



Without Consent

Anjella Roessler

Without Consent began with a strong need to create images about trauma to which I had a personal connection. Furthermore, to tell a story and find a link with others who have travelled a similar path in their own history, not as an outsider but as a living witness. The project has helped me come to the realisation that I needed to confront and come to terms with my own experience as a rape survivor. Initially, I thought that this confrontation would be purely photographic and that I would be able to be involved but remain distanced. I was not prepared for the ways in which this project would affect me both mentally and spiritually, and an added feeling of being cleansed of the trauma.

The women who came to me as participants in this project also experienced similar feelings of hope and a relief of their shame and a sense of being united through working with me on this project.

1994
Anjella Roessler





1850
Maria-Ann Perkins

8-year-old Maria Ann was asked by wandering cake salesman, Elias Levy, to mind his cake tray. When she agreed he pushed her to the ground and put his hands up her clothes. His trousers were unbuttoned, she screamed, and he put his hand over her mouth. He was committed to trial for attempted rape, but at trial was charged with indecent assault and common assault, as by law rape had to include penetration. He was found guilty of indecent assault and sentenced to 3 years working on public roads.

1842
Ann Hindhaugh



25-year-old Ann Hindhaugh was on her way back from the doctor when John Taylor chased her, threw her down and raped her on a public street. Several people came to her rescue and she fainted several times afterwards. Hers was the first rape trial in the Port Phillip District. She was a married woman and therefore considered to be of respectable character and so her testimony was taken very seriously at court. Taylor received the death penalty which was commuted to transportation to life to Van Diemens Land.



1842
Janet Buchanen

Janet Buchanen was by the Yarra River when she saw William Calver kicking and trying to get a young woman onto the ground. She walked by only to have him come behind her and put his hand around her neck, knocking her down, punching her and attempting to sexually assault her. She screamed and a man on horseback came to her rescue, whereupon Calver jumped into the river and attempted to swim away. He was convicted of assault to rape and sentenced to 2 years hard labour.

1849
Ann Taylor



Ann Taylor arrived in Geelong as a migrant in 1849 and was engaged as a house servant at the Corio Hotel. Emanuel Charles Greene, hotelier, called her into the billiard room, offered her money and then pulled up Ann's clothes and opened his. Ann screamed, struggled, and got away. She told Greene's wife who just laughed. At the trial, Ann's character was put up as evidence. She had close friendships with men and had had them in her room before, so she was described as "light" and 'anything but chaste'. Greene was subsequently acquitted.



1849
Maryann Singleton

Maryann was 5 years old when Thomas Hunter gave her a penny and took her into the woods. Her brother ran for help, and she was found crying with Hunter buttoning up his pants. On examination, a doctor found no evidence of either internal or external violence, and due to her age, she could not testify. Hunter was discharged due to lack of evidence.

1839
Fanny Griffen



Fanny Griffen's husband Joseph was required to travel to Melbourne on business and so told his servant, Edward Tue, to sleep in the same tent as his wife, for her protection. During the night she woke to find him in her bed, attempting to lift her nightgown. She screamed and he stopped. In the morning she reported him. Tue was arrested and sent for a committal hearing but no records can be found of his trial.



1846
Sarah Ann Roberts

Sarah Ann Roberts was 11 years old and working for the Short family as a live-in nurse for their child. For 3 nights in a row, Hugh Short, the father and Sarah's employer, raped Sarah in her room, threatening that if she told anyone he would "knock her brains out". She was examined at least a week afterwards by a surgeon who swore under oath that there was no sign of violence to her external parts. Hugh Short was acquitted for lack of evidence as Sarah had not bled. After his acquittal, the judge reassured Short telling him his "character was not touched as far as the evidence had gone".

1843
Elizabeth Henderson



Elizabeth Henderson was 3 years old when Thomas Tanny carried her away into the blacksmith's forge. He was found 'lying on his back with his breeches unbuttoned, his shirt turned up, holding the child by the back, across his person at the private parts, and pressing the child to him'. Several local women snatched Elizabeth from him, exposing his erection. Due to laws of the time, Elizabeth was too young to give evidence herself and so Tanny could only be charged with aggravated assault. He was found guilty and sentenced to 2 years imprisonment. During his trial, his defense lawyer was reported to have sat down, overpowered by sorrow and disgust at his client.



1995
Anon

1850
Mary-Ann Jones



Mary-Ann Jones was 9 years old when William Thorne offered her money to lie down with him. After raping the child, he told her that if she told her mother he would kill her. She was examined by the doctor who found swelling and bruising but dismissed it as something which “might have been caused by any accident”. The case was discharged because Mary Ann could not be sworn due to her age.



1849
Ellen Wilson

4-year-old Ellen Wilson was sent by her mother on an errand. She returned an hour later with a threepenny piece and clothes stained with blood. An ex-convict known as Old Dick had been seen leading her into bushes. On examination the doctor found evidence of rape. At trial Ellen testified that he had taken her into the bushes and hurt her between her legs, and then told her to go home and not tell anyone. However, when the judge questioned her, she could not explain what an oath was and so the judge told the jury that there was no evidence. Old Dick was acquitted.

