

Social Role and Status: Marriage on the Illinois Prairie

Theme: Patterns of Social and Political Interaction

Habits of Mind: Understand how things happen and how things change, how human intentions matter, but also how their consequences are shaped by the means of carrying them out in a tangle of purpose and process
Appreciating the force of the non-rational, the irrational, the accidental, in history and in human affairs

Focus: The Land Act of 1820 encouraged thousands of small farmers from New England and the upland southern states, as well as immigrant farmers from Europe, to settle the fertile prairie lands of the Old Northwest Territory. The construction of roads, canals, and railroads facilitated their continued migration to Illinois and allowed them to market their harvests and to purchase manufactured goods and services from beyond their communities. Nevertheless, work was strenuous, and strong families were required to keep a small farm at an optimum level of productivity. A husband, wife, and their children working together helped to assure that a family farm would have a fighting chance against the environmental and economic challenges that confronted people on the prairie.

The emotional stress stemming from the intense labor and the loneliness of farm life in isolated communities could, however, easily drive family members apart. Some men succumbed to alcohol as a relief from the pressures of survival. Other men simply abandoned their families and disappeared. Still others believed they could solve their problems by finding financial security elsewhere, particularly in California during and after the famous gold rush of 1849. Members of the family who were left behind when their husbands and fathers departed had either to continue with the farm or seek help from others in the community. Many women sought relief in the courts, claiming desertion status in the hope of obtaining a divorce, thereby enabling them to remarry and keep the family stable and the farm economically viable. In this lesson, students learn that seeking out and securing a divorce was difficult. If a husband was out of state, it was difficult for officers appointed by the court to track him down to serve the divorce papers. But the burden of keeping a family whole was not entirely on the wife. Some men, having sought out their fortunes, returned to Illinois only to find their wives living in adulterous relationships with other men.

This lesson can be integrated easily with writing lessons on narrative, expository, and persuasive topics as conducted by colleagues in the school's English department. For example, taking a side and demonstrating support for a position are major goals of the writing curriculum in most middle schools and high schools.

Note: Document 5-C contains some sexual language used in court proceedings that may be inappropriate for use in some middle school and high school classrooms.

Objectives: Students will be able to:

1. Describe the social role and status of men, women, and children living on the Illinois prairie between 1840 and 1860.
2. Analyze family life in rural Illinois between 1840 and 1860.
3. Compare and contrast the responsibilities of children in families of the past with the responsibilities of today's children.
4. Analyze historical documents.

Illinois Learning Standards

16.D.3b Describe characteristics of different kinds of families in America during the colonial/frontier periods and the nineteenth century.

18.A.5 Compare ways in which social systems are affected by political, environmental, economic, and technological changes.

18.B.1a Compare the roles of individuals in group situations.

18.B.5 Use methods of social science inquiry to study the development and functions of social systems and report conclusions to a larger audience.

Procedures

1. Discovery

A. Adults Remember Their Childhood.

- 1) Prior to this lesson, students will survey members of an older generation to learn about the responsibilities these adults had when they were children. A guide, *Back in the Old Days*, is attached at the end of this lesson plan to record data from the interview. Students will share their findings either in small groups or with the class. Note: Teachers should make certain that the individuals who are interviewed by the students understand that their responses to the questions on the Interviewing Guide may be kept on file for other students to draw upon for study and research.
- 2) Drawing on the Interviewing Guide, students can develop a chart showing the kinds of work required of children years ago and the time spent meeting these responsibilities.
- 3) Identify the current roles and responsibilities of the head of the household and other family members, including brothers and sisters.

B. The Ideal Marriage.

- 1) Start with a quote. An American writer advised middle class male readers who lived in cities, “If you are in business, get married, for the married man has his mind fixed on his business and his family, and is more likely of success.”
- 2) Discussion notes on Middle Class Family Life in the Nineteenth Century City.
 - a) Typically, the husband held what is now called a “white-collar position” or a profession. His role was to work hard to provide the income and thus secure the material goods that would have been necessary to maintain a certain social status in the community.
 - b) The wife also played an important role. She stayed at home and was responsible for nurturing the family, both in the development of the children’s social behavior and their religious training.
 - c) Social historians call these social roles the *Victorian spheres of influence* and refer specifically to the woman’s role as the *Cult of Womanhood*.
 - d) Working together, a husband and wife strove for perfection in their roles, maintaining a fine home filled with well-mannered children and being good neighbors.
- 3) Rural Family Life: Members of rural families had different roles.
 - a) Family members were required to work together to make the land productive. Men, women, and children labored together to pull the agricultural produce from the land.
 - b) If one member of the family could not contribute, for example due to an illness or a forced absence, that person’s workload would have to be shouldered by another family member.
 - c) If a family had extra financial resources, a laborer could be hired for wages or perhaps in an exchange for parcels of land or profits from the sale of the farm’s produce. Like their urban, middle class counterparts, however, rural women of all social classes were also largely responsible for looking after the upbringing of the children.
- 4) Remembering that rural and urban life at that time was much different for married couples, ask students: Would the writer’s advice that opened this lesson nevertheless apply to men who were farmers? Have students discuss reasons why being married and having a family were attractive options for a farmer in Illinois.

