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*On the cover:* Poster circulated in Philadelphia in 1839 to discourage the coming of the railroad. National Archives, College Park, Maryland.

**“WHAT MUST POOR PEOPLE DO?”:  
ECONOMIC PROTEST AND PLEBEIAN  
CULTURE IN PHILADELPHIA, 1682–1754**

*Daniel Johnson*

By the early 1720s falling prices for grain exports to the West Indies and the bursting of the South Sea Bubble resulted in the worst economic crisis in Pennsylvania's short history. As trade ground to a standstill in Philadelphia, unemployment rose and Pennsylvanians submitted numerous petitions to the provincial assembly requesting the printing of paper money in the cash-poor colony.<sup>1</sup> The assembly responded by emitting £15,000 in bills of credit in 1722, followed by another printing of £30,000 in 1723 and the creation of a provincial Loan Office.<sup>2</sup> Despite the emissions, in subsequent years urban tradesmen and small farmers continued to protest the lack of money in the province and persistently demanded an increase in the money supply throughout the colonial era. Supporters of paper currency, such as “Roger Plowman,” claimed in 1725 that the “poor Husbandman” was being squeezed by usurious landlords, while urban smiths,

shoemakers, tanners, tailors, weavers, and shopkeepers were beset by a “thousand Difficulties” in carrying on their trades because of the scarcity of money in the town.<sup>3</sup> The city’s merchants were divided on the issue—Quaker trader Francis Rawle penned the first public argument in favor of paper money, while defenders of the elite merchant and proprietary interest subscribed to a hard money position, believing supporters of paper encouraged disorder among the “mighty and many Headed Multitude.”<sup>4</sup>

Philadelphia in the 1720s was indeed tumultuous, yet the political conflicts that erupted in that decade brought to the surface grievances many laboring Philadelphians had fostered for decades.<sup>5</sup> And though economic and political conditions in the colony stabilized in the 1730s, city commoners protested against urban and provincial monetary policies well into the middle decades of the century. Servitude for repayment of debt, rates of interest, ground rents, wages, a lack of money, and merchants’ manipulation of currency were all sources of complaint for seventeenth- and eighteenth-century Philadelphians.<sup>6</sup> Inhabitants’ petitions to the assembly reflect the variety of economic challenges that confronted colonists involved in the Atlantic economy, and petitioners ranged from wealthy traders to poor day laborers. In times of acute conflict, however, free Philadelphians of all social classes expressed a fundamental antagonism between rich and poor. Popular protests were directed at urban merchant-creditors or political authorities, and remonstrators often expressed an opposition among the “common People,” the “poor People,” or the “laborious People,” and the city’s “Rich Men and Merchants.”<sup>7</sup> When James Logan claimed that the “common People” would believe “strongly what they are told is for their Interest” in 1725, he was expressing a widespread perception among the upper class concerning the susceptibility of ordinary people to demagoguery and licentiousness. For Plowman and others who cited the interests of the “Commonalty,” without an adequate amount of currency local producers would be subjected to the depredations of “Extortioners and Lawyers,” evidence of a traditional belief that would find a distinctive expression in early Philadelphia.<sup>8</sup>

While by the 1720s and 1730s many Pennsylvania legislators supported the printing of bills of exchange, all authorities agreed on the threat posed by counterfeited currency.<sup>9</sup> Political leaders in colonial Pennsylvania consistently expressed concern over the importation of counterfeited notes and coins into the province, and it is significant that the first property offender executed in Philadelphia, Edward Hunt, was convicted of high treason for counterfeiting in 1720. It is also suggestive that in condemning Hunt the provincial council

cited a statute of 1718 that vastly increased the number of capital offenses in the province, at a time of growing economic hardship in the city.<sup>10</sup>

Yet in medieval and early modern England, as in colonial Philadelphia, "Extortioners and Lawyers" were often targets of popular protests, while crimes like counterfeiting were viewed by the common people as comparatively benign.<sup>11</sup> In England, despite increasingly punitive corporal punishments for coining beginning in the sixteenth century, counterfeiters were often portrayed in cultural productions as highly skilled heroes, who could argue their crimes were attempts to correct the failure of the national mint and treasury to provide the people with an adequate amount of coin. There is evidence that in the cash-poor colony some Philadelphians held similar beliefs, particularly those of the "poorer sort," who were disproportionately dependent on the circulation of small change for economic survival.<sup>12</sup> Moreover, by the 1730s and 1740s an emerging local press published the exploits of outlaws and rebels throughout the Atlantic world, and new and mysterious figures who subverted the colonial order entered the popular consciousness.<sup>13</sup> By the 1720s and 1730s provincial lawmakers passed statutes that transformed Pennsylvania's penal system, while printers like Benjamin Franklin—who emphasized "To Counterfeit is DEATH" on the twenty-shilling notes he printed for the colony—contrasted criminals and subordinate groups with polite and virtuous colonists.<sup>14</sup>

Between the founding and the mid-eighteenth century Philadelphians petitioned, protested, and undertook direct actions over urban and provincial economic policies and practices. Following an initial examination of such actions with an analysis of counterfeiting and colonial culture provides a unique window into popular beliefs concerning money, law, and criminality in a growing urban center of the British Atlantic world. While historians have examined the political impact of the depression of the 1720s on the city, as well as the currency situation of Pennsylvania and the colonies in general, comparably slight attention has been given to popular beliefs and values in relation to currency, legal change, and crime.<sup>15</sup>

As in much of the early modern Anglo-American world, residents of the colonial city regularly ignored provincial laws, such as refusing to serve on the night watch. A number of Philadelphians assaulted constables, jailbreaks were not unusual, and numerous unlicensed taverns could be found in the city.<sup>16</sup> A focus on counterfeiting in light of Philadelphia's economic problems, however, sheds new light on conflicting values systems concerning criminality among colonial authorities and the common people



of Philadelphia. An examination of economic protests in the city reveals an early modern populist critique of wealth and power; an exploration of popular attitudes toward crime and counterfeiting prior to the outbreak of the French and Indian War provides a fuller picture of Philadelphians' understanding of the social function of money and law during a time of social, legal, and cultural change.

### Cash, Commoners, and a "Pernicious Devouring Extravagant Court"

William Penn's charter for Pennsylvania granted him the power to incorporate towns and regulate commerce and markets in his province. However, Philadelphia's function as a port town in the commercially oriented colony would profoundly alter the English corporate model on which the city was based.<sup>17</sup> For most seventeenth-century peoples in the Anglo-American world the market was a physical place rather than an abstract concept governed by an economic invisible hand. Price controls, the inspection of goods, and the morality of prohibitions against regrating (raising prices) and forestalling were culturally accepted norms that privileged the public good over private self-interest.<sup>18</sup> The medieval and early modern European foundation on which Philadelphia was created is demonstrated by the town charters granted by Penn in 1691 and 1701, which gave the municipality the right to regulate urban markets and bestow the freedom of the city to independent traders and mechanics.<sup>19</sup>

The charter of 1691, which had long been requested by leading town merchants, instituted a framework in which traditional economic regulations designed to guarantee basic standards of subsistence for the commonalty could be implemented. Yet the charter created a closed, hereditary oligarchy, while that of 1701 made admission to freemanship highly restrictive, requiring two years' residency and possession of an estate or personal property valued at £50 or more.<sup>20</sup> The corporation of Philadelphia under the common council would remain a politically quiet government throughout the colonial era, in contrast to the more factious assembly and provincial council. This did not stop city coopers, shoemakers, saddlers, feltmakers, and other master workmen from seeking regulatory and protectionist legislation from the corporation and colonial government in the early years of the eighteenth century. Yet in colonial Philadelphia the common council remained an elite body that was often unresponsive to the needs of city residents, and for many

inhabitants the municipal government would become an object of hostility and resentment rather than a defender of the public good.<sup>21</sup>

The town grew rapidly, however, and the arrival of significant numbers of farmers, tradesmen, and merchants was a source of comment among seventeenth-century observers. As early as 1685 Penn noted with satisfaction the many industrious husbandmen in the new colony and the numerous artisans that inhabited the city. Two weekly markets, two annual fairs, and the ringing of a bell in town signaling work times for workmen all demonstrated to the proprietor the early success of his orderly "Holy Experiment." Some years later Gabriel Thomas commented on the "Indefatigable" work ethic of Philadelphians, and emphasized to prospective European immigrants the abundance of economic opportunities available for those willing to labor industriously. By 1690 the town could boast 22 shopkeepers and 119 craftsmen practicing 35 different trades, and the urban population grew from a few hundred in 1683 to 2,000 by 1700.<sup>22</sup> In 1696 Governor Benjamin Fletcher of New York complained to the Lords of Trade that Philadelphia had already begun to rival the much older city of New York in trade and wealth, in large part because high taxes for frontier defense and comparably low wages drove many New Yorkers to Pennsylvania.<sup>23</sup>

In the bustling town currency was in short supply, and the wages that free workers were able to demand led potential employers to look for cheaper sources of labor. The British metropolis sought to limit the amount of money in circulation in the American colonies, and the specie that colonists were able to acquire was soon sent to England in exchange for goods manufactured in the home country. Debt, high interest rates, and uncertain market conditions were characteristic features of colonial economies, and the Board of Trade and provincial legislatures regularly clashed over economic policy. In early Pennsylvania, as a result of a limited supply of money, inhabitants often paid taxes in jewels, gold rings or plate, and agricultural produce.<sup>24</sup> A letter of 1684 from Chief Justice Nicholas More to Penn, then in England, is suggestive of the economic and social environment of Pennsylvania in its formative years. More complained that the money supply was greatly depleted because of the rapidity with which labor-hungry Pennsylvanians purchased arriving African laborers, and two of his own slaves had recently run away with another—presumably "white"—servant.<sup>25</sup> Imperial economic policy, colonists' demand for cheap labor, and the resistance of an unfree labor force to the provincial work regime produced a unique form of conflict in the city from the founding.

It did not take long for the free laboring classes of Philadelphia to feel the impact of the scarcity of currency and the high cost of imported goods in town. Toward the end of the 1680s new lieutenant-governor John Blackwell, a Puritan former military commander who Penn hoped could control factional colonists, wrote to the proprietor that commodities sold at Philadelphia for three to four times the price in England. When the "poore people" of Pennsylvania were fortunate enough to find the money to buy imported goods, they paid four shillings for items costing twelve pence in London. Blackwell blamed the situation on the avariciousness of Quaker merchants; as he sardonically punned, "each prays for his neighbor on First Days and then preys upon him the other six." Particularly galling for Blackwell was the fact that inhabitants paid inflated prices for necessities like linens, woolens, hats, and other goods; "This is not righteous," he wrote to Penn with indignation.<sup>26</sup> Even for Blackwell, life was allegedly "very Costly" in Philadelphia, and he claimed—if with some exaggeration—he could live better at half the charge in London. Such a representation contrasts starkly with promoters' contemporary accounts of the favorable environment for the laboring classes in the colony. If subsistence needs were easily met in early Pennsylvania, and free workers were in a favorable bargaining position with potential employers, market conditions were evidently a source of hardship for many city commoners from an early date.<sup>27</sup>

The lack of a medium of exchange also led a number of colonists into debt in town and country.<sup>28</sup> Compounding the problem for a number of debtors in Philadelphia was a 1704 common council decision to raise the fees for debtors' court in the city.<sup>29</sup> Those who found themselves unable to pay the new fees protested the ordinance in a revealing petition to Governor John Evans six months after the passage of the act. "Divers poor Inhabitants" of the city and county (suggesting urban and rural petitioners, as well as nonfreeholders) cited an act of the assembly for determining debts under forty shillings, which gave justices of the peace the ability to give judgments in a flexible manner, with court fees seldom exceeding three shillings. The council's ordinance, however, forced those with no money for creditors to pay the municipality "Extravagant" fees, resulting in the incarceration of the impoverished inhabitants in the town gaol. The only way for petitioners to "Redeem their Bodies" was to find someone—most likely debtors' children—willing to bind themselves into servitude for a number of years, "to the great Ruine and Destruction of themselves [debtors] and families." Forty-four debtors sent a similar appeal for the governor to deliver them "out of the Jaws of that

pernicious devouring and Extravagant Court" in 1706, but Evans took the position that the magistrates of towns and cities in Pennsylvania were lawfully entitled to set court fees and fines, as was done in England.<sup>30</sup> Residents dependent on loans from local creditors found themselves victims of a process many likely viewed as conspiratorial—or at least "pernicious." When unable to promptly pay back loans, debtors could be forced into servitude without legal recourse to local or provincial authorities, while a lack of money could make repayment impossible. For petitioners the city common council, rather than a defender of the common welfare, had become an oppressor of the "poor distressed Inhabitants of this City."

Though debtors never became a primary source of unfree labor in the city, servitude for debt stood in contrast to a culture in which individual independence was highly prized and is suggestive of Philadelphia's unique system of social relations. The repayment of debts through servitude was first made legal in 1685, and Pennsylvania's punishment for runaway servants—five days of labor for every day absent—was far harsher than in neighboring New York or Virginia.<sup>31</sup> By the early 1700s Philadelphians were bound into servitude for debt, and the practice continued into the middle decades of the eighteenth century.<sup>32</sup> According to Gottlieb Mittelberger, who was in the colony at mid-century, those unable to pay debts went to prison until someone could vouch for them, "or till he is sold." Some were compelled to sell their children into servitude, others served for a period in proportion to their debt. The practice of being sold into servitude to pay for court and jail fees evidently existed into the 1750s, for in 1757 a "Mulatto Fellow" named Timothy Jeffreys absconded from service after he had been "sold out [of gaol] for his Fees."<sup>33</sup> While for many debtors the ability to repay loans through labor was no doubt preferable to incarceration, by the eighteenth century debt and employers' demands for labor had led to the abandonment of Penn's belief that prisoners should not be forced to pay for their own confinement.<sup>34</sup>

The provincial council was well aware of the uniqueness of Pennsylvania's labor system and how far it departed from metropolitan practice. In 1730, in a dispute with the home country over renewal of a bill for the relief of insolvent debtors (earlier acts for debt had been disallowed in England, only to be renewed with amendments in Pennsylvania), the council claimed that working off debts through labor services was perfectly logical, in contrast to English custom. In the view of the council, while those in Britain were "wholly Strangers to Servitude as practiced amongst us, or [the] binding of Persons otherwise than as Apprentices," in Pennsylvania it was entirely

reasonable for those “fitt for Labour” to satisfy debts through work.<sup>35</sup> The council suggested the policy satisfied both creditors and debtors, but acknowledged the threat from the “odd humours & Tempers” frequently expressed by those most likely to be jailed for inability to repay outstanding debts.<sup>36</sup> While debtors and prisoners never rivaled indentured servants or slaves as a source of bound labor in the city, for Pennsylvanians who were “fitt for Labour” a fine line often existed between liberty and dependence, and the scarcity of cash made servitude for debt a realistic threat.

Tenants as well as debtors complained of economic hardship. Early in the eighteenth century, Philadelphia renters protested landlords’ demands that tenants pay rent in adjusted rates of exchange following a 1704 proclamation of Queen Anne. The proclamation prohibited colonists from inflating the value of their money by more than one-third of its sterling equivalent.<sup>37</sup> Inhabitants of Philadelphia County petitioned the assembly, claiming that great “Inconveniences” would arise if money due for contracts made before the proclamation adjusting exchange rates was collected in the new rating. Petitioners spoke on behalf of “the People” of the province, and were concerned their debt burden would increase as the value of money was diminished. By 1709, the year proclamation money was adopted by the Pennsylvania Assembly, a new petition from renters in the city complained that landlords demanded that rents be paid in the adjusted currency. The appeal also protested creditors’ requirement that borrowers repay loans in the new currency, while emphasizing debtors were being charged illegally excessive—up to 33 percent—rates of interest. Petitioners, nonfreeholders who rented space in the city, framed the complaint in terms of unjust oppression, and grouped usurious landlords and creditors into the same category. The assembly initially attempted to accommodate petitioners by adjusting the act to allow contracts made before the previous May to be paid in the old money. Landlords, however, continued to demand rents in the new currency.<sup>38</sup>

The issue remained unresolved for a number of years; in 1715 a number of urban freemen joined other inhabitants in protest over landlords’ continuing demand that they be paid in proclamation money. And in 1718 the assembly received two more petitions from city renters requesting permission to pay in the old currency. Tenants produced receipts showing they had continued to pay rents in pre-proclamation currency, evidence of renters’ refusal to conform to what they believed were owners’ illegitimate demands while maintaining the notion of a “just” price. Landlords alleged the new currency’s value was closer to sterling, suggesting the new rates more closely approximated

money's "real" price. At a hearing before the assembly, landlords represented by Joseph Jones and future supporter of paper currency Francis Rawle requested the House privately hear their counsel before making a decision concerning the petition. The following day landlords appeared with their legal representatives; tenants, inexplicably, did not show, and the issue was tabled. While it is uncertain what became of the conflict, it soon became clear that many urban renters supported the printing of paper currency. During the debates over paper money in 1726, tenants who had improved their properties "by Buildings" requested their lands be used as security for the printing of bills of credit. The assembly rejected the petition; since the estates were not freeholds, the House did not deem them to be a proper credit for paper money.<sup>39</sup> Popular demands for currency emissions in the 1720s had partial roots in Philadelphia in conflicts between landlords, creditors, debtors and tenants over the value of money and the payment of debts and rents that dated to a 1704 proclamation of Queen Anne.

The first three decades of the eighteenth century also witnessed laboring Philadelphians' attempts to maintain traditional urban economic privileges, though these too would be shaped by the colonial context. In 1708 urban mechanics and laborers complained to authorities that wages were being pushed down because slaveholders hired out slaves for local jobs, indicating the casual nature of work in the city and the absence of guild protections for city artisans.<sup>40</sup> Following the first large influx of Irish workers to the city in 1717 and the common council's admittance of 424 new arrivals to urban freedom, a number of tradesmen requested the incorporation of their trades, since strangers "not Qualify'd" to practice crafts—despite their obtaining urban freedom—were driving down wages.<sup>41</sup> Although the common council admitted newcomers to the freedom of the city for a fee, it failed to enforce minimum wage levels, a clear violation of the public good and reciprocal obligations from the perspective of local workmen. Moreover, though the council recommended the incorporation of crafts, there is no evidence of protectionist regulations concerning urban artisans being enacted.

While a number of free craftsmen in the city requested incorporation to maintain minimum wage scales, a bill in the House proposed to set a limit to the wages of "itinerant" day laborers.<sup>42</sup> Five years later, during the depression, unskilled workers complained to the assembly that slaveholders hired out slaves for "servile Work" in and around Philadelphia to the ruin of poor day laborers and their families. Petitioners' request that slaves be prohibited from working "House to House" was, however, laid aside by the assembly,

as such a law would be “injurious” to the public, as well as a violation of the “Right and Privilege of such as keep *Negroes*.” Granting the petitioners’ request would have violated slaveholders’ property rights and would also have deprived local employers of a cheap source of casual labor. The struggle over wages continued outside the city in the following years. In 1727 investors in the iron works—probably that of Bucks County, founded the previous year—petitioned the assembly, requesting they be allowed to import slaves duty free, because free laborers demanded “excessive” wages. Wage workers’ and employers’ divergent views and petitions were symptomatic of the colony’s system of labor. Though the laboring classes’ social mobility in Philadelphia declined during the course of the eighteenth century, for officials and employers high wages and the availability of land threatened profitability and economic development throughout the colonial era.<sup>43</sup>

Following the emissions of paper money in the 1720s, however, some provincial lawmakers celebrated the salutary effects of the printing of bills of credit, as debtors were able to repay loans, interest rates were reduced, and the crucial urban shipbuilding industry had revived.<sup>44</sup> Yet the depression of the early part of the decade brought into sharper relief already existing tensions between local laboring classes, government authorities, and urban merchant elites. These tensions emerged once again at the end of the 1720s, when another economic slump resulted in popular demands for a new emission of paper. Voicing its support for the popular movement, the new *Pennsylvania Gazette* stressed that honest inhabitants were forced to sell household necessities at public vendue just to get enough cash to go to market. During the same year printer Benjamin Franklin published an essay on the need for paper currency and, in the process, articulated a labor theory of value.<sup>45</sup> Some local residents engaged in more direct action. Lieutenant-Governor Patrick Gordon issued a proclamation against rioting after hundreds of urban and rural commoners met in the city and intimidated assembly representatives opposed to a new emission of paper. According to Gordon several “menacing Speeches” were made by “outsiders” of “necessitous Circumstances” against assemblymen and other private persons. The crowd threatened to level the house of longtime Penn confidant and critic of paper James Logan. Likely familiar with Logan’s authorship of *A Dialogue Shewing what’s therein to be found* in 1725, which disparaged the pretensions of commoners in the city, the crowd satisfied itself with throwing bricks through the windows and tearing the shutters off the home of the city’s former mayor. The assembly ultimately agreed to another emission of £30,000 in bills of credit to the satisfaction of large numbers of Pennsylvanians.<sup>46</sup>

Though the overt economic conflicts of the 1720s subsided in the following decade, disputes with important political and religious dimensions frequently found expression in the public forum of city newspapers. Ronald Schultz has emphasized that even during the flush years of the 1730s radical-popular political ideas were expressed in town, for example in John Webbe's "Z" letters in the *Gazette*.<sup>47</sup> Such "quiet agitation" was made more explicit in 1739, when Philadelphia tanners (who claimed to represent all of the city's tradesmen) engaged in a public dispute with inhabitants who petitioned the assembly for the removal of the town's malodorous tan yards. The argument between urban artisans and city gentlemen became a source of "a great deal of Noise in this City" over the summer and fall, as both sides claimed victory in their hearings before the colonial assembly in a public medium.<sup>48</sup> In the aftermath of George Whitefield's second visit to the city in 1740 the doors of the aristocratic city Dancing School were briefly locked by school proprietor Robert Bolton, who converted after hearing Whitefield's evangelical message. Following the closing "a great Stir" ensued, as Benjamin Franklin, using the pseudonym "Obadiah Plainman," defended the city's common people and the school's closing against an anonymous defender of the Dancing School and the "better sort" in the pages of the *Gazette*.<sup>49</sup>

More overt conflict followed city merchants' 1741 decision to drive the English copper halfpence from the province, a plan that created a monetary crisis during a period of severe distress for the city's poor. As rumors circulated that the ongoing war with Spain would reach the North American mainland, a particularly severe winter and a smallpox outbreak inflicted significant hardship on townspeople, as firewood and provisions were in short supply.<sup>50</sup> At a "General Meeting of the Merchants" in the city it was decided the price of the English halfpence would be set at eighteen per shilling rather than the customary twelve, which would have in practice rendered the coin nearly useless. The city's "considerable Dealers" refused to accept the small change except at the reduced rate, shopkeepers followed suit, and bakers refused to bake bread until the money issue was settled. A crowd of city commoners, dependent on the halfpence for economic survival, gathered on a cold Friday in January and proceeded to break the windows of a number of merchants and others who refused to accept the halfpence as payment. The following day large numbers of demonstrators assembled once again, but urban magistrates "surpress'd" the gathering, though precisely how this was done is unknown.<sup>51</sup>

Discontent among the city's laboring classes continued, however, as the problem remained unresolved over the rest of the winter and spring. A broadside published by "Dick Farmer" claimed great confusion had



arisen among “all sorts” in the city due to uncertainty over the value of the halfpence. However, according to Farmer the “poorer sort of *Labourers*” was the group most negatively impacted by merchants’ refusal to accept the coin at the customary rate.<sup>52</sup> In June, at a meeting of the common council, members acknowledged the small coins were needed by urban inhabitants, though they emphasized that because the halfpence had been received at too high a value great quantities of the coin had been imported from neighboring colonies, which drained gold and silver from Pennsylvania. Great “Disquiet” among the city’s common people nevertheless followed merchants’ attempt to revalue the coin. The unrest created by the plan forced the council to require merchants and businesses to accept the halfpence as payment in town, though at the reduced rate of fifteen per shilling, rather than the customary twelve. In this instance the common council was forced to acknowledge the importance of the halfpence to urban inhabitants of modest means. It sought to balance the threat from angry commoners with the danger the city would be inundated with the halfpence, and attempted to find a middle ground. At the same time, the corporation took measures to prevent similar crowd actions in the future—should such “disorders” occur again, council members and any supporters they could gather were to retire to the mayor’s house, “in order to Suppress such Riots.”<sup>53</sup>

The controversy in the city over the halfpence was soon overshadowed by a crisis in town and country caused by war and servant enlistment, and reflected colonists’ conflicting views concerning status, property, and labor. Recalling earlier imperial wars, the Pennsylvania Assembly resisted raising money or bodies for the War of Jenkins’ Ear (1739–44) that fed into King George’s War (1744–48), leading Lieutenant-Governor George Thomas to retaliate by offering indentured servants freedom in exchange for service.<sup>54</sup> Bound workers volunteered in large numbers to escape service and creditors, initiating a two-year dispute between Thomas and the assembly over taxes, servitude, and the nature of property. Assemblymen, asserting that their right to the labor of servants while they had time to serve was absolute and no different than any other form of property, including their dominion over transported felons, demanded restitution or the return of enlistees. They argued that if the property of masters was so precarious as to be subject to the caprice of servants, they would be forced to purchase slaves, whose status was not in question. Thomas claimed that the condition of apprentices and servants differed from that of transported felons, and as British subjects servants had the legal right to enlist in the king’s service. Before the end of 1740 the

assembly claimed that several hundred servants—not including those who had been discharged and run away—had enlisted, and demanded no less than £3,000 in compensation. Prior to the end of 1741 in the city and county of Philadelphia, at least 188 servants had abandoned masters for service in the military (compared to 58 in Chester County and 19 in Bucks County), and petitioners were awarded close to £1,600 by the House. According to Sharon Salinger, servant enlistments reduced Philadelphia's servant population by more than half, from 929 in 1739 to fewer than 400 in 1748, though the virtual elimination of servant immigrants during the war played a key role.<sup>55</sup>

Assemblymen emphasized that it was farmers and tradesmen, whose subsistence depended on the labor of servants, who were most aggrieved by enlistment. Indeed, rural Chester petitioners complained the enlistment of servants amounted to "a very hard and unequal Tax," since the county's wealthiest residents owned slaves and therefore contributed nothing to the war effort. Philadelphia masters claimed they were unable to carry on their trades without servants, some having mortgaged their estates in the Loan Office to purchase them, indicating city petitioners in this instance were freeholders. By this time unfree laborers were crucial to the urban economy, and city mechanics and manufacturers were highly dependent on bound labor.<sup>56</sup> In the summer of 1740 freeholders of the city and county of Philadelphia delivered a paper to the assembly expressing their thanks to the House for endeavoring to preserve their "Rights and Properties, particularly with Regard to Servants."<sup>57</sup> Such praise for the assembly from wealthy tradesmen and freeholders was absent some years later when the French threat loomed and the House continued to resist provisions for defense. Benjamin Franklin's assertion that it was the "middling People, the Tradesmen, Shopkeepers, and Farmers" of the province and city that bore the brunt of wartime hardship and taxes was representative of many freemen's hostile attitude toward the House by the end of the decade.<sup>58</sup>

Those who enlisted had grievances of their own. Soldiers openly threatened mutiny should they be separated from their comrades, or if they were returned to the "inhumane usage of the Masters of some of them, and the Creditors of others for small Debts." A number of enlistees had clearly been bound into servitude for debt, and soldiers' military experience resulted in the formation of an alliance between free and unfree servicemen. A Captain Thinn reported to the governor that when a number of soldiers were informed they were to be returned to their masters, "Freemen as well as Servants laid down their Arms" and threatened to march to other colonies, "where the

King's Soldiers were better used." A provincial council board, charged with investigating the discharge of soldiers, found that to do so would likely cause "Mutinies, Tumults, and Disorders" among them, "whether Freemen or Servants."<sup>59</sup> While many servants forged bonds of solidarity with freemen and refused to return to masters, others abandoned service after registering. In an interesting reversal of the 1690s, many laborers fled Pennsylvania for New York; other runaways were allegedly "skulking about" Philadelphia and its environs as late as 1742, where if caught they were threatened with death for desertion.<sup>60</sup>

Disobedient servants and unruly subalterns continued to plague authorities throughout the war and into the 1750s, indicating the relative weakness of law enforcement mechanisms and masters' hegemony in the city. The notorious election riot of 1742, which saw proprietary supporters attempt to break a Quaker-German political alliance by recruiting sailors in the city to intimidate and assault potential voters, occurred in the wake of the Thomas-assembly quarrel over servant enlistments, and the governor's refusal to agree to a new currency emission.<sup>61</sup> In 1752 an ad appeared in the *Pennsylvania Journal* stating that large numbers of indentured servants had wronged their masters by running away. Throughout the war the roads around town were allegedly flooded with "loose and vagrant fellows" claiming to be soldiers and privateers fleeing the French enemy. With the war over, servants and other suspicious types continued to wander through the country, many of whom were aided by the "basor sort" of sailors in their efforts to board ships and flee service. The same year saw three men severely beat members of the city watch, despite the implementation of an act for strengthening the night watch and lighting city streets.<sup>62</sup> Despite pleas from urban masters for better regulation of the servant population and official attempts to maintain social order, the municipal government and law enforcement mechanisms remained largely ineffectual.

Currency problems also remained public issues at midcentury. Petitions requesting money were regularly submitted during the war years, and in 1748, while Lieutenant-Governor James Hamilton considered assembly requests for more currency, the city created a lottery to raise 1,000 pieces of eight for use in the city and colony.<sup>63</sup> While the city corporation deemed the lottery a success in promoting the public good, as in earlier years labor issues were intimately related to the availability of currency. During assembly debates over striking more bills in 1752 after the deliverance of another city petition, a committee headed by Franklin agreed that in the past paper money

had produced many salutary effects. The committee cautioned, however, that one inconvenience to making loans—and hence land—available to the “industrious Poor” was that it tended to make labor excessively costly, and this was a danger to be borne in mind as long as there was cheap land available in America.<sup>64</sup>

By the middle decades of the eighteenth century a phenomenon closely related to provincial conflicts over money and law enforcement, counterfeited currency, had become as alarming for authorities as ostensibly excessive wages. Like paper money, however, Philadelphians’ attitude toward counterfeiting and its practitioners was strongly informed by popular beliefs concerning the social function of money and law.

### Counterfeiting, Plebeian Culture, and Urban Change

The economic grievances that many Philadelphians expressed in the first half of the eighteenth century are better understood when placed in an early modern context in which traditional ideas concerning money, law, and crime were being challenged by a new economic and legal order.<sup>65</sup> For many engaged in trade and commerce in Europe and America, a fundamental difference existed between “real” money, meaning gold or silver, and “imaginary” moneys of account, such as bills of credit.<sup>66</sup> In colonial Philadelphia those opposed to the printing of paper money believed it caused money to depreciate and drained specie from the colony.<sup>67</sup> Supporters of paper were less concerned with inflation than with having no medium of exchange and therefore stressed the utility of bills of credit in facilitating trade and employment. Equally important, supporters of paper often viewed the economically powerful of the city with considerable suspicion. Those who did not belong to the elite thought about money in fundamentally different ways. In 1718, for example, rural petitioners to the assembly requested that farm produce be accepted as legal tender—much as tobacco in the Chesapeake and wampum in the northern colonies served as currency in the seventeenth century, Pennsylvania farmers hoped to use produce to pay taxes and debts, as well as to purchase arriving servants.<sup>68</sup> The use of “fake” money, or the clipping of coins (the shaving, filing, or cutting the edges of minted money), was not, therefore, considered by many to be a particularly nefarious activity. Coining violated no principle tenet of Christian morality, yet in England authorities deemed the crime to be treason, making it punishable by death.<sup>69</sup> Pennsylvania followed the

metropolitan lead in punishing counterfeiters with increasing severity in the eighteenth century, and in Philadelphia, as in London, coiners were portrayed in the press as socially marginal thieves, cheats, and rogues. Yet popular representations could be interpreted in a number of ways, and the rise in corporal punishments for counterfeiting coincided with a belief among many Philadelphians that authorities themselves manipulated currency to victimize local producers.

The first prosecution for counterfeiting in Philadelphia occurred in 1683. Charles Pickering, Samuel Buckley, and Robert Fenton were convicted of passing counterfeit Spanish coin and New England shillings (the colony of Massachusetts began illegally minting money in 1652) in the city. Pickering was ordered to make restitution to any person bringing in counterfeited money in addition to a substantial £40 fine, though corporal punishment was not administered. Buckley, in exchange for his testimony and confession, was fined £10, and Fenton, a servant, was sentenced to sit in the stocks for one hour.<sup>70</sup> As late as 1693, with Pickering now deceased, men like merchant Griffith Jones could claim £120 in compensation from the executors of Pickering's estate after earlier receiving fake bills from the man. Fenton seems to have been unreformed by his hour in the stocks; in 1699 he was found with altered money in Connecticut and admitted to collaborating with makers of fake currency out of Boston, Northampton, and Long Island. Unlike Pennsylvania, in Connecticut at this date there was no law to deal with coiners of foreign money, and Fenton escaped punishment.<sup>71</sup>

In the late 1680s the Pennsylvania Assembly enacted more severe penalties against counterfeiting—from three months to seven years imprisonment, though in keeping with the colony's Quaker-influenced legal code corporal, public punishments were absent.<sup>72</sup> According to Lieutenant-Governor Blackwell, however, Pennsylvania commoners did not believe counterfeiters to be serious offenders; nor was the practice necessarily morally wrong. In his letter to Penn concerning scarce currency and covetous Quaker merchants, Blackwell noted counterfeiters—"vile persons," in his view—had lately appeared in the city. Yet the "poorer sort" were under an "erroneous apprehension" concerning counterfeited currency; they believed that "whilst they embase it, not below its currency, they wrong no body!"<sup>73</sup> Such a belief was widespread in early modern England, and the fact that Blackwell emphasized ordinary Pennsylvanians felt counterfeiting "wronged" no *person* if currency did not depreciate is suggestive of a particular vision of the world. Rather than a concern with offending an abstract law of the state,

ordinary Philadelphians expressed a plebeian value system, in which social and economic relations were viewed in both moral and utilitarian terms. If governing authorities failed to provide a sufficient amount of money, local commoners seemed to believe an unofficial form of currency would have to suffice.<sup>74</sup>

Counterfeited currency was therefore in evidence in the city from an early date, as was a trade in stolen money. Women were also regularly involved in illegal economic activities. In 1695 Elizabeth White and Mary Jerome admitted to receiving stolen money from a John Maclebray, who had allegedly taken the money from the home of Samuel Rowland. Both were released and ordered to appear at the next court of quarter sessions, though neither seemed to have shown up. A few years later John Sable was presented by the grand jury for passing counterfeit coins to a woman in the city; he was found guilty of trading two bits of false coin, but the conviction was quashed by the grand jury for "uncertainty." Early in the eighteenth century tavernkeeper John Simes was indicted for allowing dancing and cross dressing during Twelve Night festivities in his establishment—a customary cultural practice frowned upon by Quaker authorities. Two years later Simes was again in court, his tavern having become a place in which counterfeited currency was passed.<sup>75</sup>

Women's involvement in counterfeiting and illegal trade was directly related to their role as urban tavernkeepers. In 1713 George Perkins was taken to the town gaol on suspicion of having coined or counterfeited Spanish money in the city. He escaped from jail, however, and the sheriff seized all the goods in Perkins's home, including a significant quantity of liquor, suggesting Perkins ran a tavern or dram shop. George's wife, Mary, petitioned the common council, stating the confiscation of her household goods prevented her from supporting herself and three children. The council, in order to avoid Perkins and her children becoming a public charge, relinquished her possessions.<sup>76</sup> Impoverished women were often awarded free liquor licenses by city authorities to keep public relief rolls to a minimum. Throughout the eighteenth century selling liquor without a license was, however, a common occurrence. Sharon Salinger has suggested laboring-class taverns that were often run by women were spaces in which social norms in Philadelphia were transgressed.<sup>77</sup> Illegal taverns were not only the places in which women sold alcohol to servants and slaves; these mixed-race establishments that catered to apprentices, servants, slaves, and mariners were also the spaces through which stolen goods and counterfeited money circulated.

Authorities began to take counterfeiting more seriously in the eighteenth century, following the passage of the 1696 Coinage Act in England, and particularly after the 1718 statute that introduced to Pennsylvania a number of English criminal laws.<sup>78</sup> The first person executed under the new law was an immigrant silversmith named Edward Hunt, convicted of high treason for counterfeiting Spanish coin. By the time of Hunt's hanging in 1720 Philadelphia's first newspaper, Andrew Bradford's *American Weekly Mercury*, was in circulation and printed Hunt's last dying speech, a popular literary genre in England.<sup>79</sup>

The act of printing the gallows speech, and the contents of the speech itself, illuminates a number of issues: provincial legal and cultural Anglicization, the dangerous prevalence—at least from authorities' perspective—of counterfeiting in the city, and the continuing divide between elite and popular views of the seriousness of the crime. Equally important was the *Mercury's* function as an instrument of propaganda, for while it printed Hunt's subversive speech, it was at pains to emphasize the illegitimacy of Hunt's last words as well as the justice of his punishment. The paper reinforced the legitimacy of capital punishment for coining in a colony whose legal system was in part founded on William Penn's view that to die for property crime was "a very hard thing."<sup>80</sup>

The *Mercury* implicitly acknowledged the controversial nature of Hunt's execution. The paper prefaced the gallows speech by emphasizing he had been captured as a Jacobite rebel in Preston, Lancashire, in 1715; he had been transported to Antigua as a convict servant after the rebellion; and he later arrived in Philadelphia, where he was "most justly" condemned for his crime. The *Mercury* also informed readers (some of whom would likely have witnessed the spectacle themselves) that Hunt's defiant final words misrepresented the administration of justice in the province and attempted to "infuse both ill Principles and Practices into the Minds of the People." Prior to subscribers reading Hunt's account, then, the paper made it clear the offender was a felon, a rebel, and a liar and was undoubtedly guilty and deserving of death in order to preempt any possibility the reader would sympathize with the accused, or question the legitimacy of the punishment.<sup>81</sup>

The speech itself provides an important perspective on the city's economic culture and Pennsylvanians' competing views of justice. According to Hunt, while acknowledging that the crime he was to die for was against the law, he stressed he did not commit the offense with the *intent* to cheat or defraud anyone. On the contrary, being ignorant of the breach of any law (of God or

man), the silversmith said he believed at the time that he "might cut those Impressions as innocently as any other, or the Stamps that the Gentlemen of this place imploy'd me about, to make Farthings." In Hunt's view, if gentlemen could hire the silversmith to cut farthings, why could he not make similar impressions himself, and why were they not also punished?<sup>82</sup> Hunt also protested that he had not been tried according to the laws of England, suggesting that Quaker jurors who had not taken oaths were unqualified to pass judgment on English subjects.<sup>83</sup>

Though the coiner asked God to forgive him his sins as the execution script required, he also requested forgiveness for his persecutors, emphasizing his judges "know not what they do," a direct refutation of the primary social function of the genre—the offender's acknowledgment of the justice of the punishment. While Hunt honorably closed the drama by asking the Lord to protect his wife, Martha, "from the Pollutions of the World," it was clear the *Mercury's* printing of the speech was not intended to romanticize the exploits of the rebel and outlaw.<sup>84</sup> The provincial council, though some members suggested a reprieve was in order, emphasized the need to "make some public Examples" of criminals, and that a pardon would be of little service "to so miserable a Life."<sup>85</sup> Hunt, in contrast, stated that he could not see "what Advantage there can be to any in my Death," and it is probable, despite the efforts of Bradford's *Mercury*, that at least some Philadelphians sympathized with the condemned's plight.

