Interpersonal Violence in a Rural Setting: Lancaster County in the Eighteenth Century

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During the past thirty years, historians have redrawn various aspects of our traditional picture of the colonial era, including the place of violence on the landscape of British North America. They have taught us that brutal physical and psychological discipline was a normal part of child-rearing in many early American homes. They have found that northern cities during the eighteenth century were riven by violence, some of it collective, much of it interpersonal, and often reflecting ethnic, racial, and sometimes class conflict. No longer does the rural South appear tranquil in the face of what we now know about the horrors of slavery, the degree of political disaffection, and the ways in which the concept of honor contributed to interpersonal violence among the gentry class. So, too, does our current understanding of the frontier—with the reciprocal atrocities committed by Euro-American settlers and Native Americans, with its eye-gouging recreational violence, and the periodic “rebellions” against eastern authority—clash with portrayals by earlier generations of historians.

What remains to be seen is how the rural North fits into the picture. Studies of agrarian violence in western Massachusetts and on the landed estates of colonial New York suggest that the traditional image of rural life is, at best, incomplete; that there was at least episodic collective violence in those regions, which is inconsistent with a consensual model of social and political relations. For colonial New York, at least, the incidence of interpersonal violence was as great in the countryside as in the city, and authorities were challenged by force of arms even more frequently in rural than urban environs. But what about those stretches of Pennsylvania’s rural hinterland sandwiched between Philadelphia and the near frontier? We do not know, because we have not looked, whether the “best poor-man’s country” was an island of calm in a sea of conflict.

We cannot generalize across either time or space about the nature of relationships between officers of the law and the populace, between neighbors, husbands and wives, masters and servants, or among the working classes, until we explore local records with an eye towards the nature of interpersonal violence. Lancaster County is not the only place one could choose to begin such an enquiry, nor is it necessarily typical of the other rural counties that might be selected. But every journey, however long, must begin with a first step; and the
surviving case papers and minute books of Lancaster’s Court of Quarter Sessions are a useful place to begin.³

Court records can help us identify the parameters of “acceptable” violence in a community and the frequency with which the limits of tolerated violence were transgressed. The stories told by complainants and defendants offer some insight to violent acts, their causes, functions, nature, and degree. The form and content of accusations reveal clues to the expectations of victims, what they felt compelled to “prove” in order to secure the sympathy, protection, and retribution of the law. Patterns of pleading and sentencing offer corroborating evidence of the community’s standards—whose interests the courts represented, whom juries believed, and what kinds of violence were taken seriously or ignored.

Victims told four different kinds of stories about the violence perpetrated against them in eighteenth-century Lancaster.⁴ While each of these types of interpersonal violence was distinctive in one or more ways from the others, they also shared qualities that distinguish eighteenth-century criminal prosecutions of violent crime from those of the antebellum era. Most often, the crimes of violence prosecuted in the eighteenth-century courts were socially vertical—they involved people of unequal social rank, including (1) masters and servants, (2) husbands and wives, and (3) citizens and officers of the law.

These three categories of violent acts constituted either an expression of power—a master beating a servant, a husband his wife, a constable clubbing a prisoner—or a challenge to authority manifested as an assault against an individual or individuals, or an attempted rescue of a prisoner. Acts of violence that were extensions of authority were breaches of law only if they exceeded communal norms that defined the limits of violence against subordinates. One of the things that the courts were doing in these cases is determining what those limits were for eighteenth-century Lancaster. Challenges to authority were by definition illegal; but then again, the community, as represented by officers of the court and juries, recognized mitigating circumstances and degrees of offense.

A final category of interpersonal violence that came before Lancaster’s court of quarter sessions is (4) violence between individuals of equivalent social rank. This might be called “horizontal” violence to distinguish it from the other three types. Since the court routinely dismissed cases of horizontal violence involving two individuals, prosecuted cases are a guide to the limits of community tolerance for interpersonal violence. Similarly, we can see in the court’s reluctance to prosecute husbands who beat their wives, or masters who abused their servants and slaves, expressions of the community’s acquiescence in social relationships defined by the power of the fist. Both what the court did
with its authority and what it chose not to do offer clues to a culture of violence specific to this time and place.

Assault and battery was the charge most frequently brought before the court during the eighteenth century. No other type of case, violent or non-violent, came even close in the number of complaints, prosecutions, and convictions. There are sixteen years between 1729, when the county was established as a separate administrative entity, and the beginning of the American Revolution in 1776, for which surviving records permit meaningful quantitative analysis. Of the 613 cases recorded in the minute books of the quarter sessions court for those years, 279 (46%) were for crimes of violence; and 242 of the violent crimes were assaults (about 87% of the violent crimes).5

During the war years for which quantifiable records exist (1778–1783), violent crime represented about 32% of the cases before the court, a somewhat lower percentage than that for the colonial period. The number of crimes per year prosecuted during the war was significantly higher than in the colonial era (about 93 per year: 30 violent and 63 non-violent compared to 38 per year: 17 violent and 21 non-violent); but assaults constituted an almost identical percentage of the total violent crime before the court (89% during the war; 87% earlier). When the disruption of the war, population increase, and heightened sensitivity to disorder during the time of upheaval are considered, the increased prosecution of crime during the Revolutionary War is not surprising.6

Such changes in the number of prosecutions for violent acts could reflect the incidence of interpersonal violence during the war, a lower tolerance for disorder among law enforcement officials, or both. The court also devoted
increased energy to the prosecution of property crime, which apparently seemed even more threatening than violence to the social fabric of the community. We know from qualitative evidence that the war could serve as a pretense for unrelated violence, as in the case of John Allison, Jr., who was stopped in November 1778 by two men and a woman, and asked if he had taken an oath of loyalty to the states. Allison replied that he had no certificate on his person at the time, at which point his accusers grabbed him, threw him to the ground, tied him up, and robbed him of about $90 Continental money. The court found one of his assailants guilty of assault, and fined him five shillings plus costs.\(^7\)

During 1783, as the war came to a close, James Rogers did some drinking one night, began damning the Congress, and said “he fought for them, and they did not pay him, also damn[ing] Washington and the French, and hoped he would see the country under the King of England yet.” Hugh Kelly, who had also done a bit of tippling, responded that if Rogers felt like that perhaps he should apply to the King for his back pay. Rogers called Kelly a papist, and the fight began. Kelly, who received better than he gave in the fight, pressed charges against Rogers, but later changed his mind, telling the court that anything the judges did would probably only make matters worse.\(^8\)

