

**Legal Knowledge
Episode 5 Interview**

Interview published: April 26, 2023

Transcript created: September 14, 2022

Host: Meggan Cashwell, Arthur J. Morris Law Library, University of Virginia

Guest: Laura F. Edwards, Class of 1921 Bicentennial Professor in the History of American Law and Liberty, Princeton University

—Musical Introduction—

Meggan Cashwell 00:11

This is Legal Knowledge, a podcast that chronicles the two-hundred-year history of the Law School at the University of Virginia. I'm your host, Meggan Cashwell. In this inaugural season, I'm sitting down with a group of scholars to discuss the first hundred years of UVA Law, from Thomas Jefferson's founding vision for the Law School in 1819, to coeducation in 1920. Each of these scholars is writing a chapter for the Law School's forthcoming volume on legal education at UVA, for which I'm an editor. In every episode, I'll chat with one of our authors to find out the approach they've taken in their chapter and the stories they've discovered along the way.

Back in the summer, I spoke with Dr. Laura Edwards of Princeton University, a historian who has written extensively on legal culture and women's legal power in the 1800s, about women at UVA Law during this period. Now some listeners may be surprised by this topic, as white women were not admitted as students to UVA Law until 1920 and Black women were admitted even later, with Elaine Jones becoming the first Black woman graduate in 1970. But actually, women had always formed a critical part of Virginia's legal culture and the Law School community. In this episode, Laura and I discuss the wives, sisters, and daughters of early UVA law professors, as well as enslaved and free Black women who lived and labored in Pavilion X. While professors John A.G. Davis and John Minor taught the laws of coverture in their classrooms, the women in their families experienced these legal limitations firsthand. As Laura will show us, Lucy Davis, Mary Minor, and many others acquired their own legal knowledge, found ways to circumvent legal restrictions, and support one another. I hope you enjoy this conversation as much as I did.

Meggan Cashwell 02:13

Laura, thanks for being here. We are delighted to have you.

Laura Edwards 02:17

Thank you. I'm delighted to be here.

Meggan Cashwell 02:19

Well, Laura, you and I know the stories of Lucy Minor Davis and Mary Lancelot Minor well. Mary Minor and her sisters, in particular, left behind quite the letter trail. But for our listeners who do not yet know these women, would you tell us more about them? Let's start with Lucy Davis. Who was she?

Laura Edwards 02:38

So, Lucy is the youngest daughter of law professor John A.G. Davis. And her family lived in Pavilion X, at University of Virginia. And her father is shot and killed in a student riot on the Lawn in 1840, the same year that she was born, so she never met her father. And when I first learned about this, I was a little stunned. I was like, wait a minute, students rioted and killed their professor? But yes, this is what happened. I'm informed by all of you that this was not an infrequent occurrence. In fact, there were riots all the time that often took violent turns. But this is particularly devastating for the Davis family. And essentially, then, they are turned out of the University and their residence. And in the story that Lucy tells later in her life, she has this kind of, "Don't let the door hit you on the way out," quality to it. So, the same carriage that took her father to the cemetery, turned around and came back and picked up her mother, the rest of the family, and Lucy to take them away from UVA. So, they didn't have any formal connection to the University anymore, but they were getting kicked out on their own. And this is an incredibly tragic event, too, that also essentially destroys the finances of the Davis family, the children, and Lucy's mother. So, this is the opening sort of trauma of Lucy's life. She was too young to remember it, but obviously the story had been told to her repeatedly so that she related it when she was an old woman. And it also was memorable in the sense that it utterly transformed her life and plunged her family essentially into poverty.

Meggan Cashwell 04:18

Wow. I mean, I've heard this story so many times. But it's always so striking to me, because this is a very famous story at UVA, right? The fact that this professor was shot and killed on the Lawn, but what no one has studied yet is what was the impact on the family. You never think about these individuals just being ushered out because, of course, the new law professor has to come in. And so before we get to where they end up, I was hoping you could talk a little bit more about John A.G. Davis. So, he's a very capable law professor, but he wasn't a very good steward of the family finances.