Hunt's speech and what it asserted about counterfeiting is especially illuminating when placed in the context of the depression and political conflicts concerning paper currency in the 1720s. For while the silversmith's protestations concerning his crime closely resemble commoners' beliefs as articulated by Governor Blackwell thirty years earlier, the pamphlets published during the same period demonstrate a popular view of the function of money only hinted at in earlier protests and petitions. Though most pamphlets of the decade were written for a learned audience, a few appealed to a distinctly plebeian sensibility—and particularly to those indebted to urban merchants opposed to paper currency.<sup>86</sup>

Rather than paper money as a temporary means to maintain a balance of trade until a local manufacturing interest could provide goods to support a larger export trade (first argued by merchant Francis Rawle), popular pamphlets appealed to commoners' sense of use, equity, and justice.<sup>87</sup> The reason merchants feared paper, according to Roger Plowman, was because they would have to accept the money as payment for debts, and would



therefore not be allowed to seize the lands of insolvent debtors at half the value—their intended aim from the beginning. To a fictional Mr. Rich's assertion that paper money had no intrinsic value, in contrast to gold and silver, Plowman replied: "it will purchase Land or the Country Produce as cheap as ever it was sold: And is that good for nothing?"<sup>88</sup> In another pamphlet the "Observator" asked "honest Roger": "What is the Necessary Use of Money?" to which Roger replied: "there's no living without it; I buy Bread, Beef, Cloathing, and now and then a Cann of good Beer or a Noggen of right Nants, to Chear up my Spirits after a hard Days work." With bills of credit he was able to purchase a pair of buckskin breeches for winter, and meat and drink at "the Club" (a reference to the working-class Tiff, or Leather Apron, Club), more cheaply than he could have in London with sterling silver.<sup>89</sup> Far from erudite meditations on balances of trade, the credit system, and legal sources of sovereignty, these publications appealed to the usefulness of paper in helping common people meet basic material needs.

Pamphlet writers appealed to a popular belief that a just monetary policy should provide a public function rather than serve to enrich a few. Allegedly avaricious merchants, on the other hand, used money—or the lack of it—to enrich themselves at the expense of local producers. When creditors like Robert Rich demanded debtors repay loans in money that wasn't available, Plowman asked: "what must the poor People do? You will have Money; but money is not to be got, neither here nor at the *West Indies*, and yet nothing will satisfy you but money." In Plowman's view creditors like Rich were "the greatest Tyrants upon Earth, and worse than the *Egyptian* Task-masters." Paper money was better than no money at all; the only people who benefited from scarce currency were creditors, lawyers, and jailors. According to the anonymous writer of the satirical *Triumvirate of Pennsylvania*, commoners unjustly complained "rich Misers" hoarded money at the expense of the "laborious and industrious" part of the community. Should the bill for paper money pass, he warned, all would be brought to a level by emboldened democrats in the assembly.<sup>90</sup> Pamphleteers' assertions that paper money served a vital social function, and that local "Tyrants" used their control over monetary policy to oppress others, were designed to appeal to the sentiments of the free producers of the commonalty.

In this context it should not be surprising that counterfeited bills of credit surfaced in the city, or that inhabitants caught with unofficial currency claimed their poverty and a scarcity of money justified the crime. In 1732 Franklin's *Gazette* reported that the publican of the Indian King

Tavern, Richard Brockden, suspected a man requesting change for three twenty-shilling notes was attempting to pass counterfeit bills. After the man and his sister were apprehended, the offender admitted to receiving a large number of counterfeited bills from Ireland from a man by the name of Watt, who convinced the man the passing of the money "was no Sin, for it would make Money plentier among poor People."<sup>91</sup> Much like the "poorer sort" referred to by Governor Blackwell nearly fifty years earlier, and Edward Hunt in 1720, though according to the unnamed offender he was aware he had broken the law, the idea that he intended no harm was stated as potentially mitigating the seriousness of the crime. Whether the Irish counterfeiter actually convinced the offender his crime was no sin is less important than the fact that it was claimed to be a legitimate excuse. Equally important, for Philadelphians of the lower sort money was still scarce, and by this time it was not uncommon for unofficial bills and those who passed them to be found in the city and throughout the region.<sup>92</sup>

Beginning in the later 1720s growing numbers of Irish and German immigrants arrived at the port, and by the 1730s increasing exports of agricultural goods bound for the British Isles and Southern Europe passed through the city.<sup>93</sup> As the city population reached 10,000, the rapidly changing urban environment brought new patterns of consumption as well as an increased exploitation of unfree labor in the mid-Atlantic region.<sup>94</sup> The anonymous environment of Philadelphia also became a magnet for runaways, and fugitives, criminals, and transported felons were frequently represented in local publications.<sup>95</sup> At the same time a traditional popular fascination with outlaws and bandits dating to antiquity was evident in Philadelphia, as tricksters and confidence men who defied social norms became colonial celebrities.<sup>96</sup> In 1731 Franklin lamented in the *Gazette* that numerous copies of *Robin Hood's Songs* sold at two shillings per book annually from his print shop, while a small number of *David's Psalms* sat unsold for more than two years. Similarly, a few years later the paper advertised for the return of a borrowed volume of *Select Trials, for Murders, Robberies, Rapes, Sodomy, Coining, Frauds, and other Offences* from the Old Bailey in London. After Joseph Watt, the man who convinced the brother and sister encountered earlier that it was no "sin" to pass counterfeited money, was whipped, pilloried, and had his ears cropped in the center of the city for his crime, he behaved so as to "touch the Compassion of the Mob, and they did not fling (as was expected) neither Snow-balls nor any Thing else." Snowballs were expected because it was January; six months later, in June, Watt was again in the city jail, though

he afterward escaped and seems not to have been heard from—at least by authorities—in the city again.<sup>97</sup>

By this time, Philadelphians could read countless tales concerning English felons, Atlantic pirates, and slave revolts, in addition to numerous accounts of rogues and vagabonds in the city and region. That celebrities like confidence man Tom Bell, “known by his Rogueries throughout the Colonies,” could be apprehended in Philadelphia only to easily escape the local jail once again suggests the weakness of colonial law enforcement mechanisms in both practical and ideological terms. Bell made numerous appearances in Philadelphia, though he seems to have been more comfortable in New York.<sup>98</sup> The notorious “King of the Gypsies,” Bampfylde-Moore Carew, also made a mid-century appearance, not only visiting cities like Philadelphia and New York but publishing an account of his exploits there.<sup>99</sup> While in Pennsylvania the gypsy son of a wealthy Devonshire family allegedly met George Whitefield, and in Philadelphia Carew met the principal merchants of Philadelphia, while also “counterfeiting” an Irish brogue and passing a day “very merrily” with an Irish publican in High Street.<sup>100</sup> In cosmopolitan American cities like Philadelphia, New York, and Boston felons like John Poulter found refuge from the law, “in which Places no Questions are asked them.”<sup>101</sup>

While it is unlikely a majority of urban commoners sanctioned illegal acts—suggested by the fact that offenders were indeed often pelted with refuse while in the pillory—it is not difficult to believe that the sympathy expressed for counterfeiters like Watt was also symptomatic of a populist hostility to city officials and urban “great Men.” After all, following the election of the popular former governor William Keith to the assembly in 1726, celebrating rioters razed the stocks and pillory, symbols of authority and disciplinary power.<sup>102</sup> A plebeian labor theory of value was again expressed during the 1730s, as hostility toward urban gentlemen was accentuated by the increasing prominence of what Richard Bushman has called the “refinement process” in the colonies.<sup>103</sup> According to “Constant Truman” in 1735 it was well known that it was the “poor Countryman and the industrious Mechanick, after all, that supplies the Merchant, and fits out the Gentleman with all his fine Cloaths, his gay Houses and Furniture, and his Train of Servants and Attendants.” In fact, without the producers, merchants and gentlemen might actually have had to beg, starve, steal, or even labor for their livelihood, as did farmers and artisans. Truman implored potential voters not to be intimidated by corrupt magistrates and loan office trustees

when voting, though he reserved particular wrath for "crafty" lawyers, who frequently used their knowledge of the law to intimidate and exploit regular people. In short, Truman's essay was a protest against political deference, and his pamphlet made an explicit connection between social power, law, and economic exploitation.<sup>104</sup>

Truman claimed to speak for the "honest Hearted Men" of Pennsylvania—the industrious, if poor, freemen with the right to vote. After mid-century, however, it has been estimated approximately one in fifty city inhabitants, or perhaps one in ten adult men, met the legal property qualifications (£50 in personal property) to vote, meaning most of the city's day laborers, sailors, and poor artisans could not participate in the formal political process.<sup>105</sup> At the same time an autonomous urban subculture took shape in the city. The "tumultuous" gatherings of servants and slaves had frustrated authorities from the city's founding, but by the early 1740s unfree Philadelphians' evening revelries around the courthouse were a daily occurrence, and city grand juries and the common council voiced increasing concerns over threats from subaltern groups.<sup>106</sup> In 1744 the grand jury was shocked to find the debauchery of the neighborhood called by the "common people" Helltown in the Northern Liberties, at which the "horrid Oaths and Imprecations" so regularly heard on the streets of the city by respectable inhabitants were encouraged in the neighborhood's numerous disorderly and unlicensed taverns. Economic growth produced new social distinctions in the city, and wealthy tradesmen like Franklin helped create a public discourse concerning criminals and the dangers posed by the lower classes.<sup>107</sup>

Closely related to the concerns of respectable Pennsylvanians over urban crime and disorderliness were officials' worries over counterfeiting. In 1727 Governor Patrick Gordon grandiosely informed the assembly that he had discovered a "horrid attempt" to adulterate neighboring colonies' bills credit. According to Gordon counterfeiting was the "blackest and most detestable Practice" known, for it upset provincial credit, commerce, and trade. He further asserted large quantities of counterfeit bills had been diffused throughout Pennsylvania, as Jersey bills expertly faked in Ireland were rumored to be flooding into the mid-Atlantic region. Gordon urged the gentlemen of the assembly to be alert for the bills, since it would take "more Skill to distinguish them than is to be expected amongst the common, and especially amongst the Country People." The governor recommended a new law be passed for punishing counterfeiters, and the assembly approved. In 1738, during an assembly discussion over a new emission of paper money,

there was also considerable debate concerning the punishment to be inflicted on counterfeiters. The House decided that the counterfeiting of any new bills should be punished by death without benefit of clergy.<sup>108</sup>

In the early 1740s many Philadelphians were more concerned with merchants' plan to drive the English halfpence from the colony than with counterfeiters or coin clippers. The broadside published by Dick Farmer that emphasized the hardship merchants' and shopkeepers' nonacceptance of the halfpence inflicted on laboring Philadelphians also asserted that city merchants intentionally devalued local currency. While the common council's account stressed usage of the coin at the customary value drove specie from the colony, Farmer claimed urban merchants had themselves imported the halfpence and then distributed them to farmers, millers, and tradesmen at an advanced rate. After delivering the coins to local commoners, traders then refused to take them back or receive them as payment for goods or debt at the rate they were given. Farmer recalled a similar situation twelve years earlier (in 1729, another year of significant conflict, as has been seen). While at that time urban merchants signed an agreement to accept bills of credit from the Lower Counties (Delaware) at the same rate of provincial bills, it was not until the Loan Office accepted the counties' bills that the "Mischief" was remedied. The legal power of the state was needed to curb the nefarious dealings of the city's merchant community, for in Farmer's view (and allegedly "19 Parts in 20 of all People in the *Province*" agreed with him), only the provincial assembly could "rescue the People out of the Merchants Power."<sup>109</sup> The broadside's representation of a popular suspicion of merchants who held a disproportionate amount of power in the town and province demonstrates the persistence of a cultural system originating in the city's mercantile beginnings.

The common council attempted to accommodate Philadelphians' complaints concerning the halfpence, yet counterfeited currency continued to circulate in the city. By the middle decades of the eighteenth century, when bills of credit were emitted counterfeiters often sent samples to England, Ireland, Amsterdam, or Germany to make plates for copying them, or to have counterfeits struck. In 1739 Peter Long, a weaver of Philadelphia with experience counterfeiting in New Jersey, sent directions and samples to an English printer for counterfeiting bills of Newcastle and New Jersey. Long's cousin and contact in Dorsetshire, mariner Robert Jenkins, was apprehended after a nervous English printer informed authorities of the plan in London, who then wrote to Governor Thomas of Pennsylvania with information concerning how to detect the counterfeits. Warrants were issued for Jenkins, and he

was arrested in New York while serving as a cook on a voyage to the colonies. In a secret compartment in his chest 971 counterfeit bills were found, and Jenkins was taken to Philadelphia for questioning. He denied knowing anything about the counterfeit money, but admitted to forging a document in order to avoid the press gang, as he had previously been forced to serve on a man of war.<sup>110</sup>

A woman named Rachel Brick of Salem County was also deposed, and suggested the extent of counterfeiting in the mid-Atlantic region. She claimed that during a discussion at her home between Long and one William Paulling, Paulling claimed "amongst all the Counterfeiting ther[e] was no Jersey money Counterfeited," to which Long disagreed. Long then took out of his pocket a pocketbook with what seemed a "large parsale of money," and proceeded to show the difference between "true Bills" and counterfeit Jersey notes.<sup>111</sup> While the fate of Long and Jenkins is unknown, intercolonial and transatlantic networks of counterfeiters worked in similar ways throughout the 1740s and 1750s.<sup>112</sup>

By mid-century in Philadelphia and throughout the mid-Atlantic region highway robbers, urban pickpockets, and transported felons plagued colonial society—at least if local newspaper reports are believed. At mid-century Franklin polemicized against Britain's Transportation Act, and in 1753 an essayist in New York's *Independent Reflector* wrote approvingly of a number of recent hangings in Philadelphia for robbery.<sup>113</sup> In Philadelphia in the 1750s counterfeiters like William Kerr and Daniel Jesson were not punished with death, but they were whipped and had their ears nailed to the pillory, where their heads were then pulled from the device.<sup>114</sup> Yet even in the midst of an alleged crime wave that local writers used to criticize metropolitan policy, authorities recognized the need to balance terror with mercy, particularly regarding counterfeiting. When Daniel Johns, Rebecca Johns, and Stephen Phillips petitioned the common council for the remittance of their fines for coining and passing counterfeit pieces of eight in 1749, they emphasized their poverty as well as their "extreme Ignorance of the nature & mischievous Consequences" of the crime, and their request was granted.<sup>115</sup>

Around the same time the assembly passed a bill for a professional night watch, modeled on that of London and mandating the artificial lighting of city streets.<sup>116</sup> Commenting on the usefulness of the bill in a letter to Governor James Hamilton in 1751, Thomas Penn also demonstrated the persistent cultural tolerance for counterfeiting, stating even people "of substance" occasionally engaged in coining and the printing of money. Equally

indicative is a letter from the following year, in which Penn stated the suppression of counterfeiting would require all the power of government available, for large numbers of inhabitants—including, he was surprised to note, some Quakers—too often sheltered such “sanctified Villains” from the force of law.<sup>117</sup>

## Conclusion

Scholars who emphasize consensus and social peace in the prerevolutionary era tend to view what constitutes “the political” in overly narrow terms, seeing the formal political arena as the primary space in which social discord became manifest.<sup>118</sup> Historians more concerned with material and class issues in early Philadelphia have gravitated toward the revolutionary era, explicitly or implicitly suggesting a relative absence of poverty before the French and Indian War translated into a lack of conflict in the city.<sup>119</sup> By contrast, as this article has argued, taking into account how monetary policies impacted ordinary people, and how popular beliefs and actions shaped the colonial economy and culture, can reorient analysis in useful directions. In the late seventeenth and early eighteenth centuries Philadelphia commoners were able to alter economic policy through petitions and methods of direct action sanctioned by plebeian cultural norms. Ordinary Philadelphians regularly protested what they perceived to be unjust and oppressive economic policies throughout the first half of the eighteenth century. In addition, social problems that would become more acute in later years—disputes over wages, the employment of slaves, and resistance from an unfree laboring population—were evident from the founding.

What set the mid-eighteenth century (roughly the late 1720s to the 1750s) off from the earlier period were a growing population and an increasingly complex urban economy and society. In the middle decades of the century the provincial assembly responded to popular demands for paper money, which made possible the repayment of debts and encouraged trade and employment. An abiding concern for lawmakers and employers, however, was the price and supply of labor, while by mid-century middling Pennsylvanians also depended heavily on the labor of servants and slaves. In the city the municipal government’s role as protector of the common good was largely absent from an early date, and in the commercial port commoners’ hostility to the urban merchant oligarchy was expressed during trade slumps and

wartime hardship. This hostility was articulated in an early modern idiom in which rich merchant-creditors, lawyers, and officials allegedly colluded to exploit farmers and tradesmen through their control of monetary and legal policy. This discourse was expressed even after economic growth produced new social distinctions in the city, whether through freemen's critique of elites' conspicuous consumption, or in assembly debates over servitude and property during wartime.

What laboring Philadelphians actually thought about counterfeiters and their crime must remain a matter of speculation. While it would be reductionist to claim that for Philadelphia's common people counterfeited currency substituted for the government's failure to provide an adequate amount of money, there was certainly what Malcolm Gaskill has called a "dissonance in attitudes" between authorities and the popular classes—including some of the "better sort"—concerning the seriousness of the offense. It may also be significant that there were no executions for counterfeiting in Philadelphia between 1720 and 1770 (when Herman Rosenkrantz was executed) despite legal change and the infliction of whippings and other mutilations on offenders.<sup>120</sup> In New York City, by contrast, authorities' decision to execute counterfeiters in 1756 and 1762 resulted in threats of crowd action to such a degree that in the latter year Lieutenant-Governor Cadwalader Colden called out soldiers stationed at Fort George to prevent a popular movement to free the prisoners. (In both instances city authorities had significant trouble finding anyone to act as hangman.)<sup>121</sup> Many freemen of Philadelphia no doubt thought counterfeiters were a nuisance. Yet it is suggestive that while as early as the 1680s Governor Blackwell characterized coiners as "vile persons," as late as 1752 many in the city thought of counterfeiters as "sanctified Villains"—a testimony to the ambivalence and irony inherent in popular representations of colonial outlaws. More important, understanding monetary policies and conflicts in early Philadelphia requires attention be given to the beliefs and values of those most dramatically impacted by economic and legal change.

## NOTES

1. For the depression, see Richard A. Lester, "Currency Issues to Overcome Depressions in Pennsylvania, 1723 and 1729," *Journal of Political Economy* 46, no. 3 (June 1938): 324–75; Gary B. Nash, *The Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution* (Cambridge, MA: Harvard University Press, 1979), 118–21; Nash, *Quakers and Politics: Pennsylvania, 1681–1726* (Princeton, NJ: Princeton University Press, 1968), 332;



- Arthur L. Jensen, *The Maritime Commerce of Colonial Philadelphia* (Madison: The State Historical Society of Wisconsin, 1963), 16–17; James G. Lydon, “Philadelphia’s Commercial Expansion, 1720–1739,” *Pennsylvania Magazine of History and Biography* (hereafter *PMHB*) 91, no. 4 (October 1967): 401–18. Between 1718 and 1723 Pennsylvanians submitted to the assembly no less than six petitions requesting an increase in the money supply. *Pennsylvania Archives* (hereafter *PA*), 120 vols. (Philadelphia: J. Severns and Co., 1852–56; Harrisburg, 1874–1935), 8th ser., 2:1262, 1263, 1361, 1398, 1415, 1464.
2. *The Statutes at Large of Pennsylvania from 1682–1801* (hereafter *Statutes*), 18 vols. (Harrisburg: C. M. Busch, 1896–1916), 3:324–38, 389–407. With the creation of the Loan Office freeholders mortgaged land in exchange for loans made with interest. The bills were to be retired at the time of repayment.
  3. *A Dialogue Between Mr. Robert Rich, and Roger Plowman* (Philadelphia, 1725), in Charles Evans, bibliographer, *Early American Imprints: First Series* (hereafter *EAI*) (New York: Readex Microprint, 1985), no. 2624, 1, 3–4. The allegorical Roger Plowman was likely a variant on the English Piers Plowman tradition, based on William Langland’s fourteenth-century poem of the same name. As a humble tiller of the soil Plowman searched for truth and was adapted to eighteenth-century Pennsylvania as the “honest” Roger.
  4. For criticisms of the demands for paper—and the alleged demagogues who encouraged such demands—see *American Weekly Mercury*, December 31, 1723; James Logan, *A Dialogue Shewing, what’s therein to be found* (Philadelphia, 1725), in *EAI*, no. 2652. For the first essay calling for paper, see Francis Rawle, *Some Remedies Proposed, for the Restoring the sunk Credit of the Province of Pennsylvania* (Philadelphia, 1721), in *EAI*, no. 2287. By this time the founding generation of Quaker merchants was being replaced by an emerging group of Anglicans, though Quakers clung to political power with “surprising tenacity.” Gary B. Nash, “The Early Merchants of Philadelphia: The Formation and Disintegration of a Founding Elite,” in *The World of William Penn*, ed. Richard S. Dunn and Mary Maples Dunn (Philadelphia: University of Pennsylvania Press, 1986), 350.
  5. Throughout this article I will use categories like “laboring classes” and “common people” interchangeably. Though these categories were not always identical, Philadelphians who protested against economic oppression often associated labor and productivity with the common people. Important discussions of social structure and working people in colonial and revolutionary America can be found in Gary B. Nash, Billy G. Smith, and Dirk Hoerder, “Laboring Americans and the American Revolution,” *Labor History* 24, no. 3 (Summer 1983): 414–39; and Alfred F. Young, “The Mechanics of the Revolution: ‘By Hammer and Hand All Arts do Stand,’” in Young, *Liberty Tree: Ordinary People and the American Revolution* (New York: New York University Press, 2006), 27–99.
  6. Though primarily concerned with the revolutionary and early republican periods, a useful discussion of debt, credit, currency, and related issues is Bruce H. Mann, *Republic of Debtors: Bankruptcy in the Age of American Independence* (Cambridge, MA: Harvard University Press, 2002).
  7. See, for example, *A Dialogue Between Rich and Plowman*; and *The Triumvirate of Pennsylvania* (Philadelphia, 1725), in *EAI*, no. 2712.
  8. Logan, *A Dialogue Shewing*, 13 (quote), 40; *A Dialogue Between Rich and Plowman*, 2. For a recent analysis of the development of the terms “common people,” “commonalty,” “common-weale,” and “commonwealth” over the *longue durée* in early modern England, see David Rollison,

*A Commonwealth of the People: Popular Politics and England's Long Social Revolution, 1066–1649* (New York: Cambridge University Press, 2010).

9. According to their definitive work on the economic history of British North America, John McCusker and Russell Menard assert counterfeiters "seem always to have been at work in the colonies," and Kenneth Scott long ago explored the prevalence of counterfeiting in colonial North America. John J. McCusker and Russell R. Menard, *The Economy of British America, 1607–1789*, 2nd ed. (Chapel Hill: University of North Carolina Press, 1991), 339; Kenneth Scott, *Counterfeiting in Colonial America* (New York: Oxford University Press, 1957).
10. In 1718 the numbers of capital punishments in Pennsylvania were expanded from one (willful murder) to twelve. *Statutes*, 3:199–221; Jack D. Marietta and G. S. Rowe, *Troubled Experiment: Crime and Justice in Pennsylvania, 1682–1800* (Philadelphia: University of Pennsylvania Press, 2006), 22. For the council's deliberations, see *Minutes of the Provincial Council of Pennsylvania, from the Organization to the Termination of the Proprietary Government* (hereafter MPC), 16 vols. (Philadelphia: J. Severns, 1852–53), 3:109. The case of Edward Hunt will be treated in more detail below.
11. In addition to nobles, lawyers and others connected with systems of justice were frequently targets of popular uprisings in medieval and early modern England. Rodney Hilton, *Bond Men made Free: Medieval Peasant Movements and the English Rising of 1381* (New York: Viking Press, 1973), 194–95, 226–27; Andy Wood, *The 1549 Rebellions and the Making of Early Modern England* (New York: Cambridge University Press, 2007), 159–64. During the Civil War lawyers and unjust laws were the focus of John Warr's defense of the common people in "The Corruption and Deficiency of the Lawes of England Soberly Discovered: or Liberty Working up to Its Just Height, 1649," in *Divine Right and Democracy: An Anthology of Political Writing in Stuart England*, ed. David Wootton (New York: Penguin, 1986), 148–63.
12. Malcolm Gaskill, *Crime and Mentalities in Early Modern England* (New York: Cambridge University Press, 2000), 124–37. Gaskill makes a similar point for early modern England (130–31).
13. For counterfeiting in the colonies, their practitioners, and the severity of Pennsylvania punishments, see Scott, *Counterfeiting in Colonia America*, 210. For the literature of crime, see Daniel A. Cohen, *Pillars of Salt, Monuments of Grace: New England Crime Literature and the Origins of American Popular Culture, 1676–1860* (New York: Oxford University Press, 1993); Daniel Williams, "Introduction," in *Pillars of Salt: An Anthology of Early American Criminal Narratives*, ed. Williams (Madison, WI: Madison House, 1993), 1–64. Counterfeiters like Owen Sullivan of New York achieved a great deal of notoriety in the colonies as a highly skilled maker of money, and the fame of his "Dover Money Club" is reminiscent of the popularity of counterfeiters in the home country. Indeed, New York attorney general John Tabor Kempe kept a special file on Sullivan. See John Tabor Kempe Papers (SJC, Criminal), Series 1, Box 2, Folder 3, New-York Historical Society. Scott devoted a full chapter to the Dover Money Club in *Counterfeiting in Colonial America*, chap. 2. Sullivan's "Last Dying Speech" was published in New York City in 1756, and the immortalization of his defiant gallows' confession would have contributed to his "mythogenetic" appeal. It is also significant that Sullivan's execution had to be delayed, since the government of New York could find no one in the city willing to act as a hangman. "A Short Account of the Life of John\*\*\*\*\*Alias Owen Syllavan," in *Pillars of Salt*, ed. Williams, 142–49.

14. For Franklin and crime see David Waldstreicher, *Runaway America: Benjamin Franklin, Slavery, and the American Revolution* (New York: Hill and Wang, 2004), 95–96. For an image of Franklin's twenty-shilling notes, see <http://www.librarycompany.org/BFWriter/images/large/3.7.jpg>.
15. For Philadelphia in the 1720s, see Thomas Wendel, "The Keith-Lloyd Alliance: Factional and Coalition Politics in Colonial Pennsylvania," *PMHB* 92, no. 3 (July 1968): 289–305; Nash, *Urban Crucible*, 149–53; Ronald Schultz, *The Republic of Labor: Philadelphia Artisans and the Politics of Class, 1720–1830* (New York: Oxford University Press, 1993), 22–23; Alan Tully, *Forming American Politics: Ideals, Interests, and Institutions in Colonial New York and Pennsylvania* (Baltimore: Johns Hopkins University Press, 1994), 358. For economic issues in Pennsylvania see Lester, "Currency Issues." For economic issues in the colonies generally, see Joseph A. Ernst, *Money and Politics in America, 1755–1775: A Study in the Currency Act of 1764 and the Political Economy of Revolution* (Chapel Hill: University of North Carolina Press, 1973); McCusker and Menard, *Economy of British America*.
16. For assaults against constables and abuses of the watch, see Grand Jury Presentment of Samuel Holt, March 5, 1695, in "Philadelphia County Court of Quarter Sessions and Common Pleas, 1695," ed., Edwin B. Bronner, *American Journal of Legal History* 1, no. 1 (January 1957): 90; Grand Jury Presentments of Francis Jones, Samuel Perry, Samuel Stacy, James Metcalf, and Thomas Marriot, August 6, 1695, in Bronner, "Court of Quarter Sessions," *American Journal of Legal History* 1, no. 3 (July 1957): 236–37. For refusals to serve on the night watch, see Lists presented by the Grand Jury, 1705, Ancient Records of Philadelphia, 1702–1770, Am. 3054, Historical Society of Pennsylvania (hereafter HSP). See also Marietta and Rowe, *Troubled Experiment*, 132–34; A. Roger Ekirch, *At Day's Close: Night in Times Past* (New York: Norton, 2005), 81–82, 250; and Keith Wrightson, "Two Concepts of Order: Justices, Constables and Jurymen in Seventeenth-Century England," in *An Ungovernable People: The English and Their Law in the Seventeenth and Eighteenth Centuries*, ed. John Brewer and John Styles (New Brunswick, NJ: Rutgers University Press, 1980), 21–46. For taverns in the city see Peter Thompson, *Rum, Punch, and Revolution: Taverngoing and Public Life in Eighteenth-Century Philadelphia* (Philadelphia: University of Pennsylvania Press, 1999).
17. *MPC*, 1:21–22, 26, 34, 382, 388, 392. For the English town heritage, see Sidney Webb and Beatrice Webb, *The Manor and the Borough*, 2 vols. (London: Longmans Green, 1908); Peter Clark, ed., *The Cambridge Urban History of Britain*, vol. 2, 1540–1840 (New York: Cambridge University Press, 2000).
18. The classic statement concerning the moral economy in eighteenth-century England is E. P. Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," *Past and Present* 50, no. 1 (1971): 76–136. See also his "Custom, Law, and Common Right," in *Customs in Common: Studies in Traditional Popular Culture* (New York: New Press, 1993), 97–184. On changing elite attitudes toward "the economy"—a concept not yet in existence—in seventeenth-century England, see Joyce Oldham Appleby, *Economic Thought and Ideology in Seventeenth-Century England* (Princeton, NJ: Princeton University Press, 1978).
19. "The First Charter of the City of Philadelphia, 1691," *PMHB* 18, no. 4 (1894): 504–9. Details of the 1701 charter are explicated in Edward P. Allinson and A. M. Boies Penrose, *Philadelphia, 1681–1887: A History of Municipal Development* (Philadelphia: Allen, Lane and Scott, 1887), 8–59.

20. "First Charter of Philadelphia, 1691"; Allinson and Penrose, *Philadelphia*, 8–9. The property qualifications of the 1701 charter would have excluded about 30% of those on the tax list of 1697 from freemanship status. Nash, *Quakers and Politics*, 232–33.
21. *Minutes of the Common Council of the City of Philadelphia, 1704–1776* (hereafter MCC) (Philadelphia: Crissy and Markley, 1847), 20, 34; PA, 8th ser., 1:411–12; Judith M. Diamondstone, "Philadelphia's Municipal Corporation," *PMHB* 90, no. 2 (April 1966): 183–201.
22. William Penn, "A Further Account of the Province of Pennsylvania, 1685," in *Narratives of Early Pennsylvania, West Jersey, and Delaware, 1630–1707*, ed. Albert Cook Myers (New York: Charles Scribner's, 1912), 260–62; Gabriel Thomas, "An Historical and Geographical Account of Pensilvania and of West New-Jersey, 1698," in *Narratives*, ed. Myers, 317–39; Mary Maples Dunn and Richard S. Dunn, "The Founding, 1681–1701," in *Philadelphia: A 300-Year History*, ed. Russell F. Weigley (New York: W. W. Norton, 1982), 10, 20.
23. Fletcher also pointed out that numerous soldiers stationed at the fort in the city deserted service, because neighboring colonists "pretending charity" regularly sheltered the runaways. Fletcher to the Lords of Trade, June 10, 1696, in *Documents Relative to the Colonial History of the State of New-York*, ed. John Romeyn Brodhead, 15 vols. (Albany, NY: Weed and Parsons, 1853–87), 4:159–60.
24. John J. McCusker, *Money and Exchange in Europe and America, 1600–1775: A Handbook* (Chapel Hill: University of North Carolina Press, 1978), 125–26; Ernst, *Money and Politics*, chap. 1; Lester, "Currency Issues," 326–27.
25. In the same letter More also famously noted that at this early date there was there was "Mutch robrey in City and Countrey." More to Penn, December 1, 1684, in *Papers of William Penn*, ed. Dunn and Dunn, 2:608.
26. Blackwell quoted in Joseph J. Kelley Jr., *Pennsylvania: The Colonial Years, 1681–1776* (New York: Doubleday, 1980), 62. Interestingly, while the ex-Cromwellian Blackwell was in Boston prior to his appointment in Pennsylvania, he submitted a bill to the Massachusetts General Court to establish a land bank, which failed. George Athan Billias, *The Massachusetts Land Bankers of 1740* (Orono: University of Maine Press, 1959), 1.
27. Blackwell to Penn, June 24, 1689, in "Original Letters and Documents," *PMHB* 6, no. 3 (1882): 363. Blackwell's price estimates for imports are corroborated by contemporary estimates in New York. Jasper Dankaerts criticized similar merchant practices in New York in 1682, while the Reverend John Miller claimed English goods were marked up between 100% and 400% in the 1690s. Bartlett Burleigh James and J. Franklin Jameson, eds., *Journal of Jasper Dankaerts, 1679–1680* (New York: Scribner's Sons, 1913), 244–46; Reverend John Miller, "A Brief Description of the Province and City of New-York: With Plans of the City and Several Forts as they existed in the Year 1695," in *Historic Chronicles of New Amsterdam, Colonial New York and Early Long Island*, ed. Cornell Jaray (Port Washington, NY: Ira J. Friedman, 1968), 35. For the high price of imports in Pennsylvania see also Lester, "Currency Issues," 342–43.
28. For a scattering of cases of debt in the 1680s, see "Philadelphia County Court of Quarter Sessions," 1685–86, Am.3092, HSP. In 1695 Chester farmer Thomas Smith successfully sued Philadelphia merchant Thomas Smith for dispossessing Smith of his goods for an outstanding debt without due process. Bronner, "Philadelphia Court of Quarter Sessions," *American Journal of Legal History* 1,

- no. 2 (April 1957): 175–76. For other cases of debt in the county court of common pleas in the 1690s see Bronner, “Philadelphia Court of Quarter Sessions,” no. 1, 185, 187, 240–50.
29. *MCC*, 19.
  30. “The Humble Petition of Divers poor Inhabitants of the City and County of Philadelphia,” Records of Philadelphia County, 1671–1855, Collection 1014, Box 1, Folder 6, HSP. For the 1706 petition, see John Fanning Watson, *Annals of Philadelphia, and Pennsylvania, in the Olden Time*, 3 vols. (Philadelphia: E. S. Stuart, 1887), 1:358. For Evans’s response see *MPC*, 2:269.
  31. *Charter to William Penn, and Laws of the Province of Pennsylvania, passed between the Years 1682 and 1700* (Harrisburg: Lane S. Hart, State Printer, 1879), 200–201. In 1705 the assembly revisited the law making “Debtors pay by Servitude,” and agreed to reaffirm the statute. *PA*, 8th ser., 1:522, 523. The runaway law was originally suggested by William Penn himself. *MPC*, 1:40, 80. For New York and Virginia, see *Colonial Laws of New York from the Year 1664 to the Revolution*, 5 vols. (Albany, NY: J. B. Lyon, 1894–96), 1:147–48; Kermit L. Hall, Paul Finkelman, and James W. Ely Jr., eds., *American Legal History: Cases and Materials*, 3rd ed. (New York: Oxford University Press, 2005), 53; Richard B. Morris, *Government and Labor in Early America* (New York: Harper and Row, 1946), 437. In Dutch New Amsterdam runaways were also forced to serve double time after 1640. E. B. O’Callaghan, comp. and trans., *Laws and Ordinances of New Netherland, 1638–1674* (Albany, NY: Weed, Parson and Co., 1868). For the changing laws in Massachusetts, which included corporal punishments and eventually extra time—though not close to the degree in Pennsylvania—see Lawrence William Towner, *A Good Master Well Served: Masters and Servants in Colonial Massachusetts, 1620–1750* (New York: Garland, 1998), 195–200; Barry Levy, *Town Born: The Political Economy of New England from Its Founding to the Revolution* (Philadelphia: University of Pennsylvania Press, 2009), 64–72. According to Joan Lane it was not until the Seven Years’ War and large-scale flight from service among male apprentices that time was added to the original terms of contracts in England—and this 1766 act specified only that the length of time missed would be added to the period of servitude. Lane, *Apprenticeship in England, 1600–1914* (Boulder, CO: Westview Press, 1996), 5.
  32. In addition to “The Humble Petition,” see Records of Philadelphia County, 1671–1855, Collection 1014, Box 1, folders 7 and 8, HSP. See also Philadelphia Court Cases, 1710–1713 Am.3047, HSP; and Court of Common Pleas, 1697–1732, Am.3039, HSP.
  33. Mittelberger, quoted in Cheesman A. Herrick, *White Servitude in Pennsylvania* (Philadelphia: John Joseph McVey, 1926), 104–5 n. 15; *Pennsylvania Gazette*, March 31, 1757, in *Blacks Who Stole Themselves: Advertisements for Runaways in the Pennsylvania Gazette, 1728–1790*, comp. Billy G. Smith and Richard Wojtowicz (Philadelphia: University of Pennsylvania Press, 1989), 41.
  34. The “Laws Agreed upon in England” stated that prisons were to be “free, as to fees, food, and lodging.” *MPC*, 1:38.
  35. Though the English apprenticeship and guild system declined precipitously after 1680. Levy, *Town Born*, 42; Clark, *Cambridge Urban History*, 284, 372, 546. See also Ilana Krausman Ben-Amos, “Failure to Become Freemen: Urban Apprentices in Early Modern England,” *Social History* 16, no. 2 (May 1991): 155–72.
  36. *MCP*, 3:376–77.
  37. McCusker, *Money and Exchange*, 126.

38. *PA*, 8th ser., 1:461, 533, 534, 541; 2:840, 841–44, 889.
39. *Ibid.*, 2:1124, 1237, 1263, 1266, 1269, 1739.
40. J. Thomas Scharf and Thompson Westcott, *History of Philadelphia, 1609–1884*, 3 vols. (Philadelphia: L. H. Everts and Co., 1884), 1:186; Carl Bridenbaugh, *The Colonial Craftsman* (Chicago: University of Chicago Press, 1950), 141.
41. Those admitted to the freedom of the city ranged from laborers to merchants, and fees were either £5 6s. or £15 6s. (with an exception of £2 for carters). *MCC*, 118–35, 146–47.
42. The bill also prohibited the selling of liquor to slaves. *PA*, 8th ser., 2:1240.
43. *Ibid.*, 2:1477, 1485; 3:1846. For servants' social mobility in Pennsylvania see Sharon V. Salinger, *"To Serve Well and Faithfully": Labor and Indentured Servants in Pennsylvania, 1682–1800* (New York: Cambridge University Press, 1987). For free urban laborers in the second half of the eighteenth century see Billy G. Smith, *The "Lower Sort": Philadelphia's Laboring People, 1750–1800* (Ithaca, NY: Cornell University Press, 1990).
44. *PA*, 8th ser., 3:1829–32.
45. *Pennsylvania Gazette*, March 20, 1729; Franklin, *A Modest Enquiry into the Nature and Necessity of a Paper Currency* (Philadelphia, 1729), in *EAI*, no. 3165; Schultz, *Republic of Labor*, 25. For Franklin, monetary policy, and *A Modest Enquiry* see Alan Houston, *Benjamin Franklin and the Politics of Improvement* (New Haven, CT: Yale University Press, 2008), 41–52.
46. *MPC*, 3:351–52; Gordon, *By the Honourable Patrick Gordon Esq. . . A Proclamation . . .* (Philadelphia, 1729), in *EAI*, no. 3201; *Statutes*, 4:98–116. See also Watson, *Annals of Philadelphia*, 1:79; Marietta and Rowe, *Troubled Experiment*, 65. Logan famously ridiculed "the *Sot*, the *Rambler*, the *Spendthrift*, and *Slip-Season*" in *A Dialogue Shewing*, 25.
47. Schultz, *Republic of Labor*, 27–28; *Pennsylvania Gazette*, April 8 and May 6, 1736.
48. Interestingly, tanners utilized the pages of the *Mercury* to present their argument; their opponents published in the *Gazette*. *American Weekly Mercury*, August 16 and September 13, 1739; *Pennsylvania Gazette*, August 30 and October 18, 1739. For the petition and hearing see *PA*, 8th ser., 3:2487, 2490, 2501.
49. On the controversy, Whitefield's appeal to the lower sort (in particular his attention to the colonies' black population), and Franklin and the public sphere, see William Pencak, "The Beginning of a Beautiful Friendship: Benjamin Franklin, George Whitefield, the Dancing School, and a Defense of the 'Meaner Sort,'" in Pencak, *Contested Commonwealths: Essays in American History* (Lanham, MD: Rowan and Littlefield and Lehigh University Press, 2011), 197–212.
50. *MCC*, 396–99; *MPC*, 4:491–92. It was also during this same period that the Land Bank controversy occurred in Massachusetts, though no reference was made in Pennsylvania to the debate to the north. See Billias, *Massachusetts Land Bankers*.
51. *Pennsylvania Gazette*, January 8, 1741; *New-York Weekly Journal*, January 26, 1741.
52. "Dick Farmer," *Whereas Great Quantities of English Copper . . .* (Philadelphia, 1741), in *EAI*, no. 5178. The Evans Collection mistakenly attributes the broadside to 1743.
53. *Pennsylvania Gazette*, June 18, 1741; *American Weekly Mercury*, June 25, 1741; *MCC*, 402, 405.
54. *MPC*, 4:396; *American Weekly Mercury*, April 17, 1740; *Pennsylvania Gazette*, April 24 and July 10, 1740.

