

“The Justice Of Her Country:” Early American Widows Assert Their Independent Legal  
Status In Congressional Petitions For Claims, 1775-1844

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## Abstract of Thesis

### “The Justice Of Her Country:” Early American Widows Assert Their Independent Legal Status In Congressional Petitions For Claims, 1775-1844

Wars and violent times filled the pages of early American history. Widowhood expanded and propelled these women to become heads of their households. This thesis examined this particular group of early American women, and the ways they asserted their independent legal status through petitions of claims sent to Congress. These petitions illuminated the ways these widows took charge of themselves and their dependents. Depositions from witnesses, schedules of losses and other forms of evidence became the tools for these women. Their attempts to gain compensation for the losses they incurred showed that they learned these legal tactics, and used a language of justice normally witnessed in the writing of their male counterparts. Moreover, each document revealed pieces of early American history, as seen through the eyes of women. From the Revolution through the first few decades of the nineteenth century, early American women sent petitions to Congress that outlined the participation of their families in the building of the new nation. Patriotic language filled these documents as these early American women asserted their independent legal status and placed their faith in the justice of their country.

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## Introduction

Violence filled the pages of early American history. From the Revolution through the first few decades of the nineteenth-century, wars with Great Britain and various conflicts with a multitude of Native American nations left an imprint on American society, as the number of women who became widows and heads of their households grew with each skirmish. These women became independent of the laws of coverture. They asserted their newly gained legal status through their petitions of claims sent to Congress in their attempts to support themselves and their dependents. The assertive and patriotic language within these petitions showed that these early American women viewed themselves as citizens who played an important role in the formation of the new nation. Each document portrayed a tiny piece of American history, as seen through the eyes of each petitioner. From illiterate to highly articulate, these documents are vital in giving voices to women who were previously neglected in other studies.

The women studied in this research came from across the country and were diverse in age and class, but not in race. White women made up the focus group of this investigation, but their views of others, in particular Native Americans came through in their racist language, as well as their treatment of African Americans as personal property. In these ways, the women who petitioned Congress resembled their male counterparts more than the benevolent sisterhood created by past historians.

The history of early American women has grown at a tremendous rate since the women's rights movement of the 1970's, but the majority of these works dealt with women who lived within a male headed household. Many historians of early American

women included small sections on widowhood, but few truly tackled the topic of widows as independent from male authority. Scholars researched Republican Motherhood, separate spheres, housework, sexuality, benevolent activities, working women, gender issues and ideals, religion, early women's rights movements, and literature written by or about women.<sup>1</sup> One thing that tied these works together was the attempt to place women as a category outside of the men they lived and worked with. The majority of these studies were centered in the Northeast and among middle to upper-class white women. Diaries, letters and wills became the primary sources for these studies, which limited them to women who had the time and education to take pen to paper. The danger of creating such overarching themes was noted by Nancy Hewitt in 1985. Hewitt asserted that

the true woman/separate spheres/woman's culture triad became the most widely used framework for interpreting women's past in the United States. The articles and arguments presented by the architects of the paradigm are widely quoted, reprinted frequently, summarized in textbooks and popular histories, reproduced in curriculum packets, and elaborated upon in an array of scholarly studies. By gendering the Victorian landscape and

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<sup>1</sup> These are but a few examples of the historiography of early American women. For Republican Motherhood the two best works have slightly different views. For a more positive vision see: Mary Beth Norton, *Liberty's Daughters: The Revolutionary Experience of American Women, 1750-1800*, (Boston: Little, Brown and Company, 1980). For a more negative outlook see: Linda Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill: University of North Carolina Press, 1980), and "The Republican Mother: Women and the Enlightenment-An American Perspective," *American Quarterly*. Vol. 28, No. 2. (Summer, 1976): 187-205. For separate spheres one of the best is Nancy Cott, *The Bonds of Womanhood: "Woman's Sphere" in New England, 1780-1835*. 1977, Second Edition, (New Haven: Yale University Press, 1997). For a different take on the meaning of the word "bonds" and how it affected women's lives: Joan Jensen, *Loosening the Bonds: Mid-Atlantic Farm Women, 1750-1850*, (New Haven: Yale University Press, 1986). For the meaning of housework see Jeanne Boydston, *Home and Work: Housework, Wages, and the Ideology of Labor in the Early Republic*, (New York: Oxford University Press, 1990). For women in the work of benevolence see: Lori Ginzberg, *Women in the Work of Benevolence: Morality, Politics, and Class in the Nineteenth-Century United States*, (New Haven: Yale University Press, 1990). Mary Hershberger, "Mobilizing Women Anticipating Abolition: The Struggle against Indian Removal in the 1830's," *The Journal of American History*. Vol. 86, No.1, (June, 1999): 15-40. For early women's rights movements: Nancy Isenberg, *Sex and Citizenship in Antebellum America*, (Chapel Hill: The University of North Carolina Press, 1998). For female literature and notions of citizenship and the meaning of virtue: Ruth H. Block, "The Gendered Meanings of Virtue in Revolutionary America," *Signs* 13 (1987): 37-58. Lester H. Cohen, "Mercy Otis Warren: The Politics of Language and the Aesthetics of Self," *American Quarterly*, Vol. 35. No. 5 (Winter 1983): 481-498.

evaluating historical patterns and processes in women's own terms, the historians of bourgeois womanhood have established concepts and categories that now shape the analysis of all groups of American women.<sup>2</sup>

The women in this thesis broke the mold of dependent females in early American history, as they stepped down from the pedestals historians placed them upon and planted themselves on the firm ground of reality with their male counterparts.

There have been attempts by historians to give women agency over their lives and that of their families. Historians of early Native-American and African-American women accomplished this even though they faced a lack of sources written by the women they chose to examine.<sup>3</sup> For white women, legal histories appeared to make the best contributions toward female agency, but their concentration on married women placed them as dependents through coverture and widows as reliant upon their dower rights.<sup>4</sup>

Research into the field of early American widows and spinsters gave women more

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<sup>2</sup> Nancy A. Hewitt, "Beyond the Search for Sisterhood: American Women's History in the 1980s," *Social History*, Vol. 10. No. 3, North American Issue (October 1985): 299-321, p. 301.

<sup>3</sup> A couple of the best works in Native-American women include, but is not limited to: Theda Perdue, *Cherokee Women: Gender and Cultural Change, 1700-1835*, (Lincoln: University of Nebraska Press, 1998). Carolyn Niethammer, *Daughters of the Earth* (New York: Collier Books, 1977). Likewise for African-American women a small sample of studies that attempt to give agency to slave women are: Stephanie M. H. Camp, *Closer to Freedom: Enslaved Women & Everyday Resistance in the Plantation South*, (Chapel Hill: The University of North Carolina Press, 2004). & Deborah Gray White, *Ar'n't I a Woman? Female Slaves in the Plantation South*, (New York: W.W. Norton & Company, 1999).

<sup>4</sup> A sampling of works that highlight women's legal history all point towards improvements in American women's legal rights over their colonial counterparts, but the centralization towards married women's divorce and property rights overshadows the fact that women did own and manage property in their own names as widows and spinsters. A few of best works on American women's legal histories includes: Norma Basch, "Equity vs. Equality: Emerging Concepts of Women's Political Status in the Age of Jackson," *Journal of the Early Republic*, Vol. 3, No. 3 (Autumn 1983): 297-318. and "The Emerging Legal History of Women in the United States: Property, Divorce, and the Constitution," *Signs*, Vol. 12, No. 1 (Autumn 1986): 97-117. Joan R. Gundersen, "Independence, Citizenship, and the American Revolution," *Signs*, Vol. 13, No. 1, Women and the Political Process in the United States: (Autumn 1987), 59-77. Joan R. Gundersen and Gwen Victor Gampel, "Married Women's Legal Status in Eighteenth-Century New York and Virginia," *The William and Mary Quarterly*, Third Series, Vol. 39, No. 1, The Family in Early American History and Culture (January 1982): 114-134. The most complete works on American women and property law is: Marylynn Salmon, *Women and the Law of Property in Early America*, (Chapel Hill: The University of North Carolina Press, 1986). And Carol Shammas, Marylynn Salmon and Michel Dahlin, *Inheritance in America From Colonial Times to the Present*, (New Brunswick: Rutgers University Press, 1987).

agency for themselves and control over their families, but tended to be regional in nature. Moreover, the concentration upon the traditional sources of diaries, wills, and personal correspondence tended to leave out the poor and uneducated women whose lives faded into historical oblivion.<sup>5</sup> This study attempted to place these forgotten widows into the historiography of early American women through their petitions sent to Congress and the census record of 1790.

### “In Behalf of Herself”

On March 5, 1844, Congress referred the petition of Catherine Knoggs to the Committee of Claims. Catherine’s petition started with the statement “In behalf of herself & of the legal heirs of Thomas Knoggs deceased.”<sup>6</sup> Mrs. Knoggs petitioned Congress for the loss of her husband’s property in the War of 1812. What made this document so valuable was the fact that Catherine Knoggs was illiterate. As Norma Basch pointed out in 1983, the goal of scholars of women’s history “has been the quest to understand women on their own terms and in their own words- to see history through women’s eyes. The quest has revolutionized the formulation of questions, the choice of sources, and the

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<sup>5</sup> One of the most recent and best examples of widows who used their independent legal status to aid themselves and the households they ran is Vivian Conger’s *The Widows’ Might*, but her work was on colonial women and did not reflect on widows as American citizens. Vivian Bruce Conger, *A Widows’ Might: Widowhood and Gender in Early British America*, (New York: New York University Press, 2009). A few of the better studies into the lives of single/widowed women in early America include but is not limited to: Lee Virginia Chambers-Schiller, *Liberty A Better Husband, Single Women in America: The Generations of 1780-1840*, (New Haven: Yale University Press, 1984). Suzanne Lebsack, *The Free Women of Petersburg: Status and Culture in a Southern Town, 1784-1860*, (New York: W. W. Norton & Company, 1984). Susan Ingalls Lewis, “Business Widows in Nineteenth-Century Albany, New York, 1813-1885,” in Rudolph M. Bell and Virginia Yans, eds., *Women on Their Own: Interdisciplinary Perspectives on Being Single*, (New Brunswick, NJ: Rutgers University Press, 2008). Kirsten E. Wood, *Masterful Women: Slaveholding Widows from the American Revolution through the Civil War*, (Chapel Hill, The University of North Carolina Press, 2004).

<sup>6</sup> Petition of Catharine Knoggs, March 5, 1844, Ref to the Committee of Claims (HR28A-G3.1) 28<sup>th</sup> Congress: National Archives, Washington DC.

contours of periodization.”<sup>7</sup> While Mrs. Knoggs did not write her own petition, the claim she presented was for “herself” and the dependents who relied upon her to take their case to Congress. Upon the examination of thousands of petitions sent by men as well as women, the percentage of illiterate claimants was similar irregardless of gender. While literacy rates climbed for the middling and upper sorts of people, the lower classes still remained mainly uneducated in the early nineteenth-century.

