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Ordinary women: Government and custom in the lives of New Hampshire women, 1690-1770

Marcia Schmidt Blaine

University of New Hampshire, Durham

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**ORDINARY WOMEN:
GOVERNMENT AND CUSTOM IN THE LIVES OF
NEW HAMPSHIRE WOMEN, 1690 - 1770**

BY

**MARCIA SCHMIDT BLAINE
B.A. The College of William and Mary, 1977
M.A. The University of New Hampshire, 1982**

DISSERTATION

**Submitted to the University of New Hampshire
in Partial Fulfillment of
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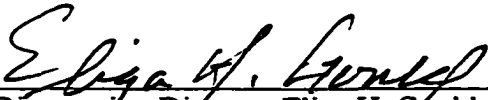
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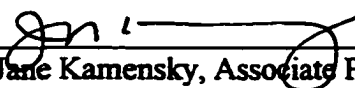
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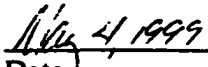
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Lisa Wilson, Chair/Professor of History
Connecticut College



Jane Kamensky, Associate Professor of History
Brandeis University



Date)

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**In memory of my father,
Frederick K. Schmidt,
who encouraged and fed my love of history
with his own.**

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ABSTRACT

ORDINARY WOMEN: GOVERNMENT AND CUSTOM IN THE LIVES OF NEW HAMPSHIRE WOMEN, 1690 - 1770

By

Marcia Schmidt Blaine
University of New Hampshire, May 1999

The prominence of patriarchy and common law has caused many historians to concentrate on the limitations placed on eighteenth-century Anglo-American women. The results often present women as objects, rather than subjects, of study. Using four major primary sources: Governor, Council and Assembly records, petitions, licensing materials, and treasury records, this study examines the relationship between ordinary women and the provincial government of New Hampshire in order to explain the customary options available to women in proceedings with the government. Even with a spouse still living, Anglo-American women acted as family agents and representatives when captured by the Native Americans and the French. When faced with the loss of a spouse due to war, women willingly used the right of petition to obtain what was owed them from the provincial government. Despite coverture, women were accepted as 'credible' witnesses on wills, bonds, and sureties as well as in court. The government routinely granted women licenses to run public houses of entertainment, trusting women with what was potentially the most disorderly place in colonial society, while also giving the women who chose to run taverns a source of income. Further, government officials had faith in the few women they chose to host the homeless provincial government to

keep its secrets. During the eighteenth century, change for women was not dramatic or gender-exclusive. New Hampshire women maintained their traditional focus on domestic concerns. But, operating within the law, they also maintained customary, traditional access to the government and this allowed women to provide continuity and stability for their families. Female political activity was acceptable and relatively extensive as long as it was an extension of women's traditional focus on domestic welfare. In provincial society, women's abilities to exert themselves and gain results related to their family connections, personality, and social position as well as their sex. New Hampshire's relatively informal government allowed the domestic voice to blend seamlessly into the political when needed, giving women independence and autonomy within paternalistic bounds. Individual women were able to choose individual paths.

INTRODUCTION

ORDINARY WOMEN IN GOVERNMENT RECORDS

In 1690 Elizabeth Horne, Widow Morgan, and Joan Fickett joined men on the seacoast of New Hampshire to petition the government of Massachusetts for protection. In 1696 various governmental committees used the house of Sarah Baker as a meeting place as they tried to figure out how to organize the watches and garrisons of New Hampshire during King William's War. In 1703 tavern keeper Patience Atkins presented a bill to New Hampshire's provincial government, "amounting to two pounds, for half a year's Rent," and was paid. Madam Rogers was listed as a taxpayer in NewCastle in 1729. A Mrs. Batson was paid fifty shillings "for the Defence of the Government" in 1744. Mrs. Peaslee sent in an account for her work nursing and lodging French prisoners of war from the Louisbourg victory in 1745 and was paid. The widow Mary Avis was allowed fifty-nine pounds for her work as executrix of her husband's estate in 1753. Rachel and Anne Clough were paid "for their attendance as witness at the Tryal of Ruth Blay" in 1770.¹

The government records of New Hampshire are full of the names of ordinary women. Like most women in the British American colonies, New Hampshire women

¹New Hampshire, [*State and Provincial Papers*], 40 vols. (Concord, NH: State of New Hampshire; 1867-1943), (hereafter cited as *NHPP*), vol.II, p.34, 39 (Horne, Morgan, and Fickett); vol.II, p.181 (Baker); vol.III, p.253 (Atkins); vol. IV, p.503 (Rogers); vol.V, p.379 (Batson); vol.V, p.782 (Peaslee); vol.VI, p.185 (Avis); vol.VII, p.247 (Clough).

spent most of their time involved in domestic chores rather than political work. They lived in small towns or in more isolated villages on the edges of settlement and concentrated on the welfare of their families. Most married, had children, and, often, became widows. They were shop keepers and land owners, wives and mothers, milliners and midwives. They were active at home and beyond home bounds; they tended children and gardens while managing taverns or estates.

Yet their involvement with home life and family businesses did not deny women voluntary access to the government. Women's requests, like men's, were examined on an individual basis by the male leaders of the colony without any apparent discussion of their gender - presumably a discussion about or even the presence of women in a New Hampshire colonial government setting was nothing unusual. What were they doing there? Why did they expect the government to listen to them and then act on their requests? What gave New Hampshire women the power to initiate involvement with the political and legal communities of the province?

New Hampshire women, like all Anglo-American women, lived in a society based on patriarchy and coverture, notions which denied women power or autonomy. In theory, coverture denied any choice or freedom of action for women when confronted by the state or a husband. In 1632 *The Lawes Resolutions of Women's Rights* stated "man and wife are one person; but understand in what manner. When a small brook or little river incorporateth with Rhodanus, Humber, or the Thames, the poor rivulet looseth her name; it beareth no say; it possesseth nothing during coverture. A woman as soon as she is

married is called *covert*... clouded and overshadowed she hath lost her streams.” The anonymous author’s allegory eloquently expressed *feme covert*, the legal position of women after marriage. According to the common law, a woman’s legal being was completely consumed by the husband’s. In 1765 William Blackstone restated the law regarding married women, giving the more celebrated, if more prosaic, statement of the legal rights of wives under the common law. He baldly stated “the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband, under whose wing, protection and cover, she performs everything.” While the law demanded that married men provide protection and subsistence, the laws regarding women and marriage meant that women suffered a civil death at marriage.²

Even the possible activities of single or widowed women were in many ways inhibited by coverture. Single women, *femes soles*, did have the legal right to contract and the standing to sue and be sued, but the law assumed that a woman’s natural role was that of subject to her husband or some other male head of household. Laws that affected

²*The Lawes Resolutions of Womens Rights* (1632) as quoted in Julia C. Spruill, *Women’s Life and Work in the Southern Colonies* (Chapel Hill: 1938; reprint, New York: W.W. Norton & Co.; 1972), p.340. Sir William Blackstone, *Commentaries on the laws of England* (Oxford: Clarendon Press; 1765-1769), vol. I, p. 442, as quoted in Laurel Thatcher Ulrich, *Goodwives: Image and Reality in the Lives of Women in Northern New England, 1650-1750* (New York: Alfred A. Knopf, Inc.; 1980; reprint New York: Vintage Books; 1991), p.7. Elizabeth Dale viewed colonial marriage law a bit differently. While agreeing with her conclusion that “our understanding of how women lived... must take... different perspectives into account,” I cannot agree with Dale’s contention that the traditional marriage covenant “did not set husband over wife. Rather, it set God over both.” In the religious atmosphere that permeated the colonial period, God clearly was over both. But most interpretations of the law placed God first, then the husband, followed by the wife. Elizabeth Dale, “The Marriage Metaphor in Seventeenth-Century Massachusetts,” in Larry D. Eldridge, ed. *Women and Freedom in Early America* (New York: New York University Press; 1997), p.240-241.

New Hampshire widows concentrated on the laws of inheritance and the widow's role as the wife of the dead man but not the nature of a widow's possible legal or political choices.

Any autonomous possibilities available to women were only partially reflected in the law because of the ideal of patriarchy. Gerda Lerner defines patriarchy as "the manifestation and institutionalization of male dominance over women and children in the family and the extension of male dominance over women in society in general."³ Societal acceptance of a patriarchal hierarchy was seen by most eighteenth-century Anglo-Americans as a natural consequence of biology in which birth and child care presupposed women's need for protection and guidance.⁴

Given the general expectations regarding women and societal acceptance of patriarchy and coverture, it would be easy to assume that women had little autonomy or power in any eighteenth-century Anglo-American setting. After all, they were subject to their husbands as part of the colonial hierarchy. They had no or very limited control over property. Much work of the work that has been done on colonial women has concentrated on urban colonial women and on colonial women facing court litigation

³Gerda Lerner, *The Creation of Patriarchy* (New York: Oxford University Press; 1986), p.239; Lerner, *Why History Matters: Life and Thought* (New York: Oxford University Press; 1997).

⁴Kathleen Brown and Philip Morgan discuss the 'softening' of patriarchy during the eighteenth century. Both have chosen to use the word paternalism to express a new style of patriarchy in which eighteenth-century masters and husbands chose to use reason and affection rather than force to maintain authority. Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press; 1996). Her discussion of paternalism is the heart of chapter ten. Philip D. Morgan, *Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Lowcountry* (Chapel Hill: University of North Carolina Press; 1998), p.284-296.

resulting from rape, divorce, or the commercial exploitation. Many of these studies have emphasized women's lack of power.⁵ Some historians have concluded that eighteenth-century women were invisible to or, worse, victims of their society. Life for women, they hint, was far better in the seventeenth century, when unbalanced sex ratios, frontier conditions, and informal justice allowed women greater freedom and control, than in the eighteenth, when creeping capitalism, anglicization, and even enlightened thought forced women into a smaller and smaller domestic sphere.⁶ While the study of court records and urban sources has resulted in greater insights into the condition of many colonial American women's lives, women who lived in less populated areas or who never appeared as litigants in colonial courts have not received as much attention. The possibility that a different relationship between these women and their government continued and may have provided them with a greater voice has been overlooked.

Because specific expectations for women reflected regional and societal

⁵There are many studies which concentrate on urban women and 'female' litigation. For recent examples, see Patricia A. Cleary, "The Merchants' of Colonial America: Women and Commerce on the Eve of Revolution," (Ph.D. dissertation: Northwestern University; 1989); Crane, *Ebb Tide in New England*; Deborah A. Rosen, *Courts and Commerce: Gender, Law, and the Market Economy in Colonial New York* (Columbus: Ohio State University Press; 1997); Cornelia Hughes Dayton, *Women Before the Bar: Gender, Law, and Society in Connecticut, 1639-1789* (Chapel Hill: University of North Carolina Press; 1995); Joan R. Gunderson, *To Be Useful to the World: Women in Revolutionary America, 1740-1790* (New York: Twayne Publishers; 1996); and Joan Hoff, *Law, Gender, and Injustice: A Legal History of U.S. Women* (New York: New York University Press; 1991).

⁶In her most recent work, Elaine Forman Crane argues that historians should not let "patriarchy off the hook by suppressing its long-range negative effects. By emphasizing female activism and agency, patriarchy becomes less toxic to female well-being and a more benign force.... [I]t distorts history." Crane, *Ebb Tide in New England*, p.141. In her book, *Women Before the Bar*, Cornelia Dayton concludes that in Connecticut court settings women were marginalized to such an extent that they became invisible. Nancy Woloch too finds women's basic subordinate status meant they were "marginal members of society" with "no institutional involvement." Nancy Woloch, *Women and the American Experience: A Concise History* (New York: McGraw Hill and Co.; 1996), p.3, 34.

conditions, expectations for women varied widely in practice throughout the English world. This variety was certainly evident in New Hampshire, where a rural society, frequent warfare, and the relative informality of New Hampshire's government created a backdrop which allowed ordinary women's voices to speak more clearly and with greater power than was possible in more urban or settled conditions. Even when compared to its closest neighbor, Massachusetts, conditions in New Hampshire gave New Hampshire women a different relationship with their government.

When New Hampshire was reconfirmed as a separate jurisdiction after the Glorious Revolution, the colony maintained many of its close ties with Massachusetts.⁷ New Hampshire shared a governor with Massachusetts until 1741 and many Massachusetts laws were lifted intact from Massachusetts legislation and transferred to New Hampshire. Many New Hampshire merchants had close trade ties with Boston and Salem merchants, and many individuals who settled in New Hampshire, especially along

⁷The following is condensed from the three major modern histories of early New Hampshire: Charles E. Clark, *The Eastern Frontier: The Settlement of Northern New England, 1610-1763* (New York: Alfred A. Knopf, Inc.; 1970), p.80-81, 305-327, quote, p.81; David E. Van Deventer, *The Emergence of Provincial New Hampshire, 1623-1741* (Baltimore, Md.: The Johns Hopkins University Press; 1970); Jere R. Daniell, *Colonial New Hampshire: A History* (Millwood, NY: KTO Press; 1981). While Massachusetts has gained the most attention, New Hampshire has provided historians the study of a distinct, manageable entity which managed to grow quietly while Massachusetts drew royal displeasure. Other studies of New Hampshire include: Charles F. Carroll, *The Timber Economy of Puritan New England* (Providence, R.I.: Brown University Press; 1973); Joseph J. Malone, *Pine Trees and Politics: The Naval Stores and Forest Policy in Colonial New England* (Seattle, WA.: University of Washington Press; 1964); Donna-Belle and James L. Garvin, *On the Road North of Boston: New Hampshire Taverns and Turnpikes, 1700-1900* (Concord, N.H.: New Hampshire Historical Society; 1988); Laurel Thatcher Ulrich, *Goodwives: Image and Reality in the Lives of Women in Northern New England, 1650-1750* (New York: Alfred A. Knopf, Inc.; 1980; reprint, New York: Vintage Books; 1991); Colin G. Calloway, ed., *Dawnland Encounters: Indians and Europeans in Northern New England* (Hanover, N.H.: University Press of New England; 1991); Elaine Forman Crane, *Ebb Tide in New England: Women, Seaports, and Social Change, 1630-1800* (Boston: Northeastern University Press; 1998).

the Connecticut and Merrimack Rivers, migrated from Massachusetts. Just like merchants in Boston, New Hampshire seacoast merchants grew in wealth and, increasingly, copied English styles in clothing and architecture. Both colonies made most of their income through commerce.

Yet the two colonies were quite different. In 1751, Massachusetts medical doctor William Douglass stated so quite clearly when he described New Hampshire as “a petty inconsiderable Province or Government, very irregular and factious in the Economy, and affording no Precedents that may be of exemplary Use to the other Colonies.” Douglass even went so far as to suggest that New Hampshire’s government should be “annihilated, and annexed to the neighbouring Province[.]It might be of Benefit, for their Protection in Cases of War with the neighbouring French and Indians or Insurrections, and for good Order, and to ease their Charges of Government.” After all, Douglass continued, New Hampshire was small. “This Province makes only one County or Shire: Anno 1742, it contained about 6000 reatable [taxable] Whites, and about 500 Negroes or Slaves.”⁸ It was not a flattering portrayal.

But, in some ways, Douglass was right. New Hampshire did not start with anything close to a concensus of opinion regarding religion or society. Instead, the

⁸William Douglass, M.D., *A Summary Historical and Political, of the first Planting, progressive Improvements, and present State of the British Settlements in North-America*, Vol. II, Part I (Boston, 1751), p.75, 48. One thing which certainly colored Douglass’s assessment of New Hampshire was Douglass’s home: Boston and the colony of Massachusetts. The 1741 settlement of the long-running boundary dispute between Massachusetts and New Hampshire in New Hampshire’s favor seems to have rankled him. New Hampshire’s earliest historian, Jeremy Belknap, wrote that many credited New Hampshire’s first real governor, Benning Wentworth, with “rescuing New-Hampshire from contempt and dependence.” No doubt Douglass would have disagreed. Jeremy Belknap, *The History of New-Hampshire*, Vol. II (Dover, NH, 1812; reprinted New York: Johnson Reprint Corporation; 1970), p.263.

colony began with four diverse, isolated, and competitive towns, which left the colony with a central government that was more open to individual and local concerns. The church, too, was far less dominant in New Hampshire than Massachusetts. There was no established church in the colony until 1693 and the 1693 law was not ironclad. It allowed individuals of a “different persuasion” to attend their own church and to be exempt from paying the community ministerial tax.⁹ Thus the role of church leaders was far weaker in New Hampshire than Massachusetts.

Further, New Hampshire experienced on-going and extensive property ownership questions based on early confused land grants and gifts from the Crown. These were complicated by boundary disputes with Massachusetts, which claimed much of New Hampshire south and west of the Merrimack River, and New York, which claimed ownership of Vermont with New Hampshire. Money was made through trade in New Hampshire, but unlike Massachusetts, most New Hampshire trade was based on only two main exports: fish and, increasingly important in the eighteenth-century, lumber. Incessant warfare with the French and their Native American allies from 1690 to 1763 had a greater impact on New Hampshire settlement than most other New England colonies and inhibited any great expansion of trade and population until after 1760. (See Table 1).

At the end of the colonial period even the capital of the colony, Portsmouth, remained comparatively small. Portsmouth has been called a small city by some and, in some respects, it was. By 1770, there was a clearer distinction between the wealthiest

⁹Clark, *The Eastern Frontier*, p.81.

Table 1:**Approximate New Hampshire Population Figures**

Year	Province Population	Portsmouth Population
1690	3000 - 4000	---
1700	5000	<1000
1710	4200 - 7000	---
1720	10,000	---
1730	11,000	---
1740	23,000	3500
1750	27,000	---
1760	40,000	---
1767	52,700	4466
1775	63,000	4590

Sources: Charles E. Clark, *The Eastern Frontier: The Settlement of Northern New England, 1610-1763* (New York: Alfred A. Knopf, Inc.; 1970), p.97, 336; Jere R. Daniell, *Colonial New Hampshire: A History* (Millwood, NY: KTO Press; 1981), p.108-109, 184; David E. VanDeventer, *The Emergence of Provincial New Hampshire, 1623-1741* (Baltimore: The Johns Hopkins University Press; 1976), p.64, 91. The 1767 and 1775 figures were drawn from the first two New Hampshire censuses and are found in *NHPP*, vol.VII, p.168-170 and 724-781. As Clark (p.336) notes, "One must always be aware that population figures for the American colonies are at best rough estimates."

and poorest inhabitants of Portsmouth than in other northern New England towns. The town maintained close economic ties with England and the homes built and styles worn by the wealthiest Portsmouth townspeople show there was a desire to deepen the connection. Yet, at the same time, Portsmouth was not the cultural or cosmopolitan center most would expect a provincial capital to be. As Charles Clark and Charles W. Eastman have written, "[f]or a thriving seaport, this was a small town even by colonial standards."¹⁰ Up until 1756, when the *New-Hampshire Gazette* began publication, New Hampshire inhabitants relied solely on the Massachusetts press for news. There were no

¹⁰Charles E. Clark and Charles W. Eastman, Jr., *The Portsmouth Project: An Exercise in Inductive Historical Scholarship....*(Somersworth, N.H.: New Hampshire Publishing Company;1974), p.xi.

known coffee houses or salons where the intellectual elite could gather to discuss Newtonian physics or Lockean philosophy. They shared meeting spots in taverns with everyone else in the community. The men who ran the government did so in a relatively informal style with a minimum of bureaucratic support. The colony of New Hampshire did not even build a government building in which the Governor, Council, and Assembly could meet until the mid 1760s.

New Hampshire's smaller population, less formal government, and frontier conditions meant that the impact of patriarchy and coverture did not make New Hampshire women invisible to their contemporaries or powerless within their communities. It also meant that ordinary women had broader possibilities available to them. In her study on Virginia women, Linda Sturtz finds that women maintained a more powerful place in society than the defining characteristics of patriarchy and coverture would have us believe. "Male certainly dominated over female, all things being equal - but they never were. Gender was simply one more variable, albeit a tremendously significant one, in a complex series of hierarchies based on economic class, social standing, age, family relationships, race and less measurable factors such as personality."¹¹ New Hampshire women too had more possibilities available to them than their gender may indicate. Customary access to the government gave women the power to exercise autonomy within the female province of domestic welfare in a manner beyond

¹¹Linda Lee Sturtz, "Madam & Co.": Women, Property, and Power in Colonial Virginia," (Ph.D. dissertation, Washington University; 1994), p.27.

the limitations of coverture and patriarchy.¹²

Repeatedly, throughout the eighteenth century, individual women in New Hampshire took advantage of their customary access to governmental action, using the power of the provincial government. If nothing in the law, religion, or philosophical writings allowed women the right to demand government action, individual women often chose to employ custom to do so and operated where and when the law did not forbid. As Marylynn Salmon notes, “[c]ustom and precedent dominated statutory law in many areas, particularly those concerning women and the family.”¹³ Custom and precedent guided the actions of individual women in their method of governmental access and tied the domestic and governmental communities. While cultural expectations of female passivity, irrationality, and dependency existed, the cultural reality of female loyalty, persistence, and strength created a corollary set of expectations for women. Eighteenth-century New Hampshire society accepted women as part of the political culture, albeit the non-voting part. It is the dual nature, male and female, of the government’s ties to the populace we tend to miss because of our focus on patriarchy and coverture. The instances of women’s willingness to speak out, demand, and even argue, along with the many instances of women’s use of governmental power to achieve their aims or simply to live their lives, led me to question women’s real position in colonial society. How could

¹²David Grayson Allen, *In English Ways: The Movement of Societies and the Transfer of England Local Law and Custom to Massachusetts Bay in the Seventeenth Century* (New York: W.W. Norton and Co.; 1982). Although Allen concentrates on the importance of local (town) laws and their gradual decline in importance during the eighteenth century, he also points to the amazing resilience of English regional customs.

¹³Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press; 1986), p.45.

women be invisible in a society which was forced to recognize and respect their activities publicly on a daily basis? What possibilities did the limitations of coverture and patriarchy leave available to ordinary women?

Laurel Thatcher Ulrich is one of the first late twentieth-century historians to recognize the possibilities available to individual women. She has investigated the domestic economy of northern New England women and presented historians with the first close look at women's activities within the home and neighborhood. Ulrich stresses that the most important aspect of any woman's life involved reproduction. The biological fact of birth and nursing meant much of women's lives were spent in nurturing their families. However, along with reproduction and child care, women spent the vast majority of their adult lives working to manage their households and Ulrich's work illuminates the complexity of women's roles in the job of household management. She finds that colonial women's "roles were neither simple nor inconsequential." To run their households, women not only planted gardens and processed foods, but they also traded extra goods when available or profited from a skill they developed. Their status was based on the interrelationship of all their varied roles. The women in Ulrich's study were the administrators of household resources and most were able to arrange their households in such a way as to insure orderly conduct and productiveness. It was what women were trained to do.¹⁴ Women had a measure of autonomy within their patriarchal or paternal households.

Domestic and familial concerns often took women beyond the home where

¹⁴Ulrich, *Goodwives*, p.159.

women could experience a different type of autonomy. In New Hampshire, concern for their families' domestic welfare meant that many women chose to contact the provincial government. Women's activities before a provincial governor, council, and assembly were certainly public actions and a place few have searched for ordinary women before. But was it an appropriate and acceptable place? The question of a women's proper 'sphere' of activity has been a topic of much discussion in recent years.¹⁵ Eighteenth-century notions of public and private were not the same as those of the late twentieth century and have proven difficult to pinpoint. However, as Lawrence Klein notes, "even when theory was against them, women in the eighteenth century had public dimensions to their lives."¹⁶ It is necessary to understand eighteenth-century ideas about 'public' space and what activities were allowed there in order to understand the individual New Hampshire woman's ability and willingness to use governmental power to achieve her ends. Such an understanding will allow us to see colonial women as possible links between society and the government rather than a member of one and not the other.

In her most recent book, Mary Beth Norton has provided useful definitions of 'public', definitions which expand the connections between women, society and the state. Norton splits the definition of public in two: the formal public, meaning the male domain

¹⁵Two excellent review articles question the separate spheres theory. See Linda K. Kerber, "Separate Spheres, Female Worlds, Woman's Place: The Rhetoric of Women's History," *The Journal of American History*, LXXV (1988), p.9-39 and Amanda Vickery, "Golden Age to Separate Spheres?: A Review of the Categories and Chronology of English Women's History," *The Historical Journal*, XXXVI (1993), p.383-414. Despite its title, Vickery's article reviewed developments in both American and English history of women.

¹⁶Lawrence Klein, "Gender and the Public/Private Distinction in the Eighteenth Century: Some Questions about Evidence and Analytic Procedure," *Eighteenth-Century Studies*, 29:1 (1995), p.102.

of state, church and authority, and the informal public, meaning the world of community opinion or, more precisely, “the social collectivity within which individuals and families lived their daily existence, and which affected nearly every aspect of their lives.” The formal public, she stresses, was seen as the world of male authority and was identified with men, while the informal public contained no such gender connotations. Women “had recognized and recognizably public (in both senses: widely known, and relevant to the people as a whole) roles in colonial society.”¹⁷ -As Norton defines it, women had to take part in the public sphere of the informal public because they could not avoid it.

Because the formal public was weak in New Hampshire, the informal public exerted more power throughout the colonial period. It included individuals who were in some way dominated by another - yet free to act in certain circumstances. Outside of church or governmental positions, women and men transacted business, negotiated disputes, and discussed town politics, church ministers, or the newest acquisitions of their neighbors. Neighbors gathered outside the meetinghouse or in a tavern or worked together to improve a town road. Tavern keepers discussed the latest news with their customers and made sure order prevailed in their establishments. Women decided what necessary goods to purchase for their families from incoming ships or merchants. In New Hampshire, the informal public allowed women to be heard as individuals.

So often when viewing the role of women in society historians tend to lose sight of the individual woman. They search for the contributions of women as a homogeneous

¹⁷Mary Beth, *Founding Mothers & Fathers: Gendered Power and the Forming of American Society* (New York: Alfred A. Knopf, Inc.; 1996), p.19-24. Norton noted the myriad of meanings private involved in the eighteenth century, but most importantly it meant “not public.” Defining private would have even been hard even for eighteenth-century individuals.

whole to the community and to larger issues of their day. What role, for instance, did women have in the success of the American Revolution? How did women influence the vast evangelical movement we call the Great Awakening? Where do women, both as consumers and merchants, fit into the eighteenth-century consumer revolution? All of these questions are important questions and the resulting conclusions add to the complexity of our view of colonial women. But, as Darrett Rutman wrote, colonial society “was a world of small places, where relationships were direct, personal, and multiplex” as well as “cooperative.” Even voluntary relationships between individuals or between an individual and the government often were borne of necessity. “In cooperation lay the means for the subsistence of the individual, and the individual - not the group - was the core of society.”¹⁸

A study using New Hampshire records provides an opportunity to view individual women, ordinary Anglo-American women, and their relationships with the legislative and executive parts of the provincial government within a paternalistic society. I have used four major primary sources to find the involvement of women with the provincial New Hampshire government: published provincial Governor, Council, and Assembly records, petitions, licensing materials, and treasury records. The records of the minutes of the

¹⁸Darrett B. Rutman with Anita H. Rutman, *Small Worlds, Large Questions: Explorations in Early American Social History* (Charlottesville: The University Press of Virginia; 1994), p.301. See all of chapter 14, “Community: ‘A Sunny Little Dream’,” for a discussion of the meaning of community as used, and misused, by modern researchers. The complexity of colonial life and of the lives of colonial women is often lost in the rush toward a simple answer. In the same book, Rutman wrote, “My arguments is simply that we should constantly be suspicious of the paradigms that rule us. It is perhaps a futile argument. Paradigms - megatheories - are comfortable things, tending on the one hand to substitute for thought and on the other to protect us from criticism. (One is always safer running with the crowd.)” Rutman, *Small Worlds, Large Questions*, p.x.

provincial Assembly, Governor and Council include only brief notations relating to most of the billing records and petitions, but what they do record is the steady stream of women who stood in front of the New Hampshire government expecting action. The petitions flung open the gates of possibilities available to colonial women in the province as women approached the Governor and his cadre on almost every conceivable subject. The treasury records detail exactly what the government owed, what they owed it for and, usually, what payment was made and how the government was made it. Treasury records made it possible to see what types of services and goods women provided and how they presented bills to the government. The licensing materials included not only requests for tavern, retail liquor, or ferry licenses but also copies of the selectmen's recommendations - which were often telling.

What emerges from the records is not so much the limitations New Hampshire women faced in a society governed by paternalism and coverture, but the hidden possibilities available to ordinary women and their willingness to exercise them throughout the colonial era. It is possible to see the cooperative behavior of individual women while they worked with the government toward the goal of providing for and protecting their families. In New Hampshire's colonial society, women's abilities to exert themselves and gain results related to their family connections, personality, and social position as well as their gender. Individual New Hampshire women chose individual paths, paths which connected them to their government.

CHAPTER ONE

THE HELPLESS CAPTIVE: FEMALE CAPTIVES AND THE GOVERNMENT

During frontier disruptions following Governor Dummer's War, eighteen Indians attacked the Rawlins' house on the outskirts of Exeter, New Hampshire. Safety on the frontier was an elusive luxury that settlers in northern New England could seldom count on. Witnesses reported that Aron Rawlins fought to defend his family but that he and his twelve-year-old daughter who fought beside him were killed. His wife, Martha Rawlins, and three of their children were carried into captivity. One child remained with the Indians, while the other two were traded to French families, one in Montreal and one in Quebec. Martha too was traded to the French but separated from her children. She somehow managed to bribe an Indian, paying the individual thirty pounds, to help her escape. She returned to her home, eager to work for her children's release, only to discover that she had no money with which to ransom her children and no home: her husband's brother had stolen her husband's estate in their absence. Caught in the middle of an international disagreement and believing the government was obliged to help her, she turned to the state seeking justice or simple aid. "Your petitioner haveing three Children... still in Captivity, and being Poor and unable to Redeem them," she sought to reclaim her children's inheritance or to gain the "Charity of the Good People of this

Province... to Enable her to Redeem her said children from the French and Indians."¹ The New Hampshire Assembly agreed to assist by giving 200 pounds to "Som proper person" who will redeem the children.

While the estate surely mattered to her, Martha Rawlins was much more concerned that what remained of her family would never again be united as a family without some other form of income. As the head of her family, it was up to her to provide what her family needed. She turned to the provincial government for assistance in negotiating with the French and the Indians who held her children. The location of her home on the frontier, her poverty, and the subsequent attack and captivity meant that Martha Rawlins had to use the power of the provincial government to achieve her desired goal: the restoration of the Rawlins family. Having been the victim of a long-running dispute between Native Americans, the French, and the English, she believed it her right to seek justice through the aid of the New Hampshire governor, council and assembly. The New Hampshire government listened to the petition of the Widow Rawlins, discussed it, agreed with her, and granted her plea.

Seeking the government's assistance to retrieve her children may seem to be the act of a stereotypical helpless female. Rightfully so, since Rawlins' situation certainly did not leave her in a powerful position. But her troubles began with an imperial conflict between the English, French and their respective Indian allies and she turned to the

¹Petitions, 1729, New Hampshire Records Management and Archives, Concord, NH (hereafter NHRMA); Emma Lewis Coleman, *New England Captives Carried to Canada Between 1677 and 1760 During the French and Indians Wars*. 2 volumes. (Portland, Me.: The Southworth Press; 1925), vol. II, p.154-156. Despite government aid, the children were never redeemed and grew up among the French and Indians.

government as the representative of her family to seek the remedy she felt was due her. Although she was helpless to the extent that she could not retrieve her children herself, she was not without a voice to fight for them, She urged the government to work for her. The government did not ignore her plea but sought to provide the aid she needed. Was the government obliged to listen to a female subject? It is unclear what rights and obligations women as subjects might have had since, as Joan Hoff puts it, “not all English subjects were equal before the Crown.” The nature of the English constitution was such that the rights and obligations of a subject were never explicitly cataloged aside from provisions for allegiance on the part of the subject and protection on the part of the government. The application of the term ‘subject’ to female inhabitants of the empire was something little considered, perhaps because by the seventeenth century the term subject implied allegiance and a married woman's first allegiance was to her husband. The idea of women as part of the family hierarchy was deeply embedded in English tradition.² So why did Martha Rawlins appear to believe that the government owed her protection? What rights did custom give women in regard to the state? Where did English concepts of subjectship leave women?

In eighteenth-century England, aliens, as non-subjects, were denied the right to own land, sue, vote, or hold office. The similarities between the legal and political status

²Joan Hoff, *Law, Gender, and Injustice: A Legal History of U.S. Women* (New York: New York University Press; 1991), p.80. The belief that women owed their husband's primary allegiance was carried to an extreme in the laws of England and the English colonies. When a husband murdered a wife, it was simple murder; but when a wife murdered a husband, it was “petit Treason.” Kerber has interpreted this to mean that wives owed husbands allegiance in the same way husbands owed kings allegiance. See Linda K. Kerber, *Women of the Republic: Intellect & Ideology in Revolutionary America* (Chapel Hill: University of North Carolina Press; 1980; reprint New York: W.W. Norton & Company; 1986), p.119-120.

of women, and all 'dependents', and aliens are striking, but the comparison need not lead to the conclusion women were not considered subjects, of some sort or another, of the Crown. The issue is more complicated. James Kettner found liberalized rules regarding the application of subjectship in the colonies which allowed individuals who never could have been subjects in England the right, though often only an understood right, to be subjects. Further, Kettner discussed a type of semi-subjectship, called a denizen, which had similarities to a widow's status since it gave a person the right to purchase and own land but not the right to vote. But colonial American women were neither aliens or denizens. Nowhere was an explicit reference made to the political rights and obligations of female subjects, aside from financial obligations. The rule of coverture seems to have rendered a discussion of women's relationship with the government moot.³ But the reality of colonial life meant that women did associate with the government, beyond judicial matters, at various points in their lives. If the law did not explicitly consider women to be subjects, could the status of subject fit the limitations placed on women of the eighteenth century and, if so, of what use was it to women? Why would a patriarchal state listen?

One way to investigate the possible options available to colonial women as subjects is to view the most defenseless of ordinary women caught in extraordinary

³See James H. Kettner, *The Development of American Citizenship, 1608-1870* (Chapel Hill: University of North Carolina Press; 1978), pp. 65-85 for discussion of liberalization of subjectship and p. 30-36 for discussion of denizen. A war could turn an alien into an enemy no matter how long the alien had resided in England. Kettner concentrated his argument on the distinctions between aliens and subject, not women and men. He noted more work needed to be done to understand the term 'subject' as it applied to women. See Linda K. Kerber, *No Constitutional Right to be Ladies: Women and the Obligations of Citizenship* (New York: Hill and Wang; 1998), introduction and chapter one.

circumstances: frontier women from the edges of settlement, especially those who were captured by the French and their Native allies. Such circumstances highlighted women's position in the empire from the viewpoint of both women and the government. From the government, settlers expected protection from the seemingly arbitrary attacks by the French and Indians, and they wanted assistance in the restoration of what was most important to them, their families, when necessary. Due to the almost constant warfare between whites and Native Americans along the Anglo-French frontier (see Table 2), the problem of captives was not unusual. Through their stories we can explore the relationship of female captives in northern New England to their government and seek to answer what customary means female subjects, under the most difficult of circumstances, used to inform the government of what was needed and urge it to take action.

Society expected women to work to protect their neighbors as well as their families and customary approaches to the government aided women in that mission. On July 22, 1755, Colonel Ebenezer Hinsdale wrote to the New Hampshire governor from the relative safety of Deerfield, Massachusetts explaining the situation in what is now known as Hinsdale, New Hampshire. A party of seven Indians had attacked settlers within eyesight of Hinsdale's fort. "We are in the utmost distress in this part of your Excellency's province and if we have not further protection we cannot continue here.... [I] earnestly pray your Excellency will send us a suitable protection or let us know that we can have none, for we are loath to tarry here merely to be kill'd." It was a desperate entreaty from a fort commander to his superior during a desperate time. But, while he begged for aid, Colonel Hinsdale did not explain in detail exactly what problems faced

Table 2:Colonial Wars in New Hampshire: 1690-1763

King William's War	1689-1697
Queen Anne's War	1702-1713
Governor Dummer's War	1722-1725
Frontier disruptions	1725-1727
King George's War	1744-1748
French and Indian War	1754-1763

Sources: Charles E. Clark, *The Eastern Frontier: The Settlement of Northern New England, 1610-1763* (New York: Alfred A. Knopf, Inc.; 1970), especially chapters five, nine, ten, and thirteen; Colin G. Calloway, *Dawnland Encounters: Indians and Europeans in Northern New England* (Hanover: University Press of New England; 1991). The table does not include the times the Crown asked for recruits to join British forces away from New England. For instance, in 1740, the British attacked the Spanish West Indies and used New England forces. See Harold E. Selesky, *War and Society in Colonial Connecticut* (New Haven: Yale University Press; 1990), p.68-74.

settlers in the upper Connecticut River Valley. Instead, his wife did, in a postscript to his letter. "P.S. Mr. Hardway was found dead upon the spot with both his Breasts cut off and his heart laid open. One of the Inhabitants was found within sixty rods of the fort[,] both scalp'd. We see Colby taken off by the Indians. We fired several alarms and the great Guns were shot at Fort Dummer." She also elaborated upon her husband's mention "of the mischief that was done upon the other side of the River, one man kill'd[,] three women, eleven children captivated. The Indians burnt two buildings. I am your most obedient, humble servt. Abigail Hinsdale."⁴

Abigail Hinsdale, a *feme covert*, added a boldly descriptive postscript to her

⁴New Hampshire, [*Provincial and State Papers*], 40 volumes (Concord, N.H., 1867-1943), vol. VI, p. 412-413 (hereafter cited as *NHPP*); Treasury Records, 1755, NHRMA.

husband's official letter to the governor. It was a letter discussing the movement of the enemy and the need for reinforcements from a military leader to his commander. Yet Abigail's husband apparently did not mind her additions since her note was added just below his signature. Did the terrors of warfare change women's relationship with the state? Or was there an understanding that a wife would elaborate upon her husband's knowledge with her own? Abigail added her note without explanation but her tone implies she felt it was her duty and obligation to inform the government.

There are few extant letters or journals in which women explained, in their own words, life in any part of northern New England, and none which discuss their relationship to the state. Of the few which tell something of life on the frontier many revolve around the relationship of whites and Native Americans. Friendships between whites and Native Americans, so much a part of peace on the frontier, were subject to constant tension. Each side was unsure the actions of the other were not a prelude to war. No accepted laws governed relations between the different cultural communities. The mixture of peoples and customs on the frontier, the misunderstandings which often resulted from ignorance and the desire for territorial control on both sides meant the borderlands of the French, English, and Native American were difficult places to live at best.

Appeals to the government, like that of the Hinsdales, were difficult for those who lived along the frontier. Distance was a major barrier between the settlers and their governors, with many miles of deep forests and wide rivers between the capital and a frontier settlement. In colonial New Hampshire, easiest travel to the interior was by water. The major rivers, the Piscataqua, the Merrimack, and the Connecticut, all run

from north to south. The shortest distance to the provincial capital of Portsmouth from the edges of settlement was from west to east generally through thick forests. The journey was neither quick nor easy no matter which route was chosen.⁵

Yet social position, which often separated people who settled on the edges of the empire from the men who ran the government, could also tie them together. As Laurel Thatcher Ulrich states “in the premodern world position [was] always more important than task.”⁶ People of even a slightly higher social position, a captain of the fort and his family for instance, would have had much closer social ties to individuals in the New Hampshire government than other settlers. It was through individuals with a somewhat higher social position that the frontier settlements remained in contact with the provincial government in Portsmouth. Aside from the occasional note like Abigail Hinsdale’s, women on the frontier usually did not, and had little time to, communicate with the provincial government. In ordinary times, male voices spoke for the frontier community and the family.

During times of war and upheaval, which were often in the period under study, settlers sought to remain tied to civilization as they knew it and the government sought to maintain control over the frontiers. The New Hampshire and Massachusetts governments ruled that the government would aid frontier settlements and forts but, in return, settlers

⁵Clark, *The Eastern Frontier*, especially chapters 8 and 13.

⁶Laurel Thatcher Ulrich, *Goodwives: Image and Reality in the Lives of Women in Northern New England, 1650-1750* (New York: Alfred A. Knopf, Inc.; 1980; reprint New York: Vintage Books; 1991), p.238.

must promise not to abandon the forts especially in times of war.⁷ The obligations of frontier subjects to serve as protectors of the empire increased with every renewed hostility as did the empire's duty to try to defend the frontiers.

Tension was constant on the "porous zone of interaction where colonists and Indians lived alongside each other as often as they fought."⁸ Much of the protection fell to local militia and settlers and not royal soldiers. Disruptions were the norm for settlers' households and illuminate the role of female frontier subjects. Just over the border from New Hampshire, in Haverhill, Massachusetts, Nathaniel and Elizabeth Saltonstall wrote of war-related disruptions and its effects. From late summer 1694, through to the next spring, Haverhill was under siege. On August 23, Nathaniel, a member of the Massachusetts Governor's Council and a military commander of his town, wrote from Boston to describe his household, as he had left it, in a letter to his daughter and son-in-law. "Our house is filled Top-full, and but one roome left free for a stranger." He told his daughter, "I left my wife well, tho much hurried... by the multitudes of garrison people with us." In a quick note sent in early September, Elizabeth numbered the 'garrison people' at sixty. She was in charge of providing food for them. In early October 1694, Saltonstall wrote "We are still in garrison crowds; and more than a little also busie about Cyder, and winter apples." Elizabeth Saltonstall managed the household and fed the garrison 'crowds' while continuing to do necessary tasks to prepare her

⁷In 1694, during Queen Anne's War, an act was passed by the Massachusetts and New Hampshire legislatures which forbade the abandonment of frontier towns even after attack had decimated the population. See Coleman, *New England Captives*, vol. I, p. 7.

⁸Colin G. Calloway, ed., *North Country Captives: Selected Narratives from Vermont and New Hampshire* (Hanover: University Press of New England; 1992), p.viii.

household for winter. In February 1695, Nathaniel wrote again to his daughter and son-in-law of their condition. So far, Haverhill and the Saltonstalls were “preserved, hither to from any mischief by the Enemies of our nation, and of goodness, both Indians and French; but yet have the cumber [incumbrance] and trouble to my only Maid, i.e. Wife, dayly to be cook and to our too great charg to provide billets for 4 men posted with me, ever since August 31.⁹⁴; and when she will be freed of it I know not.” In the same letter he also mentioned he was wounded and unable to get about.⁹ Their household certainly must have been a difficult one to manage! Constant fear, crowded conditions, and little to no assistance meant Elizabeth Saltonstall, at the age of fifty, had much to do to provide for all in their household. The care of local militiamen, food preparation, the cleaning of bedding and the rest of the house were all understood duties Elizabeth Saltonstall took on simply because of her husband’s position as militia commander and the protection their stout house afforded the community.

The reason for the extra soldiers in Haverhill was to protect the community. The Saltonstalls both understood what protection the militiamen offered and the possible results if the militia was not present. The provincial government generally tried to send protection to their subjects on the edge of settlement, as urged by the male military commanders. The frontier setting had overwhelmingly masculine overtones: it was an area where power and strength united to tame a wilderness. But in northern New England even the most vulnerable frontier community included women. Frontier women not only added the occasional note to the governor but, much more often, they also housed

⁹Robert E. Moody, *The Saltonstall Papers, 1607-1815, Vol. I, 1607-1789* (Boston: Massachusetts Historical Society; 1972), pp.218, 224, 235-236; Ulrich, *Goodwives*, p.74-75.

militiamen, hoping to escape attack by Native Americans. When attacks occurred, women and their children were often targeted for captivity. It is in the dilemma of captivity we are able to see more direct links between the government and the women, hints of women's understood political status as subjects that were generally hidden in ordinary times. Captivity forced women to use whatever means were available to them, even individual actions on the part of *femes coverts*, to reclaim their freedom and work for their families' liberty.

