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Cover Page Footnote

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In nineteenth-century America, marriage and the family functioned as the foundation of republican society, which was built upon a belief in individual virtue, civic duty, and independence. Private family life was intended to mirror the hierarchical structure of government and provide a safe haven for children to learn about their patriotic duties. The institution of marriage in its idealized conception thus acted as a way to maintain an organized republican society. However, marriage in practice did not always match up to the ideal "republican family" model.[1] Infidelity, domestic abuse, and other forms of marital cruelty contributed to conflicts within families and shattered marriages through divorce—a dangerous precedent in the nineteenth century, when tranquil family life was seen as a direct analog to a stable and peaceful society. A small sample of divorce cases from Vanderburgh County in southern Indiana in the latter half of the nineteenth century reveal characteristics of familial and marital disputes, the agency of men and women in petitioning for divorce, and the expanding nature of family law in nineteenth-century America.

Historians have studied the intersections of law and divorce in a variety of ways over time. One prominent historical work investigating American family law in the nineteenth century is Michael Grossberg's *Governing the Hearth,* which is a synthesis of earlier scholarship in the subfield. His analysis looks at

[1] Michael Grossberg, *Governing the Hearth: Law and the Family in Nineteenth-Century America* (Chapel Hill: The University of North Carolina Press, 1985), 6.

domestic relations law and its impact on familial interactions from a national scope, arguing that the nineteenth-century family was increasingly defined by a reorganization of family power and growing judicial influence within the context of emergent republicanism. Other works focusing on family life within a national context followed suit in the wake of Grossberg's work, including Nancy Cott's *Public Vows,* which examines marriage as a public institution that helped to shape American society. However, there has also been scholarship that examines changes in family life and law throughout various regions of the United States, including more recent publications. *Families in Crisis in the Old South: Divorce, Slavery, and the Law,* by Loren Schweninger, for example, examines the shifting nature of divorce and family law in the antebellum slave-holding South. There have also been works, such as Mary Beth Sievens' article "Divorce, Patriarchal Authority, and Masculinity: A Case from Early National Vermont" that focus on the impact of divorce on local communities and specific families.[2] Similarly, this paper traces changes in divorce law and family life in the nineteenth century through an analysis of local divorce records from Vanderburgh County in Indiana. The Vanderburgh cases reveal the expansion of divorce law and grounds for separation in the latter half of the nineteenth century, while also providing a

[2] For further reading on the subject, see Norma Basch *Framing American Divorce: From the Revolutionary Generation to the Victorians* (Berkeley: University of California Press, 1999), David Silkenat *Moments of Despair: Suicide, Divorce, and Debt in Civil War Era North Carolina* (Chapel Hill: University of North Carolina Press, 2011), Robin C. Sager *Marital Cruelty in Antebellum America* (Baton Rouge: Louisiana State University Press, 2016).

glimpse into the experiences and relationships of troubled families through an examination of their petitions. Thus, this paper seeks to contribute to an analysis of developments in American family life through the study of records from a smaller community in comparison to larger national trends. Additionally, the examination of a smaller sample of sources from a local community provides a glimpse into the private and often cruel realm of marital disputes that can be overlooked in larger studies. An evaluation of local cases such as the Vanderburgh County divorce records contributes to a fuller understanding of the impact of divorce on smaller communities in the nineteenth century and their similarities to wider trends in American family law.

In the early nineteenth century, American conceptions of the family were shifting alongside the development of a republican government and a market economy. As the role of the family took on a less economic focus as a result of the growth of a capitalist market system, families began to be conceived of as existing within their own separate sphere. As the notion of affectionate family relations challenged the more hierarchically patriarchal model of marriage from the colonial period, the private nature of family life and its distance from the public world defined the ideal of the "republican family."[3] According to historian Michael Grossberg, the nineteenth-century family became the "primary institution

[3] Grossberg, *Governing the Hearth*, 4-6.

of American society" as a source of stability and the origin of republican ideals.[4] American marriage law was drawn primarily from English common law, which established the husband and father as the head of the household. Upon marriage, his wife became part of his legal identity through the process of coverture, in which a *feme sole* became a *feme covert* under the "cover" of her husband's protection. Under coverture, a wife and her property were legally and economically subordinate to her husband, who was expected to support her and their children as part of his familial duty.[5] This duty was so important to the functioning of American families that several cases from Vanderburgh County describe a failure to provide as one of the main reasons a wife would request a divorce from her husband. At the same time, however, women's legal and economic subservience to men through coverture meant that they were expected to be obedient and dutiful wives and mothers in order to uphold the domestic duties of the "cult of motherhood."[6] This "apotheosis of motherhood" was part of the ideal of the republican family, in which a mother, through her virtue, self-sacrifice, and maternal nurturing, prepared her children for their roles in the public or private spheres and maintained a home as a "sanctuary" for her

