

A WOMAN IN A MAN'S WORLD

Research Paper for Student Poster Session

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Research Editorial

This paper did not include every group of women present in the America colonies. I endeavored to look at one major component of colonial society: the free, white Europeans, predominately English-born or those born in America of English descent. Black and Native American women did not feature in the research. Although these other women figured prominently in their societies, very few held any apparent impact on the laws surrounding women during the colonial era.

Likewise, the details of other demographics, such as indentured servants, typically poor women, criminals, and women who came from European countries such as Ireland, did not factor into the research, given that they lived either with their English counterparts or in separate ethnic or religious communities. This paper grouped these women in with their English counterparts, since most colonial towns and villages enacted laws that mirrored English law.

Abstract

An understanding existed in families that women would take over certain duties when men could not perform the tasks, because of either their duties in government or business. Women helped keep the shops and farms, which their husbands typically managed. The women in colonial Pennsylvania were not much different from their counterparts in other colonies in how and when they found opportunities that expanded their limited legal sphere of influence, which included entering contracts for property, participation in commerce, and comprehensive management of their households.

Colonial women typically accepted their place in society without rancor. Society still expected women to live up to certain expectations regardless of their economic level. Almost every woman accepted her subservient position in the family and community. Her religious beliefs defined her through her daily responsibilities as she maintained a household and bore children, all while she deferred to her husband in all things.

A woman could and did work in the male sphere while married, but she did so in her husband's name unless and until she petitioned the court for the right to do otherwise. Despite society's convention to marry, some women did not. They took advantage of the freedom the law allowed them in matters of business. Widows in particular no longer had a husband in their life to help with certain tasks commonly associated with men. The widows who chose not to remarry supported themselves and their children with businesses commonly managed in their homes.

This paper is an analysis of the roles played by colonial American women, the duties they performed, and the responsibilities they bore during their life. It includes the extra activities widows took on when their husbands died. It contains a contrast of the way of life in England to that in the American colonies. It also includes a comparison of the three regions in colonial America's North, South, and Middle colonies, with an emphasis on the Pennsylvania colony and its women, customs, and laws. The comparison focuses on social and religious customs, and the laws as they pertained to women. There are discussions on the expectations society had for women who lived in urban and rural settings; the custom of continual guardianship that created women's dependence on men; inheritance laws; premarital contracts; the legal status of married women who lacked legal standing and bore the title *feme covert*; and the legal status single women, including widows, who possessed the right to work in the male sphere as *feme sole* traders.

Introduction

An understanding existed in families that women would take over certain duties when men could not perform the tasks, most often because of their responsibilities in government or their business, both of which often took them away from home, their shops, and farms. Women kept the shops and farms, which their husbands typically managed, when the men were not present to do so themselves. The women in colonial Pennsylvania were not much different from their counterparts in other colonies in how and when they found opportunities that expanded their limited legal spheres of influence, which included entering contracts for property, participation in commerce, and comprehensive management of their households.

English law prevailed in the colonies. Each colony had its own interpretation of the law because the settlers not only came from different counties in England, but also different countries in Europe. The region where a colony existed also lent to the differences in the common or local laws, while the dominant religions, also different from one colony to the next, led to different customs and emphasis on the legal rights of women. In this way, the law supported religion and local custom.

Colonial women typically did not view what their society regarded as the female place as a bitter pill they needed to swallow. For example, independent when she was single, Elizabeth Lucas Pinckney later saw it as her duty to make “it the business of my life to please a man of Mr. Pinckney’s merit even in trifles [sic].”¹ Even when a woman performed male-oriented duties,

¹ Eliza Lucas Pinckney (1742), quoted in Carol Berkin, *Revolutionary Mothers: Women in the Struggle for America’s Independence* (New York: Vintage Books, 2005), 9.

she remained a woman. Society did not view her actions as masculine since the woman did things for or with her husband, fulfilling her wifely obligations.²

Women Throughout America

There was no standard way of life for women in the colonies. Many did not have access to items deemed living essentials since only some women owned such objects as spinning wheels and butter churns, basic tools found in all European homes but not in several colonists' homes. The industry that produced usable items from raw materials did not exist in the colonies yet, and it cost too much to bring over from Europe. Thus, colonial women spent an inordinate amount of time on grinding grain and corn then they did on skilled domestic work. They traded what they produced for other items they could not.³

A unpleasant fact for many men and women in colonial America was that they found themselves widowed due to the high rate of death caused by diseases, attacks by natives, and starvation. Social rules and the associated laws that prohibited women from performing in the men's sphere suspended when emergencies arose. The most common emergency was the need to take care of the family.⁴ Thus, it was a relatively common occurrence for women to take on nontraditional roles when there was no man around to keep the family together.⁵

A woman accomplished many things in her everyday life. Her ability to use and create consumable items from the raw materials present around the home helped feed and clothe the members of her household. Her ability to reproduce was also essential and expected, since a

² Carol Berkin, *Revolutionary Mothers: Women in the Struggle for America's Independence* (New York: Vintage Books, 2005), 11.

³ Carol Berkin, *First Generations: Women in Colonial America*, ed. Eric Foner (New York: Hill and Wang, 1997), 13.

