

To Love, Honour and Obey Wife-battering in Working-Class Montreal, 1869-79

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[See table of contents](#)

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Article abstract

This paper aims to reconstruct some of the causes and the context of wife-battering in Montreal between the years 1869-1879. It seeks to determine what the immediate causes were as well as the underlying factors that shaped these conflicts. It also describes how the individuals involved responded, what the role of neighbours was and how this problem was viewed by the society at large. At a broader level, this research seeks to insert one largely ignored aspect of women's lived experience into the historical record while furthering our knowledge of relationships between men and women and working-class family life in general in the mid nineteenth century.

***To Love, Honour and Obey:
Wife-battering in Working-Class Montreal, 1869-79***

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Abstract

This paper aims to reconstruct some of the causes and the context of wife-battering in Montreal between the years 1869-1879. It seeks to determine what the immediate causes were as well as the underlying factors that shaped these conflicts. It also describes how the individuals involved responded, what the role of neighbours was and how this problem was viewed by the society at large. At a broader level, this research seeks to insert one largely ignored aspect of women's lived experience into the historical record while furthering our knowledge of relationships between men and women and working-class family life in general in the mid nineteenth century.

Résumé

L'auteure s'intéresse au phénomène des femmes battues à Montréal durant les années 1869-1879. Essayant d'en établir les causes immédiates, d'en restituer le contexte et de dégager les facteurs qui ont modelé ces conflits, elle décrit les réactions des personnes impliquées, le rôle joué par leurs voisins et l'attitude de la société en général face à ce problème. Plus largement, cette recherche vise à intégrer à l'histoire officielle un aspect très méconnu de l'expérience des femmes, et à mieux connaître les relations hommes-femmes et la vie de la classe ouvrière au milieu du XIXe siècle.

"On thursday evening last, the twenty fourth day of July instant, my husband, the said Thomas Craven, of the said city of Montreal, Carter came home drunk.

On the folowing (sic) morning the twenty fifth day of July instant I scolded and abused my said husband because he had come home drunk on the evening previous.

I was then in my Kitchen and he was in his bedroom and whilst I was abusing him as aforesaid, he came into the Kitchen and struck me a blow with his hands, I cannot say whether it was open or shut, in some part of the head.

After I got a blow from my said husband I struck him a blow with a stick, on the arm.

He then took hold of me and shoved me out and I went back into the house and took on the stove a Kettle full of cold water and I threw it at him and he then pushed me back out of the house which is off Prince street . . . and I fell on the footwalk and in the fall I broke my right ankle.

In that scuffle I also received on the side of the left eye a wound about one inch in length, and I cannot say whether it is the result of a blow or the effect of the fall.

I cannot tell whether the said Thomas Craven intended when he so unlawfully assaulted me, to do me grevous(sic) bodily injury.¹

These words, written in the language of the court clerk, give shape to the story of Bridget McLoughlin, one battered woman living in Montreal in the 1870s. This case, and the one that follows, was considered severe enough to merit a trial before the Court of General Sessions. Even though the injuries sustained by the wife in the second case were life-threatening and those involving Mrs Craven

were not, both husbands were charged with the same offense, wounding with intent to do bodily harm.

In August 1873, Philomene Silvestre was turned out of the family home by her husband. It was not the first time. It would be the last. For 15 of the last 24 months she had lived with her brother, Felix, and his wife who ran a hotel on Craig Street near Viger Gardens. She sought refuge there whenever she was thrown out by her husband, returning to her family when the crisis had passed.

Five months later her husband, Joseph Laporte went to see his wife at her brother's house armed with a large pocket knife. With it he stabbed her fifteen times.²

Marguerite St Jean, an elderly widow, was scrubbing the stairs leading to the Silvestre's apartment at the time of the attack. She told police that "she saw the prisoner come at three different times to look in the door that opened upon the stairway and, after looking for the third time, he mounted hastily to the second storey, from whence she immediately afterwards heard cries of distress. She ran up instantly and found the accused striking violently his wife."³

Felix Silvestre was at home that evening of 13 January when his wife burst into their apartment crying, "Felix, ascend (sic) quickly; Joseph is murdering Philomene."⁴ Silvestre, in his deposition said that when he entered his sister's room it was too dark to see what object his brother-in-law had in his hand. On arriving, he saw Laporte strike his sister and immediately seized him and brought him outside where he stopped a passing policeman.

At the trial, counsel for Joseph Laporte based his defense on the following arguments. The accused did not deny stabbing his wife but "alleged improper conduct on the part of Mrs. Laporte which is pretended to have driven her husband, from whom she had

been for a considerable period separated, into such a phrenzy(sic) that its necessary consequence was the murderous assault in question." He also appealed to the jurors' "sympathies on the score of his children, who would lose by his conviction his care and protection." It was also pointed out that the accused "was too drunk at the time to possess any recollection of his actions".

"The jury without leaving their seats returned a verdict of guilty".⁵ The prisoner was sentenced to five years for wounding with intent to do grievous bodily harm, the maximum sentence being life imprisonment.

These two cases are not cited here because they are in some way typical. The severity of the charge, intent to do grievous bodily harm, and the fact that they were seen by a higher court, set them apart from the cases of assault and battery which make up the bulk of this study. What they serve to illustrate is the diversity of situations and responses.

Cases of wife-battering in nineteenth century Montreal did not follow one script, but many. The stories of Bridget McLoughlin and Philomene Silvestre that introduce this article, together provide a wealth of information about wife-battering. Sometimes a wife resisted and on other occasions she did not. Police were occasionally on hand, but in the case of Bridget McLoughlin, it was her children who ran to summon the police. One attack was premeditated and involved the use of a knife. In the other, a tense situation turned violent and any weapon at hand, from fists to a kettle, expressed this anger. Both women were thrown out of their homes, a gesture that characterized many of the assaults, yet Philomene Silvestre's decision to move in with her brother was rare. The ambivalence expressed by Bridget McLoughlin over having her husband prosecuted was shared by many of the women. Although the content of the stories changed, the co-authors of these domestic tragedies remained the same: male dominance and female dependence.

This article seeks to analyse the kinds of situations in which working-class husbands in Montreal beat their wives and to examine the responses women could make. From the details of these cases of wife-battering, discovered in the newspapers and court records of Montreal, there emerges a sense of what it might have been like to be a battered woman in working-class Montreal during the 1870s.⁶

The reasons men gave for beating their wives illuminate much more than marital violence. They take us to the heart of gender relations, revealing wives' and husbands' expectations of themselves and of each other within marriage; as well as indicating the factors precipitating the violence. Prominent among the latter were drink, struggles over money, jealousy, and authority over children. The reports show too, numerous prohibitions that prevented women from reporting this crime and underline the unequal distribution of power between men and women within marriage and within the society at large.

