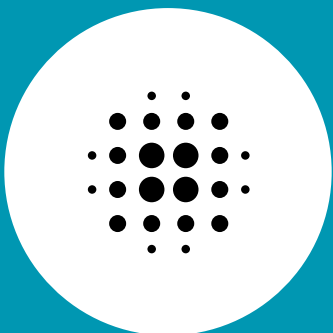
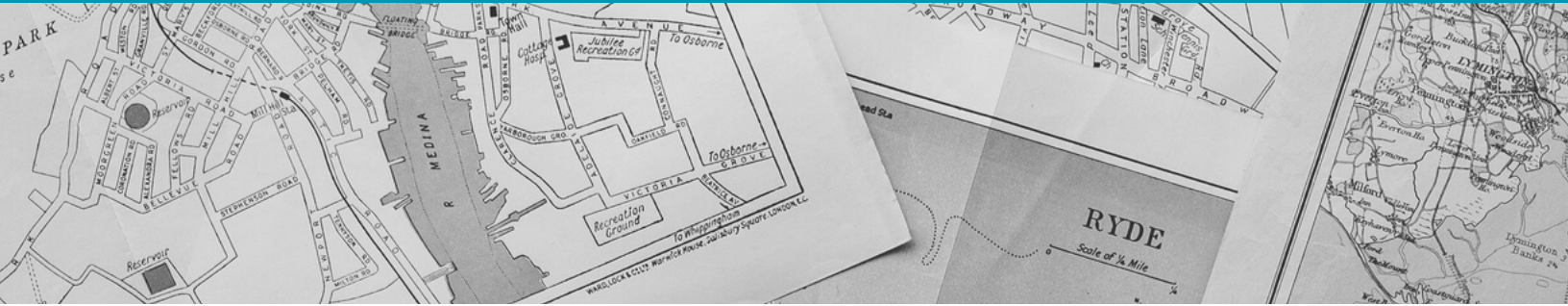


BIGAMY ACROSS BORDERS: PATHS, PATTERNS, CONNECTIONS



JULY 20 & 21, 2023
Macquarie University
18WW 186 Training Rm D

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BIGAMY ACROSS BORDERS: PATHS, PATTERNS, CONNECTIONS

LONDON, UK -9 HRS
BERLIN, GER -8 HRS
NEW YORK, USA -14 HRS

DAY 1

Thursday, July 20, 8:30am-6:30pm

Registration -- 8:30am-9:00am

Fiction and Real Lives -- 9:00am - 10:00am

DIANE SIMMONS, AUTHOR OF THE NON-FICTION BOOK: *THE COURTSHIP OF EVA ELDRIDGE: A STORY OF BIGAMY IN THE MARRIAGE MAD FIFTIES*

"Vick and His Wives"

MAIA MCALEAVEY, BOSTON COLLEGE

"Bigamy as Plot"

Bigamy during the Colonial Era -- 10:15am -- 11:45am

IAN DODD

"Bigamy in Early Colonial Australia - A lot of it Going on"

DAMIAN GLEESON, UNIVERSITY OF NEW ENGLAND

"Which was the Greater 'Evil'? Bigamy or Cohabitation in Early Colonial NSW"

REBECCA PROBERT, EXETER UNIVERSITY

"Escaping Prosecution: Time and Travel"

Round Table: "Sharing Stories: Tracing Bigamists Across Borders"

1:45pm - 2:45pm

RUTH GRAHAM, GEMMA BESWICK, VANESSA CASSIN, SOCIETY OF AUSTRALIAN GENEALOGISTS

From Brazil to New Zealand passing through Scotland --

3:00pm - 5:00pm

LUISA STELLA COUTINHO, MAX PLANCK INSTITUTE

"Weakness of the Flesh or Disrespect of the Faith? Bigamists in the Captaincy of the Paraiba and the Inquisition in Colonial Brazil"

CAROL MCKINVEN, SCOTTISH KIN

"Bigamy in Nineteenth-Century Scotland: Pragmatism or a Search for a Soulmate?"

