‘To Restore Peace and Tranquility to the Neighborhood’:

Violence, Legal Culture and Community in New York City, 1799-1827

by

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Dissertation submitted in partial fulfillment of
the requirements for the degree of Doctor
of Philosophy in the Department of
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2019

ABSTRACT

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Abstract

"'To Restore Peace and Tranquility to the Neighborhood': Violence, Legal Culture and Community in New York City, 1799-1827" examines the various ways ordinary people, legal officials, lawmakers, and editors negotiated the boundaries between inclusion and exclusion, or what historians call "belonging." It uses legal cases and crime publications to analyze contradictory visions of the public good within the context of key political and social changes in the city, state, and nation. The dissertation moves from the operations of violence on the ground to the ideological implications of violence in the era of gradual emancipation. New Yorkers—male and female, free and unfree, native and immigrant—could and did participate in legal proceedings. Complainants and witnesses relied on the processes of law rather than actual verdicts to establish order in their personal lives and in their communities. This dissertation contends that people made and remade community through the adjudication and interpretation of violent conflict.

Violence was indicative of daily exchanges and disagreements, all of which were linked to how people envisioned themselves and the "other," or what scholars refer to as "reputation." Gendered and racialized identities developed from negotiations that transpired inside and outside legal forums. White women, free blacks, and enslaved and

indentured persons continually redefined notions of femininity and blackness through the violence they employed.

Concepts of reputation and race and gender formation intersected in legal forums and in broader discussions about how men and women should conduct themselves in the nineteenth century. At a moment when lawmakers debated the nature of citizenship, crime publications intentionally highlighted violent offenses to offer a particular vision of who citizens should be and to marginalize the working classes, immigrants, and African Americans. The institution of slavery and the violence inherent to it became a means for editors to portray African Americans as socially inferior and to guard the city's moral reputation against abolitionists. Ultimately, violence played a role in the efforts of editors and lawmakers to delegitimize free blacks' social and political belonging in New York and the nation as a whole.

Dedication

To Taylor and Mom

Contents

List of Figures

Acknowledgements

It is only appropriate that anyone who reads this dissertation start here. I am forever indebted to those who have helped me along this academic journey. My adviser, committee, colleagues, family, and friends have all made an indelible impression on my dissertation. I am a better scholar and person because of them.

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Some say scholarship is a lonely road, but that statement does not reflect my experience. I have been in the "academic trenches" with some of the finest people I have ever known. Mandy Cooper, Emily Margolis, and Ashley Young read (too many) chapters and grant drafts over the years. They motivate me as scholars and as women. My cohort—Scovill Currin, Will Goldsmith, J. Tiffany Holland, and Yuridia Ramírez—made the ups and downs of graduate school worthwhile. Our Tuesday night dinners are some of my fondest memories. I am lucky to call these individuals colleagues and friends; more than that, they are family.

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1. Introduction

In 1802 several neighbors in New York City testified against John Ryckman, whose abuse of his family was a constant nuisance. One night he went too far. Joseph Leggett, a nearby neighbor, and others were alarmed by the cries of Ryckman's wife and daughter after Ryckman threatened to kill them both. The daughter begged Leggett to "save her," so he offered them temporary refuge and called on another neighbor for help. Ryckman tried to enter Leggett's room and said he would kill him, too, if necessary. Leggett subsequently filed charges against Ryckman. The complaint included testimony from a woman who passed by and heard Mrs. Ryckman scream. "Extremely affrighted," she ran home. The record closed with a petition asking that the court remove the family in order to restore "Peace and Tranquility to the Neighborhood."[1]

This dissertation explores the relationship between violence, community, and legal culture in New York City between 1799 and 1827. It uses legal cases and crime narratives to analyze contradictory visions of order within the context of key political and social changes in the city, state, and nation. Gradual emancipation, a plan designed to release enslaved persons into free society over the course of almost three decades, anchors the study. The "unfree" status of many African Americans engendered difficult

[1] *The People v. John Ryckman*, 7 June 1802, New York County District Attorney Indictment Records, New York City Municipal Archives (hereafter cited as NYCMA).

questions at various levels of the legal process and in the popular press.[2] The dissertation moves from the operations of violence on the ground to the ideological implications of violence. Violence served different purposes and represented competing agendas. For complainants and witnesses, like Joseph Leggett and his neighbors, violence was indicative of a larger communal issue—one that encompassed prejudices, opinions, and prior circumstances. By contrast, the editors of crime literature believed isolated violent acts carried cultural and political takeaways about reputation and citizenship. I argue that violence became the grounds upon which ordinary people, legal officials, lawmakers, and editors negotiated what Barbara Welke has termed "belonging."[3] As this dissertation contends, communities were made and remade through the interpretation and adjudication of violent conflict.

The city offers a diverse and complicated picture of its residents' "legal lives," to borrow a term from Hendrik Hartog.[4] Records reveal snapshots of how people conceptualized community relationships, formed physical boundaries, and defined the "other." In the early national period, many New Yorkers like Joseph Leggett relied upon

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[2] Martha Jones notes that gradual emancipation made New York unique in comparison to surrounding states. The question of where African Americans fit within the legal system was problematic, especially since the boundaries between slavery and freedom remained ill-defined. Martha S. Jones, "Time, Space, and Jurisdiction in Atlantic World Slavery: The Volunbrun Household in Gradual Emancipation New York," *Law, Slavery, and Justice,* vol. 29 issue 4 (November 2011): 1031-60.

[3] Barbara Young Welke, *Law and the Borders of Belonging in the Long Nineteenth Century United States* (Cambridge: Cambridge University Press, 2010).

[4] As Hartog points out, legal records offer portrayals of people that were created by legal officials. We are left with the select details that remain in the record, which provide a mere glimpse of who people actually were. See Hendrik Hartog, *The Trouble with Minna: A Case of Slavery and Emancipation in the Antebellum North* (Chapel Hill: University of North Carolina Press, 2018), esp. 37-38.

city courts to mediate violent conflicts. Neighbors found themselves dragged into violent scuffles either through their spatial proximity to others or their personal investment in the offense and individuals. People negotiated violence and framed their legal claims within a milieu of community relations. Courts later became venues for people to debate conceptions of order.

Historians of legal history and U.S. race relations recognize that women, enslaved and indentured persons, and the propertyless exercised a limited legal voice within courts, particularly in criminal offenses and other matters of public law.[5] Likewise, New Yorkers—male and female, free and unfree, native and foreign—had access to the courts. Propertyless workers, commonly referred to as "laborers" in the records, were typical legal actors. Laborers constituted the majority of witnesses, complainants, and offenders during this period. As a general rule, officials did not designate ethnicity unless the person was "black." Very few records specify the exact country of origin of the people involved; "Irishman," "German," "Frenchman," and "French Mulatto" appear on rare occasions.[6] I follow the format of the records, but

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[5] On the local aspects of law in the nineteenth century, see Kimberly M. Welch, *Black Litigants in the Antebellum American South* (Chapel Hill: University of North Carolina Press, 2018); Kelly Kennington, *In the Shadow of Dred Scott: St. Louis Freedom Suits and the Legal Culture of Slavery in Antebellum America* (Athens: University of Georgia Press, 2017); Anne Twitty, *Before "Dred Scott": Slavery and Legal Culture in the American Confluence, 1787–1857* (New York: Cambridge University Press, 2016); Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009).

[6] When ethnic and cultural markers appear in the records, they are usually a part of testimony and therefore relevant to the particulars of the case. For instance, in 1810 Thomas Doyle filed charges against Thomas Blackeney, his wife, and their companion, who barged into his apartment and threatened him and his

recognize that the people who pursued legal redress represented many different ethnic and cultural backgrounds.[7]

New York City is an apt case study in the early national period. Its plentiful legal records provide a community-oriented perspective of violent actions and individual people in a burgeoning port city. The New York County District Attorney Indictment Papers, which form the basis of this study, contain roughly 7,000 civil and criminal cases for the first fifteen years of the nineteenth century alone. Over half of these offenses involved some form of violence or perceived violence. These figures indicate that New Yorkers maintained a legal presence in the city and that many of their complaints pertained to violence in some regard.

The term "community" appears in legal records and in crime literature. It is embedded in the legal jargon officials used when they summarized a disruption to the peace. Since crime literature was designed to mirror trial transcripts, this jargon was also prevalent in publications. The term was colloquial, as well. Complainants and witnesses invoked the language of community to convey the repercussions of a sole violent act. If

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family. Blackeney called Doyle a "damned Irish son of a bitch" and threated to "Tear out his Entails." *The People of the State of New York v. Thomas Blackeney*, 28 May 1810, Dismissed Case Files, NYCMA.

[7] The records also note whether a woman was married or not and whether an African American was slave or free (or, when the latter was unknown, referred to them as "black"). Both represented the person's status and indicated their ability or inability to testify and file suit independently. By this time, enslaved persons were serving out indentures and were listed as "servants" with rare exception. Legal officials described free people of color as "black," "negro," or "mulatto," with notes about their skin tone sometimes included as "dark," "light," and "yellow."

violence stretched beyond the home and pulled in others, then it became a communal issue and, therefore, a violation of the peace. Community did more than exemplify the bonds people shared. It symbolized an ideal they wished to achieve. Violent offenders compromised the peace, and with it the calm people tried to preserve in their personal lives and in their communities. Thus, public order was deeply personal.[8]

I build on Barbara Welke's concept of "belonging" to explore how people established order and defined difference through violence. Belonging resulted from the legal and social factors that shaped cultural identities. Welke contends that coercion and exclusion were necessary for belonging to exist in the United States. She observes that white male dominance over legal dependents and broader society was never challenged in any significant way in the nineteenth century. The "borders" of belonging were racialized and gendered.[9] Welke largely views belonging as an abstraction or ideology,

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[8] The literature on network building has shaped my understanding of community formation. The key text on family and community networks is Elizabeth Bott, *Family and Social Network: Roles, Norms, and External Relationships in Ordinary Urban Families* (New York: Free Press, 1971). The following studies cover various regions of the United States before 1860 and speak to the importance of networks that served political, business, monetary, and personal agendas. See Mandy Lee Cooper, "Cultures of Emotion: Families, Friends, and the Making of the United States" (PhD diss., Duke University, 2018); Juliana Barr, *Peace Came in the Form of a Woman: Indians and Spaniards in the Texas Borderlands* (Chapel Hill: University of North Carolina Press, 2007); Anne Hyde, *Empires, Nations, and Families: A New History of the North American West, 1800-1860* (Lincoln: University of Nebraska Press, 2011); Lorena S. Walsh, "Community Networks in the Early Chesapeake," in *Colonial Chesapeake Society*, ed. Lois G. Carr et al. (Chapel Hill: University of North Carolina Press, 1988), 200-41.

[9] While the Reconstruction Amendments promised citizenship to former slaves, Welke explains that African Americans were unable to exercise these rights in the face of Jim Crow laws. Instead, newly-freed people of color found ways of making claims to political and legal belonging through their daily work. See Welke, *Law and the Borders of Belonging*. For a look at how free blacks used civil courts in Baltimore to make claims to citizenship and belonging in the early 1800s, see Martha S. Jones, "Hughes v. Jackson: Race and Rights Beyond Dred Scott," *North Carolina Law Review* 91.5 (June 2013): 1757-83.

which misses the many ways individuals operated within the legal system and their communities.

Court records show that people moderated and shaped male authority even if they could not overthrow it. Relationships of dependency undergirded the common violent conflicts people brought to the courts. Wives and indentured and enslaved persons relied on others to intervene and navigate legal forums on their behalf.[10] People used their legal claims to place limits on the kinds of violence men employed against dependents. Complainants and witnesses put strictures on violence, which also held implications for white women and people of color.[11] White women were considered less feminine when they engaged in violence for any reason besides self-defense.[12] Enslaved

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[10] Laura Edwards depicts a similar practice in North and South Carolina in the nineteenth century where women and enslaved persons relied on neighbors to file suit on their behalf. Legal officials interpreted violence within the household as a disturbance of the "peace," which allowed "private" exchanges to enter courts. Edwards discusses how the centrality of the "peace" let courts accommodate abused legal dependents like wives and enslaved persons. Edwards, *The People and Their Peace*, esp. ch. 4. Historians have also highlighted the role of women and enslaved persons in shaping legal proceedings. These studies demonstrate that dependents still had legal and social agency even if they lacked formal rights. See Dylan C. Penningroth, *The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 2003); Ariela J. Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton: Princeton University Press, 2000); Hendrik Hartog, *Man and Wife in America: A History* (Cambridge: Harvard University Press, 2000).

[11] In many respects, white female violence still appears as an anomaly in the literature on household relations in the North and South. That is in large part due to the fact that historians still study women within a patriarchal and paternalistic framework, particularly in the South. I have benefited from Thavolia Glymph's work on violent women. As Glymph argues, the household was a cite of a power struggle where women were equally if not more violent than men. Glymph argues that feminine violence was the norm—not the exception. See Thavolia Glymph, *Out of the House of Bondage: The Transformation of the Plantation Household* (New York: Cambridge University Press, 2008), esp. ch. 1.

[12] Christine Stansell notes that women in New York City used violence to settle "everyday" issues. She observes that women wielded violence in public spaces, which was in part a way of displaying their grievances to the neighborhood as a whole. Stansell mostly frames these exchanges as occurring between

and indentured persons who lashed out violently at their masters and mistresses were shunned and villainized. Community members dictated the boundaries of belonging every day. Belonging was a lived experience that changed according to community expectations and unique circumstances.

I use violent conflicts to examine how people maintained community. Much like Benedict Anderson's concept of an "imagined community," or a group constructed out of a perceived common bond, communities in New York City were formed and reinforced through shared conflicts.[13] I consider violence a unifying force. Violent altercations brought people together at the time of the offense and later in court to hash out their differences and define their expectations of one another. Community was far from harmonious, even if that was the outcome individuals such as Joseph Leggett desired in his pleas to restore "Peace and Tranquility to the Neighborhood." Ultimately, community was about coercing and keeping certain people in their place.

