

Madam Harpur: the trials and tribulations of an Adelaide doctress.

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There is now less stigma in having an infant as an unmarried mother or seeking an abortion and so we can hardly know the trauma that women suffered before this period when they found themselves in this predicament. We cannot moralise about the actions women took to avoid motherhood or the people who provided the services. Although illegal and dangerous to health, abortion was part of a female sub-culture which women resorted to for whatever reason.

From the 1890s, although the use of antiseptics made it safer in hospital environments for curettes and other gynaecological procedures, women risked septicemia and death through illegal abortion rather than face being ostracised from respectable society, shamed or made more impoverished than they were.

Even the Catholic paper *Southern Cross* in March 1897 felt that ‘the real culprits are the managers of the public press ... how would the victim of Madam Harpur, or the unfortunate girl at Port Pirie have known of the existence of these 'specialists' unless it was brought under their notices by the advertisements’.

This article is about Melissa Fairbairn, an Adelaide abortionist in a period between about 1893 and 1908. She went by several names and came from Melbourne with her husband, who also used several aliases. Throughout the period of her activities, she advertised as Madam Harpur. She is one and the same woman using the different names and various addresses as referred to in police and court documents. Her surnames were spelt as Fairburn, Fairbairn, Harpur and Harper, while her first name has been referred to as Melissa, May and Elizabeth. Her partner was known as Samuel Brierly, Dr Brierly Fairburn, Dr Brierly and Dr Fairbairn. They worked together and separately, and also came before the courts together and separately.

Abortion does not necessarily require a husband or lover’s co-operation. Its adoption sometimes reflected a woman’s concern for the welfare of her family, where it was likely to suffer with an extra mouth to feed such as revealed by Clara Atkinson’s case. Police and court records revealed much about abortionists and their business operations in Adelaide and the difficulty of convicting them.

In a fifteen year period, Melissa Fairbairn came before the courts on five occasions –twice for procuring an abortion and three times for murder. Yet she was only convicted and imprisoned once – for manslaughter. No charges were laid against her husband, who was a witness in an inquest into the death of Jessie Cass following an abortion in 1893.

Madam Harpur was arrested twice in 1893 for procuring illegal abortions on two women. One was single woman Elizabeth Marshall and the other was Clara Atkinson, a married mother of eight children. While neither woman died, both were critically ill and requiring a doctor’s attendance, which led to each doctor reporting their suspicions to the police.

Dr Robert Robertson denied a death certificate for Elizabeth Marshall's new-born infant in March 1893. When he attended her for chronic pains before her confinement in Sydney Place in the city, he found evidence of an attempted abortion. After he left and she later gave birth to an infant that died soon after, when asked for a death certificate so the infant could be buried in the West Terrace Cemetery, he contacted the police.

When questioned by police, Elizabeth Marshall described her visit to Madam Harpur's North Terrace premises through the back entrance via Tavistock Street. An advertisement outside her premises carried a sign 'Madame Melissa S Harpur treats all private and special complaints of women'. These premises alongside the Botanic Hotel and in the Botanic Chambers, are opposite the Royal Adelaide Hospital. The *South Australian Directory* for 1893 gives Madam Harpur's profession as 'doctress'. Of further interest to the police, was the involvement of Madam Harpur's husband, Dr Brierley, who had conveniently gone missing.

At the inquest on the infant held on 4 March, Elizabeth Marshall said a man was in attendance with Madam Harpur and he may actually have performed the operation. She was told to lie on a couch with a scarf placed over her head while the doctor was in attendance. She recalled hearing his trap arrive followed by his footsteps. Shortly after, an instrument was inserted into her several times before she heard his footsteps leave the room. She never saw his face as the scarf was not removed until the 'doctor had driven away'. The police believed there was sufficient evidence to put Madam Harpur on trial even without establishing the man's presence.

Madam Harpur's trial commenced on 11 April. When Elizabeth Marshall first visited her she was too busy to see her that day. She left a 1/6d deposit and was requested to return the following Thursday with three guineas. When she returned with only thirty shillings Madam Harpur still agreed to carry out the operation provided the rest of the money was paid on Saturday week. Venie Millwick who was Madam Harpur's servant for six months remembered Dr Brierley but could not remember if he came the afternoon in question.