We might suspect that Rogers and Kelly would have found something to fight about even had there been no war, or if Congress had been more forthcoming with back pay, but it also seems clear from the court records that the war heightened the frequency and perhaps even the degree of this kind of violence in ways that we might expect. This case, with the religious slur aimed at Kelly, also raises a question about the role of ethnicity in the interpersonal violence before the court. Although there was an ethnic dimension to some of
the incidents, the court records do not justify adopting an ethnically-reductionist explanation for assaults in eighteenth-century Lancaster. The violent crimes in which the ethnic origins of one or more of the principals is identifiable either from a surname—e.g., Murphy or Hitzelberger—or comments in the case papers, often show Irish and Germans as the victims of prejudice by Anglo-Americans. It is generally not possible to tell if the people in question were immigrants.9

There is no discernible sense in which people of Scots-Irish or Irish ancestry, two cultures often labelled as "more violent" than others, were responsible for acts of interpersonal mayhem disproportionate to their numbers in the population. In light of the fact that such people were likely to arrive in Lancaster as indentured servants, class and status—as much or more than ethnicity—may have contributed to acts of violence. This is not to deny that ethnicity played a role. On the contrary, it was one of an array of factors that were undoubtedly significant. But the ethnic origins of combatants were not necessarily causal; and the function of both ethnicity and race in violent encounters is not recoverable from the eighteenth-century records.

During the eight years immediately following the Revolutionary War (1784-1791), the court continued to receive about the same number of violent crime complaints per year (27 compared to 30 during the war), which accounted for slightly more than half (52%) of the court's business. The number of cases of non-violent crime heard by the court returned to about the pre-war level (24 compared to 21). The major change after the war was in the relation between assault and other violent crimes. Whereas assault had represented 87% of the violent crime during the colonial era and 89% during the Revolution, in the eight years following the war it was only 43% of the violence before the court. In part, this change in the ratio between individual and collective violence was a reflection of a decline in the number of acts of individual violence per year heard by the court (15 during the colonial era, 22 during the war, 12 after the war).

The total number of cases per year heard by the court during the last seven years of the century (1794–1800) returned to the high levels of the war-time period (95 compared to 93). The percentage of cases that involved violence was comparable to the rest of the century (45%). Individual assaults represented 68% of the violent crime, which was considerably higher than during the eight years that immediately followed the war.

So the quantitative evidence suggests both continuity and some change over time in the frequency of prosecution for violent crime in eighteenth-century Lancaster. Questions about the relationship between rates of prosecution and incidence of violent acts are no more easily answered from Lancaster’s
Table 1

Violent Crime, Lancaster Court of Quarter Sessions

<table>
<thead>
<tr>
<th></th>
<th>1729–1775</th>
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<th>1784–1791</th>
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<th>1794–1800</th>
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<tr>
<td>Assault and battery</td>
<td>242 (39%)</td>
<td>Assault and battery</td>
<td>133 (24%)</td>
<td>Assault and battery</td>
<td>92 (23%)</td>
<td>Assault and battery</td>
<td>208 (31%)</td>
</tr>
<tr>
<td>Violent crime (including A &amp; B)</td>
<td>279 (46%)</td>
<td>Violent crime (including A &amp; B)</td>
<td>179 (32%)</td>
<td>Violent crime (including A &amp; B)</td>
<td>216 (53%)</td>
<td>Violent crime (including A &amp; B)</td>
<td>303 (43%)</td>
</tr>
<tr>
<td>Other crime</td>
<td>334 (54%)</td>
<td>Other crime</td>
<td>379 (68%)</td>
<td>Other crime</td>
<td>191 (47%)</td>
<td>Other crime</td>
<td>363 (55%)</td>
</tr>
<tr>
<td>Total</td>
<td>613</td>
<td>Total</td>
<td>558</td>
<td>Total</td>
<td>407</td>
<td>Total</td>
<td>666</td>
</tr>
</tbody>
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It seems likely, however, that Lancaster's judicial officials were prone to the same political pressures and fears that waxed and waned throughout the region and, late in the century, across the nation as well. But we cannot tell whether fluctuations in prosecution rates reflected real changes in the frequency of criminal acts, greater fear of disorder, or both.

We can say that, expressed as a rate that takes increased population into account, the prosecution of individual acts of violence actually declined over the course of the century. But given the vagaries in population figures, uncertainty about what rates of prosecution actually reveal about the incidence of crime, and the number of assaults that in all likelihood did not appear before the court, it is by no means apparent that Lancaster was a "less violent" place in 1800 than it was seventy years earlier. We are also left with the problem of extrapolating from violence that came before the court to the now invisible violence that did not. We must try, then, to reason from court cases to the experiences of those such as African-Americans, who seldom appeared before the court.

The differences between violence involving dependent whites and blacks would include, of course, the fact that over time race transcended class as a
status discriminated against by the courts; but in the eighteenth century all black residents of the county were poor, and therefore dependent. As Merle Brouwer rightly reminds us, "the assumption running throughout the legislation of eighteenth century Pennsylvania was that the negro's blackness predominated over any degree of freedom he might have been granted. Even though he was free, he was still inferior before the law." There is every reason to believe that the interpersonal violence, which was so frequently suffered and perpetrated by dependent whites during the eighteenth century, was at least as common in the lives of African-Americans. It was simply ignored by courts in cases where blacks were the victims, or where the mayhem was confined to servants and slaves.¹⁰

The courts were very reluctant to become involved in family violence in any event, and violence against servants and slaves was treated as a parallel case to that of husbands and wives, or, more precisely, parents and children. Not a single case of parental child-abuse came before the Lancaster courts during the eighteenth century. From what is known about the incidence of violence against children across time, the absence of such cases almost certainly reflects norms against governmental interference in the family rather than the total lack of life-threatening force used against children.¹¹

White women constituted about one-third of the victims of violent crimes prosecuted in Lancaster's quarter sessions court during the eighteenth century. Some of this violence against women was random, enough to create justifiable fears at the time and to challenge long-enduring myths about the comparative tranquility and safety of pre-industrial societies. In one of the cases, a woman charged a man of mixed white and African heritage with the crime, which provides one of the very few images of a violent black person from the court records.

The judges and spectators listened as Lydia Brinton, a white woman, told the story of her ordeal on the evening of January 30, 1798. Her husband was away on business that night, so Brinton was locked in her house with her infant and her servant, Lydia Davis. Sometime between midnight and 3 a.m., a man climbed through the kitchen window, forced the bolt on the storeroom door, entered the pantry, and then broke down the interior door to the house with a club.

The servant, who was already awake attending to the needs of the baby, ran upstairs in a fright and hid under a bed. Brinton, who was by now sitting up in her bed on the first floor, saw the man approaching with the club still in his hand. As she told the story, he walked towards her, shook the weapon over her head, and threatened to knock her brains out. Brinton recalled in the courtroom how she had begged for her life and that of her child.
It seems in retrospect that the threats by the club-wielding intruder were intended to quiet and incapacitate the woman, for the man then withdrew to the kitchen, where there was an accomplice gathering those items of food and sundries that were the real object of the break-in. While the man with the club was engaged in the kitchen, Brinton ran upstairs and locked herself in another room. Eventually the burglar sought her out, broke down the door, thoroughly frightened her again, at which point she told him that the servant girl had gone for help (untrue, for Lydia Davis was still cowering under a bed) and that neighbors would arrive shortly. The thieves then left without any further threats and no physical violence perpetrated against the inhabitants of the household.