Similar to social historians, I maintain a distinction between the spaces people inhabited (neighborhood) and their social relations (community). As Kenneth Scherzer explains, the term "neighborhood" is understood in a more spatial sense than "community," which can sometimes transcend real or imagined borders. I use

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and among women who hashed out domestic issues. See Christine Stansell, *City of Women: Sex and Class in New York, 1789-1860* (New York: Alfred A. Knopf, 1986), ch. 1.

[13] Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983).

"community" and "community members" to describe the interactions and relationships people formed with one another. "Community" may seem falsely homogeneous in a major urban center. This general term represented diversity, particularly in working-class culture where people of different backgrounds and ethnicities lived and labored together. Conversely, I use "neighborhood" to refer to specific places and "neighbors" to reference people who negotiated violent conflicts near their residences.[14]

Within the structure of community and neighborhood ties, violence represented a conflict regarding what was and was not permissible. Violence itself was a form of physical force that people employed in an effort to harm, threaten, or kill others.[15] Everyone engaged in violence in some form, whether or not they possessed the legal right to do so or the social standing to get away with it. In the context of legal claims, most violent offenses and violent threats were intentional, held a broader aim, or denoted a prejudice. Editors of crime literature imposed political meaning onto violent conflicts; however, the bulk of violent offenses adjudicated in courts primarily carried personal and communal significance.

Violence moved along a constantly shifting scale. Some engaged in violence to protect their bodies against unnecessary force or to restore the peace. Others wielded

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[14] Kenneth A. Scherzer, *The Unbounded Community: Neighborhood Life and Social Structure in New York City, 1830-1875* (Durham: Duke University Press, 1992), 1-15.

[15] This statement reflects a standard dictionary definition of "violence." Thavolia Glymph discusses the cultural meanings of violence and different forms of violence as they relate to white women and enslaved persons in the South. See Glymph, *Out of the House of Bondage,* esp. 30-31.

violence to settle debts and disagreements, and to seek vengeance. Violence was contextual. I consider the broader circumstances of each violent conflict, those that are stated outright and others that are implied in the legal record. There were many competing factors that drove violence: race, class, gender, and reputation. Yet, personal relationships still undergirded each individual act.

In a legal context, violence falls into two principal categories: legitimate (justifiable) and illegitimate (destructive) violence. Illegitimate violence was physical force that broke down or jeopardized order. Legitimate violence occurred when physical force became necessary to restore the peace, as with self-defense and intervention. When editors highlighted violent offenses for popular consumption, they framed violence within terms of "equal force." People could use "equal force" in defense of their bodies and communities, but if that force tipped the scales into illegitimate violence, they, too, became wrongdoers. The fine line between the two separated victims from offenders and good citizens from criminals.[16]

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[16] Many scholars have analyzed the broader implications of violence in the United States from the colonial period to the present. These studies typically address violence within a regional context, divide rural and urban violence, or separate certain kinds of violence from others (rape, plantation discipline, et. Cetera). Sources are far too extensive to list here, but the following are works I have found relevant in shaping my views on violence. For violence between masters and slaves, see Lacy K. Ford, *Deliver Us from Evil: The Slavery Question in the Old South* (New York: Oxford University Press, 2009); William Dusinberre, *Them Dark Days: Slavery in the American Rice Swamps* (Athens: University of Georgia Press, 2000); Jeffrey Robert Young, *Domesticating Slavery: The Master Class in Georgia and South Carolina, 1670-1837* (Chapel Hill: University of North Carolina Press, 1999); Saidiya V. Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York: Oxford University Press, 1997); Joyce E. Chaplin, *An Anxious Pursuit: Agricultural Innovation and Modernity in the Lower South, 1730-1815* (Chapel Hill: University of North Carolina Press, 1993). For violent women in the nineteenth century and the ways that feminine violence challenged

Crime literature reinforced and magnified the notion of belonging.[17] My dissertation uses crime narratives—spectacularized renditions of actual offenses and subsequent legal proceedings—to show how editors laid out a set of behaviors for "citizens" to follow. Crime publications intentionally marked laborers, foreigners, and African Americans as violent, and delegitimized their social and political belonging in the city.[18]

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patriarchy and traditional notions of femininity, see Edwards, *The People and Their Peace;* Glymph, *Out of the House of Bondage*; Stansell, *City of Women*. On domestic abuse and rape in the North and South, see Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: University of North Carolina Press, 2009); Sharon Block, *Race and Sexual Power in Early America* (Chapel Hill: University of North Carolina Press, 2006); Mary Beth Sievens, "Divorce, Patriarchal Authority, and Masculinity: A Case from Early National Vermont," *Journal of Social History* 37, no. 3 (2004): 651-61; Diane Miller Sommerville, *Rape and Race in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 2004); M. H. Arnold, "Life of a Citizen in the Hands of a Woman: Sexual Assault in New York City, 1798-1820," in *Passion and Power: Sexuality and History,* ed. K. Peiss and C. Simmons (Philadelphia: Temple University Press, 1989), 35-56. With regard to twentieth century literature, I have gleaned important takeaways about violence, criminality, and urban development from Heather Ann Thompson, *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy* (New York: Vintage Books, 2016); Thomas Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 2014); Khalil Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge: Harvard University Press, 2011); Eduardo Obregon Pagan, *Murder at the Sleepy Lagoon: Zoot Suits, Race, and Riot in Wartime L.A.* (Chapel Hill: University of North Carolina Press, 2003).

[17] Some scholars have homed in on "unusual" crimes and the implications of those crimes on broader society and culture. See Daniel A. Cohen, *Pillars of Salt, Monuments of Grace: New England Crime Literature and the Origins of American Popular Culture, 1674-1860* (Amherst: University of Massachusetts Press, 2006); Virginia A. McConnell, *Arsenic Under the Elms: Murder in Victorian New Haven* (Connecticut: Praeger Publishers, 1999); Patricia Cline Cohen, *The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth Century New York* (New York: Alfred A. Knopf, 1998); Karen Halttunen, *Murder Most Foul: The Killer and the American Gothic Imagination* (Cambridge: Harvard University Press, 1998); Estelle Fox Kleiger, *The Trial of Levi Weeks: Or The Manhattan Well Mystery* (Chicago: Academy Chicago, 1989).

[18] Leslie Harris contends that crime narratives echoed a larger conversation about African American freedom in New York. The popular press depicted all African Americans as indolent, passionate, and inclined to drunkenness which discredited their claims to actual citizenship. My work builds on Harris' insights. I study the broader legal and ideological forces that framed these narratives. I see crime literature as serving a dual purpose for officials who manipulated crimes and legal proceedings in order to criminalize

These same narratives portrayed the city as racially and socially progressive. I argue that the discourse of humanitarianism allowed editors to discuss white-on-black violence without incriminating lawmakers. In the eighteenth and nineteenth centuries, humanitarianism bridged the gap between pro- and anti-slavery advocates who found common ground through their rejection of the slave trade and gratuitous slave punishments. Editors addressed the perpetuation of slavery through slave abuse and kidnapping charges. Rather than emphasizing the plight of African Americans, they highlighted New Yorkers' humanitarian efforts to "save" people of color from dishonorable whites. Ultimately, humanitarianism placed New York City within a global debate on slavery and freedom.[19]

I explore and analyze crime narratives within the context of three political developments: gradual emancipation, from 1799 to 1827; the Missouri statehood debates, from 1819 to 1820; and the state constitutional convention of 1821. Crime narratives both reflected and expanded upon political changes in New York City and the nation as a whole. Editors used examples of interracial violence to contemplate equality

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laborers. At the same time, these narratives maintained the city's reputation as a protector of African American interests. See Leslie Harris, *In the Shadow of Slavery: African Americans in New York City, 1626-1863* (Chicago: University of Chicago Press, 2003), 104-16.

[19] On humanitarianism and slavery, see Margaret Abruzzo, *Polemical Pain: Slavery, Cruelty, and the Rise of Humanitarianism* (Baltimore: Johns Hopkins University Press, 2011).

and "American character."[20] Their commentary mirrored that of legislators, who debated citizenship from a national platform. New York lawmakers believed African American settlement should be legal in Missouri, but the constitutional convention in New York took the vote away from most African Americans through amendments to suffrage qualifications.[21] Crime narratives contributed to a broader agenda of disqualifying free blacks from exercising certain rights. Together, lawmakers and editors advanced a white public order which denied African Americans belonging in the city until after the Civil War.

Historiography

My work combines legal history with political, social, urban, African American, and women's history to explore the implications of violence as a lived experience and as

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[20] Daniel Rogers, the attorney who edited the *New-York City-Hall Recorder,* often added his own commentary to the cases and legal proceedings he published. African Americans who wielded violence against whites inspired Rogers to define "American character." He questioned whether or not African Americans should be able to lay claim to that character—even if they were considered respectable. This logic is prevalent in a number of the cases Rogers highlighted. The above quotation is from an 1818 case involving an African American attorney who slapped a white man after the man denied him access to his establishment. For Rogers, the man's race was his ultimate downfall. Daniel Rogers, ed., *The New-York City-Hall Recorder for the Year 1818* (New York: Clayton and Kingsland, 1818), 3:39-43.

[21] Historians have discussed conflicting views of African American citizenship and voting rights in the nineteenth century. These scholars point out inconsistencies in New York lawmakers' views on citizenship during the Missouri Compromise debates and their approach to suffrage in New York. Other examinations look at the longer repercussions of the Constitutional Convention of 1821 on African American freedom. See Sarah Gronningsater, "'Expressly Recognized by Our Election Laws': Certificates of Freedom and the Multiple Fates of Black Citizenship in the Early Republic," *William and Mary Quarterly* 75, no. 3 (July 2018): 465-506; Leslie M. Alexander, *African or American? Black Identity and Political Activism in New York City, 1784–1861* (Urbana: University of Illinois Press, 2008); Christopher Malone, *Between Freedom and Bondage: Race, Party, and Voting Rights in the Antebellum North* (New York: Routledge, 2008); David N. Gellman, *Emancipating New York: The Politics of Slavery and Freedom, 1777–1827* (Baton Rouge: Louisiana State University Press, 2006); Harris, *In the Shadow of Slavery*.

an ideology in the nineteenth century. When we place popular conceptions of violence in conversation with the work on race, gender and community formation, it changes our understanding of social and political belonging in the early republic. For most people, violence was the product of personal and communal disagreement and not a political act. Nevertheless, violent conflicts carried social and political consequences for certain individuals. When put in a dialogue with the literature on urban community, neighborhood and identity formation, legal records and crime narratives reveal that belonging was not a static concept. People defined and negotiated cultural identities in relation to their own agendas, expectations, and communal needs.

A legal exploration of New York City uncovers the "local" forces that shaped both daily life and legal culture. As recent scholarship demonstrates, everyone was a part of the fabric of the legal system in the period between the American Revolution and the Civil War. Recent literature has focused on the South, largely because there were enslaved people there. Many of those historians were interested in slavery, and the South is assumed to be the most restrictive in terms of legal access. That does not mean the literature, by implication, characterizes the North as different. I extend these analyses to the North, where slavery and race were also critical issues. Doing so highlights the connections among the sections, and also shows how local conflicts were tied to broader debates.

I place "ordinary people"—a term used by legal historians to refer to propertyless whites, free and enslaved African Americans, and women—at the center of legal culture and local governance in the early republic.[22] Some scholars have set apart New York City due to the formality of its legal system, particularly its higher courts.[23] As a result, the almost countless charges issued by ordinary New Yorkers recede into the shadows.[24] Similar to other areas of the United States, New York's legal processes were

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[22] In the past two decades, U.S. legal historians have shifted their focus from the nation to local communities and networks. See Welch, *Black Litigants in the Antebellum American South*; Yvonne Pitts, *Family, Law, and Inheritance in America: A Social and Legal History of Nineteenth-Century Kentucky* (New York: Cambridge University Press, 2013); Edwards, *The People and Their Peace*; Kate Masur, *An Example of All the Land: Emancipation and the Struggle Over Equality in Washington D.C.* (Chapel Hill: University of North Carolina Press, 2010); Ariela J. Gross, *What Blood Won't Tell: A History of Race on Trial in America* (Cambridge: Harvard University Press, 2008); Larry D. Kramer, *The People Themselves: Popular Constitutionalism and Judicial Review* (Oxford: Oxford University Press, 2004); Jeffrey L. Pasley, Andrew W. Robertson, David Waldstreicher, ed., *Beyond the Founders: New Approaches to the Political History of the Early American Republic* (Chapel Hill: University of North Carolina Press, 2004); Penningroth, *The Claims of Kinfolk*; Meg Jacobs and William J. Novak, *The Democratic Experiment: New Directions in American Political History* (Princeton: Princeton University Press, 2003); Judith K. Schafer, *Becoming Free, Remaining Free: Manumission and Enslavement in New Orleans, 1846-1862* (Baton Rouge: Louisiana State University Press, 2003); Joanne B. Freeman, *Affaris of Honor: National Politics in the New Republic* (Hartford: Yale University Press, 2001); Gross, *Double Character*; Hartog, *Man and Wife in America*; David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820* (Chapel Hill: University of North Carolina Press, 1997); William J. Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1996); Christopher L. Tomlins, *Law, Labor, and Ideology in the Early American Republic* (New York: Cambridge University Press, 1993).

