

Prenuptial Agreement (1653)

When a woman with children remarried in 1653, a prenuptial agreement was necessary to protect her and her children's rights and property. No matter what her deceased husband may have left in his estate, her new husband would have to agree to the division of that property. In the document below, Anne Allen and Joseph Jewett agree that he will allow her children to inherit their father's property.

Articles of agreement, dated Apr. 30, 1653, between Joseph Jewett of Rowley, merchant, and Ann, late wife to Capt. Bozoon Allen, deceased . . . ;

Joseph Jewett, in consideration of a marriage shortly to be solemnized between him and Ann, widow of said Allen, and with receipt of her thirds and 600li., the children's portions, agreed in case of his death to leave the 600 pounds to his wife, and also agreed that his wife might dispose of 100li. during her life to her children by said Allen;

that the eldest son should be brought up to learning, kept at a good school, found in diet, apparel, and books until he should be fitted for the University, and to be there maintained;

that the other children should be brought up to learning and be supported until the age of twenty-one or marriage;

that said Anne might give away to any of her children, a feather bed, bolster and pillow, with a bedstead, covering, pair of blankets, pair of fine sheets, five pillowbeers, curtains and wrought vallance, livery cupboard and cupboard cloth of needlework suitable for the vallance, two wrought cushions, two tables, one chair, two wrought stools, two trunks, two chests, two cases with glasses, one silver tankard, one silver bowl, six silver spoons, two gold rings, one silver dram cup, with the childbed linen in the trunk;

that Joseph agreed to pay to Priscilla, the eldest daughter of said Anne 20 pounds over and above her portion;

also that the mares which Captain Allen left, mentioned in the inventory, be allowed to run with their increase as the profit of that part of the double portion of John Allen until he came of age, and that said Joseph pay to John, Priscilla, Ann, Deborah, Isaac, and Bozoon Allen the portions their father left them in corn or cattle, when they become of age or are married, etc.

Wit: Thomas Broughton, Thomas Buttolph, and Tho. Roberts. Acknowledged, 1 : 8 : 1653, before William Hibbins.

Recorded, Feb. 3, 1653, by Edward Rawson, recorder. Copy made by Isa. Addington, cleric.

Document Analysis

To what were Anne's children entitled? Which child benefited the most?

To what was Anne entitled concerning her late husband's property

Would an agreement such as this be necessary today? Why or why not?