

Women's Property and the Industrial Revolution

By

Maxine Berg  
University of Warwick

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### 1. Introduction

Women's social and economic position has so far been written of by historians largely through their participation in the labour force, and we now know a good deal about this for the nineteenth and twentieth centuries at least. Our knowledge of this for the eighteenth century is less well charted, but we at least know the general trends. It is striking how very little we know about the place of women in other aspects of the growth and transformation of industry in the eighteenth and nineteenth centuries. This is partly due to a misleading division made between issues of concern to the working classes and those of concern to the middle and upper classes. In the case of women's history this has become a divide between concerns over labour force participation and working lives as opposed to issues of domestic ideology and political rights. This paper moves beyond these divisions, to discuss the place of women in the industrial classes of the eighteenth century economy.

The industrial sector at the time comprised largely small businesses, but also some giants. It is important to examine the place of women in the industrial families involved in the trades, crafts, proto-industrial activities, and small to medium scale businesses which predominated in the industrial sector. The paper focusses on the eighteenth century because this was the crucial period of fundamental economic transformation, and one marked in the industrial sector at least by more egalitarian socio-economic

structures than the polarities of income distribution and social status of the nineteenth century. Data is taken from cases in Birmingham and Sheffield. The paper will further investigate the place occupied by women in the customs and practices of property holding, inheritance, provisions for guardianship and education of children. Findings based on these cases demonstrate that the women in the industrial and other middling classes of rising industrial towns do not fit the stereotypes left in the legal histories or those excessively concerned with the rise of domestic ideology.

2.

Women and Propertyholding:

the View from Domestic Ideology

Much of what we know of propertyholding among women relates to the progressive subordination of women to men until the first liberating clauses of the Divorce Act of 1857 and the Married Women's Property Act of 1870.<sup>1</sup> Our preconceptions of women's dependent position within families during the eighteenth and nineteenth centuries has been caused partly by assumptions of the prevalence of primogeniture and of the common law concept of coverture, that is the idea that a husband and wife were one person, and that person was the husband. Other preconceptions prevail that women's position in propertyholding was worsening over the period because of their progressive loss of common law dower rights, that is the rights of the widow to one third of all her husband's real property. This culminated in the abolition of these dower

rights in England in 1925, but they were effectively in disuse by the early nineteenth century.<sup>2</sup>

The common law doctrine of coverture meant that a man took legal rights over his wife's property at marriage, as well as any property that came to her during marriage. Any rents or other income from his wife's real property went to the husband, and a wife's personal property passed entirely to her husband. A married woman could not sue or be sued unless her husband was also party to the suit; she could not sign contracts without her husband's signature; and she could not make a will unless he consented to its provisions. Prior to the Divorce Act of 1857 marriage could only be ended by private Act of Parliament; if a wife left her husband without first obtaining a divorce she lost any claims she may have had to a share of her husband's property and to the custody of children.<sup>3</sup>

These disabilities were made even worse, it has been argued with the gradual erosion of women's common law rights of dower. As Davidoff and Hall have argued, 'In legal and practical terms, if anything, women's position had deteriorated from the seventeenth century...With the ending of customary rights of dower, a development recognized by law in 1833, marriage virtually turned legal control of a woman's property permanently over to her husband.'<sup>4</sup> The jointure, or guaranteed annual revenue from land payable to a wife should she survive her husband, and increasingly the trust, were, it has been argued increasingly substituted for common law dower. But the absence of dower in practice transformed a jointure from a

simple substitution for dower into the husband's private individual gift.<sup>5</sup> Such provisions were concerned with both providing the subsistence of women at a level appropriate to their husband's rank, and denying the power that that comes with a significant accumulation of property. For women were considered incompetent to exercise control over property or the power it brings.<sup>6</sup>

These views on the long historical subordination of female to male property under the law, and the further erosion of what small rights women did have during the eighteenth and nineteenth centuries have been based largely on legal writings and on the experiences left in literary documents and in case law. Due to the constraints of these sources, most of the experiences discussed thus far by historians are those from women of the wealthier classes.

Certainly recent research on actual legal practice over the options open to women for some control over their property has left a much more complex and much richer picture of the legal framework and the historical development of conveyancing case laws in the use of trusts, jointure and separate property.<sup>7</sup> But the conclusion even of this work is of a predominantly patriarchal legal structure mainly concerned with the 'transmission of significant property from male to male'.<sup>8</sup> These findings, however, need to be questioned in the light of practice among ordinary and middling people whose property, however small it might be, was also carefully allocated among kin and friends. To what extent does the experience of property

transmission among these groups differ from those in the wealthier classes? Were there, in addition, big differences in practice between the early modern period, the period of the industrial revolution, and the Victorian period?