[23] Martha Jones discusses the elite and professional legal culture of New York City in the nineteenth century where many freedom suits reached higher courts. Nonetheless, most cases never made it that far in the legal process. Jones notes that people typically sought legal recourse through their justice of the peace. Hendrik Hartog also explores the legal history of New York in his study on gradual emancipation in New Jersey. His research, while grounded in New Jersey, reveals the centrality of New York legal officials in framing the way emancipation would play out in the North as a whole. See Jones, "Time, Space, and Jurisdiction in Atlantic World Slavery," 1031-60; Hartog, *The Trouble with Minna.*

[24] As the most detailed legal cases available for the time period, the New York County District Attorney Indictment Records remain a well-used source, particularly for historians of slavery in the North. Some scholars, such as Martha Jones, have used these cases as a way to study a single event. Her work on the Volunbrun riot in 1801 draws on these records. Jones, "Time, Space, and Jurisdiction in Atlantic World Slavery," 1031-60. Shane White uses court cases found in the indictment records to illuminate African American life in the city. Shane White, *Somewhat More Independent: The End of Slavery in New York City, 1770-*

susceptible to state and national agendas. Kelly Kennington and Anne Twitty's studies on freedom suits in St. Louis build on existing legal scholarship, and demonstrate that state and federal forces affected legal decisions, including the most "local" cases. Nonetheless, a wide range of people bore knowledge of the law and navigated all levels of the legal system.[25] The dynamics that scholars consider "local" looked very different in a major urban center that served as a crossroads in the Atlantic World.[26] People

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1810 (Athens: University of Georgia Press, 2004), 164-209. Joshua Stein's dissertation is the only other study that relies heavily on the indictment records. His research, however, is based on a broader time period. He traces assault and battery convictions from the colonial period to 1840. His work is largely verdict-centered and focuses almost exclusively on the decisions of higher courts and lawmakers, and on treatises written by William Blackstone. His statistics and quantitative analysis of legal records speak to his larger point about officials granting what he calls a "right to violence" over time. Joshua M. Stein, "The Right to Violence: Assault Prosecution in New York, 1760-1840" (PhD diss., University of California Los Angeles, 2009).

[25] Kennington, *In the Shadow of Dred Scott*; Twitty, *Before "Dred Scott*."

[26] My project contributes to the way some scholars in U.S. history and the Atlantic World have framed community uses of law in colonial and postcolonial societies. These studies prioritize the functioning of law through the lens of fluid cultural practices. The growing literature on legal pluralism and empire in the Atlantic World shows how localized conceptions of law competed with and were in direct conflict with state power. See Lauren A. Benton and Richard Jeffrey Ross, *Legal Pluralism and Empires, 1500-1850* (New York: New York University Press, 2013); Philip J. Stern, *The Company-State: Corporate Sovereignty and the Early Modern Foundation of the British Empire in India* (New York: Oxford University Press, 2011); Lauren A. Benton, "Atlantic Law: Transformations of a Regional Legal Regime," in *The Oxford Handbook of the Atlantic World: c. 1450-c. 1850,* ed. Nicholas Canny and Philip Morgan (Oxford: Oxford University Press, 2011), 400-19; Lauren A. Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (Cambridge: Cambridge University Press, 2010); Mary Sarah Bilder, *The Transatlantic Constitution: Colonial Legal Culture and the Empire* (Cambridge: Harvard University Press, 2004); Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900* (Cambridge: Cambridge University Press, 2002). Scholars of the Caribbean have drawn similar connections to the operations of law at the local and state levels. These studies emphasize race relations in the Atlantic World. See Edward B. Rugemer, "The Development of Mastery and Race in the Comprehensive Slave Codes of the Greater Caribbean during the Seventeenth Century," *William and Mary Quarterly* 70, no. 3 (July 2013): 429-58; Vincent Brown, *The Reaper's Garden: Death and Power in the World of Atlantic Slavery* (Cambridge: Harvard University Press, 2008); Diana Paton, *No Bond but the Law: Punishment, Race, and Gender in Jamaican State Formation, 1780-1870* (Durham: Duke University Press, 2004); Henrice Altink, "Slavery by Another Name: Apprenticed Women in Jamaican Workhouses in the Period 1834-1838," *Social History* 26, no. 1 (2001): 40-59; Howard Johnson, "Patterns of Policing in the Post-Emancipation British Caribbean, 1835-95," in *Policing the Empire: Government, Authority and Control,*

looked to the law to help them maintain order in their lives and in their communities, but their local issues and legal claims were inseparable from larger agendas outside of their control. Violent conflicts expose the ways that state and national debates manifested inside residences and outside on city streets.

I use criminal cases to reveal the cohesiveness of urban communities and neighborhoods in the early nineteenth century. Labor and social historians have long debated to what degree community could exist within U.S. urban spaces during this time.[27] Kenneth Scherzer explains that migration and urbanization were not always destructive forces. He contends that communities thrived within neighborhoods and that people created a network of family, friends, and fellow workers.[28] Court records support this narrative. The people who became involved in violent conflicts and filed criminal charges bore knowledge of one other. If they did not, they marked those individuals as "strangers" or relied on people they did know to support their claims.

1830-1940, ed. David M. Anderson and David Killingray (Manchester: Manchester University Press, 1991), 71-91; Gwendolyn Midlo Hall, *Social Control in Slave Plantation Societies: A Comparison of St. Domingue and Cuba* (Baton Rouge: Louisiana State University Press, 1971).

[27] Some key texts on neighborhood and community formation include Stanley Nadel, *Little Germany: Ethnicity, Religion, and Class in New York City, 1845-1880* (Urbana: University of Illinois Press, 1990); John Bodnar, *The Transplanted: A History of Immigrants in Urban America* (Bloomington: University of Indiana Press, 1985); Jonathan Rieder, *Carnasie: The Jews and Italians of Brooklyn Against Liberalism* (Cambridge: Harvard University Press, 1985); Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class, 1788-1850* (New York: Oxford University Press, 1984); Deborah Dash Moore, *At Home in America: Second Generation New York Jews* (New York: Columbia University Press, 1981); Robert Ernst, *Immigrant Life in New York City, 1825-1863* (New York: Octagon Press, 1979); Thomas Kessner, *The Golden Door: Italian and Jewish Immigrant Mobility in New York City, 1880-1915* (New York: Oxford University Press, 1977).

[28] Scherzer, *The Unbounded Community*, 1-15.

My project concentrates on the relationships that were inherent to violent offenses rather than the specific neighborhoods people marked as violent. Some urban historians have created a geography of violence in New York City, which they locate in ethnic neighborhoods and detach from individual relationships. Scholars have taken their cue from popular conceptions of Five Points, a notorious working-class neighborhood that earned a reputation as a crime-ridden area. As Elizabeth Blackmar explains in her study on neighborhood development in New York, certain districts of the city were known for disease, poverty, and crime in the early 1800s.[29] Like the editors of crime literature, these historians see violence as the product of specific pastimes associated with laboring culture: drinking, rioting, gambling, and prostitution.[30] I detach violence from geography and, instead, emphasize the communal exchanges and circumstances that prompted violent disputes. Space and violence still maintained a close relationship, but on a more individual and personal level.

My views on violence and community are influenced by feminist historians whose work politicizes the "private sphere" in the nineteenth century. Linda Kerber and

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[29] Elizabeth Blackmar, *Manhattan for Rent, 1785-1850* (Ithaca: Cornell University Press, 1989), 44-108.
[30] Tyler Anbinder, *Five Points: The Nineteenth-Century New York City Neighborhood that Invented Tap Dance, Stole Elections, and Became the World's Most Notorious Slum* (New York: Free Press, 2001); Paul Gilje, *Road to Mobocracy: Popular Disorder in New York City, 1763-1834* (Chapel Hill: University of North Carolina Press, 1987); Paul O. Weinbaum, *Mobs and Demagogues: The New York Response to Collective Violence in the Early Nineteenth Century* (N.p.: UMI Research Press, 1979); Linda Kerber, "Abolitionists and Amalgamators: The New York City Race Riots of 1834," *New York History* 48, no. 1 (January 1967): 28-39.

others expanded the definition of the public realm to include female domesticity.[31] Economic and social historians have contributed to this literature through their unique interpretations of the household as a public space. As Thavolia Glymph observes in her research on violent southern women, people constantly moved in and out of the household, and legal dependents operated both within and beyond its borders.[32] In urban spaces, social historians have placed working-class community formation outside the household in dancehalls, grogshops, brothels, and on the streets. That logic is grounded in the theory that work and leisure fostered community ties and that only the elite socialized within their homes.[33] Yet, most of the violent offenses that made it to court happened inside the residences of workers. What Ellen Hartigan O'Connor terms an urban "houseful," where people (related and not) lived together, was the norm.[34] I build on the insights of Glymph and O'Connor to show that the spaces where people

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[31] Linda Kerber and feminist historians of the 1980s and '90s were a part of a movement to give voice to women as historical agents by politicizing the private sphere (i.e., the household). These scholars revealed the racial and gender biases inherent in certain discourses such as liberalism and Marxism, frameworks from which women were automatically excluded. Shifting the state of the field required a cultural interpretation, one that expanded the definition of the public realm to include female domesticity. Jeanne Boydston, *Home and Work: Housework, Wages, and the Ideology of Labor in the New Republic* (Oxford: Oxford University Press, 1990); Carole Pateman, *The Sexual Contract* (Cambridge: Blackwell Publishers, 1988); Linda K. Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill: University of North Carolina Press, 1980).

[32] Glymph, *Out of the House of Bondage,* esp. 1-17.

[33] On housing and socializing in New York City, see Blackmar, *Manhattan for Rent.* See also Brian Phillips Murphy, *Building the Empire State: Political Economy in the Early Republic* (Philadelphia: University of Pennsylvania Press, 2015); Stuart Blumin, *The Emergence of the Middle Class: Social Experience in the American City, 1760-1900* (Cambridge: Cambridge University Press, 1989); Bruce Martin Wilkinfield, *The Social and Economic Structure of the City of New York, 1695-1796* (New York: Arno Press, 1978).

[34] Ellen Hartigan-O'Connor, *The Ties That Buy: Women and Commerce in Revolutionary America* (Philadelphia: University of Pennsylvania Press, 2011), ch. 1.

lived were sites of conflict. Violence within the urban household or "houseful" represented established relationships and fostered new ones.

My project explores the ways that ordinary people, legal officials, and editors used "private" and "public" to organize violent offenses and certain relationships. Some scholars relied on these frameworks to place women within the domestic sphere and men in the public arena, which overshadowed the fact that women and men operated within both.[35] More recent scholarship has revealed these organizing categories as a modern invention rather than a lived reality in the colonial and early national periods.[36] Ellen Hartigan O'Connor, Sarah Pearsall, and historians who study network formation in the Atlantic World observe that the "private" realms of families and friends, as well as

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[35] The older literature on private and public in the nineteenth century tends to separate these spheres more dramatically. See Nancy F. Cott, *The Bonds of Womanhood: "Woman's Sphere" in New England, 1780-1835* (New Haven: Yale University Press, 1997); Linda K. Kerber, "Separate Spheres, Female Worlds, Woman's Place: The Rhetoric of Women's History," *Journal of American History* 75, no. 1 (June 1988): 9-39. See also Elizabeth Fox-Genovese, *Within the Plantation Household: Black and White Women of the Old South* (Chapel Hill: University of North Carolina Press, 1988); Orville Vernon Burton, *In My Father's House Are Many Mansions: Family and Community in Edgefield, South Carolina* (Chapel Hill: University of North Carolina Press, 1985); Kerber, *Women of the Republic*.

[36] The more current literature on private and public is extensive and can be explored from different angles in the nineteenth century, namely that of women and gender, business, and politics. On women, see Rosemarie Zagarri, *Revolutionary Backlash: Women and Politics in the Early American Republic* (Philadelphia: University of Pennsylvania Press, 2007); Edwards, *The People and Their Peace*; Freeman, *Affairs of Honor*; Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1995). On business, see Naomi R. Lamoreaux, *Insider Lending: Banks, Personal Connections, and Economic Development in Industrial New England* (Cambridge: Cambridge University Press, 1994). On politics, see Freeman, *Affairs of Honor;* Rachel A. Shelden, *Washington Brotherhood: Politics, Social Life, and the Coming of the Civil War* (Chapel Hill: University of North Carolina Press, 2013); Catherine Allgor, *Parlor Politics: In Which the Ladies of Washington Help Build a City and a Government* (Charlottesville: University Press of Virginia, 2000).

the "public" domains of business, law and politics, were largely constructed.[37] In New York and elsewhere in the United States, "public" and "private" held cultural and legal significance. Complainants considered "private" violent conflicts "public" because multiple people were typically involved in offenses regardless of where crimes transpired—behind closed doors or out in the open. People pushed cultural matters into the courts and attached communal meaning to them.[38] As a rule, editors of crime literature viewed violence within the household and violence wielded by legal dependents a breakdown of authority at all levels. I show how legal actors and editors utilized public and private to frame violent conflicts, no matter how imagined (in a social capacity) or real (in a legal sense) these categories were at the time.

Violence itself combined private and public because men and women, enslaved and free, wielded violence and found themselves on the receiving end of violent abuse. Notions of public and private have shaped historians' views on violence and dependency in the North and South. Many scholars have drawn attention to the violent interactions that characterized the lives of women and African Americans, especially

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[37] O'Connor, *The Ties That Buy;* Sarah M. S. Pearsall, *Atlantic Families: Lives and Letters in the Later Eighteenth Century* (New York: Oxford University Press, 2009). See also Cooper, "Cultures of Emotion"; Marta V. Vicente, *Clothing the Spanish Empire: Families and the Calico Trade in the Early Modern Atlantic World* (New York: Palgrave MacMillan, 2006).

