Lonely Colonist Seeks Wife: The Forgotten History of America's First Mail Order Brides

MARCIA ZUG*

As Catherine looks out across the water, she wonders what her life will be like when she reaches Virginia. She knows that conditions will be hard, but life in England was also hard. At least in the colony, there is the possibility of improvement. The Virginia Company has assured her and the other women that they will have their choice of marriage partners. They have promised that the men are wealthy, or at least will be wealthy with the women's help. Moreover, in Virginia, as a married woman she has the right to share in her husband's wealth. Catherine knows it is a risk, but she has been assured she can always return home if she changes her mind. Regardless, Catherine expects to stay. There is little for her back in England. She will marry a colonist and help found a nation.

The first American mail order brides were independent, powerful and respected; they are never described as "mail order brides." The term "mail order bride" is most often reserved for women perceived as victims.[1] Colonial mail order brides, by contrast, have other names: "Jamestown brides," "King's daughters," and "Casket girls." Nonetheless, the label "mail order bride" is just as appropriate. Sources describing colonial mail order brides demonstrate that these women immigrated to America for many of the same reasons as their modern counterparts, but the colonial mail order brides received a level of respect and acceptance that typically eludes contemporary mail order brides.[2] Distancing today's mail order brides from these lauded forbearers obscures their similarities and perpetuates the one-dimensional treatment of modern mail order brides.[3] Re-examining the feminist underpinnings of the first mail order brides

---

* Associate Professor of Law at The University of South Carolina School of Law. I would like to thank Mark Graber, Martha Ertman, David Schleicher, Robin Wilson, Jana Singer, and Michael Greenberger for their helpful suggestions and insights with this piece.

1. *See, e.g.*, Christine Chun, *The Mail-Order Bride Industry: The Perpetuation of Transnational Economic Inequalities and Stereotypes*, 17 U. PA. J. INT'L ECON. L. 1155 (1996); Donna Lee, *Mail Fantasy: Global Sexual Exploitation in the Mail Order Bride Industry and Proposed Legal Solutions*, 5 ASIAN L.J. 139, 139 (1998); Eddy Meng, *Mail-Order Brides: Gilded Prostitution and the Legal Response*, 28 U. MICH. J. OF L. REF. 197, 197 (1994); Vanessa Vergara, *Abusive Mail Order Bride Marriage and the Thirteenth Amendment*, 94 NW. U. L. REV. 1547, 1547 (2000).

2. *See* Daniel Epstein, *Romance is Dead: Mail Order Brides as Surrogate Corpses*, 17 BUFF. J. GENDER L. & SOC. POL'Y 61, 66 (2009) (likening mail order marriages to necrophilia).

3. *See, e.g.*, Chun, *supra* note 1, at 1156 (contrasting the original mail order brides who Chun describes as a "necessity based on specific historical and cultural conditions" with the modern "mail-

calls into question the widespread perception of modern mail order brides as simply unwitting victims.

Colonial mail order brides were considered heroes. Marriage has long been touted as a civic virtue,[4] but in the early American colonies, marriage was particularly important. The entire colonial endeavor hinged on marriage.[5] Without marriage there could be no stable family units, no children and no future. The colonies needed women to come to America to marry, and to remain as wives and mothers. The problem, however, was that most women found the idea of immigrating to the struggling colonies unattractive.[6] Mail order brides were the solution. These women came to the colonies when other women would not. The colonial mail order brides made marriage possible and helped ensure the survival and success of the colony.

I. THE JAMESTOWN WOMEN

The first American mail order marriages occurred shortly after Britain and France established their colonial settlements in the early 1600s.[7] Both countries actively encouraged immigration to America but soon realized that immigration alone could not achieve the population increase needed for colonial expansion and success. Few families immigrated to the Southern colonies of the United States or the colonies of New France.[8] Unlike the northern settlements of the

---

order bride industry [which] nurtures structures of subordination based on race, sex, and class within countries, among nations and between individuals").

4. *See, e.g.*, Boddie v. Connecticut, 401 U.S. 371, 376 (1971) (stating that "[m]arriage involves interests of basic importance in our society"); *see also* Griswold v. Connecticut, 381 U.S. 479, 496 (1965) (Goldberg, J., concurring) (describing the traditional family relationship as "a relation as old and as fundamental as our entire civilization"); *see generally* H.R. REP. NO. 104-664, pt. 5, at 12 (1996) (explaining the importance of marriage to a civilized society); Rachel F. Moran, *How Second-Wave Feminism Forgot the Single Woman*, 33 HOFSTRA L. REV. 223, 225 (2004) (stating that in the colonial period "[w]hite women's civic virtue was largely defined by early marriage . . . .").

5. *See* JULIA CHERRY SPRUILL, WOMEN'S LIFE AND WORK IN THE SOUTHERN COLONIES 3 (1972) (explaining that "mothers and housewives were indispensable" to the success of the colonies and were needed to increase population and make the male colonists "more comfortable").

6. *Cf.* Peter N. Moogk, *Reluctant Exiles; Emigrants from France in Canada Before 1760*, 46 WM & MARY Q. 436, 465, 475 (July 1989) (purporting the idea that any woman would immigrate voluntarily was considered so unlikely that when, in 1659, a group of forty women (twelve wives, some single women and a few nuns) left La Fleche, France for Canada, the townspeople "tried to prevent their departure because no one could believe the women were going voluntarily").

7. MICHAEL L. COOPER, JAMESTOWN, 1607, at 1 (2007) (noting that the Jamestown Colony was founded in 1607); Gwenael Cartier, *City of Quebec 1608–2008: 400 Years of Censuses*, Canadian Social Trends, June 3, 2008, at 62, *available at* http://www.narea.org/2008meeting/City%20of%20Quebec%201608-2008.pdf (noting that Quebec City was founded one year later, in 1608).

8. SPRUILL, *supra* note 5, at 3–5 (explaining that, although women came to the southern colonies, they did so in much smaller numbers). Moreover, even fewer came with children and some families like that of Sir Thomas gates, sent his daughters back to England after his wife died on the voyage over. *Id.* at 4. Recruitment was also not helped by the stories of the incredible hardships faced by the early colonists, especially the women. *Id.* at 4–5. There were frightening stories about disease and famine including the tale of one colonist who "slue his wife as she slept in his bosome, cut her in pieces, powedered her & fedd upon her till he had clean devoured all her parts saveinge her heade." *Id.* at 5; *see also* Robert Charles Anderson, *About the Great Migration,* A SURVEY OF NEW ENGLAND: 1620–1640 (Sept. 10, 2012), http://www.greatmigration.org/new_englands_great_migration.html (stating that the Southern colonies were populated primarily with single men); Moogk, *supra* note 7,

United States, which were populated by family groups[9] fleeing religious persecution,[10] the southern and French colonies were established by individual speculators and fortune hunters.[11] Colonists in the southern and French settlements sought to profit from America's abundant land and natural resources, but they did not bring families and they did not intend to stay.[12] Consequently, because few families immigrated to the American South and New France, those colonies' populations were almost exclusively male and transient.[13] To solve this gender imbalance and entice the male colonists to remain, the colonial governments actively sought to increase the number of marriageable women in the colony.[14] On at least three separate occasions, single European women were recruited to immigrate to the colonies and marry the surplus bachelors.[15]

The first request for brides was made by the Jamestown settlement in Virginia.[16] The founding colonists of the 1607 Jamestown colony were exclusively male.[17] Shortly thereafter, the Virginia Company began to specifically solicit female as well as male immigrants,[18] but only small numbers of women responded.[19] The failure to attract women devastated the colony's prospects. By 1614, a mere seven years after the establishment of Jamestown by the Virginia Company of London, it was clear that the fledgling colony was

---

at 482–84 (explaining that France also had difficulties attracting large numbers of immigrant women and actually had a policy of discouraging family migration). A French official in 1669 explained that such immigration was "'a bad practice' since 'one hundred persons, composing twenty-five families, will cost as much to the king as one hundred bachelors,' who, presumably, would all be productive workers." *Id.* at 483. France hoped that marriage after emancipation from indentured servitude, which was the case for many immigrants to New France, would "convert migrant workers into settlers." *See id.* at 484.

9. Anderson, *supra* note 8 (explaining that the proportion of New England immigrants who traveled in family groups was the highest in American immigration history).

10. *See id.* Between 1629–1640, over 20,000 men, women, and children emigrated from England in order to form a religious community. Unlike colonists who settled in other parts of the United States, the Puritan colonists came seeking spiritual rather than economic rewards. *See id.*

11. *See id.* (stating that colonists seeking economic betterment were unlikely to settle in New England and instead settled elsewhere).

12. *See id.* (explaining that colonists seeking economic betterment did not settle in New England because there was no cash crop there); *see also* SPRUILL, *supra* note 5, at 8 (explaining that unmarried men planned to return to England after making their fortunes).

13. Anderson, *supra* note 8 (stating that the Southern colonies consisted largely of single males); *see also* SPRUILL, *supra* note 5, at 8 (purporting that unmarried men did not intend to settle down in the colonies but rather return to England).

14. *See* SPRUILL, *supra* note 5, at 3 (stating that the Virginia Company began to recruit and offer incentives for unmarried women to immigrate to the colonies).

15. *Id.*

16. *See id.* at 4 (stating that the "Great Supply" shipment to Jamestown brought about one hundred women).

17. *See id.* at 3 (stating that there was no mention of women among the first people to arrive at Jamestown).

18. *See id.* at 4 (noting that according to the 1609 broadside (poster), both men and women were solicited for "the better strengthening of the colony").

19. *See id.* (stating that women continued to come to the colonies but in smaller numbers than men).

beginning to falter.[20] The dearth of women threatened the permanence of the colony.[21] The male colonists could not marry and start families. Without families, these men were unable to establish the roots necessary to sustain an enduring colony. As historian Julia Cherry Spruill writes, "these unmarried men were not interested in building permanent homes in Virginia or in cultivating lands to be enjoyed by future generations."[22] Instead, the colonists simply "planned to make their fortunes and then return to England."[23]

Responding to the concern caused by the lack of female colonists, Lord Bacon, a founding member of the Virginia Company, stated "it is time to plant with women as well as with men; that the plantation may spread into generations, and not ever be pieced from without."[24] Bacon recognized that in order to achieve a self-sustaining colonial population, a significant number of women needed to be convinced to immigrate to the colony.[25] Consequently, the Virginia Company, which not only founded but also governed Jamestown, began to actively recruit and provide incentives for women to come to America.[26]

The Virginia Company first attempted to stabilize the population by increasing the efforts to recruit families rather than single colonists. In 1614, the Company's lawyer, Richard Martin, spoke before the House of Lords and declared that Virginia's greatest need was "for honest laborers, with wives and children . . . ."[27] Martin requested the appointment of a committee to consider means of enticing families.[28] However, Martin, who was lawyer but not a member of Parliament, was seen as forgetting his station when he demanded action by the House. His speech was described as "the most unfitting that was ever spoken in the house" and as a result, his demands were ignored. [29] When the Company tried to increase the population again a few years later, it decided to pursue a different strategy.[30]

In 1619, the Virginia Company's treasurer, Sir Edwin Sandys, took control of the Company and proposed a novel idea to save the colony (as well as his own investment).[31] He recommended sending women as wives to make "the men more setled [and] lesse moveable" and decrease the number of men who,

---

20. *See id.* at 8 (explaining that instability in Jamestown could arise and lead to the dissolution of the plantations if men continued to be unsettled and without families or wives).

21. *See id.* (explaining that there were many more men than women in Jamestown and that bachelors were not interested in residing permanently in the colonies).

22. *Id.*

23. *Id.*

24. *Id.* at 3.

25. *See id.* (noting that Bacon's words described the function of women in the colonies).

26. *See id.* ("The founders of the colonies . . . made special appeals to young and marriageable females, offering them not only generous land grants but also advantageous matrimonial matches."). They were also taken care of upon arrival. After landing in the colony, the women were placed in homes of married householders and provided with food until they were married.

27. *Id.* at 8.

28. *Id.*

29. EDWARD NEILL, HISTORY FOR THE VIRGINIA COMPANY: WITH LETTERS TO AND FROM THE FIRST COLONY 70 (1869).

30. *See id.* at 72 (explaining that in 1619 the London Company sought to bring even more women to the colonies to avoid instability).

31. THOMAS A. FOSTER, NEW MEN: MANLINESS IN EARLY AMERICA 9 (2011).

because of the dearth of women, "stay [in the colony] but to gett something and then return to England."[32] Sandys also predicted that if not remedied quickly, the gender imbalance would soon "breed a dissolucon, and so an overthrow of the Plantation."[33]

The Company followed Sandys's advice and in the Spring of 1620, ninety marriageable women arrived in Jamestown.[34] The next year Sandys requested the funds to recruit an additional 100 women.[35] By that time, the Company no longer had the money to fund the women's passage, but because of Sandys's insistence that more women were absolutely essential, the Company agreed to raise the money by subscription and through the assistance of the Earl of Southampton and others.[36] Through these efforts, the Company managed to pay for the passage of another fifty brides.[37] By the time the initiative ended, the Virginia Company had provided passage for 140 mail order brides.[38]

Sandys's impassioned plea and ominous warning demonstrate that the first American mail order brides were viewed as essential to the success of the American colonies. The Jamestown colony needed these women. By marrying the colonists, the Jamestown brides helped discourage the men from returning to England and, just as importantly, helped prevent the colonists who settled permanently from entering into marriages with native women.

John Rolfe, who famously married Pocahontas, was not the only colonist to take an Indian bride.[39] In 1608, when disease and starvation wiped out nearly a third of the original Jamestown colonists, including many of the first female settlers, a number of the male survivors married Indian women.[40] The number of these marriages increased rapidly and by 1612, the Spanish ambassador to England reported to Madrid that "between 40 to 50 Englishman were living in Pohawaten's [Pocahontas's father] villages and had married Indian women."[41] Shortly thereafter, the colonial government decided that such intermarriages needed to be stopped.[42]

Intermarriage was considered just as threatening to the future of the colony as reverse immigration back to England.[43] Often, once a male colonist married

---

32. SPRUILL, *supra* note 5, at 8.

33. *Id.*

34. *Id.*

35. *Id.*

36. *See id.* at 8–9 (explaining that the Earl of Southhampton and other gentlemen sent over women because they realized "that the plantation [could] never flourish" until families settled there).

37. *Id.* at 9.

38. *See id.* (stating that the company had sent ninety maids in 1620 and fifty maids in 1621 and 1622).

39. *See* ROGER THOMPSON, WOMEN IN STUART ENGLAND AND AMERICA: A COMPARATIVE STUDY 43 (1974) (noting that the marriage between Rolfe and Pocahontas was not an "isolated incident" and other colonial men married Indian women as well).

40. JANA VOELKE STUDELSKA, WOMEN OF COLONIAL AMERICA 6 (2007).

41. ALFRED A. CAVE, LETHAL ENCOUNTERS: ENGLISHMEN AND INDIANS IN COLONIAL VIRGINIA 75 (2011).

42. *See infra* note 48 (discussing Virginia's interracial marriage bans).

43. *See* H.C. PORTER, THE INCONSTANT SAVAGE; ENGLAND AND THE NORTH AMERICAN INDIAN 1500–1660, at 110–11 (1979) (explaining that intermarriage with the Indians was a transgression

an Indian woman, he abandoned the colony completely."[44] In addition, even marriages in which the Indian bride moved to Jamestown were viewed with concern. The colonial government believed that Indian women would never truly be committed to the colony and viewed marriage with these women as a significant security threat.[45] In 1705, one commentator noted that the example of John Rolfe, the husband of Pocahontas, "might well have been followed by other settlers . . . were it not for fear that the women shou'd conspire with those of their own Nation, to destroy their husbands."[46]

Given these concerns,[47] it is not surprising that in 1691, Virginia became the first colony to prohibit white-Indian marriages.[48] However, before such marriages could be effectively prevented, significant numbers of marriageable white women had to be available. The Jamestown brides provided the settlers with alternatives to Indian women and thus made the discouragement and subsequent outlawing of white-Indian relationships possible.

