

This is A Few Forgotten Women Article



*"A Woman's Place is in the Home";
the dutiful daughter, spinster, wife or outcast?
A Woman's Choice?*

Part 3

Steps to Change



Image in public domain

The increasing involvement of the civil authorities, agitation by women's organizations and non-conformist groups led to a beginning of calls for change, albeit very slow, in the institution of marriage and also the position

and rights of women. Over the years from civil registration in 1837 the battle for improvements in women's rights and status slowly gained momentum. There was legislation. There was legislation which directly aided their cause but some legislation, not directly aimed at women, did add to improvement in their situation. It also must be borne in mind that this did not occur over night. It wasn't until 1926 that a woman became a person in her own right. It was not called "the long nineteenth century" for nothing!

In this third part I will look at some of the categories of issues which the different groups of women were working for - goals in different aspects of women's lives. Our timeline gives the chronological history of the rights of women but it may be helpful to take each category separately so it can then be seen the lengths of time between each stage of improvement. The first category is work, employment and occupations. It may appear, on the surface, that a reduction in the working hours of the labouring class would have been a good thing and greeted with enthusiasm, but this was not always the case.

Changes in Employment



A drawing of a young girl pulling a cart of coal

Source: Report of the Royal Commission on the Employment of Children and Very Young People in Mines and Factories, 1842 - In the Public Domain

An indirect act such as the 1777 tax on male servants may appear not to involve women but if employers were having to pay to employ male servants where possible they would sack the men and take on women. However, this was short lived and female servants were taxable by 1785. Whereas women had helped in the home craft industries, but with growing industrialization, they began to take up jobs in the factories, away from the home. In the early

years of the 19th century there were several investigations and reports on the conditions in the factories some of which were acted upon with legislation. The early reports and acts were limited to specific industries such as textiles, followed by mining and potteries. Initially concern was for the conditions of children's employment and health due to the dreadful conditions in some industries. It was also their moral and religious welfare which was a cause for concern as during interviews the children's language and attitude shocked some of the investigators. The 1843 Factory Act also included clauses on education.

Concern for children's welfare soon turned to that of women and regulation of their hours. Working conditions were not the only subject. The lack of privacy afforded to women for personal hygiene, resulting in promiscuity. long hours came under consideration also. In 1833 factory inspectors were employed. The maximum working day for women and children was limited in 1832 to 12 hours. It was another 10 years until the 1842 Mines Act which outlawed the employment of women and children under 10, underground. By 1843 agriculture was coming under scrutiny with a Parliamentary enquiry, followed in 1867 by the Agricultural Gangs Act, which limited the employment of women and children by gangs who recruited agricultural workers, very often those recruited being exploited. Further reduction in hours came when children who were employed had to be recorded. As the century moved on the legislation began to expand to include other industries and eventually factory acts generally applied to all industries.

The regulation, particularly the hours of children's work might appear from 21st century eyes to be a good thing on several counts but both families and employers were not wholly pleased with the legislation; families because it reduced the family income and with very large families any income was welcome and when children were finally made to enter education, which in many cases, included a payment of one or two pence per week, families found it hard to survive; factory owners were not happy because they obviously lost a source of very cheap labour, and in the case of several industries such as textiles, where the children cleared the cotton waste from under the looms whilst the machinery was still working and the mines where very young children sat in total darkness controlling the ventilation doors and other jobs, which otherwise would have meant slowing down production, or employing (in the case of mines, disabled or very old men,) but still at higher rates than the children. Women were slowly being removed from dangerous activities, the half-dressed women stopped from undertaking heavy manual labour, and their hours reduced (1844), but again family income was reduced.

It was the middle of the century, 1867, when Acts of Parliament began to include other industries where 50 or more people were employed. It was the end of the century in 1894 when the age of employment rose to 11. Pay also caused difficult relations within the workforce as, where a task could be completed by either a man or a woman, the woman would often be preferred, as she received lower wages.

Should the family be large and the wife unable to find someone to look after the children an alternative was for “home working”. The family would probably be living in cramped conditions near to a factory. Some of the processes from the factory would be ‘farmer out’ to local families who would complete the work, usually on a piece rate basis, at home, and the finished product would be returned to the factory at the end of the week. The work was often done by the whole family. If an intermediary collected and delivered the raw materials, they would probably take a cut of the proceeds.