The use of petitions as a historical source was not a new development. Many works use petitions as one of many primary documents available to researchers, but few historians of early American women attempted to utilize them in their own right. Mary Hershberger was one of the first to make petitions the centerpiece of her 1999 article “Mobilizing Women Anticipating Abolition: The Struggle against Indian Removal in the 1830’s.” While her concentration was on the mass petition drives led by women against Indian Removal, she noted that petitions by women was one area of legal discourse that was acceptable “and recognized women’s role in promoting public virtue.”<sup>8</sup> Hershberger asserted that the knowledge gained during the anti-removal period gave the petitioners the tools they needed when they then tackled abolition. Although her assessment was correct for the mass petition movements after the 1830s, the documents examined in this paper showed individual self-interest rather than any public virtue.

Susan Zaska furthered Hershberger’s assessment in her 2003 book *Signatures of Citizenship: Petitioning, Antislavery, & Women’s Political Identity*. She noted that mass petition drives against Indian removal and abolition gave women experience when the time came to petition about women’s rights a couple of decades later. Zaska traced the

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<sup>7</sup> While Basch was speaking of the “Age of Jackson,” her analysis is relevant for any time frame in the history of women. Basch, “Equity vs. Equality,” 297.

<sup>8</sup> Hershberger, “Mobilizing Women,” 18.

petition as a form of supplication back to the “late Middle Ages” utilized by the people to reach out to the English monarchy for their wants and demands.<sup>9</sup> While Zaske’s work centered upon mass petition drives she noted that “women suffering from the hardships of war were forced to petition state legislatures and Congress, resulting in a significant increase in female petitioning.”<sup>10</sup> The research conducted for this thesis confirmed Zaske’s outlook, as thousands of petitions from individual women flooded Congress from the end of the eighteenth century through the mid-nineteenth century.

This thesis is a result of three years of research at the National Archives and Record’s Administration (NARA). Petitions make up a huge repository at NARA for each Congressional Committee kept separate records of the memorials that were referred to them. While the claims differed from Revolutionary Pensions to losses of property, the documents chosen for this study were all from widows who maintained the status as heads of their household. The petitions in this article covered claims from 1775-1825, but the dates these women sent the petitions ranged from 1816-1844. Unfortunately, the reason for this disparity in time resulted from the burning of Washington D.C. by British troops in 1814. The archivists of NARA explained that the majority of the documents before the Fifteenth Congress were destroyed in the fire for the staff of the Capitol only saved the most important papers and journals.

Fortunately, the majority of these women continued to send in their petitions repeatedly until they received a definite answer from Congress. For some of them the years turned into decades of waiting for relief for their claims and for others no relief was

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<sup>9</sup> “During the late Middle Ages, written petitions, which had become the standard method to approach authorities, placed demands on rulers and tested their accountability to the people.” Susan Zaske, *Signatures of Citizenship: Petitioning, Antislavery, & Women’s Political Identity*, (Chapel Hill: The University of North Carolina Press, 2003) 13.

<sup>10</sup> Zaske, *Signatures of Citizenship*, 17.

ever given. The 1822 petition of Catherine Robertson clearly pointed out this fact. She asserted that her earlier petition and accompanying papers sent in 1786 “were burned by the British troops with the other papers in the Capitol in the year 1814 before they could be acted upon.”<sup>11</sup> Even after the Fifteenth Congress the records were not complete. There were many petitions that were referred to a certain committee but no later reports or acts to give any indication that the claims were ever satisfied or not. The staff at NARA explained that early record keeping was not uniform or considered as important as it is today. In fact, an archivist mentioned that U.S. soldiers stationed at the Capitol during the Civil War used some of the huge bound abolition petitions as firewood to keep warm.

The petitions sent by individual women have been mainly ignored by historians of early American women. The reason seemed to stem from the view of the individual petition as “an instrument of humble supplication,” rather than a tool of citizenship.<sup>12</sup> The individual petitions were not politically motivated, as the mass petition campaigns later in the nineteenth century, but each document showed the independent legal claims made by women as citizens in their own names. Scholars did not link petitioning to female citizenship until the mass petition campaigns against Indian removal and slavery started to appear in the 1830’s.<sup>13</sup> The actual petition was not what historians considered important, but the coming together of many women to voice their displeasure at the government’s attitudes against Native Americans and the continuation of slavery.

Scholars such as Zaske and Hershberger viewed petition campaigns as early American

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<sup>11</sup> Petition of Catherine Robertson, December 9, 1822, Ref to the Committee on Pensions & Revolutionary Claims (HR17A-F11.1) 17<sup>th</sup> Congress: National Archives, Washington DC.

<sup>12</sup> Zaske, *Signatures of Citizenship*, 12.

<sup>13</sup> “By firmly seizing the right of petition and redefining it from a prayer for redress of private grievances to an instrument of collective public persuasion, women not only asserted their citizenship but also created a hunger for further participation in the political process and for more rights.” Zaske, *Signatures of Citizenship*, 13.

women's first venture into the realm of realization that they too were citizens of the United States.

### “A Natural Born Citizen”

One of the most debated topics in the historiography of early American women was the notion of citizenship. This confusion related to the use of the word citizen as either an “active participation” in politics, on jury duty and service in the militia, or as a “passive inheritance” of birth.<sup>14</sup> Nancy Isenberg placed great importance on

the vote as a vested right clothed men with the rank of full citizenship in exchange for their possible service as heads of households, soldiers and militiamen, and productive, taxpaying citizens. Under these terms the state discriminated against all women and some groups of men, especially those who failed to meet the standards of manhood, which included slaves, free blacks, Mexican Americans, Native Americans, and immigrant, illiterate, poor, working-class men.<sup>15</sup>

While her statement appeared correct, Isenberg dismissed widows who were heads of their households, property owners, and taxpayers. Furthermore, when you lump all the categories she noted as “discriminated against” the only people she considered real citizens were white, educated, and propertied men, therefore making the true American citizen the minority rather than the majority.

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<sup>14</sup> “Throughout the nineteenth century, citizenship was complicated by competing and contradictory definitions of political identity. One civic ideal celebrated active participation, measured not only by the vote but by jury and militia service, while another, more legalistic understanding defined citizenship as a passive inheritance of “birthright” entitlements. The legal capacity to act as an independent citizen (to own property, make contracts, and exercise self-representation before one's peers in court) was held up against the right of consent, a right based on a “fictive” membership in the original social contract—on being one of the sovereign people.” Isenberg, *Sex and Citizenship*, xiv.

<sup>15</sup> Isenberg, *Sex and Citizenship*, 28.

Joan Jensen, Susan Zaske, and Mary Hershberger saw mass petition campaigns “as the first time in American history that women collaborated to exercise one of their political rights as citizens, the right to petition.”<sup>16</sup> Joan Gundersen and Linda Kerber pointed out a few examples that defied this vision of early American women as only passive citizens of birth. Gundersen went into detail about New Jersey’s brief enfranchisement of women from 1776-1807. As long as the female was a property owner, she had the full right to vote, while white men who owned no property were disenfranchised.<sup>17</sup> Gundersen’s second example included wives who disagreed with their husbands on where their allegiance lay during the Revolution. The problem she stated was the state’s view of women as dependents, but for women who disagreed with their spouses “citizenship was an individual act.”<sup>18</sup> Moreover, she noted how widows who sided with the crown and single Tory women were aggravated “just as they harassed male heads of families.”<sup>19</sup> Kerber used an 1801 pamphlet written by someone with the pen name “The Female Advocate...[who] wished to function primarily as a citizen,” and spoke out for the complete inclusion of women into political and church matters.<sup>20</sup> This debate continued throughout early American women’s historiography without any definite conclusions.

Linda Kerber was one of the few historians who utilized the actual voices and feelings of that era. The tendency to project modern thoughts of citizenship into history

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<sup>16</sup> All three authors described mass petition campaigns in similar terms, but the quote used is from Jensen. Jensen, *Loosening the Bonds*, 192.

<sup>17</sup> Gundersen, “Independence, Citizenship, and the American Revolution,” 65.

<sup>18</sup> “The problem for state governments was that their traditions of law presumed the web of dependency, but citizenship was an individual act.” Gundersen, “Independence, Citizenship, and the American Revolution,” 68.

<sup>19</sup> In this section she noted how a Tory widow was “tarred and feathered” just like the men who also sided with England. Gundersen, “Independence, Citizenship, and the American Revolution,” 68.

<sup>20</sup> Kerber, “The Republican Mother,” 200.

showed throughout many works that dealt with early American women. They have lost sight how women of the past viewed themselves. In 1821, Elizabeth House described herself in her petition as “a Natural born Citizen.”<sup>21</sup> Moreover, the report from the Committee on Pensions and Revolutionary Claims that explained why they denied her claim commented that the government could not be held “responsible for all the outrages which have been or may be committed... upon the persons or property of our Citizens.”<sup>22</sup> While the property she lost some may argue belonged to her deceased husband, she also claimed money for her personal suffering, which Congress seemed to acknowledge when they noted the “outrages” could be “upon the persons... of our Citizens.”

While many authors placed importance on voting rights, they did not take into account that voting was not included in the initial rights of citizens as outlined in the Bill of Rights. Norma Basch pointed out that legal historians have overlooked the category of gender when dealing with Constitutional law.<sup>23</sup> Most historians of early American women tended to ignore the Constitution and the Bill of Rights. The petitioners in this survey knew and used these basic concepts when they filed their claims. Article 1, section 8 of the Constitution was an important part of their right to claim payment for debts they believed the government owed them. They asserted that Congress must “pay the Debts

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<sup>21</sup> Petition of Elizabeth House, December 28, 1821, Ref to the Committee on Pensions & Revolutionary Claims (HR17A-F11.1) 17<sup>th</sup> Congress: National Archives, Washington DC.

<sup>22</sup> Report of Committee on Pensions & Revolutionary Claims on the Petition of Elizabeth House, January 15, 1822 (HR17A-C18.1) 18<sup>th</sup> Congress: National Archives, Washington DC.

<sup>23</sup> While her analysis is on later amendments the same could be applied to the Bill of Rights. “Constitutional law has been the traditional bulwark of legal history. Given the vast, symbolic significance of the Constitution, the vacuum left by the failure of traditional legal scholarship to deal with gender looms large. Rarely do textbooks introduce students to gender as a long-standing constitutional issue shaped within the context of the Reconstruction amendments; and the absence of gender-based analysis at the textbook level has been a reflection of the state of scholarship at more specialized levels.” Basch, “The Emerging Legal History of Women in the United States,” 110.

and provide for the common Defence and general Welfare of the United States.”<sup>24</sup> Many of these women, as will be seen later, petitioned for a lack of protection from enemy invasions, as well as money owed them due to war losses. Moreover, Article 6 included petitioners whose claims preceded the writing of the Constitution. This clause noted that “all Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.”<sup>25</sup> This enabled women whose Revolutionary claims were never settled to continue to flood Congress with their petitions from previous decades.

Congress understood the importance of the petition as a tool for American citizens. They tackled this notion immediately in the first amendment of the Bill of Rights that protected the right “to petition the Government for a redress of grievances.”<sup>26</sup> In addition, people complained about property lost while occupied by United States troops. These female claimants knew and used Amendments 3 and 5, which outlined the restrictions against the quartering of troops in private homes and the taking of personal property for “public use” without payment in return.<sup>27</sup> These early American women understood and employed these initial rights of citizenship within the petitions they sent to Congress. The women in this study were connected through their status as widows, but more importantly by their position as heads of their families. The first gave them legal autonomy, but the second added dependants and showed that they took on the patriarchal roles normally played by their male counterparts.

