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THE  
Pennsylvania  
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*An Almost Friend: Papunhank,  
Quakers, and the Search for Security  
amid Pennsylvania's Wars, 1754–65*

PAPUNHANK WANTED NO PART OF WAR.<sup>1</sup> The community he had gathered of Delawares, Nanticokes, and Munsees in the early 1750s hung in the balance as violence raged across major portions of the British and French mainland colonial empires from 1754 to 1765, even seeping to the edges of imperial centers in Quebec, Montreal, and Philadelphia. In Pennsylvania, within Indian country and colonial settlements alike, religious leaders struggled to map out paths for their peoples to avoid destruction. Papunhank's followers coalesced around his reform message, which combined an emphasis on the wisdom of ancient native ways with a willingness to benefit from the resources other communities

The author would like to thank Rachel Wheeler, John Grigg, and the reviewers and editors of the *Pennsylvania Magazine of History and Biography* for their insightful readings of this essay and their many helpful recommendations. He also wishes to thank the Fletcher Jones Foundation for its generous support of his research.

<sup>1</sup> Eighteenth-century sources offer many spellings of Papunhank's name, including Papunhang, Papoonan, Papounan, Papunchay, Papunhang, Papunahung, Papanohal, and Paypunchay. Knowledge about Papunhank comes almost exclusively from Quaker, Moravian, and government documents,

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possessed. From his town of Wyalusing along the north branch of the Susquehanna River, Papunhank pursued various strategies to maintain the community's viability amid a decade of war, none more important than searching for key allies who could aid his people politically and spiritually. Naturally, he sought productive relationships with other Indians, especially larger numbers of eastern Delawares and the Six Nations of the Iroquois Confederacy. But he also endeavored to make himself valuable to the Pennsylvania government and to explore connections with Euro-American pacifist Christians. Ultimately, Papunhank joined himself and a portion of his community to the Moravians, but not before seriously considering a close attachment to the Friends. During the first half of the 1760s, his band and influential members of the Society of Friends were drawn to one another, each believing the other had something valuable to offer. Crafting an alliance appeared to hold great promise. Yet, in the end, that promise dissipated almost as quickly as it arose, and Papunhank and Philadelphia Quakers went their separate ways.

Exploring the encounters between Papunhank and Friends provides a glimpse of one Indian leader's attempts to grapple with the immense challenges of the mid-eighteenth century by obtaining new sources of spiritual and political power. Given his quest for security amid the pressures and perils of the early 1760s, Papunhank could have been expected to cast his lot with Quakers. The reasons why he did not give insight into the complex webs of relations between Munsees, other Indians, Quakers, Moravians, colonial governments, and other political factions that shaped the lives of natives and Euro-Americans in the mid-Atlantic. These connections evolved against a backdrop of persistent violence and war, and Papunhank's band operated in this dangerous environment with far fewer resources and options than their Quaker counterparts. But both parties maintained a strong belief that building strategic alliances could benefit the cause of peace and, in turn, their peoples' hopes, dreams, and security.

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some of which record transcriptions and translations of his speeches. A number of the Quaker sources present him in idealized form. Nevertheless, I believe there is sufficient diversity in the sources and enough consistency in how Papunhank is represented within those materials to have some reasonable certainty about his thinking, values, and motives. Recent historians have paid increased attention to him, but he has yet received no comprehensive study. Valuable discussions may be found in works by Gregory Evans Dowd, Amy Schutt, Jane Merritt, Peter Silver, Siegrun Kaiser, Patrick Erben, and Geoffrey Plank, cited throughout this article. A religious tract celebrating Papunhank's Christian conversion and postconversion life was published in Ireland in the 1820s: *John Papunhank A Christian Indian of North America: A Narrative of Facts 1820* (Dublin, n.d.; repr., London, [2010]).

*Religious Reform and a Holy Experiment*

Pennsylvania in the mid-eighteenth century prided itself on treating Indians well. Long before Friends became acquainted with Papunhank around 1760, a powerful founding myth of Lenape sachems and William Penn forging a relationship of peace and justice in the 1680s shaped the identities of most Quakers and plenty of other colonists. Many Delawares, Susquehannocks, and other Pennsylvania-area Native Americans were equally enamored with the myth—or, at least, they found it a usable past when negotiating with colonial authorities. Asking Pennsylvania officials to follow in the established path of harmony became more contentious after the controversial Walking Purchase of 1737, and by the outbreak of war in 1754 most Pennsylvania Indians preferred to join forces with the French against the British and their colonists in the conflict that became the Seven Years' War.<sup>2</sup>

During the early years of the war, when fighting in the Pennsylvania backcountry was intense, Papunhank wasn't keen to support either side. Son of Dostou and grandson of Mamanuchqua, both prominent Munsee sachems, Papunhank inherited from his mother and grandmother sorely needed leadership skills, including a knack for knowing when to change location. In the 1750s he moved his band of predominantly Munsee Indians to Wyalusing in northern Pennsylvania, far enough removed from the Six Nations to the north and the advance of white settlement to the east and south to afford a measure of political autonomy. Delaware, Conoy, and Nanticoke refugees filtered into Wyalusing as well.<sup>3</sup> By that point, Papunhank had become, in the words of Gregory Evans Dowd, "swept up in the waves of visionary spirituality that had washed down the

<sup>2</sup> *An Epistle from our Yearly-Meeting in Burlington, For the Jerseys and Pennsylvania* (Philadelphia, 1722); J. William Frost, "William Penn's Experiment in the Wilderness: Promise and Legend," *Pennsylvania Magazine of History and Biography* 107 (1983): 577–605; James H. Merrell, *Into the American Woods: Negotiators on the Pennsylvania Frontier* (New York, 1999), 119; James O'Neil Spady, "Colonialism and the Discursive Antecedents of Penn's Treaty with the Indians," in *Friends and Enemies in Penn's Woods: Indians, Colonists, and the Racial Construction of Pennsylvania*, ed. William A. Pencak and Daniel K. Richter (University Park, PA, 2004), 30–39; Krista Camenzind, "From Holy Experiment to the Paxton Boys: Violence, Manhood, and Peace in Pennsylvania during the Seven Years' War" (PhD diss., University of California, San Diego, 2002), 2.

<sup>3</sup> On Papunhank's family background, see Robert S. Grumet, *The Munsee Indians: A History* (Norman, OK, 2009), 155, 199, 204, 257, 348–49n21, 364–65n4. Papunhank may have arrived in Wyalusing as early as 1752 or as late as 1758. The confusion arises from unclear reports from sometime Moravian missionary and diplomatic go-between Christian Frederick Post. Christian Frederick

Susquehanna Valley since the 1740s.”<sup>4</sup> Like other Delaware and Shawnee leaders, he became convinced that the well-being of his community would be enhanced through spiritual renewal. Moved by a personally dramatic religious experience, he preached the need for inner change and urged his community toward an adherence to traditional Native American ways. Papunhank balanced this nativist impulse with an eye open for outside spiritual resources and for the political leverage that association with other religious communities might afford. Moreover, in contrast with most Indian prophets, he opposed war. As a member of the Turkey phratry of the Munsees, he followed its typical bent toward negotiation and repudiated the violent ways of Munsees of the Wolf phratry. Soon, he was in contact with both Moravians and Quakers, whose pacifism attracted his attention.<sup>5</sup>

Meanwhile, with war underway, Friends’ contacts with natives took on greater urgency as Quaker leaders sought to restore the peace they considered a hallmark of their colony and faith. For many Friends, harmonious relations with Indians had long been more than just prudent political policy; they were a measure of Quaker conformity with their deepest Christian commitments. No wonder, then, that as decades of relative peace came to a

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Post diary, 1760, May 19, 1760, Historical Society of Pennsylvania; Christian Frederick Post to Israel Pemberton, May 20, 1760, vol. 3, p. 521, Friendly Association for Regaining and Preserving Peace with the Indians by Pacific Measures, Records of the Philadelphia Yearly Meeting Indian Committee, Quaker and Special Collections, Haverford College, Haverford, PA (hereafter cited as FAP). Gregory Evans Dowd, *A Spirited Resistance: The North American Indian Struggle for Unity, 1745–1815* (Baltimore, 1992), 31, Grumet, *Munsee Indians*, 257, and Jane T. Merritt, *At the Crossroads: Indians and Empires on a Mid-Atlantic Frontier, 1700–1763* (Chapel Hill, NC, 2003), 84, endorse the earlier year for Papunhank’s arrival in Wyalusing; Siegrun Kaiser, “Munsee Social Networking and Political Encounters with the Moravian Church,” in *Ethnographies and Exchanges: Native Americans, Moravians, and Catholics in Early North America*, ed. A. G. Roeber (University Park, PA, 2008), 155, and William A. Hunter, ed., “John Hays’ Diary and Journal of 1760,” *Pennsylvania Archaeologist* 24 (1954): 67n24, the later year. Hunter says that Papunhank’s band had lived along the Lackawanna River, then fled north to Tioga and beyond in 1755–56 amid the years of intense fighting before returning south, most likely in 1758. The Munsees were Algonquian-speaking Indians who had previously been in lower New York and northwestern New Jersey. Kaiser, “Munsee Social Networking,” 149, 153; Lenore Santore, “Resiliency as Resistance: Eastern Woodland Munsee Groups on the Early Colonial Frontier,” *North American Archaeologist* 19 (1998): 118, 127–29.

<sup>4</sup> Gregory Evans Dowd, *War under Heaven: Pontiac, the Indian Nations, and the British Empire* (Baltimore, 2002), 194.

<sup>5</sup> Christian Frederick Post diary, May 19, 1760; Dowd, *Spirited Resistance*, 31; Grumet, *Munsee Indians*, 257, asserts that Papunhank was a “Moravian convert” at Shekomeko in the early 1740s, but this seems unlikely in light of later Moravian evidence. It is possible that he had contact with Moravians at Shekomeko or elsewhere in the 1740s or ’50s without becoming a convert per se. Kaiser, “Munsee Social Networking,” 50, 155. Kaiser defines a phratry as a “union of clans and lineages” and suggests that among the Munsees, the Wolf and Turkey phratries were the most significant. *Ibid.*, 148.

crashing halt, Quaker consciences were strained to the breaking point. Still, many Friends were not inclined to give up on the experiment in intercultural relations they believed Penn had initiated. Peace and harmony were worth trying to restore. So, too, were the valuable trade connections and economic stability peaceful relations could make possible. Consequently, reformist Quakers centered in Philadelphia took up the task. In 1756 they founded the “Friendly Association,” an essentially philanthropic organization designed to foster peace and to address the factors that had precipitated the war. Its members were among those Quakers who decided that more could be accomplished for the cause of good through private, philanthropic means than through political office holding and whose commercial interests in seeing peace restored were especially strong. The new organization gave activist Quakers an instrument to exert informal influence over colonial affairs and to distribute charity to the Delawares and others in need. Their efforts brought them support from German sectarian groups, such as the Mennonites and Schwenkfelders, who shared their willingness to “suffer for peace.” But it also brought them fierce opposition from many others in the colony who were convinced that Friends’ pacifism was largely to blame for Pennsylvania’s inability to protect its backcountry settlers.<sup>6</sup>

Much of the Friendly Association’s work over the next half-dozen years focused on initiating a series of councils that brought together native leaders, government representatives, and Quaker “observers.” Their collective task, put simply, was to end the violence—and, once they did, to keep it from resuming. Headmen of the Six Nations, Delaware, and other Indian

<sup>6</sup> Quaker assemblymen faced hard choices and harsh criticism amid the war. Some chose to withdraw from the government in 1756. Minutes for Council held in Philadelphia, Oct. 19, 1756, and Council held at Newcastle, Oct. 21, 1756, in *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, 10 vols. (Harrisburg, PA, 1838–53), 7:292–93, 295 (hereafter cited as *MPCP*); Anthony Benezet to Jonah Thompson, Apr. 24, 1756, in *Friend Anthony Benezet*, by George S. Brookes (Philadelphia, 1937), 220; Peter Silver, *Our Savage Neighbors: How Indian War Transformed Early America* (New York, 2008), 98–103; Jack D. Marietta, *The Reformation of American Quakerism, 1748–1783* (Philadelphia, 1984), 92–93, 135–36, 157–58, 188–89; Sydney V. James, *A People among Peoples: Quaker Benevolence in Eighteenth-Century America* (Cambridge, MA, 1963), 178–92; Richard Bauman, *For the Reputation of Truth: Politics, Religion, and Conflict among the Pennsylvania Quakers, 1750–1800* (Baltimore, 1971), 77–125; Camenzind, “From Holy Experiment to the Paxton Boys,” 161–204; Theodore Thayer, “The Friendly Association,” *Pennsylvania Magazine of History and Biography* 67 (1943): 356–76; Francis P. Jennings, *Empire of Fortune: Crowns, Colonies, and Tribes in the Seven Years War in America* (New York, 1988), 339, 375; Patrick Erben, *A Harmony of the Spirits: Translation and the Language of Community in Early Pennsylvania* (Chapel Hill, NC, 2012), 270–76 (quote on 270); Kevin Kenny, *Peaceable Kingdom Lost: The Paxton Boys and the Destruction of William Penn’s Holy Experiment* (New York, 2009), 76–82.

communities repeatedly invoked the peaceful legacy of William Penn and their desire to find Penn-like provincials in the current moment.<sup>7</sup> In parallel fashion, Quakers looked for Penn-like natives who would bury the hatchet and once again make the colony a peaceable kingdom. At a time when Friends' confidence in the peaceful intentions of their own government was low and their political rivalry with the colony's proprietors was high, they turned their gaze toward Indians in hopes of finding an ally who could restore relations to a more positive footing. Although it was by no means their only strategy for seeking peace and justice in the divisive years from 1754 to 1765, the quest for a native partner, or better yet, an Indian protégé, was nevertheless a critical piece of activist Quaker efforts to revitalize the Holy Experiment. For a time, Friends believed they had found their man in Delaware leader Teedyuscung. In the late 1750s, Quaker merchant Israel Pemberton Jr. and other leading Friends coozied up to him, offering political advice and supporting his efforts to craft a peace treaty and to seek redress for past colonial injustices, particularly the land fraud perpetrated in the Walking Purchase.<sup>8</sup> Yet Teedyuscung's politics and personal behavior proved erratic in Quaker eyes, and by 1760, members of the Friendly Association wondered if he would ever wield the type of influence among other Pennsylvania Indians they had imagined. At that realization, Quaker interest in alternative Indian leadership rose.<sup>9</sup>

### *The Relationship Begins*

Into that void came Papunhank. Details are sketchy on exactly how or when Philadelphia Friends became aware of him. He did not attend the treaty councils in the late 1750s, and his village was far enough removed to keep him largely out of colonial politics and the Quaker eye—but not

<sup>7</sup>The first of these treaties occurred in Philadelphia, while the later ones were held mostly at Easton in the Lehigh Valley. Substance of Conferences between Several Quakers in Philadelphia and the heads of the six Indian nations, [Apr. 19–25, 1756], vol. 1, pp. 103, 107, 111, 115, FAP.

<sup>8</sup>Steven Craig Harper, *Promised Land: Penn's Holy Experiment, the Walking Purchase, and the Dispossession of Delawares, 1600–1763* (Bethlehem, PA, 2006), 92–94, 103–14; Merritt, *At the Crossroads*, 224–25; Anthony F. C. Wallace, *King of the Delawares: Teedyuscung, 1700–1763* (Philadelphia, 1949), 108–15, 137–44, 158–60. Teedyuscung played a role in bringing about the Treaty of Easton in 1758 that largely ended hostilities in Pennsylvania.

<sup>9</sup>Merritt, *At the Crossroads*, 250–52, 256–57, 306n49; Robert Daiutolo Jr., “The Role of Quakers in Indian Affairs during the French and Indian War,” *Quaker History* 77 (1988): 23–24; Kenny, *Peaceable Kingdom Lost*, 92–97, 105–11; Wallace, *King of the Delawares*, 192–207. Activist Quakers remained in contact with Teedyuscung until his death in 1763.

forever. If they had not heard of Papunhank before, Friends certainly learned of him via sometime Moravian missionary and colonial negotiator Christian Frederick Post, alongside whom they had worked for peace in the previous several years. Post was aware as he set out in April 1760 on a diplomatic mission to interior natives that Quaker patience with Teedyuscung had grown short. By mid-May, Post was in Wyalusing writing Friends excitedly about a new prospect. There he found a well-laid-out town inhabited by a “religious People” and led by Papunhank, “the beginner of the company & their Minister.” These natives, Post reported, “want to see the Friends chiefly and to show that they really are Friends, they have not joined in the War.” Post also noted that Wyalusing’s inhabitants were eager to avoid liquor and to aid diplomatic efforts to return white captives.<sup>10</sup> Post’s traveling companion, John Hays, confirmed the favorable assessment of Wyalusing and its leader, whom he described as a “very Religious Civilized man in his own way, [who] Shewd us a great deal of Kindness.”<sup>11</sup>

Post’s and Hays’s reports reveal Papunhank’s strategies to bolster his community’s size and security. At Wyalusing, he had overseen the building of a “large Town, and according to the Indian Way fine houses,” efforts that had reaped a steady influx of native newcomers. Post also observed that the Wyalusingites’ “Religion chiefly consists in strictly adhering to the ancient Customs & Manners of their Forefathers, thinking it is pleasing to God that they strictly observe and keep the same, on which account they are much afraid of being seduced & brot. Off from their Ways by the White People, from whom they will receive no Instruction.” Papunhank had promoted a nativist message as one means of self-preservation, and it had evidently taken root. Yet Post noted two days later that the town had been so anxious to have him preach that he did so three times in thirty-six hours.<sup>12</sup> Perhaps by 1760 Papunhank and others in the community were not so averse to what whites had to say after all. In fact, it seems clear that in this moment, Papunhank seized the occasion to try to build bridges with two powerful white entities outside his community. He warmly wel-

<sup>10</sup> Israel Pemberton to Christian Frederick Post, May 6, 1760, folder 2, Pemberton Family Papers, Quaker and Special Collections, Haverford College; Post to Pemberton, May 20, 1760, vol. 3, p. 521, FAP.

<sup>11</sup> “The Journal of John Hays, 1760,” *Pennsylvania Archives*, ed. Samuel Hazard et al. (Philadelphia and Harrisburg, PA, 1852–1949), 1st ser., 3:736; Hunter, “John Hays’ Diary,” 67; Christian Frederick Post diary, May 19–21, June 3, and June 5, 1760.

<sup>12</sup> Christian Frederick Post diary, May 19–21, 1760.

comed these representatives of the Pennsylvania government and let it be known that he was anxious to help diplomatically where he could. And he likewise made sure the visitors knew of the Wyalusingites' strong desire to meet with Friends, whose peaceful and sober ideals matched their own.

It is curious that Post's Moravian contacts had, seemingly, left him unaware that Papunhank had already made similar overtures to Moravians. Each year since 1758 Papunhank had visited the Moravian mission at Nain, where he had expressed grave concern about future prospects for peace. He had also conversed with Moravians in Philadelphia and Bethlehem. At all of these meetings, according to Moravian sources, he had been told about the Savior, considered the good news carefully, and thereafter begun to lobby to have a Moravian teacher sent to his village.<sup>13</sup>

Papunhank's outreach to Quakers in the summer of 1760, then, represented a continuation rather than the beginning of his willingness to approach white Christians. Whatever hopes had been kindled among Friends and the Wyalusing Indians about each other grew exponentially when they soon met face-to-face in Philadelphia. Papunhank and twenty-eight others from Wyalusing came to meet with Lieutenant Governor James Hamilton and the colony's council, as well as to visit with Friends, whom they had heard, perhaps via Post, would "be glad to see" them.<sup>14</sup> Friends Israel Pemberton and Joseph Fox recorded what the Munsees said as they exchanged ideas with the heads of the colonial government. The Quakers quickly learned how Papunhank and his town were already functioning as diplomatic go-betweens, news that fed their hope that here was a potentially vital political instrument. The next day, at the urging of the Friendly Association, Fox and Pemberton, now accompanied by ten other

<sup>13</sup> Nain diary, Aug. 27 and 29, 1758, box 125, folder 1, item 10; Copy of Nain memorabilia, 1759, box 125, folder 2, item 3; and Wechquetank diary, Aug. 16, 1760, box 124, folder 1, item 5, all in Records of the Indian Missions, Moravian Church Archives, Bethlehem, PA, and all translated for author by Roy Ledbetter; Earl P. Olmstead, *David Zeisberger: A Life among the Indians* (Kent, OH, 1997), 113; George Henry Loskiel, *A History of the Mission of the United Brethren among the Indians of North America*, trans. Christian Ignatius Latrobe, 3 parts (London, 1794), part 2, 191. With their faith reflective of German Pietism, Moravians in North America emphasized the need for heartfelt repentance and an embrace of the Savior's bloody sacrifice on a sinner's behalf. They accordingly pressed upon Papunhank, in a way Friends would not, his need for salvation. Their desire was for Moravian Christianity to be an alternative rather than an additional source of spiritual truth and power for Papunhank and his people.

<sup>14</sup> Friendly Association Minutes, 1760–1764, July 11, 1760, ser. 7, box 18, folder 11, Cox-Parrish-Wharton Papers, Historical Society of Pennsylvania; [Anthony Benezet], "An Account of the Behaviour & Sentiments of a Number of Well-Disposed Indians Mostly of the Minusing Tribe," in Brookes, *Friend Anthony Benezet*, 479.

Friends, returned to the State House with thirty pounds worth of supplies for the Indian visitors and heard Papunhank lay out a new vision of how to carry on intercultural relations in the colony. First, he kindly but sternly declined the gifts offered by the governor, lest their motives in coming to the city be misunderstood by other natives and become a source of jealousy among those “who transact the publick Business and are wont to receive Presents on such Occasions.” The presents might also “be apt to corrupt my own mind,” Papunhank claimed, “and make me proud, and others would think I wanted to be a great Man, which is not the case. [Instead], I think on God, who made us, and want to be instructed in his service and Worship.” Gift exchange had long oiled the wheels of diplomacy among Pennsylvania Indians, but Papunhank believed that in the hands of the colonial government, such exchanges had degenerated into a cause of greed, rivalry, and corruption.<sup>15</sup>

The Munsee reformer continued by asserting his love of peace, disinterest in the affairs of war, fond remembrance of the “old Friendship” between Indians and the colony’s founders, and loyalty to the British. Still, he was not done calling for change. He wanted to “mention something to you [colonial officials] that I Think wrong in your dealings with the Indians.” English traders announced one price for Indian-supplied skins and then paid another: “God can not be pleased to see the prices of one and the same thing so often altered and changed.” In turn, Indian suppliers, faced with unreliable prices, resorted to practices that cheated their buyers, such as soaking their furs to add weight to them. Under these conditions, trade relations deteriorated to the point where there was “no Love nor honesty on either side.” “Therefore, Brother,” Papunhank concluded, “we propose to fling This entirely away, for if it remains so we shall never agree and love one another as Brothers do.” Reordering the economic behavior of whites and Indians alike, according to Christian moral standards (ones plainly understandable to the English) was necessary if harmony and peace were to prevail.<sup>16</sup>

<sup>15</sup> “Minutes of meetings with a delegation of Minisink, 2 Nanticokes & 3 Delawares from an Indian Town called Mahachloosen about 50 or 60 miles above Wyoming on the Susquehannah, July 11–16, 1760,” [1–8], Huntington Library Manuscript 8249, Huntington Library, San Marino, CA; Minutes for Council held at the State House, July 11, 1760, and July 12, 1760, *MPCP*, 8:484–88; [Benezet], “Account of the Behaviour,” 479–81; Merritt, *At the Crossroads*, 84–85. Papunhank was not opposed to gift giving in other contexts, including his interactions with the Friendly Association in 1760 and 1761.

<sup>16</sup> “Minutes of meetings with a delegation of Minisink,” [4–8]; Minutes of a Council held in the State House, July 12, 1760, *MPCP*, 8:488–89; [Benezet], “Account of the Behaviour,” 481–82; Merritt, *At the Crossroads*, 85.

Quakers listened in what was likely awed approval as Papunhank espoused principles of peace, sober living (he had asked the governor to prevent liquor sales to Wyalusing natives), and economic justice—ideals revered by activist Friends. Their delight would only have grown when Papunhank finished the day with repeated assertions of his deep religious interest. And that delight continued in the days after the conference as, they reported, Papunhank's band "regularly attended our Meetings during their stay in Town, kept themselves quite free from Drink, & behaved Soberly & orderly." Moreover, the Quakers expressed their "Satisfaction with what they had heard, from friends, which they said exactly answered to their own Religious Prospect."<sup>17</sup>

That at least is how Quaker reformer Anthony Benezet characterized Friends' first extended encounter with the Wyalusingites. He likely edited an account of their visit based on government and Quaker sources. Apparently initially intended for private circulation among other Friends, the account was soon published in London.<sup>18</sup> It gave highlights of the treaty conference and reported on extended conversations fellow Quaker Moales Pattison had had with Papunhank, through Delaware interpreter Job Chillaway, as the natives headed home.<sup>19</sup> Pattison found Papunhank's "Mind to be quiet & easy, accompanied with a becoming Solidity & Gravity." Moreover, his band appeared to be "very earnest in promoting true Piety, which they apprehend is an inward work, by which the Heart is changed from bad to Good." "An immediate awakening" had been going on for several years in their town; Papunhank himself, according to what Chillaway privately told Pattison, had been "first enlightened" after the death of his father. Overwhelmed with grief, he began to meditate on the world's wickedness and to long for a deeper knowledge of the "Great

<sup>17</sup> "Some Account of the Behaviour & Sentiments of a Number of Well-Disposed Indians," Huntington Library Manuscript 824, Huntington Library; [Benezet], "Account of the Behaviour," 481–82.

<sup>18</sup> *An Account of a Visit Lately Made to the People Called Quakers in Philadelphia, by Papanahool, an Indian Chief* (London, 1761). Benezet and Pemberton spread the word quickly on Papunhank's visit to other Friends and religious colleagues, including Moravian leader Augustus Spangenberg and Schwenkfelder leader Christopher Schultz. The latter had the report translated into German. Anthony Benezet to Augustus Spangenberg, July 19, 1760, box 211, folder 1, Records of the Indian Missions; Patrick Erben, *Harmony of the Spirits*, 286–89. Erben suggests that Papunhank became nothing less than "the spiritual center around which revolved Quaker and Schwenkfelder religious visions and activism for peace." *Ibid.*, 289.

<sup>19</sup> Friendly Association Minutes, Aug. 7, 1760.

Power” that had created it. Frustrated in his quest, Papunhank fled to the woods alone; there, after five days, “it pleased God to appear to him to his comfort . . . and he was made sensible of his Duty to God, & he came home rejoicing & endeavouring to put into practice what he apprehended was required of him.” High on that list was having his community absolutely refuse to participate in the war, for “he was fully persuaded, that when God made Men he never intend[ed] they should kill or destroy one another.” Papunhank confessed to his traveling companions that though he had “ceas’d from War, yet I have not Labour’d to bring about a peace so much as I ought to have done.” At the same time, he “often thought it Strange that the Christians are such great Warriors, & I have wondered they are not greater lovers of Peace.” The reformer concluded that recent wars had resulted from Indians and whites alike having grown “Proud & Covetous,” provoking God’s anger and judgment in the form of violence, devastating weather, and disease.<sup>20</sup>

As they parted that July, Pattison asked Papunhank for any final words of advice. The Munsee sent him on his way with the assurance that

I have heard a Voice speak to my Heart and say The Quakers are right, it may be a wrong voice but I believe it is the true voice, However if the Goodness, which I feel in my Heart remains with me I shall come again to see the Quakers and If I continue to grow Strong I hope the time will come that I shall be joined in Close fellowship with them.<sup>21</sup>

<sup>20</sup> [Benezet], “Account of the Behaviour,” 48–85. The quotes are taken from George Brookes’s printed version of a manuscript written or edited by Benezet. There are several extant versions of this manuscript, each containing variations from the others. Brookes used Huntington Library Manuscript 824 but made some edits of his own. Huntington Library Manuscript 8249 is likely an earlier, rougher draft of this account. The Historical Society of Pennsylvania houses two other manuscript versions of this text: “Some Remarks made by a Person who accompanied Papunahoal and the other Indians on their way home as far as Bethlehem [1760],” box 11C, folder 5, Society Miscellaneous Collection; and “Some Account of the Visit of the Friendly Indians to Philadelphia, 1760,” box 10, Gilbert Cope Collection. Two more manuscript versions of “Some Remarks made by a Person who accompanied Pawpoonahoal & the other Indians from Philadelphia as far as Bethlehem on their way” are in the Allinson Family Papers, box 8, Indians folder, Quaker and Special Collections, Haverford College. Another printed version of the text may be found in the London pamphlet cited above. These many copies suggest the Friends’ desire to get the word out quickly on Papunhank.

<sup>21</sup> The quotes are taken from the manuscript versions of this text cited in footnote 20, specifically from Huntington Library Manuscript 824, rather than from Brookes’s printed version. For whatever reason, Brookes omitted the word “wrong” from before the word “voice.” Other manuscript versions of the text include the word “wrong.”

For a people in search of new Indian leadership, the Papunhank of this Quaker narrative could hardly have been more perfect. His performance before the colonial authorities had been appropriately deferential but, at the same time, strikingly prophetic. He wanted the political corruption and economic fraud that had spoiled Indian-white relations to be replaced by integrity and justice. His pacifism seemed genuine, and, better yet, he wanted to intensify his peacemaking efforts. His opposition to the sale and use of liquor and his denouncement of greed demonstrated his commitment to simple living. He was active in colonial diplomacy, seemingly trusted by whites and Indians alike, and apparently eager to do more. And he revered the old friendship between natives and the colony's founders and wished to counter the evils that had spoiled it. Finally, his religious faith was real, active, of the "awakened" variety, and perhaps not so tied to ancient native ways as Frederick Post had indicated a few months earlier. It was instead remarkably Quaker-like, a fact that Papunhank himself seemed to realize.<sup>22</sup>

Here, then, was a native kindred spirit, a man attached to all the ideals activist Quakers held dear. He gave them hope that the darkness of the war was lifting and better political and economic times lay ahead.<sup>23</sup> As Friends met with him that summer, they read Papunhank's every word and deed as more evidence that the type of Indian leader and community they hoped to foster was already forming. In the process, Friends repeated the longstanding pattern of Euro-American Christian bodies to construct, whether in theory or reality, native followers (including native leaders) in their own image.<sup>24</sup>

For his part, Papunhank's interactions with the Provincial Council and with Quakers indicate that by 1760 personal and public trauma pushed him toward seeking additional political and spiritual allies that could shore up the prospects of his band. He became willing to consider Christianity

<sup>22</sup> Merritt, *At the Crossroads*, 127, suggests that the different readings Post (a Moravian) and Quakers gave to Papunhank's religious faith makes plain that "neither recognized or realized . . . the complex way in which Indian religious eclecticism could embrace both customary [native] practices and Christian beliefs." While this is certainly a possibility, the different readings also likely resulted from the different theologies and spiritualities of these two Christian bodies as well as from the different needs they had at that moment.

<sup>23</sup> Geoffrey Plank, *John Woolman's Path to the Peaceable Kingdom: A Quaker in the British Empire* (Philadelphia, 2012), 137, argues that Quakers had interpreted the war as a "providential trial," and Papunhank became a "sign of promise" that times were improving.

<sup>24</sup> Richard W. Pointer, *Encounters of the Spirit: Native Americans and European Colonial Religion* (Bloomington, IN, 2007), 122–24.

as one of those potential assets—particularly the faith of peace churches such as those of the Moravians and Quakers, which squared with Papunhank's own conclusions, both philosophical and pragmatic, about the ill-advisedness of war. Those bodies might also become useful political friends. During the first years of the French and Indian War he kept his people neutral and as much out of the fray as possible. By the late 1750s, though, with English victory virtually assured, he shifted approaches and looked for ways to be useful to the Pennsylvania government without compromising his credibility among fellow natives still upset with past colonial policies. Maintaining productive relationships with other Indians was essential, but he also wanted to win the colonial government's favor so his people would have chips to cash in when they needed help. Yet he also wanted to be free to critique the actions of Pennsylvanians, and, if need be, the government. Friendship with Moravians or Quakers might aid in maintaining that delicate balance by giving his community a helpful advocate within colonial political circles and a potential source of economic relief should they need it. Moreover, given the colony's otherwise mostly hostile political environment, they were his only likely allies. Believing that Quakers were eager to explore a relationship, he came to Philadelphia and seemingly fashioned himself and his people as just the sort of Indians Friends would find appealing.<sup>25</sup>

As summer turned to fall in 1760, then, Papunhank may be seen as continuing to pursue the strategies that had kept his people comparatively secure through the prior difficult years: geographic mobility, religious reform, shrewd diplomacy, and alliance building. What part Friends might play in their future was still unclear. So, too, was Papunhank's role in the Quaker quest to revive the Holy Experiment. But hopes were growing on both sides as they looked forward to meeting again.

<sup>25</sup> Amy C. Schutt, *Peoples of the River Valleys: The Odyssey of the Delaware Indians* (Philadelphia, 2007), 94–149, discusses the Delawares' strong propensity to function as mediators and to forge alliances with other native peoples and Euro-Americans. Also see Amy C. Schutt, "Tribal Identity in the Moravian Missions on the Susquehanna," *Pennsylvania History* 66 (1999): 378–98. Merritt, *At the Crossroads*, 5–7, 51–52, 61–64, examines the importance of alliance-building for Indians and whites alike, and on 91–92 and 98 identifies the possible benefits for Indians of alliances with white Christian groups. Plank, *John Woolman's Path*, 138, emphasizes Papunhank and his band's desire to show "the perceived affinity between their own beliefs and Quakerism." Quaker and Moravian views on pacifism were not identical. See Jared S. Burkholder, "Neither 'Kriegerisch' nor 'Quäkerisch': Moravians and the Question of Violence in Eighteenth-Century Pennsylvania," *Journal of Moravian History* 12 (2012): 143–69.

*Winning Friends and Gaining Influence*

That meeting came the following August at Easton. In the intervening months, Friends continued to show strong interest in Papunhank, and he, in turn, nurtured his contacts with Euro-Americans on his own terms. Papunhank remained connected to Friendly Association members primarily through Nathaniel Holland, a Quaker merchant serving the colony's commissioners for Indian affairs as overseer of the Indian trade at Fort Augusta (Shamokin), located further south on the Susquehanna River. Papunhank made sure to accept gratefully the tools and other goods the association sent him and, according to Holland, gave sound political intelligence and advice amid rumors of impending renewed conflict. In their conversations he also reiterated his opposition to the liquor trade and war, expressed interest in having a white trader set up a store at Wyalusing, and "spoke very freely in praise of Friends, asserting that he thought they walked nearest to what Jesus Christ had requir'd of us to do." He also remained a bold critic of the ways of certain white Christians. Papunhank could not understand, for example, how they could have the Bible's clear example of Jesus Christ not resorting to retaliatory violence and still engage in warfare. He could only conclude that "white people were very wicked, as they had so great an advantage of that book & liv'd so contrary to it."<sup>26</sup>

Papunhank likely used Holland to keep powerful Friends interested, and they obliged. When the Friendly Association received news in late July 1761 that many natives were headed to Easton, they voted unanimously to send representatives there and quickly spent over £400 on goods to be distributed primarily to Indians at the treaty.<sup>27</sup> Reformist Quakers were clearly eager to resume a more active role as advocates for peace and Indian rights, and perhaps to protect their considerable economic interests, so they made the trek from Philadelphia. Once there, they encountered more

<sup>26</sup> William Edmonds to Israel Pemberton, July 19, 1760, folder 1, Pemberton Family Papers, Haverford College; John Fothergill to James Pemberton, Nov. 2, 1761, vol. 34, p. 111; and John Hunt to Israel Pemberton Jr., Nov. 13, 1761, vol. 15, p. 71, Pemberton Family Papers, Historical Society of Pennsylvania; Nathaniel Holland to Israel Pemberton Jr., Sept. 12, 1760, vol. 4, p. 27; Nathaniel Holland to Israel Pemberton Jr., Sept. 17, 1760; Nathaniel Holland to Israel Pemberton Jr., Oct. 16, 1760 (quotes from this letter); Nathaniel Holland to Israel Pemberton Jr., Oct. 30, 1760; Nathaniel Holland to Israel Pemberton Jr., Dec. 29, 1760; Nathaniel Holland to Israel Pemberton Jr., May 21, 1761; and Israel Pemberton's Accounts of the Friendly Association, Apr. 7, 1761, all vol. 4, pp. 27, 35, 43, 47, 63, 115, and 83, FAP.

