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IMPROVING INDEPENDENCE: THE STRUGGLE OVER LAND
SURVEYS IN NORTHWESTERN PENNSYLVANIA IN 1794

Marcus Gallo 131

PARDON OR PUNISH? LEGAL AND COMMUNITY
INTERPRETATIONS OF A NINETEENTH-CENTURY
INFANTICIDE

Joanna B. Spanos 163

MIXED FEELINGS: STEPHEN COLWELL, CHRISTIAN
SENSIBILITY, AND THE AMERICAN STATE, 1841–61

Drew VandeCreek 189

BOOK REVIEWS

215

BOOK REVIEWS

| | |
|---|-----|
| BUTTERFIELD, <i>The Making of Tocqueville's America: Law and Association in the Early United States</i> , by Jessica Roney | 215 |
| COHEN, <i>Luxurious Citizens: The Politics of Consumption in Nineteenth-Century America</i> , by Rosanne Currarino | 216 |
| HOLCOMB, <i>Moral Commerce: Quakers and the Transatlantic Boycott of the Slave Labor Economy</i> , by Carol Lasser | 217 |
| DIEMER, <i>The Politics of Black Citizenship: Free African Americans in the Mid-Atlantic Borderland, 1817–1863</i> , by Millington Bergeson-Lockwood | 219 |
| MAILLARD, ed., <i>Whispers of Cruel Wrongs: The Correspondence of Louisa Jacobs and Her Circle, 1879–1911</i> , by Harriet Hyman Alonso | 220 |
| BRADDOCK AND IGOE, eds., <i>A Greene Country Towne: Philadelphia's Ecology in the Cultural Imagination</i> , by Eliza Butler | 221 |
| MCCONNELL-SIDORICK, <i>Silk Stockings and Socialism: Philadelphia's Radical Hosiery Workers from the Jazz Age to the New Deal</i> , by Katarina Keane | 222 |
| ORESICK, <i>The Schenley Experiment: A Social History of Pittsburgh's First Public High School</i> , by Jon Shelton | 224 |

COVER ILLUSTRATION: Title page vignette, in *The Pennsylvania Hermit* (New York, 1838). This image depicts the 1786 execution of Pennsylvania woman Elizabeth Wilson, convicted of the murder of her infant twins. By the time this engraving was produced circa 1838, legend surrounded Wilson's story. As seen here, tradition held that Wilson's brother arrived too late to save his sister with a pardon from the governor. Roughly two decades later, Pennsylvania executed another woman, Susanna Cox, under similar circumstances. As Joanna Spanos shows in this issue, stories of Cox's life and death also melded fact and legend. Image courtesy of the Library Company of Philadelphia.

ERRATA: Print copies of the October 2017 issue neglected to include the following sentence in the editorial: "Guest editors William W. Cutler III and Jonathan Zimmerman, without whom this issue would not have been possible, deserve much of the credit for the variety of topics represented and the high quality of the articles in which they appear."

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*Improving Independence:
The Struggle over Land Surveys in
Northwestern Pennsylvania in 1794*

ABSTRACT: In the midst of the Northwest Indian War, the former surveyor John Adlum's operations as a land agent and his dealings with Cornplanter and other Allegany Senecas helped place a large portion of northwestern Pennsylvania in the hands of wealthy speculators. This article describes the complexity of the postrevolutionary clashes over land between governments, settlers, speculators, and Native Americans. It also demonstrates the critical role of surveyors in land speculation and settlement.

THE UNITED STATES GAINED independence at a heavy cost. After the war, Alexander Hamilton reckoned that the national government owed its creditors more than fifty million dollars, in addition to state governments owing twenty-five million dollars. While these numbers certainly distressed American officials, the end of the Revolutionary War promised a long-term solution. The 1783 Treaty of Paris granted the United States millions of acres of new territory west of the Appalachian Mountains and east of the Mississippi River. By selling these lands to

settlers and speculators, state and federal governments could solve their financial problems. As long as the lands ended up in the hands of upstanding yeomen with a sense of deference to their betters and loyalty to their republic, the sales would have the added benefit of consolidating the federal government's rule over the trans-Appalachian west. However, despite the Americans' nominal territorial gains, during the 1780s and early 1790s the West lay largely under the control of Native Americans. Before any land sales could occur, American governmental officials faced the thorny issue of "extinguishing" Indian titles to the land.¹

Across the whole of the country's western edge, a complex assortment of government officials, Indians, speculators, and common settlers vied for control of frontier lands. Native Americans attempted to hold onto their lands for as long as possible in the face of pressure from both American elites and commoners. For the Iroquois in particular, the Treaty of Paris had come as a shock. Most of the Iroquois supported the British in the Revolutionary War. Although the Iroquois led effective campaigns and devastated the Patriot backcountry for years, the British abandoned their Native American allies, leaving them out of the peace negotiations. The Iroquois later learned that Americans had gained the nominal rights to control their territory and former trading posts. Two separate strategies emerged: while some Iroquois saw placating the Americans with land concessions as necessary for peace, others fought to preserve their territorial integrity as an independent buffer state between the Americans and the British in Canada. In 1783, the Mohawk leader Joseph Brant pressured the British to refuse to give up their posts at Niagara and Oswego. His group also aimed to maintain control of as much of western New York and northwestern Pennsylvania as possible, along with a corridor of land connecting them to the Indians of the Ohio Country. To this end, he helped to organize a loose confederacy of Ohio Country and Iroquois Indians committed to negotiating land sales as a group. His continued negotiations with the British prevented his presence at the critical Treaty of Fort Stanwix in 1784, where the Seneca leader Cornplanter and others negotiated separately from the proposed confederacy, ceding a huge swath of

¹ Alan Taylor, "Land and Liberty on the Post-Revolutionary Frontier," in *Devising Liberty: Preserving and Creating Freedom in the New American Republic*, ed. David Thomas Konig (Stanford, CA, 1995), 81–108. "Extinguishment" became the usual legal phrase for resolving Indian land claims. For an example, see Charles F. Hobson, *The Great Yazoo Lands Sale: The Case of Fletcher v. Peck* (Lawrence, KS, 2016), 32.

their western lands, including their claims to most of Pennsylvania, Ohio, and a strip of land along the Niagara River.²

Benefiting from such mass extinguishments of Indian titles as the Fort Stanwix Treaty, speculators bought huge tracts of land with the intent to rent and sell small tracts at a profit. Some, including William Cooper of Cooperstown, New York, developed their lands effectively and enriched themselves. Others overshot: Robert Morris bought and sold millions of acres across the nation but went bankrupt in 1798 when he could not unload his remaining properties. Individuals and companies, both foreign and domestic, undertook similar grand speculations in Kentucky, Maine, Mississippi, western New York, and Ohio, among other frontiers.³

While federal officials and grand speculators insisted that only the United States government had the right to extinguish, buy, and sell Native American lands, many white commoners disagreed. They intended to legally own their own land in the West but often denied that they first needed to buy those lands from the government or speculators. While some squatters bought titles “illegally” from local Indians, many believed that their sweat equity and occupancy of “uninhabited” lands entitled them to possess their tracts or at least have the preemption rights to buy them from the government before anyone else. These settlers defy easy categorization, ranging from impoverished squatters to men of means. Tenancy was commonplace in many regions before and after the revolution, which helped motivate squatters to trespass onto lightly defended Indian lands. The government could do little to displace these settlers once in the West. Squatters hoped to make “improvements” to the lands by building cabins and fences and planting crops, with the expectation that they could later buy the lands they occupied or sell their improvements to the next wave of settlers.⁴

² Thomas S. Abler, *Cornplanter: Chief Warrior of the Allegany Senecas* (Syracuse, NY, 2007), 39–57; Alan Taylor, *The Divided Ground: Indians, Settlers, and the Northern Borderland of the American Revolution* (New York, 2006), 111–17, 154–62.

³ Alan Taylor, *William Cooper's Town: Power and Persuasion on the Frontier of the Early American Republic* (New York, 1995); Daniel M. Friedenber, *Life, Liberty, and the Pursuit of Land: The Plunder of Early America* (Buffalo, NY, 1992), 338–47; Stephen Aron, *How the West Was Lost: The Transformation of Kentucky from Daniel Boone to Henry Clay* (Baltimore, 1996); Alan Taylor, *Liberty Men and Great Proprietors: The Revolutionary Settlement on the Maine Frontier, 1760–1820* (Chapel Hill, NC, 1990); Hobson, *The Great Yazoo Lands Sale*; William Wyckoff, *The Developer's Frontier: The Making of the Western New York Landscape* (New Haven, CT, 1988); Andrew R. L. Cayton, *The Frontier Republic: Ideology and Politics in the Ohio Country, 1780–1825* (Kent, OH, 1986), 51–67; Shaw Livermore, *Early American Land Companies: Their Influence on Corporate Development* (1939; repr., Washington, DC, 2000), 133–214.

⁴ Blake A. Watson, *Buying America from the Indians: Johnson v. McIntosh and the History of Native Land Rights* (Norman, OK, 2012), 154–55; Reeve Huston, “Land Conflict and Land Policy

Whether settlers initially squatted on their lands or not, few were content to merely acquire enough acres to farm for themselves and their immediate families. They engaged in petty speculations with regularity, hoping to gain enough land on the early frontier to secure greater profits for themselves and their descendants. In some cases, squatters occupied thousands of acres. The huge scale of these operations blurred the line between squatter and grand speculator.⁵

Because squatters would not pay for their lands and disrupted land sales to wealthier men, the government preferred to deal with well-heeled speculators who had ready access to cash. Nevertheless, Reeve Huston has noted the “oddly symbiotic relationship” between squatters and the federal government: while the federal government detested them, squatters provoked conflict with local Native Americans. These conflicts led to the mobilization of the army and campaigns that further extinguished Indian land claims, opening the way for speculators to begin the profitable settlement of the West.⁶

It is within this context that we should understand the upheaval that beset the Pennsylvania backcountry in 1794. In response to newly crafted state policies that opened millions of acres to settlement, speculators and squatters crowded into the northwestern corner of the state. Farther west, the federal government engaged a confederacy of Ohio Indians in the Northwest Indian War. While the Americans had an eye toward opening the Ohio Country for white settlement, Generals Harmar and St. Clair had led disastrous campaigns in 1790 and 1791, prompting President Washington to commission “Mad” Anthony Wayne to move into Ohio with greater force. Spurred into action by these aggressions, the Seneca Indians in northwestern Pennsylvania debated whether or not to go to war with the United States in an effort to hold on to the territory linking them to the West. Even Cornplanter, who had been a staunch ally of the

in the United States, 1785–1841,” in *The World of the Revolutionary American Republic*, ed. Andrew Shankman (New York, 2014), 324–45. Tenancy: Terry Bouton, *Taming Democracy: “The People,” the Founders, and the Troubling Ending of the American Revolution* (New York, 2007), 15–16, 102; Patrick Griffin, *American Leviathan: Empire, Nation, and Revolutionary Frontier* (New York, 2007), 188; Woody Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia* (Chapel Hill, NC, 1999), 175–76, 39–41; Thomas J. Humphrey, *Land and Liberty: Hudson Valley Riots in the Age of Revolution* (DeKalb, IL, 2004), 15–16, 118; Gregory A. Stiverson, *Poverty in a Land of Plenty: Tenancy in Eighteenth-Century Maryland* (Baltimore, 1977); Taylor, “Land and Liberty on the Post-Revolutionary Frontier,” 87, 108.

⁵ Marian Silveus, “McNair Correspondence: Land Problems in Northwestern Pennsylvania,” *Western Pennsylvania Historical Magazine* 18 (1935): 237–54.

⁶ Huston, “Land Conflict and Land Policy in the United States, 1785–1841,” 330.

United States after the Revolutionary War, now spoke with British officials and appeared to have decided on war. Meanwhile, poor whites across Pennsylvania's backcountry (and beyond) began to rally themselves to action against government policies that benefited speculators while levying federal taxes on households. Before the end of the year, George Washington brought an army of twelve thousand men to western Pennsylvania to crush this uprising, known as the "Whiskey Rebellion."⁷

Amid this crisis, wise speculators relied on backcountry agents to secure their fortunes in the West. In Pennsylvania, the Land Office oversaw land sales. The key member of the office was the surveyor general, who appointed deputy surveyors, sent them warrants to survey lands, and prepared the returns of surveys so that applicants for land could receive their patents. Deputy surveyors conducted the surveys on the ground. Because of their knowledge of the land, inhabitants, and laws of the backcountry, deputy surveyors could render unique services to their speculator patrons.⁸

John Adlum ranked among the most effective former deputy surveyors who took on duties as a backcountry land agent. Born in York, Pennsylvania, in 1759, Adlum enlisted for the Patriot cause as a teenager in July 1776. After his wounding, capture, and release, he returned home to work in his father's tannery and learned surveying from his uncle. Beginning in 1787, he received a series of appointments from the state of Pennsylvania. These included his own surveying district, along with assignments to determine the boundary between Pennsylvania and New York, survey various strategic sites, including Presque Isle, and study the Schuylkill and Susquehanna Rivers for potential canal sites. In 1791, he surveyed three tracts granted by Pennsylvania to the Seneca leader Cornplanter, and the following year he coproduced a map of Pennsylvania's roads and waterways. As Adlum continued to receive state work in the backcountry, he also scouted land for speculators, including William Bingham and Samuel Wallis. By 1793, Adlum was so busy as a land agent that he could no longer work for the state as a district surveyor. During the summer of 1794, the Holland Land

⁷ Speculation: Norman B. Wilkinson, *Land Policy and Speculation in Pennsylvania, 1779–1800: A Test of the New Democracy* (1958; repr., New York, 1979). Land laws: James F. Dinsmore, "Courts and Western Pennsylvania Lands: The Origins of the Attack on Pennsylvania's Courts, 1790–1810" (PhD diss., Temple University, 1990). Cornplanter: Alan Taylor, *Divided Ground*, 285. Unrest: Bouton, *Taming Democracy*.

⁸ Donna Bingham Munger, *Pennsylvania Land Records: A History and Guide for Research* (Wilmington, DE, 1991), 179–97. Early American surveying: J. Barry Love, *The Colonial Surveyor in Pennsylvania* (1970; repr., Harrisburg, PA, 2000); Sarah S. Hughes, *Surveyors and Statesmen: Land Measuring in Colonial Virginia* (Richmond, VA, 1979).

Company and a consortium of several other well-connected speculators contracted Adlum to work on commission as their agent. He entered northwestern Pennsylvania intent on claiming up to a million acres around present-day Meadville, in the midst of land the Senecas wanted to protect. This article will focus on the role of the surveyor John Adlum in the summer of 1794, explaining the context for his activities in the scramble for land and examining the aftermath of his actions. Despite the terrible state of diplomatic relations between the Senecas and the United States, Adlum and the Senecas cooperated to deny lands to squatters and secure them in the hands of elite speculators.⁹

Land in Northwestern Pennsylvania

Debt motivated both the federal government and state governments to look to the West. Following the American Revolution, the Pennsylvania government developed a two-pronged approach to paying down its war debt of approximately five million dollars. First, the state raised property taxes. Second, it targeted debts owed to veterans. Officials set aside two tracts of land: the Depreciation Lands immediately north of Pittsburgh and the Donation Lands in the northwestern corner of the state. Prospective buyers could purchase Depreciation Lands with “depreciation” certificates issued by the government in lieu of payment for their military service. Veterans enlisting after 1780 received bounties (or “donations”) of Donation Lands.¹⁰

During the early 1780s, when the state set aside these lands, they remained unavailable for settlement (fig. 1). Prior to the Treaty of Fort Stanwix in 1784, known in Pennsylvania as the “Last Purchase,” the northwestern reaches of the state were Indian territory. The land was remote

⁹ Donald H. Kent and Merle H. Deardorff, “John Adlum on the Allegheny: Memoirs for the Year 1794: Part I,” *Pennsylvania Magazine of History and Biography* 84 (1960): 265–324, esp. 271–79; Kent and Deardorff, “John Adlum on the Allegheny: Memoirs for the Year 1794: Part II,” *Pennsylvania Magazine of History and Biography* 84 (1960): 435–80; Howard H. Peckham, ed., *Memoirs of the Life of John Adlum in the Revolutionary War* (Chicago, 1968); John Adlum, *A Memoir of the Cultivation of the Vine in America, and the Best Mode of Making Wine* (1828; repr., Hopewell, NJ, 1971). In his ability to negotiate with the Iroquois and his penchant for conducting land speculations on a vast scale, Adlum paralleled the activities of the more famous British colonial agents Sir William Johnson and George Croghan. See James Thomas Flexner, *Lord of the Mohawks: A Biography of Sir William Johnson* (1959; repr., Boston, 1979); Nicholas B. Wainwright, *George Croghan: Wilderness Diplomat* (Chapel Hill, NC, 1959).

¹⁰ Anthony M. Joseph, *From Liberty to Liberality: The Transformation of the Pennsylvania Legislature, 1776–1820* (Lanham, MD, 2012), 82–86; Wilkinson, *Land Policy and Speculation in Pennsylvania*, 19–48; Munger, *Pennsylvania Land Records*, 163–67.

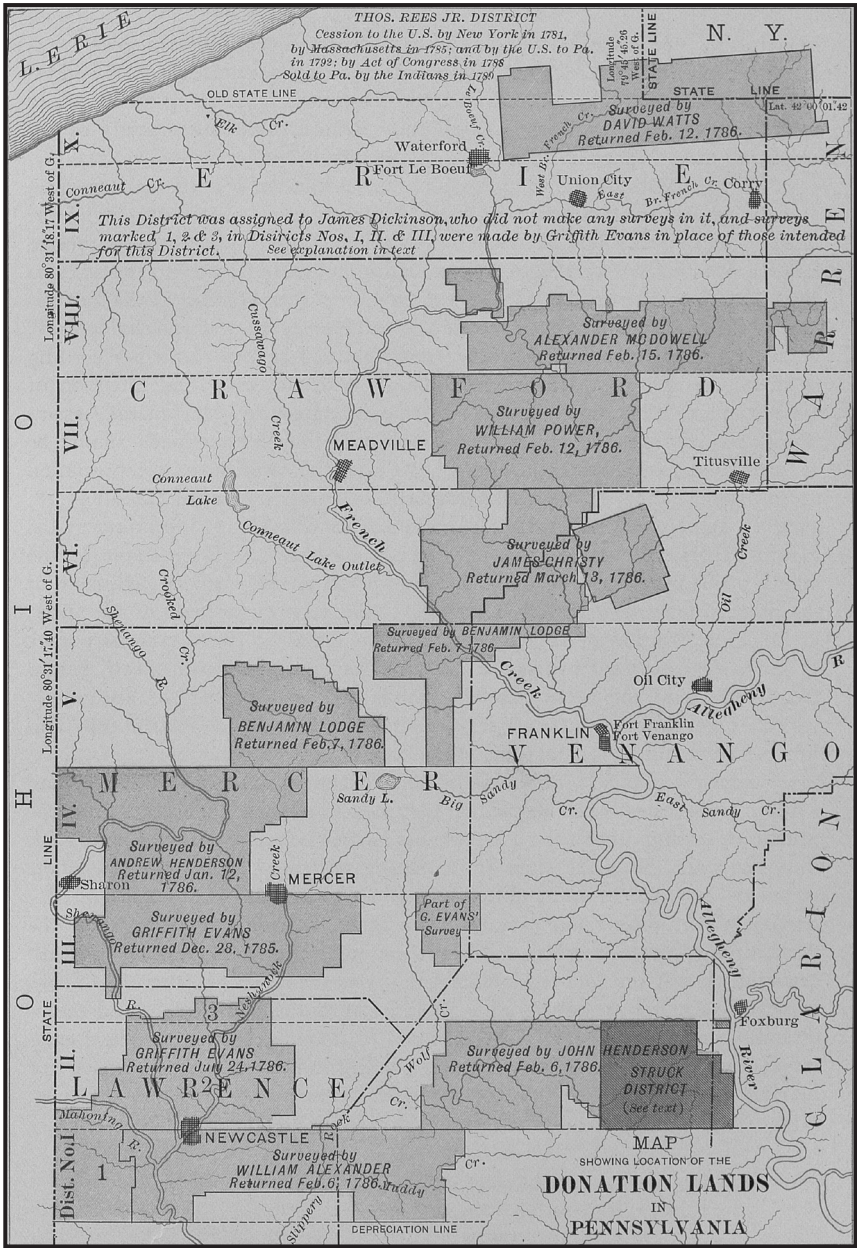


Fig. 1: Pennsylvania's Donation Lands. W.J. McKnight, *A Pioneer Outline History of Northwestern Pennsylvania* (Philadelphia, 1905). Image available at <http://digitallibrary.hsp.org/index.php/Detail/Object/Show/idno/15391>.

from white population centers and fraught with danger for trespassers, forty of whom died in Indian attacks in early 1783. Although Pennsylvanian negotiators at Fort Stanwix strong-armed a small set of Iroquois leaders into the sale of the remainder of the state, most Iroquois resented the terms of the deal, and the area remained unsafe for white visitors after the treaty's signing. In January 1786, when James Dickinson attempted to survey territory for the Donation Lands south of the Erie Triangle near Fort LeBoeuf, a number of Iroquois leaders stopped him. The leader of the local Allegany Senecas, Cornplanter, and two other Seneca chiefs insisted that they had not been adequately paid by Pennsylvania for their territory. Therefore they could not guarantee Dickinson's safety north of Venango (modern-day Franklin). This region became the site of Adlum's operations in 1794.¹¹

Beginning in 1790, the Northwest Indian War flared in the Ohio Country, further exacerbating frontier tensions in Pennsylvania. While the United States government intended to extinguish Indian titles in Ohio, two decisive defeats at the hands of Native Americans in 1790 and 1791 placed further American expansion in jeopardy. Given the reality of hostile Indians and the long distances between goods and markets, Pennsylvania's auctions to sell Depreciation Lands failed to attract buyers, and many holders of rights to Donation Lands sold their claims to speculators. In response, the state dropped land prices from £30 per hundred acres in 1785 to £20 per hundred acres in 1789. By 1792, still only half of the Depreciation Lands had found purchasers.¹²

Throughout the 1780s, the state struggled to leverage western land sales to pay off its debts (fig. 2). However, by the early 1790s, the federal government's decision to absorb state debts solved Pennsylvania's financial problems. As part of Alexander Hamilton's plan, the state received \$6 million in federal securities and drew 6 percent interest on these stocks, enough to eliminate all of the state's debts (fig. 3). In 1789, Pennsylvania stopped taxing its citizens.¹³

¹¹ Daniel K. Richter, *Trade, Land, Power: The Struggle for Eastern North America* (Philadelphia, 2013), 208–14; Samuel Hazard et al., eds., *Pennsylvania Archives* (Harrisburg, PA, and Philadelphia, 1838–1935), 1st ser., 10:740–41.

¹² For Pennsylvania currency, one pound equaled \$2.67, and a shilling equaled 13 cents. Thomas Henry, "Depreciation Lands—Pennsylvania Population Company," in Joseph H. Bausman, *History of Beaver County, Pennsylvania: And Its Centennial Celebration*, 2 vols. (New York, 1904), 2:12–29. On land sales, see also Wilkinson, *Land Policy and Speculation in Pennsylvania*, 19–48. On the Northwest Indian War, see Colin G. Calloway, *The Victory with No Name: The Native American Defeat of the First American Army* (Oxford, UK, 2015).

¹³ E. James Ferguson, *The Power of the Purse: A History of American Public Finance, 1776–1790* (Chapel Hill, NC, 1961), 331–33.

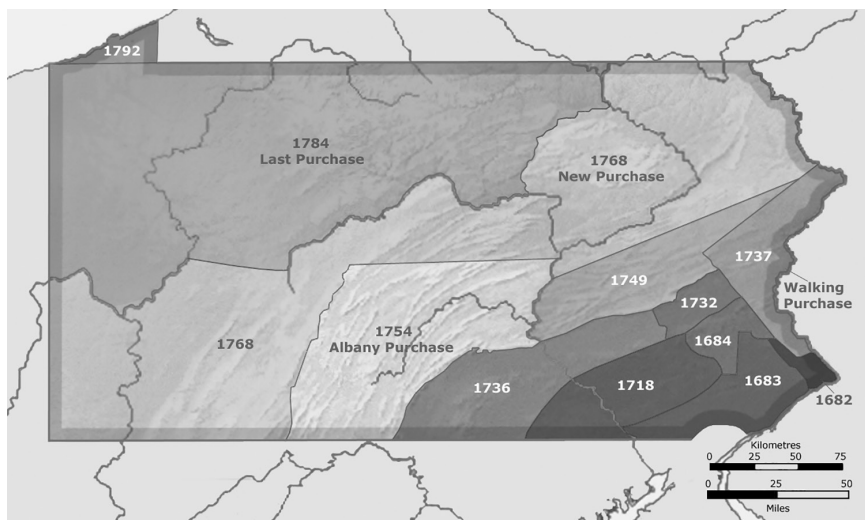


Fig. 2: Pennsylvania's land purchases. Image accessed at https://commons.wikimedia.org/wiki/File:Pennsylvania_land_purchases.png.

Once the state's finances were secure, its legislators turned their attention toward economic development. As part of this vision, government officials and prominent Philadelphia businessmen formed the Society for Promoting Improvements in Roads and Inland Navigation, electing Robert Morris as president. Members imagined a road and canal network that would weave throughout the state, linking Philadelphia with a thriving agricultural hinterland and creating a commercial power in the process. To this end, in March 1792 the state purchased the Erie Triangle from the United States, making it possible that an all-Pennsylvania route could connect Philadelphia to the nation's West.¹⁴

That April, the legislature passed a law to regulate land sales to the public. Recognizing that speculators and settlers had already picked over the best lands in much of the state, the law drastically lowered the price of most of the state's land to two pounds, ten shillings per hundred acres. In the Last Purchase, the legislature set prices for the remote lands east of the Allegheny River and Conewango Creek at five pounds per hundred

¹⁴ Carl B. Lechner, "The Erie Triangle: The Final Link Between Philadelphia and the Great Lakes," *Pennsylvania Magazine of History and Biography* 116 (1992): 59–85; Harry M. Tinkcom, "Presque Isle and Pennsylvania Politics, 1794," *Pennsylvania History* 16 (1949): 97. Robert Morris became one of Pennsylvania's first two United States senators in 1789.

