

*“Free Trade and
Hucksters’ Rights!”
Envisioning Economic Democracy
in the Early Republic*

AMID THE CLINKING GLASSES of nationalist toasts and the smoldering fireworks of independence celebrations, Americans began to sort through the most pressing political and economic issues facing a young republic. By the late 1780s, the men who held the reins of power in the nation’s new state and federal governments had already overcome steep differences to master seemingly impossible feats. They had crafted a declaration of their own independence so provocative and powerful that it would soon inspire revolutions throughout the Atlantic world. They had waged and won a war against a formidable empire by mustering and arming undisciplined men and corralling enough servants and slaves to support them through battle. And they had drafted and ratified a frame of government that toppled hereditary monarchies and stitched together the disparate elements of their population into a central nation-state. Yet for all their success in designing a new republic, the men who sat around the green-cloaked tables of the national and state legislatures had yet to reach a genuine consensus regarding the shape of their political and economic future. Instead, as the dust of the federal constitution debates settled, they would enter into equally intense intellectual disputes over how far to extend the tenets of democracy and whether to embrace an economic system governed more by trade regulations or the principles of *laissez-faire*.¹ Out of these negotiations would arise wildly different political and economic visions that competed for supremacy in the era of the early republic.

¹ Although sharp ideological differences existed regarding the potential shape of the market economy, most early American legislators did not draw a strict dichotomy between a “free market” and a regulated market. For a full discussion of the persistence of government regulation in the economy throughout the nineteenth century, see William J. Novak, *The People’s Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill, NC, 1996).

The members of this elite legislative cadre would not be the only ones to espouse grand visions for the nation's political economy, however. In Philadelphia, as in other cities and rural towns across the country, those on the bottom rungs of society would craft their own ideals for the future of their nation—ideals that stemmed neither from the political rhetoric embedded in classical republican texts nor from theories of the market economy contained within modern treatises. Instead, their visions for the republic would be informed by their lived experiences in the markets they knew best: the open-air structures that stretched through the streets of Philadelphia. As these “lower sorts” voiced their concerns and frustration over the administration of public markets, they forced the elite debates over democracy and laissez-faire principles out of the legislative chambers and into the streets. As a result, in the early republic the city's sites of exchange became sites of conflict, characterized by a constant and unending negotiation between various branches of state and municipal authorities, market vendors, and urban residents about the contours of the political economy in the new nation.

Among those who emerged from the basest tiers of society to shape this negotiation would be a predominantly indigent, female class of laborers known as hucksters, who retailed small quantities of food in urban streets. As excellent studies of the free and enslaved working poor and of women's roles in complex economic networks have shown, these small-scale retailers were more significant to the larger commercial economy than scholars had previously imagined. Rather than merely existing on the economic margins, female hucksters operated as part of a larger group of savvy and resourceful women who struggled through, capitalized on, and expanded early American commerce.² For an increasing number of women, in fact, huckstering became a viable avenue to earn a reliable income and achieve financial and social independence in the early republic. Yet, as part of a larger municipal program to regulate the economic

² On women's centrality to the early national commercial economy see Ellen Hartigan-O'Connor, *The Ties That Buy: Women and Commerce in Revolutionary America* (Philadelphia, 2009); Serena R. Zabin, *Dangerous Economies: Status and Commerce in Imperial New York* (Philadelphia, 2009); and Sheryllynne Haggerty, *The British-Atlantic Trading Community, 1760–1810: Men, Women, and the Distribution of Goods* (Leiden, 2006). For specific discussions of female hucksters in this period, see Helen Tangires, *Public Markets and Civic Culture in Nineteenth-Century America* (Baltimore, 2003), 17–23; Christine Stansell, *City of Women: Sex and Class in New York, 1789–1860* (Urbana, IL, 1987), 13–14; and Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore, 2009), 100–101, 127–29.

and social order of Philadelphia's markets, city legislators had begun to gradually erode the customary privileges of these vendors, forcing them out of the marketplace. Hucksters, in turn, took advantage of the larger political debates of the era by testing the limits of political egalitarianism and laissez-faire philosophy and staking claim to the markets through daily acts of resistance, legal petitions, and litigation.

A close analysis of huckster women's varied forms of resistance to their expulsion from the marketplace reveals the ways in which one ordinary body of working women not only fought for their livelihoods but also articulated a larger vision of the nation's political economy. Indeed, the ideology they crafted during the era of the early republic would become so pronounced that by 1813, Philadelphia's satiric newspaper the *Tickler* would label it as "Free Trade and Hucksters' Rights." The editor of the *Tickler*, George Hemboldt, had used the phrase sarcastically as a headline to introduce a fictitious story about a "respectable meeting" of huckster women who had gathered to discuss how legislators had violated their rights—"the sacred rights of the most ancient and honorable society the world ever produced." In response, as the satiric piece continued, the women passed a series of dubious political resolutions, which were signed with the mark of the illiterate society secretary.³ Hemboldt's story obviously intended to mock the huckster women. Yet, by invoking the popular phrase, "Free Trade and Sailors' Rights," used by sailors to link plebeian political claims with patrician ideals of free trade, he simultaneously acknowledged the political consciousness of huckster women that had been developing over the previous two decades.⁴ Furthermore, as this article argues, Hemboldt accurately defined that consciousness and the principles of political and economic egalitarianism that undergirded it. Through both individual and collective acts of resistance, Philadelphia's hucksters articulated a unique vision of economic democracy that would significantly impact elite debates over the contours of democratic republicanism and free trade as well as the role of working poor women in both these realms.

³ "Free Trade and Huckster's Rights," *Tickler*, Oct. 20, 1813. Similar references to "Free Trade and Huckster's Rights" and Philadelphia's hucksters appear in New York's *Evening Post*, Oct. 26, 1813, and Boston's *Repertory*, Nov. 2, 1813. Tellingly, the latter source misprinted the phrase as "Free Trade and sailor's rights," a common slogan from the War of 1812.

⁴ Paul A. Gilje, "Free Trade and Sailors' Rights': The Rhetoric of the War of 1812," *Journal of the Early Republic* 30 (2010): 1–23.

The Promise of Huckstering in Early Philadelphia

Throughout Philadelphia's colonial history, elderly, infirm, disabled, and widowed women had relied on huckstering as a means to obtain a meager income. Colonial ordinances never restricted the trade to such women, but custom did reserve petty retailing for those who could find no other "useful" employment.⁵ Allowing poor women to vend in the streets and markets deterred them from crowding into the few available spaces of the city's almshouses or applying for public and private charity. Accordingly, when the clerk rang a bell two hours after the market had opened, huckster women were permitted to file into the city's markets to buy provisions and set up their tables or overturned tubs on which to sell the small quantities of fruit, vegetables, nuts, and fish they had acquired from farmers or other dealers.⁶

In the aftermath of independence, an increasing number of diverse men and women turned to huckstering, believing that the trade might promise a reliable source of income. In no small way, the changes reflected the shifting demographics of the city itself. Nearly seventy thousand people resided in the city by 1800, almost three times the number of inhabitants prior to the Revolution. Contributing to this growth was a steady influx of low- and unskilled white rural and Atlantic migrants and newly freed African Americans from Philadelphia's hinterlands and the upper South who sought employment.⁷ As these new residents swelled the ranks of eligible laborers, job competition likely drove many to huckstering—an option facilitated by the legislature's dramatic expansion of market space in the decade following independence. By 1789, authorities had not only built additional market sheds throughout the city in order to accommodate its growing population but had also legally allowed exchanges to stretch into nearby streets and alleyways.⁸ With the expansion of market space came greater opportunities for both urban and rural residents to act as market brokers. As a result of these changes, a new, diverse class of hucksters emerged in the city by the early 1790s. A brief

⁵ *Pennsylvania Gazette*, June 17, 1789.

⁶ *Minutes of the Provincial Council of Pennsylvania, from the Organization to the Termination of the Proprietary Government*, in *Colonial Records of Pennsylvania*, ed. Samuel Hazard, vol. 1 (Philadelphia, 1852), 391–92, 582.

⁷ Billy G. Smith, *The "Lower Sort": Philadelphia's Laboring People, 1750–1800* (Ithaca, NY, 1990), 59–62.

⁸ *Pennsylvania Gazette*, June 17, 1789.

walk through the streets and multiple markets at the time would have revealed men and women—white and black, young and old, able-bodied and infirm, single, married, and widowed—vending vegetables, nuts, poultry, fish, fruits, seeds, and other goods. This heterogeneous group of men and women traveled from widely different locales across the region to sell their provisions. Some walked only a few blocks from home to set up their market baskets, while others journeyed miles by horseback or in crude wagons through Pennsylvania's countryside. Still others boarded small boats or ferries in order to cross the Delaware River from New Jersey. Overall, they may have performed the same labor, but their race, gender, age, marital status, and even motives for retailing varied tremendously.