[38] Legal officials increasingly considered most violent altercations private despite the fact that criminal offenses constituted a disruption to the "peace." As Laura Edwards explains, legal practices eventually took on a rights discourse. Lawmakers sought to protect the rights of male heads of household. In so doing, officials considered male violence against dependents "private" acts rather than "public" disturbances of the peace. These legal shifts typically transpired in the 1820s with various state constitutional conventions. New York passed its new constitution in 1822. See Edwards, *The People and Their Peace,* ch. 7 and 8.

enslaved persons in the South. Southern historians who explore patriarchy and paternalism look at violence within the household, and analyze the broader social and ideological forces that shaped whites' perceptions of corporeal punishment. Many of these studies place women and people of color on the receiving end of white male violence.[39] Scholars of race and gender recognize that white women and African Americans wielded violence within and beyond the household, both through everyday resistance and outright revolt and rebellion.[40] I expand upon this literature, and illustrate that women and African Americans in New York City used their community ties and the courts to combat the violence white men and others inflicted on them. Equally as often, white women and African Americans employed violence for various purposes. Their violent actions then became attached to communal and publicized conceptions of their reputations and identities.

I consider violence the battleground upon which ordinary people and the editors of crime literature negotiated reputation. Violent conflicts, especially those that occurred

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[39] This narrative is most prevalent in the history of the plantation South, but also has implications in the North. On slavery, violence, and the household in the South, see Ford, *Deliver Us from Evil*; Stephanie Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: University of North Carolina Press, 2004); Dusinberre, *Them Dark Days;* Young, *Domesticating Slavery;* Hartman, *Scenes of Subjection*; Chaplin, *An Anxious Pursuit*; Fox-Genovese, *Within the Plantation Household*; Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Vintage Books, 1976).

[40] Sources are extensive, but some key texts include Edwards, *The People and Their Peace;* Rosen, *Terror in the Heart of Freedom*; Glymph, *Out of the House of Bondage*; Block, *Race and Sexual Power in Early America*. In his article, "On Agency," Walter Johnson observes that social and cultural historians' emphasis on passive resistance disregards moments of revolt, rebellion, and revolution. Johnson considers daily resistance and violent conflict separate phenomena. See Walter Johnson, "On Agency," *Journal of Social History* 37, no. 1 (Autumn 2003): 113-24.

within relationships of authority, allowed people to debate proper roles for husbands, wives, and enslaved and indentured persons. As early modernists, such as Barbara Shapiro, have observed, reputation could significantly alter the meanings attached to supposedly universal categories of race and class.[41] Historians who study business and law in the nineteenth century U.S. have built upon Shapiro and others, and looked to reputation as a way to understand proprietary and community relationships in the nineteenth century. A person's reputation or character had the power to dictate their economic and social standing.[42] Kimberly Welch explains that reputation had a dual nature. People could fashion their own reputations or harness what she calls the "politics of reputation" (how other people perceived them) to protect their interests.[43] Like Welch, I use legal cases to show how people dealt with the reputations their community members and the press imposed on them. The violent acts they employed also gave meaning (whether positive or negative) to the reputations they claimed for themselves.

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[41] Barbara J. Shapiro, *Beyond Reasonable Doubt and Probable Cause: Historical Perspectives on the Anglo-American Law of Evidence* (Oakland: University of California Press, 1993).

[42] On credit and reputation in the nineteenth century United States, see Stephen Mihm, *A Nation of Counterfeiters: Capitalists, Con Men, and the Making of the United States* (Cambridge: Harvard University Press, 2007); Scott A. Sandage, *Born Losers: A History of Failure in America* (Cambridge: Harvard University Press, 2005); Bruce H. Mann, *Republic of Debtors: Bankruptcy in the Age of American Independence* (Cambridge: Harvard University Press, 2002); Edward J. Balleisen, *Navigating Failure: Bankruptcy and Commercial Society in Antebellum America* (Chapel Hill: University of North Carolina Press, 2001); Herbert E. Sloan, *Principle and Interest: Thomas Jefferson and the Problem of Debt* (Charlottesville: University Press of Virginia, 2001); Christopher Clark, *The Roots of Rural Capitalism: Western Massachusetts, 1780-1860* (Ithaca: Cornell University Press, 1990).

[43] Kimberly Welch, "Black Litigiousness and White Accountability: Free Blacks and the Rhetoric of Reputation in the Antebellum Natchez District," *Journal of the Civil War Era,* no. 5.3 (September 2015): 372-98.

Reputation and race and gender formation intersected on the ground and in broader debates about how men and women should conduct themselves in the nineteenth century. White women, free blacks, and enslaved and indentured persons continually redefined popular notions of femininity and blackness through the violence they employed. I engage with women's and economic historians who view race and gender as contestable and molded by individual actions. In a similar manner to Kathleen Brown and Seth Rockman, who maintain that race and gender constructs were subject to political and labor needs in the colonial and early national periods, I contend that race and gender were mutually constitutive, fluid, and created by everyday exchanges.[44] Complainants expressed certain definitions of race and gender when they brought violent conflicts to court, particularly if white women and people of color were the offenders. The violent offense became a debate over proper conduct, which then gave meaning to race and gender norms. This debate continued with each case and was contingent upon individual identities, the offense itself, and community opinions. Editors, however, offered more static conceptions of race and gender when they publicized violence. Gender and race as lived and embodied experiences and as ideologies were often in conflict with one another.

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[44] Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: Johns Hopkins University Press, 2009); Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1996).

I argue that gendered and racialized identities developed from daily negotiations that transpired in and outside of legal forums. Court cases represent a melding of customs and legal statutes. Within legal settings, women and African Americans offered a version of themselves, one attached to the legal matter at hand and thus a glimpse of who they were (or of who they wished to portray themselves). Legal scholarship has grappled with the racialized and gendered aspects of identity formation in courts.[45] Hendrik Hartog, for instance, reveals the centrality of women in legal proceedings that allowed them to separate from their husbands. Women presented their marital problems before legal officials and, with that, provided a variation of themselves (an abused wife, for instance) to add merit to their legal claims.[46] Individual identities did actual work in legal forums, but communal perceptions of those identities could be equally as powerful. Ariela Gross traces the legal history of racial identity formation from the nineteenth century to the present. As Gross contends, people defined race based on the manner in which individuals presented themselves to their communities and the courts.[47] When women and people of color engaged in violence, they shattered

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[45] Laura Edwards argues that legal categories masked the violence women employed. Edwards observes that women engaged in violence regularly, but their dependency within the law covered up that fact. Laura F. Edwards, "Law, Domestic Violence, and the Limits of Patriarchal Authority in the Antebellum South," *Journal of Southern History* 65 (November 1999): 733-70.

[46] Hartog, *Man and Wife in America*. See also Michael Grossberg, *Governing the Hearth: Law and the Family in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1985).

[47] Gross, *What Blood Won't Tell.* Classic texts on race as ideology in the eighteenth and nineteenth centuries include Barbara Jean Fields, *Slavery and Freedom on the Middle Ground: Maryland During the Nineteenth Century* (New Haven: Yale University Press, 1985); Barbara J. Fields, "Ideology and Race in American History," in *Region, Race, and Reconstruction: Essays in Honor of C. Vann Woodward*, ed. J. Morgan Kousser and

expectations that they should remain docile. Their violent interactions and their personal expressions in court produced competing ideas regarding suitable roles for women and African Americans.

These expressions and performances of self became enmeshed in editors' conceptions of citizenship. I broaden the definition of citizenship in the nineteenth century to include the behaviors editors grouped into this status. Political historians have studied the multiple meanings of citizenship in the early republic, when citizenship was not necessarily attached to rights or property.[48] Women's historians and

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James M. McPherson (New York: Oxford University Press, 1982), 143-77; Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W. W. Norton, 1975). On race and gender formation in the United States and broader Atlantic World, see Nell Irvin Painter, *The History of White People* (New York: W. W. Norton, 2010); Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (New York: Oxford University Press, 2010); Jennifer Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia: University of Pennsylvania Press, 2004); Laura Briggs, *Reproducing Empire: Race, Sex, and Science and U.S. Imperialism in Puerto Rico* (Berkeley: University of California Press, 2003); Thomas Guglielmo, *White on Arrival: Italians, Race, Color, and Power in Chicago, 1890-1945* (New York: Oxford University Press, 2003); Sundiata Cha-Jua, "Racial Formation and Transformation: Toward a Theory of Black Racial Oppression," *Souls* (Winter 2001): 25-60; Eileen Findlay, *Imposing Decency: The Politics of Sexuality and Race in Puerto Rico, 1870-1920* (Durham: Duke University Press, 2000); Howard Winant, "Race and Race Theory," *Annual Sociological Review* 26 (2000): 169-85; Etienne Baliber and Immanuel Wallerstein, *Race, Nation, Class: Ambiguous Identities* (London: Verso, 1991); Stuart Hall, "Race, Articulation, and Societies Structured in Dominance," in *Sociological Theories: Race and Colonialism* (Paris: Unesco, 1980), 305-45.

[48] Key texts on citizenship in the nineteenth century United States include Gregory Ablavsky, "'With the Indian Tribes': Race, Citizenship, and Original Constitutional Meanings," *Stanford Law Review* 70, no. 4 (April 2018): 1025–76; Nathan Perl-Rosenthal, *Citizen Sailors: Becoming American in the Age of Revolution* (Cambridge: Belknap Press, 2015); Welke, *Law and the Borders of Belonging*; Douglas Bradburn, *The Citizenship Revolution: Politics and the Creation of the American Union, 1774–1804* (Charlottesville: University of Virginia Press, 2009); Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2009); William J. Novak, "The Legal Transformation of Citizenship in Nineteenth-Century America," in *The Democratic Experiment: New Directions in American Political History*, ed. Meg Jacobs, William J. Novak, and Julian E. Zelizer (Princeton: Princeton University Press, 2003), 85-119; Joyce Appleby, *Inheriting the Revolution: The First Generation of Americans* (Cambridge: Harvard University Press, 2001);

scholars of African American history have shown how the marginalized claimed citizenship through informal means, like child-rearing and membership in political organizations.[49] Citizenship was more than a series of political actions or an indicator of where a person lived. Citizens had to uphold order and adhere to certain social ideals. Editors drew upon violent incidences and legal proceedings to construct racialized and gendered tropes. Within crime literature people who had "bad" reputations, namely laborers, immigrants and African Americans, were excluded from the public body of citizens.

Viewed within a broader historiographical context, court records and crime literature change the narrative of social and political belonging in the United States. Editors defined belonging in terms of good behavior and good reputation, which widens the lens of what citizenship entailed before the Civil War. Yet, court records indicate that

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Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven: Yale University Press, 1997); David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776–1820* (Chapel Hill: University of North Carolina Press, 1997); Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (Oxford: Oxford University Press, 1995); David Montgomery, *Citizen Worker: The Experience of Workers in the United States with Democracy and the Free Market During the Nineteenth Century* (Cambridge: Cambridge University Press, 1993); Wilentz, *Chants Democratic*; Edward Countryman, *A People in Revolution: The American Revolution and Political Society in New York, 1760-1790* (Baltimore: Johns Hopkins University Press, 1981); James H. Kettner, *The Development of American Citizenship, 1608–1870* (Chapel Hill: University of North Carolina Press, 1978); Gordon Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, 1969).

[49] On women and politics in the early republic, see Zagarri, *Revolutionary Backlash*; Anne M. Boylan, *The Origins of Women's Activism: New York and Boston, 1797-1840* (Chapel Hill: University of North Carolina Press, 2001); Nancy Isenberg, *Sex and Citizenship* in Antebellum America (Chapel Hill: University of North Carolina Press, 2000); Linda Kerber, *No Constitutional Right to be Ladies: Women and the Obligations of Citizenship* (New York: Hill and Wang, 1999); Jan Lewis, "The Republic Wife: Virtue and Seduction in the Early Republic," *William and Mary Quarterly* 44, no. 4 (October 1987): 689-721.

people acted out their lives in contrast to the ideals these editors established. Violence was indicative of daily exchanges, negotiations and disagreements, all of which were linked to how people envisioned themselves and the "other."

Methodology

My dissertation draws upon two primary bodies of sources: legal records and published crime narratives. The violent offenses people presented before New York City courts ranged in severity and represented the competing interests of offenders, victims, witnesses, and justices. The basic facts and the description of the offense allow me to reconstruct the communal undercurrents at play. Legal records give insight into the relationships and interactions that produced violence and the community ties necessary to negotiate those conflicts. Since court records amplify everyone's voices, criminal cases also uncover prejudices, inequalities, and power imbalances. Nonetheless, court records leave many questions unanswered. Whereas records often lack broader context, crime literature fills in the "gaps" with trial summaries, minute details, and moral lessons. Editors fabricated some of the facts for popular enjoyment and personal expression. Crime literature and legal cases are dissimilar in many respects, but together they speak to the centrality of violence and exclusion. I use these sources to explore different visions of community and belonging in the city.

The first half of the dissertation relies on criminal charges that involved violence, perceived violent activity, or the threat of violence: assault and battery, murder,

manslaughter, disorderly house, house of ill repute, rape, and riot. To elevate the processes of law rather than legal verdicts requires looking at a complete run of adjacent cases to expose cultural trends, as opposed to employing a sampling technique of the same timeframe. I thus combed through all of the criminal cases that made it from the Police Office to the district attorney over the inclusive fifteen-year period of 1799 to 1813. Each of these cases provides its own narrative—some of which are lengthier and more detailed than others. Legal narratives offer insights into the ways people interacted with one another; decided when violence was criminal; challenged or preserved authority; established boundaries around their bodies; protected their reputations and molded the reputations of others; and articulated evolving notions of masculinity, femininity, and blackness. By transcribing cases, I observed the common threads that unite this large collection of claims: a willingness of people to throw themselves into violent exchanges and/or legal proceedings for the sake of restoring what they perceived as the peace. While not every case appears in the chapters that follow, the examples found therein are representative of the whole.

