BRITISH FREEWOMEN, THEIR HISTORICAL PRIVILEGE

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BY

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"I do own for myself that 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 another poet:

"Antique, buried in rubbish, old and musty,
Which make one verse 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.

John Selden's Janus Anglorum, translated by Redman Westcott, *alias* Littleton.

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PREFACE

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 Acts" (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 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 *Englishwoman'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 notebooks 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 reverenced 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 widening 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 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,

31 TORRINGTON SQUARE, W.C.

6th June, 1894.