2. Going to Court: Lincoln Legal Documents Describe Another Side of Marriage.

A. Preview each of the legal documents before class. Divide students into groups, giving each group a document. Prepare the groups by explaining that some of the testimony in the documents is of a sexual nature, but that this information was necessary for the parties to assert the legal claims and for the court to reach a decision. Each group will then read one of the documents, identify the main points and discuss the outcome. To complete this assignment, groups will complete and review the student guide, *Analyzing a Lincoln Legal Document*.

- 1) Document 5-A. Bill for Divorce, 13 September 1842, *Bancom v. Bancom*

- 2) Document 5-B. Bill for Divorce and Affidavit, 9 January 1855, *McCrea v. McCrea*
- 3) Document 5-C. Bill for Divorce, November 1853, *Waddell v. Waddell*

B. Further questions to ask:

- 1) What specific passages from the documents illustrate the roles of women in the family, both during a happy marriage and after their spouses deserted them?
- 2) What specific passages from the documents illustrate some of the emotional and social problems confronting various family members?
- 3) How were children affected by these problems?
- 4) What appear to be some of the grounds for seeking a divorce in Illinois?
- 5) Teaching Opportunity: Ailsey Bancom could not sign her name. What does that fact tell us about issues of social status?

3. You be the Judge: There are Always Two Sides to Every Story.

A. Ask each group of students to provide a plausible rebuttal to the various charges in the case they analyzed. Citing specific parts of the documents, students can then debate the two sides of each bill for divorce, explaining their opinion on why the divorce should or should not be granted.

- 1) Whose court documents were the most persuasive?
- 2) How would your court rule in these divorce cases?

B. When Young People Fell in Love: Authorizing a Marriage. Create a transparency of Document 5-D, Express Authority (1837). In this legal document, attested to by Abraham Lincoln, Crawford Dalby authorizes the marriage of his daughter. Note: This document addresses what lawyers called a “non-adversarial matter.” That is, there are no plaintiffs or defendants involved in this legal issue. Nevertheless, non-adversarial matters were an important part of most lawyers’ daily work. It was the responsibility of a lawyer to advise a client what to do even in non-adversarial matters. Working in groups:

- 1) Ask fellow students to explain why a legal authorization may have been necessary. (In fact, the daughter, Hester, was a minor).
- 2) Ask fellow students why Hester was considering marriage at an age that was young enough to warrant her father’s approval. (Perhaps marriage at a young age was not uncommon in the 1840s; perhaps the marriage was necessary for the survival of a family farm; perhaps she was simply in love with Edward Tyler.)
- 3) Acting as a judge or lawyer, what advice would you give to a person who was seeking a legal authorization for one of his younger children to marry?

4. Conclusion and Assessment. Write to Learn. Students should imagine they have migrated from the east to rural Illinois around 1840. They should write either a narrative journal entry or letter to a friend or relative “back home” about their family life on the prairie. Students can take on a specific persona, such as a husband, wife, child, laborer, or guest on the farm, but they must include in their assignment information about the roles and status of all the family members. See the rubric provided with the *Lincoln Legal Papers Curriculum* for the assessment of students’ knowledge, reasoning, and communication skills.

Additional Activities

Illinois History Day Activity. Students can conduct research into the changing status of women before the law, investigating such issues as voting rights, ownership of property, the right to bring a lawsuit into court, or taking up the practice of law as a profession.

Young People and the Law Today. Neither young people nor women had equal rights with men in many legal matters during this period in history. To gain some perspective on the idea of continuity and change in history, students should discuss their own legal status before the law. For example, what activities that intersect with the law still require the written permission of their parents or other adults?

A Classroom Data Base for the History of Childhood in Illinois. Using the interviews of members of older generations, students can collate and then bind their interviews into a book format that will serve as a primary source document for future classes. (See Procedure in Discovery 1A above.)

Materials

Back in the Old Days: An Interviewing Guide

Analyzing a Lincoln Legal Document

Document 5-A: Bill for divorce, *Bancom v. Bancom*, 1842

Document 5-B: Bill for divorce and affidavit, *McCrea v. McCrea*, 1855

Document 5-C: Bill for divorce, *Waddell v. Waddell*, 1853

Document 5-D: Express Authority, 1837

Glossary of Terms

Back in the Old Days: An Interviewing Guide

Date of Interview
Interviewer
Place of Interview

Personal Data

1. What is your full name?
2. What is your date of birth?
3. Where did you live during most of your childhood?
4. How often did you move when you were a child?