### 3. Early Modern Property Holding

In fact the extreme subordination implied by primogeniture and common law were rarely found in practice among the ordinary and middling people. Only freehold and copyhold land descended via primogeniture and then only when no other arrangement had been made. Alternative arrangements for the transmission of all property including land were available in equity, ecclesiastical and manorial law, and the middling ranks made widespread use of these courts and arrangements.<sup>9</sup> Marriage settlements designed to protect the wife's property were widely used at middling income thresholds, with marriage portions at a median level of £300. Probate accounts were the simplest and most widely used way of making a marriage settlement. Bonds were left for payment of a sum at a specified date, or for payment of portions to a wife's children by her first marriage, or for portions of so much for a wife, sometimes paid to a third party for the wife's use. These premarital contracts for some type of separate estate were made in probate accounts and never litigated. An estimated 10 % of ordinary couples in probate made marriage settlements, and where the same common law affected women marrying in 1550 as it did those in 1850, marriage settlements operated to protect

daughters, wives and widows and their children.<sup>10</sup>

Equity mitigated the common law's treatment of women by recognising settlements to the separate use of married women. One form of this separate property was a separate estate put in trust for a woman at the time of her prenuptial marriage settlement. This was an estate the wife was to possess for her sole and separate use, and not subject to the control of her husband, nor available to her husband's creditors. Where such separate property was set up in a trust, this might be made by a woman's father or other male relatives; or widows could convey property to children of earlier marriages without the consent of the husband to be.<sup>11</sup> A variety of legal arrangements were available and used across a range of income groups in the early modern period to ensure protection of a wife's property. But as Staves has emphasised, these provisions were meant to ensure subsistence at an appropriate rank for women; they were not meant to allow women access to the power that goes with a significant accumulation of property.<sup>12</sup> However great this distinction between suitable subsistence and power, it is nevertheless the case that early modern widows occupied a not insignificant social position, a position allowed largely by the property they controlled. Wives in the wealthier classes were expected to oversee the estates in their husbands' absence, and to run these during their widowhood.<sup>13</sup> In the ordinary and middling classes, widows have been accorded significant rights which they exercised<sup>14</sup>, and considerable control over property and wealth which they disposed of, mortgaged and leant out.<sup>15</sup>

4. The Early Victorians and Women's Property among the Middle Classes.

The picture, by the early nineteenth century, for the middle classes appeared to combine arrangements for the equitable distribution of property with strictly defined gender codes on property. Though women could hold property, they could not activate this property as capital; they were thus excluded from control over their lives. Property and its transmission was one of the fundamental props of domestic ideology.

It is clear that the early nineteenth-century middle classes favoured partible inheritance. Sons and daughters were treated as if they had equal rights of inheritance in terms of values, though the kinds of property inherited might be different. The current consensus is that middle class sons were given land, capital goods and cash and expected to treat these as capital assets, whereas daughters were left moveable goods or income from property kept in trust. There was a divide, then, between active male forms of property and passive female forms.<sup>16</sup>

The middle classes in particular developed the personal trust as a provision for women, but one which allowed male trustees access to a woman's capital to use in the pursuit of their own economic interests. The personal trust was based in equity, and was created to preserve landed property but to ensure protection for daughters after marriage. The trust came to be used widely by the middle classes because it could be divided between income for support and capital; it furthermore had the advantage of keeping some of the family assets safe from

creditors even in a system of unlimited liability. These trusts were generally set up for wives, daughters or underage children; women were rarely trustees, but the male relations and friends who acted as trustees could use this capital in trust. The result was that women did hold extensive wealth in urban properties, bonds and shares, but their potential to use this wealth in accumulation or enterprise was extremely limited.<sup>17</sup>

It is also argued that women's disposition of their own wealth also added to their disabilities. Women more often than men specified multiple legacies; they furthermore left personal goods and small sums of cash to named individuals in a wide kin and friendship network. This emphasised the dispersion and personal nature of their property.<sup>18</sup>

Wives in smaller businesses at least were frequently directed to carry on a business after their husband's death, but only until their children came of age. The characteristic form of business enterprise during the period was partnership; wives could not legally be named as partners due to the common law of coverture. But marriage formed the vital avenue of business expansion, and family control. Marriage alliances cemented partnerships, and drew in new sources of capital and entrepreneurship; but businesses were also frequently kept within close kin and friendship circles through cousin marriage.<sup>19</sup>

Sharp demarcations between the prospects of men and women appeared to prevail despite partible and even equal inheritance. Domestic ideology is believed to have had a lot to do with this, but just how far this serves as explanation and interpretation

or as empirical practice is still open to question.<sup>20</sup> We do not yet know just how pervasive these practices were in the nineteenth century; neither do we know of their origins. There seems, on the evidence of recent studies, to be an unusually sharp divide between opportunities for women in the early modern period and those in the Victorian period. Understanding changes in propertyholding and its transmission in the eighteenth century must provide the key to assessing the extent of this historical divide and its causes.