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<sup>24</sup> U.S. Constitution, art. 1, sec. 8, cl. 1.

<sup>25</sup> U.S. Constitution, art. 6

<sup>26</sup> U.S. Bill of Rights, amendment 1.

<sup>27</sup> Amendment 3 stated that “No soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner prescribed by law” and the last part of Amendment 5 noted that “nor shall private property be taken for public use, without just compensation.” U.S. Bill of Rights, amendment 3 and amendment 5.

## “Heads of Families”

While petitions made up the majority of documents used in this study, a demographic approach was needed to ascertain approximately how many women in early America were heads of their households, and in which areas they were more prevalent than others. Fortunately, the new nation obtained this information for the first time in the Census of 1790. The U.S. Census Bureau devoted a section of their website to this “first enumeration [that] began on Monday, August 12, 1790....the law required that every household be visited....for the name of the head of the family and the number of persons in each household....”<sup>28</sup> While the totals of the nation did not note the number of female heads of families, each district’s report contained lists that named the heads of families for each household in their area.<sup>29</sup>

The only way to ascertain the number of female headed households was to go through each list and count how many female names appeared.<sup>30</sup> I created a database that

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<sup>28</sup> “The first enumeration began on Monday, August 2, 1790, little more than a year after the inauguration of President Washington and shortly before the second session of the first Congress ended. The Congress assigned responsibility for the 1790 census to the marshals of the U.S. judicial districts under an act that with minor modifications and extensions, governed census-taking through 1840. The law required that every household be visited and that the completed census schedules be posted in ‘two of the most public places within [each jurisdiction], there to remain for the inspection of all concerned...’ and that ‘the aggregate amount of each description of persons’ for every district be transmitted to the President. The six inquiries in 1790 called for the name of the head of the family and the number of persons in each household of the following description: Free White males of 16 years and upward (to assess the country’s industrial and military potential), free White males under 16 years, free White females, all other free persons (by sex and color), and slaves.” U.S. Census Bureau, “Census of Population and Housing, 1790 Census,” 1790 Census Information, <http://www.census.gov/prod/www/abs/decennial/1790.html> .

<sup>29</sup> “The schedules of 1790 form a unique inheritance for the Nation, since they represent for each of the states concerned a complete list of the heads of families in the United States at the time of the adoption of the Constitution.” U.S. Census Bureau, “First Census of the United States, 1790: Records of the State Enumerations: 1782-1785, Virginia,” Heads of Families at the First Census, Introduction 3, <http://www2census.gov/prod2/decennial/documents/1790m-02.pdf> .

<sup>30</sup> The only names used were those that were clearly females, for during this time in early America many male names would appear feminine if used today. I learned this through my work modifying the genealogy database of George Mason III, during my time as an intern at Gunston Hall.

showed the statistics of how many women appeared as heads of their families. Moreover, I examined the makeup of their families and determined the number of female headed households that contained adult men, more than four dependents, and slaves. Rather than go through the entire nation, which would have taken a team of researchers, I used a random sampling of districts from each state represented in the census.

Unfortunately, the U.S. Census Bureau remarked that the records were not complete. Notably missing were the “states of Delaware, Georgia, Kentucky, New Jersey, Tennessee, and Virginia having been destroyed when the British burned the Capitol at Washington during the War of 1812.” While no figures appeared for any other state, the Census Bureau and the Virginia State Library worked together with earlier “state enumerations” and “tax lists” that enabled them to create a partial list of the names of the heads of families in Virginia.<sup>31</sup>

The results for the nation averaged a little over 6 percent of female headed households. While this figure may seem unremarkable, what stood out was the disparity in the various states and counties. Chittenden, Vermont scored the lowest with less than 1 percent, while Williamsburg City, Virginia took top honors with over 26 percent of its homes headed by females.<sup>32</sup> While overall the southern states outnumbered their northern counterparts, there were irregularities with 15 percent in Nantucket, Massachusetts and

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<sup>31</sup> “The loss of Virginia’s original schedules for the First and Second censuses is so unfortunate that every endeavor has been made to secure data that would in some measure fill the vacancy. The only records that could be secured were some manuscript lists of state enumerations made in the years 1782, 1783, 1784, and 1785....The counties for which the names of the heads of families are returned on the state census are 39 in number, and contained in 1790 a population of 370,000; 41 counties with 377,000 population are lacking; this publication covers, therefore, only about one-half of the state.” U.S. Census Bureau, “First Census of the United States, 1790,” Introduction 3.

<sup>32</sup> U.S. Census Bureau, Records of the State Enumerations: 1782-1785, Virginia. And U.S. Census Bureau, “Heads of Families at the First Census of the United States Taken in the Year 1790: Vermont,” <http://www2census.gov/prod2/decennial/documents/1790I-01.pdf>.

only 7 percent in Cheraw, South Carolina.<sup>33</sup> Once the percentages of female headed household in each district was accomplished, the task then turned towards determining the makeup of each household.

One of the more interesting figures I found in this survey was the number of female headed households that included adult white males as members of their families. Out of the total number of homes headed by women, over 35 percent of them contained adult males. This figure did not include Virginia due to the lack of data, as mentioned earlier. Each district ranged between 20 to 50 percent of female headed households that contained adult males.<sup>34</sup> Whether they were grown sons or elderly dependents the records did not state, but in a time when most historians considered the nation as patriarchal in nature these numbers paint a different portrait of a portion of early American homes.

Another statistic that emerged from my scrutiny of these census reports was the total number of family members within the home. Over 50 percent of female headed households contained more than four family members. Moreover, some homes held up to a dozen dependents and these large families looked to a woman as the family matriarch.

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<sup>33</sup> U.S. Census Bureau, "Heads of Families at the First Census of the United States Taken in the Year 1790: Massachusetts," <http://www2census.gov/prod2/decennial/documents/1790e-01.pdf> and U.S. Census Bureau, "Heads of Families at the First Census of the United States Taken in the Year 1790: South Carolina," <http://www2census.gov/prod2/decennial/documents/1790k-02.pdf> .

<sup>34</sup> "There was one notable exception to these figures. Richmond, New York stood out for there was not one female headed home listed with an adult male present. Moreover, the census taker, in Richmond, listed all females with the title Widow before their names, therefore making widowed women 100 percent of female headed households. Another interesting fact was that Washington, New York scored in the higher range with 58 percent of female households with adult males present and the word Widow was not included in their listing, therefore these disparities were not state wide, but limited to district of Richmond. The only other areas that used the word Widow in their listing of heads of families were Tolland, Connecticut; Huntington, Pennsylvania; Washington, Maine; and Chittenden, Vermont. These counties did not use widow for every female and all of them contained some adult men within these families." U.S. Census Bureau, "Heads of Families at the First Census of the United States Taken in the Year 1790: New York," <http://www2census.gov/prod2/decennial/documents/1790g-01.pdf> , U.S. Census Bureau, "Heads of Families at the First Census of the United States Taken in the Year 1790: Pennsylvania," <http://www2census.gov/prod2/decennial/documents/1790i-01.pdf> , U.S. Census Bureau, "Heads of Families at the First Census of the United States Taken in the Year 1790: Maine," <http://www2census.gov/prod2/decennial/documents/1790c-01.pdf> , and U.S. Census, "Heads of Families, Vermont."

This number did not include slaves within the homes, and the database showed disparities between states and districts.<sup>35</sup> These figures showed that many early American women not only sustained themselves but their many dependents.

The final noteworthy statistic that appeared through the construction of my database appeared in the form of slave-owning women. Out of the female heads of families almost 30 percent owned slaves. While southern states made up the majority of female slave owners, only Connecticut, Massachusetts, New Hampshire and Vermont contained no slaves.<sup>36</sup> In Bristol, Rhode Island, female households contained 13 percent with slaves, and Richmond, New York topped the northern states with 31 percent.<sup>37</sup> In Fairfax, Virginia the majority of women owned between 1 to 10 African-Americans, but there were a few who ran large plantations. Eleanor Custis, possibly a relative of Martha Custis Washington, held 85 slaves and Penelope French who also possessed another important family name, in Fairfax County, owned 105.<sup>38</sup>

These women differed little from their male counterparts, as they obviously utilized slave labor to sustain themselves and their families throughout early America.

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<sup>35</sup> “In this case, Bristol, Rhode Island and Middlesex, Connecticut contained the lowest number of large families with only 26 and 30 percent respectively. On the other end of the spectrum, Warwick, Virginia came in with 81 percent and Worcester, Maryland at 73 percent. Again these disparities appeared interstate with only 32 percent in Luzerne, Pennsylvania, while Huntington, Pennsylvania listed 72 percent.” U.S. Census, “Heads of Families, Rhode Island,” and U.S. Census, U.S. Census Bureau, “Heads of Families at the First Census of the United States Taken in the Year 1790: Connecticut,” <http://www2census.gov/prod2/decennial/documents/1790b-01.pdf>, U.S. Census, “Heads of Families, Virginia,” and U.S. Census Bureau, “Heads of Families at the First Census of the United States Taken in the Year 1790: Maryland,” <http://www2census.gov/prod2/decennial/documents/1790d-01.pdf>.

<sup>36</sup> U.S. Census, “Heads of Families, Connecticut,” U.S. Census, “Heads of Families, Massachusetts,” U.S. Census Bureau, “Heads of Families at the First Census of the United States Taken in the Year 1790: New Hampshire,” <http://www2census.gov/prod2/decennial/documents/1790f-01.pdf>, and U.S. Census, “Heads of Families, Vermont.”

<sup>37</sup> U.S. Census, “Heads of Families, Rhode Island,” and U.S. Census, “Heads of Families, New York.”

<sup>38</sup> As previously stated my work as an intern at Gunston Hall centered on the reconstruction of the genealogy database for George Mason III. The French family name was attached to many of the first families of Virginia that included marriages between them and the Mason family members. The numbers that appear above came from the Virginia census. U.S. Census, “Heads of Families, Virginia, 16-17.”

While the census reports showed the demographics of female headed households, the voices of these women remained silent. Petitions rounded out this research by the addition of the qualitative analysis of cases and language to the quantitative study of statistics and regions.

### “The Justice of Her Claim”

Catherine Robertson’s petition of 1822 asked Congress “to grant her that relief that to justice pertains.”<sup>39</sup> Robertson “presented to the officers of the Old Congress a Claim in behalf of the estate & family of her deceased Husband Jacob Ritter for compensation for Iron-work, Services, & Rations earned in Pennsylvania & New Jersey...in the years 1776, 1777 & 1778.” Her petition went into an in-depth study of the case that outlined her husband’s orders, money expended and the lengthy measures she took to bring this case before Congress.<sup>40</sup> Although she portrayed herself as a widow without resources, she asked for compensation on the grounds “of the justice of her

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<sup>39</sup> Petition of Catherine Robertson, December 9, 1822.