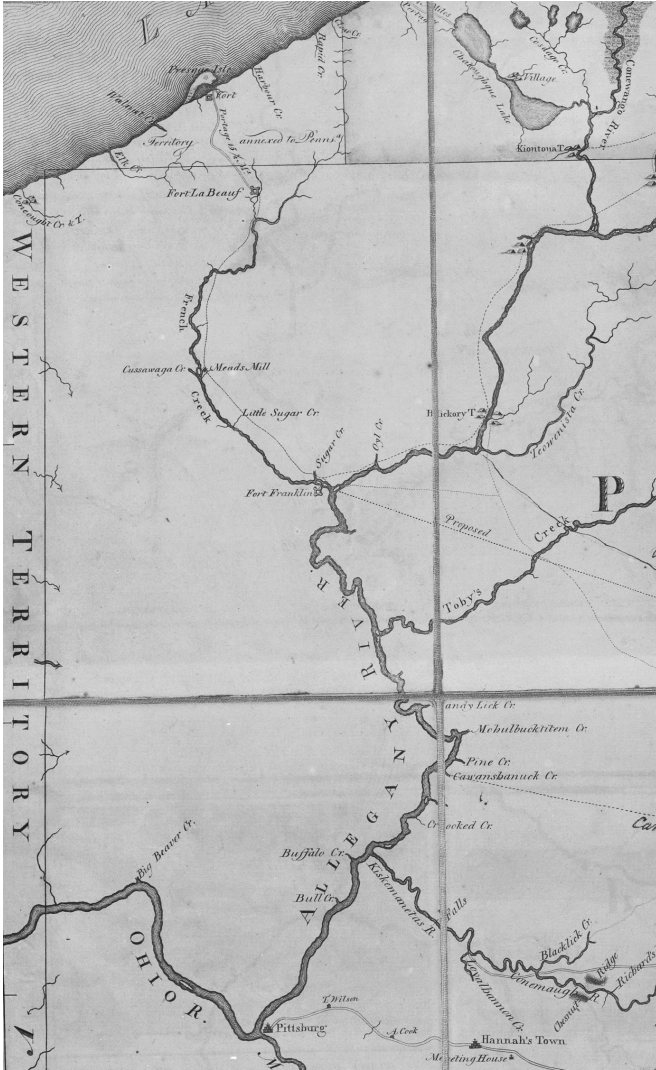


Fig. 3: Inset from the 1791 map of Pennsylvania made by John Adlum and John Wallis, including all of the area priced at seven pounds, 10 shillings per hundred acres according to the 1792 land law. John Adlum and John Wallis, “A map exhibiting a general view of the roads and inland navigation of Pennsylvania, and part of the adjacent states: Respectfully inscribed to Thomas Mifflin, governor, and the General Assembly of the commonwealth of Pennsylvania” (Philadelphia, 1791). Image accessed at <http://maps.bpl.org/id/14507>. Map reproduction courtesy of the Norman B. Leventhal Map Center at the Boston Public Library.

acres. The assembly priced the more desirable lands north and west of the Ohio and Allegheny Rivers and Conewango Creek at seven pounds, ten shillings per hundred acres. At these prices, legislators and speculators alike could foresee a dense population of settlers covering Pennsylvania's newly opened frontier.¹⁵

At first blush, the 1792 land law appeared to favor common settlers over speculators. The law established a four hundred-acre limit for purchasers and banned anyone but the state's deputy surveyors from surveying in the region. Aimed at preventing land agents from surveying vast tracts of land for single purchasers, these measures would theoretically preclude large-scale speculation. Also, while the state normally expected the purchase of a warrant and a survey before settlement, the law recognized the longstanding tradition of squatting in the province by allowing squatters to clear and cultivate their property prior to purchasing a warrant for their lands. In addition, the law demanded actual settlement: within two years, any purchaser needed to clear, fence, and cultivate at least two acres out of every hundred acres purchased. The buyer also had to live on the property afterward for five years or else forfeit the purchase. Like the surveying requirements, this provision would make it difficult for speculators to hoard lands while waiting for property prices to rise.¹⁶

However, well-crafted loopholes within the law allowed speculators to exploit its seemingly populist intent. The law eliminated property taxes on the land for ten years, allowing speculators breathing room to sell their purchases without drowning in taxes on hundreds of thousands of acres. Most importantly, the legislature allowed purchasers to either settle the land "or cause the same to be cultivated," opening the way for purchasers to rent their lands or hire companies of men to make improvements over a vast territory. Finally, in recognition of the turbulent political situation, the law stated:

If any such actual settler, or any grantee in any such original or succeeding warrant, shall, by force of arms of the enemies of the United States, be prevented from making such actual settlement, or be driven therefrom, and

¹⁵ James T. Mitchell and Henry Flanders, eds., *The Statutes at Large of Pennsylvania from 1682 to 1801*, 18 vols. (1879–1915; repr., Harrisburg, PA, 2001), 14:232–39, available online at <http://www.palrb.us/statutesatlarge/17001799/1792/0/act/1624.pdf>.

¹⁶ *Ibid.* On the tradition of "quiet possession" of land through squatting, see Mary M. Schweitzer, *Custom and Contract: Household, Government, and the Economy in Colonial Pennsylvania* (New York, 1987), 97–101.

shall persist in his endeavors to make such actual settlement as aforesaid, then, in either case, he and his heirs shall be entitled to have and to hold the said lands, in the same manner as if the actual settlement had been made and continued.¹⁷

Given the events of the Northwest Indian War, this prevention provision became critical, allowing speculators to suspend their attempts at actual settlement.

Speculators

Speculators moved quickly to capitalize on the low land prices stemming from the 1792 law. In perhaps the most egregious abuse of Pennsylvania's land system, the state's comptroller, John Nicholson, created the Pennsylvania Population Company to acquire most of the 202,000-acre Erie Triangle. Along with a consortium of four Dutch banking houses known as the Holland Land Company, the Population Company would become a dominant player in northwestern Pennsylvania's land market. Initially, Nicholson and the other members of the Population Company studiously gathered political and financial contacts while incorporating. Nicholson arranged to purchase the Erie Triangle indirectly through the common practice of falsely registering different names on 640 land warrants for 400 acres apiece, thereby avoiding the legal limit of 400 acres per purchaser. The named people yielded their lands to Nicholson and the Population Company for a modest payment.¹⁸

The names on the warrants included Joseph Nourse and Edmund Randolph, the register general and attorney general of the United States; John Donaldson, the register general of Pennsylvania, who oversaw Nicholson's activities as comptroller; John Nixon, the president of the Bank of North America; and the Republican merchant Charles Pettit. The New York senator Aaron Burr sat on the company's board from 1794 to 1796. The agent for the Penn family at Fort Pitt, Tench Francis, acted as the

¹⁷ Mitchell and Flanders, *Statutes at Large*, 14:232–39.

¹⁸ Population Company: Robert D. Arbuckle, "John Nicholson and the Pennsylvania Population Company," *Western Pennsylvania Historical Magazine* 57 (1974): 353–85; R. Nelson Hale, "The Pennsylvania Population Company," *Pennsylvania History* 16 (1949): 122–30. For another example of indirect purchase, see General William Irvine's acquisition of roughly two thousand acres around Brokenstraw Creek in Nicholas B. Wainwright, *The Irvine Story* (Philadelphia, 1964), 9–10. Pennsylvania's surveyor general at the time, Daniel Brodhead, also purchased land under false names. See Henry, "Depreciation Lands," 2:1230.

company cashier. Out of 2,500 hundred shares in the company, Pennsylvania governor Thomas Mifflin received 400. The Revolutionary War general Walter Stewart owned 247 shares. The Holland Land Company controlled another 1,000 shares. The wealthy speculators Robert Morris and James Wilson took seats as company managers.¹⁹

In another wise move, the company enlisted the services of surveyors and Land Office staffers. Surveyor General Daniel Brodhead was a friend and partner of Nicholson. Various deputy surveyors either worked for the company as land agents or owned company shares, including Daniel Leet, John Hoge, Ennion Williams, and General William Irvine, who directed the Donation Land surveys. Nicholson used other connections in the Land Office to influence the clerk Edward Robinson to backdate warrants filed in 1793 to May 1, 1792, in order to prevent potential rivals from interfering with the company's purchases. In return, Robinson received 490 acres. By collecting favors and distributing shares among the politically and financially connected, the company's managers sought to ensure enough support to prevent their venture from failing due to political pressure or undercapitalization. As a result of its connections, the company came to control not only the Erie Triangle but also another three hundred thousand acres of land north of Fort Pitt, the majority of which lay in the Donation Lands.²⁰

While the 1792 law paid dividends for speculators, the state of Pennsylvania failed to benefit as much as legislators had expected. Enormous buying activity took place: between 1792 and 1794, the state issued warrants for almost ten million acres of land. However, a small handful of speculators controlled most of the warrants, and they failed to pay in full for their lands. By the spring of 1794, buyers had actually paid for less than 750,000 acres. In April, the Pennsylvania legislature passed a law to compel payment and address the backlog of applications for land. Beginning on June 15, 1794, no more land could be bought in the New Purchase or Erie Triangle, and old applications for those lands would be void unless paid in full by that time.²¹

¹⁹ Arbuckle, "John Nicholson," 355–59.

²⁰ Ibid., 355–56; Hale, "Population Company," 125–27. Hale notes that Hoge voted "not guilty" as a state senator in the state's 1794 impeachment proceedings against Nicholson, who was ultimately acquitted for mishandling state funds.

²¹ Wilkinson, *Land Policy and Speculation in Pennsylvania*, 126–35. These numbers are from the Pennsylvania Assembly—the governor's office believed that only four million acres had not been fully purchased.

Iroquois Struggles

The land laws of the early 1790s came on the heels of a series of events that left the Iroquois distressed and divided. First, the American Revolution split the community: while many Oneidas and Tuscaroras chose to support the Patriots, most of the Iroquois aligned themselves with the British. The war's aftermath split the community again: some Iroquois decided to remain on their traditional homelands while negotiating limited land sales with the Americans, while others cast their lot with the British in Canada. Most of the latter eventually relocated to a reservation along the Grand River in a migration spearheaded by the Mohawks, traditionally the easternmost nation of the Iroquois.²²

After the war, several Iroquois leaders emerged, backing different survival strategies for continued independence. The Mohawk war leader Joseph Brant concentrated on convincing the Six Nations to withdraw to Grand River while keeping communications open with the Indians of the Ohio Country. By maintaining control over western New York and northwestern Pennsylvania, along with lands in Ohio, Iroquoia would exist as a buffer state between the United States and the British Empire. Pursuing this strategy would move the main council fire of the Six Nations to Canada and risked hostility with the Americans down the road. Brant found his primary opposition in Cornplanter and Red Jacket. An Allegany Seneca and a war hero of similar stature to Brant, Cornplanter's people lived along the border between northwestern Pennsylvania and western New York, a region with easier navigation to Pittsburgh than to Niagara. White settlers would soon surround the region, and the Allegany would need to trade with them in order to survive. Emphasizing the need for peace after the devastation of the Sullivan and Broadhead campaigns in Iroquoia, Cornplanter primarily sought to placate the Americans while he maneuvered for the security of the Allegany Senecas' lands. Unlike Cornplanter, Red Jacket had a reputation for cowardice during the war, but his cunning and talent for negotiation allowed him to emerge as a

²²Timothy J. Shannon, *Iroquois Diplomacy on the Early American Frontier* (New York, 2008), 170–202. The move to Canada echoed a Mohawk policy from the prerevolutionary era. At the 1768 Treaty of Fort Stanwix, in response to Sir William Johnson's attempts to renegotiate the Proclamation Line to the west, and thus gain more lands for white settlement, the Mohawks allowed two villages to formally fall inside the bounds of the British Empire. However, they negotiated to ensure their full title to those lands. William J. Campbell, *Speculators in Empire: Iroquoia and the 1768 Treaty of Fort Stanwix* (Norman, OK, 2012), 106–8, 134–38, 192–93; Taylor, *Divided Ground*, 44.

peacetime leader by the 1790s. He developed a compromise strategy, seeking to maintain Iroquois neutrality between the British and the Americans for as long as possible. As with Brant and Cornplanter, Red Jacket's position as a Seneca from the Buffalo Creek community also influenced his attitude; his local community was situated along the border between New York and Canada, well-positioned as the central location for a buffer state.²³

At Fort Stanwix in 1784, Brant agreed to conduct preliminary negotiations over territorial boundaries with the state of New York. However, the Iroquois had yet to sign a formal peace treaty with the United States after the Revolutionary War, and they refused to make permanent decisions about New York's land claims prior to negotiating peace. Brant left soon thereafter to consult with Quebec's governor, Frederick Haldimand, for a grant of land at Grand River. Because Brant was not present for later negotiations at Fort Stanwix with Pennsylvania and the United States, Cornplanter emerged as a principal negotiator in the treaty that established peace. The final terms also erased Iroquois claims to the Ohio Country and almost all of northwestern Pennsylvania, whittling away the corridor to the western Indians. With his absence, Brant avoided signing the peace treaty or the humiliating land cessions. He and a council of the Iroquois at Buffalo Creek later disavowed the results of the Treaty of Fort Stanwix.²⁴

While Brant courted better relations with the British, Cornplanter and his people suffered at the hands of their nominal allies, the Americans. At Fort Stanwix in 1784, he had negotiated the best deal he could, receiving a personal promise for one thousand dollars and two rifles in addition to the right to monitor the survey line between Pennsylvania and New York. United States officials kept these provisions in documents separate from the treaty and avoided fulfilling their promises. More importantly, while Cornplanter thought that he had guaranteed permanent hunting rights for his people in the ceded land, he discovered in 1785 that these rights only applied to the land until whites improved it. With his people disgusted over the terms of the treaty, which had netted the Iroquois only five thousand dollars in goods, Cornplanter began to fear for his life. He unsuccess-

²³Taylor, *Divided Ground*, 10, 111–17, 154–62, 250–87, 313–15; Richter, *Trade, Land, Power*, 207; Christopher Densmore, *Red Jacket: Iroquois Diplomat and Orator* (Syracuse, NY, 1999), 29–59.

²⁴Isabel Thompson Kelsay, *Joseph Brant, 1743–1807: Man of Two Worlds* (Syracuse, NY, 1984), 361–63; Richter, *Trade, Land, Power*, 219–20; Abler, *Cornplanter*, 61–72; Taylor, *Divided Ground*, 154–62.

fully sought relief from Congress in the spring of 1786, pledging support to the United States and asking for a new Indian superintendent who would guarantee that no white settlers trespassed on their lands. By 1787, robberies and murders at the hands of whites in the Pittsburgh region forced the Allegany Senecas to abandon trading there and to assent to the construction of Fort Franklin on French Creek.²⁵

Later, Brant attempted but failed to prevent the 1789 Treaty of Fort Harmar, in which Cornplanter and others reaffirmed the sale of the Ohio Country, including the Erie Triangle. Dispossessed Iroquois again renounced the results of these treaties, but the federal government ignored their complaints. At Fort Harmar, Cornplanter again negotiated with Pennsylvania for hunting and fishing rights in the Erie Triangle, along with a small reservation of land, only to find after later surveys that the “reserved” lands were instead part of New York, to which Pennsylvania had no rights. En route to collect payment for this treaty at Pittsburgh, where the Senecas received moth-eaten blankets instead of their promised goods, whites robbed his people three times. Among the items stolen was a title for 640 acres in Ohio, partial payment for Cornplanter’s cooperation. After whites murdered more Allegany Senecas on Pine Creek in central Pennsylvania, Cornplanter conducted a visit to Philadelphia in 1790 to receive justice for his people, but the Pennsylvania government delayed him there for six months. He eventually received personal rights to a tract of about fifteen hundred acres in northwestern Pennsylvania, along with payment of a few hundred dollars. On the way home, Virginia militiamen again robbed his party near Pittsburgh.²⁶

Meanwhile, in the West, Indians in the Ohio Valley continued to wage war with American armies. As neutral parties, Cornplanter and other Seneca chiefs had tried to intercede with the Ohio Indians on behalf of the United States in 1791. With words carefully chosen to emphasize their own needs, they wrote to George Washington that they would attempt to “perswade the Wyandots, and other Western Nations to open their Eyes, and look towards the Bed which you have made for us, and to ask of you a bed for themselves, and for their Children, that will not slide from under them.” As late as 1793, Cornplanter still played a role as conciliator, help-

²⁵ Richter, *Trade, Land, Power*, 210–18.

²⁶ *Ibid.*, 218–24. Ohio land title: Abler, *Cornplanter*, 77–79. Congressional visit: Donald H. Kent, *Iroquois Indians*, vol. 1, *History of Pennsylvania Purchases from the Indians* (New York, 1974), 128–31. Congress asked for Cornplanter to negotiate for peace with the western Indians in 1786.

ing to lead an Iroquois delegation to the Ohio Valley in order to convince western Indians to forge a lasting peace with the Americans. His hosts imprisoned his party, and he and others were poisoned. Several died. Eventually, the Allegany Senecas returned to their homes in Pennsylvania, where increasing white settlement activity rendered their hunting rights worthless. In addition, their people soon succumbed to a virulent strain of dysentery brought from the West. In the words of the historian Anthony F. C. Wallace, this period saw the Iroquois nations' "declining confidence in their ability to survive as a people."²⁷

War between the United States and the Ohio Country Indians escalated, leading to a decisive defeat for Harmar's American forces in 1790 followed by St. Clair's disastrous American campaigns in 1791. Hoping to capitalize on the tensions in the West, Brant pushed successfully for the British to construct a fort south of Detroit, near present-day Toledo. By 1794, they built Fort Miami, the location of which—well within the territorial claim of the United States—signaled British intentions to support Ohio Country Indians and undermine American authority in the West. Despite this step, Brant did not join the war, and his continued neutrality harmed his status among the Ohio Indians. The British governor of Upper Canada, John Simcoe, attempted to take advantage of this situation. He reached out to Cornplanter, promising him a pension and giving him gifts while encouraging him to join the Ohio Indians' cause. By the summer, feeling isolated and betrayed, the Allegany Senecas seriously considered going to war with the United States. If this occurred, it would seriously threaten speculators' plans.²⁸

John Adlum's Surveys

By the summer of 1794, the legislature canceled land sales throughout most of the state, but land in the thinly settled Last Purchase remained available. Those who arrived first on the scene would get the best lands,

²⁷ Wiley Sword, *President Washington's Indian War: The Struggle for the Old Northwest, 1790–1795* (Norman, OK, 1985), 96–119, 176–89; "To George Washington from the Seneca Chiefs, 7 February 1791," *Founders Online*, National Archives, last modified June 29, 2017, <http://founders.archives.gov/documents/Washington/05-07-02-0189>. Poison: Abler, *Cornplanter*, 93–94; Tinkcom, "Presque Isle and Pennsylvania Politics, 1794," 96–121; Anthony F. C. Wallace, *The Death and Rebirth of the Seneca* (1970; repr., New York, 1972), 196–97.

²⁸ Fort Miami: Robert M. Owens, *Red Dreams, White Nightmares: Pan-Indian Alliances in the Anglo-American Mind, 1763–1815* (Norman, OK, 2015), 113–14; Taylor, *Divided Ground*, 266–87.

but many whites feared to enter the region. In mid-May 1794, Andrew Ellicott attempted to survey in the Erie Triangle for the state but had to withdraw to Fort LeBoeuf. In response, Governor Mifflin authorized a force of one thousand militiamen to protect Ellicott's operations. President Washington vetoed this action, knowing that any further antagonizing of the Senecas could lead to war, which would threaten Wayne's campaign in the Ohio Country.²⁹

By the middle of June, surveying across much of the north of the state halted in response to western Indians crossing the Allegheny River into central Pennsylvania. Reports about Seneca intentions presented a confused picture. Local merchant Daniel Ransom believed that Cornplanter had "been bought by the British" and was stockpiling weapons on his land in anticipation of a joint invasion of French Creek. In contrast, for John Lytle, who had accompanied government surveys south of the Erie Triangle, "the Cornplanter acted artfully, in order to obtain presents, but honestly, for he communicated every thing to the commanding officer at Fort Franklin, even a private letter from Joseph Brant."³⁰

It was in the midst of these failed surveys that the former Pennsylvania deputy surveyor John Adlum arrived in western Pennsylvania with the intention of doing business on a large scale for Pennsylvania state senator William Bingham, Supreme Court justice James Wilson, and the Holland Land Company. In 1793, Wilson and the Holland Land Company's agent Theophilus Cazenove concocted a scheme to arrange for the warranting of one million acres in northwestern Pennsylvania through the purchase of depreciation certificates, mirroring the Population Company's grab for the Erie Triangle. In return for capital, Wilson would transfer half of these acres to the Holland Land Company, which could not purchase depreciation certificates because of its foreign status. This was a clever plan, but powerful and connected financial operators like James Wilson could not execute land speculations on their own. Based in the East, these men could only oversee one end of the transaction with the new government. They

²⁹ Ellicott: Catherine Van Cortlandt Mathews, *Andrew Ellicott: His Life and Letters* (1908; repr., Alexander, NC, 1997), 93–100. Washington's intervention: Tinkcom, "Presque Isle and Pennsylvania Politics, 1794," 96–121.

³⁰ Halted surveys: Paul A. W. Wallace, "Jacob Eyerly's Journal, 1794: The Survey of Moravian Lands in the Erie Triangle," *Western Pennsylvania Historical Magazine* 45 (1962): 19–20; "Philadelphia, July 2," *Pennsylvania Gazette* (Philadelphia), July 2, 1794. Ransom: Hazard et al., *Pennsylvania Archives*, 2nd ser., 6:736–37. Lytle: "NORTHUMBERLAND, July 2," *Pennsylvania Gazette* (Philadelphia), July 16, 1794. The *Pennsylvania Gazette* is available online via Accessible Archives.

had to trust others in the West to conduct their purchases on the ground, scouting out and seizing the best lands before other great or petty speculators could fall upon them.³¹

Surveyors often acted as the agents for land speculations. In some cases, men who worked for the state as deputy surveyors speculated on the side and still retained their government commissions. Forced to resign his deputy surveyorship to concentrate on what early Americans referred to as “land jobbing,” by 1793 Adlum had surveyed more than six hundred thousand acres for William Bingham in the Last Purchase in north-central Pennsylvania, in addition to working with the speculator Samuel Wallis. His deal with Bingham guaranteed Adlum a yearly expense account, one third of the profits from all land sales, and a percentage of the unsold land remaining after five years. In the summer of 1794, negotiations ensued between Adlum, Wallis, Bingham, and Governor Mifflin about how best to exploit the rich bottomlands of the French Creek region that Adlum had scouted out years before. Bingham came to an agreement with Wilson and Cazenove to jointly employ Adlum. His previous time as a deputy surveyor would make it easy for the surveyor general’s office to rubber-stamp any surveys he conducted, despite laws forbidding surveys not conducted by deputy surveyors.³²

From the beginning of his surveying expedition to French Creek in 1794, Adlum struggled to buy himself enough time to complete his work. On May 30, Indians attacked some nearby settlers, killing a handful of whites. This caused a panic in the area, as the whites feared that the Northwest Indian War would come to the Pittsburgh region. Lacking longstanding connections with local Senecas and uncertain of their own abilities to defend themselves until Wayne’s army could bail them out, the area’s squatters fled. They could not match Adlum’s resources or dogged-

³¹ Kent and Deardorff, “John Adlum on the Allegheny, Part I,” 275–76; Walter J. McClintock, “Title Difficulties of the Holland Land Company in Northwestern Pennsylvania,” *Western Pennsylvania Historical Magazine* 21 (1938): 122–24. Bingham became a United States senator in 1795. In another well-known example, William Crawford acted as George Washington’s land agent in the West. See C. W. Butterfield, ed., *The Washington-Crawford Letters, Being the Correspondence between George Washington and William Crawford, from 1767 to 1781, Concerning Western Lands* (Cincinnati, OH, 1877).

³² Kent and Deardorff, “John Adlum on the Allegheny, Part I,” 275–76; Kent and Deardorff, eds., “John Adlum on the Allegheny: Memoirs for the Year 1794, Part II,” *Pennsylvania Magazine of History and Biography* 84 (1960): 436. Adlum’s activity in 1793: Robert C. Alberts, *The Golden Voyage of William Bingham, 1742–1804* (Boston, 1969), 228. Adlum’s terms of pay: Munger, *Pennsylvania Land Records*, 142. For examples of the special relationships between major speculators and their chosen surveyors in Pennsylvania, see Wilkinson, *Land Policy and Speculation in Pennsylvania*, 78, 121–22. The percentage of unsold land owed to Adlum is not clear, but it may have also been a third.

ness, and their unwillingness to stay in the Allegheny Valley during the summer gave him a great opportunity. He had heard similar rumors the previous summer and believed that rival speculators initiated them to drive him out of the area. Nevertheless, he struggled to retain the fifty men he had hired for the expedition. The men mutinied three times, and some sued him when he refused to release them from their contracts.³³

The area that Adlum's backers wanted to claim lay in the midst of the highly valued Seneca lands that maintained a corridor between the Iroquois and the Ohio Country. After years of experience in the trans-Appalachian backcountry, Adlum could relate to the Seneca Indians, which set him apart from his competitors and made him particularly useful to his speculator patrons. Over the previous decade, Adlum had served the state on four expeditions to northwestern Pennsylvania, scouting for potential roadways and canals and sometimes employing local Indians. Several of these surveying expeditions delineated the state's boundaries, which affected Seneca land claims. He also surveyed Cornplanter's personal tracts. On these missions, Adlum developed his knowledge of the region's lands along with a mutual respect for Seneca leaders, especially Cornplanter. Most surveyors never experienced the special access to friendly Indians that Adlum gained by serving on Pennsylvania's commissions for internal improvements. Other surveyors who worked alongside him made little effort to cultivate long-term relationships with the Senecas. Only Adlum put his good standing to use later on as a land agent.³⁴

To succeed in these ventures, Adlum needed to gain safe passage from the Senecas. If he could not do so immediately, his opportunity would be lost, and rivals would seize his claims. Four decades later, he wrote in his memoir:

I had no doubt on my mind but that General Wayne would defeat the Western indians, and that peace would immediately follow, and that soon after the whole Country would be overrun by those peddling Speculators, and be employed in what they called improvements, and the next season the whole territory would swarm with such characters and [they] would drive off all who had paid honestly for their lands.³⁵

³³ Kent and Deardorff, "John Adlum on the Allegheny, Part I," 287–92. Troubles in 1793: Wilkinson, *Land Policy and Speculation in Pennsylvania*, 112.

³⁴ Kent and Deardorff, "John Adlum on the Allegheny, Part I," 268–75; Samuel Maclay, *Journal of Samuel Maclay, While Surveying the West Branch of the Susquehanna, the Sinnemahoning and the Allegheny Rivers, in 1790* (1904; repr., Lewisburg, PA, 2007), 34.

³⁵ Kent and Deardorff, "John Adlum on the Allegheny, Part I," 293.