<sup>27</sup> Friendly Association Minutes, July 29, 1761, July 30, 1761, Aug. 10, 1761; Israel Pemberton Jr.'s Accounts of the Friendly Association, vol. 4, p. 241, FAP.

than four hundred Indians from at least nine nations gathered for ten days of talks with Pennsylvania officials. Papunhank and about eighty of his people were among them, present to report back to the governor on the small diplomatic task assigned him the prior summer and ready to explore what more they could gain from the Friends.<sup>28</sup>

As the conference got underway, the Friends and the Wyalusingites wasted no time in getting reacquainted. According to Quaker sources, on the day they arrived, a number of Friends conversed with Papunhank and later that evening found the Munsees gathering for worship. After all were seated, “some time was spent by the Elder Indians in Conversation, after which a short space of Silence ensued, then Papunahung said something, in a deliberate easy manner, in the Way of Preaching.” Quakers were told by an interpreter that Papunhank’s main exhortation was to live lives consistent with the goodness shown to them by their creator, and that these Indians met for worship before sunrise and after sunset each day because Papunhank had had it “early revealed to him, from above, that Men ought daily to begin and end the Day with the worship of their Maker.”<sup>29</sup>

With that reintroduction to the Wyalusing band’s piety, Friends’ excitement built at the prospect for religious fellowship and more. Over the following week, the treaty council proceeded, but the highlights for Quakers and Papunhank’s people seemed to be their religious conversations and joint worship services. When Quaker preacher Susanna Hatton arrived, for example, about a dozen Munsee women, including Papunhank’s wife, and a few men immediately went to greet her, having been told that a “Woman

<sup>28</sup> [Anthony Benezet], “An Account of Papunahung’s Second Visit to Friends the 4th of the 8th Month, 1761,” in Brookes, *Friend Anthony Benezet*, 485–87; Minutes of a Conference with the Indians, Aug. 5 and Aug. 11, 1761, *MPCP*, 8:634–35, 649; Israel Pemberton to Mary Pemberton, Aug. 4, 1761, vol. 4, p. 153, FAP. As with Papunhank’s first visit to Friends in 1760, multiple manuscript accounts of their interactions in 1761 are extant. The account in George Brookes’s *Friend Anthony Benezet* is once again based on Huntington Library Manuscript 824. “Some account of a Visit divers Friends made to the Indians at the time of the Treaty of Easton, taken by one of the Company as follows, 1761” is part of another Huntington manuscript, 8249, [pp. 12–18], and contains material not contained in Brookes’s published version. Other manuscript accounts that overlap, and, in some cases, duplicate, what is contained in the Huntington manuscripts include “Report of the Trustees of the Friendly Association who attended the Indian Treaty of Easton,” vol. 4, pp. 139–52, FAP; John Woolman, “The Substance of some Conversation with Paponahoal the Indian Chief at AB’s in presence of Jo. W\_\_\_\_\_n Ab etc.,” vol. 13, p. 23, Pemberton Family Papers, Historical Society of Pennsylvania; and Quaker Journal (attributed to Susanna [Hatton] Lightfoot), Easton, PA 1761, Quaker Collection, William Clements Library, University of Michigan, Ann Arbor, MI.

<sup>29</sup> Israel Pemberton to Mary Pemberton, Aug. 4, 1761; [Benezet], “Account of Papunahung’s Second Visit,” 485–86.

Friend from Europe was coming to see them on a Religious Account.” As they met, they grasped hands “without Speaking, at which the Indians were much tendered, & the Tears ran down their Cheeks.” They then sat down together in silence and “the Over-shadowing of Ancient Goodness was soon felt, to the tendering of most if not all hearts present, [and] great brokenness appear’d amongst the Indians in the time of Silence.” When Hatton finally got up and preached, it produced what another Quaker called “the most melting season I ever saw amongst such a number of people.” Emotions continued to run high in the days that followed for both natives and Friends, whether in small meetings with Papunhank or in Quaker-led gatherings of several hundred Indians and Euro-Americans. So charged were these encounters that one Quaker diarist felt it necessary to defend the unusual outpouring of sentiment as something more than people getting carried away in the moment. It was instead a genuine “visitation from on high.”<sup>30</sup>

On the other hand, if these reform-minded Quakers had become carried away, who could blame them? Here they were, worshipping side-by-side with Indians who seemed genuinely moved by the Christian message. Quaker accounts of the conference took pains to depict Papunhank and his company’s spirituality as Quaker-like in its reverence for silence, elder conversation, plain preaching, and the right hand of fellowship, and ignored any alien elements they may have noticed.<sup>31</sup> Perhaps before long, all the obstacles to achieving a lasting peace could be burned away by the light emanating from their model relationship with this ideal Indian.<sup>32</sup>

Quaker optimism certainly did not cool in the two weeks that followed, as Papunhank and some of his community came to Philadelphia and once again, Benezet reported, “behaved in an orderly becoming Manner, & attended most of our Meetings of Worship.” Based on their interactions, activist Friends emphasized to other Quakers Papunhank’s heartfelt gratitude for their kindness, deep-seated commitment to being guided by

<sup>30</sup> “Some account of a Visit divers Friends made to the Indians, 1761,” [12–17; quotes on 12 and 17]; Israel Pemberton to Mary Pemberton, Aug. 7, 1761, vol. 4, p. 163, FAP. Originally from Ireland and a minister at seventeen, Susanna Hatton lost her first husband, Joseph Hatton, in 1759, and married Pennsylvania farmer Thomas Lightfoot in 1763. Rebecca Larson, *Daughters of Light: Quaker Women Preaching and Prophesying in the Colonies and Abroad, 1700–1775* (New York, 1999), 223, 241–42, 312.

<sup>31</sup> [Benezet], “Account of Papunahung’s Second Visit,” 485–87; “Some account of a Visit divers Friends made to the Indians, 1761,” [12–16]; Plank, *John Woolman’s Path*, 158–59.

<sup>32</sup> Silver, *Our Savage Neighbors*, 104–5.

a “Spirit of Love,” and unusual sensitivity to the “Workings of Truth.” Friends’ written accounts also told of Samuel Curtis, one of a number of Nanticokes who arrived in Philadelphia shortly after the Wyalusing band. He had been a drunk, “but having been awakened, to a sense of Religion by Papunahung’s Ministry, was become a Sober Man, and after a while apprehended himself called to preach amongst his People.”<sup>33</sup>

These Quaker testimonies make clear that if one of Papunhank’s goals in coming to Easton and Philadelphia was to make a favorable impression upon influential Friends, he could hardly have been more successful. His performance as preacher, prophet, and diplomat caused Friends—already predisposed to embrace his religion and politics as Quaker-like—to come away with strengthened interest in him and his company. At the same time, he had a prime opportunity at Easton to observe the Friendly Association’s political position within Pennsylvania and imperial affairs. Additionally, he and a large number from his community had multiple chances to sample Quaker spirituality and to experience its power. All of this was vital for Papunhank’s evaluation of potential allies, a strategy whose urgency was increasing that August amid his own renewed worries that Pennsylvania’s fragile peace would not hold. If reports about emerging troubles proved to be true, should he and his band accept an invitation from Ohio Country Indians to move westward and join them? Was life there likely to be any more secure than it was in Wyalusing?<sup>34</sup>

Papunhank and his people pondered that prospect in the summer of 1761 amid a broader range of strategic possibilities. Aligning with Friends was no clear-cut choice. Quakers had lost considerable political influence in the colony in the past few years and had provoked intense opposition from other settlers, especially for their aid to Indians. Befriending them would almost certainly arouse antagonism from many other whites and natives alike. Yet Papunhank was willing to consider it seriously, given his affinity with Friends’ political positions, their history of being advocates for just relations, their economic resources, and their spiritual insights that could add to the power of his people’s hybrid faith. Nevertheless, he was certainly not ready to rely solely on Quakers. So he continued to navigate

<sup>33</sup> [Benezet], “Account of Papunahung’s Second Visit,” 488–90; Woolman, “Substance of some Conversation with Paponahol.” Curtis gave an impromptu testimony at one Quaker meeting in the city that “begot a religious awe over the Meeting especially amongst the Younger People” and was in a style “very much like that of Friends.”

<sup>34</sup> Israel Pemberton to Mary Pemberton, Aug. 4, 1761.

carefully Wyalusing relations with other Indians, including Six Nations diplomats intent on realizing Iroquois hegemony over the Susquehanna Valley and Munsee warriors still distressed over “lands lost and relatives killed.”<sup>35</sup> With other Delawares in the region, he shared the belief that his band’s strength depended on building alliances with many groups. To that end, in August he once again visited the German and Native American Moravians in Nain, and he kept his contacts with the United Brethren alive in spite of their less favorable (compared to Friends’) assessment of his religion and character.<sup>36</sup> He also kept open the possibility of alliance with the colonial government. Fresh from the Easton treaty council, he now may have thought that body could be of greatest help to his band. He hoped to keep proving himself to Pennsylvania authorities through peacekeeping work so that when his people most needed it, he would have some political capital.

### *The Cost of Peacemaking*

Such an opportunity for serving the cause of peace arose even sooner than Papunhank might have preferred. As natives made their way home from Easton, a Munsee was shot by a colonist in a liquor-fueled encounter. The victim’s angry friends and relatives soon set out on a path to take revenge on backcountry whites, but as they passed through Wyalusing, they were stopped by Papunhank, who made a passionate plea for giving diplomacy a chance. He “made them presents of large Quantities of Wampum to the value of many pounds, in order to appease their Wrath, & prevailed on them to stop until they sent messengers to the Government of Pennsylvania, in order that the Matter might be accommodated without spilling Blood.” The irate Munsees agreed to wait at Wyoming while several key Wyalusing residents, otherwise needed for the fall hunt, went to see the governor. Papunhank reported through them what his company had done to prevent more bloodshed. In return, Governor Hamilton expressed appreciation for their intervention and committed to continue sharing military and diplomatic intelligence. He told Papunhank that any future

<sup>35</sup> Grumet, *Munsee Indians*, 264–70 (quote on 265).

<sup>36</sup> Schutt, *Peoples of the River Valleys*, 114–15; Loskiel, *History of the Mission of the United Brethren*, part 2, 196, says that while at Nain, Papunhank’s faith was critiqued by both German missionary Johann Jacob Schmick and his Indian assistant, Joachim. Among other things, they were distressed by the fact that although Papunhank wanted the Moravians to send a missionary to Wyalusing, “he wished to keep his post as a teacher of the people.”

conflict would be the fault of Indians, assigned him the task of delivering a message of condolence and assurances that justice would be done to the offended Munsees, and promised him that his “kind & friendly behaviour” would always be remembered “to your advantage.”<sup>37</sup>

Those mostly encouraging words reached Papunhank at a time when he could sorely use some encouragement. He was seriously wounded after having taken a tomahawk to the neck and arm—his reward for trying to put out other potential fires, or, depending on your point of view, meddling into other natives’ affairs. In Shamokin, where he had gone to wait for the governor’s reply, he reproved a group of Indians for some misconduct (probably stealing horses). The wrongdoers did not take kindly to his rebuke and tried to shut him up permanently. As Papunhank lay bleeding on the ground, others seized the native assailant, but, a Quaker account rapturously recounted, “Papoonhang was endued with so much of a Christian Spirit that he requested he [the Indian] might be loosed & not hurt on his account, Saying, let him go he is a poor Indian.”<sup>38</sup>

Papunhank’s response to being physically assaulted, at least as it was recorded in the Quaker account, confirmed in Friends’ minds his thoroughgoing pacifism and endeared him further to their hearts. When Israel Pemberton received news of the attack, he sent a tender note to Wyalusing inquiring “wither our Brother Papunehang is yet alive or not,” and assuring his community that “if He is Dead we have no doubt He is gone to everlasting rest, & will recive the reward of welldoing.” Pemberton’s confidence in Papunhank’s salvation bespoke the promise Friends saw in the Munsee reformer and their relationship with him. Just weeks earlier, the Friendly Association had responded enthusiastically to his request to have “some sober religious Persons settled among them capable of instructing their Children to read and write,” resolving to send “two or three young Men suitable for such an undertaking” as soon as they could be recruited. Now the association feared that their hopes had been quickly dashed. To their relief, word came from Nathaniel Holland in mid-November that Papunhank was recovering from his wounds. Holland further reported

<sup>37</sup> “Some account of a Visit divers Friends made to the Indians, 1761,” [18]. This manuscript includes two paragraphs detailing events in the months following the Treaty of Easton and the Friends’ meetings with Papunhank’s band in Philadelphia in August. Papunehayl, Job Chilliway, and David Owens to [?], Sept. 15, 1761; Papunehang to Governor Hamilton, Oct. 2, 1761; Governor James Hamilton to Papoonan of Wighlusing, Oct. 12, 1761; “The Governor’s Answer to Papounham and the Indians at Wighalousing,” Oct. 12, 1761, all vol. 4, pp. 191, 223, 235, 236, FAP.

<sup>38</sup> “Some account of a Visit divers Friends made to the Indians, 1761,” [18].

that because “the old man hath been deprived of his hunt,” he was going to supply him for the winter, expenses the Friendly Association ultimately paid.<sup>39</sup>

Friends remained solicitous of the Wyalusingites’ security and interested in their efforts on behalf of peace—specifically, their role in helping to return white captives—through the course of 1762. But it was not until June 1763 that they had another firsthand, formative encounter with them. By that point, reformist Quakers had experienced significant disappointments at treaties with Indians at Easton and Lancaster the prior summer. At both conferences, members of the Friendly Association renewed their support for longstanding Delaware charges that the colony’s proprietors had defrauded them of their rightful lands. However, when Teedyuscung acquiesced to the proprietary party and joined other Delaware leaders in giving up all claims to Pennsylvania territory, Quaker hopes for a “peace based on justice” sagged. Their spirits only darkened further in the spring of 1763 when frontier violence resumed. In April Teedyuscung’s village at Wyoming was burned to the ground and him with it, most likely at the hands of recently arrived settlers from Connecticut. Then in May came news that Pontiac, an Ottawa chief in the West, had launched an attack on the English. Warfare was beginning to move rapidly eastward, with many other native peoples poised to join in.<sup>40</sup>

Within that frightful context, Quaker social reformer and spiritual leader John Woolman visited Wyalusing, his interest in Papunhank having been sparked by meetings with him in Benezet’s parlor in Philadelphia two years earlier. Inclined to expand his ministry beyond fellow Friends, Woolman overcame fears for his own physical safety in hopes of renewing Quaker spiritual contacts with Papunhank’s band. Despite the challenges of language barriers, he enjoyed five days of religious conversation and worship with Papunhank and sixty or more of the Wyalusing community;

<sup>39</sup> Israel Pemberton to Tonquakena, Oct. 31, 1761, vol. 4, p. 239, FAP; Friendly Association Minutes, Oct. 1, 1761; Nathaniel Holland to Israel Pemberton, Nov. 12, 1761, vol. 4, p. 243, FAP.

<sup>40</sup> Israel Pemberton and the Friendly Association to Papunehang, Mar. 20, 1762; and Israel Pemberton’s Accounts of the Friendly Association, vol. 4, pp. 271, 267, FAP; Friendly Association Minutes, June 3, 1762, Sept. 2, 1762; “Account of the Easton Treaty with the Indians [June 15–27, 1762],” Friendly Association Records, 1758–1762, Friends Historical Library, Swarthmore College, Swarthmore, PA; Harper, *Promised Land*, 114–21; Daiutolo, “Role of Quakers,” 27–29 (quote on 29); Wallace, *King of the Delawares*, 239–51; Kenny, *Peaceable Kingdom Lost*, 115–22; Merritt, *At the Crossroads*, 257–61; Richard Middleton, *Pontiac’s War: Its Causes, Course, and Consequences* (New York, 2007), 65–99.

he confided to his journal that he “believed that a door remained open for the faithful disciples of Jesus Christ to labour amongst these peoples.”<sup>41</sup>

That was a curious comment given that Woolman wasn’t the only Euro-American Christian at Wyalusing. Papunhank’s repeated appeals to the Moravians to send a missionary to his community had finally born fruit in May with a visit from David Zeisberger. According to the German’s diary, he arrived amid a crisis of religious authority in the village. Some wanted a Quaker teacher, more wanted a Moravian, and most were ready to stop listening to Papunhank. Zeisberger seized the moment and spent at least three days and nights preaching and teaching to great effect. He reported that Papunhank himself was among those moved to tears by his message. In mid-June, after a brief sojourn to Moravian headquarters in Bethlehem, Zeisberger returned—at the invitation of Papunhank and other community leaders, with an appointment from the United Brethren, and with the approval of the Six Nations—to establish a mission station at Wyalusing. Despite this competition, Woolman, who visited shortly after Zeisberger’s return, apparently remained persuaded that Quakers could make a contribution to the Wyalusingites’ well-being. Perhaps he feared that renewed warfare would make Zeisberger’s efforts shortlived or retained hope that the warm reception he received in Wyalusing was an indication that Friends might yet play a vital role in the town’s spiritual care and development.<sup>42</sup>

No diplomatic envoy, Woolman had made a conscious effort not to engage the Indians he encountered in discussions about the resumption of backcountry violence lest he arouse suspicions that he was more political agent than evangelist. Nevertheless, he reported back to powerful Friends in Philadelphia that these Indians seemed to have no “Evil disposition towards the English”; they were as concerned as Quakers about present

<sup>41</sup> *The Journal and Major Essays of John Woolman*, ed. Phillips P. Moulton (New York, 1971), 122–34 (quote on 134).

<sup>42</sup> Brief Report of the Visit of the Brethren David Zeisberger and Anton the Indian up the Susquehanna as far as Machemihilusing [Wyalusing], May [16–29,] 1763, box 227, folder 9, quote from entry for May 22, 1763, and Diary of the Brethren Dav. Zeisberger and Nathanael the Indian from their Journey and Stay in Chwihilusing [Wyalusing], June 10–July 10, 1763, box 227, folder 10, Records of the Indian Missions, both translated for author by Roy Ledbetter; Moulton, *Journal and Major Essays of John Woolman*, 134; Thomas P. Slaughter, *The Beautiful Soul of John Woolman, Apostle of Abolition* (New York, 2008), 250–61; Ralph Pickett, “A Religious Encounter: John Woolman and David Zeisberger,” *Quaker History* 79 (1990): 77–92; Plank, *John Woolman’s Path*, 161–66; Olmstead, *David Zeisberger*, 113–15.

troubles and “would join any Endeavour that could be tho’t on to prevent the Spreading this Calamity.”<sup>43</sup>

Some members of the Friendly Association wanted to know more and wondered what role, if any, Quakers could now play vis-à-vis natives. Was the spread of Pontiac’s War into Pennsylvania the coup de grâce for their cherished experiment? Was Woolman’s visit a portent of Friends someday overseeing their own Christian native communities? More immediately, what could they do to provide spiritual care and physical protection for this body of natives for whom they retained the most “tender Regard”? They decided to lobby the governor to protect the natives, either by securing them where they were or by recommending to them that they move closer to English settlements. Anthony Benezet went a step higher and wrote to Sir Jeffrey Amherst, commander in chief of British forces in North America, imploring him to keep enraged whites from attacking the “industrious, religiously minded people” in Wyalusing and other settlements of peaceful natives.<sup>44</sup>

As Woolman had indicated, Papunhank shared Quaker worries about the fate of his company as rumors of Indian attacks and white rage swirled in and out of Wyalusing. As before, he considered how best to ensure the security of his people. But this time he did so amid their growing skepticism that his religious leadership was up to the task. Faced with mounting external pressures, internal community divisions, and a personal dark night of the soul, the Munsee reformer was moved to believe that even closer associations with Euro-American spiritual and political resources might make the difference between life and death. And he determined with others that it was time for his band to decide which set of white Christian allies to embrace, for “to adhere to two parties [Quakers and Moravians], they would only become more confused than they had previously been.” That spring they had been in “much distress for they had seen that they were running around in circles and in this way would never become blessed [saved].” Perhaps not surprisingly, then, almost as soon as Zeisberger returned to his village, Papunhank offered an emotional confession and asked to be baptized. A few days later—and just four days after Woolman had left—the

<sup>43</sup> John Woolman to Israel Pemberton, June 27, 1763, and John Pemberton to Israel Pemberton, July 2, 1763, in *The Journal and Essays of John Woolman*, ed. Amelia Mott Gummere (New York, 1922), 91–93; Slaughter, *Beautiful Soul*, 262; Plank, *John Woolman’s Path*, 166.

<sup>44</sup> Friendly Association Minutes, July 7 and 21, 1763; Anthony Benezet to Sir Jeffrey Amherst, July 1763, in Brookes, *Friend Anthony Benezet*, 248–53 (quote on 252).

Moravian missionary complied, christening the Munsee leader Johannes. Papunhank's spiritual journey had been moving in this more definitively Christian direction for several years. Zeisberger's preaching, as well as that of his native assistants, Anthony and Nathanael, clearly pushed it along in May and June to the point of eliciting the type of decisive turn to the Savior that Moravians thought necessary for Christian salvation. Yet the timing of Papunhank's declaration of Moravian Christian faith was shaped by more than the state of his own soul. Amid that summer's growing crisis, Papunhank felt the need to move himself and his band (or at least those who were willing) more fully into the Moravian orbit. Through a resident missionary, the Moravians could offer the steady spiritual counsel and comfort required in this difficult time. And they were accustomed to shepherding communities of Christian natives. Papunhank had seen first-hand the lives of Moravian Indians at Nain and elsewhere; he may even have had kin among them. Those contacts had steered him down this road. Moreover, by June 1763, joining forces with Moravians must have seemed a better option to Papunhank than simply having his authority supplanted by them. And yet, almost as soon as that choice was made, Zeisberger was called back to Bethlehem in early July, leaving Papunhank and his people to function once more on their own.<sup>45</sup>

At that point, Papunhank was not ready to cut off his connections to Friends completely, but he increasingly realized that Quakers could supply few, if any, of the assets Moravians provided. His request for the Friends to send teachers to his town had yielded no fruit, and Woolman's visit, though cordial, gave no guarantees of future aid. Nor was the Quakers' traditional advantage over Moravians—their political influence—seemingly of much value right now. He needed to seek out a stronger political partner.

To that end, Papunhank used all his native negotiating skills in appealing anew to Governor Hamilton. In a series of exchanges during the fall of 1763 that culminated in meetings with the colonial government in Philadelphia in early December, Papunhank took pains to reassure Pennsylvania's authorities that the Wyalusing Indians were committed to peace and had no interest in joining with the warring western nations.

<sup>45</sup> Diary of Zeisberger, June 10–July 10, 1763, quotes from entry for June 20; David Zeisberger to Nathanael Seidel, June 18, 1763, box 229, folder 2, item 2, Records of the Indian Missions, translated for author by Roy Ledbetter; Olmstead, *David Zeisberger*, 113–15; Loskiel, *History of the Mission of the United Brethren*, part 2, 206–7; Merritt, *At the Crossroads*, 304, suggests that Papunhank's motives for joining the Moravians included the fact that he had kin among them.

Although violence was on the rise from Delaware warriors and extralegal frontier forces, his community had “minded nothing else but the religious worship of God.” Rumors that they aided and abetted raiding natives by relaying information or giving them refuge were unfounded. Instead, he and his followers remained reliable sources of intelligence and were willing to provide ongoing service as messengers and go-betweens. Papunhank even suggested that the basis of Anglo-Indian amity lay not simply in the colony’s heritage of friendship with natives, as had once again been proposed by white officials, but in something more fundamental: “You look but a little way, but I don’t: I look as far back as the Creation, when God Almighty first made us, & placed the good Spirit in our Hearts.”<sup>46</sup>

Whether that conviction stemmed from Moravian teaching, a Quaker theology of the Inner Light, or a traditional Munsee cosmology, it was part of what proved to be a successful appeal for help. With tensions rising, fears spreading, whites increasingly disinclined to trust any native, Christian or not, and the whole region poised to explode with even greater bloodshed, Papunhank concluded that nothing less than direct government protection for him, his family, and his community would ensure their survival. That decision was likely confirmed once he learned that companies of armed whites intended to attack Wyalusing in October but turned back after encountering the remains of an Indian raid. Papunhank was reassured when word came in November, supposedly from the governor, that the Wyalusingites should either head north to New York to find refuge under the watchful eye of Sir William Johnson, British superintendent of Indian affairs, or come to Philadelphia, there to join other Moravian Indian refugees from settlements at Nain and Wechquetank. The Munsee leader responded that “our hearts inclineth towards you, the Governor of Philadelphia,” but most of his community opted instead to remain in Indian country and go north. Papunhank understood their decision and was clearly unsure of what might befall him in the new locale. He wanted and needed protection, but was removal to Philadelphia the best choice?<sup>47</sup>

<sup>46</sup> Minutes of Council held at Philadelphia, Sept. 17, 1763, *MPCP*, 9:44–45, 66–69, 77–78, 85–88 (quotes on 46 and 78); “Governor John Penn address to the Assembly Concerning several Indian conferences and the late murder of six friendly Indians at Conestogoe Manor, December 21, 1763,” *Pennsylvania Archives*, 4th ser., 3:252–53; Kenny, *Peaceable Kingdom Lost*, 126–28; Merritt, *At the Crossroads*, 305–6.

<sup>47</sup> Kenny, *Peaceable Kingdom Lost*, 128–29; “Col. James Irvine to Gov. Penn, Nov. 23, 1763,” *Pennsylvania Archives*, 4th ser., 4:138; Minutes of Council held at Philadelphia, Dec. 10, 1763, *MPCP*, 9:87–88; “1763 Petition by John Jacob Schmick to Governor John Penn [Nov. 9, 1763],” Bethlehem

Members of the Friendly Association responded to the news of the Wyalusing Indian arrival in Philadelphia in late November with quick offers of material assistance, though they also wanted the natives to be sure they understood that it was the government's responsibility and not the association's to provide for them. They were clearly excited to have Papunhank back in their midst, yet they did not want him to have false expectations of them based on his prior visits to the city. Such a worry soon proved trivial. Neither they nor the Munsee leader could know just how much danger they would soon face or that the next sixteen months would represent the final phase of their near alliance.<sup>48</sup>

### *A Year in Captivity*

Barely a month in Philadelphia, Papunhank and the other twenty-one Wyalusing Indians with him were told that they had to move again. Papunhank was accustomed to navigating difficult circumstances, but he now had less control over the fate of his people, whether they were with him in Philadelphia, back in Wyalusing, or anywhere else they may have migrated. In the months that followed, he did everything he could to ensure his group's security but found himself largely impotent. Activist Quakers were, likewise, increasingly powerless as their hopes of regaining political prominence and reestablishing more benevolent colonial relations with Native Americans became ever more fanciful. So, too, did their plans for the Munsee reformer. As a result, though their friendship endured, it became plain to the Friends and Papunhank alike that neither could supply the long-term needs of the other.

Papunhank and the other Wyalusing refugees joined the larger body of Moravian evacuees on Province Island, situated in the Schuylkill River about five miles south of Philadelphia. That is where colonial officials had

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Digital History Project (hereafter cited as BDHP), item at [http://bdhp.moravian.edu/personal\\_papers/letters/indians/1763schmick.html](http://bdhp.moravian.edu/personal_papers/letters/indians/1763schmick.html); Merritt, *At the Crossroads*, 272–79; Dowd, *War under Heaven*, 194–95. In February 1764, amid the heat of the Paxton Boys crisis, John Penn, Hamilton's successor, informed the Pennsylvania Council that the invitation to the Wyalusingites to come to Philadelphia had actually come from "some private people [presumably members of the Friendly Association], who took every opportunity in their power to interfere & meddle in Indian Affairs," and not from him. At that moment, he had good reason to be distancing himself from that decision. Minutes of Council held at Philadelphia, Feb. 14, 1764, *MPCP*, 9:136–37. Papunhank's choice to come to the city may have been influenced by his earlier positive encounters there or by the fact he was going to be a prime witness for the defense in the trial of Renatus, a Christian Indian accused of murder.

<sup>48</sup> Friendly Association Minutes, Nov. 21, Nov. 22, and Nov. 29, 1763; Friendly Association to James Ervin [Irvine], Nov. 22, 1763, vol. 4, p. 375, FAP.

decided the 140 or so Indians could best be kept, after initially placing them in army barracks in the city and arousing the ire of some Philadelphians who wanted no new natives in their midst. But even Province Island soon seemed inadequate when news came from Lancaster County of the brutal massacres of Conestoga Indians, first on the fourteenth and then on the twenty-seventh of December, by several dozen angry settlers. The armed frontier inhabitants, soon known as the "Paxton Boys," voiced numerous grievances but none more essential than the claim that the colonial government had no business protecting and supplying natives, especially in the wake of its failure to provide adequate defenses for whites against raiding Indians. Unduly influential Friends were particularly to blame for the miseries other Pennsylvanians had suffered, and now they would need to pay the price. Those words were unsettling, to say the least, to officials, Native Americans, and Quakers alike in Philadelphia. Their fears only intensified when reports came that the Paxtonians were now marching toward the city to wreak their vengeance on both the perpetrators and the beneficiaries of such ill-advised policies.<sup>49</sup>

Government leaders, Moravian missionaries, local Friends, and the natives themselves scrambled to devise an escape plan. The interned Indians were told on December 29 that they had to leave Province Island, but where would they go? Various possibilities emerged in the next few days, including an offer from Philadelphia Friends to transport them to the care of Quakers on Nantucket Island in New England. But the Moravian Indians and their white missionaries quickly declined that proposal "in the hope that our dear Father will show us another means by which we can be in security."<sup>50</sup> The means settled upon was a middle-of-the-night departure from Philadelphia and a scheme to travel north through New Jersey, cross to New York, make their way up the Hudson, and, finally, head west into Six Nations country, where they might come under the general protection of William Johnson. There was even some hope that they could eventually find refuge back along the upper Susquehanna and

<sup>49</sup> Conference held Dec. 1, 1763, and Dec. 8, 1763, *MPCP*, 9:77–79, 85–88; "Diary of the Indian *Gemeine* on Province Island . . . , [December] 1763– January 4, 1764," trans. Katherine Carté Engel, BDHP, at [http://bdhp.moravian.edu/community\\_records/christianindians/diaires/province/1764province.html](http://bdhp.moravian.edu/community_records/christianindians/diaires/province/1764province.html); "Penn to the Assembly, December 21, 1763," *Pennsylvania Archives*, 4th ser., 3:252–53; Kenny, *Peaceable Kingdom Lost*, 130–46; Merritt, *At the Crossroads*, 282–92; Silver, *Our Savage Neighbors*, 175–83.

<sup>50</sup> "Diary of the Indian *Gemeine*," Dec. 29 and 31, 1763, and Jan. 2, 1764; Silver, *Our Savage Neighbors*, 183.

there reunite with other Wyalusingites in southern New York.<sup>51</sup> But the whole plan came to naught at the New York border, where the Moravian refugees were rebuffed on orders from Governor Cadwallader Colden. So it was back to Philadelphia, hardly a safe haven in early 1764.<sup>52</sup>

Events climaxed as around two hundred Paxtonians reached the city's edge on February 4, 1764. For the next four days, tensions ran high as opposing forces poised to do battle. Royal troops and local militia, including perhaps as many as two hundred armed Quakers, stood ready to defend the refugee Indians. Fortunately, diplomacy prevailed; grievances were submitted, the Paxton Boys headed home, and a pamphlet war, rather than a literal one, ensued. Over the next year, powerful Quakers were excoriated repeatedly for their sins of commission (aiding Indians of any variety) and omission (failing to protect white frontier settlers adequately and then failing to provide sufficient relief to war victims after the fact). Friends' rejoinders could not prevent a further erosion of their political influence.<sup>53</sup>

Life was only grimmer for the interned Indians. As winter turned to spring, the refugees endured more published attacks in the press, the mounting prospect of the army's departure and the return of the Paxtons, and a sense that any will to care for them was eroding. Worst of all, disease began to infect the barracks. By year's end, smallpox and dysentery would claim the lives of fifty-six natives.<sup>54</sup>

<sup>51</sup> John Heckewelder, *Narrative of the Mission of the United Brethren among the Delaware and Mohegan Indians* (1820; repr., New York, 1971), 80–82; “Diary of the Indian *Gemeine* on Province Island,” entry for Jan. 2, 1764; Olmstead, *David Zeisberger*, 126–27.

<sup>52</sup> “Travel Diary of the little Indian *Gemeine*—1764 [Jan. 18–24, 1764],” trans. Katherine Carté Engel, BDHP, at [http://bdhp.moravian.edu/community\\_records/christianindians/diaires/travel/1764travel.html](http://bdhp.moravian.edu/community_records/christianindians/diaires/travel/1764travel.html). Papunhank and his family had actually been diverted to the home of Friendly Association member Abel James near Burlington, New Jersey. But according to Moravian sources, Papunhank was not content there, so they, too, returned to Philadelphia by late January and rejoined the larger group of Moravian refugees. “1764 Message by Lieutenant Governor John Penn delivered to the departing Christian Indians through William Logan [Jan. 7, 1764],” BDHP, at [http://bdhp.moravian.edu/personal\\_papers/letters/indians/1764governor.html](http://bdhp.moravian.edu/personal_papers/letters/indians/1764governor.html); “Diary of the Indian *Gemeine* in the Barracks in Philadelphia 1764,” Jan. 28, Jan. 29, Feb. 2, and Feb. 8, 1764, trans. Katherine Carté Engel, BDHP, at [http://bdhp.moravian.edu/community\\_records/christianindians/diaires/barracks/1764/translation64.html](http://bdhp.moravian.edu/community_records/christianindians/diaires/barracks/1764/translation64.html); Journal of Frederick Marshall, Oct. 28, 1763–Jan. 18, 1764, entry for Jan. 15, 1764, box 217, folder 14, item 1, Records of the Indian Missions, translated for author by Roy Ledbetter.

<sup>53</sup> “Diary of the Indian *Gemeine* in the Barracks, 1764,” Feb. 4–9, 1764; Remonstrance from the Frontier Inhabitants to Governor John Penn, Feb. 13, 1764, *MPCP*, 9:138–42; Heckewelder, *Narrative of the Mission*, 84–86; Silver, *Our Savage Neighbors*, 185–90, 202–26; Kenny, *Peaceable Kingdom Lost*, 147–202; Merritt, *At the Crossroads*, 288–94; Daiutolo, “Role of Quakers,” 28–29. Many of the key pamphlets of the verbal war may be found in John R. Dunbar, ed., *The Paxton Papers* (The Hague, 1957).

<sup>54</sup> “Diary of the Indian *Gemeine* in the Barracks, 1764,” Apr. 2, June 16, June 19, and July 20, 1764, and notes at end of diary with numbers of deceased. Young and old alike succumbed to the diseases.

Under those circumstances, Indian leaders, and especially Papunhank, grew increasingly desperate for another option. He spent the rest of the year searching for a way out of the city. In late February and again in November, with the government's permission, he risked returning to Wyalusing to check on the fate of the rest of his band, to promote peace in the interior, and to explore options for a future home for all of the Philadelphia refugees. Despite finding that his former village had been almost completely destroyed, Papunhank convinced himself, other community leaders, and the Pennsylvania government that Wyalusing offered the best place to start over. And so in March 1765, after sixteen months of exile, Papunhank headed home, now in the company of six or seven dozen fellow Moravian Indians who had become his new band.<sup>55</sup>

As they left Philadelphia, Papunhank sent a letter of thanks on behalf of the Christian Indians to Governor Penn. Papunhank knew better than any that continuing to skillfully navigate relations with Pennsylvania's government would be a key for their security. The Indians also expressed great thanks to Joseph Fox, Quaker assemblyman and the government's commissary in charge of supplying the natives during their stay in the city, and to other benevolent Friends who had come to their aid. A number of Quakers, including Pemberton and Benezet, had regularly visited the refugees, especially in the early weeks and months of their internment. They came with words of encouragement, offers of assistance, and even, in some cases, a willingness to go against their own peace testimony and take up arms.<sup>56</sup>

<sup>55</sup> Heckewelder, *Narrative of the Mission*, 85–92; “Diary of the Indian *Gemeine* in the Barracks, 1764,” Feb. 16, Feb. 17, Feb. 21, Mar. 25, Apr. 5, Apr. 7, Apr. 10, Apr. 12, Aug. 14, Aug. 16, Oct. 14, Oct. 20, Nov. 13, and Dec. 20, 1764; “Diary of the little Indian *Gemeine*, currently in the barracks in Philadelphia, 1765,” Jan. 24 and Feb. 5, 1765, trans. Katherine Carté Engel, BDHP, at [http://bdhp.moravian.edu/community\\_records/christianindians/diaires/barracks/1765/translation65.html](http://bdhp.moravian.edu/community_records/christianindians/diaires/barracks/1765/translation65.html); Minutes of the Council, Feb. 14, 1764, *MPCP*, 9:136–37; David Zeisberger to Nathanael Seidel, Mar. 29, 1764, box 229, folder 2, item 30; and Johann Jacob Schmick to Nathanael Seidel, Feb. 16 and 21, 1764, box 221, folder 9, items 8 and 9, both Records of the Indian Missions, translated for author by Roy Ledbetter. Schmick's letter of February 16 stated that Papunhank's upcoming journey was “very dear to us [Moravians] and to the Quakers as well.”