The analysis that knits these newspaper stories and court cases together, is derived, in part, from the ideas of four historians: Nancy Tomes,⁷ Ellen Ross,⁸ Pat Ayers and Jan Lambertz,⁹ who have written on domestic violence in working-class London and Liverpool. In search of an answer as to why married women were beaten by their husbands in this period, they have concluded that the increased dependence of working-class wives on their husbands' wages, through their exclusion from paid labour, made women more vulnerable to male violence. The similarity of their conclusions points to their shared approach. The family economy model provides the organizing principle around which their arguments and mine revolve. Their work provides an important critique of married women's dependence and husbands' dominance where the individual and the society meet in the family.

Montreal in the 1870s, did not provide a hospitable environment for its working-class

inhabitants. Life was tempered by frequent confrontations with hunger, disease, discontinuity, and death. Scarcity took many forms. Food, clothing, a comfortable place to sleep, and a place where emotional needs could be met were all in short supply. In this context, the working-class family, in which parents and children pooled their individual earnings and resources toward a common subsistence, provided the means for survival. One of the prerequisites of a smoothly running family economy was a regular wage earned by the male head. Yet the economic conditions created by industrial capitalism could not always meet this need. Male authority and female subservience were being undermined by changes in the economy. Increased competition for scarce jobs and men's loss of control over the work process challenged traditional definitions of masculine authority.

Authority, opportunity, and responsibility remained unequally distributed between husbands and wives, setting the stage for the violence found in the domestic disputes. This evidence shows that some women did not passively accept being beaten by their husbands, nor did all members of society accept as legitimate, husband's right to punish his wife.

Wife-battering became an issue of public concern in Montreal in the 1870s. Historians Margaret May and Angela Weir have pointed out that domestic violence is an issue raised during periods of active feminism.¹⁰ In Montreal, the reasons behind this upsurge in interest in the 1870s, and the role played by women reformers and feminists, remain to be unravelled. The existence of newspaper accounts and court cases treating wife-abuse, attests to a public awareness of it as a social problem.¹¹ During this period, the voices of the temperance movement and middle-class law and order reformers joined in chorus to alert the public to the evils of alcohol abuse. The link made by the temperance movement between drunkenness and wife-battering focussed the public's attention on a crime that



Date unknown. A grocery store in St. Henri during the later half of the 19th century.

remained unnamed in other periods because it had no public face. The resulting visibility both in the courts and the newspapers makes this research possible. It is to the causes, context, and contents of these domestic disputes that we now turn.

In the majority of cases, men were arrested both for being drunk and for striking their wives. There seemed to be a consensus among observers and those actually involved in the disputes, that drink was at the root of the problem. This consensus was in part forged by the newspapers themselves. The *Montreal Star* and the *Montreal Daily Witness*, both newspapers that reported crime in a similar fashion, were strong temperance supporters. John Dougall, the editor of the *Montreal Daily Witness*, and one of the leading advocates of temperance in Montreal, aggressively attacked the 'liquor interests' from the pages of his newspaper. The police also endorsed the theory that alcohol was at the root of most crime. 'Drink and its Doings' was a much-used heading in the police court reports.¹²

For some men, wife-beating ranked as a sport that accompanied a bout with the bottle. August Guilmette, 40, shoemaker, when asked by the Recorder "if jealousy (sic) was the cause of his malignant conduct," answered, "No, the liquor made his blood warm in his veins and he could not do without exercise."¹³ Drink, the most frequently-cited reason for the violence, quickly became, in the mouths of husbands, its justification. Charles Belmont came home drunk and found his wife asleep with her baby. He then emptied the red fire from his pipe on to her face to burn her. He pleaded not guilty to assault and battery.¹⁴ A number of other men pleaded guilty to drunkenness but not guilty to assaulting their wives. They claimed that the alcohol made them violent. Joseph Laporte too, pleaded not guilty to the stabbing of his wife Philomene Silvestre, alleging that he was too drunk at the time to possess any recollection of his actions.¹⁵

Despite middle-class reformers' efforts at controlling alcohol abuse, working-class drinking culture flourished in Montreal, to the tune of one tavern for every 143 inhabitants in 1870.¹⁶ Peter DeLottinville's research on Joe Beef, the most famous of the tavern proprietors of this period, highlights how important tavern life was for working-class men, over and above the basic food and drink it provided.

Joe Beef's Canteen functioned as a kind of informal aid society, dispensing food and drink to the luckless and to striking canal workers, providing medicine for the sick and jobs for the unemployed. It was also a place of entertainment, gathering together those in search of pleasant diversion. Entertainment at Joe's took a variety of forms. One of the special talents of proprietor Charles McKiernan was to transform any subject into rhyming couplets for the amusement of his customers. The temperance crusader, the minister, the landlord and the Recorder, as symbols of authority and agents of social control, were frequently the targets of Joe's poetic attacks. DeLottinville suggests that "McKiernan's humour allowed his patrons a temporary mastery over the forces which dominated their lives outside the Canteen doors."¹⁷ One can only speculate on whether wives, in this context, came in for their share of ridicule, but it seems plausible.

According to James Snell, jokes about marriage made at the wife's expense, were a popular form of humour in at least one Canadian magazine at the turn of the century. He argues " . . . marriage humour operated as a social control mechanism, reasserting the traditional behaviour expectations and censuring 'deviant' female activity."¹⁸

But there was a darker side to tavern life that cast its shadow over the lives of the women and children left outside. Linda Gordon in her study of domestic violence in Boston has noted that " . . . saloon camaraderie tended to escalate men's hostility to women, or at least consolidated and encouraged it."¹⁹

DeLottinville makes a convincing argument for the tavern as "a stronghold for working class culture . . . where an alternative to the individualist, competitive philosophy of the nineteenth century middle-class" was practiced.²⁰ Coexistent with this was the tavern as a bastion of masculinity which celebrated drunkenness, engaged in blood sports, and exercised in street brawls. It was this aspect of working class male culture that most put women at odds with their mate. Resentment surfaced when these women were faced with a drunken husband whose leisure activities put her family's survival in jeopardy. Irrate wives, attempting to retrieve drunken husbands from the reaches of the tavernkeeper, were among the cases of assault and battery seen by the Police Magistrate during this period. In one such case, the wife of the tavern keeper, Mrs MacDonald was charged with assaulting the wife of one of her regular customers, Mrs Farmer, who had come to collect her husband. It appeared from the evidence that Mrs Farmer, certain that her husband, a milkman, was at this tavern, where she alleged he spend a large portion of his earnings, proceeded to the barroom to induce him to return home, (whereupon) he resisted.²¹ It might well have enraged wives to be excluded from sharing in the all important decision on how a husband's wage was to be spent.