##### 5. Eighteenth-Century Enterprise and Gender Relations

Until 1700 ordinary women could make separate marital property arrangements comparable to separate estate in probate documents. Bonds were frequently drawn up which specified payments to a relation of the bride for the use of the bride during her marriage or on widowhood. The probate accounts which indicate such bonds show that 10% of all accounts made in the 17th Century included a settlement on the wife's behalf.<sup>21</sup> But recent research has indicated a constriction in wives' and daughters' property rights over the course of the eighteenth century. In the rural areas and market towns of Lancashire and Cheshire, fewer wills were left by women, and even fewer separate wills by wives. Wives were less likely to be named as executors of their husbands' wills, and constraints such as bequests for sole use of the wife became more difficult to enforce during the eighteenth century. Reasons given for this include increased mobility of kin, decline in the age of

marriage, decline in occupational choices for women, and the decline in celibacy.<sup>22</sup>

What happened to the relative position of wives and widows over the course of the seventeenth and eighteenth centuries is, however, now the subject of much debate, and circumstances appear to have varied greatly between different parts of the country and between different social groups even within the trades and middling sectors of society. The widows of Abingdon tended to remarry less over the course of the seventeenth and early eighteenth centuries. Access to regular parish relief, employment opportunities and opportunities to invest their wealth provided positive alternatives to marriage.<sup>23</sup> In Colyton during the seventeenth and eighteenth centuries the lace making industry and the parish relief system sustained single women and restrained marriage. Poor women married later than those from wealthier backgrounds, and marriage ages only fell in the late eighteenth century in the context of deindustrialisation and declining work opportunities for women.<sup>24</sup> Single and widowed women faced much more difficult circumstances in London. There remarriage for women was also on the decline, but went with evidence of increasing female poverty.<sup>25</sup>

The very different demographic and economic circumstances which prevailed over the regions of England in the eighteenth century were likely to affect the propertyholding practices which prevailed. Analysis at the level of the law, including case law is not sufficient. Analysis of actual probate cases across regions, across urban, rural and industrial settings and

between classes will, however, bring us closer to some understanding of how ordinary women fared in the property stakes.<sup>26</sup>

To this end, the focus of this paper is on some of the urban industrial communities of the eighteenth century.

I have attempted to address this question through the inheritances of women in two large industrial communities of Britain in the eighteenth century: Birmingham and Sheffield. Both places are urban industrial settings - one very large and growing fast; the other smaller, but also undergoing rapid population growth over the 18th Century. Birmingham's population grew from c. 8,000 in 1700 to 24,000 in 1750. By 1800 it ranked as the fourth commercial/industrial city of Britain after Manchester, Liverpool and Glasgow, and its population had grown to 74,000. Sheffield was a smaller town. Its population was less than 5,000 in 1700, 12,000 in 1750, but 46,000 by 1800 when it ranked seventh behind Bristol and Leeds.<sup>27</sup> Neither place was a major centre for women's trades, though Birmingham in particular had a large and diverse metal working sector, and employed a significant proportion of women in these trades. Women and girls accounted for 40% of those employed in the buttonmaking trades in the town in 1841, and 12% of those in other metal trades.<sup>28</sup> Sheffield's metal trades were more specialised in trades related to the cutlery manufacture, and there were fewer women employed as such in these trades, but there were, nevertheless, some women cutlers and scissorsmiths, as well as a significant number in the other broader metal trades of Sheffield. Both towns had an

important hinterland dominated by rural nailmaking, a trade which relied on an extremely poor female workforce.<sup>29</sup>

The metal working trades within the towns of Birmingham and Sheffield, however, during the eighteenth century appear to have been relatively well off, with a large part made up of tradesmen and women of middling wealth. At this stage there was little evidence of the extremes of wealth and poverty which came to mark these trades during the nineteenth century. The small business and tradespeople were integrated with the larger in a relatively homogeneous industrial structure. There were, of course, many divisions within this society even at this stage, but economic and social characteristics were dominated by the large middling group in these industries.<sup>30</sup>

What my data, drawn from wills left by 530 men and women in Birmingham and 764 in Sheffield,<sup>31</sup> indicates is that female members of the family occupied a very important place in the decisions taken on the disposition of family wealth, and that though they benefited to some extent unequally, this was not highly significant. Women left their own wills, not a lot of them, but they did leave wills. They had their own land and housing to bequeath, and they were left these in their fathers' and husband' wills. They received family goods, clothing and cash sums but these were not a substitute for real property, and unconstrained capital sums nor even for workshops and tools. They had access to both, just as their brothers and sons had. These families were, furthermore, well aware of the common law, including that affecting small businesses subject to unlimited

liability. They made extensive use of trusts even for relatively small sums to provide mainly for children and sometimes for wives. I do not believe that these were set up to keep wives dependent on other male kin. They were much more likely to have been used as a way of setting aside some family resources away from the reaches creditors.

