¹⁴

Outside of marriage, women had few options that provided economic stability. However, even within marriage, women were financially vulnerable, and their gendered roles only further entrenched their economic dependence on their husbands. This was because of

¹⁰ W.A. Sinclair, “Economy,” in *The Wakefield Companion to South Australian History*, ed. Wilfred Prest, Kerrie Round and Carol Fort, (Adelaide: Wakefield Press, 2001), 159.

¹¹ Paul Sendziuk and Robert Foster, *A History of South Australia*, (Cambridge: Cambridge University Press, 2018), 41.

¹² Penelope A. Baker, “Position of Women in South Australia 1836-1876,” (Honours Diss., University of Adelaide, 1977), 46.

¹³ Alex Castles and Michael Harris, *Lawmakers and Wayward Whigs: Government and law in South Australia, 1836-1986*, (Adelaide: Wakefield Press, 1987), 184.

¹⁴ Castles and Harris, *Lawmakers and Wayward Whigs*, 184.

what was known as coverture, which Alecia Simmonds refers to as ‘a formidable apparatus of female oppression’.¹⁵ According to British Common law, which the Australian colonies inherited upon white settlement, women became tied to their husbands in marriage and had no separate legal identity.¹⁶ Coverture meant that a husband and wife became enmeshed as one and were ‘represented in the person of the husband’.¹⁷ It prescribed that a woman’s moveable property, meaning her clothes, furniture, money, or even livestock, was transferred into the possession of her husband. A woman’s real property, such as her houses or land, were still legally her own, but as historian Mary Beth Combs points out, ‘the wife had no legal right to *manage* it’.¹⁸ Her husband’s consent was required if she wished to sell her property or to invest it, and if it provided her with any income, it technically belonged to her husband. According to coverture, any money that a married woman earned could not be legally protected from her husband until the passing of the British Married Women’s Property Act (1870), which we will turn to shortly.¹⁹

The way that coverture played out in the typical marriage was far more complex in practice. Historians Tim Stretton and Krista J. Kesselring point out that ‘if followed to the letter, the legal restrictions of coverture would have made ordinary life all but impossible’.²⁰ For this reason, the law of agency allowed women to purchase necessary items using their husbands’ credit. Determined by a man’s income, necessary items comprised food, clothes,

¹⁵ Alecia Simmonds, “Courtship, Coverture and Marital Cruelty: Historicising Intimate Violence in the Civil Courts,” *Australian Feminist Law Journal* 45, no. 1 (2019): 140.

¹⁶ Lee Holcombe, “Victorian Wives and Property: Reform of the Married Women’s Property Law, 1857-1882,” in *A Widening Sphere: Changing Roles of Victorian Women*, ed. Martha Vicinus (Bloomington: Indiana University Press, 1977), 4.

¹⁷ Sara M. Butler, “Discourse on the Nature of Coverture in the Later Medieval Courtroom,” in *Married Women and the Law: Coverture in England and the Common Law World*, ed. Tim Stretton and Krista J. Kesselring, (Montreal: McGill-Queen’s University Press, 2013), 25.

¹⁸ Mary Beth Combs, “‘Concealing Him from Creditors’: How Couples Contributed to the Passage of the 1870 Married Women’s Property Act,” in *Married Women and the Law: Coverture in England and the Common Law World*, (Montreal: McGill-Queen’s University Press, 2013), 218. Emphasis given.

¹⁹ Holcombe, “Victorian Wives and Property,” 6.

²⁰ Tim Stretton and Krista J. Kesselring, *Married Women and the Law: Coverture in England and the Common Law World*, (Montreal: McGill-Queen’s University Press, 2013), 8.

and other household provisions. In this way, a woman acted as an agent on behalf of her husband.²¹ Men and women abided by or ignored coverture laws when it was convenient.²² Some married women likely benefited through their knowledge that coverture prevented them from contracting debts in their own name and ran businesses and bought items despite the fact that coverture prevented their legal ownership. Hilary Golder and Diane Kirkby argue that Australian colonial women were particularly ‘resourceful’ in how they worked around the boundaries of coverture, especially as the doctrine was never as firmly established in Australia as it was in Britain.²³ However, as Karen Pearlston stresses, ‘coverture remained an implicit underlying condition which could at any time be made explicit’.²⁴

Nonetheless, women’s dependence on men left them vulnerable when their husbands refused to provide for them. This was particularly the case when men deserted to other parts of the colony or country. Various modifications were made to South Australian legislation to counter wife desertion and to protect women’s vulnerable financial position. According to the Maintenance Act of 1843, if a man deserted his wife for two years or upwards, the case could be brought before two Justices of the Peace, who, if the desertion was determined unlawful, could issue a fine or imprisonment with or without hard labour.²⁵ In addition, the Act put forth that a man found to be deserting unlawfully was required to provide ‘sums of money for the maintenance of his wife or children either weekly or otherwise as to the Justices shall seem fit’.²⁶ The next major legislation that affected the position of married women was the Matrimonial Causes Act of 1858, which was closely modelled on its English counterpart passed the year before. The South Australian Act allowed women and men to apply for judicial

²¹ Joanne Bailey, “Favoured or oppressed? Married women, property and ‘coverture’ in England, 1660-1800,” *Continuity and Change* 17, no. 3 (2002): 359-360.

²² Stretton and Kesselring, *Married Women and the Law*, 12.

²³ Hilary Golder and Diane Kirkby, “Mrs. Mayne and Her Boxing Kangaroo: A Married Woman Tests Her Property Rights in Colonial New South Wales,” *Law and History Review* 21, no. 3 (2003): 595.

²⁴ Karen Pearlston, “At the Limits of Coverture: Judicial Imagination and Women’s Agency in the English Common Law,” (PhD diss., York University, 2007), 53.

²⁵ *Maintenance Act 1843* (SA) s 3.

²⁶ *Maintenance Act 1843* (SA) s 3.

separation, protection orders, dissolution of marriage, and restitution of conjugal rights. Although women were granted access to the same legal recourse as men, they were required to present more reasons in order to be successful, particularly if seeking divorce. Castles and Harris explain that divorce law was ‘weighted against women’. They continue, noting that ‘a single act of adultery by a woman was sufficient to have her marriage ended, for her to be divested of property once her own and perhaps even the children she had nurtured’.²⁷ A more detailed explanation about divorce, separation and protection order legislation will be provided in Chapter One.

Women and men were clearly cognisant of the new legislation once it had been passed. On 30 April 1859, *The Adelaide Observer* published an article titled ‘The Matrimonial Causes Act’. This article alerted readers to the fact that the Act’s rules and regulations had been published in a recent issue of the Government Gazette, and that the judges were ready to ‘administer relief to all distressed conjugal complainants’.²⁸ The article explained how one could lodge a matrimonial petition, in addition to providing the format of petitions and the details required in order to be successful.

The doctrine of coverture was technically reformed with the advent of the Married Women’s Property Act (1870) in Britain. The Married Women’s Property Act was introduced in South Australia in 1884, after Victoria and New South Wales and before Queensland and Western Australia.²⁹ These reforms meant that women could own their own property separate from their husbands. In spite of reforms, many women were still perceived in the wider community as financially dependent on their husbands.³⁰ This was because, as Marcia Neave

²⁷ Castles and Harris, *Lawmakers and Wayward Whigs*, 186.

²⁸ “The Matrimonial Causes Act,” *The Adelaide Observer*, 30 April 1859, 6.

²⁹ Alana Piper, “Understanding Economic Abuse as Domestic Violence,” in *Gender Violence in Australia: Historical Perspectives*, ed. Alana Piper and Ana Stevenson, (Clayton: Monash University Press, 2019), 37.

³⁰ Piper, “Understanding Economic Abuse as Domestic Abuse,” 37.

explains, ‘the law treated women as different from and subordinate to men’.³¹ Coupled with a husband’s control over his wife’s access to money, coverture was also intimately bound to his power over her body. According to Simmonds, coverture’s ‘ghost continued to stalk women long after its supposed demise – restricting their right to engage in commerce, and giving men the right to beat women and to control the household income’.³²

In the colonial period there were fewer employment opportunities available to women than to men, and many of these occupations were difficult to sustain once a woman had children to care for.³³ Katrina Alford argues that some colonial women married to gain financial security as opposed to looking for work. She explains that this was a result of ‘the male dominance of the colonial labour market during the period, the low-premium attached to women’s *productive* labour, and the correspondingly greater need for colonial women’s *reproductive* labour’.³⁴ Clearly, though, many Australian women still worked even if they were only paid half as much as men.³⁵

One gets the idea of the gendered expectations of marriage in colonial South Australia through contemporary newspaper articles. An article published on 28 March 1873 in the South Australian rural newspaper, the *Northern Argus*, titled ‘Has She a Call to Be a Wife?’ laments women’s inability to fulfil their marital and maternal duties. The writer asks, ‘Has she a call to be a wife who thinks more of her silk dress than her children, and visits her nursery no oftener than once a day?’³⁶ The deficient wife is constructed through a combination of stereotypes typically used to criticise women. For instance, she ‘cries for a cashmere or camel’s hair shawl’

³¹ Marcia Neave, “From Difference to Sameness — Law and Women’s Work,” *Melbourne University Law Review* 18 (1992): 769.

³² Simmonds, “Courtship, Coverture and Marital Cruelty,” 142.

³³ Therese McCarthy and Paul Sendziuk, “Deserted Women and the Law in Colonial South Australia,” *Journal of Australian Colonial History* 20 (2018): 74.

³⁴ Katrina Alford, *Production or Reproduction? An economic history of women in Australia, 1788-1850*, (Melbourne: Oxford University Press, 1984), 26. Emphasis given.

³⁵ Christina Twomey, *Deserted and Destitute: Motherhood, Wife Desertion and Colonial Welfare*, (Kew: Australian Scholarly Press, 2002), 28.

³⁶ “Has she a call to be a wife?” *Northern Argus*, 28 March 1873, 4.

despite her husband working tirelessly to support the family, and she is also accused of manipulating her husband in order to get money. The wife is wholly confined within her domestic bubble, yet she fails miserably to complete her household duties. Two months later, an article titled ‘Has He a Call to Be a Husband?’ was published in response. The author argues that the failing husband attributes the family’s poor financial situation to his wife’s extravagance ‘when he himself is the sole cause of their squalor and distress’.³⁷ In combination with his financial mismanagement, the husband is accused of routine drunkenness.

These two articles, though intended to be humorous, illustrate some of the common tensions in colonial marriages. Both the husband and the wife were not fulfilling the duties laid out by the matrimonial contract, highlighting the fact that men and women were expected to bring contributions to a union and to be providers for their families in different ways. Much of married women’s domestic and care work was invisible.³⁸ According to Judith Allen, some men ‘saw their wives as parasitic dependants whose marital services were a most unequal exchange for economic support’.³⁹ The assumption that women demanded money from their husbands and offered no contribution of their own only added to their vulnerability and dependence, and likely played a part in generating marital violence.

Historiography

This thesis is situated within three key historiographical areas: domestic violence, working-class marriage, and the economic relationships within these two areas of literature. It is informed by significant research undertaken by theorists and historians of violence. While Steven Pinker claims in *The Better Angels of Our Nature* (2011) that, at least in the West, we are living in the most peaceful period of human history, many historians of violence take issue

³⁷ “Has he a call to be a husband?” *Yorke’s Peninsula Advertiser and Miners’ News*, 9 May 1873, 3.

³⁸ Neave, “From Difference to Sameness,” 777.

³⁹ Judith Allen, “The Invention of a Pathological Family: a Historical Study of Violence in N.S.W.,” in *Family Violence in Australia*, ed. Jan Craney and Carol O’Donnell, (Melbourne: Longman Cheshire, 1982), 18.

with his oversimplification of ‘progress’. Historians Matthew P. Fitzpatrick and Catherine Kevin have recently written that ‘far from the last word on the history of violence, Pinker’s work is simply disengaged from the approaches that are currently shaping the field’.⁴⁰ According to Fitzpatrick and Kevin, the key areas of research contributing to the history of violence are: 1) new imperial history and settler colonialism; 2) comparative genocide studies; 3) war and society; and 4) gendered violence and domestic violence.⁴¹ This thesis specifically builds on the recent literature in the fields of gendered and domestic violence, particularly by applying historian Alana Piper’s work on historical economic abuse to the South Australian context.

Historical studies of domestic abuse in Australia and the United States emerged during the women’s movement in the 1970s. Early feminist scholars drew links between masculinity, sexism and violence. Anne Summers, Miriam Dixson and Judith Allen were some of the most significant scholars in this foundational period.⁴² The first focused study of the history of domestic violence in Australia was Allen’s chapter in *Family Violence in Australia* (1982), in which she argued that ‘the economic dependence of women and children on male breadwinners (likened by many to the position of bond-slaves) was located as both the precondition for family violence and the reason for its continuation’.⁴³ Soon after, Kay Saunders’ 1984 work on violence in colonial Queensland highlighted the connection between drunkenness and violence, a reality now well established in the historical scholarship.⁴⁴ In this early period, key works

⁴⁰ Matthew P. Fitzpatrick and Catherine Kevin, “Theorising the history of violence after Pinker,” *Rethinking History* 24, no. 3 (2020): 344.

⁴¹ Fitzpatrick and Kevin, “Theorising the history of violence after Pinker,” 334-340.

⁴² See Anne Summers, *Damned Whores and God’s Police: The Colonisation of Australian Women since 1975*, (Melbourne: Allen Lane, 1975), Miriam Dixson, *The Real Matilda: Women and Identity in Australia, 1788 to the Present*, (Sydney: University of New South Wales Press, 1976), and Allen, “The Invention of a Pathological Family.”

⁴³ Allen, “The Invention of a Pathological Family,” 9.

⁴⁴ Kay Saunders, “The study of domestic violence in colonial Queensland: Sources and problems,” *Historical Studies* 21, no. 82 (1984): 78.

were also surfacing in the United States.⁴⁵ The first of these was Elizabeth Pleck's *Domestic Tyranny: The Making of Social Policy against Family Violence from Colonial Times to the Present* (1987), which considered the long history of family violence in Massachusetts from 1640 to 1970 and the social context in which it was situated.⁴⁶ Like Pleck, Linda Gordon, in *Heroes of Their Own Lives: The Politics and History of Family Violence* (1988), brought attention to the history of family violence in the United States. With a focus on nineteenth-century Boston, Gordon explains that 'family violence had had virtually no history' in the United States.⁴⁷ I argue that we have a similarly limited knowledge of domestic abuse in South Australia despite its prevalence in the historical record. Published eight years after her pioneering chapter, Allen's *Sex and Secrets: Crimes Involving Australian Women since 1880* (1990) was the first book-length examination of domestic violence and crime in this country. Unlike Pleck and Gordon, Allen framed the violence women experienced around crime more generally, rather than within the family. However, she argues that 'the social condition of "husband" supplied numerous pretexts for violence against wives', clearly demonstrating how ingrained violence was in the system of colonial marriage.⁴⁸

Over the course of the 2000s, several historians have built on the early works in the field with an emphasis on either non-physical or sexual violence. In *Marital Violence: An English Family History, 1660-1857* (2005), Elizabeth Foyster takes issue with historians who use only homicide statistics as a measure of marital violence. In particular, Foyster criticises Lawrence Stone in his 1983 study for assuming, in a similar vein to Pinker, that English society

⁴⁵ See Pamela Haag, "The 'Ill-use of a wife': Patterns of Working-Class Violence in Domestic and Public New York City, 1860-1880," *Journal of Social History* 25, no. 3 (1992).

⁴⁶ Elizabeth Pleck, *Domestic Tyranny: The Making of Social Policy against Family Violence from Colonial Times to the Present*, (Oxford: Oxford University Press, 1987).

⁴⁷ Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence - Boston, 1880-1960*, (Champaign: University of Illinois Press: 1988), 2.

⁴⁸ Judith Allen, *Sex and Secrets: Crimes Involving Australian Women Since 1880*, (Oxford: Oxford University Press, 1990), 48.

became less violent evidenced by a decline in murders.⁴⁹ According to Foyster, ‘the focus on homicide has meant that violence has been defined too narrowly’, suggesting that non-physical, not to mention other types of violence, like sexual abuse, are deemed less important.⁵⁰ Gail Savage (2009) argues that women brought litigation to the British Divorce Courts accusing their husbands of unreasonable sexual behaviour or rape. The judiciary played an important role of prescribing ‘notions of sexual normality and restraint in disciplining and limiting a husband’s power over his wife’s body’.⁵¹ Joanna Bourke has also done significant work in the area of rape and sexual violence. Bourke highlights that the study of sexual violence is difficult to research because ‘every statistical database has flaws’, and she particularly criticises Pinker’s simplistic and overly statistical analysis of sexual violence.⁵² In an important and recent work, Simmonds explains that coverture ‘made women’s bodies violable’. She continues:

the law conceived of rape as a trespass upon property. By this logic, which continued until the 1980s and early 1990s, it was impossible for a husband to rape his wife, given that a man could not trespass upon property that he already owned.⁵³

Rape and sexual abuse were thus inextricably tied to marriage and property.

An area of the literature that has recently received more attention in Australia is the sexual and physical abuse of Aboriginal women on the colonial frontier. In the late 1990s, Sandy Cook and Judith Bessant compared the systemic forgetting and denial of more than two centuries of Australian settlers’ brutal violence towards Aboriginal Australians to our similarly

⁴⁹ Elizabeth Foyster, *Marital Violence: An English Family History, 1660-1857*, (Cambridge: Cambridge University Press, 2005), 34-35.

⁵⁰ Gail Savage, “‘...the instrument of an animal function’: Marital Rape and Sexual Cruelty in the Divorce Court, 1858-1908,” in *The Politics of Domestic Authority in Britain since 1800*, ed. Lucy Delap, Ben Griffin and Abigail Wills, (Basingstoke: Palgrave Macmillan, 2009), 44.

⁵¹ Savage, “...the instrument of an animal function,” 44.

⁵² Joanna Bourke, “The Rise and Rise of Sexual Violence,” *Historical Reflections* 44, no. 1 (2018): 104.

⁵³ Simmonds, “Courtship, Coverture and Marital Cruelty,” 139.

stunted understanding of a long and brutal history of violence against women.⁵⁴ Only a few years later, Hannah Roberts examined sexual relations between European colonisers and Aboriginal women and made the argument that ‘inter-racial sex contributed to and made possible policies such as the removal of mixed heritage children’.⁵⁵ Victoria Haskins’s 2017 article builds on this area of scholarship. Haskins focuses on a case study in which three white women enabled their uncle’s detainment of two Aboriginal women working as domestic servants. Haskins argues that, while the research into the physical and sexual abuse of Aboriginal women on the Australian frontier has been slowly growing, there has been limited discussion of white women’s roles in the abuse suffered by Aboriginal women.⁵⁶

Recent studies in the field have continued to examine physical abuse in conjunction with other coercive methods of control. Published in 2018, Joanne Begiato’s (previously Bailey) work examines marital cruelty with a focus on the household items with which husbands abused wives and the spaces where this abuse took place. Begiato reveals ‘how central the attempt to assert dominance over a spouse is in acts of abuse’, demonstrating that physical violence was key to exerting control rather than solely an end in itself.⁵⁷ This is particularly relevant to the South Australian divorce petitions, in which women commonly provided detailed descriptions of the physical abuse they suffered. Regularly mentioned instruments of abuse were whips, knives, guns, boots, axes, and kettles or teacups filled with boiling water. Piper’s chapter in *Gender Violence in Australia: Historical Perspectives* (2019) shows how men exerted control over their wives through economic abuse as a result of it being ‘built into household gender relations’.⁵⁸ Piper’s study is the first Australian work to examine

⁵⁴ Sandy Cook and Judith Bessant, *Women’s Encounters with Violence: Australian Experiences*, (Thousand Oaks: Sage Publications, 1997), 12.

⁵⁵ Hannah Roberts, “Disciplining the Female Aboriginal Body: Inter-racial Sex and the Pretence of Separation,” *Australian Feminist Studies* 16, no. 34 (2001): 71.

⁵⁶ Victoria Haskins, “‘Down in the gully & just outside the garden walk’: White Women and the Sexual Abuse of Aboriginal Women on a Colonial Australian Frontier,” *History Australia* 10, no. 1 (2013): 13.

⁵⁷ Joanne Begiato, “Beyond the Rule of Thumb: The Materiality of Marital Violence in England c. 1700-1857,” *The Journal of the Social History Society* 15, no. 1 (2018): 48.

⁵⁸ Piper, “Understanding Economic Abuse as Domestic Abuse,” 37.

the history of economic abuse. She also argues, however, that most women experienced physical abuse alongside economic abuse. Piper outlines four key categories of economic abuse that became apparent within her sources: 1) ‘failure to support during marriage’; 2) ‘financial or labour exploitation’; 3) ‘economically motivated violence’; and 4) ‘post-separation economic abuse’.⁵⁹ These categories of economic abuse contributed to the framework of my thesis, and I will return to them shortly.

Research outside of the historical scholarship also helps to contextualise violence within contemporary Australia. Published in 2019, Jess Hill’s book *See What You Made Me Do: Power, Control and Domestic Abuse* complements Piper’s work by tracing the progression of domestic abuse theories through the twentieth century. These theories made women responsible for the abuse they received and contended that the victimhood and passivity of abused women only spurred on their violent perpetrators. In Hill’s words:

the newly formed women’s refuge movement proclaimed loud and clear: it’s not pathology, it’s society! What could be ‘disordered’ about behaviour that had been permitted – and encouraged – for centuries?⁶⁰

Hill reminds us that domestic abuse should not be removed from the historical context of colonial society. She explains that coercive control is not included in our legal or social understanding of domestic abuse, despite the fact that it is a ‘systematic campaign - either strategic or instinctive - by one person to dominate and control their partner, enforced with the threat of physical and often sexual violence’.⁶¹ In my own thesis, coercive control is evident in the vast majority of cases involving physical and non-physical abuse. From men’s promises to reform their cruel behaviour, to verbal abuse and locking women in various rooms or outside the home, it is clear that petitioners did not experience random incidents of violence but rather

⁵⁹ Piper, “Understanding Economic Abuse as Domestic Abuse,” 40.

⁶⁰ Hill, *See What You Made Me Do*, 105.

⁶¹ Hill, *See What You Made Me Do*, 211.

they were trapped inside a system of calculated and coercive control. Marital violence and coercive control had roots in the gendered spaces and roles of the family.

The popular idea of separate spheres purported that women in the eighteenth and nineteenth century existed within the domestic sphere while men operated in the public sphere of work.⁶² However, historians have since argued that the division between male breadwinners and female homemakers was not nearly so distinct in practice. On the one hand, Martha Vicinus in *A Widening Sphere: Changing Roles of Victorian Women* (1977) has argued that ‘the limited choice of employment and low pay for all classes of women meant that marriage was the most attractive option’ for financial security.⁶³ And yet, Vicinus notes that even when married, poorer women were consistently required to work in order to support their families, and ‘could not remain within a static role of domesticity’, even if they wished to.⁶⁴ In 1997, Anna Clark’s *The Struggle for the Breeches: Gender and the Making of the British Working Class* similarly examined the impracticality of the domestic ideal. Clark notes that ‘for ordinary working people, male breadwinning became central to working-class respectability, yet few men could earn enough to do without their wives’ wages, and the resultant conflict between image and reality could put great strain on marriages’.⁶⁵ Several other works in the 1990s argued that it was not just the case for working-class women, but that various classes were unable to achieve this idealised state of domesticity.⁶⁶ We see over the course of my thesis that poor, middling and wealthy women were compelled to find work when their husbands failed to provide food or necessities, but the economic hardship caused by men’s neglect or desertion was likely felt

⁶² Leonore Davidoff and Catherine Hall, *Family Fortunes: Men and Women of the English Middle Class, 1780-1850*, (Chicago: University of Chicago Press, 1987).

⁶³ Martha Vicinus, *A Widening Sphere: Changing Roles of Victorian Women*, (Bloomington: Indiana University Press, 1977), x.

⁶⁴ Vicinus, *A Widening Sphere*, x.

⁶⁵ Anna Clark, *The Struggle for the Breeches: Gender and the Making of the British Working Class*, (Berkeley: University of California Press: 1997), 248.

⁶⁶ Robert B. Shoemaker, *Gender in English Society 1650-1850: The Emergence of Separate Spheres?*, (London: Longman: 1998) and Amanda Vickery, “Golden age to separate spheres? A review of the categories and chronology of English women’s history,” *Historical Journal* 36, no. 2 (1993): 383-414.

most keenly by the working class.

One of the most significant texts in the field of working-class marriage and divorce is Joanne Bailey's book, *Unquiet Lives: Marriage and Marriage Breakdown in England 1660-1800* (2003). Bailey's key argument, and consequently a central foundation of my thesis, is that both parties individually brought contributions to marriage.⁶⁷ In Bailey's words, 'husbands relied a great deal on their wives', and they often suffered financially if their wives left them.⁶⁸ Bailey's work shifted the trajectory of historical studies of marriage in arguing that husbands and wives were economically co-dependent and that wives were not wholly reliant on their husbands. Megan Doolittle (2009) argues that the ideal of a singular male breadwinner was a popular goal for the English working-class at the end of the nineteenth century, but it failed to align with families 'who relied on resources from every available source when poverty struck'.⁶⁹ Likewise, Katie Barclay explains in *Love, Intimacy and Power: Marriage and Patriarchy in Scotland, 1650-1850* (2011) that the gendered roles in the household were often not clearly defined in early-modern Scotland, which created 'a space to negotiate for power'.⁷⁰ Despite the fact that men legally managed the family's finances and property, Barclay argues that 'the marital economy was understood as a joint effort that required mutual cooperation, if not equality of authority'.⁷¹ Therefore, women and men were responsible for providing for the family, particularly in, but not limited to, the working class.

Important work has been done in the area of social welfare and the family in both Australia and overseas. Because the Destitute Board in South Australia publicly funded relief for those in need, much of the work in this state has focused on state institutions of welfare. In

⁶⁷ Joanne Bailey, *Unquiet Lives: Marriage and Marriage Breakdown in England, 1660-1800*, (Cambridge: Cambridge University Press, 2003), 191.

⁶⁸ Bailey, *Unquiet Lives*, 192.

⁶⁹ Megan Doolittle, "Fatherhood and Family Shame: Masculinity, Welfare and the Workhouse in Late Nineteenth-Century England," in *The Politics of Domestic Authority in Britain since 1800*, ed. Lucy Delap, Ben Griffin and Abigail Wills, (Basingstoke: Palgrave Macmillan, 2009), 85.

⁷⁰ Katie Barclay, *Love, Intimacy and Power: Marriage and Patriarchy in Scotland, 1650-1850*, (Manchester: Manchester University Press, 2011), 148.

⁷¹ Barclay, *Love, Intimacy and Power*, 148.

Rations, Residence, Resources: A History of Social Welfare in South Australia since 1836 (1986) Brian Dickey examines the development of welfare in South Australia.⁷² Mary Geyer's *Behind the Wall: The Women of the Destitute Asylum, Adelaide 1852-1918* (1994) provides a snapshot of daily life in the Destitute Asylum in South Australia and of the experiences that many of the women, some of whom were deserted, would have faced. Emphasising the squalid and isolated living conditions of the institution, Geyer notes that, ultimately, 'to be destitute was to be shamed'.⁷³ By contrast, in the other Australian states, private charities and benevolent societies were largely responsible for caring for the poor. Akin to Geyer, a number of works were published in the 1990s with a focus on the asylums and institutions that helped the poor in New South Wales, Victoria and Western Australia.⁷⁴ In 2015, Tanya Evans's *Fractured Families: Life on the Margins of Colonial New South Wales* revealed how poor women in Sydney were supported by The Benevolent Society, Australia's first charity.⁷⁵

Some studies have examined the impact of the gold rushes on colonial marriage and wife desertion. David Goodman's *Gold Seeking: Victoria and California in the 1850s* (1994) considers that during the Gold rushes 'single men celebrated their freedom from domestic constraints and responsibilities'.⁷⁶ With more of a focus on the effect of the gold rushes on deserted women, Christina Twomey in her 1997 article argues that the 'deserted wife came to embody the domestic upheavals and the transgressions of masculine and feminine roles that so worried middle-class moralists and reformers'.⁷⁷ Twomey's later book, *Deserted and*

⁷² Brian Dickey, *Rations, Residence, Resources: A History of Social Welfare in South Australia since 1836*, (Netley: Wakefield Press, 1986).

⁷³ Mary Geyer, *Behind the Wall: The Women of the Destitute Asylum*, (Mile End: Wakefield Press, 1994), 7.

⁷⁴ See also Joy Noreen Hughes, "Hyde Park Asylum for Infirm and Destitute Women, 1862-1886: An Historical Study of Government Welfare for Women in Need of Residential Care in New South Wales," (Master of Arts Honours, University of Western Sydney, 2004), and Penelope Hetherington, *Paupers, Poor Relief and Poor Houses in Western Australia 1829-1910*, (Crawley: UWA Publishing, 2009).

⁷⁵ Tanya Evans, *Fractured Families: Life on the Margins of Colonial New South Wales*, (Sydney: NewSouth Publishing, 2015).

⁷⁶ David Goodman, *Gold Seeking: Victoria and California in the 1850s*, (St. Leonards: Allen and Unwin, 1994), 149.

⁷⁷ Christina Twomey, "'Without Natural Protectors': Responses to Wife Desertion in Gold-Rush Victoria," *Australian Historical Studies* 27, no. 108 (1997): 22.

Destitute: Motherhood, Wife Desertion and Colonial Welfare (2002), notes that wife desertion signalled the cracks in colonial marriage customs, and as Twomey points out, ‘female-headed households were vulnerable to poverty precisely because they were part of a culture that valorised female dependence and left very few options for women who wished, or were forced, to live apart from a male breadwinner’.⁷⁸ As a result, deserted women were pushed into financially vulnerable positions and were often forced to be reliant on family and government relief as opposed to their husbands. Therese McCarthy and Paul Sendziuk’s (2018) research in this area has also highlighted that, while women were supposedly protected from deserting or abusive husbands in their right to maintenance payments, they were ultimately unable to force husbands to honour these provisions.⁷⁹

Recent research in the social and political sciences indicates that economic abuse should be studied as its own category of violence due to its prevalence in contemporary society.⁸⁰ Even outside of historical scholarship, research has been slow to focus specifically on economic abuse. But since the late 2000s, this area has grown steadily. Early researchers of economic abuse developed a scale by which to measure economic abuse and the harm it caused.⁸¹ In 2012, Judy Postmus et al. created a framework of economic abuse that comprised three distinct behaviours: financial control, financial exploitation, and financial sabotage.⁸² Piper’s aforementioned four types of historical economic abuse neatly build on Postmus et al.’s framework. In the following year, Amanda Mathisen Stylianou, Judy L. Postmus and Sarah McMahan argued that perpetrators use economic abuse to gain control over their partner, just as they would any other form of abuse. These tactics of economic control ‘include hindering

⁷⁸ Twomey, *Deserted and Destitute*, xx.

