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ORIGINAL ARTICLE

Incapable of Managing His Estate: Habitual Drunkards and the Expansion of Guardianship in the Nineteenth-Century United States

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Abstract

During the first half of the nineteenth century, Mid-Atlantic States expanded guardianship to include habitual drunkards. Legislators in Pennsylvania, New York, and New Jersey empowered courts to put habitual drunkards under guardianship, a legal status that stripped them of their rights to own property, enter into contracts, make wills, and, in some states, even vote. Amid the dramatic nineteenth-century expansion of male suffrage, the habitual drunkard signified a masculine failure of self-government that disqualified propertied men from the privileges of full citizenship. The struggle to define habitual drunkenness, detect the habitual drunkard, and put him under guardianship transformed the courtroom into an arena for contesting the thresholds of compulsion, policing respectable manhood, and drawing the borders of full citizenship in the nineteenth-century United States.

Keywords: guardianship; conservatorship; civil rights; citizenship; mental capacity; alcohol; compulsion; habit; addiction

On a cold late December morning in 1878, a commissioner, six jurors, and eleven witnesses gathered at an attorney's office in West Chester, Pennsylvania, to conduct an inquisition into the habitual drunkenness of Edward R. Edward was a wealthy, young Chester County resident who had just inherited a sizable house, land, and interest in a woolen mill. Edward had also recently married a young woman called Ida. It was her father, Edward's father-in-law, who

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petitioned against him. His petition and the attached affidavits alleged that habitual drunkenness had rendered Edward "incapable of managing his estate," threatening the well-being of his household and risking the livelihood of his mill workers.[1] As the proceedings stretched into January, twenty-six witnesses testified before Edward's inquisition jury. His relatives, neighbors, acquaintances, and various townspeople argued whether he was a habitual drunkard.

Even though he was not being charged with a crime, the stakes for Edward were very high. If the jury convicted him of habitual drunkenness, he would be placed under guardianship, also known as conservatorship, a condition of legal disability that stripped him of his right to own property, sign contracts, or make a will. Some states even denied persons under guardianship the right to vote.[2] Although Edward's case file uncharacteristically preserves a record of witness testimony before the inquisition jury, the early American legal archive is fragmentary and incomplete. Edward's case file is no exception. His final status, whether he was put under guardianship, remains a mystery. However, according to case files that survive in legal archives across the Mid-Atlantic region—New Jersey, New York, and Pennsylvania—most men brought before such inquisitions were declared habitual drunkards.[3]

Efforts to restrain alcohol and drinking through laws such as licensing, excise taxation, and national Prohibition (1920–1933) are well understood after over four decades of dedicated scholarship.[4] More recently, historians have

[1] Edward R. (1878), Appearance Papers, Court of Common Pleas, Prothonotary, Chester County Archives, West Chester, PA. Although historical guardianship information is public record in Pennsylvania and New York, I abbreviate the names of individuals found in all archival case files according to New Jersey State Archives' Conditions of Use under New Jersey Revised Statutes §30:4-24.3. I chose abbreviation instead of anonymization to protect the privacy of historical individuals and their descendants while also honoring their identity as real human beings who encountered disciplinary medicolegal intervention. Middle initials, which are often included in dockets and case files, are omitted. Names appearing in newspapers and published case law are unaltered.

[2] Kay Schriner and Lisa Oches, "Creating the Disabled Citizen: How Massachusetts Disenfranchised People Under Guardianship," *Ohio State Law Journal* 62, no. 1 (2002): 481–533; Lawrence M. Friedman, Joanna L. Grossman, and Chris Guthrie, "Guardians: A Research Note," *The American Journal of Legal History* 40, no. 2 (1996): 146–66; John Gabriel Woerner, *A Treatise on the American Law of Guardianship of Minors and Persons of Unsound Mind* (Boston, 1897).

[3] I analyzed 280 mid-Atlantic habitual drunkenness guardianship case files: 32 cases (1817–1862), Lunacy Case Files, 1796–1912, Chancery Court (CC), SCH00020, New Jersey State Archives (NJSA), Trenton, NJ; 177 cases (1821–1847), In Re Papers, 1800–1847, CC, J0057-82, New York State Archives (NYSA), Albany, NY; 71 cases (1819–1899), Lunatics & Habitual Drunkards, 1790–1899, Court of Common Pleas (CCP), Prothonotary, Chester County Archives (CCA), West Chester, PA; Appearance Papers, 1728–1902, CCP, Prothonotary, CCA. The indices (J0062-15 and J0062-82, CC, NYSA) to the unprocessed collection Enrolled Decrees, In Re Papers, and other Case Files, 1823–1847, CC, J0061-82, NYSA, revealed respondents' gender information for an additional 437 habitual drunkenness cases. See also Continuance and Appearance Dockets, CCP, Delaware County Archives (DCA), Lima, PA; Lunatics, Drunkards, Divorces Docket (1883 to 1925), CCP, DCA; Miscellaneous Dockets, CCP, DCA; Miscellaneous Quarter Sessions Dockets, Book D (1909–1919), CCP, DCA. See also Lunacy Docket, (Sept. 1781-Dec. 1824), Common Pleas (CP), Philadelphia City Archives (PCA), Philadelphia, PA; Lunacy Inquisitions, Book 1, CP, PCA; Proceedings in Lunacy (1857–1874), CP, PCA.

[4] Mark Lawrence Schrad, *Smashing the Liquor Machine: A Global History of Prohibition* (New York: Oxford University Press, 2021); Lisa McGirr, *The War on Alcohol: Prohibition and the Rise of the American State*

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studied the medicalization of alcohol-related harm through concepts such as delirium tremens, inebriety, alcoholism, and addiction. Courts adjudicating criminal cases such as murder trials gradually accepted medical framings of delirium tremens as a type of diminished capacity that resulted from excessive drinking.[5] During the second half of the nineteenth century, the study of alcohol-related pathology mirrored developments in the treatment of insane persons in specialized institutions—public mental asylums and, later, both public and private mental hospitals. In the Gilded Age, this system expanded to include specialized inebriate asylums. Like all mental hospitals, inebriate asylums often functioned as carceral spaces that gave shape to new pathologized personhoods—the inebriate, the alcoholic, and later, the addict—to be treated by specialized medical professionals.[6] While most jurisdictions rejected compulsory treatment for drunkenness by the end of the nineteenth century, a medical diagnosis of inebriety often became evidence against husbands in divorce cases.[7] Simultaneously, some states held drink sellers financially responsible for the drunkard's failure to provide for his family under civil damages laws that awarded wives monetary compensation when husbands became incapacitated.[8]

Meanwhile, guardianship, especially for habitual drunkards, has escaped sustained attention. In the first American legal treatise dedicated solely to

(New York: W. W. Norton & Company, 2015); Thomas R. Pegram, *Battling Demon Rum: The Struggle for a Dry America, 1800–1933* (Chicago: Ivan R. Dee, 1998); Jack S. Blocker, *American Temperance Movements: Cycles of Reform* (Boston: Twayne Publishers, 1989); William J. Rorabaugh, *The Alcoholic Republic: An American Tradition* (New York: Oxford University Press, 1981); Ian R. Tyrrell, *Sobering Up: From Temperance to Prohibition in Antebellum America, 1800–1860* (Westport: Greenwood Press, 1979); Norman H. Clark, *Deliver Us from Evil: An Interpretation of American Prohibition* (New York: W. W. Norton & Company, 1976).

[5] Michele Rotunda, *A Drunkard's Defense: Alcohol, Murder, and Medical Jurisprudence in Nineteenth-Century America* (Amherst: University of Massachusetts Press, 2021); Matthew Warner Osborn, *Rum Maniacs: Alcoholic Insanity in the Early American Republic* (Chicago: University of Chicago Press, 2014); Sarah W. Tracy, *Alcoholism in America: From Reconstruction to Prohibition* (Baltimore: Johns Hopkins University Press, 2005); Mariana Valverde, *Diseases of the Will: Alcohol and the Dilemmas of Freedom* (Cambridge: Cambridge University Press, 1998).

[6] Tracy, *Alcoholism in America* (2005); Michael Rembis, *Writing Mad Lives in the Age of the Asylum* (New York: Oxford University Press, 2024); Wendy Gonaver, *The Peculiar Institution and the Making of Modern Psychiatry, 1840–1880* (Chapel Hill, NC: University of North Carolina Press, 2018); Martin Summers, *Madness in the City of Magnificent Intentions: A History of Race and Mental Illness in the Nation's Capital* (New York: Oxford University Press, 2019); Benjamin Reiss, *Theaters of Madness: Insane Asylums and Nineteenth-Century American Culture* (Chicago: University of Chicago Press, 2008); Nancy Tomes, *The Art of Asylum-Keeping: Thomas Story Kirkbride and the Origins of American Psychiatry* (Philadelphia: University of Pennsylvania Press, 1994); Mary Ann Jimenez, *Changing Faces of Madness: Early American Attitudes and Treatment of the Insane* (Hanover, NH: University Press of New England, 1987); David J. Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic*, 2nd ed. (Boston: Little, Brown, and Company, 1990); Gerald N. Grob, *Mental Institutions in America: Social Policy to 1875* (New York: The Free Press, 1973).

[7] Tracy, *Alcoholism in America*, 218, 224.

[8] Elaine Frantz Parsons, *Manhood Lost: Fallen Drunkards and Redeeming Women in the Nineteenth-Century United States* (Baltimore: Johns Hopkins University Press, 2003); Jaunita John, "Note: Wives' Lawsuits Addressing Husband Drunkenness: Tempered by Gender Standards, 1850–1910," *Yale Journal of Law and Feminism* 27, no. 1 (2015): 150–56.