⁴ Gail Collins, *America's Women: 400 Years of Dolls, Drudges, Helpmates and Heroines* (New York: Harper Collins Publishers Inc., 2003), 11.

⁵ Carol Berkin, *Revolutionary Mothers: Women in the Struggle for America's Independence* (New York: Vintage Books, 2005), xvi.

child gave assistance to labor around the house, if it were a girl, and in the fields, if it were a boy.⁶

Society still expected women to live up to certain expectations regardless of their economic level. A woman's role in the seventeenth and eighteenth centuries was to be a good wife and mother.⁷ In the early settlement of America, there were few distinctions between classes. Every family started from humble beginnings with just the basics. A major difference between the classes was that the rich who came to the American colonies were already landowners and the poor worked for the rich until they could purchase their own land. The upper class women worked at domestic chores just like their poorer counterparts, but their station in life afforded them servants or slaves to help.

Colonial society also expected women to contribute to the household beyond just cooking and cleaning. This meant working additional hours to produce items for sale. They became shop managers, and producers of domestic items such as jellies, breads, beer, soap, and candles. Husbands appreciated the effort their wives made towards the financial independence of the family. Thus, while European society frowned on women who acted outside the scope of womanly duties, the women who lived in the colonies found work such as this a natural part of their life.⁸

Regardless of where they lived, women kept gardens, prepared food, made common household items, sewed, and did laundry. The increase in the colonies' population in the cities, and the rise of a merchant class in America, eventually led to an urban society that had different set of expectations of women than those who lived on farms. Women in rural areas typically

⁶ Ibid., 7.

⁷ Ibid., 6.

⁸ Selma R. Williams, *Demeter's Daughters: The Women Who Founded America, 1587-1787* (West Hanover: Halliday Lithograph Corporation, 1975), 178.

remarried to maintain a farm since the amount of work was too great for any one person to contend with successfully on a daily basis. Women in the cities had the benefit of the accessibility of stores and services nearby that provided things they needed for daily living, such as the availability of butcher shops and English linen, which meant urban women did not need to slaughter small animals or spin to make cloth.⁹

The largest concentration of single women existed in cities. The women who lived in the cities found jobs, such as shopkeepers and laundresses, that rural areas could not support, which sustained a woman's decision to remain single.¹⁰ The proximity of other single women, as well as households that needed domestic help, gave them the opportunity to earn money to keep their home and family together.¹¹ Since the majority of people who lived in cities during the colonial era made money by providing services, these women received an income for their work. That income went to purchasing items or slaves that made their domestic chores less burdensome.¹²

The delineation of the male sphere from the female sphere reflected the difference between public and private tasks. Public and private in the seventeenth century did not necessarily mean inside and outside the home since men performed domestic tasks and women performed outdoor, non-domestic duties. The male or public sphere included, among other things, anything the related to making and managing money. The female, domestic sphere included taking care of children, preparing food, and sewing and cleaning clothes and other homemade textile products. Domestic did not mean the women always worked inside the home.

⁹ Karin Wulf, *Not All Wives: Women of Colonial Philadelphia* (Philadelphia: Cornell University Press, 2000), 15.

¹⁰ *Ibid.*, 15.

¹¹ *Ibid.*, 15.

¹² Gail Collins, *America's Women: 400 Years of Dolls, Drudges, Helpmates and Heroines* (New York: Harper Collins Publishers Inc., 2003), 49.

Butchering animals and tending vegetable gardens typically fell in their sphere since they were part of food preparation.¹³

A woman's sphere of influence was based on what her society customarily dictated was her role in it. This encompassed her duties and responsibilities. English law supported these cultural views when it specified that all women required a man to perform certain tasks on their behalf. Single women on the other hand, including widows, no longer had a man to stand in for them in matters of business and law. Although these women could do more than their married counterparts could, they lacked this cultural requirement.¹⁴

Widows in particular no longer had a husband in their life to help with certain tasks commonly associated with men. The widows who chose not to remarry supported themselves and their children with businesses commonly managed in their homes. Since the colonies were still agricultural, most of these widows remained on the farm they inherited from their deceased husbands. Those who resided in the cities at the time of their husbands' deaths accounted for most of the homespun businesses. For instance, women merchants, mostly widows, made and sold a variety of homemade items, which accounted for nine percent of the businesses in Boston in the seventeenth century.¹⁵

Single women who never married found a place for themselves as domestic help in colonial society. The most common place for them to find work was in the home of their parents or a sibling. A notable Pennsylvanian family that exemplified this practice was the Drinkers. Elizabeth Drinker's lifelong illness kept her confined to her home outside Philadelphia. Meanwhile, Henry Drinker, Elizabeth's husband, worked out of the family home in the city.

¹³ Karin Wulf, *Not All Wives: Women of Colonial Philadelphia* (Philadelphia: Cornell University Press, 2000), 91, 135.

¹⁴ *Ibid.*, 5.

¹⁵ Selma R. Williams, *Demeter's Daughters: The Women Who Founded America, 1587-1787* (West Hanover: Halliday Lithograph Corporation, 1975), 194.

