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«He Could Not Hold His Passions»: Domestic Violence and Cohabitation in England (1850-1905)

Ginger Frost

1 Many historians, including Ellen Ross, Shani D'Cruze, and James Hammerton, have explored domestic abuse in the working class[2]. Though their approaches differ, these historians share one assumption-that married couples and cohabiting couples were virtually indistinguishable. In many ways, historians are justified in doing this, since long-term cohabitees did share many of the experiences of those legally wed, both socially and legally. But these similarities can be overstated; cohabitees had peculiarities all their own. The motives and justifications for violence show that for many couples, cohabitation was similar to marriage, yet did not have its security or legal status. The irregular status of the couple compounded the well-known strains of living together in poverty and with strongly gendered expectations. The Victorian courts, too, struggled with the problem of applying marital expectations to non-marital couples; the results could be contradictory decisions and conflict between judges and juries. Ironically, in an age in which many couples could not marry legally, the courts held couples, but especially men, to middle-class domestic standards.

2 I will base my conclusions on a sample of 217 violent incidents within cohabiting families culled fromthe *Yorkshire Gazette*, *Lancaster Guardian*, and *London Times* between 1850 and 1905. To find this sample, I read through all the issues of the *Yorkshire Gazette* and the *Lancaster Guardian* (both weeklies) in ten separate years between 1850 and 1905, finding the cases in police reports, assize reports, and magistrates' court reports. For the *Times*, which as a daily had far more issues, I limited myself to reading the police, assize, and Old Bailey reports for four months (March-April and August-September) in nine separate years between 1853 and 1893[3]. I also included cases from other sources, such as criminal appeals casebooks, and supplemented *The Times* with reports in local newspapers whenever possible. I then looked up all the relevant Old Bailey and Home Office files, in

order to get complete pictures of the trials. Obviously, these 200 incidents were a tiny fraction of those prosecuted – much less committed – in the fifty-year period. But this small group can begin an investigation into the complicated connections between cohabitation, family violence, and their representations in court.

3 My sample was overwhelmingly working class. Of the cases (212) where the newspapers mention occupation or class, 197 (93%) were working class. Only thirteen (7%) involved even one partner in the lower-middle or middle classes[4]. The class composition was partly the result of the fact that the poor were the most likely to live in crowded conditions and to abuse alcohol, both conditions that facilitated public violence. But similar studies of marital violence have yielded more middle-class cases, so the working-class predominance of my sample must also reflect the fact that few middle-class people chose to live together without marriage. In other words, while domestic violence existed in all classes, those above the working class tended to do so while legally wed[5]. As a result of the small number of middle-class cases, I will limit my conclusions to those in the working class. In addition, in my sample men were by far the more aggressive sex. Of the 189 violent incidents between cohabitees, the man was the primary aggressor 161 of these times (85%), the woman 28. Of the nineteen cases involving children, men were the aggressors nine times, women six, and both together four. (The remaining nine cases in the sample involve self-inflicted violence or violence against third parties). Men also destroyed themselves with more frequency. Men committed suicide in nineteen cases and attempted suicide in nineteen more. Women committed or attempted to commit suicide in only five[6]. In short, though women could sometimes hold their own in scuffles, men were more deadly, both to their partners and themselves. Thus, though I will discuss both men and women as perpetrators and victims, the typical case had a male attacker and a female victim.

4 Motives for the violence often mirrored those of working-class married couples[7]. The newspaper reports identified motives in 149 of the cases. Jealousy was overwhelmingly the primary stated reason for attacks. For example, 42 times, the victim had ended the relationship; in 35 more cases, the victim had aroused the attacker's jealousy while they were still together, and in six more cases, the victim had threatened to leave. This adds up to 83 of 149 cases in which the aggressor was distraught at losing his/her partner – almost 56% of the cases with a stated motive. The rage and despair of those who lost their cohabitees belies the notion that the lack of a legal tie meant a lessening of commitment or emotional bonds. Indeed, the fact that both were legally free to walk away from the relationship may have increased, rather than decreased, the amount of jealousy, though there is no way to know this for sure[8]. Cohabitees showed that the end of any intimate relationship, particularly one that had a similar pattern to a marriage, could be traumatic. For example, by 1856, John Hannah and Jane Barnham had lived together for three years and had two children. Barnham left him in December 1855, and Hannah pressured her to return. When she refused, Hannah cut her throat with a razor and killed her. He explained to his gaoler, «She has slighted me for some time and wanted to be quit of me, but I liked her and would not be put off». Unable to get her through «fair means», he tried force instead. Nor did the possessiveness come only from the male side. In 1866, Ann Lawrence attacked her cohabitee with a billhook when she found out he had been having an affair with another woman in a neighboring town and had two children with her[9].

5 Although sexual jealousy was by far the leading motive, money was also important; the reports mention arguments over funds as the primary problem in 32 cases (21%). Many historians have pointed out that working-class men and women often had disagreements over their scant resources. A woman had the responsibility to manage the household budget on whatever part of his pay packet the man chose to give her. If she did not manage the house well, she was a failure in her main duty; in addition, any woman who took more of the pay packet than the man offered was «stealing» from him[10]. John Banks murdered Ann Gilligan in 1866, because, he claimed, «[s]he has taken three shillings out of my pocket» when he was asleep. John Bishop killed Mary Ann Ford in 1874, exasperated that she misused so much of his pay packet to buy liquor: «she had robbed him of a sovereign, and that all he had got out of his week's wages was 10s. 3d.»[11]. In addition, women pawned men's goods to make ends meet, which often infuriated their partners. Agnes Finlaison and George Pamplin came to blows over a pair of boots she had pawned to buy alcohol in 1855 in Yorkshire. She stabbed him in the chest with a table knife in the middle of the scuffle. In 1872, John Edward Jones wounded Florence Woolcott over their pawn tickets; he claimed «he questioned her about pledging his things, when they had a row. He then asked her for the pawn-tickets», and she struck him instead of handing them over. He then cut her face with a knife[12].

6 For their part, women insisted that men support them and their children, even after their unions had ended. This reflected a long-held working-class belief that a man who «got a woman into trouble» should support the child, despite Parliament's limitations on magistrates' power to compel men to do so. After the New Poor Law of 1834, mothers had the entire financial responsibility for any illegitimate children. The Act was modified in 1844, but the mothers had to bring the cases themselves (not the magistrates) and, even after further reforms in 1872, the monetary awards were small[13]. Nevertheless, women used the affiliation proceedings when possible and demanded support in other ways when it was not. Since men may well have lived with women rather than marrying precisely to avoid such economic entanglements, they found women's demands infuriating. Louisa Jenkins wanted William Bennet to support their two children after he had left her. She already had affiliated one child on him threatened to do so with the second child «for I can't keep two children a week for 2s!». Bennet, unwilling to give her more money, broke her neck. Richard Sabley, a soldier, murdered Louisa Johnson in 1893 when she brought an affiliation order against him to support their eighteen month-old child. Sabley's wife had recently arrived from India, and he was furious that his wife would now know about his affair[14].

