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A divorce in Linköping in 1816

Divorces happened also in Sweden during the 1800s, but not very frequently

BY ELISABETH THORSELL

Some background

Maja Lena Kjellman was born 3 Jan. 1776 in the parish of Vreta Kloster, not far from Linköping in Östergötland. At the end of the 1790s she moved into the city and upgraded her name to Maria Helena, sometimes also Magdalena.

On 4 May 1801 she gave birth to a son out-of-wedlock called *Johan Peter*. She wrote to the *Kämnärsrätten* (Lower Magistrates court) in Linköping and admitted her sin, but only mentioned the boy's father as "an unknown man." For the crime of having a baby out of wedlock she was fined 1 *daler* 32 *skillings* to be paid to the court and 32 *skillings* to be paid to the Linköping Cathedral.

After this she worked as a wet nurse and as maid in a baker's household. The boy was with his grandmotger in Vreta Kloster.

On 9 October 1808 she married a comb maker in Linköping, *Isac Wattman*, a widower. Isac was born on 28 June 1758 in Karlstad, and died already 22 December 1809 of consumption. His wife Magdalena's son Johan Peter was always afterwards known by the surname Wattman.

After the death of her husband, Magdalena kept the workshop going with the help of his journeyman *Anders Westerberg*, born in Linköping 4 October 1789.

Marriage again

On 17 December 1812 Magdalena married Anders, and he became the combmaker. They had two children, *Anders Gustaf*, born 12 March 1813, and Anna *Charlotta*, born 5 August 1815.

While Magdalena soon was to have a new baby, her husband went on his own adventures, and ended up in court.

Divorce

The parties: Combmaker A. Westerberg and his wife Maria Helena Kjellman had to come to the Diocesan Chapter [*Domkapitel*], as they were the authority that issued letters of divorce (*skiljobrev*).

As well as presenting the decree of divorce from the Linköping's *Kämnärsrätt* [Lower Magistrate's Court] of 30 April this year, the Combmaker Anders Westerberg, of this city, and his wife Maria Helena Kjellman applied for the necessary letter of divorce.

Ref. The divorce was granted. [Source: *Domkapitlets protokoll* A1a:87, 1816 22/5, § 16 [Minutes of the diocesan chapter].

The records of the local court were found in the loose papers [*innehållande handlingar*] of the diocesan chapter.

They give a very detailed description of the divorce. [These papers had to accompany the request for a letter of divorce, so the diocesan chapter could see that all was in order.]

Nr 30
Registered 18 Maj 1816
and the divorce on the 22 Maj 1816.

The detailed story

Extract from the court records of Linköpings *Kämnärsrätt* **23 April 1816**.

§ nr 123

"The District Court Judge Fredrik Unbeck represented the city council according to the law and summoned the comb maker Anders Westerberg for the crime of having engaged in sexual intercourse with the maid Maja Österblom. Both are residents of the city. Both have been summoned to the court.

"At the beginning of the session for this case the partners were present and a testimony from the clergyman H.A. Stenström was given to the court. In this he verified that Maja Österblom had given birth to boy, born out of wedlock, on the 5th of this month.

"The name of this boy is Adrian Rikard. The maid Österblom, 25 years of age, was questioned and asked to present her side of this case. She explained that while she was working for the widow Calander one evening on the day of Saint Per's Market [around the 1st August] at about 10 o'clock she had met master Westerberg while walking on the street. This was the first time she had met him and she did not know that he was married. She followed with him to Ekkällan [a place on the outskirts of the city] and a field nearby and had been talked into having intercourse with him. This field is the property of the baker Behm. The defendant Westerberg told the same story:

"That he had met Maja Österblom at about 10 o'clock that evening before the Saint Per Market day. She was unknown to him. He took her to Ekkällan and had intercourse with her on the field nearby. He could not

deny that he was the father of the boy born the 5th of this month.

“After the defendants’ statements Clerk of the County Government Mr. Göhle showed that he had a proxy from Maria Helena Kjellman, the defendants Westerberg’s wife, to act for her. He told the court that when she got the information about her husband’s unfaithfulness in their marriage, she could not forgive him this crime.

“She asked for divorce. The court decided that it was important that Westerberg’s wife be present and the session was postponed to 30th of this month. It was decided that the defendants were to be fined with 32 *riksdaler*, if they did not appear then. Also Mrs. Westerberg was to be summoned by the city messenger to appear on that date.”

