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“To Be Set Upon The Gallows For The Space Of One Hour”
A Tale of Crime and Punishment in Colonial Lincoln, Massachusetts

by

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We hear from Cambridge, That at the Superiour Court, Court of Assize, &c. held there last Week one Huldah Dudley of Lincoln was convicted of repeatedly committing the detestable Crimes of Adultery and Fornication with her own Mother’s Husband, an old man of 76 years of Age, at the Time their criminal Commerce was carried on. The Sentence pronounced against her by the Court was as follows, viz. That she be set upon the Gallows for the Space of one Hour, with a Rope about her Neck, and the other End cast over the Gallows, and in the way from thence to the Common Goal, that she be severely whipp’d 30 stripes, and that she for ever after wear a Capital I of two Inches long and proportionable Bigness cut out in Cloth of a different Colour to her Cloaths, and sewed upon her upper Garment on the outside of her Arm, or on her Back, in Open View, and that she pay costs, &c. *It is to be hoped that knowing the Judgment of the Law against those who commit such Things, others will hear and fear, and not do so wickedly.*

The Boston News-Letter of August 16, 1759¹

The Boston News-Letter left the salacious detail to the imagination of its readers: the man in question was 76 years old, the woman was only 29. It has been said that the mark of a civilization is the way it treats its prisoners, those who are under its power and at its mercy. Typically the colonial manner of delivering a whipping was to strip the convicted prisoner to the waist, tie her to the tail of a cart, and inflict the whipping while moving the cart along the village street. And the convicted woman remained at the mercy of the law long after. If she ever appeared without her Capital I on her clothes, she could be whipped again on the spot by the local constable, without any further authority from the court. Clearly, this was a sentence

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intended to humiliate and terrify. What might the story of this woman tell about the quality of civilization in colonial Lincoln, Massachusetts?

The surviving court records on the Dudley case are very spare: a one-page jury finding, a one-page court decision, and a barely legible list of court costs that Dudley was required to pay. Yet despite their sparseness, the court records give hint of a troubled life and a sad outcome.

The story of Huldah Dudley begins at a time when the town of Lincoln had not yet separated from Concord, Massachusetts. Huldah's grandmother was Abigail Goble, daughter of Thomas Goble, Jr., one of the earliest settlers in what would become Lincoln. When Thomas Goble died in 1690, Abigail inherited 45 acres of his land, near the present-day Drumlin Farm in south Lincoln. The following year, Abigail married Joseph Dudley of Concord, and they made their home on her inherited land. Huldah's father, Joseph, Jr., was born there in 1697, the first son in a family that already had three daughters. Soon afterward, Joseph and Abigail sold the house and land to John Parks and moved to a site about a mile west of Concord's North Bridge.² A second son was born the following year, then a fourth daughter. Abigail had just given birth to her seventh child in 1702 (a fifth daughter) when her husband Joseph died, at the age of 36. Joseph, Jr., the oldest son, was only 5 years old. Abigail held the family together during the next three years, but then she too died, at the age of 34.

Guardianship of both the Dudley children and their parents' property was entrusted to John Wheeler, and as each of the orphaned children reached age 21, they received their portion of the estate.³ Huldah's father came of age in April 1718. As the eldest son, he received a double portion of the estate, including his parents' house and lands, valued in all at £84. The estate that Joseph, Jr., received from his father, Joseph, was small because Joseph's own father, Francis Dudley, was still alive and had not yet divided up his own estate. When Francis did die, a

portion of his estate probably passed to his grandson, Joseph, Jr.⁴ In October 1718, Joseph, Jr. married Mary Chandler of Concord. Ten months later, their first child was born, and then with great regularity, ten more children followed at intervals of 25-30 months.⁵ Each birth was duly recorded, save for one — that of Huldah. Given the regularity with which the Dudley children were born, it seems likely Huldah was born in late 1729, the sixth of eleven children.⁶

In 1746, when Huldah Dudley was 17 years old, her father died, leaving her mother a widow with six under-age children. Joseph, Jr. had apparently prospered as a blacksmith and likely also from the inheritance from his grandfather, for at his death, his estate was valued at almost £1,700. The Dudley property lay astride a “highway” that ran parallel to the Asabet River, near Spencer Brook and what is now the intersection of Barrett Mill Road and Lowell Road in Concord. At the time, the house, which Huldah’s eldest brother Joseph inherited from their father and shared with their mother, stood between the road and the river. In his will, Huldah’s father left full use of this estate to his wife, Mary, with provision that if she should remarry, she would get her “dower right” to a third of the estate, with the rest split into equal portions for the children, and both sons to get an additional £20 each. In his will, Joseph, Jr. named each of his children specifically, save for one — daughter Huldah. The probate court corrected her father’s error, noting “the said deceased left a child named Huldy (whose name is not mentioned in his will, but is supposed to have been casually [i.e., accidentally] omitted in the writing thereof) who is by law entitled to a single share in the said estate.”⁷

Six years later, in November 1752, Huldah’s mother did remarry, to a man from the part of Lexington that would soon become North Lincoln, a man whose first wife had died only nine months earlier. They were married by the Reverend William Lawrence of the newly formed Second Precinct Church of Concord (what would become the First Parish Church of Lincoln,

when Lincoln was divided off from Concord in 1754). Mary Chandler Dudley was then 53 years old, and her new husband was 71.⁸ Such rapid remarriages were not uncommon in colonial times, but they suggest mutual convenience, not affection. Mary's dower third of land and half the house in Concord was valued at £573. In an era when the town judged that an annual salary of £100-200 was appropriate for its parish minister, such an inheritance was substantial. Mary Chandler Dudley was likely a good catch.

With their mother's remarriage, the lives of the six under-age Dudley children were immediately changed. Two of the boys, aged 18 and 15, were put under the guardianship of Jonathan Puffer, a yeoman of Concord. This simple fact, dryly noted in court records, again invites speculation about the character of Mary Dudley's second marriage. Jonathan Puffer was active in the religious dispute that roiled Concord in these decades and contributed to the separation and formation of Lincoln. Puffer was a "New Light," who supported the tilt of the Concord church toward what might today be labeled a more evangelical strain of religion. When the Second Precinct Church had been formed in 1747 and sited in what would become Lincoln's town center, its founders pleaded that a second and nearer church would simply be more convenient to them than the one in Concord's center — less travel for Sunday worship. But the Second Precinct's congregation was decidedly "Old Light," so much so that a number of "New Light" residents asked to remain with the original Concord church and to be exempt from paying taxes to support the Second Precinct. The tension between the two religious factions was so great that some "New Lights" objected to the formation of Lincoln as a separate town on the grounds that "many of the several churches (that will be brought into one if the petition be granted) cannot hold communion together."⁹ Yet Mary Chandler Dudley, who had just married

a long-time member of the conservative Second Precinct Church, placed her sons with Jonathan Puffer.