Men increasingly made up a significant fraction of this new huckster pool, yet women still dominated its ranks. Despite their bias in only naming the occupations of household heads, city directories overwhelmingly identified hucksters as female.⁹ So too did contemporaries, whose observations stemmed from their everyday experiences in the early republican city. The sheer volume of women and young girls who sat on makeshift benches surrounding the market sheds or at the foot of the river with fish piled high in straw baskets led most to characterize huckstering as women's work. So many women sold limes, squashes, melons, and other fruits, in fact, that the market appeared to at least one contemporary as "a seminary for initiating votaries for the temples of the Cytherean goddess."¹⁰

As a trade that required no formal training and faced few restrictions, huckstering offered meaningful opportunities for women to earn an income, particularly during moments of economic and social instability. Unlike itinerant peddlers of manufactured goods, for example, who faced new regulations in the early republic, hucksters were never required to obtain formal licenses from the state or municipal government. Nor were

⁹ Owing to the transient nature of their work and the socioeconomic makeup of those engaged in the trade, any precise estimation of the population of hucksters is impossible to calculate. Relying on city directories and tax lists over a fourteen-year period (1791–1805), I have identified approximately 440 huckster men and women. Of these, nearly two-thirds are women. Such a figure decidedly underestimates the actual number of hucksters and the number of female participants, however, as the directories omitted dependent women and young girls who featured prominently in the trade, as well as those who turned to huckstering on a temporary basis.

¹⁰ *Pennsylvania Evening Herald*, Aug. 13, 1785; *Daily Advertiser*, Aug. 2, 1786; *Gazette of the United States*, Sept. 15, 1795; Benjamin Davies, *Some Account of the City of Philadelphia, the Capital of Pennsylvania, and Seat of the Federal Congress* (Philadelphia, 1794), 25–26.

they forced to obtain letters of recommendation from “respectable” persons, as were applicants for poor relief.¹¹ Consequently, young, single migrants from the countryside could easily turn to retailing provisions when opportunities for domestic service dwindled. So too could married women whose husbands could not find stable employment. Likewise, widows who may have lost their husbands to yellow fever or at sea could also find temporary economic relief in the trade.

Huckstering could be fleeting, unreliable work; it could, however, also offer long-term economic stability for women who acquired a certain business savvy. After all, like their larger-scale retail counterparts—merchants—hucksters had to penetrate the commercial networks of the city and surrounding regions in order to practice their trade. Women such as Catherine Hornergrout who became adept at negotiating prices for food-stuffs with farmers and consumers could find lasting economic security by retailing small quantities of food. Following the death of her husband, Hornergrout supported herself and her four children as a huckster for over fifteen years. Living just off Front Street, a convenient block south of the High Street market, she watched neighbors move in and out of the huckster business, perhaps offering tips of the trade to James Stewart next door, or to Andrew Boyd, who moved into the same building and also took up huckstering.¹²

Two of Hornergrout’s other neighbors, Barthena and Caesar Cranchell, not only achieved financial stability through huckstering but found a pathway to upward socioeconomic mobility as well. Indeed, the pair became one of the more successful free black couples in the city. Together, they rose from the ranks of hucksters to become established fruiterers, operating their business either out of their cellar or a storefront. Along the way, they funneled their profits into ensuring the survival of other free blacks in Philadelphia. Caesar, a freemason, became a founding member of the Free African Society, investing a portion of the couple’s money in the first black mutual aid organization in the nation. He would lose his

¹¹ John K. Alexander, *Render Them Submissive: Responses to Poverty in Philadelphia, 1760–1800* (Amherst, MA, 1980), 22–23.

¹² The information provided about Catherine Hornergrout and her neighbors is adopted from a compilation of the following sources: Clement Biddle, *The Philadelphia Directory* (Philadelphia, 1791); Thomas Stephens, *Stephens’s Philadelphia Directory for 1796* (Philadelphia, 1796); Edmund Hogan, *The Prospect of Philadelphia, and Check on the Next Directory* (Philadelphia, 1796); James Robinson, *The Philadelphia Directory for 1803* (Philadelphia, 1803); US Bureau of the Census, *Heads of Families of the First Census of the United States Taken in the Year 1790: Pennsylvania* (Washington, DC, 1908).

life in the course of helping others, dying in the yellow fever epidemic as he worked to care for the sick. Barthena, however, carried on their trade after his death and later passed the business onto their son, Bartholomew.¹³

Retailing provisions or selling prepared soups, cakes, and other foods as a means to both economic and political independence became a common pattern among Philadelphia's free black population.¹⁴ Particularly in the years following Pennsylvania's Gradual Emancipation Act in 1780, huckstering promised a "fragile freedom" as women and men struggled to establish themselves and build a portfolio of new black institutions that included churches, libraries, schools, relief societies, restaurants, and other businesses.¹⁵ Phillis Morris, for example, huckstered provisions while her husband, John, gradually worked his way toward becoming a master chimney sweep. By pooling their resources, the couple became the owners of a single-story frame house on the outer edge of the city, and Phillis opened her own huckster shop—a step that spoke to the stability of her position in the commercial networks of the local economy. As the two grew more financially successful, they also grew more politically and socially active. By the mid-1790s, John had signed off on a collective petition to Congress and had been selected by Richard Allen as one of the original trustees of Bethel A.M.E. Church. When John died after the turn of the century, Phillis continued to operate independently as a huckster for the next decade.¹⁶

¹³ William H. Grimshaw, *Official History of Freemasonry among the Colored People in North America* (1903; repr., 1994), 112; William Douglass, *Annals of the First African Church, in the United States of America* (Philadelphia, 1862), 17; Richard Allen and Absalom Jones, *A Narrative of the Proceedings of the Black People, during the Late Awful Calamity in Philadelphia, in the Year 1793* (Philadelphia, 1794), 12; Biddle, *Philadelphia Directory* (1791); James Hardie, *Philadelphia Directory and Register* (Philadelphia, 1793); James Hardie, *Philadelphia Directory and Register* (Philadelphia, 1794); Hogan, *Prospect of Philadelphia*; Cornelius Stafford, ed., *The Philadelphia Directory for 1798* (Philadelphia, 1798); James Robinson, *The Philadelphia Directory for 1804* (Philadelphia, 1804); James Robinson, *The Philadelphia Directory for 1810* (Philadelphia, 1810).

¹⁴ Gary Nash, *Forging Freedom: The Formation of Philadelphia's Black Community, 1720–1840* (Cambridge, 1988), 150–52.

¹⁵ Erica Armstrong Dunbar, *A Fragile Freedom: African American Women and Emancipation in the Antebellum City* (New Haven, CT, 2008). On the development of black institutions in Philadelphia, see Nash, *Forging Freedom*; Julie Winch, *Philadelphia's Black Elite: Activism, Accommodation, and the Struggle for Autonomy, 1787–1848* (Philadelphia, 1988); and W. E. B. Du Bois, *The Philadelphia Negro* (1899; repr., New York, 2007), 10–13.

¹⁶ Douglass, *Annals of the First African Church*, 47; Stephens, *Stephens's Philadelphia Directory* (1796); *Articles of Association of the African Methodist Episcopal Church, of the City of Philadelphia in the Commonwealth of Pennsylvania* (1799; repr., Philadelphia, 1969); Richard S.

Overall, then, an incredible array of women and men had turned to huckstering in the early republic because of the different promises the trade might offer. Whether they sat on makeshift benches in the marketplace, retailed provisions through the streets, or stood behind shop counters selling produce, dry goods, and liquor, all shared the hope that small-scale retailing could provide either long-term or temporary economic relief. Those who had not risen from the ranks of market hucksters to owners of shops, however, would soon share the fear of impending poverty as municipal leaders and hostile residents attempted to expel them from the city's marketplaces.