Of the almost three hundred New England settlers captured by Native Americans between 1689 and 1730 and traced by Alice Baker in 1897 and Emma Coleman in 1925, 128 were female. Laurel Thatcher Ulrich used the work of Baker and Coleman in her book, *Goodwives*, and noted that the vast majority of those who were captured were taken in small groups by Abenaki tribes for ransom. They were treated relatively humanely, given the circumstances. After all, if captives died, the Native Americans would lose a potential source of income. Of the women captured in northern New England between 1689 and 1730 only three of the fifty-two known adult women died while in captivity. Of the captives taken from all of New England during the same time period, women, for some reason, were more resilient: only three percent of the female captives died during their captivity as compared to ten percent of the males. Perhaps women and children were more readily seen by Natives as potential adoptees than men and were treated with more leniency. Colin Calloway found during the entire colonial period "at least 78 women and girls from New England remained with the French and Indians."¹⁰ Female

¹⁰Ulrich, *Goodwives*, p.203; chapter eleven, p.202-214. Colin G. Calloway, *Dawnland Encounters: Indians and Europeans in Northern New England* (Hanover: University Press of

captives from New England were encountered by other captives and spoken of with affection even when many of the women chose to remain in Canada.

We know most of the stories of female captives through short sermons written about them or small pamphlets written by or for the captives. However, we do have a detailed account of the captivity of one woman: Susannah Willard Johnson of Charlestown, New Hampshire. Her account of more than three years in captivity is a multidimensional tale of sadness, cruelty, and death mixed with joy, hope and bravery. Her story is worth looking into in detail, not only because it is the closest we can come to a first-hand account of a colonial northern New England woman, but also because, caught *in extremis*, her narrative highlights the customary ways a woman interacted with her government, as compared to a man's, as well as the ways her government regarded her. Through her story it is possible to gain a sense of women's political status as subjects of the province, Crown, and empire.¹¹

New England; 1991), p. 229. Calloway found that many women married into their captives' bands or to a Frenchman while others entered the convent. Adoption into French or Native culture did not mean women were cut off from contact with their New England relatives. Often letters were exchanged and, at least on occasion, visits took former captives to New England. One exception to female captive's resilience was the large number of captives taken in the famous 1705 attack on Deerfield, Massachusetts in southern New England. In the rapid travel and harsh winter conditions, the Mohawk captors killed nine of the twenty-three women taken from the village of Deerfield most of whom were pregnant or immediately postnatal. After 1730 the records concerning English prisoners become muddled. As Coleman stated in *New England Captives*, "It is impossible to group the captives of this war." The war parties "were almost continuous." For instance in 1745 a prisoner in New France counted 259 English captives, most surely from New England, but s/he did not give a breakdown of the total number by sex or age. Coleman, *New England Captives*, vol. I, p.172-174.

¹¹There are several caveats to give regarding captivity narratives. Many were written for a specific purpose: for instance, to provide entertainment or, most often, to provide proof of the all-powerful nature of a just and righteous God. Susanna Johnson's narrative is an example of the former. It was most probably not written until the 1790s when material and cultural conditions were much changed from the 1750s. But there are no diaries and very few letters written by northern New England women in the colonial era. Johnson's narrative provides

In 1744, at the age of 14, Susannah Willard traveled from Leominster, Massachusetts up the Connecticut River to join her parents at Fort No. 4, a fort built and, at the time, maintained by Massachusetts. "At the time [the future] Charlestown contained nine or ten families, who lived in huts not far distant from each other. The Indians were numerous, and associated in a friendly manner with the whites. It was the most northerly settlement on the Connecticut River, and the adjacent country was terribly wild."¹² Fort No. 4 was attacked several times during the course of King George's War, or the Cape Breton war as Susannah called it; one attack took place in 1749, a year after the official end of the war but still a time of continued disruption along the frontier. Susannah was sent with her siblings to live with relatives in Massachusetts during the war. "During this war... the town of No.4 could hardly be said to be inhabited; some adventurers [including both of her parents] had made a beginning, but few were considered as belonging to the town."¹³

While in Massachusetts, at the age of about seventeen, Susannah married James Johnson, her uncle's former indentured servant. As James' wife, Susannah Johnson was entitled to his protection, provision and reasonable treatment, just as their children were.

researchers with a story and much supplemental data exists to credit the claims she made and justify use of her words.

¹²Susannah Johnson, *A Narrative of the Captivity of Mrs. Johnson Together with A Narrative of James Johnson* (Windsor, VT; 1796; reprint Bowie, Md: Heritage Books, Inc.; 1990), p.8. Mrs. Johnson revised and edited the narrative during two subsequent publications dating 1807 and 1814. Much of the narrative which follows is summarized from her book. Massachusetts still provided protection for much of the Connecticut River into what is now New Hampshire despite the 1741 ruling of the English court regarding the boundary between the two provinces which gave the land to New Hampshire.

¹³Johnson, *A Narrative*, p.19.

Susannah owed James obedience, companionship and sexual consort. Upon marriage Susannah, like all women under English common law, became a *feme covert* and, at least in the eyes of the law, ceased to exist. All her property, including her body and their children, became her husband's property. Subject of the Crown she may have been, but she was a British subject without formal recognition except as the wife of James Johnson.

About 1749, Susannah traveled north with her small family to the fort in Charlestown. The Johnsons built a house about a hundred rods from the fort and by mid-1753 felt it was safe enough to move in. In her story, Susannah described an atmosphere of relative racial and cultural harmony despite continued tensions along the frontier. "The Indians were numerous, and associated in a friendly manner with the whites." From their home the Johnson family traded furs with the Indians who frequently stopped for merchandise in the store which James had started and "all was harmony and safety." In May of 1754, James headed south to replenish supplies for the store, leaving Susannah in charge of the house, store and their children: Sylvanus, age six; Susannah, four; and Polly, two. James understood war was coming soon with relations between the French and English deteriorating but, not feeling that the family was in immediate danger, he wanted to trade in Connecticut. To assist Susannah in her duties, her sister Miriam, then fourteen, came to help.

James's "absence of three months was a tedious and a bitter season to me," Susannah wrote. Her fear of the Natives who frequented their store became more evident. From her memoirs, it appears that she did not enjoy her role as head of household during this period. The work of the children, store, and household was more than she cared to guide by herself. Much to her relief, James returned on August 24. He

brought word that war was not expected until next spring and that he had made preparations to remove his family to Northfield, Massachusetts where they would be safe. He apparently returned with quite a store of liquor as well as other supplies. "[T]he neighbors made frequent parties at our house.... and time passed merrily off."¹⁴ In her narrative Susannah then mentioned, almost casually, that she was in the final stages of pregnancy. Surrounded by her husband and friends as well as the "luxuries" James had brought back with him, she remembered herself as being the happiest of women.

On August 29 another party ensued "with watermelons and flip, till midnight." Just before sunrise they were awakened by a neighbor who was to aid James in the fields that day. But when James opened the door to let him in, "a crowd of savages, fixed horribly for war, rushed furiously in." The natives took the entire family: James, Susannah and their three children, Susannah's sister, Miriam Willard, plus two neighbors who happened to be at their house after the merry-making of the night before. They were allowed little time to put on clothing and "were ordered to march." Unknown to the prisoners, the alarm had been sounded at the fort. Susannah's father, Moses Willard, was then second in command. "Capt. Stevens was for sallying out with a party for our relief; but my father begged him to desist, as the Indians made it an invariable practice to kill their prisoners when attacked." Willard feared his daughter, nine months pregnant, would be the first to go. As Colin Calloway has noted: "Warriors far from home and running for their lives sometimes tomahawked captives too weak to keep up. As the Indians' apprehension of being overtaken diminished, so did the likelihood that captives would be

¹⁴Johnson, *A Narrative*, p.8, 24-25.

executed." At that moment, delay was the only way her father could protect her and it turned out to be his final parental act of protection for Susannah. The warriors heard alarm guns sounding and, not knowing the commander's decision not to give chase, "we were hurried on with all violence."¹⁵

Susannah's anxiety over her family, her difficulty in keeping up the pace because of her pregnancy and the loss of a shoe almost overcame her at this point. After three miles of the furious pace the natives must have decided that they were not going to be followed anytime soon and the party stopped, giving everyone time for a quick breakfast. During the stop a horse came in sight and was caught for Susannah to ride. They crossed the Connecticut River into present-day Vermont in the late afternoon. During a stop Susannah "had time to reflect on our miserable situation. Captives, in the power of unmerciful savages, without provision, and almost without clothes, in a wilderness where we must sojourn... and what added to our distress, not one of our savage masters could understand a word of English."¹⁶ She neglected to add that none of the English could speak an Abenaki dialect or French either. Her governance was out of her hands. Fearing reprisal, she had to do whatever she was directed to do - directions which came in sign language and pushes.

¹⁵Johnson, , *A Narrative*, p.26-28. Mr. Willard was killed by Native Americans in an attack on Charlestown in 1756 before the return of his daughter and her family. Calloway, *North Country Captives*, p.ix.

¹⁶Johnson, *A Narrative*, p.30. Interestingly, Susannah was very concerned for their neighbor, a Mr. Labarree. "In addition to the sufferings which arose from my own deplorable condition, I could not but feel for my friend Labarree; he had left a wife and four small children behind, to lament his loss, and to render his situation extremely unhappy." p.32. Susannah seemed to feel, if capture was inevitable, she would rather be with her family than without them. Yet that notion goes against her professed fears for her children in other parts of the narrative.

The next morning Susannah found herself in even greater difficulty: she was in labor. Her fear for her children, her knowledge of birth and its difficulties, especially the lack of any adult woman to assist her, along with her exposure to the elements again made her fear for her life. Much to her surprise, her captors stopped near a brook, built a lean-to for the birthing, and withdrew leaving Susannah with her husband and sister. She could hear her three children crying while being held back by their captors. But the birth was apparently relatively easy and quick. Around ten o'clock, Elizabeth Captive Johnson, always called Captive by her mother, made her way into the world. Captive's birth brought the economic benefit of captives into focus for Susannah, because when she was safely delivered, her master "looked into the booth, and clapped his hands with joy, crying two monies for me, two monies for me."¹⁷

On the fifth day of their captivity, the warriors ran out of food and the horse was shot. Susannah was now sure that she would be left behind and her feelings of despair increased. They were farther than ever from any place she would call civilized and she was sure it was impossible for her to walk. When ordered to march, she did but she fainted in about half a mile. She heard her son crying for her to "do go, for they will kill you!" and was sure that she would soon be dead. But she awoke with the sound of her master "talking angrily with the savage who had threatened my life." Her husband was then ordered by her side to help her along. After several miles, Susannah fainted again and even "Mr. Johnson's tenderness and solicitude, was unequal to the task of aiding me further." Her master sprang at her with hatchet upraised and there was nothing her

¹⁷Johnson, *A Narrative*, p.35-36.

husband, family or friends could do to aid her other than grow "pale at the sight, suspecting that he by a single blow, would rid themselves of so great a burthen as I was." But her master, whom she suspected really wanted those "two monies," took his hatchet to a tree and made a sort-of backpack so that James, barefoot from the beginning, could carry Susannah and so they proceeded. After six days they were all alive, much to her amazement. "My wearied husband, naked children, and helpless infant, formed a scene that conveyed severer pangs to my heart, than all the sufferings I endured myself." All were prisoners and she almost gave into despair "had I not put my whole confidence in that Being who has power to save."¹⁸ After nine days, with Susannah, her husband and son close to expiring, they arrived at Lake Champlain and the mode of transportation changed to canoes. They traveled on in relative ease to the French fort at Crown Point.

At Crown Point, Susannah and her family first came into contact with representatives of the French government when they were introduced to the French commander. "We were ordered to his apartment, and used with that hospitality which characterizes the best part of the nation. We had brandy in profusion, a good dinner, and a change of linen." Here she did not fear for her life. She seemed to expect 'civilized' treatment from the French, even as a prisoner of war. For the following four days the entire party of English prisoners was allowed to rest and recover in one of the French commander's "apartments." After the restful days, full of naps and good food, they were, "to our great grief and mortification," delivered back to the Indians.¹⁹ Neither the

¹⁸Johnson, *A Narrative*, p.46, 48-49.

¹⁹Johnson, *A Narrative*, p.58.

commander nor any other representative of the French government or church whom they met was willing to interfere with the natives' trade of prisoners. English authority had little power over English prisoners in the wilderness.

In an odd circumstance (although Susannah did not comment on the seeming oddity of it), they passed an English woman traveling, apparently alone, in a canoe heading for Albany. James wrote a letter which he asked to be delivered to the English commander in Albany and then to be published in the Boston papers so that their friends would know they were still alive. The letter reached the Albany commander who responded with a letter to James sent via the French government: "I urged the [Massachusetts] government to endeavor you and family's redemption as soon as conveniency would admit."²⁰ In his role as husband, James was the family's representative in the first correspondence with the English government regarding their condition.

After several days more of traveling they arrived at the native village of St. Francis. They ran a painless gauntlet, and "were led directly to the houses, each taking his prisoner to his own wigwam."²¹ Susannah was greeted with presents but an "uncivilized" place of abode. James spent only a few days in the village before he was taken to Montreal to be sold. The two Johnson girls and Labarree were soon sold to the French followed by Susannah's other neighbor, Mr. Farnsworth. The girls were sold to French families who wanted a daughter. Perhaps the men were sold first because the

²⁰Johnson, *A Narrative*, p.60.

²¹Johnson, *A Narrative*, p.63.

French expected they would be the easiest to ransom back to the English governments. Susannah was left, alone and defenseless, with only her young son and infant Captive in the village. She knew she had no control over her life or, more importantly, the lives of her children. Her son Sylvanus was adopted into an Abenaki family and they set about teaching him the ways of their village.

Who can imagine my distress, when my little son came running to me one morning, swollen with tears, exclaiming, that the Indians were going to carry him into the woods to hunt; he had scarcely told the piteous story, before his master came, to pull him away; he threw his little arms around me, begging in the agony of grief, that I would keep him.

But she could no longer govern her child or do anything to keep him safe. They were both certain he would not survive the trip.

After several weeks, James wrote to say the natives had agreed to sell her to the French in Montreal. In mid-November, 1754, Susannah arrived in Montreal and was reunited with all of her family except her son Sylvanus, who was still with the Native Americans, and her two daughters, who was held by French-Canadian families. She was overjoyed to be "delivered from savage captivity" but at the same time had kind words to say of her captors. "Can it be said of civilized conquerors, that they... are willing to share with their prisoners, the last ration of food...? And I am justified in doubting, whether if I had fallen into the hands of French soldiery, so much assiduity would have been shewn, to preserve my life."²²

When Susannah learned her daughter Polly was ill she went with an interpreter to the mayor's house to fight for her child. She confronted, not the mayor, but the major's

²²Johnson, *A Narrative*, p.76-77.

wife who seemingly controlled little Polly's fate.

It was with much difficulty that I could even get admittance so as to speak to [the mayor's wife]; but when I did, I collected all my fortitude, and in the feeling language of a mother, made my suit for liberty to visit my child. But I was denied with a frown!.... I expostulated with her, by the interpreter, upbraided her with her cruelty and hardheartedness, and the vanity of her thinking.... I told her that the child was mine, and she had no right to it.²³

She kept up a barrage of argument and the next day met with success: Polly was returned to her mother. Susannah willingly argued with the French, especially female representatives, something she had never done with the natives. Either her stamina and courage were returning, she had reached the end of her rope, or, more likely, she feared the French far less than the Indians, expecting them to act in a 'civilized' manner. She seemed to expect the French would understand her desire to keep her children with her in a way she did not expect of the natives.

One reason why Susannah approached the mayor's wife by herself was because James had left Montreal. Susannah was left as sole protector and agent for the family in his absence while James traveled on parole to New England to obtain ransom money to free them from captivity. James was able to secure a line of credit for them and housing from French individuals he called 'friends' before leaving for New England. He first went to the Massachusetts Governor and Assembly and was granted the inadequate sum of ten pounds and told to apply to New Hampshire. On January 25, 1755, the Governor and Assembly of New Hampshire granted him credit of 150 pounds sterling to redeem "in the best and most frugal manner you can, the purchasing such, and so many captives, as you may hear of, that have been taken from any part of this province." But on the return

²³Johnson, *A Narrative*, p.73.

trip while passing through Worcester, the governor of Massachusetts sent word ordering Johnson to remain in the province because traveling was unsafe. There seems to have been some distrust on the part of the Massachusetts government regarding James: war was raging and James planned to return to New France. The Massachusetts governor apparently feared James had been spying as part of the deal to redeem his family.²⁴ Forced to remain in Massachusetts, Johnson lost the credit extended him from New Hampshire and he violated the parole given to him by his captors. It was not the last time Massachusetts officials would wreak havoc with his plans.

When James did not return and was unable to let anyone in New France know why, Susannah lost her credit and her place of abode. As prisoners of war English captives were expected to pay for lodging, food and expenses. Susannah took a room with Miriam, Polly, and Captive and began to support them all, with Miriam's help, by her needle work. While waiting, they survived the winter, earned a living, and established economic ties with French customers. When James was finally allowed to return to Montreal in June, his return did not set well with the new governor of Canada. With war preparations surrounding them, James Johnson, a colonial militia officer, was put into jail and his family joined him there. Yet distrust on the part of the Massachusetts and French Canadian government regarding James' intentions never translated into distrust for Susannah. She had more freedom of movement and greater access to the French-Canadian economy without James. The reputation of passivity and pliability associated with women in both Anglo America and French Canada actually aided

²⁴Johnson, *A Narrative*, p.82-84.

Susannah. The French seem to have trusted she would not leave while some of her children were still captive, nor did they limit her mobility and fear her as a spy. While her presence provided stability and continuity for her children and younger sister, the government saw her as no threat to their own stability.

After James' return, Susannah was allowed to act, once again, as her family's agent or representative - only this time from jail. She "went to the Governor [of New France], to paint our distress and ask relief." James was not allowed to leave the jail, but Susannah confronted the French official on her own as her family's emissary. The governor listened "with seeming emotion" to the story of her family's misery and he promised to take care of the small band. After about three weeks in jail, James was released but ordered, with Susannah, Polly and Captive, to travel to Quebec. They left behind English friends from prison and capture, one daughter, little Susannah, and Miriam in Montreal, as well as the hope that Sylvanus was still alive with the Indians. In many ways Susannah did not blame the French for her family's dismal prospects as much as she blamed Massachusetts officials: James' "misfortunes in Boston" had brought them "to this wretchedness."²⁵ But worse awaited them: in Quebec they were conducted directly to jail, not as prisoners of war but as criminals.

Here Susannah discovered how false was the French governor's promise to take care of them. They were placed in a foul criminal jail "too shocking for description" where they spent six months and all contracted, but survived, small pox. In desperation, James wrote a petition, as Susannah noted, to "the Lord Intendant, stating our melancholy

²⁵Johnson, *A Narrative*, p.89.

situation. I had the liberty of presenting it myself." Once again, with James unable to leave jail, Susannah was given the powers of an English *feme sole* as she served as the diplomat for her family before the French government. The plea Susannah presented did relieve some of the worst conditions. Her family remained in the prison, but were now allowed some movement within it. After a miserable winter, they were finally removed from the criminal jail and sent to a civil prison where they received much better treatment and accommodations as befitted prisoners of war.

Finally in the summer of 1757 they were told they were free and the family would be reunited (except for Sylvanus who was still with the Indians). But three days before the ship on which they were to travel left for Europe, the Johnsons were told that their eldest daughter would remain in Montreal and Mr. Johnson would be retained as a prisoner. "[A] solemn council of all the prisoners in the city was held at the coffee-house - Col. Schuyler was president, and after numerous arguments for and against were heard, it was voted, by a large majority, that I should go - I, with some hesitation, gave my consent."²⁶ The vote was taken to get a sense of the community - not to force but to urge Susannah to leave without her husband and daughter. The final decision to go was made by Susannah, not James.

After the arranged travel from Quebec to England, Susannah was responsible for the safe passage of her sister and daughters, and travel arrangement from England to America as well as their support upon return. Despite her circumstances as a prisoner of war, the English government did not assist her upon her arrival in Plymouth, England.

²⁶Johnson, *A Narrative*, p.93, 95, 102, 110.

On her own, Susannah made contact with Captain John Tufton Mason, whose family had once owned New Hampshire, and two agents or lobbyists for the interests of New Hampshire, Messrs. Thomlinson and Apthorp. It was through the lobbyists that Susannah raised money for her family to support them in England and to pay their passage to America. Gaining the financial aid of new friends, and with the intercessions of Mason, Thomlinson and Apthorp, Susannah and her family members sailed to New York arriving "on the shore in my native country, after an absence of three years, three months, and eleven days." There she learned that her son had been released by the Native Americans and that Sylvanus and her husband were separately on their way home. Husband and wife were reunited in Springfield, Massachusetts in January, 1758. Sylvanus arrived home very ill and without an understanding of English in either late October or early November, 1758.²⁷

This may seem a fitting end to the story of captivity, but Susannah Johnson's trials did not end upon returning to the colonies. Shortly after being reunited with his family, James Johnson set out for New York to try to settle his Canadian accounts while Susannah, who still feared the frontier conditions of Charlestown, waited in Lancaster, Massachusetts. On his journey James was persuaded to take a Captain's commission in the Massachusetts militia. He proceeded to Fort Edward, New York where he took part in a battle at Ticonderoga and was killed in July, 1758.

²⁷Johnson, *A Narrative*, p.123. Calloway, *Dawnland Encounters*, p. 240; Coleman, *New England Captives*, vol. II, p.311-312. Several accounts of the redemption of Sylvanus agree he did not want to leave the Native Americans. He did not remember his family and could no longer speak English. In fact, the accounts mention that he often stated that he preferred the manners of the Native Americans. James Johnson was once again put in prison when he reached Boston, but soon released when he was able to produce safe-conduct papers.

By odd coincidence, Susannah's brother-in-law and his family were taken captive during the summer of 1760. They arrived in Montreal where they found the Johnson's eldest daughter. When they were released within four months of arrival, young Susannah Johnson accompanied them home to be reunited with her mother after a separation of five years. "My daughter did not know me at her return, and spoke nothing but French; my son spoke Indian, so that my family was a mixture of nations."²⁸ International politics destroyed the hopes Susannah had for harmony within her family.

At her husband's death, Susannah obviously became a widow and in the eyes of the law she became a *feme sole*. She was familiar with the responsibility of the role, having exercised some version of it during captivity. In freedom, she now had the right to run a business and own property, sue and be sued, make contracts and settle lawsuits in her own name. In October 1759, Susannah returned to and settled in Charlestown to settle James' estate since she was the estate administrator. From Charlestown she "made three journeys to Portsmouth, fourteen to Boston, and three to Springfield, to effect the [estate] settlement." She did all this while trying to keep her family relatively close by and reopening the store James had operated. Susannah did not underestimate the difficulty of widowhood: "the life of a widow is peculiarly afflictive;" but she also did not take a passive role during her widowhood.²⁹

On February 2, 1760, Susannah Johnson presented a petition to the New Hampshire legislature asking for aid to repay the ransom fees of her children. Despite her

²⁸Johnson, *A Narrative*, p.134-135.

²⁹Johnson, *A Narrative*, p.136.

husband's commission in the Massachusetts' militia and the claim of Massachusetts to Fort No. 4 at the time of their capture, the Massachusetts' governor and legislature had already denied her request because James was an inhabitant of New Hampshire. Susannah believed that her husband's estate was due money from some part of the English government as reimbursement for ransom fees. Perhaps because of the treatment of James by the Massachusetts' government, Susannah did not place much hope in aid from them. But she did believe the government of New Hampshire might help her family. In her petition she explained "the difficultys & Expences of her familys captivity" and asked "some relieff" and the repayment of Colonel. Peter Schuyler "for money advanced by [him] to Redeem one of her children." The legislature voted forty-one pounds to be sent to Colonel Schuyler in New York and forty-two pounds "to indemnify myself and family for losses sustained by our country's enemies."³⁰ It was "our country."

Susannah's loyalty was never in question. The tragedy of her losses and the eloquence of her description were too much even for a distant government to ignore. The petition of Susannah Johnson to secure the future of her battered family was granted. Since her return was noted in papers throughout New England, perhaps public pressure played a role in the decision of the government. Perhaps Susannah too understood the power of public opinion.

About the same time that she petitioned for reimbursement, Susannah reopened the store she had run with James before their capture in a part of her house and requested

³⁰*NHPP*, vol. VI, p. 738-739. Unfortunately the original petition seems to have disappeared. It is not found in the New Hampshire State Archives. Johnson, *A Narrative*, p. 137.

and received a liquor license from the provincial government. The tavern apparently did a reasonable business. In the excise tax records Johnson was recorded selling 376 ½ gallons of some sort of liquor plus six barrels of cider from September 1760 to September 1761. In 1762 Susannah Johnson remarried.³¹

The extreme circumstances explained in Susannah Johnson's story illustrate the nature of contact between colonial women and their government. Before her capture Susannah had little interaction with any part of the government, other than the militia as represented by her father and husband, and little need of any interaction. Under the care of her father, other relatives, and then her husband, we may assume that she did what was expected of her: she was obedient, did her chores, got married and had children. She concentrated on what society and biology had prepared her for. But after her capture, she suddenly had to interact with a multitude of governmental officials. Her priorities changed little, but the means to achieve her ends changed dramatically during her captivity. Cultural differences rendered both Johnson parents incapable of aiding their children while they were with the Indians, but as soon as she was turned over to the French, a society with cultural underpinning similar to her own, Susannah reasserted herself for her family, confronting first the mayor's wife and second the Governor himself. She understood women's roles in a paternal society and thus understood how far she could go without endangering herself or her family.

Susannah's saga illustrates the complexity of women's roles in eighteenth-century

³¹Treasury Records, 1762, Box 8, NHRMA. In 1762, Susannah married John Hastings, an original settler to Charlestown. With him she had seven more children: five of whom died in infancy and one which died at age 22. Johnson, *A Narrative*, p.138.

colonial America. Life prepared her for motherhood and all the chores that domesticity demanded, but her training had not prepared her for the crisis of captivity. Yet when crisis struck she did what was necessary. The devotion of husband and wife to each other and their children is apparent throughout the story - it is the main focus of her tale and something we would do well to remember. Protection and nurturance of the family was uppermost in the minds of both the Johnson adults. While seeking to provide for their distressed children, James and Susannah both willingly employed whatever method they thought would help. James begged for aid from the governments of New England and the men and women in New France while his wife berated representatives of the French. As a widow Susannah fought to recover the one child left in captivity in Canada by petitioning her government. She assumed whatever role was necessary to defend her children as her family's needs dictated. Yet her actions were also well within societal expectations. The crisis of captivity highlights the acceptable actions women were traditionally able to take. While the type of contact differed for each, contact with the government in the process of providing protection, stability, and continuity for children was acceptable for both husbands and wives and widows.

Captivity also emphasizes the traditional nature of her actions. The hierarchies that governed society in colonial America were not threatened by Susannah's actions. Women were part of a society that denied the franchise to many men as well as all women and marginalized individuals in favor of a whole community. Yet, at the same time, the Johnson story reveals the impact individuals had on governmental actions. Women became a focus of any government with female captives and women used the attention to their advantage to fight for themselves and their families. As long as their

actions protected their families, captive English women, as well as men, were loyal to the Crown and their church, expecting protection and treatment like any captive subject.³² As long as women used the power available to them as subjects for implicitly agreed upon ends, it was acceptable.

The provincial governments of northern New England often heard from women who were or had been captured by Native Americans and ransomed to the French. Women along with the men and children of the peripheral settlements suffered attack, capture and forced marches to Canada. As captives, women were at their most helpless: helpless to fight back if unarmed or encumbered by babes in arms; helpless to resist the journey northward no matter what the conditions; and, most agonizingly, helpless to save their children from danger and death. Many women who were captured were either just about to give birth, like Susannah Johnson, or had just given birth. Hannah Dustin may have been the only female captive to ever return with the scalps of her captors but her postpartum condition at capture matched the condition of many women. Ulrich reported "[f]ully one fifth of adult female captives from northern New England were either pregnant or newly delivered of a child." Hannah Dustin had given birth just five days before the attack on her home in Haverhill, Massachusetts and when the natives

³²Not all parents protected their families. In one notable exception, the husband of Elizabeth Tozier abandoned his family. Both Elizabeth and her husband had been captured at least once before when Indians attacked their house at York in 1690. Her husband told Elizabeth "she must do the best she could; he preferred death to another captivity. If she were taken he would redeem her if he lived. So covering himself with a feather bed he ran out of the back door to the frozen river." The Native Americans saw him fall through the ice and believed that he drowned. Richard watched from the river bank as they took his wife and others. In order to protect her children, Elizabeth was baptized as a Catholic two and one-half years later before being redeemed probably in 1695. Coleman, *New England Captives*, vol. I, p.195.

ransacked her home, they took and killed her newborn child.³³

Aside from the actions of the most unusual Hannah Dustin, the vast majority of women who wrote of their captivities emphasized they were at the mercy of their captors and utterly incapable of escape. They did what little they could to protect their children turning to their God and their government for release. Their helpless situation presents a picture of the weak woman in need of protection and rescue. The predicament fit the stereotype of women, no matter what the reality of their lives on the frontier. Yet, again and again, 'helpless' women revealed themselves to be individuals capable of doing whatever they could to protect and save their families. This too was nothing less than what society expected.³⁴

Capture expanded the role of Jemima Howe beyond what her early years had led her to expect. Settled on the west side of the Connecticut River near what is now Vernon, Vermont, Howe experienced Indian attacks not once but twice, losing her first husband during an attack around 1744 and a second husband in 1755. It was during the second

³³Ulrich, *Goodwives*, p.168-169, p.205.

³⁴Male captives lost their cultural and legal role of family protector when captured, leaving them to feel just as helpless, even if they avoided calling themselves that. For example, when John and Eunice Williams and their five children were among those captured at Deerfield, Massachusetts in February 1704, Williams watched as his wife, weak due to the recent birth of a child, began to fail on the second day of their journey north. Knowing that their time together was short they prayed for "grace sufficient for what God should call us to" and then they were separated. A short time later Williams learned that his wife, in passing through a river, "fell down and was plunged over head and ears in the water; after which she traveled not far, for at the foot of this mountain the cruel and bloodthirsty savage who took her slew her with his hatchet at one stroke." There was little Williams could do to comfort his children, bury his wife or even understand the circumstances. The helplessness he felt was total. He knew his wife, like many others, was doomed and there was nothing he, a religious and civic leader of his community, could do about it. John Demos, *The Unredeemed Captive: A Family Story From Early America* (New York: Alfred A. Knopf, Inc.; 1994; reprint, New York: Vintage Books; 1995), p.28-29.

attack that Jemima was captured along with her seven children, ranging in age from eleven years down to six months, and two neighboring women and their children. She was separated from all her children except her infant and given to an Indian woman. As winter approached, Howe repeatedly told her mistress that she could not survive the winter living as an Indian and asked to be given to the French. She was taken to Montreal, but no French individuals were willing to buy her. Returning to the Indians encampment, Howe was separated from her infant, who soon died with Howe in earshot of its tiny cries. After a year with the Native Americans, Howe was sold by her drunken Indian master to a Frenchman.

In December of 1757, Howe met Englishman Benjamin Stukes, who was in Canada on business, and seized upon the opportunity to inform her government of her condition. She had him write to Colonel Ebenezer Hinsdale "to let her friends know that she and her children are well, but in miserable circumstances. ... She begs (for God's sake) that you and her friends would do every thing in your power to get her and her children home." Stukes left his letter with a Colonel N. Whiting at New Haven who added a note to Hinsdale as well. "I asked him what method could be taken to relieve Mrs. How: - he says Col. Schuyler is to return next spring, as he has given his parole of honor to do, or return some person in exchange. If money could be procured for the ransom of Mrs. How and family, and sent to Col. Schuyler, he will use all endeavors for their ransom." Hinsdale put the two letters together and sent them to the governor of New Hampshire along with a letter of his own. In it he mentioned "Lieut. [James] Johnson had lodged a petition to the General Court relating to the captives" held in Canada as well as the need for ransom money, and that a Mr. Hilkihah Grout had tried

unsuccessfully to raise money to ransom his wife and three children who were taken captive in June of 1755. "I therefore thought it my duty to lay their case before your Excellency and Honors, for your wise and compassionate consideration. Mrs. How has not estate or relations sufficient for her's and her children's ransom."³⁵ Her pleas from Canada left a trail through official correspondence seeking to affect the safe return of her family. In November 1758, Colonel Schuyler paid the ransom money provided by New Hampshire to various Canadian entities and Mrs. Howe and three of her children were released. She traveled home with at least one extra prisoner: Sylvanus Johnson who had spent the previous year with the French but still mainly spoke the native language of his first masters. One of Howe's daughters was married to a Frenchman and moved to France, another forcibly "rescued" just before she was to take vows and become a nun. Another son returned home soon after his mother.³⁶

Although letters and petitions to the government were accepted and discussed, sometimes the government did not help. In 1723 Indians attacked Dover, killing, among others, Joseph Ham, and capturing at least two of his young adult children. His widow remarried and became Tamesin Tibbetts. After almost four years, John and Tamesin Tibbetts were able to gather over three hundred pounds, probably in the form of loans from friends as well as sixty pounds from Massachusetts and 111 pounds from New

³⁵Calloway, *North Country Captives*, p. 97-99. Her second husband was Caleb Howe, son of Nehemiah How who died in a French prison in Quebec in 1744. Calloway, p.88. Colonel Hinsdale is the Hinsdale of New Hampshire mentioned earlier in this chapter. Colonel Schuyler is the same individual who assisted in the ransom of the Johnson family. James Johnson, without Susanna at that point but still in Canada, had sent another petition to New Hampshire on behalf of many captives, including himself and his two captive children.

³⁶Coleman, *New England Captives*, vol. II, p.315-319.

Hampshire, to ransom her children. The effort left the family together but poverty-stricken. In late April 1729, “the Humble Petition of John Tibbetts, & Tamson Tibbetts his wife” reached the government of New Hampshire, requesting reimbursement for the captivity of her now-ransomed children.

[Y]our petitioners hath been at a Verry great Expence besides their Trouble & Travel in Going to Canada for the Redemption of Two of the Children of yor Petitioner Tamsen Tibbets, (formerly Tamsen Ham) That were taken Captive by the Indians in the late Warr, and Sold to the French, An wheras your Petitioners Did formerly Petition the honble the liut Governor Wentworth for a Brief And the Good People of this Province were so Kind that there was given one hundred and Eleven Pounds, or very neare it. Yet so it is That your Petitioners being verry Poore; and there Remaines yet to paid for the Ransom of their Children the sum of two hundred & fifty pounds this Money, which they are unable to pay, If they should sell all they have in the world.

Despite a well-worded petition, the New Hampshire government dismissed their petition on May 2 with little apparent discussion. The children were free, the government had already given the family over one hundred pounds and there were no children still living at home. It appears officials in the government felt their obligations were fulfilled. Poverty meant Tamesin Tibbetts was unable to repay the loans which had redeemed her children from Canada but, despite economic hardships, her family was intact. It is interesting that although the petition was signed by both husband and wife, the “Journal of the Assembly” called the petition a petition from “Tamson Tibbetts.” The minutes do not refer to her husband in any way. Perhaps Tamesin presented the petition to the Governor and Council personally or perhaps the government referred only to Tamesin because the children were hers and not her new husband’s.³⁷

³⁷NHPP, vol. XVIII, p.15 (petition) and vol. IV, p.539 (Journal of Assembly); Coleman, *New England Captives*, vol. II, p.158-159. It is unsure exactly when Tamesin Tibbetts’s two daughters were released, but it appears that after being held “several years” they were redeemed

Like Susannah Johnson and Tamesin Tibbetts, Deliverance Pittman petitioned the government for restitution of expenses during captivity. In 1694, the house of Deliverance and her then-husband John Derry was burned by Indians and most of their children were killed. Deliverance, John, and one child were taken captive but John and the child died during captivity and “none but your Petitioner Returned.” Upon her return, Deliverance was made the administrator of John’s estate. In 1699 Deliverance and her new husband Nathaniel Pittman informed the state that the sureties for Derry’s estate, Joseph Smith and Jeremiah Burnham, “violently and contrary to law seized up on the Petitioners Cows and other estates” claiming to use or to save the revenue to support Derry’s children. “But in truth your Petitioner knows of noo such Children; being now Liveing.” The Pittmans needed the estate’s income or else “she and family must needs perish.” This time it appears that Nathaniel Pittman brought in the petition, signed by both himself and his wife and, on behalf of his wife, presented it to the provincial government. The Assembly and Council agreed with Pittman and the estate was restored.³⁸

Some women were able to invoke the government’s strength even without a husband. Judy and Margaret Moore were captured from what is now the Brattleboro, Vermont area in 1758. In the petition to the New Hampshire Governor and Council, Mother Moore explained, “your Excleney’s Humble Petisoners... have under gon a great deall of hardships By the war for in the year 1758 my husband and on[e] of my Sons was

and married New Englanders.

³⁸*NHPP*, vol. II, p.291; Petitions, 1699, NHRMA.

killed upon the spot.”³⁹ The dead son’s wife and children were captured but redeemed. Moore petitioned the government for her daughter-in-law and her “three men grown” sons in order to gain title to land the family had worked for the past twelve years. Redemption had brought poverty and the very real possibility of losing their hard-earned land. The petition was signed first by the two women and then by the three sons followed by witnesses. Perhaps the widows signed first because they took the initiative in getting a petition written, signed, and sent to Portsmouth. Clearly the children, even the adult men, bowed to Mistress Moore’s desire to save the land for the family. No other word but respect for the family matriarch seems to fit their actions. As a matriarch, the family turned to her to act as the family agent to provide the stability and continuity that the children, despite adulthood, needed.

Captivity tested the obligations of the government to their subjects and enlarges our understanding of what governmental protection involved. Protection in this case included increased military presence, property protection while captivity continued, and at least some assistance with redemption money. But captivity also tested the rights women possessed as subjects. Women who lost their husbands in an attack that resulted in captivity often had to fight for or lose the estate that was meant to provide for their well-being and the well-being of their children. It took the initiative of the widows or women alone, perhaps with the added motivation to keep women from becoming a public charge, to force the government to fulfill its obligations.

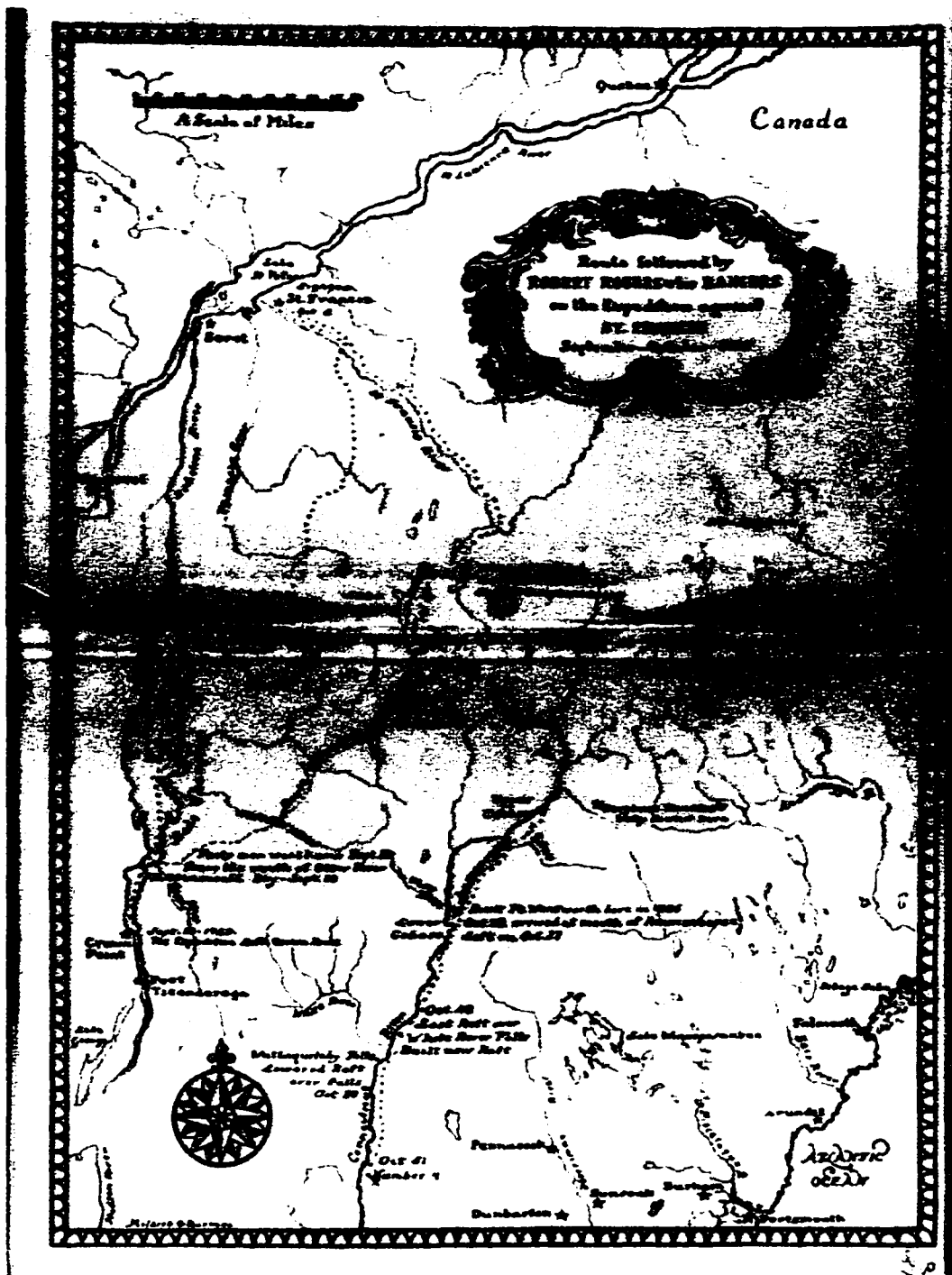
³⁹Petitions, 1760, NHRMA. Margaret and Judy Moore were mother-in-law and daughter-in-law and the main part of the petition refers to the mother-in-law. It is unclear, however, which was which.

Female captives were women *in extremis*. The conditions caused by capture often left the women in desperate circumstances. Poverty, at least in terms of hard currency, and distance lessened their relative individual importance to those in power but the fact of war meant the government had to act to protect even the poorest or most distant of their subjects. However, their extreme positions illuminated important understood rights of women as British subjects and connected them to their governments. New Hampshire regularly sent negotiators into Canada to seek and redeem as many captives as possible. Family members also traveled northward to see their relatives and to try to gain their release. When faced with an ongoing crisis, the imperial administration, as represented by the government of New Hampshire, recognized their obligations to the Crown's subjects who protected the edges of settlement. Individuals who risked their lives for English civilization and empire as well as a better life for their families expected protection from their government no matter what their gender. The state understood its obligations and the rights of men, women and children to protection.