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guardianship, *A Treatise on the American Law of Guardianship of Minors and Persons of Unsound Mind* (1897), John Gabriel Woerner wrote, guardianship "has not" yet "been treated by any text-writer, except as included in books of a more general scope" focusing on insanity or domestic relations.[9] Almost a century later, Lawrence Friedman, Joanna Grossman, and Chris Guthrie remarked that guardianship remains "among the least-noticed, least-discussed institutions of the working legal system" despite going "back quite far in legal history."[10] While a few historians of disability and mental health have begun to recognize its significance, as Susanna Blumenthal asserts, the historiography of guardianship in the United States is still "surprisingly thin."[11]

The expansion of guardianship to include habitual drunkenness, especially during the first half of the nineteenth century, transformed the courtroom into a site for contesting the meanings of mental capacity, defining the thresholds of compulsion, policing respectable masculinity, and drawing the borders of full citizenship before the medicalization of inebriety, the institutional treatment of alcoholism, or the passage of national Prohibition. Although fragmentary and incomplete, nineteenth-century Mid-Atlantic legal archives reveal that habitual drunkenness cases became a significant portion of adult guardianship cases, anywhere from approximately sixteen percent of all adult guardianship cases in Pennsylvania to as high as forty-one percent in New York.[12]

Guardianship subjected drinkers who failed to embody patriarchy and citizenship to the legal apparatus of what Michael Grossberg calls a "judicial patriarchy" over the family.[13] When courts put habitual drunkards under guardianship, they fulfilled the states' double *parens patriae* obligation in these cases: first, to protect the habitual drunkard's property from himself, and second, to protect the habitual drunkard's dependents from his neglect and abuse. Men facing guardianship inquisitions were respondents, not defendants. Their accusers were petitioners, not plaintiffs. Courts imposed guardianship *ex relatione* (*ex rel.*), or, on behalf of, the petitioners. In the process, the legal system constructed the habitual drunkard as a new "kind" of problematic legal person and targeted him for discipline and governance beyond criminal law and

[9] Woerner, *A Treatise on the American Law of Guardianship*, v.

[10] Friedman, Grossman, and Guthrie, "Guardians," 146.

[11] Susanna L. Blumenthal, "The Default Legal Person," *UCLA Law Review* 54, no. 5 (2007): 1180. See also Janet Weston, *Looking After Miss Alexander: Care, Mental Capacity, and the Court of Protection in Mid-Twentieth-Century England* (Montreal: McGill-Queen's University Press, 2023); James Moran, *Madness on Trial: A Transatlantic History of English Civil Law and Lunacy* (Manchester: Manchester University Press, 2019); Kim E. Nielsen, "Property, Disability, and the Making of the Incompetent Citizen in the United States, 1860s–1940s," in *Disability Histories*, ed. Susan Burch and Michael Rembis (Champaign-Urbana, IL: University of Illinois Press, 2014), 308–20.

[12] J0058-82, J0062-15, J0062-82, NYSA (614 cases, $n = 1{,}505$, 1823–1847); Lunatics & Habitual Drunkards, Appearance Papers, CCA (71 cases, $n = 450$, 1819–1902). Approximately twenty percent of adult guardianship cases in Dane County, Wisconsin involved habitual drunkards, Nielsen, "Property, Disability, and the Making of the Incompetent Citizen in the United States, 1860s–1940s," 312.

[13] Michael Grossberg, *Governing the Hearth: Law and the Family in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1985), 291, 290–307.

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outside punitive incarceration or therapeutic confinement.[14] Struggling with the idiosyncrasy of each case, courts gradually centered the compulsion to drink as a critical but contested prerequisite for stripping propertied men of civil rights that defined manhood, legal personhood, and full membership in the community of white male citizenry.

Guardianship, Alcohol, and Masculinity

Guardianship emerged as a legal instrument in medieval England to resolve disputes involving succession, inheritance, and the custody of minor children.[15] The failure of precedent-based common law principles to resolve these cases inspired the formation of the Chancery Court, which adjudicated cases such as guardianship in equity, not in common law. According to Amalia Kessler, unlike adversarial common law trials that privileged jury verdicts, equity courts drew on a Roman canon law tradition that gave proceedings in equity a "quasi-inquisitorial" character.[16] Since the inception of guardianship, English courts gradually expanded it to include adults deemed *non compos mentis* (unsound mind) and spendthrifts.[17] Premodern treatise writer John Brydall explained, spendthrifts were "prodigal Persons" whose profligacy necessitated the appointment of guardians in the same manner as "Minors" and "mad Persons," a distinction that endured into the early nineteenth century.[18] Crossing the Atlantic Ocean, guardianship became a permanent feature of colonial and United States law. As New York's Field Code of Civil Procedure signaled a "fusion" of equity and law in the United States, guardianship was

[14] Ian Hacking, "Kinds of People: Moving Targets," *Proceedings of the British Academy* 151 (December 27, 2007): 285–317; Sallyanne Payton, "The Concept of the Person in the *Parens Patriae* Jurisdiction over Previously Competent Persons," *The Journal of Medicine and Philosophy: A Forum for Bioethics and Philosophy of Medicine* 17, no. 6 (1992): 605–45.

[15] Friedman, Grossman, and Guthrie, "Guardians," 146–47.

[16] Amalia D. Kessler, *Inventing American Exceptionalism: The Origins of American Adversarial Legal Culture, 1800–1877* (New Haven: Yale University Press, 2017), 4, 24–41.

[17] Moran, *Madness on Trial* (2019); Carl I. Hammer, "'Being Old and Dayly Finding the Symptoms of Mortality': The Troubled Last Years of Hannah Beamon of Deerfield and the Law of 1726," *Early American Studies: An Interdisciplinary Journal* 17, no. 2 (2019): 151–82; Cornelia H. Dayton, "'The Oddest Man That I Ever Saw:' Assessing Cognitive Disability on Eighteenth-Century Cape Cod," *Journal of Social History* 49, no. 1 (2015): 77–99; Wendy Jo Turner, *Care and Custody of the Mentally Ill, Incompetent, and Disabled in Medieval England* (Turnhout, Belgium: Brepols, 2013); Irina Metzler, "Disability in the Middle Ages: Impairment at the Intersection of Historical Inquiry and Disability Studies," *History Compass* 9, no. 1 (2011): 45–60; Akihito Suzuki, *Madness at Home: The Psychiatrist, the Patient, and the Family in England, 1820–1860* (Berkeley: University of California Press, 2006); Joel Peter Eigen, *Witnessing Insanity: Madness and Mad-Doctors in the English Court* (New Haven: Yale University Press, 1995).

[18] John Brydall, *Non Compos Mentis, or, The Law Relating to Natural Fools, Mad-Folks, and Lunatick Persons* (London, 1700), 23; *Darling v. Bennet*, 1811, 8 Mass. 129.

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subsumed by the emerging paradigm of civil law by the end of the nineteenth century.[19]

The expansion of guardianship in the United States to specifically include habitual drunkards occurred at a moment of intense apprehension about alcohol consumption in the new nation. Drinking has always facilitated social bonding, especially in European culture.[20] In North America, the colonies that became the United States developed a culture of copious drinking. William Rorabaugh concluded that "half the adult males—one-eighth of the total population—were drinking two-thirds of all the distilled spirits consumed" before 1830.[21] Including beer, wine, and cider, the average man drank as much as five gallons of absolute alcohol per year in the 1820s, the highest-ever alcohol consumption in United States history. In response, a national temperance movement centered in the North boasted an official membership as high as twelve percent of the nation's adult population by the mid-1830s.[22]

In this prolific drinking culture, convincing men to stop drinking was an uphill battle for reformers who blamed the drunkard for poverty, crime, domestic violence, disease, and myriad other social problems. In a kind of cultural hormesis, drinking simultaneously signified and undermined the drinker's manliness.[23] In the words of Catherine Gilbert Murdock, "Alcohol consumption was…a sign of masculinity that took away masculinity….You drank to show that you were a man, but you get drunk, and all of a sudden, you can't provide for your family, you can't do your job," and "you become violent."[24] Drinking proved the drinker's manhood even as it unmanned him. In response, temperance reformers promoted restrained masculinity that embraced the ideals of domesticity and, therefore, temperance, now defined as total abstinence from all forms of alcohol.[25]

Concerns about drunkenness and masculinity coalesced around broader anxieties surrounding republican nation-building, the expansion of democracy, and the instability of an emerging market economy. "Twice we have bravely resisted and spurned *political despotism*," lamented Dr. Billy Clark, an early temperance reformer, yet "at length we have prostrated our necks under the sceptre of king *Alcohol*."[26] He chastised Americans who had gained political

[19] Moran, *Madness on Trial*, 117–139; Kellen Funk, "Equity without Chancery: The Fusion of Law and Equity in the Field Code of Civil Procedure, New York 1846–76," *The Journal of Legal History* 36, no. 2 (2015): 152–91.

[20] Edward Slingerland, *Drunk: How We Sipped, Danced, and Stumbled Our Way to Civilization* (Boston: Little, Brown, 2021).

[21] Rorabaugh, *The Alcoholic Republic*, 11.

[22] Megan L. Bever, *At War with King Alcohol: Debating Drinking and Masculinity in the Civil War* (Chapel Hill, NC: University of North Carolina Press, 2022), 3.

[23] David T. Courtwright, *The Age of Addiction: How Bad Habits Became Big Business* (Cambridge, MA: Belknap Press, 2019), 19.

