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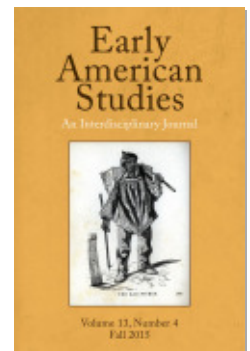
Agents at Home: Wives, Lawyers, and Financial Competence in  
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# Agents at Home

## Wives, Lawyers, and Financial Competence in Eighteenth-Century New England Port Cities

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**ABSTRACT** This article analyzes wives who acted on behalf of their absent husbands in eighteenth-century New England port cities, situating them within the broader matrix of agents who acted for absent men. Wives' management of their households enabled their husbands to pursue distant commercial opportunities, yet historians tend to overlook the reality that wives acted within mixed-sex networks of designees and agents. Analyzing divisions of responsibility between wives and male agents reveals the extent and the limits of women's legal and economic activities in practice. Using the case study of a merchant who absconded from Boston in 1755 and other contemporaneous examples, I argue that, while husbands placed significant trust in their wives, they saw certain matters as the domains of male professionals and used gendered language to downplay their wives' competence. The malleability of these divisions of responsibility sparked disputes, but it also allowed wives to co-opt alliances for their own benefit.

Men journeyed near and far in the eighteenth-century British Atlantic world. Though some traveled locally on a regular basis, others—merchants, factors, ship captains, sailors, soldiers, and government officials—left home for months or years, forging new economic connections as they traveled.

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Yet the continued operation of the Atlantic economy equally hinged on the knowledge and skill of those who remained at home. With households enmeshed in ongoing relations of credit and debt, few men could settle all their finances before going away. Instead, they relied on their wives, male relatives, friends, business associates, and lawyers to act for them. Honoring and enforcing existing financial obligations, such agents maintained local credit networks in the absence of the creditors and debtors whom they represented.

Locating wives within this matrix of “agents at home” deepens our understanding of the everyday workings of the eighteenth-century economy. It brings new attention to interconnections between women and men and to the skills and forms of knowledge mobilized by agents of both sexes. Equally significant, attending to both male and female agents exposes the power relations that conditioned British Americans’ involvement with the economy and the legal system. Male household heads made choices about which matters to entrust to whom during their absences, and day-to-day exigencies tested and altered these divisions of responsibility. Moments of delegation and negotiation between principals and agents allow us to analyze the ways in which gender, class, and professional identity made certain forms of economic and legal authority accessible to both sexes, while defining other forms as masculine.

These insights further bridge and move beyond two influential lines of argument about intermediaries in the British Atlantic economy. Laurel Thatcher Ulrich demonstrated that seventeenth- and eighteenth-century wives could serve as “deputy husbands,” explaining that “almost any task was suitable for a woman as long as it furthered the good of her family and was acceptable to her husband.”<sup>1</sup> Studying mariners’ wives and plantation mistresses, other historians have invoked Ulrich’s framework to account for women’s wide-ranging activities on behalf of their husbands.<sup>2</sup> In contrast,

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1. Laurel Thatcher Ulrich, *Good Wives: Image and Reality in the Lives of Women in Northern New England* (New York: Knopf, 1982), 35–50, quotation on 37.

2. Lisa Norling, *Captain Abab Had a Wife: New England Women and the Whale-fishery, 1720–1870* (Chapel Hill: University of North Carolina Press, 2000), 15–50; Linda L. Sturtz, *Within Her Power: Propertied Women in Colonial Virginia* (New York: Routledge, 2002), 71–88. Other historians have counterbalanced this attention to wives by examining the distinctive circumstances of single women and widows. See especially Vivian Bruce Conger, *The Widow’s Might: Widowhood and Gender in Early British America* (New York: New York University Press, 2009); Amy M. Froide, *Never Married: Singlewomen in Early Modern England* (Oxford: Oxford University Press, 2005); Karin Wulf, *Not All Wives: Women of Colonial Philadelphia* (Ithaca: Cornell University Press, 2000).

studies of Atlantic trading cast networks as homosocial and masculine. They stress that coordination and personal trust undergirded commercial networks, in which merchants and absentee plantation owners relied on male agents such as factors and ship captains to provide commercial intelligence and to transact business.<sup>3</sup>

Husbands and wives were embedded within broader circles of designees and collaborators. While the “deputy husband” paradigm usefully encapsulates the patriarchal ideology that sanctioned wives’ wide-ranging activities, its emphasis on marital relationships obscures the activities of others who simultaneously represented their husbands. Analyzing divisions of responsibility between wives and male agents allows us to better see the range of women’s legal and economic activities in practice, as well as the constraints placed on those activities. Moreover, the women and men who represented absent patriarchs made crucial decisions concerning the management of family finances, and their efforts were constitutive of men’s ability to pursue distant commercial opportunities.<sup>4</sup>

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3. Thomas Doerflinger, *A Vigorous Spirit of Enterprise: Merchants and Economic Development in Revolutionary Philadelphia* (Chapel Hill: University of North Carolina Press, 1986); David Hancock, *Oceans of Wine: Madeira and the Emergence of American Trade and Taste* (New Haven: Yale University Press, 2009); Hancock, *Citizens of the World: London Merchants and the Integration of the British Atlantic Community, 1735–1785* (Cambridge: Cambridge University Press, 1995); B. W. Higman, *Plantation Jamaica, 1750–1850: Capital and Control in a Colonial Economy* (Kingston, Jamaica: University of the West Indies Press, 2005); Peter Mathias, “Risk, Credit, and Kinship in Early Modern Enterprise,” and Kenneth Morgan, “Business Networks in the British Export Trade to North America, 1750–1800,” in John J. McCusker and Kenneth Morgan, eds., *The Early Modern Atlantic Economy* (Cambridge: Cambridge University Press, 2000), 15–35, 36–62; Cathy D. Matson, *Merchants and Empire: Trading in Colonial New York* (Baltimore: Johns Hopkins University Press, 1998).

4. By insisting that women actively participated in the eighteenth-century economy while also interrogating the ways in which gendered power relations conditioned women’s economic activities, I build on recent works such as Patricia Cleary, *Elizabeth Murray: A Woman’s Pursuit of Independence in Eighteenth-Century America* (Amherst: University of Massachusetts Press, 2000); Sherylynn Haggerty, *The British-Atlantic Trading Community, 1760–1810: Men, Women and the Distribution of Goods* (Leiden: Brill, 2006); Ellen Hartigan-O’Connor, *The Ties That Buy: Women and Commerce in Revolutionary America* (Philadelphia: University of Pennsylvania Press, 2009); and Serena Zabin, *Dangerous Economies: Status and Commerce in Imperial New York* (Philadelphia: University of Pennsylvania Press, 2009). This literature challenges the view that commercialized markets narrowed women’s economic opportunities during the eighteenth century. See Elaine Forman Crane, *Ebb Tide In New England: Women, Seaports, and Social Change, 1630–1800* (Boston:

The well-documented case of the Fletcher family of Boston offers an opportunity to examine the fraught interactions among an absent husband, his wife, and his hired attorney during the mid-eighteenth century. Other contemporary examples from Boston and Newport, New England's two largest port cities, show that aspects of the Fletcher case were representative of patterns of delegation in these two places and, by extension, in other maritime communities in the British Atlantic.<sup>5</sup> Of course, there are limits to the conclusions one can draw from a study of only one household's affairs. But the sorts of evolving relationships and day-to-day economic practices revealed in particular cases underscore the point that "deputy husbands" did not act alone, in isolation from others in the community. Rather, wives' tasks included acting within heterosocial networks of designees and agents. Though husbands willingly delegated many financial matters to their wives, they turned to men to represent them in matters that were highly technical, those that required forceful negotiation, or those entailing extensive engagement with male social circles. Divisions of responsibility were rough and overlapping; their malleability could spark disputes. But they also offered women who participated in such alliances the opportunity to co-opt them for their own benefit.

#### WILLIAM FLETCHER'S ATTORNEYS

In 1755 William Fletcher departed his hometown of Boston, leaving his house and family behind. Fletcher was a member of the Massachusetts legislature and a prominent merchant who was engaged in New England's provisions trade with the Caribbean.<sup>6</sup> He traveled to London and then to

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Northeastern University Press, 1998); Cornelia Hughes Dayton, *Women before the Bar: Gender, Law, and Society in Connecticut, 1639–1789* (Chapel Hill: University of North Carolina Press, 1995); Deborah Rosen, *Courts and Commerce: Gender, Law, and the Market Economy in Colonial New York* (Columbus: Ohio State University Press, 1997).