Women acted as the representatives or agents of their families when their husbands were unable to do so. They took the initiative to meet with or petition government representatives if it would help their case. Women acted as the heads of households in fighting for their families if they were widowed. While serving as the administrators of their husband's estates they employed whatever means were available to remain economically viable in the colonial economy. It was in women the political and domestic economies converged. Women used legal and political custom as ways to try to gain whatever was necessary for their families. Despite the professed cultural belief women were helpless without the assistance and guidance of men, women proved

adept at finding the government entities most likely to assist them and society accepted and expected their actions.

Female captives from New Hampshire used any customary approach to the government available to them and took advantage of their implicit rights as British subjects. Their appeals to the provincial government were issued without hesitancy or apology. The Crown and the provincial government assumed the collective loyalty of all their subjects and, without ever stating the fact, treated women as subjects. Captivity made the assumption of subjectship apparent, even for married women. Without the protection their husbands usually provided, captive women opened a direct dialogue with governments but they did so without losing the attributes of eighteenth-century femininity. Their stories capture women's use of customary approaches to the government, approaches they were able to use because of their understood status as subjects. They were ordinary women, caught in extraordinary circumstances, who did what they could to help their families survive the rigors of cultural collisions on the frontier.



Map 1: New Hampshire and southern Quebec. "Route followed by Robert Rogers & his Rangers on the Expedition against St. Francis, September - October - 1759." Courtesy of the New Hampshire Historical Society.

CHAPTER TWO:

WAR WIDOWS: WOMEN AND THE CONSEQUENCES OF WAR

When the physician Amos Dwinnell died "in the Service of this Province at Albany," New York in 1756, his wife Abigail grieved and tried to continue running the small tavern her husband had established. By the spring of 1759, her grief easing, the tavern license probably gone, and the need to provide for her family uppermost in her mind, Abigail petitioned the New Hampshire governor, Council and Assembly to correct a mistake in the muster roll settlement. Fifty pounds old tenor had been deducted out of Amos's final wages for a gun but Abigail knew through discussions with her husband's comrades that his gun had been left "at Cap't Vanarnams at the flatts about Albany Under the Care of Colo Messerve for the use of the Province." Further, she pointed out, she had witnesses willing to testify to that. Captain Samuel Foulsam and Mr. George King "are knowing and if need be Can Give Information." She requested that the Governor, Council and legislature refund her the amount deducted from her husband's wages "which will be some help to her under the Poor Circumstances in which She is left." The governor and Council approved the petition the next day and within the week the legislature allowed her twelve pounds, ten shillings new tenor (the equivalent of fifty pounds old tenor) in restitution. It certainly did not make up for the loss of her husband but the Dwinnell family would benefit from her efforts. The Widow Dwinnell knew what it took to be successful in a dispute with the provincial government: a willingness to

petition and a solid case well presented.¹

Dwinnell, like the female captives, used the means available to her to provide for her family and expected the government to meet its obligations to her as a subject. As a widow and the administrator of her husband's ultimately insolvent estate, she turned to the custom of petitioning as a way to inform the provincial government of her needs and expectations and to protect her family from the vagaries of the economy. But Dwinnell was a war widow from the time her husband left their home for the service, and not just upon his death in provincial service. War widows, whether permanently or temporarily without a spouse, willingly employed their right to present petitions to the government of New Hampshire far more often than a *feme covert* with a husband at home. During wartime women from every settlement affected by the many imperial wars between France and Great Britain and those between the British Americans and Native Americans presented petitions on a myriad of subjects relating to war. Necessity may have compelled their efforts, but knowledge of the petitioning process and acceptance of family responsibility made the supplications possible *if* women chose to exercise their right. Through petitions presented by the wives, widows and mothers of men who took part in the colonial wars of the eighteenth century, much can be learned of the social, political, and legal responses of the women who remained behind. It was their use of the customary right of petitioning which makes that possible.

¹Petition of Abigail Dwinnell, Indian & French Wars and Revolutionary Papers, "Collection of 1880" microfilm #253A, vol. II, p.47, New Hampshire Records Management and Archives (hereafter NHRMA); New Hampshire, [*Provincial and State Papers*], 40 vols. (Concord, NH: State of New Hampshire; 1867-1943) vol. VI, p. 717 and vol. XXXVI, p.110 (hereafter *NHPP*).

Petitioning was an "ancient right," affirmed by the governments of Massachusetts and New Hampshire in 1641, ostensibly giving women, along with every other citizen, license to request formally the grant of a private act.² While the right to petition may not have been guaranteed specifically to female inhabitants of the province, the women in New Hampshire clearly believed that the right applied to them as subjects. English women had availed themselves of the customary right at least since the English Civil War.³ Petitions came in to the government from all around the colony, primarily from people without direct contact to government officials. The women who submitted petitions knew the power of the petitioning process and the means necessary to complete the process. In the pre-Revolutionary era, women's petitions tended to be personal, rather than political, in nature; yet this is a clear instance of the personal being political. Despite their status under the law, women understood they had the right to seek aid from the men in authority. They needed what they felt the government owed them and were assertive enough to ask and, at times, demand it. They used the political means of petitioning to

²Gregory A. Mark, "The Vestigial Constitution: The History and Significance of the Right to Petition" (hereafter Mark, "The Vestigial Constitution"), unpublished manuscript used with permission of the author, p.25. I am grateful to Prof. Mark for his permission to read and cite his unpublished work. His paper explores the English development and colonial use of the right to petition. By the seventeenth century petitions followed a rhetorical formula despite the often informal nature of the request within the petition. In the colonies petitions "1) had to be addressed to an authority such as the king [or governor], 2) had to state a grievance, and, 3) had to pray for relief."

³David Underdown notes that Parliament received a spate of female-signed petitions during the English Civil War, especially on peace and Leveller issues. *Revel, Riot, and Rebellion: Popular Politics and Culture in England, 1603-1660* (Oxford; Clarendon Press; 1985), p.211, 286.

explain a personal need.⁴

Most New Hampshire petitions were presented by a single person or a small group of persons directly to, first, the Governor of the province and his Council and, second, to the Assembly. Apparently, the petitioner, or someone representing her, was often, but not always, present. It was understood by everyone involved that all petitions required a governmental hearing and response.⁵ It was a way, the most direct way, for subjects to have their wishes heard, discussed, and debated by those in power who then generally rendered a quick verdict. A 1697 petitioner stated this understanding plainly, for the petitioner knew of no "other way for the ffatherless to come by there [sic] undoubted Right but to come to your Honours ffor releife."⁶ Petitioners trusted the provincial government to listen and give each petition due consideration.

The petitioning process began with writing the petition (or having it written) and submitting the petition and the necessary fees to the secretary of the Governor's Council. Elaine Forman Crane found that submitting a petition to the government was an

⁴Not all women chose to exploit their right of petition. When Dorothy Pickering's mariner husband was killed at Annapolis in 1746, leaving Dorothy in Portsmouth with eight children to support, she did not submit a petition. Perhaps since she lived in Portsmouth and her situation was known or could be easily ascertained by government officials she simply applied to the Treasury in person and no record remains. Thomas Shepard Marsh, "'A Sparrow Alone on a Housetop': Portsmouth, New Hampshire Widows in Debt-Related Civil Suits, 1715-1770 (M.A. Thesis, University of New Hampshire, December, 1992), p.61 (hereafter Marsh, "'A Sparrow Alone on a Housetop.'").

⁵Stephen A. Higginson, "A Short History of the Right to Petition Government for the Redress of Grievances," *The Yale Law Journal*, 96:142 (1986), p.155. Mark, "The Vestigial Constitution," especially p.18-25. "Parliament's [and the colonial legislatures'] interest in noticing all petitions evolved quite quickly into both a sense of obligation on the part of Parliament to consider all petitions and a corresponding sense of right to be heard on the part of petitioners." p.22-23.

⁶Petitions, 1697, NHRMA.

"expensive proposition" in colonial Rhode Island where charges reached four pounds per petition by the mid-eighteenth century, a prohibitive amount for any one of lesser means.⁷ However, in sharp contrast, the New Hampshire provincial government charged far less. In 1718 the government's secretary charged from two shillings and six pence to ten shillings, "according to import" of the petition, and the clerk of the legislature charged an additional four shillings to read the petition, record the order and file the records of each action. By 1768 the province had lowered the secretary's fees for petitions to three shillings per entry, regardless of the "import." Such fees would not have hampered women's ability to present their grievances to the colonial government of New Hampshire.⁸

The written petition began with a deferential address to the Governor, Council and Assembly of the province in recognition of the hierarchical order of governance. For example, a petition presented by Eleanor Stickney of Hampstead in December of 1755 began "To His Excellency Benning Wentworth Esqr: Governor & Commander in Chief In & Over his majesty's Province of New Hampshire[,] the Honble his Majesty's Council[,] and House of Representatives for Said Province in General Assembly

⁷Elaine Forman Crane, *Ebb Tide in New England: Women, Seaports, and Social Change, 1630-1800* (Boston: Northeastern University Press; 1998), p.150. Interestingly, Rhode Island seems to have often charged more in government fees. James Kettner found "[o]nly in Rhode Island were the costs of naturalization consistently high," up to seven pounds, while Massachusetts charged just under eight shillings in 1731. James H. Kettner, *The Development of American Citizenship, 1608-1870* (Chapel Hill: University of North Carolina Press; 1978), p.113.

⁸Batchellor, Albert Stillman, ed. *Laws of New Hampshire*, (Manchester, NH: John B. Clarke, 1904) vol. I, p.147 and (Bristol: Musgrove Printing House; 1915) vol. III, p.493 [hereafter *Laws of NH*].

Convend."⁹ Given the formality of the address, it is possible to assume petitioners consulted someone in their community on the proper format before submitting their appeal. The petitioner followed the salutation with an explanation of the complaint or request and the resulting difficulty of their position. Petitions covered a wide variety of topics. Some petitions covered local land problems, while others were requests for new towns. Individuals may have requested assistance in separating an entailed estate, limiting the legal trade in alcohol, or regaining losses from war time efforts.

Whether the petitioner was male or female, each petition was worded in such a way as to gain as much sympathy as possible. Thus it is easy to interpret the wording in petitions as a plea from the powerless because they are full of phrases meant to arouse sympathy: "being in a low condicion [sic] & sickly & weake & not ablt to manage business as formerly," or "My Necessity Oblidges Mee Once More to Recommend My Miserable Circumstances to the Honorbl Generall Court" or, as Abigail Dwinell's petition said, "under the Poor Circumstances in which she is left by the Death of her late Husband."¹⁰ However, the purpose of the petitions: to persuade the government to grant the request, made such phrases so common in petitions as to be formulaic. (Even Jefferson in writing the Declaration of Independence wrote "We have Petitioned for Redress in the most humble terms"). Individual men occasionally appealed to the government by expressing their helplessness. Two seamen, Andrew Peterson and Henry Acreman, asked the Governor and Council to "[c]onsider the poor distressed state of your

⁹Petitions, 1755, NHRMA.

¹⁰Petitions, 1693 and Petitions, 1745, NHRMA; and Dwinell, "Collection of 1880," NHRMA, vol. II, p.47.

petitioners being altogether helples for want of mony or means or skills.”¹¹ These phrases also reminded those who wrote them and those who received them of the paternalistic order of society. Petitioners looked to the government as a source of authority and power and they used it when it was the best means to remedy a problem of some sort. A certain degree of subservience was expected by all petitioners, no matter their age, sex, or economic status; whether they felt subservient or not. It was simply part of the process. While women used terms such as ‘powerless’ and ‘helpless’ far more often than men, the wording men chose, which usually concentrated on their economic weaknesses, conveyed the same message of need. Therefore, in individual petitions, when women petitioned for their “fatherless children” or to ask the government to aid them due to “Poor Circumstances” like those which Abigail Dwinell mentioned, the meaning of the wording in their petitions did not vary tremendously from the wording men used, except, of course, that men spoke of their “motherless [rather than fatherless] children.” All petitioners mentioned any other possible difficulty in their lives which might create sympathy among the members of the Council and legislature and cause them to grant the request.¹²

Petitions to the provincial government in New Hampshire were common throughout the eighteenth century. In her 1980 study of women of the American

¹¹Petitions, n.d., NHRMA.

¹²Men signed group petitions far more often than women. Most of the group petitions related to the creation of a new ‘parish’ or town and the people who signed were from local heads of households. In individual petitions there was some difference in the language between men and women. Far more often women mentioned family difficulties while men were far more likely to mention economic ones. Women were more likely to give details of regarding their domestic situation while men were more likely to write of property issues. However, both men and women used a language of subservience in their petitions to the government.

Revolution, Linda Kerber conceives of petitioning as an almost purely political act and one which was not used by women before the 1770s. Petitions submitted by individuals were mere "individual expressions of opinion." To Kerber, the petitioning process was "the most primitive of political mechanisms" which gave women access only to the least controllable and most cumbersome of grievance procedures. She emphasizes the deferential nature of petitions and women's lack of power in the political process. Deborah Rosen too has found petitions to be a much weaker route to justice, yet more often chosen by women, than the courts, which men followed.¹³

But both Kerber and Rosen miss the important possibilities petitions gave to women. Petitions gave women a voice where they would otherwise be voiceless. They may be viewed as powerful tools for the disenfranchised, a group which included more than just women. Petitions were often the most direct means of communication between the provincial government and its subjects. They were the means whereby "individuals could seek the employment of public power to redress private wrongs." Since petitions were most often 'individual expressions of opinion,' they allowed the voices of any private subject to be heard in a way no other political device did. As Stephen Higginson explains, "petitioning meant that no group in colonial society was entirely without political power," even the *feme covert* whose husband was away at war. Women knew it was the duty of their government to hear and respond to petitions presented to them and

¹³Linda K. Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill: University of North Carolina; 1980; reprinted New York: W.W. Norton and Co.; 1986), p.41, 98, 287. Deborah A. Rosen, *Courts and Commerce: Gender, Law, and the Market Economy in Colonial New York* (Columbus: Ohio State University Press; 1997), p.114-115.

they turned to their government when needed. It was not legislative or executive power they sought, understanding their place in the overall hierarchy of colonial society. They used the legal custom of petitioning as a means to achieve an efficient remedy to a situation in which the government could provide a solution.¹⁴

In New Hampshire, petitions apparently received two main hearings: one before the Governor sitting with his Council and a second before the Assembly, often on the same day. The notice of action taken on each petition was supposed to be written at the bottom or on the back of the petition but often the clerk neglected his duty and for many petitions no indication exists of approval or disapproval. The fact that most petitions were submitted by single individuals or very small groups of people did not diminish their importance. Since petitions were a means by which the disenfranchised could inform, warn or otherwise instruct the government, it allowed for broad participatory action at a time when the Assembly as well as the Governor and Council accepted all petitions placed before them.¹⁵ Colonists used the mechanism of petition for a tremendous variety of purposes and the process was open to women, whether married, single, or widowed, as well as men. It was a legal custom accepted throughout the

¹⁴Higginson, p.144, 153. In "The Vestigial Constitution," Mark elaborates on the public/private aspects of petitions, noting that "even individual grievances embodied in petitions carry powerful political freight simply because of the individual capacity to invoke public power." p. 48.

¹⁵Although he concentrates on petitions submitted with large numbers of signatures, Edmund S. Morgan has written that petitions "nourished the fiction of the people's capacity to speak for themselves. In doing so they renewed the invitation that popular sovereignty unavoidably extended to flesh-and-blood people outside parliament who thought themselves qualified to do the speaking." *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: W.W. Norton & Co.; 1988), p.230. More work needs to be done to see if such a statement may apply to women as well.

colonies.

It is through the petitions presented by colonial women much may be learned of their lives during wartime. To date, histories of the pre-Revolutionary colonial wars have focused on the men who fought.¹⁶ Whenever there was any mention of the women fighting men left behind it focused on the plight of, and not the options available to, women. This is natural enough since many women did confront immense difficulties in the loss of their spouses. Mental, physical and, most urgently, monetary challenges faced women during war as they grappled, some more successfully than others, with the work of two. Women took on the work of their departed husbands with the expectation that their extra burdens would end with the return of their husbands and the end of the war.

But, as we have seen, in northern New England warfare was almost constant during the late seventeenth- and eighteenth-century colonial period. The imperial wars between France and England: King William's War (1689-1697), Queen Anne's War (1702-1713), King George's War (1744-1748), and finally the French and Indian, or Seven Years', War (1754-1763) were punctuated with intensified Anglo-native conflicts in northern New England. In his history of New Hampshire, Jeremy Belknap noted that by 1725 "every man of forty years of age [had]... seen more than twenty years of war."¹⁷

¹⁶Some of the more recent histories which have focused on eighteenth-century fighting men before the Revolution include Ian K. Steele, *Betrayals: Fort William Henry & the 'Massacre'* (New York: Oxford University Press; 1990); Fred Anderson, *The People's Army: Massachusetts Soldiers and Society in the Seven Years' War* (Chapel Hill: University of North Carolina Press; 1984); and Douglas Edward Leach, *Roots of Conflict: British Armed Forces and Colonial Americans, 1677-1763* (Chapel Hill: University of North Carolina Press; 1986); Harold E. Selesky, *War and Society in Colonial Connecticut* (New Haven: Yale University Press; 1990).

¹⁷Jeremy Belknap, *The History of New-Hampshire*, Vol. I (Dover; 1812; reprint, New York: Johnson Reprint Corp; 1970), p.217.

The wartime service of fathers, husbands and sons was a normal part of life for every generation of colonial women. It was yet another element of tension in the lives of those living outside the more protected cities of the northern provinces. Even settlements that escaped attack, like Portsmouth, stayed vigilant and prepared for expected assaults from the French or their Indian allies. In a July 1694 letter to his daughter and son-in-law who lived in Boston, Nathaniel Saltonstall wrote of the fear that surrounded them in Haverhill. “We are so surrounded with newes of Depradations, and losse of lives and estates at Oyster River, and the Bank [both in New Hampshire], since then at Groton [in Massachusetts] by the hands of the publique Enimie; that the people of this place are getting with speed into Garisons; On which account our place or garison is stowed full with Lodgers.”¹⁸ Life on the northern frontier was seldom free from fear of attack. The women who said good-bye to their men as they left to fight in King William's War in 1689 had great-granddaughters who in turn sent their husbands to fight in the French and Indian War beginning in 1754. The only way to act was to be prepared for any possibility. When the call came, men left their homes to defend their lives, families and communities leaving their wives, mothers and the rest of their families to carry on.¹⁹

It is easy to imagine a young bride bidding her new spouse a mutually-tearful

¹⁸Robert E. Moody, *The Saltonstall Papers, 1607-1815, Selected and Edited and with Biographies of Ten Members of the Saltonstall Family in Six Generations. Vol.I: 1607-1789* (Boston: Massachusetts Historical Society; 1972), p.213.

¹⁹War was hard on marriages as well as family. Samuel Hincks petitioned for dismissal from the militia in 1725 due to marital discord. “My wife left [Portsmouth] and is at Boston where she has lately gone, and my private affairs are in confusion tho I neglect no duty.” Hincks still provided for his wife, as the law demanded, yet she abandoned his home. Steven C. Eames, “Rustic Warriors: Warfare and the Provincial Soldier on the Northern Frontier, 1689-1748,” (Ph.D. dissertation, University of New Hampshire, 1989), p.309.

farewell as he rode off to join his comrades in 1703 at the start of Queen Anne's War or a pregnant woman surrounded by several children ages two to ten assisting her husband in packing for the colonial militia's 1745 attack on Fortress Louisbourg during King George's War. Both women knew that the only way to end the French Catholic menace was to send their spouses off to help defeat the French and their Indian allies.²⁰ Each woman turned from the sight of her departing partner, as he traveled down the road to enter a new phase of his life, back to the lot life had given her: the domestic roles of wife, household manager and mother now with the additional mandatory chores her spouse had done before his departure. These were tasks women expected to shoulder and nothing previous generations of women had not had to face. Whenever a husband was not at home, most wives naturally assumed their husband's duties. Anything which furthered the family's interests and was acceptable to the husband was within the purview of a wife. The role of deputy husband was a part of colonial women's ordinary lives and became even more important during times of crisis.

Contemporaries were well aware of this harsh reality. In 1692 Cotton Mather published a popular sermon, one which was reprinted several times in the eighteenth-century, in which he described a virtuous wife. In his description he explained that wives "acted as deputy Husbands, for the maintaining of good Orders in the House, when [the husband] was out of the way." Men at war were "out of the way" and it was up to the

²⁰In *The language of liberty, 1660-1832: political discourse and social dynamics in the Anglo-American world* (Cambridge: Cambridge University Press; 1994), J.C. D. Clark emphasizes the important religious motives behind much colonial behavior. He stresses that the underlying opposition of the English to the French was religious.

wife to maintain “good orders.”²¹ For continuity women were expected to fill the gap and to fulfill the necessary work of two individuals. In *Goodwives*, Laurel Thatcher Ulrich describes the notion of deputy husband in terms of the hierarchy of eighteenth-century colonial society. The husband was the head of the family and it was his responsibility to represent his family to those outside the domestic circle. But, Ulrich concludes, most husbands did not make decisions in a vacuum; they consulted with their wives before any important public pronouncement regarding their families. If her husband was, for any reason, unable to fulfill his public role as head of household, the wife, as a deputy husband, could represent the family just as Susannah Johnson did before the government of New France. “Almost any task was suitable for a woman as long as it furthered the good of her family and was acceptable to her husband.” Elaine Forman Crane argues that Ulrich’s interpretation implies permission was necessary for a woman to act as her husband’s representative to the world. She describes Ulrich’s hierarchical description of the family and the role of deputy husband as misleading. “It is not at all clear... that married women... thought of themselves as surrogates, or that they subscribed to the notion of deputy husband.” Crane concludes women did not seek permission to act in certain circumstances; they simply did what was necessary when necessary. It was a case of “mutual responsibilities rather than authoritative hierarchies.”²²

²¹Cotton Mather, *Ornaments for the Daughters of Zion. or The Character and Happiness of a Virtuous Woman* with an introduction by Pattie Cowell (Boston, 1741; reprint Delmar, NY: Scholars’ Facsimiles & Reprints; 1978), p.112.

²² Laurel Thatcher Ulrich’s book *Goodwives: Image and Reality in the Lives of Women in Northern New England, 1650-1750* (New York: Alfred A. Knopf, Inc.; 1980; reprint New York: Vintage Books; 1991), p.37-38. A full discussion of deputy husbands is included in chapter two, p.36-50. Crane, *Ebb Tide in New England*, p.126.

It may appear to be a small point, but in the context of constant warfare it was important that husband, wife, and their government understood the responsibilities inherent in the marriage partnership. Crane's understanding of Ulrich's interpretation reads more into the notion of implied permission than Ulrich actually means. However, the connotations associated with deputy husband depict women in a weaker position vis-a-vis the government than wording of the New Hampshire petitions indicates was actually so. The hierarchical nature of Anglo-American society did include the acceptability of wives acting, not necessarily with a husband's permission, but with a husband's understanding that his authority was hers in his absence. Thus war widows and actual widows were treated similarly by the government. New Hampshire's government recognized the agency women possessed in their husbands' absences. In many ways, war widows acted in ways closer to family agents or representatives than our current notion of deputy husbands implies. As the agents of their families and in their husbands' absence, wives were able to act with the authority that their husbands generally had, guiding their families. In deliberations with the government, war widows were the heads of households in their husbands' absences. They were responsible for the immediate well-being of their families. Colonial governments turned to the wives of men who were absent in order to provide stability for individual families and thus order for the entire society. Coverture meant wives' connections with the government were few in their husbands' absence, but coverture did not limit wives in petitioning. The government turned to wives when husbands were absent to get decisions on necessary family matters.

Laws to assist the families of soldiers passed by the governments of Massachusetts and New Hampshire clearly indicate recognition of family hierarchy. A

1689 law of both colonies granted a soldier's pay in a hierarchical fashion. "If it so happens (which God forbid) that any of ours fall in the Attempt then what would rightfully have belonged to such Persons, if they had lived, shall be made good to their Widows and children." The money or other possessions belonged first to the soldier, then to his widow and children and followed understood lines of inheritance. But the laws of both colonies also recognized the agency and responsibility of women left behind. In 1691 the Massachusetts legislature ordered the Committee for Debentures to grant "unto such Persons [the soldiers], their Wives, or such other as Legally represent them for four Months Wages a Piece." Wages could be had, not just by the soldiers but also their wives, in their husband's absence. Wives were the legal representatives of their husbands and their families even without the express written order of their spouse. At the end of the French and Indian War seventy years later, the laws had not changed in regard to soldiers' wives. In 1762 the New Hampshire legislature ordered "that the Ballance for wages due to each person as carried off against his name be paid to him, his order, widow or Legal Representative." The legal representative was almost always a soldier's wife or widowed mother.²³ The legislatures of northern New England recognized both hierarchy within the family as well as the need for wives/widows to act with an understanding of the "mutual responsibilities" of the marriage partnership. Actions taken by the 'war widows' of New Hampshire were well within the bounds of traditional female roles given the generally flexible nature of colonial gender boundaries. By examining the petitions of individual women, it is possible to see that women took advantage of their role as the

²³*Laws of NH*, vol.I, p.374, 473-474; *NHPP*, vol.VI, p.880.

family's representative or agent. Colonial paternalistic society expected wives to do so.

One way that women used the accepted role of family representative was to petition in place of their absent husbands for money due their spouse. When Mary Moore, wife of the New Hampshire regiment's commander Colonel Samuel Moore, felt that her husband had overextended their family's finances in the cause of the empire, she presented a petition to the colony's government on September 27, 1745. Colonel Moore, she explained, "hath advanced considerable sums [1,173 pounds old tenor] for the Benefit and advantage of the soldiers at Louisbourg under his Command" and she asked that the government "give your Petitioner opportunity to produce the vouchers for the Sums advanced" as well as an accounting of what was "due to him the said Samuel for him self and servants" so that the government could repay the sum owed to Colonel Moore "[u]nto your petitioner."²⁴ While no known personal correspondence exists which can confirm the request from husband to wife, the detail given in the petition leads to the logical assumption that Samuel had written to his wife explaining his expenditures and his expectations of repayment. Another logical explanation is that Mary kept the accounts herself. Mary Moore, wife and alone, was the person her husband chose to act in his stead and Moore acted knowing that as a subject she had the understood right to petition the government.

Moore and women like her made requests on behalf of their husbands, with or without their husband's expressed permission, as their family's agent. But as the weeks stretched into months and husbands, fathers or sons did not return, women who were

²⁴Petitions, 1745, NHRMA.

related to injured, lost or killed combatants learned that the temporary burdens they shouldered could become permanent ones. They knew that, aside from their spouses, there was no one else who could better understand, protect, and fight for the needs of their families than themselves. It was their responsibility to provide guidance for their families and to represent their loved ones to the outside world. The simplest, most direct approach was to take direct action and to petition the government for a redress of grievances relating to war damages. The stability and continuance of many families depended upon the willingness of "war widows" to use the power of petition while approaching the government for aid and restitution. The petitions were not questioned by the provincial government, but discussed and acted upon as they saw fit, with a clear understanding the women who submitted the petitions were the representatives of their husbands and families.

The vast majority of the wartime pleas from women came as a result of colonial participation in King George's War. It is unclear why the bulk of New Hampshire's extant petitions for war restitution are grouped around 1745-1749 while only a scattering of petitions from earlier wars and a handful for the French and Indian War, like Abigail Dwinell's, exist. One possibility may be that the 1740s were a time of tremendous inflation and consumption creating a greater need for cash. The colonies were a major market for Great Britain. Neil McKendrick concluded a "democratization of consumption" took place in eighteenth-century Britain. As the British colonists sought to emulate British tastes, the Americans increased their purchases of British luxury goods. T.H. Breen found the 1740s were the key decade in the American colonies as well. Colonial exports surged forward as a means to increase cash available to pay for the

great increase in imported items.²⁵ War widows of the 1740s may have had a greater need for cash. Their need may have been the driving force behind the greater number of petitions presented during the 1740s.

This explanation, however, only accounts for the lack of earlier petitions and not later ones and thus falls short of satisfaction. The 1760s too were a time of economic scarcity, yet no great number of petitions exist in the archives from the French and Indian War.²⁶ During King William's War, 1689-1697, the governments of Massachusetts and New Hampshire ordered: any soldier "wounded by the ffrench & Indian Enemie, the charge of his cure Shall be paid out of the Publick Treasury." That means the nurse, often the wife of the injured soldier, could ask for reimbursement for nursing. But no petitions exist from the 1690s war which fit the nursing provision. During the 1690s, most New Hampshire settlers lived right along the seacoast and may have applied in person for any reimbursement. Perhaps the "Publick Treasury" referred to was that of the Crown and not the individual provinces. In 1737 one Eleazar Bickford petitioned for money to pay doctor and nurse fees after the hardships of "Last falls Expetition to Anapolis did Cause a Relapse of the Distemper I Contracted in going to Cap briton." He requested reimbursement for five weeks of care. Bickford's petition is the only petition regarding

²⁵Neil McKendrick, John Brewer, and J.H. Plumb, *The Birth of a Consumer Society* (London: Europa Publications Ltd; 1982), p.25. T.H. Breen, "An Empire of Goods: The Anglicization of Colonial America, 1690-1776," *Journal of British Studies* (1986), especially pages 474-487. Richard Bushman in *The Refinement of America: Person, Houses, Cities* (New York: Alfred A. Knopf, Inc; 1992; reprint New York: Vintage Books; 1993) explains the developing genteel culture in colonial America and explores some of the ways the provincials dealt with their desire to emulate the British upper class.

²⁶Gary B. Nash, *The Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution* (Cambridge: Harvard University Press; 1979), p.246-256.

nursing which remains from the early 1700s, but Bickford clearly felt he deserved the money. Resolutions passed by the New Hampshire legislature during the French and Indian War made it clear that the Crown ultimately had responsibility for a great part of the colony's military expenses. In Fred Anderson's book on Massachusetts' French and Indian War militias, he notes that New Hampshire was to supply 600 soldiers to the Crown Point expedition. The men who were to serve were to be paid by their colonial treasuries, causing some legislative grumbling. But, just like the Louisbourg expedition, the treasuries were to be reimbursed by the Crown. During the early part of the French and Indian War, New Hampshire was given responsibility for the pay of 800 - 1000 soldiers for nine months terms but "provisions, Arms, Ammunition & Tents [were] to be provided by the Crown, Humbly Relying on his Majesty's Royal Bounty to pay the Whole Charge." Later in the war, as expenses mounted and dissatisfaction with the long war increased, the Crown gave a greater part of the debt back to the provinces. In 1762 "to reduce the Enemy to the necessity of accepting a Peace on Terms of Glory & Advantage to his Majesty's Crown and Beneficial in particular to his subjects in America," the Crown reiterated that the expense of wages belonged to the colony and added expressly the cost of "Cloathing" to the colony's list of charges with the promise of later repayment.²⁷ New Hampshire's heavy involvement in the war meant the province was saddled with an ever-increasing debt. It may be the promise of later repayment meant the provincial government turned over any petitions and records of payments to the home government along with their itemized list of expenses from the wars. But, as Anderson

²⁷Anderson, *A People's Army*, p.10; *Laws of NH*, vol. I, p.528 and vol. III, p.107, 179, 192-193, 234, 312-313; *Petitions, 1737*, NHRMA.

has noted, the Crown reimbursed the colonies for soldiers' salaries during the Louisbourg expedition as well. It may be widows realized the money would not be forthcoming from the colony, burdened with debt as it was and, expecting repayment by the Crown, they petitioned the entity responsible for payment directly. Surely such a well-used right during one war was not suddenly picked up and then suddenly abandoned for only a short period.

It is possible petitions relating to the earlier wars and the later French and Indian War were handled in a different way - perhaps through channels to the Privy Council, Parliament, or some other part of the Colonial Office in England. For some reason they were not stored with petitions presented to the provincial governments but were sent to England as explanations for wartime expenditures. Most of the colonial wars were directed from Europe, but some, like the expedition to Louisbourg during King George's War, originated with New England colonists, giving them more credit and possibly more responsibility for the outcome. When William Douglass of Boston wrote of the "Louisbourg Affair" he did so in a disdainful manner. "1. It was infinitely rash, a private Corporation Adventure, without any Orders or assured Assistance of Men of War from Home.... 2. The Military Success was *miraculous*." Sources suggest the expedition started when William Vaughan of New Hampshire suggested to Governor William Shirley of Massachusetts it would be possible for a large contingent of colonial forces to surprise the French fort on Cape Breton. The governor of Massachusetts then enlisted the aid of the other New England governors (and the Royal Navy) and put together a force of

about 3000 men many of whom served from early 1745 through early fall 1746.²⁸ The greater involvement of New Hampshire's leaders in planning and participating in the Louisbourg expedition may explain why more petitions emanate from it as compared to any other colonial military venture.

New Hampshire legislation to encourage men to enlist in the Louisbourg expedition included provisions for widows which mimic the earlier provision for the legal representatives of slain soldiers.²⁹ "The Widows or nearest relatives of any officer or soldier that is slain or shall otherwise loose his life in the service, shall be entitled to four months pay." But it included a further provision, not seen in the legislative actions regarding any other war, to protect the wives left behind. "[T]he wives of any officer or soldier in the Expedition or any other person that appears with a power of Attorney duly authenticated, shall at the end of every month receive out of the Treasury half or all the wages of such officer or soldier as he appears for." The government used the pronoun "he" when referring to those with power to request wages, but the passage started with wives. The legislature clearly referred to female family members as well. Thus encouraged, wives of men in the New Hampshire regiment of approximately 500 knew they had the right to petition the government for at least part of the pay of their men -

²⁸William Douglass, MD, *A Summary, Historical and Political, or the first Planting, progressive Improvements, and present State of the British Settlements in North-America*, Vol. II, Part I (Boston; 1751), p. 12-13. For information about the Louisbourg expedition see Charles E. Clark, *The Eastern Frontier: The Settlement of Northern New England, 1610-1763* (New York: Alfred A. Knopf, Inc.; 1970), p. 288-292; Belknap, *History of New-Hampshire*, Vol.I , chapter 19-20; Eames, "Rustic Warriors"; and Leach, *Roots of Conflict*, chapter 4.

²⁹Each colony had different recruitment arrangements. For instance, the legislation for Connecticut and Massachusetts did not include or simply did not explicitly state, provisions for widows. See Anderson, *A People's Army*, p.8-9 and Selesky, *War and Society in Colonial Connecticut*, p.74-81.

should the need arise.³⁰ None of the existing petitions which requested payment of the wages of a living relative include a "power of Attorney duly authenticated," so perhaps the reality of wartime need ultimately superseded legal exactions in the eyes of those who wrote and heard petitions. If the venture was "a private Corporation Adventure" supported primarily by the colonial leaders, the legislative policy may explain why there were more petitions to the provincial government from "war widows" of King George's War in connection with the Louisbourg expedition as compared to any other military maneuver in New Hampshire's military history.

Many petitions presented to the government of the province of New Hampshire during this period by women who needed assistance seem to fit the stereotype of the 'helpless widow' or at least helpless female. "Sundry Women whose Husbands are gone in the Expedition against Louisburg" petitioned the government in June of 1745 for an allowance from the wages their husbands had thus far earned. "Your Petitioners families are in Daily Want of Support & are now destitute of the help they used to have by the Day Wages of their Husbands on which only they Depended for Subsistence." The fifteen women who signed the petition stressed the perilous position of their households and their dependent nature as wives. They depended on their husbands' ability to bring in income and to ease the burdens of family life. Without their husband's presence and work

³⁰George C. Gilmore, compiler, *Role of New Hampshire Soldiers at the Battle of Bennington, August 16, 1777 with [the] Roll of New Hampshire Men at Louisbourg, Cape Breton, 1745*, (Manchester, N.H., 1891 and Concord, N.H., 1896; reprint Baltimore, MD: Genealogical Publishing Co., Inc.; 1995), p. 15-16. William Douglass's pamphlet claimed New Hampshire "contributed of 350 Men under Col. Moor" and later sent 200 reinforcements, for a total of 550 soldiers. Douglass, *A Summary*, p.48. Howard H. Peckham's study reports that New Hampshire contributed 450 soldiers. Peckham, *The Colonial Wars, 1689 -1762* (Chicago: University of Chicago Press; 1964), p.100.

their already heavy work loads were greatly increased.

However, upon closer inspection, the petition may be seen as more than a plea from the powerless. It was a message from women who, while poor and overburdened, knew that the government owed them money and knew how to inform the government of its obligations. And it was more than that: it was the second petition from the fifteen signers. The money granted in the first "being but Small was Soon Expended." They petitioned once again arguing "it Seems unreasonable that the Families of those who Expose their Lives daily for the Good of their Country should be left to Suffer."³¹ Their households, which had depended upon the "Day Wages" of their husbands, now depended upon the willingness of the women to use their right of petitioning to attain needed cash for their families. The government owed the soldiers' families the money and had provided the means for the women to collect. Although no record remains as to the outcome of their second petition, the fifteen "sundry women" willingly approached the seats of power to maintain themselves and their families, fully understanding that since their husbands had earned the money and it was owed to the soldiers' families there was no reason to fall upon the pocketbooks of their neighbors for charity. As the wives of day laborers, it is also clear that even women of little means understood and willingly used the petitioning process. Petitioning was a sure way to let their voice be heard. Usually twentieth-century historians view women of lower status as virtually powerless. Powerful they were not, but nor they were voiceless. Petitioning was the most efficient way lower-class women could expect their individual needs and the needs of their

³¹*NHPP*, vol. XVIII, p.225-226.

families to be heard.

Other women, finding themselves in similar circumstances during their husbands' absences, approached the government with a similar aim. In April of 1747, Ann Brotton, Sarah Tucker and Sarah Messuere informed the New Hampshire provincial government that "your Petitioners were very nearly affected by and Concerned in the Loss of those Men lately belonging to the Sloop *Warren*... One having a Son & the other two their Husbands among the Captives." Along with the anguish they must have felt in fearing the worst for their loved ones, they also felt the need to protect the wages of their men. The only way to do that was to bring the situation to the attention of the government and state their expectations. Their men "had been a Considerable time in the Service before they were taken [by the French] for which the Wages Remains due." Further, "it Seems to your Petitioners but just & Equal that their Wages Should be Continued till their Return Or if they are dead till there shall be Certain News thereof." Therefore the women requested all the wages owed "to this time" be paid to them and that the men be allowed to continue to earn wages until news of their condition was discovered. After stating their case in the most straight-forward manner possible, they then added a seemingly perfunctory "Or that you would Grant them Such Relief under their Afflictive Circumstances as in your Great Wisdom & Goodness you See Meet & your petitioners as in Duty bound shall Ever Pray &c." Having couched their words in an acceptable formula the supplicants felt free to ask not only the wages owed to their men but also to explain to the government how wages should be paid and for what length of time. After all, the "Petitioners Families... depended on their Respective Relatives ... for their Subsistence and their Wages in the Service was the only Means of the Support of

themselves & families." Their predicament was "Occasion'd by their [men] Entering into the Public Service" when the mother country needed sailors. If the needy families did not receive aid then the women would have to proceed as best they could until their husbands returned or were declared to be dead.³² Either way, the continuance of the families of the three supplicants was up to them. They were doing the best they could with the means available to maintain their families.

Mary Welch of Portsmouth petitioned "His Excellency Benning Wentworth Esqr Governor & Commander in Chief ... the Honble His Majesty's Council & House of Representatives for said Province in Genl Assembly Convend" on February 19, 1745. She explained that her husband had enlisted under Captain George Messerve and was serving at Louisbourg. "Your Petitioner having three Small Children cannot any Longer Support herself & them with out help.... She Prays that she may be Allow'd to take up the wages due for his Service & that payment thereof may be orderd accordingly."³³ It was the wages he was owed and that the government had promised to pay her upon request she wanted, not a handout. She did not mention a specific amount or place a frame on the time for the wages owed. It was the only time that Mary Welch ever approached the provincial government but it is telling that she, and others like her, did. She entered her request with the aim of self-support. She did not want to become a public charge.

Similarly, the only time Elizabeth Ham of Portsmouth approached the provincial government was to petition for her husband's wages. However, she was a recent widow,

³²Petitions, 1747, NHRMA. Also in *NHPP*, vol.XVIII, p.305-306. The underlined word was underlined in the original petition. No notice of action on this petition exists.

³³Petitions, 1745, NHRMA; and *NHPP*, vol. XVIII, 256.

not the wife of a living soldier. On February 19, 1746 a petition was entered "per her order" explaining that "Your Petitioner has a family of small Children to maintain & no Estate whereon to Depend they having been hither to Supported by the Industry of their Parents." Through the use of the plural, Ham left no doubt that she provided half of the support for their children through her "Industry." With the other half of that industrious partnership dead at Louisbourg, Ham petitioned the government asking for and receiving the rest of her husband's wages from the soldiers' pay in the Treasury.³⁴ Like women in similar circumstances, need drove her actions, but means and remedy were available.

Hannah Clark of Newcastle delivered a petition to the governor and council on February 18, 1746. Her husband was a "province marinner" and probably part of a crew that sailed with the colonial militia to Louisbourg and then fought. But "Soon after the Reduction [of Louisbourg] thereof, he died and left your Petitioner with three Small Children and little or nothing to maintain and support them." Dysentery, small pox and yellow fever haunted the crew that remained in Louisbourg after the amazing colonial militia victory. Clark was one of many who, after hearing of the victory, believed all was well, only to learn that her husband died in the disorganized aftermath. She did not request a specific amount of money or even the wages that were probably due her husband for his service. Whether due to a lack of knowledge, poor advice, or humility, all she asked was that "your Excellency and Honours will be pleas'd to grant her Some

³⁴Like many petitions, Ham's petition and mention of it are found in many parts of the records. The quote is from *Petitions, 1746, NHRMA*, but notice of the petition may be found in *NHPP*, vol. XVIII, p.264 and *NHPP*, vol. V, p. 406 and p.795.

Relief."³⁵ Perhaps because of the vagueness of the request her petition was not considered by the governor and council until three months later when the Governor and Council finally approved her petition. There is no indication of the amount or type of relief that they provided her except that something was done. She should have received the four months pay promised widows in the initial call for soldiers although a petition was not necessary for that. However, despite limitations and questions, and with the knowledge of her responsibilities as the new head of her household, Clark exercised her right to petition hoping to provide a stronger material basis for her widowhood and to protect her children.

A very few times, the petitioners requested aid that was supposed to emanate from the towns in New England society. For instance, on December 2, 1746 Sarah Jackson of Portsmouth, widow of soldier Ebenezer "who died at L'bourg" petitioned the New Hampshire government explaining the difficult circumstances created by her husband's death. She needed "Bread, corn, and firewood and of many other of the necessaries of Life, besides that she now has and for some time past has had a sick child." Despite the list of deficiencies, or perhaps because of them, the assembly took six months to consider her request before they finally dismissed it on May 27, 1747.³⁶ Since she was from Portsmouth, her case would have been easy to verify by members of the Governor's Council and the Assembly which met in the town if verification was necessary. Perhaps all of her deceased husband's death benefits and wages had been paid and the government

³⁵Indian & French Wars & Revolutionary Papers, "Collection of 1880", Microfilm #253A, vol. II, p. 21 ½, NHRMA.

³⁶Petitions, 1746, NHRMA; *NHPP*, vol. V, 502 and 848; *NHPP*, vol. XVIII, 294.

did not find her case any thing other than a case for poor relief. Poor relief was, by custom, the duty of the towns, not the general government. Petitions granted by the government for war widows covered war-related debts owed by the government, not special aid to individual families.