55. PA, 8th ser., 3:2603, 2608–9, 2656, 2659, 2677; MPC, 4:437, 448; Salinger, “*To Serve Well and Faithfully*,” 59.
56. MPC, 4:435–38; PA, 8th ser., 3:2603, 2564, 2670, 2600, 2628; Salinger, “*To Serve Well and Faithfully*,” 59, 62, 65, 69.
57. PA, 8th ser., 3:2614–15.
58. Franklin, *Plain Truth: Or, Serious Considerations on the Present State of the City of Philadelphia, and Province of Pennsylvania, By a Tradesman of Philadelphia* (Philadelphia, 1747), in EAI, no. 5948, 14.
59. MPC, 4:466–67, 440, 468.
60. *Pennsylvania Gazette*, April 22, 1742; MPC, 4:456.
61. Michael Bradley McCoy, “Absconding Servants, Anxious Germans, and Angry Sailors: Working People and the Making of the Philadelphia Election Riot of 1742,” *Pennsylvania History* 74, no. 4 (Autumn 2007): 427–51; Thompson, *Rum, Punch, and Revolution*, 129–32; Norman S. Cohen, “The Philadelphia Election Riot of 1742,” *PMHB* 92, no. 3 (July 1968): 306–19. Thomas was prohibited from agreeing to more currency by the Penns, who were unable to collect quitrents, and King George, following parliamentary inquiries into colonial money. MPC, 4:318–20, 471–88.
62. *Pennsylvania Journal*, July 23, 1752; MCC, 561; MPC, 5:505
63. *Pennsylvania Gazette*, June 9, 1748; MCC, 498–99.
64. PA, 8th ser., 4:3483, 3515, 3518, 3520. As in 1748, Governor Hamilton refused assembly requests for more currency. MPC, 5:564.
65. Appleby, *Economic Thought and Ideology*; Rollison, *Commonwealth of the People*; Douglas Hay, Peter Linebaugh, John G. Rule, E. P. Thompson, and Cal Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (New York: Pantheon Books, 1975). For the colonial context see Peter Charles Hoffer, *Law and People in Colonial America* (Baltimore: Johns Hopkins University Press, 1992).
66. McCusker, *Money and Exchange*, 3–4.
67. Though James Logan epitomized the opposition to emissions of bills of credit, many were also, like Logan, aligned with the proprietary interest. This included most members of the common council. Diamondstone, “Philadelphia's Municipal Corporation,” 197; Schultz, *Republic of Labor*, 20–21.
68. PA, 8th ser., 2:1262, 1394–95.
69. Gaskill, *Crime and Mentalities*, 127; Scott, *Counterfeiting in Colonial America*, 3.
70. According to the testimony of Buckley and Fenton, the three men made the money together, while Fenton admitted to cutting the seals for Pickering. MPC, 1:84–88; Scott, *Counterfeiting in Colonial America*, 24.
71. Bronner, “Court of Quarter Sessions,” no. 1, 177; Scott, *Counterfeiting in Colonial America*, 25, 35.
72. *Charters and Laws*, 206.
73. Kelley, *Pennsylvania*, 62.
74. For the English tradition, see Gaskill, *Crime and Mentalities*, 132–35; Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century*, 2nd ed. (New York: Verso, 2006), 55–56. Such beliefs complicate and suggest an expanded vision of what constituted the “moral economy” is in order, both in England and the novel economic and cultural contexts of the colonies. Thompson, “Moral Economy of the English Crowd.”
75. Bronner, “Court of Quarter Sessions,” no. 1, 91; Grand Jury Presentments of John Sable and John Simes, 1702, Ancient Records, HSP; Sharon V. Salinger, *Taverns and Drinking in Early America* (Baltimore: Johns Hopkins University Press, 2004), 231–32, 300 n. 59.

76. MCC, 98–99.
77. Salinger, *Taverns and Drinking*, 231–33. See also Thompson, *Rum, Punch, and Revolution*; Jessica Kross, "‘If you will not drink with me, you must fight with me’: The Sociology of Drinking in the Middle Colonies," *Pennsylvania History* 64, no. 1 (Winter 1997): 28–55.
78. The 1718 act does not mention counterfeiting specifically, but its adoption of English common law for high treason meant that counterfeiting could be punished by death. *Statutes*, 3:200. For the dramatic increase in capital offenses, see also Marietta and Rowe, *Troubled Experiment*, 22. For the Coinage Act see Linebaugh, *London Hanged*, 51–52; Gaskill, *Crime and Mentalities*, 126–27.
79. For gallows literature in early modern England, see J. A. Sharpe, "‘Last Dying Speeches’: Religion, Ideology, and Public Execution in Seventeenth-Century England," *Past and Present* 107 (May 1985): 144–67; Lincoln B. Faller, *Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth and Early Eighteenth-Century England* (New York: Cambridge University Press, 1987); Ian A. Bell, *Literature and Crime in Augustan England* (New York: Routledge, 1991); Linebaugh, *London Hanged*; Gaskill, *Crime and Mentalities*. For the emergence of gallows literature in Pennsylvania in the 1720s, see Marietta and Rowe, *Troubled Experiment*, 158–59.
80. Penn, "Fundamental Constitutions of Pennsylvania," in *William Penn and the Founding of Pennsylvania, 1680–1684: A Documentary History*, ed. Jean R. Soderlund (Philadelphia: University of Pennsylvania Press, 1983), 103–4.
81. *American Weekly Mercury*, November 24, 1720. The following paragraph is drawn from this issue of the paper.
82. In England such craftsmen were often highly admired for their workmanship, as coining frequently supplemented workers’ income. Gaskill, *Crime and Mentalities*, 137. Scott devotes a chapter to counterfeiting silversmiths in *Counterfeiting in Colonial America*, 210–35.
83. The significance of oaths in the early modern Anglo-American world has yet to receive the attention it deserves from cultural historians. For evidence of the tremendous importance of oaths in eighteenth-century Anglo-American society see *The Nature and Importance of Oaths and Juries* (New York, 1747), in *EAI*, no. 6015.
84. Hunt’s wife, Martha, was found guilty of misprision of treason and was sentenced to the unprecedented punishment of life imprisonment and a £500 fine. Five years after the hanging of her husband, however, she was found a proper object of mercy and pardoned. *MPC*, 3:244; Scott, *Counterfeiting in Colonial America*, 54.
85. *MPC*, 3:110.
86. For examples of more scholarly essays see (all in *EAI*): Rawle, *Some Remedies Proposed*; David Lloyd, *A Vindication of the Legislative Power* (Philadelphia, 1725), no. 2649; James Logan, *The Antidote, in some Remarks on a Paper of David Lloyd’s, called A Vindication of the Legislative Power* (Philadelphia, 1725), no. 2650; William Keith, *A Modest Reply to the Speech of Isaac Norris, Esq.* (Philadelphia, 1727), no. 2890; *To my Respected Friend, I. Norris* (Philadelphia, 1727), no. 2889; and Isaac Norris, *The Speech Delivered from the Bench in the Court of Common Pleas held for the City and County of Philadelphia, the 11th Day of September, 1727* (Philadelphia, 1727), no. 2937.
87. Rawle was the first to publicly propose emitting bills of credit in *Some Remedies Proposed*.
88. *Dialogue Between Rich and Plowman*, 1.
89. *Observer’s Trip to America*, 35–36.
90. *Dialogue Between Rich and Plowman*, 1, 2; *Triumvirate of Pennsylvania*, 1, 3.



91. *Pennsylvania Gazette*, December 19, 1732, quoted in *Franklin Papers*, 1:278–79. See also Scott, *Counterfeiting in Colonial America*, 78–79; Thompson, *Rum, Punch, and Revolution*, 88–89.
92. *Pennsylvania Gazette*, July 16, 1730; December 12, 1734, and April 3, 1735; Scott, *Counterfeiting in Colonial America*, 79–81.
93. For immigration see Salinger, “*To Serve Well and Faithfully*,” 51–56; Marianne S. Wokeck, *Trade in Strangers: The Beginnings of Mass Migration to North America* (University Park: Pennsylvania State University Press, 1999), 41–42. For the growing importance of British and continental European outlets for Pennsylvania wheat, which came to challenge the West Indian trade, see Lydon, “Philadelphia’s Commercial Expansion.”
94. Salinger, “*To Serve Well and Faithfully*,” 69; Gary B. Nash and Jean R. Soderlund, *Freedom by Degrees: Emancipation in Pennsylvania and Its Aftermath* (New York: Oxford University Press, 1991), 21.
95. Waldstreicher, *Runaway America*, 19, 56; Barry Levy, “Levelers and Fugitives: Runaway Advertisements and the Contrasting Political Economies of Mid-Eighteenth-Century Massachusetts and Pennsylvania,” *Pennsylvania History* 78, no. 1 (Winter 2011): 1–32; Marietta and Rowe, *Troubled Experiment*, 158–59.
96. For outlaws in the Roman empire see P. A. Mackay, “‘Klephtika’: The Tradition of the Tales of Banditry in Apuleius,” *Greece and Rome* 10, no. 2 (October 1963); Brent D. Shaw, “Bandits in the Roman Empire,” *Past and Present* 105 (November 1984): 3–52; Thomas Grünwald, *Bandits in the Roman Empire: Myth and Reality*, trans. John Drinkwater (New York: Routledge, 2004). For outlaws in medieval England see Thomas H. Ohlgren, ed., *Medieval Outlaws: Ten Tales in Modern English* (Stroud, Gloucestershire: Sutton, 1998). Much work on banditry in the modern era has been inspired by Eric Hobsbawm’s *Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries* (New York: Norton, 1959); and Hobsbawm, *Bandits* (New York: Delacorte Press, 1969). Counterfeiters were not social bandits, but representations of the exploits of outlaws likely held the same “mythogenetic” appeal in the colonies that they did in early modern Europe. See Peter Burke, *Popular Culture in Early Modern Europe* (New York: Harper and Row, 1978), 165–66; Adam Fox, *Oral and Literate Culture in England, 1500–1700* (Oxford: Clarendon Press, 2000), 223–24.
97. *Pennsylvania Gazette*, June 17, 1731; March 14, 1738; January 11, 1733; June 21, 1733.
98. *Ibid.*, June 23, 1743. For Bell’s adventures in the colonies see Steven C. Bullock, “A Mumper among the Gentle: Tom Bell, Colonial Confidence Man,” *William and Mary Quarterly* 3rd ser., 55, no. 2 (April 1998): 231–58.
99. *The Life and Adventures of Bampfylde Moore Carew* was first published in England in 1745 and was advertised in Philadelphia in 1773. *Pennsylvania Gazette*, April 21, 1773.
100. *The Life and Adventures of Bampfylde Moore Carew* (London, 1835), 61.
101. Poulter, alias Baxter, is quoted in Gwenda Morgan and Peter Rushton, *Eighteenth-Century Criminal Transportation: The Formation of the Criminal Atlantic* (New York: Palgrave Macmillan, 2004), 99.
102. MPC, 3:260; Patrick Gordon, *By the Honourable Patrick Gordon, Esq; . . . A Proclamation* (Philadelphia, 1726), in EAI, no. 2801.
103. Richard L. Bushman, *The Refinement of America: Persons, Houses, Cities* (New York: Knopf, 1992).
104. *Advice to the Free-holders and Electors of Pennsylvania* (Philadelphia, 1735), in EAI, no. 3863. Note also the similarity between the pseudonym of Constant Truman and the character of Obadiah Plainman, used by Franklin some years later. See Pencak, “Beginning of a Beautiful Friendship.”

105. Smith, "*Lower Sort*," 130–44; Gary B. Nash, "Up from the Bottom in Franklin's Philadelphia," *Past and Present* 77 (November 1977): 57–83; Theodore Thayer, "Town into City, 1746–1765," in *Philadelphia*, ed. Weigley, 99.
106. As early as the 1690s the Philadelphia Grand Jury complained that "Negroes & loose People" fraternized on First Days. Bronner, "Court of Quarter Sessions," no. 1, 92. But see the "Petition of the Grand Inquest to the Mayor and Commonalty of the City of Philadelphia, January 1735/6," Records of Philadelphia County, 1671–1855, Collection 1014, Box 1, Folder 14, HSP; MCC, 314, 315, 326, 342, 376–77, 405.
107. "Some Indictments by the Grand Jury of Philadelphia, 1744," *PMHB* 22, no. 4 (1898): 498–99. For Franklin on unruly servants and slaves, see his "Petition to the Pennsylvania Assembly Regarding Fairs," in Larabee, *Franklin Papers*, 1:211–12; Waldstreicher, *Runaway America*, 94.
108. *PA*, 8th ser., 3:1806–9, 2457; *Statutes*, 4:358.
109. Farmer also signed his broadside "in Behalf of *Thousands*." *Whereas Great Quantities* . . .
110. *PA*, 1st ser., 1:578–81, 619–21; *MPC*, 4:422, 429; Scott, *Counterfeiting in Colonial America*, 6, 87–92.
111. Brick's story was corroborated by her husband or brother, William. *PA*, 1st ser., 621–23; *MPC*, 4:422, 429.
112. *Pennsylvania Gazette*, January 9, 1735; July 12, 1739; November 3, 1743; August 9, 1744; January 11, 1744; October 22, 1747; November 10, 1748. See also Scott, *Counterfeiting in Colonial America*.
113. *Pennsylvania Gazette*, May 9, 1751; *Independent Reflector*, March 15, 1753. An informative narrative concerning the "Philadelphia robbers" at midcentury is *An Account of the Robberies Committed by John Morrison, and his Accomplices, in and near Philadelphia, 1750* (Philadelphia, 1750–1), in *EAI*, no. 6624.
114. *Pennsylvania Gazette*, February 25, 1752, and February 19, 1754.
115. *MCC*, 520.
116. *PA*, 8th ser., 4:3403, 3405, 3406, 3412–13, 3422; *MPC*, 5:505. For London's night watch and lighting of streets in 1736, see Ekirch, *At Day's Close*, 330.
117. Thomas Penn to James Hamilton, July 29, 1751, and March 9, 1752, Correspondence of Thomas and Richard Penn with James Hamilton, 1741–1771, American Philosophical Society. The author wishes to thank Chris Pearl for alerting him to these documents. Wealthy silversmiths like Gideon Casey were able to pay £50 fines for the offense in 1752. Scott, *Counterfeiting in Colonial America*, 211.
118. Alan Tully, *William Penn's Legacy: Politics and Social Structure in Provincial Pennsylvania, 1726–1755* (Baltimore: Johns Hopkins University Press, 1977); Tully, *Forming American Politics*.
119. Excepting, of course, the upheavals of the 1720s. Nash, *Urban Crucible*; Schultz, *Republic of Labor*; Smith, "*Lower Sort*"; Thompson, *Rum, Punch, and Revolution*.
120. Gaskill, *Crime and Mentalities*, 127; *The Life and Confession of Herman Rosencrantz* (Philadelphia, 1770), in *EAI*, no. 11,839.
121. See "A Short Account," in *Pillars of Salt*, ed. Williams, 148–49; Cadwalader Colden to Sir Jeffrey Amherst, 1762, *Collections of the New-York Historical Society*, 1917 (New York: New-York Historical Society, 1917), 6:121–22; *New-York Mercury*, February 22, 1762.

**JAMES WILSON—HIS SCOTTISH  
BACKGROUND: CORRECTIONS AND  
ADDITIONS**

*Martin Claggett*

**James Wilson before America: New Insights into the  
Scottish Years**

James Wilson was one of the most vocal and earliest advocates for a separation from Britain, a member of the Second Continental Congress, a contributor to and signer of the Declaration of Independence, an ardent supporter for the passage of the Constitution and a strong central government, one of six individuals who signed both the Declaration of Independence and the Constitution, a justice of the first Supreme Court, and one of the original Founders. The events of his life, his actions, his political stands, his character, and his economic motivations are all in dispute among historians: "Indeed, he appears to have provoked more conflict than consensus among scholarly specialists."<sup>1</sup> An area of particular importance and specific neglect has been Wilson's family background, early economic and religious influences, and education.

A reliable narrative of James Wilson's life before America has been difficult to come by, and the literature available is often inaccurate. In the past, for information concerning the early years of Wilson's life scholars have relied either on Charles Page

Smith's *James Wilson: Founding Father, 1742–1798* (Chapel Hill: University of North Carolina Press, 1956), or Geoffrey Seed's *James Wilson* (Millwood, NY: KTO Press, 1978). Seed's analysis of Wilson's early years and education was succinct, Smith's expansive. Smith seems to have taken two letters found in the Montgomery Collection at the Historical Society of Pennsylvania—the first a letter from Wilson's mother and the second an account written in 1805 by Wilson's cousin, Robert Annan—as the foundation for an early history of Wilson's early life. Much of Smith's story is more romantic fiction than fact. Several other works have dealt primarily with Wilson's philosophical and political perspectives, with only fleeting or suppositional accounts of his early history. Among those are *The Works of James Wilson*, edited by Robert Green McCloskey (Cambridge, MA: Harvard University Press, 1967); Randolph Greenfield Adams, "James Wilson and St Andrews," *The General Magazine and Historical Chronicle* (1931); Andrew Bennett, *James Wilson of St Andrews* (St Andrews: J. and G. Innes, 1928); Burton Konkle, *James Wilson and the Constitution* (Philadelphia: Law Academy, 1907); and *Collected Works of James Wilson*, edited by Kermit Hall and Mark David Hall (Indianapolis, IN: Liberty Fund, 2007).

In April 2009 an important article by Professor William Ewald suggested that the final draft of the Constitution was far more a result of Wilson's philosophical viewpoints and considered convictions than it was of Madison's original design. Ewald maintains that the reason for the Madison predominance in the story of the Constitution is the centrality of the Virginia plan, the accessibility of his Notes of the Philadelphia convention (which focused on circumstances important to Madison), and to Wilson's diminished status at the end of his life. Ewald's reconstruction of the convention and the role played by the Committee of Detail speaks to Wilson's crucial contributions to the final draft of the Constitution that was presented to the delegates for ratification. The Committee of Detail was a group of five led by Wilson, Edmund Randolph and John Rutledge and "contrary to its instructions, significantly rewrote the Constitution, adding provisions that had never been discussed by the Convention and were ultimately to be of greater importance to constitutional law than the issue of equal State representation in the Senate."<sup>2</sup>

Ewald also demonstrated that the "internal workings of the Committee of Detail are not recorded in Madison's *Notes*, and its contribution is generally treated only sketchily in histories of the Convention."<sup>3</sup> This new perspective will no doubt enhance Wilson's diminished reputation and increase the interest in the circumstances of his life. Specifically this study will shed light

on his early influences and training and also illustrate the importance of the connections between the *virtuosi* of the Scottish Enlightenment and certain of the Founders.

For half a century Charles Page Smith's version of James Wilson's life has been the foundation of many other studies, but the accounts of Wilson's Scottish years are filled with errors and fleshed out with conjectures. According to Smith, William Wilson (James Wilson's father) was an evangelical preacher who joined with the ultraconservative and radical reformers Ebenezer (not Ebenezer, which is correct) Erskine, Alexander (not Charles) Moncrieff, and James Fisher to form an associate presbytery at Gairney Bridge in response to the Episcopalian actions of the General Assembly of the Church of Scotland. William Wilson was also depicted as a founder of the Secession Church. Smith imaginatively conflated the impact of his firebrand father's brand of religion on James Wilson's early education and his later philosophical orientations. Geoffrey Seed tempered Smith's representation of the father but still claimed that William Wilson "was an elder in the Church of Scotland."<sup>4</sup> However, there is no evidence available on which to make even this modest claim. The radical reformer, identified by Smith as Wilson's father, died on October 8, 1741—almost a full year before James Wilson of Carskerdo was born.<sup>5</sup>



FIGURE 1: Photograph of the Wilson Homestead at Carskerdo, Scotland. Randolph G. Adams, "James Wilson and St Andrews," *The General Magazine and Historical Chronicle*, University of Pennsylvania (October 1931).

Smith took great license with constructing an idyllic childhood for “young Jamie” and portrays him as making his way to St Andrews for a bursary trial in 1757 in the company of his father. This was fanciful conjecture on Smith’s part. In 1747 the colleges of St. Leonard’s and St. Salvator’s joined to form the United College of St Andrews. Smith wrote that the principal of St. Mary’s, James Murison (not Murchison), was in charge of the renovation of the United College, while it was more likely the determined efforts of Principal Tullidolph that spurred on those efforts. Smith informs us that the professor of mathematics, David Gregory, was the brother of the famous George Gregory of Edinburgh. Although George Gregory of Edinburgh was related, he was not born until 1790 and spent the bulk of his career in London.<sup>6</sup> Smith also indicates that the “year before Wilson came to St Andrews (1757), the faculty was strengthened by the addition of David Gregory.” Actually David Gregory had succeeded his father, Charles Gregory, as professor of mathematics in 1739.<sup>7</sup>

Both Smith and Seed have Wilson spending four full years (1757–61) at the United Colleges and then progressing to a divinity program at St. Mary’s. Smith wrote: “When he had completed his four years at Saint Salvator [*sic*], he moved on to St. Mary’s College and spent a year studying under Dr. Andrew Shaw.”<sup>8</sup> Seed affirmed this: “In his four years as an Arts Student he studied the compulsory subjects. . . . Wilson then proceeded to St. Mary’s, the theological college of the university, to Study Divinity with a view to ordination in the Church of Scotland.” However, there is no documentation to support these contentions, and recently recovered records indicate that Wilson was back in Cupar as early as May 1759, a date that conforms neatly with the last date of Wilson’s borrowings from the Library at the University of St Andrews. Other primary documents, with Wilson’s signature, place him, in a different situation, in Cupar in December 1761. Seed also maintained:

It has often been asserted that he studied in turn at the universities of Edinburgh and Glasgow, but there is no clear evidence of this, and the records of those universities reveal no trace of him. In any event, it is likely that whatever intellectual stimulus was given him by a formal education came mainly from St Andrews.<sup>9</sup>

Earlier, Burton Konkle had placed Wilson at the University of Edinburgh: “Just how long or when he studied at Edinburgh is not known, although records show he was entered upon [Hugh] Blair’s Studies in Rhetoric in

1763 and began Logic under Stevenson and Ferguson respectively in 1765.”<sup>10</sup> However, examination of records and inquiries made at the University of Edinburgh archives failed to produce any documentation that James Wilson ever attended the institution. In addition, new documentation with Wilson’s signature demonstrates that he attended the University of Glasgow between 1763 and 1765 and even indicates some of the professors under whom he was studying and which books he was reading. In 1978 Seed wrote that “Wilson’s subsequent reputation as a political thinker and legal scholar was based on his ability to assimilate the philosophical scholarship of St Andrews with the legal scholarship of Philadelphia.”<sup>11</sup> But Wilson was in fact influenced by his extended training in the classical languages at Cupar Grammar School, his apprenticeship in Scots law with the clerk of Cupar, and his liberal instruction under distinguished professors at Glasgow before coming to America.

In a letter to James Wilson’s son, Bird Wilson, on May 16, 1805, Robert Annan (James Wilson’s cousin and childhood companion) gave his account of Wilson’s early days. According to Annan, James Wilson’s parents were William Wilson and Alison Landales. Alison was born on February 23, 1713, in Wemyss Parish, to John Landale and Jean Smith.<sup>12</sup> William Wilson (son of James Wilson), a tenant farmer in Largo Parish, was baptized on March 19, 1693; however, the name of his mother was not recorded. James Wilson’s parents were married by the minister of Scoony, Mr. Melville, on March 8, 1734.<sup>13</sup> At the time of the marriage the husband was almost twice as old as the wife. The couple first settled in Kennoway and their first three children were baptized in that parish—all girls and all at regular intervals: Margaret on September 23, 1736; Rachel on December 19, 1738; and Jean on November 8, 1740.<sup>14</sup> Tradition holds that James Wilson was born on September 14, 1742, and the Old Parish Registers record that he was baptized on June 14, 1743. Four other children, three sons and another daughter, followed: John was baptized in 1745, Elizabeth in 1749, William in 1748, and Andrew in the little town of Ceres in 1752.<sup>15</sup>

The family resided on a rural farm called Carskerdo about three miles from Cupar. Robert Annan wrote: “I was boarded at his Father’s house when we were both pursuing our classical Studies at a Grammar school in the Neighborhood.”<sup>16</sup> A former tenant, Miss Aileen Melville, who lived at Carskerdo as a young girl, remembered the cottage before it was reduced to rubble. In 1931 Professor Bennett from the University of Michigan visited the site and produced a photograph of the still-intact residence for his article “James Wilson and St Andrews.”<sup>17</sup> The photograph shows a building of

moderate size, with a roof of tiles, four large rooms, six windows, two doors, and a fireplace—a cozy enough home in its time. The house has since been cannibalized and its converted parts have been resurrected as stone fences, with a scattering of stones and door hinges left behind as a reminder of days past.

In 1560 John Knox's democratic plan for the reformation of education in Scotland, the First Book of Discipline, was introduced to the General Assembly of the Church of Scotland. It was an ambitious program calling for every parish to have a school and every town of considerable size a grammar school. Its intention was to establish a national system of universal education including elementary schools, grammar schools, and universities to be supported from the wealth of the old Roman Catholic Church. These combined efforts made Scotland, although a relatively poor country, one of the best educated nations in Europe during the seventeenth and eighteenth centuries. By the eighteenth century, Scotland boasted five universities, while England had two. Scots made up a large number of the tutors and clerics who came to colonial America. There were nine burgh schools in Fife, of which Cupar, Dunfermline, St Andrews, and Kirkcaldy were the most important.<sup>18</sup> Records from the beginning of the eighteenth century until the end consistently reflect that schoolmasters in Cupar were better paid, more satisfied with their posts, taught a greater diversity of subjects, and were more numerous and better educated than any other district in Fife.<sup>19</sup>

John Knox's plans made education in Scotland more inclusive and accessible and often made classmates of the gentleman's son and the "poor scholar." Attendance at school was not universal, but in her study of the history of the town of Cupar, Paula Martin could not find a single reference to a child who never attended school and concluded that it is likely that "the vast majority of Cupar children went to school, even if only briefly." Few children stayed at school as long as five years, the usual length of attendance being between one and three years. Nor was attendance consistent.<sup>20</sup> A consequence of this tradition was an educational system that promoted democratic attitudes and encouraged a demanding and competitive curriculum. Children were generally sent to school at the age of five or six in the burghs and transferred to grammar schools at seven or eight. Students "destined for college" might matriculate as early as eleven or twelve but some as late as fifteen or sixteen. If Wilson followed the accustomed path, he would have entered Cupar Grammar School around 1750, at the age of eight, and at the age of fifteen (1757) would have attended the bursary trials at St Andrews.



The curriculum in the grammar school likely included writing, English, arithmetic, church music, and Latin, which prepared the students for college. Candidates for schoolmaster were examined by the council and in 1708 the Cupar schoolmaster was judged “abundantly qualified both in Latin and Greek.” By 1763, geography, bookkeeping, “the three parts of navigation,” and the “principalls of geometry” were also a part of the curriculum. However, the primary focus still revolved around Latin grammar and the systematic, sequential, and logical progress that its study encouraged. Latin authors provided students with the fundamental of language, extolled republican virtues, and offered exact discipline in the “*ars scribendi*.” According to a schoolmaster of the time the texts commonly used included, “Disputers [Dispauter’s Latin Grammar], Dicta, Cato, Cordelius, Ovids epistles and the Metamorphosis, Virgil, Horace, Maiora et Minora Colloquia Erasmi, Buchanan, [and] Salust.” Cato, Horace, and Sallust praised republican Roman virtue and deplored the city’s vices; Virgil praised Aeneid’s love of country. Erasmus was the great Renaissance critic of clerical corruption and exponent of religious toleration.<sup>21</sup>

Students attending grammar school for more than three years were “destined for the law.”<sup>22</sup> James Wilson likely would have entered primary school around 1748 or 1749 and probably started grammar school in 1750 or 1751. His master at Cupar Grammar School was John Halket, who taught Wilson when he first arrived around 1751 and again when he returned in 1759. Halket distinguished himself before arriving at Cupar and again after he left. Born in 1707 Halket had been the private tutor to two sons of Lord Lovat and schoolmaster at Prestonpans Grammar School. In April 1744 Halket resigned from Prestonpans and advanced to the Cupar Grammar School and remained in that post until he was appointed rector of Grammar School on July 7, 1762. He continued at until he retired on pension on July 17, 1786, and died in that town on April 1, 1798.<sup>23</sup>

In the fall of 1757 James Wilson was awarded a bursary at the United College of St Andrews.<sup>24</sup> In 1747 St. Leonard’s and St. Salvator’s had merged into one institution, the United College of St Andrews. There were “eight Foundation bursars, who, along with the Moncreiffe bursar, were entitled to maintenance for four sessions at the public table out of the funds of the College.” Originally these bursaries, or scholarships, were intended for poor students only, but on October 12, 1747, it was agreed that “the Foundation bursaries should be disposed of by comparative trial, the presumption no doubt being that only those who really required them would compete

for them.”<sup>25</sup> At first the trials were limited to proficiency in the Latin language; later, trials in Greek and mathematics were added. Since the initial emphasis was Latin, Wilson’s success testifies to Halket’s capacity in that area.

At the time that Wilson was awarded a bursary, Thomas Tullidelph was the principal of United College, where the undergraduates were taught, and James Murison was principal of St. Mary’s, which housed the postgraduate divinity school. From the founding of the United College in 1747 until about 1850, the accustomed sequence of classes for an arts degree included Latin and Greek in the first session, with mathematics and logic added in the second. Moral philosophy (logic, jurisprudence, and ethics) substituted for logic in the third, with natural philosophy (all the useful branches of science) substituting for moral philosophy in the fourth.<sup>26</sup>

On November 10, 1757, three days after he was selected as bursar at St Andrews, Wilson began borrowing books. The record of books borrowed continues until February 19, 1759. In 1758 James Wilson is recorded as having borrowed Clarke’s translation of Homer’s *Iliad*, volume 1, from November 1 until December 5. Wilson also borrowed two volumes of Hook’s Roman History and the *Life of the Earl of Crawford*. Both the natural progression of studies and the fact that several books that Wilson borrowed from the university library—Clark’s Justin, Watson’s Horace (Lat/Eng) and Clark’s Sueton[ius] (Lat/Eng)—indicate that Wilson was enrolled in Alexander Morton’s humanity classes from November 1757 through, at least, January 1758.<sup>27</sup>

Among Wilson’s borrowings from the library was a volume of *Tillotson’s Sermons*. John Tillotson (1630–94) was the archbishop of Canterbury during the last three years of his life, and was a noted advocate of religious toleration. And finally, certain volumes from the library borrowings of Wilson point generally to the field of rhetoric and belles-lettres and specifically to the influence of his professor, Robert Watson. Wilson checked out a collection of articles from Joseph Addison’s paper, *The Guardian*, volume 2, on November 1757, only three days after being selected a bursar. He returned the collection on November 19, but checked it out again from January 31 to March 6, 1758. The two other listings strongly suggest that Wilson was studying English literature include *Swift’s Works*, volume 5, and *Plays*, volume 1. An article by Paul Bator in 1994 entitled, “The Unpublished Rhetoric Lectures of Robert Watson, Professor of Logic, Rhetoric, and Metaphysics at the University of St Andrews, 1756–1778,” examines the class notes of two of Watson’s students.<sup>28</sup> Of particular value to the question

of Wilson's attendance at Watson's lectures is that one of the notebooks contains class notes from lectures during the same period that Wilson would have attended.<sup>29</sup> The student's notes reveal Watson's emphasis on Swift, on Addison, and on William Duncan and Common Sense philosophy.

Watson relied heavily on Addison's writings as exemplars of good style. Bator noted, "Watson, as he often does, selects several modern authors for comparative lessons, including some of his favorites like Lord Bolingbroke, Swift, Addison, and Shaftesbury."<sup>30</sup> The edition *Plays*, volume 1, may well have included Addison's influential *Cato*, an extremely popular but controversial drama that extolled the virtues of individual liberties, Republicanism, and the importance of the logical processes in the improvement of the state of man.<sup>31</sup>

Perhaps the most interesting revelation from the class notes was Watson's lectures on logic, which were "divided generally into four basic parts: the Powers of the Understanding; the several species of Evidence; the Causes and Species of Error; and practical observations concerning other Means of Improvement." The student noted that after explaining the central framework "of an investigation of the nature and operation of human understanding as it searches for truth through reason and judgment," Watson proceeded to explicitly define the different "terms, propositions and syllogisms as the signs . . . by which the powers of understanding are generally established and expressed." Bator more specifically stated,

In this respect, Watson's method resembles two of the more popular logics of the eighteenth century, Isaac Watts' *Logick; or, the right use of reason in the Enquiry after Truth* (1725), to which one of Watson's student notetakers makes reference, and William Duncan's *Elements of Logick* (1748), to which Watson makes direct reference in his lectures.<sup>32</sup>

Thus, if Wilson attended Robert Watson's class, which circumstantial evidence strongly supports, then his basic philosophical orientations as well may well have been first been established in St Andrews. Watson's instruction may have provided the foundations for Wilson's much-admired skills of speaking with logical precision, profound erudition, and impeccable style.

Wilson's knowledge of Duncan's philosophy was later amplified in Glasgow by Thomas Reid himself. Duncan and Reid had been colleagues at the University of Aberdeen, with Duncan at Marischal College and Reid at

King's College during this time frame. Duncan was an instructor of William Small, Thomas Jefferson's only professor, and established many of the foundations upon which Common Sense philosophy was based. Reid followed Duncan's process of intuitive self-evidence as a basis for a system of reasoning that has been called "the official metaphysic of the American Revolution."<sup>33</sup>

Duncan drowned before Reid was able to launch the Aberdeen Philosophical Society, or Wise Club, as it was locally known. Here Reid refined Duncan's precepts into his own philosophical agenda, which he expounded as the professor of moral philosophy at the University of Glasgow. The results of Duncan's original foundation and Reid's completion of its concepts was published as *An Inquiry into the Human Mind on the Principles of Common Sense* in 1764. This work was to have a significant impact not only in Britain but also in the American colonies. As will be discussed, Wilson may have even attended Reid's lectures on moral philosophy and jurisprudence in the fall of 1764 and winter of 1765 and later used his notes from the class for his own lectures on law at the University of Pennsylvania. Wilson appeared in the rolls of Charles Gregory for mathematics, and in the rolls of Walter Wilson for Greek. The titles of books borrowed from the library also indicate that he studied civil history with William Vilant or his son Alexander Vilant, and Latin with Alexander Morton.

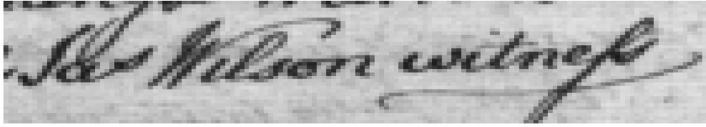
The last books that James Wilson was recorded to have borrowed from the library at St Andrews, *Rollin's Roman History*, volumes 6 and 7, were returned on April 4, 1759, just in time for Wilson to return to Cupar Grammar School and his old master, John Halket. Wilson is recorded as having paid fees at the school from May, 1759 through January, 1761: "2 shillings for May 1759, and 2 shillings, 6 pence for November 1759 to February 1761."<sup>34</sup> According to Robert Annan, it was during this period that Wilson "became for some time a tutor in a gentleman's family. His genius being too sublime for such [low] drudgery he formed a resolution to try his fortune in America."<sup>35</sup> If he did, however, the gentleman in question is unknown.

However, James Wilson's name and signature as an apprentice to lawyer William Robertson (not to be confused with the noted historian and principal of the University of Edinburgh) appear in the Cupar Town Record Book as early as April 16, 1762. A second case was recorded by Wilson on December 1, 1762, and a third on April 16, 1764.<sup>36</sup> These documents involved civil rather than criminal litigation. A typical term of service for an apprentice was two to three years, after which time the apprentice would customarily be promoted to the status of a clerk, unless the apprentice was either

unqualified or had a break in service. Just as the records from the St Andrews library lending lists end immediately before Wilson's reappearance at Cupar Grammar School, his schedule of fees at the school coincide with his legal apprenticeship. The importance of Wilson's apprenticeship in Cupar, previously unknown, lies not only in its early date, but in the impact it may have had on Wilson's orientations, opinions, and underlying philosophy in regard to the law. Until the discovery of these papers it has always been assumed that Wilson's legal orientation and philosophy derived from his training with John Dickinson, the famous Philadelphia lawyer, and that his experience was exclusively grounded in English common law. Wilson's apprenticeship in Cupar was based on Scots law. The two traditions diverge in philosophical orientation, academic versus vocational preparation, and the underlying precepts concerning the foundations of legal decisionmaking. The question of Wilson's important contribution to the United States Constitution thus now becomes as well the question of how Scots law influenced that fundamental document.<sup>37</sup>

Wilson's connection with Scots law becomes even more evident considering that he definitely attended the University of Glasgow following his stay in Cupar. Wilson's signatures appear both on the University of Glasgow's library lending list from the fall of 1763 through the spring of 1765, and from a stent list of a class of natural philosophy conducted by John Anderson in January 1765.<sup>38</sup> While there were three James Wilsons at Glasgow at this time (one from Ayr and another from Clydesdale), the signatures here match those on the St Andrews list with those on the records from the Cupar Council and Burgh Records; for the signatures on the Declaration of Independence and the Constitution, the handwriting is the same. The partial library lending list from the University of Glasgow finds the same signature that appeared in the St Andrews lending lists of 1758 and 1759 and reappeared in the Cupar Register of Bonds in 1761, and shows up in Glasgow's list for 1763–65.<sup>39</sup>

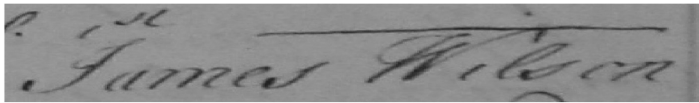
The most reliable knowledge about James Wilson's classes and professors at the University of Glasgow is the same as it was for the University of St Andrews—the library lending lists.<sup>40</sup> The lending lists at Glasgow are more informative than the ones at St Andrews, for the lists at St Andrews gives the student's signature on signing out the book, the date signed out, the title of the book, the date returned and the student's return signature; however, the lending lists at Glasgow give the student's signature, the student's class, the shelf mark, the title of the book, the assigning professor, date checked out, and date returned. The Glasgow list allows the researcher to know what class



Cupar. Legal Apprentice, 1764



Stent. University of Glasgow, January 1765



St. Andrews Library lending list, 1758



Glasgow Library lending list, 1765



Declaration of Independence, 1776



U.S. Constitution, 1787

**FIGURE 2:** Comparison of James Wilson signatures from 1757 through 1787. By permission of University of Glasgow Library, Special Collections.

the student was in and who his professor was, as well as the date he took the course.

