

A COMPARISON OF THE STATUS OF WIDOWS IN EIGHTEENTH-CENTURY
ENGLAND AND COLONIAL AMERICA

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This thesis compares the status of upper-class widows in England to Colonial America. The common law traditions in England established dower, which was also used in the American colonies. Dower guaranteed widows the right to one-third of the land and property of her husband. Jointure was instituted in England in 1536 and enabled men to bypass dower and settle a yearly sum on a widow. The creation of jointure was able to proliferate in England due to the cash-centered economy, but jointure never manifested itself in Colonial America because of the land centered economy. These two types of inheritance form the background for the argument that upper-class women in Colonial America had more legal and economical freedoms than their brethren in England.

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CHAPTER 1

INTRODUCTION

Background

Until the latter part of the twentieth century, in most parts of the world, a woman's marital status determined her place in society.¹ The similarities between English and Early American law would suggest that the position of women of comparable rank in both countries would be congruous because common law held sway in both England and America. While there are many parallels between the status of women in England and America, women tended to have a greater degree of latitude in their decisions, both personally and financially, in the American colonies because of the scarcity of women and the differing economies in the two countries. As the American colonies and the society that upheld and created colonial laws became more stable, women in America began to see their position in society change from one of able-bodied independence, when the situation called for it, to one of compliance with the dictates of the patriarchic society that was being created, especially in the southern colonies. After the American Revolution, the laws of the country changed even more to bring women under the guidance and directive of their husbands, and women lost the small measure of power that they had enjoyed in America. This change occurred in England even before the American Revolution.

This thesis examines the social, political and economic factors that determined the status of widows by comparing the situations of two widows of high social rank in England and Colonial America, which shared a common legal tradition. Upper-class

¹ Mary Beth Norton, "The Evolution of White Women's Experience in Early America," *American Historical Review* 89 (1984): 600.

women were chosen for this study because of the low literacy rate among women in the American colonies. In order to create a study between the two countries, adequate sources must be available, and while women of the middling ranks in England were gaining literacy, women of the same class in the colonies continued to lack literacy skills due to their agricultural ties. Therefore, it was necessary to study women who have left behind an adequate amount of documentation. Harriott Pinckney Horry left behind a large number of letters, both social and business, and her letters have been preserved in large part because of her family's prominent position in South Carolina history. Her English counterpart, Lady Mary Coke, was a copious letter writer, and her family published four volumes of her diary covering a span of about five years in 1896. The large amounts of material available to study make Lady Mary Coke and Harriott Pinckney Horry ideal women to compare.

While widows have been studied by many historians, such as Barbara Todd, Mary Beth Norton, Gloria Main, Marylynn Salmon, Susan Staves, Anne Laurence and Amy Louise Erickson, there have been few studies that compare widows across national boundaries.² The purpose of comparing widows in England and Colonial America is to

² Barbara Todd, "The Remarrying Widow: A Stereotype Reconsidered," in *Women in English Society 1500-1800*, ed. Mary Prior, 54-92 (London: Methuen and Co., Ltd., 1985); Mary Beth Norton, "Eighteenth-Century American Women in Peace and War: The Case of the Loyalists," *William and Mary Quarterly* 33 (June 1976): 386-409; "The Evolution of White Women's Experience in Early America," *American Historical Review* 89 (1984): 593-619; *Founding Mothers and Fathers: Gendered Power and the Forming of American Society* (New York: Alfred A. Knopf, Inc., 1996); *Liberty's Daughters: The Revolutionary Experience of American Women, 1750-1800* (Boston: Little, Brown and Company, 1980); "Reflections on Women in the Age of the American Revolution," in *Women in the Age of the American Revolution*, ed. Ronald Hoffman and Peter J. Albert, 479-496 (Charlottesville, VA: University Press of Virginia, 1989); Gloria Main, "Widows in Rural Massachusetts on the Eve of the American Revolution," in *Women in the Age of the American Revolution*, ed. Ronald Hoffman and Peter J. Albert, 67-90 (Charlottesville, VA: University Press of Virginia, 1989); Marylynn Salmon, "Women and Property in South Carolina: The Evidence from Marriage Settlements, 1730 to 1830," *William and Mary Quarterly* 39 (October 1982): 655-685; Anne Laurence, *Women in England, 1500-1760: A Social History* (New York: St. Martin's Press, 1994); Amy Louise Erickson, "Common Law versus Common Practice: The Use of Marriage Settlements in Early Modern England," *The Economic History Review* 43 (February 1990): 21-39; "Property and

determine whether the common legal heritage between the two countries allowed women the same legal rights and status in the society of both countries. Colonial American law diverged from English law early in colonial history, and this thesis discusses the reasons for those changes. The frontier society that was established in America was not able to support English law and society, and as a result, the laws in Colonial America reflected these circumstances.³

Jointure, which was the prevalent means of support for aristocratic widows in England, was not used in Colonial America because the colonies did not have the economic system in place to support a cash payment to widows. Dower, which was used in both countries, was an inheritance system based on land and possessions. It divided the estate into thirds and gave one third of the estate to the widow. The difference between dower and jointure was the means of support. Jointure paid widows a yearly stipend out of the estate of her late husband, while dower supported widows through the inheritance of land and property. The early economic system in Colonial America supported dower since widows needed to control the land for the future use of the children. Jointure was a monetary drain on the estate, which made it impractical to use in colonial America. The laws concerning jointure, which were established during the sixteenth century, were not enforced in Colonial America for two reasons. The first reason was that jointure was originally created to give men more control over land that they owned, but in the colonies, men owned the land with few limitations. The British

Widowhood in England, 1660-1840,” in *Widowhood in Medieval and Early Modern Europe*, ed. Sandra Cavallo and Lyndan Warner, 145-163 (New York: Pearson Education Inc., 1999); Susan Staves, *Married Women’s Separate Property in England, 1660-1833* (Cambridge: Harvard University Press, 1990).

³ Herbert Alan Johnson, “American Colonial Legal History: A Historiographical Interpretation,” in *Perspectives on Early American History: Essays in Honor of Richard B. Morris*, ed. Alden T. Vaughan and George Athan Billias, 254- 275 (New York: Harper & Row, Publishers, Inc., 1973).

government wanted families to settle in North America and gave out huge land grants to lure men to North America, so there was no need for jointure. The second reason was that the land-based economy in North America was different from the cash based economy in England. Jointure would not have worked in North America due to this different system of finance.

By choosing women from a similar social and economic background, it is possible to analyze the similarities and differences between English and American upper-class widows. Lady Mary Coke represents the landed aristocracy in England and Harriott Pinckney Horry represents the colonial plantation owners of America, which have been called the aristocracy of the American colonies.⁴ Lady Mary Coke was chosen as the English counterpart to Harriott Pinckney Horry because of her active involvement in English society, and her abundant diaries and letters that document her observations of late eighteenth-century British society. Harriott Pinckney was influenced by the active role that her parents, Charles and Eliza Lucas Pinckney, played in South Carolina history and the creation of the planter class in South Carolina. Later, as the wife of Daniel Horry, Harriott helped maintain the family plantations for both her husband and brothers during the American Revolution, cementing the active role that she was to take in the family's finances. After her husband died, Harriott Horry lived the rest of her life as a widow who managed multiple plantations for her family. In addition, both women held a place in the upper class of their given countries and were even distantly related through the marriage

⁴ David Hackett Fischer, *Albion's Seed: four British folkways in America* (New York: Oxford University Press, 1989), 214-219. David Hackett Fischer argues that the aristocracy reestablished itself in the Virginia colony because many of the second sons of the English aristocracy transplanted to Virginia where they could buy large tracts of land. The close social and economical ties of the aristocracy to the American plantation class spread throughout the southern colonies, including South Carolina.

of their respective niece and nephew.⁵ By comparing the two women, the similarities and differences between English and American law can be shown. The legal and social similarities between the two countries regarding upper class women are many, but the two environments produced different results, such as a higher death rate and greater ownership of property of women in British America. These factors each affected a woman's marriage and widowhood experience.

The purpose of this thesis is to compare the experiences of these two widows, and on a broader scale, society's treatment of women without husbands in both England and America. While British historians have noted the work done by Marylynn Salmon, none have used it to compare women across the Atlantic Ocean. The following thesis ties together many of the debates discussed by historians studying English or American women, including the development of affective relationships in the eighteenth century and the economical and social effects of jointure in England. By studying the historiography, in addition to the lifestyles and inheritance of Lady Mary Coke and Harriott Pinckney Horry, it can be shown that Colonial America gave more freedom to women, not just legally, but also socially.

Upon the examination of the inheritance of the two women and their treatment by society, it can be determined that while both had a considerable amount of wealth and a large amount of control over their finances, the American woman had a great deal more financial independence. English common law was brought from England and put into place in the colonies, but the colonists tended to change or interpret the laws as needed to fit different problems associated with colonial law. For example, the Massachusetts

⁵ J.A. Home, ed. *The Letters and Journals of Lady Mary Coke* (Bath: Kingsmead Bookshops, 1970) 3: 123. Lord William Campbell was Lady Mary's cousin and the governor of South Carolina. He later married a Miss Izard, who was a great-niece of Harriott Horry.

Dower Act of 1647 was based on common law that addressed dower in England, but it interpreted dower in a manner that would benefit the Massachusetts colony.⁶ The absence of jointure in America, which was one of the most prevalent means of support for aristocratic widows in England, meant that American women were able to maintain control of the property that they had inherited, and thus, retain a degree of control over their finances. Those finances would contract or expand depending upon the economy and the financial management of the widow. While jointure might be a more secure form of income, it replaced the use of dower in England, and many historians, such as Mary Beth Norton, Susan Staves and Amy Erickson, argue that the erosion of dower rights was one of the most crucial steps in the loss of financial freedom for women in both England and America.⁷ The use of jointure in England further delegated the role of women to one of domesticity and by comparing the use of English jointure to the dower and inheritance system that was established in the American colonies it is possible to see that aristocratic widows in England had less financial freedom than women of similar means in the American colonies.

⁶ Richard B. Morris, *Studies in the History of American Law, with special reference to the seventeenth and eighteenth centuries* (Philadelphia: Joseph M. Mitchell Co., 1959), vii.

⁷ See Mary Beth Norton, *Founding Mothers and Fathers: Gendered Power and the Forming of American Society*, "The Evolution of White Woman's Experience in Early America," 593-619; Susan Staves, *Married Women's Separate Property in England, 1660-1833*; Amy Louise Erickson, "Common Law versus Common Practice: The Use of Marriage Settlements in Early Modern England," 21-39; "Property and Widowhood in England, 1660-1840," 145-163. For general economic trends among women and inheritance patterns in both England and British America see Lee J. Alston and Owen Shapiro, "Inheritance Laws Across Colonies: Causes and Consequences," *Journal of Economic History* 44 (June 1984): 277-87; Maxine Berg, "Women's Property and the Industrial Revolution," *Journal of Interdisciplinary History* 24 (Autumn 1993): 233-50; John Habakkuk, *Marriage, Debt, and the English Estate System: English Landownership, 1650-1950* (New York: Oxford University Press, 1994); Pamela Sharpe, "Continuity and Change: Women's History and Economic History in Britain," *Economic History Review* 47 (May 1995): 353-69; "Literally Spinsters: A New Interpretation of Local Economy and Demography in Colyton in the Seventeenth and Eighteenth Centuries," *Economic History Review* 44 (February 1991):46-65; Eileen Spring, *Land, Law, and Family: Aristocratic Inheritance in England, 1300-1800* (Chapel Hill: University of North Carolina Press, 1993); Lisa Wilson Waceiga, "A 'Man of Business': The Widow of Means in Southeastern Pennsylvania, 1750-1850," *William and Mary Quarterly* 44 (January 1987): 40-64; Lorna Weatherill, "A Possession of One's Own: Women and Consumer Behavior in England, 1660-1740," *Journal of British Studies* 25 (April 1986):131-56.

The expansion of the English economy after the Restoration changed it from land based to cash centered. The rise of the wealthy merchant class in England forced aristocrats to develop marriage settlements based on a monetary sum as noblemen increased their control over family land and substituted the dower with jointure.⁸ Since jointure was essentially a cash payment to a widow, it was argued by the proponents of jointure that jointure actually helped widows because it fixed the amount of their income and was not subject to fluctuations within the agricultural economy that the women who were dependent on dower had to face. However, since jointure was a fixed sum based on the amount of a bride's marriage portion, often times jointures were worth considerably less than what a woman would have received had she elected dower, instead of jointure. Jointure was also set at the beginning of a marriage and even if a husband acquired more land or increased his wealth a great deal, the jointure, being a fixed contract, remained the same.

Jointure was useful in England since families tended to use the marriage settlement money to buy more land or erase debts in the groom's family, but in the southern American colonies land was the most important commodity and cash was scarce. Dower was still in force, although slowly declining (just at a later date than England), but the Southern aristocrats, also known as the plantation class, had plenty of land but not always a great deal of cash. It was therefore not feasible to create jointures in the South in an economy that was based on agriculture. Instead, southern landowners created their own system to reinforce the patriarchal society in America, yet widows in the South, while perhaps not getting a large amount of cash on the death of their husbands, in fact

⁸ Susan Moller Okin, "Patriarchy and Married Women's Separate Property in England: Questions on Some Current Views." *Eighteenth Century Studies* 17 (Winter 1983-84): 125-26.

had more control of the land, including the all-important plantations and slaves residing there.

Origins of Jointure

Dower was present in both England and America and in both places dower was used to keep women from applying for public aid, not to give them any type of economic independence. The following section studies the origins of jointure and its effects on dower. While dower was eventually phased out of use in the English aristocracy and replaced by jointure, it was still used fairly often in the lower classes because most people did not create wills. By looking at the original purpose of jointure and the debates raging among historians, it is possible to see why jointure never took effect in America.

Until 1540, the laws of England made bequeathing land illegal, so land owners had to come up with a way to get around this prohibition. This was done by granting their estates to feoffees (trustees for the estate) so that landowners could continue “to enjoy the beneficial use of their estates, but not dying possessed of land. Through instructions to their feoffees, who corporately survived, they were able to devise interests to their children, or to others, as they chose. Paradoxically, landowners divested themselves of their land in order to deal freely with it.”⁹ The entire point of coming up with a use (which is what the land was called once it was in control of the feoffees) was to control the land and dispose of it in the manner intended by the landowner. Land controlled by a use could not be dowered, and so men needed to come up with another way to provide for their widows. Thus jointure was created. Aristocratic men did not want dower, because under the laws of dower men could not sell the land without the consent of their wives. Jointure was created as a contract at the start of marriage and

⁹ Spring, *Land, Law, and Family*, 30.

even if the husband's estate tripled, the widow was still entitled only to the jointure to which she agreed upon marriage. Aristocratic men wanted to get rid of dower so that they would have more control over their land, and did so without thinking about the need for dower in the middling and lower classes who were not able to afford legal marriage settlements.¹⁰

Under dower, in both England and the American colonies, the property was divided into thirds. The real property included land and buildings, and the chattel or personal property consisted of moveable things such as clothes and furniture. The widow usually got one-third of the real property and one-third of the chattel after the debts of her husband had been paid off, which was the case if her husband had not made a will. If her husband had made a will, then she was normally named the executrix of the estate.¹¹ Dower rights were conditional upon not remarrying because then the widow would be under the care of another man.¹² If a widow was left a room or part of a house in residence of her children, then she would lose it upon remarriage to prevent conflict between the stepfather and her natural children.¹³ Seventy percent of people died without issuing a will, and so the ecclesiastical courts governed the intestate laws and divided property of a married man into thirds. One-third went to the widow and two-thirds went to the children.¹⁴ The intestate laws divided property equally among children after the dower had been appointed. If a will had been made, then the bequether often

¹⁰ Ibid., 46-49.

¹¹ Staves, *Married Women's Separate Property*, 29; Erickson, "Common Law", 25; Margaret Hunt, *The Middling Sort: Commerce, Gender, and the Family in England 1680-1780* (Berkeley: University of California Press, 1996), 165; Daniel Blake Smith, *Inside the Great House: Planter Family Life in Eighteenth Century Chesapeake Society* (Ithaca: Cornell University Press, 1980), 238; Julia Cherry Spruill, *Women's Life and Work in the Southern Colonies* (Chapel Hill, NC: University of North Carolina Press, 1938), 305.

¹² Bridget Hill, *Women, Work and Sexual Politics* (New York: Basil Blackwell, Inc., 1989), 248.

¹³ Todd, "The Remarrying Widow," 73.

¹⁴ Erickson, "Property and Widowhood in England," 152-153.

left land to the eldest son and money to the younger children.¹⁵ Dower had its place by establishing a system of rules for women who were not protected by clear inheritance law, such as the wills that the aristocracy used, and “the right to one-third remained in cases of intestacy, which were the majority until 1856.”¹⁶ The use of dower was almost extinct by the eighteenth century among the aristocracy because most settlements were made before marriage and jointure eliminated any rights to dower.¹⁷

The English aristocracy established jointure to enhance their control over their own land. Sir Edward Coke described jointure as “a competent livelihood of freehold for the wife of lands or tenements to take effect presently in possession or profit after the decease of her husband for the life of the wife at least.”¹⁸ Two different forms of jointure were established. The first type was when a wife received income from parts of her husband’s estate detailed in the marriage settlement. The second type was a fixed rent charge secured on the estate as a whole.¹⁹ Jointure was spelled out explicitly in the marriage settlement and the jointure could not be reduced without the wife’s consent or bought out for a capital sum.²⁰ The use of jointure prevented married women from inheriting, not only the one-third of her husband’s estate when they married, but also any additional land that he acquired in his life.²¹

Jointures were contracted on brides in pre-nuptial settlements in the eighteenth century. A jointure of £1500 a year was normal in the aristocracy, but for the gentry and

¹⁵ Randolph Trumbach, *The Rise of the Egalitarian Family: Aristocratic Kinship and Domestic Relations in Eighteenth-Century England* (New York: Academic Press, 1978), 41.

¹⁶ Erickson, “Common Law versus Common Practice,” 25.

¹⁷ Habakkuk, *Marriage, Debt, and the Estates System*, 81.

¹⁸ Staves, *Married Women’s Separate Property*, 95.

¹⁹ Habakkuk, *Marriage, Debt, and the Estate System*, 82.

²⁰ *Ibid.*, 81.

²¹ Staves, *Married Women’s Separate Property*, 98.

middling class a respectable jointure ran in the mid-hundreds.²² The jointure was a yearly settlement that was given to women out of their late husband's estate, which was given to the widow to live on for the rest of her natural life. Even when women obtained their jointure, it was common for women to give all or at least part of their jointure back to the heir or to other family members.²³ It was as if some women felt that they did not deserve the jointure, or were made to feel guilty by the groom's family for receiving it on the death of their husband. Jointure was supposed to protect the wife, but if a husband increased his fortune during his life, then the wife's standard of living had been raised. If she became a widow, then she had only the amount that was agreed upon in the marriage settlement because it was considered a legal document.²⁴

Unlike dower, it was rare for jointures to end upon remarriage. Because of the way that jointures were funded through different parts of the late husband's estate, the difficulty of separating jointure from the estate made it very undesirable to deal with the legalities involved.²⁵ The new system of jointure made widows very attractive to second husbands, but still the remarriage rate was fairly low for aristocratic widows, mainly because when men decided to remarry they often chose a younger woman so that the couple would have a higher chance of having children and ensuring the patrilineal line.²⁶

²² Ibid., 95.

²³ Ibid., 115.

²⁴ Ibid., 98.

²⁵ Habakkuk, *Marriage, Debt, and the Estates System*, 88-89.

²⁶ For British remarriage rates see Laurence, *Women in England*, 46. Laurence states that remarriage rates among women in the eighteenth century declined. Trumbach, *Rise of the Egalitarian Family*, 26. Trumbach asserts that eighteenth-century aristocratic men remarried three times as often as aristocratic women. For American remarriage rates see Joan Gundersen *To Be Useful to the World: Women in Revolutionary America, 1740-1790* (New York: Twayne Publishers, 1996), 46. Gunderson states that women remarried at half of the rate that men remarried in the American colonies; Kirsten Wood "Broken Reeds and Competent Farmers: Slaveholding Widows in the Southeastern United States, 1783-1861," *Journal of Women's History* 13 (Summer 2001): 37. Most slaveholding widows did not remarry, but those who were still young and of child bearing age were the most likely to remarry. Catherine Clinton, *The Plantation Mistress: Women's World in the Old South* (New York: Pantheon Books, 1982), 78. While it was not uncommon for

Jointures were directly tied to the marriage portions that brides brought into marriage. By the late seventeenth century, jointures tended to be issued as one-tenth of the portion. For every £1000 portion, then the jointure was given £100 per annum.²⁷ This shift in the seventeenth century created a new mind-set for the aristocracy. As Eileen Spring argues, “Whereas the widow’s right in earlier periods is calculated as a right over her husband’s land, in later periods it is calculated as a return on her own fortune. The husband’s land, the very item that dower was all about, has dropped off the balance sheet.”²⁸ Originally the widow’s rights to dower included the right to one-third of her husband’s chattel, but between the reign of Charles I and 1725 the custom slowly changed until a man could leave all of his property to whomever he wanted, which slowly came to mean that widows were barred from the second part of their dower rights.²⁹

As English nobles continued to push for more legal control over their land, the marriage portion, in relation to jointure, continued to rise rapidly. In the mid-sixteenth century, the jointure to portion ratio was 1:5, but by the eighteenth century the ratio had ballooned to 1:10. Within one hundred and fifty years, a woman had to pay twice as much through her marriage portion to get the same amount of jointure.³⁰ At the same time, her right to dower was slowly fading away. The Dower Act of 1833 allowed husbands to bar dower, if the husband thought it was in his best interest. By the mid-

widows in financial difficulties to remarry, the remarriage rate was much higher among planters than plantation mistresses. Joan Genderson and Gwen Victor Gampel, “Married Women’s Legal Status in Eighteenth-Century New York and Virginia,” *William and Mary Quarterly* 39 (Jan., 1982): 123. The idea of penalizing women for remarrying grew as more men worried about protecting the family estate after their death.

²⁷ Habakkuk, *Marriage, Debt, and the Estates System*, 147-148.

²⁸ Spring, *Land, Law, and Family*, 50.

²⁹ *Ibid.*, 62-63.

³⁰ *Ibid.*, 50.

nineteenth century, dower was still not abolished, but was seen as anachronistic among the aristocracy.³¹ Dower was finally abolished in England in 1925.³²

Staves sums up the change by stating, “A widow’s entitlement to a life estate in land was transformed by equity into an entitlement to a jointure that could be a smaller estate in less secure personal property for less than the term of her life.”³³ What started out as a way for men to be able to take more control of their land changed the way that widows were treated and eventually viewed in England. Men changed the legal structure of land ownership so that the primary landowner would have inheritance control. By law, a wife could be excluded from dower as long as the husband held the land in some type of ‘use’ or if the land was controlled by the feoffees in the fourteenth and fifteenth century.³⁴ Eileen Spring explains this change by stating that had dower continued, aristocratic widows might have controlled one-sixth of aristocratic lands, which would have made the aristocratic men entirely too uncomfortable.³⁵ Cara Anzilotti notes that “women made up a conspicuous minority of low country property holders throughout the colonial period, approximately ten percent of the planter class.”³⁶ Widows in South Carolina who controlled the land were merely helping to ensure that the land would be there for the next generation, not seeking some type of powerful control to overthrow all of the men. Plus, most of the women who were running plantations in South Carolina were merely managing the land for their sons until their sons reached adulthood.³⁷

³¹ Ibid., 58.

³² Staves, *Married Women’s Separate Property*, 28.

³³ Ibid., 99.

³⁴ Spring, *Land, Law, and Family*, 43-44.

³⁵ Ibid., 65.

³⁶ Anzilotti, “Autonomy and the Female Planter in Colonial South Carolina,” 243-44. Anzilotti believes that this is actually a low estimate.

³⁷ Ibid., 240.

According to the study done by Erickson, if an English widow survived her husband for over ten years, then she received more back in jointure than her family had invested in the portion.³⁸ Eileen Spring argues that if the marriage portion was invested properly, then the jointure that the widow received would rarely exceed what had been paid in jointure. The debate rages over how jointure was actually paid for, but the fact remains that jointure was much less than the marriage portion, and while the marriage portion was usually paid by the bride's family, jointure was only paid upon the death of the husband. While some families complained of long living widows and having to pay jointures, Spring also points out that by the time that jointure was to be paid, the marriage portion had been "forgotten, long spent, or mentally merged in the estate's capital account."³⁹

Something upon which Staves and Spring both agree is that widow's rights were completely undermined by the Statute of Uses.⁴⁰ The Statute of Uses (1536) declared that a man still owned land that he had transferred to feoffees. It also barred widows from taking both jointure and dower.⁴¹ In addition to the Statute of Uses, the English Parliament passed four other statutes between 1692 and 1725 that abolished the practice of providing 'reasonable parts' for widows and children. The four different statutes were hailed by contemporaries as a way to give the individual more rights in bequeathing his property, but by giving individual men more rights, it took away the few legal rights that women had to financial protection once their husband died. Erickson also raised an interesting question about the rights of the individual. The new laws protected and

³⁸ Erickson, "Common Law versus Common Practice," 30.

³⁹ Spring, *Land, Law and Family*, 55-56.

⁴⁰ *Ibid.*, 39.

⁴¹ *Ibid.*, 47.

enhanced the rights of individual men, but failed widows, who were close to the bottom rung of society. Erickson asserts that because women were not considered in the new statutes created by Parliament that women were not considered individuals, but rather as non-entities in society with no legal voice.⁴²

Meanwhile, historians such as Anne Laurence and Spring disagree with each other over which was worse for the position of women in legal terms: the rising of portions or the falling of jointures. Laurence argues:

Increase in the size of portions owed more to an increase in the price of land than to a change in the regard in which the wife was held. The rise in the value of portions was largely confined to the aristocracy, who expected to buy land with a portion. The assignment of a jointure deprived a widow of any legal rights over her late husband's estate and allowed the main real property (land) to be left to a male heir. Jointures might be worth considerably less than a dower, but they became more common during the eighteenth century partly because of the difficulty of valuing estates as more people accumulated wealth in forms other than land.⁴³

The arguments of Laurence hold true for the aristocracy because jointures were worth less than dowers, and contributed to women becoming more firmly rooted in the domestic sphere. While many eighteenth- and nineteenth- century commentators applauded the evolution of jointure as progressively modern, Staves argues that in actuality, jointure continued to strip women of legal rights.⁴⁴ Those who ruled the land had the most legal rights, and jointure cut women out of controlling land, which eventually meant that women had little economic power. Certainly they could buy things with their jointure, but

⁴² Erickson, "Property and Widowhood in England," 153. The Act for the Better Settling of Intestate Estates of 1670 reinforced the widow's thirds, but Parliament changed the law in 1684 so that if the widow was childless, instead of inheriting the entire estate, she received half of the estate and the other half went to the next of kin.

⁴³ Laurence, *Women in England*, 232.

⁴⁴ Staves, *Married Women's Separate Property*, 99.

they were not creating anything or contributing to the rise of the economy in the way many of the plantation managers in the colonies of America did.

Habakkuk argues for the value of jointures for several reasons. First of all a widow's right to jointure "was vested, protected against any actions of the husband which might endanger the estates, and, in law at least, against any general deterioration of the family fortunes."⁴⁵ Habakkuk continues that jointure was also better than dower because it was a more precise amount of what a wife would get upon widowhood. Jointure could also be in the form of a yield from specific properties, or a fixed rent charge.⁴⁶ Jointure was not a set amount of money that was put into a bank account somewhere, but instead was part of the estate. As a result, the estate had to be protected and kept in tact by law, at least to the extent that a widow could obtain her jointure.

Since jointure was a part of a legal contract, other legal issues came into play. First of all, a public church marriage was needed to ensure the inheritance of property.⁴⁷ In order for a church wedding to be official, a woman had to be of legal age. Hardwick's Marriage Act of 1753 clarified and changed the marriage laws of England to define minors and the need for parental consent.⁴⁸ If a minor woman married, then there was no test or negotiation to decide if the jointure was too small. Plus the point of jointure had been to leave less than one-third of the landowner's property to wife and there was no other test to figure out what the jointure should be.⁴⁹ If a woman agreed to a jointure in a

⁴⁵ Habakkuk, *Marriage, Debt, and the Estates System*, 81.

⁴⁶ *Ibid.*, 81.

⁴⁷ Laurence, *Women in England*, 42.

⁴⁸ Roy Porter, *English Society in the Eighteenth-Century* (New York: Penguin Books, 1982), 43; Bridget Hill, *Women, Work, and Sexual Politics in Eighteenth-Century England* (New York: Basil Blackwell, Inc., 1989), 207. Susan Moller Okin, "Patriarchy and Married Women's Property in England," 129-130. Okin points out that if a woman married without parental approval, then she lost her chance at a marriage settlement and any financial protection that she might have had.

⁴⁹ Staves, *Married Women's Separate Property*, 126-27.

marriage settlement, which was created before her actual marriage, then she would forfeit her right to dower, or the widow's portion.⁵⁰

As jointure became more prevalent in the aristocracy, the "widow's right to one-third of her husband's land virtually disappeared. Effectively the cost of the aristocratic widow had been transferred to her own family, which paid the portion, which paid the jointure."⁵¹ Aristocratic women in the eighteenth century depended upon their jointure to survive their widowhood. They were dependent upon the men who created the marriage contracts, both their fathers and their future husbands. The law supported the men's rights to expand and contract the financial position of women as the men saw fit, but it also gave men the right to leave wills that could either be very generous towards their wives, or it could leave the bare minimum as set through the marriage contract. Any woman who rejected or contested the will or bequest of her husband was seen as rejecting the will and command of her late husband, which was seen by society as abnormal. As a result, very few women actually challenged the wills in court.⁵²

The original purpose of jointure was to help men keep a tighter degree of control over their land, and therefore go around the English laws of inheritance and taxation. While inheritance patterns in America changed during the course of the eighteenth century, there was still no need for jointure in the southern colonies because of the different economy that placed more emphasis on landownership and less emphasis on cash.⁵³ The laws of dower were sufficient for American men to leave their land to

⁵⁰ Hill, *Women, Work and Sexual Politics*, 249

⁵¹ Spring, *Land, Law, and Family*, 56.