War-related debts from individuals living outside New Hampshire were also presented to the New Hampshire provincial government. John Thomas, a Massachusetts man from Kittery, a town across the Piscataqua River from Portsmouth in what is now Maine, served and died as a member of the New Hampshire militia during the Louisbourg expedition. Abigail Thomas petitioned the New Hampshire government in May of 1746 asking "an allowance for the lost Gun & such other Help & Relief as her low Circumstances require." Other than the gun, the request was not specific and appears on the surface to be the plea of a poor widow. Yet on August 12 the General Court allowed her two pounds new tenor for "losses Sickness &c suffer'd in sd Expedition" from money voted on that day to returning soldiers from Louisbourg.³⁷ The payment covered not only the final wages due to John Thomas's widow but also the gun John lost during the expedition.

Sarah French of Hampton, New Hampshire, was slightly more specific when she elected to use her right of petition to protect her family's possessions. In a patriotic move before leaving for the Louisbourg expedition, French's husband apparently mortgaged all

³⁷The quotes are found in *Petitions, 1746, NHRMA and NHPP*, vol. XVIII, 288. Other information regarding Thomas' petition may found in *NHPP*, vol.V, 451 and *NHPP*, vol. XVIII, 270. Apparently, an individual did not necessarily have to live in a particular province to serve in its militia. In the reverse of the Thomas's situation, James Johnson lived in New Hampshire but served for Massachusetts.

the property they owned "for Security for the Payment of twenty five Pounds of the Loan money which he took up." He had invested not only his life but all that he owned in the expedition as the "loan" money of which she wrote was money raised by the province to cover wartime expenses. But in doing so he left his "Large family of Small Children" and widow in dire circumstances. "Your Petitioner Can see no method by which She Can Possibly Pay the Interest or Clear the Mortgage unless your Excellency and Honours in Your Great Clemency Shall be Pleas'd to make me some Considerations herein for my Relief." The request here is clear: French was hoping that she "could be Reliev'd herein [of the interest payments] for the present that hereafter by Industry and the Blessings of God I Should be able so to Clear the Said Obligations." Without some temporary release from the mortgage interest payments she claimed that she must "be Strip'd Bare of every thing and turn'd Out of Doors with a Large family of Small Children to the mercies of the world." The implied questions she asked were: did the government want to create another public charge and had she not paid enough already?³⁸ She was not planning to renege on her responsibilities: she eventually would pay what her family owed. She appealed to the government to allow her the chance to continue to support her family and delay payment of the debt. The burdens of death had forever altered French's part in the world. Like all widows, her life now depended on her ability to provide the resources of her family's existence.

Many petitioners assumed the same burdens. Death was no stranger to the

³⁸Petitions, 1746, NHRMA; Indian and French Wars and Revolutionary Papers, "Collection of 1880," p.45, NHRMA. Neither source records the government's decision regarding her case.

soldiers away from home - or their wives. It is easy to see why there were so many true war widows at the end of the deadly expedition. Illness attacked almost every expedition of soldiers away from home for any length of time. Thus many of the soldiers who returned home arrived sick and many died. In several petitions throughout the eighteenth century women requested payment promised by the government for the nursing of soldiers. For instance, the Widow Mary Gording of Sandown, New Hampshire was paid for nursing Orlando Colby of Col. Goffe's regiment for twelve days during a bout of smallpox in 1763.³⁹ In the same year, Susanna Parker of Charlestown appealed to the government in a well-documented petition regarding her care of a sick soldier who was "helpless as an infant" for much of the time. The distance of Charlestown from the seat of government in Portsmouth meant Parker did not appear personally and her case had to be as strong as possible if there was any hope of success. In an itemized account, she charged twenty-two pounds, eleven pence for candles, wood, bed, bedding and board of the soldiers. Finally, she included a petition from the father of the soldier, a William Hanson, who supported her claims and who verified Parker cared for his son for seven months. It was Hanson, a lieutenant in the New Hampshire militia, who presented the petition to the Governor and then took it to the Council and Assembly. Parker included a note from the Charlestown Justice of the Peace. "[T]here appeared Susannah Parker Subscriber to the above Accompt and made Solemn oath that the same was Just [and] True." Petitions regarding the nursing of non-related soldiers were not usual. For instance, Hannah Osgood of Concord who was paid for nursing soldier Samuel Houston

³⁹Treasury Records, 1763, Box 8, NHRMA.

for forty-one days in her tavern in 1754 while he began to mend from a broken leg; and the Widow McClanen of Brentwood who was paid over one-hundred pounds in 1761 for nursing James Moody, who returned from his stint in the militia with smallpox.⁴⁰

Lacking the bureaucracy to provide medical care and, apparently, the political necessity to provide one, much of the nursing for soldiers returning in 1746 and 1747 was done by female family members. Illness dominated the New England garrison at Louisbourg during the winter of 1745-1746 during which "a total of at least 900, or approximately one out of every three New Englanders... perished."⁴¹ But many of those who returned were ill and needed nursing. Some women considered the nursing of their returned ill or injured men war work worthy of compensation by the government. Elizabeth and Mary Drown, wife and daughter respectively, presented a bill to the New Hampshire provincial government for nursing Samuel Drown who had been wounded while scouting in the Rochester area in May, 1748. Their petition was sent to the government along with Samuel's separate petition for aid. Samuel explained to the representatives that he was "now Extrem Ill at portsmo[uth] & being under Low Sircumstances Borth[sic] of Body & purse & being wounded in the province Service Beg you would make Some provision for me to prevent my Soffering & for my Comfortable Sorport." His wife and daughter were less circumspect in their approach to the

⁴⁰Petitions, 1763, NHRMA. Governor Wentworth spent much of his time at his estate at Little Harbor where he sometimes met with his Council. Gout prevented him comfortable movement and thus he seldom met with the Council in Portsmouth. He would not have been in Portsmouth to mention his support of Parker. Donna-Belle Garvin and James L. Garvin, *On the Road North of Boston: New Hampshire Taverns and Turnpikes, 1700-1900* (Concord, NH: New Hampshire Historical Society; 1988) p.138; Indian & French Wars and Revolutionary Papers, "Collection of 1880," p.130, NHRMA.

⁴¹Leach, *Roots of Conflict*, p.73.

government. "The Province of New Hampshire Debtor to Elizabeth Drown for nursing the said Drown in the year 1747 when he was wounded by the Enemy and Car[ri]ed Down to Portsmouth... we expect the Common wages that is allowed for nursing." Elizabeth had nursed her husband for ten weeks and Mary had attended her father for eight. The petitions had the desired effect because the government agreed to support its wounded scout "in the most frugal manner" and to pay his nurses the customary allowance for their services.⁴²

A petition from the French and Indian War attracts more attention (and pity) from the twentieth-century researcher. In 1762 the widow Bridget Clifford of Brentwood petitioned for "money to get her sick soldier son home from Albany." We can imagine her distress knowing her son was too ill to return home himself where she could look after him. Then she added a line to her petition which shed light on the difficulties the war had caused her. In urgency, she explained she had "Lost two Sons that went in the Expedition that way already."⁴³ She was eager to nurse her sole surviving son to health if the province would just bring him home. The only means she had available to let the government know of her willingness, desire and ability to do so was to petition the government.

Sarah Leavitt lost her husband Moses in 1746 after trying to nurse him back to

⁴²Petitions, 1748, NHRMA and *NHPP*, vol. XVIII, 307-308. The government "voted that Elizth Drown be allow'd & pd twenty shills & Mary Drown ten shills in full of their acct's for Nursing of Saml Drown to be pd out of the money in the publick Treasury." *NHPP* vol. V, p. 579.

⁴³Petitions, 1762, NHRMA. Although no known action was taken by the governor, council and legislature, the request to transport sick soldiers once they were well enough to move was within the norm.

health. Her request covered more than charges for nursing. She also sought recompense for items her husband lost during battle. In a petition presented with two members of her husband's company, they explained the importance of the work the men had undertaken. "The Said Moses [Leavitt] and we the Said Josiah and Nathaniel ... Cheerfully underwent any Hardships nor Did We Shun any Dangers where it was tho't we might be helpfull for accomplishing this Great affair.... We... Readily Ventured our lives in that Dangerous Enterprise where tho' we Escaped with our lives were in the utmost Danger of Loosing them." In the attack on an island battery, the three men "were obliged to Submitt to the Mercies of Our Enemies" and lost a number of items. Moses Leavitt returned with his comrades home but "was sick and Required tendance a great while." After his death, with Shaw and Moulton to corroborate her story and present their own, Widow Leavitt petitioned the government for nursing costs as well as a list of items her husband had lost to the enemy. Moses lost a gun, great coat, a pistol, cartridge box and powder horn. The government paid Sarah Leavitt seven pounds new tenor for her labor and Moses's lost property.⁴⁴

It was petitions from women who had suffered the death of their spouse, like Sarah Leavitt, that had the greatest air of urgency. Usually unknown in public records before the death of their spouses, widows, now *femes soles*, became the public speakers and, if without an adult son, the sole representatives of their households. In order to succeed in their petitions they had to rely on memory, the testimony of friends and comrades, and itemized accounts. Deborah Dunn of Portsmouth entered the official

⁴⁴Petitions, 1746, NHRMA; *NHPP*, vol.V, 451; *NHPP*, vol. XVIII, 287 and 259.

government records when she petitioned the government in 1746. Her husband, a carpenter named Nicholas, had volunteered for the Louisbourg attack and there had died in battle. She used the usual words to explain her helplessness: "Your Petitioner is a poor helpless widow & Nothing but her hands to get[]her living." But she placed formulaic helplessness aside after that statement in this, her only appeal to the provincial government. Dunn enclosed a detailed list all the items lost by her late husband, "one of the Bold Adventurers in the Attack of the Island Battery," that included a gun, knapsack, a cartridge box, a hatchet, five pair of hose, three pair of breeches, three jackets, one coat, one shirt, one pair of silver buckles (worth 3 pounds, 10 alone), and a hat. The total value of all the goods came to 37 pounds, 4 shillings old tenor. The government apparently agreed with her accounting and allowed her a generous 15 pounds new tenor within a week after hearing her petition.⁴⁵

When Olive Russell of Litchfield petitioned the New Hampshire government in 1758, she included an itemized list and a sworn statement signed by Justice of Peace Matthew Patten. Lieutenant Pelatiah Russell left home in 1757 with "[a] good new

⁴⁵Petitions, 1746, NHRMA and *NHPP*, vol. XVIII, pp.283-284, 287 and *NHPP*, vol. 5, p.451. Marsh, in "'A Sparrow Alone on a Housetop'," has attempted to explain the currency situation in New Hampshire during the eighteenth century. He used the work of John J. McCusker, *Money and Exchange in Europe and America, 1600-1775: A Handbook* (Chapel Hill, N.C.: University of North Carolina Press; 1978) as the basis for his conclusions. Marsh concluded that "Constant warring with the French necessitated printing more bills of credit, as well as schemes to attract silver into the colony, which drove up inflation." In 1742 New Hampshire revalued its currency and created new tenor currency with a four to one exchange rate with old tenor. The 1750s were the worst decade of inflation for New Hampshire, Marsh found, and drove the value of old tenor down. During the 1750s 100 pounds new tenor in New Hampshire equaled 4 pounds old tenor. March, "A Sparrow Alone," p.117. Yet for some reason most petitions in which specific debts were enumerated the petitioners continued to use old tenor in their accounts throughout the colonial period. Thus the fifteen pounds new tenor that Dunn received was very generous and/or may have included the final wages of her husband or other debts owed to Dunn by the government.

Beaver hatt, two new worsted Caps and one woolen shirt, three good Jackets and one Coat and two Pairs of Leather Breeches, three Pair of Stockings and one Pair of Shoes and one Pair of Magezens [moccasins], one Silk handkerCheif and one Cotton hander Chief and a Gun and Snapsack and Powder horn.” Either Widow Russell had an extraordinary memory or she and her husband had written it all down just in case Olive needed to produce such a list. The sworn list worked. The legislature approved payment of one hundred pounds for the missing articles and three months wages.⁴⁶ It was Russell’s first and last contact with the provincial government. Despite her lack of contact with the general government, she knew and understood the power of petition.

Elizabeth Goudy of Portsmouth tried a similar approach when she became a widow upon the death of her husband, James, who was also killed while serving at Louisbourg. She delivered a petition to the government explaining that her husband had been "charg'd by Capt Mason with two Guns one of which he return'd to Capt Mason & the other into ye Province Store for the Expedition against Canada." She received 50 shillings new tenor for the mistaken reduction of her husband's final wages. Goudy did not stop with her attempt to seek redress of the gun money. She also sent an itemized list of goods that her husband had taken with him to Cape Breton but "that I never received" including a shirt, hat, shoes, "the lace about the Hat," a pair of stockings, "waring Cloathes," and a chest - for a grand total of 20 pounds, 18 shillings old tenor.⁴⁷ But, interestingly and sadly, this was not the last time Elizabeth Goudy came before the

⁴⁶Treasury Records, 1758, Box 8, NHRMA.

⁴⁷The petition may be found in *NHPP*, vol. V, 457 and the itemized list in Treasury Records, Miscellaneous Treasury Account, NHRMA.

government. In 1760, during the French and Indian War, her son Hugh was killed. Perhaps because her petition during the previous war had been well received by the provincial government Goudy sent an itemized list once again this time asking for 83 pounds 10 shillings old tenor for "Sundry Articles her Son lost when in the Army in the year 1760." Once again the government honored her request and paid her 15 pounds new tenor.⁴⁸ On the eve of the American Revolution she again petitioned the government, explaining that her husband and son had been killed in the service of the province and asked for her son's remaining unpaid wages of eight pounds, five shillings. Then she added to her 1774 petition a request "that your Excellency and Honors would be pleas'd to consider whether your Petitioner is not equitably entitled to some allowance from the Government for the time her husband spent in said Expedition before his Death, for which neither he or She ever received any Consideration."⁴⁹ Tenacity in the face of grief paid off for this strong northern New England woman.

The petitions of war widows were requests that went beyond the usual provincial policy allowing women to request death benefits or wages. Not every woman with a case exercised her option to petition, nor did every man. The soldiers and the war widows sought recompense. Women often portrayed themselves as helpless, the typical cultural representation of women in a paternalistic society, while men stated their poor present condition due to their service. Yet both men and women lost while a family member served the country or colony. The petitions of both men and women appealed to

⁴⁸The lists are found among the scraps of bills and receipts filed by year in the Treasury Records, 1764, Box 8 and 1760, Box 8, NHRMA.

⁴⁹Petitions, 1775, NHRMA.

the emotions of the government members. Women and men knew petitioning could produce the results they desired. They were informants, and as so petitioners were the government's most direct contact with the needs and expectations of the populace. As members of society, as subjects of the British empire, women as well as men took advantage of their opportunity to inform their government. Yet at the same time they respected the distance social position placed between ordinary citizens and the governing elite. Lacking the status to have had their needs and expectations met without the necessity of a petition, petitioning gave individuals without any other direct contact with the government a chance to urge the government to fulfill its obligations.

Those who made the effort to petition did so knowing the government would give due consideration to their petition. The war widows' understanding of compensation included more than a simple death benefit. They used the assumption of dependence and helplessness behind coverture in their communications with the government. Wartime brought with it new demands on all parts of society, from the government in London to the small household in a small New Hampshire community. Women were able to use traditional forms of government address, such as petitioning, to put forward their individual needs and demands, all within the acceptable bounds of patriarchy. Female activism during wartime did not rise suddenly during the Revolution. Women's wartime activities had a long history. In northern New England, where war waged so often in the late seventeenth and early eighteenth centuries, women were accustomed to acting as family representatives. They had lost their normal family spokesman but remained to face the world for their household, no matter what extra work it entailed. After all, if they did not do it, who would? Without the benefit of wages or a cash reparation the

economies of their households would suffer. Women had sacrificed for the good of the whole and as a result life changed dramatically for them. But as individuals they knew their families needs could be addressed, not through the vagaries of the court system, but through the *right* of petition. The petitioning process gave ordinary women direct access to the highest levels of the provincial government. As war widows worked to remake themselves to fit the needs of their families, they were able to use the traditional device of petitions. It was a customary political device that the limitations inherent in coverture and patriarchy did not deny to women.

CHAPTER THREE

QUIETLY PUBLIC: WOMEN AND DOMESTIC COMMERCIAL TRANSACTIONS

When Jean Wilson died her family erected a gravestone in her memory. “Here lyes the Body of Mrs Jean Wilson, spouse of the Revd John Wilson, A.M. who departed this life Aprile 1st 1752. Aged 36 years. She was a woman of devout piety, and a good economist.”¹ In the eighteenth century an economist was, among other things, one proficient in management. Along with mentioning the piety of this young woman from Chester, New Hampshire, the Wilson family saw fit to honor her memory by mentioning her ability to manage the household. The house may have been a farm household or it may have included some sort of shop through which the family supplemented the minister’s meager income. As the wife of the house, Jean was, by custom, responsible for making the household run on the money available.

Society expected women to exercise economy in their household, which meant women took part in the commerce of their community. As Carole Shammas has shown, between fifty and sixty percent of the household budget was devoted to diet and ten percent of what remained went to cloth. In other words, the majority of household finances were used to procure food and clothing: items that were processed by women. It was necessary for a woman to be ‘proficient in management’ if her family was to prosper.

¹Mrs. Josiah Carpenter, *Gravestone Inscriptions... in the State of New Hampshire* (Cambridge, Ma: Riverside Press; 1913), p.6.

In her work on the female domestic economy of northern New England, Laurel Thatcher Ulrich has found women shared commodities and the work that produced them.² If Jean Wilson raised chickens and occasionally had extra eggs or hens to sell, people expected her to do so for the improvement of her household. Further, if her neighbor needed another witness when signing a deed, she also would have done that. Her work as an individual aided her family and community economies, and both depended on the efforts of all their members. It made her “a good economist.” When Susanna Johnson assisted her husband in his store, supported herself and her dependents by sewing, and obtained a license to sell liquor in her tavern, it was not only acceptable but a necessary part of her role as wife and, later, widow and head of household. In the words of Cotton Mather, each woman acted as a ‘virtuous wife,’ working “for Plenty as Well as Peace in her Household.... [B]y her Thriftiness [she] makes an effectual and sufficient Reply unto her Husband when he does ask her, as he must, whether he shall thrive or no?”³ Mather’s wording is interesting. He implied that a woman controlled the household finances to such a degree that the husband “must” ask the wife if “he shall thrive or no.” In the privacy of the household, the transactions of everyday private economies lie hidden to historians. But it is clear that household management and small transactions were neither foreign to colonial women nor overlooked by their communities. By looking at legal

²Carole Shammas, *The Pre-Industrial Consumer in England and America* (Oxford: Clarendon Press; 1990), p.145. Laurel Thatcher Ulrich, *Good Wives: Image and Reality in the Lives of Women in Northern New England, 1650-1750* (New York; Alfred A. Knopf, Inc.; 1980; reprint New York: Vintage Press; 1991), especially chapters two and three.

³Cotton Mather, *Ornaments for the Daughters of Zion, or The Character and Happiness of a Virtuous Woman*, Third edition (Boston, 1741; reprint Delmar, NY: Scholars’ Facsimiles & Reprints, Inc.; 1978), p.93.

commercial transactions involving adult women it is possible to find hints of female economies and the impact they had on individual women and their families. It was up to the 'economies' of the housewife to regulate the family's resources.

Household finances clearly did not stop on the threshold of the house. They were woven into the fabric of the local community. The minutia of everyday economic transactions broadened the expected role of women to include an accepted, noncontroversial, and clearly public dimension in commercial transactions of many types, especially those which involved domestic concerns. They tied women, especially widows, to the provincial political and legal communities. Just as the provincial government recognized the legitimacy of the custom which enabled war widows to employ the political economy to benefit their domestic one, it also recognized traditional roles for women in commercial/legal transactions. In both instances, the political and the domestic converged in the women of the household. Considering what sanctions the government gave women to participate in local economic arrangements will give us insight into position of women in the eyes of government officials. How could women be good economists unless they were active members of the economic life of their communities? How did married women stretch the limits of coverture to take part in the legal transactions associated with commerce? What possibilities did custom give women in legal commercial settings?

It is through the words of ordinary people, such as the Wilson family, we are able to see the value of the individual woman and her 'economy' to her household and locality. The importance of one woman's efforts was not lost on her family. Her contributions to the local economy through her part in legal economic transactions, while

hidden to the larger world, were known to those she assisted.⁴ Eighteenth-century families and neighbors viewed women as midwives, shopkeepers, and tavern keepers as well as wives, mothers, and housekeepers - in other words as individuals who were part of communities with families, husbands, houses, businesses and lives involving domestic and public activities and concerns.

When Joanna Frost of Falmouth wrote her relative George Frost of Newcastle, New Hampshire she discussed a business deal that she, George, Andrew Frost and a Mr. Farnham were all involved in.

Dear Bro[the]r, I just now recd yours of May 27th where in you informd [me] you had not received the money of Mr Farnham[.] he did not receive my Letter I wrote him the same time I wrote you which I believe was the reason he did not pay it then. He has since been here & I wrote you by him & Sent the balance due to Bror Andw, & Some to you, with yr accompt. I believe the reasons he did not pay you now was because he was in a hurry to go to Boston. Bror Andw need not be uneasy as the Money is ready for him. My Love with my Childrens Duty to yourself & Wife Children. I am you[r] affect. Sister Joanna Frost.⁵

While the logistics of the financial transactions are unclear, it is apparent that Joanna was the intermediary in the exchange and George, Andrew, and Mr. Farnham all trusted her to transact the complicated business with precision. Given the family connections, the exchange may be seen as an example of an extension of deputy husband to include the

⁴Modern anthropologist Judith Brown “maintains that in nonindustrial societies the social standing of women tends to improve once they cease to be childbearers. This is manifested in greater personal autonomy, fewer constraints on movement and behavior, and expanded opportunities in the public sphere.” Generally this idea is dismissed, but more work needs to be done to see if Anglo-American women may have found similar benefits in their non-childbearing years. Judith Brown (1982) as stated by Cynthia Fuchs Epstein in *Deceptive Distinctions: Sex, Gender, and the Social Order* (New Haven: Yale University Press; 1988), p.207.

⁵Frost Family Papers, #1983-001 (M), New Hampshire Historical Society.

dictates of brothers, or, more accurately, brothers-in-law. Joanna, apparently a widow, carried out the chores her brothers had given her. But that does not diminish the fact that she was representing her family in a mercantile transaction. There is even a good chance, given the list of items Farnham was paying for, that Joanna ran a store in Falmouth for the Frost family. It was all in the family.

But the involvement of women in commerce could and did extend beyond familial bounds and there the governmental and domestic economies converged in the work of some women. The wealthy widow Bridget Graffort of Portsmouth charged the provincial government of New Hampshire rent of four pounds, 10 shillings for the use of a “prison” for over two years in the late 1690s. In her will, Graffort donated land for Portsmouth to use as a public school (something Portsmouth was slow to do). Elite and/or wealthy women, while more visible in the records, did not make up the majority of New Hampshire’s female population. However Rebecca Austin appears to have been as ordinary a woman as could be and yet her name appears as the keeper of the Portsmouth almshouse, an almshouse supported by the government and the only poor house in the province when she ran it. She administered ‘poor law’ to the needy in the Portsmouth area.⁶ It may seem to have been nothing more than an extension of a boarding house situation, but it was boarding paid for by the town government to benefit the community. Nothing in the law forbade the use of women to achieve governmental commercial and

⁶New Hampshire [*Provincial and State Papers*], 40 vols. (Concord, NH: State of New Hampshire; 1887-1943), vol. III, p.91 (hereafter cited as *NHPP*); *NHPP*, vol. XXXI, p.473-375; Treasury Records, 1699, Box 6, NHRMA (Graffort). Charles W. Brewster, *Rambles About Portsmouth: Sketches of Persons, Localities, and Incidents of Two Centuries* (Portsmouth, NH; 1859), p.125 (Austin).

orderly ends and custom supported it.

Lawmakers assumed women would spend most of their lives in marriage and a married woman could make contracts, sell property, sue or write a will only if her husband said she could.⁷ The vast majority of legal documents were between men as the heads of households. Women who were named in legal documents tended to be widows who were heads of households. But small exchanges between those women and a few female non-heads of households with the government reveal the ordinary nature of such commercial trades. The government paid a Mrs. Hart for a cap she made for a prisoner kept in the provincial prison in 1755. During the Indian wars of the 1690s, Margaret Langmaid, probably a Portsmouth shop keeper, charged the provincial government for goods supplied to the province's soldiers and the Widow Mason rented her horses for work done on the colony's main fort at Newcastle.⁸ They contributed to the welfare of their community and province and made a profit at the same time. Like the petitions presented by war widows, the efforts of women to provide the supplies needed by the government went unacclaimed in northern New England.

Mary P. Ryan discussed the "phantomlike public presence" of early nineteenth-century women in her book, *Women in Public*.⁹ The description fits the participation of ordinary women in colonial New Hampshire commercial transactions at least as far as

⁷Cornelia Dayton states that ninety-five percent of all colonial American women married. See Dayton, *Women Before the Bar: Gender, Law & Society in Connecticut, 1639-1789* (Chapel Hill: University of North Carolina Press; 1995), p.19.

⁸Treasury Records, 1755, Box 7, NHRMA (Hart). *NHPP*, vol., XVII, p.669 and Treasury Records, 1697, Box 6, NHRMA (Langmaid). *NHPP*, vol. XVII, p.667 (Mason).

⁹Mary P. Ryan, *Women in Public: Between Banners and Ballots, 1825-1880* (Baltimore, Md.: The Johns Hopkins University Press; 1990), p.173.

there are records available. Nowhere in New Hampshire law were women granted freeman status in order to pursue commercial and legal goals.¹⁰ No New Hampshire laws granted married women open access to commerce. The only way married women could legally take part in commerce was with the customary status of a *feme sole* trader. *Feme sole* traders were married women who were granted all the rights of a *feme sole* despite their marriage and coverture by a special act of the legislature. These women had the legal right to act independently in business and with the same legal leeway as men.¹¹

When Mary Macris discovered, apparently to her surprise, that her second husband would not allow her to control the income-producing investments she brought to their marriage from her first marriage nor give her the same disposable income she controlled before her remarriage, she appealed to the Governor and Council for permission that would allow her to act on her own. In a 1743 petition, she asked “that She may be Enabled to take the Said Estate into her own hands, to apply the profits thereof to her own & Infant Children’s support, to maintain an Action in the King’s Courts in her own Name, for the Recovery of the Debts due to her while she was Sole, and for any other matter or thing properly belonging to her, & to Dispose thereof as she might do by Law, if not under

¹⁰Joan R. Gunderson and Gwen Victor Gampel found fifteen cases in New York from 1691 to 1728 (and none after) in which women were granted freeman status. New York lawmakers included the wording “he” or “she” when writing many laws to regulate occupations and clearly allowed and expected married women to run businesses. See Joan R. Gunderson and Gwen Victor Gampel, “Married Women’s Legal Status in Eighteenth-Century New York and Virginia,” *William and Mary Quarterly* (hereafter cited as *WMQ*), 39:1 (1982), p.131, 114-134. However their work proved wives were active in the legal systems of New York and Virginia only until the mid-eighteenth century. After mid century married women’s legal status declined, they concluded, as the law was written to conform to stricter English common law.

¹¹Joan Hoff, *Law, Gender, and Injustice: A Legal History of U.S. Women* (New York: New York University Press; 1991), p.87; Joan R. Gunderson, *To Be Useful to the World: Women in Revolutionary America, 1740-1790* (New York: Twayne Publishers; 1996), p.59..

Coverture.” The Council did not agree to her request nor did they supply help. It was not Macris’s first petition. In 1740, after discovering the proprietary nature of her second husband, she left him and then sent the Governor and Council a non-specific request for aid. “I married Joseph Mackres justly Expecting that he would help me in my difficulties and Endeavour to Remove them but instad thereof he has very greatly added to them.”¹² When nothing happened, Macris managed to support herself and her child. But after three more years of worrying about providing for her only child, she petitioned again. This time her petition was a request to act as a *sole* in order to regain control over the land she had inherited from her father and first husband. While Macris requested the right to act as if she were single, her petition came closer to a request for a divorce than one for *feme sole* trader. Her petition was a request borne of desperate circumstances and does not fit the intention of the laws governing *feme sole* traders.

The only explicit example of a *feme sole* trader in New Hampshire’s later colonial history was Elizabeth Pascall. Around 1753, Pascall’s husband, Michael Henry, was in some way detained in royal service. In 1763, after supporting herself for the previous ten years, Pascall petitioned the government to sell land she had inherited and, further, for the right to act as a *feme sole*.

Your Petitioner is Seized in fee in her own right of certain lands in New Hampshire & also that the said Michael Henry Pascall Esq hath been absent from your Petitioner Beyond seas for more than ten years Past & still is Detaind in his majesties Service and it is uncertain when he will return and that your Petitioner hath been obliged for many years past & still is obliged to Support herself without any assistance from her said husband: Wherefore your Petitioner prays... That [she] may be enabled to make sale of her said Land, the whole or any Part, or to dispose of the Same by will & also that she

¹²Petitions, 1743 and 1740, NHRMA.

may be enabled to Contract in her own name & to Sue or Defend any action in law as if she were Sole notwithstanding her aforesaid Coverture.

In this instance, the right was granted; however, Pascall's life did not change dramatically. She was able to sell the land, as she requested in her petition. She continued advertising goods for sale in her shop in the *New-Hampshire Gazette* as she had for the previous five years. She sold, among other things, china, glassware, cider, raisins, tea, snuff, and pipes in her well-supplied store to her customers in Portsmouth. With *feme sole* trader status, she could, with more surety, make contracts with shippers, purchase goods from English suppliers, and provide what her customers wanted, all in her own name. Pascall was the only woman, or the only one for whom records survive, to receive *feme sole* trader status in New Hampshire during the entire period under study and her circumstances were unusual. The ten-year absence of her husband had turned her into a virtual widow without the benefit of dower.¹³

Feme sole trader status seems to have had greater use in urban areas, while the more provincial women of New Hampshire seldom turned to such a formal declaration of their independence.¹⁴ It would be safe to assume New Hampshire women acted independently in their shops and during other commercial transactions when necessary without formal declarations as *feme sole* trader particularly if their husbands were

¹³Petitions, 1763, NHRMA; Raymond A. Brighton, *They Came to Fish: A Brief Look at Portsmouth's 350 Years of History; It's Local and World-wide Involvement and the People Concerned Through the Eyes of a Reporter* (Portsmouth, NH: Portsmouth 350, Inc.; 1973), p.45; *The New-Hampshire Gazette*, March 2, 1764, p.3 and March 6, 1761, p.3; *NHPP*, vol. VI, p.866, 885; *NHPP*, vol. VII, p.44.

¹⁴Hoff, *Law, Gender, and Injustice*, p.87; Linda K. Kerber, *Women of the Republic: Intellect & Ideology in Revolutionary America* (Chapel Hill: University of North Carolina Press; 1980; reprint New York: W.W. Norton & Co., Inc; 1986), p.148-151.

mariners or lumbermen as so many on the New Hampshire seacoast were. As long as their husbands accepted their work, wives followed the customary lines of commercial interaction understood by their neighbors and trading partners.

Formal *feme sole* trader status was rare, but powers of attorney were given more readily, particularly in the seaport areas of New Hampshire. In William Blackstone's famous *Commentaries* on English common law he agreed a married woman had the power to "be an attorney for her husband; for that implies no separation from, but is rather a representation of, her Lord."¹⁴ Generally powers of attorney were granted to wives before a husband sailed, giving her the power to act in his stead in all matters, especially legal matters concerning commerce. When William Pearson sailed from port in 1743, he formally granted to "my Beloved wife Anne Pearson to be my True sufficient and Lawfull Attorney for me and in my name and stead." He granted "unto my Sd Attorney my full and whole Strength Power and Authority and To Take and Use all Due means Course and Process in the Law." Her power also gave her the right to seek aid and to appoint "one or more attorneys Under her." Since the power of attorney was simply a piece of paper written and signed by her husband, it only became part of the public record when Pearson asked Theodore Atkinson, Secretary of the Governor's Council, to act as her "Lawfull Substitute" regarding the discharge of a single mortgage in another town. Mary Polly also received a power of attorney from her husband Edward in 1714 when he was out of the country. Her power became public during a lawsuit that resulted from her mortgage and then sale of their property for her support to a Samuel Hinckes. Mary

¹⁴J.W. Ehrlich, *Ehrlich's Blackstone* (Westport, Cn.: Greenwood Press Publishers; 1959), p.84.

Robinson was given a power of attorney when her husband was at sea. Knowledge of Daniel Robinson's actions came to light in the divorce petition presented by Mary who discovered her husband had another wife in Bristol, England. Mary's sister, Hannah Pierce, testified "When said Robinson was gone to Sea the Deponant saw, a general power of attorney which said Robinson was said to give to her said Sister Mary, to act in his Name & Stead."¹⁵ In such actions, powers of attorney gave women most of the same rights as *feme sole* trader status. They are instructive examples of the power available to women, but they were written for and remained with the wife who could choose to use them or not. Thus few reached the public record. It was only by chance these few examples survived.

In New Hampshire, powers of attorney and *feme sole* trader status tended to be relatively informal. There were many independent married female traders, especially in the seacoast area of New Hampshire. The busy port town of Portsmouth, dominated by merchants, may have had many women acting as if they had *feme sole* trader rights or a power of attorney. But they left no records. Their activities in commercial transactions remain hidden to modern researchers, although it is questionable if their work was really hidden to members of their communities. Powers of attorney and the rights of *feme sole* traders reveal the possibilities available for women. Blackstone argued women had a right to 'represent' their husbands. The representation need not have been a formal one. Thus, the remaining records may be from those who stepped beyond the understanding of

¹⁵Pearson to Pearson, Power of Attorney, Portsmouth Atheneum, Manuscript #S-433; Petitions, 1719, NHRMA (Polly); Thomas Shepard Marsh, "'A Sparrow Alone on a Housetop': Portsmouth, New Hampshire Widows in Debt-Related Civil Suits, 1715-1770." (M.A. Thesis, University of New Hampshire, December, 1992); p.16-17 (Robinson).

represent into formal recognition of that representation. In New Hampshire the need for a wife's formal representation of her husband does not seem to have been important at any point in the colonial eighteenth century.

The informal possibilities inherent in powers of attorney or *feme sole* traders are reinforced by two passages in the anonymous *Laws Respecting Women*, published in England in 1777. "A Wife, a friend, a relation, that used to transact business for a man, are *quoad hoc* his servants, and the principal must answer for their conduct. For the law implies that they all act under a general command; and without such a doctrine as this no mutual intercourse between man and man could subsist with any tolerable convenience." If married couples in New Hampshire followed his advice, then there would be no need for formality. If married women acted for their husbands on a normal basis, then their husbands were responsible for business transacted in their absence just as they were for most activities of their wives under coverture. Ordinary reliance on a paternalistic hierarchy was the basis which gave women the right to transact business. Wives were the husbands' 'servants' in the eyes of the law. Such actions, the author concluded, were necessary for business to continue and society to prosper. The second passage is entitled '*feme-sole merchant*' and dealt directly with female proprietors. "A *Feme-covert* is warranted by law to sell goods in open market, and her husband cannot reclaim any goods so sold, provided such a woman is usually accustomed to trade for herself." He quoted from a 1764 English case in which a woman's millinery trade had been seized by her bankrupt husband's creditors. "Where a feme, covert of a husband, useth any craft in the said city, on her sole account, whereof the husband meddleth not, such a woman shall be

charged as a feme sole concerning every thing that toucheth her craft.”¹⁶ Thus the reason why so few women were given *feme sole* trader status or more powers of attorney were not used was most likely because New Hampshire followed English custom. Where women customarily represented their husbands, such custom was accepted and business continued.

A more likely place to find formal interactions between women and the government which related to commercial transactions is in the customary inclusion of women, married and unmarried, in governmental records as witnesses for legal cases involving commerce and property. In New Hampshire the lines between the judicial, legislative, and administrative duties of the various parts of the provincial government were loosely drawn. Along with the performance of expected executive powers, the Governor and Council of New Hampshire at times acted as a high court of appeals; at others they acted as a court of first resort, and still others they made rulings as a legislative body. When their actions involved money they generally needed the approval of the Assembly, the true legislative body, while the Assembly needed the approval of the Governor and Council for all of their decisions. Women were called by the Governor, Council and Assembly in many findings of a commercial or administrative nature to give evidence. There the bounds of custom and law overlapped with the domestic obligations of women. Sir William Blackstone claimed certain customs received “the force of laws,

¹⁶*The Laws Respecting Women, reprinted from the J. Johnson edition, London, 1777, with a forward by Shirley Raissi Bysiewicz (no place of publication: Oceana Publication, Inc.; 1974), p.170, 172-173. Linda Kerber found that in South Carolina implicit, public approval by the husband of a wife’s activities was enough for a *feme covert* to operate as a *sole*. Kerber, *Women of the Republic*, p.148-149.*

by long and immemorial usage.” The custom of female witnesses, without regard to their marital status, seems to have been one of the customs of long usage.¹⁷

Women were the only witnesses in a 1695 Boston court proceeding. In 1694 Oyster River (later called Durham) was attacked by a group of Norridgewocks led by a sachem named Bombazeen. During the trial of Bombazeen in Boston at the end of May 1695, the witnesses were all women. Ann Jenkins testified that Bombazeen had killed and scalped her husband, child, and her husband’s grandmother. Grace Higiman testified she saw him in Canada wearing clothes stolen from dead Oyster River inhabitants. She further testified he had boasted of “bringing in 10 scalps and 2 English prisoners.”¹⁸ It was the word of the women regarding the murders and thefts that the court relied upon.

Even in the late colonial period, the government placed its reliance in the words of female witnesses. For instance, during the disruptions leading to the French and Indian War several residents of the Canterbury, New Hampshire area gave depositions before a local justice of the peace regarding the menacing actions and eventual murder of several “St. Francis Indians” who traded along the Merrimack River. Elizabeth Miles testified,

[S]ometime in the month of May 1752 two St. Francis Indians... named Sabbath & Cristo came to Canterbury. Sabbath's made his General Lodging at the said Josiah's [Miles] House for eight or Ten Days & was Treated with all Possible Friendship & Courtesy. Notwithstanding the said Sabbattis often Discovered a Restless & Malicious Disposition & Several times (Her

¹⁷William Blackstone’s *Commentaries on the Laws of England*, vol. I, p.64, as quoted in David Lieberman, *The Province of Legislation Determined: Legal Theory in Eighteenth-Century Britain* (Cambridge: Cambridge University Press; 1989), p.44.

¹⁸ Bombazeen was not convicted to death at the 1695 trial. Indeed he continued to harass English settlers. For instance, he led 70-80 Native Americans in an attack in Saco in October, 1710. He and his daughter were killed and his wife taken prisoner in August, 1724. Robert E. Moody, *The Saltonstall Papers, 1607-1815. Vol. I: 1607-1789* (Boston: Massachusetts Historical Society; 1972), p. 336.

husband being absent) with Insulting threats put her in very great Fear.

When Sabbattis and Cristo left her house in 1752, the Miles' slave, Peer, and the slave of her neighbors, the Lindseys, disappeared. Peer managed to escape and return to Canterbury. He arrived at the Miles' home "pinion'd & Bound with Indian Lines and said that Sabbattis and Christo had taken them and that by accident he made his escape." The Miles' neighbor, Ann Lindsey, gave testimony as well. When Sabbattis reappeared in 1753, Lindsey reported, she went to the Miles' house when "the Englishmen were all gone out to work." She berated Sabbattis, complaining of his ingratitude and thievery, claiming that she had "always been as kind to you as a mother." She continued with "some Few words more to the same Purpose." Apparently they were a few words too many. Sabbattis and his companion, Plausaway attacked her and told her "if she said one word more about it he would split her brains out.... Sabbattis went out to her husband in the field and told him that if he ever see the said Lindseys wife any more he would kill her."¹⁹ When the thefts and other misdeeds committed by these two St. Francis Indians became too much for the Merrimack River Valley community they turned to the

¹⁹*NHPP*, vol. VI, p. 303-306. In the same set of depositions, it was mentioned the two Native Americans said that they were stealing the two slaves to replace Cristo's brother who had been killed by the English. The government kept tabs on Sabbattis (whose name was probably a corruption of Jean Baptiste), Plausaway and probably Cristo. All three were well known along the New Hampshire parts of the Merrimack and Connecticut Rivers. In 1747 they had captured Isabella McCoy from Epsom. McCoy spoke of their gentle treatment of her on the trip to Canada. Despite her capture they continued to trade throughout the area. The murders of Sabbattis and Plausaway were reported by Ebenezer Hinsdale to Governor Benning Wentworth in November of 1753. Many younger Native Americans in the area blamed the English in New Hampshire for their deaths. Their deaths helped fuel the fires of distrust that fed the war in 1754. See Colin G. Calloway, *Dawnland Encounters*, p.124, 234-235 and *North Country Captives: Selected Narratives of Indian Captivity from Vermont and New Hampshire* (Hanover: University Press of New England; 1992), p.18-21. Also see Jeremy Belknap, *The History of New-Hampshire*, Vol.I (Dover, NH; 1831; reprint New York: Johnson Reprint Corporation; 1970), p.306-307.

government of the province. Perhaps the impending French and Indian War gave the task more urgency. But, government officials did not seek to depose just the men involved. They also called their wives as witnesses. After all, it was the women who were able to give direct testimony regarding the most menacing aspects of the natives' actions. Acceptance of female testimony made gathering evidence much simpler for the court.

In the case of the Miles and Lindsey testimony, the government approached the people involved to gain better knowledge of the situation and, with the power of the state behind the request, the women and their husbands were obliged to give testimony. But the government was moved to action by the problems of English subjects. Lindsey and Miles all had the power of the government behind them and the military as well. When the provincial government deposed Ann Lindsey and Elizabeth Miles of Canterbury in 1754, they did so believing they had received reasonable and believable responses from female subjects. It was the obligation of subjects to provide information the government needed. In times of war when the bounds of law and custom were stretched, this made perfect sense. But when crisis was not imminent and money was involved, were women used as sources of necessary information by the government? In New Hampshire, they were.