Adlum felt contempt for these “peddling Speculators” who sought to “seize the land by what they called improvements, and to prevent those who had bought and paid the State for it, from surveying the lands.” As for the improvements, he wrote that they “were made by girdling a few trees, and driving four forked sticks in the ground, and laying two poles across in front and rear of the forks and cover[ing] them with bark—by this they expected to hold four hundred acres of land, and two persons would make upwards of a dozen of them in a day.”³⁶ Squatters would certainly have described their activities with different words, emphasizing their willingness to work clearing lands with their own hands. They believed that the work of transforming woodlands into farms entitled them to the land. Squatters argued that their sweat equity and personal knowledge of the ground created a more legitimate claim to frontier lands than the bits of paper that coastal elites passed around, much of which amounted to little more than a shell game for massively indebted, but well-connected, speculators. Squatters certainly could not compete with grand speculators like those employing Adlum and usually could not pay in cash even for small plots. Settling land without a warrant and building improvements upon it offered an opportunity for men without capital to make something of themselves, and Adlum intended to prevent them from doing so.³⁷

Entering what amounted to a war zone, Adlum came equipped with a letter of recommendation to the commander of Fort Franklin provided by the speculator Thomas Willing. As the Senecas debated whether to stay neutral, join the Ohio Indians, or withdraw to Canada, Adlum also sought an audience with them to request permission to survey. He established his credentials at the outset of this meeting with the Senecas, bringing invitations for negotiations from United States Secretary of War Henry Knox and Pennsylvania’s Governor Mifflin. By pairing his request to survey with his official documents as a peace envoy, Adlum presented his business interests as government sponsored. Beyond this, Adlum worked for the Holland Land Company, which had conducted a purchase with Robert Morris for much of western New York, where most of the Seneca nation lived. To make good on the purchase, Morris would have to pay the Senecas for their land rights. Adlum’s status as an employee of the Holland Land Company therefore placed the Senecas in a delicate position with

³⁶ *Ibid.*

³⁷ *Ibid.*

regard to future, potentially remunerative land deals. Mistreating the company's land agent in 1794 could complicate matters later.³⁸

Adlum knew enough about Iroquois culture to conduct himself with decorum. His initial encounter with them could have gone very badly; in a crowded meeting, the belligerent prowar faction interrupted him as soon as the translators had delivered the first paragraph of his address. As he later recalled, "The young Indians on the beam above, saluted me with an univer[sal] roar, *vulgarly called farting*." Unable to continue without interruption, Adlum kept his head and gave the young men a gift of gunpowder. After that, elders shamed the young men into leaving, allowing Adlum's negotiations to continue.³⁹

The Senecas admired bravery, which Adlum demonstrated by refusing to flinch at ceremonies in which warriors fired guns toward him at close range or used tomahawks to chop the air above his head. As he participated in the Allegany Senecas' war debates, he tailored his message to specific constituencies, based on his prior experiences. When addressing the Seneca women, he emphasized the threat of destruction to their towns and agriculture, for which female Iroquois had responsibility. When he described American victories over outnumbered Indian forces in order to dissuade them from war, he tactfully avoided mentioning battles such as Oriskany and Newtown, in which Senecas had suffered heavy losses, in order to avoid insulting their prowess.⁴⁰

Like many white people in the backcountry, Adlum also knew that the Iroquois held dreams in high regard, believing that they should obey visions conveyed in them. In one example, the local Senecas told Adlum that they had dreamt that he had given them his provisions, including whiskey and hogs. Initially, Adlum tried to deny these requests, saying that he too had dreamt, and that the famous chief Guyasuta did not want him to distribute these items to just anyone. This plan backfired when the Senecas saw Adlum's dream as a bad omen. Ultimately, Adlum changed course, pretending to dream that he would throw a feast for all of the Allegany Senecas, with the idea that he could gather intelligence by count-

³⁸ *Ibid.*, 286–92, 302. Treaty of Canandaigua: Michael Leroy Oberg, *Peacemakers: The Iroquois, the United States, and the Treaty of Canandaigua, 1794* (New York, 2016); Jack Campisi, "From Stanwix to Canandaigua: National Policy, States' Rights, and Indian Land," in *Iroquois Land Claims*, ed. Christopher Vecsey and William A. Starna (Syracuse, NY, 1988), 62–64. The Senecas sold most of their land in western New York in 1797 at the Treaty of Big Tree. See Ablor, *Cornplanter*, 120–34.

³⁹ Kent and Deardorff, "John Adlum on the Allegheny, Part I," 304, emphasis Adlum's.

⁴⁰ *Ibid.*, 275, 301–11; Kent and Deardorff, "John Adlum on the Allegheny, Part II," 444–53.

ing all of the warriors at the council. Recounting these stories of dream manipulation in his later memoir, he boasted about how a clever white man could use Indians' own culture to outwit them.⁴¹

Adlum benefited not only from past relationships with his Seneca friends but also from their mutual enemies: squatters. Acting on their own initiative, the backcountry's common settlers had terrorized Cornplanter and his people, using violence and intimidation to make it virtually impossible for them to trade with Pittsburgh or travel safely through the region. By means of hasty improvements, these petty speculators hoped to convince the authorities of their claims to small plots of land under the 1792 land law and protect those claims against men like Adlum.⁴²

While "peddling speculators" clearly made for poor and unpredictable neighbors, the Iroquois had recognized that grand speculators could make good neighbors beginning in the colonial era, when the Mohawks struck land deals with Sir William Johnson. In the postrevolutionary era, the Mohawks focused on securing a British imperial guarantee of their lands along the Grand River, but this option held little attraction for the Allegany Senecas, who did not desire to abandon their homes. They wanted to work with President Washington and local officials, but they realized that American political authorities might be powerless or unwilling to prevent squatters from staking claim to the region. Powerful and legally adept speculators like the Population Company and the Holland Land Company could perhaps become good neighbors who would slow down the flood of squatters onto Seneca lands.⁴³

⁴¹ Kent and Deardorff, "John Adlum on the Allegheny, Part I," 297–300; Kent and Deardorff, "John Adlum on the Allegheny, Part II," 445–47. For a discussion of how whites and Indians dealt with dreams in colonial Pennsylvania, see Carla Gerona, "Imagining Peace in Quaker and Native American Dream Stories," 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), 41–62. See also Paul A. W. Wallace, *Conrad Weiser: Friend of Colonist and Mohawk* (Philadelphia, 1945), 151–52; Correspondence of Conrad Weiser, vol. 1, p. 33, Conrad Weiser Papers (Collection 70), Historical Society of Pennsylvania, Philadelphia, PA, quoted in Wallace, *Conrad Weiser*, 151; "Indian Proceedings," Mar. 14, 1757, in *The Papers of Sir William Johnson*, 14 vols., ed. Almon W. Lauber (Albany, NY, 1921–62), 9:638, available online at https://archive.org/stream/papersofsirwilli09johnuoft/papersofsirwilli09johnuoft_djvu.txt.

⁴² Richter, *Trade, Land, Power*, 218–24; "To George Washington from the Seneca Chiefs, 17 March 1791," *Founders Online*, National Archives; Sarah E. Miller, "'Foolish Young Men' and the Contested Ohio Country, 1783–1795," in *Contested Territories: Native Americans and Non-Natives in the Lower Great Lakes, 1700–1850*, ed. Charles Beatty-Medina and Melissa Rinehart (East Lansing, MI, 2012), 35–54; Kent and Deardorff, "John Adlum on the Allegheny, Part I," 287–88.

⁴³ Campbell, *Speculators in Empire*, 106–8, 134–38, 192–93; Taylor, *Divided Ground*, 44, 117–25, 290–91.

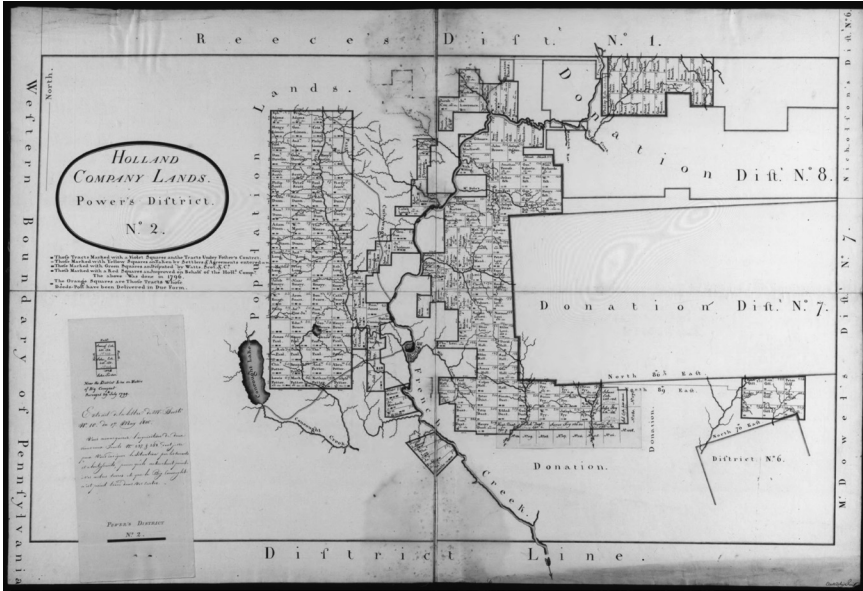


Fig. 4: Map of Holland Company Lands in Power's District 2, 1799. The Holland Land Company purchased this land from the Commonwealth of Pennsylvania. John Adlum acted on behalf of several speculators, including the Holland Land Company, during the summer of 1794. State University of New York at Fredonia Archives and Special Collections; Municipal Archives of Amsterdam; Nederlandse Document Reproductie, B. V., <http://nyheritage.nynln.net/cdm/singleitem/collection/XFM001/id/71/rec/163>.

As a result, while they debated, the Allegany Senecas granted Adlum sixty days of freedom to survey the area below a line running between the present-day site of Meadville on French Creek and the mouth of the Conewango Creek. North of this line, a wedge of land could keep Iroquoia in communication with the Ohio Country. Despite their restrictions, Adlum could still survey several hundred thousand acres. After the sixty days, near the end of September 1794, Cornplanter demanded that Adlum cease working. To signal that his people would soon go to war with the Americans, he granted Adlum a gift of moccasins, saying that he could use them in battle against the Senecas when the time came for them to strike. With this gift in mind, Adlum left his final meeting with Cornplanter convinced that the Senecas would join the war effort and attack the Pennsylvania frontier in late September or early October.

However, news of the American victory at Fallen Timbers in late August arrived soon thereafter. The Senecas reconsidered and maintained peace with their neighbors.⁴⁴

Through luck, skill, and connections, Adlum had managed to act when his competitors panicked. Nevertheless, the success of his mission depended entirely on Seneca toleration of his presence near the Erie Triangle. That they did tolerate his surveys in the midst of their deliberations on war should be surprising. It could suggest indecision or genuine friendliness toward Adlum, but it can also be seen as an attempt to hedge against the future. The Senecas refused to allow Adlum to operate in the northern reaches of French Creek in order to keep a corridor open to the West. Banning Adlum from surveying the southern portion of this area would not have long prevented squatters and speculators from making their way back to the region. On the other hand, befriending him cemented relationships with potentially valuable neighbors, regardless of whether the Allegany Senecas embraced peace or war.

The Aftermath of the Crisis

In the aftermath of the crisis of 1794, the federal government secured peace by conducting the Treaty of Canandaigua with the Six Nations in November 1794 and the Treaty of Greenville with the Ohio Indians in August 1795. These treaties permanently severed the territorial connection between the Iroquois and the Ohio Indians. Frontiersmen's fears of Indians abated, replaced instead by the fear of an aggressive central government. Washington's decision to mobilize a large army to put down the Whiskey Rebellion in the fall of 1794 signaled the power of the American administration to all of the frontier's inhabitants. By 1795, as the turmoil in the region subsided, settlers began trickling into northwestern Pennsylvania once again.⁴⁵

While land companies had snapped up much of the best land in the region, the law had stated that the claimed ground had to be settled and

⁴⁴ Kent and Deardorff, "John Adlum on the Allegheny, Part I," 302–15; Kent and Deardorff, "John Adlum on the Allegheny, Part II," 435–39, 451–63; Wilkinson, *Land Policy and Speculation in Pennsylvania*, 119–20.

⁴⁵ Shannon, *Iroquois Diplomacy*, 206–9; Sword, *President Washington's Indian War*, 323–31; Thomas Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York, 1986). For Adlum's role in the Whiskey Rebellion, see Kent and Deardorff, "John Adlum on the Allegheny, Part II," 472–79.

improved within two years, unless interrupted by Indian attack. Hundreds of settlers began to squat on claimed lands, believing that the land companies would forfeit the rights to the undeveloped lands they purchased in 1792 and 1793. However, the state board of property began issuing "prevention certificates" to the land companies, allowing them to maintain control over their acreage because the Northwest Indian War had prevented them from settling it. Pennsylvania's courts ruled that the companies had until December 22, 1797, to settle their lands. In a further blow to squatters, the court also ruled that settlers could not legally possess undeveloped lands without a new warrant from the state. Any such squatting would amount to a prevention of settlement, similar to an Indian attack.⁴⁶

In 1799, Republicans came to power in Pennsylvania, casting doubt on the legality of the prevention certificates. This political reversal led to more squatters taking their chances on entering the region. The New England surveyor who acted as the Population Company's agent in the late 1790s and early 1800s, Judah Colt, described the abilities of squatters to disrupt grand speculations. In the summer of 1797, he wrote, "It was more than once mobs of men from 20 to 30 would assemble for the purpose of destroying houses and for other mischief." By tearing down the improvements that the company's workers erected, these settlers hoped to establish their own improvement claims on the land that the company had surveyed and purchased. Colt spent much of his time indicting rioters for destroying improvements and ejecting squatters from company lands. He also employed one hundred men to frighten off potential squatters, and the Population Company encouraged legitimate settlers to build improvements along the edges of their property so that they would appear to occupy neighboring tracts.⁴⁷

By 1804, twenty-four separate ejection suits against squatters passed before the federal circuit court in Philadelphia. Eventually, the Supreme Court of the United States confirmed the land companies' rights against squatters. John Marshall's decision in *Huidekoper's Lessee v. Douglass* (1805)

⁴⁶ Dinsmore, "Courts and Western Pennsylvania Lands," 96–124. The Holland and Population Companies combined purchased 1.4 million acres in the Last Purchase. For an estimate of settled lands, see McClintock, "Title Difficulties of the Holland Land Company in Northwestern Pennsylvania," 127–29.

⁴⁷ Dinsmore, "Courts and Western Pennsylvania Lands," 104–5; Arbuckle, "John Nicholson," 374. On Colt's activities, see Judah Colt, *Judah Colt's Narrative: Experiences as Pioneer Surveyor in Western New York, and as Agent for the Pennsylvania Population Company, 1789–1808* (1904; repr., Ithaca, NY, 1994), 351–52, 356; Arbuckle, "John Nicholson," 374–75, 384; Hale, "Population Company," 128–29.

stated that land grantees who “persisted in . . . endeavors to make . . . settlement and residence” were “excused from making . . . actual settlement” if Indian hostilities drove them off the land. Despite this ruling, which should have quashed squatters’ rights to the lands, the ongoing legal battles and physical disputes drained the speculators’ resources. For example, the Holland Land Company felt compelled to offer tracts of one hundred acres for free if the settlers would stay on the land and improve it, enabling the company to claim a four hundred-acre tract. One family of three resourceful brothers, the McNairs, trespassed upon and claimed 240 tracts of the Population Company’s lands, amounting to nearly 100,000 acres. Due to the McNairs’ penchant for destroying company improvements and their ability to physically intimidate surveying crews, the company opted to employ the family as overseers during the late 1790s rather than continue to battle them. These kinds of struggles with local settlers made it difficult to monetize the companies’ claims.⁴⁸

Despite their early advantages, the land companies ultimately failed to make a profit. By 1797, the leader of the Population Company, John Nicholson, had overstretched himself financially, forcing him to sell most of his shares in the company. In 1798, Nicholson relinquished the presidency of the company, and a series of sheriff’s sales liquidated more than four hundred thousand acres of his property in order to cover his debts. Similarly, the Holland Land Company invested significantly in its northwestern Pennsylvania lands but could not sell many of them. In 1810, its leaders decided to unload their remaining lands for a loss of approximately 75 percent on the money they had invested.⁴⁹

Private speculators also experienced mixed results. Overstretched by the debt accrued from various land speculations, Adlum’s patron James Wilson landed in jail twice in 1797 for failure to pay his creditors. He fled to North Carolina and died the following year. However, through luck

⁴⁸ Elizabeth K. Henderson, “The Northwestern Lands of Pennsylvania, 1790–1812,” *Pennsylvania Magazine of History and Biography* 60 (1936): 131–60, esp. 151; M. Ruth Reilly Kelly, “Rightfully Theirs and Valid in the Law: Western Pennsylvania Land Wars, 1792–1810,” *Pennsylvania History* 71 (2004): 25–51; *Huidekoper’s Lessee v. Douglass*, 7 US (3 Cranch) 1 (1805), available online at <https://supreme.justia.com/cases/federal/us/7/1/case.html>; McClintock, “Title Difficulties of the Holland Land Company in Northwestern Pennsylvania,” 127. The McNairs were leading men in western Pennsylvania, and Dunning McNair had a commission as a colonel. See Marian Silveus, “McNair Correspondence: Land Problems in Northwestern Pennsylvania,” *Western Pennsylvania Historical Magazine* 18 (1935): 237–54.

⁴⁹ Arbuckle, “John Nicholson,” 353–85; Hale, “Population Company,” 122–30; Paul Demund Evans, *The Holland Land Company* (Buffalo, NY, 1924), 160.

and good management, Adlum's other patron, William Bingham, profited from selling many of his Pennsylvania lands. His heirs held on to a large reserve in the New Purchase near Bradford, and the estate profited immensely following the discovery of oil on the property in 1878.⁵⁰

Norman Wilkinson has argued that allowing speculators to profiteer on Pennsylvania's lands delayed development by scaring off potential settlers, thereby reducing the potential population and long-term revenues for the state, but this argument is difficult to assess. It is true that the defeat of the Whiskey Rebellion and the *Huidekoper's Lessee* ruling made it clear that elites would dominate Pennsylvania's western backcountry. However, while northwestern Pennsylvania experienced significant court struggles that were likely to frighten away settlers looking to purchase land, grand speculators came to control much of the American frontier, making Pennsylvania's frontier situation commonplace. In addition, while there were certainly good bottomlands in northwestern Pennsylvania, the region as a whole did not present an attractive profile to farmers. In terms of its weather and soil profile, northwestern Pennsylvania did not compare favorably with neighboring northeastern Ohio or many other regions along the Ohio River. Nevertheless, one could speculate that a more settler-friendly legal regime could have made Pennsylvania's plans for developing a network of canals between Erie and Philadelphia more realistic.⁵¹

Cornplanter's actions during the crisis of 1794 helped squeeze squatters out of northwestern Pennsylvania, ensuring the speculators' claims. In return for his friendship to the state, he received a grant of land from Pennsylvania that he maintained until his death, along with a dispensation on taxes while he or his heirs lived there. In 1794 and 1797, Cornplanter, Red Jacket, and others participated in the Treaties of Canandaigua and Big Tree, which sold much of the remaining Iroquois lands in upstate New York, leaving a few reservations amounting to 340 square miles. Squatters never overran their remaining lands, but the Senecas lost their prior exten-

⁵⁰ Alberts, *The Gold Voyage*, 432; Arbuckle, "John Nicholson," 383–84; Mark David Hall, *The Political and Legal Philosophy of James Wilson* (Columbia, MO, 1997), 31. Like Wilson, John Nicholson and Robert Morris both served time in a Philadelphia debtors' prison. Nicholson did not survive his sentence, dying in 1800. See Blake A. Watson, *Buying America from the Indians: Johnson v. McIntosh and the History of Native Land Rights* (Norman, OK, 2012), 193–94.

⁵¹ Wilkinson, *Land Policy and Speculation in Pennsylvania*, vi. For an example of speculators in other locations, see Paul W. Gates, *Landlords and Tenants on the Prairie Frontier* (Ithaca, NY, 1973). On weather, see the USDA's plant hardiness map: <http://planthardiness.ars.usda.gov/PHZMWeb/#>. Whereas inceptisols predominate in the soil of northwestern Pennsylvania, alfisols that are superior for agriculture predominate in much of the Midwest, including northeastern Ohio. On soil, see United

sive hunting and fishing rights and could no longer live as they had. In 1798, the Quaker missionary Halliday Jackson recorded Cornplanter's dissatisfaction with their current situation:

our Forefathers once lived in ease and plenty, but the White People have not dealt honestly with us, they have taken away our Lands, and drove us into the Wilderness, and now we have but little Land left, we are determined to try to learn your ways. . . . we cant [*sic*] all go to work at Once, because of the scarcity of axes and Hoes and the implements necessary to assist us in tilling the Ground, and we are poor, we are not able to buy more.

Like other Iroquois leaders of the postrevolutionary period, Cornplanter benefited personally from the treaties he conducted, especially through gaining personal land grants. He now adapted to the local settlers' market, selling whites alcohol and building a sawmill on his property. By 1806, when Jackson returned, Cornplanter had lost his influence over the Allegany Seneca, prompted by accusations of corruptly mishandling both the treaties and his timber business. Most of his former supporters moved away to a new village in Coldspring, New York, to follow the prophetic teachings of his half-brother, Handsome Lake. The "Good Message" included adopting whites' agricultural practices. In Pennsylvania, Cornplanter's descendants remained on his lands until the construction of the Kinzua Dam during the 1960s flooded most of them. For a while, at least, Cornplanter had secured a bed that could not slide from underneath his people.⁵²

Most of the players involved in the scramble for land in 1794 failed to reap much profit from their actions. However, in contrast to the speculators, who took on financial risk, the surveyor John Adlum had taken on a physical one, and he received a handsome reward for his role as middleman and frontier diplomat. His payment during his lifetime is unknown, but by

States Department of Agriculture Soil Survey Staff, *Soil Taxonomy: A Basic System of Soil Classification for Making and Interpreting Soil Surveys* (Washington, DC, 1999), http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_051232.pdf. See also the inset map in Daniel K. Richter, "The First Pennsylvanians," in *Pennsylvania: A History of the Commonwealth*, ed. Randall M. Miller and William Pencak (University Park, PA, 2002), 20. Construction of New York's Erie Canal began in 1817. See Carol Sheriff, *The Artificial River: The Erie Canal and the Paradox of Progress, 1817-1862* (New York, 1996).

⁵² Abler, *Cornplanter*, 111-200; Densmore, *Red Jacket*, 54-56; Anthony F. C. Wallace, "Halliday Jackson's Journal to the Seneca Indians, 1798-1800," *Pennsylvania History* 19 (1952): 117-47 (quote on 132); George S. Snyderman, "Halliday Jackson's Journal of a Visit Paid to the Indians of New York (1806)," *Proceedings of the American Philosophical Society* 101 (1957): 565-88.

1851 Adlum's heirs had received more than \$400,000 in cash and securities and nearly ninety-five thousand additional acres from the Bingham estate. After 1794, Adlum gave up surveying and entered positions of political and military leadership, becoming an associate judge and a brigadier general of the militia in Lycoming County. He also held various commissions in the regular army, including a stint as a captain during the War of 1812. Following his military career, he pursued his scientific and agricultural interests as a vintner near Georgetown on the Potomac, becoming one of the nation's foremost wine experts.⁵³

Alan Taylor has argued that independence, meaning freedom from "domination by a landlord or employer or slave-master," was the key to understanding republican citizenship. If a man depended on others economically, his attitudes and ideas could not truly be his own, which prevented him from being a citizen in the truest sense of the word. In the crisis of 1794, the struggle over land was a struggle for economic independence: settlers desired enough land to secure financial freedom for themselves and their families, speculators desired the freedom that could come with wielding great wealth in the new republic, and the Senecas desired enough land to stake out their continued survival. In the years after 1794, most of the players in this campaign experienced mixed fortunes in their attempts to profit from the state's land sales.⁵⁴

Of all of the major players in northwestern Pennsylvania in the summer of 1794, be they Indians, settlers, speculators, or politicians, Adlum had done the most to secure his independence. The crisis created an opportunity for him; he continued to work while squatters fled the region en masse and other surveyors sat in forts, waiting for hostilities to subside. By leveraging his special talents as a surveyor, boldly staking out the best lands for his patrons while shrewdly understanding and manipulating the backcountry's inhabitants, Adlum did his part to ensure that "great men" would dominate the best lands in the region. Adlum's unlikely triumph sheds light on the unintended consequences of Pennsylvania's land policies, which theoretically protected settlers but ultimately secured the lion's share of land for grasping grand speculators. His experience shows the power that surveyors could wield on the early American frontier by fun-

⁵³ Wilkinson, *Land Policy and Speculation in Pennsylvania*, 116–22; Bessie Wilmarth Gahn, "Major John Adlum of Rock Creek," *Records of the Columbia Historical Society of Washington, DC* 39 (1938): 127–39; Munger, *Pennsylvania Land Records*, 142.

⁵⁴ Taylor, "Land and Liberty on the Post-Revolutionary Frontier," 82–86.

neling the best lands into the hands of the wealthy or leaving them to hustling frontiersmen. Surveyors' competence could make or break speculative investments.

In addition, because so much of Adlum's success depended on his good relations with the local Senecas, his story also demonstrates the Iroquois' ongoing influence in northwestern Pennsylvania and their ability to shape the region's development in the years after they formally lost their lands. If Cornplanter and the Allegany Senecas had not feared squatters more than speculators, it is unlikely that they would have allowed Adlum to conduct his surveys. Pennsylvania's legal regime certainly favored wealthy elites, but it took both Adlum and Cornplanter for speculators to forestall squatters along French Creek in the summer of 1794.⁵⁵

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⁵⁵ Seneca relations with postrevolutionary Pennsylvania: Richter, *Trade, Land, Power*, 202–26.

Pardon or Punish?

Legal and Community Interpretations of a Nineteenth-Century Infanticide

ABSTRACT: This article discusses the 1809 conviction of Susanna Cox for first-degree murder following the death of her newborn son. It uses sources from history and oral tradition in order to examine the case's long- and short-term ramifications for political and social interpretations of capital punishment within Pennsylvania. I explore the impact one case could have on legal history, the treatment of accused and convicted women, issues of linguistic separation within the courtroom, and changing legislative patterns within the Commonwealth. These factors contributed to the case's ongoing impact on regional and ethnic social memory.

ON FEBRUARY 17, 1809, JACOB GEEHR, a farmer in Oley, Berks County, Pennsylvania, searched the refuse pile in his cold cellar for a few pieces of iron. While looking, Geehr discovered the body of a newborn boy wrapped in a coat and hidden among the discarded materials. As Geehr later related the story, he immediately confronted all of the women living in his household, determining that his twenty-four-year-old servant, Susanna Cox, had given birth to the child three days prior. Geehr contacted the local authorities, who came to the farm to investigate and interview the adults of the household, including Geehr; his wife, Esther; her mother, Barbara Schneider; and Cox. After the authorities concluded their survey of the situation and the property, they concluded that Cox had likely contributed to the child's death. They then escorted her to the

I am grateful to the staff of *PMHB* and the anonymous readers for their careful comments and suggestions. My thanks also to Dorothy Noyes, Randy Roth, Margaret Mills, and Richard Green for their extensive feedback on this project in all of its iterations. Jeremy Williams provided invaluable feedback on translations. I would also like to thank the archivists who allowed me to examine their collections, especially the staff and volunteers of the Berks History Center. My research has been much richer because of the support and resources provided by Corinne and Russell Earnest and Patricia Suter, who granted me access to their extensive private collection.

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Reading Jail, where she remained until she could be tried in front of the Berks County Court of Oyer and Terminer two months later.¹

Susanna Cox was tried in front of a jury of twelve English-speaking men on April 7, 1809, and executed on the charge of murder in the first degree on June 10, 1809. She was the last woman publicly hanged in the Commonwealth of Pennsylvania, and the memory of her trial and conviction colored the treatment of accused women over at least the next hundred years.² While Cox was herself poor, German, and female, her story would have repercussions beyond those who would consider her one of their own.³ She would become an exemplar of the innocent accused; while she was, most likely, not blameless of the charges against her, she was still presented as a repentant sinner whose actions were deemed understandable—not necessarily appropriate—by those who made an effort to show empathy toward her situation. For these reasons, the rhetoric that developed around Cox's individual case sheds light on how the people of Pennsylvania approached the treatment of accused women, those convicted of infanticide, and unwed mothers.

In this paper, I will explore the issues surrounding the treatment of Susanna Cox in the popular press, in the legal documentation, and in the consideration of the sitting governor, Simon Snyder. Cox's case provides insight into the legal interpretations specific to 1809 but also demonstrates the lasting impact a single case can have on changing attitudes toward morality, ethnic and socioeconomic disparity, and personal versus corporate responsibility.

Infanticide and Its Legal Treatment in the Early Republic

Infanticide in early Pennsylvania had a clear legal punishment, set in place by precedent dating back to the reign of James I in England. In Pennsylvania prior to 1794, infanticide was always legally classified as a

¹ Louis Richards, *Susanna Cox: Her Crime and Its Expiation* (Reading, PA, 1901); Patricia Suter, Russell Earnest, and Corinne Earnest, *The Hanging of Susanna Cox: The True Story of Pennsylvania's Most Notorious Infanticide and the Legend That's Kept It Alive* (Mechanicsburg, PA, 2010); George M. and Gloria Meiser, *The Passing Scene*, vol. 15 (Reading, PA, 2007). Cox's story is reenacted at the Kutztown Folk Festival in Kutztown, Pennsylvania, every summer.