"Nuisances of the First Magnitude"

Few Philadelphians applauded the resourcefulness of the diverse men and women who stepped into the huckstering trade in the decades following independence. Rather, most had developed a deep distrust of market middlemen and middlewomen as a result of the recent War of Independence. The proximity of warfare and the British occupation of the city had disrupted local trade patterns, causing food scarcities and staggering rates of inflation. When residents looked for someone to blame for the exorbitant cost of their daily provisions that left many hungry and clamoring in the streets, they pointed to the city's wealthiest market brokers: merchants and large-scale vendors who forestalled the market by buying produce, meat, and poultry from farmers before they arrived in the city.¹⁷ Although hucksters dealt in substantially smaller quantities of foodstuffs and many were likely facing starvation themselves, they did not

Newman, Roy E. Finkenbine, and Douglass Mooney, "Philadelphia Emigrationist Petition, Circa 1792: An Introduction," *William and Mary Quarterly*, 3rd ser., 64 (2007): 165; Hardie, *Philadelphia Directory* (1793); 1810 US Census, Philadelphia, Pennsylvania, South Mulberry Ward; *Kite's Philadelphia Directory for 1814* (Philadelphia, 1814); James Robinson, *The Philadelphia Directory for 1816* (Philadelphia, 1816).

¹⁷ *Pennsylvania Packet*, Dec. 10, 1778, Jan. 19, 1779; *In Council, Philadelphia, July 8, 1779*, broadside (Philadelphia, 1779); *Proceedings of the General Town-Meeting, Held in the State-House Yard, in the City of Philadelphia* (Philadelphia, 1779). For scholars' accounts, see Anne Bezanson, "Inflation and Controls, Pennsylvania, 1774–1779," *Journal of Economic History* 8 (1948): 1–20; Steven Rosswurm, *Arms, Country and Class: The Philadelphia Militia and "Lower Sort" during the American Revolution, 1775–1783* (New Brunswick, NJ, 1987), 177–81; Steven Rosswurm, "Equality and Justice: Documents from Philadelphia's Popular Revolution, 1775–1780," in *Life in Early Philadelphia: Documents from the Revolutionary and Early National Periods*, ed. Billy G. Smith (University Park, PA, 1995), 254–68; Barbara Clark Smith, "Food Rioters and the American Revolution," *William and Mary Quarterly*, 3rd ser., 51 (1994): 24–25; Eric Foner, *Tom Paine and Revolutionary America* (New York, 1976), 162–70.

escape the wrath of the populace. According to a wide range of Philadelphians, the vendors were nothing more than "nuisances of the first magnitude," intent on driving up food prices and injuring the poor and middling classes.¹⁸

Based on the widespread discontent among urban residents, Pennsylvania's new Supreme Executive Council began the process of restoring order to Philadelphia's domestic markets in 1779. While the men who held the reins of power disagreed about the need for broad price controls, all had witnessed the disruptions to the local economy and resultant crowd actions. All thus saw the pressing need to exert some measure of control over the marketplaces, and they began by curtailing the practices that increased the prices of food. Under a new state statute, hoarders and forestallers faced stiff penalties for their actions. Hucksters, as a generally poor class of vendors, were still allowed to hawk their goods in the markets. Yet they too became targets under the new legislation. The retailers witnessed the first erosion of their rights as the law stipulated that they could no longer buy provisions outside the market that they intended to resell.¹⁹

Repeated complaints in popular newspapers and petitions to legislators, however, chastised the fledgling government and the market clerk for not taking more drastic action against the hucksters. In addition to the economic impact of the vendors, the changing demographics and numerical increase of the retailers incensed many residents. The interracial group of young women and men who took to the streets and markets retailing provisions seemed to flagrantly defy the traditions that had structured the earlier trade. The mildest critics insisted that such vending be restricted to members of the "deserving" poor—the widowed, elderly, and disabled.²⁰ The strongest critics demanded that the state act in its strictest paternal role and protect urban residents by expelling hucksters from the market altogether.²¹

When local politicians won the right to recharter Philadelphia's municipal government in 1789, they began to heed the demands of these critics, imposing far greater restrictions on hucksters. In an effort to reshape the city's markets into more orderly sites of exchange between producers and consumers, the newly chartered corporation crafted

¹⁸ *Independent Gazetteer*, June 25, 1787, Apr. 9, 1791.

¹⁹ *Pennsylvania Gazette*, Apr. 7, 1779.

²⁰ *Pennsylvania Evening Herald*, Aug. 13, 1785; *Daily Advertiser*, Aug. 7, 1786.

²¹ *Pennsylvania Mercury*, Aug. 3, 1787.

lengthy and detailed ordinances that structured nearly every square inch of market space. While the legislation affected the activities of all vendors, no group faced more constraints than the city's hucksters. As small-scale retailers who produced nothing and raised prices through their secondhand dealings, legislators identified the growing pool of urban hucksters not only as insignificant to the market economy but as "an incumbrance and nuisance to the city at large." Accordingly, the corporation strengthened the existing restrictions on hucksters by more explicitly limiting when, where, and from whom they could buy and sell. Hucksters could still vend in the market after ten o'clock in the morning, but, as the law clarified, they could not sell any provisions that they had purchased from country vendors who were planning to offer the same articles for sale in market. In addition, hucksters could not sell foodstuffs anywhere but in the marketplace, on any day but official market days, or at any time other than during proper market hours.²²

Seeking Sympathy: Early Strategies of Resistance

Much to the chagrin of market clerks, municipal authorities, and a vocal population of residents, Philadelphia's hucksters refused to comply with the new legislation. The vast majority chose informal means of resistance, such as shoving their baskets of herbs, turnips, and other goods under the stalls when the market clerk passed by or simply paying their weekly fines when apprehended.²³ These tactics would not be the only methods hucksters relied on after the city barred them from the marketplace, however. The small-scale retailers also began to resist, both individually and collectively, through more formal political channels. By turning to petitioning as their main strategy, the hucksters framed themselves not as nuisances but as members of the "industrious poor."

As one of the few political devices available to the masses, petitions became the most common tool hucksters employed to elicit sympathy from urban legislators, despite the likelihood that most could neither read nor write.²⁴ Initially, when hucksters utilized the petition, they did so as

²² *Pennsylvania Gazette*, June 17, 1789.

²³ *Daily Advertiser*, Aug. 7, 1786; *Philadelphia Gazette*, July 24, 1799.

²⁴ Gregory A. Mark, "The Vestigial Constitution: The History and Significance of the Right to Petition," *Fordham Law Review* 66 (1998): 2,153–85; Marcia Schmidt Blaine, "The Power of Petitions: Women and the New Hampshire Provincial Government, 1695–1700," *International Review of Social History* 46, sup. 9 (2001): 57–77; Stephen A. Higginson, "A Short History of the Right to Petition Government for the Redress of Grievances," *Yale Law Journal* 96 (1986): 142–66.

individuals who requested that the municipal government allow them to retail produce in the market based on their good character.²⁵ Prominent men of standing occasionally vouched for their integrity and worthiness by submitting their own petitions to the councils. In 1790, for example, Edward and William Shippen of the influential Pennsylvania family, the Episcopal bishop of Pennsylvania, William White, and many other esteemed Philadelphians followed a hucksters' petition with one of their own that recommended the hucksters as "proper persons" to participate in the trade.²⁶

In 1791, as more hucksters felt the sting of the new restrictions, they banded together to submit a collective petition to the city and state legislatures that also played upon the sympathy of authorities while seeking to overturn the ordinances that restricted their trade. Unlike the individual petitions that maintained that only certain retailers deserved to buy and sell as they pleased, the collective plea emphasized the good character of all hucksters. By claiming that the restrictions on huckstering had a particularly detrimental effect on the city's industrious poor, the petitioners challenged the negative labels that hostile residents had placed upon them and refashioned themselves as a deserving class of laborers, worthy of unrestricted participation in the marketplace.²⁷

The hucksters' framing of themselves as members of the "industrious poor" was more than a humble attempt to display deference to the elite; it also represented a two-fold political strategy. On the one hand, by classifying themselves as an impoverished but hardworking group, the hucksters evoked the previous social customs that had entitled generations of the city's elderly, infirm, and destitute to retail provisions in the city's markets. On the other hand, the strategy also carried a particularly significant cultural and political weight in the context of the early republic. An emphasis on "industrious labor" had already become a hallmark of the new national character, as a multitude of Americans made clear in their public writings. Those considered "industrious" wore "a badge of moral goodness" that not only aided them in gaining sympathy from the middling and wealthy classes but also helped them bend the ears of urban

²⁵ For individual petitions of hucksters, see Philadelphia City Council Minute Book, 1789–1793, Historical Society of Pennsylvania. (Photocopy also available at the Philadelphia City Archives, Common Council Minutes, RG-120.)

²⁶ "Hucksters, Petition to sell fruit and vegetables," 1790, box 142, folder 34, Simon Gratz Autograph Collection (Collection 250B), Historical Society of Pennsylvania.