Elizabeth's sister, Mary Sandwith, lived in the Philadelphia house and worked for her sister and brother-in-law as the manager of the house in exchange for her room and board from the time of Elizabeth and Henry's marriage until their deaths decades later. She also worked as the nanny to the children when they came to the city. Mary met society's expectation, that a man oversee her life, in that she lived and worked in a male-dominated household, but she did so by choice. Since Mary was single, her marital status enabled her to earn money outside the home. Moreover, since she lived in the city, she had many opportunities to invest in several business ventures.¹⁶

In cities like Philadelphia, it was not only easy, but also common, for women with businesses in the home to remain heads of their house after their husbands died or left the family. They often hired other single women to help with the housework and childrearing while they continued the business.¹⁷ Philadelphia was unique in the high number of city households dominated by women. Many households throughout the colonies, urban and rural, mirrored the living arrangement of the Drinkers and Mary Sandwith, but since the initial, dominant religion in Pennsylvania was Quaker, the customs surrounding women in general created a slightly more uncensored view towards women as heads of households.¹⁸

The Protestant religions all professed that only through men could God hear a woman's prayer. Quakerism differed in that women and men were equal. This aspect of their religion, like the other religions around them and in other colonies, carried over into their society's interpretation of the laws.¹⁹ Women were not as subordinate to their husbands in Quaker society. Quakers expected women to maintain the spiritual nature of their religion foremost in their

¹⁶ Karin Wulf, *Not All Wives: Women of Colonial Philadelphia* (Philadelphia: Cornell University Press, 2000), 86-87.

¹⁷ *Ibid.*, 91.

¹⁸ *Ibid.*, 88-90.

¹⁹ *Ibid.*, 55.

actions even after marriage. Their roles in society blended with Quaker men in that both genders traveled and preached.²⁰

The religion, economic conditions, and labor practices of each colonial region dominated the ability and inclination of women to remain single. The northern colonies lived by stricter laws that governed many details of everyday life. Puritan society expected women to be mothers and wives. Men in the northern cities looked down on women who went against what they thought was ordained by God as the natural order.²¹ The opposite occurred for women in the south. Along the Chesapeake, men outnumbered women. The high death rate of men and women to disease left many people of both genders widowed, and blended families were common.²²

In the North

The settlers in the North were not the forward thinkers of later generations that led a revolution and formed their own country. They believed and followed the tenets of English law and society. Their religion harkened back to Europe's recent past, which focused on community and agriculture over mercantilism. They attempted to maintain the traditions and belief systems that many Europeans started to set aside. For women, this meant more years under the patriarchal control of their husbands and fathers. While the witch-hunts diminished in Europe, they continued in America in the northern colonies where strict religious doctrine ran the local

²⁰ Ibid., 74.

²¹ Ibid., 17.

²² Ibid., 18.

governments. Women who understood their rights and chose to remain single and operate within the male sphere could and sometimes did find themselves accused of witchcraft.²³

This did not necessarily mean women were not independent. It meant that any women who wanted to work in the male sphere had to do so within the confines of society as well as the law. After the Puritans came over from Europe, the women slowly took on duties outside the home. They did not spend all their time on women's work for the benefit of the community, which went against the Puritan ideal of communal living. Some worked in the fields with their husbands to help provide for the family.²⁴ They also stepped in to fill their husbands' shoes at shops, and helped keep the accounts of their husbands' businesses when and if their husbands traveled to other cities, even back to England, for business, or put out to sea in the case of fishermen.

In 1664, the Dutch colony of New Amsterdam became the English colony of New York. The colonists in New Amsterdam were not English, and they had slightly different laws that pertained to women. This changed when the English took over the colony. After that, only widowed and single women such as Cornelia de Peyster owned land in their own names, or ran successful businesses, as in the case of Margaret Philipse, a ship owner who took the money she received upon her first husband's death to build up her second husband's trading business.²⁵

In the South

Some of the laws in the South went against English customs and supported women because of the lack of women who immigrated to the southern colonies. While English law

²³ Mary Beth Norton, *Founding Mothers & Fathers: Gendered Power and the Forming of American Society* (New York: Vintage Books, 1997), 4.

²⁴ *Ibid.*, 7.

²⁵ Selma R. Williams, *Demeter's Daughters: The Women Who Founded America, 1587-1787* (West Hanover: Halliday Lithograph Corporation, 1975), 175.

required parental consent, the colonies considered survival of a family line more important than tradition. In 1632, the Virginia colony passed legislation that enabled a girl to marry the husband of her choosing. Another way the southern colonists protected women was in the women's right to own land. A woman who came to Carolina as an indentured servant could receive a large enough plot of land to support herself or act as a reasonable dowry to add to her husband's estate if she decided to stay in the colony.²⁶

Unlike in Europe and in the northern colonies where there were plenty of people to perform the tasks delineated by gender, the southern colonies had only a small number of settlers. They typically lived spaced apart on farms, and found themselves isolated for much of the year while they worked on their land. This led to the common practice where women became true helpmates to men while they planted seeds in the fields alongside their husbands when additional help did not exist. In the frontier areas, women also wielded shotguns and knives to protect their families and communities.²⁷

In the Middle

Pennsylvania's women were more likely to engage in occupations from the male sphere compared to their counterparts in other colonies. From the top of Pennsylvania society down, women entered contracts and sued for repayments of debts, both typical of male pursuits. Hannah Penn, William's wife, acted as governor on his behalf when business matters took him

²⁶ Ibid., 32.