Looking at a series of cases also illuminates the processes by which people came to court. New Yorkers were no strangers to the legal system. The same individuals appear in multiple offenses over and over again in various capacities. A person's repeated presence signified their knowledge of violent offenses and communal operations. Some people cited previous proceedings and decisions in their statements.

Many others conveyed that the individual was a repeat offender or a nuisance to them and their neighbors. While each offense was unique and circumstantial, one case can uncover the dynamics of an entire community.

Like a coin, legal records are two-sided. On one side, they provide the perspective of the offense from the complainants (sometimes but not always the victim) and witnesses. They are, in essence, small pieces of a larger story. We can glean that Joseph Leggett knew the Ryckmans since they lived above him, and so did others who lived in the house and in the surrounding area. More important, they knew the Ryckmans as a contentious family. Leggett was willing to help Mrs. Ryckman and her daughter this one time, but his patience was already exhausted. The Ryckmans had to go. On the other side is the court's perspective, which is not readily apparent. Some cases end with verdicts—typically fines and settlements—but others were dismissed or have no conclusion whatsoever. Leggett asked the court to remove the Ryckmans; whether or not they honored his request is left to conjecture.

The second half of the dissertation focuses on crime narratives. I use the hundreds of narratives featured in all six volumes of the *New-York City-Hall Recorder* (1816-1822), along with other crime pamphlets that date back to 1806. Narratives combined complaints, legal proceedings, and editor commentary. Many read like trial transcripts and, therefore, carry an air of authenticity. I view narratives as a continuation of the stories people brought to the courts. Editors conveyed these stories to readers for

the purpose of offering insights to the city's citizens. A violent quarrel between a husband and wife, like the Ryckmans, carried lessons about marriage and the responsibility of community members to restore the peace.

Crime literature advanced an exclusionary perspective of community. The dichotomy editors drew between citizens and criminals allowed them to "other" those who were not respectable. Actual offenses reveal that people negotiated the terms of violence and community in a more circumstantial fashion. Community members determined who belonged based on the way the offense affected them on a personal level. The complainants felt the Ryckmans did not belong because their abusive relationship spilled over into their neighbors' lives. It reverberated within the confines of their individual community. For editors, the Ryckmans symbolized the violent conflicts that were a normal part of working-class culture. Theirs was not an isolated incident, but a testament to laborers' violent predispositions. The Ryckmans, and laborers as a class, did not belong in the larger community of good citizens.

Chapter one examines the legal system in the city from two divergent perspectives: legal officials and complainants. Through an analysis of the charges people brought to the courts, the chapter contends that that the processes of law held more weight than actual outcomes. Officials turned violent offenders back over to their communities, where people policed one another sometimes by legal order but usually through their own volition. The chapter then turns to the social and familial

relationships that were entangled in violent conflicts and legal proceedings. Violent offenses, combined with the crowded nature of housing in the city, swept up neighbors and passersby, and then forced them all into court later. This chapter shows that people governed their communities and defined community itself through the negotiation and adjudication of violence.

Chapter two uses the framework of reputation to reveal how most violent offenses were connected to personal conflicts. The chapter focuses on common forms of violence, such as domestic disputes and slave abuse. It contends that people set standards for violence based on their familiarity with the individual(s) implicated. Courts were arenas for shaming people who wielded violence against the greater good of the community. The personal knowledge people displayed in their complaints and testimony demonstrated that they knew each other or at least held ideas about their neighbors. This chapter shows that the information complainants and witnesses provided to courts created images of "bad" masters, "abusive" husbands, "wayward" women, and "unruly" African Americans. Ultimately, people debated the terms of belonging based on communal and shifting ideas of masculinity, femininity, and blackness.

Chapter three explores the limits of community. It looks at the unique forms of violence, such as rape and kidnapping, endured by women and African Americans. The chapter shows that many white women effectively used community ties to combat

sexual violence and hold their attackers accountable. African Americans, however, dealt with prejudices against them and questions about their legal status, which made their community ties more tenuous and their bodies more vulnerable to violence. The chapter then examines the roles of white women and African Americans as assailants. It argues that white women and people of color who employed violence broke down the expectations imposed on them by community members and the courts. The chapter reveals that violent conflicts and their adjudication allowed people to debate the boundaries between inclusion and exclusion. In so doing, people devised a concept of order that centered on race and gender constructs.

Chapter four turns to published crime, and argues that editors created a vision of order that was contingent upon certain personal actions and exclusionary of specific cultural groups. The chapter uses crime narratives to reveal how editors invoked the discourse of citizenship and directed readers on the ways of keeping the peace. Crime narratives maintained that respectable white men alone could restore order. As such, editors concluded that these white men knew how and to what degree violence was permissible in their homes and in society. Laborers, women, and African Americans lacked independence and, therefore, could not wield violence in a restorative manner. Editors elevated the role of good (male) citizens in society and thus marked all others as criminals.

Chapter five outlines editors' efforts to marginalize the working classes and African Americans at a crucial political moment in New York and the nation. The chapter argues that crime literature depicted renters and foreigners as criminals through a biased portrayal of violent offenses and legal proceedings. Building on that premise, the chapter then analyzes narratives that address interracial violence. Editors blamed African Americans for perpetuating violence, breaking down the family unit, and destroying the character of whites. The chapter demonstrates how these editors used the institution of slavery, both to portray African Americans as socially inferior and to guard the city's moral reputation. Editors held disreputable whites responsible for gratuitous slave abuse and kidnappings; however, they rendered these offenses exceptional. The chapter shows that editors used the existence of slavery to deny African Americans belonging in the city.

The conclusion explores the broader political context of violence and crime narratives in New York. The *New-York City-Hall Recorder* echoed political debates between 1816 and 1822. Its editor, Daniel Rogers, asserted that all African Americans, no matter their class, possessed an innate criminality and were not equal with white citizens. This logic undergirded some lawmakers' opinions on African American citizenship in New York and Missouri. The conclusion examines African American political participation in the city and Republicans' efforts to limit their civic participation. The new state constitution, which disenfranchised most African American

men, showed that lawmakers, like legal officials and editors, were dedicated to a political and public order that was exclusively and unapologetically white.

2. Chapter One: 'To Disturb the Whole Neighborhood': Fines and Feuds in New York City Courts

It was 1811 and James Ward, a laborer, was fed up with Mrs. Dwire.[1] More specifically he was fed up with her sons and daughter, who threw stones and other objects at children in their New York City neighborhood. When Dwire's children attacked a young girl, Ward marched over to Mrs. Dwire's house and demanded she reprimand them. Their exchange did not go well. She "refused to hear anything the Deponent could say to her but obstinately upped her children in their disorderly conduct." Ward retaliated and filed charges against Dwire's two sons for assault and battery and for being an "annoyance" to their community. Five witnesses are listed, meaning that Ward's feelings were shared by others in his neighborhood who, "for a Longtime past," had dealt with their violent mischief.[2] Ward won his case. The court demanded the family pay a fine for the assault and for their bad behavior.[3]

This chapter argues that people governed each other and established their own conceptions of order and community through the mediation and adjudication of violent conflicts. The chapter turns first to the operations of various city courts and emphasizes the importance of fines, peace bonds, settlements, and dismissals. It then delineates why

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[1] New York City legal records from the early nineteenth century are on microfilm. Some records border on being illegible. I have transcribed cases to the best of my abilities.

[2] Recorders often used several spellings of a proper name in one case file. I have chosen the most common or sensible spelling of a name for each one and used it throughout for the sake of consistency.

[3] *The People v. Michael Dwire and Peter Dwire*, 11 January 1812, New York County District Attorney Indictment Records, New York City Municipal Archives (hereafter cited as NYCMA). Each case is listed by the date the case was filed rather than the date the offense occurred.

these verdicts were appropriate responses to physical altercations given the community-centered nature of violence and the city's legal system. The chapter concludes that the process of bringing complaints to courts was more significant than the verdicts. The law's authority as a mediating force depended on people's uses of the courts and the unique circumstances of each individual case.

The people who issued charges had their own ideas about order and viewed their personal problems as a communal dilemma. Ward had little interest in seeking redress for a girl with whom he had no apparent familial connection (or at least none mentioned in the court record). He desired to settle this recurring issue in his community, one that came to a head with this particular incident. People dragged friends, neighbors, and family to court over violent conflicts. In so doing, they created a venue where they could verbalize and define their expectations of one another as well as the parameters of community itself. Violent acts uncover the close connections people had with each other in New York City. The resulting criminal charges reveal that community members were dedicated to obtaining legal redress for the issues that were meaningful to them and to excluding those who disrupted the peace they strove to maintain in their personal lives and in the wider neighborhood.

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An individual could address a violent offense or any crime in a number of ways. A common response was yelling for a watchman. State and local governments gave

watchmen authority to prevent and respond to criminal activity. Watchmen also kept a lookout for fires, recovered stolen goods, and enforced the law in their jurisdiction. The watchmen system was not exclusive to New York. It had a long history in Europe. New York's watchmen system dated back to the mid 1600s.[4] Initially, the watch system came about due to the prevalence of crimes taking place after dark. New York and other urban centers needed a police presence in dimly lit streets. Watchmen, who were overseen by a constable, occupied "watchhouses." Watchhouses served as a gathering area and as a temporary jail. Watchmen patrolled the streets, enforced curfew, and delivered offenders to custody.

New Yorkers knew they could cry out for a watchman with the hope that one would be nearby. If not, they could go to the nearest watchhouse and procure one. A (good) watchman would then vacate his post and respond to crimes in process or just after they occurred.[5] In 1804 someone alerted John Benson of Captain Rockwell's Watch that a woman had "cried murder" from a house on East George Street. Benson and several other watchmen found a man there "using threatening language" towards her. The man shouted from the window that he would shoot anyone who came inside. One

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[4] The records of the watch are incomplete for the period 1807 to 1840. They contain chronological entries that include the names of the watchman, defendant, and complainant. Each entry lists the type of offense and the amount of the fine rendered. These records are in very poor condition. See Watch Returns, 24 Volumes, NYCMA.

[5] For a general history of watchmen and their origins, see J. M. Beattie, *Policing and Punishment in London, 1660-1750* (Oxford: Oxford University Press, 2001). For a closer look at watchmen in New York City, see Jonathan Rubinstein, "From the King's Peace to the Patrol Car: The Origins of the City Police," *New York Magazine*, May 14, 1973.

of the watchmen ignored his threats and inserted his club into the window. He warned he would carry the man to the watchhouse for the night if he did not straighten up.[6]

Watchmen maintained a regular presence in city neighborhoods. People alerted the watch if they spotted a suspicious person, witnessed a crime, or heard a neighbor's quarrel. In 1807 Lucy Griffith "alarmed the neighbors" when she threatened her husband. Her behavior was so hostile that her neighbors felt they should enlist a watchman. From the record it seems the neighbors called a watchman more than once to mediate the Griffiths' arguments.[7] At times order was dependent upon the watch's response and whether or not they could keep any given situation at bay.

The records also express animosity between the watch and the communities they patrolled. Many cases disclose that people held watchmen with low regard on grounds that they abused their authority and were not always effective in their duties. Watchmen and community members frequently tangled in violent arguments. John Johnson claimed a watchman wrongfully detained him and struck him twice "on his bare head" in 1807. The same watchman kicked Johnson's wife down a cellar and left her wounded, which suggested her husband's charges had merit.[8]

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[6] *The People v. Peter Hoomans*, 7 April 1804, New York County District Attorney Indictment Records, NYCMA.
[7] *The People v. Lucy Griffith*, 14 April 1807, New York County District Attorney Indictment Records, NYCMA.
[8] *The People v. Christopher Merkles*, 6 February 1808, New York County District Attorney Indictment Records, NYCMA.

As indicated in John Johnson's case not all watchmen were good defenders of the peace. At times, they became involved in offenses themselves and appeared in court as witnesses, defendants, and even as offenders.[9] On a night in 1801 Benjamin Sinko found himself dragged into the street by several watchmen after one pounded on his door and demanded entry. Sinko refused since the watchman could not give a compelling reason for the request. When Sinko attempted to close the door, the watchman struck him. Two other watchmen joined in the fray, and they left Sinko bleeding outside his residence.[10] The general lack of respect some watchmen had for people's physical and spatial boundaries was glaringly obvious in cases like this one.

At the same time, individuals regularly challenged watchmen. Watchmen also filed charges against people who beat and threatened them while on duty.[11] The reasons for these violent conflicts ranged widely.[12] Occasionally, they were purposeful acts of

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[9] For an example of watchmen appearing as witnesses in court, see *The People v. James Maloy,* 5 December 1806; *The People v. Patrick Waters,* 8 January 1807; New York County District Attorney Indictment Records, NYCMA.

[10] *The People v. Peter Yevonous, George Mount, and John Davis,* 5 June 1801, New York County District Attorney Indictment Records, NYCMA.

[11] Watchmen, too, did not always hold each other with the highest level of respect. In 1804 George Gordon filed charges against one of his fellow watchmen who had snuck up behind him while on duty and hit him over the head with his club "for fun." See *The People v. John Cough,* 8 December 1804, New York County District Attorney Indictment Records, NYCMA.