²⁷ *Dunlap's American Daily Advertiser*, Nov. 23, 1791; *Claypoole's Daily Advertiser*, Jan. 16, 1792.

legislators.²⁸ Petitioners and newspaper contributors, for example, commonly signed their letters “A Poor Man,” or “One of the Poor,” not merely to request protection from the state, but to demand political rights under Pennsylvania’s democratic constitution.²⁹ When the hucksters addressed the legislature as members of the deserving poor, then, they hoped that they too would be seen as part and parcel of the larger body politic that deserved the state’s attention.

The hucksters’ petition did, in fact, convince some members of the highest legislative bodies of Pennsylvania to view the vendors as hard-working members of the poor. Shortly after the plea reached the House of Representatives in 1792, a “huckster bill” was introduced to the state legislature, sparking four months of debate in the House and Senate. The proposed statute promised to directly override Philadelphia’s market ordinance based on the inconvenience it created for the city’s “poor and industrious persons” and restore the privileges of the hucksters to buy and resell provisions in the city’s markets.³⁰

Despite the apparent receptiveness of state legislators, however, the “huckster bill” never passed. Amid the ongoing debate over the bill, municipal leaders countered the hucksters’ petitions with their own and sent their counsel to argue before the House. In the end, the city’s attorneys convinced the representatives to protect the legal rights of the corporation, despite whatever injury might occur to the city’s small-scale retailers.³¹ For the city, the defeat of the bill proved to be a meaningful victory, which it celebrated by passing a new market ordinance. Just a few months after the bill failed, the corporation took unprecedented action against hucksters by banning them from vending in the market altogether.³²

In the aftermath of the failed bill and the new legislation, hucksters were forced to swallow some difficult lessons. For one, the previous social customs that had allowed poor women and men to huckster had become

²⁸ Alexander, *Render Them Submissive*, 53–60. In reading a political strategy of the poor here, my argument differs from Alexander’s, which stresses the middle and elite classes’ emphasis on the “industrious poor” as a method of social control.

²⁹ For examples see Ruth Bogin, “Petitioning and the New Moral Economy of Post-Revolutionary America,” *William and Mary Quarterly*, 3rd ser., 45 (1988): 391–425; A Poor Man, “For the Gazette of the United States,” *Gazette of the United States*, Aug. 8, 1803.

³⁰ *Claypoole’s Daily Advertiser*, Jan. 16, 1792; *General Advertiser*, Jan. 30, 1792.

³¹ Pennsylvania General Assembly House of Representatives, *Journal of the First Session of the Second House of Representatives of the Commonwealth of Pennsylvania* (Philadelphia, 1792), 91–92, 108; *General Advertiser*, Jan. 27, 1792.

³² *General Advertiser*, Dec. 8, 1792.

obsolete. Secondly, this new class of hucksters did not fit the new mold of the nation's "industrious poor" according to most Philadelphians; thus, seeking sympathy and compassion was ineffective.³³ If the vendors were ever to find their way back into the markets of Philadelphia, they would have to devise more potent political strategies.

Crafting a Politics of Resistance

As Americans dug deeper into the project of creating a new republic, economic and political concerns threatened to divide them all. As the seat of the nation's capital, Philadelphia, in particular, became enmeshed by the mid-1790s in the new fabric of party politics, which pitted the Federalist John Adams against the Republican Thomas Jefferson. As debates raged over the future shape of the nation, disputes regarding the proper contours of the political economy took center stage. Legislators as well as residents grappled with laissez-faire economics and "democracy" in fierce debates that set Federalists against their Democratic-Republican rivals, split party loyalists among themselves, and pitted worker against employer, rich against poor, and merchant against consumer.³⁴

This muddled yet vibrant political milieu provided hucksters with an ideal context in which to resume their struggle against market expulsion. Altering their strategy, they took advantage of broader ideological debates concerning the role of the government in the economy and the meaning of democracy in the republic. As they framed their own work as middle-women and middlemen in the context of these discussions and embraced the language of democratic rights, they would find both new allies and new enemies. Municipal authorities, on the other hand, would find the hucksters to be a more persistent and obnoxious nuisance than ever before.

Catherine de Willer became one of the first of Philadelphia's hucksters to eschew the old framework of the industrious poor and pose a more effective argument based on the political debates of the day. In 1795, three

³³ *Dunlap's Daily Advertiser*, Mar. 21, 1793; *Gazette of the United States*, Sept. 15, 1795; *Philadelphia Gazette*, Aug. 18, 1797; *Porcupine's Gazette*, Sept. 6, 1797.

³⁴ A number of scholars have detailed the extent of these debates in the early national period. See for instance, Drew R. McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (Chapel Hill, NC, 1980); Ronald Schultz, *The Republic of Labor: Philadelphia Artisans and the Politics of Class, 1720–1830* (New York, 1993); Andrew Shankman, *Crucible of American Democracy: The Struggle to Fuse Egalitarianism and Capitalism in Jeffersonian Pennsylvania* (Lawrence, KS, 2004); and Seth Cotlar, *Tom Paine's America: The Rise and Fall of Transatlantic Radicalism in the Early Republic* (Charlottesville, VA, 2011).

years after the city passed its ban on huckstering, de Willer was fined by the market clerk for retailing provisions in the High Street market. Rather than quietly paying her fee to the mayor, however, de Willer appealed the judgment before the most important judicial body in the state: the Supreme Court of Pennsylvania. Her argument, as delivered by the two young attorneys who represented her, radically altered the usual discourse surrounding huckstering. Joseph McKean (whose father, Thomas McKean, sat on the bench as chief justice) did not suggest de Willer receive sympathetic treatment as a poor working woman. Rather, he and his cocounsel intertwined the language of democratic rights with that of free market principles to assert that the municipal ban on huckstering was unconstitutional and violated de Willer's political rights.³⁵

The justices never issued a decision in Catherine de Willer's case, yet her suit did set important precedents that would shape the discourse surrounding the huckstering trade and the subsequent actions of the small-scale vendors. McKean's argument forced legislators to consider hucksters not as vulnerable charity cases but as legitimate actors in the market economy and as citizens, entitled to the same breadth of political rights as consumers and other vendors. More significantly, de Willer's appearance before the supreme court emboldened other small-scale retailers who would follow in her footsteps and shaped both their political strategies and the rhetoric on which they relied. As the new century unfolded, the city's hucksters began to craft a new politics of resistance by capitalizing on the contingent debates surrounding the political economy and the tenets of democracy.

The ascendancy of Thomas Jefferson and the Democratic-Republican Party offered hucksters a particularly promising new political discourse within which to frame their arguments against market expulsion. The city itself was still governed by politically conservative elites who largely supported the Federalist Party. On the state level, however, the power of Federalist leaders was waning. The moderate Jeffersonian Thomas McKean had assumed the office of governor in 1799, and the balance in the state legislature shifted toward Republicans just two years later.³⁶ Even as more

³⁵ *De Willer v. Smith* (1795), in *Reports of the Cases Ruled and Adjudged in the Courts of Pennsylvania, Before and Since the Revolution*, ed. Alexander J. Dallas, 4 vols. (Philadelphia, 1790–1808), 2:236–37.

³⁶ "Pennsylvania Election Statistics, 1682–2006," Wilkes University Election Statistics Project, <http://staffweb.wilkes.edu/harold.cox/legis/indexlegis.html>, accessed Mar. 10, 2012.

Pennsylvanians moved away from conservative Federalist policies and began to advocate more egalitarian Jeffersonian ideals, however, debates continued to rage. While all agreed on the centrality of "democracy" to the nation, no consensus yet existed on the precise principles that ought to comprise that democracy. Nor had anyone yet agreed on who ought to be an active democratic participant. Similarly, if most advocated a more limited government role in the economy than their predecessors, just how liberal the domestic and international market economies should be had yet to be determined.³⁷ Nonetheless, while the new state legislators had not yet decided among themselves how far they were willing to stretch the parameters of "democracy" or "free trade," they did advance a far more socially and politically egalitarian view than their predecessors—a view that many hucksters and their allies hoped was broad enough to encompass their rights as well.

On the heels of the Republican state victories, hucksters, taking advantage of the resurgence of democratic rhetoric, began circulating a petition to repeal the ordinance that banned them from Philadelphia's markets. In this new political context, residents of the city and the surrounding counties began to seriously contend with the possible connections between huckstering and democracy rather than merely dismissing the vendors as nuisances. Although critics of the retailers continued to complain about the prices of hucksters' provisions, a few began to concede that the hucksters' arguments were growing more convincing and that the municipal ban might be an infringement on their rights.³⁸ For some of the city's most strident democrats, there was no question that the hucksters ought to be left to "do what seemeth good in their own eyes."³⁹ The particular brand of egalitarianism that undergirded radical democratic ideology led one resident, writing under the pseudonym "Pro Bono Publico Jr.," to view the restrictions on huckstering as an exacerbation of both class and political inequality. The ordinance, after all, targeted a predominantly poor population of vendors. Denying the right of people "to earn a living by honest industry" by vending in the market, he

³⁷ Shankman, *Crucible of American Democracy*, 2–10, 58–73; Louis Hartz, *Economic Policy and Democratic Thought: Pennsylvania, 1776–1860* (Cambridge, MA, 1948), 3–9.