<sup>56</sup> “1765 Address of the Christian Indians at the Barracks in Philadelphia to Governor John Penn [Mar. 19, 1765],” BDHP, at [http://bdhp.moravian.edu/personal\\_papers/letters/indians/1765indianaddress.html](http://bdhp.moravian.edu/personal_papers/letters/indians/1765indianaddress.html). Papunhank was one of four Indians who signed the letter. The address may also be found in *Pennsylvania Archives*, 4th ser., 4:170–71; “Diary of the little Indian *Gemeine*, 1765,” Mar. 19, 1765; “Diary of the Indian *Gemeine* on Province Island,” Dec. 30, 1763, Jan. 2 and 3, 1764; “Diary of the Indian *Gemeine* in the Barracks, 1764” Feb. 11, 1764; Friendly Association Minutes, Feb. 2, 1764; Friendly Association Expenses, 1764–1776, ser. 7, box 18, folder 13, Cox-Parrish-Wharton Papers; Heckewelder, *Narrative of the Mission*, 92.

Men like Fox, Benezet, and Pemberton no doubt particularly relished the opportunity to reconnect with Papunhank. Yet, as the months passed it must have become clear to all four men that their previously cherished hopes were not going to materialize. Neither Papunhank nor the Friends could supply the other what had seemed possible a few years earlier. By 1764–65, activist Quakers, including members of the now disbanded Friendly Association, were reeling from a decade of war, a bloody pamphlet fight, and the loss of political clout. Strengthening ties to any Indians at that moment would only make their situation worse. Moreover, Philadelphia Friends' attention had turned to determining how to discipline those members who had taken up weapons in February, a discussion that lasted into 1767. They also became preoccupied with and divided over efforts to make Pennsylvania a royal colony.<sup>57</sup> Activist Friends remained fond of Papunhank, but it was clear that he was in no position to help revive their political fortunes or resurrect their Holy Experiment. Nor could they be of much help to him. During his months in Philadelphia, he had seen firsthand how much Quakers—especially those Friends with whom he had interacted most—were hated by other Pennsylvanians. To be linked with them was to invite great hostility. In addition, they offered no alternative prospect for what to do or where to go in early 1765. Friends had no plan or means to have a Quaker Indian town, and he certainly did not want to stay in the city. His choice that spring to continue his attachment to Moravians was the only choice he really had. This alliance gave him the means to leave Philadelphia, resume life in Wyalusing with a critical mass of like-minded natives, and gain wider Moravian religious, moral, and financial support. It was a way to secure a future and to once again reinvent his community.

### *An Almost Friend*

Back in familiar territory in Wyalusing, Papunhank reexerted critical political and diplomatic leadership, though now with less religious authority. His new town, christened Friedenshütten, owed its existence and persistence in the next few years in no small measure to his determination to convince colonial, Iroquois, and Moravian officials, as well as

<sup>57</sup>David Sloan, "A Time of Sifting and Winnowing: The Paxton Riots and Quaker Non-Violence in Pennsylvania," *Quaker History* 66 (1977): 3–22; Marietta, *Reformation of American Quakerism*, 194–202.

the community itself, to trust his wisdom on numerous occasions. Along with its German missionary pastors, he kept the town going for seven years, during which it functioned as the “central mission congregation of the Moravians” and grew to shelter more than 150 inhabitants. Certainly, Papunhank endured new trials in those years, including accusations that he engaged in witchcraft. Still, he was exonerated from those claims and remained firmly within the Moravian fold. Eventually the pressures of colonial politics forced the community to move west once again, this time to the Ohio Country in 1772. Though slowed by age and infirmity, Papunhank remained an active and important Indian assistant in his new surroundings and helped place his native Moravian brethren on a firm foundation there until the ravages of a new round of warfare threatened their security once again.<sup>58</sup>

Perhaps mercifully, Papunhank didn’t live to see that revolutionary violence. On May 15, 1775, Zeisberger recorded Papunhank’s death. His journal entry for the next day noted the large crowd that attended the burial, then launched into a mini-biography. Zeisberger recounted Papunhank’s flight to Philadelphia, where “the Quakers . . . knew him and made much of him, and they kept him with them and took care of him and his people.” While Zeisberger was quick to point out that Papunhank “just did not feel satisfied until he was with the [Moravian] Brothers,” his earlier remark could not have been more on target: *the Quakers did make much of him*.<sup>59</sup>

Amid the challenging years of the early 1760s, reformist Friends enthusiastically latched on to Papunhank as fellow peacemaker, diplomatically, joint advocate for economic justice, and Christian brother. The participants in the Friendly Association were those Quakers who felt most responsible for continuing Penn’s legacy with Indians, most accustomed to wielding clout in the colony, most concerned about ensuring favorable economic conditions, and most hopeful about reasserting themselves into the middle of Pennsylvania politics and Indian affairs. As a religious and political leader with views and values akin to their own, Papunhank seemed

<sup>58</sup> Hermann Wellenreuther and Carola Wessel, eds., “Introduction,” *The Moravian Mission Diaries of David Zeisberger, 1772–1781*, trans. Julie Tomberlin Weber (University Park, PA, 2005), 48–51 (quote on 48); Olmstead, *David Zeisberger*, 137–45; Loskiel, *History of the Mission of the United Brethren*, part 3, 64–77.

<sup>59</sup> Wellenreuther and Wessel, *Moravian Mission Diaries*, 272–73. Merritt, *At the Crossroads*, 317–18, provides another translation of Papunhank’s *Lebenslauf* (life story), a popular genre among the Moravians.

to hold great promise for helping the Quaker cause. He was one part of their larger strategy to save themselves and their place in Pennsylvania.

So, too, were Quakers a part of his strategy to save his people. Drawn to them particularly by their pacifism and evident care for natives, Papunhank hoped to tap into their spiritual, political, and economic resources to bolster his people's fortunes. He wooed them as they wooed him. In the end, Friends were only able to provide Papunhank and his band with some modest assistance. The two groups shared a few episodes of spiritual fellowship and mutual instruction, and genuine bonds of affection seemed to grow up on both sides as they conversed about their faiths. In addition, Friends' enthusiasm for many of the positions Papunhank affirmed may have reinforced his determination to stay true to his principles. Quakers also periodically contributed material aid, including gifts to the Philadelphia refugees as they left to start over in Wyalusing in 1765. And Friends exerted some political influence in urging colonial and British officials to make special efforts to protect the Wyalusingites. Those gains were real, and Papunhank did not take them lightly. Yet he became all too aware by the mid-1760s that, on balance, they were largely offset by the political cost of association with activist Quakers who had no shortage of enemies. Being linked with the Friendly Association eventually did nothing less than put a target on Papunhank's back. By that point in 1764, joining the Moravians was also dangerous, for they, too, were under attack. Still, Papunhank's close contacts with David Zeisberger beginning in the spring of 1763, including his personal spiritual awakening and baptism and his joint exile with the larger body of Moravian Indians in Philadelphia throughout 1764, persuaded him that here was where he, his kin, and the remnants of his band had the best chance of survival. It proved a wise choice.

Papunhank's Quaker friends seemed to harbor no resentment over that choice in the mid-1760s. They might have, considering the outcome of their alliance efforts and especially given that in the years that followed they made no headway in spreading Quakerism among natives and saw their role in colonial and imperial politics diminish further. On the contrary, though, they remained enamored with the Munsee reformer and continued to idealize him in the decades to come. In the 1770s, Philadelphia Friends exchanged warm letters with him and other Christian Indians in the West and even sent three emissaries in 1773 to explore possibilities for establishing some type of mission work there. In the 1780s, Anthony Benezet cited Papunhank as a model native in a pamphlet dedicated to de-

fending the character of Indians. And in 1803, a new printed version of the account of the Friends' highly successful first encounters with Papunhank appeared. A generation after his death, he was still their choice, even if he hadn't chosen them.<sup>60</sup>

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<sup>60</sup> Friendly Association to Papunhang & others of the Delaware Nation, Aug. 6, 1772; and John Ettwein to Friendly Association, Nov. 17, 1772, vol. 4, pp. 467 and 473, FAP; John Papunhang et al. to Israel Pemberton . . . & the Rest of the Friends in Philadelphia, Mar. 21, 1773, vol. 2, p. 123, Jonah Thompson Collection of Colonial Pennsylvania Documents, Historical Society of Pennsylvania; Minutes for Meeting for Sufferings for Pennsylvania and New Jersey, Philadelphia Yearly Meeting, Minute Book One, 1755–1775, July 5, 1773, Quaker and Special Collections, Haverford College; Friendly Association to John Papunhang & the rest of the Indian Brethren . . . living beyond the Ohio, July 8, 1773; and John Ettwein to James Drinker, July 17, 1773, vol. 4, pp. 483, 487, FAP; John Parrish, "Extracts from the Journal of John Parrish, 1773," *Pennsylvania Magazine of History and Biography* 16 (1892): 443–48; [Anthony Benezet], *Some Observations on the situation, disposition, and character of the Indian Natives of this continent* (Philadelphia, 1782), 24–25; *An Account of the Behavior and Sentiments of some well disposed Indians, mostly of the Minusing Tribe* (Stanford, NY, 1803). In July 1773, Quakers Zebulon Horton, John Lacey, and John Parrish visited Indians in the Ohio Country, including the Moravians at Schoenbrunn, where Papunhank lived, but he was away at the time. Nothing substantial came of their visit.

## *The “Mad” Engineer: L’Enfant in Early National Philadelphia*

THROUGHOUT ITS HISTORY, Philadelphia has boasted the work of notable architects and builders. Yet hardly any were so controversial or left such a mixed legacy as the self-styled “engineer of the United States” during the nation’s founding, Peter (Pierre) Charles L’Enfant. From 1793 to 1800, while the city served as the federal seat of government, L’Enfant lived in Philadelphia and applied his hand to a range of ambitious projects. This period followed his sudden, acrimonious departure from laying out the grand new city on the Potomac. And as in this earlier appointment, nearly all L’Enfant’s subsequent projects were marked with difficulty. Indeed, the climax of L’Enfant’s efforts in Philadelphia saw his masterwork pulled down and demolished by the citizens themselves to make way for more practical construction of a different character. Nor was L’Enfant’s personal life in the city any easier, as he found himself beset and bullied by his housemate, Richard Soderstrom, the Swedish consul. As a result, despite his singular creativity and talents, L’Enfant’s energies in the city would largely be forgotten.

It is worth recalling, though, that memories of L’Enfant became likewise obscure in the District of Columbia until his name and city plan were resurrected at the turn of the twentieth century by a range of design professionals, government officials, and local boosters. Since then, studies of L’Enfant have centered on that earlier episode of the engineer’s life. L’Enfant’s unique plan for the city of Washington, with its radiating avenues, strategic vistas, and monumental sites, commanded belated admiration, and the French-born engineer’s resignation (or dismissal) from

I thank Kenneth Bowling, Charles Brownell, Jonathan Farnham, François Furstenberg, Tamara Gaskell, Edward Lawler, Douglas Mooney, Mark Rubenstein, the anonymous readers for the *Pennsylvania Magazine of History and Biography*, and the staffs of the Historical Society of Pennsylvania, the Library Company of Philadelphia, the Library of Virginia, the Manuscript Division of the Library of Congress, the Maryland Historical Society, and the Winterthur Library for their assistance with this article.

the project in February 1792 became equally storied. Biographers and art historians then tended to gloss over his years afterward in Philadelphia as a curious, embarrassing postlude.<sup>1</sup>

But the engineer himself did not see it that way upon his arrival. He entered the city, then the cosmopolitan center of the nation, still sure of his abilities and his future. Only later, after attempting a fort, a dancing hall, and, most importantly, a monumental town house in the Quaker City, among other projects, did the trajectory of his career take a decided fall. He departed the city under a much darker cloud than when he came, doomed to die impoverished and unknown.

The time seems right to review L'Enfant's work in Philadelphia. Edward Lawler's recent, transformative work on the president's executive residence during the 1790s has renewed attention to neglected aspects of the city's federal-era landscape. And scholars have increasingly demonstrated the importance of French ideas and immigrants to the early American republic, of which Philadelphia was a key hub. We can now trace the broad impact of French-inspired designs (whether aristocratic, revolutionary, or empire) on American fashion, behavior, decorative arts, and architecture. And we can follow the political and economic contributions of French immigrants and refugees. L'Enfant stood somewhat aloof from this community, and his designs did not always draw from French precedents, but his uneven command of the vernacular did matter in the end. His failure to conform to Philadelphia's closed building traditions, or to present an architectural vision that corresponded to the more democratic element of the city, among other missteps, cost him his immediate reputation and career. None of his Philadelphia constructions have survived, but given

<sup>1</sup> Among those responsible for the revival of interest in L'Enfant in the District of Columbia at the turn of the twentieth century were James Dudley Morgan, an area physician who had come into possession of L'Enfant's papers; landscape designer Frederick Law Olmsted Jr.; President Theodore Roosevelt; the French ambassador Jules Jusserand; the American Institute of Architects; and the Senate Park Commission. Major studies of L'Enfant's career and legacy include J. J. Jusserand, *With Americans of Past and Present Days* (New York, 1916), 137–98; Fiske Kimball, "Pierre Charles L'Enfant," in *Dictionary of American Biography*, ed. Dumas Malone, vol. 6 (New York, 1933), 165–69; H. Paul Caemmerer, *The Life of Pierre Charles L'Enfant, Planner of the City Beautiful, the City of Washington* (Washington, DC, 1950); Kenneth R. Bowling, *Pierre Charles L'Enfant: Vision, Honor, and Male Friendship in the Early American Republic* (Washington, DC, 2002); and Scott W. Berg, *Grand Avenues: The Story of the French Visionary Who Designed Washington, D.C.* (New York, 2007). Berg's excellent study noted in traditional form the timing of L'Enfant's fall: "Every task L'Enfant took on after his final exchange of letters with George Washington in February 1792 went wrong" (208). This may be true, but it was not apparent to L'Enfant nor to his audiences at the time.

their distinctiveness, and the rebirth of his reputation elsewhere, we should explore why his time in Philadelphia has been so overlooked.<sup>2</sup>

*An Auspicious Arrival*

L'Enfant entered Philadelphia in 1793, heeding the call of Robert Morris, the wealthy merchant and statesman who was one of the city's greatest players. "Dear Sir," the financier teasingly wrote to L'Enfant that May, "I had like to have stopped my House for fear of wanting money, that difficulty being removed, it will now be stopped for want of Major L'Enfant." Morris, with his large family and large appetites, was ready to advance work on his extraordinary new home, for which he had given L'Enfant the commission. He sent the letter to Paterson, New Jersey, where the major was concluding his short-lived duties as superintending engineer for the new Society for Establishing Useful Manufactures. The invitation from Morris excited L'Enfant, who was then feuding again with his employers, so he took up residence in a Philadelphia boardinghouse the following month.<sup>3</sup>

<sup>2</sup> For Lawler's work, see Edward Lawler Jr., "The President's House in Philadelphia: The Rediscovery of a Lost Landmark," *Pennsylvania Magazine of History and Biography* 126 (2002): 5–95; Lawler, "The President's House Revisited," *Pennsylvania Magazine of History and Biography* 129 (2005): 371–410; and Seth C. Bruggeman, "The President's House: Freedom and Slavery in the Making of a New Nation," *Journal of American History* 100 (2013): 155–58.

For the importance of French ideas and immigrants in federal Philadelphia, see Frances Sergeant Childs, *French Refugee Life in the United States, 1790–1800: An American Chapter of the French Revolution* (Baltimore, 1940); Roger G. Kennedy, *Orders from France: The Americans and the French in a Revolutionary World, 1780–1820* (New York, 1989); Andrew J. Brunk, "'To Fix the Taste of Our Country Properly': The French Style in Philadelphia Interiors, 1788–1800" (master's thesis, University of Delaware, 2000); Gary B. Nash, *First City: Philadelphia and the Forging of Historical Memory* (Philadelphia, 2001); Susan Branson, *These Fiery Frenchified Dames: Women and Political Culture in Early National Philadelphia* (Philadelphia, 2001); Cynthia R. Field, Isabelle Gournay, and Thomas P. Somma, eds., *Paris on the Potomac: The French Influence on the Architecture and Art of Washington, D.C.* (Athens, OH, 2007); and François Furstenberg, *When the United States Spoke French: Five Refugees Who Shaped a Nation* (New York, 2014).

<sup>3</sup> Robert Morris to Major [Peter Charles] L'Enfant, May 9, 1793, box 1, James Dudley Morgan collection of Digges-L'Enfant-Morgan Papers, Manuscript Division, Library of Congress, Washington, DC (hereafter cited as JDM-DLM Papers). For Robert Morris, see Elizabeth M. Nuxoll, "The Financier as Senator: Robert Morris of Pennsylvania, 1789–1795," in *Neither Separate nor Equal: Congress in the 1790s*, ed. Kenneth R. Bowling and Donald R. Kennon (Athens, OH, 2000); Charles Rappleye, *Robert Morris: Financier of the American Revolution* (New York, 2010); and Ryan K. Smith, *Robert Morris's Folly: The Architectural and Financial Failures of an American Founder* (New Haven, CT, 2014).



Figure 1. The only known image from life of Peter Charles L'Enfant. Silhouette by Sarah DeHart, ca. 1785. Courtesy of the Diplomatic Reception Rooms, US Department of State, Washington, DC.

L'Enfant knew the city well, having spent time there as early as his first arrival in the country in 1777. Born in Paris in 1754, L'Enfant grew up around the courts of Louis XV and XVI as the son of a painter affiliated with the Royal Academy of Painting and Sculpture. In turn, his father secured a place for him at the Royal Academy, where he would receive years of versatile training. L'Enfant studied drawing and painting, as well as landscapes, architecture, and fortifications, given the military subject matter preferred by the French royalty and the intended settings of its art. At the conclusion of his studies, when an American agent in Paris offered the twenty-two-year-old L'Enfant the chance to join the American cause, the young man took it and entered the Continental army's corps of engineers at the rank of captain. His subsequent enthusiasm for the craft of military engineering soon won him the esteem of Baron von Steuben and other commanding officers. Over the course of the war, L'Enfant passed through Philadelphia several times, received a serious leg wound in a southern campaign, served time as a British prisoner, anglicized his name from Pierre to Peter, and gained the rank of major. Six feet tall, he carried himself with what one observer called "military bearing, courtly

air and polite manners" (see Figure 1). He also got to know Morris, who served Congress as superintendent of finance and therefore wrote out the young officer's pay.<sup>4</sup>

At the close of the war, L'Enfant landed his first major architectural commission. When the French minister, the chevalier de La Luzerne, announced the birth of the dauphin in April 1782, he tapped L'Enfant to supervise and construct a lavish setting for a formal celebration of the event. It would be the greatest party the city had yet seen. Any tension underlying the new American republic's salute to French royalty did not show in L'Enfant's hand. Working at the minister's rented Philadelphia residence on Chestnut Street, L'Enfant constructed a large colonnaded pavilion outside the main house, set within a lamp-lit garden. He added rich illustrations and tableaux with weighty national symbols, including a rising sun, thirteen stars, and solemn Indians. On the evening of the fete, July 15, perhaps ten thousand people descended on the site, either as groomed, invited guests or as part of the celebrity-struck citizenry. The fete gave L'Enfant valuable exposure for his talents, and the French War Ministry covered the \$5,000 bill. It was the first hint of L'Enfant's ease with excess, though the Quaker City voiced no complaint. Further, it also demonstrated that L'Enfant—who never adopted the rare, formal title of "architect"—felt comfortable moving among design projects of different types and mediums.<sup>5</sup>

More national honors lay in store for L'Enfant. In 1783, he joined other officers in founding the Society of the Cincinnati, and he designed its eagle-themed heraldry. With the peace, he settled in New York City, the newly named seat of government, where he oversaw various projects and agitated for command of a permanent military corps of engineers. He remained in contact with associates in Philadelphia, fielding an invitation in 1787 from William Temple Franklin to design a large structure

<sup>4</sup>W. W. Corcoran, quoted in Wilhelmus B. Bryan, "Something about L'Enfant and His Personal Affairs," *Records of the Columbia Historical Society* 2 (1899): 117. L'Enfant also added an apostrophe to his surname Lenfant after his arrival in America. His initial commander, the ill-fated officer Tronson du Coudray, thought little of his engineering skills and saw him instead as an artist. See Bowling, *Peter Charles L'Enfant*, 1–5, and Berg, *Grand Avenues*, 19–48.

<sup>5</sup>See Benjamin Rush, "The French Fête in Philadelphia in Honor of the Dauphin's Birthday," *Pennsylvania Magazine of History and Biography* 21 (1897): 257–62; Bowling, *Peter Charles L'Enfant*, 5–7; and Berg, *Grand Avenues*, 48–50. Charles Brownell observed that L'Enfant "worked in the waning Renaissance tradition of the universal artist, and symbolism was his forte." See Charles E. Brownell, "L'Enfant, Pierre-Charles," in *James Madison and the American Nation, 1751–1836: An Encyclopedia*, ed. Robert A. Rutland (New York, 1994), 235–36.

for the city, for which L'Enfant proposed incorporating Parisian features, including a shop-filled gallery on the ground floor. This proposal never materialized. Rather, the adoption of the new federal Constitution in 1788 further spurred L'Enfant's fortunes in New York, as he orchestrated that city's grand parade to celebrate ratification and transformed its city hall into the lavish and symbolic "Federal Hall" to serve as home for the new Congress. Federal Hall was such a success that when Pennsylvania's congressional delegation succeeded in removing the federal seat from New York City to Philadelphia in 1790, the delegates immediately floated L'Enfant's name as a desirable candidate for their own federal buildings. "Major Lenfant . . . is here," Representative Thomas Fitzsimons wrote from New York to Philadelphia city officials in July, "and would be very glad to give plans or superintend the Improvements with you" for the accommodation of Congress. According to Fitzsimons, L'Enfant was to be favored over Philadelphia's local builders because he was "well acquainted with the present taste in Europe." Surprisingly, in almost comic contrast to L'Enfant's subsequent reputation, Fitzsimons also promoted L'Enfant as "a man of mild unassuming manners." It is unclear if the city engaged L'Enfant for the ensuing rearrangement of "Congress Hall," next to the State House.<sup>6</sup>

All of these honors and invitations built L'Enfant's reputation as one of the nation's few expert artists and planners, one whose vision of the country's future surpassed that of even the most optimistic leaders. L'Enfant's biggest prize was the permanent federal seat, for which he had been lobbying as early as 1784. When President Washington appointed him to this Potomac commission in 1791, the major was ready to build it, as he had suggested, "in such a manner as to give an idea of the greatness of the

<sup>6</sup>Thomas Fitzsimons to Miers Fisher, July 16, 1790, Miers Fisher Papers, Historical Society of Pennsylvania (quotations); Jusserand, *Americans of Past and Present*, 145–61; Minor Myers Jr., *Liberty without Anarchy: A History of the Society of the Cincinnati* (Charlottesville, VA, 1983), 32–34; and Louis Torres, "Federal Hall Revisited," *Journal of the Society of Architectural Historians* 29 (1970): 327–38. Caemmerer reprints L'Enfant's letter of Jan. 29, 1787, to William Temple Franklin, in which the engineer proposed surrounding the outside of the intended building "with small shops under cover of a gallery" as seen in the piazzas around "the comedie francaise at Paris" and those around the Royal Palace, in *Life of Pierre Charles L'Enfant*, 264–65. Bowling suggests that Franklin's project may have been that of the new city courthouse, which would become Congress Hall in 1789, next door to the Pennsylvania State House. See Bowling, *Pierre Charles L'Enfant*, 12–14. In the 1920s, Joseph Jackson found that "It is possible, even probable, that L'Enfant drew the plans for the enlargement of old Congress Hall in this City [Philadelphia]." Jackson cites the inconclusive journal of William Maclay as among his evidence. See Joseph Jackson, *Early Philadelphia Architects and Engineers* (Philadelphia, 1923), 87–88.

empire as well as to engrave in every mind that sense of respect that is due to a place which is the seat of a supreme sovereignty." As work there commenced, his efforts confirmed his design genius, his nationalism, and his flair for what he called "sumptuousness," but they also confirmed his sensitive temperament. Over several months, L'Enfant chafed under the directions of the city's three commissioners, who were responsible to the local landowners and city investors as well as to the miserly federal government. L'Enfant had little tolerance for the foolishness of superiors who wished to build his plan around the whims of local proprietors and with funds raised at auctions. Wooden stakes still marked the ground for blocks and avenues when the city commissioners decided in February 1792 that they could no longer tolerate L'Enfant's insubordination—his hiring and dismissal of teams of project workers in defiance of orders and his refusal to allow a plan of the city to be printed and distributed when he felt it was not yet ready.<sup>7</sup>

By then, L'Enfant had sadly reached the same conclusion. His final separation from the project occurred that month, while he was in Philadelphia arranging for his own engraving of the plan. President Washington, still a supporter but by then exhausted, concluded L'Enfant would continue in his ways to remain "under the controul of no one." Engineering responsibility for the city was officially transferred from L'Enfant to the project's surveyor, Andrew Ellicott, on February 27, 1792. Many of those L'Enfant left behind were bitterly disappointed at this turn of events. "We lament extremely," a group of landholders around the federal city wrote in a joint letter to the departed engineer, "that the city of Washington will lose the benefit of your future services." They held hope for his return, and, although it would come to nothing, they appealed to Secretary of State Jefferson for L'Enfant's reinstatement into the spring.<sup>8</sup>

L'Enfant's companion Isaac Roberdeau, who had served him loyally for the past year as secretary, assistant surveyor, and housemate, told a Potomac

<sup>7</sup> L'Enfant, quoted in Kenneth R. Bowling, *The Creation of Washington, D.C.: The Idea and Location of the American Capital* (Fairfax, VA, 1991), 6 (first quotation); and Pierre-Charles L'Enfant to George Washington, June 22, 1791, in *The Papers of George Washington*, ed. W. W. Abbott et al. (Charlottesville, VA, 1987–), Presidential Series, 8:287–93 (second quotation) (hereafter cited as *PGW*) (online at <http://founders.archives.gov/about/Washington>). See generally Bowling, *Peter Charles L'Enfant*, 21–33; Berg, *Grand Avenues*, 117–99; and Bob Arnebeck, *Through a Fiery Trial: Building Washington, 1790–1800* (Lanham, MD, 1991), 24–111.

<sup>8</sup> Pierre L'Enfant to George Washington, Feb. 27, 1792, and George Washington to Pierre L'Enfant, Feb. 28, 1792 (first quotation), in *PGW*, Presidential Series, 9:603–6; Proprietors to P. C. L'Enfant, Mar. 9, 1792, box 1, JDM-DLM Papers (last quotation).

acquaintance that the pair would now “go to Pennsylvania that they had offers from thence and could be employed when they pleased.” This was not idle bragging; a few months earlier, Governor Thomas Mifflin had invited L’Enfant, then still at work on the Potomac, to prepare a plan for the new executive mansion the state was erecting in Philadelphia in an attempt to strengthen the federal government’s attachments there. L’Enfant may have submitted some ideas, but when the builders broke ground on Ninth Street in April 1792, employing a large, boxy, somewhat clumsy neoclassical plan, it seemed clear that any hand L’Enfant may have had in its design was slight. After recouping in Philadelphia over the summer, L’Enfant instead chose a second attempt at city building in northern New Jersey. He called for Roberdeau, and, at the behest of Alexander Hamilton and his manufacturing society, the two turned to the falls of the Passaic River, where they were charged with laying out the company town and constructing its factories.<sup>9</sup>

Hamilton assured his society’s directors that L’Enfant was the ideal engineer for their job. He explained, “from much experience and observation of him, I have a high opinion of the solidity of his talents” and training. L’Enfant received a one-year contract in August 1792, promising his patron Hamilton to remain mindful of the society’s finances. But again, L’Enfant quickly became ensnared in the differences among the society’s directors, and he feuded with rival managers. As early as February 1793, the society’s staff had seen enough. Peter Colt, a factory overseer, complained to Hamilton that several buildings were then needed to shelter the operations, but “Majr. L’Enfant, to whom this part of the Business has been confided,” was no longer present. Factory production slowed to a near standstill, and in March, a director exclaimed to Hamilton, “What can be the Cause of Maj. L Enfant’s extraordinary long Absence? Will you speak to him and advise him to come forward immediately?” L’Enfant returned to Paterson at the end of the month, justifying his progress to Hamilton and bristling at the directors’ decision to consult one of his rivals regarding the waterworks. Still resolute in his own abilities, he fretted about the scenario unfolding yet again around him and despaired in his chopped

<sup>9</sup> Roberdeau, quoted by Abraham Faw, in Arnebeck, *Through a Fiery Trial*, 90; Bowling, *Peter Charles L’Enfant*, 34–37; “Executive Minutes of Governor Thomas Mifflin,” Oct. 11, 1792 [1791], in *Pennsylvania Archives*, ser. 9, ed. Gertrude MacKinney, 10 vols. (Harrisburg, PA, 1931–35), 1:242; Damie Stillman, “Six Houses for the President,” *Pennsylvania Magazine of History and Biography* 129 (2005): 419–23; and George B. Tatum, *Penn’s Great Town: 250 Years of Philadelphia Architecture Illustrated in Prints and Drawings* (Philadelphia, 1961), 45–46.

English "that my whole labour is likely once more to be made a mean to gratify the petit Interest of some men to the Expulsion of me and the Subversion of all my views." After an antagonistic meeting with the directors in April, they became "Seriously alarmed" at his "extensive plans & views" and chose not to renew his one-year contract. So in June 1793, the engineer left his newest antagonists at Paterson, whom he saw shackling his artistic vision, and moved to Philadelphia.<sup>10</sup>

Coming on the heels of two blowouts with key employers, L'Enfant's arrival in the city might have given some clients pause. Not Robert Morris, the city's greatest patron. In June 1793, Morris was a US senator and rumored to be the wealthiest man in America. He rented his own home on Market Street to his friends the Washingtons for the executive residence, while he and his family lived next door in what had previously been their rental property. As a longtime city merchant, Morris was a hero of the Revolutionary cause and a signer of the Declaration of Independence, the Articles of Confederation, and the Constitution in addition to his former role as superintendent of finance. Some grumbling remained that his wartime exploits were more villainous than heroic, as he had been able to amass a great deal of wealth while holding the public's empty purse, but this hardly slowed him down. Indeed, he was lauded locally as the one who had recently dislodged the federal seat from New York and returned it, temporarily, to Philadelphia. He was a stalwart clubman, devoted to the pleasures of the table, and an enterprising speculator. He owned an industrial works on the Delaware River, traded across the oceans, dealt in bank notes and government securities, and, most of all, speculated in lands. With his new partner John Nicholson, soon to be joined by James Greenleaf, he was busy signing his name to millions of acres from upstate New York south to Georgia in an effort to chase supreme riches and leave

<sup>10</sup>"Draft Minutes of a Meeting of a Committee of the Directors of the Society for Establishing Useful Manufactures," Aug. 1, 1792; Alexander Hamilton to the Governor and Directors of the Society for Establishing Useful Manufactures, Aug. 16, 1792 (first quotation); Pierre Charles L'Enfant to Alexander Hamilton, Aug. 21, 1792; Alexander Hamilton to James Watson, Oct. 9, 1792; Peter Colt to Alexander Hamilton, Feb. 28, 1793 (second quotation); Nicholas Low to Alexander Hamilton, Mar. 4, 1793 (third quotation); Pierre Charles L'Enfant to Alexander Hamilton, Mar. 26, 1793 (fourth quotation); Peter Colt to Alexander Hamilton, May 7, 1793 (last quotations), all in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett, 27 vols. (New York, 1967–), 12:140–42, 216–18, 262–63, 538–40, 14:170–71, 189, 248–49, 419–21 (hereafter cited as *PAH*) (online at <http://founders.archives.gov/about/Hamilton>); Caemmerer, *Life of Pierre Charles L'Enfant*, 249–54. See also Nicholas Low to Alexander Hamilton, June 27, 1793, and Pierre Charles L'Enfant to Alexander Hamilton, Oct. 16, 1793, in *PAH*, 15:30, 363–65. Evidence that L'Enfant could be found "at Robert Morris's" in Philadelphia by June appears in Isaac Roberdeau to Major L'Enfant, June 18, 1793, box 1, JDM-DLM Papers.

a baronial legacy to his family. He was also technically broke—"wanting money"—for while he could still shoulder enormous personal credit, he also had become embroiled in a series of earlier failures that continued to shadow his otherwise sunny outlook.<sup>11</sup>

A few recent land sales convinced Morris that his tide was turning, so in 1792 he had begun to plan a more suitable town house. He had a prime site in hand—an entire, undeveloped city block bounded by Seventh, Eighth, Chestnut, and Walnut Streets. It was close to the expanding heart of the city and only two blocks west of the State House and Congress Hall. Morris and the storied L'Enfant seemed to have struck up a mutual grandiose vision for the site sometime in the winter of 1792/93, while the latter was absent from Paterson. John Fanning Watson, Philadelphia's early annalist who drew much of his source material from hearsay, recorded in 1844 that a "gentleman was present at R. Morris' table when L'Enfant [*sic*] was there, and first broached the scheme of building him a grand house for 60,000 dollars." Cost aside, their resulting design would be like none other in the city. L'Enfant intended it to command the whole block, unlike the other narrow row houses that lined the city's perpendicular streets and alleys. L'Enfant modeled the residence on the wide *hôtels particuliers* of his Parisian memories, which sat back from the street front and boasted broad rear gardens, bringing an element of the pastoral into the city. The house for Morris would be perhaps the biggest private house in the new republic, suggesting palatial ambitions.<sup>12</sup>

<sup>11</sup> Smith, *Robert Morris's Folly*; and Nuxoll, "Financier as Senator." Interestingly, L'Enfant's latest replacement on the federal city project, Samuel Blodget Jr., visited Philadelphia in July 1793 and reported back to his colleagues that L'Enfant's recent episode in New Jersey "has confirmd the Public in your opinion of this eccentric gentleman but Robt Morris did not know this when he contracted with him for his new house[.] he now begins to [become] alarmd & wishes he had never seen him." None of Morris's behaviors or letters support Blodget's statement. The unflappable Morris had known L'Enfant for a decade, and only two months earlier, in May, he had called for L'Enfant's presence via letter. See Samuel Blodget Jr. to Commissioners of the District of Columbia, July 27, 1793, Letters Received, vol. 3, M371, reel 9, Records of the Commissioners for the District of Columbia, National Archives and Records Administration, Washington, DC; and Arnebeck, *Through a Fiery Trial*, 168. In contrast to Blodget, George Washington had mentioned to one of the DC commissioners only seven months earlier that L'Enfant was "said [to be] performing wonders at the new town of Patterson." George Washington to David Stuart, Nov. 30, 1792, in *PGW*, Presidential Series, 11:452–55.

<sup>12</sup> John F. Watson, *Annals of Philadelphia and Pennsylvania, in the Olden Time; Being a Collection of Memoirs, Anecdotes, and Incidents of the City and Its Inhabitants, and of the Earliest Settlements of the Inland Part of Pennsylvania, from the Days of the Founders* (Philadelphia, 1844), 1:409. This story of L'Enfant's proposal over dinner did not appear in the earlier 1830 issue of Watson's work. See Smith, *Robert Morris's Folly*. Some art historians have found that in 1791, L'Enfant had a hand in designing the Philadelphia house of John Nicholson, Morris's partner in land speculations. See Kimball, "Pierre Charles L'Enfant." None of Morris's correspondence with Nicholson mentions the commission.