The actual physical separation of work done by men and women and the fact that one was waged and the other was not helped transform both the idea and the reality of leisure. Previously, at least in many pre-industrial settings, men and women had worked and played side by side. They had pursued in E.P. Thompson's words, 'task-orientation', meaning that a worker's own sense of need and order dictated how the work would be carried out. "Social intercourse and labour are intermingled . . . the working-day lengthens or contracts according to the task — and there is no great sense of conflict between labour and 'passing the time of day'.²² When men left

home to follow waged labour into the factories, they were made to embrace new rhythms of work and pleasure based on 'time-discipline'. Work was now measured in pay and pay was needed to buy both bread and pleasure at the end of the day. In this context, drinking became both the compensation and the affirmation of men's wage-earning status.

Drink now might be claimed as an inalienable right, one which men might or might not choose to share with their women. The emphasis here is on choice, for it was the men who did the choosing. John Stanton had his wife, Mary Riley, arrested for assault because he suspected her of drinking in his absence. The witness for the prosecution actually proved the husband guilty of assault. "Well surs, the man he cummed home, an' smelt the lick on her, an' shure he offered a few insults, which made her feel disagreeable about it, as no doubt, an then he strikes her just very gently on the mouth wid an axe-handle but not to excess."²³ It is interesting to note that, in her defense, Mary Riley emphatically denied interfering with her husband. Her passivity thus established her credibility as a 'good wife'.

Women also drank and at times to excess, but overall it seems women drank less than men. Responsibility for children, limited access or the right to cash, and a work day that stretched from dawn until dusk imposed its own limits. The adage 'a woman's work is never done' simply meant that the type of labour women were engaged in, the care and maintenance of the family, called for different work rhythms more akin to pre-industrial patterns of labour.²⁴

A wife's leisure time was not concentrated at the end of the day. It was snatched in breaks between chores and combined with other responsibilities. Recreation for women remained inextricably bound to work. Where and how women drank confirms this. Alcohol was available to women at a variety of places, including grocery stores. Although it was illegal, some grocers sold drinks by the glass

to their customers, many of whom were women out doing the daily shopping.²⁵

Women who attempted to deprive men of drink by refusing to give them money or by taking it from them were chastised with violence. When the husband of Celanière Trudeau arrived home drunk, she tried to prevent him from drinking the bottle of whisky that he had brought with him. He responded by seizing the bottle and striking her on the head and abdomen.²⁶

A number of wives attested to the otherwise good character of their husbands when not transformed by drink. Despite the fact that Patrick Brennan had threatened to 'kill her by inches', as he had said he had done to his former wife, and then commenced to do just that, Mrs Brennan testified that he was a good husband when sober.²⁷ Mrs Scott "gives a sad account of the ruin and misery which has overtaken herself and children by the indulgence of her husband in drinking. When free from intoxication she admits he is a good husband but it is only seldom that he keeps steady."²⁸

These women defined a good husband as one who made a regular contribution to the family purse and did not squander money on frequent visits to the tavern. It is difficult to separate the cases that involved alcohol from the struggles over money. Drinking put an intolerable strain on family budgets that were tight, even before the depression hit the Montreal economy in 1874. Men and women often had different ideas of how a man's salary should be spent. Men's drinking was clearly at odds with women's concern with feeding and clothing her family.

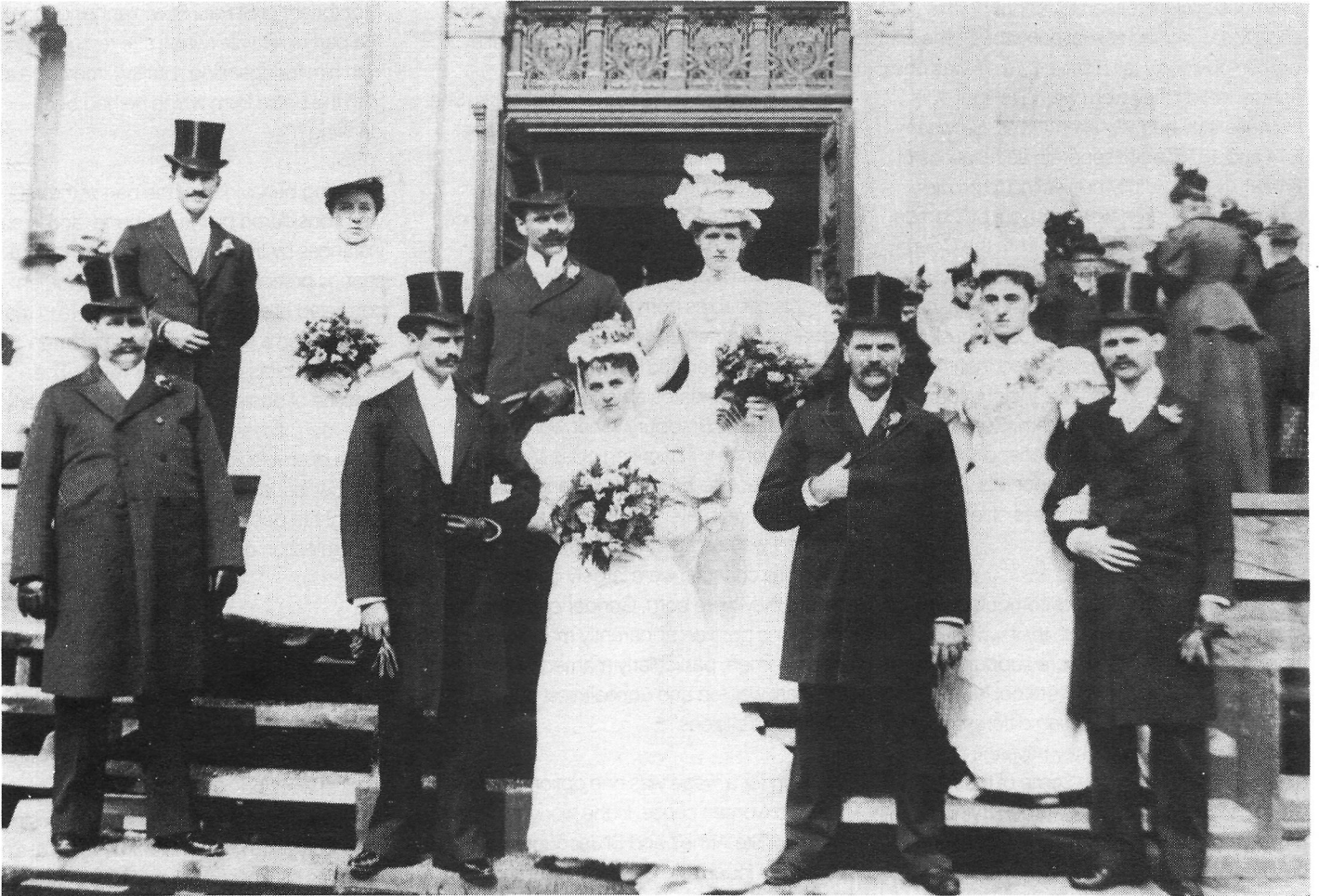
The sexual division of labour within the family helped create these tensions. Women's dependence on an inadequate male wage, matched with male expectations of having their physical and emotional needs met first and without fail, provided fertile ground for conflict. Men and women often had different ideas of how a man's salary should be spent.