Let us now look at this in more detail. Quantitative data on the place of women in eighteenth-century Birmingham and Sheffield is meagre. Directories made at the time were very incomplete, and those that were kept indicated only a small place for women in the metal trades. Evidence for a much greater part is available in contemporary newspapers, especially in trade notices<sup>32</sup>, in insurance records and in inventories. But perhaps the most promising source, particularly for our knowledge of women's propertyholding is wills.

The wills covered for this study include the men and women the metal trades in Birmingham and a comparable group for Sheffield. Further data for Sheffield has been collected based on probate sources left by those listed generally as widows and spinsters. A sample based on the most populous of the metal trades of each town has been used for men's wills in each case. The number of men's wills used in Birmingham is reduced to 171; those in Sheffield to 427.

Wills	No. Birm.	No. Sheff.	% Birm.	% Sheff.
Total wills	530	764	100	100
Women's wills	54	149	10	19.5
Women with property	29	67	5	8.8

Women who left wills accounted for 10% of total wills left by metal working families in Birmingham; in Sheffield they made up 19.3%, but as pointed out these included women as a whole in Sheffield, not just those connected with the metalworking trades. This does not look like a lot, and it compares favourably with the data gathered by Erickson. This data shows proportions of approximately 10%, though higher ones earlier in the century. When a broader range of women is included, as in Sheffield, the proportionate place of women's wills looks substantially higher. But women played an important part not just as will makers in their own right, but in the disposition of the family property as executors, guardians and trustees.

Executors &Guardians	No. Birm.	No. Sheff.	% Birm.	% Sheff.
Total	336	888	100	100
F. Exec.Guard.	57	285	46.7	32
Exec/Guard in Women's Wills	95	224	28	25
F. Exec.Guard in Women's Wills	13	52	3.9	5.9

No. wills with	70	151	100	100
No. Women's wills with Trusts	18	32	25.7	21
No. of trusts	121	258	100	100
No. trusts left by women	20	51	16.5	19.8

Trustees	No. Birm.	No. Sheff.	% Birm.	% Sheff.
Total	127	258	100	100
F. Trustees	10	66	7	25.6
Trustees in F. Wills	36	99	26	38
Female Trustees in F. Wills	3	26	2	10

Women accounted for 46.7% of executors and guardians in Birmingham and 32% in Sheffield. They were not chosen as trustees except in 7% of cases in Birmingham, but in Sheffield where more women from more diverse backgrounds were included in the sample they made up 25%. Women did set up a significant proportion of trusts: they were 25.7% of those leaving trusts in Birmingham and 21% in Sheffield; and they left 16.5% and 19.7% of all trusts. They appointed 26% of all trustees in Birmingham and 38% in Sheffield. They clearly played an important part in setting up trusts, but the picture on their role as trustees was less clear. It may be that proportionately more women in Sheffield took on this role because they have been drawn from a wider social and economic group than those from Birmingham. There was still some way to go then before the Victorian situation of virtually no female trustees.

It is interesting to note, however, that though women had a good part in setting up trusts and acting as executors overall, they appear to have exercised more discrimination in their own wills. Though 54% and 45% of them respectively were propertyholders, they were not at all keen to entrust their inheritance arrangements to other women. In Birmingham though they appointed 28% of all executors and guardians, only 13.6% of those named in their own wills were women. The women of Birmingham appointed only 33% of all female trustees, and only 8% of those named as their trustees were women. The picture in Sheffield is only slightly better. There they appointed 25% of

all executors and guardians, and 23% of those named as such in their own wills were women. They were responsible for 38% of all trustees and 39% of female trustees, but only 26% of those named in their own wills were women.

Very few inventories for these women remain - only 12 for Sheffield in records so far covered; even fewer took out insurance policies. But these covered the whole range of wealth in these trades. One widow had an inventory with only £5.00 valuation; the highest was £432.00. The six women in Birmingham who took out insurance policies valued their possessions over the range of £180 to £1900. Four women in Sheffield left insurance policies valuing their possessions from £100 to £800.

There is more evidence of women's possessions in their wills. 54% of women leaving wills in the Birmingham metal trades, and 45% of those in Sheffield owned property, that is land or houses. 69% of these in Birmingham and 42% of those in Sheffield owned more than one such property.

