

UP FRONT



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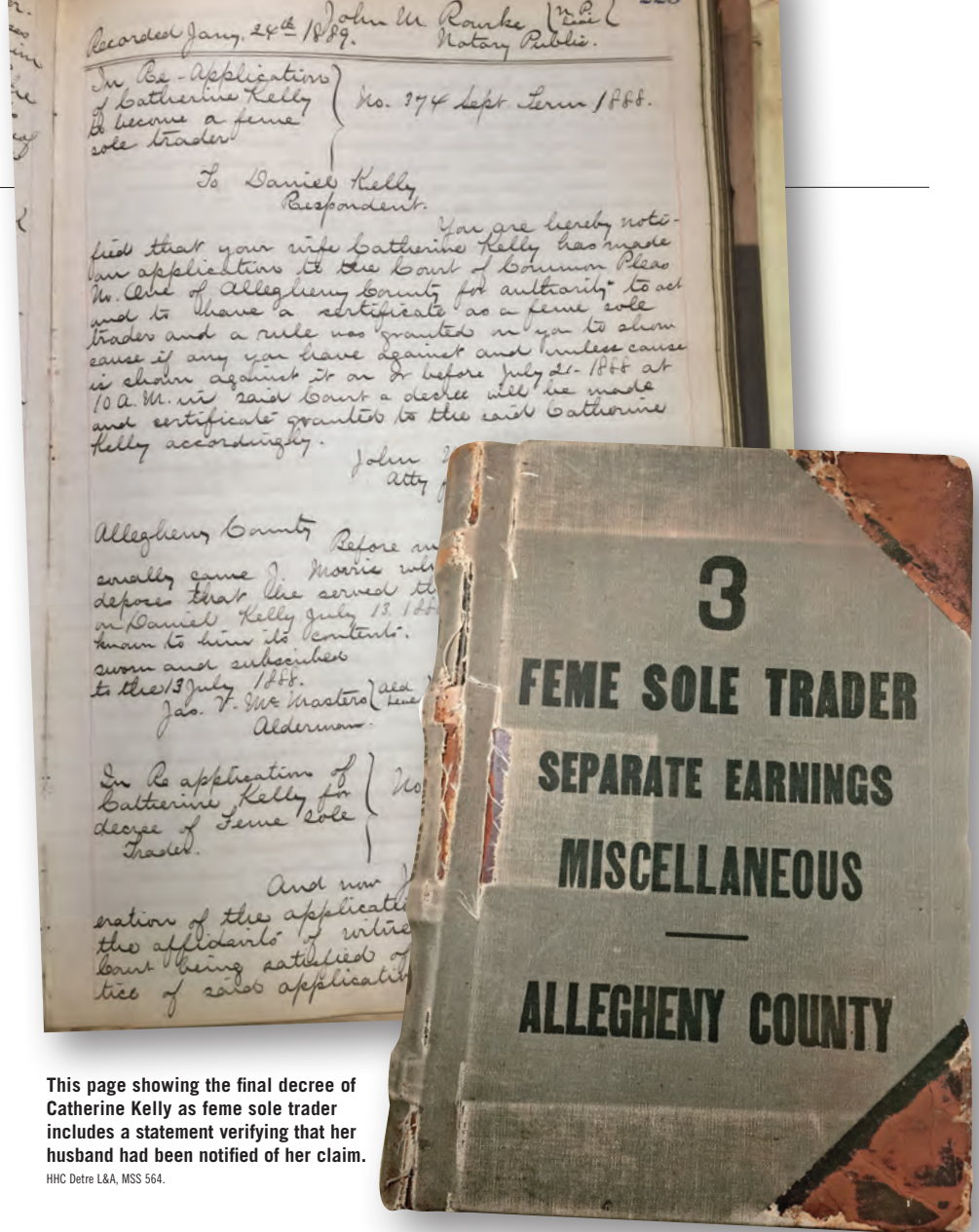
LIBRARY & ARCHIVES TREASURES

By Carly T. Lough, Archivist

Feme Sole Trader Separate Earnings Act Records

This August marks the centennial of the 19th Amendment's ratification in 1920. In anticipation of this milestone anniversary, archivists, librarians, and museum professionals throughout Western Pennsylvania are highlighting women's history collections with educational programming, exhibits, and publications. As we honor the deeds of prominent firsts and revisit the stories of women who enacted change, these efforts prompt us to look at the daily-felt injustices and experiences that formed the setting of their achievements.