Men who were employed occasionally, or turned their salary over to the tavernkeeper instead of their wives, wrecked havoc with a woman's ability to make ends meet. Most labourers could not depend on steady work. Even those labourers who were employed could not always rely on being paid regularly or in cash. Women's anger mounted when their husbands' inadequacy as a provider was brought home to them every time the bills were not paid and there was no food for the table. A husband's non-support added to the considerable physical burden of housework as the conflict between Ellen Fitzgerald and her husband illustrates.

Ellen Fitzgerald had been married to Patrick Hennessy for 28 years. He had property from which he received \$11.00 per month rental. Her husband was in the habit of going on a spree and did not support the family properly. Their water rates were not paid and the water was turned off. On Saturday night she went to the neighbours for a pail of water and when she returned her husband was quarrelling with the son. She said, 'let him alone, you don't support him, you don't support yourself'. At this he grabbed her and scratched her forehead with his first or nails.²⁹

Husbands, too, were dependent, but it took different forms. Men relied on women to feed and clothe them. When a wife failed to carry out her prescribed tasks, a husband's frustration was at times measured in blows. Louis Brisson returned home one Tuesday night to find only bread and butter for supper. Brisson, a tinsmith, had been drinking hard lately and on Saturday night gave Henriette, his wife \$1.00, although he had earned \$7.00 that week. He would not accept her explanations for the meal and struck her violently in the face with his fist.³⁰

In many of the accounts, men drank their salary but still expected their wives to provide for them. It seems that in men's eyes, lack of payment towards the household expenses



Marriage of Miss Aguin, daughter of the mayor of St. Henri and McDuff architect, 1885.

was not sufficient reason for annulling this socially-sanctioned sexual contract. Some women obviously felt differently. This was one right for which they were willing to fight because they had few alternatives. Between 1874 and 1875, eight separate accusations of unlawfully and wilfully neglecting to provide for wife and children were brought by women before three separate judges from the Court of Special Sessions.³¹ Not one of the petitions was successful, although it is difficult to know on what grounds they were refused. In all of the cases, the women established that they were legally married and that their husbands had stopped providing for them. Even if they had been successful, one husband's threat to leave the city rather than support his wife exposed the essential weakness of legal redress.

Yet some men felt no lack of compulsion when helping themselves to their wife's earnings and in this they were supported by the law. In Quebec, wives were not legally entitled to have an occupation different from their husbands, nor did they have the right to dispose of their salaries.³² Some of the beatings were the result of women trying to protect their earnings from whisky-consuming husbands.

Annie Simpson had been married to Antoine Stall for 16 years in 1876. They had had three children together, the eldest being 13 years at the time. Stall was a carter by trade, but for the last two years had given nothing towards the housekeeping expenses. He spent all of his earnings on drink. The family survived on the proceeds of washing and a little shop kept by Simpson. Despite his lack of participation in the family economy, Stall expected his meals on the table and showed up regularly for them. He also would steal from his wife's pocketbook and threaten her life when she tried to stop him.³³

The strategies that women used in order to get by in the absence of a dependable male wage varied depending on the age of the children and the resources they had at their

disposal. Some of the following stories serve to illustrate how women coped. Henriette Brisson did what many women in her situation were forced to do: she cut costs. She began serving bread and butter for supper instead of something more substantial. In order to stretch food supply even further, women cut back on what they ate. Evidence for this is found in the work of Peter and Patricia Ward, who linked the fall in birth weights of babies born to poor English speaking women using the University Lying-in Hospital between 1851 and 1905 to declining nutritional standards among the working poor.³⁴ Bettina Bradbury in her work on the family economy in working class Montreal argues that "the brunt of low standards of living may well have been born largely by married women and those offspring whose future life chances were largely determined before they were born. Gender combined with class position apparently made working class women, particularly married women, the least well fed and unhealthiest of Montreal's citizens."³⁵

Working for a wage was one option that few married women chose. In the working class wards of Ste Anne's and St Jacques, Bradbury found that between 1861 and 1881 only one to five percent of married women reported working. There were good reasons for this. Jobs were scarce and high unemployment throughout the 1870s created fierce competition. Wages were also universally low for women, ranging anywhere from \$1.50 to \$5.00 a week, and less if they were employed at home sewing clothes or shoes.³⁶ Peddling food, rag picking, doing laundry and child-minding were the likely means used by women to make ends meet under these circumstances. Going to court to press a claim to a husband's wages was another device, but if the years 1874-75 are any indication, it was largely an unsuccessful one. Some men did not take kindly to any criticism of their behaviour. Whether women intervened to save a child from their father's wrath or to protest a husband's infidelity, the response was often the same. For Louis

Montbriant of St Paul St, violent language on the part of his wife (when she remonstrated with him for upsetting a salter), merited a clout with the bottle from which he had been drinking.³⁷

Scolding behaviour on the part of the wife was considered by the husband, and in some instances by the Police Magistrate, to be a serious breach of male authority. Women convicted of abusive language were in many cases given a stiffer sentence than men convicted of assaulting their wives. The practice of punishing women more severely than men, it seems, was not limited to the crime of employing abusive language. The broader issue of unequal sentencing was first brought to public attention by The Society for the Protection of Women and Children in 1887.³⁸

Jealousy was identified as the culprit in a number of the beatings. Mrs Scanlan "was felled to the ground as a butcher would an ox" by her husband on New Year's Day. A friend of the family, William Clark, had payed a call to wish them a happy New Year and had kissed Mrs Scanlan, as was the custom.³⁹ In Mr Scanlan's mind, what was really at stake here was his absolute control over his wife.

Leaving a husband was no guarantor of peace. Often it meant involving more people in the conflict. A number of the assaults were reported by women who already had left their husband because of brutality and lack of financial support. Mrs Irvine's testimony echoed the sentiments of these women, "I can live better without him, your Honor, I only stand in dread of my life day after day."⁴⁰

Social, political, economic and legal constraints combined to limit women's responses to male violence. The formalisation of the Quebec Civil Code after 1866 changed little for women, simply rendering more clearly their inferior legal status.⁴¹ The Civil Code re-affirmed men's superior authority within the family, that is their power as husbands and fathers. The unequal legal

status conferred on the members of the family was predicated on a married woman's legal incapacity. When a woman married, she lost her autonomy and was subject to the authority of her husband, who was legally entitled to make all decisions concerning her civil rights and her children.⁴² In short, married women shared the same legal status, with children and the mentally unfit.

Similar constraints were applied to women's political participation. At the beginning of the century, women were eligible to vote based on the same conditions as men. By 1849, the parliament of the Province of Canada formally abolished this right.

