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# Domestic Violence In Colonial Massachusetts

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Although some historians have uncovered incidents of family abuse and disputes within the colonies, no historian has yet systematically examined family violence as a social problem in colonial history. This paper will deal with the study of family violence, including wife abuse, husband abuse, abuse by children, and abuse of children.<sup>1</sup> Disturbances within families were frequently reported to authorities because nothing was easy to conceal in colonial Massachusetts. There were specific provisions in the laws for the appointment of people to watch for such occurrences within the family.<sup>2</sup> Neither was it hard to find witnesses to crimes due to the proximity of living units, number of persons in a house, thin walls, and concerned or overly-concerned neighbors.<sup>3</sup> Colonial records which do not reveal enough information on particular cases, however, hamper the study of family problems. Charges of drunkenness within the home, disorders within the home, and cursing and swearing could have been evidence of family discord but the records provide little evidence upon which to make any valid assertions.<sup>4</sup> In cases of neglect of wives, offenders were ordered to reform and provide support, whipped, produce bond for good behavior, or sent to the "house of correction for idle persons." Neglect of spouse merely suggested family abuse. Instances of suicide by family members were not recorded in sufficient detail to enable us to consider them as related to domestic discord. Lack of details within records only hinder a valid conclusion on the extent, but not the existence or nature of domestic violence in colonial Massachusetts.<sup>5</sup>

Husbands or wives could have been charged with another offense like drunkenness when the actual problem was abuse. Massachusetts law, however, provided specific punishment for spouse abuse. The 1641 Body of Liberties prohibited a husband from inflicting "bodily correction" upon his wife unless in his own defense. Subsequent statutes provided a fine up to ten pounds or corporal punishment for striking a spouse. Deterrence of any further assault could be secured by a bond for good behavior. Verbal abuse was also a crime which could result in public humiliation in the stocks for two hours, or a whipping.<sup>6</sup> The first case of wife abuse was reported well before the original law was passed. In 1638, Henry Seawell was charged with beating his wife from whom he had been separated for three years and to whom he had been ordered to provide support. In 1640, John Davies was ordered to answer for "unquietness" with his wife.<sup>7</sup>

There were very few reported cases of abuse between 1640 and 1660. One case concerned a couple who were divorced in 1656 but were both denied permission to remarry. At that time the court saw fit to prohibit him from "molesting" her and ordered him to provide a bond for his good behavior. Three years later, however, the divorce was voided and the General Court of Election ordered that "the said George Halsall shall have and enjoy the said Joan Halsall, his wife, again."<sup>8</sup> There was a marked increase in cases during the 1660s. Three husbands were charged twice with abuse but the records did not indicate harsher punishment for the second offense. Two husbands defended their right to correct their wives without interference. The unremorseful Francis Morgan and his wife reconciled, however, when he was ordered to provide one hundred pounds for security.<sup>9</sup> In another case John Williams, Jr. abused his wife, Elizabeth, and accused her of adultery although she was publicly declared innocent by the court. He refused to change his ways and the couple were eventually separated. The records indicate that thirty years later the wife was still trying to obtain her court-ordered support.<sup>10</sup> The dozen cases of wife abuse committed by nine husbands during the 1660s included other physical abuse cases and two verbal abuse cases.<sup>11</sup> Usual punishments were fines and bonds for good behavior. Two cases resulted in separation, one temporary and one permanent.

Instances of abuse slightly increased during the 1670s. The majority of cases dealt with physical abuse including two which involved endangering the life of a pregnant wife. One of these cases led to divorce by the wife although adultery and neglect were contributing factors in the granting of the petition. Verbal abuse was the reason for some other charges.<sup>12</sup> Another set of cases involved abuses and cruelties not specified as "physical" or "verbal."<sup>13</sup> Edward Naylor, for example, was found guilty of adultery and "Inhuman carriage and Satanic cruelty" towards his wife and children and was banished ten miles from Boston upon his divorce; he was later allowed to return, recover his estate, and "dispose" of his children as he saw fit. He only had to provide bond for good behavior towards his ex-wife.<sup>14</sup>

