

# *Jane Bartram's "Application": Her Struggle for Survival, Stability, and Self-Determination in Revolutionary Pennsylvania*

**I**N APRIL 1787 JOHN ANSTEY, a fact-finder for the Royal Commission on American Loyalists, opened an office in Philadelphia to investigate Pennsylvania compensation claims.<sup>1</sup> Among his first visitors was Jane Bartram, the wife of Alexander Bartram, a Loyalist pottery manufacturer and china dealer who had fled to New York in June 1778 with the British army after its nine-month occupation of Philadelphia. A self-proclaimed patriot, Jane Bartram had remained in Philadelphia when he left. When she sought Anstey's aid in 1787, she had been struggling for nine years to disentangle her fortunes from those of her absent spouse. She appeared in Anstey's office to provide the Commission with a document that represented a critical turning point in that struggle.

We have no account, in her own voice, of Bartram's brief encounter with British officialdom, but something of its awkward resonance lingers in the tone of Anstey's report to his superiors at home. After sketching the facts of the case, he observed that

As this Lady claims a right in opposition to the rights of her Husband, I have thought it advisable to make this report to the Board in London.

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<sup>1</sup> John Anstey, "Traveling Charge, Philadelphia, 16th June [1787]," Audit Office Records, Series 12, Bundle 131, p. 8 (Public Record Office) (hereafter, cited as A.O. series/bundle/page; viz., A.O. 12/131/8). For an account of Anstey's activities in America, see L.F.S. Upton, "The Claims: The Mission of John Anstey," in Esmond Wright, ed., *Red, White, and True Blue: The Loyalists in the Revolution* (New York, 1976), 135-47.

. . . The object of her Application is, that she may receive the Moiety of what her Husband may or shall receive by way of compensation for losses in consequence of Loyalty, pursuant to the [enclosed] Agreement between her and her husband.<sup>2</sup>

Anstey's gendered understanding of marital relationships, property rights, and the mandate of his own agency made him able to see only "opposition" in an "Agreement" that spelled out Alexander Bartram's willingness to share the uncertain proceeds of his compensation claim with his estranged wife. That "Agreement" had not come about easily. Its origin was partially fortuitous, but its meaning owed much to Jane Bartram's tenacious insistence upon the implementation of its terms, and to her ability to extract advantage from its provisions.

This article explores Jane Bartram's experience in Revolutionary Pennsylvania, focusing on those elements that shaped her response to her abrupt emergence from the privacy of familial and marital circumstances at the start of the Revolution into a widening sphere of personal autonomy and participation in the public culture during the decade after the war. Much of her early background is beyond recovery. Bartram shared with Americans of her generation, and especially American women, the anonymity that was the lot of persons at or below middling status, whose lives were largely conducted in private or domestic contexts. However, her struggle for survival and stability during and after the Revolution created a scattered but impressive record of her character and personality. The success of that effort transformed her, by about 1790, into a more autonomous and public person, one whose subsequent experience can be followed in some measure because of its fullness and continuity.

Whatever else it may have meant to her, the Revolution did not serve Jane Bartram as an initiation in adversity, for her life had intertwined with that circumstance almost from infancy. She was born in the early 1740s as Jane Martin, the daughter of William and Miriam Martin of Whitpain Township in rural Philadelphia County. William Martin, a tailor and part-time farmer, had married Miriam

<sup>2</sup> John Anstey, "In the Case of Alexander Bartram," June 30, 1787, A.O. 12/95/21-22.

Morgan in 1738 in the Gwynedd Monthly Meeting of Friends.<sup>3</sup> Jane Martin's family life dissolved abruptly with the deaths of both parents in 1747, when she was about five. The Martins left six young children and a small, seriously encumbered estate.<sup>4</sup>

Members of the local Quaker community and the children's relatives stepped in to arrange for their care. In 1748 the Philadelphia County Orphans' Court appointed guardians for the Martin children.<sup>5</sup> A preliminary inventory of William Martin's estate listed almost £150 worth of personal property.<sup>6</sup> Claims for debts accumulated steadily against these assets while many of Martin's own debtors were "deceased, insolvent, & absconded."<sup>7</sup> By 1750 the administrators had sold Martin's property, disbursed the proceeds to his creditors, and advanced sums of their own money without satisfying those demands.<sup>8</sup> Court-appointed examiners reviewed their accounts and found the gap between the estate's recoverable assets and its proven debts to be at least £72.<sup>9</sup>

The result of these circumstances for Jane Martin and her siblings was foster care and probably partial or at least temporary separation.<sup>10</sup>

<sup>3</sup> Jane Martin's birthdate is uncertain; most likely, she was born in or near 1743. On the Martin-Morgan marriage, see Marriage Certificate, 25th 3d month 1738, Gwynedd Monthly Meeting, "Marriages, 1717-1805" (Friends Historical Library, Swarthmore College [hereafter, FHL]).

<sup>4</sup> Petition of Abraham Dawes, Richard Waln, Jr., and Benjamin Davis, Administrators, to the Justices of the Orphans Court of Philadelphia County, Nov. 16, 1750, Records of the Orphans Court, Book 3, #130, microfilm reel 46 (Philadelphia City Archives [hereafter, PCA]).

<sup>5</sup> Petition of Hannah, John, Jane, Enoch, Merian and Mary Martin to the Justices of the Orphans Court, May 5, 1748, Records of the Orphans Court, Book 3, #120, reel 45. Two of the guardians, Enoch Morgan and Daniel Morgan, were doubtless related to, and probably the brothers of, Miriam Morgan Martin. The other appointee, John Roberts, was probably a neighbor. Jane Martin's presumptive place in the birth order is inferred from its repetition in this manner in several documents.

<sup>6</sup> Peter Cleaver, John Roberts, and William Foulk, "A True Inventory of All and Singular the Goods & Chattels . . . of William Martin," 20th 8th month 1747, Records of the Register of Wills: Administrations, #1747-72 (PCA).

<sup>7</sup> Abraham Dawes et al., "Final Account of the Administrators of William Martin," March 5, 1754, *ibid.*

<sup>8</sup> Petition of Abraham Dawes et al., to the Justices of the Orphans Court, Nov. 16, 1750, Records of the Orphans Court, #130, reel 46.

<sup>9</sup> Samuel Morris et al., Report to the Justices of the Orphans Court, Dec. 3, 1750, *ibid.*, #160.

<sup>10</sup> The administrators' accounts show that one child was placed in the home of Thomas and Hannah Lewis at a cost of £4 per year. That an infant was included in the dispersed

In 1750 the administrators obtained a court order to sell the Martin farm and deposit the proceeds with the guardians in trust to cover expenses incurred on the children's behalf.<sup>11</sup> As this legacy was spent, and as the children reached the age of economic utility, they were probably apprenticed or bound out to redeem the cost of their maintenance, and to learn skills or trades that would support them in adulthood. With the exception of these fragmentary probate records, her parents' deaths cast Jane Martin into an interval of invisibility (to the historian's eye, at least) during the first two decades of her orphanage. She remained in at least nominal good standing among Gwynedd Friends. In December 1762 she sought a removal certificate to Philadelphia, and the meeting produced a brief and unrevealing testament in her favor. "We find her behaviour and conversation hath been in a good degree orderly," it observed, "[she] attended our meetings and [is] clear from marriage engagement so far as we find."<sup>12</sup>

By 1763, when Jane Martin moved to the city, she probably had come of legal age and acquired, in a foster household or some bound out status, skills that she could employ for her own support.<sup>13</sup> For three years after her arrival in the city, her "conversation" remained as circumspect in Friends' eyes as it had been at Gwynedd. Early in 1767, however, she married Alexander Bartram in Zion Lutheran Church. A committee from the women's meeting met with her and reported that she "chuses to join in Religious Community with the Society of which her Husband is a member, and therefore expects to be

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brood is suggested by the payment of £4 to [?] Ambler for "nursing." Abraham Dawes et al., "Final Account," March 5, 1754, Records of the Register of Wills: Administrations, #1747-72.

<sup>11</sup> *Ibid.* The farm was sold in 1751 to James Brown for £285. No recorded deed has been found, and it is impossible to determine how many acres Martin owned or the exact sale price of the property.

<sup>12</sup> "Minute," (Men's and Women's Meetings), 28 12th month 1762, Gwynedd Monthly Meeting; Certificate for Jane Martin, 28 12th month 1762, "Removals (Received) 1762-1764," Philadelphia Monthly Meeting (FHL). I am grateful to Jean Soderlund for bringing this certificate to my attention. It permitted the connection of Jane Bartram to Jane Martin, and thus the partial reconstruction of her early life.

<sup>13</sup> She may have moved to live with or work for her older brother, John Martin, who by 1767 had adopted his father's trade as a tailor and was living in Philadelphia's Middle Ward. Transcript of Assessment for the 1767 Provincial Tax, City and County of Philadelphia (Middle Ward), p. 172b (Van Pelt Library, University of Pennsylvania).

disowned."<sup>14</sup> The meeting summarily obliged the newly denominated Jane Bartram. Accusing her of being "so disregardful of the good order established in the Society as to be married by a Priest, to a person not professing with us," it excluded her "from Religious fellowship" until she condemned her misconduct.<sup>15</sup>

Jane Martin's decision to cast her lot with Alexander Bartram proved for her to be—as did the similar choices of many of her contemporaries—the "important crisis" on which much of her subsequent fate would depend. Her eleven years of active marriage with Bartram comprised a monument to the linguistic implications of the term *coverture*.<sup>16</sup> Alexander Bartram's modest visibility in Philadelphia's mercantile community, however, enables us at least to know Jane Bartram's actual whereabouts during these years. Notwithstanding the effective shroud the laws of marriage placed over her separate identity, we can thus discern many of her most important (or at least most determinative) social circumstances. This makes it advisable to know something about Alexander Bartram's life in Revolutionary Philadelphia.<sup>17</sup>

<sup>14</sup> Minute of Marriage of Alexander Bartram and Jane Martin, Jan. 26, 1767, Records of Old Zion Lutheran Church (1745-1841), pt. 1, G.S. 72 (Microfilm Xch 43: 1) (Genealogical Society of Pennsylvania); "Minute," 31 7th month 1767, "Women's Meeting Minutes, 1757-1767," Philadelphia Monthly Meeting (FHL).

<sup>15</sup> "Minute," 28 8th month 1767, *ibid.* There is little in the pattern of Bartram's subsequent life to suggest that she seriously considered performing this ritual of acknowledgment. Her management of the conflict between her marital preference and Quaker disciplinary demands is subject to various speculative explanations. She may have acquiesced in the demands of an overbearing spouse, or found in marriage a pretext to shed a little-valued communal affiliation. The blunt and decisive tone of the words "chuses" and "expects" leaps out of the report of the visiting committee in ways that anticipate the assertive stance Bartram would take after 1778 toward individuals and institutions poised to facilitate or obstruct her wants, needs, and interests. It is ironic that this decisive woman's first major choice moved her from a religious community with a unique appreciation of women's reasoning and decision-making capacities to one with a much more traditionally Christian conception of the male-mediated relationship of women to both God and society. See Mary Maples Dunn, "Women of Light," in Carol Ruth Berkin and Mary Beth Norton, eds., *Women of America: A History* (Boston, 1979), 115-33.