This crucial fact effectively ruined the case for the prosecution and there was no clear evidence to convict Madam Harpur of actually procuring the abortion when there was some possibility that another person had performed it. The judge asked if there was 'a tittle of evidence that Madam Harpur supplied the doctor with the catheter? The evidence shows that the doctor put it in.' The Crown Solicitor said 'there was not'. The judge replied 'Well that disposes of the second count, which charges Madame Harpur with supplying the instrument to a person unknown, knowing that it was to be employed to procure the miscarriage of Elizabeth Marshall'. When the judge said there was no evidence to go to the jury and a verdict of not guilty must be returned, Madam Harpur walked free.

Only months later she came under investigation again. This time Clara Atkinson of Lily Street, Goodwood, mother of eight, sought Madam Harpur's services. While the case never went to court, it was well investigated by the police. When questioned Clara Atkinson stated:

I knew I was pregnant. As we were in poor circumstances and have eight children, I did not want more. I had often heard people talking about Madam Harper on North Terrace preventing children, so unknown to my husband, I paid her a visit at her house.

Clara Atkinson had only ten shillings on her and was told that an 'operation' would cost one guinea. Madam Harpur told her that 'because she had an honest face' she would do the 'operation' then and gave her three weeks to pay the remaining eleven shillings.

The first attempt failed. Six days later when there was still no 'miscarriage', she returned for another attempt. She was told to return next day as there was only one instrument, which was already in use. Before the operation was performed, Madam Harpur said 'I must get the instrument, it is in a patient now, but I will take it out for you, she can have it again after'. The next day Clara Atkinson miscarried but as the days went by she suffered from severe haemorrhaging and pain. She had not told her husband of her abortion but sent for her mother, whom she did tell.

Fearing that her daughter was critically ill, her mother sent for Dr Lawrence whom she told of a miscarriage. He and Mr Atkinson were only told otherwise when it was thought she might die. The doctor performed a lifesaving curette of the womb to remove the placenta debris, the cause of blood poisoning, and contacted the police. In her police statement, Clara Atkinson said 'I am not pregnant now. I had no idea I was doing wrong in trying to stop more children coming as we could not feed more'. This was during a severe economic depression in the colony that was a desperate time for poorer families struggling to make ends meet.

Madam Harpur's services were in demand for she told Clara Atkinson that she performed five operations per morning for a guinea a time. At this rate, she could perform around 1200 abortions per year. Apart from a three year stint in gaol, she practised her trade for at least twelve years in South Australia.

Her business was not confined to Adelaide for she told Clara Atkinson of £40 owing her in Broken Hill. As with the earlier case a few months before, the police could not produce conclusive evidence to convict Madam Harpur. This was because she always conducted her 'operations' behind locked doors with no witnesses to ensure no corroborative evidence. The woman having the abortion could not be a witness for she was an accomplice and a conspirator, as was Elizabeth Marshall. The police could not base a case on Clara Atkinson's evidence because she also was a conspirator in the eyes of the law. When she spoke of an instrument and a book in which patients' names were registered, the Chief Secretary wrote:

It seems hopeless without running the risk of an action against the police to get possession of the book. If that risk is taken I should have some hope of going to the jury and getting a conviction notwithstanding the direction of the judge as to accomplices criteria.

As the police would not risk searching Madam Harpur's premises, the case never came before the courts or reached the newspapers. Clara Atkinson survived but in 1897 Jessie Cass and Fannie Blain died and both Melissa Fairbairn and her husband came under the scrutiny of the law again.

By 1897 Madam Harpur and her husband had gone their separate ways. She moved to Yarmouth House in Albert Street, Goodwood where she continued her practice. Dr Brierley Fairbairn stayed at Botanic Chambers, although he never slept there overnight from 27 December 1896. Madam Harpur's marriage was possibly problematical for she told Clara Atkinson in 1894 '... that she had several children all born dead, and had not slept with her husband for five years and she showed me marks on a door which she said was his kicks in trying to get into her room ...'