The Jamestown brides were considered vital to the future of the colony and therefore the type of woman recruited was an issue addressed with care. The colony was not simply looking for any woman willing to immigrate; they were looking for "founding mothers." The Virginia Company's letters indicate that significant attention was exercised in choosing the women. The recruits were all women who "had been received . . . upon good recommendation."[49] They were not prostitutes, criminals, or beggars, and although many of the intended brides were poor, they were not desperate.[50]

Moreover, these women, unlike the female colonists who followed husbands or fathers, chose to immigrate. This choice was considered essential, and the government actively protected women from the possibility of forced

---

requiring confession to God).

44. *See id.* at 109–11 (explaining that the colonists viewed intermarriage between colonists and Indians as against the beliefs in the Bible); CAVE, *supra* note 41, at 75–76 (noting that the Jamestown colony considered "desertion to the Indians as the most extreme indictment of the colony").

45. *See, e.g.*, RICHARD GODBEER, SEXUAL REVOLUTION IN EARLY AMERICA 163 (2002) (noting that "Indian's used their sexual charms to 'entice' Englishmen into traps"); MARILYN YALOM, A HISTORY OF THE WIFE 144 (2001) (explaining that settlers feared that Indian women would turn against their English husbands and thus did not engage in intermarriage to the degree that they could have).

46. *See* YALOM, *supra* note 45, at 144; *see also* THOMPSON, *supra* note 39, at 43 (noting that white-Indian intermarriage during the early years of the colony was common).

47. The irony attached to these concerns is that although there appear to have been no instances where an Indian wife betrayed her husband, there are numerous instances in which Indian husbands betrayed their wives. *See* Bethany Berger, *After Pocahontas: Indian Women and the Law 1830–1934*, 21 AM. IND. L. REV. 1, 35–37 (1997) (discussing numerous instances in which Indian wives were betrayed or abandoned by their white husbands).

48. HEIDI HUTNER, COLONIAL WOMEN: RACE AND CULTURE IN STUART DRAMA 13 (2001) (explaining that the law expanded an earlier 1662 law which made fornication between the races illegal). The 1691 statute stated: "Whatsoever English or other white man or woman being free shall intermarry with a negroe, mulatto, or Indian man or woman bond or free shall within three months after such marriage be banished and removed from this dominion forever." *Id.*

49. SPRUILL, *supra* note 5, at 8.

50. *See* PHILLIP BRUCE, SOCIAL LIFE OF VIRGINIA IN THE SEVENTEENTH CENTURY 233 (1907) (explaining that although many young maids brought to the colonies belonged to the lower orders in England, they "were chosen especially for their previous good character").

immigration.[51] When a fortune hunter named Owen Smith pretended to have received a royal commission authorizing him to force single women onto ships bound for Virginia, he was quickly arrested.[52]

Because the Jamestown brides were not forced to immigrate, the Virginia Company and the Jamestown colonists needed to provide the women with significant incentives to leave England. The men also needed to guarantee the women substantial privileges once they arrived in the colony. A number of these incentives were monetary.[53] Each woman was given petticoats, caps, an apron, two pairs of shoes and six pairs of sheets.[54] They were provided free transport to the colony and upon arrival were given food and shelter until they married.[55] The recruiters assured the women that they would not be forced "to marry against their will" and promised them wealthy husbands.[56] The women were told that they would be married to freemen, not servants, and that any eligible man would possess enough wealth to maintain a household comfortably.[57] The Company secured this promise by requiring any colonist who married one of the women to pay the Company 120 pounds (later increased to 150) of the best leaf tobacco as reimbursement for the woman's transport costs.[58] In addition, the Company promised the women a certain level of status and ensured this promise by granting married households the first servants.[59]

The monetary and social prospects undoubtedly appealed to the women, some of whom were orphans or widows[60] and nearly all of whom came from

---

51. JOHN MILLER, THE FIRST FRONTIER: LIFE IN COLONIAL AMERICA 27 (1986) (explaining that this proposition stands in stark contrast to Sandys' earlier plan to force orphan children to immigrate the colony as apprentices; the Company sent 100 orphan children to the colony, including many who vehemently opposed immigrating and were forcible placed upon the ships).

52. *See id.* (explaining that it appears that some women who arrived in Virginia may have been sold at auction; however, it was stipulated in their contract that they were not to be married to servants, but to "independent land owners of good reputation"); *see also* BRANDON MARIE MILLER, GOOD WOMEN OF A WELL-BLESSED LAND 21 [*hereinafter* GOOD WOMEN] (explaining that a popular song during this period was "The Woman Outwitted or the Weaver's wife" which told the tale of a wife "cunningly catch'd in a [t]rap, by her husband, who sold her for ten [p]ounds, and sent her to Virginny").

53. *See* BRUCE, *supra* note 50, at 234–235 (stating that if a young woman came to the colonies and did not find any of her choices for marriage suitable, she could become a domestic servant or agricultural labor and earn more than what it cost to transport her to the colonies).

54. GOOD WOMEN, *supra* note 52, at 23.

55. *See* BRUCE, *supra* note 50, at 234 (stating that members of the Company paid for the maid's transport from England to the colonies and the Company gave orders to care for the young women until they were married); *see also* SPRUILL, *supra* note 5, at 9 (stating that Virginia authorities placed the young women in "homes of married householders," which provided them food until they were wed).

56. SPRUILL, *supra* note 5, at 9 (explaining that women would not be married to servants but to freemen "with the means of maintaining them").

57. *Id.*

58. *Id.* This money was paid as reimbursement for travel costs but is often misinterpreted as "buying" the women. *See, e.g.*, ROSALIND MILES, WHO COOKED THE LAST SUPPER?: THE WOMEN'S HISTORY OF THE WORLD 196 (2001) (describing the women as "merchandise" that was "sold" to the male colonists).

59. *Id.* (stating that the Company promised to provide married couples with the first servants sent over in order to "preserve families and proper married men before single persons").

60. *See* GOOD WOMEN, *supra* note 52, at 22 (noting that eleven of the women were orphaned,

modest backgrounds.[61] However, these were not the only incentives used to attract brides to the colony. In Virginia, men outnumbered women six to one in the early decades of the seventeenth century and three to one as late as the 1680s.[62] During the same period in England, there were approximately nine males for every ten females.[63] This disparity resulted in the high valuation of and greater rights and opportunities for women in the colony. The leaders of Virginia and its neighboring colonies recognized that many single women would find this ratio attractive and actively used it as a recruitment tool. For example, a 1666 advertisement for mail order brides placed by the South Carolina colony promised,

> If any Maid or single Woman have a desire to go over, they will think themselves in the Golden Age, when Men paid a Dowry for their Wives; for if they be but civil and under 50 years of Age, some honest Man or other will purchase them for their Wives.[64]

As this advertisement demonstrates, their scarcity made colonial women valuable; therefore, colonial women were likely to marry and marry well.

Scarcity also meant that the women enjoyed an increased legal and social position relative to their non-colonial sisters. Early colonial case law confirms that American women occupied a powerful position in the marriage market. A 1623 breach of promise case from Virginia provides one telling example.[65]

Breach of promise cases are suits for damages caused when one party breaks off an engagement and the jilted party believes that he or she has been unfairly treated and seriously harmed by the loss of the marriage.[66] The Virginia case involved a young colonial widow name Cicely Jordan whose husband had recently died.[67] A few days after her husband's death, she accepted the proposal of Reverend Greville Pooley.[68] However, given the speed of the engagement, Jordan asked Pooley to keep it a secret to avoid the implications of indecency surrounding an engagement arranged so soon after her husband's death.[69] Nonetheless, Pooley quickly began bragging about his engagement to Jordan.[70] His behavior so incensed Jordan that she called off the engagement and accepted the proposal of another suitor, William Farrar.[71] Pooley then sued her for breach

---

another eleven had lost their fathers, and three were widows).

61. *See* BRUCE, *supra* note 50, at 233 (noting that many young women brought from England were from lower orders of English society but were chosen for their good character).

62. YALOM, *supra* note 46, at 141.

63. *Id.*

64. *Id.*

65. THOMPSON, *supra* note 40, at 36.

66. *See* SASKIA LETTMAIER, BROKEN ENGAGEMENTS: THE ACTION FOR BREACH OF PROMISE OF MARRIAGE AND THE FEMININE IDEAL, 1800–1940, at 22 (2010) (explaining that there were remedies for breach of present promises to marry and breach of future promises to marry).

67. *Id.*

68. *Id.*

69. *Id.*

70. *Id.* at 37.

71. *See* ALEXANDER BROWN, THE FIRST REPUBLIC IN AMERICA: AN ACCOUNT OF THE ORIGIN OF THIS NATION 564 (1898).

of promise.[72]

According to Pooley, he and Jordan entered into a marriage contract by using "such words or speech tending to a contract of marriage at one time as might entangle or breed scruples in their consciences."[73] Pooley also produced a witness to the contract, a Captain Madison, who testified that he heard Jordan agree to marry Pooley and heard Pooley speak the words of the marriage contract for himself and for Jordan.[74] Two other witnesses also testified that they had heard Jordan state that Pooley "might have fared the better had he not revealed [the engagement]."[75] Nevertheless, despite such persuasive evidence, the Virginia Council, the governing body which heard the case,[76] refused to issue a decision.[77] The Council explained that it could not determine "so nice a difference."[78] Instead, the Virginia Council referred the case to the Virginia Company in London.[79] Like the Council, the Virginia Company shied away from issuing an official decision in the case.[80] Eventually, the decision was delayed so long that Pooley was forced to withdraw his suit. Because there was no verdict in his favor, Pooley was ordered to post a £500 bond ensuring that he would never have any claim to Jordan or her property.[81]

The Jordan breach of promise case demonstrates the powerful position occupied by women in colonial Virginia, particularly in contrast to the position of women in Great Britain. The fact that this case was initiated by Pooley indicates that he was the one most harmed by the lack of marriage. In Great Britain at this time it was increasingly rare for men to initiate these suits. Most British breach of promise suit were brought by women because they were the

---

72. *Id.*

73. VIRGINIA GENERAL ASSEMBLY, HOUSE OF DELEGATES, JOURNAL OF THE HOUSE OF DELEGATES OF THE COMMONWEALTH OF VIRGINIA [DOC. 1] 24 (1919), *available at* http://books.google.com/books/download/Journal_of_the_House_of_Delegates_of_the.pdf?id=TSMSAAAAYAAJ&output=pdf&sig=ACfU3U38QwtirpMBmBvpilJoG_1KeFnYtQ (last visited Dec., 2012).

74. BROWN, *supra* note 71, at 564 (demonstrating that Captain Madison could not state whether he heard her consent to those words).

75. *Id.*

76. *Id.* (explaining that the case was presented to the Virginia Council, which consisted of the leaders of the Virginia colony). The charter of 1606 established the colony and set out that it was to be governed by a council of thirteen men, although only seven were specifically named. 1 ALEXANDER BROWN, THE GENESIS OF THE UNITED STATES: A NARRATIVE OF THE MOVEMENT IN ENGLAND, 1605–1616, at 64–75 (Houghton Mifflin, 1897). They were to choose their own successors and elect their president. *Id.* They were under the control of the council of thirteen, which was a group appointed by the King to look after the crown's interest in Virginia. *Id.* The Virginia Council had many powers including the right to act as a court. *Id.*

77. BROWN, *supra* note 71, at 564.

78. *Id.*; *see* Fadzilah Amin, *Words and Phrases Subject To Fashionable Change*, THE STAR ONLINE, (April 24, 2012), *available at* http://thestar.com.my/english/story.asp?file=/2012/4/24/lifefocus/11149264&sec=lifefocus (explaining that, in the seventeenth century, the word "nice" was commonly used to describe something as a "fine or subtle" distinction).

79. BROWN, *supra* note 76, at 564.

80. *Pathway: A Family History, Cicely Reynolds Baley Jordon—Records of the Virginia Company*, *available at* http://biographiks.com/pleasant/cecely.htm (last visited Dec. 1, 2012).

81. *Id.*

group typically harmed by a failed engagement.[82] However, the ease with which Jordan found another fiancé also supports the idea that in the colonies, it was the man, rather than the woman, who was most harmed by a failed engagement.

Pooley's initiation of this breach of promise case was unusual, but it is even more surprising that he lost. In Britain at the time, a present declaration of a future intent to be married was enough to form a binding contract.[83] The fact that neither the Virginia Council nor the Virginia Company were willing to issue such a finding indicates that colonial women's marriage choices received an astounding level of respect and deference. Had the case occurred in Britain, it is likely that Jordan would have been held to her engagement or forced to pay damages.[84]

The ruling is especially telling because the Virginia Council clearly believed there had been an engagement.[85] In fact, the colonial government was so troubled by the Jordan case that shortly after the breach of promise suit was resolved, the Council passed a law demonstrating its disapproval of Jordan's actions to ensure that such a case would never happen again.[86] Specifically, the Council enacted the law to deter subsequent women from breaking their engagements and to guarantee that those women who did break their engagements would not be treated as leniently as Jordan.[87] The new law stated that:

> Whereas, to the great contempt of the . . . majesty of God and ill example to others . . . certain women within this colony

---

82. LEAH LENEMAN, PROMISES, PROMISES: MARRIAGE LITIGATION IN SCOTLAND 1698–1830, at 9 (2003). For example, in her study of declaratory actions filed in Scotland between 1700 and 1829, historian Leah Leneman found that of the 417 cases, 371 were raised by women and only forty-six by men. *Id*. Earlier periods seem to have had similar ratios. In a study of marriage suits before the marriage courts in Basel between 1550–1592, eight-two percent were initiated by women. In fact, historian Susanna Burghartz found the number of suits initiated by women increased during this time period seventy-eight percent of suits were raised by women during 1585–1589, which increased to eighty-five percent between 1645–1649. It remained high, at seventy-one percent through 1685–1689. JOEL FRANCIS HARRINGTON, THE UNWANTED CHILD: THE FATE OF FOUNDLINGS, ORPHANS AND JUVENILE CRIMINALS 327 n.72 (2009).

83. *See* LENEMAN, *supra* note 82, at 25 (explaining that the court found a promise for future marriage to be a binding promise of marriage where a Scottish man had sexual relations with a young woman and promised her father that he would marry her in the future).

84. *See* LETTMAIER, supra note 66, at 27. For example, in five breach-of-promise cases that were studied, three of the plaintiffs were men and all three men were awarded substantial damages. *Id.*

85. *See infra* note 86 (citing that fact that "certain women" within the colony had contracted themselves to two men at once). Contemporaries understood this as a clear reference to the Jordan/Pooley engagement. *See* BROWN, *supra* note 71, at 564–65.

86. *See* EDWARD D. NEILL, THE HISTORY OF EDUCATION IN VIRGINIA DURING THE SEVENTEENTH CENTURY 10 (1867) (quoting an order that punished flirting and referring to "Poor Pooley").

87. *See* Harrison v. Cage & Wife, 1 Ld. Raym. 387 (1698) (awarding the male plaintiff Harrison 400L as a result of the lady's change of heart). The Pooley case is even more telling given the fact that there are examples from England during this period in which women are severely fined for breach of promise. What is particularly interesting about the Harrison case is the fact that on appeal to the Kings Bench for excessive damages, the argument that was the most persuasive, though ultimately failed, was that a man is not advanced by marriage. Clearly, this was not the case in the Jamestown colony and all the more reason why it is significant that Pooley's suit failed. *See also* LETTMAIER, *supra* note 66, at 24 (describing the contractual rationale for awarding monetary redress for breach-of-promise).