5. Many historians have emphasized that port cities had distinctive social and demographic features, especially an orientation toward overseas trade, which afforded women different economic opportunities from those available to women in rural hinterlands. See especially Crane, *Ebb Tide*; Douglas Catterall and Jodi Campbell, eds., *Women in Port: Gendering Communities, Economies, and Social Networks in Port Cities, 1500–1800* (Leiden: Brill, 2012); Hartigan-O'Connor, *The Ties That Buy*; Michael Jarvis, *In the Eye of All Trade: Bermuda, Bermudians, and the Maritime Atlantic World, 1680–1783* (Chapel Hill: University of North Carolina Press, 2010), 279–303; Zabin, *Dangerous Economies*.

6. George A. Washburne, *Imperial Control of the Administration of Justice in the Thirteen American Colonies, 1684–1776* (New York: Columbia University, 1923), 137. On New England's trade with the Caribbean, see James W. Roberts, "Yankey

the Dutch colony of St. Eustatius, and he remained in the Caribbean until his death more than thirty years later.<sup>7</sup> Until 1764 William's wife, Elizabeth, and their children remained behind in Boston. During these years, Elizabeth exercised power of attorney for her husband. William also engaged two friends, the legal professionals Edmund Trowbridge and John Cushing, to act for him. William's reliance on Elizabeth, Trowbridge, and Cushing was an extension of the alliances and interdependencies typical of eighteenth-century commerce, but the arrangement also harbored the potential for conflict.<sup>8</sup>

William Fletcher left Boston to escape financial and legal trouble. In January 1752 Fletcher sued another leading Boston merchant engaged in the Caribbean trade, William Vassall, for slander. According to Fletcher, Vassall had repeatedly insulted him before audiences of merchants as a dishonest, disgraced individual who had committed insurance fraud and who was unable to pay his debts. Through a series of appeals, the highly contested case, which involved the testimony of forty-six witnesses and was tried before overflowing crowds, advanced through Boston's courts and finally to the British Privy Council in London. In 1753, while Fletcher was awaiting the Privy Council's decision, he resorted to extralegal measures. He published a thirty-nine-page pamphlet, *A State of the Action Brought by William Fletcher against William Vassall*, to rally support and repair his reputation. Then, in January 1754, Fletcher lost his case.<sup>9</sup> His ordeal was far from over. When Fletcher appealed to the Privy Council, he had given bond that if he failed to win the case, he would pay Vassall £2,000, the

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Dodle Will Do Verry Well Here': New England Traders in the Caribbean, 1713 to circa 1812" (Ph.D. diss., Johns Hopkins University, 2011).

7. For Fletcher's moves to London and then St. Eustatius, see William Fletcher, Power of Attorney, January 6, 1755, Dana Family Papers, Massachusetts Historical Society, Boston (hereafter cited as MHS), and William Fletcher to Edmund Trowbridge, August 1755, Dana Family Papers, MHS. The last extant letter from William Fletcher is William Fletcher to unspecified recipient [Edmund Trowbridge?], July 6, 1789, Dana Family Papers, MHS.

8. Haggerty, *The British-Atlantic Trading Community*; Hancock, *Oceans of Wine*; Hancock, *Citizens of the World*; Margaret R. Hunt, *The Middling Sort: Commerce, Gender, and the Family in England, 1680–1780* (Berkeley: University of California Press, 1996); Mathias, "Risk, Credit, and Kinship"; Matson, *Merchants and Empire*; Morgan, "Business Networks"; Zabin, *Dangerous Economies*.

9. William Fletcher, *The State of Action Brought by William Fletcher against William Vassall, for Defaming Him: Tried in the Superior Court at Boston, August Term, A.D. 1752 and Now Pending by Appeal to His Majesty in Council* (Boston, 1753); Washburne, *Imperial Control*, 134–38.

money he had previously won from him in the lower courts. Fletcher had enlisted two other elite Bostonians, Edmund Quincy and William Tudor, as sureties, mortgaging his family's house to them in order to persuade them to cosign the bond. After the verdict, Fletcher could not pay Vassall, and so Quincy and Tudor were forced to do so. In the years that followed, Tudor continually sought to collect the debt from Fletcher or to seize the mortgaged property.<sup>10</sup>

For William Fletcher, life in St. Eustatius offered the prospects of escaping controversy and recouping his losses. By fleeing Boston, Fletcher removed himself from swirling rumors about his financial state and prevented his New England creditors from imprisoning him or seizing his personal property, including vessels and cargo. In addition, as a neutral Dutch territory and the most active Caribbean port, St. Eustatius allowed British-American merchants like Fletcher to engage in illicit and highly lucrative trading across imperial lines.<sup>11</sup> Continuing to make use of his Boston connections, William Fletcher purchased sugar, rum, molasses, and salt in the Caribbean and then shipped these provisions back to New England.<sup>12</sup> Repeatedly expressing his optimism that "times are now very brisk & flourishing, & better seem to be at hand," Fletcher was determined to remain in St. Eustatius until he had enough money to pay his debts.<sup>13</sup>

William Fletcher granted powers of attorney to Elizabeth while he was in London in January 1755. Powers of attorney were formulaic legal documents through which individuals authorized others to engage in legally binding actions for them. By granting power of attorney, principals ensured that trusted individuals possessed unambiguous legal standing to represent

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10. Following the trial's conclusion, Edmund Quincy conveyed his right to the mortgaged property to Tudor; the financial dispute that followed was solely between Fletcher and Tudor. John Tudor, Agreement with William and Elizabeth Fletcher, March 21, 1761, Dana Family Papers, MHS.

11. Wim Klooster, *Illicit Riches: Dutch Trade in the Caribbean, 1648–1795* (Leiden: KITLV Press, 1998), 95–97; Klooster, "Inter-Imperial Smuggling in the Americas, 1600–1800," in Bernard Bailyn and Patricia L. Denault, eds., *Soundings in Atlantic History: Latent Structures and Intellectual Currents, 1500–1830* (Cambridge: Harvard University Press, 2009), 171–73; Andrew Jackson O'Shaughnessy, *An Empire Divided: The American Revolution and the British Caribbean* (Philadelphia: University of Pennsylvania Press, 2000), 213–37.

12. William Fletcher to Trowbridge, June 1756, January 7, 1759, February 20, 1759, February 9, 1761, Dana Family Papers, MHS.

13. William Fletcher to Trowbridge, February 16, 1756, Dana Family Papers, MHS. See also William Fletcher to Trowbridge, February 20, 1759, Dana Family Papers, MHS.

their interests, and they guarded against self-appointed representatives co-opting estates for personal gain. In a standard power of attorney, a signatory declared that his or her named “true and lawful Attorney” could act “as I myself might or could do, were I personally present.” Through powers of attorney, individuals could grant narrow or broad powers to their designees. Principals could permit their attorneys to act only in specified matters, such as collecting particular debts, or could grant them broad discretionary powers that they would not have otherwise possessed.<sup>14</sup> William’s two powers of attorney did the latter. He authorized Elizabeth to demand and sue for any debts due to him, to represent him in any lawsuits commenced against him, and to act in his stead “in all business whatsoever wherein I am concerned both in and out of court.” He additionally consented that Elizabeth could sell his land and personal property to pay his debts, thus exempting her from the common law’s dictates that wives did not own their husbands’ property and could not execute binding contracts during marriage.<sup>15</sup>

Power of attorney expanded on the informal roles of wives such as Elizabeth Fletcher by codifying their ability to act as their husbands’ representatives. Conceiving of husbands and wives as bound by affection, obligation, and mutual interest, colonists accepted wives’ ability to assume responsibility for collecting and paying debts and for managing the associated records. When household heads were away, wives who were at home collected payments from debtors and settled with creditors. For example, in October 1730 Caleb Carr, a Jamestown, Rhode Island, resident, was not home when the Newport butcher Major Fairchild came to pay a debt. Carr’s wife, Mary, took twenty pounds from Fairchild and signed a receipt. In 1746 the mariner Joseph Prince was away on six-month voyage when John Wheelwright, a merchant, called and demanded payment for tea sold to Prince. Prince’s

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14. John Hill, *The Young Secretary’s Guide; or, A Speedy Help to Learning* (Boston: Thomas Fleet, 1750), 112–14; George Fisher, *The American Instructor; or, Young Man’s Best Companion* (Philadelphia: B. Franklin and D. Hall, 1748), 270–71. Advertisements by notaries often listed powers of attorney as among the documents that they drafted for their clients. For example, see *Boston Evening Post*, August 13, 1750, [2]. Form books claimed to provide alternatives to hiring a notary or scrivener by empowering individuals to draft documents themselves. See Hill, *Young Secretary’s Guide*, A2. On the power of attorney as “an impersonal document that depended on personal relationships in order to function,” see Zabin, *Dangerous Economies*, 14–16.

