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CHRISTI A. MITCHELL

NEITHER HERS NOR THEIRS:
DOWER AND HOUSEHOLD RELATIONSHIPS
BETWEEN WIDOWS, FAMILY, AND FRIENDS
IN YORK COUNTY, MAINE

If architecture expressed a sense of boundaries between family and society and even within the family, the law was central in defining and protecting these.¹ In this article, Christi A. Mitchell, a historian of vernacular architecture from Peaks Island and Alna, Maine, explores the changing definitions of domestic space allotted by law to widows. She uses this aspect of dower rights as a window into changing family relations in the early nineteenth century. Dower assignments reflect an attempt to adapt to shifting household dynamics, to declining emphasis on land-based wealth, to a growing desire for privacy, and to the sanctity of the domestic sphere.

For women in the Early Republic, dower was an important process in defining their lives as widows.² Yet it increasingly acted as a “social clog,” at times preventing the widow from choosing the members of her household, and the heirs from utilizing or selling the entire estate. Within a domestic structure the assignment of dower defined the rooms, spaces, privileges, and areas that a widow could use or “pass-through.” The carving up of these spaces physically structured the widows’ use of their former homes and lands. It also served as a blueprint to structure the interactions of the household occupants, by manufacturing work spaces, social spaces, and common and private

spaces. As notions of privacy, gentility, and refinement spread through the emerging middle and working classes, these dower awards structured even the social relationships within these homes, in part by defining the physical boundaries of the inhabitants' interaction.³

This study focuses on the experiences of fifty-five dowagers who lived in the southern Maine towns of Berwick, South Berwick, North Berwick, Kittery, Eliot, York, Wells, Arundel, Kennebunk, and Kennebunkport, between 1784 and 1845.⁴ For comparative purposes this study has been divided into four periods: 1784-1800, 1801-1815, 1816-1830, and 1830-1845. As part of their dower, the courts assigned each of the fifty-five widows a portion of the house they lived in prior to their husbands' death. Probate documents specify the domestic spaces these widows inhabited. By identifying and discussing the number and types of spaces assigned to the widow, heirs, and others, it becomes apparent that the quantity and nature of the spaces changed as a system of wealth based on real estate gave way to a cash-oriented economy.⁵ Dower evolved as a system that complimented a framework of family, land, and community; but in the late eighteenth century courts applied it with increasing difficulty, and more often than not, dower became a clumsy hindrance to social and economic development.⁶

Dower was one aspect of a legal system that defined and limited women's rights throughout their lives. Until a woman became a widow, dower existed as a future right; after the husband's death, dower translated this right into action. A widow then held dower in real estate. She could use specially designated property, commonly called the "widow's thirds." This portion ideally represented one-third of her husband's estate, calculated as either one-third of the real property or as one-third of its value. The existence of a dower right assured all married women that they would have a measure of support and security in their widowhood.

A widow's use of her dower was circumscribed by the rights of the deceased's heirs and regulated by the Probate courts. The designated property was not a gift or bequest; it was a life estate,

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available for her use only during the remainder of her life. The law prohibited widows in this situation from selling, devising, conveying, or bequeathing their dower property, although they could use the rents, profits, income, or provisions from the land.⁷ Ultimately, the estate belonged to and was for the benefit of the heirs.

Ideally, an heir made the dower assignment. Such informal assignments, however, do not appear in Probate records, and their frequency is unknown. That the widows in this study requested a formal dower division suggests they wished to concretize the boundaries of their physical space, because for whatever reason negotiating the spaces with the other heirs was not satisfactory. In order to initiate a formal dower division a widow filed a petition in the county Court of Probate. After approving the petition, the judge issued a warrant for dower and assigned a commission of three freeholders to appraise all the land owned by the deceased at the time of his death. These men then designated one-third of the estate for the widow. Generally, within two to three months the commissioners presented their recommendations to the court in the form of a dower assignment document. The judge reviewed and approved the document and a copy was placed in the deceased's probate file. Presumably the widow received another copy. The remaining property was sold to pay debts or was assigned to the heirs.

The assignment of dower seems straightforward enough, and extant documents spell out the divisions in plain, detailed language, sometimes accompanied by a property survey. (Figure 1.) It is not possible to determine, through the lens of these documents, if the commissioners consulted the widow or the other heirs during the assignment process, reviewed family dynamics and patterns of domestic economy, or if they simply tramped through the estate recording convenient points of division. Although the probate documents provide a window for interpreting widows' lives, they represent legal, formal, and proscribed behavior rather than experienced life. In reality, the household inhabitants may have negotiated or actively resisted on a daily basis. The personalities, finances, ages, and relation-