<sup>16</sup> See Mary Beth Norton, *Liberty's Daughters: The Revolutionary Experience of American Women, 1750-1800* (Boston, 1980), 40-51. For a general discussion of the legal status of coverture, see Marylynn Salmon, "Equality or Submersion? Feme Covert Status in Early Pennsylvania," in Berkin and Norton, eds., *Women of America*, 93-113.

<sup>17</sup> Jane Bartram's experience of those circumstances would have been very different from that of her husband, and difficult for us to recover.

In his 1786 application to the Loyalist Commission for compensation for his losses, Alexander Bartram recalled that he "came to America in 1764 and settled at Philadelphia as a merchant soon after his arrival."<sup>18</sup> Extant records suggest a more gradual progress toward gentility. In 1767 Bartram lived in the city's Middle Ward.<sup>19</sup> A newspaper advertisement that he placed soon after his marriage referred to his "shop in Market-street." He sold imported dry goods and china and domestic pottery to buyers of both wholesale and retail lots of goods, and limited their payment terms to "cash only" transactions.<sup>20</sup>

Bartram's affairs flourished during the decade before the Revolution. In 1771 he advertised a larger array of glass and ceramic goods than he had offered four years earlier, and he announced that he had "got a Pot-house, where he makes all sorts of earthen ware."<sup>21</sup> In 1773, however, he still supplemented his ceramic inventory with "A General Assortment of Spring Goods," and held customers to "Cash or short Credit."<sup>22</sup> The Middle Ward assessors concluded as late as 1773 that Bartram was a "shopkeeper" rather than a "merchant."<sup>23</sup> And while this designation was reversed in 1775, the qualitative evidence remains ambiguous.<sup>24</sup> As late as 1777 a customer in his store could leave with crates of china and glassware, quantities of foodstuffs to serve on those goods, and fine fabrics with which to drape the windows, cover the table, or adorn the host and hostess.<sup>25</sup>

Bartram's aspiration to something more than a humdrum countertop existence is also suggested by his land speculation. In his 1786 Loyalist claim he said that he had lost twelve tracts of unimproved land in Northumberland County and one in Lancaster totaling almost 2,800

<sup>18</sup> "Evidence on the Claim of Alexander Bartram, late of Philadelphia," May 10, 1786, A.O. 12/40/54.

<sup>19</sup> Transcript of Assessment for the 1767 Provincial Tax, City and County of Philadelphia (Middle Ward), p. 170.

<sup>20</sup> *Pennsylvania Journal*, March 12, 1767.

<sup>21</sup> *Pennsylvania Packet*, April 13, 1771, in Alfred Coxe Prime, comp., *The Arts and Crafts in Philadelphia, Maryland, and South Carolina, 1721-1785: Gleanings from Newspapers* (2 vols., 1929; rpt. New York, 1969), 1:113-14.

<sup>22</sup> *Pennsylvania Chronicle*, April 26, 1773.

<sup>23</sup> County Tax Ledger, 1773, Middle Ward, p. 43 (PCA).

<sup>24</sup> Constables' Returns to Assessors, 1775, Middle Ward (PCA).

<sup>25</sup> *Pennsylvania Evening Post*, Feb. 25, 1777; *Pennsylvania Gazette*, July 16, 1777.

acres.<sup>26</sup> He also invested in and near Philadelphia in cleared lands with structural improvements. He never owned his residence or shop in Market Street between Second and Third, but in 1768 he bought a lot in Southwark where he built the "Pot-house" that supplied his shelves. In 1773 he added a small lot nearby and built "five dwelling houses" for rental purposes.<sup>27</sup> In 1776 and 1777 he bought a house and tavern in Woodbury, New Jersey, and a similar complex in Haverford, Chester County, Pennsylvania. Bartram also purchased improved land in Cheltenham Township, Philadelphia County, and in Northampton Township, Bucks County.<sup>28</sup>

From these and other fragmentary records—many of them created by linked Loyalist confiscation and compensation processes that put little premium on objectivity or precise accuracy—we can derive a sketchy picture of Jane Bartram's spouse and of his place in the world. He was clearly more than a precariously situated trader who needed to move a crate of glass at month's end to assure his next rent payment. Just as apparently, however, he was neither a member of Philadelphia's mercantile establishment nor of its elite.<sup>29</sup> He was gaining ground,

<sup>26</sup> "Estimate of Losses sustained during the dissensions in America by Alexander Bartram, late of Philadelphia," May 10, 1786, A.O. 12/40/52-53. These parcels were returned on warrants granted after 1773, when his economic status was climbing rapidly. Bartram's general interest in land speculation, however, may have predated his economic ascendancy. As early as 1767, the year of his marriage, he had an apparently small stake in a Philadelphia partnership in a tract in Nova Scotia—where, ironically, he would live out his last years after the Revolution. See William Otis Sawtell, "Acadia: The Pre-Loyalist Migration and the Philadelphia Plantation," *Pennsylvania Magazine of History and Biography* (hereafter, *PMHB*) 51 (1927), 278-81.

<sup>27</sup> "Estimate of Losses . . . by Alexander Bartram," May 10, 1786, A.O. 12/40/55.

<sup>28</sup> *Ibid.*, 56-57. The Woodbury property included forty-eight acres of land and the Haverford tract sixty-seven acres. Bartram bought seventy acres in Cheltenham, and a half-interest in ninety-two acres in Northampton. These properties required large cash outlays, and were rented for short-term income. Bartram claimed to have spent at least £2,300 (proclamation money) for the Woodbury, Haverford, Cheltenham, and Northampton properties. These claims are generally unsupported by independent evidence, but see Indenture between Peter Blaker and Alexander Bartram and Henry Johns, April 21, 1777, folder 9, Blaker Family Papers (Bucks County Historical Society), which shows that Bartram and a partner paid £750 for the Northampton tract in April 1777.

<sup>29</sup> Bartram was related, by blood and marriage, to the prominent Philadelphia botanist John Bartram. His brother, George, was married to John Bartram's daughter Ann, and the two families also acknowledged an unspecified blood relationship between themselves. See John Bartram to Archibald Bartram [1761], in William Darlington, ed., *Memorials of John Bartram and Humphrey Marshall* (Philadelphia, 1849), 416-18. For a different account of Alexander Bartram's background, see David Dobson, comp., *The Original Scots Colonists of Early America, 1612-1783* (Baltimore, 1989), 17.

perhaps rapidly, at the end of the pre-Revolutionary decade. But his wilderness speculations spoke more of economic aspiration than actuality.<sup>30</sup> Bartram's urban and nearby agricultural investments testify to his mobility and perhaps to his business acumen, but it is difficult to calibrate precisely either his actual wealth or his place on the continuum between the small trader standing behind his countertop and the mercantile grandee sitting in his countinghouse.

In lieu of such precision, we may consider his own quantified estimate of his worth and the more impressionistic appraisals of his witnesses in support of his compensation claim.<sup>31</sup> Bartram swore to the Loyalist commissioners that he had forfeited property in America worth £10,000.<sup>32</sup> His witnesses were more ambiguous in their accounts. Only one would say that the claimant "might be worth £10,000 currency." Others merely observed that he "carried on considerable trade," that he "was considered a man of considerable property in 1775," or that he "was in good circumstances."<sup>33</sup> Joseph Galloway, who as superintendent of the Philadelphia police during the British occupation knew the Loyalist community as well as anyone, summarized Bartram's reputational status by observing that he "was considered a thriving man, and of good credit in Philadelphia, he kept a Shop, he must be worth some money."<sup>34</sup>

Bartram's business records offer glimpses of his personal or family life. He employed various kin as proxies in assembling his modest

<sup>30</sup> Even there, moreover, the hard-headed mind-set of the born shopkeeper bled through the gauzy reveries of the would-be gentleman. Bartram gave his modest Northumberland tracts suitably exotic names ("Damascus," "Bethany," "Palermo," "Aldborough," "Tire,"), but at "Litchfield" in Paxton Township, Lancaster County—probably his only inland venue with half as many settlers as deer—he built and operated a small backcountry store. See Alexander Bartram to Michael Troy, Sept. 15, 1775, folder 442, Stauffer Collection (Historical Society of Pennsylvania [hereafter, HSP]).

<sup>31</sup> These sources, however, should be treated somewhat cautiously. Claimants themselves had an obvious interest in maximizing their estimates, while many or most of their witnesses had pending claims of their own for which they presumably sought reciprocal testimony.

<sup>32</sup> "Estimate of Losses [of] Alexander Bartram," May 10, 1786, A.O. 12/40/53. He also asserted the loss of "several thousand pounds" worth of bonds and book debts, for which he asked no specific compensation. His claim was stated in Pennsylvania currency. In pounds sterling, it came to about £6,000.

<sup>33</sup> "Evidence on the Claim of Alexander Bartram," May 10, 1786, *ibid.*, 57-58.

<sup>34</sup> "Further Evidence on the Claim of Alexander Bartram, late of Philadelphia," Feb. 13, 1789, A.O. 12/44/15-16.

frontier archipelago. In 1773 and 1774 Helen and Margaret Bartram received warrants for tracts in Northumberland County.<sup>35</sup> In 1773 Jane Bartram was the nominal beneficiary of a survey in the same county.<sup>36</sup> Nearby parcels were carried on the Surveyor General's books for James Alexander Bartram and Ambrose Alexander Bartram.<sup>37</sup> The records produced during Jane's effort in the 1780s to extricate herself from the wreckage of her husband's Revolutionary political choices identify no children other than James Alexander Bartram. Alexander may thus have brought to their marriage offspring from an earlier union, or Jane Bartram's own family may have been as tragically beset by early mortality as was her parental one three decades before.<sup>38</sup>

Bartram's claim is also comparatively devoid of allusion to his experience with the Revolution itself. Scattered through his papers and the testimony of his witnesses, however, are references that suggest a fuller picture of him than mere accounts of his personal worth. More importantly, they also begin to bring Jane Bartram back, through the mists of coverture, toward the historical light of day. Bartram's economic progress during the 1770s may have disposed him negatively toward the political disorders that intensified during the same period. In 1770 he publicly confessed to having broken the Non-Importation agreements.<sup>39</sup> In his claim he made the almost formulaic statement that he "took no part with the Americans" (i.e., the rebels) in the

<sup>35</sup> Even after interviewing Jane Bartram in 1786, Pennsylvania's Comptroller-General John Nicholson wondered whether Helen and Margaret Bartram were, in fact, "the names of Alex. Bartram's daughters." See "Extracts from the Returns of Survey of Bartram's and Huck's Lands," [n.d., but ca. 1786], Records of the Comptroller-General (RG-4), Forfeited Estate Files, Box 3 (Pennsylvania State Archives: Pennsylvania Historical and Museum Commission [hereafter, PHMC]); "Warrantees of Land, County of Northumberland, 1772-1892," in William H. Egle, ed., *Pennsylvania Archives* (hereafter, *PA*) (26 vols., Harrisburg, 1894-1899), Series 3, 25:64.