Education



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Factory legislation concerned the lives of mainly, working class women and children but there were those women who wished to enter other occupations such as teaching, government, the law, clerical work, medicine, occupations which required qualifications from institutions from which women were excluded. Women's entry into the professions was largely dependent in improvements in their educational opportunities. The education acts which had gradually gnawed away, turning employment into education, had gradually aided women. They often continued in school as pupil teachers. Elementary schools for ages 10-15 were introduced at the turn of the century. This did not however remedy the problem of many professions requiring a university education and a degree. There was also the thorny issue of occupations which eventually allowed women but single, unmarried women, teaching and the civil service being examples.

Although women had been studying at Oxford since 1860 it was in 1873 that a lecture scheme was available. Girton College opened in 1869. More colleges followed but it was not until 1920 that women were allowed to take degrees. At Cambridge study had been undertaken since the 1870s but also not allowed to sit for degrees and they even had to be accompanied by a chaperone at lectures.

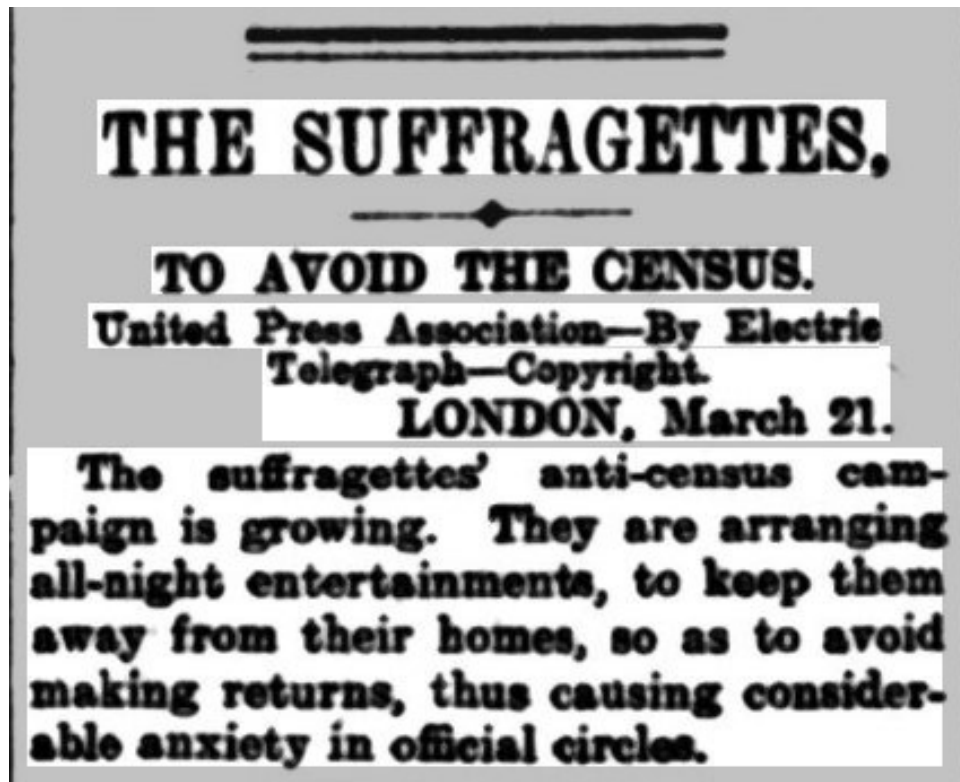
Growing Discontent

Nature has given women so much power that the law has wisely given them little

(Samuel Johnson)

Many of the improvements throughout the century were the results of the rapidly escalating agitation by women's groups. This agitation had begun as early as 1792 with Mary Wollstonecraft's "A vindication of Women's Rights". However it was over a century later that organized dissent began with the founding in 1897 of the National Union of Women's Suffrage Society followed in 1903 by the Women's Society and Political Union escalating by 1910 to open civil disobedience by suffragettes. Their refusal to eat involving hunger strikes was combatted with punitive punishment in 1913 with the a temporary Discharge Act. The 1911 census also saw many women either refusing to complete the returns or writing comments or defacing the schedules. It is still a fact that women do not have equal opportunities or pay or indeed do not have parity with men in education or employment.

