

## Stephen Foster review of Bettina Bradbury, *Caroline's Dilemma: A Colonial Inheritance Saga*

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Sir William Blackstone, in his *Commentaries on the Laws of England* (1765–69), memorably described the legal power of a father over his children as ‘the empire of the father’—a phrase that might equally be applied to the husband’s power over his wife. A mother, as Blackstone explained in parentheses, was ‘entitled to no power, but only to reverence and respect’.<sup>1</sup>

In *Caroline's Dilemma: A Colonial Inheritance Saga*, Bettina Bradbury shows how the empire of the father, and his authority over his wife, remained powerful a century later; how it extended far beyond England; and how it could survive the death of a father through the administration of his will.

Bradbury has published widely on Canadian history, especially on issues relating to the family, gender and inheritance. She tells us that, while conducting research for a history of marriage property, especially inheritance, across four settler colonies, she chanced upon the Australian case of Caroline Kearney, whose husband’s attempts to control her life after his death was ‘one of the most draconian provisions I had encountered in 19th-century wills’ (p. 3). The case intrigued her; discovering sufficient sources, she decided to extend the story into a book.

The book is in two parts, divided at the point of Edward Kearney’s death from tuberculosis in 1865 and the revelation of his last will and testament. Part I tells a familiar story of migration and marriage. In 1851, at the age of 18, Caroline Bax sailed from England with her family for South Australia. Two years later she met and married Edward Kearney, 14 years her senior, who had arrived in the Australian colonies from Ireland a decade or so earlier. Together they lived on a sheep run in the remote far south-east of the colony, before moving to Lockhart, a larger station across the Victorian border, on the Wimmera. Here Edward achieved the fragile success so familiar in rural life, with 20,000 sheep and a large mortgage. Following a serious accident in 1863 or 1864, he visited Ireland, where he evidently fell under the influence of his devoutly Catholic relatives. He returned to Australia early in

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<sup>1</sup> Sir William Blackstone, *Commentaries on the Laws of England*, Book I: *Of the Rights of Persons* (San Francisco: Bancroft-Whitney Company, 1890), 784.

1865, still with lung problems arising from the accident, and died the following spring. By this time, the couple had six children, five boys and one girl, aged between one and 11 years.

Caroline had every reason to expect that she and her children would be adequately provided for, and that her eldest son would inherit Lockhart. But Edward's will, signed just three weeks before his death, required that the station be sold, and that part of the proceeds be used to send Caroline and the children to Ireland, where their future, including where they lived, was to be determined by his relatives. Various provisions ensured their dependency. The boys were to receive a portion of the estate once they each reached the age of 24. Caroline would likewise receive a share of the estate, so long as she did not remarry. Everything was contingent on their coming to Ireland.

This was Caroline's dilemma. Should she and the family migrate to Ireland, a land completely unknown to her, and yield to her late husband's family? Or should they remain in Australia, dependent on the good will and limited means of her own relatives? In truth, she had little choice; and while the book's title suggests a dilemma, the story gives little evidence of her agonising over alternative options. What she *did* do was contest the will with determination and ingenuity, and resist the controlling efforts of her Irish in-laws. Part II of the book is chiefly comprised of her struggles in the courts, in Australia and Ireland, which do indeed, as the subtitle suggests, amount to something of a saga.

Caroline's story is of a vastly unequal contest between the sexes, one widow against the power of her husband's relatives and a judicial system heavily biased against her. The story is complicated, as Bradbury makes clear, by religion. Edward Kearney was an Irish Catholic, Caroline an English Protestant—and while Edward allowed Caroline to raise their children in the Church of England, after his trip to Ireland, perhaps he, and certainly his relatives, had other ideas. His brother William and other Catholic relatives and servants accompanied him on his voyage back to Australia and, when there, sought to impose their view that the children should embrace the Catholic faith. 'In the microcosm of Lockhart Station,' writes Bradbury, 'the Kearneys' suspicion and hatred of English Protestant colonisers and landlords in Ireland pitted them against Caroline and her English parents and siblings ... Lockhart was a religious war zone' (p. 114). Caroline's daughter became a casualty: she was abducted by William and taken to a convent, where she was said, mysteriously, to have contracted measles and died. And the conflict continued once Caroline and her boys had arrived in Ireland. I found Bradbury's discussion of religious sectarianism the most satisfying, and entertaining, part of the book.