RUTH LAMONT

"'Let every Man have his own Wife'? Convict Marriage in Early Colonial Australia"

JULIA BRADSHAW, CANTERBURY MUSEUM

"Quiet Bigamy on New Zealand's Goldfields"

Cocktail and Networking

Bigamy, Sacrament, and Pragmatism in 20th Century Ireland --

5:30pm - 6:30pm

MAEBH HARDING, UCD SUTHERLAND SCHOOL OF LAW

BIGAMY ACROSS BORDERS: PATHS, PATTERNS, CONNECTIONS

LONDON, UK -9 HRS
BERLIN, GER -8 HRS
NEW YORK, USA -14 HRS

DAY 2

Friday, July 21, 9:00am-5:00pm

Privy Council Appeal and Polygamy-- 9:00am - 10:00am

MÉLANIE MÉTHOT, UNIVERSITY OF ALBERTA

"Never a Question of Guilt, Only a Problem of Jurisdiction: The Legal Saga of John MacLeod"

MELANIE HEATH, MCMASTER UNIVERSITY

"Regulating Polygamy with Administrative Ambivalence"

Bigamy in Australia -- 10:15am - 11:45am

KATIE STOBBE, UNIVERSITY OF ALBERTA

"Bigamists and Second Spouses Across Australia: 1872-1956"

PARMIDA BEEDLE, UNIVERSITY OF ALBERTA

*"Mingled Marriages and Interlacing Laws:
Matrimonial Matters of Jewish Migrants in Australian Courts"*

ALANA PIPER, UTS

"Marriage and War: Prosecuting Bigamy in Victoria, 1914-1945"

Florence, Frederick, Harriet, and Bertha: Bigamist Stories

1:45pm - 3:45pm

MARIAN LORRISON, MACQUARIE UNIVERSITY

"Dealt a Rough Hand: The Case of Florence Ballis and her Elderly Spouse"

HANNAH BOLLER, UNIVERSITY OF ALBERTA

"Skeletons in the Closet: An Autopsy of a Liberal Bigamist"

RAEWYN DALZIEL, AUCKLAND UNIVERSITY

"Migration: Putting a Bigamous Marriage Behind You"

CATHERINE BISHOP, MACQUARIE UNIVERSITY

"The Importance of Being a Wife: Bigamy, Morality, and Prosecutions in 19th Century Australasia"

English Law: Polygamy

4:00pm - 4:30pm

ZAINAB NAQVI, MANCHESTER METROPOLITAN UNIVERSITY

"Polygamous Marriages in English Law - An Indifferent Approach?"

THANK-YOU FOR JOINING US!

BIGAMY ACROSS BORDERS: PATHS, PATTERNS, CONNECTIONS

AUTHORS & ABSTRACTS

Parmida Beedle

MINGLED MARRIAGES AND INTERLACING LAWS: MATRIMONIAL MATTERS OF JEWISH MIGRANTS IN AUSTRALIAN COURTS

As archival documents prove, bigamy haunted the lives of thousands of people in 19th and 20th century Australia. Despite the various situations, characters, and outcomes in these cases, many have one element in common: Christian marriage ceremonies. In this presentation, research assistant Parmida Beedle turns the spotlight to a handful of cases involving Jewish marriage ceremonies in New South Wales and Victoria. With varying origins and experiences with love, loss, and liberty, the stories of these Jewish immigrants living between the 1840s and the 1940s provide insight into how Australian courts handled matrimonial matters concerning people from a religious minority. They also reveal how the courts' understanding of Judaism influenced the portrayal of Jewish bigamists in the press. Unravelling the events in the lives of seven Jewish bigamists through press coverage and case files, the documents ultimately uncover a complicated relationship between Jewish law, Australian laws, press, and bigamy.

Parmida Beedle is a senior University of Alberta student working on the "Much Married: Bigamy Prosecutions in Australia, 1812 - 1960" project alongside Dr Mélanie Méthot. As a member of the project's research team since the start of 2021, she has been learning, writing, and presenting about bigamy. Her research typically focuses on the connections between religion and law, and the fascinating lives of female bigamists throughout history.

Catherine Bishop

THE IMPORTANCE OF BEING A WIFE: BIGAMY, MORALITY AND PROSECUTIONS IN 19TH AUSTRALASIA

In the late 19th century, NZ and Australia were awash with bigamists, many of whom have only come to light with the explosion of online searchable historical sources. The unlucky ones were the likes of William Green Hibble and Harriet Corston, whose court case was widely publicised, to the scandalous delight of newspaper audiences. The story of their denouement illustrates the arbitrariness of such prosecutions. For many of the rest, their crime remained undetected - certainly they were not pursued by the law with any great enthusiasm. But what does bigamy tell us about the nature of the Australasian colonial world? Is it an indication of persistent romantic hope? Or of a dissolute society without respect for law and order? This paper argues that bigamy was instead a crime of respectability. Being married was important, both for the social standing of individuals, particularly women, and for the sense of being a stable and upright community. Arguably this was even more important in the colonies than in the UK.