²⁷ Carol Berkin, *Revolutionary Mothers: Women in the Struggle for America's Independence* (New York: Vintage Books, 2005), 11.

back to England. For fourteen years after William's disabling stroke and until his death, Hannah made decisions concerning the policies of the colony.²⁸

Many other women worked alongside of and helped grow their husband's business. Sarah Finney from Reading, Pennsylvania worked at an inn originally owned by her husband. Her management of the inn, especially after her husband's death, brought many people to the crossroads where the inn sat when they traveled through the area, and even enabled her daughters to marry prominent men in their community.²⁹ The widow Elizabeth McNeile not only continued in her husband's business as a tavern owner, but she also entered into annual leases for the land and tavern building.³⁰

Women's names appeared on the tax lists throughout the eighteenth century in Pennsylvania.³¹ Since English law typically taxed only the land and business owners, the inclusion of so many female names showed that many women in Pennsylvania participated in the establishment of the colony, including its commercial and industrial ventures. These tax records also showed how much confidence the men placed in the women around them. Real estate records showed that among the people who received land in 1739 that belonged to John Parry, "Widow Matthias" received two hundred sixty-three acres, and Katherine Rees received fifty-one acres.³²

²⁸ Sophie Hutchinson Drinker, *Hannah Penn and the Proprietorship of Pennsylvania* (Philadelphia: International Printing Company, 1958), ii.

²⁹ Janice H. McElroy, ed., *Pennsylvania Women in History: Our Hidden Heritage*, 3rd ed. (n.p.: Pennsylvania Division of the American Association of University Women, 1984), 71-72.

³⁰ Deed of Lease from William Webb and wife Rebecca to Elizabeth McNeile, April 25, 1743, Chester County, PA, Deed Book F, Vol. 6, pages 279-280, Chester County Archives, West Chester, PA; Deed of Release from William Webb and wife Rebecca to Elizabeth McNeile, April 25, 1743, Chester County, PA, Deed Book F, Vol. 6, pages 280-282, Chester County Archives, West Chester, PA.

³¹ J. Smith Futhey and Gilbert Cope, *History of Chester County, Pennsylvania* (Philadelphia: Press of J. B. Lippincott & Co., 1881), 172.

³² *Ibid.*, 170.

Although Pennsylvania overall had many women-run households, the number of those in rural areas were similar to the rest of the colonies. The city of Philadelphia, however, had more than two times the average in the colonies based on tax records, or more than four and a half percent of the city's taxable population.³³ Not reflected in this number were many businesses or home ownerships of widows since widows often did not pay taxes. The Pennsylvania government weighed the cost to support a family against a widow's income. Since women did not earn much money for the work they performed, the government allowed widows the ability to count their children against any income they or the estate made. Considering the amount of work needed to maintain a home in the seventeenth and eighteenth centuries, a widow of young children often realized she needed to bound out, or indenture, her children until they reached adulthood, or else hire servants or purchase slaves to pick up any household chores she could not perform while she worked to support her family.³⁴

Legal Rights for Single, Married, and Widowed Women

Almost every woman accepted her subservient position to men in the family and community. Her religious beliefs defined her through her daily responsibilities as she maintained a household and bore children, all while she deferred to her husband in all things. The law reflected the prevalent religious patriarchal belief that a woman required a man to take care of her.

Just as a woman deferred to a man throughout her life, the law required men to ensure that women did not suffer when they became too old to manage on their own or still had children to raise. The law also helped keep men from abusing their status over women. For instance, the

³³ Karin Wulf, *Not All Wives: Women of Colonial Philadelphia* (Philadelphia: Cornell University Press, 2000), 91.

³⁴ *Ibid.*, 97, 99.

court in Essex, Massachusetts fined Daniel Ola in March 1682. The forty-shilling sentence was levied against him because he told his wife, “She was none of his wife, she was but his servant.”³⁵

Some colonial women, particularly those in the North, had advantages their counterparts in England did not. Specifically, the Massachusetts government allowed women who held property the right to vote. Like the men in their colony, suffrage also extended to women who owned property in Connecticut, New Jersey, and Vermont.³⁶

Inheritance

If a man took the time to write a will, it often set out to leave specific furnishings to his wife and he divided his land among his male heirs. If the children were still too young to inherit, the will specified that the wife held in trust the children’s share of the land until they were old enough. She also bore the responsibility of maintaining any business begun by her deceased husband, whether the family farm or tavern.

If a father gave a daughter land, he did so through a will. Otherwise, the land went to either just the eldest son or all the male heirs. The daughter only received personal property. If it happened that a father wanted his daughter to have land, his will often specified that the land did not convert to her husband upon marriage or else it went to the nearest male relative. This was not an act of concern for the woman’s well-being. Since land ownership was a measurement of wealth, keeping land out of the hands of future husbands of women kept the land in the originating family.

³⁵ Selma R. Williams, *Demeter’s Daughters: The Women Who Founded America, 1587-1787* (West Hanover: Halliday Lithograph Corporation, 1975), 36.

³⁶ *Ibid.*, 190-191.