² *Reading (PA) Eagle*, Jan. 10, 1905; *Duluth (MN) News Tribune*, Feb. 17, 1905; *Reading (PA) Weekly Eagle*, June 28, 1913.

³ Don Yoder, *The Pennsylvania German Broadside: A History and Guide* (University Park, PA, 2005), 46–48.

capital crime.⁴ The 1794 law stipulated that a woman whose illegitimate child died—whether the mother was accused of murder or of concealment—had to prove her own innocence through testimony and documentation demonstrating her lack of participation in the child’s death. Even with an ongoing legal interest, only two women in Berks County met the standard for judicial execution on the charge of infanticide before Susanna Cox: Elizabeth Graul in 1759 and Catherine Krebs in 1767.⁵

Enlightenment thought and prevailing continental European customs did not officially impact the laws in Pennsylvania, but they continued to be part of the legal culture affecting immigrants whose formative years had been spent in German-speaking Europe.⁶ Frederick the Great of Prussia had weighed in on the controversy surrounding infanticide. He felt that an unmarried mother was put in a very difficult position, stating that her choice of “the death of a creature incapable of feeling pain” sometimes won out over the inevitability of lifelong misery for both the woman and the child.⁷ Bavaria had its own legal approach to infanticide; nineteenth-century convictions were few because children either contributed to the stable family economy or took away from a woman’s ability to support herself.⁸ Late-term miscarriages—including situations that might more accurately be classified as neonaticides and intentional abortions—rarely resulted in prosecution as long as they did not disturb a woman’s ability to continue to fulfill her societal role. This pragmatic approach differed from the overarching Anglo-American perspective common in Pennsylvania, which prioritized the life of the child over the quality of life for both the child and the mother.

⁴ 21 James I, c. 27 (1624), “An Acte to Prevent the Murthering of Bastard Children,” quoted in Keith Wrightson, “Infanticide in Earlier Seventeenth-Century England,” *Local Population Studies* 15 (1975): 11.

⁵ Negley K. Teeters, *Scaffold and Chair: A Compilation of Their Use in Pennsylvania, 1682–1962* (Philadelphia, 1963), 1. Seven additional Berks County cases before 1809 involved single women charged with infanticide, concealment, or bastardy and fornication; items 24, 31, and 63, box 28, folder 1, Miscellaneous Court Records, Archive Collection, Berks History Center Research Library (BHC) Collections, Reading, PA; items 2, 4, 5, and 7, box 06f, Heffner Family Collection, BHC. Graul’s execution was delayed until the birth of her child; receipt for the hanging of Elisabeth Crowl (Graul), circa 1757–59, box 1a, folder 34, Boone Family Collection, BHC.

⁶ Paul K. Cressman, “Pennsylvania German Secular Songs,” *The Pennsylvania Dutchman*, Oct. 1, 1951, 7.

⁷ Frederick the Great, quoted in Cesare Beccaria, *On Crime and Punishments*, trans. David Young (Indianapolis, IN, 1986), 60, and requoted in Jennifer K. Uleman, “On Kant, Infanticide, and Finding Oneself in a State of Nature,” *Zeitschrift für philosophische Forschung* 54 (2000): 180.

⁸ Regina Schutte, “Infanticide in Rural Bavaria in the Nineteenth Century,” in *Interest and Emotion: Essays on the Study of Family and Kinship*, ed. Hans Medick and David Warren (Cambridge, UK, 1984), 88.

As part of the 1794 reconsideration of the law addressing capital crimes, infanticide became classified as a type of murder rather than carrying its own charges.⁹ Now, prosecutors needed to prove that the child's death had been caused by another's actions. As the law states, "the concealment of the death of any such child shall not be conclusive evidence to convict the party indicted of the murder of her child, unless the circumstances attending it be such as shall satisfy the mind of the jury, that she did wilfully [*sic*] and maliciously destroy and take away the life of such child."¹⁰ Defense attorney Charles Evans argued that the prosecution had not provided evidence sufficient against Susanna Cox to meet this burden of proof, and a faithful adherence to the law should have released her.

The realignment of the legal treatment of infanticide reflects a change that historian Jen Manion observes within Pennsylvania jurisprudence: prosecutions related to crimes of morality—including fornication and bastardy—declined in the last quarter of the eighteenth century.¹¹ This also reflects a reinterpretation of the legal code; murder gained consideration as a moral, as well as legal, crime because of its religious and societal ramifications.¹² Therefore, an individual who was convicted of murder had erred against not only the law of the Commonwealth but also against the religious morality that was expected to guide its citizens' actions.¹³ This resulted in the individual holding responsibility not only for the break with religious doctrines but also for any legal consequences of their actions. The murder charge against Susanna Cox opposed the trend to prioritize accusations of concealment, potentially to serve as a reminder to other women that the Commonwealth could and did retain the right to legislate appropriate behavior.

The crimes of bastardy, fornication, concealment, and infanticide were all linked in the early republic. However, the frequency of prosecution fluctuated.

⁹ *Laws of the Commonwealth of Pennsylvania*, vol. 2 (Philadelphia, 1810), 132.

¹⁰ *Ibid.*, 113. Jack D. Marietta and G. S. Rowe, *Troubled Experiment: Crime and Justice in Pennsylvania, 1682–1800* (Philadelphia, 2006), 116.

¹¹ Jennifer Manion, *Women's Crime and Prison Reform in Early Pennsylvania, 1786–1829* (PhD diss., Rutgers University, 2008), 148. See also Jen Manion, *Liberty's Prisoners: Carceral Culture in Early America* (Philadelphia, 2015), 93. Manion (in both works) cites statistics from Batsheva Spiegel Epstein, "Patterns of Sentencing and Their Implementation in Philadelphia City and County, 1795–1829" (PhD diss., University of Pennsylvania, 1981), 101–10.

¹² Peter Okun, *Crime and the Nation: Prison Reforms and Popular Fiction in Philadelphia, 1786–1800* (New York, 2002), 46.

¹³ G. S. Rowe and Jack D. Marietta, "Personal Violence in a 'Peaceable Kingdom': Pennsylvania, 1682–1801," in *Over the Threshold: Intimate Violence in Early America*, ed. Christine Daniels and Michael V. Kennedy (New York, 1999), 22–44.

tuated depending on the perceived severity of the crime, the local interpretations of the law and those involved, and the current political climate.¹⁴ According to historian G. S. Rowe, the most common successful prosecutions were of women who, like Cox, were young, unmarried, and poor, because they lacked community support that would provide other options or, at the very least, help provide alibis and covert assistance.¹⁵ Even so, few cases made it to trial, and fewer to conviction. Historian Negley Teeters documented only seven women executed for infanticide within the borders of what is now Pennsylvania between 1682 and 1834.¹⁶ In the archival records, I have found documents related to three additional executions and two indictments for infanticide within Berks County between 1759 and 1855; no published resources account for more.¹⁷ Yet something about Cox's situation made it worth the Commonwealth's time and energy to indict, incarcerate, try, and execute her.

The Accused in the Published Public Imagination

The early newspaper articles discussing the case against Susanna Cox focused on one presentation of the specifics of the child's death. The first newspaper depiction of her was on February 21, 1809, when *Der Readinger Adler* published an article illuminating the details of the case.¹⁸ This presentation highlighted some more spectacular elements, including Jacob Geehr's reaction to finding the child and a description of the condition of the child's body. According to the coroner's report, the full-term newborn boy was found with a piece of tow fiber stuck in his mouth, his tongue in

¹⁴ Clare Lyons, *Sex among the Rabble: An Intimate History of Gender and Power in the Age of Revolution, Philadelphia, 1730–1830* (Chapel Hill, NC, 2006), 70; G. S. Rowe, "Infanticide, Its Judicial Resolution, and Criminal Code Revision in Early Pennsylvania," *Proceedings of the American Philosophical Society* 135 (1991): 200–232.

¹⁵ G. S. Rowe, "Infanticide . . . in Early Pennsylvania," 205. For German analogues, see Otto Ulbricht, "Infanticide in Eighteenth-Century Germany," in *The German Underworld: Deviants and Outcasts in German History*, ed. Richard J. Evans (London, 1988).

¹⁶ Negley K. Teeters, "Public Executions in Pennsylvania: 1682–1834," *Journal of the Lancaster County Historical Society* 64 (1960): 85–164; G. S. Rowe, "Infanticide . . . in Early Pennsylvania," 213.

¹⁷ Sources consulted include the Berks History Center Research Library, Negley Teeters's research, and "Berks Has Seen its Last Hanging," in the *Reading (PA) Weekly Eagle*, June 28, 1913. These sources appear to account for all cases that resulted in legal action.

¹⁸ *Der Readinger (PA) Adler*, Feb. 21, 1809, all quotes from this text. Other iterations appear in *Der Weltbothe und Libanoner (PA) Wockenschrift*, Feb. 28, 1809; *Carlisle (PA) Gazette*, Apr. 28, 1809; *Der Wahre Amerikaner* (Lancaster, PA), May 20 and 27, 1809; *Boston Daily Advertiser*, June 23, 1809; and the *Essex (MA) Register*, Sept. 2, 1809. Translations by the author with assistance by Jeremy B. Williams.

his throat, and his neck broken.¹⁹ Geehr reportedly reacted with “unaussprechlichen Erstaunen und Schrecken [inexpressible astonishment and terror].”

While the text does not make an explicit connection between Susanna Cox’s actions and the child’s death through a blunt statement declaring her culpability, the article implied Cox’s responsibility purely because of her identification as the child’s mother. By the end of the article, Cox had lost all individuality: she was no longer “Susanna Cox” or even “her”; instead, she was referenced solely as “[d]ie Mutter dieses Kindes [the mother of this child].” Cox’s own personality had been subsumed under her assigned role, and the assumption of her guilt was made based on this external identification with her maternal status. She was the “gefühllose [unfeeling]” mother; because she was perceived as heartless and the evidence implied that the child might have been killed, his death was deemed to be solely Cox’s responsibility. Later, partial blame would be allocated to others, including the child’s absent father; Cox’s family, employers, and neighbors; and the local religious community.

Cox’s Trial

Susanna Cox’s trial before the Court of Oyer and Terminer took place on April 7, 1809, at the Reading Courthouse. The case against her, and her defense, were constructed by a representation of the Commonwealth’s German American legal minds. The presiding judge was John Spayd, one of the first German judges in the area.²⁰ The prosecution and the defense included four widely respected attorneys: Samuel D. Franks, then the Commonwealth’s deputy attorney general, served as the prosecutor, while the defense featured Marks John Biddle, Charles Evans, and Frederick Smith. The three defense attorneys reportedly worked for free.²¹ While only individuals—all English-speaking men—provided testimony during the trial, *Der Adler* observed, “die Anzahl der Anwesenden den dieser Gelegenheit was sehr groß und auf jeden schien die Feyerlichkeit des

¹⁹ “Infanticide,” *Chillicothe* (OH) *Scioto Gazette*, Mar. 13, 1828, describes tow fiber used as a pacifier; Valerie A. Fildes, *Breasts, Bottles, and Babies: A History of Infant Feeding* (Edinburgh, UK, 1986), 315.

²⁰ *The Twentieth-Century Bench and Bar of Pennsylvania* (Chicago, 1903), 46.

²¹ Richards (*Susanna Cox*) claims that the defense attorneys worked for free; Frederick Smith’s lack of relevant financial documentation, as recorded in his docket book for 1808–20, substantiates this claim; item 1, box 1, Genealogical Collection (GA-06), Smith Family, BHC.

Augenblicke einen tiefen Eindruck zu machen [the number of observers at this event was very large, and the solemnity of the situation seemed to make a strong impression].”²² Many heard firsthand the testimony that would be used to convict Cox; even more heard the story as it was disseminated orally and through newspaper retellings.

Jacob Geehr was the first one called to the stand. His testimony reiterated statements that had previously been made public. He explained that Susanna Cox’s position within the Geehr household was primarily as a caregiver to the family’s children, as his wife, Esther Schneider Geehr, was chronically ill.²³ According to Jacob Geehr’s statements, his family appreciated Cox purely because of her love for their children and the subsequent quality of care she provided. The birth of Cox’s child would not necessarily have caused a legal concern, nor would it have in itself have affected her employment. However, the death of her child endangered not only her legal status but also her ability to be trusted with children, which threatened her already tenuous economic status. The trust she had built with her employers’ family was broken, but whether the break occurred because of her lack of forthrightness or because of her child’s death is unclear.

Cox’s apparent affection for the Geehr children contrasts with the portrayal of her as “gefühllose” when confronted with her own offspring. Even as purely a caregiver and not the Geehr children’s actual mother, she was held to the standard that expected all women to provide appropriate role models for their charges.²⁴ The cultural expectation was that Cox, as a woman, would excel at childcare and be emotionally attached to any young person, especially her own.²⁵ Historian Louis Richards later claimed that Cox was put in charge of the sheriff’s children during her incarceration in the Reading Jail. This responsibility suggests that some dissociated her conviction for infanticide from her vocation as a childcare provider. Perhaps placing a convicted child murderer in charge of other children was a sign that the accusations against her were not widely supported. It was the acknowledgement of a divide between the actions of a woman made

²² *Der Readinger* (PA) *Adler*, Apr. 11, 1809.

²³ Jacob Geehr’s testimony from S. Cox trial, Berks County Court of Oyer and Terminer, Apr. 7, 1809, in notes on Susanna Cox murder trial, transcribed by Louis Richards, item 1, box 1, folder 58, Louis Richards Collection (AC-13), BHC.

²⁴ Susan C. Greenfield, “Introduction,” in *Inventing Maternity: Politics, Science, and Literature, 1650–1865*, ed. Greenfield and Carol Barash (Lexington, KY, 1999), 3.

²⁵ *Ibid.* See also Joan Jensen, *Loosening the Bonds: Mid-Atlantic Farm Women, 1750–1850* (New Haven, KY, 1986).

temporarily unstable due to the trauma of childbirth and those taken by a woman whose livelihood relied on her ability to provide care for the children of others. Geehr's testimony, however, presented her as nothing more than an unfeeling woman who broke the trust of her employers and must, therefore, receive legal punishment.

Peter Nagle, the justice of the peace who had arrived at the Schneider farm in the role of official representative, also testified. Nagle was, reportedly, the only individual with whom Susanna Cox had entrusted the name of her child's father, a detail that both refused to disclose on the record.²⁶ Disseminators of popular memory frequently assume that Jacob Geehr was the father of Cox's child. But because no charges were filed against Jacob Geehr and he had been allowed to testify, the court did not interpret Nagle's commentary as an indictment of Cox's employer. Especially because of a local tendency to charge the father with bastardy and fornication when the financial assistance would relieve the burden on the local government, the fact that Nagle's testimony did not lead to a charge against Geehr implies Geehr's innocence. The lack of indictment against anyone else supports the idea that the father had removed himself from the region and, since the financial burden was minimal as there was no child to support, he was deemed not worth locating.²⁷

The next to testify was Dr. John Otto, the physician who had examined the child's body. He testified that the child had been born full term and then abused after birth. But Dr. Otto's observations were inconclusive as to the motive, the actor, or the timing of the actions against the child; none of his testimony directly implicated Susanna Cox. Dr. John C. Baum, the Geehr's normal family physician, was also called to testify. Baum had examined Cox the previous fall and had determined that she had been, at that time, suffering from an illness that caused her to be "swelled some what & had an obstruction of the bowels."²⁸ He stated that he had no reason to question her insistence during the examination that she was not pregnant. Based on his testimony, the examination included

²⁶ Peter Nagle, in notes on Susanna Cox murder trial, Richards Collection, BHC. See also Linda Tadic's transcription in "Booklet—The Ballad of Susanna Cox: A Film by Linda Tadic. Proposal and historical background," box 5, folder 5, Berks County (LC-32), BHC; and transcriptions by Russell and Corinne Earnest, private collection.

²⁷ For legal statutes about prosecution and responsibility, see W. Logan MacCoy, "The Law of Pennsylvania Relating to Illegitimacy," *Journal of the American Institute of Criminal Law and Criminology* 7 (1916): 519–20.

²⁸ John Baum, in notes on Susanna Cox murder trial, Richards Collection, BHC.

a conversation with Mrs. Geehr and her mother, but no substantive physical observation or contact. The medicine Baum prescribed to help ease Cox's complaint was not, according to him, specifically intended for use as an emmenagogue. He did acknowledge, however, that the use of this medication "might have debilitated the Child" before providing additional testimony to describe some of the signs that the child had been definitively stillborn.²⁹ Again, Cox's perceived ignorance toward her own physical condition was stressed, as was her insistence in her discussion with Dr. Baum that "if I am a poor girl I may be honest."³⁰ She was willing to acknowledge that she had erred, but she refused to admit that she intentionally lied about her actions or intent.

After the four witnesses had provided their testimony, defense attorney Charles Evans encouraged the jurors to examine the evidence to decide whether or not it could be proven conclusively that Cox was directly responsible for her son's death, as, he argued, the testimony provided was not enough to justify a guilty verdict.³¹ Evans encouraged the jurors to find the proof, not just make an assumption, of guilt.

The jury deliberated for several hours before announcing its decision. Perhaps the defense team was able to put some doubt into the minds of the jury by highlighting Susanna Cox's consistent answers and previous positive character assessment. Even so, the jury could not accept the defense's explanation that the child's appearance could have resulted from anything other than the mother's actions. Despite all attempts to cast doubt on her alleged behavior and motive, Cox was still convicted of first-degree murder.³²

Based on the reportedly high number of observers during the trial and the speed and accuracy with which gossip traveled, it would be reasonable to assume that Cox's case became fairly familiar to those within Reading and Berks County within a few weeks of the events.³³ Notes from the trial,

²⁹ Ibid. For more information on the use of emmenagogues in the early republic, see Susan E. Klepp, "Revolutionary Bodies: Women and the Fertility Transition in the Mid-Atlantic Region, 1760–1820," *Journal of American History* 85 (1998): 923.

³⁰ John Baum, in notes on Susanna Cox murder trial, Richards Collection, BHC.

³¹ Charles Evans statements, *ibid.*

³² Local legend, according to Louis Richards's *Susanna Cox*, states that Spayd was so upset by the verdict that he resigned. Suter, Earnest, and Earnest (*The Hanging of Susanna Cox*, 116) and Teeters (both articles) question this.

³³ For a discussion of the relationship between recorded gossip and the dissemination of materials, see Elliott Oring, "Legend, Truth, and News," in *Contemporary Legend: A Reader*, ed. Gillian Bennett and Paul Smith (New York, 1996), 328–32.

in conjunction with printed newspaper articles, provide a more nuanced interpretation of Cox than had previously been available in the press. Still, she had never been granted the opportunity to speak on her own behalf, nor was it believed that she was able to understand most of the English-language trial proceedings.

The Dialogue Shifts: Susanna Cox as a Symbol of Potential Reform

The public interpretation of Susanna Cox continued to transform until her execution in June. In early May 1809, an article published in *Der Readinger Adler* indicated a distinct change in tone. The text established a Socratic dialogue between two hypothetical local citizens named Christian and Friedrich.³⁴ The article followed a question and answer format—a rhetorical structure not traditionally found in *Der Adler*, with no similar dialogues documented in other local newspapers. Also, in an uncommon decision, the editors of *Der Adler* placed this article, describing a local story with no international ramifications, on the front page. The specific and graphic details of the case were assumed as common knowledge, allowing the speakers to focus on the individual and community responses rather than the gory specifics. Cox's crime is described simply as "die Ermordung ihres Kindes [the murder of her child]."

In this text, Christian and Friedrich use the details of Susanna Cox's case to evaluate and debate the application of Christian mercy and retribution to individuals accused of capital crimes. Cox's individual identity continued to be less important than her role as an exemplar of a wayward citizen. To accomplish this rhetorical transformation from individual to symbol, the dialogue draws upon the details of Cox's case to analyze the appropriateness of capital punishment in all situations, not just her own. Cox's judicial sentence is connected to greater trends in legislation, sentencing, and interpretation within the Commonwealth.

The dialogue begins with Christian self-identifying as a law-abiding citizen whose interpretation of Susanna Cox's case steadfastly adheres to both the Old Testament principal of "an eye for an eye" and to the letter of the Commonwealth's law. Both of these perspectives held Cox accountable for her child's death, stipulating that she receive punishment equal to the severity of the crime. Friedrich, by contrast, demonstrates sympathy for the convicted woman, believing that it was Cox's situation, not her actions or

³⁴ *Der Readinger (PA) Adler*, May 9, 1809. Unless noted, all text is from this article.

her individual self, that was “schrecklich [terrible]” and, therefore, worthy of censure. He is able to separate the action from the actor, but Christian is unable to make the same interpretive leap. Christian questions his friend’s compassion toward Cox by probing how Friedrich could possibly advocate for a more merciful treatment, given the severity and content of the charges and Cox’s lack of mercy toward her own child. Christian directly questions Friedrich’s willingness to forgive the actor when the child’s death was, allegedly, so violent.

The discussants hold vastly different views of the definition of a victim: Christian believes that only the child was a victim, but Friedrich is willing to widen that definition to allow that Cox was a victim of circumstance, if not specifically a victim of violence. In Christian’s interpretation, only the innocent are deserving of sympathy, but Friedrich refuses to believe that Cox’s entire existence should be determined purely by the circumstances of her child’s death. The two speakers both agree with the judicial finding of “guilty” for Cox, but they interpret subsequent actions quite differently. Christian understands the conviction as confirmation of Cox’s absolute guilt and a sign that she did not deserve leniency. In contrast, Friedrich attributes the conviction to how the law interpreted and punished infanticide, as well as the convict’s limited time to truly repent and reform. Friedrich advocates for incarceration over execution, a position that was in line with the dominant penal reform movements of the era.³⁵

Based on the known details of the case, Christian insists that appropriate treatment for Susanna Cox would include physical punishment followed swiftly by execution. Friedrich counters that the elements shaping her life had informed her choices: “Beilleicht waren eine schlechte Erziehung, böses Beyspiel, Berführung und hernach Schaam und Berzweiflung, die zusammentreffenden Ursachen, die sie dazu gebracht haben [perhaps it was a bad education, a wicked example, with resulting shame and despondency that together brought her to this particular end].”³⁶ This greater context does nothing to dissuade Christian from his belief that Cox’s actions demonstrated intentional wickedness (“Boßheiten”), which, in his interpretation of Biblical precedent, required Cox to be punished as an example for others. Christian himself holds no sympathy toward Friedrich’s

³⁵ Simon Snyder and Jeremy Bentham began their conversation about modifying the penal system in 1814, but Bentham had been advocating for penal reform since at least 1809. Jeremy Bentham, *The Correspondence of Jeremy Bentham*, vol. 8, *January 1809 to December 1816*, ed. Stephen Conway (New York, 1988), xviii, xx, xxx.

³⁶ The typeface here follows a local convention of substituting “V” with “B.”

argument that the execution of an individual would deny redemption for the accused. Instead, Christian reiterates that Cox's execution might not redeem her, but it would at least prevent her from killing again. The sacrifice of a single soul would, Christian hopes, lead to the redemption of many. In his interpretation of the intersections between the laws of the Commonwealth and the laws of God, the protection of the public would always outweigh the salvation of the individual.

One of the issues on which Friedrich challenges Christian's perspective addresses the logic of incarceration rather than execution, specifically in regard to female prisoners. Friedrich argues that incarceration had the potential to grant the time necessary for the convict to pursue and achieve rehabilitation, something that, he implies, would be more likely with a female prisoner. Friedrich speaks about the general female convict rather than Susanna Cox specifically. He then connects the current legal interpretation of the death penalty to both the Old Testament approach of retribution and the New Testament support for redemption. Christian becomes more willing to listen to Friedrich's position when it uses a hypothetical situation and draws upon Biblical precedent. More than the details of a specific case, this strategy allows Christian to better acknowledge the possibility of human frailty. Still, Christian is unwilling to consider any interpretation that reduces the validity of a strict interpretation of Old Testament theology. To make his counterargument, Friedrich invokes the writings of Paul of Tarsus, also imploring Christian to consider all interpretations—the Old Testament, the New Testament, and the Constitution (which he acknowledges that some individuals describe as holy in its own right)—when determining the most appropriate actions.

By encouraging contemplation of differing perspectives, Friedrich not only advocates for mercy as the foremost religious principle but also encourages its consideration and application as a legal guideline. Friedrich does not hide his own perspective, boldly declaring that he would follow the teachings of Jesus as defined in the writings of the New Testament over those of Moses, the prophets, or the Commonwealth of Pennsylvania. In Friedrich's determination of appropriate conduct, Susanna Cox should be able to receive mercy if she willingly submitted herself as a repentant sinner. Her conviction, even for murder, should carry less weight than her willingness to subject herself to God's judgment and mercy.

Friedrich's closing statement returns the specific context of Cox's situation to the forefront of his argument. Since he chooses to apply Jesus's

teachings over other determinants of appropriate conduct, he also invokes Jesus's words:

Im neuen Testament findet man nich, daß unser Erlöser das Todes Urtheil geboten oder gebilligt hatte; er sprach zum Weibe im Ehebruch ergriffen: ich verdamme dich nich, aber sündige nicht mehr. . . . Moses gebeut Rache und Tod—Christus gebeut Gnade und Leben. [In the New Testament, one does not find our Savior commanding a sentence of death. He speaks to women taken in adultery: I condemn you not, but sin no more. . . . Moses commands revenge and death—Christ commands grace and life.]

Neither Friedrich nor Christian argues that Cox might actually have been innocent of the charges against her. Instead, they support the ruling made by the judicial system, granting that this body held the governmental authority to determine legal responsibility. But the issue of guilt or innocence was not at stake; the crux of their argument revolves around the Commonwealth's responsibility to make, interpret, and enforce the laws. The discussion questions whether or not these laws were appropriate applications of the accepted legal and religious standards of the time. Before this article, published documents had addressed Cox's prescribed role as a mother and a citizen and how she had failed at both.³⁷ This text, however, shifted the focus of attention to Cox's spiritual role. The fault in her actions was implicit, but the question remained whether, despite her sins against both God and country, repentance and mercy were still possible.

Because the published dialogue between Christian and Friedrich was not directly reprinted in other newspapers and no similarly constructed conversations were found in the published accounts, the ideas presented in this argument provide a more specific commentary on local interpretations of Susanna Cox's situation than would a more widely disseminated text constructed to follow a set generic pattern. Still, the ideas that Christian and Friedrich present resonated with broader concerns. Their debate highlighted the internal struggles faced by citizens who heard gossip, read newspaper accounts, and then had to determine how best to interpret this data. How should they, as private citizens, interpret guilt, innocence, and fate based on limited knowledge of the specific details? And how would

³⁷ Mary Beth Norton, *Liberty's Daughters: The Revolutionary Experience of American Women, 1750–1800* (Boston, 1980).

these determinations both influence and reflect each citizen's interpretation of right and wrong?

The 1794 change in the law did offer some level of legal protection to Susanna Cox, but not if, as it was in her case, the evidence indicated that violence had been committed against the child, and no one else was known to have had contact. Christian and Friedrich's conversation highlights the wide range of reactions to the trial and subsequent notoriety of the case. While it does not reach a definitive answer to the question of retribution or reform, the conversation between Christian and Friedrich was one of the first to present Cox as a victim of circumstance and one of the only to imply a flaw in the execution—or, perhaps, the construction—of the laws addressing murder.

