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'the worst female character':

Criminal Underclass Women in Perth and Fremantle, 1900-1939

Women charged with offences against good order in Perth and Fremantle from 1900-39 faced institutionalised sexism through the courts, police and legislation. While men were also criminalised for good order offences, women suffered a double punishment. Charged with drunkenness, being idle and disorderly, and vagrancy, female offenders were further outcast by a public discourse stereotyping them as "bad" women. The extent to which they were able to negotiate and contest this stereotyping was limited but a subtle negotiation of female identities was possible. This article suggests that female criminal lives offer alternative ways in which to understand women negotiating the politics of respectability and characterisations of the "bad" woman.

Keywords: crime; criminal underclass; female offenders; institutionalised sexism; prostitution; social exclusion

When Rose Skivington appeared before the Perth Police Court in June 1903, police prosecutors described her as a "city pest" who "spent most of her time in gaol" and when free "was a complete nuisance".¹ By 1924, and in her sixties, Rose was a "rogue and vagabond" and living on the streets.² Skivington's criminal record lists numerous convictions for offences against good order including drunkenness, idle and disorderly, soliciting and creating a public nuisance. Part of an underclass in Perth and Fremantle – locations that have not featured in crime scholarship – female offenders, like Skivington, were marginalised through regular police surveillance of their activities, negative media coverage, incarceration and institutionalisation. At a time when Perth was establishing itself as a burgeoning Australian city, to rival the other major centres across the country, women committing offences against good order were singled out as giving the city a bad name. While men were also criminalised for offences against good order, institutionalised sexism generated a stereotype of the "bad" and "worst" woman. Female offenders experienced a double punishment whereby, based on the stereotype of the bad woman, social transgressions overlapped with gender transgressions to marginalise women further than men outside the judicial system.³ Marginalised, disempowered and caught in a cycle of offending, criminal women were restricted in their ability to challenge institutionalised sexism. Despite limitations in their capacity to negotiate social expectations, female offenders extend our understanding of the politics of respectability in the early twentieth century by virtue of their criminal experiences. While it is much easier to tell the story of

how society viewed criminal women – given the dominance of written material by middle-class charity workers, town planners, police, reporters and local commentators – this case study alerts us to the evidentiary value of the courtroom as a public forum for female offenders. Some women used opportunities to testify in court as a means to express the impact of negative stereotypes on their sense of self-worth and place within the community.

This study of female offenders uses criminal prosecutions of non-Indigenous women in Perth and Fremantle traced through public records such as Magistrates Evidence Books, Police Complaints Books, Police Gazettes, Statistical Registers and general police files. Newspaper reports for over 1,000 men and women appearing in the Perth and Fremantle Police Courts have also been utilised and compared. From this a close socio-biographical study has been undertaken using births, death and marriage details for 100 female recidivists featured in press court reports. Fremantle Prison Registers for female prisoners also offered valuable insight into birth and marriage details, employment, literacy and aliases used. Evidence Books and newspaper reports provide the most extensive insight into how women were stereotyped, through inclusion of police evidence, eyewitness statements and, at times, statements from the accused.

Women criminalised for offences against good order tell us much about social expectations of femininity in early twentieth-century Australia. Respectable and deviant femininities were closely monitored and regulated in public from the first years of colonisation in Australia and influenced by trends in Britain at the time.⁴ As Penny Russell has shown, British manners were adapted into colonial Australian society to provide stability in a foreign environment.⁵ Social codes defined the respectable woman as a “frail but appealing, intellectually inferior but morally superior being, whose duty it was to be passive, decorative and sexually pure”.⁶ According to Jill Matthews, Australian women were expected to live up to particular ways of being, from speech and appearance to behaviour and thoughts that signified a woman’s place within the gender order and power relations.⁷ This regulation of female behaviours aimed to limit any deviance.

By the advent of the twentieth century, the judiciary, police, press, churches, medical professions and social purity campaigners constructed the good Australian woman as “domestic, home and family-bound, pure, clean and rationalised”.⁸ Some Australian feminists also incorporated a maternalistic approach to their “new social order” for the twentieth century, identifying mothers as key to the ideal of the moralistic female citizen.⁹ While early feminists recognised the economic constraints on working-class women to

extend their civic role beyond the home, working women were still expected to uphold a social ideal of “the reputable working class and the deserving poor”.¹⁰