[24] Catherine Gilbert Murdock, in Ken Burns, Peter Coyote, Lynn Novick, and Geoffrey C. Ward. *Prohibition. Episode 1, Nation of Drunkards* (Public Broadcasting Service: 2011), 00:10:25–00:10:40.

[25] Amy S. Greenberg, *Manifest Manhood and the Antebellum American Empire* (Cambridge: Cambridge University Press, 2005), 11, 140.

[26] Billy Clark, quoted in Jesse Torrey, *The Moral Instructor, and Guide to Virtue: Being a Compendium of Moral Philosophy* (Philadelphia, 1830), 25.

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independence from Great Britain for willingly subjecting themselves to the tyranny of this new ruler. Clark's invocation of "King Alcohol" linked the compulsion to drink with political unfreedom, slavery, and apprehensions about self-rule in a new republic. As the Constitution ostensibly extended suffrage to all men born in the United States after the Civil War, self-possession—demonstrated by tax payment, economic participation, and a restrained, able-bodied, mentally sound masculinity—replaced property ownership as the primary marker of full citizenship. At the same time, Black men's supposed propensity to drunkenness became one of the arguments against their full citizenship.[27]

The habitual drunkard threatened the self-abnegation of citizenship in a new nation that counted on independent, able-bodied, mentally sound white men to shoulder the burdens of democracy. His inability to manage property, provide for his dependents, make moral choices at the ballot box, and, most importantly, his compulsion to drink, exposed an uncomfortable specter of masculine failure, disability, and dependency that resembled insanity, also known as lunacy.[28] According to Susanna Blumenthal, early American courts delineated "the mental prerequisites of legal responsibility in the form of the default legal person" that linked "mental capacity and legal responsibility."[29] Barbara Welke adds, the "universal legal person" who was entitled to the rights of full citizenship and legal personhood was conceived as an idealized white, able-bodied male who became the nineteenth-century standard against which courts judged all others.[30] "Disabled persons, racialized others, and women," Welke argues, became "subjects of the law," dependents who were not entitled to legal identity or civil and economic rights.[31] Moreover, as Rabia Belt shows, the disenfranchisement of disabled Civil War veterans alongside institutionalized persons and persons under guardianship meant that physical and mental capacity remained fundamental prerequisites for full citizenship, even for white

[27] Rabia Belt, *Disabling Democracy in America: Mental Incompetence, Citizenship, Suffrage, and the Law, 1819–1920* (Cambridge: Cambridge University Press, forthcoming); Bever, *At War with King Alcohol*, 159–61; Martha S. Jones, *Birthright Citizens: A History of Race and Rights in Antebellum America*, Studies in Legal History (New York: Cambridge University Press, 2018); Susanna L. Blumenthal, *Law and the Modern Mind: Consciousness and Responsibility in American Legal Culture* (Cambridge: Harvard University Press, 2016); Donald Ratcliffe, "The Right to Vote and the Rise of Democracy, 1787—1828," *Journal of the Early Republic* 33, no. 2 (2013): 219–54; Barbara Young Welke, *Law and the Borders of Belonging in the Long Nineteenth Century United States* (Cambridge: Cambridge University Press, 2010), 3–6, 21–39; Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2009).

[28] Rotunda, *A Drunkard's Defense*, 91–119; Abigail Fagan, "The Citizen as Self-Abnegating: Othering the Drunkard in the Early Republic," *Amerikastudien/American Studies* 65, no. 4 (2020): 405–26.

[29] Blumenthal, "The Default Legal Person," 1139.

[30] Welke, *Law and the Borders of Belonging*, 21.

[31] Ibid., 63, 21–93. See also Kim E. Nielsen, *A Disability History of the United States* (Beacon Press, 2012), 49–78; Schriner and Oches, "Creating the Disabled Citizen," 481–533; Douglas C. Baynton, "Disability and the Justification of Inequality in American History," in *The New Disability History: American Perspectives*, ed. Paul K. Longmore and Lauri Umansky (New York: New York University Press, 2001), 33–57.

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men.[32] Consequently, and perhaps unsurprisingly, approximately ninety-nine percent of respondents across the Mid-Atlantic legal archive who were declared habitual drunkards and put under guardianship were white men.[33]

Although not every habitual drunkard put under guardianship was wealthy, most of these men, especially during the first half of the nineteenth century, did not belong to the working class. The privilege of having estates, personal property, and money conferred respectability that distinguished them from the so-called common drunkard.[34] Poor drinkers, both men and women, fell under a different system of governance—the criminalization of common drunkenness, also known as public intoxication.[35] More likely to get caught outside, common drunkards were associated with vagrancy and public nuisance. Prosecuted as criminals, they were fined, sentenced to houses of correction and jails, or committed to almshouses and poorhouses.[36] Conversely, guardianship cases often involved private intoxication within the home. Restricting the rights of respectable men triggered a complex and expensive legal process that charged juries with defining the thresholds of habitual drunkenness and mental capacity as they deliberated which men to exclude from full citizenship, one case at a time.

Expanding Guardianship

"Drunkards, Look Out!" warned the title of an 1819 *Lancaster Intelligencer* article. The newspaper reported that Pennsylvania had just passed "An Act Relative to Habitual Drunkards," which expanded guardianship to include anyone who "by reason of habitual Drunkenness has become incapable of managing his estate and is wasting and destroying the same."[37] Almost immediately, an "Individual…possessed of a very handsome estate," who "but a few years

[32] Rabia Belt, "Ballots for Bullets? Disabled Veterans and the Right to Vote," *Stanford Law Review* 69, no. 2 (2017): 435–90. See also, Nielsen, *A Disability History of the United States*, 53–56, 78–87.

[33] J0057-82, J0062-15, J0062-82, NYSA (607 cases, $n = 614$); Lunatics & Habitual Drunkards, Appearance Papers, CCA (70 cases, $n = 71$); Nielsen, "Property, Disability, and the Making of the Incompetent Citizen in the United States, 1860s–1940s," 312.

[34] Catherine Gilbert Murdock, *Domesticating Drink: Women, Men, and Alcohol in America, 1870–1940* (Baltimore: Johns Hopkins University Press, 2002), 6.

[35] W. J. Tracy, "Habitual Drunkards," in *American and English Encyclopaedia of Law*, ed. David S. Garland, Lucius P. McGehee, and James Cockcroft, 2nd ed., vol. 15 (Northport, NY, 1900), 227.; *Commonwealth v. Whitney*, 5 Gray Mass. 85 (1855).

[36] Osborn, *Rum Maniacs*, 80–83; Simon P. Newman, *Embodied History: The Lives of the Poor in Early Philadelphia* (Philadelphia: University of Pennsylvania Press, 2013), 30–32, 46, 52; David Wagner, *The Poorhouse: America's Forgotten Institution* (Lanham, MD: Rowman & Littlefield, 2005), 24, 84, 146. See also, Alms House Weekly Admissions and Census (1812–1835, 1865), Guardians of the Poor (GP), PCA; Alms House Male Register (1828–1887), GP, PCA; Alms House Female Register (1803–1887), GP, PCA; Alms House Hospital Men's Receiving Ward Register (1836–1870), GP, PCA; Alms House Hospital Women's Receiving Ward Register (1838–1887), GP, PCA. See also Alms House Register (1873–1906), DCA; State Board of Charities Census of Inmates in Almshouses and Poorhouses (1875–1921, inclusive 1826–1921), A1978-78, NYSA.

[37] "Drunkards Look Out!," *Lancaster Intelligencer*, May 22, 1819, 3.

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ago was a respectable Citizen," was placed under guardianship.[38] While most states extended guardianship to persons of unsound mind or spendthrifts since the colonial period, Pennsylvania became the first to explicitly include habitual drunkards. Following Pennsylvania's lead, New York passed a similar statute in 1821, and New Jersey followed in 1853.[39] Other states effectively included habitual drunkards in their guardianship statutes as spendthrifts. For example, Massachusetts defined spendthrifts as "every one who is liable to be put under guardianship, on account of excessive drinking, gaming, idleness, or debauchery."[40] By the end of the century, most states passed generalized statutes providing guardianship to anyone a court had declared mentally incompetent, including habitual drunkards.

Pennsylvania and New York were a nexus for the demographic, political, and economic changes that generated intense anxieties about the habitual drunkard. Between 1820 and 1850, both states together represented approximately a quarter of the total population in the United States.[41] With growing urban centers such as New York City and Philadelphia, the Mid-Atlantic region became the demographic crucible in which the expansion of male suffrage was tested. Pennsylvania was one of the first states to loosen property requirements for voting, replacing property ownership with the payment of taxes in 1790. New York followed in 1821, the same year it extended guardianship to habitual drunkards. Beyond the Mid-Atlantic, Massachusetts' disenfranchisement of persons under guardianship in 1821 also coincided with changing property ownership requirements.[42]

The Mid-Atlantic region's urbanization and population growth also situated its cities at the center of an emerging national market economy. Its population thus bore the brunt of financial crises, most notably, the Panics of 1819 and 1837, both moments of heightened anxieties about harmful drinking.[43] In this context, these cities became early epicenters of both the medical profession and temperance reform.[44] After all, Philadelphia was the home of Benjamin Rush, the Revolution-era physician whose *An Inquiry into the Effects of Ardent Spirits upon the Human Body and Mind* (1784) inspired the earliest temperance reformers to organize. In this *Inquiry*, Rush had urged the government to "secure the property of habitual drunkards, for the benefit of their families, by placing it in the hands of trustees, appointed for that purpose, by a court of justice."[45] In 1815, two years after Rush's

[38] Ibid.