*The Governor Defines Justice:
Clemency or Strict Adherence to the Documented Law?*

One last option existed for Susanna Cox. Shortly after her trial ended, a clemency request was filed with Governor Simon Snyder on Cox's behalf.³⁸ According to later accounts, including eyewitness oral histories, the general consensus among the population was that her chances to receive a pardon should have been strong.³⁹ Popular opinion reportedly supported the application of mercy over the enforcement of retribution, and many believed that Snyder would support the clemency petition. But despite his own documented dislike of capital punishment, well-established ethnic ties to the German community within Berks County, and the growing popular movement supporting Cox, Snyder still was unable to find sufficient reason to justify an act of executive clemency.

The timing of Susanna Cox's case was crucial; it occurred at the beginning of Snyder's tenure as governor, appealing to his stated interest in reforming capital punishment legislation.⁴⁰ Yet Snyder chose to uphold

³⁸ According to an undated (probably 1870s or 1880s) newspaper clipping titled "City Sketches," one possible identity for the individual requesting the pardon was Cox's father, here called George Cox (Richards Collection, BHC). Suter, Earnest, and Earnest (*The Hanging of Susanna Cox*, 85–86), also did not find conclusive evidence identifying the petitioner.

³⁹ Richards, *Susanna Cox*; also referenced in the performance at the Kutztown Folk Festival and reiterated by the festival's previous executive director. Dave Fooks, interview with the author, June 30, 2010.

⁴⁰ Albert Post, "Early Efforts to Abolish Capital Punishment in Pennsylvania," *Pennsylvania Magazine of History and Biography* 68 (1944): 42, mentions Snyder's "farsighted" view on capital punishment, which he expressed in his 1809 Senate address and "On Capital Punishments," *Poulson's*

the murder conviction determined by the Court of Oyer and Terminer. Snyder's intent in this conclusion is not clear; no extant documents specifically outline his specific decision-making process. However, his consideration of other clemency requests, as well as his public comments on capital punishment, provides insight into how he interpreted cases similar to Cox's.

Snyder's personal interpretation of capital punishment law was well documented, even before his election as Pennsylvania's governor. His vocal opposition to capital punishment aligned him with a movement that had only grown in strength in the American colonies and the early republic.⁴¹ Snyder struggled with the question of capital punishment because of his belief that he had been elected to enforce the laws of the Commonwealth, even when he did not personally agree with them. Still, a review of his personal correspondence indicates that he was more than willing to examine those cases in which the boundaries of justice were muddied by extenuating circumstances and would, if he deemed appropriate, administer mercy.⁴²

In an address to the Pennsylvania legislature in late 1809, Snyder formally requested that it reassess the Commonwealth's use of capital punishment.⁴³ The legislature considered his request but voted to postpone deliberation. Two years later, Snyder again requested a modification to the 1794 law. In this request, he asked that the death penalty be removed from the list of possible punishments for those convicted. Instead, he asked that individuals found guilty of these crimes be imprisoned for life at hard labor. The debate about the application of capital punishment would arise and then disappear throughout Snyder's terms as governor. He would suggest a change, and the legislature would support active debate, but the interest in officially modifying the laws would not be sufficient to bring the legislation to a vote.⁴⁴

Daily Advertiser (Philadelphia), July 17, 1810. The article appeared first in 1809, in the *Windham* (CT) *Herald*.

⁴¹ See, for example, Alexander Hamilton, "Federalist No. 74: The Command of the Military and Naval Forces, and the Pardoning Power of the Executive," in *The Federalist*, ed. Jacob E. Cooke (Middletown, CT, 1961), 500; and Austin Sarat, "At the Boundaries of Law: Executive Clemency, Sovereign Prerogative, and the Dilemma of American Legality," in *Legal Borderlands: Law and the Construction of American Borders*, ed. Mary L. Dudziak and Leti Volpp (Baltimore, 2006), 25, 33–34.

⁴² Simon Snyder Letters to Nathaniel B. Boileau (Collection 617), Historical Society of Pennsylvania (HSP), Philadelphia, PA. See esp. letters 8 and 44.

⁴³ Cited in Leonard D. Savitz, "A Brief History of Capital Punishment in Pennsylvania," *Prison Journal* 38, no. 2 (1958): 50.

⁴⁴ *Ibid.*, 51.

In order to find a balance between legal precedents and his own beliefs, Governor Snyder attempted to allow for the application of mercy as appropriate. His actions indicate that he was more interested in reforming the law than in creating uncomfortable precedents by offering frequent pardons or commutations. In 1813, when reviewing the murder conviction of Elizabeth Eaton of York, Snyder determined that the jury had handed down unequal sentences to Eaton and the other accused, her son Samuel Harman. Both individuals had been accused, tried, and convicted for the murder of Harman's wife, with evidence that, according to Snyder's evaluation, implied equal participation from both parties.⁴⁵ Yet while Harman received a sentence of hard labor, Eaton was condemned to die. Snyder received Eaton's clemency petition and, because of his absence from Lancaster, had to document his argument when issuing a decision. Writing to his secretary, Nathaniel Boileau, Snyder determined that the most appropriate response would be to put aside the previous decision and order a second trial for Eaton in front of the Pennsylvania Supreme Court. Snyder explained that he did not want his order for a new trial to be seen as an implication of innocence from the governor's office. Instead, he argued that this second trial would allow the case to be heard and deliberated on again, with the hope that Eaton would receive a punishment more in line with that of her son, who was, in Snyder's interpretation, "equally if not more heinously guilty than her self." This new trial would allow for reconsideration of the evidence by a judge and jury, not just the legal interpretation of a single individual—even when that individual was the governor of the Commonwealth. Snyder still worried that his own analysis of the law colored his decision, though. As he wrote out his argument to Boileau, his decision was justified because "[i]f I err I am on the side of mercy—I trust, my friend, I am sure my God will forgive me."⁴⁶

Snyder made a conscious choice to retry one defendant but not both. But this action was not presented as a plea for special treatment for Eaton. Instead, Snyder believed that the disparate sentences represented an inappropriate interpretation of the Commonwealth's law. The difference in sentencing was, Snyder implied, due to the respective genders of the accused. Snyder consistently tried to fulfill what he believed to be his responsibility

⁴⁵ Simon Snyder to Nathaniel B. Boileau, June 7, 1813, letter 8, Snyder letters, HSP.

⁴⁶ Ibid. In 1816, Snyder would refuse to pardon a murderer who was threatening his family. See Susan Branson, *Dangerous to Know: Women, Crime, and Notoriety in the Early Republic* (Philadelphia, 2008).

to the people of Pennsylvania, even if that meant upholding laws that he could not personally support. But he also stated that the law had been applied unevenly in this case and that the accused deserved a retrial from a higher court, which he hoped would be less swayed by emotion.

The arguments Governor Snyder used to defend Elizabeth Eaton's retrial—that she had been a victim of unequal sentencing and that her attorneys continued to support her throughout her clemency request—did not apply in Susanna Cox's case. As Snyder interpreted the law and his authority to override the ruling of a judge, neither the evidence provided in Cox's case nor the execution of the trial itself met his standard for putting aside the verdict or granting executive clemency. The trial had been fair; the jury qualified; the legal authorities had not registered any concerns about irregularities in the case or the courtroom proceedings. For Snyder to grant Cox a pardon, he would have had to find reasons other than those he cited elsewhere. He was not able to do so. Still, the idea that the governor would have been supportive of Cox's petition under different circumstances would be perpetuated, to the point that this perspective continues to appear, without citation, in retellings of the story.⁴⁷

In addition to the jury's interpretation of the evidence presented at Susanna Cox's trial, outside factors also may have influenced Simon Snyder's decision not to support clemency for Cox. Within Pennsylvania, two other accusations of filicide became public during Cox's incarceration. In York, a slave named Elisabeth Moore was executed on May 27, 1809, for the death of her children. Moore confessed to smothering a daughter and poisoning a son.⁴⁸ In early May, infanticide charges were filed against Mary Meloy in Lancaster County.⁴⁹ While Meloy would eventually be acquitted, later oral histories indicate that her arrest convinced Snyder that to pardon one woman convicted of infanticide would lead others to believe that they, too, would receive a more lenient sentence than the law prescribed.⁵⁰ Snyder placed his responsibility to the law above any empathy

⁴⁷ Richards, *Susanna Cox*; Johann Gombert, *Ein Neues Trauer-Lied, Enthaltend die Geschichte der Susanna Cox, die in Reading wegen dem Mord ihres Kindes hingerichtet wurde* ([Reading, PA?], 1809). Both sources indicate that Snyder was potentially amenable to hearing the argument in Cox's favor. "The Old Jail," Louis Richards Scrapbook D, BHC, originally from the *Reading (PA) Eagle*, circa 1880–83.

⁴⁸ Russell and Corinne Earnest with Edward L. Rosenberry, *Flying Leaves and One Sheets* (New Castle, DE, 2005), 110; Samuel Hazard, ed., *The Register of Pennsylvania . . .*, vol. 7, *January to June, 1831* (Philadelphia, 1831), 27.

⁴⁹ *Der Weltbothe und Libanon* (PA) *Wochenschrift*, May 9, 1809.

⁵⁰ Richards's *Susanna Cox* states this as fact, as does the Kutztown Festival performance, where the text (written in the 1970s by local Richard Gougler) states that "the State Authorities were quite

or ethnic solidarity he might have felt toward Cox, not allowing these to influence his decision-making process.

Within a few days of Mary Meloy's indictment for the death of her child, and just as Friedrich and Christian's dialogue was published in *Der Readinger Adler*, Governor Snyder sent a formal notice to Berks County Sheriff George Marx ordering Susanna Cox's execution in early June.⁵¹ This notice appeared in the newspapers the following week, with the *Adler* conveying little more than the factual details. However, Lancaster's *Der Wahre Amerikaner* cited "A Reading Paper" and proceeded to comment upon the information provided. This article referred to Cox as "barbarische [barbaric]."⁵² In whatever direction public opinion had been moving, it was irrelevant now that the governor's decision had become official. Cox would be executed on June 10, 1809, on Reading's Gallows Hill.

Simon Snyder continued to recommend modifications to the existing legislation that would provide for greater nuance in the charges leveled against individuals based on the relative severity of their specific crimes. Several bills were proposed later in Snyder's term that would have, if they had been approved, replaced capital punishment with other forms of reprimand. The proposed legislation was in line with Snyder's desire to reconsider capital punishment, but the bills were unsuccessful. The next bill regarding capital punishment to receive any attention in the Pennsylvania legislature was House Bill 557, proposed in 1852. Part of the bill focused on the hypothesis that the "primary aim of the law was to reform and not to exterminate."⁵³ Still, the framework of punishments established in 1794 for those convicted of murder was reaffirmed in 1860, only to be questioned again—with no impact on policy—in 1874.⁵⁴

While capital punishment remained an established result for individuals convicted of murder, the application of the law continued to be divisive. In 1904, Kate Edwards was convicted in Berks County of conspiracy to

perturbed . . . afraid that Cox would be acquitted." The cases of Mary Meloy and Susanna Cox have been frequently conflated, as in "Interview with George Phillippi," pp. 164–67, Richards Scrapbook D, BHC.

⁵¹ Susanna Cox clemency denial, May 1809, Special Commissions, RG 25, SC 10, Pennsylvania State Archives, Harrisburg, PA. See also *Der Readinger (PA) Adler*, May 16, 1809; *Der Wahre Amerikaner* (Lancaster, PA), May 20 and 27, 1809; and *Der Weltbothe und Libanoner (PA) Wockenschrift*, May 16, 1809.

⁵² *Der Wahre Amerikaner* (Lancaster, PA), May 20, 1809.

⁵³ Savitz, "A Brief History of Capital Punishment in Pennsylvania," 55.

⁵⁴ William West Smithers, *Treatise on Executive Clemency in Pennsylvania* (Philadelphia, 1909), 124–25.

murder her husband, eventually receiving the death penalty. However, the specter of Susanna Cox remained over Berks County; neither court nor governor would enact Edwards's punishment. Published commentaries frequently raised questions about the appropriateness of Cox's execution, even while they acknowledged Edwards's admission of guilt.⁵⁵ The application of Edwards's sentence was delayed, and she was eventually freed on time served after, according to her journalistic biographers, demonstrating great capacity for personal reform.⁵⁶

*The Collision of Public Opinion and Legal Requirements:
Susanna Cox's Published "Confession"*

Shortly after the denial of Susanna Cox's pardon became official, a local printing house published a document, written from Cox's perspective, in which she reportedly acknowledged her own culpability in the death of her son. The text, produced in both English and German and advertised in English-language newspapers as *The Last Words and DYING CONFESSION OF THE UNFORTUNATE SUSANNAH [sic] COX*, was hastily published to maximize sales before and at her execution.⁵⁷ No complete copies of either the English or German version are extant.⁵⁸ The *Confession* conveys Cox's story from the beginning of her life, shaping the presentation of her motivations to more closely match the societal expectations of remorse and spiritual redemption. It is the only document that is believed to be in any way shaped by her own words; no challenge has been documented (either in newspaper accounts or later oral histories) that might indicate that the pamphlet had been falsified. All evidence also indicates that this was the last document published about the case before her execution. The text itself highlights factors intended to help mitigate Cox's guilt—her lack of both secular and religious education and her inability to distinguish the error of her actions—and provides arguments that would have made her more accessible as a sympathetic figure.

⁵⁵ "Seek Pardon for Mrs. Kate Edwards," *Meriden (PA) Morning Record*, Sept. 16, 1913.

⁵⁶ *Ibid.* See also the *Reading (PA) Eagle*, Jan. 10, 1905, and the *Duluth (MN) News Tribune*, Feb. 17, 1905.

⁵⁷ *The Weekly Advertiser of Reading (PA), In the County of Berks*, June 10, 1809.

⁵⁸ *The Lezten Wörte und das Eserbe-Bekennniß die Susanna Cox* ([Reading, PA?], 1809). A version of this document can be found at Russell Earnest Associates, Dover, DE, with the notation "Confession of SC signature of 8. Composite of Breininger copy + Bruckman newspaper 23 June 1809." Acquired from another collector with no further information regarding provenance, this text is incomplete. Some of the *Confession* was reprinted in local newspapers, including *Der Weltbothe und Libanoner (PA) Wockenschrift*, June 13, 1809.

Whether or not the *Confession* accurately relates the words of Susanna Cox, the voice resonating from the text is that of a sinner who desires to repent of her crimes. It is, she remains aware that even this demonstrable repentance is not enough to save her life but hopes it might save her soul. Based on the descriptions of her educational background, Cox would have needed help in order to produce this text under her own name. Cox's *Confession* humanizes her even while it indicates that she acknowledged her guilt in the death—but still, perhaps, not murder—of her child. The decision to cite Susanna Cox's lack of education in the published *Confession* and other documents strengthened the argument in favor of granting her a pardon. The laws of the Commonwealth stated that servants who entered contracts when they were still very young were entitled to a certain amount of yearly education. Cox received very little of that prescribed education—her total educational experience equaled approximately eight months of the eleven years she resided with the Schneiders and the Geehrs.⁵⁹ Since she had not had the benefit of the education she was entitled to by law, her inability to comprehend and follow a different law—that dictating the mother's appropriate behavior after the birth of an illegitimate child—became more understandable, if still not excusable.

In addition to a lack of practical schooling, Cox was also described as unfamiliar with religious traditions and teachings, despite living in a region with strong connections between the German ethnic and linguistic community and the Reformed Lutheran tradition.⁶⁰ Cox was also portrayed as unaware of many of the laws of the Commonwealth. The possibility also exists that she was completely aware of the legal issues associated with her actions but that the power of the state was not as directly relevant to her life as was the power of Jacob Geehr. Cox was willing to hide her child's birth and death, breaking many of the Commonwealth's laws related to bastardy, fornication, and concealment, even if she was truly innocent in the child's death. She also broke both the Sixth and Seventh Commandments, which she acknowledged after supposedly learning about these religious guidelines from her new spiritual advisor, Reverend Philip Reinhold Pauli, the pastor of the Reformed Church in Reading.⁶¹

⁵⁹ *The Lezten Wörte und das Eserbe-Bekennniß*. This phrasing also appears in *Der Wabre Amerikaner* (Lancaster, PA), June 17, 1809.

⁶⁰ Raymond W. Ford, *Germans and Other Foreign Stock* (PhD diss., University of Pennsylvania, 1963); Steven M. Nolt, *Foreigners in Their Own Land: Pennsylvania Germans in the Early Republic* (University Park, PA, 2002).

⁶¹ Daniel Miller and Benjamin Bausman, *History of the Reformed Church in Reading, Pa.* (Reading, PA, 1905), 234.

Susanna Cox would later be described as “simple,” a term that, according to the Oxford English Dictionary, could have been used in the nineteenth century to convey a wide range of concepts from “innocent and harmless” to “mentally deficient.” More recent interpretations have explored the possibility that she did suffer from some kind of intellectual impairment that affected her ability to make appropriate decisions, even in regard to her own life.⁶² However, contemporary records indicate that she was indeed capable of learning and was aware of the ramifications of her actions. According to the sources consulted by Louis Richards in the early 1900s, Cox was able to both construct a plea for forgiveness and perform a hymn that met local expectations regarding piety and repentance. She had progressed from an individual whose formal and religious education had been questioned to one who met all societal norms in the course of two months under Reverend Pauli’s instruction. The ability to perform the communally appropriate actions at her execution indicates that she did understand society’s expectations of her and that she had the capacity to learn the materials necessary to meet these established expectations. Diagnoses of her mental abilities lose relevance because she did seem to understand the consequences of her actions and the importance of her own subsequent behavior. While blaming her actions on a mental incapacity attempts to negate Cox’s own responsibility for those actions, it also belittles the individual discussed and perpetuates a negative stereotype regarding those with legitimate disabilities. Cox argued that she had acted in the moment, making a bad decision (whether that decision was to kill or neglect); she did not place the blame for the child’s death on any single insufficiency in intellect, education, or action.

The published *Confession* was introduced to a community that had already been exposed to Susanna Cox’s story through gossip, journalism, and court testimony. Her story, in a new format that was purportedly based on her own words, fed the interest of the populace. But how much impact could it have made on their opinion of her? Based on the available evidence, the change was not in the perception of her guilt or innocence but in the tone with which her actions were discussed. After the newspaper articles published in May, the documented interpretations of Cox’s life began to position themselves more on the side of compassion than of retribution. The choice of words—“gefühllose [unfeeling]” in February but

⁶² See Suter, Earnest, and Earnest, *The Hanging of Susanna Cox*; Bathsheba Doran, *Nest* (New York, 2008); and Wendel Allen, *The Hanging of Susanna Cox: A Docudrama* (Alexandria, VA, 1989).

“unglücklich [unlucky]” in May—demonstrates not that she was seen as any less guilty but that public perception had begun to emphasize her circumstances. More subtly and more significantly, the content of the public discussion shifted. Early retellings of Cox’s story provided predominantly factual documentation; later stories elaborated with background and exposition. She was no longer the faceless perpetrator of a crime but a rounded individual whose character needed to be defined by her entire history rather than just by one decision.

The release of the *Confession* and its enclosed plea for forgiveness did not necessarily indicate that Susanna Cox admitted to killing her son or that she had deliberately lied about her intent at the time his birth. She did most likely authorize the release of the document; at the very least, neither she nor her supporters ever challenged its portrayal of her. Even that approval indicates Cox’s own intent to achieve redemption, not a desire to satisfy the salacious curiosity of the reading public. Contemporary interpretations of Reformed theology dictated that, to be “purged of the stain of sin” in the eyes of both God and man, the condemned needed to confess the sin and request absolution.⁶³ Cultivating a good death was expected, and a convincing gallows argument sometimes led to clemency.⁶⁴ With the religious training that she had received from both Reverend Pauli and a group of sympathetic Reformed women within Reading, Cox’s personal understanding of redemption grew.⁶⁵

The Consequences and Repercussions of Susanna Cox’s Trial and Execution

The debate surrounding Susanna Cox’s execution was not purely an issue of legal status versus public sympathy. Instead, the questions raised by these issues emphasized the dominant themes in the ongoing discussion regarding capital punishment. The separation of church and state, male and female, German and English, rural and urban, and wealthy and poor all contributed to the differing interpretations of Cox and her rights. For

⁶³ Richard J. Evans, *Rituals of Retribution: Capital Punishment in Germany, 1600–1987* (New York, 1996), 69.

⁶⁴ Peter Lake and Michael Questier, “Agency, Appropriation, and Rhetoric under the Gallows: Puritans, Romanists, and the State in Early Modern England,” *Past and Present* 153 (1996): 103–4; Evans, *Rituals of Retribution*, 85.

⁶⁵ See Richards, *Susanna Cox*. Reference also found in “The Old Jail,” *Reading (PA) Eagle*, circa 1880–83; and J. Van Reed, *Centennial Book of Reminiscences, Traditions, Recollections, Habits, Manners, and Customs . . .* (n.p., 1876).

the authors of Christian and Friedrich's dialogue, Cox's actual repentance was key to her status as an otherwise law-abiding citizen who had been caught in a moral conundrum. In this application, if Cox were to truly petition for spiritual forgiveness, she would be granted it. However, Simon Snyder, whose interpretations of the law represented the policies of the Commonwealth, focused on the fairness of the trial proceedings and the appropriateness of specific laws. Snyder had the authority to offer Cox clemency, but he chose to uphold the legal decision because, he believed, the trial had been administered fairly and the law applied as it had been intended. Though he vocally opposed capital punishment, he acknowledged that enforcement of the laws of the Commonwealth took precedence over his personal stance.

Still, while the laws and the governor held Susanna Cox responsible for the death of her child, public opinion provided Cox with a greater degree of clemency. The potential for community support had existed from the moment of Cox's arrest; she had access to sympathy from the religious community, a female support network within Reading, her own family, and the employers for whom she had worked almost half of her life. But aside from the frequent references to Reverend Pauli's intervention on her behalf, no contemporary accounts document more than a generalized feeling of community sympathy. Contextual details emerged only in the 1870s, when an enterprising young newspaper reporter began documenting local oral histories of some of Reading's leading citizens.⁶⁶ Interspersed with discussions of the individual interviewee's life, the reporter always included his informants' commentaries on the region's scandals. Susanna Cox's case was one. Within these histories, the informants not only provided a retelling of Cox's story for the next generation but also supplied the details of how the story had entered popular memory. These histories memorialized Cox, sometimes with documentable factual inaccuracies, but with several distinct factual and interpretive similarities that can only be partially explained by the friendship—and, therefore, continued conversa-

⁶⁶ Richards Scrapbook D, BHC, includes "Reminiscences of an Octogenarian," from the *Reading (PA) Eagle*, Sept. 15, 1873; "The Only Woman Hanged in Berks: An Unpublished Account of Local History—An Eye Witness; Account of the Hanging of Susanna Cox," original from the *Reading (PA) Times and Dispatch*, [1875?]; "Recollections of Olden Times: Interesting Incidents that Occurred in this City Three-Quarters of a Century Ago and Within the Memory of Jacob B. Hoff" and "Old Time Reminiscences." See also *Complete History of the Execution of Susannah Cox! Her Life, Crime, Trial, and Death on the Scaffold* ([Reading, PA?], [1881–83?]), item 11, box 735, Alfred L. Shoemaker Collection, Ursinus College.

tion—between many of the informants. The interviews provided details that had not previously been available in public documentation, including Cox's demeanor on her execution day and the behavior of the crowds that attended. The sympathetic attitudes these documents reveal toward Cox were central to later interpretations of her case.

Over two hundred years later, community members remember Susanna Cox because of the connections between her case and others that addressed violence against women and children or women and capital crimes.⁶⁷ The community's social memory of Cox has transformed over time, depending on the context. But the hold that her story maintains over popular conceptions of capital punishment demonstrates the power of both the story and of the societal tension that it highlighted. Later accounts would credit Cox's case as the inspiration for reforms regarding capital punishment, the treatment of women accused of crimes, and the enforcement of infanticide laws.⁶⁸ Still, no direct correlation between the reconsiderations of the law and Cox's case can be established, despite frequent references in local history, journalism, and folklore. Instead, Cox remained a silent example; those who knew her story believed that it influenced later changes in culture and law, but those in power never officially acknowledged the connection.

Susanna Cox's case addressed two cultural anxieties: infanticide and illegitimacy. The question of the accused woman's willful disregard for the life of another intertwined with the religious implications associated with bastardy and fornication. However, in Cox's situation, the morality of the child's conception and even its death took a secondary place in the public imagination. Instead, questions surrounding the appropriateness of a capital charge dominated the conversation. Cox's own innocence or guilt received less interest than the appropriateness of the state's authority to take an individual's life. The question became one of retribution versus reform: when was it necessary to punish the individual, both in response to her actions and as an example to others, and when was it more appropriate to show mercy based on mitigating circumstances? This debate continued until well after Cox's execution, when her name would continue to be invoked in cases that addressed similar issues.

Here collective memory became more important than the details of Susanna Cox's actual life. Connections in the public imagination to more

⁶⁷ Richards, *Susanna Cox*, usually quoted without attribution.

⁶⁸ Dave Fooks, interview with the author, July 1, 2010.

recent developments maintain the continued relevance of her story to understandings of capital punishment within Pennsylvania. Regardless of whether her situation affected official policy, her story informed how the general population understood such changes. As her story left the pages of newspapers and the minds of lawmakers, it entered the purview of storytellers and ballad singers. Susanna Cox was no longer a historical figure; she had lost a part of her historical situatedness when the embellished stories of her life outnumbered the factual accounts. Her story had transcended history and entered into legend.

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Mixed Feelings: Stephen Colwell, Christian Sensibility, and the American State, 1841–61

ABSTRACT: Stephen Colwell argued that a high tariff could produce a moral political economy in an industrializing United States. He suggested that by providing industrial workers with wages higher than the international market would allow, the policy acted on Christian sensibility and its charge to protect the weak. Yet Colwell could not decide on exactly how the tariff would do so, and his struggle revealed complexity and tension within an important element of the American statebuilding project. He moved from a vision of a robust state protecting workers against predatory merchants to a definition of the tariff as an implement of a circumscribed, associative state that relied on manufacturers to act as its partners. Realizing that they might decline to protect workers by passing the tariff's profits along as higher wages, he admitted that the state relied on industrialists' goodwill to make the measure effective.

STEPHEN COLWELL (1800–71) BECAME wealthy as an ironmaker in antebellum Pennsylvania. Active in the Whig Party and Presbyterian Church (Old School), he wrote a series of articles and books in the decades immediately preceding the Civil War in which he asked evangelical Protestants to live by the Golden Rule: “love thy neighbor as thyself.” He told readers that their activities could help Christianity fulfill its rightful role as what he called “the appointed protector of humanity.”¹ While Colwell urged them to take part in private charitable activities, he insisted that this work also included a political component: Christians might protect humanity by supporting the high tariff.² Daniel Walker Howe has

¹ Stephen Colwell, *Politics for American Christians: A Word upon Our Example as a Nation, Our Labour, Our Trade, Elections, Education, and Congressional Legislation* (Philadelphia, 1852), 35.

² Historians who discuss Colwell have often overlooked his protectionism while describing him as a moralist critic of market capitalism and early advocate of the Social Gospel, and those who note

noted that many evangelical Whigs understood issues of public policy, including temperance, abolitionism, and the treatment of the insane and Native Americans, in broadly religious, humanitarian terms and as questions of personal morality and self-control.³ Other scholars have counted the tariff among this number.⁴ Colwell promoted the tariff in these terms, but in doing so he also addressed his own misgivings about the state's role and efficacy in American society, developing two seemingly conflicting explanations of how the policy would protect vulnerable wage earners.