In addition to the library lending list, a stent roll for John Anderson's natural philosophy class was found bearing James Wilson's signature as a stent master.<sup>41</sup> A stent roll was, in the context of the University of Glasgow, a list of payments for examination fees and ceremonies.<sup>42</sup> The payments were adjusted according to the student's ability to pay. The Glasgow student receipts records are in some respects more helpful than those from St Andrews and in some aspects less certain. The Glasgow records include students' names, class, pressmark, shelf, number, name of book, date borrowed, and date returned; the St Andrews list includes the year, date borrowed, student name, name of book, and date returned. The Glasgow records include the name of the assigning professor and class, which is helpful in determining the student's instructor but in their current state are incomplete. Although this catalogue is dated 1758–63, the presence of Thomas Reid's name among the assigning professors extends this date to 1765—as Reid did not take office until October 1764. The St Andrews lists, while providing less information, are complete and arranged by student.

In the Glasgow records, as they stand, James Wilson's name first appears in the list on November 16, 1763, and the last record has him returning *Stanley's Lives of the Philosophers* on January 16, 1765.<sup>43</sup> His assigning professors include William Leechman (professor of divinity and principal), George Muirhead (professor of humanity), Robert Trail (professor of divinity), and John Anderson (professor of natural philosophy). Since certain pages of the register are not presently available and attending lectures did not specifically necessitate borrowing books, Wilson may well have attended other professors and lectures as well.

The first record of Wilson's signature among the borrowings seems to have been on November 16, 1763—*Rapin's History of England*, volumes 3 and 4, with Principal Leechman assigning. Wilson classified himself as a theology student at the time. He may well have entered under this denomination in order to obtain the Dundonald (Dondonald) Mortification, a fellowship that paid more (£93) to theology students than to other classifications (£80), although it was limited to two years rather than four.<sup>44</sup>

Wilson next checked out *Rapin's History of England*, volumes 7 and 8, for Professor of Divinity Robert Trail, on December 15, 1763. Robert Trail, like Thomas Reid, had been a member of the Aberdeen Philosophical Society and a protégé of Lord Deskford. The Aberdeen Philosophical Society, it will

be remembered, was the incubator for Thomas Reid's influential work *An Inquiry into the Human Mind on the Principles of Common Sense*, first published in 1765. Undoubtedly the two outsiders from Aberdeen were fast friends and kindred spirits in a competitive environment. Whether this camaraderie may have increased the likelihood of Wilson's attendance of Reid's lectures on jurisprudence, given in the fall of 1764 and winter of 1765, is not yet established. Moreover, Wilson again was instructed by Trail in the winter of 1764. His second borrowing was again for Robert Trail on February 15, 1764—*Rollin's Belles-Lettres*. This class, which refined the moral senses through the appreciation of literature, may have evoked his studies with Robert Watson at St Andrews.

During that same session, on February 28, 1764, George Muirhead, the professor of humanity, or Latin, assigned Wilson to read *Middleton's Life of Cicero*, honing Wilson's appreciation for English literature, classical style, and moral instruction at the same time. The book was returned on March 16, 1764. Wilson likely went back to Cupar for the long summer session and returned in late October, for his signature reappears in the Cupar Record Books on April 16, 1764 as an apprentice to William Robertson, town clerk of Cupar.<sup>45</sup> Wilson's last borrowing from the library occurred on January 10, 1765—*Stanley's Lives of the Philosophers*—assigned by the professor of natural philosophy, John Anderson.

Besides the assigning professors, already mentioned, with the ambiguity and potential lacunae in the records, there is the intriguing, although not documented, possibility that James Wilson also attended lectures given by Adam Smith, Thomas Reid, and John Millar. At Glasgow, the chair of moral philosophy was supplied in succession from 1729 to 1780 by three of the most influential philosophers of the Scottish Enlightenment: Francis Hutcheson, Adam Smith, and Thomas Reid.<sup>46</sup> Francis Hutcheson was described as the most popular professor of his time, a "man of cheerful and buoyant disposition" who was well trained "in the topics of Moral Philosophy" as well as in jurisprudence, government, ancient systems of ethics and natural religion. During his time as professor, Hutcheson developed a set of written lectures which would be published posthumously as *System of Moral Philosophy*.<sup>47</sup>

One of Hutcheson's students, Adam Smith, followed Hutcheson in the chair in 1746. "Smith's course in Moral Philosophy embraced four divisions—natural theology, ethics, general jurisprudence, and the nature of political institutions."<sup>48</sup> The section on ethics was published as *Theory of Moral Sentiments* in 1759, and the last section on the nature of political institutions,



after much revision and elaboration was published in 1776 as *The Wealth of Nations*. Smith's method of lecturing was unique and he may have used his students as a sounding board for many of his ideas.

Smith prepared his matter and committed it to paper, but did not content himself with merely reading to his students a set of lectures fashioned in his study. He rather chose to think out a subject afresh in their presence, setting out a number of leading statements or ideas, which he explained, illustrated, and exhibited in relation to each other. He was sometimes rather slow and hesitating at first, but became more fluent and animated as he went on, defending his tenets, combating objections to them, and pouring forth illustrations.<sup>49</sup>

To replace Smith, on May 22, 1764, the faculty of the College of Glasgow elected Thomas Reid, "whose Abilities and Qualifications for the Professorship of Moral Philosophy are well known to the Masters." On his first day of class, Reid requested that students provide him with copies of Adam Smith's lectures so that he could continue in the most convenient method. It was already Reid's habit of presenting ideas at the meetings of the Wise Club and refining them afterwards. This *modus operandi* would have appealed to him and may have provided Wilson with an unfiltered version of some of the material that would later resurface in his lectures at the University of Pennsylvania.<sup>50</sup>

Thomas Reid, born in 1710, had graduated MA from Marischal College, Aberdeen, at the age of sixteen. In 1737 the masters of King's College foisted Reid on parishioners of New Machar Church as their minister. In 1752 Reid was appointed professor of philosophy at King's College, Aberdeen, where he taught in regent rotation natural history, physics, and mental philosophy. Together with his cousin, John Gregory, he formed the Aberdeen Philosophical Society, or as it was locally known "the Wise Club," in 1758. Members of this society included James Beattie, Alexander Gerard, Francis Skene, Robert Trail, and two of his relatives. Their activities focused chiefly on scientific matters, instead of the usual literary and religious fare. Reid was known as the "Father of the School of Common Sense Philosophy" and published *Inquiry into the Human Mind on the Principles of Common Sense* shortly before taking his chair at Glasgow. This work was in reaction to the variations in the skeptical writings of Descartes, Berkeley, and Hume. The pragmatic, concrete, and utilitarian themes of his writings and lectures were to have great impact on a number of the American Founders and in many ways

became the underlying foundational philosophy of the post-Revolutionary scientific movement in America.<sup>51</sup>

John Millar was born in 1735 in Lanarkshire and was a first cousin to William Cullen and a close friend of James Watt. He was described as “a fine muscular man, somewhat above the middle size, with a square chest, a prominent chin, grey eyes that were unmatched in expression, and a head that would become a Roman senator.” He graduated from the University of Glasgow in 1746 and, after several years as a practicing lawyer, became Regius Professor of Law in 1761. The law school at that time had few or no students but within a short time, under Millar’s leadership, it became as famous for law as Edinburgh was for medicine. Millar instructed in continental and Scots law and started off his students with a course in Justinian’s *Institutes*, followed by more advanced instruction in the *Digest*. Philosophically he followed his old mentor, Adam Smith, and David Hume. About 1764 he lectured on natural jurisprudence, Scots law, and gave a series of lectures on public and private law and government. Whether Wilson attended any of Millar’s lectures is purely speculative but would be a neat coincidence of time and place and interest.

John Millar was professor of law at Glasgow from 1761 to 1801, and was regarded as the authoritative source in Scots law. As an intern at Scots law for some time preceding his arrival at the University of Glasgow and his return to his apprenticeship in times when he was not in attendance, it is reasonable to believe that Wilson would have attended Millar’s classes as well. The intermingling of the secular with the ecclesiastic seems at first counterintuitive, but as William Ewald writes in his monograph on Wilson and the Scottish Enlightenment, “In fact, in the Scotland of the eighteenth century the study of law and of theology were closely related, so that the two disciplines cannot be sharply divided.”<sup>52</sup> Thus, subject content, courses, and readings crossed back and forth in a regular fashion and it is not remarkable to find Wilson at the beginning of his career at Glasgow registered as a theology student (Dundonald’s Mortification) and at the end classifying himself as a student of natural philosophy.

In an overview of books that the various professors assigned Wilson and his fellow students at Glasgow recurring themes emerge—an emphasis on classical works, historical works, rhetoric and belles-lettres, science, mathematics and religious subjects. This trend continued across the lines that divide philosophical subjects and religious areas. Authors or editions that seem to materialize most often are Rapin, Rollins, Robertson, and Newton.

These general trends align themselves with the Scottish Enlightenment precepts of improvement, utility, and the refinement of the senses through moral and aesthetic sensibilities. This underlying outlook likely provided Wilson with a positive view of his fellow man, a reason for faith in his good intentions, and a hope for a government that proved a universal good to its citizens by their own direction.

However, there were not enough opportunities for young James Wilson in Glasgow. It seems that he returned to Cupar and worked for a short time in his former position as an apprentice-at-law with William Robertson. After he was able to save a little money and borrow some from friends and family, it seems that he went to Edinburgh to study mercantile accounting with his cousin Thomas Young at his English School.<sup>53</sup> Wilson left behind his friends, his family and, evidently, a desire to return home. He took with him his hopes, his education, and his views on law, politics, and government, all of which would change the course of history.

Wilson's studies at Cupar and the universities of St Andrews and Glasgow, especially in Scots law, have been unexplored before now. With recent scholarship highlighting the enhanced role that Wilson played in the drafting of the Constitution and formulating a vision of American federalism, Wilson's early life assumes great importance. Legal scholar William Ewald recently suggested in his article on "James Wilson and the Scottish Enlightenment" that a striking feature of Wilson's "constitutional opinions when he was a Justice of the United States Supreme Court" was that "even though he had studied the common law, in his judicial opinions he tends to recur to first principles, rather than to parse the case law."<sup>54</sup>

But the foundations of Wilson's judicial thought may be grounded as much in Reid's Common Sense philosophy as in the instructions of the *ius commune*. In one of Wilson's lectures given at the University of Pennsylvania, "Of the Nature and Philosophy of Evidence," he writes, "Nature should always be consulted. We are safe, when we imitate her in her uniform appearances. By following her as our guide, we can trace evidence to the following fourteen distinct sources." Wilson then enumerates the types of evidence, ranking them from the most certain and strongest to least credible. The first five and most robust forms all arise from the external senses and an aesthetic sense "by which we perceive and enjoy the beauties of nature or of art" and a moral sense "by which we have the original conceptions of right and wrong in conduct."<sup>55</sup> This process of evaluation was not only a basic premise of the Scottish Enlightenment and Scots law but also and more specifically a fundamental principle for Thomas Reid and Common Sense philosophy.

Thomas Reid wrote in his *An Inquiry into the Human Mind on the Principles of Common Sense*:

It is so difficult to unravel the operations of the human understanding, and to reduce them to their first principles, that we cannot expect to succeed in the attempt, but by beginning with the simplest, and proceeding by very cautious steps to the more complex. The five external senses may, for this reason, claim to be first considered in an analysis of the human faculties. And the same reason ought to determine us to make a choice even among the senses, and to give the precedence, not to the noblest, or most useful, but to the simplest, and that whose objects are least in danger of being mistaken for other things.<sup>56</sup>

Wilson followed Reid's dictates in his *regulae philosophandi* in respect to the relative strength or weakness of evidence. Thomas Jefferson's only professor and the man to whom Jefferson confessed he owed everything was William Small. Small had been a student at Marischal College, Aberdeen, and his mentors had been William Duncan and John Gregory. Duncan was Reid's philosophical touchstone for the basic beliefs of Common Sense philosophy; Gregory, Reid's cousin, was a cofounder of the Aberdeen Philosophical Club, which acted as a sounding board for his ideas supporting self-evident proofs and his opposition to the skeptical philosophy of Hume.

Did Wilson attend the lectures of Smith, Reid, and Millar? At present it is not known for certain, but any student who had completed two years of studies in Scottish universities during the late eighteenth century obtained the status of *cives* and was entitled then to attend lectures for free. At the very time when Wilson was at Glasgow the faculty of the university was almost unrivaled in talent and reputation—Joseph Black was lecturing in chemistry and medicine, John Anderson in natural philosophy, John Millar in law, and most remarkably Thomas Reid transitioned into Adam Smith's post as professor of moral philosophy in the middle of Wilson's attendance. The library lending lists show that Wilson was in attendance at Glasgow for two winter sessions: from November 1763 through April 1764, and from November 1764 through (at least) February 1765. During the first winter session, Smith was at his post as professor of moral philosophy lecturing on themes that would become the basis for *The Wealth of Nations*; the following fall Thomas Reid succeeded Smith in the chair of moral philosophy and concentrated on individual and public jurisprudence during that session in jurisprudence. Specifically, Reid focused on natural law, the rights and obligations of individuals, and the rights and obligations of society.

William Ewald made note in his study of Wilson and the Scottish Enlightenment of the following:

It has often been assumed that American constitutionalism, at least in its origins, belongs, somehow, to the tradition of the English common law. That is a point it would be futile to dispute; the influences are ubiquitous. The intellectual history here is complicated, and varies depending on which Founder is being considered. But, as a general matter, although the common law supplied the colonies with most of the concrete rules of daily life, at the level of abstract legal and constitutional thought, the continental tradition of the civil law was at least as important; and much of the work of conveying those ideas to the colonies was performed by thinkers of the Scottish Enlightenment. From this point of view, the American legal system is as much an inheritor of the tradition of Roman law as it is of the common law.<sup>57</sup>

The importance of Wilson first receiving legal training becomes more manifest at this point, for just as English common law has long been presumed to be the only influence in American jurisprudence, it was also taken for granted that Wilson's only instruction in law came at the hands of John Dickinson in Pennsylvania.

The real significance of this study may not be in what it has uncovered but what may evolve. Several of the more exciting prospects might include some of the following topics: was religion a compelling force in Wilson's destiny or were its effects negligible? Until now, biographers have stressed Wilson's strict Presbyterian upbringing in Scotland. But in America, he became a devout Episcopalian. One of his earliest and closest friends in Pennsylvania was William White, the first Episcopal bishop of Pennsylvania. Wilson married Rachel Bird, an Episcopal daughter of an Episcopal father. His son, Bird Wilson, became an Episcopal priest late in life after a career as a jurist, and wrote the first biography of Bishop White.

If Wilson's contributions to the drafting of the Constitution were as significant as they now appear to be, we may ask what parts of the Constitution were derived from Scots law and which from English common law? Since Wilson dealt in great part with legal and political abstractions, was his grounding in the tenets of the Scottish Enlightenment the basis for his concepts about popular sovereignty, justice, and American federalism? In short,

how important, not only through Wilson but through other Founders as well, was the impact of the Scottish Enlightenment?

Did the lectures of Adam Smith influence Wilson's views concerning the Bank of North America, and if so, in what ways? Was there a personal connection between Wilson and Smith, Wilson and Millar, Wilson and Reid? Are there more documents in the archival vaults of Glasgow, Edinburgh, Aberdeen, and St Andrews that could more brightly illuminate the Scottish years of James Wilson? And finally, how does this strange confluence of personalities and ideas—known as the Scottish Enlightenment—come together in the big picture of the fostering of the Revolution, in the framing of the Constitution, and the founding of the New Republic?

## NOTES

1. Morton M. Rosenberg, "In Search of James Wilson," *Pennsylvania History* 55 (July 1988): 107.
2. William Ewald, "James Wilson and the Drafting of the Constitution," *University of Pennsylvania Journal of Constitutional Law* 10 (June 2008): 983.
3. *Ibid.*, 992.
4. Charles Page Smith, *James Wilson: Founding Father* (Chapel Hill: University of North Carolina Press, 1956), 7–11; Geoffrey Seed, *James Wilson* (Millwood, NY: KTO Press, 1978), 3.
5. Stephen Conrad, "Wilson, James (1742–1798)," *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004), <http://www.oxforddnb.com/view/article/68676>; Burton Konkle cites September 14, 1742, as Wilson's date of birth, although I cannot confirm this through primary documentation. Burton Alva Konkle, *James Wilson and the Constitution* (Philadelphia: Law Academy, 1907), 7.
6. Smith, *James Wilson*, 16.
7. "David Gregory: Admitted Professor of Mathematics in the University 14th May 1739. Appointed first Professor of Mathematics in the United College 24th June 1747. Died 13th April 1765," *The Matriculation Roll of the University of St Andrews: 1747–1897*, ed. James Maitland Anderson (Edinburgh: William Blackwood and Sons, 1905), lxxix.
8. Smith, *James Wilson*, 16.
9. Seed, *James Wilson*, 4.
10. Konkle, *James Wilson*, 8.
11. Seed, *James Wilson*, 5.
12. Different references give alternative spellings for the mother's last name—Dictionary of National Biography, *Vide* James Wilson: Lansdale; Robert Annan to Bird Wilson, May 16, 1805: Landales; James Wilson family records: Landale; Old Parish Registers: Landals. The secondary source is a family history in possession of James Wilson, Carskerdo Farm, Fife, Scotland. However, there are records in the Old Parish Registers for Kennoway for four other children born to John Landale and Jean Smith: Anne (February 9, 1709), Jean (February 9, 1711), James (November 19, 1714),

- and Catherine (November 25, 1722), Old Parish Register, 459/00 0002, New Register House, Edinburgh, Scotland.
13. For William Wilson's baptism and James Wilson's parents' marriage, the secondary source is a family history in possession of James Wilson, Carskerdo Farm.
  14. Old Parish Register, Kennoway Parish Register, 443/00 0002, New Register House, Edinburgh. Also listed in a secondary source, which is a family history in possession of James Wilson, Carskerdo Farm.
  15. Old Parish Register, Largo Parish, 443/00 0002, and Ceres Parish, 415/00 0002, New Register House, Edinburgh.
  16. Robert Annan, letter to Bird Wilson, May 16, 1805, Benjamin Rush Papers, 43:133, Historical Society of Pennsylvania, Philadelphia.
  17. Randolph G. Adams, "James Wilson and St Andrews," *The General Magazine and Historical Chronicle* (October 1931): 20.
  18. Bruce Lenman, *Integration and Enlightenment: Scotland—1746–1832* (Edinburgh: Edinburgh University Press, 1981), 45; James M. Beale, *A History of the Burgh and Parochial Schools of Fife*, ed. Donald Withrington (Edinburgh: Lindsay and Co., 1983), 127.
  19. If the salaries of the faculty are an indication of the excellence of the school and the importance of a quality education to the community, Cupar fared very well by eighteenth-century standards. "In 1708 the schoolmaster at Cupar did the best with 15 pounds a year. . . . By the end of the century Cupar was still paying [the] most." In addition to a schoolmaster, or rector, the Cupar school maintained two doctors, or subordinate teachers. Beale, *A History of the Burgh and Parochial Schools of Fife*, 144, 160, 162.
  20. Paula Martin, *Cupar: The History of a Small Scottish Town* (Edinburgh: Birlinn Press, 2006), 128.
  21. Beale, *A History of the Burgh and Parochial Schools of Fife*, 145, 132. "The most important subject of scholarly learning was still Latin; and the authorities laid down the authors, 'prose and poetical' to be Studied—Corderius, Erasmus, Buchanan, Terence, Horace, Virgil, and Juvenal—and prescribed the number of themes to be given each week. It was the duty of the maters to see that the Latiners spoke only Latin in the classroom and the schoolyard" (150).
  22. Martin, *Cupar*, 128.
  23. John Halket, Minister of Dunkeld, studied at St. Leonard's College, received his A.M. from St Andrews University on July 19, 1705, and was ordained on September 19, 1705. He married Margaret Sibbald on October 25, 1706. The couple had four sons (James, John, David, and Lawrence) and three daughters (Margaret, Helen, and Jean). Hew Scott, *Fasti Ecclesiae Scotticae*, vol. 2, pt. 2, *Synods of Fife, and Perth, and Sterling* (Edinburgh: William Patterson, 1899), 796. Halket died April 1, 1798, at St Andrews: "Mr John Halket, aged 89, who filled the office of Rector at the Grammar School there for many years with much honour. He was respected as a gentleman, and lived and died as a philosopher." *Edinburgh Magazine or Literary Miscellany for April 1799* (London: Murray and Highley, 1799), 480.
  24. Personal communication courtesy of Robert Smart, Moira MacKenzie, and Paula Martin. See also RH9/1/121, St Andrews Burgh Records and Archives, University of St Andrews—StAU B13/14/2-9, National Archives of Scotland, Edinburgh (hereafter NAS).
  25. Minutes of the United College, University of St Andrews, November 7, 1757 (UYUC400/1/167–68), reproduced courtesy of University of St Andrews Library.

26. Ibid., xxv.
27. Courtesy of M. A. Stewart; personal communication, Sandy Stewart to Martin Clagett, February 4, 2012. Justin was the Roman author Marcus Justinus . . . a second-century author of an epitome of an Augustan-age *History of the World* by a writer called Pompeius Trogus. It was an absolutely standard text used in first year Latin classes at college level throughout Britain and Ireland in the eighteenth century. The Clarke of both the Justin and Suetonius was John Clarke (1687–1734), a famous eighteenth-century English schoolmaster who was a prolific writer of Latin textbooks and dual-language editions, and works on educational and moral theory.
28. Paul G. Bator, “The Unpublished Rhetoric Lectures of Robert Watson, Professor of Logic, Rhetoric, and Metaphysics at the University of St Andrews, 1756–1778,” *Rhetorica: A Journal of the History of Rhetoric* 12, no. 1 (Winter 1994): 84.
29. “The manuscripts which do exist provide a record of the lectures Watson delivered while Professor of Logic, Rhetoric, and Metaphysics at St Andrews from 1756 to 1778. One manuscript set of those lectures at St Andrews is identified at the end as the ‘Second Part of Rhetorick, which Mr. Robert Watson taught in the Year 1758.’” Ibid., 77. Indeed, the very student himself wrote in the bound notebook, “This Book contains all the Second Part of Rhetorick, which Mr. Robert Watson taught in the Year 1758. Finis, the End” (84).
30. Ibid., 96.
31. The only collection with “Plays” in the title published before the 1760s in Eighteenth-Century Collections Online was of Addison’s *Plays*, and Cato was the first play in the volume, published by J. Tonsor, London, in 1735.
32. Bator, “The Unpublished Rhetoric Lectures of Robert Watson,” 81, 79, 80.
33. Donald H Meyer, *The Democratic Enlightenment* (New York: G. P. Putnam’s Sons, 1976), 189.
34. RH9/1/121, NAS, courtesy of Paula Martin. Dr. Martin notes, “The least anyone paid was 1 shilling, and the most was 3 shillings. So he was in the top stream I would suggest, given his age.” Paula Martin, personal communication to Martin Clagett, January 17, 2011.
35. Robert Annan to Bird Wilson, May 16, 1805, Benjamin Rush Papers, 43:133, courtesy of Dr. Jack Gumbrecht.
36. Cupar Burgh Records, April 16, 1762, 119; December 1, 1762, 127; and April 16, 1764, 213, NAS, courtesy of Paula Martin.
37. See, of many sources, David M. Walker, “Some Characteristics of Scots Law,” *Modern Law Review* 18 (1955): 321–37.
38. University of Glasgow Faculty Minutes, April 4, 1764, by permission of University of Glasgow, Special Collections.
39. “Student receipt book 1758–63, uncatalogued ms in Library records,” by permission of University of Glasgow, Special Collections, courtesy of Sarah Hepworth and Leslie Richmond. The documents were only recently uncovered due to the diligence of archivist Sarah Hepworth, partially in response to a request made by the author. And, although it is described as 1758–1763, a close examination of the professors reveals that the actual dates are 1763–1765. For instance, Thomas Reid appears as an assigning professor in the last several pages of the lists and he first took over the professorship of moral philosophy from Adam Smith in October 1764.
40. Ibid.; Sarah Hepworth, personal communication to Martin Clagett, September 16, 2006.



41. Stent Roll 1764, John Anderson's Natural Philosophy Class, by permission of the University of Glasgow, Special Collections.
42. "The money required to defray expenses of graduation was raised by an assessment levied from the graduands, and from among these graduands . . . officers were chosen to collect the assessments, and to provide gloves and arrange for the printing of theses." James Coutts, *A History of the University of Glasgow* (Glasgow: James Maclehose and Sons, 1909), 158.
43. Thomas Reid's name also appears on this same page of the lending lists. Reid did not take office until October 1764; this would have been his first January at Glasgow. The assigning professor was John Anderson; James Wilson was a stent master for Anderson class for the spring class of 1765.
44. *Report for the Commissioners*, vol. 12 (London: House of Commons, 1831), 269; *Deeds Instituting Bursaries, Scholarships, and Other Foundations in the Colleges and University of Glasgow* (Glasgow: The Maitland Club, 1850), 68; DunDonald's Mortification, Faculty Minute Books, June 24, 1763, (1) GUA 6643, by permission of the University of Glasgow, Special Collections.
45. Cupar Burgh Records, April 16, 1764, 213, NAS, courtesy of Paula Martin.
46. David Murray, *Memorials of the Old College of Glasgow* (Glasgow: James Maclehose, 1871), sec. 2.
47. New legislation brought in at Glasgow in the reforms of 1727 changed the lecture schedules to make it possible for third- and fourth-year students to attend each other's classes. So there is a record that some students who attended Hutcheson's moral philosophy class (nominally the third-year class) would keep coming back to hear it again even when they had gone on to natural philosophy in the fourth year and divinity in the next several years. Moreover it was the first class of the day at 7:00 in the morning. That arrangement would have continued into Reid's day at Glasgow, though he was a far less charismatic teacher and took a very wistful view of Ferguson's ability to pull in the crowds over in Edinburgh. Professor M. A. Stewart, personal communication to Martin Claggett, January 20, 2007. I am indebted to Professor Stewart's great wealth of knowledge concerning this and other subjects.
48. James Coutts, *A History of the University of Glasgow* (Glasgow: James Maclehose and Sons, 1909), 221.
49. Ibid.
50. By permission of the University of Glasgow, Special Collections. Senatus Minutes. Coll.Glas. Die XI Junii A.D. MDCCLXIV.
51. See the thorough discussion by Benjamin W. Redekop, "Reid's Influence on Britain, Germany, France, and America," in *The Cambridge Companion to Thomas Reid*, ed. Terence Cuneo and Rene von Woudenberg (Cambridge: Cambridge University Press, 2004), 327–35.
52. William Ewald, "James Wilson and the Scottish Enlightenment," *University of Pennsylvania Journal of Constitutional Law* 12 (2010): 1056.
53. Thomas Young to James Wilson. January 24, 1785, James Montgomery Collection (#940), Box 3, James Wilson Correspondence, Historical Society of Pennsylvania, Philadelphia.
54. Ewald, "James Wilson and the Scottish Enlightenment," 1096.
55. Kermit Hall and Mark David Hall, eds., *Collected Works of James Wilson*, vol. 2 (Indianapolis: Liberty Fund, 2007), 798, 799.
56. Thomas Reid, *An Inquiry into the Human Mind on the Principles of Common Sense*, chap. 2, sec. 1 (Edinburgh: Bell and Creech, 1785), 33.
57. Ewald, "James Wilson and the Scottish Enlightenment," 1106.

THE PUBLIC INTEREST OF THE PRIVATE  
CITY: THE PENNSYLVANIA RAILROAD,  
URBAN SPACE, AND PHILADELPHIA'S  
ECONOMIC ELITE, 1846-1877

*Andrew Heath*

*O*n February 16, 1854, the first passenger train wound its way around the mountain division of the Pennsylvania Railroad, consummating after eight years of construction a direct link between Philadelphia and the Ohio Valley. A few days later, with their route to the west finally complete, Philadelphians celebrated the passage of an act that extended the boundaries of the metropolis to make it in territorial terms the largest city in America.<sup>1</sup> The building of the Pennsylvania Railroad and the annexation of outlying suburbs were each part of an urban imperialist program to make Philadelphia the central place in the nation's burgeoning continental empire. Arthur M. Schlesinger Sr. coined the term "urban imperialism" to describe the rivalries between American cities as they strove to extend their hinterlands through the construction of turnpikes, canals, and railroads between the colonial era and Gilded Age. But while

several historians have explored the mercantilist ambitions of civic boosters, fewer have analyzed how promoters imagined the impact their labor would have on the built environment.<sup>2</sup> In Philadelphia, though, advocates of the Pennsylvania Railroad promised citizens that once the West had been grappled with “iron hooks” the “tribute” of that ever-expanding market would flow into the metropolitan economy, providing employment to restless mechanics and builders, enriching real estate owners, and embellishing an ever-growing city.<sup>3</sup>

To Sam Bass Warner, whose brilliant middle chapters of *The Private City* remain among the most influential pages ever written on Civil War-era Philadelphia, the men who made the Pennsylvania Railroad and consolidated the city government were the last of a generation of civic-minded generalists who had run American municipalities since the Revolution. He argues, however, that the heirs of men like Thomas Pym Cope (1768–1854), a merchant prince whose role as president of the Board and Trade and involvement in railroad building and political reform made him an archetypal urban imperialist, withdrew from public life to the private world of the counting house before the secession crisis. The new generation of businessmen, Warner suggests, did not have a strong attachment to place, seeing their terrain as the nation rather than the city.<sup>4</sup>

Nearly forty years after its publication, Warner’s work continues to shape the writing of Civil War-era urban history, both in Philadelphia, where the late historical sociologist E. Digby Baltzell bemoaned the private ethic of the city’s Quaker upper class, and elsewhere. Even as new scholarship reveals the persistence of a commonweal tradition in American municipal government and uncovers urban citizens’ enduring belief in an indivisible “common good,” the notion of the mid-century city as a “community of private money makers” endures.<sup>5</sup> Historians, indeed, have located the reign of “privatism” everywhere from the regulation of cesspits and sewers to the inadequate local funding of neighborhood improvements.<sup>6</sup>

A few years after he finished *The Private City*, Warner conceded that he had used privatism as a synonym for capitalism, a force he saw as ever-present in shaping the American metropolis, but one that prior to the mid-nineteenth century had been restrained by the fetters of community in a walking city.<sup>7</sup> The broad outline of his thesis is hard to deny: few historians would challenge the contention that the market and industrial revolutions underlay the transformation of cities in the era. But his caricature of Civil War-era businessmen as motivated solely by the profit ethic misses the enduring

importance of their public commitment to urban imperialism. In coming together to build and sustain the Pennsylvania Railroad, Cope's generation—and more surprisingly its heirs—sought not only personal enrichment but also the remaking of Philadelphia's social and spatial order: the transformation of the turbulent but tedious city of the 1840s into the London and Paris of America. The boosters who led the calls for a line to Pittsburgh, indeed, hoped to build a metropolis characterized not just by commercial dynamism but also by the urban gentility that historians have argued became so important to their identity as a class; in their minds, the one would lead naturally to the other.<sup>8</sup>

Railroad building and metropolitan improvement therefore brought Philadelphia's real estate owners together in the 1840s and 1850s. Merchants, manufacturers, and professionals might have worshiped in different churches, split at the polls into Whig, Democratic, and Native American camps, and divided over their response to the question of slavery extension, but their ideas about how cities grew and how they ought to function increasingly converged. Links to the West, they argued, would bring trade into Philadelphia, which would provide a fund for the kind of embellishment required to make their city more livable and increase the value of their property. Cope's successor as president of the Board of Trade, Frederick Fraley (1804–1901), followed this line. Fraley was trained in the law and flourished as a merchant, but helped to establish the Franklin Institute for the Mechanic Arts. By bridging the divide between the city's commercial and manufacturing interests he was well placed to lead booster campaigns to build the Pennsylvania and extend the reach of municipal government. Other supporters of the Pennsylvania Railroad, like the attorney Eli Kirk Price (1797–1884) and the newspaper publisher and postwar mayor Morton McMichael (1807–79), would go on to acquire leadership positions in major public projects like the Consolidation of 1854 and the creation of Fairmount Park. Even Jay Cooke (1821–1906), the banker whom Warner identified as the “private” citizen par excellence, played an active role in shaping the city's built environment. Though he was too young to play a significant part in the creation of the Pennsylvania Railroad, in the years on either side of the Civil War he joined the Citizens' Association—an organization established to improve the cleaning and maintenance of the streets—and participated in campaigns to create Fairmount Park and turn the central avenue of Broad Street into an elegant boulevard. Such figures saw a link between capitalist expansion and metropolitan refinement.<sup>9</sup>

What Philadelphia's economic elite did not bank on, though, was the physical toll economic growth would take on urban space. While opposition to private corporations' use of the streets among working- and lower middle-class Americans in the era is well documented—notably in David Stowell's impressive work on the strike of 1877 and studies of antirailroad riots in antebellum Philadelphia—less interest has been shown in the response to the steam train of an emerging bourgeoisie of merchants, manufacturers, and professionals in the big cities.<sup>10</sup> Yet on either side of the Civil War the wagons of the Pennsylvania endangered not only the lives of pedestrians on the streets, but also civic boosters' vision of an imperial metropolis. This presented wealthy Philadelphians with a dilemma. On the one hand, the railroad enriched them as private investors and drew capital to the city that found its way into the real estate market; on the other, its directors' actions continually undermined boosters' public designs for the built environment. If, by the eve of the Civil War, the Pennsylvania was proving difficult to rein in, this owed less to the readiness of Philadelphia's businessmen to embrace the ethic of privatism and more to the collapse of popular support for urban imperialism.<sup>11</sup> Indeed, when pushed to choose between their individual pursuit of profit and their collective interest in a genteel built environment, the economic elite opted with surprising frequency for the latter. Their class identity here was forged in public debates over how the city should look as well as their calculations over private profit, and for them, the Pennsylvania Railroad came to illustrate the problems of giving private corporations the power to pursue public ends.<sup>12</sup>

### Western Expansion and “The Manifest Destiny of Philadelphia”

The civic boosters who gathered at a series of mass meetings to demand a railroad to Pittsburgh in 1846 believed their city's future lay in tapping a western market of limitless bounds. Diane Lindstrom's study of commerce in the Philadelphia region prior to 1850 shows trade with an immediate hinterland was more important than the Ohio Valley to economic growth, but in the aspirations of mid-century promoters, the western market loomed large. The annexation of Texas, Oregon dispute, and troop movements along the Mexican border suggested the nation's Manifest Destiny would soon be realized, and though Philadelphia's Whig elite were wary of lending their support to planters' empire-building projects, many shared Cope's belief

“that the Saxon race is destined at some period to spread all over North America.”<sup>13</sup> They therefore eyed with eager anticipation the rise of western cities and the rolling back of the frontier, agreeing with the aggressively expansionist Jacksonians that the Indian would have to give way before the march of “civilization.”

Promoters of the Pennsylvania Railroad, unlike their western counterparts, saw America’s continental empire as a colonial appendage of the East; the *Philadelphia Public Ledger*, for example, called the region an “auxiliary to the Atlantic states.”<sup>14</sup> Philadelphia’s merchants and factory owners, convinced the western economy would remain rooted for years in extractive industries and staple production, envisaged exchanging the manufactured goods their city produced for mineral wealth and foodstuffs. For merchants who had lost most of their foreign trade to New York, and for factory owners who championed a high protective tariff, the destiny of their metropolis lay over the Appalachians.

Boosters believed that if they could make the burgeoning western market “tributary” to Philadelphia, their city would become the “London of America.”<sup>15</sup> Read backwards from Manhattan’s late nineteenth-century ascendancy such a claim appears fanciful; to contemporaries, however, it did not seem an unreasonable proposition. Institutions like Cope’s Board of Trade, which would expand before the Civil War to represent manufacturers as well as merchants, continually reminded citizens that Philadelphia had once been the largest city on the continent; so too did newspapers like the *Public Ledger* and *North American and United States Gazette*, which offered strong support to railroad builders. Only New York’s energetic pursuit of internal improvements, these voices argued, had made her the “Empire City” of the new nation.<sup>16</sup> By the 1840s, though, the advent of steam power threatened to render the Erie Canal obsolete, and the railroad’s annihilation of space extended the field of competition for northern cities all the way to the “foundation of all empires,” the Pacific Ocean. If citizens on the banks of the Delaware could grasp with an “iron hand” these far-flung regions, their city might yet become the nation’s greatest metropolis. To one newspaper, publishing just a few weeks before the completion of the line to Pittsburgh, such a position was “the manifest destiny of Philadelphia.”<sup>17</sup>

Making Philadelphia the London of the New World, however, only whetted the appetite of her promoters, who argued that a city boasting an imperial trade needed an imperial form to signal its greatness.<sup>18</sup> Here the ambitions of the economic elite encompassed transforming the metropolis into what one

citizen called the “Paris of America.”<sup>19</sup> Well before Napoleon III commenced the rebuilding of his capital in 1852–53, the promenades of the French capital had served New World observers as an exemplar of how a city ought to look and inspired imitation in Philadelphia. In 1838, for instance, a correspondent insisted the central thoroughfare of Broad Street could surpass in beauty the “far-famed Boulevards” which were “justly the pride” of the French capital. Over the next few months wealthy citizens from across the metropolis met to urge the city to transform the street into an avenue worthy of Paris. The pursuit of gentility and refinement that Richard Bushman has traced to the eighteenth century drove mid-nineteenth-century civic boosters in the direction of imitating the form of the French capital.<sup>20</sup> In designs for streets, squares, and parks, wealthy Philadelphians envisaged the reconstruction of their city and a new public culture of ornamentation and display.

Yet if London and Paris provided models of economic dynamism and urban embellishment, they also served as chastening warnings. The recurrent outbreaks of violence, especially in the latter, illustrated the dangers common to all “great cities.” By the 1840s, wealthy citizens had become so accustomed to epidemics of rioting and disease that they were well aware that Philadelphia too was menaced by what one diarist called the “dark masses of ignorance & brutality” that lurked beneath the surface of civilization.<sup>21</sup> Two bloody disturbances in the summer of 1844, which pitted Protestants against Irish immigrants and led to the burning of Catholic churches, suggested the scale of the problem, as did cholera epidemics in 1832 and 1849. As early as the 1840s reformers were beginning to locate the source of these disorders in a degraded urban environment, leading railroad boosters like Cope to press for the construction of parks and public squares as physically and morally cathartic spaces for interclass recreation.<sup>22</sup> To fund these ambitious designs Philadelphians needed to find the capital from public or private sources.