Property Distribution	Birmingham	Sheffield
Women with property	29 (54%)	67 (45%)
Women's properties	45	95
Women with:	Birmingham	Sheffield
1 property	9 (31%)	39 (58%)
2 properties	9 (31%)	10 (15%)
3-5 properties	7 (24%)	14 (21%)
6-10 properties	4 (13%)	3 ( 4%)

Distribution of property	Birmingham	Sheffield
Women's properties	45	95
No. left to:		
Husbands	9 (20%)	0
Male kin	13 (28%)	35 (36.8%)
Female kin	7 (15%)	26 (27%)
Trusts	10 (22%)	4 (4%)
Friends	6 (13%)	16 (16.8%)

In both places, the women concerned left the highest proportions of their property to male kin - 48% of properties for Birmingham and 41% for Sheffield; the rest was divided between female kin and friends, with friends playing a significant part. Few men in the sample drawn from the largest of the metal trades left properties to wider kin and friends. These gender differences in attitudes to wider kin and friendship networks have notable not been addressed in research on early modern kinship.<sup>33</sup>

Women leaving goods	Birmingham	Sheffield
No. leaving goods	40 (74%)	133 (90%)
Total sets of goods	121 (100%)	602 (100%)
Clothing	8 (6.6%)	49 ( 8%)
Silver, jewellery, linen, china	23 (19%)	65(10.8%)
Trade, stock goods, tools	6 ( 5%)	13( 2%)
Cash	65 (53.7%)	273 (45%)
Trusts	8 (6.6%)	11 (1.8%)

A much higher proportion of women had goods and cash to bequeath: 74% for Birmingham and all the women covered for Sheffield. In both cases too, cash legacies were much the most important. Though it is frequently argued that personal belongings, moveable property, household goods, clothing and jewellery were much more important elements of female possessions, this proposition has rarely been investigated. The case, for example, has been made by Davidoff and Hall for the nineteenth century. But if we compare the proportions of women's goods with those of men, there does not appear to be a great deal of difference. Women left the same or higher proportions of their goods as cash as did men. They left only slightly more as clothing. They left the same proportions of silver, linen, china and jewellery as the men on average, though men tended to leave higher proportions of their goods from this group at the end of the period than they did at the beginning. The men did leave more stock, shop goods and tools than the women, but even so the women of Birmingham were leaving 5% of their goods as tools and shop goods, roughly the same proportion as for clothing.<sup>34</sup> Women did leave a more of these goods to female kin than was the case with property.

Men leaving goods	Birmingham	Sheffield
No. of wills (sample*)	144 ( 30%)	427 ( 70%)
Total sets of goods	343	785
Clothing	19 ( 5%)	29 (3.6%)
Silver, jewellery, linen, china	40 ( 12%)	60 (7.6%)
Trade, stock goods, tools	34 ( 10%)	98(12.4%)
Cash	111 ( 32%)	318(40%)
Trusts	13 ( 4%)	28 (3.5%)

While women did not leave proportionately more of their wealth in the form of goods than did men, they did say a great deal more about their possessions. The clothing they did leave was frequently described in some detail including colour and type of cloth, and lovingly bequeathed to daughters and special female friends and relations. Household goods, linen, jewellery, china and plate was similarly described in detail, including dynastic connotations, and left to family members as a means of cementing the family heritage. The collection of such goods was clearly of personal and emotional significance to these women.<sup>35</sup>

Elizabeth Lynes, a Birmingham widow and metalworker died in 1739, and left a will like that of many other women which specified in great detail her belongings. She left to her son William and his wife 1 guinea as well as her camblett gown to his wife. Her daughter Ellen received 1 guinea. Her daughter Elizabeth received £5.00 and 'two of my shifts and my black and white gown'. Her daughter Jane had 'my silk and spotted gown and my litle feather bed, and two of my shifts, a fire shovel and tongs, a little brass sadle, one hanging iron, my old leather chairs in the parlour and the oval table in the parlour and my silver snuff box.' Her daughter Jane's husband had all her casting moulds, sand troughs, three vices and three lathes. Her daughter Lydia received 4 pairs of sheets, my two best beds, one hanging press, one chest with two drawers, five pewter dishes, eight pewter plates, a pair of my best brass candlesticks, a pair of my best iron candlesticks, ...my grey silk gown, my scarf and black hood with the caps to it, ...my common prayer book and my

great Bible, two of my shifts, my silver cup and £15.00 in money.' She asked that her executors take care to ensure that all these were 'for her own and proper use.' She had her furnace and boiler, all her browning vessels and all her other household goods sold to pay her household debts. <sup>36</sup> Another widow, Maria Cash died in Birmingham in 1744 leaving small legacies to her granddaughter, her cousin, her husband's godson, her own goddaughter, eight kinsmen and women, a servant and the poor of Birmingham. <sup>37</sup>

There is little evidence that men discriminated against their wives and daughters in their inheritance practices at least.