⁷⁹ McCarthy and Sendziuk, “Deserted Women and the Law,” 69.

⁸⁰ Postmus et al., “Economic Abuse as an Invisible Form of Domestic Violence,” 17.

⁸¹ Adrienne E. Adams, Cris M. Sullivan, Deborah Bybee, Megan R. Greeson, “Development of the Scale of Economic Abuse,” *Violence Against Women* 15, no. 5 (2005): 569.

⁸² Judy L. Postmus et al., “Understanding Economic Abuse in the Lives of Survivors,” *Journal of Interpersonal Violence* 27, no. 3 (2012): 420.

[a woman's] economic self-sufficiency and damaging her economic self-efficacy'.⁸³ The literature has also found that economic abuse makes leaving an abusive partner significantly more dangerous. Stylianou et al. note that 'even if a survivor has left an abusive situation, economic abuse can continue to be perpetrated remotely (unlike physical abuse)'.⁸⁴ Likewise, Rachel Louise Snyder reinforces that 'escaping an abusive relationship hardly ensures that the danger is over'.⁸⁵ We can interpret men's desertion and refusal to provide food and money as comparable economic abuse in the colonial period.

Certain social sciences studies from 2018 to 2019 have continued to expand understandings of economic abuse and its impact on female victims. One study by Jozica Kutin, Roslyn Russell and Mike Reid considers the prevalence of economic abuse in Australia. They argue that, of the women who sought help for domestic abuse, the incidence of economic abuse was between 78% and 99%.⁸⁶ Disability, poor health, age, education, and income were additional factors that were associated with higher rates of economic abuse.⁸⁷ Likewise, Sundari Anitha highlights that economic abuse 'results in radically different standards of living for different members of the same household'.⁸⁸ In Anitha's words,

financial abuse is undertaken to derive a material advantage in a relationship, to channel a disproportionate share of the financial resources and decision-making powers within the family to meet the needs of the perpetrator through use of control, exploitation, and sabotage.⁸⁹

⁸³ Amanda Mathisen Stylianou, Judy L. Postmus and Sarah McMahon, "Measuring Abusive Behaviors: Is Economic Abuse a Unique Form of Abuse," *Journal of Interpersonal Violence* 28, no. 16 (2013): 3187.

⁸⁴ Stylianou, Postmus and McMahon, "Measuring Abusive Behaviors," 3200.

⁸⁵ Rachel Louise Snyder, *No Visible Bruises: What We Don't Know About Domestic Violence Can Kill Us*, (Brunswick: Scribe Publications, 2020), 10.

⁸⁶ Jozica Kutin, Roslyn Russell and Mike Reid, "Economic abuse between intimate partners in Australia: prevalence, health status, disability and financial stress," *Australian and New Zealand Journal of Public Health* 41, no. 3 (2017): 269-270.

⁸⁷ Kutin, Russell and Reid, "Economic abuse between intimate partners in Australia," 270.

⁸⁸ Sundari Anitha, "Understanding Economic Abuse Through an Intersectional Lens: Financial Abuse, Control, and Exploitation of Women's Productive and Reproductive Labor," *Violence Against Women* 25, no. 15 (2019): 1856.

⁸⁹ Anitha, "Understanding Economic Abuse Through an Intersectional Lens," 1863.

Anitha's article examines how perpetrators (and in some cases their families) used methods of economic abuse to degrade their partner's self-esteem, confidence, and independence, altogether ensuring that their capacity to seek help and leave the relationship was greatly impaired.

Significantly, Postmus et al. assert that women may not be able to differentiate the existence of economic abuse in their relationship from 'their experience of gendered financial management'.⁹⁰ This recalls Piper's argument that 'while research indicates that economic abuse is widespread, it tends to be poorly understood and hard to recognise, even by those who experience it', only reinforcing the need to deepen our understanding of economic abuse in the past.⁹¹ Despite being more difficult to detect, economic abuse is glaringly evident in the historical sources. The women in my sources would not have described their experiences as a form of economic abuse, and yet they recognised that their husbands should have provided them with food, materials and shelter. The near-constant occurrence of economic abuse alongside cruelty in the matrimonial sources demonstrates the extent to which these forms of violence were entangled and working in concert.

Sources

This thesis is the first to examine wife desertion and domestic abuse in colonial South Australia through the perspective of divorce and separation petitions. The petitions allow for a perspective from women that has not yet been considered in the state, particularly because desertion is so often studied through maintenance records. This thesis will also be the first to compare the experiences of deserted women and women who had been victims of violence, drawing a connection between men's desertion, neglect, intentional lack of provisions, and

⁹⁰ Postmus et al., "Economic Abuse as an Invisible Form of Domestic Violence," 19.

⁹¹ Piper, "Understanding Economic Abuse as Domestic Violence," 36.

abuse. While this research could have gone in myriad directions, it has been guided by the rich body of evidence that the matrimonial petitions provide.

Court documents offer a wealth of personal experiences and details regarding women's experiences of marriage and abuse. All the divorce and separation petitions that I draw from were submitted through the Supreme Court of South Australia. Altogether, 710 petitions were lodged by both men and women between 1859 and 1893, of which 408 now remain. Removing the petitions submitted by men left 239 female petitioners in the sample, 13 of whom brought a case before the courts on more than one occasion. All other petitions, and also much of the other supporting evidence, were culled from the archive at some point after 1952. The culling was inconsistent, meaning that certain cases have retained far more supporting documents than others. For clarity, I have provided a list of the petitioners referred to by name in each of the chapters in Appendix II.

I draw from two archival collections at the State Records of South Australia for the majority of my source material. The larger series, GRG 36/51, includes predominantly petitions with the addition of some affidavits, which together paint a broad picture of a petitioner's marriage and reasons for seeking the divorce or separation. The second series, GRG 36/23, comprises the supporting documents for the cases kept in the formerly mentioned collection, including more affidavits, respondents' answers, judges' notes, petitioners' costs and citations to respondents and co-respondents to appear in court. The volume of information across these two sets of matrimonial records provides great insight into the lives of the petitioners and the intricacies of their relationships. Matrimonial petitions are also valuable because petitioners were required to provide reasons for their application for divorce or separation, giving us insight into the behaviours that petitioners or judges deemed inappropriate in a marital union.

The very nature of legal records, and the fact that they were used to secure specific outcomes, also requires a brief mention. In particular, the distance between women's individual

accounts of marriage, abuse or desertion, and the legal framework through which their petitions and affidavits were produced, means that we cannot fully interpret women's experiences without interference from those who wrote the documents. Divorce petitions were created and moulded in order to win a particular result. Supplementary details such as those of emotional or physical abuse may have been crafted in such a way that created sufficient sympathy for the petitioner, though this is not to say that their accounts lacked veracity.

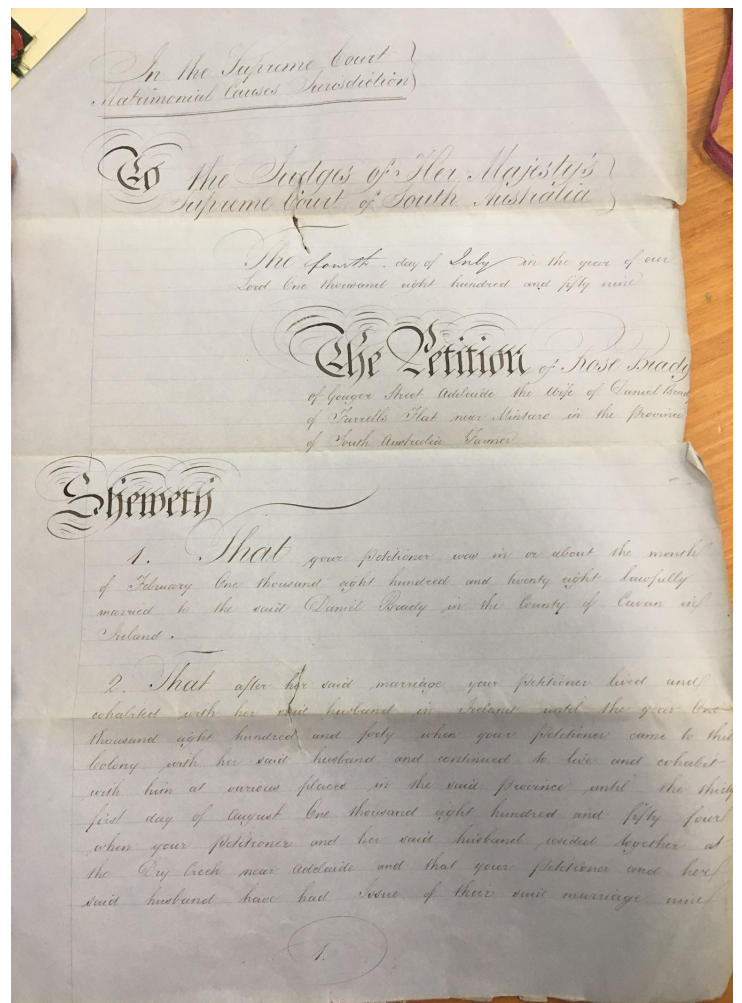
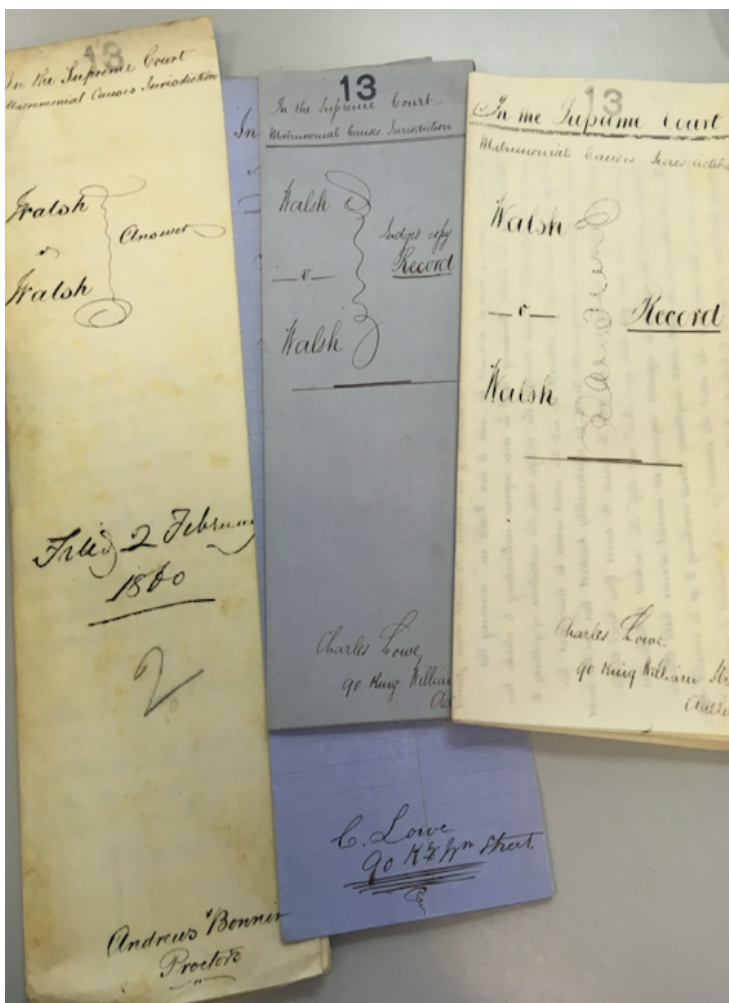


Figure 1.1 and 1.2 Examples of matrimonial petitions, Isabella Walsh and Rose Brady.⁹²

⁹² SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 13, 1860, Isabella Walsh and GRG 36/51 Matrimonial petitions, no. 1, 1859, Rose Brady.

Stretton's work in this area emphasises the important point that 'scholars must address the mediating influence of the male lawyers, scribes, and recorders who helped produce legal documents and records, and the processes and requirements that governed their form'.⁹³ Further to this, both Stretton and Alexandra Shepard remind us that women 'could be defendants as well as plaintiffs and could manipulate and misuse the law as well as fall victim to it'.⁹⁴ This is particularly significant in light of the female plaintiffs whose aim it was to convince the courtroom and judge that the husband was the guilty party. In many cases, the respondents' answers are missing from the records, making it difficult to create a full picture of a couple's experience.

Performing in court to adhere to a particular role is another important aspect of divorce trials. Brooklyn explains that in the South Australian divorce courts, 'women intent on leaving their husbands were prepared to exploit one aspect of the feminine stereotype (wifely duty) in order to free themselves from another (submission to a tyrant)'.⁹⁵ Therefore, women's actions within courtrooms, and in their accounts in legal records, are more complex than merely a state of victimhood or helplessness. Hilary Golder reminds us that solicitors guided women's testimonies and behaviour in court. She writes that 'a lawyer could best assert a woman's right to divorce by demonstrating that she had been a totally unassertive, patient and forgiving wife'.⁹⁶ Divorce petitions are partial records and are not objective statements of fact. My thesis frames the study of economic abuse within the context of divorce, so, naturally, there is a focus on marriage and marital conflict. For these reasons, the case studies in this thesis are not representative of all colonial women in South Australia. But the commonalities in the women's

⁹³ Tim Stretton, "Women, Legal Records, and the Problem of the Lawyer's Hand," *Journal of British Studies* 58, no. 4 (2019): 684.

⁹⁴ Alexandra Shepard and Tim Stretton, "Women Negotiating the Boundaries of Justice in Britain, 1300-1700," *Journal of British Studies* 58, no. 4 (2019): 680.

⁹⁵ Bridget Brooklyn, "Something Old, Something New: Divorce and divorce law in South Australia, 1859-1918," (PhD diss., University of Adelaide, 1988), 250.

⁹⁶ Hilary Golder, *Divorce in 19th Century New South Wales*, (Kensington: New South Wales University Press, 1985), 11.

testimonies suggest that the few who came to the courts to seek legal recourse mirror the experiences of many women who underwent similarly difficult or abusive circumstances but without seeking legal recourse.

Women's agency in legal processes is an important consideration for this thesis. Judith Allen and Kay Daniels have both emphasised the importance of avoiding the 'unhelpful dualism' of women having agency versus women as victims of abuse, as few women fit neatly into such binary categories.⁹⁷ In my own sources, there are many examples of women who were victims of their husbands' violence but also exercised some agency, meaning that they may have worked, engaged in legal recourse, or simply refused to live with their abusive husband. But while a significant number did appear to work and earn their own income, most employed women did not earn enough to support their families or even themselves. This reminds us to reconsider how little agency female wage earners in the colonial period really had, regardless of the fact that any extra money would have helped women's situations. According to Shepard and Stretton, historians should 'move beyond simple narratives of resistance or celebrations of agency to investigate the full variety of different women's experiences as well as the law's complicated interrelationship with practice and influence on people's daily lives'.⁹⁸ Other factors affected women's ability to leave abusive husbands or gain financial security aside from merely employment. I argue that the most important of these were class and women's support systems, as it is clear that women were highly reliant on their family and friends in times of crisis.

Another key source I draw from are reports of the police and law courts that appeared in newspapers. These reports provide information about the cases that have often not been preserved in the matrimonial records, such as witness statements and judges' remarks.

⁹⁷ Allen, *Sex and Secrets*, 6.

⁹⁸ Shepard and Stretton, "Women Negotiating the Boundaries of Justice in Britain," 680.

Furthermore, the press often commented on the appearance and demeanour of the petitioners and their husbands while in court, emphasising the importance of a petitioner's performance in order to win their case. The primary newspapers that I refer to are *The Evening Journal*, the *South Australian Register*, *The Express and Telegraph*, *The Adelaide Observer*, and *The South Australian Advertiser*. Some divorce cases attracted particular attention from the press, no doubt due to the sensational topics that were discussed in court, such as sex, violence, extortion, and transgressions of Victorian sensibilities.⁹⁹

In order to organise and synthesise the source material, I combine two different interpretative frameworks. One of these is that of Postmus et al., which as outlined earlier, divides economic abuse into financial control, financial exploitation, and financial sabotage. The other framework is Piper's, which comprises four categories of economic abuse from *Gender Violence in Australia: Historical Perspectives*, also outlined above. The two primary categories of economic abuse that apply to this thesis are wife desertion and failure to support, closely resembling two of Piper's four categories of economic abuse. The three remaining varieties are more closely related to the Postmus framework. These are sabotage, exploitation, and extortion of money through violence. Sabotage relates to men who, through physical abuse or drunkenness, deliberately impaired a woman's ability to work. Exploitation of labour occurred when a husband refused to work and relied on his wife's earnings in addition to exploiting her unpaid labour in the household. Examples of extortion of money can be seen in cases where a woman was wealthier than her husband and he took advantage of her earnings. Extortion, exploitation and sabotage encapsulate how, in more extreme circumstances, economic abuse became increasingly entangled with certain forms of physical and other violence. This hybrid framework is useful for several reasons, first of which is that it

⁹⁹ Anthony Laube, "Adelaide, Sensationalism and the Development of New Journalism in the Early History of the South Australian Press," in *Sensationalism and the Genealogy of Modernity*, ed. Alberto Gabriele, (New York: Palgrave Macmillan, 2017), 75.

incorporates two recent approaches from different areas of research, one in the social sciences and one in the history of domestic abuse. This combination provides an interpretative framework that is rooted in both historical and contemporary research. Moreover, it allows for a greater variety of economic abuse behaviours, which became necessary as an increasing number of types were emerging in the data-collection process. With this framework in mind, I sorted the petitions into a database which divided them by details of the petitioner, the respondent, their place of residence, the reason for seeking divorce or separation, details pertaining to the family and number of children, employment, and experiences of physical or economic abuse.

It is important to touch briefly on the ethnicity of the petitioners. All of the women were European settlers, either first- or second-generation migrants, with the majority coming from Britain and a smaller number from Germany. To my knowledge, none of the petitioners who applied for divorce or separation were of Aboriginal descent. There is, in fact, very little mention of Aboriginal people in the matrimonial and legal sources. This is not to say that Aboriginal women did not marry in this period. Mandy Paul and Robert Foster's research reveals that marriages between Aboriginal women and European men in South Australia date back to 1848.¹⁰⁰ Nonetheless, the only mention of Aboriginal women in the court documents is regarding women's husbands who were allegedly adulterous with Aboriginal women. This was recorded by at least two of the petitioners. In my thesis, there is little discussion of Aboriginal women due to the nature of the sources and the scope of my research, but this is an important area of research that demands more attention.

¹⁰⁰ Mandy Paul and Robert Foster, "Married to the Land: Land Grants to Aboriginal Women in South Australia 1848-1911," *Australian Historical Studies* 34, no. 141 (2003): 48.

Chapter Outline

As we know that economic abuse is so pervasive in contemporary society, it is unsurprising that it would have such deep roots in our history. This thesis builds on recent works to develop current understandings of economic abuse and how it functioned alongside other types of violence. Each chapter of this thesis examines different areas of economic abuse, starting with wife desertion in Chapter One, failure to support in Chapter Two, and extortion, exploitation and sabotage in Chapter Three.

In the first chapter, I argue that desertion should be viewed alongside other types of abuse. I do this in order to reinforce the fact that desertion was not an isolated incident that occurred at a particular point in time, but was, rather, part of a chain of violent behaviours that left women even more financially vulnerable and dependent. This chapter also suggests that wife desertion may have been one of the less dangerous experiences for women, relative to other abuse I later examine. Most petitioners had some income or help from family and friends, which greatly assisted them in surviving desertion.

In Chapter Two, I consider the next category of economic abuse, failure to support, which, according to my sources, was only marginally less common than wife desertion. Failure to support includes a variety of subcategories of economically abusive behaviours such as husbands publishing debt notices declaring that they are no longer financially responsible for their wives' debts and husbands refusing to buy food or necessary goods for their wife and family. As with desertion in Chapter One, this chapter explores how failure to support was deeply entangled with various types of violence.

The final chapter focuses on three subcategories of economic abuse, all of which occurred less frequently than wife desertion and failure to support, but which demonstrate more extreme examples of economic abuse. These are extortion of money through violence, exploitation of women's labour, and sabotage of women's employment. Although these were

less widespread, or at least less well documented, the case studies continue to build on the more universal elements of the first two chapters while simultaneously showing the extremes of economic abuse. These subcategories demonstrate the underlying tension that existed between marital relationships and a woman's economic independence. The case studies I examine show that some men perpetrated an array of economic abuse upon women and their families in their daily lives, often in combination with physical and other forms of abuse. As I show over the course of this thesis, many petitioners worked or sought legal recourse, but their agency within their marriages was limited.

Chapter One

‘For parts beyond the seas’: wife desertion as a component of economic abuse

Wife desertion was firmly rooted in the heavily gendered and masculine culture that South Australia inherited from Britain upon the colony’s establishment in 1836. Prior to any desertion taking place, married women were already susceptible to economic abuse due to their inherent financial dependency on their husbands. Even if a couple were separated and no longer living together, men were expected to continue providing for wives. Yet, some men transgressed these expectations by deserting, which forced women to fend for themselves by seeking government-funded rations, relief from family and friends, or paid employment.

Several important South Australian studies have examined desertion and divorce legislation. Bridget Brooklyn’s PhD thesis (1988) is the most comprehensive study of divorce and its evolution of divorce legislation in South Australia.¹ Brooklyn’s thesis offers valuable analysis and insight. I build particularly on Brooklyn’s work, especially as she examines a number of the same case studies as I do in this thesis. In 2012, Therese McCarthy’s Honours Thesis complemented Brooklyn’s study of divorce with a specific focus on deserted wives in colonial South Australia. McCarthy points out that despite existing legislation created to support deserted wives, ‘in reality the legal rights afforded to deserted wives were not always easily exercised’.² This is echoed by McCarthy and Paul Sendziuk in their 2018 article, in which they highlight that, notwithstanding the legal recourse deserted wives were afforded, women were still likely to be treated unfairly. Some deserting husbands avoided

¹ Bridget Brooklyn, “Something Old, Something New: Divorce and divorce law in South Australia, 1859-1918,” (PhD diss., University of Adelaide, 1988).

² Therese McCarthy, “Destitution, dependence and self-determination: wife desertion in Colonial South Australia,” (Honours diss., University of Adelaide, 2012), 11.

appearing in court, refused to pay maintenance, and, ultimately, exempted themselves from South Australian jurisdiction by fleeing the colony.³

There has also been some work probing the relationship between wife desertion and domestic abuse, though this has been limited in scope. In her study of the family in colonial Western Australia (1981), Margaret Grellier noted the incidence of desertion with cruelty in divorce and maintenance records.⁴ Hilary Golder has also observed the close connection between desertion, financial difficulty and men's cruelty to wives.⁵ Other historians such as McCarthy, Sendziuk, Christina Twomey and Alana Piper, whose works were discussed in the introduction, have also considered this relationship, arguing to varying degrees that deserted women also reported physical and non-physical forms of abuse in legal documents. I argue that wife desertion should not be considered separate to the larger field of domestic abuse and that desertion has not received enough attention in relation to other variants of economic abuse. The broader context of violence is integral to the study of desertion because desertion existed as part of a larger chain of abuse and financial instability.

In this chapter, I position desertion more clearly in connection with domestic abuse, and in particular, economic abuse. This first chapter will therefore act as a launch pad into the other variants of economic abuse that will be explored in the following chapters. I begin by examining the social and legal context of wife desertion in South Australia. Next, I consider three different categories of matrimonial petitions in order to highlight the connection between wife desertion and other kinds of abuse and adultery, before questioning how women coped financially while deserted.

³ Therese McCarthy and Paul Sendziuk, "Deserted Women and the Law in Colonial South Australia," *Journal of Australian Colonial History* 20 (2018): 66.

⁴ Margaret Grellier, "The Family: Some Aspects of its Demography and Ideology in Mid-Nineteenth Century Western Australia," in *A New History of Western Australia*, ed. C.T. Stannage, (Nedlands: University of Western Australia Press, 1981), 499-504.

⁵ Hilary Golder, *Divorce in 19th Century New South Wales*, (Kensington: New South Wales University Press, 1985), 37.

The socio-legal context of wife desertion

It is impossible to determine the exact number of women who were deserted in any given year. This is owing to various factors, one of which being that a woman was required to file a warrant with a government clerk in the attempt to bring the deserting husband to court.⁶ Many women knew that by doing this they would incite their husbands' violence.⁷ In the colonial period, it was widely known that due to men's violence, women could not go through with the available legal processes. On 10 March 1870, Thomas Reed, who served as Chairman of the Destitute Board for two terms in the 1870s and 1880s, wrote:

when the absconder is supposed to be in the Colony, the wife naturally shrinks from taking out a warrant through the fear of ill-treatment from the husband on his return; a fear too often verified, telling, [sic] us that as wife desertion and wife cruelty rank together, a summary punishment should be enacted for either offence. Imprisonment has hitherto done nothing to arrest these evils.⁸

Failing to attend the summons or provide sufficient evidence also prevented the issuing of a deserting husband's warrant.⁹ Men responding violently after women issued warrants or sought police assistance was well documented in my own research. In any case, deserted women who had support from family or friends may not have considered this a necessary step, at least in the initial stages when they were merely trying to survive.

South Australia was not alone in its struggle to contain the rising numbers of deserters in the mid-nineteenth century. Other Australian colonies, too, felt the impact of wife desertion, particularly at the advent of the gold rushes in the 1850s, when rapidly increasing numbers of men fled their homes to secure a fortune, or at the very least a job, on the Australian goldfields. The majority of these men returned to South Australia, and as W.R.C. Jacques points out, by 1854, South Australia

⁶ McCarthy and Sendziuk, "Deserted Women and the Law," 67.

⁷ Colin James, "A History of Cruelty in Australian Divorce," *Australian and New Zealand Law and History E-Journal*, (2006): 2

⁸ South Australia, *Government Gazette, (SAGG)*, 10 March 1870, 251.

⁹ "Wallaroo: Saturday, March 6," *Wallaroo Times and Mining Journal*, 6 March 1869, 4.

had seen a ‘virtual restoration’ in the number of men in the colony.¹⁰ Regardless, desertion continued to be a problem long after the gold rushes. McCarthy estimates that for every deserted woman listed in the historical record, ‘there would likely have been another whose experience went unrecorded’.¹¹ In the year 1882-1883, 486 deserted people, including women and children, were given financial assistance by the Destitute Board. This figure increased steadily each year until 1887-1888 when 961 deserted people were receiving relief.¹² These figures included only cases of men who were known deserters, and not men who were merely deemed ‘absent’ from the colony. The combination of deserters and those absent brought the overall figure of people receiving assistance to 1,825.¹³

The public sympathised with deserted women as they were considered victims of husbands who failed in their role as breadwinner and protector.¹⁴ Deserting husbands were referred to in newspaper articles by a variety of emotive words, including ‘wicked’, ‘scoundrels’, ‘hounds’, ‘heartless’, and ‘villains’, to name just a few. Despite this sympathy towards deserted wives, the Destitute Board was anxious to reduce the number who were receiving relief. One Destitute Board report from 1888 asserted that providing relief for deserted women and families ‘is an expenditure that has become a grievous burden on the State, and some steps are urgently needed to arrest its rapid progress’.¹⁵ In some rural regions of South Australia, wife desertion was particularly high. This was the case in the town of Wallaroo on the Yorke Peninsula after 75% of smelters lost work due to a halt in operations.¹⁶ Although wife desertion was acknowledged as a serious problem for women in country and metropolitan areas, the Destitute Board sometimes resolved that deserted women were able to work and earn their own income, despite the obvious barriers of childcare and limited

¹⁰ W.R.C. Jacques, “The Impact of the Gold Rushes on South Australia 1852-1854,” (Honours diss., University of Adelaide, 1963), 61.

¹¹ McCarthy, “Destitution, dependence and self-determination,” 6.

¹² *SAGG*, 6 September 1888, 607.

¹³ *SAGG*, 6 September 1888, 608.

¹⁴ McCarthy and Sendziuk, “Deserted Women and the Law,” 65.

¹⁵ *SAGG*, 6 September 1888, 605.

¹⁶ “Wallaroo: Saturday, March 6,” 4.

availability of employment. As Judah Moss Solomon, Chairman of the Destitute Board from 1877 to 1880, wrote in 1877:

I am very desirous of impressing upon you that while the State through the Destitute Board are ready to relieve cases of destitution, that it does not follow they should entirely support widows and children, or deserted wives and children, if it can be shown that these women have health and strength, sufficient either wholly or partly to support their children.¹⁷

His statement continued that some women who claimed to need relief were ‘seen upon holidays wearing very superior clothing as well as jewellery, a circumstance hardly compatible with a state of destitution’.¹⁸ Historian Susan Tiffin concurs that governments in the Australian colonies were generally reluctant to provide relief when a child’s parents were ‘alive and able-bodied’.¹⁹ Like widows and other parents in need of relief, deserted women were often mistrusted and deemed undeserving.

The easy movement of men across colonial boundaries during this period only increased women’s susceptibility to desertion. On 12 March 1870, the Adelaide Newspaper, *The Evening Journal*, published a report on the state of destitution in South Australia, which noted that ‘wife desertion is a peculiarly colonial evil, which the crudeness of intercolonial law is viciously fostering’.²⁰ The article explained that for a man to desert without punishment, all that was required was to ‘start into the country on pretence of searching for work, then to make tracks for the Victorian border, and after crossing it all the legislation in South Australia will be powerless to reach him’.²¹ Many in society acknowledged the ease with which men could avoid prosecution by crossing borders.

As outlined in the introduction, two pieces of legislation were passed that affected deserted wives. The first was the Maintenance Act of 1843, which enabled deserted women to sue their

¹⁷ “Destitution on Yorke’s Peninsula,” *The Evening Journal*, 25 June 1877, 2.

¹⁸ “Destitution on Yorke’s Peninsula,” 2.

¹⁹ Susan Tiffin, “In Pursuit of Reluctant Parents,” in *What Rough Beast? The State and Social Order in Australian History*, ed. Sydney Labour History Group, (Sydney: George Allen and Unwin, 1982), 133.