<sup>36</sup> "Notes of Alr Bartram's Land in North[umberlan]d County," [n.d., but ca. 1786], Records of the Comptroller-General (RG-4), Forfeited Estate Files, Box 3; *PA*, Ser. 3, 25:64.

<sup>37</sup> "Extracts from the Returns of Survey of Bartram's and Huck's Lands," [ca. 1786], Records of the Comptroller-General (RG-4), Forfeited Estate Files, Box 3. "James" and "Ambrose" may well have been the same person, severed only by a scribe's error carried down to posterity.

<sup>38</sup> See, however, the Constable's Returns to the Assessor for 1775, two versions of which exist in PCA. The "thin" volume shows Alexander living with two children, aged three years and six months. The "fat" volume, possibly revised later in the year, shows his household including one child of three years.

<sup>39</sup> *To The Public* [broadside], July 4, 1770 (Van Pelt Library, University of Pennsylvania).

pre-Revolutionary disturbances.<sup>40</sup> One of his own witnesses, however, testified that Bartram “trained with the Militia early in the Troubles,” but added that he still considered him “a good Loyalist.”<sup>41</sup> In his narrative Bartram recalled having been imprisoned by outraged Whigs. At one point he said that this occurred in June 1777, and that he had escaped the next night.<sup>42</sup> He later implied that he was still in rebel hands in December of that year, three months after the British came to Philadelphia.<sup>43</sup>

Bartram made the latter statement in support of his claim to a small lot with two houses divided into tenements on Second Street near Christian Street in Southwark. He testified that his wife had purchased the lot on December 19, 1777, while he was a rebel prisoner, and he sought to recover the purchase price of £700.<sup>44</sup> This item was disallowed in 1786, and when Bartram’s claim was reheard in 1789, he changed his account to say that Jane had made the purchase “by his advice.”<sup>45</sup> One of Bartram’s witnesses, however, remembered this lot as “that property his wife bought.”<sup>46</sup> This episode may suggest that Jane Bartram was an active participant in family business affairs all along, or it may show how she, like many wives in the Revolutionary era, found in the absence of a spouse a stimulus to economic initiative.<sup>47</sup>

Whatever the exact chronology of his imprisonment and escape, Bartram returned to occupied Philadelphia in time to establish himself

<sup>40</sup> “Evidence on the Claim of Alexander Bartram,” May 10, 1786, A.O. 12/40/54.

<sup>41</sup> *Ibid.*, 58.

<sup>42</sup> “Estimate of Losses Sustained During the Dissensions in America by Alexander Bartram,” [Dec. 1783], A.O. 13/57/43. This is a separate, earlier claim filed by Bartram on his arrival in Canada late in 1783. The Commission appears not to have acted on it, probably for lack of evidence.

<sup>43</sup> “Evidence on the Claim of Alexander Bartram,” May 10, 1786, A.O. 12/40/55-56.

<sup>44</sup> *Ibid.*

<sup>45</sup> “Alexander Bartram . . . Determination,” May 22, 1786, A.O. 12/66/8; Alexander Bartram to Peter Hunter [Secretary to the Commission], Aug. 27, 1787, A.O. 13/57/46; “Further Evidence on the Claim of Alexander Bartram,” Feb. 13, 1789, A.O. 12/44/15.

<sup>46</sup> “Evidence on the Claim of Alexander Bartram,” May 10, 1786, A.O. 12/40/58.

<sup>47</sup> A piece of data this fragmentary is not, of itself, evidence of what some historians have described as the “hidden market work” of women, but for descriptions of that phenomenon generally, see Claudia Goldin, “The Economic Status of Women in the Early Republic: Quantitative Evidence,” *Journal of Interdisciplinary History* 16 (1986), 375-404 (esp. 401); Lisa Wilson Waciega, “A ‘Man of Business’: The Widow of Means in Southeastern Pennsylvania, 1750-1850,” *William and Mary Quarterly* (hereafter, *WMQ*) 44 (1987), 40-64 (esp. 51-52).

as an unequivocal friend to the King and an outcast from the Revolution. He told the commissioners that he had "assist[ed] in the Barrack department [and] in quartering His Majesty's Troops [and] . . . taking from all suspicious persons Arms and Warlike Stores."<sup>48</sup> By June 1778 Bartram had irrevocably cast his lot with an occupying military force that was ready to abandon Philadelphia. He had been attainted of treason in May 1778 as a member of the first group of suspected collaborators indicted by Pennsylvania's Revolutionary government.<sup>49</sup> A witness later recalled that Bartram had become "very obnoxious to the people in Pennsylvania."<sup>50</sup> When Sir Henry Clinton offered passage to New York in the army's transports to the King's most vulnerable Pennsylvania friends, it was a foregone conclusion that Bartram would take his place on board.

Jane Bartram's situation was different. One of her husband's witnesses testified that she "did not agree in politics," and Alexander acknowledged that when he left the city in 1778 she "staid behind."<sup>51</sup> In 1782, in depicting herself to Pennsylvania authorities as an unjustly displaced patriot, Bartram averred that "ever since the Arrival of the British at Philadelphia [Alexander had] used her grossly ill for her attachment to the cause of American Liberty."<sup>52</sup> Such treatment would have explained her refusal to accompany him into exile. But in a 1785 divorce petition she accused Alexander of having deserted her at the time of the British evacuation.<sup>53</sup> The chaos in Philadelphia in June 1778 would have facilitated the efforts of either party to be rid of the

<sup>48</sup> "Estimate of Losses Sustained . . . by Alexander Bartram," [Dec. 1783], A.O. 13/57/43. His compensation for this seemingly mundane duty was only five shillings a day. "Evidence on the Claim of Alexander Bartram," May 10, 1786, A.O. 12/40/54. Such positions on the army establishment were often sinecures, and Bartram may have had the opportunity to supplement his salary with the fruits of freelance confiscation. After the British left the city, several Philadelphians accused him of having plundered their property. See James Loughhead, "Was Taken out of Subscriber's Store last fall by Arthur Thomas, John Parrock, [and] Alexander Bartram . . ." *Pennsylvania Packet*, Sept. 17, 1778.

<sup>49</sup> See "Proclamation of Attainder," May 18, 1778, in *PA*, Ser. 3, 10:519.

<sup>50</sup> "Evidence on the Claim of Alexander Bartram," May 10, 1786, A.O. 12/40/58.

<sup>51</sup> *Ibid.*, 57.

<sup>52</sup> "The Petition of Jane Bartram, Wife of Alexander Bartram" [to the Supreme Executive Council of . . . Pennsylvania], May 23, 1782, Records of Pennsylvania's Revolutionary Governments (RG-27), microfilm reel 30 (frame 89) (PHMC).

<sup>53</sup> Jane Bartram, Petition (for divorce) to the Pennsylvania Assembly, March 4, 1785, cited in *Minutes of the Ninth General Assembly of Pennsylvania* (Philadelphia, 1785), 177.

other. The state's records are replete with accounts of women left by their husbands at this time.<sup>54</sup> As for a wife determined not to be dragged away by an abusive (and attainted) spouse, if she were but a few steps beyond his immediate physical control when the ship's lines were cast away—and fleet enough of foot briefly to maintain that distance—he could have attempted to assert his spousal prerogatives only at grave risk to his own neck. When the British fleet left the city docks on June 18, 1778, Alexander Bartram was aboard and Jane Bartram was not. Although they would remain legally joined until death, and their lives and fates would be painfully and problematically entangled for a decade, their marriage itself was effectively over.

Alone in the Revolutionary capital, Jane Bartram faced many more immediate obstacles to her well-being than opportunities. Even if her political credentials were intact enough and sufficiently well-known to spare her the personal indignity or abuse that an avowed Loyalist such as Grace Galloway endured, many difficulties loomed.<sup>55</sup> In July 1778 Whigs moved quickly and decisively to reassert their ascendancy. Patriot credentials alone did not change the elemental fact of coverture, that a married couple's property was held in the husband's name. The confiscation of property from Loyalist refugees began within days of the departure of the British army. At this time it rapidly became apparent how "obnoxious" Alexander Bartram had been to many of his neighbors.

Records kept by Charles Willson Peale and other agents appointed to administer the confiscation process suggest that Alexander's property *might* have been the first in Philadelphia to be seized and sold.<sup>56</sup> The

<sup>54</sup> See petitions from Sarah Bonsall, Mary Johnson, Elizabeth Wade, Elizabeth Rob, Abigail Ott, Catherine Tolley, and Mary Marchbanks, [various dates, between Sept. 16, 1778 and Oct. 23, 1779], all to the Supreme Executive Council, Records of Pennsylvania's Revolutionary Governments (RG-27), reel 30 (frames 146-149, 347, 720, 743, 1452, and 1495). These cases do not, to be sure, all constitute unequivocal abandonments, and the particular assertions and their implications vary. Nevertheless, they comprise a useful sample of the circumstances under which the British occupation and then desertion of southeastern Pennsylvania resulted in the separation of spouses.

<sup>55</sup> See Raymond C. Werner, ed., "Diary of Grace Growden Galloway, Kept at Philadelphia," *PMHB* 55 (1931), 32-94.

<sup>56</sup> [Charles Willson Peale], "A Summary Account of the Proceedings of Agents for Confiscated Estates in the City of Philadelphia," [July 1778], Records of Pennsylvania's Revolutionary Governments (RG-27), reel 43 (frames 991-992).

personal effects left in his house and shop in Market Street were inventoried by July 6.<sup>57</sup> The fact that the couple had rented their residence and store may ironically have benefited Jane Bartram. Even if it was stripped to the walls and floorboards, the space itself would have been exempt from confiscation and available to her as long as she could make rental payments. And confiscation records remind us that she was not really "alone" in Philadelphia. The second entry in Peale's scrawled "summary" of the agents' work recorded the intervention of a "Mr. John Martin"—probably her brother—who claimed most of the "shop goods" found on the site. Peale scoffed at the claim, and Martin might have been marauding opportunistically on his own behalf. The two siblings also might have been trying to exploit the legal ambiguity of the situation to preserve the retail inventory and thus to give Jane Bartram a better chance to make those rental payments.<sup>58</sup>

Bartram's effects were sold at vendue in August 1778.<sup>59</sup> His Southwark rental properties were also attached by the state that summer, but Jane Bartram's interests in the matter were probably not abruptly divested. The lots were not offered for sale to the public until August 1779. In the meantime, it fell to Peale to find tenants for the properties. In November 1778 he rented a two-story frame house on the lot at Third and Shippen Streets to "Easter" Ellis for £12 per year.<sup>60</sup> Peale probably inherited his tenant from the *de facto* confiscatee herself. A list of bonds in Pennsylvania's "Forfeited Estate Files" lists a note for £2.5.0, dated July 23, 1778, from Esther Ellis to Jane Bartram.<sup>61</sup>

<sup>57</sup> *Ibid.*; "Inventory of Sundry Goods found in Alexander Bartram's House in Market Street near the Indian King," Aug. 17, 1778, *ibid.*, reel 42 (frames 605-619).