Laura Edwards 04:51

We should preface this by saying that the nineteenth century economy was incredibly uncertain. I mean, there were ups and downs, there were incredible speculative bubbles that would crash. And then the implications would just sort of spread through families and communities. So even people who were good stewards of their family's fortunes often ran into trouble. And then to compound the problems is that all of this was done in terms of credit. And so, if one person then folded or got in trouble, they

would call in all of their loans, which then spread sort of the panic more quickly. So, the nature of the nineteenth century economy was really difficult for anyone to negotiate. But yes, unfortunately, Professor Davis was better at law than he was at finances. So, what ends up happening is that he made a loan to his brother, who was going to go develop lands in Texas. And one wants to stop and shake the man at that point, it's like, if only there had been a clue, and there were lots of signs that this was not going to work out. So, the brother lost everything, and then he died. And then Davis died soon thereafter. Basically, the family then, his wife and children, were left to cover those loans. But they had nothing, or very little, to do that. Now, the problem here is that family property, in this period, the way the law worked, it moved it to the control of the husbands. And then when the husband died, creditors get first crack at all of that property, and family members come second. What this legal prioritizing of creditors does is essentially dispossess women and children. And this is really sad, because women and children are actually crucial, usually, in amassing the assets of a family. And all of this is very evident at UVA, where it was expected that the law professor would bring a family, and then also enslaved people, to do the labor that was necessary for his job. Women, I mean they had to run the domestic household, and the domestic household included often the care of students as well. And the women of the family were also expected basically to participate in all of the student activities. So, they were there to support the students, they went to their events, they went to their dinners. This is also in addition to the labor provided by enslaved people to keep the basic maintenance of the household going. But in essence, you couldn't be a university professor without the labor of a wife and children. So much so that university professors who were not married usually hired housekeepers to do that work. So, it's unpaid labor, but it's sort of assumed within the job. Basically, the Davis family then is left with very little, and are scrambling to make a living in whatever way they possibly can.

Meggan Cashwell 07:43

Well, what can you do, then? I mean, you talk about the fact that this isn't all that unique. It happens to many men in this period of time. And so, as a woman, what sort of legal recourse can you take in these situations, where you're left financially destitute?

Laura Edwards 08:00

I mean, there are not a lot of options for women. And it's really interesting when you look at the experiences of the women who are associated with law professors. A lot of them encounter this situation, where essentially the male household head dies and doesn't leave them enough resources, or creditors seize their resources, and women find themselves impoverished. And they try to piece together a livelihood in the best way they can. You find the women living in each other's households or living in the households of other family members. They tried to basically commodify their domestic labor by taking in boarders, by also running schools because most of these women were educated. So, they ran small schools for children. One of the family members, she ran a school out of Pavilion X while she was living there with family because she had nowhere else to go. So interestingly, too, women really keep track of all of this, they're very aware of kind of the legal options available to them. I loved Lucy's memoir because she features one of those stories. After her father dies, she tells a story about how that

ended. And how it ends is with women's property, because the brother's wife actually owned property in her own name. She had a separate estate, and so because of that, her property was not liable to be seized for the debts of her own husband and was hers. It was safe. So, she saw this woman who basically has no connection except a tenuous one through marriage with the Davis family, she saw the situation of the Davis women and made it her business to cover her husband's debt, and basically gave them property worth the amount of that debt. These family tales are told again and again and become the legal knowledge of women. So, she tells this tale about how her family was saved by another woman's property, a separate estate that that woman then chose to share with these other women.

Meggan Cashwell 10:00

That's a really fascinating and sad story, and I'm so thankful that Lucy left us with that rich recollection. And it's amazing how these stories sort of carry over. But now I'd like to transition to Mary Minor, and I'd like to know what parallels you see between Lucy and Mary. And maybe we can start out by talking about the fact that they are cousins, they're also only a year apart in age. And so, Mary Minor is the eldest daughter of John Barbee Minor, who serves as law professor from 1845 to 1895. And Minor married JAG Davis's sister, Martha Macon Davis. And then there's also a professional connection there, too, because Minor was a law student at UVA, he studied with JAG Davis. So, you know, a lot of connections between these two families.

Laura Edwards 10:53

Yes, and thank you for that. You've just put your finger on one of the problems that I had in writing this whole essay, which is all of these families are so intertwined that it gets really difficult to kind of separate them out. It's amazing how these women are in and out of each other's houses in their families. And so, in some ways, this is like a big extended, blended family. And I've got to say that that, to me, is also interesting in its commentary, because the law emphasized through coverture and the restrictions of coverture, women's relationship to their husbands. It's as if that is the only and the most important relationship. But when you looked at these women's lives, in fact, they have all of these relationships outside of that one relationship to their husbands. And those are often even more important in sustaining them. But once you start looking there and all those outward connections, you start losing track of the particular nuclear families to which the women belong. And you start thinking about instead all of these more complicated, intertwined relations.