<sup>40</sup> “That her case is as follows, on the 3 of December 1776 Jacob Ritter was appointed by the Quarter Master General, Thomas Mifflin to inspect & receive entrenching Tools and to remain for the purposes in Philadelphia till further orders....On the 2 of October 1777 the said Jacob Ritter was ordered by to authorize by Col. Jonathan Mifflin Dep. Q. M. G. in Trenton to proceed to Coopers Ferry on the East bank of the Delaware, opposite to Phil. to bring off a number of army forges and one Iron Four Pound cannon- of these matters Jacob Ritter stated an account. 1<sup>st</sup> for Bills paid-----\$290.72. 2<sup>nd</sup> for Services & Rations----- \$734.04 = \$1,024.76. This account was certified by General Mifflin to be just, except what relates to retained rations, and the said certified account was presented to Benjamin Stille Esq. & Commissioner for settling accounts for the United States in Pennsylvania (as appeared by in his hand writing) to be sent to Jonathan Bunall Esq. & Commissioner for the Q. Masters Department. It also appears by endorsement in the hand writing of Col. Clement Biddle, signed by Catherine Ritter your Petitioner that Mr. Bunall was desired to settle the said account and issue Certificates to Mr. Robert Gilchrist then in the Public employment for the use of Mr. Ritter. It appeared also from a paper dated at New York May 19<sup>th</sup> 1787 signed by William Simmons, Esq. then of the Quarter masters Department that he had official knowledge of this case and reference can be had to the testimony of the said William Simmons. Jacob Ritter died about the year 1786 and your Petitioner applied to the government to Settle her Claim....Your Petitioner lodged these papers thru the agency of Charles & Ingersoll Esq. formerly of Congress before your honorable Houses and has to lament that the were burned by the British troops with the other papers in the Capitol in the year 1814 before they could be acted upon.” Petition of Catherine Robertson, December 9, 1822.

claim.” As noted earlier, she filed her first claim in 1786 and continued to send in applications, but all her previous papers were lost upon the destruction of the “Capitol in the year 1814.” While most claims came from widows of Revolutionary soldiers, daughters also sought remuneration for the economic losses of their fathers.

In 1818, the three daughter of Abraham Nanna petitioned for the debt Congress assumed towards their father who furnished provisions for the army in 1777.<sup>41</sup> While this petition came from daughters, at the time they wrote their plea they had already become widows. Their father appealed to Congress while he lived, but never followed through due to his failing health. These women demanded

Justice to themselves and their children [and] once more call on Congress to consider their claim and to dispense equal justice to them... They claim no more than equal justice with others of the American Family and cherish the hope that the Guardians of the Right and Liberties of the people of the United States will not permit the Widows and their Fatherless children to complain of their just Rights and demands being withheld from them any longer, by the Government of their own choice. But rest with confidence on the justness of their claim and the impartial disposition of Congress recently...to do equal Justice to all

These petitions showed the ways that people supported the Revolution through their contributions of supplies to the militia rather than active participation in combat. Although assistance was given in a time of need, these petitioners demanded a fair return from the nation their husbands and fathers helped to found. Their words resonated with a language of justice.

Lester H. Cohen studied the “politics of language” in his analysis of the works of Mercy Otis Warren.<sup>42</sup> He asserted that to understand the importance of any dominant political language one must “determine whether it was spoken by members of the culture

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<sup>41</sup> Petition of Hanna Wertz, Elizabeth Conard & Susanna Evans, December 7, 1818, Ref to the Committee on Pensions & Revolutionary Claims (HR15A-G10.1) 15<sup>th</sup> Congress: National Archives, Washington DC.

<sup>42</sup> Cohen, “Mercy Otis Warren,” 484.

who were likely to reap few if any of those tangible rewards.” To Cohen a woman became the perfect case study. Cohen utilized one voice to come to his conclusions of a republican political language. While Warren placed her concentration on Republican virtue, the women in this study utilized a sense of justice in their claims supported by evidence. This study utilized the voices of many unknown early American women to illuminate the language of justice and patriotism that prevailed during the first few decades after the Revolution and the founding of the new nation.

The language of justice did not exist in Revolutionary petitions alone, but was witnessed in petitions from female landowners when their farms became the property of the United States. Anna Wade owned land in her name in Louisiana previous to the 1803 purchase from France, and her claim resulted from the confusion caused when the United States sorted out the territory. Wade purchased the land, in 1790, from George Wolf. She provided proof with a receipt of sale written and signed by Wolf in the presence of two witnesses and a Justice of the Peace for the Parish of Rapides.<sup>43</sup> She followed the directions given to her when the United States purchased the land. Wade

entered the said Tract of land in the Land Office for the Western district of the State of Louisiana, agreeably to the Act of Congress in that case made and provided; filed her Evidence in support of her claim; and, as she believed, had taken all the steps prescribed by Law to extinguish the claim of the United States.

She stated, in her 1817 petition, that the evidence provided “will be found to embrace such strong grounds of Title as your Petitioner trusts, will remove every doubt from the minds of Your Honorable body.”

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<sup>43</sup> Petition of Anna Wade, January 13, 1817, Ref to the Committee on Private Land Claims (HR15A-G12.1) 15<sup>th</sup> Congress: National Archives, Washington DC.

In addition to the evidence listed above, Wade included the depositions of two neighbors who attested the fact that she owned and lived on the property as the head of a household previous to the 1803 purchase of the United States. She continued to assert “the fair claim she has on her country for the same Just and liberal consideration,” and asked Congress to “confirm the claim in question, on the general grounds of equity.” Rather than a humble supplication this document requested compensation on her ideas of justice and equity.

The 1842 petition of Louise E. Trichel also contained a land issue in Louisiana caused by a treaty with the Caddo Indians and the government of Spain. This widow provided a great amount of evidence and details of her case.<sup>44</sup> A letter provided from the Secretary of War noted that he “cannot find that the Government of the United States has ever recognized any claim of the Caddo Indians, and my impression is that no country was ever actually assigned to them by the Spanish Government.”<sup>45</sup> In addition to this evidence, the War Department offered a report that

the Spanish Government had never recognized any definite limits to their claim, and that they occupied that district of country by mere sufferance, and had no equitable claim to any portion of it; and therefore do not think it necessary to prosecute further inquiry; and report a bill to confirm a section of land to the widow and heirs of Emanuel Trichel, with a proviso

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<sup>44</sup> “the petitioner states...that her said husband inhabited, occupied, and cultivated, a tract of land situate in the late neutral territory,...and that, by reason thereof, she, as widow, together with the children and heirs of the said Trichel, have an equitable claim to said section of land. That her said husband laid his claim before the register and receiver of the land office at Opelousas, acting as a board of commissioners under the acts of 3d March, 1823, and 25<sup>th</sup> May, 1824....Proof of inhabitation, occupation, and cultivation, as stated, accompanies the petition; also a certificate of the parish judge of Natchitoches, by whom witnesses were sworn....On referring to the Sate Papers, vol. 4, p. 69, report 1<sup>st</sup> November, 1824, No. 231, the claim, as stated, is found reported in the third class for confirmation. By an act approved 24<sup>th</sup> May, 1828, this class were all confirmed, except some few named, which were suspended “until it is ascertained whether they are within the limits of the land claimed by the Caddo Indians.” This claim seems to have been among those thus suspended.” Petition of Louise E. Trichel, March 8, 1842, Ref to the Committee on Private Land Claims (HR27A-G17.1) 27<sup>th</sup> Congress: National Archives, Washington DC.

<sup>45</sup> Petition of Louise E. Trichel, March 8, 1842.

that it shall only amount to a quitclaim from the United States, and shall not affect the right of third persons.<sup>46</sup>

While the details of these two private land claims differed, the language used by these two petitioners resembled each other.

Trichel stated she and her children “have an equitable claim to said section of land,” and “that she is justly entitled to said land by reason of habitation and cultivation.” These widows believed in their right to land that they had held and worked for decades, and based their claims on evidence rather than prayers. Similar to the Revolutionary counterparts, these women utilized a vocabulary of justice that continued throughout the first decades of nation building. The War of 1812 impacted women in similar ways as the Revolution, and the claims of lost property echoed the language witnessed in the above petitions.

In 1834, Elizabeth Cook sent her petition for a “wagon & a five horse team,” that her deceased husband lost while in the service to the United States, during the War of 1812.<sup>47</sup> She reported that the cause of their loss resulted in a lack of forage while hauling baggage for a Captain John Lewis on a long journey from Knoxville, Tennessee to Mobile. Although Cook noted that she was an “almost friendless widow,” the language used in her petition defied the portrait of a helpless female. She asserted that “the United States was bound on their part to furnish forage,” and therefore she only claimed remuneration on the basis “of the strictest principles of justice.” In addition to her memorial, Cook sent in a petition signed by twenty-five of her neighbors who all agreed “that it is a just claim...and worthy to be heard in the Council of your nation her

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<sup>46</sup> Petition of Louise E. Trichel, March 8, 1842.

<sup>47</sup> Petition of Elizabeth Cook, June 6, 1834, Ref to the Committee of Claims (HR29A-G1.1) 29<sup>th</sup> Congress: National Archives, Washington DC.

Country.” The documents in this case showed the language of justice, which she and her neighbors felt Cook deserved from “her Country.” Her language defied the notion of the petition as “an instrument of humble supplication,” and turned it into an instrument of the justice she felt she deserved.<sup>48</sup>

In 1836, Nancy Egnew’s sent in her claim for property destroyed “at the river Raisin in the then Territory of Michigan, at the time of Hull’s surrender at Detroit during the late war with England.” She noted how “her Husband made frequent attempts to get his case before Congress and to obtain at least some remuneration, but nothing has yet been received, and since his death your Petitioner has continued her efforts.” Nancy Egnew’s words echoed that of the previously viewed petition of Revolutionary Widow Catherine Robertson, for Nancy also asked for relief based upon “the justice of her claim.”<sup>49</sup> The identical language used in these two petitions linked these two documents, and showed that the language of justice appeared immediately after the Revolution and continued through the first few decades of the nineteenth-century.

While most widows claimed money or land they felt the government owed them, a few inherited the debts their husbands left behind. In 1824, Amelia Hegins of Pennsylvania requested that the debt her husband incurred to the U.S. government, in 1816, was unfounded and based upon false premises. She went into great detail about the case and explained

your Petitioner’s husband entered into a contract with George Graham Esq. then acting Secretary of War for the supplies of Rations to the United States Troops stationed within the State of Pennsylvania. That in pursuance of the said contract and to enable your petitioner’s husband to fulfill it he drew upon the said Secretary... for an advance of \$10,000

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<sup>48</sup> Zaske, *Signatures of Citizenship*, 13.

<sup>49</sup> Petition of Nancy Egnew, December 28, 1836, Ref to the Committee of Claims, (HR30A-G3.1) 30<sup>th</sup> Congress: National Archives, Washington DC.

dollars in favor of Jared Irwin Esq. then a member of Congress from the Sate of Pennsylvania which draft the said Secretary refused to accept alleging that the advance required by your petitioner's husband was too great. The said Secretary consented however to advance to your Petitioner's husband the sum of \$7,000 which was accordingly paid to the said Jared and by him receipted...and transmitted to your Petitioner's husband. That on the 12<sup>th</sup> of March following, a further sum of \$2000 dollars was paid to the said Jared by the War Department without any authority or request from your Petitioner's husband, who now stands debited therefore on the Books of the Department. That soon after the receipt of the said sum of \$2000 dollars the said Jared Irwin left this Country and has not yet returned. That your Petitioner's husband in his lifetime never Received the said sum of \$2000 from the said Irwin... who it is well known was at the time of his departure in Insolvent circumstances.<sup>50</sup>

Hegins' stated that "she is satisfied that her claim is just and proper, and she only demands what in good faith and conscience is due to her." She insisted that their names be cleared of the unjustified debt towards the nation. These female petitioners used a similar language of justice, and presented their claims in a legal fashion with depositions from witnesses and a wide variety of evidence.<sup>51</sup> While these women viewed the justice of their claims, others wrote about the justice of Congress and of the United States.