The government's trust in female testimony made it possible for commerce to prosper. Women's testimony was often used in commercial property resolutions, especially in cases where a woman's longevity provided memories, to prove or disprove previous land ownership or usage. In 1705, when Thomas Rice protested the placement of his neighbor's fence, the court requested "Mrs Mary Huchins widdow of Kittery aged fifty 3 or there a bout... to see whether the sd orchards fence be as it was in Robard

mendum Dayes and She testifieth that the sd fence is moved sence Robard mendum died Considerably nearer to Thomas Rices and Forther Saith not.” The wisdom, or at least the local knowledge, of an older widow was sufficient to give Thomas Rice back the land that had been taken from him. In 1708, seventy-four years old Elizabeth Wheelwright Pearson of Wells also gave detailed testimony in court concerning land boundaries. “Shee this deponant doth very well remember that Sixty years agoe or upwards my father the Reverend Mr John Wheelwright Minister then Lived... on a farm at the Easterly end of town above the harbour or Barr from whence Comes up a Creek near where his house then stood.” This was the same land, she testified, the Reverend Wheelwright’s grandson, Mr. John Wheelwright, possessed about eight years ago. The precision and detail of Pearson’s testimony must have given her words extra weight as did too her connection with the Wheelwright family. In 1749 seventy-three years old Abigail Rawlins Richard was called upon to give testimony regarding an old road near the Newington home of her first forty years. “About sixty years ago or thereabouts she the deponant Remembred a high way people used down to the water side of the northerly side where John Rawlingses House stood.... She very well remembers that people used to hall [haul] lumber down to the waterside.”²⁰ In an agricultural town, property boundaries were extremely important since land provided a family’s livelihood. Female testimony aided in the difficult process of land dispute settlement. The community believed women

²⁰*Provincial and Court Records of Maine*, vols. I-VI (Portland: Maine Historical Society; 1928-1975), (hereafter cited as *MPR*), vol. IV, p.189 (Huchins) and 219 (Pearson); Petitions, 1749, NHRMA (Richard). Pearson descended from the Rev. John Wheelwright, brother-in-law of and fellow dissident with Anne Hutchinson. Wheelwright founded the town of Exeter, New Hampshire and fled to Wells when Massachusetts took over New Hampshire in the 1640s.

were reliable sources of information and depended on their words in difficult land transactions and other commercial disputes throughout the eighteenth century if the women, like men, had first-hand knowledge necessary to the case. It was not their sex which made their testimony important (many older men testified as well), but it was belief in their memories and respect for their age which counted.

The provincial government turned to women as witnesses on numerous other occasions during the colonial era to expedite matters before the court. In inferior and superior courts as well as courts of common pleas or courts before justices of the peace, women were called upon to give testimony especially in cases in which they had a close connection. When Elizabeth Moulton was accused of bastardy in 1768, her sister, shop keeper Olive Haskins, testified in the case. Mary Huske and her husband witnessed a summons for a case involving well-known Portsmouth tavern keepers, Thomas and Ann Harvey, in 1731. Miriam Morrill served as a witness in the capital trial of Ruth Blay in 1769 and received eighteen shillings for her trouble.²¹ The list of women who testified in court, either in writing or orally, would be voluminous if pursued. However, the issue of importance is the acceptance of their presence in court, married or unmarried, not the number of female witnesses. Custom allowed the courts access to female witnesses when women were the best sources of information, and no law denied it. The government sought out women's testimony and seems to have considered it as equal with the

²¹Provincial Court cases, 8696, 20016, NHRMA; *NHPP*, vol. VII, p.206. The involvement of women in colonial courts has been well researched in numerous studies. For instance, see Cornelia Hughes Dayton, *Women Before the Bar: Gender, Law and Society in Connecticut, 1639-1789* (Chapel Hill, N.C.: University of North Carolina Press; 1995) or Deborah A. Rosen, *Courts and Commerce: Gender, Law and the Market Economy of Colonial New York* (Columbus: Ohio State University Press; 1997).

testimony of men of similar status.²²

Women were also frequent witnesses to deeds. The law called for 'credible' witnesses and New Hampshire individuals often chose women as credible witnesses. In 1695 Samuel and Eleanor (Harvey) Cutts sold or deeded land to Eleanor's sister, Widow Mary Harvey Hunking. The deed was witnessed by another sister and 'singlewoman,' Martha Harvey. In 1703 Dorothy Smith witnessed the signing of a deed from Abraham Perkins to Daniel Moulton in Hampton, New Hampshire while a man named Joseph Smith, probably her husband, signed as justice of the peace. The deed may very well have been witnessed, signed, and recorded in the Smith's house, a true convergence of political and domestic.²³

One aspect of the political and domestic economies where female witnesses were very active was in witnessing wills. Here again women were chosen as credible witnesses. Along with Benjamin Palmer and John Clark, Elizabeth Clark witnessed the will of William Moore in 1700. When Nicholas Follett signed a bond for 600 pounds in 1706 as security regarding the payment of debts for his father's estate, Elizabeth Fernald, a woman not mentioned in the will, witnessed the bond along with a Charles Story. Mary

²²Elaine Forman Crane, *Ebb Tide in New England: Women, Seaports, and Social Change, 1630-1800* (Boston: Northeastern University Press; 1998), p. 145. "It was as witnesses... that most women came in contact with the judicial system, and historians concur that their testimony was given equal weight by the jury as it wrestled with evidence in any particular case."

²³Sybil Noyes, Charles Thornton Libby and Walter Goodwin Davis, *Genealogical Dictionary of Maine and New Hampshire* (Portland, Me.: Southworth-Anthoensen Press; 1928-1939; reprint, Baltimore: Genealogical Publishing Co., Inc.; 1972); Towle Family Papers, New Hampshire Historical Society (Smith). In the 1677 Statute of Frauds, the law required "as an essential form that a devise of lands be in writing, signed, and witnessed by three or four credible witnesses." Theodore F.T. Plunknett, *A Concise History of the Common Law*, fifth edition (Boston: Little, Brown, and Co.; 1956), p.740.

Foss testified as a witness to the verbal will of Rachel Marden along with her husband John Foss, Sr. "Not Long before her deth... [they] heard her Declare her last will by word of Mouth she being in her Right Mind & Memory." In probably the most notable example, three of the four witnesses to Lieutenant Governor John Wentworth's 1730 will were women: Love Cutt, Sarah Cotton and Mary Sherburne.²⁴ The Lieutenant Governor called upon women from socially prominent families and neither they nor their families found it irregular.

One way to look at the use of women as witnesses is to view it as a way that the legally and politically fluid environment of the colonies changed the parameters within which women operated. Many historians have produced evidence of such a possible change. Elaine Forman Crane found "legal procedures were flexible, codification nonexistent, and the application of law subject to discretionary justice" in the early period of settlement. It afforded women "somewhat more autonomy than they had enjoyed in England." The conclusions of Cornelia Dayton, Joan R. Gunderson and Gwen Gampel coincide with Crane's. They found an informality in colonial legal systems, as compared to English common law, which favored women in the seventeenth and early eighteenth centuries.²⁵ Many modifications in law and custom occurred in the colonies due to distance from England, the simplification of legal procedures in the new land, and America's scarce, yet diverse, population. But the work of David Grayson Allen casts

²⁴Noyes, Libby, and Davis, *Genealogical Dictionary*, p. 316 (Harvey); NHPP, vol. XXXI, p.472 (Clark) p.341 (Fernald), p. 580 (Foss), vol. XXXII, p.381 (Wentworth).

²⁵Crane, *Ebb Tide in New England*, p.141; Dayton, in *Women Before the Bar*, notes the increased freedom of women in the period before 1720 and contrasts it with the increased formalization of the law and loss of freedom for women after the same year; Gunderson and Gampel, "Married Women's Status," *WMQ* (January, 1982), especially p.133.

doubt on the possibility of dramatic change in legal custom or law due to migration. Allen found an amazingly intact transferal of customs and local laws from various parts of England to Massachusetts settlements.²⁶

Instead of a well-thought out policy to use women as witnesses in legal commercial transactions, there is another scenario which, while not quite as neat as a theory centering on migratory change, is more likely: women may simply have been handy witnesses and their signatures were more a matter of necessity without thought than a conscious act against any law or custom. American custom permitted female witnesses and their testimony and thus expedited the process of administering wills, selling land, or settling land boundaries. In New Hampshire the flexibility of legal custom or the creation of new legal custom was not driven by religious motives, such as those in New Haven Colony, demographic disasters, such as the Virginia Colony, or incorporation of foreign laws, such as in New York.²⁷ The legally acceptable use of female signatures was a matter of social and economic necessity. It kept commerce moving by allowing property transactions or other actions requiring witnesses. No one spoke out when female witnesses and their signatures and/or depositions were needed.

²⁶David Grayson Allen, *In English Ways: The Movement of Societies and the Transferal of English Local Law and Custom to Massachusetts Bay in the Seventeenth Century* (Chapel Hill: University of North Carolina Press; 1981).

²⁷There have been a number of studies over the years which have touched on the flexibility of English common law in America. See Dayton, *Women Before the Bar* for a discussion of changes made by New Haven, Connecticut colonists to English common law. Darrett B. Rutman and Anita H. Rutman discussed the changes wrought by demographic differences in *A Place in Time: Middlesex County, Virginia, 1650-1750* (New York: W.W. Norton & Company; 1984). Patricia U. Bonomi explains the need to incorporate Dutch laws with English ones after 1664 in New York in *A Factious People: Politics and Society in Colonial New York* (New York: Columbia University Press; 1971).

Moreover, the use of women as acceptable witnesses continued throughout the eighteenth century in New Hampshire. The transferral of property often required the involvement of women in the process. Without them, the confusing, contentious, and difficult process of property exchange could have been even more cumbersome.

In a similar fashion, women necessarily entered the legal arena when they were appointed as administrators of estates, especially their husband's estates, an occurrence of some frequency. As Cornelia Dayton notes, a woman's most typical "legal adventure" was probating her husband's estate. It was also a commercial adventure as well. It was an area, Elaine Forman Crane found, which "authorized women to take assertive postures toward men and to deny their demands."²⁸ However, in many ways, any assertive posture women may have assumed as administrators was no different from their normal posture when confronted by the need to protect family interests. Most women must have seen their mothers' and grandmothers' involvement with the estates of their husbands. Since many women survived their husbands, estate administration was an expected part of life for women, and it forced women to interact with the public governmental community. The circumstances of administration were seldom easy and usually onerous, but not unusual. Many aspects of probating wills were commercial and legal in nature: collecting and paying debts, gathering and dividing property, and filing inventories and accounts with the court. An administrator's duties could stretch for years after the death of her husband but by taking up the duties, women had the chance to continue their lives with minimal disruption upon the deaths of their husbands.

²⁸Dayton, *Women Before the Bar*, p.40; Crane, *Ebb Tide for New England*, p.145.

When men died without wills, as many did, New Hampshire laws copied the English and provided “administracion of such Intestate’s goods and Estates shall be granted unto the widdow or next of kin, or both.” Administrators had to sign a “bond with securityes for their administrating according to law.” New Hampshire’s courts generally granted administration of estates to the widow. Thus it was not unusual when Ann Jose Harvey Slayton became the administrator of both her first and second husbands’ estates, despite the large amount of personal and real estate involved in the first. Nor would the fact that Mary Ayers was granted license to sell real estate in order to settle an estate have elicited much comment from her neighbors or caused a debate with the Assembly. In the same manner, it was not noteworthy when Ann Mills was named administrator of the estate of her mother, Abigail Nicholson or when Lucy Stileman named two of her daughters, Elizabeth Alcock and Katherine Waymouth as co-executors of her estate.²⁹

Government records are full of the appointments of widows as administrators. Widowhood was an ordinary part in the life cycle of the majority of women and not an unusual circumstance.³⁰ In typical language, Widow Rose became the administrator of her husband’s intestate estate in 1706. “Ordered, that the will be proved, &

²⁹*NHPP*, vol. XXXII, p.577 and vol. XXXII, p.811 (Slayton); *NHPP*, vol XXXI, p.791 (Ayers); *NHPP*, vol. XXXI, p.788 (Mills); *NHPP*, vol. XXXI, p.452-453 (Stileman).

³⁰Cornelia Dayton had concluded “perhaps 60 percent of all married women in early New England experienced widowhood.” See Dayton, *Women Before the Bar: Gender, Law & Society in Connecticut, 1639-1789* (Chapel Hill: University of North Carolina Press; 1995), p.76. Susan Klepp’s study of Philadelphia found “married women had a 51 percent chance of experiencing the death of a spouse.” At the average age of 48, widows then had to make their way in the world. See Lisa Wilson, *Life After Death: Widows in Pennsylvania, 1750-1850* (Philadelphia: Temple University Press; 1992), p.171-172.

Administration granted to the Widow, she giving bond, &c.” Work as an administrator was not easy and occasionally widows turned down the job. When Hannah Wright was made the administrator of her husband’s estate, she notified the governor and council she could not fulfill her obligation as administrator because she was “antient & not able to travill.” Travel was a necessary part of being an administrator. After James Johnson’s death in battle in 1758, Susanna Johnson was appointed administrator of her husband’s estate. “In the settlement of my husband’s estate, the delay and perplexity was distressing. I made three journeys to Portsmouth, fourteen to Boston, and three to Springfield, to effect the settlement.” Travel over the abysmal roads of northern New England was always difficult, but Johnson’s travels had the added difficulty of traveling during wartime.³¹

The first duty of the administrator was to collect and settle debts. Most administrators put notices in local taverns and in newspapers. In 1758 Mehitable Sherburne place an advertisement in the paper which urged “All person Indebted to, or that have any Demands on the Estate of Nathaniel Sherburne, late of Portsmouth in the Province of New Hampshire, Shop keeper, deceased, are desired to bring in their Accompts to Mehitable Sherburne of Portsmouth aforesaid Administratrix to the Estate of said Deceased, in order for settlement.” After the debts were paid, New Hampshire law state that the widow received “one third of the personall Estate... for ever; one third of the house and Lands during her life unless she was other wayes endowed before marriage.”

³¹NHPP, vol. II, p.490 (Rose); NHPP, vol. XXXI, p.792 (Wright); Susannah Johnson, *A Narrative of the Captivity of Mrs. Johnson Together with a Narrative of James Johnson: Indian Captive of Charlestown, NH - 1757* (1796; reprint, Bowie, Md.: A Heritage Classic; 1990), p.136.

The remainder of the estate was divided equally among the children, the eldest receiving a double share.³²

When husbands wrote wills, they also recognized the abilities of their spouses and usually left the administration of their estate to their wives. When John Peacock died in 1744 he made his wife the executrix and left her a house which she used as a boarding house and shop. After Mary Ayers' marriage to Sampson Doe, but during her administration of her first husband's estate, she was granted a license to sell real estate to meet the debts incurred by the estate. When Sarah Cotton's husband died his will stipulated that his estate was to be handled by his wife. He left her all moveable estate during her widowhood but if she remarried their daughters were to receive the goods. The seemingly restrictive nature of his instructions were lessened by giving Widow Cotton the right to distribute the estate to their daughters "as may have most need according to her discretion."³³ When Laurel Thatcher Ulrich took a sample from the published probate records of New Hampshire, she found that seventy-five to eighty percent of widows from 1650-1730 were named executors and that even women with full-grown sons were often named as co-executors.³⁴ All of the transactions may be interpreted as an extension of obedience to the will of husband or parent, as actions which

³²*New-Hampshire Gazette*, 28 April 1758, p.2; *NHPP*, vol. III, p.196-197. If the estate was insolvent the widow was still to receive "her third of the houses and Lands during her Life." Carole Shammas, Marylynn Salmon and Michel Dahlin, *Inheritance in America from Colonial Times to the Present* (New Brunswick, N.J.: Rutgers University Press; 1987), p.32-33.

³³*NHPP*, vol. XXX, p.211 (Peacock); *NHPP*, vol. XXXI, p.791 (Ayers); *NHPP*, vol. XXXI, p.737 (Cotton).

³⁴*NHPP*, vol. III, p.196-197; Laurel Thatcher Ulrich, *Goodwives: Image and Reality in the Lives of Women in Northern New England, 1650-1750* (New York: Alfred A Knopf, Inc.; 1980; reprint New York: Vintage Books; 1991), p. 249, fn6.

fit into the broad definition of coverture. The agency given to the executors also expressed faith in those so assigned to carry out the duties. Widow's jobs as administrators and executors meant they often tackled the formal, governmental public sphere whether they wanted to or not. It was a necessary and usually not unexpected part of life. The law required administrators to perform certain tasks in a timely manner, including an assessment of the estate.³⁵

Most decisions regarding intestate estates were governed by the common law right of a "widow's thirds."³⁶ But, after receiving their thirds, widows often maintained at least partial control over their husbands' estates during their duties as administrators. Widows could also petition for "a reasonable allowance out of the personal estate... for her present support."³⁷ Administration of property did not give female executrixes or administratrixes ownership, but it did give them at least nominal control. Administrators were not independent agents nor did the position usually give the administrator financial gain. But it did place their organizational and commercial skills on view for the community and judge of probate to see.

³⁵Apparently assessments and the division of estates could be delayed if no heirs protested. See the example of Ann Jose Harvey Slayton in chapter five.

³⁶Although many studies automatically assume a "widow's thirds," left a woman with little economic leeway, the work of Holly Mitchell does not. Dower, she claims, "is a peculiar form of ownership particular to widows that had far reaching effects." She notes the informal nature of dower before the mid-eighteenth century with estate divisions "reflecting the private unofficial divisions made among families all along." Holly Bentley Mitchell, "Power of Thirds': Widows and Life Estates, Portsmouth, New Hampshire, 1680-1830," unpublished paper presented at the Omohundro Institute of Early American History and Culture Conference, June, 1998.

³⁷Charles A. DeGrandpre, *New Hampshire Practice; Vol. II: Probate Law and Procedure* (no place of publication: Michie; 1996), p.33-34.

Much of the research on women and wills had found that widows were increasingly excluded as their husband's estate administrators or widows received lesser portions of the estate over the eighteenth century. This, they suggest, means that women's status declined in the eighteenth-century American colonies. New Hampshire evidence seems to follow the trend too. According to the work of Carole Shammas, Marylynn Salmon and Michel Dahlin, thirty percent of New Hampshire wives were excluded as administrators in the 1730s, up from twenty percent between 1650 and 1700. Joan Gunderson and Gwen Victor Gampel explored the probate records of Virginia and New York from 1700 to 1750 and discovered women were given less property by their husbands in their wills and widows were forced to resort to the courts to gain even the widows' thirds. They blamed the change on commercialization of the American economy, anglicization of colonial legal systems, and changing demographics as fathers lived to their sons' majorities. Linda Speth's case study of the southeastern counties of colonial Virginia presents a similar picture. "Men, by their last wills and testaments, often transferred the twin hallmarks of patriarchy, authority and property, to their wives" in the early years of settlement, a trend which decreased over time because of the evolving "composition and age-structure of the nuclear family." Barbara Lacey's work on eighteenth-century Norwich, Connecticut found widows were losing power in the Revolutionary era, but their daughters were gaining property at the same time. Marylynn Salmon and Toby L. Ditz, among many others, have also studied the changing practice of inheritance over the colonial period and reached similar conclusions.³⁸

³⁸Shammas, Salmon, and Dahlin, *Inheritance in America*, p.59; Gunderson and Gampel, "Married Women's Legal Status," *WMQ* (1982); Linda E. Speth. "More than Her 'Thirds':

But the question of decline or rise in the status of women based on the evidence in wills, while interesting, cannot be completely valid. The place of women in American society involved far more than a position or an inheritance from a husband. As Lisa Wilson points out in her work on widows in Pennsylvania, the “connection between being named an executor and a widow’s power or perceived abilities” was “indirect at best.” Wilson found a woman’s position in estate settlement and in her husband’s wills “reflected her spouse’s concern for her and her personal inclinations,” not a cultural desire to include or remove women from estate administration.³⁹ The possibility of being the administrator of their husbands’ estates existed for women but certainly changed for individuals as circumstances varied. While the laws allowed women and others the right of administration, the appointment of women as administrators was governed by custom and demographics as well. More sons arrived at adulthood before their father’s deaths and, in a paternalistic society, custom still required male authority over such sources of power as property. The drop in the percentage of women acting as executrixes may have been simply the consequence of demographic change rather than a change in women’s status. Estate administrator appointments were considered on a one-by-one basis by officials. Among ordinary women in ordinary New Hampshire households the economy had not changed so much during the eighteenth century as to affect the naming of executors. Another possibility lies with the process of gentility. Laurel Ulrich proposes,

Wives and Widows in Colonial Virginia,” *Women and History* (1983), p.35; Barbara E. Lacey, “Women in the Era of the American Revolution: The Case of Norwich, Connecticut,” *New England Quarterly* (1980), p.527; Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill, N.C.; 1986); Toby L. Ditz, “Ownership and Obligation: Inheritance and Patriarchal Households in Connecticut, 1750-1820,” *WMQ* (1990).

³⁹Lisa Wilson, *Life After Death*, p. 45.

“[f]or the purpose of analysis, we might distinguish within any single family a ‘family of property,’ a ‘family of reproduction,’ and a ‘family of sentiment.’” The decreasing number of wives named as administrators may be due to a rise in the importance of the ‘family of sentiment’ at the expense of the female portion of the ‘family of property.’⁴⁰ If women were to be ‘genteel’, fewer husbands may have felt it was proper to leave such a worldly chore to their wives. But more work on women and the effect of rising gentility needs to be done. Even given that, seventy percent of the time New Hampshire widows were named as administrators in the 1730s - still a vast majority.

It was impossible to avoid contact with the government as a widow. Domestic and political economies functioned as a unit. Commerce, especially commerce regarding property, was usually the glue that brought them together. As the administrator for her husband’s estate, the widow Mehitable Gorden of Exeter had to execute “a good sufficient Deed of conveyance of the Thirty Acres of Land in Exeter aforesd That the said James in his lifetime by his deed conveyed unto George Bean of Exeter afresd husbandman.” When Portsmouth widow Dorothy Furnald’s husband died, his will made Dorothy executrix and granted her full use of the land and his estate for life. She apparently made money with the remains of his estate. For example, in 1767, she charged the government three hundred pounds for a long list of goods she provided for the welcoming ceremonies of the new governor, John Wentworth, and also charged for “my trouble & attendance of self & family thru the whole affair, as agreed.” In 1772 Sarah Hicks discovered that land her husband purchased before his death was sold to

⁴⁰Ulrich, *Goodwives*, p.147, 163.

another before the deed was recorded “with an Intent to cheat and defraud the hiers [sic] of the said Deceased.” She appealed to the New Hampshire Assembly to right the wrong. Even when not appointed as administrators for one reason or another, widows continued to influence public action regarding their husbands’ estates. In 1755, Sarah Hazen of Hampstead signed a petition to continue an action of ejectment in the Court of Appeals to recover forty acres. She signed “In behalf of herself & the Admr he being not well.”⁴¹ The passive nature of women, often assumed by the ministers and writers of the eighteenth-century, was not apparent in the tenacious way women fought for what was theirs and belonged to theirs or in the matter-of-fact approach given to their administration of estates.

Circumstances sometimes required administrators to turn to the ‘public prints’ during estate property settlements. When Ann Jones’ husband William died in 1761 he left an estate which, at least at first glance, could not support his family. In 1762, Jones placed an advertisement in the *New Hampshire Gazette*. “TO BE SOLD AT PUBLIC VENDUE at the House of Mrs. Ann Jones, near the Mill Dam... sundry sorts of Household Furniture, and Suits of Mens Cloaths; and a Pew in the South Meeting House.” Poverty may have been the force behind the sale, but Jones may have simply decided to move in with family members (or have them move in with her) and to dispose of extraneous possessions. The sale of possessions by widows was not unusual and often widows received permission to break up an estate in order to distribute it to the heirs or to sell some land for support of the family. As the administrator of her husband’s estate,

⁴¹*NHPP*, vol. V, p.632 (Gorden); *NHPP*, vol. XXXVIII, p.8-9 and Treasury Records, 1767, Box 8, NHRMA (Furnald); Petitions, 1773 (Hicks); Petitions, 1755, NHRMA (Hazen).

Abigail Long continued running a store with her sister, Elizabeth Keese, but found it necessary to rent a room in “her mansion” to a Portsmouth tinsman. Does this mean widows were necessarily poor and needed the assistance of the government through the liberty to sell property to make ends meet? Of course not. Circumstances varied from widow to widow. But because widows needed permission to sell or divide real estate (since many had, at most, a lifetime interest in it), women in their widowhood more often turned to the legislature to use the sale of land as a way to produce income. In 1760, the widow of Goodman Underwood who was also the administrator of his estate requested permission to sell 220 acres of land. If the land was sold to pay debts “and what money after the debts are paid: let out upon Intres [Interest] untill the heirs come to be of age it will be more advantage to them th[a]n to sell only enough to pay the debts.” The administrator believed her children would be better off in the long run if she was able to act as a creditor for her neighbors and friends.⁴² Few jobs allowed widows to earn the same income their husbands had earned in partnership with their wives. But with control of the estate’s administration, ways were usually available to women to find the necessary means to support their families. Access to commercial transactions, even if they took special acts of the Assembly, increased the possible choices available to women in

⁴² Charles E. Clark, *The Public Prints: The Newspapers in Anglo-American Culture, 1665-1740* (New York: Oxford University Press; 1994). *New-Hampshire Gazette*, 11 June, 1762, p.3 (Jones); *NHPP*, vol.XXXIII, p.398 and Marsh, “A Sparrow Alone,” p. 103 (Long); Petitions, 1760, NHRMA (Underwood). It should go without saying women’s generally lower earning power also made the sale of land a good source of cash for women. Kathleen Wheeler in “Using Historical Archeology to Rewrite the Myth of the ‘Poor Widow’,” *New Hampshire Archeologist*, 35:1 (1995), p.1-11, proves the myth of the poor widow needs to be questioned and not assumed. Working with the results of a long-term dig on the property of a widow and shop keeper, Mary Rider, Wheeler’s results contradict earlier results which proclaimed Rider a poverty-stricken widow.. She concludes Mary Rider was “a socially active, public person of substantial means” who kept up with and was able to afford the latest styles.

planning their future and gave more stability to their families.

Administration gave women one way to provide for their families. Many times, women not only acted as administrators but also continued the jobs their husbands, and often they themselves, had done before their deaths. Historian Claudia Goldin found many widows followed the careers of their deceased husbands, especially if the business was small.⁴³ In order to continue certain businesses, widows needed government approval or licensing. Hannah Freathy needed governmental recognition to continue her husband's ferry which brought trade to her tavern. After her husband's death in 1692, Freathy continued to run a tavern on the York side of the Piscataqua River next to the landing site of her husband's ferry. But when the area was under imminent attack during King William's War she abandoned both the ferry and tavern. In 1702, she petitioned the Massachusetts government for help. She wrote that her husband "had the Liberty of keeping the ferry over york River the higher way: at the part of the york river where she now Liveth: which place was & is accounted most convenient for such fery." She requested the right to operate the sole ferry in the area.

An other man ... doth keep fery:& whereas youer petishoner hath now A son which together with her Asistants: is capable of manedging the same: & having the Aprobation of the sellect men of york that it is the most Sutable place for sd fery: doe humbly offer to youer honers considerations: & pray faver therin that sd fery may be... there shee takeing care to provid all things nesary: for those ends & atend that servis.

Freathy knew the only way to return to her accustomed mode of work was to get the selectmen in her town to agree with her, make sure her son was ready to work, and

⁴³Claudia Goldin, "The Economic Status of Women in the Early Republic," *Journal of Interdisciplinary History*, 16 (1986).

petition the government.⁴⁴ Her son would make a living and Freathy's tavern could regain prosperity lost during the war.

Likewise, Lucy Read's husband William ran a ferry in Litchfield, New Hampshire, for about twenty-five years before his death in 1767. "The said Lucy since his death have been at Considerable Expence in Boats & attendance to Expedite the same Ferry, & make it commodious agreeable to Law." But because William had never received a license to run the ferry from the provincial government, Lucy was advised in 1772 that her "Title under the said William is precarious." Therefore she requested such a license "to Confirm unto her aforesaid improved and accustomed Ferry by Grant from His Majesty" so she may support her six underage children.⁴⁵ Read and Freathy petitioned the government because custom allowed them access and they needed governmental permission to run their ferries. Their positions in the economy depended upon government approval and licenses. The jobs of other widows are hidden because the widow did not need governmental assistance or a license. Government permission was granted to both women and not only they and their families benefitted but also their communities.

Occasionally women tried to get governmental permission under even more pressing circumstances than widowhood. The mental incompetence of a husband was a time of need and women sought legal means to take control of an estate. Here the

⁴⁴*MPR*, vol. VI, p.279. The selectmen did agree with her. We "Doe Give our approe bation for the removeing of the ferrey from Goodman Traftons there being many Ell Convenancis in it."

⁴⁵*NHPP*, vol. IX, p.479; *NHPP*, vol. XXXIX, p. 39 and 61.

informal understanding so often a part of *feme sole* trader status or a power of attorney could not exist. The husbands were incapable of even implicit approval of their wives' actions. The clearest example of the desire of wife to remove control from her husband's hands is the petition Rose Tibbets submitted in 1764. Her husband Joseph "by the Providence of God has fallen into Distraction and rendered Incapable of any business and has been so for the last four Years, without Lucid Intervals of any length." Tibbets "for want of Legal Authority cannot carry on the Affairs of their Family nor manage their Estate to that Advantage she should." She requested permission to control the estate since "their Industry acquired the principal part of it together." Joint work had created the estate and she wanted to protect it from any action Joseph or an unscrupulous individual may try. The understanding between husband and wife which might have given her the right to control the estate clearly was not there. She could not 'know his mind' and act accordingly. Despite her eloquent petition, her request was only partially granted. Joseph lost control of the estate but the legislature gave Major Joseph Smith of Durham guardianship, not Rose. There is a good chance that Joseph Smith was married to the only child of Joseph and Rose Tibbets, a married daughter mentioned in Rose's petition. Smith was not mentioned in the petition but may have been present when it was presented. The claims of patriarchy and legal custom superseded the legal attempts of an elderly wife.⁴⁶

Abigail Hale of Haverhill, Massachusetts had more luck with the provincial government when she presented a more limited request for estate control. She petitioned

⁴⁶Petition, 1764, NHRMA.

the New Hampshire legislature in 1758,

Setting forth That the Said Moses has for a Long time been Sick and for about half a year has been Distracted which made it Necessary to keep Person[s] Constantly with him & Occasions very Great Expence.... he has an Hundred Acres of Land in Chester in this Province which if Sold might afford them Relief but under his present Indisposition he was Incapable to make Sale thereof Wherefore She Pray'd that she might be authorized by a Special Act to make Sale of said Lands for the Ends aforesaid.

The legislature granted her plea.⁴⁷

These were acts borne out of cruel necessity. While there were very few (only four in the New Hampshire provincial government records from 1690-1774), they were all between 1758 and 1774. Surely it is plausible to assume that women had faced the difficulty of a mentally incapacitated husband before 1758. A 1714 law gave the power to chose guardians and estate administrators for mentally handicapped individuals to the selectmen if no "Near Relations" were able or willing to care for them.⁴⁸ It is likely that many women turned to the town selectmen before turning to the provincial government. Most individuals would first turn to those they knew. One advantage of small populations was that individuals knew, within certain limits, the condition of their neighbors. Ann Clark said as much in a 1763 petition to the provincial government of New Hampshire through which she wished to regain control of land her unfit husband sold to their son-in-law. "[T]he deceasd for many years before his decease throughout the Infirmities of age and other decays of Nature was rendered in Capable to do any business

⁴⁷*Laws of NH*, vol. III, p.171-172. A "Special Act" was an act pertaining to private individuals.

⁴⁸A further note on the 1714 law: it was passed in New Hampshire, but denied in England, yet New Hampshire did not repeal the law until 1769. *Laws of NH*, vol III, p.474-477.

and was almost if not all by this non Compse Mentis. Which was Well know[n] to all the neighbours and no person usually did any business with him without the knowledge of your petitioner....”⁴⁹ According to her words, his condition was known to the community and his wife controlled all trade to and from their house.

The wives of other mentally incompetent husbands may have informed the public through public notices of various sorts as Rosamund Trickey of Newington did in 1769. She placed at least one notice in the paper informing people not to trade with her husband Joshua because he was “disordered.”⁵⁰ Other individuals may have placed notices in taverns or church, notices which could not stand the test of time, instead of newspapers. For many women in New Hampshire the knowledge only had to be public, not necessarily formal. But as commercial exchange expanded beyond the boundaries of a small community, or the small community which became a large one, it would have been necessary for wives to protect not only themselves and their husbands but also the inheritance of their children through an act of the legislature. What changed was not the ends desired by the wives, but the means under which they acted.

It is clear the provincial government and women were hesitant to formally declare

⁴⁹Petitions, 1764, NHRMA (Tibbetts); Petitions, 1763, NHRMA (Clark). The deed was declared null and void as a result of the January petition and Clark was given permission to bring suit against her son-in-law. However in a letter written to her attorney, Cutt Shannon, on the first of June, 1763, Clark wrote ill health forced her to drop her suit. I “find my Self Ill Desposed & Infirmed in Body.... So I have Setled with my Son David Drew & hav Let the action Drop Concerning the Deed.” Personal Papers, Vol. 46, NHRMA. The other two cases were Martha Burleigh in 1774 (see Petitions, 1774, NHRMA) and Abigail Hale (see *Laws of NH*, vol. III, p.171-172). One possible reason why these formal requests are found only after the French and Indian War is because New Hampshire experienced a population explosion after 1760. See Charles E. Clark, *The Eastern Frontier: The Settlement of Northern New England, 1610-1763* (New York: Alfred A Knopf, Inc.; 1970), especially chapters 18-20.

⁵⁰*New-Hampshire Gazette*, 1769.

a husband non compos mentis (mentally incapacitated). Few wives applied for guardianship rights over their husbands and few of those who did were granted the right. Legal means may have been available but custom denied most women the ability to gain control of an estate with a husband living. Forcing a husband into dependent status and giving his wife autonomy over their lives was a rejection of Anglo-American culture and few were willing to contemplate such a move. Wives were accepted within civil society on an informal basis but the political community seldom granted wives formal powers believing the power belonged with the person the law defined as a head of household: the one legal representative of the family. Husbands could be represented by others, but only one head of household existed in the eyes of the law. During his lifetime, it was almost always the husband. Wives, sons, and any other dependent, regardless of age, were not heads of households. The separation between property as a source of civic authority and the right of individuals to civil rights had not yet occurred.

A widow's place in civil society as an individual and family member has been the focus of increasing scrutiny. Lisa Wilson has found that a sense of mutuality and responsibility, not dependence or individualism, kept families intact.⁵¹ The sense of mutuality extended to the community as well. When communities needed signatures, they accepted the signatures of widowed women as well as men - what was important was the status of head of household that many women assumed when they were

⁵¹See Lisa Wilson, *Life After Death*, for an analysis of the complex role of widows. "Without the role of wife, the widow had to extract her sense of purpose from other facets of her life." (p. 14). She concluded widows dealt with issues in a family-centered manner, not a gender-centered one, and willingly sacrificed whatever was necessary to achieve family security - as did the rest of the family.

widowed. Gender did not keep women from signing petitions to the highest government officials in the province. New Hampshire widows were the signatories of several official government documents. For instance, after the Glorious Revolution, New Hampshire citizens were unsure if the new government in England would recognize New Hampshire as a separate legal entity or if they would be reabsorbed by Massachusetts. While they waited on word from England in the chaotic economic climate created by political turmoil and Native American attacks, almost three hundred and seventy-five individuals petitioned the government of Massachusetts for protection and governance. “[W]e, who were under your government, having been for some time destitute of power sufficient to put ourselves into a capacity of defence against the common enemy.... supplicate your Honors for government and protection.” Three women signed: Widow Morgan, Joan Fickett, and Elizabeth Horne. A tiny number, but significant given the urgency of the situation. Of Widow Morgan and Joan Fickett, nothing else is known, but Elizabeth Horne was a widow living in the Dover/Portsmouth area. Horne’s husband was killed by Indians on June 28, 1689, leaving her the head of the household with control of his estate for their nine children. Her house was large enough to serve as a billeting area for soldiers during renewed warfare in 1695.⁵² She was the head of a large household and well-situated house. It was in her best interest and the interests of her family to end the turmoil as quickly as possible. New Hampshire was in a state of crisis: there was not an

⁵²NHPP, vol II, p.34-39,85, 86. For information regarding Elizabeth Horne see Noyes, Libby, and Davis, *Genealogical Dictionary*, p.350; Treasury Records, 1695, Box 6, NHRMA; NHPP, vol. XXXI, p.365. Horne was captured by Native Americans on September 30, 1707. In *Colonial New Hampshire: A History* (Millwood, N.Y.: KTO Press; 1981), Jere R. Daniell notes that New Hampshire faced difficulties due to political disturbances and the resulting social and economic dislocation since they had been separated from Massachusetts in 1680. See chapter five.

acting government beyond town government and even that was chaotic. The people desired protection. There is nothing to indicate that Horne, Morgan or Fickett were given lesser roles in the list of petition signers. Like female signatures in petitions for new towns, their names were in the middle; not set aside or at the end, not starred or marked in any way to set them apart. In other words, the fact that women, even so few, were among the signatories was not worthy of extra mention to those involved. What was important was protection of the settlements, homes, and families involved and the restoration of economic stability.

Perhaps New Hampshire custom simply gave certain women the power to sign group petitions in their role as heads of households. Or perhaps they were able to sign because women were able to submit individual petitions. Unfortunately the petitions and the remaining records do not explain why women were able to sign. But they do explain the reason why individuals requested new governance: stability and a chance to broaden the economy of an area. The women who took part in the process, like the men, acted to ensure the future prosperity of their town as well as their own.

The women of New Hampshire were not individuals suffering under the inequities of a patriarchal system. They were, instead, women who saw themselves as part of a series of communities: their family, their town, and their social status group. Twentieth-century researchers tend to seek differences and change in order to form conclusions about the past. There were clear differences between the roles of eighteenth-century men and women: political, economic, and biological. But there were more similarities between the situations of men and women, especially male and female heads of households, than usually expected. All were part of the commercial base of an area and

did what they could to further area commerce while aiding their own causes. Their actions combined the domestic and political economies and make it clear women were accepted as part of legal commercial transactions if not through explicit law then by understood custom.

Whether they ran a ferry, witnessed a bond, or petitioned to sell land women were active members of the economic life of their community. They signed town charters requesting new towns, gave depositions when required, and served as administrators of their husband's or mother's estates. It was economic minutia that permitted women access to a broad part of the economy. It was legal custom that gave women broad impact in the economy. It was commercial necessity that kept important forms of female agency open. Whether through formal mechanisms, such as *feme sole* trader status, or informal, such as the implicit rights of women as family representative, women's economic lives linked the governmental, legal, and domestic communities.



Map 2: Detail from "An Accurate Map of His Majesty's Province of New Hampshire in New England" published in 1761 by Colonel Joseph Blanchard and the Reverend Samuel Langdon. Courtesy of the New Hampshire Historical Society.

CHAPTER FOUR

“A WOMAN THAT KEEPS GOOD ORDERS”: FEMALE TAVERN KEEPERS AND THE COMMUNITY

In late 1756, the widow Love Chase became the owner of record for the busy Chase Tavern in Stratham, New Hampshire. Chase Tavern was the political center for the town of Stratham. Selectmen made Chase Tavern their headquarters and town meetings were often held there. Speculators who owned the new town of Bow also conducted most of their many meetings in her tavern as they attempted to work out the details for the new town. Auctions and elections were held at the tavern on a regular basis.¹ Chase's Tavern was not the economic stop-gap of a poor widow: it was the gathering place for the townspeople of Stratham. Love Chase's tavern was a nodal point in her community. It helped make Stratham more than a mere set of houses within boundaries; it helped to create a community. The fact that the tavern was owned and operated by a woman was not extraordinary. It was simply the way things were.

Love Chase's name was found in the treasury, court, and town records, as well as in newspaper advertisements from her husband's death in 1756 until 1765, when it appears her son took possession. Records concerning the tavern dating before 1756

¹Information about Love Chase and Chase's tavern may be found in Samuel Lane's transcribed almanac; Charles B. Nelson, *History of Stratham, New Hampshire: 1631-1900* (Stratham, NH; 1987), p.39; *The New-Hampshire Gazette; New Hampshire [Provincial and State Papers]*, 40 vols. (Concord: State of New Hampshire, 187-1943), vol. 36, p.30-31 (hereafter cited as *NHPP*); Stratham town papers, New Hampshire Records and Archives Management (hereafter *NHRMA*).

name Love's husband, Thomas, as the owner and, from the records, one would also assume he managed the inn as well. However, in the appointment papers naming Love as the administrator of his estate, Thomas was called a yeoman. It was not usual to combine inn keeping with other forms of livelihood, but if his main business had been that of inn keeper, usually that was the title used in legal documents. Most probably, Love Chase managed, or at least certainly worked in, the tavern even before her husband's demise. She had served the meals and drinks, cooked, and whatever else was necessary to the operation of the tavern. Her presence was an expected sight to those who frequented the tavern. With her husband's demise, Love apparently continued doing what she had been doing before her his death: running the inn along with caring for their children. Like many women in the previous chapter, she worked provide continuity and stability for her family after her husband's death by continuing the business she married into. She worked within the economy of her community and provided for her children. It was work she was trained to do since many of the chores involved in operating a tavern were domestic ones. Chase was able to combine her family's domestic welfare with a business which benefitted her community. But, while domestic in nature, running a tavern was different than running household or even a store or a millinery shop. It placed Chase in one of the most potentially disruptive locations in town.

Taverns like Chase's were the most public of places within a community. There community members could come together to discuss town business and gossip, find refreshment, gather the mail and read newspapers. By law, a public tavern had to prepare and serve food, provide beds for travelers and lodging for their horses, and mix and serve liquors. For instance, a 1721 law required "all licensed houses within this Province ...[to]

constantly be provided with beer or Cyder for the refreshment of travellers, under penalty of paying ten shillings for every defect so often as they shall be found two days without it." If a public house keeper refused "to receive a traveller as a guest into his house or to find him victuals or lodging upon his rendering a reasonable price for the same; he is not only liable to render damages... but may also be indicted and fined at the suit of the state."² By custom, public houses were often built to include accommodations for the town: large rooms for meeting areas or places for music and lectures, shops of one sort or another in a separate room of the tavern, and an area for local notices. Customers could find copies of important laws, notices of the next town meeting, or a list of local drunkards posted somewhere within the inn.³

In the small towns of northern New England the public house truly was public. It was as much the center of the community as the community church and, in terms of information shared and business arranged, outranked the church in importance. Despite their central community position, taverns retained their customary English reputation as potential sources of disorder that needed a voice of authority in order to maintain civility. Women, and men, involved in public houses had to obtain licenses from the provincial government for their houses and follow the laws regarding taverns. It was the major

²NHPP, vol. 3, p.818; *Burn's Abridgement, or the American Justice; Containing the Whole Practice, Authority and Duty of Justices of the Peace* (Dover, NH; 1792), p.27. See also W.J. Rorabaugh, *The Alcoholic Republic: An American Tradition* (Oxford: Oxford University Press; 1979), chapters 1-3 for a discussion of the role of taverns and alcohol consumption in the lives of colonial Americans. Rorabaugh notes not only the tremendous amount of alcohol consumed and the acceptability of the practice, but also the societal role of taverns.

³Kym S. Rice, *Early American Taverns: For the Entertainment of Friends and Strangers* (Chicago: Regnery Gateway; 1983), P.79-80; Susan Dwyer Amussen, *An Ordered Society: Gender and Class in Early Modern England* (Oxford: Basil Blackwell Ltd; 1988), p.168-169.

place where women's domestic duties and the regulations of the government coincided and where women had a choice regarding their interaction with the government.

Licensing of taverns was mandatory, but the decision to run a public house was not. As British subjects and accepted members of the public sphere of commerce, female tavern keepers did not shy away from governmental rules and licenses. Yet our stereotypical view of eighteenth-century taverns and women leads many to assume ordinary women would not have wanted anything to do with public houses.