Some of the cases recorded in the period from 1670 to 1679 were associated with drunkenness. One husband charged with striking his wife was found guilty due to lack of witnesses. The punishments ranged widely, including mere admonition, bonds, fine and bonds, sitting in the stocks, and whipping and fines or bond, but even the more severe penalties did not always match the most severe abuses. The period from 1680 to 1689 involved some of the most violent cases. The records show at least ten cases of physical abuse and two cases of the wife being forced out of the home. Among the cases of physical abuse was one involving Hugh Stone, who was hanged for the murder of his wife. Two Indians, one charged with abuse and attempted murder of his wife and another found guilty of "unnaturalness and barbarous cruelty" which led to his wife's death, were whipped and ordered to be sold if they could not pay their fines. The records show that some witnesses testified in court that they prevented husbands from beating their wives to death.<sup>15</sup> Cases associated with drunkenness persisted during this period. While one of the abuse cases led to a divorce action, fines and bonds were the usual punishments. By 1690, the number of cases decreased considerably. Samuel Sewall recorded one case of the husband's mistreatment

and non-support of his wife. One man was fined for striking his wife and breach of Sabbath while another had to sit in the stocks for one hour for threatening to cut his wife's throat. One Ephraim Joy was recorded to have cursed, beaten, kicked, and threatened his wife in addition to threatening people who had come to her aid. The records only reveal that the husband was imprisoned for refusing to post bond. During the next nine years he was charged, however, for cursing, swearing, and drunkenness, although further abuse of his wife was not mentioned.<sup>16</sup>

Instances of abuse found at the beginning of the eighteenth century included two charges of physical abuse, one for unspecified "abusing," and one for "carrying harshly to his wife." In the latter case a woman was whipped for retaliating against a man who had abused his wife. The meagerness of court records after 1710 hindered any extensive research on abuse. Samuel Sewall and Cotton Mather recorded sporadic instances of verbal and physical abuse. The church and court records in the first half of the eighteenth century also included some cases of such abuse; some were unspecified abuse, while others were cases of assault, ill treatment, and threatening.<sup>17</sup> Divorce cases provide the remainder of evidence of wife abuse for eighteenth century Massachusetts. A husband was granted a divorce in 1710 for slander and desertion, though his wife's petition for divorce on the grounds of cruelty had previously been rejected. Throughout the rest of the colonial period, divorce petitions on the grounds of cruelty and other offenses were evident. Some resulted in separate bed and board. Others were either deferred or dismissed. One husband had to post bond while his wife was allowed to stay at her father's house, and another man had to provide for his wife after she returned home.<sup>18</sup>

Numerous instances of wives abusing their husbands were also revealed in colonial Massachusetts records. In 1641, a woman was ordered to be "severely" whipped for attempting to poison her husband with quick-silver. There was no indication that the couple ceased living together after the occurrence. Another woman, reported to be "lewd," was convicted and executed for murdering her husband in 1644. The same year another was hanged for adultery, and testimony during the trial indicated she had mistreated and verbally abused her elderly husband. There were two other cases of abuse during the 1640s; one woman was charged with throwing rocks at her husband.<sup>19</sup> During the 1640s when only two cases of wife abuse were reported, five cases of husband abuse were recorded. Joan Miller appeared in the court records twice during the 1650s for abusing her husband. In 1655, she was ordered punished at home for beating and reviling her husband and encouraging her children to do the same. In the following year she was tried for a similar offense but escaped whipping by promising to behave. The Millers were both admonished ten years later for bickerings and strife. Another woman in 1655 likewise escaped twenty lashes by promising to behave after her conviction for "railing" at her husband. As with the cases of wife abuse, the reported instances of husband abuse increased during the 1660s although not as drastically. Three women were charged with verbal abuse and slander; one was acquitted and another was given the choice of fine and public acknowledgement or whipping and fine. In the final case, not only was the wife given a choice, but her mother was warned to avoid further interference or she would have to move from her daughter's house or go to prison. The court thus

attempted to remove what was considered one of the causes of the discord. The one case of physical abuse for this period was in the witchcraft trial of Susana Martin in 1669; testimony indicated that she had assaulted her husband. Joan Halloway was imprisoned for "turbulent and wild" actions toward her husband in 1669, and in the next year she was ordered again to be whipped for verbal abuse of him. Her husband filed for divorce on the grounds of adultery in mid-1670, but the outcome was not reported.<sup>20</sup>