> have, . . . contracted them[selves] . . . to two several men at one time . . . whereby much trouble doth grow between . . . parties, and the Governor and Council of . . . State much disquieted. T'o prevent the like offense to others hereafter, it is by the . . . Governor and Council ordered in Court that . . . every minister give notice in his church, to . . . his parishioners, that what man or woman . . . soever shall use any words or speech tend[ing] . . . to the contract of marriage, though . . . not right and legal, yet so may entangle . . . and breed struggle in their consciences . . . shall for the third offense undergo . . . perhaps corporal punishment, or other punishment by fine or otherwise according to the guilt of the person . . . so offending.[88]

The law demonstrated the Council's disapproval but had little practical effect on colonial women, as it did not apply until the "third offense."[89] Shortly after the law's passage another colonial woman, Eleanor Spragg, contracted herself to two men at one time.[90] Her actions clearly violated the newly-enacted law yet her punishment consisted solely of a public apology.[91] Clearly, the prohibition of dual engagements (entering into a new engagement without release from the first) had no teeth and was easily ignored by colonial women.

After Spragg's offense, the Virginia Council passed a stronger version of the law, which stated that any person who enters a contract "of marriage to several persons, shall be whipped or fined according to the quality of the persons offending."[92] However, this change also had little effect. One telling example involved a colonist named Sarah Harrison Blair who, despite this law, repudiated her written contract promising to marry William Roscoe, and also dictated the terms of her subsequent marriage to James Blair.[93] When the clergyman marrying her to Blair asked for her promise to obey she answered "no obey."[94] When the question was repeated she replied "no obey" again.[95] In the end, the reverend acquiesced to her demands and performed the ceremony with no mention of the promise to obey.[96] This example demonstrates colonial women's power and choice in the marriage market and how they used their power to rewrite the traditional rules of marriage and courtship.

Conversely, at the time of the Jamestown colony's founding, married British women had few individual rights.[97] England operated under the system of *feme covert*, which means "covered woman" and which furthered the idea that upon

---

88. NEILL, *supra* note 86, at 10.

89. *See id.*

90. SPRUILL, *supra* note 5, at 151.

91. *See id.* (explaining that Spragg was required to stand before the congregation in church and, acknowledging her offense, "ask God's and the Congregation's forgiveness").

92. *Id.*

93. *See id.* at 152 (explaining how Sarah Harrison Blair responded in opposition to the clergyman's proffered vows, refusing to state that she would "obey" her husband).

94. *Id.*

95. *Id.*

96. *Id.*

97. *See id.* at 340 (noting that in England, all women "were without political rights, and generally wives were legal nonentities").

marriage, a woman's independent legal identity gets subsumed or "covered" by her husband's legal identity.[98] Due to the doctrine of coverture, married women in England could not hold property in their own name, alter or dispose of property without their husband's consent (even if such property was their own inheritance), or make wills or appoint executors without their husband's agreement, and all their moveable property became their husband's with marriage.[99] The system was vastly different in the colonies.

Colonial women enjoyed greater rights and privileges than their contemporaries living in Britain.[100] Beginning with the Jamestown colony, the traditional rules of coverture were relaxed.[101] Many of the early colonies, particularly those with the greatest scarcity of women, afforded married women rights on par with husband's' rights.[102] For instance, when the Virginia lands were first distributed, the members of the Virginia House of Burgesses asked the Virginia Company, in a petition of July 31, 1619, that parcels of land be allotted for both the male colonists and their wives.[103] The men explained their request by stating that "[i]n a newe plantation it is not knowen whether man or woman be the most necessary."[104] The Company clearly agreed, and granted the wives property shares equal to those given to their husbands.[105]

The equal distribution of property exemplifies the greater property rights possessed by colonial women, as well as the greater equality that existed between the sexes,[106] but that example is far from the only one. In his seminal work, historian Richard Morris argues that colonial women in general "were attaining a measure of individuality and independence in excess of that of their

---

98. *Id.* at 341 (noting that a married could have "no will or property of her own"); *see generally* 1 WILLIAM BLACKSTONE, COMMENTARIES *442 ("By marriage, the husband and wife are one person in law: that is, the very being or legal existence of the woman is . . . incorporated and consolidated into that of the husband; under whose wing, protection and *cover*, she performs every thing.") (internal citation omitted).

99. SPRUILL, *supra* note 5, at 356 (noting that a husband had "absolute possession of all his wife's personal property").

100. *See infra* notes 106–08 and accompanying text (describing historian Richard Morris's work on the greater rights of colonial women and the debate surrounding his work).

101. *See infra* notes 103–12.

102. *Id.*

103. 1 JOURNALS OF THE HOUSE OF BURGESSES OF VIRGINIA, 1619–1658/59, REPORT OF THE PROCEEDINGS OF THE GENERAL ASSEMBLY OF 1619, at 6–7 (The Colonial Press, H.R. McIlwaine ed., 1905); 1 RECORDS OF THE VIRGINIA COMPANY 566 (1619).

104. *Id.* at 7.

105. *Id.*; *see also* SPRUILL, *supra* note 5, at 9. This was the same year the colonists requested the first shipment of women. *See* SPRUILL, *supra* note 5, at 8. In addition, a parcel of land, called Maid's Town was also set aside for the unmarried women to use until their marriages. BENJAMIN TRUMBILL, A GENERAL HISTORY OF THE UNITED STATES OF AMERICA 67 (1810).

106. *See* ANN JONES, WOMEN WHO KILL 58 (2009) (stating that "[m]any colonies offered outright grants of land to women—married or single . . . [and] [f]rom the beginning Virginia offered [women] equal pay for equal work in the skilled trades such as weaving"). It should be noted however, that there is significant debate among historians regarding whether colonial women's property rights were truly more expansive than contemporaneous English laws. *See, e.g.*, Marylynn Salmon, *The Legal Status of Women in Early America: A Reappraisal*, 1 L. & HISTORY REV. 129, 131 (1983) (arguing that this idea of greater freedom and status enjoyed by colonial women has been exaggerated and is based too heavily on what she sees as the questionable work of historian Richard Morris).

English sisters."[107] Not all historians agree that colonial women in general experienced greater rights,[108] but most concede that women in the Chesapeake area colonies—Maryland, Virginia and South Carolina, the states with the fewest women—granted women more dower and inheritance rights,[109] as well as greater legal powers. For example, in seventeenth century Virginia, wives were often executrixes of their late husband's estates and were frequently provided with more than the one-third share of the estate required under dower law.[110] In addition, "through the legal principle of *tacit consent* . . . married women obtained the status of *feme-sole trader*, [which] gave them the right to sue, conduct business, be sued, enter into contracts, sell real property and have the power of attorney in the absence of their husbands."[111] Moreover, even when colonial legislatures tried to limit these greater rights, they often failed. In one telling example, the 1634 Maryland legislature was unable to pass a bill requiring that any "female inheriting land must marry (or remarry) within seven years of possession or forfeit her claim."[112]

Colonial mail order brides were the beneficiaries of these greater rights. Most colonial mail order brides immigrated to the Chesapeake colonies, the colonies with the greatest scarcity of women and the colonies most willing to bestow rights on their female immigrants. Consequently, by immigrating, colonial mail order brides received significant monetary benefits, power and independence. Nevertheless, their arrival in America is often depicted as one of victimization rather than choice. In her 2008 book *Eve to Dawn*, feminist Marilyn French describes the story of the Jamestown brides as one of abuse and exploitation. She writes:

> [T]he government decided to shanghai a hundred or so "young and uncorrupt" girls, force them aboard a ship, and sell them as wives to Virginia men for the cost of their passage. Ninety girls were impressed in 1620, fifty more in 1621–22; all were soon married, but men clamored for more, insisting they needed women to wash their clothes and nurse them. Through terrorism and rape, the sex ratio became three men to every woman.[113]

By describing the Jamestown brides as hapless victims, French's portrayal ignores the fact that colonial mail order brides made a reasonable choice to

---

107. RICHARD B. MORRIS, STUDIES IN THE HISTORY OF AMERICAN LAW: WITH SPECIAL REFERENCE IN THE SEVENTEENTH AND EIGHTEENTH CENTURIES 129 (1930).

108. *See* Norma Basch, *Invisible Women: The Legal Fiction of Marital Utility in Nineteenth-Century America*, 5 FEMINIST STUD. 346, 348 (1979) (stating that married women's property acts failed to alter a woman's position in society). However, even more skeptical historians, such as Norma Basch, concede that, at the very least, colonial women benefited from a "lenient application of some common law principles." *Id.*

109. *See* JOAN HOFF, LAW, GENDER AND INJUSTICE: A LEGAL HISTORY OF U.S. WOMEN 83–84 (1994) (stating that "the very earliest American settlements tended to be 'more lenient toward women with respect to a limited number of assorted economic functions and inheritance or dower rights'").

110. *Id.* at 85.

111. *Id.* at 87.

112. ELIZABETH FROST, WOMEN'S SUFFRAGE IN AMERICA 2 (2005).

113. 2 MARILYN FRENCH, FROM EVE TO DAWN, A HISTORY OF WOMEN IN THE WORLD 267 (2008).

control their marriages and better their lives.[114] Such inaccurate portrayals are not harmless; they perpetuate inaccurate and harmful beliefs regarding modern mail order marriages.

Articles on the modern mail order bride industry describe it as "gilded prostitution" and "human trafficking," and argue that the "traffic" in mail order brides must be stopped.[115] Moreover, even when these articles acknowledge that modern mail order brides frequently view themselves as women taking control of their lives, scholars and feminist advocates frequently dismiss these explanations as either "rationalization[s]" by "desperate women,"[116] or describe mail order marriages as simply another avenue for potential female victimization. Such critics acknowledge that these independent women "do not fit the stereotype of the docile wife, willing to submit to the control of an American husband."[117] However, rather than viewing the inapplicability of the stereotype as an indication that mail order marriage can be a reasonable choice for independent women, these scholars view women's independence as a fact likely to increase their risk of physical abuse.[118]

Re-examining the history of mail order marriages can help identify the origins of these modern misconceptions and rediscover the feminist origins of many of the current marriages. In particular, the history of another group of colonial mail order brides, women commonly referred to as the "*filles du roi*," or the "King's daughters," is illustrative. The descriptions of the *filles du roi* demonstrate both the extent to which they were valued by their contemporaries and how their experiences nevertheless quickly become subjected to rumor and disparagement.

II. THE FILLES DU ROI

The *filles du roi* were a group of nearly 800 French women who immigrated to New France as potential brides for the male colonists.[119] Like the Jamestown colony, New France faced significant difficulty recruiting immigrants and increasing its population.[120] The *filles du roi*, like the Jamestown brides, helped ensure the colony's survival at a time when female immigration to New France was virtually non-existent.[121] The French perceived Canada as remote and

---

114. *See, e.g.*, MIMI ABROMOWITZ, REGULATING THE LIVES OF WOMEN 46 (1996). French's portrayal is far from unique. It is quite common for descriptions of these women to focus on their "sale," describing the Jamestown brides as part of a scheme devised by an English sea captain to "sell 'wives' for 120 pounds of leaf tobacco – or about $80." *Id.* Moreover in the next sentence Abramovitz discusses kidnapping other women and bringing them to the colonies, clearly inviting a comparison between the two groups. *Id.* at 46–47.

115. *See e.g.*, Chun, *supra* note 1; Meng, *supra* note 1; Vergara, *supra* note 1; Epstein, *supra* note 2..

116. *See* Vergara, *supra* note 1, at 1557 (dismissing the statements of a Filipina mail order bride who stated "[w]e have our freedom and we choose for ourselves. There is nothing that can be done to stop us from giving our names to pen pal companies. I don't think of this as a dirty business . . . We're not being forced. This is what we want.").

117. Chun, *supra* note 1, at 1186.

118. *Id.* at 1155, 1186.

119. *See* ALLAN GREER, THE PEOPLE OF NEW FRANCE 17 (1997).

120. *See infra* notes 160–63 and accompany text.

121. *See* HUBERT CHARBONNEAU ET AL., THE FIRST FRENCH CANADIANS, PIONEERS IN THE ST.

dangerous,[122] and French women were particularly unwilling to immigrate.[123] Consequently, by the mid-seventeenth century, decades after the founding of the first French settlement, the population in New France was still almost entirely male and growing at such a slow rate that it resembled more of an outpost than a colony.[124] This slow growth was particularly concerning because by that time, the neighboring English colonies had begun to flourish.[125]

The problems plaguing New France resembled those experienced a generation earlier in Jamestown. The lack of marriageable women meant that most French colonists viewed their time in New France as temporary.[126] Nearly three quarters of the colonists returned to France within a few years.[127] This population loss was further compounded by the fact that many of the male colonists married native women and left the colony to live with their new bride's tribe.[128]

By the time the French government began to recruit the *filles du roi*, white-Indian relationships were being treated as a significant problem. However, in the early 1600s there had been discussions of encouraging white-Indian marriages as a means of fostering assimilation.[129] The colony initially hoped the native population would convert to Christianity and become French citizens.[130] Therefore, the French government provided incentives for Indian people to convert. The 1627 New France charter specifically stated that

> savages who will be led to the faith and to profess it will be considered natural Frenchmen, and . . . will be able to come and live in France when they wish to, and there acquire property,

---

LAWRENCE VALLEY 23, 27 (describing the factors that prevented many French from immigrating and the "weakness of female immigration"); Moogk, *supra* note 6, at 463 (describing the extreme reluctance of the French to immigrate).

122. *See* Moogk, *supra* note 6, at 465 (describing the Atlantic passage as "costly and dangerous").

123. *See id.* at 475 (describing the particular rarity of female immigration).

124. CHARBONNEAU ET AL, *supra* note 121, at 36 (noting that there were twice as many men than women in the colonies).

125. ENCYCLOPEDIA OF CANADA'S PEOPLES 540 (Paul R. Magocsi, ed. 1999) (noting Canada's desire to "hem in the English colonies to the south" as well as Canada's almost complete reliance on population growth due to births rather than immigration).

126. *See id.* at 79 (noting that in Canada, women were scarce and that "settling down is a function of finding a wife").

127. *Id.* at 198.

128. *See* SARAH MELTZER, COLONIZER OR COLONIZED: THE HIDDEN STORIES OF EARLY MODERN FRENCH CULTURE 116 (2012) (noting the growing fear that intermarriages caused French men "to become barbarians and make themselves similar to [the Indians]"); *The Coureurs du Bois*, THE CHRONICLES OF AMERICA, *available at* http://www.chroniclesofamerica.com/french/coureur_de_bois.htm. There was even a French term for these men: "coureurs du bois," which meant "man of the woods" and referred to French men who traded with the Indians and adopted their lifestyle, frequently married Indian women, and lived as part of an Indian village. *Id.*

129. *See* GREER, *supra* note 119, at 17 (stating that there was talk in the early seventeenth century of marrying French men and Native women but the idea petered out in the 1660s); *see also* Guillaume Aubert, *"The Blood of France": Race and Purity of Blood in the French Atlantic World*, 61 WM. & MARY Q. 439, 451–52 (2004) (stating that "colonial policymakers deployed ambitious plans of assimilation through intermarriage").

130. *See* Aubert, *supra* note 129, at 451–52 (stating that the French intended to convert the Natives to Christians).