7 Both sexual jealousy and monetary issues were common in marital disputes, but some types of violence were peculiar to cohabiting relationships. For example, at times female cohabitees left or planned to leave precisely because the man had not married them and made them «respectable». Women often entered «tally» arrangements in the hopes that they would lead to marriage. When the men did not follow through, the women decided to try their luck elsewhere; though they were theoretically free to do so, their partners often objected. For example, Ellen Marney threatened to leave George Mulley in 1855 «because he has not kept his promise and married me». His response was to cut her throat and then stab her several times. When the woman found a new man, the ex-lover was even more enraged. Amelia Blunt lived with Francis Wane in 1864, but she eventually left him and became engaged to another man, the son of her new landlord. Wane begged

her to return, but she replied: «No, Francis, you had a chance for me to be your lawful wife.» In response, Wane cut her throat a few days before her wedding[15].

8 Another issue peculiar to cohabitees was the question of the custody of children. Because any children born to them were illegitimate, the fathers had no legal rights to them. For instance, John Hannah was partly enraged with Jane Barnham because he was losing his children. He told a neighbor he would either have her or the children or «he would be the end of her». Richard Sabley, similarly, left Sophia Jackson when his wife returned, but this did not mean he did not want his child with Jackson. He «wished to adopt the child and to wipe his hands of the deceased altogether, but the deceased refused to part with the child»[16]. These men could not assert their patriarchal control precisely because they had not married the mothers of their children, and this contributed to their frustration. Married couples also battled over custody when they separated, but in those cases, the women did not have the legal upper hand. In cohabiting relationships, the mother was the legal parent and could even refuse visitation rights. Though few women went this far, many insisted on keeping their children, with fatal results.

9 More generally, at times the issue at stake was the man's inability to be the head of the household when he was not the legal husband. As Shani D'Cruze has pointed out, Victorian men «wished to be 'masters in their own house,'» and did not hesitate to use violence if they could not achieve mastery any other way[17]. The situations of cohabitees complicated this already contested terrain. Particularly if the woman owned her home, a male partner did not control her finances and this led to tensions, especially with grown step-children. Mark Turner lived with a widow, Mrs. McCrea, in Lancaster in 1900. One day her married and pregnant daughter, Elizabeth King, came to the house on an errand. Turner and King had words because Elizabeth believed he was spreading rumors about her and her friend, Annie Bowles, who lodged with McCrea. Turner tried to force King and Bowles out of the house, and King threw a pot at him. He then hit her with a poker. Bowles, in giving evidence, defended King vigorously, and added, «It was not defendant's house and he had no authority to order her to leave». And McCrea also testified in her daughter's behalf, disgusted that Turner had struck a pregnant woman. Turner, for his part, tried to use the courtroom to reassert his patriarchal control. He argued that Bowles was a prostitute, and «He appealed to the Bench to support him in conducting his house properly». The Mayor was unimpressed, well aware that it was not actually Turner's house, and dismissed his insinuations against Bowles. The Bench fined Turner 5s. and bound him over to keep the peace[18].

10 As many of these cases indicate, the motives for jealousy were bound up in men's desire to assert their masculinity. A woman who left a man for someone else «slighted» him, especially in front of other men. Women who took more than their «share» of the pay packet or who demanded more money to support children questioned the men's ability to provide. In the same vein, women who refused custody of children «robbed» men of their offspring. Legally, an unmarried woman had every right to disobey a man not her husband, to leave an unsatisfactory partner, or to keep her children, but the poorest classes often did not make distinctions between marriage and long-time cohabitation. Thus, these men may well have thought they were losing caste and tried to regain it the only way they could. Both Andrew Davis and John Carter Wood have explored working-class men's violence as a way to assert their «honor» and standing in the community. The men in my sample were very poor, so physical strength was one of the few ways they could impose themselves on others. Men also saw «disciplining» wives was an acceptable

part of marriage, and jealousy was one of the reasons to do so, as was lack of obedience. The fact that in these instances, the men did not even have legal right on their side, since they were not husbands, may have simply hastened the resort to physical violence[19].

11 Examples of men's anxiety about publically proving their «mastery» abound. For instance, Joseph Fountain had lived with Henrietta Corn for some time, but she left him in 1870 to go with another man. In April of that year, he met her in a pub, and they later went for a walk on the street, while Joseph urged her to come back to him. When she refused him, he slit her throat with a razor. In his defense, he explained that «the woman had been persuaded to leave him twice by a man who was a fellow private in a regiment of Militia. He did not intend to have anything more to do with her, but she came while the regiment was training and threatened to show him up in it». Fountain's fear of being «shown up» in front of the men of the regiment led him to attack Henrietta in a public place, in part to prove that neither she – nor the other private – could better him. Men also resented being objects of public ridicule. In 1892, Albert Manning became convinced that Jane Flew, his cohabitee, was having an affair with a man named George Bryant, and he was sure this was why Jane left their home. In his confession after shooting her, he dwelled on the fact that other people made fun of him: «...[Flew's] daughters and Bryant have been laughing at me ever since and two women who lives [sic] near». He also resented that she rejected all his appeals, saying, «I have begged her like a child begging bread». Unable to get her to return, and troubled by what he perceived as public humiliation, Manning reasserted his control in a brutal way. Such concerns also explain why many of these assaults happened on the streets or in pubs, where other people witnessed quarrels, and where men would be most reluctant to come off the worse in the altercations[20].

12 Violence between cohabitees, then, had some peculiarities, though often of degree rather than kind. The attitude of the judge and the juries followed a similar pattern: some basic convergences with domestic violence between married couples, but also some divergences. Judges and juries often elided the differences between married and non-married couples in justifications for the attacks, believing men and women could expect their partners to behave as legal spouses simply by assuming the roles. Men could expect women to be obedient and to manage the household, and women could expect men to be providers and to show restraint with both alcohol and their tempers. Both the law and society reinforced each other in pretending that an open, negotiable relationship was in fact a «marriage», with all the gendered roles and conventions that institution entailed. Yet in the courtroom, judges and juries sometimes came to different conclusions about cohabiting relationships, particularly on the role of working-class men. At these times, judges and juries openly disagreed, since judges tended to be far more disapproving of cohabiting relationships and to hold the men involved, rather than the women, responsible, particularly as the Victorian period moved on. Thus, the legal position was contested, as judges and juries struggled to police a relationship that was outside the law, and none of the actors seemed to see the inherent contradiction in the law about cohabitation, marriage, and violence.