Meggan Cashwell 11:56

Well, where would Mary have been spending her time on Grounds? And who would she have been spending her time with? Something that struck me when we were doing research for this chapter, and I believe this was in the diary, is that in the very back, she has a list that she's written out of all the Law graduates.

Laura Edwards 12:11

Yes, so for all these women who were living there, and all the women in the families, and this is also true for enslaved women too, the boundaries between their domestic lives and their public life, there was no boundary, right. Their households are in the middle of the University. And so they're going back and forth between their families and the University, to the extent that the University kind of gets folded into their family. And that whole blurry lines between domestic life and university life, I think is really important also to understand, because the women who were there are also socializing the men. Think about that riot, right. I mean, you don't want all these young men running around shooting each other and doing other things that young men do when they're on their own. When the women are there, this is part of that socializing mechanism. To be a successful lawyer, you not only have to know the law, you have to know how to behave. The women are there to help train the young men also in that aspect of their lives. At the same time women are there, they run in and out of lectures. We don't have evidence that they like went to the library and read law books or read other kinds of books. But this kind of stuff was around them all the time. And certainly, we have evidence in other contexts, where women who lived in families where their brothers or their fathers were lawyers, they had libraries. And women read those books.

Meggan Cashwell 13:38

And of course, at UVA, there is no separation at first between the domestic and the legal, right, because law classes are taught in Pavilion X. There is a classroom space there and John Minor keeps his office there. Students continue to come and meet with him, they dine with him, and it is a space of labor. I think it's important to note, as you said earlier, when we talk about women in this story, we don't just mean white women. There are enslaved laborers in Pavilion X, both JAG Davis and John Minor enslaved persons, some of whom lived and labored there in the pavilion. And then, of course, many of these individuals continue to labor in Pavilion X after the Civil War as free workers. I'm thinking about that moment in your chapter, where you say, you know, all women experienced legal limitations because of their status as women. And I was hoping you could tell us more about what that means, exactly.

Laura Edwards 14:39

It's complicated. And it is really dangerous in some ways, in this earlier period, early nineteenth century, when you talk about women, because there's so many differences among women, that there is no common women's experience. But legally, there are limitations that are sort of placed on women more generally. Those take on more meaning over time. And women as a legal category takes on more meaning over time. So, it's the laws of slavery that impact enslaved women the most, right? The laws of coverture are for married women. So, you could then say, well, I guess unmarried free women, actually, they do have rights. But in fact, some of the implications of coverture spill out onto free unmarried women as well. This may not seem obvious at first, but it became obvious to me why this happens. It's like, if you look at a woman, and she's white, you assume she's free. But you can't tell if she's married or not. If you look at an African American woman, the legal presumption is that she's enslaved. So that gives you a sense of the laws that apply to that person. Free Black women are in, then, you know, this sort of nether land. People tend to treat them as they are enslaved. And in fact, the laws relating to free

Blacks are sort of an extension of some of the restrictions of slavery placed on free people who happen also to be African American. So, it's kind of taking the logic of slavery and turning it into racial restrictions that apply to free people. The same thing sort of happens with coverture, so that the restrictions placed on women because they're married then sort of move out and are placed on all women, because they're women.

Meggan Cashwell 16:20

Let's take a break here, and when we come back, we'll talk about the changing nature of nineteenth century coverture.

—Musical Break—

Meggan Cashwell 16:36

If you're enjoying Legal Knowledge, we've got more content for you on our website, including short interviews, field recordings, photographs, and some of the archival materials we discuss with our contributors. We've posted two bonus interviews for this episode, one with Professor Laura Edwards and the other with UVA's historic preservation project manager, James Zehmer, both of whom discuss a post-Civil War photo of three women at Pavilion X. You can find all of this, and more, at legalknowledgepodcast.com. Now let's get back to the episode.

—Musical Break—

Meggan Cashwell 17:17

We're back with Professor Laura Edwards, and let's dive right back in. We have been talking about coverture, and so for listeners who many not know—and of course, this is a really complicated topic; admittedly I'm still working on completely understanding coverture. What is coverture, at its most basic, fundamental level, and how did it operate within the U.S. and in Virginia?