Besides cases of verbal abuse and unspecified abuse, cases of physical abuse were also prevalent during the 1670s. The punishments for such wives included whippings and fines, payment of court fees and a fine, or a gag in the mouth for one half hour and public acknowledgement. In one case the woman was cautioned without her guilt being proven.<sup>21</sup> There were more cases of physical abuse by wives for this period than before but the overall total cases of husband abuse was not greater than those of wife abuse for the 1670s. The cases of abuse reported during the 1680s varied. An Indian woman killed her husband in an argument but was only found guilty of homicide by misadventure. One woman was found guilty of "cruel carriage." Another woman was excommunicated for verbal attacks and for not being a proper wife. One woman who had a record of abuse of her husband was accused of witchcraft in 1680 and was executed in 1692. Few cases of husband abuse are found in the eighteenth century. A woman's dismissal from the church in 1762 for verbal abuse was one such case.<sup>22</sup> Although the records examined for the eighteenth century were limited, there were cases of wife abuse but not of husband abuse; neither did husbands seek divorce on the grounds of cruelty. As the masculine image became more pronounced perhaps men did not wish to acknowledge being abused by a woman and perhaps mere verbal attacks on husbands would not seem as serious an offense, as the hold of the Puritan church on Massachusetts had weakened.

There were numerous cases of quarrelling, verbal abuse, and physical abuse that led to family violence in which *both* husband and wife were guilty of offenses. The pattern of occurrences followed the number of cases of husband abuse and wife abuse, with an increase in the 1670s. The couples were generally admonished and ordered to live quietly together in the future. Some were fined, threatened with imprisonment, or warned by the church. One couple was fined and ordered whipped. One husband filed for divorce on the grounds of cruelty and adultery. Only a few of these cases involved drunkenness.<sup>23</sup>

Numerous cases of desertion also appear in the court records.<sup>24</sup> For some, this may have been the way to escape from an abusive spouse. Divorce or separation of bed and board obviously became a popular method of escape by 1760. The majority of the victims of abuse, however, had to remain in the same house with their abuser. The courts and church relied on punishment rather than separation or counseling as a deterrence of further abuses. In only one case did the authorities try to alleviate the problem by threatening the interfering mother-in-law.

Punishments for those guilty of abuse were inconsistent with the charges. Cases involving excessive drinking were not treated differently from other abuse cases. Those guilty of physical abuse were often admonished or fined and

occasionally were whipped. Wives charged with only verbal abuse of their husbands were almost always given a choice of fine or whipping and sometimes imprisoned, but seldom let off with just a warning. Wives, therefore, who verbally questioned the head of the household often were treated as more serious offenders than physically abusive husbands.

The failure to separate the female victims and to protect them from the abuser, indicated the Puritan emphasis on family and community and the way the church and law sought to maintain the *status quo*. The families were held together by the courts and church even if the violent atmosphere remained because the family structure was considered necessary for survival of the community. Women were not allowed to verbally question the authority of their husbands and neither spouse was allowed to leave their homes to avoid abuse, except in the few divorce cases.

Did the important position of the family in colonial society similarly take precedence over the interests of individuals in regard to parent-child abuse? Before the subject of domestic violence involving children can be examined, it is necessary to investigate the attitude of Massachusetts authorities and the community towards the role of children within the family and the society. This is perhaps best illustrated by the Massachusetts law that affected children. From the statutes providing for the practice of "putting out," it can be ascertained that the anticipated result of proper childrearing was a religious, educated member of the community who if male was trained for a profession and if female was trained to properly maintain a household. According to the law, children were placed with other families for education and training if the natural parents were poor, deceased, neglectful, or unable to properly raise their offspring. "Putting out" ensured that all children, when properly raised, would be credits to themselves and to the community.<sup>25</sup> The government of Massachusetts was also concerned with negative influences upon children. This was evidenced by laws that provided fines for those who entertained or distracted children from studies or their occupation or who kept children out late. There was a law against playing cards and dice which the authorities felt could "corrupt" the youth. There also were laws against violating the Lord's day and disturbing church services, stealing fruit, and telling lies. Punishment could include a fine payable by the parents, or the parents could be ordered to punish the child at home. This was the usual practice if the child was under fourteen. Children over fourteen, responsible for their own actions, were punished. These laws all emphasized control and authority over the children's lives as did the law that stipulated that if a child, servant, or apprentice disobeyed his parents or his master, a magistrate could order the offender whipped (up to ten stripes depending on the nature of the offense). Acts of disobedience were considered more serious as the child grew older. A boy over sixteen, if proven by sufficient evidence to be "stubborn and rebellious" towards his natural parents, could be sentenced to death. Any child over sixteen and "of sufficient understanding" could likewise be put to death for striking a parent unless it could be proven that the parents had been negligent in the child's education or if they had been excessively cruel. It should be noted that these laws making disobedience punishable by death were not renewed in 1692.<sup>26</sup>