News of their plans spread quickly. A seemingly accurate report circulated as early as mid-March 1793, as reported by the Quaker matron Deborah Logan upon her visit with a neighbor near Germantown. There, Logan saw Henry Hill, a city merchant, who, she wrote, "told us Robert Morris is going to build a superb house on the lot he purchased of cousin [John] Dickinson[.] it is designed to be 140 feet front." Hill himself owned one of the finest freestanding mansions in the city, located on Fourth Street in Society Hill and measuring 48 feet wide by 48 feet deep, with 6,900 feet of living space in its three stories. The Masters-Penn house, in which President Washington lived, had even more space, though it measured only 45 feet wide. Morris's new 140-foot front would overshadow even the Pennsylvania State House, at 107 feet, to say nothing of the new President's House under construction on Ninth Street, at 100 feet. Clearly it was intended to surpass William and Anne Bingham's famous "Mansion House," also at 100 feet, which oversaw a third of a block in Society Hill and was modeled after a London town house. Though L'Enfant had moved on from the federal city and the Paterson factory town, his desire to deliver a national landmark was intact.<sup>13</sup>

### *A Series of Stumbles*

L'Enfant needed an auspicious start for the project. Surely Morris's commission would pay well, but for the moment, the engineer was occupied with what he would call "the distress of my affairs." He had earlier balked at the compensation offered him for his work at New York's Federal Hall and at the city of Washington, deeming both offers insufficient. And he had left Paterson without receiving his full salary. Further, the thirty-nine-year-old engineer was now without his friend and former assistant Isaac Roberdeau, who had recently married Susan Shippen Blair of Philadelphia and then found a job with the state of Pennsylvania in the department of canals and turnpikes. So L'Enfant began joining Morris for breakfast regularly, at the latter's request, to discuss work on the house. He

<sup>13</sup> Deborah Logan to Mary Norris, Mar. 25, 1793, box 2, Maria Dickinson Logan Collection, Historical Society of Pennsylvania. See also Amy H. Henderson, "A Family Affair: The Design and Decoration of 321 South Fourth Street," in *Gender, Taste, and Material Culture in Britain and America in the Long Eighteenth Century*, ed. John Styles and Amanda Vickery (New Haven, CT, 2006), 267–91; and Henderson, "Furnishing the Republican Court: Building and Decorating Philadelphia Homes, 1790–1800" (PhD diss., University of Delaware, 2008), 84, 88–90.

sometimes brought design drawings, which Robert's wife, Mary, reviewed with them.<sup>14</sup>

Morris appointed his longtime contractor Burton Wallace, a master bricklayer, to supervise the daily laborers when ground was broken on the new house in May 1793. Wallace and L'Enfant worked well together in a burst of activity that summer. Teams of workers moved loads of earth, sorted through the arrival of supplies, and began laying foundations. In all, Morris was paying the workers around £800 Pennsylvania currency a month, or \$2,144.<sup>15</sup>

The appearance of yellow fever on the waterfront that July soon disrupted L'Enfant's start. The disease moved through panicked neighborhoods, killing hundreds and then thousands. In the words of one merchant, "the wealthy soon fled; the fearless or indifferent remained from choice, the poor from necessity." The Morrises abandoned the city for their retreat at the Delaware Works. In turn, L'Enfant left his duties at the construction site and made for New York City. Morris, shaken by the horrors of the pestilence, wrote his absent architect in early October to rest "perfectly easy on the score of my building. I had rather it should stop than you or any other person should be exposed to the Contagious Fever which has proved so fatal to many worthy Citizens." Morris thought it best to close the site for the season, until the winter frosts allowed the city to reassemble.<sup>16</sup>

<sup>14</sup> L'Enfant, account dated 1804, box 1, JDM-DLM Papers; Smith, *Robert Morris's Folly*; Bowling, *Peter Charles L'Enfant*, 20, 30, 33; Pierre Charles L'Enfant to Alexander Hamilton, Oct. 16, 1793, in *PAH*, 15:363–65. For mention of drawings, now lost, and Mary's involvement, see entry for Apr. 26, 1798, in Benjamin Henry Latrobe, *Virginia Journals*, Benjamin Henry Latrobe Collection, Maryland Historical Society, Baltimore, MD (also available in *The Virginia Journals of Benjamin Henry Latrobe, 1795–1798*, ed. Edward C. Carter II [New Haven, CT, 1977], 2:376–68).

For Roberdeau, see Roberdeau Buchanon, *Genealogy of the Roberdeau Family, Including a Biography of General Daniel Roberdeau . . .* (Washington, DC, 1876), 104–22; and *An Historical Account of the Rise, Progress, and Present State of the Canal Navigation in Pennsylvania* (Philadelphia, 1795), 58–59. The historian Bob Arnebeck emphasizes the possibility that L'Enfant engaged in homosexual relationships in "To Tease and Torment: Two Presidents Confront Suspicions of Sodomy," at <http://bobarnebeck.com/L'Enfant.htm>, accessed Oct. 17, 2013. Bowling's careful account is agnostic on the question of L'Enfant's sexuality, though he does explore the nature of his emotional relationships with men. See Bowling, *Peter Charles L'Enfant*, 50–52. L'Enfant's sexuality seems never to have been a factor in his relations with Morris.

<sup>15</sup> For activity on the site, see entries for 1793 in *Journal, 1791–1801*, Robert Morris Business Records, Historical Society of Pennsylvania; and Smith, *Robert Morris's Folly*. L'Enfant's first order is registered on April 18, 1793.

<sup>16</sup> H. E. Scudder, ed., *Recollections of Samuel Breck with Passages from His Note-Books (1771–1862)* (Philadelphia, 1877), 194 (first quotation); Robert Morris to P. Charles L'Enfant, Oct. 3, 1793, box 24, folder 8, Society Small Collection, Historical Society of Pennsylvania (last quotation); Mathew Carey, *A Short Account of the Malignant Fever, Lately Prevalent in Philadelphia*, 4th ed. (Philadelphia,

Upon L'Enfant's return to the city in early 1794, he moved in with a curious friend: Richard Soderstrom, the consul from Sweden. L'Enfant would make his home with Soderstrom for the remainder of his time in Philadelphia. He had first crossed paths with the Swede in New York in 1786 or 1787, whereupon L'Enfant immediately lent Soderstrom money. A few years later, in 1790, L'Enfant again came to Soderstrom's aid and bailed him out of New York's debtor's jail. Morris was likewise entangled in Soderstrom's affairs, having made sizable advances to him in trading ventures after the Revolutionary War and going so far as to acquire a ship named *Soderstrom*. L'Enfant lodged at the same boardinghouse with Soderstrom for a short while in 1793 until the yellow fever chased L'Enfant out. When in early 1794 Soderstrom rented a house on Filbert Street between Eighth and Ninth Streets, only three blocks from Morris's construction site, L'Enfant decided to settle there. But problems arose almost immediately. Though L'Enfant paid half the house's \$200 annual rent, he maintained a sparse existence. He occupied only two rooms, one containing a pine bedstead and small table, the other, two old chairs and a broken table. L'Enfant tended to his own few clothes and his own rare fire, while he would later charge Soderstrom with "luxurious habits" in the remainder of the house—having numerous servants, multiple fires, horses and stables, a fine parlor room, free-flowing liquors, and wild entertainments, including a "number of Harlots" for his friends. L'Enfant would accuse his companion of other wrongs, obliquely claiming that "when I wanted either to go to New York or elsewhere, he rather in anticipation of the time when I intended contrived to keep me distressed for money & prevented the Journey, then officiously proposed to me to give him power to recover for me." And Soderstrom would embarrass L'Enfant by telling friends that he had taken in L'Enfant charitably and was aiding him at great expense. Still, for the time being, the two managed to balance their lives in the house, loaning each other money and entering into their own speculations together and with their mutual friend Morris while the house project continued.<sup>17</sup>

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1794); J. H. Powell, *Bring Out Your Dead: The Great Plague of Yellow Fever in Philadelphia in 1793* (Philadelphia, 1949).

<sup>17</sup> L'Enfant, account dated 1804 (quotations); James Hardie, *The Philadelphia Directory and Register*, 2nd ed. (Philadelphia, 1794), 144. Soderstrom is listed as the "Consul general from Sweden," though his position beyond the northern states had not yet been confirmed. See Florence Anderson, "Richard Soderstrom: The First Swedish Consul in Boston," in *American Swedish Historical Foundation: Yearbook 1958*, ed. Adolph B. Benson (Philadelphia, 1958), 4–5; Bowling, *Peter Charles L'Enfant*, 31, 42–45; and

Despite his seeming reliance on his European housemate, L'Enfant did not always mix eagerly with the growing numbers of French refugees then beginning to shape the city in the wake of the revolutions in France and Saint-Domingue. This diverse lot tended to cluster near the waterfront, setting up bustling French bookstores and coffee houses on the opposite end of town from L'Enfant's residence on the western edge of the city's neighborhoods. French notables who spent time in Philadelphia, including Charles Maurice de Talleyrand-Périgord, viscount Louis-Marie de Noailles, Médéric Louis Elie Moreau de Saint-Méry, and duke François Alexandre Frédéric de La Rochefoucauld-Liancourt, made no mention of meals with their onetime countryman, nor did they take much notice of his increasingly visible work in the city. Still, in L'Enfant's sparse neighborhood, the city directories did list one "French boarding house" at the corner on Eighth Street, plus a scattering of other individual Frenchmen on Eighth among the other English blacksmiths, carters, and coachmakers there. Morris himself employed at his Market Street home a French cook, a French maid, and French tutors, while doing business with French speculators. He could have offered an additional entrée into that community if L'Enfant had so desired.<sup>18</sup>

Initially, as with Burton Wallace, L'Enfant's primary construction contacts were local. During the winter, the major set up a contract with a local stonecutter, John Miller & Co., whose yard was near Tenth Street. L'Enfant also worked directly with the project's master carpenter, John Sproul, who was recently elected into the tradition-bound Carpenters' Company of

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Smith, *Robert Morris's Folly*. For examples of Morris's advances and payments to Soderstrom, see entries throughout Journal, 1791–1801, Robert Morris Business Records, including Dec. 31, 1791, Apr. 3, 1792, July 14, 1792, and Feb. 2, 1793, and also Ledger, folio 55, Robert Morris Business Records.

Soderstrom had at least one son, as mentioned in Morris's Oct. 3, 1793, letter to L'Enfant. J. Thomas Scharf and Thompson Westcott, in their *History of Philadelphia, 1609–1884* (Philadelphia, 1884), 2:923, declare that Soderstrom married a Philadelphia woman and had children with her, but the date of this marriage is unclear. For an interpretation of L'Enfant and Soderstrom's relationship as one involving a sexual component, see Bob Arnebeck, "To Tease and Torment." Arnebeck cites John Trumbull's papers to say that "friends like the artist John Trumbull thought of the two as a pair." For a more cautious exploration of the two men's relationship, see Bowling, *Peter Charles L'Enfant*. For background, see Claire A. Lyons, "Mapping an Atlantic Sexual Culture: Homoeroticism in Eighteenth-Century Philadelphia," *William and Mary Quarterly*, 3rd ser., 60 (2003): 119–54; Thomas A. Foster, ed., *Long Before Stonewall: Histories of Same-Sex Sexuality in Early America* (New York, 2007); and Richard Godbeer, *The Overflowing of Friendship: Love between Men and the Creation of the American Republic* (Baltimore, 2009).

<sup>18</sup> Edmund Hogan, *The Prospect of Philadelphia, and Check on the Next Directory*, part 1 (Philadelphia, 1795), 60 (quotation), 83; Hardie, *Philadelphia Directory* (1794); *Stephens's Philadelphia Directory, for 1796* (Philadelphia, 1796); Smith, *Robert Morris's Folly*; and Furstenberg, *When the United States Spoke French*.

Philadelphia. By March 1794, carters around Chestnut Street were bringing in load after load of stone and other new materials—lime, bricks, pine boards, and large wooden spars, plus new wheelbarrows and more fencing—in preparation for the year's work. The lot soon rang again with the banging, hammering, scraping, and shouts of gangs in a large work crew. At one point during the project, while L'Enfant was away visiting New York, Wallace took up his pen and addressed the engineer: "As I presume nothing can be more pleasing to you at present than to hear how your building is going." The letter revealed no sense of rivalry or confusion—to Wallace, it was "your building." Proudly, he detailed how L'Enfant's specific orders regarding construction, outbuildings, and landscaping were being carried forward. In closing, Wallace wished L'Enfant "perfect health" and the long continuance of "every other happiness." The builder's obvious admiration for L'Enfant grew from his own close experience with the house's design, his knowledge that L'Enfant was capable of bringing a superlative building to Philadelphia, and L'Enfant's devotion to his crew.<sup>19</sup>

With Morris's project underway, L'Enfant took on side projects around the city. Some have claimed he assisted at the fashionable New Theatre on the next block down Chestnut Street, which had opened in February 1794 after a year's construction costing \$135,000. If L'Enfant's hand showed anywhere on that building, it was in its fashionable elliptical interior, with three tiers of box seats, gilt railings, and an eagle hung above the stage (see Figure 2). Two months after opening night, the theater's proprietors called on L'Enfant when a bench broke during a performance, creating an alarm regarding the building's safety. L'Enfant and two other men were called to survey the structure, with their results published in the newspaper to reassure the wary public. After "a strict examination," the named committeemen could confidently pronounce the structure secure. L'Enfant's opinion still commanded a share of respect; the plays went on.<sup>20</sup>

<sup>19</sup> Burton Wallace to Major L'enfaunt, Feb. 6, [1794 or 1795], box 1, JDM-DLM Papers (quotations); entries for 1794 in Journal, 1791–1801, Robert Morris Business Records; Hardie, *Philadelphia Directory* (1794), 146; Sandra L. Tatman and Roger W. Moss, *Biographical Dictionary of Philadelphia Architects, 1700–1930* (Boston, 1985), s.v. "Sproul, John."

<sup>20</sup> Wignell & Reinagle, "To the Public," *Philadelphia Gazette and Universal Daily Advertiser*, Apr. 9, 1794. The suggestion that L'Enfant played a role in the design of the New Theatre, also known as the Chestnut Street Theater, comes from Richard D. Stine, "The Philadelphia Theatre 1682–1829: Its Growth as a Cultural Institution" (PhD diss., University of Pennsylvania, 1951); and James D. Kornwolf, *Architecture and Town Planning in Colonial North America* (Baltimore, 2002), 3:1421. For the theater itself, see Heather S. Nathans, *Early American Theatre from the Revolution to Thomas Jefferson: Into the Hands of the People* (New York, 2003), 64–68, 72–73; John R. Wolcott, "Philadelphia's Chestnut Street Theatre: A Plan and Elevation," *Journal of the Society of Architectural Historians* 30



Figure 2. “Inside View of the New Theatre,” on Chestnut Street, Philadelphia, built in 1793. Above the stage, a decorative eagle carries an inscription: “The Eagle Suffers the Little Birds to Sing,” a reference to the controversial nature of theatergoing in the young republic. This engraving, by J. Lewis, originally appeared in the *New York Magazine* in April 1794. Courtesy of the Library Company of Philadelphia.

In April, L'Enfant was drawn into yet another local commission. Congress had finally appropriated funds to stiffen the nation's coastal defenses, and protecting the capital city became a primary concern. Secretary of War Henry Knox named his fellow Cincinnatus, L'Enfant, to the position of temporary engineer for the defenses of Philadelphia and Wilmington on April 3, which mostly involved upgrading the makeshift Mud Island battery known as Fort Mifflin in the Delaware River. Though immersed in the Morris project, L'Enfant took this new commission to heart, as it brought him back into military affairs. It also more closely matched his own description of himself in that year's Philadelphia city directory, as “engineer of the United States.” He set to it immediately, surveying the existing fort and then deeming its defensive angles and earthen walls use-

(1971): 209–18; Tatum, *Penn's Great Town*, 61, 169; Thomas Clark Pollock, *The Philadelphia Theatre in the Eighteenth Century* (Philadelphia, 1933), 53–55; Scharf and Westcott, *History of Philadelphia*, 2:970, 1076; and George O. Seilhamer, *History of the American Theatre: New Foundations* (Philadelphia, 1891), 151.

less. In its place, he insisted, an entirely new fortification must rise on the swampy land. Accordingly, over the summer months, he directed a campaign of demolition, re-trenching, and infill. The island soon became so cut up "that a cart could scarcely be driven in any part of it," one resident recalled.<sup>21</sup>

Visitors, including Governor Thomas Mifflin and the French minister Jean Antoine Joseph Fauchet ventured to the site to see the progress. And just as quickly, other state and federal officials voiced growing unease over L'Enfant's doings. In late June, Tench Coxe, a US revenue commissioner, worried that "material injury to the Piers" and Philadelphia's harbor "will be produced by the new Works constructing by Major L'Enfant," due to the latter's dramatic leveling and dumping. Beyond concerns over potential harbor damage, some critics were even faulting the military effectiveness of the new design itself. "Some of our state officers," Coxe prodded Knox in July, thought "that Mr. L'Enfant's plan is injudicious," given the works' reduced height. Further, the major used up all his allocated \$12,000 by the end of the summer and was requesting more funds from the state and from the federal treasury.<sup>22</sup>

With a crisis approaching, the Pennsylvania legislature appointed a committee to investigate the project. By this point in his life, L'Enfant must have become accustomed to critics and the politics involved in government contracts. But, as always, he stood his ground and appealed to the highest authorities. In mid-September he put the matter directly to Secretary of the Treasury Alexander Hamilton: "After all possible exertions on my part, to progress the fortification at and near Mud Island," constrained by the "limited" means assigned, "it is with the greatest con-

<sup>21</sup> Hardie, *Philadelphia Directory* (1794), 89 (first quotation); Deborah Logan to John F. Watson, in Letters and Communications to John F. Watson, box 2, p. 184, John Fanning Watson Collection on the Cultural, Social, and Economic Development of Pennsylvania, Historical Society of Pennsylvania (last quotation) (hereafter cited as John F. Watson Letters); Copy of a letter from Major L'Enfant to the Secretary of War, Apr. 19, 1794; Copy of a letter from Major L'Enfant to the Secretary of the Treasury, Sept. 15, 1794; Copy of a letter from Major L'Enfant to the Secretary of War, May 16, 1794; From Major L'Enfant to the Secretary of War, July 2, 1794; From Major L'Enfant to the Governor of the State of Delaware, July 1, 1794, all in *American State Papers: Military Affairs*, ed. Walter Lowrie and Matthew St. Clair Clarke (Washington, DC, 1832), 1:82–87 (online at <http://memory.loc.gov/ammem/amlaw/lwsp.html>); Jeffery M. Dorwart, *Fort Mifflin of Philadelphia: An Illustrated History* (Philadelphia, 1998), 70–73.

<sup>22</sup> Jacob Cox Parsons, ed., *Extracts from the Diary of Jacob Hiltzheimer, of Philadelphia, 1765–1798* (Philadelphia, 1893), 206–7; Tench Coxe to Alexander Hamilton, June 30, 1794 (first quotations), and Tench Coxe to Henry Knox, July 9, 1794 (last quotations), in *PAH*, 16:538–40; Bowling, *Peter Charles L'Enfant*, 41–42.

cern I am to inform you that those means, by proving too small, have long since forced me to relent of the progress." Without further funds, "the whole must stop before any part is brought to that state of perfection necessary to be guarded against winter, and answer to some object of defence." It was an ultimatum. The complaints regarding the quality of his work, he felt, were not worth addressing. Yet Hamilton would not again come to his aid, and L'Enfant's efforts at Fort Mifflin collapsed. Pennsylvania's committee to investigate the controversial project met with L'Enfant in September and questioned his plans, which he naturally found insulting. L'Enfant saw his efforts as being thwarted by the maliciousness and disobedience of those around him. Hamilton directed another \$1,000 toward the project, but it was not enough. Sometime that winter, L'Enfant quit the project in frustration, to be replaced by another engineer. Work on the fort continued in fits and starts, with the secretary of war reporting in 1796, in an echo of L'Enfant's previous clients, that the plan was now "much more circumscribed than was at first projected."<sup>23</sup>

Still another project was giving L'Enfant and his clients fits that summer. This one involved the City Dancing Assembly, which had been seeking to build a dedicated hall for its functions since the early 1790s. Robert Morris, Henry Hill, and others opened their pockets to the project, and by 1794 the group was ready to make an attempt at construction. Deborah Logan, who had heard the first rumors of Morris's house, would later recall that "a number of Gentlemen" engaged Major L'Enfant in 1794 "to build for them a dancing hall. They bought a Lott and raised by subscription the money deemed requisite for its erection, which he entirely spent before he got the building raised." In turn, the gentlemen "were angry and disappointed and would not raise any more funds but sold the lott and building." Morris was silent on the effort, and the Dancing Assembly remained stationed at Oeller's Hotel. Nevertheless, the group might have been able

<sup>23</sup>J. Hiltzheimer to Charles L'Enfant, Sept. 11, 1794, box 1, JDM-DLM Papers; Parsons, *Extracts from the Diary of Jacob Hiltzheimer*, 207; Logan to Watson, box 2, p. 184, John F. Watson Letters; Pierre Charles L'Enfant to Alexander Hamilton, Sept. 15, 1794, *PAH*, 17:236 (first quotations); Timothy Pickering, quoted in appendix: "Fort Mifflin," in *Pennsylvania Archives*, ser. 1, ed. Samuel Hazard, 12 vols. (Philadelphia, 1852–56), 12:411 (last quotation); Dorwart, *Fort Mifflin of Philadelphia*, 71–75. Dorwart suggests that L'Enfant may have "designed a Greek Revival style commandant's house and constructed an esplanade" behind the fort's walls. Earlier that summer, L'Enfant had called on the assistance of Tench Francis, Philadelphia's port agent and a War Department contact, to help clear the "maneuvering" involving supplies of stone and logs that had served to "delay and frustrate the accomplishment of" work on the project. See P. L'Enfant to Tench Francis, [ca. July 1794], box 1, JDM-DLM Papers.

to salvage something out of the attempt. It seems that L'Enfant's talents may have been turned to the interior of the Dancing Assembly's customary room in the hotel, where he refurbished it with elegant decorations, including wallpaper "after the French taste," pillars, and "groups of antique drawings."<sup>24</sup>

A final blow was in store for L'Enfant that summer. Stephen Girard, the French-born merchant and philanthropist who stood so tall in Philadelphia, had purchased a Water Street lot in the spring for the construction of a new town house. He thought of L'Enfant for the commission and wrote a mutual friend in Baltimore to request a formal letter of introduction. A few months later his friend finally responded with a decided lack of enthusiasm. "Enclosed you will find four lines to L'Enfant which you may use if you see fit to do so. You do not need to be warned by me not to allow yourself to be drawn into too great expenditure," he cautioned. The warning made an impression. Girard's resulting row house, finished the following year, was a plain, three-bay, four-story brick structure. It fit squarely within the traditional Philadelphia mold, suggesting that Girard had taken his friend's advice and avoided L'Enfant's creative but extravagant hand (see Figure 3). At least the major may have been spared the knowledge of this loss. Surely, L'Enfant's recent frustrations—with the Dancing Assembly and the Mud Island projects shut down and the Paterson and the federal city debacles still fresh—were enough. The progress being made on Morris's house buoyed L'Enfant's spirits during these seemingly inescapable conflicts. It may have been the only place of solace for him that year.<sup>25</sup>

<sup>24</sup> Logan to Watson, box 2, p. 184, John F. Watson Letters (first quotations); entries for Dec. 20 and 31, 1792, in Journal, 1791–1801, Robert Morris Business Records; Henry Wansey, *The Journal of an Excursion to the United States of North America, in the Summer of 1794* (Salisbury, UK, 1796), 132 (last quotation); "Notes and Queries," *Pennsylvania Magazine of History and Biography* 21 (1897): 122–23; and James F. O'Gorman, *Drawing toward Building: Philadelphia Architectural Graphics, 1732–1986* (Philadelphia, 1986), 42–43. Joshua Francis Fisher corroborated L'Enfant's connection with the Dancing Assembly's commission and Logan's story. Fisher added that the Dancing Assembly's "lot on 5th Street was next South of St. Thomas African Church, and was for a long time covered by a shell of a building, perhaps the superstructure to Major L'Enfant's cellars" there. See Joshua Francis Fisher, "A Section of the Memoirs of Joshua Francis Fisher, Philadelphia Social Scene from the Time of the Hamiltons to the Early Part of the Nineteenth Century," ser. 9, box 552, folder 7, Cadwalader Family Papers, Historical Society of Pennsylvania. It is unclear exactly when (and even if) L'Enfant refurbished the assembly's room at Oeller's, but if he did, it must have been between 1792 and 1794. Historians who attribute his hand there include Kimball, "Pierre Charles L'Enfant," and Caemmerer, *Life of Pierre Charles L'Enfant*, 264.

<sup>25</sup> John Bach McMaster, *The Life and Times of Stephen Girard: Mariner and Merchant* (Philadelphia, 1918), 1:278–79 (quotation); Kennedy, *Orders from France*, 99.



Figure 3. Stephen Girard's house built on Water Street, Philadelphia, after his decision not to hire L'Enfant as his architect. "The Dwelling and Counting House of Stephen Girard as it Appeared at the Time of his Death, Dec. 26, 1831," watercolor by B. R. Evans, 1888. Courtesy of the Library Company of Philadelphia.

### *The Final Folly*

In early 1795, Morris consulted with L'Enfant and the two concluded that the family would move into its new house by December. Yet it was not to be. L'Enfant, having been charged by the financier to build monumentally, lavished layer after layer of ostentation on the structure. His inability to complete it, coupled with Morris's dwindling resources, effectively ended his architectural career.<sup>26</sup>

One extravagance L'Enfant pursued was the use of master stonecarvers. The building's rising façade exhibited thick, brick walls curved in the outline of two massive wings connected by a central hall (see Figure 4). Here, L'Enfant saw the possibility of surpassing local stonecarving traditions, in which marble was used mainly as door and window surrounds. Even the Bingham had made do with fabricated "Coade stone" reliefs on the exterior of their Mansion House. In contrast, L'Enfant was able to secure the skills of a pair of recent arrivals from Italy, presumably broth-

<sup>26</sup> Robert Morris to George Hammond, Mar. 23, 1795, Private Letterbook, vol. 1, 1794–1796, Robert Morris Papers, Manuscript Division, Library of Congress.

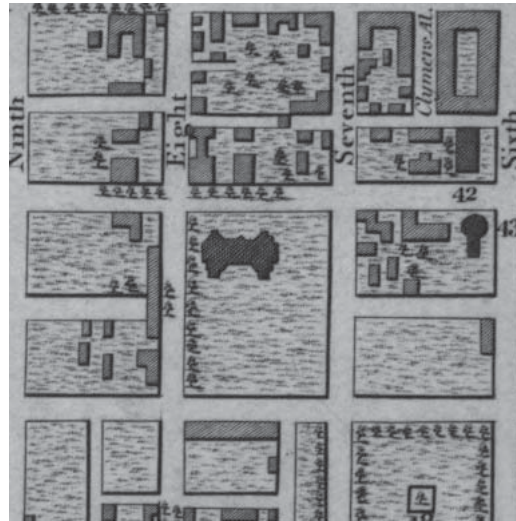


Figure 4. The footprint of Morris's house on the block bounded by Chestnut, Walnut, Seventh, and Eighth Streets, Philadelphia. Detail from John Hills and John Cooke, *This Plan of the City of Philadelphia and it's Environs . . .* (Philadelphia, 1797). Historical Society of Pennsylvania.

ers, listed in Morris's accounts as "J. & A. Jardella," who arrived on site in late spring 1795. "Joseph" (Giuseppe) and "Andrew" Jardella (or Iardella) went on to produce a series of marble bas-reliefs for the house, while more stoneworkers cut and set marble up huge portions of the exterior walls amid the brick, around each window opening, and throughout the interior. Alongside the stoneworkers, L'Enfant commissioned an Italian stucco worker named Giuseppe Proviny (or Provigny) to improve upon the Philadelphia plastering tradition for mantle surrounds, ceiling medallions, and other interior decorations.<sup>27</sup>

Such innovations drew plenty of attention, most of it negative or incredulous. Isaac Weld, a Dubliner visiting America in 1795, ranked Morris's project among the only three Philadelphia houses "that particularly attract the attention," but "little beauty is observable in the designs of any of

<sup>27</sup> Entries for Jan. through Sept. 1795 and Feb. 1796 in Journal, 1794–1801, Robert Morris Business Records; Smith, *Robert Morris's Folly*; and Henderson, "Furnishing the Republican Court," 94–97. The first time the Jardellas showed up in the Philadelphia directories was in 1802. See James Robinson, *The Philadelphia Directory, City and County Register, for 1802* (Philadelphia, 1802), 10, 129. That the Jardellas executed the surviving sculpted reliefs, and that they did so onsite, is a longstanding supposition; the pieces are not signed. Proviny did not appear in Philadelphia's city directories for 1794, 1795, or 1796.

these. The most spacious and the most remarkable one amongst them," he discovered, "stands in Chesnut-street, but it is not yet quite finished. At present it appears a huge mass of red brick and pale blue marble, which bids defiance to simplicity and elegance." Moreau de Saint-Méry concurred that pride was at work in the construction. That year, he informed his readers: "Only a few houses in Philadelphia deviate from the regulation shape and size that characterize all of them, but some are much larger; and some, even, are decorated with marble." He named Robert Morris's house as one such building, but concluded that it and others "which Americans build for ostentatious display are not sufficiently beautiful to merit the name of mansions. Never can marble columns . . . beautify the gloom of a brick structure. Pride can make an effort in this respect, but good taste will always nullify it." One might have expected Saint-Méry to have a more sympathetic view of the gesture, but it seems that L'Enfant's translation—especially his rare accommodation by using some brick—struck him as awkward. The most extraordinary report came from Edinburgh, Scotland, where an American medical student commented on a letter he had just seen from Philadelphia. The letter, he wrote, "surprised me a good deal. It was this[,] that the large house building at present by Robt. Morris was desired for the reception of George 3rd in case the French should drive him from Great Britain."<sup>28</sup>

Here, the palatial house figured as a literal palace. Others confirmed the impression. The year before, Alexander Hamilton's wife, Elizabeth, had received a letter from her sister Angelica Church in London, who wrote simply: "Mr. Morris is building a palace, do you think Monsieur l'Enfant would send me a drawing of it? Merely from curiosity, for one wishes to see the plan of a house which it is said, will cost, when furnished £40,000 Sterling." This figure translated to nearly \$200,000, at a time when Philadelphia laborers earned perhaps \$300 yearly and could rent a small brick dwelling for under \$80 a year. In that freighted word "palace," Church and other commentators pointed to the dilemma of great wealth among Americans. In a nation recently established on republican principles, what did it mean for Morris and his family to presume to live in such

<sup>28</sup> Isaac Weld Jr., *Travels through the States of North America, and the Provinces of Upper and Lower Canada, during the Years 1795, 1796, and 1797*, 2nd ed. (London, 1799), 1:8–9 (first quotations); Moreau de Saint-Méry, in *Moreau de St. Méry's American Journey, 1793–1798*, trans. and ed. Kenneth Roberts and Anna M. Roberts (Garden City, NY, 1947), 363 (second quotations); and Edward Fisher to Benjamin Rush, Apr. 15, 1795, vol. 5, p. 30, Correspondence of Benjamin Rush, Rush Family Papers, Library Company of Philadelphia, housed at the Historical Society of Pennsylvania (last quotation).

a manner? His and L'Enfant's willingness to strike such a pose called up all the worst fears of the Jeffersonians, to say nothing of, say, a war widow in Philadelphia scraping along on twenty cents a day. In the local papers, the Democratic Society of Pennsylvania insisted that its members were "no longer dazzled with adventitious splendor" and would "erect the temple of LIBERTY on the ruins of palaces and thrones."<sup>29</sup>

Perhaps coincidentally, in the latter half of 1795, Morris showed the first hint of modesty regarding the house. And it brought about his first serious strain with L'Enfant. That such a strain should develop was hardly surprising, especially given the financial duress under which Morris was laboring. In 1793, one of his trading partners left \$100,000 of his notes protested in London, and the chaotic tide of the French Revolution and European wars swept away most of Morris's prospects for further land sales. His local partners Nicholson and Greenleaf did him no favors, either, by misappropriating his funds and abetting his creation of flimsy paper schemes such as the North American Land Company. All the while, Morris kept writing notes for his construction project's tremendous expenses. On July 21, for example, Morris gave Burton Wallace \$1,000 for two weeks' worth of laborers' wages alone, to say nothing of materials or artisans' pay. He was paying high rent for his current residence, which he had sold on the expectation of his impending move, and he faced the prospect that its new owner might want it "before I have a place to go into." Meanwhile, Morris was attempting to foist North American Land Company shares onto L'Enfant in place of cash. There were no more friendly breakfasts.<sup>30</sup>

In September, the situation exploded in a fight. Morris confronted his architect to demand that a roof be placed over the structure that fall, which was essential in order for the interior work to be finished the following year. When Morris returned to the site shortly thereafter, the duo exchanged words. The following day, Morris reminded L'Enfant of his "assurance six weeks ago that the House should be covered this Fall" and ex-

<sup>29</sup> Angelica Church to Elizabeth Hamilton, July 30, 1794, printed in *The Intimate Life of Alexander Hamilton*, by Allan McLane Hamilton (New York, 1910), 259–60 (first quotation); Democratic Society of Pennsylvania, "Principles, Articles, and Regulations," May 30, 1793, reprinted in *National Gazette*, July 17, 1793 (last quotation); "Palace," *Oxford English Dictionary* online (<http://www.oed.com>). For common Philadelphia housing stock, see Billy G. Smith, *The "Lower Sort": Philadelphia's Laboring People, 1750–1800* (Ithaca, NY, 1990), 7–39, 150–75; and Donna J. Rilling, *Making Houses, Crafting Capitalism: Builders in Philadelphia, 1790–1850* (Philadelphia, 2001).

<sup>30</sup> Entry for July 21, 1795, in Journal, 1794–1801, Robert Morris Business Records; Robert Morris to L'Enfant, Sept. 24, 1795, Private Letterbook, vol. 1, 1794–1796, Robert Morris Papers (quotation); note for five shares of the North American Land Company, Mar. 24, 1795, box 1, JDM-DLM Papers; Smith, *Robert Morris's Folly*.

plained that he did not have the leisure then to keep monitoring L'Enfant's progress. "Consequently," Morris continued, "when I came yesterday and found both by my own observation & by the answers obtained to questions which I put to Mr. Wallace that there was no chance of getting the whole building covered," the financier was outraged. Morris seized upon his architect: could the west wing, at least, be covered soon or not? "To this question you very abruptly told me to ask Miller if he could do his work in time and that a roof could not be put on without the outside wall. This answer," a sarcastic one, Morris fumed, "I think was extremely improper from you to me." Unlike L'Enfant, Morris was slow to feel insults, but now he threatened that "if you do not think I am entitled to receive satisfaction from you, it is high time to part."<sup>31</sup>

This spat pointed to the larger fault line developing between them. According to Morris, "although it was not my intention or desire to have the marble you have introduced into this building, yet an inclination to indulge your genius induced me to permit so much of it (before I knew the extent to which you meant to carry it) as seemed to call for the remainder." Thus the troublesome, extensive stonework had been L'Enfant's design. Morris, somehow unaware of its extent, went along with the plans due to his confidence in his architect; now he could no longer afford the time or funds to "indulge" L'Enfant's genius. Increasingly harried, he drew a distinction between what he called "my intentions instead of your own." L'Enfant responded in kind, revealing again his delicate sense of honor, by accusing Morris of wishing to sacrifice the architect's fame and fortunes. But Morris, the patron extraordinaire, would have none of it. "I do not wish you to sacrifice any thing to or for me," Morris retorted, "but if I am to pay, I am entitled to every information I may think proper to ask"; he had a right to expedite his building. L'Enfant, in turn, envisioned himself guiding the equivalent of a Parisian nouveau riche. Still, he valued Morris's patronage, he believed in this creation, and he did not want to lose either one. So after flinging one more insult about Morris's slow payments, he agreed to expedite construction.<sup>32</sup>

After another whole year of construction, the diarist Jacob Hiltzheimer visited the site in 1796 and heard one of the workmen testify that the

<sup>31</sup> Robert Morris to P. C. L'Enfant, Sept. 24, 1795, Private Letterbook, vol. 1, 1794–1796, Robert Morris Papers.