#### "The Justice of her Country"

In 1820, the elderly widow Sarah Phillips petitioned Congress for property given to the militia, during the Revolution. She appealed "to your honorable Bodies for a remuneration of that property which her late husband advanced and supplied to his

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<sup>50</sup> Petition of Amelia Hegins, February 16, 1824, Ref to the Committee of Claims (HR18A-F2.1) 18<sup>th</sup> Congress: National Archives, Washington DC.

<sup>51</sup> Most of the petitions presented in this study included multiple forms of evidence that included marriage certificates, contracts, deeds of ownership, receipts, schedules of losses, etc. Also, the majority of these documents included written depositions made in the presence of Justices of the Peace from witnesses who testified to the validity of the claims. These documents mainly repeated the statements contained in the petition, therefore, were not included in the body of this paper.

Country to aid and maintain the Liberty and Independence of America.”<sup>52</sup> Phillips presented documents and evidence, similar to the petitions examined previously, but her language placed her idea of justice on the nation rather than on her claim. She noted “that the money and property of Jacob Philip was cheerfully furnished at a time of peril and necessity on the faith of the Government which to this day has been unsettled.” Sarah Philip asserted that she “has nothing but her good name and the Justice of her Country to rely on....to obtain that Justice and relief which I consider my case entitled to.” Philip’s was not alone in her thoughts on the “Justice of her Country.”

While the 1818 petition of Martha Perry differed in the type of remuneration requested, she utilized the notion of a benevolent and just government. Moreover, Perry requested compensation not from her husband’s service to the nation, but that of her father. She explained that she was the “daughter of the late Captain Huddy of New Jersey who while in the defense of his country in the war of the revolution was most cruelly and wantonly put to death by a band of Tories.”<sup>53</sup> Perry explained that she and her sister were “cast upon the world without the protecting hand of a parent and became dependent upon the bounty and humanity of individuals for care and support.” They both recently became widows and requested the assistance of their government. She stated that her

entire confidence in the Justice and magnanimity of the nation to its representatives she makes her appeal and in which she feels her self seconded by the humane and benevolent recommendation of the President of the United States in his message delivered at the opening of the session. She prays----She asks that some appropriation may be made for her support, such as wisdom and Justice of the Representatives of the people may consider as met and proper. The Gallantry and Patriotism of her

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<sup>52</sup> Petition of Sarah Philips, January 31, 1820, Ref to the Committee on Pensions & Revolutionary Claims (HR16A-G13.1) 16<sup>th</sup> Congress: National Archives, Washington DC.

<sup>53</sup> Petition of Martha Perry, January 6, 1818, Ref to the Committee on Pensions and Revolutionary Claims (HR15A-G10.1) 15<sup>th</sup> Congress: National Archives, Washington DC.

father are of notoriety, and the circumstances of his death fills a page in the history of the times which tried mens souls.

This document like the majority of petitions viewed showed no conclusion to her claim. Unfortunately, as mentioned earlier, these early Congressional papers were not kept complete, but every document became vital in the analysis of a language of justice that emerged after the Revolution and continued throughout the early nineteenth century.

The Revolutionary petitions showed the faith people placed in the justice of their government. Other claims also demonstrated this confidence, but in more forceful terms as the people looked to the nation to protect them from violent encounters with Native Americans. In 1824, Anne Eccles wrote a petition for property lost to the Cherokee in 1794 that consisted of \$5,000 “in money and negroes.”<sup>54</sup> She noted that Congress dealt with this claim on various occasions and in 1810 presented a favorable report that was never acted upon. Rather than pay the claim Congress asked the President to intercede and make the Cherokee pay for the lost property. Afterwards, Eccles learned that they denied her claim on the basis of the Treaty of 1798 that absolved the Cherokee from any claims of depredations committed prior to that year. She insisted that the claim should have been paid in the four years that came between the loss of property in 1794 and the later treaty.

Eccles then started reminding Congress of their obligations towards the people who bring just claims before them. She asserted

that general government has to much justice to consult the general welfare at the expense of its private subjects. The dignity of the nation as well as the inherent justice of the claim require a restitution of the value of this property from the public coffers. An Act of the government has barred your memorialist of their legal rights to certain property. The deduction is

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<sup>54</sup>Petition of Ann Eccles, December 27, 1824, Ref to the Committee on Indian Affairs (SEN18A-G6) 18<sup>th</sup> Congress: National Archives, Washington DC.

necessary that government is morally bound to discharge the claim....an invasion of the rights of private property places government under the most imperative moral obligation to make ample remuneration to the individuals who unjustly have been compromised....the only mode in which the principle case be complied with deduced from reason & from justice that where the rights of an individual have been invaded by government. He should be placed as nearly in his former situation as is possible or consistent....Every general rule of law by the universality of its operation would injustice in particular cases & should therefore be liable to exceptions. And this rule enforced in the present case be unjust & tyrannically oppressive.

After this lengthy scolding from Widow Eccles, she reverted back into a more traditional form seen in previous documents. She closed the petition with confidence in the “justice of their claim & in the magnanimity of their government.” Similar to Eccles, others also filed claims for themselves and their families.

Susan Morgan moved her family from Georgia to the Mississippi Territory in 1813. She claimed that Creek Indians robbed her and the party she traveled with of all property. She noted that the agent of the Creeks assured her “that the justice, liberality, and gallantry of the government of this country would never suffer an unprotected woman to be plundered of the production of her industry.”<sup>55</sup> Morgan related how she retained “a continuous belief in the justice of her claim and a sacred regard to the great object of having her offspring raised up in the path of industry and virtue... and direct them in the path of good, useful, and virtuous citizenry of the Republic.” This example reflected the notion of Republican motherhood, as studied by Mary Beth Norton, Linda Kerber and many others. But unlike their assessments of married women, Morgan raised “three orphan children” and conducted her affairs without the benefit of male protection. While many skirmishes between Native Americans and white settlers occurred as

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<sup>55</sup> Memorial of Susan Morgan, December 30, 1832, Ref to the Committee on Indian Affairs (SEN22A-G7) 22<sup>nd</sup> Congress: National Archives, Washington DC.

individual acts of violence, the addition of war added another dimension of the ways women suffered through troubled times.

The claimants of the War of 1812 witnessed the combined forces of British troops and their Native American allies. The 1844 petition of Catherine Knoggs was “in behalf of herself & the legal heirs of Thomas Knoggs.”<sup>56</sup> Her late husband served in Michigan as a courier, spy and scout for General Hull with the Indians who traded with Knoggs, but fought on the side of the British in 1812. While in this capacity, the Indians and British troops took all the “cattle, horses, sheep, household furniture & goods in his store & afterwards the Indians set fire to his house.” She asserted that this only happened because of her husband’s service to General Hull. At this point, Widow Knoggs’ stated

that the United States were bound to the Extent of their power to protect the rights of American citizens....It is a matter of notoriety that the United States afterward extend into a treaty with them & abandoned all claim to indemnity for the losses of these settlements in consequence of their breach of faith & violation of the terms of the articles of capitulation. If the British Government was bound by the terms of the capitulation to protect the inhabitants in the enjoyment of their property were not the United States bound in behalf of its defenseless inhabitants to enforce their Claim to indemnity, which the United States failed to do so- are they not bound upon every principle to make good the losses of its citizens thus incurred....The citizen can only look to his government & if the government for any cause common to the whole Country chooses to abandon all Claims on the forces committing the injury & if the citizen has no power to interfere in the matter it is submitted that the government cannot refuse the indemnity which it should have been enacted from the other government.

Knoggs did not write this petition for this claim came from an illiterate woman who signed with an X. Catherine Knoggs was not alone, and these documents gave voices to women whose lack of literacy normally doomed them to historical oblivion.

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<sup>56</sup> Petition of Catharine Knoggs, March 5, 1844.

These women mainly went to Justices of the Peace who wrote the claims that were based upon the petitioner's sworn testimony. While the words may not have been written by them, the claims and personal histories contained within were theirs. Sarah Shillito an illiterate widow sent her petition to Congress in 1823. She lost a house she rented to the U.S. Army, in the War of 1812, "as a barracks," and while "the house was so occupied about 24 June 1813 it accidentally caught fire & was totally consumed."<sup>57</sup> Shillio not only felt herself "entitled to compensation" she also wanted to "prove the justice of her country." This phrase echoed throughout the previously viewed petitions written by both women and men.

The feelings of justice in early American government appeared not to be gender based nor was their confidence in their nation. While Congress initially rejected this petition, this widow continued her quest with additional witnesses and documentation. The Senate records contained her later petition, which described the loss of "the property which constituted her principal worldly estate, while in the service of the Nation, and for which she as not as yet received any compensation although she has often applied to your Honorable body."<sup>58</sup> Shillito won her claim of \$350 two years later, but few petitions ended with such positive results.

Although some may question the use of a language of justice in the petitions sent by illiterate women, the majority of the previously viewed documents were written by the female claimants. The words of these widows echoed clearly throughout the various petitions, and demonstrated these women knew and utilized the legal and political

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<sup>57</sup> Petition of Sarah Shillito, December 29, 1823, Ref to the Committee of Claims (HR18A-F2.1) 18<sup>th</sup> Congress: National Archives, Washington DC.

<sup>58</sup> Petition of Sarah Shillito, January 10, 1825, Ref to the Committee of Claims (SEN18A-G1) 18<sup>th</sup> Congress: National Archives, Washington DC.

language normally restricted to men. These women continued to send their petitions and employed the language needed to forcefully prosecute their various claims. As Norton stated, “the experience of widowhood and independent wage earning could thus leave an indelible mark upon an eighteenth-century American woman's perception of herself and her role.”<sup>59</sup>

The need to provide for themselves and their dependents thrust them into the political debate over the legal rights that early American people had come to expect. The duty of the nation towards its people emerged in the years following the Revolution, for many petitions relied upon the patriotic acts of the men and women who helped found the new nation. These petitions not only showed the changing roles for early American widows, each document viewed gave a glimpse back into American history through a woman's eyes.

“Liberty, Independence, and Immortal Glory to his Country”

A husband's service to his nation in times of war brought a language of patriotism and pride into these petitions sent by widows. While they still based their claims upon legal evidence and witnesses, the tone changed as they demanded recognition for the losses they incurred during and after the Revolution. In 1819, Lois Haskell sent her petition as the widow of “an officer and soldier during the struggle for Independence.”<sup>60</sup> She explained that

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<sup>59</sup> Norton, *Liberty's Daughters*, 147.

