

A PRIVY, WOMEN'S DRINKING, AND A DIVORCE IN NINETEENTH CENTURY SAN FRANCISCO

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The role of alcohol in the construction of masculinity in the nineteenth century United States is relatively well-documented, but its role in the creation of women's identities less so. The Anthropological Studies Center at Sonoma State University excavated an 1870s privy in San Francisco containing deposits that were probably associated with a household clean-out after a separation and divorce proceedings. An unusual feature at the time of this divorce is the husband's legal grounds for seeking divorce was the wife's intemperance. The archaeological assemblage and reporting on the divorce trial provide hints about women's social networks, the role that casual drinking and entertaining played in maintaining those networks, and the costs when these social practices came under examination by the legal system.

In October 2017, archaeologists from the Anthropological Studies Center at Sonoma State University monitored excavation of a historic-era ground surface at 455 Fell Street in San Francisco (CA-SFR-206H; Walker et al. 2019) (Figure 1). The monitoring identified a wood-lined hollow feature, designated Feature 1, which was then fully excavated. Visually, it is not the most exciting feature (Figure 2). The upper portion of had been disturbed, but the bottom one to one and a half feet (Context 102 in Figure 2) was intact and contained a minimum number of 327 artifacts and 203 faunal elements.

The diagnostic artifacts indicated a date of deposition after 1873 and before probably 1880 (Figure 3). At that time, the address was 409 Fell Street. The assemblage indicated a middle-class family with children. The dates, location, and nature of the assemblage suggests that it was associated with the family of James and Annie Moorhead, who owned the property and lived there from ca. 1870 for five to six years.

An interesting, although not unusual, feature of Context 102 is that it was a single episode of disposal, with crossmends throughout the deposit. Privy deposits are often the result of clean-outs associated with household changes.

The assemblage (Figure 4) presents a picture of a rather plain middle-class household that enjoyed the occasional indulgence, such as a porterhouse steak or refined drinking. The assemblage contains an unusual number of drinking glass sets – at least four matched sets, some quite elaborate, that indicate some expenditure on refined drinking and entertaining.

As with many privy deposits, Context 102 appears to be a large-scale cleanout, the result of household changes. In this case, the timing lines up with the breakup of the Moorhead household. Annie left the house in January 1875 and James filed for divorce the same month. We assume he left the address shortly after Annie. In 1876, 409 Fell Street was occupied by a drayman, Robert Crouch. The deposit is likely associated with the dissolution of the Moorhead household, specifically cleanout after the divorce.

James and Annie were married in 1860 in New York. At the time of their residence at 409 Fell Street, he was a clerk in 1870 and by 1874 was a partner in the company of Sullivan and Moorhead, manufacturers of cloaks, suits, and dresses (1870 Census, City Directories 1870-1874; San Francisco Chronicle 1875a). They were immigrants from Ireland, although he was Episcopalian and she was Catholic. In their 15 years