1842
Elizabeth Hayden



Elizabeth Hayden was 10 years old. While walking through Melbourne, doing chores for her mother, she was stopped by John Doyle, who offered her a lift on his dray, telling her he knew her mother and it was all right. He forced her to drink alcohol, and she eventually passed out. A passing man saw Doyle lying over the girl with her clothes up and chased him, and with the help of some other passers-by captured Doyle and took him to the authorities. They reported young Elizabeth as being “perfectly senseless” and reeking of alcohol. During the trial she was directed to recite the Lord’s Prayer as a demonstration that she knew what an oath was. The judge remarked that “she repeated the prayer in a very distinct and proper manner” and her evidence was taken as being believable. Doyle was sentenced to 2 years hard labour, with the judge offering regrets that he could not impose transportation for life.



1848
Eliza Parker

On a Winter night Eliza Parker was walking home up Elizabeth Street. Owen Fitzgerald, an ex-convict, accosted her, convinced she was a prostitute, as they frequented that area at the time. She told him he was mistaken to leave her alone. When she reached the rear of the Post Office, he threw her to the ground and attempted to rape her. She screamed 'murder' and a policeman nearby heard and came to her rescue. Fitzgerald was charged with intent to commit rape and common assault and was eventually convicted of only common assault and fined 40 shillings. The victim could not identify him as she did not see his face, even though policeman had arrested him at the time. The fact that he had not succeeded in pulling his pants off also played a part in the lesser charge.

1994 & 2018
JMB





2006
Anon

1860
Mary-Ann Smith



William Estall was a schoolmaster of a primary school in Ashby Village. Mary Anne Smith was 8 years old and a pupil of Estall's school. She testified that he had sex with her on at least 8 occasions, giving her gifts as rewards and telling her not to tell anyone. He had been accused by other students for at least 2 years before this, but no parents had wanted to face the disgrace of a rape trial. He was charged with rape. However, the doctor examining Mary found that while there was inflammation and discharge externally, her hymen was intact and so Estall could only be prosecuted for the attempt. He was sentenced to 10 years hard labour and served 7 after which he was released. He moved to Mt Gambier with his wife where he opened another school using false references and shortly afterwards was again charged with indecently assaulting a young child.



1836
Eliza Alton

Eliza Alton had been put to bed drunk by her servant, Sarah. She woke to find William Stevenson, a servant previously fired for disobedience, on her bed with his pants down. She screamed, causing her servant and her servant's husband James, to run to her room. There they found five men, also drunk, and behaving violently. Out of fear for his own wife, James took Sarah away for protection. A fight broke out and the house was robbed afterwards. Several of the men were arrested but Stevenson was the only one accused by Eliza, and he was tried and found guilty only of assault.



1845
Isabella Grogan

Isabella Grogan was followed by James Riley as she left the local hotel after doing clothes washing. A police constable testified that he had heard a woman screaming and had found Riley lying on top of Isabella in the mud and was attempting to force her onto her back. Riley had then run off but was subsequently arrested. In the trial, Isabella's testimony was contradicted by two of Riley's friends who acted as his witnesses. They swore that she had 'prior associations' with Riley earlier that day. The police constable testified as to what had happened, however, the charge was acquitted because of the conflict of evidence between Isabella and the defense witnesses.



1993
Victoria Edgar

1839
Ann Quinn



In 1839, Ann Quinn lived in Geelong with her 3 children. One night, at 3am, James McEvoy entered her bedroom, tore her nightclothes, and sexually assaulted her. Two of her children witnessed the event, terrified. She escaped the house and ran to the local police barracks where they later attested that her clothes had been torn and her story consistent. At trial two witnesses came forward to testify that she had a constant habit of permitting soldiers and others to frequent her house at all hours, and so McEvoy was charged only with assault and sentenced to 1-month jail.



Exhibiting at NOIR Darkroom from
November 2nd - November 15th, 2020

NOIR
darkroom

Rape is a subject that is too often treated as shameful and taboo. Survivors hold onto their stories, most of us not daring enough to expose and discuss the traumatic events that have occurred. For this project, I looked back at historical stories of rape and sexual abuse in Australia's early colonisation period, I was struck by the cycle of similar and related traumatic stories. In nearly 200 years very little has changed. Without Consent aims to raise awareness about this serious matter and explores possible ways that the culture of rape can be broken.

Using weeds and plants from locations of rapes from the past, I have sought to substitute the lingering traces of DNA in the molecules of the soil and air in which the plant has grown for my subjects. This concept has been extended to my contemporary women, by having them physically pull out and hand me the plants they feel represent themselves and their experience.

It is my intention for this project to be ongoing so that any woman who feel the need can connect and reclaim their story through image-making and know they can let go of some of their feelings of shame and join as a community. I can be contacted at anjella@anjellaroessler.com.au for further information. You do not need to share any details with me, all I require is a sample of flora. Anything further is up to each participant.

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