Perhaps because we associate taverns with the mythic disorder of nineteenth-century western saloons (with some reason), it is often assumed that the only women present in a public house would be women of ill-repute or poor female drunkards. Because the tavern licenses required public house operators to provide "entertainment" the association may seem even stronger. However, for late-seventeenth and eighteenth-century colonial inn keepers, entertainment meant comfortable rooms, appropriate housing and sustenance, and a well-managed bar. A 1716 law even went so far as to spell it out: all taverns were required "at times be furnish'd with suitable Provisions and Lodging, for the Refreshment and Entertainment of Strangers and Travellers; Pasturing, Stable-room, Hay and Provender for Horses; on pain of being deprived of their License."⁴ The requirements did not preclude women from entering a tavern. Nor was there any law that prohibited women from managing or owning a tavern.

But the assumption that women certainly would not choose to keep a tavern is

⁴Albert Stillman Batchellor, ed. *Laws of New Hampshire: Including Public and Private Acts and Resolves and the Royal Commissions and Instructions with Historical and Descriptive Notes, and an Appendix* (hereafter cited as *Laws of NH*), Vol. II: 1702-1745 (Concord, NH: Rumford Printing Company; 1913), p.196-197.

well ingrained and has colored the conclusions of some who have studied eighteenth-century society. In his otherwise excellent study of colonial Massachusetts's taverns, David Conroy insinuates that the only women who sold liquor or ran taverns in Boston were the desperate. It was a business of last resort for the poorest of widows. To Conroy, the fact that there were female tavern keepers or retailers in Boston who failed or were very poor was a clear indication of "the problems women faced when they stepped out of the confines of prescribed female roles to enter business." Difficulty haunted their every effort to survive in an area where no women belonged, or so Conroy seems to indicate. At the same time, he notes a desire by the licensing authorities to deny poor individuals public house licenses "because they did not possess social status sufficient to exercise authority over companies of customers." Perhaps widows in Boston did face particularly difficult circumstances given the weakening economic situation of that city in the eighteenth century but then the same situation would have affected the men who kept public houses and his conclusions would have to be extended to men as well.⁵ His conclusions regarding female tavern keepers seem to be based on assumptions that respectable women would not be associated with taverns under almost any circumstance.

Similarly, in her work on women in New England seaports, Elaine Forman Crane finds a "general hostility toward female license holders." Basing her conclusions for

⁵David Conroy, *In Public Houses: Drink & the Revolution of Authority in Colonial Massachusetts* (Chapel Hill: University of North Carolina Press; 1995), p.9 and 103. Yet even with those caveats he still relegated female tavern keeping to the desperate. In Christine Heyrman's book on maritime communities of eighteenth-century Massachusetts, she wrote that Boston "suffered from demographic stagnation and commercial decay over the eighteenth century. Yet as Boston declined all of New England's other provincial ports... experienced an expansion of population and trade during the later colonial period." Christine Leight Heyrman, *Commerce and Culture: The Maritime Communities of Colonial Massachusetts, 1690-1750* (New York: W.W. Norton and Co.; 1984), p.20.

northern New England on spotty provincial court records, she concludes that "competing cultural attitudes [of expected productivity vs. constrained female economic mobility] ensured that women would never be productive enough to be self-sustaining." Crane suggests that "Anglo-American cultural attitudes [which] held women responsible for social unrest" may have cut down on the number of women officials were willing to license.⁶ That may have been the case for southern New England, but it does not hold true in New Hampshire where a high percentage of the licenses went to women and many of the most respected and well-known taverns were owned and run by women.

The work of other historians indicates women were accepted within the ranks of tavern owners and frequenters. In her work on female merchants, Patricia Cleary points out "[i]n the colonies, women of status and wealth pursued trade, suggesting a lack of stigma attached to women's commercial enterprises." Given the amount of competition in the licensing of taverns it is logical to assume keeping a public house of entertainment was not a job of last resort, but a profitable and desirable occupation for both men and women. Beyond ownership, women apparently were not strangers to taverns. In her synthesis on colonial women, Joan Gundersen finds that women "frequently joined local men" in taverns. A tavern was just one of the "public places in a community" where "women visited... as well as men." David Shields determines that the presence of women was not unusual, but depended upon male accompaniment. "Women might be seen [in inns and taverns] if they were wives or girl friends of a male customer or when a female company gathered for refreshment." Donna-Belle and James Garvin's excellent study of

⁶Elaine Forman Crane, *Ebb Tide in New England: Women, Seaports, and Social Change, 1630-1800* (Boston: Northeastern University Press; 1998), p. 177-178.

taverns and turnpikes in New Hampshire places no such restrictions of the presence of women, but highlights the importance of women to the trade, noting that "[a] large proportion of the tavern's typical clientele was female" and "tavernkeeping was considered an especially suitable occupation of single women and widows."⁷

Tavern space was a gender- and class-integrated area where the populace, male and female, could meet and discuss the day's news or the latest sermon. Women were included in spaces where liquor was served and news shared. That certainly was the case in New Hampshire where women like Love Chase were found in most every community. Taverns provided opportunities for women to make a profit doing what they had been trained from childhood to do: provide food and hospitality to guests in their homes while watching and caring for their children.

There are many difficulties associated with dredging female tavern keepers out of the mire of data where they lie hidden waiting to be found, just as there are many difficulties in finding the surviving records of any ordinary woman of the colonial era. The most obvious difficulty evolves from the legal status of eighteenth-century women. Often the records hint that a woman had been running a tavern for years in her husband's name but we have no way of proving that other than circumstantial. Yet the ease with which so many widows moved into positions of tavern proprietorship leads easily to the conclusion that while women had lost their partner and their legal status had changed to

⁷Patricia A Cleary, "She Merchants' of Colonial America: Women and Commerce on the Eve of Revolution," (Ph.D. dissertation, Northwestern University, 1989), p.129; Joan R. Gundersen, *To Be Useful to the World: Women in Revolutionary America, 1740-1790* (New York: Twayne Publishers; 1996), p.73 and 132; David S. Shields, *Civil Tongues & Polite Letters in British America* (Chapel Hill: University of North Carolina Press; 1997), p.20; Donna-Belle and James L. Garvin, *On the Road North of Boston: New Hampshire Taverns and Turnpikes, 1700-1900* (Concord, NH: New Hampshire Historical Society; 1988), p.119-120.

that of widow, their daily role had not changed that dramatically. They continued to run the tavern just as they had before their husband's death; without his assistance, but with the full knowledge of what needed to be done. As Claudia Goldin points out, many women "were actively engaged in 'hidden market work' while they were married."⁸

But how can we prove that? With the scanty records left by women, only bare clues exist. In one example, a 1732 group led by Richard Hazen "Coming in the evening to Capt Sanburns at Kin[g]ston desired entertainment; there being a Sign of a Tavern there.... the Captain not being at Home Mrs Sanburn his wife told us we Could have none there." Despite the negative response, it is clear who made the decision: Mrs Sanborn.⁹ Examples like that of Mrs. Sanborn and Love Chase indicate the circumstances for control of an inn existed even before widowhood or the age of majority for an eldest son. Even though he relegated female tavern keepers to the poor, David Conroy notes: "it is highly probably that many of the licenses held by men masked operations managed by their wives and daughters, since so many widows of tavernkeepers in Massachusetts subsequently applied for their deceased husband's license."¹⁰ The difficulty is finding female tavern keepers since the inns were not listed in the women's names while their husband lived even if inn keeping was actually the work of the female spouse. If they predeceased their husbands, there would be no separate listing for them.

Another difficulty in finding female tavern keepers is that the records of the towns

⁸Claudia Goldin, "The Economic Status of Women in the Early Republic: Quantitative Evidence," *Journal of Interdisciplinary History*, XVI: 3 (Winter, 1986), p.401.

⁹Mss Acct# 1991-003(m), Richard Hazen; New Hampshire Historical Society; Concord, NH.

¹⁰David Conroy, *In Public Houses*, p.103.

and the courts were often kept in a rather haphazard way before they were given to or rescued by the archivists. Thus there is no way of knowing how many names have been lost: all it takes is the loss of a single piece or two of paper to a fire, flood, or rot. During the nineteenth century, the records of women were sifted out as unimportant in the research of antiquarians with a paternalistic bent. When Charles Brewster published *Rambles about Portsmouth* in 1859 he blatantly stated as much. When he copied the 1727 tax list "[t]he names of some widows who were reported as taxpayers - and a few names which were not legible, have been omitted."¹¹ It must have been an acceptable form of editing for nineteenth-century historians. Imagination will have to suffice to consider how many records may have simply been lost due to what we might today call space constraints.

That said, the names of female tavern keepers are littered throughout the records of the New Hampshire colonial government. It is possible to get an idea of the importance of female tavern keepers to New Hampshire society by looking at the number of women for whom records remain. In 1697 New Hampshire towns were limited by law to no more than four taverns. Two women in Portsmouth and two (possibly three) women in Newcastle ran taverns in that year. In 1758 Portsmouth, listed as having eight taverns in provincial legislative records, had at least three female-run taverns, while the same records show Stratham had two taverns and two were owned by women.¹² In 1766

¹¹Charles W. Brewster, *Rambles About Portsmouth: Sketches of Person, Localities, and Incidents of Two Centuries* (Portsmouth; 1859), p.159.

¹²*Laws of NH*, vol. I, p.589; Treasury Records, 1697, Box 7, NHRMA; Provincial Court Records, #15616 and #17662, NHRMA; *NHPP*, vol.VI, p.686, vol.II, p.256, and vol.XVII, p. 672; Treasury Records, 1758, Box 8; *NHPP*, vol.XXXVI, p. 331; *New- Hampshire Gazette*, 24 Feb., 30 June, and 20 Oct. 1758. David Conroy found one-half of the licenses in mid eighteenth-

the town of Portsmouth recorded thirty-five tavern keepers *and* retailers (individuals who sold liquor from their stores and not by the glass; generally a much larger category) in town. From the remaining records it is possible to find seven women who were tavern keepers or retailers in Portsmouth in that year.¹³ While there is a question if towns and provincial governments stuck to the taverns numbers decreed by the legislatures, women appear to have owned and operated a high percentage of the New Hampshire taverns, anywhere from twenty percent on up. The percentages are high enough and the names of female tavern owners prominent enough to provide a better understanding of the ordinary nature of women's work in taverns and the ability of women to provide services to and get licenses from the government. But the numbers leave open questions concerning women and their ability to keep order in a public house. Why would the government trust women to run taverns? Who did they expect would keep order within the tavern? Did custom allow female tavern keepers to serve as forces for order within their taverns?

The ultimate governance of taverns rested with the provincial governments, and the New Hampshire Assembly passed laws to regulate the distribution of liquor. Many laws were passed to control tavern activity. All tavern keepers or others who handled

century Boston were owned by women. Conroy, *In Public Houses*, p.318. Joan R. Gundersen notes about one-fifth of all tavern keepers in "less urban North Carolina" were women. Further she wrote, "Shopkeeping and tavern-keeping were by far the most common businesses for women. They required minimum capital and could be run as extensions of a home." Gundersen, *To Be Useful to the World*, p.71. In 1758, New Hampshire law regarding taverns was in a state of flux. There was a call to renew limits on the number of taverns per town. In preparation for such a move, the legislature received a list of the number of taverns present in New Hampshire by town in 1758.

¹³Treasurer's Accounts, Vol. I, 1766-1775, NHRMA.

liquor had to obtain a license.¹⁴ Before 1742, the government of the province also tried to limit the number of taverns per town to discourage disorder within communities. Each town was allowed from one, in small towns, to six, in Portsmouth for much of the seventeenth and almost the first half of the eighteenth century. In 1687 the laws of New Hampshire and Massachusetts called for licenses for public houses to be “granted in open Sessions and to such only as are persons of good repute and have convenient Houses and att least Two Bedds to entertaine Strangers and Travellers.” The provincial government attempted to keep close control of the number of taverns per town.¹⁵

As New Hampshire became more populated, the legislature realized they needed to change the licensing procedure (See Table 1). “[T]he People have much increased in number and their Circumstances are much different from what they were, so that it is found very inconvenient for the publick, to have the Taverns limited as heretofore.” Therefore, in 1742, the General Assembly decided that the justices of the “General Sessions of the Peace” were “impowered to licence so many Tavernkeepers in each Town Parish or District within this Province as the Said Justices shall Judge Proper” as long as the tavern keepers also produce a “Recommendation from the major part of the Select men.” The chosen individuals in this highly competitive business were suppose to keep an orderly house and serve strangers and the community. It was an

¹⁴Sometimes individuals, particularly women, sought licenses to retail liquor which meant that they could only sell drink in bulk, no drink could be consumed on the premises and the retailer could not mix drinks. The majority of women who sold liquor were retailers. However, retailers did not serve liquor to be consumed on the premises and the issues of control and disorder do not apply to them. This chapter will deal only with licensed tavern keepers.

¹⁵*Laws of NH*, vol. I, p.251. Many laws were passed to regulate the number of taverns per town. For a good example see *Laws of NH*, vol. III, p.188.

occupation which “became an exceptional privilege, to which no person could assert a right.”¹⁶ Only individuals trusted by their neighbors and capable of maintaining order could become tavern keepers no matter their sex.

The provincial licensing procedure in New Hampshire evolved to include three main steps. The first step and most important in the process involved obtaining the approval of the town selectmen. Without the selectmen's approval, which represented community approval, and their continued approval in succeeding years, neither the initial license or its renewal was possible. Second, the potential tavern keepers petitioned the provincial government (legislature, governor and council) justifying the need for a tavern in a particular location. For the third step, tavern keepers had to post a bond with sureties guaranteeing their adherence to the laws governing liquor and disorder. As William Novak notes, a liquor license “sealed a public trust between community and ‘common calling’ that brought serious consequences if violated.”¹⁷

Like all applicants, women who applied for a tavern license had to justify the need

¹⁶*Laws of NH*, vol. II, p.719. The 1758 law, mentioned earlier, limiting taverns to four per town, was repealed by early 1761 because “it too restrained the privileges & Libertys of mankind.” See *NHPP*, vol.VI, p. 686, 763. Sidney and Beatrice Webb, *The History of Liquor Licensing in England Principally from 1700 to 1830*, (London: Longmans, Green and Co.; 1903), p. 5. As William J. Novak notes, “[t]he ability to sell and consume alcoholic beverages was not a natural right in early America but a privilege subject to regulation by self-governing communities.” Novak, *The People’s Welfare: Law and Regulation in Nineteenth-century America* (Chapel Hill, N.C.: University of North Carolina Press; 1996), p.173.

¹⁷*Laws of NH* condensed from the first two volumes of provincial laws. New England licensing closely followed English regulations. English regulation began in the seventeenth century as a way to regulate price and the quality of beer and quickly gained a distinct social purpose. Sureties signed along with the tavern keeper posting a certain amount of money, which changed over time, to guarantee the orderliness of the public house. See Harris Gary Hudson, “A Study of Social Regulations in England under James I and Charles I: Drink & Tobacco” (Ph.D. dissertation, University of Chicago, 1931), pp. 3, 5, 8. The Webbs also note the license and excise fees quickly became a major source of revenue for the Crown. Webb, *The History of Liquor Licensing*, p. 15. Novak, *The People’s Welfare*, p.172.

for a tavern and thus explain what special service their tavern could give the community. "Mrs Sarah Hopkins," a widow living on the island of Newcastle in the Piscataqua River, received the approval to keep a tavern from her selectmen in March of 1700. "We knowing her to be a woman that keeps good orders and liveth peaceably amongst her neighbours, is qualified and well provided with victualls and Lodging and other conveniencers appertaining to that imploy: so that we think it convenient that she may have a lyconce." Mrs. Hopkins had what the law required: the ability to provide food and lodging. Without knowing her location (near the ferry to Portsmouth? close to the main part of the village?), it is impossible to say more than the important fact that her neighbors approved of her new occupation. Similarly, Agnes Russell lived near the grist and fulling mills on the outskirts of Portsmouth and, in 1722, justified her tavern as a service to the large numbers of people who needed to attend the mills.¹⁸

In 1755 Hannah Wiggin requested a license to run a tavern in Stratham. The location of her house and Wiggin's good character allowed her to open a tavern in town because she was "a Sutable person to keep and Inhold Tavern... there no other Tavern being in the Lower End of Stratham."¹⁹ Perhaps because of the competition from Love and Thomas Chase's tavern, nothing else is known of the Widow Wiggin except that the townspeople agreed she should have permission to operate a tavern because she was

¹⁸Provincial Court records, #15685, NHRMA. Kenneth Scott, "Colonial Innkeepers of New Hampshire", *Historical New Hampshire*, 19:1 (Spring, 1964), p. 41. Scott has a good beginning on New Hampshire tavern keepers. He used the selectmen's recommendations found in court records to determine who was a tavern keeper. The court records are missing for many tavern keepers however. Most records from northern New England do not include the honorary title "Mrs" except for women of wealth. There are no records to indicate that Sarah Hopkins was wealthy or, for that matter, poor. Thus her honorific is curious.

¹⁹Provincial Court records, #25844, NHRMA.

“Sutable” and they would like to have a tavern at the location of her home. She never applied for her license renewal in later years.

The petition given by Hannah Prescott of Epping, New Hampshire in 1750 stressed the needs of her neighbors as well as the importance of her location "near the meeting House where She can accommodate the People, with Needful things on the Sabbaths." Besides, "as there is no other house near as yet, the People frequently go to her house on Sabbath days." Along with her location, however, she had another thing in her favor: the people of the town were making "daily importunities" to the selectmen to approve a tavern, although it is not clear that "the People" wanted her house to be their tavern. She included one further justification for a tavern license. It would help her community because she had been left by her late husband "in poor needy Circumstance" and a tavern would allow her to support herself and her family, thus not making her a burden to the town.²⁰ People already frequented her house, the townspeople wanted a tavern, and she needed a job. How could the justices refuse her? Her community and family-centered arguments gained her the right to run a tavern.

Often women who applied for licenses pointed out that they were continuing an existing tavern and simply needed the license in their own name. Circumstances varied. As expected, recent widows like Love Chase asked for a tavern license upon the death of their tavern-owning husbands. When Mary Leavitt of Exeter did in 1758, the selectmen approved the move. Leavitt was "a Proper Person to keep a Tavern where her late Husband Mr Jeremiah Leavitt Deceasd lately kept a Tavern in Said Town." Hannah

²⁰Provincial Court records, #29594, NHRMA.

Permitt, Hannah Horney and Elizabeth Harvey took over taverns which had been in their husband's names. Mary Frederick of Newcastle continued the tavern her husband, who ran the ferry between Newcastle and Kittery, legally started in 1723 when in his application he referred to an "ancient law of the Province [in which] all ferrymen were Lyncened to Sell Drink." Mary was still called an "innholder near the ferry" in a 1746 lawsuit.²¹

Sometimes the recommendations for continuation of a tavern included the names of non-spouses. Martha Brackett of Greenland petitioned the court for a license in 1754 because her tenant, who had the license, had left, "being called away upon other business or not being pleased to stay any longer." She had "got the approbation of the present selectmen of sd. Greenland and testimony where of they have Subscribed their names." Sometimes the recommendation did not even name the former tavern keepers. When Sarah High received a tavern license in 1769 in Newington, the selectmen stated that "she lives in a House very convenient for a Tavern & where there has been a Tavern kept for many years past."²²

The towns expected and the law demanded that the people they recommended to keep a tavern would keep an orderly tavern. Taverns were common sights along the highways of eighteenth-century northern New England but for all their familiarity taverns were seen as a necessary evil. Along with limiting or in some way controlling the

²¹Provincial Court records, , #20064 (Leavitt) and #21860 (Frederick), NHRMA. If northern new England provinces followed the "ancient" law regarding ferries and taverns several other women whose names only appear in the excise tax records may have been tavern keepers as well. See chapter five for more information about Harvey, Permitt, and Horney.

²²Provincial Court records, #11803 (Leavitt); #15168 (Brackett), #15259 (High), NHRMA.

number of taverns, local authorities made order within taverns mandatory. For instance, on January 6, 1716, the New Hampshire legislature passed a law that forbade any "Innholder, Taverner, Common Victualler or Retailer" to serve "any Apprentice, Servant or Negro" without the permission of their master. No local inhabitant was allowed "to sit Drinking or Tipling after Ten a Clock at Night... or to continue there above the space of Two Hours, (other than Travellers, persons upon business, or extraordinary occasions)." Further, no drinking was allowed on Sunday and tavern keepers were to allow no one to drink to excess in their taverns on any day. Tithing men were free to enter the taverns on a regular basis to "present or inform of all Idle, and Disorderly Person, Prophane Swearers or Cursers, Sabbath-breakers, and the like Offenders; to the intent that such Offences, and Misdemeanours may be duly punished," no matter the effect such action might have on the tavern business. "Gaming" was also disallowed in taverns by the New Hampshire legislature. For example, an April 25, 1721 New Hampshire law specifically forbade the use of "Dice, Cardes, Nonepins, Tables, Bowls, Suffle Board, Billiards or any other Implements used in Gaming" in any tavern or place of entertainment.²³

Playing on the need to keep order, four Portsmouth tavern keepers took on established custom in order to improve their families' situations, even if their action meant putting others out of business. In 1701, using the law as their weapon, and not disorder of any other type, well-known tavern keeper Elizabeth Harvey and three male tavern keepers attacked the sale of liquor by shop keepers or retail, a minor business followed by many women as a source of income. They aimed to decrease the amount of

²³*Laws of NH*, vol. II, p.196-197 and vol. II, p.358.

liquor available in Portsmouth not by claiming that excess liquor promoted disorder but that it damaged their business because the law required more vigilance of tavern keepers than retailers of liquor.

Your petitioners are oblidged to provide Entertainment at all Hours both for man and Horse; who doo take care to doe the Same; and those being Sundry Shoppkeepers and retailers of Drink within Said Town who vends considerable Quantities of Liquor to the Great Damage of your petitionrs whereby yor petitionrs are likely to be rendred incapable for the provideing such Entertainmt as aforesaid ... unless some Speedy move be taken for Remedy thereof. May it therfor please yor Honrs to ... Silence all Such Shopp Keepers from retailing any Liquors.

The four petitioners portrayed their work as a public service to their community. If they could not make the necessary profit, or what they felt was necessary, then, they implied, they would be forced to close their taverns, leaving Portsmouth to the chaotic liquor distribution of retailers. The community needed trustworthy tavern keepers. The Governors Council approved their petition, adding at the bottom: "It is the Opinion of the Councill Board that Shopp Keepers are not persons fitt to be Retailers." The opinion, "left to farther Consideracon" and then denied by the Assembly, did not end the retail sale of liquor; however, its nonenforcement did not end Elizabeth Harvey's business either.²⁴ Harvey wanted to remove a potential source of disorder, even if it was only to help her own business, by ending bulk, cheaper, liquor sales. She joined three men who were also respected tavern keepers, as well as merchants and member of the political elite, a sound business move that allows modern researchers a glimpse into her status in Portsmouth. The reason the Council members and the Governor agreed with the tavern keepers was partly because of their social status and ties with the elite of Portsmouth, but it was also

²⁴Petitions, 1701, NHRMA; *NHPP*, vol XIX, p.733.

because retailers were not judged to be fit distributors of liquor by recommendation of their community while license tavern keepers were. Tavern keepers received the trust of their communities that they would abide by the rules and laws necessary to keep order within their establishments.

Tavern keepers had to abide by all the general laws regarding public houses passed by the legislature and any specific rules specified in their license. Joan Crafts of Kittery (just across the Piscataqua River from Portsmouth in what is now Maine) ran a tavern from 1695 through 1705. When the Massachusetts General Court granted her a tavern license they included an unusually detailed list of restrictions, summarizing the laws dealing with taverns. Other tavern keepers had to follow the similar rules for the most part, yet the General Court saw fit to detail the regulations regarding her tavern. Along with the usual, simple note, "Licence is granted to Joan Crafts to keep a publick house of Entertainment," the Court also included the following:

The Condition of this Obligation is ... [that] the sd Joan Crafts ... Shall not permit Suffer or have any playing at Dice, Cards, Tables, Quoits, Loggets, bowles, Shuffle board, Ninepines, Billiards or any other unlawfull Games in her house yard Garden backside or any of the Dependancies thereof nor shall Suffer to be or remain in her house any person or persons not being of her own household or Family on the Lords day or any part thereof Contrary to Law, nor shall Sell any wine or strong drink to any Apprentices, Servants, Indians, Negroes nor shall suffer any person or persons to be there after nine of the Clock in the night or otherwise contrary to good order and rule and doe Endeavor the due observance of the Laws made for the Regulation of such houses then this present recognizance to be voyd or else to Stand and Abide in full force and vertue.²⁵

²⁵*Province and Court Records of Maine*, I-VI (Portland: Maine Historical Society; 1928-1975), Vol. IV, p.51 [hereafter cited as *MPR*]. A 1716 New Hampshire law, and laws of other years, specify the same rules, yet no other female tavern keeper had the rules spelled out her on an individual basis. *Laws of NH*, vol. II, p.196-197.

The detail raises questions: Why did the Court feel the need to spell out the usual restrictions and add a few new ones for Crafts? The hour of nine o'clock was an hour earlier than most restrictions in Massachusetts or New Hampshire. Was there some reason why her area of town needed to be quiet earlier? Perhaps it was her location in the center of the village. Or perhaps Craft's tavern had been trouble in earlier years and they wanted to avoid trouble again.

Whatever the reasons, the license restrictions are worth examining in detail, because in 1702 a violation of the license, which forbade Sunday operation of the tavern, was the reason Craft gave to request a renewal of her license. Her tavern provided safety from the storms, refreshment for those who wanted it as well as warmth on Sunday when no other building was available for those purposes. While taverns were not to serve liquor on Sunday, some ministers feared the general atmosphere of a tavern, even without liquor, would destroy the effects of a good sermon. In 1719 three ministers of Boston, Cotton Mather, Benjamin Wadsworth, and Benjamin Colman, published a pamphlet in which they wrote, "It is to be wished, That Lectures, were more generally attended, where it is thought fit that they should be maintained; but so, that a Resort from the House of God unto the Tavern, may not then defeat and destroy all the Good Impressions which the Word Preached should have upon the Hearers of it."²⁶ Crafts was to "Suffer" no local "person or persons not of her household" in her tavern on Sunday regardless of whether they consumed liquor or not. Yet in 1702 Crafts sent a male neighbor with her license renewal petition and license money for the renewal to the justices of the Massachusetts

²⁶Mather, Wadsworth, and Colman, *A Testimony Against Evil Customs. Given by Several Ministers of the Gospel* (Boston, 1719), p.2.

General Court asking them to forgive her non-appearance. She reasoned, her tavern was open on Sundays to "person or persons not being of her own household or Family on the Lords day" in order to accommodate those who traveled a long distance to attend church. It was a practice approved by English law. Further, it was a hardship. "I hop[e] it is nott onknown to Sume off your honers that my proffitt is very small[,] my tro[u]ble is mor[e] than the proffitt[.] Considering the tro[u]ble off my hous ... that I spend on the Saboth day which I hop[e] your honers will consider and doe hop[e] that your honers will Favor me as I am a poor widow which is all from me that am your[s] to serve."²⁷ She used the usual language of a petitioner while reminding the Massachusetts General Court of the favor she granted the rest of the community. Without her tavern, the community of souls that gathered at Kittery Point would suffer in the harsh weather of northern New England during the noon-time break in Sunday services. She knew the work she did fulfilled a vital need in her town and the court agreed. Her license was renewed. It was her location as well as her willingness to stay open on Sundays (and perhaps a few other violations of the law) that kept Craft in business and in the good graces of her neighbors.

The neighbors of Rachel Freez stood in need of services that Freez was willing to provide. In an undated, but probably late seventeenth or early eighteenth-century, application for a tavern license, the selectmen of Hampton sent a strong recommendation to justify another tavern in their town. "The Select Men of Hampton being very senerble [sensible?] of the hard Labour and Toile that many of our men have in hay time[.] Some of them many times are from there [sic] houses twenty four hours att a time and many

²⁷Webb, *The History of Liquor Licensing*, p. 11; MPR, vol. IV, p.51, 274.

times want refresh ment and Mrs Rachael Freez Living nere the Water Side wee prey your Honours that She many have Liberty to Sell Drink to refresh her neighbours."²⁸ Her location near the water and salt marshes made her business possible. She probably already opened her house to the men for simple refreshments, without liquor, and she hoped to add the enticements a tavern would offer.

Another reason why women were allowed to run taverns was because their well-located taverns could provide space for meetings. According to an eighteenth-century pamphlet on public houses, two purposes of taverns were to provide space for "meeting of large numbers of person" and "to receive Persons who meet together upon making Contracts and Bargains in the way of Commerce."²⁹ The reputations of female tavern keepers were enhanced by the business afforded them by their local governments. It has been assumed, and many town histories bear this out, that towns used taverns for selectmen's meetings, committee work, and many town meetings. Meetings in an unheated meetinghouse or town hall in early March in northern New England were not, and are not, conducive to well-reasoned discussions.³⁰ Love Chase's tavern, mentioned at the beginning of this chapter, is an excellent example of the use of local taverns by town governments. Stratham used the Chase Tavern as their meeting spot for years. In another example, Bow officials often used Hannah Osgood's tavern. In 1761 when the commissioners appointed by the Probate Court judge wanted to examine the claims of

²⁸Provincial Court records, #10596, NHRMA.

²⁹*The Public-Housekeeper's Monitor: Being a Serious Admonition to the Masters & Mistresses of those commonly called Public-Houses of what kind or Denomination soever.* (London: 1781, new edition of one published "several years ago"), p.23.

³⁰Garvin and Garvin, *On the Road North of Boston*, p.131-132.

creditors to the estate of Samuel Emery, Emery's estate administrator, his widow Elizabeth, met with them at the "house of Mrs Hannah Osgood, Innholder at Bow." The town of Durham often used the Adams tavern, run by Winborn and Sarah Adams, for town meetings. After Winborn's death in 1777, "she continued to keep the inn ... and town meetings were held at her house." The repeated payment by Portsmouth of the inn keepers Elizabeth Harvey, Ann Slayton and others indicates that Portsmouth also used taverns for various town meetings. Proprietors of the town of Nottingham used Susanna Small's tavern for their meeting in 1723.³¹

The heated, public spaces, already community gathering spots, were also used by people as a place to transact business. In his "almanack," Samuel Lane of Stratham noted that "Danl Robinson Sign'd my Deed at Chases" Tavern. It appears that when deeds, bonds, or other legal documents were signed at taverns, whoever was present was used as a witness. It is yet another reason why women so often witnessed legal documents in New Hampshire. Often the person present was the tavern keeper. When Joshua Fryer's will was signed in 1703, it was witnessed by Elizabeth Harvey and most probably signed in her tavern. Susanna Small Rust witnessed the bond signing for a will in 1727 at her tavern, then formally owned by her new husband, Benjamin Rust, the year after she and her husband were granted the administration of the estate of a Portsmouth mariner of no

³¹Everett S. Stackpole and Winthrop Meserve, *History of the Town of Durham, New Hampshire (Oyster River Plantation) and Genealogical Notes* (Concord: Rumford Press; 1913), p.341,144; *New-Hampshire Gazette*, December 18, 1761, p.2; Portsmouth town records, microfilm, New Hampshire State Library, Concord, NH.; Nottingham town records, Vol.1, 1721-1804, NHRMA.

apparent family connection.³² Participation in business transactions was a normal part of the occupation of all tavern keepers and, as seen in chapter three, the sex of the tavern keeper did not hinder their use as witnesses. The necessity of a public space for meetings and the trust communities extended to female tavern keepers meant the public expected women to follow regulations set for them by the law and understood by custom.

Another reason the government was so willing to grant licenses to serve liquor to those approved by their neighbors was the most prosaic: the tax structure. Mary Schweitzer's work on the public finance of Pennsylvania shows the tremendous reliance that colony placed on liquor taxes as a source of revenue. "For nearly 40 years the provincial government in Pennsylvania did not collect taxes because the last attempt to do so, in 1711, had proved a dismal failure.... Efforts at collecting the tax finally ended in 1717." The only source of revenue for Pennsylvania in the interim was liquor taxes and the operations of the General Loan Office.³³ New Hampshire apparently placed a similar reliance on liquor excise taxes for income. As William Douglass phrased it in 1751, "[t]heir Excise Upon Strong Liquors may amount to about 1000 pounds O.T. per Annum, this with 1000 pounds O.T. from the Interest of Loan Money per Annum is the present Sallary of their Governor."³⁴ Since it was a main source of revenue for the colony, it may also explain the ambiguous way the New Hampshire government treated tavern licensing

³²Samuel Lane's almanack, unpublished manuscript, p.5 (Chase); Noyes, *Genealogical Dictionary*, p.316 (Harvey); *NHPP*, vol.XXXVI, p.305 and 273 (Small).

³³Mary M. Schweitzer, *Custom and Contract: Household, Government, and the Economy in Colonial Pennsylvania* (New York: Columbia University Press; 1987), p.194.

³⁴William Douglass, M.D., *A Summary, Historical and Political, of the first Planting, progressive Improvements, and present State of the British Settlements in North-America*, vol. II, part I (Boston; 1751; reprint New York: Arno Press; 1972), p.51.

over the years; at times limiting, at times expanding, and other times removing limits on the number of taverns per town.

Perhaps it is the need for income combined with custom that explains why no special stipulation was made when a woman applied for a public house license. The various entities that controlled tavern licenses had faith in women to operate a well-run tavern, especially a tavern that would be open on Sunday to church-goers. Along with their household management skills, women developed the ability to run an orderly house. It was believed women's training in hospitality, food preparation and serving, and childcare prepared them to keep a tavern. While a vast difference existed between ordering one's own household and maintaining a public house, the provincial government never openly questioned their assumption that women were capable managers of public houses.

Their trust was explicit during times of war when the taverns of men and women were also used to house soldiers or as committee meeting places by the government. Since northern New England was often at war, female tavern keepers, like their male counterparts, contributed to war efforts, not by taking up arms, but by providing sustenance and space when needed. It is not always possible to tell if they provided the food and lodging at cost or if they charged their customary prices or, as seen in the next example, worked without compensation. But, when the government called on them, tavern keepers took in soldiers, prisoners of war and wounded veterans.

It is possible to get an idea of the active role of female tavern keepers during the many military actions in northern New England by looking at the work of one tavern keeper: Hannah Permitt. During the 1690s, Newcastle was the staging area for most of

the military action during King William's War and the government was already comfortable in Permitt's tavern, having met there when Permitt's husband was alive. The tavern was located in Newcastle close to the provincial fort and a ferry landing. Apparently the "entertainment" of soldiers was "put upon her from time to time as is well known to the Commandr of this Island" for which she never received recompense. In 1693, she asked that the government grant her freedom from payment of the excise tax in lieu of payment.

The influence of war on Permitt was greatest in 1697 as seen in the flood of bills received from her by the New Hampshire Treasury. The first charge arrived to the government in July when Permitt billed the military for one pound, fifteen shillings for "subsisting Soldiers," a debt that the government paid with typical government-speed in November. At some point before September she also sent a bill with the signature of Colonel William Patridge asking seventeen shillings, six pence for some unknown military expense in her tavern by the colonel. Next, she charged the government one pound sixteen shillings "for victuals & drink Evening and morning for 20 Souldiers" belonging to Captain Whiting's crew on September 30. Also in September, she sent a bill for the use of her tavern to keep "4 Oyster River [Durham] men two days diet & Lodging & dressing their Victuals afterwards in June last," along with a charge for the diet and lodging of seven shillings a day for a total of fourteen shillings, eight pence arrived at the treasury. Late in 1697 she requested three pounds, six shillings for "liquors ordered to be given to the two companys of soldiers." All of these bills were received and paid by the

government along with an non-specific bill for over forty pounds.³⁵

Permitt's busy tavern was only one of many the government turned to in times of need. When attack was eminent and militia sent from Massachusetts and elsewhere to protect the New Hampshire settlements, the officers of militia companies divided their men among several taverns and homes. In 1696 Captain Everitt's men were divided between the taverns of Widow Sarah Baker and the Widow Nichols and what may have been the private home or inn of Elizabeth Wolfe. (Wolfe may have run an inn where she did not serve hard liquor so that she left no records that would call her a tavern keeper). The bills of the first two were much more detailed than Wolfe's, who simply asked for money for billeting soldiers, and include a payment schedule of three shillings per week per person.³⁶ It may be that Baker and Nichols were more adept at presenting bills for the use of their taverns, where as Wolfe was unsure quite what the government treasury officials expected.

The need for extra space and the government's need to call upon tavern owners to provide that space did not end in the 1690s. Only one charge remains in the records from Queen Anne's War: a 1706 bill from Elizabeth Harvey of Portsmouth. A well-known tavern keeper, Harvey submitted a bill for the diet and lodging of four soldiers for six weeks for a total of three pounds, fifteen shillings.³⁷ More evidence remains from King

³⁵Treasury Records, 1697, Box 6; NHRMA; *NHPP*, vol. II, p.256, 257, 274; *NHPP*, vol. XVII, p.672. The treasury records are slips of papers of all sizes submitted by the vendor to the government for payment. Usually, somewhere on the bill, the treasurer or his secretary noted payment by the government.

³⁶Treasury Records, 1696, Box 6.

³⁷*NHPP*, vol. II, p.486.

George's War in which the New Hampshire militia was heavily involved. In 1745 Mary Ayers rented a tavern owned by Mr. William Packer which bordered the Portsmouth Parade, the center of colonial Portsmouth. It was there the committee "Consulting the Affairs of Louisburg" met and planned the attack on the French fortress. She was paid "out of the Louisbourg money."³⁸

Several other women also charged the government in regard to the Louisbourg expedition, but none of the charges resulted from planning committee meetings or billeting soldiers. Instead, the success of the expedition meant Portsmouth received at least seventy French prisoners from Louisbourg.³⁹ The New Hampshire government put them in various taverns and larger houses until the prisoners of war were transferred back to France. A separate account was set up to handle the costs associated with the prisoners. The Widow Greeley received twelve pounds house rent for keeping some of the soldiers. The inn keeper Ann Slayton kept some of the soldiers, providing food and lodging, for which she charged the government three pounds. A Mrs. Peaslee and Mrs. Cooper also had some hand in caring for the French soldiers. But it was Mary Peacock who cared for the greater portion of the soldiers, or at least submitted the largest bills to the government for her work. Not only did she receive thirteen pounds, six shillings for the lodging and diet of the soldiers, but she also acted as nurse for two ailing Frenchmen. She nursed "one man 17 Days with firewood & candles" for five pounds, fourteen

³⁸*NHPP*, vol. V, p.399; Petitions, 1745, NHRMA.

³⁹Peckham notes that many seacoast towns were pressed into housing and feeding French prisoners of war during King George's War. Howard H. Peckham, *The Colonial Wars, 1692 - 1762* (Chicago: University of Chicago Press; 1964), p.116.

shillings, four pence as well as another for ten days for another three pounds, eighteen shillings, six pence. It was all to come out "of the money in the publick Treasury for the use of the Expedition agat Louisbourg."⁴⁰

The 1745 charges were not the only bills the government paid to women tavern keepers during King George's War. The bills continued to roll in for the next two years. Thomas Pickering, one of the company commanders, wrote a certification in October 1746 for Ann Frost of Newcastle, who "kep't in her house Forty two men Twenty One Days belonging to my company." Frost submitted Pickering's certification along with her bill in 1747 directly to the Governor and Council explaining that "she thinks she Deserves Ten pounds New tenor" for her work. Mary Seavy of Newcastle sent verification that she kept sixty soldiers, twenty-one days "whilst they were employed about the fortifications at Newcastle." Mary Peacock submitted one final bill for the lodging of the French prisoners along with a bill of seven pounds, six shillings, ten and one-half pence for the care she provided the wounded scout, Samuel Drown, before he was returned for further care to his family.⁴¹

The acts were a clear convergence of the political and domestic: female tavern keepers provided care, nursing, food and lodging to French prisoners of war and Anglo-American soldiers. They were provided by women for the protection of themselves, their families, and the government. But their services to their country, just like that of their

⁴⁰*NHPP*, vol. XVIII, p.236 (Greeley); *NHPP*, vol. V, p.782 (Peaslee); Treasury Records, 1745, Box 7, NHRMA (Cooper); Treasury Records, 1745, Box 7; *NHPP*, vol. XVIII, p.236 (Slayton); Treasury Records, 1745, Box 7; *NHPP*, vol. V, p.381, 390, 774 (Peacock).

⁴¹Treasury Records, 1746, Box 7, NHRMA; Petitions, 1747, NHRMA (Frost); Treasury Records, 1747, Box 7 (Seavy); *NHPP*, vol.V, p.416, 573 (Peacock). For more on Drown, see chapter two.

male compatriots, were not free. They expected and, for the most part, received recompense. Their private concerns were expressed through a public response. The government relied upon the loyalty of the female tavern/inn keepers to carry the women through the difficulty of feeding and housing up to sixty soldiers for days on end; no easy task regardless of the circumstances. It was not an extraordinary use of female management and property nor was it cause for comment. It was an expected use of available resources during times of crisis. Female tavern keepers provided support for their communities and they were trusted to keep order within their homes, even when their homes and taverns were filled with soldiers or prisoners of war.

Tavern owners had to have the authority to quiet any disturbance. The fears most often expressed were fears of violence, gambling, and sexual enticements. The author of the *Public-Housekeeper's Monitor*, writing as if all tavern keepers were men, wrote, "Hence he will, by all decent and timely Interposition, endeavor to prevent or put a Stop to those Quarrels, Feuds & Contentions, which are apt to arise in such Houses from the Mixture of Companies, or from the Condition they are in."⁴² The government spelled out each wrongful act for which a tavern keeper was responsible, along with the consequences of each offense. When Abigail Patridge received permission to run a public house in 1698 the authorities made it clear "alwayes that the sd Abigal Patridge doe not Suffer an unlawfull games to be used in the house, but doe use & [maintain] ... good order & Rule within the Same."⁴³ The aim was to protect the community through

⁴²*The Public-Housekeeper's Monitor*, p. 37.

⁴³Provincial Court records, #25036, NHRMA.

preventative action placing the responsibility on the tavern keepers, male or female, to maintain "good order & Rule."

Yet, women were not considered to have the strength of body or mind to be able to establish and maintain order. In 1 Corinthians 14:34, the Apostle Paul told Christians that women were "not permitted to speak, but should be subordinate, as even the law says." The philosopher Montesquieu wrote that women were "physically and mentally weaker than men." Scottish philosophe John Millar agreed. Women, he wrote, were "particularly qualified for all such employments as require skill and dexterity more than strength....[Women were p]ossessed of a peculiar delicacy, and sensibility."⁴⁴ According to these and similar pronouncements, women were suppose to be weak, passive, and obedient; yet the eighteenth-century society and government expected them to keep order within the establishments. Local officials seldom had to step in to quell disorder. It appears tavern keepers of both sexes were able 'to keep good orders' to the satisfaction of the communities.