15. William Fletcher, Powers of Attorney, January 6 and 10, 1755, Dana Family Papers, MHS; Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1986), 14–18.



wife, Mary, examined the account and paid Wheelwright.<sup>16</sup> Such evidence of wives representing their households in financial matters appears intermittently in the documentary record, but this does not mean that women assumed these roles infrequently. Because eighteenth-century financial and legal records chiefly documented relationships between principals rather than the involvement of intermediaries, occasional mentions of wives' involvement offer glimpses of more widespread everyday practices. Within this context in which wives routinely acted for their husbands, William Fletcher's decision to grant power of attorney to Elizabeth would have been an uncontroversial choice.

Powers of attorney from husbands to wives were particularly common in maritime communities such as William Fletcher's hometown of Boston. Sailors and captains in British Atlantic ports routinely authorized their wives to act as attorneys during their absences. Power of attorney was especially crucial to the economic survival of lower-class sailors' households. Since shipowners and captains paid sailors during and following voyages rather than at the time of enlistment, sailors' wives used powers of attorney to collect their husbands' back wages and to support their families during men's absences.<sup>17</sup> Some New England mariners' wives even publicly articulated these functions of powers of attorney in their petitions to colonial legislatures. Seeking powers of attorney from the legislature in instances in which their husbands had not awarded them before their departures, female petitioners contended that they were qualified and entitled to act for their husbands. They also insisted that enhanced legal powers would enable them to support their families. Legislators generally granted these requests, indicating that they accepted power of attorney as a socially necessary tool for mariners' wives.<sup>18</sup> As a prominent merchant who invested in, rather than

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16. Carr v. Fairchild, Newport County Court of Common Pleas, May 1731, no. 141, Rhode Island Supreme Court Judicial Records Center, Pawtucket; Petition of Joseph Prince, Massachusetts Archives Collection (hereafter cited as MAC), 43:461–63, Massachusetts State Archives, Boston (hereafter cited as MSA). For similar examples, see Ulrich, *Good Wives*, 35–50, and Dayton, *Women before the Bar*, 72–79.

17. Margaret Hunt, "Women and the Fiscal-Imperial State in the Late Seventeenth and Early Eighteenth Centuries," in Kathleen Wilson, ed., *A New Imperial History: Culture, Identity, and Modernity in Britain and the Empire, 1660–1840* (Cambridge: Cambridge University Press, 2004), 29–47.

18. Sailors' wives typically petitioned for power of attorney when their husbands were presumed to have died at sea. Because Rhode Island law required conclusive evidence of a sailor's death before his estate could enter probate, powers of attorney served as a temporary measure until sailors' wives were able to administer their late

labored on, ships, William Fletcher was of significantly higher social standing than the sailors and captains for whom power of attorney was an institutionalized component of labor and credit relationships. Yet his example mirrors Boston's wider maritime and commercial experiences.

If William Fletcher had consulted a letter-writing handbook or tradesmen's manual while drafting his powers of attorney, he would have seen models affirming his choice to designate his wife as his agent. Several handbooks depicted powers of attorney as an important instrument used by sailors in port communities and modeled sailors' appointment of their wives. Printed in Boston a few years before Fletcher's departure, *The Young Secretary's Guide* described how a power of attorney could be given "by a seaman to his wife" so that she could "receive his pay that shall become due in his absence." With several editions issued from Philadelphia during the mid-eighteenth century, *The American Instructor* likewise noted how a sample power by "Timothy Tarpaulin, mariner" could be modified to appoint his "beloved wife" rather than a male "friend" to collect his wages.<sup>19</sup> Most relevant for William Fletcher's circumstances was a model in *The Young Secretary's Guide*, titled "from a husband to a Wife, upon a Voyage, or going to Travel beyond the Seas." Given by "Thomas Watson, Westminster Gent.," to "my loving wife, Mary Watson," the document conveyed that not only

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husbands' estates legally. The husband of Martha Salisbury of Little Compton, R.I., for instance, departed on a whaling voyage and probably died at sea. Creditors demanded that Martha Salisbury pay her husband's debts, but she lacked the assets to do so unless she in turn sued her husband's debtors. In her petition she asserted that she "doubts not if she had power to call in his rights and credits there is sufficient to discharge his debts," and insisted that power of attorney would aid her and her five children, all of whom were "greatly distressed." "An Act, for Granting Administrations to the Wives of Persons Three Years absent, and unheard of" (1711) and "An Act for the Explanation of, and further Enlargement of an Act Passed by the General Assembly . . . for the Granting of Administrations to the Wives of Persons Three Years absent, and not heard of" (1717), *Acts and Laws of His Majesty's Colony of Rhode Island, and Providence-Plantations in America* (Boston: John Allen, 1719), 67–68, 81–83; Petition of Martha Salisbury (1768), Petitions to the Rhode Island General Assembly (hereafter cited as RI Petitions), 13:28, Rhode Island State Archives, Providence (hereafter cited as RISA). Similar petitions include Petition of Frances Child (1748), RI Petitions, 7:17, RISA; Petition of Mary Center (1757), RI Petitions, 9:195, RISA. See also Ruth Wallis Herndon, "The Domestic Cost of Seafaring: Town Leaders and Seamen's Families in Eighteenth-Century Rhode Island," in Margaret S. Creighton and Lisa Norling, eds., *Iron Men, Wooden Women: Gender and Seafaring in the Atlantic World, 1700–1920* (Baltimore: Johns Hopkins University Press, 1996), 55–69.

19. Hill, *The Young Secretary's Guide*, 114; Fisher, *American Instructor*, 270–71.

sailors but also propertied men of middling or elite status might reasonably appoint their wives as their agents before embarking on long and hazardous journeys.<sup>20</sup> Handbooks and manuals were prescriptive, working to standardize legal practices and smooth long-distance commercial exchange.<sup>21</sup> By modeling the appointment of wives as attorneys, they reflected and reinforced the decisions of men such as William Fletcher.

Although William Fletcher formally designated Elizabeth as his representative, he relied equally on the assistance of two male legal professionals, Edmund Trowbridge and, less frequently, John Cushing. Trowbridge, a very prominent Harvard-educated lawyer, was part of the first generation of the Massachusetts bar. He represented Fletcher in the case against Vassall and continued to assist Fletcher after he left Boston.<sup>22</sup> As an attorney-at-law, Trowbridge possessed the formal legal training required to draft legal documents and argue cases in court. His legal knowledge also equipped him to evaluate technicalities and contingencies in William Fletcher's protracted conflict with Tudor over the mortgage. John Cushing, a judge of the Plymouth County Superior Court, was likewise a learned member of the Massachusetts legal community. Having previously hired Cushing in the case against Vassall, Fletcher intermittently sought his informal advice and assistance after leaving for St. Eustatius. Like most business relationships of the time, Fletcher's ties to Trowbridge and Cushing were personal as well as professional. All three men were part of the same social milieu of Massachusetts elites. Fletcher closed his letters to Cushing and Trowbridge by sending regards to their mutual acquaintances, and he expressed confidence in and appreciation for their "friendship."<sup>23</sup> Fletcher employed these common eighteenth-century vocabularies of friendship and familiarity to

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20. Hill, *The Young Secretary's Guide*, 112–14.

21. Eve Tavor Bannet, *Empire of Letters: Letter Manuals and Transatlantic Correspondence, 1688–1820* (Cambridge: Cambridge University Press, 2005); Konstantin Dierks, *In My Power: Letter Writing and Communications in Early America* (Philadelphia: University of Pennsylvania Press, 2009), 52–99; Sarah M. S. Pearsall, *Atlantic Families: Lives and Letters in the Later Eighteenth Century* (Oxford: Oxford University Press, 2008), 55–140.

22. Charles McKirdy, "Massachusetts Lawyers on the Eve of the American Revolution: The State of the Profession," in Daniel R. Coquiellette, ed., *Law in Colonial Massachusetts, 1630–1800* (Boston: Colonial Society of Massachusetts, 1984), 355; Clifford K. Shipton, *Sibley's Harvard Graduates* (Boston: Massachusetts Historical Society, 1951), 8:507–20; Fletcher, *State of Action*, 6.

23. For instance, William Fletcher to Trowbridge, February 16, 1756, Dana Family Papers, MHS; William Fletcher to John Cushing, August 1758, William

cement his alliances with both Trowbridge and Cushing, and to soften the monetary obligations of Fletcher and Trowbridge's relationship.<sup>24</sup> In an era in which dependency was associated with weakness, this language obscured the two men's reliance on each other for legal help and compensation.<sup>25</sup>

The involvement of female and male designees in the same matters was not distinctive to William Fletcher's affairs. Middling and elite men who left behind complex and extensive commercial networks divided responsibility for financial matters among their wives and male business associates, family members, friends, and attorneys. Much like William Fletcher had done two decades earlier, the elite merchant William Palfrey relied on a constellation of allies when he left his home in Marlborough, Massachusetts, to serve as paymaster general of the Continental Army during the Revolution. Palfrey's wife, Susannah, engaged in some local credit transactions herself, including paying for her family's food and clothing and collecting payments from debtors. In more complicated matters, William Palfrey relied on both Susannah and his male friends and business associates, including Martin Brimmer, Jonathan Cole, and Robert Jenkins.<sup>26</sup>

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Cushing Papers, MHS. For Fletcher's previous employment of Cushing, see William Fletcher to John Cushing, May 1, 1752, William Cushing Papers, MHS.