The problem was, from the court’s point-of-view, that although Lydia Brinton said her assailant was a mulatto, and even though she tentatively provided a name, she was not at all certain who the man was. When the sheriff brought the accused man before the court, Brinton became unsure it was he. Despite her close encounter with the intruder on two separate occasions the night of the break-in, her fear, perhaps her lack of acquaintance with African-American members of the community, and possibly her inability to distinguish among people of a different race prevented Brinton from fingerling the guilty party. She apparently believed that she had seen the perpetrator before, but when, under what circumstances, and who he was she could not say.¹²

In another case of allegedly random violence, Ann Jacobs told the court that she was alone on the night of February 4, 1754, when a man tried to force her locked door, broke a window, entered her house, struck her with a horse whip so violently that he broke the whip, and then robbed her of some cash and possessions before taking his leave. A similar sort of burglary left Mrs. Mathias Ipe dazed and injured on the floor of her home during 1776; and a mugger injured Mrs. George Bender on the streets of Lancaster in 1799. In the same year, a naked lunatic frightened and harassed an unspecified number of Lancaster women by breaking into houses and confronting them with threats and lewd comments. In this last case, for some unfathomable reason, it took authorities about a year to figure out who it was and ship him off to Philadelphia.¹³

Since only complaints that identified the perpetrator created a documentary record in the eighteenth century, and since the court’s protection was inaccessible to black women by law prior to 1780—and probably by habit and tradition to laboring-class whites and blacks for some time thereafter—it is likely that only a fraction of Lancaster’s random violence can be ascertained. But enough evidence survives to demonstrate that not even women of property and standing, women who enjoyed the full protection of the courts, were immune to
the fear of random attack, and even to the actuality of violence in their own lives.¹⁴

A much higher percentage (three-quarters or more) of the violent crimes against women were not random, then as now, in the sense that the perpetrators were known to the victims—husbands, fathers, masters, male acquaintances, and even a steady, but small, percentage of assaults in which other women were the attackers.¹⁵ Not only was the violence against women acted out by male acquaintances more frequent than that committed by strangers, but it tended to be more brutal as well. In this society with its paternalistic ideal of men as defenders of the physical welfare and virtue of women, it was the “protectors” who most often brutalized their charges, within both the biological and the extended servant family. But since custom and law recognized the inferior position of women in authority relationships with men, the courts were reluctant to interfere unless there was a demonstrated threat to life.

Evidence for this conclusion comes both from the patterns of conviction and sentencing—the courts would rarely judge against a master or husband merely for brutalizing a woman’s face, breaking a bone, or drawing blood in the course of physical abuse—and from the nature of women’s pleas to the court. The formulaic plea in a wife-beating case was drawn from the English medieval tradition, that the husband “did beat, wound, and evilly treat, so that the life of the said [blank space left in form for name of wife] was despaired of.”¹⁶ A woman knew well from custom and perhaps personal experience that the court was interested in nothing less violent than the formula, and was likely not to take her seriously in any event.

The court did fine Jacob Simony $.06 for beating and attempting to choke his wife Eve in 1787. The court was interested in hearing about Peter Hitzelberger assaulting his wife Mary Ann in 1774 only because she was pregnant at the time and argued that the beatings threatened not only her life, but the life of her unborn child. The court required that Mr. Hitzelberger put up a bond for his good behavior during the remainder of the pregnancy. After that, one can infer, his wife was on her own. The details of the vast majority of wife-beating cases that appeared before the court are unknown; but it seems likely that the pattern of refusals to prosecute and the light fines in rare instances of conviction, which appear in every year and almost every session, conform to the basic pattern found in those cases for which information survives. A demonstrable threat to life, a breach of the peace of the neighborhood, or some other extenuating circumstance was necessary to warrant interference in such a “private” matter during the eighteenth century.¹⁷

White servant women who were the victims of violence by white males—and, by implication, black female slaves and servants as well—fared no better
before the court than battered wives. In January 1756 Elisabeth Shafer ran away from her master, who had just violently beaten her, and filed a complaint with the local justice of the peace. After listening to her story, the justice sent for the master, John Walker, instructed the servant to go with her master, and bade Walker to keep her “in a better manner of clothing.” On the road home, as Shafer later told the court,

it being night, we lost our way, there being another man along with us, it being very dark, my Master sent the other man away to seek for the road, the man being out by an hour, in the meantime my Master took hold of me in an unchaste manner and was willing to force and ravish me uncovering me shamefully, but finding me too strong and I making noise he pulled off my petticoat and so I most naked escaping out of his hand running up a hill, in the meanwhile the other man came back again and it being night and very dark I was forced to go home with him till I could make my complaint.

The notation on the deposition is “disregarded”; in other words, the court saw no cause in light of Shafer’s testimony to proceed against her master.\(^\text{18}\)

Likewise, the court took no action against John Rees, who, in a fit of temper, grabbed Rebecca Catharina Peabern by the head and, according to her
testimony,
pushed it against a pair of shears so that my blood immediately run and had a great mark of it on my head and after that my master and mistress did both begin to strike me. My master had a horse whip and my mistress took a big stick and striked so long upon me so that I fell upon my knee and begged of them for God sake to leave off for I was most afeared that they would not leave off because they striked so long until the wasteshirt thereof [sic, tore off?] and I was black and blue over my arm and shoulder [so] that I was obliged to go to Doctor Reeger and get cured, but could not get cured right because my arm and shoulder was split too much so that I can not do any hard work.

The court declined to prosecute Peabern’s master or mistress for beating her so brutally despite her eagerness to display wounds for the judges.¹⁹

Since blacks were denied by law the right to testify against whites prior to 1780, and by tradition for some time thereafter, assaults similar to those against Shafer and Peabern involving a black servant or slave would not even produce a documentary record during the eighteenth century. Such violence against African-American women at this time is thus invisible to the historian, but was certainly a part of the lives of black servants and slaves totally disregarded by the judicial system. This includes violence by masters and members of their biological families, white servants, other members of the white community, and assaults committed by blacks against their own families, friends, and working acquaintances.

The court’s reluctance to prosecute men for violence committed against women was not limited to cases in which the victim was a dependent of the alleged perpetrator of the act. In general, the court apparently measured accusations against the innate credibility of the witness as defined, at least in part, by gender, class, and race. A laboring-class woman had two strikes against her (class and gender) in the eyes of the propertied white, male court, all of whom had servants and/or slaves of their own, and who harbored their own opinions about the veracity of dependent peoples.