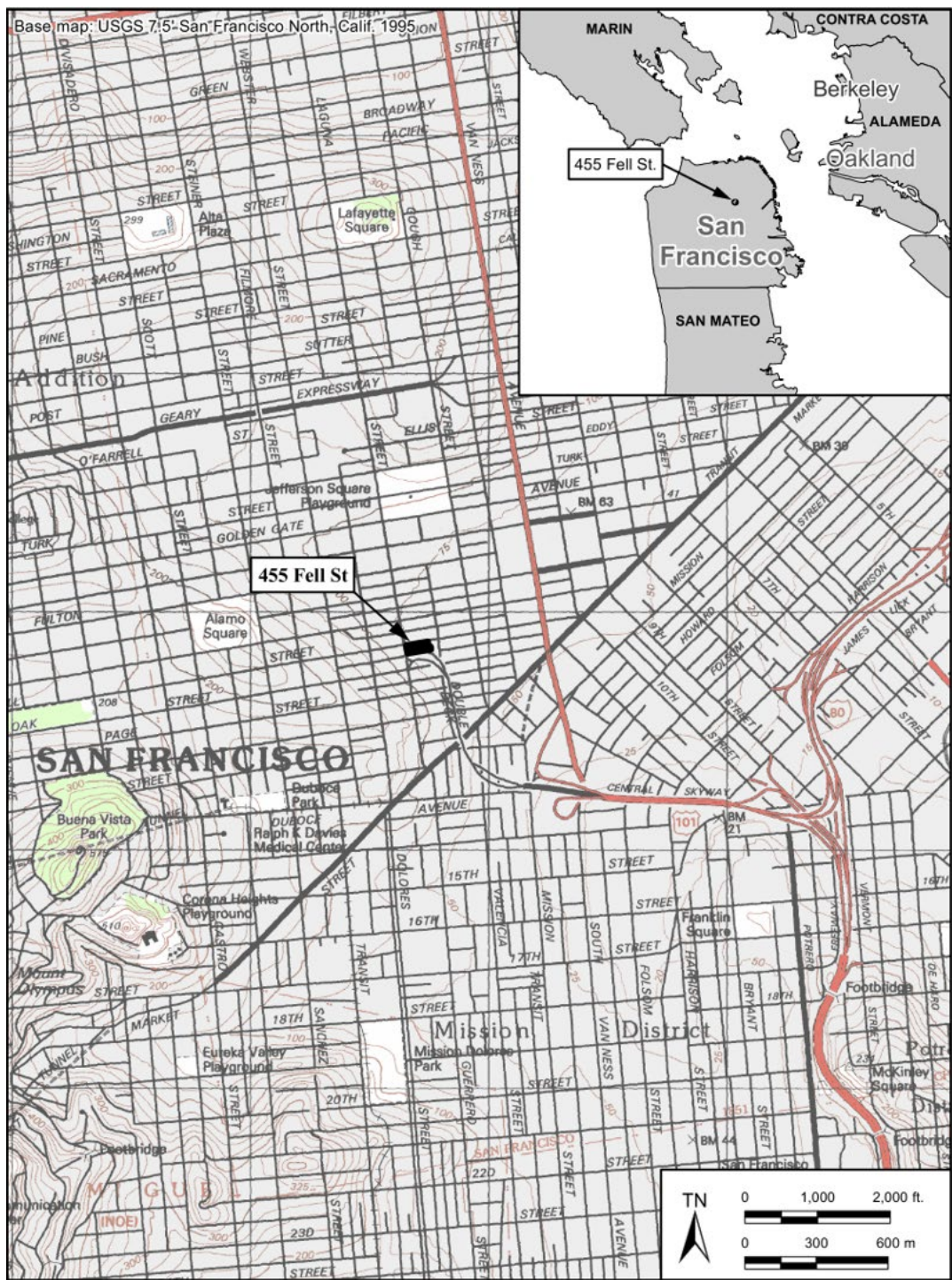


Figure 1. Parcel O (455 Fell Street) project location map.

of marriage, they had nine children, only three of whom still lived in 1870, at the beginning of their residence at Fell Street. Of these three children, Jennie died in 1872 at age four; Emma Jane died during the divorce proceedings, presumably in the care of her father, who had custody during the proceedings; and their last child, Robert Philip, survived childhood, but died in 1895 at age 23 (Daily Alta California 1872; Sacramento

