

LOVE ON THE ROCKS: DIVORCE RECORDS IN THE STATE ARCHIVES

Today the 'divorce court' is an accepted part of modern life. This, however, was not always the case. NSW was the last of the Australian colonies to introduce legislation, the *Matrimonial Causes Act 1873*, which enabled a man and a woman to 'break the bonds of matrimony' and seek the legal remedy of divorce.

The main research resources within the State archives collection documenting divorce are the *Divorce Case Papers, 1873-1976*, CGS 13495. The papers generally contain petitions for the dissolution of the marriage, decrees, various affidavits (sworn statements) and the marriage certificate. The marriage certificate is often a very important source, as it can provide additional information about the couple's background. It is also worth noting that records of judicial separations (a legal separation, but without the right to remarry) are also included in the case papers.

The case papers are readily accessible using an index covering the years 1873–1976, compiled by the Supreme Court, which is available on microfiche in the Sydney and Western Sydney reading rooms (fiche 6130–6410). There is also an online index to the papers covering the period 1873–1911:

<http://www.records.nsw.gov.au/indexes/divorce/introduction.htm>

In addition to the divorce case papers there are some other sources available to researchers. These include transcripts of divorce cases dating from 1899. A word of caution, however: not all divorce cases were transcribed. Judges' notebooks are another potential source. They contain notes made by the judge on cases, including divorce cases, but the information can vary greatly. Some judges wrote a summary of evidence while others noted particular points of interest or used their own shorthand.

Researchers should consult *Archives Investigator*, the *Concise Guide* and 'Archives in Brief 77' for further information. Researchers interested in post 1976 divorce records should contact the Family Law Court of Australia, as the *Family Law Act 1975* replaced the *Matrimonial Causes Act 1959*. This Act established the Family Law Court of Australia and the process of no-fault divorce.

Divorce records that are more than 30 years old are open to public access.



← Photograph of Mr and Mrs Butler, SRNSW: Supreme Court; CGS 13495, Divorce Case Papers, No 1519 of 1894, [13/12451]

STATE RECORDS OUT AND ABOUT

Her Tale to Tell

Christine Yeats (State Records) explores the way writers can draw on the NSW State archives for biographical and contextual evidence to bring new insights and perspectives to their readers

**Dixon Room, Mitchell Wing
State Library of NSW**

Wednesday 9 March 2005

enquiries: Valerie Pybus

ph: (02) 9544 8630 **mob:** 0418 670 862

ALIA Local Studies seminar

Selena Williams and Lindsay Allen (State Records) speak about sources in the NSW State archives

Coles Room, State Library of NSW

Friday 18 March 2005

enquiries: Jenny Sloggett

ph: (02) 9424 0105 **fax:** (02) 9418 1657

email: sloggett@kmc.nsw.gov.au

Land Grants, Leases & Licences

Sources in the NSW State archives

Goulburn Branch Library

Tuesday 15 March 2005 10.30 am – 12.30 pm

enquiries: Lynn Bonomini

ph: (02) 4823 4435 **fax:** (02) 4823 4440

email: lynn.bonomini@goulburn.nsw.gov.au

IES Conferences: Performance Measures for Libraries & Information Services

Using performance metrics for improved library service delivery, effective cost control and clear tracking of performance drivers. Christine Yeats will speak about State Records' experience

Carlton Crest Hotel

169–179 Thomas Street, Sydney

Monday & Tuesday 21–22 March 2005

enquiries: Debra Mundy

ph: (02) 9425 7600

Made Kept and Used: Celebrating 30 Years of the Australian Society of Archivists

A full-day seminar on access to records and archives, including the 30-year rule, business archives, access to Indigenous records and the impact on access from terrorism