Suffrage



The Lyttelton Times, 23rd March 1911, p.6 via FindMyPast

In order to take part in imposing conditions and opening up opportunities, women needed to be in a position to influence legislation, which meant that they needed to be able to access positions to bring about legislation i.e. political suffrage. Women were not considered suitable to deal with administration and politics. Also, as they were “one flesh” with their husbands it was thought that it would be the husband who made the voting decisions. From the beginning of the century there were movements to extend suffrage to a much wider audience but women did not appear on the legislator’s agenda so only men were listed in the reform acts of 1832, 1867 and 1884, consequently there was no provision included any opportunities for women. However, by the late 1860s the rights of women were being campaigned for on various fronts, women’s rights in marriage, finance and suffrage.

A very small step in the latter, was undertaken in 1869 when female ratepayers, single or widows were allowed to vote in municipal elections for poor law boards and from 1870 for school boards. It took nearly another 20 years before the County Election Act of 1888 allowed individuals who paid rates or occupied a property with a rateable value of £10 could vote in county and borough elections. More agitation took place with the women’s suffrage petition with 250,000 signatures. The new century saw women being able to

be elected to borough and county councils, even being elected mayors in 1907. The end of the First World War, where women had played such an important role, saw those over 30 along with males of 21 or over, eligible to vote in Parliamentary elections with the Representation of the People Act in 1918. It took another 10 years before women earned parity with men.

Women's Liberties/Inequalities

THE CONTAGIOUS DISEASES ACT.
THE exertions which the opponents of recent legislation on contagious disease are now making may be classed under two heads. They are aiming at the repeal of the Contagious Diseases Acts which are now in operation ; they are still more strongly protesting against their extension to the civil population. The meeting lately held at the Agricultural Hall under the presidency of Sir George Grey afforded an opportunity for the repetition of the objections which are urged against these Acts. The grounds alleged are—first, “that they give a legal sanction to immorality ;” secondly, “that they increase the vice which they are designed to suppress ;” and thirdly, that “they expose innocent women to shameful perils.” It

Pall Mall Gazette, 28th April 1870, p6, via FindMyPast

Having now touched on several of the concerns which had troubled women as they aimed to escape from their centuries old straight jacket comes the multi-faceted subjects under the heading of family life, marriage, children and divorce and their rights regarding this all-pervading aspect of women's lives. As when a woman married, she became the property of her husband, their treatment by their spouse was sometimes a cause for concern. Should the husband tire of his wife he would be able to have her committed to an asylum. The first attempt to stop this abuse was the Madhouse Act of 1774 where the institutions were licenced, attempting to stop abuse of those not insane, being incarcerated. Local county asylums were introduced in 1808 and mentally ill

people were not to be incarcerated in workhouse infirmary but transferred to the local asylum in 1845. Punishments in 18th century and early years of 19th century were hard and physical including flogging which also applied to women. This was halted in 1820 when flogging of women was abolished.

Another abuse suffered by women within the marriage was being assaulted and this was addressed in 1853 with an Act for Better Prevention and Punishment of Aggravated Assaults upon women and children.

The authorities in Victorian legislature and many in government were very concerned with the health of the nation. This was the reason for some of the questions in the censuses. Women were to come under scrutiny on questions of health and were the targets for several pieces of legislation. In 1864 an act was passed called The Contagious Diseases Act. It was obviously an attempt to eradicate many diseases which were readily transferred among the populace but included was the ability to forcibly examine women found loitering near docks and army barracks. Again in 1895 prostitutes in parts were targeted with the Notification of Infectious Diseases Act.

Although both men and women turned to drink, the solutions because of the 1898 Inebriates Act, had a strong emphasis on endeavouring to reform women, who it was thought at the time, caused more disturbance when they were intoxicated.