The involvement of merchants, manufacturers, professionals, and real estate owners in movements for a railroad, park, and eventually a consolidated city government, suggests that, as in New York, a vision of spatial and social order and not just the pursuit of profit brought the economic elite together as a class. Whether Democrats, Whigs, or Nativists—scions of old colonial families or upstart businessmen—these men upheld with a surprising degree of unanimity an urban vision that had the dual purpose of civilizing the “mighty tribes of Philadelphia Indians” who found shelter in the courts and alleys of working-class neighborhoods while also providing a genteel playground for men and women of wealth.<sup>23</sup> But perhaps most important, the built environment assumed a symbolic function as physical testimony



**FIGURE 1:** Philadelphia, 1850, showing major streets and public squares. Prior to 1854, the boundaries of the city proper extended from the Delaware River, just beyond the eastern (*right*) edge of the map, to the Schuylkill River in the west (*left*), and from South (or Cedar) Street to Vine Street. Horse-drawn freight cars carried their loads along Broad and Market, the two widest streets in the city proper. The Pennsylvania Railroad's depot stood just over the Schuylkill in West Philadelphia, but the corporation spent much of the 1850s trying to find a more direct route to the Delaware waterfront (not shown, east of Third Street). After establishing a freight depot just east of Penn Square in the 1850s, it eventually acquired land below Washington Avenue on the river. Its decision to move to such a southerly location upset civic boosters who wanted the railroad to tunnel under Callowhill Street (one block north of Vine) and erect a grand passenger terminus on Broad. The city's economic elite by midcentury had begun to move out of the old downtown east of Washington Square to the likes of Rittenhouse Square, Spring Garden (above Logan Square), and over the Schuylkill River in West Philadelphia. Booster journals like Morton McMichael's *North American and United States Gazette* invested Broad and Market streets—the two widest in the city—with totemic power, seeing them as “the reflex and image of the mighty city in which they are located.” With the avenues cast as a form of symbolic capital, hiding the freight that would fund their embellishment from public view became all the more important.



to the city's imperial destiny. No one captured this sentiment better than Morton McMichael's haughty *North American*, a newspaper that continually championed railroad building and urban improvement before the Civil War. In urging the city to finance the embellishment of Broad Street, the journal reminded its readers that the thoroughfare was "an image of Philadelphia in whose lineaments might be traced the lofty attributes, the proud consequence, the strength, the power, the magnificence, the wealth, and the resources of this mighty aggregation of people" (see fig. 1). Even as they retreated from the turbulent world of partisan politics, then, wealthy citizens constructed a new civic role for themselves as advocates of metropolitan improvement. The urban form by the mid-century indeed had become a matter of public concern to the city's economic elite. But they would increasingly tie its fate to a private corporation.<sup>24</sup>

### Public Interest and a Private Corporation

The boosters behind the railroad-building frenzy of the 1840s and 1850s argued that all they needed to realize their imperial ambitions were the transportation links to bind Philadelphia to its continental hinterland. "A broad plan of systematic intercommunication is as essential to the requirements of a great city," proponents of one scheme argued in this vein, "as a wide foundation to the proportions of a towering dome."<sup>25</sup> In the 1820s, shaken by the success of the Erie Canal, forty-eight Philadelphians led by Mathew Carey established the Pennsylvania Society for the Promotion of Internal Improvements, subscribed \$100 each, and launched a propaganda campaign to persuade the state to fund a series of canals and railroads that gave the city a route to Pittsburgh. But the so-called Main Line proved "one of the costliest failures of the antebellum period," and after the Panic of 1837 the commonwealth failed to meet the interest payments on the debt issued to build it.<sup>26</sup> After the debacle, angry European creditors refused to finance new state improvements while fearful local investors abandoned railroad securities in favor of city bonds and ground rents.

A few years later, however, an attempt on the part of Baltimore boosters to build a railroad to western Pennsylvania stirred Philadelphians into action once more. Unlike Carey's campaign for the Main Line, there was no small cabal coordinating activity this time, but a broad cross-section of the city's businessmen: merchants, manufacturers, and professionals.

In December 1845, Cope, Fraley, Price, and the locomotive builder Matthias W. Baldwin were among the hundreds of citizens who signed the call for a meeting at the Chinese Museum to urge representatives in the state capitol to reject the request of the Baltimore and Ohio for a right of way through the state to Pittsburgh. In the next legislative session, their efforts were rewarded when lawmakers chartered the Pennsylvania Railroad to build a line from Philadelphia to the West. The charter was granted, however, on the condition that if \$3 million had not been subscribed by July 1847, then the right of way to the headwaters of the Ohio would revert to the Maryland corporation instead.<sup>27</sup> Immediately, then, boosters confronted the problem of capitalizing the enterprise if Philadelphia was to contend for the prize of a western empire.

The question of how to fund the city's imperial ambitions pushed the railroad's supporters down a well-trodden mercantilist path that would have been familiar to their Early National predecessors.<sup>28</sup> From the moment of the road's inception its progenitors understood private capital alone would not sustain the venture. With legislators in Harrisburg unwilling to risk another disaster like the Main Line, boosters turned to the municipal corporation for aid. At a meeting in April 1846, "filled with the wealthiest and most respectable citizens of Philadelphia," the attendees asked the city council and all the surrounding suburban districts to purchase \$4 million of Pennsylvania Railroad stock, well in excess of the amount required to keep the Baltimore and Ohio out of the state.<sup>29</sup>

Although the scale of the proposal dwarfed previous examples of government support for private enterprises, it was hardly an unprecedented request. The public funding of transportation had deep roots in the mercantilist political economy of the early modern European monarchies, with private corporations like the East India Company given monopoly privileges over trading routes in order to further the strategic and economic interests of the crown. These joint stock companies, which often persisted well into the nineteenth century, served as imperial surrogates to their princely creators, establishing trading posts, running distant colonies, and bringing back to the metropole the riches of a far-flung periphery. The use of private monopolies to bolster public power was therefore well established by the American Revolution, and although that revolt hinged in part on colonial grievances with mercantilism, the statesmen of the Early Republic were quite happy to adopt the system themselves to strengthen their new nation. So, too, were states and cities as they devised foreign policies of their own to

control vital trade routes. Urban merchants saw state power as a way to secure a competitive edge on their counterparts in rival metropolitan centers.<sup>30</sup>

In contrast to state-run ventures like the Main Line and Erie Canal, mixed enterprises—commonplace in America until the Civil War—were chartered as private endeavors but often largely capitalized with public money. Both Pennsylvania and Philadelphia invested in such corporations, as boosters appealed to state and civic pride to realize their ambitions.<sup>31</sup> Thus when promoters in 1846 argued that Philadelphia's future depended on the city stepping in to provide much of the working capital for the railroad, their appeal was far from unprecedented. But whereas the monopoly corporations of early modern Europe were beholden only to the whims of the crown, a railroad created by legislators acting in the name of the sovereign people and funded by an elected municipal body would be forced to negotiate the nebulous terrain of the public interest. Boosters consequently needed to convince an electorate that remained wary of consolidated economic power—as President Andrew Jackson's successful campaign against the city's Second National Bank had shown—of the merits of subscribing.

Those in favor of municipal financing for the Pennsylvania therefore drew on the familiar defense of corporate power that private corporations were chartered to work for the public good.<sup>32</sup> In a city in which turbulent workingmen, many of whom had struggled to find employment after the Panic of 1837, had proved a constant problem for the weak and divided municipal authorities, the potential economic benefits of railroad building were not difficult to identify. By the mid-1840s, Philadelphia's Whigs were doing their best to incorporate workers into their party around a defense of the protective tariff. Like import duties, the railroad promised to restore prosperity to the city. "We shall not be troubled by riots or outbreaks of any kind, if our young men are profitably employed," argued one advocate of public funding.<sup>33</sup> Occasional subscriptions to the capital stock on the part of urban artisans, meanwhile, bolstered promoters' claims that the Pennsylvania was a community endeavor.<sup>34</sup>

In defining the public interest, boosters emphasized too the beneficial impact of the railroad on the urban form, while warning real estate owners of the consequences of inaction. If the municipal corporation held back from investing in the Pennsylvania, one citizen maintained, the city would be relegated to the rank of a "Lilliputian village," while the merchant David S. Brown told a meeting that real estate would "depreciate to an extent which even the boldest among us would hesitate to predict." Men like Brown

deflected fears that the municipal borrowing required to fund a subscription would increase the tax burden on unremunerative property by suggesting city lots would be rendered worthless without the railroad.<sup>35</sup>

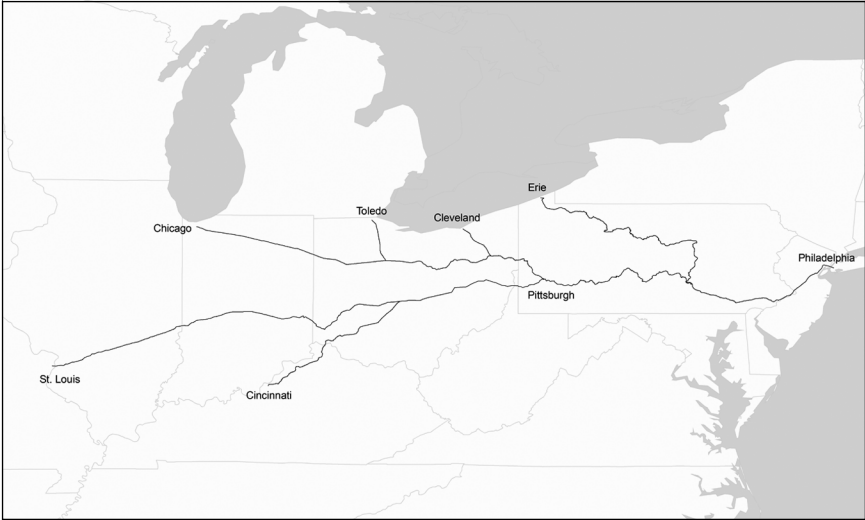
Building the railroad, proponents of civic subscriptions argued, would have quite the opposite impact: in making Philadelphia the London of the continent the Pennsylvania would generate the surplus to transform it into America's Paris, too, a "city of stores and palaces." Profits secured from the railroad would flow into the local real estate market, and citizens would "build and improve" the metropolis with renewed vigor. Correspondents pointed here to the impact of transportation improvements in New York and Boston, where grand hotels and "stately houses" had been the fruits of urban mercantilism. And property owners would reap the rewards. "Every man who understands the causes that operate on the market value of real estate," one argued, "would instantly feel such an increase of confidence in the future prosperity of Philadelphia." When the Pennsylvania asked for further funding in 1849, the *North American*, reviewing the construction underway along the city's business avenues, reminded its readers of what the line's bounty would do to their metropolis. The railroad "will induce" other improvements, it declared, "more extensive and valuable than any yet made." Real estate owners would benefit in their public capacity, too. For when the "obstructions and dust" had cleared, Philadelphians could enjoy in their evening promenades the "beauty and order" the railroad was already bringing to the city's streets.<sup>36</sup>

Here was an enticing image of public space remade by a private corporation: a process benefiting individual real estate owners and the city as a whole. Streets that had languished since the Panic of 1837 would be lined with mansions, absorbing in their construction the labor of workers left idle by the slump. Merchants and manufacturers would flock to Philadelphia, bringing with them the capital to fund the city's expansion, while raising property values yet higher. Burgeoning revenue from property taxes would enable the municipal authorities to build the parks and public squares so important to figures like Cope. This virtuous cycle of public and private investment would continue to extend Philadelphia outwards and upwards, providing the city's bourgeoisie with an imposing monument to metropolitan might, an urban form at once aesthetically imposing and socially useful, and an appreciating stake in metropolitan real estate. In the booster imagination, then, urban imperialism and urban improvement were inseparable.

As they allayed anxieties that the Pennsylvania would turn out to be another “monster” corporation, the railroad’s wealthy supporters pointed to its potential not only to increase trade and employment, but also to remake property and space. The taxpayers and tenants who would ultimately foot the bill for the investment were offered a stark choice between Philadelphia as a village or a metropolis, at the very moment when the Mexican War was making the prize of western trade appear more valuable than ever. Unsurprisingly, they choose the latter. In November 1846 the city government approved an initial \$1.5 million subscription to the Pennsylvania. Over the next few years, its investment grew to \$5 million, with the municipal corporation investing close to that amount again in other roads that connected to the Pennsylvania’s trunk line.<sup>37</sup> In exchange, Philadelphia’s mayor chaired the annual meeting of stockholders and its councils appointed two directors to the board.

By 1874 the Pennsylvania controlled over 6,000 miles of railroad—more than half the total mileage in France, then the world’s third-largest economy—and boasted a capital stock of nearly \$70 million.<sup>38</sup> As the line had grown over the preceding decades it seemed to exceed even the most sanguine predictions of its promoters and became an emblem of the city and commonwealth, leaving the jurist, playwright, and mayor Robert Conrad to wonder in 1854 whether there was anyone in the state “who is not proud of the Pennsylvania Railroad?” The railroad’s vast profits, augmenting stock, and regular dividends certainly appeared to disprove the pessimistic projections of its early critics. The road, moreover, seemed to be fulfilling its principal purpose of spurring economic development. Its backers may have been fortunate that the late 1840s finally saw the local economy recover from the turmoil of 1837, but it was easy for them to attribute the rapid growth of the city, the resurgence of manufacturing—which more than doubled in the decade before the Civil War—and increasing activity in the real estate market to the line’s munificent impact.<sup>39</sup>

Meanwhile, the Pennsylvania’s expansion in the direction of Cleveland, Cincinnati, Chicago, and St. Louis gave credence to the booster prophecy that the railroad would form the first chain of a transcontinental highway, making Philadelphia the great mart for the trade of the Far West and Pacific (see fig. 2). To the future Radical Republican congressman William D. Kelley, indeed, the road was the “first link to bind the two hundred and fifty millions of Europe with the seven hundred and fifty millions of Asia.” By the end of the Civil War the Pennsylvania had become one of the largest private corporations in the world with one of the world’s largest public corporations—the City of Philadelphia—as its biggest single stockholder.<sup>40</sup>



**FIGURE 2:** Pennsylvania Railroad western extensions, 1870s. Leases and acquisitions had extended the network from its initial terminus at Pittsburgh, which had a direct connection to Philadelphia from 1854, to the Mississippi River, where it connected with the nation's first transcontinental line, and to the shores of the Great Lakes. The Pennsylvania leased a railroad from Pittsburgh to Chicago in 1869, having already invested heavily in the venture over the preceding decade. By 1874, the Pennsylvania controlled directly or indirectly over 6,000 miles of track, and its new president, Thomas A. Scott, had already served a stint running the Union Pacific, which connected the Mississippi Valley to California.

Yet the merchants and manufacturers who had brought the Pennsylvania into being had done so because they were persuaded that it would pursue their vision of the public good as well as their aspirations for private profit. By the mid-1850s, however, the ambitions of city boosters and railroad had begun to diverge as the legislative lynchpins of urban imperialism came under attack. The split began when politicians in Harrisburg repealed a short-lived gauge law that had mandated a single track width for Pennsylvania railroads. This gave out-of-state lines the opportunity to cross the commonwealth without transshipment. Before long, a group of Pennsylvanians allied to the New York and Erie Railroad secured a right of way along the shore of Lake Erie to reach Ohio.<sup>41</sup> Such a move was hardly in the interests of the Pennsylvania Railroad, and one Philadelphia representative in Harrisburg, who boasted of his design to make his city the “grand distributing point of trade for the world,” called Erie “a seat of war” and warned the state was in danger of becoming

*"New Yorkized."* Over the following years, the Pennsylvania Railroad's directors carefully cultivated ties with state political leaders like Simon Cameron to ensure more favorable legislation. Such lobbying bore fruit with the repeal of a tonnage tax on the railroad and the sale at a cut price to the Pennsylvania of its publicly owned competition, the Main Line of State Works.

With Harrisburg under its thumb, the railroad then looked to expand into rival eastern markets, even when this compromised its mission to bring trade to Philadelphia.<sup>42</sup> In the mid-1860s, for example, directors ordered construction of the Junction and Connecting railroads, both subsidiaries of the Pennsylvania, which enabled trains from Baltimore and Pittsburgh to bypass Philadelphia en route to points north.<sup>43</sup> A few years later the Pennsylvania leased most of the New Jersey railroad network and commenced work on a depot across the Hudson from Manhattan.<sup>44</sup> While these developments must have delighted many shareholders—who as the capital stock increased were less likely to hail from Philadelphia—civic boosters were left aghast at the decision of the railroad to make its city of origin a waystation on the route to greater marts. As early as 1853, one citizen had warned that to make "our great road tributary to the grasping enterprise and cunning of New York" would be "suicidal" for Philadelphia. But by the Civil War city councils no longer had the muscle as stockholders to heed his advice.<sup>45</sup>

Over the course of the 1850s and 1860s, then, the Pennsylvania seemed to be cutting itself loose from its metropolitan moorings. Nowhere was this more evident than in its directors' apparent disregard for the urban form. Boosters had never entirely disguised the demands the railroad would make on the built environment. Several had warned that the trade of a continent flowing through Philadelphia's streets would place an unprecedented stress on an urban infrastructure in urgent need of modernization. Predicting a commercial torrent "mighty beyond conception" rolling along the tracks of the Pennsylvania, one correspondent of the *Public Ledger* recommended the removal of the market sheds at the heart of the commercial district, the improvement of streets and sidewalks, and the setting aside of space for recreation. "Such, or similar arrangements will be necessary for the dispatch of locomotion," he insisted.<sup>46</sup>

The coming of the railroad meant that even the grid—a legacy of William Penn's original city plan—came under critical scrutiny. While the city's real estate owners appreciated how easily uniform lots could be bought and sold, others complained that the lack of diagonals increased congestion. By the post-bellum era, engineers and boosters expressed cautious support for the

construction of radial avenues, to serve not only as monumental boulevards but also as arteries carrying the immense traffic of an imperial metropolis.<sup>47</sup> Long before then, the Pennsylvania had enlarged the urban ambitions of boosters. One citizen in 1853, for example, called for “more large hotels, pleasant drives, parks, fountains” and the opening of the city’s public buildings to draw visitors. Railroads, he explained, “have changed the nature of things.”<sup>48</sup>

A lack of public money, however, meant most of these grand designs went unbuilt. Philadelphians tended to underinvest in what David Harvey has called the “secondary circuit of capital”: the infrastructure of public works that forms a prerequisite for accumulation without ever being directly remunerative itself.<sup>49</sup> Given the scale of the city’s railroad debt, the rival claims of developers in different neighborhoods, and—prior to the Consolidation of 1854 at least—an anxiety that improvements funded by the two-square-mile city proper would subsidize growth in the outer suburbs, boosters found it difficult to win electoral backing for their plans, despite often enjoying the support of prominent businessmen and the press. Stephen Girard (1750–1831), one of the richest merchants in America, even left a portion of his vast estate to the city for widening a commercial thoroughfare along the Delaware riverfront, but it did little to expedite significantly the flow of goods through the crowded commercial downtown.<sup>50</sup> Philadelphia therefore remained unprepared for the deluge of trade the Pennsylvania promised to bring.

The construction of municipally owned freight railways through the city offered one solution to the quandary, but this generated its own problems. In the 1830s Cope’s Board of Trade persuaded the city government to lay tracks down Broad and Market, which eventually connected the Reading and Pennsylvania systems to the downtown and port.<sup>51</sup> Elsewhere in the suburbs the state granted private railroads the right to occupy the streets. This sparked fierce protests. In the industrial district of Kensington, which sat to the north of Center City, workers laying the Philadelphia and Trenton were hounded by angry residents, who resented the handing over of public space to a private corporation. When, following the torching of the company president’s home, the company was forced to back down, citizens processed by candlelight through the streets bearing a banner that bore a stark warning to railroad promoters: “THE CONSTITUTION PROTECTS THE PEOPLE IN THE USE OF THEIR HIGHWAYS.”<sup>52</sup>

In Center City, however, businessmen tried to persuade citizens that railroads’ occupation of public thoroughfares was in the public interest.



Promoters cast the municipally owned City Railroad along Broad and Market as a crucial artery circulating the life-blood of trade around the metropolis. Bringing railroads “to the outer edges of outer districts,” the *Commercial List* declared, “is not enough. Their freight must reach the heart of trade, circulating freely and rapidly back and forth, if we would insure growth and vigor to our prosperity.” “To impede railroad communications,” the journal concluded, “is sheer suicide.”<sup>53</sup>

But this calculation presented the economic elite with a dilemma as their private interests and public visions jarred. As the two widest avenues in an otherwise constricted gridiron, Market and Broad streets (see fig. 1 above) were invested with totemic power by civic boosters. To McMichael’s *North American*, indeed, the streets were destined to become “the reflex and image of the mighty city in which they are located”: Market, a monument to commercial might; Broad, a genteel promenade.<sup>54</sup> Like other critics the paper found the decision to give them over to railroads, no matter how important the connections might have been to Philadelphia’s ascent, hard to justify. Instead of elevating each thoroughfare to the first rank of metropolitan avenues, the tracks visibly impeded their improvement. Anthracite coal carried on the cars of the Reading system found its way along the street railway to yards on Broad, reducing what many thought ought to be Philadelphia’s answer to the Rue de Rivoli to a sooty eyesore. And on Market the unsightly freight cars carrying the bounty of the West that clogged the street undermined the designs of the economic elite for an imposing business avenue.<sup>55</sup> Even after the Civil War citizens who had earlier demanded the municipality subscribe to the Pennsylvania were calling for the removal of the tracks that bore its commerce.

The clash over freight railroads in the streets either side of the Civil War set the stage for a series of conflicts between the Pennsylvania and its Philadelphia creators over the impact the line would have on urban space. Though they never adopted the militant tactics of the Kensington rioters, wealthy Philadelphians drew on surprisingly similar ideas about the responsibility of a private corporation to the public good, and saw the state’s role in regulating the urban environment in far broader terms than merely expediting business. The problems began as early as April 1851, when the Pennsylvania asked the city’s Common and Select councils to lease a portion of Penn Square for use as a freight depot. The square, located at the intersection of Broad and Market on the present site of City Hall, had been one of the five spaces set aside for public use in William Penn’s plan

for Philadelphia, though little work was ever undertaken to improve the ground; by the mid-1840s councils mainly used it for growing fodder. In the aftermath of a cholera epidemic and major riot in 1849, however, bourgeois citizens were increasingly inclined to see public squares as bulwarks of public health and urban order. Moreover, they envisaged the city's green spaces, like the tree-lined boulevard they hoped Broad Street would become, as part of a "geography of refinement," a genteel promenade that would benefit both the private interests of real estate owners and the public interest of the metropolis as a whole.<sup>56</sup> By mid-century, wealthy Philadelphians were convinced that such sites were a social and economic imperative for the city, and that the municipality, with its revenue swelled by the trade of the Pennsylvania, had the capital to invest in their embellishment.

When the Pennsylvania asked its largest stockholder for permission to occupy the square in 1851, then, the question for the city government involved more than the pursuit of profit. Within a few days of the request, a strong opposition movement emerged that drew in many of the wealthy citizens who had championed the municipal subscription in 1846. Opponents of the lease quickly contrasted the private interests of the railroad and the public needs of the city—a distinction rarely present in the earlier debate. One correspondent to the *Evening Bulletin*, for example, accused the "wealthy corporation" of thinking only of "dollars and cents" in trying to obtain Penn Square. He argued the line must not be allowed to appropriate one of the few recreational spaces accessible to the city's poor. A remonstrance signed by subscribers to the railroad, meanwhile, insisted the site was "a common property and a common privilege" and should not be handed over for the private benefit of any special interest.<sup>57</sup> Even a correspondent to the *Commercial List*—a mouthpiece for the city's merchants—counseled against the authorities granting the land, warning it would be a mistake to "disfigure a whole metropolis" by bringing an unsightly depot into the center.<sup>58</sup>

Critics persistently referred to the squares as the "lungs of the town," an organic part of the corporate body that breathed life into the whole; even shareholders and newspapers hitherto fiercely loyal to the Pennsylvania employed the metaphor.<sup>59</sup> By making the fresh air of Penn Square more critical to the health and vitality of the metropolis than the railroad itself, the assumptions that had underlain the subscriptions were undercut. Indeed when the councils, under public duress, rejected the application from the railroad, one newspaper—admittedly no great friend of the corporation—welcomed a decision that saved the space "from tuberculous disease."<sup>60</sup> Within five years,

the Pennsylvania had gone from being a cure-all medicine for the city's ills to a sickness that threatened the well-being of the metropolis.

The struggle over the fate of Penn Square demonstrated that when forced to choose between the pursuit of profit and their designs for urban space, businessmen were sometimes willing to opt for their public interests over their private ones. Some did live in the vicinity, as the transformation of the neighborhood around Rittenhouse Square to the west of Broad Street (see fig. 1 above) into an elite residential enclave had begun in the 1840s. More important to them, however, was the symbolic importance of the Broad and Market intersection on William Penn's original plan. Penn Square's potential as a genteel plaza—a grand civic space that could serve as fitting symbol of Philadelphia's metropolitan claims—made the dispute far more than a battle between local property owners and a business corporation. Instead, it demonstrated the need for greater levels of public control over the built environment.

Three years later, indeed, the Consolidation of 1854 Act, drawn up by an early advocate and stockholder of the Pennsylvania, attorney Eli Kirk Price, made it a requirement for the city government to provide parks and squares at taxpayers' expense.<sup>61</sup> A few months after councils had rejected the railroad's request, he wrote an extraordinary letter to the *North American*, which called for the careful planning of suburban extensions around open spaces in a large estate above the city proper that was about to come into market, and also for the protection of unbuilt land around the Schuylkill River from "manufactories, coal wharves and dwellings." It is hard to believe his ideas had not been influenced by the Penn Square debate.<sup>62</sup> In 1851, with the Pennsylvania still subservient to the city that had given it life, the definition of the public interest men of his class had helped to construct won out. But as the corporate power of the railroad grew, this would not always prove the case.

The shift in the balance of power from the city to the railroad became clear just eight years later. From their earliest meetings the directors of the Pennsylvania knew the line would need an outlet to the wharves on the Delaware River. Initially, they were willing to use the tracks of the City Railroad, but the problems of congestion, accidents, and a municipal ordinance prohibiting the use of steam engines in the downtown frustrated the corporation. With its freight depot located on 13th Street—adjacent to the rejected Penn Square site but over a mile inland from the Delaware wharves—the Pennsylvania lost business as the burden of transshipment and drayage had to be factored into prices. In 1859, having weathered the financial storm

of the recent Panic, the directors commissioned Strickland Kneass—one of Philadelphia's foremost engineers and the respected city surveyor—to assess the merits of various routes to a new riverfront terminus.<sup>63</sup>

Most of the locations Kneass set out to investigate were to the north or south of the old “city proper” and well beyond the line of improvements, where potential wharf property was cheaper to acquire. Any scheme that threatened to capture the business of the commercial district, however, worried downtown merchants and real estate owners who had helped to establish the Pennsylvania. In the early 1840s the Reading Railroad constructed wharves about five miles to the northeast of Market Street in Richmond; in doing so, it drew the anthracite trade away from the Schuylkill riverfront at the western edge of the city proper, leading to the rapid depreciation of property in the vicinity. Few boosters in the 1850s wanted to see the directors pursue what one paper called “the suicidal policy of building up a second Richmond,” especially one that might provide an easy link with New Jersey railroads to New York.<sup>64</sup> But to bring the Pennsylvania to a central point in the metropolis seemingly involved accepting the chaos and congestion of the City Railroad, and with it the impossibility of ever transforming one of Philadelphia's widest thoroughfares into a grand avenue. It fell to engineer Solomon K. Hoxie to propose a solution that promised to nullify the contradiction between commercial imperatives and boosters' urban ambitions.

Hoxie planned to tear up Callowhill Street, running a few blocks north of Market, and tunnel along most of its length between the Schuylkill and the Delaware. Once tracks had been set down, the roadway above it would be repaired, a technique employed in the construction of London's District and Metropolitan lines a few years later. At the time, it represented a novel innovation: a point that would demonstrate Philadelphia was not “the effete adopter of secondhand principles, but can originate and perfect the new as well as imitate and improve upon the old.”<sup>65</sup> The Pennsylvania, after purchasing waterfront land at the end of the subway, would then have its direct outlet to the river, merchants and manufacturers would get the central location for the depot they desired, and the street railways that inhibited the ornamentation of Market and Broad could be removed. Perhaps as important, the tunnel would stand as a subterranean monument to Philadelphia's power. Hoxie's design, one newspaper argued, “would be indeed a magnificent enterprise . . . calculated to confer great credit on our city as the seat of such a noble work,” while the *North American* insisted the enterprise would reflect “luster upon

our city and age.”<sup>66</sup> The scheme inspired the millionaire locomotive builder Joseph Harrison to propose erecting an imposing passenger depot on Broad Street to complement the tunnel.

In the debate over civic subscriptions to the Pennsylvania, boosters had insisted that the road would be the bedrock of the city’s prosperity. Hoxie found a way to realize the promise of this metaphor by burying unsightly freight beneath the soil. In reconciling the pursuit of private profit with the public interest of metropolitan embellishment, he secured the backing of Philadelphia’s economic elite who wrote to newspapers and distributed pamphlets in support of the scheme. Supporters of the plan lauded both the physical and symbolic impact it would have on the metropolis. If Hoxie and Harrison’s plans were realized, one correspondent argued, the tunnel’s “arched ways,” “magnificent central passenger station at Broad street,” and “shipping depot on the Delaware” would do more “towards giving the city a name and standing in the South, at the West, and at the North, than all the Opera Houses in Christendom.” Without it, though, “injury to the street” was inevitable.<sup>67</sup>

Such lobbying failed to move the Pennsylvania’s directors. While Kneass praised the tunnel plan as “entirely practicable” and far ahead of its rivals in terms of the “advantages” accrued, he concluded “that the location of so magnificent a project, should have its outlet upon ground of such immense value” as to render the entire scheme prohibitively expensive. He proposed instead the construction of a depot at Greenwich Point, some distance below the city’s southern extremities, and the directors eventually agreed. By 1860 Hoxie’s plan was dead, and Harrison—depressed by the failure of his proposal for a monumental *hauptbahnhof*—took ship for Europe.<sup>68</sup>

The angry response of other wealthy Philadelphians to the Pennsylvania’s decision illustrates the enduring importance of urban imperialism to the way they thought about a private corporation. In keeping with its populist reputation, the *Sunday Dispatch* argued that the selection of a location for a depot well to the south of the commercial center was a speculative ploy by the directors of the railroad, who, the paper alleged, had invested heavily in the Greenwich Land and Improvement Company, a corporation chartered in 1854 to develop the chosen site.<sup>69</sup> The councilman, real estate speculator, and Board of Trade officer William B. Thomas, however, was able to spot less conspiratorial calculations behind the decision. Though critical of the directors’ choice, he did not accuse them of being “derelict to the interests of a majority of the *individual* stockholders, many of whom are foreign capitalists.” To him

it was regrettable that the noncity members “should prefer private interests which they were selected to promote, to a policy which would profit the business community, and contribute in no small measure to the progress and prosperity of Philadelphia.”<sup>70</sup>

But the notion that the corporation was bound to follow “the interests of the Company, and those interests *alone*” seemed anathema to the *Philadelphia Press*. The paper reminded its readers that the stockholders of the Pennsylvania “are mainly the citizens of Philadelphia in their corporate capacity”—an exaggeration by this point, but not a great one—and “while these stockholders are directly interested in the railroad, they are just as directly interested, and on average to ten times the extent in the business and prosperity of the city of which they are citizens.”<sup>71</sup>

“The subject of a terminus has become a public question,” one merchant argued in 1859, “to which the selfish interests of private corporations must be subordinated.” A newspaper correspondent too stressed the importance of reducing the Pennsylvania “to its right position of subserviency to the public interest, instead of being allowed the mastery over it.”<sup>72</sup> These bourgeois critics of the Pennsylvania, together with their allies in the press and local politics, were fighting a rearguard action over the course of the 1850s to assert the civic obligations of a private enterprise. They inverted the familiar call of reformers for city government to follow the lead of the business corporation by arguing the Pennsylvania was beholden to the will of its municipal creators. Instead of stockholders, it had constituents; in place of the pursuit of profit, it had to chart a course that would offer the greatest returns to the general welfare. The fear of a powerful monopoly subverting the public good might have been a familiar trope in Jacksonian America—indeed critics of the municipal subscription in 1846 compared the Railroad to Nicholas Biddle’s Second Bank—but as the actions of the Pennsylvania increasingly jarred with the urban vision of Philadelphia’s economic elite, many of the city’s wealthiest residents found themselves drawing on this language of protest.<sup>73</sup>

The defense of urban imperialism, though, rested not only on the fear that trade might bypass Philadelphia, but also that the railroad’s actions threatened the designs for urban grandeur and refinement that were so crucial to their class. Emboldened by the passage of the Consolidation Act in 1854, which had united the city and county under one government, boosters like Price and McMichael made the case for an aggressive program of metropolitan improvement in the years leading to the Civil War. By 1860 the city had

set aside land for the first part of Fairmount Park while putting in place plans for the erection of grand new public buildings. Turning to Napoleon III's transformation of Paris—a massive program of reconstruction that had cleared medieval streets and replaced them with broad, radial avenues—McMichael's *North American* even claimed that the “order and beauty” the emperor had brought to the urban plan illustrated how “to advance a town.”<sup>74</sup> Compared to the millions expended on the rebuilding of Paris, the Hoxie plan appeared eminently affordable, especially for a powerful corporation like the Pennsylvania, which would have had few problems finding the capital to undertake the work. The refusal of its board to do so alienated its supporters in Philadelphia and led to a reassertion of the public role of the corporation.

Directors of the railroad had “no right to make themselves paramount to the public,” claimed one opponent of the Penn Square scheme in 1851. A few years later, in urging the removal of the freight rails from Broad Street, a correspondent of the *Evening Bulletin* insisted that “the Pennsylvania Railroad is so entirely a Philadelphia work, that the company ought to do nothing which can retard Philadelphia improvements or disfigure any portion of the city.” The notion of commercial dynamism as a precondition for urban refinement, however, had already been undermined by the actions of the railroads, as a glance at the city's passenger depots showed. Railway terminals, the *North American* argued, heralded “a new order” in architecture, and the paper confidently predicted 100,000 visitors would arrive in the city to witness the opening of Harrison's grand central station at Broad and Callowhill. But instead of providing “an ornament, a utility, and a wonder,” Philadelphia's depots played host to a “vast commerce” in “common looking sheds.” The journal singled out the Pennsylvania especially as an enterprise that had “been housed in a manner utterly unworthy of its capital, business or dignity.” In 1846 boosters had hoped that corporate capital could easily be converted into symbolic capital; few harbored such illusions by the Civil War.<sup>75</sup>

The failure on the part of a corporation created for public ends to transform Philadelphia into a genteel, imperial city, and the increasingly onerous demands the road made on urban space emboldened bourgeois critics to attack the railroad. But by 1859 their influence had waned. While the city government still owned about two-fifths of the capital stock, its directors could not outvote the rest of the board. Meanwhile, influence of the Pennsylvania's lobbyists in Harrisburg—who needed to forge alliances with country delegates who often had little sympathy for Philadelphia interests—made political redress unlikely. Yet anger at the railroad's actions

may have pushed city businessmen toward a position supporting stronger state regulation of private enterprise in what is often regarded as the golden age of *laissez faire*. Hoxie himself got his revenge for the slighting of his tunnel scheme when he accused the Pennsylvania of rate fixing before a legislative subcommittee in 1867.<sup>76</sup>

The *North American*—the voice of the city's conservative economic elite—had urged citizens to attend the hearing to remind representatives of his earlier plan. Street railroads, it claimed, remained a “great public nuisance.” “Public sentiment” demanded action, and the “managers of these companies, who are so sagacious and enterprising in so many other things,” had proved “so utterly unable to look into the future and recognize the necessity” of following Hoxie's advice. The paper then turned “to those who have the power to compel action, and who are responsible to the people for their own action.”<sup>77</sup> Its call for public regulation of a private corporation that was no longer acting in the interests of the boosters who had brought it into being anticipated the cry of elite reformers in the Progressive Era, but given the Pennsylvania's influence in Harrisburg, it was never likely to win a sympathetic hearing.

### The Pennsylvania Railroad and Philadelphia after the Civil War

In 1874 the Pennsylvania announced its intention to use land on the west bank of the Schuylkill to consolidate the city's stockyards. Hitherto Philadelphia's abattoirs had been dispersed throughout the metropolis, with the majority (to the disgust of the labor press) situated in working-class neighborhoods. The new central site, however, was flanked by Spring Garden, West Philadelphia, and the West End mansions around Rittenhouse Square—all wealthy enclaves—and stood nearby the grounds of the new Fairmount Park. Residents of these districts, including the Sellers family of machine builders, the banker Clarence H. Clark, and the former mayor Richard Vaux, all strong supporters of the Pennsylvania, sought an injunction to prevent the development from going ahead. The railroad's actions, the plaintiffs warned, “will carry the offensive effluvia to the handsomest improvements and most highly taxed dwellings in the city,” causing property to depreciate by as much as half. Their attorney argued that those citizens “who by their education and habits of life retain the sensitiveness of their natural organization” are “entitled to enjoy life in comfort as they are constituted.”<sup>78</sup>



If the petitioners here were speaking as a class—the implication that other, less-refined Philadelphians had no problem with slaughterhouses is hard to miss—they also continued to insist the railroad's actions ran counter to the public interest. The stockyard, its critics argued, would pollute the water supply, "imperil the health and comfort of the citizens," and place a nuisance of immense proportions at the future center of the burgeoning metropolis.<sup>79</sup> They asked the judges "to save this city from the most awful calamity that ever threatened to fall upon it" and enable citizens to celebrate the forthcoming Centennial Exhibition of 1876—located in Fairmount Park—without such a grotesque affront to "civil pride" in their midst.<sup>80</sup> One of the organizers of the lawsuit, Henry Charles Lea, was Philadelphia's pre-eminent liberal reformer, and his attempts to purge the city's councils of corruption now took him into the realm of regulating private businesses. Despite the petitioners' pleas, however, the case was thrown out. As the Pennsylvania owned the land, the corporation enjoyed the right to use it as it saw fit, even if it undermined urban order.<sup>81</sup>

Three years later, in May 1877, the Pennsylvania joined other railroads in cutting wages by 10 percent. In July workers on the Baltimore and Ohio struck, and within days the dispute had spread across the nation. On the evening of July 21, 1,000 protestors gathered outside the Pennsylvania's West Philadelphia depot. Near the railroad's roundhouse police charged 400 strikers as shots rang out. In reporting events that "vividly recalled the stirring times of the war," the *North American* feared "that the scenes of carnage and riot that are disgracing the cities of Baltimore and Pittsburg will be transferred to Philadelphia."<sup>82</sup> Its publisher McMichael, who more than any other figure had led the campaign for railroad building and urban embellishment, admitted the city was in a "very bad condition of affairs; worse, indeed, than I have before seen here in the course of all my long life."<sup>83</sup> As it turned out, Philadelphia's strong police force and the presence of nearby troops prevented the strike from escalating, but nevertheless, the railroad—cast at its genesis as the foundation of urban order and embellishment—had become a fulcrum of conflict in the metropolis.

Earlier that year, the contested presidential election of the previous November was resolved in favor of the Republican candidate Rutherford B. Hayes. The deal that secured Hayes the Electoral College votes that he had lost in the popular ballot was brokered in part by the president of the Pennsylvania, Thomas A. Scott.<sup>84</sup> Under Scott's direction, the Pennsylvania had become the engine of the Union war effort, and after Appomattox, he had

helped to create the transcontinental Union Pacific Railroad while expanding the Pennsylvania system into the South. Now in 1877, it had fallen to Scott (a man one of his former employees suggested was “best compared with the hero of Austerlitz”) to broker an end to that conflict by persuading Hayes to promise Republican support for a southern transcontinental railroad.<sup>85</sup> Hayes showed his gratitude by using federal troops against striking railroad laborers that July. Bourgeois Philadelphians had built the Pennsylvania Railroad not simply to profit from the dividends but to transform their city into a prosperous, orderly, and imposing metropolis: the London and Paris of America rolled into one. The railroad, though, had outgrown the public corporation that had created it. It was the railroad that acquired the imperial dimensions of which the city dreamed; the railroad that boasted the power to determine elections, end civil wars, and bind together a continent by iron. When the Pennsylvania’s managers privileged profits over the pursuit of a refined urban environment, moreover, the economic elite reluctantly recognized that their private interests as investors jarred with their public vision of metropolitan space.