13 Statistically, the trial results of violence between cohabitees seemed strongly in favor of victims, since juries convicted defendants far more often than they acquitted them. Of the 155 cases with a recorded verdict, 105 resulted in a guilty verdict, 21 were acquittals (four for insanity), 25 had a dead or escaped perpetrator, and in four the defendant was bound over to keep the peace. If one removes those with a dead or escaped perpetrator, the

prisoner was convicted 105 of 125 cases, 84% of the time. However, this statistic is misleading. Juries often lessened the charge from murder to manslaughter, or from attempted murder to grievous bodily harm. Of the 82 cases with both a charge and a verdict, 31 (38%) were reduced from the original charge, including fifteen from murder to manslaughter. In addition, coroner's inquests frequently reduced the charges before the cases went to court. Of the 34 full inquest reports in my sample, thirteen (slightly more than a third) reduced the charge, again, usually from murder to manslaughter. Thus, though most defendants were convicted, their sentences could be relatively light. Particularly in magistrates and police courts, penalties were small fines or being «bound over» to keep the peace. Of my 34 police court cases, only half resulted in any time in jail, and thirteen of these were between one and six months. As historians have noted, such leniency was also common to cases of marital violence, especially in the police courts, where many magistrates strongly encouraged reconciliation rather than punishment[21].

14 In addition to these statistical similarities, judges and barristers often emphasized the way that cohabitees matched the experience of married couples. Robert Cooper's barrister tried to defend him from the charge of murder by appealing to the jury's sympathy for a man whose «wife» had left him for another man. «It was true», he admitted, «that the defendant was not legally married to the prisoner, but he was sure that they would not look too nicely at such a distinction, and it was evident that the prisoner always looked upon her as his wife...». In 1863, the Coroner at the inquest of Alice English insisted that it did not matter whether or not she was actually married to John Gair–she «was reputed to be his wife», which was practically the same thing. In 1878, the police court magistrates gave James Stubbs six months at hard labor for kicking Ann Bullock, the mother of his month-old child. Mr. Bridge insisted that «she was equally entitled to protection as if she were his wife», as he sentenced Stubbs[22].

15 Though in these cases, the similarities to married couples worked in the woman's favor, judges also used such ideas to scold women for not showing proper wifely behavior. As many historians have found, judges and coroners disapproved of women who cursed, fought back, or drank, since this upset the middle-class ideal of the helpless, passive female victim[23]. This dynamic was clear in several of my sample. Anne Perry cursed and stabbed William Burke when he pushed her out of his home, and he bled to death. At her trial, the judge lectured her that «The man whom she destroyed, although not legally her husband, was to be regarded in the same light. It was true that he had struck her; but the language that the Court had heard that she had used to him was truly horrible, and had provoked him to strike her»[24]. Juries also sometimes considered women's behavior «provoking» if they did not behave like wives, even though they had taken no vows of obedience. In 1876, John Abbot lived with Hannah McKay in Yorkshire. They quarreled and he hit her with a coal rake several times. His defense was that he had found her in two different pubs that night, and she was drunk when she came home; he also insisted that she had started the quarrel. The jury found him guilty of the unlawful wounding, a lesser offense, and the judge agreed because of the «great provocation». In 1893, Job Taylor, a laborer, beat Emily Twiggs to death over some money, but also because, as Justice Mathew put it, «he was exasperated by the conduct of the woman and the language she made use of». The jury convicted him of manslaughter, and Mathew said he «was satisfied they had adopted the right course», though he gave Taylor fourteen years, a long sentence for manslaughter[25].

16 Nevertheless, at times, the fact that the couples were unmarried changed the approach of those in the courtroom. Some judges, in particular, took the position that if a man did not choose to marry a woman, he could not expect her to behave well and so had little excuse for violence. In other words, a man could not expect the perks of marriage if he had not seen fit to enter that state. Since all of my cases involve women who were not chaste by definition, these findings suggest that Victorian justice was more complicated than earlier studies indicated. In fact, judges and coroners sometimes supported harsh punishments against violent men even when their female victims were drunk or worked as prostitutes. In 1863, the Commissioner of the London police court was disgusted with George Shields, who hit Jane Dixon, a prostitute, with a bedpost. Both were drunk and they lived in a brothel, and he concluded: «The prisoner was living in a state of concubinage with a known prostitute, in a house inhabited by other women of loose character; they were all drinking to excess, ...what but violence among them could be expected?». Justice Brett, similarly, had nothing but disdain for Thomas McDonald, who had killed Bridget Welch, a prostitute, who had left her husband five years before. McDonald had beaten her to death because she was with other men, but Brett did not think this was any excuse. After the jury found McDonald guilty of murder, Brett concluded: «She was a bad and wicked woman; you were a bad and wicked man, and of all people on this earth you had no right to judge her for her wickedness»[26]. Equally bluntly, in August 1863, Justice Keating scolded Joseph Bright, who had beaten Ann Griffin to death over some pawned shirts. Keating insisted that the case showed «the evils resulting from these illicit connexions. How could any man expect a woman to conduct herself in a respectable manner living with him under such circumstances[?]»[27].

17 In other words, some judges insisted on policing male behavior as much as female. Men who did not marry legally, who drank, and who were violent were just as much a problem as unruly women. In fact, sometimes the judges were biased against defendants, particularly male ones, precisely because they had not married their lovers. These judges assumed that the men were the reluctant parties and were thus ultimately responsible for the couple living outside of respectability, and they held men accountable for it. In 1866, Justice Martin summed up against John Banks, who had killed Ann Gilligan because he believed she had «robbed» him. When the jury found him guilty of murder, Martin firmly agreed and lectured the defendant on the ways he had erred in judgement, including: «you went with this woman to a public house and although she was the wife of another man you were living with her as your wife...». What else could be expected except trouble in such a situation[28]? Judges also believed men to be morally, if not legally, responsible for women they lived with and any children they produced. James Hammerton found that Preston magistrates, though repulsed by violence, were just as disapproving of men who «failed to live up to their proper role as providers and family protectors»[29]. This proved to be true even when the man was not legally responsible for «keeping» the family. In 1859, J. Mansfield, a coffee shop keeper, charged Margaret Hackblock with assaulting him. Mansfield had employed her as a servant but had soon begun living with her and they had a child together. They eventually got into a scuffle in a pub, the climax of a series of conflicts, since Hackblock wanted to marry and Mansfield did not. Rather than punishing Hackblock, the Lord Mayor dismissed the charges against her and then lectured Mansfield about how «his conduct to the prisoner, after seducing her, was quite unjustifiable»[30].

18 Martin Wiener has argued that Victorian judges began trying to improve working-class male behavior through the courts, particularly from the 1860s[31]. The judges thoroughly

disapproved of domestic violence and wanted to shape working-class masculinity to be more like that of the idealized middle-class man. Thus, they supported harsher penalties for perpetrators of violence and sometimes disagreed with juries who took a more lenient view. Wiener's thesis challenges the more common argument about Victorian judges' bias against women, especially those who were not passive, angelic victims of brutal husbands. My research sample supports Wiener's view that at least some late-Victorian judges, magistrates, and coroners began to take the lead in castigating any defendants they considered «unmanly». The seemingly irrational behavior of many working-class cohabitees offended the magistrates and high court judges in part because the men were asserting the most primitive kind of control over women without having entered the marriage state. Marriage, because of the domesticating nature of women, was supposed to refine male behavior; thus, men who chose not to marry had only themselves to blame if the relationship turned ugly. Judges assumed the men were the ones who had chosen not to marry, so the women were «victims» even if they drank or acted as prostitutes, since their paramours had refused to «make it right» by offering them the respectability of marriage.