Laura Edwards 17:39

So, late eighteenth, early nineteenth century, coverture existed as this kind of collection of legal principles that were associated with marriage that applied in a particular area of law. They weren't all restrictions, some of them just simply, sort of, said what married women could and could not do. So, for instance, the presumption was that when a woman married, her legal identity in this area of law was subsumed under that of her husband. Her property became her husband's property. And then she also lost her ability to file legal cases in her own name in that area of law, make contracts. She lost rights to her children. And she also basically lost the ability to control the value of property that she earned. But then there are all these other principles that are followed that kind of undercut that. So, it turns out that, well, women can't trade in their own names, but they can set up businesses. And if they practice business in their own names, and nobody says anything about it, then they're assumed that all of that business

belongs to them. Other principles allow women to trade for their families, which means that women basically buy and sell stuff all the time, because they're basically denominated to do that. There are other principles in there that allow women, for instance, to control certain kinds of property, like food and clothing, and other things related to clothing, like accessories, textiles, which women then push out to mean bed linens. So, for instance, it's not coincidental that the women who are attached to UVA Law School tended to, like, work in those kinds of areas. Often like turning their houses into boarding houses or working as housekeepers, because those were exactly the kinds of businesses that in the past women had been associated with, and they could control their earnings. And then, over the course of the nineteenth century, in an effort spearheaded by, among other people, UVA law professors, there's this effort to kind of streamline coverture. It becomes more a statement of the restrictions placed on married women, and some of these other complications get stripped away. Coverture, which used to be a description of what women could and could not do in a particular area of law, becomes their legal status more generally. And also, after emancipation, they start applying to African American women as well. So, when African American women were defined by the laws of slavery before, when they're emancipated, those go away, but they get sucked into then these laws that restrict married women, but then also women. And so, in that sense women as a legal category becomes more and more important over time. It also, in some cases, starts not overriding race, but then also lumps Black and white women together legally in terms of the restrictions placed on them. Not in terms of their actual social conditions, but in terms of how they're treated in law.

Meggan Cashwell 20:42

Well, what is the difference between coverture, then, and the Married Women's Property Acts?

Laura Edwards 20:47

Most people, when they think about married women's property acts, it's like this is the solution to all of the restrictions of coverture, right. We get past the Married Women's Property Acts, and we're done. And I thought that for the longest time. It's like, aha, this is the first step in women's rights and women's equality to men. Since then, having done more work on married women's property acts, I have a different view of this now. Married Women's Property Acts are limited. The first property acts actually allow women to keep property that they bring into marriage, sometimes only the land that they bring into marriage. And then, they also allow women to keep property. Sometimes, again, only land that they are given after marriage. It was like, well, gosh, that's it? And it's like, yea, that's it. In fact, a lot of Married Women's Property Acts are seen as debt relief. It's a way to put family resources into women's names, and to shield them thereby from the creditors of their husbands. This is also one of the elements of separate estates, right, is shielding women's property from the creditors of their husbands, and married women's property acts do the same thing. Bottom line here, this does not establish women's rights to property. Generally, because it doesn't remove the restrictions of coverture, which makes it impossible for women to contract in their own names, to make claims on other family property that's not in their names, that also makes it impossible to keep their earnings, that makes it impossible to testify against their husbands. So, these are really pretty limited measures. And they often have less to do with

women's rights, per se, and more about larger economic conditions where men find it attractive, shall we say, for them to put assets in women's names, the names of female family members, to keep them from creditors, to shield that property from creditors. But in general, married women's property acts, the initial ones in the nineteenth century, also look really weak, if we're expecting them to establish women's equality.

Meggan Cashwell 22:48

Well, you'll have to explain this to me, because it always trips me up. Mary Minor, as you mentioned earlier, she never gets married. She has a sister, who also never gets married. But the Married Women's Property Acts still impact unmarried women. How does that work, exactly?