> with rights of inheritance and bequest, just as if they had been born Frenchmen, without being required to make any declaration or to become naturalized.[131]

French officials also hoped that intermarriage would encourage assimilation; the government even established a fund of several thousand livres to provide dowries for prospective Christian Indian brides.[132] However, these efforts to foster assimilation through intermarriage failed. Few native women converted and the dowry fund was never used.[133]

Once the French government decided that the assimilation of native women was untenable,[134] it became increasingly concerned about the temptation these women posed to colonial men. They worried that instead of the male colonists convincing native women to adopt French lifestyles and customs, Indian women were attracting French men away from the colony.[135] Moreover, when male colonists did desert,[136] such desertions reinforced the government's fear that uncontrolled sexual relations between French men and Indian women impeded the successful establishment of the colony.[137]

In addition, there was the possibility that these relationships could pose physical danger to the colony.[138] A French-Indian relationship almost destroyed an early French colony in Brazil. In his 1609 description of colonial endeavors, New France chronicler Marc Lescarbot discussed the short-lived French colonial endeavor in Brazil and described how a French interpreter who had "married a savage woman, [and led] the most filthy and Epicurean manner of life" had conspired to destroy the colony "in order to live after [his] desires."[139] His plan to murder the leaders of the colony was only prevented by one of his co-

---

131. *Id.*

132. *Id.* at 453.

133. *Id.* In fact, it was specifically abandoned at the same time that the *filles du roi* began arriving. *See* GREER, *supra* note 119, at 16 (noting that the *filles du roi* arrived between 1663 and 1673).

134. Aubert, *supra* note 129, at 453. Marie de l'Incarnation, the Ursuline Mother Superior in charge of converting many of these women, noted that "[i]t [was] a very difficult thing, not to say impossible to Frenchify or civilize [Indian girls]. We have more experience in this than anyone else, and we have observed that out of a hundred who have passed through our hands we have scarcely civilized one." *Id.*

135. *Id.* at 455. The officials of New France feared the "ensauvagement" of the male colonists who would trade with the Indian tribes and then decide to live and take sexual partners among them. *Id.*; *see also The Coureurs du Bois*, *supra* note 132 (discussing the coureurs du bois).

136. *See* ERIC J. DOLIN, FUR, FORTUNE AND EMPIRE: THE EPIC HISTORY OF THE FUR TRADE IN AMERICA 97 (2011) (noting that contemporaries were appalled by the frequency with which these men would "go native," living with the Indians, taking Indian wives and refusing to settle down "and contribute to the growth, permanence and social fabric of the colony"); HAROLD INNIS, THE FUR TRADE IN CANADA: AN INTRODUCTION TO CANADIAN ECONOMIC HISTORY 63 (1930).

137. *See* Aubert, *supra* note 129, at 451–52 (noting that this fear was expressed as early as 1609).

138. *See* THOMAS INGERSOLL, TO INTERMIX WITH OUR WHITE BROTHERS; MIXED BLOODS IN THE UNITED STATES 280 (noting that there was little question that there were Frenchmen who intermarried with Iroquois women and that the English attempted to use their influence with the tribe to prevent such relationships from benefitting France, by encouraging the tribes to prevent intermarrying French and their children from fraternizing with the French colony).

139. Aubert, *supra* note 129, at 451 (citing MARC LESCARBOT, HISTORY OF NEW FRANCE 159–60 (1612)).

conspirator's last minute change of heart.[140]

In light of this earlier occurrence and the numerous French desertions to Indian tribes, French policy changed from encouragement to prevention of intermarriage.[141] However, before the government could realistically hope to prohibit such relationships, there had to be a viable alternative. The *filles du roi* were the solution.

The *filles du roi* represented a changed view about the type of women who should help populate New France.[142] The *filles du roi* were recruited to save the colony: it was hoped they would entice the French men away from native women, help the men establish roots, and enable the colony to grow and flourish.[143] Native women were no longer acceptable wives, the Indian dowry program was abandoned, and all governmental efforts focused on the *filles du roi*.[144]

The *filles du roi* program was ultimately successful in creating a stable, thriving colony. However, the immigration of mail order brides was not the initial solution proposed to solve this problem. Like the Jamestown colony, the idea of mail order brides only arose after more traditional immigration proposals failed. The colonial government initially sought to solve the population problem by increasing general immigration to New France, but this proposal was firmly rejected by the King. The King's minister Jean-Baptiste Colbert explained that "[i]t would not be prudent [for the King] to depopulate his Kingdom as would be necessary in order to populate Canada . . . the Country will become populated gradually, and, with the passing of a reasonable amount of time, will become quite considerable."[145] After this rejection, Jean Talon, the Intendant of Quebec City, proposed a more targeted immigration plan involving only young, marriageable women.[146] The *filles de roi* program represented a compromise between the King and the colonial government. France agreed to this proposal and in 1663, began a matchmaking program that would eventually entice more than 700 French women to leave France and move to Canada.[147]

These women represented the future of the French colony. Because of their importance, the French government was involved in nearly every aspect of the

---

140. LESCARBOT, *supra* note 139, at 160.

141. *See* Aubert, *supra* note 129, at 455 (explaining that French officials saw intermarriage as a threat to the colony as intermarriage undermined their efforts to establish an orderly colony).

142. GREER, *supra* note 119, at 17 (purporting that the "'king's daughters' program represented a racial reorientation as much as a developmentalist agenda"). Thus, although the Indian dowry policy was technically in place until 1683, the actions of the government of New France strongly demonstrate that request for king's daughters was in part a change in the view of intermarriage. *See* Aubert, *supra* note 129, at 453 (explaining that none of the money that was to be used for Indian dowries was used and by 1683, it was spent to support the marriage of French girls).

143. *See infra* notes 147–50.

144. Aubert, *supra* note 129, at 453 (explaining that it was during the period of the king's daughters that French officials began to restrict the fur trading activities of colonists and entice them to "settle down and cultivate the land"; by 1676, the fur trading expeditions of these men were officially prohibited).,

145. GREER, *supra* note 119, at 24.

146. *Id.* at 28.

147. ELIZABETH ABBOTT, A HISTORY OF MARRIAGE 10 (2010).

immigration program.[148] In France, governmental authorities managed the recruitment and immigration of the women, and the King paid for their transport to the colony.[149] Upon arrival, the women were greeted and settled by the Intendant.[150] And when the women married, the French government provided them with a significant dowry.[151]

In addition, the budget spent on this project was substantial. Every bride received at least fifty livres,[152] many received as much as 100, and at least two women were given 600 livres.[153] For each woman, the cost of recruitment, transportation, and dowry is estimated to have been between "12,570 livres and possibly more than 33,000 livres."[154] Between 1665 and 1669, the total cost of the program exceeded 410,000 livres.[155] Given the significant resources the government spent on this program, it is not surprising that, like the Jamestown brides, the *filles du roi* were selected with care.

Initially, the women simply had to be young, between the ages of twelve and twenty-five,[156] and healthy.[157] In his first letter delineating the selection criteria, Talon requests that the women be of "ages suitable for procreation, and most of all that they be very healthy."[158] After the first group of women arrived and were married, the number of requirements increased. Attractiveness was added to the list of requirements, as well as an increased focus on household skills.[159] In a letter to Colbert, France's minister of finance, Talon outlined these requirements, stating:

> All the king's daughters sent to New France last year are married, and almost all are pregnant or have had children, a testament to the fertility of this country. I strongly recommend that those who are destined for this country [next year] be in no way unattractive or have anything repugnant in their appearance, that they be healthy and strong, for the work of the country, or at least have some skill in household chores . . . It is good to have them accompanied by a certificate from their

---

148. *See* CHARBONNEAU ET AL., *supra* note 121, at 27 ("[T]he Crown took on the responsibility of recruiting and transporting female immigrants who were baptized "'Filles du roi.'").

149. *See id.* at 28 (noting that the King's Daughters "crossed over to Canada at the King's expense").

150. *Id.* (explaining that the Intendant was the government official who controlled the colony's entire civil administration).

151. *See id.* (stating that the *filles du roi* "received upon marriage the King's gift of 50 livres for commoners and 100 livres for young ladies").

152. ABBOTT, *supra* note 147, at 10.

153. Aubert, *supra* note 129, at 454; A livre was the French unit of currency. "A family could probably have lived decently on 25 livres a month," but an unskilled worker might earn as little as 10 livres a month. ANDREW TROUT, CITY ON THE SEINE: PARIS IN THE TIME OF REICHLEIU AND LOUIS XIV xi (1996). Trout further estimates that one livre was worth about the same as $40 (USD) in 1990. *Id.*

154. Aubert, *supra* note 129, at 454.

155. *Id.*

156. Greer, *supra* note 119, at 17.

157. CHARBONNEAU ET AL., *supra* note 121 , at 28.

158. *See id.* (stating that the women should be free of anything repulsive in their appearance and at least have some skill for manual labor).

159. ABBOTT, *supra* note 147, at 10.

> Pastor or a local judge who can vouch for their being free and marriageable.[160]

Nearly all of Talon's requests were granted.[161] The girls were healthy and fertile.[162] One of the women, Catherine du Paulo, gave birth to fifteen children.[163] Relatedly, an interesting study on the fertility of the female pioneers indicates that the conditions in Canada actually increased the pioneers' fertility beyond the fertility of the women from their regions of origin.[164] As a result, these few hundred women[165] became the foremothers of millions of French-speaking Canadians.[166]

The women were also pretty. In fact, the beauty of the *filles du roi* is legendary. Among Canadians, the renowned beauty of Quebec women supposedly derives from the fact that the boats carrying the King's daughters arrived first in Quebec.[167] This gave the Quebec men the first chance to woo and marry the women, and the men chose the prettiest women.[168] This legend explains why Quebec women are considered better looking than their sisters located upstream in Trois-Rivieres and Montreal.[169]

Talon's request for "country" women was less successful. Although more than two hundred of the *filles du roi* originated from the French countryside, the vast majority came from cities.[170] Talon believed that women raised in the country would be better prepared for the harsh conditions of frontier life.[171]

---

160. *Id.*

161. *See id.* at 11–12 (stating that "*les filles*" were as healthy and capable as Talon and French officials intended, and so prolific that millions of today's French Canadians are descended directly from them).

162. *See id.* at 10 (noting that almost all of the *filles du roi* had become pregnant or born children).

163. *See id.* at 11 (describing two "typical" *filles du roi*, Catherine Paulo, who married at nineteen and had fifteen children, and Mathurine Thibault, who married at twenty-nine and had six children).

164. *See* CHARBONNEAU ET AL., *supra* note 121, at 138 (purporting that "the Canadian environment in fact led to an increase in fecundability and a reduction in fetal mortality").

165. Aubert, *supra* note 129, at 454 n.32 (estimating that the number of women transported to New France at the king's expense was between 774 and 1200.).

166. *See* CHARBONNEAU ET AL., *supra* note 121, at 205 (describing the king's daughters as representing "the reproductive capabilities of the human race: that scarcely one thousand women, who married within half a century, could end up fifty years later with fifty thousand decedents . . . today these same women represent, along with their husbands, approximately two thirds of the genetic make-up of six million French Canadians").

167. *See, e.g.*, *Les Filles du Roi (The King's Daughters)*, RICHARDNELSON.ORG, http://richardnelson.org/Parent-Frost%20Website/Filles%20du%20Roi%20master.htm (last visited Dec. 1, 2012).

168. *Id.*

169. *See id.*

170. YVES LANDRY, LES FILLES DU ROI AU XVIIE SIÈCLE: ORPHELINES EN FRANCE, PIONNIÈRES AU CANADA; SUIVI D'UN RÉPERTOIRE BIOGRAPHIQUE DES FILLES DU ROI [THE DAUGHTERS OF THE KING IN THE 17TH CENTURY: ORPHANED IN FRANCE, THE CANADA PIONEERS; FOLLOWED BY A BIOGRAPHICAL DIRECTORY OF THE DAUGHTERS OF THE KING] 54 (1992). According to Landry's study of 770 women, 486 were from cities, 215 were from the countryside, and sixty-nine were of indeterminate origin. *Id.*

171. MARIE-FLORINE BRUNEAU, WOMEN MYSTICS CONFRONT THE MODERN WORLD: MARIE DE L'INCARNATION (1599–1672) AND MADAM GUYON (1648–1717) 93 (1998). He was not alone in this belief. In her correspondence to her son, Marie de l'Incarnation writes: "We no longer want to ask for anyone but village girls suitable for work like men. Experience makes one see that those who have not been raised in this way are not right for here, where they find themselves in a state of inescapable

Although he was likely correct in thinking that city women were less suited for life on the frontier, they were also those most in need of the opportunity to change their circumstances. Cities are simply more likely to house more people who are in difficult situations, and many of the *filles du roi* were poor or orphaned.[172] City women were also those most likely to hear about the program.[173] As a result, when these "unsuitable" citywomen heard about the program, hundreds of them seized the opportunity.

Even noblewomen found the prospect of being a *fille du roi* appealing and by 1670 there were more noblewomen interested in immigrating than there were suitable husbands available.[174] At one point, Talon asked Colbert to send three or four aristocratic girls for some of the single officers and Colbert responded by sending fifteen *demoiselles*.[175] Talon was not pleased by the surplus and informed Colbert that "it is not expedient to send more *demoiselles*. I have had this year fifteen of them, instead of the four I asked for."[176]

Talon had more noblewomen seeking the opportunity than he could accommodate, and in some cases, even married women were interested.[177] The last line of Talon's letter, in which he requests proof of marriageability, alludes to an earlier scandal that occurred when it was revealed that some of the earliest brides had husbands back in France.[178] This fact clearly indicates that being *filles du roi* gave women an unparalleled opportunity to escape their lives in France and pursue new lives through immigration.[179]

Like the Jamestown brides, the *filles du roi* came to New France voluntarily and had good reasons for making this choice.[180] Although the majority of the

---

need." *Id.*

172. Aimie Kathleen Runyan, Daughters of the King and Founders of a Nation: Les Filles du Roi in New France 15 (May 2010) (unpublished MA thesis, University of North Texas), *available at* http://digital.library.unt.edu/ark:/67531/metadc28470/m2/1/high_res_d/thesis.pdf (noting, "[e]specially in the cities we find a greater concentration of people ill-suited to their environment, thus more likely to emigrate, and where communication offering the hope of a better life is more accessible" (quoting LANDRY, *supra* note 170, at 62–63)).

173. *See id.* at 28 (explaining that the King favored city girls from Paris).

174. *See id.* at 61 (noting that there were *filles du roi* from the nobility).

175. 1 FRANCIS PARKMAN, FRANCE AND ENGLAND IN NORTH AMERICA: PIONEERS OF FRANCE IN THE NEW WORLD, THE JESUITS IN NORTH AMERICA IN THE SEVENTEENTH CENTURY, LA SALLE AND THE DISCOVERY OF THE GREAT WEST, THE OLD REGIME IN CANADA 1258 (1983).

176. *Id.*

177. FRANCIS PARKMAN, THE OLD REGIME IN CANADA 284 (1875) [*hereinafter* THE OLD REGIME]; *see* PARKMAN, *supra* note 175, at 1258 (explaining that in a letter from 1667, Talon wrote "[t]hey send us eighty-four girls from Dieppe and twenty-five from Rochelle; among them are fifteen or twenty of pretty good birth; several of them are really demoiselles, and tolerably well brought up").