A servant woman who accused a white man of any rank of a violent crime against her, and who had no corroborating witness, or whose witnesses shared her disabilities of gender and/or class, was met with disbelief. The evidence of her wounds was not enough to convince the court that they were suffered in the manner alleged, and at the hands of the man she accused of the act.²⁰ Indeed, in the eyes of the court, assaulting and/or raping a dependent woman may not have seemed criminal unless there was evidence of a threat to life, in which case visible wounds or supporting witnesses would be beside the point. Two
witnesses to a tolerated act do not transform it into an intolerable crime, whatever legislative enactments might say.

Margaret Harbor testified in 1777 that Philip Stone slapped her around, threw her on the ground, and attempted to rape her. She fought him off for awhile, and then "begged and promised him [that] if he would let her up she would do his will." When he complied with Harbor’s plea, she ran from the woods to an open field where men were at work, and asked for their help. Instead of saving her from Stone, according to the complainant, they gang-raped her. The court found Stone guilty of assault and battery, and fined him ten shillings. The court decided not to prosecute the others. It is likely that the conviction of Stone for the lesser offense of assault and battery was, at least in part, because another woman had accused him of attempted rape the year before. Even though he was not convicted in the earlier case, the first charge may have given the second one greater credibility in the eyes of the jury.21

It is difficult, of course, to know whether one factor weighed more heavily than others when women testified in court. Gender, class, a resulting lack of confidence and skill at playing a man’s game with rules that they may not even have known, and a general lack of supporting witnesses all worked against the complainants. No one factor alone accounts for the patterns of prosecution and conviction. We can reason from the wife-beating and random violence cases that women had a difficult time gaining the confidence of the court even when the victim was the wife of a white property-owner and the accused was a working-class man. So class alone was not a determining factor.

The extremely small number of eighteenth-century cases in which white male servants charged masters with excessive violence shows that gender alone is not a sufficient explanation for the court’s reluctance to interfere in such “private” matters. When John Geigle complained that his master struck him on the head with a rake, until “the blood run down,” and then on another occasion hit him with “a great stick on the head, that the blood abundantly run down, that your petitioner was forced to shave his head to have the holes heal,” the court was not interested. Perhaps male servants were better able to defend themselves against the assaults of masters, resulting in fewer cases of abuse. Possibly male servants knew that the court would be even less concerned about their physical well-being than it was about female servants. In any event, Geigle was one of only a handful of male servants to bring such charges before the court. And, there is no surviving evidence in the quarter sessions records that a male servant ever escaped his indenture in eighteenth-century Lancaster because of physical abuse by his master.22

Violence in the agricultural workplace was extremely common during the eighteenth century, and farm work was the predominate occupation of free
blacks and slaves in Lancaster county. Again, however, court records mask the ways that servants and slaves participated as victims and perpetrators of assaults. Harvest time in particular brought out the violent passions of farmers.

A lone slave emerges from the eighteenth-century records of the quarter sessions court in one of these violent agricultural settings, but only as a supporting character in a larger conflict among whites. The case came before the court in 1780. Thomas Patton, Sr., his son, and his slave were helping to harvest a field of wheat owned by William Henry. Patton had probably either sold or traded their labor during this season of intense work. Sometime shortly before noon, the slave lost his sickle. When the reapers stopped for dinner, they searched unsuccessfully for the tool. After consuming the food and quaffing the alcoholic beverage that surely accompanied it, Henry's son fetched another sickle and they all returned to their work. The sons of Henry and Patton labored together some distance from the others. Samuel Henry suggested that the slave stole the tool. Offended by the charge, Thomas Patton, Jr. called Henry a liar, and they came to blows. Patton apparently got the better of young Henry, knocking him down twice and beating him severely about the ear, but they both suffered superficial facial injuries. William Henry (the father) eventually pulled the boys apart, and the matter seemed to be settled.

At day's end, Patton, Sr. noticed his son's wounds, and asked him what happened. When told the story of the affray, he, too, was outraged by the attack on the honor of their family, and vowed to thrash both of the Henrys. The Pattons and their slave then marched up to the Henrys' house, where the elder Patton seized the owner and "beat him in a severe manner." Meanwhile, Patton, Jr., his sister Rebecca (who may have been working all day with the men), and the slave chased the younger Henry to an island in the stream, where they beat him and then dragged him back to shore, at which point Patton, Sr. joined them in abusing the boy further. The Pattons and their slave then broke down the Henrys' door; Patton, Jr. seized the elder Henry by the throat, beat him up one more time, and then for good measure the slave beat up Henry's wife Agnes as well.

The court took this case very seriously compared to other instances of individual and collective assault during this period, and assessed heavy fines on each of the Pattons and their slave. Primary responsibility was placed on Thomas Patton, Sr., whom the court fined £60 plus court costs in addition to the total of £25 plus costs levied against his son, daughter, and slave. The peculiarities of this case, which led the court to respond with greater disdain than usual for violent acts, include the fact that the assaults were on people of property rather than unpropertied "laborers," who were the usual perpetrators and victims of interpersonal violence throughout the eighteenth and antebellum-
nineteenth centuries. The degree of injury sustained by the Henrys may have been a factor lost to us, since we can only imagine the impression given by this battered family as they stood before the court. But we know from other cases that judges and juries were generally more interested in the class and status of the victims than in the degree of injury sustained.

The un-named slave is also of interest. Perhaps he really did lose the sickle on purpose, to avoid work or to reclaim the tool later for possible sale. If so, that tells us a little about this one black man’s attitude toward his status, his labor, and the white men with whom he toiled. But we cannot really know the story of the lost tool. Certainly, as a lone slave among white men, he had a working relationship much closer to whites than did African-Americans who labored beside other slaves in the plantation South. Whether this bred a greater closeness to whites and less bigotry towards blacks, or simply provided more opportunities for whites to display racial intolerance and contempt, we cannot know; but the record suggests that the slave engaged in violence initiated by his white owner with a passion that may reveal loyalty, enjoyment of a good fight, repressed hostility that he projected onto the Henrys, a personal grudge perhaps born of the accusation of thievery against him, or some combination of all these inspirational motives. In any case, the slave provided those Lancastrians who knew of the case with one example of a black man’s capacity for violence within his status as slave.

The causes of harvest-time violence are usually not clear. John Atkinson claimed, for example, that he was simply walking down the road in June 1744 past where Hugh Killgroass was reaping wheat. According to the deposition, Killgroass started verbally abusing the passer-by, and then “turned the back of the sickle he had in his hand to strike the said Atkinson,” who fended off the blow with his walking stick. Surely, something significant is missing from the clerk’s account. Did Atkinson refuse a request for help? Was there an earlier, unresolved dispute? Was the violence random; did Atkinson taunt the laborer; or was Killgroas simply in a bad mood? We cannot tell from the deposition, and apparently neither could the judges, who simply dismissed the case.