Roles and Status in the Family

1. What household chores were you largely responsible for when you were young?
2. How long did it take you to complete these chores?
3. How did your responsibilities and the time commitment to them change as you grew older?
4. What responsibilities, if any, did your brothers or sisters have?
5. Do you remember what jobs your mother and/or father had when you were younger?
6. If they both worked outside the home, who took care of the housework?
7. What is your fondest memory of working side-by-side with the other members of your family?
8. When did you get your first job outside the home that paid a wage? How much did you earn? How many hours did you work each week at this job?

I hereby authorize my interview to be used for educational purposes

Signature

Date

Analyzing a Lincoln Legal Document

Case Brief

Complete Case Name _____

Date of Document: _____

Court(s):

- Justice of the Peace Court
- County Circuit Court
- U.S. District Court
- U.S. Circuit Court
- U.S. Supreme Court
- Illinois Supreme Court

Term of Court _____

Division (check one):

- Chancery
- Common Law
- Criminal
- Probate
- Appellate

Action (check one):

- Debt
- Divorce
- Ejectment
- Injunction
- Trespass
- Trespass on the Case
- Other _____

Open the File: Interrogate the Document

Parties to the case. Who is going to court?

Plaintiff(s) _____

Defendant(s): _____

Legal Counsel:

attorney(s) for the plaintiff(s) _____

attorney(s) for the defendant(s) _____

Who else was in court or is mentioned in the document? _____

Synopsis: Summarize the Contents of the Document

Type of document

What is the plaintiff's allegation?

What is the defendant's position?

What, if any, other information is provided in this legal document?

Why is this issue in the hands of attorneys and other officers of the law?

Lincoln and the Rule of Law.

Why would Lincoln agree to serve as an attorney in this case?

What does this case reveal about Lincoln's law practice?

If you could ask Lincoln or his partner a question about this case, what would it be?

How might you determine the outcome of this case?

Synthesis: Illinois History and the Rule of Law

What evidence in the document helps you understand more about the major historical trends that shaped the history of Illinois?

What evidence in the document helps you understand the relationship between *where* something happened and *what* happened?

Does this document include any "quotable-quotes," or examples of a regional speech or period expressions?

What evidence in the document helps you understand the values, beliefs, and ideals of people who lived in Illinois when this document was written?

What evidence in the document helps you understand how conflict among individuals and/or businesses would be resolved through the rule of law?

What evidence in the document helps you understand the patterns of daily life and the concerns of the common people in Illinois?

Document 5-A (transcription)

Bancom v. Bancom

Case Summary: In the fall term of 1842, Ailsey Bancom retained Stephen T. Logan and Abraham Lincoln and sued John Bancom for divorce on the grounds of desertion, extreme cruelty, and habitual drunkenness. Ailsey Bancom also sought custody of their seven children. John Bancom failed to appear, and the court granted the divorce and gave Ailsey Bancom custody of the children.

Bill for Divorce

To the Honorable the Judge of the Sangamon Circuit Court in Chancery Sitting.

Humbly Complaining, Sheweth unto your Honor, your Oratrix, Ailsey Bancom, that on the day Feb A.D. about twenty four years ago next February, she was lawfully married to one John Bancom, whom she prays may be made a party to this bill as defendant, & that afterwards to wit, on the day of A. D. 1830 she and her said husband removed to & took up their residence in the County of Wayne where ~~she has ever since~~ ^{they} resided, ^{for two years} & removed from [thence] to Alton, Madison County, where they resided six or seven years, & removed from there to Pike County Illinois, where they resided until ~~they~~ your oratrix & her husband separated as hereinafter described ^{until her said husband deserted her as here after described} & that on the day of A.D. 18 the [...] ~~wilfully deserted and absented himself from your Oratrix without any reasonable cause, & has ever since remained from her;~~ & she further states, that from the time of her ~~said marriage until the desertion of her said husband as aforesaid,~~ she continued to live with her husband, all the time performing all the duties of an affectionate and obedient wife. She also states that while she & her said husband live together she had ^{she had} seven ^{children} by him; to wit, & that from the [&] that three of said children live with her, towit, Thomas Shelton, Priscilla Jane, & William Crowder She has supported & maintained said Children ever since she had them in possession by her own labor, & that her said Husband never contributed in any way to their support; and your Oratrix also states, that her said Husband, has treated her with extreme & repeated cruelty, for two years next preceding the ~~[last] said separation as is herein after mentioned~~ ^{the month of April A D. 1841} & also that her said husband was ~~gen~~ addicted to habitual drunkness for the period of two years ~~bef~~ next preceding the time last aforesaid; [&] from that time to the present [&] your oratrix also states, that since the period last aforesaid, towit on the day of ~~Sept~~ August A. D. 1841 She ~~has~~ removed to the County of Sangamon and State of Illinois, and your Oratrix also states, that during the month of April, A. D 1841, she separated from her husband, who had repeatedly thr[e]atened to take her life, because she was afraid from his extreme & repeated cruelty of her, & from his violent threats, that he would take [her], & he has also repeatedly threatened to take her life since said separation & she is afraid if she were to live with him then