Dr Catherine Bishop holds a DECRA postdoctoral fellowship at Macquarie University, researching a history of Australian business women. Her first book *Minding Her Own Business: Colonial Businesswomen in Sydney* (NewSouth, 2015) won the 2016 Ashurst Business Literature Prize. She is also the author of *Women Mean Business: Colonial Businesswomen in New Zealand* (Otago University Press, 2019) and *Too Much Cabbage and Jesus Christ: Australia's Mission Girl Annie Lock* (Wakefield, 2021). With Jennifer Aston, she co-edited *Female Entrepreneurs in the Long Nineteenth Century: A Global Perspective* (Palgrave, 2020). She is currently writing a history of the New York Herald Tribune World Youth Forum and a short book provisionally titled *Blackmail Bigamy and Bedhopping*.

BIGAMY ACROSS BORDERS: PATHS, PATTERNS, CONNECTIONS

AUTHORS & ABSTRACTS

Hannah Boller

SKELETONS IN THE CLOSET: AN AUTOPSY OF A LIBERAL BIGAMIST

As British legal historian Rebecca Probert explains, “In evaluating our ancestors’ marriages, it can be difficult to know what was common and what was exceptional” (2022). Even so, to further their understanding of the marital bond, scholars concentrate on the exceptional to understand the typical. Private home matters are less represented in source materials, as shown in the historiographical shift within the field of women’s history from public documents to diaries. However, when examining marriage as an institution, public documents, when read correctly, reveal both the extraordinary and common. My paper uses this approach to examine marital understanding in Australia in the first half of the twentieth century. The arresting character and circumstances of Frederick Knight, politician and businessman, do not conform to those typically charged with bigamy. While his legal case and disposition remain remarkable, Knight’s actions and their reverberations reflect society’s position on marriage and his assumptions as to its purpose. I consider how Knight’s naval experience, the effects of the Great War, and his humble upbringing combined to influence his motives to marry. The paper examines voluminous press reportage and legal documentation relating to Knight’s legal saga, allowing us to articulate his understanding of marriage as exploitative and traditional.

Hannah Boller, a recent University of Alberta graduate, completed her Bachelor of Arts in History while working alongside Dr. Mélanie Méthot on her project “Much Married: Bigamy Prosecutions in Australia, 1812 – 1960” for four years. She recently was granted funding for her project “Mennonite Marriage: A Second Reformation?” Hannah’s golden age in history is 1940s Britain, especially anything to do with espionage.

Julia Bradshaw

QUIET BIGAMY ON NEW ZEALAND’S GOLDFIELDS

Public records have informed our knowledge of the practice of bigamy, but how representative are these records? In 1863 bigamy was said to be a very common crime in the Otago, New Zealand, yet only four people in the province were charged with bigamy during the 1860s. Quiet bigamies, those that never became public knowledge, lurk in the background of many colonial families. Drawing on cases discovered while researching the lives of women on New Zealand’s goldfields, this paper provides information on the circumstances involved, attitudes to bigamy and the effect of bigamous marriages on the individuals concerned. The presentation will offer rare insights into who was marrying illegally, community tolerance of bigamy and the representativeness of public records of bigamy in New Zealand.

The author of five social history books, Julia Bradshaw has been working in museums since 1993 and was previously Director of Hokitika Museum. She is now Senior Curator Human History at Canterbury Museum and is currently researching Chinese-European marriages and women on the New Zealand goldfields.

BIGAMY ACROSS BORDERS: PATHS, PATTERNS, CONNECTIONS

AUTHORS & ABSTRACTS

Luisa Stella De Oliveira Coutinho Silva

WEAKNESS OF THE FLESH OR DISRESPECT OF THE FAITH? BIGAMISTS IN THE CAPTAINCY OF THE PARAIBA AND THE INQUISITION IN COLONIAL BRAZIL

In the 16th century, the Council of Trent established new guidelines on how to marry and specific ceremonies for weddings. As a sacrament, marriage acquired another dimension in the legal sphere, and to disrespect it constituted an act against one of the seven rituals established by Jesus Christ. After the Council of Trent, these religious norms were widespread around the world. In the Portuguese Empire, the Inquisition persecuted anyone who failed to respect the sacrament of marriage by marrying twice, although the secular jurisdiction also condemned the practice in the Ordenações Filipinas by death, turning the act into a *mixti fori* crime. At no time in colonial Brazil, a part of the Portuguese Empire, did the Inquisition establish a tribunal, but it never stopped exercising its power through the *visitações*, *familiars do Santo Ofício* or the ecclesiastical jurisdiction. Officials searched for bigamists in different parts of the colony. In northeast Brazil in the captaincy of Paraíba, some bigamists were prosecuted by the Inquisition for marrying a second time. These lawsuits reveal details of daily colonial lives, revealing cultural practices and varied legal understandings and interpretations, including practices of marriage. From the perspective of women's legal history, this paper will discuss cases of bigamies related to the captaincy of Paraíba, identify those couples involved and their reasons to marry a second time, and explore more general practices about the colonial order and the production of norms.