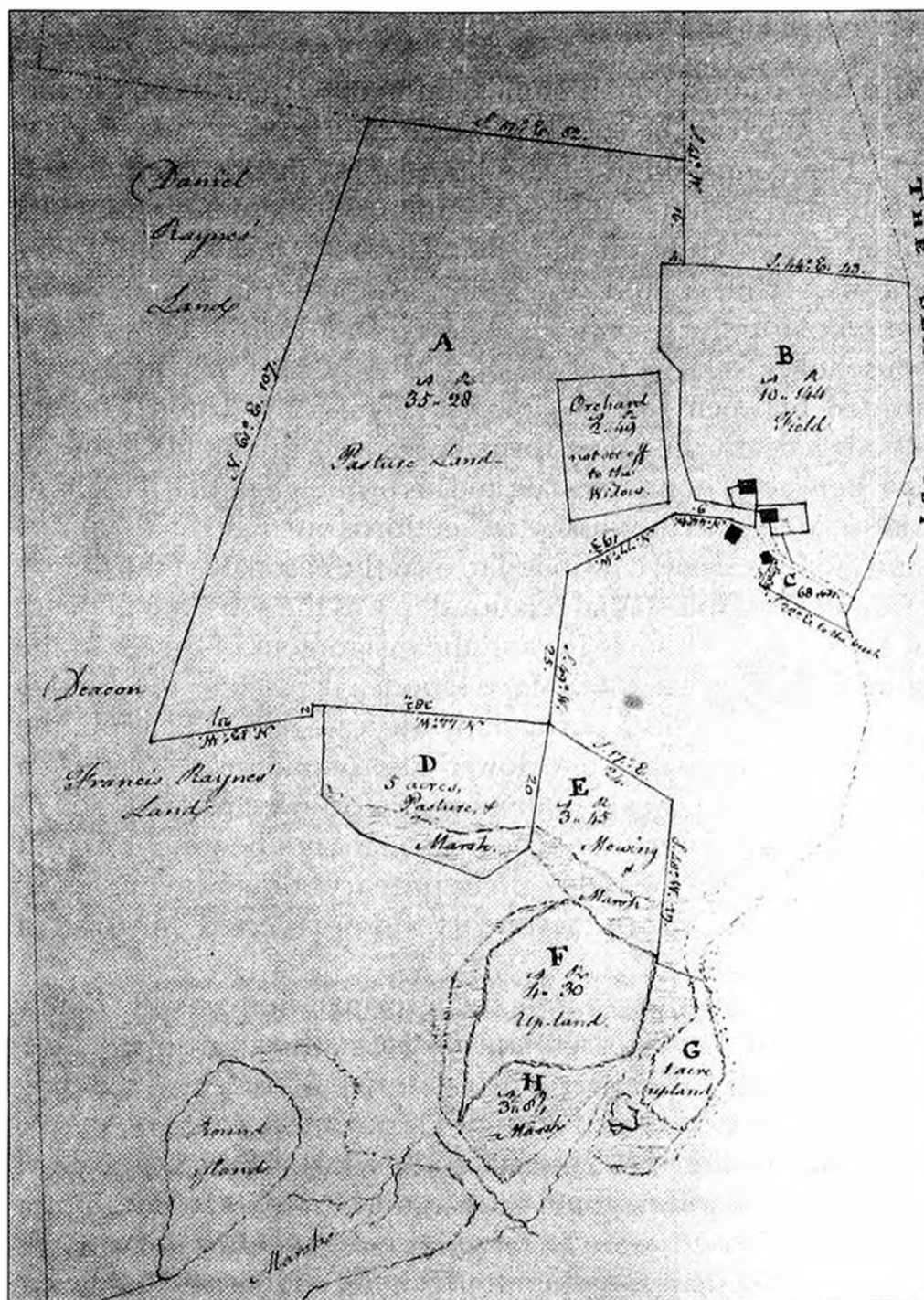


Figure 1. Dower division survey for widow Jane Rains, York, 1794. Parcels A through H were set off to the widow, along with rooms in the house. Probate docket 15715 (Robert Rains), York County Courthouse, Alfred, Maine.

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ships of the household members influenced their social interactions as much as the spaces in which they lived.

The composition of the households in this study varied greatly and included different combinations of widows, heirs (often grown children and their families), in-laws, and other widows. Unless sold, the court assigned the non-dowered household to the deceased's children and their families. Some households, such as that of Mary Moody, also may have been divided between sets of siblings. (Figure 2.) Upon Thomas Moody's death the court formally divided the family home in half, between Thomas's estate and his brother Samuel. Thomas's widow, Mary, was then assigned her thirds out of his half. Samuel (and later his heirs) continued to own the east half of the house. Complicating this spatial relationship was the subsequent death of Mary's son, Thomas Jr., and the assignment of dower in the same house to his wife, Mary Moody, Jr. While the Moody homestead presents a particularly intricate spatial division, the presence of more than one dower was not unique: at least seven of the fifty-five houses contained multiple dower assignments. In these cases the law dictated "dower ought not be sought for out of dower."⁸ Thus the widow of the primary homeowner received her dower first, and the secondary widow received one-third of what remained.

Not all widows shared their former homes with family members. If the deceased was insolvent, the court often mandated the sale of all or part of his estate to pay his debts, including at times, the reversion of dower. The property could be sold to someone outside of the family. If the court ordered the sale of the dower, the widow could still reserve her rights for life. If not sold, dower spaces were held sacrosanct until after the widow's death, setting up a situation in which the widow potentially co-owned, if not co-resided, with non-related household members. Lucy Hodson of Kennebunkport found herself in this situation. Six years after her husband died circumstances forced her to sell half the house, but not her dower, to Ivory Goodwin. (Figure 3.) Lucy's dower document had firmly established, conveniently, the boundaries of Lucy's spaces within the single family struc-