²⁰ “Destitution in 1869,” *The Evening Journal*, 12 March 1870, 2.

²¹ “Destitution in 1869,” 2.

husbands. The second was the Matrimonial Causes Act of 1858, following the English counterpart passed the year before, which shifted divorce from the ecclesiastical courts into the civil courts.²² In her thesis on the laws concerning deserted wives, Pamela Elsie Ringwood explains that, due to the blend of canon law, common law, and statute law, ‘the laws on desertion often present a patchwork quilt effect’.²³ The Act made judicial separation, protection orders, dissolution of marriage or restitution of conjugal rights available to men and women. Men or women could apply for a judicial separation ‘on the ground of adultery, or cruelty, or desertion without cause for two years and upwards’.²⁴ Judicial separations in Britain replaced the decree that was formerly known as *divorce à mensa et thoro* in the ecclesiastical courts, which offered little assistance to female petitioners because ‘a separated woman was unlikely to be able to support herself’.²⁵ Unlike the former, the order of judicial separation granted separated (and deserted) women the legal status of *femme sole*, meaning they were entitled to all money and property they earned upon the decree being granted. Judicial separation, however, prevented individuals from remarrying.²⁶

Protection orders granted women control over their property and money in the case of desertion. A deserted woman could be granted an order ‘protecting her earnings and property acquired since the commencement of such desertion, from her husband and all creditors and persons claiming under him, and such earnings and property shall belong to the wife, as if she were a *femme sole*’.²⁷ In order to be given a protection order it was necessary to prove one’s husband left ‘without reasonable cause’ and also that the woman earned money or property through ‘lawful’ means. The requirement for work to be ‘lawful’ suggests that prostitution was not a permitted route of employment for desperate women.²⁸

²² Bridget Brooklyn, “Something Old, Something New: Divorce and divorce law in South Australia, 1859-1918,” (PhD diss., University of Adelaide, 1988), 12.

²³ Pamela Elsie Ringwood, “The Law on Deserted Wives,” (Diss., University of Adelaide, 1964), 10-11.

²⁴ *Matrimonial Causes Act 1858* (SA) s 4.

²⁵ Brooklyn, “Something Old, Something New,” 16.

²⁶ McCarthy and Sendziuk, “Deserted Women and the Law,” 70.

²⁷ *Matrimonial Causes Act 1858* (SA) s 6.

²⁸ McCarthy, “Destitution, dependence and self-determination,” 29.

Men and women could apply for a dissolution of marriage. Yet, women were required to provide more reasons in order to be successful, reinforcing the ‘double standard’ that was built into divorce law.²⁹ Divorce could be granted to any man whose wife was guilty of adultery, and to any woman whose husband was guilty of ‘incestuous adultery, or of bigamy with adultery, or of rape, or of sodomy, or bestiality, or of adultery coupled with such cruelty ... or of adultery coupled with desertion, without reasonable excuse, for one year or upwards’.³⁰ It was not until the 1918 amendment to the Matrimonial Causes Act that women were able to apply for a dissolution of marriage on the sole ground of adultery.³¹

Complaints of desertion in matrimonial petitions: the intersection of wife desertion with other kinds of abuse

The three main types of matrimonial petitions lodged by South Australian women in the colonial period were judicial separation, dissolution of marriage, and protection orders. Between 1859 and 1889, women’s petitions for divorce steadily increased as petitions for judicial separation decreased. This is important, as Brooklyn argues, because ‘wives were becoming increasingly willing to risk proceeding for dissolution of marriage, even though suits of this type carried with them a greater onus of proof on the petitioner than those for judicial separation’.³² By 1890, almost 75% of petitions were for dissolutions of marriage and only 25% were petitions for judicial separations.³³

Upon synthesising all petitions, some clear trends emerged. Of the 239 female petitioners, 100 women, or 42%, complained of desertion in their petitions. The matrimonial petitions that used desertion as a reason for divorce, separation or protection orders can be divided into three categories: women who listed only desertion, women who listed desertion with adultery, and women who listed desertion in conjunction with cruelty with or without adultery. Thirty-five of petitioners (14%)

²⁹ McCarthy and Sendziuk, “Deserted Women and the Law,” 70.

³⁰ *Matrimonial Causes Act 1858* (SA) s 12.

³¹ *Matrimonial Causes Act 1918* (SA) s 16.

³² Brooklyn, “Something Old, Something New,” 240.

³³ Brooklyn, “Something Old, Something New,” 242.

complained only of desertion in their petitions. These petitions were for separation or protection orders as divorce required more than one reason. Twenty-six petitioners (11%) complained of both desertion and adultery in their petitions. Finally, thirty-seven petitioners (15%) complained of desertion and cruelty with or without adultery.

A similar number of women submitted matrimonial petitions with complaints of only desertion as they did for desertion in addition to cruelty with or without adultery. These figures indicate the close relationship between wife desertion and abuse. For instance, it is evident that 71% of petitioners complained of some form of economic abuse aside from desertion, and 41% alleged that their husbands refused to maintain them. Seventy-two per cent of petitioners experienced physical abuse, a figure only slightly higher than those who suffered economic abuse. The overlap between physical and economic abuse is evident, occurring in 51% of examples. This is unsurprising when considering how varying types of violence are closely interwoven, rarely occurring in isolation. I will now compare petitioners' experiences across the three categories of desertion, desertion with adultery, and desertion with cruelty.

a. Complaints of only desertion

Women who complained only of desertion in their petitions tended to experience a linear or traditional form of desertion. In other words, husbands in this category were more likely to leave their wives in order to find work, often with the intention to return, but usually with the outcome of permanently residing elsewhere. In these cases, it was also common for wives to have little to no indication of men's whereabouts. This was often because they left with minimal warning or sent little correspondence if they did eventually find work in another colony. Two women in their petitions described their husbands' whereabouts as at 'parts beyond the seas', a term indicating how little they knew about their intended place of desertion.³⁴ As was customary in matrimonial petitions, women

³⁴ SRSA, GRG 36/51 Matrimonial petitions, no. 366, 1878, Mary Jane Ball and SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 207, 1873, Jane Reid.

emphasised that their husbands left them ‘without any reasonable cause’ in order to establish that the desertion was unprovoked.³⁵ One woman’s petition claimed that ‘your Petitioner never gave to her said husband by her misconduct or otherwise any cause whatever which would justify him in deserting your Petitioner and her child’.³⁶ When evidence indicated that a woman provoked a man to desert her, he could be acquitted of charges.³⁷

My analysis begins with a group of cases that were seen in the Supreme Court immediately after the Matrimonial Causes Act was passed in 1858. Many of these cases were rooted in the early 1850s when men left to take part in the gold rushes. In her application for a protection order in 1859, Mathilde Christiane Cranz argued that her husband, August, only intended to be away from South Australia for 10 weeks. Instead, he never returned and she ‘received no letter or communication of any sort from the said August Friedrich Cranz for the last two years’.³⁸ August had gone to the diggings in Victoria, like many other men in the 1850s. Newspaper reports show that he ended up in Avoca, near Ballarat, where he continued his work as a pianist and music professor until his death in 1883.³⁹ Mathilde, herself, was a musician. She worked as a pianist, vocalist and teacher in South Australia until 1862 when the press stopped reporting on her concerts.⁴⁰

In a similar example that appeared in the courts only one year later, Lydia Shephard claimed that her husband, Thomas, deserted her on the same day that he announced he would leave in search of work. Lydia’s case is fascinating because her petition includes excerpts of letters sent to her from Thomas while he was at the Victorian diggings. In one letter he admitted: ‘I dare say you think it strange you have not heard from me before this but the fact is I have had no good news to send or I

³⁵ SRSA, GRG 36/51 Matrimonial petitions, no. 4, 1859, Elizabeth Hannah Hobbs.

³⁶ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 70, 1864, Alicia Geary.

³⁷ Brooklyn, “Something Old, Something New,” 33.

³⁸ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 14, 1859, Mathilde Christiane Cranz.

³⁹ Untitled, *Avoca Mail*, 13 February 1883, 2.

⁴⁰ “Madame F. Allen’s Concert,” *Adelaide Times*, 14 March 1851, 2.

should have wrote before this'.⁴¹ Thomas followed this up with a comment about his impressions of Melbourne:

Geelong is a nice quiet place, but Melbourne is the place for life, it is a second London, I don't suppose I shall ever see Adelaide again. I wish I had come here instead of Adelaide at first. You would like Melbourne very much, here is life to be seen, here is business to be done, just the same as London, the streets here are thronged with people and with vehicles of every description quite as much as the streets of London. I shall be very glad if you will write to me and let me know if there has been any news from Mother and how she is, also let me know some news about Adelaide itself but it is a poor dull place.⁴²

Unlike Lydia, most women did not know any details or the location of their deserting husbands. In 1859, Mary Bryan stated in her affidavit for a protection order that she only received a single letter from her husband, Francis, one month after he deserted from their home in Robe. Mary wrote: 'I have never heard from him since and I do not know where he now is, or whether he is alive'.⁴³ Mary's uncertainty about Francis contrasts with the earlier example of Mathilde, who firmly believed 'the said August Friedrich Cranz is alive and follows the employment of a gold digger in Victoria'.⁴⁴ One petitioner in 1870 simply stated that she believed her husband 'took voyage to Melbourne in the Colony of Victoria with the intention of proceeding to some part of America'.⁴⁵ The fact that women were applying for protection orders indicates their fear that, should their husbands return from desertion, they may again find themselves in a state of heightened financial insecurity and dependence.

Some women attempted to bring their deserting husbands home. This is an important point that signals women's resilience and calls into question the assumption that they all helplessly accepted men's desertion. When Alicia Geary's husband, William, left South Australia in 1858 to find work in Victoria, she received two letters from him within the same year. Dismayed by the lack of

⁴¹ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 27, 1860, Lydia Shephard.

⁴² SRSA, GRG 36/23/27, 1860, Shephard.

⁴³ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 8, 1859, Mary Bryan.

⁴⁴ SRSA, GRG 36/23/14, 1859, Cranz.

⁴⁵ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 137, 1870, Anna Hennig.

information that followed, Alicia enquired in Melbourne before being told that ‘he left the colony of Victoria three or four years ago for Sydney’. After also making enquiries in Sydney through her solicitor, Alicia learned ‘that a person who answers to the description of the said William Bentley Geary left Sydney for London some two years ago’.⁴⁶ Like Alicia, Lydia Shephard made enquiries through an agent in Melbourne in an attempt to find Thomas in the goldfields. Her agent eventually located him in Wangaratta, Victoria, allowing Lydia to request maintenance payments from Thomas, which he claimed he was not in the financial position to provide.⁴⁷ Some had knowledge about their deserting husbands’ location, many others, like Mathilde and Mary, never found out where exactly they ended up living.

b. Complaints of desertion with adultery

As one might expect, it was relatively common for experiences of desertion to intersect with those of adultery. When a man entered into an extramarital relationship, he usually stopped supporting his wife financially. Petitions that included complaints of desertion with adultery and without cruelty can be divided into two broad groups: 1) those that were confined to South Australia, meaning the husband deserted to a different part of the colony; and 2) those in which the deserting husband crossed colony and country borders.

Deserting one’s wife under the guise of searching for work made it easy for a man to relocate to a different town or area and start a new relationship. However, in many cases, female petitioners did not report that their husbands were leaving for the purposes of finding work, but rather their desertion seemed wholly tied to their adultery. Various petitioners reported that their husbands sold their furniture before deserting to a different part of South Australia with another woman. One petitioner claimed that after 5 years of marriage, her husband sold all the ‘furniture and effects in and about his residence in Norwood’, deserted her, and then committed adultery with a woman in

⁴⁶ SRSA, GRG 36/23/70, 1864, Geary.

⁴⁷ SRSA, GRG 36/23/27, 1860, Shephard.

Gumeracha in the Adelaide Hills.⁴⁸ Another woman wrote in her petition that because her husband was suffering from a venereal disease, she refused to live with him. Accordingly, he ‘removed all his furniture and effects’, committed adultery with a ‘Singlewoman’ in Adelaide, and then later moved overseas.⁴⁹

In contrast, desertion and adultery cases that spanned across multiple colonies or countries demonstrate the lengths that some women went to in order to contact their husband. In the previous section, we saw that several women reported that they tried to locate their husbands after they deserted. Some women contacted husbands through an agent or legal aid, while others made the journey to search for husbands themselves. Three years after their marriage, Ellen Masters Tapley’s husband, John, deserted to Madras and then to Calcutta. *The Evening Journal* reported that Ellen ‘went to Calcutta and found him living in adultery, and on her requesting him to return to her he refused to do so’.⁵⁰ John went on to have five children with a woman named Sarah Brown. Although he sent some remittances to Ellen while in India, he did not sustain this support.

Women also emigrated from overseas to search for their husbands. After Rosanna Louisa Stock’s husband, William, left Dublin for Australia, she followed him ‘as soon as your petitioner found out certainly and as soon as your petitioner could arrange to come to the Colony of South Australia’.⁵¹ Once Rosanna arrived, however, she discovered that William was living with a woman named Clementina Taylor, with whom he continued to be in a relationship. For women like Ellen and Rosanna, the decision to emigrate or travel from their home to find their deserting husbands overseas must have been difficult, especially because they had no guarantee that their husband would even maintain them once they were eventually located.

The last two cases that will be considered here show that, even when deserted wives searched and found their deserting husbands, they were often unable to bring them home. This only became

⁴⁸ SRSA, GRG 36/51 Matrimonial petitions, no. 109, 1874, Emily Mends.

⁴⁹ SRSA, GRG 36/51 Matrimonial petitions, no. 398, 1879, Lina Müller.

⁵⁰ “Law and Criminal Courts,” *The Evening Journal*, 27 October 1873, 2.

⁵¹ SRSA, GRG 36/51 Matrimonial petitions, no. 460, 1881, Rosanna Louisa Stock.

more challenging when men began new relationships while deserting. Though their petitions to the courts were submitted almost twenty years apart, in 1870 and 1889 respectively, the cases of Hannah Louisa Miller Kidd and Mary Ann Dorricott demonstrate similar patterns of cyclical desertion.

Hannah Louisa Miller Kidd's husband, Samuel, deserted her to Victoria in 1854, only two years after their wedding. He never provided her with his address but 'on your petitioner ascertaining by accident his address your petitioner went to Melbourne to look for him and was requested by the said Samuel Kidd not to come to Chiltern where he was living and promised that he would support your petitioner'.⁵² Back in Adelaide, Hannah received remittances for two years until she again returned to Victoria, this time arriving in Chiltern. Samuel refused to live with her for the entire three months that she was in the town. After another lengthy lapse in communication, Samuel finally returned to Adelaide to live with Hannah, before moving to Naracoorte in the state's south-east. Although Samuel was in a relationship with another woman while he was in Chiltern, Hannah also noted that he passed on a venereal disease only one year after they were married. This demonstrates that he was adulterous even before the desertion.

Another petitioner, Mary Ann Dorricott, also searched for her husband interstate after his desertion. Mary's husband, Richard, frequently moved between Adelaide, Fremantle and Melbourne, and he deserted her on at least two occasions. After having been deserted the second time, Mary and her two children sought refuge at a friend's house in West Melbourne. In order to find Richard, Mary travelled to Adelaide in 1888 with her friend, Sarah Hannah. On one evening, Sarah and Mary happened to meet Richard on King William Street 'walking hand in hand' with Minnie Watson, also known as Mrs Green, who was 'a woman of the town'.⁵³ The pair caught a taxi from the Town Hall, with Sarah and Mary following closely behind in another, before stopping at Minnie's home nearby.

⁵² SRSA, GRG 36/51 Matrimonial petitions, no. 151, 1870, Hannah Louisa Miller Kidd.

⁵³ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 660, 1889, Mary Ann Dorricott.

Richard told Mary that she had ‘seen nothing,’ to which Mary responded that he would soon hear from her lawyer.⁵⁴

Not only did Mary find Richard with Minnie, but their daughter, Georgina, also gave evidence in court that she had seen her father with Minnie in a house on Grenfell Street. She recalled that ‘all Minnie had on were a light skirt and chemise’.⁵⁵ Georgina’s evidence was alongside that of two cab driver cousins, both named Patrick Maroney and differentiated by their nicknames ‘Short Pat’ and ‘Long Pat’. Short Pat had driven Richard and Minnie on multiple occasions and Long Pat had once seen the pair together in a house on Grenfell Street, Richard with ‘a guernsey and trousers, but no boots’ and Minnie ‘inside lying on the bed’.⁵⁶ In addition to the considerable evidence of Richard’s adultery with Minnie, Mary’s affidavit further listed the names of three other women he had been with during their marriage: Sarah Howard, Pollie Jordan and Mary Muldoon.⁵⁷

As in Hannah’s case, Mary was unsuccessful in her attempt to bring her husband home. Mary and Hannah did receive some money from their husbands, though these remittances were irregular and unreliable. Mary made note in her petition that Richard had provided her with ‘divers [sic] sums of money not exceeding on the whole the sum of one hundred and fifty pounds which the said Richard Henry Dorricott has paid to your petitioner in various amounts since the date of the said desertion’.⁵⁸ While this sounds like a large sum compared to what little money other deserted women were provided with, it is important to consider that Richard deserted Mary fifteen years before the case was brought to court. Richard also provided Mary with some clothes a few years before the case went to trial, but ultimately Mary claimed that he ‘refused to provide a home or to maintain your Petitioner’.⁵⁹ This suggests that, to Mary, the £150 did not constitute maintenance.

⁵⁴ SRSA, GRG 36/23/660, 1889, Dorricott.

⁵⁵ “Supreme Court—Civil Sittings,” *The Express and Telegraph*, 7 May 1889, 2.

⁵⁶ “Supreme Court—Civil Sittings,” 2.

⁵⁷ SRSA, GRG 36/51 Matrimonial petitions, no. 660, 1889, Mary Ann Dorricott.

⁵⁸ SRSA, GRG 36/51/660, 1889, Dorricott.

⁵⁹ SRSA, GRG 36/51/660, 1889, Dorricott.

Both Mary and Hannah experienced a delay of almost fifteen years from their desertion to the submission of their petitions, perhaps because their husbands at various points moved in and out of their lives. This is an extended stretch of time to be waiting for a husband to provide maintenance or return home. These two cases demonstrate the hardship faced by deserted women who took it into their own hands to track down their husbands in order to gain sufficient maintenance. Unlike the cases in the previous section, cases of adultery and desertion were often more cyclical. In other words, while men left and became involved with other women, they often returned home to their wives at various stages before leaving again, provided that they did not have children with other women.

c. Complaints of desertion with cruelty

The final category of desertion cases is those in combination with cruelty. For the purposes of this thesis, cases that also listed adultery will be considered here due to the sheer number of cruelty cases that occurred in conjunction with adultery. Just as we will see more clearly in Chapter Two and Three, cruelty and, more broadly, acts of violence, were implicit through a huge proportion of the petitions. As I outlined earlier, 37 petitioners (15%) complained of desertion and cruelty with or without adultery. This is slightly higher than the other two categories, meaning that it was more common for women to submit a matrimonial petition for desertion with another complaint than it was for them to complain only of desertion. As already pointed out, women who were applying for divorce were required to provide at least two grounds, meaning that one could not apply for a divorce for grounds of desertion alone.

Earlier, I touched upon the relationship between cruelty and desertion because deserted women trying to submit a search warrant or seeking maintenance payments risked angering their husbands. Twomey sums this up, noting that ‘attendance at court, exposure of the abuse and sanctions administered by magistrates could provoke further attacks’.⁶⁰ Many women stayed with violent

⁶⁰ Christina Twomey, *Deserted and Destitute: Motherhood, Wife Desertion and Colonial Welfare*, (Kew: Australian Scholarly Press, 2002), 25.

husbands who promised to improve their behaviour. One deserted woman wrote that she had intended to start divorce proceedings earlier due to her husband's continued violence, but she was 'induced to condone his misconduct and cruelty upon his promise of reformation'.⁶¹ Unsurprisingly this kind of violence rarely stopped with such promises. However, in this petitioner's case it did, because her husband ended up deserting her. Two case studies illustrate the point well, first that of Mary Jane Ball and next that of Mabel Fischer. Both petitioners experienced desertion, cruelty, and adultery, in addition to both applying for divorce.

Some men's desertion was driven by adultery rather than an attempt to find work. In May 1878, Mary Jane Ball filed a petition for a dissolution of marriage from her husband William for reasons of cruelty, desertion, and committing adultery with several prostitutes. Mary claimed that only a few months after their wedding, William began to treat her with great cruelty, one day threatening to stab her with a knife. In early 1878, William announced that he no longer wished to live with her and that he had married under a false name. William then told Mary that 'he was going away from the colony, and the same day he did leave her and had never returned'.⁶² One week following the announcement of his departure Mary spotted him on Rundle Street, but after this sighting she was certain that William 'did then shortly leave the said Province for parts beyond the seas, and has continued in such parts beyond the seas ever since'.⁶³ William's desertion seemed to be driven by his statement that he 'would marry again when he liked' as opposed to him leaving due to financial troubles.⁶⁴ A similar situation can be seen in the next example.

Like Mary, Mabel Fischer's husband deserted from South Australia and never returned to her. Only two months after Mabel and Otto were married, Otto committed adultery with a woman named Marion Henty. He also committed adultery with a woman named Francis Isabelle Jones, with whom he would later desert Mabel. Otto was frequently violent, on one occasion taking away Mabel's boots

⁶¹ SRSA, GRG 36/51 Matrimonial petitions, no. 35, 1861, Mary Hubert.

⁶² "Law Courts," *The South Australian Advertiser*, 6 September 1878, 7.

⁶³ SRSA, GRG 36/51 Matrimonial petitions, no. 366, 1878, Mary Jane Ball.

⁶⁴ "Law Courts," 7.

so that she physically could not leave the house. As Otto forced her to live elsewhere, Mabel took shelter with her 'mother at her residence in Sturt Street Adelaide', and never lived with him again.⁶⁵ Mabel's affidavit, lodged in 1891, revealed that Otto travelled through Great Britain, Ireland, Belgium and France with Francis Isabelle Jones, before eventually being found in Germany. After he deserted Mabel, he did not provide her or their son Jack with any money.

Mabel may have faced particular difficulties in her combined experience of desertion, adultery and abuse because Otto was a well-respected and distinguished music professor. The *South Australian Register* described his voice after a private rehearsal in 1888 as 'a baritone of extreme range, full power, great flexibility, and of extremely sympathetic quality'.⁶⁶ Another article in 1919 described how Otto was 'in his best days the finest operatic tenor Australia ever produced'.⁶⁷ At the time of Otto's death in 1934, newspapers still reported on his musical career and his second marriage to pianist Viola Sobell, showing that his success and reputation endured despite his poor treatment of Mabel.⁶⁸ These two examples clearly show the difficulty that many women faced in their husbands not only deserting them but also being abusive and adulterous. In both cases, husbands left with little to no notice and provided no maintenance or support. Neither Otto nor William deserted under the pretence of finding work elsewhere, rather, their desertion seemed linked to their repeated adultery. Coupled with cruelty and adultery, desertion posed certain challenges. Aside from the removal of the threat of violence, the deserting husband chose to financially support another woman or family and left the deserted wife in a vulnerable position and often for an extended period of time.

⁶⁵ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 691, 1891, Mabel Fischer.

⁶⁶ "Mr Otto Fischer," *South Australian Register*, 19 June 1888, 7.

⁶⁷ "Music and Drama," *The Sydney Morning Herald*, 27 September 1919, 8.

⁶⁸ "Obituary," *The Chronicle*, 1 February 1934, 26.

‘Maintained myself by my own industry’: Agency and deserted women’s work

One quarter of South Australian women had stable employment in the nineteenth century.⁶⁹ In 1861, at least 73.6% of working women were domestic servants. Domestic service was the most common position undertaken by South Australian women until 1876.⁷⁰ On average, domestic servants were paid considerably more in Australia than in Britain, around £25 per year as opposed to £10 in Britain, however this was half the recommended wage for men working in domestic service. Historian Penelope A. Baker points out that ‘this inequality existed in every branch of occupation, with women earning approximately half of a male wage’.⁷¹ The demanding hours and nature of the work created many difficulties for women with young children. Work that could be brought inside the home, such as laundry, needlework or tailoring, allowed more flexibility. However, this kind of work was often sporadic and poorly paid, with many women waiting long periods for work to become available.

Despite Baker’s argument that ‘the work performed by young women who remained at home was in essence no different from that of women in the workforce, that is domestic work, teaching and needlework’, we know that women undertook work outside the confines of domestic labour.⁷² In Alana Piper’s words, by ‘as early as 1890, about one-third of Australian women were working outside the home’.⁷³ Industrialisation and the accompanying increase in factory work were slower to take off in South Australia than in the eastern states.⁷⁴ Nonetheless, between 1876 and 1891, the number of women working in factories tripled. Sendziuk and McCarthy explain this huge surge by the increased pay and less demanding hours.⁷⁵

⁶⁹ McCarthy and Sendziuk, “Deserted Women and the Law,” 74.

⁷⁰ Penelope A. Baker, “Position of Women in South Australia 1836-1876,” (Honours Diss., University of Adelaide, 1977), 98.

⁷¹ Baker, “Position of Women in South Australia,” 105

⁷² Baker, “Position of Women in South Australia,” 114.

⁷³ Alana Piper, “Understanding Economic Abuse as Domestic Violence,” in *Gender Violence in Australia: Historical Perspectives*, ed. Alana Piper and Ana Stevenson, (Clayton: Monash University Press, 2019), 37.

⁷⁴ Baker, “Position of Women in South Australia,” 99.

⁷⁵ McCarthy and Sendziuk, “Deserted Women and the Law,” 75.

Some of the most common jobs for women in the petitions were running a store, school or public house. In *Beyond the Ladies Lounge: Australia's Female Publicans* (2003), Clare Wright puts to rest the myth that Australian pubs were a space created exclusively by men and for men. Wright demonstrates how women's management of public houses made them more comfortable and hospitable for patrons.⁷⁶ By 1889, 30 per cent of all pubs in Melbourne's city and surrounds were owned by women.⁷⁷ Likewise, Catherine Bishop in *Minding Her Own Business: Colonial Businesswomen in Sydney* (2015) highlights just how vital women were in the growth and flourishing of Colonial Sydney, not just for their invaluable roles as mothers and carers, but also as businesswomen who were integral to the social and cultural fabric of the city. To Bishop's surprise on beginning her research, 'businesswomen kept leaping inconveniently out of the records'.⁷⁸ Far from working only in the domestic sphere, most women who worked 'dealt directly with people – dressing them, feeding them, pouring their drinks, delivering their babies and educating their children,' thereby having an essential connection to both the human and commercial life of the city.⁷⁹

It can be difficult to find evidence of businesswomen in the historical record. Applications for publican licences tended to use a husband's name, thus erasing women from the sources. In petitions for protection orders, though, women often listed their occupations in order to show that they had maintained themselves after their husband had deserted them, abused them, or refused to maintain them entirely. While this is not representative of all women in colonial Adelaide, it does show that a common experience of deserted women was to find work or open a business. In refusing one's wife the required maintenance and provisions, deserting husbands forced wives to create their own opportunities to support themselves. In the section that follows, I will first consider examples of

⁷⁶ Clare Wright, *Beyond the Ladies Lounge: Australia's Female Publicans*, (Carlton: Melbourne University Press, 2003), 17

⁷⁷ Wright, *Beyond the Ladies Lounge*, 5.

⁷⁸ Catherine Bishop, *Minding Her Own Business: Colonial Businesswomen in Sydney*, (Sydney: New South Books, 2015), 15.

⁷⁹ Bishop, *Minding Her Own Business*, 19.

traditional and domestic work, including needlework, service and washing. Next, I turn towards women's work outside the home, such as keeping a shop, public house or school.

a. Work in the domestic sphere

As prescribed in the Matrimonial Causes Act of 1857, women applying for protection orders were required to state that, if they had worked during their husbands' desertion, they had maintained themselves by 'lawful industry.' Women applying for divorce also referenced the fact that they had maintained themselves, perhaps because they aimed to convince the judge of their industriousness despite the predicament of their husbands' desertion and failure to provide. A number of petitioners highlighted their self-sufficiency without describing what their work entailed. In these instances, a typical clause in a woman's petition was as follows: 'since the desertion of her said husband this applicant hath maintained herself and the said children by her former Husband by her own industry'.⁸⁰

In a similar example, petitioner Sarah Shipton Buckley claimed that since her husband deserted, she

maintained herself by her own industry without any help from the said John Buckley
And hath by such industry and otherwise acquired certain property consisting of
money securities for money household furniture and trinkets.⁸¹

Even before women were deserted, they often claimed that their husband refused to maintain them during their marriage. This was the case for one petitioner named Catherine Jane Holzberger, who argued that 'during the whole of the [marriage] maintained herself and the said children by her own industry and labor'.⁸² Choosing not to list one's employment may have served the purpose to protect her income in case of her husband returning, especially if she had a decent wage, but it also may have been rooted in simply demonstrating their industriousness. As Bailey points out, 'deserted women who worked to support themselves were praised'.⁸³ So, while it was necessary for women to

⁸⁰ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 25, 1860, Elizabeth Madegan.

⁸¹ SRSA, GRG 36/51 Matrimonial petitions, no. 110, 1867, Sarah Shipton Buckley.

⁸² SRSA, GRG 36/51 Matrimonial petitions, no. 240, 1874, Catherine Jane Holzberger.

⁸³ Joanne Bailey, *Unquiet Lives: Marriage and Marriage Breakdown in England, 1660-1800*, (Cambridge: Cambridge University Press, 2003), 188.

demonstrate that they earned their money through lawful employment, it probably also showcased their resilience in the face of the hardship caused by desertion.

Within the sources, there was only a small number of deserted women who recorded working in more traditional jobs such as needlework or washing. As has been noted, remuneration for sewing and laundering was meagre and likely an inadequate income with which to support a family. At least twelve petitioners across the dataset said they sewed, laundered clothes, or worked in a similar job, and eight of these women reported being deserted. The following section will examine these cases, revealing that this area of work provided differing amounts of support to deserted women. One petitioner, Lydia Shephard, struggled to earn enough to support her family without additional help from family. Another petitioner, Mary Ann Butterworth, indicated that she was not reliant on family for support, meaning that her income may have sufficed for her needs.