At the same time, Huldah and the three youngest children came to live with their mother and her new husband in Lexington. They were promptly issued a “caution” by the selectmen and “warned out” of town. For modern New Englanders who understand “warning out” as a colonial practice intended to oust riff-raff and vagrant “strollers” from town, this action by the Lexington selectmen is bound to seem puzzling, if not perverse. Huldah and her younger siblings were hardly riff-raff. Their mother was now married to a Lexington resident, and the children had significant inheritances from their father. This small event in Huldah Dudley’s life reflects a greater controversy among historians. Recall that Massachusetts was settled in the 1600’s by religious dissenters who formed covenants among themselves, declaring their shared religious beliefs and agreeing to communal governance. As new settlements were formed, these too were organized around a single town church, with town notables who were dominant in both church and government. To preserve these tight communities in which religion, morals, and citizenship were joined, New England towns assumed the power in the 1630s, under ancient English common law, to “warn out” or eject newcomers as a means of maintaining the social and religious cohesion of their communities. And according to some historians, “warning out” continued as a device for maintaining social conformity in New England towns up through the Revolution.

Yet obviously the Lexington selectmen did not fear great religious or social upheaval from Huldah and her small siblings. Hence, it is argued by other historians that by the 1700s, “warning out” had lost its original religious purpose and survived only as a way of ejecting newcomers who might become financial burdens on the town. In 1752, Lexington had fewer

than 120 households. Under Massachusetts law, towns had an obligation to provide charity to the poor, but only if the paupers were legal residents. By law, the town Selectmen could place poor children in indentured servitude and even compel poor adults to work at assigned labor. But ultimately, legal residents who could not or would not support themselves had to be supported “on the town.” Towns could minimize charity cases if they prevented newcomers from becoming legal residents — by filing notice with the court that a person had been “warned out.” Then, even if the person stayed, owned property, paid taxes, served in the militia, or even held elective town office, no town charity was due if they fell on hard times. From the towns’ perspective, the practice worked well. Census records from the era show that fewer than 1% of households in Massachusetts were maintained “on the town.” But over time, and especially with the displacements caused later by the Revolution, the portion of the population with irregular residential status became significant. For instance, court records for Plymouth County, with a total population of about 20,000, show that more than 350 adults and an unspecified number of their children were warned out by the county’s towns in the single year, 1755. Massachusetts finally ended the practice of “warning out,” and resolved the legal status of all its residents, with the Settlement Act of 1793.¹⁰

Despite being “warned out” of Lexington, Huldah Dudley and her siblings did not leave. The following year, 1753, their mother’s new husband became the legal guardian of the three minor children (Rebecca, Abigail, and Benjamin). Four years later, in 1757, two of these (Abigail and Benjamin) had reached the ages of 18 and 16 and placed themselves under the guardianship of Joseph Abbott, a neighbor who had just started one of the first grist mills in what was now the new Town of Lincoln. The third child (Rebecca) had by then come of age.

And what of Huldah? When she joined her mother in Lexington, Huldah had already come of age and gained her inheritance of land in Concord, worth some £100. Land was becoming increasingly scarce in Middlesex County, and marriage to young woman who held property was one way in which a young man with none of his own might begin a farm. Huldah came from a lineage of Dudley's who had all married young — her grandmother at age 22, her mother at age 18. Among the eighteen male and female children and grandchildren of Joseph and Abigail Goble Dudley, the youngest age at marriage was 16, the oldest at 24. Yet Huldah was now going on 25, still unmarried, and about to begin her sad notoriety.

Huldah's troubled life appears in fragments in Lincoln town records. "Joseph Lock Son, of Joseph Lock and Huldah Dudley, was born the 8th day of August 1754."¹¹ Six months later, on February 9, 1755, Rev. William Lawrence noted in his journal that Huldah Dudley on that day had "owned the covenant" of the First Parish Church and thus professed to share the beliefs of the congregation. On the same day, Lawrence recorded the baptism of "Joseph, Son of Huldah Dudley."¹² What might in other circumstances have been a joyous day for Huldah almost certainly was not. The minister's failure to note the father of the child was telling, because the father was not present and he was not married to Huldah. Nor was Huldah's act of "owning the covenant" about to make her a member of the church in full communion with her new neighbors. Full membership would have come only after a public act of contrition, and then debate and a vote by the whole congregation. If Huldah did not voluntarily offer that day to own the covenant, the Rev. Lawrence would have required it of her, before agreeing to baptize her child.¹³

For those who believe that the word "puritanical" is synonymous with religion in colonial Massachusetts, it may seem odd for a church to be embracing an unwed mother and her

illegitimate child. However, as one historian has remarked, “These were Puritans, not Victorians.” Recall that “bundling” was a New England custom (allowing courting couples to spend the night in the same bed, supposedly fully clothed), and a third of all New England women at this time were already pregnant when they married. That said, the church nevertheless did regard Huldah’s behavior as both condemnable and forgivable. Indeed, confession of such sins was a required part of gaining full communion within a church. Consider other entries regarding sexual misconduct in the records of the First Parish of Lincoln at about this time:

June 6, 1756. Being Lord’s day after Sermon, Margaret Oliver, who had before owned the covenant, stood forth and acknowledged her violation of it by transgressing in particular against the Seventh Commandment [adultery]; whereupon the Church was satisfied with her, restored her to charity, and consented that she should have the privilege of baptism for her child.

April 10, 1757. Lydia Gage who had before owned the covenant stood forth and acknowledged before the congregation her violation of it by committing the sin of fornication. Which acknowledgement was received by the church as satisfaction for her offense.

Committing and confessing such sins was not even a bar to high office. In 1764, young Eleazer Brooks stood before the First Parish congregation to confess his transgressions, including “falling into a breach of the Seventh Commandment” (presumably involving a married woman when he was still single). The congregation then accepted him as a member, and the following year the townspeople elected him to the first of three successive terms as Lincoln’s Town Treasurer.¹⁴ When Huldah Dudley owned the covenant and Rev. Lawrence baptized her illegitimate child, it was not a scandal but a proclamation of the church’s belief in God’s infinite love and forgiveness. If great sinners such as Huldah could receive God’s covenant, then surely all the lesser sinners in the congregation could be saved as well.

There was a brief period after the baptism of her son when it appeared that the pieces of Huldah Dudley's fragmented life might come together. On March 8, 1756, Rev. Lawrence registered in the First Parish records an announced intention of marriage between "Huldah Dudley and Joseph Lock, Jr. of Lexington." That Lock was the father of Huldah's son seems beyond question. Huldah had asserted his paternity to the Lincoln Town Clerk when registering the child's birth. To the end of his life, her son referred to himself as Joseph Lock. When at the age of 15 he placed himself under the legal guardianship of James Barrett, Jr., of Concord, the probate court identified him in the guardianship document as "Joseph Lock ... reputed son of Joseph Lock — of Lexington."¹⁵

Joseph Lock, Jr., the father and Huldah's lover, was from a family whose roots in Lexington extended back to the 1600s. He was born in Lexington on March 28, 1734. From the birthdate of Huldah's child, it is apparent that their relationship began no later than November 1753, just about the time Huldah came to stay with her newly-remarried mother in Lexington. This means that Joseph Lock was barely 19 years old at the time their relationship began, and five years younger than Huldah. Despite their announced intention to marry in 1756, the marriage of Huldah and Joseph never took place. Instead, five years later, in the Lexington town record of marriages, there is an entry that closes this chapter in Huldah's sad life: "Locke, Joseph Jr. of Lex., married Sarah Baldwin, of Billerica, May 7, 1761."¹⁶

By the time Joseph Lock married Sarah Baldwin, Huldah Dudley's reputation was already irreparably ruined. Less than two years after her announced intention to marry Joseph Lock, and perhaps earlier than that, Huldah became involved in a sexual relationship with her mother's husband. She was then 29 years old with a three-year-old child; her mother's husband was 76. And for this indiscretion, Huldah Dudley was hauled before the court of the Commonwealth.