⁵² Staves, *Married Women's Separate Property*, 111.

⁵³ See Genderson and Gampel, "Married Women's Legal Status in Eighteenth Century New York and Virginia," 122; Daniel Scott Smith, "Inheritance and Social History of Early American Women," in *Women in the Age of the American Revolution*, ed. Ronald Huffman and Peter J. Albert, 65 (Charlottesville, VA:

whomever they pleased, and jointure would not have worked in the young colonies because it required a sizable amount of cash. The plantation aristocracy that developed in America was not able to support jointure because most of the families had their funds tied up in the land. In addition, the legal restrictions that originally caused landowners to find ways to better control their own land had already been lifted by the time that most of the plantations were becoming profitable in the colonies, so jointure was not needed.

The next chapter will show how women started out on a fairly equal footing with men in the colonies because men needed women to come to the colonies to help them work and to help create a stable population for the colonies. As the colonies became more stable, women quickly had a change of status so that it more accurately matched that of their European counterparts. While jointure did not exist in the American colonies and serve as a restrictive force to women, as it did in England, women still managed to lose much status as the American nation quickly grew.

Comparisons

In order to have an accurate comparison of widows in two different countries, it is important to find two women in a similar socioeconomic position. For this study, I have chosen Lady Mary Coke, who as the daughter of the Duke of Argyll and Greenwich, was certainly a member of the English aristocracy, and Harriott Pinckney Horry, who was the daughter of a prominent South Carolina politician and planter, and later the wife of a wealthy rice planter near Charleston. The plantation class that emerged in the Southern colonies did their best to imitate the English aristocracy and had social and economic ties to England. Both women were wealthy widows for a significant portion of their lives;

University Press of Virginia, 1989); Mary Beth Norton, "The Evolution of White Women's Experience in Early America," 603.

Lady Mary Coke was a widow for over fifty years and Harriott Horry was a widow for over forty years. More importantly, both left a written record through letters and diaries, which gives a glimpse into their lives.

By studying these two women along with the evidence presented by other historians, it is possible to see the differences in the amount of control that widows had over family finances after the death of their husbands in each country. I propose that American widows had more economic freedom than English widows due to the different economic conditions in the two countries, which was evidenced by the lack of jointures in America. While dower and women's rights in general eroded in both countries, the rate of decline was much faster in England due to the use of jointures and other methods to keep control of the wealth of England in the hands of the noblemen.

In this thesis I will first look at the historiography of the debate on marriage and widows that has been published thus far. Before studying widowhood, it is important to see the factors in the marital relationship before the women became widows. Most aristocratic marriages started out with a marriage settlement of some type that typically provided for pin money that the wife was supposed to use to maintain her position in society and jointure for the wife in the event that she became a widow. By looking at the process of marriage and how people developed a marital relationship, one can better understand the treatment of widows both by their families and by society.

After examining the historical debate, I will provide two case studies. The first study focuses on Lady Mary Coke (1726-1811). I will examine her life, with an emphasis upon her marriage and subsequent widowhood, to see how it demonstrated the ideals of marriage in eighteenth-century England. While I originally chose Lady Mary

Coke because of her strong tendency to write long letters and her long tenure as the reigning society widow, her courtship and the events leading to her marriage were fairly typical of the time. However, her relationship with her husband, Lord Coke, was less than pleasant and resulted in a separation that lasted about four years and ended only with Lord Coke's death. In creating a case study of Lady Mary, it is important to also study how society treated a couple that was separated, so I have added a section on divorce and separation in eighteenth-century England that will be absent from the case study on Harriott Pinckney Horry.

After discussing English widowhood, I will then move to the case study of an American widow. Harriott Pinckney Horry (1747-1830) was a woman who was raised by a woman renowned throughout South Carolina for her strength of character. The strong character of her mother helped shape Harriott Pinckney as a young girl. Although married at a relatively young age, Harriott Pinckney Horry and her husband shared twenty years together before his death. Her marriage was much happier than Lady Mary's, which can be seen not only through the letters that were written between the couple, but also the fact that Mr. and Mrs. Horry produced two children, while Lady Mary's marriage was believed never to have been consummated.

After completing the case studies of the two women in England and America, I compare the two women and draw some conclusions. First of all, while dower rights were eroding in America, men were still free to leave whatever material possessions they desired to their wife. The Southern plantation owners typically left the secondary plantation to their wife to manage and the largest plantation to their son.⁵⁴ The plantation widows were left in charge, not only of a large agricultural enterprise, but also human

⁵⁴ Alston and Shapiro, "Inheritance Laws Across Colonies," 281.

lives. The control of this land gave American women a greater degree of financial freedom because they actually controlled the output and production of this land, unlike the English women who were dependent upon jointure, which was provided for them. On the negative side, the American women had more of a chance to mismanage their money and lose their income, which was not renewed yearly as jointure was. While American women could make the land profitable and increase their wealth, much like Harriott Horry did, they could also mismanage the plantation and lose everything and have no jointure to rescue them. Widows in England also had the opportunity to mismanage their jointure and lose their income, but since jointure was supplied by the family estate, and therefore out of the control of the widow, there was a smaller chance of mismanagement.

In both countries, the remarriage rate among widows was extremely low. Less than one in five widows remarried in British America and the remarriage rate among English aristocratic women was also low. This certainly affected the social structure of both countries due to the large amount of women living on their own, or in a small community with other women.⁵⁵ In both England and America, men were much more likely to remarry than were women. This led to a much higher proportion of widows than widowers. The implication of this would be that while men were much more likely to remarry, women were left to fend for themselves, and had very little protection under the laws of either nation.

The use of jointure drove up marriage settlements in England because jointure was based on the size of the marriage portion. The marriage settlement was seen as the

⁵⁵ Gunderson, *To Be Useful to the World*, 46; Hill, *Women, Work, and Sexual Politics*, 241-42; Todd, "The Remarrying Widow: A Stereotype Reconsidered," 68,74.

bride's family's contribution to the marriage and the jointure was seen as the groom's family's contribution to the marriage. In America, there were gifts from both the bride and groom's side, but rarely was anything so specific spelled out in a marriage settlement. In addition, because jointures were not used in America, there was no need for the elaborate marriage settlements that many aristocratic marriages in England required.

In looking at the conditions that affected women in the two countries, and studying Lady Mary Coke and Harriott Pinckney Horry, one can draw many conclusions. The two women lived remarkably long lives and have provided historians with many letters from which to draw conclusions about the life of aristocratic women in the eighteenth century. Both women had very strong opinions, and Lady Mary was famous for sharing her opinions. Harriott Horry was usually subtler, yet she was an accomplished businesswoman who ensured that the family plantations survived the American Revolution and then flourished. Both were women of wealth, but the ability to inherit land allowed Harriott Horry more opportunities to control and expand the family properties. The use of jointure in England helped to label Lady Mary as a wealthy woman, but her lack of any significant amount of property placed her squarely in the domestic realm and away from the creative economy in which Harriott Horry was involved. By first presenting the laws and historiographical debates which surround some of those laws, the case studies of Lady Mary Coke and Harriott Horry then can be used to demonstrate the differences in the legal status of upper class women in eighteenth-century England and Colonial America.

CHAPTER 2

DEBATES OVER MARRIAGE AND WIDOWHOOD

The evolution of jointure in England lowered the legal status of aristocratic women in England and had a debilitating effect on the economic options available to prospective brides. Some historians, such as Lawrence Stone and Randolph Trumbach, believe that the eighteenth century brought about a rise in affective familial relationships, which gave women more opportunities to express themselves freely and have a more equal standing in their spousal relationships.¹ Susan Staves, at the other end of the spectrum, argues that if aristocratic women had gained more respect through affective familial relationships, as Stone suggests, then the same women would not have been hampered by the overpriced marriage settlements and often under-funded jointures that were provided for them.² Meanwhile, Early American historians are fairly consistent in their agreement that the eighteenth century experienced an erosion of dower rights in the American colonies. These changing inheritance patterns reduced the legal status of women and further increased the rigid sex roles that had been established in England.³

¹ Lawrence Stone, *The Family, Sex, and Marriage in England 1500-1800* (New York: Harper and Row, 1977); Randolph Trumbach, *The Rise of the Egalitarian Family: Aristocratic Kinship and Domestic Relations in Eighteenth Century England* (New York: Academic Press, 1978).

² Susan Staves, *Married Women's Separate Property in England, 1660-1833* (Cambridge: Harvard University Press, 1990).

³ Daniel Blake Smith, *Inside the Great House: Planter Family Life in Eighteenth Century Chesapeake Society* (Ithaca: Cornell University Press, 1980), 22; Mary Beth Norton, "The Evolution of White Women's Experience in Early America," *American Historical Review* 89 (1984): 593. Norton notes that many historians believe that colonial women had more economic and legal freedoms than English women at the time because they had more bargaining power through marriage and the colonial society could not enforce the rigid sex roles that existed in England. Mary Beth Norton, "Reflections on Women in the Age of the American Revolution," in *Women in the Age of the American Revolution*, ed. Ronald Huffman and Peter J. Albert, 487 (Charlottesville: University Press of Virginia, 1989). Norton states that widows were much more likely by the end of the eighteenth century to be dependent on an adult son and not receive their widow's thirds. Joan Genderson and Gwen Victor Gampel, "Married Women's Legal Status in Eighteenth Century New York and Virginia," *William and Mary Quarterly* 39 (January 1982): 122. Genderson and Gampel note that the inheritance patterns were changing by the end of the eighteenth century to bequeath more land to the sons, while slaves and cash were being given to daughters and wives.

Emulation of the English aristocracy by the planter class that was establishing power in the Southern colonies transferred this reduction in women's legal status to the American colonies. The lack of jointure in the American colonies differentiates the legal status of women in England and women in British America. In this chapter, I will discuss the historiographical debates over marriage and widowhood in England and Colonial America and show how the ideas about marriage originated in England and were changed to adapt to the different social and economic climate of the American colonies.

England

In the eighteenth century, the top two to three percent of British society consisted of the British peerage, which controlled fifteen to twenty percent of the land. By the end of the eighteenth century, the British peerage represented the same percentage of the population, but controlled twenty to twenty-five percent of the land.⁴ This high proportion was reinforced by the aristocracy through their control of the government, but despite the high socio-economic status of aristocratic women, their legal status was hampered by aristocratic men intent on preserving their property rights. The high rate of male mortality left many aristocratic women widows in eighteenth-century England. The movement away from dower that began in the sixteenth century allowed aristocratic men, who controlled the laws of Great Britain, to create a new system of jointure that moved aristocratic women away from land ownership and control and towards a more passive inheritance of a yearly settlement called jointure. After studying the creation of jointure in chapter one, it is now important to see how aristocratic women allowed their legal status to change.

⁴ Robert Allan Houston, "British Society in the Eighteenth Century," *Journal of British Studies* 25 (October 1986): 458.

Women had two designations under the law. A married woman was a *feme covert* because she was under coverture (married and protected legally by her husband). Widows and single women were *feme soles* and could own their own property and trade independently.⁵ The legal status of women depended upon their designation and *feme sole* status gave women much more legal and financial freedom. *Feme covert* could not make a contract, except for food and clothing, which helped express the thought that the wife was tied to her husband in almost all ways, and even a wife's behavior was considered a husband's responsibility for the most part.⁶

According to Margaret Hunt, the prescriptive writing during the eighteenth century tended to portray most women "as largely passive in the face of men, biology and fate."⁷ The passivity noted in the prescriptive literature was further reinforced by the movement of women in the middling and upper classes away from agriculture and land control. The slide into the domestic realm occurred fairly quickly as aristocratic women moved from helping to manage family estates to a more passive role in the family economy. The work of managing estates and households was turned over to stewards, and the increasing use of contraceptive measures to limit the size of their family turned women into "idle drones."⁸ Women became better educated, but their main purpose was to continue the family name through the production of children. Randolph Trumbach concurs with this opinion by stating that the eighteenth century saw a rise in domesticity

⁵ Carolyn Barros and Johanna M. Smith, eds. *Life Writings by British Women, 1660-1850* (Boston: Northeastern University Press, 2000), 10.

⁶ Janelle Greenberg, "The Legal Status of English Women in Early Eighteenth-Century Common Law and Equity," *Eighteenth-Century Studies* 4 (1974): 173-74.

⁷ Margaret Hunt, *The Middling Sort: Commerce, Gender and the Family in England 1680-1780* (Berkeley: University of California Press, 1996), 75.

⁸ Stone, *The Family, Sex and Marriage in England*, 247.

within the aristocracy.⁹ He continues the argument by stating that while the eighteenth century saw the rise of domesticity, it also saw a decline in patriarchy, but patriarchy was affirmed in two ways. The first instance was that husbands gained the right to divorce their wives if they had proof of adultery because it interfered with their patrilineal lines. Men also were able to sue their wives lover for “poaching on his patriarchal preserve.”¹⁰ Yet, with the legal steps available to men to ensure their successful continuation of the family lines, Stone states in his study *An Open Elite?* that “On the average, families were unable to transfer their inheritance from father to son in regular sequence for more than about 100 years.”¹¹ This failure along with the high mortality rate for children and adults alike, made it difficult for families to maintain the status of the family line along patrilineal descent, which made preserving it all the more valuable and further enforced the need for aristocratic women to create a strong line of succession.

As the domestic role of aristocratic women changed to concentrate almost solely on the production of children, the property rights of aristocratic women changed. Maxine Berg comments, “Research on property holding for England, from the early modern period to the nineteenth century indicates a decline in women’s rights and status regarding property over the course of the eighteenth century to the constrained mid-Victorian times.”¹² Robert Houston notes that while the legal status of English women was high compared to other European countries (based on the fact that English women

⁹ Randolph Trumbach, *The Rise of the Egalitarian Family: Aristocratic Kinship and Domestic Relations in Eighteenth Century England* (New York: Academic Press, 1978), 287.

¹⁰ *Ibid.*, 289.

¹¹ Lawrence Stone and Jeanne Fawtier Stone, *An Open Elite? England 1540-1880* (Oxford: Clarendon Press, 1984), 86.

¹² Maxine Berg, “Women’s Property and the Industrial Revolution,” *Journal of Interdisciplinary History* 24 (Autumn 1993): 234.

could own separate property), “only when single did they enjoy equal rights with men.”¹³ Even though their property rights as single women and men might have been equal, their political rights were far from equal. Women only left about ten percent of the wills in England in the later part of the eighteenth century, which would suggest several things.¹⁴ First of all, a married woman had to get permission from her husband to leave a will, and once a woman married, all of her property became the property of her husband who could actually dispose of it as he liked or leave the property to someone else in his will.¹⁵ Once a woman married, she lost all rights and privileges to property, unless property was specifically left to her through a very explicit marriage settlement. The laws of England required that a man provide his wife with bed and board, but the scarcity of wills might indicate that few things were actually under the direct control of a woman.

Once married, aristocratic women were considered to be subordinates of their husbands. “In marriage husband and wife are one person, and that person is the husband”; “the very being or legal existence of the woman is suspended during marriage.”¹⁶ William Blackstone declared that women were under the legal province of their husbands in his famous *Commentaries*, but women could contest their legal connections to their husbands through the Court of Chancery. Janelle Greenberg argues that women had more rights under equity than common law because of the difference in the King’s Bench, which served common law and pleas, and the Court of Chancery, which was administered by the Lord Chancellor.¹⁷ Unfortunately, Greenberg’s does not take into

¹³ Houston, “British Society in the Eighteenth Century,” 449.

¹⁴ Berg, “Women’s Property and the Industrial Revolution,” 237.

¹⁵ Bridget Hill, *Women, Work and Sexual Politics in Eighteenth Century England* (New York: Basil Blackwell, Inc., 1989), 197-98.

¹⁶ William Blackstone, *Commentaries on the Laws of England in Four Books*. (South Hackensack, NJ: Rothman, Reprints, 1969).

¹⁷ Greenberg, “The Legal Status of English Women,” 171.

account the possibility of any corruption within the Court of Chancery, which has been noted by other historians, such as Stone and Staves, as being rampant.¹⁸ Amy Erickson notes that the Chancery Court was originally accessible to most of the population, but eventually became corrupted and available only to those with an extensive amount of time and money.¹⁹ Therefore, any woman hoping to contest her husband's legal hold over her needed, not only the social support of her family, but also the financial support of her family in order to succeed in suing for the enforcement of the legal rights available to her.

In addition to losing any sociopolitical gains that were perhaps made during the English Civil War, the laws protecting women's property rights actually declined in the late seventeenth and eighteenth centuries. The laws changed over the course of one hundred and fifty years to give individuals more rights to dispose of their property as they fit.²⁰ Women, especially unmarried women, were not seen as individuals, but rather as extensions of their husbands or fathers. The legal changes that took place were supposed to protect women from the potential abuses of a bad husband, but in reality those laws gave women fewer and fewer rights to the point of almost "total material surrender" upon marriage.²¹ On one hand, some historians such as Stone and Alan Macfarlane, believe that women began to have more choices in their marriage partners because of the rise of the affective family and the growth of individualism, yet other scholars such as Anne

¹⁸ See Lawrence Stone's *Road to Divorce, England 1530-1987* (Oxford: Oxford University Press, 1990); Susan Staves *Married Women's Separate Property in England, 1660-1833* (Cambridge: Harvard University Press, 1990).

¹⁹ Amy Louise Erickson, "Common Law versus Common Practice: The Use of Marriage Settlements in Early Modern England," *Economic History Review* 43 (February 1990): 29.

²⁰ Amy Louise Erickson, "Property and Widowhood in England, 1660-1840," in *Widowhood in Medieval and Early Modern Europe*, ed. Sandra Cavallo and Lyndan Warner, 159 (New York: Pearson Education, Inc., 1999).

²¹ *Ibid.*, 160.

Laurence and Amy Erickson point to the legal restrictions placed upon women during the eighteenth century, no matter what personal choices that women might have been gaining at the time.²² If one is to believe that women in the eighteenth century gained more personal choices, then it is hard to see the loss of legal status as positive.

The growth of women's literacy in the eighteenth century allowed women a literary voice, and more choices of communication, but also helped to keep women grounded in the domestic sphere. By the seventeenth and eighteenth centuries, literacy was seen as a desirable quality for a "respected" woman to have.²³ Literacy allowed women to maintain friendships over long distances and place their mark on the hallowed pages of history. The now highly lauded concept of literacy also allowed women to engage in literary writing, which has served as a useful analytical tool for historians.²⁴ The eighteenth-century moralists who wrote prescriptive literature "omit any discussion of alternatives to marriage for women, fail to provide information on ways girls might pursue independent employment, and ignore or condemn attempts by married (or soon to be married) women to maximize control over their own assets."²⁵ The writers of the eighteenth century, both men and women alike, used the literary tool to keep women firmly in the domestic sphere. While aristocratic women were not expected to find employment, it is a telling observation on property control. Not only did the literature of the time oppose women keeping any type of control over their property once they were married, it was legally difficult for women to maintain control over their property without

²² See Lawrence Stone, *The Family, Sex and Marriage in England 1500-1800*; Alan Macfarlane, *The Origins of English Individualism: The Family, Property and Social Transition* (New York: Cambridge University Press, 1978); Anne Laurence, *Women in England, 1500-1760: A Social History* (New York: St. Martin's Press, 1994); and Amy Louise Erickson, "Property and Widowhood in England."

²³ Hunt, *The Middling Sort*, 86.

²⁴ *Ibid.*, 88.

²⁵ *Ibid.*, 76.

specific legal documents stating that certain property was to remain under the control of the wife without her husband's supervision.

Houston points out that the "low literacy of the women was both a consequence and a cause of their low status in society."²⁶ Not only were most women reluctant to express their literary prowess in a public way, the few who did were seen as abnormal. Women such as Mary Wollstonecraft and Mary Astell were mocked for expressing their views. As a result, most of the literature that women were exposed to encouraged women to stay in the domestic realm. In addition, the novels of the eighteenth century rarely featured independent women and those women who had any streak of independence invariably came to a tragic end. Literacy was encouraged in women as a tool for respectability, but the literature that women had available to read was carefully monitored by the editors at the publishing houses to keep women in the domestic realm content to support husband and hearth, or at least have a husband and hearth, not necessarily content. The tools created by the expanding literacy did, however, enable women to keep and strengthen their relationships, no matter what the distance was between them.

Marriage changed quite a bit during the seventeenth and eighteenth centuries. In many of his books, Stone argues that affective individualism led to greater freedom, both in choosing a marriage partner and in living in the marriage relationship. In preceding centuries, parents and lawyers drew up marriage contracts and then told the children about the impending nuptials. This trend changed in the eighteenth century and couples became acquainted before deciding to marry and draw up contracts.²⁷

²⁶ Houston, "British Society in the Eighteenth Century," 448.

²⁷ Stone, *Road to Divorce*, 60-61. See also Stone, *Family, Sex and Marriage*.

The Act for the better preventing of clandestine marriages, also called Hardwick's Marriage Act of 1753, helped to clarify marriage legislation in England. Before this important piece of legislation, marriage and some of the problems associated with proving an actual marriage were all handled under the ecclesiastical courts, which colonial America did not have. Any problems with marriages in America would be handled through the legal court due to the lack of one primary religious denomination that ruled the colonies. The Puritans in Massachusetts had different legal views on marriage than the Anglicans in South Carolina. Hardwick's Marriage Act required parental consent for people under twenty-one to get married and required marriages to be registered in a parish register signed by the officiating pastor. The controversial marriage act also required that prospective spouses have banns read three weeks in a row to ensure that if one of them was married already, someone would have an opportunity to contest the marriage.

Hardwick's Marriage Act was needed to clear away the confusing marriage laws that had been in existence since the twelfth century and also to end the practice of clandestine marriages. The issue of ending clandestine marriages was a weighty one to many of the peers who supported the law, but for those peers who had received their gains in an ill-gotten way, the law was a menace to the future of potential fortune hunters. While Stone interpreted the law as a response to the mounting frustration of lawyers over confusing marriage laws from the twelfth century, most wanted to simply end the practice of clandestine marriages. Clandestine marriages made it difficult to prove that a valid marriage had occurred, which made it easier for a couple to amicably separate, but if one party wanted to enforce the marriage, it was difficult to prove that a valid marriage had

taken place.²⁸ Hardwick's Marriage Act made a single form of binding marriage and also invalidated any marriage made by a minor without the written consent of a parent or guardian, but it also only applied in England, which sent many couples to Scotland to participate in clandestine marriages.²⁹

Hardwick's Marriage Act was originally instated to help prevent underage aristocratic men and women from getting married to fortune hunters using unscrupulous means. Both young men and women had been hastily married during the sixteenth and seventeenth centuries, only to find later that they had been taken in by an unsavory character in search of money. Aristocratic families contested the marriages, but once the marriage was consummated, the families were in a bit of a quandary because the women had lost their most valuable possession, their virginity. Eventually the men in charge grew tired of the confusion and the ruination of their daughters and sisters. Thus Hardwick's Marriage Act was created, which made getting married more difficult and expensive. The new expense was not received well by the lower classes.

While the new marriage act was obviously created to bring order to the chaotic system of marriage in England, it was also created to protect the interests of the British peerage. Historians such as Trumbach and Stone bring some interesting interpretations to the significance of Hardwick's Marriage Act. Trumbach writes in *The Rise of the Egalitarian Family* that the Marriage Act helped ensure a more equitable division of inheritance because parents were able to keep a closer watch on who their children were marrying. It also made it much harder for fortune hunters to marry young girls who were more easily influenced. He continues on with the theory that the freer marriage (through

²⁸ David Lemmings, "Marriage and the Law in the Eighteenth Century: Hardwick's Marriage Act of 1753," *Historical Journal* 39 (June 1996): 340-341.

²⁹ Barros, *Life Writings by British Women*, 19.

the rise of individualism and more choice on behalf of the one being married) and a more equitable distribution of inheritance (from being more supervised by the parents and waiting longer to get married) led to a greater interest and experimentation in child rearing.³⁰ Apparently Trumbach believes that if the married couple loved each other, then that love would transfer to their children. Trumbach continues on with his theory that the Marriage Act of 1753 helped prove that it was more important to marry for love rather than money and that “by 1754 it was estimated that three marriages in four were romantic rather than arranged.”³¹ There are many inconsistencies within this theory. First of all, the Marriage Act was created to protect the status and money of the English aristocracy. While the eighteenth century shifted the trend in marriage from parental choosing to children choosing, parents still had a large veto in the marriage prospects of their children. David Lemmings points out that “on the face of it, the Marriage Act seems to represent a uniquely authoritarian assertion of the economic and political interests of parents over their children, rather than a growth and recognition of love and individual rights of the family.”³² The authority of the parents was reinforced by Hardwick’s Act, taking away, once again, any right of a child under the age of twenty-one. While a minor could appeal to the Court of Chancery to override a maternal veto, the law was stated as such that the Commons refused to override any paternal veto. The paternal power was considered to be almost untouchable, and as a result, overriding any paternal veto, even if it was exercised by a father who was out of the country or insane, was beyond the capability of the Court of Chancery.³³ Sir Edward Coke’s efforts to advance the position of his family

³⁰ Trumbach, *Rise of the Egalitarian Family*, 290.

³¹ *Ibid.*, 291.

³² Lemmings, “Marriage and the Law in the Eighteenth Century,” 341-42.

³³ *Ibid.*, 349.

by “forcibly marrying his daughter to the insane John Villiers, Viscount Purbeck” has been noted by Staves, but while “contemporaries might disapprove or think things had gone a bit too far... they were not prepared to interfere with parental prerogatives.”³⁴ In refusing to override a parental veto, Parliament was only affirming previous laws and positions within society that subordinated the wishes and needs of a woman to those of her husband or father.

As England entered the early modern age, church courts continued to lose power over the public lives of English citizens and even became somewhat impotent because the Church of England could no longer make marriage offenses public.³⁵ After the Reformation and Restoration in England, “marriage became a matter of public order and material maintenance, rather than of morality.”³⁶ So as society, especially the aristocracy, changed the marriage ideas from morality and the creation of children to how to keep or strengthen one’s position in society, it was important to note that material possessions came into play more, especially as dowers started to disappear and jointures took the place of the widow’s thirds. Historians, such as Robert Houston, Barbara Schnorrenberg, Jean Hunter, and Hunt, point out that by the eighteenth century, arranged marriages were not the norm.³⁷ At the beginning of the century, women were sometimes given a veto on a marriage choice, but as the century progressed, more and more women (especially in the middle ranks) were able to choose their mates and parents were almost vilified by the rest of society if the parents said no to the marriage.

³⁴ Staves, *Married Women’s Separate Property*, 117.

³⁵ Anne Laurence, *Women in England, 1500-1760: A Social History* (New York: St. Martin’s Press, 1994), 59.

³⁶ *Ibid.*, 59-60.

³⁷ See Robert Alan Houston, “British Society in the Eighteenth Century,” 450; Barbara B. Schnorrenberg and Jean E. Hunter, “The Eighteenth-Century English Woman,” in *The Women of England: From Anglo-Saxon Times to the Present*, ed. Barbara Kanner, 191 (Hamden: Archer Books, 1979); and Margaret Hunt, *The Middling Sort*, 94.

In addition to the new choices being offered in marriage, a new idea was coming to society. As people saw the mortality rate lower over the course of the years, the pressing need for marriage at a young age was gone. Instead, people tended to marry later during the eighteenth century; the nobility married relatively late in general. In a study done on the demography of the British peerage, T.H. Hollingsworth found that noblemen tended to marry in their early thirties to women in their early to mid-twenties.³⁸ The median age of women at marriage went up during the eighteenth century. He speculates that “the weakening of parental control over their daughters matches might lead to fewer girls being married off in their ‘teens; most girls seem to have decided not to marry too readily. Perhaps too many peers’ daughters hoped to marry a peer and there were not enough of them.”³⁹ Hollingsworth also notes that the “nobility of Britain marries a great deal later than does the general population; a considerable though declining proportion never at all.”⁴⁰ A large number of daughters of the aristocracy were not marrying and it is estimated that twenty five to thirty percent of the Scottish aristocracy’s daughters were not marrying. The higher marriage portions required by the groom’s family made it difficult to have a good marriage and many noblewomen refused to marry into a lower social class.⁴¹

In Hollingsworth’s study of British Ducal demographics, he found that the percentage of daughters (of ducal families) who married British peers stayed at 52% for

³⁸ T. H. Hollingsworth, “Marriage,” *Population Studies* 18 *The Demography of the British Peerage Supplement* (November 1964): 12-13.

³⁹ *Ibid.*, 13,18.

⁴⁰ *Ibid.*, 27.

⁴¹ Olwen Hufton, “Women Without Men: Widows and Spinsters in Britain and France in the Eighteenth Century,” in *Between Poverty and the Pyre: Moments in the History of Widowhood*. ed. Jan Bremmer and Lourens Van Den Bosch, 126-27 (New York: Routledge, 1995).

the women born between 1680-1779.⁴² Only a little over half were marrying peers while the rest were either marrying a non- aristocratic man or living the life of a spinster.

Porter notes that it was not uncommon for aristocratic men to marry out of their class, but aristocratic women were somewhat reluctant to marry into the trading class because then merchant husbands would control them.⁴³ There is a marked discrepancy between Hollingsworth's finding and the notations made by other historians, such as Porter and Staves. Forty-eight percent of the daughters of dukes were not marrying peers, which means that a substantial amount of aristocratic women were marrying outside the aristocracy. It is difficult to believe that so many women who had been raised in the aristocracy would marry outside of their social system, but either Hollingsworth's findings are incorrect or as much as one-fourth of the daughters of dukes were marrying non-peers.

Hollingsworth's findings for daughters in ducal families were very similar to those for the overall peerage. The average age of marriage for women in those families rose from 22.2 for women born between 1680-1729 to 24 for those born between 1730-1779. The age of the men marrying stayed constant at 28.6.⁴⁴ In addition to these statistics, it is interesting to learn that of the people born to ducal families between 1730-1829, out of those who married and stayed married through their complete fertility years, twenty percent of the men remained childless, while eighteen percent of the women remained childless.⁴⁵ The late age of marriage, plus the low fertility in most aristocratic families would lead many to conclude that while England was in the midst of a

⁴² T.H. Hollingsworth, "A Demographic Study of the British Ducal Family," *Population Studies* 18 (July 1957): 22.