Colwell described the tariff as the solution to the emerging problem of industrial poverty from a perspective that brought evangelical Protestantism together with the Scottish Enlightenment's emphasis on sensibility. Historians have discussed sensibility, in part, as a distaste for pain and suffering, accompanied by a feeling of benevolence or sympathy for the unfortunate in their sway. When expressed in actions, it often sought to ameliorate the cruel treatment of animals, children, the disabled, and the poor, largely through voluntary philanthropic activity.⁵ Adam Ferguson and Adam Smith promoted the belief that human beings naturally perceived and sought to relieve suffering and, as they were able to control their base passions, found pleasure in doing so. Nations marked by humane sentiments might call themselves progressive and civilized.⁶

his advocacy for high duties have discussed it in brief. See Stewart Davenport, *Friends of Unrighteous Mammon: Northern Christians and Market Capitalism, 1815–1860* (Chicago, 2008), 110–21; Susan R. Holman, *God Only Knows There's Need: Christian Responses to Poverty* (New York, 2009), 5–6, 77–79; Aaron Abell, *The Urban Impact of American Protestantism* (Hamden, CT, 1962), 5–7; Henry F. May, *Protestant Churches and Industrial America* (New York, 1949), 18–19; James Dombrowski, *The Early Days of Christian Socialism in America* (New York, 1936), 33; Charles H. Hopkins, *The Rise of the Social Gospel in American Protestantism, 1865–1915* (New Haven, CT, 1940), 6; and Bruce Morgan, "Stephen Colwell (1800–1871): Social Prophet before the Social Gospel," in *Sons of the Prophets: Leaders in Protestantism from Princeton Seminary*, ed. Hugh T. Kerr (Princeton, NJ, 1963), 123–47.

³ Daniel Walker Howe, "The Evangelical Movement and Political Culture in the North during the Second Party System," *Journal of American History* 77 (1991): 1237.

⁴ Richard Carwardine, *Evangelicals and Politics in Antebellum America* (New Haven, CT, 1993), 108; see also Charles C. Cole Jr., *The Social Ideas of the Northern Evangelists* (New York, 1966), 166, 172. Stephen Meardon summarizes this line of thought in the introduction to his "From Religious Revivals to Tariff Rancor: Preaching Free Trade and Protection during the Second American Party System," *History of Political Economy* 40, no. 5 (2008): 265–67, although he goes on to examine evangelical Protestants endorsing free trade.

⁵ Daniel Wickberg, "What is the History of Sensibilities? On Cultural Histories, Old and New," *American Historical Review* 112 (2007): 665; G. J. Barker-Benfield, "The Origins of Anglo-American Sensibility," in *Charity, Philanthropy, and Civility in American History*, ed. Lawrence J. Friedman and Mark D. McGarvie (Cambridge, UK, 2004), 72; Markman Ellis, *The Politics of Sensibility: Race, Gender, and Commerce in the Sentimental Novel* (Cambridge, UK, 1996), 14–15.

⁶ Adam Smith, *The Theory of Moral Sentiments* (London, 1759), 397, 408–9; Adam Ferguson, *An Essay on the History of Civil Society* (Edinburgh, UK, 1767), 306.

Theologians, increasingly describing God as a benevolent entity, echoed Ferguson and Smith's vision of individuals' innate capacity for sympathy and benevolence.⁷ Works of fiction often gave expression to sensibility in Colwell's period. Literary critics have argued that many titles relied on authors and readers' common understanding of a hierarchical social structure in which they defined themselves as independent and capable while describing the beneficiaries of sympathetic overtures as unable to defend themselves. In the words of one, sentimental charity and reform efforts often became "the sympathy of the empowered for the disempowered, the 'strong' for the 'weak,' the fully human for the dehumanized."⁸ Overt sentimentalism could become an object of fun in early nineteenth-century Britain, but in the United States it thrived in the context of religious revivals and reform movements, providing, in the words of one historian, "much of the moral orientation of nineteenth-century middle class culture" in the United States.⁹

The ironmaker built his case for the tariff on one of American protectionists' fundamental propositions. By 1840 many had begun to argue that high duties afforded American workers higher wages than their European competitors. Many scholars' accounts have documented how such protectionists as Henry C. Carey went on to argue that tariff-enhanced wages allowed free laborers to accumulate capital and exercise social mobility: Abraham Lincoln's well-known "right to rise."¹⁰ Colwell arrived at a very different conclusion, telling his readers that industrial workers should not expect to experience social mobility. Tariff-supported high wages would prevent them from sliding into a condition of absolute poverty and the

⁷ George Marsden, *The Evangelical Mind and the New School Presbyterian Experience: A Case Study of Thought and Theology in Nineteenth-Century America* (New Haven, CT, 1970), 35–37, 101; Susan Pearson, *The Rights of the Defenseless: Animals, Children, and Sentimental Liberalism in Nineteenth-Century America* (PhD diss., University of North Carolina at Chapel Hill, 2004), 9; Pearson, *The Rights of the Defenseless: Protecting Animals and Children in Gilded Age America* (Chicago, 2011), 12–13.

⁸ Lori Merish, *Sentimental Materialism: Gender, Commodity Culture, and Nineteenth-Century American Literature* (Durham, NC, 2000), 3; Pearson, *The Rights of the Defenseless* (2004), 177.

⁹ Daniel Wickberg, "What is the History of Sensibilities?" 665. Gordon Wood also emphasizes sensibility's political significance in the antebellum period and beyond. See his *The Radicalism of the American Revolution* (New York, 1992), 218.

¹⁰ Frank Taussig, *The Tariff History of the United States*, 8th ed. (New York, 1931), 65–66; Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (New York, 1970), 20–21; Dorothy Ross, *Origins of American Social Science* (New York, 1990), 47–48; Judith Goldstein, *Ideas, Interests, and American Trade Policy* (Ithaca, NY, 1993), 24; Sidney Ratner, *The Tariff in American History* (New York, 1972), 7; Michael Holt, *The Rise and Fall of the American Whig Party* (New York, 1999), 69–70, 952, quotation at 69; Gabor Borritt, *Lincoln and the Economics of the American Dream* (Memphis, TN, 1978), 99, 113, 139.

suffering that it brought, but they would remain a permanent class of wage earners.

A trip to the United Kingdom in the late 1830s inspired Colwell's protectionist appeal. He saw for himself the dreadful conditions in which many British workers labored and lived. Returning to the United States, he knew that declining American tariffs exposed his own manufacturing interests to competition from these workers' employers. In order to meet this challenge, American manufacturers might reduce their workers to the condition of those in Britain or become uncompetitive in the international marketplace. To make matters worse, free trade advocates in Britain and the United States had seemingly secured the moral high ground by describing their policy as a Christian expression of peace and goodwill while deriding the tariff as unadulterated selfishness.¹¹ With these concerns in mind, Colwell used the sentimental language of the weak and the strong to develop a protectionist argument for prosperous northern evangelical Protestants like himself, who stood to benefit from a tariff promoting American industrial development but also believed themselves humane.

American protectionism already rested on a discussion of strength and weakness in the international realm. It often described an industrialized Great Britain as strong and the United States and its manufacturers as relatively weak. Superior capital and technological know-how allowed British industrialists to undersell Americans in the marketplace, and an unrestricted international trade threatened to spread their dangerous variety of industrialism to the United States. Colwell built on this by describing an unregulated national marketplace and society as a lawless state, a realm in which some economically and politically strong individuals' uncontrolled passions subjected the weak to the type of suffering he had observed in the United Kingdom. In this light, *laissez-faire* political economy and the policy of free trade became expressions of insensibility and even cruelty. Colwell told his readers that if they would support the tariff in the realm of electoral politics, they might show themselves to be another species of the strong, possessed of Christian sensibility, who used state policy to protect the weak among them. A vote for the tariff was an expression of personal morality.¹²

¹¹ Francis Lieber, *Some Truths Worth Remembering, Given, as a Recapitulation, in a Farewell Lecture to the Class of Political Economy of 1849* (n.p., 1849), 6; cf. Davenport, 79.

¹² In this regard, Colwell's protectionist appeal represented an example of what historians have often described as the middle and upper classes' tendency to perceive their actions to promote their

Colwell's adopted hometown of Philadelphia influenced his work in two important ways. He wrote in what was then the nation's most Presbyterian city and the hub of the denomination's intellectual life.¹³ In 1837, more than twenty Presbyterian congregations made their homes in the Philadelphia metropolitan area, as did the church's General Assembly and Board of Publication.¹⁴ In that year, the Presbytery of Philadelphia's prominence became clear when its adjudication of the doctrinal controversy between Old School and New School factions divided the national church.¹⁵ Philadelphia also became the United States' center of protectionist politics in this period.¹⁶ As New York City took the lead in the nation's financial and commercial life, Philadelphia emerged as its preeminent manufacturing community.¹⁷ Prominent in the city since the early republic, Colwell's iron industry served as a hothouse for high-tariff views. It experienced periods of rapid growth and decline, which local ironmasters overwhelmingly attributed to the presence—or absence—of high duties. Other local industrialists, including manufacturers of textiles and proprietors of nearby anthracite coal mines, who sold a large volume of their product to ironmakers, became vigorous tariff proponents as well.¹⁸ One

own material interests as enlightened or humane. Many have described this as a process of self-deception or self-evasion in this period. See William Muraskin, "The Social-Control Theory in American History: A Critique," *Journal of Social History* 9 (1976): 559–69. Muraskin quotes Arnold Hauser, who saw ideology as "self-deception—never simply lies and deceit. It obscures truth in order not so much to mislead others as to maintain and increase the self-confidence of those who express and benefit from such deception" (566). See also Karen Halttunen, *Confidence Men and Painted Women* (New Haven, CT, 1982), xiv, for a historical discussion of self-deception or self-evasion; Ann Douglas, *The Feminization of American Culture* (New York, 1976), 12, also emphasizes self-evasion. David Brion Davis explores this tendency in regard to British abolitionism in *The Problem of Slavery in the Age of Revolution, 1770–1823* (Ithaca, NY, 1975), 354–55, 466. Colwell expanded on this ideological dynamic in an attempt to produce political support for a federal policy.

¹³ Richard Pointer, "Philadelphia Presbyterians, Capitalism, and the Morality of Economic Success," in *God and Mammon: Protestants, Money, and the Market, 1790–1860*, ed. Mark A. Noll (New York, 2002), 174.

¹⁴ William P. White, "Presbyterian Churches of Philadelphia," *Journal of the Presbyterian Historical Society* 7 (1913–14): 257–73.

¹⁵ Randall Balmer and John R. Fitzmier, *The Presbyterians* (Westport, CT, 1993), 48.

¹⁶ Malcolm Eiselen, *The Rise of Pennsylvania Protectionism* (Philadelphia, 1932).

¹⁷ Diane Lindstrom, *Economic Development in the Philadelphia Region, 1810–1885* (New York, 1978); Dominic Vitiello with George E. Thomas, *The Philadelphia Stock Exchange and the City It Made* (Philadelphia, 2010), 76. For works examining major Philadelphia industries of the period, see Philip Scranton, *Proprietary Capitalism: The Textile Manufacture at Philadelphia, 1800–1815* (New York, 1983); and John K. Brown, *The Baldwin Locomotive Works, 1831–1915: A Study in American Industrial Practice* (Baltimore, 1995).

¹⁸ Eiselen, *The Rise of Pennsylvania Protectionism*, 189, 105, 135–36.

observer reported that the issue had become “irresistible” in Philadelphia by 1844, and in many cases even candidates for the lowliest of local offices ardently proclaimed their devotion to protection.¹⁹

Colwell’s protectionism made him what two political scientists have recently recognized as a type of state builder, situated outside the federal government itself, concerned principally with constructing “emotional appeals and ideological frames” for expanded federal activity.²⁰ In addition to promoting the tariff as an expression of humane Christian sentiments, Colwell’s argument sought to situate the policy between *laissez-faire* and European socialism, and he engaged in a protracted attempt to imagine and describe just what type of state the tariff symbolized. In one voice, he concluded that a robust federal government would use the policy to protect the weak *against* the strong in American society. The tariff’s guarantee of higher wages would make sure that American employers did not follow their British competitors in pushing workers’ remuneration to the bare minimum. Deciding that this proposition ran afoul of his own desire for limited government, as well as his faith’s emphasis on individual action, he returned to the idea that the measure enabled the strong *themselves* to protect the weak. This required Colwell to distinguish between two varieties of what he identified as the strong members of society: rapacious merchants who advocated free trade and manufacturers like himself, who sought a high tariff. He never acknowledged the irony apparent in identifying the same manufacturers whom he described as weak in the face of British competition as possessing strength that made them responsible for vulnerable workers. As the tariff promoted manufacturers’ stability and success by shielding them from foreign competition, he reasoned, it enabled them to pay wages that delivered their workers from poverty. Colwell came to call this arrangement “social economy,” in contrast to political economy’s adamantly individualist outlook.²¹ Colwell clearly identified his own interests, and those of his fellow Philadelphia manufacturers, with the cause of humanity, but he was intellectually honest enough that he eventually

¹⁹ *Ibid.*, 160, 218.

²⁰ Carol Nackenoff and Julie Novkov, “Introduction,” in *Statebuilding from the Margins: Between Reconstruction and New Deal*, ed. Nackenoff and Novkov (Philadelphia, 2014), 7–8. Their work provides an expanded definition of this term, which scholars had previously used to describe state officials seeking to increase their authority and autonomy. See, for example, Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877–1920* (New York, 1982); and Daniel Carpenter, *The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies, 1862–1928* (Princeton, NJ, 2001).

²¹ Colwell, *Politics for American Christians*, 34.

found himself unable to believe that the tariff would in fact provide workers with higher wages than the market would ordinarily allow. Sensing that protected manufacturers might well choose to keep the policy's implicit subsidy for themselves by letting the market set wage rates, he turned his rhetorical skills to the task of persuading them to pay workers enough to maintain what he described as a Christian civilization. Setting aside his fellow protectionists' faith that a tariff-protected economy automatically produced progressively higher wages, Colwell made the policy's ability to protect vulnerable workers contingent upon individual manufacturers' personal self-control.²²

Colwell's protectionism represented a variety of a sentimental political vision that, according to Elizabeth B. Clark, called on the state "to provide special safeguards for the downtrodden" in this period.²³ While Clark examined abolitionists' use of this argument to bring the federal government to the aid of slaves, Susan Pearson has explored how reformers used sensibility to develop special protections for animals and children.²⁴ Yet Colwell's ideology differed from these in one crucial respect. Abolitionists and advocates of child and animal protection often mixed sentimental language with calls to recognize suffering people's or creatures' rights, but Colwell instead emphasized more privileged and accomplished Americans' Christian duty to assist industrial workers. Colwell's call to support the tariff thus encouraged his readers to perceive federal action to benefit industrial wage workers not as an autonomous state's act of justice, but rather as a result of their own rectitude and, in many cases, the administration of their own businesses.

Like Pearson's reformers, Colwell came to use sentimental language and beliefs to describe the tariff as the work of a circumscribed American

²² Colwell's personal appeal to businessmen was not unreasonable in his context. Although corporate enterprise had begun to emerge in the antebellum American economy, Colwell's native Philadelphia remained a stronghold of proprietary capitalism, in which individuals or families often found success administering small to medium-sized manufacturing concerns, especially in the textile industries (see Scranton, *Proprietary Capitalism*). For additional examples of proprietary enterprise in Philadelphia and a number of other cities located in the mid-Atlantic and New England regions in this period, see Walter Licht, *Industrializing America: The Nineteenth Century* (Baltimore, 1995).

²³ 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): 487.

²⁴ Pearson, *The Rights of the Defenseless* (2004, 2011). For a discussion of sensibility's influence on state policy later in the nineteenth century, see Michele Landis Dauber, "The Sympathetic State," *Law and History Review* 23 (2005); and Dauber, *The Sympathetic State: Disaster Relief and the Origins of the American Welfare State* (Chicago, 2013).

state.²⁵ His case shows that even a prominent advocate of federal intervention in the American political economy ultimately criticized and rejected his own argument for enabling an overly assertive government. In this light, he presented a more palatable alternative in terms that several scholars have used to discuss a nineteenth-century “associative” state that often used private organizations, including business concerns, to extend its reach and influence.²⁶ However, as Colwell realized that the tariff would not likely provide the federal government with increased capacity for addressing the problem of industrial wage labor, he foreshadowed a recent critique of the notion that these public-private partnerships demonstrated the American state’s hidden strength. A state relying on private business concerns to do its will left itself open to the likelihood that its partners would turn the arrangement to their own advantage, at the expense of the policy’s ostensible goals.²⁷

An Ironmaster Abroad

In the decades before the Civil War, Stephen Colwell became one of Philadelphia’s leading manufacturers, churchmen, and philanthropists. Born in Brooke County, Virginia (now West Virginia), in 1800, he grad-

²⁵ Pearson has gone on to show that animal and child advocates expanded government power under the auspices of such private organizations as anticruelty societies, allowing Americans to continue to believe that, even in the context of increased state activity, “they remained a people committed to liberty and voluntarism above all else.” See Pearson, *The Rights of the Defenseless* (2011), 19–20.

²⁶ The term “associative” stems from Ellis Hawley’s discussion of an associative state in twentieth-century America, in which secretary of commerce Herbert Hoover sought to bring private organizations like trade and professional associations into partnership with the federal government. See Hawley, “Herbert Hoover, the Commerce Secretariat, and the Vision of an ‘Associative State,’ 1921–1928,” *Journal of American History* 61 (1974): 117. Brian Balogh has more recently explored the broader nineteenth-century origins of an associative political vision that originated in Americans’ antistatist political culture and preference for a federal government that, while active, remained inconspicuous. In pursuing this strategy, early statebuilders often developed partnerships with nongovernmental organizations “instead of more overt, bureaucratic, and visible interventions into the political economy.” See Balogh’s *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America* (New York, 2009), 379. Balogh defines the tariff as a part of this general associative strategy in that it represented an inconspicuous means of collecting revenue, but he overlooks the degree to which protectionists like Colwell described private business firms as the federal government’s partners in social policy (153). See also William J. Novak, “The Myth of the ‘Weak’ American State,” *American Historical Review* 113 (2008): 769–70; and Gary Gerstle, *Liberty and Coercion: The Paradox of American Government* (Princeton, NJ, 2015), 108–18. Novak suggests that the period’s partnerships between the federal government and private entities provide examples of a purportedly weak state’s real capacity (769).

²⁷ Gerstle, *Liberty and Coercion*, concludes that partnerships with private businesses undercut state policy goals as often as they helped to realize them (118).

uated from college, passed the bar, and practiced law in Steubenville, Ohio, and Pittsburgh, Pennsylvania, before arriving in Philadelphia in 1836. There he married the daughter of a prominent ironmaker with works at Weymouth, New Jersey, and near Philadelphia at Conshohocken, Pennsylvania. After a period of service at the Weymouth facility, Colwell assumed control at Conshohocken, where he became a well-known member of the Pennsylvania ironmaking community.²⁸ He later expanded his activities by founding Colwell and Co., devoted to the “casting of iron water mains of unusual size, which previously had to be imported from Scotland.”²⁹ A founding member of the American Iron Association in 1855, Colwell served as a director of the Camden and Atlantic, Pennsylvania Central, and Reading Railroads as well. He also assumed a leading lay role in the Presbyterian Church, where he served as president of the board of trustees of the church’s general assembly and as a member of the denomination’s board of education. In addition, Colwell provided financial support to the University of Pennsylvania and Princeton Theological Seminaries, on whose boards of trustees he also served. He bequeathed to the former institution his personal library of some six thousand books and pamphlets broadly related to the subject of political economy. At the latter institution, his posthumous gift founded the Stephen Colwell Chair in Christian Ethics.³⁰

Sometime shortly after his arrival in Philadelphia and marriage, Colwell embarked on a European tour with an eye toward gathering information about new techniques that might help the family firm.³¹ Upon his return to the United States, he published discussions of what he had seen overseas, but he ignored all technical and administrative issues of making iron. Instead, he focused on the society that he saw there. Colwell’s visit to Great Britain made the strongest impression on him by far. In a series of three articles published in the *Biblical Repertory and Princeton*

²⁸ For more discussion of the family into which Colwell married, see Arthur D. Pierce, *Family Empire in Jersey Iron: The Richards Enterprises in the Pine Barrens* (New Brunswick, NJ, 1964).

²⁹ Milton C. Sernett, “Stephen Colwell and the ‘New Themes’ Controversy: A Philadelphia Manufacturer’s Christian Response to the Social Problems of Mid-Nineteenth Century Industrialism” (unpublished research paper, University of Delaware, 1969), Presbyterian Historical Society, Philadelphia, PA, 15.

³⁰ “Colwell, Stephen,” in *Dictionary of American Biography*, vol. 2, part 2 (New York, 1929), 327; “Stephen Colwell, 1800–1872,” in *The University of Pennsylvania: Its History, Influence, Equipment, and Characteristics; with Biographical Sketches and Portraits of Founders, Benefactors, Officers, and Alumni*, vol. 1, ed. Joshua L. Chamberlain (Boston, 1901), 336.

³¹ Sernett, “Stephen Colwell and the ‘New Themes’ Controversy,” 14, 20.

Review in 1841 and 1842, he used his own observations to describe the social problems evident in that nation. Colwell acknowledged that many Americans perceived Britain's industrial society to be the world's most civilized but argued that behind this impression there lay the misery of the British working classes, which was evident "to those only who are willing to contemplate all that is dreadful in human suffering, all that is touching in human wretchedness, all that is loathsome in human degradation," or, in a word, individuals possessed of sensibility.³²

Colwell described a scene in which fully half of the residents of Great Britain existed in abject poverty. He observed that in modern Britain, rural agricultural workers had been and were still being driven from the land into cities where, as potential industrial workers, they soon found themselves "entirely at the mercy of the manufacturer."³³ "Wailings of misery, cries of hunger, and deep murmurings of discontent" filled the air.³⁴ British humanitarians' efforts to improve the material conditions of the poor had largely failed, driving them to turn their attention overseas to Christian evangelism and the evils of slavery.³⁵ Among the more fortunate classes, indifference to suffering, and even outright cruelty, took root. Colwell reported that these Britons widely regarded the poor not as fellow citizens or even human beings but as a nuisance to dispose of—or at least remove from sight. He concluded that the plight of the British working class "must fill the heart of any man open to the feelings of humanity" with "the most painful emotions" and "unutterable disgust." Amazingly, such a state of affairs existed "in a Protestant country, in which all men are by law required to be religious, in the nineteenth century, when the light of revelation and the light of science is streaming abroad over the whole earth!"³⁶

Turning to a potential remedy for Britain's failings, Colwell took pains to emphasize that men could not force themselves, by law or otherwise, into equality of possession. As long as human beings possessed differ-

³² Stephen Colwell, "Review of *The Principles of Population, and their Connexion with Human Happiness*, by A. Alison and The Sixth Annual Report of the Poor Law Commissioners," *Biblical Repertory and Princeton Review* 13 (1841): 103.

³³ *Ibid.*, 105.

³⁴ Stephen Colwell, "Review of 1. The Last Will and Testament of James Smithson, London; 2. The Letters of John Q. Adams, F. Wayland, Thomas Cooper, Richard Rush, S. Chapin, to John Forsyth, Secretary of State, on the subject of the trust assumed by the United States, under the will of James Smithson; 3. The Congressional Proceedings and Documents on the Same Subject," *Biblical Repertory and Princeton Review* 14 (1842): 362.

³⁵ *Ibid.*, 363.

³⁶ Colwell, "Review of *The Principles of Population*," 108–110, 118, 117, 126.

ent mental and physical abilities, personal habits, and circumstances and selfishness informed the human heart, it remained an impossibility. At the same time, Colwell denounced the pronouncements of those political economists who condemned all government interference in matters pertaining to the distribution of wealth and the protection of industry and who asserted that such matters were better left to the market's workings.³⁷ He proposed another path. Dismissing Malthus's dire vision, he maintained that Great Britain did not face a crisis of scarce resources: "It is the policy of the country which presses upon the poor."³⁸ In this context, "the poor, the unwary, the ignorant, [and] the unfortunate claim the interference of government," in the form of laws "preventing them from being excluded from the benefits of the social system."³⁹

Turning his discussion to the United States, Colwell warned Americans that Britain's social reality could soon be their future.⁴⁰ The nation had already embarked on the course of industrialization that had produced so much misery in the United Kingdom.⁴¹ Aware that many remained fearful of industrialization's social costs, he carefully reminded his readers that he did not propose the abandonment of manufacturing in America. Rather, in a discussion of what the federal government should do with James Smithson's unexpected, rather vague bequest, which eventually founded the Smithsonian Institution, Colwell proposed that appointed scholars provide American public men with a knowledge of history and politics that they might use to correct errors in their nation's legislation. A specific example quickly came to mind. Colwell took note of the German states' commercial union, which promoted internal trade among its members while using tariffs to check foreign powers' advances on their shared market.⁴²

The Position of Industry

Colwell returned to the tariff issue in 1849. No organization advising the federal government on trade policy had taken shape, so the manufacturer set out to make a case for protection himself. American tariff pro-

³⁷ Ibid., 128.

³⁸ Colwell, "Review of *McCulloch's British Empire*," *Biblical Repertory and Princeton Review* 13 (1841): 421.

³⁹ Colwell, "Review of *The Principles of Population*," 129.

⁴⁰ Ibid., 114.

⁴¹ Colwell, "Review of the Last Will and Testament of James Smithson," 390.

⁴² Ibid., 373–74, 401–2, 379.

ponents maneuvered in a political context marked by declining duties.⁴³ Free trade advocates contended that the tariff represented rank self-interest and their own policy Christianity and civilization. John McVickar of Columbia College concluded that to forbid trade among nations was a very unwise thing, “but it is also a very wicked thing, for it is contrary to the will of GOD.”⁴⁴ In 1831 the Virginian Thomas Dew insisted that international commerce served as the “parent of civilization,” and that merchants, in pursuing their interests, became the “civilizer(s) of the world.” Thus, free trade represented “the doctrine of Christianity and of enlightened philanthropy.”⁴⁵

Yet behind this brave face, American free traders faced a serious problem. Although leading British political economists recommended free trade as the only policy leading to economic growth, many forecast a future marked by increasing scarcity and diminishing returns, which would produce abject poverty for many individuals. Influential clerics within the Church of England advised that such inequality reflected God’s design and provided the afflicted with a blessing in disguise: an opportunity to improve themselves.⁴⁶ Many American Christians found this vision unsettling, and McVickar and like-minded intellectuals sought to reconcile British political economy with their faith. They advised that the economic system that Adam Smith had described was so perfect in its organization and functions that it could only have been God’s plan.⁴⁷ The United States’ geographical scope and abundant natural resources largely exempted it from British fears of scarcity and decline.⁴⁸ Following the policy of free trade, the United States could become a high civilization marked by the greatest possible division of labor and creation of wealth.⁴⁹ Studiously ignoring questions of individual ethics and morality, advocates of free trade defined its moral influence as its promotion of international comity and right action.⁵⁰

⁴³ Taussig, *The Tariff History of the United States*, chap. 3.

⁴⁴ Davenport, *Friends of Unrighteous Mammon*, 80.

⁴⁵ Thomas Dew to Albert Gallatin, Nov. 11, 13, 1831, quoted in Stephen Belko, *The Triumph of the Antebellum Free Trade Movement* (Gainesville, FL, 2012), 79.

⁴⁶ A. M. C. Waterman, *Revolution, Politics and Religion: Christian Political Economy, 1798–1832* (Cambridge, UK, 1991), 194; Boyd Hilton, *The Age of Atonement: The Influence of Evangelicalism on Social and Economic Thought, 1785–1865* (New York, 1988), 21–22.

⁴⁷ Davenport, *Friends of Unrighteous Mammon*, 52–53.

⁴⁸ *Ibid.*, 98.

⁴⁹ *Ibid.*, 54, 56.