Lydia Shephard, whose petition we saw earlier in the chapter, maintained herself by sewing after Thomas deserted her to the Victorian goldfields. Lydia ‘supported and maintained herself in an industrious mode of life by needlework’.⁸⁴ She also relied on help from relatives and from ‘collecting debts due to her husband’, suggesting that the money she earned through needlework was not enough to support her fully. As was the case with many other women, Lydia also sold her furniture to ‘meet her urgent wants’.⁸⁵ A comparable case is that of Mary Ann Butterworth, whose husband, John, deserted from their home in Woodville in 1880. After finding work in Broken Hill, John sent £3 home to Mary before he ceased all other support. In her petition Mary wrote that her work as a seamstress allowed her to support her children and acquire ‘certain property consisting of furniture and household chattels and effects of the value of about twenty pounds’.⁸⁶ Unlike Lydia, Mary did not document in her petition that she received any help from relatives, or that she needed to sell the furniture in order to get by financially. This shows that some women may not have needed additional

⁸⁴ SRSA, GRG 36/23/27, 1860, Shephard.

⁸⁵ SRSA, GRG 36/23/27, 1860, Shephard.

⁸⁶ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 671, 1889, Mary Ann Butterworth.

financial help from relatives. Poorer women may have had less reason to apply for a protection order. However, for some poor women with so few valuables, it may have been especially crucial to protect these items from the grasp of their returning husbands. This was likely the case for women in Lydia's position.

It can be helpful to examine women's testimonies in their petitions alongside newspaper reports of court proceedings as reports bring to light evidence of the public's perception of women and their behaviour in court. Both Marion Smith and Mary Norris, in 1882 and 1885 respectively, demonstrate that some women knew how to use the law in their favour. To be more precise, women petitioners engaged with the law under the guidance of their solicitors to ensure the best possible outcome. This is not to say that their claims were fabricated. These last two cases of women working in the home show, that while women's experiences of desertion varied, we should not, as Bailey reminds us, type-cast deserted wives as victims.⁸⁷ Some women, though impacted by men's desertion, were opportunistic in their attempt to gain financial independence, using the sympathy directed towards deserted women to their favour.

Marion and Mary both worked from home at the time of writing their petitions, Marion as a dress and mantle maker, and Mary as a seamstress. Marion claimed that her husband George deserted her in 1882, stating that he had gone to Sydney on the steamer, *Birksgate*, en route for California. Marion's work allowed her to fully support both herself and her son in George's absence. In addition, through her work, Marion acquired:

certain property consisting of Tables Chairs Wash stand Chest drawers Carpets Sofas Bedsteads and bedding Household linen China Glass Crockery Sewing Machines and other Sundry Articles of Furniture now in and about the dwelling House occupied by your Petitioner in Carrington Street, Adelaide.⁸⁸

An article printed on 5 May 1883 summarising cases in the Police Court reveals more nuance in their case. One year after the protection order was granted, Marion accused George, who worked as a

⁸⁷ Bailey, *Unquiet Lives*, 188.

⁸⁸ SRSA, GRG 36/51 Matrimonial petitions, no. 484, 1882, Marion Smith.

commercial traveller, of breaking into her house and stealing various dresses. Most of these were her own apart from one she was making for a customer.⁸⁹ However, George claimed that when he left Adelaide in 1882 to go interstate for work, Marion knew of his departure. Furthermore, he ‘communicated with her every mail, and told her from time to time of his whereabouts.’ George supposedly maintained her while away, sending bank notes in every letter.

This case is interesting because it demonstrates a central difficulty in the partiality of matrimonial petitions. In many instances the respondent’s answer has not been kept, but even when it has survived, it is common for those charged to deny altogether any, or all, of the accusations. George’s lawyer declared in court that ‘the prosecutrix was only trying to make use of the court to serve her own ends, and there was no evidence to show that the articles spoken of in the charge had been stolen’.⁹⁰ Marion may have seen an easy method through which she could gain protection of her property and funds she had earned through her work as a dressmaker.

Much like Marion Smith, the following case study shows how a petitioner could be caught in between the dichotomy of victim versus defendant. As Alexandra Shepard and Tim Stretton remind historians, it is important to employ ‘sliding scales’ when considering women’s highly varied legal independence and roles in court.⁹¹ Petitioner Mary Norris maintained herself as a seamstress after she was deserted by her husband Henry, but was forced to stop ‘on account of heart disease and the loss of a lung’.⁹² In the petition, Mary said that aside from deserting her on multiple occasions and refusing to maintain her, Henry was also violent and romantically involved with a number of different women. While these claims may have been true, a report in the *Evening Journal* on 8 February 1883 reveals that Mary

served one month’s imprisonment in Townsville Gaol for keeping a disorderly house, had been bound over twice to keep the peace, and was charged with arson in

⁸⁹ “Police Court – Adelaide,” *The South Australian Advertiser*, 5 May 1883, 7.

⁹⁰ “Police Court – Adelaide,” *The Express and Telegraph*, 5 May 1883, 3.

⁹¹ Alexandra Shepard and Tim Stretton, “Women Negotiating the Boundaries of Justice in Britain, 1300-1700,” *Journal of British Studies* 58, no. 4 (2019): 680.

⁹² “Police Courts. This Day,” *The Evening Journal*, 8 February 1883, 2.

November, 1877, when she was dismissed, but in 1880 was convicted for a similar offence and sent to gaol for two years, which sentence she served in full.⁹³

Two years later, Mary and William reappeared in court after Mary charged William with disobeying his maintenance order. The case was dismissed because, according to *The Evening Journal*, ‘it was alleged in defence that the money had hitherto been paid regularly’, despite Mary’s statement that William’s payments were in arrears.⁹⁴ Mary’s experience illustrates the difficulties in interpreting cases where there is a history of repeated abuse and desertion claims from either party. Mary’s alleged wrongdoings do not obviate the desertion and abuse that she also claimed to have experienced. However, Marion and Mary’s cases remind us that matrimonial disputes seen from only one angle fail to show other elements that may have existed in marriages, such as general marital breakdown and prior court appearances. Both petitioners maintained themselves to some degree through their employment during their varying periods of desertion. Their respective work as seamstress and dressmaker emphasised their industriousness to the court. Yet, Marion and Mary were also far from the archetypal image of a deserted wife as they were either involved in earlier criminal proceedings or seen to take advantage of the court’s sympathy for deserted wives. It was much more difficult to get the support of the court when women did not align with the idealised role of femininity and accepted standards of marital duty. We will now look at the kinds of work that deserted women found outside of the home.

b. Work outside the home

Excluding jobs in the home, the most common vocations for deserted women in the sources were keeping a shop or lodging-house, managing a public house, or running a school. Out of my sample of deserted petitioners, at least three were shop or lodging-house keepers, four ran public houses, and

⁹³ “Police Courts. This Day,” 2.

⁹⁴ “Police Court – Adelaide,” *The Express and Telegraph*, 5 January 1885, 2.

three opened schools.⁹⁵ Although owning or running these businesses may have given the women more control over their earnings, the petitioners reveal that they still struggled to earn enough to support their families.

First, we will look at the experiences of a butcher, a lodging-house keeper and a tea-room assistant. Margaret Walter was running her late husband's butcher shop when her second husband, George, deserted her. She continued working and earned enough to support herself and her children. After Margaret sought out a warrant from the police magistrate, George was arrested and made to pay £1 a week for her maintenance. George stayed with Margaret for four months until he again left her and she was 'unable to discover where he has gone but [she] believes from expressions dropped by him previous to such desertion that he has left the Colony'.⁹⁶ Margaret's petition stated that she supported herself by running a butcher shop, but was 'wholly unable to pay the debts contracted by the said George Walter'.⁹⁷ Margaret commented that George had been 'greatly embarrassed in his circumstances' due to his failure to support his family. Finally, Margaret added that 'with the assistance of her friends in South Australia she hopes to be able to provide for the support of herself and children'.⁹⁸ This statement demonstrates the struggle that deserted women shared in having to be the primary breadwinner for their family.

Despite running their own businesses, many deserted women were still forced to rely on others to support their low wages. Mary Jane Payne's husband, John, refused to maintain her during their marriage and deserted her repeatedly. As a result, she was forced to take in washing and later opened a lodging-house which allowed her to acquire 'certain property to wit household furniture and effects'.⁹⁹ As John's persistent violence worsened, Mary moved into a separate room and 'devoted

⁹⁵ One other petitioner named Eliza Davies also opened a number of schools, but she has not been counted in his figure as she did not use desertion as a complaint in her petition, despite stating that her husband 'left' her on several occasions.

⁹⁶ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 68, 1864, Margaret Walter.

⁹⁷ SRSA, GRG 36/23/68, 1864, Walter.

⁹⁸ SRSA, GRG 36/23/68, 1864, Walter.

⁹⁹ SRSA, GRG 36/51 Matrimonial petitions, no. 473, 1882, Mary Jane Payne.

her time and attention to her said business'.¹⁰⁰ Like Mary, Rosa Margaret Elizabeth Donaldson also had a violent husband who deserted and refused to provide support. However, as opposed to Mary and Margaret who ran their own businesses, Rosa worked as an assistant at the Indian Tea Company on Rundle Street. Rosa did not add how much money she earned, though this may have been because she was petitioning for a dissolution of marriage as opposed to a protection order.

The four deserted petitioners who worked as publicans had vastly different experiences. Mary Hubert, Elizabeth Boyle and Ann Garland all applied for protection orders, while Mary Ann Dorricott applied for a dissolution of marriage. Mary Hubert and Ann Garland appeared to have the most success in their businesses unlike both Elizabeth Boyle and Mary Ann Dorricott, who experienced varying degrees of difficulties. Mary Hubert listed her vocation in her affidavit as 'Victualler'.¹⁰¹ She continued running her husband's Oyster Rooms and Public House on Rundle Street after his desertion. Oyster rooms and saloons were popular from the mid-to-late nineteenth century all across Australia, Europe and the United States.¹⁰² While the Huberts were trading, oysters were cheap and still in relative abundance in South Australia. In 1863, one pound, or a dozen, of oysters cost 11 shillings, which was cheaper than an equivalent portion of mustard.¹⁰³ In her application for a protection order Mary wrote that she acquired 'certain property consisting of Stock in Trade of a Publican'¹⁰⁴ and 'wearing apparel and other goods'.¹⁰⁵

Like Mary Hubert, Ann Garland worked as a publican. While this work supported and her children, she was put under immense pressure by her husband, William, who was also dependent on her income. Her affidavit notes that 'immediately after the said marriage the said William Garland fell into dissatisfied habits' and he refused to work.¹⁰⁶ Once William deserted, he sent Ann five letters

¹⁰⁰ SRSA, GRG 36/51/473, 1882, Payne.

¹⁰¹ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 47, 1862, Mary Hubert.

¹⁰² Toni Risson, "From Oysters to Olives at the Olympia Café: Greek Migrants and Australian Foodways," *Gastronomica* 14, no. 2 (2014): 9.

¹⁰³ "Adelaide Merchants' Prices Current – March 12," *South Australian Register*, 13 March 1863, 2.

¹⁰⁴ SRSA, GRG 36/23/47, 1862, Hubert.

¹⁰⁵ SRSA, GRG 36/23/47, 1862, Hubert.

¹⁰⁶ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 18, 1860, Ann Garland.

urging her to send him money, which she did, to the value of £6. Ann explains: ‘the sum of four pounds was forwarded by me at the request of the said William Garland to enable him to pay his passage to Adelaide but the said William Garland has not since been heard of.’ Ann maintained her family of four children and husband through her business. Her petition shows that she kept ‘a Licensed House called the Britannia Hotel at Norwood.’ As was the case for Mary Hubert, Ann’s work as a publican allowed her to acquire ‘certain property consisting of the stock and furniture of the said Britannia Hotel.’ On 24 June 1859 a man called Henry Haslan was charged with ‘feloniously stealing one bottle of gin, value 6s, the property of William Garland, Britannia Hotel, Norwood’.¹⁰⁷ Despite the fact that William had by this point deserted Ann for at least two years, he was still recognised as the proprietor of the Hotel. This indicates how common it was for deserted women’s work to go unrecognised and to be forgotten in the historical record.

The next two petitioners, Elizabeth Boyle and Mary Ann Dorricott, experienced considerable financial hardship while working as publicans. Elizabeth Boyle ran the Castle Inn on Hindley Street. One month before her protection order was granted, her husband Michael was charged with ‘having unlawfully assaulted and beaten her’.¹⁰⁸ In 1869 Elizabeth found herself in the Insolvency Court, with an estimated sum of £479 of debt. An article published in *The Express and Telegraph* on 5 January 1869, reported that the ‘Insolvent states that she had occupied the Castle Inn for about 17 years, and that no account of income or expenditure has ever been kept’.¹⁰⁹ Mary Ann Dorricott, the petitioner introduced earlier whose husband Richard was adulterous with numerous women and deserted a number of times, was a publican in Melbourne. Due to Richard’s constant refusal to financially support Mary, she found work as a domestic servant before becoming a publican. While visiting Adelaide and unable to attend the Licensing Court, Mary gave Richard the required funds and requested that he extend the license of her hotel back in Melbourne. He refused to do so, however,

¹⁰⁷ “Police Courts,” *South Australian Register*, 24 June 1859, 3.

¹⁰⁸ “Police Court - Adelaide,” *The South Australian Weekly Chronicle*, 17 March 1860, 7.

¹⁰⁹ “Law Courts,” *The Express and Telegraph*, 5 January 1869, 2.

which led to her losing the hotel. As a result, Mary ‘had to leave penniless’ as ‘everything was in her husband’s name, and a bill of sale was put into force’.¹¹⁰ On top of deserting her, Richard also took away Mary’s income. Mary Ann Dorricott’s experience, much like Elizabeth Boyle’s, demonstrates the difficulties that arose for countless women who had such limited control over the businesses they ran. Furthermore, as will be investigated more in Chapter Three, husbands often interfered in women’s businesses, affecting their ability to earn a stable income.

The final category of work outside the home evident in the sources was opening and running a school. Penelope A. Baker argues that in South Australia, ‘teaching, either in a school or as a governess, was the only respectable occupation open to women from the middle and upper classes’.¹¹¹ Prior to 1875 when the Department of Education was established, schools were poorly regulated and rarely stayed open for long. In Baker’s words, ‘most teachers were self-employed and ran their own schools in rooms adjoining their homes, or in church halls and other buildings’.¹¹² The vocation and the pay were precarious in the mid-nineteenth century.

One petitioner, Mary Ann Percival Taylor, ran her school for the duration of her marriage, as opposed to Alicia Geary, who opened her school after her husband deserted. Both Mary and Alicia were running their schools in the 1850s, meaning that they likely received minimal and irregular income. Before Mary’s husband James deserted to New Zealand, she already contributed ‘to the support of herself and children and the said James Trist Taylor by keeping a school’.¹¹³ Like George Walter, the butcher, James was ‘greatly embarrassed in his circumstances’ when he deserted as he had recently been declared insolvent. As a result, all his possessions, in addition to hers at the time of their marriage, were sold by public auction. We might also note here that George and James’s experience of humiliation or shame as to their failure to be breadwinners goes to show how coverture and its gendered expectations harmed both men and women. It is unsurprising that desertion was

¹¹⁰ “Law Courts,” 2.

¹¹¹ Baker, “Position of Women in South Australia,” 106.

¹¹² Baker, “Position of Women in South Australia,” 109.

¹¹³ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 59, 1863, Mary Ann Percival Taylor.

considered an attractive escape from society's judgement for those men who failed at this central masculine role. Mary received one letter from James that expressed his inability to transfer any money to her or to the children in addition to 'his intention not to return to South Australia'. In a similar vein to Margaret Walter, who ran the butcher shop, Mary stated that through her school and credit she had been able to support herself to some degree. However, Mary also said that 'with the assistance of her friends and relatives in South Australia she hoped to be able to acquire furniture and provide for the support of herself and children', which indicates that her income from the school was limited.¹¹⁴

Alicia Geary, whose petition has already been examined earlier this chapter, was left 'quite destitute and without any means of support' after her husband William's desertion to Melbourne 'to seek for a situation'.¹¹⁵ Alicia made note that she 'never received any assistance whatever either pecuniary or otherwise from her husband.' The affidavit further explained that her occupation of keeping the school had been 'her sole mean [sic] of support' until recently, perhaps indicating that she had also relied on family and friends for financial support. For women with some degree of education, opening a school was an option that allowed independence and flexibility. However, it is clear that despite their schools providing for much of their individual maintenance, Mary and Alicia still struggled to be financially independent without their husbands' support. Mary was hopeful that she would be able to purchase furniture with help from her friends and relatives, demonstrating that her wages were probably inadequate. Similarly, Alicia appeared unable to rely fully on her own earnings.

Ultimately, deserted women took on a variety of different jobs, though very few wage-earning petitioners were able to manage on their own without help from family and friends. This is significant, because it demonstrates how vulnerable women were if they did not have family and friends to depend on during difficult periods. Women's reliance on adults outside of the marital unit also signifies the

¹¹⁴ SRSA, GRG 36/23/59, 1863, Taylor.

¹¹⁵ SRSA, GRG 36/23/70, 1864, Geary.

limitations of government relief and legislation. It is possible that many women found it easier to seek help from people close to them rather than apply for government support or go through a lengthy court process for divorce.

Conclusion

It is difficult to ascertain exactly how many women sued their husbands for maintenance because of desertion. Countless other women were abandoned. They may not have sought legal recourse for various reasons, including lack of funding or familial support to embark on such proceedings. However, a high number of women in the mid-to-late nineteenth century who applied for divorce, separation, or protection orders through the Supreme Court complained of desertion as one of the primary contributing reasons. Out of the petitioners who were deserted, many also listed cruelty or adultery in their petitions or affidavits, demonstrating that the majority of women who experienced desertion also experienced other types of abuse. The interrelatedness of desertion and violence is important to recognise because we know that economic abuse also functions within a more far-reaching and sinister network of violence.

While deserted women were obviously victim to men's neglect and desertion, some of these examples also show that deserted women did not always conform to an extreme victim stereotype. For instance, the case of Marion Smith shows that more women than we perhaps acknowledge took advantage of their situation of desertion in order to gain some independence or even the household furniture. Furthermore, many of the women in this chapter found work to support the needs of their children and themselves. A number of these examples show women who worked in positions that differed from what we might consider today as typical for colonial women. While a handful of deserted women did earn money through traditionally 'feminine' work, my sources support the research of Bishop and Wright, showing that most deserted women were engaged in a wide range of paid employment inside and outside of the family home.

Aside from paid employment, deserted women also benefited from a support system of friends and family close to home, particularly if their husband was also physically abusive. I will show more examples of this in the following chapters. Some cases also pointed towards husbands who, in addition to deserting their wife, also refused to maintain them while they were living together. This is another central aspect of economic abuse and occurred in 41% of cases, which was almost as common as physical desertion, which occurred in 42% of cases. The next chapter will build on this chapter's focus on desertion, but with an emphasis on husbands who in most cases remained in the home, but denied their wives maintenance, food, or money.

Chapter Two

Failure to support as economic abuse within the home

One of the most common types of economic abuse recorded in the sources, second only to desertion, was the failure to provide necessary food or goods. Unlike desertion, this type of economic abuse meant that a husband still lived with his wife and family. But, like desertion, the wife and family were neglected or not provided for financially. Failure to support and desertion often resulted in similar outcomes, such as women lacking adequate funds to buy food and other necessary items, consequently leading to them finding employment in order to maintain the family themselves. Just as in desertion cases where women were likely to experience physical violence before their husbands deserted or after they returned, failure to support cases were deeply entangled with physical and emotional abuse.

The major behaviours by a husband that fall under the category of failure to support include refusing to buy food or necessary items and announcing in a newspaper that they would not be responsible for their wife's debts or credit. Therese McCarthy and Paul Sendziuk argue that 'some women sued their husband for maintenance while they were living within the same home', emphasising how men's failure to provide was sometimes equated to desertion.¹ The refusal to provide food or other necessary goods was most likely still regarded as abhorrent behaviour for a husband even though it was not technically considered as cruelty. Joanne Bailey explains that a husband's denial of necessary items like food or clothing 'either by failing to provide them, removing them, or locking them away' was a clear threat, or attempt, to starve

¹ Therese McCarthy and Paul Sendziuk, "Deserted Women and the Law in Colonial South Australia," *Journal of Australian Colonial History* 20 (2018): 66.

wives and children.² While the provision of material items other than food, such as clothing or household items, may appear a more superficial form of economic abuse, a husband's failure to provide such necessities demonstrates how clearly economic abuse was tied to gaining and keeping power in a relationship.

In contrast to wife desertion, less historical study has been devoted to the failure to provide goods or financial support as a form of economic abuse. This is interesting, given that both wife desertion and the failure to support limited women and children's access to resources and money in similar ways. This chapter will demonstrate how, even while cohabiting with their wives, husbands could still be failing to support them. As we will also see over the course of this chapter, failure to support often occurred in conjunction with desertion or other kinds of abuse, such as physical, sexual or verbal abuse. I will be breaking down the larger category of failure to support² into three sections: (1) refusal to work or contribute income to the household, often culminating in the publishing of debt notices; (2) refusal to purchase goods, materials or clothes necessary for the family's wellbeing; and (3) failing to support women during pregnancy and motherhood. While there is substantial overlap between these categories of failing to support, the synthetic boundaries allow us to see the various ways that husbands controlled women's access to money, food and other material items.

'I will not keep you': failure to support in matrimonial petitions

Alana Piper argues that the 'failure of husbands to provide material support to their wives and children during marriage was the most common economic abuse complained of' in wife desertion cases seen at the Brisbane Petty Sessions between 1890 and 1899.³ Out of the cases considered for this thesis, failure to support occurred in 41% of petitions. Because this type of

² Joanne Bailey, *Unquiet Lives: Marriage and Marriage Breakdown in England, 1660-1800*, (Cambridge: Cambridge University Press, 2003), 65.

³ Alana Piper, "Understanding Economic Abuse as Domestic Violence," in *Gender Violence in Australia: Historical Perspectives*, ed. Alana Piper and Ana Stevenson, (Clayton: Monash University Press, 2019), 41.

economic abuse was so entrenched in men's control of a family's finances, it was perhaps even more common than this number suggests. Compared to desertion, failure to support was, naturally, less obvious from outside a relationship. Men in colonial South Australia were legally empowered to exert control over their family's finances. Consequently, it can be challenging to identify economic abuse and separate it from men's routine financial management. Recent research shows that many victims of economic abuse today are not aware of its existence. This may be a result of (predominantly) women's difficulty in seeing their experiences of economic abuse as separate from their gendered roles in the family.⁴ Furthermore, economic abuse is a subject that has only recently entered into public discourse. As has been noted, it is often still not considered as domestic abuse because it does not leave physical scars.

In colonial South Australia, a husband's control over consumption and expenses was embedded in the structures of marriage. However, despite the fact that men's roles were so clearly defined as the breadwinners and managers of finances, women wielded small pockets of control through the domestic management of the household. Erika Rappaport explains that in the Victorian period, women usually shopped using their husbands' credit.⁵ The credit system was built on trust and a relationship between seller and buyer in local stores. As Pamela Elsie Ringwood explains, 'in the normal course of household routine, many goods are purchased frequently and it would be cumbersome and difficult to continually authorise the person in charge of the household to purchase on behalf of the householder'.⁶ Products purchased on credit enabled families to complete daily tasks under the constraints of coverture.

⁴ Judy L. Postmus et al., "Economic Abuse as an Invisible Form of Domestic Violence: A Multicountry Review," *Trauma, Violence, & Abuse* 21, no. 2 (2020): 19.

⁵ Erika Rappaport, "'A Husband and His Wife's Dresses': Consumer Credit and the Debtor Family in England, 1864-1914," in *The Sex of Things: Gender and Consumption in Historical Perspective*, ed. Victoria de Grazia, (Berkeley: University of California Press, 1996), 164.

⁶ Pamela Elsie Ringwood, "The Law on Deserted Wives," (Diss., University of Adelaide, 1964), 33.

However, a husband could reverse this authority if he felt his wife was spending the family's money lavishly. With the advent of large department stores and mass advertising, there were growing stereotypes in the Victorian era about women extravagantly spending men's money and amassing debt in their name.⁷ Bailey notes that in the eighteenth and nineteenth centuries, 'the extravagant wife was such an easily recognisable female stereotype that she was used in the didactic lessons warning against the perils of excessive consumption'.⁸ It is likely that spouses had differing ideas about what they had the right to purchase and provide. Husbands could refuse to provide necessary goods if they claimed that wives neglected to provide proper care to their children or failed to complete the domestic duties.⁹ Examples of husbands denying their wives food or goods due to women's alleged extravagance or laziness are filtered all through the sources that we will consider in these next two chapters.

Unlike desertion, economic abuse within the home is trickier to detect. It was not grounds for divorce, separation or protection orders. Nonetheless, evidence of economic abuse within the home is obvious within the petitions in the form of secondary complaints. Bailey explains that all complaints separate to the 'primary' complaints, which in this case include desertion, adultery, cruelty or bigamy, 'served to support or contextualise the primary accusation or defence'.¹⁰ These secondary complaints were used by men and women to assist their petitions and provide their case with supplementary evidence. In Bailey's words, 'both legally and culturally, they were intended to reflect recognised standards of marriage'.¹¹ The first chapter examined cases of desertion, a complaint that is easily discernible within the petitions.¹² By contrast, secondary complaints require some consideration as they are more

⁷ Rappaport, "A Husband and His Wife's Dresses," 166.

⁸ Bailey, *Unquiet Lives*, 75.

⁹ Piper, "Understanding Economic Abuse as Domestic Violence," 42.

¹⁰ Bailey, *Unquiet Lives*, 25.

¹¹ Bailey, *Unquiet Lives*, 26.

¹² Sometimes grounds for divorce (primary complaints) appeared on the front of a folded petition, meaning that, before even reading the entire document, a petitioner's reason for lodging a petition was evident.

deeply buried within a petitioner's account of their marriage. Secondary complaints provide insightful background information about marital standards and expectations. They also demonstrate examples when men's excessive or abusive control of the household finances was deemed unacceptable.

There is a large degree of overlap between the categories of failure to support within the home. Regardless, for the purposes of this thesis, these categories will be analysed separately so that they can be seen alongside, and in comparison to, the other forms of economic abuse, like desertion. Underlying many of the cases was the refusal to work at all. Some of these cases will be considered in more detail in the third chapter, as they frequently led to women being exploited for their own labour. Judith Allen argues that in colonial New South Wales, men sometimes told wives to seek employment and earn their own money, 'saying that they would not keep them'.¹³ In the South Australian petitions, 41% women's husbands swore that they would no longer keep them and that they must earn their own money. Petitioners experienced failure to support to varying degrees. Some of the variables that influenced women's experiences of failure to support were class, number of children, existence of a support network of friends and family, degree of abuse or violence, location or potential isolation in rural areas, and ability to find work. Before looking at the three failure to support behaviours in closer detail, we will first look at the case study of Julia Phillips with these variables in mind.

Julia's case is fairly typical of a deserted and abused petitioner. Her husband, John Phillips, subjected her to multiple layers of economic and physical abuse. He frequently told her that she should earn her own money 'the best way [she] can' and that he would 'not maintain' her.¹⁴ In 1873, Julia sought a protection order for reasons of cruelty as well as

¹³ Judith Allen, "The Invention of a Pathological Family: a Historical Study of Violence in N.S.W.," in *Family Violence in Australia*, ed. Jan Craney and Carol O'Donnell, (Melbourne: Longman Cheshire, 1982), 18.

¹⁴ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 218, 1873, Julia Phillips.

desertion. Various examples of failure to support can be deduced from Julia's petition, aside from the obvious desertion. Six months after deserting, John returned home and demanded that the couple resume living together. In Julia's petition we learn that John 'had only twenty five shillings' and therefore 'he requested [Julia] to buy him some boots and clothes and to live with him again'.¹⁵ John earned 25 shillings a week while living with Julia. And yet, the only way that Julia could ensure he paid maintenance was to gain an order from the Police Court for 20 shillings a week. He also failed to maintain this payment. John proceeded to desert Julia again not long after he returned to cohabitation. While in Strathalbyn in the Adelaide Hills, he 'threatened to go and get an auctioneer and sell off [her] goods' which she had bought with her own income. As noted earlier, Julia's possessions would have belonged to John according to coverture.

Julia Phillips's case highlights several the common factors that affected women who were deserted or abused by their husbands. First, after she had been deserted, Julia borrowed money from her father to finance the family's move from Strathalbyn to Adelaide. This may well have been the result of there being fewer employment opportunities in the rural township of Strathalbyn, whose population had been in decline in the early 1870s and likely did not exceed 1000 people.¹⁶ Once in Adelaide, Julia worked as a laundress and seamstress with a woman named Elizabeth Milton. Elizabeth was a widow who lived with the family in Strathalbyn and moved to Adelaide with them after John's desertion. This case highlights how other adults cohabiting with women could be instrumental in supporting them financially or emotionally in the event of abuse or desertion, or indeed both. Along with the economic abuse Julia faced, she was also forced to endure John's persistent violence. He locked the family outside 'between one and two o Clock [sic] in the morning with no shoes or stockings and with

¹⁵ SRSA, GRG 36/23/218, 1873, Phillips.

¹⁶ "Population and Education," *Southern Argus*, 7 June 1872, 2.

no clothes but [their] nightclothes'.¹⁷ He used threatening language, drank excessively, and physically abused the family.

Another significant factor affecting women's livelihood was their number of dependents. Julia had five children, and even when both she and Elizabeth were working, the eldest child, Annie, was required to work from the age of fourteen to support herself financially. Julia's petition was submitted in 1873, before the Education Act of 1875 mandated that all children between the ages of seven and thirteen attended school part time, or for at least two-thirds of the year.¹⁸ In poorer families, children worked to supplement the family income. Emily Field, a petitioner whom I will introduce later in in this chapter, was fined 25 shillings on 28 November 1878 for her son's poor school attendance.¹⁹ In her Letter to the Editor published in *The Evening Journal* on 18 December 1878, Emily criticised the 'unjust and arbitrary law' that would fine a 'poor widow' and threaten her with prison time for failing to bring enough cash to the Police Court.²⁰ The editor added that

The 15s. which Mrs. Field had provided herself with to pay the fine which had to be inflicted in consequence of her persistent defiance of the law represented about a month's wages of her son, and would have covered his school fees for a year at least under the compulsory system.²¹

Emily's reluctance to send her son to school was likely due to the income that he added to the family's combined income, not to mention the cost of schooling.