Another area where women's marriage impacted on the way they were treated was marriage to a foreign national. Should a British woman marry a foreigner she would take on her husband's nationality. There was the danger of local ostracization, but the most significant effect came in time of war. In 1914 an Alien's Act was brought into effect. This meant that not only those who were of foreign extraction were rounded up and interned but although their wives and families were not interned, they were subject to stringent conditions whereby they had to inform the police should they move from their homes even to stay with their British families overnight. Failure to inform the authorities resulted in a prison sentence.

Women and Children



Leeds Mercury, 19th February 1925, p6 via FindMyPast

By the beginning of the 20th century married women were beginning to resent what their earlier ancestors had had to endure; the constant and continuing pregnancies during their childbearing years. In 1921 Marie Stopes opened the first birth control clinic. While multiple pregnancies were often the lot of the married woman it took many years before they had the ultimate control and care of the children they had born and it was some time before many of the health issues surrounding pregnancy and childbirth, which were either not known about or recognized for many years.

Illegitimacy was a great stigma and cause of shame to many young women and their families. Some mothers would take their daughter's illegitimate babies as their own, however in 1803 the concealing of a birth became a crime. Problems could arise should a family not accept an illegitimate child and its mother was turned from the family home and in 1824 they could come under

The Vagrancy Act. One think of light for a woman with an unwanted pregnancy was that in 1828 the Offences Against the Persons Act removed the death penalty as a punishment for abortion.

There was a provision of the New Poor Law in 1834 that from then on an illegitimate child was the sole responsibility of the mother until the child reached the age of 16 thus removing the sometimes cruel separation of mother and child born in different places, found in the old Poor Law. The unmarried mother may have sole custody of her child, but it was to be another 5 years before a married woman could only petition the courts for access or custody. It did not necessarily follow that it would be granted as, after all, justice was dispensed by male judges and should the husband strongly object, there was no guarantee that the petition by the mother for custody of her child, then it was only up to 7 years, would be granted or that older children would also be allowed access by the mother. Fathers of illegitimate children were protected by the 1851 act as the father's name could not appear on the birth certificate if the parents were not married.

The Infant Custody Act of 1871 allowed mothers of children under 16 to be given custody. If children became orphans or couples were childless there were no formal means of adoption. There were private arrangements and frequently, orphaned children would be sent to live with relatives and be brought up by them. The stigma of illegitimacy and childless couples did lead to unscrupulous people advertising in newspapers that they would look after illegitimate children but then sell them for large profits to childless couples and developing baby farming. It was the 20th century in 1908 that an act was passed to prevent this practice. Not until after the First World War, in 1922 were mental health problems associated with childbirth recognised in the Infanticide Act which abolished the death penalty for a mother who killed her baby while mentally unstable after childbirth. The following year still born babies were to be registered.

Illegitimate children had always been in a difficult position being regarded as a non-person even if the parents subsequently married however by an act of 1926 those children whose parents married after the birth were legitimized, followed by an act for legal adoption.

Women and Marriage Rules



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As the actual marriage event moved away from church control several acts of Parliament made changes to the conditions. The Marriage Act of 1823 restored the age of consent to pre-1753 levels, but the residency conditions were reduced to 15 days. The Act of 1835 covered the permitted degrees of relationship but the one which was to cause heated debate until 1907 was the forbidding of marriage of deceased wife's sister and the deceased husband's brother, the latter only changed in 1921

Women's rights within marriage began to be addressed in the middle of the 19th century. Coverture took away their identity. A start was made to give a greater measure of independence to women within marriage and to chip away at coverture with The Married Woman's Property Act of 1870. By this women in England and Wales were granted the right to keep their own earnings and any property inherited after the marriage. However, she still had to give up property she owned before the marriage.

The ability to retain their own wages was particularly helpful to working class women as frequently they had to work to support large families and it was often the women who had to manage the household budgets. This was particularly important up until 1883 when an act of Parliament prohibiting the payment of workmen's wages in any place which sold alcohol was passed. Prior to this date many industries paid their workers in the local public house, often run by the factory owners. The men would then spend most of their wages on beer at inflated prices in the pub and very little made it to the family home. The ability for women to keep their own wages also helped deserted wives who needed to support their children, previously the husband could still

claim the wife's wages even if he had deserted her. Viewed together with the Infant Custody Act three years later it was important.