³⁸ Pro Bono Publico, "To the Select and Common Councils of the City of Philadelphia," *Aurora*, Nov. 12, 1801; *Gazette of the United States*, Nov. 13, 1801, Nov. 14, 1801; *Aurora*, Sept. 9, 1795.

³⁹ A Poor Man, "For the Gazette of the United States," *Gazette of the United States*, Aug. 6, 1803.

argued, was antithetical to the principles of democracy and “repugnant to the constitution of [the] commonwealth.”⁴⁰

This same republican rhetoric of egalitarianism also buttressed new discussions of hucksters’ roles in the broader market economy. The vendors’ petition attracted the attention of Philadelphians who embraced both political equality and laissez-faire economic policies. As one city councilman argued, hucksters were no different than larger-scale merchants who were allowed to trade freely without government intervention. Borrowing from the economically liberal rhetoric contained within Thomas Jefferson’s first address to Congress, G. A. attempted to sway his colleagues accordingly:

Sir, I am not for restraining the Hucksters; I am for leaving them at their entire liberty; and I have an authority upon this subject, on which I very much rely; an authority which I believe no gentleman in this Council will be disposed to dispute: the authority of the President of the United States: he says, in his speech, that agriculture, commerce and navigation, never thrive so well as when left free to the efforts of individual exertion. Now, Sir, what is *commerce*? why, nothing more than *huckstering* upon a very large scale: and what is *huckstering*? why, nothing more than commerce upon a very small scale. Sir, if we snap off this huckstering *twig* (if I may express it so) we shall be in danger of wounding and killing the *great tree* under which we all sit.⁴¹

By situating hucksters within this larger web of commerce, the councilman stretched the theoretical boundaries of laissez-faire philosophy to include the streets and markets of the city while simultaneously diminishing the class divisions between the wealthy and the poor. His speech proved to be particularly persuasive to those who had neither imagined hucksters as significant agents in the larger commercial economy nor considered that the theory of “free trade” might apply to more than commercial transactions across international waters. G. A. found the argument so novel and convincing that he penned a letter discussing the council meeting for the *Gazette of the United States*. Even more demonstrative of the legislator’s persuasiveness, the newspaper’s Federalist editor actually

⁴⁰ Shankman, *Crucible of American Democracy*, 114–15; Pro Bono Publico Jr., “For the Aurora,” *Aurora*, Nov. 14, 1801.

⁴¹ G. A., “For the Gazette of the United States,” *Gazette of the United States*, Jan. 20, 1802; Paul Leicester Ford, ed., *The Writings of Thomas Jefferson*, 10 vols. (New York, 1892–99), 8:123.

reprinted the letter for his traditionally antihuckster subscribers to consider.

Those Philadelphians with capitalist inclinations added yet another layer to the economic defense of hucksters by redefining the concept of "fair competition" as it related to the market economy. Most residents were unversed in the theories of Adam Smith and other moral philosophers; when they spoke of "fair competition," they were not referring to the unrestricted trade promoted by Smith. Rather, like "Pro Bono Publico," they understood the phrase to mean "just" competition and believed that government regulation was critical to guaranteeing fair market dealings. Legislators needed to restrict the activities of hucksters in order to prevent the "oppressive confederacy" from gaining a monopoly within the market and driving prices to whatever exorbitant level they desired.⁴² "Pro Bono Publico Jr.," on the other hand, challenged his opponent's definition of fair competition in a heated debate in the *Aurora*. Taking his cue from modern economic theorists, he insisted that the only "fair" competition was "unrestricted." And only unrestricted competition among vendors would regulate the prices of daily provisions and produce a free and abundant market.⁴³

Collectively, these arguments regarding the hucksters' significance within the larger commercial economy and their political rights within a democratic society persuaded over five hundred people to sign the vendors' petition before it was passed on to the city and state legislatures.⁴⁴ While the city remained unconvinced, the points raised by the hucksters and their allies did sway state legislators. In 1802 the Pennsylvania legislature took a decided stand and reversed the city's ordinance with a statute that not only restored but enhanced previous freedoms of hucksters. In a decision that interwove democratic principles with free-market advocacy, legislators echoed the sentiment that every man should "do what seemeth to him good in his own eyes" and added that his actions ought to "be unembarrassed by too much regulation or restriction."⁴⁵ Accordingly, the new act abolished time constraints that hucksters previously labored

⁴² Pro Bono Publico, "To the Select and Common Councils," *Aurora*, Nov. 12, 1801.

⁴³ Pro Bono Publico Jr., "For the Aurora," *Aurora*, Nov. 14, 1801.

⁴⁴ Pennsylvania General Assembly House of Representatives, *Journal of the First Session of the Second House of Representatives of the Commonwealth of Pennsylvania* (Philadelphia, 1792), 281–82.

⁴⁵ A Poor Man, "For the Gazette of the United States," *Gazette of the United States*, Aug. 6, 1803.

under and gave them full rein to vend provisions in the markets, so long as they did not purchase their goods within the limits of the city.⁴⁶

This massive victory for hucksters fostered even bolder action among regional small-scale retailers. In the immediate wake of the new legislation, several hucksters, many of whom resided in nearby Germantown, followed in the footsteps of Catherine de Willer after being fined by the mayor. Elizabeth Mason, Elizabeth and John Nell, and eleven other vendors brought their suits before the Pennsylvania Supreme Court. Once again, Joseph McKean, now the attorney general, would represent them. In light of the new statute, his arguments proved successful this time around. Nearly three years after their initial appearance, Mason and the Nells won their case on the grounds that Philadelphia's mayor may have overstepped his jurisdictional authority because he had no proof that they purchased their provisions within city limits.⁴⁷ The municipal corporation, in turn, had to reimburse all the retailers for a total of \$150 in fines they had previously paid.⁴⁸

By capitalizing on the political and economic debates of the period, then, hucksters had secured a significant legislative victory. They had managed to use the Jeffersonian language of democracy and laissez-faire economics to craft more potent political arguments that drew them into the theoretical realm of free trade and back into the literal realm of the marketplace. And, despite the indignation of the majority of city councilmen, they had prompted the state's most powerful legislators to establish an "inseparable connection between huckstering and democracy."⁴⁹

Importantly, the state's law did not safeguard the rights of all small-scale vendors. Because the legislation only allowed hucksters to retail their goods if they had first purchased them outside the city limits, it primarily benefited the residents of the surrounding counties who traveled into

⁴⁶ John C. Lowber and C. S. Miller, *A Digest of the Ordinances of the Corporation of the City of Philadelphia; and of the Acts of Assembly Relating Thereto* (Philadelphia, 1822), 111.

⁴⁷ The Mayor, Aldermen, and Citizens of Philadelphia against John Nell, in *Reports of Cases Adjudged in the Supreme Court of Pennsylvania: With Some Select Cases at Nisi Prius, and in the Circuit Courts*, ed. Jasper Yeates, vol. 3 (Philadelphia, 1889), 475–78; The Mayor, &c. v. Mason, in Dallas, *Reports*, 4:266–67; Continuance Docket, Records of the Supreme Court, Eastern District, Sept. Term 1800–Dec. Term 1804, RG 33, Pennsylvania State Archives.

⁴⁸ Philadelphia, Common Council Minutes, RG 120, Apr. 16, 1803, Feb. 8, 1804, Philadelphia City Archives.

⁴⁹ A Housekeeper, "For the United States Gazette," *United States Gazette*, Jan. 23, 1805.

Philadelphia.⁵⁰ The poor, female hucksters who resided in the city and had no resources to travel miles outside the municipal boundaries experienced no meaningful material change in their lives. As the century wore on, they would have to fight their own battle for market space, a battle that grew more complicated and difficult than ever before.

A "GROWING EVIL"

Only a few years after the Pennsylvania legislature provisionally allowed hucksters to reenter Philadelphia's markets, the municipal corporation began to rigorously enforce the remaining restrictions contained within its own ordinances, convicting all those suspected of selling provisions they had purchased within the city limits. As the mayor and councilmen made clear in their private discussions and public prosecutions, their primary target was the largely indigent pool of female vendors residing in Philadelphia.⁵¹ Despite the democratic political leanings of most Philadelphians, only a few expressed sympathy for these women. The vast majority increasingly referred to the hucksters as filthy, indolent, insolent, and dissolute as the century unfolded—adjectives explicitly tied to their gender makeup.