Considering the variables like support systems, ability to find employment, and intersecting experiences of abuse, helps to establish the wider context around the women's cases. For instance, as Julia's husband owned a butcher shop, we can assume that the family had a reasonable income. However, she was fortunate to have some skills that allowed her to

¹⁷ SRSA, GRG 36/23/218, 1873, Phillips.

¹⁸ Ian Davey, "Childhood," in *The Wakefield Companion to South Australian History*, ed. Wilfred Prest, Kerrie Round and Carol Fort, (Adelaide: Wakefield Press, 2001), 103.

¹⁹ "Law and Criminal Courts," *The Evening Journal*, 28 November 1878, 2.

²⁰ "The Case of Emily Field," *The Evening Journal*, 18 December 1878, 3.

²¹ "The Case of Emily Field," 3.

work in order to support herself partially in her husband's desertion. Although Julia's circumstances may have been alleviated if she had fewer children to feed and maintain, more children likely provided her with additional help and contributed to the family income. It is important to recognise that, even for those who endured economic abuse, petitioners were affected by different pressures and to varying degrees. Nonetheless, as Julia Phillips's case brings to light, one shared experience for many petitioners was husbands denying their wives financial support and provision.

Debt notices

Debt notices were a public declaration in a newspaper that a husband refused to be responsible for his wife's debts or expenses. This was a natural extension to a husband demanding that his wife should maintain herself. Thirteen per cent of petitioners' husbands published at least one debt notice. Although this number seems low in comparison to the total number of petitioners and the subset who experienced some form of economic abuse (71%), it is a high enough number to suggest that debt notices were even more common in the wider community. Many debt notices were published well before or after a woman lodged her petition, but they still offer insight regarding a petitioner's individual circumstances. For instance, if a petitioner complained of desertion and other kinds of failure to support, evidence of a debt notice helps to build a clearer idea of the pattern of economic and non-economic abuse that existed in a relationship. All cases we will consider demonstrate a reality faced by colonial women: if a woman was experiencing some form of economic abuse, then she was probably also experiencing physical, verbal or sexual abuse. This fact supports modern research into

domestic abuse and coercive control, whereby victims are likely to experience multiple forms of violence, and between 78% and 99% of victims experience economic abuse.²²

Historian Lesley Trotter points out that it was common for men who had emigrated from England to publish debt notices in the local press in Cornwall to exert control over women's purchases. Trotter argues that 'notices like these were also placed as a result of marriage breakdown but some were clearly attempts to control the wife's spending while the husband was abroad'.²³ In South Australia, debt notices were sometimes published by husbands who were still living with their wives as a form of financial control. Debt notices warned local businesses that women were not permitted to make their usual purchases. These notices served to further control a woman and limit her independence whilst also subjecting her to public shame. Rarely were these debt notices directed towards the family as a whole. Rather, debt notices were a tool frequently used by husbands to embarrass or humiliate their wives. They were sometimes published in response to a wife pleading for her husband to seek employment or to refrain from physical abuse. Bailey argues that debt announcements do not just show that women were dependent on their husbands. They also 'reveal the significance of a woman's economic activities for her husband's reputation'.²⁴ However, according to Bailey, men published these notices only as 'a defensive action to protect or restore the man's own credit'.²⁵ I argue that it is difficult to establish with any certainty that women whose husbands published notices were spending excessively or using credit with total disregard for their husbands' reputation. Viewed in the context of domestic and economic abuse in South Australia, it is more plausible that men used notices to damage women's reputations in the local community.

²² Jozica Kutin, Rosly Russell and Mike Reid, "Economic abuse between intimate partners in Australia: prevalence, health status, disability and financial stress," *Australian and New Zealand Journal of Public Health* 41, no. 3 (2017): 269.

²³ Lesley Trotter, *The Married Widows of Cornwall: The Story of the Wives 'Left Behind' by Emigration*, (Cornwall: Humble History Press, 2018), 69.

²⁴ Joanne Bailey, "Favoured or oppressed? Married women, property and 'coverture' in England, 1660-1800," *Continuity and Change* 17, no. 3 (2002): 357.

²⁵ Bailey, "Favoured or oppressed?," 357.

In debt notices, men accused wives of leaving the household ‘without any cause’ or ‘without any provocation’ as a way to justify their own failure to support. There were a number of ways that men phrased these notices, but they generally adhered to the same formula. For instance, John O’Connor in 1878 advertised: ‘I will not be responsible for any debts contracted by my wife, Winifred Louisa O’Connor, she having left my home without my consent’.²⁶ Occasionally men did not publish the name of their wife, but we can assume that they had the same aim. In one example, Samuel Buzzard, a petitioner’s husband, wrote: ‘After this date I will not be responsible for any debts contracted in my name without my written authority’.²⁷

Often, a husband published a debt notice that accused their wife of leaving after they had sought legal action due to abuse or neglect. In one example, Louis Hyde, husband of petitioner Isabella Hyde, wrote on 2 December 1871: ‘I hereby give notice that I will not be answerable for any debts incurred by my wife, Isabella Hyde, she having left her home without any just cause’.²⁸ Isabella’s alleged departure from the house signified that she had failed in her marital responsibilities. However, according to Isabella, this event played out quite differently. Her petition reveals that after one particularly violent outburst that forced her to seek protection with her neighbours for the night, Isabella ‘returned home but the said Louis Hyde locked the door and refused to allow her to return and kept her out of doors for four days and nights and advertised in the newspapers that he would not be responsible for any debts contracted by her’.²⁹ Seven years later, when Isabella submitted her petition for a dissolution of marriage, Louis responded by advertising another notice, further reinforcing how debt notices were a tool often used by husbands to exert control after a woman sought some kind of support, whether legal or from neighbours.³⁰

²⁶ “Public Notices,” *South Australian Register*, 29 August 1878, 2.

²⁷ “Public Notices,” *South Australian Register*, 1 May 1866, 1.

²⁸ “Advertising,” *The Express and Telegraph*, 2 December 1871, 2.

²⁹ SRSA, GRG 36/51 Matrimonial petitions, no. 364, 1878, Isabella Hyde.

³⁰ “Public Notices,” *The Express and Telegraph*, 13 July 1878, 2.

Men retaliated against women's charges of abuse or neglect by advertising notices. This is important because, at least in the sources used in this thesis, debt notices were rarely advertised in response to women spending exorbitant amounts of their husbands' money, which is presumably what they intended to imply. Sarah Jane Lawton's husband, William, published a debt notice immediately after she charged him for assault and he was ordered to keep the peace for 12 months.³¹ In her petition for a judicial separation, lodged on 6 September 1872, Sarah wrote that after advertising the notice, Thomas purchased the issue of *The Advertiser* and,

put the said Newspaper into [Sarah's] hands requesting her to read it using towards [Sarah] at the same time most abusive and insulting words and behaviour and then in a violent manner ordered [her] to leave the house and to get her living upon the streets.³²

In Sarah's words, William publicly announced his refusal to provide 'for the purpose of annoying [her]'.³³ Over the course of their marriage, William was continually violent, especially when he was drunk, and on one occasion he nearly strangled her, but their servant Catherine Rowe intervened. The significance of debt notices indicating underlying patterns of extreme physical abuse is clearly evident.

A subsection of petitioners whose husbands advertised notices were also likely not only to be extremely physically violent, but also sexually violent, thereby adding another layer of trauma to an already abusive relationship. For Jane Magor and Emeline Bristow, the debt notices are only one small visible part of the abuse they were forced to endure at the hands of their husbands. Several days after Jane gave birth to their first child, Lavinia, James raped Jane, 'notwithstanding the remonstrances and resistance of your Petitioner'.³⁴ This occurred again three years later in 1870 after the birth of John, and in 1872 after the birth of another son,

³¹ "Public Notices," *The South Australian Advertiser*, 10 May 1872, 1.

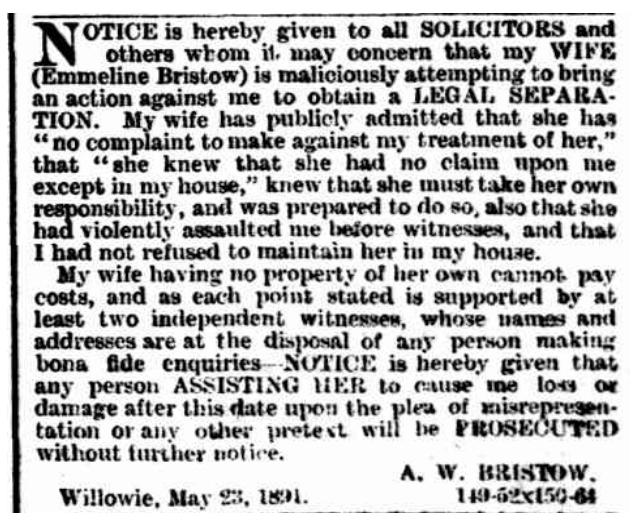
³² SRSA, GRG 36/51 Matrimonial petitions, no. 195, 1872, Sarah Jane Lawton.

³³ SRSA, GRG 36/51/195, 1872, Lawton.

³⁴ SRSA, GRG 36/51 Matrimonial petitions, no. 290, 1876, Jane Magor.

James. James also raped her when she was menstruating, and as a result, she ‘became injured in her health and suffered from floodings and fall of her womb and was instructed by her medical advisers to sleep in a separate room from her said husband’.³⁵ This, unsurprisingly, did not stop James’s abuse. After publishing a second debt notice and being charged again for leaving Jane without support, James was finally ordered to pay her twelve shillings per month, though it cannot be established whether he actually did so.³⁶ For Jane, as it was for other petitioners, the debt notice and her husband’s failure to provide symbolised the larger system of domestic abuse and control that was at play in the relationship.

Likewise, Emeline Bristow’s husband, Albert, was sexually violent while also failing to support her. Albert advertised a debt notice in 1890 which accused her of leaving the house without his ‘knowledge and consent’.³⁷ A year later he published another notice, this time



NOTICE is hereby given to all SOLICITORS and others whom it may concern that my WIFE (Emmeline Bristow) is maliciously attempting to bring an action against me to obtain a LEGAL SEPARATION. My wife has publicly admitted that she has “no complaint to make against my treatment of her,” that “she knew that she had no claim upon me except in my house,” knew that she must take her own responsibility, and was prepared to do so, also that she had violently assaulted me before witnesses, and that I had not refused to maintain her in my house.

My wife having no property of her own cannot pay costs, and as each point stated is supported by at least two independent witnesses, whose names and addresses are at the disposal of any person making bona fide enquiries—NOTICE is hereby given that any person ASSISTING HER to cause me loss or damage after this date upon the plea of misrepresentation or any other pretext will be PROSECUTED without further notice.

A. W. BRISTOW.
149-52x159-64

Willowie, May 23, 1891.

Figure 3.1 Albert Bristow’s debt notice, published in *The Express and Telegraph*.³⁸

³⁵ SRSA, GRG 36/51/290, 1876, Magor.

³⁶ “Notice,” *The Adelaide Observer*, 18 August 1877, 1 and “Police Court – Adelaide,” *South Australian Chronicle and Weekly Mail*, 5 October 1878, 11.

³⁷ “Public Notices,” *South Australian Register*, 24 September 1890, 2.

³⁸ “Public Notices,” *The Express and Telegraph*, 1 June 1891, 1. Please note that Emeline’s name is spelt differently in the petition and in the debt notice. I have used the spelling used in the court documents.

stating that Emeline was ‘maliciously attempting to bring an action against’ him, claiming that Emeline had no evidence of his mistreatment of her.

In contrast to Albert’s notice, Emeline’s petition for separation described extensive exposure to physical violence, including when Albert forced Emeline out of the house in her nightclothes through the bedroom window and when he dragged her by the hair along the floor of their house. On one occasion, Albert ‘insisted upon having sexual intercourse with your Petitioner in an unnatural manner and to prevent the procreation of Children to the great personal injury of your Petitioner in body and mind’.³⁹ In addition to underscoring how Albert’s extreme violence put her and her child’s life in jeopardy, Emeline argued that one year later she was in pain and ‘still suffering from the effects of the said cruelty’.⁴⁰ On 22 July 1893, Emeline’s case for separation was finally due to appear in court. However, at 9:15 that morning, Albert died by suicide at his lawyers’ office, Selborne Chambers, near Victoria Square.⁴¹ Emeline and Jane’s cases convey just how enmeshed physical violence was with economic abuses. In both examples, the men’s public refusal to provide food or money for their wives pointed towards the sexual violence that was also taking place in the marriage.

Only two women in the sample responded publicly to their husbands’ debt notices. These cases are intriguing because they indicate that some women felt it was necessary to inform the public that their husbands’ accusations were unfounded. In the first example, Flora Harriet Holman maintained in her response that she did not ‘nor ever did contract any debts in his name’.⁴² In the second, both petitioner, Jane Born, and her brother responded to her husband, John’s, debt notice, claiming that she did leave her home but only because John forced her to leave and was perpetually violent. Flora’s husband, John, was charged on 13 June 1876

³⁹ SRSA, GRG 36/51 Matrimonial petitions, no. 680, 1890, Emeline Bristow.

⁴⁰ SRSA, GRG 36/51/680, 1890, Bristow.

⁴¹“Tragedy in Selborne Chambers,” *The Adelaide Observer*, 22 July 1893, 32.

⁴² SRSA, GRG 36/51 Matrimonial petitions, no. 287, 1876, Flora Harriet Holman.

for leaving his wife and children ‘without adequate means of support’.⁴³ John did not appear at the Police Court, and a warrant was issued for his apprehension. Later in the same month, John advertised a notice,⁴⁴ to which Flora responded with one of her own.

MY HUSBAND, JOHN HOLMAN, late of the Crown Inn, Currie-street, having taken the trouble to advertise me, I beg to inform the public that since obtaining thirty shillings (30s.) per week for maintenance from the Local Court, Port Adelaide, I do not nor ever did contract any debts in his name.
FLORA HOLMAN.
 Port Adelaide, June 23, 1876. x

Figure 3.2 Flora Harriet Holman’s response to husband, John Holman’s, debt notice.⁴⁵

However, in early July, John and Flora reappeared at the Police Court. Flora was required to ‘show cause why an order made against her husband, John Holman, for the payment of 30s. per week for the maintenance of herself and children, should not be rescinded’.⁴⁶ John claimed that he had provided a home for her, but that she had refused to accept it. Consequently, the order was rescinded, meaning that Flora would not have received any further maintenance from John. Jane Born was also forced to endure continued violence from her husband. After John turned her out of the house due to suspicions about her being adulterous, he published a notice stating that she had left the home ‘without any just case’.⁴⁷ Like Flora, Jane responded to her husband’s notice. She published the notice one day before submitting her petition for a judicial separation.

REFERRING to the advertisement appearing in the *Evening Journal* of the 9th instant, it is not true that I left my home without just cause. I did not leave until my husband, after great cruelty and unmerited abuse, turned me out of doors at 11 o’clock at night, threatening me with violence if I returned, and so compelled me to seek the redress which I am now seeking in a Court of Law.
JANE BORN, Hindmarsh.
 February 9, 1877. 41

Figure 3.3 Jane Born’s response to husband, John Born’s, debt notice.¹

⁴³ “Police Court – Port Adelaide,” *The Express and Telegraph*, 13 June 1876, 2.

⁴⁴ Untitled, *The Express and Telegraph*, 27 June 1876, 1.

⁴⁵ “Public Notices,” *The Evening Journal*, 30 June 1876, 1.

⁴⁶ “Police Courts,” *South Australian Register*, 4 July 1876.

⁴⁷ “Miscellaneous,” *The Evening Journal*, 10 February 1877, 2.

Jane's response was listed directly below John's debt notice in the Saturday edition of *The Evening Journal*. Below Jane's was another notice, that of her brother:

IN answer to an Advertisement in the *Evening Journal* of the 9th instant, I beg to inform the public (the inhabitants of Hindmarsh need not be so informed) that MY SISTER, JANE BORN, DID NOT LEAVE HER HUSBAND, John Born, of the Lion Inn, Hindmarsh, but upon such provocation that after proceedings will (if there is justice in South Australia) prove her not only justified in so doing, but that she would have been culpable if she had not done so.

As to her being in destitute circumstances, my sister did not leave her husband in such a state, nor has she ever asserted she did so. The reasons for her leaving her husband will unfortunately be made public through the Courts of Law.

JOHN HOLWILL.
Hindmarsh, February 10, 1877. z

Figure 3.4 John Holwill's response to John Born's debt notice.⁴⁸

In this case, Jane's brother, John Holwill, was adamant that Jane did not leave her husband in destitute circumstances, so he may have also been protecting her reputation in the wider community.

As Jane Born's case shows, familial support systems were central to women's survival during periods of abuse and neglect. While the response published by Jane's brother clearly indicates that he protected her, we also know from Jane's petition that he assisted her in other ways. One day when John was assaulting Jane, she was only saved from serious injury by the arrival of her brother who heard her cries from next door and came to her assistance. Furthermore, Jane's sister sheltered her overnight during particularly violent periods, and Jane would return 'to her home in the mornings to attend to her household and other duties'.⁴⁹ This was the same for other petitioners, like Jane Magor for example, who was forced to live with her parents when her husband refused to support her and forced her out of the house. She only

⁴⁸ "Miscellaneous," *The Evening Journal*, 10 February 1877, 2.

⁴⁹ SRSA, GRG 36/51 Matrimonial petitions, no. 316, 1877, Jane Born.

returned to his home in the Adelaide suburb of Payneham following his insistent requests, even though his violence continued.⁵⁰ Emeline Bristow, too, sought refuge in addition to medical attention with her family when her husband was violent, only to be coerced back home by her husband after he vowed to keep the peace. All these women struggled to gain protection—either from the courts or police—from their violent husbands. It is also worth pointing out that it was often the husband who forced his wife to leave the home in the first place. At least 45% of the petitioners were forced out of their homes by their husbands, many of them on more than one occasion. This act of forcing one’s wife out of the home constituted a refusal to provide the most fundamental level of support, both economically and emotionally. Historian Margot Finn explains that ‘a woman compelled to leave her husband’s home by his cruelty could continue to pledge his credit’.⁵¹ This shows that whether men forced them to leave, or they themselves made the decision to go due to men’s cruelty, women were entitled to their husbands’ financial support.

In addition to familial support systems, a selection of the women examined so far in this chapter worked to support themselves. Sarah Jane Lawton, whose case we observed earlier owing to her husband’s notice, worked as a dressmaker and milliner. In her petition she wrote that the work ‘largely contributed to the support of herself and children and of the said William’, indicating that it may not have been enough to support the whole family.⁵² Despite William’s notice declaring that he would no longer be responsible for Sarah’s debts, it was Sarah, in fact, who supported herself financially in addition to her children and William. Likewise, Julia Philips worked as a seamstress and laundress to support her family.

Many other women whose husbands advertised notices also worked to support their families. Jane Magor worked for a few weeks as a nurse but was forced to return to her

⁵⁰ “Local Courts,” *The Adelaide Observer*, 8 September 1877, 12.

⁵¹ Margot Finn, “Women, Consumption and Coverture in England, c. 1760-1860,” *The Historical Journal* 39, no. 3 (1996): 709.

⁵² SRSA, GRG 36/51/195, 1872, Sarah Jane Lawton.

needlework because she became too unwell and was injured as a result of her husband's ongoing abuse. Flora Harriet Holman was the landlady at the Crown Hotel on Currie Street. Jane Born's husband, John, ran the Black Lion Hotel in Hindmarsh. It is possible that Jane helped in the business but was not listed officially as a licensee. Regardless, Flora and Jane likely had a stake in the success of these businesses, which perhaps propelled them to respond to the debt notices. As we saw in Chapter One, many women may not have deemed it necessary to describe their employment in matrimonial petitions, but others may not have worked at all. However, the case studies suggest that it was just as crucial for women to have familial or neighbourly support systems as it was to have an extra income source through their own employment. Even for those who did work, the money they earned was usually not enough to support their family anyway. The various layers of abuse also created difficulties for certain women who simply could not prioritise employment over the daily challenge of survival.

Refusal to provide material goods

Another common type of failure to support was a husband's outright refusal to purchase necessary goods for his wife and children. Necessary goods included food, clothing or household items. In some cases, husbands bought these items but locked them away in cupboards, thereby monitoring and controlling women's access. In other cases, husbands hoarded the food and ate it all themselves. Otherwise, a husband may have burned or ruined his wife's clothing, or taken away his wife's footwear, thus preventing her from leaving to seek help from neighbours. Men also refused to buy clothing for children, forcing them to wear rags or inadequate layers in cold weather. This compounded the humiliation and shame when women and children were locked outdoors overnight or in cold weather. Joanne Begiato argues

that a husband refusing to provide his wife certain material items or destroying a woman's possessions was an act of calculated control and abuse.⁵³ According to Begiato,

when husbands materially deprived their wives ... they denied them basic necessities: food and clothing Refusing to provide wives and families with their material rights was not only a statement that a husband rejected his legal obligation, when his primary function was provision; by withholding this 'stuff' he refused his marital love too.⁵⁴

The economic control of women was not just executed by limiting their access to money, but also through hindering or denying their access to material items. Much like the debt notices or desertion, refusal to provide material resources restricted women's access to food, clothing and necessary household items.

Women's petitions reveal that, despite having the means, husbands restricted women's access to food. One woman wrote that her husband left her 'without food for twenty four hours at a time and without the means of procuring the same although he was able to have supplied her with the means of procuring food'.⁵⁵ Similarly, one husband refused to provide any food, 'although well able to afford proper and sufficient maintenance'.⁵⁶ One petitioner wrote that she and her children were 'frequently left by [her husband] without the necessaries of life', highlighting how necessaries were sometimes refused for extended periods, if not for the entire duration of a marriage.⁵⁷

I will refer to various case studies in the next few sections of the chapter, but there are two petitioners to whom we will devote particular attention. One of these is Emily Johns, whose husband left her and their children without food for long stretches of time. Emily and her husband, Arthur, lived in Kapunda, near the Barossa Valley. Emily was only fifteen when she

⁵³ Joanne Begiato, "Beyond the Rule of Thumb: The Materiality of Marital Violence in England c. 1700-1857," *The Journal of the Social History Society* 15, no. 1 (2018): 50.

⁵⁴ Begiato, "Beyond the Rule of Thumb," 50.

⁵⁵ SRSA, GRG 36/51 Matrimonial petitions, no. 241, 1874, Sarah Low.

⁵⁶ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 238, 1874, Margaret Walsh.

⁵⁷ SRSA, GRG 36/51 Matrimonial petitions, no. 251, 1875, Emily Field.

married John in 1866. Another point of focus will be Ann Heylen, whose husband Thomas was similarly abusive and refused to provide food and other items during their marriage. We will start by looking at Emily's case. In her petition we learn that

[Arthur] refused your Petitioner food for herself and children and so ill treated [her] that she was compelled to go to the Destitute Asylum in Adelaide aforesaid for refuge for several days and has prevented [her] obtaining the ordinary necessaries of life by advertising in the public newspapers that he would not be responsible for [her] debts.⁵⁸

An article in *The Evening Journal* from 19 July 1871 describes Emily and Arthur's appearance at the Police Courts after Emily charged Arthur with leaving her and the children without support. Arthur denied Emily's claims that he refused the provision of food. According to the report,

There was always plenty of provisions in the house, but he could very seldom get his meals at home because his wife drank so heavily[.] He was quite willing to buy all necessary provisions, but he would not give his wife any money till she behaved in a proper manner.⁵⁹

Police Magistrate, Samuel Beddome, ultimately ruled that no order for maintenance was necessary.⁶⁰ This was the result of three unnamed witnesses supporting Arthur's statement that he provided enough food, and also because Arthur claimed that he could not afford to run two houses should he live separately from Emily. Another article, this time in *The South Australian Advertiser*, detailing this earlier court appearance shows that Arthur accused Emily of buying alcohol every time he gave her money. On one occasion, Arthur claimed that 'he gave her money to buy boots for the children, but she got drunk with it'.⁶¹ Arthur made further claims as to Emily's untidiness and apparent inability to attend to the household tasks, giving him all the more reason to refuse necessaries. Here, we can see how accusations of drunkenness and

⁵⁸ SRSA, GRG 36/51 Matrimonial petitions, no. 216, 1873, Emily Johns.

⁵⁹ "Law and Criminal Courts," *The Evening Journal*, 19 July 1871, 2.

⁶⁰ "Police Courts," *The Evening Journal*, 19 July 1871, 2.

⁶¹ "Police Court — Adelaide," *The South Australian Advertiser*, 15 June 1871, 3.

untidiness were acceptable grounds to deny one's wife food. This echoes Bailey's point that 'both spouses engaged in provisioning and consumption' through their own clearly defined roles.⁶² These roles, however, 'were unstable and dependent on each other's goodwill', meaning that either party could retract their own contribution if they felt that the other spouse was not meeting their end of the contract.⁶³ While men and women used this argument to refuse the provisions of some kind, men were sometimes believed over women.

It was not uncommon for judges to side with a defendant husband despite their wives claiming that they had not been adequately provided for. By and large, male defendants were able to argue that they had supplied necessities but in fact it was their wives who had somehow jeopardised the provisions, as was evident in Emily and Arthur's case. In many of the examples that I refer to, judges were noticeably less sympathetic towards women, particularly when they were trying to prove cruelty allegations. As Hilary Golder explains in *Divorce in 19th Century New South Wales* (1985), judges in later-nineteenth century New South Wales and England alike 'began to construe cruelty as broadly as possible and took note of mental as well as physical health'.⁶⁴ Nonetheless, it was difficult for judges, even those who were more sympathetic, to support a petitioner's allegations unless 'continued cohabitation was demonstrably dangerous to life or health'.⁶⁵ In the context of the South Australian Supreme Court, Bridget Brooklyn explains that 'judges may always have been prejudiced against women but they did not always find against them'.⁶⁶ Several judges served in the Supreme Court during the colonial period, but two are most important here: Sir Samuel Way, who served as Chief Justice from 1876 to 1916, and Sir James Boucaut, judge from 1878 to 1905, who presided

⁶² Bailey, *Unquiet Lives*, 84.

⁶³ Bailey, *Unquiet Lives*, 84.

⁶⁴ Hilary Golder, *Divorce in 19th Century New South Wales*, (Kensington: New South Wales University Press, 1985), 162.

⁶⁵ Golder, *Divorce in 19th Century New South Wales*, 162.

⁶⁶ Bridget Brooklyn, "Something Old, Something New: Divorce and divorce law in South Australia, 1859-1918," (PhD diss., University of Adelaide, 1988), 260.

over many of the cases in this thesis. According to Brooklyn, Way and Boucaut ‘stand out for their dogged championship of a rigid interpretation of marital duty against the vicissitudes of the Matrimonial Causes Act’.⁶⁷ In essence, Boucaut and Way regularly prioritised marital duty—what both parties owed to each other in marriage—over the existence of marital fault. Thus, a woman’s failure to care for children or keep a tidy home could trump a husband’s cruelty. It likely even justified such an act in the eyes of some judges. While upholding marital duty was important in winning a case, judges could be inconsistent in their application of this principle.⁶⁸ Only a few cases remain with detailed insights from the presiding judges. I focus predominantly on Boucaut’s judgements. This extra layer of detail provides a wealth of information about how judges came to their decisions and what drove their attitudes towards petitioners.

When Emily Johns later charged Arthur with committing perjury in his affidavit, which stated that he had never been violent towards her or their young children, the judge, yet again, sided with Arthur. In an article reporting on the case, we learn that at least four witnesses testified in defence of Emily’s statements that she did not frequently drink, and that Arthur often treated her with great cruelty. Emily detailed the various ways that Arthur, who worked as a horse breaker, would assault her with ‘ropes and bridles, and broke her finger with a bit’.⁶⁹ Furthermore, Emily reported that Arthur ‘kept her very short of food,’ which forced her to rely on her neighbours who supplied her ‘a good deal of food’. Despite Emily’s numerous accounts of Arthur’s cruelty, Beddome, ruled that ‘no assault was proved’. As was recorded in a report in *The Adelaide Observer*, Beddome stated that Emily’s:

evidence did not fix any particular date. There must be very precise evidence on a charge of perjury, and vague statements should not bear weight. Because a man used strong expressions to his wife for bad conduct on her part, it could not

⁶⁷ Brooklyn, “Something Old, Something New,” 258-259.

⁶⁸ Brooklyn, “Something Old, Something New,” 261.

⁶⁹ “Police Courts,” *The Adelaide Observer*, 6 September 1873, 6.

be said that he ill-treated her.⁷⁰

Beddome did not consider Emily's testimony as proof of cruelty. More than this though, he believed that Emily was guilty of 'bad conduct', reinforcing the idea that a husband had reason to be violent or refuse goods if his wife behaved 'badly'.⁷¹ Thus, her failure to fulfil her conjugal duty to Arthur was taken into more consideration than his cruelty.

In similar circumstances, Ann Heylen applied for judicial separation for reasons of cruelty and her husband's refusal to supply her with food and necessaries. From an article in *The Express and Telegraph*, we learn that Ann's lawyer argued that she 'had been made the victim of a systematic attempt on her husband's part to demoralize her by starvation'.⁷² At the time of charging her husband, Thomas, with perjury, Ann was receiving eighteen shillings a week from her son. One week, however, she refused to take her son's money 'because she was afraid she would get no more during that week from the respondent'.⁷³ Ann had already asked Thomas for more money but 'he refused to give any'. As a result,

She determined not to give the respondent any dinner on Sunday She left the house on that day shortly after breakfast, and remained at her daughter's house till night. On the following morning there was only half a loaf of bread and some butter on the table for breakfast, and when the respondent remarked on the scantiness of the bill-of-fare, she retorted by telling him that [their son's] money was not enough.⁷⁴

According to Ann, her small act of rebellion resulted in 'a few disgusting epithets' from Thomas, 'who threatened to knock her head off if she did not behave herself'. In response to this event, Boucaut felt that 'the conduct of the wife in not taking the son's 18s for household uses, and the suggestion of the son to that effect were most improper'. He continued:

⁷⁰ "Police Courts," 6.

⁷¹ "Police Courts," 6.

⁷² "A Strange Suit for Judicial Separation," *The Adelaide Observer*, 23 August 1879, 12.

⁷³ "Law Courts," *The Express and Telegraph*, 16 August 1879, 3.

⁷⁴ "Law Courts," 3.