24. For Fletcher and Trowbridge's financial relationship before Fletcher's departure, see William Fletcher, Account with Edmund Trowbridge, settled January 3, 1755, Dana Family Papers, MHS. Although Fletcher and Trowbridge discussed Trowbridge's pay infrequently in their letters, Fletcher briefly mentioned a "retaining fee" for Trowbridge in William Fletcher to Edmund Trowbridge, August 22, 1758, Dana Family Papers, MHS. On lawyers' fees and income, see Sally Hadden, "DeSaussure and Ford: A Charleston Law Firm of the 1790s," in Daniel W. Hailton and Alfred M. Brophy, eds., *Transformations in American Legal History: Essays in Honor of Professor Morton J. Horwitz* (Cambridge: Harvard University Press, 2009), 92–99; Charles McKirdy, "Before the Storm: The Working Lawyer in Pre-Revolutionary Massachusetts," *Suffolk University Law Review* 11 (1976): 46–60; L. Kinvin Wroth and Hiller B. Zobel, eds., *Legal Papers of John Adams*, 3 vols. (Cambridge: Belknap Press of Harvard University Press, 1965), 1:xliv–lxxx.

25. Toby L. Ditz, "Shipwrecked; or, Masculinity Imperiled: Mercantile Representations of Failure and the Gendered Self in Eighteenth-Century Philadelphia," *Journal of American History* 81 (June 1994): 70; Pearsall, *Atlantic Families*, 56–79.

26. The Palfrey family's papers contain extensive evidence of William Palfrey's reliance on agents at home. For Susannah Palfrey's involvement in local credit transactions, see William Palfrey legal and financial papers and Susannah Palfrey financial papers and memorandum book, Palfrey Family Papers, b.MSAm1704.18(42) and b.MSAm1704.18(44), Houghton Library, Harvard University. For William Palfrey's correspondence with Susannah Palfrey, Martin Brimmer, Jonathan Cole, and Robert Jenkins, see Letters to William Palfrey and Letters from William Palfrey, bMSAm1704.3, bMSAm1704.4, Houghton Library, Harvard University, and

Though William Palfrey's continued commercial trading during a prolonged absence emerged from wartime exigencies, his reliance on multiple agents was a continuation of pre-Revolutionary practices and mentalities.

Laypeople's increasing use of attorneys also facilitated the simultaneous involvement of men and women when heads of households were absent. By the mid-eighteenth century, virtually all litigants who wished to initiate or respond to lawsuits hired lawyers, as they alone possessed the technical knowledge required to win cases.<sup>27</sup> In keeping with this fact, even mariners' wives, women whom historians have viewed as archetypical deputy husbands, engaged lawyers in their husbands' cases and were encouraged to do so by others. When a Newport resident, Ann Carr, learned of a suit pending against her husband while he was away at sea in 1749, for instance, she relied on her husband's attorney to respond to it.<sup>28</sup> When Sheriff William Bollan went to the home of the Newport, Rhode Island, mariner Richard Jones in 1740 bearing news of the case pending against him, he spoke to Jones's wife, who informed him that her husband was "gone to sea." According to Bollan's subsequent recollections, he "advised her" to contact her husband's attorney "immediately."<sup>29</sup> Ann Carr's actions and William Bollan's recommendations attest to a shared understanding that managing debt litigation, including collaboration with attorneys, was a standard part

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William Palfrey, Letterbooks, Palfrey Family Papers, bMSAm1704.18(46), Houghton Library, Harvard University. Mary Beth Norton briefly discusses Susannah and William Palfrey in *Liberty's Daughters: The Revolutionary Experience of American Women, 1750–1800* (Boston: Little, Brown, 1980), 220. Norton's analysis is based only on Susannah and William Palfrey's correspondence. It thus exemplifies the way in which a narrow focus on husband-wife relationships overlooks the role of male agents, thereby risking overstating wives' capabilities.

27. Mary Sarah Bilder, "The Lost Lawyers: Early American Legal Literates and Transatlantic Legal Culture," *Yale Journal of Law and the Humanities* 11, no. 1 (Winter 1999): 47–117, esp. 55–59; Mary Sarah Bilder, *The Transatlantic Constitution: Colonial Legal Culture and the Empire* (Cambridge: Harvard University Press, 2004), 117–20; Gerald W. Gawalt, *The Promise of Power: The Emergence of the Legal Profession in Massachusetts, 1760–1840* (Westport, Conn.: Greenwood Press, 1979), 8–15; McKirdy, "Massachusetts Lawyers," 313–58. On changes in legal culture that made attorneys' services increasingly necessary, see Bruce Mann, *Neighbors and Strangers: Law and Community in Early Connecticut* (Chapel Hill: University of North Carolina Press, 1987).

28. Evidence of Ann Carr's use of a lawyer survives in the record because she later petitioned the Rhode Island General Assembly for a retrial of the case, insisting that the lawyer had failed to properly argue the case when it was first tried. Petition of Ann Carr (1750), RI Petitions, 7:129, RISA.

29. Statement of William Bollan, MAC, 41:593, MSA.

of wives' efforts to protect the property of their husbands and households. Although William Fletcher, not Elizabeth herself, enlisted Trowbridge and his expertise, Elizabeth was part of a larger group of women who interacted with attorneys during their husbands' absences.

Commonalities between the activities of colonial lawyers and of laypeople with power of attorney confounded the responsibilities of William Fletcher's several agents, sowing seeds of conflict. On the one hand, the legal expertise of lawyers, or attorneys-at-law, distinguished them from individuals with power of attorney, or attorneys-in-fact. In addition, while all attorneys-at-law were men, attorneys-in-fact could be either men or women. On the other hand, the roles of attorneys-at-law and attorneys-in-fact overlapped. Both sets of actors represented others' interests in financial and legal matters, as even the terminological confusion surrounding *attorney* suggests. Eighteenth-century Britons and British Americans used *attorney*, a term derived from the French *atourner* (to appoint or constitute), to refer broadly to all individuals appointed to act for others in financial and legal matters.<sup>30</sup>

This role confusion persisted because attorneys-at-law sometimes served as attorneys-in-fact. Throughout the eighteenth-century, the legal profession remained inchoate: formally trained lawyers only slowly established professional standards and associations, and they struggled to distinguish themselves from inept "pettifoggers."<sup>31</sup> Many faraway clients granted power of attorney to their hired lawyers so that they could press cases and appear in court without awaiting instruction. Lawyers were ambivalent toward this practice, as the example of the Rhode Island attorney Henry Marchant suggests. Marchant discouraged one client from naming him attorney-in-fact, advising the man instead to empower a Newport merchant who would in turn employ Marchant as a lawyer: "As some affairs are to be negotiated which do not immediately relate to the suits I am carrying on, you had best give the power to . . . some other gentleman not in the law, under whose more immediate direction I can act. By no means would it suit me to be alone in such a power & much rather would I choose to be entirely

30. *Oxford English Dictionary Online*, s.v. "attorney," [www.oed.com](http://www.oed.com), accessed April 14, 2014.

31. Bilder, "The Lost Lawyers"; Stephen Botein, "The Legal Profession in Colonial North America," in Wilfrid Prest, ed., *Lawyers in Early Modern Europe and America* (New York: Holmes & Meir, 1981), 129–46; Gawalt, *The Promise of Power*; McKirdy, "Massachusetts Lawyers"; A. G. Roeber, *Faithful Magistrates and Republican Lawyers: Creators of Virginia Legal Culture, 1680–1810* (Chapel Hill: University of North Carolina Press, 1981).

out of it, tho' you might depend on my acting & doing every thing in my power in my particular profession."<sup>32</sup>

Even as he professed his loyalty to his client, Marchant feared that a power of attorney would give him too much discretion and would force him to exceed the scope of his "particular profession." Yet Marchant and other lawyers could not fully deter this practice. They intermittently doubled as attorneys-at-law and attorneys-in-fact as late as the 1790s, further clouding the distinction between the two roles.<sup>33</sup> Because Fletcher did not grant power of attorney to Trowbridge, Fletcher and his agents were faced with sorting out which responsibilities Trowbridge possessed as a lawyer and a friend, and which ones remained within the purview of Elizabeth, his attorney-in-fact.