<sup>60</sup> Petition of Lois Haskell, January 6, 1819, Ref to the Committee on Pensions and Revolutionary Claims (HR15A-G10.1) 15<sup>th</sup> Congress: National Archives, Washington DC.

on the 19<sup>th</sup> day of April 1775 he repaired with his arms to...[Lexington] where hostilities commenced and aided with his valour in success of that day. He continued a volunteer with our little band of Patriots and on the 19<sup>th</sup> of May following was Commissioned by Congress a Captain in one of the Regiments raised at that time Commanded by Col. Whitcomb and in 1776 was Commissioned a Captain in Col. Marshal's Regiment and in these commands discharged his duty with promptitude and continued in the Service until by some arrangement he was superseded. On that event his proud feelings as a soldier could not be suppressed. He quitted the Service, but it was only for a moment, his military ardor, his enthusiastic zeal for the cause operated like electricity and predominated over those nicer feelings to which the human mind is susceptible. He again joined his brethren in Arms but as a private and continued in the Service during that conflict which gave Liberty, Independence and immortal Glory to his country. As he as a Soldier by nature, he again entered the Service and in the expedition against the Indians was in St. Clair's defeat, Killed by the side of the gallant Phelon to whose Company he was attended.

Widow Haskell ended her claim for a Revolutionary pension with the confidence that "the Greatness of that Country in whose cause her husband fought, bled and died," would not allow her continued suffering. While this petition showed the losses of this woman, she filled the pages with her patriotic pride in her husband's devotion to military service and helped bring "Liberty, Independence and immortal Glory to his country."

Hannah Leighton's petition for a Revolutionary pension echoed the previously examined document. Her husband perished "on the memorable nineteenth of April A.D. 1775, while commanding his company of Infantry."<sup>61</sup> She included a newspaper clipping that read

Capt. Isaac Davis had said on leaving his home in Acton in the morning: 'I have a right to go to Concord on the King's highway, and I will go to Concord' but it was no longer a King's highway over which his body was carried home in the afternoon. The royal Governor was wiped out; and martial law, which had practically prevailed was formally declared within the British lines; and no civil authority but that conferred by the citizens of Massachusetts have ever since been exercised within its limits.

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<sup>61</sup> Petition of Hannah Leighton, January 19, 1818, Ref to the Committee on Pensions and Revolutionary Claims (HR15A-G10.1) 15<sup>th</sup> Congress: National Archives, Washington DC.

Leighton noted that she was ignorant of the acts passed by Congress for the support of the widows and orphans of officers; therefore she never pressed her claim. Mary Beth Norton examined a widow's inability to act after her "husband's death thrust a woman abruptly into a world with which she had little previous contact....most had no previous experience with...handling legal question. They were acutely aware of their ignorance."<sup>62</sup>

Leighton asked for the pension "in consideration of the unfavorable loss she sustained in the death of her husband who was among the first who fell in his country's cause." An affidavit by a witness included with this claim asserted that not only Leighton but all of the widows of Lexington whose husbands "shed their blood in the cause of American liberty," deserved "equal consideration" to "those who have since fallen." This widow's words of loss and patriotism emerged as a central theme in the petitions of this time, in early American history.

Petitions for Revolutionary pensions ranged from detailed accounts, such as the ones examined previously, to short notes scribbled on a single piece of paper. The elderly widow Anna Fields penned her petition with difficulty as witnessed by her frail and shaky handwriting. She requested "that she may be placed upon the Pensions List for the remainder of her life, & be entitled to the same pay as her husband would if now living."<sup>63</sup> Fields explained how her husband "was a soldier in the Revolutionary War. That he faithfully served his Country & was honorably discharged." She also sent a copy of Oliver Fields' discharge papers in addition to the few short paragraphs she penned. While this petition described the suffering of a widow of a regular soldier, others contained much more notable historical figures.

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<sup>62</sup> Norton, *Liberty's Daughters*, 133.

<sup>63</sup> Petition of Anna Fields, December 14, 1818, Ref to the Committee on Pensions & Revolutionary Claims (HR15A-G10.1) 15<sup>th</sup> Congress: National Archives, Washington DC.

Sarah Shepard was the widow of General William Shepard. Her petition of 1819 asked for a pension because of her late husband's service and incapacitating wound received during his last campaign. General Shepard spent decades in the military and she related these times. She explained that her late husband

enlisted as a private in the army at the Commencement of the French War & ...[stayed] in the service the whole time until peace. He was in the army almost the whole of the Revolutionary War. When the rebellion under Daniel Shay's threatened the safety of the State he again stepped forward & took the Command & soon dispersed the Rebels. He was severely wounded at White Plains. By his long & continued Services in the name of his Country & the wounds received his health became considerably impaired & he died in poverty.<sup>64</sup>

Included with the signature of this elderly widow were the names of twenty-one neighbors who testified that her statement was correct and she deserved relief.

The 1820 petition of Esther Rogers also noted the long service her deceased husband served not only in the military, but in employment of the War Department. She recounted the time "he entered the Service as a Captain at the commencement of the war and held the rank of Major at the close of the same. That he served his country with fidelity and real daring that eventful period."<sup>65</sup> She explained how he never received proper compensation for his service and "he was obliged to seek out his security on the Government at such a sacrifice as left him almost without any remuneration for the toils and dangers he had undergone." Rogers related how her husband "received the appointment of first Clerk in the War Department...and discharged the duties thereof in a manner as she believes entirely satisfactory to the Government...[but] he died suddenly at the seat of Government." Since he made no "provision for his family" she was "left

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<sup>64</sup> Petition of Mrs. Sarah Shepard, January 5, 1819, Ref to the Committee on Pensions & Revolutionary Claims (HR15A-G10.1) 15<sup>th</sup> Congress: National Archives, Washington DC.

<sup>65</sup> Petition of Esther Rogers, December 5, 1820, Ref to the Committee on Pensions & Revolutionary Claims (HR16A-G13.1) 16<sup>th</sup> Congress: National Archives, Washington DC.

without means of support.” No report or act for the relief for or the denial of Rogers’ claim was found.

While the lack of final reports typified the petitions studied in this period, some documents viewed lacked the original memorials sent by these women.<sup>66</sup> Requests for Revolutionary pensions normally came from widows, but daughters who also became widows sent in petitions in behalf of their father’s service. The Report of the Committee on Pensions and Revolutionary Claims showed the request from two daughters whose father served in a most notable way.

Sarah Easton and Dorothy Stover’s petition claimed compensation for their father’s “fidelity and patriotism.” This document explained the circumstances of why their claim was denied and also detailed the extraordinary circumstances of their father’s service and death. This report noted that

their father the late Col. Robert H. Harrison entered the Service of the United States in the month of October 1775 in the capacity of aide de camp to General Washington and that in the spring of the following year 1776 he was appointed in addition thereto principal Secretary to the commander in Chief. That he served as they state in these high and responsible stations, until his health became so much impaired that it became necessary to retire from active service (1781)...their father aforesaid did not join the army again nor ever recover his health that soon after the present constitution of the United States went into operation being appointed one of the absolute Judges of the Supreme Court and strongly urged by the President, General Washington, to the acceptance thereof on his way to the seat of government in an exhausted state, he was taken ill on the road, compelled to return home, and died in a few days after (March 1790).<sup>67</sup>

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<sup>66</sup> Most petitions did not include a final report or act that showed a settling or dismissing of the claims for these women. A few reports found in the papers of the various committees did not contain the original petition. Fortunately, these congressional accounts gave an description of the facts as presented in the lost document often using the original words of the petitioner.

<sup>67</sup> Report of the Committee on Pensions & Revolutionary Claims on the Petition of Sarah Easton & Dorothy Stover, March 19, 1822 (HR17A-C18.1) 17<sup>th</sup> Congress: National Archives, Washington DC.

The report outlined the reasons for the dismissal of their claim. The committee noted that Col. Robert H. Harrison did not serve through the end of the war. They also commented that he “lived until in March 1790...in the time that General Washington was President of the United States, and it does not appear to their committee that Col. Harrison in his life time made any claim for commutation or Bounty land.” Congress denied the claims of widows Easton and Stover, but preserved their original petition through the report filed within the papers of their committee.

The Committee on Revolutionary Pension and Claims also salvaged the lost petition of Catherine Hustler in their report filed February 22, 1822.<sup>68</sup> As mentioned earlier, these petitions and reports not only gave voices to women passed by in studies of diaries and letters, but they also showed glimpses into early American history as seen through the eyes of women. Hustler requested that the Revolutionary pension her husband received while he lived be given to her not only for his service, but also for her time as a camp follower. The report outlined her petition that explained how

she accompanied her husband in all his campaigns, attending the sick and wounded of the army, that her husband served to the end of the war, shortly after which he again enlisted in the United States army, that he served in the campaigns of Gen.’s Harmin & Sinclair against the Indians, in all which she continued to follow the campaigns and fortunes of her late husband, suffering also the fatigues and deprivations, incident to the life of a soldier in active duty.

This report showed that this woman participated fully in the fight to gain and keep the independence of the nation. While all of the claims viewed in this section came from widows of soldiers, women whose husbands served in the navy also petitioned for compensation and showed the diversity of military widows.

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<sup>68</sup> Report on the Petition of Catherine Hustler, February 22, 1822.

“An Officer on board various vessels of War”

The petitions from naval widows differed from those sent by women married to soldiers in the nature of their claims, but similar in the legal presentation of witnesses and evidence. Moreover, these women utilized the same patriotic language observed in the documents discussed earlier that reminded Congress of the justice due the people of the United States who suffered in the creation and maintenance of the young nation. Each petition gave insight into early American naval history from the eyes of the women left behind, as they discussed the ships their husbands sailed upon, the Captains and Commodores their husbands served, and the battles fought at sea.

In 1820, Jane Baker sent her petition to Congress, which asked for a continuance of the pension her husband received during his lifetime. She requested this for the “long and faithful services of Captain Baker and the injuries he sustained, which disabled him from making provision for his family.”<sup>69</sup> Baker noted that her husband “served his country during the whole period of the War of the Rebellion as an Officer on board various vessels of War.” She explained that

he enjoyed the friendship of the father of the lamented Commodore Decatur and served with him in the capacity of First Lieutenant on board the Delaware Sloop of War; which vessel he was subsequently appointed to command. During this period and while in the discharge of this duty it was Captain Baker’s misfortune to sustain an injury to his constitution which rendered him ever after incapable of further service.

The Widow Baker reminded Congress of the “Justice and humanity” that they showed her husband when they “procured for him a pension of Four hundred and fifty dollars per annum during life.” Baker asked for the “same indulgence which you had been pleased to

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<sup>69</sup> Petition on Jane Baker, December 13, 1820, Ref to the Committee on Pensions & Revolutionary Claims (HR16A-G13.1) 16<sup>th</sup> Congress: National Archives, Washington DC.

grant during the life-time of her husband,” and ended her argument with her “appeal to the humanity of your Honorable Body will not have been made in vain.” Jane Baker was not alone in her appeal for a continuance of her husband’s pension due to the wounds that disabled him from providing for her after his death.

Sarah Harris also requested, in 1820, that her deceased husband’s pension be extended to her in her old age. She explained that her late husband “participated early in the Revolutionary War as an Officer in the Navy on board of the Continental Sloop of War Reprisal, Lambert Weeks Esquire Commander and that in an engagement with the Enemy he was maimed by the loss of an Arm.”<sup>70</sup> She did not just rely upon her sad tale of suffering, but provided a huge amount of evidence and testimony that verified her claim. In addition to her petition, she sent her husband’s enlistment certificate, letters from other sailors on board the ship who witnessed his injury, and a confirmation of their marriage that included the fact that she was his only living heir. Moreover, a letter from John Dickenson of the Supreme Executive Council of the Commonwealth of Pennsylvania who confirmed his permanent injury, and a state document from Philadelphia that ordered the payment of his original pension were included in this claim. These two widows wished to receive their husbands’ pensions after their husbands’ deaths. While these women requested pensions similar to the widows of soldiers, the matter of prize money was a unique issue for the women whose husbands served in the navy.