It would be unendurable if wives were allowed to conduct themselves in such a manner The respondent was left at home with no dinner, while the wife and the son went off and got theirs at the daughter's house. On the Monday morning there was no breakfast, and the husband did quite right to complain. The petitioner could not say that she was struck on this occasion, and it was a wonder that the husband did not make a greater complaint after being made the subject of such conduct by his wife and son.⁷⁵

Aside from Ann's refusal to prepare food, it was also her alleged excessive spending of Thomas's money that convinced Boucaut that she had behaved improperly. While Thomas was at the Snowy River diggings, he claimed that he provided a considerable sum of money for her, but 'when he came back in about nine months, she had exceeded by £6 or £7 her allowance of £1 per week'.⁷⁶ This was not to mention that Ann was 'both jealous and of a nagging disposition,' and 'was rather guilty of hunting her husband up in a most irritating and inconvenient manner'. Ultimately, both Boucaut and the jury found that she 'had provoked her husband to a very great extent', implying that his cruelty was justified. Furthermore, it was found that 'liberal provision had been made for her by her husband', meaning that Ann's complaints were dismissed.⁷⁷ Again, as in Beddome's interpretation of Emily's case, Boucaut considered Ann's refusal to prepare a meal for her husband more heinous an act than his resultant cruelty.

In both Ann and Emily's cases, their complaints of cruelty and their husbands not providing sufficient food for them were counteracted by allegations of improper behaviour. Boucaut and Beddome noted that cruelty was not confirmed. But, more importantly, they supported Arthur and Thomas's respective arguments that alleged drunkenness, exorbitant spending, not fulfilling domestic duties and nagging, justified the failure to provide material goods. On this point, it should be noted that it was common for husbands charged of cruelty to

⁷⁵ "Law Courts," 3.

⁷⁶ "Law Courts," *South Australian Chronicle and Weekly Mail*, 23 August 1879, 10.

⁷⁷ "Law Courts," 10.

accuse their wives of drunkenness because this was a socially accepted justification for violence against women. Kay Saunders explains that in colonial Queensland, men charged with murdering their wives were sometimes acquitted because their wives had been drinking and thus had neglected their domestic duties. Saunders writes:

If a woman had small children, the pressure upon her to be sober, industrious and totally preoccupied with domestic duties was even more intense. Some husbands were particularly violent if their wives ever drank under these circumstances. It was not considered that they should ever have a right to this or any other sort of relaxation from onerous domestic responsibilities.⁷⁸

Therefore, Ann and Emily's cases highlight how men could refuse to provide for their wives and still successfully defend themselves in court.

Along with food, men also refused other necessities such as clothing and household items. One husband 'tore off your petitioners [sic] dress and burnt it'.⁷⁹ Another 'tore up and destroyed your petitioner's wearing apparel' during a violent attack.⁸⁰ However, it was more common that men refused to buy new clothing when it was needed, or alternatively took away a woman's clothing and forced them outside in their underclothes. Although well able to provide for his wife and children, one husband 'refused and neglected for some considerable time past to supply your Petitioner and her children with good and proper food and clothing suitable to her condition in life'.⁸¹ This was a common complaint in the petitions, and generally husbands refused clothes as well as food, as the case of Emily Johns attests.

Before submitting her petition in 1873, Emily's husband, Arthur, 'took away from your Petitioner all your Petitioner's clothing except such as your Petitioner then wore'.⁸² Consequently, Emily suffered 'severely from exposure to the cold and wet owing to having no

⁷⁸ Kay Saunders, "Domestic Violence in Colonial Queensland," *Australian Historical Studies* 21, no. 82 (1984): 77.

⁷⁹ SRSA, GRG 36/51 Matrimonial petitions, no. 101, 1867, Agnes Buzzard.

⁸⁰ SRSA, GRG 36/51 Matrimonial petitions, no. 202, 1873, Harriet Jemima Richardson.

⁸¹ SRSA, GRG 36/51 Matrimonial petitions, no. 82, 1865, Ellen Meyer.

⁸² SRSA, GRG 36/51/216, 1873, Johns.

proper clothing to protect her against the weather'.⁸³ Arthur refused Emily more than just clothing, however. When they lived in Goodwood, in Adelaide's inner-south, Arthur made Emily sleep on the concrete floor, despite her being 'certain that [he] had the means to get a proper bed'.⁸⁴ The children were also expected to sleep on the floor, even when they were suffering from bronchitis and whooping cough for months on end.

Similarly, Alice Bowyer Rosman's husband 'seized and threatened to destroy certain photographs belonging to your Petitioner and also wantonly tore up and destroyed a dress which your Petitioner had made for her child'.⁸⁵ Furthermore, Trevenen, Alice's husband

locked up and for some days afterwards kept locked up the cupboard containing the fruit and wine and also the piano in order to prevent your Petitioner from having access thereto and in order to irritate and humiliate your Petitioner in the eyes of her servants and others.⁸⁶

So, it was not just food, clothing or bedding to which abusive husbands would limit women's access, sometimes restrictions extended to items like pianos. Pianos rose in popularity in the mid-to-late nineteenth century with the growth of the middle class and consumer culture. Francesca Carnevali and Lucy Newton explain that owning a piano in this period 'conferred status, symbolic as it was of gentility, family life, taste, and wealth'.⁸⁷ A piano was a material object that 'gave its owner (especially women) the precious quality of accomplished homemaker'.⁸⁸ One other petitioner in the database was also refused access to the piano by her husband. Elizabeth Sarah Sayer's husband forbade her from having

any control over his household or over any money or to buy clothes for herself or to act in any way as mistress or in the management of the house. He has also refused to allow your Petitioner to play the piano or otherwise to amuse herself.⁸⁹

⁸³ SRSA, GRG 36/51/216, 1873, Johns.

⁸⁴ "Police Courts," *The Adelaide Observer*, 6 September 1873, 6.

⁸⁵ SRSA, GRG 36/51 Matrimonial petitions, no. 469, 1861, Alice Bowyer Rosman.

⁸⁶ SRSA, GRG 36/51/469, 1861, Rosman.

⁸⁷ Francesca Carnevali and Lucy Newton, "Pianos for the People: From Producer to Consumer in Britain, 1851-1914," *Enterprise and Society* 14, no. 1 (2015): 39.

⁸⁸ Carnevali and Newton, "Pianos for the People," 65.

⁸⁹ SRSA, GRG 36/51 Matrimonial petitions, no. 211, 1873, Elizabeth Sarah Sayers.

Both Alice and Elizabeth's husbands understood the emotional and symbolic importance of pianos to their wives. Husbands restricting women's access to material items like pianos was also driven by a desire to control women's pleasure as well as damage their sense of self as successful homemakers and wives. Locking away a woman's piano reinforces just how far violent husbands were willing to go to psychologically abuse—not to mention belittle—their wives.

We can see that Alice and Elizabeth were of a wealthier socioeconomic group than a portion of the other petitioners. Regardless of class, men limited access to material items like food, clothing, and pianos, in order to maintain control in the family home. For Alice, this was especially humiliating, particularly because in her petition we learn that she had servants who would have observed her husband's control of the household's resources and its degrading impact. As Bailey explains, 'the elevation of servants also denied women their social status ... after all, the control of servants was an undisputed source of authority for middling-sort married women'.⁹⁰ Elevating the status of servants, and the intended humiliation of women in front of their servants, were common across a range of petitions when men sought to limit women's autonomy in the domestic environment.

It is important to note that all cases in this section contain extreme levels of physical violence. The examples of economic abuse complemented the more obvious and extreme incidents of physical abuse that many of the petitioners dealt with on an almost daily basis. Although the refusal to provide necessities may seem less dangerous than physical violence, limiting access to food and clothing, particularly when women were locked outside overnight in cold weather with inadequate protection, was an obvious act of cruelty. Furthermore, men's refusal to provide food and clothes had a devastating impact on children and pregnant women.

⁹⁰ Bailey, *Unquiet Lives*, 81.

Failure to support women during pregnancy and post-partum

The final behaviour that demands particular attention is the effect that failure to support in its many guises had on children, including unborn children, and the family unit. This is a critical component of failure to support, because failing to support was just as much an attack on children. Moreover, it is evident that husbands abused women when they were at their most vulnerable, physically and emotionally. This part of the chapter examines the consequences of husbands failing to provide necessities for women and children, or directly abusing women while they were pregnant or caring for children.

Bailey argues that men's abuse was often heightened around the time that women were pregnant, in confinement (due to give birth), or in the lying-in period (four weeks following childbirth).⁹¹ During the lying-in period, men were expected to provide for and care for their wives as it was common for women to be bed-bound for an extended period of time and thus to be fully occupied by tending to the newborn. In spite of this societal expectation, my sources show that husbands were particularly violent towards women in these stages of pregnancy and while caring for their newborn children. This could be through withholding food, direct physical abuse or forced engagement in needless activities. It is likely that many similar incidents went completely unreported in the wider community. While more historical research needs to be undertaken in this area, we do know from contemporary research that mothers are more susceptible to abuse from a partner than women without children.⁹² Two petitioners in the sources reported having miscarriages as a result of their husbands' violence, one woman had one⁹³ and another had two,⁹⁴ and five petitioners gave birth to stillborn babies following

⁹¹ Bailey, *Unquiet Lives*, 116.

⁹² Fiona Buchanan and Cathy Humphreys, "Coercive Control During Pregnancy, Birthing and Postpartum: Women's Experiences and Perspectives on Health Practitioners' Responses," *Journal of Family Violence* 36, no. 3 (2021): 326.

⁹³ SRSA, GRG 36/51/216, 1873, Johns.

⁹⁴ SRSA, GRG 36/51 Matrimonial petitions, no. 217, 1873, Eliza Hartland Auld.

ongoing violence. One of these women reported that her husband caused the birth of four stillborns due to his perpetual cruelty.⁹⁵

Ann Heylen's husband refused to provide medical care or food while she was pregnant, and then 'nine days after her said confinement turned her and her child into the street'. He ordered her to 'go and be a bloody whore and get money', adding that 'nothing any good came out of [her] bloody belly'.⁹⁶ There was, evidently, a strong link between women's pregnancy and caring for children and a resultant spike in violence from husbands. Because several petitioners had similarly devastating experiences of this kind of abuse, it can be difficult to differentiate between them. In the remainder of this chapter, I consider men's violence to women and children through five smaller case studies. We have already met three of these cases earlier in this chapter, including Alice Bowyer Rosman, Elizabeth Sarah Sayers and Emily Johns, as I will point out along the way. The final and major case study, that of Mary Nicholas Marshall, will be examined last as it illustrates how men's violence towards women while pregnant, postpartum or nursing children, severely impacted women and children alike.

Husbands could be violent without direct physical force. This still signified that men were refusing to support women while they cared for their children or were in the lead up to giving birth. For example, if we turn our attention back to one of the two petitioners whose husbands locked away their piano, we can see a clear example of this. Only a few days before Elizabeth Sarah Sayers was due to give birth, her husband, Charles, forced her to walk from 'Adelaide aforesaid to Woodville in the said Province and back a distance of about seven miles and he swore at your Petitioner and made her walk much faster than as he well knew she could with safety'.⁹⁷ Being forced to walk such a long distance so close to her confinement reinforces

⁹⁵ SRSA, GRG 36/51 Matrimonial petitions, no. 42, 1861, Luise Herrnberg.

⁹⁶ SRSA, GRG 36/51 Matrimonial petitions, no. 387, 1879, Ann Heylen.

⁹⁷ SRSA, GRG 36/51/211, 1873, Sayers.

how men were violent to women while in vulnerable states even when they did not use physical force.

When men physically abused pregnant or nursing women, they were, at the very least, directly damaging women's ability to breastfeed their children. For others, it meant that they would ultimately lose their children. Two cases in particular reinforce how violence could prevent women from breastfeeding their children. The case of Alice Bowyer Rosman, the second petitioner whose husband locked away her piano, illustrates this type of abuse. When her husband, Trevenen, was summoned to court for charges of assault, a witness named Dr Blood who tended to Alice in her pregnancies, asserted that 'the effects of ill usage on a nursing woman would be to impair the secretion of the milk, which would be injurious to the child'.⁹⁸ Trevenen's violence was thus inflicted upon Alice in a way that impaired her ability to nurse their baby. This is also illustrated well by the case of Emily Johns, whom I introduced earlier in the chapter, and whose husband, Arthur, refused to maintain her or their children due to her alleged drunkenness. Arthur was also frequently violent towards her during pregnancy and while nursing their children. On one occasion, he stamped on Emily's face after throwing her to the ground, breaking her nose and ensuring that she 'could not see to nurse the said child Emily Matilda then very young'. Arthur also transmitted a venereal disease to Emily, which she believed impacted both her own health and the health of her child, also named Arthur. In her petition she reported that the illness made her 'wean the said child while he was still very delicate'.⁹⁹ Both Alice and Emily's experiences show how men's physical violence hindered women's ability to breastfeed, though fortunately in these cases, without fatal consequences.

Other cases demonstrate that physical abuse while pregnant also led to children born prematurely and stillborn. Emily Field's husband was violent towards her before the birth,

⁹⁸ "Magistrates' Court, Kapunda," *The Kapunda Herald*, 1 November 1881, 3.

⁹⁹ SRSA, GRG 36/51/216, 1873, Johns.

which had fatal consequences for their unborn child. Emily, whose experience we will explore further in the next chapter in regard to her husband's exploitation, revealed in her petition that:

while your petitioner was big with child your Petitioner's said husband came to her house and cruelly abused and ill-treated her and knocked her down with his fist and kicked her in the side with his foot and in consequence of the said beating and kicking your Petitioner was prematurely delivered in about two hours after the said kicking of a still born child.¹⁰⁰

'For several years,' Emily recounted, she 'lived in constant dread of being killed by her said husband by reason of his ingovernable passions when he is drunk'.¹⁰¹ Her statement reminds us that these violent incidents were routine and part of daily life with an abusive husband. As in Emily Field's case, Margaret Walsh was unable to care for her infants adequately due to her husband's ongoing violence. The consequences were tragic. Her husband, John, was often drunk. One day when Margaret was in her confinement after giving birth to Helena, John knocked her 'down with his fist on the floor without provocation' before threatening the life of their two-year-old daughter, also named Margaret.¹⁰² Owing to 'the various and continuous outrages and acts of personal violence' she received from her husband, Margaret wrote that she became:

so fretted in [her] mind and wasted in [her] bodily strength that [she] was unable to afford wholesome and natural lacteal nourishment for [her] nursing children in consequence of which three out of the four children before mentioned died after a few months existence.¹⁰³

Margaret further reported that 'although well able to afford proper and sufficient maintenance my husband has not since allowed me support or maintenance'.¹⁰⁴ However, Margaret's case shows that her inability to feed her children was not just due to a lack of provisions, but also because she was so mentally and physically debilitated following her husband's abuse.

¹⁰⁰ SRSA, GRG 36/51/251, 1875, Field.

¹⁰¹ SRSA, GRG 36/51/251, 1875, Field.

¹⁰² SRSA, GRG 36/23/238, 1874, Walsh.

¹⁰³ SRSA, GRG 36/23/238, 1874, Walsh.

¹⁰⁴ SRSA, GRG 36/23/238, 1874, Walsh.

Margaret and Emily's shocking accounts of violence causing stillborn births demonstrates the hardship faced by women whose husbands not only refused to provide food and financial support, but also caused ongoing physical suffering.

In the final case study, we can see how men's direct physical violence towards women and failure to provide food harmed pregnant women and their children. When women were refused food, an obvious consequence was that they were unable to nurse their babies or infants or provide food to children. Mary Nicholas Marshall was refused food and other support for weeks at a time. After her husband, William, had been away for two months, Mary 'was in so great a state of destitution and hunger that she was obliged to sustain life by eating pollard which the said William Smith Marshall bought for her saying it was good enough' (pollard is a blend of bran and wheat meal which is fed to horses).¹⁰⁵ During another of William's absences, she was forced 'to sustain herself and child by eating grapes and drinking water'. Mary wrote that 'by reason of such neglect and want of proper food and nourishment your petitioner was unable sufficiently to nourish her child, at the breast and your petitioners said child became ill and died'.¹⁰⁶ When William returned home to attend the funeral of their baby, Mary borrowed flour in order to make bread for the family, only for William to eat all of it and leave none for the family. His frequent absences lasting weeks or even months eventually turned into an absence that lasted several years.

Mary was also forced to endure constant physical violence. Three days after the birth of their eldest child, William forced Mary to 'rise from bed and get his meals for him and threatened to beat your petitioner which put your petitioner in great fear and greatly deferred your petitioner's recovery'. When Mary refused to prepare a meal for a friend of William's due to there being no food in the house, William was extremely violent to Mary. Only a week

¹⁰⁵ SRSA, GRG 36/51 Matrimonial petitions, no. 313, 1877, Mary Nicholas Marshall.

¹⁰⁶ SRSA, GRG 36/51/313, 1877, Marshall.

afterwards, Mary ‘miscarried and was delivered of a still born seven months child’ which was ‘brought about by the fright induced by the cruel conduct of the said William Smith Marshall’.¹⁰⁷ Both through physical violence and by forcing Mary to undertake excessive household duties, William failed to provide care for while she was pregnant and caring for her children.

Now I will examine how the women coped financially with the abuse. Emily Johns relied on her neighbours for support like many of the petitioners, but she also received help from the Destitute Asylum when she needed food and protection from her husband’s abuse. Like Emily Johns, Emily Field also received government support. Emily had worked as a dressmaker and a lodging-keeper, but due to ‘having been in delicate health through anxiety ill-treatment and over work,’ she was ‘compelled to discontinue working and to obtain food for her said children from the Destitute Asylum’.¹⁰⁸ Mary Nicholas Marshall also earned money from work that could be undertaken in the family home while providing care for her children. On one occasion when her husband had been away for nine weeks and Mary was heavily pregnant with their third child, she ‘was compelled to take washing at one shilling and sixpence a day to enable her to get food’.¹⁰⁹ This work did not sufficiently provide for Mary and her children. Mary intermittently relied on her mother for shelter due to William’s violent outbursts.

Others worked in roles outside of the domestic sphere. Over the course of their marriage, Margaret Walsh worked in her husband, John’s, butcher shop in Kooringa, near Burra in the state’s mid-north. She had a number of essential roles in the family business that John relied on her to perform. In her affidavit Margaret wrote:

Ever since my marriage I had worked hard to help my said husband in his business from early in the mornings till very late at night. He carried on business

¹⁰⁷ SRSA, GRG 36/51/313, 1877, Marshall.

¹⁰⁸ SRSA, GRG 36/51/251, 1875, Field.

¹⁰⁹ SRSA, GRG 36/51/313, 1877, Marshall.

as a butcher and it was greatly through my help in attending to and making sales of the meat at his shop and keeping his accounts.¹¹⁰

Margaret's labour was therefore integral to the success of the butcher shop, just as she was aware of the amount of money that went through the store. While she clearly fulfilled many roles in the store, Margaret was still not in a secure financial position. After being forced out of the house on many occasions, Margaret found an old cottage in the town that she described as 'dilapidated and poor', where she lived with her daughter 'in great poverty'. Margaret's two sons also supported her financially but she described their help as 'trivial'.¹¹¹

One petitioner whose husband failed to support her had a particularly unique experience after submitting a petition for separation. After moving to London in 1911 with her daughters, Alice Bowyer Rosman, whose husband locked away the piano and later caused her to be unable to breastfeed due to his abuse, went on to write novels, articles and poems, in addition to doing significant humanitarian work. An obituary in *Southern Cross* on 5 June 1931 noted that Alice was a 'woman of great intellect and deep culture, with a strong and attractive personality'.¹¹² One of Alice's daughters, Alice Trevenen Rosman, also became a successful author in London. Alice Trevenen Rosman published 16 novels before her death at Highgate in 1961. Alice Bowyer Rosman had a significantly different life trajectory to the other petitioners we have seen. This was likely a result of her class, which afforded her greater social mobility, presumably an education to go on to become a successful writer, and the opportunity to move to London to start a new life with her daughters. Both daughters, Alice and Mary, enjoyed a comfortable lifestyle in London, further indicating the difference between Alice Bowyer Rosman's experience and that of many other women in the sources.¹¹³

¹¹⁰ SRSA, GRG 36/23/238, 1874, Walsh.

¹¹¹ SRSA, GRG 36/23/238, 1874, Walsh.

¹¹² "The Late Mrs. Alice Bowyer Rosman," *Southern Cross*, 5 June 1931, 11.

¹¹³ Suzanne Edgar, "Rosman, Alice Trevenen, 1882-1961," *Australian Dictionary of Biography*.

Women were often abused and treated poorly by their husbands when they were pregnant, in their confinement, or nursing babies and infants. These were times when men were expected to be especially caring and supportive. Children should be considered in studies about violence against women because they so often shared these experiences with their mothers. Due to the nature of the women's petitions and the limited scope of the thesis, children's experiences have not been specifically considered, but it is an area of much interest and importance. Several of these women worked long hours while pregnant or following childbirth but were forced to stop working due to illness and fatigue, reminding us of the layered and intersecting difficulties that women in these circumstances ultimately faced.

Conclusion

The many cases of failure to support demonstrate that women experienced economic abuse in a variety of circumstances, and with similar, or often worse, outcomes to that of desertion. Men's failure to support their wives limited women's access to resources like money, food and material items. These examples indicate that for men to significantly harm a family's economic wellbeing and physical survival, they did not have to be absent from the family home.

Forty-one per cent of female petitioners complained that their husbands failed to support them during their marriage. These secondary complaints are more difficult to detect in petitions than primary complaints. As has been mentioned, this figure was only a fraction less than the number of petitioners who complained of desertion, which was 42%. Advertising debt notices in a newspaper, refusing to purchase food and material items, and refusing to provide care during a woman's pregnancy and postpartum were intimately connected to violence and cruelty.

There are a number of important conclusions we can draw from the case studies examined in this chapter. Although debt notices were not always mentioned in a woman's

petition, often because they were published later in a relationship and once a petition was lodged, their existence demonstrated that a husband attempted to control women's access to money and resources. More than just controlling one's access to money, though, debt notices were also tools employed to embarrass or shame women and signal to the wider community that they had supposedly failed in their marital duty. Furthermore, men also refused to purchase necessary items. By restricting access to material items, men prevented women from being able to fulfil the necessary domestic tasks that were expected of them, such as to shop and prepare meals for their children. This left them open to criticism from their husbands, and also judges and the press, that it was women, rather than their husbands, who were to blame for neglecting to care for the children. Men's accusations that women were neglecting their domestic work also exposed women to—and exacerbated the likelihood of—further abuse.

The refusal to provide necessities had obvious repercussions for children as well as mothers. The percentage of women who reported abuse during or after pregnancy or towards young children was considerable (12%, or 30 petitioners). Men appeared particularly violent when women were pregnant or due to give birth, and violence during the lying-in period demonstrated men's cruelty and refusal to provide for women when they were especially vulnerable. Furthermore, the number of women who reported violence during their confinement or lying-in phase is sufficiently high to suggest these incidents were more widespread in the general community.

Ultimately, refusing to provide basic necessities such as money, food, clothing, household goods or medical attention demonstrated a husband's control and abuse toward his wife within the home. The effect of refusing to provide necessities was not that different from desertion. However, similar to cases of desertion, petitioners whose access to food and other material items was limited or entirely ceased could find significant relief through family, neighbours, and employment.

Chapter Three

Entanglement of extreme economic and physical abuse

Thus far I have demonstrated that desertion and the failure to support were common types of economic abuse in colonial South Australia. Both desertion and the failure to support highlighted the control that a husband held over their wife and family's finances. The previous chapters also showed that there existed a close relationship between physical and economic abuse.

This final chapter shifts the focus to other elements of economic abuse that are visible in the matrimonial petitions, namely, extortion of money, exploitation, and sabotage. Although less commonly recorded than desertion and the failure to support, extortion, exploitation and sabotage warrant close study for the way that they demonstrate the danger economic abuse posed in extreme circumstances. They also build on the previous chapters' key point that economic abuse is closely connected to more visible violence, such as physical abuse. It is important to acknowledge the interrelating behaviours to avoid seeing abuse as merely physical in nature.

In this chapter I argue that the types of economic abuse introduced in Chapter One and Two sometimes led to, and combined with, less common and more extreme types of economic abuse. Altogether, this created even more volatile marital situations for the petitioners. First, I outline the difference between extortion, exploitation and sabotage, and how they can be identified in the matrimonial petitions. Next, I examine the three categories of extortion, exploitation and sabotage. Due to the volume of detail in the sources used in the extortion section, I separate the analysis by the three primary variables of: 1) class of the petitioner and their employment; 2) other

violence existing in the relationship; and 3) the perspective communicated by the judge or in newspaper articles. These variables allow us a better understanding of the petitioners' circumstances and their ability, or otherwise, to cope with the situations in which they found themselves. In this chapter, I concentrate on fewer and larger case studies than in Chapter One and Two so to consider them in more depth. This chapter's case studies combine all the abusive behaviours evident in the earlier cases, ultimately demonstrating how desertion, failure to provide, and extortion, exploitation and sabotage, became deeply entangled with physical abuse.

Identifying extortion, exploitation and sabotage in the matrimonial petitions

This chapter considers cases in which husbands were especially controlling and coercive. As in Chapter Two, the types of economic abuse to be examined in this chapter are more difficult to identify in the petitions than desertion. Once again, though, secondary complaints are helpful indicators of such abuse. Women who experienced extortion claimed that husbands used violence or threats of violence to coerce them into providing money or other property. Women were exploited for their personal wages on top of their already demanding list of domestic tasks. Husbands who sabotaged used disruptive, abusive or drunken behaviour to threaten women's credibility with customers, and as a result, diminish their income. Sometimes, combinations of these behaviours were evident in the one case.

Extortion was the least common economic abuse noted in petitions. It demonstrated an interesting marital power dynamic in that it required a wife to be wealthier than her husband. For this reason, at least in my sources, only wealthier women were vulnerable to extortion. Usually, women inherited their money or property from family, but there does seem to be a small number who acquired their savings and properties through their own labour. The majority of women's work would not have provided sufficient income to warrant extortion from their husbands.

However, some men, especially those who were in debt or were just indolent, may have been desperate to extort money, even if it was in tiny increments. Alana Piper argues that women who were educated or who had more financial security prior to marriage faced more difficulty in wife desertion cases because they were required to prove their need for maintenance, a more straightforward task when women were in destitute circumstances.¹

I have identified eight instances of extortion in the data, comprising around 3% of petitioners. In all but one case, women were also threatened with physical abuse by their husbands. In some instances, it appears that men who owned businesses and were frequently in and out of the insolvency courts were especially controlling of women's money. The three key case studies of extortion comprise Elizabeth McPharlin, Pauline Wien, and Eliza Hosking. Elizabeth was only twenty-four when she applied for a judicial separation, as opposed to Eliza who was forty-three. While we do not know Pauline's age, we know that she was a widow, like Eliza, and that at the time of her second marriage she could not speak English well.² These women's experiences were vastly different, but they present similar kinds of economic abuse relating to extortion of money.

Piper highlights that poorer woman likely did not experience extortion from husbands but tended, rather, to be exploited 'for their domestic labour'.³ Many men in these petitions economically exploited their wives through reproductive or productive labour. Sundari Anitha points out that despite recent studies and a greater understanding of economic abuse, there is still little known about the relationship between economic abuse and a man's control of a woman's productive and reproductive labour. Anitha explains that 'reproductive labor refers to the tasks,

¹ Alana Piper, "Understanding Economic Abuse as Domestic Violence," in *Gender Violence in Australia: Historical Perspectives*, ed. Alana Piper and Ana Stevenson, (Clayton: Monash University Press, 2019), 43.

² Her mother language is not disclosed in the sources but from her name and her late husband's name we might assume that she spoke German.

³ Piper, "Understanding Economic Abuse as Domestic Violence," 43.

responsibilities, and roles that are necessary for the social reproduction of the family and the home through cooking, cleaning, and caring, while productive labor refers to paid work'.⁴ However, reproductive labour is also 'an economic activity which creates economic resources, albeit unrecognized and undervalued'.⁵ Both forms of labour have an economic function and can be exploited by a violent partner in abusive relationships. In colonial South Australia, women were sometimes forced to do housework, shopping for household goods, child-rearing, and even a significant share of the work in a family business or farm maintenance. Some exploitative husbands made their wives provide money to fund their gambling or alcohol habits, and occasionally deserting husbands demanded that their wives give them money to pay the fare to return home.

At least twenty petitioners in the sources had experiences amounting to exploitation. Some of these cases of exploitation converged with extortion. I consider two key cases that demonstrate exploitation, that of Mary Ellen Kains and that of Ann Glover. Not only were both petitioners accused by their husbands of not fulfilling their domestic duties, but they were also required to do huge quantities of work outside of their standard household tasks. Furthermore, Mary and Ann were accused of profligate spending through their respective purchases of alcohol and dresses. This fuelled their husbands' narratives that they were irresponsible mothers who neglected their family duties.

The final category that will be considered in this chapter is sabotage. Like extortion, this type of violence was rooted in a husband's discomfort that his wife earned an income or, perhaps, earned a higher income than he did. Judy L. Postmus et al. argue that the most common examples

⁴ Sundari Anitha, "Understanding Economic Abuse Through and Intersectional Lens: Financial Abuse, Control, and Exploitation of Women's Productive and Reproductive Labor," *Violence Against Women* 25, no. 15 (2019): 1855.

⁵ Anitha, "Understanding Economic Abuse Through an Intersectional Lens," 1855.

of economic sabotage in their study were ‘having a partner do things to keep them from going to work’ and ‘demanding that they quit their job’.⁶ These also apply to my cases, with the petitioners who experienced sabotage arguing that they were often threatened with physical abuse to prevent them from—or make them entirely unable to—work. More recently, Anitha’s intersectional study of economic abuse highlights that ‘men’s purposeful and effective sabotage’ could also prevent women from undertaking study or educational training, sabotaging job interviews, and interfering with women’s employment through harassment and other means.⁷ In my sources there are clear examples of husbands sabotaging women’s businesses and employment opportunities.

Across the petitions there were four definitive examples of sabotage. All took place in circumstances where women ran a public house or lodging-house, either on their own or with their husband. The women on whom I focus in this section, Rachel Hince, Evelyn Helen Sinclair and Harriett Gotting, each ran public houses and lodging-houses in and around Adelaide. Their respective husbands were frequently violent or drunk, resulting either in lodgers leaving on their own accord or proprietors of the establishments forcing the women and their husbands to leave.