Distribution of Men's Property	Birmingham	Sheffield
Sample wills leaving property*	118 (24.5%)	296 (48%)
Total sets of property	182	381
Wife	61 (34%)	112 (29%)
Daughter	27 (15%)	84 (22%)
Trust for wife	7 ( 4%)	8 ( 2%)
Trust for daughter	15 ( 8%)	9 ( 2.4%)
Other trusts	11 ( 6%)	16 ( 4%)
Other female kin	4 ( 2%)	9 ( 2%)
Sons	35 (19%)	77 (20%)
Other male kin	5 ( 3%)	6 ( 3%)

69% of men in Birmingham left property; 69% in Sheffield. Almost two-thirds of these had more than one property. There is evidence that approximately 30% of properties were left outright to wives, and another 15 to 20% to daughters. Other wives and daughters benefited either from trusts, but only a very small proportion considered it necessary to set up these trusts for their wives. In less than 10% of properties left for Sheffield widows were these constrained by the death or remarriage of the widow. Another 13% of property in Sheffield was left to other female kin. Male kin in both towns could expect to gain only approximately 20% property holdings. These figures may imply that arrangements had already been made for sons before the stage of drawing up a will, but if this was the case it was often mentioned. There does indeed appear to be a strong case for the roughly equal distribution of property to sons and daughters, and wives stood to gain significantly more than their children.

It has also been argued that men were more likely to leave their land and their workshops to their sons and other male kin. But neither was this true, even for Sheffield where smallholdings were a much more common feature of the predominant cutlery trades than in Birmingham. In fact, men were even more likely to leave their land and shops to wives and daughters.

Distribution of land and workshops	Birmingham	Sheffield
Total sets of land	33 (28%)	95 (32%)
Land for wives & daughters	14 (42%)	56 (59%)
Total sets of workshops	29 (24.5%)	61 (20.6%)
Workshops for wives & daughters	10 (34%)	34 (56%)

42% of landholdings and 34% of shops left by Birmingham metalworkers went to wives and daughters. Close to 20% more than this proportion was left by those in the Sheffield metal trades.

Bequests were frequently constrained in some manner, but the most common constraint was one on age of inheritance. 13 (4%) of men in Birmingham laid down these conditions on their goods and cash and 74 (9%) in Sheffield. 9 propertyholders in Birmingham and 12 in Sheffield insisted on this. 22 (6%) of those in Birmingham and 6 (0.7%) of those in Sheffield left their goods to their wives until death or remarriage, then made further arrangements in case of this eventuality. A further 10 propertyholders in Sheffield made such conditions. A small number of men, and some of the women made use of the 'sole use' formula in order to preserve some individual wealth for their daughters and female kin. One widow, Elizabeth Wilkes went to some length in her will of 1732 to leave both cash and her house to her married daughter for 'her sole and separate use.' She left her house to this daughter 'provided her husband permit her quietly to enjoy the same, but if he interrupts her peaceable possession of this,' the arrangement was to be void, and the house would then be left in trust to her executors who were instructed to give all the rents and profits from it to her daughter, and after her death to leave the house to her grandson.<sup>38</sup>

The wills showed some, though surprisingly little concern for making arrangements for apprenticeship and education. Only

7 wills in Birmingham and 12 wills in Sheffield contained such arrangements. 14 guardians were appointed for all the men's and women's wills in the sample in Birmingham - 6 of these were women; 18 were appointed for Sheffield and only 3 were women.

### Conclusion

These preliminary findings on the place of women in propertyholding in two large industrial centres show an unexpected picture of widespread female decisionmaking and the equal if not disproportionately favourable situation of female members of the family. Such findings do not sit well with much that we read of the growing socio-economic pressures on women from the second half of the eighteenth century: reduced job opportunities, falling or at most stable wages, earlier age of marriage and legal developments which acted against women's interests. But women were not a unitary entity, just as the economy was not. While in many parts, especially rural parts of the country, women's employment and wages may have been falling, in the industrial centres - particularly those of the new high productivity industries in cotton and other textiles, and those of the new metal trades women's employment and their wages too were rising, in line with general productivity growth in these industries.<sup>39</sup> With so many middling and smaller businesses flourishing in these areas, and the more so in Birmingham and Sheffield, the family and the work or business unit must be seen together. The flexibility, capacity for innovation, especially product innovation, and market