Luisa Stella de Oliveira Coutinho Silva is a researcher at the Max Planck Institute for Legal History and Legal Theory and a trained lawyer in Portugal and Brazil. She graduated in Law and Psychology, and received her MSc and PhD in Legal History from the University of Lisbon. She specializes in Women's Legal History in the Portuguese Empire, and her current research project investigates the conversion and initiation of Japanese women to Christianity between 1540s and 1630s from a global legal history perspective. Her recent publications include "Nem teúdas, nem manteúdas: História das Mulheres e Direito na capitania da Paraíba (Brasil, 1661-1822)".

Raewyn Dalziel

MIGRATION: PUTTING A BIGAMOUS MARRIAGE BEHIND YOU

In 1857, Bertha Phillips, the seventh child of well connected attorney James Phillips and his wife Mary, caused a huge scandal when she ran off to the United States with Augustus Dickens, younger brother of Charles Dickens. After the death in October 1866 of Augustus, Bertha struggled to cope. Dickens's refusal to visit Chicago on his American tour in early 1868 was famously attributed to her presence in that city. When Bertha committed suicide at the end of 1868, it was a trans-Atlantic sensation. In contrast, the story of her younger brother, Pearce Alfred Phillips, who arrived in New Zealand in early 1860, was a quieter and less public series of scandals. Married a total of four times, twice in England and twice in New Zealand, his bigamous marriages and their exposure illustrate the varied paths men and women might take when involved in such marriages.

Raewyn Dalziel is Professor Emeritus in History at the University of Auckland. She has published on bigamy in nineteenth century New Zealand.

BIGAMY ACROSS BORDERS: PATHS, PATTERNS, CONNECTIONS

AUTHORS & ABSTRACTS

Ian Dodd

BIGAMY IN EARLY COLONIAL AUSTRALIA - A LOT OF IT GOING ON

This paper gives an overview of bigamy in colonial Australia, particularly during the convict era. It examines attitudes to bigamy in the context of the law and practice of marriage in the Australian colonies, and the peculiar factors promoting bigamy in a society comprising a large number of transported convicts, in a land half the world away from the UK. Records of applications by convicts for permission to marry after the mid 1820s in New South Wales provide evidence of frequent attempts to commit bigamy, with support from some clergymen, and the thwarting of those attempts by colonial officials. The paper explores the roles played by colonial officials and clergy in allowing or suppressing bigamous marriages and identifies difficulties in detecting and prosecuting the offence.

Ian is a retired Sydney lawyer interested in early Australian colonial history with a particular focus on marriage.

Damian John Gleeson

IRISH CATHOLIC BIGAMY IN PENAL NSW

Bigamy in colonial New South Wales is a subject that has received little scholarly research, despite its widespread prevalence and concern to church officials, notably Catholic chaplains. This paper examines the causes, implications, and effects of colonial bigamous marriages from the inception of the colony in 1788 to 1840, with particular focus on Irish convicts and their first families in Ireland. Up until 1820, the state and the colony's established religion, the Church of England, strongly endorsed marriage as a means of reducing high numbers of non-sanctioned cohabiting couples, and in the absence of verifiable information about convicts' existing marital status, many bigamous marriages occurred. After 1820, a combination of efforts by Catholic clergy and Governor Darling's 1825 marriage reforms slowed down the rate of bigamous marriages but did not stop most married Irish convicts applying to remarry soon after arrival in the colony. Central to this story is the complex role played by Corkman, Fr John Joseph Therry, who took matters into his own hands and forced bigamous couples to separate, but also allowed many Irish women to remarry in clandestine and mixed marriages.

Damian John Gleeson, PhD is the 2022 Australian Religious History Fellow at the State Library of New South Wales and is affiliated with the University of New England, Armidale (NSW). His publications include the award-winning *The Rock of St George* (2017) and *An Eternal Flame* (2020).

Ruth Graham, Gemma Beswick & Vanessa Cassin

ROUND TABLE: "SHARING STORIES: TRACING BIGAMISTS ACROSS BORDERS"

"On the 2nd marriage certificate he was listed a Bachelor & a Gentleman - he was clearly neither"

This session will focus on the experience and issues regarding the family history practitioner as provided by representatives of the Society of Australian Genealogists - Gemma, Vanessa, and Ruth will take the group through discussion points derived from a recent survey of Society members, their experience as family history students and staff of the Society as well as between the three, over eighty years of family history research undertakings.

