

NOTES AND DOCUMENTS

China Trade Portraits of Washington After Stuart

CHINA TRADE paintings on glass have been a subject of periodic interest since Homer Eaton Keyes first called attention to them forty years ago. Keyes in 1928 and 1929 published in *Antiques Magazine* a number of "Chinese" portraits of Washington after Gilbert Stuart, painted in reverse on sheets of glass 30 x 25 inches in size and in identical narrow gilt eighteenth-century frames. At first puzzled as to their origin, he concluded that they were done in China on the basis of three large Chinese characters on the wooden backing of an example then in the possession of Mrs. G. A. Holbrook of Providence, R. I. He added in a footnote "A number of glass portraits of the Athenaeum type were executed in China about the year 1800, and were offered in Philadelphia until Stuart succeeded in securing an injunction against their sale."¹ Keyes later published a reverse painting on glass after an engraving of Liberty by Edward Savage that had been published in Philadelphia in 1796.² Subsequently, other examples of China Trade paintings on glass have been published: most recently Mr. Carl L. Crossman discussed a group of such paintings, showing that they were based upon English and American engravings issued between about 1790 and 1815.³

About the time of Keyes' first articles, Penrose R. Hoopes of Philadelphia, searching for the origin of the technique of reverse painting on glass as part of his study of American clocks, discovered in the records of the Circuit Court of the United States in and for the Eastern District of Pennsylvania, Gilbert Stuart's appeal to the courts which Keyes had mentioned; but, not finding positive evidence that Stuart's appeal referred to paintings on glass, went no

¹ Homer Eaton Keyes, *Antiques Magazine*, XIII (February, 1928), cover and 111-112; XV (February, 1929), 109-111.

² *Ibid.*, XX (November, 1931), 298-299.

³ *Ibid.*, XLV (March, 1969), 376-382.

further. I believe the documents are worth publishing. They reveal an episode in Stuart's career that has not found its way into any life of the artist. They show that in 1802 Stuart was still a British citizen, making it probable that, having been born a subject of King George he never bothered to swear formal allegiance to the American Republic in which he was to spend the remainder of his life. They illustrate the frequency with which the spelling "Stewart" was then used not only in newspaper references to the artist and in exhibition catalogues, but even in legal documents to which the artist added his signature as "Stuart." And they throw an interesting, if not altogether conclusive, light on the China Trade Washingtons on glass.

The documents are as follows:⁴

TO THE HONORABLE THE JUDGES OF THE CIRCUIT
COURT OF THE UNITED STATES IN AND FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

Humbly complaining sheweth unto your honors your orator Gilbert Stewart, an alien and a subject of the King of the united kingdoms of Great Britain and Ireland, that your orator having employed a great portion of his life in acquiring a knowledge of the arts of designing and painting and having attained considerable perfection therein, particularly in painting portraits and proposing to collect the portraits of great and eminent personages in the United States and to dispose of the same or copies thereof done by himself and thereby derive a profit for the benefit of himself and his family was applied to on or about the 1st day of March in the year of our Lord 1801 by a certain John E. Swords, a citizen of the United States to sell him a portrait of General George Washington, which your orator had carefully and correctly painted in oil, your orator thereupon refused to sell the same unless the said John E. Swords would promise your orator that no copies should be taken thereof, whereupon the said John E. Swords did promise and assure your orator that no copies thereof should be taken and the better to prevail on your orator to sell him the same, the said John E. Swords alleged and pretended to your orator that he wanted the same for a gentleman in Virginia, whereupon your orator giving faith to his said promise and assurance did sell and deliver to him the said portrait of General Washington. But now so it is, may it please your honors, that the said John E. Swords combining and confederating with divers persons, to your orator unknown, whose names when discovered your orator prays leave to add to this bill as parties with apt words to charge them, instead of

⁴ The court records, which were in Philadelphia when discovered by Mr. Hoopes, have since been transferred to the National Archives and Record Service, Washington, D. C. Photostats of them are at the Historical Society of Pennsylvania.