The retreat of Philadelphia’s elite before the might of the Pennsylvania Railroad might be used to confirm Warner’s privatism thesis. By the 1870s, after all, the Pennsylvania was a player in national politics rather than a weapon in urban imperialism; in 1900, indeed, it would move its listing from the Philadelphia stock exchange to Wall Street.<sup>86</sup> The age of the booster in the East had receded, and in contrast to the 1850s, wealthy citizens like the stockyard petitioners spoke more often as real estate owners in elite neighborhoods than on behalf of the entire city.<sup>87</sup> A withdrawal to the counting house—or at the very least into the private world of the club and parlor—seemed only natural. But the sharp distinction between community and privacy Warner and others have tended to draw can be misleading. When the pursuit of private profit clashed with their genteel aspirations for public space—as so often happened given the actions of the Pennsylvania—wealthy citizens invoked the public interest as a language of legitimation, and returned to the precepts of urban imperialism to rein in the operations of business. They did so not as disinterested reformers but as a self-proclaimed enlightened elite of merchants, manufacturers, and professionals pursuing a collective vision of how their metropolis ought to look and function. Thus this class came into being not simply in the private world of the counting house, the gentlemen’s club, the genteel neighborhood, and society wedding, as Warner and Baltzell suggested, but also in public struggles over the future of the urban form.<sup>88</sup>

A later generation of middle-class Progressives were well aware of the adverse effect large corporations could have on the built environment. They turned to regulation and planning to ameliorate the smog and filth of the industrial city. But to see the roots of the Progressive impulse to discipline big business it might be necessary to look at the impact of the companies like the Pennsylvania Railroad a generation or two before the rise of Progressivism. Between 1846 and 1877, Philadelphia's merchants, manufacturers, and professionals learned that their collective interest as a class in an imperious urban form often collided with their individual interests as shareholders in a corporation that, while blurring the lines between private and public, was run in the interests of its directors and stockholders: a group who after the Civil War controlled the largest publicly traded corporation in the world.

## NOTES

1. On the completion of the Pennsylvania Railroad, see *Philadelphia Evening Bulletin*, January 26, 1854; *North American and United States Gazette*, February 16, 1854. On the consolidation, see Eli Kirk Price, *History of the Consolidation of the City of Philadelphia* (Philadelphia: J. B. Lippincott, 1873); Sam Bass Warner Jr., *The Private City: Philadelphia in Three Periods of Its Growth* (Philadelphia: University of Pennsylvania Press, 1968; 2nd ed., 1987), 125–57 (unless otherwise noted all references to Warner, *Private City*, are to the 2nd edition).
2. Arthur M. Schlesinger Sr., "The City in American History," *Mississippi Valley Historical Review* 27 (1940): 43–66; Leonard P. Curry, *The Corporate City: The American City as a Political Entity, 1800–1850* (Westport, CT: Greenwood Press, 1997), chap. 7; Louis Hartz, *Economic Policy and Democratic Thought: Pennsylvania, 1776–1860* (Cambridge, MA: Harvard University Press, 1948), 9; Charles N. Glaab, *Kansas City and the Railroads* (Madison: The State Historical Society of Wisconsin, 1962); William Cronon, *Nature's Metropolis: Chicago and the Great West* (New York: Norton, 1991), 46.
3. *United States Gazette*, December 11, 1845; Pennsylvania Railroad, "Address to the People of Philadelphia and Pennsylvania," in *Public Ledger*, November 27, 1846.
4. Warner, *Private City*, chap. 5.
5. E. Digby Baltzell, *Puritan Boston and Quaker Philadelphia: Two Protestant Ethics and the Spirit of Class Authority and Leadership* (New York: Free Press, 1979). This new literature includes William J. Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1996); Philip J. Ethington, *The Public City: The Political Construction of Urban Life in San Francisco, 1850–1900* (Cambridge: Cambridge University Press, 1994); and James J. Connolly, *An Elusive Unity: Urban Democracy and Machine Politics in Industrializing America* (Ithaca, NY: Cornell University Press, 2011). Warner, *Private City* (1968 ed.), x.

6. Warner, *Private City*, 3; Robin L. Einhorn, *Property Rules: Political Economy in Chicago, 1833–1872* (Chicago: University of Chicago Press, 1991), chap. 4; Craig D. Turnbull, *An American Urban Residential Landscape, 1890–1920* (Amherst, NY: Cambria Press, 2009), 92. See also Maureen Ogle, “Water Supply, Waste Disposal, and the Culture of Privatism in the Mid-Nineteenth-Century American City,” *Journal of Urban History* 25 (1999): 321–47; Gregory D. Squires, “Partnership and the Pursuit of the Private City,” in *Readings in Urban Theory*, ed. Susan S. Fainstein and Scott Campbell (Oxford: Blackwell, 2002), 240.
7. Bruce M. Stave, “A Conversation with Sam Bass Warner, Jr.,” *Journal of Urban History* 1 (1974): 93; Warner, *Private City*, xi–xii.
8. See, for example, Richard Bushman, *The Refinement of America: Persons, Houses, Cities* (New York: Vintage Books, 1993), 353; David Schuyler, *The New Urban Landscape: The Redefinition of City Form in Nineteenth-Century America* (Baltimore: Johns Hopkins University Press, 1986); David M. Scobey, *Empire City: The Making and Meaning of the New York City Landscape* (Philadelphia: Temple University Press, 2002), 6.
9. On Cooke, see Warner, *Private City*, 83–84. For his involvement in urban improvement projects, see *North American and United States Gazette*, May 3, 1866 and July 1, 1870. Historians have tended to emphasize the divisions among Philadelphia’s upper class, especially before and during the Civil War, arguing upstart manufacturers were only incorporated into the “upper class” after the conflict. See for example E. Digby Baltzell, *Philadelphia Gentlemen: The Making of a National Upper Class* (New Brunswick, NJ: Transaction Publishers, 1989); Andrew Dawson, *Lives of the Philadelphia Engineers: Capital, Class, and Revolution, 1830–1890* (Burlington, VT: Ashgate, 2004), esp. chap. 4, which argues antebellum manufacturers were a “subaltern class”; Daniel Kilbride, *An American Aristocracy: Southern Planters in Antebellum Philadelphia* (Columbia: University of South Carolina Press, 2006); Elizabeth M. Geffen, “Industrial Development and Social Crisis, 1841–1854,” in *Philadelphia: A 300 Year History*, ed. Russell F. Weigley (New York: Norton, 1982), 330; Gary B. Nash, *First City: Philadelphia and the Forging of Historical Memory* (Philadelphia: University of Pennsylvania Press, 2002), 231–33. While sectional issues certainly exacerbated tensions between haughty first families, who often had strong ties to the South and parvenu manufacturers, I would argue that railroad building, the Consolidation movement, and a common interest in elevating the value of metropolitan real estate—especially after the rioting of the 1830s and 1840s—laid the class for cooperation among wealthy property holders in the two decades before the Civil War.
10. David O. Stowell, *Streets, Railroads, and the Great Strike of 1877* (Chicago: University of Chicago Press, 1999); Jeffrey P. Roberts, “Railroads and the Downtown, 1830–1900,” in *The Divided Metropolis: Social and Spatial Dimensions of Philadelphia, 1800–1975*, ed. William W. Cutler III and Howard Gillette Jr. (Westport, CT: Greenwood Press, 1980), 48; Joel Schwartz, “‘To Every Man’s Door’: Railroads and Use of the Streets in Jacksonian Philadelphia,” *Pennsylvania Magazine of History and Biography* 128 (2004): 35–61; Michael Feldberg, *The Turbulent Era: Riot and Disorder in Jacksonian America* (New York: Oxford University Press, 1980), 65–70. The best study of railroads and urban space in the era focuses on the United Kingdom. See John R. Kellest, *The Impact of Railways on Victorian Cities* (London: Routledge, 1969).
11. The declining support for state-sponsored internal improvements is well told in Hartz, *Economic Policy and Democratic Thought*, 122–25.

12. The past decade has seen renewed interest in the cultural aspects of elite class formation in the American metropolis. Along with Scobey, *Empire City*, see especially Sven Beckert, *The Monied Metropolis: New York City and the Consolidation of the American Bourgeoisie, 1850–1896* (Cambridge: Cambridge University Press, 2001). Historians have also revisited older debates about corporate power in the Early Republic, most notably Andrew M. Schocket, *Founding Corporate Power in Early National Philadelphia* (DeKalb: Northern Illinois University Press, 2007), which makes a powerful argument that the corporate charter offered elites a way to protect their interests in a democratic polity. See also Johann N. Neem, *Creating a Nation of Joiners: Democracy and Civil Society in Early National Massachusetts* (Cambridge, MA: Harvard University Press, 2008).
13. Diane Lindstrom, *Economic Development in the Philadelphia Region, 1810–1850* (New York: Columbia University Press, 1978), 91; Elizabeth Harrison Cope, ed., *Philadelphia Merchant: The Diary of Thomas P. Cope, 1800–1851* (South Bend, IN: Gateway Editions, 1978), 596.
14. *Philadelphia Public Ledger*, July 10, 1844.
15. The phrase recurred frequently. See for example, *Plan of the Haddonfield Ready Villa Association* (Philadelphia, King & Baird: 1854), 3; *North American*, June 3, 1846; and *North American and United States Gazette*, January 13, 1851.
16. Edwin Wolf II, “The Origins of Philadelphia’s Self-Depreciation, 1820–1920,” *Pennsylvania Magazine of History and Biography* 104 (1980): 61; Job R. Tyson, *Mr. Tyson’s Letters to the British Consul on the Commerce of Philadelphia* (Philadelphia: Inquirer Job Press, 1851), and *Public Ledger*, August 18, 1847.
17. *Public Ledger*, October 19, 1846; *North American*, June 30, 1846; *Commercial List*, December 24, 1853.
18. In this respect the city followed a path broken by New York’s bourgeoisie. My analysis of imperial ambitions and city building in this section has been informed by reading David Scobey’s excellent *Empire City*.
19. R., letter to *Public Ledger*, February 12, 1852. Aspects of this design—including its influence on the City Beautiful movement—are discussed in Howard Gillette Jr., “The Emergence of the Modern Metropolis: Philadelphia in the Age of Its Consolidation,” in *Divided Metropolis* ed. Cutler and Gillette, 20.
20. M.D., letter to *Pennsylvania Inquirer*, October 31, 1838; Nicholas B. Wainwright, ed., “The Diary of Samuel Breck, 1839–1840,” *Pennsylvania Magazine of History and Biography* 103 (1979): 502; Bushman, *Refinement of America*, 353. If citizens were particularly concerned with urban improvement in the immediate vicinity of their homes, there is plenty of evidence to suggest that bourgeois citizens supported embellishment as a general principle. The post-bellum Broad Street Improvement League, for example, drew citizens from across the entire metropolis to its meetings, and was not limited to local real estate owners.
21. *A Philadelphia Perspective: The Diary of Sidney George Fisher, Covering the Years 1834–1871*, ed. Nicholas B. Wainwright (Philadelphia: Historical Society of Pennsylvania, 1967), 169.
22. *Lemon Hill in Its Connection With the Efforts of Our Citizens and Councils to Obtain a Public Park*, (Philadelphia: Crissy and Markley, 1856), 5. On the creation of Fairmount Park, which bordered the tracks of the Pennsylvania’s Main Line, see Michael J. Lewis, “The First Design for Fairmount Park,” *Pennsylvania Magazine of History and Biography* 130 (2006): 283–97; Schuyler, *New Urban*

- Landscape*, 102–8; Domenic Vitiello, “Engineering the Metropolis: The Sellers Family and Industrial Philadelphia,” PhD diss., University of Pennsylvania, 2004, 303–11. Elizabeth Milroy is currently completing a book on the role of parks and squares in the urban development of Philadelphia.
23. For studies of bourgeois class consolidation in New York that emphasize the role of culture and politics, see Beckert, *Monied Metropolis*; Scobey, *Empire City*; and Iver Bernstein, *The New York City Draft Riots: Their Significance for American Society and Politics in the Age of the Civil War* (Oxford: Oxford University Press, 1990); *North American*, June 1, 1847.
  24. *North American and United States Gazette*, February 6, 1854. On elite withdrawal from politics, see Schocket, *Founding Corporate Power*, 209. He makes the valuable point that this did not necessarily imply a surrender of power, but rather its transference from the political to corporate realm.
  25. North Pennsylvania Railroad, *Philadelphia's Great North Route: North Pennsylvania Railroad to Connect Philadelphia With North Pennsylvania, Western New York, the Lakes and Canada West* (Philadelphia: Brown's Steam Power Book and Job Printing Office, 1853), 3.
  26. John Majewski, “The Political Impact of Great Commercial Cities: State Investment in Antebellum Pennsylvania and Virginia,” *Journal of Interdisciplinary History* 28, no. 1 (1997): 4; Geffen, “Industrial Development and Social Crisis,” 323; John Lauritz Larson, *Internal Improvement: National Public Works and the Promise of Popular Government in the Early United States* (Chapel Hill: University of North Carolina Press, 2001), 80–87.
  27. *United States Gazette*, December 6 and 11, 1845; Thomas A. Scott, ed., *Charter of the Pennsylvania Railroad Company* (Philadelphia: Crissy and Markley, 1859).
  28. Schlesinger, “The City in American History,” 43–66; Curry, *Corporate City*, chap. 7. On agitation for the Main Line in the 1820s, which was also led by Philadelphia's civic elite, see Majewski, “Political Impact of Great Commercial Cities,” 5–6.
  29. *United States Gazette*, April 28, 1846.
  30. On the mercantilist legacy in the early republic, see Walter Licht, *Industrializing America: The Nineteenth Century* (Baltimore: Johns Hopkins University Press, 1995), xvii; Robert Fishman, “The American Planning Tradition: An Introduction and Interpretation,” in *The American Planning Tradition: Culture and Policy*, ed. Fishman (Baltimore: Johns Hopkins University Press, 2000), 6–7; John E. Crowley, *The Privileges of Independence: Neomercantilism and the American Revolution* (Baltimore: Johns Hopkins University Press, 1993); James Weston Livingood, *The Philadelphia-Baltimore Trade Rivalry, 1780–1860* (Harrisburg: Pennsylvania Historical and Museum Commission, 1947).
  31. Hartz, *Economic Policy and Democratic Thought*, 180; Majewski, “Political Impact of Great Commercial Cities,” 6–7.
  32. See for example Neem, *Creating a Nation of Joiners*, 6. Pennsylvania did not pass a general incorporation law until 1873. Until then, incorporators were expected in theory to demonstrate they would be working toward the public interest in seeking limited liability.
  33. L.W.S., letter to *North American*, June 18, 1846; Geffen, “Industrial Development and Social Crisis,” 350–51; Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (Oxford: Oxford University Press, 1999), 445.

34. See, for example, *Public Ledger*, June 26, 1846, which reported 69 workingmen at the Baldwin Locomotive Works had purchased 155 shares between them. The claim was eagerly repeated in A., letter to *North American*, June 30, 1846.
35. *Public Ledger*, May 2, 1849. Cope himself used the village metaphor in his diary. See *Philadelphia Merchant*, 502. See also anonymous letter to the *Public Ledger*, June 29, 1846.
36. *Public Ledger*, May 2, 1849; A Freeholder of the City of Philadelphia, letter to *United States Gazette*, June 18, 1846; L.W.S., letter to *North American*, June 18, 1846; *North American and United States Gazette*, June 13, 1849.
37. Philadelphia, Councils, Joint Committee on Railroads, *Report of the Committee on Railroads of the City of Philadelphia* (Philadelphia: Crissey and Markley, 1854).
38. Murray Bookchin, *The Third Revolution: Popular Movements in the Revolutionary Era* (London: Cassell, 1998), 173; William P. Sipes, *The Pennsylvania Railroad: Its Origins, Construction, Condition, and Connections* (Philadelphia: Pennsylvania Railroad Company, 1875), 253–54.
39. *North American and United States Gazette*, March 13, 1854; Majewski, “Political Impact of Great Commercial Cities,” 13.
40. *Public Ledger*, October 21, 1850; Walter Licht, “Civil Wars, 1850–1900,” in *Pennsylvania: A History of the Commonwealth*, ed. Randall M. Miller and William Pencak (University Park: Pennsylvania State University Press, 2002), 232.
41. Anthony J. Bianculli, *Trains and Technology: Track and Structures* (Cranbury, NJ: Rosemont Publishing, 2003), 82.
42. Philadelphia Board of Trade, *Annual Report* (1854), 5–6; J. R. Flanigen, *Speech Delivered in the House of Representatives of Pennsylvania on the Bill Providing for a Repeal of the Gauge Laws of the Commonwealth* (n.p., 1853), 6, 8; Philip S. Klein and Ari Hoogenboom, *A History of Pennsylvania* (University Park: Pennsylvania State University Press, 1980), 287.
43. *Improved Railway Connections in Philadelphia* (Philadelphia: James H. Bryson, 1863).
44. Sipes, *The Pennsylvania Railroad*, 19.
45. G., letter to *Cumming's Telegraphic Evening Bulletin*, November 23, 1853.
46. Citizen of Three-Score Years, letter to *Public Ledger*, May 22, 1851. See also *North American*, May 5, 1852; *Improved Railway Connections in Philadelphia*, 3.
47. *North American and United States Gazette*, May 31, 1871; [William Russell West], *Broad Street, Penn Square, and the Park* (Philadelphia: John Pennington and Son, 1871).
48. G., letter to *Evening Bulletin*, November 23, 1853.
49. David Harvey, *The Urbanization of Capital: Studies in the History and Theory of Capitalist Urbanization* (Baltimore: John Hopkins University Press, 1985), 6–7.
50. Dell Upton, “Another City: The Urban Cultural Landscape in the Early Republic,” in *Everyday Life in the Early Republic*, ed. Catherine E. Hutchins (Winterthur, DE: Winterthur Museum, 1994), 73; Dell Upton, *Another City: Urban Life and Urban Spaces in the New American Republic* (New Haven: Yale University Press, 2008), 99–305. Upton argues Girard saw the urban form as an orderly space for the transaction of private enterprise, something the merchant had in common with some railroad boosters who saw public investment in the urban form as an opportunity first and foremost to facilitate the circulation of goods and people. *Pennsylvanian*, March 29, 1856; *North American and United States Gazette*, March 18, 1856; Philadelphia Board of Trade, *Annual Report* (1854), 9.
51. Schwartz, “To Every Man's Door,” 38–39.

52. Feldberg, *The Turbulent Era*, 70.
53. *Commercial List*, January 14, 1854.
54. *North American and United States Gazette*, January 26, 1854.
55. See, for example, M.L.J., letter to *Public Ledger*, June 4, 1852; *North American and United States Gazette*, December 16, 1852, and January 7, 1853; X., letter to *Evening Bulletin*, May 5, 1853.
56. Bushman, *Refinement of America*, 369–70. On the history of Penn Square in the first decades of the nineteenth century, see Elizabeth Milroy, “Repairing the Myth and the Reality of Philadelphia’s Public Squares, 1800–1850,” *Change Over Time* 1 (2011): 59–61.
57. Market Street, letter to *Evening Bulletin*, April 30, 1851; *To the Select and Common Councils of the City of Philadelphia: The Memorial and Remonstrance of the Subscribers, Citizens of the City of Philadelphia* (Philadelphia: n.p., 1851), 1.
58. Depot, letter to *Commercial List*, May 3, 1851. The city’s foremost booster journal, opposed the depot, too. See *North American and United States Gazette*, May 8, 1851.
59. See, for example, A Poor Man, letter to *Public Ledger*, May 7, 1851; and *Sunday Dispatch*, May 11, 1851. Opposition to an earlier rumor about the Pennsylvania’s designs for the square in 1849 had come from the medical community. See Isaac Parrish, *The Sanitary Condition of Philadelphia: From the Report of the Committee on Public Hygiene of the American Medical Association* (Philadelphia: T. K. and P. G. Collins, 1849), 22.
60. *Sunday Dispatch*, May 11, 1851.
61. *A Digest of the Acts of Assembly Relating to the City of Philadelphia and the Late Incorporated Districts of the County of Philadelphia*, ed. William Duane, William B. Hood, and Leonard Myers (Philadelphia: J. H. Jones and Co., 1856), 50.
62. E.K.P., letter to *North American and United States Gazette*, October 28, 1851.
63. Pennsylvania Railroad, 12th Annual Meeting (1859), 3.
64. *Sunday Dispatch*, June 5, 1858.
65. *North American and United States Gazette*, August 16, 1859. In actuality, the Long Island Railroad had used a similar technique to tunnel along Atlantic Avenue in Brooklyn in the 1840s. See Stan Fischler, *Long Island Railroad* (St. Paul, MN: Voyageur Press, 2007), chap. 2. The abandoned tunnel is now shown to visitors. “The Atlantic Avenue Tunnel,” [http://brooklynrail.net/proj\\_aatunnel.html](http://brooklynrail.net/proj_aatunnel.html).
66. *A Few Facts and Consideration for Business Men Upon a Delaware Terminus for the Pennsylvania Railroad* (Philadelphia: U.S. Steam-Power and Job Printing Office, 1859), 30; *North American and United States Gazette*, July 4, 1860.
67. *Delaware Terminus for the Pennsylvania Railroad*, 27, 30.
68. Strickland Kneass, *Report on the Eastern Terminus of the Pennsylvania Railroad* (Philadelphia: Crissey and Markley, 1859), 8, 15; Pennsylvania Railroad, 13th Annual Report (1860), 12–13; Coleman Sellers, “An Obituary Notice of Mr. Joseph Harrison, Jr.,” *Proceedings of the American Philosophical Society* 14 (1875): 350.
69. *Sunday Dispatch*, June 5, 1858.
70. William B. Thomas, letter to *North American and United States Gazette*, January 6, 1860.
71. *Delaware Terminus for the Pennsylvania Railroad*, 27.
72. Fiat Justitia, letter to *Public Ledger*, May 7, 1851.
73. A Voter, letter to *United States Gazette*, June 4, 1846.



74. *North American and United States Gazette*, July 27, 1860.
75. Fiat Justitia, letter to *Public Ledger*, May 7, 1851; X., letter to *Evening Bulletin*, May 5, 1853; *North American and United States Gazette*, July 4, 1860.
76. Pennsylvania Legislature, Session of 1867, "Testimony Taken by the Committee of the House of Representatives, in Relation to Charges of Discrimination Made by the Pennsylvania Railroad Company," Doc. no. 37 in *Miscellaneous Documents Read in the Legislature of the Commonwealth of Pennsylvania During the Session Which Commenced at Harrisburg on the 1st Day of January, 1867* (Harrisburg: Singerly and Myers, State Printers, 1867), 930.
77. *North American and United States Gazette*, February 2, 1867.
78. "To the President and Directors of the Pennsylvania R. R. Co.," Box 165, Folder 2116, 2, and "Sellers et al. vs. The Pennsylvania Railroad Company et al. Opening Argument of Wm. Henry Rawle, Esq., on Motion for Injunction to Restrain Slaughter-House," Box 165, Folder 2219, 41, Henry Charles Lea Collection, Van Pelt Library, Special Collections, University of Pennsylvania, Philadelphia.
79. Henry Charles Lea, Morton McMichael, William Sellers et al., letter to *North American and United States Gazette*, September 24, 1874.
80. "Sellers et al. vs. The Pennsylvania Railroad Company et al. Opening Argument of Wm. Henry Rawle, Esq., on Motion for Injunction to Restrain Slaughter-House," Box 165, Folder 2219, 62–63. Henry Charles Lea Collection, Van Pelt Library, Special Collections, University of Pennsylvania, Philadelphia.
81. The stockyards remained until 1927.
82. *North American and United States Gazette*, July 23, 1877.
83. *Inquirer*, July 23, 1877.
84. C. Vann Woodward, *Reunion and Reaction: The Compromise of 1877 and the End of Reconstruction* (Boston: Little, 1951).
85. Pennsylvania Railroad Company, *Fiftieth Anniversary of the Incorporation of the Pennsylvania Railroad Company, Held in Philadelphia, April 13, 1896* (Philadelphia: Allen, Lane and Scott, 1896), 59.
86. Dominic Vitiello with George E. Thomas, *The Philadelphia Stock Exchange and the City It Made* (Philadelphia: University of Pennsylvania Press, 2010), 129.
87. In other cities, this segmentation of the city happened much earlier. See for example Einhorn, *Property Rules*, 76.
88. Baltzell, *Philadelphia Gentlemen*.

ENGAGING THE TROPE OF REDEPTIVE  
SUFFERING: INMATE VOICES IN THE  
ANTEBELLUM PRISON DEBATES

*Jennifer Graber*

*A*n 1842 American Sunday-School Union pamphlet presented the ideal prisoner. According to the text, Jack Hodges—a convicted murderer serving a twenty-one-year sentence at New York’s Auburn Prison—admitted his guilt, displayed proper penitence, reformed his behavior, and expressed thanks for his prison experience. The Reverend Anson Eddy, who had interviewed Hodges in 1826, regaled readers with stories of Hodges’s modest upbringing and descent into lawlessness. He detailed Hodges’s crime, trial, and death sentence, which was later commuted to life imprisonment. According to Eddy, Hodges encountered upstanding prison staff and a kind chaplain at Auburn. In his solitary cell, the inmate read his Bible, which helped lead him from sin to grace. Not only did Hodges experience personal salvation, the prisoner committed himself to evangelizing others. Eddy’s pamphlet is full of quotations attributed to Hodges, including the inmate’s claim that “I loved [Auburn]. I loved the prison, *for there I first met Jesus.*”<sup>1</sup>

While Eddy's pamphlet, like so much antebellum religious literature, focused on the story of an ideal convert, it also featured social commentary on the nation's prisons. Hodges's story, which Eddy presented as a triumph, could easily have been one of unyielding sin and despair. According to the minister, Hodges was first sent to Manhattan's Newgate Prison in 1819 after his sentence was commuted. Eddy had a low opinion of Newgate, which was New York's first effort to punish lawbreakers with incarceration. He wrote of Newgate that "little attention was paid to the habits of education or moral improvement of the inmates. . . . The idea of making [prisons] nurseries of education, means of moral reform, and sanctuaries for moral and religious culture was not entertained even by the Christian community."<sup>2</sup>

Eddy's assessment was off. In fact, Newgate Prison had been designed, built, and administered in the 1790s by Quaker reformers energized by transatlantic reconsiderations of criminal punishment. These Society members believed that incarceration organized around work, education, and worship would prompt criminals' reformation. The Quakers who ran Newgate, however, never came close to accomplishing that end. The prison was chaotic and soon overcrowded. In 1804 New York officials brought their partnership with the Quaker reformers to an end. Replacing them with state bureaucrats, however, did not improve conditions. When Anson Eddy considered Newgate Prison at the time Hodges entered it in 1819, he beheld a holding cell for criminals and a breeding ground for iniquity. He saw no official efforts to reform criminals' characters. According to Eddy, then, Hodges's transfer to the new prison at Auburn was serendipitous. In his pamphlet, Eddy hailed Auburn's benevolent agent, a warden in today's parlance. He attested that "everything was here arranged for the purpose of cultivating among the prisoners a desire for education, the means of an honourable support in life and the maintenance of correct morals."<sup>3</sup>

Eddy's pamphlet, with its touching human story grounded in social critique, typifies antebellum pamphlet literature. Stories about sinful inmates and debates about prison discipline were among the many topics that kept scores of new printing presses in business. Reformers of various stripes, as well as state officials, carried out a vigorous paper debate about America's prison experiments centered in Pennsylvania and New York. They argued about prison conditions, inmate labor, solitary confinement, and corporal punishment. The debates often focused on a central question: could convicts be reformed and, if so, how? Many clergymen and reformers replied that inmates could be redeemed and that the prison's central purpose was

to encourage this transformative process. Specifically, many of these men articulated a theology of redemptive suffering as the key element in a reformative prison program. They believed prisons hosted God-ordained afflictions that revealed to inmates the power of sin and prompted reflections on grace and redemption. When reformers contributed to arguments about prison discipline, then, they called for tough—but not torturous—routines in the belief that suffering prompted spiritual and moral regeneration. These clergy and reforming voices came from across the Protestant evangelical community, from revivalist Calvinists to orthodox Quakers. Many of them preferred the prison discipline practiced in New York, a system that practiced congregate labor and allowed limited corporal punishment, to the isolation cells and self-introspection of Philadelphia's Eastern State Penitentiary. Anson Eddy's pamphlet about Hodges supported New York's prison discipline and reflected a pan-Protestant commitment to the connection between the lawbreakers' suffering and redemption.<sup>4</sup>

Former inmates also took up their pens and joined the paper debate. Their pamphlets and books detailed terrible prison conditions and grueling labor in prison workshops. The authors attested to their dread of solitary confinement and the pain of being whipped. While their narratives were grounded in their bodily experience, these texts were more than accounts of physical affliction. The writers also engaged debates about inmate reformation and considered the recurring trope of redemptive suffering. It seems reasonable that inmates who both witnessed and experienced brutal punishments would criticize any theology that encouraged, if not demanded, their suffering. But that is not the case. Instead, ex-inmates engaged the trope of redemptive suffering in order to contrast reasonably harsh punishment with excessively painful disciplinary regimes. They then offered alternative accounts of redemptive suffering that both gave meaning to their dismal incarcerations and criticized some prison staff as un-Christian and un-American. In this way, their voices sounded in unison with many of the Protestant reformers and chaplains.

But the former inmate narratives also differed from reformers and chaplains' rhetoric in significant ways. Unlike Eddy's depiction of Hodges as the perfect prisoner, the former inmate writers rarely attested to a standard conversion narrative that moved from sin and guilt to redemption and grace. Some claimed an experience of prison salvation while others maintained that their faith withered behind bars. Also unlike reformers' depictions of ideal inmates evangelized by kind, state-supported ministers, some works by former inmates criticized prison chaplains. It appears, then, that ex-inmate

writers engaged the trope of redemptive suffering in a variety of ways to criticize particular instantiations of American prison discipline, even those that some Protestant reformers supported. Nevertheless, it seems that their adoption of the redemptive suffering trope—even as they struggled to redefine it—helped keep the idea in circulation. The fact that former inmates, along with reformers, articulated their hopes for a perfect prison with just the right amount of suffering perpetuated the idea in the antebellum public, despite all evidence that the prison system was a social and financial disaster.

Historians have not always sought out prisoners' perspectives. As literary critic Jason Haslam has observed, inmates have had "largely no voice" in prison histories. Or as historian Leslie Patrick has commented, when prisoners are not absent from our histories, they are "abstract." Historians have begun to remedy this situation in a variety of ways. For instance, Rebecca McLennan and Michael Meranze have detailed various forms of inmate resistance to antebellum prison regimes. McLennan cites clandestine communication, workshop sabotage, and prison riots as evidence of inmates' rejection of the commonly held prison ideologies. Meranze uncovered continued acts of inmate intransigence that prompted administrators to respond with increasingly harsh disciplinary tactics. To be sure, the stories uncovered by McLennan and Meranze offer us important insight into inmate reactions to disciplinary innovations and the possibilities for prisoner resistance. At the same time, inmate narratives from the 1830s can show us another form of resistance. In these pages, ex-convicts engaged in the pamphlet wars that papered antebellum America. Their literary output reveals that inmates used multiple mediums—including the tropes that politicians, reformers, and chaplains assumed they were in the singular position to define—as formats for resisting the nation's emerging disciplinary infrastructure.<sup>5</sup>

Interpreting prisoner narratives is a tricky art, but scholars have begun this important work. Literary theorist Ann Fabian, for example, has argued that antebellum narratives written by beggars, convicts, freed or escaped slaves, and former prisoners of war provided "intensely personal" accounts of life on the margins framed primarily in terms of the experience of the body as final authority. A glance through former inmate narratives confirms her claim. The writers detail abuses to their bodies and those imposed on other prisoners. They chronicle the lasting effects of the prison keepers' lashes and cudgels. At the same time, the narratives also display a fascinating engagement with religious and political debates of the day. The authors engage the theological constructions put forth by prison reformers and chaplains.

They raise concerns about the place of brutal punishments in an emerging democracy. They use the theological and civic ideals articulated by the nation's elite as a standard of judgment against the governmental representatives that incarcerated them and, sometimes, the chaplains who ministered to them. As Haslam has observed, prison writers challenge the constructions of the ideal prisoner created by outside observers. In the case of writers commenting on redemptive suffering, it means reinterpreting the figure of the penitent inmate. They transform the trope of redemptive suffering from its central role in prompting criminals' conversion to a platform for resisting excessively punitive regimes and meaningless physical torment. Inmate writers, then, exploit disagreements about redemptive suffering already at play in antebellum print media. Their engagement of the trope, however, also perpetuated the idea that the truly redemptive institution could be achieved.<sup>6</sup>

The inmate narratives of the 1830s, then, supported, albeit with qualifications and criticisms, the existing state of affairs, which continued as prisons in general escaped significant, lasting change for the rest of the nineteenth century. Because readers received the narratives as helpful in their quest for perfecting the prison, we have not seen these works as political. Indeed, in his pioneering work on prison literature, H. Bruce Franklin argues that truly political inmate narratives only emerged in the 1860s. Prior to that, he claims, narratives took the form of the confession or the picaresque, or sometimes a combination of the two. But inmate narratives from New York in the 1830s counter this conclusion. They are not primarily about confessing crimes, although the authors take time to state whether or not they were guilty. Neither are they about regaling the reader with adventure stories from the life of crime. Instead, their writers take up political and religious questions, sometimes reifying complaints made by the religious elite, while at other times leveling a critical eye at the reformers and ministers themselves.<sup>7</sup>

### Redemptive Suffering in the Early American Prisons

The trope of redemptive suffering did not emerge immediately from the nation's prison discipline experiments. The Quaker reformers behind New York's first prison, which opened in 1797, did not see the prison as a place of undue suffering. Modeled on Philadelphia's Arch Street Prison, New York's Newgate had common rooms for prisoners to sleep in and collective workshops to labor in during the daytime. The Friends who administered

the prison focused on creating an alternative environment to the city's slums. They provided decent food, clean water, steady work, and reading classes with the belief that criminals would see the benefits of good living and abandon their former ways. The Quakers, however, were wrong. They did not anticipate inmates' responses to losing their freedom.<sup>8</sup>

As Newgate Prison became increasingly overcrowded and chaotic—as well as a financial burden to the public—state officials ended their partnership with the Quakers and replaced them with rising bureaucrats. Several officials appointed to oversee Newgate eventually went on to serve as city councilmen. But these new governmental administrators also failed to make Newgate function smoothly. Searching for ways to make the disciplinary program reformatory, Newgate's agent asked the legislature for funds to hire a chaplain. A series of urban ministers had made occasional visits to Newgate to preach in the chapel, but there was no regular course of religious education at the time. In 1813 the agent hired the Reverend John Stanford, a Baptist minister with Calvinist leanings.<sup>9</sup>

In one of his earliest sermons delivered in Newgate, Stanford described the redemptive quality of prison suffering. Quoting Isaiah 48:10, Stanford intoned: "Behold, I have refined thee, but not with silver; I have chosen thee in the furnace of affliction." He told the assembled inmates that the prison's "gloomy shades of confinement" and "painful sensations" could—if they would open their hearts—lead them to reconsider their ways and accept God's "balm of consolation" into their "throbbing hearts." Even though Newgate remained chaotic and crowded for the next several years, the chaplain's theology of redemptive suffering remained the spiritual ideal presented by ministers invited by Stanford and affirmed by the state officials who continued to fund Stanford's ministry. It was not until New Yorkers created a new institution upstate, however, that redemptive suffering would find its full institutional flowering.<sup>10</sup>

When the Auburn State Prison opened in 1816, it looked a lot like Newgate. Inmates slept in large common rooms. They labored in workshops during the day. Soon enough, Auburn descended into a similar state of disorder. While it is unclear what prompted an experiment with inmate separation, the possibility of solitary confinement was a key turning point for expanding ideas about redemptive suffering. Auburn's agent led the construction of a series of individual cells in the prison's new north wing. On Christmas Day in 1821, he put eighty-five of the "most dangerous and impenitent" offenders into solitary cells. In these spaces measuring

seven feet long, seven feet high, and three and a half feet wide, inmates spent twenty-four hours a day alone and in silence. It was widely reported that guards did not allow prisoners to sit or lie down during the daytime. Short conversations with prison staff or a visiting doctor or minister provided the only exceptions to the solitude.<sup>11</sup>

While the initial experiment proved disastrous, prison officials tried other variations of solitary confinement. By 1822 Agent Elam Lynds kept inmates in solitary cells at night and brought them together to work during the day. Prisoners shuffled from their daytime and nighttime settings in the lockstep, a single line of inmates connected to each other by their arms and moving in unison by swinging their legs. At all times, prisoners were to be silent. Breaking prison rules brought swift and sure corporal punishment. With Lynds's experiment, the Auburn system of prison discipline was born. It soon would be copied in almost every prison built across the country.<sup>12</sup>

Lynds's experiment seemed to provide three things that eluded earlier experiments: orderly routine, financial solvency, and a potentially reformatory regime. Onlookers sensed that the common labor contributed to reformed habits. They believed the solitude provoked self-reflection and rehabilitation. Beyond the pattern of work and rest, Auburn also boasted the presence of a new, full-time chaplain who provided counsel to inmates and directed religious and educational services. With inmates hard at work and removed from the contaminating influence of a common room full of jabbering criminals, reformation seemed much more likely.<sup>13</sup>

Auburn's next agent, Gershom Powers, presumed that the new disciplinary system prompted inmate reformation. In particular, he argued that the discipline induced the experience of redemptive suffering. Powers looked to chaplains to play a crucial role in this process. He believed that ministers instructed inmates in the humility and degradation proper to their position. In an 1826 pamphlet on prison discipline, he wrote, "[The minister] should . . . dwell emphatically upon [the prisoners'] deep depravity and guilt, in violating the laws of God and their country—convince them of the justice of the sentences . . . and make them feel, pungently, the horrors of their situation." The chaplains would "force [inmates] into reflection, and let self-tormenting guilt harrow up the tortures of accusing conscience, keener than scorpion stings; until the intensity of their suffering subdues their stubborn spirits, and humbles them to a realizing sense of the enormity of their crimes and their obligation to reform." According to Powers, prison officials and chaplains worked in tandem to produce the experience of redemptive



suffering. Powers needed willing Protestant partners. While New York had a history of part-time prison chaplains in Manhattan and in Auburn's early years, the agent needed Christian organizations willing to provide educated ministers and support him in a public campaign to direct the course of America's prison discipline. He found that support in the Reverend Louis Dwight and his Prison Discipline Society of Boston (PDSB).<sup>14</sup>

Dwight, a Congregationalist minister anchored in the Calvinist New Divinity movement, founded the PDSB in 1826. After touring American prisons, including decrepit jails across the South, Dwight looked to Auburn Prison as a near-perfect model for the state's goal to punish offenders at no cost and the Christian missionary's hope to evangelize a captive audience. Auburn's productive labor, inmate classification, and strict order served the public well and gave missionaries their best chance to reeducate and reform offenders. Auburn kept inmates working, allowed for religious services, and barred all spirits and tobacco from its grounds. While these numbers must be read with some skepticism, the prison's administrators claimed a recidivism rate of one in twenty compared to one in four at the Manhattan prison. As early as 1827 Dwight claimed success by listing the names of fifty reformed convicts published in the PDSB's annual report. Having followed up with local sheriffs, Dwight's association testified that discharged convict J.P. of Batavia was "altogether reformed," T.H. of Tyrone had his "bad habits cured," and E.B.D. of Sacketts Harbor was "penitent and humble."<sup>15</sup>

In the late 1820s, Auburn's agent Powers and the Reverend Dwight integrated Protestant ideas about affliction into the state-run prison discipline in an unprecedented way. The minister appreciated the prison's environment, praising its "unremitted industry" and the prisoners' "entire subordination." The habits of labor, solitary confinement, and the lockstep built order. Dwight even accepted limited use of whipping for disobedient inmates, considering it to be "less severe" than total solitary confinement. In short, he believed that chaplains could fully support the state's project at Auburn. Even the lockstep, which prisoners resisted, and the lash, which both inmates and some of the public abhorred, could be used for the good of society and God's kingdom. Together, Powers and Dwight made redemptive suffering central to reformatory incarceration at Auburn.<sup>16</sup>

Things began to change in the 1830s. Chaplains and reformers worried that reformatory incarceration—and the redemptive suffering necessary to achieve it—was in jeopardy. Sing Sing Prison had recently opened its doors and was quickly rumored to feature widespread abusive treatment of inmates. A host of cultural developments threatened to overwhelm popular support

for reformatory incarceration. Reformers and ministers, who considered themselves vital partners in the prison enterprise and key to maintaining proper limits and directions on suffering, increasingly argued that administrators and staff had abandoned the reformatory ideal. They worried that a return to harsh punishments signaled a failure of American democracy and Christianity.