William Fletcher's appointment of Elizabeth as his attorney also complicated existing social and gender hierarchies. Powers of attorney prescribed that one person would act as another's sole representative, and, even when attorneys-at-law were not involved, this could be an unrealistic proposition. It abstracted attorneys-in-fact from broader networks of collaboration and the norms that governed them. For Elizabeth Fletcher, a female attorney-in-fact acting among male allies and adversaries, such difficulties were especially acute. Prescriptions for feminine comportment held that Elizabeth owed respect and deference to Trowbridge and Cushing because they were elite, learned men.<sup>34</sup> At the same time, Elizabeth's powers of attorney elevated her standing within William's circle of male advisers and placed important decisions on her shoulders. Loosening coverture's strictures, it enabled her to engage in the same activities as a male head of household. Trowbridge and Cushing could not make binding decisions without her involvement and consent. Ultimately, these tensions and contradictions would surface.

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32. Henry Marchant to Thomas Wharton and William Pollard, October 23, 1769, Henry Marchant Letter Book, Marchant Family Papers, Rhode Island Historical Society, Providence.

33. Henry Hulton to John Lowell, February 10, 1785, and Richard Ward to John Lowell, January 5, 1795, Lowell Family Papers, Houghton Library, Harvard University.

34. For expectations regarding proper feminine comportment that link class and gender, see especially Kathleen Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1996), 247–318; Mary Beth Norton, *Founding Mothers and Fathers: Gendered Power and the Formation of American Society* (New York: Knopf, 1996); Ingrid Tague, *Women of Quality: Accepting and Contesting Ideals of Femininity in England, 1670–1760* (Rochester, N.Y.: Boydell Press, 2002).

## COOPERATION AND CONFLICT

In their preparations for departure, men articulated idealized, abstract visions of agents' roles. This was particularly the case when men issued formal powers of attorney, documents that delineated agents' capabilities using standard legal language. Yet when men remained away from home, they and their agents disentangled and redefined their respective roles as they sorted out the domains of men and women and of lawyers and laypeople in practice, all the while testing the strength and malleability of interpersonal alliances.<sup>35</sup> As William Fletcher's stay in St. Eustatius extended from months to years, a rough division of responsibility emerged among Elizabeth, Trowbridge, and Cushing. Yet significant overlap persisted in the three agents' roles in the dispute with Tudor, yielding conflict that strained but did not sever William Fletcher's ties to his allies.

William Fletcher collaborated with Elizabeth in the work of collecting debts. Acting as her husband's on-the-ground agent, Elizabeth interacted directly with debtors, either speaking with them personally or writing to them. She reported her efforts in her letters to William, and he provided additional pressure on debtors from afar as needed. In 1757, for example, William Fletcher's account books showed that the merchant and attorney James Otis owed him fourteen pounds for an unspecified debt. Elizabeth demanded the sum, but Otis refused to pay, insisting that William had purchased some fish from him without crediting the account accordingly. In a letter to her husband, Elizabeth described these interactions. William responded by writing to Otis directly, defending the accuracy of the account: "if I remember right the balance due is what I adjusted with you." He urged Otis to settle with his wife and to pay the debt if any was owed: "If you'll please to send my wife an account of all I had of you, it will easily appear by my books whether it is credited or not . . . & if any balance is due me, shall take it as a favour that you would be kind enough to lett her have it."<sup>36</sup> In collecting debts such as the one owed by Otis, William and Elizabeth Fletcher were interdependent. Because Elizabeth still resided in

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35. On eighteenth-century correspondence networks, see Dierks, *In My Power*, and Pearsall, *Atlantic Families*. Though I have been unable to locate letters between Elizabeth and William Fletcher, William referred to Elizabeth's letters when writing to Trowbridge and Cushing, who in turn also discussed Elizabeth's activities extensively in their correspondence. Close reading of available sources therefore permits discussion of all parties' activities.

36. William Fletcher to James Otis, November 6, 1757, Otis Family Papers, MHS.



Massachusetts, it was she, not William, who collected debts face-to-face. She also served as custodian of William's records, as evidenced by his request that Otis send her an account to be compared with his books. Yet, as a male household head and the creator of the records in question, William could more forcefully demand payment. Noting that paying Elizabeth would ultimately be an act of kindness toward William, the letter to Otis played on the shared interests of husband and wife, and of principal and attorney.

William Fletcher left technical legal matters exclusively to Trowbridge, and this was in keeping with Trowbridge's expertise as an attorney-at-law. Fletcher perpetually feared that Tudor would seize his property or that his other creditors would sue him, and he sought Trowbridge's advice on the likelihood of these things occurring. In June 1756 he sent a list of queries to Trowbridge, stating, "[I] beg your favour seriously to answer them & do it in a manner as that I can clearly understand them." Fletcher's five itemized questions were highly technical and concerned the legality of Tudor and Vassall's seizing his property under various circumstances. Fletcher also relied on Trowbridge to represent him if any lawsuits arose, and particularly "in case Tudor is Cast, to bring on a New Action."<sup>37</sup> Such requests from Fletcher sat clearly within Trowbridge's purview, as fielding legal queries and participating in lawsuits were standard services that attorneys rendered to their clients.

William Fletcher also believed that Trowbridge's standing among Boston's male commercial elite positioned him to manage his reputation and quash rumors. In the suit between Fletcher and Vassall, all forty-six witnesses had been men. Many were from Boston's most prominent commercial and political families, and they reported that Vassall had openly criticized Fletcher in male-dominated gatherings of merchants in houses, in the shop of Richard and John Billings, and in Boston's merchants' exchange.<sup>38</sup> Fletcher was determined to remain "still in favor and esteem" with these men. In August 1755 Fletcher became concerned that a rumor about his supposed inability to pay taxes was being "wisper'd" throughout Cambridge and that "it may get abroad & a false story be raised concerning it." Informing Trowbridge that the tax collector had in fact previously credited his account, he asked the lawyer to "take a little care to keep it right."<sup>39</sup>

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37. William Fletcher to Trowbridge, June 1756, February 16, 1756, Dana Family Papers, MHS.

38. Fletcher, *State of Action*, 7–33.

39. William Fletcher to Trowbridge, August 1755, Dana Family Papers, MHS.

Falling outside Trowbridge's ordinary responsibilities as an attorney, Fletcher's request emerged from the two men's friendship and membership in the same elite circles.

Although William Fletcher maintained bilateral correspondences with Elizabeth and with Edmund Trowbridge, information flowed in multiple directions among the three parties. It took roughly six weeks for a letter to travel by ship between St. Eustatius and Boston. Correspondents were beholden to ships' schedules, and mail sometimes miscarried.<sup>40</sup> In contrast, William Fletcher's standing with his creditors and debtors could shift dramatically within a single conversation. Difficulties and delays in trans-Atlantic correspondence thus led all parties to a debt transaction to seek the most up-to-date information through all available channels. In his letters home, Fletcher engaged with whatever news he had most recently received, frequently using information from Elizabeth's letters to guide his instructions to Trowbridge.<sup>41</sup> Friends and residents of adjacent communities, Elizabeth and Trowbridge likewise conversed with one another and shared news from Fletcher's letters. William routinely assumed this exchange of information when he instructed Trowbridge to consult Elizabeth for fuller information on particular matters. He also requested that Trowbridge provide "good advice" to Elizabeth and urged him to call on her more frequently for both social and business matters.<sup>42</sup> William Fletcher's connections with his attorney-at-law and his attorney-in-fact formed the core of a triangulated correspondence that radiated outward to a much wider network.

Elizabeth Fletcher and Edmund Trowbridge shared responsibility for negotiating with and paying William Fletcher's creditors. Elizabeth spoke directly with William's creditors when they came to the family home to demand payments. Staving off their requests, Elizabeth regularly declined to pay the debts on the spot and wrote to William for instructions. William Fletcher sent cash and goods home to be used for the payment of some debts, and Elizabeth paid others herself. In other cases, William instructed Trowbridge to pay the debts, asking that he "see that the persons I owe some small sums to in Cambridge are satisfied, my wife will supply you with sufficient for that purpose." He discussed each debt individually,

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40. Ian K. Steele, *The English Atlantic, 1675–1750: An Exploration of Communication and Community* (New York: Oxford University Press, 1986), 27.

41. For instance, see William Fletcher to Trowbridge, June 1760, Dana Family Papers, MHS.

42. William Fletcher to Trowbridge, August 1755, August 22, 1758, August 26, 1760, Dana Family Papers, MHS.

describing his earlier negotiations with the creditor, whether the creditor had called on Elizabeth, and how much he was willing to pay.<sup>43</sup> Whereas William Fletcher determined that Elizabeth could, with his assistance from afar, amicably settle accounts or collect payment from men such as James Otis, negotiating with potentially hostile creditors and surrendering the family's dwindling assets were different. In spite of Elizabeth's success in managing interactions with creditors, William indicated that Trowbridge, an elite man with commercial and legal expertise, was better positioned to negotiate troublesome cases than was Elizabeth.