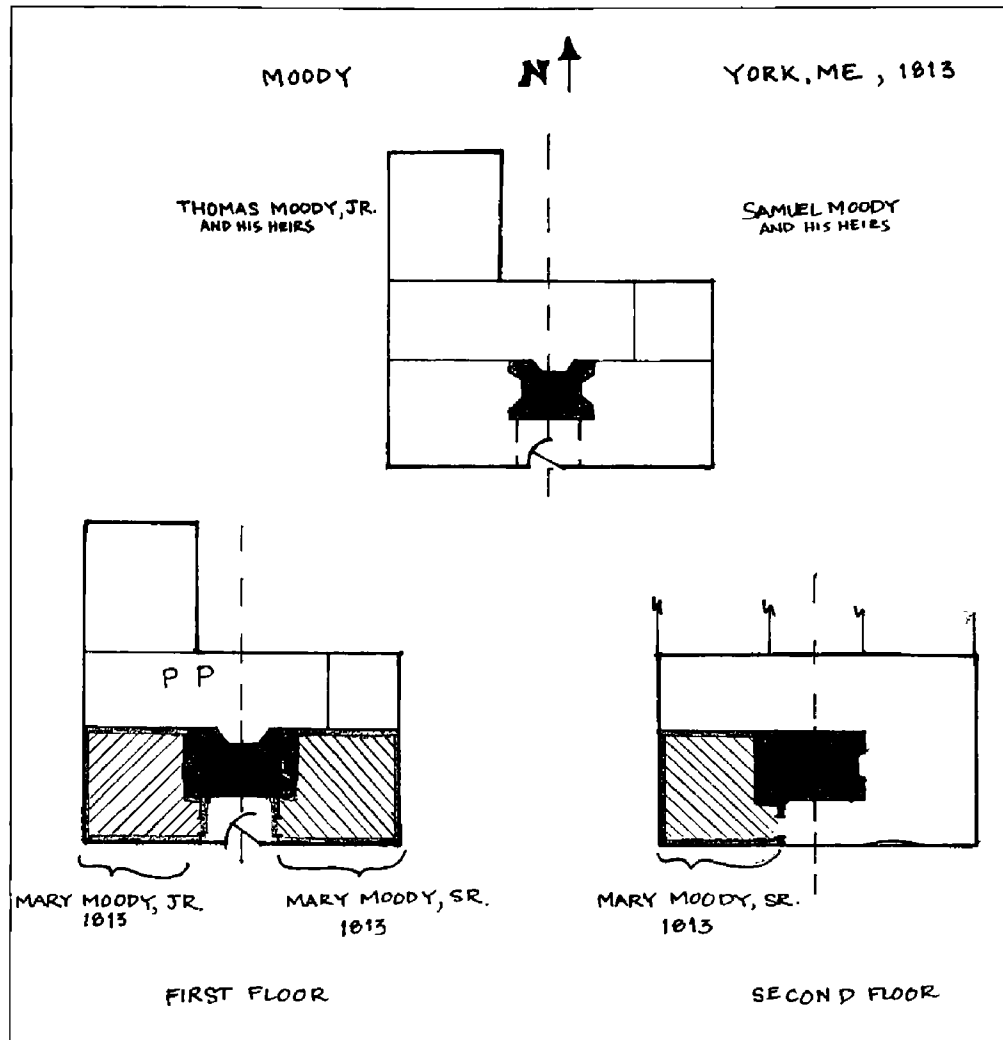


Figure 2. Domestic dower division for Mary Moody Sr. (1813) and Mary Moody Jr. (1813), York. Floor plans based on dower assignment and contemporary observation of extant structure. *Probate docket numbers 13402 (Thomas Moody, Sr.), and 13403 (Thomas Moody, Jr.), York County Courthouse.*

ture. Nonetheless, the situation may have become untenable because over fifteen months later Lucy sold her reversion of dower and moved out a month later.⁹

Terri Premo, writing about widows between 1785 and 1835, stated that “women whose dower rights only entitled them to restricted use of property sometimes had strained relations with designated heirs.”¹⁰ While I have not been able to locate any written reflections by the widows in this study, the edited diary of Martha Ballard offers insight into the emotions associated with one woman’s situation. While her husband was in jail for

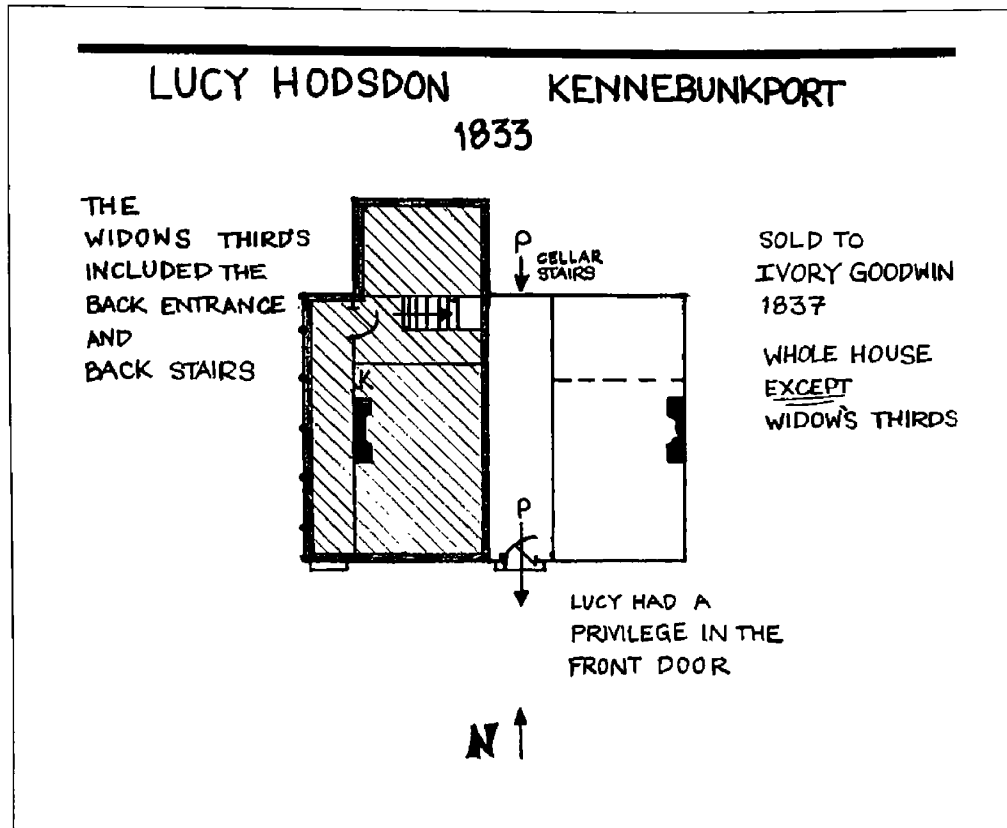


Figure 3. Dower assignment of Lucy Hodson, Kennebunkport, 1833, showing spaces belonging to her and spaces sold to Ivory Goodwin. Floor plan based on dower assignment and contemporary observation of extant structure. *Probate document number 9580 (Oliver Hodson), York County Courthouse.*

over a year, Martha's grown son and his family took possession of her house, essentially creating the same situation as if a court had assigned a dower. During this time Martha referred to her residence as "my room."¹¹ Noisy children, a strong-willed and vitriolic daughter-in-law, and perhaps the loss of control over her living situation led Martha to write in exasperation one day, "I have done my washing and had to receive more of Jonas wives impudent language. I wish her to show more manners and discretion or hold her peace for ye future." Martha and her daughter-in-law contested for the right to work spaces that appeared to be outside of Martha's designated room. Martha's sporadic entries indicating when she "took tea" or dined with her son's family suggest that this relationship was a formally structured one on a social basis as well.¹²

Period	Number of Widows	Average # rooms/widow	Average # spaces/widow	Average # privileges/widow	Average # spaces and privileges per widow
1784-1800	9	2.25	4.12	0.88	4.00
1801-1815	14	2.40	3.00	1.90	4.21
1816-1830	19	3.42	4.37	1.58	5.10
1831-1845	13	3.52	5.00	2.00	6.61

Rooms: Distinct, walled living spaces, including kitchens, chambers, front rooms and bedrooms.