In addition to domestic violence, muggings, sexual assaults, workplace fights, and bar-room brawls, Lancaster suffered its share of bouts between neighbors, citizens who cast their votes with fists as well as ballots on election day, attacks on and by strangers travelling through on the highway, and a large number of assaults that are simply not explained in the court records. Challenges to the authority of sheriffs and deputies were also quite common. Constables could not routinely expect that a verbal or written expression of authority would result in compliance, at least in this county, during the eighteenth century. Lancastrians had a strong sense of their rights, demanded
to see a warrant if the sheriff wanted to take them or their property, and often resisted even when such a document was produced. When Sheriff Peter Rowe tried in 1788 to arrest John Offner on a warrant executed by Justice of the Peace Michael Hubley, Offner resisted and instructed the sheriff to "tell old Squire Hubley the old damned rascal to mind his own business and not mine, and tell the old bugger, the damned old rascal, that he may kiss my arse."  

Tradesmen, artisans, farmers, and laborers often respected neither the men who were the constables nor the offices that they held. Size and strength, not character and brains, were the primary qualities brought by the constabulary to their duties; and working-men frequently measured their chances in a fist-fight with the officer in making a decision about whether to comply with the law. When Constable Samuel McClellend arrived at Michael Copp's inn with summonses for the appearance in court of two wagoners who were staying there, he was not received with respect by the teamsters or other patrons of the road house. One of the guests saw the constable approaching, stood in the doorway blocking his entrance, and told McClellend that if he tried to enter the house he would "beat his brains out." When the constable responded that he had a warrant, the teamsters appeared at the door armed with pistols, tomahawks, and fireplace tongs, and declared that "before they would be taken they would kill or be killed." Another patron of the establishment joined them, carrying an axe, and threatened to use it if McClellend did not leave the premises immediately, which he did.

The law officers were certainly capable of using force themselves in pursuit of their duties. Anticipating trouble, three constables showed up at Jacob Knieve's house with a warrant for his arrest in 1792. Two of the deputies carried pistols extended before them and the third hefted a club. Knieve declared that he would not be taken, because he did not believe they had a lawful warrant; and he was not impressed when one of the constables displayed a piece of paper, which he claimed justified Knieve's arrest. Knieve used an axe to hold off the lawmen and somehow got away from them, but was taken in a brawl later that day in which Knieve and some friends engaged in hand-to-hand combat with the constabulary.

Lancastrians often resisted officers of the law who attempted to take possession of personal property in settlement of a debt case; and lawmen could not count on receiving assistance from citizens whom they attempted to deputize for the purpose. It was a crime to refuse such a request during the eighteenth century, but that made little difference to people who had their own sense of what was right, regardless of statute or common law. Deputy Frederick Bullman brought an axe along in 1770 when he went to seize some property.
belonging to Lazarus Stewart. Stewart wrestled the axe away from him and beat the lawman over the head a couple of times. A crowd watched the exchange and refused to aid the constable, despite his demands for help.  

In a number of cases there is the implication that the population had a low opinion of the constables' integrity. There are several charges against deputies and sheriffs for unlawful assault, and prosecutions for dereliction of duty were not uncommon. Extortion may also have occurred on a regular basis. In 1798, for example, Thomas Flanagan complained to the court that Deputy Owen Jordan came to his house in the morning and said that he had an execution against Flanagan for a debt. This apparently was untrue, but Flanagan was illiterate and could not tell whether the paper Jordan waved was what he claimed it to be. Somehow Flanagan got the impression that the whole thing might be forgotten if he treated the constable to a drink. So the two men walked some distance to Franciscus's Tavern, where Flanagan proceeded to buy the law officer three gills of whiskey, and where another man treated the constable to an additional pint. At one point, Jordan "gave examinant [Flanagan] his hand he would not tell Green [the complainant in the suit] he was in town, but immediately after went and told Green to take out an execution against him."

The deputy showed up again later at Flanagan's house, this time with a genuine legal document ordering the confiscation of goods to the value of the suit. One of the items that Jordan took was Flanagan's axe, at which point the constable swore that he could lick him or any other Irishman in the county. In a rage, Flanagan grabbed the axe out of the deputy's hands and bashed him on the head with the blunt edge. In light of the circumstances, and no doubt in full knowledge that the constable was quite capable of such corrupt dealings, the court did not prosecute Flanagan. Perhaps figuring that Jordan had already received rough, but appropriate, justice for his behavior, the court did not bring charges against him either. Although violence against lawmen resulted in no deaths after the border war with Maryland in the 1730s, they took their lumps throughout the entire eighteenth century, with no obvious change over time.

The court had a limited range of punishments for crime in an era when incarceration was not a sentencing option. The Lancaster jail was almost exclusively a holding facility for those accused of serious crimes and those who had yet to fulfill financial obligations to the court. Those convicted by the court of quarter sessions were either sentenced to public humiliation and corporal punishment—time in the pillory and whipping—or were fined commensurate with the court's estimation of the seriousness of the crime. Those convicted of assault and battery were always fined, with the amounts ranging anywhere from one cent to £60 for a single violent act.
Judges routinely dismissed an increasing percentage of assault complaints—one-third during the colonial era, one-half by the end of the century. Consistently, though, the charges taken least seriously were those by wives and servants against husbands and masters, and all interpersonal assaults that occurred within the laboring classes. Court officials—judges and prosecuting attorneys—undoubtedly saw themselves as making rational prosecutorial choices weighed against a burdensome case-load, the credibility of complainants, and the seriousness of alleged violence to the social fabric of the community. And in their eyes, property crime generally took precedence over domestic and working-class violence.

If the court decided to prosecute alleged criminal violence, however, the defendant might as well take out his purse; and a high percentage of defendants did just that. Often protesting their innocence in a formulaic testament, about two-thirds of all defendants during the eighteenth century submitted to the court without a trial. What these defendants recognized was that their chances of being convicted in a jury trial were very high—75% in the colonial period, 90% during the Revolution, 76% after the war—and that if convicted in a trial both their fines and court costs would be significantly higher. The rational option, then as now, was the equivalent of a plea bargain, which ensured for most defendants something less than a crushing financial loss. As a consequence of the high percentage of convictions and guilty pleas, about 90% of those charged with an assault and battery ended up paying a fine. The
| Outcomes of Assault and Battery Cases, Lancaster Court of Quarter Sessions |
|----------------|----------------|----------------|----------------|----------------|----------------|
| 1729–1775 | Jury trial, guilty | 39 (16%) | Jury trial, not guilty | 13 (5%) | Default (non-appearance) | 14 (6%) | Submit to court | 95 (39%) | Ignoramus (not prosecuted) | 69 (29%) | No indication in records | 12 (5%) | Total | 242 (100%) |
| 1778–1783 | Jury trial, guilty | 9 (7%) | Jury trial, not guilty | 1 (less than 1%) | Default | 0 | Submit to court | 65 (49%) | Ignoramus | 28 (21%) | No indication | 30 (23%) | Total | 133 (100%) |
| 1784–1791 | Jury trial, guilty | 9 (10%) | Jury trial, not guilty | 5 (5%) | Default | 0 | Submit to court | 30 (33%) | Ignoramus | 35 (38%) | No indication | 13 (14%) | Total | 92 (100%) |
| 1797–1800 | Jury trial, guilty | 19 (14%) | Jury trial, not guilty | 6 (4%) | Default | 0 | Submit to court | 19 (14%) | Ignoramus | 81 (57%) | No indication | 16 (11%) | Total | 141 (100%) |

Highest conviction rates came during the Revolution (98% either found guilty or submitted), with a fairly consistent rate throughout the rest of the century (91% during the colonial period and 87% after the war).