When Madam Harpur was brought before the courts for an illegal operation that had ended in the death of Fannie Blain in January 1897, she gave her name as Mary Elizabeth Fairbairn and 'described herself as a doctress'.

The police were determined to bring about a conviction over Fannie Blain's death. When she died of blood poisoning on 4 January 1897 it was about a week after having an illegal abortion by Madam Harpur at Yarmouth House. Fannie Blain's mother and daughter refused to say how she became ill when Dr Archer was summoned to her bedside and found her unconscious. He reported the case to the police and when she died shortly after, an inquest was held at the Thornton Hotel in Hart Street, Glanville the day after her death.

Fannie Blain lived in Hart Street, Glanville next door to her mother. She was 35 years of age and had had seven children. Her husband had been away on the Kalgoorlie goldfields for about two years and she supported herself, so she stated, as a 'stewardess' on board the coastal vessel *Bulimba* that plied the route to Western Australia. She sought the services of Madam Harpur whom she had first met in the Adelaide Gaol four years before and who was possibly on remand for the trial pending in 1893. Fannie Blain was later hired by her to do her washing when she lived at Botanic Chambers on North Terrace.

Fannie Blain had an abortion a day or two before Christmas 1896 for which she paid two pounds. However, Madam Harpur requested that she send a telegram to her eighteen year old daughter, Ethel, to bring another pound, which she did the same day. Following the abortion, which was of an infant almost full term, Fannie became critically ill. When the daughter was requested to take her mother home and she said her mother was too ill to be moved, Madam Harpur insisted as she did not want any funerals or inquests at her house. She made the remark that she would not have taken on the case if she had known 'it would be such a dirty job'.

Although Fannie Blain could hardly walk, she was assisted to the Goodwood station by her daughter and Madam Harpur's servant, Annabella MacBride. When they missed the train they took a cab to the city from where they took a train to Port Adelaide. Another cab took them to her mother's house in Glanville, where a Dr Archer was summoned on New Year's Day to give emergency medical assistance. He performed his duties in 'perfunctory manner' but Fannie's condition worsened and she died on 4 January 1897. The verdict of the inquest was that 'the deceased came to her death by violence caused by an illegal operation, which operation was performed by Madame Harpur, in accordance with the evidence, adduced'. The coroner added that 'violence caused by illegal operation means murder. The coroner then committed Madam Harpur for trial for murder.

The trial was held in the Supreme Court in Victoria Square two months later in March 1897 with the charge that Madam Harpur 'feloniously wilfully and of her malice aforethought did kill and murder one Fannie Blain.' She had a strong defence team that included Sir John Downer and Rupert Ingleby (junior), but the Crown Solicitor opened the proceedings by stating that 'all killing was deemed to be murder unless circumstances could be proved which mitigated the action'.

When the police interviewed Annabella MacBride she was told she was liable for prosecution if she did not tell what she knew. Only with Madam Harpur's arrest and trial did she reveal crucial evidence to convict her former employer. While the corroborative evidence was not sufficient to charge her with murder, it was enough to

convict her of manslaughter. Before given her sentence, when asked if she had anything to say, she claimed that her servant had been threatened by the police to give false evidence against her. She was given three years with hard labour and was imprisoned until 1900.

Within weeks of the death of Fannie Blain in January 1897, Dr Brierley was implicated in the death of a single woman named Jessie Cass in February 1897. She travelled by train from Port Pirie for an abortion. She contacted the herbalist, Madam Mary Hillier in Franklin Street through one of her advertisements. Like Madam Harpur, Hillier advertised her services for women's complaints in the newspaper, which caught the attention of women, such as Jessie Cass. However, when Madam Hillier was unable to deal with Cass' late term pregnancy by use of herbal remedies, she took her to Dr Brierley's place on North Terrace.

The inquest on Jessie Cass was held in Solomontown where she died from the effects of an illegal abortion soon after arriving back from Adelaide. Summoned to attend the inquest, witnesses included Dr Samuel Brierley and Madam Mary Hillier, who travelled to Port Pirie by train.