Spaces: Living and work areas that may or may not be distinctly bounded. Spaces include rooms, entryways, ovens, sitars, cellars, garrets, and necessities.

Privileges: Areas widows were allowed to use or occupy as needed, but are not formally designated 'hers.' Rooms and spaces may be privileged, as might activities, such as washing and baking.

Figure 4. Average number of rooms, spaces, and privileges assigned to widows in York County as their "widow's thirds," 1785-1845. Percentages based on the examination of dower assignments for fifty-five widows. *York County Probate Court office, Alfred.*

Rooms, Spaces, and Privileges

Within the domestic structure I have divided the physical manifestation of the widow's thirds into four categories: rooms, spaces, privileges, and pass-through spaces. (Figure 4). Each category connotes a particular level of autonomy and privacy. The most easily recognizable assignments designated rooms and spaces. The foundation of most dower is at least one room. Rooms refer to distinct walled living space including chambers or bedrooms, front rooms, and kitchens, or sculleries. Judges assigned rooms to the widow in any combination of upstairs and downstairs, although one-up/one-down, two-up/two-down, or simply the "eastern half" were the most common methods of division. Most room assignments were either horizontally or vertically contiguous.

The assignment of rooms and spaces did not imply a shared area, but rather provided the widow a measure of autonomy within the house. Rooms and spaces are commonly identified by the phrases "sett off to the said widow," or, "assigned and set off

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to the widow,” and they were given for her exclusive use. When the designation applied to an entire room it offered the widow privacy, possession, expression, and freedom of movement. This was not always the case with spaces, or living and work areas that may or may not be distinctly bounded. Spaces include rooms, entryways, ovens, stairs, cellars, garrets, and necessities. Some assignments gave the widow one-third of a larger space, such as one-third of the kitchen. The most common spaces assigned were in the cellar (assigned to over fifty-eight percent of the widows), followed by the kitchen and the garret (twenty-four and twenty-two percent respectively). While a widow could freely utilize these rooms and spaces, the laws on “waste” prevented her from making any changes to the structure, even improvements.¹³

Throughout the sixty-two years of this study, widows received increasingly larger dower assignments. The average number of rooms assigned to a widow increased from 2.25 in 1785-1800, to 3.52 in 1831-1845. A similar trend occurred in the number of assigned spaces, which jumped from four per widow to five per widow by 1831-1845. The increase in the number of rooms and spaces may have reflected an overall increase in house sizes. Older houses grew larger over time through additions and remodeling. The new houses of the emerging middle class were more likely to include central halls or rooms for specialized functions. Conceptually, there was also an increase in the number and type of rooms considered necessary to create a complete, refined, and genteel living situation. The multifunctional spaces of most colonial and early post-colonial domiciles gave way to specialized places for work, socializing, and private activities.¹⁴

Another hypothesis suggests that there was a greater need to articulate the limits and boundaries of the widows' and heirs' claims. Due to increased insolvency, and the frequency with which property was sold or mortgaged, and to increased family mobility, commissioners could no longer assume widows would be living out their remaining years in a friendly family environment. Spelling out assignments for each party in great detail

meant fewer question about who could store their onions in the arch, answer the front door, or spin in the garret. This would account for increases in the number of rooms and spaces assigned to the widow, even if the average size of the physical structures had not grown larger over time.¹⁵

In addition to designating rooms and spaces for the widow's use, commissioners also assigned her privileges and "pass-through" routes throughout the house. Privileges refer to areas widows were allowed to use or occupy as needed, but were not formally designated as "hers." Rooms and spaces may be privileged, as might activities such as washing and baking. Thus rather than receiving spaces outright, she might be granted a "privilege" of the stairs, the front entry, or the oven. The most common privileges were to the cellar (twenty-five percent), the stairs (twenty-four percent), the front entry (twenty-two percent), the oven (twenty percent), and the kitchen (eighteen percent). (See table.)

Privileges established a widow's right to use a space, but they also suggested a shared space, a place of contact and conversation or perhaps even conflict. It was left to the occupants of the structure to define, at least initially, how to translate the assignment within the physical space. For example, did a widow receive the middle third or the north third? Some privileges probably necessitated considerable daily negotiation. A widow may have had a privilege to bake in the oven, and it perhaps even superseded the right of another occupant to bake in the oven, but the household members had to determine when and how each was to use the oven every day. At times, privileges were also expressly granted to other residents in the house, most often giving them access to resources located in the widow's assigned spaces.

The assignment of privileges was functional; it either gave access to a place or permitted an activity. A privilege recognized the needs of the whole household for certain limited resources, such as the front entry, front door, porch, oven, scullery, or stairs. Activity-based privileges specified that the widow could wash, bake, cook, use the boilers, put up stores, heat water, or do