Edmund Trowbridge's and Elizabeth Fletcher's roles most deeply overlapped in William Fletcher's exceedingly daunting affair, the dispute with Tudor. For six years after leaving for St. Eustatius, William Fletcher did not pay Tudor, and so Tudor retained ownership of the property according to the terms of the mortgage. For Elizabeth Fletcher and her children to continue to live there, the Fletchers reached several short-term agreements with Tudor. Elizabeth, Edmund Trowbridge, and John Cushing all represented William Fletcher in these negotiations, and William corresponded with all three regarding the affair.

Trowbridge and Cushing spoke with Tudor to broker possible resolutions of the matter with William Fletcher, and, in his letters to Trowbridge and Cushing, Fletcher detailed the terms he found acceptable. He rejected Tudor's proposal that Fletcher's mother and brother become cosigners on the mortgage, as he saw this as Tudor's strategy for drawing more of the Fletcher family into the dispute. On another occasion, he specified, "Before Tudor is paid one farthing lett him sign a contract that if by such a . . . time all but £1000 stg is paid, and the estate secur'd for that, he will be satisfy'd & openly befriend me & declare himself satisfy'd & not side with Vassall."<sup>44</sup> Fletcher realized that Trowbridge and Cushing were better judges of Tudor's willingness to settle since they were all in Boston, so he allowed them to exercise discretion within the outlined parameters. Sending Trowbridge a draft of an agreement with Tudor, Fletcher thus stated, "if you approve of it lett it be deliver'd as is, but if you think you can secure it on easier terms, as to the sum to pay him, or the length of time you may alter the sum from *three* to *two* or *one*, & the term *three* to *four* or *five* & in case its not sufficient you may go to any further length."<sup>45</sup> When issuing such

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43. William Fletcher to Trowbridge, August 1755, Dana Family Papers, MHS.

44. William Fletcher to Trowbridge, February 16, 1756, n.d. [1759?], Dana Family Papers, MHS; William Fletcher to John Cushing, August 1758, William Cushing Papers, MHS.

45. William Fletcher to Trowbridge, June 1, 1760, Dana Family Papers, MHS.

directives, William Fletcher downplayed his wife's role in negotiations with Tudor, instead trusting Cushing and Trowbridge to evaluate and counter Tudor's proposals.

But Elizabeth Fletcher was a key party in negotiations with Tudor in other ways. Still residing in the house that was under dispute, she was directly invested in the affair's outcome. If Tudor seized the property, she and her children would be turned out of doors and forced to find a new residence. Moreover, because she possessed her husband's power of attorney, it was she, not Cushing or Trowbridge, who could make binding agreements with Tudor. Elizabeth and William Fletcher discussed the matter extensively in their letters. When William sent cash and bills of exchange by which to pay Tudor, he mailed them to Elizabeth.<sup>46</sup> His letters to Tudor also reinforced Elizabeth's authority by urging him to settle with her directly: "I don't intend it shall be long before I send some money for you, and in case you come into any agreement with her I will comply with it at once."<sup>47</sup> Elizabeth Fletcher reached two agreements with Tudor and personally delivered the associated funds. On June 13, 1757, Tudor received a bill of exchange for £250 sterling "of Mr Fletcher by the hand of his wife Mrs. Eliza Fletcher." William had endorsed the bill to Elizabeth, and she had in turn endorsed it to Tudor. That same day, probably with Elizabeth still present, Tudor signed a document allowing her and her children to remain in their home for two additional years.<sup>48</sup> In March 1761 Elizabeth paid Tudor £300 sterling, and he signed another similar agreement.<sup>49</sup> During such face-to-face negotiations with Tudor, Elizabeth's approval—as signified by her willingness to pay him—was the final stage in formalizing any contract.

As the public face of the Fletcher household in Boston, Elizabeth found that her role went beyond the responsibilities that William delegated to her in his powers of attorney and letters. Extant sources reveal few details about Elizabeth's life apart from her husband, but other Bostonians very probably

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46. William Fletcher to Trowbridge, February 16, 1756, June 1, 1760, Dana Family Papers, MHS.

47. William Fletcher to unspecified recipient [John Tudor], June 1, 1760, Dana Family Papers, MHS. See also William Fletcher to John Tudor, February 22, 1757, Tudor Family Papers, Houghton Library.

48. John Tudor, Receipt to Elizabeth and William Fletcher, June 13, 1757, Dana Family Papers, MHS; John Tudor, Agreement with William and Elizabeth Fletcher, June 13, 1757, Dana Family Papers, MHS.

49. John Tudor, Agreement with William and Elizabeth Fletcher, March 21, 1761, Dana Family Papers, MHS.

knew her as the wife of an absconded merchant and as a de facto household head. William's pamphlet and extended legal battle with Vassall had drawn attention to the family, and his departure from Boston would have fueled discussion and speculation among his creditors about when and how to collect their debts. At some point in the late 1750s or early 1760s, Fletcher's creditors held a composition, an extrajudicial process by which they divided his limited assets among themselves and discharged his debts. In a 1761 letter to Trowbridge, William reported that he was "exposed by" this process.<sup>50</sup> Yet the composition equally exposed the finances and assets of William's entire household, including Elizabeth, and probably forced them to surrender some of their personal belongings. Furthermore, Elizabeth's responsibilities included obtaining food, clothing, and provisions for herself and her children. When she lacked access to cash, this would have required persuading local vendors to allow her to buy on credit. Forcing her to undergo such assessments of creditworthiness, Elizabeth's routine purchases would have brought additional attention to her husband's absence and to her family's financial embarrassments.<sup>51</sup>

William Fletcher's financial predicament gave way to conflicting representations of Elizabeth in his correspondence with Cushing and Trowbridge: she appeared at once as confident and capable, and as distressed and needing assistance. William Fletcher and his male agents used letters to direct and coordinate each other's efforts, which of necessity discussed Elizabeth's active role in negotiations with Tudor. William informed Trowbridge, for instance, when he had sent money to Elizabeth so that she could pay Tudor. At the same time, however, Elizabeth became a stock character in William's efforts to vilify Tudor and to cultivate Trowbridge's and Cushing's sympathy and allegiance. Eighteenth-century male merchants routinely figured their opponents as conspiring, unmanly figures, and Fletcher's condemnations of Tudor as "the devil," as "at the bottom of some schem with Vassall," and as "neither like a man nor a Friend" played into this

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50. William Fletcher to Trowbridge, July 25, 1761, Dana Family Papers, MHS. On compositions and creditors' efforts to collect from insolvent debtors, see Bruce H. Mann, *Republic of Debtors: Bankruptcy in the Age of American Independence* (Cambridge: Harvard University Press, 2002), 49–50.

51. Ellen Hartigan-O'Connor, "Collaborative Consumption and the Politics of Choice in Early American Port Cities," in Amanda Vickery and John Styles, eds., *Gender, Taste and Material Culture in Britain and North America, 1700–1830* (New Haven: Yale University Press, 2006), 125–49; Mary Beth Sievens, *Stray Wives: Marital Conflict in Early National New England* (New York: New York University Press, 2005), 31–46; Ulrich, *Good Wives*, 15–17, 25–30.

discourse.<sup>52</sup> One hallmark of unmanly behavior was the mistreatment of women and, within this schema, Elizabeth appeared as the passive victim of Tudor's conspiring. William emphasized his wife's uneasiness, noting that Tudor's actions were "greatly to the disturbance of my wife's comfort" and citing the "many anxious letters Mrs Fletcher wrote me on the subject." By representing Elizabeth as the distressed party, Fletcher assumed the position of chivalrous protector, shifting attention away from himself as the heavily indebted victim of Tudor's plotting. He invited Trowbridge and Cushing to engage in proper masculine behavior as well, both by sympathetically identifying with Elizabeth and by assisting her. Fletcher asked Trowbridge and Cushing to help Elizabeth in legal and financial matters and also with "[keeping] her easy & [keeping] her spirits up." Avoiding characterizing himself as dependent on Trowbridge and Cushing, William instead cast himself and his two allies as collectively protecting a passive Elizabeth.<sup>53</sup>

Tensions concerning Elizabeth's and Edmund Trowbridge's respective roles came to a head in July 1761, when William lashed out against their conduct. In an angry letter to Trowbridge, William protested, "my wife much embarrasses me about my contradictory orders." According to Elizabeth, William had advised her both to keep the money that he sent her and to pay Trowbridge and Tudor with it, even telling the two men to expect payments soon. William retaliated, "I don't think that was such a contradiction as is made of it." William also objected to the terms of a recent settlement with Tudor. He insisted that he had offered to pay Tudor £300 to extend his family's use of the property for three years, an offer that Tudor seemed inclined to accept, and yet "my wife writes me word she had paid him £3000. I can't acco. for it."<sup>54</sup> William bemoaned the fact that he had no choice but to accept this far larger settlement, even though it would plunge him further into debt. William's anger partly stemmed from pragmatic concerns, but it equally arose because Elizabeth's actions had disrupted his carefully calibrated relationships with her and Trowbridge. In her husband's eyes, Elizabeth was usually a passive victim or an obedient

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52. William Fletcher to Trowbridge, August 1755, June 1756, Dana Family Papers, MHS; William Fletcher to John Cushing, August 1758, William Cushing Papers, MHS; Ditz, "Shipwrecked," 58–59.