<sup>32</sup> Robert Morris to P. C. L'Enfant, Sept. 25, 1795, Private Letterbook, vol. 1, 1794–1796, Robert Morris Papers.

house "could not be finished under five summers." Despite the tens of thousands of dollars then being expended on it, progress was still maddeningly slow. Getting a roof over it was still presenting a problem. Part of the difficulty lay in the design of the roof itself, for which L'Enfant had chosen a mansard, which featured steeply sloping sides covering part of the building's top story. In 1796, such a roof was unheard of in America. Certainly these Philadelphia builders had never completed one. In May, the hands began erecting the roof's frame, which Morris intended to cover with slate, another Philadelphia anomaly. Workers, including Burton Wallace, finally began walking off the site from lack of pay. Many would never receive their payment in full, and their names appeared among lists of unsatisfied creditors. Others continued for the remainder of the season, including the stone dealer Miller, the Jardella brothers, and the plasterer Proviny. A few steps were taken inside, as carpenters began making mahogany installations and preparing lath and plaster walls, while painters, including the Frenchman Peter Beauvais, plied their brushes in adding color and decoration. Morris helped motivate the hands with occasional barrels of rum and gin.<sup>33</sup>

The biggest challenge to the house's completion involved Morris's relationship with Major L'Enfant. An earlier associate working with L'Enfant at Paterson, New Jersey, had complained that the engineer could not confine "his views to those things which are essential instead of what is ornamental." As in that episode, L'Enfant, confident in his training, driven in his goals, restless in his private life, and uncompromising in his executions, could not adjust his visions to Morris's reverses. A signal achievement must have felt tantalizingly within his reach. Although Morris could not even properly pay L'Enfant's own fee, the engineer proceeded to build and shape so long as there were men and materials to command. In August 1796, Morris flew into a rage when he saw the latest work on his building, "astonished" at the new marble put up on the house. Morris had reached a point on the project that he called "intolerable" and accused L'Enfant of being naïve in regard to the availability of money. "If you persist in exposing yourself to censure & me to ridicule by alterations and additions," he prophetically warned, "you will force me to abandon all Expectations of

<sup>33</sup> Parsons, *Extracts from the Diary of Jacob Hiltzbeimer*, 228 (quotation); entries for Aug. 1795 and Feb., Mar., Apr., July, Aug., Oct., Nov., and Dec. 1796 in *Journal, 1794–1801*, Robert Morris Business Records; Smith, *Robert Morris's Folly*. For Morris's debts, see [Robert Morris], *In the Account of Property* (Philadelphia [1801]); and Case of Robert Morris, No. 42, BA1800-PA, microfilm 993, reel 7, Records of the US District Court of the Eastern District of Pennsylvania, Bankruptcy Act of 1800, Record Group 21, National Archives Mid-Atlantic Region, Philadelphia.

getting into the House and to stop the work.” He still clung to expectations. In response, L’Enfant wondered that his patron had suddenly urged economy and dispatch. It struck him as a new note. L’Enfant reminded Morris of earlier conversations regarding the marble in question, prompting Morris to acknowledge that “your Explanation . . . is satisfactory, except that you seem to tax my memory with serving badly.” Thus the cycle of the pair’s relationship continued, mutually enabling one another’s flights, even to the onrushing end of construction.<sup>34</sup>

That winter, Morris was forced to dismiss all the laborers except for a few carpenters. He then dejectedly mortgaged the house as it stood to some creditors in Amsterdam in order to prolong their patience. Into the new year, Morris, along with other visitors, continued to stroll by and stare at the dark, uninhabitable, now-quiet edifice, at what would have been “the most expensive & grandest private Building in the U. States,” in the words of one visitor. Proviny set up shop on Second Street, to exhibit wax figures and advertise for his composition work. One of the Jardellas ventured south to the city of Washington. And so the Chestnut Street mansion’s career as a public morality lesson began. “You may judge how sufficiently I am Chastized for my folly,” Morris explained to a friend. “Morris’s Folly” was born, and L’Enfant proved unable to distance himself from the resulting disgrace.<sup>35</sup>

The remaining contact between L’Enfant and Morris dealt with money, not art. In May 1797, they acknowledged to each other that “that unfortunate building in Chesnut Street” would not continue. Morris had borrowed thirteen shares of valuable bank stock from L’Enfant, and he also owed him for his services. L’Enfant never delivered Morris a formal account, but he did seek some payment and the return of his bank shares, to which Morris could only reply, “sorry I am that it is not in my power to comply instantly with your Wishes,” while deflecting some blame back on the “extravagant expenditures” of the construction. Oddly, L’Enfant showed signs of land fever at the time and made a few proposals along these lines to the

<sup>34</sup> Peter Colt to Alexander Hamilton, in *PAH*, 14:419–21 (first quotation); Robert Morris to Major L’Enfant, Aug. 15, 1796 (second quotations), and Robert Morris to Major L’Enfant, Aug. 16, 1796 (last quotation), *Private Letterbook*, vol. 2, 1796–1797, Robert Morris Papers.

<sup>35</sup> *In the Account of Property*, 11; James Kent, “Journal of a trip to Washington, D.C., December 5, 1793 to January 3, 1794,” reel 1, vol. 1, James Kent Papers, Manuscript Division, Library of Congress (first quotation); Robert Morris to Gustavus Scott, May 10, 1797, *Private Letterbook*, vol. 2, 1796–1797, Robert Morris Papers (last quotation). For Jardella’s departure, see entry for July 30, 1797, in *Journal, 1794–1801*, Robert Morris Business Records. For Proviny’s new shop, see Cornelius William Stafford, *The Philadelphia Directory for 1798* (Philadelphia, 1798), 115.

failing Morris in late 1797. Morris arranged for a lien in L'Enfant's name on some land investments, but this was the best he could do, as he was sent to the Prune Street debtors' prison the next year. There, Morris's attitude towards L'Enfant's services would increasingly harden, and by 1801 he would describe his project on Chestnut Street as one "upon which Major L'Enfant was erecting for me a much more magnificent house than I ever intended to have built." Still, Morris acknowledged his debts to the major and felt them, especially as he saw that L'Enfant was also in financial distress. Richard Soderstrom took up the role of intermediary, while L'Enfant lapsed into depression.<sup>36</sup>

*The End for an "Eccentric"*

In April 1798, four months after the sheriff sold Morris's Folly at a public auction for the original price of the lot alone, the architect Benjamin Henry Latrobe wandered onto the quiet construction site. Having arrived in America only two years prior, he was a true peer for L'Enfant in terms of international exposure and training. He had heard about the house while in Virginia; intrigued, he made a point to investigate it during a visit to Philadelphia. His conclusion was simple. "It is impossible to decide which of the two is the maddest, the architect, or his employer," he observed in his journal. "Both of them have been ruined by it."<sup>37</sup>

Latrobe liked nothing about the house and its rococo features. Nor could he make sense of its arrangement, for although he attempted a rough sketch of its plan, he could not delineate anything inside its "complicated, unintelligible, mass." He found its features "violently ugly." For example, its irregular porches were "irresistibly laughable things." The windows were "cased in White Marble" with sculptured moldings "mixed up in the oddest and most inelegant manner imaginable" (see Figure 5). Along the house's rear bow, four columns stood in niches, "as in the front of St. Peters at Rome, from which I hope [L'Enfant] copied them, as such a madness in modern architecture stands in great need of a powerful apology."

<sup>36</sup> Robert Morris to Major L'Enfant, May 15, 1797 (first quotations), July 20, 1797, Oct. 18, 1797, and May 16, 1802, and account dated 1804, all in box 1, JDM-DLM Papers; *In the Account of Property*, 11 (last quotation), 63. Morris and his son Thomas would assist L'Enfant in the latter's petitions for past payment from New York City and the US Congress into the 1800s. See Smith, *Robert Morris's Folly*; and Bowling, *Peter Charles L'Enfant*, 48–49.

<sup>37</sup> Entry for Apr. 26, 1798, in Latrobe, *Virginia Journals* (quotation); and Talbot Hamlin, *Benjamin Henry Latrobe* (New York, 1955), 128–32.



Figure 5. Latrobe's sketch of the Folly's windows and window casings. Detail from Benjamin Henry Latrobe, *Virginia Journals*, entry for April 26, 1798. Courtesy of the Maryland Historical Society.

Soffits were “inriched with pannels and foliage,” while the “Capitals of the Columns are of the worst taste.” Nor did the mansard roof impress him. In the end, Latrobe satisfied himself that beyond the ruin of the structure’s patrons, “It is now sold to Mr. [William] Sansom of the Pensylvania [*sic*] bank, who means to convert it, as I was told into five houses.” The “palace” would not stand.<sup>38</sup>

What was the root of Latrobe’s outrage over the house’s aesthetics? It may have signaled some jealousy on the part of the ambitious newcomer, who would soon purchase loads of its “wretched sculpture” and stone to decorate his own commissions in the area. And it may have indirectly involved politics; while in Philadelphia, Latrobe—a newly minted Virginia democrat—observed that political “fanaticism” was at its peak, and he suffered the scorn of the Philadelphia Federalist establishment, with which Morris was closely identified. But most likely, Latrobe’s vitriol really did come down to a question of taste. There was nothing of the baroque in Latrobe. L’Enfant’s vision was entirely out of step with the clear volumes

<sup>38</sup> Entry for Apr. 26, 1798, in Latrobe, *Virginia Journals*. Earlier, for the celebrated Federal Hall in New York City, L’Enfant had invented designs for the capitals of the building’s pilasters, drawing together an assemblage of foliage, drapery, and a patriotic star with rays. See Jusserand, *Americans of Past and Present*, 155–56.

and lines Latrobe demonstrated in his own work. And the neoclassical forms popping up in towns across the nation testified that Latrobe was not alone. Only one year later, Latrobe would establish his reputation in the city with the Bank of Pennsylvania, a striking tribute to the Greek temple form.<sup>39</sup>

Latrobe recorded these thoughts in a private journal, but his recoil from the house's extravagance was already commonplace among the public, as demonstrated in its paltry sale price. Most commentators targeted Morris's hubris, but L'Enfant came in for his share of blame. After lambasting Morris, Polish traveler Julian Niemcewicz explained that Morris "took as his architect another fool, Major Enfant. He built for him a real confection which was to be covered with white marble. The undertaking was abandoned in that state most suitable to show all its extravagances." The artist William Birch was more ambivalent; he would capture the look of the abandoned house for his series of engraved views of Philadelphia in 1800, titling one of these twenty-eight plates "An Unfinished House, in Chesnut Street" (see cover image). Birch populated this view, washed clean of any direct reference to Morris or L'Enfant, with a variety of curious onlookers. It was an odd choice of subject for the series of otherwise polished city attractions. In the meantime, building contractors and stray citizens hauled chimneypieces and other prizes out from the building's demolition. By 1801, it had been dismantled and replaced, as Latrobe had noted, with rows of standardized, speculative houses commissioned by the lot's new owner, the Quaker merchant William Sansom (see Figure 6). In turn, the *Philadelphia Directory* commended the rows and praised Sansom's "well laid plans," which had "greatly improved the City."<sup>40</sup>

<sup>39</sup> Entry for Apr. 20, 1798, in Latrobe, *Virginia Journals* (first quotation); "A Farce and a Fire," *Porcupine's Gazette*, Apr. 3, 1798; Hamlin, *Benjamin Henry Latrobe*, 129–30; Tatum, *Penn's Great Town*, 40–43; William H. Pierson Jr., *American Buildings and Their Architects*, vol. 1, *The Colonial and Neoclassical Styles* (Garden City, NY, 1970); and Damie Stillman, "City Living, Federal Style," in *Everyday Life in the Early Republic*, ed. Catherine E. Hutchins (Winterthur, DE, 1994), 137–74. Latrobe's views of L'Enfant's work would not soften over time. He later declared that everything in Washington, DC, "was badly planned and conducted. L'enfant's plan has in its contrivance every thing that could prevent the growth of the city." He named it all "this *Gigantic Abortion*." Latrobe to Philip Mazzei, May 29, 1806, in *The Correspondence and Miscellaneous Papers of Benjamin Henry Latrobe*, vol. 2, 1805–1810, ed. John C. Van Horne and Lee W. Formwalt (New Haven, CT, 1987), 225–31.

<sup>40</sup> Julian Ursyn Niemcewicz, *Under Their Vine and Fig Tree: Travels through America in 1797–1799, 1805, with Some Further Account of Life in New Jersey*, trans. and ed. with an introduction and notes by Metchie J. E. Budka (Elizabeth, NJ, 1965), 37–38 (first quotation); W[illiam]. Birch & Son, *The City of Philadelphia, in the State of Pennsylvania North America; As it Appeared in the Year 1800* (Philadelphia, 1800); James Robinson, *The Philadelphia Directory for 1804* (Philadelphia, 1804), 8 (last quotations).

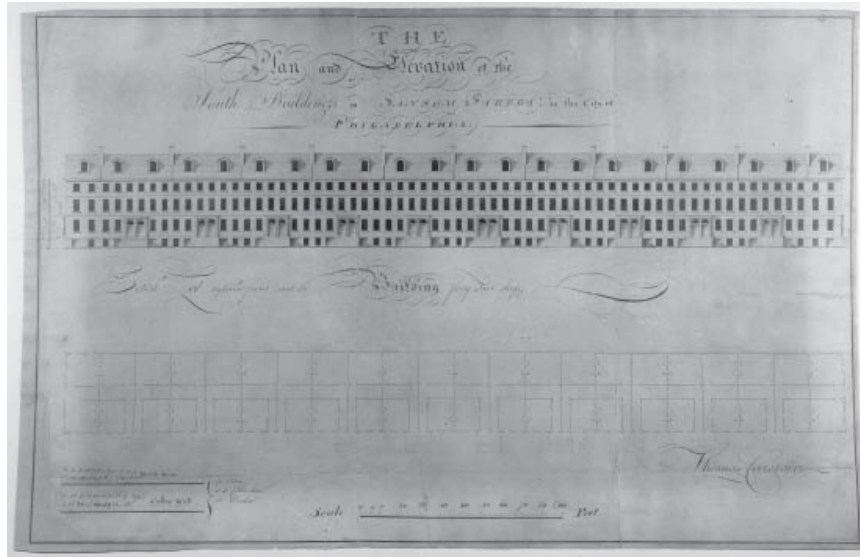


Figure 6. Front elevation and floor plan of William Sansom's row house project on Sansom Street, newly cut through Morris's original block. Thomas Carstairs, "The Plan and Elevation of the South Buildings in Sansom Street, in the City of Philadelphia," ca. 1800. Courtesy of the Library Company of Philadelphia.

As L'Enfant suffered this dismantling and shaming, he tried to reassert his military connections. First, in early 1798, he looked up his old comrade Alexander Hamilton for back pay due, as he saw it, for the Federal Hall project in New York City. When nothing came of this, he turned to his original patron, General Washington, then in the midst of preparing a newly authorized army to guard against a rumored French invasion at the behest of President Adams. Washington ignored L'Enfant's application for a commission into the army. Via a message conveyed by Soderstrom, Alexander Hamilton, angling himself for second-in-command during the Quasi-War, insulted L'Enfant by questioning the latter's "political prin-

For additional negative reaction to the Folly, see Thompson Westcott, *Historic Mansions and Buildings of Philadelphia, with Some Notice of Their Owners and Occupants* (Philadelphia, 1877), 360–61, though Westcott attempts to restore L'Enfant's reputation, asserting that he had "been made the scapegoat for Mr. Morris's imprudences." For the dismantling of the Folly, see Articles of Agreement between Patrick Dougherty and John Reed & Standish Forde, Feb. 26, 1800, and list dated Mar. 1–Apr. 19, 1800, Robert Morris section, folder "Reed & Forde/Robert Morris Papers/1800/February–December," Reed and Forde Papers, Historical Society of Pennsylvania; and Smith, *Robert Morris's Folly*. For Sansom, see Tatum, *Penn's Great Town*, 47–48, 164; and Rilling, *Making Houses*, 79. Interestingly, Latrobe himself provided designs for one of Sansom's rows on the site, for the south side fronting Walnut Street.

ciples or connections" in relation to the French ministry. Hamilton also, according to the shocked engineer, questioned "the Conduct in my former public employment." L'Enfant protested, apparently to little effect.<sup>41</sup>

No war came, and when Washington died at home the following year, his passing worked a strange effect on the wounded L'Enfant. It seemed to free him to begin petitioning the federal government for what he believed to be proper compensation for his services in the federal city. After Washington's death, L'Enfant took up his pen to seek payment for what he called the "laborious pursuits of twenty two years services to the United States." His housemate Soderstrom, sensing the possibility of new income, was eager to help. In September 1800, the pair set up in a Washington tavern, and L'Enfant's first formal petition landed in the House of Representatives a few months later. He asked for nearly \$100,000. The petition was denied, but L'Enfant remained at the Potomac to continue pleading his case to Congress for the next twenty-five years.<sup>42</sup>

What did L'Enfant leave behind in Philadelphia? Certainly not a welcome home. In 1804, Soderstrom brought suit against L'Enfant in a District of Columbia court, claiming over six years' worth of back rent and expenses amounting to \$7,300. The infuriated major, still hampered by his language skills, scrambled to draft a statement in response. He sputtered out his disbelief at the audacity of his onetime spendthrift roommate to accuse him of financial irresponsibility. Had he not loaned him money regularly, even from the date of their first acquaintance? Had Soderstrom not used L'Enfant's name and assets to his own benefit? L'Enfant wondered at "the impertinence of the tale which he affects to tell every one—that all he has done for me was not charity," and pointed to "real advances I made him for what I received from him." L'Enfant did acknowledge he had been negligent in his own record keeping, leaving himself open to the purportedly petty, opportunistic Soderstrom. The major had even offered to submit their dispute to gentlemen, including Robert Morris, for arbitration, but Soderstrom declined and pressed his case forward. L'Enfant vented his passions and painted himself as a prisoner, largely helpless against Soderstrom's many manipulations. Soderstrom would prevail.

<sup>41</sup> Alexander Hamilton to Pierre Charles L'Enfant, Mar. 20, 1798, and July 3, 1798; Pierre Charles L'Enfant to Alexander Hamilton, July 1, 1798 (quotations), and July 6, 1798, all in *PAH*, 21:367, 523–24, 527–28, 531–32; George Washington to James McHenry, Feb. 6, 1799, in *PGW*, Retirement Series, 3:360.

<sup>42</sup> L'Enfant to Alexander Hamilton, July 1, 1798, in *PAH*, 21:523–24 (quotation); Bowling, *Peter Charles L'Enfant*, 45–46; Arnebeck, *Through a Fiery Trial*, 564–66, 604.

When Congress in 1808 finally authorized a settlement with L'Enfant for \$4,600 plus a city lot, the Swedish consul took over \$4,000 of that sum by lien. Most of the remainder went to L'Enfant's lawyer and creditors. So L'Enfant nursed yet another wound.<sup>43</sup>

Around that time, Latrobe, who had by then taken over many of the design responsibilities in the city of Washington, described seeing the "miserably poor" L'Enfant wander daily as "the picture of famine." "He is too proud to receive any assistance, and it is very doubtful in what manner he subsists," Latrobe observed. In 1812, members of President James Madison's cabinet offered L'Enfant a post at West Point as a professor of engineering. L'Enfant was flattered but declined—he was "not fond of youth" nor of faculty blowhards, he explained. L'Enfant was soon offered the task of supervising the reconstruction of Fort Warburton on the Potomac River in 1814, which devolved into the familiar litany of personal complaints and failed progress. Just as quickly, L'Enfant was mustered out of service from his final commission, to live on the generosity of his Maryland landlords until an anonymous death in 1825. A single, short obituary in the *National Intelligencer* mentioned his French origins, his Revolutionary War exploits, and his authorship of the federal city plan, acknowledging him as an "interesting but eccentric gentleman."<sup>44</sup>

The Philadelphia papers did not take notice. Rather, L'Enfant was recalled by antiquarians largely as the man responsible for ruining Robert Morris during his time in the city. John Fanning Watson consolidated the tales circulating about Morris's house for his first edition of the *Annals of Philadelphia* in 1830. Watson opened his piece on the house by calling it "This great edifice, the grandest ever attempted in Philadelphia for the purposes of private life." The house proved, in Watson's words, "a ruinous and abortive scheme, not so much from [Morris's] want of judgment to measure his end by his means, as by the deceptive estimates of his architect, Major L'enfant—a name celebrated in our annals for the frequent disproportion between his hopes and his accomplishments." L'Enfant's

<sup>43</sup> L'Enfant, account dated 1804, JDM-DLM Papers; Bowling, *Peter Charles L'Enfant*, 42–45, 48–50.

<sup>44</sup> Entry for Aug. 12, 1806, in *The Journals of Benjamin Henry Latrobe, 1799–1820*, vol. 3, *From Philadelphia to New Orleans*, ed. Edward C. Carter II, John C. Van Horne, and Lee W. Formwalt (New Haven, CT, 1981), 71–72 (first quotations); L'Enfant, quoted in Bowling, *Peter Charles L'Enfant*, 50, 53 (second quotation), 54–55, 60; "Died," *National Intelligencer*, June 25, 1825 (last quotation); "Pierre Charles L'Enfant," *American Architect and Building News* 10 (Oct. 22, 1881): 192–94. In 1810, Congress granted L'Enfant \$666.67 with interest from March 1, 1792.

name had become a joke. Morris indeed had found it difficult to rein in L'Enfant when prudence appeared necessary, but the house's cost—perhaps \$600,000—was only a portion of the millions of dollars Morris owed to creditors. Watson did not mention Morris's vast land speculations; instead, after telling of its extensive grounds, its massive underground vaults, and its marble ornament—a "palace in effect"—he pointed to Morris's "ruin in the above building." Two years later, the Philadelphia magazine *Atkinson's Casket* ran the same story on "Morris' Folly," repeating Watson's version of the tale. The story continued to circulate that decade, while a local printer reissued William Birch's engraving of the house, presumably to capitalize on the curiosity.<sup>45</sup>

Other Philadelphians would recall L'Enfant's work on Fort Mifflin and the Dancing Assembly's hall. Deborah Logan wrote disparagingly of both to Watson as the latter was preparing his *Annals*, asserting that "complaints were constantly made in every building in which this architect was employed." In 1864, Joshua Francis Fisher heaped scorn on L'Enfant ("a French Officer") and his works, charging him with culpability for being "skilled in the art of seductive estimates." Fisher tore into the Folly and the Dancing Assembly's erstwhile hall, in addition to L'Enfant's earlier "abortive performances" in Washington, DC.<sup>46</sup>

It is little wonder, then, that modern Philadelphians have not recognized L'Enfant as one of the city's formative builders. The lack of a single surviving structure in Philadelphia attributable to L'Enfant has surely contributed to the engineer's subsequent fall from local memory. Two small relics of Morris's Folly, bas-reliefs done by the Jardellas, sit quietly in a private, residential sunroom on Delancey Place (see Figure 7). L'Enfant would receive brief entries in Joseph Jackson's *Early Philadelphia Architects and Engineers* (1923) and in Sandra L. Tatman and Roger W. Moss's ex-

<sup>45</sup> John F. Watson, *Annals of Philadelphia, Being a Collection of Memoirs, Anecdotes, and Incidents of the City and its Inhabitants from the Days of the Pilgrim Founders* (Philadelphia and New York, 1830), 355–36 (quotations) and 424; "Robert Morris' Mansion," *Atkinson's Casket* 7 (1832): 73; [Robert Desilver], *Life of Robert Morris, the Great Financier; with an Engraving and Description of the Celebrated House, Partly Erected in Chesnut Street, between Seventh and Eighth, South Side* (Philadelphia, 1841). See also Deborah Dependahl Waters, "Philadelphia's Boswell: John Fanning Watson," *Pennsylvania Magazine of History and Biography* 98 (1974): 3–52. For more references to the house, see *Blackbeard: A Page from the Colonial History of Philadelphia* (New York, 1835), 2:67; William Sullivan and John T. S. Sullivan, *The Public Men of the Revolution* (Philadelphia, 1847), 141; "Philadelphia in Olden Times. No. IV: Morris' Mansion," in *Philadelphia Inquirer*, Apr. 20, 1853, newspaper clipping in C. A. Poulson Scrapbooks, Library Company of Philadelphia; and Smith, *Robert Morris's Folly*.

<sup>46</sup> Logan to Watson, box 2, page 184, John F. Watson Letters; Fisher, "Section of the Memoirs of Joshua Francis Fisher."



Figure 7. "Music" stone relief, attributed to Giuseppe Jardella, ca. 1795, measuring 36 × 72 inches. Courtesy of Mark E. Rubenstein.

pansive *Biographical Dictionary of Philadelphia Architects* (1985), but his name is nowhere to be found on the city's streets. In turn, this absence was reinforced by the belated celebration of L'Enfant in Washington, DC, which culminated in the engineer's dignified reburial at Arlington Cemetery in 1909 and the commitment to reestablishing his original city plan there. As a result, the "engineer of the United States" is almost exclusively identified with the Potomac, although he lived and worked almost as many years in Philadelphia and in New York.<sup>47</sup>

Though L'Enfant's damnation in Philadelphia did involve architectural ideas which were alien to the city's vernacular, his loss of favor had little to do with his French origins per se. Many other emigrants at the time, Stephen Girard included, found a welcome home there. L'Enfant did gravitate toward international elements, as with his housemate Soderstrom, his Continental craftsmen, and his apparently good relations with the French ministry. But he identified equally with his role in the American Revolution and with his vision for the future of his adopted nation. He spent little time trying to please the likes of Moreau Saint-Méry or Louis Philippe.

<sup>47</sup> Jackson, *Early Philadelphia Architects and Engineers*, 85–93; and Tatman and Moss, *Biographical Dictionary of Philadelphia Architects*, 474–75. Jackson observed that "the failure of this project ["a wonderful mansion for Robert Morris"] seems to have virtually ended the professional career of the French engineer and architect."

Beyond the Jardellas' bas-reliefs, several additional examples of which are held outside Pennsylvania, surviving relics of the Folly also apparently include marble chimneypieces at the Historical Society of Pennsylvania and at Lemon Hill mansion. See Smith, *Robert Morris's Folly*.

Interestingly, French architects following L'Enfant gained a great deal of popular recognition in Philadelphia, as with Anne Louis de Tousard, who upgraded Fort Mifflin and had his name mounted thereon, and Napoleon Le Brun of French ancestry, who added to the city's churchscape.<sup>48</sup>

So we are left to judge L'Enfant's time in Philadelphia in terms of what might have been, both for the city and for the engineer himself. It would be difficult to overestimate the impact of the failures of the Morris project, which ended up exacerbating all L'Enfant's other false starts in the 1790s. Even if Morris's grand house had been completed and inhabited, it is likely that the wary public still would not have viewed it as the pair had intended, as a major advance for the arts in America and as the just rewards for Morris's long and successful career. While Benjamin Henry Latrobe, William Strickland, Frank Furness, Louis Kahn, and other notable architects can be judged by the effect they have had on the city, L'Enfant must be judged by the reaction he provoked, which had both artistic and political aspects. His own brash personality drew down a great deal of anguish upon himself, but this only signaled the beginnings of his so-called "madness" in the midst of an anxious new republic. Today, somewhere belowground at the block of Chestnut, Seventh, and Eighth Streets, the surviving foundations of L'Enfant's final vision sit waiting to answer Latrobe's legacy of neoclassical refinement and row house proportion. L'Enfant's triumphal city plan was resurrected in the city of Washington; in Philadelphia, though civic boundaries have since loosened, he will likely remain "unfinished."<sup>49</sup>

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<sup>48</sup> Dorwart, *Fort Mifflin*, 76–78; Samuel John Klingensmith, "The Architecture of Napoleon LeBrun: The Philadelphia Churches" (master's thesis, University of Virginia, 1976). In contrast, Mary N. Woods finds a common pattern of problematic attitudes and working methods among early French architects in America (L'Enfant, Maximilian Godefroy, and Stephen Hallet) that clashed with the building market "dominated at one end by builders and at the other by a few master artisans and gentlemen-architects." Mary N. Woods, "The First Professional: Benjamin Henry Latrobe," in *American Architectural History: A Contemporary Reader*, ed. Keith L. Eggner (New York, 2004), 117.

<sup>49</sup> Robert Ellis Thompson, "Lessons of Social Science in the Streets of Philadelphia," *Penn Monthly* 11 (1880): 929, reported that "those who have occasion to dig down into the yards of" the houses on Morris's old block "sometimes come upon the remains of the vast foundation walls of what was long known as 'Morris's Folly.'"

In queries to Philadelphia city government offices with the assistance of the Philadelphia Historical Commission, I have been unable to obtain information on any findings during underground utility work in the area.

## *Legal Practice and Pragmatics in the Law: The 1821 Trials of John Reed, “Fugitive Slave”*

JOHN REED, A PERSON OF COLOR, had come to Pennsylvania from Maryland, representing himself as a free man, some two or three years before the events that led to his being tried for two murders. To the reporters who publicized his case in the Chester County *Village Record*, “It appeared sufficiently clear” that Reed was the child of the slave Maria, who had been a queen in her native Africa.<sup>1</sup> Between twenty-seven and thirty years old in 1820, married, and with one child, he lived in Kennett Township, where he worked odd jobs in the neighborhood.<sup>2</sup> Reed’s life in Chester County was marked by anxiety; he rarely went unarmed and frequently expressed his fear of kidnappers who, he claimed, had previously tried to enslave him. As his neighbors would soon discover, his fears were not unwarranted. Samuel Griffith, a slave owner from Maryland, claimed ownership of Reed and considered him a runaway. Reed, it was later discovered, could not demonstrate his free status, as he could show “no proof of manumission.”<sup>3</sup> On the night of December 14, 1820, Griffith, supported by a posse of three—his overseer, Peter Shipley, and two men identified as Miner and Pearson—attempted to seize Reed from his Kennett Township home in the dark of night. Griffith and Shipley were fatally wounded in the attack, succumbing shortly afterward.

<sup>1</sup> *West Chester (PA) Village Record*, Nov. 21, 1821, 3. In an earlier account, Reed’s mother was referred to as Muria. *West Chester (PA) Village Record*, May 16, 1821, 3.

<sup>2</sup> According to Reed’s deposition of February 2, 1821, before the Chester County Court of Oyer and Terminer, he was thirty years old at the time of the events in 1820. According to the testimony of Luke Griffith, nephew of Reed’s presumed master, Samuel Griffith, in a November 14, 1821, document before the Chester County court, Reed was born in April 1794 and thus would have been twenty-seven years old in 1820. John Reed affidavit, for the trial for the murder of Griffith, filed before Justice of the Peace Joshua Taylor, Feb. 2, 1821; Luke Griffith’s claim to John Reed, Slave, certified by President Judge Isaac Darlington, Chester County Court of Quarter Sessions, Nov. 14, 1821, both Chester County Archives and Records Services, West Chester, PA.

<sup>3</sup> *West Chester (PA) Village Record*, Nov. 21, 1821, 3.

Relying upon Reed's "own story," the *Village Record* described the night of the attack. Reed's "wife was from home"; unable to sleep, he heard someone outside the house, then a rapping on the door. In response to Reed's inquiry, someone at the door announced that he had authority to search for stolen goods. Reed told them he had no stolen goods, but if they would wait until morning, they could search. When the men outside began to force the door, Reed rolled a barrel against it and threatened to kill them if they entered. The door was pushed off its hinges, and as Reed heard "the click of a pistol cocking" he cried out a second warning: "It is life for life." One of the group, damning the "negro" and exclaiming that Reed was bluffing, urged Shipley to rush him. Reed shot the first person who entered, knocking the second to his knees with a club; when the intruder rose up, Reed struck once or twice more.<sup>4</sup>

Two indictments, one for the murder of Griffith, the next for the murder of Shipley, spell out in exacting detail the crimes of which Reed was accused. Reed had, on the fourteenth of December 1820, discharged a gun "of the value of five dollars" filled with "gunpowder and diverse leaden shot," which he held against the left part of Griffith's body with both hands, mortally wounding him. The shot inflicted on Griffith a wound in the belly, four inches deep and one inch wide, of which he died the day after the attack.<sup>5</sup> Reed had assaulted Shipley "with a certain large stick of no value," holding it in his right hand and hitting Shipley several times "in and upon the back part of the head, the forehead and temples." On Shipley's body there was observed "one mortal wound of the length of three inches, and of the depth of one inch," on the back of his head and a second wound one inch long and a half-inch deep on his forehead. Shipley endured "several mortal bruises" of which he died on December 21, having languished for seven days.<sup>6</sup> The *Village Record* report claimed that Shipley had had enough strength after the attack to carry Griffith into Reed's house and lay him on Reed's bed—where neighbors found him dead the next morning—before staggering to the house of a neighbor, Mrs. Harvey, where he pleaded to be let in and died himself. The two other men in Griffith's party had fled. Following the attempted seizure, Reed had grabbed his gun and run to tell a neighbor "that the kidnappers had attacked his house; that he had killed two, and asked for more powder, as he was afraid they would pursue

<sup>4</sup> Ibid.

<sup>5</sup> Grand inquest indictment, Jan. 30, 1821 (Griffith case), Chester County Archives and Records Services.

<sup>6</sup> Grand inquest indictment, Jan. 31, 1821 (Shipley case), Chester County Archives and Records Services.

him.” Reed made no attempt to escape and was soon arrested. Evidence collected at Reed’s house included Reed’s club and the barrel, as well as “two pistols, loaded, one of them cocked, a whip, and a pair of gloves . . . at the door.” Shipley’s pockets contained a pair of handcuffs and a rope; a third pistol was found on Griffith’s person.<sup>7</sup> John Reed was tried in two separate trials in May and November 1821, in Chester County criminal court in West Chester, Pennsylvania, for the murders of his alleged master and his master’s overseer. The first trial ended in acquittal, the second in conviction—for manslaughter rather than the original charge of murder.<sup>8</sup>

The Reed trials illustrate how Pennsylvania abolitionists used legal procedures to move the law toward a position that would produce equal protection for fugitive slaves and, in the process, make violent slave revolts and mob actions less likely as the use of the law and government action displaced acts of private interest in disputes over slavery. Use of legal procedures represented a step toward making a substantive change in equal rights law. In the Reed trials this tactic offered the accused the opportunity to assert his claim to be treated as a free man and an equal with any other person under the law. John Reed’s two trials and the subsequent proceeding initiated by Griffith’s family to reclaim him as a slave provide an opportunity to examine the prevailing fugitive slave and antiskidnapping laws and to consider the federal-state conflict that arose when these laws diverged. A little-studied event, the John Reed case also presents an opportunity to examine legal practice almost two hundred years ago.<sup>9</sup>

This paper argues that Pennsylvania’s treatment of runaways and kidnapped blacks was less confrontational, as David G. Smith contends, than

<sup>7</sup> *West Chester (PA) Village Record*, Nov. 21, 1821, 3.

<sup>8</sup> *Commonwealth v. John Reed, Alias Thomas*, 1821; and jury verdict, Nov. 14, 1821, both Chester County Court of Oyer and Terminer records, Chester County Archives and Records Services.

<sup>9</sup> Unfortunately, there was no trial report, and evidence of the judges’ instructions to the jury was preserved only in a truncated form in newspaper accounts. Reed did, however, provide four affidavits (one for the Griffith trial and three for the Shipley trial) sworn and signed with his mark before three different officials. Other surviving documents include grand inquest indictments, subpoenas, jury challenge lists, witness lists, court dockets, trial strategy, and the verdicts of Reed’s two trials. The officials were two justices of the peace—Joshua Taylor and John—and a proxy. See Edward Needles, *An Historical Memoir of the Pennsylvania Society for Promoting the Abolition of Slavery; The Relief of Free Negroes Unlawfully Held in Bondage, and for Improving the Condition of the African Race: Compiled from the Minutes of the Society and Other Official Documents* (Philadelphia, 1848), 73–74; “What Right Had a Fugitive Slave of Self-Defence Against His Master?” *Pennsylvania Magazine of History and Biography* 13 (1889): 106–9; William R. Leslie, “The Pennsylvania Fugitive Slave Act of 1826,” *Journal of Southern History* 18 (1952): 434–35; Joseph S. Kennedy, “Ex-Slave Was Tried for Killing Two Would-Be Captors,” *Philadelphia Inquirer*, Feb. 20, 2005; Rob Lukens, “History’s People: The Murder Trials of Kennett’s John Reed,” *West Chester (PA) Daily Local News*, Feb. 21, 2013.

that of more northern states. As Richard S. Newman holds, Pennsylvania abolitionists took a pragmatic approach in their antislavery legal activities that used equal protection arguments to push the state to support equal treatment under the law for all residents. Those protections—among the earliest offered to blacks, enslaved and free—began in the last two decades of the eighteenth century to set the stage for the work of a more aggressive group of abolitionists in the 1830s and thereafter. Pennsylvania legislation in 1820, 1826, and 1847 progressed in a more radical direction, suggesting that by the 1820s the course of Pennsylvania slave law had changed from one that negotiated federal and state law to one that defended personal liberty laws and the state's right to assert such laws.<sup>10</sup>

This shift in the course of state law occurred in the context of several converging trends, among them a growing antislavery movement, the Second Great Awakening (a religious revival movement that lasted from 1800 to the 1830s), late-eighteenth-century sentimental literature, and developments in print culture that produced narratives and pamphlets featuring the brutality of slavery, encouraging readers to identify with the suffering of slaves and advancing the idea that slavery was a sin that the nation would pay for in divine retribution.<sup>11</sup> Raising questions about the injustices visited on slaves and challenging white stereotypes about blacks, the court of public opinion gave notice to the courts that human law was expected to recognize and uphold natural laws of equality; in courtrooms these expectations were transmitted into adversarial arguments intended to persuade juries to uphold equal treatment for blacks and whites.<sup>12</sup> Taking antislavery issues to the public would provoke confrontations with white groups that generated resentment.<sup>13</sup> Still, social and political backwash like that which attended legislative petitions and the 1819–22 debate over the

<sup>10</sup> David G. Smith, *On the Edge of Freedom: The Fugitive Slave Issue in South Central Pennsylvania, 1820–1870* (New York, 2013), 9; Richard S. Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic* (Chapel Hill, NC, 2001), 39–59, 60–85; Christopher Densmore, “Seeking Freedom in the Courts: The Work of the Pennsylvania Society for Promoting the Abolition of Slavery, and for the Relief of Free Negroes Unlawfully Held in Bondage, and for Improving the Condition of the African Race, 1775–1865,” *Pennsylvania Legacies* 5, no. 2 (2005): 18; Thomas D. Morris, *Free Men All: The Personal Liberty Laws of the North, 1780–1861* (1974; repr. Union, NJ, 1993), 221.