<sup>58</sup> [Peale], "Summary Account of the Proceedings of Agents," [July 1778], *ibid.*, reel 43 (frames 991-992).

<sup>59</sup> "Sales of Confiscated Property in the City of Philadelphia," *ibid.*, reel 43 (frame 1031). The goods were sold on Aug. 28, 1778, and yielded £586.5s. See also Notice of Public Auction, Aug. 28, 1778, A.O. 13/57/41.

<sup>60</sup> Untitled inventory of property seized from attainted Loyalists, [ca. Aug. 1779], p. 6, Records of the Comptroller-General (RG-4), Forfeited Estate Files, Box 3.

<sup>61</sup> "Copy of Sundry Bonds, Notes &c. contained in this Bundle," [n.d.], *ibid.* Thus, Jane may have continued to enjoy the beneficial use of this (and perhaps other) property during a short "inertial" period while the Whig ascendancy was reasserted.

By whatever contrivance, Bartram remained in Philadelphia for at least eighteen months after her husband fled to New York. It must have been a scrabbling, bare-boned existence. Late in 1778 she offered a \$16 reward for the return of a straying “red and white Cow, very low in flesh, about nine years old,” together with its newborn calf. If the space between the wolf and the door could be measured across the bony flanks of an aging bossy, the door in question at least gave entry to a familiar place. The finder was to bring the animals “to the subscriber in Market-street, next door to the Indian King,” the site from which Alexander Bartram had long dispensed his mixed inventories of china, glass, fabrics, and provisions.<sup>62</sup> Social security has a spiritual as well as a material dimension. By preserving her long-time home in an environment of constant revolutionary upheaval, Jane Bartram maintained a good deal of that critical amenity.

Her task grew harder in 1779, as inflation accelerated and the grip of the Loyalist confiscation program tightened. Bartram responded by resorting to the inventory diversity that had long served her husband well. In June 1779, as Peale prepared to auction off the Southwark ceramic factory that had supplied the store, she offered to sell “German Steel, and a quantity of Corks.”<sup>63</sup> The record is silent as to how she supplied her shop, but she did so at least as late as the fall of 1779, when the town’s constables did the field work for the 1780 tax assessments. In his report to the assessors, the Middle Ward constable identified Bartram as a shopkeeper. Although the house rent on the site was £700 per year, Jane was not assessed any tax, which perhaps reflects the precarious monetary circumstances that qualified her for an abatement.<sup>64</sup> It is unclear what these divergent figures reveal about her exact financial situation, her support network(s), and/or her dependency status in the city at this time. If dependent on other parties, she was also responsible for at least one dependent of her own. The constable disclosed that Bartram was living with one child “under

<sup>62</sup> *Pennsylvania Packet*, Dec. 5, 1778. The advertisement is subscribed by “Jean” Bartram, but the context and location makes clear that it refers to Jane.

<sup>63</sup> *Pennsylvania Packet*, June 26, 1779.

<sup>64</sup> Constables’ Returns to Assessors, 1780, Middle Ward, p. 138 (PCA). The house rent was due to one Jonathan Mifflin, the Bartrams’ long-time landlord.

age." This was James Alexander Bartram, who Alexander acknowledged in 1786 had remained with his mother.<sup>65</sup>

The Southwark properties were sold in August 1779. The pottery complex alone yielded £7,000 in inflated Continental currency. Charles Willson Peale purchased the lot at Second and Christian Streets that Jane Bartram had acquired two years before.<sup>66</sup> If one citizen's recollection that "the children were considered when [the latter] property was sold" was accurate, any payment that she received may have helped to avert destitution.<sup>67</sup> Political pressures mounted late in 1779 for authorities to deal with the remaining dependents of Loyalist refugees on a collective rather than a case-by-case basis. These pressures grew from internal disputes over Pennsylvania's failing economy. Even if the kin of refugees were not themselves disaffected and thus potential spies or traitors, it was feared they would inevitably become a financial drain on a barely functioning economy. Jane Bartram's allegiance to the Revolution and her demonstrated ability to survive economically availed her little against these pressures. She was probably exiled in the summer of 1780, when authorities summarily ordered the wives of local refugees to leave the state.<sup>68</sup>

Bartram posted bond not to return to Pennsylvania without the Council's permission and left for New York and what must have been an awkward encounter with her estranged spouse.<sup>69</sup> Alexander had

<sup>65</sup> Ibid.; "Evidence on the Claim of Alexander Bartram," May 10, 1786, A.O. 12/40/54.

<sup>66</sup> Certificate of William McMullin to the Supreme Executive Council, March 28, 1780, Records of Pennsylvania's Revolutionary Governments (RG-27), reel 42 (frame 624); Lillian B. Miller, ed., *The Selected Letters and Papers of Charles Willson Peale and his Family* (2 vols. to date, New Haven, 1983-1988), 1:287n.

<sup>67</sup> Testimony of John Noyes, "Evidence on the Claim of Alexander Bartram," May 10, 1786, A.O. 12/40/57. There is no independent evidence that such "consideration" took place, and Noyes only testified that he "heard" that it had, but Pennsylvania's confiscation laws did allow for such provisions. See Anne M. Ousterhout, "Pennsylvania Land Confiscations During the Revolution," *PMHB* 102 (1978), 333. If state authorities did treat this site differently from the rest of Alexander Bartram's property, it may suggest that they tacitly recognized Jane's own purchase of it, and thus her extralegal proprietary rights in it.

<sup>68</sup> "Minutes of the Supreme Executive Council," June 6, 1780, *Colonial Records of Pennsylvania* (16 vols., Harrisburg, 1853-1854), 12:377. For a description of the expulsion and its social and economic context, see Anne M. Ousterhout, *A State Divided: Opposition in Pennsylvania to the American Revolution* (Westport, 1987), 207-10.

<sup>69</sup> "The Petition of Jane Bartram," May 23, 1782, Records of Pennsylvania's Revolutionary Governments (RG-27), reel 30 (frame 89).

by 1780 set up shopkeeping in New York.<sup>70</sup> Jane began laying the groundwork for an early return to Pennsylvania. In seeking permission to come home in 1782, she averred that “while [in New York] as far as [her] influence or assistance . . . extended [she] was as serviceable as in her power in alleviating the distresses of such Americans as had the misfortune of falling into the hands of the British.”<sup>71</sup> In May 1782 the Council revoked her bond and allowed Bartram to return to Philadelphia.<sup>72</sup>

The economic crisis of 1779-1780 and the acute fear of a renewed British invasion of Pennsylvania, factors that had provoked the mass expulsion of Loyalist wives, had partially receded by 1782. These circumstances perhaps facilitated the Council’s favorable response to Bartram’s petition. She also proved to be an astute reader of the political and rhetorical requirements of the situation, for she was a forceful advocate of the possibility of female patriotism. Before recounting the abuse she had suffered at her husband’s hands in 1777-1778—her best variation on the “helpless female” theme so admired in “ladies’” petitions by patriarchal political authorities—Bartram launched into the polemical part of her argument. Far from being timorously deferential in tone, her narrative challenged the Council’s reasoning in banishing the wives and dependents in the first place. Her punishment, she observed, proceeded “merely from a fault of her

<sup>70</sup> “List of Ballances respecting Debts due Alex. Bartram in the State of New York from 1779 to 1780 inclusive” [“New York Ledger”], [n.d.], Records of the Comptroller-General (RG-4), Forfeited Estate Files, Box 3; Frederick Rhineland Ledger, 1777-1803, p. 53, Rhineland Papers (New-York Historical Society). See also Bartram’s advertisement in Rivington’s *New York Gazette* (“The Royal Gazette”), Feb. 12, 1783.

<sup>71</sup> “The Petition of Jane Bartram,” May 23, 1782, Records of Pennsylvania’s Revolutionary Governments (RG-27), reel 30 (frame 89).

<sup>72</sup> Minutes of the Supreme Executive Council, May 29, 1782, *ibid.*, reel 7 (frame 363). Such claims are easy for petitioners to make and difficult for either beleaguered revolutionary governments or historians to verify, but Bartram referred her hearers to nine Philadelphians who endorsed her petition. One of the latter, William McFadden, had indeed just returned from a brief internment on the infamous British naval prison ship, the *Jersey*, a floating graveyard anchored in New York harbor. It seems unlikely that McFadden would have endorsed Bartram’s petition if it materially misrepresented her proclaimed services on behalf of American prisoners. See Parole of William McFadden, April 27, 1782, Society Collection (under David Sproat) (HSP); “Affadavit of John Cochran, of the city of Philadelphia, late mate of the ship Admiral Youtman,” *Pennsylvania Packet*, Sept. 10, 1782; Charles H. Lincoln, ed., *Naval Records of the American Revolution, 1775-1788* (Washington, 1906), 220.

Husbands," and she claimed to have always "manifested a friendly and warm desire for the Liberties and rights of the United States of America."<sup>73</sup>

Bartram's protestations of allegiance perhaps satisfied the first of the constraints that had triggered the mass exile of Loyalist spouses, that of political danger to the state's security. Her petition did not even address the second issue, relating to women and dependents as an economic burden on a faltering public economy. The Council may have understood that the endorsers of Bartram's petition would be the guarantors of her material needs. We know almost nothing about the immediate circumstances of her return to Philadelphia, but the hardships of her previous sojourn there would not have lessened in her absence. In 1778 her resourcefulness may have combined with inertia in the aftermath of the British withdrawal to keep an existing enterprise, such as the Bartram shop, in business. On her return in 1782, however, she faced daunting obstacles to resuming operations there, obstacles that went far beyond the obvious start-up costs. Notwithstanding the de facto absence of her husband, she still labored under the legal encumbrances of coverture. Her ability to accumulate property, assume debts, contract or enforce contractual obligations, or do business of almost any kind was constrained by Alexander Bartram's presumptive right to the fruits of her enterprise.<sup>74</sup>

Jane Bartram must have had, or retained, or attracted, or constructed a support/dependence/survival network to endure the difficulties of the mid-1780s in Philadelphia. One key might have been her sister-in-law, Ann Bartram. In the 1783 city tax ledger for the "Dock Ward," Alexander Bartram was assessed at £150 for his occupation as a "merchant," and £870 "for Widow Bartram's Estate." The latter

<sup>73</sup> "The Petition of Jane Bartram," May 23, 1782, Records of Pennsylvania's Revolutionary Governments (RG-27), reel 30 (frame 89). For a valuable discussion of petitions as an "archaic mode of political behavior" resorted to by women otherwise denied the "technical machinery of political expression," see Linda K. Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill, 1980), 85-93. That Bartram's use of the vehicle in this case shows her to have been anything but a "prepolitical being" does not lessen the validity of any of Kerber's points. Indeed, Bartram's is perhaps the case that, in its exceptionality, proves the rule; the "occasionally . . . restive" supplicant whose rhetoric "approaches the broadside."