⁴³ Roy Porter, *English Society in the Eighteenth- Century*. (New York: Penguin Books, 1982),71.

⁴⁴ *Ibid.*, 14.

⁴⁵ *Ibid.*, 19.

population boom in the eighteenth and nineteenth centuries, it was not from the efforts of the aristocracy. Pamela Sharpe attributes the availability of potential wives, low age at first marriage (for the men), and the skewed sex ratio to the high remarriage rate among men compared to the remarriage rate of aristocratic women.⁴⁶ Even though the mortality rate was down from the sixteenth and seventeenth centuries, it was still fairly common to lose a spouse to illness, childbirth, or accidents. In early modern England, one-third of all marriages were remarriages; however, remarriage declined in the eighteenth century, perhaps because of the rising marriage portions.⁴⁷ By the mid-seventeenth century single women began to outnumber the single men in England.⁴⁸ All of these put together could explain the lack of remarriage for Lady Mary Coke, who while slightly eccentric, was reputed to be quite handsome and had a healthy jointure.

Irene Brown has another explanation for the low remarriage rate among women. She argues that the relationships that were formed between women through friendships and their ties to their families served as a substitute for a husband.

Women were not only prospective wives, but also beloved sisters, cousins, and friends to both women and men. The same forces that sustained the single life of men and women also contributed to the decline of remarriage. All are expressions of a culture of family life and sociability in which a variety of attachments, not marriage alone, were treasured.⁴⁹

The continued domesticity that was prompted by the Enlightenment sparked relationships that were to be the core of one's existence. "One of the chief characteristics of Enlightenment domesticity was a willingness to delay marriage or remarriage, or even to

⁴⁶ Pamela Sharpe, "Literally Spinsters: A New Interpretation of Local Economy and Demography in Colyton in the Seventeenth and Eighteenth Centuries," *Economic History Review* 44 (February 1991):56.

⁴⁷ Laurence, *Women in England*, 46.

⁴⁸ Irene Brown, "Domesticity, Feminism, and Friendship: Female Aristocratic Culture and Marriage in England, 1660-1760," *Journal of Family History* 7 (1982): 419.

⁴⁹ *Ibid.*, 419.

refuse marriage altogether.”⁵⁰ Brown stresses that Enlightenment domesticity, which was embraced by many aristocratic women, valued ‘consciously cultivated friendships’ among women which, led them to be part of a “family culture, of maternal culture, and of a distinctive religious culture, connecting death, friendship and immortality.”⁵¹ The importance of these friendships and relationships among family members can be seen through the importance that was placed on letter writing, not only in England, but also in America. Women who lived long distances apart from each other were very conscientious in their letter writing to strengthen the relationships that had been formed sometimes years before, and as a result both Harriott Horry and Lady Mary Coke were avid letter writers to family members and friends. The importance of the friendships that were expressed through the letters

reminds us that we are in the presence of lives bound by great efforts to live reasonably, yet full of affection and an awareness that such ties might break at any moment...Friendships, including those between women, between husband and wife... and across the generations, all became one way of guarding against the effects of emotional vulnerability fostered by sudden deaths. Another way was to deny the power of death by claiming the possibility of immortal friendship.⁵²

While the relationships that were created through the concept of Enlightenment domesticity were important, without the financial independence that many of these women had, the relationships would not have been able to take the place of a husband. Lady Mary Coke had a jointure of £2500 per annum, which gave her a large amount of financial independence. The considerable jointure that she had, plus the friendships that she had cultivated, allowed her to refuse any offers of marriage that she might have received, but the offers for a second marriage never materialized.

⁵⁰ Ibid., 410.

⁵¹ Ibid., 409.

⁵² Ibid.

Position in Society

In the eighteenth century, women were identified not by what they did but rather by their husband's position in society.⁵³ This need for a high ranking in society forced the price of a husband up into ridiculous monetary figures, but also took a toll on women's place in society. It was the "husbands, not wives, who were becoming more expensive to procure, this is surely more likely to indicate that wives were losing rather than gaining status."⁵⁴

As the eighteenth century progressed, aristocratic families continued to phase out dower in favor of jointure, but legal problems arose between jointure and dower. Arguments erupted over "whether the consent of the woman was necessary to create a jointure barring dower, and if so, whether that consent could only be given to an adult woman."⁵⁵ The choice of whether to choose jointure or dower was often out of the hands of the women, but instead placed in the hands of her father or guardian. Among landed families, such as the Cokes and Campbells, "marriage was family rather than an individual matter and it was closely linked with decisions about property."⁵⁶ Lord Coke wanted his son to settle down and begin providing heirs, which meant that Lord Coke was looking for a woman who would provide good bloodlines for his family. He found that woman in Lady Mary Campbell, but failed to take into consideration her formidable personality. While the marriage was arranged with the consent of the two young people,

⁵³ Laurence, *Women in England*, 16.

⁵⁴ Susan Moller Okin, "Patriarchy and Married Women's Property in England: Questions of Some Current Views," *Eighteenth Century Studies* 17 (Winter 1983-84): 129.

⁵⁵ Staves, *Married Women's Separate Property*, 119.

⁵⁶ John Habakkuk, *Marriage, Debt, and the Estates System: English Landownership, 1650-1950* (New York: Oxford University Press, 1994), 146.

it is doubtful that they would have found their way together without the considerable pressure from family members.

At the time of Lady Mary's marriage to Viscount Coke, about sixteen percent of the heirs in aristocratic families remained bachelors. This was quite a large jump from 1550 and Stone attributes this to the rise of affectionate marriages and the fact that the rise gave way to the "consequent decline of the sense of prime responsibility to any larger collective unit than the self."⁵⁷ Stone also believes a strengthening movement that recognized homosexuality as one of the reasons that fewer men were marrying. In addition, Stone notes that more landowners remained unmarried in the eighteenth and nineteenth centuries and that fewer of these men remarried when their wives died.⁵⁸ Stone accredits this drop to the affective individualism that was being created in the eighteenth century, and says that more and more people were waiting to find love instead of marrying solely to secure the inheritance of the land.

Marriage Settlements

Hardwick's Marriage Act was created to protect the children and property of the English aristocracy, but the changes that it entailed affected the legal status of the aristocratic wives once married. From the twelfth century to 1753, marriage regarded by the church was seen as a verbal agreement between two people over the age of consent, witnessed by at least two people and expressed in present tense.⁵⁹ Hardwick's Marriage Act of 1753 changed this to the conditions previously discussed; however, before a marriage could happen between aristocratic couples, often times it took a team of lawyers several months to create the contracts known as marriage settlements. This flurry of legal

⁵⁷ Stone, *An Open Elite?*, 88-89.

⁵⁸ *Ibid.*, 91.

⁵⁹ Stone, *Road to Divorce*, 52.

activity on the event of a wedding was not the norm in previous centuries, but Okin points out that by the seventeenth and eighteenth centuries families felt the need to protect their daughters' fortunes from the husbands. The reason for this sudden need for protection was the large change in the value of land and personal wealth that moved from land based to more moveable wealth, such as cash, after the Reformation. As a result of this change in the type of wealth, plus the fact that daughters started having more of a choice in their marriage partner, it became necessary to ensure "by means of marriage settlements and trustees, that their daughters' fortunes were not appropriated by husbands and lost to their families of origin forever."⁶⁰ The use of marriage settlements started out as a precautionary measure to protect the family fortune, but as the centuries progressed, marriage settlements changed from protecting the daughters of the aristocracy to enforcing the patriarchy that was already established in English society through the use of jointure and the difficulty that came from establishing separate property.

The top five percent of England's population in terms of wealth used marriage settlements almost universally, but in some instances, commoners used abbreviated types of marriage settlements to protect the interests of their daughters and female relatives.⁶¹ There were two purposes for a marriage settlement. The first one was to safeguard the interest of a woman after marriage and usually spelled out terms for pin money and jointure. The second purpose was to provide for the succession to the wife's family of their property if normal succession should fail. In other words, if a wife died childless, then it was not unusual for her family to want any land that she had brought to the

⁶⁰ Okin, "Patriarchy and Married Women's Property in England," 125-26.

⁶¹ Erickson, "Property and Widowhood in England", 149-50. Unlike in South Carolina and Virginia, marriage settlements in England were not publicly registered, so it makes it difficult to create an accurate database on marriage settlements in England.

marriage to revert back to the original family.⁶² The separate estates established through marriage settlements were used to siphon family wealth, or to give some type of income to the bride in the event of a separation.⁶³ Under coverture, women lost all personal property and control of all real property to their husbands when they married unless the brides had already established either premarital property settlements or marriage settlements.⁶⁴ Marriage settlements were supervised by equity laws, which fulfilled or supplemented common law. If one party, either the wife or the husband, violated the marriage settlement, then the Lord Chancellor was supposed to enforce the marriage settlement, but the corruption in the Chancery Court was rampant and it was often difficult for women to get help from the Court without serious wealth to bribe the officials.⁶⁵

It was the responsibility of the male relatives of the bride to negotiate on behalf of the bride. For many years, people believed that jointures ended up being fair because of the bargaining position of the bride's family, but most first time brides were fairly ignorant of the laws surrounding marriage settlements and rarely had a voice in the creation of the marriage settlement. While it might seem that the male relatives of the bride would be working in her best interest, Staves tends to disagree with this notion and believes that many of the fathers were actually working counter to their daughter's welfare. "Fathers and other male relatives supposedly negotiating on the bride's behalf sometimes wished to advance their own versions of dynastic or familial interests in ways that could be very weakly connected to any individual interests that the daughter might

⁶² Laurence, *Women in England*, 230-31.

⁶³ Erickson, "Property and Widowhood in England," 147.

⁶⁴ *Ibid.*, 145-47.

⁶⁵ Greenberg, "The Legal Status of English Women," 176. Greenberg does not mention the corruption, but several other historians, such as Stone and Laurence have.

have.”⁶⁶ Eileen Spring concurs with Staves argument by pointing out that women were not better protected by their own families because most of the bargaining power was in the hands of the groom’s family who controlled the estate and therefore the majority of the money. The bride’s family would also continue upholding the patrilineal power that had been established by the aristocracy.⁶⁷ The idea of men protecting other families before their own daughter’s well being would be believable if you take into consideration that the men creating the settlements would have possibly grown up together and been educated at the same schools, plus seen each other on repeated social occasions. The man who was creating a marriage settlement for his daughter might one day be disputing a marriage settlement that was to be created in his son’s marriage. By conceding the importance of the patrilineal line, men continued to shortchange their daughters and other female relatives.

The idea of separate estate had been established during the reign of Charles I, so it was not uncommon for a wife to have separate property from her husband.⁶⁸ The Lord Chancellor in the Court of Chancery could help some women who had been ill treated through their marriage settlements, but this required a large degree of legal help that was not available to most women. The marriage settlement, according to the Court of Chancery was to allow women control over estates and property after their marriage, but if the marriage settlement was breached, then it came under the control of the Lord Chancellor.⁶⁹ As time progressed, the Court of Chancery actually minimized the chances of women having a separate estate by making it more and more difficult to declare a

⁶⁶ Staves, *Married Women’s Separate Property*, 116- 17.

⁶⁷ Eileen Spring, *Law, Land and Family: Aristocratic Inheritance in England, 1300-1800* (Chapel Hill: University of North Carolina Press, 1993), 57.

⁶⁸ Okin, “Patriarchy and Married Women’s Property in England,” 124.

⁶⁹ Hill, *Women, Work and Sexual Politics*, 200-1.

separate estate. The Court of Chancery was able to do this by continually restricting the wording necessary to legally create a separate estate. Erickson notes that by 1800, “all of the following phrases had become insufficient to create a separate estate: ‘for her own use and benefit’, ‘under her sole control’, ‘her absolute use.’⁷⁰ The restrictions imposed by the Court of Chancery made it very easy for someone (such as a husband who wanted control of the wife’s money or estate) to dissolve a document declaring a separate estate, and more difficult for someone (such as a father or guardian) to declare a separate estate. To some extent the bride was protected through jointure because her relatives were usually ensured bargaining power through her portion,⁷¹ but the control that a wife had over her own separate property was still usually minimal. Okin points out that the husband was usually named as a trustee for the separate estate, which meant theoretically he was supposed to follow the wishes of his wife about the property, but the wife was “obligated by both religious and secular law to obey him absolutely, and he was in a position of such legal power with regard to both her and her children as to enable him to punish her cruelly in many ways if she did not.”⁷² Furthermore, many fathers restricted the power that their daughters had over their separate estate with the thought that if it was entangled in legalities, then there was less chance that a husband could ‘kiss or kick’ the estate from her.⁷³ While the Court of Chancery settled any inheritance disputes over inheritance, delays and bribes offered the wealthy much more power in the court. If the dispute was between a wife and husband, then the husband was more likely to win the dispute in court because he controlled the finances. In addition to a financial edge, it was

⁷⁰ Erickson, “Property and Widowhood in England,” 158-59.

⁷¹ Staves, *Married Women’s Separate Property*, 98.

⁷² Okin, “Patriarchy and Married Women’s Separate Property,” 133.

⁷³ *Ibid.*, 134.

seen as unnatural for a wife to take her husband to court because it questioned his authority and the wife would be chastised by society.⁷⁴ If the legal bills exceeded a wife's pin money and her husband refused to allow her any other means of support, then the wife was forced to give up, unless she had financial support from her family.

The bride's portion was the bride's family's contribution to establish the status of the family and the jointure was the groom's family's contribution after the family had been established.⁷⁵ It is interesting to note that while the bride's family almost always paid the bride's portion, the groom's family was not obligated to pay the bride's family a jointure if the wife died before the husband. Staves also notes that it was not uncommon to delay the payment of the bride's portion indefinitely as long as the groom received some type of interest payment, which brought the bargaining power of the bride's family down even more. The prompt payment of a marriage portion, seen as a cash payment upon marriage, could help force a higher jointure, but if a portion were to be paid in installments, or delayed, then most fathers would accept a lower jointure on behalf of their daughter.⁷⁶

As land prices rose in the seventeenth and eighteenth century, marriage portions rose because marriage portions were usually used to buy land. The "portion inflation at the aristocratic level ran at approximately 250 per cent between 1600 and the early eighteenth-century."⁷⁷ The bridal portion usually went into three different types of funds to either buy land for the groom's family, to pay for the portions of the family's

⁷⁴ Erickson, "Property and Widowhood in England," 147.

⁷⁵ Habakkuk, *Marriage, Debt, and the Estates System*, 147.

⁷⁶ Staves, *Married Women's Separate Property*, 118.

⁷⁷ Erickson, "Common Law versus Common Practice," 30-31.

younger children or the payment of debt.⁷⁸ The bride received little benefit from a marriage portion, other than the increase in attraction that she was awarded while looking for a husband, and while the bride's family always had to pay the portion, or at least the interest associated with the portion, if the wife did not outlive the groom, then she saw no benefit in the jointure.

The rising cost of marriage portions was only one of the problems for aristocratic women in the eighteenth century. The price of husbands was increasing due to the demand for aristocratic husbands. The daughters of the wealthy merchant class were coming into the marriage market and also the many wars going on in Europe, in addition to the English Civil War, created a shortage of males through casualty rates.⁷⁹ Lady Mary Coke noted, "The world has grown disinterested: the great fortunes have no offers."⁸⁰

The marriage of the eldest son of a landed family involved long and intense negotiations between family lawyers because the jointure being created in the marriage settlement might eventually take up as much as one-third of the income of a late husband's estate.⁸¹ In addition to marriage settlements, which were created to protect the bride's property and income, strict settlement was formed in England as a legal arrangement that "made it possible to tie up the succession of a specific landed estate for a generation ahead by ensuring that the apparent owner at any given time was only a tenant for life with very limited powers".⁸² The use of strict settlement by so many

⁷⁸ Okin, "Patriarchy and Married Women's Property," 131.

⁷⁹ Ibid., 128.

⁸⁰ J.A. Home, ed., *The Letters and Journals of Lady Mary Coke* (Bath: Kingsmead Bookshops, 1970), 3: 249.

⁸¹ Habakkuk, *Marriage, Debt, and the Estates System*, 146.

⁸² Ibid., 2.

members of the aristocracy made creating marriage settlements difficult because of the finite source of land available for use as a bargaining tool; instead, land became more and more entangled in legal mechanisms designed to keep the land from moving out of the family, and women were pushed to the side and given money, rather than land, in an effort to keep the land in the groom's family. Even though strict settlement contained legal protection for the eldest son, and assigned a jointure to his future bride, settlements sometimes made provisions for younger sons and daughters in the groom's family.

While Stone argues that the less confining marriage choices led to an affective family, Spring argues that the strict settlement went against the idea of an affective family since the strict settlement "concentrated family wealth in the hands of the heir male at the expense of his siblings, particularly his sisters."⁸³ The family estates protected through the creation of strict settlement were held in reserve for the sole use of the males in the family. It was thought that the females in the family would be provided for either through the marriage settlement or jointure. The separation of inheritance between men and women placed aristocratic women in England further away from land ownership or control, and further aggravated the deterioration of legal rights of women.

Due to the changing customs and laws throughout the seventeenth and eighteenth centuries, women continued to lose financial and legal rights. Yet, few women did anything to protect themselves at the onset of marriage.⁸⁴ This negligence on the part of aristocratic women resulted from several factors. In the seventeenth century, women drew up bonds to protect the property that they brought into marriage, but as the centuries progressed, fewer women took this important step. Widows, however, were twice as

⁸³ Lloyd Bonfield, "Affective Families, Open Elites and Strict Family Settlements in Early Modern England," *The Economic History Review* 39 (August 1986): 341.

⁸⁴ Erickson, "Property and Widowhood in England," 157.

likely as first time brides to make a property settlement, both in England and in America.⁸⁵ Historians, such as Erickson, attribute the rise of romanticism as one of the reasons that women did not protect their interests in a more aggressive manner. The notions of romance actually led to ignorance on the part of many young women who from their reading of prescriptive literature would come to believe that a husband would care for them as long as the wives were doing their job correctly. The romantic notions of marriage, prompted by the romantic movement and all of the novel reading being done by young ladies made it seem unfeminine to discuss money and property settlements in the early part of the eighteenth century. Young women were encouraged to place their trust in their fathers and future husbands to make the financial decisions for the females of the family. As discussed earlier, the men creating the marriage settlements often had hidden agendas of their own. By the mid-eighteenth century, it became more acceptable to discuss money and marriage in the same sitting, but women were rarely taking an active role in the creation of the marriage settlements.⁸⁶

Even when the men in a prospective bride's family wanted to protect her property, or property that she might one day inherit, difficulties arose in the creation of the marriage settlement documents. Problems with marriage laws made it difficult for some marriage settlements to be considered valid. A marriage settlement established whether a woman could elect jointure or dower. She could not choose both.⁸⁷ The legal age for an adult woman was twenty-one, and according to Staves, most men would not want to wait for the bride to come of age, which led to some questions about a minor marrying and choosing jointure; however, according to the study done by Hollingsworth, the average

⁸⁵ Ibid., 147.

⁸⁶ Ibid., 148.

⁸⁷ Staves, *Married Women's Separate Property in England*, 121.

age for aristocratic women to marry was after they had already come of legal age, which points to a discrepancy between the research of Staves and Hollingsworth.⁸⁸ If a woman infant (a minor) married, she could protest the settlement if it was not in her best interests, but often times, a seventeen or eighteen-year old woman would not have the legal acumen to know what her options were. Sometimes, they were allowed to elect jointure or dower when they did reach the legal age of twenty-one, but often they were issued a jointure without their consent and therefore barred from dower.⁸⁹ Staves points to many court cases in which an adult who had been a minor when married and was barred from dower, sued for an equitable jointure, but the actual number of cases as a whole is few, which Staves believes helps prove the idea that many saw contracts with infants as binding.⁹⁰ Furthermore, if a woman married without parental approval, she lost her chance at a marriage settlement and therefore any financial protection from her husband that she might have had.⁹¹ Since marriage settlements and jointure were considered contractual, problems continued to arise when minors married until 1855 when the Victorian Infants Marriage Bill was passed that allowed men under the age of twenty and women between the ages of seventeen and twenty-one to petition the Court of Chancery to approve of their settlements.⁹²

Historians continue to debate the role and status of women in eighteenth-century England. Stone and Trumbach believe that the role of women was expanded and perhaps brought a little closer to equality with the rise of the affective family and individualism in England. Laurence, Erickson, Spring and Staves all argue that women lost status through

⁸⁸ Ibid., 119.

⁸⁹ Ibid., 121.

⁹⁰ Ibid., 120-21.

⁹¹ Okin, "Patriarchy and Married Women's Property," 129-30.

⁹² Ibid., 127.

a series of legal changes that helped strengthen the right for men to have more choices in land control, but brought about the idea of women controlling a serious amount of property as unnatural. The plethora of writing in the past twenty years continues the debate, but if one looks at debates on an upper class woman's role in colonial America, the debates are not as vehement as those among British historians.

Colonial America

When the colonies were first established, Lord Baltimore treated men and women equally as the heads of families. In the effort to encourage more women to come to America and help establish the plantation system and increase the white population, Lord Baltimore offered one hundred acres of land for a man and then another one hundred acres for his wife, plus additional acreage based on the amount of children and servants that were brought to the New World.⁹³ By offering the same amount of land for both women and men, a type of precedence of equality was created that would not last. Within the first one hundred years of settlement, women began to lose what little equality they had with men in the American colonies. As the centuries progressed and the colonies became more established, laws and common practices concerning widows also became more restrictive. Fewer than half of the men in the colonies left wills, which meant that intestacy laws governed the inheritances of the widows. These laws, based on the common laws and societal restrictions of England, continued the pattern of primogeniture, which favored the eldest son over the mother and other siblings.⁹⁴ In the early 1700s, if no will was left, then widows had the first right to administer their husband's estate and many men who did leave wills named their widows as the sole

⁹³ Julia Cherry Spruill, *Women's Life and Work in the Southern Colonies* (Chapel Hill, N.C.: University of North Carolina Press, 1938), 11.

⁹⁴ Norton, "Evolution of White Women's Experience in Early America," 603.

executor. By mid-century, this pattern was changing to exclude women from controlling land and giving sons more control.⁹⁵ As society became more settled in the colonies, the rush was on to make American society more closely mirror English society, at least in the southern colonies, and that included strengthening the legal ties of women to men.

The law required that a widow was entitled to her third of the property and this was referred to as the widow's thirds. The widow's thirds included one-third of the real property (land, houses, etc.) for her lifetime and one-third full ownership of the personal property, which included slaves and household goods.⁹⁶ The widow's thirds were considered a primary right and the thirds were separated promptly away from the rest of the estate before any further claims on the estate could be made.⁹⁷ The widow's portions were intended as a means of support and to keep women off of the public relief rolls, and were most certainly *not* intended to give any type of financial independence.⁹⁸ The laws made sure that the widows were provided for not because of any type of generosity among the ruling class, but rather a sense of not wanting to have to financially provide for women who were left virtually alone in the eyes of the law.

Problems also arose for widows in legal matters. In the eyes of the law in both England, and later the colonies in America, a married woman was treated more like a privileged child rather than a responsible adult, yet, widows were in essence free from the laws that bound their married counterparts.⁹⁹ Under English common law, a married

⁹⁵ Joan R. Gundersen, *To Be Useful to the World: Women in Revolutionary America, 1740-1790* (New York: Twayne Publishers, 1996), 133.

⁹⁶ Smith, *Inside the Great House*, 238.

⁹⁷ Linda Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill: University of North Carolina Press, 1980), 146.

⁹⁸ Norton, "Evolution of White Women's Experience in Early America," 603.

⁹⁹ Gloria Main, "Widows in Rural Massachusetts on the Eve of the Revolution," in *Women in the Age of the American Revolution*, ed. Ronald Hoffman and Peter J. Albert, 68 (Charlottesville: University Press of Virginia, 1989).

woman could not own property because whatever property she brought into the marriage became the property of her husband, but her husband could not sell real property without the consent of his wife.¹⁰⁰ Since the property owners at the time made the political choices, then it makes sense that women were excluded from politics, except for whatever influence they might have had on their husbands, lovers, or male family members. It was believed that women were not truly able to make their own political decisions, but rather absorbed the political ideals of the men in their lives.¹⁰¹ Even though widows could own land under the laws of the day, they still had no political voice because of their precarious standing in society and were considered at the mercy of men, financially speaking, because they had no political voice and legal rights for widows were very poorly defined.¹⁰² Yet, Marylynn Salmon argues that “women with separate estates in eighteenth and nineteenth century South Carolina enjoyed many of the same legal rights as men.”¹⁰³

One problem that both England and America had was that no one was really sure where a widow fit into society. Married women were under the control of their husbands and unmarried women under the control of a father or brother. Men and women had such separate roles that it made it difficult to see how a widow would comfortably fit into both. According to the ideology during the seventeenth and eighteenth centuries, women were excluded from political and military obligations while men held the responsibilities of taking care of the financial and household obligations of the family. A widow, in the

¹⁰⁰ Blackstone, 2: 132, 136, 255, 293, 355.

¹⁰¹ Kerber, *Women of the Republic*, 9.

¹⁰² Catherine Clinton, *The Plantation Mistress: Women's World in the Old South* (New York: Pantheon Books, 1982), 77.

¹⁰³ Marylynn Salmon, “Women and Property in South Carolina: The Evidence from Marriage Settlements, 1730 to 1830,” *William and Mary Quarterly* 39 (October 1982): 684.

midst of her grief, was expected to pick up the reins of male power and uphold the family's financial obligations at the same time as fulfilling her previous role as mistress of the house. Widows assumed the husband's economic and family roles, but not his political role, which meant that widows had to pay taxes on property, but could not vote, or hold any sort of elective or appointed office.¹⁰⁴ Petitioning became the only formal sort of political activity for women. Women petitioned both before and after the American Revolution, which suggests "women in the revolutionary era did not regard themselves as utterly ignorant and ineffectual."¹⁰⁵

The American Revolution left many widows behind on both sides of the conflict. Loyalist women petitioned the British government for compensation of some type, while American widows petitioned the state assemblies. In general, war widows requesting pensions were ignored unless their husband had been officers. The neglect of war widows on behalf of the Revolutionary generation proved that women were of the "lowest of priorities" in the political system that was slowly being revised in America.¹⁰⁶ At the same time that women were being relegated to such a low status, there did seem to be a bit of compassion, small though it was. Women with property were slightly less vulnerable to patriot pressure. Confiscation acts set in place by the state assemblies usually excluded dower portions from seizure, thus allowing women to maintain property that had been left to them to own or manage by their husbands and have some source of income to support the family left behind. Had Daniel Horry died during the fighting of

¹⁰⁴ Mary Beth Norton, *Founding Mothers and Fathers: Gendered Power and the Forming of American Society* (New York: Alfred P. Knopf, Inc., 1996), 139.

¹⁰⁵ Cynthia A. Kierner, *Southern Women in Revolution, 1776-1800: Personal and Political Narratives*, (Columbia, SC: University of South Carolina Press, 1998), xxiv.

¹⁰⁶ Kerber, *Women of the Republic*, 92.

the American Revolution, it is doubtful that Hampton Plantation would have been taxed as heavily as it was.¹⁰⁷

Since marriage settlements, both in America and in England, are hard to find intact, many historians study wills since one indication of property settlement is the ability to bequeath it.¹⁰⁸ The wills left behind show distinct limits placed on widow's economic power in the eighteenth and nineteenth centuries. For the most part, only the wealthy left wills, and as a result, it becomes apparent on studying the wills that while men wanted their wives to continue to live in a comfortable manner, the same men also wanted to keep the family property in the family. At the same time that men were gaining more control over the finances of women, men also helped to strengthen maternal and social ties to children by contributing to "raising the importance of maternal care as the central responsibility of a planter's wife."¹⁰⁹ The strengthening of family ties would eventually help strengthen the family as a political unit. The planter class was very active politically and maintaining class distinction was very important in the Southeastern colonies. The slaveholders "often defended their widowed peers in part because doing so also meant defending the prerogatives of elites."¹¹⁰ By defending the rights of the elites, the slaveholding class helped to keep their power.

As the new nation of America emerged, differing ideas about the roles of women were emerging as well. In the early Republic, the idea of Republican motherhood was encouraged among women. According to the thought of the day, mothers, such as

¹⁰⁷ Mary Bray Wheeler and Genon Hickerson Neblett, *Hidden Glory: The Life and Times of Hampton Plantation Legend of the South Santee* (Nashville: Rutledge Hill Press, 1983), 37.

¹⁰⁸ Erickson, "Property and Widowhood in England," 150-51.

¹⁰⁹ Smith, *Inside the Great House*, 242.

¹¹⁰ Kirsten E. Wood, "Broken Reeds and Competent Farmers: Slaveholding Women in the Southeastern United States, 1783-1861," *Journal of Women's History* 13 (Summer 2001): 44.

Harriott Horry, were crucial in raising a new generation of statesmen that would help mold America into a strong nation. Republican mothers were encouraged to raise healthy sons and daughters to be future statesmen to lead America and supportive wives to help the statesmen succeed.¹¹¹ In order to have a strong nation, the children must be educated, but the education that the males and females received was, of course, disparate. While women were expected to learn proper household management, very little was needed in the way of formal education, other than the basic reading and writing skills. As the nation changed, its view on what women needed to know changed also.

Part of the idea of the Cult of True Womanhood suggested by Barbara Welter was that women were encouraged to excel at their domestic pursuits. Wives were not encouraged to concern themselves with their husband's business, which included the financial affairs.¹¹² While this pattern of ignorance of the family economy fit the blueprint for what the "True Woman" should strive for, it was not overly helpful when the husband died and the wife was left to cope with her inexperience in regards to finances and also try to support a family.

