

**A LETTER TO THE QUEEN
ON LORD CHANCELLOR
CRANWORTH'S MARRIAGE
AND DIVORCE BILL**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9781760575359

A Letter to the Queen on Lord Chancellor Cranworth's Marriage and Divorce Bill by Caroline Sheridan Norton

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Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

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CAROLINE SHERIDAN NORTON

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OR

LORD CHANCELLOR CRANWORTH'S

MARRIAGE AND DIVORCE BILL.

BY
Caroline Elizabeth Norton
THE HON. MRS. NORTON (*Sheildon*)

"Only a woman's hair."

TRACKEY'S LECTURE ON SWIFT.

THIRD EDITION.

LONDON:
LONGMAN, BROWN, GREEN AND LONGMANS.
1858.

[THE AUTHOR RESERVES THE RIGHT OF TRANSLATION.]

A LETTER TO THE QUEEN.

MADAM,

On Tuesday, June 13th, of last session, Lord Chancellor Cranworth brought forward a measure for the reform of the Marriage laws of England; which measure was afterwards withdrawn. In March, 1855, in this present session, the Solicitor General stated, that a bill on the same subject was "nearly prepared," and would be brought forward "immediately after the Easter recess." On May 10th, being pressed to name a time, he stated that it would be proposed "*as soon as the House had expressed an opinion on the Testamentary Jurisdiction Bill.*" That time has not arrived: and meanwhile,—as one who has grievously suffered, and is still suffering, under the present imperfect state of the law,—I address your Majesty on the subject.

I do not do so in the way of appeal. The vague romance of "carrying my wrongs to the foot of the throne," forms no part of my intention: for I know the throne is powerless to redress them. I know those pleasant tales of an earlier and simpler time, when oppressed subjects travelled to the presence of some glorious prince or princess, who instantly set their affairs to rights without reference to law, are quaint old histories, or fairy fables, fit only for the amusement of children.

I connect your Majesty's name with these pages from a different motive; for two reasons: of which one, indeed, is a sequence to the other. First, because I desire to point out the grotesque anomaly which ordains that married women shall be "non-existent" in a country governed by a female Sovereign; and secondly, because, whatever measure for the reform of these statutes may be proposed, it cannot become "the law of the land" without your Majesty's assent and sign manual. In England there is no Salique law. If there were,—if the principles which guide all legislation for the inferior sex in this country, were carried out in their integrity as far as the throne,—your Majesty would be by birth a subject, and Hanover and England would be still under one King.

It is not so. Your Majesty is Queen of England; Head of the Church; Head of the Law; Ruler of millions of men; and the assembled Senate who meet to debate and frame legislative enactments in each succeeding year, *begin* their sessional labours by reverently listening to that clear woman's voice,—rebellion against whose command is treason.

In the year 1845, on the occasion of the opening of the new Hall of Lincoln's Inn, your Majesty honoured that Hall with your presence: when His Royal Highness Prince Albert was invited to become a Barrister: "the keeping of his terms and exercises, and the payment of all fees and expenses, being dispensed with." It was an occasion of great pomp and rejoicing. No reigning sovereign had visited the Inns of Court since Charles II., in 1671. In the magnificent library of Lincoln's Inn, seated on a chair of state (Prince Albert standing), your Majesty held a levee; and received an address from the benchers, barristers, and students-at-law, which was read by the treasurer on his knee: thanking your Majesty for the proof given by your presence of your "gracious regard for the profession of the law,"—offering congratulations "on the great amendments of the law,

“effected since your Majesty’s accession;” and affirming that “the pure glory of those labours must be dear to your Majesty’s heart.”

To that address your Majesty was graciously pleased to return a suitable answer; adding,—“I gladly testify my respect for the profession of the law; by which I am aided in administering JUSTICE, and in maintaining the prerogative of the Crown and the rights of my people.”

A banquet followed. The health of the new barrister, the Prince Consort, was drunk with loud cheers. His Royal Highness put on a student’s gown, over his Field Marshal’s uniform, and so wore it on returning from the Hall; and then that glittering courtly vision—of a young beloved queen, with ladies in waiting, and attendant officers of state, and dignitaries in rich dresses, melted out of the solemn library; and left the dingy law courts once more to the dull quiet, which had been undisturbed by such a gorgeous sight for nearly two hundred years. Only, on the grand day of the following Trinity term, the new Barrister, His Royal Highness Prince Albert, dined in the Hall as a Bencher, in compliment to those who had elected him.

Now this was not a great mockery; but a

great ceremony. It was entered into with the serious loyalty of faithful subjects: with the enthusiasm of attached hearts: and I know not what sight could be more graceful or touching, than the homage of those venerable and learned men to their young female sovereign. The image of Lawful Power, coming in such fragile person, to meet them on that vantage ground of Justice, where students are taught, by sublime theories, how Right can be defended against Might, the poor against the rich, the weak against the strong, in their legal practice; and how entirely the civilised intelligence of the nineteenth century rejects, as barbarous, those bandit rules of old, based on the "simple plan,"

"That they should take, who have the power,
And they should keep, who can."

It was the very poetry of allegiance, when the Lord Chancellor and the other great law officers did obeisance in that Hall to their Queen; and the Treasurer knelt at a woman's feet, to read of the amendments in that great stern science by which governments themselves are governed; whose thrall all nations submit to; whose value even the savage acknowledges,—and checks by

its means the wild liberty he enjoys, with some rude form of polity and order.

Madam,—I will not do your Majesty the injustice of supposing, that the very different aspect the law wears in England for the female sovereign and the female subject, must render you indifferent to what those subjects may suffer; or what reform may be proposed, in the rules more immediately affecting them. I therefore submit a brief and familiar exposition of the laws relating to women,—as taught and practised in those Inns of Court, where your Majesty received homage, and Prince Albert was elected a Bencher.

A married woman in England has *no legal existence*: her being is absorbed in that of her husband. Years of separation or desertion cannot alter this position. Unless divorced by special enactment in the House of Lords, the legal fiction holds her to be "*one*" with her husband, even though she may never see or hear of him.

She has no possessions, unless by special settlement; her property is *his* property. Lord Ellenborough mentions a case in which a sailor bequeathed "all he was worth" to a woman he