<sup>74</sup> For an overview and analysis of these encumbrances, see Salmon, "Equality or Submer-sion?" *passim*.

was probably Ann Bartram.<sup>75</sup> Francis White's 1785 *Philadelphia Directory* identified Jane Bartram as a "gentlewoman" living in Second Street between Chestnut and Walnut. That too may have been Ann Bartram. White also listed a "Mrs. Bertram," however, as the proprietor of a "boarding-house" in Front Street between Walnut and Spruce.<sup>76</sup> In 1790 Jane Bartram lived and worked at 98 South Front Street (between Walnut and Spruce) and paid taxes there, presumably as a tenant, "for Widow Bartram's Estate."<sup>77</sup>

However she supported herself and her child, we know that Bartram attempted to sever her marital ties during this period. Judicial divorces were unavailable in Pennsylvania before 1785, but in some cases the state legislature intervened on petition to resolve intolerable marital problems. In August 1784 Bartram petitioned the Assembly "praying to be divorced from her husband, Alexander Bartram." Perhaps because she did not allege adultery on his part, or because it was considering comprehensive reforms of the state's divorce law, the Assembly tabled her request.<sup>78</sup> She submitted a new petition early in 1785,

<sup>75</sup> County Tax Assessment Ledger, 1783, Dock Ward South, p. 35 (PCA). Ann Bartram was the daughter of the late John Bartram. Her husband, George Bartram, Alexander's brother, died early in 1777. The 1783 assessment for Alexander Bartram, who was either in New York or Nova Scotia at this time, is inexplicable, unless the result of the work of a careless constable.

<sup>76</sup> Francis White, *The Philadelphia Directory* (Philadelphia, 1785), 4. An advertisement in a New York newspaper offered a reward for a lost "packet containing several Letters, addressed to William Moscrop, Philadelphia," and asked the finder to bring them to "Mrs. Jane Bartram's, in Second Street, Philadelphia." Thus, she may have lived for some period either with her sister-in-law, or in her property in Second Street. The compiler of a directory may have ascribed her social status based either on her association with a wealthier relative of the same name, or based on her spouse's previous economic position. See Rivington's *New York Gazette* ("The Royal Gazette"), Aug. 9, 1783.

<sup>77</sup> Clement Biddle, *The Philadelphia Directory* (Philadelphia, 1791), 7; County Tax Assessment Ledger, 1791, Dock Ward, p. 8 (PCA). To attempt to connect these scraps of evidence is to be led ineluctably toward speculation of the baldest kind. In that vein, one hypothetical scenario would have Jane Bartram living in Front Street in a property owned by her sister-in-law Ann, perhaps on nominal rent. A boarding house would have been a plausible enterprise for her to have engaged in. It would have combined at least a subsistence income with her own shelter. Perhaps most importantly, it would have avoided precisely those elements of commerce (credit, inventories, contracts, suits to enforce contracts) most likely to have run afoul of Bartram's residual disabilities under coverture.

<sup>78</sup> Thomas R. Meehan, "'Not Made Out of Levity': Evolution of Divorce in Early Pennsylvania," *PMHB* 92 (1968), 441-64; *Minutes of the Eighth General Assembly of the Commonwealth of Pennsylvania* (Philadelphia, 1784), 304.

relating in greater detail Alexander's departure "without leaving a maintenance or support for her or her son," and citing his cruelty to her before deserting. This petition was likewise set aside.<sup>79</sup>

Bartram's objective may have been to reestablish or protect her ability to engage in business as a *feme sole* trader. While Pennsylvania's divorce code before 1785 limited the relief to complaining parties to a divorce *a mensa et thoro* ("from bed and board")—little more than a civilly sanctioned separation agreement—all divorces granted by the legislature in this period were in fact given *a vinculo matrimonii*—or full and complete dissolutions of the marriages in question.<sup>80</sup> The latter relief would remove Jane Bartram's disabilities under coverture. Without such relief her participation in remunerative economic activity on her own behalf would always be performed—if possible at all beyond the subsistence level—at risk that her husband would return to claim the proceeds of those endeavors.<sup>81</sup>

Alexander Bartram did return to Philadelphia in 1785, in the same month that the Pennsylvania legislature passed the new judicial divorce bill. Ironically, it was he and not his wife who emerged from their encounter with property rights impaired, and the liberalized provision for the dissolution of marriages had nothing to do with Jane Bartram's surprising good fortune in the matter. Bartram had filed an application for compensation with the Loyalist Commission on his arrival in Canada from New York late in 1783.<sup>82</sup> In September 1785 he sailed to Pennsylvania "to procure proofs of [his property's] sale under confiscation."<sup>83</sup> Reaching Philadelphia without winter clothing or enough funds to stay long, he apparently expected his quest to

<sup>79</sup> *Ibid.*, 177.

<sup>80</sup> Meehan, "Not Made Out of Levity," 450-51.

<sup>81</sup> Bartram could, perhaps, have engaged temporarily in trade under Pennsylvania's "Act Concerning Feme Sole-Traders" [1718], but such liberty would still have been predicated on her husband's continued absence from the state. For a discussion of this law's limited utility in permitting female occupational autonomy, and for the text of the law itself, see Salmon, "Equality or Submersion?" 109-10, 112-13. Thus, a divorce would still have been necessary to her to reinforce whatever precarious protection she may have enjoyed under the law.

<sup>82</sup> "Estimate of Losses sustained During the Dissensions in America by Alexander Bartram . . .," [Dec. 1783], A.O. 13/57/42-44.

<sup>83</sup> Bartram sold a house and some land in Shelburne, Nova Scotia, to finance this trip. "Evidence on the Claim of Alexander Bartram," May 10, 1786, A.O. 12/40/54.

proceed smoothly. He quickly discovered, however, the extent of his “obnoxiousness” to his former neighbors. By December he found himself so “reduced in circumstances” that he could not afford the continuing costs of gathering evidence, or even the price of his passage back to Halifax.<sup>84</sup> This predicament brought Bartram face to face with his estranged wife, in a configuration of power relationships undoubtedly different from any they had before experienced.

The consequences of their encounter are engraved in the language of the “Agreement” that John Anstey later perplexedly forwarded to the Loyalist Commission in London. Labeled “Articles of Agreement and Transfer,” the document served several ends. Jane Bartram was not even a principal party to the transaction. As a *feme covert*, she was legally barred from contracting with her own spouse.<sup>85</sup> Instead, William Johnson and James Stewart of Philadelphia—a bricklayer and a merchant, respectively—stood proxy as her “next friends” in covenant with her husband.

After reciting the sad particulars of the case—the “diverse disputes and unhappy differences” between the Bartrams; the “improp[riety]” of their ever cohabiting again; Jane’s “reduc[ti]on to penury,” and her “intire dependen[ce] on her Friends in Pennsylvania for a support”—the indenture spelled out the terms of the bargain. Johnson and Stewart would “advance” Alexander Bartram £50.5.0 with which to finish collecting his evidence or, failing that, at least to buy a winter coat and book passage back to Nova Scotia to resume prosecuting his claim. For his own part, Bartram agreed to the effective (if not the legal) dissolution both of his marriage and of the prerogatives it gave him over his wife’s separate identity and livelihood. He assented to the formalization of the *de facto* “seperation from Bed and Board which hath long since taken place” between them, and to its continuation “during the term of their joint lives.” Moreover, he agreed not “at any time hereafter on any pretense whatsoever [to] molest or disturb the said Jane his wife in her seperate state, nor claim or demand any Estate, Right, Title, Interest or Property in any Lands,

<sup>84</sup> “Articles of Agreement and Transfer . . . Between Alexander Bartram . . . and William Johnson [and] James Stewart [in trust for] Jane Bartram,” Dec. 13, 1785, A.O. 12/95/23 (hereafter, “Bartram Separation Agreement”).

<sup>85</sup> Salmon, “Equality or Submersion?” 100.

Tenements, goods, chattels, moneys or effects whatsoever which shall come to her or be acquired by her." Bartram also explicitly acknowledged that such property would be "subject to her Disposition . . . in the same manner as if she were sole and unmarried, nor shall the same nor any part thereof be liable or chargeable with the debts, contracts or incumbrances or to the control of [himself] her said Husband."<sup>86</sup>

Anstey was justified in his perplexity, for the "Agreement," to this point, resembled nothing quite so much as an idiosyncratic hybrid between a "bed and board" divorce and a postnuptial marriage settlement allowing a wife, via trustees, to own and manage property separately from her husband.<sup>87</sup> The five shilling component of the consideration obliged Bartram to

give, grant, bargain, sell, assign, transfer and set over to [Johnson and Stewart] . . . all and singular the Estate and Effects . . . the said Jane Bartram now is seized or possessed with [to have and hold] forever in trust and special confidence . . . to the private and separate use of the said Jane Bartram.<sup>88</sup>

Because Bartram was described as living in "penury," the apparent intent of the trust was less to preserve what little property she may then have held than to establish legal circumstances under which she could safely act in the future to create or acquire some.

The ultimate source of Anstey's consternation, however, lay in subsequent clauses of the document. The £50 paid to her husband conferred upon Jane Bartram, again in trust, substantial and actual (as opposed to potential) property rights. In exchange for the price of a winter coat, lodging and victualing costs, searching, transcribing, recording and other legal fees, and a boat ticket to Halifax, Alexander conveyed to Johnson and Stewart

<sup>86</sup> "Bartram Separation Agreement," Dec. 13, 1785, A.O. 12/95/23. "Next Friend" is a legal term of art for a party to a transaction "acting for [the] benefit of [an] infant, married woman, or other person not *sui juris* [having capacity to manage one's own affairs; not under legal disability]" without being regularly appointed guardian." See Henry Campbell Black, *Black's Law Dictionary* (4th ed., St. Paul, 1951), 1194, 1602. The indenture specified that this waiver applied not only to assets that she might receive by gift or inheritance, but also to the fruits of "her own industry."

<sup>87</sup> Salmon, "Equality or Submersion?" 100.

<sup>88</sup> "Bartram Separation Agreement," Dec. 13, 1785, A.O. 12/95/23.