How long this relationship had gone on is impossible to tell. The jury finding and the court ruling specified only one instance of incest, naming February 20, 1758, as the day it occurred. But the article about Huldah Dudley's trial in *The Boston News-Letter* of August 16, 1759 titillated its readers with information not found in the court record. So apparently the reporter attended the trial itself, and his tale that Huldah and her father-in-law had "repeatedly committed" their crime may reflect testimony of witnesses. There were nine witnesses in all, according to the brief tally of court expenses that Huldah was required to pay as part of her punishment. To judge by the travel distances for which the witnesses were compensated, eight of them came from Concord, and one witness came from Lincoln, having been served a summons by the sheriff.¹⁷ On the matter of how the couple was discovered, and who brought charges against them, the court record is utterly silent. We are left to imagine whether the witness from Lincoln was Huldah's own mother, appearing only because the sheriff commanded her.

The prosecution of Huldah for this relationship poses a number of questions, some easier to answer than others. To begin with, why was she prosecuted at all? The court accused Huldah of both incest and adultery. These had once been capital crimes in Massachusetts Bay Colony, made so because that was what the Bible demanded (see Lev. 20:10 & 12). However, the law of Massachusetts Bay Colony also required at least two witnesses to all capital crimes, again following the biblical injunction, and these were not easy to provide in accusations of adultery or incest. In contrast, Plymouth Colony declined to make adultery and incest capital crimes, and juries proved reluctant to impose death penalties for such non-violent offenses. So in fact only one couple had ever been put to death for adultery in Massachusetts, in 1644. When the Massachusetts Bay and Plymouth colonies were joined together as a single province in 1691,

adultery and incest ceased to be capital crimes under the new criminal code. But punishment for both remained quite severe and unusual: up to 40 stripes of the whip (the maximum beating allowed in Deut. 25:3), standing or sitting on the gallows for one hour with a rope around the neck (as a reminder of the Bible's demand for death), and wearing the capital letter A or I "for ever" on one's clothing, punishable by additional whippings if the person was ever seen in public without the letter prominently displayed.¹⁸

A legal code based on the harsh demands of the Old Testament, however, stood in tension with the moral code based on the message of forgiveness in the New Testament. When Margaret Oliver, Lydia Gage, and Eleazer Brooks stood before the congregation of Lincoln's First Parish and confessed their sins of adultery and fornication, they were doing what the church required as the basis for granting full communion. Demanding that sinners bare their souls and seek forgiveness, and then turning around and prosecuting them for precisely what they had confessed, would obviously have been a problem. Souls came first.

And indeed, prosecutions for such crimes appear to have been rare. Consider Plymouth County with its population of about 20,000. In the fifteen years between 1750 and 1765, only four cases of adultery were brought before the court. Three of these cases may have been brought because of egregious behavior. One involved a Samuel Edson, Jr. and Jane, the wife of an Ebenezer Edson, so there may have been a family link that offended community sensibilities. Another involving a Sarah Rogers and a Seth Briant [Bryant] entailed a series of quite brazen and public trysts over the span of two years. Sarah was fined £8 and Seth, identified as a "Gentleman," forfeited his bond of £20 when he failed to appear for his trial. A third case involved an Anna Donham who engaged in her indecent acts "with a man to the Jurors unknown" while her husband was "lying extreme sick and drawing near to death." Curiously,

although this Anna was described by the court as “being a person of ill fame, character, and conversation” who had three other court actions pending against her, she received the smallest fine, of only £2 — but was required to pay court costs for all four cases, amounting to £9.14s in all.

Treated much more severely were the two cases of attempted rape during these fifteen years. In one, the defendant was a slave (quaintly identified as “a Negro man ... servant for life”) who had entered a neighboring house at night to commit his offense. He was sentenced to 30 stripes of the whip. In another, the defendant protested that there was no allegation of physical coercion and that the woman’s complaint was not made until a year after the alleged event, and only after she had become pregnant with his child. He was nevertheless found guilty and sentenced to a fine of £5 or a whipping of 20 stripes.¹⁹

The details of such cases are intriguing because they show that the punishment inflicted on Huldah Dudley was more severe than defendants commonly received for adultery or even for violent sexual assault. What got Huldah Dudley in trouble was almost certainly not adultery. What brought her before the court was what *The Boston News-Letter* thought would scandalize and titillate its readers: Huldah Dudley committed *incest* with her 76-year-old father-in-law.

Yet by what definition was this “incest”? Huldah had no blood tie to her mother’s husband, nor had he ever served as Huldah’s parent or guardian. Here the modern understanding of incest clashes with the 18th century notion. Contemporary sensibilities about incest generally reflect concerns with genetic inbreeding and, where re-marriages occur, with unseemly sexual relationships within the immediate household. The 18th century understanding was grounded on religious commandments and a far more expansive notion of family. Any resident of colonial Massachusetts unfamiliar with the provincial law need only have looked at *The Book of Common*

Prayer for “A Table of Kindred and Affinity, wherein whosoever are related, are forbidden in Scripture, and in our Laws, to marry together.”²⁰ The list of thirty prohibited relationships extended even to marriage with a grandchild’s spouse. Naturally, those banned from marriage were also banned from sexual relationships. By these religious standards, made law in provincial Massachusetts, Huldah Dudley’s incest was clear: A man may not marry his wife’s daughter, and a woman may not marry her step-father. The contrast of modern genetic and older religious concepts was displayed in Huldah’s own family. In 1741, her oldest brother married their Aunt Sibyl’s daughter — and strikingly, such marriages of first cousins were not banned in colonial Massachusetts. Equally striking, the modern law on incest in Massachusetts reduces the list of banned relationships from the thirty in *The Book of Common Prayer* to sixteen, dropping some of the most distant relationships, such as the ban on marrying a grandchild’s spouse. Yet under contemporary law, both Huldah Dudley and her mother’s husband could still be prosecuted — and the marriage of first cousins is still legal in Massachusetts.²¹

If Huldah’s crime was incest and an offense against God, why wasn’t her mother’s husband also prosecuted and punished? Here the court record tells all. He had figured out a very clever scheme for avoiding prosecution: He had dropped dead in the year between the crime and the trial.²² This leaves a more complex question, however. Would he have been prosecuted, if he had not died? To answer this, we might like to know who he was, and what position he held in the community.

We know both. His name was Judah Clark. He was born February 7, 1681, in Rowley, Massachusetts, to the north of Boston. In February, 1704, he had married 20-year-old Hannah Kilbourne, also of Rowley. They were apparently still without children when she died in January, 1713. In February, 1715, Judah Clark then married Ruth Boynton of Rowley, who at 34

was a few weeks older than Judah but had not previously been married. Perhaps sometime around 1717, Judah and Ruth Clark moved to the corner of Lexington that would later become part of Lincoln. They settled not far from the farm of Thomas Nelson, who had himself arrived from Rowley in 1716. Judah Clark subsequently became well-known to his new neighbors, because he was among the original petitioners seeking to form the Second Precinct Church in 1746, and later to secure the separation of Lincoln from the town of Concord in 1754. In short, Judah Clark was one of Lincoln's town founders and a founder of the First Parish Church.