Wills attempted to keep the man's estate with his children, not necessarily with the wife. Since death was so common in the South, and the lack of women so prevalent, women typically remarried. Wills protected the children's inheritance from stepfathers who could squander the property away. Women received tangible items rather than real estate because society expected her to remarry. Doing so brought any belongings under the control of her new husband. English law, and subsequently colonial law, denied married women the right to own anything. Whether she brought with her household belongings or land, women relinquished the right to ownership of all things to her husband at marriage. Women did not question this since marriage was something they all looked forward to when they reached adulthood. It was a societal expectation, as was motherhood.

Although women typically did not inherit beyond a widow's third, as English law gave the largest portion of the property to the nearest male heirs, women often found themselves executors of their husbands' estates since there were too few men in the colonies, much less any that knew the deceased man's farm or business as well as his wife. The women stepped in and performed as any man would by settling estate debts and securing money due the estate.

Colonial law ran the same as English law as it pertained to inheritance. The Christian religions believed God placed men over women and children, and governments mirrored this belief.³⁷ Governments, then, allowed the existence of laws that controlled the actions of men and expected men to control the actions of women. This kept a woman in a perpetual state of dependency, as they required men to keep women under their "wing, protection, and cover."³⁸ It denied women the right to own, transfer, outright sell, and purchase property, and women could

³⁷ Mary Beth Norton, *Founding Mothers & Fathers: Gendered Power and the Forming of American Society* (New York: Vintage Books, 1997), 8.

³⁸ William Blackstone, *Commentaries on the Laws of England* (London: Saunders and Benning, 1840), quoted in Carol Berkin, *Revolutionary Mothers: Women in the Struggle for America's Independence* (New York: Vintage Books, 2005), 6.

not own and operate their own businesses without court consent once they were married. Lastly, the law also closed the courts to women in most instances. If a woman wanted to perform any of these tasks, she needed a male intermediary to act on her behalf.³⁹

Women typically married at an early age and bore children as their primary responsibility. If they survived their husbands, many remarried because they saw it as the optimal solution to combat loneliness and the difficulties of life. Quite often, the lessons learned from their first marriage, whether learned directly or told to them by others, enlightened them to their rights regarding inheritance. Women, who knew what they stood to lose if they remarried but did not want to stay single, demanded concessions at the time of remarriage. They requested prenuptial contracts that left their property and land in their names, even after the marriage, and allowed them the right to name their heir, even a daughter.⁴⁰

Prenuptial Agreements

The religious tone set by the settlers in the colonies produced marriages that were less religious affairs and more contractual. In Europe, family and neighbors gathered in a church to witness a marriage. The parents and the priest blessed the union. The American colonists moved away from this tradition and introduced civil ceremonies. This was typically a northern occurrence, where settlers attempted to disassociate themselves with the religions in Europe since they came to the colonies in an attempt to escape religious persecution. Other colonies did likewise, but did so out of convenience, not religious conviction.⁴¹

³⁹ Selma R. Williams, *Demeter's Daughters: The Women Who Founded America, 1587-1787* (West Hanover: Halliday Lithograph Corporation, 1975), 301.

⁴⁰ Gail Collins, *America's Women: 400 Years of Dolls, Drudges, Helpmates and Heroines* (New York: Harper Collins Publishers Inc., 2003), 16.

⁴¹ Selma R. Williams, *Demeter's Daughters: The Women Who Founded America, 1587-1787* (West Hanover: Halliday Lithograph Corporation, 1975), 75-76.

Even in the deeply religious regions such as those run by Puritans and Quakers, marriage was not just a sacred duty but also a solemn vow. A sacred duty connected the marriage vows to a religious rite. When civil ceremonies became more commonplace, the vows included promises about inheritance and residence.⁴²

Colonial society pressured men to uphold their contracts with their wives, to take care of the women and their property and belongings entrusted to the men at the time of the wedding. A man faced scorn and sometime legal punishment if he wantonly disregarded his duty as a husband and father to provide in for his family at the time of his death. Through their wills, deceased husbands provided for their widows once the children grew up. They appointed one of the male children, typically the oldest, to use profits from the estate to support the widow in exchange for her earlier care of the children and estate.⁴³

The same societal and legal censure of a man existed if he squandered his money, belongings, and property away. However, acceptance by women to remain single, or to marry with a prenuptial agreement, was low. Even most widows did not have a prenuptial agreement in place when they remarried. Society's expectations for a woman to be one with her husband and become his helpmate at marriage overrode any inkling to remain a single woman. This meant that only a few women throughout the colonies owed property in their own name, or that they did but chose to allow their husband, in the case of a remarriage, to control it.⁴⁴

In most colonies, only with prenuptial contracts did a woman retain what belonged to her before a marriage. When women did decide to have one, they usually did so when they remarried so they not only had control of their property during marriage, but also retained the

⁴² Ibid., 75-76.

⁴³ Karin Wulf, *Not All Wives: Women of Colonial Philadelphia* (Philadelphia: Cornell University Press, 2000), 92-93.