Hucksters' previous political and legal arguments may have persuaded state legislators to consider hucksters legitimate market vendors, but many Philadelphians had not been convinced. Indeed, the new legislation only incensed the vendors' opponents, who complained more than ever about the hucksters' economic practices. In the three years following the state legislation, newspaper editors received a steady influx of letters from urban residents complaining of the hucksters' high prices and calling upon the municipal corporation to enforce traditional notions of just prices by driving them from the markets.⁵²

Residents were also reluctant to accept that hucksters had legitimate political rights to vend in the city's markets—especially when it seemed those privileges trumped their own. Allowing retailers to intercept goods before they reached the marketplace violated the rights of residents to buy

⁵⁰ While no precise data exists on market stall vendors, Germantown hucksters seem to have been particularly numerous in the aftermath of the statute. See *Tickler*, July 5, 1809.

⁵¹ In 1804, the councils established a joint committee to draft a memorial to the state legislature "praying that the jurisdiction of the markets be vested in the city councils" and that no huckster residing within the city be allowed to resell any provisions within the limits of the market. See *Journal of the Senate of the Commonwealth of Pennsylvania* (1804), 187–88.

⁵² "The Mayor," *Gazette of the United States*, July 28, 1803; A. Householder, "Regulation of the Publick Market," *United States Gazette*, Nov. 4, 1805.

the same goods directly from farmers and at lower prices, according to one "Citizen."⁵³ If hucksters did have vested political rights, the only solution to driving them out of the market, according to "Another Citizen," was to develop a formal political association to boycott their stands and provisions.⁵⁴ "A Housekeeper," in turn, argued that such a tactic would be futile until the theoretical connections drawn between huckstering and democracy were severed.⁵⁵ Reflecting the political party tensions of the era, "Quiz" suggested that one potent method of severing those ties and ensuring their certain removal would be to identify the "*marchandes des poulets*" as Federalists.⁵⁶

The most vocal opponents of hucksters blended these political and economic arguments with gender-specific criticisms that targeted the predominantly female group of retailers. Particularly as new ideals of domesticity and republican womanhood were beginning to take hold, allowing women to engage in the public economy seemed immoral at best, and dangerous at worst, in the eyes of middling and elite Philadelphians. Republican ideals, after all, stressed the private home as woman's proper place, while men were encouraged to navigate the precarious public terrain.⁵⁷ Poor women who socialized in the streets, worked in public, or actively engaged in economic or political matters threatened the republican definition of femininity.⁵⁸ Rather than swapping stories and selling provisions in the public markets, lower-class women should have found "employment in families, more suited to their sex."⁵⁹

⁵³ A Citizen, *Poulson's American Daily Advertiser*, Jan. 21, 1805.

⁵⁴ Another Citizen, *Poulson's American Daily Advertiser*, Jan. 23, 1805.

⁵⁵ A Housekeeper, "For the United States Gazette," *United States Gazette*, Jan. 23, 1805.

⁵⁶ Quiz, *United States Gazette*, Jan. 28, 1805. The description of the hucksters as "*marchandes des poulets*" was a clear reference to the French Revolution as well as a nod to the sympathies of Democratic Republicans with the French. For a similar reference, see "Reign of Terror," *United States Gazette*, Oct. 31, 1805.

⁵⁷ The literature on republican womanhood is extensive. Two significant studies treat the subject fully: Linda Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill, NC, 1980); and Mary Beth Norton, *Liberty's Daughters: The Revolutionary Experience of American Women, 1750–1800* (Boston, 1980).

⁵⁸ This is not to suggest that women, particularly elite women, did not actively participate in a public, political culture. On this point, see Susan Branson, *These Fiery Frenchified Dames: Women and Political Culture in Early National Philadelphia* (Philadelphia, 2001). On the challenges workingwomen faced under this ideology, see Jeanne Boydston, "The Woman Who Wasn't There: Women's Market Labor and the Transition to Capitalism in the United States," *Journal of the Early Republic* 16 (1996): 183–206; and Stansell, *City of Women*.

⁵⁹ Davies, *Some Account of the City of Philadelphia*, 25–26; *Gazette of the United States*, Sept. 15, 1795.

Middling and elite Philadelphians who subscribed to these domestic ideals viewed all working women whose daily lives did not fit this new middle-class mold with disdain. They viewed huckster women, however, with outright scorn and disgust. Regardless of their actual behavior, background, or appearance, female hucksters' visible and independent presence in the city's markets had translated into a badge of dangerous, aggressive, and unfeminine traits by the opening years of the nineteenth century. Contemporary accounts typically painted country market women—the daughters and wives of rural farmers, for example—as wholesome and just providers.⁶⁰ Similar accounts and news reports that focused on urban female hucksters, however, often painted them as among the most uncouth of the population. By fabricating stories about retailers like "horney Poll" or "bristley Poll," or detailing events such as that of "an old woman huckster" who used a long butcher's knife to stab a man in a market squabble, the female vendors were often cast as devoid of morality and utterly profane.⁶¹

The visible participation of huckster women in the public economy also drew them into the company of another increasingly stigmatized group of women in the eyes of middling and upper-class critics: prostitutes. The occupations of both groups certainly shared similarities. Both trades involved economic exchanges, bartering, a high degree of independence, and a visible presence in the city's public spaces. Yet contemporaries did not simply draw parallels between prostitutes and female vendors. One concerned resident suggested that selling provisions could easily lead to selling sex, especially for the young girls engaged in the trade. Huckstering fruits and other foodstuffs through the city streets deprived girls of their modesty and exposed them to vice. Accordingly, "they were viewed as girls who were training for, and would one day become, tenants of houses of ill-fame."⁶² Others openly accused hucksters of engaging in prostitution. One resident warned Philadelphians of the "large tribe of young girls" of "all ages, and . . . all colours," who rose at dusk and traveled to the city's wharves, taverns, and incoming

⁶⁰ A Citizen, "Hear Both Sides: Or, a word in favor of the Hucksters," *Aurora General Advertiser*, Feb. 9, 1805.

⁶¹ "Scratch'em's Law Reports," *Tickler*, Nov. 16, 1808; *Poulson's American Daily Advertiser*, Aug. 9, 1805; *United States Gazette*, Aug. 9, 1805; Davies, *Some Account of the City of Philadelphia*, 26.

⁶² *Poulson's American Daily Advertiser*, Sept. 9, 1801.

roads to purchase foodstuffs from men “at a price which must not be named.”⁶³

Whether or not women did exchange sex for provisions to resell, the barrage of gender-specific criticisms and the linkages drawn between prostitution and huckstering illustrated the emergence of a new image of the city’s small-scale retailers. Female hucksters had become far removed from the minor label of “nuisance” and the caricature of feeble and elderly women that they previously bore. Like prostitutes and other working-women who earned their wages in the public streets, they had become designated as part of an interracial “rabble”—perverse individuals who threatened to destroy the precarious public morality and order.⁶⁴ It was this fear—the fear of morally depraved huckster women violating newly forming class-based gender norms and contaminating the economic culture of the early republican city—that underlay a rising chorus of anti-huckster sentiment. By 1805, in one resident’s estimation, public opinion promoted a unanimous view of the “GROWING EVIL” posed by the “GANG OF HUCKSTERS.”⁶⁵ The duty to correct that evil and rid the city of “this worst of oppressions,” according to that “public opinion,” lay solely in the hands of the city legislature.⁶⁶

When the former mayor Federalist John Inskeep returned to office in 1805, he quickly began granting the wishes of Philadelphia’s most vocal opponents of hucksters. Inskeep hardly needed prodding; he had stood as the defendant in several of the earlier huckster cases for vigilantly prosecuting petty secondhand vendors during his previous mayoral tenure. Irritated by the successful suits and the continued presence of hucksters, he called upon the police to make a dramatic statement of the city’s new anti-huckster stance under his leadership. On the morning of October 30, constables gathered in the long stretch of market sheds that ran through the center of High Street, charged with the task of apprehending as many hucksters as “they could lay their hands on.”⁶⁷ Over the course of the

⁶³ A Poor Man, “For the Gazette of the United States,” *Gazette of the United States*, Aug. 6, 1803.

⁶⁴ On the changing attitudes toward sexuality and the characterizations of prostitutes, see Clare Lyons, *Sex among the Rabble: An Intimate History of Gender and Power in the Age of Revolution, Philadelphia, 1730–1830* (Chapel Hill, NC, 2006).