### Redemptive Suffering in Peril

Gershom Powers's colleagues across New York did not necessarily share his attitude about prison chaplains and their theology of redemptive suffering. In 1825 New York began construction of the Mount Pleasant State Prison, also known as Sing Sing. Its agent, Elam Lynds, had left Auburn a few years earlier after quarrels about his use of corporal punishments. He had only grown stronger in his convictions about strict prison discipline. According to Lynds, Sing Sing required tough measures to confront the hardened, immigrant criminals within its walls. Having left the slums of the city and the disorder of the recently closed prison in Manhattan, these lawbreakers faced a new order at Sing Sing. Inmates worked silently in the stone quarries during daytime. They moved in a lockstep formation to and from their solitary cells. They ate without the benefit of utensils, alone in their cells. Their food buckets sometimes went unwashed for days in a row. Lynds enforced strict discipline. Even slight violations prompted the lash.<sup>17</sup>

Lynds's approach provoked controversy. His strong affiliation with New York's most powerful Democrats made opponents from other parties even more likely to criticize him. For years, prison debates had focused on how best to reform inmates. Which mode of punishment was the more humane way to discipline misbehaving, yet still human subjects? Partisans for Auburn's congregate discipline and Pennsylvania's system of total solitary confinement claimed that their opponents advocated methods unfit for a civilized, Christian society. Lynds's discipline at Sing Sing, however, coincided with a change in this conversation. He questioned criminals' reformatory potential and criticized disciplines that did not make inmates suffer harsh consequences for disobedience. Historian Michael Meranze has traced the resurgence of prison physical violence in the late 1820s and its explosion in the 1830s. He has argued that prison officials were deeply concerned about what they perceived to be inmate intransigence. In Pennsylvania, for instance, where officials refused to use the whip, they turned to devices such

as the iron gag instead. They argued that the gag was a tool for targeting the inmate's will, not a bodily punishment. New Yorkers such as Lynds had no such qualms about punishing the body. Since he questioned whether criminals even had souls, the body was all he had. Lynds argued that programs for inmate reformation were both ill-conceived and an inappropriate use of state funds. With a prominent prison agent that denied inmates' reformatory potential, redemptive suffering's central role in prison discipline was suddenly in doubt.<sup>18</sup>

Lynds's successor, Robert Wiltse, shared in this skepticism about inmate reformation. Over the course of the 1830s, Wiltse took Lynds's strict discipline to new heights. He publicly advocated penal theories that questioned the possibility of inmate reformation. He reasoned that prisoners' criminal conduct created a gulf between them and their law-abiding brothers and sisters. Milder means and redemptive words were no match for such debased characters. Severity in word and deed comprised the prison agent's only recourse.<sup>19</sup>

Both Lynds and Wiltse defended their tactics by discrediting the theory that incarceration ought to reform criminals. In his 1834 testimony before the New York State legislature, Wiltse decried prison discipline that stressed inmate reformation. Instead, he proposed a system designed for degraded subjects requiring physical pain to bring them into submission. He argued against undue sympathy for the plight of prisoners. Without full public support for the prison staff's authority, strict discipline could never be realized. And Wiltse was clear about who posed the threat. Reformers and ministers, with their misguided sympathy for inmates, threatened to cause a public safety disaster. Tough measures were necessary, Wiltse argued, given the particular criminal population at Sing Sing. These prisoners were of the "most desperate kind." Moral suasion and good influences did nothing to change them. "They can feel nothing but that which comes home to their bodily suffering." Wiltse claimed that obstinate rule-breakers required the "inflicting stripes upon their naked back with the cat." Prisoners lost their freedom and suffered under strict discipline not to prompt conversion, but rather to subdue their evil wills through fear.<sup>20</sup>

## Prisoner Narratives and Redemptive Suffering

As New York's prison discipline grew more severe, a burst of narratives attributed to former inmates appeared. They were a part of the "explosion in printed matter" that helped "recast individual experience" in the second

quarter of the nineteenth century. A look at the narratives published in the 1830s reveals inmates' struggles with the New York prisons and the increasingly harsh punishments they featured. In these publications, former inmates sought to expose the physical cruelties they both witnessed and experienced. They lambasted the staff, accusing them of torture. They upbraided prison administrators for their corruption and cruelty and state officials for their negligence. Facing prison officials who viewed convicts as little more than brute beasts, they argued that felons were redeemable. To make their case, they engaged the trope of redemptive suffering offered to them by ministers and reformers. Even as they appropriated the reformers' language, though, they used it for their own critical ends.<sup>21</sup>

How do we know that these inmate narratives were actually written by inmates or that the sentiments they contain were not strongly shaped by reformers, chaplains, or publishers? Laura Browder has ably documented that such fakes, or "ethnic impersonator biographies," certainly appeared in this period. For instance, white abolitionists penned narratives and attributed them to former slaves. Further, some of the themes articulated in these publications mirror messages by chaplains and reformers. Even more troubling, few of these narratives list publication data beyond the year and the city, making it difficult to compare these works to other titles emerging from the same press. Even so, these writers can be tracked down through other historical documents. More important, their narratives exhibit significant differences from typical accounts by reformers and publishers.<sup>22</sup>

Levi S. Burr published the first of the 1830s New York former inmate accounts. He had a different story than most antebellum inmates. Before entering prison, he could be counted among at least the middling class. In 1812 he served as an ensign in one of New York's infantry divisions. By 1813 he had moved up to second lieutenant. According to the Auburn *Evening Star*, by 1822 Burr occupied an office in town and ran a small law practice. Soon after, he started a practice in Washington, DC. Despite these successes, Burr's preprison life was not without trouble. His law practice was interrupted in 1823 when a fellow attorney sued to disbar him. The *Saturday Evening Post* reported in August of that year that Burr was suspended for "conduct unworthy of his profession" and "dishonest practices." He was eventually reinstated and returned to New York. In 1830 he was listed as a working attorney in Manlius, a small town outside Syracuse. But troubles came again. That same year, he was convicted of perjury and sentenced to a three-year term in Sing Sing Prison.<sup>23</sup>

After being released sometime in late 1833, Burr tried to regain his social standing and started a campaign to expose Sing Sing's cruel administrators. He petitioned the state legislature in 1834, calling for an investigation of prison staff and claimed that cruelties "derogatory to humanity" were practiced on inmates. Legislators on the state prisons committee failed to heed his call, but Burr already sought a wider audience. He took a full account of his prison critique to the printer. *A Voice from Sing Sing* appeared in late 1833. Reviews of the book began to appear in early 1834.<sup>24</sup>

Burr's text is divided between an account of his innocence and an exposé of daily life in Sing Sing. Burr described the tools used to beat inmates. Guards used the "cat," a stick with strands of cord, each with sharp wires on the end. They sometimes used a cudgel, a cane applied to beat the head, back, arms, and legs of prisoners. Burr attested that guards beat starving inmates for sharing food with others and flouted legal limits on corporal punishment. According to his narrative, Burr witnessed a prisoner whipped with the cat 133 times on one occasion, so that he was "crying and writhing under the laceration, that tore his skin in pieces from his back." He saw a keeper deliver "a blow across the mouth with his cane, that caused the blood to flow profusely." The government at Sing Sing, Burr wrote, was "a Cat-ocracy and Cudgel-ocracy . . . where there is no eve of pity, no tongue to tell, no heart to feel, or will or power to oppose."<sup>25</sup>

Burr argued that tortures in Sing Sing were a disservice to the nation. He criticized the agent who directed the keepers to "lacerate the body, spill the blood, and starve the subject." He compared Sing Sing to the French Bastille and called on citizens to rise up against an American version of despotism. He contrasted Sing Sing's discipline with the nation's earlier push for reformatory prison regimes. Burr enumerated Sing Sing's cruelties in contrast to the "benign sentiments of mercy" central to the state's punishment statutes and its citizens' religion. Burr provided a dizzying list of torturous practices to show that the prison fell short of the nation's ideals.<sup>26</sup>

Burr's book was soon followed by another former inmate account. In 1835 Horace Lane took up his pen to expose prison cruelties. Lane's background stood in sharp contrast to Burr's. As historian Myra Glenn has well documented, Lane came from humble beginnings and was one of many young men in the early republic who sought their fortune at sea. According to his autobiography, before Lane ever received a beating in a New York prison he suffered floggings at the hands of a sea captain and miserable days in

Connecticut's Simsbury mines. In May 1827 he was convicted of grand larceny for stealing several bolts of wool cloth. He served a short term at Auburn. Not long after his release, he was convicted yet again for burglary and theft. In 1830 Lane began his second criminal sentence. This time he landed in Sing Sing.<sup>27</sup>

In 1835 Lane published *Five Years in State's Prison*, a fictional dialogue between inmates recently released from Auburn and Sing Sing. The characters share their prison experiences. The ex-convict just out of Sing Sing recalls "the severest agony" caused by work in the prison's stone quarry. In the months he spent hauling rocks in wheelbarrows, the Sing Sing prisoner claims that he had "never suffered so much." Worse than the labor, though, were the brutalizing punishments. "The lash was severe," says the Sing Sing inmate. "I got my head cut open" by a keeper. Considering the punishments received by himself and other inmates, the characters states, "I could not help but cry almost all the time, and the more I cried, the more they beat me."<sup>28</sup>

Two years later, Lane published another account of his time in Auburn and Sing Sing. The title of his pamphlet—*The Question: What Did You Do to Get There? Answered, Or, Five Years in State's Prison, Revised*—implies that Lane's first publication prompted some readers to question his claims on account of his criminal past. This later book also recited a series of tortures experienced at Sing Sing. The prison's basic routines, Lane argued, were humiliating. He claimed that a line of inmates doing the lockstep looked from a distance like "a long reptile crawling out of a dead horse." The punishments for breaking rules were even worse. Lane claimed he was beaten with the cudgel so that blood trickled down his face. He wrote of keepers who whipped inmates with forty or fifty lashes with the cat. Lane observed that his bitter days ended in tears, while others inmates allowed their spirits to be hardened, even to the point of taking their own lives. Evoking the way his readers might associate torture with the Orient, Lane called Sing Sing the "domain of the American Arabs."<sup>29</sup>

In 1839 a third narrative from a former Sing Sing inmate appeared. Like Burr, James Brice had occupied a higher social position prior to his incarceration. He worked as a lawyer and lived somewhere around Albany. According to his memoirs, Brice's alleged crime resulted from a dispute over hunting and logging rights in the Manor of Rensselaerwyck, an old Dutch manor. Court documents, however, attest to an inheritance dispute in which Brice was indicted for perjury. In March 1834 Brice was sentenced to four years in Sing Sing.<sup>30</sup>

As with Burr's and Lane's narratives, Brice emphasized the physical cruelties he and other inmates experienced at Sing Sing. He described months-long periods when prisoners received so little food they felt close to starvation. He told of a work-related injury that left one arm nearly crippled. His focus, however, was the prominent role of flogging in Sing Sing's discipline. In a direct address to the reader, Brice wrote: "If you could but once witness a state prison flogging. The victim is stripped naked and beaten with a cruel instrument of torture called a cat, from neck to his heels, until as raw as a piece of beef." He told of floggings he witnessed in which inmates' backs were so mangled and infected that "they smelled of putrification." Brice reported his own flogging on two occasions. In the second incident, the keeper also pressed a loaded pistol against Brice's chest and threatened to fire.<sup>31</sup>

While it is hardly surprising that narratives by former inmates would dwell on physical experiences of torture, the texts' engagement with the trope of redemptive suffering is somewhat unexpected. Each of the narratives attributed to a former Sing Sing inmate directly addressed the purpose of prisoner suffering. As these writers recalled prison administrators who questioned convicts' reformatory potential, they argued that redemptive suffering was the inmate's only hope. They also claimed that prisons that prompted redemptive suffering were better suited to America's founding political vision. Burr, for instance, argued that laws in favor of humane punishment reflected the religious sentiments of the population. Through the law and the prisons, the people "follow [the convict] with a Christian's mercy, call upon him to repent his transgressions, forsake the evil, and be forgiven." Prison presented law-breakers with a message about their crimes. While difficult, prison should be nothing like the "horrid place" Sing Sing was under Agent Lynds.<sup>32</sup>

Horace Lane also made a case for redemptive suffering. He claimed that his Sing Sing conversion experience convinced him that reformation was the institution's only acceptable goal. "Affliction," he wrote, brought inmates "to the feet of Jesus." Suffering "improve[d] the soul." Drawing a comparison to the biblical character Manasseh, Lane argued that inmates needed to be taken into exile before experiencing God's pardon and blessings of pain. Even so, Lane resisted Lynds's skepticism of inmate reformation. Though Lynds denied the possibility, Burr and Lane argued that God used the right amount of prison suffering for a greater end. Sing Sing, however, went too far. It destroyed many convicts, hardening them in their iniquity. These former inmate writers, then, employed the trope of redemptive suffering to resist prison regimes.<sup>33</sup>

Lane's later narrative made an even stronger argument for redemptive suffering, in contrast to the meaningless torture he experienced at Sing Sing. In his account of his full life story, Lane frequently claimed that God brought afflictions to those whom He longed to save. He wrote that God had waited to "lay his chastening hand" upon him and that he was only "blessed" by judgments later in life. He quoted Hebrews 12:11 that chastening was "grievous" in the moment, but was later realized to yield "peaceable fruits of righteousness." Lane contrasted his understanding of biblical forms of redemptive suffering with Sing Sing's tortures. He compared the prison's guards to the biblical Demas, the missionary who abandoned the apostle Paul out of "love for the present world." Like Demas, the cruel guards pursued their own destructive interests rather than support the prison's redemptive aims.<sup>34</sup>

James Brice also appears to have taken the message of redemptive suffering to heart. He acknowledged that Sing Sing's purpose is to "punish our convicts with the strong arm of the law." The public had to have a way to address those who "willfully violate [the nation's laws]." But Sing Sing punished too harshly. "What is the object of punishment?" Brice wonders. "Surely it is to reform the offender." By missing the mark, Sing Sing betrayed the nation's character. Brice asks his readers if such institutions can be "permitted in a Christian land, where the gospel is sounded."<sup>35</sup>

In the face of some of the worst violence against prisoners in the antebellum North, these narratives show that inmates engaged the trope of redemptive suffering both to make meaning of their afflictions and to criticize disciplinary regimes. To some extent, the ex-convicts made claims similar to the chaplains who had articulated this theology as New York's institutions emerged. The former inmates' statements echoed those of Agent Powers and the Reverend Louis Dwight. But with the advent of Lynds's discipline at Sing Sing—the beginning of a penal philosophy that underplayed, if not derided, criminal reformation—inmates defended the notion that their sufferings must have a purpose. In the face of a changing cultural climate and administrations that scoffed at reformation, some inmates and Protestant reformers rallied behind the reformatory suffering in an effort to align prison discipline with traditions of Protestant piety and aspirations for the nation's millennial blessedness.

But there were also important differences. While the Sing Sing narratives focused on cruel prison guards and agents, the one account we have from Auburn Prison in this period targets the chaplain for particular criticism and disdain. An anonymous book, *A Peep Into the State Prison at Auburn*, appeared



in 1839. The author is listed only as “One Who Knows.” The title page reads that the booklet was produced in Auburn. There were no book publishers in the town at the time, but there were several printers and newspapers. Because the narrative reprints several letters to the editor from the *Cayuga Patriot*, it is possible that someone related to the paper assisted in the book’s publication.<sup>36</sup>

The narrative catalogs the punishments received within Auburn’s “terrible place of torture.” The writer claimed to have served a sentence that ended in the spring of 1838. His text details inmates flogged for not working fast enough and cases in which an inmate died just days after receiving dozens of stripes. “Was not this man murdered?” the author asks. The ex-prisoner also described floggings of the mentally ill and of female offenders. The narrative abounds with comparisons intended to shock readers with awful images of the prison’s dismal reality. It is “but a Managerie [*sic*] for human tame beasts,” with staff as cruel as the “negro drivers of the South.” According to the author, punishment in Auburn was worse than anything practiced in “savage countries” and the tyrannous Napoleon enacted a more noble discipline than America’s prison agents could manage.<sup>37</sup>

The author saved his harshest criticism, however, for Auburn’s chaplain, the Reverend B. C. Smith. According to the inmate, the minister visited infrequently because he was taken up with “worldly affairs.” Even worse, the chaplain contributed to Auburn’s menacing environment. The author claimed that the chaplain showed disregard for inmates’ bodies, particularly the sick, dying, and dead. The minister sometimes neglected the prison hospital for five or six weeks at a time. Convinced of the truth of his Protestant faith, the chaplain denied a dying Roman Catholic prisoner visitation by a priest. According to the writer, Smith often failed to contact inmates’ families as death approached. As a result, prison staff folded up unclaimed corpses and stuffed them into whiskey barrels or old wooden boxes. The deceased had no Christian burial. Some were given over for dissection to local doctors. The author assumed that such injustices occurred because the people of “this enlightened, this Christian State, either do not know it, or . . . their eyes are blinded to the real state of the case.”<sup>38</sup>

This anonymous author—like Burr, Lane, and Brice—defended the central role of redemptive suffering in prison disciplines designed for inmate reform. In this way, their personal narratives echoed claims made by Protestant ministers and reformers. But if we consider Ansel Eddy’s account of Jack Hodges, we can also see substantial differences. The anonymous narrative about

Auburn is the most dramatic example. In this text, the writer identifies the chaplain—who was supported, ironically, by Louis Dwight’s prison discipline society—as one of the prison workers who undermined the rehabilitative climate and contributed to prisoner mistreatment. While the other accounts do not go so far, none of them attests to the classic redemptive experience at the heart of reformers’ pamphlet literature.<sup>39</sup>

Horace Lane’s text is the most intriguing example. While much of Lane’s account details his terrible years at Sing Sing, he also wrote about his earlier term at Auburn. According to Lane, Auburn had a mild discipline at the time he was incarcerated there. The keepers rarely whipped inmates. Lane counted himself as one among many inmates who respected the prison’s agent, Gershom Powers. Even so, he failed to experience redemption. He served his time at a moment that many reformers viewed to be the high mark in New York’s prison history. He claimed to have read the Bible through seven times. He felt regret and experienced what he called a “valley of humiliation.” But he was not redeemed. “There was something lacking,” he wrote a year later in his autobiography. “I did not believe I was a Christian.” Despite his support for the theology of redemptive suffering, Lane was no ideal penitent. None of the extant narratives by former inmates includes a classic redemption story.<sup>40</sup>

### Reading Inmate Narratives

How were these inmate narratives received? Did anyone read these former prisoners’ stories? We know that Burr appeared before the state legislature in 1834. Brice went on to publish again. Although his later book was a chronicle of his father’s Indian captivity during the Revolutionary War, Brice included an affidavit in which New York governor John Young pardoned him. Mainstream newspapers and religious periodicals reviewed some of the former inmate publications. These stories, then, were circulated. And while the prisoners used their texts in an effort to redefine and reinterpret redemptive suffering, it seems that their readership understood these works—like texts by Protestant reformers—as support for the ongoing search for the perfectly redemptive prison.<sup>41</sup>

The *Auburn Journal*, *Albany Microscope*, and *Albany Journal* featured early reviews of Burr’s book. These articles were then picked up by the *Boston Investigator* and the *Daily National Intelligencer* out of Washington, DC. The reviewers expressed shock—and not a little bit of fascination—at Burr’s

accounts of bodily cruelty at Sing Sing. Like the readers titillated by accounts of human misery so ably chronicled by Karen Halttunen, these reviewers focused on instruments used to harm the body, the distressed feelings prompted by starvation, and flesh lacerated by whips. Like the narratives' authors, the reviewers compared Sing Sing to a list of specters—Southern slavery, the Spanish Inquisition, and the French Bastille—intended to horrify any Northerner of good feeling.<sup>42</sup>

Reviewers of the anonymous *A Peep Into the State Prison* also focused on the narrative's accounts of physical cruelty. The reviewer for a Universalist periodical referred to Auburn as a "hell upon earth" in which "tyrannical and brutal keepers" practiced "abominable cruelties." Referring to coverage of the book in the *Cayuga Patriot*, the writer offered his opinion that the narrative was credible. Like the reviewers of Burr's book, the writer compared Auburn to the Bastille in an effort to shock his republican readers.<sup>43</sup>

Reviewers of both books argued that the inmates' accounts ought to prompt citizens in their unceasing effort to achieve the perfect—meaning republican, Christian, and redemptive—prison. A reviewer for *Evangelical Magazine and Gospel Advocate* argued that the American people intended prisons for "reformation and not for abuse" and that the citizens of "this enlightened State" must work for prisons with "wholesome food, comfortable clothing" and an environment in which the "spirit of confidence in God and man . . . is generated in the convict's bosom." Reviewers of Burr's text called for "close surveillance" of prison officers lest "the purest models of prisons ever adopted" be like the "abhorred inquisition." The *Albany Microscope* reviewer sounded his call for perfect prisons in the clearest terms: "It is scarcely to be credited such barbarous conduct is permitted in America—in republican, merciful America—and in the very midst of charity, benevolence, religion, temperance, and freedom!!!" If Karen Halttunen has shown us how graphic antebellum memoirs functioned as a "pornography of pain," they also seem to have perpetuated the pursuit of the perfect prison.<sup>44</sup>

While Burr's narrative and the anonymous book on Auburn Prison prompted at least some conversation, it is less clear if Lane and Brice's texts had a similar effect. According to Myra Glenn, Lane boasted of his prison memoir's sales in his later-published autobiography. Glenn, however, is skeptical after finding no reviews of his book in antebellum periodicals. Something, though, prompted him to keep publishing specifically on his prison experience. His 1836 book, *The Question*, was clearly written as an answer to those who challenged his claims based on his status as a felon.

He may not have sold the 11,000 copies he later claimed, but something kept him putting his story out into public view. James Brice also continued to publish and tried to keep the story of his prison experience in circulation. Governor John Young pardoned him in 1840 and returned to him all the civil rights he surrendered upon being found guilty. It was not enough for Brice. Along with publishing more about his prison experience, he also successfully sued for his right to serve as a witness in a New York court.<sup>45</sup>

## Conclusion

Antebellum inmates mounted a variety of protests against the new nation's disciplinary regimes. They devised elaborate systems for clandestine communication. They destroyed tools and set fire to workshops. They instigated riots and hatched daring escape plots. They also engaged in the paper debate about the aims of criminal justice and the workings of reformatory incarceration. Cognizant of the theology that animated the Auburn system—the discipline copied almost exclusively in American prisons—the inmates engaged the trope of redemptive suffering in their efforts to criticize the institutions and officials who confined them. Unlike Protestant reformers, they sometimes disparaged prison chaplains. In this way, they used the language of redemptive suffering not only to condemn state and prison officials, but also to assess the reformers and ministers who had articulated the language of redemptive suffering in the first place.

These texts stand among many antebellum accounts that featured a social critique grounded in personal stories of gruesome bodily violence. Like narratives intended to expose audiences to the horrors of slavery, intemperance, domestic violence, and prostitution, the former inmate accounts pointed out that the lawful suffering of many of America's inhabitants stood in stark contrast to the nation's ideals and religious character. But even as these writers attempted to take hold of the trope of redemptive suffering and use it toward their own ends, it seems that readers—or at least reviewers—understood them as clarion calls to reform rather than radical reconsiderations of or calls to abolish altogether the prison as an American institution. While Americans could imagine a world without slavery or alcohol, they could think of no other way to deal with criminal offenders than to imprison them. My small sample of former inmate writing suggests that prisoners,

too, had little capacity for calling the institution itself into question. To be sure, my sample is somewhat skewed in the direction of the upper classes. We know that Burr and Brice were not representative inmates. Perhaps we should look at other forms of resistance in this period—workshop sabotage, arsons, and escapes—to balance out the less radical themes in the narratives. Even so, while the writers did not envision the prison's end, they did want change. They wanted to stop torture. They argued that prisons ought to offer criminals a second chance. But their deployment of the redemptive suffering trope—even as a mode of critique—contributed to a status quo of severe prison disciplines punctuated periodically by bursts of reform with little lasting effect.<sup>46</sup>

These texts from the 1830s appeared and were circulated during the New York prisons' darkest hour. They made up part of a conversation that eventually prompted reform. Whig candidate and antislavery advocate William Seward won the New York governor's race and took office in 1838. In early 1839 he delivered a scathing report on New York's penal institutions. He detailed abuses and instituted a series of reforms. He fired old officials and named new ones sympathetic to his cause. He placed strict limits on the lash. He reinstated Sabbath Schools and funded prison libraries. During his administration, prison agents allowed inmates to write and receive letters from their families, have visits with friends and relatives, and request pardons. Seward, of course, backed a series of progressive causes from antislavery to antigallows reforms. I am not trying to claim that the governor read these inmate narratives. But Seward certainly won office in a moment that progressive reforms received significant popular approval. His prison reforms addressed the issues presented by writers as far ranging as reformer Louis Dwight and ex-convict Horace Lane.<sup>47</sup>

But Seward's reforms lasted only as long as his two short terms in office. By the mid-1840s, New York's prisons were once again the sites of cruel punishments. No lasting changes had resulted. The inmate narratives of the 1830s, then, perpetuated the existing state of affairs, a cycle in which prisons escaped significant, lasting change. They had offered long reflections on the experience of bodily suffering and questioned the political and religious character of any nation of that countenanced such abuses. They criticized some reformers and ministers who advocated redemptive suffering, trying to use this theological construct in new ways that made meaning of their suffering and placed new restrictions on prison practice. While they might not have called for the prison's abolition, they articulated positions on criminal justice

and church-state partnerships at a moment when both were hotly debated in the antebellum public sphere. These were no confessional stories or tales of adventure. They were political and religious manifestos at odds with the prison practices of the day.

## NOTES

1. Ansel D. Eddy, *Black Jacob: A Monument of Grace; The Life of Jacob Hodges, an African Negro Who Died in Canandaigua, N.Y., February 1842* (Philadelphia: American Sunday-School Union, 1842), 44.
2. Ibid., 22–24. The standard history of the New York prisons is W. David Lewis, *From Newgate to Dannemora: The Rise of the Penitentiary in New York, 1796–1848* (Ithaca, NY: Cornell University Press, 1965). Many publications by reformers and ministers presented idealized images of New York's inmates. See John Stanford, *The Brand Plucked Out of the Fire* (New York: T. and J. Swords, 1821); *Sword of Justice, Wielded by Mercy: A Dialogue Between the Inspectors of the State Prison, in New-York, and a Convict on the Day of His Liberation* (New York: Office of the Gospel Herald, 1822); John Stanford, *A True Account of the Confessions, and Contra Confessions of John Johnson, Who Was Executed on Friday, the Second of April, For the Murder of James Murray* (New-York: C. Brown and R. Tyrell, 1824); John Luckey, *Prison Sketches* (New York: Carleton and Phillips, 1853); John Luckey, *Life in Sing Sing State Prison, as Seen in a Twelve Year's Chaplaincy* (New York: N. Tibbals and Co., 1860). Reformers and ministers also included stories of ideal inmates in religious periodicals and annual reports to mission agencies, reform societies, and state legislatures. Like their colonial-era forebears, they also published pieces on unrepentant inmates. For the background on antebellum tracts and other religious literature, see Paul Boyer, *Urban Masses and Moral Order in America, 1820–1920* (Cambridge, MA: Harvard University Press, 1978), 22–33.
3. Eddy, *Black Jacob*, 22–24.
4. A sample of the prison discipline pamphlets includes Thomas Eddy, *An Account of the State-Prison or Penitentiary House in the City of New York by One of the Inspectors of the Prison* (New York: Isaac Collins, 1801); Gershom Powers, *A Brief Account of the Construction, Management, and Discipline of the New-York State Prison at Auburn* (Auburn, NY: U. F. Doubleday, 1826); Roberts Vaux, *Letter on the Penitentiary System of Philadelphia* (Philadelphia, 1827); Charles Bulfinch, *Report of Charles Bulfinch on the Subject of Penitentiaries* (Washington, DC: Gales and Seaton, 1827); John Sergeant, *Observations and Reflections on the Designs and Effects of Punishment* (Philadelphia, 1828); Gustave de Beaumont and Alexis de Tocqueville, *On the Penitentiary System in the United States and Its Application in France* (Philadelphia: Carey, Lea and Blanchard, 1833); *Letters of the Comparative Merits of the Pennsylvania and New York Systems of Penitentiary Discipline, by A Massachusetts Man* (Boston: Perkins and Marvin, 1836); Frederick R. Packard, *A Vindication of the Separate System of Prison Discipline from the Misrepresentations of the North American Review, July 1839* (Philadelphia: J. Dobson, 1839). Debates about the theological meaning and purpose of pain had occupied American clerics for some time. Historians such as Elaine Forman Crane have noted that the eighteenth century ushered in debates that complicated long-held assumptions about God's providential use of pain. Elizabeth B. Clark has also observed how the specter of slavery shaped debates about pain in the early

- nineteenth century. See Crane, "'I Have Suffer'd Much Today': The Defining Force of Pain in Early America," in *Through a Glass Darkly: Reflections on Personal Identity in Early America*, ed. Ronald Hoffman, Mechal Sobel, and Fredrika J. Teute (Chapel Hill: University of North Carolina Press, 1997), 370–403; Clark, "'The Sacred Rights of the Weak': Pain, Sympathy and the Culture of Individual Rights in Antebellum America," *Journal of American History* 82, no. 2 (September 1995): 463–93. By including everyone from the Quakers Thomas Eddy and Isaac Hopper to Calvinist Louis Dwight and Methodist John Luckey, I go against the historiography of prisons specifically and reform affiliations generally. These Protestants, committed to both personal and social transformation, advocated remarkably similar prison disciplines. And on their point of most significant disagreement, corporal punishment, a close look brings the parties closer together than most historians have allowed. For instance, Quakers who abhorred whipping had few qualms about other bodily restrictions such as gagging and Calvinists who advocated whipping called for strict limitations and oversight of the practice. See Jennifer Graber, *The Furnace of Affliction: Prisons and Religion in Antebellum America* (Chapel Hill: University of North Carolina Press, 2011), 4. Beyond prison historiography, my thesis about shared Protestant approaches to transforming marginal citizens is somewhat at odds with theses such as Greven's, notions of Protestant difference about practices such as child-rearing. See Philip Greven, *The Protestant Temperament: Patterns of Child-rearing, Religious Experience, and the Self in Early America* (New York: Knopf, 1977). For more on the difference between the Pennsylvania and New York disciplines, see David J. Rothman, "Perfecting the Prison: United States, 1789–1865," in *The Oxford History of the Prison: The Practice of Punishment in Western Society*, ed. Norval Morris and David J. Rothman (New York: Oxford University Press, 1998), 100–116.
5. Jason W. Haslam, *Fitting Sentences: Identity in Nineteenth- and Twentieth-Century Prison Narratives* (Toronto: University of Toronto Press, 2005), 3; Leslie Patrick [Stamp], "Prisoners' Presence and Perspectives: Introduction and Statement of Significance," in *Eastern State Penitentiary: Historic Structures Report*, vol. 1 (Philadelphia: Philadelphia Historical Commission, 1994), 22; Rebecca M. McLennan, *The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal State, 1776–1941* (New York: Cambridge University Press, 2008), 1–2; Michael Meranze, *Laboratories of Virtue: Punishment, Revolution, and Authority in Philadelphia, 1760–1835* (Chapel Hill: University of North Carolina Press, 1996), 311–13. On the question of criminal narratives in particular, the scholarship on the seventeenth and eighteenth century is much richer than for the nineteenth. See Philip Rawlings, *Drunks, Whores and Idle Apprentices: Criminal Biographies of the Eighteenth Century* (New York: Routledge, 1992) and Daniel E. Williams, *Pillars of Salt: An Anthology of Early American Criminal Narratives* (Madison, WI: Madison House, 1993).
  6. Ann Fabian, *The Unvarnished Truth: Personal Narratives in Nineteenth-Century America* (Berkeley: University of California Press, 2000), 3; Haslam, *Fitting Sentences*, 3–4. I make a distinction between narratives written by prisoners and execution narratives that were wildly popular through the 1830s and 1840s. While there are some overlapping concerns, namely how some citizens found themselves committing crime and which criminals experienced repentance, the issues raised by these two types of narratives are sufficiently different. For a fine example of how execution narratives functioned in the early republic, see Alan Taylor, "'The Unhappy Stephen Arnold': An Episode of Murder and Penitence in the Early Republic," in *Through a Glass Darkly*, ed. Hoffman, Sobel, and Teute, 96–121.
  7. H. Bruce Franklin, *The Victim as Criminal and Artist: Literature from the American Prison* (New York: Oxford University Press, 1978), 133.

8. Graber, *Furnace of Affliction*, chap. 1. Much of my brief review on ministers and redemptive suffering comes from chapters 1–4 of this title.
9. *Journal of the Assembly of the State of New York*, 35th sess., January 1812 (Albany: n.p., 1812), 118; Charles George Sommers, *Memoir of the Rev. John Stanford, D.D., Late Chaplain to the Humane and Criminal Institutions in the City of New-York* (New-York: Swords, Stanford, and Co., 1835), 112.
10. John Stanford, State Prison Volume, John Stanford Papers, New-York Historical Society Library, New York. For more on Stanford's career, see Graber, *Furnace of Affliction*, chap. 2. I have found only one narrative by a former inmate from Newgate: *Inside-Out; or, An Interior View of the New-York State Prison; Together With Biographical Sketches of the Lives of Several of the Convicts*. The anonymous book appeared in 1823. The title was eventually attributed to William A. Coffey, a young man from a respectable family. The events leading to his crime are unclear, but he was convicted of forgery in 1819 and served a sentence in Newgate. "William A. Coffey's Case," *The New-York City-Hall Recorder* 4, no. 4 (April 1819): 52. His narrative was reviewed—and the authorship debated—in the *National Advocate*, the *New York Commercial Advertiser*, and the *New-York Evening Post*. See George A. Thompson Jr., "Counterfeiter's Jargon of the 1820s," *American Speech* 71, no. 3 (Autumn 1996): 335. Reviewers of Coffey's book expected that it would make "a great deal of noise" and "attract much attention." See "Inside-Out," *Maryland Gazette and Political Intelligencer* 78, no. 32 (August 7, 1823): 1.
11. Lewis, *From Newgate to Dannemora*, 67; D. Morris Kurtz, *Auburn, N.Y.: Its Facilities and Resources* (Auburn, NY: Kurtz Publishing, 1884), 44–45.
12. Kurtz, *Auburn, N.Y.*, 44–45.
13. W. David Lewis argued that Lynds resisted the presence of educational and religious services early on in his career at Auburn. While I certainly agree that Lynds eventually resisted such practices vehemently, I can find no evidence that he did so in the institution's earliest years. See Lewis, *From Newgate to Dannemora*, 101.
14. Powers, *Brief Account of the Construction, Management, and Discipline*, 18–19, 35. For more on Powers's ideas about prison chaplains, see Graber, *Furnace of Affliction*, chap. 3.
15. Prison Discipline Society of Boston (hereafter PDSB), "Second Annual Report" (1827), in *Reports of the Prison Discipline Society of Boston, The Twenty-nine Annual Reports of the Board of Managers, 1826–1854 with a Memoir of Louis Dwight* (Boston: Perkins and Marvin, 1855; reprint, Montclair, NJ: Patterson Smith, 1972), 1:113, 118–19. For more on Dwight's career as a reformer, see Graber, *Furnace of Affliction*, chap. 3.
16. PDSB, "Second Annual Report," 37, 19, 18.
17. Graber, *Furnace of Affliction*, 106.
18. Rothman, "Perfecting the Prison," 106–7; Michael Meranze, "A Criminal Is Being Beaten: The Politics of Punishment and the History of the Body," in *Possible Pasts: Becoming Colonial in Early America*, ed. Robert Blair St. George (Ithaca, NY: Cornell University Press: 2000), 320; Graber, *Furnace of Affliction*, 107.
19. Lewis, *From Newgate to Dannemora*, 149–55.
20. Robert Wiltse, "Report," in *Documents of the Senate of the State of New York*, 57th sess., vol. 2, no. 92 (Albany, NY: E. Crosswell, 1834), 38–44; Graber, *Furnace of Affliction*, 121–23.
21. David Hochfelder, "The Communications Revolution and Popular Culture," in *A Companion to 19th-Century America*, ed. William L. Barney (Malden, MA: Blackwell, 2001), 307, 314.



22. See Browder, *Slippery Characters: Ethnic Impersonators and American Identities* (Chapel Hill: University of North Carolina Press, 2000), 1–12. Only one of the authors, Horace Lane, left complete publishing information. He published both his prison books with Luther Pratt and Sons, an outfit in upstate New York that published everything from local newspapers to defenses of Freemasonry, to eulogies for George Washington. In other words, it seems to have been a press without a strong ideological identity.
23. Colonel William H. Powell, *List of Officers of the Army of the United States from 1779 to 1900* (New York: L. R. Hamersly and Co., 1900), 64, 86, 128; James Croggon, "Square Number 491, Its Development, Early During the Last Century," [Auburn] *Evening Star*, December 30, 1906, p. 1; William Cranch, *Reports of Cases Civil and Criminal: United States Circuit Court of the District of Columbia from 1801 to 1841 in Six Volumes* (Boston: Little, Brown, 1852), 2:381–401; "Weekly Compendium," *Saturday Evening Post* 2, no. 33 (August 16, 1823): 2; Edwin Williams, *New York Annual Register for the Year of Our Lord 1830* (New York: J. Leavitt, 1830), 273.
24. "Report of the Committee on State Prisons on the Petition of Levi S. Burr," in *Documents of the Assembly of the State of New York*, vol. 57, February 1834 (Albany: n.p., 1834), 11; Levi S. Burr, *A Voice from Sing-Sing. Giving a General Description of the State Prison. A Short and Comprehensive Geological History of the Quality of the Stone of the Quarries; and a Synopsis of the Horrid Treatment of the Convicts in that Prison* (Albany: s.n., 1833).
25. Burr, *A Voice from Sing-Sing*, preface, 16–18, 20, 23, 29; Graber, *Furnace of Affliction*, 113–114.
26. Burr, *A Voice from Sing Sing*, 15, 4, preface; Graber, *Furnace of Affliction*, 114. Ann Fabian has noted the way antebellum narrators made continual references to bodily experience. See Fabian, *The Unvarnished Truth*, 64.
27. For a wonderful exploration of Lane's life, literary output, and antebellum gender norms, see Myra C. Glenn, "Troubled Manhood in the Early Republic: The Life and Autobiography of Sailor Horace Lane," *Journal of the Early Republic* 26, no. 1 (Spring 2006): 59–93.
28. Horace Lane, *Five Years in State Prison; or Interesting Truths, Showing the Manner of Discipline in the State Prison at Sing Sing and Auburn, Exhibiting the Great Contrast between the Two Institutions, in the Treatment of the Unhappy Inmates; Represented in a Dialogue between Sing Sing and Auburn* (New York: Luther Pratt and Sons, 1825), 16, 12, 9; Graber, *Furnace of Affliction*, 114.
29. Horace Lane, *The Question: What Did You Do to Get There? Answered; Or, Five Years in State's Prison Revised* (New-York, n.p., 1836), 27–29, 24.
30. James R. Brice, *Secrets of the Mount-Pleasant State Prison, Revealed and Exposed* (s.n.), 1839. For an account of Brice's crime and trial, see Oliver L. Barbour, *Reports of Cases in Law and Equity in the Supreme Court of the State of New-York*, vol. 5 (Albany, NY: Gould, Banks and Gould, 1850), 533–35.
31. Brice, *Secrets of the Mount-Pleasant State Prison*, 55, 60, 52, 69, 70.
32. Burr, *A Voice from Sing-Sing*, 14; Graber, *Furnace of Affliction*, 117.
33. Lane, *Five Years in State's Prison*, 19–20, 23; Graber, *Furnace of Affliction*, 117.
34. Lane, *The Question*, 8, 24, 30.
35. Brice, *Secrets of the Mount-Pleasant State Prison*, 72; Graber, *Furnace of Affliction*, 118.
36. *A Peep Into the State Prison at Auburn, NY, with an Appendix, by One Who Knows* (Auburn, NY: s.n., 1839). Thanks to Lauren Chyle at the Cayuga Museum of History and Art for her assistance tracking down Auburn printers.
37. *A Peep into the State Prison at Auburn*, 6, 5, 27, 30, 41, 33, 48, 50, 36; Graber, *Furnace of Affliction*, 127–128.