BIGAMY ACROSS BORDERS: PATHS, PATTERNS, CONNECTIONS

AUTHORS & ABSTRACTS

Ruth Graham is the Chief Executive Officer of the Society of Australian Genealogists. Ruth is a family historian working professionally as an education and research manager. She has worked in Australia and the United Kingdom for higher education and professional associations including: London Business School, The Royal College of Surgeons of England, the Australian Computer Society, and the University of Sydney.

Gemma Beswick is GLAM sector professional having worked in libraries, museums and galleries in local government and higher education settings for 15+ years in which she has undertaken administrative and management roles. Alongside her professional career, Gemma is a passionate genealogist with research interests including: Australian First Nations, Convict Australia, England and Scotland as well as early Australian collectors and collecting institutions.

Vanessa Cassin is a learning and development professional with extensive experience in providing training and assessment in the trustee and tertiary education industries. Vanessa is also a genealogist who has been researching her own family history for over 20 years.

Maebh Harding

BIGAMY, SACRAMENT, AND PRAGMATISM IN 20TH CENTURY IRELAND

The Irish Free State was initially very harsh on bigamists, imposing long custodial sentences in the 1920s. Yet by the 1990s, some social conservative thinking actually proposed the legalisation of bigamy or dual marriages as a morally better alternative to divorce. The Irish approach to bigamy throughout the 20th century must be understood in the context of the Catholic Church's near monopoly over entry into marriage and the absence of judicial divorce. While the Marriage (Ireland) Act 1844 exercised some state control over marriage formalities for other religions, Catholic marriages were recognised by the law under common law principles. This gave near complete regulatory control of Catholic marriage to the Catholic Church until the Family Law Act of 1995. In two high-profile instances in the latter part of the 20th century, Catholic priests refused to recognise the validity of civil marriages and allowed a spouse to marry for a second time in a Catholic ceremony. Such marriages were bigamous in the eyes of the State but not within canon law. This provided a convenient regulatory loophole for people who wished to leave existing marriages and re-partner. In both instances, the bigamous parties pleaded guilty and received light sentences. In *People (Attorney General) v Ballins, O'Briain J* described the law as raising grave problems of conscience for the majority of Irish citizens who were bound by conflicting principles of civil and religious law. As a solution, up until the 1980s, calls were made by some academic commentators for Irish marriage law to mirror canon law as closely as possible. After this point, social pressure for the introduction of judicial divorce to provide a mechanism for remarriage grew significantly. Very few instances of bigamy were detected by the Gardaí throughout the second half of the 20th century and national newspaper reporting of Irish bigamy cases nearly entirely vanished after 1970. This paper will examine national newspaper reporting of Irish bigamy cases during the 20th century to analyse the influence of the sacramental turf war between State and Church and the growing social pressure for the introduction of divorce on the understanding of bigamy as a criminal offence.

Dr Maebh Harding is a Lecturer in Family and Child Law at the UCD Sutherland School of Law in Dublin. Maebh's research combines a critical feminist perspective with empirical, historical and doctrinal rigour to challenge legal regulation of family life. Her work is interdisciplinary in nature, crossing different legal and methodological fields and makes significant contributions to the areas of Family Law, Children's Rights, Private International Law, Legal History, Law and Religion, and Law and Gender.

AUTHORS & ABSTRACTS

Melanie Heath

REGULATING POLYGAMY WITH ADMINISTRATIVE AMBIVALENCE

This paper compares the prohibition of polygamy in France, Canada, and the United States, and considers how governments are ambivalent in its regulation, pointing to what legal scholars distinguish as “law on the books” and “law in action.” Each nation defines its identity according to a racial project that draws on Western ideals of “the family” and the repudiation of polygamy. In France, polygamy is racialised based on republican values that make it synonymous with a lack of assimilation.

In the United States fundamentalist Mormon polygamists are “one of us” as white Americans; however, they are also seen as “race traitors” because of their practice of polygyny. Canada puts polygamy on trial, focusing on its harms to society and the institution of marriage, a surprising emphasis for a multicultural society.