One full equal half part, the whole into two equal parts to be divided, of in and out of all and every the monies, securities, certificates [and] annuities . . . which shall by the Commissioners or Agents of the British government be awarded [to] the said Alexander Bartram in lieu or compensation of the sufferings and losses which he has sustained by the confiscation, seisure and sale of his Estate in America. . . .<sup>89</sup>

Bartram acknowledged that his reasons for coming to terms with his wife included the “natural love and affection he hath and beareth to his son . . . James Alexander Bartram, and for his support, maintenance, education, and advancement in life.” The young man had endured a “long fitt of Illness,” the costs of which had been “very . . . burthensome to the said Jane Bartram.” The indenture allowed Alexander both to discharge the duties of paternal love and to avoid implicitly threatened actions to recover those costs. The trustees were to receive Jane Bartram’s share of the compensation award, place it out on loan, and spend the interest for James Bartram’s support and education during his minority. When he came of age, they were to pay the principal to Jane and her son “in equal proportions as tenants in common.” They had the discretion in the meantime, however, to “lend the whole or any part [of the principal] to Jane Bartram on her own bond, without interest, she supporting, maintaining and educating her said son in lieu of the interest thereof.” If Alexander paid half of his compensation as agreed, the trustees would indemnify him for any financial responsibility for the boy’s support, past or future, but if he renegeed on the bargain, he would be liable for those costs.<sup>90</sup>

If the agreement comprised a hybrid between a bed and board divorce and a marriage settlement, its latter clauses laid the groundwork for a potential property division far more favorable to Jane Bartram than any she might have received under Pennsylvania’s new divorce law. That law provided either for an absolute divorce, in which “all and every the duties, rights and claims accruing to either of the said parties . . . shall cease and determine,” or a bed and board separation with discretionary alimony not to exceed “the third part of the annual profits or income of [the husband’s] estate, or of his occupa-

<sup>89</sup> *Ibid.*, 24.

<sup>90</sup> *Ibid.*

tion of labor."<sup>91</sup> Alexander Bartram's Pennsylvania property was gone, and he had spent much of his Canadian assets to finance his return to America. His claim against the Crown for £6000 (sterling) thus constituted most of his estate in the world. If their "Agreement" could be enforced, Jane Bartram stood to gain the beneficial use of half of the principal of that sum rather than (at most) one-third of its income.<sup>92</sup>

The enforceability of the agreement is critical to its meaning. It could not have been enforced in a Pennsylvania court by entering a judgment against Alexander Bartram's confiscated estate. The document's drafters sought to guard against the adverse consequences of their own ignorance of the precise language of the British compensation law by including a clause holding Bartram liable despite any technical defects in its forms. But the weight that an English or Canadian court would have given to the document, if Jane Bartram or her trustees could have afforded to sue in one, is unclear.<sup>93</sup> The important non-monetary provisions relating to Bartram's sole property rights probably would have been enforced by Pennsylvania courts, notwithstanding the judiciary's reputed distaste for the social implications of such arrangements.<sup>94</sup>

Beyond the issue of enforceability lie larger questions about the meaning of this agreement to Jane Bartram. As a practical matter, would it have increased her autonomy in the world or merely have formalized the transfer of her dependence from her husband to non-familial males (including, perhaps, the trustees themselves), while reducing the costs to the latter of that dependence? She would clearly be dependent on the trustees in important ways. Her ability to raise her own son, for example, would be subject to their discretion as to whether to give her access to the resources with which to do so, or to spend them on his support themselves. The relationship between fiduciaries and a beneficiary could hardly help but have been closer

<sup>91</sup> "An Act Concerning Divorces and Alimony," [Sept. 19, 1785], in James T. Mitchell and Henry Flanders, comps., *Statutes at Large of Pennsylvania, from 1682 to 1801* (18 vols., Harrisburg, 1896-1915), 12:94-99.

<sup>92</sup> "Evidence on the Claim of Alexander Bartram," May 10, 1786, A.O. 12/40/53.

<sup>93</sup> "Bartram Separation Agreement," Dec. 13, 1785, A.O. 12/95/24.

<sup>94</sup> Marylynn Salmon, "Life, Liberty, and Dower": The Legal Status of Women After the American Revolution," in Carol R. Berkin and Clara M. Lovett, eds., *Women, War and Revolution* (New York, 1980), 86; Salmon, "Equality or Submersion?" 99-101.

to equilibrium in the eyes of the law than that between a husband and wife under coverture. Beyond this generalization, it is difficult to answer this question.<sup>95</sup>

If the agreement's ultimate implications for Bartram are unclear, its immediate consequences are more readily observable. While its purpose and eventual effect was to assist the Bartrams in disentangling their lives and fortunes, it had the ironic result of increasing their short-term interdependence. With a stake of her own in the outcome of the compensation process, Jane Bartram became an active participant in that process. Alexander returned to Nova Scotia early in 1786 and filed an amended compensation claim there in May.<sup>96</sup> Jane, meanwhile, gathered evidence of his property losses and interceded with Pennsylvania authorities to get that evidence duly certified. She waited on John Nicholson, the state's Comptroller-General, to get certificates for the confiscated lands, only to learn that he "knew nothing of the Property" because the titles had never been officially recorded. Nicholson "directed Mrs. Bartram to cause them to be recorded, in order . . . to enable him to certify that the premises in the deeds mentioned were confiscated as the property of her husband."<sup>97</sup>

When the commissioners in Canada awarded him £797 (sterling), barely more than ten percent of his request, Bartram wrote to his wife in the summer of 1786 and supplied detailed information about the patents in Northumberland County.<sup>98</sup> A year later he asked the Lon-

<sup>95</sup> Trustees were a mandatory, rather than an optional, element in postnuptial settlements in Pennsylvania as late as the end of the eighteenth century. See Salmon, "Equality or Submersion?" 100. Much would have depended on the specific and extralegal nature of the relationship between the beneficiary and the trustee(s) in question. We know little about Jane Bartram's relationship with either William Johnson or James Stewart, except that the latter was a partner in the merchant firm of Stewart and Barr, with offices in Front Street, and that after 1790 her residence was next door to those offices. See Clement Biddle, *The Philadelphia Directory* (Philadelphia, 1791), 7; County Tax Assessment Ledger, 1791, Dock Ward, p. 8 (PCA).

<sup>96</sup> "Estimate of Losses Sustained by Alexander Bartram," May 10, 1786, A.O. 12/40/53-58.

<sup>97</sup> John Anstey, "In the Case of Mr. Alexander Bartram," June 30, 1787, A.O. 12/95/21-22. Jane Bartram was undoubtedly better suited for political reasons to perform this task of dealing with Pennsylvania officials than her husband would have been.

<sup>98</sup> His letter, regrettably, has been lost, but is inferred from "Extract of a Letter from Alexr Bartram to his wife; Rec'd from Mrs. Bartram July 24, 1786," Records of the Comptroller-General (RG-4), Forfeited Estate Files, Box 3.

don commissioners to "reconsider" the "small[ness]" of the initial grant in light of the "strong proofs" he was then able to present of his "great losses."<sup>99</sup> He attached a sheaf of titles, deeds, and other property records certified by a variety of Pennsylvania and New Jersey public officials. These documents were all dated, copied, or certified between February 1 and September 20, 1786, after Alexander Bartram left Pennsylvania. Their assembly and transmittal bear marks of Jane Bartram's handiwork.<sup>100</sup> Her efforts had a measurable effect. In 1789 the Commission re-heard the case in London and voted to raise Alexander Bartram's award to £1,978, more than double his preliminary compensation.<sup>101</sup>

It is not clear that Alexander was as solicitous of Jane Bartram's interests in the matter as she had been of their mutual interests. There is no evidence that he disclosed their separation "Agreement" to the Commissioners on his return to Nova Scotia. Nor is there any indication that she partook of the partial distribution of his preliminary award. In August 1786 his attorney in London received £239 in partial satisfaction of the initial grant of £797.<sup>102</sup> His own witnesses testified to the Commission the previous spring that Jane Bartram was "in possession of a small property [in Philadelphia] worth £10 or £15 per annum."<sup>103</sup> In such circumstances she would have found even the token distribution of £119 a welcome respite from a prolonged siege of "penury."

<sup>99</sup> Alexander Bartram to Peter Hunter, Aug. 27, 1787, A.O. 13/57/46.

<sup>100</sup> *Ibid.*, and documents attached thereto at A.O. 13/57/48-76. For other evidence of Jane Bartram's contact with Pennsylvania officials at this time, see "Extracts from the Returns of Survey of Bartram's & Huck's Land," [n.d., but ca. 1786]; "Notes of Alr Bartram's Land in Northd County, Taken from Papers had of Mrs. Bartram," Feb. 1, 1786; "Extract of a Letter from Alexr Bartram to his wife; Rec'd from Mrs. Bartram July 24, 1786," Records of the Comptroller-General (RG-4), Forfeited Estate Files, Box 3.

<sup>101</sup> "Further Evidence on the Claim of Alexander Bartram," Feb. 13, 1789, A.O. 12/44/15-16; "A Statement of the Claims Examined and Losses Allowed," March 13, 1790, A.O. 12/109/98-99.

<sup>102</sup> Notice of payment made, endorsed "Treasury Chambers, January 13, 1787," A.O. 13/137/5. This amount was paid to Bartram's London attorney, a "Mr. Chas. Cooke," on Aug. 5, 1786. It should be added that there is no explicit evidence that Alexander Bartram did not bring the "Agreement" to the commissioners' notice, or that Jane Bartram did not share in the advance payment. Subsequent events, however, suggest that this was the case.

<sup>103</sup> "Evidence on the Claim of Alexander Bartram," May 10, 1786, A.O. 12/40/58. In this context, "possession" appears to have meant "occupancy" rather than "ownership."

Late in 1786 Bartram took steps to assert her own rights in the matter. After the certified evidence was sent to Halifax, she traveled to New York City, where she waited on Sir John Temple, the American-born British Consul-General to the United States. She carried letters of introduction from unidentified parties. Temple wrote to Anstey to observe that the bearer, Jane Bartram, “sustains a very good character.”<sup>104</sup> He believed that Alexander’s hearing had been held in Nova Scotia, and he asked Anstey to inform the London Commissioners of Jane’s right to share in any award.<sup>105</sup> Several weeks later Temple himself wrote to London. A “Very reputable application hath been made to me in behalf of Mrs. Bartram,” he observed, and he noted that the separation agreement had been drafted by “able Lawyers.”<sup>106</sup> Temple asked that Alexander Bartram or his agents be paid no more than half of any award that might have been granted until Jane Bartram—“a reputable unfortunate woman”—had an opportunity to be heard on her own behalf.<sup>107</sup>

The effect of Temple’s solicitude is undeterminable. Anstey’s response to it was, as we have seen, cautious at best.<sup>108</sup> It is tempting to see something more than the cold hand of coincidence, however, in the juxtaposition between Alexander Bartram’s handsomely enlarged compensation award in February 1789 and Jane Bartram’s reemergence in the Philadelphia shopkeeping community by the end of that year.<sup>109</sup> By virtue of bottomless reserves of resiliency and resourcefulness—of “application,” to construe broadly Anstey’s narrow, lawyerly term—supplemented by the help of others and, perhaps, even a belated measure of her husband’s goodwill, Bartram had survived the 1780s. Never again in her life would she face such desperate straits.

<sup>104</sup> [Sir John Temple to John Anstey, Nov. 18, 1786], transcribed verbatim in John Anstey, “In the Case of Alexander Bartram,” June 30, 1787, A.O. 12/95/21.

<sup>105</sup> Ibid.