development were well known for the Birmingham metal trades for the eighteenth century, and only slightly less so for the Sheffield trades. These characteristics were to a great extent the result of their business and social structures. Competitive business structures, 'open social structures' and the existence of a large and influential group of middling manufacturers fostered participation and innovation.<sup>40</sup> These structures also affected family relations. Children learned their trades in Birmingham at least not by following straight in their parents' footsteps but in time spent in formal and informal apprenticeships at different, though frequently related trades. This was also practiced in the families of wealthier manufacturers in the town. Sons received a broad management training through being trained in other firms, and even other industries than the one they would eventually succeed to.<sup>41</sup> Close family and friendship connections were built up not in a narrow, but a broad trade network. A small proportion from Birmingham in the first half of the eighteenth century chose their executors, guardians and trustees from those of the same trade; many more drew from wider metalworking circles. In the latter half of the century equal proportions were chosen from those of the same trade and those of different metal trades. (See Figures 1 and 2) This Birmingham trait was less marked in the more specialised economy of Sheffield, but even here men chose less than a quarter of their executors and only 11% of their trustees from those with the same trade. The flexibility and openness of this industrial system was also a part

of the family systems. Propertyholding and its transmission was thus not gender typed in the way it was among other social classes and in other types of the country, and in the way it was to become in a much more widespread way in the nineteenth century.

Dr. Maxine Berg  
Dept. of Economics  
University of Warwick  
Coventry, CV4 7AL

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7. See Staves
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20. Davidoff and Hall present as evidence for their case several specific examples. Though they say they have drawn on a few hundred wills to demonstrate their case, none of the data these are presented or systematically analysed.

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26. Problems in using probate inventories and wills are discussed in M. Spufford, 'The Limitations of the Probate Inventory', in Chartres and Hey, English Rural Society 1500-1800, pp. 139-174.

27. For a table on the growth of commercial/industrial towns in England see M. Berg, 'Commerce and creativity in eighteenth-century Birmingham,' in M. Berg, Markets and manufacture in early industrial Europe, (London, 1990), pp. 173-205, p.178.

28. See M. Berg, The age of manufactures, (London, 1985), chap. 12; cf. C. Behagg, Politics and production in the early nineteenth century, (London, 1990), pp. 48-9.

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30. Berg, 'Commerce and creativity'. cf. Idem., 'Artisans, factories and industrialisation', Warwick Economics Working Paper, 379, 1991.

31. Probate records for Birmingham are from the Diocesan Record Office, Lichfield, Staffordshire; those from Sheffield are from the Borthwick Institute of Historical Records, University of York.

32. See use of this evidence in Berg, Age of manufactures, chap. 12.

33. K. Wrightson, 'Kinship in an English village: Terling, Essex, 1550-1700' in R. Smith (ed.), Land, kinship and life-cycle, (Cambridge, 1985), pp. 313-32; C. Howell, 'Peasant inheritance customs in the Midlands, 1280-1700; in J. Goody, J. Thirsk, and E.P. Thompson (eds), Family and Inheritance, pp. 112-56.

34. For quantitative assessments of consumer possessions over a broad range of the middling classes see L. Weatherill, Consumer Behaviour and Material Culture in Britain 1660-1760, (London, 1988); C. Shammas, The Pre-industrial Consumer in England and America, (Oxford, 1990); P. Earle, The Making of the English Middle Class (London, 1989)

35. For further discussion of the motivations behind consumption in the eighteenth century, see C. Campbell, The Romantic Ethic and the Spirit of Modern Consumerism (Oxford, 1987). The only recent work which addresses women's consumption is A. Vickery, 'Women and the World of Goods: a Lancashire Consumer and her Possessions 1751-81', in J. Brewer and R. Porter (eds), Consumption and the World of Things, (forthcoming London, 1991)

36. For these cases see Probate Records, Birmingham parish, Diocesan Records, Staffordshire County Record Office, Lichfield.

37. Ibid.

38. Probate Records, Birmingham parish

39. For regional differences in wage levels see E.H. Hunt, 'Industrialisation and regional inequality: wages in Britain 1760-1914', Journal of Economic History, xlvii (1986), pp. 935-66. On women's employment and wages see M. Berg, 'Women's work and the Industrial Revolution' ReFresh, 12 (1991), pp. 1-4.

40. See M. Berg, 'Commerce and Creativity in Eighteenth-Century Birmingham', in Idem., Markets and Manufacture in Early Industrial Europe, (London, 1990), pp. 173-205; M. Berg, 'Artisans, Factories and the Industrial Revolution,' (Warwick Economics Working Paper, 1991). This case has also been made for early nineteenth-century America by K. Sokoloff and B.Z. Khan, 'The Democratization of Invention during Early Industrialization: Evidence from the United States, 1790-1846', in Journal of Economic History, L (199), pp. 363-378.