At the inquest held at the Globe Hotel on 20 February, Mary Hillier told how she became a herbalist. Before she came to Adelaide as Mrs Krischke with her husband in about 1893, she kept a ham and beef shop in Melbourne for some years. Two years after she arrived in Adelaide, they were divorced and she had to find work. She began a business in King William Street and advertised herself as Madame De Boor. 'I thought as so many are doing it I could practise as a herbalist.' In the *SA Directory* for 1896 she is referred to as 'dctrss'. When she married a bootmaker called Hillier and only lived with him for a fortnight, she continued her business using her married name. As she could not read or write English she employed Henry Pullen to run her mail order business for herbs and medicines. At the inquest she stated that:

I live at 69 Franklin street and am a herbalist...I carry on business as a seller of 'preventatives' against the conception and birth of children. I also supply pills. I partly make a living out of the house giving electric baths and massage ... I have nothing to do with pregnant cases.

Although she took Jessie Cass to Dr Brierley's place at Botanic Chambers on the evening of 4 March, she nevertheless stated that:

I know Dr Brierly by sight. Never spoke to him. I never went to his house on North Terrace ... I do not know what class of business Dr Brierly carries on ... I would not care to live next to any doctor. I hear people talking about Dr Brierly. Went to look at a vacant house, but finding it was next to Dr Brierly's it influenced me not taking it. He had a case with Madame Harpur, that is one reason for it.

There is some confusion as to which doctor actually performed the operation, for Dr Brierley and a Dr Napier were both mentioned by Jessie Cass. It was stated that although Dr Brierley had been in Adelaide about seven years and was a duly qualified practitioner, he had not practised as an ordinary medical man but was reputed to be a professional abortionist. Detective Fraser reported that 'he was not socially regarded as a respectable member of the medical profession but...as an outcast, and his associates savor of the very shady class'. Brierley claimed he was a member of the British Medical Association:

I qualified at the College of Surgeons and Physicians of Edinburgh; was in practice for three years in Victoria before coming to South Australia; was employed at Yarra Bend, Kew, and Beechworth Hospital and hon. physician to the Ovens Benevolent Asylum.

The police were reminded 'that a strong counsel must be engaged to conduct the case for the Crown for it offered the opportunity of breaking up one of the most notorious combinations of reputed abortionists and he was sure to be well defended.' But as was common with abortion cases, the police found it difficult to make a conviction. The jury at the inquest concluded that 'the death of Jessie Burnett Cass was caused by blood poisoning, the result of an illegal operation, but there is not sufficient evidence to show by whom performed'. So Dr Brierley walked free.

In March 1903 Johann Zsechorn, who had a bootmaker's shop at 145 Flinders Street, stated he had been leasing the adjacent shop-like premises to Madam Harpur for at least two years for 7/6d per week He said:

I have seen her coming and going nearly every day. She comes generally from 3 in the afternoon till 9 pm ... I don't know if anybody is living in the house overnight. Place was a kind of a shop. Except when the police found the door open, it was only open when Madam Harpur was there ... I often saw people go to the house ... They were ladies.

The *Advertiser* for 7 February 1903 carried an advertisement which read 'Madam Melissa Harpur, 148 Flinders Street, opposite St Paul's Church. Hours 3 to 9 pm'. She also placed a sign outside the premises 'Madam Harpur consulting Rooms. Hours 3 to 9 pm'.

Annie Holmes, a single cook and general servant at the Globe Hotel in Glenelg, consulted Madam Harpur at these premises in February 1903 after becoming pregnant to her horse-trainer boyfriend, Sandy Miller, who boarded at the hotel.

Annie Holmes already had a six year old child living in Victoria. Miller met Annie only a week after she started work there. They were lovers within a week and she informed him about seven weeks later that she was in the family way. By the time she told him that she was going to consult Madam Harpur, they had been courting for four or five months. Although he did not offer marriage, he said of her intended termination 'I strongly advised [her] to have nothing to do with it.' She visited Madam Harpur three times over the following week before she miscarried, the first time with her boyfriend waiting outside. After the last visit and knowing he would be riding past the hotel about 8 am the following day, Annie went out to tell him the situation was unchanged. However, by that evening when she met him she had become so weak that he had to ask someone in the street to fetch Mrs Weidenhofer, the publican's wife who came to help him carry her back to the hotel where she was put to bed.