⁵⁰ *Ibid.*, 60, 82–83.

Colwell attacked free traders at their weakest points: the condition of the poor and free-trade advocates' role in creating it. He described an unregulated marketplace as a dangerous realm, reminding his readers that they should understand that businessmen sought only to purchase as cheaply as possible, at the expense of producers, and sell as dearly as possible, to the detriment of their customers. If such "intense and grinding" selfishness ruled economic life, he observed, it only stood to reason that state policy should limit its grasp. Colwell quickly qualified his indictment of the market, however, singling out for particular censure the workings of international trade and its champions. Free traders, interpreting "the maxim that every thing is lawful in war" to mean that "every thing was lawful in trade," only exacerbated the market's excesses by encouraging speculation and overtrading. Seemingly civilized nations heeding their advice had given rise to "hosts of men, who, without mere scruple," preyed upon the simple, the unsuspecting, the unwary, and the ignorant, and deprived them, remorselessly, of their meager means. "Thousands—nay, millions—are every few years crushed into beggary by the ruthless operations of trade," he maintained.⁵¹

Colwell's remarks broadly identified free trade beliefs and commerce itself as the handiwork of human beings utterly lacking in sympathy for others' distress. "Without scruples," "remorseless," and "ruthless," British manufacturers, American merchants, and other free traders believed and acted as they did because of their utter lack of sensibility or self-control. Much like men relied on their higher faculties to control their own base motives, he suggested, society relied on the state to regulate "that play of evil passions and principles" that emerged so readily in men facing the temptations of trade.⁵² Although this position seemingly called for the action of an energetic state, it also implied that market actors untouched by international commerce might be able to control their base passions, cultivate sensibility, and build a humane industrial order.

Colwell's attacks on merchants suggested that he wrote as an industrialist addressing an audience largely made up of fellow manufacturers and those who supported their cause. He went on to make his position still clearer, arguing that "industry is the parent of commerce; the latter

⁵¹ Stephen Colwell [Jonathan B. Wise, pseud.], *Some Aid to a Clear Perception of Our Actual Dependence upon Home Production and Internal Trade* (Philadelphia, 1849), 21–22.

⁵² Stephen Colwell [Jonathan B. Wise, pseud.], *The Relative Position in the System of Industry of Foreign Commerce, Domestic Production, and Internal Trade* (Philadelphia, 1850), 22.

but distributes what the former produces.”⁵³ Nevertheless, industrialists like Colwell faced difficult prospects. At the same time that he described free trade and international commerce crushing workers into beggary, Colwell emphasized their dire consequences for American manufacturers and the relationship between the two phenomena. In an 1850 memorial to Congress, Colwell and his cosigners from a Philadelphia ironmasters’ convention asked “not for monopoly; [but] for that security against ruinous fluctuations . . . indispensable to the success of industry.”⁵⁴ They explained that well-capitalized British manufacturers, who benefited from cheap labor (paid less than half of their American counterparts), created these fluctuations when they periodically released large quantities of iron on the market at extremely low prices in hopes of driving their American competitors from the field. Colwell noted that most American manufacturers produced a large amount of goods every year, obliging them to make frequent sales in order to meet their regular expenses. Few had capital sufficient to hold unsold product even a year; “their goods must go, be the price what it may.”⁵⁵ In this context, international competition led American manufacturers to contribute to their workers’ misfortune by cutting wages. The memorial’s signers noted that “humanity protests against the whole scheme, as a step backwards, and as shocking to the Christian spirit of the age.”⁵⁶

Amid these debates, a number of American protectionists identified manufacturing as a pillar of social welfare. In response to early fears that the introduction of industry in America would bring poverty and political upheaval, the prominent Whig politician Edward Everett in 1830 concluded that the investors building textile mills at Lowell, Massachusetts (under an earlier regime of higher tariffs), had foreseen industrialism’s dangers and corrected for them. To Everett, Lowell represented the rise of a “progressive Christian civilization.”⁵⁷ Another author, writing six years later, saluted the rise of “the moral manufacturer” and noted “the present happy condition of the manufacturing districts.”⁵⁸ A third tariff proponent

⁵³ *Ibid.*, 4.

⁵⁴ Convention of Iron Masters, *Documents Relating to the Manufacture of Iron in Pennsylvania. Published on Behalf of the Convention of Iron Masters, Which Met in Philadelphia, on the Twentieth of December, 1849* (Philadelphia, 1850), 6.

⁵⁵ Colwell, *Some Aid to a Clear Perception*, 24.

⁵⁶ Convention of Iron Masters, *Documents Relating to the Manufacture of Iron in Pennsylvania*, 60.

⁵⁷ Daniel Walker Howe, *The Political Culture of the American Whigs* (Chicago, 1979), 102–3.

⁵⁸ George S. White, *Memoir of Samuel Slater*, 2nd ed. (Philadelphia, 1836), 113, 120.

in 1850 declared that “industry is the living fountain of welfare, public and private.”⁵⁹

Colwell agreed, and in this light he described how the tariff might promote wage workers’ well-being. He argued that “the labor of the people should be the care of the State,” by which he meant the federal government, but he laid out a decidedly associative vision of that government’s workings. Because industry provided a large portion of the population with a means of earning a living, “the arm of the law should be thrown round the scene of this effort for mutual happiness.” Tariff-protected manufacturers would pay the high wages that firms facing withering foreign competition could not: “That policy must be best, which most promotes the comfort and happiness of the mass of the people—and those ends are best secured by that policy which furnishes labor to all, and a regular market.”⁶⁰ Ultimately, Colwell placed his protectionist appeal in a broader context. Although he did not directly invoke Everett’s concept of a progressive civilization built on manufacturing, he made his purpose clear when he noted that with the rise of the tariff overseas, “Industry has raised her head, and has secured acknowledgment as a separate and important interest in the world; as the proper patron of commerce; as the only adequate guarantee of independence, comfort, and social well-being. . . . The advantages of this policy have been so appreciated by the people of modern times,” he concluded triumphantly, “that they can never be driven back to the customs and privations of the dark ages.”⁶¹

An Age of Mercy

In 1851 Colwell turned his immediate focus to an explicitly Christian assessment of the growing humanitarian problems of industrial labor that he had first introduced in the *Biblical Repertory and Princeton Review*. Originally published anonymously, *New Themes for the Protestant Clergy* produced a sensation in northern evangelical Protestant circles perhaps best understood by a review of its subtitle: “Creeds without Charity; Theology without Humanity; and Protestantism without Christianity.”⁶² Criticizing

⁵⁹ Willard Phillips, *Propositions Concerning Protection and Free Trade* (Boston, 1850), 5.

⁶⁰ Colwell, *Some Aid to a Clear Perception*, iii, 20, 30.

⁶¹ Colwell, *The Relative Position in the System of Industry*, 36.

⁶² Stephen Colwell, *New Themes for the Protestant Clergy: Creeds without Charity, Theology without Humanity, and Protestantism without Christianity* (Philadelphia, 1851).

the American clergy's inattention to poverty and suffering in their midst in blunt terms, the work quickly provoked a response. Offended ministers and their supporters produced a volley of criticism and abuse, and Colwell's identity as the work's author soon became known. Some called him an unbeliever, others a socialist.⁶³

Within his larger discussion of ministers' failings, Colwell provided a conflicted vision of society and politics. He argued that in modern times at least two-thirds of the human race had "become more or less dependent on the other third," who enjoyed greater talents or accidental advantages. In recent years, the rise of a market economy had often allowed this "happy third" not only to live upon the labor of their dependents but "at will to prey upon them, and reduce them to absolute or virtual servitude."⁶⁴ Christians could not continue to ignore the matter of poverty without danger of being charged "as recreant to the cause of humanity." He continued, "the world now believes that the religion, announced by the Author and Finisher of our faith, embraces HUMANITY as well as DIVINITY in its range." Colwell chose first to review changing practices in the care of the insane to illustrate his point. Only a few years prior, well-intentioned people had committed grievous cruelties against the deranged. By the time he wrote, however, kindness had become the most-respected treatment for madness: "The age of cruelty is giving way to that of mercy."⁶⁵ Industrial poverty likewise presented believers with an opportunity to respond to what Colwell dubbed "the Christian social problem."⁶⁶

The manufacturer argued that Christians seeking to realize a state of social economy should practice charity, which he described as "the overflowing of kindly affections . . . which prompt us to fly uncalled to the help of the miserable." It was still very unusual, he continued, "to find a soul so dead as to be insensible to kindness."⁶⁷ Colwell made his appeal to an audience of his peers. "The rich man is not bound to divide his estate with his neighbor who may be in want," he wrote, "for the poor man may be utterly incapable of managing property. He is bound to relieve him, to the extent that love may dictate, necessity require, and prudence prescribe." Christianity would lead wealthy industrialists to aid the poor.

⁶³ Samuel A. Allibone, *New Themes Condemned: or, Thirty Opinions upon "New Themes" and Its "Reviewer"* (Philadelphia, 1853), 69.

⁶⁴ Colwell, *New Themes for the Protestant Clergy*, 270.

⁶⁵ *Ibid.*, xiii.

⁶⁶ *Ibid.*, 244.

⁶⁷ *Ibid.*, 134–35, 201.

“The Christian scheme is to regenerate the man,” he concluded, “to inspire him with new tastes, new feelings, new aims, and, by making better men change the oppressor into the benefactor.”⁶⁸

Colwell then returned to matters of state policy. He began by again denouncing free trade as benefiting American merchants, thus giving a small group of men large power, “which it would be contrary to all our knowledge of human nature if they do not fatally abuse.”⁶⁹ He then carefully linked the tariff to humanitarian Christianity. Reminding his readers of conditions in free-trade Great Britain, he explained that the nation’s “wicked neglect of the poor” was no accident.⁷⁰ Rather, the state kept millions in utter poverty and dependence so that British manufacturers might produce goods at prices low enough to command markets around the world. Worse yet, clergymen and intellectuals had constructed “a system of philosophy” specifically admonishing Christians to resist the urge to help the poor.⁷¹ Deep within the work’s notes, Colwell challenged Herbert Spencer’s argument against the relief of poverty. Spencer, he wrote, presented “the man of power and the man without; the man of wealth and the pauper,” proposing that each should enjoy “the most perfect liberty consistent with their not touching each other. . . . Its principle is the least possible restriction, the fewest possible enactments; the weak must be left to their weakness, the strong must be trusted with their strength, and unprotected man must not look for favor, and government must resolve itself into the lowest possible agent of nonintervention.”⁷² By contrast, American Christians should raise the poor from what he called the “political degradation” of their nation’s present low-tariff policy by rejecting both free trade and its intellectual supports. Without mentioning the tariff in so many words, he concluded that “the amelioration sought implies neither revolution, bloodshed, nor robbery: it demands adequate remuneration for labour: it implies that the bones and sinews of the people must not be sacrificed to that infatuation for foreign commerce which subjects them to the competition of the whole world.”⁷³

Colwell’s oblique allusion to the tariff escaped some readers. A review of *New Themes* published in the *New Englander and Yale Review* rued “the

⁶⁸ Ibid., 172, 250–51.

⁶⁹ Ibid., 242, 370–71, 168.

⁷⁰ Ibid., 149.

⁷¹ Ibid., 150.

⁷² Ibid., 370–71.

⁷³ Ibid., 168.

vagueness and indefiniteness of its recommendations. . . . We cannot tell what our author would have Christians do.”⁷⁴ Still, it found at least one receptive ear among the ministers whom *New Themes* addressed. Reverend William Henry Ruffner of Philadelphia served as Colwell’s great champion during the controversy that followed the work’s publication. He also reiterated the ironmaker’s call to improve the well-being of the poor through private charity as well as a Christian politics producing “legislation which will secure to the great multitudes of workers employment at just and remunerative wages.”⁷⁵ Occupying a pulpit in a city that devoted a sizeable portion of its public life to tariff matters, Ruffner immediately recognized Colwell’s reference to the policy.

Protectors of Humanity

For the remainder of the 1850s, Colwell attempted to assemble his several arguments into a single protectionist appeal. *New Themes for the Protestant Clergy* had emphasized American evangelical Protestants’ duty to relieve the poor and suggested that the tariff provided an opportunity to do so. The work had made Colwell’s hierarchical view of society explicit, effectively narrowing his intended audience to more prosperous Christians. It had also adopted a new language for describing the rich and the poor. Although Colwell had regularly described those not finding material well-being from an industrial market economy as the unfortunate and the simple, *New Themes* referred to them as the weak and the more prosperous as the strong.

In 1852’s *Politics for American Christians*, Colwell again urged his readers to apply their faith to politics. If Christianity regenerated the man, it left the man “to regenerate the State.”⁷⁶ “No Christian can rightfully separate his religion from his politics, [or] from his business” he reasoned.⁷⁷ Although Christian morality represented “the real basis of our civilization,” it had yet to exert its full influence on American political and social institutions, “that these in their turn may exert their full power in promoting the highest interests of humanity.”⁷⁸ Turning his attention to

⁷⁴ “The ‘New Themes’ Controversy: The Relation of Christianity to Poverty,” *New Englander and Yale Review* 11 (1853): 578.

⁷⁵ William Henry Ruffner, *Charity and the Clergy: Being a Review by a Protestant Clergyman, of the “New Themes” Controversy* (Philadelphia, 1853), 192.

⁷⁶ Colwell, *Politics for American Christians*, 21.

⁷⁷ *Ibid.*, iii.

⁷⁸ *Ibid.*, 42, 36.

the “the multitudes who are least able to protect themselves,” the industrialist maintained that Christians could protect humanity most effectively “by well-directed efforts to assure to the laborer the due reward of his labor.”⁷⁹ Colwell struggled to describe how the tariff would protect vulnerable workers. In a remarkable passage, he juxtaposed two quite different conceptions of the measure as a Christian public policy. Beginning on familiar ground, he reminded his readers that a sympathetic Christian surveying the laboring masses understood that men possessed unequal talents of mind and body. He continued, arguing that the Christian therefore “rejoices to see them united in communities or nations, that the weak may be protected against the strong, and the simple against the cunning.” He then pivoted to provide another description of protecting the weak, noting that, “in the race of life many must fall behind. If these are not upheld and carried onward by their stronger associates, they must sink under the burdens of life.”⁸⁰

Colwell’s confusing assertions reflected his two larger lines of reasoning on behalf of the tariff. The first strand of *Politics for American Christians*’ argument reiterated his earlier vision of a marketplace characterized by employers’ singular self-interest, mitigated only by the tariff and the resulting higher wages. In enacting this policy, the state properly intervened between employers and their workers. To expose “the poor laborer to the unchecked hand of the merchant or manufacturer is to abandon him, . . . to give him up unprotected to those whose interest it is to oppress and enslave” him, he concluded.⁸¹

Colwell’s second argument suggested that the strong should protect the weak without state intervention. But if the stronger parties in American society had shown themselves to be a predatory force, how could he expect them to protect the individuals and groups that they also victimized? Clearly, Colwell wished to convey a more complex meaning than his choice of words allowed. In subsequent pages, he immediately referred to the distinction he had already drawn between two groups inhabiting society’s “happy third”: manufacturers and merchants. Offering no further discussion of any woe caused by rapacious manufacturers’ unchecked hands, he identified merchants as all producers’ chief oppressors. Free trade theorists assumed that if international commerce developed with no taxes, duties,

⁷⁹ Ibid., 34–35.

⁸⁰ Ibid., 22–23.

⁸¹ Ibid., 33.

or restraints, American merchants “would be all-sufficient friends of the producers,” he observed. “But as merchants make their gains by charging their own price” for their goods, he continued, “they are the very parties to whom the interests of labor should not be entrusted.”⁸² If merchants represented a predatory element among society’s stronger classes, manufacturers could do much good and serve as the federal government’s partners in social policy. A tariff making British manufactured goods uncompetitive in the American market would raise workers’ wages by insuring “a fair field for industry and enterprise.”⁸³

Colwell’s argument gave his readers several reasons to throw their political support behind the tariff. He suggested that although industrialization had apparently caused poverty among wage laborers in the United States, its architects and beneficiaries were not to blame. Because a powerful Great Britain and the American merchants abetting it bore responsibility, American protectionists could solve matters of industrial poverty by supporting a policy that in many cases promoted their material interests. Colwell also assured his readers that the masses benefiting from the policy’s high wages would feel that they had become “the chosen objects of Christian care.”⁸⁴ Sure that they had brought the poor to feel Christian sympathy, the tariff’s prosperous proponents could rest assured that they had met their faith’s responsibilities in the political realm. They could look toward the future with confidence that their sympathetic religious beliefs and actions would restrain and guide American industrial capitalism toward a humane, Christian maturity.

Oppressors and Benefactors

Colwell offered his final discussion of the tariff as an instrument of evangelical Christians’ humane sentiments with *The Claims of Labor and Their Precedence to the Claims of Free Trade* (1861).⁸⁵ In it, he assailed *laissez-faire* and unrestricted international commerce in broad terms: “Unrestrained liberty is the principle of savage life; that of civilized life is the due restraint of individual freedom. The principle of liberty pushed too far in reference to the institutions of civilization dissolves the whole fabric

⁸² *Ibid.*, 27.

⁸³ *Ibid.*, 24.

⁸⁴ Stephen Colwell, *The Position of Christianity in the United States* (Philadelphia, 1854), 135.

⁸⁵ Stephen Colwell, *The Claims of Labor and Their Precedence to the Claims of Free Trade* (Philadelphia, 1861), 39, 13, 47.

and carries people back to barbarism.”⁸⁶ Yet it remained difficult to explain how, specifically, the tariff represented the will of a humane Christianity. He wrestled with the paradox of his two seemingly conflicting arguments for how a federal government informed by Christian faith might protect the weak. In one voice he maintained that the tariff represented the intervention of a robust state, suggesting that “in the same way that men in society must be protected from each other; the various classes must also be protected from each other.” The state, he reiterated, must use the tariff “to intervene between the employer and his dependent as in any case of justice between man and man.”⁸⁷

At the same time, Colwell developed his second line of argument more fully. If tariff protection turned away from *laissez-faire*, it would also stand in sharp contrast to the efforts of “Socialists, Communists, Utopists or enthusiasts” whose false speculations had failed to solve the great problems of labor and cast discredit on other efforts to do so. In this voice he argued that the state’s activities promoting the well-being of laborers “must be . . . in the circle within which its special authority is effectual.” The enduring settlement of the labor question belonged to the domain of morality and Christianity as much as that of government. In this vein, Colwell produced a description of associative political-economic arrangements that he by this point called “social industry,” which did “more to quicken the movements of industry and fill the channels of commerce than all the theories of wealth, or money, or commerce, of political economy.”⁸⁸ “No Government can employ any considerable proportion of its population,” he reasoned, “but every Government can be careful to open and extend the avenues of industry. It may not enter upon, but it can point out and promote the career of labor!”⁸⁹

Although the mention of abundance perhaps hinted at a life of upward mobility for American workers, Colwell quickly put that idea to rest. American industrial laborers would remain a wage-earning class. “The masses who labor under established social and political arrangements, are like horses saddled and bridled or harnessed for work,” he argued. The employer required a bridle as well. Only Christianity, acting upon human wisdom, affection, and institutions, taught of mutual responsibilities. As

⁸⁶ Ibid., 39.

⁸⁷ Ibid., 13, 47.

⁸⁸ Ibid., 12, 4, 5.

⁸⁹ Ibid., 51.

industry and civilization developed, Americans faced an unavoidable obligation “to develop the bearing of Christianity upon the new order of things, and the new relations which spring up.” As a case in point, tariff-protected manufacturers would conduct their businesses so as to place workers “under Christian safeguards, under the protection of the great law of Christian charity.”⁹⁰

The manufacturer built both of his models of how the tariff would protect the weak on the assumption that the policy provided workers with higher wages. But as he used *The Claims of Labor* to examine how the policy facilitated the rise of social industry, he became less sure of his central premise. Having called upon tariff-protected manufacturers to set employees’ wages on the principle of charity, Colwell pointedly worried that they might fail to do so, and he asked other Americans to hold them to their implicit responsibility. He noted, “this appeal is not only made to all employers as to a question of wages between them and their laborers, it is made to all men of power, wealth, wisdom and intelligence, to urge upon them their responsibilities in reference to the compensation which is due to those who give the toil of their lives to the benefit of society.”⁹¹ If Colwell’s first vision of the tariff protecting the weak against the strong relied on a strong state to control dangerous parties, his second understanding of the policy counted on manufacturers’ self-control. If protected manufacturers might choose to keep the bounty produced in the absence of foreign competition for themselves, then only Christian employers truly embracing their social responsibility would provide workers with high wages. Social industry’s fate ultimately relied on the same uncertain dynamic of intensive persuasion and Christian conversion that informed individuals’ voluntary charitable behavior, which Colwell had earlier described as making better men.

Colwell’s attempt to align the tariff with Christian sensibility reflected the religious controversy taking place within his denomination, which in turn illuminates his political concerns.⁹² In 1839 American Presbyterians divided themselves into two factions: Old School and New School. Members of the Old School confessed their belief in the traditional

⁹⁰ *Ibid.*, 23–24.

⁹¹ *Ibid.*, 18.

⁹² The economist Stephen Meardon has described this period’s discussion of the tariff as a religious controversy. Although he examines evangelical Protestants endorsing free trade, Meardon’s larger observation puts Stephen Colwell’s complex, seemingly contradictory, protectionism in its proper context. See Meardon, “From Religious Revivals to Tariff Rancor,” 265–67.

Calvinist doctrine of human beings' innate sinfulness, maintained that the Holy Spirit's intervention played the preeminent role in securing an individual's religious conversion, and largely opposed the period's enthusiastic revivals and reform efforts, public and private.⁹³ By contrast, New School Presbyterians understood religious conversion as an act of free will representing, in part, an individual's progress from self-love toward loving one's neighbor as oneself. They also founded and promoted new organizations devoted to proselytizing and benevolence, which charged the established Protestant church with ignoring the world's miseries and published Christian literature of a decidedly humanitarian, sentimental flavor.⁹⁴

Colwell's later work presented his two arguments for how the tariff might protect the weak in these theological terms, respectively. The Old School Presbyterian in him maintained that businessmen, who were innate sinners like everyone else, naturally took advantage of workers willing to accept low wages rather than starve and concluded that only an assertive state could prevent the misery sure to follow. Ultimately rejecting this argument, his second appeal acknowledged aspects of his own faith that had strayed beyond the boundaries of his native Old School orthodoxy: his humanitarian sensibility, his belief that Christians should promote sensibility in politics, and his hope that individuals could in fact choose their spiritual course in life. Colwell had long maintained that the tariff automatically produced high wages, but he came to realize that his associative argument for the measure relied on wealthy industrialists, including members of his reading public, to experience real progress from self-love toward loving one's neighbor as oneself. Manufacturers would have to set aside their sinful natures in order to pay high wages. Unable to shake his worry that industrialists might in fact fail to do this, he admitted that the federal government could only protect the poor and weak if manufacturers acted as good Christians.

Conclusion

Eulogies following Colwell's death in 1871 suggest that the manufacturer's protectionist works found a considerable audience but only mixed persuasive success. Denominational publications noting the passing of a

⁹³ Balmer and Fitzmier, 47–49.

⁹⁴ Marsden, *The Evangelical Mind and the New School Presbyterian Experience*, 51–52, 35–37. For examples of sentimental literature published by a New School organization, see American Sunday-School Union, *The Two Masters, or Mercy and Cruelty* (Philadelphia, 1847); and Charlotte Elizabeth, *Kindness to Animals; or, the Sin of Cruelty Exposed and Rebuked* (Philadelphia, 1845).

prominent layman and philanthropist acknowledged Colwell's religious perspective on matters of trade policy but largely failed to recognize, much less endorse, his protectionism. *The Presbyterian Quarterly and Princeton Review*, bearing the name of the seminary to which Colwell had advanced generous donations and on the board of directors of which he served, noted his death in its inaugural publication of January 1872. Reverend Charles A. Aiken, professor of divinity at the seminary, said no more about the tariff than to salute Colwell's attempts to develop "a Christian Social Science," while another contributor vaguely noted what Colwell "conceived to be Political Economy's relations to Christianity."⁹⁵

Leading tariff advocates, however, embraced Colwell's appeal to Christian sensibility. Industrialist Henry C. Carey, who had invested part of his publishing fortune in Pennsylvania coal lands, echoed his deceased friend's indictment of *laissez-faire* and free trade as "miserable selfishness."⁹⁶ Their tenets pointed "in the direction of giving increased power to the rich and strong, while throwing responsibility on the shoulders of the poor and weak."⁹⁷ The fortunate classes had too often rejected "the duties enjoined in the second table of the law, as it is summarized by the Great Teacher."⁹⁸ By contrast, Carey emphasized, Colwell's humanitarian sympathies informed a call to imagine and support the tariff as a "system of philosophic benevolence," a doctrine of "mercy . . . with a resulting economic policy of protection to productive industry, leading to the highest human welfare."⁹⁹ The *Bulletin of the National Association of Wool Manufacturers*, speaking for another industry vulnerable to low-wage British competition, saluted the industrialist as the acknowledged head of the iron interests in Pennsylvania at the time of his protectionist writings but went on to conclude that "he investigated industrial questions, not in the light of interest, but in the light of philanthropy."¹⁰⁰

⁹⁵ Charles A. Aiken, "The Variable and the Constant in Christian Apology," *Presbyterian Quarterly and Princeton Review* 1 (1872): 28; "A Memoir of Stephen Colwell," *Presbyterian Quarterly and Princeton Review* 1 (1872): 199.

⁹⁶ Henry C. Carey, *A Memoir of Stephen Colwell: Read before the American Philosophical Society, Friday, November 17, 1871* (Philadelphia, 1872), 20. For a discussion of Carey's coal interests, see Anthony F. C. Wallace, *St. Clair: A Nineteenth-Century Coal Town's Experience with a Disaster-Prone Industry* (New York, 1987), esp. chaps. 2 and 3.

⁹⁷ Carey, *A Memoir of Stephen Colwell*, 20.

⁹⁸ *Ibid.*, 19.

⁹⁹ *Ibid.*, 25.

¹⁰⁰ "Obituary: Hon. Stephen Colwell," *Bulletin of the National Association of Wool Manufacturers* 2 (1870-71): 346-47.

This evidence, however limited, suggests that Colwell's rhetoric appealed to individuals already predisposed to favor the high tariff for reasons including economic interest. From his perspective, the assumption that the policy produced high wages rebutted free traders' contentions that it represented manufacturers' naked selfishness. Indeed, Christians supporting the tariff could tell themselves that they had taken action to address the growing problem of poverty among industrial wage workers. Tariff opponents usually responded by arguing that the measure did not actually produce higher wages that improved workers' living conditions, an objection that Colwell acknowledged in his detailed discussion of how, exactly, the state would use the tariff to protect the weak. Carey and his fellow advocates of high duties ignored Colwell's conflicted inner dialogue, however, and made his sentimental protectionism an ideology that could help them to understand their pursuit of economic self-interest in a positive moral light.

Colwell certainly provided Carey and other fellow protectionists with reason to understand his work in such terms. It represented a considerable departure from the appeals to free labor that many accounts of nineteenth-century protectionism have made familiar. While tariff proponents often argued that the high wages that the policy ostensibly fostered allowed white, male industrial wage workers to exercise social mobility, Colwell insisted that tariffs simply protected a permanent class against a descent into poverty. Although the manufacturer noted that poverty could result by accident or bad luck, his ideology ultimately grouped these workers with the slaves, children, and animals that other reformers identified as requiring state protection. These reformers' rhetoric in support of state activity mixed sentimental beliefs with liberal references to the rights of the downtrodden, but Colwell described the tariff as charity, and he went so far as to characterize his readers' advocacy of and votes for the measure as acts of mercy. In his argument, workers' rights mattered little. Indeed, he cast the policy as nothing so much as a discretionary expression of his readers' enlightened consciences, something that they should provide but might also retract at will. Promoting state activity, Colwell gave little weight to the role of the state itself.