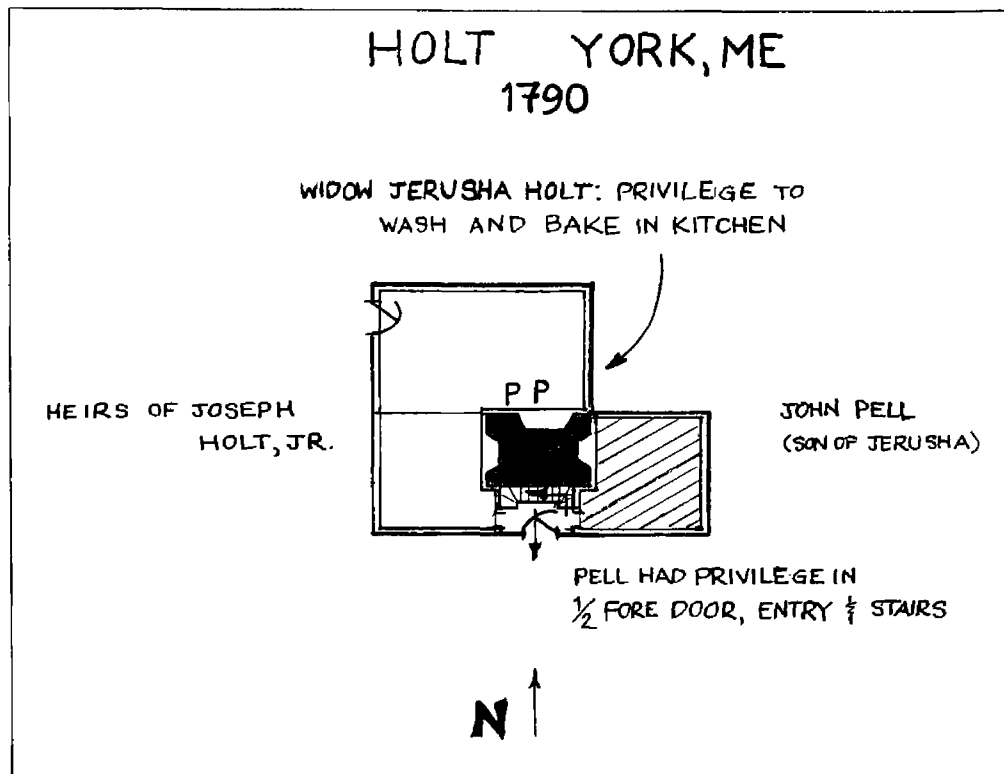


Figure 5. Dower division for Jerusha Holt, York, 1794. "P" indicates the location of Jerusha's privileges. Floor plan based on dower assignment, contemporary observation of extant structure, and history of structure as developed by the Old York Historical Society. *Probate docket number 9644 (Joseph Holt), York County Courthouse.*

housework. Although less frequent than privileges pertaining to place, activity-based privileges occurred with growing frequency in the nineteenth century, reflecting a growing emphasis on domesticity. Activity-based privileges implied that the necessity of performing a task was honored or respected, but not necessarily the person who was doing it. An extreme example appears in the dower assignment of Jerusha Holt. The assignment divided the house between the heirs of her husband and her son from a prior marriage, John Pell. Jerusha's dower included no rooms or spaces in her house. She had only the privilege of baking and washing. (Figure 5.) The dower assignment suggests that Jerusha had to depend on her son's generosity to provide her a space in which to reside.

As with the number of rooms and spaces, the number of privileges grew over time. From less than one privilege per

widow at the end of the eighteenth century, the number increased to two per widow in 1831-1845. Only 33 percent of the widows received any privileges before the turn of the century, compared with ninety-two percent of the later widows. Some widows in each period received no privileges, but the assignments gave as many as nine rooms and spaces, suggesting very large structures.¹⁶ In these cases it is possible that resources such as ovens were available for each party. Not assigning privileges could also suggest a state of dependency (e.g. someone other than the widow did her baking), or imply that there was no need to articulate the use of shared space in such a specific manner. Some widows, like Betsy Wentworth, were still caring for their minor children, the very heirs who had rights to the remainder of the house, thus reducing the immediate need to establish firm boundaries. Nonetheless, over 64 percent of the widows were limited in where they could walk in the house or on the land.¹⁷

Dower documents also defined areas through which widows were allowed to pass and re-pass, or "pass through." These functional assignments included passageways, hallways, and stairs, or perhaps reserve "to the Widow the privilege of passing & repassing through the eastern room into the chamber."¹⁸ When there were few other options, widows were allowed "to pass and re-pass to and from their separate apartments."¹⁹ The court used the pass-through clause outside in effect as a right-of-way, to define routes through fields and gardens for humans and animals alike. Again, because a widow was prohibited from changing or improving the structure, she could not build a new exterior door or interior staircase for her use. Thus pass-through clauses helped preserve the integrity of the structure for future generations.

As with privileged space, the process of passing through created places of potential or actual contact between residents. Again, the utilization of these spaces involved interpersonal negotiation. Activities occurring in the space may have limited the appropriateness of passing through (e.g. a just-washed floor, a dying child, people having sex or entertaining). The negotiation of power and privacy could be problematic, especially if the

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remainder of the house included people other than immediate family. When Hannah Wilson sold her reversion of dower along with her house and land, it was under the encumbrance that she was able to use her dower, which included the right to “pass through kitchen to the dairy bedroom.”²⁰

Not surprisingly, both the number of widows and the types of places where they could “pass through” increased from the first to the fourth period. Between 1785 and 1815 the courts gave five out of twenty-three widows a total of six pass-through spaces. During the next thirty years, judges gave eleven out of thirty-two widows a total of twenty pass-through privileges. While the privilege to pass through or pass to the cellar and general rooms remained fairly consistent, the greatest variety in the types of pass-through privileges occurred from 1800 to 1830, with the inclusion of such newly identified spaces as the scullery and the back door. By articulating such pass-through spaces, the commissioners increasingly defined appropriate and necessary areas of interaction within a shared structure. The right to pass through a space did not grant ownership or control of the space; nor did it imply the right to linger or participate in activities located there. The widow passing through a room was a spectator rather than a participant: a foreigner in her own land.

Common Spaces and Private Spaces

The assignment of spaces, privileges, and passages was a sort of blueprint for the *pas a deux* of daily living. Assignments limited the movements of each occupant to specific rooms or activities; certain areas were deemed out of bounds, while in other cases assignments anticipated interaction. These spatial designations also helped define the boundaries of personal relationships between household members. Although the specific language varied with household composition, finances, size, and design, assignments defined areas of common interaction and areas of more private, exclusive activity through the designation of rooms, spaces, and privileges. How these areas were utilized was the prerogative of the widow and other occupants, but it probably followed predominant patterns of domestic

social and work geography. At the end of the eighteenth century, American middle classes refined domestic social rituals and separated them from the day-to-day work of the house. Parlors, dining rooms, and other public places were located in close proximity of the front door, while work spaces migrated to the back of the house. The non-public rooms of the house enabled the household to function. Nonetheless, it was important to ensure that family members could entertain without interference from the working household. Thus both families and widows needed space to conduct their work, and space to fulfill social obligations. Ideally, the latter would occur in private rooms set off to each party. With the exception of Pamila Hill and Mary Talpey, who received as their dower the entire part of the house that was set off to the heirs, none of the other assignments specifically designated a non-work area, such as a parlor or front room, to be used in common with other household members.