<sup>106</sup> Sir John Temple to the Honorable Commissioners of American Claims, Dec. 7, 1786, A.O. 13/137/6.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid. The commissioners in London endorsed Temple’s letter to indicate that they had answered it early in 1787, but their response itself has not been found.

<sup>109</sup> “A Statement of the Claims Examined and Losses Allowed,” March 31, 1790, A.O. 12/109/98-99; County Tax Assessment Ledger, 1789, Dock Ward (PCA); U.S. Bureau of the Census, *Heads of Families at the First Census of the United States . . . 1790, Pennsylvania* (Washington, 1908), 235-36.

Beyond offering a compelling account of a brave and resourceful individual confronting and surmounting precarious circumstances, can Jane Bartram's experience in Revolutionary Pennsylvania contribute anything more broadly to our understanding of women's status and roles, and their changes, during this period? A complex and contradictory literature has evolved on the latter issues.<sup>110</sup> While case studies of individual women's lives are needed because of the continued lack of a substantial reservoir of empirical knowledge about such lives, those studies should not overlook opportunities to address or explore more general issues.<sup>111</sup>

One rightly approaches the business of comparing aggregate analyses and case studies with caution, but elements of Bartram's saga do reflect findings from some of the broader studies in interesting ways. Her ability to keep the family business alive during Philadelphia's economic collapse of 1779-1780, for example, conflicts with Mary Beth Norton's portrait of self-proclaimedly "helpless" Loyalist wives, while sustaining Lisa Wilson's (Waciega) depiction of contemporary Philadelphia widows as well-prepared to step competently into just such exigencies.<sup>112</sup> Bartram's inability in 1784 and 1785 to get even a hearing from state legislators for her appeals to be divorced from her publicly

<sup>110</sup> A good place to begin, after the two standard monographs on the subject by Kerber (*Women of the Republic*) and Norton (*Liberty's Daughters*), is Elaine F. Crane, "Dependence in the Era of Independence: The Role of Women in a Republican Society," in Jack P. Greene, ed., *The American Revolution: Its Character and Limits* (New York, 1987), 253-72. For other views and elaborations, see also Mary Beth Norton, "The Evolution of White Women's Experience in Early America," *American Historical Review* 89 (1984), 593-619 (esp. 614-19); Joan Hoff Wilson, "The Illusion of Change: Women and the American Revolution," in Alfred F. Young, ed., *The American Revolution: Explorations in the History of American Radicalism* (DeKalb, 1976), 385-431 (esp. 426-31); Salmon, "Life, Liberty, and Dower," esp. 99-100; Goldin, "The Economic Status of Women in the Early Republic," 402-4; Barbara E. Lacey, "Women in the Era of the American Revolution: The Case of Norwich, Connecticut," *New England Quarterly* 53 (1980), 527-43.

<sup>111</sup> See Carol R. Berkin, "Remembering the Ladies: Historians and the Women of the American Revolution," in William M. Fowler, Jr. and Wallace Coyle, eds., *The American Revolution: Changing Perspectives* (Boston, 1979), 63-64.

<sup>112</sup> Mary Beth Norton, "Eighteenth-Century American Women in Peace and War: The Case of the Loyalists," *WMQ* 33 (1976), 386-409 (esp. 404-9); Waciega, "A 'Man of Business,'" 40-64. Norton acknowledged that there were significant exceptions to her profile, especially among urban women who had exposure to the occupations of their husbands. Many such women, she notes, "displayed a good deal of resilience." And Jane Bartram was not really a "loyalist woman" at all.

reviled and long-departed husband underscores the presumptive importance to women of the impending movement to provide a more accessible mechanism for the dissolution of failed marriages through judicial intervention.<sup>113</sup> And her abrupt passage from the actual obscurity of impoverished orphanage in the 1750s and 1760s to the artificial invisibility of upwardly mobile marriage during the decade after 1767 shows how right historians have been to view the institution of coverture both as a historical impediment to the autonomy of women themselves and as an obstacle to the scholarly recovery of their experiences.<sup>114</sup>

The most resonant convergence of Bartram's struggle with modern historiographical concerns—one that admits the apposition of poignant case studies—lies in important recent work on questions about women's allegiance, citizenship, and political relation to the state itself. Much scholarly argument about whether events of the Revolutionary era raised or lowered the status of women in the emerging republic, or advanced or retarded the importance or autonomy of their roles, has focused implicitly on what substantive changes in that status the patriarchal public order was prepared to make, or what changes in those roles the basically male political discourse of the period was able even to contemplate. Attention also has been paid to the question of what women were prepared to expect, demand, or assume of that order and what ideas they were able to conceive or entertain about it.

This convergence of attention has produced no broad consensus. No one has persuasively argued that improvements in women's collective circumstances coincident with the Revolutionary era, if there were any, happened because powerful men were prepared to—much less decided to—systematically rethink prevailing cultural premises about gender relations.<sup>115</sup> But divergent accounts have emerged of the role of women's own consciousness in these changes. Mary Beth Norton has suggested that a significant cohort of American women (albeit not Loyalist wives) emerged from their Revolutionary experiences with broadened understandings of their ability to function in new, public

<sup>113</sup> Meehan, " 'Not Made Out of Levity.' "

<sup>114</sup> Kerber, *Women of the Republic*, chap. 5; Norton, *Liberty's Daughters*, 45-50; Salmon, "Equality or Submersion?" passim.

<sup>115</sup> See Kerber, *Women of the Republic*, 7-32.

realms of their society and culture.<sup>116</sup> But Joan Hoff Wilson's portrait of a generation of American women unprepared by experience for "modernization" of any kind, much less "sophisticated political thought," suggests that they could not have embraced fundamental changes of role and status even if the Founding Fathers had opened the Revolution by declaring that "all men *and women* [were] created equal."<sup>117</sup>

This agreement about the lack of male preparedness to place the status of women on the agenda for discourse in the construction of a post-Revolutionary public order, together with the interpretive impasse over women's readiness for the same discourse, raises discouraging questions about the utility that case studies can have in clarifying these issues. Whatever their satisfying embeddedness in the particular integrity of lived lives, such studies seem likely to be anomalous and idiosyncratic almost to the point of irrelevance. But Linda Kerber has recently warned of the danger of interpreting the "silence" of the historical record about such issues as anything other than "a social construction, related to an ability to verbalize and to control of access to the fora of public discussion." She has urged historians to be "alert to occasions on which [such] silence is broken," and she has shown how the intensive examination even of possibly anomalous instances of "broken silence" can illuminate otherwise hidden corners of historical possibility.<sup>118</sup>

In expanding her treatment of a Loyalist confiscation case (*Martin v. Commonwealth*) first discussed in *Women of the Republic*, Kerber has modified our understanding both of its meaning and of the gendered implications of the Revolutionary era itself.<sup>119</sup> In the book she empha-

<sup>116</sup> Norton, "Evolution of White Women's Experience in Early America," esp. 614-16; Norton, *Liberty's Daughters*, chaps. 6-8.

<sup>117</sup> Wilson, "The Illusion of Change," esp. 419-26.

<sup>118</sup> Linda K. Kerber, "Woman as Alien, Woman as Citizen: *Martin v. Commonwealth* 1805" (unpublished paper presented to the Philadelphia Center for Early American Studies seminar, Dec. 13, 1987), 3-4 [cited with the permission of the author].

<sup>119</sup> See Kerber, *Women of the Republic*, 132-36. James Martin, the son of a British army officer and his American-born wife, sued the state of Massachusetts in 1801 to recover property seized from his parents because they followed the British army to New York in 1776. He challenged the confiscation on the grounds that the property had been inherited by his mother, Anna Martin. Attacking critical elements of the 1779 Massachusetts confiscation law, Martin argued that the property could not have been confiscated from his father, William Martin, who held only a life interest in it, nor from his mother, who as a feme covert was both morally and legally bound to follow her husband into exile. The Massachusetts Supreme Court in 1805 held for Martin and ordered the restoration of the property.

sized the successful arguments of conservative Federalist lawyers against the view that Massachusetts's wartime loyalty legislation was intended to encourage married women to assert political ideas of their own in "rebellion" against their husbands' presumed control over familial political definition.<sup>120</sup> "Faced with a choice between coverture and independence," she concluded, "the Revolutionary chose coverture. Even after the Revolution, the family circle remained a women's state."<sup>121</sup>

In revisiting the case, Kerber has paid more attention to the Republican "old revolutionaries" who defended the purportedly radical intent of the 1779 Massachusetts confiscation statute. James Sullivan, the state's attorney general in 1805, injected "revolutionary" rhetoric and remembrance into the debate by insisting that the "fathers of the towns," assembled as wartime legislators, had indeed intended to invite, and even to require, women to make just such choices. Kerber discerned in this argument "an alternate scenario, also written by men," one that "acknowledged the authenticity of the republican break with the past, explicitly claimed for women the responsibility of assuming the obligations of citizenship, and opened the way to a reconstruction of the relationship of women to real property."<sup>122</sup> "The important point," she concluded, "is *not* that this path proved too rocky [but rather] that for a brief moment, it was glimpsed."<sup>123</sup>

By refracting its elements through the prism of *Martin v. Commonwealth*, it is possible to see Jane Bartram's struggle as another important occasion of "broken silence," or a series of such occasions, that suggest a comparable or related scenario written by a woman. We give her too little credit, and take her efforts with too little seriousness, if we see Bartram merely as an inertly resilient figure who virtuously absorbed the battering vicissitudes of wartime fortune and then flowed, protoplasmically, into those narrow pockets of de facto "autonomy" that post-Revolutionary culture reserved for individuals too deviant to place anywhere else. Rather, Bartram emerges as an individual who, having

<sup>120</sup> Ibid., 133-35.

<sup>121</sup> Ibid., 136.

<sup>122</sup> Kerber, "Woman as Alien, Woman as Citizen," 72.

<sup>123</sup> Ibid.

acted to control her own destiny in important ways before the Revolution, showed no willingness to relinquish that control in its aftermath.

The realistically attainable ends of her struggle—such as the right to support herself by her own efforts, to live where she chose, and to raise her own child—were the limited and largely “private” or domestic ones that a contemporary widow might routinely have been afforded.<sup>124</sup> Just because those rights had been invaded by public phenomena—war and its attendant civil upheavals—and usurped by the explicitly political intervention of the state itself, however, the means by which she was forced to seek to protect or recover them were in important ways also “public” and political in nature. It seems probable, moreover, that those means at once drew on important personal resources embedded in Bartram’s pre-Revolutionary character and temperament, and served as a critical transforming experience in the construction of her civic identity in the new republic.