[4] Grossberg, *Governing the Hearth,* 3.
[5] Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2000), 11-12.
Debran Rowland, *The Boundaries of Her Body: The Troubling History of Women's Rights in America* (Naperville: Sphinx Publishing, 2004), 16-18.
[6] Mary P. Ryan, *Mysteries of Sex: Tracing Women and Men Through American History* (Chapel Hill: The University of North Carolina Press, 2006), 97.

husband.[7] The popular notion of marriage, especially in the first half of the nineteenth century, emphasized the integrated nature of the relationship between a husband and wife and the dependency of women within the institution of marriage. In the words of historian Nancy Cott, the power of the marital union was the "foundation of the American way of life" in the minds of nineteenth-century policymakers.[8]

Views of the family and the organization of domestic law began to shift during the antebellum period, especially by the 1850s. Although families continued to be patriarchal in structure, the notion of autonomy within a republican society and the rise of the women's rights movement prompted changes in the customary understanding of the marital union and the traditional belief in the husband's role as an uncompromising ruler in the family. An increasing belief in individual autonomy and affectionate familial relations encouraged fathers to govern their families with firm but gentle hands and sufficiently provide for their wives and children, while mothers were to care for the house and devote themselves to their children.[9] Similarly, the rise of the women's rights movement and fight for suffrage rights spurred some women to push back against the traditional emphasis on a woman's role being a dependent within the home. During the Victorian period, the lingering focus on republican

[7]Robert L. Griswold, "Law, Sex, Cruelty, and Divorce in Victorian America, 1840-1900," *American Quarterly* 58, no. 5 (1986): 722; Ryan, *Mysteries of Sex,* 96.
[8] Cott, *Public Vows,* 7.
[9] Grossberg, *Governing the Hearth,* 26-27.

motherhood and the increasing emphasis on maternal affection in the private sphere spurred a change in custody laws. Previously, fathers were most often awarded custody of their children during a divorce, due to their position as the head of a household. With the emerging emphasis on maternal care and the domestic duties of women, however, mothers were more frequently awarded custody as the century continued. Even as the belief in a mother's role as a civic educator to her children waned, the idea that a woman's true place was in the private sphere afforded women some advancements in achieving custody of their children. In addition, widowed women began to obtain the right to manage their husbands' property around 1850, and married women were allowed to maintain control of the property they brought to their marriages in a challenge to traditional coverture.[10]

Beginning in the 1830s, states began to pass married women's property laws, which gave women control over the property they brought with them into their marriages. As Nancy Cott argues, these changes in coverture were not so much a concession to the fight for women's rights, but rather an attempt to protect a family's property and "keep ordinary families solvent, at a time when most farmers operated in a dangerous cycle of borrowing and amassed dangerous levels of debt."[11] Regardless of the intent of the women's property acts, they granted women a limited ability to make contracts, which created opportunities for

[10] Ryan, *Mysteries of Sex*, 98.
[11] Cott, *Public Vows*, 52-53.

husbands and wives to make contractual agreements between themselves and recognized the members of a marriage as separate individuals in some capacity.[12] Wives' expanded property rights appeared concurrently with the growth of the women's rights movement. In 1848, the first annual Woman's Rights Convention was held in Seneca Falls, New York, which revealed the strength of the movement and the determination of women to work towards reform.[13] Married women's property acts expanded in the latter half of the nineteenth century as women's rights activists called for improvements in women's individual rights within marriage, especially in states in the North and the Midwest.[14] By challenging a woman's "civil death" under coverture, women's expanding legal rights reveal the growing emphasis on a woman's "specialized domestic and maternal duties" as the primary figure within the home.[15] Although women were still legally and economically dependent on their husbands, these changes were indicative of the gradual shift to less restrictive understandings of marriage in the nineteenth century.