National Museum of Australia, Canberra

Tuesday 5 April 2005

cost: ASA members & affiliated bodies \$40

non-ASA members \$80

enquiries: Shauna Hicks

ph: (03) 9348 5608

email: shauna.hicks@dvc.vic.gov.au

Alternative Sources for Tracing Your Elusive Ancestors

Sources in the NSW State archives

**Woodstock Community Centre,
22 Church Street, Burwood**

Wednesday 11 May 2005, 8.30 pm

enquiries: Sue McDonald

ph: (02) 9702 5091 **fax:** (02) 9743 3805

Clowns, Criminals, Convicts & the French Connection

Presented by the Central Coast Family History Society and Lindsay Allen (State Records)

Lions Community Hall

8 Russell Drysdale St, East Gosford

Saturday 21 May 2005

enquiries: Lindsay Allen

ph: (02) 9673 1788

Deceased Estate & Probate Records

Join Hawkesbury Family History Group for a talk on records in the NSW State archives

Windsor Library

Wednesday 8 June 10.00 – 11.00 am

enquiries: Michelle Nichols

email: michelle.nichols@hawkesbury.nsw.gov.au

A Brush with the Law

Emily Hanna (State Records) addresses the Holroyd Family History Group on sources in the NSW State archives relating to court and related records

Merrylands Library

Monday 20 June 10.00 am – 3.30 pm

enquiries: Dorothy Warwick

ph: (02) 9632 9203

NSW Divorce Records: What you Might Find if They Didn't Live Happily Ever After

The history of divorce in NSW and how to make the most of the divorce case papers, now available through the Western Sydney Records Centre

Rumsey Hall, 24 Kent Street, Sydney

Saturday 25 June 10.00 – 1.00

cost: Society Australian Genealogist

members \$18; non-members \$22

enquiries: Society of Australian Genealogists

ph: 9247 3953

email: info@sag.org.au

1873

Supreme Court
w South Wales
National Cases Jurisdiction

✓ 43/1

✓

Joyce
Joyce

Elizabeth

Petition

accepted
John J Harbaine
A 14th
1873

Filed in the office of
the Registrar
4th August 1873
C. J. S.

Sketches

> AGENDA

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Divorce No 1, Joyce v Joyce;
John Woolnoth Joyce, petitioner;
Elizabeth Joyce nee Woodgate, respondent;
State Records NSW: Supreme Court; CGS 13495,
Divorce Case Papers, No 1 of 1873, [13/14265]

COMING EVENTS @ STATE RECORDS

Orphans

Records of the orphan schools, reformatories, training schools and nautical schools

Western Sydney Records Centre

Tuesday 12 April 10.30 am – 12.30 pm
FREE Bookings essential

How to navigate Archives Investigator

Tips on getting to the records online

Sydney Records Centre

Wednesday 4 May 10.30 am – 12.30 pm

Western Sydney Records Centre

Tuesday 10 May 10.30 am – 12.30 pm
FREE Bookings essential

Seminar: Let's Have a Pot of Tea

One-day seminar exploring the economic, social and cultural history of tea and tea drinking. Presented by State Records & the Royal Australian Historical Society

History House 133 Macquarie Street, Sydney

Saturday 15 May
cost: \$16.50 (including morning tea & lunch)
bookings essential: (02) 9247 8002
email: history@rahs.org.au

Murder Most Foul

Tales from the courts, *Police Gazette* & other records

Sydney Records Centre

Wednesday 15 June 10.30 am – 12.30 pm

Western Sydney Records Centre

Friday 24 June 10.30 am – 12.30 pm
FREE Bookings essential

Enquiries & Bookings: Lindsay Allen

Senior Archivist — Access & Information (SRC)
ph: (02) 8247 8613 fax: (02) 9833 4518
email: accinfo2@records.nsw.gov.au

Inside back cover
In the lead-up to State Records' exhibition based on official photographs from the Aborigines Welfare Board, *Vital Signs* honours images created by the Indigenous community's own photographers by presenting the work *Australopithicus* by Darren Siwes, 2004. The ghostly figures of Darren Siwes and his wife suggest an ongoing Indigenous presence, throughout time, in and beyond the colonial landscape.

INSIDE BACK COVER: REPRODUCED COURTESY OF DARREN SIWES AND GREENAWAY ART GALLERY, ADELAIDE