The feminine ideal, applied directly to monitoring working-class lives, accorded little attention to the realities of working-class identities where femininity was re-fashioned to suit the needs of local communities. As Rae Frances demonstrates, from the late eighteenth century Australian working-class communities accepted a broad range of female sexual identities, prostitution, drinking and general rowdiness. Prostitutes in the first decades of the twentieth century generally lived and worked in their local communities and were not necessarily outcast as they were by middle and upper-class opinion.¹¹ Lilly Doyle was labelled a common prostitute by police in Fremantle and vilified in the press in the first decades of the twentieth century. However, Bill Marks, who grew up in South Fremantle at the same time, remembered a drunken Doyle walking the tramlines late at night and singing. For Marks she was one of the local characters with a feminine identity that was not entirely at odds with expectations of the local community.¹²

The Victorian feminine ideal and the dichotomy of the good and bad woman has been challenged in recent feminist scholarship in recognition of the ways in which women negotiated feminine constructs.¹³ Jill Matthews’ recent work on female identities in the years after the First World War highlights the ways in which women negotiated their own subjectivity. Using dancing and entertainment as examples, Matthews argues that the line between good and bad women shifted as women used pleasure as a means to engage with modernity.¹⁴ Melissa Bellanta’s study of female larrikins in Brisbane, Sydney and Melbourne from the late nineteenth century shows how young women “rejected demure femininity” through their involvement in gangs, prostitution, and popular entertainment.¹⁵ Some young women told the authorities in reformatories they had “no desire to be respectable”.¹⁶ Early twentieth-century Australian feminists also argued for greater recognition of women’s “sexual embodiment”.¹⁷ Such research suggests that the dichotomy of the good and bad woman was not utilised by feminists as much as was the campaign for equal moral standards and “the right of women to control their bodies”.¹⁸

Impoverished, marginalised criminal women living on the streets of Perth and Fremantle were directly impacted by sexism, defined as negative evaluations based on their gender.¹⁹ Feminist arguments that all women have a sense of their own femininity but it is socially constructed against “what it is to be a good woman, and what it is to fail”,²⁰ is most relevant to female criminal lives. By virtue of their actions in public, mainly engaging in

illegal activities, female offenders deviated from the feminine ideal. Women appearing before the Police Courts in Perth and Fremantle were publicly singled out for any social and gender transgressions by way of magisterial, police and public evidence presented to the court. Judith A. Allen also argues female criminality is interpreted as “a form of deviation from natural or normal womanhood”.²¹ Criminal women, therefore, provide alternative experiences in which to locate constructions of femininity.

Poverty and Crime

Western Australia witnessed a rapid population increase around the turn of the twentieth century, mainly due to the gold rushes, which in turn created unprecedented urban expansion. The population of Perth rose from 27,553 in 1901 to over 56,000 by 1911.²² At all major censuses before 1940, over seventy per cent of non-Indigenous West Australians lived in the metropolitan area.²³ As the wealthier moved out of the inner city area, the very poor continued to inhabit the crowded residential areas around lodging houses and hotels.²⁴ As the population grew, a Central Business District emerged around central Hay Street, St Georges Terrace and Barrack Street in Perth. Transitional, industrial and declining neighbourhoods surrounded the CBD. Housing in this area was a mix of rundown small cottages and boarding houses. The next sector belonged to the respectable working classes, followed by a middle-class residential sector and further out a commuters area.²⁵ In 1904, one-third of the city centre was residential but by 1911 it had fallen to around one-fifth and with little vacant land left in 1914.²⁶

This rapid metropolitan expansion led to greater public discussion about creating a healthy, sanitary, respectable city centre. One of the main goals of urban planning at the time was to foster a healthy, respectable lifestyle for residents in good communities and government and planning officials aimed to achieve this in Perth and Fremantle.²⁷ From the 1880s, the Perth City Council was tasked with expanding roads, public facilities, parks, recreation areas and ensuring residents could enjoy pure water and good sanitary conditions.²⁸ Council discussions of the filthy living conditions in the poorer parts of the city led to the creation of a Central Board of Health.²⁹ In 1904, *West Australian*, informed by the City Council, ran an editorial applauding Perth as a burgeoning city.³⁰

As the urban population increased, so too did the number of poor within the city. There were thousands of poor people in Perth and Fremantle in the first decades of the twentieth century who survived by doing odd jobs including household work, menial tasks

on factory floors, and warehouse and service work. As the state entered into depression after the mining boom, the very poor faced greater unemployment and destitution. This urban uncertainty coincided with debates in Europe and across Australia about the social problem posed by the unemployable. It created a fear that the residuum would “contaminate and subsume the respectable working class”.³¹ Newspapers claimed in 1904 that only the “social outcasts” dared live in the inner streets of Fremantle.³² Persistent poverty and long-term unemployment marginalised the street people of Perth and Fremantle. Modern scholarship now terms this an authentic underclass, “a social group or class of people located at the bottom of the class structure who, over time, have become structurally separate and culturally distinct from the regularly employed working-class and society in general.”³³