Exploitation, sabotage and extortion were part of a much more complex entanglement of abuse. They correlate closely to contemporary research about coercive control and its intricate web of abuse. While many cases seem extreme, and thus less representative of women’s experience of abuse compared to those that were touched on in the earlier chapters, at the core, these women endured very similar circumstances within their marriages and in their efforts to provide for their families. Judith Allen argued in 1982 that once women were more financially independent—the

⁶ Judy L. Postmus et al., “Understanding Economic Abuse in the Lives of Survivors,” *Journal of Interpersonal Violence* 27, no. 3 (2012): 420.

⁷ Anitha, “Understanding Economic Abuse Through an Intersectional Lens,” 1856.

result of husbands declaring that they would not be responsible for them—they gained more power in the relationship:

women experienced violence at their husbands' hands as long as they remained economically dependent, and often after this was no longer the case. Ironically, these men's forcing their wives to become competent breadwinners, proprietors and businesswomen often completely undermined their power over them.⁸

On the contrary, women in situations of sabotage, extortion and exploitation had very limited power in their relationships, as their husbands merely continued to abuse them and control their access to money. Furthermore, as we will see over the course of this chapter, women having their own money sometimes escalated already violent marriages because men used physical abuse to coerce and control women's access to money and resources.

Extortion

I begin by discussing extortion of money through violence. Less common than exploitation, desertion, and failure to support, extortion indicated that a wife had more money than her husband. One petitioner in the sources, Elizabeth de Tullio, wrote that her husband, Angelo, 'frequently endeavoured to extort and did extort large sums of money from your petitioner by violence and threats of violence'. Angelo also 'broke furniture, wine bottles, stock in trade ... to the value of Forty pounds' at their home at Port Adelaide.⁹ Another petitioner recorded that her husband continued being violent and tried to extort money from her even after she had gained a protection order.¹⁰

⁸ Judith Allen, "The Invention of a Pathological Family: a Historical Study of Violence in N.S.W.," in *Family Violence in Australia*, ed. Jan Craney and Carol O'Donnell, (Melbourne: Longman Cheshire, 1982), 18.

⁹ SRSA, GRG 36/51 Matrimonial petitions, no. 430, 1880, Elizabeth de Tullio.

¹⁰ SRSA, GRG 36/51 Matrimonial petitions, no. 634, 1887, Elizabeth Bertha Thomas.

So as to understand better how extortion affected women and their independence, I consider petitioners' cases between the three general variables that I outlined above. These are class or employment of petitioner, other coexisting violence, and perspectives or conclusions of the presiding judge or others involved or reporting on the case. To re-cap, the three women that we will be looking at closely are Pauline Wien, Eliza Hosking and Elizabeth McPharlin. In the first two cases, husbands extorted money through physical abuse and threats of abuse. Elizabeth's case is an example of economically-motivated violence, which amounted to extortion in how it was similarly built upon a foundation of men controlling women's money through violence.

The three petitioners had similar disputes with their husbands about money and were intimidated and abused into ceding it. For context, I will begin with some introduction into the women's marriages. Elizabeth McPharlin sought a judicial separation in 1863, more than twenty years prior to Pauline and Eliza's cases were to appear in court, for reasons of her husband, Daniel's, cruelty. Elizabeth and Daniel lived at Snake Gully Farm, an area located near present day Golden Grove in Adelaide's north-eastern suburbs. Pauline Wien submitted her petition in June 1884 for a dissolution of marriage from her husband, Louis, for reasons of adultery, desertion and cruelty. Over the course of their eight-year-long marriage, Pauline and Louis lived in various parts of Sydney, Melbourne and Adelaide, though they never cohabited. In July 1884, only one month after Pauline's petition was submitted to the Supreme Court, Eliza Hosking sought a judicial separation from her husband, Edwin, on account of adultery and bearing an illegitimate child. Eliza and Edwin lived at Somerton in Adelaide's south-west.

First, let us look at the ways in which extortion and economically-motivated violence presented in the three petitioners' marriages. In 1881, Louis acquired Pauline's property, which she owned prior to marriage, to pay off his debts after becoming insolvent and failing in his

business ventures. Husbands were entitled to do this under coverture. Louis proceeded on various occasions to ‘extort large sums of money from your Petitioner by violence’ when she refused to provide him with money.¹¹ He also attempted to take possession of her remaining property in a suit in the Supreme Court but was unsuccessful. While still living in Sydney, Pauline secured a protection order due to Louis’s desertion, preventing him from taking any more of her money. In her account, Pauline alleged that Louis deceived her into marrying him, stating that if she married him, she would receive £500.¹² An article in *The Evening Journal* on 24 June 1884 explains that Louis had convinced her that ‘the law in New South Wales was such that if she entered into a private marriage with him it would not be binding on her, that she could obtain the money, and that he could procure his licence as a married man’.¹³ Louis convinced Pauline to give him this money, which he had no intention of returning to her, to buy into a hotel. Economic abuse is thus evident from the outset of their marriage.

The next case also illustrates a husband, Edwin, who attempted to extort money from his wife, Eliza, early on in their marriage. One year after their wedding in 1880, Edwin had an affair with a young woman named Isabella Watt. When Edwin discovered that Isabella was pregnant, he requested that Eliza provide money to help pay for Isabella’s journey to England to ‘avoid scandal and exposure’ in South Australia.¹⁴ Edwin, Isabella and Eliza—who was, according to her petition, ‘under the influence of the Respondent’—went on this trip together, before leaving the baby in England.¹⁵ Eliza maintained the living costs of Isabella and her child in addition to Isabella’s passage to and from England. Three months after returning to Adelaide, Edwin continued to see

¹¹ SRSA, GRG 36/51 Matrimonial petitions, no. 557, 1884, Pauline Wien.

¹² SRSA, GRG 36/51/557, 1884, Wien.

¹³ “Petition for a Dissolution of Marriage. An Extraordinary Case,” *The Evening Journal*, 24 June 1884, 3.

¹⁴ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 563, 1884, Eliza Hosking.

¹⁵ SRSA, GRG 36/23/563, 1884, Hosking.

Isabella, eventually resulting in their second pregnancy. When Edwin requested that Eliza help ‘assist him to arrange for the disposal of the child’ she refused. Edwin then demanded

that [Eliza] who is possessed of Separate Property should provide him with funds to do so himself but [she] refused and the Respondent then took possession of the deeds of certain property at North Adelaide belonging to and purchased with [Eliza’s money] but which he had procured to be made out in his own name and pledged the same for an advance to enable him to go to Sydney where he again went to visit the said Isabella Watt.¹⁶

Edwin was controlling of Eliza’s money in other ways, too. He prevented Eliza from having her own separate bank account, despite her occasionally providing credit to his name. In his deposition, Edwin claimed that Eliza knew that he was purchasing the property in North Adelaide under his name. By stark contrast, Eliza explained in court that:

The money for the North Adelaide property was not paid to his credit. I gave him a cheque to complete the purchase, and I believe he placed the money in his own account. The deeds were made out in his name and were placed in my box, of which each of us had a key.¹⁷

Edwin and Eliza’s differing accounts show how contested money was in abusive relationships. Furthermore, Edwin, much like Louis and Daniel, as we will soon see, was uncomfortable with Eliza’s wealth and the degree of power, however limited, that it afforded her.

Elizabeth’s case was largely built around one major violent incident that was instigated by Daniel’s belief that Elizabeth had stolen his money. Despite Elizabeth pleading that she was innocent, Daniel stood over her with a horsewhip and said ‘he would use it if she did not confess to having taken it’.¹⁸ Following this event he was regularly abusive, particularly when he discovered a letter addressed from England indicating that Elizabeth would inherit land in

¹⁶ SRSA, GRG 36/23/563, 1884, Hosking.

¹⁷ “Petition for Judicial Separation,” *The Adelaide Observer*, 4 October 1884, 31.

¹⁸ “Law and Criminal Courts,” *South Australian Register*, 18 June 1863, 3.

Cornwall from her late mother. Daniel's cruelty worsened when he came to believe that Elizabeth had given the land to her father, whom Daniel regarded as a 'swindler and a cheat', and of selling it 'without his knowledge'.¹⁹ Daniel's attack subsequent to Elizabeth allegedly stealing his money aligns with Pamela Haag's research into marital relationships in late nineteenth-century New York, in which she argues that the prevalence of men's abuse towards women at the end of the pay week 'suggests that economic stress provoked domestic violence'.²⁰ Clearly, Daniel's attempted control over the money Eliza was due to inherit demonstrates signs of extortion through violence.

As stated earlier, Pauline, Eliza and Elizabeth endured a plethora of abuse alongside the extortion. This included physical abuse and verbal abuse. First, we will consider this variable through the case of Pauline. After Pauline and Louis married, they resided at the same hotel, though in separate apartments, until Pauline was forced to leave on account of his violence and refusal to maintain her. When Pauline did not give Louis money, he 'frequently in violent and offensive language abused your petitioner and said he would poison her'. At other times when Pauline refused to provide Louis with more of her earnings, Louis 'broke the doors and windows' of her house, forcing her to seek police protection.²¹

Daniel began subjecting Elizabeth to threats and physical abuse only six months after their wedding. Elizabeth's case contained so much violence over such an extended period that it is difficult to summarise her experience from just a few incidents. However, it is important to communicate just how much violence she was forced to endure on a near-daily basis. In addition to Daniel's use of a whip as a weapon, he also, at one stage, 'took up a gun, and locking

¹⁹ "Law and Criminal Courts," *South Australian Weekly Chronicle*, 20 June 1863, 7.

²⁰ Pamela Haag, "The 'Ill-use of a wife': Patterns of Working-Class Violence in Domestic and Public New York City, 1860-1880," *Journal of Social History* 25, no. 3 (1992): 450.

²¹ SRSA, GRG 36/51/557, 1884, Wien.

the door threatened to shoot the first person that went out or came in'.²² Daniel used physical abuse in an attempt to coerce Elizabeth into giving him the letter containing details of her inheritance. Elizabeth managed to get away from him, 'but he caught her again, pushed her down, and kicked her as she was lying on the ground, and dragged her into the house, which injured her so much that she lost the use of her limbs'.²³ On one occasion, when she 'looked like a dying creature from the effects of the whip', Elizabeth remained outside all night until she was accosted by Daniel in the morning for having not yet milked the cows.²⁴

Unlike Daniel McPharlin and Louis Wien, Edwin Hosking extorted money without physical abuse or threats of physical abuse. When Eliza refused Edwin funds for Isabella's stay in Sydney, where she gave birth to her second child, Edwin resorted to taking possession of her property in North Adelaide. Subsequently, Eliza avoided all contact with Edwin and refused to live with him because she was 'afraid of his influence over her'.²⁵ During this period, Eliza fled to the Rock Tavern, a lodging-house in Norton Summit in the Adelaide Hills, where she hid with her daughters. Her fear indicates the existence of abuse, which was perhaps emotional or verbal in nature. Edwin's open adultery and disregard of its effect on Eliza can also be understood as a significant and humiliating pressure that she was forced to endure for a number of years. In a letter addressed to Edwin, Eliza explained how she had been a 'victim' to his controlling behaviours throughout their marriage and that she was seeking a separation. According to *The South Australian Advertiser*, Joseph Bennett, commission agent and a friend of Eliza's, provided Edwin with her letter, which reads:

I am sorry that Mr. Bennett should have been so easily persuaded as to come to me for a second assurance that *I will never see you again*. I have been the victim of

²² "Law and Criminal Courts," 3.

²³ "Law and Criminal Courts," 7.

²⁴ "Law and Criminal Courts," 7.

²⁵ SRSA, GRG 36/23/563, 1884, Hosking.

your scheming selfishness long enough. I have left it entirely in Mr. Bennett's hands to settle matters with you, and the longer you keep him waiting the worse you will find it will be for you.

-E. Hosking.²⁶

Edwin lied about his age before their wedding, only reinforcing his already coercive and deceptive behaviour. The day after the ceremony Edwin told Eliza that it was 'no use deceiving [her] any longer'. Eliza, who was forty at the time of their marriage, said that she did not 'think [she] should have married him if [she] had known he was only twenty-five', rather than thirty-five as he had claimed.²⁷ It is clear that Eliza was coerced by Edwin and that she was cognisant of this fact.

Each of the three cases received much public attention and sensational reportage. Extreme violence aside, extortion was a subject that elicited huge interest in newspapers, perhaps because it demonstrated a power imbalance between a husband and wife. While the cruelty and adultery were considered proven in Pauline's case, Justice Boucaut, who served on Ann Heylen's case which we looked at in Chapter Two, found the desertion unproved as the couple had decided to live apart. Although Mr A. Davies, Pauline's lawyer, argued that for the entire year Louis had been living in Adelaide and refusing to maintain Pauline who was still in Sydney, Boucaut pointed out that Pauline could have resided with Louis. Meanwhile, in addition to being physically abusive, he also had not supported her financially. Boucaut's comments reveal that he had an inflexible understanding of desertion, to say the least, but it is also likely that the fraudulent marriage and issue of the £500 further swayed his decision:

Mr. Justice Boucaut - This is a most extraordinary thing, that a woman should go to Church with a man, and then refuse to live with him.

²⁶ "Law Courts," *The South Australian Advertiser*, 2 October 1884, 3. Emphasis given.

²⁷ "Petition for Judicial Separation," 31.

Mr. Davies - That is explained. She went through what she thought was merely a form in order to obtain possession of her property.

Mr. Justice Boucaut - She ought to have thought of that before.²⁸

Boucaut denied that Pauline's protection order was legitimate, as 'the husband had a right to take what was his own, and he was not guilty of any cruelty in doing so. It was cruelty on the part of the petitioner to refuse him the use of the property'.²⁹ Even under coverture, courts sometimes decided that wealthy or working women were obliged to support their husbands if they were unable to—or out of—work. Boucaut seems to have taken this approach in arguing that Louis was entitled to Pauline's earnings. As Sara M. Butler argues, 'legal professionals heaped blame on the shoulders of the wife when she suffered for her husband's poor choices and even suggested that she should have married more wisely'.³⁰ Despite the considerable difference between the cases, Boucaut's judgement of Pauline's case is strikingly similar to his interpretation of Ann Heylen's case. In both examples, Boucaut considered the wife's marital duty more important than the fault committed by the husbands. Moreover, he had little sympathy towards Pauline who was deceived into a marriage, had sums of money extorted, and other property taken as a result of her husband's insolvency. Boucaut also disapproved of Pauline entering into a marriage that was 'a grossly illegal transaction' in order to seek a sum of money that had been promised to her.³¹ Boucaut's decision was likely guided by Pauline's wealth. As Bridget Brooklyn explains with regard to divorce cases of the wealthy:

Supreme Court reluctance to dissolve the marriages of the rich and powerful was overcome by the very premisses upon which this reluctance was based. The need

²⁸ "Petition for a Dissolution of Marriage. An Extraordinary Case," 3.

²⁹ "Petition for a Dissolution of Marriage. An Extraordinary Case," 3.

³⁰ Sara M. Butler, "Discourse on the Nature of Coverture in the Later Medieval Courtroom," in *Married Women and the Law: Coverture in England and the Common Law World*, ed. Tim Stretton and Krista J. Kesselring, (Montreal: McGill-Queen's University Press, 2013), 40.

³¹ "Petition for a Dissolution of Marriage. An Extraordinary Case," 3.

to preserve intact a set of marital values necessitated shielding the public from evidence that South Australia's social leaders were not performing their marital duty.³²

Therefore, harsher judgements directed towards wealthier women may indicate the judiciary's wish to regulate wealthier women's access to divorce.

In any case, judges also ruled against middling and working-class women. Chief Justice Sir Richard Hanson, who served from 1861 to 1876 before Sir Samuel Way's thirty-nine-year-long term beginning in 1876, concluded that some of Elizabeth's McPharlin's accusations of cruelty had to be dismissed because there was 'no proof that this was a consequence of the conduct of the respondent'.³³ Hanson stated that a wife,

when attempting to free herself from the responsibilities of married life on the ground of the cruelty of her husband, was bound to bring corroborative evidence, or show that the acts of cruelty of which she complained took place under circumstances which rendered it impossible that any corroborative testimony could be produced.³⁴

This response highlights how difficult it was for women to prove acts of violence without physical evidence. It reminds us that courts needed physical proof of violence.³⁵ The judge, however, did argue that Daniel's excessive control over Elizabeth's freedom to accept visits from family was unacceptable:

if a mother-in-law went to see a daughter, even if she had been previously warned not to visit her, and she was forbidden seeing her, that would be conduct on the part of the husband which a wife was not bound to submit to.³⁶

³² Bridget Brooklyn, "Something Old, Something New: Divorce and divorce law in South Australia, 1859-1918," (PhD diss., University of Adelaide, 1988), 97.

³³ "Law and Criminal Courts," *South Australian Register*, 18 June 1863, 3.

³⁴ "Law and Criminal Courts," 3.

³⁵ Sarah Ailwood, Patricia Easteal and Jessica Kennedy, "Law's indifference to women's experience of violence: Colonial and contemporary Australia," *Women's Studies International Forum* 35, no. 2 (2012): 92.

³⁶ "Law and Criminal Courts," 7.

While Elizabeth was unsuccessful in proving her case of Daniel's cruelty, the judge acknowledged that Daniel exercised unreasonable control over his wife.

Judges seemed more sympathetic towards women when husbands had committed adultery. In Eliza's case, Chief Justice Samuel Way noted that Edwin had 'repeatedly broken his marriage vow', and accordingly, he decided to 'accept the petitioner's evidence'.³⁷ Various newspaper articles reported on Eliza's case. One article titled 'A Shameful Case' published in the *Riverine Herald*, referred to the Hosking case as 'such an account of human depravity that it is well for the morals of our community our law courts are not disgraced very often by such proceedings'.³⁸ The author wrote that the significant decline in income that Eliza experienced on marrying Edwin

would, it might be thought, have made her somewhat careful as to the character of the man who should seek her hand. But women are easily duped; and she has been terribly deceived in the defendant, who evidently married her for her money, proved himself unfaithful to her, ruined a girl, and has now blasted his own reputation the judicial separation which the court has granted will awaken him to the fact that he has no longer a well-filled purse at his command.³⁹

The author's attitude indicates that, while some may have criticised Edwin's controlling behaviour and for marrying Eliza for her money, they likely also believed that Eliza was at fault for naively selecting such an inappropriate husband in the first place. This judgement potentially mirrors modern-day attitudes that blame victims for enduring abuse and failing to leave their partner. Jess Hill points out that 'if we were to think about *his* actions as much as we think about hers, it would make *even less* sense that a man who inflicts abuse on his partner would want to stay – and even kill her after she leaves. Why does *he* stay?'⁴⁰

³⁷ "Law Courts," *The South Australian Advertiser*, 2 October 1884, 3.

³⁸ "A Shameful Case," *Riverine Herald*, 20 October 1884, 2.

³⁹ "A Shameful Case," 2.

⁴⁰ Jess Hill, *See What You Made Me Do: Power, Control and Domestic Abuse*, (Carlton: Black Inc., 2019), 7.

The final factor that is relevant to Pauline, Eliza and Elizabeth's experiences of extortion was their class. After the trial, Pauline advertised a notice in *The Express and Telegraph*.

A black and white photograph of a newspaper notice. The text is printed in a bold, serif font. It reads: "I Hereby give NOTICE that a LEGAL SEPARATION has been signed between LOUIS WEIN and PAULINE WEIN, he having left the colony for good. In future I will be responsible for all my own Liabilities. 383,5,9 PAULINE WEIN. W".

Figure 4.1 Pauline Wien's notice of her separation from Louis Wien.⁴¹

Pauline's notice is the only example from the sources in which a petitioner publicly asserted that her husband would no longer be responsible for her. Pauline already owned properties prior to her marriage to Louis, and after their separation she also ran several cafes and restaurants around Sydney and Melbourne. The businesses Pauline ran did not last for long, and she sometimes got into considerable trouble with the law, as we will now examine.

Pauline's case demonstrates a large degree of mobility between the colonies. One year after submitting her petition in 1884, Pauline reappeared in the courts. This time, though, she was at the Police Courts, having been accused of ordering a large quantity of champagne and not paying the seller the agreed costs. Although she claimed that the wine was for personal use when guests visited, another article indicates that she was attempting to secure a licence for the South Australian Club Hotel but had been unsuccessful.⁴² After this, Pauline all but disappeared from the records in South Australia. She did, however, turn up in an 1886 advertisement for an apartment in Coogee, New South Wales under the new identity of Pauline Francois.⁴³ By this point, Pauline seemed mostly confined to Melbourne, where she opened a number of bars including the Breton cafe in Bourke Street, the Monaco cafe in Gertrude Street, Fitzroy, and Baden Baden cafe in Russell Street. In 1888 Pauline described Baden Baden café as 'The most Elegant cafe in the city ...

⁴¹ "Public Notices," *The Evening Journal*, 20 December 1884, 4. Please note that Pauline's surname is spelt Wien in the petition and Wein in this newspaper notice. I have used the spelling used in the court documents.

⁴² "Local Courts," *South Australian Register*, 4 December 1885, 7.

⁴³ "Apartment, Board and Residence," *The Sydney Morning Herald*, 10 April 1886, 5.

furnished with the greatest comforts for visitors. Best brands of champagne, spirits and cigars'.⁴⁴ Pauline became known by her alias of Madame Vine or Pauline Vine, and on various occasions, fell into trouble for 'sly-grog selling', or selling alcohol without a licence.⁴⁵ In late 1889, Pauline was found guilty of 'keeping a disorderly house' on Lygon Street.⁴⁶ While on bail she fled Melbourne and boarded a ship headed to Hong Kong where she remained for three months before being apprehended by a police constable and brought back to Australia.

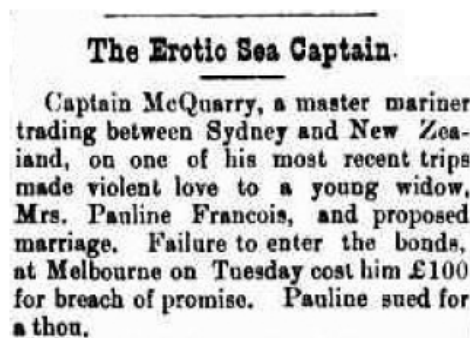


Figure 4.2 Breach of promise case between Captain McQuarry and Mrs. Pauline Francois.⁴⁷

On her return, newspapers reported her 'fraudulent insolvency'.⁴⁸ In court her clothing was described as

somewhat seedy and neglected, and the expression of her countenance was that of a woman, conscious of unmerited persecution and resolved at any cost to resist it. She made a mild protest against her case being remanded, and when removed heaved a sigh like the bursting of a volcano of virtuous indignation.⁴⁹

Pauline was four years later in 1893 the subject of more press when she sought £1000 in damages from master mariner Hector McQuarry for failing to enter into marriage with her. The pair met on

⁴⁴ "Hotels, Holiday Resorts," *The Age*, 23 February 1888, 6.

⁴⁵ "Sly-Grog Selling at Fitzroy," *Weekly Times*, 30 March 1889, 6.

⁴⁶ "Suppression of Disorderly Houses," *The Argus*, 2 July 1889, 9.

⁴⁷ "The Erotic Sea Captain," *National Advocate*, 31 August 1893, 2.

⁴⁸ "Victoria," *Newcastle Morning Herald and Miners' Advocate*, 6 November 1889, 5.

⁴⁹ "The Case of Madame Vine," *The Herald*, 6 November 1889, 3.

board a ship from Sydney to Melbourne where they ‘became intimately acquainted’.⁵⁰ This event generated some public interest, evident in the article pictured above. Pauline’s entrepreneurial endeavours shared some commonalities with those of other petitioners. As we have observed in Chapter One and Two, deserted and abused women who were in precarious financial situations sometimes opened businesses such as lodging-houses, public houses and cafes to find some financial independence. Pauline ended up disgraced in national newspapers and insolvent, just like Louis. It is difficult to determine whether Pauline’s dubious businesses were driven by desperation following the separation and Louis’s extortion or if this was the only way that she was accustomed to earning money.

Catherine Bishop explains that Sydney was an ideal place for women with failed businesses to relaunch themselves.⁵¹ They were ‘among the most mobile of businesswomen, journeying between colonies and across oceans, often reinventing themselves as they went’.⁵² While this movement between cities or businesses may have kept some women a few steps ahead of the police or their creditors, Pauline faced numerous legal difficulties in her career as a publican. Even with the agency and resilience that Pauline used to open and run her businesses, she seemed unable to gain control of her finances after her years of abuse and eventual separation from Louis. Pauline’s case shows us that it often took much more than a woman’s individual efforts to gain financial independence and safety, particularly after years of economic and physical abuse.

Even more so than Pauline, Eliza had considerable wealth prior to her marriage to Edwin. Eliza allegedly received £8000 to £9000 per annum after the death of her first husband, a wealthy squatter from the Riverina area in New South Wales. On marrying Edwin, her annual income fell

⁵⁰ “A Breach of Promise Case,” *The Argus*, 30 August 1893, 7.

⁵¹ Catherine Bishop, *Minding Her Own Business: Colonial Businesswomen in Sydney*, (Sydney: New South Books, 2015), 238.

⁵² Bishop, *Minding Her Own Business*, 237.

to between £2000 and £3000.⁵³ Eliza's income from her first marriage was well above Edwin's wage when he had been a master at Prince Alfred College. In court Eliza stated that 'when [she] was married [she] knew that he had no money'. Edwin had stopped working before their wedding. Eliza felt that he should 'employ his time, and was always anxious that he should do something to keep out of idleness'. Furthermore, Eliza explained that she would 'from time to time place money to his credit so that he might not appear to be dependent on [her]'.⁵⁴

Elizabeth McPharlin's petition suggests that she was not of the same socio-economic status as Pauline or Eliza. However, in her petition for alimony Elizabeth wrote that from Daniel's work as a 'Farmer and breeder of horse Stock and Cattle', he made around £500 per year. Even taking into account the fact that women often overestimated men's salaries in alimony petitions, Daniel was likely not poor. Furthermore, Elizabeth noted that Daniel had told her he was worth 'the Sum of Three thousand pounds and upwards'.⁵⁵ In addition to his yearly income, he possessed at least five allotments of land around Adelaide. In Daniel's alimony response, however, he explained that he earned nowhere near the amount that Elizabeth had suggested, instead pointing out that he was in significant debt. He also noted that Elizabeth was 'a young woman accustomed to Dairy work and Needlework and well able to get her own living and while living and cohabiting with this respondent was accustomed to milk Cows make Butter and assist in the work of the house'.⁵⁶ While Daniel was trying to prove that Elizabeth could earn her own money, this statement also indicates potential underlying exploitation, as she was expected to fulfil so many tasks. Both Daniel and Elizabeth illustrate how wives sometimes overestimated their husbands' yearly earnings and husbands overemphasised their wives' ability to earn their own wage.

⁵³ "Petition for Judicial Separation," 31.

⁵⁴ "Petition for Judicial Separation," 31.

⁵⁵ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 57, 1863, Elizabeth McPharlin.

⁵⁶ SRSA, GRG 36/23/57, 1863, McPharlin.

We can see, therefore, that even wealthy women were taken advantage of by their husbands. One might assume that due to their wealth and status, these women could have supported themselves financially should their husbands have become economically abusive. But Pauline Wien's case demonstrates how difficult it was for a woman to regain financial independence after an abusive and controlling marriage, even if she had the ability to relocate to different cities and launch new businesses. Elizabeth McPharlin's case highlights how inheritances and alleged theft of funds could act as kindling and justification for a husband's serious physical abuse. Eliza Hosking was ridiculed for her choice of a dishonest and scheming man, but she was also considered by Justice Way to be more sincere than Edwin. In sum, women's class, the presiding judge's interpretation and media's representation of the case, and the coexisting violence that accompanied the extortion, all affected how women coped in situations of extortion and other economic abuse.

Exploitation

Exploitation is the most common variant of economic abuse I consider in this chapter. Eight per cent of all female petitioners gave evidence that their husbands had exploited either their productive labour outside the home or their reproductive labour inside the home. Exploitation of both kinds of labour emphasises how central women's work was to a family's income. Men often complained of an economic deficit to their business in the absence of their spouse, whether or not their wife truly 'deserted' them.⁵⁷ This emphasises how indispensable women were to a family's economic maintenance, especially in family-owned businesses. According to Joanne Bailey, 'spouses' labour and earnings forged interdependency'.⁵⁸ Without a woman contributing to the

⁵⁷ Joanne Bailey, *Unquiet Lives: Marriage and Marriage Breakdown in England, 1660-1800*, (Cambridge: Cambridge University Press, 2003), 191-192.

⁵⁸ Bailey, *Unquiet Lives*, 97.

household economy through participation in the family business or completion of the domestic tasks, men struggled to juggle work and raise their families. As a result, the family unit and its economic stability could easily disintegrate.

Evan Stark's *Coercive Control: How Men Entrap Women in Personal Life* (2007) details how closely bound the structure of coercive control is to a woman's performance of traditional gender roles, such as domestic housework. Stark explains that:

the immediate object of micromanagement is less important than its larger role in solidifying a woman's generic obedience to male authority: her "doing femininity" in ways that accord with [the partner's] stereotype of her gender role allows him to "do masculinity" as he imagines it should or *must* be done.⁵⁹

Women's gendered roles in the household have evolved since the nineteenth century, however, women still do the majority of the domestic housework and child-rearing tasks.⁶⁰ Sociologist Arlie Hochschild refers to this as the 'second shift', whereby women are exploited to undertake the bulk of the domestic housework in addition to their paid employment.⁶¹

This section examines examples of women who were forced to take on disproportionate quantities of work in and out of the home due to their husbands' exploitation. First, let us revisit two cases from the first two chapters, Ann Garland and Emily Field, and also meet a new petitioner, Sarah Low. Each of the petitioners experienced exploitation on top of desertion or failure to support. Ann Garland, who was deserted by William for more than three years, ran the Britannia Hotel in Norwood. This work supported her, her four children, and also William, who relied on her income even before his desertion as he did not work. After his desertion, William requested over several letters that she send him money, after which she remitted £6 'to enable him to pay his

⁵⁹ Evan Stark, *Coercive Control: How Men Entrap Women in Personal Life*, (Oxford: Oxford University Press, 2007), 213.

⁶⁰ Sarah Thébaud, Sabino Kornrich and Leah Ruppanner, "Good Housekeeping, Great Expectations: Gender and Housework Norms," *Sociological Methods & Research* (May 2019): 2.