Women who left abusive husbands risked losing their children and their social identity. Being a woman in this period was synonymous with being a wife and mother. Leaving home stripped her of both roles. It also left her without those measures of economic protection that the family provided and without the legal autonomy of unmarried women and widows. A woman who deviated visibly from the social norm by being a single mother, a drunkard, or a prostitute, automatically forfeited the right to sympathy and help afforded women who embraced the values of 'true womanhood'.⁴³

For the majority of women leaving their husbands for anything but a short period of time was impossible. A few certainly tried. It was more than chance that explains Philomene Gavreau's presence one week at the Recorder's Court to press charges of assault and battery against her husband and in Superior Court the following week to apply for a 'Separation of bed and board'. Gavreau, who ran a brothel on St Elizabeth St, could conceive of living apart from her husband by virtue of her financial independence and status as prostitute, which had already placed her outside the bounds of respectable society.⁴⁴ *The Montreal Star*, March 19, 1874. In the social and economic climate of the 1870s, women alone with children faced a struggle to survive. The institution of the

patriarchal family, despite its limitations, conflicts and contradictions, remained the best survival strategy available to working-class women. Alternatives to the family, such as the convent, the brothel or domestic service, were by and large only the options of single women. How could women have imagined autonomy, a life outside of the patriarchal family, when existing economic and social structures permitted no such configuration.

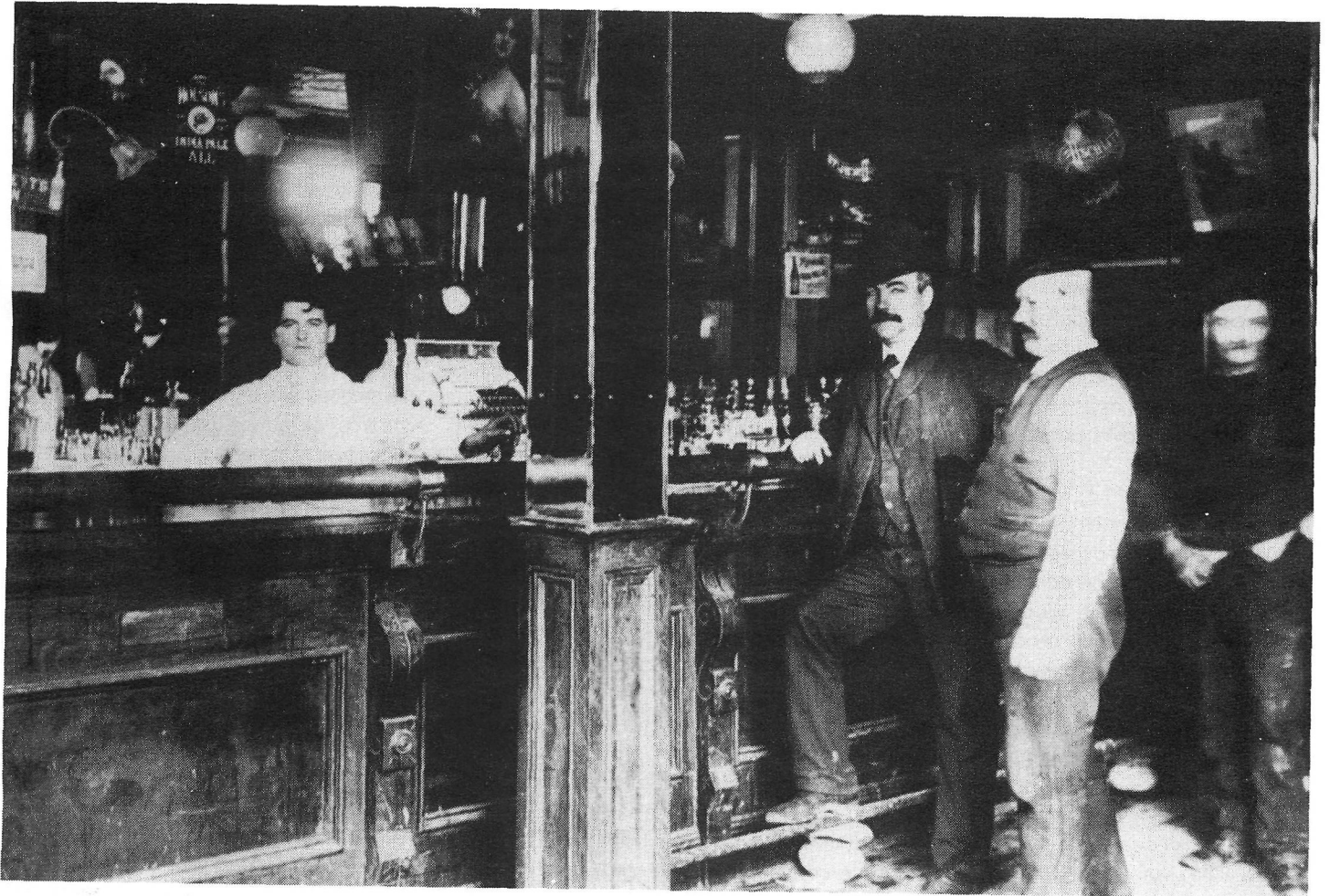
Women may have turned to their extended families as a short term solution, but the resources of the working class were quickly exhausted. Space was at a premium in most working-class housing.⁴⁵ In many instances, adding another family would have transformed a bearable living situation into an intolerable one. The sympathy offered by relatives to battered women could be limited by deeply engrained social attitudes which resisted female demands for autonomy. 'To love, honour and obey' was a married woman's lot.

We can only speculate as to which institutions — other than the police and the courts — battered women turned outside the family. Annie Banks and her three year old son Edward were admitted to the home run by the Montreal Ladies Benevolent Society in May of 1865. The reason given for accepting the Banks family was that the husband was a confirmed drunkard and Annie Banks could not live with him. Two months later she returned to her husband.⁴⁶ Whether violence was one reason behind her leaving is a matter of conjecture. Drunkenness and the death or desertion of a husband were frequently cited circumstances leading to the placement of children and women with children in this institution. Although domestic violence was never mentioned explicitly in the admittance records, drunkenness was often used in this period as a code word for domestic violence.

There were other obstacles preventing battered women from seeking immediate

relief. Some women turned to the police for protection. This was not necessarily an effective option. In 1875 only 38 policemen walked the beat in Montreal.⁴⁷ In a city of 160,000 that meant one policeman for every 4,210 inhabitants. This ratio compares with the early twentieth-century idea of one constable for every 1000 residents. The chances of a policeman in this city at this time actually intervening in a domestic quarrel were slim. During the winter months, when life was centred indoors, the possibility was even more remote. Often the law would be summoned by a relative or neighbour, but by the time help arrived the 'row' was over. As one officer commented, "there was nothing to be done."⁴⁸ If a husband was also found to be drunk and/or disturbing the peace, he was arrested and charged accordingly, but the original reason for which the police had been summoned went unpunished.