[12] Watchmen also looked to legal officials to intervene when they could not take control of a situation or a particular area of the city. In 1810 James Lockwood, a member of Captain Farrington's watch, filed charges against Richard Travis. He and two other watchmen had caught Travis arguing with a woman in the street. They asked Travis to leave several times, but he refused. Travis said he had "a good right to the street as [anyone] and Damned the watch men, the captain of the watch…and all the Civil Authority in the city." Travis and his companions had been walking along George Street and disturbing those who lived in the vicinity. According to Lockwood, they disrupted the peace almost every night with their fighting and

malice. In 1806 a watchman issued a complaint against a man who took out a musket and said he would shoot him and the other watchmen on duty.[13] Other scuffles were more inadvertent. People frequently and unintentionally assaulted watchmen during altercations. The risk came with the job. John Ruton, a watchman in the Sixth Ward, said someone knocked him down and threw a stone at him when he responded to a riot in 1807.[14] The same was true of Jacob Brower, who was struck with a brick bat while "engaging in quelling the riot on Barclay Street" that same year.[15]

Peace officers were less formal but equally contentious versions of watchmen. Individuals turned to peace officers for help when they required assistance or witnessed a crime. After a man followed Hannah Migson around with a shovel and threatened to "split her brains out," she "went in quest for a peace officer." Other records delineate similar circumstances where individuals sought out a peace officer to diffuse a situation. The rationale behind locating a peace officer rather than a watchman is not clear from

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noisemaking. The charges implied that Lockwood had at least attempted to restore order, but Travis and his friends would not cooperate. *James Lockwood v. Richard Travis,* 30 May 1810, Dismissed Case Files, NYCMA.

[13] *The People v. James Deery,* 10 January 1806, New York County District Attorney Indictment Records, NYCMA.

[14] *The People v. Michael Connor,* 8 January 1807, New York County District Attorney Indictment Records, NYCMA.

[15] *The People v. John McGown,* 13 January 1807, New York County District Attorney Indictment Records, NYCMA.

the records. Proximity may have been the deciding factor. Individuals like Migson may have chosen whichever official was physically closest to the location of the crime.[16]

The records suggest that some people claimed the role of peace officer even if they lacked the formal title. Nicholas Lozier, for instance, masqueraded as a peace officer in 1811 when he and some men entered Abigail Moore's home and demanded a drink. Moore grabbed a watchman when she realized Lozier could not be a peace officer since he was not "making peace." Instead, Lozier encouraged the group to fight and destroy her home. Like Moore, people knew how a legitimate official should conduct himself. Moore's case also showed that community members took matters into their own hands when officials failed them. The watchman she approached would not come into the house because he was fearful of getting hurt. Left with no other choice, Moore held her own and charged Lozier with the damages afterwards.[17] For Moore, her ability to restore order in her home and in her community was based on her own judgment of when the peace had been compromised and when the offense required personal intervention.

The sometimes-turbulent relationships between watchmen, peace officers, and the public illustrated the legal system's communal nature. Watchmen and peace officers were, in many respects, the most visible symbol of the law. At times, watchmen and

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[16] *The People v. Daniel McLaughlin and Others,* 10 August 1804, New York County District Attorney Indictment Records, NYCMA.
[17] *The People v. Nicholas Lozier,* 10 January 1812, New York County District Attorney Indictment Records, NYCMA.

peace officers were directly involved in how people negotiated violent conflicts. Their absence or presence could make a significant difference in the way a violent exchange played out. As with Abigail Moore's case, they also could cause more harm than good or be of no use whatsoever.

Whether or not a watchman or peace officer had interceded in an offence, offenders still had to appear before the Police Office (later known as the Police Court and then the Magistrate's Court), which was the lower court of New York City established in 1791. The mayor, recorder, and aldermen presided as justices. Justices were legal officials with authority to hear complaints and issue verdicts. Aldermen were council members who held a rank just under that of mayor. Recorders were officials who summarized testimony and acted as justices when necessary. The court was housed in a room in City Hall referred to as the "Police Office." By 1850 there were multiple offices which reflected the city's expanding and professionalizing legal system.

Once arrested, offenders went to the Police Office for arraignment. Justices would then hear the complaint and decide how best to handle the case. They could issue some sort of verdict or consider the offense a felony and turn the case over to a grand jury. In the latter instance, the justice either detained the offenders or released them on bail while they awaited potential trial.[18] When a case did reach a higher court it was

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[18] Kenneth Cobb, Legal Finding Aids, Municipal Archives Division, New York City Department of Records and Information Services. For a summary of these courts, see Anna M. Cross and Harold M. Grossman, "Magistrates' Court of the City of New York: History and Organization," *Brooklyn Law Review* 8 (December

brought before the Court of General Sessions, which eventually became the Supreme Court of New York.[19] The New York County Court of General Sessions was established formally in 1691 and tried felony indictments. After the American Revolution the court convened as long as the following three officials were present: the mayor and/or recorder, along with one or two aldermen. Crimes presented before the Court of General Sessions typically entailed more serious offenses, such as homicide and perjury. The court received appeals from lower courts as well. A case only made it to the Court of General Sessions if a bill of indictment was issued. An indictment meant the district attorney had convinced the grand jury the incident in question was a legitimate crime.[20]

Before 1801 there was no district attorney in New York City. The New York State Attorney General prosecuted criminal cases up until that time. From 1801 to 1813 the following district attorneys presided in succession: Richard Riker (who served twice),

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1937): 134-35. The records for lower courts are organized chronologically and contain the very basic facts of the offense. For this period, the available information primarily consists of the names of the magistrate or justice, the watchman who detained the individual(s), the complainant and defendant, and a brief summary of the altercation and the proceedings. For the period of 1799 to 1810 and 1813 to 1830, see Minutes Before Special Justices for Preserving the Peace, 14 volumes, New York City Municipal Archives.

[19] The minutes of the Court of General Sessions can be found at the New York City Municipal Archives for the years 1684 to 1921. Entries contain the names of the justice, prosecutor, defendant, the defendant's attorney, and the jurors. A brief summary contains the charge, the plea, and the verdict. There is also an index organized alphabetically according to the names of defendants. Due to the general lack of detail in these records for the period under study, this dissertation does not utilize General Sessions minutes. Observations about these records are based on Kenneth Cobb's legal finding aids as well as my own broad survey of the records.

[20] General information about the operations of the courts has been well summarized by Kenneth Cobb in the legal finding aids, which are available at the Municipal Archives Division. The above discussion regarding the way courts operated is based largely on Cobb's descriptions.

Cadwallader Colden, and Barent Gardenier. At the time, district attorneys were appointed for an undefined period. They presided in the First District, which included New York County (Manhattan), along with Kings, Queens, Richmond, and Suffolk.[21]

Like most legal records from this period, case files lack the details needed to discern why some cases reached a higher court and others fell to the wayside. Before 1881, trial transcripts were created if the case was appealed or if the parties ordered the transcript and covered the costs. The indictment records by far contain the most detailed information. Files typically include the lower court complaint that the district attorney presented to the grand jury, the grand jury's indictment and any relevant documents, like summarized statements from witnesses. Other legal and non-legal documents sometimes accompanied the record, although additional materials are scant for the period 1799 to 1813.

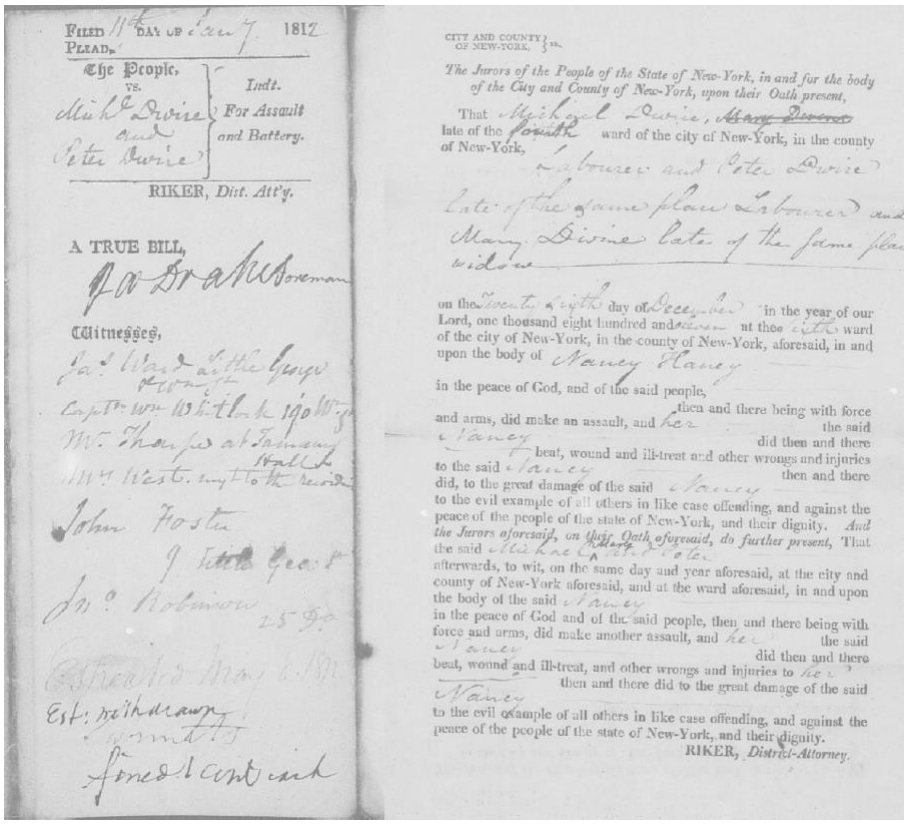
The complaint itself was a printed document. Officials filled in the blanks with the necessary information. Generally, it contained the names of the complainant(s), defendant(s), presiding justice, and the watchman who had detained them; the type of offense; the date the offense occurred; the bail amount; and a description of the crime. Other information, such as the defendant's occupation, age, residence, and plea were

[21] The state of New York was divided into seven districts in 1796. For more on district attorneys in New York, see "History of the Office," Manhattan District Attorney's Office, https://www.manhattanda.org (accessed November 15, 2018).

enclosed in an attached form. The address or ward where the offense took place and the addresses of the witnesses were listed when available.

The district attorney reviewed this lower court record. At that point a grand jury could indict and draw up a bill of indictment. A bill of indictment did not mean a case would go to trial. The way legal officials kept the records leaves much to the imagination. One can infer that some individuals dropped the charges altogether or settled out of court. The kinds of cases the district attorney presented to the grand jury ranged in severity. Domestic disputes appear alongside forgery cases, for instance. Some violent offenses were gratuitous, but most others seem routine (from a modern reader's perspective). Thus, there is no connection between the severity of violence and the level of the legal process. The diversity of the indictment records implies that the offenses were far from exceptional. They represent unique circumstances, the court's agenda in that historical moment, officials' opinions, and the complainants and witnesses' willingness to participate in the legal process.[22]

[22] Ibid. Joshua Stein also outlines the operations of city courts in his dissertation, which explores changing conceptions of assault and battery prosecution in New York City from the colonial period to 1840. He notes that it is impossible to discern why some cases simply vanish from the records after being indicted due to the lack of trial transcripts. See Joshua M. Stein, "The Right to Violence: Assault Prosecution in New York, 1760-1840," (PhD diss., University of California Los Angeles, 2009), ch. 1.



FILED 11th DAY OF Jan 7. 1812
PLEAD.

The People, vs. Michl Dwire and Peter Dwire } Indt. For Assault and Battery.

RIKER, Dist. Att'y.

A TRUE BILL,
Ja Drake Foreman

Witnesses,
Ja.s Ward at the Gaol
Capt. Wm Whitlock 19th Ward
Mr. Thorpe at Tammany Hall
Mrs West. myself to the record
John Foster
J Little Gea.s
Jno Robinson 25 Jy

Estd. withdrawn
Fined 1 cent each

CITY AND COUNTY } ss.
OF NEW-YORK }

The Jurors of the People of the State of New-York, in and for the body of the City and County of New-York, upon their Oath present,

That Michael Dwire, ~~Mary Dwire~~ late of the Fourth ward of the city of New-York, in the county of New-York, Labourer and Peter Dwire late of the same place Labourer and Mary Divine late of the same place widow

on the twenty eighth day of December in the year of our Lord, one thousand eight hundred and eleven at the city ward of the city of New-York, in the county of New-York, aforesaid, in and upon the body of Nancy Haney in the peace of God, and of the said people, then and there being with force and arms, did make an assault, and her the said Nancy did then and there beat, wound and ill-treat and other wrongs and injuries to the said Nancy then and there did, to the great damage of the said Nancy to the evil example of all others in like case offending, and against the peace of the people of the state of New-York, and their dignity. *And the Jurors aforesaid, on their Oath aforesaid, do further present,* That the said Michael and Peter afterwards, to wit, on the same day and year aforesaid, at the city and county of New-York aforesaid, and at the ward aforesaid, in and upon the body of the said Nancy in the peace of God and of the said people, then and there being with force and arms, did make another assault, and her the said Nancy did then and there beat, wound and ill-treat, and other wrongs and injuries to her the said Nancy then and there did to the great damage of the said Nancy to the evil example of all others in like case offending, and against the peace of the people of the state of New-York, and their dignity.

RIKER, *District-Attorney.*

Figure 1: The complaint issued by James Ward against the children of Mrs. Dwire on December 26, 1811. Source: New York County District Attorney Indictment Records, New York City Municipal Archives.

Descriptions of offenses in the indictment records vary from perfunctory remarks to detailed and lengthy descriptions of the crime and the persons implicated. Recorders narrated summaries from the perspective of complainants and witnesses. Some cases only give basic information, such as names and a one-to-two sentence explanation: "Ann Hamilton of No. 260 William Street being duly sworn, deposeth and saith, that on the Second day of September at the 4th Ward of the City of New York, in the County of New York, She was violently assaulted and beaten by Elizabeth Elliot and Amelia Elliot who laid violent hands on deponent and beat her without justification on the part of the said

assailant, and therefore the deponent prays surety of the peace of the said Elizabeth and Amelia."[23] Others are even more to the point: "William Richards a mulatto man of no. 285 Broadway Street, shop keeper, saith that on July 29, 1812 at the fifth ward [he] was assaulted by Isaac Van Tassel who struck him several times."[24]

The briefest summaries, like those above, can still uncover a great deal about violence on the ground, particularly the types of violence people thought worthy of legal intervention. More detailed records reveal people's relationships with one another, the areas where violence occurred most frequently, what interactions with watchmen were like, and the dynamics of certain neighborhoods. The indictment records, while technically comprising cases that reached a grand jury, contain useful information about lower court dealings. They also include eyewitness testimony and the initial complaint, since these documents were appended to the file.