In the nineteenth century, as women gained more autonomy in their marriages through the creation of property laws, divorce laws also expanded as states clarified the grounds for divorce. Early divorce law in America, based on

[12] Lenore J. Weitzman, *The Marriage Contract: Spouses, Lovers, and the Law* (New York: The Free Press, 1981), 338.
[13] Rowland, *The Boundaries of Her Body*, 17.
[14] Cott, *Public Vows*, 53.
[15] Ryan, *Mysteries of Sex*, 98.

English common law, did not allow absolute divorce without a parliamentary act until 1857. Because divorce was seen as a shattering of the sacred union between a husband and wife in the popular understanding of marriage at the time, states generally only allowed it in extreme cases. As women's rights activists called for improvements in women's legal rights, however, they also called for an expansion of divorce laws to protect women from "tyrannical, profligate or abusive husbands."[16] Around the middle of the nineteenth century, it was easier for women to obtain divorces on the grounds of drunkenness than for cruelty, but desertion was actually the most common reason a judge would grant a divorce.[17]

As the nineteenth century carried on, policymakers worked to clarify the grounds upon which a couple could seek an end to their marriage, and the divorce rate increased slowly throughout the latter half of the century. The more lenient divorce laws of the 1850s and onwards led to a fear of moral decline, especially among religious commentators. Nineteenth-century observers feared that the laxity of the marriage bond would destabilize society or encourage "free love, polygamy, or a world in which husbands no longer controlled their wives, household dependents, and property."[18] With divorce more readily available, women frequently took advantage of the expanded grounds of divorce to free themselves from their husbands. Indeed, Vanderburgh County women were

[16] Weitzman, *The Marriage Contract*, 140-141.
[17] Elizabeth Pleck, *Domestic Tyranny: The Making of American Social Policy Against Family Violence from Colonial Times to the Present* (New York: Oxford University Press, 1987), 55-56.
[18] Cott, *Public Vows*, 50, 106-107.

commonly the plaintiffs in divorce petitions. This trend also reflects women's slowly increasing access to expanded property rights, custody laws, and individuality within their marriages. To "family savers," the prevalence of divorce indicated not only a wife's independence, but also a growing involvement of "public authority in household affairs," which challenged the popular notion that the home was supposed to be free from the influence of the public world.[19] In the face of social change, concerned individuals turned to the ideals of the traditional family and emphasized conservative, romanticized notions of private domesticity in response to the changes in nineteenth-century family life.[20]

In the earlier part of the century, divorce was discouraged and difficult to achieve because marriage was popularly seen as a binding contract that represented the stability of society. In order to receive a divorce, a spouse had to prove to the state that their husband or wife had broken the marriage contract so that they could request the interference of the public world in the couple's private matters through court investigation. Further into the nineteenth century, this intermingling of the public and private worlds became more regulated as states expanded and clarified the grounds for divorce.[21] In an effort to reduce the strain of divorce hearings on state legislatures, lawmakers sought to reform and clarify divorce laws and established systems for hearing divorce cases in the courts. As

[19] Grossberg, *Governing the Hearth*, 10-11.
[20] Pleck, *Domestic Tyranny*, 97.
[21] Cott, *Public Vows*, 48-50.

judicial divorce became more prominent, states continued to review their divorce codes between 1820 and 1860. Some policymakers expanded the grounds for an absolute divorce, rather than a separation from bed and board, which would not allow either spouse to remarry after their separation. States also allowed divorces for cruelty, drunkenness, neglect, fraud, and even "mental cruelty," alongside more traditional causes such as desertion or adultery.[22] As specific reasons for divorce were clarified, it became easier for people to petition to end their marriages than ever before. Sociologist Lenore J. Weitzman, for example, identified a slow but steady increase in divorces between 1860 and 1940, as the expansions on divorce law from earlier in the century gave couples a chance to separate legally.[23]

The frequency of divorce also depended on individual states. Those outside of the East Coast were more willing to make laws beyond the precedent of English common law, and states in the Midwest and the South were more likely than the rest of the country to grant divorces based on cruelty around the mid-nineteenth century. Petitions filed by women in the South most commonly cited physical violence or domestic abuse as their motivations for pursuing divorce, which helped to further push the grounds for divorce in the antebellum era.[24] Some states, like New York, had incredibly strict divorce laws that would only

[22] Pleck, *Domestic Tyranny,* 55-56; Cott, *Public Vows*, 49-50.
[23] Weitzman, *The Marriage Contract*, 142; Cott, *Public Vows*, 50.
[24] Loren Schweninger, *Families in Crisis in the Old South: Divorce, Slavery, and the Law* (Chapel Hill: The University of North Carolina Press, 2012), 33-34.

grant an absolute divorce for adultery. Other states were more liberal with their divorce statutes and codified further grounds for divorce as the nineteenth century continued.[25] The diversity of divorce laws and the varying levels of lenience in various states set the stage for different regional responses to troubled families and unhappy marriages.