Despite this initial prominence, Judah Clark remains an obscure figure. Although he was one of a handful of founding members of Lincoln's church, he never became a deacon. Although a founder of the town, he seems never to have held town office. Nor does he appear to have become even modestly prosperous.²³ So it is doubtful he would have enjoyed any immunity from prosecution merely by trading on a faded prominence in town, gained decades earlier.

Moreover, court records from this period suggest that in colonial Massachusetts, men and women were dealt with fairly even-handedly in such cases of moral offenses.²⁴ Little is to be made of the wording of the charges against Huldah, that she did "Voluntarily, Incestuously, and Adulterously *permit* one Judah Clark her father in Law ... to have carnal knowledge of her ... Body." This might be read to accuse Judah Clark as the initiator, or conversely to accuse Huldah Dudley of failing in her responsibility to stop him. Mostly, it was just a legal phrase to affirm that her participation was by consent, not coercion. Around the time Huldah Dudley was tried, the courts had meted out comparable punishments of an hour on the gallows, whippings, and a capital letter to be worn "for ever" in two cases — one of adultery in which both parties were punished (1752), and another of incest in which the man was punished exactly as Huldah Dudley was, while the woman was given "respite for the present ... for special Reasons" (1754).²⁵ This

should not surprise us. Adultery and incest were crimes of mutual consent and thus of mutual responsibility. And because such crimes were viewed as religious offenses as much as legal transgressions, both sinners had to be made whole through punishment. By dying before he could be prosecuted, Judah Clark took one of the few paths he could have found for avoiding punishment under colonial law.

And what became of Huldah, her son Joseph, and her mother?

Mary Chandler Dudley Clark, Huldah's mother, departed from Lincoln at some point in these years. She had held on to her half of the house in Concord, and she returned to it to live out her final days. The inventory of her estate at her death in 1773 included one-half a house and barn, plus 15 acres of land and personal goods, all valued at only £72. The house and barn must have deteriorated substantially. They were valued at £190 in 1746 when Mary inherited her half, but were worth only £28 when she died. Mary Dudley did not leave a will, thus depriving us of a clue about whether she and her daughter Huldah were estranged at her death. Various expenses were charged against Mary Dudley's estate by her son James, who served as administrator, including reimbursements to her children, Samuel, Rebecca, Abigail, and Benjamin Dudley for their expenses on her behalf.²⁶ So Mary Dudley died with some of her children assisting her during her final days. But there is no trace of Huldah.

Huldah progressively disappears from historical records after this. A probate court order for the division of her mother's meager estate lists Huldah as one of the children entitled to a share. Huldah would have been 44 years old then. Yet a standard legal phrase in the court document — affirming that shares were to go to Mary's children “or to the lawful heirs of such of them respectively, as are deceased” — leaves open the question whether Huldah was still alive.²⁷ She was not mentioned in her youngest sister's will in 1811, when Huldah would have been 82 years

old. By all evidence, her sister was a generous and forgiving sort who was quite fond of Huldah's son, and Huldah surely would have been mentioned, if she were still alive. So, in some year that cannot be determined, Huldah Dudley departed this life as she had entered it, unrecorded by history.

Huldah's son Joseph Lock seems to have done well in life, despite an unpromising start. At age 15 (in 1769), he placed himself under the guardianship of James Barrett, Jr., of Concord, son of Colonel James Barrett who was prominent in the Revolution. There is hint of tensions with his father in this action. Two years earlier, Lexington town records noted a son Joseph born to parents Joseph Lock and Sarah Baldwin Lock in Lexington. In giving the name Joseph to this, his third son by Sarah Baldwin, the elder Joseph Lock was certainly being hurtful to his son by Huldah, and perhaps even seeking to evade paternity. The elder Lock was by now the holder of substantial property in land and animals in Lexington.²⁸ By securing James Barrett, Jr., as his guardian, Huldah's son gained the protection of his interests by a man who was both a trusted Concord neighbor and a lawyer of some reputation. Later, when he came of age, Huldah's son moved to neighboring Acton and married Lucy Piper in May 1776. He then served several brief enlistments in militia units attached to the patriot army that was besieging the British in Boston, and found his way into military records by joining with other soldiers of his battalion to petition for an increase and payment of wages.²⁹ Together, Joseph and Lucy had seven children, all born in Acton, six of whom lived to adulthood. In 1802, the family moved to New Hampshire, residing for four years in Rindge, before settling in Fitzwilliam. Joseph Lock died in Fitzwilliam in 1829, at the age of 75. Lucy had died three years earlier in 1826, at the age of 71, also in Fitzwilliam.³⁰

One final question lingers here: Why did Huldah Dudley commit her sorry crime?

Of course, we can never know. Even if someone at the time had bothered to ponder and record speculation on the question, it might tell us nothing we could comprehend. Huldah Dudley's contemporaries would likely have said she had a bad character and had paid too little attention to the rectitude of her soul. If her parents were blamed at all, it likely would have been for not being severe enough with religious instruction and physical discipline to overcome every child's natural inclination toward evil. Or perhaps her neighbors would have known if there was a dark clue in two facts about Huldah — the failure of Joseph Dudley to record her birth and years later his failure to mention her in his will — a clue that perhaps Huldah was herself an illegitimate child and an outcast within her own family.

In our time, we are more likely to wonder if Huldah succumbed to the emotional toll that 18th century family patterns inflicted on people, when parents in colonial Massachusetts commonly had seven or more children and shipped them off to live as apprentices or servants with other families at the age of 12. In the modern view, children are not naturally evil. To the contrary, they are believed to have an inherent capacity for empathy and attachment to others, even as infants, and this empathetic capacity is the indispensable foundation for moral development. Yet we also know this innate moral capacity must be nourished by affectionate relationships with others during childhood, else it withers and dies.

What quality of civilization results, then, when religion and social practice instructs parents that children require harsh discipline if they are to become moral, and that any displays of affection will spoil their characters? It is a civilization where we find 29-year-old Huldah Dudley committing adultery with her mother's 76-year-old husband. And where we find those who would drag her behind a cart, stripped to the waist, and beat her with all the vengeance of ancient biblical law. Crime and punishment in colonial New England.