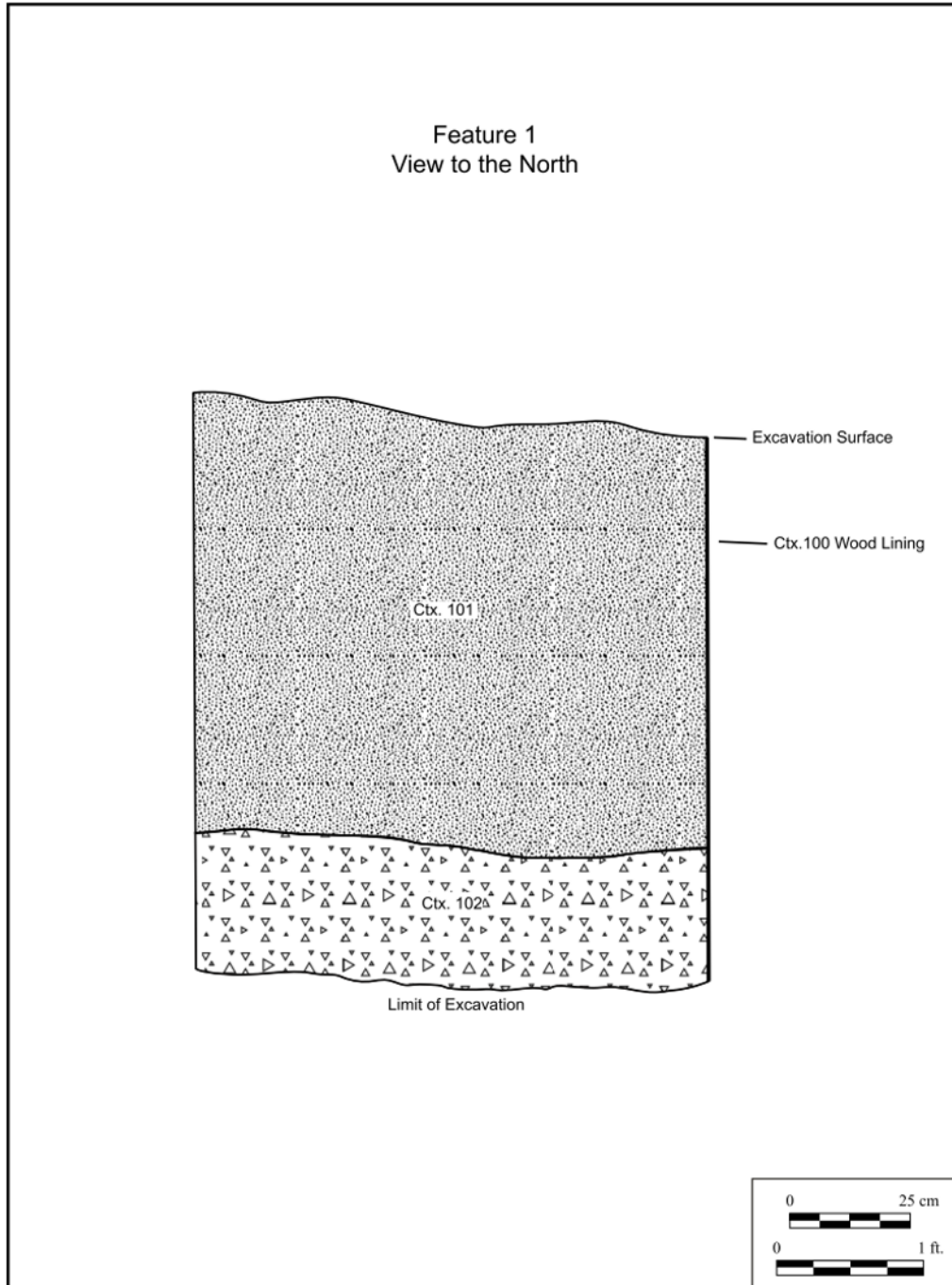


Figure 2. Feature 1 section drawing, view north.

Daily Union 1875; San Francisco Call 1895). Even under the best of circumstances, this was a marriage with some stresses.

The centrality of divorce in the history of James and Annie Moorhead’s occupation of the Fell Street house makes it worth setting their effort to end their marriage in a broader context. Beginning in the 1850s, the legal requirements for divorce in the U.S. began to be relaxed, and divorce became increasingly common.