In contrast to the idea of the Cult of True Womanhood, Laurel Thatcher Ulrich mentions that while the "financial and external affairs of the family were normally the husband's responsibility, a wife was permitted and indeed expected to oversee them in her husband's stead if he died, fell ill, or was otherwise unable to fulfill his duties."¹¹³ While this might have been the pattern in the more progressive colonies of New England, it was difficult for this pattern to take shape in the southern colonies because of the

¹¹¹ Clinton, *The Plantation Mistress*, 7.

¹¹² Barbara Welter, "The Cult of True Womanhood: 1820-1860" *American Quarterly* 18 (Summer, 1966): 151-52, 161.

¹¹³ Laurel Thatcher Ulrich, *Good Wives: Image and Reality in the Lives of Women in Northern New England, 1650-1750* (New York: Vintage, 1980), 35-38.

patriarchal society that was taking root at the same time. After the American Revolution, many states recognized the importance of widows having more financial control over the property that had been bequeathed to them. Many states changed their laws and practices to give widows more control over the estates that they had inherited and many states passed statutes legalizing divorce, (although this was by no means across the board).¹¹⁴ There was a growing number of women petitioning the state assemblies as well, which shows that more women were willing to get involved in the public sphere. In South Carolina, women accounted for three percent of the petitions to the legislature before the American Revolution, but after the Revolution the number jumped to twelve and one half percent. It seems that women wanted more for their families than their husbands were able to provide, either because of fighting for the republican cause or death. When possible the states paid the soldiers wages, but many states also provided a small pension for widows when possible. “When men left their homes as soldiers or as exiles, their wives or widows stepped in to represent their families in their relations with the state regimes.”¹¹⁵

The American Revolution seems to be a watershed moment not only in the political history of America, but also a turning point in women’s history. A plethora of books have emerged that discuss women and their role in the American Revolution and even how the status of women changed after the revolution based on the disestablishment of primogeniture and Republican motherhood. There seems to be a gradual shift to limit the opportunities of women in the mid-eighteenth century that continued into the nineteenth century. But depending on the author, women gained a slight edge that they

¹¹⁴ Norton, “Evolution of White Women’s Experience”, 614-15.

¹¹⁵ Kierner, *Southern Women in Revolution*, xxiii-xxiv, 51.

did not have before the revolution through the looser laws on divorce and property rights that were passed through the different state assemblies after the Revolution, but before the Federalist period.¹¹⁶

By looking at the evolution of marriage first in England, and then in colonial America, it can be seen that while many of the marriage laws were created in England, the same laws were not usually as effective in the American colonies because of the frontier society and the difference in population. Genderson and Gampel point out that in general “the colonies took the common law concepts, such as dower, and extended them in ways that gave women more control over property than their English counterparts enjoyed.”¹¹⁷ The strictures that were in place in the English aristocracy would not have lasted in the American colonies because of the shortage of women and the high mortality rate, especially in places such as South Carolina. Once the young colonies grew and established cities, then it was possible to establish a social structure that more closely mirrored English society. The lack of females in the American colonies compared to the overabundance of females in the British aristocracy allowed American women to keep many of the rights that had been established to help protect the growth of the American colonies. The next two chapters consist of case studies, first of Lady Mary Coke and then of Harriott Pinckney Horry. The case studies illustrate the position of upper class widows in England and Colonial America.

¹¹⁶ Norton, “Evolution of White Women’s Experience”, 615.

¹¹⁷ Gendersen and Gampel, “Married Women’s Legal Status in Eighteenth Century New York and Virginia,” 127.

CHAPTER 3

LADY MARY COKE

“How surprised the World wou’d be if I was to write my history, but there are many things that it will remain uninformed of by me.”¹

As much as Lady Mary Coke wanted to be viewed as someone who kept a large amount of secrets, historians have long used evidence from her journal to enforce their arguments. After looking at the historiographical debates that rage between historians over the status of women in society, affective family, and of course, women’s legal status, one can only wonder what was actually happening in England and America. The following chapters investigate the status of Lady Mary Coke of England and Harriott Pinckney Horry so that I can later compare the two women as representatives of their respective countries.

Lady Mary Coke (1726-1811) was born on 6 February 1726 at Sudbrook Estate in Richmond upon Thames, southwest of London, the youngest of four daughters of John Campbell, Duke of Argyll and Greenwich, and his wife, Jane, formerly Warburton.² She was only married for approximately five years and of those five, she was separated from her husband for four. She is useful to this study because the majority of her life was spent as a widow and her journals and letters leave a view of aristocratic life in the second part of the eighteenth century. In addition to looking at her life as a widow, I will be studying the rules of separation and divorce in England and how they enforced the patriarchal society and continued the subjugation of aristocratic women in England.

¹ J.A. Home, ed., *The Letters and Journals of Lady Mary Coke* (Bath: Kingsmead Bookshops, 1970), 3:63.

² Home, *Letters and Journals of Lady Mary Coke*, 1:i.

Early Life of Mary Campbell

Growing up at the family estate in Sudbrook, Mary Campbell lived in a small house with her sisters called the Young Ladies House. The girls were placed there so that they would not disturb the Duke and Duchess of Argyll and Greenwich. While still located on the Sudbrook Estate, the house was removed from the main house and staffed with a number of servants, including the governess. The failure of the Duchess of Argyll to produce a male heir gave a sense of fruitlessness to the upbringing of the daughters that she did have.³ The Duke of Argyll referred to his daughters as “useless encumbrances,”⁴ and his lack of concern for their upbringing and education transferred itself to his wife. The reputation of young Jane Warburton, Lady Mary’s mother, was one of utter propriety, but very little imagination or education; therefore, when it came to the education of her young daughters, she did not ensure that their education was appropriate to their station in life. While other aristocratic women during the eighteenth century relied on a vast network of friends and relatives to help train their children to live in polite society, the Duchess of Argyll did not seek the help of her female friends in training her girls, nor did she take an active role in their education.⁵ The young Campbell girls learned writing and accounts from the steward, and needlepoint from the governess.⁶ None of the Campbell daughters, except for Mary, enjoyed reading, and Mary’s main focus was on history, genealogy, and state papers. This interest in history would later enable her to be one of the best sources for family history in English society.

³ Ibid., xxxi.

⁴ John Fyvie, *Notable Dames and Notable Men of the Georgian Era* (London: Constable and Company, Ltd., 1910), 6.

⁵ Ingrid H. Tague, *Women of Quality: Accepting and Contesting Ideals of Femininity in England, 1690-1760* (Bury St. Edmunds, Suffolk: The Boydell Press, 2002), 171-73.

⁶ Home, *Letters and Journals of Lady Mary Coke*, 1:xxx.

When it came time for a tutor to be hired to teach Mary and her sisters French, which was considered a reasonable accomplishment for any well-bred young lady at the time, the Duke of Argyll forbade it, declaring that one language was enough for any woman to speak. The Duchess of Argyll did not argue with her husband on this point since she was not well educated herself.⁷ As a result of the lack of educational attention, the Campbell girls were left alone quite a bit with the servants in the Young Ladies House. The isolation from society that they experienced led many commentators to note their lack of social propriety in regards to volume of voice and once the Campbell sisters debuted they were known as the “screaming sisterhood” and “the bawling Campbells”.⁸ Ingrid Tague notes, “Acquiring politeness while still young was essential, so that as an adult one could interact in the Quality with ease,” yet the duchess of Argyll did not have the necessary skills to teach her daughters to be graceful in society.⁹ The most important education for a young girl to have at the time was a social education, and the only way to do that was to mix with people of quality. “Women of quality had to tread a fine line between teaching their daughters the necessary social skills and making them too publicly visible.”¹⁰ While their behavior was loud and unruly, they were not overstepping the bounds of society, but rather, all four Campbell girls inherited their mother’s harsh and discordant voice, which made it a trial for anyone to listen to all of the sisters speak at one time. In short, the education of young Mary left much to be desired, but she was an avid reader, which helped her later in life.¹¹

⁷ Ibid., xxx-xxxi.

⁸ Fyvie, *Notable Dames*, 7.

⁹ Tague, *Women of Quality*, 169.

¹⁰ Ibid., 167-68.

¹¹ Home, *Letters and Journals of Lady Mary Coke*, 1:lvii.

As a young girl, Mary was thought to be very striking. She had milk white skin with dark eyes that were offset by the fact that she did not have noticeable eyebrows. Mary had admirable figure and average height, and was considered handsome, but not beautiful, by many.¹² When Mary was a young girl, she had the reputation as being a clever girl, but as she grew into adulthood, that cleverness degenerated into an inflated sense of self-righteousness that would eventually cost her some of her most dear friendships. In addition to her pride, she was also known to be very obstinate in her views, and her temper, when aroused, was known to be very explosive. While Mary was seen as a little eccentric by many people, she was also known to be very sincere and honorable, as well as religious and charitable.¹³

Engagement and Marriage

The Duke of Argyll died in 1743 of paralysis and at the time of his death, Mary Campbell was still unmarried. English society set guidelines for marriage, and “wealth and rank set the basic parameters for suitable candidates and helped determine which persons a particular spouse might have the opportunity to meet.”¹⁴ The social contacts of Lady Mary were closely monitored so that she would only meet men of suitable wealth and rank. Upon the death of her father, Lady Mary inherited the sum of £20,000, which most probably had an impact in the speediness with which the Earl of Leicester spoke to the Duchess of Argyll about arranging a marriage between his son, Viscount Coke, and Lady Mary. Viscount Coke and his father both had a reputation as men that were too interested in gambling and drinking, but the Duchess of Argyll was

¹² Austin Dobson, *Eighteenth Century Vignettes* (New York: Dodd, Mead and Company, 1894), 234.

¹³ Home, *Letters and Journals*, 1: lvii.

¹⁴ Ingrid H. Tague, “Love, Honor and Obedience: Fashionable Women and the Discourse of Marriage in the Early Eighteenth Century,” *Journal of British Studies* 40 (January 2001): 90.

convinced that Viscount Coke was changing his wild ways in preparation for his marriage to Lady Mary.¹⁵ She wrote to a friend, “I like him very much, he appears to me to have a very good understanding, & a great deal of knowledg [sic], & I think a very sweet disposition.”¹⁶ The Earl of Leicester also pushed for the marriage because he wanted his only son to settle down and ensure that the family line would continue. According to J. V. Beckett, fathers in the aristocracy “were primarily interested in ensuring that their sons, and especially their eldest sons, married within a socially acceptable field.”¹⁷ When the Earl of Leicester looked around at women of suitable rank, his eyes rested on Lady Mary Campbell. As the daughter of a duke, with a well-respected family, she seemed to be an excellent choice to become the next Lady Coke. The rest of society was not as easily convinced and several sources mention the ill-fated marriage as doomed from the start with such different personalities as Lady Mary Campbell and Viscount Edward Coke. Historian John Fyvie notes, “Edward, Viscount Coke, lived a life of such drunken riot and debauchery that his excesses threatened to bring him to an early grave.”¹⁸ However, the lawyers drew up a marriage settlement that agreed upon £500 a year for pin money for Lady Mary and £2,500 jointure, which provided financial security for Lady Mary on the death of the viscount.¹⁹

Lawyers were always involved in creating secure marriage settlements to protect the rights of the women, but people often commented on the fact that it took lawyers an exceedingly long amount of time to draw up the documents. In 1774, Lady Mary Coke noted that “The marriage is to take place in about three months, the time the lawyers have

¹⁵ Dobson, *Eighteenth Century Vignettes*, 240-41.

¹⁶ Home, *Letters and Journals of Lady Mary Coke*, 1: cxxiii-cxxiv.

¹⁷ J. V. Beckett, *The Aristocracy in England, 1660-1914* (New York: Basil Blackwell, 1986), 104.

¹⁸ Fyvie, *Notable Dames*, 3.

¹⁹ Home, *Letters and Journals of Lady Mary Coke*, 1:lix.

promised to finish the writings.”²⁰ Lady Mary Campbell consented to the arrangements, but soon after the betrothal papers were signed, she had a change of heart and decided that she did not want to marry the Viscount.²¹ As a result, she was very rude to him when he was paying visits to her and her family. The Campbell family offered her a way out of the marriage after seeing her behavior towards the Viscount, but Lady Mary refused and married Lord Edward Coke in April 1747. Lord Coke had taken offense at Lady Mary’s treatment of him before the wedding, but had not let his frustration show for fear of Lady Mary not marrying him.²²

Once the vows were said, Lord Coke abandoned his bride on their wedding night to pay her back for the harsh treatment that he had received from her.²³ This was not an auspicious sign. Horace Walpole, once a good friend to Lady Mary, wrote that Lord Coke had returned to his former ways of drunkenness and gambling, and seldom came home at night to his wife. Lady Mary was appalled at the blatant disrespect showed to her by her husband and the Campbell family stepped in to her defense. In addition, the Earl of Leicester was trying to get the couple to reconcile as he fervently hoped for an heir for his son. Lord and Lady Coke looked as though they might reconcile in the spring of 1748, but that was deceiving. Lady Mary was still furious at her treatment by Lord Coke and refused to cohabit with him as a wife. To make matters worse, she shared this promise with numerous people and the servants started to call her “Virgin Mary.”²⁴ Others knew the marital problems of the Cokes. In a letter to one of his many friends, Horace Walpole reported, “Lord Coke has demolished himself very fast; I mean his

²⁰ Ibid., 4:450.

²¹ Dobson, *Eighteenth Century Vignettes*, 241.

²² Home, *Letters and Journals of Lady Mary Coke*, 1:lxix.

²³ Dobson, *Eighteenth Century Vignettes*, 241.

²⁴ Home, *Letters and Journals of Lady Mary Coke*, 1:lxix-lxxiii., lxxvi.

character. You know he was married last Spring. He is always drunk, has lost immense sums at play, and seldom gets home to his wife till eight in the morning. The world is vehement on her side, and not only her family, but his own, give him up.”²⁵

By March of 1749, things had degenerated to such a point that both parties were against any form of reconciliation, but the situation escalated when Lord Coke refused to pay for the maid of Lady Mary, or let Lady Mary’s family see her or pay her bills. In addition, he kept her under lock and key and she was not allowed visitors.²⁶ The separation from her family and friends was entirely legal on behalf of the Viscount and something that Lady Mary continued to bemoan years later.²⁷ In 1769, there was a scandal among the peers when Lady Sarah Bunbury ran away from her husband. Lady Mary noted:

The saying her conscience wou’d not allow her to impose a Child upon her Husband was quite new, but her running away from him wou’d give him a right to lock her up for the rest of her life. I told Her Royal Highness that times were alter’d and I was persuaded She wou’d not be lock’d up, tho’ I remember’d when people were locked up for no fault at all. The Princess smiled and said that some people had been locked up for being too virtuous.²⁸

Whatever the reason that Viscount Coke used to lock up Lady Mary was well within his rights as a husband, but was not appreciated by her family. The Duchess of Argyll filed a writ of *habeas corpus* in response to this action on behalf of Lord Coke and he was ordered to produce his wife to the court in November of 1749.²⁹ When Lady Mary arrived at court, she was dressed very poorly and said that those were the only clothes that Lord

²⁵ Letter from Horace Walpole to Horace Mann 12 January 1748. Published by John Fyvie, *Notable Dames and Notable Men of the Georgian Era*, 10.

²⁶ *Ibid.*, lxvii.

²⁷ Susan Moller Okin, “Patriarchy and Married Women’s Property in England: Questions on Some Current Views,” *Eighteenth Century Studies* 17 (Winter 1983-84): 137.

²⁸ Home, *Letters and Journals of Lady Mary Coke*, 3:30.

²⁹ Home, *Letters and Journals of Lady Mary Coke*, 1:lxviii.

Coke would allow her, but Lord Coke asserted that he did not keep her pin money away from her and she had plenty of money to keep up her wardrobe.³⁰

The conduct books that proliferated throughout the eighteenth century focused quite specifically on the behavior of women. Not only did the conduct books espouse the view that women should completely love and obey their husbands, but the conduct books also “transformed the failings of a bad husband into a test of true womanhood for his unfortunate spouse. Even if a husband was unfaithful or abusive, there was no excuse for a wife to defy his authority.”³¹ If one was to completely believe the conduct books at the time, then matrimony was a woman’s natural destiny.³² Whatever was espoused by the authors of the conduct books, Lady Mary did not take the behavior of Viscount Coke as a test of her womanhood. Instead, the hostility shown by Lady Mary before the marriage only inflamed Viscount Coke’s temper, which further denigrated the prospect of a happy marriage.

Lady Mary filed a motion for divorce in November 1749 on the grounds of cruelty by her husband, but she had no substantial proof, other than the fact that he tore her sleeve at one time, so the divorce was not granted. The Earl of Leicester was furious at the fact that his family was humiliated in court and was prepared (along with his son) to be very vindictive towards Lady Mary. Lord Hartington, later the Duke of Devonshire, served as a mediator between the two parties to work out a settlement that would be agreeable to both parties involved in the formal separation of the marriage. Lord Hartington was able to calm the Earl of Leicester by getting Mary to agree never to go to London while her husband was alive. The separation also stipulated that Lady Mary was

³⁰ Ibid., lxix.

³¹ Tague, “Love, Honor, and Obedience,” 88.

³² Ibid., 84.

able to live with her mother at Sudbrook, unmolested by the Coke family, and was able to live off of her pin money, which was £500 per annum, which was considered quite generous. This arrangement seemed to content both parties actually involved in the proceedings, and Lady Mary went to live with her mother at Sudbrook.³³

Early modern England was “neither a separating nor a divorcing society.”³⁴ Death was almost the only way out of a marriage due to the laws of England. The laws of marriage in England did not change from the twelfth century until 1753 with Hardwick’s Marriage Act, which governed the rules of marriage until 1836. There was no legal change in divorce until 1857.³⁵ The Reformation had brought divorce to most European countries, but not to England, which remained the only Protestant country in Europe during the eighteenth century that still instituted the Catholic ban on divorce.³⁶ According to Bridget Hill, divorce was seen as a safeguard for the inheritance of property and the line of succession, which would be endangered by the wife’s adultery. Wives were not allowed to sue for divorce based on adultery unless it was joined by a charge of bigamy, rape, incest or sodomy.³⁷ Apparently, keeping one’s marriage vows were not that important as long as the family line of succession was not endangered.

Until divorce was allowed to the general public in 1857, there were a limited number of ways out of a marriage. Separation from bed and board was a legal contract that did not allow the couple to remarry. A full divorce with permission to remarry was only available through a private act of Parliament, and that step was only available to the

³³ Ibid., lxix-lxxi; Dobson, *Eighteenth Century Vignettes*, 242.

³⁴ Lawrence Stone, *Road to Divorce, England 1530-1987* (Oxford: Oxford University Press, 1990), 2.

³⁵ Ibid., 15; Roy Porter, *English Society in the Eighteenth Century* (New York: Penguin Books, 1982), 39.

³⁶ Stone, *Road to Divorce*, 7.

³⁷ Bridget Hill, *Women, Work and Sexual Politics in Eighteenth Century England* (New York: Basil Blackwell, Inc., 1989), 211.

very wealthy. A private separation, in which no legal contract was drawn up, was used quite a bit by the middle class. The lower class used wife sale, which was considered a type of divorce, but was really a type of wife swap, and the last option, which was used by many people in both the middling and lower classes was simple desertion.³⁸ With the limited number of options available to get out of a marriage, almost all marriages ended by the death of a spouse since the Church of England did not recognize divorce.³⁹

The canon law of England allowed for legal separation, but no divorce, which was why divorce became a matter of Parliament. In addition, divorce was granted only for serious marital problems such as adultery, cruelty, or heresy and apostasy.⁴⁰ Since divorce was only for those who could afford a private act of Parliament, only 317 divorces were granted between 1539-1857.⁴¹ Lady Mary taking the legal, and very public step, of filing for a divorce suggests several things about her personality and standing in society. First of all she had a very strong character to even try to start divorce proceedings. It was highly unusual and certainly gave a hint of scandal to her name, but it also shows the power of her family. Formidable as Lady Mary was, she would not have filed the petition if she had not had her family supporting her.

Not only was a divorce expensive and public, it also took quite a long while to accomplish. Lady Mary noted in her journal:

Ld. Grosvenor had had great patience, for I believe that no one can doubt but that if he had taken the proper precautions he might have had a divorce much sooner; but will these things never be put to a stop in England? In this Country [France] the Ladys who are discover'd to be guilty of an infidelity to the Husbands are

³⁸ Stone, *Road to Divorce*, 141. Wife sale was usually seen as a valid means of divorce because divorce by Parliament was so rare and expensive. Hill, *Women, Work and Sexual Politics*, 216.

³⁹ Anne Laurence, *Women in England, 1500-1760: A Social History* (New York: St. Martin's Press, 1994), 51.

⁴⁰ Hill, *Women, Work and Sexual Politics*, 210.

⁴¹ Laurence, *Women in England*, 51.

shut up for their life in a convent, but in ours they are treated with more indulgence; yet formerly the English Ladys were famous for their virture and the french for their levity of conduct.⁴²

In this letter to her sister, Lady Mary commented on the latest scandal of the day, but also noted the changing social attitudes that she had seen in her life. In her normal outspokenness, Lady Mary suggested that if Lord Grosvenor had been factual in accusing his wife of adultery, then the divorce, which was taking entirely too long, would have gone more smoothly.

Divorce and separation among the aristocracy was a fairly public event, but many people wanted to keep their family business private. This desire for privacy often led many family members and friends to often try and reconcile the wayward couple in the hope of avoiding formal separation and a court appearance.⁴³ Even with the intervention of family and friends, such as the future Duke of Devonshire, separation continued to rise because “its convenience as a way of dissolving a broken marriage which did not involve adultery or extreme cruelty, and so could not be terminated any other way.”⁴⁴ Separation was recognized by the Church of England and allowed couples to live apart, but not remarry.

Wives were not allowed to separate from their husband without permission and husbands had the right to imprison their wives to keep them from leaving them until the early nineteenth century.⁴⁵ A legal and private separation also involved numerous penalties for the wife.⁴⁶ Since a wife could not make contracts on her own, a separation

⁴² Home, *Letters and Journals of Lady Mary Coke*, 3:121.

⁴³ Stone, *Road to Divorce*, 3-4.

⁴⁴ Stone, *Road to Divorce*, 159.

⁴⁵ *Ibid.*, 137.

⁴⁶ Laurence, *Women in England*, 51.

contract had to be made between the husband and a trustee for the wife.⁴⁷ The average separation contract allowed the wife to live apart from the husband without molestation by the husband and also provided a yearly sum for her maintenance.⁴⁸ In addition to an annual allowance, most contracts also stipulated a release from her debts by her husband.⁴⁹ Lady Mary Coke was contracted to use her pin money for support.⁵⁰ Under legal separation, a husband was not obligated for his wife's debts, but since the couple was still married, the woman was still a *feme covert* which meant that she could not make a contract or incur any debts on her own.⁵¹ This was an increasingly difficult thing to do in a society that allowed people of wealth to create accounts at different stores and then pay the bill at the end of the month or quarter.

Lawrence Stone contends that private separation provided a positive outlet for couples because it did not make a public spectacle of the family and also proved helpful for men who wanted to be free from their wives, but could not prove adultery.⁵² Separation contracts allowed husbands and wives to live apart, and Stone points out that some contracts allow couples to cohabit with other people without fear of litigation from their legal spouse.⁵³ Men could keep a mistress, but if a woman had any type of sexual lapse, then she could lose her maintenance allowance.⁵⁴ Stone also argues that separation gave women more financial freedom because separation contracts usually gave women one-third of their husband's net income, and allowed them to contract, buy, or

⁴⁷ Stone, *Road to Divorce*, 150.

⁴⁸ Susan Staves, *Married Women's Separate Property in England, 1660-1833* (Cambridge: Harvard University Press, 1990), 163-64

⁴⁹ Stone, *Road to Divorce*, 153.

⁵⁰ Home, *Letters and Journals of Lady Mary Coke*, 1:lxix-lxxi; Dobson, *Eighteenth Century Vignettes*, 242.

⁵¹ Okin, "Patriarchy and Married Women's Property," 137.

⁵² Stone, *Road to Divorce*, 160.

⁵³ *Ibid.*, 153.

⁵⁴ *Ibid.*, 169.

sell.⁵⁵ This goes against the research of Laurence and Okin who point out that separation might have gotten women out of unhappy marriages, but it did not usually put them on the road to financial freedom. Even though legally separated, couples were still married in the eyes of the Church of England, which meant that the woman was still a *feme covert*.

Divorce proceedings in England proved even more severe than separation. Under divorce law in England, a divorced woman lost all income from real estate, and any future legacy or inheritance that she had, went to her husband. Her husband could seize all of her personal property and any business tools and earnings. A divorced woman could not obtain credit or buy and sell property.⁵⁶ Essentially, she had no economic power, except what was given to her by her husband.

The fact that Lady Mary Coke was even willing to subject herself to this type of legal derision is telling of the miserable state of her marriage to Lord Coke. In addition to the legal penalties, society did not look favorably on divorced women. Twenty years after Lady Mary was separated from her husband, she wrote about another peer, “Ld Ossory is to marry the Duchess of Grafton as soon as the King passes the Bill for the Divorce, intends to live retired for some time in the Country.”⁵⁷ The affair between the Duchess of Grafton and Lord Ossory weakened their social position, and as a result, the couple planned to hide at Lord Ossory’s country estate, away from the condemning eyes of society, perhaps for several years. An affair between two aristocrats was not uncommon, but Lord Ossory was caught poaching on the patrilineal life of the Duke of Grafton, which was not well received by the Duke of Grafton. The divorce of the Duke

⁵⁵ Ibid., 160.

⁵⁶ Ibid., 4.

⁵⁷ Home, *Letters and Journals of Lady Mary Coke*, 3:45.

and Duchess of Grafton, along with Lord Ossory's involvement in the proceedings, was noted by society in a very public way.

Widowhood

After the separation from Lord Coke, Lady Mary went to live quietly with her mother at Sudbrooke. Lord Coke continued to live in London living a dissolute life that involved extensive drinking and gambling. This debilitating lifestyle finally caught up with him, and he died in 1753 at the age of thirty-four. Lady Mary was left as a widow at the relatively young age of twenty-six, with a handsome jointure of £2,500 a year.⁵⁸

Being a stickler for rules, Lady Mary observed all of the social requirements for mourning her husband, even though they had been separated for over three years, by wearing mourning clothes and abstaining from public amusements for the prescribed period of six months. She continued to live with her mother at Sudbrooke until 1767.⁵⁹ Trumbach contends that the mourning period for the aristocracy was fixed, and that it was necessary to wear mourning clothes for at least one year upon the death of a spouse. Biographers of Lady Mary note that her mourning ended at six months.⁶⁰

Once she had observed all of the niceties, Lady Mary was free to move about in English society. Her status as a widow allowed her more personal freedoms than she had had as an unmarried woman, and more financial freedom than she had had as a married woman. Almost twenty years into her life as a widow, she remarked about another English widow, "She is really quite happy with being a Widow and has had parties at cards these six weeks, tho' her poor Lord has I believe not been dead more than two

⁵⁸ Ibid., 1: lxxii.

⁵⁹ Dobson, *Eighteenth Century Vignettes*, 242.

⁶⁰ Randolph Trumbach, *The Rise of Egalitarian Family: Aristocratic Kinship and Domestic Relations in Eighteenth Century England* (New York: Academic Press, 1978), 35-36.

months.”⁶¹ Many people expected Lady Mary to remarry, since she was considered a very handsome woman and she had her own money. There were many rumors that she was engaged to any number of different men, but only the rumored engagement of Lady Mary and Lord March, the heir to the Duke of Queensberry, held any substance.⁶² In the end, the rumored engagement of Lord March and Lady Mary turned out to be a miscommunication that Lady Mary fanned into a more serious rumor. Lord March confronted Lady Mary about the rumor of their engagement and insulted Lady Mary, which forced her to put an end to it.⁶³ The failure of Lady Mary to remarry was notable since she was still fairly young at the time of her widowhood. Trumbach believes that aristocratic men remarried three times as often as aristocratic women.⁶⁴ It is likely that once women had the relative freedom of widowhood, and their jointure, that they wanted to just enjoy their lives and their friendships as Irene Brown suggests. It is certainly true that Lady Mary was an avid letter writer and so was able to keep in touch with many of her relatives and friends whom she had met on the continent.

The jointure that had been established for Lady Mary allowed her to continue to live her life as a wealthy widow. Habakkuk notes that the long lives of dowagers with jointures could damage the family finances of the groom.⁶⁵ Lady Mary lived into her eighties and started receiving her jointure at age twenty-five. She had almost sixty years of jointure, which would have been quite a drain on the Coke family estates. In general, the idea of keeping wealth in the family from generation to generation would have

⁶¹ Home, *Letters and Journals of Lady Mary Coke*, 3: 260.

⁶² *Ibid.*, 1: lxxiii.

⁶³ Dobson, *Eighteenth Century Vignettes*, 242.

⁶⁴ Trumbach, *Rise of the Egalitarian Family*, 26.

⁶⁵ John Habakkuk, *Marriage, Debt and the Estates System: English Landownership, 1650-1950* (New York: Oxford University Press, 1994), 259.

negatively affected the situation of widows. Most men wanted to keep the money in the family, instead of farming parts of the family wealth out to widows who were living entirely too long.⁶⁶

Maxine Berg's and Lorna Weatherill's studies of women and property, produce some findings that prove illuminating to the study of widows. First of all, other historians, such as Leonore Davidoff and Catherine Hall, argue that although men were left land, cash, estates, and other material goods, women usually received only an income from trust. Therefore, women in both England and America were very careful about what they bequeathed in their wills because in general, they did not have real property.⁶⁷ In addition, Weatherill claims "almost twice as many widows as men had silver... reflecting ownership of valuable items as investments or simply cash in hand."⁶⁸ In the same study, Weatherill also notes that "Relatively few widows owned clocks, and this reflects a lesser need to coordinate work or other tasks with anyone outside the household."⁶⁹ While Lady Mary was a fairly punctual person, it is interesting to note that many other women were not concerned whether their schedule matched someone else's, specifically a husband's.

Widows were the most likely women to create wills since *feme soles* were the only women who could own property. Lady Mary noted in her journal, "I met Ly Blandford.... among other things She told me She had just made her Will, & She found herself much better since. I'm surprised that She has been so long without one; I told her

⁶⁶ Barbara Todd, "The Remarrying Widow: A Stereotype Reconsidered," in *Women in English Society 1500-1800*, ed. Mary Prior, 74 (London: Methuen and Co., Ltd., 1985).