Eight days after the abortion Dr O'Leary was summoned for medical help. He brought in Nurse Bertha Stacey to the hotel to douche her every two hours over a period of three days and interviewed Sandy Miller in a hotel room. When Annie Holmes told the nurse about the catheter under the bed, she in turn told the doctor who called the police. When Annie's condition worsened, he called an ambulance to take her to the Adelaide Hospital with the nurse accompanying her. On admission, Dr Arthur Shepherd performed a curette and treated her with uterus douches.

On the morning of 19 March when it looked like Annie Holmes was dying, the JP of the Police Court, William Hinde, met with Detective Priest at 5.20 am at the hospital and took a dying deposition from her bedside. Hinde asked her:

Do you want to make a statement. 'Yes'. I said You need not unless you like. She said 'I want to'. I said do you believe that you are dying. She said 'Yes'. I said are you in actual fear that your death is about to happen. She replied 'Yes'. I said to her 'Have you any hope of recovery'. She replied 'No. I am dying I think'.

Annie Holmes dictated 'believing myself to be dying and being in actual fear of death with no hope of recovery [I] do solemnly and sincerely declare that a fortnight or three weeks ago ... I went to Madam Harpur two doors off Hanson Street ... She operated on me...in her consulting rooms.'

Hours after the deposition, Madam Harpur was arrested and taken to the Adelaide Gaol, where she was held in custody. On Sunday 22 March the Crown Solicitor telephoned Dr Helen Mayo under whose care Annie Holmes was. She informed him that she was 'in a very critical state of health suffering from blood poisoning'. With this news he obtained an order from Justice Bunday who saw it as 'of the direst necessity' to have Madam Harpur conveyed to the Adelaide Hospital to be identified by Annie Holmes 'because at any moment this woman might die and the question of identity might not be settled'. The order was carried out and Harpur was taken to the hospital.

Annie Holmes did not die at this time but had a painful lingering death from septic peritonitis on 31 March that was almost four weeks after the last procedure by Madam Harpur. This was twelve days after her dying deposition. A week after the inquest on 1 April 1903, Detective Priest charged Madam Harpur with murder. She was now around fifty years old and Priest had known her for the last ten years residing at various places.

With a dying deposition and the conveyance of Madam Harpur to the hospital to be identified by the woman whom technically she had murdered, there appeared to be sufficient evidence to convict her. Certainly, the public galleries were filled with spectators who expected to witness her conviction for murder, which automatically carried the death penalty. Madam Harpur's lawyer, who was again Rupert Ingleby, believed otherwise and the spectators were disappointed, for the trial rested on legal arguments. Ingleby proved there was interference in the dying deposition by Detective Priest asking leading questions. Any questioning should have been left to the JP of the Police Court. Worse, were the circumstances under which the order had been obtained to convey Madam Harpur to the Adelaide Hospital. He argued for the evidence obtained by the order to be disallowed on ten different objections including one 'that the order was made upon the Lord's Day'. After discussion, the judge ruled that the document could not be admitted, and directed that a verdict of not guilty be returned. The accused was accordingly acquitted on legal technicalities.

It was five years before she came before the courts again, and for the last time. On 9 April 1908, Laura Tucker, 22 years old, a single wardsmaid at the Adelaide Hospital, died there less than twenty four hours after being admitted as a result of an abortion by Madam Harpur. Dr Reginald Verco the resident surgeon, said no operation was performed on her on admission as she was too ill for any life-saving procedures. She told him of her miscarriage five days before after being 'fixed up by an old woman'.

This time Madam Harpur's daughter, Elsie May, was also implicated for when her condition worsened a court was set up by her bedside in the evening and Madam Harpur and her daughter were arrested and brought there for the court proceedings.

In attendance was James Gordon, the special magistrate who opened the court, Mr Hall, clerk of the Police Court, Detective Priest, Dr Wells, Melissa Fairbairn and her daughter. Only a few hours before her death, Laura Tucker confessed to having had an illegal abortion by Madame Harpur whom she pointed out in the ward and referred to her as 'Madam'. However, the proceedings were abandoned half way through, as Laura Tucker became delirious and began hallucinating.