178. THE OLD REGIME, *supra* note 177, at 284.

179. *See generally* PETER GAGNE, BEFORE THE KING'S DAUGHTERS: THE FILLES À MARIER, 1634–1662, at 13 (2002). In fact, even without all the incentives offered by the government, an earlier group of women known as the Filles du Marier (marriageable girls) had made the same journey to the colony to seek husbands and a better life. *Id.*

180. *See id.* (containing a letter to the Archbishop of Rouen stating that "fifty or sixty girls might be found who would be very glad to go to Canada to be married, I beg you to employ your credit and authority with the curés of thirty or forty of these parishes, to try to find in each of them one or two girls disposed to go voluntarily for the sake of a settlement in life").

women were poor,[181] and many were orphans,[182] these women were not uneducated.[183] It is inaccurate to portray them as duped or coerced. Most of these women were actually more educated than their French contemporaries[184] and more literate than the men they would marry.[185] In addition, the women used their education to their advantage when they immigrated. More than eighty-two percent of the women required their husbands to sign a premarital contract stipulating the material terms of the marriage before they would proceed,[186] and many of these contracts contained terms, particularly with regard to property, that were highly favorable for the soon-to-be wife.[187]

The women were not rushed into marriage, nor were they directed toward a predetermined partner. The *filles du roi* had the right to refuse any suitor, as well as the power to choose whom to marry.[188] On average, the women married approximately five months after arrival.[189] Given the strong impetus to marry, this should be viewed as relatively slow. The fact that women did not marry immediately indicates that it was the women who had the power in this marriage market. They were able to take the time to choose the best husband and they had both the time and freedom to change their minds about their impending marriage.[190]

In fact, a number of the *filles du roi* changed their minds more than once. For example, one *fille du roi*, Catherine Gateau, first signed a marriage contract with

---

181. *See* CHARBONNEAU ET AL., *supra* note 121, at 128 (noting that one study on the fertility of the King's daughters suggests that their poverty stricken backgrounds and the poor dietary conditions and hygiene they endured at the Hospital General de Paris increased their likelihood of sterility).

182. LANDRY, *supra* note 170, at 15. According to the "declarations of their marriage certificates and contracts . . . close to 65% of them had lost their fathers before they reached adulthood." *Id.*; *see also* Magdalena Paluszkiewicz-Misiaczek, *From Strength to Weakness—Changing Position of Women in Societies of New France and British North America*, *in* PLACE AND MEMORY IN CANADA: GLOBAL PERSPECTIVES THIRD CONGRESS OF POLISH ASSOCIATION FOR CANADIAN STUDIES AND THIRD INTERNATIONAL CONFERENCE OF CENTRAL EUROPEAN CANADIANISTS 377, 381 (2004), *available at* http://www.ptbk.org.pl/userfiles/file/paluszkiewicz_misiaczek04.pdf (explaining that even those with living parents still lacked the economic resources they needed to secure good marriages).

183. *See* CHARBONNEAU ET AL., *supra* note 121, at 199 (stating that "the pioneers were . . . slightly more educated than their French contemporaries").

184. *See id.*

185. *See* CORNELIUS J. JAENEN, THE ROLE OF THE CHURCH IN NEW FRANCE 19 (1985), *available at* http://www.collectionscanada.gc.ca/obj/008004/f2/H-40_en.pdf (claiming that the greater proportion of brides who could sign their marriage registers indicates this greater literacy rate).

186. *See* NEW FRANCE, H 17 *available at* http://kilby.sac.on.ca/faculty/nMcNair/7%20HIS%20Documents/His7_Unit1.pdf. For example, the marriage contract between Isabelle Hubert and Louis Bolduc stated that the two promised to marry in a Catholic church as soon as possible, that all possessions they brought into the marriage would become joint property, and that Isabelle would bring a dowry of 400 livres into the marriage. In addition, the contract stated that in the event the marriage broke up, Isabelle would take property worth 500 livres with her and that in the case of death, the other spouse would inherit that person's property. *Id.*

187. *See infra* pp. 110–111 (discussing the terms of marital contracts).

188. THE OLD REGIME, *supra* note 177, at 286 (noting that although most of these women were fairly poor, they were not uneducated or naïve). Apparently, the first question most of the women asked their potential suitors was whether they had a house and a farm. *Id.*

189. BETTINA BRADBURY, CANADIAN FAMILY HISTORY: SELECTED READINGS 18 (1992).

190. CHARBONNEAU ET AL., *supra* note 121, at 90.

Abraham Albert in October 1671.[191] One month later she annulled her contract with Albert and signed a martial contract with Vivien Jean.[192] She then annulled that one as well but two weeks later changed her mind again, revalidated the martial contract with Jean, and married him.[193] Another *fille du roi* named Catherine Le Roux signed and then annulled her first marital contract and then married that man's brother.[194] Such changes of heart were common and at least ten percent of the *filles du roi* signed a marriage contract with a man other than the one they would eventually marry.[195] In addition, approximately four percent of the women chose never to marry at all.[196]

Contemporary accounts also confirm that the women were not rushed into marriage. Marie de L'Incarnation, the Ursuline nun who supervised many of the *filles du roi*, notes that the men were eager to woo the women and wrote that "[n]o sooner . . . have the vessels arrived than the young men go to get wives."[197] However, she also notes that the women were much more restrained and took their time to carefully evaluate the men and make sure the men would be adequate providers for them.[198]

In sum, the *filles du roi* made the deliberate and thoughtful choice to immigrate based on the reasonable belief that immigration would provide them with greater prospects for success. Unlike their male counterparts who viewed Canada as a temporary situation, very few of the French women who immigrated returned to France.[199] These women came to Canada with the intent to remain.[200] As the Virginia Company predicted with regard to the Jamestown brides, female colonists were more committed to the long-term success and permanence of the colony than the male colonists, and the women's presence was a stabilizing force.[201]

In addition, the women had good reasons to want to remain. Although life in New France was difficult, it also provided many unique opportunities. The *filles du roi* received both free passage to the colony and significant dowry.[202] This financial help immediately put them in a privileged position compared to the average immigrant to New France who arrived "alone, without any

---

191. PATRICIA KENNEDY GEYH, FRENCH CANADIAN SOURCE GUIDE FOR GENEALOGISTS 187 (2002).

192. *Id.*

193. *Id.*

194. *Id.*

195. CHARBONNEAU ET AL., *supra* note 121, at 90.

196. BRADBURY, *supra* note 190, at 18.

197. THE OLD REGIME, *supra* note 177, at 288.

198. ABBOTT, *supra* note 147, at 90. L'Incarnation noted approvingly that the women's first concern was whether the men had somewhere to live "because those men who were not established suffered a great deal before they could lead a comfortable life." *Id.*

199. *See* Moogk, *supra* note 6, at 482 (explaining that the filles du roi came to Canada to "wed an established colonist and to stay").

200. *See id.*

201. *Id.* at 484 (explaining that emigrants with families almost always stayed in Canada).

202. *See id.* at 482 (explaining that the filles du roi could have more honorable marriages in Canada than they would have been able to have in France); *see also* Paluszkiewicz-Misiaczek, *supra* note 182, at 381.

government assistance."[203] In addition, in the colony, land ownership was easier to attain than in France, and a higher social status was easier to achieve.[204] There were new government positions to fill and new businesses to start, and the *filles du roi* were in the perfect position to take advantage of these opportunities through their choice of marriage partners.[205] By far, the women's greatest advantage was their scarcity throughout the colony.

At the arrival of the *filles du roi*, single men outnumbered women six to one.[206] The *filles du roi* accounted for approximately two-thirds of all female immigration into New France during the seventeenth century.[207] These women entered a society eager for their presence and determined to accommodate them. A 1667 letter from Talon clearly expresses this sentiment. In this letter, Talon reveals great concern upon learning that some of the women, particularly the higher class women, were complaining about the neglect and hardships they had suffered on the voyage over.[208] He worries that if he cannot "soothe their discontent" the women will convey their grievances to people back in France and such complaints will hinder the immigration of additional brides.[209]

The government's commitment to the *filles du roi* program and the scarcity of women in New France meant that women in the colony exerted power and control over the terms of their marriage and their lives. In short, if the women were willing to marry, the government was willing to accommodate them. Women who immigrated as indentured servants were often permitted to break their contracts in order to marry.[210]

Moreover, the traditional waiting period for widows to remarry was ignored. Colonial widows remarried at extremely high rates.[211] Records show that four out of ten widows remarried before the prescribed nine months.[212] A widow "knelt a second time at the marriage altar even before her first husband was buried."[213] As these remarriage rates demonstrate, the social approbation typically wielded against women who did not conform to a rigid view of women's virtue was not as severe in the colony.

In addition, not only did colonial widows remarry quickly and often, but

---

203. *Id.* at 380.

204. CHARBONNEAU ET AL., *supra* note 121, at 199.

205. *Id.*

206. GREER, *supra* note 119, at 16.

207. CHARBONNEAU ET AL., *supra* note 121, at 35–37, 40 (explaining that, in fact, only an additional 201 women arrived after the last group of king's daughters). However, the end of the bride shipments was not an end to the gender imbalance in Canada. In 1681, the younger population was beginning to reach equilibrium but amongst the over thirty population, there were still two men for every woman. *Id.* at 40.

208. PARKMAN, *supra* note 175, at 1258.

209. *Id.*

210. See MARILYN BARBER, IMMIGRANT DOMESTIC SERVANTS IN CANADA 12 (1991), *available at* http://www.collectionscanada.gc.ca/obj/008004/f2/E-16_en.pdf (explaining that the Army "chose to concentrate" on immigrant domestics because they assisted in immigration).

211. CHARBONNEAU ET AL., *supra* note 121, at 111.

212. *Id.* at 201.

213. *Canada and its Provinces: A History of the Canadian People and their Institutions by One Hundred Associates* (Adam Shortt & Arthur G. Doughty eds., 1914), *available at* http://www.archive.org/stream/canadaitsprovinc15shoruoft/canadaitsprovinc15shoruoft_djvu.txt.

they also frequently engaged in non-marital sex, as indicated by the high rate of premarital pregnancy.[214] In France, such transgressions would not have been so easily ignored. These widows would have risked *chivaree*, the French custom of humiliating couples who did not follow social mores, such as waiting the proper amount of time before remarriage.[215] However, colonial widows were not subjected to *chivaree* despite the fact that the general custom was imported into Canada.[216] This lenient treatment is particularly interesting given that *chivaree* was widespread in France and persisted despite its prohibition by the Council of Tours and the disapproval of the French parliament.[217]

The case of the infamous *fille du roi* Catherine Guichelin also demonstrates that colonial women were less constrained by conventional morality.[218] Guichelin blatantly engaged in prostitution, had multiple children out of wedlock, and gave two of her legitimate children up for adoption.[219] Guichelin's actions were considered scandalous. Nevertheless, when she wished to marry she had no trouble finding a husband.[220] In fact, she would eventually marry three times.[221] Moreover, her notorious past does not appear to have hurt her children's future success; a number of her descendants became some of Canada's leading citizens.[222]

Despite the arrival of the *filles du roi*, not all male colonists were interested in

---

214. CHARBONNEAU ET AL., *supra* note 121, at 128–30 (stating that pre-marital pregnancy demonstrate the "greater freedom enjoyed by older women and . . . by widows"; records show that widows conceived almost four times as frequently as single women, indicating the significant freedom they enjoyed in the French colony).

215. W. PETER WARD, COURTSHIP, LOVE AND MARRIAGE IN NINETEENTH CENTURY ENGLISH CANADA 114–15 (1990). Typically, the Chivaree involved a raucous group of people engaging in a noisy uproar in front of the couple's new home and demanding money or whiskey. *Id.* at 112. However, such groups could quickly become frightening mobs and cause significant property destruction and even injury or rarely death. William Bell, a Presbyterian Minister in Upper Canada described an 1845 Chivaree of a neighbor in which the mob broke down the groom's door and became so rowdy that he had to call the magistrates for protection. *Id.* at 113. Other witness, recount Chivarees that lasted up to two weeks and many noted instances where the bridegroom shot or even killed some of their assailants. *Id.*

216. *See* WILLIAM S. WALSH, CURIOSITIES OF POPULAR CUSTOMS AND OF RITES AND CEREMONIES, OBSERVANCES AND MISCELLANEOUS ANTIQUITIES 209 (1925) (explaining that Chivaree existed in Canada).

217. *See id.* at 211 ("The French parliament also thundered against 'the tumults known as charivaris practi[c]ed before the houses of those who remarried.'").

218. *See* ABBOTT, *supra* note 147, at 11 (discussing Catherine Guichelin who led "a scandalous life and was once charged with prostitution").

219. *See id.* (explaining that although Guichelin led a scandalous life, was charged with prostitution, gave birth to illegitimate children, and adopted them out to other families, she had no trouble finding suitors, as she annulled two marriage contracts and subsequently married a third time).

220. *Id.*

221. *See id.* (noting that the fact that she also annulled two marital contracts indicates that she had suitors).

222. *See generally King's Daughters: Notable Descendants of the King's Daughters*, WIKIPEDIA, *available at* http://en.wikipedia.org/wiki/King's_Daughters (last visited Nov. 29, 2012). Louis Coutlée, who descended from Marie Vacher, one of Guichelin's illegitimate children, "became a founding father of Ottawa, Ontario, Canada's capital . . . . He was the first sheriff of Ottawa (after serving in the lower Canadian Militia during the Anglo-American War of 1812 . . .)." *Id.*

marriage.[223] Nevertheless, the women's arrival transformed marriage into a civic duty. Once marriage was possible, all men were encouraged to marry and they were encouraged to marry early.[224] In a 1668 letter to Talon, Colbert states:

> I pray you . . . to commend it to the consideration of the whole people, that their prosperity, their subsistence, and all that is dear to them depend on a general resolution, never to be departed from, to marry youths at eighteen or nineteen years and girls at fourteen or fifteen; since abundance can never come to them except through the abundance of men.[225]

This urging was also accompanied by rewards for marrying. According to the King's decree, a youth who married at or before the age of twenty was entitled to a gift of twenty livres, called "the King's gift."[226] Even greater sums were promised to noblemen and officers who married.[227] In one case, a Captain de la Mothe (*Motte*), received sixteen hundred livres for marrying and settling in New France,[228] and it is estimated that between 1665 and 1668, six thousand livres were spent to enable "four captains, three lieutenants, five ensigns, and a few minor officers to settle and marry."[229]

Childbearing was also viewed as a civic virtue and significant rewards were available to encourage large families. Canadians with ten living children were entitled to a pension of three hundred livres annually, and those with twelve living children received four hundred livres.[230]

The arrival of the *filles du roi* created an environment that extolled marriage and family, while those who chose not to marry were treated like criminals.[231] Regarding these bachelors, Colbert suggested that "[t]hose who may seem to have absolutely renounced marriage should be made to bear additional burdens, and be excluded from all honors; it would be well even to add some mark of infamy."[232] Talon agreed with Colbert and instituted a number of penalties for not marrying, the most severe of which was the loss of hunting and trading privileges.[233] Specifically, Talon issued an order forbidding male colonists to hunt with the Indians or go into the woods if they did not marry fifteen days

---

223. *See infra* note 253 and accompanying text.

224. *See* THE OLD REGIME, *supra* note 177, at 286 (explaining that "[b]ounties were offered for early marriages"; specifically, "[t]wenty livres were given to each youth who married before the age of twenty, and to each girl who married before the age of sixteen").

225. *Id.* at 286–87.

226. *Id.* at 286.

227. THOMAS CHAPAIS, THE GREAT INTENDANT: A CHRONICLE OF JEAN TALON IN CANADA (1665–1672) 56 (1914).

228. *Id.* at 56–57.

229. *Id.* at 57.

230. THE OLD REGIME, *supra* note 177, at 289 (explaining that bounties were also offered on children; a family with ten children would be granted 300 livres per year, and a family with twelve children would be granted 400 livres per year from the King); *see also* "*Canada: A Celebration of our Heritage*," http://www.canadianheritage.ca/books/canada3.htm (last visited Sept. 13, 2012).

231. THE OLD REGIME, *supra* note 177, at 286 (explaining that an unmarried man was forbidden from hunting without being married first).

