


PRIMARY SOURCE ACTIVITY

A Marriage Agreement

Under English law, a married woman had almost no rights and was under her husband's control. Conditions in the American colonies, however, encouraged changes in the law. Sometimes husbands and wives entered into marriage agreements such as the one below.

As you read the articles of agreement, look for changes in Mrs. Custis's status.

ARTICLES OF AGREEMENT BETWEEN MR. JOHN CUSTIS AND HIS WIFE

There have been some differences and quarrels between Mr. John Custis of York County and Frances his wife concerning some money, plate and other things taken from him by Frances; and concerning a more plentiful maintenance of living for her. . . . In order to stop all of this anger and unkindness and to renew a perfect love and friendship between them, they have together agreed upon the following articles in June of 1714.

1st. First it is agreed that Frances shall return to John all the money and other things she has taken from him or removed out of the house. She will then be obliged never to take away by herself or by any other, anything of value from him again. She shall not put him in debt without his consent, nor sell, give away nor dispose of anything of value out of the family without his consent.

2nd. Frances shall from now on, cease calling John any vile names or giving him any ill language. He shall do the same for her and they will lovingly live together as a good husband and good wife ought to do. She shall not meddle with his affairs but shall allow all business which belongs to his management to be transacted by him. In turn, he shall not meddle in her domestic affairs but all business properly belonging to the management of the wife shall be transacted by her.

3rd. John shall pay all the debts he has contracted. And after all debts . . . are deducted and paid, he shall freely and without resenting it allow one half of all the production of the estate annually to Frances for clothing herself and the children. This shall also be for education of the children and for . . . providing all things that are necessary for housekeeping. . . . Nothing in this agreement shall be understood to stop John from the free command and use of anything that shall be provided for housekeeping so long as he does not sell any of it without Frances' consent. Also, if Frances exceeds her allowance, or runs John into debt her allowance will be stopped.

4th. John shall allow Frances to keep in the house to do the necessary work in and about, the same servants she has now. . . .

6th. Frances shall be free to give away twenty yard of Virginia cloth every year to charitable uses. . . .

8th. In order to supply the present wants of Frances, the children and the house, John shall allow Frances fifty pounds in money if there is that much left after the debts now due are paid.

9th. Frances shall give a true account under oath to John, if he wants it, of how that fifty pounds and other profits are spent.

From The Virginia Magazine of History and Biography Vol. IV (1896–1897)

QUESTIONS TO DISCUSS

1. Why did John and Frances Custis enter into this marriage agreement?
2. What rights or privileges did Frances Custis gain from this agreement?
3. How did John Custis benefit from the articles of agreement?