⁴⁴ Mary Beth Norton, *Founding Mothers & Fathers: Gendered Power and the Forming of American Society* (New York: Vintage Books, 1997), 88-89.

right to distribute it to whomever that wanted when they died.⁴⁵ Edward Dotey and his wife, Faith, came to America on the Mayflower. When Faith remarried, a prenuptial agreement enabled her to retain her share of Edward's estate that she gained at his death. Her prenuptial also specified that her property would go to her three daughters when she died instead of her husband, as was his right under law when no contracts specified otherwise.⁴⁶

In England, the law required the examination of a woman whenever the sale of land that belonged to her occurred. The justice of peace who signed the deed transfer only took the woman into a separate room and read the deed to her. By 1768, even this practice fell to the wayside. Wives signed for the transfer of their land to their husbands without any understanding, much less a reading, of their rights to retain their real estate. When the high court allowed for the disregard of the law on the basis of local custom, the Pennsylvania colonial lawmakers stepped in to enforce, if not the letter of the law, than at least the intent of the examination.⁴⁷

The wording of a prenuptial agreement could simply state that a woman's new husband had access to her land, money, and personal belongings, but required her consent to sell anything. The Plymouth colony went further and passed a law in 1664 to provide additional protection for women from unscrupulous husbands. This law not only ensured a woman had a say in the use or sale of the property she brought into the marriage, but it also protected her share of her husband's estate from creditors when he passed away. Although women were dependants of their husbands, the law intended for them to be able to take care of themselves should they find themselves widowed.

⁴⁵ Ibid., 156.

⁴⁶ Selma R. Williams, *Demeter's Daughters: The Women Who Founded America, 1587-1787* (West Hanover: Halliday Lithograph Corporation, 1975), 89.

⁴⁷ Carol Berkin and Mary Beth Norton, *Women of America: A History* (Boston: Houghton Mifflin Company, 1979), 102-103.

Feme Covert

Under the prevailing English legal code, a married woman held the status of *feme covert*. This meant that at the time of marriage the law regarded the husband and wife as one person under the husband's direction. Women were essentially "covered" by their husband. Married women retained no legal rights of their own, nor could the law hold them responsible for their actions. They could not perform any public activity, such as entering contracts, running a business, purchasing and selling real estate, and suing or defending against suits in court, without their husband's permission.⁴⁸

A woman could and did work in the male sphere while married, but she did so in her husband's name unless and until she petitioned the court for the right to do otherwise. The law made men, not women, legally capable of running a business or a farm. However, colonial men often set aside the law and relied on their wives in their business endeavors. Many reasons for this existed. In places such as the South, where people settled far apart, help from another man was not readily available but a wife was. Due to the harsh climate and difficulties with the natives, the men in the northern colonies relied on their wives, especially the men involved in commercial fishing and businesses back in Europe. Pennsylvania, where education of women occurred more often than in other colonies, men realized women were just as capable as they were in everyday affairs.⁴⁹

⁴⁸ Carol Berkin and Mary Beth Norton, *Women of America: A History* (Boston: Houghton Mifflin Company, 1979), 94.

⁴⁹ Mary Beth Norton, *Founding Mothers & Fathers: Gendered Power and the Forming of American Society* (New York: Vintage Books, 1997), 88.

Feme Sole

Women participated in business while married to obtain food and household items for their families. However, only single women, including widows, had the legal right to participate in business to earn money.⁵⁰ Any woman who was not married held the legal status known as *feme sole*. A wife could retain rights to property after marriage through either a prenuptial agreement or will. The law considered her a *feme sole* in matters that pertained to her property, whether her property was real estate registered in her name, household items, or slaves.⁵¹

Despite society's convention to marry, some women did not. They took advantage of the freedom the law allowed them in matters of business. For instance, Haddonfield, a town in New Jersey, took its name from its founder, Elizabeth Haddon. This Quaker woman came to America to live on the land purchased by her father. While in America, she continued to purchase land, and as a landowner, she had a say in local politics that helped shape the development of her section of the colony.⁵²

The ability to stretch legally and operate in the man's sphere gave some women the encouragement to do as they wanted. Elizabeth Lucas Pinckney was one such person. She immigrated to America with her mother and sisters. Before she married Mr. Pinckney, she found herself responsible for the welfare of her family in America when her father returned to England. It was acceptable for her to do so since the need to support the family outweighed the need to

⁵⁰ Karin Wulf, *Not All Wives: Women of Colonial Philadelphia* (Philadelphia: Cornell University Press, 2000), 5.

⁵¹ Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1986), 5.

⁵² Selma R. Williams, *Demeter's Daughters: The Women Who Founded America, 1587-1787* (West Hanover: Halliday Lithograph Corporation, 1975), 189.

maintain her femininity. Her fame and fortune grew as she worked in the business end of her family's three plantations.⁵³

During marriage, some women found themselves alone, either through abandonment or because their husband's business took them away from home for extended periods. Some colonies, such as Pennsylvania, gave women the ability to care for themselves and their family when events such as these occurred. Pennsylvanians also acknowledged the seasonal disruption made by maritime businesses on the home. Their legislature provided for women left alone for extensive periods, as well as those who found themselves abandoned or widowed. The lack of income for the half a year or longer required these wives to earn money for the support of their children and themselves. The government allowed these women to petition for *feme sole* status with minimal trouble.⁵⁴

Pennsylvania Statutes at Large acknowledged in 1718 that men who participated in businesses often left their wives alone, and that they left "their wives at shop keeping or to work for their livelihood at any other trade."⁵⁵ This law also included women whose husbands abandoned them, either through disappearance or adultery. If a husband did not return for any of these reasons,

all such wives shall be deemed, adjudged and taken, and are hereby declared to be as *feme sole* traders, and shall have ability and are by this act enabled to sue and be sued, plead and be impleaded at law, in any court or courts of this province, during their husbands' natural lives, without naming their husbands in such suits, pleas or actions.⁵⁶

⁵³ Ibid., 181.

