RESEARCH IN PROGRESS

MARITAL SEPARATION IN THE EIGHTEENTH AND EARLY NINETEENTH CENTURIES

A note contributed by Pamela Sharpe

The author was formerly a research student at the Cambridge Group for the History of Population and Social structure. She has recently been appointed to a Research Fellowship at the University of Essex.

We know very little about the circumstances of marital separation in the past. It is rare to find documents which give any details of this aspect of some people's lives. Yet when we have been presented with a corpus of literature which stresses the importance of the family in the past in Britain, and indeed a wider geographical area, it seems apposite to give some thought to those for whom the family scheme floundered. Some evidence of the extent of marital separation has been given by Keith Snell who used a sample of 289 settlement certificates which showed family desertion. These families had more children than those which stayed together, and the father was most likely to leave in his thirties when the poverty of having too many young children was worst. During a recent 'total reconstitution' of the parish of Colyton in Devon, I found some further evidence of the circumstances of marital separation. All the cases described here relate to poor people. The mid-eighteenth century was not an easy period for many people to make their way in this parish, and these separations should be seen in the context of limited agricultural employment opportunities and a declining textile industry.

Evidence of marital separation was found most readily from information given in the overseers account book which covers the years 1740 to 1770. In some cases it is explicitly stated, as in the entry of 1762, that one partner had left; 'pd William Harvey's wife when her husband left her'. In other cases, the marriage partner's house rent was paid separately or the wife was paid for her maintenance. In cases where the husband left the wife she was normally put under great immediate financial hardship and a large lump payment had to be made available to support her and the children. In permanent cases of separation, the wife often resumed use of her maiden name and a change of name in the overseers account book could be identified.

Some tentative cases of marital separation have been excluded from this analysis. Where two unrelated people of different sex appear to have been paid together in the account book, and at least one was married, it does not seem unreasonable to assume that they may have been separated and having an extra-marital relationship. However, it is not possible to conclude that this was the case rather than an example of the overseer's shorthand. Without counting
these cases, on the grounds given, eighty-eight cases of marital separation can be detailed for Colyton in the period 1741 to 1769. Evidence of marital separation can be found for approximately ten per cent of all marriages to have taken place in Colyton between 1725 and 1765. For seventy-six of the cases enough information can be pieced together to make some assumption about the reason for separation.

In thirty-three cases, the man seems to have instigated the separation. The primary reason seems to have been to work elsewhere, and in half of these cases the man went into the militia. In six of the cases the wife probably made the first move to leave. In thirty-two cases it is not clear who left whom. In two cases the husband went into the military and then the wife also left Colyton, abandoning her children. So, in the case of Elizabeth Abrahams, described as a 'soldier's wife' in 1767, the overseers 'paid for information against Elizabeth Abrahams for running away and leaving her children chargeable'.

Separation took place at any stage of the marriage and regardless of the age at which the couple had married. In five cases, separation took place immediately after marriage. The brides had been pregnant before marrying and had been persuaded to marry the husbands, who were not natives of Colyton, to remove them from the poor rate. Sarah Perry had an illegitimate child in 1749. Ferdinand Stile was the father and the parish had to pay ten shillings 'for and towards keeping Sarah Perry's child'. Clearly, the overseers were not prepared to put up with this expense for long and decided that the best course of action was for them to be forced to marry. Consequently, the next pertinent entry was 'pd for License to marry Ferdinand Stile to Sarah Perry'. Although the marriage was recorded in 1751 there is no evidence that they ever lived together or left together, and Ferdinand's payments 'to keep his wife's base child' were kept up. By the 1760s Sarah was living with another woman of similar age to herself and Ferdinand was not in sight.

In twenty of the cases destitute couples who were some years into their marriage separated to live in different dwellings in the parish. Husband and wife lived in shared houses in the town with others who were of the same age group and sex as themselves for a few years, while their children were boarded out or apprenticed. The couple usually got back together, normally between two and four years after the separation, but in one case fourteen years hence. It is not clear whether these separations were organised by the poor relief officers. They certainly received their sanction since the overseers seem to have been prepared to pay two house rents. It seems likely that these families simply could not be held together under the circumstances of declining domestic and pastoral employment, and that the houses in which the paupers were boarded were a forerunner to the workhouse which was eventually built in 1767.

Economic circumstances led to short term work separations of man and wife. A sample of settlement examinations for Devon shows that the length of stay in farm jobs was getting shorter over time and that day work often involved tramping around neighbouring towns and villages. Sometimes married men went further afield for a spell of work. A letter from James Machin, a canal digger resident in Burlescombe in Devon, to the overseers of Tiverton St Peter,
when his wife's settlement was being examined in October 1810, explained that he had been a shepherd and a servant before going to work on the canal. A letter to his wife, (which she presumably never received), was contained within the one to the overseers, and showed that high wages were the major reason why he was working away from her. He sent her his affection and explained how she could visit him, and then he added that 'them that tel you it is a Bad Country or Bad Work are Liars for the Men get 5 shillings a day and I like the Country very well'. His postscript was 'You may cut this part'. When this is compared to the average earned by an agricultural labourer at the time, there is little wonder that James thought that if his wages were revealed they may have prejudiced his wife's chances of being paid relief.