The Allegheny County Feme Sole Trader and Separate Earnings Act ledgers, now preserved at the Detre Library & Archives, are among the historic collections that best connect modern researchers with such stories. The four-volume collection was maintained by the Allegheny County Recorder of Deeds and transferred to the Heinz History Center in 2002. The ledgers contain more than 1,500 entries from 1875 through the 1950s, many of which consist of decrees granting women the status of "separate earner" or "feme sole trader."¹ These records are the result of a series of Pennsylvania laws passed in the 18th and early 19th centuries that aimed to balance the power and risk shared between husbands, wives, and their creditors.



This page showing the final decree of Catherine Kelly as feme sole trader includes a statement verifying that her husband had been notified of her claim.

HHC Detre L&A, MSS 564.

The ledgers contain entries noting successful petitions by Allegheny County women to become separate earners or feme sole traders, as well as other entries documenting miscellaneous court filings.

HHC Detre L&A, MSS 564.

Chief among them were acts passed in 1855 and 1872. Both amounted to expansions of a preceding law passed in 1718 which granted married women the right to petition the Court of Common Pleas to be recognized as a feme sole trader—in effect, to act independently in the realm of business with the same rights as if she were a single woman. Property laws of the time put a married woman's estate and future earnings under the sole discretion of her husband, and she would have no right to conduct business or maintain sole custody of her children. Though the

arrangement was intended to protect a man's ability to maintain the interests of his family, it restricted women's basic economic freedom and jeopardized those whose husbands did not provide for them.² The 1718 law created a loophole for the wives of mariners or other men who traveled away from home for extended periods of time, while later laws built on a recognition of the needs of abandoned or neglected women. Feme sole trader exclusions were extended in 1855 to women whose husbands chose to desert or neglect them "out of drunkenness or profligacy."³ As a means of

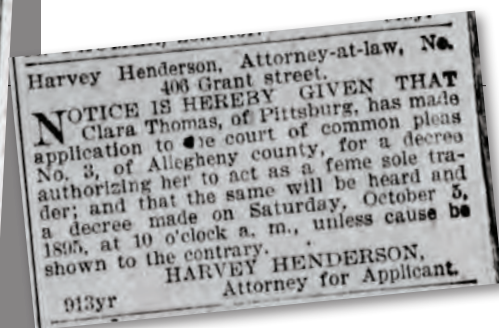
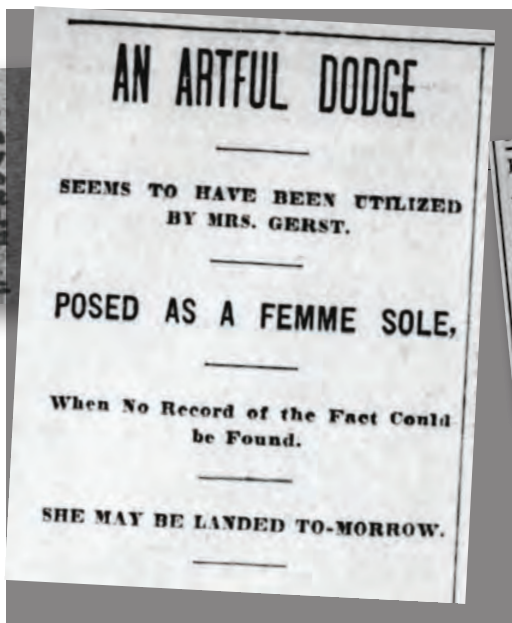


Example notice advertising a feme sole trader decree alleging neglect and desertion.

Pittsburgh Post-Gazette, September 30, 1924.

Some women were accused of obtaining feme sole status dishonestly or claiming it for fraudulent purposes.

Pittsburgh Press, November 28, 1894.



Feme sole trader petition advertisement.

Pittsburgh Post-Gazette, September 13, 1895.


escaping those limitations, feme sole trader decrees were essential to a married woman's ability to independently support herself and her children when the need arose.