Despite the trust given individual tavern keepers, a general fear that tavern keepers could not keep good order prevailed throughout the colonial period. In 1696 Nathaniel Saltonstall, a Massachusetts justice, wrote a letter to the Justices of the Quarter Sessions at Salem concerning taverns. "I allways thought it great prudence and christianity in our former leaders and rulers, by their laws to state the numbers for

⁴⁴Baron de Montesquieu as quoted in Jane Rendall, *The Origins of Modern Feminism: Women in Britain, France and the United States, 1780 - 1860* (New York: Schocken Books; 1984), p.15; John Millar, Esq., *The Origin of the Distinction of Ranks: Or, An Inquiry into the Circumstances which give rise to Influence and Authority in the Different Members of Society*, 3rd edition (London, 1781), p.109-110.

publique houses in towns, and for regulation of such houses, as were of necessity, thereby to prevent all sorts.... But alas, I see not but that now, the care is over, and such... pest houses and places of enticement... to sin are multiplied.” While the regulations regarding taverners and their dispersal of drink lessened over time (although most of the laws were not repealed until after the American Revolution and then only gradually), fear of tavern activities continued. In the late 1750s, John Adams decried the profusion of taverns because they had become “the eternal Haunt of loose disorderly People.... Young people are tempted to waste their Time & Money, and to acquire habits of Intemperance & Idleness that we often see reduce many of them to Beggary, & Vice.”⁴⁵ Both Saltonstall and, especially, Adams were men who tended to view society in pessimistic terms, so perhaps they exaggerated the evils the increasing numbers of taverns caused. Yet as late as 1769, the destructive properties of gaming, often practiced in taverns, were clearly spelled out in the *New Hampshire Gazette*. “Gaming is an amusement wholly unworthy [of] rational beings.... [it is] the cause of infinite loss of time, of enormous destruction of money, of irritating the passions, of stirring up avarice, of innumerable sneaking tricks and frauds, of encouraging idleness, of disgusting people against their proper employments, and of sinking and debasing all that is truly great and valuable in the mind.”⁴⁶ Since many taverns apparently ignored the laws regarding gaming in taverns, despite increasingly heavy fines and penalties, tavern keepers of both sexes must have

⁴⁵Robert E. Moody, *The Saltonstall Papers, 1607-1815. Volume I: 1607-1789*, (Boston: Massachusetts Historical Society; 1972), p. 248; Richard Bushman, *The Refinement of America: Persons, Houses, Cities* (New York: Alfred A. Knopf, Inc.; 1992; reprint New York: Vintage Books, 1993), p. 161.

⁴⁶*New-Hampshire Gazette*, February 17, 1769.

seen games as a way to keep business.

In *Ebb Tide in New England* Elaine Crane stated "the association of alcohol and disorder... encouraged public officials to withhold licenses from women." Crane was most concerned with sexual disorder with women as partners in disorder rather than women's helplessness before physical disorder. Women were "responsible for social unrest," in her view, because of their sexual vulnerability. Most discussions of women and disorder center around women as sources of disorder, because of their sexuality, rather than as purveyors of peace, despite their sex. Even in violence promulgated by women, sex still entered the equation. Laurel Thatcher Ulrich has found that women who were disorderly were, in many ways, more feared than disorderly men because disorderly women combined "male aggressiveness with the force of female sexuality." While far more rare than men's violence, the combination of sexual and physical violence made women's disorder far less easy to contain or understand for those who judged it.⁴⁷ Yet this greatly feared source of disorder was a weakness most often associated with women. The fear of female violence and the understanding of women's weakness should have meant women would not have been chosen by their communities to guard against the potential of disorder in taverns. Those charged with keeping good order in taverns had to maintain control without resorting to sexual disorder or physical violence if they wanted to remain licensed by the government and frequented by the community. In New Hampshire the biblical blame given to women for disorder and mayhem in the world did

⁴⁷Elaine Forman Crane, *Ebb Tide in New England*, p.178; Laurel Thatcher Ulrich, *Goodwives: Image and Reality in the Lives of Women in Northern New England, 1650-1750* (New York: Alfred A. Knopf, Inc., 1980; reprint New York: Vintage Books; 1991), p.191.

not stop the courts or the legislature and governor from issuing many tavern licenses to women. The communities and the government appear to have placed their trust in the individual women who applied for licenses. Their trust was well founded.

On only one occasion from 1690 to 1770 did a New Hampshire any tavern keeper prove incapable of running an orderly house and lose her license. Elizabeth Redford, who was probably a widow with a very young child, received permission to keep a tavern in Portsmouth in 1698 because Redford's mother, a widow Baker, had kept a tavern and left a "great stor" of liquor upon her death. The "selectmen of portsmo[uth] Judging the mostion rashonable, & ye sd Redford A person quallefied for such plan," gave their approval. But she had trouble with a group of seamen in 1699. On November 21, the Governor and Council ordered two local justices of the peace to make "a full inquiry into the matter, and bring the offenders to consign punishmt, and particularly that Elizabeth Redford, in whose House the disorder began, may be forthwith forbidden selling of drinks by retaile, or keeping a publick House of entertainment for the future." Redford had been unable to contain what was probably a drunken brawl between sailors on leave. She was the person tasked with keeping order and, having failed in her duty, she was also the person punished. She was ordered to sell no liquor. Yet the punishment was not as harsh as it may appear.

Reading the order, one might make the logical assumption that Redford's business was at an end. However, she had no intention of giving up. The *same day* she was forbidden to keep a public house, she reapplied for her license - and it was granted

without discussion!⁴⁸ It is possible the men in the government understood the predicament of a young, single mother and knew she needed some way to support herself. The sailors themselves may have pleaded on her behalf. Both arguments, economic and social, may have done the trick. But the best argument were probably her growing ties with men in the government as seen through her marriage to a rising political star two years later. The restoration of her license was only the beginning a run of good fortune, or perhaps a well-planned business strategy for Redford. She married the up-and-coming Richard Wibird in 1701 and helped him parlay her tavern into an increasingly successful mercantile business. By the mid 1720s, they were the head of one of the wealthiest families in New Hampshire. After Wibird's death in 1732, she was identified as a shopkeeper and, once, a merchant.⁴⁹ The momentary setback, literally as well as figuratively, of a riot in her tavern did not hurt her tavern or her chance of a good remarriage. Nor was her license revocation based on her gender: it was based on the disturbance and a need to respond to it. If Redford was blamed for the disorder because of inherent female weakness with excitable and probably drunken men, it would be understandable that her license was permanently revoked. Perhaps a discussion of the appropriate role of women in taverns might have followed. But it was not as a woman that Elizabeth Redford was blamed, but as a tavern keeper. After the government took

⁴⁸Provincial Court records, #17733, NHRMA; *NHPP*, vol. III, p.93, 95. Nothing is recorded in the petition apologizing for or even recognizing the earlier "riot", yet the license revocation had been passed, at most, only hours before.

⁴⁹David E. Van Deventer, *The Emergence of Provincial New Hampshire, 1621-1741* (Baltimore, Md; 1976), p.251, fn.65; Thomas Shepard Marsh, "'A Sparrow Alone on a Housetop:' Portsmouth, N.H. Widows in Debt-Related Civil Suits, 1715-1770," (M.A., University of New Hampshire, 1992), p.65.

appropriate actions, nothing else came of the "riot," at least for Redford. Aside from Redford, no other female tavern keeper suffered from a public license revocation. They were able to "keep good orders" within their establishments or, at least, to contain any possible disturbance so it did not reach the notice of provincial officials.

In the eighteenth century, licensed tavern keepers were known as 'publicans.'⁵⁰ Whether usage of the term derived from their close contacts with excise tax collectors or the fact that their houses were open to the public, 'publican' implies a close connection between government officials, government regulations, and the public house keepers of any sex. William Novak goes so far as to write "[i]nn and tavern owners were not only licensed but were treated as virtual public officials." Further, he states, colonial laws and English precedent made tavern owning "a public responsibility."⁵¹ Women who were publicans lived at the center of their communities and their families. While not independent, their families and communities depended upon them and their business acumen. Female tavern keepers relied on the force of their own personal authority in order to stay in business.

The assistance female tavern keepers sought from the government to run a tavern actually aided the government. By granting tavern licenses the government gained income and increased future revenue through the excise tax on liquors to be collected over the years. The sale of liquor, the presence of any who wished to enter, and the

⁵⁰According to the Oxford English Dictionary, a publican was not only a licensed tavern keeper, but also a gatherer of taxes, tolls, or tribute. The term had negative connotations as well, deriving partly from its association with tax collecting and partly from traditional vices associated with taverns.

⁵¹Novak, *The People's Welfare*, p.92.

potential for disorder made taverns not only gathering places and social spots for their communities, but also potentially uncontrollable and dangerous elements in colonial society. Yet, by custom, licenses were not limited to men, but allowed to women, particularly widows, throughout the colonial eighteenth century. Taverns gave women a chance to earn a living doing what they had been trained to do, and thus prevented widows from being an economic burden to their towns. Licensing of taverns proves women were trusted with the responsibility to control their customers and to prevent disorder. But licensing of women's tavern also shows the government felt women were best at running businesses of a mainly caring and nurturing - or domestic - nature. In women's taverns, the domestic was political, legal, and public.

CHAPTER FIVE

DINING-ROOM POLITICS: FEMALE TAVERN KEEPERS AND THE NEW HAMPSHIRE PROVINCIAL GOVERNMENT

In 1682 the king ordered the new Governor of New Hampshire and Massachusetts "to take care that no meetings of the Councill or Assembly be held at Taverns or Ordinarys, nor that any part of the Revenue levyed for Defraying the charge of the Government be spent in Feasting or publique Entertainments."¹ Whether the king and his advisors feared the influence of the ordinary citizens who frequented the taverns or the possibly high costs in renting appropriate rooms or, probably, a combination of the two, the order was clear. Government was to be conducted in function-specific areas. In most colonies, Massachusetts included, some sort of provincial building was built in fairly short order.² But in New Hampshire, with close connections to the Massachusetts government but without the resources of that colony, the Governor, Council, Assembly and various governmental committees and courts met in public taverns throughout most

¹Albert Stillman Batchellor, ed. *Laws of New Hampshire: Including Public and Private Acts and Resolves and the Royal Commissions and Instructions with Historical and Descriptive Notes, and an Appendix* (hereafter *Laws of NH*), vol. II: 1702-1745 (Concord: Rumford Printing Co.; 1913), p.763.

²David W. Conroy notes in *In Public Houses: Drink and The Revolution of Authority in Colonial Massachusetts* (Chapel Hill, University of North Carolina Press;1995), p.17 even in Massachusetts officials often chose to stay in taverns to conduct court business. "Rather than move back and forth between tavern and town house (if one existed) and duplicate fires and other services in less convenient chambers, Massachusetts judicial officers simply made public houses into their seats of authority."

of the provincial period, and New Hampshire spent government revenue on public festivities. What makes this procedure interesting is not so much the provincial government's disregard of part of the king's instructions; it is the fact that for much of the period under study the New Hampshire government met in tavern space rented from female tavern keepers. Women hosted the meetings of the most powerful individuals in the province. No other women had such close ties to the government. How did eighteenth-century society view women who had such an intimate exposure to governmental decision and policy makers? How were women integrated into the political community of New Hampshire?

Taverns were not the dignified spaces we might imagine a provincial government would want to meet. For instance, beds could be, and usually were, in every possible room in eighteenth-century taverns. When Hannah Horney took over the Sign of the Ship tavern at the death of her husband in late 1756 or early 1757, an inventory of the estate was taken in which the appraisers listed everything they found by room. In the rooms probably used by the government, the "barr room chamber" and "hall chamber" which each contained at least twelve chairs, beds were prominent features. The hall chamber included two "feather bed[s] and bolsters" and the makings of three other beds, while the "barr room chamber" included the makings of at least four beds, along with ten pillows.³ Beds could pose an inconvenience for government meetings in any of the taverns the government used. In July, 1701, when the government was meeting, at least some of the

³Wills, #2234, New Hampshire Records Management and Archives (hereafter NHRMA). It is difficult to tell how many beds were in the Horney's tavern from the inventory wording, but in the item list from the kitchen there was half a page devoted just to sheets of cotton and linen. Bedding was important to a tavern and a major portion of the value of the inn.

time, in Patience Atkins' tavern, the New Hampshire Assembly resolved that: "The Publicque Affairs of the House of Representatives being much Obstructed by Persons Sitting and Lying on the bed, Voted That Whosoever hence forward Either Sitt or ly Down Shall forfeit three pence to the house...."⁴

A larger problem in using tavern space for government meetings was the presence and consumption of liquor during the discussion of public business. Some looked askance at the idea of conducting government business in an establishment where "drinking was the most popular of all... recreations." However, as David Conroy writes in his study of taverns in Massachusetts, most people "reconcile[d] the use of drink... with patterns of fellowship so vital to the conduct of everything from the transmission of news to the execution of business transactions."⁵ Thus, already accustomed to doing business in public houses, colonial law givers, judges, and the populace accepted taverns as a proper locus for government even as the imperial government condemned the practice of tavern-based governance. Central location, easy accessibility, and need made taverns in and around the capital city of Portsmouth logical meeting places for a provincial government without a home. Need created the custom of government housed in taverns.

But the political community of New Hampshire did not meet in just any of the many taverns in town. New Hampshire's government preferred an establishment of some quality and respectability, one which could comfortably accommodate large and often

⁴New Hampshire, [*Provincial and State Papers*], 40 vols. (Concord, NH: State of New Hampshire, 1867-1943), vol. 19, p.736-737 (hereafter cited as *NHPP*).

⁵Kym R. Rice, *Early American Taverns: For the Entertainment of Friends and Strangers* (Chicago; Regnery Gateway; 1983), p.94; Conroy, *In Public Houses*, p.75.

lengthy gatherings where politics and judicial renderings were the business of the day while at the same time providing a full complement of food, drink, candles for light, wood for the fire, and tables and chairs for the august body. As Richard Bushman notes in *The Refinement of America*, “[t]averns had always been ranked according to their respectability” based on their cleanliness, good service and food, as well as location.⁶ The government sought meeting places of comfort and respectability - attributes genteel women or men were suppose to provide. But social position also played a role in the government’s choice of taverns. The female tavern keepers the government chose and the female tavern keepers who chose to host the government were individual women with ties to government officials. Although their taverns were not elegant statehouses, they were able to meet expectations of social ‘quality’ desired by the political community.

It was an expectation of quality fulfilled by several female tavern owners. The New Hampshire Provincial Papers and the records of New Hampshire towns are full of notices relating to governmental use of female-owned taverns. In at least thirty-eight of the forty-five years between 1690 and 1762 when the meeting place of the government was known the government used female-owned taverns and several other years they used taverns run by women but owned by their husbands or fathers. Public business was conducted in the larger rooms of female-owned taverns, giving certain women at least nominal access to the networked interplay of elective and non-elective politics in New Hampshire’s political community. The chance to host New Hampshire’s political community was not open to bidding by all tavern keepers in Portsmouth. Instead an

⁶Richard L. Bushman, *The Refinement of America: Persons, Houses, Cities* (New York: Alfred A. Knopf, Inc.; 1992; reprint New York: Vintage Books; 1993), p. 161.

oligarchy of sorts existed whereby a small group of tavern keepers with social, legal, and familial ties to the government dominated the government's business.

Interaction between government officials and the female owners of taverns was occasionally fairly short-lived, at least as far as can be told from the remaining records. For instance, the Governor's Council and Assembly met for occasional meetings just nine months in 1698 and for six months in 1702 at the "house" of Patience Atkins.⁷ Sarah Baker's inn at Newcastle was the location of a meeting "to consult for his Majes's service in settling the severall watches & repairing the respective Garrisons & other necessaryes" during the crises of King William's War, but it was not used again by any government committee or assembly.⁸

But at other times, the interaction between the Governor, Council and Assembly with female tavern keepers probably had more depth than the records reveal at first glance. In 1729, recently widowed Sarah Rogers petitioned the government, as the executrix of her husband's estate, requesting money owed to the estate by the government. Her husband, the Reverend Nathaniel Rogers of Portsmouth, in his lifetime "did entertain the sd Governor Dudly at his house" during the Governor's visits to the province, although only one bill from Mr. Rogers remains among the New Hampshire Treasury records. New Hampshire did not have their own governor until 1741, sharing one with Massachusetts up to that point. When the Governor attended the meetings of

⁷*NHPP*, vol.III, p.253 and vol. XVII, p.679.

⁸*NHPP*, vol.II, 181. Charles Clark suggests that the Governor and Council also met in the Wentworth tavern in the early 1700s. It was owned by Samuel Wentworth, Jr. but run by his mother, Mary Benning Wentworth. Charles E.Clark, *The Eastern Frontier: The Settlement of Northern New England, 1610-1763* (New York: Alfred A. Knopf, Inc.; 1970), p.94-95.

the Assembly and Council in Portsmouth he stayed with some prominent family. During Governor Dudley's time in office, he chose to stay with the respected minister, Nathaniel Rogers. Sarah Rogers asked for a review of the "accounts [relating to] how Govr Dudley was subsisted Dureing his Governr." She felt the New Hampshire General Court or Assembly owed the estate of her husband for the housing and feeding of Governor Dudley.⁹

The Rogers were a prominent family in Portsmouth. Reverend Rogers was a Harvard-trained minister in Portsmouth in the early part of the eighteenth century and his ministerial duties must have occupied much of his time. The governor's care took place "at his house" which was her house too (in the literal, if not legal, sense). We can picture her preparing and serving the meals and various libations, and also helping her husband work up the bills for submission to the government by keeping tabs on all that was consumed. For some reason, Widow Rogers believed that Reverend Rogers was not paid. But she was determined the government recognize their obligation to pay the estate what it was owed. After the death of her husband in 1723, Sarah Rogers twice submitted a bill to the government: in 1729 and 1731. As the administrator of her husband's estate, her records showed that the government owed her husband's estate and she sought to make them honor their obligation by petitioning for payment. Her position as widow of a prominent minister, her knowledge of the men involved in the government, and her own poise in the face of estate administration provided her with the tools to seek and expect payment. It did not however, mean the government would pay a bill so long outstanding.

⁹Petitions, 1729, NHRMA; Treasury Records, 1709, Box 6, NHRMA.

Although the Governor and Council approved the bill, the Assembly dismissed it.¹⁰

Along with the governor, the rest of the government also had to find housing. The remaining billing records of most women whose inns or taverns were used by the government for meetings during extended periods of time are as easily reconstituted. The tavern of the widow Hannah Permitt in Newcastle received extensive use by the military sent to guard New Hampshire in the late 1690s and early 1700s. Permitt's husband Joseph had obtained a tavern license by the early 1680s. In a 1683 petition Joseph asked for the renewal of his tavern license explaining that "your petitioner having a wife and family of Children to maintaine and at the present all trading being very dead: especially for those of my Caling," he needed the extra income a tavern brought in. It appears that Hannah actually ran the tavern while Joseph, like so many other male tavern owners, pursued other avenues for economic gain. The combined income of the marriage partnership allowed the family to survive.¹¹ The many chores associated with running a tavern were not outside the domestic ones expected of women: food preparation, cleaning, and sociability. While caring for her family, Hannah managed to care for others who stayed at or visited in their tavern. While the tavern was in her husband's name

¹⁰ Clark, *The Eastern Frontier*, p.82, 272. *NHPP*, vol. XVIII, p.14-15; Petitions, 1731, NHRMA. In 1731 Sarah Rogers remarried into a prominent New Hampshire family and later her children did the same. Sybil Noyes, Charles Thornton Libby and Walter Goodwin Davis, *Genealogical Dictionary of Maine and New Hampshire* (Portland, Me.: Southworth-Anthoensen Press; 1928; reprint Baltimore: Genealogical Publishing Co., Inc.; 1972), p.593.

¹¹*NHPP*, vol.XII, 674-675. Permitt was spelled a wide variety of ways in the records, including Purmort, Purmert, and Purmit. See Sybil Noyes, Charles Thornton Libby, and Walter Goodwin Davis, *Genealogical Dictionary of Maine and New Hampshire* (Portland, Me.: Southworth-Anthoensen Press; 1928-1939; reprint Baltimore, Md.: Genealogical Publishers Co., Inc.; 1972), p.563. Rice, *Early American Taverns*, p.66. "In the eighteenth century... many Tavern Keepers routinely combined running a public house with another occupation, one income supplemented the other."

during his lifetime, Hannah acted as his silent partner, silent at least in terms of the records. We will never know the exact nature of their shared work except that it was shared because of the ease with which Hannah took over the business at her husband's death.

After Joseph's death, Hannah's name replaced his in the records. The colony was often billed by Widow Permitt, usually in relation to the soldiers who manned the fort on Newcastle (or Great Island as it was then known), the main fort for the protection of New Hampshire's coast. She provided food and lodging for several provincial soldiers stationed in Newcastle in her inn and in 1693 petitioned the government in the acceptably humble tone of petitions wherein she complained of her treatment and asked a favor by way of compensation.

Whereas yor petitionr has had a great burthen laide upon her by the entertainment of many soulds [soldiers] that have been put upon her from time to time as is well knowne to the Commandr of this Island & I believe to yor Hono selves... & having had no recompence to this day And being in a low condicion & sickly & weake & not ablt to manage business as formerly, & the excise [tax on liquor] so high that I cannot Live Humbly pray as some Compensation for all my great trouble & charge that I may be granted to be free of paying any excise for two years from this date.

The colony government agreed, granting her excise tax relief, and the relationship continued.¹² But it was not quite the same relationship that she had with the government before her husband died. Now she was the one in charge of collecting debts in her own name. Even if she represented their family in pursuing debts before Joseph's death, now it was her name attached to the bill. The entire, unshared responsibility for the welfare of her family rested with Hannah and she worked hard to make the tavern profitable. It is

¹²Petitions, 1693, NHRMA.

clear that a cordial, reciprocal understanding existed between the Widow Permitt and the provincial government which permitted an exchange of business.

As far as it is possible to tell, it appears her establishment did not include a great hall or open space for large meetings, but it did contain a number of beds where soldiers were able to rest, as well as facilities for food and refreshment. It may have been the location of her tavern near the fort, the recommendation of the fort's military leaders, or a combination of the two that led the Governor, Governor's Council and the New Hampshire Assembly to use her tavern as a meeting place on occasion. As one late nineteenth-century historian John Albee quaintly put it, Permitt "seems to have been the favorite landlady of the Councillors and Assemblymen, in the latter part of the seventeenth century. At her hostelry were good meat and drink; and her pretty maids assisted the mighty sovereigns of New Hampshire greatly, in putting off the cares of state."¹³ Albee did not expect any official business would take place when Permitt and her "pretty maids" were present. Clearly he could not imagine women as accepted and trusted members of the political or commercial community.

But the officials in colonial New Hampshire could. Although many of the official government meetings in the 1690s took place at the tavern of Patience Atkins, when the government needed to make an especially good impression, they used Permitt's tavern. In 1698 New Hampshire welcomed their new Governor, a governor they shared with Massachusetts, at Widow Permitt's tavern. At the celebration the attendees "consumed a

¹³John Albee, *NewCastle: Historic and Picturesque*, compiled by Chester B. Curtis (Boston: 1884; reprint Hampton: Peter E. Randall, Publisher; 1974), p.120. Permitt had an unknown number of daughters and it is likely the "pretty maids" who assisted Permitt were her own daughters as well as young women of the neighborhood hired to assist her.

punch containing four gallons of rum, eighteen pounds of sugar, a hundred limes, and three nutmegs [an expensive drink], plus a dinner,” all provided by the Widow Permitt. Speeches were made in Permitt’s tavern while New Hampshire’s political leaders and invited guests sized up their new head of state. Neighbors and friends, including Hannah Permitt as a trusted member of her community, may have talked quietly about the new governor and his retinue. Although “ordered to provide a dinner & entertainment for the Honoble the Governr & the Council, and such others as should by them be desired to be present that day,” she did not do so for free. Her obligation to provide what the government wanted was matched by an obligation of the government for payment of eight pounds, twelve shillings and six pence.¹⁴

There is not much else known about Hannah Permitt after a final petition on her behalf was submitted by a group of Portsmouth citizens in 1702. "Wee the Subscribers heer to Doe approve of Mrs. Hanah Purmert to be a person Qualified for keeping A house of Entertainment on Great Island."¹⁵ Without the recommendation of her neighbors, Permitt would have lost her license. They respected her work, perhaps benefitted from it, and hoped she would be allowed to continue.

Permitt’s own family connections do not give the impression she was a women of high status, but, building on her reputation as the government’s hostess, Permitt’s activities allowed at least one of her children access to New Hampshire’s elite

¹⁴Donna-Belle Garvin and James L. Garvin, *On the Road North of Boston: New Hampshire Taverns and Turnpikes, 1700-1900*, (Concord, NH: New Hampshire Historical Society; 1988), p.139; Petition, 1699, NHRMA.

¹⁵Provincial Court Records, #17844, NHRMA.

community. Her son Joseph married into the prominent Cutt family. As historian Patricia Cleary notes in her work on "she-merchants" in Pennsylvania, "[colonial] women of status and wealth pursued trade, suggesting a lack of stigma attached to women's commercial enterprises."¹⁶ Female tavern keepers who hosted the provincial government were women of some consequence.

Susanna Packer Small began tavern/inn keeping with a clear advantage over her competition: her father had been, among other things, a Portsmouth selectman, Justice of Superior Court, Speaker of the Assembly, member of the Governors' Council as well as a respected tavern keeper, militia commander, merchant, attorney and physician.¹⁷ Colonel Packer's tavern was one of the meeting places of the government from at least 1709, if not earlier, until his death. He even added on special chambers, which were eventually labeled the "Council Chamber" and "Court House," in one wing of his tavern to accommodate larger meetings. But Thomas Packer was not the manager for the entire period. It appears his second and third wives, Elizabeth and Frances, ran the tavern during his lifetime and it is clear his daughter Susanna Packer Small ran the tavern her father owned even before he died in October, 1723.¹⁸ Small's lifelong contact with the government through her father's political positions and through his rental of space to the

¹⁶Noyes, Libby, and Davis, *Genealogical Dictionary*, p.563; Patricia A. Cleary, "'She Merchants' of Colonial America: Women and Commerce on the Eve of Revolution," (Ph.D. dissertation, Northwestern University, 1989), p.129.

¹⁷Noyes, *Genealogical Dictionary*, p.521-522. Susanna was born February 1, 1685 but her marriage dates and death dates were not recorded.

¹⁸Frances Packer was occasionally called 'Madam Packer' in the records. Elizabeth Packer was paid in 1704 for "entertaining Governor Dudley and his Guards." Treasury records, 1704, NHRMA.

government meant that Small must have been a well-known figure to the men who ran New Hampshire's government.

The first recorded notice the government took of Susanna Small was when she submitted a bill in 1722 and the Assembly acknowledged a debt, with her father still living, owed to Small "for 2 years past" for committee meetings.¹⁹ When Packer died in 1723, he left his daughter a lifetime tenancy in the "Dwelling House with Court house and Council Chamber where she now Lives in Portsmouth aforesaid and the license for a Publick Use in the same as usual."²⁰ From 1722 through 1726, when she remarried, Small sought and received the business of the government. For instance, on January 7, 1726, the Assembly "Voted That Mrs. Susanna Small be Allowed & paid out of the Publick Treasury the Sum of Eighteen pounds (besides the 12 already allowed her) for house rent fire & Candles from the first of October 1723 to the first of October 1725 for the Gov[ernor]r Coun[cil] Assem[bly] and Courts." After receiving the approval of the Governor and Council Small was paid.²¹

After her marriage to Benjamin Rust sometime in late 1726 her name virtually disappears from the records, but the tavern continued in her husband's name and she,

¹⁹Treasury Records, 1722, Box 6; NHRMA; *NHPP*, vol.IV, p.73..

²⁰*NHPP*, vol. XXXII, p.198; Garvin and Garvin, *On the Road North of Boston*, p.129.

²¹*NHPP*, vol. IV, p. 201. Small also provided supplies for Lovewell Company as they left to fight the French and Indians in 1724, see *NHPP*, vol. IV, p. 174. It seems apparent, even without other evidence, Susanna and her new husband, Benjamin Rust, continued to run a tavern because a few wills and bonds were signed by Benjamin and Susanna Rust, a logical extension of the business aspects of an inn: they were readily accessible witnesses. Plus, "at least some governmental functions" were held there after their marriage.

more than probably, continued in her old role.²² Susanna continued to work there just as she had for at least the previous six years, a constant and, one would imagine, almost reassuring presence among the clientele, a woman who had grown up in the tavern run by her parents. Benjamin must have made at least occasional forays into the tavern while continuing to perform his duties as a cooper since the records refer to him as Benjamin Rust, "Cooper, alias Taverner," but Susanna's knowledge of tavern keeping meant that it was logical for her to continue the work she did before their marriage, keeping her children close at hand. Thus their work complemented the work of the other. As a married couple they were partners working to benefit the family unit they had created. Since Susanna was in the background in the records, it is impossible to know whether she also worked quietly over the fire, perhaps with servants or her children presenting the food and drink as it was ready, or whether she preferred to be very much a part of the foreground, greeting customers by name and filling their drinks herself. Together, the Rusts were able to continue the relationship with the government that Susanna Packer Small and Thomas Packer, Sr. cultivated. After Susanna's death, the records indicate that her husband still hosted the government. A 1737 bill from Rust for six years rent for the Courts, totaling over ninety-three pounds, remains in the Treasury records from Rust. There is also a 1731 bill from Thomas Packer, Jr. of twenty-eight pounds for close to two year's rent by the government was dismissed because Benjamin Rust had already been

²²Despite the wording in her father's will, which granted Susanna a "lifetime tenancy" in the tavern, her brother (also Thomas Packer) as her father's estate administrator took the Rusts to Court to regain the land and buildings. Thanks to an appeal to the Governor and Council, Packer did regain title. However, the case continued for years, even after Susanna's death. As an example of one of the actions in the case, see Petitions, 1732, NHRMA.

paid the rent.²³

Almost fifteen years after Susanna's tenure, and after the death of both Rusts, another woman managed the Packer tavern and served as hostess to the provincial government members. Mary Ayers rented the tavern from Thomas Packer, Jr. and in 1745 petitioned the General Court twice seeking recompense for supplied items. In the second petition she wrote, "My Necessity Obliges Mee once More to Recommend My Miserable Circumstances to the Honorbl Generall Court" for a "Debt contracted to suply the Gentelmen[sic] & Committee while Consulting the Affairs of Louisburg In firewood and Candles." During preparations for the battle and siege of the French fort, Ayers had not only supplied the food, candles and firewood for the governmental committee meeting to put together the attack on the French fort but had also paid over three pounds to "mend the Glass in the Court Roome" and the Council chamber and an extra pound to have requested cord wood cut and split for her customers.²⁴ She lost any chance for a long-term contract with the government because Ayers and the men of the New Hampshire government had a disagreement over her bookkeeping. In answer to a first petition "praying allowance for wood, candles &c. for the Genl Assembly" the Governor

²³*NH Laws*, vol.II, p.549; Treasury records, 1731, Box 6, NHRMA. It appears Thomas Packer, Jr. took over ownership of the tavern after Susanna's death in 1729 or 1730, but Benjamin continued to manage the tavern, renting from his brother-in-law, for some years. When Packer billed the government for rent during the previous five years of his "Court House" at sixteen pounds per year in 1742, Packer received forty-four pounds of the total of eighty, with Rust receiving the remaining thirty-six. Rust's charges were for expenses at the tavern. Treasury records, 1742, Box 6, NHRMA. Provincial Court Records, #18234 and 18235, NHRMA. It is also clear that the relationship between the two men was not good: Packer tried to have Rust evicted and Rust cursed Packer and members of the Governor's Council in Thomas Harvey's tavern. Provincial Court Records, #18234 and 18233.

²⁴Petitions, 1745, NHRMA; *NHPP*, vol V, p.399, 788 and 359.

and Council replied that "Whereas Mr Packer is to supply the aforementioned things & sd Mary being his Tennant, Voted That said account be dismissed." Her second petition was much more specific, requesting payment not for rent, which must have been owed to Packer, but for itemized goods and services totaling about twenty-two pounds, for which the government offered payment of forty shillings.²⁵ Ayers never hosted even a lone provincial soldier after that, not because of her gender but most probably because of discrepancies between her accounting and those of the respected son of Thomas Packer, who himself was a rising political star and the brother-in-law to Governor Benning Wentworth.²⁶ Mary Ayers, who does not seem to have been well connected, was able to do business with the government for a limited time because of the location of her business and the association her place of business already had with members of the government.

The government clearly enjoyed the comforts of the Packer's tavern. They needed suitably-sized meeting rooms. But they did not limit themselves to one tavern. They often used two or three different taverns as meeting places in one year. Sarah Collins Priest, the widow of shopkeeper and liquor retailer Thomas Priest (or Prust), first served the government as landlady in 1738 and she continued to do so at least until 1750. The records for her tavern are sparse: its location and size are unknown. But it must have

²⁵NHPP, vol. V, p.359 and Petitions, 1745, NHRMA.

²⁶Thomas Packer, Jr. married well. His marriage to Rebecca Wentworth lasted from 1729 until her death in 1738 and during that time they had two sons. He married Ann Odiorne Rindge, daughter and widow of Councillors, sometime between 1740 and 1750. She died in 1762. In 1764, he married into the Hilton family when he married widow Martha Hilton Pearson. Packer maintained close ties to the Wentworth family throughout his life and willed property to Governor John Wentworth. Noyes, Libby, and Davis, *Genealogical Dictionary*, p.521-522.

been adequate for the Assembly and occasional Council meeting for the nine years it was used. The first notice of public monies paid to Priest was in November 1742 when Priest submitted a bill of seventy-two pounds old tenor for the use of two rooms in her tavern, one for "the Honbl Council" and the other for the "Honb House of Representatives," during the previous four years. In July of 1745 the Assembly "Voted that there be Allowed to Mrs. Sarah Priest the sum of fifty shill[ing]s in full of her acct for the use of her room &c to this day to be p[ai]d out of the money in the Publick Treasury for defraying the charge of the Government" after the Governor and Council used the room. The provincial Assembly met "according to adjournment" in what was apparently a cold room without 'refreshments' in November of 1745 and "then removed for conveniency of Fire &c. into Mrs. Priest's room."²⁷ With the location and size of her tavern uncertain, perhaps Sarah Priest's rooms did not have the usual conveniences the government preferred, but it was close and warm even if slightly more expensive than Packer's at seventeen pounds for two rooms per annum.

Priest hosted the treasury "Committee for Imprinting Sixty Thousand Pounds" in 1746. She left records regarding providing space to the Governor, Council and Assembly from 1738 or 1739 off and on until 1750. She also provided meeting space to the Masonian proprietors in at least two years in the late 1740s. At no time do the records indicate Priest had any trouble being paid by the government, nor did the government have any apparent trouble with Priest. The business relationship worked well on both

²⁷Noyes, Libby, and Davis, *Genealogical Dictionary*, p. 569; Treasury Records, 1753, Box 7, NHRMA; *NHPP*, vol.V, p.358, 390 and 766; Garvin and Garvin, *On the Road North of Boston*, p.129 and 210.

sides. She provided well-provisioned rooms to the government and various committees when requested and the government paid the bills, which were submitted in old tenor but paid in full in new tenor.²⁸

Nothing remains which allow some speculation on Priest's family connections. But it is easier to discover the family backgrounds and kinship connections of other female-tavern keepers who had close connections with the government. Lengthy, even generational connections with the government, like that of the Packers, allowed certain families tremendous and lucrative influence in the matter of government meeting space. Jere Daniell calls eighteenth-century New Hampshire government "family government" because it was controlled by a small group of elite families. In the late seventeenth century, power shifted between the Cutt, Waldron, Gilman and Vaughan families. The small group of governing families also included tavern keeping families. It was from the Wentworth tavern that the family of Mary Benning Wentworth began their rise to successive New Hampshire positions of power. The Wentworth family dominated New Hampshire politics from the 1710s to the end of the colonial period. John Wentworth was named lieutenant governor, acting chief executive for the colony when New Hampshire shared their governor with Massachusetts, in 1717. He remained in office until his death in 1730. His son Benning Wentworth became New Hampshire's first governor when New Hampshire's government was separated from Massachusetts's government in 1741. His term, 1741-1767, was the longest tenure of any governor in British North America. Benning's nephew and John's grandson John Wentworth was

²⁸See chapter two, footnote 45, for an explanation of eighteenth-century New Hampshire currency.

governor from 1767 until revolutionary fears sent him fleeing in 1775. The Wentworths raised their friends and many relatives to prominent positions. As an example, when Benning left office in 1767, his Council included his very wealthy brother, Mark Hunking Wentworth, plus three brothers-in-law, and four nephews or cousins. The Wentworths also handed out proprietorships, judgeships, and military appointments to those they wanted to please. Even their opponents, such as the Sherburne and Vaughan families, eventually came over to their side. It was a close-knit group, with much intermarrying, and patronage was the way business was conducted by the Portsmouth oligarchy.²⁹ Most of the tavern keepers who hosted the government were in some way tied to the Wentworth family and/or their friends. Thomas Packer's tavern may have been so well used because of his intermarriage with the Wentworth family. Family and class connections insured long-term, even multi-generational, connections between female tavern keepers and the government.

One particularly long-lasting family tie to the government began with Elizabeth Kelly Harvey. Originally from Boston, Elizabeth married Captain Thomas Harvey sometime well before 1681. Although neither she nor her husband had apparent connections with the political elite, her children married into prominent families including the Cutt and Plaisted families. Thomas was a licensed retailer of liquor by 1686, but he was also a mariner. In 1694, her husband at sea, the retail liquor license was issued to Elizabeth in her name. It is probable that she had been selling the liquor herself even when her husband was on shore. Thomas was captured by the French around 1697

²⁹Jere R. Daniell, *Colonial New Hampshire: A History* (Millwood, NY: KTO Press; 1981), quote p.207, p191-214; Noyes, Libby, and Davis, *Genealogical Dictionary*, p.732.

and died sometime later in a French prison.³⁰ In 1697 Elizabeth expanded the liquor retail business she and her husband operated by opening a tavern. She was supported by the town and her children's families in her efforts and there was no discussion about the fact that she was a wife with a husband still living. Her right to run a tavern in her own name, as if she had formal *feme sole* trader status, was not questioned. The Portsmouth selectmen advised the General Court that "Mrs Eliza Harvy [is] a meet & fit person to keep a publick house of Entertainment for sd Town"; it was a business she continued to run at least until 1714.³¹

While the location of Harvey's tavern can not be ascertained, it was in a convenient spot in Portsmouth, probably close to docks where passengers disembarked, and it attracted the usual variety of notices, events and people. But Harvey had an added advantage over most tavern keepers: she ran the Portsmouth post office. Portsmouth opened an official post office in 1693, but the first notice of a post office keeper in the official records was not made until November of 1699 when Harvey petitioned the General Court seeking an abatement of excise taxes in exchange for keeping the post office. It was granted. "Ordered, that the Secretary give notice by writing to the Treasurer that said Mrs. Harvey be exempted from paying any excise for Beer, ale, or cider, according to the laws of this Province, so long as she keeps the post office."³² There are no treasury records including Elizabeth Harvey's name in the list of excise tax

³⁰Provincial court records, #15616, NHRMA; Noyes, *Genealogical Dictionary*, p.315.

³¹Provincial Court Cases, 15616, NHRMA; *NHPP*, vol. III, p.566.

³²*NHPP*, vol. III, p.88; *Laws of NH*, vol.1, p.668.

collections so it is possible to conclude that she continued to keep the post office while she kept the tavern.

Imagine the amount of information that came in with the mail and then traveled out of her tavern with the many people who stopped in to check on their mail or the mail of someone they planned to visit. All of Portsmouth and many people who came into town from the interior of the province knew Mrs. Harvey and her tavern. Mail to Maine and the rest of New Hampshire waited in her tavern until it was claimed.³³ It would have been a regular gathering place for any looking for news, a place where news could be shared and read out loud. Its importance only increased at the beginning of the new century when the town of Portsmouth was named the capital of the province of New Hampshire.

As Richard D. Brown notes in *Knowledge is Power*, control of information was a major source of power in colonial America. But Brown concentrates on the formal transfer of information in colonial eighteenth century by focusing on the roles of clergymen, merchants, and lawyers. He did not explore the less formal and thus less well-documented transfers of knowledge. In *The Public Prints*, Charles Clark concentrates on newspapers and the more informal transfer of knowledge in the colonies. In his discussion of one publisher, John Campbell, Clark notes the close ties between newspaper editors/publishers with post offices. John Campbell not only published the *Boston News Letter* but he was also in charge of the postal delivery services in Boston. It

³³Clark, *The Eastern Frontier*, p.339. According to Clark, it was not until the late 1750s that postal service was extended, albeit gradually, to the interior and northern sections of the Maine and New Hampshire.

was Campbell who appointed the post office keeper in Portsmouth. Although the same tie between newspaper and post office did not exist in New Hampshire, the notion of the postal keeper as a source of news did. Management of the post office in the small provincial capital of Portsmouth gave the person who handled the mail more immediate knowledge of local and international events than anyone else in town, especially given the semi-public nature of much mail.³⁴ Harvey ran the post office, handed out letters and Boston and London newspapers, and had the opportunity to converse with everyone who entered on a postal mission. She was able to gain information through conversations with the variety of individuals who visited her tavern, came to get mail, or conducted business in her tavern, as well as information through newspapers or semi-public letters.

Perhaps the network of information that passed through her tavern gained her the attention of the government. Sometime before 1706 Harvey began to "entertain" members of the government. She earned 40 pounds "for entertaining His Excellency in December last" in July 1706, but she lost a bid to rent rooms to the Council and Assembly to Thomas Packer, the elder, in that same year. The government may have been using the two in a friendly competition. During discussions "[i]t was ordered in Council, that unless Colonel Thomas Packer accepted of the terms offered him by the Treasurer, about the two rooms for the Council and Assembly and the Courts, that the Treasurer speak to Mrs. Harvey for two rooms in her house for the Council and Assembly

³⁴Richard D. Brown, *Knowledge is Power: The Diffusion of Information in Early America, 1700-1865* (New York: Oxford University Press; 1989). Brown concentrated on the limited nature of news before 1770 and the explosion of information available to the majority of Americans after the Revolution. Charles E. Clark, *The Public Prints: The Newspaper in Anglo-American Culture, 1665-1740* (New York: Oxford University Press; 1994), chapter four.

to sit in."³⁵ This entry came immediately after the Council ordered that Mrs. Harvey be paid for billeting soldiers. The government knew with whom they wished to do business. They believed Harvey's tavern could serve them as well as Packer's, and be more affordable in the bargain. Packer must have realized that he could lose his lucrative business with the government to Harvey and quickly settled on a price which satisfied the government members. The competition may have come as a shock to Packer given his close social and business connections with the provincial government.

The contract was negotiated as a business deal without any outward regard of the gender of the two competing tavern owners, although there must have been at least a subconscious awareness that the two competing individuals were of different genders. But that was not the issue in the decision. What the government looked for was an appropriate, affordable space in which to meet. Packer's tavern included two rooms specifically built and set aside as government meeting rooms. Harvey's tavern had the space available. The deciding factor was not gender, despite the decision to stick with Colonel Packer, but the price and size of the establishment. It was a practical decision based on need and did not preclude Harvey's later agreements with the government.

Beginning in 1709 Harvey began hosting various Assembly and executive committee meetings. For instance, on May 9, 1710, Elizabeth Harvey sent a bill to the Treasury for "the Comittees Expences, three days appointed for auditing the Provinces acct's 3-12-0; To Expences of the Committee ... att there Sevorall Settings about Signing, numbering and [a]Jud[icat]ing the Province bills, 5-19-8" and "To more Expences on the

³⁵*NHPP*, vol.II, p.486. Packer settled on eight pounds per year as the rental price; plus he would "find Chairs, Tables, &c." *NHPP*, vol. II, 488.