[39] *Laws of the Commonwealth of Pennsylvania*, vol. 7 (Philadelphia, 1822), 155–56; *Laws of the State of New-York*, vol. 5 (New York, 1821), 99–100; *Digest of the Laws of New Jersey*, 2nd ed. (Philadelphia, 1855), 213–14.

[40] *Revised Statutes of the Commonwealth of Massachusetts* (Boston, 1836), 493.

[41] Richard L. Forstall, ed., *Population of States and Counties of the United States: 1790 to 1990* (Washington D.C.: U.S. Department of Commerce, Bureau of the Census, Population Division, 1996).

[42] Ratcliffe, "The Right to Vote and the Rise of Democracy, 1787–1828," 223, 229, 219–54; Keyssar, *The Right to Vote*, 22–52, 324–402; Schriner and Oches, "Creating the Disabled Citizen," 481–533.

[43] Matthew Warner Osborn, "A Detestable Shrine: Alcohol Abuse in Antebellum Philadelphia," *Journal of the Early Republic* 29, no. 1 (2009): 101–32.

[44] Osborn, *Rum Maniacs*, 107–13.

[45] Benjamin Rush, *An Inquiry into the Effects of Ardent Spirits upon the Human Body and Mind* 4th ed. (Philadelphia, 1808), 37.

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death, Pennsylvania Governor Simon Snyder echoed Rush's call to enact laws protecting habitual drunkards' property, comparing them with the "mentally diseased" in an address to the state legislature.[46]

When these calls came to fruition in Pennsylvania and New York, statutes emphasized the protection of the habitual drunkard's property for the provision of his family. Pennsylvania empowered courts to place "any citizen" who "by reason of habitual drunkenness, has become incapable of managing his or her estate, and is wasting and destroying the same" under guardianship.[47] In New York, the statute likewise addressed the "estates" of "persons" who are "incapable of managing their own affairs in consequence of habitual drunkenness."[48] Despite Pennsylvania's overt emphasis on preserving property, a footnote indicating that guardianship applied in cases where "the person may not be possessed of any estate" linked money, property, and family to deeper concerns about dependency, legal personhood, and full citizenship.[49] In 1836, New York's revised code stated explicitly that guardianship safeguarded property so that it could continue to "provide…for the maintenance of [habitual drunkards'] families and the education of their children."[50] New York's statute quickly caught the attention of the state's elite physicians. The early medical jurisprudence writer Theodric Romeyn Beck included it in his discussion about insanity.[51]

Meanwhile, Pennsylvania and New York's less populous Mid-Atlantic neighbor, New Jersey, struggled to pass a similar law. First suggested as early as 1813, the legislature debated but failed to pass numerous versions of the bill for the next several decades.[52] Unfortunately, because the legislative records and newspaper accounts offer no details about the debate, it is difficult to tell why New Jersey took so long to follow its Mid-Atlantic neighbors. Perhaps, legislators thought the state's existing lunacy statutes were enough.[53] When the law finally passed in 1853, it is not unreasonable to speculate that it reflected the growing momentum of broader temperance legal reforms, especially the growing national debates about Maine Laws, the first state-level alcohol prohibitions named after the state that first instituted them in 1851. While New Jersey never adopted its own Maine Law, legislators certainly considered it in

[46] Simon Snyder, "Pennsylvania," *National Intelligencer*, December 21, 1815.

[47] *Laws of the Commonwealth of Pennsylvania*, 7:155.

[48] *Laws of the State of New-York*, 99.

[49] *Laws of the Commonwealth of Pennsylvania*, 7:155.

[50] *The Revised Statutes of the State of New-York*, vol. 1 (Albany, 1836), 814.

[51] Theodric Romeyn Beck, *Elements of Medical Jurisprudence*, vol. 1 (Albany, 1823), 376.

[52] *Votes and Proceedings of the Thirty-Eighth General Assembly of the State of New Jersey*, First Sitting (Trenton, 1814), 73. Minutes of the New Jersey General Assembly reveal numerous legislative efforts, often initiated by a petition from constituents, to enact this statute, 1813–1840, New Jersey State Library, Trenton, NJ, https://hdl.handle.net/10929/107580.

[53] There were at least eleven guardianship cases in which petitions or affidavits alleged that drunkenness was a factor in the respondent's lunacy, though not all of them were put under guardianship, in New Jersey before 1853, SCH00020, NJSA.

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1853, the year they expanded guardianship to include habitual drunkards. Newspaper coverage of the statute's passage praised it as a "temperance law."[54] All but copying Pennsylvania's statute, New Jersey also explicitly encoded the legal consequences of guardianship—exclusion from the right to property and contract—in the law.[55]

As they expanded guardianship, Mid-Atlantic States harnessed the existing legal machinery of guardianship involving what James Moran calls "lunacy investigation."[56] Pennsylvania's statute empowered courts to conduct inquisitions and assign guardians "as has been heretofore practiced in cases of persons *non compotes mentis*."[57] Similarly, New York recognized that habitual drunkards fell under the "jurisdiction and power" exercised by the same "court in regard to the estates of lunatics."[58] Such statutory language recognized that habitual drunkenness and mental unsoundness were similar enough to warrant the same legal consequences.[59] As courts gradually recognized new medical articulations of alcohol-induced insanity such as delirium tremens as a mitigating factor in murder trials, medicolegal professionals began to wonder if habitual drunkenness was, in and of itself, a type of insanity.[60]

For medical jurisprudence treatise writers interested in the legal implications of disease, similarities between the effects of intoxication, the compulsion to drink, and insanity facilitated the classification of habitual drunkenness as a form of mental unsoundness, a kind of partial insanity.[61] As courts, physicians, and temperance reformers struggled to account for the compulsive aspects of intemperance, they reached for the concept of habit. Habit has always been a liminal concept because it constantly questions whether individuals fully control their actions. Stuck between full agency and autonomous action, habit implies an acquired momentum in human behavior that is difficult to change or shift.[62] During the eighteenth and early nineteenth centuries, the meaning of habit in North America gradually changed in ways that emphasized its involuntary aspects. By 1865, Noah Webster's *Dictionary*, for example, defined habit as an "involuntary tendency," an "internal principle," a "law of our being," and a "second nature."[63]

[54] "The First Case Under the New Jersey Temperance Law," *The Baltimore Sun*, August 2, 1853, 1; *Journal of the Ninth Senate of the State of New Jersey* (Trenton, 1853), 287; William J. Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill, NC: University of North Carolina Press, 1996), 171–89.

[55] *Digest of the Laws of New Jersey*, 214.

[56] Moran, *Madness on Trial*, 31–48.

[57] *Laws of the Commonwealth of Pennsylvania*, 7:155.

[58] *Laws of the State of New-York*, 5:99.

[59] Tracy, "Habitual Drunkards," 230.

[60] Rotunda, *A Drunkard's Defense*, 91–119.

[61] Beck, *Elements of Medical Jurisprudence*, 1:375–76; Francis Wharton and Moreton Stillé, *A Treatise on Medical Jurisprudence* (Philadelphia, 1855), 6–7, 30–35.

[62] Clare Carlisle, *On Habit* (Routledge, 2014); Tom Sparrow and Adam Hutchinson, eds., *A History of Habit: From Aristotle to Bourdieu* (Lanham, MD: Lexington Books, 2013).

[63] Noah Webster, *An American Dictionary of the English Language* (Springfield, MA, 1865), 600.

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Most physicians, many of whom were active as temperance reformers, drew on these formulations as they worked to explain the physical basis for habituation. Unlike insanity, which was understood to be caused by a range of nebulous reasons such as heredity, physical trauma, old age, or sexual sin, the immediate physical cause of habitual drunkenness was alcohol. They posited that alcohol destroyed the body's natural physiological capacity for volition by perverting natural appetites for food and water into an artificial appetite for intoxication.[64] According to physician, asylum superintendent, and medical jurisprudence treatise writer Isaac Ray, the "pathological changes" caused by alcohol "are the effect of a long-continued voluntary habit" to the point that "they, in turn, become efficient causes" that "act powerfully in maintaining this habit" despite "the resistance of the will."[65] While these formulations of habit and habitual drunkenness left plenty of room for volition, the language of habitual drunkenness became the terminology of choice in guardianship law because it captured the compulsive aspects of intemperance.

As North American medical jurisprudence treatise writers drew heavily from British and European legal traditions, the English chancery decision in *Ridgeway v. Darwin* (1802) became a leading precedent in the United States during the first half of the nineteenth century.[66] Upholding the guardianship of Ann Kendrick, a person with epilepsy, the court regarded habitual drunkenness as a form of mental unsoundness short of total insanity. "[N]ot confined to strict insanity," the commission of lunacy can be "applied to cases of imbecility of mind, to the extent of incapacity, from any cause," including "disease, age, or habitual intoxication."[67] When American medicolegal writers cited this case to justify the expansion of guardianship to include habitual drunkards, they reflected and reinforced the gradual redefinition of mental illness as a disease.

Consequently, guardianship case files in New York, for example, are filled with statements comparing habitual drunkenness with mental unsoundness. In 1828, an inquisition jury found that William B. was "frequently…deranged and wild in his mind owing to his nerves and intellects being impaired by habitual drunkenness."[68] The petition against Henry P. alleged that he "was insane with liquor," and an accompanying affidavit accused him of "riotous conduct" while being "addicted to the habits of the grosses intemperance" that often left him "in a state of mental derangement."[69] In 1844, an affiant (affidavit writer) swore

[64] David Korostyshevsky, "An Artificial Appetite: The Nineteenth-Century Struggle to Define Habitual Drunkenness," *Bulletin of the History of Medicine* 98, no. 2 (2024): 175–204.