19 Though lower courts had the well-earned reputation of being unsympathetic to abused wives, some coroners and magistrates did their part to «civilize» brutal male behavior. The coroner in Newcastle in 1856 influenced the jury to commit William Fleming to trial for wilful murder instead of manslaughter, since he had beaten his cohabitee Ann regularly for five years. The coroner insisted that «his conduct towards her has been most unmanly, and his usage of her most savage and brutal». Similarly, the coroner in Thomas Brown's case supported the jury's decision to indict him for wilful murder of Elizabeth Caldwell; Brown had sawn off Caldwell's head when both were drunk. The coroner told the defendant, «I must say a more deliberate and brutal thing I never heard of. I cannot think how you could go and inflict a wound of this kind upon a woman you profess to love so much». Magistrates also became disgusted with unmanly behavior. When Michael Kelly went before the Clerkenwell bench in 1853 for punching Catherine Holmes in the face, Mr. Tyrwhitt, the magistrate, sniffed «words would be wasted on such a vagabond», and sent him to the treadmill for two months. The case of John Stubbs, mentioned above, was another example of magistrates' attempts to protect female cohabitees; Stubbs, in fact, got the maximum police court sentence of six months[32].

20 Despite these examples, lower courts were more problematic for women, since many magistrates did not want to remove the breadwinner from the home, and so tried to reconcile the couple, and, in any case, they had limited sentencing power. Thus, the main impetus for reforming male behavior came from high court judges who heard the most serious crimes in the assizes or at the Old Bailey in London. High court judges had a large degree of latitude, so their reactions to violent offenders varied widely. Carolyn Conley, in her study of Kent, gives several examples of judges who supported lower charges and short sentences against men who killed their partners, even with fairly mild provocation (such as Justices Piggot and Cockburn). But Conley sees a growing tendency to be stricter on violent working-class men as time went on; Piggot gave longer sentences in the 1870s than in the 1860s[33]. And some justices appear to have agreed to crack down on working-class male violence as early as the 1850s. Justice Martin sentenced George Mulley, a porter, to transportation for life for stabbing his cohabitee in 1855. Martin insisted that

> ... it was truly horrible to hear and read daily of the brutal outrages upon women,... and he wished it to be well-known that, if convicted before the judges, they had

> come to the determination of passing the fullest sentence allowed them by law, in the hope of making an example to deter others from similar acts of brutality[34].

21 The trend to longer sentences continued as the century grew older. Justice Denman heard the murder trial of George Bowling, who had beaten Eliza Nightengale to death, in 1890. Denman influenced the jury to find the defendant guilty of murder, and then made a long speech about domestic violence:

> Over and over again, nowadays, we see the terrible state of things which indicates a sort of belief on the part of men who are living with women either as their wives or as you are living with the deceased, they have a power of life and death over them, that if the woman does not please the man,... the man, who is unworthy of the name of brute – it would be an insult to the brute to say that he was like a brute – thinks himself justified at once in... acting as her executioner[35].

Like Denman, many judges influenced juries to find defendants guilty of wilful murder rather than manslaughter. In 1862, Baron Martin insisted that «there was not a single circumstance in the evidence» to justify reducing Robert Cooper's murder charge, and the jury followed his lead. Martin did the same thing in a case in 1866, refusing to excuse John Banks's violence due to his drunkenness: «the prisoner was not in that condition of drunkenness which prevented him knowing the cause of the quarrel», he argued[36]. Justice Hawkins, in the murder trial of Thomas Chollerton in 1878, strongly rebutted his barrister's attempt to have the charge reduced to manslaughter because he had not shown malice. Hawkins insisted «No man was excused by the law from the consequences of his act because he did it in a moment of excitement»[37]. In all these examples (and they could be multiplied), the juries followed the judge's instructions.

22 Not all juries, however, agreed with the judges that such brutality was completely inexcusable. Juries were often lower-middle or upper-working class men (publicans, butchers, etc.) who had more sympathy for violent offenders and made fewer distinctions about irregular and regular marriages. They may also have had a clearer understanding of why many couples did not marry and did not assume that the men always made the choice to be «unrespectable». These differences of opinion could lead to public splits between the actors in the courtroom, usually with judges being stricter than juries. For instance, at times judges were unwilling to entertain juries' recommendations to mercy. The jury in William Abigale's made this suggestion «on account of his youth», but Baron Pollock did not support it, and Abigale hanged in May 1882. Justice Hawkins, similarly, argued against the jury's recommendation to mercy in the case of George Cook, who brutally murdered Maud Merton with his police truncheon. The jury thought she had «provoked» him, but Hawkins wrote to the Home Secretary: «this recommendation astonished me...This was one of the most cruel murders I ever heard of...». Cooke, too, went to the gallows in July 1893[38].

23 At other times, judges openly disapproved when jury's chose to convict on the lesser charge only, as when juries found men guilty of manslaughter, but acquitted them of murder. In 1875, Justice Quain presided over the trial of Henry Dorricott, accused of murdering Emma Marston by beating her. The jury found him guilty of causing the death, but «it was not the result of any premeditated intent to do wilful murder». Quain insisted he could not accept such a verdict and explained that premeditation was not necessary for a murder conviction. The jury then came back with a verdict of guilty, but recommended mercy, which Quain again questioned, so the foreman explained, «We think it was not premeditated». Exasperated, Quain exploded: «I told you it was not necessary that there should be premeditation. It is extremely stupid on your part

considering the importance of what you are doing!!». The jury finally decided to find the prisoner guilty of manslaughter. Quain, now thoroughly disgusted, addressed Dorricott at length in his sentencing:

> ... the jury had taken an extremely lenient view of his case in bringing in a verdict of manslaughter. He found that for a period of 16 years he (prisoner)... had been convicted no less than sixteen times, a course of crime that was unexampled and now he had finished it by beating and kicking to death the unfortunate woman with whom he had been living...[39]

Quain gave Dorricott fifteen years in prison. His exasperation was only a more vocal example of a common attitude among high court judges that juries took too lenient a view of domestic violence.

24 In addition, as this last example also indicates, judges had wide discretion over sentencing. Even when they approved of a verdict, they could show disapproval of a man's conduct by giving a longer sentence than usual. The judge in Thomas Ford's trial in 1864 agreed that the case was one of manslaughter rather than murder. But this did not mean Ford should not be punished: «His conduct had been of the most brutal and savage description it was possible to conceive». The judge sentenced him to two years hard labor, which «effected some surprise» in the courtroom. In 1865, Baron Bramwell, similarly, gave a fairly long sentence (two years) to John Snape even though he agreed with the jury's verdict of unlawful wounding, since «it was an abominable thing to draw a knife across a woman's throat»[40]. When judges disagreed with the jury's verdict, they were even more emphatic. In 1872, John Noon stood trial for attempted murder after stabbing Mabel Blaber in the neck. Blaber's testimony was that they were both too drunk to remember what happened, and the jury found Noon guilty of unlawful wounding, the lowest charge possible. Justice Blackburn was not impressed, and sentenced Noon to eighteen months' hard labor, despite the defense's pleas that he supported a large family. Blackburn «remarked that he was sorry for it, but he could not allow the fact to interfere with the case». When the jury in John Mills's case in 1878 found him guilty of common assault rather than attempted murder, Justice Denman remarked that «he was unable to inflict what he conceived would be an adequate punishment, but the prisoner certainly deserved all that the law allowed», and gave him twelve months[41].