<sup>11</sup> Newman, *Transformation of American Abolitionism*, 92–99; see David Howard-Pitney, *The Afro-American Jeremiad: Appeals for Justice in America* (Philadelphia, 1990).

<sup>12</sup> Jeannine Marie De Lombard, *Slavery on Trial: Law, Abolitionism, and Print Culture* (Chapel Hill, NC, 2007), 7, 13–18; see Joanna Brooks, “The Early American Public Sphere and the Emergence of a Black Print Counterpublic,” *William and Mary Quarterly*, 3rd ser., 62 (2005): 67–92.

<sup>13</sup> Shane White, “It Was a Proud Day: African Americans, Festivals, and Parades in the North, 1741–1834,” *Journal of American History* 81 (1994): 33–34.

Missouri Compromise would make the courts an even more critical venue for assuring fugitives and slaves equal treatment under the law.<sup>14</sup> The legal capacity of blacks became central to their emancipation, and the courts became critical sites in achieving equal rights.

### *State of the Law*

At the time of Reed's trials, the relevant federal and state law included Pennsylvania's Gradual Abolition of Slavery Act of 1780 and its 1788 amendment; the federal Fugitive Slave Act of 1793 (the enforcement mechanism for Article 4, section 2 of the US Constitution, 1787); Pennsylvania case law; and the Pennsylvania Act to Prevent Kidnapping of 1820.<sup>15</sup> The choice of venue and the legal treatment of slaves and free blacks in Pennsylvania, either in its courts, before justices of the peace and aldermen, or before selected judges and recorders, depended upon whether federal or state laws were applied.

The Gradual Abolition Act of 1780 freed slaves and their issue over time (sections 3 and 4), acknowledged slave owners' reclamation rights, and prohibited the sheltering of runaways (section 11). It required the registration of Pennsylvania's slaves (section 5), presumed the freedom of those not registered (section 10), and freed out-of-state slaves who overstayed a six-month limit (section 10). In addition, it provided that, whether free or enslaved, blacks should be tried and punished "in like manner" as other inhabitants of the state (section 7) and that a 1705 statute that had established courts without juries "for the Trial of Negroes" be abolished (section 14).<sup>16</sup> The 1788 amendment to the act prohibited and fined the act of taking by force and transporting outside the commonwealth "any negro or mulatto . . . with the design and intention of selling and disposing of, or of causing to be sold, or of keeping and detaining, or of causing to be kept and detained, such negro or mulatto as a slave or servant" (section 7).<sup>17</sup>

<sup>14</sup>Newman, *Transformation of American Abolitionism*, 45–50.

<sup>15</sup>An Act for the Gradual Abolition of Slavery, 1780, and Amendment to the 1780 Gradual Abolition Act, in John Purdon, ed., *Digest of the Laws of Pennsylvania* . . . (Philadelphia, 1818), 480, 482; Fugitive Slave Act of 1793, in 3 *Annals of Cong.* 1414–15 (1793); An Act to Prevent Kidnapping, 1820, in *Laws of the Commonwealth of Pennsylvania from the Fourteenth Day of October, One Thousand Seven Hundred*, vol. 17 (Philadelphia, 1822), 285–88.

<sup>16</sup>Frank M. Eastman, *Courts and Lawyers of Pennsylvania: A History, 1623–1923* (New York, 1922), 173–74; G. S. Rowe, *Embattled Bench: The Pennsylvania Supreme Court and the Forging of a Democratic Society, 1684–1809* (Newark, DE, 1994), 172.

<sup>17</sup>See Gary B. Nash and Jean R. Soderlund, *Freedom by Degrees: Emancipation in Pennsylvania and Its Aftermath* (New York, 1991); Beverly C. Tomek, *Colonization and Its Discontents: Emancipation, Emigration, and Antislavery in Antebellum Pennsylvania* (New York, 2011).

Federal process, laid out in the 1793 Fugitive Slave Act, allowed for a summary procedure in which the slave owner or his agent was “empowered” to take a fugitive before a judge or magistrate and there to provide ex parte proof of ownership. No provision was made for the captured party to offer proof to the contrary, for a habeas writ, for a trial (with or without jury), or for the right to appeal. The duty of a judge or magistrate was to grant a certificate of removal to take the slave out of the state “upon proof to the satisfaction of such Judge or magistrate, either by oral testimony or affidavit . . . that the person so seized . . . [does] owe service or labor to the person claiming him”; the affidavit was to be certified by a magistrate of the state from which the slave had fled. The term “empowered,” as opposed to “required,” would be loosely interpreted to excuse slave owners from availing themselves of the process provided, but the federal act made it the duty of the executive authority of the state to which the fugitive fled to act on behalf of reclamation. However, the act did not provide a penalty for state authorities that did not do so, nor did it authorize state officials to investigate alleged slave owner’s claims. Parties who interfered with the process of reclamation could be fined, and slave owners could sue for both financial and physical injuries that resulted from such interference.<sup>18</sup> In practical terms, as a result, private self-help superseded state authority, and federal authority, where utilized, trumped both state law and the personal liberty rights of the person seized.

In the process of navigating between state and federal statutes, Pennsylvania case law was informed by the work of abolitionists, like those in the Pennsylvania Abolition Society (PAS), who pursued court cases and legislation to ensure that the provisions of the Fugitive Slave Act of 1793 would not be easily applied. The PAS worked case by case to extend to slaves and fugitives the rights that others would deny them and to challenge courts to redress their grievances. Recognizing that fugitive slaves, to whom principles of federal comity applied, would not receive the same protections as kidnap victims, who fell under state law, PAS lawyers “used local readings of the law,” as Richard Newman puts it, “to counteract slaveholders’ national power.”<sup>19</sup> Focusing on loopholes and fortuitous

<sup>18</sup> Paul Finkelman, “The Kidnapping of John Davis and the Adoption of the Fugitive Slave Law of 1793,” *Journal of Southern History* 56 (1990): 419–20; Morris, *Free Men All*, 19–23; Morgan Cloud, “Quakers, Slaves, and the Founders: Profiling to Save the Union,” *Mississippi Law Journal* 73 (2003): 401–3.

<sup>19</sup> Richard Newman, “Lucky to be born in Pennsylvania: Free Soil, Fugitive Slaves and the Making of Pennsylvania’s Anti-Slavery Borderland,” *Slavery and Abolition: A Journal of Slave and Post-Slave Studies* 32 (2011): 417, 428, DOI: 10.1080/0144039X.2011.588478.

technicalities involving such things as warrants and evidence, and arguing “compelling facts” and principles of “equity, tolerance, and justice,” PAS members were willing to make out-of-court settlements (such as sales and indentures to move slaves out of slavery) and generally hoped to impose so many legal obstacles in pursuing a case that slave owners would eventually give up.<sup>20</sup> One PAS lawyer, William Lewis, advised the fugitive he represented in *Pirate v. Dalby* to file his case as a free man.<sup>21</sup> Following Lewis’s logic, the presumption of freedom would give cover to Pennsylvania courts both to grant slaves a trial under state law and to argue that unregistered African Americans and out-of-state slaves who stayed in the state beyond six months were free, thus enabling the freeing of large numbers of slaves. Reinforcing the strategy, a fortuitous finding in Pennsylvania case law, *Commonwealth ex rel. Johnson, a Negro v. Holloway* (1817), held that the fugitive slave clause of the Constitution, Article 4, section 2, could not be read “so as to exempt slaves from the penal laws of any state in which they may happen to be.” The court’s rationale was that neither the Constitution nor any state law “exempts them from punishment in all criminal cases.” To deliver the slave to his master was no less than to “withdraw him from the prosecution,” which the court found it could not do.<sup>22</sup>

Not only was the status of slaves under Pennsylvania law aided by case law, but there was also promising case law for their progeny that implicated a liberty right. In *Respublica v. Negro Betsey* (1789), which freed the children of an unregistered slave, Justice Bryan’s concurrence expressed his opinion that he “would not wish to press an argument against liberty” on the basis of a section (section 10 of the Gradual Abolition Act) that he found “inaccurate and insensible” and “of so obscure a kind.”<sup>23</sup> In an 1815 case, *Kitty v. Chittier*, the PAS found no precedents to bind over children who, having been born in Pennsylvania, had never fled from a slaveholding state.<sup>24</sup> As one of six counselors who consulted on the case, John Reed advised, “It

<sup>20</sup> Carol Wilson, “The Thought of Slavery Is Death to a Free Man,” *Mid-American Review* 74 (1992): 117; Newman, *Transformation of American Abolitionism*, 6–63; Newman, “Lucky to be born in Pennsylvania,” 422.

<sup>21</sup> *Pirate*, alias *Belt v. Dalby*, 1 U.S. 167 (1786); 1 Dall. 167 (Pa. 1786); Jean M. Hansen, “William Lewis: His Influences on Early American Law, as a Philadelphia Lawyer, Republican Assemblyman, and Federalist Leader” (PhD diss., University of North Colorado, 1999), 61; Esther Ann McFarland, *William Lewis, Esquire: Enlightened Statesman, Profound Lawyer, and Useful Citizen* (Darby, PA, 2012), 21.

<sup>22</sup> *Commonwealth ex rel. Johnson v. Holloway*, 3 Serg. & Rawle 4 (Pa. 1817).

<sup>23</sup> 1 U.S. 469 (1789); 1 Dall. 469 (Pa. 1786); G. S. Rowe, *Thomas McKean: The Shaping of an American Republicanism* (Boulder, CO, 1978), 232–33.

<sup>24</sup> Cases before Michael Rappele, box 4A (microfilm reel 24), Pennsylvania Abolition Society Papers, Historical Society of Pennsylvania (hereafter cited as PAS Papers).

should be doubtful, as such a construction would interfere with personal liberty, the inclination would be against the extension of the Constitution to the case." On these grounds, the three children involved in the case were freed. The Pennsylvania Supreme Court in *Commonwealth v. Holloway* (1816) subsequently decided that servitude as a result of the slavery of the mother was extinguished in the Gradual Abolition Act, section 3, and that the 1793 Fugitive Slave Act applied only to the absconding slave, not to children conceived and born within the state.<sup>25</sup>

In the process of maneuvering around legal holes in case law, PAS lawyers hoped that using the law and politics would, over time, undercut the stability of slavery as an institution and lead to its demise through gradualist tactics. Their efforts would thus embed change structurally and incorporate it legally through legislative petitions and court cases.<sup>26</sup> The PAS's tactics were successful to the extent that in *Commonwealth v. Lambert Smyth*, ca. 1805–16, the organization itself became a subject of inquiry. The court's decision supported slave owners from other states who "take their slaves home especially when the negro has acted under the direction of the Abolition Society or any of its members." The members to whom the decision referred were abolitionist sympathizers trained to intervene in slave rendition and careful not to violate the law.<sup>27</sup> An army of legal workers interviewed possible deponents, visited courthouses to discover legal papers, helped identify fugitive slaves and kidnapped blacks, and served writs to produce slaves before officials. One among them, PAS member William Kirk, who wrote to Blakey Sharpless in 1825, intended "to attend to all cases that may come under my notice and see that the requisitions of the law are strictly fulfilled." He questioned Sharpless regarding the circumstances under which a master could seize his slave under federal or state law, the master's right to enter a house "not in the tenure of a slave without the knowledge or express consent of the owner without or with a warrant," how and by whom a warrant could be served, whether others than the occupant of a house could prosecute an entry, and whether others

<sup>25</sup> *Commonwealth v. Holloway*, 2 Serg. & Rawle 305 (Pa. 1816).

<sup>26</sup> Newman, *Transformation of American Abolitionism*, 23, 26–27, 29, 33, 38.

<sup>27</sup> *Commonwealth v. Lambert Smyth* [ca. 1805–16], ser. 4, Manumissions, Indentures & Other Legal Papers, box 4A, file "Cases in Which Slaves Were Awarded Freedom" (microfilm reel 24), PAS Papers; Richard Newman, "The PAS and American Abolitionism: A Century of Activism from the American Revolutionary Era to the Civil War," 1–10, Historical Society of Pennsylvania, [http://hsp.org/sites/default/files/legacy\\_files/migrated/newmanpasessay.pdf](http://hsp.org/sites/default/files/legacy_files/migrated/newmanpasessay.pdf); see Richard Newman, "The Pennsylvania Abolition Society: Restoring a Group to Glory," *Pennsylvania Legacies* 5, no. 2 (2005): 6–10.

than the master could “make such forcible entry?” Importantly, he asked whether a slave had “the same right of self defence against unknown persons entering his house in disguise or by surprize which is held by other citizens of this state—& How must the master make proof either of his own or his slaves identity & by whom in either case must it be attested?”<sup>28</sup> Responding to such inquiries, the PAS pursued the practical tasks of turning black men and women into legal subjects and giving them a proper defense with limited resources and personnel.

By the 1820s, slaves in Pennsylvania were largely emancipated.<sup>29</sup> Their changing legal status and the presumption that they were free unless proved otherwise was the antithesis of their condition in Maryland, where they were liable, even if freed, to be re-enslaved as a result of a criminal conviction, indebtedness, or a manumission gone bad (for estate debts upon the death of a master, a change of mind by heirs, or an unrecorded agreement between master and slave).<sup>30</sup> Such reverse emancipation meant that the boundary between free and slave was permeable. Maryland would have brought a fugitive to Pennsylvania back into a system of slave courts and plantation justice in which jury trials, even when recommended to prove a fugitive’s status, exercised what James D. Rice calls “racial discipline.”<sup>31</sup> Blacks were presumed to be slaves, and jurors tended to find for the slave owner less because of the law than as a statement of support for community standards regarding slavery and race. As Barbara Jeanne Fields expresses it, emancipated blacks “simply ceased to be slaves of a single owner and became slaves of the state as a whole.”<sup>32</sup>

It was in such a context that the Pennsylvania Act to Prevent Kidnapping of 1820 became, as William Leslie puts it, the first state law “to prohibit state officials from enforcing the national fugitive slave act.”<sup>33</sup> The act spoke directly to *Wright v. Deacon* (1819), a case involving a Maryland slave owner, a fugitive with a claim to freedom, and a contest over granting

<sup>28</sup>William Kirk to Blakey Sharpless, Sept. 27, 1825, ser. 2, Correspondence, file “Correspondence, incoming: 1825” (microfilm reel 13), PAS Papers.

<sup>29</sup>Nash and Soderlund, *Freedom by Degrees*, 173.

<sup>30</sup>Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland during the Nineteenth Century* (New Haven, CT, 1985), 36; John Hope Franklin and Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (Oxford, 1999), 190–92.

<sup>31</sup>James D. Rice, “The Criminal Trial before and after the Lawyers: Authority, Law, and Culture in Maryland Jury Trials, 1681–1837,” *Journal of Legal History* 40 (1996): 471.

<sup>32</sup>Ariela Julie Gross, *Double Character: Slavery and Mastery in the Antebellum South* (Princeton, NJ, 2000), 38; Fields, *Slavery and Freedom on the Middle Ground*, 78.

<sup>33</sup>Leslie, “Pennsylvania Fugitive Slave Act of 1826,” 433.

a certificate of freedom. Ruling in favor of reclamation, the Pennsylvania Supreme Court argued that if the returned slave “really had a right to freedom, that right was not impaired by this ruling; he was placed in just that situation in which he stood before he fled.”<sup>34</sup> Wright’s only option, as a result, was to prosecute his claim to freedom in a state that presumed his status as a slave. The Pennsylvania legislature was quick to respond with the 1820 antiskidnapping law. The discussion before the Pennsylvania legislature explained the sentiment behind the act: “If a man be brought up charged with having stolen a mere sixpence, he is entitled to bail; and on his trial he has an opportunity of being fairly and fully heard. But when the question is slavery or freedom, the miserable victim is scarcely heard, and the wretched magistrate deems it to[o] unimportant even to record.” Indeed, the primary hearings of the alderman and justice of the peace courts privileged private prosecution and had a reputation for being corrupt and political.<sup>35</sup>

Critically, the 1820 act’s language in section 1 added heavier penalties to prohibit taking by force, asserting that any person who should “by force or violence take and carry away . . . any negro or mulatto” from the commonwealth would be guilty of a felony with a fine of not less than \$500 and a sentence of not less than seven years at hard labor. Aimed at those pursuing blacks and their “aiders and abettors,” the language of the act protected all blacks, slave and free. Whereas section 3 acknowledged that “a certain act of Congress” had jurisdiction over those “escaping from the service of their masters,” it did so in the context of prohibiting Pennsylvania’s aldermen and justices of the peace from taking cognizance of the act. It disallowed them from granting certificates of removal on penalty of a “misdemeanor in office” with a fine similar to that for seizing a slave by force and allowed only judges or courts of record jurisdiction to grant removal (section 4). Whether the certificate had to be granted before a seizure or removal from the commonwealth was not specified, nor was it specified whether the seizing and taking away were to be considered one act or two separate acts. Those empowered to grant certificates were required, as a means of preventing random seizures of blacks and of keeping track of those who were seized, to record the name, age, sex, and

<sup>34</sup>Wright v. Deacon, 5 Serg. & Rawle 62 (Pa. 1819).

<sup>35</sup>“Pennsylvania Legislature, House of Representatives, Tuesday, January 15: Kidnapping,” *Poulson’s American Daily Advertiser*, Jan. 25, 1820; See also Allen Steinberg, “‘The Spirit of Litigation’: Private Prosecution and Criminal Justice in Nineteenth-Century Philadelphia,” *Journal of Social History* 20 (1986): 231–49.

general description of the party sought as well as the evidence provided by and the residences of the witnesses and the claimant.<sup>36</sup> Within the limited aim of improving the granting of certificates of removal, the legislature encouraged evidence taking to heighten the bar for proof of a claim: “What was the evidence adduced? How and by whom proved to be a slave.”<sup>37</sup> To the extent that it could do so without violating federal law, Pennsylvania thereby discouraged the pursuit of fugitives who had made their way to the state, denied masters easy access to the assistance of state officials, and demanded greater proof than had previously been required in order to hamper recapture.

### *The Reed Trials*

The first public notice of John Reed’s two trials appeared in the West Chester *Village Record*, April 25, 1821. It read:

The Court which commences in this place, on Monday next, promises to be one of uncommon interest, as the trial of the Black man for killing Mssrs Griffith and Shipley will take place. If the weather is fine, there will doubtless be a large concourse of people assembled.

The paper identified the man who was to be tried as a “Black man” charged with murder, not a slave in flight from a master. “Uncommon interest” in the case was taken for granted, together with the prospect for a great gathering of observers, although the nature of the gathering was unclear. Whether the paper anticipated a mob with intent to liberate the defendant, a riot in favor of abolition, a reaction to a scandalous crime, or simply spectators curious to view a controversial trial was not stated.

On May 16, 1821, the same newspaper covered Reed’s trial for Griffith’s murder, but omitted the facts in the case “on suggestion, as another trial is to take place,” reflecting concern for due process. The paper identified the proceedings as “the great cause of the Commonwealth” for the murder by a black man against his “alleged master,” this time noting Reed’s putative fugitive slave status and the state’s concern for the public peace. The trial

<sup>36</sup> The Pennsylvania Gradual Abolition Act did not record free blacks, which “left them unprotected and subject to claims on their liberty.” Patricia A. Reid, “Margaret Morgan’s Story: A Threshold between Slavery and Freedom, 1820–1842,” *Slavery and Abolition: A Journal of Slave and Post-Slave Studies* 33 (2012): 367, DOI: 10.1080/0144039X.2011.606628.

<sup>37</sup> “Pennsylvania Legislature, House of Representatives, Tuesday, January 15: Kidnapping.”

would be held in the Chester County Oyer and Terminer Court in West Chester—a criminal court—before a panel comprised of Judge John Ross and his associate justices, who would preside over a twelve-person jury.<sup>38</sup> The indictment read that Reed pleaded a justification defense of not guilty by reason of just cause and threw himself on the mercy of the court. The attorney general accepted the plea as a statement of the issue under common law.<sup>39</sup>

### The Trial for Griffith's Murder

On January 27, Justice of the Peace Joshua Taylor certified that “the defendant was charged with shooting Samuel G. Griffith . . . and confessed to the fact.” Taylor “therefore committed him [the defendant] to the gaol Dec. 15, 1820.” On January 30, the Chester County grand inquest indictment affirmed that the “labourer, otherwise called Thomas,” Reed’s name in Maryland, “did kill and Murder” Griffith. Nowhere did the indictment, which identified the defendant simply as being “late of the County of Chester,” reference fugitive slave or kidnapping laws (which would be substantively addressed in the charges to the two juries); it was instead an indictment for murder, invoking the state’s responsibility for maintaining order in breaches of the public peace and “the peace of God.” The latter was the particular concern and area of jurisdiction for county criminal courts in Pennsylvania.<sup>40</sup>

The trial was prosecuted as a criminal case for the state by three counsel: Isaac Dutton Barnard, William Alexander Duer, and Attorney General Isaac Darlington. The court appointed four counsel for the indigent defendant: Townsend Haines, William H. Dillingham, Robert Porter, and Joseph Hemphill Jr. In what was common practice in courts of the period, closing arguments before the jury by prosecuting and defending attorneys were alternated, which would have impacted jurors’ ability to separate prosecution from defense arguments and, together with the number of defense counsel and the aggregated length of their arguments in the trial for Griffith’s murder (nine hours, as opposed to just under seven hours for

<sup>38</sup> *West Chester (PA) Village Record*, Apr. 25 and May 16, 1821.

<sup>39</sup> Grand inquest indictment, Jan. 30, 1821 (Griffith case); Grand inquest indictment, Jan. 31, 1821 (Shipley case).

<sup>40</sup> Grand inquest indictment, Jan. 30, 1821 (Griffith case); Steinberg, “Spirit of Litigation,” 241–42.

the prosecution), might well have contributed to the defense's success in the case.<sup>41</sup>

The case's first substantive discussion of the slave issue occurred in an affidavit sworn and signed with Reed's mark before Justice of the Peace Taylor on February 2. The affidavit announced that "it will be attempted to prove on behalf of the prosecution, that [Reed] was the slave of Samuel G. Griffith, the deceased, and that evidence of his freedom will be material upon the trial of the above Indictments." It previewed the defense's case, based upon what "this defendant has been informed and verily believes," offering that by the last will of a former master (who was left unnamed) Reed was left free and for some years "has been entitled to his freedom." From the age of nine he lived with his grandfather, a free man of color, and thereafter, until the age of nineteen, with William Knight of Harford County, Maryland, from whom he "believed that he was to be free at a certain age, some time past." From nineteen until the age of twenty-seven, he lived on the plantation of Samuel Griffith, who "frequently promised his freedom." The account implied that Reed had thereby been enslaved and freed, or promised his freedom, three times and that he had lived as a free man twice: with his grandfather for ten years and for three years after he left the Griffith plantation, when he came to Pennsylvania, "at which time he verily believes, he was a freeman." The manumission that Reed claimed was apparently no more than an ephemeral status, what might be called self-emancipation, a condition dependent upon unrecorded agreements or estate debts, among other obstacles that could have confounded his claim of freedom.<sup>42</sup>

The affidavit proposed to establish Reed's status as a free man "to the satisfaction of the court" if given the time to gather evidence from witnesses and records in Harford County, including members of Knight's family, one Isaac Brown, his own uncles, and both his grandfathers, "who are also freemen." Witness lists before and after this date did not, however, include the names of Isaac Brown, any members of the Knight family using the patronymic "Knight," nor any witnesses using the patronymic "Reed." The

<sup>41</sup> *West Chester (PA) Village Record*, May 16, 1821; John Hill Martin, *Chester (and Its Vicinity), Delaware County, in Pennsylvania* (Philadelphia, 1877), 470–71, 476.

<sup>42</sup> John Reed affidavit, for the trial for the murder of Griffith, Feb. 2, 1821; Newman "Lucky to be born in Pennsylvania," 428; L. C., *The Slavery Code of the District of Columbia, Together with Notes and Judicial Decisions Explanatory of the Same* (Washington, DC, 1862), section 17. This source includes the Maryland slave code as of 1801. See also V. Maxey, ed., *The Laws of Maryland* (1811), which covers the laws in force in 1809.

affidavit added that Reed had “had no means of procuring the attendance of witnesses on his behalf,” a problem common to fugitive slaves, who were largely unlucky in gathering witnesses from their former states of residence—an obstacle that would plague Reed through both trials. Equally important, the affidavit affirmed that “he has had no opportunity to get the proper evidence of [the] character for truth and veracity” for the two accomplices of Griffith and Shipley from the state of Delaware—Richard Pearson and William Miner—“the principal witnesses to be brought against him” and “persons not entitled to credit.” The affidavit effectively petitioned the court to allow Reed time to gather evidence “material to his defence, and . . . to procure the attendance of his witnesses.” The three-month delay of the trial from the time of Reed’s affidavit at the beginning of February until the trial date in May, including a continuance in the trial requested by the prisoner (April 30–May 12), indicated the court’s intent to allow Reed the time needed to gather evidence. Indeed, defense efforts to delay Reed’s trials, each granted by the court, continued in the second trial—for the killing of Shipley—in the form of four more adjournments.<sup>43</sup> Both trials would take a week to complete.

Finally, the affidavit asserted that Reed “shall be able to prove” that the deceased Griffith and Shipley and their confederates Pearson and Miner were engaged “in such unlawful design” whose intention they had avowed “reportedly, in Maryland and Delaware.” Their plan had been “to take the Defendant by force deadly out of the State and to hold him in slavery, without first going before a judge and establishing their right, as required by the Laws of this Commonwealth.” Their attack was, by this reading, a crime—a felony, according to the 1820 Act to Prevent Kidnapping—“which ended in their death.”<sup>44</sup>

<sup>43</sup> Pearson’s name appeared on indictment and trial lists for both trials. Miner’s name (sometimes listed as Minner) appeared on indictment and trial lists for the Griffith trial, but only on the indictment list for the Shipley trial. In the Shipley trial, Pearson’s name on the list of witness bills taxes indicated that he became the principal witness; Miner’s name did not appear on that list. Adjournments were identified as occurring from February 2 to May 12; until August 11; until November 5; and from October 20 to November 10. For witnesses in the trial for Griffith’s murder, see *Witness List for the Prosecution*, Jan. 30, 1821; *Witness List for the Commonwealth and the Prisoner*, May 4, 1821; and *Recognizance to Appear for the Commonwealth*, May 5, 1821. For the Shipley case see *Witnesses for the Prosecution*, Jan. 31, 1821; *Witnesses Bound Over for the Commonwealth and the Defendant*, Jan. term 1821; *Witness List for the Commonwealth and the Prisoner*, Jan. term 1821; and *Witness Bills of Cost Taxed and the Amt.*, 1821. Adjournments were recorded in *Court Docket* [for arraigning and pleading], Jan. term 1821, 73; *Empanelling of Jury*, Nov. 5, 1821; and *Court Docket*, Nov. 14, 1821, 84–85, all Chester County Archives and Records Services.

<sup>44</sup> John Reed affidavit, for the trial for the murder of Griffith, Feb. 2, 1821. The Maryland legislature used a somewhat similar construction in a protest letter to the Pennsylvania legislature in 1823

In the trial itself, the defense reinforced Reed's claim to fairness in two rhetorical appeals, first casting aspersions on the honor of prosecution witnesses, then comparing them unfavorably with Reed's noble character and his status as a man defending his freedom. As reported in the *Village Record*, the first appeal, raised by Porter, called upon the Bible to assault the credibility and consistency of the witnesses: "In descanting on the discrepancy of the stories of the witnesses against the prisoner, he very happily introduced the Scriptural account of the mode in which Daniel detected the falsehood of the Elders in the case of Susannah." The second appeal, argued by Hemphill, resorted to the "Socratic and persuasive art of pleading . . . upon the vicissitudes of human life." The progeny of royalty, free and regal in his native land, Reed was now "claimed as a slave, and is a prisoner, standing a trial for his life . . . from the defence of his freedom."<sup>45</sup>

Reed's defense benefitted from more than mere rhetoric. He received antislavery legal counsel of the kind that had become common in cases involving fugitive slaves; the affidavit noted the benefit to his defense of being so "advised."<sup>46</sup> Presiding Judge Ross had successfully argued as an advocate before the Pennsylvania Supreme Court in *Respublica v. Blackmore* (1797) for a fugitive slave, Aberilla Blackmore, calling a slave's freedom "Heaven's best gift." Essential justice, he claimed in that case, made no color distinction, "but if a distinction must necessarily be set up, it ought infallibly to be in favor of liberty." Arguing a position that informed Reed's own defense, Ross had claimed in the same case at the Circuit Court level in 1790 that "we have a constitution, which declares all men free"; if another law declares free men slaves, "why do you boast of a constitution?"<sup>47</sup>

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over the outcome of Reed's trial. The letter held that Griffith was deceived in his expectation of help from the inhabitants of Kennett Township, and "the consequence was a determination on his part to take his slave; and in attempting to do so, himself and his overseer lost their lives." The legislature acknowledged a taking by force but made no mention of either an effort or intent by Griffith to seek a certificate of removal—either before or after the seizing—or any requirement that he do so. A copy of the January 27, 1823, letter from the Maryland legislature to the Pennsylvania legislature is on deposit at Chester County Archives and Records Services.

<sup>45</sup> *West Chester (PA) Village Record*, May 16, 1821.

<sup>46</sup> John Reed affidavit, for the trial for the murder of Shipley, filed before Justice of the Peace John, Aug. 1, 1821, Chester County Archives and Records Services.

<sup>47</sup> *Ibid.*; Newman, *Transformation of American Abolitionism*, 60–85; Newman, "Lucky to be born in Pennsylvania," 417–20; *Pennsylvania v. Aberilla Blackmore*, Court of Common Pleas of the Fifth Circuit, Washington County, PA, 1790, ser. 4, Manumissions, Indentures & Other Legal Papers, box 4A, file "Habeas Corpus Actions" (reel 24), PAS Papers; 2 Yeates 234 (Pa. 1797). The Yeates version of the Blackmore case referred to a Mr. Ross; Newman, *Transformation of American Abolitionism*, 76–77, identifies counsel as John Ross (1770–1834) and as a member of the PAS. Defense counsel Dillingham was a Quaker.

The commonwealth's approach to the Reed trials, by contrast, was revealed in a letter written by Attorney General Darlington on January 20, 1821, ten days prior to the grand inquest indictment. Addressing himself to his son-in-law, Isaac Barnard, Darlington recounted a visit to his office by Edward Griffith, the brother of the deceased, and a Mr. Davis. They had come to retain the attorney general's services. "Considering the mass of testimony to be examined," he wrote, "they insist upon my having assistance—(a very pleasing circumstance) and have requested of you to accept of the enclosed as a retaining fee." This collaboration between a public prosecutor in Pennsylvania and a private party representing the family of the deceased in Maryland was facilitated by the class of the two visitors who, Darlington asserted, "both appear to be very much of gentlemen." Darlington appeared to find the offer somewhat unusual and "a very pleasing circumstance," though private prosecution was the standard in fugitive cases, and it was not uncommon for private prosecutors to assist public prosecutions. The presumed untowardness of the solicitation was covered by Griffith's genteel framing of the purpose of his visit: "Mr. Griffith says he has no anxiety but that the majesty of the laws should prevail, that if by the laws of Penns. the negro is entitled to an acquittal let it be so but that all the facts shall go before the tribunals of Justice." Like his visitors, Darlington assumed that the indictment was a foregone conclusion. He had already engaged "Mr. Duer who is assisting me to marshall the Evidence." Griffith's hand was apparent here as well, for he, too, had retained Duer, a revelation that did not appear to unsettle the attorney general, who simply commented, "I hope we thus shall be able among us to have the matter fairly investigated and they ask no more." The Griffith family was already preparing the ground for a reclamation application that it would make at the close of the two trials.<sup>48</sup>

The judge charged the jury for an hour and a half, according to a succinct statement in the newspaper, "from which it was apparent, that he had no doubt of the prisoner's guilt."<sup>49</sup> The defense had argued a case of self-defense in which the 1820 Act to Prevent Kidnapping provided possible mitigation for the murder. Griffith had no certificate of removal from an appropriate judicial officer; he had forcibly tried to seize Reed; and he had intended to remove him from the state without the delay of going

<sup>48</sup> Isaac Darlington to Isaac D. Barnard, Jan. 20, 1821, box 2, Townsend Family Collection 1794B, Historical Society of Pennsylvania.

<sup>49</sup> *West Chester (PA) Village Record*, May 16, 1821.

before a judge. Reed had a right to prevent forcible entry of his domicile, to defend himself against an assault, and to resist a seizure that lacked the support of legal removal. The jury delivered a verdict of not guilty, suggesting that it had little confidence in the prosecution's witnesses and its reading of the facts and that it refused to fault Reed for defending himself. Unimpressed with the judge's summary of the facts and his discussion of the law, the jury rejected his recommendation.