Indiana's divorce laws were some of the most lenient in the country in the nineteenth century. The state's incredibly open laws regarding divorce gave it a reputation as a "divorce mill" in the 1850s, as petitioners across the country took advantage of Indiana's loose residency requirements and filed for divorce before moving back to their home state.[26] There are a number of theories as to why Indiana was so liberal in its divorce requirements at the time, ranging from the nature of Indiana's Protestant and individualistic population to Indiana politician and reformer Robert Dale Owen's support of women's rights to an oversight in Indiana's residency requirements. Regardless of the origin of the divorce requirements, Indiana was known at the time for being, in the words of Horace Greeley, "the paradise of free lovers."[27] Indiana's loose divorce laws were similar to the state's position on marriage laws as well—any marriage ceremony was permitted so long as it was performed by an authorized official, and even fraudulent ceremonies were accepted if the couple believed the union was legal at

[25] Pleck, *Domestic Tyranny,* 56.
[26] Cott, *Public Vows,* 51.
[27] Val Nolan Jr., "Indiana: Birthplace of Migratory Divorce," *Indiana Law Journal* 26, no. 4 (1951): 519-521

the time it was performed.[28] Part of the reason that Indiana had such lenient divorce standards was the existence of an omnibus clause within the divorce codes, which had originally been passed in 1824.[29] Alongside cruelty, desertion, neglect, and other reasons for divorce, this clause allowed for "any other cause for which the Court shall deem it proper that a divorce should be granted."[30] Judges and courts thus had individual power to grant a petitioner's request in addition to the expanded grounds for divorce that already existed in Indiana at the time. In fact, the state's reputation as a "divorce mill" so overwhelmed the court with divorce bills that the legislature had to reevaluate and restrict residency requirements by 1859 in order to stem the flow of couples from other states seeking legal divorces in Indiana.[31] The extremely liberal nature of Indiana divorce laws likely account for the assertiveness in some of the divorce petitions from Vanderburgh County. Male and female petitioners alike rarely minced words when detailing their spouse's shortcomings, which helped to craft a convincing narrative for the court and reveals the less restricted nature of divorce in Indiana.

Looking at the petitioners and the claims among the Vanderburgh County divorce cases from the second half of the nineteenth century reveals trends in complaints and patterns in the descriptions of marital disputes. One of the most

[28] Grossberg, *Governing the Hearth*, 76; Cott, *Public Vows*, 43.
[29] Glenda Riley, *Divorce: An American Tradition* (New York: Oxford University Press, 1991), 63.
[30] Cott, *Public Vows*, 50.
[31] Cott, *Public Vows*, 51-52.

prominent characteristics evident in the small sample of petitions is the number of female plaintiffs. Out of nineteen cases, fourteen were filed by women seeking to divorce their husbands (See Table 1). This pattern is consistent with the rest of the country in the nineteenth century, in which women were more likely to seek divorces than men were.[32] In addition to filing a petition in the first place, women had to prove that they had upheld their end of the marital bargain in order to legally separate from their husbands. When women were plaintiffs in Vanderburgh County divorce cases, their petitions frequently began with the caveat that they had fulfilled their marital duties by making every effort to be "faithful loving and virtuous" wives.[33] In order to take full advantage of Indiana's omnibus clause, it behooved women to cast themselves in a favorable light as dutiful and subservient to their husbands. In this way, they upheld the nineteenth-century ideals of marriage and the family by proving their virtue and innocence in the face of cruelty or other injustices.[34] Women thus participated in what Nancy Cott calls "appropriate role behavior" by showing how they fulfilled their obligations as obedient and loyal wives despite the failings of their husbands.[35]

Indeed, women often cited their husbands' marital shortcomings as justifications for divorce. A common complaint about husbands in the

[32] Cott, *Public Vows*, 50.
[33] *Mary Caskey vs. Robert Caskey*, 1871; Vanderburgh Circuit Court, no. 124; Vanderburgh County Archives.
[34] Pleck, *Domestic Tyranny*, 60-61.
[35] Cott, *Public Vows*, 49.