25 Judges' emphasis on the «unmanliness» and «depravity» of the defendants served to discipline culprits and to deter violence against women, as well as showing that the judges had a different view of ideal masculinity than working-class men. Rather than seeing the men as expressing an alternative view of manliness, the judges' characterizations positioned these crimes as the products either of «bad» particular men or women, or of pathological working-class life in general. Thus, the fact that judges were suspicious of cohabiting relationships fed into their broader concerns about the ungovernable underclass – violent, drunken, and sexually promiscuous. Though one could not, presumably, change the character of such people, one could try to contain them, which may explain judges' readiness to give relatively long sentences. Judges offered no analysis of broader economic or cultural causes of the outbreaks of violence; instead, these actions were just the natural product of «bad» people, either because of inherent poor character or drunkenness or both. The coroner in the John Gair/Alice English case heard the testimony about how the couple both were married to other people, that she was now flirting with yet another man, and that both were heavy drinkers. He concluded that «A more deplorable instance of the depravity of human nature never before came under his notice...»[42]. The problem, then, was not one of scarce

resources or patriarchal expectations, but of personal failures on the part of the couple. John Ashburn stabbed Sarah Clarkson in 1872 because she wanted to return to her husband. Justice Willis, in approving the jury's verdict of guilty of attempted murder, concluded, «The evidence disclosed a melancholy tale of wickedness and folly on the one hand, and wickedness and constant brutality on the other», as he sentenced Ashburn to life in prison[43]. The key word, of course, was «wickedness». «Bad» people could be expected to behave in «bad» ways, and the only role of the state was to incarcerate such people for as long as possible. Interestingly, however, again the judge drew a gendered distinction: the man was wicked and brutal, while the woman was wicked and foolish. Both were «bad», but the man was the worst of the two, ill-using an ignorant, and thus less culpable, partner.

26 Many times judges and coroners saw the problem in a more specific light – as a want of self-control. This, too, could be gendered, since women were the more irrational and emotional sex, and so could be expected to give way, whereas men should be able to master themselves and use reason[44]. Nevertheless, judges criticized both men and women for letting themselves be carried away by emotion. The Common Serjeant who tried Ann Perry at the Central Criminal Court in London, considered her behavior «another melancholy instance of a person giving way to passion...». Still, since far more men were aggressors, most of the remarks were about their lack of control. In 1877, Minnie Fantham lived with John Nicholson in Birmingham, having left her husband many years before and become a prostitute. Both drank a great deal and he had become increasingly jealous of her attentions to other men. Nicholson eventually killed them both by cutting their throats, and the Coroner concluded that this was a familiar story «of vice, illicit companionship, intoxication, jealousy, and ungovernable passion»[45]. The coroner's linking of «illicit companionship», alcohol abuse, and «ungovernable passion» was typical; violence was all but inevitable with such a combination. Indeed, defendants also played into this in order to excuse their violence as the result of impulse rather than premeditation. George Thomas murdered Margaret Askin when he found she was going with another man. When arrested, he stated, «I am very sorry I have not shot the whole family... Both man and woman ill-treated me, and I could not hold my passion»[46]. All the same, judges did not allow the loss of control to excuse the violence; at times, juries reduced the charge, but no defendant in my sample was acquitted on the plea of drunkenness or «excited passions». Only a clear case of insanity led to acquittal, which happened four times in 217 cases, though Wiener sees a trend toward more insanity defenses at the end of the nineteenth century[47]. One might lose control, but this was one's own fault for indulging in activities that made the irrational behavior more likely. This was particularly true for men, who should know better and be able to govern themselves.

27 The most common way for people to lose control of themselves was alcohol abuse, and judges not only did not accept it as an excuse, but often made long speeches about the evils of drink. Since alcohol figured in eighty-three of the cases in my sample, the authorities had plenty of evidence of the effects of alcohol abuse, and they rarely hesitated to point them out[48]. In 1875, William McCullogh stabbed to death his neighbor, William Watson, when Watson got between McCullogh and Catherine Logan during one of their frequent drunken rows. Justice Archibald commented that half the crimes he saw were caused by intoxication, but this was not an excuse, since McCullogh had willfully taken the alcohol and made himself more liable to lose control[49]. Baron Pollock was even more explicit in the case of Joseph Tucker, who murdered Elizabeth Williamson by

burning her to death in 1885. The jury found Tucker guilty of murder, despite his claim that he was insensibly drunk. Pollock grimly concurred with their verdict:

> ... no person can have been present and heard this trial but what must have known that the cause of your committing this terrible offence was the intemperate and constant drinking to which you were addicted... this must be added to the many other instances that occur from time to time of solemn warning to all persons how they allow themselves ever to give way to that terrible temptation[50].

28 Judges, then, assumed that the violence was the result of «evil» people, a pathological working-class culture, or both; cohabiting outside of marriage was part and parcel of each of these conditions. Yet they assumed that these reckless passions were more about anger or hate than love. Reports of these cases dismissed the attachments of the relationships, portraying them as either violent from the start («cat and dog life») or the kind of dogged companionship that historians have also identified in working-class marriage[51]. In fact, if the couple seemed deeply attached to each other, this was regarded as odd or even faintly ludicrous. John Snape lived with Rachel Taberner after having left his wife and four children. He found her drinking in a pub with another man and cut her throat. In his confession, he stated «People said I was out of my reason in thinking so much about her, and she was the cause of it. She would go among other men». The editor of the *Times* concluded from this story that Snape's «passion for her appears to have run to a mad and ridiculous extreme». But Snape's story was not unusual. The emotions evident in these incidents indicate strong attachments, particularly as so many involved sexual jealousy. Robert Cooper wrote a passionate letter to Anne Barnham before her killed her: «Yes I am sorry for her, my dear, dearest Annie, my heart bleeds for you... Oh! Annie, my dearest, dear, sweet Annie, how I love you... You have deceived me, cruel-hearted Annie...»[52]. Despite being unconvincing as a self-justification, Cooper's letter does shows genuine, if perverse, passion, though the courts often had difficulty recognizing it.