Endnotes

- ¹ *Boston News-Letter*, August 16, 1759, page 3. Italics in the original.
- ² John C. MacLean, *A Rich Harvest* (Lincoln, MA: Lincoln Historical Society, 1988), p. 71 & 595, note 28: “The Dudleys remained here for a brief period, selling the land and home to John Parks in 1697 (Dudley to Parks deed, Middlesex County Registry of Deeds, South District 18:514).”
- ³ John Wheeler was presumably related to the children through Sarah Wheeler Dudley, Francis Dudley’s wife and the children’s grandmother. On the care of children by others in colonial times, see Helena Wall, *Fierce Communion: Family and Community in Early America* (Cambridge: Harvard University Press, 1990), pp. 100-125.
- ⁴ The *Concord Births, Marriages, and Deaths* (1892) notes the death of Sarah Dudley, Francis’s wife, 12 Dec 1713 (p. 82), but contains no record of death for Francis.
- ⁵ Town of Concord, *Concord, Massachusetts, Births, Marriages and Deaths, 1635-1850* (Printed for the Town of Concord by Thomas Todd, Printer, Boston, no date) [facsimile reprint, Heritage Books, Bowie, Maryland, 1992]. The regular intervals between births was not unusual in New England. Women tended to breast-feed their children for a year or longer, and while women continued breast-feeding, they were less likely to conceive again. See Laura Thatcher Ulrich, *Good Wives: Image and Reality in the Lives of Women in Northern New England 1650-1750* (New York: Vintage, 1991), pp. 138-144.
- ⁶ The historical records support a birthdate for Huldah anywhere between 1728 and 1731; 1729 seems most probable. Dean Dudley, the most thorough chronicler of the family, places Huldah sixth among the children, between the births of Lucy (April, 1727) and Rebecca (1732). See Dean Dudley, *History of the Dudley Family* (Wakefield, MA: by the author, 1886), p. 560. A set of probate court documents regarding the estates of Huldah’s father and mother provide further support for this date. The probate document settling the estate of Huldah’s father in March 1753, on the occasion of her mother’s remarriage, states that the document is signed by the widow, the “heirs of age,” and the guardians of the children who were still minors. Huldah Dudley is the only child who signed the document, confirming that she was already over age 21 and thus was born prior to Rebecca. (In fact, Huldah only placed an X as “her mark,” as did her mother, suggesting that neither had learned to write.) Court records that contain assignments of guardians for the younger Dudley children after their father died include one record for Rebecca, dated March 12, 1753, who is referred to as “in her twenty-first year.” There is no guardianship document for Huldah, by implication again confirming that she was born prior to Rebecca. A probate court document of November 17, 1773, divided the remaining undistributed portions of Huldah’s father’s estate upon the death of Huldah’s mother. This document lists the children in apparent birth order, with Huldah’s name inserted between Lucy and Rebecca. See Middlesex County Probate Records, Index #6475.

The guardianship documents placing Abigail and Benjamin Dudley under the care of Joseph Abbott in 1757 have a request supposedly written by the two children, plus signatures for both children. But the request and both signatures are obviously written by a single person, although who that person is I could not determine with any quick comparisons with other handwriting. It does not seem to match the handwriting of Benjamin on documents at his mother's death in 1773. Perhaps it was Abigail's hand. The guardianship document of November, 1752, placing James and John Dudley under the care of Jonathan Puffer has a "Mary Clark, her Mark," but in a hand that appears different from her "signature" on the estate settlement document of March 1753, and with both appearing different from Judah Clark's handwriting.

On the factors that commonly led to two-year spacing between children in colonial New England, see Gloria Main, *Peoples of a Spacious Land*, pp. 104-105 and 190.

⁷ The will of Joseph Dudley, Jr., dated July 5, 1745, and the inventory of his estate, dated November 3, 1746, are in the Middlesex County Probate Records, Index #6475, Massachusetts State Archives, Dorchester, MA. The value was £398 in personal property and £1300 in land and buildings. A subsequent Probate Court document of February 5, 1753, ordering the division of the estate after Mary Chandler Dudley's remarriage, notes that "the said deceased left a child named Huldy (whose name is not mentioned in his will, but is supposed to have been casually [i.e., accidentally] omitted in the writing thereof) who is by law entitled to a single share in the said estate." Twenty years later, in the court document of November 1773, disposing of the estate after Mary Chandler Dudley died, Huldah was again initially overlooked in the listing of the children, with her name inserted above the line, as an afterthought and correction.

Some of the increase in value of Joseph, Jr.'s estate reflects the changing price of goods. In 1702, when Huldah's grandfather died, the two cows in his estate were valued at £5 and the pigs at 11 shillings each; by 1746 when her father died, the value of two cows was £24 and of one pig £6.

The inventory description of the Dudley lands in 1753, and a map of Concord's "North Quarter" done in March 1754, shows that the Dudley property lay astride a "highway" that ran parallel to the North or Asabet River, near where Spencer Brook joined the Asabet. The location is west of what is now the intersection of Barrett Mill Road and Lowell Road. At the time, the house, which Huldah's eldest brother Joseph inherited from their father and shared with their mother, stood between the road and the river. The house still stands at 222 Barrett's Mill Road, although it has been moved and the roads have been shifted. This house was deeded to Joseph Dudley, Huldah's father, in 1731. In 1740, it was sold to the "Manufactury Company," which attempted to issue paper money secured by mortgages on land. The company soon failed, and apparently the house reverted to Joseph Dudley. The original 1754 map is to be found in the Concord archives, volume 116, page 490. A more legible rendering appears in Ruth Wheeler, *Concord: Climate for Freedom* (Concord, MA: Concord Antiquarian

Society, 1967), p. 74. See also Lemuel Shattuck, *History of Concord* (Boston: Russell, Odiorne, & Co., 1835), p. 412, for a map of the area in 1830.

The 1754 map also identifies the house next to Joseph Dudley's as "Lock's House." Lock was supposedly an agent for the Manufactory Company. Later the house was bought by Capt. John Stone. In 1775-76 it was also the residence of one of the Harvard College professors when the college was located in Concord (because the American army besieging Boston was using the Cambridge campus as barracks). Why the house in Concord might have been identified as "Lock's House" in 1754 is unclear. Huldah's father died in 1746, and her mother remarried in 1752. Some of the property inherited by the children at that point might have changed hands and ended up in the ownership of a Lock, or the house may have been rented by a Lock. But which Lock?

⁸ *Concord, Massachusetts: Births, Marriages, and Deaths*, p. 185. See also *The Vital Records of the Town of Lincoln, MA to 1850* (New England Genealogical Society, 1908), p. 100, for record of the marriage, and p. 158 for record of the death of her husband's first wife on February 2, 1752, at the age of 70 years.

⁹ See Robert Gross, *The Minutemen and Their World* (New York: Hill and Wang, 1976), pp. 20-21, and MacLean, pp. 96-97, 101-107, and 112-113.

¹⁰ For the controversy over "warning out," see Michael Zuckerman, *Peaceable Kingdoms: New England Towns in the 18th Century* (New York: Knopf, 1970), pp. 112-113; Josiah Benton, *Warning Out in New England* (Freeport, NY: Books for Libraries Press, 1970), p. 116; and Gross, pp. 90-91. Of the 91,546 households in all of Massachusetts in 1784, only 789, or less than 1%, were maintained "on the town." Evarts Greene and Virginia Harrington, *American Population Before the Federal Census of 1790* (Gloucester, MA: Peter Smith, 1966), pp. 40-45, data for 1784. In Connecticut and Vermont, a person "warned out" could become a legal resident if subsequently elected to town office, but not so in Massachusetts. See Benton, p. 116.

¹¹ *First Book of Marriages, Births, & Deaths, Town of Lincoln, 1754-1811* (Lincoln Town Library), p. 18.