Other than the provision in the "disobedience" law about parents who were excessively cruel, there were no specific laws that punished parents for cruelty. A statute in the Body of Liberties of 1641 stated that no bodily punishment could be inhuman, barbarous, or cruel. One law asserted "that no person shall beat, hurt or strike another person," while another law stated that children could complain to the authorities if "any person shall wilfully and unreasonably deny any child, timely or convenient marriage, or shall exercise any unnatural severity toward them." All of these could of course be used to protect children but it is unclear as to the extent to which they were used for this purpose. The authorities, in fact, allowed a parent, master, or schoolmaster to justify or make excuse for an assault on a child if he was chastising the child in a "reasonable" manner. Massachusetts authorities, however, did recognize the seriousness of certain offenses involving children. Rape of a female under ten years of age was punishable by death. The murder of bastard children (infanticide), committed by unmarried women in the recorded cases, was also punishable by death. Women were charged with murdering their children in 1637 and 1685, but they were acquitted. One woman attempted to drown her infant in 1637 and her three year old in 1642 but each time the child was saved. After the second attempt the woman was sentenced to be whipped and "to hard labor and spare diet." Three women found guilty of killing their children were sentenced to die. In the first case reported in 1638, Dorothy Talbie had been "melancholy" and had at various times attempted to kill her husband, her children, and herself. She was executed after breaking the neck of her three year old daughter. The other two cases occurred in 1648 and 1651. Allis Bishop was found guilty of cutting the throat of her four year old daughter. Mary Parsons was acquitted of witchcraft, but convicted of killing her child. There were no recorded cases of fathers being charged with murder or attempted murder of their children.<sup>27</sup>

Other than these obvious cases of child abuse by family members, the records are almost devoid of further evidence of such abuses. Church records indicated that a woman was excommunicated in 1638 for cruelty to her children, "in addition to intoxication, lasciviousness, and lying." In a case in 1660, a daughter accused her father of incest, a capital crime, but he was convicted only of the attempt to commit the crime while being drunk and he was whipped. In 1671, a daughter was placed in another home as a servant after her father was charged with "oppressing" her. Over twenty years later Samuel Sewall wrote of two instances of child abuse—a mother beating her son and a woman striking her daughter-in-law. In the eighteenth century, the Maine authorities fined a man for cursing his daughter-in-law and the Plymouth courts took notice of the neglect of a sick child by her mother and grandfather. Church records indicated a similar case where a couple was admonished by the church for neglecting their sick daughter and grandson.<sup>28</sup> Although the instances of recorded cases of parents abusing their children were rare, there was a substantial amount of litigation documenting abuse of minor servants or apprentices by their masters.<sup>29</sup> These complaints against masters were brought not only by parents but also by neighbors or unrelated individuals. If found guilty, the master could be fined and the apprentice placed elsewhere.<sup>30</sup> Therefore, in the case of apprentices, the authorities did recognize abuse and separated the victim from the abuser. An apprentice who was injured or abused was not usually productive, and thus the training was useless and he would not contribute to the good of the community.



English Common Law 1606 Representing The Sin of Drunkenness.

Even though children injured by parents would also be non-productive members of the community, questioning parents who were in the act of “disciplining” their children would damage the family structure in addition to the community. It is not unreasonable to suggest that the small number of child abuse cases was due to the reluctance on the part of the authorities to question the authority of



parents and their method of discipline. In a society where the child's life was strictly regulated and obedience and discipline were stressed, this seems very plausible. It should be noted that children as referred to in court cases were not always persons under twenty years of age. The well-defined relationship between parent and child continued to be recognized until the death of the parent. This was most clearly revealed in cases related to adults abusing their parents; court records occasionally imply that the "children" were adults.