29 In contradiction to the judges' views, many of the defendants insisted that their terrible actions were the result of love rather than hate. Caleb Smith, a laborer, cut Eliza Osborne's throat when he became convinced she was seeing other men. When a neighbor rushed over in response to their daughter's screams, Smith confessed, «I die for love; its [*sic*] all through love; I did it». Thomas Chollerton insisted he had killed Jane Smith «all through love», because of his jealousy. He even kissed her dead body, and wept copiously at his trial. Etty Moore's killer, according to Annie Bowen, «could not in fact bear to be away from her; he used to declare that he adored the very ground she trod on». Even some judges recognized the reality of the defendants' feelings. Justice Willis's summed up in George Thomas's trial for murdering his prostitute lover, Margaret Askin, in the following terms: «Nobody could doubt that, in his own fashion, he had conceived a very strong affection for this unfortunate woman...»[53]. Obviously, these acts of violence were sometimes less about romance than a desire for possession on the part of the men. As Conley pointed out, many men viewed wives as their property, a sentiment the laws of England supported. Many insisted that «if I can't have her, no one can» as justification for their attacks[54]. Nevertheless, possessive jealousy could be – and indeed is quite often – coexistent with love, and one cannot ignore the obvious emotional pain exhibited by many of the defendants, male and female. This does not, of course, excuse the violent behavior. But it does show that in many of these cases, the emotional investment was clear, despite the lack of legal ties. And the loss of control could not be simply attributed to irrational working-class culture or alcohol–at times, the violence resulted from genuine loss, however poorly expressed. Judges' insistence on men living up to their

obligations to provide and behave with restraint was understandable, but not always adequate to comprehend the emotional issues involved.

30 Judges also may have been unrealistic in expecting men to «make honest women» of their partners. Naturally, some couples did indeed choose to remain unmarried, since both partners had some advantages in a free union. The couple avoided expense and the interference of the state. Also, sometimes their relationships were necessarily temporary (as when the women were prostitutes or the men were sailors, tramps, or soldiers). But many of these apparent advantages seem less so when considering the motives and circumstances of my sample of violent incidents. Men may have thought they would be spared the chore of providing, but women pursued support relentlessly. Women, on the other hand, may have hoped to be able to leave more easily, but men often refused to accept changes in allegiance quietly. Nor did women escape men's insistence on obedience; although women contested this sharply, they might pay for their struggles with their lives. At the least, extra-legal partnerships did not lessen the bitter arguments over money and sexual jealousy common to legal marriages.

31 The reasons for avoiding marriage, then, must include other factors, the main one being that for many of these couples, legal marriage was impossible. In 92 of the cases, the newspaper reported specifically that one or both of the partners were married to other people; probably most of these couples would have married if they could. John Gair and Alice English were both married to others; all the same, Gair was as jealous as any husband when English flirted with other men. Ernest Southey was equally possessive of his paramour, a married woman named White. He became distraught when she left him and searched for her for months, «always styling himself [as] her husband»[55]. In fact, most of the cohabitees called each other «husband» and «wife». When John Brown, a carpenter, tried to cover up the death of Rosilla Bishop, he told the neighbors that «he and his wife had had a row and she had left him». Henrietta Fountain lived with Thomas Tredley and «always» went by his name; Susannah Hebden also took the name of her cohabitee, William Taylor[56]. This attitude could be summed up in the words of Druscilla Hodgson, who told the police court, «she was not married, though she always thought she was»[57].

32 Thus, the judges' insistence that the men were responsible for «living in sin» was not always accurate. The strict law of divorce, and its high expense, kept many of these couples from marrying, not their «bad» characters. In fact, one could look at it another way and be impressed that these couples stayed together at all, despite serious problems, and without any legal tie. Yet judges did not take these disabilities into account in their sentencing. This conundrum points up several contradictions in Victorian law about the issue of cohabitation, marriage, and violence. On the one hand, the laws respecting marriage in England strongly supported legal marriage and discouraged cohabitation, giving irregular unions no legal recognition and illegitimizing the children. At the same time, the criminal courts often saw the similarities between marriage and cohabitation in the working class and expected men to provide and women to obey, despite the fact that they had exchanged no vows. This, seemingly, supported cohabitation by regarding it as «practically the same thing» as marriage. In short, the civil law said they were not married, but the criminal law (at times) treated them as if they were. But it was not this simple, either. The civil law, with its limited and expensive divorce, forced some committed couples either to part or live in illegal unions. In other words, cohabitation was the only rational choice for many couples. But the criminal law, particularly certain

judges in the late-Victorian period, punished them for this behavior, regarding them as «irrational» and sexually depraved for living «in sin». But how could a man «make things right» when either he or his lover were married to someone else? In other words, the civil law helped to create a pathology, which the criminal law then punished harshly when violence erupted. When one adds in the gendered expectations, and the differences between judges and juries, the confusions multiply.

33 A further irony is that the couples themselves do not seem to be particularly radical, despite their flouting of the marriage laws. A good number would have married if they had been able. And even those who disdained marriage openly retained its emotional attachments and gender roles. If cohabitation resembled marriage in every way except the legal ritual, it was a fairly muted challenge to it and not much of a sign of working-class pathology. One might argue instead that these couples had simply expanded the definition of marriage and family to include long-term cohabitees well before such unions received state recognition[58]. And with their verdicts, some judges and juries supported this expansion, treating female cohabitees as wives in all but name. Indeed, judges were surprisingly protective towards the women in these cases, largely because of a desire to police working-class male behavior.

34 This study of violence between cohabitees points up new wrinkles in the history of gender and family. For one thing, men's concern about honor, and not «being shown up» may not have just been in their public fights with other men, but also in their homes. Because these couples were often desperately poor, they were the most likely to live in boarding houses or lodgings that made their «private» lives semi-public, even more so than most of the working class. Thus, the chance that men might feel the need to assert themselves violently was increased, as they were more likely to have witnesses to any quarrels. For another, these cases indicate that despite the feelings of most of the participants, cohabitation was not the same thing as marriage. Men did not have custody over children, and women (and men) could leave to marry another more easily and with less legal risk. In short, expectations of obedience from women and providing from men sat in uneasy tension with the accompanying desire for independence from the state. The partners thought of themselves «as husband and wife», and assumed this was sufficient, but when problems occurred, their irregular status came to the fore. Male cohabitees, especially, discovered the judges were not sympathetic to those who did not marry legally; gender expectations in the late Victorian period could disadvantage men as well as women

35 These cases also complicate the view of the Victorian state and its dealings with cohabitation. Though legal historians have argued that cohabitation was «invisible» in the law in the nineteenth century, it was, in fact, only too visible to many judges and juries[59]. Though both the civil and criminal courts disapproved of those living «in sin», judges and juries had to come to practical solutions for the problems cohabitation posed. The contradictory nature of the law was the result of the difficulty in adjudicating a status – common-law spouse – that had no standing in English law. Indeed, these problems and ambiguities made the Victorian anxiety about marriage and divorce reform understandable, particularly in its effect on the working classes. Though much of the impetus for reform came from middle-class lobbyists, the actions of thousands of poor couples also played a part in widening the grounds for divorce, raising the penalties for domestic violence, and, much later, improving the rights of illegitimate children and cohabiting couples. After hearing so many cases of «ungovernable passion», some judges

and juries realized that cohabitees did not consider these families any less real than those sanctioned by law. Such «imagined» families could be as emotionally demanding and difficult to dissolve as those recognized by the state, as many unhappy couples discovered too late.