In many cases, it was the woman herself who was obliged to report the crime. The procedure that the victim was obliged to follow entailed a personal appearance at the closest police station, soon after having experienced a beating. The next step was to pay a dollar to cover the cost of a warrant for her husband's arrest. Without this dollar her complaint would be dropped. For wives who did not participate in the waged economy, a dollar was large sum to have on hand. At a time when a policeman and many labourers earned a dollar a day, this amount must have prevented many women from seeking justice. Yet wives, as managers of the family economy had some income at their disposal which they may have used for this purpose. Later we will see how being keeper of the family purse worked against wives, but in some contexts it might have worked to their advantage. Both the newspapers and the police remarked on wives' reluctance to prosecute their husbands. A police chief in his year-end report on crime noted that "... it is difficult to obtain evidence which the wives are often unwilling to give until they are driven to it from terror of their lives."⁴⁹ It is not surprising that, of the 349 cases reported in the *Montreal Star*,



Interior of Westmount Café, a bar situated at 3401 St. Jacques Corner Green, taken at the beginning of the 20th century. Notice the "pin-up" above the bar.

at least 45 were dropped because the victim failed to substantiate the charge.

Fear kept many women away from the court room. George Scott, when arrested for assaulting his wife threatened, 'to pay her off afterwards'. The woman was too afraid to appear. The magistrate postponed the case to ensure Mrs Scott's presence, but to no avail. The next day she wasn't to be found.⁵⁰

Fear and a costly judicial system that discriminated against those who were poor and did not necessarily have access to cash must have stopped many victims from procuring punishment for their abusers. For some women, having their husbands arrested was punishment enough. Once a woman paid the cost of the warrant, her husband's presence behind bars was assured until the trial. If the case was seen by the Recorder or Police Magistrate this meant a maximum stay of a few days, but in the case of the Court of Special Sessions imprisonment could be prolonged for up to a month. This delay may explain why the majority of the assault and battery cases were tried by the lower courts. Most men may have preferred to forfeit a right to trial by jury at the Court of Special Sessions in order to hasten release from the city jail.⁵¹

Yet this incarceration was a costly act of retribution or protection. When a woman failed to appear after laying a charge, she was still bound to pay any costs incurred by the court. When Elize Chase withdrew her assault charge against her husband, he was discharged and "the costs amounting to \$4.50 fell upon the woman, and as she was a respectable but poor person, she was given 20 days to pay up."⁵² Default meant a jail term for her.

When a husband was found guilty, with few exceptions he was sentenced to a fine and to payment of court costs. If these costs were not paid and the husband was jailed instead, the sources are unclear as to who assumed the costs, the wife or the courts. A few judges

refused to impose a fine and recommended jail instead. They were aware that a fine was apt to punish a wife more than her husband. The ultimate irony was that as keeper of the family purse, the paying of a husband's or close male relative's fine, was one of the tasks that fell to women. Louis Lache was fined \$2.50 or 15 days in jail. "As he was leaving the dock he turned to his wife and told her if she had the money to pay the fine he would pay her again."⁵³

Many women could not afford to have their husbands jailed. They were forced to weigh the loss of his contribution to the family economy against their own physical well-being. Nowhere is women's subordination within the family clearer than in the example provided by battered wives. In many cases forfeiting their own personal safety was the price women paid for securing the family against destitution. In this situation a wife's personal survival was simultaneously both threatened and guaranteed by her place within the family. On one hand, she was subject to the violence of her husband. On the other, being part of a family economy kept her from starvation. To protect herself against one helped undermine the other.

Interpersonal violence in working-class Montreal was not limited to wife-beating, nor was it only initiated by men. Men, women, and children often used their fists or whatever was at hand to resolve conflicts. Ellen O'Loughlin attacked Catherine Owens with a meat bone.⁵⁴ The weapon may have been original, but the act was typical of individual's responses to conflict. Men tended to use their fists or the tools of their trade as their preferred weapons. Women's work and therefore the objects they employed differed. Emptying chamber pots 'with malicious intent', or pouring kettles of boiling water on victims' heads were the some of the violent gestures employed by women.

Another dimension of family violence consisted of the attacks that pitted families against neighbours, or bailiffs and policemen.

In sum, families would rally to drive off outsiders who threatened family stability. The most common cases involved husbands, wives and, in some cases, children, teaming up to prevent a bailiff from seizing their property. For example, Michael Duggan and his wife Mary Ann both were charged with assaulting a bailiff when he visited their store in the execution of his duties.⁵⁵

This is not to say that violent behaviour was equally distributed between the sexes. Men were clearly more violent. In 1874, of the assault and battery cases that came before the Court of Special Sessions, 138 involved acts of violence between men, 43 violence between women, 36 were attacks on women by men other than their husbands and 7 involved women attacking men. In the cases of domestic violence, 25 husbands and 5 wives were accused of beating their spouses.⁵⁶

This culture of violence included incidents of wife-battering despite the fact that the criminal justice system did punish perpetrators of domestic violence. The original intent of the laws restricting drunkenness and violence was to control working-class men's behaviour and not to protect women. That women may have benefitted from these laws, was secondary.⁵⁷

This claim is borne out by the type of sentences handed down to men convicted of beating their wives. In 1875, of the 31 cases that came before the Court of Special Sessions involving wife-battering, 12 were settled by the judge, meaning that the husband was not penalized and a reconciliation was imposed, and one case was dismissed because the wife failed to appear. Only one husband received the maximum sentence of six months imprisonment with hard labour and that was because the wife almost bled to death as a result of the attack. When a woman's life was not considered to be in danger, the judge would impose a reconciliation, or a fine was demanded of the guilty party of \$5.00 on

average and ordered to pay court costs. Default on payment meant a month in the city jail.

This penalty contrasts with the punishment meted out to men and women convicted of selling liquor without a license. Most of the convictions were for small amounts of alcohol, but the sentences were the same, a \$50 dollar fine plus costs or three months imprisonment. The economy of punishment practiced by the lower courts that elevated the illegal sale of alcohol over wife-abuse, was completely consistent with the popularly held theory that alcohol caused most social problems including wife-battering.

In the community, wife-beating was tolerated, within certain limits. People seemed ready to intervene and offer assistance only if the violence passed a certain threshold, or if sympathy was evoked by a victim's age, physical condition (whether she was pregnant or not), or if a weapon was involved. As the story 'Affray in Wolfe St.' shows, the community was willing to turn a blind eye on wife-battering until it invaded the public space and/or there was a risk of murder.

Another of those brutal affrays which every now and then occur to alarm peaceful neighbourhoods, and render night hideous, took place last night in Wolfe St. The stillness of the evening was broken about 10 o'clock by a succession of piercing shrieks, followed almost instantly by a rush into the street from a back yard of a number of people, surrounding a woman struggling in the grasp of a man who held her by the hair, and beat her cruelly. No one interfered for some time, and the shouts and cries in mixed French and English rendered the scene exciting and painful in the extreme. The man and woman had quarrelled in their house, and it appears he had followed her into the yard, beaten her unmercifully, and in her struggles to escape, had dragged her into the street. It was some time before the spectators could separate the infuriated

pair by threats of sending for the police, but at length quiet was restored before murder was done.⁵⁸

On occasion, the fear that one day a husband would go too far and commit murder prompted a wife to take action. It was this extreme case that was most likely to receive validation and support for it mirrored the community's own standards toward domestic violence.