232. *Id.*

233. *Id.*

after the arrival of the ships from France.[234]

Court records reveal that this was not an idle threat. In one case, an unmarried Montreal man named Francois Lenoir had traded with the Indians and was charged with violating Talon's order.[235] Lenoir pleaded guilty, and promised to marry after the next arrival of ships, or failing that, to give one hundred and fifty livres to the church of Montreal and a similar amount to the hospital.[236] Not surprisingly, Lenoir married within the year.[237]

Moreover, had Lenoir's father lived in the colony, he would have been punished as well.[238] After the arrival of the *filles du roi*, failure-to-marry punishments were extended to the bachelors' fathers.[239] Fathers who had not married off their sons at twenty and their daughters at sixteen were fined every six months until the children were married.[240]

The above laws elevated marriage and family and created an environment in early Canada that was unusually favorable to women. The French legal system, known as the *Coutume du Paris*, was used to further protect women's rights.[241] Thus, when the *Coutume du Paris* was imported to New France, it already contained laws that were protective of women's property rights.[242] Most notably, the *Coutume du Paris* explicitly stated that in the absence of a contract, "all of a married couple's assets, earnings, and debt were held jointly."[243]

The conditions of the colony further increased the protections available to women under this property regime. Marital contracts in New France could include a provision in which the woman reserved some or all of her dowry as her personal property, granting women even greater property rights than those they received under the *Coutume du Paris*.[244] The King provided the *filles du roi* with a substantial dowry and marital contracts indicate that many of the filles du roi preserved their dowries as separate property through contract.[245] For example, the marriage contract between Jean Beaudet and Marie Grandin specifically

---

234. *Id.* at 288 (explaining that orders were issued that all men arriving from France should marry within a fortnight); *see also* WILL FERGUSON, CANADIAN HISTORY FOR DUMMIES 81 (2005) (explaining that this requirement was enacted to encourage the men to marry but does not appear to have been used to pressure the women since the records demonstrate that many of the women waited much longer than 15 days to marry). Ironically, Talon never married. *Id.*

235. CHAPAIS, *supra* note 227, at 56.

236. *Id.*

237. *Id.*

238. *See* THE OLD REGIME, *supra* note 177, at 287 (explaining that fathers who failed to marry off their sons at age twenty and their daughters at age sixteen were fined, and were required to report to the authorities every six months to explain the delay).

239. *Id.*

240. *Id.*

241. *See* Gillian Hamilton, *Property Rights and Transaction Costs in Marriage: Evidence from Prenuptial Contracts*, 59 J. ECON. HISTORY 68–69 (1999).

242. *See id.*

243. *Id.* at 69. French law protected women's rights in a number of other ways as well. For example, French law guaranteed that husbands did not have the power to alienate the property that wives brought with them into the marriage. *See* Paluszkiewicz-Misiaczek, *supra* note 182, at 380.

244. Suzanne Boivin Sommerville, *Kessinnimek-Roots-Racines*, http://www.kateritekakwitha.org/roots/suzanne4-7.htm#_edn9 (last visited Dec. 3, 2012).

245. *Id.*

states that:

> The future husband [spouse] gives to his future wife [spouse] the sum of three hundred *livres tournois* to be taken first [before any debts of the marital community are paid] from their assets available at his death. With this in mind he mortgages [or guarantees] his assets. In addition, he takes [the future wife] as his spouse with all of her rights and all of the assets she presently possesses and those which she might obtain in the future through inheritance or otherwise. He also recognizes that his future spouse possesses three hundred *livres tournois*, which she adds to their legal possessions [*leurs avoirs*]. Of this sum, one hundred and fifty *livres* will belong to them in common and one hundred and fifty *livres* will always be the property of the future bride and of those who inherit from her, as will the fifty *livres* that the King gave to her to incite her to get married.[246]

Thus, the contract protects Grandin's dowry as her personal property.[247]

According to Canadian economist Gillian Hamilton, contracts favorable to women, such as the contract between Beaudet and Grandin, are common in communities where women are both scarce and valued.[248] In her study on annuity provisions in premarital contracts, Hamilton states that for an average woman in France at that time, "a community arrangement would have been optimal" and the annuity (a fixed amount she would receive upon her husband's death) she could expect to receive would be close to zero.[249] However, Hamilton argues that where women are rare and highly valued, one would expect to see particularly high numbers of marital contracts that include significant annuities.[250] Thus, according to Hamilton's hypothesis, the nearly universal use of premarital contracts by the *filles du roi* indicates that they took advantage of their powerful bargaining position and the female-friendly environment of New France to use the already favorable marital property laws to further improve the terms of their marriages.[251]

The acceptance of religious women also demonstrates the better treatment women received in the New France colony.[252] Throughout the sixteenth and

---

246. *Id.*

247. *Id.*

248. *See* Hamilton, *supra* note 241, at 80 (explaining, in general, the characteristics of couples in Quebec creating premarital contracts).

249. *See id.*

250. *Id.*

251. *See* JANINE LANZA, FROM WIVES TO WIDOWS IN EARLY MODERN PARIS 45 (2007) ("Only clauses that explicitly flouted established bedrocks of marital custom, such as the requirement that a husband provide his widow a dower, could not be abridged. However, most other elements of customary law could be, and were, altered in contracts. This flexibility allowed families to exert greater control over wealth and to plan explicitly for the eventuality of death rather than allowing the law to determine the distribution of assets.").

252. *See id.* at 74 (explaining that widows often joined religious orders). Part of religious women's eagerness to immigrate was a desire to serve as missionaries and convert the native people. However, religious women in Canada were also given much more freedom and this undoubtedly also held significant appeal. The history of Marie L'Incarnation is one such example. L'Incarnation was the first Superior of the Ursulines of Quebec but is best known for her autobiography, which was published at

seventeenth centuries, middle- and upper-class women joined the religious Counter-Reformation movement that swept across Europe.[253] During this time, numerous communities of women founded or reformed organizations devoted to practicing the contemplative or active life, and many new lay associations encouraged female piety and charity.[254] However, the increase in religious authority for women coincided with dramatic increases in misogyny.[255] Witch burnings and exorcisms were the most extreme examples, but there were also many less extreme examples of misogynistic practices, such as the growing practice of cloistering of religious women.[256] Although religious women were persecuted throughout France, the religious women in New France escaped this fate and were received into the colony with approval.[257]

Witch trials and exorcisms were entirely absent from Canada.[258] Cloistering was initially required for certain female religious participants, but the practice was far less rigid than in Europe and by the end of the seventeenth century, non-cloistered communities received recognition.[259] In addition, women's right to catechize, which was questioned in France until the late seventeenth century, was taken for granted as soon as missionary women appeared in the colony.[260] These differences demonstrate the better treatment of religious women in New France, and the better treatment of colonial women in general.

For a colony seeking to encourage marriage and procreation, promoting religious women's immigration might seem counter intuitive.[261] However, the fact that religious women were eager to immigrate to New France and were treated with respect and power undoubtedly influenced non-religious women's perception of the colony. Moreover, the presence of religious women could also provide tangible benefits to non-religious women. One such example is the fact that the women missionaries, like the Ursulines, made education available to all women, not just to the daughters of the elite.[262]

---

a time when the writings of nuns were not permitted to be published or read outside of their order. Consequently, her writings demonstrate Canadian religious women's significant power and independence. In her writings she is not afraid to question her male superior or demonstrate anger over his decisions. BRUNEAU, *supra* note 171, at 80–82. This is particularly illuminating given the fact that although "[n]uns were certainly allowed to write chronicles of their order and hagiographies of their religious sisters, . . . these pious works were not read outside the convents and addressed mostly the restricted history of a particular order." *Id.*

253. Leslie Choquette, *"Ces Amazones du Grand Dieu": Women and Mission in Seventeenth-Century Canada*, 17 FRENCH HIST. STUD. 627, 630 (1992).

254. *Id.*

255. *Id.*

256. *Id.*

257. *Id.*

258. *Id.* at 632.

259. *Id.* (noting that such recognition enabled these women to be fully recognized as religious women without sacrificing their freedom of movement).

260. *Id.* at 654.

261. In fact, the King made this point explicitly when he placed limits on the numbers of nuns permitted in each foundation stating, "it was not advisable for a colony to have so many people shut away in religion; it was more advisable to facilitate marriages." *Id.* at 629.

262. JAENEN, *supra* note 185, at 19–20. In fact, in 1657, Marguerite Bourgeoys opened a school for girls in Montreal. *Id.* at 20. However not everyone approved of general female education. According

The female-friendly environment of New France presented an attractive option for motivated women seeking better opportunities, independence, and greater respect. However, such independence has historically been viewed with suspicion and the *filles du roi* quickly fell victim to charges of immorality.[263] To this day, it is common for mail order brides to be unfairly characterized as prostitutes or criminals, and the *filles du roi* did not escape this classification. Historians accused the women of having loose morals and sometimes depicted them as outright prostitutes.[264]

These slanderous remarks began early. In 1703, the French writer La Hontan, who was not present during any of the following events, provided a description of the arrival of the *fille du roi*:

> After the regiment of Carrigan was disbanded, ships were sent out freighted with girls of indifferent virtue, under the direction of a few pious old duennas, who divided them into three classes. These vestals, were, so to speak, piled one on the other in three different halls where the bridegrooms chose their brides as a butcher chooses his sheep out of the midst of the flock. There was wherewith to content the most fantastical in these three harems; for here were to been seen the tall and the short, the blond and the brown, the plump and the lean; everybody, in short, found a shoe to fit him.[265]

La Hontan's description is inaccurate. Great care was taken to ensure the virtue of the *filles du roi*.[266] While prostitutes and criminals populated Paris's overcrowded prisons, they were not sent to New France.[267]

However, many prostitutes and criminals were sent to the French Antilles, and they were sent at the same time as the *filles du roi* immigrated to Canada. This timing leads a number of scholars to speculate that La Hontan confused the *filles du roi* with the Antilles women.[268] Less generous historians suggest that La Hontan was simply lying.[269] These scholars note the numerous fabrications in his memoir, such as his "discovery" of a river stretching from the Mississippi to the Pacific, his descriptions of the crocodile-filled Ohio rivers, and his purported encounters with the tribe of bearded Indians living on islands in the Great Lakes.[270] Whether intentional or not, there is little question that La

---

to one critic, the education of country girls "made them frivolous and lazy like so many of their contemporaries in the social elite living in the principle towns." *Id.* at 19.

263. PETER GAGNÉ, KING'S DAUGHTERS AND FOUNDING MOTHERS, THE FILLES DU ROI 1663–1673, at 22 (2001). The *filles du roi* are sometimes accused of being *filles de joie*—if not outright prostitutes, at least women of loose morals. *Id.*

264. *Id.*

265. GILBERT PARKER & CLAUDE G. BRYAN, OLD QUEBEC: THE FORTRESS OF NEW FRANCE 98 (1904).

266. *See infra* note 300 and accompany text (describing the great care taken to ensure the virtue of the *filles du roi*).

267. GAGNÉ, *supra* note 263, at 22. In reality, women convicted of prostitution in France *were* exiled to the French islands of the Caribbean – Martinique and Saint-Christophe (present day Saint Kitts)—but none were sent to Canada, at least knowingly. *Id.*

268. Runyan, *supra* note 172, at 30.

269. *Id.*

270. Interestingly, even this fabrication took nearly a century to be fully exposed. For nearly 100

Hontan's description of the *filles du roi* is false. The women sent to Canada were neither prostitutes nor criminals.[271] Not only were such women considered the wrong sort of woman to serve as founders of the new colony, the likelihood of their having venereal disease would have rendered their immigration counterproductive to the government's desire to increase procreation.[272] In addition, a 1670 letter from Colbert to France's archbishop of Rouen demonstrates that the girls were recruited through the auspices of local cures.[273] In this letter, Colbert requests that the archbishop seek:

> In the parishes about Rouen . . . fifty or sixty girls [who] might be found who would be very glad to go to Canada and be married. I beg you to employ your credit and authority with the cures of thirty or forty of these parishes to try to find in each of them one or two girls disposed to go voluntarily for the sake of settlement in life.[274]

As this letter makes clear, Colbert sought virtuous women who chose to immigrate rather than prostitutes who could be forced.

The success of this method for recruiting virtuous women is clear from court records of the period. These colonial records demonstrate that out of more than 700 women, only five faced charges of adultery, prostitution or debauchery.[275] Nevertheless, despite the overwhelming evidence that these women were of good character,[276] accusations that the women were thieves and harlots continue to tarnish their reputations.[277] Even today, a quick Google search reveals numerous sources that still refer to the *filles du roi* as prostitutes.[278]

---

years after his memoir was published maps of America continued to contain "The Long River." 1 THE UNITED STATES SERVICE MAGAZINE 359 (Henry Coopee ed., 1864).

271. GAGNÉ, *supra* note 263, at 22.

272. *Id.* Since the aim of the program was to send *fertile* women to the colony to marry and reproduce, the idea of sending *filles de joie* was "completely contrary to the King's design."

273. THE OLD REGIME, *supra* note 177, at 283.

274. *Id.* at 283.

275. *See* JAN G. COOMBS, OUR TANGLED FRENCH CANADIAN ROOTS: A HISTORY OF THE PEOPLE WHO WERE PART OF OUR GREGOIRE, ADAM, MARTEL AND BEAUDRY LINES 48 (2009) ("Very few of the King's Daughters created problems in their communities. Only five appeared in court on charges of adultery, prostitution, or debauchery, and one was executed, along with her son-in-law, for a serious crime, the nature of which is unknown because their court records were lost.").

276. *See id.*

277. One of the most interesting prosecutions of a *filles du roi* involves Marie Riviere. Marie's husband, Jean Ratier dit Dubuisson, was sentenced to hang after he killed a woman in a brawl involving half a dozen townsmen. However, before he could be executed, the executioner died and Jean was given the choice of being executed or becoming the executioner. Not surprisingly he chose the latter. However this meant that when his wife was later convicted of selling stolen goods and sentenced to a public lashing, he was the one who was required to conduct the punishment. Luckily for both for both of them, her sentence was commuted and he simply had to place her in the stocks. *See* 2 PETER J. GAGNE, KING'S DAUGHTERS AND FOUNDING MOTHERS: THE FILLES DU ROI 1663–1673, at 494 (2000).

278. *See, e.g.*, GUSTAVE LANCTOT, LES FILLES DE JOIE OU LES FILLES DU ROI: ETUDE SUR L'ÉMIGRATION FÉMININE EN NOUVELLE-FRANCE 158 (1952); MORDECAI RICHLER, OH CANADA!, OH QUEBEC! 102 (1992) (describing the women as "hookers, imported to New France . . . to satisfy the appetites of . . . mostly functionally illiterate soldiers"); Sarah Gahagan, *Les Filles du Roi*, MOÉ PI TOÉ, http://www.fawi.net/ezine/vol3no4/FASWST2003/Gahagan.html (last visited Dec. 1, 2012) (noting

Canadian historian Alan Greer suggests that such false descriptions were so easily accepted because the *filles du roi* broke with contemporary notions of women as subservient and powerless.[279]

Unlike most seventeenth and eighteenth century women, the *filles du roi* were independent—they were not subject to parental authority[280]—and they were powerful. They were the ones with the choice in the marriage market and thus, according to Greer, "they touched on the edges of sexual disorder" and were considered "honorary prostitutes."[281] Greer notes that descriptions of the women as "merchandise"[282] placed on display for a group of sex-crazed male "purchasers" were common. However, he also points out that a more accurate description portrays the women as the shoppers and the men as the objects of scrutiny.[283] It was the *filles du roi*, not the male colonists, who were doing the picking. The filles du roi were the ones with the power in this marriage market.

III. LOUISIANA'S CASKET GIRLS

Today, the reputations of both the Virginian and Canadian colonial brides still suffer from inaccurate memories and assumptions. However, it is the treatment of a third group of women, the Louisiana mail order brides, that is the most revealing regarding conflicted modern attitudes toward mail order brides. Unlike the women of Virginia and New France, who immigrated voluntarily, many of the Louisiana women were subjected to forced or coerced immigration, and many were prostitutes and criminals.[284] Amidst this unseemly reality, the legend of the "casket girl" arose. The "casket girls" were a group of mythical mail order brides who were skilled and virtuous, and who stood in stark contrast

---

that "many speculate that the King had his agents take prostitutes and social delinquents and send them out of the country"); Op-ed, *Stop Whining, Start Celebrating*, MONTREAL GAZETTE, Sept. 1, 1999 (describing the original population of New France as "[p]rostitutes, including les filles du roi . . .").