¹² *Church Records, Concord, Lexington, and Weston Second Precinct 1747-1754 – Lincoln Church Records 1754-1827, First Parish of Lincoln*; located in the vault of the Lincoln Public Library, p. 11 and 5. This book is the handwritten record kept by Rev. William Lawrence, deteriorated in places, illegible in others. Lincoln owes a great debt to Margaret Flint, who painstakingly deciphered and typed a copy of these records.

¹³ The original handwritten document containing Huldah Dudley's confession of sin, "by committing fornication," and owning of the covenant is in the First Parish Records, Box 4, Folder 93, Document 2003.012.6.10, Lincoln Public Library, Massachusetts. The document is signed with an unsteady hand, suggesting it is Huldah's own signature. But the rest of the

document is in miniscule handwriting which does not match Huldah's signature, and it appears the document was written by the Rev. Lawrence, for Huldah to sign.

¹⁴ For Margaret Oliver and Lydia Gage, see *Church Records, Concord, Lexington, and Weston Second Precinct 1747-1754 — Lincoln Church Records 1754-1827, First Parish of Lincoln*; p. 12. On Eleazer Brooks, see MacLean, pp. 135-137. Lydia Gage appears again in the church records for March 1, 1765, when she alleged that Zaccheus Parks, another member of the church, was the father of her child. The church examining panel agreed and barred Parks from Communion until he made a confession before the congregation, "humbled himself for it and made solemn professions of repentance," on May 9, 1765.

Note that for the New England Protestant churches, the Seventh Commandment was "Thou shalt not commit adultery," and was interpreted broadly to ban unchaste thoughts as well as deeds. For Catholics, this is the Sixth Commandment (the Seventh refers to stealing).

Edwin Powers notes that in his survey of Suffolk and Essex county courts cases between 1671-1674, more than 60% of the defendants in fornication cases had already been married to each other for some time when they were brought before the court, where the evidence entered against them was the early birth of their first child. *Crime and Punishment in Early Massachusetts* (Boston: Beacon Press, 1966), p. 409.

In contrast, Susan Juster notes that church disciplinary records from 1730-1780 show that at least among Baptists, punishment for sexual offenses was very rare, especially when contrasted with the rising level of premarital pregnancy during these decades. Juster notes that this is surprising, given the strong theological reasons for viewing such offenses as grave sin. She speculates that congregations were more concerned about their own cohesiveness than they were about private sin. Hence, the public confessions of such sins and expressions of contrition before the congregation reaffirmed the congregation's unity in their covenant, which was judged far more important and preferable to expelling the offenders. See *Disorderly Women: Sexual Politics and Evangelicalism in Revolutionary New England* (Ithaca, NY: Cornell University Press, 1994), pp. 102-107.

¹⁵ Middlesex County Probate Records, Index #14242, Massachusetts State Archives, Dorchester, MA. Joseph's guardian, James Barrett, Jr. (also Esq.), was the son of Colonel James Barrett and lived just up the road from where Huldah's father and then later her brothers practiced their blacksmith trade in Concord, along what is now Barrett Mill Road. See the 1754 map in Wheeler, p. 74.

Court records containing an inventory by a Joseph Lock, Jr., of the property of Joseph Lock, Sr., dated October, 1753, and filed with the probate court, February 4, 1754, lists an estate of £196 in household goods, one ox, two cows, one pig, and £143 in money lent at interest to neighbors. Middlesex County Probate Records, Index #14241, Massachusetts State Archives, Dorchester, MA. The father and son involved in that estate record were Joseph, Sr., born in 1664, and his son, born in 1699. In turn, the father of Huldah's son appears to have been the

latter's son Joseph, born March 28, 1734, died April 27, 1791. The signatures on the probate court records indicate that the family spelled the name Lock, not Locke. This is the same spelling found in the announced intention of marriage for Huldah and Joseph recorded in Rev. Lawrence's hand, and the spelling later used by Huldah's son.

¹⁶ It appears that Joseph Lock became a soldier during these years and fought in what the Europeans called The Seven Years' War and Americans called The French War or The French and Indian War (1754-1763). In September, 1755, Joseph was with the British forces at Crown Point along the Hudson. In 1760, he gained the rank of sergeant and was detached to serve with the unit called "Rogers' Rangers" in the campaign that seized Montreal from the French. At the age of 41, Joseph served again during the Revolution as a member of the militia forces besieging Boston. He was encamped in Cambridge in June, 1775, and in Roxbury in March, 1776. (His son by Huldah was also serving in the militia forces surrounding Boston). See Charles Hudson, genealogy of Joseph Locke, *History of the Town of Lexington, Middlesex County, Massachusetts: From Its First Settlement to 1868*, revised and continued to 1912, by the Lexington Historical Society, (Boston: Houghton Mifflin, 1913), pp. 369, vol. 2.

Lexington town records note a son Nathan born to Joseph and Sarah Lock on December 7, 1761, which suggests that Sarah was pregnant at the time they were married seven months earlier.

¹⁷ The criminal indictment of Huldah and the jury finding can be found in the *Record Book for the Superior Court*, Middlesex County, Massachusetts, Volume 1757-1759, page 655, located in the Massachusetts State Archives, Dorchester, MA. The compensation to witnesses is in the *Record of Cost of Courts*, Suffolk Files Collection, Volume 478, Document #79948, Massachusetts State Archives, Dorchester, MA.

The jury finding reads as follows: "The Jurors for the said Lord the King Upon Their Oath Present that Huldah Dudley of Concord in the County aforesaid Spinster on the Twentieth Day of February in the Thirty first year of the Reign of the said Lord the King, did at Lincoln in the County aforesaid Voluntarily Incestuously and Adulterously permit One Judah Clark her father in Law, Who as she well knew then was lawfully married to, & the lawful husband of, her own Mother then living, to have Carnal knowledge of her the said Huldah's Body. And that the said Judah & Huldah then and there Wickedly Incestuously and Adulterously had Carnal Copulation together, & carnally knew each other, the said Judah at the same time being, as the said Huldah Then Well knew, Lawfully married to, and the Lawful husband of her own Mother then Living. And so the Jurors aforesaid upon their Oath say That the said Huldah Dudley did on the said twentieth day of February in the Thirty first year of the Reign of the said Lord the King, at Lincoln aforesaid in manner & form aforesaid Committ the Crimes of Incest and Adultery with the said Judah Clark her Mothers husband and since deceased, Against the Peace of the said Lord the King & the Laws of this Province in such cases made and provided."