38. *A Peep into the State Prison at Auburn*, 53–54, 63–65, 44; Graber, *Furnace of Affliction*, 128.
39. Brice, especially, spoke well of Sing Sing chaplains Jonathan Dickerson and Edwin Mead. Brice, *Secrets of the Mount-Pleasant State Prison*, 11.
40. Lane, *Five Years in State's Prison*, 1–15, 18; Horace Lane, *The Wandering Boy, Careless Sailor, and Result of Inconsideration: A True Narrative* (Skaneateles, NY: L. A. Pratt, 1839), 191–92.
41. Scholars have endlessly debated the dynamics of antebellum reading. Clearly, the authors of inmate narratives capitalized on recent technological innovations and the lower costs of books, among other things, to tell their story. At the same time, historian Ronald J. Zboray warns us not to forget other qualities of printing and reading in this period, namely that most books were still too expensive for workers to afford. See Zboray, "Antebellum Reading and the Ironies of Technological Innovation," in *Reading in America: Literature and Social History*, ed. Cathy N. Davidson (Baltimore: Johns Hopkins University Press, 1989), 180–200.
42. "Voice from Sing Sing," *Boston Investigator*, January 3, 1834, issue 41; "A Voice from Sing Sing," *Daily National Intelligencer*, March 14, 1834, issue 6581.
43. "A Peep Into the State Prison at Auburn," pt. 1, *Evangelical Magazine and Gospel Advocate* 10, no. 7 (February 15, 1839): 55; "A Peep Into the State Prison at Auburn," pt. 2, *Evangelical Magazine and Gospel Advocate* 10, no. 11 (March 15, 1839): 86.
44. "A Peep Into the State Prison at Auburn" (February 15, 1839), 55; "Voice from Sing Sing" (*Daily National Intelligencer*); "Voice from Sing Sing" (*Boston Investigator*); Karen Halttunen, "Humanitarianism and the Pornography of Pain in Anglo-American Culture," *American Historical Review* 100, no. 2 (April 1995): 303–34.
45. Myra Glenn argues that there is no way that Lane could have sold the 11,000 copies he claimed. She could find no evidence of the book being reviewed in antebellum periodicals. I could find no evidence either. See Glenn, "Troubled Manhood," 59–60. James R. Brice, *A History of the Revolutionary War: Captivity of John and Robert Brice* (Albany, NY: n.p., 1851; reprint, New York: Garland Publishing, 1978); "The Supreme Court of New York, May Term, 1851," *The Monthly Law Reporter* 4, no. 8 (December 1851): 437.
46. For more on how Americans and Europeans quickly began to see the prison as their primary approach to criminals, see Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage, 1977), 232. Unfortunately, the scholarship on class difference among prisoners is fairly thin, with the exception of work specifically on criminals who received the death penalty. See Gabriele Gottlieb, "Class and Capital Punishment in Early Urban North America," in *Class Matters: Early North America and the Atlantic World*, ed. Simon Middleton and Billy G. Smith (Philadelphia: University of Pennsylvania Press, 2008), 185–97.
47. PDSB, "Fourteenth Annual Report" (1839), in *Reports of Prison Discipline Society of Boston*, 3:339–42; Lewis, *From Newgate to Dannemora*, 210; Luckey, *Life in Sing Sing State Prison*, 172–89, 256–72; Daniel Walker Howe, *What Hath God Wrought: The Transformation of America* (New York: Oxford University Press, 2007), 578–79. Seward's social progressivism was not necessarily fostered by his religious affiliation. His wife was a devout Episcopalian and Seward followed her into church membership. Even so, he commented in his autobiography that he saw little difference between the Protestant "sects." See William Henry Seward and Frederick William Seward, *William H. Seward; an Autobiography from 1801 to 1834; With a Memoir of His Life, and Selections from His Letters* (New York: Derby and Miller, 1891), 53–54.

## REVIEW ESSAY

### THE “MIGHTY MACS”: WOMEN’S BASKETBALL IN CHESTER COUNTY

*O God of Players: The Story of the Immaculata Mighty Macs.* By Julie Byrne. New York: Columbia University Press, 2003. Illustrations, notes, bibliography, index. 291 pp.

*The Mighty Macs.* Directed by Tim Chambers. Produced by John Chambers, Pat Croce, and Vince Curran. Quaker Media, October 21, 2011. 99 mins.

*Karen Guenther*  
*Mansfield University*

In October 2011 the feature film *The Mighty Macs* opened nationwide to rave reviews. The movie had already won several awards, including Best Feature and Audience Award at the John Paul II International Film Festival and Best Drama at the International Family Film Festival. *The Mighty Macs* is based on a true story, one recounted in Julie Byrne’s *O God of Players: The Story of the Immaculata Mighty Macs*. The Chester County college, founded in 1920, was the smallest college to win a national championship, with only about 400 students enrolled in 1972 (and approximately 3,800 in 2012).

Byrne’s monograph focuses on the relationship between basketball and Catholic women at Immaculata from the 1930s

until the late 1970s. She used oral history interviews, questionnaires, correspondence, unpublished memoirs completed by and with former basketball players, the college newspaper (*The Immaculatan*), Philadelphia area newspapers (particularly the *Evening Bulletin* and *Inquirer*), and monographs on sports history, women's history, and religious history to tell the story of the importance of basketball to the Sisters, Servants of the Immaculate Heart of Mary and Immaculata students from the 1930s to the 1970s.

According to Byrne, Immaculata's mission as an affordable college for working-class Catholic families led the college to be an attractive higher education option for girls from immigrant and post-immigrant families from the Philadelphia area. Philadelphia was a hotbed for girls' varsity sports, and Philadelphia-area Catholic high school leagues and Catholic Youth Organizations had sports for both genders. Intercollegiate competition was the first time the Mighty Macs competed against players of different faiths and races, and they considered their opponents from public universities to be "hired guns whose grades and scholarships depended on court success, while they themselves were purists who played the game merely for pleasure" (63). In addition, the sport provided players with the opportunity to travel beyond the local community, especially when the team participated in national tournaments in the 1970s.

Throughout the book, Byrne places women's basketball at Immaculata in the context of Catholic teachings and practices. Immaculata's basketball players, according to Byrne, saw themselves as Catholics first and athletes second; "making the team . . . meant making their identities as Catholic young women" (54). Although the Mighty Macs challenged established views of femininity with their athletic prowess, they did not consider themselves to be feminists, despite their success coinciding with the passage and implementation of Title IX. After all, despite their athleticism, the players in Byrne's book embodied the modesty of womanhood, particularly in their uniforms (layers with stockings, corduroy tunics, blouses, and skirts), and they never changed or showered together, traveling to and from games wearing their uniforms.

The film *The Mighty Macs* focuses on one season in Byrne's book—the 1972 championship season. Filmed on location in southeastern Pennsylvania, the movie incorporates buildings from present-day Immaculata University, The Hill School in Pottstown, the basement gym at St. Colman Roman Catholic Church in Ardmore (which served as the dilapidated practice gym), and Hollinger Field House at West Chester University. The 1971–72

season (which culminated in the first national championship) was the first time the Division of Girls' and Women's Sports (DGWS), forerunner of the Association for Intercollegiate Athletics for Women (AIAW), permitted teams to play full-court, five-player men's rules. The coaches at West Chester had full-court practices while Cathy Rush played there, so she was familiar with the necessity of players building stamina in the practices. *The Mighty Macs* focuses on the challenges Cathy Rush faced, from recruiting a team to finding a suitable practice facility to arranging a gym for playing home games.

The film is based on a true story, yet at the same time it takes liberties with the facts and recollections in *O God of Players*. The only "real" characters in the movie are Cathy Rush (Carla Gugino) and her husband, Ed (David Boreanaz), an NBA referee. College President Sister Mary of Lourdes McDevitt, a Mighty Macs player in the late 1930s, becomes Mother St. John (Ellen Burstyn), who quietly supports the team yet struggles with the financial challenges faced by the college. The character of Sister Sunday (Marley Shelton), Rush's assistant coach in the film, was fictional but represented the religious community's support for the basketball team. Star player Trish Sharkey (Katie Hayek) is modeled after Theresa Shank Grentz, who also occasionally hitchhiked to campus. Other players in the film represent members of the 1971–72 squad, but their personal stories were embellished to provide more drama.

Inaccuracies also occur in the film's portrayal of the trip to the national tournament. According to Byrne, Sister Mary of Lourdes persuaded each trustee to cover the cost of sending one player, and local businesses were encouraged to contribute. Players sold toothbrushes to finance the trip to Illinois (not hand lotion, as portrayed in the film). Only eight players and one coach traveled, not the entire team (and Cathy Rush did not travel wearing a nun's habit). The film did incorporate the bucket brigade that was started by Rene Muth's family, but instead of players' families it was nuns who banged wooden dowels on the metal buckets.

At the end of the film, photos of some of the "real" Mighty Macs, including future championship women's college basketball coaches Theresa Shank Grentz and Marianne Crawford Stanley, are shown, with descriptions of their post-Immaculata achievements. Many of the former players have cameos in the film (nuns in a pew when Cathy Rush passes out a flyer announcing basketball tryouts), as do Cathy and Ed Rush.

Overall, *The Mighty Macs* was a great movie, and you do not have to be a sports fan to enjoy it. Those of us who remember Volkswagen buses, rotary telephones, plaid sports coats with striped shirts, and Converse sneakers will appreciate the attention to detail. Tim Chambers has succeeded in telling a story that rivals *Hoosiers*, *Miracle*, and *Rudy* as inspirational movies that the entire family can enjoy—and one that, despite the inaccuracies, effectively portrays the importance of basketball to the Immaculata community that Byrne describes in *O God of Players*.

## REVIEW ESSAY

### HENRY OSSAWA TANNER: *MODERN SPIRIT* EXHIBITION, PENNSYLVANIA ACADEMY OF FINE ARTS, PHILADELPHIA

*Alexia I. Hudson*

The Pennsylvania Academy of Fine Arts (PAFA) is located in Philadelphia within walking distance of City Hall. Founded in 1805 by painter and scientist Charles Willson Peale, sculptor William Rush, and other artists and business leaders, PAFA holds the distinction of being the oldest art school and art museum in the United States. Its current “historic landmark” building opened in 1876, three years before Henry Ossawa Tanner (1859–1937) enrolled as one of PAFA’s first African American students. Tanner would later become the first African American artist to achieve international acclaim for his work.

Today, PAFA is comprised of two adjacent buildings—the “historic landmark” building at 118 North Broad Street and the Samuel M. V. Hamilton Building at 128 N. Broad Street. The oldest building was designed by architects Frank Furness and George W. Hewitt and has been designated a National Historic Landmark, hence its name. In 1976 PAFA underwent a delicately managed restoration process to ensure that the architectural and historical integrity of the building was maintained.

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The Lenfest Plaza opened adjacent to PAFA on October 1, 2011, and was celebrated with the inaugural lighting of “Paint Torch,” a sculpture by internationally renowned American artist Claes Oldenburg.

In early 2012 PAFA assembled the largest retrospective of Henry Ossawa Tanner’s work to be showcased in North America. The exhibition, entitled “Henry Ossawa Tanner: Modern Spirit,” is both reflective and celebratory. The exhibition’s title is extracted from a quote in a May 1900 edition of *Cosmopolitan* where Tanner is described as “not only a biblical painter but . . . has brought to modern art a new spirit.”<sup>1</sup> This review of the “Henry Ossawa Tanner: Modern Spirit” exhibition serves the dual purpose of providing historical insight into the artist’s influences and a review of some of the exhibition’s notable pieces.

### The History of the Tanner Family

Henry Ossawa Tanner’s father, Benjamin Tucker Tanner, was a former slave who later became an influential African Methodist Episcopal bishop. Born on December 25, 1835, in Pittsburgh to Hugh and Isabel Tanner, Benjamin exhibited a strong work ethic at an early age. By age nine, he was delivering newspapers to assist in supplementing the family’s income. In 1852 Benjamin was accepted into Avery College, a training school for African Americans in Allegheny City, Pennsylvania. It was at Avery College that Benjamin Tanner met fellow student and future wife Sarah Elizabeth Miller, a runaway slave who was the daughter of a white slave master.

Benjamin Tanner joined the African Methodist Episcopal (AME) Church in 1856 and married Sarah Miller two years later. The next several years proved to be both challenging and exciting for the young couple. The Tanner welcomed their first son, Henry Ossawa Tanner, in 1859 while Benjamin Tanner completed his education at the Western Theological Seminary in 1860. It was also in 1860 that Benjamin Tanner was ordained as a deacon, made an elder in the AME Church, and relocated his family to Washington, DC, to create an AME church. While in Washington, Benjamin Tanner established the first school for freedmen in the United States Navy Yard and managed several freedman schools in Maryland.

Four years later, in 1864, Benjamin Tanner was appointed to lead the founding church of the African Episcopal Methodist faith—Mother Bethel AME in Philadelphia—and again relocated his family for his call to



ministerial duty. The Tanners moved into a large home at 2908 Diamond Street in North Philadelphia and became immediately embedded in elite Philadelphia African American society.<sup>2</sup> Sarah Miller Tanner kept busy as well. She would give birth to seven children and would later become a founding member of the Mite Missionary Society of the AME Church, one of the United States' first societies for African American women.<sup>3</sup> Benjamin Tanner remained at Mother Bethel for nearly twenty years. During this period, his attention turned toward influencing the press to promote African American solidarity in addressing racial injustice. He was elected secretary of the AME General Conference in 1868 and appointed editor of the *Christian Recorder*, which became one of the largest African American-owned periodicals in the United States. Ten years later, Benjamin Tanner received a Doctor of Divinity degree from Wilberforce College.

In 1884, the same year that Christopher James Perry Jr. founded the *Philadelphia Tribune*, Benjamin Tanner launched the *AME Church Review*. The apex of Benjamin Tanner's career happened in 1888 when he was consecrated a bishop. Bishop Tanner published highly regarded religious works, including *An Apology for African Methodism* (1867) and *Outline and Government of the A.M.E. Church* (1883). He continued to lead various AME churches throughout his career until his death on January 14, 1923, in Washington, DC.<sup>4</sup>

Given the religious, social, and professional status of the Tanner family, it is not surprising that Bishop Benjamin and Sarah Tanner initially discouraged Henry Ossawa Tanner in pursuing a career as an artist. The Tanners firmly believed that education was an essential element for success for African Americans. Henry also had to live in the proverbial shadow of his brilliant older sister, Dr. Halle Tanner Dillon Johnson (who enrolled in the Woman's Medical College of Pennsylvania as the only African American student in her class). She earned an MD with high honors in 1891, becoming one of the first black women physicians in the United States. She then became the first woman of any race to be licensed to practice medicine in Alabama. Her career milestones there included working at Tuskegee University as a physician, pharmacist, professor, and founder of a nurses' training school.<sup>5</sup>

However, a career in ministry or medicine was not Henry Ossawa Tanner's destiny. He was determined to make his own way in the world, pursuing his passion as his profession.

## Henry O. Tanner: The Rise of a “Modern Spirit”

Born on June 21, 1859, in Pittsburgh, Henry Ossawa Tanner was given a middle name that honored abolitionist John Brown's raid on the proslavery community of Osawatimie, Kansas, three years before. His family was affluent, educated, and surrounded by African Americans of similar backgrounds. The Tanners relocated several times during young Henry's life but settled in Philadelphia for twenty years after the elder Tanner was appointed pastor of the historic Mother Bethel AME Church.<sup>6</sup>

At age thirteen, Henry was walking with his father in Philadelphia's Fairmount Park one day and came across an artist painting a large tree. Captivated by this visual stimulation, he cajoled his parents out of fifteen cents to purchase some dry colors and brushes.

In 1876, more than 10 million visitors descended on Philadelphia for the Centennial Exposition, considered the nation's first World's Fair. At this event, officially referred to as the “International Exhibition of Arts, Manufactures and Products of the Soil and Mine,” Henry Tanner was introduced to artistic styles from around the world, much of which was exhibited at the Pennsylvania Academy of Fine Arts (PAFA).<sup>7</sup> It was after the Centennial Exposition that Henry Tanner emotionally wrestled with the idea of enrolling in PAFA for three years while continuing to paint images of animals at the Philadelphia Zoo.

Against his parents' wishes, Henry Tanner enrolled in the Pennsylvania Academy of Fine Arts in 1879 as one of the school's first African American students. He studied on and off for six years under the tutelage of Thomas Eakins, who taught Tanner new approaches to drawing anatomy. Tanner quickly became one of Eakins's favorite students. But, in spite of Eakins's attention and support, Henry Tanner never graduated from PAFA. The writings of some of Tanner's classmates suggest that he encountered numerous racially motivated verbal and physical attacks from white PAFA students.

Henry Tanner left Philadelphia in 1888 and moved to Atlanta to set up a studio and teach at Clark Atlanta University, a black college. By 1891, Tanner had grown weary of the racism that prevented full acceptance of his work in America. During this period, most American artists painted African American subjects either as grotesque caricatures or sentimental figures plagued by poverty. These stereotypical portrayals of African Americans did not gel with Tanner's sensibilities as a member of an affluent family. He sought to represent African Americans with dignity and wrote: “Many of

the artists who have represented Negro life have seen only the comic, the ludicrous side of it, and have lacked sympathy with and appreciation for the warm big heart that dwells within such a rough exterior."

In 1899 Tanner married Jessie Olssen, a white opera singer from San Francisco. The couple's only child, Jesse Ossawa Tanner, was born in New York in 1903. Frustrated by exclusion he endured in America, Tanner permanently moved his family to France in 1904. Tanner rarely spoke of his disenchantment with racial discrimination in the United States. One of the few instances when he addressed this painful topic is in a letter he wrote in 1914 to Eunice Tietjens explaining why he did not desire to return to the United States: "This condition has driven me out of the country, but still the best friends I have are 'white' Americans and while I can not sing our National Hymn, "Land of Liberty," etc. deep down in my heart I love it and am sometimes sad that I cannot live where my heart is."<sup>8</sup>

Over the next thirty years, Tanner would make brief visits to America for exhibitions and to see his relatives. During World War I, he worked for the Red Cross' Public Information unit and sketched images from the battle lines. The French government made him a knight in the National Order of the Legion of Honor in 1923 for his artistic contributions.<sup>9</sup>

While celebrated internationally, Henry O. Tanner posed a sociocultural problem for some members of the African American community. His refusal to allow himself to be solely branded as a "colored artist" drew both criticism and praise. He was featured on the cover of the NAACP's *The Crisis* in August 1925 as one of "six negro leaders," yet was challenged repeatedly for not using his fame to elevate issues of African American disenfranchisement. His response was that his work was "preaching with his brush."<sup>10</sup>

Tanner died in France on May 25, 1937, after a long illness. Even posthumously, he continued to make history. The Smithsonian Institute exhibited his work in 1969. The U.S. Postal Service issued a commemorative stamp in his honor in 1973. Sixty years after his death, his painting *Sand Dunes at Sunset, Atlantic City* (ca. 1885) entered the permanent art collection of the White House as the first painting by an African American artist to be purchased through the White House Endowment Fund. This piece is among several special works exhibited at PAFA for the "Henry O. Tanner: Modern Spirit" exhibition.

Through intermarriage of the African American Philadelphia elite Bustill-Mossell-Tanner-Alexander families, Henry O. Tanner is related to actor-scholar Paul Robeson, Nathan Francis Mossell (the first African

American graduate of the University of Pennsylvania Medical School), and Sadie Tanner Mossell Alexander (the first African American woman to earn a PhD in America and to be admitted to the University of Pennsylvania Law School). Living descendants of Henry O. Tanner include Lewis Tanner Moore, Dr. Rae Alexander-Minter, Mary Brown Cannaday, Jacques Tanner, Martine Delgoulet, Anthony Delgoulet, and Jessie Delgoulet, all of whom contributed art work and oral history to the “Henry Ossawa Tanner: Modern Spirit” retrospective.

### “Henry Ossawa Tanner: Modern Spirit”—The Exhibition

The PAFA concluded lending agreements with more than fifty private collectors, museums, and educational institutions, including Mother Bethel AMC Church, and two historically African American colleges (Fisk University and Spelman College), in order to develop an extraordinary exhibition that is a vibrant celebration of Henry Tanner’s life. Given Tanner’s personal and professional background, it would be a natural assumption to anticipate several works depicting refined images of African Americans and African American urban life. However, this is not the case. Only a few pieces (less than 10 percent of the entire exhibition) feature African American subjects such as *Study of a Negro Man* (ca. 1891–93), *The Banjo Lesson* (1893), *The Thankful Poor* (1894), *Portrait of the Artist’s Mother* (1897), *Benjamin Tucker Tanner* (1897), and *Portrait of Booker T. Washington* (1917).

*The Banjo Lesson* is considered by many to be Henry Ossawa Tanner’s most popular work. The image features an older African American man instructing a child how to play the instrument. This piece was created in 1893 and is in sharp contrast to other artistic representations of African Americans during the same period, where they were largely depicted as comedic caricatures or grotesque figures. The warm lighting effect of *The Banjo Player* evokes the warmth of a loving, paternal relationship. Although the background portrays a family of meager means, the depiction of the relationship between the subjects and the subjects themselves is refined and elegant. Similar to *The Banjo Lesson*, *The Thankful Poor* also stresses through lighting its primary subjects. The artist emphasizes that what is relevant is their thankful attitude rather than the apparent surrounding poverty.

The 1897 work *Portrait of the Artist’s Mother* appears to serve several purposes. Again, an African American subject is portrayed in an elegant and

dignified manner. The play of light on the subject in the center softens and refines the image of the mother, making her glow in a warm and welcoming manner. The inspiration of this piece is apparently *Whistler's Mother*. However, some scholarly speculation suggests that Tanner's intention behind this piece was part jubilation and part gloating. By placing himself in the same realm as another prominent American artist—James McNeill Whistler—Tanner is both reveling in his success and at the same time possibly chiding his parents who initially protested his career path. An affectionate inscription in the lower right corner of the portrait reads “To my dear mother, H. O. Tanner.”

The most breathtaking landscapes of the exhibition feature at least two images from Tanner's visit to Highlands, North Carolina: *Mountain Landscape, Highlands, North Carolina* (ca. 1889), and *Highlands, N.C.* (ca. 1889). Two lush oil on canvas renderings of *Georgia Landscape* (ca. 1889–90) and *Florida* (ca. 1894) capture the essence of a dusky heat in wetlands. Other pieces that vividly capture the color and movement of nature include *Sand Dunes at Sunset, Atlantic City* (ca. 1885), *View of The Seine, Looking Toward Notre Dame*, *A View of Palestine* (ca. 1898–99), and *The Seine—Evening* (ca. 1900). These works were created with such rich imagery that they appear to be replicated from color photography.

The exhibition is dominated by images from two prevailing themes Tanner used throughout his life—religion and “Oriental Africa.” These two themes show how his family members, and especially their deep religious convictions, are manifested in Tanner's work. Viewers will also notice that Tanner deliberately places the true essence of people and individual expression at the center of his religious artistic discourse. Tanner presented religious themes and individuals in a contemporary style (see *The Resurrection of Lazarus*—fig. 1). Historically, religious art has portrayed subjects as saintly beings to edify the audience. However, Tanner elected to highlight their more human aspects.

*The Annunciation* (1898—fig. 2) is by far the most striking piece in the exhibition. The glowing light representing the angel Gabriel is vibrant enough to appear to be powered by modern-day electricity. What is also compelling is how Tanner chose to capture the awe and burden of Mary upon receiving the news that she would give birth to Christ. She is shown as a disheveled youth, alone and weary—and without a saintly halo.

Tanner opted to create several pieces highlighting the life and times of Mary. The stories in each of the works are simple and complex with an emphasis on relationships and realistic human expression. In *The Visitation*



FIGURE 1: Henry Ossawa Tanner, *The Resurrection of Lazarus*, 1896. Oil on canvas, 95 x 121.5 cm. Musée d'Orsay, Paris, France, Inv. RF1980-173. Photo: Hervé Lewandoswki: Photo Credit: Réunion des Musées Nationaux / Art Resource, NY.

(*Mary Visiting Elizabeth*) (ca. 1909–10) Elizabeth is clearly startled—as anyone would be with an unexpected late night/early morning visitor sharing the news of an immaculate conception. In *Mary* (1910), the primary subject is partially illuminated with Christ resting on the floor. A slight halo over Christ's head can be detected through close inspection of the piece. *Christ Learning to Read* (ca. 1911) highlights a tender moment between mother and son with an emphasis on the emotional connection between Christ and Mary. *The Three Marys* (1910) captures a range of emotion felt by the three women visiting Christ's tomb. Stress, fear, and trepidation are vividly displayed, making this piece another item to view closely and carefully.

In many of the pieces, Tanner's so-called oriental imagery is apparent. Tanner was the first professional African American artist to travel to and display “Oriental Africa” in his work. Some paintings, including *Nicodemus* (1899), *Interior of a Mosque, Cairo* (1897), *Near East Scene* (ca. 1910), and



FIGURE 2: Henry Ossawa Tanner, *The Annunciation*, 1898. Oil on canvas, 57 x 71.25 in. Philadelphia Museum of Art.

*Entrance to the Casbah* (1912), evoke a feeling of invitation into a new world rather than emphasizing intangible mysticism regarding another culture.

Tanner was routinely criticized by some members of the early twentieth-century African American intelligentsia for not defining himself through a racial lens. Yet, new scholarly examination of his thematic emphasis on North Africa and the Middle East suggests some alignment with the “New Negro Movement” in America.<sup>11</sup> As the New Negro Movement sought to claim North Africa as the cradle of African American civilization, much of the writings from this group were speculative and somewhat romantic from individuals who never traveled abroad. Tanner’s work in portraying so-called oriental subjects created intellectual pathways that aided in removing the “otherness” of non-Western-based religious practices and people.

The ability to draw viewers into thought-provoking discourse and examination about “new worlds” is why “Henry Ossawa Tanner: Modern Spirit” is one of the more intellectually stimulating exhibitions to be showcased in

Philadelphia in many years. Curator Dr. Anna O. Marley has succeeded in creating an exhibition that is remarkably pedagogical, yet approachable in tone. What visitors can extract through the complexity of Henry Tanner's work is an artist whose pioneering approach to culturally competent representation was and continues to be fundamentally modern.

## About the Exhibition

"Henry Ossawa Tanner: Modern Spirit" is at the Pennsylvania Academy of the Fine Arts in Philadelphia from January 28 to April 15, 2012, before embarking on a national tour that includes Houston, Texas, and Cincinnati, Ohio. Tickets are \$15 for adults, \$12 for senior citizens and students, \$10 for youths (ages 13-18). Tickets must be purchased in advance online via PAFA's website ([www.pafa.org](http://www.pafa.org)) and printed prior to arrival to view the exhibition. Admission to the exhibition is free on Sundays. Questions regarding admission to the exhibition can be directed to 1-800-537-7676, ext. 6113 or PAFA's general telephone number is 215-972-7600.

Supplemental educational materials for the exhibition include the first comprehensive scholarly catalog of Henry Tanner's work, *Henry Ossawa Tanner: Modern Spirit*, edited by curator Dr. Anna O. Marley, and a children's book created by author and illustrator Faith Ringgold.

## NOTES

1. Vance Thompson, "American Artists in Paris," *Cosmopolitan* 29 (1900): 19.
2. Dewey Franklin Mosby, "Tanner, Henry Ossawa," *African American National Biography*, ed. Henry Louis Gates Jr. and Evelyn Brooks Higginbotham (New York: Oxford University Press, 2008), available online : <http://www.oxfordaasc.com/article/opr/t0001/e0547>; Marsha M. Mathews, *Henry Ossawa Tanner: American Artist* (Chicago: University of Chicago Press, 1969); William Seraile, *Fire in His Heart: Bishop Benjamin Tucker Tanner and the A.M.E. Church* (Knoxville: University of Tennessee Press, 1998); Kwame A. Appiah and Henry Louis Gates, eds., *Africana: The Encyclopedia of the African and African American Experience* (New York: Basic Civitas Books, 2004).
3. Rae Alexander Minter, "The Tanner Family: A Grandniece's Chronicle," in *Henry Ossawa Tanner*, ed. Dewey F. Mosby (Philadelphia: Philadelphia Museum of Art; New York, Rizzoli, 1991), 27.
4. See sources cited in n. 2 above.
5. Jessie Carney Smith, "Halle Tanner Dillon Johnson," in *African American National Biography*, ed. Henry Louis Gates Jr. and Evelyn Brooks Higginbotham (New York: Oxford University Press, 2008), available online at <http://www.oxfordaasc.com/article/opr/t0001/e0740>.



6. See sources cited in n. 2.
7. P. Linda Gross and Theresa R. Snyder, *Philadelphia's 1876 Centennial Exhibition* (Mount Pleasant, SC: Arcadia Publishing, 2005).
8. Mathews, *Henry Ossawa Tanner*, 143
9. "Henry Ossawa Tanner Takes Special Place in Red Cross History," February 3, 2012, available online at <http://www.redcross.org>.
10. Richard J. Powell, "Tanner and Transcendence," in *Henry Ossawa Tanner: Modern Spirit*, ed. Anna O. Marley (Berkeley: University of California Press, 2012).
11. Adrienne L. Childs, "Tanner and Oriental Africa," in *ibid.*

## BOOK REVIEWS

*J*ohn Fea. *Was America Founded as a Christian Nation? A Historical Introduction*. (Louisville, KY: Westminster John Knox Press, 2011). Pp. 287 + xxvii pp. Cloth, \$30.00

There is no shortage of books on the religious views of the Founders and on whether the United States began as “a Christian nation.” John Fea, a historian at Messiah College in Grantham, Pennsylvania, weighs in on such topics alongside important recent studies by David Holmes, Mark Noll, James Hutson, Thomas Kidd, and Jon Meacham, among others. While their books differ in emphasis, Fea joins these other scholars in debunking the efforts of influential evangelical Christian authors to portray the Founders as orthodox Christians who set up a new nation privileging Christian denominations and ideals. At the same time, Fea shows how religion did figure into the founding and subsequent development of our nation.

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Its subtitle highlights the chief virtue of this study. Fea, a gifted writer, explicitly aims for a nonacademic audience, and the three sections of his book each only survey their respective topics. But these lively and balanced overviews, which include analyses of how historians use evidence (and how evangelical pseudo-historians such as David Barton and Tim LaHaye misuse it), will appeal to undergraduates at all levels and to a public at once intrigued and confused by public debate over these issues. Issued by a Presbyterian publisher, Fea's book can be marketed to Sunday school classes and ministers in mainline churches who will appreciate its serious attention to both religion and history.

Part 1 investigates, chronologically, the persistence of the idea that the nation is specifically "Christian." Part 2 focuses on whether the American Revolution, the Declaration of Independence, and the Constitution were Christian events and documents. Part 3—to which many readers will undoubtedly turn first—analyzes the religious views of some of the iconic Founders and three secondary but more religiously orthodox figures.

The preponderance of Fea's evidence challenges the religious (pun intended) certainty of today's evangelicals on these issues, but he also questions the secularist view. Thus, after quoting the 1797 treaty between the United States and Tripoli (the "Government of the United States of America is not, in any sense, founded on the Christian religion"), Fea notes the religious framework through which most Americans viewed our conflict with the Muslim Barbary states. The opposition to the Constitution by some anti-Federalists because it did not privilege Christianity, and the persistent and unsuccessful efforts to amend the Constitution to make the United States an explicitly Christian nation, would seem to clinch the case for a negative answer to the book's title. But then an 1892 Supreme Court decision called the United States a Christian nation. Lest today's Christian conservatives, which of course includes many Catholics, feel vindicated by that ruling, Fea emphasizes that those who posited the United States as a Christian nation often really meant "Protestant," and they were as wary of Catholics as of Mormons, Jews, atheists, and others. That many advocates in the late 1800s and early 1900s of the "Christian nation" thesis also espoused the progressive Social Gospel should provoke thought among conservative Christian and liberal secular readers alike.

Fea's close analysis of the Declaration of Independence notes the religious language and providential assumptions at the Continental Congress, but convincingly shows that the references in the Declaration to "Nature's God" and "the Creator," while theistic, are not specifically Christian and had little theological intent. In discussing the decidedly non-Christian U.S. Constitution, Fea rebukes John McCain's 2008 claims to the contrary, while adding that many in the 1780s and thereafter believed that the states could properly embrace an explicitly Christian identity (the "federalist loophole").

Fea's accounts of the religious views of George Washington, John Adams, Thomas Jefferson, and Benjamin Franklin are excellent. The writing is dramatic: the story of Washington praying at Valley Forge is laid out at length, only to be demolished through a withering critique of the "evidence" behind the fable. Fea's judgments take Christian doctrine seriously: Adams, while embracing its moral teachings, "fails miserably" the test of Christian "orthodoxy," as he rejected the Trinity and the idea of an "incarnate God." It is impossible to read these sketches and still believe that these Founders intended the United States to be a Christian nation, as conservative evangelicals use that term. Moreover, in his study of three secondary but more "orthodox founders," Fea concludes that today's "Christian nationalists" should "proceed with caution" in invoking their ideals, as John Jay and Samuel Adams were virulently anti-Catholic, and John Witherspoon derived his political views from the Scottish Enlightenment as much as from Presbyterianism.

It is difficult to criticize "a historical introduction" for not being comprehensive, but the single sentence on Washington's letter to Newport's "Hebrew Congregation" is inadequate on the Jewish question. (Neither "Jews" nor "Mormons" appears in the index.) Given the "federalist loophole," Fea should have discussed the gradual diminishment of established churches and of the privileged political position of Christians in various states, along with the still-controversial impact of the Fourteenth Amendment. But these are minor problems in a well-written and well-argued book with important insights into issues at the forefront of public discourse today.

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Beverly C. Tomek. *Colonization and Its Discontents: Emancipation, Emigration, and Antislavery in Antebellum Pennsylvania* (New York: New York University Press, 2011). Pp. 304. Illustrations, bibliography, index. Cloth, \$39.00.

Beverly Tomek's *Colonization and Its Discontents* is an important contribution to a growing scholarship on the African colonization movement. Although focused on a single state, Tomek examines the complex relationship between colonization and other branches of the abolitionist movement more thoroughly than any previous historian. As Tomek shows, "Pennsylvania offers an excellent lens through which to view the changes that took place within the American antislavery community" between the American Revolution and the Civil War (1). A number of factors combined to make Pennsylvania exceptionally important within the antislavery movement, including its geographic position as a northern border state and its tradition of Quaker benevolence. The state was home to the Pennsylvania Abolition Society (or PAS, established in 1784), which advocated the gradual abolition of slavery; the Pennsylvania Colonization Society (PCS, created in 1826), one of the most important auxiliaries of the American Colonization Society (ACS); and the Pennsylvania Anti-Slavery Society (PASS, formed in 1837), representing those demanding immediate abolition.

The ACS was formed in December 1816 with the mission to colonize free blacks and manumitted slaves in Africa, specifically in the area that became Liberia. Since its formation, contemporaries and scholars have debated whether the ACS was primarily intended to facilitate manumissions by providing an outlet for freed slaves or to reinforce slavery and white supremacy by removing free blacks. Tomek recognizes that different people supported colonization for different reasons, but argues that the auxiliary PCS was always genuinely antislavery and that the parent organization became more so over time. Of course, "antislavery" is itself a complicated category, as Tomek notes. She divides Pennsylvania colonizationists into two groups: those whose antislavery activism was motivated by humanitarian concern for African Americans and those who were more concerned with slavery's negative political and economic effects on white Americans. In paired chapters, she uses Elliot Cresson and Mathew Carey,

respectively, as case studies for the two positions. Chapters on James Forten and Martin Delany examine the free black community's involvement in colonization, demonstrating that blacks were not opposed to the idea of colonization per se, but wary of any colonization schemes that were not controlled by blacks themselves. Free blacks were more supportive of the PCS's commitment to black education and uplift, a topic addressed in a chapter on Benjamin Coates.

One of the virtues of Tomek's book is her nuanced assessment of historical actors' motives and actions. While she recognizes that there were "crucial elements of exclusion and social control" in the antislavery and colonization movements, she contextualizes and qualifies such statements (18). Elites' efforts to control the behavior of poor blacks were similar to their efforts to control poor whites, and it was often with the aim of uplifting them so that they could "become valuable citizens" rather than remaining members of a permanent underclass (46). In her overall assessment of the different forms of antislavery in Pennsylvania, she seems to place the PCS at the conservative end of the spectrum, with the PAS in the middle, and the PASS at the more radical end. But Tomek notes that the humanitarian wing of the PCS, personified by Elliot Cresson and Benjamin Coates, was often more progressive in terms of valuing black input and participation than was the PAS. Members of the PCS, some of whom were members of the other abolitionist groups as well, believed that colonization was either an essential component of the abolitionist movement or a more pragmatic alternative to typical abolitionist agitation, which they feared was counterproductive.

Black Pennsylvanians' relative lack of interest in Liberian emigration does not seem to have bothered most humanitarian colonizationists, for Tomek shows that they restricted their efforts to colonizing conditionally manumitted slaves (at least until the *Dred Scott* decision of 1857). The PCS's insistence that their funds only be used to pay for the emigration of manumitted slaves created some tension with the ACS, and Tomek cites it as evidence that the PCS was more antislavery than the parent organization. However, Tomek also notes that this policy had some unintended consequences. Prioritizing manumitted slaves over free blacks meant that emigrants to Liberia were less likely to have the types of skills, education, and resources that could expedite development and promote social stability.

Tomek is clearly sympathetic to the PCS, arguing that the group was dominated by sincere humanitarians who struggled against the evil of slavery in the manner they thought best calculated to avoid the (very real) danger

of disunion and civil war. Yet she is fully aware of their shortcomings. The estimated 6,000 slaves the colonizationists sent to Liberia was “minuscule” in the larger scheme of things (99). Furthermore, many colonizationists’ wishful thinking led them to discount the devastating mortality rates suffered by emigrants. And although Tomek emphasizes that the PCS supported black education and uplift while always opposing coerced emigration, she acknowledges that the colonization movement unintentionally reinforced the racist notion that blacks did not belong in the United States.

In general, Tomek’s structure of five case studies framed by three chapters contextualizing and assessing the colonization movement within the larger history of abolitionism works very well. But there are a few instances where the separate case studies limit the potential for comparative analysis. For example, Tomek repeatedly states that many Pennsylvania colonizationists concluded that “white Americans would never accept free blacks” as equals (11, 46, 52). Yet she later gives examples of other colonizationists, especially African Americans, hoping that the Liberian experiment would “prove black equality” and lead to equal rights within the United States (161, 100, 145, 174). Thus, there is an unreconciled tension over the extent to which colonization represented a permanent surrender to white prejudice or a pragmatic attempt to overcome it. A greater attention to colonizationists’ conceptions of timeframe might have helped clarify this issue. Colonizationists were often vague when it came to the speed of progress, but Tomek gives us no notion of whether her characters envisioned emancipation and equality to take years or centuries. These points aside, *Colonization and Its Discontents* is an enlightening examination of the role of colonization in the state and national controversies over slavery, abolition, and civil rights in antebellum America.

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