[65] Isaac Ray, *A Treatise on the Medical Jurisprudence of Insanity* (Boston, 1838), 420. See also Rotunda, *A Drunkard's Defense*, 105–6; Blumenthal, *Law and the Modern Mind*, 76–77.

[66] George Dale Collinson, *A Treatise on the Law Concerning Idiots, Lunatics, and Other Persons Non Compotes Mentis* (London, 1812), 71; Beck, *Elements of Medical Jurisprudence*, 1:376; Leonard Shelford, *A Practical Treatise on the Law Concerning Lunatics, Idiots, and Persons of Unsound Mind* (London, 1833), 88. See also, Blumenthal, *Law and the Modern Mind*, 78–79.

[67] *Ridgeway v. Darwin*, 8 Ves. Jun. 65 (1802), in *English Reports Full Reprint*, vol. 32, Chancery, Vol. 11 (London, 1903), 275. See also Moran, *Madness on Trial*, 56–57.

[68] William B. (1828), J0057-82, NYSA.

[69] Henry P. (1829), J0057-82, NYSA.

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that Ephraim V.'s "faculties are so shattered by the habitual and excessive use of spirituous liquors that he is totally unfit for the management of his business and the custody and control of his property."[70]

Meanwhile, before the 1853 statute in New Jersey, courts gradually recognized habitual drunkenness as a form of lunacy. Petitioners sought inquisitions into lunacy in cases that would have fallen under the habitual drunkenness statute in neighboring Pennsylvania and New York. As early as 1817, a petition successfully alleged that Joseph G. "hath been so far deprived of his reason and understanding that he is rendered altogether unfit to govern himself or to manage his affairs" because of his drinking.[71] Throughout the 1820s, the decade that saw the expansion of guardianship in Pennsylvania and New York, inquisition juries in New Jersey found that John M. "became a lunatic" through the "intemperate use of ardent spirits;" that Joseph O. "became [a] lunatic by intemperance"; and that the "cause" of Jonathan O.'s "incapacity has originated from excessive intemperance."[72] Despite the absence of a habitual drunkenness statute, petitioners and jurors nevertheless understood that alcohol debilitated the body and incapacitated the mind.

No matter how similar habitual drunkenness seemed to insanity, it was not the same thing. The resemblance between compulsion and insanity thrust habitual drunkenness into broader debates about moral insanity, a new concept of mental disease that explained bad behaviors, including various compulsions such as stealing or promiscuity, in terms of physical pathology. While its proponents viewed moral insanity as an enlightened medical perspective on human frailty, its detractors denounced it as an excuse for vice, sin, and crime.[73] For example, in 1874, New York Commissioner of Lunacy John Ordronaux repudiated the idea that habitual drunkenness was a disease. Just as moral insanity excused sin, he loathed that treating habitual drunkenness as a disease threatened to absolve the habitual drunkard of his failings.[74] In the context of criminal law, the use of intoxication or delirium tremens as a diminished capacity defense in murder trials only mitigated the severity of the punishment. Even if habitual drunkenness was a form of moral insanity, it did not absolve the murderer of responsibility for his crime.[75] Configuring him as a kind of insane person who was responsible for his incapacity by drinking alcohol in the first place, guardianship cases positioned the habitual drunkard as a liminal figure, both bad and sick, somewhere in between the spendthrift and the lunatic.

[70] Ephraim V. (1841), J0057-82, NYSA.

[71] Joseph G. (1817), SCH00020, NJSA. In an affidavit accompanying the petition, Joseph's father alleged that he "has been an intemperate person for upwards of four years."

[72] John M. (1820), Joseph O. (1825), Jonathan O. (1827), SCH00020, NJSA.

[73] Rotunda, *A Drunkard's Defense*, 104–7.

[74] John Ordronaux, "Is Habitual Drunkenness a Disease?" *Journal of Insanity* 30, no. 4 (1874): 430–43.

[75] Rotunda, *A Drunkard's Defense*, 63–90.

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Protecting Property and Family

The legal quest to safeguard the habitual drunkard's estate through guardianship belied deeper anxieties about his inability to conduct business, failure to support his family, and physical abuse of members of the household, even though the legal definitions of "estate" and "family" distinguished persons from the property.[76] Furthermore, the habitual drunkard's violence to those around him differentiated him from spendthrifts, who were profligate but not necessarily associated with violence or dangerousness like *non compos mentis* were.[77] On its face, guardianship law was about property. Nevertheless, the nineteenth-century American family and its estate were inextricably tied together, especially in the era of coverture, a common law doctrine in which husbands owned the property, labor, and legal identities of their wives and children.[78]

Guardianship statutes and case files consistently linked the integrity of the habitual drunkard's property with his family's physical and emotional well-being. Statutes emphasized the need to protect the habitual drunkard's family from his profligacy and incapacity. Before divorce or civil damage laws that held alcohol sellers financially responsible, guardianship offered neglected and abused wives under coverture legal recourse to challenge male authority when the head of the household became incapable of managing his "estate" in Pennsylvania and New Jersey or his "affairs" in New York. Frequently, women relied on male relatives—fathers-in-law, brothers-in-law, and sons-in-law—to intervene as petitioners.[79] When wives petitioned against their husbands they sometimes teamed up with their sons or brothers as co-petitioners.

New York diverged from Pennsylvania and New Jersey by charging the Overseers of the Poor to file habitual drunkenness guardianship petitions from the beginning. Overseers of the Poor were elected officials administering local poor relief. Although New York law allowed petitions by private parties, Overseers of the Poor were the most common petitioners during the first half of the nineteenth century. Just as in cases brought by private parties, the Overseer of the Poor, and therefore, the local municipality or county, bore the costs of the case if their petition failed.[80] As petitioners, these officials acted as interlocutors for aggrieved families with no other legal recourse. Some of the worst allegations of domestic violence in New York were made in affidavits,

[76] "Estate" and "Family," in John Bouvier, *Law Dictionary*, vol. 1 (Philadelphia, 1839), 370–71, 400.

[77] Rembis, *Writing Mad Lives in the Age of the Asylum*, 30–50.

[78] Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: Harvard University Press, 2009), 10–12.

[79] Wives' relatives represented approximately forty percent of petitioners in Chester County, Pennsylvania, when the petitioner's identity is known, Lunatics & Habitual Drunkards, Appearance Papers, CCA (25 cases, $n = 62$) and approximately six percent of petitioners in New York, where Overseers of the Poor filed most petitions, J0057-84, NYSA (8 cases, $n = 128$).

[80] Gabriel J. Loiacono, *How Welfare Worked in the Early United States: Five Microhistories* (New York: Oxford University Press, 2021), 22–56; *Laws of the State of New-York*, 5:99–100; *The Revised Statutes of the State of New-York*, 1:645. Overseers of the Poor or almshouse commissioners represented approximately sixty-eight percent of petitioners when the petitioner's identity is known, J0057-82, NYSA (87 cases, $n = 128$).

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often written by family members, accompanying petitions filed by Overseers of the Poor.[81]

Most revealing of all is women's participation in guardianship proceedings. While New York always allowed wives to file petitions against their husbands, Pennsylvania and New Jersey initially did not. After Pennsylvania revised the law in 1836 to allow petitions by any "relation by blood or marriage," the number of wives and women in general who filed petitions increased. The growing number of wife-petitioners, especially after 1865, suggests broader linkages to the gradual erosion of coverture during the second half of the nineteenth century.[82] Occasionally, mothers filed petitions against their sons. Women and their female siblings, friends, and other relatives also participated as affiants and witnesses. The involvement of women who were most impacted by the habitual drunkard's incapacities confirms that guardianship cases were about preserving the integrity of the family as well as safeguarding property.

Despite the idiosyncrasies of each case, the case of Chester County, Pennsylvania resident Edward R. (1878) offers a window into how a typical guardianship case proceeded. Following established form language, Edward's father-in-law, Thomas V., petitioned the "Court to issue a Commission in the nature of a writ de lunatico inquirendo, to inquire" of Edward's "habitual drunkenness."[83] Affidavits accompanied the petition. Next, the court assigned a local figure, typically an attorney, to act as commissioner, who presided over the inquisition. Pennsylvania and New Jersey courts usually assigned a single commissioner, while New York often assigned three. By the end of the nineteenth century, guardianship cases were presided over by a chancellor, probate judge, or court-appointed commissioner, depending on the jurisdiction.[84]

The commissioner then ordered the local sheriff to "summon" a jury of "six persons, lawful men of said County," to hear the inquisition.[85] Habitual drunkenness inquisition juries often consisted of as many as twenty-four jurors, but never fewer than six. Once the sheriff selected a jury, he subpoenaed the respondent and witnesses. Edward's inquisition then convened to hear witness testimony. Dutifully handwritten by a clerk, the 122 pages of uncharacteristically preserved witness testimony demonstrate that the inquisition was a quasi-adversarial proceeding like a trial. Attorneys for the petitioner questioned their witnesses while the respondent's attorneys cross-examined them, and vice versa. After the end of witness testimony, the jury deliberated and rendered a verdict: yes, the individual was a habitual drunkard, or no, the

[81] Harvey S. (1833); Lodowick W. (1835); Cornelius Y. (1832), J0057-82, NYSA.