A further complication is the character of the two leading protagonists. Edward Kearney is described as energetic, impetuous, easily angered and prone to violence. When a group of Aboriginal men allegedly killed some of his sheep, he pursued and

shot one of them through the arm. More remarkably, he is said to have whipped his eldest son and only daughter on the day he left for Ireland. Yet he does not seem to have been vindictive towards his wife—and vindictiveness does not appear to have shaped his draconian will.

While Bradbury is understandably sympathetic towards Caroline's predicament, her assessment of her character is carefully measured. Caroline is portrayed as intelligent, litigious, tenacious, impetuous, sometimes devious and, like her husband, occasionally violent. As her desperation increased, she seems to have become increasingly reliant on alcohol. Far from being a helpless victim, she seized every opportunity the law allowed to defend her interests and delay the family's departure for Ireland. She 'showed a tendency to stretch the truth in court and to play the part of the starving widow if she thought it would help her cause' (p. 170). Sadly, there is no surviving image of either Edward or Caroline, who is misrepresented on the cover by a silhouette from another era. But the book's other images provide a good sense of time and place.

This is indeed a fascinating story, hinting at times at melodrama. The author is adamant at the outset that it is a work of non-fiction. She has drawn extensively on legal records, and newspaper court reports and commentary; she has trawled through genealogical finding aids and Trove; and she has digested an impressive array of secondary material—though with some odd omissions, including several well-known histories (starting with Marnie Bassett's *The Hentys*, 1954) that together might have helped her avoid her conclusion that white settlers are underrepresented in Australian historiography. Bradbury acknowledges her debt to the digital revolution in historical research, without which works such as this could scarcely have been written. Yet the ready availability of digital resources can tempt historians to include information simply because it is there. Bradbury succumbs too often, telling us much that we do not need to know—for example, that well after Caroline had left the family home, her father purchased one of the first lots in Victoria Street in the subdivision of Syleham in the town of Robe; the names of the eight towns on the mail route from Melbourne to Lockhart Station; and that the Clarence Family Hotel in Melbourne was run by a Mrs Phair, followed by some unnecessary words about women running pubs. All this and more might be considered as lending 'artistic verisimilitude'—but too many superfluous names and places can slow down the story, interrupt the argument and test the reader's patience.

The story is also impeded by excessive speculation. Quite properly, the author seeks to take her readers with her, inviting them 'to share my surprise and puzzlement about missing information and to use their own imaginations when concrete evidence is missing' (p. 6). In practice, though, the author does all the imagining for them. Informed speculation is part of the historian's and biographer's stock in trade. But this book is weighed down with 'perhaps' and 'presumably' and 'surely' and 'I suspect' and 'I wonder', and questions that would have been better left unasked.

The subjunctive runs in overdrive. Bradbury wonders, for example, if the doctor who certified the cause of Caroline's death had met her previously: 'They may well have met at one of the drinking establishments that peppered the streets of Kentish Town. Or perhaps she sought his help soon after arriving from Ireland ... Had they met in some context that allowed them to share their life histories, they would have found they shared much', and so on, all of which is speculative and irrelevant (pp. 217–18).

More alarmingly, the author tells us that on the day before Caroline and her family sailed for Ireland, a Mr Brown, who was staying at the same hotel, attempted to commit suicide by mixing grains of morphine with his drink:

Given Caroline's penchant for tippling, I wonder if their paths crossed in the hotel; whether they had shared a drink, or life stories, and what else might have occurred. In my imagination I write a romance melodrama or the story of a brief liaison that ends with his attempted suicide and her departure. For this I have no historical evidence. (p. 169)

This may be a work of non-fiction, but is the author a frustrated novelist?

But Bradbury makes no attempt at stylistic elegance. A firmer editorial hand might have expunged numerous clichés: 'The Baxes [aboard ship] seem to have stood out like sore thumbs' (p. 20); 'the Bax family had been swept into this watershed moment' (p. 22); 'The state of the estate was a nightmare' (p. 125); 'William had long been itching to depart' (p. 166); and so on. But her prose is clear where it most matters, in explaining the background to Caroline's cases, and their progress through the courts in Victoria and Ireland.

*Caroline's Dilemma* can be described as both forensic historical analysis and family history. At times the two fit together uncomfortably, one keeping the historian on a tight disciplinary leash, the other offering a licence to roam. Sometimes I thought that Bradbury was roaming too far from the main story. The final chapters, however, which relate the experiences of Caroline's sons and constitute something of a denouement, reassert the benefits of family history research, continuing the story of religious sectarianism in sometimes surprising ways.

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