The statistics tell only part, and in some senses even a misleading part, of the story. Data distilled by the historian two centuries after the fact provide some insight to the cumulative process of administering justice in this one community, and a number of clues to the values and prejudices that shaped judicial decisions. Tables and quantitative analyses are notoriously unreliable, however, for getting at the perceptions of historical actors themselves. And the historian must also use court records with caution, as David Hackett Fischer has
recently reminded us, because in the past as in the present the business of the court does not necessarily represent a cross-section of social experience.\textsuperscript{33}

Balancing one type of source against another is a better guide to the variety of truths about any community. The stories told by victims in Lancaster's courts bring us closer than the statistics alone to local cultures of violence; provide a fuller picture of comparative values and experiences across class, gender, racial, and ethnic lines; but still merit care lest we mistake the part for the whole. In all likelihood, not all husbands mercilessly beat their wives, nor all masters their servants and slaves; but we lack the sources that would allow us to generalize in such ways.

The records do suggest that interpersonal violence was commonplace in the homes of laboring-class people and in the workplace during the eighteenth century, and that the community through its courts was resigned, if not supportive, of using violent force as a method of discipline and as a form of recreation. This is important to know because it challenges casual assumptions about the role of urbanization in the enhancement of violence. Knowledge about eighteenth-century violence also confronts mythological images of the tranquility of pre-industrial life. It provides a foundation for examining nineteenth-century court records, which suggest that the community's tolerance for violence was lower and its faith in the capacity to "reform" working-class life was higher than in the colonial era. And the eighteenth-century records furnish essential contexts for understanding local relations across lines of authority, in which race played an increasingly more visible role over time. There is no point to exaggerating the violence in the records, and it would be a mistake to claim that the entire community endured and perpetrated violence in similar ways. But it is better to let the stories by victims and practitioners of violence speak for themselves, and to seize the rare and exceptional voice for all that it may tell about the countless other voices that left no record at all.

Collectively, the stories told in the eighteenth-century court records reveal that much, and perhaps most, of the interpersonal violence that took place in the region was somehow associated with consumption of alcohol. Either blows were exchanged in a tavern, started as an argument about sharing or paying for liquor, or involved one or more drunken combatants. The court seldom tried to sort out guilt from innocence in fights of this sort between two people. Judges could tell who lost the fight from the physical evidence of bruises, broken bones, and scars, and because the loser was inevitably the prosecutor of the case. But the judges generally threw up their hands at sorting out who said what to whom, and who threw the first punch. A free black man stabbed by an Irishman during a fight had his complaint thrown out of court. Perhaps it was because of the plaintiff's race, but the dismissal was consistent with other similar cases, where the class of combatants, the eventual full recovery of the
complainant, and the fact that the dispute occurred in a bar were enough to keep the court from getting involved.\textsuperscript{34}

The exceptions to this laissez-faire rule were remarkable for the degree of violence and/or the numbers of people involved in the brawl. Benjamin Williams and Henry Seeger were brought before the court in 1788 after they engaged in a fight at a tippling house. Originally, there was no charge against either one; the judges apparently wanted to hear their stories and those of witnesses before deciding who was to blame. What may have caught the judges' interest here is that in the course of the fight, the middle finger of Williams's right hand was "bit entirely off," and the better part of Seeger's nose was likewise detached from his face. The loss of digits and olfactory organs was not as common a consequence of fights in Lancaster as on the frontier and in some areas of the South during the eighteenth century.\textsuperscript{35} So the degree of violence made this case remarkable, as did, no doubt, the physical appearance of Seeger and Williams (whose forefinger and thumb on his left hand were also "badly bit").

The way in which the judges sorted out the case is also of interest. Supporting testimony indicates clearly that Seeger was the provocateur and that, on the whole, Williams had suffered the most severe injuries. And yet, the court found Williams guilty of assault and fined him £35, while setting Seeger free. The explanation seems to be that Williams was a "stranger" in the county, which left him without connections or an established character. No doubt the court hoped that a heavy fine coupled with the thrashing Williams had suffered at the hands of Seeger would be enough to convince the outsider to move on.\textsuperscript{36}

The timing of workplace violence, just as the bar-room brawls, often coincided with the consumption of alcoholic refreshments. After lunch, or late in the day, were the typical occasions for interpersonal combat during harvest time. This is not to say that alcohol was generally the cause, but it almost certainly was a contributing factor among workers who consumed what we would consider great quantities of liquor during the course of a workday.\textsuperscript{37} Often it seems that younger men, perhaps as a consequence of comparative lack of experience with strong drink in large doses, were more affected by the combination of sun, labor, and booze; but their elders also engaged in such violence, and then it was likely to get out of hand. This may help to explain the origins and degree of violence associated with the harvest-time battle discussed above between the Henry and Patton families.

Very few other blacks came before the court as either victims or perpetrators of violence during the eighteenth century. Only one person of African descent appeared in the Lancaster courts as a victim of violence—the black man knifed in a tavern, whose case the court dismissed. A number were defendants, generally charged with minor thefts, and only the two mentioned above—the
Patton's slave and the mulatto suspected of terrifying Lydia Brinton and burglarizing her home—were accused of committing violent acts against whites. All of this is consistent with the status of African-Americans as a subservient people. To gain retribution against slaves, a white man did not need the sanction of the courts. Violence committed by blacks was probably also handled less formally, or in the special "Negro courts," for which no records survive. With the gradual abolition of slavery in Pennsylvania after 1780, the increase in numbers of free blacks, and the growing integration of African-Americans into the local economy, all this would change over time. But as the eighteenth century drew to a close, the picture of African-Americans that emerges from the court records is one of an almost invisible race. The exceptions were the few cases of blacks committing violence against whites, or the more common, but still statistically rare, example of a black man or woman stealing from a middling-class white.\(^{38}\)