⁶¹ Arlie Hochschild, *The Second Shift: Working Parents and the Revolution at Home*, (London: Piatkus, 1989), 7.

passage to Adelaide but the said William Garland has not since been heard of'.⁶² Emily Field, whose husband, John, was abusive to her during pregnancy—culminating in the birth of a stillborn—provided financially for John and their four children. Emily worked 'very hard as a needlewoman' but John

has frequently taken from your Petitioner the money which she has earned by the labor of her own hands and has habitually when living with your said Petitioner refused to work so long as your Petitioner could work to supply him with food and drink.⁶³

Emily also took in lodgers at their house, but she was forced to stop working for long periods of time as a result of John's abuse. Given that John threatened to kill her when she refused to give him money, we can see that there were several overlapping layers of economic and physical abuse in Emily's experience. In a similar example, Sarah Low's husband, John, refused to work. He forced Sarah to 'work at manual labor in addition to and in excess of her domestic duties'. In her petition, Sarah wrote that she was 'compelled by him to and did constantly saw timber with a crosscut saw chop timber and load carts'.⁶⁴ She worked up until the three months prior to giving birth, reinforcing the excessive amount of work that John forced upon her. Ann, Sarah, and Emily's cases show how embedded exploitation was with cases of desertion and failure to support. All three petitioners were forced into becoming the primary earner for the family, despite the fact that their domestic duties were not reduced.

Women often worked long hours in family businesses without any remuneration. Unlike Ann and Sarah, whose work was relatively removed from William and John's interference, one petitioner called Mary Ellen Kains was made to do a large amount of work at her husband's store.

⁶² SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 18, 1860, Ann Garland.

⁶³ SRSA, GRG 36/51 Matrimonial petitions, no. 251, 1875, Emily Field.

⁶⁴ SRSA, GRG 36/51 Matrimonial petitions, no. 241, 1874, Sarah Low.

This meant that she did not receive a wage herself. In her petition for alimony, Mary estimated that her husband, James, yearly earned around £150 from his business as a storekeeper in Crystal Brook, among a number of other income streams from property. However, James denied this, arguing that ‘the said business does not now yield any profit whatever’.⁶⁵ James claimed that since Mary

left home in the month of March last and partly owing to her desertion of me and the consequent loss of her services in connection with the management of the said business the same has been carried on at a loss.⁶⁶

This statement underscores the value that Mary brought to James’s business. James further revealed that she was responsible for ‘receiving all moneys payable to [him] and making all payments on [his] account’. Mary had this role because James was unable to read or write. James believed that Mary was ‘abstracting [his] moneys and retaining and applying the same to her own use’ while fulfilling these tasks, such as writing cheques and operating his bank account.⁶⁷

The Kains example reveals highly unusual marital power dynamics. While James was physically violent towards Mary on a few occasions, he was not in control of the family’s finances. On account of his cruelty and threats that he would kill her if she returned, Mary was compelled to board with her mother, for which James refused to pay.⁶⁸ Mary may have taken large sums of money from the business as James claimed, but it is evident that she was exploited for her work in the family business, for which she received no remuneration. James defaulted to the most common response to abuse and refusal to maintain accusations by saying that Mary was often ‘neglecting her child and domestic duties and squandering and wasting [his] money and property’.⁶⁹ James

⁶⁵ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 275, 1876, Mary Ellen Kains.

⁶⁶ SRSA, GRG 36/23/275, 1876, Kains.

⁶⁷ SRSA, GRG 36/23/275, 1876, Kains.

⁶⁸ “Law and Criminal Courts,” *The Evening Journal*, 21 September 1876, 3.

⁶⁹ SRSA, GRG 36/23/275, 1876, Kains.

thus attempted to cast doubt on Mary's credibility, despite the fact that he, simultaneously, emphasised her value and importance to the family's economic stability. James used Mary's alleged improper behaviour to justify his incessant cruelty towards her. Over the course of their marriage, James threatened Mary with a variety of weapons. Like Daniel McPharlin, who also whipped his wife, James threatened to 'knock [Mary's] brains out' with a bullock whip. At other times, James threatened Mary with a shot gun and an axe. When James reproached Mary about her drinking, she allegedly treated him with 'violence and neglect and was in the habit of abstracting money from [his] cash box and removing goods from [his] store or place of business and selling the same for the purpose of raising money to procure intoxicating drink'.⁷⁰ It is clear how enmeshed accusations of women's drunkenness were with men's cruelty.

Several witnesses supported James's accusations that Mary drank on occasion, but not to the extent that he claimed. A domestic servant named Jane Snodgrass witnessed James hit Mary in Port Pirie in 1874. James had claimed this injury came about 'in consequence of [Mary] playing the piano to a lot of drunken sailors'.⁷¹ Despite James's accusations about Mary being adulterous, it was actually James who, in 1879, pleaded guilty to a charge of carnal knowledge with a girl under thirteen years of age. She was hired from the Destitute Asylum to be a general assistant for the family. James was acquitted, as according to one newspaper account, 'it was clearly shown that [the girl], although young in years, had graduated in vice'. The case 'elicited a sad state of morals on the part of the prosecutrix'.⁷² While it can be difficult to determine whether Mary or James was more honest due to their contradictory statements about how much income James earned, there are other clues that help to shed light on the couple's economic situation. For

⁷⁰ SRSA, GRG 36/23/275, 1876, Kains.

⁷¹ "Law and Criminal Courts," *The Evening Journal*, 21 September 1876, 3.

⁷² "Law Courts," *The Express and Telegraph*, 13 March 1879, 3.

instance, six years before the case for separation in 1876, James advertised a debt notice against Mary. Although Mary was key to the family business, not to mention the maintenance of the domestic tasks and childcare, James claimed that she neglected her marital duties.

As we saw in Elizabeth McPharlin's case, some women probably overestimated their husbands' income and assets in petitions for alimony. Accordingly, men responded that they earned far less than their wives claimed, and often highlighted their unpaid debts, financial hardship and the women's financial frivolity and extravagance.⁷³ Men blamed their wives for spending their money on unnecessary goods or luxuries. In nineteenth-century cases regarding wife desertion and divorce, Piper notes that one method men often employed in their court defence was to claim that women were 'financially irresponsible'.⁷⁴ Almost anything could be considered irresponsible or indulgent by a husband, but the purchase of clothes and household items were most commonly referred to in the petitions.

Henry Glover used his wife's alleged extravagance to justify his violence and refusal to care for her. Henry accused Ann of not attending to the children or domestic affairs 'for the last thirteen years' of their sixteen-year marriage. Ann apparently allowed the children to 'remain in a dirty and improper state,' choosing instead to spend money 'on dress beyond the means or position of respondent'.⁷⁵ His accusation of her owning 'nearly twenty drapes' and buying a dress using funds raised by selling Henry's possessions when the children were 'nearly naked' demonstrates, yet again, how simple it was to create the image of an extravagant wife. The items that Ann had allegedly sold without Henry's permission were 'three bars of soap, twenty pounds of sugar, two bladders of lard, some potatoes, and apples in the season'.⁷⁶ His response ends with the statement

⁷³ Bailey, *Unquiet Lives*, 88.

⁷⁴ Piper, "Understanding Economic Abuse as Domestic Violence," 42.

⁷⁵ SRSA, GRG 36/23 Documents relating to matrimonial petitions, no. 15, 1859, Ann Glover.

⁷⁶ "Law and Criminal Courts," *South Australian Register*, 6 June 1860, 3.

that due to the ‘negligence and extravagance of the said petitioner has been obliged to mortgage his property’. Henry admitted that he did turn her out of doors but only because of the ‘misconduct and annoyance’ of her behaviour.⁷⁷

Along with enduring ten years of physical abuse, Ann was also subjected to Henry’s infidelity with their young female servant. On one occasion, when Henry forced Ann to leave the house after an attack, he ‘refused to let her come back for upwards of three months’.⁷⁸ Furthermore, Ann explained that she fulfilled countless duties in and around the house, especially before they hired the servant. Ann described how she ‘performed all of the housework, milked the cows, fed the pigs, helped to cut down trees, and assisted her husband in his farming operations’.⁷⁹ She denied that she had ever neglected the children or allowed her house to become untidy. Ann admitted to selling some of Henry’s possessions, including the lard, some sugar, and fruit from the garden, but only because the children needed new clothes, requiring funds that Henry refused to provide.⁸⁰ In Brooklyn’s interpretation of the Glover case, she points out that

Whether or not [Ann’s] claims were true, the pathetic list of items sold to provide for her children paints quite a different picture than her husband’s tales of her gadding about town in her finery. Her own emphasis on the importance of her duty as a mother may have been sincerely felt – or it may have been used as a tactic to gain the sympathy of the Court. In any event, she took care to make this emphasis, and would put herself in a better position than if she had simply denied the charge.⁸¹

When a woman’s moral character was under question in a divorce trial, witness accounts could help to substantiate their testimonies. One witness named Ellen Leahey, who used to live with Ann and Henry, was a servant at the Morning Star Hotel in Chain of Ponds. Ellen testified that Ann

⁷⁷ SRSA, GRG 36/23/15, 1859, Glover.

⁷⁸ SRSA, GRG 36/23/15, 1859, Glover.

⁷⁹ “Law and Criminal Courts,” 3.

⁸⁰ “Law and Criminal Courts,” 3.

⁸¹ Brooklyn, “Something Old, Something New,” 253.

was ‘a most prudent, hardworking, attentive woman, one that never sought or encouraged the notice of strange men’, contrary to Henry’s comments that Ann was adulterous. Ellen noted that Ann had far less freedom to access the money in his bar than Henry had suggested. She also divulged that Henry had asked her if she would ‘consent to be Mrs Glover when his wife died,’ to which she replied ‘she would not be for £1000’.⁸² Another witness named Ann Peet supported Ann’s claims that Henry had been physically abusive to her a number of times.⁸³ Henry’s lack of care for Ann after giving birth reminds us of the fact that 12% of petitioners experienced some form of physical abuse while they were pregnant, in confinement, or while holding their babies or infants. As they lived in Maidstone, a rural town in the Adelaide Hills, it is likely that Ann had limited options to seek help when Henry was abusive, especially when she was pregnant.

Ann Glover and Mary Ellen Kains were accused by their husbands of failing to attend to their domestic duties. This accusation corresponds with the distrust men had of women’s purchases. Ann Glover’s husband used this accusation to justify his violence and failure to support. Although some husbands expected their wives to be financially responsible for the family, they also directly hindered women’s attempts to earn money. This is particularly evident in Emily Field’s case when she became so sick and overworked that she could no longer earn a wage as a needlewoman. Men’s refusal to provide financial support forced women to earn their own money or take control of the family business. However, men subsequently became suspicious of women stealing money or mismanaging finances, as we saw with James Kains, who wholly depended upon Mary Ellen Kains to manage the financial side of the business. Exploitative husbands placed completely unreasonable expectations and demands on their wives but they also wished to control the money that their wives earned. A similar pattern can be found in sabotage cases.

⁸² “Law and Criminal Courts,” 3.

⁸³ “Law and Criminal Courts,” 3.

Sabotage

There were four clear examples of sabotage in the sources, three of which we will note in detail. Rachel Hince, Harriett Gotting and Evelyn Helen Sinclair each ran public houses. The behaviour of the women's husbands illustrates how easy it was for men to discredit a woman's business and threaten her financial independence. All women struggled to maintain their businesses due to their husbands' ongoing and extreme physical abuse, drunkenness and verbal threats.

Evelyn Helen Sinclair and her husband, Walter, ran the Shakespeare Hotel on Waymouth Street together before she went on to manage two other hotels on her own. Harriett Gotting and her husband, August, ran the Livingstone Arms in Port Adelaide. Rachel Hince was married to Francis Goode Hince, a butcher who in 1873 was awarded a prize at the Globe Hotel in Adelaide for his successful preservation of meat.⁸⁴ Francis and Rachel ran Britannia House and the Avoca Hotel. All three women had similarly challenging experiences of managing businesses while trying to survive their husbands' abuse.

Evelyn, Harriett and Rachel recounted various acts of physical violence that hampered their ability to run their businesses. While managing the Shakespeare Hotel, Walter often physically and verbally abused Evelyn, causing her to 'suffer great pain both in mind and body'.⁸⁵ In the following year Evelyn began managing the Dolphin Hotel on Rundle Street, and Walter, once again, became physically violent towards her. The petition demonstrates that 'by reason of her said husbands conduct as last aforesaid your Petitioner was prevented from carrying on her business at the said hotel which she left shortly afterwards'. In 1888 Evelyn ran another hotel, this time the Selborne Hotel on Pirie Street, where Walter was again abusive towards her. On one occasion

⁸⁴ "Presentation to Mr. F. G. Hince," *South Australian Register*, 19 April 1873, 6.

⁸⁵ SRSA, GRG 36/51 Matrimonial petitions, no. 652, 1888, Evelyn Helen Sinclair.

Walter ‘kept her a prisoner in her own bedroom for a long time’ preventing her from fulfilling her necessary work tasks.⁸⁶

Similarly, for an extended period of time while Harriett and August managed and lived at the Livingstone Arms, August physically and verbally abused Harriett. August committed a number of vicious attacks on Harriett, including one instance when he ‘attempted to cut her throat and on his seeing blood issuing from her throat he left her’.⁸⁷ His behaviour became so violent that August was no longer permitted to run the Livingstone Arms, and Harriett was made the caretaker. Harriett continued to keep the hotel for twelve months until, her petition reveals, ‘she could not keep it on any longer and was forced to give it up’.⁸⁸ Newspaper reports detailing their divorce proceedings reveal that she was still enduring countless violent attacks through this period. When Harriett asked August for some money to make a small purchase ‘he threatened to burn her alive, and then, without the slightest provocation, he struck her a severe blow on the chest’.⁸⁹ This demonstrates, yet again, the porousness between physical violence and economic control in August’s abuse.

The first lodging-house that Rachel Hince kept was Britannia House, where Francis began acting extremely violently towards her. Rachel’s petition reveals that owing to the ‘drunken habits and bad language and conduct of her said husband her lodgers left and she was obliged to relinquish the said business’.⁹⁰ With the assistance of her family, Rachel began managing the Avoca Hotel on South Road shortly afterwards. Almost instantly, Francis physically abused Rachel at her new workplace, too. On one occasion he ‘threw the contents of a pot of beer over

⁸⁶ SRSA, GRG 36/51/652, 1888, Sinclair.

⁸⁷ SRSA, GRG 36/51 Matrimonial petitions, no. 655, 1888, Harriett Gotting.

⁸⁸ SRSA, GRG 36/51/655, 1888, Gotting.

⁸⁹ “Law Courts,” *The Express and Telegraph*, 8 November 1888, 2.

⁹⁰ SRSA, GRG 36/51 Matrimonial petitions, no. 442, 1880, Rachel Hince.

her infant and herself’ and then attempted to stab her with a knife, only stopped by the appearance of Rachel’s niece, Esther Osborne. The persistent physical abuse, accompanied by Francis ‘indecently exposing himself to his said children’ and destroying some of the furniture with an axe, forced Rachel and her children to flee from the hotel. During this period, Rachel repeatedly left the house and sought protection with her friends due to his violence, only to return to Francis ‘by his solemn promise that he would treat her kindly for the future’, like many other abusive men in the sources. After Rachel was forced to seek protection of the law due to the physical abuse she suffered, Francis was ‘on two occasions confined in the Lunatic Asylum being mad from drunkenness’.⁹¹ Upon returning home after five months, Francis resumed his abusive behaviour at the Avoca Hotel.

As we have seen, it was typical for husbands to be recorded as licensees of public houses and lodging-houses, rather than wives. The Avoca Hotel was licensed under Francis’s name. An article in *The Express and Telegraph* reveals that the Marryatville Hotel was transferred from G. Harding to R. Hince.⁹² As Rachel had been granted her judicial separation from Francis in May 1881, it appears that she was successful in starting her new business as the licensee. She would have had more independence than her earlier experiences running Britannia House and the Avoca as in 1883 Francis died aged 47 at his lodgings at the Globe Hotel in Bowden, where he had received his award for meat preservation 10 years earlier. The article noted that Francis, ‘the overseer of city slaughterhouses’ died from heart disease but also had ‘drunk a good deal’.⁹³ We do not know if Francis sabotaged Rachel’s business with the intent to affect her livelihood.

⁹¹ SRSA, GRG 36/51/442, 1880, Hince.

⁹² “Adelaide Licensing Bench,” *The Express and Telegraph*, 13 December 1881, 2.

⁹³ “Sudden Deaths,” *South Australian Register*, 2 April 1883, 4.

Regardless, the frequency with which Francis threatened Rachel's work and earnings, particularly across a number of different hotels, suggests that his alcoholism was not solely to blame.

Lodging-house keepers and publicans generally lived in the hotel that they kept. This intersection of home and work presented countless difficulties for women with abusive husbands as they had nowhere to flee to aside from the homes of friends and family. When women lived and worked in the same place, it was easy for husbands to interfere with and impair the success of a business or undermine and humiliate their wife in front of customers. Clearly, each of these women had huge difficulty managing their businesses in the presence of their abusive husbands. While their situations differed, these examples offer insight into how challenging it would have been to earn a sufficient income for oneself and one's children while managing a public house or lodging-house. Both Rachel and Evelyn chose to manage new hotels once their husbands had forced them to move, perhaps demonstrating their hope that their husbands would be less violent in the future, as they often promised.

Conclusion

Economic abuse in colonial South Australia was not merely a way of reducing the amount of money somebody had access to or restricting their ability to purchase goods. We know that economic abuse is a key component in the intricate system of coercive control that, over time, worked to degrade and break down a person's resilience and ability to leave a relationship. Most fundamentally, economic abuse is at the heart of coercive control because it renders the victim unable to start a new life on their own, often forcing them to return to their abuser.

The women discussed in this chapter survived consistent economic and physical abuse, and almost all of them found employment in the attempt to relieve their financial troubles. Physical violence was clearly an integral aspect of extortion, because violence or the threat of violence gave

men more control over women and their money. However, as we have seen, women with modest financial means were still taken advantage of by their husbands through the exploitation of reproductive and productive labour. Sabotage took place through physical abuse, drunkenness, or verbal threats, and clearly served the purpose of restricting a woman's ability to earn an income and become financially independent. Each of these variants of economic abuse was closely intertwined with physical abuse in such a way that women were doubly impacted by men's abuse. As a result, the majority of the women in this chapter struggled to find financial independence even if they were successful in their divorce or separation petitions.

Recognising the difficulties that economic abuse alone posed for these women, quite apart from the physical, sexual, and emotional abuse that was also present in most cases, helps us to understand how extreme these situations were. Each variant of economic abuse only strengthened an abuser's coercive control over their partner, just as it does today. But for the women in this study, there were no structures in place to assist those who were forced to endure such terrifying and incomprehensible abuse.

Conclusion

Women in colonial South Australia faced many challenges in their daily lives, not least the tangible threat of marital violence. Although many women found ways around the constraints of coverture laws, legal and social systems were not set up to allow women the same opportunities to find financial independence as were available to men. The near impossibility of finding secure or well-paid work, not to mention the palpable limitations placed on women by myriad childcare and domestic tasks, ensured that wives became economically dependent on their breadwinning husbands. This financial dependence left women more vulnerable when husbands deserted, failed to provide, or subjected wives to other kinds of economic abuse.

This thesis examined the many ways in which men exerted control over their wives through economic abuse in colonial South Australia. Economic abuse comprises various types of coercive behaviours and is difficult to unpick from other kinds of domestic abuse, though this does not mean that it should not be given more focus and attention. This thesis began as a study on wife desertion, which, upon closer investigation, led to a broader study of economic abuse. The collation and analysis of the matrimonial petitions—and later, the supplementary newspaper reports of the individual cases—indicated that the story of wife desertion was almost never an isolated incident in a woman’s life. Rather, it routinely fitted within a complex web of violence, which underpinned the testimonies of many of the women’s petitions for divorce, separation, and protection orders.

In their petitions, deserted women complained that their husbands neglected to provide them with food, clothing, or other household items necessary for survival, that they were often drunk or physically violent, and that they sometimes forced women out of the house overnight or in cold weather. For these reasons, I argued that wife desertion should be situated in the history of economic and domestic abuse. While some research has acknowledged the relationship between desertion and a high incidence of domestic abuse, it is still usually considered as separate from the history of violence. It is necessary to situate wife desertion with these other variations of economic abuse to better contextualise and understand the typical situations in which nineteenth-century married women may have found themselves. Wife desertion was not the end of the story for these women. Often, it was only the beginning or the middle-point in their marriage. Focusing more broadly on wife desertion alongside economic abuse allows a more thorough analysis of marriage in colonial South Australia and how women sought—or were denied—independence within this institution.

In order to organise my interpretation of the sources, I combined two frameworks of economic abuse: that of Alana Piper and that of Judy L. Postmus et al. This approach allowed for an analysis of a variety of behaviours constituting economic abuse, which became necessary in the data-collection process with the emergence of an increasing number of variables. In applying these frameworks to the data, I arrived at five different types of economic abuse, acknowledging that there were, invariably, overlaps within the categories. The five varieties that I applied to my sources were: wife desertion, failure to provide money and resources while living together, extortion, exploitation and sabotage of employment. These built on the forms of economic abuse established by Postmus et al. and Piper.

In the first chapter, I made the argument that desertion should be considered a type of economic abuse. This chapter examined wife desertion through the petitions that used desertion as a ground for divorce, separation or protection orders. Petitions comprising complaints of desertion alone revealed that women often had very little, if any, insight as to the whereabouts of their deserting husbands. Nonetheless, the high number of protection orders submitted by women indicates that they were eager to protect their earnings and possessions despite knowing that their husbands may never return home. Deserting husbands did not sufficiently provide for their wives when they entered into extramarital relationships. The cyclical nature of desertion evident in several cases is significant because it is likely a central reason why some petitioners waited almost fifteen years before they brought their cases before the courts. Deserting husbands' successive intervals of returning home followed by withdrawing made it all the more challenging for women to survive and gain independence. A key finding in desertion cases involving adultery was that men deserted wives as a result of their new relationships and not, as men claimed, under the guise of finding work elsewhere. It was most common that women experienced desertion in combination with cruelty and adultery. Adultery in combination with cruelty, though, revealed the layered difficulties for women: men's desertion left them in need of provisions and money, but at least it meant that they were free of the physical abuse they had endured for, in many cases, their entire marriage.

At least thirty-one per cent of women reported having some kind of work, but several others were supported by family-owned property or inheritances. The case studies showed that women worked in a wide variety of areas inside and outside the home. For the most part, it was just as crucial for women to have family and friends to rely on financially as it was to be employed. Seldom were wage-earning deserted women paid sufficiently to fully support their families.

Chapter One, therefore, introduced wife desertion as a form of economic abuse and examined how deserted women coped financially.

The next chapter shifted the focus to the failure to provide within the home. The behaviours that comprised the three sections of Chapter Two were husbands publishing debt notices, refusing to provide money or other necessities for survival, and failing to provide care during motherhood or pregnancy. Ultimately, in cases of desertion and failure to provide, husbands limited women's access to money and household resources. These variations of economic abuse are more hidden in the matrimonial petitions than desertion because they were recorded as secondary complaints. Just like desertion, failure to support frequently converged with physical abuse.

I argue that debt notices served primarily to shame women in their local communities. As married women predominantly purchased items using a system of men's credit and trust with shopkeepers, debt notices reinforced age-old stereotypes of women's propensity to extravagantly and recklessly spend what was deemed to be their husbands' money. The case study of Jane Born, whose brother publicly responded to her husband's notice, highlights how important familial support systems were to women experiencing economic abuse. In a similar manner to publishing debt notices, men's control of women's access to food and resources—the most common secondary complaint in the petitions—seriously impacted women's wellbeing. This is important, because it emphasises how these sometimes seemingly less drastic measures of coercive control, such as refusing to purchase clothing or household goods, had a devastating impact on women. Two men in the sources forbade their wives from playing their pianos, reinforcing how layers of psychological abuse worked alongside economic abuse.

While violence and neglect has been central to much of this thesis, the impact on children was one of the most harrowing aspects of my research. At least thirty women in the petitions made

some reference to abuse that occurred in the lead up to pregnancy, during childbirth, or while breastfeeding and post-partum. Heightened domestic abuse around birth and post-partum is backed up in the contemporary literature, so it is of little surprise that it is also evident in the historical sources. What is startling, though, is how similar women's accounts were of this type of violence. We can probably assume that countless others did not report such violence in matrimonial petitions, and so the figures were likely even higher in the wider community.

In Chapter Three I argued that desertion and failure to provide sometimes merged with abuse like exploitation, extortion and sabotage, altogether producing more volatile circumstances for married women. The cases examined in this chapter illustrated how some women were deserted, physically abused, had money extorted and were exploited, among endless other difficulties. Women's experiences were multifaceted and show how, for those with especially violent husbands, various forms of abuse and control could converge into extremely dangerous situations. In the face of these insurmountable challenges, most petitioners still found work or other ways to support themselves or their families. But even Pauline Wien, who earned a living through her sly-grog cafes in Melbourne and Sydney, struggled to gain financial independence in the wake of her husband's desertion and years of abuse.

Married women experienced varying degrees of economic abuse in colonial South Australia. The 239 women considered in this thesis sought legal recourse largely due to reasons of cruelty, desertion and adultery. What the official grounds for orders of divorce, separation or protection orders do not reveal on the surface, though, was the enduring struggle for women to gain financial independence from abusive or controlling husbands. It is likely that these types of economic abuse were far more widespread than the surviving evidence suggests. For all the women who did manage to work, protect their earnings, or divorce husbands—whose stories have been

preserved in the records—many others must have been less fortunate. The petitioners’ testimonies examined in this thesis reveal to us that some men routinely exposed their wives to various types of economic abuse in order to consolidate control in their relationships. Men’s economic abuse was inextricably connected to other types of physical and non-physical abuse, and it seriously impacted women’s ability to support themselves and their families.

Now well into the twenty-first century, we are only just beginning to probe the history of economic abuse and to understand the important links between the past and present. Without investigating abuse in our colonial past, we will not be able to grapple adequately with the domestic abuse crisis that we are currently confronting. The difficulties faced by married women in the colonial period are not so dissimilar from those encountered by victims of abuse today. Women are still trapped in relationships with coercive men, stripped of money and agency. We know that violence comes in a variety of forms and is not limited to physical abuse. And yet, just like our colonial forebears, many of us still consider physical abuse as the most dangerous type of violence. As Jess Hill points out, ‘a victim’s most frightening experiences may never be recorded by police or understood by a judge [...] because domestic abuse is a terrifying language that develops slowly and is spoken only by the people involved’.¹ The impossibility of providing evidence of non-physical or invisible forms of violence, such as economic, verbal and sometimes sexual abuse, still poses many barriers to victims seeking support and, simultaneously, society’s ability to understand the severity of such violence.

¹ Jess Hill, *See What You Made Me Do: Power, Control and Domestic Abuse*, (Carlton: Black Inc., 2019), 6.

Appendix I

Table 1

Incidence of economic abuse in women's matrimonial petitions in South Australia 1859-1893.

	<i>Desertion</i>	<i>Refusal to maintain</i>	<i>Debt notices</i>	<i>Extortion</i>	<i>Exploitation</i>	<i>Sabotage of employment</i>
<i>No. of female petitioners (total = 239)</i>	100	98	30	8	20	4
%	42%	41%	13%	3%	8%	1.7%

Table 2

Incidence of economic abuse, physical abuse, and economic and physical abuse in women's matrimonial petitions in South Australia 1859-1893.

	<i>Some form of economic abuse</i>	<i>Physical abuse</i>	<i>Both</i>
<i>No. of female petitioners (total = 239)</i>	170	172	121
%	71%	72%	51%

Appendix II

List of petitioner case studies, their husbands, and year of submitting petitions

(Organised by order of discussion in each chapter)

Introduction:

Decima and Charles Jeynes, 1887

Chapter One:

Mathilde and August Cranz, 1859
Lydia and Thomas Shephard, 1860
Mary and Francis Bryan, 1859
Alicia and William Geary, 1864-5
Ellen Masters and John Tapley, 1873
Rosanna Louisa and William Stock, 1881
Hannah Louisa Miller and Samuel Kidd, 1870
Mary Ann and Richard Dorricott, 1889
Mary Jane and William Ball, 1878
Mabel and Otto Fischer, 1891
Sarah Shipton and John Buckley, 1867
Catherine Jane and Louis Holzberger, 1874
Mary Ann and John Butterworth, 1889
Marion and George Smith, 1882
Mary and William Norris, 1885
Margaret and George Walter, 1864
Mary Jane and John Payne, 1882
Rosa Margaret Elizabeth and John Donaldson, 1884
Mary and John Hubert, 1861 and 1862
Elizabeth and Michael Boyle, 1860
Ann and William Garland, 1860
Mary Ann Percival and James Taylor, 1863

Chapter Two:

Julia and John Phillips, 1873
Emily and John Field, 1875
Winifred Louisa and John O'Connor, 1878
Agnes and Samuel Buzzard, 1867
Isabella and Louis Hyde, 1878

Sarah Jane and William Lawton, 1872
Jane and James Magor, 1876
Emeline and Albert Bristow, 1890
Flora Harriet and John Holman, 1876
Jane and John Born, 1877
Emily and Arthur Johns, 1873
Ann and Thomas Heylen, 1879
Alice Bowyer and Trevenen Rosman, 1881
Elizabeth Sarah and Charles Sayers, 1870, 1873 and 1883
Margaret and John Walsh, 1874
Mary Nicholas and William Marshall, 1877

Chapter Three:

Elizabeth and Angelo de Tullio, 1880
Elizabeth and Daniel McPharlin, 1863
Pauline and Louis Wien, 1884
Eliza and Edwin Hosking, 1884
Ann and William Garland, 1860
Sarah and John Low, 1874
Emily and John Field, 1875
Mary Ellen and James Kains, 1876
Ann and Henry Glover, 1859
Evelyn Helen and Walter Sinclair, 1888
Harriett and August Gotting, 1888
Rachel and Francis Hince, 1880

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Southern Argus (Strathalbyn, SA)

Wallaroo Times and Mining Journal (Wallaroo, SA)

Yorke's Peninsula Advertiser and Miners' News (Moonta, SA)

The Herald (Melbourne, VIC)

The Argus (Melbourne, VIC)

Weekly Times (Melbourne, VIC)

The Age (Melbourne, VIC)

Riverine Herald (Echuca, VIC)

Avoca Mail (Avoca, VIC)

The Sydney Morning Herald (Sydney, NSW)

Newcastle Morning Herald and Miners' Advocate (Newcastle, NSW)

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