Even this modicum of protection was not forthcoming in the case of a certain Mrs Franklin's. Her 'greatly bruised and disfigured body' was found dead upon a sofa. One cannot help but wonder if Mrs Franklin's murder by her husband, the only such murder recorded from 1869-1879, could not have been averted had her neighbours applied a more stringent set of community standards to wife-battering. The fact that it is the only case of a woman beaten to death suggest that formal and informal mechanisms of control generally succeeded in preventing this most extreme form of abuse. Another possible explanation is that most attacks happened in the home and were not premeditated. In the absence of a really lethal weapon such as a gun or knife, the damage most men could inflict with their fists fell short of murder.

At the inquest into Mrs Franklin's death three people testified that they had witnessed the beatings or their aftermath.

Marie Deserault, a servant employed in a neighboring house, testified that she had noticed the prisoner beating the deceased with his fists, and had been informed by the latter that she had slept in an adjoining shed to escape ill-treatment at the hands of her husband: she had heard no noise in the house either the night before last or yesterday morning, but on calling to see the deceased on Monday last, had been told by the prisoner that she was in bed.

Albert Kay, a lad of thirteen, living with his mother in an adjoining house off St. Francois de Salles st., deposed that about three weeks since he had heard a woman sobbing in the kitchen of the house, which is nearest the lane on which it faces, and then screaming 'I am killed, I am killed . . .'. Some days previously, the deceased, who was at the time under the influence of liquor, had told him that she had been frequently obliged to escape the cruelty of her husband, and go sleep in his mother's shed, which was near by; he had also on one occasion observed the deceased standing on the street quite red in the face, with her tongue lolling out as if she had been choked, and holding her hand to her throat.

Thomas O'Neill, aged seventy-eight, bailiff of the Court of the Queen's Bench, stated that he had known the prisoner and his wife since the year 1853; the latter had worked for his family for several years, and to whom they were all greatly attached; on the 21st the prisoner came to his house, and in answer to their enquiry said that he had left his wife in the house — also that she was probably dead; they became alarmed, and consequently, later in the day he visited the premises . . . the deceased came in by the front door; she presented a horrible appearance; the left side of her face was black, blue and swollen, and one of her eyes was in the same condition; had exclaimed 'Oh Mary, what has happened to you?' She was very feeble being unable to cry, but perfectly sober, prisoner explained to account for the blackened eye, that she had fallen against the stove; she said 'Oh Mr. O'Neill, I am killed!'⁵⁹

A number of factors contributed to the murder of Mrs Franklin. It already has been mentioned that her neighbours failed to act. No community constraints bound Mr Franklin's vicious temper. The police did not intervene, quite possibly because they were never notified, and Mrs Franklin's passivity

acted as poor protection. This is not to suggest that Mrs Franklin was in some way responsible for her own death, but rather to highlight how passivity and aggression were two forms of woman's resistance. In this period there is evidence to show that these strategies were also subject to change.

Some women resisted their husbands physically. Evidence for this is found in the cases of marital violence in which 10 percent involved husband-beating.⁶⁰ Mrs Craven's fight with her husband was not completely one-sided. No doubt this was true of other marital conflicts. In this period, the work done by both sexes was physically demanding. Working-class women's strength and stamina were pre-requisites for survival. Women did battle with store-keepers, bailiffs, children, women, and most certainly their husbands.

A distinction can be made between violence used by women and by men. Women's violence was in response to male aggression, while among men, violence was more readily used as a form of communication. A woman's willingness to assert herself in a domestic quarrel was influenced by competing notions of femininity. Middle class ideas of proper feminine behaviour strongly condemned working-class women who fought back.⁶¹ Passivity and dependence on patriarchal institutions for protection were considered the appropriate response. One of the conclusions Nancy Tomes drew from her research on wife-battering in working-class London between 1850 and 1890 was that as women's violence declined, shame about being beaten increased.⁶²

In the last ten years, domestic violence has once again been brought to the public's attention. It has been placed on the political agenda by the feminist struggle to unite the private with the public sphere. What was once considered a family matter, and therefore private, has now been exposed to the light of public scrutiny.

Today, as in the past, public concern has been fed by the media's interest in the most brutal cases. What has changed to sustain this interest, is the work done by the network of battered women's shelters that have been built from the energy unleashed by this wave of feminism. As a feminist historian concerned with domestic violence, it seems to me not only logical but essential to look at relationships between husbands and wives in the past as a potential source of insight into this present day conflict.

The conflicts that made these unions so problematic in the late nineteenth century had their sources in the unequal distribution of economic and legal power between men and women, as well as in men's almost unrestricted right to chastise their wives. In part husband's beat their wives because they thought they could get away with it. The cases examined in this article capture the experience of that minority in the 1870s who, to a greater or lesser degree, did not.

Notes

¹ Archives Nationales de Quebec a Montreal (hereafter ANQM), pre-archivage, Court of General Sessions, Montreal, August 4, 1873, #469.

² ANQM, pre-archivage, Court of General Sessions, Montreal, January 19, 1874, #473.

³ *The Montreal Star*, January 14, 1874.

⁴ *The Montreal Star*, January 17, 1874.

⁵ *The Montreal Star*, January 21, 1874.

⁶ Domestic violence does not respect class divisions. The focus on the working-class was determined by the sources and not by a conviction held by this writer that wife-battering was an exclusively working-class phenomena.

This study is based on a sample of 349 cases of wife-battering which were brought before the Recorder and Public Police Courts in the years between 1869 and 1879 as reported three to four times a week in the pages of the *Montreal Star*. This source was supplemented by an analysis of all cases of assault and battery involving wives and husbands, seen by the Court of General and Special Sessions in Montreal, for the years 1870, 1874 and 1875. The court provided the backdrop for the reporting of these

cases. It was only in the criminal courts that these domestic dramas were given a public face. It was also this level of justice that was most pre-occupied with crimes committed by members of the working class.

⁷ Nancy Tomes, "A 'Torrent of Abuse': Crimes of Violence Between Working-Class Men and Women in London, 1840-1875," *Journal of Social History*, 11, 3(1978) 328-345.

⁸ "Fierce Questions and Taunts: Married Life in Working-Class London, 1870-1914," *Feminist Studies*, 8(1982) 575-602.

⁹ Patayers and Jan Lambertz, "Marriage Relations, Money and Domestic Violence in Working Class Liverpool 1919-1939" in Jane Lewis, ed. *Labour and Love. Women's Experience of Home and Family, 1850-1940*, (Oxford: 1986) 195-219.