This is not to suggest that Lancaster County was any more or less violent than elsewhere in eighteenth-century America. Lack of comparable research limits systematic comparisons of that sort with other rural counties in Pennsylvania or across the Maryland line.\(^{39}\) Elsewhere, too, violence surely functioned as an extension of social power, as a means to challenge authority, and as a way of venting rage accumulated in the course of a workday or a lifetime. In Lancaster, as in other places and at other times, the line between the victims of violence and the victimizers is one laden with meaning, and yet less obvious than it may seem on first glance. The wife beaten by her husband, as perhaps she had been beaten by her father and/or mother, undoubtedly extended the chain of violence in the disciplining of her children; and yet, not a single case of child abuse appears in the county court records before the century turned. Not one case even hints at the physical abuse of slaves or the battering that African-Americans may have heaped on their own children in return. Still, it would be a mistake of monumental proportions to presume from the absence of evidence that children and slaves were not also the victims of wife-beating husbands, servant-abusing masters, and bar-room brawlers who do appear in the records. One can safely infer that the uncaring attitude of the courts towards domestic violence had significant consequences in shaping patterns of conflict over time.

Notes

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3. On the question of Lancaster County's typicality, see Slaughter, "Crowds in Eighteenth-Century America."

4. All references in this chapter to Lancaster's eighteenth-century courts are to the court of quarter sessions (LCQS). Records for other judicial tribunals have not been found. Lost on either side of the quarter sessions court are cases of both a less serious nature, generally civil suits, and those of greater seriousness. In the nineteenth century, for example, records survive for Lancaster's mayor's court and its court of common pleas. Also missing for most of the eighteenth century, but available for the antebellum nineteenth century, are records of the court of oyer and terminer, which was the court of quarter sessions meeting in special session to hear cases of a more serious nature. The earliest oyer and terminer records are for 1792. Capital cases did not come
before the quarter sessions court, so for the eighteenth century the most serious violence is under-represented in the records examined for this chapter. What we must assume, therefore, is that Lancaster was a more violent place than the minute books, case papers, and indictments of the court of quarter sessions reveal.

5. Minutes are recorded for each of the four yearly sessions of the court for sixteen years during the colonial period—1743, 1747, 1750, 1754, 1757, 1758, 1759, 1761-1764, and 1771-1775. The ratio between violent and non-violent crime during this period is perhaps best presented in three groupings: 1743, 1747, 1750, 1754, 1757, 1758, 1759 = 111 violent crimes, 110 non-violent crimes; 1761-1764 = 82 violent crimes, 83 non-violent crimes; 1771-1775 = 86 violent crimes, 141 non-violent crimes. Case papers exist for other years and provide qualitative information about some cases, but are not adequate for making quantitative statements about the sessions and years for which minutes are missing or were not kept.

6. There was a perceptible rise in the number of crimes prosecuted per year during the colonial period. During the 1740s and 1750s, the court heard an average of 32 cases per year, of which 16 involved violence. During the 1760s, there were about 41 cases per year, of which 21 were for violent crimes. During the five years preceding the Revolution, the court heard 45 cases per year, of which 17 involved acts of violence.

The question of the rate of criminal prosecutions—the number of cases measured against the population—is a significant, but difficult one. Population figures for the eighteenth century are, at best, approximate, which makes statistics derived from them unreliable. James T. Lemon estimates a 1758-1759 Lancaster population of 26,000, with a rise to about 47,000 by 1782. The division of Dauphin from Lancaster County also complicates the population question. For the rest of the century, it is likely that the population remained stable or even declined somewhat. In the face of such estimates, the slight rise in the number of prosecutions per year between the 1740s and mid-1770s would actually represent a per capita decrease in the rate of prosecuted crime. The rates for the 1780s and 1790s bear no obvious relationship to changes in the numbers of people living in the county. James T. Lemon, The Best Poor Man's Country: A Geographical Study of Early Southeastern Pennsylvania (New York, 1972), 79 and passim; Evarts B. Greene and Virginia D. Harrington, American Population before the Federal Census of 1790 (New York, 1932); William S. Rossiter, A Century of Population Growth from the First Census to the Twelfth, 1790-1900 (Washington, D.C., 1909); U. S., Bureau of the Census, Historical Statistics of the United States, Colonial Times to 1957 (Washington, D.C., 1960); John L. Andriot, comp. and ed., Population Abstract of the United States (McLean, Va., 1980).

7. Statement of John Allison, November 9, 1778, LCQS, case papers, filed in box labelled 1779-1782.

8. Statement of Hugh Kelly, December 1783, LCQS, case papers. For a similar fight, see the statement in the case of Peter Gotshalk and others, LCQS, case papers, July 1780.

9. One might also wonder about the religious dimensions of violence, especially in light of Philip Greven's pathbreaking suggestions in The Protestant Temperament and Spare the Child. Unfortunately, for this time and place the records do not permit an inquiry into the religious affiliation, if any, of the people brought before the court as perpetrators and victims of violence.


11. New England courts were more intrusive in family violence during the eighteenth century, which was undoubtedly a survival of seventeenth-century Puritan values. Elizabeth Pleck finds the privatization of the family, with an accompanying reluctance of state officials to interfere in domestic violence, in
New England by the 1830s. Such privatization is apparent in the Lancaster records one hundred years earlier. Pleck, *Domestic Tyranny*, 6, 8, 12, and passim. See also, Demos, "Child Abuse in Context."

12. LCQS, case papers, indictments, January 1798.

13. LCQS, case papers, 1754, 1776, 1799.

14. In addition to above cases, see LCQS, case papers, 1795, 1796.

15. During the 1740s and 1750s, for example, twenty-one of the fifty-nine victims of assaults identified in the records (36%) were women. This ratio apparently remained stable throughout the century. Unfortunately, most victims are not identified in the records, but identification seems random in the sense that some clerks recorded victims' names and others seldom entered the names of victims. See also, G.S. Rowe, "Women’s Crime and Criminal Administration in Pennsylvania, 1763–1790," *PMHB*, 109 (1985): 335–368.

16. Forms in LCQS case papers for most years of the eighteenth century.

17. LCQS, case papers, 1774, 1787, 1795; minute books, passim.

18. Petition of Elisabeth Shafer, February session, 1756, LCQS, case papers.

19. Petition of Rebecca Catharine Peaberen, February session, 1757, LCQS, case papers. The spelling of the complainant’s name here, and in some of the other cases, has at least two variants in the records. I have used them both here, one in the text and the other in the note, for the purpose of assisting those interested in tracing the complainant in other sources. See also, the complaint of Anna Margareta Schultz (also Shults) against her master, LCQS, case papers, February session, 1754.

20. The word of such women was generally sufficient in fornication and bastardy cases, where the community had an obvious stake in identifying a man, any man, who could be held liable for the costs of raising the bastard child. Despite frequent pleas of innocence, men accused in such cases were almost always found guilty.