⁶⁷ Maxine Berg, "Women's Property and the Industrial Revolution," *Journal of Interdisciplinary History* 24 (Autumn 1993): 242-43.

⁶⁸ Lorna Weatherill, "A Possession of One's Own: Women and Consumer Behavior in England, 1660-1740," *The Journal of British Studies* 25 (April 1986): 149.

⁶⁹ *Ibid.*, 149.

I had already made three.”⁷⁰ Lady Mary took great pride in her possessions and as a result she, like others of her day, was very conscientious about where they would end up when she had passed away.

The days of Lady Mary were taken up by social calls and managing her property in the country. Upon reading her journals, one gets a sense that Lady Mary felt that her life was harder than any mortal should have to bear.⁷¹ Her journal is peppered with entries that show her frustration with life: “But the great misfortunes I have met with in life and the perpetual disagreeable and vexatious incidence that forever attends me, has I think almost inured me to sorrow; I feel surprised when a day passes without some trouble or disagreeable event.”⁷² The days of Lady Mary were also filled with gardening and reading, and she loved to play cards. This was evident by her many references to playing lu and her winnings and losses for the evening.⁷³ “I play’d at Lu with the Duchess of Bedford, Ly Powis, Ly Waldegrave, etc., and had suprising luck, came off wining seventy six guineas; and tho’ I won all the money that was lost, the Company was civil and good humour’d, which does not always happen.”⁷⁴ The life of Lady Mary seems lonelier the older that she gets.

It has been a Charming day, & I have enjoy’d it free from Company or interruption of any kind: my hay is now began, which is an addition to the usual beauty of the prospect. Was this weather to last I shou’d want no amusement out of my small territory: my books and my garden are all the pleasure I have left: you can not imagine the aversion I now have for those entertainments I was used so much to frequent.⁷⁵

⁷⁰ Home, *The Letters and Journals of Lady Mary Coke*, 3:150.

⁷¹ *Ibid.*, 1:lviii.

⁷² *Ibid.*, 2:242.

⁷³ Dobson, *Eighteenth Century Vignettes*, 251.

⁷⁴ Home, *The Letters and Journals of Lady Mary Coke*, 3:40.

⁷⁵ *Ibid.*, 3:105.

While Lady Mary led a retiring sort of life once she reached a certain age, she did what was expected of her by society. Tague suggests, “Graceful acceptance of aging, like deliberate withdrawal from cosmopolitan society, could be used to stake out a positive image once other methods were no longer available.”⁷⁶ The removal of herself from many of the society functions allowed Lady Mary the image that she wanted to maintain as a stately widow. It was very important for both men and women, but especially women, to act “appropriately” for their age. Social critics of the eighteenth century often attacked middle aged and older women for acting more in step with the younger generation.⁷⁷ By removing herself from the social entertainments that she used to attend, she was making sure that she was upholding her correct place in society as an older woman.

Most of her letters to her sister are full of complaints about her property or different slights that she believed people gave her, yet she seems very boastful about her accomplishments, too.

Nobody is so early with their hay as I am, but to improve my ground I fed it with sheep till the middle of May: yet I had two and twenty load off eleven acres. Can you say as much?⁷⁸ Went to my House in the Country, where I mett with a thousand disagreeable things.⁷⁹ When I came to my house in the Country, the Maid had broke a fine piece of China, had neglected to lock up some fowls I lately sent and one was gone. . . the Wind had blown down a large tree and I had Nobody to set it up.⁸⁰

The letters show a woman who is happiest at home surrounded by her books and her garden,⁸¹ but she also handed out advice (wanted or not) to her sister on many occasions:

⁷⁶ Tague, *Women of Quality*, 160.

⁷⁷ *Ibid.*, 159.

⁷⁸ Home, *Letters and Journals of Lady Mary Coke*, 3:117.

⁷⁹ *Ibid.*, 3:39.

⁸⁰ *Ibid.*, 3: 42.

⁸¹ *Ibid.*, 3:51.

“...when you have occasion to keep anything longer than the usual time, I’ll communicate the secret, for ‘twas my own management that preserved it.”⁸² Much like Harriott Horry and Eliza Pinckney, Lady Mary was proud of her household management, although she often complained about the trials of having no one to help her manage the property and servants. It seems that if there was a problem, then she would find either a male relative or good friend to help her, but rarely did she take care of an unpleasant situation with a servant or merchant by herself.⁸³

Lady Mary never remarried during her long life, but managed to maintain a fairly high status in society through her connections with the royal family. The goal of Lady Mary was to be acquainted with as many high-ranking people as possible and one of the best ways to do that was to be friends with royalty.⁸⁴ Lady Mary had a long friendship with Princess Amelia, the unmarried sister of George II, and Lady Yarmouth, the mistress of George II. Lady Mary had a strong friendship with both women that lasted many years. John Fyvie claims, “For twenty-seven years of that time she was a constant satellite of the Princess Amelia, who used to say that one “so greatly born” would always be welcome at her table provided she would be a little less contradictory and little less ostentatious of her great ability towards others whom she imagined to be so intellectually inferior.”⁸⁵ In addition to her friendship with Princess Amelia, Lady Mary also was close to Amelia’s nephew, Edward, duke of York. The duke of York was described as a very frivolous man who lived only for the moment, which meant that his personality seemed to be similar to the late Viscount Coke. Why Lady Mary thought that there was a future

⁸² Ibid., 3:124.

⁸³ Ibid., 1:cv, cvi-cvii.

⁸⁴ Dobson, *Eighteenth Century Vignettes*, 243.

⁸⁵ Fyvie, *Notable Dames*, 71.

between the two of them is questionable. However, there was a friendship between the two, despite the twelve-year age difference, that seemed to be evidenced in the many letters that passed between the two.⁸⁶ While Lady Mary apparently kept every letter that the Duke of York ever sent her, he tended to laugh at the idea of the two of them ever marrying, partly because of the age difference and partly because of her personality, which was very observant of societal restrictions.⁸⁷

The Duke of York died in Modena, Italy in 1767 and when word reached Lady Mary, she was inconsolable and mourned for years.⁸⁸ She referred to him frequently in her diary as “the Person who is no longer with us” and made her way to the family vault as often as possible to cry and pray beside his place of internment. Princess Amelia told Lady Mary that she was making a fool of herself because the Duke of York had been secretly laughing at Lady Mary behind her back for years. Lady Mary was undeterred by the Duke of York’s refusal to reciprocate her feelings and continued to refuse to let anyone speak against the Duke of York in her presence.⁸⁹ Her feelings for the duke were so strong that two years later she was still mourning him. “Nobody, I believe, guesses how much I still suffer when I go to Lady Harrington’s. I have indeed been there but three times since the Death of the Duke of York.”⁹⁰

In 1770, Lady Mary traveled to Vienna to continue to widen her circle of acquaintances. While in Vienna, she was introduced to Emperor Joseph and Maria Theresa by the British ambassador to Vienna. Lady Mary’s beautiful manners and taste

⁸⁶ Home, *The Letters and Journals of Lady Mary Coke*, 1:lxxxviii.

⁸⁷ Dobson, *Eighteenth Century Vignettes*, 243-44.

⁸⁸ *Ibid.*, 244.

⁸⁹ Home, *The Letters and Journals of Lady Mary Coke*, 1:lxxxviii-xciv.

⁹⁰ *Ibid.*, 3:54. Lady Mary was at the house of Lady Harrington when she heard the news of the Duke’s passing.

led her to become one of the court favorites in Vienna, which led her to an audience with the Empress.⁹¹ “For tho’ She always did me the honour to speak to me, which (as She speaks to but few) is certainly a favour, yet till last week She did not show me any particular attention.”⁹² After staying in Vienna for several months, Lady Mary finally ventured home, but before she left, she had a private audience with Maria Theresa, and the empress gave Lady Coke a jeweled pin to commemorate her trip to Vienna.⁹³

Lady Mary returned to England with wondrous tales of her popularity at the foreign court. Unfortunately, most of her companions failed to appreciate all of Lady Mary’s tales of Austria, and Lady Mary felt the need to return to Austria to relive her former success. When she went back a second time in 1772, she was not quite as popular, and to make matters worse, she became involved in some of the court intrigues in Vienna, which led to her being told to leave Vienna by Maria Theresa.⁹⁴ As Lady Mary made her way across Europe in an attempt to avoid going back home to England, she traveled through Italy and France. All throughout her travels in Europe, and even in the coming years, she held a paranoia that led her to believe that Maria Theresa had a spy network all over Europe that tracked Lady Mary and made life as difficult as possible for her.⁹⁵

Once in France, Lady Mary was introduced to King Louis XVI and Queen Marie Antoinette. However, her reception was remarkably chilly since Lady Mary had been speaking badly of Maria Theresa at every stop that Lady Mary had made in Italy and France. In addition to irritating a large number of royal persons all over Europe, Lady Mary managed to lose her friendship with Horace Walpole because she overreacted and

⁹¹ Home, *The Letters and Journals of Lady Mary Coke*, 1:cxix.

⁹² *Ibid.*, 3:353.

⁹³ Dobson, *Eighteenth Century Vignettes*, 267.

⁹⁴ *Ibid.*, 267-68.

⁹⁵ Home, *The Letters and Journals of Lady Mary Coke*, 1:ciii-cv, cx-cxi.

lost her temper over a relatively small disagreement about a servant.⁹⁶ Horace Walpole was ready to concede the situation to Lady Mary, but she refused his apologies, and so the friendship ended on a sour note.⁹⁷ Lady Mary made another trip to Paris in 1775, and went to Spa in 1781. Those were believed to be her last journeys abroad and she spent the remainder of her life in England.

After Lady Mary's visits abroad, she remained fairly active in English society until she reached the age of seventy. All of her old friends died before Lady Mary did, which led to a very lonely existence for her. She moved to Notting Hill in 1767 and bought a house in Chelsea in 1786. Lady Mary maintained homes in London during her social years. From 1763-1775, she lived at Green Park and then moved to Berkeley Square.⁹⁸ She loved to read and remarked at one time, "I have laid out in books since I came to town about fifty Pounds."⁹⁹ Lady Mary continued her visits to her friends and family members, but grew increasingly eccentric as she got older. She had always been known as a thrifty person, but as she grew older thriftiness turned into miserliness.¹⁰⁰ When she died, all of the rooms in her house were shut, except for the two rooms that she was using. Lady Mary died sitting in her bed with a high crowned beaver hat on her head at her house on Mount Street in London on September 30, 1811. She is buried in the Argyll vault in Henry VII's Chapel at Westminster Abbey.¹⁰¹

Lady Mary Coke's lasting legacy is her journal. It was privately published in 1896 by one of her relatives to share with the family. The letters to her two sisters and

⁹⁶ Ibid., 1:civ-cv.

⁹⁷ Dobson, *Eighteenth Century Vignettes*, 268.

⁹⁸ Home, *The Letters and Journals of Lady Mary Coke*, 1:cxxxv.

⁹⁹ Ibid., 3:53.

¹⁰⁰ Ibid., 1:cxvii.

¹⁰¹ Ibid., 1: cxxxv; Dobson, *Eighteenth Century Vignettes*, 268.

her journal were added together to form a four-volume set that spans the years 1756-1774. *The Letters and Journals of Lady Mary Coke* is a compilation of letters that Lady Mary wrote to two of her sisters, as well as the journal that Lady Mary wrote over the course of a twenty-year period. The journals offer a detailed look into aristocratic life during Georgian times in British history. While Lady Mary was seen as slightly eccentric by some, she was known for her unswerving honesty which can also be seen in her letters and journals. In addition, her commentaries offer insight into some of the political problems within the royal family at the time. Studying the life of Lady Mary also allows scholars to look inside the life of an aristocratic widow in the mid to late eighteenth century. While Lady Mary did not push any of the boundaries that society set on widows, it is still interesting to see what she considered acceptable and not acceptable. Her comments on the behavior of the aristocracy were sometimes scathing. The entire scandal of Lady Sarah Bunbury left her with much to discuss:

She told him She was determind to go to Lord William Gordon, tho' it was not her intention to marry him, when she was divorced from Sir Charles Bunbury, for that he had not a good temper, and perhaps She shou'd not live with him six months. So wild a declaration and so void of shame or principles I have seldom heard of from a Lady whose Birth and education must have instructed her with sentiments far different to those She seems to have adopted.¹⁰²

The comments of Lady Mary suggest that many people were scandalized by the conduct of the soon-to-be-divorced woman, but what should have been a private affair between the couple became a public issue when it was brought before Parliament for the Act of divorce.

The lives of the aristocracy in eighteenth-century England were remarkably public. The scandal sheets and newspapers left behind all promoted open knowledge of the

¹⁰² Home, *The Letters and Journals of Lady Mary Coke*, 3: 31.

gossip and finances of the peerage to both contemporaries and historians. Lady Mary Coke is a fountain of information on all types of financial matters that involved her contemporaries. When Lord Abemarle died in 1772, she noted in her dairy, “He has died very rich; ‘tis said he has left a good estate in land, and a hundred thousand pounds in money: he has left fifteen hundred pounds a year jointure to his Lady and four hundred a year for a house.”¹⁰³ Not only was she interested in the affairs of the dead, but she relayed gossip to her sister about other women and their jointures. “Ld. Dillon said at Lady Hertford’s that Lady Litchfield had three thousand pounds a year: her jointure was fourteen hundred.”¹⁰⁴ “I’m glad to hear Lord Fitzwilliams has done so generously by his sisters: you will have heard I suppose he had added five thousand pounds to each of their fortunes.”¹⁰⁵ The information that Lady Mary gleaned from society and then passed on to her sister and Lord Stafford, shows that Lady Mary’s jointure was more than generous at £2500 a year.

Lady Mary Coke was a society matron in the late eighteenth century who was quite opinionated in her views and not afraid to express them, which helps historians study the social history of the aristocracy. She exhibited the characteristics of a typical aristocratic widow through the use of a marriage settlement, pin money and jointure. Yet, her separation from her husband, while not unheard of, was uncommon and caused a disruption among her family, although they continued to support her. What can be seen by her life is that even as a member of one of the most powerful families in England, the male members of her family had to file the legal paperwork necessary for a separation. As a married woman, she did not have the legal right to file for a separation, and as a

¹⁰³ Ibid., 4: 131.

¹⁰⁴ Ibid., 4: 132.

¹⁰⁵ Ibid., 3: 143.

widow, she almost always looked to her brother-in-law, Lord Stafford, or her good friends, such as Horace Walpole, to assist her with legal and domestic matters. Lady Mary had a large degree of financial freedom through her jointure, but except for her fairly brief excursions to Europe, she did not seek outrageous freedoms. Her life was fairly typical of a wealthy aristocratic widow in eighteenth-century England, and as a result, was far less adventurous than Harriott Pinckney Horry's life in colonial America, which can be seen in the next chapter.

CHAPTER 4

HARRIOTT PINCKNEY HORRY

If the status of women everywhere was to be determined by their marital state, or lack thereof, then the women of South Carolina were in a bit of trouble. Due to the nature of fevers such as malaria, dysentery and yellow fever in the lowcountry of South Carolina, mortality rates were high and widowhood was common among both men and women. However, since the average adult life expectancy was forty-five years old for men, women were often forced to take over the role of provider for their families.¹ According to historian Cara Anzilotti, the women of the lowcountry had the opportunity to become autonomous, yet the same women who were believed to be competent businesswomen held on and even supported the patriarchal society that had been established by English colonists. Anzilotti, along with Marylynn Salmon, contends that South Carolina was one of the most liberal colonies when it came to women and property rights.² Anzilotti goes a step further than Salmon by suggesting that the laws were there to help the women maintain the power structure that had been established by the men. The demographics of South Carolina were such that many women were widowed at a fairly young age with young children to support. Had the laws of the land not supported the planter class, then the society that had been imported to South Carolina with such care from England would have been destroyed. “For the planter elite, who tried to maintain their position in a social environment plagued by demographic disruption, placing

¹ Cara Anzilotti, “Autonomy and the Female Planter in Colonial South Carolina,” *Journal of Southern History* 63 (May 1997): 239. The lowcountry refers to the coastal area of South Carolina that has a distinctive culture and economy through the large amount of rice and indigo plantations.

² Anzilotti, “Autonomy and the Female Planter,” 241; Marylynn Salmon, “Women and Property in South Carolina: The Evidence from Marriage Settlements, 1730 to 1830,” *William and Mary Quarterly* 39 (October 1982): 659.

economic power in the hands of their wives and daughters became essential to the survival of the social order they had so carefully imported and erected.”³ The laws that were seen as so liberal in other parts of the world, especially England, were seen as a necessity to the ruling class in South Carolina.

Even with the fairly liberal property laws that were designed to protect the inheritance of the plantation owners, widows were still in an awkward social position in South Carolina. Widows were supposed to take over the management of the plantation and all of the business transactions that went along with it, but still maintain their place in the domestic realm. The following chapter will examine the life of Harriott Pinckney Horry, the wife and eventual widow of a wealthy rice planter in South Carolina. Harriott Pinckney Horry stands out in particular because she did not fit the stereotypes in the usual way. She spent the majority of her life as a widow, yet she went beyond the usual conventions of the time to become a successful businesswoman who was able to retain not only the wealth that her husband left her, but also increase that wealth so that she would have a legacy to leave to her family. Under her management, Hampton Plantation achieved the highest profits that it would throughout its life as a working plantation. The accomplishments that Harriott Pinckney Horry achieved continued to be fruitful long after her husband’s death and hers. Harriott Pinckney Horry was a remarkable woman, but her actions, when compared to other women in her position, were fairly consistent with what was expected of a South Carolina widow at the time. However, because of Harriott Horry’s prominent family, her letters and correspondence have been preserved to a greater degree than those of other women of the same time period, which makes her the most likely subject of this study. As the wife, and later widow, of a wealthy plantation

³ Anzilotti, “Autonomy and the Female Planter,” 241.

owner, she fit into and expanded the mold that had been established for women of her class in South Carolina.

By looking at the life of Harriott Horry, one can see how wealthy women of the planter and therefore aristocratic class of America, and especially widows of this class were treated in South Carolina during the late eighteenth century. While Harriott Horry was something of a novelty among women, she was also fairly symbolic of what was expected of a plantation mistress in the southern colonies. She was a woman who was expected to excel in a man's business world, yet stay firmly rooted in the domestic realm.

Early Life of Harriott Pinckney

In order to understand Harriott Horry and her actions, one must understand her family, and especially her mother, Eliza Lucas Pinckney. Eliza Lucas Pinckney started to manage her family's plantations (three altogether) at the age of fifteen when her father left Eliza and her sister in South Carolina to move back to Antigua with his sickly wife. Eliza remained in contact through letters, but was essentially on her own as far as actual business decisions because the slowness of the mail between Charles Towne and Antigua, where her father had another plantation. She was first introduced to Charles Pinckney through her visits to Charles Towne where she would stay with Mr. and Mrs. Pinckney while conducting plantation business and acquiring supplies in town. She saw Charles Pinckney as a mentor because he had received an excellent education as a lawyer in England and shared his knowledge and library with her. In addition to sharing his library, Eliza and Charles Pinckney also discussed many of the books that he had lent to her, which was about as close to school as a female in the mid-eighteenth century was going to get. Their shared love of reading allowed them to grow close as friends, and when

Charles Pinckney became a widower in January 1744, he quickly married Eliza in May of the same year. The traditional mourning period was not observed because Eliza and her sister were set to return to their family in the West Indies that same year. Instead of sending Eliza back to her father, Charles Pinckney quickly asked for her hand in marriage. The couple had four children, but only three survived infancy. Harriott Pinckney was born on August 7, 1748 in Charles Towne, South Carolina to Eliza Lucas Pinckney and Charles Pinckney.⁴ Harriott Pinckney had an older brother Charles Cotesworth Pinckney and a younger brother Thomas Pinckney.⁵ Harriott Pinckney Horry died at the age of eighty-two in 1830. She survived most of her immediate family, including her husband and son.

During the late eighteenth century, it was not uncommon for couples to have ten or more children. In addition there was a high rate of remarriage among men that was not found among widows, which led to some men having fifteen to twenty children spread out between two to three different wives. It was not a common occurrence, but an occurrence that has been noted, nonetheless. In addition to having a large amount of children, there was an extremely high infant mortality rate at the time, which would have brought the number of living children down, but did not lessen the strain of childbirth on the bodies of the women.⁶ Most women married young, and then spent the rest of their lives suffering from ill health and usually dying before reaching middle age because of the “strain of incessant childbearing.”⁷ For those who managed to live long enough, the

⁴ Francis Leigh Williams, *A Founding Family: The Pinckneys of South Carolina* (New York: Harcourt Brace Jovanovich, 1978), 13.

⁵ Elise Pinckney, ed. *The Letterbook of Eliza Lucas Pinckney, 1739-1762* (Chapel Hill: University of North Carolina Press, 1972), xv-xvi, xx-xxii.

⁶ *Ibid.*, 46-47.

⁷ *Ibid.*, 52.

large number of children also was valued for companionship, since plantation life was by nature isolated and lonely. This disheartening scenario held true for a large area of the American colonies, but as a rule, did not apply to South Carolina. The aforementioned fevers, the relative wildness of South Carolina, and problems with the Indians kept birth rates relatively low compared to other areas of the colonies, and family sizes were typically smaller. The small size of the Pinckney (three children) and the Horry (two children) families was fairly typical for the time. The benefit of having smaller families included giving widows more time to focus on their business dealings. A woman who had to develop a strong business sense, while raising a large number of children, even with the help of servants, might be overburdened. However, the smaller families, along with the practice that the wealthy had of sending young boys to England for their education, allowed women more freedom to help their husbands manage the business holdings of the family and focus more on those business holdings if they became widows.

In April of 1753, Charles Pinckney moved his family to London where he hoped to attain the position of diplomat for South Carolina. He did not receive the political post that he sought, but he did remain in England for five years where his sons were enrolled in school and his family was part of the upper English society.⁸ While in London, Eliza Pinckney reacquainted herself with old friends from her days of living in England while attending a boarding school for young ladies. Eliza and Harriott also were introduced to the Dowager Princess of Wales. When the Princess asked Harriott how she liked

⁸ George Rogers, *Charleston in the Age of the Pinckneys* (Norman, OK: University of Oklahoma Press, 1969), 121. Williams, *A Founding Family*, 14.

England, Harriott replied, “Not so well as Carolina.”⁹ While Eliza and Charles Pinckney were both quite happy in England, their daughter seemed slightly homesick. In March of 1758, Charles Pinckney decided to go back to South Carolina to check on some business concerns, and took Eliza and Harriott with him. Charles and Thomas Pinckney stayed in England to continue their education.¹⁰ Charles Pinckney was back in South Carolina for only three weeks when he came down with malaria. He went to stay with family friends who had a house by the ocean where he was made more comfortable, but he died on July 12, 1758. Harriott was almost ten years old at the time and her two brothers were still in England. The death of Charles Pinckney left Eliza and Harriott Pinckney alone as a family until Charles and Thomas returned from England over ten years later, which would solidify the already strong bond between mother and daughter. Because of the heat, the funeral for Charles Pinckney was held a day later in Charles Towne and was quite crowded with people who wanted to pay their respects to a man who had labored tirelessly for South Carolinian representation in the different facets of the English parliamentary system.¹¹

The death of her husband of fourteen years caused Eliza Pinckney such grief that she became ill and Harriott later wrote to a friend that Eliza’s “heavy affliction. . . . obliterated for a long time the remembrance of every thing that had been agreeable.”¹² Eliza Pinckney, however, was a strong woman and emerged from her grief to take care of the many holdings that were left in her care upon the death of her husband. The Pinckney

⁹ Darcy Fryer, “The Mind of Eliza Pinckney: An Eighteenth Century Woman’s Construction of Herself,” *South Carolina Historical Magazine* 99 (July 1998): 226.

¹⁰ Williams, *A Founding Family*, 14.

¹¹ *Ibid.*, 16.

¹² Harriott Pinckney to Mrs. Favell, March 1763, Pinckney Family (Buist Family) Papers, South Carolina Historical Society, Charleston, South Carolina.

land holdings included the main plantation of Belmont, Pinckney Island, 1000 acre Auckland Plantation, Pinckney Plains Plantation, Marchland Plantation, 500 acres on the Savannah River and another 500 acres near Four Holes, along with two homes in the East Bay area of Charles Towne, plus other property near Colleton Square in Charles Towne.¹³ The enormous amount of property that Eliza was left to control shows her husband's trust and reliance on her to make good business decisions.

The power of a woman to control such a large amount of property as Eliza Pinckney was left was usually absent from most English wills. The magnitude of her responsibility was felt even more when her husband's will expressed the desire for a strong liberal education for Charles and Thomas Pinckney. The money to fund the education of her sons in England was not a small amount and forced her to make the business holdings left by Charles Pinckney profitable, which before his death had not necessarily been the case. The lack of profits in his business ventures was what had drawn Charles Pinckney back to South Carolina to begin with, so it was up to Eliza Pinckney to ensure that the plantations be profitable to provide the lifestyle and education that her husband had wished for their children.¹⁴ The Pinckney family was fairly wealthy, and had lived well both in South Carolina and in England, but Charles Pinckney was forced to return to South Carolina to check on some business ventures that were unprofitable. His will stipulated that his sons have a liberal arts education in England befitting their station in life as members of the plantation class in the American colonies, but the will did not leave enough money to take care of that provision. It was left to Eliza to make sure that the money was going to be accessible. Charles Pinckney left the many

¹³ Mary Bray Wheeler and Genon Hickerson Neblett, *Hidden Glory: The Life and Times of Hampton Plantation Legend of the South Santee* (Nashville: Rutledge Hill Press, 1983), 12.

¹⁴ Williams, *A Founding Family*, 16.

Pinckney holdings for Eliza to manage until their sons reached adulthood, thus enforcing the patriarchic structure of planter society. Even though Eliza had managed three different plantations for her father before she married Charles Pinckney, she never actually owned any property. It was all her father's, husband's, or son's property. Eliza Lucas changed the face of South Carolina agriculture as a teenager, yet, once she was widowed, she was still in a position of subservience to her sons because she was responsible for making sure that they had the education necessary to fulfill their roles in an elite patriarchal society. The only way that she was able to do this was to make sure that the Pinckney plantations were profitable.

When the Pinckney family originally left England, they had every intention of returning to their friends and the life that they had built there, but Eliza was never able to return because of her business ties created by the death of her husband and the American Revolution. Charles Pinckney had created his will in order to supply the funds necessary for his wife and children to exist among the English aristocracy. Like many English aristocrats, he expected his land holdings to support his family in the lifestyle of the privileged, but Eliza Pinckney was only able to do this through efficient management of the Pinckney land holdings. South Carolina had been established as a colony for less than one hundred years, and European civilization was still fairly limited to the coastal areas. In addition, finding adequate supervision for the plantations while the Pinckney family resided in England would have been next to impossible. The English aristocracy might have depended on estate managers to help oversee the land while the aristocracy took part in London affairs, but the relatively small size of England allowed fairly close proximity to the family estates. The length of the voyage from England to South

Carolina would have invited corruption among the plantation overseers required to run the Pinckney plantations without the supervision of a family member. That is assuming that Eliza Pinckney could have found an competent overseer. It was therefore the responsibility of Eliza Pinckney to take over the management of the Pinckney estate, or risk losing the source of income for the Pinckney family and eventually the Pinckney place in society since being part of the upper class was not inexpensive.

While the Pinckney family had no title, Eliza's father had been an officer in the English army, and since Eliza had been educated in England by attending a boarding school for young ladies, she had ties to English society. It is reasonable to assume that these ties led to a comfortable social life for the Pinckney family in England, and England was certainly a healthier environment than South Carolina. England would have most probably been the preferred residence of the Pinckney family. Only after her sons returned to South Carolina after completing their education in England in 1769 and 1771, did Eliza finally realize that she was forever tied to South Carolina and would not be leaving.¹⁵

The education of Eliza, which would later have a huge impact on her daughter and the economy of South Carolina, was started by her father's encouragement. Eliza wrote to Harriott much later in life describing her early fondness for learning: "I was very early fond of the vegetable world, my father was pleased with it and encouraged it, he told me the turn I had for those amusements might produce something of real and public utility."¹⁶ Agriculture and botany became lifelong hobbies for Eliza, which did indeed

¹⁵ Fryer, "The Mind of Eliza Pinckney," 225.

¹⁶ "Letter from Mrs. Charles Pinckney to Harriott Horry," 10 September 1785. *South Carolina Historical and Genealogical Magazine* 17 (July 1916): 101-2.

help the “public utility”.¹⁷ Before her marriage, Eliza Lucas had gained fame among the planters of South Carolina for successfully implementing a crop of indigo from the seeds that her father had sent her from Antigua, yet she was still technically under the control of her father. She was a woman who might have had the opportunity to gain financial independence through the help of her father, had he been willing, but was probably not, yet, she maintained that her investments in South Carolina agriculture were to be used for the good of others and not just herself. Of course, the Lucas family was greatly aided by the money that the indigo brought to the family economy.

When Eliza Lucas first came to South Carolina, most farms harvested in the late summer and fall, but the success of Eliza Lucas in harvesting indigo added a winter crop to the plantations of South Carolina.¹⁸ The cash crops of indigo and rice became very lucrative components of the British mercantile system.¹⁹ It has even been suggested by Darcy Fryer that the introduction of indigo into South Carolina agriculture helped to strengthen the economy of the colony to such a point that it made it feasible for South Carolina to push for independence along with other colonies on the eve of the American Revolution.²⁰

While Eliza’s formal education was hampered by the fact that she was female and could not attend university, she was still able to have a classical education because of her family’s wealth. Eliza learned Latin, and studied Virgil, Plutarch, Locke, and Boyle, but the only outlet that she had for this learning was to discuss it with other similarly

¹⁷ Fryer, “The Mind of Eliza Pinckney,” 229.

¹⁸ Joan R. Gundersen, *To Be Useful to the World: Women in Revolutionary America, 1740-1790* (New York: Twayne Publishers, 1996), 60.