Laura Edwards 23:05

You would think: Oh, well, Mary Minor, her sister, they have rights to property. But it's more complicated than that. And the fact that Married Women's Property Acts are also associated with debt relief has negative implications for women. For instance, if a husband is in trouble, the creditors come, and they find out that, in fact, there's significant property in his wife's name. They're like, "Why does she have property, I want to get at that." They tend to see the property of wives, even if that's done through legitimate legal mechanisms, as a way to hide family property. And in fact, that's what a lot of Married Women's Property Acts are motivated by, to put property in women's names to shield it from creditors of their husbands. And so, women's property becomes associated with these efforts. And from the creditor's perspective, it looks like fraud. They're always suspicious then, when they see property in women's names, and they don't want to deal with women. This then narrows women's economic opportunities. They can't borrow, they can't leverage their property like men can, even if they're unmarried, because they're in that sort of nether world where maybe there's something dodgy going on there. And all of this tends to spill over onto unmarried women. Then Mary Minor also has another problem, which is that she basically remains within the household of her father. Instead of her labor going into her pocket, she's basically still working for her father, but her father's not paying her. So, she kind of worked as unpaid labor in her father's household her entire life. And then, of course, when her father dies, he leaves her money, but her father's estate is also, as all men's estates are, subject to creditors. So, the creditors take the first cut of all of this, and then the rest goes to the family. She basically was working as an employee of the University, but she was never paid.

Meggan Cashwell 25:08

And of course, she, too, is shown the door in 1895, when her father dies. And an interesting part of the story is that in this will, that you mentioned, Minor leaves his law books to his sons, as if, as you say, his daughters have no use for them. But of course, they need them just as much, if not more so—

Laura Edwards 25:27

Exactly.

Meggan Cashwell 25:28

—than the brothers do in order to survive.

Laura Edwards 25:31

Whereas in the early nineteenth century, when you think back to that sort of blurring of the domestic boundaries and the educational boundaries of the Law School, there was this blurring of law as well, that you had to know law to kind of get through life. And then there were also places where women, even enslaved women, could shape the way that certain kinds of laws were applied. But we move from this world, where law infiltrated all of life, to a presumption later that law was basically just for trained professional men. But that didn't actually track with people's lives, because women, in particular, really needed—women, regardless of their status as slave or free, regardless of the racial status, Black or white, they needed to know legal rules to navigate the world. And this is really evident, a lot of the recollections, memoirs, and letters of the women in the families of law professors. For instance, Lucy Davis, the youngest daughter, she goes through her entire memoir detailing women, where they lived, the households, the property, and who owned it. And she knows the laws there, “I think this woman owned it as a separate estate, this one definitely owned a separate estate.” She goes through and she's very aware of, sort of, all of the legal mechanisms that are shaping where property is, who owns it, and how it can be disposed of. Other women, you know, also ran into this at the moments, like, when their father or husband died, and they're faced with inventorying the estate. And they have to go through and they look, they have to value every single piece of property in their household knowing that what's going to happen is that it's going to be auctioned off, basically, to pay creditors. Their entire life is being seized by legal forms, essentially. And they're being dragooned into participating in a process of their own dispossession.

Meggan Cashwell 27:29

That was another thing that came as a surprise to me in going through some of these diaries is that, you know, you find what you would expect to find, right, as musings on poetry, the goings on of daily life at the University, and then all of the sudden, you come to this page that falls out, and it is clearly an inventory of a household.

Laura Edwards 27:47

Right, right. If you were walking through a household in the nineteenth century, you wouldn't necessarily see everything in that household as solely the possession of the husband, from linens to furniture, to decorations. Enslaved people's labor is also being sucked up into this, sort of, presumption that, you know, white men, in fact, all of that somehow belonged to them, and they were responsible for generating all of that. And it's just not the case. And while white people were not going to admit the value of enslaved people's labor, they were more likely to recognize the labor of white women and their property. In any given household, the female family members who are white and free, the daughters and wife of a man, would see some of that property is theirs. They weren't completely alienated from everything in their household.

Meggan Cashwell 28:37

Well, let's take a break. And when we come back, we'll talk about how these laws of coverture and Married Women's Property Acts make their way into the law curriculum at UVA and into our professors' writings.

—Musical Break—

Rebecca Barry 28:58

Want to learn more about the history of the University of Virginia School of Law? Consider stopping by the Arthur J. Morris Law Library, located within the Law School in Charlottesville, Virginia. Explore the Library and check out our rotating exhibits, or come to the Special Collections reading room to dig deeper into some of the sources we reference in our episodes. You can also visit the Special Collections website at archives.law.virginia.edu, where you'll find digitized archival material, oral histories, and online exhibitions covering topics like UVA's first Law Library, the Scottish Court of Session papers, law student activism during the 1970s, and student organizations, including Virginia Law Women, and the Black Law Students Association. Again, that's archives.law.virginia.edu.