As structured by dower assignment, intra-domestic contact would most often occur where women did their daily work. Laurel Thatcher Ulrich describes the geography of women's work as extending "from the kitchen and its appendages, the cellars, pantries, brewhouses, milkhouses, washhouse, and butteries," as well as door yards, woodsheds, and garrets for textile production.²¹ While the location of women's work varied seasonally, much of it occurred in places commonly associated with food preparation and storage. Correspondingly, these spaces were often shared, in the sense that a widow received a third of the space, or a privilege in it, or conversely, the widow controlled the space and the other occupants had privileges in it. Courts assigned spaces in the kitchen, cellar and garret, to as many as eighty percent of the widows in the first period, and never less than half the widows at any time.²² Hannah Emerson's dower reflected the need for access to work spaces; in addition to several rooms in the house, the court granted her the enviable privileges of "putting in sauce and other things usually kept in cellars and she is to have free access to the same...as she may have occasion to make use of the cellar."²³ The nature of interaction

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in these shared work spaces must have run the gambit from friendly, supportive camaraderie to contentious bickering over resources.

The other common spaces created by the dower assignments were transient social space: places where people met and where they passed through. These included stairs, hallways, entries, doors, and perhaps porches. Courts assigned widows their own or communal work spaces, but when they granted these social spaces it was generally done so as privileges, especially between 1816 and 1845. The nature of interaction in this social space was temporary. Front stairs do not invite lengthy, relaxed conversation. Nor would relationships fostered in these transient social spaces suggest intimacy. The assignment of such spaces appears to have been done for logistical reasons. Again, this suggests that as the composition of households evolved beyond the immediate family, it became necessary to create guidelines for unavoidable or awkward social relationships within the household.

With the exception of poor Jerusha Holt, each of the fifty-four widows had at least one room in which to live, to work, to entertain, and perhaps to raise children. This was a "room of her own," barring any privileges in it assigned to heirs. Seventy-three percent of the widows had two or more rooms. As the average number of rooms and spaces assigned to the widow grew between 1790 and 1845, so did the potential for privacy.

The desire for privacy accompanied the similar desire for refinement and gentility that grew, first among the upper classes and then, by the early nineteenth century, among the emerging middle classes.²⁴ Helena Wall traces the growing desire for individual and familial privacy, stating that "by the turn of the [nineteenth] century, the ideal family was understood to be affectionate, voluntary, and private; this has in fact been characterized as the Republican family."²⁵ Dower assignments compromised some privacy for widows, who lost control over their whole home and had to share spaces with in-laws, grown children's families, or unrelated individuals. The presence of widows and fatherless children in a house might similarly act to retard the

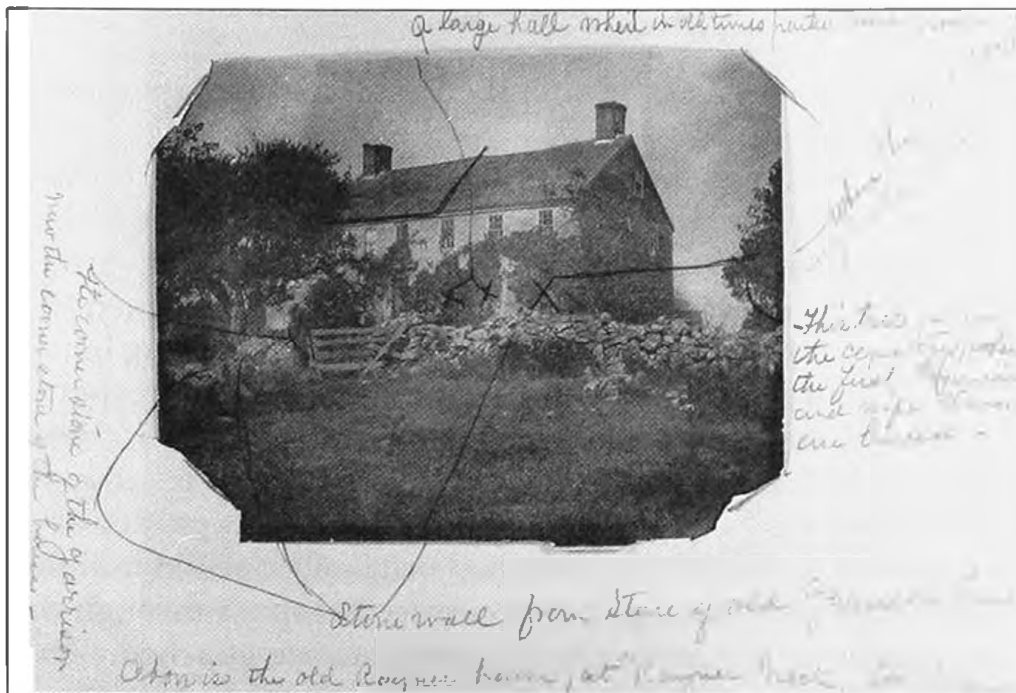


Figure 6. Raynes House, York, late nineteenth century. Pencil annotations show location of "great room" granted to Jane Rains in 1793. Photograph courtesy of the Old York Historical Society Collections, York, Maine.

refinement of an up-and-coming middle-class family seeking status in the community. The structure of interpersonal relationships that resulted from dower laws was not necessarily affectionate or private; and even less frequently was it voluntary.

Commissioners assigning dower spaces were often judges, lawyers, or gentlemen – men with community status. As such, they were also aware of the growing desire for privacy, as well as the importance placed on the maintenance or acquisition of social status, especially in shire towns and commercial centers such as York. Increasingly over time, as space and economics allowed, widows received accommodations that enabled them to maintain something more than a marginalized existence within the structure. In some cases, the commissioners assigned rooms or spaces for entertaining, taking tea, or receiving guests, in addition to work areas and sleeping chambers. As the vernacularization of the Georgian architectural style spread, the change from center chimney layout to center hallway helped facilitate the separation and maintenance of individual, private,

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single-function spaces for both the widow and the other occupants of the house.

