# Family History Nuggets

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During most of American history, women’s lives in most states were circumscribed by common law brought to North America by English colonists. A woman did not have a separate legal existence from her husband. She was like an underage child or a slave and could not own property in her own name or control her own earnings, except under very specific circumstances. When a husband died, his wife could not be the guardian to their under-age children. Widows did have a right to property they brought into the marriage as well as to life usage of one-third of their husbands’ estate or one-half if they had no children. After the wife died, her property all went to her husband’s heirs or to his creditors. A married woman was not able to sue or sign contracts on her own. Her husband did have to get her consent if he sold property she had inherited. Women had no protection when their husbands proved irresponsible. If creditors pursued a husband for debts, his wife was entitled to keep only the bare necessities of life. (2 dresses, cooking utensils, and a bed.) Divorce was virtually impossible under English precedent, but all of the new states recognized the need to end unhappy marriages and eventually laws came about but varied greatly depending on the state. A single woman had the legal right to live where they pleased and to support themselves in any occupation that did not require a license or a college degree restricted to males. They could enter into contracts, buy and sell real estate, or accumulate personal property. She could sue and be sued, write wills, serve as a guardian, and act as executors of estates. Even though women paid the same taxes as men, they were not allowed to vote or hold office. This system worked reasonably well in an economic system based on landed wealth, under which families typically stayed in one place and rarely sold or mortgaged their farms. It did not work as well in a rapidly expanding and industrializing 19th century USA, where lands changed hands frequently and where there was growth in personal property as well as land.

Women’s Rights in the early 1800’s

For help with your family history or questions call Jane Doe (Ward History consultant) at 801-867-9365.

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