The cases in the indictment records do not meet the qualifications legal historians define as "local legal practices."[25] After all, these cases did reach the district attorney, and some made it to trial. Yet, they are local in the sense that they represented local

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[23] *The People v. Elizabeth Elliott and Amelia Elliott,* 10 September 1813, New York County District Attorney Indictment Records, NYCMA.

[24] *The People v. Isaac Van Tassel,* 7 August 1812, New York County District Attorney Indictment Records, NYCMA.

[25] Laura Edwards has written the preeminent study on local legal culture in the early national period. In it, Edwards describes the informality of courts in the South. Some hearings took place at the location of the crime, for instance, which might have been in a barn or a field. New York City is not reflective of the kinds of practices Edwards portrays. Yet, people still had relationships and problems that were "local" to them. They also filed their initial complaint in a lower court, the Police Office. See Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009).

matters that were meaningful to individual people. Regardless of the legal official who presided, the offenses reflected personal issues and a desire for redress. Moreover, people still initiated the legal process in a lower court. That lower court record provides far more useful details about violence and community than the journals of higher courts, like the Court of General Sessions.

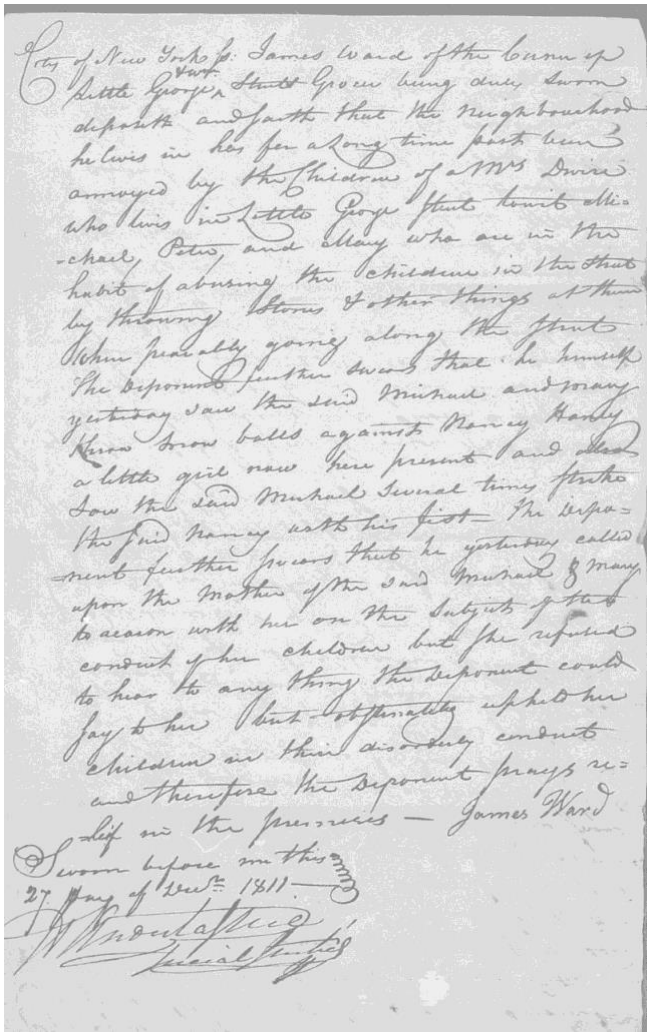

Figure 2: James Ward's testimony against the children of Mrs. Dwire, recorded in December 1811. Source: New York County District Attorney Indictment Records, New York City Municipal Archives.

New York City legal records disclose a great deal about the people who became entangled in legal proceedings and how they portrayed violence. The focus is on process, not outcome. The records remain silent on the points of law that the district attorney might have brought up to a grand jury and even the court's opinion on the legal matters involved in each case. They, instead, provide insight into the offense itself: the area where violence happened, the individuals affected by the altercation, who observed the offense, and who knew the persons implicated. Those details capture a dialogue among the people involved about how to handle violence in their communities and how to mete out reparation for offenses. The legal officials who decided a certain verdict were arbiters of this dialogue—secondary actors at best.

Court records also indicate that people had a close relationship with the law and knew how to navigate the legal system. Some of the same individuals appear as witnesses and complainants in multiple cases. Jacob Fought, a baker, issued charges against several individuals between 1801 and 1807. Two of those cases pertained to violence inflicted on Fought's own body, while the other two involved charges that Fought laid against an abusive master on behalf of two servants. Fought was also a witness in a case against a man who participated in a riot and struck a watchman with a club. Each record provides Fought's address and occupation. This kind of routine information makes it possible to identify him and trace his involvement in various legal proceedings over time. His statements—which range from one sentence to full

paragraphs—also show that Fought divulged every detail he had to the court. The information he laid out represented his knowledge of the crime and the persons in question. In two cases Fought offered the lengthier history surrounding the offense. Fought and others eagerly participated in proceedings. People held a vested interest in seeking redress for themselves and others.[26]

The verdicts issued by New York City courts represent the communal dynamics surrounding legal proceedings since they required neighbors, friends, and family in processing violent offenses. Verdicts consisted primarily of fines, settlements, peace bonds, and dismissals, all of which underscored community members' centrality to maintaining the peace. Some historians have considered these verdicts lesser or as a product of colonial legal practices, but the records say otherwise. Until 1820 fines remained the most common verdict for violent conflicts. The Court of General Sessions journals indicate that even higher courts overwhelmingly preferred fines over imprisonment for assault and batteries and other offenses that involved violence or violent threats. As Joshua Stein explains, the Court of General Sessions fined people around 80 percent of the time in the year 1810, with the median fine being around $2. Ten years later, the court's preference for fines had not changed significantly. His quantitative analysis shows that the Court of General Sessions handed fines out in

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[26] *The People v. Jacob Mesmore*, 7 August 1801; *The People v. Jonas Humbert Junior*, 4 October 1804; *The People v. Patrick Curran*, 8 January 1807; *The People v. John Young*, 5 February 1807; *The People v. John Young*, 5 February 1807, New York District Attorney Indictment Records, NYCMA.

roughly 75 percent of cases. The median fine amount had increased drastically, to about $15 by 1820. Stein contends that it was not until the 1840s that courts demonstrated a clear preference for imprisonment in violent offenses.[27]

A fine required the guilty party pay the court and the defendant an amount for the bodily injury caused to them or others. The fine also covered court costs and represented negotiations between the parties. Those negotiations are apparent in the opening case. Mrs. Dwire's rowdy children hurt a little girl, and then an emboldened neighbor dragged Mrs. Dwire to court. The outcome Ward desired was simple: He felt he and his neighbors should be able to walk down the street without a group of children hurling rocks and other objects at them. Like most New Yorkers prosecuted for violent offenses, the court slapped Dwire's family with a fine they may or may not have paid (the records do not explicitly say if these fines were ever paid). The fine was not all that significant, however, because it was the process that mattered. The court established a space where Ward could express his troubles, and he achieved that regardless of the

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[27] In general, Stein relegates the importance of process to the period before 1800. He claims that the lines between private and public "blurred" as justices interceded into people's personal matters during the 1700s. According to Stein, the "personal" and "neighborly" nature of cases became less of a concern to legal officials in the nineteenth century. If a verdict was issued—even a fine—that meant the process no longer carried as much weight. I observe that fines, peace bonds, settlements, and dismissals were in fact representative of the law's communal nature since officials essentially turned offenders back over to their communities. The fact that people show up in cases repeatedly is also proof that people still put trust in the legal system, even when officials rejected their claims. Ultimately, Stein considers community ties more tenuous during this period given rapid population growth. But the records show that people still envisioned themselves and their neighbors as "communities" in the 1800s. That communal dynamic undergirded offenses and legal claims. On Stein's data and his views on verdicts see Stein, "Right to Violence," ch. 1, esp. 39-48.

verdict.[28] The fine also represented that legal officials acknowledged the power of community policing even if they did not design all verdicts to produce a form of popular sovereignty. If the problem ensued, neighbors brought the offenders right back into court and the process began again.

The indictment records show that many violent offenses passed on from the Police Office to the district attorney were settled. Either the court had washed its hands of the matter for whatever reason or the parties had solved the matter outside of court.[29] The sheer bizarreness of many violent acts and the difficulty officials faced when they attempted to assign blame certainly made such a course both understandable and attractive. For instance, Catherine Provost charged Peter Jones in 1800 with assault and battery when he approached her fruit stand, picked up the oranges she was selling, and threw them at her. Jones was clearly less than thrilled with the price Provost had quoted him. As he put it, he would "see her in Hell" before he would pay that much. Provost then suggested that he leave, and he did, but not before he hit her in the face with her own fruit. Provost followed him home and picked up a stone along the way, presumably to return the blow, although she never hit Jones as far as we know. When Jones saw her

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[28] *The People v. Michael Dwire and Peter Dwire*, 11 January 1812, New York County District Attorney Indictment Records, NYCMA.

[29] I analyzed the New York County District Attorney Indictment Records for the years 1799 to 1813. See New York County District Attorney Indictment Records, 1799-1813, NYCMA.

tailing him, he turned and offered her a warning. He said he would be "the death of her if she followed him any further."[30]

There were several thorny components within this case that could have caused either legal officials or the parties involved to drop the matter. For one, Jones clearly started the altercation and his reaction was inappropriate. Provost's aggressive defense of herself might have been of equal concern. As later chapters will show, complainants, witnesses, and the courts did not consider such actions appropriate feminine behavior. The other factor at play was that no serious injury had occurred. Provost's pride and Jones' temper were the real issues. Within this context, officials had to determine exactly who was at fault and for what—assault and battery, intent to commit an assault, destruction of property, or all of the above.

Settlements did not mean the incidents were meaningless or that the parties had foregone a process of resolution. They were a sign of dialogues that transpired in and outside of courts. Elizabeth McDougal knocked her neighbor down a stairwell in 1800 for using the fireplace in her and her husband's room. They shared the fireplace, or at least that was the agreement. The neighbor, of course, charged McDougal with assault and battery. When she heard the neighbor had broken his arm, McDougal offered to "settle" and pay half his doctor's bills. For McDougal, paying a share of her neighbor's

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[30] *The People v. Peter Jones,* 12 August 1800, New York County District Attorney Indictment Records, NYCMA.

medical expenses was better than paying a fine, even if it meant admitting guilt. The neighbor refused the settlement at first. The record indicates that they settled in the end, either by court order or through mutual agreement.[31] As with fines, the process rather than the outcome emerges as the more telling detail.

Dismissals, too, indicate that legal proceedings were far more about resolving conflicts than achieving a verdict. So many cases were dismissed during this period that they occupy their own subset within the records.[32] The dismissed case files are filled with some of the more unusual and yet equally dull cases in New York City legal records: women who threatened neighbors for minor wrongdoings and men who found themselves in heated arguments with employers and friends over insults, misunderstandings, unsettled debts, and stolen goods.[33] For example, in 1808 Cornelius Williams installed blinds in Peter Knell's home. Knell's neighbor did not approve of

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[31] *The People v. Elizabeth McDougal,* 14 October 1800, New York County District Attorney Indictment Records, NYCMA.

[32] These charges range in severity—from violent offenses that mirror assault and battery cases in the indictment records to actions that seemed violent only to the individuals involved. In 1810 Mary Emmy filed charges against Mary McBeth when she "violently entered into the kitchen" and removed a bed that belonged to her. Emmy said she had a "right to keep the said bed" in the kitchen, but McBeth thought otherwise. She told Emmy that if she put the bed back into the kitchen, she would be "sorry for it." According to Emmy there were two offenses, both of which were violent: McBeth removing the bed against her will and the threat of a future confrontation. The charges represented that Emmy took the incident and McBeth's words seriously, even if legal officials did not. *Mary Emmy v. William McBeth and Mary His Wife,* 3 November 1810, New York County District Attorney Indictment Records, NYCMA.

[33] Some of the cases appear outlandish to the modern reader. In 1810 Jane Teneyck said she and her grandmother were constantly harassed by the Myers family, especially the children. One of the sons threw a "quantity [of] horse dung through a window on the tea table" where she and her grandmother were enjoying tea. To make matters worse, some of the dung hit Teneyck in the face. On another occasion, the children tried to lock her in her own home. When she finally made her way out, they spit in her face. She must have hoped a legal charge would put a stop to the mischief. *Jane Teneyck Junior v. George Myers*, 29 May 1810, Dismissed Case Files, NYCMA.

Williams standing on a ladder to do his work since the ladder was partially on this neighbor's property. When Williams did not move the ladder, the neighbor said he would shove him off and threw "dirty stinking water" on Williams from his window. Williams filed charges against him for assault and battery. The case was dismissed, presumably because no real crime occurred despite Williams' obvious concerns that the neighbor might follow through at a later time. After all, water—even if dirty—did not really qualify as a deadly weapon and could not even inflict that much damage.[34]

Williams' case against the ornery neighbor, along with thousands of other dismissed cases, were about community conflict. Regardless of how outlandish the incident in question might be, proceeding with violent intentions was predicated upon individual aims and the responsibility of neighbors to guard their lives and their communities against disorder.[35] The fact that such complaints entered courts at all when no real offense had occurred signified that people took these exchanges seriously.[36]

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[34] *Cornelius Williams v. John Low*, 25 March 1808, Dismissed Case Files, NYCMA.