Casting his two potential visions of a protective state in the sentimental language of the weak and the strong, Colwell produced accounts that relied on opposing conceptions of those occupying positions of strength. In the same work that he used to rehearse an argument defining successful

businessmen as marauding capitalists whom only the state could control, he decided that he could not abide an openly active state and sought to rehabilitate manufacturers by describing them as the federal government's partners in securing workers' well-being. As he pursued this second line of reasoning to its conclusion, Colwell flinched, however. He could not bring himself to believe that industrialists benefiting from the tariff would pay the high wages that he once suggested the policy automatically produced. Although the industrialist never unreservedly endorsed either of his potential visions of the state in the American political economy, the degree to which he agonized over the likelihood that manufacturers would in fact pay higher wages and the fact that he called on Christians to do so suggest that he strongly preferred the latter in the end.

By insisting that manufacturers who benefited from the tariff could use this state largesse to help address the plight of industrial wage workers, Colwell linked one of the nineteenth century's most significant federal policies with a type of state-building activity that historians have recently described as extending the federal government's reach and effectiveness by building partnerships with nongovernmental entities.¹⁰¹ Scholars have gone on to disagree about the extent to which such partnerships represented the activities of a strong state or those of a government seeking to circumvent an antistatist political culture in an *ad hoc* and often ineffective manner.¹⁰² When Colwell cast the tariff's success or failure in addressing the social question as a matter of partner industrialists' individual faith and morality, he perceived a state hobbled by human frailty. Even one of the associative state's earliest advocates recognized that it resembled nothing so much as an arrangement that rose or fell on the goodwill of its partners.

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DREW VANDECREEK

¹⁰¹ James L. Huston has identified the tariff as the United States' first national labor policy, and J. J. Pincus has called it the main political issue of the nineteenth century, save slavery. See Huston, "A Political Response to Industrialism: The Republican Embrace of Protectionist Labor Doctrines," *Journal of American History* 70 (1983): 57; and Pincus, "Tariff Policies," in *Encyclopedia of American Political History*, ed. Jack P. Greene (New York, 1984), 1259.

¹⁰² Novak, "The Myth of the 'Weak' American State"; Balogh, *A Government Out of Sight*; Gary Gerstle, "A State Both Strong and Weak," *American Historical Review* 115 (2010): 784.

BOOK REVIEWS

The Making of Tocqueville's America: Law and Association in the Early United States.
By KEVIN BUTTERFIELD. (Chicago: The University of Chicago Press, 2016. 311 pp. Illustrations, notes, index. \$40.)

When Alexis de Tocqueville wrote about his travels in the United States, he famously celebrated its vibrant voluntary culture as one of the hallmarks of the young nation. Kevin Butterfield's recent book provides fresh perspective on a familiar phenomenon by positioning these organizations not only in civil society but in an evolving and distinctly American legal culture. Butterfield argues convincingly that associational culture was shaped not only by the individuals who organized and joined voluntary endeavors but by judges who were repeatedly called upon to adjudicate disputes between members and voluntary associations. In an increasingly law-minded early republic, men and women associated with voluntary associations believed that members had a right to legal protections, including the right to bring suit when their rights were abused, implying in turn that private organizations could and should be under the scrutiny of the public. Through the first third of the nineteenth century, Americans hammered out remarkably consistent internal organizational forms and external jurisprudence governing the appropriate relationship between individuals and the organizations they joined—collectively creating what Butterfield calls “an American common law of membership” (162, 231). By the 1840s, with this common law largely in place, courts began to withdraw active intervention, restricting themselves only to determining whether proper procedures (as laid out in charters) had been followed, not whether the laws in those charters were just or appropriate. The onus fell upon members to understand what they were signing up for when they joined. Butterfield uses this paired organizational and legal history to explain how the early republic could celebrate individualism and foster the rights-bearing individual at the same time that it spawned “the associational impulse,” the growth of an increasingly pluralistic and socially, economically, and politically powerful array of organizations (6).

Butterfield's detailed, nuanced readings of the development of jurisprudence relating to voluntary associations is particularly rich when he analyzes the nineteenth century and the court cases that shaped concepts of membership, due process, and the limits of arbitrary authority over individuals. Less well-supported is his insistence that the developments he charts constitute a radical break from

precedent. Butterfield argues that the American Revolution ushered in “something new,” “unique,” and “distinctively American” (9, 10, 87). The law-oriented approach of the early republic, he argues, supplanted earlier colonial-era organizations “almost wholly founded on play and seeking little more than fellowship” (15). Such an argument rests on a truncated and caricatured version of voluntary associations in colonial America and the wider British Atlantic world, which, contrary to Butterfield’s narrow definition, drafted and maintained articles of association that presaged later organizational constitutions, engaged in social, economic, and political work, and served not as discarded dead ends but as templates off of which later organizations would build.

Notwithstanding this thin origin story, the great contribution of this book is to help explain how in the era of the early republic the rapid increase and embrace of voluntary associational culture coexisted with and even buttressed the primacy of the rights-bearing individual. Butterfield’s reading of voluntary associations through a detailed legal history offers a new and useful paradigm through which to understand the evolution of early American civil society.

Temple University

JESSICA RONEY

Luxurious Citizens: The Politics of Consumption in Nineteenth-Century America. By JOANNA COHEN. (Philadelphia: University of Pennsylvania Press, 2017. 296 pp. Illustrations, notes, index. \$45.)

Joanna Cohen’s *Luxurious Citizens* is a smart and elegant study of the creation of the American consumer-citizen in the years between the nation’s founding and the end of the Civil War. Over these decades, the prosperous patriot-consumer, whose prudent nonessential purchases helped fund the new nation, gave way to a more profligate middle-class consumer, who demanded unfettered access to goods at good prices as a right of citizenship. Early elites like Abigail Adams might have demanded abstention for the good of the country, invoking the patriot-citizen. Massachusetts farmers refused to exchange their foreign-made corduroy cloth for uncomfortable American leather. By 1865, the pleasure of corduroy had won out over civic virtues of self-restraint.

Cohen describes her book as a “cultural history of economic ideas,” especially the ideas of lawmakers, manufacturers, vendors, advertisers, and a wide range of pundits and journalists. In her chapters, she follows heated debates over early national commercial policy, consumer abstinence and indulgence before and during the War of 1812, the dangers and enticements of public auctions, the tariff, the proliferation of enticing advertisements, and the role of consumers during the Civil War. Throughout, she pays close attention to both what was said and how it was said. Cohen describes the increasing importance of gender and, to a lesser

extent, race in creating the consumer-citizen, and she details the often subtle differences between Northern and Southern images of citizenship. Her discussion of the tariff debates in particular is excellent. Cohen shows that as protectionists and free traders argued over whether there should even be a protective tariff, they were also always wrestling with the larger question of what consuming those goods, taxed or not, might mean for the nation. By the end of the Civil War, the “liberty to consume” cheap and cheerful goods formed the basis of American democracy, as it does today (2).

Cohen is clearly troubled that “indulging in the world of goods” has replaced a more rigorous civic engagement as a “positive civic good,” and her introduction and epilogue lay out the precariousness of making consumption the basis of citizenship. And yet, as Cohen shows, consumption offered a great deal to nineteenth-century Americans. The commercial explosion of the 1830s encouraged merchants and advertisers to work overtime luring consumers to buy, but it also gave ever more men and women access to material luxuries, improving daily life. Though readers rarely see the consumers themselves in this book (it is, after all, about imagining consumers), when they do appear, they often suggest the potentials of consumption as well as its limitations. A white man’s violent attack on an African American woman wearing an expensive chinchilla hat is an example of the fragility of claiming consumer-citizenship (the expensive hat did not protect its wearer or make her that man’s equal), but it is also an example of the power (and, one hopes, pleasure) that owning that hat had, if only briefly. Cohen’s emphasis on the weakness of the consumer-citizen would no doubt dismay the early twentieth-century working women of New York and Chicago. They insisted that fancy hats held political promise as well as sensory pleasure. But this excellent book reminds us that these women had to forge the connection between hats and politics themselves; this possibility was beyond the imagination of earlier Americans.

Queen’s University

ROSANNE CURRARINO

Moral Commerce: Quakers and the Transatlantic Boycott of the Slave Labor Economy.

By JULIE L. HOLCOMB. (Ithaca, NY: Cornell University Press, 2016. 272 pp. Illustrations, notes, index. \$39.95.)

The transatlantic movement to abstain from the products of slave labor stands as a precedent for consumer boycotts designed to promote social change, attracting attention from British and American historians who have studied campaigns to introduce conscience into the marketplace. Yet Julie L. Holcomb’s *Moral Commerce* is the first full-length monograph to encompass its international reach and to trace the long trajectory of this activism, from its Quaker beginnings

through the campaign for abstention from sugar that rocked Britain in 1791 to the schemes for cultivating free cotton on the eve of the Civil War. For its scope and detail, this well-crafted volume is an important achievement.

Locating the movement's origins in the efforts of early Quaker antislavery activists to push beyond renunciation of slaveholding, Holcomb identifies a core of Friends who urged abstention from the products of "stolen" unfree labor. Yet for some, profound distrust of the burgeoning consumer market increasingly flush with luxuries mixed with their particular and principled renunciations. Moving to target sugar in particular helped satisfy devout Quakers who saw the sweetener as decadent self-indulgence, while it also appealed more broadly to sentimental women who, as they supervised the rituals of the tea table, rejected the "blood stained" condiment to testify against slavery. By 1791, British abstinence enlisted perhaps as many as a half-million people. Across the Atlantic, many American Quakers, too, embraced moral consumption as a part of their antislavery practice, joined by African American activists who struggled to negate the taint of colonization embedded in white abstention efforts. The revived anti-sugar campaigns in Britain in the 1820s added a new element by introducing Adam Smith's arguments to the movement's moralism; asserting the economic superiority of free labor, adherents now sought to unite ethics and profits. Yet American abstinence remained primarily the personal testimony of Quakers, who increasingly quarreled among themselves on their proper roles in worldly reform activities, including free produce. While associations and stores struggled to provide uncorrupted merchandise, many Friends and most of the larger antislavery movement never embraced the cause. Even among Garrisonian abolitionists who acknowledged the inconsistencies in consuming slave goods, free produce seemed an impractical goal that siphoned energy away from antislavery campaigning.

Holcomb concludes that the success of the abstention movement lay not in its economic impact but rather in its persistent engagement of the public in debates about moral commerce and the choices of consumers. Unwittingly, however, the author limns a narrative of declension. The movement made its most effective interventions in the eighteenth century; the 1791–92 campaigns engaged a broad cross section of sugar consumers in conversation and debate. But as the international web of commerce became increasingly complicated, procuring truly untainted free produce, particularly cotton, became more difficult. Moreover, unlike the earlier "Anti-Saccharites" who targeted a single item, important both as a symbol and as an economic commodity, later Free Produce supporters insisted on total abstinence from *all* stolen labor in order to affirm their commitment to individual purity and identity, alienating much of their potential public. Today's advocates for moral commerce may learn a dispiriting lesson about the difficulties of crafting relevant and inclusive strategies.

The Politics of Black Citizenship: Free African Americans in the Mid-Atlantic Borderland, 1817–1863. By ANDREW K. DIEMER. (Athens, GA: University of Georgia Press, 2016. 312 pp. Illustrations, notes, bibliography, index. \$49.95.)

In the decades before the Civil War, free African American communities in Maryland and Pennsylvania lived on a literal borderland between slavery and freedom. In Maryland, black men and women lived in the midst of bondage, facing policies attempting to reenslave or drive them from the state. In Pennsylvania, tenuous holds on freedom were undermined daily by attempts to capture fugitives from bondage. Their proximity to enslavement and freedom in both cases shaped their worldview and guided their actions in everyday life. In *The Politics of Black Citizenship*, Andrew Diemer deftly examines this world and guides the reader through how African Americans in these communities understood themselves as citizens of the United States. What did citizenship mean in this borderland, and how was it protected and expanded? This is the central question behind Diemer's work.

Diemer lays out ideas of black citizenship and identity in this borderland and even in a transnational context. He recovers the "dynamism" of political engagement in this region. He challenges notions of black withdrawal from broader political life, arguing that the struggle for citizenship forced engagement with the wider white world. Yet Diemer argues that black activists on this borderland advocated a specific vision of citizenship rights grounded in a defense of freedom from reenslavement. Ideas of citizenship were rooted in black " Americanness " and birthright membership in nation, state, and locality. Broader ideas of legal and political equality, Diemer argues, remained elusive longer-term goals. Further, Diemer asserts that the tenuous support of white allies influenced black strategies greatly and tempered calls for radical action.

The book is divided into four parts, moving generally chronologically. The narrative opens with examination of the controversies around colonization and opposition to the American Colonization Society. Diemer then examines the challenges posed by fugitives from bondage along the borderland and moves on to an analysis of the role of black uplift and moral reform. Finally, he concludes with changes occurring on the eve of the Civil War. At the end of the book, the borderland of enslaved and free has collapsed, replaced with a general fight for black citizenship.

A particular highlight of Diemer's narrative is his examination of black engagement with electoral politics despite lacking full formal political rights. Too often, historians have neglected how African Americans, even during periods of disenfranchisement, engaged in party politics, campaigned for candidates, and influenced platforms.

Diemer's study could be improved by a more substantive discussion of the actions and ideas of African American women. Black women during this period

were deeply engaged in questions similar to those at the center of Diemer's study, and one wonders how their greater inclusion here might complicate his argument. An examination of women's politics would likely show how African American ideas of citizenship were often viewed through lenses of masculinity, perhaps putting them at odds with African American women's interests.

As it stands, Diemer presents an important study and adds to a growing canon of literature on African American citizenship before the Civil War.

Lilongwe, Malawi

MILLINGTON BERGESON-LOCKWOOD

Whispers of Cruel Wrongs: The Correspondence of Louisa Jacobs and Her Circle, 1879–1911. Edited by MARY MAILLARD. (Madison, WI: The University of Wisconsin Press, 2017. 240 pp. Illustrations, notes, index. \$64.95.)

One of the most precious experiences in learning about nineteenth-century life is to read personal letters. Unlike diaries, which are often lists of events, or autobiographies meant as an edited public record, letters are often spontaneous conversations full of interesting tidbits, gossip, rants, and emotional outbursts. They also tell snoopy historians about a wide range of people and events, many we will never know anything more about than their brief mention in one letter.

This collection, meticulously edited by Mary Maillard, reveals the world of Louisa Matilda Jacobs “and her circle” between 1879 and 1911. “Lulu” was the daughter of the enslaved Harriet Jacobs, the author of the 1861 slave narrative *Incidents in the Life of a Slave Girl*, and Samuel Tredwell Sawyer, a newspaper editor and member of Congress. When Lulu was six years old, Tredwell brought her to Brooklyn, New York, to live with his cousin's family. He paid for her education, including teacher training courses in Boston, and supported her until his death in 1865. Then she was on her own.

The seventy-eight letters in this volume consist of fifty-eight from Lulu's pen, thirteen from that of Annie Purvis, and seven others from other friends. The seventy-one from Lulu and Annie Purvis were addressed to Eugenie (“Genie”) Webb, but there are no replies. All are housed in the Annie Wood Webb Papers at the Library Company of Philadelphia. There are many familiar names (i.e., Forten, Purvis, and Grimké) bandied about in the letters, all reflecting the established middle-class black community primarily in Philadelphia and Washington, DC.

Through brief biographies, family trees, and extensive endnotes, Maillard takes readers through the letters. The story they tell is not necessarily the one readers expect. Lulu, Annie, and Genie were all educated and lived within an elite community of African Americans. Yet none married; all cared for siblings and aging parents; and all lived hard-working lives. Lulu, whom readers learn the most

about, worked tirelessly. She was always seeking a livelihood. She and her mother moved constantly, always keeping in mind the need to rent rooms to boarders. Sometimes, they took on housekeeping. Lulu worked in the canning and bakery business, then created her own line of jams and pickles. For a while, she taught home economics at Howard University and was the only female instructor at the institution. She also had positions as the matron of the National Home for the Relief of Destitute Colored Women and Children in Washington, DC, and then matron of Miner Hall at Howard. There was no end to making ends meet.

Sometimes Lulu lashed out at white injustice, especially over her lost inheritance of her great-grandmother's property, but she always kept her optimism through her love of friends and family and her deep religious conviction. Most moving is her statement of September 27, 1896: "So let us be hopeful and never turn aside from the little glimmers of sunshine that meet us here and there on our way" (153). This thought reveals the perseverance and humanity of Louisa Jacobs and her circle of single, hard-pressed, nineteenth-century black women.

City College of New York, CUNY

HARRIET HYMAN ALONSO

A Greene Country Towne: Philadelphia's Ecology in the Cultural Imagination. Edited by ALAN C. BRADDOCK and LAURA TURNER IGOE. (University Park, PA: Pennsylvania State University Press, 2016. 248 pp. Illustrations, notes, index. \$59.47.)

In the acknowledgements for *A Greene Country Towne*, editors Alan C. Braddock and Laura Turner Igoe thank the usual suspects, including their partners, the volume's contributors, and their respective institutions. However, they also make a point to single out some surprising players in their daily lives: "the intrepid squirrels, sparrows, and even a red-tailed hawk who alighted on a bird feeder hanging behind Alan's apartment," local specimens of "hyacinth, lantana, Mexican hyssop" growing in a nearby garden, "large sinkholes" in front of Igoe's home, and Braddock's cats (xi). In bringing in these "nonhuman denizens" whose very existence is rarely noted by the many people who live with them every day, Igoe and Braddock draw attention to the agency of their local plants, animals, and infrastructure and suggest that their community is not simply one of human actors but also includes "nonhuman beings, things, forces, and matter" (2). In doing so, Braddock and Igoe set the tone for what is to come in the chapters ahead: a cultural history of Philadelphia, but one that includes some unusual subjects.

According to the editors, *A Greene Country Towne* (a title that derives from William Penn's description of an early but abandoned plan for Philadelphia) "explores the ways in which art and literature have imagined, animated, and embodied the complex ecology of Philadelphia since the seventeenth century" (2).

To do this, twelve scholars who work in a variety of disciplines take on a diverse range of subjects centering around the environmental history of Philadelphia. The goal of this volume is to reveal how the “ecology” of the city, by which they mean the natural and artificial “collaboration between human beings and nonhuman things,” was formed and understood (6). The environmental history of Philadelphia is therefore presented in new and surprising ways, not through the history of local parks or rivers, as has been the case in past scholarship, but rather through the complex relationships between spaces, humans, nonhumans, and objects. Organized chronologically and analyzed through the lens of the emerging discourses of “ecocriticism” and “new materialism,” topics covered include a Lenape wampum belt, images by the painter Thomas Eakins of his monkey, Bobby, W. E. B. Du Bois’s *The Philadelphia Negro*, and a recent piece by Winifred Lutz, in which she retraces a creek’s former course with paint and bungee cords.

All of these short essays are carefully researched, highly engaging, and, though academic in tone, easy to read. Authors do not always fully distinguish between ecocriticism and environmental history, but this is a minor point for a collection that is willing to challenge the anthropocentrism that dominates much writing in the humanities. *A Greene Country Towne* is a fresh look at the forces that shape urban existence and would be a valuable guide for scholars considering the development and history of other cities. Furthermore, many chapters in this volume serve as useful models for art historians and material culture specialists who want to think through the nonhuman elements that impact (or are) our objects of study.

Brooklyn Museum

ELIZA BUTLER

Silk Stockings and Socialism: Philadelphia’s Radical Hosiery Workers from the Jazz Age to the New Deal. By SHARON MCCONNELL-SIDORICK. (Chapel Hill, NC: University of North Carolina Press, 2017. 294 pp. Illustrations, map, notes, index. \$29.95.)

Independent scholar Sharon McConnell-Sidorick’s engaging history of a radical labor union in 1920s Philadelphia speaks to some of the most exciting developments in labor and women’s history. McConnell-Sidorick interweaves the radical history of a socialist union of hosiery workers with a close look at the neighborhood in which many of its workers lived and participated in the culture of the Jazz Age. She deftly examines how young workers negotiated the cultural changes of the era even while participating in a long tradition of labor organizing in their Kensington community.

McConnell-Sidorick’s study considers both traditional labor organizing and activities outside the factory, with an emphasis on the role of neighborhoods in sustaining solidarity and building union strength. Much like the Knights of Labor

in the nineteenth century, the American Federation of Full-Fashioned Hosiery Workers (AFFFHW) understood workers' rights within a larger context of community-based activism. The AFFFHW built relationships with other organizations in the neighborhood, supported educational and recreational activities, and pushed for demands that had few obvious connections to working conditions on the shop floor, including old-age pensions and access to birth control. Women's rights were central to the union's conception of solidarity, as was a general—if little practiced—commitment to racial equality. Such strategies, the author contends, explain the power and long-lasting influence of the hosiery union, including on the development of the CIO in the 1930s. McConnell-Sidorick makes a convincing case that the AFFFHW played an underappreciated role in the tactics and ideology embraced by the CIO during the Great Depression.

McConnell-Sidorick's narrative also contributes to a deepened literature on women's activism in the post-suffrage era. Rather than considering the 1920s as a "lost era" of women's political and social organizing, this book speaks to a growing consensus that women's activism persisted even as it took on new forms in the 1920s. Despite the waves of repression targeting radicals and unionists in the post-WWI era, McConnell-Sidorick finds, the AFFFHW embraced a labor feminism that encouraged women to speak in meetings, articulate grievances, and take on leadership roles. Moreover, bucking the common conception that flappers were nothing but frivolous consumers, McConnell-Sidorick argues that young women in the union combined consumerism and social consciousness.

Finally, McConnell-Sidorick's book offers a careful examination of a largely understudied community. In the last century, Philadelphia, once known as the "Workshop of the World," has lost much of its manufacturing base, including the factories that once housed the workers of the AFFFHW. McConnell-Sidorick suggests that this loss, coupled with McCarthy-era repressions, created a void in the historical memory that has largely erased Kensington's place in labor history. The Kensington neighborhood, she says, now exists in the popular imagination, if it does at all, as a place "where nothing but racial antagonisms and fire in abandoned factories happened" (2). Her book is a worthy start to restoring a complex and radical history of the neighborhood.

Silk Stockings and Socialism should be of interest to readers of not only labor history but also women's history, the history of radical organizing in the United States, and urban history.

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The Schenley Experiment: A Social History of Pittsburgh's First Public High School.
By JAKE ORESICK. (University Park, PA: Pennsylvania State University Press,
2017. 216 pp. Illustrations, notes, bibliography. \$19.95.)

Jake Oresick has written a fascinating history of Pittsburgh's Schenley High School. This concise volume, however, chronicles more than just the history of one school; Oresick also uses Schenley's story to elucidate the history of Pittsburgh and, to an even wider extent, public education in the United States.

Schenley was born out of a reform movement taking place across the US in the early twentieth century. Most early high schools were either academic or vocational, but as Oresick points out, Schenley represented the city's flagship in a wider effort in which public high schools would incorporate both avenues of study. Built in the "Hill District," a vibrant neighborhood of Jewish immigrants and an emergent black community, Schenley also attracted excellent teachers. It thus drew students from across the metropolitan area, prompting Oresick to characterize it as an "unintentional magnet school a half century before that concept existed" (22). Further, at this time, when racism excluded blacks from educational opportunities in many American cities, Schenley represented a comparative bastion of racial liberalism.

During the Great Depression, enrollments at Schenley exploded. In the 1940s, Jewish enrollment declined while Schenley became more important to the Hill District's growing number of black residents. A major urban development project in the 1950s split the Hill District in two and fed more African Americans into Schenley. As white Pittsburghers also moved to the suburbs, Schenley became a majority African American school. By the early 1970s, asserts Oresick, the quality of education at Schenley had fallen precipitously.

Pittsburgh Public Schools attempted to revitalize the district (and deal with a court order to desegregate) by creating magnet programs. Schenley's unique magnet programs—in International Baccalaureate, International Studies, and others—drew students across Pittsburgh from their neighborhood schools. Schenley thus revived its reputation in the city.

By the 1990s, Schenley had become "hip," and Oresick dubs it the "School of Choice" during this era (92). It was also a model of economic and racial diversity in a segregated city.

The success of Schenley brought problems elsewhere, however, and so helps readers to understand the contradiction of school choice in the United States. When schools compete with each other for students, some win and others lose. Schenley's successes, Oresick argues, "dealt a critical blow to successful neighborhood high schools," which in turn facilitated a growing narrative that Pittsburgh schools were in decline (102). Consequently, the political will for paying for schools declined. When Schenley needed funds to renovate its almost hundred-year-old building in 2005, the high estimate of refurbishing an asbestos-filled

infrastructure led the city schools superintendent (a descendant of Theodore Roosevelt) and the school board to close Schenley in 2008. The district shifted students elsewhere, and the most prominent magnet program was reconstituted as Barack Obama International Studies Academy.

Those interested in the city of Pittsburgh, urban education, and school choice will have Oresick to thank for this fine book. At just over two hundred total pages, the book is succinct, and the prose is readable. The numerous high quality images—from a photograph of former first lady Eleanor Roosevelt visiting Schenley in 1952 to one of the 2007 state title-winning basketball team featuring future NBA star DeJuan Blair—are an added bonus.

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JON SHELTON

Call for Papers
Pennsylvania Magazine of History and Biography
Special Issue: Women and Politics in Pennsylvania History

The *Pennsylvania Magazine of History and Biography* is issuing a call for articles to be included in a special issue on women and politics in Pennsylvania history, scheduled for publication in October 2020.

The editors seek submissions of the following two sorts:

- **Scholarly Articles:** The editors seek submissions of scholarly articles (25–35 pages, double spaced) featuring new research on the history of women and politics in Pennsylvania. We define politics broadly, to include women from a diversity of backgrounds who worked both inside and outside of formal avenues of power. Thus, while we welcome submissions on Pennsylvania women’s involvement in abolitionism, suffrage, and legislative and party politics, we hope articles will also consider women in labor, pacifist, and civil rights organizations (ILGWU, WILPF, and NWRO, for example), as well as their often-unacknowledged roles as informal community leaders. We also welcome submissions on conservative women’s activism and ideologies (antisuffrage and anti-ERA activists, for example). Selections will be based on both quality and the need to represent the full range of research in the history of women and politics.
- **Hidden Gems:** The editors seek submissions of short articles (250–750 words) featuring hidden gems highlighting some aspect of women and politics in Pennsylvania history. We invite articles focusing on both written and non-written sources, including but not limited to diaries, manuscript collections, novels, government documents, oral histories, newspapers, photographs, artifacts, and monuments. These items may or may not be found in the state, but they must illuminate some aspect of Pennsylvania women’s experiences with politics. See <http://www.jstor.org/stable/10.5215/pennmaghistbio.141.issue-3> for examples of such essays.

Submission details: Submissions should be addressed to Christina Larocco, Editor, *Pennsylvania Magazine of History and Biography* (pmhb@hsp.org).

Guest editors: Potential contributors are strongly encouraged to consult with one of the two guest editors for this issue of the *Pennsylvania Magazine of History and Biography* before submitting: Emma Lapsansky-Werner, Emeritus Professor of History, Haverford College (elapsans@haverford.edu), and Marion Roydhouse, Emerita Professor of History, Jefferson–East Falls Campus (RoydhouseM@PhilaU.edu).

Deadline for submissions: January 1, 2019