Prize money from captured ships made up much of the pay that drew men to the seas in times of war. Two petitions sent in 1818 recounted the details of the capture and loss of the prizes that their husbands earned but never received in their lifetimes. These

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<sup>70</sup> Petition of Sarah Harris, January 7, 1820, Ref to the Committee of Claims (HR16A-G13.1) 16<sup>th</sup> Congress: National Archives, Washington DC.

petitions gave greater details than the ones previously examined, as they not only included the battles but the reasons why their husbands never received their share of the money claimed by them.

Lucy Cottineau noted that the evidence of her claim was on record in the reports of the U.S. Navy. Her “late husband Dennis Cottineau, was during the Revolutionary War Commander of the United States frigate Pallas, and Served with Distinction under the orders of Commodore John Paul Jones, particularly in the celebrated engagement with the British frigate Serapis.”<sup>71</sup> The Widow Cottineau detailed the events that led to the repossession of the prize back to the British. She explained

that her husband in his lifetime had preferred a claim against the United States, for Shares of certain prizes in the capture of which he had been concerned in the Revolutionary War, which prizes having been by order of Dr. Franklin carried into Bergen in Norway, were restored by the Danes to the British Government, and that his said claim has not been finally acted upon. But it is not the wish of your Petitioner to approach the United States as a Claimant, therefore She forbears urging a demand of the merits of which she will not pretend to judge, well convinced that Congress will take into their just consideration, every circumstance which may offer to them an additional motive for viewing her Petition with a favorable eye.... She humbly prays, that Congress, considering the rank with which her late husband was honored, and the Services he rendered in the America Cause, and every other circumstance which may operate in Support of her present application, will be pleased to grant to her Such an annual pension for the remainder of her life as in their Wisdom they shall think proper

While Cottineau needed to be content in her request for a pension as a replacement for the lost prize money, another widow demanded her fair share of the bounty denied to her husband and others.

Jane Parker petitioned Congress with a group of sailors who never received any part of the prize captured on the ship they served upon. While she was one of many

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<sup>71</sup> Petition of Madame Lucy Cottineau, November 20, 1818, Ref to the Committee on Pensions & Revolutionary Claims (HR15A-G10.1) 15<sup>th</sup> Congress: National Archives, Washington DC.

names on this claim, her name appeared first and the letters written as evidence came from her witnesses. The document explained that

the subscribers that in the year seventeen hundred and seventy nine they and those whom they represent belonged to the United States Frigate Alliance then commanded by Peter Landais; and the Bon Homme Richard; that during a cruise in the summer of that year off the Coast of England...captured two large English ships mounting twenty two guns each and loaded with valuable cargoes were sent to and arrived at Bergen in Norway...that your petitioners nor any of the Captors have been able to receive any part of the prize money...the proceeds of said prize...amounted to the large sum of sixty two thousand pounds sterling and this claim had been brought into view in some arrangement between the American and Danish government...that the American government have made a specific amount to Captain Peter Landais for his just claim in said captures...relative to the same as honor and justice shall require that those who handed their lives and property in founding the independence of their country may have their just and equitable claims honorably paid.<sup>72</sup>

This petition exemplified the importance of prize money to the sailors who took part in the naval battles of the American Revolution.

The letters by witnesses provided by this widow whose husband served as Captain of the Marines on the frigate Alliance showed that she was well connected to men seated in the highest positions of government. The evidence presented by a letter from James Monroe explained that the prize money was not awarded at that time because “the King of Denmark had not yet acknowledged the Independence of the Colonies.” While Monroe’s letter examined the reason the prize money came late, another notable figure affirmed that the U.S. received and paid a small portion of the prize to one claimant. John Quincy Adams noted in his letter that “a law passed by Congress in March 1806 allowing Peter Landais a captain...the sum of four thousand dollars on account of his claim to

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<sup>72</sup> Petition of Jane Parker, March 2, 1818, Ref to the Committee on Naval Affairs (HR15A-G9) 15<sup>th</sup> Congress: National Archives, Washington DC.

Prize.” Similar to previously viewed petitions, there was no finality to this tale for no document showed that this claim was either accepted or rejected by Congress.

Naval pensions to widows emerged during the Revolution, but continued throughout early American naval history. Sally Bates received a pension for five years after her husband’s death at sea during the War of 1812. On November 25, 1818 Congress sent her petition to the Committee on Naval Affairs. Bates recounted the “memorable engagement between the U.S. Frigate Chesapeake and the British Frigate Shannon on the first day of June 1813, her late husband Robert Bates was killed and she was left destitute of property.”<sup>73</sup> She explained that “a pension of six dollar per month was granted by the Government of the U.S. for five years,” and she wished that they would “continue the aforesaid pension to her for a further term of five years.” Sally Bates presented her petition for this small allowance, and added her voice to the other women whose husbands served the nation in those perilous times.

These naval widows and their counterparts whose husbands served in the army showed a version of American military history, as seen through the eyes of the women they left behind. While their stories filled the pages with the hardships suffered after the loss of their husbands, they were also filled with legal evidence and witnesses who ranged from the notable to the unknown. Scholars of women’s history continuously search for new methods and documentation for locating the lost voices of early American women. These petitions filled in a blank page with the claims from illiterate women to those whose husbands made military history. While these women proudly accounted their

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<sup>73</sup> Petition of Sally Bates, November 25, 1818, Ref to the Committee on Naval Affairs (HR15A-G9.1) 15<sup>th</sup> Congress: National Archives, Washington DC.

husbands' service to the nation, others barely contained their fury at the destruction of their property by local natives.

### “The Atrocious Cruelties of a Savage Foe”

Women suffered with their male counterparts through wars and attacks committed by Native Americans. The language used in these petitions of lost property illuminated their feelings towards the Indian tribes that still existed in the eastern areas.

Hershberger's examination of the petition drives against Indian removal in the 1830's pointed out “the benevolent community, imbued with a sense of a nation governed by universal principles of justice...that stressed the perspective of the Indians.”<sup>74</sup> Although the petitions viewed in this work resounded of the “universal principles of justice,” these petitioners placed their perspective on their own losses and voiced them with a racist language that defied the attitudes of the early American benevolent community.

The Revolution became the first war in which British troops utilized the assistance of Native Americans against the colonists. Elizabeth House detailed not only her property losses, but the personal attacks on her family and herself. House explained that while her husband fought for American independence in the summer of 1777 her

dwelling house was attacked by a Party of Savages who burnt, plundered and destroyed everything in & about the house and took into captivity her and her Infant Children,... the Indians murdered her eldest child by dashing out its brains against a tree and that your Petitioner was then compelled to March the greater part of the way on foot and carrying her only surviving child who was about four months old through a country which was then a wilderness about three hundred miles to Fort Niagara. Your Petitioner will not...describe her sufferings in this journey...nor the cruelties practiced upon her and her infant...she remained at Niagara until

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<sup>74</sup> Hershberger, “Mobilizing Women Anticipating Abolition,” 20.

the first of January when the Indians took her to Detroit and held her there a short time but returned with her to Niagara before the next Spring....she was sold by the Indians as a slave to Col. Johnson of the British Army....she continued in his service about four years,....until her husband by vigilant enquiry & search...brought her to her hither to her former place of abode.<sup>75</sup>

House not only lost her property and her eldest child, she suffered a form of slavery at the hands of the natives who took her, and the British officer who bought and held her captive for many years.

The report that denied Catherine Hustler's claim presented her original petition that attested to another woman taken captive by Native Americans. While her claim was for a Revolutionary pension, her time in captivity occurred after the defeat of General St. Clair. Leroy Eid wrote of the "crushing defeat at the hands of Indians some fifty miles from present-day Fort Wayne, Indiana, on 4 November 1791."<sup>76</sup> Hustler asserted that

she was captured with an infant by the Indians at the Defeat of Gen. Sinclair that she suffered all the licentious and brutal treatment which she is constrained to omit mentioning from the savages, then taken to Detroit where she was sold to some British traders, she was liberated but had to leave her infant daughter.<sup>77</sup>

Hustler reclaimed her daughter years later at a cost of \$100 in ransom, but these petitions showed a side of active suffering by early American women who lived and served on the northern borders of the nation.

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<sup>75</sup> Petition of Elizabeth House, December 28, 1821.

<sup>76</sup> Eid noted that this was the largest defeat of American forces by Native Americans. He stated that the deaths "exceeded the total killed in the battles of Long Island and Camden....lost three times the number of soldiers who died in General George Armstrong Custer's celebrated 1876 defeat. General Edward Braddock lost fewer men than St. Clair in his disastrous meeting with the Indians at the Monongahela in the French and Indian War." Leroy V. Eid, "American Indian Military Leadership: St. Clair's 1791 Defeat," *The Journal of Military History*, vol. 57, no. 1 (January 1993): 71-88, 71.

<sup>77</sup> Hustler misspelled General St. Clair's name as Sinclair, which upon further research showed that St. Clair was the proper name for the time and place she reported in her claim. Report of the Committee on Pensions & Revolutionary Claims on the Petition of Catherine Hustler, February 22, 1822 (HR17A-C18.1) 17<sup>th</sup> Congress: National Archives, Washington DC.

The 1834 petition of Elizabeth Dunlop explained how her father survived the entire Revolution as a soldier, but fell in defense of his property against the natives in 1794. She asserted that he fought “against a civilized enemy,” but fell in “the atrocious cruelty of a savage foe.”<sup>78</sup> Dunlop did not name the tribe of Indians who committed this act. She noted that her family moved to the “frontier in the State of Tennessee” after the end of the Revolution, and how her father took “an active part in defending the white settlers.” In fact, her entire family perished in this “cruel & bloody incursions of the neighboring Indians,” of which she became the only survivor. She described in detail how the Indians “inhumanly butchered” both her parents and her siblings. Dunlop was not alone in her feelings against Native Americans and the language she used echoed through the words of others.

The earlier examined petition of Ann Eccles that claimed the loss, in 1798, of \$5,000 in “money and negroes” exemplified the portrayal of Native Americans as savages and their white victims as innocent of any wrong doing on their part. She did not detail the “bloody transaction,” and named herself and her sons as the “true & lawful heirs of those unfortunate victims of Indian rapacity & cruelty.”<sup>79</sup> Eccles not only claimed the estimated value of the slaves, but demanded that Congress paid for “the hire & natural increase of the negroes.” This last bit of information showed the way Eccles viewed the slaves as not only valuable property on their own right but also valued the property of the children yet to be born. Eccles was not alone in her views and the appearance of slaves in the schedules of property lost exemplified this early American outlook on slavery.

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<sup>78</sup> Petition of Elizabeth Dunlop, March 24, 1834, Ref to the Committee of Claims (HR23A-G2.1) 23<sup>rd</sup> Congress: National Archives, Washington DC.

<sup>79</sup> Petition of Ann Eccles, December 27, 1824.