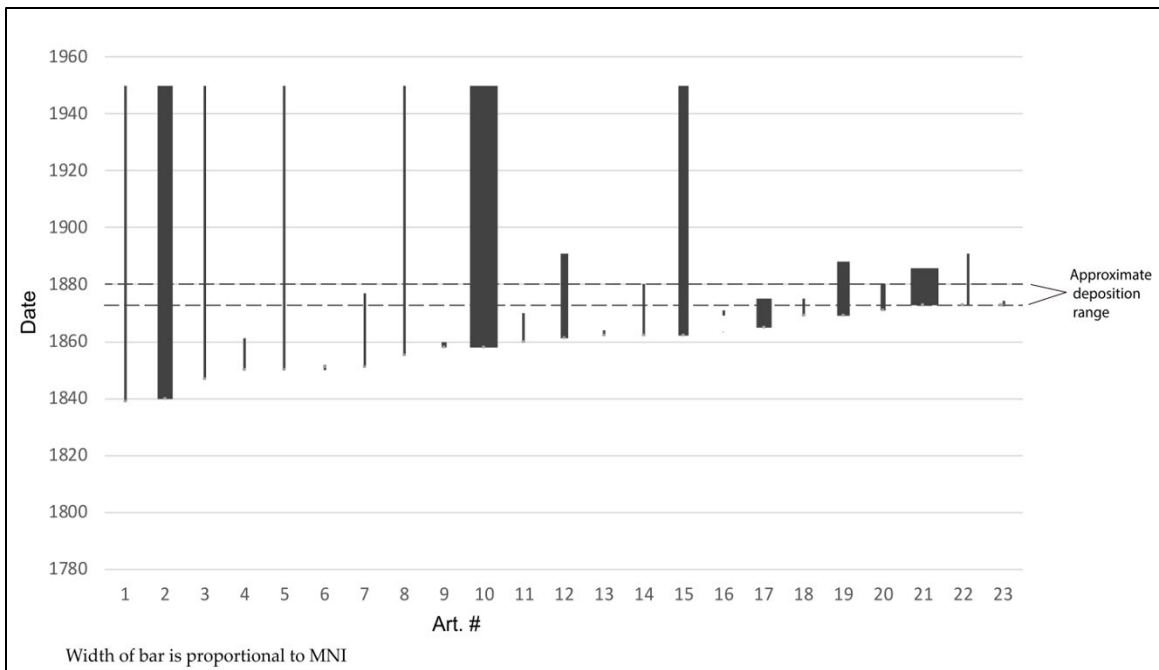


Figure 3. Manufacture ranges of Context 102 diagnostic artifacts.



Figure 4. Feature 1 (Context 102) assemblage.

This was the result of changing dominant ideas about the nature of the household and gendered roles within the household. The ideal middle-class Victorian household was one in which work was separated from private domestic life and became the province of men, whereas women managed the home and made it a Christian haven for the male breadwinner, an ideology usually glossed as “separate spheres” of the “cult of domesticity.” In theory, this ideology excised women from the economic sphere and confined them to the home, although the actual practice was more complex (Fitts 1999; Rotman 2009; Voss 2006:113; Wall 1994: 5-6).

But this ideology also meant that marriage was no longer framed as entirely a patriarchal and economic arrangement, but rather as “companionate” wherein husband and wife were partners, albeit with separate responsibilities. Spouses were now expected to be bound by ties of mutual affection and respect, rather than just financial advantage. Both parties had responsibilities and norms of behavior. When either partner failed to uphold these, the marriage could be legally dissolved. It became increasingly easy for women in particular to escape unsatisfactory marriages. And they did so. From 1870 to 1880 in California, while the population increased by 54%, the number of divorces increased 129% (Griswold 1982).

Women were more likely to be accused of desertion or adultery, while men were more likely to be accused of non-support, cruelty, or intemperance (Table 1); differences that reflect conventional gender roles. The accusations against women usually reflect on their chastity and morality, whereas those against men generally reflected on their inability to support their families, either through financial inability or excessive drinking (Griswold 1982:76). So, while it was certainly easier for women to exit unhappy marriages, the reasons they could do so were still embedded within Victorian gender roles. The separation of women from paid work also meant that women usually did not have the financial resources to weather a divorce or life after a divorce, something that generally remains true today (Coontz 1988:12).