⁶⁵ R, “Communication,” *Poulson’s American Daily Advertiser*, Jan. 26, 1805.

⁶⁶ A Householder, “For the United States Gazette,” *United States Gazette*, Nov. 2, 1805.

⁶⁷ Thomas F. Devoe, Clippings, 1791–1890, BV Philadelphia Markets, folder 7, New York Historical Society; *New-England Palladium*, Nov. 12, 1805; *New York Gazette and General Advertiser*, Nov. 2, 1805.

morning, they arrested twenty-two hucksters in all, confiscated their goods, and escorted them to the Mayor's Court to be convicted and fined.⁶⁸

Envisioning Economic Democracy

As poor huckster women such as Hannah Elmore faced this increasingly hostile climate, they began to panic. Elmore had given birth to her son, George, late in life, and at the age of fifty-three she was struggling to support him alone after the death of her husband. Her constant battle with illness made matters worse. Too weak for the physically demanding work of domestic service or other forms of manual labor open to women at the time, Hannah had turned to huckstering in order to make ends meet. At least two days per week, she sat in the High Street market, retailing nuts and fruit and swapping stories with other women who faced similar circumstances. Over the years, she had developed not only solid friendships with her fellow hucksters but also a steady clientele that allowed her to continue feeding and clothing her eleven-year-old son. Yet the mounting criticism and municipal crackdown had forced her out of the marketplace. Widowed, infirm, illiterate, and equipped with few other employable skills, she was left with little hope for her or her son's future.⁶⁹

Privately, Hannah Elmore surely envisioned the ominous figure of the almshouse. Publicly, however, she articulated a different vision—one in which she cast herself as a legitimate vendor within a genuinely free marketplace. In the company of eighteen other huckster women, all of whom, with the exception of Mary Swarts, left only their "marks," Elmore helped craft a rare petition to the city legislature that affords a brief, yet significant, reading of the economic and political ideals of the female working poor. At first glance, the petition appears as little more than a plea for charity from a group of destitute women. Set within its proper context, however, in the midst of the cultural construction of republican womanhood and the nation's contingent and complex debates about political democracy and free trade, the petition emerges as a far more potent political document. The women still sought the pity and compassion of their legislators, but they also sought the right of unen-

⁶⁸ *Commercial Advertiser*, Nov. 2, 1805.

⁶⁹ Register of Relief Recipients, vol. 2, 1828–32, Guardians of the Poor, RG 35, Philadelphia City Archives.

cumbered access to the domestic marketplace. A close reading of this public document reveals a novel vision of economic democracy that one group of poor workingwomen believed should structure the markets of the early republic.⁷⁰

Through the calculated use of deferential language, the petition opened by returning to hucksters' previous strategy of seeking the sympathy of councilmen. This time around, however, the hucksters also had to work to challenge the host of negative stigmas that had enveloped the female vendors more recently. Rather than being young and able-bodied, for example, the women styled themselves as "rendered helpless by the infirmities of age," "enfeebled by sickness," or "oppressed by the cares of Widowhood." Rather than choosing to huckster because of the ease of quick profits, they were driven to the occupation due to their incapacity for hard labor. And rather than possessing malevolent or unfeminine natures, they were respectful, just, and obedient individuals and mothers. If they lost the privilege of huckstering, the women further warned the councils, they would have no choice but to call on the already "severely taxed" support of public and private charity.⁷¹

Midway into the three-page petition, however, the hucksters altered their tone and directly engaged the mounting public criticism and political debates surrounding their trade. Countering the longstanding complaints from residents concerning the markup in their prices, the hucksters claimed they dealt mainly in a few fruits and nuts that were "more in demand for the tables of the rich." Such a practice, they argued, could hardly be deemed injurious to the citizens at large, nor should it warrant strict legal oversight. Furthermore, even as they denied any direct questioning of the laws, the women boldly claimed that "many men of wisdom and information" had advised them that the ordinances were indeed questionable and should be relaxed.

The petitioners' arguments grew more brazen as they continued to plead their case. The ordinances were particularly dubious, according to

⁷⁰ Petition of the Hucksters, Dec. 18, 1805, box 1, folder 11, p. 31, Philadelphia City Council, Petitions to the Select and Common Councils (Collection 1002), Historical Society of Pennsylvania.

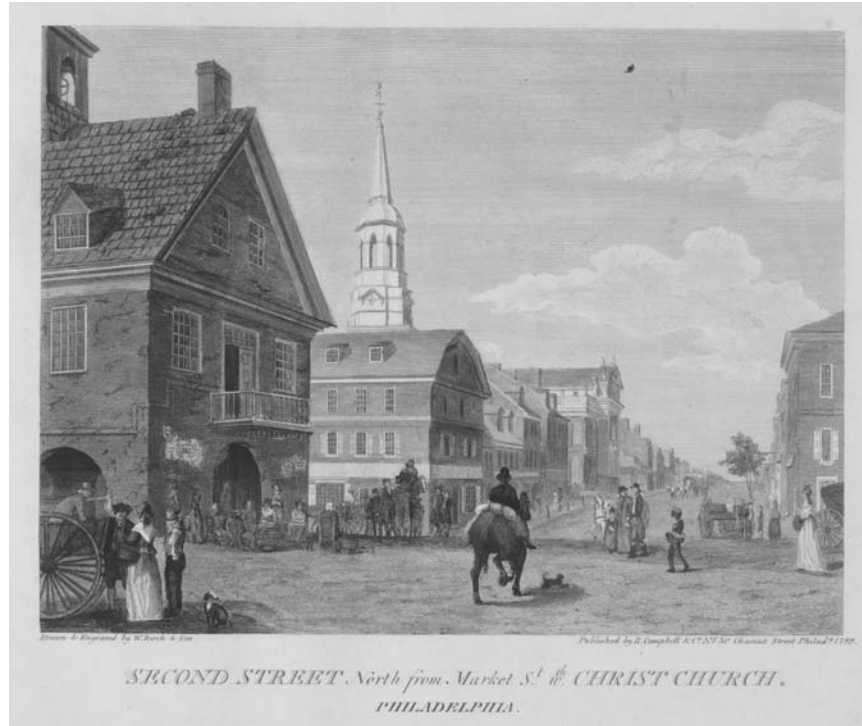
⁷¹ Just how many of these women were actually helpless and enfeebled is impossible to judge, but at least four were listed as widows or as single heads of households in contemporary city directories. See Cornelius Stafford, *Philadelphia Directory of 1801* (Philadelphia, 1802) and *Philadelphia Directory of 1805* (Philadelphia, 1805). Seth Rockman has identified similar petitions in Baltimore in which hucksters even more pointedly discuss their views on trade and commerce. See Rockman, *Scraping By*, 100–101.

the hucksters, because they fostered inequality among market vendors. Wealthier hucksters evaded the city's regulations by selling foodstuffs from their cellars adjacent to the city markets. Even more affluent retailers practiced illegal hoarding of provisions in their homes or shops and yet were allowed to rent stalls in the market. By allowing such practices, the women claimed, city administrators created an unequal marketplace. Both groups performed the same acts of retailing provisions, yet the enforcement of the market ordinance targeted only the poorest of hucksters, setting the petitioners on a path to failure and a future in the almshouse. The wealthier vendors who evaded the ordinances, on the other hand, were allowed to pursue a path to economic success.

As the document came to a close, the huckster women posed a radical suggestion to their legislative audience, one that encapsulated their distinctive vision of an ideal republican marketplace. Their final plea was not merely the relaxation of the laws that restricted their trade but that the city designate certain stands for disabled, poor, and elderly hucksters like themselves. They did not ask that the stands be allotted charitably, but in exchange for a reasonable rent. Requesting space within the market was no small demand, for while no legal ordinance segregated the physical space of the city's markets, they had long been divided along the lines of class, gender, and race. Of the eighty-nine stalls rented in the Second Street market at the time, for example, only five were rented to women.⁷² Both legal and illegal female vendors, white and black, clustered on the outskirts of the market on makeshift benches or chairs. Accordingly, the request to have a designated space within the city's marketplaces was much more than an attempt to secure a comfortable spot under the eaves of the market sheds; it was an attempt to occupy a formal, legitimate, and legally sanctioned space in the market economy.

Overall, the nineteen women who signed this petition never articulated a cohesive political or economic philosophy. Yet, through their criticisms and collective plea for market space, they did reveal a vision of a genuinely egalitarian market that many Americans would later recognize as "economic democracy." For the women, occupying legitimate stands was critical not only to their ability to earn a "slender subsistence" but

⁷² Petitions, List of the Occupiers of Stalls in 2nd Street Market, 1802, box 1, folder 6, May-Dec., 1802, Philadelphia City Council, Petitions to the Select and Common Councils (Collection 1002).