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# Occupation and Place of Executors, Guardians, Birmingham 1700-1750

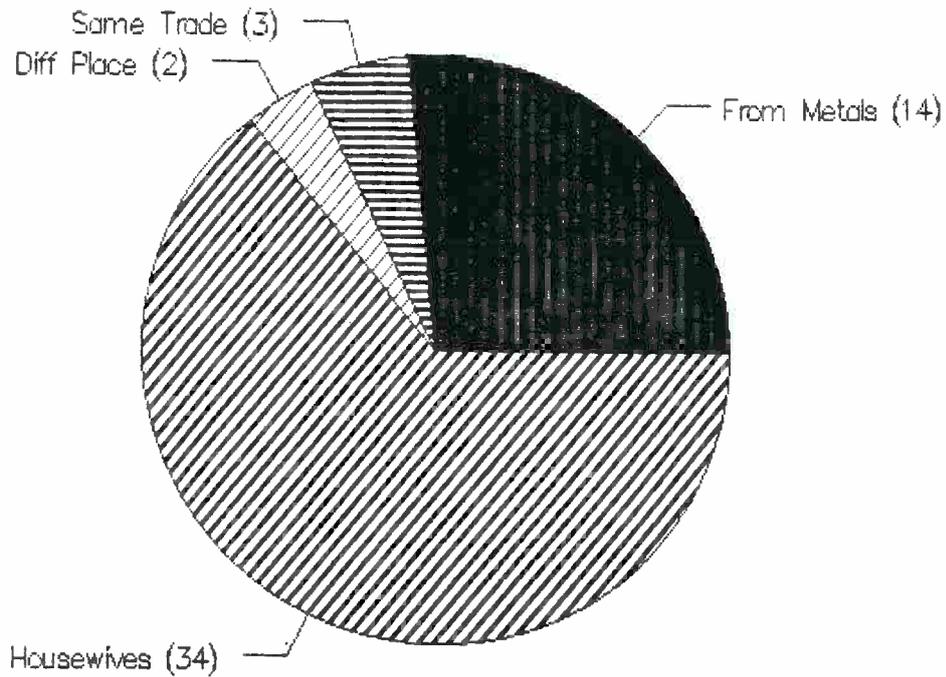


Figure 1

# Occupation and Place of Executors, Guardians, Birmingham 1751-1800

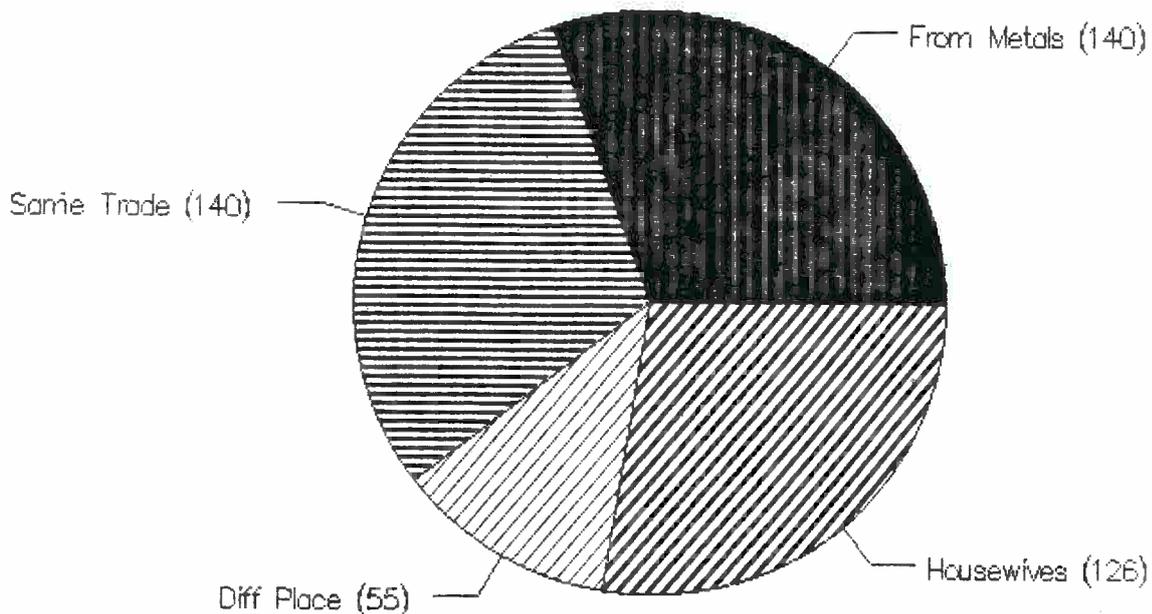


Figure 2