—Musical Break—

Meggan Cashwell 29:52

Welcome back to Legal Knowledge. We're talking about the legal lives of the wives and daughters of UVA's law professors in the nineteenth century. So, I'd like to transition here to the UVA Law curriculum. And I was hoping you could talk to us a bit about how Minor teaches coverture, and also how William Blackstone and his writings play into all of this.

Laura Edwards 30:17

So, enter people like JAG Davis and John Minor. What they're doing, bless their hearts, is trying to systematize the law. They're trying to take this smattering of stuff that the new republic inherits from the colonial era and turn it into a body of law for the new nation, for their new states in the new nation. And in doing that, they start relying on other treatise writers, and William Blackstone in particular. William Blackstone in the 1760s, he's an English jurist, and he writes a four-volume set on the common law of England. They take William Blackstone, who creates a more restrictive definition of coverture, not the positive parts that say what women can do, but the ones that say what they can't do. And UVA law professors latch onto that, and they start building that into the treatise literature, their curriculum, and through their curriculums and all their students, this then gets embedded into the way that law is practiced in Virginia. And in doing this they're really no different from what's going on in other states. Because you find the same thing happening in New York and Massachusetts, in North Carolina, North and South. It doesn't really matter. This kind of definition of coverture transcends region and becomes sort of embedded within state law across the new republic.

Meggan Cashwell 31:37

Well, let's talk a bit more about John Minor then, and his *Institutes*. How does he talk about coverture in his publication?

Laura Edwards 31:46

Here's the place, too, where I feel like I can answer your question about how coverture affects unmarried women. What John Minor does is he takes this area of common law and then he does something really interesting, which is he starts sort of turning what had been restrictions on women in one area of law into a description of women's nature. So instead of these legal restrictions prohibit women in this area of law, he turns it around and says women, because of their deficiencies, can never exercise this kind of legal power anywhere in the legal or political system. They're different from men, which makes them totally different, sort of, legal beings than men. And that's also how, then, these restrictions of coverture affect unmarried women as well, because they become a description of all women's nature. And then they're also linked with restrictions that are placed on women, not just married women, where women are seen as fit subjects of public regulation, because they can't protect themselves. Of course, they can't protect themselves, they don't have any rights. But the presumption now is that they're incapable by nature of doing this and therefore require state protection.

Meggan Cashwell 33:02

I think it's important to note here for context that Minor's *Institutes*, that's really how he organizes his law lectures at UVA. And so, women are very much a part of these lectures, because much of what Minor is teaching is about property law. And of course, as you've described to us today, women and property are closely linked. So, they have to learn about women as legal subjects in the curriculum, even though women are not permitted entry as students at UVA until 1920.

Laura Edwards 33:36

Yes, it's this real contradiction, right? Although women can't be legal subjects, they're legal subjects in the law curriculum, right. That's what the men who are in UVA Law School have to learn about. And they have to do this because women are situated right at that center of property questions. And yet, it's not always all about women. So, if you are looking at a family estate, and women have claims to some of it, and some of it actually goes to the children, and there are all these varied claims to the property, it makes the collection of debts really difficult. If you just reduce it all to the husband's possession, and cut out the rest of the family members, it makes economic transactions much, much, much easier. And in a developing capitalist economy, that's really crucial. But women get sucked up into all of that, and so what makes economic transactions easier, tends to work against women's interests.

Meggan Cashwell 34:38

Laura, this seems like a good way to circle back to the actual women of the story. I'm thinking about Mary Minor. And in 1899, their family suffers a tragedy, in that her sister Susan loses her husband very

unexpectedly. He was a UVA Law grad and practicing in Pittsburgh at the time. From the documents that I've come across, it seems that he dies of influenza, and they have three very, very young children. Susan of course returns to Charlottesville, so that her family can help her. And by now, you know, John Barbee Minor has passed, he dies in 1895. Mary Minor has to vacate Pavilion X. So, we don't know for sure exactly how much money Mary winds up with, or what exactly she did with the funds. We do know that she owns a couple of properties, one that she leases and also a home near the University. So, Laura, could you talk to us about what Mary Minor did, in the final years of her life, with this home to tend to her sister Susan, and to Susan's children?