279. *See* GREER, *supra* note 119, at 17 ("These were, after all, young women who were not subject to parental authority (though they were chaperoned), nor were they enclosed within a secure institution; furthermore, they contracted marriage directly rather than through the mediation of family. Thus, they touched the edges of sexual disorder, and that made them, according to the dominant view at the time, honorary prostitutes.").

280. *Id.* However, they were chaperoned. *Id.*

281. *Id.*

282. *Id.*

283. *See id.* ("From the seventeenth century down to the present day, their situation has given rise to lurid fantasies in sexist minds. Contemporary wits loved to refer to them as "'merchandise"' and declared that they were certainly prostitutes plucked from the streets of Paris and placed on display before an audience of rough and randy habitants. (Never considered for a moment was the possibility that the women might have been the '"shoppers,'" and the men the objects of scrutiny, in these matrimonial encounters.)").

284. JOAN M. MARTIN, *Placage and the Louisiana Gens de Couleur Libre*, *in* CREOLE: THE HISTORY AND LEGACY OF LOUISIANA'S FREE PEOPLE OF COLOR 61–60 (Sybil Kien ed., 2000) ("White women were not only few in number, but also were frequently former inmates of asylums and houses of correction in France who had been brought to the frontier territory by force; they were typically described by many of the men as 'ugly, ignorant, irascible, and promiscuous.' The other white women said to have been available to European men are the famed 'casket girls.' Reputed to be from middle class families and chosen for their 'skill in housewifery duties' and 'excellence of character,' they are reported to have reached New Orleans in 1728, with others arriving in intervals, until 1751.").

to the actual female immigrants in Louisiana.[285] Although it is unlikely that these women ever existed, nearly every prominent Louisiana family claims to be their descendants.[286]

At first, the Louisiana bride program was very similar to the programs of Virginia and New France. Like the earlier colonies, Louisiana had a severe gender imbalance between white men and white women and its population was falling far short of the size and growth of its English colonial neighbors.[287] Numerous male colonists were deserting the colony to live with the Indians tribes, which further exacerbated the population decline.[288] Like New France, Louisiana initially encouraged or at least tolerated sexual relationships between the French settlers and native or African women.[289] However, by the first part of the eighteenth century, such relationships were actively discouraged. Like the officials in New France, the colonial officials in Louisiana worried that relationships with the native women led to the "ensauvagement"[290] of the French male settlers.[291] By 1706, Governor Jean Baptiste de Bienville was dismayed by the high number of male colonists who left the settlement to live among the local Indian tribes.[292] Bienville vowed to "bring back all the Frenchmen who are among the Indians and forbid them to live there as libertines simply because they have wives among them."[293] The government's opposition to these intermarriages also began to take on an explicitly racial concern. Commissary Jean-Baptiste Dubois Duclos concluded that such marriages must be prevented because of "the adulteration that such marriages will cause to the whiteness and purity of the children."[294] Duclos feared that "[i]f no French women come to Louisiana, the colony would become a colony of mulastres" (people of mixed race).[295]

Once again, the solution proposed to halt these intermarriages was the

---

285. *See id.* (noting that they were chosen for their "skill in housewifely duties" and "excellence of character").

286. *Id.*

287. *See id.* at 62 (noting that "the major cause . . . of white male/black female relationships in the colony was the gender imbalance, which cut across racial and class lines").

288. *See* Aubert, *supra* note 129, at 467 (noting the "widespread occurrence" of French-Indian sexual encounters).

289. *Id.* ("To illustrate their point, Hall and others often insist that the seventeenth-century French colonial policies that tolerated and sometimes encouraged sexual interactions between French male settlers and Indian or African women in New France . . . were transplanted and persisted unabated in eighteenth-century French Louisiana.").

290. The term "ensauvagement" translates as "return to the wild," i.e. to become savage.

291. *See* Aubert, *supra* note 129, at 442. French colonial discourses of the period also demonstrate that increasing concern with racial purity had started to pervade the colony. *See id.*

292. *See id.* at 467.

293. MATHE ALLAIN, NOT WORTH A STRAW: FRENCH COLONIAL POLICY AND THE EARLY YEARS OF LOUISIANA 78 (1988).

294. Aubert, *supra* note 129, at 469.

295. *Id.* at 469. ("Commissary Jean-Baptiste Dubois Duclos forcefully refuted 'the plan and the proposal of Mr. De La Vente' to allow marriages between French men and 'sufficiently instructed Sauvagesses.' Permitting such unions, Duclos argued, 'would be of no utility for the increase of families.'").

immigration of mail order brides.[296] As early as 1701, Pierre Le Moyne, Sieur d' Iberville, founder of the Louisiana colony, requested female immigrants. In a letter to the French government Iberville wrote, "[i]f you want to make something of this country, it is absolutely necessary to send this year some families and a few girls . . . who will be married off shortly after their arrival."[297] Iberville repeated this request every year until 1704,[298] when King Louis XIV approved the plan because he agreed that it was not beneficial for his colonists to be alone.[299]

The first Louisiana brides resembled those that preceded them in Jamestown and New France. The women were chosen for their virtue and piety, and with the hope that they would work hard and contribute to the population expansion of the colony.[300] In a letter, Pontchartain, the chancellor of France, informed Bienville of the brides' departure:

> His majesty sends by that ship [Le Pelican] 20 girls to be married to the Canadians and others who have begun habitations at Mobile in order that this colony can firmly establish itself. Each of these girls was raised in virtue and piety and knows how to work, which will render them useful in the colony by showing the Indian girls what they can do, for this there being no point in sending other than of virtue known and without reproach. His majesty entrusted the Bishop of Quebec to certify them, in order that they not be suspect of debauch. You will take care to establish them the best you can and to marry them to men capable of having them subsist with some degree of comfort.[301]

The women arrived in 1704.[302] They had no trouble finding husbands.[303] These women were similar to those recruited to the earlier colonies and were recruited for similar reasons. However, it quickly became clear that the Louisiana colony's commitment to them was vastly different.

The "Pelican girls" came voluntarily, but the promises that enticed them were lies. The women were promised a flourishing colony.[304] Life in Louisiana

---

296. ALLAIN, *supra* note 293, at 83 (noting that as soon as the colony was established in 1699, requests for women were sent).

297. *Id.* at 83.

298. *Id.*

299. *See* Publications of the Arkansas Historical Association 335 (John Hughes Reynolds ed., 1908) ("In 1704, King Louis XIV concluded that it was not well for his colonists to be along, so he sent twenty girls to Louisiana to be married to them.").

300. JENNIFER M. SPEAR, RACE, SEX, AND SOCIAL ORDER IN EARLY NEW ORLEANS 47 (2008) ("In January 1704, Ponchartrain sent word to Bienville that the first group of epouseuses – women specifically sent 'to be married to the Canadians and others' – would be arriving aboard Le Pelican later that year. The had 'been brought up in virtue and piety and [knew] how to work.' He promised that he would send only 'those of recognized and irreproachable virtue' and requested Bienville 'to marry them off to men capable of supporting them with some sort of comfort.'").

301. GAIL ALEXANDER BUZHARDT & MARGARET HAWTHORNE, RENCONTRES SUR LE MISSISSIPI, 1683–1763, at 63 (1993).

302. SPEAR, *supra* note 300, at 47.

303. *Id.* (noting that the women were described as "well behaved" and that "they had no trouble in finding husbands").

304. *See* ALLAIN, *supra* note 293, at 86. The Bishop of Quebec described the colony as "well

was described as so wonderful that marriage to a colonist seemed like a kind of prize.[305] The Louisiana brides, like the brides sent to the earlier colonies, were also promised marriages with established men capable of supporting them in comfort.[306] Therefore, the women felt tricked and betrayed when they discovered that the living conditions in Louisiana differed greatly from the bounty that was promised. They arrived just in time to participate in the colony's "starving times."[307] Outraged by this deception, in 1706, a number of the women banded together to protest their living conditions.[308] According to Bienville, the women swore they "would force their way out of the colony on the first opportunity."[309] Some of the women did try to leave but the sea captains refused them passage.[310] At that point, the women seemed more like prisoners than brides, which in turn led to an incident condescendingly known as the "petticoat insurrection."[311]

Some accounts of the "petticoat insurrection" make light of the betrayal these women experienced, and portray the women's complaints as frivolous rather than justified. According to one account, the women's protests arose primarily from their aversion to corn.[312] Although Bienville notes the women's unhappiness in one of his dispatches, he ignores the real cause—their terrible living conditions—and instead blames the insurrection on the corn.[313] According to Bienville,

> [T]he males in the colony begin through habit, to be reconciled to corn as an article of nourishment, but the females, who are mostly Parisians, have for this kind of food a dogged aversion, which has not yet been subdued. Hence they inveigh bitterly against his grace, Bishop of Quebec, who they say has enticed them away from home under the pretext of sending them to enjoy the milk and honey of the land of promise.[314]

---

provisioned." *Id.*

305. *See Archive of Historical Data, Books, Maps and other Materials*, AN ARCHIVE OF DAUPHIN ISLAND, AL, HISTORY, http://www.dauphinislandhistory.org/kennedy/pelican_expand318x228.htm (last visited Mar. 5, 2012) (noting that marriage opportunities were described as a kind of "contest" or "Lottery").

306. SPEAR, *supra* note 300, at 47.

307. ALLAIN, *supra* note 293, at 86. "Starving times" refers to a famine that gripped the colony during this time as well as the colony's severe lack of provisions from France. *Id.*

308. ROBERT LOWRY & WILLIAM H. MCCARDLE, A HISTORY OF MISSISSIPPI: FROM THE DISCOVERY OF THE GREAT RIVER BY HERNANDO DESOTO INCLUDING THE EARLIEST SETTLEMENT MADE BY THE FRENCH, UNDER IBERVILLE TO THE DEATH OF JEFFERSON DAVIS 29 (1891) (noting that these new women created "a revolt against a portion of the food with which they were served").

309. *Id.* at 29 ("Indignant at being thus deceived, and determined they would never eat corn, these girls declared they 'would force their way out of the colony at the first opportunity.'").

310. *See Mississippi Connection*, *available at* http://splendors-versailles.org/StudentGuide/FrenchMississippi/index.html.

311. *See* LOWRY & MCCARDLE, *supra* note 308, at 29; *1706: "Petticoat Insurrection" Begins When Women Detained Against Their Will*, MISSISSIPPI HISTORY TIMELINE, http://mdah.state.ms.us/timeline/zone/1699-1762-french-dominion (last visited Mar. 5, 2012).

312. LOWRY & MCCARDLE, *supra* note 308, at 29.

313. *Id.*

314. *Id.*

Supposedly, the women were eventually placated when Bienville had his housekeeper teach them Indian methods for cooking and spicing local dishes.[315] However, despite this charming story, it is clear the women had significant and legitimate grievances that were based on more than simply a distaste for corn.[316]

Perhaps the most egregious violation of the government's promises to the Louisiana brides was Bienville's attempt to marry the women against their will.[317] Like the earlier colonial mail order brides, the Louisiana women were promised that there would be no forced marriages.[318] However, after one woman refused all offers of marriage, Bienville wrote to Pontchartrain asking if she could be "oblige[d] . . . to do like the others since there [were] several good suitors who [were] sighting for her."[319] Pontchartrain denied the request but did state that she could be forced to return to France.[320] Although Bienville's request for a forced marriage was rejected, the request reveals that the Louisiana colony's attitude toward women markedly differed from than that of the preceding colonies.[321] Moreover, Bienville's request foreshadowed the change in the Louisiana bridal program from one of consent to one of conscription.

Too few women arrived on the Pelican to satisfy the colony's need for women. Consequently, by 1710, the need for brides was just as pressing as before. Male colonists were leaving Louisiana in droves. Commissaire-ordonnateur d'Artaguiette's desperate declaration that the "young men need wives . . . I know only this way to hold them" echoed throughout the colony.[322] The problem however, was that women no longer wanted to come to Louisiana. Word of the terrible conditions in the colony and the terrible treatment of the Pelican girls had made its way back to France.[323] Without the promise of good

---

315. NEW ORLEANS CUISINE: FOURTEEN SIGNATURE DISHES AND THEIR HISTORIES 99 (Susan Tucker ed., 2009) ("The quaint story goes that a group of frustrated housewives banged on pots in front of Governor Bienville's home, protesting their bland diet of cornmeal mush and the lack of familiar ingredients. Bienville reportedly pawned the ladies off to his housekeepers, Madame Langlois, who knew the way of the Choctaw and taught the French women how to cook rice, crabs, shrimp, crawfish, and wild game. Langlois also introduced them to file, and supposedly the ladies threw the aromatic powder into gumbo, a dish that, by then, they'd already learned to cook from African slaves.").

316. *See* LOWRY & MCCARDLE, *supra* note 308, at 29.

317. *See* SPEAR, *supra* note 300, at 47.

318. *Id.*

319. *Id.* ("Francoise Marie Anne Boisrenaud was still single as late as October 1706, when Bienville wrote to Pontchartrain asking if it had been his intention that these women 'should be obliged to be married when they find a good match.' He requested permission to make Boisrenaud marry 'since there are several good suitors who are sighting for her.' The king responded that if she failed to marry, the governor could force her return to France unless it was found that she could be otherwise 'useful to the colony.'").

320. *Id.*

321. ALLAIN, *supra* note 293, at 84–85. For example, the contracts of female indentured servants reveal that very few of these women received wages and that they could usually expect little more than maintenance. *Id.* at 84. "One particularly exploitative contract granted a midwife "the permission to practice her profession, but she had to give her master two-thirds of her earning." *Id.* at 84–85. Such treatment may explain why there were so few French female indentured servants as compared with female indentured servants in the English colonies.

322. *See id.* at 84 (noting that he was the commandant at Mobile).

323. *See, e.g.*, MICHELENE E. PESANTUBBEE, CHOCTAW WOMEN IN A CHAOTIC WORLD: THE CLASH OF

opportunities and fair treatment, only the most desperate women would immigrate.

In 1713, a group of twelve such women arrived. Contemporary accounts describe them as "extremely ugly" and "very poor, having neither linen, nor clothes nor beauty."[324] Moreover, despite the colony's desperate need to encourage female immigration, the women were treated appallingly. During the voyage, at least one woman was seduced, and vicious rumors described the captain as having debauched all twelve.[325] Such rumors are almost unquestionably false but they demonstrate how little care was taken to protect the women. Moreover, the ill treatment continued after their arrival in Louisiana. Passengers "spoke ill of [the women] as soon as they landed."[326] Given such talk, it is not surprising that only three of the girls married.[327] Three months after their arrival, eight women remained unmarried and "living in misery."[328]

For potential mail order brides, the treatment of the 1713 women was the last straw. Unlike the other colonies that gave mail order brides property incentives, legal protections, and empowerment, the Louisiana colony offered its mail order brides none of these advantages. Consequently, French women refused to immigrate and the Louisiana bridal program failed.[329] However, rather than changing tactics and promising new and stronger incentives for immigration, French officials decided to force immigration.[330]

Officials blamed the 1713 women's lack of marriage success on their absence of beauty rather than their desperate circumstances and tarnished reputations.[331] Duclos stated that in the future, more "attention should be directed toward the girls' figures than their virtues."[332] He added that the colonists "are not very

---

CULTURES IN THE COLONIAL SOUTHEAST 94 (2005) (noting that when a later group of women returned to France, they "spread the most frightful accounts of Mississippi") (internal citations omitted).