Members of the underclass tended to gather around the inner city streets closest to the Men’s and Women’s Homes, including the Mt Eliza and Pier Street establishments.³⁴ They favoured Hay, Murray, Wellington, Roe and James Streets in Perth; Fremantle thoroughfares including Cantonment, Bannister, High and Phillimore. Sometimes the very poor saw out the night in a secluded part of the city and port, in a park or shed. Amelia Louise Scanlon was described in court in 1927 as an, “old, shrivelled woman” and charged as a vagrant after regularly sleeping in old sheds in the laneways of inner city Perth. She was sent to the Salvation Army Home for three months.³⁵ The “politics of destitution” had plagued the West Australian government from the early years of the colony.³⁶ Treatment of the poor progressed from the government seeing it as an “unfortunate burden” to more involvement from private charities into the twentieth century.³⁷ But it was not until the 1940s that the state and federal governments started to more fully address welfare issues.³⁸

Members of the underclass who engaged in crime became the “dangerous class”.³⁹ When Alice Lawson appeared in court on a vagrancy charge in June 1915, she was described in the press as “one of a dangerous class”.⁴⁰ Poor criminals were not the deserving poor. Authorities had a very clear definition of who the deserving poor were in Perth and Fremantle society; poor criminals were not among them. Attorney General Thomas Walker, addressing parliament on the introduction of a criminal bill in 1911, made a clear distinction between criminals and recidivists. Criminals, he argued, were “creatures to be pitied and specially treated”. Repeat offenders, on the other hand, were “diseased morally” and needed to be “isolated from the rest of the community”.⁴¹ Such views reflect eugenics discourse from the early twentieth century and conceptions of the “able-bodied and

impotent poor".⁴² Cesare Lombroso, a nineteenth-century Italian physician, influenced Criminology through his discussion of a criminal type as linked to biological deficiencies. Judicial and medical authorities used Lombroso's works into the twentieth century to demonstrate the need to isolate criminals from the rest of the community, in order to improve the population.⁴³ The shift of the improving working class and middle class to the suburbs allowed police, magistrates and newspapers to place greater emphasis on dangerous types in the city streets. Identified as without means of support and living on the streets, men and women of the underclass were pushed "into the periphery of society".⁴⁴

Female Crime

From 1900-39, West Australians were more likely to be in court for drunkenness or stealing than they were for the more serious crimes of murder, manslaughter and assault. Across Australia drunkenness was three times more prevalent than property crime and five times higher than offences against the person. Crimes against good order numbered a little over seventy-four per cent of all crimes in Western Australia.⁴⁵ Yet criminal statistics only reveal so much about crime in any society. Crimes that are not reported, the "dark figure" of criminal statistics,⁴⁶ cannot be known. Policing practices also impact on crime trends.⁴⁷ Increased policing of working class populations can affect perceptions of criminals and surveillance of drinking and vagrancy, for example, naturally leads to an increase in arrests for public order offences.⁴⁸ Rob Sindall, writing about street violence in nineteenth-century England, argues it is best to see statistics not necessarily as indicative of what was actually taking place but rather "what people believed was happening".⁴⁹

In terms of sex comparisons, men were more likely to commit crimes in Western Australia, as they were across Australia. Male crime has always dominated criminological data, men accounting for three in four criminals.⁵⁰ Criminality thus came to be defined in relation to men with female offending seen as unusual and deviant. In Western Australia, in the first decades of the twentieth century, men accounted for over ninety per cent of cases in the Courts of Petty Sessions.⁵¹

Perth and Fremantle's female criminal statistics can be collated from the Police Courts, various Criminal Record Books (including Criminal Indictment files), the Western Australian Police Gazette, the Western Australian Registers and the Fremantle Prison Female Registers. The Police Gazettes are particularly useful in listing apprehensions, giving descriptions of offenders, inclusion of group photos and discharge dates. The 'Law and

Crime' sections of the Registers provide figures for cases before magistrates, a breakdown of the different offences committed through the year, types of offences against good order listed, number of convictions and total number of cases heard. Newspaper reports of trials are also useful in detailing different charges, repeat offenders and can be cross-checked for any cases not detailed in the Police Gazettes.

Public order offences accounted on average for around two-thirds of all female cases before the Supreme and Petty courts. Business was regular in the Perth and Fremantle Petty Courts (Police Courts). Cases were heard before the Police Courts six days a week, with individuals rushed through one after the other. From 1915-39, over 40,000 female cases were heard before the Petty Sessions. This was just under nine per cent of all cases.⁵² While a large number of the cases were repeat offenders, such evidence provides a good overview of offences, particularly those against good order.