Vanderburgh County divorce petitions was a failure to provide for their families. A husband who was unable to provide economic support to his wife and children was failing in his manly duty, the petitions argued, which was reason enough for a couple to request a divorce in the Vanderburgh County cases.[36] For example, Anna Meni's divorce petition asserted that her husband deserted her and left her to support herself and their child on her own. Her husband's failure to fulfill his role as a provider led her to petition for a divorce, custody of her child, and for the use of her maiden name again.[37] Likewise, Harriett Broker's husband "inhumanly and barbously [*sic*]" abandoned her in 1880, while she laid sick in bed "without any means of support." His inability to provide for her in her time of need, even while they were married, prompted her to file for divorce and request that she be allowed to keep the land she inherited from her father, as well as her maiden name.[38] Although women often made reference to their competence as wives, other petitions leapt straight into accusations against their spouse. These petitions perhaps more clearly illustrate the leniency of Indiana divorce law, since plaintiffs were able to focus on the deficiencies of their spouse and request a divorce on those grounds.

[36] Cott, *Public Vows*, 49.
[37] *Anna E. Meni vs. David N. Meni*, 1880; Vanderburgh Superior Court, no. 1265; Vanderburgh County Archives.
[38] *Harriett A. Broker vs. John B. Broker*, 1880; Vanderburgh Superior Court, no. 1227; Vanderburgh County Archives.

One of the most common complaints of divorce petitions in the nineteenth century was adultery, which can be seen in some of the Vanderburgh County divorce cases. Nineteenth-century critics of liberal divorce laws considered adultery to be one of the only legitimate reasons for divorce, and one of the strictest states on absolute divorce, New York, only accepted adultery as grounds for a full separation between spouses.[39] As such, adultery was a serious accusation that could very consistently lead to the granting of a divorce if the plaintiff was able to prove that their spouse had been unfaithful. In one 1879 case, Margaret McCourt cited specific examples of her husband's infidelities, including names, dates, and examinations of the other women's characters—including a damning accusation that her husband slept with her thirteen year old daughter from another marriage. The detail with which Margaret provided examples of her husband's unfaithfulness indicate the extent of her lack of "affection or respect for him" and his failure in his marital duties.[40] Although Margaret was the defendant in the case, her answer to her husband's complaint requests a divorce from him as well as alimony, revealing the mutuality of their marital disagreements and desire to be rid of each other.

Within the Vanderburgh County cases, accusations of adultery were most commonly made by female petitioners. In addition to making more petitions than

[39] Cott, *Public Vows*, 106; Pleck, *Domestic Tyranny*, 56.
[40] *John J. McCourt vs. Margaret McCourt*, 1879; Vanderburgh Superior Court, no. 1079; Vanderburgh County Archives.

men in the first place, women's requests for divorce feature adultery partially as a result of married men's more frequent and somewhat socially acceptable "sexual adventures" outside of marriage.[41] Women, by nature of their moral virtue, were expected to remain loyal to their families and maintain domestic harmony in their homes by staying sexually subservient to their husbands.[42] In the case of *Lou Walling vs. Adolph Walling*, the plaintiff accused her husband of committing adultery, and included the name of the woman and the approximate date that her husband was unfaithful. In addition to this charge, however, she also accused her husband of beating and cursing her while drunk, thus illustrating a common variety of marital failings that could be cited in divorce cases.[43] Although adultery was a powerful accusation, it was rarely the only complaint that women included in their petitions for divorce.

In addition to adultery, cruelty was one of the most common reasons listed for divorce in the Vanderburgh County petitions. Both men and women in these divorce cases cited cruelty or violence as a primary reason they should be separated from their spouse. However, women still sought divorces for cruelty more often than men did, both nationwide and in Vanderburgh County. Of the applications seeking divorce on the grounds of cruelty in the United States between 1867 and 1871, women made up 87 percent of the petitioners. Women's

[41] Cott, *Public Vows*, 107.
[42] Ryan, *Mysteries of Sex*, 90-91.
[43] *Lou Walling vs. Adolph Walling*, 1883; Vanderburgh Circuit Court, no. 5493; Vanderburgh County Archives.