324. Jennifer M. Spear, *"They Need Wives" in* SEX, LOVE, RACE: CROSSING BOUNDARIES IN NORTH AMERICAN HISTORY 48 (Martha Hodes ed., 1999) ("A later group of women who arrived aboard the *Baron* in 1713 were not so well received, as they landed under a cloud of rumor and scandal. . . . Duclos commented that they were 'extremely ugly,' while Cadillac noted, 'these girls are very poor having neither linen nor clothes nor beauty.'").

325. ALLAIN, *supra* note 293, at 85.

326. Spear, *supra* note 324, at 48. ("Some of the Canadians on board the same vessel, 'being witnesses of what happened in regard to them, spoke ill of them as soon as they landed.' As a result, only two of the twelve women had married by October.").

327. *See id.*

328. SPEAR, *supra* note 300, at 48. ("Cadillac reported that only three had married and one had died, leaving eight who were 'living in misery.'").

329. *Id.* (noting that after the failure of the 1713 mail order brides the next women sent over were forced exiles).

330. Spear, *supra* note 324, at 49. Cadillac requested women after the Baron ship's arrival. "Many of these women did not come voluntarily to Louisiana. In 1719 ninety-five women arrived aboard the *Mutine*, 'sent by the king,' while thirty-eight 'exiled women' arrived aboard the *Deux Frères* and *Duc de Noailles*. Working against voluntary emigration to Louisiana was the fact that the colony suffered from an unsavory reputation among the common people of France." *Id.*

331. *Id.* at 48 (noting that they would have been able to marry had they been "more attractive").

332. SPEAR, *supra* note 300, at 47 ("In the future, [Duclos] continued, 'more attention should be directed toward the girls' figures than toward their virtues. The Canadians . . . are not very scrupulous about the girls' past conduct, before they desire them, and if they had found some more

scrupulous about the girls' past conduct before they desire them," and suggested that "if they had found some more attractive to their taste, they would have been able to marry them and get themselves established here which would increase the colony."[333] Other officials agreed with Duclos, and the result was the forced immigration of female prisoners.[334]

Many of the other colonial powers experimented with forced immigration of prisoners.[335] However, Louisiana was the only American colony that sought to solve its shortage of females with forced migration.[336] Initially, forced migration was prohibited in Louisiana, but Philippe du Orleans ended the ban in 1717, allowing the imposition of forced immigration of women.[337] These new "recruits" differed greatly from the earlier mail order brides in Louisiana, as well as the brides in Virginia and Canada.[338] Many of these women were taken from the Hospital General du Paris, which housed not only poor women and orphans, but also prostitutes and criminals. As a result, these women are often referred to as "corrections girls."[339]

The colony's experience with the "corrections girls" reveals how essential marital choice is in the creation of a successful program of marriage immigration. Many of the correction girls were sick or dangerous women and their forced immigration was a disaster.[340] Large numbers of these women refused to marry

---

attractive to their taste, they would have been able to marry them and get themselves established here, which would increase the colony.").

333. *Id.*

334. *See id.* (noting that many women during this time were "rounded up in the . . . sweeps of city streets, prisons and hopitaux").

335. For example, the entire country of Australia was originally founded as a penal colony. *See generally* JOHN HIRST, FREEDOM ON THE FATAL SHORE: AUSTRALIA'S FIRST COLONY (2008) (describing the history of early Australia and how it changed from a penal colony into a free society).

336. Although Britain also sent convicts, including women, to the American colonies, their numbers were few and their forced conscription was for punishment and not to solve the female shortage in the various colonies. In addition, young people, both boys and girls, were sometimes kidnapped and forced into indentured servitude. *See* WALTER HART BLUMENTHAL, BRIDES FROM BRIDEWELL: FEMALE FELONS SENT TO COLONIAL AMERICA 65–75 (1962); *see generally* DANIEL DEFOE, MOLL FLANDERS (1721) (sending Moll to Virginia as a convict).

337. SPEAR, *supra* note 300, at 44, 48.

338. *See* Spear, *supra* note 324, at 48 ("Not all the Hospital recruits would have been prostitutes or other criminals. When Marechal de Villars arrived in 1719, it brought twenty 'girls from the poor house of La Rochelle.' These women were fourteen to twenty-seven years old; the ages at which they had been left at the poorhouse ranged from birth to fourteen. Penicaut similarly described the girls he saw arrive in 1721 as fourteen to fifteen years old and having been 'brought up in this house from infancy,' indicating that these girls were probably the orphaned or abandoned children of the women detained at the Hospital.").

339. HERBERT ASBURY, THE FRENCH QUARTER: AN INFORMAL HISTORY OF THE NEW ORLEANS UNDERWORLD 12 (1938) ("In Louisiana History, when mentioned at all, these girls are known as "correction girls," and they are carefully distinguished from the filles a la cassette, or casket girls, so called because they had been carefully chosen from among good middle-class families for skill in housewifely duties and excellence of character. Before the latter left France they were each given by the Mississippi Company a small chest containing two coats, two shirts and undershirts, six headdresses, and various other articles of clothing.").

340. ALLAIN, *supra* note 293, at 84 (describing these women as "thieves, prostitutes, and assassins (one of them was accused of fifteen murders), they were parasites," and also noting that "exhausted by long journeys and malnutrition, often in advanced stages of venereal disease, they died off

and returned to France.[341] Others decided to remain in the colony and resume their previous criminal ways.[342] Shortly after the arrival of the first group of corrections girls, there was a rampant increase in the practice of prostitution.[343]

A royal edict officially ended the policy of forced migration in March 1720, but the practice continued well beyond that date. In 1721, eighty-eight girls arrived, most of who had been inmates of La Salpetriere, the infamous Paris prison.[344] Bienville wrote:

> Since the 4th of March, nineteen of them have been married off. From those who came by the *Le Chameau* and *La Mutine*, ten have died. So that fifty-nine girls are still provided for. This will be difficult, as these girls were not well selected . . . . Whatever vigilance exercised upon them, they could not be restrained.[345]

As Bienville's letter makes apparent, these women were clearly forced immigrants and likely prostitutes; yet, they arrived in Louisiana at the same time as the casket girls are said to have arrived. The two groups are the same. Time and myth transformed these "corrections" women into casket girls.[346]

The casket girls, or *filles a cassette*, are commonly described as groups of modest young French women, so named because of the small chests in which they carried the "linens, and clothes, caps, chemise, stockings etc.," that they had been given for their new life in the colony.[347] The casket girls were the antithesis of the corrections girls. Descriptions of the casket girls state that they were from middle class families and were chosen for their homemaking skills and their unblemished virtue.[348] Moreover, unlike what the earlier immigrants experienced, this "virtue" was closely guarded throughout their travels. Accounts of the casket girls describe them as arriving under the supervision of three nuns and note that after arrival, they were housed with these nuns in a building protected by armed guards.[349] In addition, the casket girls were

---

rapidly").

341. *See* PESANTUBBEE, *supra* note 323, at 94 (noting that many of these women returned to France and those that did spread "the most frightful accounts of the Mississippi"); SPEAR, *supra* note 300, at 49 (noting that many of the women find the "laws of marriage too severe").

342. *See* Spear, *supra* note 324, at 50 ("[B]y the late 1720s, they found themselves faced with women who, in the words of la Chaise, 'are useless and who do nothing but cause disorder.'"). Many were also described as "women of bad life who are entirely lost." *Id.*

343. *Id.* at 50 ("Perier asked the Ursuline nuns to "'take care of the girls and women of evil life,'" illustrating that 'issues of sexual management'" included control of Frenchwomen as well as of Euro-Louisianian men and Indian women."). In colonies such as Virginia, which had a similar surplus of single men, prostitution was virtually non-existent. THOMPSON, *supra* note 40, at 42 (describing one English visitor "who searched Williamsburg in vain for a whore" in 1720).

344. ASBURY, *supra* note 339, at 11–12.

345. *Id.* at 12.

346. *Id.*

347. *Id.* ("Before the [casket girls] left France they were each given by the Mississippi Company a small chest containing two coats, two shirts and undershirts, six headdresses, and various other articles of clothing.").

348. *Id.* ("[The casket girls] had been carefully chosen from among good middle-class families for skill in housewifely duties and excellence of character.").

349. *Id.* at 12–13 ("They were under the care of three nuns of the Gray Sisters . . . They were all lodged together, and during the day the men of the colony were permitted to see them in order that a

described as highly sought after and had no difficulties finding husbands.[350] In fact, stories of the casket girls often mention that a duel was nearly fought over the last one.[351]

Nevertheless, despite numerous descriptions of the arrival and marriages of the casket girls, it is likely they never existed.[352] A large group of women arrived in 1721, shortly after the practice of forced immigration ended. However, Bienville's accounts, in which he describes the women as "not well selected," and difficult to "restrain[]," make clear that these women were not "casket girls."[353] Similarly, contemporary accounts of the duel that was almost fought over the last "casket girl" describe the woman as more "a guardsman" than "a girl"—a far cry from the virtuous maiden epitomized by the casket girls.[354] Similar accounts are provided by La Chaise, the French commissioner sent, in 1727, to check on the colony.[355] According to La Chaise, the unmarried women were "ruining the colony."[356] He stated, these women "are useless and . . . do nothing but cause disorder,"[357] and recommended that they be returned to France.[358] Two years earlier, the Council of Louisiana had made a similar suggestion, highlighting the "necessity of purging the colony of . . . a number of women of bad life who are entirely lost."[359] Thus, given these descriptions of the unmarried women arriving in the colony before 1728, it is clear that none of them fit the casket girl description.

Given the well-documented "problems" with the pre-1728 female immigrants, many accounts of the casket girls state that they did not arrive until

---

choice might be made, but when night fell they were guarded by soldiers.").

350. 5 MICHELE GIRAUD, A HISTORY OF FRENCH LOUISIANA: THE COMPANY OF THE INDIES 1723–1731, at 262 (Brian Pearce trans., Louisiana State University Press 1991) (1987).

351. ALLAIN, *supra* note 293, at 85. According to Captain Jean François Dumont de Montigny, a duel was nearly fought over the last girl. However, it should be noted that this is the same man who claimed to have "captured a frog two feet long and 18 inches thick, weighing 36 pounds." *See* ROBERT DOWNS, THE BEAR WENT OVER THE MOUNTAIN: TALL TALES OF AMERICAN ANIMALS 139 (1964).

352. *See* BLUMENTHAL, *supra* note 336, at 95–96 ("Diligent search for the name of the ship of which the lauded 'casket girls' were supposed to have come in 1728, and for the list of twenty-three "'virtuous maidens'" celebrated by all American historians of Louisiana as the precious cargo of the vessel, revealed the voyage and the flawless contingent as *mythical* . . . . The 'correction girls' and the 'casket girls' were *one and the same*. Review of manuscript authorities seems to prove that the girls from La Salpêtrière who came in the *Baleine* in 1721/2 and are variously declared to have numbered from eighty to ninety-six—were in fact the 'casket girls.'").

353. ASBURY, *supra* note 339, at 12.

354. Allain, supra note 293, at 85.

355. JEAN-FRANCOIS-BENJAMIN DUMONT DE MONTIGNY, THE MEMOIR OF LIEUTENANT DUMONT, 1715–1747: A FRENCH SOJOURNER IN THE ATLANTIC 32 (2012) (noting that La Chaise had been sent to the colony to investigate charges of malfeasance, including smuggling and profiteering, which eventually resulted in Bienville's recall to France).

356. *See* Spear, *supra* note 324, at 50 ("La Chaise complained in 1725 that 'there are many other women . . . who have no husbands and are ruining the colony'; he recommended that all the immigrants who had been forced to Louisiana, men and women, be returned to France. A few months later the Council of Louisiana argued for 'the necessity of purging the colony of . . . a number of women of bad life who are entirely lost.' [B]y the late 1720s, they found themselves faced with women who, in the words of la Chaise, 'are useless and who do nothing but cause disorder.'").

357. *Id.*

358. *Id.*

359. *Id.*

1728.[360] However, historical records show only one ship with women arriving in 1728, and that ship carried Ursuline nuns.[361] Consequently, the casket girls were a myth, most likely created by Louisianans who did not like the truth of their ancestry.[362]

Nonetheless, this myth highlights the importance of mail order brides. Unlike Virginia and New France, the founding mothers of Louisiana were prisoners and prostitutes. Therefore, instead of securing the future of the colony, their presence imperiled it.[363] Louisiana's experience with both mail order brides and forced female immigration vividly demonstrates the difference between the two groups of women and the benefits of successful mail order bride programs.

IV. CONCLUSION

The colonial mail order brides of New France and Jamestown were women with choice. They chose to immigrate because they believed life in the colonies offered greater opportunities and a better life. Consequently, when in places like Louisiana the opportunities were limited, women chose not to come. However, despite this history demonstrating that mail order marriage could increase women's choices, modern mail order brides are generally viewed as women of few choices more akin to the "corrections girls."[364]

Modern mail order brides are commonly assumed to be victims of force, kidnap, and prostitution. They are described as desperate women who must be saved from the dangers of mail order marriage. Missing from these accounts of mail order brides is the recognition that the decision to seek a mail order marriage can be both a wise and calculated choice. The history of the early colonial mail order brides reveals women taking control of their own lives and destinies.

Moreover, these historical accounts provide valuable insight into how potential abuses could be lessened if the United States were to welcome the idea of mail order marriage rather than stigmatizing it. Colonial mail order brides chose to immigrate and were both rewarded and respected for doing so. Modern mail order brides, however, are assumed to be desperate and exploited.[365] The laws enacted for their protection rely on this assumption,[366] and there are

---

360. Kelly Burgess, *Here Come the Brides?*, ANCESTRY MAGAZINE, Nov.-Dec., 2009, at 22, 26.

361. *Id.*

362. MARTIN, *supra* note 284, at 61 (remarking on the "myth" of the casket girls and noting that "if myth is correct, they must have been extremely fertile since 'practically every [white] native family of Louisiana is able to trace its descent in an unbroken line from one of the filles a la cassette'").

363. *See* Spear, *supra* note 324, at 50. Many were also described as "women of bad life who are entirely lost." *Id.*

364. *See* ASBURY, *supra* note 339, at 12.

365. *See e.g.*, CHUN, *supra* note 1, at 1156 (asserting that "[t]he modern industry, in contrast [to the "original" system, which grew out of necessity]. . . nurtures structures of subordination based on race, sex, and class within countries, among nations, and between individuals. . . [modern] laws have often worked to the detriment of foreign women by subjecting them to the control of potentially abusive consumer-husbands and denying the women of legal options and remedies").

366. *See id*; *see also* Title IV of Violent Crime Control and Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (subtitled Violence Against Women Act) (giving abused immigrant women the right to self-petition and thus removing their immigration status from their husband's control); *see*

currently no laws that encourage people to enter into mail order marriages. Nevertheless, the growing number of mail order marriages indicates that despite gender parity in the United States, there remains a high demand for the immigration of marriageable women.[367] In the past, this demand empowered mail order brides and helped to increase the status of women in general. Consequently, if we celebrate these marriages, rather than merely tolerate them, modern mail order brides can regain the power wielded by their predecessors.

Illegal Immigrant Reform and Responsibility Act of 1996, Pub. L. No. 104-208, § 652(e)(1)(A), 110 Stat. 3009 (requiring matchmaking organizations to disseminate information regarding their immigration status and information about battered spouse waivers); INA § 204(a)(1)(A)(iii)(I) & (II) (granting two year conditional residency period to promote family reunification and prevent marriage fraud); Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, § 107, 114 Stat 1464 (stating that the government will aid in protecting victims of trafficking).

367. The Illegal Immigration Reform and Responsibility Act of 1996 estimated that approximately 2,000 to 3,500 men marry mail order brides each year. 8 USC 1375 sec. 1375, *repealed by* Pub.L. 109-162, 119 Stat. 3077 (2006).