The first case of parental abuse was recorded in 1635 when John Pease was ordered whipped and had to provide bond for striking and insulting his mother. Several similar cases occurred during the 1650s. One son was charged with disobedience to his father while another was accused, though not convicted, of verbal abuse towards his father. One man was fined and had to provide bond after "rebellion" against his father and mother-in-law. As with the spouse abuse cases, the 1660s marked an increase in cases of parental abuse. A son and his wife were charged with "ill-behavior" to his mother, for which the couple had to post bond. A son who "carried stubbornly" against his father was placed out to an "honest" family. Another son was summoned to appear before the court to explain abusive speeches.<sup>31</sup>

The 1660s also witnessed instances of physical abuse by children. For drunkenness and stabbing his father-in-law, James Harmon received twenty lashes and had to post bond to assure his good behavior. One girl was ordered to be whipped or fined and her two sisters had to sit in the stocks for "unnatural and cruel carriage" towards their father-in-law. Because of his mother's sympathy, John Parker, Jr. escaped the death penalty although he was considered rebellious and stubborn. Testimony revealed Parker's threats, assaults, and other abuses committed against his parents, his brother, and his father's servants. In another case, a girl was whipped and had to publicly acknowledge cursing and verbally abusing her father, though she was not punished for striking her sister.<sup>32</sup> Two men had to provide bond for abusing and threatening their fathers-in-law in the 1670s. A girl had to publicly acknowledge striking her mother, and a man had to provide a 200 pound bond for abusing his mother-in-law in words and actions and for withholding her estate. One son escaped the death penalty but he was whipped after striking and abusing his parents because he was considered to be insane.<sup>33</sup> In the 1690s a son was fined for abusive speeches and actions towards his mother. A daughter was admonished by the court for slandering her father by suggesting that he had led her to a life of crime.<sup>34</sup> Only two cases of parental abuse were reported in the eighteenth century. In 1705 a grandson was fined and had to provide bond for "horribly" abusing his grandfather in addition to swearing and cursing. Sarah Wescott was excommunicated for a number of offenses including rebellion and abusive language towards her mother. The church records also indicated five unspecified forms of parental abuse, four slanderings of parents, and one reviling of a father, which resulted in excommunication.<sup>35</sup>

The cases of parental abuse only furthered the idea of the importance of obedience and family in colonial Massachusetts. The records indicated that the authorities supported the family structure by discouraging disobedience towards parents. Family violence, though not an overwhelming problem in colonial

Massachusetts, was recognized by the legislature and the courts as a problem. The problem, in terms of the number of cases, peaked in the 1660s and 1670s but it gradually dropped off in the eighteenth century.

Of all the different forms of family violence, the cases of wife abuse were the most frequently reported. Legal recourse, however, was inconsistent for this type of abuse at least until the 1760s when divorce and separations became more acceptable and prevalent. Husband abuse and parental abuse were more strictly dealt with as evidenced by the severity of the punishments indicated, but such cases were almost nonexistent in the eighteenth century. Perhaps this was due to the weakening of the hold of the church on society and, in turn, the reduced emphasis on obedience by wives and children. Evidence of child abuse by family members was rare throughout the entire colonial period. It seems highly unlikely that in a society where other forms of family violence occurred child abuse would be the exception. It is more realistic to assume that children were abused and legal recourse was denied to those members of the community who were the most defenseless. The laws of colonial Massachusetts as enforced by the authorities and churches protected individuals but in many cases protected the family and community at the expense of the individual. This concept of the expendability of the individual for the good of the community should be studied further to discover the extent to which it was applied to other social problems of the period.

#### NOTES

1. For the purpose of this paper, court records, some church records, and diaries were examined for Plymouth, Maine, and Massachusetts Bay to represent colonial Massachusetts.
2. *The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay*, 21 vols. (Boston, 1869-1922), I: 52-53 (hereafter cited as *Massachusetts Province Laws*); Nathaniel Shurtleff and David Pulsifier, eds., *Records of the Colony of New Plymouth in New England*, 12 vols. (Boston, 1856-1861), III: 149 (hereafter cited as *Records of New Plymouth*); Joseph H. Smith, ed., *Colonial Justice in Western Massachusetts (1639-1702): The Pyncheon Court Record* (Cambridge, 1961), 134 (hereafter cited as *Pyncheon Court Record*).
3. Nancy F. Cott, "Eighteenth-Century Family and Social Life Revealed in Massachusetts Divorce Records," *Journal of Social History*, X (1976): 22-23.