If James Sullivan had learned of Jane Bartram in 1805, and called her from her home in Newtown, Pennsylvania, where she was preparing to retire from the prosperous life of a county-seat shopkeeper, she could have served not just as an expert witness, but almost as a living, breathing brief in support of his radical view of women’s place in Revolutionary society and culture.<sup>125</sup> With no statutory injunction or invitation from ambiguously intending legislators, and no property of her own to defend by doing so, Bartram had both asserted her own political identity and effected a successful rebellion against her husband’s publicly discredited familial political definition. Her “reward” was the political indifference of a state regime that—with the sole exception of its confiscation statutes—historians have portrayed as far more radical than that of Massachusetts.<sup>126</sup> For more than a year

<sup>124</sup> Indeed, we may gain valuable insight into the issues raised here merely by wondering how differently Jane Bartram’s fortunes might have evolved had her husband died of natural causes in mid-1777, after he had identified himself as a sympathizer with the Crown, but before the proximity of the British army enticed him into committing attainable offenses against the Revolution.

<sup>125</sup> Bartram’s experience in “post-Revolutionary” Pennsylvania, from 1790 to her death in 1815, will be discussed in a separate essay.

<sup>126</sup> See Robert L. Brunhouse, *The Counter-Revolution in Pennsylvania, 1776-1790* (Harrisburg, 1971), esp. chaps. 2-3; Stephen E. Patterson, *Political Parties in Revolutionary Massachusetts* (Madison, 1973), esp. chaps. 6-9.

after the disruption of her “family circle,” Pennsylvania authorities systematically dismantled Jane Bartram’s material world, while she just as assiduously found or fabricated the resources with which to keep that world precariously intact. Finally, those authorities summarily imposed on her the political identity of “Loyalist wife” and forced her into that residential status—unity in exile with her husband—that Federalist legal theorists in the Martin case continued to insist as late as 1805 was the only proper place for such a wife.<sup>127</sup>

Bartram, however, just as summarily rejected and resisted such an imposition. She contrived to use prototypically “female” wartime work—nursing wretched prisoners—to gain both the moral and political capital with which to challenge her exile. The rhetorical terms of that challenge, moreover, juxtaposed and enmeshed traditional “male” and “female” elements in ways that confound our understanding of the 1780s as the rosy-fingered dawn of a century of “separate spheres.” Bartram dutifully invoked the disruption of “tender connections” to her “native place and relations” as one source of an “extreme hardship” that recalls the plight of Norton’s “helpless” Tory women in London.<sup>128</sup> But she mixed this imagery with implied political assertions about “imperial” questions underlying the Revolution, and with language that seemed explicitly to equate her own disrupted “family circle” with the shattered empire itself. Alexander Bartram’s “unfriendly disposition,” she averred, was “such that she [could not] expect to enjoy happiness either with him or the Enemies of America.”<sup>129</sup>

She seemed to recognize, in a wary but unrepentant way, the “peculiarity” of her idiosyncratic definition of “happiness,” and of her adamant claim to the right to pursue both the public and private

<sup>127</sup> Advocates of the view that the Revolution either bypassed women altogether or lowered their status might thus point out that Pennsylvania “radicals” were as scornful of the “aid,” or “assistance,” or “personal services,” or “force” that women could render or contribute to a state under wartime siege, at the height of their radicalism in 1780, as Massachusetts “reactionaries” were at the height of their reaction in 1805. See Kerber, “Woman as Alien, Woman as Citizen,” 45-49.

<sup>128</sup> “The Petition of Jane Bartram,” May 23, 1782, Records of Pennsylvania’s Revolutionary Governments (RG-27), reel 30 (frame 89); cf. Norton, “Eighteenth-Century American Women in Peace and War,” 406-8.

<sup>129</sup> “The Petition of Jane Bartram,” May 23, 1782, Records of Pennsylvania’s Revolutionary Governments (RG-27), reel 30 (frame 89).

dimensions of that state. She would, she said, "*even* abandon her husband" to be happy.<sup>130</sup> Nor did Bartram invoke, even implicitly, terms of "limited" political self-definition or function that might require us to recognize her as a "Republican Mother" struggling to be born. We can presume that her son, James Alexander Bartram, accompanied her into exile in 1780. Her failure to remind Pennsylvania authorities of the implications of allowing an impressionable future citizen of the commonwealth to languish in a den of British military iniquity at New York City is notable. Even if the boy remained in Philadelphia, moreover, Bartram was forging a formidable ideological weapon by failing to supplicate for an early opportunity to return to his side.<sup>131</sup>

Although Bartram's petition declined to play the maternal card, and buried its depiction of herself as an abused wife in a subtle critique of the very political body being petitioned, it was endorsed by eleven male Pennsylvanians and, more importantly, received the almost silent acquiescence of its intended hearers. On returning to Philadelphia Bartram relied—to the extent that fragmentary notations of document endorsement and witnessing, landlordship, trusteeship, and other forms of assistance can tell us—on a diverse network of that town's inhabitants to meet the imperatives of survival there. These facts suggest that despite the punitive response of the state's executive authorities, in Revolutionary Philadelphia the spectacle of assertive, insistent, and designedly autonomous female behavior did not automatically preclude acceptance by, or the integration of its perpetrators into, the world of everyday social and economic life.

If Jane Bartram's sister-in-law Ann Bartram was a key member of this support network, moreover, we should note that gender solidarity—perhaps enhanced by political sympathy—prevailed over considerations both of her earlier marital connections and standing blood

<sup>130</sup> Ibid. (emphasis added). Indeed, we can almost see her beginning to abandon him rhetorically in the very act of writing itself. She first described her "extreme hardship" as resulting "*merely from a fault of her Husbands,*" but then noted abstractly that she was "now suffering *merely from anothers fault*" (emphasis added).

<sup>131</sup> See Kerber, "The Republican Mother: Women and the Enlightenment—An American Perspective," *American Quarterly* 28 (1976), 187-205; and Kerber, *Women of the Republic*, chap. 9.

ties to Alexander Bartram.<sup>132</sup> This network included a bricklayer, a merchant, and, as John Temple observed, several “able lawyers.” Far from being “helpless”—the key word in Norton’s linguistic profile of Loyalist wives—then, Bartram appears to have routinely availed herself of assistance across a remarkably wide range of Philadelphia society.<sup>133</sup> Indeed, Temple himself perceived in the person who entered his New York offices late in 1786 not a “*helpless*” female, but rather—again in Norton’s lexicon, but this time in reference to Loyalist men—an enterprising if “*unfortunate*” woman.<sup>134</sup>

Whatever the details of her dependence relationships and interim occupational activities, Jane Bartram proved to be no more deferential to, intimidated by, or alienated from public authority in mid-1780s Philadelphia than she had been in exile earlier in the decade. Her resubmission of her divorce petition in 1785, after it had been silently ignored the year before, suggests that she held Pennsylvania’s self-important Assemblymen little more in awe than she had its harried Supreme Executive Councillors in 1782. And when those lawmakers labored and brought forth their divorce “reform” act later the same year, she in turn ignored it. Instead, she tapped the guilt-pierced treasury of that quintessential English patriarch—George III—to finance her reemergence as a self-determining inhabitant, if not quite a full-fledged “citizen,” of the new American republic.

When Bartram crossed John Anstey’s doorstep in 1787 bearing the legal instrument of that contrivance, then, she was performing acts of assertiveness that she had rehearsed several times before. Having barged in on Pennsylvania’s Comptroller-General, Great Britain’s Consul General, and probably a host of other officeholders, she knew the drill of insouciance far better than Anstey. It is thus not surprising that he prudently bucked the problem to his superiors in London. Whether, in this serial process of rescuing herself from the consequences of her political split with her husband, Bartram was also sequentially reinventing herself as a public person, or merely reviving and reenacting an already well-established persona, is difficult to know.

<sup>132</sup> See footnote 29, above.

<sup>133</sup> Norton “Eighteenth-Century American Women in Peace and War,” 405-6.

<sup>134</sup> *Ibid.* (emphasis added). Temple to the Honorable Commissioners of American Claims, Dec. 7, 1786, A.O. 13/137/6.

Such elements of her past as her prolonged orphanage; her participation in the self-affirming atmosphere of the Gwynedd women's meeting; her years in Philadelphia between foster-familial residence in the hinterland and marriage; her seemingly considered abandonment of her Quaker ties; and the tumultuous, decade-long intersection of marriage, war, and revolutionary upheaval—all suggest continuity rather than abrupt change between her pre- and post-Revolutionary selves. The explicitly political nature of much of her 1780s experience, of course, cannot have been wholly predicted from her earlier life. But whether it was merely additive or explicitly transformative, that experience surely prepared Bartram in many important ways for a life of competent and at least quasi-public autonomy in Philadelphia and Newtown during the quarter century after 1790.

Finally, we cannot say unequivocally how Bartram's tale affects broad historiographical questions about whether and why women's collective circumstances improved or declined in consequence of the American Revolution, defined in its broadest terms. If all the Revolutionary American world was Philadelphia, and all its female inhabitants counterparts of Bartram, Mary Beth Norton's portrait of this generation of American women would seem more convincing than Joan Hoff Wilson's. But questions of representativeness cannot be answered by case studies alone, which can only return us, hopefully enlightened by their complexity, to the broader studies.

Even historians who have been sanguine about the effects of the Revolutionary years on women's consciousness have acknowledged that the failure of the patriarchal political system to adapt to those changes in the decades after 1783 heralded an era of conservative retrenchment that undermined the practical impact of those effects. "Republican Motherhood," the limited political role created by women themselves and gradually accepted by men, was primarily oriented to the task of producing republican sons, and replicating from daughters more republican mothers. Its ideological imperatives held little to give those daughters a mechanism for progressively enlarging their own collective autonomy. As the women of the Revolutionary generation passed away, and with them the direct experience of politicizing upheaval, the domestic implications of that role began to outstrip the political ones. Jane Bartram's experience, however, points to the need to look for a sub-cohort of women within that generation who had particularly radicalizing Revolutionary experiences, perhaps

founded on unusually autonomous individual pre-war identities. It was perhaps members of the latter group who were longest able to resist the constraining implications of domesticity, and in the process to carry the seeds of self-definition down to the generation of American women who came of age after 1825.<sup>135</sup>

Perhaps all that we can ask of moments of “broken silence” is to reveal to us—as with Kerber’s account of Massachusetts’s abortive experiment with dual-gendered allegiance—not what was achieved, but just what was “glimpsed.” What may have been glimpsed in Bartram’s case, among other things, was an eighteenth-century version of the modern liberal commonplace that members of oppressed groups have to exert many times as much effort to achieve fractions of the results or rewards routinely available to their oppressors. It is appropriate that we celebrate Jane Bartram’s relentless “application” of self, soul, and integrity to her own important but relatively modest ends. But we should also remember that, even as she and Anstey warily eyed each other in his office, delegations of well-connected men—surely some of them, at least, with less of those good qualities than she—were approaching Philadelphia to claim seats in the federal Constitutional Convention. And recall that it ultimately fell to members of that denatured assembly to set definitively the terms on which American women and men would publicly relate in the new republic brought forth on the land by the Revolution.

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<sup>135</sup> For a discussion of the “inherent paradox of Republican Motherhood” as an enduring “problematic” of the post-Revolutionary generation(s), see Kerber, *Women of the Republic*, 287-88.