Dr Melanie Heath is Associate Dean of Graduate Students and Associate Professor of Sociology at McMaster University, Canada. She studies the politics of family, sexuality, and gender. She is author of *Forbidden Intimacies: Polygamies at the Limits of Western Tolerance* (2023, Stanford University Press), *One Marriage Under God: The Campaign to Promote Marriage in America* (2012, New York University Press) and *The How to of Qualitative Research*, second edition (with Janice Aurini and Stephanie Howells, 2022, Sage). She co-edited *Global Feminist Autoethnographies During COVID-19* (with Akosua Darkwah, Josephine Beoku-Betts, Bandana Purkayastha, 2022, Routledge)

Ruth Lamont

LET EVERY MAN HAVE HIS OWN WIFE? CONVICT MARRIAGE IN EARLY COLONIAL AUSTRALIA

This paper examines the regulation of convict marriage following transportation to Australia as a criminal sentence. Little thought was given to the separation of families through the process of transportation, but from the earliest period of transportation in the 1810s there is evidence of wives following their transported husbands to the colony, and of bigamous Australian marriages. As transportation became a more regulated process, the reuniting of spouses was facilitated by the colonial authorities and convicts could apply for their wives to be sent post-sentence to the colony, and thereby reunite the family. Using evidence from the British National Archives and the AHRC-funded Digital Panopticon project, this paper considers applications to reunify separated families and the evidence of bigamous marriages within the data.

Dr Ruth Lamont is a Reader in Child and Family Law at the University of Manchester, UK, and an Editor of the *Child and Family Law Quarterly*. Her research is focused on international family law, particularly as it affects children, and has researched the history of forced child migration to Canada, and victims of crime. Her interest in bigamy originated in the Poor Law records of families affected when the primary breadwinner was transported.

BIGAMY ACROSS BORDERS: PATHS, PATTERNS, CONNECTIONS

AUTHORS & ABSTRACTS

Marian Lorrison

DEALT TWO VERY DIFFERENT HANDS: FLORENCE SHAPLAND AND EDNA GOCK MING

Historical legal documents provide a glimpse into the attitudes that held sway in a by-gone era. Such communicative capacity holds particularly true for legal documents pertaining to intimate relationships. This paper analyses the documents in two legal proceedings involving bigamous women to tease out the complex layers comprising the narratives. I compare the experiences of Florence Shapland, who sought escape from the social shame of an illegitimate birth by marrying her mother's uncle who was, unbelievably, also her child's grandfather, to Edna Gock Ming, a Eurasian medical doctor from an affluent family. Reading closely and between the lines, I draw out contemporaneous attitudes towards gender, class and race and trace the very different life paths that each woman traversed.

Marian Lorrison is a feminist historian. Her doctoral research comprised seven case studies of women who appeared in the Sydney Divorce Court between 1883 and 1912, when WWI brought its own ramifications for gender relations. She currently teaches academic writing to international students.

Maia McAleavey

BIGAMY AS PLOT

Most accounts of the narrative structure of nineteenth-century literature centre on the courtship plot culminating in marriage, but instead, my first book, *The Bigamy Plot: Sensation and Convention in the Victorian Novel* (Cambridge University Press, 2015), uncovered a vast archive of novels using the plot of bigamy to rework the period's conception of marriage. In hundreds of novels, plays, and poems published in Victorian Great Britain, husbands or wives believed dead suddenly reappear to their newly remarried spouses, transforming a formal and cultural "ending" – a stable, monogamous marriage – into a destabilising narrative engine – the bigamy plot. The resulting melodrama can include bribery, arson, and murder, as the story struggles to find places for what reviewer Alfred Austin derided as "an inconvenient number of husbands and a most perplexing superfluity of wives." Although the bigamy plot has primarily been considered a surprising anomaly, merely the signature narrative strategy of popular "Sensation" novelists, I demonstrate that traces of this pattern can be seen in many of the period's best-known novels. Taking plot, rather than genre, author, or traditional critical reception, as its central

organising principle, *The Bigamy Plot* traces narrative connections across the work of a range of Victorian writers, from canonical and sensational novelists, to poets and playwrights. One of the book's larger claims is that focusing on plot illuminates unexpected relationships between canonical and popular texts, allowing us to imagine new literary-historical genealogies. In this presentation, I will suggest how thinking about bigamy as a plot might be productive for thinkers working across interdisciplinary and national boundaries.

Maia McAleavey is Associate Professor at Boston College, where she specializes in nineteenth-century British fiction. She is the author of *The Bigamy Plot: Sensation and Convention in the Victorian Novel* (Cambridge UP, 2015), as well as essays in *NOVEL*, *Representations*, *Victorian Studies*, *Victorian Literature and Culture*, and elsewhere. Her current book project distinguishes the "chronicle" from the novel as a form that foregrounds collectivity over individualism.

