

## 108 | The World of Antebellum America

*See also:* Artisans; Immigrants; Mill Girls; *Arts:* Textile Arts; *Family and Gender:* Coverture; Women in America; *Food and Drink:* Meat and Meat Processing; *Housing and Community:* Lighting; *Science and Technology:* Grain Elevators

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### FEME SOLE

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From the foundation of the American colonies to the late 19th century United States, feme sole was a legal term applied to white unmarried women (single or widowed) who needed to have a social and economic identity independent of a male family member. Feme sole is the Anglicized spelling of the old Norman French word *femme seule*, meaning “single woman.” Women’s single (feme sole) or married (feme covert) status in each state dictated their property and economic rights in the antebellum era. While feme soles lacked the power to vote or serve on juries, they retained the same property-related rights that all white men (unmarried or married) held: they could own property, sue or be sued in court, sign contracts, and control business earnings. Because the vast majority of American women married during this era, women who fell into the category of feme sole were in the legal minority. This category became obsolete once states passed Married Women’s Property Acts, many of which, but not all, were passed prior to the Civil War.

Feme sole was the legal opposite of the term “feme covert.” Feme covert, or coverture status, meant that women relinquished ownership of all personality (movable goods, including enslaved persons) to their husbands upon marriage. While married women could retain ownership of any realty (unmovable “goods” such as land) they possessed before marriage, their husbands held the power to manage it. Early American lawmakers adopted the terms and definitions of feme

**Economics and Work: Feme Sole | 109**

sole and feme covert from English common law used in the colonies prior to the American Revolution. These terms applied to all white women. Free, nonwhite women's feme sole or feme covert status varied state by state. Neither term applied to enslaved women because they had no legal rights under slavery.

Lawmakers' application of these legal categories was influenced by antebellum patriarchal cultural and religious norms. Americans in the antebellum period generally viewed husbands as benevolent rulers whom God ordained to lead their wives and households. Thus, lawmakers defended their application of feme sole and feme covert laws to women by arguing that they were for women's own protection. Husbands and fathers served the function of protection, and therefore women who wanted to operate as their own agents had to have economic need (i.e., no male householder) and often the permission of the community in a casual or more formal way, depending on the locale.

The majority of women to whom the term "feme sole" applied were yet-unmarried young adult women and widows. Only when women remained single, or when wives turned into widows, could women exercise their feme sole rights, which was less common prior to the Civil War than after. Unmarried women in the antebellum era exercised their feme sole rights in a number of ways. They bought and sold property, rented out the labor of their enslaved persons for profit, signed contracts with employers, sued debtors in chancery court, and controlled their own wages, to name a few. Married women could exercise similar rights in their personal lives, but only if their husbands permitted them to do so. In a court of law, married women's husbands would be held responsible for their wives' actions because of feme covert laws. Though rare, some women in the antebellum era—especially those born into wealthy families—remained single their entire lives in order to retain complete legal control over their property or future inheritance.

A century before states began to pass Married Women's Property Acts, three states granted married women a special kind of legal status, called "feme sole trader." Historian Ellen Hartigan-O'Connor examined the cities of early America, finding that South Carolina (1712), Pennsylvania (1718), and Massachusetts (1787) allowed married women to petition to become "feme sole traders." This status gave them nearly all the same rights as feme sole women, including holding separate business accounts from their husbands (as long as they received their husband's permission). Married women couched their petitions to gain "feme sole trader" status in submissive, family-oriented language to appeal to the gender norms of the era. Feme sole trader status enabled families to have two legally explicit income streams. Although documentation is scant, there were also less formal arrangements, as seen in the case of a Maine midwife named Martha Ballard. As the historian Laurel Thatcher Ulrich found in her now well-known diary,

## 110 | The World of Antebellum America

Ballard operated often quite independently of her not-so-successful husband with consent of the community who needed her services, trusted her, and lived within a traditionally structured family.

Beginning in the antebellum era, the categories of feme sole and feme covert slowly eroded as states passed Married Women's Property Acts. Mississippi was the first state to pass an act of this kind in 1839. These acts generally stipulated that *all* women, regardless of their marriage status, could legally retain control over their property and earnings. The acts varied state by state, and gave women more property rights over time.

Lawmakers did *not* pass these acts in response to nascent calls for greater women's rights during this era. Instead, lawmakers passed these acts in response to the increasing rate of families who fell into debt during this time. As the market economy grew during the antebellum era, Americans increasingly experienced debt because of the economic fluctuations associated with intensifying capitalism. Under coverture, an indebted man's wife or children could lose their personal property to creditors, even if that property had originally belonged to the wife, because personal property was liable to cover a man's debts. The Married Women's Property Acts allowed families to legally put property in a wife's name. This meant that when creditors came after a husband for his personal debts, his wife's property and wealth (and by extension, the property and wealth of his family) would be spared. This also explains why Ballard's community allowed her to operate in ways inappropriate to most women. Her income from midwifery and household production, as Ulrich found, supported the family when her husband's enterprises failed. Unlike urban women who lived closer to government offices, Ballard and her rural community members who knew of her husband's failures accepted the arrangement for the good of their family.

The Married Women's Property Acts had unintended consequences: they gave women more agency in their ability to control their property and enabled them to better support themselves without husbands. The Married Women's Property Acts eventually rendered the legal category of feme sole useless, and helped white women secure their economic well-being in the antebellum period and after.

*Alexi Garrett*

*See also:* Landholding and Property Ownership; Merchants and Clerks; Mill Girls; Slavery, Agricultural; Slavery, Urban and Industrial; *Family and Gender:* Coverture; Marriage; Midwifery; Republican Motherhood; Women in America; *Housing and Community:* Frontier Communities; Market Revolution; Towns, Growth and Development of; *Politics and Warfare:* Panic of 1837; *Recreation and Social Customs:* Diary Writing

**Economics and Work: Gold Rush (1848–1855) | 111****FURTHER READING**

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**GOLD RUSH (1848–1855)**

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During the Gold Rush from 1848 to 1855, people traveled to California to gain prosperity and wealth through mining. Migrants often found the conditions more difficult than expected and faced many challenges. Not everyone achieved success, but the state's rapid development spurred new cities and transportation networks in the West, later bringing people to California for other opportunities.

Although Americans arrived in California during the early 1840s when it belonged to Mexico, news of gold discoveries in 1848 did not draw potential miners from outside the Mexican state immediately. The miners' mass migration did not begin until after 1848 with the majority of Americans arriving in 1849 and the early 1850s. In late January 1848, New Jersey native James Wilson Marshall (1810–1885) found small traces of gold at Sutter's Mill in Coloma. Marshall worked for John Sutter (1803–1880), a