Table 1. Legal Reasons for Divorce in a Sample of Cases from 1850 to 1890 (from Griswold 1982:79).

Complaint	Plaintiff	
	Husband (n = 125)	Wife (n = 276)
Desertion	64.0%	37.7%
Intemperance	9.6%	21.4%
Adultery	20.8%	10.9%
Non-support	0.0%	48.2%
Felony Conviction	0.0%	0.4%
Cruelty	20.8%	45.7%

The increase in divorces in the 1870s predictably led to a backlash and media jeremiads about a “divorce crisis,” with numerous groups forming to try and roll back the legal and social changes that endangered the institution of marriage (e.g., Lloyd 1876). It was the Moorheads’ misfortune to seek a divorce just as the reaction was gaining steam.

We do not have any official records of their divorce. They were destroyed in 1906. However, it was bitter enough to attract reporters, involving charges and countercharges of drunkenness, infidelity, child

neglect, and domestic violence, as well as disputes over religion, alimony, and child custody (San Francisco Bulletin 1875a, 1875b; San Francisco Chronicle 1875a, 1875b, 1876). The resultant articles were played for laughs, but were often quite detailed, providing an unusual glimpse into a middle-class household of the time, and shedding light on changing attitudes towards marriage and the respective roles of husbands and wives, as well as on women's social networks and conviviality – conviviality that could backfire when held up for official inspection in the courtroom.

James' final legal reason for seeking divorce was intemperance, testifying that for the past three years Annie had been drinking to excess every day and was consequently unfit to have care of the children. Annie denied the accusation and responded that James was often drunk and abusive (San Francisco Chronicle 1875a). As noted earlier, intemperance was a relatively unusual complaint for a husband to bring against his wife.

While James and Annie leveled numerous other accusations at each other, the judge ultimately seems to have decided the case on intemperance alone, specifically Annie's intemperance, with her complaints of domestic abuse playing little role in his decision. He found that Annie had been intoxicated several times, but he blamed James for this.

It appeared, however, that husband and wife were addicted to drinking lager beer. The custom of beer-drinking at home was inaugurated by the husband. If the husband holds the cup to his wife's lips, he could not, in the opinion of the court, blame her if she occasionally drank to excess [San Francisco Chronicle 1876].

In a rather puzzling piece of legal psychopathy, the judge ruled that he would not grant the divorce on the basis of Annie's intemperance, as James was also at fault. The judge also went on to note that

the parties were above the common herd, having a respectable position and being possessed of considerable property. The court therefore ruled that the order for alimony, previously made, should be set aside, and the application for divorce denied [San Francisco Chronicle 1876].

This was an outcome that nobody, except the judge, wanted. There were probably a few things going on here. The Moorheads' class position obviously played some role in the judge's head. As noted, by 1875 there was a conservative backlash to the growing number of divorces in San Francisco, and the judge may have felt pressure to stem the tide. In addition, intemperance was an unusual complaint to be leveled against women, and quite destructive of Annie's reputation. It probably left her feeling she had no choice but to fight it.

In her book *Domesticating Drink: Women, Men, and Alcohol in America, 1870-1940*, Catherine Murdock (1998) noted that women's inebriation held a special horror for Victorians, with the consequence that we know far less about women's drinking than we do about men's. Research has elucidated the role of drinking in masculine sociality in the nineteenth century, but there have been few studies about women's drinking in that period.

Victorians considered alcohol a male beverage to be consumed in male environments. Its associations with public spaces, violence, excess, and leisure time further separated it from the female world of domestic respectability. Commentators were far more willing to discuss even women's opiate use, a feminine activity, than their alcohol consumption.

The dearth of primary sources on women’s moderate drinking has led to the widespread conclusion that nineteenth-century women, or at least middle-class women, did not drink [Murdock 1998:51].