### The Trial for Shipley's Murder

Reed's trial for the murder of Peter Shipley was presided over by Isaac Darlington, along with associate judges John Ralston and John Davis.<sup>50</sup> It was prosecuted by counsels Archibald T. Dick, William Alexander Duer, and Isaac Dutton Barnard and defended by counsels Thomas S. Bell and Benjamin Tilghman. There were thus several differences in the makeup of the court, compared with the previous trial: Attorney General Darlington had been elevated to president judge of the court; Dillingham, a Quaker who served as defense counsel in the previous trial, was now county prosecuting attorney, but was recused for a possible conflict and replaced by Attorney for the Commonwealth Dick. Barnard and Duer returned to assist the prosecution for a second time. The prosecution thus added a new chief prosecutor and left two of the previous trial's prosecutors in place. None of Reed's counsel from the earlier trial was returned; two new attorneys would plead his case, and Reed's legal team would be reduced by two members. The redistribution of counsel in the trial for Shipley's murder easily favored the prosecution, which had a significant advantage in experience as well as a former prosecutor in the president judge's chair. The overall number of counsel was thus pruned from seven to five, and only four lawyers made final arguments before the jury. The arguments were more concise and more balanced in terms of time as well. In spite of the fact that in jury selection the defense had as many as thirty-eight challenges for cause alone, it appeared that, on balance, the prosecution was well positioned for a guilty verdict. Indeed, its thirty-seven witnesses significantly outnumbered Reed's eleven, giving it greater than a three-to-one advantage; the thirty-four prosecution witnesses and nineteen defense

<sup>50</sup> *West Chester (PA) Village Record*, Nov. 21, 1821; Martin, *Chester (and Its Vicinity), Delaware County*, 146, 464–65.

witnesses in the Griffith trial had given the prosecution there less than a two-to-one advantage.<sup>51</sup>

Reed clearly had problems with his witnesses in the trial for Shipley's murder. On August 1, his counsel, Benjamin Tilghman, having been "assigned for [Reed's] defense by reason of his being unable from poverty to employ counsel," applied to the court "for compulsory process for obtaining witnesses in his favor" and then for an order upon the county commissioners or other officers to undertake "the expense necessarily incurred in serving the said compulsory process and obtaining the attendance of the said witnesses." Even more noteworthy than Tilghman's application were three affidavits sworn and affirmed by the defendant, one on August 1 and two on August 4. The August 1 affidavit declared "that he [Reed] from poverty is utterly without the means or ability to procure the attendance of the witnesses who are material to his defense against the above charges, that several of the said witnesses reside at a distance from the court and are so poor as to be unable to attend and support themselves unless their expenses are paid." Here, the affidavit inserted the names John Hart, Hamesh Loller the elder, and Hamesh Loller the younger. It went on to complain that Reed had heard that most of his witnesses from the previous trial had been refused payment, "in consequence whereof the said witnesses have not hitherto attended at the present court, but have declared that they would not so attend." Indeed, 84 percent of the far greater number

<sup>51</sup> Seventy-three jurors had to be called to reach the final sworn panel, and three calls for new panels of prospective jurors had to be made. The numbers related to juries and witnesses were arrived at by comparing documents, reconciling overlaps, deletions, and additions, and weighing the purpose and nature of different lists. The documents included court dockets, jury lists, witness lists, recognizances, subpoenas, bound over witness lists, and witness bills from Jan. 27, 30, 31; Feb. 1; May 4, 5, 6, 8, 9, 10; Aug. 6; and Nov. 5, 1821. The combined number of witnesses in the indictment and trial lists for the Griffith case were sixty-four, for the Shipley case, sixty. Comparing the two trials, the overall picture was one of a differential in the number of prosecution and defense witnesses (favoring the prosecution) and the number of jury challenges (favoring the defense). For the juries for the Griffith case, Court Docket, May 1821, 75; Jury List and challenges, May 4, 1821; Jury List, May 6, 1821. For the Shipley case, Jury List, in the arraignment and pleading, Nov. 5, 1821; Jury List and Challenges, Nov. 5, 1821; Court Docket, Nov. 14, 1821, 85–86. For the witnesses in the Griffith case, see Witnesses Bound Over to the Commonwealth, Jan. 27, 1821; Witness List for the Prosecution, Jan. 30, 1821; Court Docket, Jan. term 1821, 72; Witness List for the Commonwealth and the Prisoner, Jan. 30, 1821; Recognizance to Appear for the Commonwealth, May 5, 1821; Recognizance to Appear for the Prisoner, n.d.; Witness Subpoena List for the Commonwealth, May 10, 1821. For the Shipley case, see Witnesses for the Prosecution, Jan. 31, 1821; Witnesses Bound Over for the Commonwealth and the Defendant, Jan. term 1821; Witness List for the Commonwealth and the Prisoner, Jan. term 1821; Witness Bills Taxes on Part of Commonwealth, Aug. 6, 1821; Witness Bills of Cost Taxed and the Amt., 1821, all Chester County Archives and Records Services. Full names of counsel and judges gleaned from *History of Chester County, Pennsylvania* . . . (Philadelphia, 1881), 369, 385–86.

of prosecution witnesses had been paid compared to 44 percent of the defense's witnesses. The affidavit pointedly reminded the court that Reed had been acquitted in the first trial, implying that the denied payment was tied to the prosecution's hope of greater success in the second trial. In any case, "without the benefit of [his witnesses'] attendance," Reed could not "safely proceed to trial" and thereby be secured the rights promised by the state constitution.<sup>52</sup>

The sworn affidavits of August 4 specified the role Reed's witnesses played in the defense's overall strategy, declaring that material witnesses would testify to specific points of his defense. The witness Harlan Gause, who was "so sick as to be unable to attend this court at the present time," would "explain and do away the effect of certain material evidence from Emmos Bradley Esq. tending to show that the defendant knew and acknowledged the person of Samuel G. Griffith." Judge Darlington in his charge to the jury would later discount Bradley's testimony on the basis of inconclusive proof. A second witness, a black man named John Hercules, according to the affidavits, would "contradict and explain certain evidence given by Jesse [?] Scott and Solomon Scott, witnesses for the Prosecution tending to show an intention on the part of the Prisoner to kill a man with a board then in his grave." This witness was meant to impugn a prosecution witness who, the *Village Record* indicated, had contended that Reed confessed to returning to the scene of the murder and beating Shipley repeatedly, "until he thought him quite dead." Without any evidence that Reed ever testified in court, the presumed confession and its corollary reliance on hearsay testimony became critical issues.<sup>53</sup> Justice of the Peace

<sup>52</sup> John Reed affidavit, for the trial for the murder of Shipley, filed before Justice of the Peace John, Aug. 4, 1821, Chester County Archives and Records Services.

<sup>53</sup> Ibid. Testimony that Reed recognized Griffith was one of the "principal points disputed" in the trial. *West Chester (PA) Village Record*, Nov. 21, 1821. Hercules was most likely a freeman, as slaves were prohibited from testifying against freemen (section 7 of the 1780 Gradual Abolition Act). The Pennsylvania Constitution of 1790 (section 9) gave the accused the right "to be heard" and to obtain witnesses but did not address testimony by slaves against freemen or of blacks against whites. Nineteenth-century changes in criminal procedures began to allow criminal defendants and blacks to testify in court (they could not "uniformly" do so until 1885 in Pennsylvania). At first they were not allowed to do so under oath; the assumption was that the witness was likely to lie on his own behalf and his statements could not thereby be taken as evidence. Prosecution witnesses could testify under oath and could offer hearsay about what the accused presumably did say. George Fisher, "The Jury's Rise as Lie Detector," *Yale Law Journal* 107 (1997): 668n441, 658, 662, 705; William E. Nelson, *Americanization of the Common Law: The Impact of Legal Change on Massachusetts Society, 1760–1830* (Cambridge, MA, 1975), 113–15; Paul W. Kaufman, "Disbelieving Nonbelievers: Atheism, Competence, and Credibility in the Turn of the Century American Courtroom," *Yale Journal of Law and the Humanities* 15 (2003): 397; James Oldham, "Truth-Telling in the Eighteenth-Century English Courtroom," *Law and History Review* 12 (1994): 104, 107.

Taylor (who had arrested Reed, taken an affidavit from him, and appeared on the prisoner's witness list) certified that when Reed was arrested he confessed the facts of his crime; and a newspaper account on the trial for Shipley's murder reported that Reed told his story of the crime "immediately after the transaction to several." None of the documents in either of Reed's two trials, however, indicated that a confession had been admitted into evidence. Moreover, Judge Darlington in his charge to the jury allowed that the witness who claimed Reed had confessed "was mistaken."<sup>54</sup>

Two more witnesses, Thomas S. Valentine and James Hindman, according to the affidavits, would offer testimony to "contradict the evidence given by prosecution witness Richard Pearson . . . by proving that the said Pearson related the circumstances by being deposed . . . in a different manner, at another time (to wit when before the grand jury)." Throwing doubt on contradictions in the testimony of a surviving participant in the raid on Reed's house was a critical piece of defense strategy. Miner and Pearson had, after all, fled to Delaware after the incident and could be framed by the defense as kidnappers and fugitives from justice. Pearson was the more dangerous witness from the defense's perspective, as Miner was not listed as a witness after the initial January 31 indictment.<sup>55</sup> As for Miner, the August 4 affidavits reported that another witness, who did not appear, could address Miner's character to the effect that "the intention with which His [Miner's] attack was made upon [Reed's] house and home was illegal, by the law of Pennsylvania, felonious, and that [Reed] was justified" in resisting the attack.<sup>56</sup> Like the testimony against Pearson, this testimony spoke directly to the character of a participant in the raid and addressed the assailant's intent leading up to the killings.

<sup>54</sup> Joshua Taylor's name appears in the Griffith trial on the prisoner's witness list of May 4, as well as the general witness list attached to the Jan. 30 indictment and the Feb. 1 court docket list, 72. In a document dated Jan. 27, 1821, Taylor certified that Reed confessed to the facts of the crime on Dec. 15, 1820. Statement of a Dec. 15, 1820, confession, included in charging the defendant, for the trial for the murder of Griffith, Jan. 28, 1821, Chester County Archives and Records Services. Reed referred to a witness who would counter the two bystanders in an affidavit on Aug. 4, 1821; Reed's "story" and Judge Darlington's subsequent comment to the jury that the bystander's testimony was unsupported were reported in the *West Chester (PA) Village Record*, Nov. 21, 1821.

<sup>55</sup> John Reed affidavit, for the trial for the murder of Shipley, filed before Justice of the Peace John, Aug. 4, 1821. It could easily have been Reed's acquittal in the first trial that accounted for Miner not showing up on a later witness bill on which Pearson was listed. Whether or not that was the case, the prosecution and Pearson clearly had an incentive to strike a deal in the second trial. The prosecution was defensive about its performance in the previous trial, and Pearson could have traded his testimony to avoid being charged with a felony.

<sup>56</sup> John Reed affidavit, for the trial for the murder of Shipley, filed before a proxy, Aug. 4, 1821, Chester County Archives and Records Services.

The defense's concerns that eight of its witnesses had either not been paid for their previous attendance at court or could not be guaranteed to appear at the next court session was exacerbated by the fact that only one, Hart, appeared on the prisoner's witness list. The defense was thus left without support for central tenets of its case: that Reed did not recognize his master; that Reed had not confessed to beating Shipley, nor had he returned a second time to beat the already stricken victim; that the intent of Griffith's attack was felonious; that Reed was justified in resisting; that Pearson's testimony was suspect; and, finally, that Miner's character was questionable. Considering the differences in the verdicts between the two trials, the defense's dilemma seemed clear: when all of his witnesses testified in the first trial, Reed was acquitted; when his witnesses did not all testify in the second trial, he was convicted.

The issue of Reed's presumed confession and the defense's questioning of Miner's and Pearson's characters reflect on the extent to which character and status affected trials. While it is true, as Laura Edwards asserts, that assessments in legal cases depended upon local reputation and were an important element of the legal system and its judgments, the question of character was much more complicated.<sup>57</sup> A common belief in the eighteenth century was that blacks differed from whites not only by virtue of skin color and constitution but by virtue of polygenesis, the racial theory that asserted that blacks evolved as a separate species—or, if one read the narrative biblically, by virtue of the curse of Canaan, son of Ham, blackened as a sign of sin. If blacks were considered inferior to whites, that inferiority legitimized a denial of equal rights.<sup>58</sup> Demonstration of character, on the other hand, would serve as a means of accessing one's right to equal protection. It was clearly the PAS's intent to encourage both Congress and the courts to defend equal rights by arguing for the moral character of blacks, creating a portrait of a people who had suffered great deprivations at the hands of whites and yet were anxious to join in community with them to participate in building the economy and supporting the law of

<sup>57</sup> Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill, NC, 2009), 101.

<sup>58</sup> David Killingray, "Britain, the Slave Trade, and Slavery: An African Hermeneutic, 1787," *Anvil* 24 (2007): 130–31; Todd L. Savitt, *Medicine and Slavery: The Diseases and Health Care of Blacks in Antebellum Virginia* (Champaign, IL, 1978), 8, 10. American slave owners subscribed to a pseudo-scientific racism; mid-nineteenth-century medicine held that blacks treated as equals would be afflicted with "drapetomania," the disease of absconding slaves, as they would develop the desire to flee the service to which God had intended them. Samuel A. Cartwright, "Report on the Diseases and Physical Peculiarities of the Negro Race," *New Orleans Medical and Surgical Journal* 7 (1851): 691–715.

the land. By presenting black men and women as moral figures worthy of equal rights and as potential citizens capable of enjoying and making good use of those rights, the antislavery movement focused on eliminating racial laws to undermine the denial of civil rights, making a black person's status as a rights-bearing figure the center of legal arguments and strategies in court. In doing so, the movement proved responsive to a wave of black writers and speakers who publicly alluded to the Bible, the Declaration of Independence, and the Bill of Rights to speak of natural and divine justice, civic inclusion and common humanity, and the morality inherent in Christian and republican thought.<sup>59</sup>

Questions of Reed's free or slave status, his behavior, and his reputation in the community would have informed the trial. His affidavits made clear that he would call upon members of his family from his previous residence in Harford County, Maryland (his "freemen" uncles and his grandfathers), as well as William Knight, the slave owner who, he believed, had freed him in his late teens. His family members would presumably have affirmed Reed's good character in a familial context. Calling on a man who had been his master, meanwhile, suggested confidence that Reed's reputation would be credibly attested to by a person he had once served and who, as a property owner, should impress the court. Being vouched for by a white man replicated a strategy recommended by the PAS; a free black's testimony against whites would have proved problematic, and in cases involving a fugitive's freedom, documentary evidence was largely insufficient without a white person's testimony.<sup>60</sup> Reed's actions in the aftermath of the killings would also speak well of him. He had notified his neighbors on the same evening as the events occurred—openly telling his story to several people and claiming he had only been defending himself—and had not tried to escape. That many testified for Reed spoke well of his esteem within the

<sup>59</sup> Richard S. Newman and Roy E. Finkenbine, "Black Founders in the New Republic," *William and Mary Quarterly*, 3rd ser., 64 (2007): 86–92; Newman, *Transformation of American Abolitionism*, 86–106; H. Robert Baker, *The Rescue of Joshua Glover: A Fugitive Slave, the Constitution, and the Coming of the Civil War* (Athens, OH, 2006), 776–78. See Jacqueline Bacon, "Rhetoric and Identity in Absalom Jones and Richard Allen's *Narrative of the Proceedings of the Black People, during the Late Awful Calamity in Philadelphia*," *Pennsylvania Magazine of History and Biography* 125 (2001): 61–90; Elizabeth B. Clark, "'The Sacred Rights of the Weak': Pain, Sympathy, and the Culture of Individual Rights in Antebellum America," *Journal of American History* 82 (1995): 463–93.

<sup>60</sup> Eric Ledell Smith, "Notes and Documents: Rescuing African American Kidnapping Victims in Philadelphia as Documented in the Joseph Watson Papers at the Historical Society of Pennsylvania," *Pennsylvania Magazine of History and Biography* 129 (2005): 344; Franklin and Schweninger, *Runaway Slaves*, 189.

community and provided further support for his good character as a father, husband, laborer, and neighbor. On the one hand, Reed's submission to the authorities, either on his own or on the advice of others, might have been aimed at testing his claim to freedom and his right of self-defense in a state court rather than risk becoming a fugitive from justice. On the other hand, Reed might simply under the circumstances have had no other choice than to undergo prosecution for murder. Whatever the case, there was no evidence that neighbors had forcibly detained Reed or called upon the authorities to do so, nor, for that matter, that inhabitants of Kennett Township aided Griffith in his attempt to seize Reed.

As for Reed's individual rights, his affidavit of August 1 asserted the rights "he is advised the Constitution of this State stands pledged" (that is, the rights of free men posited in the Pennsylvania Constitution of 1790's bill of rights, Article 9). The affidavit called upon the court to honor the call of "eternal principles of justice" that "all men are born equally free and independent," and that their rights are "inherent and indefeasible," including the enjoyment and defense of one's life and liberty. Article 9, section 6's right to trial by jury was already ensured, and due process would afford Reed's rights to counsel, to know the accusation against him, "to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor," and to have an impartial jury. Critically, section 8 gave him the right to resist his intruders, as it provided, for "the people," security of one's person, home, and possessions "from unreasonable searches and seizures."<sup>61</sup>

The critical point for Reed's counsel would prove to be his right to self-defense, which would affect whether he ought to be charged with murder or manslaughter and whether there was mitigation of his crime. The prosecution argued that Griffith could not have violated an "act of Assembly"; the federal Fugitive Slave Act remained unmodified by Pennsylvania's antikidnapping law, which did not apply to a master reclaiming a fugitive slave but to "kidnapping, or man-stealing." A master could, at any time and any place, by himself or through an agent, seize his slave. Accordingly, the prosecution argued "that the slave had no right to resist his master—that his house was no protection—that therefore, the

<sup>61</sup> John Reed affidavit, for the trial for the murder of Shipley, filed before Justice of the Peace John, Aug. 1, 1821; Pennsylvania State Constitution of 1790, article 9, <http://www.duq.edu/academics/schools/law/pa-constitution/texts-of-the-constitution/1790>.

Master & the deceased Shipley his overseer, were in the exercise of a legal right—and Read [*sic*], in resisting, in the perpetration of a wrong.”<sup>62</sup> By this argument, Reed knew his master; thus, in resisting the arrest he committed murder in the first degree.

The defense countered that Pennsylvania law did apply, that the circumstances of the attack left no doubt Griffith intended to take Reed out of the state without proving his claim before a judge, and that Griffith was, in fact, doing so when he was killed. Two matters were thus under dispute: whether slave owners and kidnappers could be treated alike and whether seizing and taking out of the state constituted a single, coterminous act or two acts to be considered separately. The defense had concluded that if Reed, not proven to be a slave, was thereby to be presumed a free man, the seizure was a kidnapping. If not a free man, the forceful seizure was still a felony by virtue of Griffith’s failure to take Reed before a judge. The defense’s legal logic began with the proposition that under the state act, taking any person “claimed as a slave out of the state without taking him before a judge to prove his right” was a felony. Its middle ground, barely sustainable, was that “no doubt could exist but that it was the intention of the party to take Read [*sic*] out of the State” based upon the “time and circumstances” of the seizure. Moving from the acceptable to the dubious, the argument concluded that because Griffith and his party intended to violate the act, “they were, therefore, in commission of a felony,” which would have justified Reed’s lethal resistance. Repeating the argument that won Reed an acquittal in the trial for Griffith’s murder, the defense’s position appeared to be the same as that of Judge Ross in a case decided in Norristown, and with which Judge Darlington in his charge to the jury disagreed; as Ross put it, “masters seizing their slaves and taking them out of the State without going before a judge” were guilty of a felony. Bypassing the law, acting by force, and breaking the peace by provoking a violent event were, according to the defense, all elements of *Griffith’s* crime, not Reed’s. The intent of the legislature in passing the 1820 Act to Prevent Kidnapping proved revealing here.<sup>63</sup> In fashioning the act, it had considered such seizures central to its debate, particularly as they related to the state’s interest in preserving the public peace. The debate exposed an intense antipathy towards “instances of aggravated misconduct” that led to

<sup>62</sup> *West Chester (PA) Village Record*, Nov. 21, 1821.

<sup>63</sup> *Ibid.*

removals “attended by consequences . . . shocking and fatal” like the violent consequences of the attempt on Reed.<sup>64</sup>

### The Final Verdict

As Reed’s two trials had both come to a close, the *Village Record* gave a fuller exposition of the judge’s charge to the jury, which, like Ross’s in the trial for Griffith’s murder, was an hour-and-a-half long. Judge Darlington opened by admitting his “regret” over the “delicacy of his situation,” having served as attorney for the commonwealth in the earlier trial. It “was considerably diminished by the consideration that the jury were the judges of the law as well as the facts in the case before it.” The judge was less comfortable “in respect to the construction of the Act of Assembly, of 1820, on which much reliance was placed.” Both judges in the Reed trials were quite aware that the federal and state laws were at odds, and Judge Darlington gave “a full and lucid exposition of the whole law on the subject.” His disagreement with a previous decision in another case by Judge Ross led him to charge the jury that the law could not have been intended to inflict the same penalty on a legitimate master reclaiming his slave as on the kidnapper of a freeman.<sup>65</sup> Because the law could not cover the rendition of a slave, he held with the prosecution that the state act applied only to “man-stealing” and not to a master reclaiming his runaway slave. Undermining Reed’s self-defense in resisting the “commission of a felony,” Darlington’s position on the antikidnapping law would prove critical to the jury’s verdict as a question of law. As a question of fact, however, the judge’s instructions were more favorable to the defense. Darlington charged the jury that the testimony of two witnesses was suspect, suggesting that, for all its difficulties, the defense had successfully challenged hearsay, unconfirmed, and interested testimony. The judge first expressed “his opinion that there was not conclusive proof, that Read [*sic*] knew his master or overseer.” Second, he asserted “very clearly that the witness who testified that the Prisoner confessed he returned and beat the deceased, until he thought him quite dead—was mistaken.”<sup>66</sup> At least on the facts,

<sup>64</sup>“Pennsylvania Legislature, House of Representatives, Tuesday January 15: Kidnapping.”

<sup>65</sup> *West Chester (PA) Village Record*, Nov. 21, 1821; William M. Meredith used this argument in the Pennsylvania legislature to argue in support of the 1826 antikidnapping act; “Legislature of Pennsylvania. February 13, 1826. Speech of Wm. M. Meredith, Esq.,” *National Gazette and Literary Register*, Feb. 23, 1826.

<sup>66</sup> *West Chester (PA) Village Record*, Nov. 21, 1821.

with which he closed, Darlington's charge would have stood Reed in better stead.

Darlington's charge appeared to have relied upon establishing with the jury the kind of relationship that eluded Ross. He did so at the outset by conceding what at the time was in contention in American courts—that juries could judge both the facts and the law rather than follow a directed verdict from the judge or decide on the facts alone. The pretense of conceding the issue was immediately offset by his substantial discussion directing the jury's attention to the 1820 act. The newspaper report did not indicate that Darlington gave any guidance on the criminal law as it related to murder, other than discounting testimony on a possible confession by Reed that he had beaten Shipley to death. He thereby made the murder trial a deliberation over reclamation and the rights of the victim under the federal Fugitive Slave Act, as opposed to kidnapping. The murder, he implicitly charged, was to be understood in that context; the jury appeared to accept that implication as determinative in its verdict. Whereas the verdict in the second murder trial might have relied upon public reaction to the first trial's verdict or upon political influence brought before Congress and the Pennsylvania General Assembly, it was certainly informed by Darlington's deft handling of the jury and his framing of controlling law in the trial.

The jury rendered its verdict on November 13.<sup>67</sup> On November 14, Reed received the following sentence:

That the defendant John Reed otherwise called Thomas undergo an imprisonment in the Gaol and Penitentiary House of Philadelphia for nine years from this day, and be confined kept to hard labor, fed, clothed and in all respects treated as the Act of Assembly in such case directs—that he give security for his good behavior for six months after the said term of imprisonment shall have expired himself in one hundred dollars and one sufficient surety in the like sum that he pay the costs of prosecution and remain committed until the whole of this sentence be complied with.<sup>68</sup>

Upending the decision in the first trial, the second jury's guilty verdict reached a conviction on manslaughter, rather than the commonwealth's original charge of murder in the first degree, accepting mitigation on Reed's part. The jury's receptiveness to Reed's case was likely influenced by

<sup>67</sup> Ibid.

<sup>68</sup> Court Docket, for the trial for the murder of Shipley, Nov. 14, 1821, 85–86.

concern for victims of kidnapping or sympathy for a right of self-defense and equal treatment for a suspected fugitive slave.

According to reporting in *Niles' Weekly Register*, the difference in the verdicts of the two trials arose "from differing constructions of the law that bears on the case." The jury in the Griffith case stood with state law to deny the slave owner's right to seize and take his slave out of the state, whereas the jury in the Shipley case trumped state law with federal law to assert the slave owner's right of self-help. If the first trial accepted that the "time and circumstances" of the attack were sufficient evidence of an intent to remove Reed from the state without a certificate, the second trial was unwilling to accept such evidence as dispositive in deciding whether Griffith would have gotten a certificate, or even needed to get one.<sup>69</sup> Courtroom differences proved equally daunting. The absence in the second trial of Judge Ross on the bench and of Dillingham from the prosecution team meant that two members of the court potentially sympathetic to Reed were no longer involved in his trial. Carrying over two prosecutors from the first trial, the prosecution profited from the opportunity to retool its trial strategy and had on the bench a judge, Darlington, who had been one of their number in the earlier trial. Together with the ability to capitalize on continued high interest in the two killings and what some members of the public would have considered a problematic acquittal in the first trial, the prosecution was able to get closer to its preferred verdict in its second try at convicting Reed. The appointment of a totally new defense team also posed a whole new set of challenges for the defense and, as the defense had feared, the absence of witnesses proved particularly debilitating to Reed's case. But Reed had received an impartial trial by jury, had been accorded procedural protections, and had been freed of at least the murder charge. The antikidnapping act had not been undermined, even if the defense's attempts to apply it to slave owners and to treat seizing and removing a slave from the state as a single act were stymied. Indeed, the act would be reaffirmed, if altered, in 1826.

In evaluating the sentence for killing Shipley, it is instructive, finally, to consider it in the context of its relative fairness. Based on comparison of sentences for 1829, for both blacks and whites for manslaughter and murder in the second degree in Pennsylvania, Reed's 108-month sentence

<sup>69</sup> "Master and Slave," *Niles' Weekly Register*, Dec. 1, 1821. "Time and circumstances" quote from *West Chester (PA) Village Record*, Nov. 21, 1821.

for manslaughter would have been well outside the recommended sentencing (24 to 72 months); it was even at the high end of the range for a recommendation for murder in the second degree (48 to 144 months) and well over the actual sentence served for either manslaughter (41 months) or murder in the second degree (93 months).<sup>70</sup> For all the trial's respect for a black man's rights, the Reed sentence represented a clear example of disparate racial sentencing.

In addition, for a laborer like Reed with a wife and a child, (probably) no property, and no means of income while he was incarcerated, the sentence his conviction carried was likely to prove onerous.<sup>71</sup> The peace bond of one hundred dollars that ensured his good behavior for six months after imprisonment was essentially a punishment without a crime. From the colonial period, peace bonds ensured good behavior going forward and involved both a specified period of time during which the subject was obliged to avoid misconduct and a specified sum of money for which sureties guaranteed payment. Pennsylvania used them to maintain the peace and to satisfy community pressures for harsher penalties into the first three decades of the nineteenth century, even when defendants were acquitted of their crimes.<sup>72</sup> Together with a second surety (that he satisfy the costs of the prosecution "in like sum"), Reed was faced with a burden that he was unlikely to satisfy without support from either the African American community or abolitionist sympathizers. The peace bond and the costs of the prosecution would require a form of servitude that would place him among those indentured for a considerable time. In the best of all possible cases, he was still to "remain committed" until all of his sentence was com-

<sup>70</sup> For comparison, in an 1808 trial, two black servants, John Joyce and Peter Matthias, were sentenced to death in Philadelphia for murder in the first degree. Peter Matthias, *Confession of Peter Matthias* (Philadelphia, 1808); John Joyce, *The Fate of Murderers* (Philadelphia, 1808). Had the jury found mitigation, as the jury in the Griffith case had, the sentence would still have been a punishment of "solitary confinement for 18 years." Joyce, *Fate of Murderers*, 9. Judge Darlington's sentence of nine years of hard labor was much more generous. Joyce and Matthias were the only black inmates of Walnut Street Jail to be executed between 1790 and 1834; ten other blacks throughout Pennsylvania received the death penalty. Leslie C. Patrick-Stamp, "Numbers That Are Not New: African Americans in the Country's First Prison, 1790–1835," *Pennsylvania Magazine of History and Biography* 119 (1995): 124; Howard Bodenhorn, "Criminal Sentencing in 19th-Century Pennsylvania," *Explorations in Economic History* 46 (2009): 290.

<sup>71</sup> In Chester County, the site of Reed's crime, 44 percent of blacks lived in white households, 10 to 15 percent lived in great poverty, and only 8 percent were landowners. Nash and Soderlund, *Freedom by Degrees*, 183, 187–93.

<sup>72</sup> Paul Lermack, "Peace Bonds and Criminal Justice in Colonial Philadelphia," *Pennsylvania Magazine of History and Biography* 100 (1976): 176–77, 180, 187–88, 190; see Rowe, *Embattled Bench*, 108–9, 148, 192, 204, 241–42, 259, 271, 279.

pleted, not so far a cry from the Maryland slave code's provision that even a free black could be sold into servitude if he failed to pay the fines and costs established by a court.<sup>73</sup>

### *The Reclamation Case*

As a border state, Maryland was threatened by abolitionists' emancipation efforts. Labor shortages resulting from slave escapes and the reluctance of free blacks to hire themselves out encouraged reclamation efforts in spite of the possibility that a slave might be injured or killed in a recapture. Many slave owners calculated that the rewards of recapturing a fugitive would have offset the costs of travel, rewards, advertisements, and legal fees, as well as the time taken away from the plantation to conduct searches.<sup>74</sup> The Griffith family was among those who persisted in their reclamation efforts, motivated, no doubt, by the personal price they had already paid.

In a postscript to the two Reed trials, on November 14, the day Reed's sentence was delivered, Luke Griffith, Samuel's nephew, took up the gauntlet thrown down by his uncle and carried forward by his father, Edward. Emboldened by the county court's verdict, he came before Judge Darlington of the Chester County Court of Quarter Sessions as the administrator of his uncle's estate to claim Reed "as a fugitive from labour." The nephew's case depended upon three sources of support: the transfer of slaves as property in the will of Frances Garrettson, Samuel Griffith's aunt, a letter of administration whereby he was made executor of Griffith's estate, and a deposition by Dr. Elijah Davis certifying that Reed had belonged to "the late Samuel G. Griffith." Davis offered that John Reed was the slave Tom, that Tom was Griffith's "property and slave," and that Griffith was Reed's master at the time he absconded, asserting that "the Deponent is well satisfied that the said Negro Tom is the fugitive slave of the said Samuel G. Griffith now deceased." Davis claimed to have been "acquainted with the mother of the said negro Tom whose name was Nan" (not, as newspaper accounts had reported, Maria or Muria), who was herself a slave in Maryland. Reed, he claimed, was born in Harford County and lived there until he absconded. Finally, Davis provided relevant facts to

<sup>73</sup> L. C., *Slavery Code of the District of Columbia*, sections 24 and 39.

<sup>74</sup> Newman, *Transformation of American Abolitionism*, 71; Fields, *Slavery and Freedom on the Middle Ground*, 36, 67; Franklin and Schweninger, *Runaway Slaves*, 190–92, 164, 167, 169; Newman, "Lucky to be born in Pennsylvania," 417.

identify the slave in question: that having been born in April 1794, he was as of 1821 twenty-seven years of age; that physically he was five feet eight inches, stoutly made, thick lipped, and "black but not of the darkest hue."<sup>75</sup>

According to the Garrettson will, Samuel Griffith had been bequeathed his aunt's plantation "with all the appurtenances thereunto belonging together with all [her] real Estate whatsoever." A condition, however, was stipulated, related to a lease of the plantation and its slaves that was held by Dr. Davis. Griffith's ownership was not to commence until the lease expired. Upon the termination of the lease, "all [Garrettson's] negroes and personal Estate property" would go to Griffith. One additional condition, identified as Garrettson's "particular will and desire," held that "all those my negroes and personal property not hereafter bequeathed" should be valued and that each of her two nieces should, after two years, be paid one-sixth that value by Griffith. Garrettson's slaves thus appeared to have been bound to the service of Griffith following their release under Davis's lease, assuming the conditions she established were met. The question remained whether the slave called "Tom the negro" was one of those transferred to Griffith. The only slaves mentioned in the will, by name or otherwise described, appeared under the lease section; these were: Jupiter, Roger, Jim, Orange, Aaron, Casas, and Doll and her daughters. No slave named Tom was described or named in this document.<sup>76</sup>

Beyond Reed's absence from the Garrettson will, two other facts of importance emerged from the documents provided by Luke Griffith to the Chester County court. The first was that Davis, who had accompanied Edward Griffith to assist the prosecution in the first Reed trial, no longer appeared to be a disinterested witness. Under the terms of the will, he was in possession of Garrettson's "negroes" until his lease of her plantation and her property expired. Griffith was thereby dependant to that extent upon Davis. Second, whereas Luke Griffith applied for a copy of the Garrettson will on July 24, over two months after the not-guilty verdict in Reed's first trial, he did not pursue his claim until the day of sentencing for the second verdict. Rather than give up his claim when strong resistance seemed likely,

<sup>75</sup> Record and Evidence in the Case of Negro Tom alias John Reed a Slave to Luke Griffith Nephew of Samuel Griffith, filed November 14, 1821, before Henry Flemming, clerk, Chester County Archives and Records Services.

<sup>76</sup> Frances Garrettson will, Dec. 27, 1806, copy witnessed by John Mooris, Presiding Judge of the Orphans Court, Harford County, Maryland, and certified by Thomas S. Bond, Register of Wills of the Orphans Court, Mar. 1821, in Record and Evidence in the Case of Negro Tom alias John Reed.

Luke Griffith waited for the guilty verdict before proceeding. When he did so, he was careful to follow the procedures laid out in section 4 of the 1820 Pennsylvania statute, providing the required birth, age, and physical description of the slave Tom and the will as documentary evidence, the very information and documentation that his uncle Samuel Griffith had not offered. The documents were certified by official parties, a register and a judge, who were themselves certified, interestingly, by each other.<sup>77</sup>

The Griffith family came up empty-handed. Samuel Griffith, acting on his own, had been killed; his brother had little to offer the attorney general; and the nephew's evidence had grave deficiencies. Garrettson's will failed to prove Reed's existence, let alone his free or slave status, and as an interested party in the great-aunt's transfer of property, Davis's testimony proved a dubious source of identification. Since requirements of the slave code, wills, licenses, and property records made recording a slave's status in one way or another a priority in Maryland's legal system, the failure to document that Reed had been anywhere recorded as a slave in that state meant that Pennsylvania could proceed with its own presumption that Reed was a freeman.<sup>78</sup> For his part, Reed had never presented papers to his pursuers or to the court that would indicate his status one way or another, although he presented himself as a free man in Kennett Township. His status in Pennsylvania was thus demonstrated by a negative—that is, because he was not registered as a slave under the Gradual Abolition Act, he was presumed free. In the end, Reed was apparently referred to the Walnut Street Jail to serve his sentence, suggesting either that Griffith failed to prove his claim or that reclamation would have to wait until Reed finished his sentence. The last that was heard of Reed was an undocumented suspicion that, having avoided rendition, he escaped detention in the Walnut Street Jail only to be recaptured and returned to serve his sentence.<sup>79</sup>

<sup>77</sup>Those officials were Thomas S. Bond and John Morris. All documents in Record and Evidence in the Case of Negro Tom alias John Reed.

<sup>78</sup>L. C., *Slavery Code of the District of Columbia*, sections 10, 17, 22, 32; David Skillen Bogen, "The Maryland Context of Dred Scott: The Decline in the Legal Status of Maryland Free Blacks, 1776–1810," *American Journal of Legal History* 34 (1990): 404–5, 408n101. Because certificates often did not describe the freed person and were sometimes signed by a master, the authorized parties who could issue a certificate were limited after 1805 to county court clerks from the county where the slave was freed.

<sup>79</sup>Kennedy, "Ex-Slave was Tried."

### *Conclusion*

Reed's trials did not result in appeals and were not cited in other cases as legal precedent, suggesting that the trials had little influence on future decisions. They did, however, have an impact on the state of Maryland. Following the killing of Griffith and Shipley and the outcomes of the Reed trials, slave owners and the state of Maryland renewed their demands, again unsuccessfully, that Congress further protect slave owners' rights by passing further legislation to reinforce the Fugitive Slave Act.<sup>80</sup> A January 27, 1823, letter of protest from the Maryland legislature to the Pennsylvania legislature specifically warned that the verdict in the trial for Griffith's killing had caused "much public excitement" in Maryland as a threat to those who lived near the border of Pennsylvania, having provoked "the strongest inducement to their slaves to escape," or, if escape could not be achieved, "a motive to insurrection." The letter argued that Griffith "had a right to expect he would have little or no difficulty in securing his property" and that the legislature assumed that citizens of the United States would not violate the bonds that held the states together. In this they were both disappointed, as "unfortunately, the inhabitants of the village, governed by misguided philanthropy, instead of assisting gave him all the trouble they had it in their power to give."<sup>81</sup> Maryland approached the Pennsylvania legislature to achieve what it hoped would be a compromise between abolitionists and constitutionalists, resulting in the passage of Pennsylvania's 1826 antikidnapping act.<sup>82</sup> The 1826 act would still refuse the assistance of state aldermen and justices of the peace and would, in addition, repeal section 11 of Pennsylvania's 1780 Gradual Abolition Act, which had acknowledged the reclamation rights of slave owners and

<sup>80</sup> Leslie, "Pennsylvania Fugitive Slave Act of 1826," 433, 434–35.

<sup>81</sup> Letter from the Maryland legislature to the Pennsylvania legislature, Jan. 27, 1823, transcript at Chester County Archives and Records Services. Maryland's claim went unsubstantiated by newspaper reports related to the Reed case and by trial documents. The 1820 act was challenged in *Commonwealth v. Peter Case* (1824) in the Court of Quarter Sessions and Common Pleas, Huntingdon County, Pennsylvania. The prosecution argued it was irrelevant whether Hezekiah Cooper, a kidnapping victim, was a slave or not. The judge held "that colored persons, who were really entitled to freedom, would find, in the slave holding states, courts to protect them, and as able counsel to defend them, as in Pennsylvania." "The Huntingdon Case," *Niles' Weekly Register*, Oct. 2, 1824, 79–80; Leslie, "Pennsylvania Fugitive Slave Act of 1826," 434.