The court ruling reads as follows: “The Jurors for the Lord the King, for the Body of this County, did upon their Oath present, that Huldah Dudley of Concord in the County of Middlesex, aforesaid Spinster on the twentyeth day of February in the thirty first year of the Reign of the said Lord the King, did at Lincoln in the County of Middlesex aforesaid, Voluntarily, Incestuously, and Adulterously permit one Judah Clark her father in Law, who as she well knew, then was Lawfully married to, and the Lawful husband of, her own Mother then living, to have carnal knowledge of her the said Huldah’s Body. And that the said Judah and Huldah then and there wickedly, Incestuously, and Adulterously, had carnal copulation together, and Carnally knew each other, the said Judah at the same time being, as the said Huldah then well knew, Lawfully married to, and the lawful husband of her own Mother then Living. And so the Jurors aforesaid, upon their Oath, say that the said Huldah Dudley did on the said twentieth day of February in the thirty first Year of the Reign of the said Lord the King, at Lincoln aforesaid, in the manner and form aforesaid, Commit the Crimes of Incest, and Adultery, with the said Judah Clark, her mother’s husband, and since deceased, Against the Peace of the said Lord the King, and the Laws of this Province in such cases made and provided; To this Indictment the said Huldah Dudley, upon her Arraignment at the Bar, Plead not Guilty, A Jury was thereupon Sworn to try the Issue / Mr. Jason Winship foreman, and Fellows / who having fully heard the Evidence, upon their Oath say that the said Huldah Dudley is Guilty; the Court having considered her offence, Order that the said Dudley be set upon the Gallows, by a space of an hour, with a Rope about her neck and the other End cast over the Gallows, and in the way from thence to the Common Gaol, be severely whipt thirty stripes and that she forever after wear a Capital I of two Inches long and proportionable bigness cut out in Cloth of a contrary Colour to her Cloaths, and sewed upon her upper garment, on the outside of her Arm, or on her back, in open view; and that She pay costs of Prosecution, standing committed until this sentence shall be Performed.”

¹⁸ Edwin Powers, *Crime and Punishment in Early Massachusetts* (Boston: Beacon Press, 1966), p. 187-188. Powers says the sentence to stand upon the gallows “was used sparingly and reserved chiefly for those who offended against the code of sexual morality.” (p. 201) Whipping was finally outlawed as a punishment in Massachusetts in 1826. Neither adultery nor incest was punished as severely as conducting “Romish ceremonies,” which made Jesuits or Catholic priests subject to “perpetual imprisonment” under provincial law. Massachusetts Bay Colony, *The Body of Liberties*, 1641: “43. No man shall be beaten with above 40 stripes, nor shall any true gentlemen, nor any man equall to a gentleman be punished with whipping, unles his crime be very shamefull, and his course of life vitious and profligate.” “47. No man shall be put to death without the testimony of two or three witnesses, or that which is equivalent thereunto.” “94. Capitall Laws. 9. If any person committeth Adultery with a married or espoused wife, the Adulterer and Adulteress shall surely be put to death. Lev. 20.19 and 18, 20. Deut. 22, 23, 24.” Powers, Appendix A, pp. 533-548.

¹⁹ David T. Konig, ed., *Plymouth Court Records 1686-1859* (Wilmington, DE: Michael Glazier, Inc., 1978), Vol. 3, p. 29, 136 & 81, 215-221, 183, 57-58, and 97.

A third case, involving Jerusha Newell (identified in the court record as a “spinster and a Mollato single woman”) and James Studley, is described in terms resembling attempted rape, but may instead have been only public fornication (p. 96). In the prior term, the court had issued a warrant against a James Shedley [Studley?] and Jerusha Newell “to cause them to be apprehended and ... to appear at next term” on a “misdemeanour.” In separate court actions, Newell was then fined 40 shillings for “confessed fornication,” and James Studley was fined and ordered to pay court costs after telling the court “he would not contend with the King, but submit to his Grace” (p. 97).

Edwin Powers notes that in an earlier period, “Gentlemen” were seldom sentenced to be whipped, and instead received fines. In 1705, a Massachusetts law “to prevent spurious and mixt issue” imposed severe punishments for fornication between whites and blacks or mulattos, including the expulsion of the black or mulatto from the province. *Crime and Punishment*, pp. 168 & 188.

²⁰ For a reproduction of the page from *The Book of Common Prayer* (Cambridge, UK: Baskerville, 1761, see James Twitchell, *Forbidden Partners* (New York: Columbia University Press, 1987), p. 129).

²¹ Twitchell speculates that the earlier extended definition of incest reflected a more expansive concept of family in colonial America. See *Forbidden Partners*, p. 129.

The current Massachusetts law on incest states: No man shall marry / no woman shall marry: 1) his mother / her father; 2) his grandmother / her grandfather; 3) his daughter / her son; 4) his granddaughter / her grandson; 5) his sister / her brother; 6) his stepmother / her stepfather [Huldah’s crime]; 7) his grandfather’s wife / her grandmother’s husband; 8) his grandson’s wife / her granddaughter’s husband; 9) his wife’s grandmother / her husband’s grandfather; 10) his wife’s daughter [Huldah’s mother’s husband’s crime] / her husband’s son; 11) his wife’s granddaughter / her husband’s grandson; 12) his brother’s daughter / her brother’s son; 13) his sister’s daughter / her sister’s son; 14) his father’s sister or mother’s sister / her father’s brother or mother’s brother. St. 1983, c. 277, approved July 13, 1983.

Curiously, when the Massachusetts law was revised in 1983, one banned relationship for men was eliminated, and one for women, with odd asymmetries thus arising: 15) a man may marry his son’s wife, but a woman may not marry her daughter’s husband; 16) a woman may marry her husband’s father, but a man may not marry his wife’s mother.

²² The criminal indictment of Huldah refers to “the said Judah Clark, her mother’s husband, and since deceased.” See *Record Book for the Superior Court*, Middlesex County, Massachusetts, Volume 1757-1759, page 655, located in the Massachusetts State Archives, Dorchester, MA. I have been unable to find any other record of Judah Clark’s death or death date.

²³ On Judah Clark’s role in founding the Second Precinct Church and the town of Lincoln, see *Historical Manual of the Church of Christ in Lincoln, Massachusetts* (microfilm, Lincoln Public Library, 1872), and MacLean, *A Rich Harvest*, p. 111. See *The Vital Records of the*

Town of Lincoln, MA to 1850 (New England Genealogical Society, 1908), p. 158, for record of Ruth Boynton Clark's death on February 2, 1752, at the age of 70 years, and the subsequent marriage of Judah Clark to Mary Chandler Dudley, p. 100. See also *The Town of Concord: Births, Marriages, and Deaths*, p. 185: "Judah Clark of Lexington and Mary Dudley of Concord were married by the Rev. Mr. Lawrence Novr 21, 1752."

According to Rowley records, Judah Clark first married Hannah Kilbourne on February 5, 1704, in Rowley. Hannah Kilbourne had been born in Rowley on October 2, 1683, and she died there on January 28, 1713. There is no record of any children. Judah Clark then married Ruth Boynton on February 1, 1715. There is no record of children born to Ruth and Judah Clark in Rowley, Concord, Lexington, or Lincoln. Ruth Clark's grave is in the Precinct Burial Ground in Lincoln.

There appears to be no will or probate record for Judah Clark, perhaps because he held no property of consequence at his death or it had been distributed prior to his death. The court document registering his guardianship over Mary Dudley's youngest children (Abigail and Benjamin) on January 1, 1753, refers to Judah Clark as "Yeoman," a term whose common meaning was someone who farmed his own land. When Mary Chandler Dudley died without a will in 1773, the probate documents disposing of her property referred back to the will of her first husband, Joseph Dudley, and treated it as property that "remains unsettled" from his will. This poses the puzzle of whether Judah Clark ever held any claim to Mary's dower-third of Joseph's estate, a point that might be moot if he had no children of his own. The court inventory of the property lists nothing located in Lincoln. Middlesex County Probate Records, Index #6475, Massachusetts State Archives, Dorchester, MA.

