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Charlotte Carmichael Stopes
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British Freewomen

Charlotte Carmichael Stopes (1841–1929) was a British scholar, a prolific writer and supporter of feminist causes. After becoming the first woman to gain a Certificate of Arts in Scotland, Stopes published widely on Shakespeare and social reform, receiving an award from the British Academy in 1916 for her contributions to Shakespearean literary research. This volume, now reissued from the 1907 third edition, was first published in 1894. It contains Stopes' investigation into the history of British women's legal and civic rights. Through an analysis of state papers, parliamentary records and scholarly works on legal history, Stopes provides numerous historical examples of women holding extensive constitutional and legal rights, which are arranged according to the holder's social status. This pioneering feminist history became a key text used by women's suffrage activists to justify their position. For more information on this author, see http://orlando.cambridge.org/public/svPeople?person_id=stopch

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BRITISH FREEWOMEN

THEIR HISTORICAL PRIVILEGE

BY

CHARLOTTE CARMICHAEL STOPES

DIPLOMEE, EDIN. UNIVERSITY

Author of "Shakespeare's Family," "Shakespeare's Warwickshire's Contemporaries," "The Sphere of 'Man,'" etc.

"I do own for myself what Seneca the Declaimer saith, that I take pleasure in going back to studies of antiquity, and in looking behind me to our grandsires' better times."

As saith an old Latin poet :

"Antique, buried in rubbish, old and musty,
Which make one verst in customs old and new,
And of Laws, Gods, and Men giving a view,
Render the careful student skilled and trusty."

Inner Temple, Dec. 25, 1610.

Author's Preface of John Selden's "Janus Anglorum," translated by Redman Westcot, *alias* Littleton.

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P R E F A C E

IN the spring of 1885, when planning to attend the British Association meeting in Aberdeen that summer, it struck me that I might prepare a paper on a Woman's Subject, and try to find an opportunity of reading it before the Section of Economics and Statistics there. The paper divided itself into two, which I carefully entitled—I. The History and Statistics of Woman's Privilege; and II. The Economic Effects of the Abstention of Women from Voting.

They were, as might have been expected, both rejected. I was told that, though they formed valuable contributions to Constitutional History, the Committee felt they would certainly lead to political discussion, which must not be risked. At a public meeting in Aberdeen the same week, I gave a resumé of my arguments, and the materials then collected I have frequently used since in Drawing-room Addresses, and in private conversation; in public papers, and in friendly correspondence. So many have been surprised at the facts, and interested in the results, that, at the present crisis, I thought it advisable to spend another six months in careful verification of details, and in grouping apparently disconnected data, so that their full import might be seen at a glance. My first authorities were Sydney Smith's "Enfranchisement of Woman the Law of the Land" (1876), and Mr. Chisholm Anstey's Book and Papers on "The Representation of the People's Act" (1876).

Thence I went through the materials of Constitutional History, the Statutes, Rolls of Parliament, State Papers, Parliamentary Writs, Journals of the House of Commons, Reports of Cases, Works on Law, History, and Archæology, both printed and manuscript.

Just as my paper was complete enough for the purpose

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in hand, M. Ostrogorski's book upon "Women's Rights" appeared. But he had considered the question in regard to all women, I only in regard to British Freewomen. He was the more general, I the more special, and I had noted several points which had escaped him in regard to the prime question of the day.

I consulted Miss Helen Blackburn, Editor of the *English-woman's Review*, and she urged me to bring out what I had prepared. She had always thought the work necessary, had intended to undertake it herself, when she could find leisure, and thought that now was the most fitting time to publish.

She generously placed her note-books at my disposal, whence I have gleaned many interesting facts in support of my own. Therefore this little book may be taken as her voice as well as mine. The points I specially wish to be considered, are :—

1st, The Ethnological.—The racial characteristics of our ancestors. They revered women.

2nd, The Philological.—All old Statutes are couched in *general* terms. Through a deficiency in the English language, the word "man" is a common term, including woman as well as man, even by Statute.

3rd, The Legal.—The late Laureate speaks of the liberties of men as broadening down from precedent to precedent. We find that the liberties of women have, on the other hand, been narrowed down from precedent to precedent. Sir Edward Coke, the technical cause of this limitation, is only a fellow-mortal, liable to error.

4th, The Historical, in which facts speak for themselves.

5th, The Biblical, in which prejudice and mistranslation have confused the ideas of readers on this point. Some may disagree with my conclusions, but I trust they may accept the facts, and do what they can with them.

No one can deny that it is *just* to grant women the Suffrage, no one can deny that it would be *advantageous for them* to receive it. There is no reason that a thing should be because it has been, but when the only objection

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brought against a thing is, that it has not been, it is time to test if that statement be really true. We have not found the received assertions true in regard to this subject. Hence the publication of this little book.

Thus far I had written as Preface to the little Brochure that I printed for the use of the Women's Suffrage Societies a month ago. But as the whole Thousand was ordered before it came from the printers, it was evident that I ought to publish my work formally, with the many additions I had held back from lack of space, and with the article from the *Athenæum*, No. 3475, which I had been permitted to incorporate. Amongst the labour-saving appliances of the day, may be classified collections of verified facts. I trust these may reach the hands of those for whom I write, *brave women* and *fair men*.

CHARLOTTE CARMICHAEL STOPES.

6th June, 1894.

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PREFACE TO THE THIRD EDITION

TWO editions of this little work followed each other very closely in 1894, and a third one has now been called for, from the increasing interest in the subject. It is the only work which has attempted to collect and classify the references to the privileges of women in the past, and has applied them to the needs of the present.

To this edition I have added a much-needed index, which was only omitted before, because of the work being hurried through the press in order to be sent by Miss Blackburn to the members of the House, before the discussion of that year. I am glad to say I have been able to cut out all but a reference to "Women and the Universities," as changes have made it unnecessary. I have included a good many additional examples, and have brought the history of our fortunes up to date in the "Conclusion."

The reviews of my earlier editions were in general favourable, but I was somewhat criticised for incomplete references. The fact was, that when I had once given the reference, I did not repeat it every time I mentioned the same case. This I have done now. I was also checked for a reference to "The Statutes of the Realm," vol. i., p. 220. But that has been upheld by the highest authority. "The Statutes of the Realm" is the official title of the special publication, presented in 1810 by George III. to the Houses of Parliament. It may be seen at page 220, vol. i., that there is no reign, and no regnal year attached. Reasons and authorities are given for a proximate date. But these cannot be given in the short space allowed to references. Those who wish to learn will generally find mine sufficient.

There was also one criticism of my transcripts. Classical scholars need not enter into the arena of discussions

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concerning record Latin, French, or English, or attempt to decide on the proper proportion of each without direct comparison with original sources. Where these are even hasty MSS., they must be followed, errors and all.

I have been able, however to correct the misprints which arose from my having to confide proof-correcting to another. These were only literals. For my real errors, which have not been noted by any reviewer, and for my incompleteness, of which I was painfully aware, I have now done my best by careful study and revision of the whole. I must express a great debt of gratitude for the kind help in this toil of Mr. C. Pidduck, Solicitor, of Bowdon, near Manchester, who has spared no trouble nor enthusiasm in trying to improve a work, which he is pleased to consider important to the cause of women, and unique in its place in Literature.

CHARLOTTE CARMICHAEL STOPES.

53 STANLEY GARDENS, N.W.,
August, 1907.