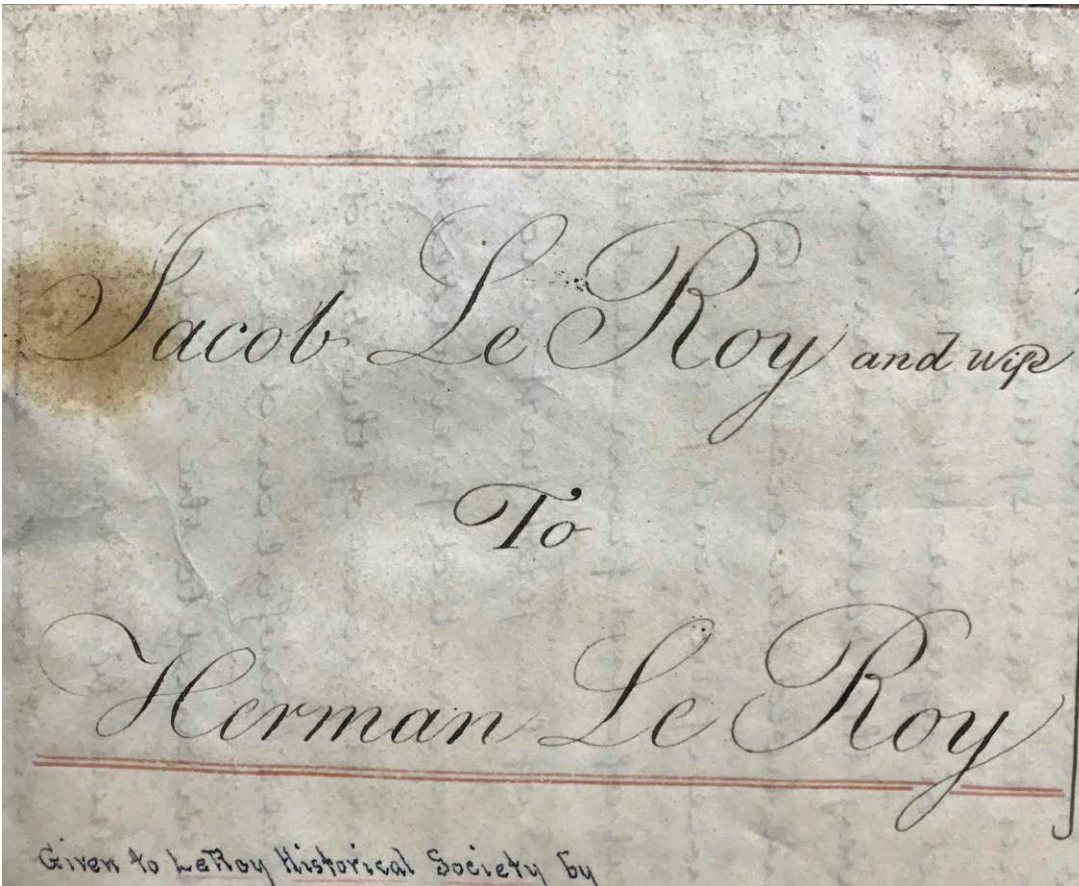


# “and wife”



by **Lynne Belluscio**

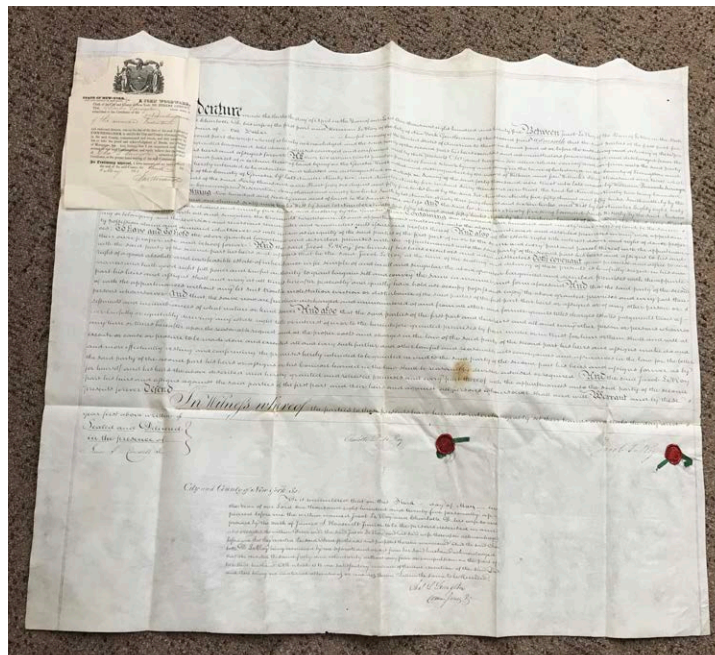
It is a large piece of parchment, folded into thirds and then folded again and again. I knew about it, but had never paid much attention to it, until I was planning for the exhibit, “Remember the Ladies.” So I went up to the archives and pulled out the LeRoy family box and thumbed through the papers. The parchment is an indenture that records the transfer of 1399 acres of land in Livingston County, west of the Genesee River from Jacob LeRoy to his father Herman. Actually, it is a transfer of land from Jacob LeRoy “and wife” to Herman LeRoy. “And wife” is Jacob’s twenty-five year-old wife, Charlotte. They had been married four years, and they already had two children. When she married Jacob, she relinquished all of her rights to any personal wealth, property or inheritance, which at the time of the marriage became the property of her husband. She also had no legal right over the custody of her own children.

But it is curious to me, that Charlotte not only signed the indenture, but her signature

was witnessed and attested that she was not coerced or persuaded to sign against her will. According to New York State law, this was not necessary until 1848, when New York State enacted the “Women’s Property Act.” This restored some rights to married women and in addition it required that married women be interviewed in a separate room, to determine if they had been coerced or persuaded to sign the papers. Prior to 1848,

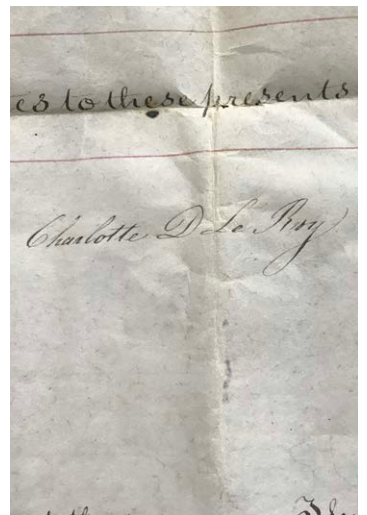