Susan Morgan's petition examined earlier claimed the loss of all her property by Native Americans during her 1813 emigration from Georgia to the Mississippi Territory. She asserted that "she gave no cause of offence to the Savages... [that would justify] an unprotected woman to be plundered of the production of her industry by the Savages."<sup>80</sup> While Morgan's thoughts on the "savages" rang out throughout this petition, her views on African Americans showed in her schedule of losses that included "six negroes" worth \$1,400 and made up the largest portion of her claim. Similar to the above document, she did not see them as people worthy of mentioning in the body of the petition rather she viewed them as personal property to be listed in the schedule of losses. Scholars of benevolent white women and enslaved black women differed in opinion about the ways these women either resembled or relied upon each other.

Zaske claimed that "the woman-and-sister motif stressed that because free and slave women belonged to the same sex, they shared common concerns, such as children, family, domesticity, religion, and sexual vulnerability."<sup>81</sup> Scholars of female slavery took a very different view. Deborah Gray White asserted that "white woman's sense of herself as a woman- her self-esteem and perceived superiority- depended on the racism that debased black women.... Black and white women had so little in common because the sexism they both experienced kept them apart."<sup>82</sup> The petitions examined tended to support White's assertion for these women viewed them only as property lost.

In addition to attacks made by Indians loyal to the British in the American Revolution and the later Indian battles of the 1790's, the northern borders in the War of

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<sup>80</sup> Petition of Susan Morgan, December 30, 1832.

<sup>81</sup> Zaske, *Signatures of Citizenship*, 62.

<sup>82</sup> White, *Ar'n't I A Woman*, 6.

1812 witnessed the shift of many Indian tribes toward the side of England. Reginald Horseman noted that the

fundamental cause of this conflict was the Indian realization that the advance of the American frontier was depriving them of their way of life. Yet it is apparent that the policy of the British officials in Canada had contributed to the Indian discontent, and had helped the organization of Indian resistance to the Americans.<sup>83</sup>

The petitions in this study confirmed the thoughts Horseman had decades earlier. In 1834, Nancy McPherson of Michigan Territory wrote that upon the promise of protection by General Hull, “during the late war with England,” her husband stayed and was “murdered and scalped by the Indians...and his property lost or destroyed.”<sup>84</sup> In addition to other witnesses, an affidavit sent by their niece who resided with them at the time of the attack asserted that she witnessed the “British Indians” kill her uncle and destroyed or carried away everything. This petition resembled the previously discussed claim of Catherine Knoggs who also lost property “taken by the British & Indians.”<sup>85</sup> While Knoggs’ language was not filled with racial imagery, others defined their losses at the hands of the “savages.”

Nancy Egnew also resided in the Michigan territory and her home destroyed by Native Americans, during the War of 1812, after the defeat of General Hull in Detroit. She explained that “the enraged savages made a decent upon their house and premises and destroyed and carried away every vestige of property.”<sup>86</sup> The report included with her petition noted that she “only makes a case of loss by Indian depredations which, it is

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<sup>83</sup> Reginald Horsman, "British Indian Policy in the Northwest, 1807-1812," *The Mississippi Valley Historical Review*, Vol. 45, No. 1, Organization of American Historians (1958): 51-66.

<sup>84</sup> Petition of Nancy McPherson formerly Nancy Clarke, January 20, 1834, Ref to the Committee of Claims (HR23A-G2.1) 23<sup>rd</sup> Congress: National Archives, Washington DC.

<sup>85</sup> Petition of Catherine Knoggs, March 5, 1844.

<sup>86</sup> Petition of Nancy Egnew, December 28, 1836.

believed, has never formed the basis of a claim recognized by the United States, when it has been unconnected with treaty stipulations.” Through peace treaties, the United States government promised annuities to various Indian nations that had been relocated. The tribes that received this money were expected to pay for any damages they inflicted upon the citizens of the United States, after the treaties went into effect. Congress denied Egnew’s claim of “Indian depredations,” during the War of 1812, because it was not also based upon “the operations of war” or any contract made with the natives.

The claims that did fall under “treaty stipulations” earned compensation for the claimants. An in-depth explanation of the various treaties made with the Sac and Fox tribe appeared in a report filed by the Committee on Indian Affairs that examined the reasons Congress applied when they accepted the claims of the people named below.<sup>87</sup> In 1837, a Bill enacted for the relief of a group of people who lost property through an attack by Native Americans included a woman who received remuneration. Elizabeth Vincennes was one of 35 people included in this bill, “for depredations committed upon their property, [in 1814],...by a party of Sac and Fox Indians....the inhabitants...were not

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<sup>87</sup> “The treaty of the 13<sup>th</sup> of May, 1816, with the hostile Sacs of Rock river, renewed, re-established, and confirmed the treaty of 1804, and agreed to place the Sacs upon the same footing on which they had stood before the war, provided they should, on or before the 4<sup>th</sup> day of July thereafter, deliver up to the officer commanding at cantonment Davis, on the Mississippi, all the property they, or any part of their tribe had plundered or stolen from the citizens of the United States since they were notified,...and provided, also, in case of failure to deliver up the property stolen, as aforesaid, the value thereof should be deducted from their annuities....The petitioners claim that , by the operation of the fourteenth section of the act of 1802, entitled ‘An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontier,’ they had a vested right to indemnification; and that the United States, by concluding a treaty peace with the Indians, became, independent of the law, bound to pay for the property taken....It is further shown by the report of Governor Clark that the Indians did cross the boundary line, and were, by the act of the United States, located at the mouth of the Osage river, within the then limits of the county of St. Louis, upon lands to which the Indian title was extinguished by treaty with the Osage tribe, dated November the 10<sup>th</sup> 1808.”Report No. 212 contained in A Bill for the relief of Reuben E Gentry, William Monroe and others, H.R. 248, December 28, 1837, Committee on Indian Affairs (HR25A-G7.1) 25<sup>th</sup> Congress: National Archives, Washington DC.

prepared to defend and secure their property from the ravages of the depredators.”<sup>88</sup> This allowance made to this group reflected that Congress also utilized the language of Indian depredations in their reports and bills. The property destroyed in the above section occurred through the acts of Native Americans, but women also complained about the destruction of their homes due to the quartering of American troops.

### “Occupied by the Troops of the United States”

The quartering of troops was one of the largest complaints of the colonists against the British government as shown in the Declaration of Independence. Once the colonies declared war against England, the American troops also quartered soldiers in private dwellings. As Mary Beth Norton pointed out, “women often had to quarter troops in their homes. The results varied according to whether the soldiers were from the side the Woman herself supported, but the consequent disruption of household affairs was universal.”<sup>89</sup> This was true in all early American wars for Revolutionary women as well as their early nineteenth-century counterparts dealt with this necessary invasion of their homes.

Martha Young petitioned for the loss of her father’s residence during the Revolution, which was “often occupied by the American troops when stationed in that part of the lines.”<sup>90</sup> She went on to relate that in 1780 “a party of American troops were captured at said house by a separate British force after a gallant resistance at such time

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<sup>88</sup> A Bill for the relief of Reuben E Gentry, H.R. 248, December 28, 1837.

<sup>89</sup> Norton, *Liberty’s Daughters*, 204.

<sup>90</sup> Report of the Committee of Claims on the Petition of Martha Young, February 11, 1820 (SEN16A-D1) 16<sup>th</sup> Congress: National Archives, Washington DC.

the house & all the buildings of the said Young was consumed with the bedding and furniture.” Congress denied Young’s claim due to the length of time that had passed from the 1780 destruction to her claim that first appeared in 1817. While Young complained about the quartering of Revolutionary soldiers, others sent similar petitions about American troops in the War of 1812.

Catherine McNiff complained about the troops quartered in her home during the War of 1812. Her petition explained that in 1813 and 1814 “the House of Your Petitioner was occupied by the Troops of the United States, under the command of Major General Harrison, and that while so occupied it was seriously and materially injured.”<sup>91</sup> She petitioned for the cost of the repairs she made after the troops departed, as she listed the many materials she purchased in order for the home to again be fit for human habitation. Congress rejected McNiff’s claim on the basis that no contract with the U.S. Army was ever recorded. While the above women received no compensation, others fared better.

The government approved the petition of Rosalie Deslande whose home was occupied during the War of 1812. She received a total payment of \$1,829 out of the \$3,029 she requested.<sup>92</sup> Deslande’s home became a hospital for the army and her land a camping ground for U.S. troops. Her claim included out buildings, animals, and crops that included “5 negro houses.” The documents examined above all came to definite conclusions, but most petitions as mentioned earlier contained no evidence that their claims were ever paid or rejected.

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<sup>91</sup> Petition of Catharine McNiff, December 24, 1827, Ref to the Committee of Claims (SEN20A-G2) 20<sup>th</sup> Congress: National Archives, Washington DC.

<sup>92</sup> Papers relative to the claim of Rosalie P. Deslande, December 29, 1817 (SEN15A-D1) 15<sup>th</sup> Congress: National Archives, Washington DC.

Sylvia Chapin's petition for property destroyed by the enemy, during the War of 1812, noted that her earlier claim had never been acted upon, but the document she referred to was not included in the records of Congress. Chapin noted that her

dwelling house and other buildings situated at Buffalo aforesaid were taken into the Military use and occupancy of the United States by order of the officers of the Army of the United States then in service on the said Frontier and continued to be so occupied until they were actually destroyed by the enemy.... Your Petitioner further sheweth that the distribution of her property by the enemy was in consequence of her said buildings being in the Military occupancy of the United States.<sup>93</sup>

While the people accepted the necessity of quartering troops in times of danger, they continued to hold the United States government responsible in the settling of their claims. While these women proudly asserted the roles they and their families played in the formation of the nation, they demanded justice as citizens of the United States.

### Conclusion

Widows in early American history utilized their legal independence in their petitions of claims sent to Congress. Thousands of petitions were reviewed in this study; hundreds fit into the timeframe and showed the assertive nature of a language of justice and patriotism. These women utilized this notion of justice within their claims, and placed their faith in the justice of their country. The evidence provided with each petition illuminated the fact that these widows learned the legalities of witnesses, depositions and schedules of accounts, in order to pursue these claims. Each document told a piece of

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<sup>93</sup> Petition of Sylvia Chapin, January 4, 1819, Ref to the Committee of Claims (HR15A-G1.1) 15<sup>th</sup> Congress: National Archives, Washington DC.

early American history as viewed through the eyes of the women who presented each supplication.

The Revolution added a woman's perspective into the normally male realm of early American military history. The widows of the soldiers and sailors who gave the ultimate gift of their lives to their country petitioned Congress for the loss of their spouses. The petitions utilized in this paper were chosen for their unique tales and representational nature of female legal power. Property lost through war, Indian attacks and the quartering of troops filled the pages of these documents. Their notions of citizenship, the racially prejudiced language used against Native Americans, and thoughts of African Americans as personal property echoed the men of their time. In these ways, widows resembled their male counterparts rather than the upper to middle-class benevolent society written about by so many historians of early American women.

Illiterate women sought out others who helped them put pen to paper, and provided sworn testimony and the details of their losses that their authors based the petitions upon. The Justices of the Peace who normally wrote these documents also aided illiterate men in comparable ways. Early American petitions gave voices to those who other historians overlooked, due to the lack of traditional sources. These women did not choose to become free of their life partners, and the majority of them probably wished they were back under the protection of their late husbands. Wars and violent times on the outskirts of the nation led to an increase in widowhood, but though it all, these women survived and told their tales through petitions sent to Congress.

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