4. *Records of New Plymouth*, I: 131, 143, 156, 162, III: 158; Samuel Morrison, ed., *Records of the Suffolk County Court, 1671-1680* (Boston, 1933), XXIX: 22-23, 90, 113-114, 400, 436 (hereafter cited as *Suffolk County Records*).
5. *Suffolk County Records*, XXIX: 231, 307, 439; *Records of New Plymouth*, V: 10, 23; George Elliott Howard, *A History of Matrimonial Institutions*, 3 vols. (New York, 1964), II: 341, IV: 83.
6. Nathaniel Shurtleff, ed., *Records of the Governor and Company of the Massachusetts Bay in New England*, 5 vols. (Boston, 1853-1854), III: 212 (hereafter cited as *Records of the Governor*); *The Charters and General Laws of the Colony and Province of Massachusetts Bay* (Boston, 1814), 151 (hereafter cited as *Charters and Laws*); William Simpson, *The Practical Justice of the Peace and Parish-Officer, of His Majesty's Province of South Carolina* (Charlestown, 1761), 247; *Province and Court Records of Maine*, 4 vols. (Portland, 1928-1958), I: 137 (hereafter cited as *Records of Maine*).
7. *Records of the Governor*, I: 163, 233, 296; *Records of the Court of Assistants of the Colony of the Massachusetts Bay, 1630-1692*, 3 vols. (Boston, 1901-1928), II: 60, 74, 93 (hereafter cited as *Court of Assistants*).
8. *Records of New Plymouth*, II: 73, 87; *Records of the Governor*, III: 380, 401, 413.
9. *Records of Maine*, I: 264-265, II: 154-155, 403, 412; *Records of New Plymouth*, IV: 55, V: 16.
10. *Records of New Plymouth*, IV: 93, 106-107, 121, 125-126, 153, 167, VI: 18-19, 267.
11. *Ibid.*, IV: 103-104; *Records of Maine*, I: 239, 288, II: 183.
12. *Records of New Plymouth*, V: 61; *Suffolk County Records*, XXIX: 88, 114, 307, 410, XXX: 867, 940; Lyle Koehler, *A Search for Power: The "Weaker Sex" in Seventeenth-Century New England* (Urbana, Illinois, 1980), p. 454; *Records of Maine*, II: 263, 343.
13. *Suffolk County Records*, XXIX: 524, XXX: 1062; Edwin Powers, *Crime and Punishment in Early Massachusetts 1620-1692: A Documentary History* (Boston; 1966), p. 236.
14. *Records of the Governor*, IV: 549; *Court of Assistants*, III: 252-253; Howard, *Matrimonial Institutions*, II: 339.
15. *Pynchon Court Record*, 114; *Court of Assistants*, I: 295-296, 303; *Records of Maine*, III: 189-190, 225; George Dow, ed., *Records and Files of the Quarterly Courts of Essex County, Massachusetts*, 9 vols. (Salem, 1911-1921), VII: 381, IX: 203, 220, 478-485, 565, 569-570 (hereafter cited as *Essex Court Records*); David Thomas Konig, *Plymouth Court Records, 1686-1859* (Wilmington, Delaware, 1979), I: 194; Emil Oberholzer Jr., *Delinquent Saints: Disciplinary Action in the Early Congregational Churches of Massachusetts* (New York, 1970), p. 119; Koehler, *Search for Power*, p. 455.