A prominent picture that emerges from female criminal records is that female recidivists committed a variety of offences against good order. These included drunkenness, being idle and disorderly, using obscene language, creating a disturbance or loitering, and soliciting for prostitution. Women charged with offences against public order were almost guaranteed a conviction. Around ninety-five per cent of public order cases ended in convictions compared with eighty-per cent for property offences and fifty per cent for offences against the person. If convicted, in general, women were sentenced to between three and six months' gaol with hard labour.⁵³ This was also the same across Magistrates' Courts in other Australian jurisdictions. Convictions for both men and women remained steady at around ninety per cent.⁵⁴

Maintaining the Social Order

Police, magistrates and newspapers aimed to maintain the social order by regulating female public deviancy in Perth and Fremantle. Representations of female offenders in public records reveal how the courts, legislation, police and the press institutionalised the "bad or worst woman" stereotype. For their offences against good order, women were stereotyped as something "other" to their sex. In particular, they were "wrecks of motherhood" instead of "decent mothers".⁵⁵

The regular business of the Petty Sessions and the combination of police, public and magisterial evidence constructed a female criminal stereotype: women committing offences against good order were dangerous types threatening the social order. Therefore, "a

woman's appearance at police court was a 'staged event' a social drama largely manipulated by police and judicial authorities".⁵⁶ In the Police Courts, the same women were regularly seen in court, thus posing a regular threat to the social order.⁵⁷ In the Supreme Court, by contrast, female offenders were seen as tragedies. This was based on the rarity of females facing serious charges in the Supreme Court and the reduced occurrence of repeat offenders.⁵⁸

Female appearances in court on charges of drunkenness and being idle and disorderly gained more attention in the press at a time when the state was already trying to address what it saw as a growing problem of habitual drunkenness and low morals within the population. The *Police Act* of 1892 (amended in 1902) was introduced to directly tackle the anti-social offences of drunkenness, being idle and disorderly, and vagrancy. Police were also able to use their powers under the *Police Act* to shift idle persons off the streets and out of public view. It was part of an overall effort to criminalise the vagrant. As was the case across Australia, Western Australia designed its vagrancy laws on English laws dating back to the fourteenth century which aimed to control the movement of unemployed workers.⁵⁹ People identified by police as without lawful work and "no fixed abode" were charged as vagrants and liable to weeks or months in gaol. As Julie Kimber's work on vagrants in New South Wales attests, the different Police Acts criminalised those "trapped in public cycles of poverty".⁶⁰ Vagrancy laws were used as a means to force people to work and contribute meaningfully to society in terms of their labour. Men and women were labelled as vagrants if they were shown to have no lawful means of support; begging; frequenting places with thieves and common prostitutes; or acting in a riotous or indecent manner.

The *Police Act* (WA) allowed police to use their discretionary power in deciding whom to charge with vagrancy, particularly habitual drunks and public nuisances. The Act also allowed police to prosecute prostitutes as vagrants under the idle and disorderly charge. Female repeat offenders, soliciting on the streets of Perth or Fremantle and already labelled as a public nuisance, were also charged as vagrants. Martha Geeson was charged with vagrancy in August 1900 as a means to get her off the streets and away from publicans complaining about her "dirty and immoral habits". Unable to charge her with soliciting, due to minimal evidence at the time of the arrest, police arrested her for vagrancy.⁶¹

Police evidence was paramount in court decisions and served as another way to maintain social order by punishing deviant women. Attorney General Walter James said in 1902, in relation to the *Police Act*, that "[a] common prostitute would not necessarily be a

notorious prostitute, but a person honestly believed to be a prostitute".⁶² The *Police Act* gave the police considerable latitude in using their discretionary powers. Streetwalkers could be labelled "common prostitutes" if police argued a woman had a reputation.⁶³ One police constable told the Perth Police Court in 1919: "I call a reputed prostitute a woman who goes about with prostitutes, gets drunk, lies down somewhere".⁶⁴ Police evidence often outweighed testimony from the accused herself, as in the case of Maria Savage charged in October 1901 with loitering for immoral purposes in Aberdeen Street, Perth. One police officer gave evidence he saw her loitering and accosting men, while another stated Savage invited him to her house. In her defence, supported by a Mrs Stewart, Maria claimed she was merely waiting for a friend. She was found guilty and fined.⁶⁵

Police evidence was also crucial in court proceedings due in large part to the public nature of police work around the inner city streets. Responsible for maintaining the social order through close surveillance of the inner city and port streets, police came to know repeat offenders well. When habitual drunk Mary Ann Sweetman appeared in court in December 1914 on a charge of vagrancy, P. C. Ford deposed that she was a "menace to the East Perth neighbourhood". Sergeant Smythe also gave evidence that he had known Sweetman for eight years and in that time had been "eight weeks out of prison".⁶⁶