53. William Fletcher to Trowbridge, August 1755, February 16, 1756, Dana Family Papers, MHS; William Fletcher to John Cushing, August 1758, William Cushing Papers, MHS; Ditz, "Shipwrecked," 71–73. See also Pearsall, *Atlantic Families*, 80–144, 149–78.

54. William Fletcher to Trowbridge, July 25, 1761, Dana Family Papers, MHS.

intermediary. By sharply criticizing her husband and exercising what he saw as poor economic sense, she had departed from these roles. Ultimately, however, William's response was strikingly tame, given the settlement's magnitude. William appears not to have excluded Elizabeth from future dealings. He simply concluded his criticism with the unrealistic assertion that "I will for the future . . . give absolute orders & I will have them punctually complied with."<sup>55</sup> From his position of considerable remove from Boston, William Fletcher had little choice but to rely on both Elizabeth and Trowbridge to conduct his affairs at home.

These misunderstandings arose because of William Fletcher's reliance on multiple agents to enact his wishes at great distances, which compounded the individual miscalculations of each party. Fletcher alluded to the source of his difficulties when he scolded Trowbridge, "I'm very certain if my directions were properly attended to they would be neither found inconsistent or unreachable, but taking scraps of one letter & then another may make any man appear so."<sup>56</sup> In Fletcher's eyes comparing "scraps" of letters was a problematic strategy, and his wife and attorney-at-law regularly engaged in this practice. Because letters took weeks to travel between St. Eustatius and Boston—and letters did not always arrive in the order in which they had been sent—and because William corresponded with both Elizabeth and Trowbridge, it was sometimes unclear which letters represented his most current preferences. Elizabeth's and Trowbridge's overlapping roles only added to the uncertainty about who could best represent William Fletcher's interests, and this confusion was present in William's excoriating letter to Trowbridge. Fletcher initially lamented, "Now she has settled with Tudor" on extravagant terms. Several lines later, he held Trowbridge, not Elizabeth, responsible, marveling, "I can't see how you've settled with Tudor."<sup>57</sup>

William Fletcher's extended absence tested Elizabeth's relationships with male allies and opponents, elevating her authority in financial and legal matters while at the same time exposing the extent to which that authority was circumscribed. William Fletcher's powers of attorney, in conjunction with the widely accepted view that wives could act in their husbands' stead, enabled Elizabeth to negotiate with creditors and debtors, to handle formal financial instruments for large sums of money, and to sign binding legal documents. Elizabeth's designation as attorney-in-fact barred her husband's

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55. *Ibid.*

56. *Ibid.*

57. *Ibid.*

male agents from acting without her involvement and consent. Yet Elizabeth's added responsibilities were also burdens, as she was forced to grapple with the fallout from William's decision to engage Tudor as a bondsman several years earlier. Even as discourses of female emotionality and vulnerability shaped men's repeated mentions of Elizabeth's "distress," such statements also suggest the intensity of her predicament. Unlike Trowbridge and Cushing, Elizabeth faced personal risk, standing to lose her family's home if she could not broker an agreement with Tudor. In addition, William Fletcher, Trowbridge, and Cushing concurred that heated, technical negotiations and the management of rumor and reputation were the purview of elite men and of legal professionals. The three men often downplayed the overlap between Elizabeth's activities and those of Cushing and Trowbridge, working to stabilize and reinstate class-appropriate gender roles by casting Elizabeth as a passive victim. Even as powers of attorney and eighteenth-century representations of wives as their husbands' helpmeets cast Elizabeth's role as virtually unbounded, understandings of gender, class, and professionalism circumscribed both her activities and men's recognition of them.

#### ELIZABETH RECONFIGURES ALLIANCES

In the early 1760s Elizabeth and two of her children, Harry and John, joined William in the Caribbean. They lived in St. Eustatius for several years and then moved to another Dutch island, St. Martin, in the late 1760s.<sup>58</sup> The Fletcher family corresponded with Edmund Trowbridge until 1789, and William, John, and Elizabeth wrote independently to Trowbridge. As William Fletcher aged, he withdrew from business, filling his letters to Trowbridge with reminiscences to an old friend and vague aspirations to return to Boston, rather than concrete plans to pay his creditors.<sup>59</sup> Elizabeth, meanwhile, emerged as a savvy conspirator. She sought to claim a portion of the family's Boston assets as her own and to shelter them from

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58. For Elizabeth Fletcher's first letter from St. Eustatius, see Elizabeth Fletcher to Edmund Trowbridge, September 7, 1764, Dana Family Papers, MHS. The first letter sent from St. Martin is William Fletcher to Edmund Trowbridge, January 22, 1770, Dana Family Papers, MHS. For John and Harry accompanying Elizabeth to the Caribbean, see Elizabeth Fletcher to Edmund Trowbridge, July 22, [1783?], Dana Family Papers, MHS.

59. William Fletcher to Trowbridge, May 25, 1783, November 20, 1783, August 1, 1784, Dana Family Papers, MHS; William Fletcher to [Trowbridge?], July 6, 1789, Dana Family Papers, MHS.



William's creditors, repurposing her collaboration with Trowbridge for her own benefit.

Once in the Caribbean, Elizabeth protested against both her living situation and her husband's financial choices. In her letters to Trowbridge, Elizabeth expressed hope that she might eventually return to Boston. She complained, "what a miserabel life I live," adding, "to speke the truth I don't live for thar is not the comforts of life hear." She further railed against the Caribbean's racial regime in which white men fathered and supported mulatto children.<sup>60</sup> An additional rift between Elizabeth and William concerned William's financial choices. Elizabeth attributed her husband's difficulties to his excessive risk taking, writing on one occasion that William "never was wors orf than he is now and allways ful of new schemes which is ruin." Moreover, William had become miserly, refusing to support his children or secure business opportunities for them because he was "afrad that his children will get a fortin in the world & be abof him."<sup>61</sup> To provide for her children and to support herself should she return to Boston, Elizabeth took action apart from William.<sup>62</sup>

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60. For example, Elizabeth wrote that men in St. Martin "take mor plasshur in playing with one of this molatters barstards, than a whit child & make more of them" than of white children. Elizabeth also insinuated that her husband was engaged in an extramarital affair and perhaps even fathered mulatto children. Elizabeth's reflections on race relations were related to William's refusal to care for his and Elizabeth's children during their childhoods in Boston or facilitate their entry into business as adults, and yet "he can afford to put his three oldest mulatters to the best scool." Writing from St. Eustatius on another occasion, Elizabeth complained that she did not want to go to the family home in St. Martin because William was there with "his maddame." Elizabeth Fletcher to Trowbridge, July 22, [1783?], September 7, 1764, Dana Family Papers, MHS.