sending the said portrait to Virginia, which your orator charges he never intended to do, did shortly afterwards take the same with him to China and there procured above one hundred copies thereof to be taken by Chinese artists and hath brought the same copies to the United States, and proposes to vend the same to your orator's great injury—In tender consideration whereof and forasmuch as your orator hath no plain, adequate, & complete relief in the premises at common Law. To the end therefore that the said John E. Swords and the rest of the confederates, when discovered, may full, distinct, and perfect answers make on oath to all and singular the matters and things hereinbefore charged and fully & amply as if they were herein again set forth and the said confederates particularly interrogated thereon and more particularly that the said John E. Swords may answer and set forth whether he did not on or about the first day of March 1801 apply to your orator to purchase of him a portrait of General George Washington painted in oil by your orator, whether he did not assure your orator that it was for a gentleman in Virginia, whether your orator did not object to selling it to him unless he would promise that it should not be copied, whether he did not promise your orator that no copies should be taken of it, whether your orator did not sell and deliver it to him on the faith of that promise, whether he did not thereupon without your orator's knowledge or assent take it to China, and procure one hundred, or how many copies thereof to be made, whether he hath not brought or sent the same copies or some and how many of them into the United States with intention to vend or dispose of the same or some and how many of them and where they now are and in whose hands and that the said John E. Swords may, by the decree of this honorable court, be enjoined and restrained from vending or any way disposing of any of the said copies and may be ordered to deliver up all that remain unsold or otherwise, dispose of them as to your honors shall seem meet and so as not to work an injury to your orator and that your orator may have such further and other relief in the premises as the nature of the case may require, may it please your honors to grant to your orator a writ of subpoena commanding the said John E. Sword at a certain day and under a certain penalty to be prescribed by such writ personally to appear in this honorable court then and there to answer the premises and to stand to & abide such order & decree therein as to your honors shall seem agreeable to equity and good conscience

W. Tilghman [William] Rawle A. J. Dallas W. Lewis⁵

Gilbert Stewart the within complainant being duly sworn deposes that the facts set forth in the within bill so far as they are the acts of this de-

⁵ The lawyers connected with the case were among the most prominent members of the Philadelphia Bar, all of whom had shown sympathy for the rights of British subjects: William Tilghman (1756-1827), Chief Justice of Pennsylvania; William Rawle (1759-1836), later first president of the Historical Society of Pennsylvania; Alexander James Dallas (1759-1817), later Secretary of the Treasury; and the celebrated Quaker lawyer William Lewis (1751-1819).

ponent are true and so far as they relate to the acts & others he believes them to be true.

GILBERT STUART

Sworn 14 May 1802

D. Chadwick, Clk.

The injunction was issued by the court on the same day and on May 26 John Smith, Marshal, certified to the court that the writ and injunction had been served.

UNITED STATES)
EASTERN DISTRICT OF PENNSYLVANIA)

The President of the United States—To John E. Swords a citizen of the United States and also to his and every of his servants, workmen and agent—GREETING—

Whereas on the fourteenth Day of May instant it was alleged to the Judges of the Circuit Court of the United States in and for the Eastern District of Pennsylvania by Gilbert Stewart, Esquire a subject of the King of the United Kingdoms of Great Britain and Ireland that he did on or about the first day of March in the Year of our Lord one thousand eight hundred and one sell and deliver to you a certain portrait of General Washington upon the faith of your Promise and Assurance that no copies should be taken of the same but that you notwithstanding your said Promise and Assurance did cause one hundred copies of the said Portrait to be taken with intention to sell or otherwise dispose of the same to the Injury of the said Gilbert Stewart.

We having Regard to the Matters aforesaid do therefore strictly command and enjoin you John E. Swords and your Servants Workmen and Agents and all and every of you under the Penalty of two thousand Dollars to be levied upon you and each of your Lands Goods and Chattels to the Use of the United States that you and each and every one of you do from henceforth altogether desist from selling or otherwise disposing of the same copies of the Portraits aforesaid but that you have the same ready for the further Order of the said Circuit Court.

Witness the honorable William Tilghman, Esquire Chief Judge of the said Circuit Court at Philadelphia this fourteenth day of May A.D. 1802 and on the twenty sixth Year of the Independence of the said United States.