¹⁹ Rogers, *Charleston in the Age of the Pinckneys*, 10.

²⁰ Fryer, “The Mind of Eliza Pinckney,” 218.

educated friends.²¹ The importance of the education of Eliza is directly related to Harriott since Eliza was Harriott's teacher. The introduction of indigo into the South Carolina economy made Eliza Lucas somewhat of a legend in South Carolina, yet Eliza was never seen as anything other than a proper lady who was under the guidance of her father and then later her husband. Harriott was to receive most of the benefits of the education that her mother received, and certainly was influenced by her mother's accomplishments, but even though Eliza Pinckney accomplished quite a bit on her own, she raised Harriott as a young lady receiving the proper education of a woman of her class during the eighteenth century. Eliza described Harriott as a girl with a lively disposition who was fluent in French and had a love of reading.²² She also wrote to one of her friends in 1760 that Harriott was "fond of learning and I indulge her in it. It shall not be my fault if she roams abroad for amusement, as I believe 'tis want of knowing how to employ themselves agreeably that make many women too fond of going abroad."²³ While Harriott obviously did not have the same education available to her that her brothers did in England, Eliza made sure that Harriott was able to get the best education that Eliza was able to provide for her. Two years later Eliza wrote to another friend:

I love a Garden and a book; and they are all my amusement except I include one of the greatest Businesses of my life (my attention to my dear little girl) under that article. For pleasure it certainly is to cultivate the tender mind, to teach the young Idea how to shoot, &c., especially to a mind so tractable and a temper so sweet as hers. For, I thank God, I have an excellent soil to work upon, and by the Divine Grace hope the fruit will be answerable to my indeavours in the cultivation.²⁴

²¹ Ibid., 234.

²² Richard J. Hooker, *A Colonial Plantation Cookbook: The Receipt Book of Harriott Pinckney Horry* (Columbia: University of South Carolina Press, 1984), 4.

²³ Pinckney, *The Letterbook of Eliza Lucas Pinckney*, 142.

²⁴ Ibid., 181.

The pleasure that Eliza took in educating Harriott also extended to her sons. Later in the same letter she puts forth the idea of taking the boys out of England after two more years of study and moving the entire family to Geneva to continue their education. While an interesting plan, it never came to fruition, and Charles and Thomas completed their education in England. While it was seen as necessary for the aristocracy to send their sons to England and Europe for an adequate education, no such compunction was felt for the women.

By the late eighteenth century, the establishment of plantations in South Carolina was growing and the slave population skyrocketed.²⁵ While the plantations were growing, so were the responsibilities of those who managed the plantations. Women of the plantation class, while better educated than most other women in America, did not need a formal education to live up to societal expectations. Their education was fairly rigid nonetheless. No matter what educational level women had in South Carolina, a plantation mistress had a plethora of responsibilities that required a fairly rigorous domestic education. Although the formal education of Harriott in no way compared to her brothers (few women had an education on par with the universities of Europe during the eighteenth century), her education as a plantation mistress was certainly complete. Some of the duties that Harriott Horry was trained to do included providing food and hospitality to family, as well as visiting guests and any strangers passing through since inns in rural colonial America were rare. She also had to keep all of the supplies organized from the gardens, smokehouse, poultry yard and dairy. The keys that the plantation mistress held to the various buildings and cabinets served as a symbol of

²⁵ Catherine Clinton, *The Plantation Mistress: Women's World in the Old South* (New York: Pantheon Books, 1982), 4.

authority on the plantation,²⁶ much like the medieval chatelaines' served as a symbol of power. Plantation mistresses were also considered the family 'physic' and made all of the medicines, balms, and salves that were used to treat family members and slaves alike.²⁷

Along with the duties during the rest of the year, women were responsible during the winter months for overseeing the slaughtering of animals, salting of meat, and making sausage that would be used in the months to come. In addition, other plantation mistresses would have spent a large amount of time carding, spinning, and weaving cloth from flax and wool gathered earlier in the year.²⁸ The letters between Eliza and Harriott suggest that Harriott bought cloth from Charleston and then made the clothes at Hampton. "Many things are very scarce in the stores, not a yd. of white negroe clothe to be got. I was obliged to get Blue and with great difficulty for an ironing cloth..."²⁹

The hope of one day returning to England, along with the need for a good marriage, led Eliza to educate Harriott in much the same way that Eliza had been educated. As a girl in England, Eliza had acquired not only lifelong friends, but also a social ease that allowed her to move about comfortably in almost any type of society.³⁰ It was her responsibility to ensure that her daughter, Harriott, also carried this same social grace so that she could mingle comfortably not only in plantation society, but also English society if Harriott ever returned to England.

²⁶ Ibid., 7.

²⁷ Julia Cherry Spruill, *Women's Life and Work in the Southern Colonies* (Chapel Hill, NC: University of North Carolina Press, 1938), 74.

²⁸ Gundersen, *To Be Useful to the World*, 60.

²⁹ Letter from Eliza Pinckney to Harriott Horry, no date, ca. 1770-80's, Pinckney Family Papers, South Carolina Historical Society, Charleston, South Carolina.

³⁰ Harriett Simons Williams, "Eliza Lucas and Her Family: Before the Letterbook," *South Carolina Historical Magazine* 99 (July 1998): 267.

While plantation life offered few leisure hours for women, time was made for “mental improvement” through the study of literature; partly out of boredom and partly from the sense of isolation that most women felt on a plantation.³¹ The prevailing view of the day was that women only needed to be educated enough to be a benefit to their husbands, since too much education would detract from their domestic pursuits.³² As can be seen by the education of Harriott and women in general during the eighteenth century, daughters had a more narrow formal education than their brothers and usually inherited much less than their brothers. For the most part, young women in the colonies were seen with much affection by their parents, even if they were treated less than equitably.³³ The closer ties that can be seen in the colonial families were probably the result of the isolation that life on a plantation provided.

Harriott Pinckney was a child who was well loved by family and friends alike and also enjoyed remarkable health, which enabled the long duration of her life. Her mother frequently mentions Harriott in her letters to family friends, “If Miss Mina had sent H.P. a present of 10000 pound it would not have made her half so happy as her very pretty and kind Epistle. She is excessive proud of it and now answering it. [She] is grown a good deal taller and is, I thank God, a very good child,” (May 1759), “H.P. is a little piqued at your supposing she has almost forgot you.” (November or December 1759), “Harriott desires her duty to you and love to Miss Varier. She is, I thank God, a very promising good Child, enjoys a fine state of health and grows tall.” (March 1760)³⁴ The letters back and forth between England and South Carolina show a mother who was deeply devoted

³¹ Clinton, *Plantation Mistress*, 172.

³² Barbara Welter, “The Cult of True Womanhood: 1820-1860,” *American Quarterly* 18 (Summer 1966): 166.

³³ Spruill, *Women’s Life and Work*, 44.

³⁴ *Ibid.*, 119, 130, 141.

to her children and continuously worried about her sons across the Atlantic. The devotion that Harriott received as a child set a positive example for her own role in motherhood later in her life, but Harriott was by no means the perfect child. In 1761, Eliza Pinckney wrote to her friend, Mrs. King, “Harriott writes to Miss Whilhelmina by this opportunity and I am greatly obliged to that young Lady for the pretty manner in which she conveys advice to her, which (especially to one of Harriott’s lively disposition) will be more serviceable than graver lectures might be from older people, besides her great fondness (in which she is very constant) to Miss WK.”³⁵ From the tone of the letter, it seems that Harriott might have had the obstinacy most commonly found in teenagers.

As Harriott’s education progressed, she learned not only the academic knowledge from her mother, but also the knowledge that she would one day need to run a plantation household. She would eventually become very helpful to her mother in managing the numerous plantations and town properties that had been left by Charles Pinckney. The managerial knowledge that Harriott Pinckney learned at the hands of her mother would enable the two women to work together throughout the American Revolution and beyond to keep the family plantations profitable.³⁶ According to Anzilotti, even though female planters such as Eliza Pinckney and later her daughter became successful business women in their own right, they did not see themselves as autonomous, but rather as surrogates for their deceased husbands. “While these women carefully conducted business, labored to improve their holdings for the benefit of their offspring, and raised their sons to become successful planters, they groomed their daughters to be the wives of

³⁵ Ibid., 162.

³⁶ Frances Williams, *A Founding Family*, 20.

wealthy men, not independent businesswomen like themselves.”³⁷ This desire for their daughters to be in a submissive position would only serve to enforce perceptions on how society should be. It is entirely possible that most of the businesswomen wanted no part of more independence for their daughters. If on the death of their husband, they lost their companion and father of their children and their responsibilities and workload doubled, then it is obvious that the widows at the time would want a more comfortable lifestyle for their daughters. The last statement is made on the assumption that the marriage was a loving and companionable marriage. If a woman had been in an unhappy marriage, then she might encourage her daughter to take all of the freedom that she could attain, little though it was.

Courtship and Marriage

The eighteenth century brought a “new emphasis on the role of affection in family relationships, apparent both in the rising ideal of companionate marriage and growing interest in child rearing and education.”³⁸ While the evolution of affectionate families is a highly debatable topic among historians, it seems that the Pinckney family fit the maxim of an affectionate family as evidenced through their letters and business dealings with each other. Eliza Pinckney did create an affectionate home for raising and educating her daughter, and she could do no less when it came to Harriott’s stepping into adulthood. There was a growing belief in the second half of the eighteenth century that sons and daughters should have more of a say in selecting their marriage partner. The planter class

³⁷ Anzilotti, “Autonomy and the Female Planter,” 249-50.

³⁸ Fryer, “The Mind of Eliza Pinckney,” 233.

embraced this change in family life, and both Eliza Lucas and Harriott Pinckney played a large role in the selection of their husbands.³⁹

A painting done of Harriott Pinckney at the age of eighteen shows her to be pretty and slender with blond hair and blue eyes.⁴⁰ This would have been the vision that the widowed Daniel Horry had of Harriott during their courtship. Harriott Pinckney's letter book from 1763-1767 includes a letter to an unnamed friend that confesses, "Mr. H told me at the assembly he would call before he left town but I really believe he is so [?] about me that it prevents his calling on us as often as on his other acquaintance least it should be thought he had a serious attachment and I am as much [?] that I believe I look so simple when he is in company that he thinks me half an idiot."⁴¹

Daniel Horry was a widower who was a part of a wealthy Huguenot family that had settled along the lower Santee River in South Carolina in the late seventeenth century. In the 1730s men could receive huge tracts of land from the crown, including fifty acres for each slave brought to the area. This allowed families such as the Horry family to become one of the first large land owning families to grow rice,⁴² and Daniel Horry became one of the wealthiest rice planters along the Santee River.⁴³ There was a substantial age gap between Daniel Horry and Harriott Pinckney, but not so large as the age gap between Harriott's parents. Harriott held a high regard for Daniel Horry as seen in the above letter and received some teasing about her affections as seen in the following letter to a friend in 1763.

³⁹ Daniel Blake Smith, *Inside the Great House: Planter Life in Eighteenth Century Chesapeake Society* (Ithaca: Cornell University Press, 1980), 21-22.

⁴⁰ Hooker, *A Colonial Plantation Cookbook*, 4.

⁴¹ 11/332/8 Harriott Pinckney (Mrs. Daniel Horry) Letter book, 1763-1767, Pinckney-Lowndes Papers, South Carolina Historical Society, Charleston, South Carolina.

⁴² Rogers, *Charleston in the Age of the Pinckneys*, 9.

⁴³ *Ibid.*, 123.

You think that I would not pay you a visit at so dull a place as Santee, indeed you are mistaken I would gladly undertake a jaunt if I could with Propriety, I love the country and I know my good Mama would indulge me in it but what would a good natured Town say as I was never in that part of the country before? Why that I went to throw myself in the way of some gentleman old, or young and how repugnant as well as hurtful that would be to female delicacy you can judge.⁴⁴

Whatever the thoughts of the townspeople, Harriott Pinckney married Daniel Horry on 15 February 1768 at the age of nineteen. The marriage was considered a suitable alliance between two prominent families in South Carolina, but it was also a love match between Harriott and Daniel. Both had great respect for the other, and Harriott had been well trained by her mother in the duties of a plantation wife.⁴⁵ The couple split their time between Hampton Plantation, which was located forty-two miles north of Charleston, and their house in Charleston at the corner of Broad and Legare Streets, which no longer exists.⁴⁶ As the plantation class of South Carolina gained fortune through differing cash crops, they began to keep the same habits as the London aristocracy. Planters came to town for the season in late winter and also to escape the deadly diseases of summer in the low country. Most planters had at least two houses, one on their main plantation, and also one in Charleston.⁴⁷

Once Harriott was married, she still continued to keep in close contact with her mother. Eliza Pinckney spent much time with Harriott after her marriage, and after the main Pinckney plantation of Belmont was destroyed during the American Revolution, Eliza Pinckney split her time between Charleston and Hampton Plantation until Daniel

⁴⁴ Harriott Pinckney (Mrs. Daniel Horry) Letterbook, 1763-1767.

⁴⁵ Williams, *A Founding Family*, 33.

⁴⁶ Pinckney, Elise, *Letterbook of Eliza Lucas Pinckney*, xxiii.

⁴⁷ Rogers, *Charleston in the Age of the Pinckneys*, 23; Spruill, *Women's Life and Work*, 30.

Horry died, after which Eliza went to live fulltime with Harriott. About a month after Harriott's marriage to Daniel, Eliza wrote:

I am glad your little wife looks well to the ways of her house, I dare say she will not eat the bread of idleness while she is able to do otherwise. If she makes you happy I am content. The management of a dairy is an amusement she has been always fond of, and 'tis a very useful one. I will answer for it, hers is perfectly neat. I find as you say she sends her instructions far and near, besides the affairs of Murphy's Island, she has people out gathering samples...and is distilling herbs and flowers.⁴⁸

Her successful management of Hampton Plantation as its mistress completed the education of Harriott. Eliza was admittedly proud of her daughter's accomplishments, especially as the education of Harriott directly reflected on Eliza, and the letter shows Harriott as a woman who was not afraid to take command of her domain.

The Pinckney women were renowned throughout the Carolinas for their housekeeping skills as can be seen by a letter to Harriott from a friend later in life: "Tell Eliza I am quite conceited to have her ask me for a receipt, for her family are said to be the best housekeepers in America."⁴⁹ The letter to Daniel Horry also showed Eliza's pride in her daughter's accomplishments as a wife. She complimented Harriott's skills as a housewife and never suggested that Harriott was anything other a dutiful wife when in fact, Harriott later became a successful planter in her own right. Eliza also complimented Harriott's hard work and thanked Harriott for her help in a letter from February 1775 by saying, "if your Husband thought as highly of you as I do, he would think you a treasure worth cherishing; I am obliged to him for allowing you to assist me, for he has a property

⁴⁸ Letter from Eliza Pinckney to Daniel Horry, 9 March 1768, Pinckney Family Papers, South Carolina Historical Society, Charleston, South Carolina.

⁴⁹ Letter from A.E.N. Laight to Harriott Horry, 1821, Pinckney-Lowndes Papers, South Carolina Historical Society, Charleston, South Carolina.

in your time as well as yourself.”⁵⁰ The statement bears some study because it does show that Eliza realized that Harriott needed to be respectful in her dealings with Daniel Horry by acknowledging the claim that Daniel had on Harriott’s time and family dealings.

Whatever the housekeeping skills of Harriott, the affection that Daniel had for his wife was evident in one of his letters that he sent to her from England. “Will you think me troublesome my dear wife if I write to you again so soon, You are too polite to tell me so, but I shall know how to find it out by the length of time you take to answer me. Poor Mrs. Hampton comes to England for her health and I could not withstand the temptation of sending you a line by her no more than I can help telling you your friends here complain of your silence.”⁵¹ Harriott was well-liked, and had a large number of friends, both in America and in England, which was quite common for a woman in her social class. It seems that her mother’s ability to make friends in all types of situations had transferred itself to Harriott as well, which was good since her husband and brothers were about to embroil themselves in the politics of a dissatisfied part of the population in the colonies.

Whatever the stirring politics of the time, life went on in the Horry household and Harriott and Daniel Horry had a son on 13 August 1769. His name was Daniel Horry.⁵² Scarcely over a year later, in October 1770, Harriott Pinckney Horry was born.⁵³ Those were the only two recorded births of Harriott Horry and one wonders why the family was so small in an age of large families. Daniel Horry would stay alive for another fifteen

⁵⁰ Eliza Lucas Pinckney to Harriott Pinckney Horry, February 17, 1775, Folder 4, box 2, Pinckney Family Papers, South Carolina Historical Society. Anzilotti, “Autonomy and the Female Planter,” 250.

⁵¹ Letter from Daniel Horry to Harriott Horry, Harriott Pinckney (Mrs. Daniel Horry) Letter book 1763-1767, Pinckney Lowndes Papers, South Carolina Historical Society, Charleston, South Carolina.

⁵² Frances Williams, *A Founding Family*, 41.

⁵³ It was apparently the custom of the time to circulate the same surname around within families. There were three different Harriott Pinckneys alive at the same time, along with more than a few Charles Pinckneys and Daniel Horrys.

years, yet no other children were born. Even though South Carolina families were smaller than the norm during the eighteenth century, and the American Revolution kept Daniel Horry away from Harriott for long lengths of time, the small family still seems a bit odd. The relatively small family of Eliza and Charles Pinckney could suggest that perhaps Eliza had used some type of contraceptive measure, and if so, she could have passed that knowledge to Harriott. However, there is no conclusive proof of anything, other than Eliza's strong interest in botany and herbs. The small size of South Carolina families also could explain the size of the Horry family.

Meanwhile, Charles Cotesworth Pinckney and Thomas Pinckney had returned home from England, after a sixteen and eighteen year absence, where they had studied and been admitted as lawyers to the Bar. Thomas had watched the Parliamentary debates over the America question with friends while he had been studying in London and came back to South Carolina full of questions and ideas. The ideas of the two young men were greatly influenced by the local politics in Charles Towne, especially once they married into prominent political families in the area.⁵⁴ As Charles took over the property that his father had left to him, he relied heavily on the advice of his mother and brother-in-law, Daniel.⁵⁵ The Pinckney family was back together after a long period apart. The relief of Eliza to finally have her family together again after such a long absence must have been enormous.

Life during the American Revolution

Even though the Pinckney family had friends and business interests in England, the dissatisfaction over the policies of the English government pushed many people,

⁵⁴ Rogers, *Charleston in the Age of the Pinckneys*, 123.

⁵⁵ Williams, *A Founding Family*, 41.

including the Horry family, into the struggle for independence. Daniel Horry was a valiant fighter in the War for Independence and was a member of the First Provincial Congress in 1775. Both Daniel Horry and Charles Cotesworth Pinckney served on General Washington's staff from 1777-1778, and Daniel Horry returned to South Carolina in 1779 to raise a company of dragoons. The prolonged absences away from his family forced Harriott into the role of plantation master and mistress, but she was able to keep Hampton Plantation running and even somewhat profitable, at least compared to other plantations around Charles Towne. In May 1779, General Prevost of the British Army ordered the destruction of plantations around the Charles Towne area. Auckland Plantation, which was one of the Pinckney plantations, was burned along with many family valuables and all of the archival materials and books of Harriott's father, Chief Justice Charles Pinckney. In addition to the loss of family history, Belmont Plantation, which was where Eliza Pinckney lived and the largest of the Pinckney plantations and Charles Cotesworth Pinckney's inheritance, was burned so badly that only the brick frame survived.⁵⁶ After Belmont was burned, Eliza Pinckney went to live with Harriott at Hampton Plantation for the remainder of her life.

Eliza Pinckney was not the only family member to seek refuge at Hampton Plantation. The relative seclusion of Hampton allowed a greater degree of safety from marauding troops than the other family plantations closer to Charles Towne. Sally Pinckney, the wife of Charles Pinckney, and their children, plus other relatives all stayed at for some period of time to seek safety from the wandering British troops. The women of South Carolina, and in other parts of the colonies at the same time, formed communities to help them deal with the hardships that life brought their way. "Their

⁵⁶ Wheeler, *Hidden Glory*, 16, 31.

association with other women, whether relatives or friends, was the decisive factor in shaping the lives and culture of female society in the South Carolina lowcountry.”⁵⁷ While all of the men had gone off to fight the British, the women gathered together to share resources and provide some degree of protection for each other, as well as give emotional support during the war.⁵⁸ This support group was created as a way to help the females of the planter class bond together to cement friendships, share ideas and recipes, and also pass on traditions to younger females. This gathering was instrumental in establishing a cohesive elite class in South Carolina. The women were taking their cue from the aristocratic class in England where the women would gather for tea and gossip, but since the plantations were such a long distance from each other and the women often complained of isolation and loneliness, women would gather for days or weeks at different plantations, just to have companionship with their own social class.

While the men were out slaying dragons and creating a new nation, the women were left to manage the plantation and raise the children. Before Eliza moved to Hampton, she and Harriott wrote quite a bit back and forth, showing the strong link between mother and daughter. In March 1775, Eliza wrote to Harriott inquiring about the health of her grandson, Daniel.

My Dear Child,

. . . Have you given my Sweet Child any Jerusalems-Oak? How does he look, has he recovered (from) the shake the soar throat gave him. Heaven bless him and all my dear Children is the sincere prayer of

My dear Harriott, Your most affecte. Mother,
Eliza Pinckney⁵⁹

⁵⁷ Anzilotti, “Autonomy and the Female Planter,” 263.

⁵⁸ *Ibid.*, 264.

⁵⁹ Eliza Pinckney, “Three Letters of Eliza Pinckney,” *South Carolina Historical Magazine* 99 (1998): 280-81.

From the tone of the letter, Harriott either valued her mother's advice a great deal, or her mother was very forceful with her advice, wanted or not. Mother and daughter also corresponded about availability of goods. Harriott depended on Eliza to procure goods in Charles Towne and then send them to Harriott or bring them to Harriott during one of her visits. Eliza apparently had trouble getting some of the items requested by Harriott as the American Revolution progressed, ". . .The silk gown is very flimsy, if you would have any of these you must speak soon or it will be all gone...I have sent you a white fan wch. I beg you will accept. I bought it because I think it neat and everything is growing scarce."⁶⁰ The affection between mother and daughter is obvious, but since more of Eliza's letters survive than Harriott's, it is hard to see the responses of Harriott. The letters from Eliza are full of love, respect, and, of course, motherly advice. While Harriott did not seem to be dependent on her mother, their relationship was very close. Since her brothers were in England for most of her childhood, Harriott essentially had the attention of her mother completely to herself and as a result the women were very close and Harriott did look to her mother for advice.

The two women shared planting news as well. Eliza wrote to Harriott often about the condition of the crops: "I have some pretty cotton, but it shall suffer shortly if we have not rain, the corn still looks well, but not a pea comes up 'tis so dry. I am glad to find rain in some parts of the country."⁶¹ Even though Eliza did not own Belmont plantation, she continued to manage it after Charles Cotesworth Pinckney left to fight in

⁶⁰ Letter from Eliza Pinckney to Harriott Horry, ca. 1770's or 80's, Pinckney Papers, South Carolina Historical Society, Charleston, South Carolina.

⁶¹ Eliza Pinckney to Harriott Horry, May 28, 1778, Pinckney Family Papers, South Carolina Historical Society, Charleston, South Carolina.

the Revolution and served as the manager of Belmont until the British destroyed the plantation.

Eliza Pinckney saw the family as an economic unit as well as an emotional and supportive unit. Her children were all brought up to see themselves “as agents of a collective family entity”, and Charles, Harriott, and Thomas continued to see themselves this way as adults. All of Eliza’s children were brought up to value civility and to keep family needs constantly in mind. Central to Eliza’s views on family was civility. This was practiced through carefully structured social intercourse, especially conversation and letter writing.⁶² Her letters to her children were frequent and full of family news.

Mr. Horry and Harriott did not leave town till a week after you sailed....they left Daniel with me as the measles were at Hampton, he is I thank God well except a little hoarsness and a trifling Cough the remains of the cold you left him with, he writes to you ten times a day, his father had some company soon after you went, and upon their drinking your health and good voyage he drank it too, but with this addition; I pray the Great and Good God almighty to bless my dear Uncle Tomm, and with great Emphasis and great earnestness he express’d it. I heard last week from your sister, she and Mr. Horry were both well.⁶³

Eliza created a bond between her children, even though they had grown up virtually apart, that lasted their entire lives, but was also created in the second generation through relationships with cousins and grandchildren. Eliza kept close contact with her grandchildren through the frequent letters and visits. Eliza was close to her granddaughter, Harriott, because Eliza lived with the Horry family after the Revolution, but she also maintained contact with her grandson, Daniel Horry, through letters to England in which she tried to address the same concepts that she had already embedded into her children.

⁶² Fryer, “The Mind of Eliza Pinckney,” 227, 233-34.

⁶³ Pinckney, “Three Letters of Eliza Lucas Pinckney,” 281.

I shall no more but urge you to a close application of your studies, and a constant endeavor after improvement in every virtue; this is the way, and the *only* way my dearest boy to happiness; virtue and learning will procure you lasting pleasure whether your path through life rugged or smooth, however that may be may self command, and conscious virtue be your portion. So prays

Your ever affectionate Parent,
Eliza Pinckney⁶⁴

Eliza took great pride in the civility that was found in her family and she was constantly trying to ensure that the civility would continue past her own children and to their offspring.

Once Charles and Thomas Pinckney returned to South Carolina the relationship between the three siblings deepened even more. Both wrote to Harriott and depended on her to help them with business matters, such as plantation management, and also personal matters while they were off fighting for American independence. Thomas had shattered his leg during the fighting and while he was recovering, he stayed at the home of the Mottes. While he was recovering he fell in love with Betsey Motte and the two were eventually married. However, while he was off fighting, he entreated Harriott to help persuade Betsey that Thomas was a man worth entertaining. Thomas wrote to Harriott on 7 April 1778, "If Chance should throw my charmer in your way I charge you to make strong Love for me."⁶⁵ Thomas was depending on the close-knit society to bring Harriott and Betsey together in some way and was asking Harriott to help his romantic aspirations with Betsey. Whatever his methods happened to be, they worked since the two were later married. Thomas Pinckney also wrote a letter in the midst of the fighting that shows the classic case of a son who is frustrated with his mother, and can only share that frustration

⁶⁴ Ibid., 281.

⁶⁵ Thomas Pinckney to Harriott Horry, April 7, 1778 from Orangeburg, South Carolina, *South Carolina Historical Magazine*, LVIII (1957), 148-49.

with another sibling, “My mother must have strange Notions of the Duty of a Soldier when she imagines that we could leave Camp to attend the House of Assembly, when nothing but the River Savannah parts us from the Enemy.”⁶⁶

While the Pinckney children rarely criticized their mother, it seems that they were typical in having a bit of playfulness about their relationship. The affection between both brothers and their sister would continue throughout their long lives, especially when it came time to take care of family. Both Harriott and Thomas were appointed as executors of the estate of Charles Cotesworth Pinckney, but both renounced any claim they had once Charles’ daughters were old enough to take responsibility for the estate.⁶⁷

Both Charles and Thomas Pinckney fought to distinction in the American Revolution and once it was over, they were both prominent members of Early American society. Charles Cotesworth Pinckney took his place as a lawyer and Thomas Pinckney became a planter, even though he had also been trained in law.⁶⁸ Daniel Horry was another matter. Even though he had raised a platoon of dragoons to fight against the British, and was active in political life, after the fall of Charles Town to the British forces in 1780 Daniel Horry took protection under the British. He was fearful that his family and property would be harmed, so he abandoned the patriot cause. While research does not show him fighting for the British, he was no longer fighting for independence. This

⁶⁶ Thomas Pinckney to Harriott Horry, January 7, 1779, Pinckney Lowndes Papers, South Carolina Historical Society, Charleston, South Carolina.

⁶⁷ Folder 11-332A/11, Pinckney Lowndes Papers, South Carolina Historical Society, Charleston, South Carolina.

⁶⁸ Rogers, *Charleston in the Age of the Pinckneys*, 124-25.

move labeled him as a deserter by the American patriots and it was only his family connection to the Pinckneys that saved him from financial ruin after the war.⁶⁹

It was very common before the American Revolution for wealthy families to send their young sons to England to receive an education, much like Eliza and Charles Pinckney did with their two sons. The practice continued throughout the war when possible and even after America had gained its independence (at least until the American schools gained more prestige).⁷⁰ After seeking protection from the British, Daniel Horry took his twelve-year-old son, Daniel, to England to enroll him in Westminster School.⁷¹ While he was in England, Harriott was once again left in charge of the family plantations, but in addition to management issues, she was forced to deal with the fallout that her husband had caused by seeking protection under the British.⁷² While no records exist that would indicate social discomfort for Harriott, she was pretty isolated at Hampton Plantation, which might have helped to shelter her from the consequences of Daniel's decision.

While Daniel was in England, the American General Assembly of South Carolina taxed Hampton and the Horry holdings quite heavily, especially since Daniel Horry was seen as a deserter. It was decided by the same Assembly that anyone who had been assessed penalties must come out of 'protection' in British held Charles Towne by August 1782 (which was the next scheduled Assembly meeting), or have their estates confiscated and be banished from the state of South Carolina. It was only through the intervention of Charles and Thomas Pinckney on behalf of their brother-in-law that

⁶⁹ Wheeler, *Hidden Glory*, 34-37.

⁷⁰ Rogers, *Charleston in the Age of the Pinckneys*, 77.

⁷¹ Wheeler, *Hidden Glory*, 37.

⁷² Hooker, *Colonial Plantation Cookbook*, 6.