[82] *Digest of the Laws of New Jersey*, 214; *Laws of the Commonwealth of Pennsylvania*, 7:155; *Digest of the Revised Code and Acts…of the Laws of Pennsylvania* (Philadelphia, 1837), 651. In New York, wives represented approximately six percent of petitioners when the petitioner's identity is known, J0057-82, NYSA (8 cases, $n = 128$). In Chester County, PA, after 1865, wives represented approximately thirty-five percent of petitioners when the petitioner's identity is known, Lunatics & Habitual Drunkards, Appearance Papers, CCA (8 cases, $n = 23$).

[83] Edward R. (1878), CCA.

[84] Tracy, "Habitual Drunkards," 228–29.

[85] Edward R. (1878), CCA.

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individual was not.[86] As in so many inquisitions across the Mid-Atlantic region, Edward's inquisition declared that he "is a habitual drunkard," described how long he had been so ("for the space of two years last past"), and enumerated all his real estate, commercial interests, personal property, family members, and dependents.[87]

Although the case file includes an inquisition with a positive verdict, only five of the six jurors signed the document. It is impossible to know if Edward was put under guardianship, if he appealed to a higher court, if he won his case, or if his case file is even complete. However, in most, if not all, cases, juries rendered unanimous verdicts before a court would put a respondent under guardianship. Once a jury returned a positive verdict, the court issued a ruling indicating the respondent's official status as a habitual drunkard, documents formally assigning a guardian or guardians, and the guardians' bond certificate. In New Jersey, orders transferring the case from the Court of Chancery to the Orphans' Court, which handled the details of guardianship assignment, are typically part of the case file. Statutes required periodic audits of the habitual drunkard's property and financial affairs, generating lengthy ledgers of inventories, income, credits, and outstanding debts that dominate most guardianship case files.

Across a wide spectrum of economic means, these documents reveal that these men were mainly rural farmers and local businessmen. In Pennsylvania in 1820, Leonard W. owned "one hundred and twenty acres of land" worth "three thousand dollars," "personal property" worth almost "three hundred dollars," cattle, farming implements, and other miscellaneous goods.[88] Others were "not possessed of any estate whatever" but possessed cash, such as Eli E. in 1863.[89] Conversely, in 1878, Edward R. had a portion of the "interest in a farm of one hundred and twenty acres" and "twenty five or twenty six dwelling houses," a "woolen and cotton factory and machinery, barn and other out buildings" worth $30,000 alongside "Personal Property," and "Household furniture," altogether "worth $800."[90] Throughout the nineteenth century, when most workers never made more than one dollar per day, such estates represented substantial wealth.[91]

The cost of bringing a guardianship petition was not inexpensive. Petitioners typically bore the costs if they failed to have the respondent put under guardianship.[92] The bills of cost that often survive in the case files indicate that commissioners, sheriffs, jurors, and witnesses were all paid a fee in addition to court costs. Aaron G.'s inquisition and guardianship in New York in 1846 accumulated $27.50 in costs "exclusive of counsel and solicitor's fees" to be

[86] For examples of verdicts finding the respondent not a habitual drunkard, see Proceedings in Lunacy (1857–1874), PCA, 40, 53, 55, 61, 65. See also William K. (1832), Richard B. (1835), William S. (1855), and Jonathan M. (1856), SCH00020, NJSA.

[87] Edward R. (1878), CCA.

[88] Leonard W. (1820), Lunatics & Habitual Drunkards, CCA.

[89] Eli E. (1863), Appearance Papers, CCA.

[90] Edward R. (1878), CCA.

[91] "History of Wages in the United States from Colonial Times to 1928," *Bulletin of the United States Labor Statistics*, no. 499 (Washington D.C.: United States Government Printing Office, 1929).

[92] *Digest of the Revised Code and Acts…of the Laws of Pennsylvania*, 652.

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charged against his estate.[93] During the first half of the nineteenth century, the average cost of a guardianship case involving habitual drunkenness in New Jersey was approximately $55.[94] In Pennsylvania in 1878, Thomas V., the petitioner against Edward R., filed a bill of costs totaling $60.09 while Edward spent $42.[95] By 1894, some cases cost as much as $100.97.[96] Alleged habitual drunkards had to possess enough property and, presumably, pose enough danger to that property through neglect or to their families through violence to justify the expense of filing the petition. Given average nineteenth-century wages, guardianship must have been a privilege reserved for respectable families of means.

The rate of positive verdicts and the cost of these cases imply that petitioners, including Overseers of the Poor charged with administering public poor relief, probably sued only when they felt they had a strong case. Regardless of the petitioner, most guardianship cases involved men described as being severely neglectful of their responsibilities and having become abusive to the members of their households after engaging in troubling levels of drinking. In New York, Cornelius Y. allegedly "remains in a state of intoxication for days and weeks together."[97] Similarly, it was alleged that Frederick D. "drinks frequently four or five times hourly, that he then goes to bed until some of the effects of the liquor is gone, and then rises and recommences drinking."[98] Ephraim V. allegedly engaged in "habits of daily intoxication," remaining "almost uniformly more or less under the influence of intoxicating drinks."[99]

In addition to being intoxicated all the time, the habitual drunkard's dangerousness was a recurring theme in guardianship cases. Petitions, affidavits, and, witness testimony are filled with allegations of domestic violence alongside financial mismanagement. For example, in the New Jersey inquisition of Alfred H., one witness testified, "every harvest, he does little or nothing in consequence of his intoxication" because he could afford to pay "others to do the work." Moreover, when "intoxicated," Alfred "appear[ed] like a raving maniac" and was violent, which made "him very dangerous" to his family.[100] Another witness saw Alfred "make an assault upon his father in the barn" after the latter had confronted him about his "drinking that day."[101]

Guardianship case files in New York also frequently contain allegations that the habitual drunkard's dependents were subject to his abuse as well as neglect. According to a petition by an Overseer of the Poor, Cornelius Y. disturbed "the peace and quiet of his family," and "squandered" the "means which might be applied to their comfort and support…in the purchase of intoxicating

[93] Aaron G., J0057-82, NYSA.
[94] When the bill of costs was preserved, SCH00020, NJSA ($n = 9$).
[95] Edward R. (1878), CCA.
[96] Chandler C. (1894), Appearance Papers, CCA.
[97] Cornelius Y. (1832), NYSA.
[98] Frederick D. (1837), J0057-82, NYSA.
[99] Ephraim V. (1841), J0057-82, NYSA.
[100] Alfred H. (1855), SCH00020, NJSA.
[101] Ibid.

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liquors."[102] In the case of Jira P., an Overseer of the Poor's petition alleged that "his property is in danger of being wasted and squandered and his family are in danger of being left without a support."[103] And in the case of Lodowick W., an Overseer of the Poor stated, he "has a wife and a family of four children" whom "he shamefully abuses…without any cause."[104]

Women who participated in these cases presented what Elaine Franze Parsons calls the "drunkard's narrative," a tragic story of a good man having fallen because of alcohol.[105] Harvey S.'s sister-in-law, Phibe, who visited the household as many as "six or eight days at a time," swore in her affidavit that "when he is intoxicated," he became "the most noisey, profane, vulgar, and indecent behaved man she ever saw."[106] She vividly described how more than once, a violent, disruptive, and drunk Harvey either forced his family to take refuge with neighbors or had to be removed from his home by the neighbors. In the case of Henry A., his wife Rebecca swore, "Until recently he was kind and indulgent to his family," but "within the last year," he became "abusive and violent under the influence of liquor and has threatened repeatedly to turn the family out of doors."[107] And Alfred H. was alleged to be a kind and capable man when sober, but when drunk, "his family is in danger from him."[108]

Some of these men were alleged to have even threatened to kill their wives or themselves. Michele Rotunda explains that murder, especially the murder of a wife, under the influence of alcohol, was an all too common occurrence in the United States in the nineteenth century.[109] For example, Frederick D.'s "violence to her person, frequently threatening to shoot her, and his daily turbulence and violence" forced his wife, whose name does not appear in the documents, "to seek safety and peace elsewhere."[110] In Ephraim V.'s case, William W., a household employee, swore in his affidavit that Ephraim "frequently committed acts of personal violence upon his wife without excuse or provocation," including having "struck and kicked her" in his presence.[111] William further alleged that in a fit of intoxication," Ephraim once "forced her to the wall and threatened to knock her through the chimney…because she endeavored to persuade him to quit the use of liquor."[112] Meanwhile, in the case of Andrew H., an affiant alleged that he "frequently threatened to destroy his own existence," that is, end his life through suicide.[113]

Once again, Edward R.'s case in Chester County, Pennsylvania, exemplifies the culmination of these trends in the second half of the nineteenth century.

[102] Cornelius Y. (1832), NYSA.
[103] Jira P. (1832), J0057-82, NYSA.
[104] Lodowick W. (1835), NYSA.
[105] Parsons, *Manhood Lost*, 10–15.
[106] Harvey S. (1833), NYSA.
[107] Henry A. (1842), J0057-82, NYSA.
[108] Alfred H. (1855), NJSA.
[109] Rotunda, *A Drunkard's Defense*, 5, 50–51.
[110] Frederick D. (1837), NYSA.
[111] Ephraim V. (1841), NYSA.
[112] Ibid.
[113] Andrew H. (1846), J0057-82, NYSA.