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NOTES

2. Ross (1993, pp. 84-86); Hammerton (1992, pp. 34-67); D'Cruze (1998, pp. 63-80); Conley (1991, pp. 68-95).

3. I read the *Lancaster Guardian* between 1850 and 1905 at regular five year intervals (1850, 1855, 1860, etc.). I read irregular intervals of both the *Yorkshire Gazette* and the *Times* because so many of the issues were unavailable. The years I used in the *Yorkshire Gazette* were 1850, 1855, 1865, 1870, 1876, 1882, 1885, 1892, 1895, and 1899. Those in the *Times* were 1853, 1856, 1863, 1866, 1872, 1878, 1884, 1891, and 1893. I have 25 cases in the 1850s, 42 in the 1860s, 58 in the 1870s, 37 in the 1880s, 40 in the 1890s, and 5 from 1900 to 1905.

4. Many reports listed the men's jobs, but in some cases, the reports said simply «poor» or «residing in a low part of town». If the preponderance of evidence pointed to working-class origin, I counted it as such.

5. Hammerton's sample in Preston had 25% lower middle and middle-class cases, Hammerton (1992, p. 37); D'Cruze's percentage was closer to my results (8.8%), though still had more from the middle classes, D'Cruze (1998, p. 65).

6. The suicides in this sample occurred after the defendants had committed the original violent acts, so the gender differences were not the result of underreporting of women's attempts. The

generalization about gender also fits with other research on suicide. See Bailey (1998, pp. 125-130); Conley (1991, pp. 70-71).

7. Naturally, perpetrators claimed motives that they thought would defend them most effectively. Fortunately, verification is available for most incidents, especially at the assize level. The majority of the time, the violence was sudden and public, an immediate reaction to the «provocation». Other times men and women threatened violence for weeks before striking. Both types of crime generated witnesses to the causes of the violence who were independent of the perpetrator.

8. Hammerton (1992, p. 45); Conley (1991, pp. 72-73).

9. Hannah in *Times*, 12 September 1856, pp. 7, 10; 15 September 1856, p. 12; *Leeds Intelligencer*, 13 September 1856, p. 8; quote from *Times*, 12 September, p. 7; Lawrence in ASSI 36/12; *Times*, 16 April 1866, p. 5; *Tunbridge Wells Standard*, 20 April 1866, pp. 2-3; 27 July 1866, p. 3; 21 December 1866, p. 3; *Maidstone Telegraph*, 12 January 1867, p. 2. See also Knelman (1998, pp. 137-138).

10. Ross (1993, pp. 72-78); Ayers, Lambertz (1986); Clark (2000).

11. Banks in *Times*, 28 July 1866, p. 12; *Lancaster Guardian*, 9 June 1866, p. 8; 28 July, 1866, p. 3; quote from *Lancaster Guardian*, 9 June. Bishop in *Times*, 24 September 1874, p. 5; *Devonport Independent and Plymouth Gazette*, 26 September 1874, p. 6; quote from the latter.

12. Finlaison in *Yorkshire Gazette*, 21 July 1855, p. 12; Jones in *Times*, 13 August 1872, p. 9. See also Ross (1993, pp. 81-84); Chinn (1988, pp. 75-79); Tebbutt (1983); and, for another example, *Times*, 12 August 1893, p. 3; *Tonbridge Telegraph*, 12 August 1893, p. 5.

13. Henriques (1967); Gillis (1985, pp. 237-241); Arnot (2000).

14. Bennet in *Times*, 18 August 1854, p. 10; *Gloucestershire Chronicle*, 19 August 1854, p. 3; Sabley in *Times*, 1 July 1893, p. 7; *Northampton Daily Chronicle*, 29 June 1893, p. 4.

15. PCOM 1/69, pp. 681-83; Mulley in *Lancaster Guardian*, 26 October 1855, p. 9; 3 November 1855, p. 2, quote from 26 October; Wane in *Times*, 15 December 1864, p. 10. See also *Times*, 15 July 1872, p. 13; *Northampton Herald*, 13 July 1872, p. 8; and *Times*, 26 September 1867, p. 9.

16. Hannah in *Times*, 13 September 1856, p. 7; *Leeds Intelligencer*, 13 September 1856, p. 8 (for quote); Sabley in *Northampton Daily Chronicle*, 29 June 1893, p. 4.

17. D'Cruze (1998, p. 68).

18. *Lancaster Guardian*, 14 April 1900, p. 6. See also *Times* 30 September 1878, p. 8; and *Merthyr Express*, 5 October 1878, p. 6; 9 November 1878, p. 3.

19. Wood (2004, pp. 37-38, 56-69); Davis (1998, pp. 353-356, 360-364); Emsley (2005, pp. 35-36, 59-69).

20. Fountain in *Times*, 9 June 1870, p. 11; Manning in HO 144/248/A54672; *Times*, 29 September 1892, p. 7; *Gloucestershire Chronicle*, 1 October 1892, p. 5; 8 October 1892, p. 7. See also HO 45/9383/45024; *Times*, 9 April 1863, p. 10; *Leeds Intelligencer and Yorkshire General Advertiser*, 11 April 1863, p. 6.

21. Behlmer (1998, pp. 181-229); Conley (1991, pp. 75-81). See also D'Cruze (1998, pp. 9-11); and Davis (1984).

22. Cooper in *Times*, 30 October 1862, p. 11; Gair in HO 45/9383/45024; *Times*, 9 April 1863, p. 10; *Leeds Intelligencer and Yorkshire General Advertiser*, 11 April 1863, p. 6; Stubbs in *Times*, 5 July 1878, p. 12.

23. Conley (1991, pp. 72-75); Behlmer (1998, pp. 198-213); Hammerton (1992, pp. 46-52); D'Cruze (1998, p. 79); Ballinger (2000, pp. 37-64); Wiener (1999b, pp. 182-184).

24. CRIM 10/52, pp. 508-509; *Times*, 3 August 1863, p. 11; 17 August 1863, p. 11; 22 August 1863, p. 11; quote from the latter. According to the trial minutes, Perry called Burke «an Irish bugger» (p. 508).

25. Abbot in *Yorkshire Gazette*, 5 August 1876, p. 4; 16 December 1876, p. 4; quote from the latter; Taylor in *Tonbridge Telegraph*, 12 August 1893, p. 5.