The introduction of the Women's Police in 1917 served as a particular means of authority to monitor female deviancy on the streets. The Women's Police was established to monitor, control and reform female public deviancy. Their main duties involved patrolling slum neighbourhoods, looking after drunken women and offering protection for women.⁶⁷ Their role, then, was not entirely punitive but it did reflect social expectations of respectable female public behaviour, further conferring negative stereotypes through other women characterising the accused as a bad woman. Esther Miller, convicted for being idle and disorderly in September 1918, was convicted largely on evidence from "Mrs Dugdale [of the Women Police], who explained ... "This woman's ideas of life are very degraded..."⁶⁸

Court Identities

The extent to which female offenders negotiated constructions of sexuality was limited. With minimal or no familial or financial support and caught in a cycle of offending and incarceration, underclass criminal women were confined to a life more or less decided by legislation, the courts, police and press. Women were expected to adhere to an ideal of the passive, moralistic, chaste and family-oriented female. Institutionalised sexism stereotyped

them as bad women. As similar feminist research in Canada shows, court authority was upheld over the female accused through magistrates consulting with police; the women were rarely represented by counsel. The court process forced the accused to reveal private aspects of their lives in public. This was followed by female offences being interpreted by (male) magistrates, based largely on (male) police evidence, and then interpreted again for the public by (male) newspaper reporters.⁶⁹ However, subtle negotiations were possible within the courtroom too. Female testimonies and comments directed at the magistrate or police officers demonstrate the ways in which criminalised women engaged with the stereotype of the bad woman and negotiated the politics of respectability.

Much of what we know about female offences against good order in Perth and Fremantle comes from newspaper reports. Court evidence books, for example, only cover the years from 1915 onwards, whereas press reports are available from 1900. News reports offer wider insight into police and court business by including evidence from witnesses and sometimes the accused, as well as police and magisterial evidence. However, news stories are shaped by news values whereby, “editors and journalists will select, produce and present news according to a range of professional criteria that are used as benchmarks to determine a story’s ‘newsworthiness’”⁷⁰. Ultimately, newspapers use sensationalist headlines to accompany “stories about crime designed to shock, frighten, titillate and entertain”.⁷¹

Regular court reports in the leading newspapers in Perth and Fremantle - *West Australian*, *Sunday Times*, *Daily News* and *Truth* - also offer valuable insights into characterisations of criminal women. As it was across Australia, *Truth* was Western Australia’s “scandalsheet” from 1903-1931. The sensationalism of the stories is obvious but it is nevertheless useful in gauging what people thought was most scandalous in these years. All four papers were consistent in their objectification of female criminals as bad women and rarely employed humour in dealing with their offences against good order. As crime historian Michael Sturma has argued, newspapers are complicit in detailing and also shaping community perceptions of crime.⁷² Women who committed offences against good order were marginalised through regular crime reports.⁷³

Individual crime reports about women appearing before the Perth and Fremantle Police Courts ranged anywhere from thirty to a hundred words in length, depending on the evidence given in court and general interest around the case. A key part of my analysis of female offenders and the press is how they were constructed in court reports. It is in part

informed by Ulrike Tabbert's research considering the linguistic construction of offenders in the press. Corpus Linguistics – the interpretation of language for its perpetuation of ideologies⁷⁴ - can be used to reveal the frequency of words and phrases in press depictions of female offenders. Negative associations with crime are transferred to the offender in a manner that separates them from society. Language enables the press to construct offenders within the context of current ideologies.⁷⁵ In the cases of criminal women in Perth and Fremantle from 1900-1939, newspaper reports constructed female offenders as something 'other' to their sex and a challenge to dominant ideologies of femininity. The 'bad women' construction coincided and contrasted with the contemporary, dominant ideal of the good woman/ mother/ wife. As crime history scholarship shows, criminal women are often portrayed as "unnatural", particularly when charges include violence. In this way, an "Amazonian" female construct was also used in the press.⁷⁶ When Alice Kelly appeared before the Perth Police Court in May 1922 on a disorderly charge, she was described as a "muscular woman of generous proportions". She had to be detained for longer after she started violently thrashing about in court.⁷⁷