Another act passed in 1872 permitted women to be granted the status of "separate earner." The act allowed the successful petitioner the simple right to keep separate from her husband and his creditors any earnings or property of her own, provided she could prove her rightful claim to it. In both feme sole trader and separate earnings cases, the petitioner was required to give testimony and proof of her claim and present two male witnesses.⁴ Since her husband stood to lose what she sought to gain, she was also required to enlist the consent of her husband if he was on hand to give it or give evidence she had made every effort to find and notify him if he was not.

Preceded by an alphabetical index, entries in each volume continue chronologically. They identify the petitioning woman and name her husband, the years of their marriage, and her area of residence. Entries generally offer testimony concerning the context and motives behind her claim and outline the new role of the petitioning woman: "that her property, real and personal wheresoever situate and howsoever acquired, shall be possessed and enjoyed by her, and shall be subject to her authority and absolute disposal during her life, and in case of intestacy the same shall go to her next of kin, as if her husband were previously dead."⁵

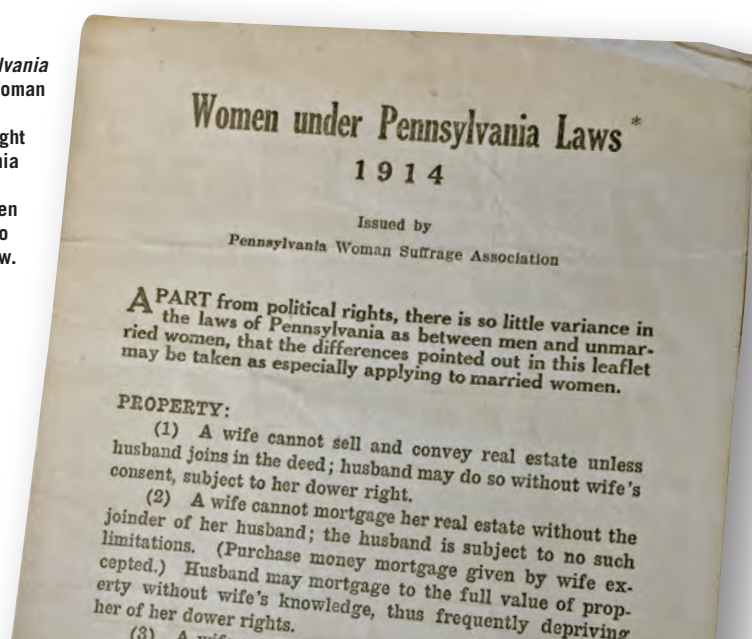
Together, these entries form a remarkable record of Allegheny County women's interactions with the law. The ledgers are filled with examples of women who used the court to gain agency over their daily lives, allowing a

glimpse of the limitations felt by women in business, family, and property law. The claims themselves reflect a wide range of matters, from the protection of earned wages or a small inheritance to child custody, poverty, desertion, and abuse. They amount to a dense bedrock of data offering hundreds of firsthand accounts that may be explored by genealogists, legal historians, and other researchers using other tools of inquiry such as historic newspapers and census records.

Facsimiles of the ledgers, which also include entries recording partnership agreements, property sales, minor adoptions, and other fascinating court records, can be browsed online at the Allegheny County Recorder of Deeds website. The original ledgers, along with other collections documenting Western Pennsylvania women, can be visited at the Detre Library & Archives. 

Women Under Pennsylvania Laws, Pennsylvania Woman Suffrage Association, 1914. This leaflet sought to educate Pennsylvania women on the relative unfairness between men and women's access to property and family law.

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¹ Although the collection dates for the ledgers are 1872–1986, feme sole trader entries in the fourth volume taper after the 1950s. Later entries are miscellaneous.

² Marylynn Salmon, *Women and the Law of Property in Early America* (University of North Carolina Press, 1986).

³ Deborah Polliard and Henry L. Hively, "Married Women Under the Feme Sole Trader Act and Separate Earnings Act in Allegheny County, 1875–1958," in Joel Fishman, ed. and Henry L. Hively, asst. ed., *Lists and Indexes to the Legal Court and Municipal Records of Allegheny County, Pa.* Vol.2 (Allegheny County Law Library, 1984), 72.

⁴ Ibid.

⁵ Docket #35742, "Harriett E. Altwater, Feme Sole Trader." Recorded August 11th, 1919. Volume 4, Page 305. Allegheny County Recorder of Deeds Feme Sole Trader Separate Earnings Act Records, 1875–1986, MSS 564, Detre Library & Archives.