In tender Consideration whereof, your Oratrix prays that the People's writ of Subpoena issue &c. and that the said defendant to be required to answer on his corporel oath, all & singular the allegations of this bill; & that on a final hearing of this cause, your Honor will decree that the bands of matrimony

heretofore and now existing between said defendant, & your Oratrix be forever dissolved; & that your oratrix be decreed to have the care & custody of her said Children; & that your honor will grant such other & further relief, as equity may require, & as in duty bo[u]nd &

~~Logan & Lincoln for complainant~~
~~Baker & Bledsoe sol[icitors] for~~
Complainant.

her
Ailsey X Bancom
mark

Subscribed & Sworn to before me this 13th day of September AD. 1842

J Calhoun clerk

Document 5-C (transcription)

Waddell v. Waddell

Case Summary: Squire Waddell retained Abraham Lincoln and William H. Herndon and sued Rebecca Waddell for divorce on the grounds of adultery. Squire Waddell claimed that he left for California for two years and, after his return, discovered that his wife had committed adultery. Rebecca Waddell failed to appear, and the court ruled for Squire Waddell and gave him custody of the two children.

Bill for Divorce

Of the November Term of the Circuit Court of Sangamon County A D 1853.

In Chancery.

Your orator Squire Waddell would most respectfully shew [*show*] unto your Honor that on or about the first of April A D 1847 he was intermarried to one Rebecca Johnson, now Rebecca Waddell and which said marriage was in Sangamon County and State of Illinois Your orator would further shew that he went a trip or Tour to California in 1851 and returned about the first of Seprtr 1853 and that said trip was with the consent of said Rebecca; that your orator left said Rebecca enough to support well herself and two children. Your orator would shew that since he has returned home he has been informed ^{^and so charges^} that said Rebecca has commit[ted] adultery ^{^or fornication^} with William Welles and others and verily believes the same to be true; that he your orator has never had communication with said Rebecca since his return from California; that the same charge of adultery or fornication has been told your orator by various person of undoubted truth and veracity.

Your orator would shew that he has had by said Rebecca Waddell two children one Jane Waddell about six years of age, and Francis Waddell aged about four years.

Wherefore your orator prays a divorce and dissolution of the marriage contract with said Rebecca and for a decree allowing your orator the said children

Prays for the said Rebecca Waddell be made defendant; that the People's writ of subpoena to issue and that said Rebecca be compelled to answer this bill and for such other relief as may or shall be meet or just in the premises and as in duty bound your orator will ever pray &c.

Squire Waddell by
Lincoln & Herndon Sols.

Document 5-D (transcription)

Express Authority

I hereby authorize the clerk of the County Commissioner's Court of Sangamon County to issue a license authorizing any legally qualified person to marry Edward H. Tyler to my daughter Hester Ann Dalby.

Oct. 30 1837

Crawford B Dalby

Attest

A. Lincoln

Glossary Of Terms

adultery: voluntary sexual intercourse between a married person and another person who is not their spouse.

bill of complaint: a written statement by a plaintiff in a chancery action that sets forth the facts and the legal basis for his or her case.

chancery: a division of the law devoted to settling issues for which there was no remedy in the common law; also called equity.

declaration: a written statement by a plaintiff in a common law action that sets forth the facts and the legal basis for his or her case.

default: the failure by a defendant to plead his or her case, which led to a judgment for the plaintiff.

defendant: the person against whom someone brings a legal action. In criminal cases, the defendant is the person accused of a crime. In civil cases, the defendant is the person being sued. In some civil cases, the defendant is called the respondent.

fornication: voluntary sexual intercourse between two persons not married to each other.

minor: a person below the age of legal responsibility; in antebellum Illinois, the age of legal responsibility for males was twenty-one years old; for females, it was eighteen years old.

orator: a person who presents his point of view to the court, usually in writing.

oratrix: a female person who presents her point of view to the court, usually in writing.

plaintiff: the person who initiates a lawsuit. In some civil cases, the plaintiff is called the petitioner.

process: a means (such as a summons) used to require a defendant to appear in court.

subpoena: a written order to a person requiring him or her to appear in court to provide evidence in a particular case.

subscribe: to sign a document to acknowledge an obligation; to pledge a gift or contribution by writing one's name with the amount.

summons: a document notifying a person that an action has been brought against him or her and requiring him or her to appear in court.

writ: a written order from a court forbidding or requiring some action.