These cases can be distinguished from those which occurred as a form of 'popular divorce'. Generally the man abandoned his wife to live with another woman and had illegitimate children with her, although either or both parties could have had children previously. George and Rose Farrant married in 1742. It was George's second marriage and they had one child called Sarah. From April 1744, twenty months after the marriage, George and Rose were being given separate payments by the overseers. George then disappeared and was not heard of until 1753 when he came back to live in Colyton. His rent was then paid by the overseer to John Ford who was, paradoxically, either the father or brother of his 'wife'. John Ford gave George 'houseroom' while Rose lived separately, and in 1756 the overseer notes 'pd Rose Ford in necessity when Mr Berry turned her and Family out of his house'. Rose was sometimes referred to as Farrant, but in the 1760s more generally as 'Ford', her maiden name. She took in washing, tended sick people and got constant relief from the parish. By 1764 she lived with a group of other would-be or actual single women. The overseers chose to call her 'base wife' in the early 1750s because of the string of four children she gave birth to by another partner in George's absence. These were all recorded by the vicar, as legality defined, as son or daughter of George when clearly this was not possible.

The form of separation where a common law marriage was formed after the first marriage broke down was a response both to the skewed sex ratio and the lack of any divorce procedure which was accessible to the poor. In the mid-eighteenth century there were at least five women to every four men living in Colyton. There was a proportion of women who were either single all their lives, or who married at very late ages. These were generally poor women. It seems likely that the existence of these women in Colyton always created the possibility for alternative relationships to be established. They created a town-based nexus of poverty and loosely structured living arrangements. They relied on the diminishing profits of the declining domestic industry and parish organised jobs, or applied for poor relief. These women constituted the 'bastardy prone sub-society' in Colyton.

There are some grounds for believing that popular divorce became more common among the poor towards the end of the eighteenth century. Wife selling was certainly an established custom in this district. At the same time, it was not legally possible for couples so separated to remarry, and the result was common law marriage. Settlement examinations of Devon, among other
sources show that what constituted a marriage in law was often confused and a variety of relationships were popularly thought to be acceptable.

In some correspondence from the overseers of Colyton to the overseers of Taunton, the case of John Pavey was reported. John Pavey was committed to Bridewell for deserting his wife and child and leaving them chargeable to the parish. When he was cross-examined in 1808 he admitted that his marriage to Mary Pavey at Taunton must be null and void since he had another wife living in Colyton.

John Pavey stated in his defence that Anne Broughton (this wife nowe living here) was the sister of a former wife by whom he had a child which is now chargeable to this parish, that he was informed that his marriage with Anne Broughton was therefore illegal, that he thought he had been put into spiritual court (as he termed it) meaning that the marriage had been set aside.13

The reasons for marital separation in Colyton were several and include enforced marriage, destitution, work demands, relationship breakdown, and a flexible approach to the meaning of ‘marriage’. The common denominator in all the cases considered here was poverty. The evidence, in particular the cases where husband and wife split up only to live together again some years later, suggests that the viability of the family unit depended on the man’s ability to secure and maintain employment. All of the men involved in marital separation cases were casual workers subject to periodic unemployment. It is doubtful if women’s work in Colyton ever paid enough for them to be able to maintain a family alone, even in the heyday of lacemaking in the second half of the seventeenth century. The result was loosely structured and short term household arrangements partially dependent on poor relief payments.

NOTES

4. Devon record office (hereafter DRO) 3483A/PO13 Overseers Account Book.
7. DRO 3483A/PO13.
8. DRO R4/1/PO16.
10. P. Laslett, K. Oosterveen and R.M. Smith (eds) Bastardy and its comparative history, London, 1980. The theory of the ‘bastardy prone sub-society’ was developed by Peter Laslett in the early 1970s and has largely been left to stand since, although subsequent work by various authors seems to have used the concept as a catch-all for various types of sexual nonconformity. J. Robin, ‘Illegitimacy in Colyton 1851-1881’, Continuity and Change, 2, 1987, pp.307-42 provided detail about the sub-society in nineteenth century Colyton, showing that bastard bearers were generally related and lived close to each other in the southern half of the town. Total reconstitution of an earlier period confirms that the bastard bearers were often sisters or cousins or mothers and daughters and lived in the town rather than country district of the parish.
described the colourful pageant of wife sales at markets and noted that this form of popular divorce became more common towards 1800. V.H. Thornton, 'The Devonshire matrimonial market', Devon and Cornwall Notes and Queries, 1916, pp.54-5 found that wife sales were still common in Devon at the end of the nineteenth century. J.R. Gillis, For better, for worse: British marriages 1600 to the present, Oxford, 1985, p.209 argued that a set of secular divorce rights based on the return of the ring became established in the second half of the eighteenth century.

12. Gillis British marriages, pp.110, 205-7 argues that common law marriages peaked in number around 1800. A.E. Newman, 'The old poor law in East Kent 1606-1834: a social and demographic analysis', unpublished Ph.D. thesis, University of Kent, 1979, found that fifteen per cent of couples who were living together in Ash between 1750 and 1834 had not been married.

13. DRO 3483A/PO46.

---

**Why not join**

**THE LPS SOCIETY**

For conferences, regional contacts and project work in local population studies.

For further details, payment of subscriptions and renewals please contact the Honorary Secretary:

Mrs Grace Wyatt  
302 Prescot Road,  
Aughton,  
Ormskirk,  
Lancs L39 6RR.