21. Testimony of Margaret Harper, LCQS, case papers, 1777 (filed in box labelled 1779–82); indictment of Philip Stone, February 1776, LCQS, case papers, 1776. See also, King v. Peter Myers, February 1758, LCQS, case papers; testimony of Mary Foghterin, LCQS case papers, October 1768.

22. Petition of John Geigle [or Guible], February session, 1755, LCQS, case papers. See also, the Commonwealth v. Jacob Myers, August 1797 session, LCQS, case papers.

23. LCQS, case papers, 1780. The fines assessed against the slave were the same as those against the younger Patton and his sister, £5 per charge for each assault.

24. LCQS, case papers, 1745, deposition of John Atkinson.

25. See, for example, deposition of Archibald Lenegan, LCQS, case papers, 1798 (feud between neighbors); case of Engelhart Brown, 1774 (sodomy on two boys by school teacher); deposition of Martin Capp, no date (unprovoked assault by teamsters passing through); deposition of David Miller, 1800 (polling-place violence); complaint of Charles Hamilton, 1789 (assault and theft). For cases of assault in which the causes and contexts are unexplained see, for example, examination of Bernard Jacobs (1768), William Hains (1769), John Whitsile (1770), William Cooper (1770), Thomas Patton (1775), Jonas Herman (1775); complaint of Martin Meyer (1770), Daniel Hamilton (1772), John Borigh (1773); King v. Adam Hoope (1758); information of John Browner (1774).

26. Statement of Peter Rowe, LCQS, case papers, 1770.

27. Evidence of Samuel McClelland and statement of Martin Capp, LCQS, case papers, no date.

28. Case of Jacob Kneff [or Knive, or Knave], LCQS, case papers, 1792.

29. Statement of Frederick Bullman, LCQS, case papers, 1770. See also, petition of John Miller, LCQS, case papers, 1757; examination of Peter Row, LCQS, case papers, 1776. Collective violence against lawmen was even more
common than acts of individual violence against a constable or sheriff. The same is true for violence against military recruiting officers. See Slaughter, "Crowds in Eighteenth-Century America."

30. Examination of Thomas Flanagan, LCQS, case papers, 1798. For other examples of violence provoked by law officers, see the petition of Jacob Fortunee, LCQS, 1759; examination of Samuel Rogers, LCQS, case papers, 1771. On the Maryland border war, see Slaughter, "Crowds in Eighteenth-Century America."

31. That is, two-thirds of those whose cases were not dismissed "ignoramus" or "nol pros." All references to defendants in this paragraph are to those whom the court determined to prosecute. For the years 1792–1796 the information on outcomes of cases is incomplete, due to a lost minute book. So, the figures are based on the sixteen years of the colonial period used elsewhere in this chapter (1743, 1747, 1750, 1754, 1757–1759, 1761–1764, and 1771–1775), the Revolutionary War years for which there is data that is adequate for purposes of quantification (1778–1783), and the post-war years (1784–1791 and 1797–1800) for which the information on verdicts is almost complete. It seems likely that a large number of cases for which there is no indication of a verdict were simply continued during the good behavior of the defendant and then never prosecuted.

32. Unfortunately, it is not generally possible to link fines to their meaning. It seems that the defendant was often fined in some relationship to his or her ability to pay, with wealthier defendants being slapped with heavier fines. There almost certainly was also some relationship between the seriousness of the crime and the level of fine, but the relationship between the minute-book notations on fines and the qualitative evidence available in the case papers does not permit a systematic addressing of this question. During the colonial era, the normal fine for those convicted by a jury in an assault and battery case was £5 plus court costs (which are not listed), although there were fines as high as £10 plus costs plus £100 security for good behavior, and as low as 2p plus costs. For those who submitted during the colonial period, the fines also ranged from 2p to £10, but the usual fines were somewhere between 0.2.6 and 0.20.0. Only one man convicted of assault and battery received a corporal punishment during the colonial period, and none thereafter. In 1750 a man was sentenced to 10 lashes, 2 hours in the pillory, 3 months in jail, security for good behavior, plus costs for assault with attempt to ravish. One of the heaviest fines (£10) against a man who submitted to the court seems to be a result of his initial attempt to escape. During the Revolution, the relationship between jury trial versus submission in the matter of fines entirely breaks down. War-time inflation, increased pressure to raise significant revenue from fines, and a fear of anarchy probably combined to produce patterns of judgment that are difficult to comprehend. The highest fine for a jury conviction in an assault and battery case was £500 (1780), but in the same year, a man who submitted was fined £400. The amounts of fines fluctuated extremely wildly through 1780, at which point they returned to levels apparently comparable to the pre-war period. Those who submitted after the war might expect a fine somewhere between 0.5.0 and 0.10.0, although the range was between $.06 and £35. Those convicted by juries generally were fined between 0.20.0 and £10. All those convicted, and virtually all those found innocent, were assessed court costs. On colonial-era jury trials, see John M. Murrin, "Magistrates, Sinners, and a Precarious Liberty: Trial by Jury in Seventeenth-Century New England," in David Hall, John M. Murrin, and Thad W. Tate, eds., Saints and Revolutionaries: Essays on Early American History (New York, 1984), 152–206.


34. Respublica v. George Murphey, LCQS,
case papers, 1797. After the Revolution, the court apparently came to a clearer opinion about the relationship between drinking and violence, and decided to try to do something about it. Accordingly, it moved with new vigor to enforce licensing laws associated with the sale of liquor. During the last twenty years of the century, when an assault case that originated in a bar came before the court, it was often accompanied by some kind of a charge against the innkeeper, who had his license and conformity with rules about the size drinks that he could sell scrutinized by unsympathetic judicial officials. During the post-revolutionary years, these “tippling house” cases outnumbered even the assault cases before the court. See, for example, Commonwealth v. Andrew Yout, LCQS, indictments, 1797.


36. Witness on Williams and Seeger action, LCQS, case papers, 1788. Although unusual, Williams and Seeger were not the only men in eighteenth-century Lancaster to have parts of their bodies bitten off in a bar-room brawl. See, for example, the case of George Frank (who had an ear bitten off), LCQS, case papers, 1799. Louis P. Masur, Rites of Execution: Capital Punishment and the Transformation of American Culture, 1776–1865 (New York, 1989), finds that “outsiders” suffered disproportionate rates of conviction and heavier penalties for violent crime during this period.


38. G.S. Rowe, “Black Offenders, Criminal Courts, and Philadelphia Society in the Late Eighteenth-Century,” Journal of Social History, 22 (1989): 685–712, provides some comparative perspective. For the last twenty years of the century, the rate of accusations against blacks was at or below the percentage of blacks in the population. Ibid, 697.