BIGAMY ACROSS BORDERS: PATHS, PATTERNS, CONNECTIONS

AUTHORS & ABSTRACTS

Carol McKinven

BIGAMY IN NINETEENTH-CENTURY SCOTLAND: PRAGMATISM OR A SEARCH FOR A SOULMATE?

Bigamy prosecutions in Scotland were rare before the nineteenth century, for all that historical Scottish marriage arrangements have been described as 'notorious and rather loosely woven' due to the continued legal validity of irregular marriage. In the nineteenth and early twentieth centuries, however, up to 150 bigamy cases a year came before the courts. This paper uses new research to examine the causes of a rise in bigamous marriages and to consider what it reveals about the decision to choose an illegal remarriage in Scotland, asking how migration (whether voluntary or court prescribed) created opportunities to find a new 'soulmate'.

Dr Carol McKinven is an independent researcher and professional genealogist. Her PhD and MSc research provided the first investigation into bigamy in Scotland, examining criminal prosecutions between 1837 and 1901. Her current interests include expanding the timeframe of this investigation and using testimony from prosecutions to further explore the realities of working-class marriage of the period.

Mélanie Méthot

NEVER A QUESTION OF GUILT, ONLY A PROBLEM OF JURISDICTION: THE LEGAL SAGA OF JOHN MACLEOD

From 1816 to 1949, Australian courts prosecuted thousands of suspected bigamists. The 1890 John MacLeod case stands out on many fronts. The legal troubles of the Reverend Doctor crossed international jurisdictions. It attracted considerable press coverage (over a thousand articles). Possibly the only bigamy case to go all the way to the Privy Council in London, *McLeod v New South Wales Attorney General* continues to serve as jurisprudence. Contrary to most people involved in bigamy prosecutions, MacLeod and his victims belonged to the privileged class. Through the letters he wrote to the press and to the Attorney General, MacLeod betrays his elite masculine ideals of privilege and entitlement.

Professor Méthot has been researching bigamy in Canada and in Australia for many years. She received in 2020 a Social Science and Humanities Research Council grant for her research project *Marrying too Much: Bigamy in Australia*. She has collected more than 2000 bigamy case files from all State archives. Her website features bigamy stories and their relevance (<https://mmethot2.wixsite.com/melanie-methot>).

BIGAMY ACROSS BORDERS: PATHS, PATTERNS, CONNECTIONS

AUTHORS & ABSTRACTS

Zainab Naqvi

POLYGAMOUS MARRIAGES IN ENGLISH LAW – AN INDIFFERENT APPROACH?

Drawing on critical postcolonial perspectives, this paper provides a contextualised account of the legal framework surrounding polygamous and bigamous marriages in England. I consider several key legal moments in English Family Law to show the complexity of this issue, which is caused partly by the law's indifference to how it shapes the lived experiences of those who engage in bigamous marriages. Such indifference is compounded by the law's use of the past moral panic surrounding polygamy as a smokescreen to obscure the issues people faced, particularly surrounding their inability to divorce. Divorce was a specifically Christian concern, confirming the dominance of Christian conceptions of marriage and the protection of monogamy. To prevent polygamy or bigamy, the formalities of marriage were Anglican in conception, with divorce remaining highly restricted. The law's indifference to marital variations remains in evidence today with the categorisation of religious-only marriages as non-marriages or non-qualifying ceremonies. Informal polygamous relationships are 'othered' and relegated to the bottom of the religious marital hierarchy. Over the centuries, the law has failed to consider the real lived experiences of polygamous spouses.

Dr Zainab Naqvi is Reader in Critical Feminist Legal Studies at Manchester Metropolitan University. Her research interests are focussed on legal and judicial responses to minoritised communities and women in the UK from critical postcolonial and feminist perspectives.

Alana Piper

MARRIAGE AND WAR: PROSECUTING BIGAMY IN VICTORIA, 1914-1945

This paper will examine the archival records and media coverage of 183 prosecutions of bigamy in Victoria between 1914 and 1945 that involved soldiers or returned servicemen as either defendants or victims of bigamous spouses. War has been found to be a correlate for increased rates of bigamy prosecutions across many jurisdictions and time periods. This was likewise the case in twentieth-century Australia, with the Second World War in particular witnessing an explosion of such prosecutions. A variety of contributory factors for this phenomenon will be explored to elucidate the connections between bigamy prosecutions and military enlistment: increased detection resulting from investigations into spouses' entitlement to military pay allotments; head injuries suffered in service producing personality changes that led to unexpected or poorly considered behaviours; and the whirlwind nature of romances and marriages contracted during wartime, which meant partners often knew little of each other's history or personality. The paper will also analyse how both war service and the increasing number of such offences during wartime influenced legal and social attitudes towards bigamy and appropriate punishments for such offenders, as well as the insights these cases offer into the impact of war on Australia's sexual cultures and marriage as a legal institution.