In 1882 there was another Act regarding married women's property which further extended a married woman's property rights. She could now control property in her own right. She could draft a will and sue and be sued. She was responsible for her own debts instead of her husband some of whom had previously posted advertisements in local papers like the following in the Elgin Courant and Morayshire Advertiser for 17th July 1857 so that they did not have to be responsible for all the debts that their wives had incurred.

N O T I C E.

I HEREBY GIVE NOTICE that I will not hold myself Liabie in PAYMENT of any DEBTS which my Wife, SARAH DUNBAR or M'KENZIE, may contract on and after this Notice.

DAVID M'KENZIE.

Inchstellie, Alves, 13th July, 1857.

The Notice, Elgin Courant and Morayshire Advertiser, 17th July 1857, p.1 via FindMyPast

Divorce

*LAW OF DIVORCE.**

We believe that there is no subject connected with the domestic institutions of the country which, at the present time, engages a larger share of the public attention than that which relates to the practical operation of the act of last session "to amend the laws relating to Divorce and Matrimonial Causes." By those who hold the doctrine that marriage is indissoluble by human means, the facilities which the Legislature has provided are regarded with doubt, dislike, and apprehension; whilst by those who entertain the opinion that the same remedial justice which for a century and a half has been purchased by the wealthy should be extended to the poor, the measure is regarded with commixed satisfaction and full confidence as to its beneficial results. If we are to

Morning Post 27th May 1858, p6, via FindMyPas

Women may have eagerly or forcibly entered into a marriage contract and been subject to the conditions but what if for a wide range of reasons they may want to end the marriage? Today nearly 50% of marriages end in divorce and it is hard to imagine that up until the present-day marriages have always been happy. The Church believed that once marriage had taken place man and woman were one flesh and should not be separated. Henry VIII had used annulment. There had been separation of “bed and board” orders via the church courts on the grounds of cruelty or adultery, but this only allowed the couple to live apart but not to remarry. Lord Roos, John Manners, had taken the 3-part route of using an act of Parliament. Step one was to sue the wife’s lover for “criminal conversation”, damages for the ‘use’ of his ‘property’. Having to prove the adultery at this stage. Step 2 a ‘divorce a mensa et thoro’ in the church courts which allowed the couple to live apart. Again, the adultery had to be proved and finally the third stage an act of Parliament, again having to prove the adultery. All in all a very expensive undertaking. The most popular route to ensure that they could not be forced to return to the marital home was the ‘divorce a mensa et thoro’.

Divorce by mutual consent had no place in the law and so there always had to be grounds. In 1857 parliament moved towards more civil intervention in the process by introducing legislation to set up a Court for Divorce and Matrimonial Causes, which was duly set up the following year. Originally with 3 judges but due to pressure of work a Proctor was introduced to undertake investigations.

As with all legislation the 1858 grounds for a divorce were unequally in favour of the men who only had to prove adultery, whereas the woman had to have additional causes of and prove aggravated causes such as incest, bigamy, cruelty or 2 years desertion. Additional reasons could be being guilty of sodomy, rape or bestiality. Over the years the rules were amended as in 1884 new legislation was introduced which said that failure to comply with a decree of ‘restitution of conjugal rights’ constituted desertion. Then in order that investigations could take place the divorce procedure was in 2 parts, first the presentation of evidence which resulted in a ‘decree nisi’ followed originally in 3 months, later 6 months by the ‘decree absolute’.

The cost of a divorce had been considerably reduced but still it was very hard for the ordinary working-class people to afford as they had to go to London, pay for lawyers and accommodation for witnesses. There was a little help for paupers but even this was not always enough. Over the twentieth century steps eventually led to easier divorce but it did take many years.

Conclusion

This overview of women's status and position in society has barely touch the surface of the all the issues which impact women's lives. The accounts of the lives of the women in our Forgotten Women project may not have lived conventional lives, but their lives were played out against the background which has been touched on above. Their lives were restricted on all sides by social attitudes, legal restrictions, financial exclusion, matrimonial inequality, educationally exclusion, with many impediments to personal aims and aspirations. There were very few places where could obtain help it was only often calls for reforms in other spheres which ultimately led to improvements in women's situations, a process which is still under way.

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