§ nr 130

The *Kämmersrätt* court continued the session according to the decision nr 123, on **30 April 1816**.

“Present for this session were the judge Unbeck, the defendants combmaker Anders Westerberg and the maid Maja Österblom, and Westerberg’s wife Maria Helena Kjellman.

“After reading the minutes from last session the wife was informed about her husband’s crime committing fornication with the maid Österblom.

“The wife stated that because of this she could not continue life together with her husband. This was an offence she could not forgive. In the future she would not be able to obtain happiness with an unfaithful husband. She also told the court that there had been differences between

them before, to such a degree that she had not lived in the same room with him for six months. These circumstances made it impossible for her to live in the same room with him again. She requires that a divorce will be granted to her. Her conditions are that she should be able to have the rights of a burgher and keep the workshop in business, and that she will have the right to educate their children, of which the boy is in his fourth year and the girl only nine months.

“When the case was handed over to the court, the defendants Westerberg and the maid Österblom had no excuses to present.

“Westerberg understood that his acts had to have consequences and that his marriage would be impossible to continue in a happy way for his wife.

“Next, all parties were excused for a time while the members of the court discussed the verdict.”

Verdict

“The court considered both sides’ arguments regarding combmaker Anders Westerberg’s fornication and decided that according to 55th chapter, §1 and §5 Law of Misdeeds [*Missgärningsbalken*] and the Royal Decree of the 18th November 1741 the defendant Westerberg is fined for participating in an act of fornication.

The fine is 80 *daler* silver coins and 26 *daler*, 32 *skilling banco* and to give to the cathedral 1 *riksdaler*, and besides to receive a private admonition.

Regarding the maid Österblom her denial was accepted that she had not known Westerberg before her encounter with him, and neither that

he was married. It was in her favor that she had not been fined before for this type of crime.

“She is to be punished according to the Royal Decree of 11 February 1780 and the Royal Decree of 11 April 1810 to mitigate the punishment for deflowered women. She has to pay a fine to the cathedral of 32 *skilling banco* and to go to a private admonition.

“The defendant Westerberg’s wife Maria Helena Kjellman confirms again that she is not willing to forgive the husband’s adultery or continue the marriage. The Royal Decree of 5th December 1789 emphasises the wrongdoing of this crime. She asked for the dissolution of this marriage and according to 13 cap §1 of the Marriage Act [*Giftermålsbalken*] the court should proceed to declare this marriage dissolved. Her husband’s actions deprived him of half of his rights to their estate, which now goes to his wife. Bearing this in mind the honorable Diocesan Chapter of the city should issue a letter of divorce.

“Finally the defendant Westerberg was declared guilty of the alleged crime, and in case that there was no agreement with his wife regarding their two childrens’ education, he had to pay 12 *riksdaler banco* to the wife, who is the nearest to take care of them and educate them, every year as long as the children could not support themselves and also taking care of their education.

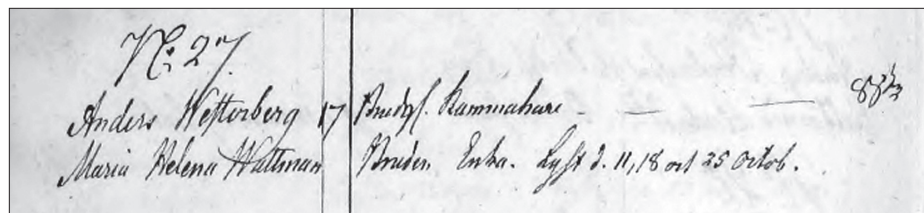
On behalf of the court. *Ut Supra*

O. A. Gezelius”

What happened next?

Maria Helena and the children lived on their own in the Sankt Kors quarter #5 in Linköping. She kept the workshop and had an apprentice, who might have been the actual combmaker .

On 14 October 1823 Maria Helena died of consumption. Her ex-husband, Anders Westerberg, was the one who made her estate inventory, and the children moved in with him and his new family, as he had remarried in 1822 to Catharina Charlotta Enström, and had three children by her.



The marriage of Anders Westerberg and Maria Helena Wattman 17 December 1812. The charge to get married was 8 sk[illing]. The groom [Brudg[ummen] is listed as a combmaker [kammakare], and the bride [bruden] as a widow [enka (old spelling)]. The banns had been read on the 11th, 18th, and 25th October. Linköping Domkyrkoförsamling CI:4, page 425. (Picture from AD Online).