a husband could sell anything that belonged to his wife to settle his debts and he didn’t have to ask her permission. He could sell anything owned or earned by his wife and not share it with her or their children.

So I asked Paul Boylan, why did the LeRois insist that the 1825 indenture be signed by Charlotte. And what was the part about not claiming anything for her heirs? It would be another 23 years before that



was required by law. Paul said that it was to insure that she would not contest the sale of the property for either her or her children. It was an iron-clad indenture. They weren’t taking any chances. With huge land transfers, there was too much at stake.

The indenture reads: “Be it remembered that on this third day of May in the year of our lord one thousand eight hundred and twenty five personally appeared before me the within named Jacob LeRoy and Charlotte D. his wife to me proved by the oath of James F. Roosevelt Junior to be the persons described in and who executed the within deed and the said Jacob LeRoy and his said wife thereupon acknowledged before me that they executed the said deed for the uses and purposes therein mentioned and the said Charlotte D LeRoy being examined by me separate and apart from her said husband acknowledged that she executed the same freely and voluntarily without any fear or compulsion on the part of her said husband all which is to me satisfactory evidence of the due execution of the said deed and there being no material alterations or erasures therein I allow the same to be recorded.”



And in a very beautiful script is her signature – Charlotte D. Le Roy. But the significance of her signature is illustrated boldly on the outside of the folded parchment: **Jacob Le Roy and wife**