D. Chadwick, Clerk

Poor Stuart! He had hoped to make a fortune from his portraits of Washington but in his feckless way had not made arrangements to have them engraved when James Heath forestalled him by issuing

a handsome engraving of the Lansdowne portrait in London. He could not even prevent William Winstanley from making copies in oil of his Washington under his very nose in Philadelphia. In the same month of April, 1802, that Captain Sword's ship brought back a hundred copies from Canton, an auction house on Market Street advertised

SALE OF PRINTS

Tomorrow morning at 10 o'clock precisely at Shannon and Poalk Auction store in Market Street no. 177 WILL BE SOLD 500 Elegant Engravings of Gen. Washington in sheets, done by Heath from Stewart's Original.⁶

No wonder Stuart, deeply in debt as always and distracted for money, appealed to the court to keep Captain Sword's Chinese novelties off the market.

Who was Captain Sword? John E. Sword (1765-1810) was a son of William and Penelope (Haly) Sword, who were married in Old Swede's Church, Southwark, on October 13, 1757. He took to the sea for a living in time to absorb the free-and-easy attitude toward customs regulations and other such petty legalities that characterized the eighteenth-century merchant seaman. In a letter to his mother from the Island of St. Thomas, April 2, 1782, he says, for example

We did expect to sail with the Ship Trooper Cap^t Nowel but our Rum did not come soon enough, as soon as we get the remainder of our Cargo which we expect hourly we shall make sail for America once more which I hope in the name of all the pretty Girls in your Town we shall arrive safe. I have laid all my money out on Rum and Queensware which I suppose I must smuggle but let them stand by that takes it from me. . . .⁷

In another letter to his mother from Cork, on August 1, 1786, he wrote resignedly

when I arrived of the Coast of Ireland a Boat Boarded me with a note from M^r Cotter a Gentleman the Ship is consigned to informing me that if I, or any of my sailors attempted to smuggle we should loose the Ship and Cargo as ther was a law passed in this Kingdom that everything in the Ship that was not regularly cleared out should sease Ship and cargo of Course my own

⁶ *Gazette of the United States*, Apr. 22, 1802, p. 2, col. 4.

⁷ Sword family papers, Historical Society of Pennsylvania.

ventur as well as the Sailors I threw overboard [*paper torn*] down as a profit lost.⁸

Sword appears in the China Trade as captain of the ship *Delaware*, owned by Samuel Howell of Philadelphia, bound for Canton in 1799.⁹ His voyage of 1801 was as captain of the ship *Connecticut*, owned by James Barclay and George Simson of Philadelphia. The *Connecticut* arrived at Philadelphia on April 3, 1802, 147 days from Canton.¹⁰ Teas, nankeens, china, etc., from the *Connecticut* were advertised through April by a number of Philadelphia merchants. Thomas Gilpin, for example, advertised

A few boxes of CHINA, consisting mostly of cups and saucers, and tea sets, Garden Fans, A few boxes of Imperial Tea in one catty cannisters, Coloured and black sewing silks, China handkerchiefs, Green Lutestrings for Umbrellas, and One box colored Senshaws.¹¹

But neither Thomas Gilpin, Keen and Stillwell,¹² Robert Smith & Co.,¹³ or Alexander J. Miller¹⁴ made any mention of portraits of Washington on glass.

The inbound foreign manifest of the *Connecticut* lists:

one box pictures	consigned to Paul Beck & W ^m Poyntell
one case painting	" " George Simson
six pictures	" " John Waters
three trunks merchandise	" " John E. Sword ¹⁵

The "one case painting" was possibly Stuart's original being returned to America. But one thing seems clear: if there were 100 portraits of Washington in the shipment, they must either have been shipped without frames, or Sword was up to his old trick of smuggling again.

Philadelphia

E. P. RICHARDSON

⁸ *Ibid.*

⁹ Poulson's *American Daily Advertiser*, Apr. 16 and 17, 1799.

¹⁰ *Gazette of the United States*, Apr. 3, 1802, p. 3, col. 3.

¹¹ Poulson's *American Daily Advertiser*, Apr. 14, 1802.

¹² *Gazette of the United States*, Apr. 6, 1802.

¹³ *Ibid.*, Apr. 8, 1802.

¹⁴ Poulson's *American Daily Advertiser*, Apr. 12, 1802; *Gazette of the United States*, Apr. 19, 1802.

¹⁵ The National Archives, Records of the Bureau of Customs, Record Group 36.