Laura Tucker said that when she was about 4 1/2 months pregnant, she consulted Madam Harpur who then had business premises in Edmund Street, Unley. When she first consulted her, there was no time for an appointment and so she went and stayed in the Hindley Street Coffee Palace for a couple of days before finally obtaining a consultation. When she went back, she was placed in a room with several other girls where she stayed with a catheter inserted for two days.

When she did 'not do as well as the other girls' and her condition deteriorated, Madam Harpur asked her to leave her premises and go to her friends. Madam Harpur hired a pony and trap that took her to the corner of West Terrace and Sturt Street in the West End of the city where she contacted friends. She 'made her promise not to tell anyone anything that had happened or she would get into worse trouble than Madam herself.'

Laura Tucker called in to see an old friend Harriett Markham in Sturt Street and asked if she knew where she could stay until she recovered from her illness. She took her to Ellen Billingham's home in Wright Street where there was a room. Because she looked so ill, Harriett Markham returned the next morning but found her condition had worsened. When the two women saw Miss Jean Mills walk by they summoned her for help as she was the matron of the Girls' Club in Whitmore Square. She in turn called the district nurse, Theodora Sweetapple of Carrington Street.

At this point Laura Tucker would not tell the women the cause of her illness, although they had a good idea what it was. The matron went to see Dr Todd with suspicions of an abortion in order to obtain a 'hospital order' and have her admitted to the Adelaide Hospital. As the district nurse prepared her for hospital and while they were waiting for the ambulance, Laura Tucker confessed about Madam Harpur.

On admission she told Dr Clement Wells that she answered Madam Harpur's advertisement offering comfortable lodgings for treatment. Treatment costing three guineas, she spoke of how she was 'washed out with five or six buckets of water'. Madam Harpur's daughter, Elsie May, assisted and both were very kind to her until she became ill several days later. Madam Harpur was alarmed at her worsening condition for after several botched abortions, she did not want a dangerously ill woman needing emergency medical attention, nor did she want to explain a corpse on her premises.

Laura Tucker died in the early hours of the morning on 9 April. Later in the morning when Madam Harpur was brought before the Police Court for having 'used an instrument upon Laura Tucker with intent to procure a certain result', the charges had to be reviewed to a more serious charge with news of Laura Tucker's death. As an inquest was required, Madam Harpur who was already in custody, was remanded

while it was held on 10 and 14 April. The inquest concluded that 'Laura Tucker came to her death from septicemia, consequent on an abortion illegally induced by Melissa Fairbairn, otherwise Madame Harper [sic] ... which ... amounts to wilful murder'. Released on bail, she was committed for trial on a charge of murder on 2 June 1908.

The day before her trial, Melissa Fairbairn (alias Madam Harpur) was brought from the Adelaide Gaol to court for arraignment where a *nolle prosequi* was entered. This meant that after consultation with the Attorney-General or the Director of Public Prosecutions the prosecution was unwilling to proceed, and she was acquitted. However, this did not establish her innocence. As with so many abortion cases where a woman died from the effects, it was often simply too difficult to obtain the corroborative evidence for conviction.

After a three year stint in prison in 1897 and two more near convictions, it is quite possible that Melissa Fairbairn's close encounter with the gallows in 1908 frightened her into seeking a quieter life. Certainly, her professional name Madam Harpur seems to have disappeared from the records after 1908. Having used aliases and changed addresses so often, it is quite possible that by her merely changing her professional name, it would be more difficult to trace her. Whether she continued in her profession or opted perhaps to keep a boarding house instead, that is to be determined.

As for Doctor Brierly, a small notice appeared in the newspaper Quiz for 7 April 1898, which noted his death.

Dr Brierly who has caused the police so much trouble as any other member of the community, has died in the Adelaide Hospital of delirium tremors. Brierly was a duly qualified practitioner, and might have succeeded in his profession if the fates had not driven him into practices which were not in accordance with the laws of the country. Brierly was, however smart enough to escape the clutches of the police, and now earthly law troubles him no longer.