Using a sample size of 1,000 newspaper court reports for both men and women – and comparing it with evidence gathered from court evidence books available from 1915-40, I identified the words most frequently used to describe women appearing in court for offences against good order. Narrative analysis of recurring themes⁷⁸ in the portrayal of women in court reports reveals all leading newspapers featured sensational headings and employed key terms as sub-headings to draw attention to the offender as a woman. As feminist commentators argue, women attract more media attention when they commit crimes as it is not socially expected of them.⁷⁹ West Australian newspapers repeatedly used gender identifiers in titles to singled out female court stories. Story titles included: "A Violent Female"⁸⁰, "Her Century"⁸¹ (in relation to number of convictions) "A Female Vagrant",⁸² "A Drunken Woman",⁸³ a "negligent mother"⁸⁴ and "A Dangerous Woman".⁸⁵ *Truth* tended to be more creative with its titles at times, as in the case of "May and Her Mugs", describing a soliciting case in January 1920.⁸⁶ Within the content of the story the most common words used to describe repeat female offenders were "dissolute women" and "pests",⁸⁷ "female nuisance" or a "notorious female".⁸⁸ Nellie Devonport, habitual drunk and labelled an idle and disorderly person, was described as both a "degenerate woman" and "town nuisance" in the one report in 1902.⁸⁹ By comparison, men were generally not singled

out in this way. Non-gender specific language was applied to over two-thirds of crime reports for male appearances in court.

Women were also generally subjected to closer scrutiny of their character than were men appearing on similar charges in the Petty Courts. Newspaper reports repeatedly used moralistic language when describing the character of female offenders. More than men, women were singled out in reports as “immoral”, refused to take a warning, and disregarding chances offered to live a respectable life. Even when the language employed takes on a harsher tone, it contains moralistic undertones. Criminal women were portrayed as morally bankrupt. When Lilly Doyle appeared in court in July 1912, one sergeant gave evidence, subsequently reported in the *West Australian*, that she had been given “every opportunity to live a respectable life” and yet she still continued to live about the streets and loiter for an immoral purpose.⁹⁰

The newspapers used cases of female habitual drunkenness as a form of social control, targeting a public world where “intoxication and drunkenness are firmly located in social spaces”.⁹¹ While the press could not control society as such, it could nevertheless play its part in commenting upon society at the time, generating ideas about conformity within Perth and Fremantle and entering into debates about drunkenness as a crime. This was particularly poignant in the first three decades of the twentieth century following the criminalisation of drunkenness under the *Police Act* of 1892, and social and political groups pushing for greater temperance and prohibition of alcohol.⁹²

The female drunk on the streets of Perth and Fremantle in the first decades of the twentieth century was portrayed as a serious social problem. According to a *Truth* reporter in 1904, “A drunken man in public is bad enough, but there is no more degrading or sickening sight than a drunken woman staggering along the street in broad daylight”.⁹³ The convicted female drinker was therefore outcast as a threat to gender roles.⁹⁴ Female public drunkenness “immediately signalled a lack of respectability”.⁹⁵ In January 1915 the *West Australian* argued greater reform was needed for habitual female drunks. Eighty per cent of the women, it reported, were married on their “first acquaintance with the gaol” but were now “lost to themselves and dangerous to their families”.⁹⁶ Yet the greatest tragedy was they were “potential and probable mothers”.⁹⁷

Police descriptions of female drunks centred on stereotypes of them as bad wives, bad mothers and public nuisances. In November 1913, Corporal Harris described Sarah Mattson in Perth Police Court as “the worst woman he knew”.⁹⁸ Charged with being

unlawfully on premises in Wellington Street, Mattson was depicted as an embarrassment to her “good husband” and neglectful of her four young children. The magistrate sentenced Sarah to two months’ gaol.⁹⁹ Mattson was the feature of a short article in the *West Australian* early in 1915. Under the heading, “An Erring Mother”, the paper reported Mattson’s appearance in court on a disorderly charge. A local constable described having to remove her from Russell Square eight times in one day and could not understand why she acted as she did.¹⁰⁰ Magistrates also characterised Mattson a “hopeless case”, for being a female habitual drunk.¹⁰¹

From the 1890s, Western Australian authorities saw prostitution as a serious social problem, particularly with an increase in demand for prostitutes caused by the mining boom and rapid urbanisation across the metropolitan area. Western Australia followed the pattern of other western societies in its major forms of dealing with prostitution: suppression, regulation and abolitionist.¹⁰² As Paula Bartley writes, “prostitution commanded attention from the church, the state, the medical profession, philanthropists, feminists and others, each of which offered a range of solutions to control and ultimately to end it”.¹⁰³ The social purity movement from the late nineteenth century aimed to create a “moral climate” in which prostitution would cease to exist.¹⁰⁴ One major impact was the social, medical and legal regulation of the “fallen” woman.