61. Elizabeth Fletcher to Trowbridge, July 22, [1783?], Dana Family Papers, MHS.

62. Because of difficulties dating one of Elizabeth Trowbridge's letters, it is unclear whether William recognized the depth of Elizabeth's unhappiness in the Caribbean and the extent of her commitment to return to Massachusetts. In 1770 William wrote to Trowbridge that he had given up "expecting much happiness in this part of the world, so long as my wife is so set against it." By 1783, however, he wrote that he hoped to visit New England, but that Elizabeth "seems very uneasy about returning; lest the severity of the cold weather should prove too heavy for her." These remarks are inconsistent with those in Elizabeth's July 22 letter. Perhaps William was by this point oblivious to Elizabeth's preferences. An equally plausible reading, however, is that Elizabeth's July 22 letter, which lacks a year but which archivists inferred was written in 1783, was in fact written earlier than this. If this is the case, Elizabeth may have resigned herself to life in the Caribbean by 1783. William Fletcher to Trowbridge, January 22, 1770, May 25, 1783, Dana Family

Elizabeth enlisted Trowbridge as her agent in Massachusetts as she worked to shelter her assets from William and his creditors. She insisted on writing personally to Trowbridge. As she noted on one occasion, even though “I can’t writ nor spell I don’t car to let anni boddei writ for me.” Many eighteenth-century women prefaced their letters with similar self-effacing remarks.<sup>63</sup> In Elizabeth’s case, however, the assertion of independence that followed her self-effacement was an essential component of her efforts, as her letters’ other content makes clear. While she still lived in Boston, Trowbridge had assisted the Fletchers in purchasing two farms in Cambridge, land that would be free from Tudor’s claims. Fearing that William would sell these farms to pay his creditors and thus deny his children their inheritance, Elizabeth lied to him and said they were purchased in Trowbridge’s name rather than the Fletchers’. In her conversations with William, she feigned ignorance of the land’s value and refused to show him an account pertaining to the land’s purchase. Elizabeth requested that Trowbridge support her scheme by telling her family that he owned the land in his name and by mailing letters to her in care of a neighbor so that William could not intercept them. She also asked Trowbridge to manage and rent out the land, and to use some of the profits to support her children who remained in New England.<sup>64</sup>

In her letters to Trowbridge, Elizabeth mobilized the same vocabularies of friendship and supplication that her husband had previously deployed. William had repeatedly asserted his trust in Trowbridge (“I doubt not the continuance of your friendship”) and, even when issuing precise directives, filled his letters with phrases such as “I wish you would be kind enough to see,” “Pray favour me with your best endeavours,” and “[I] beg your care.”<sup>65</sup> Elizabeth likewise referred to Trowbridge as her friend and entreated that he assist her. On one occasion Elizabeth wrote to Trowbridge, “Dear sir I must beg you still to be my frind.” In another letter, she expressed her

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Papers, MHS; Elizabeth Fletcher to Trowbridge, July 22, [1783?], Dana Family Papers, MHS.

63. Elizabeth Fletcher to Trowbridge, July 22, [1783?], n.d. [November 1783?], Dana Family Papers, MHS. See also Elizabeth Fletcher to Trowbridge, September 7, 1764, Dana Family Papers, MHS. On women’s letter writing, see Jill Lepore, *Book of Ages: The Life and Opinions of Jane Franklin* (New York: Knopf, 2013), 103–14.

64. Elizabeth Fletcher to Trowbridge, September 7, 1764, July 22, [1783?], n.d. [November 1783?], Dana Family Papers, MHS.

65. William Fletcher to Trowbridge, February 16, 1756, August 1755, Dana Family Papers, MHS.

“trust” that Trowbridge would “continnu [as] that frind I allwas take you for” and “deu every thing in your power for my intrest.” Such statements often preceded specific instructions, such as Elizabeth’s requests that Trowbridge use some of her land’s profits to pay for the care of her children who remained in Boston, or that he lie to her family about who owned the property.<sup>66</sup> Building on the connection she had established with Trowbridge face-to-face in Massachusetts, Elizabeth drew on standard tropes of eighteenth-century correspondence as she sought to extend their alliance across the Atlantic.

By 1783 Edmund Trowbridge had sided with Elizabeth Fletcher rather than with her husband for many years. The Fletchers’ correspondence with Trowbridge lapsed during the Revolution. When Trowbridge resumed writing letters to William following the war, he conspicuously avoided extensive discussion of legal and financial matters and did not offer to act on William’s behalf. Instead, he simply updated his old friend about events and acquaintances in New England.<sup>67</sup> A letter to the Fletchers’ son John, meanwhile made clear that Trowbridge continued to manage the Cambridge farms in accordance with Elizabeth’s instructions. Though Trowbridge willingly updated John about the farms’ finances and his difficulties in collecting rent from tenants, he requested that Elizabeth “write to me fully & particularly” and pledged that he would “not do any thing that may affect her, without knowing her mind concerning it; and shall take no other person’s word for it.”<sup>68</sup> Conceiving of himself as an agent acting solely in Elizabeth’s interest, he refused to sell the farms without hearing from her directly.

Paradoxically, Elizabeth Fletcher’s closer proximity to her husband and greater distance from Trowbridge allowed her new opportunities for autonomy and self-expression, at least within the historical record. The case serves as a caution to historians, reminding us that wives were not merely advancing their husbands’ interests when they acted in their stead. Husbands’ and wives’ credit and financial standing were bound up with one another, but they were not inseparable. After moving to the Caribbean,

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66. Elizabeth Fletcher to Trowbridge, September 7, 1764, July 22, [1783?], Dana Family Papers, MHS.

67. Trowbridge to William Fletcher, September 17, 1783, Dana Family Papers, MHS.

68. Edmund Trowbridge to John Fletcher, October 1, 1783, Dana Family Papers, MHS. Trowbridge further distanced himself from William by criticizing his financial sense; in this same letter he marveled that William “makes no mention of his creditors, and does not write as tho’ he had any,” when in fact William’s New England debts remained outstanding.

Elizabeth Fletcher reconfigured alliances between herself, her husband, her children, and Trowbridge. Her efforts manifested the extent of her financial and legal acumen, suggesting that she was capable both of carrying out precise directives and of acting in her own right. Indeed, the decisiveness with which Elizabeth hatched her plan once in the Caribbean recasts her actions during her years in Massachusetts, and perhaps even those of Trowbridge. Even as Elizabeth and Trowbridge ostensibly represented William's interests in negotiations with creditors before 1764, they may equally have seen themselves as acting for Elizabeth and her children, a relationship that would not be revealed in the correspondence. Perhaps Elizabeth Fletcher's decision to settle with Tudor in 1761 for £3,000, while an exorbitant sum in her husband's eyes, was not a foolish miscalculation but a concerted strategy to retain her family's property. It was only when Trowbridge purchased additional land and Elizabeth moved to the Caribbean that she and her husband's interests visibly diverged. In an era in which relationships between principals and agents were built on personal connections as well as legal and professional obligations, alliances proved shifting and malleable.

#### CONCLUSION

William Fletcher's move from Boston to St. Eustatius can be narrated in several different ways. Following the model offered by studies of Atlantic commerce, we might analyze William's involvement in a male-dominated network of merchants, factors, and ship captains. Like other men engaged in overseas trading, William established relationships of credit and debt and traded news about the supply and demand of various commodities. Like so many other indebted merchants, he fled his creditors to protect his property and start his business anew. To the extent that he turned a profit while in St. Eustatius, his efforts reflected his success in forging new connections and deploying economic and legal skills and knowledge in new places. Alternatively, building on insights from women's and gender history, we might suggest that Elizabeth Fletcher acted as a "deputy husband," representing her husband's interests in Boston while he traveled abroad. Yet if we widen our angle of vision beyond William Fletcher's mercantile ventures, or beyond husband and wife, we can see that a constellation of personal, financial, and legal relationships enabled William to quit Boston and seek his fortune elsewhere, and allowed Elizabeth to cultivate financial and legal autonomy from her husband and to claim some of her family's assets as her own. Elizabeth Fletcher, Edmund Trowbridge, and John Cushing all served as William's agents at home. Through their frequently overlapping activities, they linked a merchant in the Caribbean to his financial affairs in Boston and to a wide circle of associating traders and consumers.

In eighteenth-century British Atlantic port cities, the activities of “deputy husbands” and of male intermediaries were part of the same social and economic system. They should therefore be considered within the same framework. Such an approach shows, first, that many financial activities were not coded as masculine or feminine. Like men who held similar roles, women who acted for their husbands demonstrated financial and legal skill as they negotiated with creditors and debtors, collected and paid debts, and safeguarded financial documents. Women as well as men could receive powers of attorney, and the title of attorney-in-fact elevated wives’ standing within circles of male representatives. Yet comparing women’s and men’s activities at once exposes the limits of women’s authority. It shows that the roles that were accessible to “deputy husbands” were not as broad as prescriptive texts seem to suggest. Elite merchants such as William Fletcher strategically delegated certain responsibilities to their wives and reserved others for male friends and attorneys. Moreover, even as male and female agents’ roles overlapped in practice, men’s use of gendered vocabularies in their correspondence reestablished gender hierarchies and cast women as passive victims.

During the second half of the eighteenth century, the character of principals’ and agents’ relationships was in transition. As commercial transactions became increasingly technical and courts increasingly insisted on adherence to proper procedure, lawyers’ services became indispensable to men preparing to leave home and, indeed, to anyone engaged in credit disputes. At the same time, lawyers’ and laypeople’s activities continued to overlap, and residents of port cities recognized that wives could act in their husbands’ stead. In addition, because attorneys’ roles were not yet standardized, many attorney-client relationships were personal, strengthened by friendships and shared class affiliations. The professionalization of the legal community and hierarchies of gender and class combined to shape relationships between men and their intermediaries to a certain extent, but agents’ roles remained flexible, subject to ongoing negotiation, contestation, and appropriation.