Female hucksters cluster outside the marketplace at High (Market) and Second Streets. William Birch & Son, *The City of Philadelphia, in the State of Pennsylvania, North America; as it appeared in the Year 1800* (Philadelphia, 1800), Historical Society of Pennsylvania. http://digitallibrary.hsp.org/index.php/Detail/Object/Show/object_id/798

also to eradicating inequality in the marketplace.⁷³ The poor, the sick, the elderly, and the female, in their estimation, ought to be given the opportunity to participate in the market alongside the wealthier, overwhelmingly male, retailers. Their ultimate vision, then, was neither one of unbridled capitalist competition nor paternalist state protection. Instead, they envisioned a market culture in which the state ensured that the weakest members of society had an equal opportunity to compete, earn a living, and perhaps accrue a savings that would carry them through old age.

⁷³ Petition of the Hucksters, 1805.

The women did find a few vocal allies who supported their vision of an egalitarian market and criticized Mayor Inskeep's practices of fining hucksters as unjust and cruel. A former farmer wrote one particularly supportive letter for the Democratic *Aurora*, begging the public to "hear both sides" of the debate. He echoed earlier economic arguments that middlemen and middlewomen contributed to more abundant and cheaper markets, while also addressing the issues of poverty and inequality raised by the huckster women. Borrowing from the book of Proverbs, he explicitly attributed the antagonism toward the vendors to their class status: "The rich man has many friends, but the poor is hated by his neighbor." Although he steered away from a class-based argument in the body of his letter, he did draw attention to the inequities among market retailers by pointing out that butchers and meat vendors also worked as middlemen and yet were allowed to rent market stalls.⁷⁴

Ultimately, the hucksters' plea for market space evoked no legal changes. While advocates of a laissez-faire market continued to surface in Philadelphia, no chorus emerged to argue specifically that the "free market" ought to be an egalitarian one. Few residents clearly articulated the connections between political and economic democracy that undergirded the marketplace, and even fewer demanded that those on the bottom rungs of society—the female, the poor, or the black—ought to be granted an equal opportunity to participate in that market. Accordingly, municipal legislators remained opposed to the hucksters' pleas and to their larger vision of an egalitarian marketplace. Just one month after the petition reached the tables of the legislature, the committee appointed to consider it simply "reported unfavorably," and the matter was dismissed.⁷⁵ Together, the increasing stigma attached to the character of female petty vendors, the lack of specifically gender- and class-based advocacy, and the hostility of the municipal legislature continued to push the city's poorest hucksters outside the physical and philosophical boundaries of the market in the early republic.

As the century wore on, however, the vendors would continue to frustrate local legislators and police by defying the laws that restricted their trade. Some positioned themselves at the edges of the markets and in nearby alleyways retailing fruits, nuts, and vegetables, while others took

⁷⁴ "Hear Both Sides: Or, a word in favor of the Hucksters," *Aurora General Advertiser*, Feb. 9, 1805; *Gazette of the United States*, July 28, 1803.

⁷⁵ Philadelphia, Common Council Minutes, RG 120, Jan. 15, 1806, Philadelphia City Archives.

to the streets, physically stretching the boundaries of the market and carrying provisions to their neighbors' doors. Their persistence, in fact, would eventually make them a staple of antebellum urban iconography, some of which cast them in the positive light of the industrious poor and helped shape the continuing discussions over their moral character. The growing genre of street cry literature that surfaced in the nation during the early republic, for example, celebrated the ethical work of market and street vendors and praised young, female sellers in particular. The small chapbooks containing engravings and descriptions of urban street "characters" had a long tradition of publication across the European continent, and their introduction into the United States coincided with and supported the emergence of republican ideals. Philadelphians published several editions of street cry books in the early nineteenth century, while numerous others emerged in New York and Boston. Geared toward middling classes of white children, the small books emphasized the moral character of African American "bake pear" girls and other fruit and vegetable retailers by highlighting their honesty, industriousness, and determination to stay off public charity.⁷⁶

Yet, outside the realm of print, the legal and social marginalization of the city's poorest hucksters made many of their actual lives more precarious than ever. Few would realize the promise of lasting economic and social independence that huckstering might have held for them had it become a legalized aspect of the market economy. Phillis Morris, the African American huckster who alongside her husband had helped build lasting black institutions in the city, gave up the trade and turned to washing clothes by 1818.⁷⁷ Hannah Elmore, one of the 1805 petitioners, on the other hand, continued to sit on the outskirts of the market selling provisions. She never achieved the slender subsistence she had hoped for,

⁷⁶ *The Cries of Philadelphia: Ornamental with Elegant Wood Cuts* (Philadelphia, 1810), 14, 17. From the sixteenth century onward, images of dumpling women, gingerbread men, coal men, and other street peddlers wound their way through popular European and Latin American print culture through the genre of juvenile street cry literature. Originally printed for adults or young apprentices as instructions on trades and occupations, illustrated street cries became increasingly geared toward children in mid-eighteenth-century England. Coinciding with a newfound interest in practical childhood education for the middling and lower white classes, the end of the eighteenth century witnessed a flourishing of small chapbooks and more expensive picture books that packaged the sights and sounds of both English and American street characters. For brief histories of street cry literature, see Linda F. Lapidés, *The Cries of London; The Cries of New York* (New York, 1977), v–xxi; and Leonard S. Marcus, introduction to *New York Street Cries in Rhyme* (New York, 1977), v–viii.

⁷⁷ John Adams Paxton, *Philadelphia Directory and Register, for 1818* (Philadelphia, 1818).



"The Huckster," *City Characters; or, Familiar Scenes in Town* (Philadelphia, 1851), 56, Historical Society of Pennsylvania. http://digitallibrary.hsp.org/index.php/Detail/Object/Show/object_id/10353

however. Twenty years after pleading for a designated space to vend in the market, she wound up on the public dole, receiving 37.5 cents per week from the Guardians of the Poor.⁷⁸

Huckster women would also never recover from the multitude of attacks on their character that painted them as dangerous, perverse, and immoral women. Indeed, as Philadelphians were forced to accept their presence in their streets and on the outskirts of their markets, they created even more damning characterizations. An early utopian novel published in 1836 and based in Philadelphia, for example, happily predicted the demise of “that coarse, vulgar, noisy, ill dressed tribe, one half of whom appeared before their dirty baskets and crazy fixtures with tawdry finery, and the other half in sluttish, uncouth clothes, with their hair hanging about their face, or stuck up behind with a greasy horn comb.”⁷⁹ Even the characterizations of hucksters in children’s street cry books, such as *City Characters*, took a negative turn over time. Although the antebellum edition noted the shrewd business skills of huckster women and visually placed them at the center of the city’s market activity, both the image and textual description of the women cast them as obese, unfeminine women “not dressed very neatly.”⁸⁰

In the end, hucksters tested but were unable to extend the limits of laissez-faire economics and democracy in the early republic. Despite the different strategies hucksters had employed to lay claim to specific rights within the market economy, they were never ultimately viewed as legitimate economic and political actors. Instead, as Hemboldt’s satirical story “Free Trade and Hucksters’ Rights” made clear, they, their trade, and their politics became seen as little more than comedic material.⁸¹ Political satire aside, however, for a brief moment amid the flurry of debate over the economic and political course of the nation, hucksters had forced the state’s most powerful men to wrestle with the meaning of a “free market” and the definition of democracy. They had forced those same men to consider whether hucksters held legitimate economic and political rights to buy and sell as they pleased. They had challenged the broad public to reckon

⁷⁸ Register of Relief Recipients, vol. 2, 1828–32, Guardians of the Poor, RG 35, Philadelphia City Archives.

⁷⁹ Mary Griffith, *Three Hundred Years Hence, in Camperdown; or, News from Our Neighbourhood: Being Sketches by the Author of “Our Neighbourhood” &c.* (Philadelphia, 1836), 43.

⁸⁰ *City Characters; or, Familiar Scenes in Town* (Philadelphia, 1851), 1, 54–56.

⁸¹ “Free Trade and Huckster’s Rights,” *Tickler*, Oct. 20, 1813.

with the active, visible participation of women in the market economy. And the city's poorest vendors had stepped out of the silence of the margins to offer up an unparalleled vision of genuine economic democracy that, if embraced, might have dramatically changed the shape of the marketplace and expanded the participation of poor women within the larger market economy.

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