She concluded with the question “Could it be that women did drink alcohol but drank in a manner completely at odds with contemporaneous masculine patterns?” (Murdock 1998:51). Honestly, the answer to that has to be “Yes, more than likely.”

The testimony in the divorce dwelled on the Moorheads’, particularly Annie’s, alcohol consumption. Did she drink? How much did she drink? Did she get drunk?

The Moorhead assemblage certainly does not suggest an unusual amount of alcohol consumption. Alcoholic beverage containers at Bay Area sites usually comprise less than 20 percent of the assemblage, with the median being five percent. In the Moorhead assemblage, alcoholic beverage bottles represent only four percent of the collection, basically median for Bay Area households. The assemblage contained only eight alcoholic beverage bottles. The Moorheads presumably discarded many ale or beer bottles in locations other than this privy. The number of alcoholic beverage bottles found in domestic refuse does not necessarily reflect the amount of alcohol consumption. Much nineteenth-century drinking took place in saloons, rather than privately. This pattern is reflected in some of the testimony of the divorce. Most of the evidence of domestic alcohol consumption lies in the impressive sets of drinking glasses.

Serving alcohol does seem to have been a matter of some social display in the Moorhead household. They possessed a range of vessels for alcohol consumption, some quite elaborate. Feature 1 yielded fragments of at least two matched sets of cordial glasses and two matched sets of goblets and stemware. The most spectacular of these consists of the glass tray, two cordial glasses, and a possible finial from a decanter (Figure 5). The glass is flashed amber, with a floral or grapevine decoration. The other cordial glass set included two etched glasses.



Figure 5. Cordial serving set from the Moorhead household.

The court testimony indicates that it was Annie for whom this was important, and that James was unhappy about it. For example, her New Year's Eve "elegant collation" involving decanters of liquor was brought up by her husband as an example of her extravagance. One thing that comes through strongly in the court proceedings is the extent and strength of Annie's social network. She relied on that network when she fled the house during domestic disputes, and was able to draw on a series of neighborhood women for support during the divorce proceeding. About 20 of them showed up during the proceedings to cheer her lawyer. The judge literally threatened to expel them.

A certain amount of convivial drinking was part of maintaining that network. To quote from the reporting,

Mr. Lloyd then successively called as witnesses Mrs. Hartman, Mrs. Mary A. Forrest, Mrs. Elizabeth Wood, Mrs. Walker and Mrs. Catherine Hills, all neighbours of the Moorheads, and who were on visiting terms with that family. They united in declaring that Mrs. Moorhead was a model wife and mother. They never saw her drunk, though they had all drunk with her at different times [San Francisco Chronicle 1875a].

Alcohol certainly played a role in Annie's social life. Sometimes it was a beer at a saloon or at home, other times it was more formal. James Moorhead described a rather unpleasant New Year's scene that indicates that Annie did, on at least one occasion, entertain guests in a manner that he considered extravagant, involving "tempting edibles" and two decanters of "choice liquor," which, in this case, he tipped out on the sidewalk and ordered her to prepare his dinner (San Francisco Chronicle 1875a).

In conclusion, the Context 102 assemblage may inform more on Annie's sociality than that of James, playing a role in her social networks that were crucial in providing some measure of support and security, particularly in an unhappy marriage. The social drinking in this network was not considered unusual or scandalous by the women in that network, but in the eyes of the legal system it was, sufficiently so that the judge denied the divorce because James encouraged Annie's drinking.

After the decision, James and Annie remained separated, James moved out of the Fell Street house, and in 1876 he appears to have started his own dress and cloak-making business ("Moorheads") (San Francisco Chronicle 1876b). In the 1880 and 1881 City Directories, an Annie Moorhead (seamstress) is noted as a lodger on Perry Street. In 1885, she and James sold the house. James died between 1885 and 1895 when their only surviving child, Robert, also died (San Francisco Call 1895). Annie, the sole survivor of her family, died the following year, aged 61 (San Francisco Call 1896).

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