

## Document A

William Gouge. "Of Domesticall Duties." London, 1622

"...a familie is a little Church, and a little commonwealth, at least a lively representation thereof, whereby triall may be made of such as are fit for any place of authoritie, or of subjection in Church or commonwealth. Or rather it is as a schoole wherein the first principles and grounds of government and subjection are learned: whereby men are fitted to greater matters in Church or commonwealth."

William Gouge. *Of Domesticall Duties*. London, 1622, reproduced as frontispiece in John Demos, *A Little Commonwealth: Family Life in Plymouth Colony*. New York: Oxford University Press, 2000, 2nd ed.

## Document B

"The Law's Resolution of Women's Rights," London, 1632

"Sect. II: The Creation of Man and Woman" (referring to the creation of Eve in Genesis 2:22-23 in the Bible)

"...Then when God brought woman to Man to be named by him, he found straight way that she was bone of his bones, flesh of his flesh, giving her a name, testifying that she was taken out of man, and he pronounced that for her sake man should leave father and mother and adhere to his wife which should be with him one."

"Sect. III: The Punishment of Adam's Sin"

"Return a little to Genesis, in the 3rd Chapter whereof is declared our first parents' transgression in eating the forbidden fruit: for which Adam, Eve, the serpent first, and lastly, the earth itself is cursed: and besides, the participation of Adam's punishment, which was subjection to mortality, exiled from the garden of Eden, enjoined to labor, Eve because she had helped to seduce her husband has inflicted on her an especial bane. In sorrow shall thou bring forth thy children, they desires shall be subject to thy husband, and he shall rule over thee.

See here the reason of that which I touched before, that women have no voice in Parliament, they make no laws, they consent to none, they abrogate none. All of them are understood either married or to be married and their desires are subject to their husband, I know no remedy though some women can shift it well enough. The common law here shaketh hand with Divinity."

*The Law's Resolution of Women's Rights: Or the Law's Provision for Women* (London, 1632), 3-6. reprinted in Sylvia R. Frey and Marian J. Morton, eds., *New World, New Roles: A Documentary History of Women in Pre-Industrial America* (New York: Greenwood Press, 1986), 93-94. 94

### Document C

Chase, Samuel. "Baron and Feme: A Treatise of the Common Law Concerning Husbands and Wives. London," 1700

"The law of nature has put her [a wife] under the obedience of her husband, and has submitted her will to his, ... and therefore will not bind her by acts joining with her husband, because they are judged his acts and not hers; she wants free will as minors want judgment, and yet the law of the land for necessity sake makes bold with this law of nature...because she is examined of her free will judicially by an authentional person trusted by the law...and so taken in a sort as a sole woman...."

"A feme covert in our books is often compared to an infant, both being persons disabled in the law...And yet a feme covert is a favorite of the law...."

*Baron and Feme. A Treatise of the Common Law Concerning Husbands and Wives.* London, 1700, reproduced in Carol Berkin and Leslie Horowitz, eds., *Women's Lives, Women's Voices: Documents in Early American History.* Boston: Northeastern University Press, 1998, 54-55.

## Document D

“Feme Sole Trader Statutes,” South Carolina, 1712, 1744

Document excerpt #1:

Title of 1712 South Carolina statute, from South Carolina Statutes, 2:593, reprinted in Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1986), n.26, 207.

Title: “An Act for the better securing the payment of debts due from any person inhabiting and residing beyond the sea or elsewhere without the limits of this Province of South Carolina, and to subject a Feme Covert that is a Sole Trader to be arrested and sued for any Debt contracted by her as a Sole Trader.”

Document excerpt #2:

1744 South Carolina statute, South Carolina Statutes, 3:616-61, reprinted in Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1986), n.27, 207.

Title: “An Act for the better securing the payment and more easy recovery of debts due from any person or persons inhabiting residing or being beyond the seas, or elsewhere without the limits of this Province, by attaching the moneys, goods, chattels, debts and books of account of such person or persons, if any he, she or they shall have within this Province; and to sue for and recover such debts as shall be contracted with her as a sole trader, and to subject such feme covert to be arrested and sued for any debt contracted by her as a sole trader.”

Excerpt from 1744 statute:

“Sole traders are often under difficulties in recovering payment of debts contracted with them, by reason of the absence of their husbands, in whose names they are obliged to sue for all debts due to them, sometimes not being able to produce any power or authority from their husbands.”

## **Document E**

Blackstone, William. "Commentaries on the Laws of England," Oxford, 1765-69

"By marriage, the husband and wife are one person in law: that is, 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; and is therefore called in our law-french a feme-covert; is said to be covert-baron, or under the protection and influence of her husband, her baron, or lord; and her condition during her marriage is called her coverture. Upon this principle, of an union of person in husband and wife, depend almost all the legal rights, duties, and disabilities, that either of them acquire by the marriage."

## Document F

“An Act Concerning Feme-Sole traders,” Pennsylvania, 1718

“WHEREAS it often happens that mariners and others, whose circumstances as well as vocations oblige them to go to sea, leave their wives in a way of shopkeeping; and such of them as are industrious, and take due care to pay the merchants they gain so much credit with, as to be well supplied with shop-goods from time to time, whereby they get a competent maintenance for themselves and children, and have been enabled to discharge considerable debts, left unpaid by their husbands at their going away; but some of those husbands, having so far lost sight of their duty to their wives and tender children, who, in all probability, will put them upon measures, not only to waste what they may get abroad, but misapply such effects as they leave in this province....Be it enacted, That where any mariners or others are gone,....leaving their wives at shop-keeping, or to work for their livelihood at any other trade in this province all such wives shall be deemed, adjudged and taken, and are hereby declared to be, as feme-sole traders, and shall have ability and are by this act enabled, to sue and be sued....without naming their husbands in such suits....”

“An Act Concerning Feme-Sole Traders,” 1718; from *Laws of the Commonwealth of Pennsylvania*, (Philadelphia: John Bioren, 1810), I:99-101, reproduced in Carol Berkin and Leslie Horowitz, eds., *Women’s Lives, Women’s Voices: Documents in Early American History*, Boston: Northeastern University Press, 1998, 98-100.