Daniel Horry was able to keep his holdings, even though he was taxed quite heavily because of his decision to take ‘protection’.⁷³

Once the war ended and Daniel Horry was back at Hampton Plantation, he retired from public life. In private life, his time centered on restoring Hampton Plantation as an agricultural leader among the Santee Plantations. While Hampton Plantation had stayed productive during the war under the leadership of Harriott Horry, the invasion of British forces had interrupted the flow of trade between Great Britain and South Carolina. Once trade resumed between the two entities, Daniel Horry concentrated most of his energy on the cultivation of tidewater rice and also his church affiliations. Harriott handed the reins of management back to Daniel, but was certainly a help at this time as she continued to raise her daughter, Harriott, and take care of her duties as plantation mistress. In addition, Eliza Pinckney lived with the Horrys by this time because the main Pinckney plantation had been destroyed during the American Revolution.⁷⁴

In 1784, the wife of Charles Cotesworth Pinckney died, and his three daughters went to live at Hampton Plantation with their extended family of Daniel and Harriott Horry, Eliza Pinckney and Harriott Pinckney Horry.⁷⁵ The relocation of Charles Pinckney’s daughters to Hampton Plantation was indicative of the close family ties of the Pinckney family and the role that women played as comforters. It also shows the apparent necessity that Charles Pinckney felt for a strong female influence on his daughters. Instead of hiring a housekeeper, as did most other widowers at the time, he sent his daughters to the female members of his family, which also allowed him to stay in

⁷³ Wheeler, *Hidden Glory*, 37.

⁷⁴ *Ibid.*, 41.

⁷⁵ *Ibid.*, 42. This meant that three of the ladies living at Hampton Plantation were named Harriott. See footnote 53.

Charleston and continue to focus on his law practice. The extended family helped the three young ladies heal after the death of their mother, but another tragedy was not far behind. In November 1785, Daniel Horry died at Hampton Plantation after suffering from liver failure and bilious fever, which was an agonizing death. The medicinal knowledge of Harriott and Eliza combined could not help him and Harriott Horry became a widow at the age of thirty-seven.

Widowhood

Primogeniture in the South was integral in maintaining the power structure that had started in England and then been transferred to the southern part of the colonies. For example, in Virginia, many plantation owners with multiple plantations tended to give the eldest son the home plantation and then divide the other plantations and assets between the wife and other children.⁷⁶ The entire idea of primogeniture as it developed in England was to prevent land fragmentation among the ruling class and the same held true in the South. By creating large land bases of power, it made it easier for the ruling class to maintain control of the area, but also gave the Southern landowners an advantage in monitoring slaves and their work.⁷⁷ The same was generally true in South Carolina, and Daniel Horry left his son the main plantation of Hampton. He left his wife a smaller plantation called Laurel Hill. After the American Revolution, many of the inheritance laws changed which gave sons and daughters more equal treatment, thus ending primogeniture in law, although it still existed in custom.⁷⁸

⁷⁶ Lee Alston and Morton Owen Shapiro, "Inheritance Laws Across Colonies: Causes and Consequences," *Journal of Economic History* 44 (June 1984): 281.

⁷⁷ *Ibid.*, 280.

⁷⁸ Daniel Scott Smith, "Inheritance and the Social History of Early American Women." in *Women in the Age of the American Revolution*, eds. Ronald Hoffman and Peter J. Albert, 65 (Charlottesville, VA: University Press of Virginia, 1989).

The legacy of Daniel Horry was very generous to his “beloved wife”.⁷⁹ One of the first things that he did was to return ownership of all of the slaves that she had brought into marriage with her, which numbered close to fifty slaves. He also bequeathed to her: forty head of cattle, twenty sheep, twenty hogs, six of the best draught horses and two carriages. In addition, he gave her a smaller plantation named Laurel Hill consisting of 666 acres, another island consisting of fifty-seven acres, and the use of the house and lot in Charleston, along with all of the furnishings. The generosity of Daniel Horry, regarding the livestock and housing was to ensure that Harriott Horry was adequately provided for, even without the help of her son.

Daniel Horry’s will stipulated that all of the property and use of property that Harriott Horry inherited would go to Daniel Huger Horry upon the death of Harriott. Unfortunately, Harriott outlived her son, as well as her husband. The will stipulated that any property not mentioned in the will would be divided between the issue of Daniel Horry and his wife,⁸⁰ but if Daniel Huger Horry (son) died before his mother, then Harriott would inherit all of the property. Since the will was made out after the birth of Harriott Pinckney Horry, it is interesting to note that Daniel Horry only mentioned his son in the will. “For want of any other Issue than my son Daniel, and to the heirs of his body forever, and in default of his having Issue, or dying before he attains the age of Twenty One Years, My will and Desire is that his Mother shall have and Enjoy all my Real and Personal Estate hereby bequeathed to my said son Daniel as aforesaid During her Life and after her Decease to be equally divided by my Executors.” Hampton Plantation was given to Daniel Huger Horry, but Harriott Horry was to manage it until

⁷⁹ Last Will and Testament of Daniel Horry, 2 July 1772, Pinckney Lowndes Papers, South Carolina Historical Society, Charleston, South Carolina.

⁸⁰ Ibid.

Daniel reached his majority, since Daniel was only three years old at the time of this will. Harriott managed Hampton until her son died in 1828, at which time, it was left to Harriott Horry to bequeath Hampton Plantation to her daughter, Harriott Horry Rutledge, since she was mentioned no where in the will. It is also interesting to note the wording of the will regarding the children of Daniel Horry: “amongst all of the children which I have and may have by my said wife.” It was not that uncommon for plantation masters to have illegitimate children with their slaves. Two possibilities existed in the Horry household. Either Horry was faithful to his wife and did not take advantage of the slaves, or if he did have any illegitimate children, he just refused to provide for them.

The last thing mentioned in the will is “Lastly I constitute and appoint my wife during her widowhood and no longer Executrix, and my Friends Charles Cotesworth Pinckney and Thomas Pinckney, Esq., Col. Elias Horry, Thomas Ferguson, Esq., and Hugh Horry Executors of this my last will hereby revoking every other will written.”⁸¹ Several things are worth further examination here. First of all, most of Daniel Horry’s property was left to Harriott to manage until Daniel Huger Horry reached adulthood, which was fairly normal for the day. Harriott Horry inherited the slaves that she originally brought to the marriage, which was not always the case with other widows, and she was left with enough livestock and manpower (in the form of slaves) to keep her out of financial difficulties. Some widows found it easier to rent out the slaves that they had inherited from their husbands and live on that income,⁸² but Harriott Horry continued to manage all of her slaves, including those that were directly left to her. Harriott Horry, like most widows was appointed executrix of her husband’s estate, but she was given more

⁸¹ Last Will and Testament of Daniel Horry, 2 July 1772, Pinckney Lowndes Papers, South Carolina Historical Society, Charleston, South Carolina.

⁸² Gundersen, *To Be Useful to the World*, 60.

than the usual third share of Daniel Horry's land. Also, like most women at the time, Harriott Horry continued to live at the plantation and raise her family so that her children would be able to inherit a prosperous estate.⁸³ She was also only allowed to remain as Executrix of the estate of Daniel Horry as long as she was a widow. Harriott Horry's brother, Charles Cotesworth Pinckney had the same type of provision in his will for his wife, Sarah Pinckney.⁸⁴ Had Harriott remarried, then life would have changed dramatically. She would have maintained control of the property that had been left outright to her, but would have lost management power of Hampton Plantation to the men listed as Executors, which included both of her brothers. By examining the will and the men chosen to execute the will, it can be seen that family played a large part in the formation of future economic decisions. The hope of Eliza Pinckney that her family would stay together as an economic and emotional entity was partially fulfilled by Daniel Horry's Last Will and Testament. By including Charles Cotesworth Pinckney and Thomas Pinckney as Executors of his will, as well as various cousins and other relatives, then Daniel Horry ensured that the ties that bound the family together would keep supporting his wife on the event of his death, and considering that Daniel was several years older than Harriott, it was almost a given that he would die before his wife did.

Even though Harriott Horry had managed the family plantations by herself while Daniel Horry was fighting in the American Revolution and taking care of business in England, once he died, she was completely on her own. She had an excellent role model and support system in her mother, who was still living with her, but she also had two children to support, including one still attending school in England, and three more nieces

⁸³ Spruill, *Women's Lives and Work*, 305.

⁸⁴ Last Will and Testament of Charles Cotesworth Pinckney, 14 December 1778, 1097.02.02 Benjamin H. Rutledge Family Papers, 1675-1867. South Carolina Historical Society, Charleston, South Carolina.

to raise for her brother, as well as the management of a huge plantation and over five hundred slaves to oversee. It seems that Harriott Horry had many of the same problems that her mother did upon widowhood. Fortunately for her, she had many advantages that most other widows in Charleston did not have.⁸⁵

First of all, Charleston was at its economic height between 1730 and 1820 because of its location on the western edge of the trade winds between Europe, America and the Caribbean Sea and all of the colonies that inhabited the Caribbean Sea. This location allowed Charleston to flourish as a trading stop on the trade routes among the three regions. It also allowed Charleston to serve as a port where immigrants from all over Europe came to help build a new society, especially once the Indian problems were under control and South Carolina was deemed safer and more civilized.⁸⁶ Charleston was a flourishing city that was a center of trade, schooling, and transportation for the southern colonies.⁸⁷ Harriott Horry inherited a thriving rice plantation after the American Revolution, which meant that trading had returned to normal and Hampton once again had a market nearby through which to transport its rice and other goods.

It is estimated that ten percent of adult white women living in America during the late eighteenth century were widows.⁸⁸ By the late 1840s it is estimated that twenty percent of Charleston's adult white women were widowed.⁸⁹ It seems that widowhood was on the rise in America, or that Charleston, South Carolina had a particularly large number of widows, which would account for the fairly liberal property laws in South

⁸⁵ The name of "Charles Towne" was condensed after the American Revolution to "Charleston" to take away some of the Englishness of the name, since it was named after King Charles II of England.

⁸⁶ Rogers, *Charleston in the Age of the Pinckneys*, 3-4.

⁸⁷ *Ibid.*, 23.

⁸⁸ Mary Beth Norton, *Liberty's Daughters: The Revolutionary Experience of American Women, 1750-1800* (Boston: Little, Brown and Company, 1980), 133.

⁸⁹ Kirsten E. Wood, "Broken Reeds and Competent Farmers: Slaveholding Widows in the Southeastern United States, 1783-1861," *Journal of Women's History* 13 (Summer 2001): 35.

Carolina that were needed to give widows enough power to keep the businesses running smoothly. In any instance, widowhood was especially difficult for women because it was an “alienating loss of that central core which gave definition to everything else in a woman’s life.”⁹⁰ As a woman’s status in society was defined as *feme sole* (for widows or spinsters) or *feme covert* (married), then the absence of a husband would make her position in the world much more tenuous. Add the financial responsibilities to the grief that was generally felt upon the loss of a spouse and widows were generally left adrift in a world run by men without any type of anchor.

Unfortunately for researchers, little is left of Harriott’s personal thoughts of this time and one can only imagine her feelings. A letter surviving from March 1786 suggests that things were not as financially secure as one might hope.

To Mr. Jenkins,

That you should have been so long unpay’d the money you were so obliging to advance for us on acct. of the coach has given me real concern. I can only say it was owing to an event which never happened to Mr. Horry in the whole course of his life but once before that is a total loss of crop and was therefor very unexpected, add to this that there was no borrowing money even tho’ an amazing promise was offered for it...I have been so much mortified at possessing a piece of [?] that we could not pay for that I have never yet used it and should have sold it, Mr. Horry would have permitted it in order to have prevented your advancing the money....⁹¹

In the above letter, Harriott entreats a businessman to forgive her for being late on paying for a coach that she had ordered, but she adds a few twists. For instance, she says that the circumstances that led to the late payment are unique to the family because there had only been one total loss of crop in her husband’s entire life, so the problem was something beyond her control and would have happened whether her husband was alive or dead. It

⁹⁰ Clinton, *Plantation Mistress*, 170.

⁹¹ Harriott Horry to Mr. Jenkins, March 1786, Pinckney-Lowndes Papers, South Carolina Historical Society, Charleston, South Carolina.

also states that if her husband had lived, he would have sold the coach back to someone rather than owe money on it that was not able to be paid, but notice that she kept the coach. Later in the letter she offered to send the carriage maker 100 barrels of rice to repay the debt, and then gave him suggestions on where to sell the rice so that he would receive the best possible profit, which actually betrays her protestations of ignorance. As a planter, Harriott Horry knew that best markets for her crops and the best possible time that they should be sent.

Harriott Horry was soon able to hold her own in the business world and in fact, managed Hampton Plantation quite well. The two women worked together to increase the profits of Hampton, and shared shipping costs with Thomas Pinckney so that the family could increase its economic muscle. While Daniel Horry's will stipulated that ownership of Hampton Plantation actually belonged to his son, Harriott Horry continued to manage the plantation along with the other Horry properties. Daniel Huger Horry, who had been sent to England to attend school, decided that he was more comfortable in Europe and later married a French woman and lived in France for the rest of his life. In 1800, Daniel Horry gave his mother power of attorney so that she could continue to conduct business at his plantation which he rarely visited.⁹² The plantation remained under the control of Harriott Horry until 1828 when she moved to Charleston to live out the remainder of her years. By that time she was eighty years old and had lived at Hampton Plantation for sixty years. Harriott actually inherited the plantation when her son died in 1828, but it

⁹² Kenneth E. Lewis, "Hampton, Initial Archeological Investigations at an Eighteenth Century Rice Plantation in the Santee Delta, South Carolina", Research Manuscript Series No. 151, Institute of Archeology and Anthropology, University of South Carolina, September, 1979, 14.; Williams, *A Founding Family*, 332.

only remained under her actual ownership for two years before she died.⁹³ Kirsten Wood notes that most slaveholding widows choose to keep control of their children's property until they died rather than turn it over to children once they came of age, and while Harriott Horry remained in charge of what was essentially her son's property, it was more her son's choice, rather than hers.⁹⁴

Ten years later after her husband's death, Harriott was secure enough in her business acumen that she rented some land in Charleston to two men to create a "public, but decent and reputable place of entertainment in the City of Charleston under the denomination of Vauxhall or Garden of recreation."⁹⁵ While the project never came to fruition, the fact that Harriott Horry entered into a contract with the two men shows that she had some type of financial acumen and wanted to improve the entertainment in Charleston.

Women rarely ventured into public life in Charleston. Widows were among the few women who even attempted to venture into the predominantly male public sphere. Harriott Horry's foray into the business world to help establish a public garden for entertainment purposes shows that she was further mimicking the aristocracy of England, but also that she was venturing into a virtually unknown world for Charlestonian women. "Women ran businesses and managed plantations, but, outside of these economic endeavors, they took no part in the public life of the lowcountry."⁹⁶ Further imitating the aristocracy of England, women within the planter class had no desire to draw any

⁹³ Lewis, "Hampton," 16.

⁹⁴ Wood, "Broken Reeds," 39.

⁹⁵ Lease of Land by Harriott Horry to Joseph Bullit and Antoine La Valette, 24 February 1795, Benjamin H. Rutledge Family Papers, 1675-1867, Pinckney Family Documents, 1795, South Carolina Historical Society, Charleston, South Carolina.

⁹⁶ Anzilotti, "Autonomy and the Female Planter," 266.

attention to themselves. By staying safely in the domestic sphere of home and hearth they would maintain anonymity, yet Harriott Horry ventured forth in to society by helping to create a public garden. Perhaps the fairly public face of her husband and brothers gave her a different view of what she should do as a prominent woman in society. Harriott Horry's family certainly had a talent for public works between her husband and brothers working in the state assembly and her mother introducing a new crop to South Carolina agriculture, and Eliza did want her children to practice civility and public works. Surely a public garden for the citizens of Charleston would constitute public good, and Harriott Horry was quite a wealthy widow, which would have also given her more leeway than other younger, perhaps less wealthy widows.

Women in the seventeenth and eighteenth centuries were seen as dependants by society who relied on their menfolk to speak and act for them in all matters political, legal and economic. Dependency was thought to be natural and perpetual.⁹⁷ The status of any adult woman was determined by her marital state, and a woman's primary role in both the family and community was as mistress of a household.⁹⁸ While widows and unmarried women were considered to be mistresses of their own households, they were not usually dependent on a man, except for those who might be dependent on a son or brother to help them financially. Yet both Eliza Pinckney and Harriott Horry were dependant on their sons who owned the property that the women managed and made profitable. It was entirely within the legal rights of the sons to take over the property and push their mothers to the Charleston townhouses that awaited the two women, but then

⁹⁷ Mary Beth Norton, *Founding Mothers and Fathers: Gendered Power and the Forming of American Society* (New York: Alfred A. Knopf, Inc., 1996), 4.

⁹⁸ Mary Beth Norton, "The Evolution of White Women's Experience in Early America," *American Historical Review* 89 (1984): 600.

the men would have had to actually manage the plantations, or hire someone to do it. In the event of Indian attacks and invasions from European powers, women were often left on their own to manage the farm or business and were forced to take a more aggressive role in society; however, the role of the husband was the patriarch who led the family and had the final say in all matters. The wife served as the second in command, or her husband's agent when he was present, and continued to serve in that role when he left.⁹⁹ The problems arose when a woman was left as a widow since she had no guidance from a male figure, legally speaking.

Slaveholding widows, such as Harriott Pinckney Horry, had a difficult position in society. Their peers expected them to be helpless with grief, but to also take up the burden of managing plantations and the family finances in a competent manner.¹⁰⁰ Harriet Horry was able to do this, with the help of her mother, but many widows at the time were not as fortunate. At the same time as assuming a more masculine role in society, women were required to wear 'widow's weeds' to give a silent explanation of why women were in banks, courthouses, and other masculine domains where women did not usually appear. One of the ways that women were able to have more of a place in the male dominated society was to suggest that their managerial efforts were in compliance with their dead husband's wishes, or to suggest in business transactions that their husband probably would have done the job better, but that the widow was doing the best that she knew how.¹⁰¹ The letter mentioned earlier from Harriott Horry to the coach maker is an excellent example of this. Harriott Horry played on the sympathy of the coach maker by suggesting that the circumstances that led to the delay of payment would have happened

⁹⁹ Spruill, *Women's Life and Work*, 44.

¹⁰⁰ Wood, "Broken Reeds," 35.

¹⁰¹ *Ibid.*, 35-36.

even if her husband had been around to guide her. Even competent widows such as Harriott Horry, who had managed their plantations a large amount of time while their husbands were alive, tried to ease their transition into the manly world of business by placating and acting apologetically to business owners if business transactions did not go as planned.

So where does Harriott Pinckney Horry fit into all of this and did she fit the mold of a typical wealthy widow in South Carolina? First of all she was a strong woman who fit into most of the patterns of the day, but not all. Harriott Horry was well respected by her family and peers, but the papers that she left behind are scattered throughout different Pinckney family collections throughout South Carolina. It is actually quite common to catalog women's letters and diaries under their husband's name, which usually means that the papers end up "lost" in family collections.¹⁰² It is also amazing that so many of her papers survived both the American Revolution and the Civil War. Even so, most of the letters that can be found have been written to Harriott and it was uncommon to find a letter that Harriott actually wrote.

A study done by Mary Beth Norton describing the financial claims that Loyalist women made to the British government after the Revolution shows women who described themselves as "helpless". Norton believes that the women studied had internalized this feeling so much that they became "incapable of helping themselves".¹⁰³ In the correspondence describing Harriott Horry and her experiences either during the Revolution, or after her husband died, nowhere does she describe herself as "helpless."

¹⁰² Linda K. Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill: University of North Carolina Press, 1980), 289.

¹⁰³ Mary Beth Norton, "Eighteenth Century American Women in Peace and War: The Case of the Loyalists," *William and Mary Quarterly* 33 (June 1976): 406.

Harriott Horry had some difficult times in her life, but her training under the careful guidance of Eliza Pinckney and her experience at plantation management (while helping her mother and when standing in for her husband who was away fighting for an independent nation), helped her gain the necessary skills to succeed in life as a widow. The popular belief among historians is that most widows were left in dire straits when their spouse died. Most of the Loyalist widows in Norton's study were unaccustomed to settling accounts, writing business letters or handling legal correspondence.¹⁰⁴ Planters in particular were notorious for "shielding" their wives from the financial side of plantation management, which fits in with Welter's "Cult of True Womanhood" idea, but as a result, many widows were ill prepared to run a plantation. In addition, creditors had a bad habit of taking advantage of widows who were unsure of which debts were real or imagined.¹⁰⁵ All of these instances tie together to form a portrait of the typical widow as helpless and ignorant about the financial affairs of the family, but this was not a true picture of Harriott Horry when she became a widow in 1785.

Several things helped Harriott Horry break the mold of a helpless widow. First of all Harriott's mother, Eliza Pinckney, had been a widow for nine years when Harriott married Daniel Horry. As a result, even though Harriott had been raised with the idea of being a good and dutiful wife, she helped her mother with plantation business as a teenager. In addition to the domestic education that Harriott Horry received from Eliza, Harriott was also left to manage the plantations of her husband while Daniel Horry was fighting in the American Revolution and later when he traveled to England to establish Daniel Huger Horry in school. The primitive communication network of the eighteenth

¹⁰⁴ Ibid., 133.

¹⁰⁵ Ibid., 134; Clinton, *Plantation Mistress*, 76-77.

century left Harriott virtually on her own while Daniel Horry was away, so she came to rely on her own intuition to make financial decisions about the plantation. Obviously, Daniel Horry trusted her to make those decisions, or he would not have left her in charge of the family finances for such long periods of time. It was also helpful that Eliza Pinckney spent a large amount of time with Harriott during the Revolution and after Daniel Horry's death, but Eliza was not with Harriott all of the time and until 1780, Eliza had the responsibility of three other plantations to manage, so while Harriott valued her mother's help, Harriott was certainly independent enough to make decisions about the plantations on her own. As far as creditors trying to take advantage of Harriott, it is hard to imagine that creditors in South Carolina would try and take advantage of Harriott. Not only was she seen as a very intelligent lady, but her brothers were Charles Cotesworth Pinckney, noted Patriot and later lawyer in Charleston, and Thomas Pinckney, noted Patriot and planter. The Pinckney name surely had its uses.

While Harriott Horry fit many of the stereotypes of a typical plantation widow, her correspondence and the family network that she helped to establish show that the strength of character that she exhibited belied many of the stereotypes of widows as helpless. Under her guidance and leadership, Hampton Plantation was at its most profitable. The industriousness that was characteristic of Harriott Horry was not necessarily the case with every widow. In addition, the support system that Harriott Horry had through her family and political connections allowed her more flexibility than some. Many widows were in a more precarious financial situation and did not have the support that Harriott Horry did, which means that Horry, like many other upper-class women had more resources at her disposal. The long life span of Harriott Pinckney

Horry gave her opportunities to do many things that were not available to other women of her time, but by studying Harriott Horry and how she conformed to the norms of early American society, while establishing her own place in history, one can use the information to compare her to Lady Mary Coke of England.

CHAPTER 5

A COMPARISON OF THE STATUS OF WIDOWS

After studying the lives and widowhood of Lady Mary Coke and Harriott Horry, it is possible to compare not just their lives as widows, but also the status of widows in general. By focusing on the lives of aristocratic women, it is possible to see how the men in power treated their female contemporaries. The laws that were created and established for widows were sculpted by the elite. If the elite created the laws that disestablished women's legal status in England, which affected their wives, mothers, and sisters, researchers might question what these same men would have done to widows who were not in the same social sphere. The comparisons are many, and I have found an extraordinary amount of similarities between the two countries' treatment of widows. I have also found that the idea of jointure that originated in England, but never established itself in America, had consequences that were not foreseen by the originators.

When the American colonies were first established, Lord Baltimore treated men and women equally as the heads of families. In the effort to encourage more women to come to America and help increase the white population, Lord Baltimore offered one hundred acres of land for each man, another one hundred acres for his wife, plus additional acreage based on the amount of children and servants that were brought to the New World.¹ By offering the same amount of land for women and men, a type of precedence of equality was created that would not be destined to last long. Once the plantations had been established and the new society transferred over from England,

¹ Julia Cherry Spruill, *Women's Life and Work in the Southern Colonies* (Chapel Hill, NC: University of North Carolina Press, 1938), 11.

women began to lose what little equality they had with men in the American colonies within the first one hundred years of settlement.

As the centuries progressed and civilization developed in America, laws and common practices concerning widows, and women in general, also became more restrictive. Fewer than half of the men in the colonies left wills, which meant that intestacy laws governed the inheritances of the widows. These laws, based on the common laws and societal restrictions of England continued the pattern of primogeniture, which favored the eldest son over the mother and other siblings.² In the early 1700s, if no will was left, then widows had the first right to administer their husband's estate and many men who did leave wills named their widows as the sole executor. By mid-century, this pattern was changing to exclude women from controlling land and giving sons more control.³ As society became more settled in the colonies, the rush was on to make American society more closely mirror English society, at least in the southern colonies, and that included strengthening the legal ties of women to men.

In eighteenth-century England, widows accounted for anywhere from nine to fourteen percent of the households.⁴ By the late-eighteenth century, ten percent of the adult women in Charleston were widows.⁵ More widows were heads of single households than either single men or widowers, plus widows were less likely to get

² Mary Beth Norton, "The Evolution of White Women's Experience in Early America," *American Historical Review* 89 (1984): 603.

³ Joan R. Gundersen, *To Be Useful to the World: Women in Revolutionary America, 1740-1790* (New York: Twayne Publishers, 1996), 133.

⁴ Olwen Hufton, "Women Without Men: Widows and Spinsters in Britain and France in the Eighteenth-Century," in *Between Poverty and Pyre: Moments in the History of Widowhood*, eds. Jan Bremmer and Lourens Van Den Bosch, 125 (New York: Routledge, 1995); Bridget Hill, *Women, Work and Sexual Politics* (New York: Basil Blackwell, Inc., 1989), 240. Hufton quotes 9-14%, but Hill quotes 12.9 % between 1574-1821.

⁵ Mary Beth Norton, *Liberty's Daughters: The Revolutionary Experience of American Women, 1750-1800* (Boston: Little, Brown and Company, 1989), 133.

remarried.⁶ The widows of England had quite a nebulous place in society.

Schnorrenberg writes that men saw women only in their proper role as a helper to man, whether that was as a daughter, wife, mother, or sister.⁷ Since widows did not fit in any of these roles, then they were almost an abandoned element of society. In addition, widows and spinsters both seemed to threaten society in some way but widows were more often dependent upon an elder son, and it was not uncommon for widows, mainly of the middling class to have to justify their existence as unpaid labor, such as housekeeping or working for the family in some other capacity.⁸

Not only were women seen as an appendage to men, but Lloyd Bonfield states that widows were seen as detrimental to a family because widows required the estate to support a second household. Widows were not the only ones scorned in families because according to Bonfield's research, daughters also hurt the family economy because their marriage portions were seen as 'conspicuous consumption.'⁹ The elite level of society in England depended on income from land or other investments of limited return. If the crops had a bad year, or the investments did not do as well as hoped, then the money spent on widows and daughters was even more begrudged.¹⁰ Wives, on the other hand, were needed and valued to bring on a marriage settlement to the family and also help establish the patrilineal line.

The late husband's heirs sometimes legally targeted widows in England. Not only did widows have to deal with the emotional burden of losing one's husband, but

⁶ Hill, *Women, Work and Sexual Politics*, 241.

⁷ Barbara B. Schnorrenberg and Jean E. Hunter, "The Eighteenth-Century English Woman," in *The Women of England: from Anglo-Saxon Times to the Present*, ed. Barbara Kanner, 185 (Hamden: Archon Books, 1979).

⁸ Hill, *Women Alone: Spinsters in England, 1660-1850* (New Haven: Yale University Press, 2001), 2.

⁹ Lloyd Bonfield, "Affective Families, Open Elite and Strict Family Settlements in Early Modern England," *Economic History Review* 39 (August 1986): 344.

¹⁰ *Ibid.*, 343.

sometimes they also had to fight over what had already been contracted in the marriage settlement. Many heirs brought widows to court over bequests and jointures because many men considered bequests as jointures and made women pick between dower and bequest, or just assigned the bequest as the inheritance, no matter how paltry it was.¹¹ Unlike America, where dower was discharged and then any debts of the husband were paid, the opposite happened in England. If an English man died with debts, those debts were the first charge on the personal property that a wife brought to the marriage.¹² On the advent of widowhood, women not only lost their spouse, but also part of their property. Then widows were left to live on whatever property was left in their control

Anne Laurence notes that English widows were usually named as the executors of their husband's wills, and if a man died intestate then the widow was almost always appointed as the administrator of the estate.¹³ By the late eighteenth century, widows continued to be the primary beneficiary but exercised less and less control over property.¹⁴ Erickson sums up the change in executive powers of widows by stating, "It seems that the supposed increase in spousal affection and the undoubted increase and sentiment . . . over the eighteenth century were in direct contradiction to the economic evidence: men loved their wives more but no longer allowed them to control property while married, or trusted them to take care of family estates as widows"¹⁵ She supports this statement with the following statistics. In late seventeenth-century England, 80-90%

¹¹ Susan Staves, *Married Women's Separate Property in England, 1660-1833* (Cambridge: Harvard University Press, 1990), 108-10.

¹² Hill, *Women, Work, and Sexual Politics*, 197.

¹³ Anne Laurence, *Women in England, 1500-1760: A Social History* (New York: St. Martin's Press, 1994), 235.

¹⁴ Amy Louise Erickson, "Property and Widowhood in England, 1660-1840," in *Widowhood in Medieval and Early Modern Europe*, eds. Sandra Cavallo and Lyndan Warner, 157 (New York: Pearson Education Inc., 1999).

¹⁵ *Ibid.*, 160.

of widows were appointed executrix, and three-fourths of those were appointed sole-executrix, but by the late 1780s, only 41% of widows were appointed as executrix and one-third were appointed as sole executive.¹⁶ The same type of decline in appointing widows as executrix was also found in America, but at a later date than England.

The law, in both England and Colonial America, required that a widow was entitled to her third of the property and this was referred to as the widow's thirds. The widow's thirds included one-third of the real property (land, houses, etc.) for her lifetime and one-third full ownership of the personal property, which included slaves and household goods.¹⁷ The widow's thirds were considered a primary right and the thirds were separated promptly away from the rest of the estate before any further claims on the estate, such as debt, could be made.¹⁸ The widow's portions were intended as a means of support and to keep women off of the public relief rolls, and were most certainly *not* intended to give any type of financial independence.¹⁹ By the beginning of the nineteenth century, widows in both countries had the legal right to room and board in the house of her eldest son.²⁰ The laws made sure that the widows were provided for not because of any type of generosity among the ruling class, but rather a sense of not wanting to have to financially provide for women who were left virtually alone in the eyes of the law.