The dowers of Jane Rains (Raynes) and Mary Coes provide examples of how courts incorporated private social spaces into the assignments. When her husband, a member of the prominent Raynes family in York, died in 1793, Jane was assigned “the great lower room in the Southern corner of the dwelling house, the bedroom thereto adjoining in the Northeasterly corner of said house, and the Southeasterly stair way.” (Figure 6.) Ruth Kennard Millar, recollecting her childhood, indicates that the great room was “a large room where in old times parties were given,” and that the front door had originally opened into this room. Jane may have gained access to this space through the west, where at one time a garrison structure was attached. That Jane Rains’s dower designated this space during a prosperous period for this established and influential family suggests that the commissioners recognized the importance of providing her the most prominent space in the house in which she could continue to conduct her life, both privately and socially, however she chose.²⁶

For Mary Coes of Kennebunkport, the trend toward respecting the necessity of privacy was manifest in the back door. Nine years prior to Mary’s 1828 dower assignment, her mother-in-law, Sarah Coes, received dower in the same house, including a front room and the front stairs. Mary’s assignment offered her privileges in the door and stairs, but also granted her a side entry off the kitchen. (Figure 7.) While at first glance this seems unremarkable, examination of the floor plan suggests Mary could get to her rooms on both floors without passing through Sarah’s apartments, as well as come and go without troubling or encountering the elder widow.²⁸ Assigning each woman a front room and access to the front door allowed them to continue to receive visitors as befit their social place in the community. In addition, each was able to negotiate her space without necessarily compromising the privacy of others.

Assigning the “widow’s thirds” resulted in the structuring of both physical and social spaces within a widow’s household.

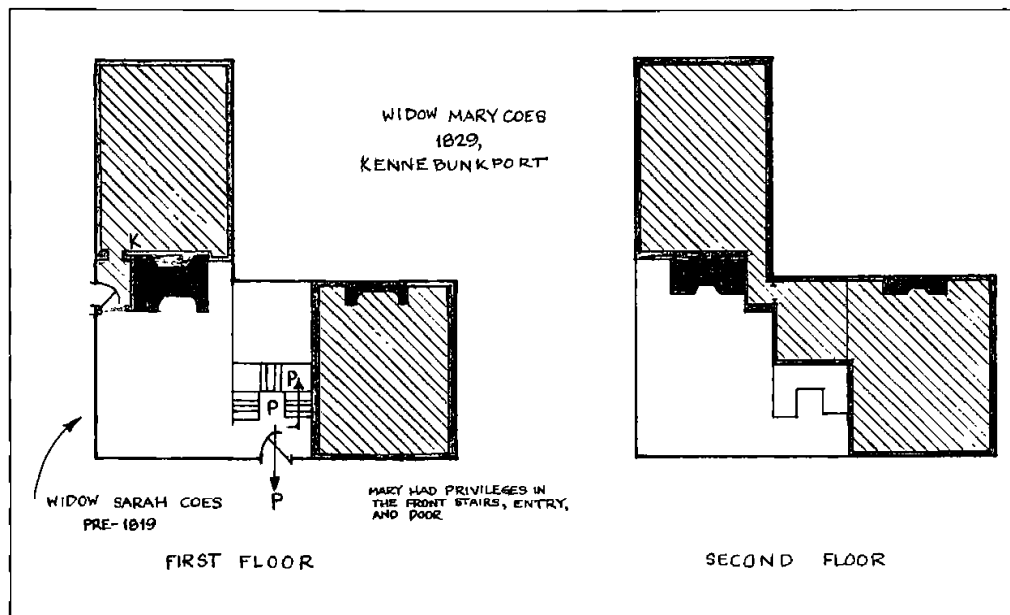


Figure 7. Dower assignment of Mary Coes, Kennebunkport, 1829, showing spaces belonging to her and her mother-in-law, Sarah Coes. Floor plan based on dower assignment, contemporary external observation of extant structure, and records on file at the Kennebunkport Historical Society. *Probate docket number 3306 (Benjamin Coes), York County Court House, Alfred, Maine.*

These assignments suggest that through the dower process, work spaces and social spaces were delineated, and common spaces and private spaces were negotiated. In many ways, dower was a social clog; it prevented the widow, heirs, in-laws, and other occupants from fully realizing an affectionate private home. During the Early Republic, dower was an awkward remnant of the colonial past, and these fifty-five women were widowed too early to receive any benefit from the mid-century revolution in women's property rights. But dower law was not stagnant. Assignments between 1785 and 1845 reflect an attempt to adapt to shifting household dynamics, the diminishing emphasis on land-based wealth, the growing desire for privacy, and eventually, the sanctity of the domestic sphere. Although from a late twentieth-century perspective the assignments seem like severe limits on access and activities for the widow, and a loss of control over her household, in many cases they also created private and social spaces that could not be denied to her. In addition, dower gave each of the occupants a floor plan to guide their day-to-day

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interactions: a chart to help them navigate the murky waters of changing social and familial relationships, whether they were cordial or contested. Front rooms, back entries, cellars, ovens, and stairs offered the widow a greater ability to raise children, work, entertain, and take tea, during her remaining life.

NOTES

¹Helena M. Wall, *Fierce Communion: Family and Community in Early America* (Cambridge: Harvard University Press, 1990), p. 145.

²The legal definition of dower states that "dower is the right of a woman in a third part of all the lands and tenements...of which her husband was seized, either in deed or in law, at anytime during the coverture, and of which any issue she might have had, might by possibility have been heir." John Bouvier, *A Law Dictionary, Adapted to the Constitution and Laws of the United States of America*, 2nd ed., 1 (Philadelphia: T & J.W. Johnson, 1843), p. 493.

³I have attempted to reconstruct the houses of the fifty-six widows based on their dower assignments. In several cases the reconstruction is based on contemporary observation; others have been partially inferred from exterior photographic evidence. The majority, however, are guesses. My sample runs the gambit from very poor families to well-heeled community leaders. Influencing my conception of the vernacular landscape is the work of Michael Steinitz, who suggests that the common vision of a late eighteenth-century New England landscape dotted with large, two-story homes is erroneous. Smaller, one-story dwellings were more representative. See Steinitz, "Rethinking Geographical Approaches to the Common House: The Evidence from Eighteenth-Century Massachusetts" in *Perspectives in Vernacular Architecture, III*, Thomas Carter and Bernard L. Herman, eds. (Columbia: University of Missouri Press, 1989), pp. 16-26.