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The petition and affidavits construed both his family and his employees at the Bondsville woolen mill, "about fifty to sixty persons," as his dependents.[114] While much of the inquisition testimony involved Edward's appearance and behavior in public, Ida's sister, Mary L., who had stayed in their home for as many as six months at a time, pulled back the curtain on the young couple's private life. Although she did not specifically allege domestic violence, Mary described a new marriage torn apart over drinking. She testified that Edward carried a loaded revolver while drunk and enjoyed raucous parties with his friends that often ended with broken glass and other objects strewn throughout the house, which naturally upset his wife, Ida. According to Mary, Edward mistreated Ida, especially whenever she objected to his drinking, telling her, "he owned everything that she brought nothing [that] was hers…he always had drunk whiskey and he always expected to, and if she did not like it, she could leave, and he would furnish her with a team" of draft horses.[115] It seems Ida took Edward up on his offer—at the time of the inquisition, she was back at her father's house, suing Edward for financial "maintenance."[116]

Contesting the Thresholds of Incapacity

Applying statutory language in court proved difficult because statutes did not define habitual drunkenness or differentiate it from other kinds of drinking. What threshold was necessary to determine that a man could not manage his estate? Was habitual drunkenness characterized by a specific quantity, frequency, and/or duration of drinking? Did other forms of misconduct such as reckless spending or domestic violence matter? Moreover, in guardianship cases involving lunacy, the inability to manage one's estate often formed part of the evidentiary basis for guardianship. What if the alleged habitual drunkard was a heavy drinker but generally accepted by his community to be mentally capable? How did the compulsion to drink fit into this legal calculus? As courts found themselves dealing with the idiosyncratic circumstances involving respectable white men with families, they faced the almost impossible task of determining the precise line between moderate and compulsive drinking.

Confusion quickly surrounded the question of mismanagement, an important form of evidence in guardianship cases about lunacy. Quoting the chancellor, the New York jurist Oliver Barbour explained, an "erroneous impression appears to have" formed among the public.[117] It "is supposed by many" that the petitioner "is bound to prove, affirmatively, that an habitual drunkard is incapable of managing his affairs" when it was only necessary to prove "that a person is for any considerable part of the time intoxicated, to such a degree as to deprive him of his ordinary reasoning faculties."[118] Unlike in lunacy cases, a determination of habitual drunkenness was "*prima facie*

[114] Edward R. (1878), CCA.
[115] Ibid.
[116] Ibid.
[117] Oliver L. Barbour, *Treatise on the Practice of the Court of Chancery*, vol. 2 (Albany, 1843), 227.
[118] Ibid.

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evidence…that he is incapacitated to have the control and management of his property."[119] A jury verdict automatically implied incapacity, shifting the burden of production and proof to the habitual drunkard to prove his reformation in any future proceeding.

Habitual drunkards contested this interpretation of the statutes in several appeals that would become a key part of nineteenth-century guardianship case law. After being put under guardianship in New York in 1821, Obadiah H. petitioned the court to set his guardianship aside, arguing he had reformed. However, members of his family testified that he still drank. In the *Matter of Hoag* (1838), New York's Chancery Court upheld the guardianship on the basis that "indications of a permanent reformation are entirely illusory so long as he permits himself to use any intoxicating drinks whatsoever."[120] Reflecting the logic of temperance reform, the chancellor ruled that only "total abstinence from all alcoholic liquors…for at least one year, is necessary to authorize the court to presume there is a permanent reformation."[121] Despite courts' adoption of a total abstinence standard for a guardianship to be set aside, legal provisions for restoration to full citizenship reflected a broader understanding of the compulsive drinker's capacity for volition than that of many physicians and temperance reformers.

Hoag anticipated the issues animating *Ludwick v. Commonwealth* (1851), a Supreme Court of Pennsylvania decision that became the leading nineteenth-century precedent defining habitual drunkenness. Samuel Ludwick challenged his guardianship after an inquisition jury had determined that he was a habitual drunkard, even though witnesses never testified that he squandered or mismanaged his estate.[122] Decrying the lack of empirical standards, his attorneys argued that the quantity, frequency, and duration of drinking justifying guardianship ought to be determined by the court, "not left as a question of fact to a jury, because juries may differ on the subject."[123] They also challenged the principle that habitual drunkenness was *prima facie* evidence of a respondent's incapacity. Ludwick's attorneys argued, without evidence of mismanagement, "it by no means follows" that incapacity is "inferred by the law from the habit of drunkenness."[124] Defending the guardianship, the opposing counsel argued, "an acquired taste" for "intoxicating drinks" depended "on the peculiarities" of an individual's "constitution" so much so that "there cannot be any uniform standard to which the habit of drunkenness may be referred."[125] Only a jury could, and should, decide.

Upholding Ludwick's guardianship, Justice Morton Cropper Rogers reflected the tension between entrenched drinking culture and new temperance ideologies as he pondered the threshold of incapacity in his ruling. "To

[119] Ibid.
[120] *Matter of Hoag*, 7 Paige Ch. at 313 (1838).
[121] Ibid.
[122] *Ludwick v. Commonwealth*, 18 Pa. 172 (1851).
[123] Ibid. at 173.
[124] Ibid. at 174.
[125] Ibid.

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constitute an habitual drunkard," Rogers declared, "it is not necessary that a man should be always drunk."[126] Observing that a "man may be a habitual drunkard and yet be sober for days and weeks together," the judge asked, "Has he a fixed habit of drunkenness? Was he habituated to intemperance whenever the opportunity offered?"[127] Admitting the impossibility of creating "any fixed rule," Rogers refused to set a numerical threshold for habitual drunkenness, leaving the decision in the hands of individual juries. The only guidelines he offered were that a habitual drunkard was a "man who is intoxicated or drunk" at least "one-half his time" and who could not refuse a drink "whenever the opportunity offered."[128] Thus, *Ludwick* introduced compulsion as the dividing line between a capable moderate drinker and an incapable habitual drunkard.

The most significant part of *Ludwick* is Rogers' ruling that proving mismanagement was not necessary, mirroring legal interpretations in New York. Once a respondent had been declared a "habitual drunkard, it was unnecessary to decide whether he was capable or incapable of managing his estate" because his "incapacity" was "a conclusion of law."[129] Reasoning that the law was "precautionary in its design," Rogers declared that "evidence of squandering property" to declare someone a habitual drunkard would defeat the statute's purpose.[130] Rogers again conjured temperance formulations of volition and the logic of total abstinence when he concluded that any "disposition of mind or body which might lead to the wasting of an estate, is sufficient to enforce the statute" because "the very act of drunkenness is itself waste."[131]

While *Ludwick* became a leading legal precedent for the rest of the century, its legal framework for detecting habitual drunkenness remained difficult to apply in practice.[132] The fixed habit standard remained a vague, inchoate test for compulsive drinking. Consequently, from archival lower court cases such as that of Edward R. (1878) to published case law precedents such as *McGinnis v. Commonwealth* (1873), jurors continued to hear testimony about whether the respondent had a fixed habit of drunkenness *and* whether he could manage his estate.[133] Nevertheless, *Ludwick's* elimination of mismanagement as a criterion for habitual drunkenness created an opening through which the compulsion to drink increasingly demarcated the fuzzy boundary between the moderate drinker from the habitual drunkard.

[126] Ibid. at 174.
[127] Ibid. at 175.
[128] Ibid.
[129] Ibid.
[130] Ibid.
[131] Ibid.
[132] Tracy, "Habitual Drunkards," 221–48; Shobal V. Clevenger, *Medical Jurisprudence of Insanity; or, Forensic Psychiatry*, vol. 2 (Rochester, 1898), 764, 766; Woerner, *A Treatise on the American Law of Guardianship*, 413; Henry Foster Buswell, *The Law of Insanity: In Its Application to the Civil Rights and Capacities and Criminal Responsibility of the Citizen* (Boston, 1885), 11, 54; Wharton and Stillé, *A Treatise on Medical Jurisprudence*, 34–35; *McGinnis v. Commonwealth*, 74 Pa. 245 (1873).
[133] Edward R. (1878), CCA; *McGinnis v. Commonwealth*, 74 Pa. 245 (1873).

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Governing Habitual Drunkards

Guardianship disciplined and governed habitual drunkards under noncriminal law by demoting them from being full rights-bearing citizens. The imposition of guardianship formalized the habitual drunkard's incapacity and disability by reducing him to a legal status that resembled, in the words of legal treatise writer Joseph Ragland Long, the "disabilities of coverture."[134] Sometimes, guardianship explicitly inverted the normative gendered order of household patriarchy. For example, when Obadiah H. was put under guardianship in New York in 1821, the court assigned his son Ezekiel, one of the petitioners against him, as his guardian. Despite audits showing that Ezekiel's mismanagement left his father's property in even worse shape, the court refused to set aside his guardianship.[135] As a ward of his own son, Obadiah must have regarded his legal status as a perverse and embarrassing reversal of his normative patriarchal prerogative. Imposing a loss of civil rights that women, children, and other dependents never had by default, this diminished legal status both reflected and enacted the habitual drunkard's fallen manhood and lost adulthood. Guardianship thus transformed the habitual drunkard from a universal legal person into a subject of the law.

Although guardianship statutes emphasized the benevolent protection of habitual drunkards' estates for the provision of their families, in practice, the consequences of guardianship, which ranged from the loss of civil rights to public embarrassment, were also punitive. Many of the men accused of habitual drunkenness vigorously contested their guardianships, often at great personal expense. They hired attorneys to defend them, called witnesses, and traversed inquisitions. When these efforts failed, they appealed guardianships or filed petitions to be restored. Men who could conclusively prove at least one year of total abstinence, usually through exhaustive witness testimony, had their guardianships set aside. Other proceedings went on for decades without success. For example, Obadiah H. petitioned tirelessly to be released from his son's guardianship. In 1838, the court's denial of his petition was even published in case reports. As late as 1845, his petitions were still being denied.[136] Obadiah's efforts exemplify how many men under guardianship, even those who continued drinking, remained competent enough and had the financial means to strenuously resist their loss of rights.