<sup>82</sup> Leslie, "Pennsylvania Fugitive Slave Act of 1826," 436–40; Newman, *Transformation of American Abolitionism*, 43; An Act to Give Effect to the Provisions of the Constitution of the United States, Relative to Fugitives from Labor, for the Protection of Free People of color, and to Prevent Kidnapping, 1826, *Acts of the General Assembly of the Commonwealth of Pennsylvania* (Harrisburg, PA, 1826).

prohibited the sheltering of runaways. But the act did address Maryland's concerns by providing procedures to accommodate slave renditions. Those procedures, tellingly, granted habeas rights to "said fugitives" (section 7), discounted the oath of owners as evidence (section 6), ensured records in hearings (sections 5 and 10), and required applications, warrants, affidavits, and evidence to ensure due process. The 1826 act would remain in place in Pennsylvania for another sixteen years, until it was declared unconstitutional in *Prigg v. Pennsylvania*.<sup>83</sup>

In conclusion, what we find in the John Reed trials is a snapshot in time in a changing landscape of law. Without any law specific to a fugitive slave that would have guaranteed him the right to a trial in Pennsylvania, Reed's most likely option would have been a hearing whose goal was to issue a certificate of removal rather than to determine his status before the law. Framed as a free black, by contrast, Reed could have fallen under the state antikidnapping act, granting him a trial before a jury where, as a kidnap victim, he would be the plaintiff. Reed was not, however, a promising candidate for a kidnapping case given the violent killings that had been committed and the state's interest in prosecuting breaches of the public peace. Reed would be tried for murder. Trumping the charge of fleeing from labor in a state that claimed him as property with the crime of murder in the state where he resided sidestepped or delayed the summary procedures of federal law and comity with another state's law and provided the due process procedures of a county criminal court. A key strategic aim of the counselors of the Pennsylvania Abolition Society was, after all, to get slaves a trial by jury, with the understanding that free-state jurors were likely to be more sympathetic to a fugitive slave and had the power, should they choose, to render a nullification verdict.<sup>84</sup>

In sum, in West Chester's county criminal court, Reed's status went undemonstrated. Addressing the violent deaths of Griffith and Shipley,

<sup>83</sup>The final response to the 1820 act occurred in *Prigg v. Pennsylvania*, 41 U.S. 539, 608–26 (1842), when its first section (reaffirmed in the 1826 act) was declared unconstitutional. In a dissent, Justice John McLean argued that a master may not violate the peace to seize his slave, that it was within the power of a state to maintain the peace and protect against acts of violence, and that the 1793 act of Congress did not mean that any resistance to a seizure by force would be illegal. Under McLean's reading, Griffith's breach of the peace in the Reed case would not have been permitted, and Reed would be justified in resisting. See Paul Finkelman, "Story Telling on the Supreme Court: *Prigg v. Pennsylvania* and Joseph Story's Judicial Nationalism," *Supreme Court Review* 1994 (1994): 247–94; H. Robert Baker, "*Prigg v. Pennsylvania*": Slavery, the Supreme Court, and the Ambivalent Constitution (Lawrence, KS, 2012).

<sup>84</sup>Newman, *Transformation of American Abolitionism*, 84.

Judge Darlington examined and weighed the facts related to the murder charge “with great perspicacity and impartiality,” and Judge Ross “summed up and weighed the testimony” to remove all doubt of the prisoner’s guilt.<sup>85</sup> Both courts relied upon the 1780 Gradual Abolition Act, section 7, which provided that black people, whether slave or free, should have their crimes treated “in like manner” as other inhabitants of the state, and upon the Pennsylvania state constitution of 1790, which granted all men the right to trial by jury, self-defense, and enjoyment of life and liberty. At the same time, Reed’s murder trials both flew in the face of the 1819 *Wright* ruling that a fugitive be delivered without a formal trial and left unresolved differing views of the priority of the federal Fugitive Slave Act and the state’s 1820 Act to Prevent Kidnapping.<sup>86</sup> The use of Miner and Pearson as witnesses in the two trials—and the fact that neither was indicted as a kidnapper under the 1820 act nor as a fugitive from justice under the 1793 act of Congress—suggests that, having been passed only months before the killings, the 1820 statute’s controversial status and its relative youth might have prompted a compromise between the defense and the prosecution. Both sides would have been motivated to make such a compromise, the PAS by its pragmatic goal of assuring Reed the due process protections of a jury trial and the prosecution by its desire to avoid the unseemly complications that would arise from trying a case under a state law that could only conflict with what the *Wright* decision referred to as “the whole scope and tenor of the constitution and act of Congress.”<sup>87</sup> The trials, nevertheless, navigated fugitive slave and personal liberty law in both the law and the facts in counsels’ cases and in the judges’ instructions to the juries, expressing the conflict of federal and state law through its pair of conflicting verdicts. Reed’s jury trials and the defense’s argument that he had a right to equal treatment and to self-defense represented, in the end, the kind of pragmatic legal strategy and struggle for equal protection that had come to typify Pennsylvania antislavery legal practice, proving a worthy addition to the list of slave cases that moved the nation progressively closer to true emancipation and equal rights law.

*West Chester University*

LINDA MYRSIADES

<sup>85</sup> *West Chester (PA) Village Record*, May 16, 1821.

<sup>86</sup> “Master and Slave.”

<sup>87</sup> Wright, otherwise called Hall, against Deacon, Keeper of the Prison, 5 Serg. & Rawle 62 (Pa. 1819).

## BOOK REVIEWS

*From Peace to Freedom: Quaker Rhetoric and the Birth of American Antislavery, 1657–1761.* By BRYCCHAN CAREY. (New Haven, CT: Yale University Press, 2012. 272 pp. Notes, bibliography, index. \$35.)

This well-written and informative book, distinguished by its careful attention to rhetoric, provides historical background for the more well-known narrative of American and British antislavery work of the later eighteenth century. In this exploration of early Quaker antislavery literature, Brycchan Carey argues that the “origins of most of the arguments made in the formalized antislavery campaigns that emerged from the 1770s onward can be found throughout writings produced by Friends in the century-long debate that took place from 1657–1761” (36).

The study of historical movements often demonstrates that by the time the goals of widespread social and political change have been achieved, early and crucial voices in the emerging movements have been forgotten. Carey has unearthed early Quaker antislavery voices and has composed a compelling narrative of their discursive history. Focusing on the development of a “discourse of antislavery,” with particular attention paid to the characteristic rhetorical maneuvers and patterns of thought in the texts and traditions he analyzes, Carey explores a lineage of antislavery discourse that links together writers who have often been perceived as voices in the wilderness. Generous and judicious in his use of quotations from these seventeenth- and eighteenth-century sources, including George Fox, William Edmundson, Alice Curwen, the 1688 Germantown Protest, George Keith, and John Hepburn, Carey demonstrates that “a sustained debate over slaveholding in fact subsisted . . . from at least the late seventeenth century” and argues that by the start of the eighteenth century antislavery sentiment “had a discursive existence” (25, 105).

In articulating the social and political dominance of Pennsylvania in the development of antislavery rhetoric, Carey suggests that the Quaker community became a crucial context for the growth of antislavery due in part to its “tight organization, congenial principles, culture of debate, and propensity to share ideas” (30). Among other topics, he considers theological and pragmatic arguments against slavery, the significance of writings of Ralph Sandiford and Benjamin Lay, the impact of the structure of the Society of Friends—in particular, the embedding of antislavery thought in the Quaker ritual of queries—and the significance

of London Yearly Meeting on the formulation of antislavery thought. He discusses influential writings by John Woolman and Anthony Benezet, and he argues that the 1754 Philadelphia Yearly Meeting *Epistle of Caution and Advice, concerning the Buying and Keeping of Slaves* “recapitulates in essence almost the entire Quaker debate on slavery since 1688” (193).

In this survey of early Quaker antislavery literature, which begins with writings on slavery in Barbados, Carey acknowledges that many Quakers themselves were implicated in the brutality of slavery, and he points to the conflict of thought within the Quaker community in Philadelphia Yearly Meeting during the 1730s, for example (162). He demonstrates that throughout the period he studies, Quaker concern was predominantly with halting the purchasing of “newly imported slaves” much more than with asking people “outright to stop buying slaves” or emancipating those who were already enslaved (178).

Antislavery activism and rhetoric began to coalesce and gain momentum in the 1760s and 1770s in a transatlantic context, and a significant part of the momentum can be attributed to the development of an antislavery discourse from the late seventeenth- through the mid-eighteenth century among Quakers—and, in a particular way, among Quakers with a Pennsylvania and a Philadelphia Yearly Meeting connection. This readable and important book is a welcome addition to the history of antislavery work.

*Swarthmore College*

ELLEN ROSS

*The Cost of Liberty: The Life of John Dickinson.* By WILLIAM MURCHISON. (Wilmington, DE: Intercollegiate Studies Institute, 2013. 252 pp. Notes, index. \$25.)

The title of William Murchison’s biography on John Dickinson (1732–1808) does not reveal the high aspirations the publisher, Intercollegiate Studies Institute (a conservative “educational organization” whose first president was William F. Buckley Jr.), has for this slim volume. “It has been more than a half century since a biography of John Dickinson appeared,” the book jacket claims, promising that Murchison’s work “offers a sorely needed reassessment of a great patriot and misunderstood Founder.” An introductory publisher’s note asserts that Murchison has “correct[ed] the record at last” (x). All these statements are untrue. The author completely ignores the most recent biography, Milton Flower’s *John Dickinson: Conservative Revolutionary* (1983), and there is no reassessment or correction because Murchison, a journalist, only reports what others have already argued. Yet, even while depending heavily on secondary sources, he largely neglects the scholarship of the last forty years that could have helped him offer a convincing and new portrait of Dickinson.

Murchison is not writing for historians but for those who have absorbed wrongheaded ideas about Dickinson from popular entertainment, especially the 1969 Broadway musical and 1972 film, *1776*, and HBO's 2008 miniseries *John Adams*. In the former, Dickinson is caricatured as a "gentleman-ruffian," in the latter, as "the specter at America's birthday festivities" (2). Murchison appropriately counters these inaccuracies, agreeing with Forrest and Ellen Shapiro McDonald's assessment in *Requiem: Variations on Eighteenth-Century Themes* (1988) that Dickinson is "the most underrated of all the Founders" (2). If the goal of the book was merely to inform by pushing back against this counterfactual Hollywood Dickinson, then it offers enough evidence to do so. But Murchison's account does not add up to the promised reassessment.

In his eagerness to discard labels that can "disguise subtleties" and make for "bad history," Murchison also eschews coherence (5). His Dickinson comes from a conglomeration of outdated secondary sources, over half of which were published before 1970, and he relies heavily on Charles Stillé's *The Life and Times of John Dickinson* (1891). Thus, Murchison's Dickinson is alternately a lawyer, an historian, a philosopher, and the "American Burke," but no analysis binds these disparate strands together. When Murchison then seeks to answer the essential question of why Dickinson did not sign the Declaration of Independence, he first resorts to the historian/Burke line of thinking. "Dickinson's thought rested upon a foundation of traditional, inherited rights," Murchison explains, and, like Burke, Dickinson ultimately "failed to convince those that needed convincing" (150). Murchison then turns to Jane Calvert's *Quaker Constitutionalism and the Political Thought of John Dickinson* (2009), explaining that, as "Calvert would have it," Dickinson's actions make sense when "viewed 'in the light of Quaker theologico-politics'" (151). It is puzzling why Murchison cites Calvert here after dismissing her thesis in an earlier footnote, rationalizing: "I find it fruitful . . . to speak of Dickinson's convictions as framed essentially by his historical knowledge, legal learning, and personal love of liberty" (26n11). Here, Dickinson's "Quaker origins" are offered as a plausible explanation of his actions in 1776, but Murchison does not explain how that meshes with his alleged Burkeanism (153). The end result is confusion, perhaps because Murchison believes that Dickinson is "paradoxical," even though Dickinson himself maintained that he had always been consistent (5).

Murchison's narrative, like the scholarship on which he draws, is limited. He focuses almost exclusively on Dickinson's political activities during the Revolution, 1765 to 1787. The 1730s to the 1750s are covered in eight pages, and 1788 to 1808, a period when Dickinson was still an active political figure and author, in seventeen. Dickinson's law practice, family life, and business activities are neglected. Murchison's account of the Revolution is likewise uncomplicated by the rich historiography of the past decades, a significant portion of which has focused on Pennsylvania. Such a narrow view allows Murchison to make simplistic assertions such as: "the American colonists, in 1776, had British names; they had also

British memories" (143). Other passages reveal that the reappraisal ISI envisions is not historiographical but ideological, pulling Dickinson in line with the modern conservative values that, its website asserts, "are rarely taught in the classroom." For example, in his discussion of the Pennsylvania assembly's opposition to independence, Murchison tells us: "if the rich are slower to political outrage than are the poor, one plausible explanation is that the rich look for a higher vantage point over the conditions essential to general prosperity" (123).

Writing about a forgotten founder is an arduous task, and one that can only be accomplished by convincingly resolving the multiple historical and historiographical problems that plague the historical actor. As admirable as Murchison and ISI's intentions are, this book does not do Dickinson justice.

*Nipissing University*

NATHAN R. KOZUSKANICH

*To Live an Antislavery Life: Personal Politics and the Antebellum Black Middle Class.* By ERICA L. BALL. (Athens: University of Georgia Press, 2012. 200 pp. Illustrations, notes, index. Cloth, \$69.95; paper, \$22.95.)

Erica L. Ball's *To Live an Antislavery Life* is an outstanding study of the effect of black print culture on the lives and antislavery activities of "elite and aspiring" African Americans in the northern United States during the three decades preceding the Civil War. Ball seeks to challenge "three long-standing assumptions about the personal politics of the antebellum middle class" (5). First, she rejects the limitation of black middle-class politics to the politics of respectability, as well as the premise that respectability was located at the conservative end of the political spectrum. Secondly, Ball refutes the notion that messages about respectability in black print culture were aimed primarily at lower-class African Americans. Lastly, Ball finds that the promotion of respectable behavior among the black middle class represented more than either "a narrow political strategy or a public political performance" to prove African Americans' worthiness to whites (2). Importantly, though, Ball's book goes beyond a discussion of the politics of respectability and its effect on the black middle class. Instead, Ball shows the ways in which elite and aspiring African Americans conceptualized their own political activities and how these conceptualizations, in turn, became integral to the black middle-class identity. Through a creative analysis of African American print culture—represented by a variety of sources, including letters, personal narratives, convention proceedings, didactic essays, humorous stories, and sentimental vignettes—Ball demonstrates how this literature created a set of black middle-class ideals that connected personal and domestic concerns with antislavery activism.

The book is divided into five substantial chapters, each organized around advice directed toward elite and aspiring African Americans. In the first chapter,

Ball suggests that black conduct writers emphasized self-improvement as integral to the larger process of personal transformation necessary for involvement in the antislavery movement. The second chapter heightens awareness of how the slave narratives of Frederick Douglass, James W. C. Pennington, Samuel Ringgold Ward, and Solomon Northup offered positive examples of black manhood for African American men and boys. Chapter three highlights the ways in which slavery affected both the virtue of African American females and the independence of African American males and reminded the northern free black population of the precariousness of their own lives in American society. Ball reminds readers in chapter four of the vital political role of the African American family, characterized by activists as the “primary training ground” for the values necessary for American blacks to maintain independence.

The final chapter, centered around an innovative assessment of the *Anglo-African Magazine*, represents the book’s most groundbreaking contribution. Ball demonstrates how this publication helped redefine black political activity before the Civil War by helping free blacks articulate a more radical and militant antislavery life. Contributors to this publication did not limit their view to goings-on in the United States, but praised Caribbean revolutionaries such as Toussaint-Louverture and Jean-Jacques Dessalines, connecting their struggles rhetorically to the antislavery movement in the United States as well as to classical Roman and nineteenth-century European republican movements. Ball’s ingenious reading of this publication enlarges the geographic scope of her study and enriches our understanding of abolitionist rhetoric.

*To Live an Antislavery Life* features a strong interpretive framework that provides a new lens through which scholars may examine the black middle class and its involvement in the antislavery movement. This text is indispensable to anyone interested in free black society in the North. Perhaps the only omission in an otherwise well-structured monograph is a more thorough examination of transnational influences on the movement. *To Live an Antislavery Life* explores subjects that deserve more attention and merits the attention of scholars interested in issues of the African Americans and their role in the antislavery cause.

*University of Delaware*

KATRINA ANDERSON

*On the Edge of Freedom: the Fugitive Slave Issue in South Central Pennsylvania, 1820–1870.* By DAVID G. SMITH. (New York: Fordham University Press, 2013. 344 pp. Appendices, notes, archives consulted, index. \$70.)

David G. Smith’s *On the Border of Freedom* is a lucid analysis of the complex, fluid and ever-changing meanings of slavery and freedom on the liminal border of South Central Pennsylvania, the area encompassing Adams, Cumberland, and

Franklin Counties. In this study, which covers the 1830s up to 1870, Smith presents a newly nuanced portrait of the region, long viewed as a stronghold of abolitionist activity and the seat of the Underground Railroad. Informed by antislavery Quaker traditions, it was also marked by a tradition of slaveholding, which petered out after 1819; frequented by slave owners and slave catchers, it was also inhabited by moderates and conservatives on the state and national level who hotly debated the slavery question. Through a skillful reconstruction of this precarious physical and ideological terrain, Smith has written an important addition to the literature on the development of antislavery thought and activism in the North.

Slavery's demise in South Central Pennsylvania was slow and halting. A gradual abolition law was passed in 1780, but the institution persisted into the 1830s. The area's mixture of white ethnics, Scots-Irish, Germans, and Quakers proved a lively mix. The largest proportion of blacks in the state resided in the region, although they never represented more than 10 percent of its population. This free black community aided fugitive slaves, who utilized the region's well-known network of safe houses and varied escape routes. At the same time, the area attracted slave owners and catchers and was a fertile field for slave kidnappers.

As the national crisis over slavery intensified in the 1830s, South Central Pennsylvania emerged as a battleground of sorts. The early career of future Radical Republican Thaddeus Stevens, long viewed as a fervent supporter of antislavery causes, played out in this area. Smith shows how Stevens' politics reflected the complexity of the slavery issue in the region; his antislavery positions were initially tentative, gradually strengthening as contestation over personal liberty laws and fugitive slaves intensified in the 1840s and 1850s.

Smith also looks at support for antislavery measures in the region and the establishment of the Pennsylvania Abolition Society. As he demonstrates, the record of antislavery petitions was spotty in South Central Pennsylvania, reflecting the fractious nature of antislavery agitation in an area with liberal and conservative elements. As Smith suggests, the increased controversy over the expansion of slavery and free soil allowed antislavery advocates to frame Pennsylvania as a land of freedom. Smith examines several Pennsylvania slave cases involving fugitive slaves—including *Prigg v. Pennsylvania* (1842), the *Kitty Payne* case (1845), and *Kaufman v. Weekly* (1847–52)—illustrating convincingly that the success of antislavery proponents in these cases strengthened Southern resolve to construct a national Fugitive Slave Law, which came to fruition as a part of the Compromise of 1850.

The 1850s also witnessed physical confrontations over slavery, such as the Christiana Riot, in which slaveholder Edward Gorush was killed and his nephew severely beaten as they attempted unsuccessfully to reclaim several enslaved persons. The riot and its aftermath portended further battles. The national debate on the Kansas-Nebraska Act, the Dred Scott decision, and John Brown's raid on Harpers Ferry deeply divided the state's antislavery proponents and set

off a vociferous debate about the meanings of slavery and freedom in South Central Pennsylvania. The collapse of the Liberty, Free Soil, and Know-Nothing Parties set the stage for Democratic and Republican contestation on the issue. Meanwhile, shifts in the political atmosphere led to a petition campaign to repeal Pennsylvania's personal liberty laws.

During the Civil War, South Central Pennsylvania became ground zero for the conflict over the meanings of slavery and freedom. Lee's invasion of Pennsylvania, which culminated in the Battle of Gettysburg in 1863, had calamitous impacts on the black community. The Confederate army rounded up African Americans and sent them South. In the postbellum period, the decimated antebellum black population was replaced largely with Southern migrants, who experienced racism, discrimination, and, in 1869, an attempted lynching.

David Smith's *On the Edge of Freedom* is an important addition to the literature on antislavery in the North. By linking the antebellum and postbellum trajectories of slavery and freedom, readers can understand and appreciate the complexity of antislavery sentiment in a border region influenced by starkly opposed ideologies. South Central Pennsylvania proved neither a beacon of hope nor a bastion of freedom. Instead, it reflected and refracted the nation's uneasy and unfinished sensibilities on issues of race in the antebellum and postbellum years, residues of which are still felt in the present day.

*Alcorn State University*

STEPHEN G. HALL

*The Philadelphia Nativist Riots: Irish Kensington Erupts.* By KENNETH W. MILANO. (Charleston, SC: The History Press, 2013. 160 pp. Illustrations, appendix, bibliography, index. Paper, \$19.99.)

Kenneth W. Milano has written a local history of the Third Ward, West Kensington neighborhood (St. Michael Parish) that became the site for three days of violent clashes between nativist rioters and Irish Catholic residents in May 1844. Milano, a lifetime resident and local historian of Kensington, dedicates the book to "those Irish Catholics, known and unknown, who gave their lives for their religion" during the riots, so that "their memory will never be forgotten" (5). The book is written for readers with an interest in a street-by-street, residence-by-residence study of this neighborhood. There's much to be gained from an in-depth look at this small area (about four square blocks) where nearly all the fighting, shooting, and arson occurred during the May riots. Yet at times, this is local history with an antiquarian flavor. Readers are unlikely to acquire a greater understanding of the interrelationship of this enclave of Irish immigrant weavers to long-term developments in Philadelphia's history, but they will discover the dimensions of the Master Street School and learn that it had "detached unheated

toilets,” that a Colonel Rambo was hired as clerk of the Nanny Goat Market (which was open most days until 3:00 p.m.), and that the sister of nativist martyr George Shiffler afterward lived in Kensington with her uncle (36).

Most of the book is devoted to a meticulous retelling of the roughly seventy-two hours of violent skirmishes that took place within the blocks surrounding the market, the school, and St. Michael’s church and convent. Milano builds his narrative on newspaper accounts and the trial evidence. The book includes no footnotes, so future scholars cannot trace any of the details of his very specific reconstruction of this period of urban warfare. One of Milano’s original contributions is his claim that the violence between nativists and Irish Catholics was mostly the work of a relatively small group of about seventy-five well-armed fighters on each side. The thousands of nativists who gathered in Center City for rallies and who marched en masse to Kensington generally kept out of the fray, cordoning off the neighborhood and beating up occasional Irish residents who fled into their grasp.

By focusing his attention exclusively on the May riots in Kensington, Milano only tells one half of the history of Philadelphia’s nativist violence in 1844, bypassing the riots that rocked the Southwark district in July. Although his design was to write a neighborhood history, his intensely local focus on Kensington draws no comparisons between the violence in that district and the rioting that took place only a few months later. The riots were both a citywide conflict and a neighborhood-specific fight. Three of the eight nativists killed—and many of the wounded—in the Kensington riots lived in Southwark. This volume reminds us that a long-forgotten section of Kensington was once the site for a clash between religious bigotry and immigrant self-preservation, but it is unlikely to supplant any of the existing scholarly literature on nativism and Philadelphia’s riots.

*Swarthmore College*

BRUCE DORSEY

*Making Freedom: The Underground Railroad and the Politics of Slavery.* By R. J. M. BLACKETT. (Chapel Hill: University of North Carolina Press, 2013. 136 pp. Notes, index. \$27.95.)

Richard Blackett has spent a decade gathering and analyzing newspaper accounts, fugitive slave advertisements, personal narratives, and other sources associated with the Underground Railroad, accumulating a massive database of information along the way. Shorter essays and presentations have appeared during that time, but this volume represents his efforts at providing a larger synthesis of his research. *Making Freedom* is a result of a series of talks Blackett gave for the Steven and Janice Brose Lectures in the Civil War Era at Penn State University. His goal is to illustrate how the actions of escaping slaves and their helpers not

only impacted local politics but had a ripple effect nationally. Blackett uses case studies of individual escapees or their supporters as the vehicles for his presentation. This slim book focuses on the stories of Henry Banks of Virginia, fugitive slave cases from southeastern Pennsylvania, and northerners, such as Seth Conklin, who ventured south to aid slave escapes.

Blackett's study reinforces the important role enslaved and free blacks played in the Underground Railroad's successes. But he focuses in this work not only on their decision to resist slavery and slave catchers but on the impact of their actions on abolitionists and slaveholders alike. He argues that the collaboration between enslaved and free blacks, as well as that between black communities and whites, influenced the national discussion about the 1850 fugitive slave law. Blackett also examines the psychological impact of slaveholders' increasing awareness that blacks and whites were joining forces to travel south to aid runaways. He suggests that the aiding and abetting of runaways by outsiders increased the tension between border state residents and profoundly impacted political discussions around this issue in the years leading up to the Civil War.

Also of importance to Blackett was fugitives' awareness of what they were doing in choosing to escape. They did not take this step lightly. According to Blackett, they "knew why they were leaving and where they were going. They were engaging in self-emancipation" (31).

These are not necessarily new revelations, but the strength of the book is in the many new individual stories which Blackett brings to bear on these concepts. He offers insights into the thinking and experiences of freedom seekers and their abettors, as opposed to politicians and even leading abolitionists. The concept of freedom within the African American community at this time was particularly powerful, and Blackett ably illustrates how black Americans sought to gain freedom and protection for themselves and for others in their community. The compiled database from which he draws his examples is broad and rich; one hopes that at some point Blackett will make it available for other researchers to explore.

*Making Freedom* is a well-written and informative volume that provides valuable insights into the thinking undergirding the actions of freedom seekers and their supporters. It expands the body of knowledge surrounding the Underground Railroad and its impact on the nation through the eyewitness accounts from which it draws. Blackett's work augments our understanding of freedom and the Underground Railroad for the African American community in the years leading up to the Civil War.

*George Mason University*

SPENCER R. CREW

*Mira Lloyd Dock and the Progressive Era Conservation Movement.* By SUSAN RIMBY. (University Park: Pennsylvania State University Press, 2012. 224 pp. Illustrations, notes, bibliography, index. \$64.95.)

The women of the conservation movement are beginning to earn their due attention from biographers and historians. To the work of Jack Davis, Dyana Furmansky, Tina Gianquitto, Nancy Unger, and others we can now add Susan Rimby's admirable biography of Pennsylvanian Mira Lloyd Dock.

Rimby argues that Dock played a pivotal role in the Progressive Era conservation movement by serving as a bridge between the male professional conservationists and the largely female urban reformers who implemented many of the experts' policies on a local level throughout Pennsylvania. As a university-trained botanist, Dock enjoyed gravitas with the professionals. She carried on an extensive correspondence with many of the leading conservation figures of her day and was particularly close to fellow Pennsylvanian Gifford Pinchot. Her appointment to the Pennsylvania Forest Commission in 1901 affirmed her standing. Dock was not mere window dressing; she conducted intensive outreach to amateur groups and made significant contributions to the success of the Pennsylvania State Forest Academy. As a circuit lecturer and influential force in the General Federation of Women's Clubs, Dock translated the concepts of the professional conservationists into the concrete reform objectives implemented throughout Pennsylvania in the early decades of the twentieth century. Her work in her home city of Harrisburg served as an inspiration in both the Keystone State and the nation.

Despite impressive credentials, gender defined Dock's life and career. The early death of her mother thrust Dock, the eldest child, into the maternal role for her siblings, a position she did not relinquish to pursue her own interests until she was forty-two years old. She possessed a hardboiled, utilitarian view of natural resource management and was on constant guard against being perceived as "sentimental," a somewhat derogatory code word at the time that implied overly emotional feminine sensibilities. Dock did not always resist gender stereotypes, however, and Rimby argues that although her subject was a suffragist, she was not exactly what we would describe today as a feminist. For example, Dock subscribed to gender-defined professional roles and believed that only men could be foresters. While she broke a glass ceiling in obtaining appointment to the Pennsylvania Forest Commission (becoming perhaps the first woman in the world to hold such a position), she was deprived a seat on many other boards, including the Harrisburg Park Commission, simply because she was a woman.

This is a solid work of primary research based on Dock's papers in the Library of Congress, various collections from the rich holdings of historical societies scattered throughout Pennsylvania, and other manuscript collections. It is firmly grounded in the current historiography of both the Progressive Era conservation movement and women of the late nineteenth and early twentieth centuries. Any

historian studying these areas would improve his or her understanding the era by reading Susan Rimby's *Mira Lloyd Dock and the Progressive Era Conservation Movement*.

*Front Range Community College*

GREGORY J. DEHLER

*Seeking the Greatest Good: The Conservation Legacy of Gifford Pinchot.* By CHAR MILLER. (Pittsburgh: University of Pittsburgh Press, 2013. 232 pp. Illustrations, notes, index. Paper, \$24.95.)

One might think this book would be a dry recital of policies, but, on the contrary, it is an engaging story of how the gift of a famous family's home and historic legacy to the US government was received and fostered over a bumpy fifty-year history. As the biographer of Gifford Pinchot, Char Miller is an excellent choice to tell this continuing story.

Gifford Pinchot (1865–1946) is best known as the Forest Service chief who created the modern National Forest system, with the USDA Forest Service to manage it, and who also helped establish forestry as a profession. In the early 1960s his son, Gifford Bryce Pinchot, was considering donating the family estate, Grey Towers, in Milford, PA, to the Forest Service, which, in partnership with the Conservation Foundation, a private conservation organization, would create the Pinchot Institute for Conservation. After long negotiations among these groups, the gift was accepted at a public dedication by President John F. Kennedy just weeks before his assassination.

The book raises the intriguing question of why an urban-oriented person like Kennedy would even be interested in natural resource conservation. The author shows how a personal relationship with some members of the Pinchot family, a desire to improve life in the United States, and raw political calculations influenced Kennedy's decision.

Almost immediately after the dedication, the problems began. Disagreements arose over what the focus of the Pinchot Institute programs should be, who should guide it, and how effectiveness and relevancy could be insured. The Pinchot family was also concerned with how the Forest Service would manage the Grey Towers estate and its priceless furnishings. During this period the Forest Service underwent tremendous upheavals in its focus and policies as the result of new environmental legislation, public protests, court decisions, and changes in presidential policy. Miller shows how each of these challenges affected Grey Towers and the Pinchot Institute activities.

Perhaps the greatest challenge of all was to find a consistent federal funding source. The lack of funding put in doubt the physical survival of Grey Towers. Fortunately, over time, Forest Service officials and sympathetic US representatives

found ways to solve the problem. Outside contributions have been a huge help for maintenance and programming. Several innovative Forest Service managers worked hard to restore Grey Towers and make it an important historical destination. The book also shows how the Pinchot Institute eventually found an effective voice promoting forest conservation.

Pennsylvania readers will find that this book offers interesting details of the lives of two-time governor Gifford Pinchot and his politically active wife, Cornelia Bryce Pinchot. It is inspiring to see how the later generations of Pinchots have continued the family's conservation activism. Efforts to conserve the Delaware River valley are also discussed.

With its warm and lucid style and important story of collaboration for conservation, this book comes highly recommended.

*Penn State Mont Alto*

PETER E. LINEHAN

*Black Citymakers: How "The Philadelphia Negro" Changed Urban America.* By MARCUS ANTHONY HUNTER. (New York: Oxford University Press, 2013. 304 pp. Illustrations, notes, bibliography, index. \$35.)

Drawing inspiration from W. E. B. Du Bois's 1899 landmark book, *The Philadelphia Negro*, sociologist Marcus Hunter focuses his study on the Black Seventh Ward, the stretch of Lombard and South Streets between Seventh Street and the Schuylkill River that was predominantly an African American neighborhood from the late nineteenth to mid-twentieth centuries. Hunter organizes the book around several "crucial historical moments": the failure of two black banks in 1925, the collapse of an apartment building on South Street in 1937, the decades-long battle against the Crosstown Expressway, the establishment in 1975 and subsequent expansion of a cultural festival on South Street known as Odunde, and the "flash mob" of 2010, when approximately two thousand black youths converged on South Street. He uses these episodes to illustrate his central argument that Philadelphia's black residents have been agents of change, challenging the dominant image of blacks as victims of urban renewal and as a politically homogeneous group. Hunter identifies four ways in which blacks used their agency and showed their political power: through framing public discourse on issues such as affordable housing and urban renewal; through voting and promoting black candidates for public office; through mobilizing residents via letter-writing campaigns, public meetings, and rallies; and through secondary migration whereby black residents moved out from the historic Black Seventh and Thirteenth Wards to transform neighborhoods in North, West, and South Philadelphia.

Hunter relies extensively on the rich primary sources from Philadelphia's many special collections and newspapers, including the *Philadelphia Tribune*, to

produce what he describes as a “historical ethnography,” a blending of historical narrative and ethnography that “helps to elucidate notions of causality emergent from the communities, people, and organizations often made invisible in the general thrust of the historical record” (222). For better or worse, what Hunter’s study is not is a conventional urban history, and reading his methodological appendix goes a long way in managing expectations of what the book does well. Particularly in the chapter about the Crosstown Expressway, which features the heroic efforts of Hawthorne neighborhood leader Alice Lipscomb, Hunter’s “on the ground” perspective works well to show what political agency looks like. Unlike *The Philadelphia Negro*, in which Du Bois speaks with a fairly detached voice and reports endless descriptive statistics, Hunter selectively offers detailed and often moving accounts of the human cost of the structural challenges Black Seventh Ward residents faced. But in doing so, Hunter gives relatively little attention to those persistent, discriminatory structures that often undermined black agency and efforts to improve social and economic conditions for blacks. Hunter chooses to focus his final chapter on the 2010 “flash mob” on South Street, an event that ultimately lacks the kind of long-term historical significance of the other “crucial moments” he features. Recent efforts to improve the public school system, including the creation of charter schools by local black leaders such as music mogul Kenny Gamble, civil rights leader Walter Palmer, and state senator Hardy Williams, might have provided a clearer example of the ongoing struggle of “Black Citymakers” to contend with structural challenges. Hunter concludes that the Black Seventh Ward inspired a new generation of black citymakers but ultimately lives on only in the collective memory of black Philadelphians. The reader is left with a more complicated picture of how the Philadelphia Du Bois visited in 1896 transformed into the twenty-first-century city characterized by growth and great optimism for some and persistent poverty, violence, and failed institutions for many others. “In this way,” Hunter explains, “we see a more dynamic city; one in which black Americans are both disproportionately disadvantaged by structural changes in the city, while also actively constructing approaches to challenge, navigate and/or reconcile such changes” (216).

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AMY HILLIER

*The Nicest Kids in Town: “American Bandstand,” Rock ’n’ Roll, and the Struggle for Civil Rights in 1950s Philadelphia.* By MATTHEW F. DELMONT. (Berkeley: University of California Press, 2012. 312 pp. Illustrations, notes, index. Cloth, \$65; paper, \$27.95.)

*American Bandstand* host Dick Clark made it seem as though there was no better place and time to be a young music fan than Philadelphia in the 1950s—

assuming the fan had access to a television. Matthew F. Delmont's new book, *The Nicest Kids in Town*, argues, however, that "the real story of *American Bandstand* and Philadelphia in the postwar era is much more complicated than Clark suggests" (2). In contrast to Clark's insistence that the Philly-shot *American Bandstand* was racially integrated, and thus a pioneer of the civil rights movement when it became nationally televised in 1957, Delmont shows that *Bandstand* mirrored Philadelphia's segregation until the show's 1964 move to Hollywood.

Using an impressive range of evidence, including news reports, oral histories, and archival materials, the author deconstructs the legend of *American Bandstand*'s integration, replacing it with a powerful account of history reconfigured to mythologize the program and its famed host. Through elaboration on several thematic areas, *The Nicest Kids in Town* recounts the real racial conflicts epitomized and omitted by *American Bandstand*.

One of these themes is how physical place, including the television studio's neighborhood and the initial broadcasting region, played a role in keeping the show's dancers and in-house studio audience white. For instance, in order to appeal to local advertisers and audiences, despite rapidly changing racial demographics of the area, broadcaster WFIL-TV kept its on-camera teens white and supposedly nonthreatening to the masses. Likewise, another portion of the book explores how *American Bandstand* teen culture paralleled the segregated reality of the Philadelphia school district.

The book also explores how other local, teen-oriented music television and radio programs explicitly tackled race relations. Here, Delmont effectively demonstrates that *American Bandstand*'s segregation should not be easily excused as unavoidable, but can be understood as being generated by commercial and social forces. Through analysis of various artifacts, including Clark's own writings, a final section explores the nostalgic place of *American Bandstand* in national memory. Delmont also situates the program amid the modern works of pop culture it presumably influenced, such as the TV show *American Dreams* and the movie/Broadway show *Hairspray*.

*The Nicest Kids in Town* is an important study for its aim to amend perceptions of *American Bandstand*'s place in American culture. The author convincingly corrects the show's reputation and Clark's glorified characterizations, acknowledging the significance of those misrepresentations in the context of the American civil rights narrative. Eager readers may desire more analysis about the cultural impact of those misrepresentations. Nevertheless, drawing on ample historic evidence, Delmont shows that while *American Bandstand* was on the forefront of youth culture trends, it was not exactly the innovative leader of equal rights many have believed it to be. This work provides a valuable advancement in research on the history of American music television and uniquely ties this contribution to the analysis of race, civil rights, youth culture, and Philadelphia's entertainment and media industries. Academics and other curious readers inter-

ested in these issues will find *The Nicest Kids in Town* an engaging and informative book.

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