¹⁰ Angela Weir, "Battered Women: Some Perspectives and Problems" in M. Mayor ed. *Women in the Community*, (London: 1977) 109 and 113.

¹¹ "Annual Report of the Chief of Police", *Montreal Annual Reports*, 1866-1877, 1879-1888. Wife-battering first appears as a separate crime in the arrest statistics found in *police reports* in 1866. In 1878 no statistics were tabulated for wife battering. The following year, 13 men were charged and 8 women. It is the first time statistics on husband battering are noted. By 1888, neither category is used in the record of arrests.

In *The Montreal Star*, stories of wife battering appear with much less frequency by the beginning of the 1880s. This in part, can be explained by changes in the newspaper's format, which put less emphasis on the reporting of the activities of the Police and Recorder's Courts.

¹² *The Montreal Star*, July 29, 1872.

¹³ *Ibid.*, October 26, 1875.

¹⁴ *Ibid.*, February 26, 1869.

¹⁵ *Ibid.*, January 21, 1874.

¹⁶ "Annual Report of the Chief of Police", *Montreal Annual Reports*, 1870.

¹⁷ Peter DeLottinville, "Joe Beef of Montreal: Working-Class Culture and the Tavern, 1869-1889", *Labour/Le travailleur*, 8/9 (1981-82) 16.

¹⁸ James G. Snell, "Marriage Humour and its Social Functions, 1900-1939", *Atlantis*, II, 2 (1986) 70.

¹⁹ Linda Gordon, *Heroes of Their Own Lives, The Politics and History of Family Violence*, (New York: 1988) 265.

- ²⁰ Peter Delottinville, "Joe Beef of Montreal: Working Class Culture and the Tavern, 1869-1889", 10-11.
- ²¹ *The Montreal Star*, January 14, 1874.
- ²² E. P. Thompson, "Time, Work-Discipline, and Industrial Capitalism", *Past and Present*, 38 (1967) 56-59.
- ²³ *The Montreal Star*, June 27, 1871.
- ²⁴ Nancy Cott, *The Bonds of Womanhood*, (New Have, Conn.: 1977) 60-61.
- ²⁵ Bettina Bradbury, "The Working Class Family Economy: Montreal, 1861-1881" (Concordia University: unpublished Ph.D. dissertation, 1984) 284 and ANQM, pre-archivage, Court of Special Sessions, Montreal, 1870-1875.
- ²⁶ *The Montreal Star*, February 26, 1869.
- ²⁷ *Ibid.*, May 30, 1877.
- ²⁸ *Ibid.*, August 14, 1878.
- ²⁹ *Ibid.*, November 12, 1878.
- ³⁰ *Ibid.*, July 15, 1870.
- ³¹ ANQM, pre-archivage, Court of Special Sessions, Montreal, Nov. 6, 1874, #471, Dec. Term, #473, July 8, 1875, #447, Oct. 29, 1875, #477, Oct. 20, 1875, #477, Nov. 8, 1875, #477, July 20, 1875, #477, and Dec. 30, 1875, #478.
- ³² Paul-Andre Linteau, Rene Durocher and Jean-Claude Robert, *Quebec A History 1867-1929*, (Toronto: 1983) 187-188. On the acquisition of this right in different American states see Amy Dru Stanley, "Conjugal Bonds and Wage Labour: Rights of Contract in the Age of Emancipation," *The Journal of American History*, 75, 2(1988) 471-500.
- ³³ *The Montreal Star*, June 2, 1876.
- ³⁴ W. Peter Ward and Patricia C. Ward, "Infant Birth Weight and Nutrition in Industrializing Montreal," *American Historical Review*, 89, 2 (1984).
- ³⁵ Bettina Bradbury, "The Working Class Family Economy: Montreal, 1861-1881," 462.
- ³⁶ *Ibid.*, 319.
- ³⁷ *The Montreal Star*, May 28, 1874.
- ³⁸ National Archives of Canada, Montreal Society for the Protection of Women and Children, MG 28 I 129, Monthly Minutes and Annual Reports, 1887.
- ³⁹ *The Montreal Star*, January 9, 1877.
- ⁴⁰ *Ibid.*, February 25, 1879.
- ⁴¹ Paul Andre Linteau, et al., *Quebec A History, 1867-1929*, 186-188.
- ⁴² *Ibid.*, 188.
- ⁴³ For a later period, see André Levesque, *La Norme deviantes Des femmes aux Québec entre deux-querres* (Montréal, 1989).
- ⁴⁴ Philomene Gavreau charged her husband, Ignace Choquette with drunkenness and assault. The case came before the Recorder March 7, 1874.
- ⁴⁵ Whether the practice of doubling-up (working-class families sharing loggings) was common in Montreal is disputed. Two different interpretations are found in the work of Bettina Bradbury, "Pigs, Cows, and Boarders: Non-Wage Forms of Survival Among Montreal Families, 1861-91," *Labour/Le Travail*, 14 (1984) 32-44 and Gilles Lauzon, "Habiter un nouveau quartier ouvrier de la banlieu de Montreal; Village Saint Augustin (Municipalite de St Henri)", M.A. thesis, history, UQAM, 1986, 75-107.
- ⁴⁶ The National Archives of Canada, The Montreal Ladies Benevolent Society, MG 28 I 388, Register of Admissions, 1865, Vol. 5.
- ⁴⁷ *The Montreal Star*, October 1874.
- ⁴⁸ *Ibid.*, August 9, 1877.
- ⁴⁹ "Annual Report of the Chief of Police," *Montreal Annual Reports*, 1868.
- ⁵⁰ *The Montreal Star*, October 14, 1870.
- ⁵¹ Henri Elzear Taschereau, LL.D., *The Criminal Statute Law of the Dominion of Canada*, 3rd ed., (Toronto: 1893).
- ⁵² *The Montreal Star*, October 14, 1870.
- ⁵³ *Ibid.*, April 24, 1873.
- ⁵⁴ ANQM, pre-archivage, Court of Special Sessions, Sept. 10, 1875, Box #609.
- ⁵⁵ *Ibid.*, May 1870, Box #459.
- ⁵⁶ *Ibid.*, 1874, Box #471, 472 and 473.
- ⁵⁷ *Ibid.*, 1875, Box #477, 478, 479 and 480.
- ⁵⁸ *The Montreal Star*, May 11, 1869.
- ⁵⁹ *Ibid.*, November 22, 1873.
- ⁶⁰ ANQM, pre-archivage, Court of Special Sessions, 1870, 1873-75. Of the 87 cases of marital violence found recorded, 11 involved husband abuse.
- ⁶¹ Linda Gordon, "Heroes of Their Own Lives", 276.
- ⁶² Nancy Tomes, "A Torrent of Abuse: Crimes of Violence Between Working class Men and Women in London, 1840-1875", 328-45.