



City of Boston Archives and Records Management Division

Guide to the Married Women doing Business Certificates

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Repository:	City of Boston Archives and Records Management Division
Title:	Married Women doing Business certificates
Collection No.:	0301.011
Dates:	1862-1974
Quantity:	10.0 Cubic feet (12 boxes, 32 volumes)

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Historical Note

The rights of married couples have been a constant source of controversy in the legal system. In the 1860's a married woman had the right to "bargain, sell, and convey, her separate real and personal property, enter into any contracts in reference to the same, carry on any trade or business, and perform any labor or services on her sole and separate account, and sue and be sued in all matters having relation to her separate property, business, trade, services, labor, and earnings, in the same manner as if she were sole." Then in 1862 a new statute was passed that modified the rights of a married woman to her own separate property and her power to contract. At the time of the passage of this statute a married woman might carry on business on her own separate account, and her separate property was not liable for the debts of her husband. Under this state of the law it sometimes, perhaps frequently, happened that a business was being carried on apparently by the husband and yet, when his creditor (whether the debt was contracted by the husband in his apparent business or otherwise) undertook to collect the debt by an attachment of the property used in the business, he was confronted with the claim on the part of the wife that the business was really carried on by her and not by her husband; and, inasmuch as her separate property could not be taken for his debts, the attachment would not stand. Doubtless in many cases this claim of the wife was fraudulent, but the relation between husband and wife is such that detection of the fraud was

difficult. Under these circumstances St. 1862, c.198, was passed. Its purpose was to prevent this kind of fraud, or at least render it ineffective.

The Statute of 1862 altered the law so that married woman may carry on any trade or business on her sole and separate account. But she must file in the clerk’s office of the city or town where she does or proposes to do business, a certificate setting forth the name of her husband, the nature of the business proposed to be done, and the place where it is to be done, giving the street and number, if practicable; and whenever the place of business of the nature of the business is changed, a new certificate must be filed accordingly. If the woman does not file this certificate, her husband may file one containing a similar description of the business. If no certificate is filed, the wife will not be allowed to claim any property employed in such business against creditors of her husband, and her husband will be liable upon all contracts lawfully made in the prosecution of such business, in the same manner and to the same extent as if made by him. The certificate is intended to protect the property of the wife, and will not protect that of the husband from attachment by his creditors.

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Scope and Contents note

This collection represents the records that were created and collected by the clerk’s office as a result of Statute 1862, c.198, the Certificate of Married Women doing Business on a Separate Account. Each certificate filed includes her name and the name of her husband, the nature of the business and location, the street and number of the location. Should any woman fail to record her separate business the husband was allowed to do so on her behalf. The certificate also lists the date and time when it was received by the clerk’s office. The records that are present in this collection include volumes containing business certificates and withdrawal records, individual certificates filings from 1913-1934, index volumes and a card index. The records are arranged into three series spanning from 1862-1974: Certificate Volumes, Filings, and Indexes.

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Series I: Certificate volumes, 1881-1974 (4.5 Cubic feet) (28 Volumes)

The volumes contain the certificates and withdrawal records that were held by the clerk’s office. The 28 volumes dates span from 1881-1974. Each volume is labeled with the collection title and appropriate corresponding volume number, due to the fact that some of the volumes are lacking spines.

Content Note: In volumes 1-10 date spans overlap, this overlap varies from volume to volume.

Volume	
1	1881-1883
2	1881-1890
3	1883-1885
4	1885-1887
5	1887-1889
6	1889-1891
7	1891-1894
8	1890-1922
9	1894-1896

10	1896-1899
11	1899-1901
12	1901-1904
13	1904-1907
14	1907-1910
15	1910-1913
16	1913-1915
17	1915-1920
18	1920-1924
19	1924-1926
20	1926-1929
21	1929-1932
22	1932-1935
23	1935-1938
24	1938-1941
25	1941-1946
26	1946-1950
27	1950-1957
28	1957-1974

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Series II: Filings, 1913-1934 (2.0 Cubic feet) (2 boxes)

The filings are independent copies of the certificate; each filing is accounted for in the certificate volumes and the index. The date spans for the filings range from 1913-1934. The filings are bundled up by year, and each year is labeled and arranged alphabetically by last name. Some filings are paired with the returned envelope in which the clerk’s office unsuccessfully attempted to mail the certificate to its intended business owner.

Content Note: Some years that contained a copious amount of filings were divided into two bundles, the first bundle was labeled A, and the second bundle containing the latter part of the alphabet was labeled B. Example of this would look like: 1926 A 1926 B

Box	
1	1913-1923
2	1924-1934

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Series III: Indexes, 1862-1967 (3.5 Cubic feet) (10 boxes, 4 volumes)

The indexes consist on 4 index volumes and a card index. The indexes are arranged alphabetically. The index volumes date range goes from 1862 to 1931 inclusively. The card index dates go from 1932 to approximately 1967. The card index also includes the withdrawal date of the business certificate, if available, located on the top right-hand corner of the card.

Content Note: There is some overlap in indexes during the 1930's.

Subseries A: Card index, 1932-1967 Approximately (2.5 Cubic feet) (10 boxes)

Box	
3	Aaron, Bessie E.-Botan, Sarah R.
4	Botan, Sarah R.- Corner, Mary A.
5	Coronella, Josephine-Fuimara, Maria
6	Flaherty, Elinor B.-Guzovsky, Mary
7	Haase, Jennie-Kriensky, Bessie R.
8	Krigman, Beatrice- Mazzone, Micheline
9	Mc Adams, Velma I.-Pelechowicz, Olive M.
10	Pellettieri, Virginia G.-Scarpas, Beatrice
11	Schacht, Rose-Symes, Mary
12	Tabbi, Carmela-Zugroglou, Efsevia

Subseries B: Index Volumes, 1862-1931 (1.0 Cubic feet) (4 volumes)

Volume	
29	1862-1877
30	1877-1891
31	1862-1911 Inclusive
32	1912-1931 Inclusive

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