Guardianship also imposed public embarrassment and social stigma upon the drinker and his family. For example, when Jacob Hess was put under guardianship in Pennsylvania (1826), advertisements in the *Lancaster Intelligencer* requested "all persons having claims against him… to present them" and "all persons indebted" to him "to make immediate payments."[137] Such advertisements were common and often ordered by the court. Nevertheless, it must have been embarrassing for Hess when his status as a habitual drunkard was broadcast across his community. By the 1880s, prominent people accused of

[134] Joseph Ragland Long, *A Treatise on the Law of Domestic Relations* (St. Paul, MN, 1905), 116, 170.
[135] Obadiah H. (1821), NYSA.
[136] Ibid.; *Matter of Hoag*, 7 Paige Ch. 312 (1838).
[137] "Notice," *Lancaster Intelligencer*, November 7, 1826, 3.

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habitual drunkenness attracted growing newspaper attention. *The Daily Graphic* printed "The Curse of Rum," a cautionary tale about Charles Sisson, a thirty-year-old Jersey City farmer from a wealthy New Jersey family whose "wild career" ended when "he was declared to be a habitual drunkard" and put under guardianship.[138] In a rare example of a female respondent, the case of Henrietta Wiley—a middle-aged New York warehousing heiress and socialite who was declared a habitual drunkard, put under guardianship, and committed to an asylum—generated sensational nationwide newspaper coverage.[139] When Charles Scribner, a relative of the famous publisher, faced an inquisition in 1885, *The New York Times* reported on his case.[140] Similarly, the case of Dr. George Bull (1885), a "wealthy…scion of one of New York's most aristocratic families" who "married a woman of the Tenderloin while on a debauch," was covered by newspapers across the United States.[141]

When men under guardianship filed petitions to set aside their guardianship, the language they often used illustrates that they felt stigmatized by their diminished legal status. When Peter W. petitioned a New York court to set aside his eighteen-year-long guardianship in 1842, he wanted to regain control of his estate. However, and perhaps more importantly, he also longed to "be restored to his former privileges as [a] citizen," for "the stain that now rests upon him, and his family" to be "removed."[142] Men under guardianship in Pennsylvania expressed similar sentiments. The legal forms they used for petitions to set aside a guardianship recognized that guardianship carried a "stigma upon your petitioner and [his] family."[143] Emphasizing the shame of being labeled a "habitual drunkard," the language in these petitions indicated an intense desire to regain legal personhood and some measure of respectability as well as control over property.

Sometimes, the habitual drunkard's family members expressed bereavement when they attended court proceedings. According to the *New York Times*, George Bull's inquisition in 1885 had the pall of a fashionable funeral. "Had it not been for the maroon scarf" and "bandana neckerchief" of the two commissioners, the courtroom "would have been utterly destitute of color."[144] Dr. Bull's three daughters, the oldest of whom had filed the petition against him, "all wore mourning suits trimmed with fur."[145] George's second wife, a much younger woman about the same age as his youngest daughter, "appeared in a tight black basque and a plaited black frock," her "black hat adorned with a black

[138] "The Curse of Rum," *The Daily Graphic: An Illustrated Evening Paper*, November 10, 1880, 76.

[139] "Locked in a Mad House," *St. Louis Globe-Democrat*, January 27, 1886, 11.

[140] "Decided a Habitual Drunkard," *The New York Times*, November 28, 1885, 3.

[141] "Dr. Bull's Self-Control," *The New York Times*, April 1, 1885, 8; "Body to be Disinterred," *St. Albans Daily Messenger*, October 26, 1900, 2. On the "tenderloin girl," see Hutchins Hapgood, *Types from City Streets* (New York: Funk & Wagnalls, 1910), 139–40.

[142] Peter W. (1824), J0057-82, NYSA.

[143] William Graydon, *Graydon's Forms*, 4th ed. (Philadelphia: 1852), 429. For example, see Franklin W. (1883), Appearance Papers, CCA.

[144] "The Case of Dr. G. W. Bull," *The New York Times*, March 20, 1885, 8.

[145] Ibid.

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feather."[146] Lost to the artificial appetite for alcohol and facing guardianship, it was as if George had already died.

Such performances demonstrate that habitual drunkenness and guardianship signified a social stigma akin to civil death. According to Rabia Belt, the concept of civil death originated in early modern England to deal with felons who lost their freedom and civil rights for violating the social contract through their crime. It also applied to people deemed *non compos mentis*.[147] Habitual drunkards under guardianship in the nineteenth-century United States faced a similar but less totalizing loss of civil rights. The exact threshold for a positive verdict of habitual drunkenness remained in the hands of individual jurors, each of whom had to decide what the fixed habit standard meant to them. And, although all habitual drunkards lost property and contract rights uniformly, not all states disenfranchised people under guardianship. This inconsistent and uneven governance of the habitual drunkard rendered him metaphorically a bit like a zombie—not dead, but no longer possessing the full agency ascribed to the living. Just as habit was a liminal concept between full agency and total subjection, once put under guardianship, the habitual drunkard likewise occupied a liminal legal status between full citizenship and total exclusion, a state of civil undeath.

Conclusion

As guardianship cases persisted into the twentieth century, most states eventually subsumed all *non compos mentis*, including spendthrifts and habitual drunkards, under generalized mental capacity statutes. However, the legal meanings of habitual drunkenness were adopted and appropriated across new contexts such as divorce and life insurance.[148] Conservatorship persists as an obscure, poorly understood, and often-abused legal status, raising human rights concerns about the estimated two million, mainly elderly, adults living under guardianship in the United States.[149] In the twenty-first century, cases

[146] Ibid.

[147] Rabia Belt, "Symposium: Mass Institutionalization and Civil Death," *NYU Law Review* 96 (2021): 857–99.

[148] John, "Note: Wives' Lawsuits Addressing Husband Drunkenness," 156–63; Long, *A Treatise on the Law of Domestic Relations*, 285–86; James J. McGarry, "Habitual Drunkenness Affecting Family Relations," *Cleveland State Law Review* 11 (1962): 114–18; Norma Basch, *Framing American Divorce: From the Revolutionary Generation to the Victorians* (Berkeley: University of California Press, 2001), 58–59, 77–78, 135; Daniel B. Bouk, *How Our Days Became Numbered: Risk and the Rise of the Statistical Individual* (Chicago: University of Chicago Press, 2015), 14, 62-64, 136-7, 153; Sharon A. Murphy, *Investing in Life: Insurance in Antebellum America* (Baltimore: Johns Hopkins University Press, 2010), 45, 54-57, 61-62, 70-73.

[149] As of 2025, no national database tracks adults living under guardianship or conservatorship in the United States. Diane Dimond, *We're Here to Help: When Guardianship Goes Wrong* (Waltham, MA: Brandeis University Press, 2023); Elizabeth Moran, "2021 Guardianship Legislation: Highlights and Trends Effectuating Improved Processes and Outcomes in U.S. Guardianship Systems," *Bifocal: Journal of the ABA Commission on Law and Aging* 43, no. 4 (2022): 102–4; National Council on Disability, *Beyond Guardianship: Toward Alternatives That Promote Greater Self-Determination* (Washington D.C.: Government Printing Office, 2018); Ellen A. Callegary, "Guardianship & Its Alternatives in the 21st Century," *Maryland Bar Journal* 47, no. 3 (2014): 18–25; Pamela B. Teaster et al., *Public*

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involving famous young people such as pop star Britney Spears and football prodigy Michael Oher have thrust questions about guardianship and its abuse into a more public spotlight.[150] Moreover, links between the use of intoxicating substances, financial incompetence, and mental incapacity continue to appear in adult guardianship cases. For example, in 2022, radio and television personality Wendy Williams was put under a court-ordered guardianship in New York before being diagnosed with alcohol-related frontotemporal dementia and aphasia, a diagnosis she continues to dispute. And, in 2023, the singer Cher petitioned a California court to put her son, Elijah Blue Allman, under conservatorship on allegations of addiction and financial mismanagement.[151] Both cases distinctly echo nineteenth-century anxieties about compulsive drinking. Centering the compulsion to drink as the defining characteristic of the habitual drunkard, the administration of guardianship law in the nineteenth-century United States anticipated the modern alcohol addict by governing men who had lost the ability to govern themselves.

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Guardianship: In the Best Interests of Incapacitated People? (Santa Barbara, CA: ABC-CLIO, 2010); Mary Joy Quinn, *Guardianship of Adults: Achieving Justice, Autonomy, and Safety* (New York: Springer Publishing Company, 2005).

[150] Liz Day, Samantha Stark, and Joe Coscarelli, "Britney Spears Quietly Pushed for Years to End Her Conservatorship," *The New York Times*, November 2, 2021, https://www.nytimes.com/2021/06/22/arts/music/britney-spears-conservatorship.html; Santul Nerkar, "The Unusual Legal Agreement Behind 'The Blind Side,'" *The New York Times*, August 24, 2023, https://www.nytimes.com/2023/08/24/sports/football/blind-side-michael-oher-tuohy.html.

[151] Derrick Bryson Taylor, "Wendy Williams Declares She's Alcohol Free: What to Know About Her Guardianship," *The New York Times*, March 14, 2025, https://www.nytimes.com/article/wendy-williams-guardianship.html; Andrew Dalton, "Cher asks court to give her conservatorship over her adult son," *The Seattle Times*, December 28, 2023, https://www.seattletimes.com/entertainment/cher-asks-court-to-give-her-conservatorship-over-her-adult-son/.

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