26. Shields in PCOM 1/84, pp. 647-648; *Times*, 7 March 1863, p. 12;McDonald in HO 45/9366/36100; *Devonport Independent and Plymouth and Stonehouse Gazette*, 4 July 1874, p. 7; 1 August 1874, p. 3; quotes from 1 August. Wiener has noted this difference (2004, pp. 207-208).
27. CRIM 10/52, pp. 518-521; *Times*, 18 August 1863, p. 9; 22 August 1863, p. 11, quote from the latter; see alsoCRIM 10/59, pp. 26-32; *Times*, 25 November 1869, p. 9.
28. *Lancaster Guardian*, 28 July 1866, p. 3.
29. Hammerton (1992, p. 48).
30. *Times*, 24 January 1859, p. 11.
31. Wiener (1999b, pp. 184-187; 1999a; 2004, pp. 123-169).
32. Fleming in *Newcastle Chronicle*, 5 September 1856, p. 8 (for quote); *Times*, 16 September 1856, p. 6; Brown in *Times*, 23 May 1881, p. 12; *Nottingham and Midland Counties Daily Express*, 23 May 1881, p. 3; 24 May 1881, p. 3; quote from the latter; Kelly in *Wilts and Gloucestershire Standard*, 24 September 1853, p. 3; for Stubbs, see footnote 22.
33. Conley (1991, pp. 79-81). For other examples of leniency, see Wood (2004, pp. 63-64).
34. PCOM 1/69, pp. 681-683; *Lancaster Guardian*, 3 November 1855, p. 12; *Times*, 26 October 1855, p. 9.
35. HO 144/236/A51714; *Surrey Advertiser and County Times*, 12 July 1890, p. 2. Also found in *Times*, 14 July 1890, p. 6.
36. Cooper in *Times*, 30 October 1862, p. 11; Banks in *Lancaster Guardian*, 9 June 1866, p. 8.
37. HO 45/9464/75868; *Nottingham and Midland Counties Daily Express*, 29 July 1878, p. 3. For other cases, see *Devonport Independent and Plymouth & Stonehouse Gazette*, 1 August 1874, p. 3; and *Northampton Daily Chronicle*, 29 June 1893, p. 4. See also Wiener (1999a, pp. 481-488).
38. Abigale in HO 144/98/A16400; *Times*, 9 May 1882, p. 7; 24 May 1882, p. 10; Cooke in HO 144/250/A55024 (for quote); *Times*, 8 July 1893, p. 16; 10 July 1893, p. 12; 24 July 1893, p. 9.
39. *Shrewsbury Free Press and Shropshire Telegraph*, 27 March 1875, p. 2; Wiener (2004, pp. 253-254).
40. Ford in *Birmingham Daily Post*, 5 March, 1864, p. 4; 7 March 1864, p. 4; quote from 7 March; Snape in *Times,* 26 July 1865, p. 6; also found in *Lancaster Guardian*, 29 July 1865, p. 3, quote in both.
41. Noon in *Times,* 22 July 1872, p. 12; *Nottingham and Midland Counties Daily Express*, 20 July 1872, p. 8 (for quote); Mills in *Times*, 10 April 1878, p. 6.
42. *Leeds Intelligencer and Yorkshire General Advertiser*, 11 April 1863, p. 6.
43. *Manchester Guardian*, 31 July 1872, p. 6; also found in *Times*, 1 August 1872, p. 10.
44. Wood (2004, pp. 37-38).
45. Perry in *Times*, 22 August 1863, p. 11; Nicholson in *Birmingham Daily Post*, 24 February 1877, p. 8; 27 February 1877, p. 5; 28 February 1877, p. 6; quote from 27 February. See also Wiener (1999a, pp. 490-497) for more judges' views of violence due to intoxication or passions.
46. HO 144/161/A41540; *Liverpool Mercury*, 17 November 1885, p. 3; 9 December 1885, p. 7; quote from 17 November. See also *Times*, 13 August 1872, p. 9.
47. Wiener (1999a, pp. 497-504; 2004, pp. 270-288).
48. Hammerton (1992, pp. 45-47); D'Cruze (1998, pp. 66-67); Ross (1993, p. 71); Archer (2000).
49. HO 45/9388/46727; *Lancaster Guardian*, 31 July 1875, p. 7.
50. *Nottingham Evening Post*, 13 July 1885, p. 4. See also *Lancaster Gazette*, 16 January 1875, p. 5; 13 March 1875, pp. 3-4, 8.
51. Gillis (1985, p. 251); Hammerton (1992, p. 45); Behlmer (1998, p. 203).
52. Snape in *Times*, 26 July 1865, p. 6; and *Lancaster Guardian*, 29 July 1865, p. 3; quote from *Times*; Cooper in *Times*, 30 October 1862, p. 11.
53. Smith in HO 144/161/A41540; *Croyden Chronicle*, 21 April 1877, p. 5; Chollerton in HO 45/9464/75868; *Times*, 29 July 1878, p. 4 (for quote); and *Nottingham and Midland Counties Daily Express*, 29 July 1878, p. 3; Bowen's remarks in *Portsmouth Times and Naval Gazette County Journal*, 10 December 1887, p. 3; and Thomas in *Liverpool Mercury*, 17 November 1885, p. 3.
54. Conley (1991, pp. 76-77); see also Tebbutt (1983, p. 41).

55. Gair in *Times*, 9 April 1863, p. 10; Southey in *Times*, 10 August 1865, p. 12; 15 August 1865, p. 12; quote in 10 August.
56. Brown in *Times*, 26 July 1864, p. 12; 27 July 1864, p. 7; and 5 August 1864, p. 10; Tredley in *Times*, 16 April 1870, p. 10; Taylor in PCOM 1/102, pp. 530-541; *Times*, 1 July 1872, p. 7.
57. *Yorkshire Gazette*, 19 September 1885, p. 11; see also 5 September 1885, p. 6; 12 September 1885, p. 3.
58. For a similar point about cohabiting couples on the continent, see Ratcliffe (1996); Abrams (1993).
59. See, e.g., Parker (1990).

ABSTRACTS

Violence between working-class cohabiting couples in England revealed both convergence with and divergence from the experience of married couples. Men were the aggressors far more often, and motives for violence centered on jealousy and money. However, cohabitees also fought when one partner wished to marry and the other did not, and also over custody of children. Many of these incidents revealed men's concern with honor and masculinity. The courts, too, were ambivalent in dealing with these cases. Though treating the couples as if they were married, judges also held the men responsible for living in «concubinage», despite the fact that many of these couples could not legally marry. This brought judges into conflict with juries and also revealed contradictions in the Victorian state's approach to cohabitation.

Dans la classe ouvrière anglaise, on trouve à la fois des ressemblances et des différences dans la violence conjugale, selon qu'elle s'exerce au sein de couples mariés ou vivant en concubinage. Dans ce dernier cas, les hommes sont plus fréquemment les agresseurs, et leurs mobiles tiennent principalement à la jalousie et à l'argent. Néanmoins, les concubins se battaient également lorsque l'un d'entre eux souhaitait le mariage mais pas l'autre, de même qu'au sujet de la garde des enfants. Bon nombre de ces incidents révèlent une préoccupation des hommes vis-à-vis de l'honneur et de la masculinité. Les tribunaux adoptaient une attitude ambivalente face à ces affaires: bien qu'ils traitassent les couples comme s'ils étaient mariés, les juges tenaient également les hommes pour responsables de la situation de concubinage, alors même que beaucoup de couples ne pouvaient se marier pour des raisons juridiques. Ceci suscitait des conflits entre juges et jurés et mettait en lumière les contradictions dans la manière dont l'État victorian traitait la cohabitation.

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