⁴Identification of dowagers was undertaken through a systematic search of probate documents at the York County Courthouse in Alfred, Maine. Although the husbands died between 1783 and 1840, the date the dower was granted (1784-1845) is used as the point of analysis for this study.

⁵Historian Linda K. Kerber asserts that "between 1790 and 1840 when the right to dower was more and more laxly enforced and the new married women's property acts had not yet been divided, married women were in a particularly vulnerable position." Smaller property holdings, a shift from wealth in land to wealth in personal property, and the increasing use of mortgages all made dower harder to assign, and created a less tenable situation for the widows, heirs, and creditors. See Kerber and Jane De Hart-Mathews, eds., *Women's America: Refocusing the Past*, 2nd ed. (New York: Oxford University Press, 1987), p. 470.

⁶The origins of dower exist in English common law, as adopted by and adapted in the American colonies. See Marylynn Salmon, "Equality or Submersion? Feme Covert Status in Early Pennsylvania," in *Women of America: A History*, Carol Berkin and Mary Beth Norton, eds. (Boston: Houghton Mifflin, 1979), p. 93; Marylynn Salmon, "The Legal Status of Women in Early America: A Reappraisal," in *Law and History Review* 1 (Spring 1983): 129-151; Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1986); Salmon, "Republican Sentiment, Economic Change, and the Property Rights of Women in American Law," in *Women in the Age of the American Revolution*, Ronald Hoffman and Peter J. Albert, eds. (Charlottesville: University Press of Virginia, 1989).

⁷The description of the limits of an estate in dower is almost incantational in its recitation by historians. See Salmon, "Equality or Submersion," p. 106; Salmon, *Women*

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and the Law of Property, p. 143; Linda K. Kerber, "Marriage, Divorce, Dower: Examples from Colonial Connecticut," in Kerber and De Hart Mathew, eds., *Women's America: Refocusing the Past*, p. 470; and David E. Narrett, "Men's Wills and Women's Property Rights in Colonial New York," in Hoffman and Albert, eds., *Women in the Age of the American Revolution*, p. 107.

⁸*Corpus Juris Secundum* 28 (St. Paul, Indiana: West Publishing Co., 1996), p. 102.

⁹9580 Lucy Hodson (Oliver), Kennebunkport, 1833. Deed of sale of house and land exclusive of dower to Ivory Goodwin (1837) located in Book 163, p. 52; Deed of sale of reversion of dower to John Murphy (1839) located in Book 164, p. 134. All deeds located in Registry of Deeds, York County Court House, Alfred, Maine.

¹⁰Terri L. Premo, *Winter Friends: Women Growing Old in the New Republic, 1785-1835* (Urbana: University of Illinois Press, 1990), p. 31.

¹¹Laurel Thatcher Ulrich points out that through most of her diary Martha Ballard refers to her house as "Mr. Ballards house." Laurel Thatcher Ulrich, *A Midwifes Tale: The Diary of Martha Ballard, based on her Diary, 1785-1812* (New York: Knopf, 1990), p. 227.

¹²Martha Ballard, *The Diary of Martha Ballard, 1785-1812*, Robert R. McCausland and Cynthia MacAlman McCausland, eds. (Camden, Maine: Picton Press, 1992), pp. 656-666.

¹³Waste is defined as "a spoil or destruction in houses, gardens, trees, or other corporeal hereditaments to the disherison of him that hath the remainder or reversion in fee simple or fee tail." John Bouvier, *A Law Dictionary*, 2d ed., 2 (Philadelphia: T & J.W. Johnson, 1843), p. 624.

¹⁴James Deetz, *In Small Things Forgotten: The Archaeology of Early American Life* (New York: Doubleday, 1977), pp. 112-117. See also Hugh Morrison, *Early American Architecture: From the First Colonial Settlements to the National Period* (New York: Dover Publications, 1987), p. 296.

¹⁵Although there was an increase in all types of assignments, the increased articulation of privileges and pass-through spaces would not necessarily suggest a corresponding increase in structure size.

¹⁶18152, Caroline Stone (Robert), Arundel, 1820. Caroline's dower assignment gave her at least five rooms, and four more spaces, but no privileges.

¹⁷This figure is 64 percent of the seventy-one widows in the larger study from which this article is adapted. Sixteen widows in the larger study were omitted from this article because, while they received dower of some sort, they were not given a portion of a house.

¹⁸9256, Olive Hill (James), Berwick, 1827.

¹⁹3396, Elizabeth Cole (Ichabod), Eliot, 1813.

²⁰20552 Hannah Wilson (Joseph), York, 1812. Deed of sale to Daniel Wilson on file in Book 79, p. 79, Registry of Deeds, York County Court House, Alfred, Maine.

²¹Laurel Thatcher Ulrich, *Good Wives: Image and Reality in the Lives of Women in Northern New England, 1650-1750* (New York: Vintage Books, 1980), p. 13.

²²In addition to kitchens, cellars, and garrets, the interior work spaces identified in this study also include ovens, sculleries and arches. Dairies, ciderhouse, woodhouses, dooryards, barns, and wells were also frequently assigned to widows, in part or in whole.

²³5165, Hannah Emerson (Bulkeley), York, 1816.

²⁴Richard L. Bushman, *The Refinement of America: Persons, Houses, Cities* (New York: Vintage Books, 1992), pp. 207-209, 227-237, and chapter 7.

²⁵Wall, *Fierce Communion*, p. 145.

²⁶15715 Jane Rains (Robert), York, 1794. Letter and photograph from Ruth Kennard Millar to Elizabeth Perkins, January 26, 1902. Date of photograph unknown. Old York Historic Society, Manuscript Collection # 363, York, Maine. Photographs of the home taken about a hundred years later were annotated by a senior member of the family in 1902.

²⁷3306, Mary Coes (Benjamin), Kennebunkport, 1829. The Coes house still stands.