Dr Alana Piper is a Lecturer and Research Fellow at the Australian Centre for Public history at the University of Technology Sydney. Her research interests draw together the social and cultural history of crime with criminological, legal and digital humanities approaches. She has authored over 40 academic publications, and is currently an investigator on the ARC Discovery project 'Sex and the Australian Military, 1914-2020' (2021-2023).

BIGAMY ACROSS BORDERS: PATHS, PATTERNS, CONNECTIONS

AUTHORS & ABSTRACTS

Rebecca Probert

ESCAPING PROSECUTION: TIME AND TRAVEL

Official statistics on the number of prosecutions for bigamy clearly cannot be taken as an accurate guide to the number who went through a ceremony of marriage with a second 'spouse,' while still married to their first. Nonetheless, when we compare those who were prosecuted with those who were not, the differences that emerge should make us cautious in assuming that the offence was common. There is evidence to suggest that many of the unprosecuted may not have been bigamists at all, given how long they waited to remarry. Even those who did not wait may have believed or persuaded themselves that their first spouse was dead and that they were entitled to remarry. Others adopted tactics to ensure that their bigamous marriage would not be discovered, with most moving considerable distances before remarrying and a few adopting aliases to disguise their identity. The data from the sample suggests that it was the fact that most of these bigamies were undetected, rather than tolerance of bigamy within the community, that explains why they escaped prosecution.

Rebecca Probert is Professor of Law at the University of Exeter. Her research focuses on the law and history of marriage, bigamy, divorce and cohabitation and she is the author of numerous articles and books. She is currently working on a history of bigamy in England and Wales.

Diane Simmons

VICK AND HIS WIVES

Using a trove of 800 letters and papers I found in an Oregon attic, along with several years of archival research, interviews and site visits, I have traced the career of a multiple-bigamist from World War II to the early Sixties. In researching my non-fiction book, *The Courtship of Eva Eldridge: A Story of Bigamy in the Marriage Mad 50s*, I became acquainted with some of the ten women woo-ed, won, and quickly abandoned by a handsome and romantic bigamist I call Vick. In the process, I also learned about the attitude toward bigamy seen in movies, magazines and even the courts: mostly, it was considered a joke, the hilarious spectacle of women fighting over a man. Through letters the women began sending each other and through some interviews I was able to conduct with those still alive, I came to understand Vick's method and why it was so successful, especially in the post-war period when everyone simply had to be married. Finally, I have had Vick psychoanalysed, using records and photographs from his home town in Kansas along with other materials. I think I have a good reading on why he loved the romance of courtship and marriage, how he felt he was "helping" women, and why he couldn't stay when the honeymoon was over.

Author of numerous works of award-winning fiction, non-fiction, journalism and criticism, Professor Simmons won the Oregon Book Award for her novel *Dreams Like Thunder*, and the Ohio State University Prize in Short Fiction for *Little America*.

BIGAMY ACROSS BORDERS: PATHS, PATTERNS, CONNECTIONS

AUTHORS & ABSTRACTS

Katie Stobbe

BIGAMISTS AND SECOND SPOUSES ACROSS AUSTRALIA: 1872-1956

Australian courts prosecuted not only men and women who married for the second time without having severed the initial legal tie: they also pursued those who went through a form of marriage with someone they knew had a legal living spouse. While exploring prosecuted bigamy cases across the 19th and 20th centuries in Western Australia, I observed a number of cases where the courts prosecuted bigamists who had only married once. Charged for marrying a person whom they knew to be already married, these “false” bigamists present an interesting avenue of analysis. Of the 155 cases of prosecuted bigamy cases in Western Australia, 13% involved a second spouse who knowingly married someone already legally married. While this may seem like a small portion of cases, the percentages in the other five states were even smaller, ranging from 2% to 5%. The differences go further. Victoria is the only state with no record of a second spouse ever facing a charge of bigamy, despite evidence that eight second spouses knew they were marrying somebody who was already married. An analysis of the bigamy laws, media coverage, and archived files about these unique bigamy cases points to different perceptions of marriage.

Katie Stobbe is currently a Bachelor of Science student at the University of Alberta. She has been working with Dr. Mélanie Méthot on her “Much Married: Bigamy Prosecutions in Australia, 1812 - 1960” project since 2021, focusing on cases in Western Australia as well as the prosecution of second spouses of bigamists.