Same acct," another pound. The individual who copied the bill into the government's records did so from "A Copy taken out of her Booke." Her notations indicate Harvey was well aware of what was happening in her tavern. The entries were not recorded as a nameless meeting of some committee, but as meetings by specific committees working on specific tasks. She entered the rooms rented by the government, doing the work expected of her while gaining knowledge of the government's business. It was not a situation every woman was privy to, but then neither were many men able to overhear discussions of the highest level of colonial government. Harvey performed her tasks to the satisfaction of all and by April 1711, she began to 'entertain' the Governor and Council, a task she continued at least until 1714.³⁶

Elizabeth Harvey was a mother, widow, household manager, facilitator of news, hostess to the government, and post mistress. Her efforts to cultivate the government's business paid off for her children and stepchildren. The steady flow of influential individuals allowed the children of Thomas Harvey to mingle with the wealthy and influential of the community. They married into the cream of New Hampshire's society in the late seventeenth and early eighteenth centuries.³⁷

Official records of Elizabeth Harvey's work as an inn/tavern keeper ceased in 1714 because her son Thomas married Ann Jose that spring.³⁸ Thomas and Ann took up

³⁶*NHPP*, vol. II, 485; Treasury Records, 1710, Box 6, NHRMA; *NHPP*, vol. III, p.470, 566.

³⁷With the information available it is impossible to verify the number of children each wife of Thomas Harvey had. However Elizabeth was his second wife and she married into a family with several children. The Harvey children intermarried with members of the Plaisted, Cutt, Jose and Hunking families. Noyes, *Genealogical Dictionary*, p.315-316.

³⁸*NHPP*, Vol. III, p.566, Noyes, *Genealogical Dictionary*, p.316..

inn keeping upon their marriage and it may be assumed that the government continued to use the Harvey tavern at least occasionally as a meeting place, although any bills or payment records for government meetings during the 1710s are scarce. As the young Mistress Harvey, Ann Jose Harvey's background made her a good tavern keeper. Her father, Richard Jose, served the Governor's Council as High Sheriff and he was a selectman and merchant in Portsmouth. Her mother, Hannah Martyn Jose, was the daughter of a member of the Governor's Council and the General Court who was also a judge in various provincial courts.³⁹ Her family connections served to raise further the status of the Harvey family.

In all likelihood, Elizabeth and Ann worked side by side while mother-in-law taught new bride the basics of running the tavern and entertaining the government. The lessons stood Ann in good stead. Ann and Thomas continued to run the tavern and prospered even after Elizabeth died sometime before January, 1727. When Thomas died in 1736, he left Ann in charge of a family of at least seven young children and the tavern and its business. Since Thomas died without a will, the court appointed Ann as the administrator of his estate. She continued to run the tavern, even after her remarriage to Captain William Slayton in February, 1738. When Captain Slayton too died, in 1740, Ann was granted the administration of his small, intestate estate as well.⁴⁰

Ann Harvey Slayton's business attracted high paying clients: she was paid 100 pounds in 1741 for her part of the provincial expenses in "recruiting his Excellency Gov

³⁹Noyes, *Genealogical Dictionary*, p.392 and 463 and *NHPP*, Vol. XXXI, p.613-614.

⁴⁰*NHPP*, Vol. XXXII, p.577 and 811.

Wentworth." In 1745 the government paid her "thirty four shillings & six pence in full of her account in the selling the excise." She hosted lesser committees and, after 1755, many meetings of the Superior and Inferior Courts in her inn just as Elizabeth Harvey had done. For instance in July, 1755 Slayton sent a bill to the New Hampshire Treasury in which she charged over 100 pounds for two sessions each of three courts and thirty pounds for "firewood & Candles for the Several Courts & Juries" plus five pounds "to Breaking Windows Chairs &c." The increases in Slayton's charges over earlier charges may be the reason the Council and Assembly seldom rented her tavern space or the increases may have been caused by the attacks of inflation so common to the colonies from the 1740s forward. She probably submitted her bills in old tenor, which were much devalued by inflation after 1740. Sarah Priest was the main host of the government in the late 1740s and probably the early 1750s. But Slayton took on other government work. Like so many tavern keepers in the Portsmouth area, she took in French prisoners of war after the Louisbourg victory. She also accommodated the various courts and legislative committee meetings as well as meetings of the Masonian proprietors, all necessary to the smooth functioning of the newly independent government of New Hampshire.⁴¹

Slayton's inn did very well and gained a reputation beyond the confines of Portsmouth. When traveler James Birket traveled up the coast in 1750, he checked with various individuals who advised him where to stay. He chose to stay "at the Widdow

⁴¹Treasury Records, 1741, Box 7 and Treasury Records, 1755, Box 7 and Treasury Records, 1745, Box 7, all at NHRMA; *NHPP*, vol. V, p.38. New Hampshire was granted full independence from Massachusetts in 1741 when they were given their own governor, Benning Wentworth. Given Benning Wentworth's friends' desire to make him governor in order to rid themselves of debts owed by Wentworth and Wentworth's desire to be governor, it is surprising that Wentworth needed "recruiting." Most probably, this was a celebration of his new status as governor.

Slatons" because it had the reputation as "the best tavern for Strangers in town." When Dr. Alexander Hamilton of Maryland traveled north for his health, he "put up here at Slater's, a widow woman, who keeps a very good house and convenient lodging." Slayton's tavern was clearly a popular meeting place in town, perhaps a bit too popular in Hamilton's estimation. One evening he returned from dinner about eight o'clock and discovered to his dismay that the mail had just arrived. "I found numerous company at Slater's reading the news. Their chit-chat and noise kept me awake 3 hours after I went to bed."⁴² The post still arrived at Elizabeth Harvey's old tavern. However, unlike Harvey, Ann Slayton had to pay excise taxes on the liquor she sold. Perhaps the government now realized the location of the post office was a more advantageous than onerous duty for a tavern keeper.

The post office certainly did not hurt Slayton's business and Slayton's business acumen increased the size of the estate left to her children. In the administration of the estates of both her husbands, it was Thomas Harvey's estate which took the longest. She had a list of all his assets made, paid the creditors and collected from his debtors. When Thomas Harvey died in 1736, the value of the estate's inventory was 807 pounds, 10 shillings and 7 pence, a sizeable estate. Normally the remainder of the estate was distributed among the heirs within a few years of a death. But there was no distribution of the estate during Ann Harvey Slayton's lifetime, which continued for twenty-one years after the death of her first husband. She ran the inn in her own name while her children

⁴²James Birket, *Some Cursory Remarks Made by James Birket in His Voyage to North America, 1750-51* (New Haven: Yale University Press; 1916), p.3. *Gentleman's Progress: The Itinerarium of Dr. Alexander Hamilton, 1744*, edited with an introduction by Carl Bridenbaugh (Chapel Hill: University of North Carolina Press; 1948), p.125.

grew, working beside their mother and learning trades and the economy flourished causing rapid inflation. Somehow she managed to maintain control of the entire estate.⁴³ Perhaps it was her close connections with the men who could otherwise order the division of the estate or perhaps her children realized what an excellent businesswoman she was. Either way, all sides seem to have respected her abilities. When Slayton died, in late 1756 or very early 1757, the inventory was taken again: this time the real estate alone was valued at 6626 pounds and the personal estate equaled almost as much.⁴⁴ Even given the inflation of the 1740s and 1750s, this tremendous increase can only be the result of careful management. At no point during her lifetime did her children or stepchildren ask to have the estate distributed. The apparent trust between family members made it possible for the estate to continue without resolution until the death of their mother since all sides were satisfied or content to let the estate continue without division as long as Ann controlled it.⁴⁵

⁴³In a partial resolution of the Harvey estate in 1760, the probate court ordered "that the Real Estate might be Divided among the Heirs who had been long kept out of their Respective shares thereof." *NHPP*, vol. XXXII, p.577. In her work on widows' estates, Holly Bentley Mitchell notes "widows with young children, by testamentary practice and common law rules, retained management of entire estates until their remarriage or their children's adulthood." "Power of Thirds': Widows and Life Estates, Portsmouth, New Hampshire, 1680-1830," Paper delivered at Omohundro Institute of Early American History and Culture Conference, June 1998), p.5. Slayton stretched the rules a bit. Since Slayton did not die until 1757, twenty-one years after Thomas Harvey, even the youngest Harvey child would have been of age.

⁴⁴Wills, #2151, NHRMA. Each child received over 736 pounds in the real estate division except John, the eldest son, who received a double share. The personal estate valuation totaled over 6442 pounds. *NHPP*, vol. XXXII, p.577-578. It is interesting to note that in the appointment of administration in 1736 Thomas was called an "innholder" but in the inventory of 1760 he was called a "gentleman." Although titles did change in the various legal papers filed with the government, the usual change was between inn holder and mariner or yeoman. Had Ann's careful estate administration raised Thomas' status posthumously?

⁴⁵Lisa Wilson, *Life After Death: Widows in Pennsylvania: 1750-1850* (Philadelphia: Temple University Press; 1992). Wilson's book stressed the "mutual obligation and careful,

Ann's son, Richard Harvey, identified as a "sailmaker," took over the tavern on his mother's death based on his mother's reputation. The Portsmouth selectmen informed the General Court, in wording not repeated in other recommendations, that "Whereas Mrs Ann Slayton Late of Portsmouth... kept a publick house of Entertainment to the Satisfaction of all, and Richard Harvey of said Portsmouth son to the said ann now lives in said Tavern house and is desirous to keep a publick house of Entertainment. We the Selectmen of Portsmouth Do think him a Suitable Person and pray that your Honours will grant him a Licence for the Same," which they did.⁴⁶ It is an unusual example of posthumous aid of a mother to her son. Slayton's death marked the end of the government's official use of the tavern. For half a century Elizabeth Harvey and her daughter-in-law had entertained the government and the family increased in wealth and business connections as Portsmouth grew.

When Ann Slayton's son took charge of the her tavern the government moved much of the province's official business out of her old tavern to the tavern of David and Hannah Horney, a place used at least three times by the government before Slayton's death, but used after Slayton's death with more frequency.⁴⁷ Another interesting coincidence, perhaps, is that David Horney died sometime before an inventory was taken of his estate in mid June, 1757, placing his death very close to the date of Slayton's death.

cooperative use" of the remaining resources of an estate for the good of the entire family. Since Thomas Harvey died in 1736, Slayton's handling of the Harvey estate is a good example of the family-centered focus of individuals in colonial society even before Wilson's period of study. The estate was used to benefit the children and the widow.

⁴⁶Provincial Court Cases, #13871 and #28515, NHRMA.

⁴⁷Treasury records, 1753, Box 7, NHRMA.

In his will, Horney left his wife, Hannah, "the use and Improvement of my Dwelling House Garden and Barn in Portsmouth, aforesaid during her natural life in full of her Dower and Thirds of my Estate."⁴⁸ From 1757 to 1762 the government held various courts in Hannah Horney's tavern and, for a shorter period, the Assembly and Governor's Council also met there. The government left the taverns of the widows Anne Slayton and Sarah Priest after their deaths and management fell to the next generation to move to another tavern run by a woman recently made a widow. Did Hannah Horney run a better tavern than Richard Harvey? Or perhaps the question is more complex than that. Was their trust in Richard's mother and his competitor greater than their belief in him? Did government officials prefer a female tavern keeper? Not knowing the location of the Harvey/Slayton tavern it is not possible to speculate on the advantages of the Horney tavern location, although that too may have been a factor. Another possibility simply may have been personalities. Officials may have been more comfortable with the style of operation at Ann Slayton and the Horney tavern as opposed to the style Richard Harvey may have adopted. A final possibility centers around changing fashion and development of the town of Portsmouth. Like many port towns, mid-century social forces pulled many of the 'better sort' away from the waterfront and Horney's tavern, up a hill from the waterfront, was probably farther from the waterfront than Slayton's.⁴⁹ Government officials generally were in the forefront of changing styles and genteel fashion and the

⁴⁸Wills, #2234, NHRMA; *NHPP*, vol. XXXVI, p.85.

⁴⁹Bushman, *The Refinement of America*, especially pp.162, 182-183. Bushman discussed the movement of businesses away from direct contact with the waterfront as a consequence of the development of gentility.

tavern they frequented would have been among taverns most favored by the genteel.

Horney's tavern was well located, near the Portsmouth Parade, the commercial center of town by mid century, and neighbor to the powerful provincial secretary, Theodore Atkinson, a fact that may have also helped their business.⁵⁰ Along with the many auctions and extra-governmental meetings held in her tavern, Horney entertained the government. In 1753, 1755, and 1756, the government rented parts of the 'Sign of the Ship,' as the David Horney's tavern was known, first for the excise committee and later the Assembly. Beginning with sessions in May, 1757, just after David Horney's death, Hannah rented "the House for the General Court and other courts to Sit from May 1st: 1757 to May 1st 1758" for twenty pounds. Further she charged the General Court, Superior Court and Inferior Court sessions separately for over five pounds of candles. Apparently she raised the rent or simply included the cost of candles the next year when she contracted with the government to rent "Two Rooms in the Western End of my house for Courts Siting" for twenty-five pounds.⁵¹ The rent remained the same for the 1759-1760 sessions but in 1760 Horney raised her rent: this time to thirty-two pounds for the 1760-1761 sessions.

The need for an official government building was often the subject of discussion in the New Hampshire Assembly, but the necessary funds were not forthcoming. In the 1750s New Hampshire finally began the process of building a State House (as it was called even before the Revolution) and chose a location next to the Packer and Horney

⁵⁰Garvin and Garvin, *On the Road North of Boston*, p.130.

⁵¹Treasury Records, 1758, Box 8, NHRMA.

taverns, although construction progress was very slow. The site was chosen in 1753, construction began in 1758, and government committees were able to use the building by late 1762, but the final work was not completed until 1766.⁵² Its impending opening apparently worried Horney. She submitted a petition to the General Assembly in 1760 which began by reminding the Governor, Council and Assembly of the devotion of her family to the government and the many services that the family provided over the years. "The General Assembly of Said Province Sundry Years in the Life time of the Said David and about two Years Since the decease of the Said David sat at the Said David and Hannah's House....In a Little time [the government] will Depart from the said hannah's house and Sit in the Province House." She then requested aid to help her through the transition. "Your Petitioner Prays, that the General Assembly before or at their departure from her house will bequeath her Some Legacy that thereby she have... a Greatfull Rememberance of them.... [Further she] Humbly prays that your Honours will be pleased to make a Grant that the said House may be made a publick Tavern free from paying any Excise on Spirtous Liquors during her Life." As Horney reminded her listeners, it was "David and Hannah's House" and then "her house" where the government held their meetings.⁵³ She provided whatever the government needed to conduct their business without interfering with the mechanism of government operation. She clearly felt her loyalty and that of her family should be rewarded when the government made the long

⁵²Garvin, *On the Road North of Boston*, p.133; Adams & Roy Consultants, Inc., "Historic Structure Report: Old New Hampshire Statehouse, Portsmouth, NH," Submitted to the New Hampshire Division of Historical Resources, February, 1988.

⁵³Petitions, 1760, NHRMA.

anticipated move into the new provincial house and hoped government officials would feel obliged to assist her. Horney was an accepted part of the government community and, with personal knowledge of the men involved in the decision making, hoped her petition would meet with a favorable decision.

The "Legacy" proved unnecessary because the Assembly must have reassured her that it would be some time before they actually made the move. The agreement for the 1761-1762 read "To One Years house Rent for the Assembly & Council to meet In and for Candles, &c up to the 29th of May - as usual." It also included an increase in the rent, to 34 pounds, 6 shillings.⁵⁴ Perhaps the rent increase was to provide some measure of financial security for Horney. The Assembly moved into the new building sometime in 1762 and Hannah Horney died in 1764 before the government put the finishing touches on the State House in 1766.

Although the relationship usually started with the men in the family, the homeless New Hampshire government chose to meet in taverns that were run by women more often than those owned by men. Aside from John Frost, who in 1741 rented the Packer tavern and charged the government forty pounds for two and one-half years rent, the other men who hosted the government had female relatives who also hosted on their own.⁵⁵ Colonel Thomas Packer, Sr., submitted bills in 1709 for over twenty-four pounds, in 1715 when the charges must have covered a number of years and totaled over ninety pounds, and in 1719 for just over eighteen pounds. As mentioned, in Packer's busy life his wives may

⁵⁴Treasury Records, 1762, Box 8, NHRMA.

⁵⁵Petitions, 1729, NHRMA; Treasury records, 1741, NHRMA.

very well have been the actual hosts. Like many bills submitted to the government by women, it is probable that some of his were lost and thus probable he hosted the government at other times as well. Thomas Packer, Jr. was paid just over five pounds in at least partial payment for rent to the General Assembly in 1729 and in 1731 he submitted a bill, later disputed since the Assembly paid Benjamin Rust, for twenty-eight pounds. Finally Packer charged the government for five years rent in 1742. The only other male tavern keeper mentioned in the New Hampshire Treasury records was David Horney who charged the government thirty-two pounds for "house rent" in 1753, fifteen pounds for the Assembly room rent in 1755, and just over sixteen pounds rent for 1756.⁵⁶ The Packers were the father and brother, respectively, of Susanna Packer Small Rust. Benjamin Rust, who also hosted the government was her second husband. David Horney was the husband of Hannah Horney who continued to run the tavern after David's death in 1757. Even given the probability that some of the records were lost and thus male-owned taverns were used more years than what is now known, it is equally probable that the bills women submitted were also lost, adding to the number of years women would have hosted the government.

With that information, it is possible to make an outline locating the meeting places of the New Hampshire government while recognizing two things: the government often used more than one meeting place in a year and many gaps remain. In the 1690s, records are very sparse and the government held most of its meetings in what became the town of Newcastle. Only three tavern keepers were mentioned as hosts of the

⁵⁶Treasury records, 1709, 1715, 1719, 1729, 1731, 1742, 1753, Boxes 6 and 7, NHRMA; *NHPP*, vol. VI, p. 384, 594.

government during the decade and all of them were women: Sarah Baker, Hannah Permitt, and Patience Atkins. During the first decade of the 1700s, Patience Atkins was mentioned again, but it was during this decade that the government moved all of its meetings to the commercial center of Portsmouth. Elizabeth Harvey, Colonel Thomas Packer and probably Mary Benning Wentworth, in her son's name, all hosted the government in Portsmouth during the 1700s. From 1711 to 1720 Elizabeth Harvey and Colonel Packer provided entertainment for the Assembly, Governor and Council and Susanna Small, Packer's daughter, was first paid for her work with the government. From 1721 to 1730, Susanna Small and, after 1726, Susanna's husband, Benjamin Rust, were the only ones paid for entertaining the government, although Susanna's brother, Thomas Packer, Jr., was paid for rent by the government in 1729 and the Rusts were paid for expenses. The 1730s were dominated by Thomas Packer, Jr., as far as the receipts and bills are concerned, but the tavern was apparently still run by Benjamin Rust. Sarah Priest was mentioned for the first time in 1739. During the busy decade of the 1740s John Frost, Sarah Priest, and Thomas Packer entertained the government in the early part of the decade, but the government switched their patronage to Mary Ayers (briefly) and then back to Sarah Priest for the end of the 1740s. Finally from 1750 to 1762 David Horney was mentioned three years and Sarah Priest two, but the names of Ann Slayton and Hannah Horney (after David's death in 1757) dominate the period.⁵⁷

The group of individuals who hosted the government over a seventy-year period were not a large group. In the small town of Portsmouth, they were a tight-knit group,

⁵⁷Information for this section was drawn from *NHPP*; Petitions and Treasury records, *NHRMA*; and Garvin and Garvin, *On the Road North of Boston*.

known to each other and, given their reputations, respected within the community. They were genteel families whose lives were intertwined with the political community. But they were also a community within a community: a supportive interactive neighborhood which served the needs of the individuals within it. They made up what Darrett Rutman called the "vertical dimension" of community: "particular persons within the locality [who] have individual or collective associations of particular kinds."⁵⁸ Competitive they were, but they were also the 'better sort' of people. Their dress, manners, housing, associations and usually wealth made them a group apart.⁵⁹ Their association might be called a fraternity of genteel individuals except that it included women as well. When discussing the workings of government in New Hampshire it is possible to do so without mentioning women, but it would be a distortion of the reality faced in the eighteenth century. The community included women. Women had the right to provide and profit by the business needed by the government.

The extensive reliance of the men of New Hampshire's government on the women who ran taverns brings out yet another interesting fact: government officials trusted the women with whom they worked not only to keep order within their taverns but also not to gossip about their conversations with those who should were not privy to them. Government meetings were, after all, generally conducted in private and discussions could not stop every time someone came in with drinks and food, wood to replenish the

⁵⁸Darrett B. Rutman, "The Social Web: A Prospectus for the Study of the Early American Community," in William L. O'Neill, ed., *Insights and Parallels: Problems and Issues of American Social History* (Minneapolis, MN: Burgess Publishing Co.; 1973), p.61.

⁵⁹Bushman, *The Refinement of America*, p.183.

fire or candles for the table. In her book *Gossip*, Patricia Meyer Spacks recognizes a cultural understanding about women: women are the "chief agents as well as ...principal victims" of gossip. After all, as the Bible confirmed to eighteenth-century Christians, "Eve, a woman, brought sin to the world by unwise speaking and unwise listening; women's propensity for foolish talk declares their ancestry."⁶⁰ In her book *Governing the Tongue*, Jane Kamensky emphasizes the danger society faced in the disruption from women's tongues. The danger in "Female Gossiping" lay in "the unquiet [of] society." The danger existed because women "spoke not only too *much*, but also - more important - too *publicly*." Women's words, it was believed, could undo the good works of men.⁶¹ Women, society seemed to believe, could not be trusted with sensitive information because they would spread the information to members of the public who should not have it. If women were perceived as the purveyors of malice or even just idle talk where did that leave the private discussions men of the government had in the taverns of women? How could they hold discussions involving sensitive matters, matters so sensitive no records of their discussions exist, if they feared female gossip?

There are two possible answers to these questions. In one scenario, the men of the government believed that the idle talk of women would only be about women. "Trivial and malicious talk reflects impoverished minds as well as experience, male talk about ideas communicates more meaning and value than female talk about people; by extension, the male realm provides the standard by which females can judge themselves

⁶⁰Patricia Meyer Spacks, *Gossip* (New York: Alfred A. Knopf, Inc.; 1985), p.32, 41.

⁶¹Jane Kamensky, *Governing the Tongue: The Politics of Speech in Early New England* (New York: Oxford University Press; 1997), p.21.

and know themselves wanting."⁶² Talk among females would pose no threat to the government since women were talking about women and not the weighty matters of the government.

However, it is clear from earlier sections of this work that women were often the subject of or in some way involved in the discussion. If men believed female tavern owners were trustworthy because of a lack of interest in political discussion and interested only in the talk of women, then having women as topics of discussion would render female tavern owners untrustworthy. But the individuals who chose the government's meeting places clearly did not view their landladies with distrust: female tavern owners were used for court meetings, Assembly meetings, and meetings of the Governor and Council. In each assemblage sensitive topics involving both men and women were discussed.

Spacks noted that gossip was, and is, not always of the malicious idle type; sometimes gossip is "serious." This type of gossip "takes place in private, at leisure, in a context of trust, usually among no more than two or three people. Its participants use talk about others to reflect about themselves, to express wonder and uncertainty and locate certainties, to enlarge their knowledge of one another."⁶³ Serious gossip may be construed as serious discussion. Individuals who participate in it may be seen as serious and trustworthy. If members of the Assembly or Council held discussions involving, or even not involving, government matters and included the tavern owners they would have

⁶²Spacks, *Gossip*, p.169.

⁶³Spacks, *Gossip*, p.5.

considered their discussions of merit or weight and certainly not petty or trivial.

In the final analysis, who could government officials trust? They trusted those with whom they had close ties, especially social ties. The elite of Portsmouth's society often intermarried with families that hosted the government. Hiring space from a cousin, social equal, or in-law was not frowned on; indeed, quite the opposite. The relationship of the female tavern owners with various members of the Governor or Council provided an excellent inroad for women to gain the favor of the government, increasing their business and reputation. Trust was given to the small group of individuals who hosted the government. They were a known quantity, capable of running a reputable establishment, familiar to the elite of Portsmouth, and trusted with the legal and political secrets of the government.

New Hampshire's provincial politics were small town politics but with an imperial flavor tied to English trade and the imperial government. Despite the public nature of the business, female tavern keepers were an accepted part of the everyday operations of political community. Tending a business which involved domestic duties was not outside the prescribed roles of wives nor was it unusual to see widows continue the business after losing their partners. The taverns/inns of female keepers were their businesses and their homes. As Joan Hoff Wilson stated, tavern keeping "simply represented an extension of normal household duties."⁶⁴ But that is just the point. It was a place where women could

⁶⁴Joan Hoff Wilson, "The Illusions of Change: Women and the American Revolution," in *Our American Sisters: Women in American Life and Thought*, Jean E. Friedman, William G. Shad and M.J. Cappozzoli, eds (Lexington, Ma; 1987), p.78 as quoted in Deborah A Rosen, *Courts and Commerce: Gender, Law, and the Market Economy in Colonial New York* (Columbus, Oh: Ohio State University Press; 1997), p.108.

perform all that was required of them: house keeping, child raising, food producing; successfully.

Nor was it unusual. No special notice was made when the government chose a female-run over a male-run tavern; apparently no explanation was felt necessary. Because so many women in the provincial capital ran taverns involving some sort of relationship with the government, the lines between the roles of wife and widow, private and public blurred. Women who ran taverns and hosted the government may have been exceptional but the exception was due to their business abilities, their social status, and thus their acceptance among the colony's genteel class. Few tavern owners, male or female, ran a tavern well enough to attract the steady business of the government. Like men, some women were better and some worse at their business, and the government recognized that fact in choosing a meeting place. Given the evidence, it may even be asked if the government preferred women. However, because male tavern keepers also hosted the government it appears that the government's relationship was with the individual tavern keeper. Apparently they chose where to meet based on reputation, price and space, but not gender.

Female-run taverns were an integral part of life in the provincial capital of Portsmouth. How much women actually influenced formal politics in the province, we have no way of knowing; the records simply do not give us that information. Nor would participation be expected by any individual who was not an official member of the government. However it is possible to conclude the political community of New Hampshire trusted certain members of the public regardless of gender because we know women were readily accepted as hostesses, and the duties of hosting the government

involved access to the rooms where decisions were made. The domestic skills necessary to run a tavern, the knowledge shared between those present in the tavern, the billing practices so accepted by the government, and the business networking apparent in the records provide plenty of evidence that some women in New Hampshire were viewed as rational, capable and trustworthy, hardly the words characteristically associated with colonial women. A complex set of relationships created and sustained the entire community, relationships which depended on knowledge of individuals involved and not stereotypes.

CONCLUSION

INDIVIDUAL PATHS

Traditional domestic concerns were the driving force for white colonial New Hampshire women and the desire to protect their families often motivated women to use customary access to the government. We can imagine various women in this study at a turning point in their lives, a time when the law may not have provided opportunities, but custom allowed women choice. When Ann Jose Harvey Slayton returned to her home after her second husband's funeral, she may have walked into her kitchen and stared into the embers of the hearth fire, wondering what to do next. Both her husbands, as well as her parents, were dead. How would she provide for her children? But her despairing reverie was surely broken by her young children who came looking for her, seeking food and comfort. As an individual she had to decide what to do next. It was her responsibility to care for the children. She applied for and obtained a tavern licence in her own name to continue the Harvey tavern. Using her long-term, personal connections with the members of the government, she was able to gain the additional business she needed to provide and prosper in widowhood. Custom gave Slayton more options and widowhood gave her the opportunity to use those options on her own basis.

One of Susannah Johnson's many turning points must have come when word reached her that her husband died at Ticonderoga. With this additional burden added just after their release from years of captivity, Johnson must have been near collapse. Her

children were still scattered and two barely fit into the Anglo-American culture. She had no permanent place to live. Yet she set about administering her husband's estate, traveling to the seacoast of New Hampshire and Massachusetts when needed. She petitioned the government to help pay the final ransom costs to Colonel Schuyler while she ran a shop from their old home in Charlestown.

Elizabeth Pascall's turning point must have come when she reached the conclusion her husband would never return from his military duty and she needed to sell some land. She had to decide what to do about her own status. She had been running the shop increasingly in her own name but, after ten years of neglect, her petition to receive *feme sole* trader status was an acknowledgment of reality and another example of options available to women, whether they chose to use them or not.

Even at more mundane points in their lives, women were able to employ legal and political custom to improve their lives and the lives of their families and communities. When Susanna Packer Small Rust signed a bond in 1727 as a witness she most probably signed simply because the business was done in her tavern. Similarly, Elizabeth Fernald signed a bond for Nicholas Follett of Portsmouth most probably because she was available to help a neighbor. But neither Small nor Fernald were rejected because of their status in the common law. Women had access to spaces where legal transactions took place and were accepted as admissible and legal witnesses in legal transactions. In eighteenth-century New Hampshire, commercial transactions occurred in public spaces, acceptable spaces for women. Women were viable components of the economy and active in the economic hierarchy of their communities. Women made individual choices from those that were available to them based on their economic status, family needs,

community expectations, and business requirements, as well as the limitations of their gender. New Hampshire's relatively informal government and the conditions resulting from warfare maintained women's access to the government throughout the colonial eighteenth century. It is in colonies like New Hampshire the importance of custom in the lives of colonial women is most clearly evident. The role of custom sustained an active part for women within the informal public of northern New England.

As subjects of the empire and inhabitants of New Hampshire, women actively used their right to petition the government for redress of grievances. It was women's desire to protect, defend, and nurture their families which generally led women to petition. No matter what their social position, for a small charge any woman could submit a petition. The responses were generally quick. It may have been the desperate circumstances of war or death which drove women to petition, but the option to act autonomously was there. When their husbands were away at war, women relied on the government to listen to their needs, just as their men expected the same when they petitioned the government. When married women needed the right to operate in the economy on their own terms, they had the opportunity to petition. Women were able to use petitioning as a means to solve the special common law problems they faced as well as the ordinary ones men faced. They did not turn away from a problem because they had to take a further step to solve it. Nothing in the laws of New Hampshire or the common law allowed women the right to petition but nothing denied the right either. Where the common law limited, custom provided women with access to the ears of the most powerful members of the provincial government throughout the colonial eighteenth century. The decisions of the officials hinged on their own concerns as well as any

possible ties to the woman being discussed. However access to the Governor, Council and Assembly was not denied because of gender. Ordinary women were able to participate in the political as well as domestic cultures of New Hampshire. Female interests and desires were considered by the province's men in the government as they followed the customary procedures regarding the petitioning process.

Seen through the New Hampshire provincial government's records several aspects of women's lives involved participation in the workings of the political economy. The dilemma of female captives forced women, most of whom had no reason to communicate with the larger provincial government beyond their local militia before capture, to turn to the government for aid. Caught in the international struggle between France and Great Britain, the individual subjects of Great Britain, male and female, were pawns in a much larger game. Captives knew their government owed them protection and pleaded and demanded ransom and release. Many who witnessed the capture of provincial settlers and suffered through the attacks sent news to the government in Portsmouth. The provincial government discussed their plight in many meetings and kept abreast of news from the fringes of settlement. The government knew reliable news from the forts guarding the edges of English settlement was necessary to the overall workings of defense of the English empire and the settlers gave the Crown claim to the same area. New Hampshire settlers knew of their own importance and that acceptance of information from the frontier was vital to their survival. The goals of both meant women's voices were not cut off. Information from women too was of vital importance. Women were not just inhabitants, but loyal subjects. As subjects, New Hampshire's government and society recognized the limits of coverture and patriarchy and maintained open doors to

the traditional access of women to the government.

For example, caught up in the economic minutia of daily life, individual women were accepted as part of the legal commercial process. Whether a woman witnessed a deed or signed a will, New Hampshire's society and government knew women were a necessary part of the legal and commercial process and trusted them to carry out the responsibilities associated with their act. No will, bond, or deed was denied or questioned simply because a woman signed it. Wives were given powers of attorney by their husbands with the understanding wives could be trusted to act in the best interests of the family. Likewise, female witnesses were sources of reliable information for the court system. New Hampshire officials believed and trusted their testimony, not because of or in spite of their sex, but because of their need to hear from individual witness.

As individuals, women were also trusted to be responsible tavern keepers. Traditionally women were associated with weakness and disorder, yet women were also given control of one of the greatest sources of social disorder in colonial society: the tavern. All Anglo-American governments relied on the personal authority of tavern keepers to control the individuals who frequented their taverns. Not just anyone was allowed to run a tavern. Only individuals who met the community's criteria for tavern keeping were trusted to maintain order and control - to act as publicans. Tavern keeping employed women's traditional domestic skills but their skills gave female tavern keepers close contact with the wide variety of activities associated with a tavern: from town and selectmen meetings to shared information and auctions.

For a very few female tavern keepers the activities in their tavern included meetings of the New Hampshire government. They were privy to the shared knowledge

of government officials. Their knowledge of the workings of government was far greater than if they were part of a farming family living in the wilds along the Connecticut River. Their position in the economic hierarchy meant they were given greater opportunities than if they were simply just another tavern keeper. Women who hosted the government used their social position to rise, or remain, above the average male or female tavern keeper who never received the government's business. This select group of women was accepted as a guardian of secrets. No one questioned the reliability of female tavern keepers as a whole. The New Hampshire government treated tavern keepers as individuals and it was as individuals women were chosen or rejected to receive tavern licenses or to serve as hosts to the government. Custom made it permissible to trust women with state secrets, deliberations, and negotiations. The transaction of New Hampshire government business in taverns throughout the period under study means that at no point was there a separation of formal and informal government space in colonial New Hampshire. Women were always accepted and expected in the spaces where the government met and, while the types of business differed, there was little difference in the way the business of men and women was handled by the Governor, Council, or Assembly. The differences were more a matter of an individual's social position than gender.

Again and again, customary practice provided New Hampshire women with choices. When an action was denied them by law or societal expectation, women could take advantage of what was available to them and permitted by custom. It was a choice, but not a choice all women in similar circumstances chose to employ. When two poor war widows realized their husbands died on the battlefield and lost a gun, only one of

them may have chosen to petition the government for recompense. When two women of equal social standing were in a position to pursue a government contract, only one of them may have followed that course. But the choice was there. Custom allowed women access to high government officials, and, thus, at least limited access to the power of government action. Individual women made the choice.

The study of colonial American women is a popular, lively, and often contentious one. Contention and lively discussion often result from claims individual historians make to have found an absolute involving colonial women. Either women's position declined or rose during the eighteenth century. Women gained more power or less. Women were active in the public sphere or shut out. Women's roles were increasingly narrowed to the hearth or broadened by political participation.¹ It is the mutual exclusiveness of each position which pushes the argument onward, but to what conclusion? The arguments have reached a point where it is necessary to reassess the results. It is clear the complexity of eighteenth-century Anglo-American society makes any blanket conclusions regarding women difficult at best and misleading at worst. Circumstances varied according to individual lives and desires, social and economic conditions, legal limitations, and regional and environmental differences.

But in all individual women's lives, the political and domestic economies converged. Women administered the many small domestic economies of a community within the informal public and many times brought them to the attention of the

¹For a discussion of dichotomies as they affected women of the United States see Gisela Bock, "Challenging Dichotomies in Women's History," in Mary Beth Norton and Ruth M. Alexander, eds., *Major Problems in American Women's History: Documents and Essays*, 2nd edition (Lexington, Ma: 1996), p.8-13.

governmental or formal public. Thus, while women were not allowed to be members of the formal public, they were allowed access to it. Both government officials and women sought the most economic use of their available resources. Everyone in the community was involved in the administration of the concerns and resources of the community. While certain men dominated the New Hampshire political sphere and kept all others, including women, in subordinate roles, the actions of individual women indicate that most women considered themselves as participants in their society, not victims. Female activities are too prominent in New Hampshire records to be ignored. New Hampshire women were able to use the political and economic hierarchy which governed their society to achieve their ends. They were able to take an active part in the choices which framed their lives - not through disobedience to a male above them, but simply through living and doing what was necessary for their families and themselves. When necessary or desired, women were able to choose an action that brought their lives to the attention of the government. The New Hampshire government willingly made decisions affecting women in the colony. Continued access to petitioning and licensing procedures, the demands of domestic duties and warfare, and participation in the economic life of their communities provided opportunities which made it possible for New Hampshire women to escape some of the limitations of coverture.

The eighteenth century brought numerous changes for women. Many changes were material as increasing commercialization brought colonists access to British goods. Increasing wealth led to a higher standard of living and many New Hampshireites used the increased discretionary income to emulate British styles of architecture, clothing, and household goods. The trappings of the English hierarchy seeped downward through the

social ranks in New Hampshire's American culture. Although it was had less lasting impact in New Hampshire, women did take part in the religious revivals of the early 1740s. Religious change involved individual convictions which women willingly expressed. A renewed protestant faith also led to increased passion in the 1740s wars against the Catholic French.² But, at least in New Hampshire, changes for women were not gender-exclusive or dramatic in the colonial eighteenth century. Increased commercialism or anglicization were balanced by the relative informality of the central government and the incessant warfare that plagued eighteenth-century New Hampshire. New Hampshire women continued to enjoy traditional access to the government throughout the eighteenth century.

Women maintained their traditional focus on domestic concerns, working within a paternalistic society and under the common law doctrine of coverture. They expected to marry, have children, and run their households; it was the consuming passion of their lives. Custom allowed individual women ways to provide better lives for their families. It did not give women greater freedom - it gave them traditional access to the government. Everyone in the society assumed the customary practices were workable. Women helped to maintain societal order and the government and society relied on them to do so.

²T.H. Breen has discussed the changes in material culture and their impact on English Americans in many published works. For instance, see "The Meaning of Things: Interpreting the Consumer Economy in the Eighteenth Century," in John Brewer and Roy Porter, eds. *Consumption and the world of goods* (London: Routledge; 1993), p.249-260. Richard Bushman discusses the changes in cultural and material America caused by refining tastes in *The Refinement of America: Persons, Houses, Cities* (New York: Alfred A. Knopf, Inc.; 1992; New York: Vintage Books; 1993). Patricia Bonomi has done a masterful job of discussing changes for women caused by the Great Awakening in *Under the Cope of Heaven: Religion, Society, and Politics in Colonial America* (New York: Oxford University Press; 1986).

The loss of records in women's names often causes historians to conclude women were stripped of power, voice, and economic viability by marriage and later widowhood in colonial America. How did colonial society view women? The question should not include our own bias against patriarchy, coverture, or even capitalism and industrialization. Instead it should concentrate on the reality of colonial society. Strong women have existed at every point in history and many of them are well-known names. But not many women were able, or ever desired, to gain that kind of notoriety. Most ordinary women were content to do the best they could with their domestic roles. They were remembered by their families and the individuals who knew them best. When needed New Hampshire women were able to employ actions which led to an involvement with the government. They fought to maintain the economic viability of their families. They acted as family agents and representatives when needed. They did what ever was necessary to keep the government informed of the rights of their families and the government's obligations. The boundaries which governed relations between the government and women were more permeable than expected and the customs governing the boundaries stronger and more resilient than we have realized. Women were accepted as trusted participants who acted from choice as well as necessity. New Hampshire society viewed women as domestic partners with their husbands, community participants in their towns, and competent individuals in their businesses. Women chose the paths which best suited their needs and personality based on their knowledge and position in the economic hierarchy. They were active in the domestic, political, and commercial cultures of the province. Women helped to create a seamless connection between the political and domestic in the colonial eighteenth-century New Hampshire.

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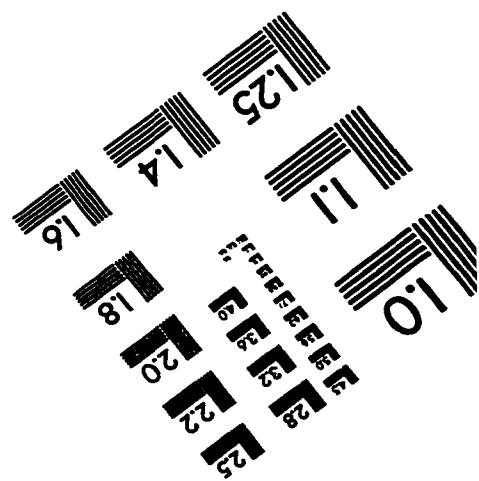
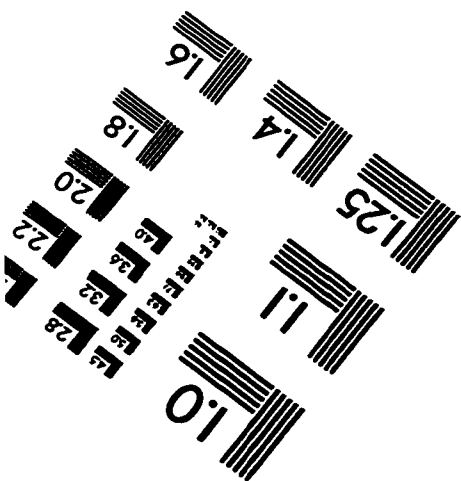
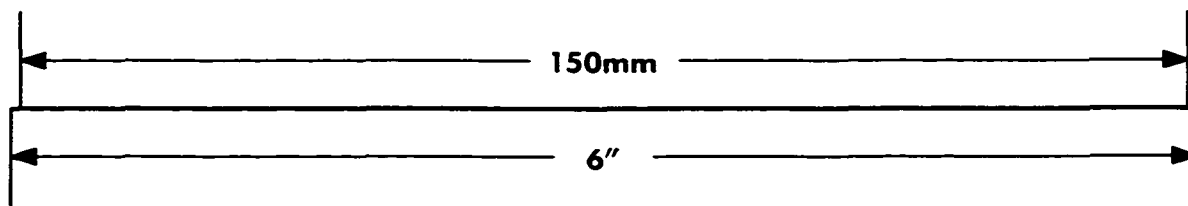
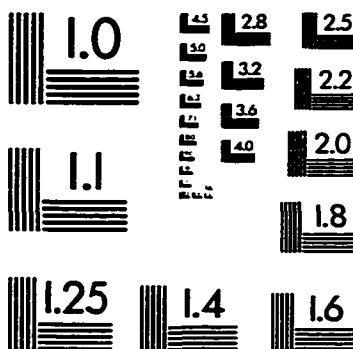
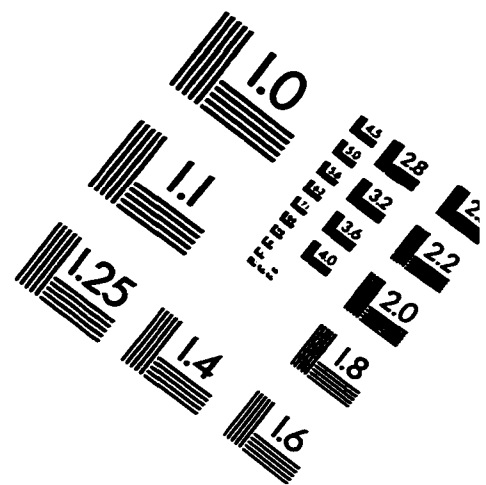
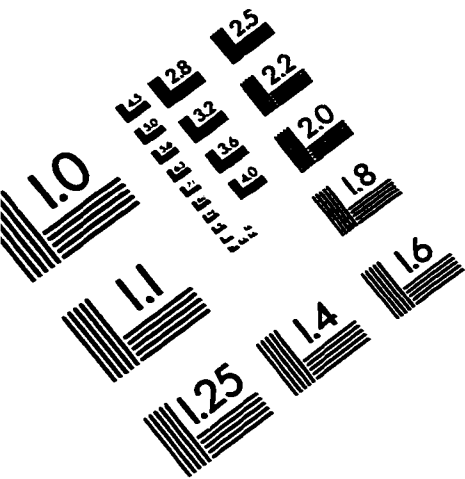
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