16. *Records of Maine*, IV: 88, 110, 247; Samuel Sewall, *Samuel Sewall's Diary*, ed. by Mark Van Doren (New York, 1927), pp. 124, 186, 197; Konig, *Plymouth Court Records*, I: 249, 267.
17. Cotton Mather, *The Diary of Cotton Mather* (New York, 1957), II: 362-363, 365, 455, 740, 766, 771, 774; *The Diary of Samuel Sewall, 1674-1729*, ed. by M. Halsey Thomas (New York, 1973), pp. 690-691, 979; Oberholzer, *Delinquent Saints*, pp. 119-121; Konig, *Plymouth Court Records*, II: 133, 170, 227, III: 195.
18. Nancy F. Cott, "Divorce and the Changing Status of Women in Eighteenth Century Massachusetts," *William and Mary Quarterly*, 3rd ser., XXXIII (1976), 607; Howard, *Matrimonial Institutions*, II: 341-342; Richard B. Morris, *Studies in the History of American Law with Special References to the Seventeenth and Eighteenth Centuries* (New York, 1964), p. 138.
19. John Winthrop, *Winthrop's Journal "History of New England" 1630-1649*, ed. by John Kendall Hosmer, 2 vols. (New York, 1908), II: 161-163, 218-219; *Records of Maine*, I: 135; *Essex Court Records*, I: 25; *Court of Assistants*, II: 108.
20. *Records of Maine*, I: 254, II: 43, 92, 368-369; Koehler, *Search for Power*, p. 279; *Pynchon Court Record*, pp. 114, 235-236; *Records of New Plymouth*, III: 75, V: 29, 31, 41.
21. *Records of New Plymouth*, V: 87; *Suffolk County Records*, XXIX: 116, 330; *Essex Court Records*, VII: 187; *Records of Maine*, II: 217, 224.
22. Koehler, *Search for Power*, p. 279; Oberholzer, *Delinquent Saints*, pp. 122-123; *Essex Court Records*, VII: 418-419; *Records of New Plymouth*, VI: 153-154.
23. Oberholzer, *Delinquent Saints*, pp. 120-121; Koehler, *Search for Power*, p. 454; Mather, *Diary*, II: 767; Powers, *Crime and Punishment*, p. 205; *Records of New Plymouth*, V: 28; *Records of the Governor*, I: 265, IV: 288, 427-428, V: 205; *Essex Court Records*, VII: 249, 381, IX: 221-222; *Suffolk County Records*, XXIX: 231, 233, 400, 411, 490, XXX: 754-755, 1063-1064; *Records of Maine*, I: 119, 173, 176, II: 43, 57, 63, 91, 460.
24. For examples of desertion, see *Records of the Governor*, III: 32, V: 188; *Court of Assistants*, I: 127, 168, 197.
25. *Massachusetts Province Laws*, II: 756-758; Judith Areen, "Intervention Between Parent and Child: A Reappraisal of the State's Role in Child Neglect and Abuse Cases," *Georgetown Law Journal*, LXIII (1975): 899; Edmund Morgan, *The Puritan Family: Religion and Domestic Relations in Seventeenth Century New England*, rev. ed. (New York, 1966), pp. 76-78; *Records of New Plymouth*, XI: 38, 120; *Records of the Governor*, II: 180.
26. *Charters and Laws*, pp. 74-76; *Records of the Governor*, II: 179-180, III: 242, V: 59, 62-63; *Records of New Plymouth*, XI: 66; *Pynchon Court Record*, p. 113; *Massachusetts Province Laws*, IV: 419; Powers, *Crime and Punishment*, pp. 148, 170-172, 178, 305, 443.

27. Powers, *Crime and Punishment*, p. 165; *Charters and Laws*, 54, 76; *Records of the Governor*, I: 246, III: 229, IV: 396, 437-438; Simpson, *Practical Justice of the Peace*, p. 28; *Massachusetts Province Laws*, I: 25, 55-56; *Court of Assistants*, I: 295, II: 70, 78, 126; III: 199-200; Winthrop, *Journal*, I: 230, 282-283, II: 60-61; *Records of New Plymouth*, II: 134.
28. Oberholzer, *Delinquent Saints*, pp. 124-125; *Records of New Plymouth*, III: 167; *Records of Maine*, II: 422, V: 133; Sewall, *Samuel Sewall's Diary*, pp. 106, 135; Konig, *Plymouth Court Records*, III: 27.
29. For examples of such abuse, see *Records of the Governor*, I: 247, 266, 314; *Records of New Plymouth*, II: 216, III: 73, 83; *Pynchon Court Record*, pp. 270, 291; *Essex Court Records*, VII: 421, IX: 147; Konig, *Plymouth Court Records*, I: 196.
30. Simpson, *Practical Justice of the Peace*, pp. 17-18, 231; *Massachusetts Province Laws*, IV: 178-179.
31. *Records of Maine*, I: 335-336, II: 13, 83; *Pynchon Court Record*, p. 234; *Records of New Plymouth*, III: 201, IV: 4.
32. *Court of Assistants*, III: 138-139, 144-145; *Records of New Plymouth*, IV: 7; *Records of the Governor*, IV: 216-217; *Records of Maine*, II: 91.
33. *Records of New Plymouth*, VI: 20; *Records of Maine*, II: 427, 441, 501; *Suffolk County Records*, XXIX: 302.
34. *Pynchon Court Record*, pp. 326-327; Konig, *Plymouth Court Records*, I: 207.
35. Oberholzer, *Delinquent Saints*, pp. 39-42, 123-124; *Records of Maine*, IV: 311.