complaints of cruelty could encompass drunkenness, violence, threats, and even more established transgressions like abandonment. In addition to the frequency with which it was cited, cruelty was also loosely defined in many states' divorce codes—the broad nature of the crime of cruelty meant that it could be persuasively applied to both physical violence and harsh or abusive language.[44] For example, Maggie Koffits' petition in 1880 told a story of cruelty in which her husband married her to make her drop charges against him, and then deserted her right after their marriage and never lived with her as her husband. In addition to this treatment, she claimed that he had utterly failed to support her and their child, and that he had behaved in a "cruel and inhuman manner" towards her. Her application for divorce also requested that she be "restored to all the rights and privaledges [*sic*] of an unmarried woman" and receive custody of her child in order to cut all ties to her former husband.[45] Petitioners in Vanderburgh County took advantage of the broad definition of cruelty and accused their partners of a wide variety of harsh treatment as examples of marital cruelty. "Cruel and inhuman" treatment could apply to desertion, beatings, cursing, or a failure to fulfill marital duties through providing support.[46]

[44] Pleck, *Domestic Tyranny*, 55-56.
[45] *Maggie Koffits vs. Jacob Koffits*, 1880; Vanderburgh Superior Court, no. 1281; Vanderburgh County Archives.
[46] *Maggie Koffits vs. Jacob Koffits*, 1880; Vanderburgh Superior Court, no. 1284; Vanderburgh County Archives.

Women tended to make more complaints for physical violence than men did, and their complaints varied from case to case as well. Some women said their husbands beat them, while other women said their husbands went as far as threatening their lives. One victim of domestic violence, Anna Mitchell, claimed that her husband had not only "beat struck and wounded" her, but he had also made multiple threats against her life, including running her off the property with a butcher knife. In 1888, her husband's violence and cruelty led her to request a divorce as well as $2,000 alimony alongside "proper relief."[47] In the case of *James H. Simpson vs. Harriet Simpson*, Harriet Simpson responded to her husband's divorce complaint by claiming that he had threatened her life and that "without fault on her part" had driven her off the property and refused to support her.[48] Mary Elizabeth Grant's divorce request in 1879 accused her husband of being a "habitual drunkard" who "repeatedly committed acts of cruelty and violence" upon her person. She elaborated on his "brutal and vicious character," and claimed that on one occasion, he entered their house and broke the dishes before taking the chairs and cooking stove, leaving Mary and her children "utterly destitute." [49] Her description of his violence and malice provided explicit

[47] *Anna Mitchell vs. John Mitchell*, 1888; Vanderburgh Circuit Court, no. 6444; Vanderburgh County Archives.
[48] *James H. Simpson vs. Harriet Simpson*, 1879; Vanderburgh Superior Court, no. 1025; Vanderburgh County Archives.
[49] *Mary Elizabeth Grant vs. John Peterson Grant*, 1879; Vanderburgh Superior Court, no. 1012; Vanderburgh County Archives.

examples of the harsh treatment she experienced while also demonstrating the flexibility of cruelty and physical violence as grounds for divorce.

There were cases of cruelty against men in the Vanderburgh County petitions, as well. For example, John McCourt, whose wife accused him of multiple counts of adultery, brought a divorce case against her in 1879 on the grounds that she was "violent and uncontrollable" and had "continuously abused and maltreated" him by regularly striking him and neglecting her wifely duties.[50] Although there were cases of men being abused by women, wife abuse was far more common due to "the danger inherent in patriarchal family structures and the nineteenth-century cult of domesticity" that was prominent throughout the country as the ideal model of family life.[51]

In addition to physical abuse, cruelty also appeared in the Vanderburgh County divorce cases in the form of cursing or harsh words. John McCourt accused his wife of "violent language" in addition to his charges that she was physically abusive.[52] In 1871, Mary Caskey said that her husband, Robert, in addition to beating her, would curse her and call her a "barren and unfruitful woman," despite the couple having had at least one child together. She claimed

[50] *John J. McCourt vs. Margaret McCourt*, 1879; Vanderburgh Superior Court, no. 1079; Vanderburgh County Archives.
[51] Jenifer Banks, "'A New Home' for Whom? Caroline Kirkland Exposes Domestic Abuse on the Michigan Frontier," in *Over the Threshold: Intimate Violence in Early America*, ed. Christine Daniels and Michael V. Kennedy (New York: Routledge, 1999), 136.
[52] *John J. McCourt vs. Margaret McCourt*, 1879; Vanderburgh Superior Court, no. 1079; Vanderburgh County Archives.

that no "woman of refinement" could stand the "cruel and inhuman treatment" that her husband gave to her despite her efforts to be a faithful and dutiful wife.[53] Her references to her fulfillment of her marital duties and her husband's inability to keep up his part of the marital vow also reemphasize the importance of "appropriate role behavior" in the ideal family structure of the nineteenth century.[54]