In Western Australia, the woman on the streets was stereotyped as having fallen out of respectable society. Letters to the press criticised the double standards in sexual assertiveness and prostitution. In one letter from an anonymous resident of Perth:

The chastity of the home is to be supported by our wives and mothers, not by husbands, fathers, or sons; in other words, our brothers and sons may be moral lepers, but our sisters and daughters must be kept pure to be fitting mates for them.¹⁰⁵

This double standard was evident in press stories about prostitutes at the time. According to the *Sunday Times* in 1910, “dissolute women” frequented the local city hotels and were such a problem the police had spent the last few weeks trying to “rid the streets of these pests”.¹⁰⁶

Regulation of street prostitution was also made possible by police through discretionary use of the *Police Act* and recognition of varying degrees of female respectability. In general, streetwalkers were shown leniency as long as no complaints were made and they were discreet.¹⁰⁷ However, while containment within brothels limited

soliciting in the streets, when streetwalkers became a public problem they were charged.¹⁰⁸ Regulation and containment of prostitution within brothel areas such as Roe Street in Perth saw street prostitution increasingly represent a smaller section of the sex industry. By the second decade of the twentieth century, police were largely successful in driving most streetwalkers off the streets.¹⁰⁹

Amid efforts to contain prostitution, the streetwalker was also stereotyped as a health threat. Esther Warden's appearance in court in October 1909 on a charge of being idle and disorderly was used by the *Sunday Times* to weigh into debates about prostitutes having regulated medical checks for venereal disease:

A battered relic of womanhood...Esther Warden was before the Police Court during the week on the charge of being an idle and disorderly female. "I've never seen the accused in the company of a respectable person," observed an outraged John Hop... A weary bench sent her down for a month, there being no other way of dealing with the frowsy, dreadful females who nightly infest the streets of Perth. Badly wanted-a CD. Act.¹¹⁰

The main purpose of articles like this in the press was to argue for a Contagious Diseases Act, similar to one in Queensland.¹¹¹ Queensland and Tasmania had passed CD Acts in 1868 and 1879 respectively but NSW and Victoria failed to pass the legislation.¹¹² According to the paper, weekly medical tests under a Contagious Diseases Act would prevent Perth from becoming the "moral sewer of the Commonwealth".¹¹³

While a Contagious Diseases Act was not introduced in Western Australia, debates were similar to those in Britain from the middle of the nineteenth century. The *Contagious Diseases Acts* passed by the British Government in 1864, with amendments in 1866 and 1869, were largely influenced, firstly, by social concerns about prostitution as a "social evil" and, secondly, the spread of diseases amongst the armed forces during and after the Crimean War of 1854-56.¹¹⁴ Some weekly health checks had existed in Perth and Fremantle from the 1890s but from 1904 police and magistrates were exerting more than their allocated authority. If they believed a prostitute was suffering from a venereal disease, police and magistrates often worked together to secure a prison term.¹¹⁵ World War One heightened concerns about the spread of venereal diseases, particularly after cases were reported among recruits training in Perth in 1914.¹¹⁶ Increased demand for prostitutes from soldiers communing in Fremantle port raised the attention of the authorities. Convictions for soliciting in Perth and Fremantle in fact doubled from 1914-1915 alone.¹¹⁷ However, as Sharyn Anleu argues, "sex workers have a particular interest in remaining

healthy, as their occupation entails no compensation for ill health".¹¹⁸ Nonetheless, the CD Acts, proposals for such acts, and vagrancy laws across Australia had one major effect: some women, who had previously not relied on prostitution, were locked in as common prostitutes.¹¹⁹

The sections of the *Police Act*, that controlled and regulated female prostitutes, combined with police evidence and press denunciation of streetwalkers, stereotyped the idle woman on the streets – she was a threat to society, having “fallen” from a respectable female identity. Female habitual drunks and street prostitutes experienced institutional sexism operating through the courts, police, the press and restrictive legislation in ways that made female offenders more visible as women who did not conform to social mores. For this they were cast as bad women.

Female Testimonies

Newspapers slanted stories about female offenders to educate and entertain readers. However, newspaper reporting could also humanise female offenders. While most court reports used magisterial and police evidence to establish the details of the crime(s), some reports included testimony from the accused. In these snippets of information – compared for their accuracy with the Court Evidence Books – we can hear the voices of the women appearing in court. In the absence of personal records for some of the most prominent female recidivists, quoted remarks from court sessions provides some insight into how the women understood their circumstances and whether or not they agreed with the negative stereotype of the bad women. Some female offenders affirmed a bad woman identity in the evidence they gave in court and detailed their own fall from a good woman ideal. Charged with vagrancy in August 1908, Mabel Gilday told the magistrate: “It is only two years ago since I was a good woman”. She then pleaded a case to be allowed to leave the city claiming “it’s hard to turn over a new leaf if one is kept constantly in prison for not getting work. I am no one’s enemy but my own”.¹²⁰ She was given a few days to get out of Perth but months later was back in court on an idle and disorderly charge.¹²¹ Mary Ann Martin also conferred a bad female identity on herself. Appearing in Fremantle Police Court in March 1911, Martin told the magistrate:

Your Worship, I am so bad now. Yesterday morning I was making for the hospital, and I was too late. I went down the street and met some of my friends, and I don't remember any more. I am bad.¹²²

A greater number of women, two-thirds of cases where responses were recorded, challenged the institutional sexism of the time and the negative police characterisation of their activities. Susan Long contested the police view of her as a female drunk in August 1907. Long claimed she was not in the least bit drunk, saying it took “two bottles of whisky, a dozen bottles of lager, and a drop of vermouth, to get her ‘going’”¹²³ Mary Sweetman, appearing on a charge of using obscene language in August 1910, blamed both the police and her husband:

Accused: Yes - Them records have got me seven years in gaol. As soon as I get out the police get me agin, an' I get no chance. It's all -me 'usband's doin'; 'e won't keep me children; it breaks me 'eart, and I takes to a drop of drink, yer Washup! I gets a job, then the police go an' tell me' missus that I've been in gaol an' I'm done agin!¹²⁴

Sweetman also asked the magistrate in court in January 1914: “During the last twelve months I have been only four weeks out of gaol, so how can I be an habitual?”¹²⁵ Sweetman’s response demonstrates her mindset in relation to negative characterisations. Despite being regularly arrested for drunkenness when on release from prison, Mary Ann did not think of herself as an habitual drunk. Blanche Williams, charged with being idle and disorderly in April 1903, also contested police evidence on the grounds they were “storytellers”.¹²⁶ Charged with vagrancy in November 1910, Cecilia Riley broke down and said “everybody in the world had taken sides against her. No sooner would she finish one sentence before she was ‘run in again’ by the police”.¹²⁷ Long, Sweetman, Williams and Riley all contested police characterisations of them as bad women.

Some responses show open resistance in the courtroom. One woman in the Perth Police Court in April 1920 contested Policewoman Dugdale’s evidence against her, shouting that she was “as good a bloody woman as any bloody woman around here”.¹²⁸ When Cecilia Riley was sentenced to six months in gaol for vagrancy in October 1903, she replied, “Thank you, your Worship. May you be stiff dead when I come out”.¹²⁹ Fremantle woman Lilly Doyle appeared in court on a charge of being drunk and disorderly in the early years of the twentieth century and challenged the sentence after she was given fourteen days in gaol. As she was escorted out of the court, Doyle is said to have yelled at the magistrate: “You dirty old bastard, I should have known not to plead with a bludger with a bloody head like yours”.¹³⁰

Alice Lawson, a tough young woman with a criminal record in Kalgoorlie, Perth and Fremantle, provided evidence in court two days before Christmas in 1906. Lawson

appeared as a witness in a case against William Taylor. While Taylor was charged as a rogue and vagabond living off the proceeds of prostitution, the prosecuting officer questioned Alice's criminal record and reputation. Lawson shows defiance in her initial response in court, however. When asked, "What are you?" she sarcastically replied: "A woman".¹³¹ When female offenders challenged the courts, they were not praised in the press for acts of defiance, as the women may well have seen it. Rather, criminal women were reported in newspapers seeking to entertain and titillate readers. Nevertheless, these brief moments of reporting the words of a defiant female offender are important in tracing individual reactions to stereotypes. Despite their role in maintaining social order and efforts to titillate readers and sensationalise crime, snippets of testimony in the newspapers also provide evidence for the ways in which criminal women challenged social expectations.

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Institutionalised sexism in the courts, police work and in the press had a debilitating effect on female offenders in Perth and Fremantle from 1900-39. Women on the streets and charged with good order offences under the *Police Act* faced a dominant public discourse characterising them as "the worst female character",¹³² as in the case of Esther Warden with over 200 convictions to her name by 1939.¹³³ Negatively stereotyped in public, female offenders were largely confined to a cycle of offending, incarceration and marginalisation by middle-class standards of public respectability. Limited in their ability to challenge negative stereotyping, female offenders have left subtle examples of the ways in which they negotiated and understood their circumstances. Courtroom testimonies reveal instances of women affirming the public stereotype of the bad woman, but a larger number of women rejecting the deviant characterisations. As Melissa Bellanta states in recent scholarship, "we still know comparatively little about the politics of *unrespectability*".¹³⁴ Female offenders demonstrate that the distinction between the public representations and women's own understandings of their subjectivity needs more consideration in analysing negotiations of female identity in the early twentieth century.

Notes

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