Laura Edwards 35:38

And also to tend to herself. So at this point, Mary Minor is, she's an older woman, she's reaching the end of her life. Old age is difficult to negotiate under the best of circumstances, but the infirmities of old age by yourself, it's impossible. And then she's faced with the situation with the sister. And so, what ends up happening is Mary Minor enters into a contract with Susan. And the contract is that basically Susan gets to live in the house, and then take care of Mary. And Mary cordons off like a room for herself. And then Mary in her will, wills her niece property. So interestingly here, she does not will her sister the property, and again, this is legal knowledge that Mary has. She doesn't do that, because her sister could be liable for other debts. Actually there, as we discovered in the letters, it turns out, it may also be that her sister's not a very good financial manager herself. But there are all sorts of reasons not to give it to the mother, but to make sure that the daughter gets it. Basically, Mary is taking care of her female relatives in need again, and trying in the best way possible to preserve the property for the use of her niece. Interestingly, other relatives had also done the same thing. Susan's other children also had money in a trust that was given to them by other relatives as well. And sadly here, because women are not parents in law, women are mothers, parents are fathers, she does not automatically get custody of her children. She had to apply for guardianship. And then she also had to go back to the court to prove that she was spending her children's money in trust responsibly. So, Susan here is being overseen by the state because the state does not recognize her position as a parent.

Meggan Cashwell 37:39

I mean, it was really quite a paper trail to piece together all of these steps that these women took to take care of one another. And Addie Patrick, my colleague, who's also one of the producers for this podcast, and I, you know, we were looking through collections at UVA, we were also going to the courthouse. And I would love it, if you could maybe talk about what are, you know, one or two of your favorite sources that we collectively found in our research for this chapter?

Laura Edwards 38:09

My favorite pieces of this are actually the agreements between Mary Minor and Susan at the end of her life, that to me was stunning. I also found the women's memoirs to be heartbreaking, because it is about the effects of dispossession on women as they reach old age. And you realize that we have not fully appreciated how women are dispossessed from property. I think that we tend to see some of these white

women in particular as beneficiaries of the system. That they were beneficiaries of slavery, they were beneficiaries of their elite privilege. But actually, that was a very tenuous connection, they were connected to that money through their families, and often through their husbands. And when those connections failed, they were left with nothing. And so many of these women ended up at the end of their lives alone, trying to piece together a living, living with relatives, going from place to place, working until basically they died. They kind of lived on the fringes of elite status, without actually controlling any of the property themselves. It doesn't make them better people, they still were part of a white supremacist society that sanctioned slave ownership and continued to exploit African Americans after emancipation. But it's also the case that that same system was kept in place and started dispossessing all women in the late nineteenth century. And when you look today, and you realize that poverty is concentrated amongst women and children. There's a reason for this, and it goes way back with roots into the nineteenth century, where we basically created laws that separated women and children from family property that they helped to amass. And to me, that's really a tragedy, and something that we should be underscoring. And I'm hoping, too, that maybe some of this research will kind of spur the University of Virginia to realize the contributions of women, both enslaved and free, to the University and basically acknowledge some of the uncompensated labor from the past.

Meggan Cashwell 40:30

Well Laura, thank you so much for joining us today. This was a truly wonderful conversation, and I really appreciate you being with us.

Laura Edwards 40:38

Thank you. This was really great fun.

—Musical Break—

Meggan Cashwell 40:52

For more on today's episode, please visit our website legalknowledgepodcast.com, where you'll find show notes, a transcript, and bonus content. We'd also love to hear from you. So, if you have thoughts on the show, feel free to reach out to us via our Contact Us page, also at legalknowledgepodcast.com. I hope you'll join us for the next episode as we continue to explore legal education at the University of Virginia. Thanks for listening.

Rebecca Barry 41:24

Legal Knowledge is a production of the Arthur J. Morris Law Library at the University of Virginia. The podcast is produced by me, Rebecca Barry, along with Meggan Cashwell and Addie Patrick. Special thanks to Loren Moulds for designing our website, Jane McBrian for assisting with transcription, and Randi Flaherty for supporting this podcast in countless ways. We also want to thank the staff at WTJU for use of their studio and the staff at the Albert and Shirley Small Special Collections Library at UVA for use of their materials. Our theme song is *Center of Gravity* by Phutureprimitive. Please rate and

review Legal Knowledge on your favorite podcast app and be sure to tell your friends about the show. We'll see you next time.

—Musical Outro—