⁵⁴ Karin Wulf, *Not All Wives: Women of Colonial Philadelphia* (Philadelphia: Cornell University Press, 2000), 97-98.

⁵⁵ *An Act Concerning Feme Sole Traders*, Public Law, *Statutes at Large of Pennsylvania (1717-1718)* : 157, <http://www.palrb.us/statutesatlarge/17001799/1718/0/act/0226.pdf>.

⁵⁶ *An Act Concerning Feme Sole Traders*, Public Law, *Statutes at Large of Pennsylvania (1717-1718)* : 157-158, <http://www.palrb.us/statutesatlarge/17001799/1718/0/act/0226.pdf>.

In the absence of a husband, this law allowed a married woman to petition the court and act on her own. Widows, however, did not need to do so. They received the rights afforded their deceased husband until they remarried and deferred their rights once again to a man.⁵⁷

Quite often, the first time a woman found herself in court was when she probated her husband's will or faced the estate's creditors. The task set before was daunting. She made mistakes, which the court made allowances for, and learned from them.⁵⁸ Many of these mistakes reflected the ignorance of the verbal communications and unofficial rules that existed between men when they conducted business.⁵⁹

Aside from society's assumption that a widow would remarry rather than remain alone, she might also do so because she did not know about or understand the intricacies of the male sphere. She faced exclusion because of this. Although some legal rights for single women existed, not all of the rights available to men belonged to unmarried and widowed women.

In the very early years of settlement in the American colonies, many widows received land grants in their names. They paid taxes, and as landowners, signed petitions along with their male counterparts for requests to the governors or the crown. However, most colonial women could not vote regardless of landownership, so they had no say in the passage of laws beyond letters of request for consideration, or reconsideration of their governmental leaders' decision. The leaders consulted landowning widows or heard their pleas on issues, but did so only when the women's communication related only to their property.⁶⁰

Some women chose to remain single once widowed. Social and religious activities empowered these women as they provided physical help, offered advice, and gave emotional

⁵⁷ Mary Beth Norton, *Founding Mothers & Fathers: Gendered Power and the Forming of American Society* (New York: Vintage Books, 1997), 10.

⁵⁸ *Ibid.*, 157.

⁵⁹ *Ibid.*, 161.

⁶⁰ *Ibid.*, 164.

support. This support of a woman's endeavors in the male sphere proved vital for a woman who chose to remain unmarried after her husband's death. Women who felt unable to fit the mold of a perfect wife found a chance to try their hand at stereotypical male pursuits when widowed.⁶¹

Since women accepted society's assumption that they should marry and have children, the reality of the rights available to them if they remained single eluded many of them until years after they married. They experienced marriage, and for reasons of their own, felt they could make it without the help of a man. Once a woman was no longer married, she enjoyed rights that the law denied her while married.

Women such as Anna Nutt chose to not remarry, and instead ran their deceased husband's business. Her particular story showed how widowed women could and did participate in colonial patriarchal society. Anna's husband, Samuel Nutt, left her his share of an iron furnace and a separate parcel of one hundred acres of land in Coventry, Pennsylvania. She built another furnace on this land along French Creek in Warwick, Pennsylvania. She also petitioned under her rights as a landowner for reimbursement from the governor in 1740 for the forced draft of her employees to work for the colony.⁶²

Because Pennsylvania was the leading producer of pig and cast iron, the lawsuits Anna brought against her husband's, and later her, partner for breach of contract, and the countersuits that followed, helped determine the legal precedents for the years that followed.⁶³ Moreover, her freedom to operate such a business and act for herself in court, was not limited to just her.

⁶¹ Lisa Wilson, *Life After Death: Widows in Pennsylvania, 1750-1850* (Philadelphia: Temple University Press, 1992), 2.

⁶² J. Smith Futhey and Gilbert Cope, *History of Chester County, Pennsylvania* (Philadelphia: Press of J. B. Lippincott & Co., 1881), 168.

⁶³ Estelle Cremer, *Reading Furnace, 1736* (Elverson: Reading Furnace Press, 1986), 50.

According to tax records, Esther Kauffman also operated an iron foundry along French Creek in Chester County, Pennsylvania.⁶⁴

Men who owned and operated taverns and retail stores many times did so on the first floor of their home. Their wives participated in the operation of the business, and easily took over when the husband died or the court declared abandonment.⁶⁵ The woman's petition for a tavern license often acknowledged her status as widow. Elizabeth McNeile did not mention her widowed status, nor did she name her deceased husband, when she filed her tavern petition with the court in 1743. In her petition, she simply said, "having for several years last past Obtained...."⁶⁶ However, Hannah Clayton's 1756 tavern petition stated that her "late Husband Thomas Clayton deceased" owned the license that he "Hath obtained for these several Years last past," and Hannah petitioned the court to renew "the said Lycence [sic] as formerly."⁶⁷

The petitions to continue a husband's business typically contained somewhere in the petition wording that indicated the woman already worked in this occupation. One such example was Elizabeth Hughes' 1747 tavern petition, wherein she stated the court granted her husband "in the time of his life and my life since his Decease...." Moreover, these petitions always contained the signatures of witnesses who testified to the petitioner's ability to perform the work associated with the license. The witnesses who verified Elizabeth Hughes' petition stated,

⁶⁴ J. Smith Futhey and Gilbert Cope, *History of Chester County, Pennsylvania* (Philadelphia: Press of J. B. Lippincott & Co., 1881), 350.