²⁴ In reviewing the Plymouth court records, one might conclude that with few exceptions, the only people charged with the crime of fornication were women, suggesting a gender bias. However, that the names of women thus charged recur over the years, that the fines were relatively mild, and that the men involved were occasionally noted as "to the jurors unknown," hints that perhaps these women were often swept up in efforts to regulate morals at places frequented by travelers.

Among the cases before the Plymouth courts involving unwed women with illegitimate children, there is one instance of punishment imposed (50 shillings fine or 10 stripes, p. 144). but in the majority of instances, the court sought not to punish the woman but instead to establish who the father of the child was and to impose requirements of child support upon him. By requiring the father to pay weekly child support and to "secure and save harmless the said town from all charges and damages that may arise by said child," the town might hope to avoid having to support the mother and child through charity.

²⁵ Dow, *Everyday Life in Massachusetts Bay Colony*, p. 214.

²⁶ Dean Dudley reproduces a probate court order for the division of the property that lists Huldah as one of the children entitled to a share. See the records for Mary Clark, 1773, Middlesex County Probate Records, Index #4547, Massachusetts State Archives, Dorchester, MA. See also Dean Dudley, p. 563.

²⁷ The probate court's order of January 4, 1774, for the distribution of Mary Dudley Clark's estate provides that Huldah's youngest brother Benjamin was to receive all the land and real estate, and he in turn was to pay all his mother's remaining debts and "then to pay to the other children of the said deceased, viz., Joseph, Elizabeth, Mary, Huldah, Lucy, Rebecca, James, John, and Abigail (or to the lawful heirs of such of them respectively, as are deceased), each the sum of £3.6s.7p., as their shares." See Middlesex County Probate Records, Index #6475. Dean Dudley concludes that Huldah was living in Concord unmarried about 1774, apparently because her name is listed in this probate court order. See Dudley, p. 563.

²⁸ Joseph and Sarah Baldwin Lock's oldest son, Nathan, had been born to them on December 7, 1761. Nathan was followed by Asa Baldwin, born March 3, 1764; Sarah, born March 3, 1766; and then Joseph. The evaluation books for Lexington in 1771 indicate substantial property in land and animals belonging to Joseph Lock, Jr., and his brother. See Charles Hudson, *History of the Town of Lexington*, vol. 2, p. 369.

²⁹ *Massachusetts Soldiers and Sailors of the Revolutionary War* (Boston: Wright, Potter, 1902), p. 901: "Lock, Joseph, Acton. Petition dated Camp at Hull [MA], Sept. 17, 1776, signed by said Lock and others belonging to battalion stationed at Hull, asking for increase and payment of wages; also, Private, Capt. Abishai Brown's co. [of Concord], Col. Josiah Whitney's regt.; enlisted June 6, 1776, 4 days preceding march; service to Dec. 1, 1776, 5 mos. 27 days; rolls dated camp at Hull; also, Capt. Simon Hunt's co. [of Concord], Col. Eleazer Brooks's regt.; enlisted Nov. 3, 1777; service to April 3, 1778, 4 mos. 26 days, at Charlestown and Cambridge; company detached from militia." *The History of Fitzwilliam* identifies Joseph Lock as "of Acton."

A Lock/Locke family genealogy apparently states that Huldah's son Joseph also fought at Concord's North Bridge on April 19, 1775, under a Captain Davis. There were four Concord companies present that day, commanded by Captains David Brown, Charles Miles, George Minot, and Nathan Barrett. No claims for service were ever filed with the Commonwealth for these companies, and no rosters for the troops have ever been recovered. Frank Coburn reconstructed rosters for Brown's and Miles's companies, but no Joseph Lock appears in either. See Coburn, "Muster Rolls," *The Battle of April 19, 1775* (Lexington, Mass.: published by the author, 1912), appendix. The only Captain Davis in command at the bridge that day was Isaac Davis of Acton, but the muster roll for his company does not include a Joseph Lock. Two other Acton companies were present, under Captains Simon Hunt and Joseph Robin, but again no muster rolls have been recovered. That said, it is certainly possible that Joseph Lock was at the bridge. Males between the ages of 16 and 45 were required by law to serve in the militia, and Joseph at the age of 21 would not have fallen into any of the exempted categories. James Barrett, Jr., son of one of the regimental commanders of the patriot forces that day, had

been Joseph's guardian. Given those connections, and evidence from Joseph's later enlistments that he was eager to serve, he may well have marched with either Concord or Acton that historic day, perhaps with the company of Capt. Simon Hunt in which he later served in 1776.

Acton town records list the first five children of Joseph and Lucy Lock as daughter Arzubah/Azuba (b. September 5, 1777); Joseph (b. May 2, 1782); ?? b. 1784; Amey (b. August 20, 1789); and Asa (b. January 27, 1796). It seems odd that so soon after Azuba was born in September, Lock would re-enlist in November 1777, but perhaps the short service nearby was judged tolerable.

Massachusetts Soldiers and Sailors of the Revolutionary War, p. 902, also contains an entry for what is probably Joseph's father, then age 41: "Lock, Joseph, Jr., Lexington. Private in a detachment from Lexington militia co. commanded by Capt. John Parker; service, 2 days; detachment reported on command at Cambridge from June 17 to June 18, 1775, by order of Committee of Safety." The Battle of Bunker Hill occurred on June 17, 1775.

³⁰ *The History of the Town of Rindge, New Hampshire from 1736-1874* (Boston: Press of George H. Ellis, 1875), p. 598: "Joseph Locke was taxed in Rindge 1802, 03, 04. He removed from Acton, Mass, and went from this town to Fitzwilliam. He md., 1776, Lucy Piper. He was in the engagement at Concord, 1775, at Winter Hill 1776, and served one campaign in 1778. He d. Fitzwilliam Nov. 11, 1829. His wife d. Feb. 20, 1826."

There was already a prominent Locke family in Fitzwilliam when Joseph arrived there, and the Fitzwilliam Historical Society holds several boxes of papers from this other Locke family. But there is no record of a connection between the Fitzwilliam Lockes and the family of Joseph's father from whom he took the family name. See John F. Norton, *History of Fitzwilliam New Hampshire from 1752 to 1887* (New York: Burr Printing House, 1888), pp. 630-631: "Joseph Locke was from Acton, Mass.; is first taxed in F. in 1807. The Book of Lockes says he moved to F. about 1803, and gives his family rec., but his connection to the rest of the line is not shown. He lived several y. in Rindge before becoming a permanent resident of F. He was b. Aug. 9, 1754; d. Nov. 11, 1829, in F.; m. May, 1776, Lucy Piper, b. Acton, Mass., June 27, 1754; d. Feb. 20, 1826."

If Huldah was still alive when her son moved to New Hampshire, she would have been in her mid-70's. There is nothing in Fitzwilliam records to suggest she moved there with her son's family. The burials of Joseph and his wife, Lucy, and several of their children are noted in church records in Fitzwilliam, but there is no burial record for Huldah Dudley. See Lottie Guild, "A Copy of the records of burials kept by Jonas Woods, sexton of Fitzwilliam, commencing April 25, 1785, and ending December 24, 1878," Fitzwilliam Historical Society archives. Nor is there any record of Huldah's presence in Rindge.