The men in power continued to change the laws so that widows and children received less and less upon the death of a husband or father. The rights of widows and children to receive their reasonable parts (one-third of the estate) were abolished by four

¹⁶ Ibid., 156.

¹⁷ Daniel Blake Smith, *Inside the Great House: Planter Family Life in Eighteenth-Century Chesapeake Society* (Ithaca: Cornell University Press, 1980), 238.

¹⁸ Linda K. Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill: University of North Carolina Press, 1980), 146.

¹⁹ Norton, "Evolution", 603.

²⁰ Hill, *Women, Work and Sexual Politics*, 251.

statutes between 1692-1725.²¹ The idea behind these changes in the laws concerning inheritance was to give more power to the bequeathers so that widows and children would not sue the estate for their reasonable parts, but Erickson contends:

In the process of establishing of man's absolute right to his private property in testamentary disposition, the abolition of reasonable parts necessarily obliterated his wife's right to private property from the date of her marriage.²²

Since women could no longer claim reasonable parts, then they essentially had no private property, unless it was protected by a marriage settlement. Any property that was unprotected and brought into the marriage became the automatic property of her husband and her husband could bequeath the property to whomever he pleased, not necessarily his wife.

In the eyes of the law in both England, and later the colonies in America, a married woman was treated more like a privileged child rather than a responsible adult, yet, widows were in essence free from the laws that bound their married counterparts.²³ Under English common law, a married woman could not own property because whatever property she brought into the marriage became the property of her husband, but her husband could not sell real property without the consent of his wife.²⁴ Since the property owners at the time were the ones making the political choices, then it makes sense that women were excluded from politics, except for whatever influence they might have had on their husbands, lovers, or male family members. It was believed that women were not truly able to make their own political decisions, but rather absorbed the political ideals of

²¹ Erickson, "Property", 153-54.

²² Ibid., 154.

²³ Gloria Main, "Widows in Rural Massachusetts on the Eve of the Revolution," in *Women in the Age of the American Revolution*, ed. Ronald Hoffman and Peter Albert, 68 (Charlottesville, VA: University of Virginia Press, 1989).

²⁴ William Blackstone, *Commentaries on the Laws of England* (South Hackensack, NJ: Rothman Reprints, 1969), 2: 132, 136, 255, 293, 355.

the men in their lives.²⁵ Even though widows could own land under the laws of the day, they still had no political voice because of their precarious standing in society and were considered at the mercy of men financially speaking because they had no political voice and the legal rights for widows were very poorly defined.²⁶ Yet, Marylynn Salmon argues that “women with separate estates in eighteenth and nineteenth century South Carolina enjoyed many of the same legal rights as men.”²⁷

Part of the idea of the Cult of True Womanhood suggested by Barbara Welter was that women were encouraged to excel at their domestic pursuits. Wives were not encouraged to concern themselves with their husband’s business, which included the financial affairs.²⁸ The idea of Cult of True Womanhood would not have been able to take place until the end of the eighteenth century, if not the beginning of the nineteenth century. During the American Revolution, many women were taking care of the farms, plantations, and businesses of their husbands while the men were fighting away from home. While women were firmly in the domestic sphere, they were also responsible for many of the duties of their husbands. As a result, the dependence that men placed on women would not have taken root until many years after the American Revolution.

The idea of women being dependent on their husbands for all things financial also held true in England. In the gentry or even wealthy middling class, it was not uncommon for women to be completely unknowledgeable about their husband’s business interests. Women who were aspiring to reach the level of gentility through indolence would have

²⁵ Kerber, *Women of the Republic*, 9.

²⁶ Catherine Clinton, *The Plantation Mistress: Women’s World in the Old South* (New York: Pantheon Books, 1982), 77.

²⁷ Marylynn Salmon, “Women and Property in South Carolina: The Evidence from Marriage Settlements, 1730 to 1830,” *William and Mary Quarterly* 39 (October 1982): 684.

²⁸ Barbara Welter, “The Cult of True Womanhood: 1820-1860,” *American Quarterly* 18 (Summer 1966): 151-52,161.

very little to do with the economy of the family because it did not fit the blueprint of domestic gentility.²⁹ While this pattern of ignorance of the family economy fit the blueprint for what the “True Woman” should strive for, it was not overly helpful when the husband died and the wife was left to cope with her inexperience in regards to finances and also try to support a family.

In the second half of the eighteenth century there was a growing tendency for widows to maintain their independent status. Only one fourth of widows remarried before the American Revolution, but after the American Revolution, that number dropped to one fifth. In general women remarried only half as often as men and most saw no rush to remarry, especially if their childbearing years were over.³⁰ There was also a growing tendency to penalize widows for remarrying which can be seen through the wills of Daniel Horry and Charles Pinckney. Both men set the restriction that remarriage led to lose of Executrix powers of the widows. Upon remarriage, many widows lost the right to administer their husband’s estate and were only able to control their thirds of the estate, or whatever had been left specifically to the widow. Daniel Smith suggests that the men at the time were worried about maternal authority in the family being corrupted, yet the same restrictions were taking place in England at the time to ensure the estate remained in the control of the family and not outsiders.³¹ Other historians contend that the men making the wills were worried about protecting the estate after their widows remarried, which would fit in with the English model.³² Most slaveholding widows, including Harriott Horry, did not remarry, but childless women who were still of child bearing age

²⁹ Hill, *Women, Work and Sexual Politics*, 244-45.

³⁰ Gundersen, *To Be Useful to the World*, 46.

³¹ Smith, *Inside the Great House*, 240.

³² Joan Gundersen and Gwen Victor Gampel, “Married Women’s Legal Status in Eighteenth Century New York and Virginia,” *William and Mary Quarterly* 39 (January 1982): 123.

were among the most likely to do so. By remarrying, any property that a woman had would go under the control of her husband, unless the woman had drawn up a marriage settlement that protected her property. By refusing to remarry, slaveholding widows were maintaining what small power they had.³³ Whoever controlled the slaves controlled the labor force and therefore the family finances.

The low remarriage rates in the southern colonies echo those of England. Staves notes that the remarriage rate of widows goes down from the sixteenth to the nineteenth century and seems to believe that jointures contributed to this by giving women some type of financial independence.³⁴ However, as noted earlier, England had a shortage of available peers to marry, which might explain the low remarriage rate among the aristocracy. Men as widowers, much like in America, tended to remarry more often and within a shorter turn around time; perhaps in part because men's legal status did not change. If a woman remarried, then she would have lost her *feme sole* status and become a *feme covert*, which means that she would have lost any legal or financial freedoms that she would have gained upon widowhood.³⁵ Widowers were also much more likely to remarry if they had children because men oftentimes wanted a housekeeper/ surrogate mother for their children. English women, just as in America, were much more likely to take over the family business as well as run the house.³⁶

The use of jointure was sometimes a factor in remarriage. Around the time that jointure was starting to become more widely used, the wealthy started making provisions in their wills which limited the inheritance of the widow upon remarriage. The penalties

³³ Wood, "Broken Reeds," 37.

³⁴ Staves, *Married Women's Separate Property*, 100-1.

³⁵ Sandra Cavallo and Lyndan Warner, eds. *Widowhood in Medieval and Early Modern Europe* (New York: Pearson Education, Inc., 1999), 3.

³⁶ Hill, *Women, Work and Sexual Politics*, 242.

varied, but the main idea of the penalties was to keep the land in the original family as long as possible.³⁷ In addition, jointures were normally created for the life of the widow, but a jointure that was made *durante viduitate sua* had conditions, such as a loss or reduction of jointure upon remarriage. This conditional type of jointure was called an equitable jointure.³⁸ Once again, jointures, much like dowers, were created to provide an income for widows. If a widow were to remarry, then the family of her first husband did not want to be paying for the upkeep of the widow, and her new husband. Equitable jointures were not overly common, but did reflect on the negotiating power of the bride's family.

Marylynn Salmon suggests that the marital status of any woman, whether she was widowed or single, had a lot to do with whether or not that woman wanted a marriage settlement. As a legal document, a marriage settlement would have protected whatever property had been established by the widow. Between 1730-1780, widows appeared in over half of the marriage settlements in South Carolina, which suggests that widows in South Carolina were very protective of the property that they had inherited from their husband.³⁹ A widow's "desire for active control may have reflected the fact that their estates were no longer simply gifts from parents and friends, but a property that they had worked for themselves, either alone or with their former husbands."⁴⁰ Harriott Horry had certainly done both, but still never remarried and remained a widow for forty-five years. Her refusal could have been for any number of reasons. Harriott Horry might have wanted to protect her children's inheritance, like other women in her position, but she

³⁷ Barbara J. Todd, "The Remarrying Widow: A Stereotype Reconsidered," in *Women in English Society 1500-1800*, ed. Mary Prior, 73 (London: Methuen and Co., Ltd., 1985).

³⁸ Staves, *Married Women's Separate Property*, 100.

³⁹ Salmon, "Women and Property in South Carolina," 680.

⁴⁰ *Ibid.*, 681.

was also thirty-eight years old when her husband died. Middle-aged women were much less likely to remarry in part because men wanted to marry younger women so that the new couple might have more children.

Widows had a certain type of freedom. They had control of the family finances and did not have to submit to a husband. In addition, widows had a certain freedom of movement that single women did not have. Women who had been widowed had perhaps the most freedom out of any other women at the time, and it was rare for a woman to want to give up that freedom unless she had to do so. Harriott Horry was no different in that regard. She had a large circle of family and friends who wrote and visited her on a regular basis, and Harriott made two extended trips to the northern states in 1793 and again in 1815. In addition, Harriott continued to manage Hampton Plantation with her daughter's help, until Harriott Pinckney Horry married Frederick Rutledge in 1797. Meanwhile, Daniel Huger Horry continued to live abroad with his French wife, and after Eliza Pinckney died in 1793, Harriott Horry continued to help her brothers manage the various Pinckney plantations so that Charles Cotesworth and Thomas Pinckney were able to pursue their political careers.⁴¹ Harriott Horry had quite a full life without adding a husband into the mix, and Lady Mary Coke never remarried because no one asked her, no matter what hopes she might have entertained with the Duke of York.

Once a woman remarried in England and she became a *feme covert* once more, she would lose control over her property unless she had legally secured it from her second husband.⁴² The legal disabilities of remarriage made women wary of remarrying

⁴¹ Frances Leigh Williams, *A Founding Family: The Pinckneys of South Carolina* (New York: Harcourt Brace Jovanovich, 1978), 332; Darcy R. Fryer, "The Mind of Eliza Pinckney: An Eighteenth Century Woman's Reconstruction of Herself," *South Carolina Historical Magazine* 99 (July 1998): 234.

⁴² Hill, *Women Alone*, 250.

because they lost much of their right to defend their wealth. The wealth that they had inherited, and in Harriott Horry's case, help create, went under the authority of the second husband, and if he lost or gambled it away, then she had no recourse to regain it.⁴³ In Todd's study of widows in seventeenth-century Abingdon, England, she notes that very few were remarrying, in large part because of the economic tendencies imposed by wills.⁴⁴ If a woman did decide to remarry, then she was much more likely to do so if she had children, and Todd states that wealthy widows in seventeenth-century England were far more likely to remarry.⁴⁵ This situation had changed by the eighteenth century.

Some women, in both England and America, did not remarry because they enjoyed the freedoms that widowed life provided. They were able to make their own decisions and take care of their own finances.⁴⁶ Many women believed that widowhood was the best status in society because a widow had the social freedom of a married woman, but the legal freedom of a single woman. When considering remarriage, and seeing the many restrictions imposed, unless a woman was in love, it is hard to imagine the incentive to actually get married a second or third time, although it was not unheard of.

Early colonial women had a certain sense of freedom that was accorded to them due to the need for help in establishing a European society in North America. The colonial practice of law was taken from English common law, but was decentralized due to the ever-expanding frontier society that was being formed. The courts did not publish the decisions that had been made and the legislatures printed major statutes and decisions

⁴³ Todd, "The Remarrying Widow," 75.

⁴⁴ *Ibid.*, 74.

⁴⁵ *Ibid.*, 68.

⁴⁶ *Ibid.*, 81.

at a speed that was considered slow at best. In addition, the colonies took the common law concepts and then expanded them to fit the needs of the colonies. Dower rights were changed to give women more control over their inheritance because women in the colonies did not have the same options at their disposal as did the women in England at the same time.⁴⁷ By the mid-eighteenth century, settlements were thriving and laws in the colonies conformed more so to British law which constrained the freedoms of colonial American women, and the colonial governments started passing laws that supported strict patriarchal values where men were responsible for controlling women.⁴⁸

The laws changed to reflect societal values and this can be seen as gender roles became much more rigid in the colonies during the eighteenth century. As the century progressed, women's freedoms were limited in a way to mirror the freedoms (or lack thereof) of the women in England.⁴⁹ By the end of the eighteenth century widows were much more likely to be dependent on an adult son, and few widows were receiving their widow's thirds.⁵⁰ Norton and Salmon both argue that *feme covert*s in America were better off than their English counterparts because marriage settlements, property ownership, and the ability to bequeath their property to chosen individuals all gave *feme covert*s bargaining power and put them almost on par legally with men.⁵¹ At the same time, Kerber argues that the "erosion of dower rights was the most important legal development directly affecting the women of the Early Republic."⁵² Since historians rarely agree on anything, the debate about the status of women in the Early Republic

⁴⁷ Gundersen, *To Be Useful to the World*, 115, 127.

⁴⁸ Gundersen, *To Be Useful to the World*, 115; Norton, "Evolution," 602.

⁴⁹ Smith, *Inside the Great House*, 22.

⁵⁰ Mary Beth Norton, "Reflections on Women in the Age of the American Revolution," in *Women in the Age of the American Revolution*, eds. Ronald Huffman and Peter J. Albert, 487 (Charlottesville, VA: University of Virginia Press, 1989).

⁵¹ Salmon, "Women and Property," 657; Norton, "Evolution," 593.

⁵² Kerber, *Women of the Republic*, 147.

could, and probably will, go on for decades, but whatever the arguments are, by looking at the long life of Harriott Horry one can see that women did have a certain amount of power. Harriott Horry had no political power, although her father and brothers all hold prominent places in South Carolina political history, but she did wield a certain amount of independence. Her upbringing and the actions of her husband and family during the American Revolution helped shape her into a woman able to successfully run not only her own plantation, but also those of her brothers. As a wealthy widow, Harriott Horry was able not only to maintain her place in the domestic realm, but also to succeed in the business community of South Carolina and England. Eliza Lucas Pinckney is seen as a legend in South Carolina history, and as a result, her daughter tends to be overlooked, but Harriott Horry was accomplished in her own right. By ensuring the continuation of Hampton Plantation, along with other Horry land holdings, Harriott Horry emulated her mother by training her daughter, Harriott Rutledge, to continue the Horry dynasty. It seems that the Pinckney women all were remarkable, and they all dispelled the myth of helpless widowhood by succeeding in their social and business endeavors.

So many similarities exist between American and English widows, it is sometimes hard to see the main difference and the effect that it has had. The transformation from dower to jointure by the aristocracy led to structural changes in the balance of power in England that were radically different from that in America. In both nations, women played a subordinate role in society, but in England, jointure removed women completely from the agricultural realm. The changes that the Industrial Revolution created slowly moved wealth away from land, but during the eighteenth century, land was still equated with power. While most wealthy widows in early America did not actually own the land

that they managed for their sons or late husbands, they controlled it and all of the slaves and goods that the land produced. This power did not allow them to vote or to have a political voice, but it did allow them the respect of their peers. The aristocratic widows in England rarely controlled, much less owned land, so any input that they had in the economy was either through investments (usually controlled by trustees) or through their spending habits.

As Norton and Salmon argue, the increasing use of marriage settlements and the ability to own and bequeath property allowed American widows in the eighteenth century more legal control than their contemporaries in England. If this argument is added to the ever-increasing use of jointure in England and separation of women from the agricultural base of power, it can be seen that widows in America had more legal rights and freedoms than their counterparts in England. As the eighteenth century progressed into the nineteenth century, the northern states moved towards a more industrialized base of power, which eventually put widows in the northern part of the United States on par with aristocratic widows in England. However, in the southern slave-holding states, such as South Carolina, the upper-class women remained firmly rooted in agriculture. The power of widows, when linked to land, rose considerably, especially when compared to widows who depended solely on cash. This is not to say that widows in either nation had a great deal of power, but widows in Colonial America had a stronger sense of purpose that was directly linked to looser inheritance laws in America and the agricultural ties to the economy that America widows, especially plantation mistresses, had.

CHAPTER 6

CONCLUSION

The debate among historians continues over what the status of women truly was during the eighteenth century. Lawrence Stone and Randolph Trumbach argue that women were gaining more stature in society through the increase in affective marriages and the rise of individualism.¹ Other historians who focus more intently on women's issues such as Linda Kerber, Mary Beth Norton, Bridget Hill, and Amy Erickson have contested this theory.² The work of these historians proves that the legal status of women, in both England and America, was actually declining due to the legal restrictions being passed in both places. Erickson's studies on property and marriage support some of the conclusions that Staves drew in *Married Women's Separate Property in England, 1660-1833*. The decline in men appointing their wives as executrix of their estate in both England and America points to a trend in which men were placing control of their property in the hands of someone other than their wife, usually their son. As Erickson points out, this was a strange way of showing increasing spousal affection.³

In addition to the declining use of widows as executrices of their late husband's estates, the increasing need for marriage settlements to protect women's property was also an important addition to the eighteenth century. The top five percent of society

¹ Lawrence Stone, *The Family, Sex and Marriage in England 1500-1800* (New York: Harper and Row, 1977); Randolph Trumbach, *The Rise of the Egalitarian Family: Aristocratic Kinship and Domestic Relations in Eighteenth Century England* (New York: Academic Press, 1978).

² Linda Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill, NC: University of North Carolina Press, 1980); Mary Beth Norton, *Founding Mothers and Fathers: Gendered Power and the Forming of American Society* (New York: Alfred A. Knopf, Inc., 1996); Bridget Hill, *Women, Work, and Sexual Politics in Eighteenth Century England* (New York: Basil Blackwell, Inc., 1989); Amy Erickson, "Property and Widowhood in England, 1660-1840," in *Widowhood in Medieval and Early Modern Europe*, ed. Sandra Cavallo and Lyndan Warner (New York: Pearson Education Inc., 1999).

³ Erickson, "Property and Widowhood in England," 153-60; Susan Staves, *Married Women's Separate Property in England, 1660-1833* (Cambridge: Harvard University Press, 1990).

typically arranged a marriage settlement through a series of negotiations that involved discussions over the marriage portion, pin money that the wife was to receive and the jointure that she was to receive upon the death of her husband. The marriage settlements were also designed to protect women's property upon marriage. Without the legal protection of a marriage settlement, a woman's property automatically became her husband's upon marriage, so it was necessary to ensure that some women were able to maintain control of their own property.⁴

Jointure was originally created as a means for English men to gain more control over their land. Before the mid-sixteenth century, men could not bequeath their land, so aristocratic men created the system of feoffes and uses, which essentially gave the land to a corporate body so that the original owner could have more control over it. The land was placed in a 'use' and then came under the control of the feoffes, who technically controlled the land.⁵ If needed, the feoffes could sell or partition the land as the original owner requested, but if land was dowered, then the land could not be sold without the consent of the wife. Therefore, the landowners had to find another way to support their widows so that the landowners could have more control over the land.⁶ Widows would still be supported, but instead of inheriting a portion of the estate, usually set at one-third of the total estate, jointure was created. Jointure drew money from the estate, but it was a fixed amount that was determined before marriage through the use of marriage settlements.⁷ The amount of jointure was directly correlated to the amount that a bride

⁴ Amy Louise Erickson, "Common Law versus Common Practice: The Use of Marriage Settlements in Early Modern England," *Economic History Review* 43 (February 1990): 21-25.

⁵ Eileen Spring, *Land, Law, and Family: Aristocratic Inheritance in England, 1300-1800* (Chapel Hill: University of North Carolina Press, 1993), 30.

⁶ *Ibid.*, 46-49.

⁷ John Habakkuk, *Marriage, Debt, and the English Estate System: English Landownership, 1650-1950* (New York: Oxford University Press, 1994), 81-82.

brought as a marriage portion. In the mid-sixteenth century, the ratio of settlement to jointure was one to five, but by the late seventeenth century, that amount had ballooned to a ratio of one to ten.⁸ Women had to provide larger marriage portions to receive the same jointure that had required a smaller portion one hundred years earlier, which raised the price of an aristocratic husband significantly.

The desire of large landowners to change the way that their widows were financed was brought about in part because of a fear of aristocratic women controlling too much land. Eileen Spring estimates that if aristocratic women had continued to inherit one-third of their husband's estate through dower, then aristocratic women would have controlled as much as one-sixth of the land in England.⁹ Having such a large land base controlled by women was not a comfortable thought for English men. Cara Anzilotti points out that the women in South Carolina had a considerable minority of land that they controlled, but because the power structure was different in the southern colonies, the planters were not concerned about women controlling such a large amount of land, but rather saw it as a necessity to maintaining the power base of the planter class.¹⁰

Jointure was the prevailing means of financial support for aristocratic widows in England, while women in America depended upon dower and the wills of their husbands to provide for them upon the advent of widowhood. Jointure was helpful in that it gave a yearly cash settlement to widows, but it also further removed women from the base of power, which was land. The transition of the aristocracy from using dower to jointure was happening at the same time that women were separating themselves from the family

⁸ Spring, *Land, Law, and Family*, 50.

⁹ *Ibid.*, 65.

¹⁰ Cara Anzilotti, "Autonomy and the Female Planter in Colonial South Carolina," *Journal of Southern History* 63 (May 1993): 243-44.

finances. This change and the emphasis on proper women not interfering with their husband's business affairs distanced women from more useful pursuits and instead set the model for a life of leisure in which the men worked and the women stayed home and took care of the children, as well as the house. The aristocracy continued to emphasize the necessity of women to not work in any form and as a result, women became domestic drones in England.¹¹ For the most part, this change did not occur in British America until fifty years later due to the political problems associated with forming a new nation.

Jointure would not have been possible in America, especially in the South, because of the dependence on land as a form of wealth. Since this study focuses on comparing an aristocratic woman of England to someone of similar socioeconomic status in America, I specifically chose to study South Carolina and the plantation class. Even the northern colonies, which had more industrialization, did not reach the levels of English industrialization until the nineteenth century; plus the northern states still had a large agricultural basis, just not as extensive as the southern states. The difference in the industrialization patterns of the two countries would eventually disappear, but until it did, industrialization had a huge effect in further removing women from the land base of power and pushing them into the domestic realm.

The use of jointure in England lessened the status of widows in England because it took away their association with the land. Women in America during the same period had the ability to manage property during widowhood, if not outright own it. Dower was disappearing among the upper class, but inheritance patterns were changing to remove women from inheriting land and placing the power in the hands of the eldest son. Male mortality rates in America were higher, which meant that there were simply more widows

¹¹ Stone, *The Family, Sex, and Marriage*, 247.

in America, so society had to deal with the legal problems that widows brought to the equation. Widows had been married and under the protection of a husband, but then once they were widowed they reverted back to *feme sole* status. The change of legal status required a change in treatment since *feme soles* could make contracts and own property, while a *feme covert* could not.

The change in legal status would revert back to *feme covert* upon remarriage, but few widows in either country remarried. Many widows received penalties upon remarriage, either through losing part or all of the inheritance or jointure. Also, many women did not remarry because they had more legal rights as a widow than they ever did as a married woman. Widows could control their own wealth and they did not have to answer to a husband. Other than emotional support for upper-class women, there was little incentive to remarry.

Because America was an English colony, the laws of America closely mirrored those of England. As a result, women eventually held the same status in both societies, but the frontier society of early America offered more opportunities for women to control and manage property. The absence of jointure in America gave widows greater economic opportunities, even if widows in England might have inherited more money. Therefore, the absence of jointure created a more equitable society in America in which women were able to gain respect through their agricultural endeavors. By the mid-nineteenth century, the status of widows in America would be on par with that of widows in England due to the changing economy, but in the eighteenth century upper-class widows in America had a slight legal edge on their English counterparts.

Both Lady Mary Coke and Harriott Pinckney Horry provide a traditional view of widowhood in their respective countries in the later part of the eighteenth century. Both women held a prominent position in society. As the daughter of the Duke of Argyll, Lady Mary Coke married Viscount Edward Coke, which was seen as a good match socially; however, the opposing personalities of the couple led to a separation early in the marriage. The death of Viscount Coke launched Lady Mary into a long life of widowhood during which she never remarried. Her journals and letters, which were privately published by her family, allow historians a glimpse into the life of an aristocratic widow during the later half of the eighteenth century. Lady Mary was a friend to such people as Princess Amelia, the Duke of York and Horace Walpole, which gave her access to the highest levels of society. In addition, her generous jointure allowed her the freedom to travel around Europe and make an impression on the Austrian court. Upon reading her journals, it is possible to see that Lady Mary was a conservative person with very definite opinions about society and the scandals of the day. Her lifestyle was one of simplicity, in which she enjoyed playing cards and reading. Her circle of friends enabled her to entertain, but not on a lavish scale, and she had several places of residence throughout her life. One of the interesting things about her life was that if she had any problems with merchants or servants, Lady Mary usually contacted a male friend to help her solve the dispute. Her friendship with her brother-in-law Lord Strafford, Horace Walpole and other men in her circle gave her the opportunity to use them to help her solve the problems that she considered paramount in her life. After living a very long, and sometimes lonely life, she died alone at the age of eighty-five, having never remarried.

Looking across the Atlantic Ocean, Harriott Pinckney Horry had many more opportunities than did Lady Mary. While most of her life was spent in British America, Harriott Pinckney lived in London for a few years as a child. Her parents, Charles and Eliza Pinckney, were well respected by their peers at the time because of Charles Pinckney's political standing in South Carolina politics and Eliza Pinckney's introduction of the indigo crop to South Carolina. Eliza Pinckney was widowed when Harriott was ten, but was left a large amount of land holdings to control until her sons, Charles Cotesworth Pinckney and Thomas Pinckney came of age. Eliza Pinckney not only controlled a large amount of land in South Carolina, but she also made it profitable, which set a good example for Harriott Pinckney. Harriott married Daniel Horry, a wealthy rice planter, when she was nineteen. By all accounts, their marriage was a happy one and produced two children. Unfortunately, the American Revolution separated the couple for many years. During the separation, Harriott Horry was in charge of the property of Daniel Horry, including the main plantation, Hampton Plantation. Under the management of Harriott Horry, Hampton continued to be profitable throughout the war. Having survived the war, Daniel Horry returned home, only to die in 1785.

Harriott Horry inherited a very generous amount of property, but the main plantation had been left to her son, Daniel Huger Horry. Daniel Horry never returned to South Carolina after he had been sent to England to be educated, so Harriott continued to manage her son's property, along with her own, until 1828 when she moved to Charleston for the last two years of her life. Once she died, her daughter Harriott Horry Rutledge took over Hampton Plantation and the other Horry properties.

While Lady Mary Coke most probably had more cash wealth, Harriott Horry certainly had more land and property wealth. Lady Mary's jointure caused a significant drain on the Coke estates, but the management of Harriott Horry led to greater profits for the Horry properties. The direct involvement of Harriott Horry in the family economy gave her great respect among her own family and her peers. In addition to her own plantations, Harriott Horry helped her brothers run their plantations. Her help would not have been requested if Thomas and Charles Pinckney did not trust her managerial wisdom. In short, the power that Harriott Horry, and other plantation widows like her, had over the land, allowed them more economic freedom than Lady Mary, and other aristocratic widows like her, had. It can also be pointed out that Harriott Horry was much more active than Lady Mary in the family finances. Harriott Horry was forced to make a profit on her business ventures in order to maintain her lifestyle within the plantation class, while Lady Mary was given a jointure and then had the freedom to spend it as she pleased.

Jointure would not have worked in the American colonies, mainly because of the lack of ready cash in the developing economy, but it also would have inhibited the growth of the plantation class. The mortality rate in South Carolina was much higher than England, and families tended to be smaller, which meant that fewer people were around to inherit. The smaller family size, and population in general, also meant that if women had not been able to manage the plantations until their sons came of age, then the plantations and southern aristocracy would have withered.¹² The English aristocracy had a much larger inheritance and population pool to draw from, which allowed jointure to succeed in England, while it never took root in British America.

¹² Anzilotti, "Autonomy and the Female Planter," 241-44.

The lack of jointure in the American colonies created more liberal inheritance laws for women. The higher mortality rate in the colonies, as opposed to England, made it necessary for women to have access to land and the agricultural economy associated with it. Comparing the lives of two prominent widows during the eighteenth century shows that the American colonies needed women to be able to manage land to survive, not just economically, but also to continue the creation of the social class that had been carefully imported from England. The aristocratic women in England did not need to inherit land because the families were large enough that it was possible to find a male to inherit the land, no matter how distant his relationship to the family was.

As the colonial society was created and stabilized, women were not relied on as heavily to continue the family economy through management of the land. Eventually the laws and social customs that restricted the rights of women in England were introduced in America, but during the eighteenth century, American women had more control over the land, which gave them more power than their English counterparts. Comparing Harriott Pinckney Horry to Lady Mary Coke shows the differences in the way that the two women lived their lives and shaped the family economy, which was fairly indicative of the differences between widows of the same social standing in England and British America. The use of jointure in England took most of the creative and economic control out of the hands of widows and placed it in their male benefactors. The lack of jointure in British America forced women to take a more active role in their family's economy. While both Harriott Pinckney Horry and Lady Mary Coke fit the molds that had been defined for them by the societal expectations of the day, the molds for the women were different. Harriott Pinckney Horry was expected by society and her family to uphold her husband's

will and make his holdings profitable. Lady Mary Coke was expected use her jointure wisely and participate in English society. Both women did what was expected of them, but the expectations for the two women were largely different, just as the role of an upper-class widow in the American colonies was different from the role of an aristocratic widow in England.

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