The Vanderburgh County cases reveal not only the nature of marital disputes but also the expanding freedoms that men and women had to pursue divorce in the latter half of the century. Although the sample size is small, these cases provide a brief glimpse into nineteenth-century domestic life and the experiences of troubled families. By examining local accounts, one can gain a more in-depth picture of the impact of divorce and marital disharmony on community life and preserve specific stories that may otherwise have been lost in a sea of data collected from across the nation. In addition, local records can also offer a more focused look at patterns that developed in various regions throughout the United States. Mirroring trends in divorce across the country, the majority of the petitioners in the Vanderburgh County cases were women. These women often had a long list of accusations for their husbands and evidence of their failings, ranging from adultery to physical violence and threats. Their experiences

[53] *Mary C. Caskey vs. Robert Caskey*, 1871; Vanderburgh Circuit Court, no. 124; Vanderburgh County Archives.
[54] Cott, *Public Vows*, 49.

are similar to what Stephanie Cole found in her analysis of domestic violence in antebellum Baltimore, in that women tended to have more agency and power in local situations.[55] Although several of the Vanderburgh County complaints make a point to acknowledge their efforts to fulfill "the duties of a faithful and affectionate wife," the women's bold and occasionally strongly worded requests for divorce indicate that these women were more independent that the republican idea of the passive wife and mother would imply.[56] In her 1869 petition, for example, Armilda Weirich called her husband a "lazy trifling good for nothing man" who mistreated her through abuse, "evil talking," and a failure to provide for her.[57] Her assertive claims and use of insults reveals her independence and boldness in demanding redress for the wrongs she suffered at the hands of her husband. The more lenient divorce laws in Indiana also gave men and women more agency in choosing to end their marriages. The wide variety of charges in the Vanderburgh County divorce petitions imply that couples took advantage of the expanded grounds for divorce that took place in most states across the country in the nineteenth century, including Indiana. While this is most clearly evident with the large number of cases with female plaintiffs, a few of the Vanderburgh

[55] Stephanie Cole, "Keeping the Peace: Domestic Assault and Privvate Prosecution in Antebellum Baltimore," in *Over the Threshold: Intimate Violence in Early America*, ed. Christine Daniels and Michael V. Kennedy (New York: Routledge, 1999), 149.
[56] *Harriett A. Broker vs. John B. Broker*, 1880; Vanderburgh Superior Court, no. 1227; Vanderburgh County Archives.
[57] *Armilda Weirich vs. Andrew Weirich*, 1869; Vanderburgh Circuit Court, no. 15; Vanderburgh County Archives.

County cases reveal that men were able to utilize these expanded grounds to request an end to unsatisfactory marriages as well. In the case of Samuel Gowen, he requested a divorce because his wife abandoned him and "continued to live separate and apart from him," thus failing to uphold her end of the marital bond.[58] His case—alongside the other cases brought to court by male petitioners—demonstrates that both men and women were able to take advantage of the state's divorce laws and work to free themselves from familial disputes and unsatisfactory marriages.

The republican ideal of the family and the notion of separate spheres in the nineteenth century provided a model for how liberal society was supposed to function. Mothers ran the home as a sanctuary from public life, raising children and preparing them for their duties as citizens to fulfill the ideals of republican motherhood. A wife's domestic duties were accompanied by the expectations that she was virtuous and subordinate to her husband, who supported his family and governed them firmly and affectionately. However, when a husband or wife failed to fulfill their marital duties, the ideal of the republican family could come crashing down. Adultery, violence, desertion, or a failure to provide for one's family contributed to familial and marital disputes and could be grounds for divorce as family law expanded in nineteenth-century America. Divorce cases

[58] *Samuel Gowen vs. Malinda Gowen*, 1880; Vanderburgh Superior Court, no. 1273; Vanderburgh County Archives.

from Vanderburgh County reflect the changes in divorce laws and the perceptions of American family life brought about in the latter half of the nineteenth century.

Table 1. Petitioners in Vanderburgh County Divorce Cases

Years	Male Petitioners	Female Petitioners	Total Cases
1853	2	6	8
1869	0	1	1
1871	0	1	1
1879	2	1	3
1880	1	3	4
1883	0	1	1
1888	0	1	1
Total	**5**	**14**	**19**

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