⁶⁵ Karin Wulf, *Not All Wives: Women of Colonial Philadelphia* (Philadelphia: Cornell University Press, 2000), 91.

⁶⁶ Elizabeth McNeile, Petition to operate a tavern, August 30, 1743, Chester County Tavern Petitions, Vol. 4/96, Court of Common Pleas, Chester County Archives, West Chester, PA.

⁶⁷ Hannah Clayton, Petition to operate a tavern, August 31, 1756, Chester County Tavern Petitions, Vol. 11/87, 88, Court of Common Pleas, Chester County Archives, West Chester, PA.

Whereas There has been, for many years Past an Inn or Publick [sic] house of Entertainment kept in East Nottingham by Thomas Hughes Deceased and for a Considerable time since by Elizabeth his Widow with Civil Usage & good Entertainment.⁶⁸

Elizabeth McNeile and Hannah Clayton. This kept with the custom that common law required intercession by men on women's behalf. Custom rather than the law dictated much of how a woman worked as a *feme sole*. Known as the "doctrine of necessity," many colonial governments remained silent on the details of how women could legally act in the male sphere. The leaders assumed women only did so out of the necessity to support their families. The laws that they set down commonly dealt with spousal abandonment or legal separations so that women could then apply for *feme sole* status.⁶⁹

Only in South Carolina and Pennsylvania did the lawmakers enact specific provisions regarding the *feme sole* in business. Initially, they sought to protect creditors against women who acted as *feme sole* traders but illegally claimed *feme covert* when confronted by creditors. The lawmakers later added the reverse of the law, which forbade customers of a *feme sole* from not paying for goods or services she provided simply because a man did not represent the woman trader. Under this law, a *feme sole* could legally sue a customer for debts owed.⁷⁰

Conclusion

Life in the American colonies was different from life in England. The women in England did not need to go far to find food, nor did they struggle without common household instruments necessary for everyday living. Colonial American women had a much different way of life. For

⁶⁸ Elizabeth Hughes, Petition to operate a tavern, June 25, 1747, Chester County Tavern Petitions, Vol. 8/86, 87, Court of Common Pleas, Chester County Archives, West Chester, PA.

⁶⁹ Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1986), 45.

⁷⁰ *Ibid.*, 46.

this reason, English law left women dependent on men and the Church of England supported it with its patriarchal beliefs.

Colonial society expected women to marry, have a family, work in the home, and obey the men in their lives. Married women had no rights beyond those allowed by their husband. If a woman wanted to do anything outside the domestic sphere, her husband had to approve. When a woman participated in business while married, she typically did so under her husband's name.

Religion in the northern and middle colonies often played a role in how their societies reacted to women who performed men's work. The Puritans and Quakers, among other groups that traveled to America to escape religious persecution and govern their societies the way they wanted, preached self-reliance to accomplish everyday tasks. Women of these religions, who chose to step out of the women's sphere, typically did not receive censure. Rather, they received social and legal support.

Death often created its own set of problems for women. In America, the need to provide for family in an uncertain environment emboldened more women than typically seen in England to take control of their finances and their lives. What part of the estate a widow received varied from place to place, and even took into account the availability of other men to administer the provisions of the deceased husband's will. Whether a colonial government supported women in their endeavors to support their families also hinged on the types of occupations that men in the area worked.

A widow was not immune to the social implications of working in the man's sphere. Although widows could work in the male sphere to support their families, they remained obligated to act as their societies expected other times. After a husband's death, a woman needed to do more tasks than before to make up for the lack of another person's assistance in

maintaining a house and family. The amount of work and lack of services kept many women in rural areas from remaining single after their husbands died. They needed the help typically performed by men to bring in the raw materials they used to make food and clothing for the family.

Single women, which included widows, had opportunities that married women did not have. A cultural acceptance of households run by women existed when multiple women lived together. This provided women not only assistance in the daily tasks, but also companionship. A widow who found herself in this arrangement often delayed remarriage or did not remarry at all. The widow sometimes supported her household while her sister, niece, daughter, or friend took care of the domestic duties. Other times, widows joined their households and divided the work between them based on their skills and interests. If a woman lived in the city, she could start her own business with money left to her from a deceased family member or husband.

Women in America took on the roles commonly held by the men in their lives. Some even took over businesses that belonged to their deceased husbands. Women who managed farms and operated businesses typically did so to support themselves and their families because nobody else could provide for their security and future. Thus, because of the lack of common necessities, and quite often, male relatives, colonial men supported through their actions, and even their last words in their wills, the rights of their wives and daughters so as to not place a burden on their fragile societies.

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