[35] Like Cornelius Williams' case, the violence in and of itself might have come across as harmless or even nonsensical to legal officials. At times, these charges had less to do with the act itself and more with making officials aware of a local troublemaker. Andrew Lawrence filed charges against Peter Wright, a "white boy," when he saw him strike Samuel Claws, described as "a Black." He explained that Claws had in no way encouraged Wright, despite Wright's claims that Claws had thrown stones at him. According to Lawrence, Claws was "standing still on the walk in Cedar Street" at the time. From the description, it seems Wright and Claws were adolescents. The altercation happened outside of Lawrence's home, so he issued the claim. He told officials Wright was of a "turbulent disposition." He had seen him "gaged in broils in the street." Lawrence had his fill of Wright's disorderly conduct and, for whatever reason, determined this particular incident warranted legal intervention. *Andrew Lawrence v. Peter Wright*, 18 December 1809, Dismissed Case Files, NYCMA.

[36] Driven by the fear of a later altercation, people presented violent threats to legal officials. While the basis behind the threats is not always apparent given the brief summaries of recorders, the longer history of abuse is a common thread in these records. Betsey Jackson, a free black women, filed charges against Catharine

Complainants noted in their testimony that intimidation constituted a potential personal threat to their bodies and a broader threat to the peace.[37] Legal officials sometimes dismissed such incidents when no violence transpired.[38] Dismissals, however, did not hinder complainants from bringing violent threats and the people who issued them back into court.

The act of bringing someone to court was a component in a larger process of working through the issues that mattered on a personal level. Furthermore, when people brought these incidents to court they became legal concerns. Routine cultural issues showed up in legal forums, where officials dealt with them whether they wanted

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Hatter in 1809. Both women lived at the same residence on Duane Street. Hatter accused Jackson of being a whore and said she would "horsewhip" her. Jackson took Hatter to court because this was no empty threat. Based on Hatter's "previous conduct," Jackson said she had "good cause to fear and really is afraid" that Hatter would beat her. *Betsey Jackson v. Catharine Hatter*, 17 May 1809, Dismissed Case Files, NYCMA.

[37] After reading through these records, a researcher can understand why people took legal action for threats of violence. These threats were not empty words; they were representative of larger familial, personal, and communal conflicts. Sarah McCready and her husband Jonathan were legally separated. For reasons that are not clear, she met Jonathan in Roosevelt Street. He proceeded to take a pistol out of his hat. It seems she tried to run away from him, but he "stopped her in the street by taking her by the shoulder." She eventually escaped and hid in a house. He came by her residence and warned that she would "be a dead woman before night." Sarah knew Jonathan would have killed her had she not gotten away. She needed legal officials to recognize the severity of the threat and offer her some protection—probably by way of a peace bond. Officials obviously did not see the merit in her charges despite the circumstances. *Sarah McCready v. Jonathan McCready*, 9 July 1810, Dismissed Case Files, NYCMA.

[38] Joshua Stein contends that courts dismissed cases that involved the threat of violence. He observes that over time courts began to dismiss actual assaults and judged them by the "level of violence" rather than whether or not an assault had transpired. Stein, "Right to Violence," 59-66. Another component to the dismissed case files is that the persons who filed the charges were not always the victims. As with Andrew Lawrence's charges against Peter Wright, he was not the individual who suffered bodily injury. Perhaps Samuel Claws did not show up in court to issue a statement, which would have been detrimental to the case. As with every offense in the records, there is not enough context to discern the exact motives of complainants, offenders, witnesses, and legal officials. *Andrew Lawrence v. Peter Wright,* 18 December 1809, Dismissed Case Files, NYCMA.

to or not. Officials dismissed cases regularly, but that was after they heard the complaints and formulated a response. In their dismissals, officials directed parties to settle on their own or acknowledged that the process itself had been enough to ease tensions.

Peace bonds were another noteworthy and communally oriented verdict that addressed violent offenses. After the initial case, another person became responsible for ensuring the offender keep the peace. If they became a repeat offender a financial loss accompanied the act (or at least on paper it did). When Catharine Billings' husband Henry earned a notorious reputation for drunkenly beating her and nailing their door shut, the court issued a peace bond that demanded Billings cease his abusive behavior. Less than a month later the Billings' neighbor, who lived just above them and could hear Henry beating and threatening Catherine at night, reported that he had not kept his word and had continued his abuse.[39] The record is unclear about what happened to Henry afterwards. In similar cases the court fined abusive husbands or temporarily jailed them if they could not pay. Peace bonds were effective because they required that community members keep an eye on perpetrators and alert authorities when individuals

[39] *C. Billings and Thomas Howlett v. Henry Billings*, 15 July 1801, New York County District Attorney Indictment Records, NYCMA.

broke their bond. The records show that, more often than not, people like the Billings' neighbor took that responsibility seriously.[40]

Unlike other verdicts, imprisonment was a rare response to violent offenses. Watchmen kept violent offenders in the watchhouse overnight and officials held some offenders in jail as they awaited trial. In either scenario imprisonment was not the punishment; it was a mere stop in the legal process. Only debtors and hardened criminals, like murderers, found themselves incarcerated for an extended period of time. Legal officials took a great deal of interest in debtors. Records pertaining to debt and forgery are far lengthier and detailed than the average violent offense. Still, imprisonment was a means to an end for debtors. Officials incarcerated those who could not pay what they owed so they could work off their debt or secure funds from elsewhere. Imprisonment was not the ultimate punishment; it was a short-term fix.[41]

In New York City local jails were less than ideal. The New York State Legislature, a body comprised of the senate and assembly, met in early 1800 to discuss imprisonment among other matters. Governor John Jay sent a message to be read on his behalf. In his letter to representatives, Jay spoke of a recent law enacted in New York City regarding punishments for criminals. He recommended that "dangerous" crimes, such as perjury and assault with intent to commit a felony, should result in a state prison sentence. He

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[40] Peace bonds appear occasionally in the Indictment Records. Rather than being listed as the actual verdict, however, they are often mentioned by complainants and witnesses in their testimony.
[41] On prisons in New York, see Philip Klein, *Prison Methods in New York State: A Contribution to the Study of the Theory and Practice of Correctional Institutions in New York State* (New York: n.p., 1920).

claimed that common jails were insecure. Even more concerning to Jay were the taverns kept there, which he said fostered "irregularities and corruption of morals."[42] Jay observed that local jails would create more criminals and boost crime rates.

Jay labeled certain crimes as dangerous, which inferred that officials judged crimes along a spectrum of "less" and "more" serious offenses. Indeed, scholars have shown that higher legal officials were selective about the kinds of violent crimes they processed. Joshua Stein's work on higher courts and legislative bodies demonstrates that New York City's Common Council, the city's legislature, was concerned with specific types of violence rather than every violent offense people presented before the courts. The Common Council felt that murders and "public" offenses deserved more consideration than "private" violent exchanges between husbands and wives, and masters and servants. The Council's views upheld the patriarchal social order and gave men an advantage in court by protecting their rights to govern their families through corporeal punishment. Thus, as Stein explains, the Common Council set standards for what constituted both "public" and "private." Legislators expected legal officials to uphold those standards.[43]

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[42] *Journal of the Assembly of the State of New York At Their Twenty-Third Session* (Albany: Loring Andrews, 1800), 6.

[43] Stein, "Right to Violence," 96-97 and ch. 2. Stein argues that officials chose which types of violence to prosecute and, in so doing, allowed more personal forms of violence to fall to the wayside. In time, some members of society (namely propertied white men) gained what he calls a "right to violence." He uses the categories of "private" and "public" to discuss the ways that violent offenses moved through the legal system in New York City, but he analyzes "public" in a juridical sense. He uses the treatises of William Blackstone, statements issued by the Common Council, and verdicts handed down from the Court of

The Common Council's views mirrored other legal developments in the United States at the time. Legal historians, especially those who study local law, have observed that courts strove to keep violent offenses involving legal dependents (wives, children, and enslaved and indentured persons) out of the legal system altogether. As Laura Edwards explains, these practices were a part of a growing trend to limit the legal agency of women and people of color and to protect the rights of propertied white men. By the 1830s, lawmakers included men's civic duties and patriarchal authority in the individual rights protected under the umbrella of state law. Offenses that legal officials formerly considered "public," such as domestic abuse and slave cruelty, became "private." These changes, which took place gradually after the American Revolution, were solidified with new state constitutions.[44] The conclusion will show that New York's Constitutional Convention of 1821 protected the rights of white men—not all of whom were propertied—and took rights away from free men of color, namely the vote.

Throughout this period, and the nineteenth century as a whole, women and people of color (enslaved and free) still participated in legal proceedings despite the

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General Sessions to trace the ways that public and private evolved over time. I consider these categories more personal than legal. In other words, violence was always public to laborers who filed suit due to the nature of housing in the city and the need for community ties. A personal dispute within a neighborhood enveloped many persons, which added a "public" and cultural component to legal claims.

[44] Laura F. Edwards, *The People and Their Peace,* 8-10, ch. 7 and 8. On dependency and law, see Laura F. Edwards, "Law, Domestic Violence, and the Limits of Patriarchal Authority in the Antebellum South," *Journal of Southern History* 65 (November 1999): 733-70.

inequalities lawmakers built into the legal system. State law did not and could not erase the cultural practices that were ingrained in the operations of courts. Moreover, the discourse of state law did not spread into public law and political participation until much later in the early national period.[45]

As with other areas of the United States, there was a disjoint between codified law and legal practices in New York City. Hendrik Hartog's research on pigs in the city is enlightening in this regard. Hartog shows that some working-class New Yorkers kept pigs and let them wander, much to the dismay of many residents and legal officials. In 1819 the Court of General Sessions ruled that people could not let pigs run loose in the streets. They were a nuisance and a danger to the public health. Yet, the practice was not quashed by the ruling and pigs maintained a presence in city streets for decades afterwards. Custom held more weight than any verdict ever could.[46]

In New York City, legal officials in lower and higher courts still heard out a gamut of violent offenses during this period because people presented them on a routine

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[45] Ibid. For women's and African Americans' legal participation in the nineteenth century, see also Kimberly M. Welch, *Black Litigants in the Antebellum American South* (Chapel Hill: University of North Carolina Press, 2018); Kelly Kennington, *In the Shadow of Dred Scott: St. Louis Freedom Suits and the Legal Culture of Slavery in Antebellum America* (Athens: University of Georgia Press, 2017); Yvonne Pitts, *Family, Law, and Inheritance in America: A Social and Legal History of Nineteenth-Century Kentucky* (New York: Cambridge University Press, 2013); Kate Masur, *An Example of All the Land: Emancipation and the Struggle Over Equality in Washington D.C.* (Chapel Hill: University of North Carolina Press, 2010); Ariela J. Gross, *What Blood Won't Tell: A History of Race on Trial in America* (Cambridge: Harvard University Press, 2008); Dylan C. Penningroth, *The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 2003); Judith K. Schafer, *Becoming Free, Remaining Free: Manumission and Enslavement in New Orleans, 1846-1862* (Baton Rouge: Louisiana State University Press, 2003); Ariela J. Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton: Princeton University Press, 2000).

[46] Hendrik Hartog, "Pigs and Positivism," *Wisconsin Law Review* (July/August 1985): 899-935.

basis. Cultural issues, driven by city residents and their particular agendas, moved into the city's legal forums. Courts slapped fines on individuals like Mrs. Dwire, which seems rather insignificant. But the case was meaningful to James Ward and his neighbors who considered Dwire's children's attack of a little girl the last straw in a lengthy saga. Ward and the other witnesses made the problem a legal issue.[47] Whether or not an official preferred to hear the case or felt the offense was more personal than legal did not matter. Ward would see Dwire and her sons put in their rightful place and restore order to his neighborhood. He was willing to navigate the legal process to make that happen. Dwire's fine meant that Ward and his neighbors had, at the very least, brought the problem to light. Her sons might continue to harass neighborhood children afterwards, but Ward or someone else could also bring her back to court. Sometimes order was more an ambition than an actual result.

Ultimately, fines, peace bonds, settlements, and dismissals represent the centrality of community policing to the courts, where the emphasis was on the process, rather than the verdicts. That process took place both within and outside actual legal forums and enveloped social relations, past and present circumstances, and shifting perceptions about personal and communal needs. Historians of the early republic have demonstrated that policing was a form of popular sovereignty that permitted people a

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[47] *The People v. Michael Dwire and Peter Dwire*, 11 January 1812, New York County District Attorney Indictment Records, NYCMA.

role in defining governance and upholding the public good in their communities. While most prevalent in the colonial period, communal policing carried over into the nineteenth century.[48]

In New York, peace bonds required a level of community policing. Courts granted select individuals the responsibility of ensuring offenders did not fall back into old habits. In Catherine Billings' case a neighbor knew about the initial abuse charges, as he cited it in his testimony. It is unclear if the court charged him with looking after Billings or if he simply knew there was an outstanding bond. He informed the court that Mr. Billings was "Bound Over to keep the Peace of this State and to His Wife in Particular…[but] in his Opinion from the Conduct of Billings wife During Last Night and this Morning that the said Henry…has forgotten his Recognizance and Ought Not…to remain at large any longer."[49] Peace bonds suggest the extent to which neighbors depended on one another. This neighbor felt it his duty to notify the court and therefore restore the peace.

Fines represented these same communal foundations. The legal system relied on neighbors' familiarity with one another or even their general knowledge. James Ward's statement regarding the Dwire children's behavior played the most significant role in

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[48] Christopher L. Tomlins, *Law, Labor, and Ideology in the Early American Republic* (New York: Cambridge University Press, 1993), ch. 2; See also Christopher Tomlins, "Necessities of State: Police, Sovereignty, and the Constitution," *Journal of Policy History* 20, no. 1 (2008): 47-63.
[49] *C. Billings and Thomas Howlett v. Henry Billings*, 15 July 1801, New York County District Attorney Indictment Records, NYCMA.

their conviction. Ward also felt that he could speak on behalf of their community. His testimony did not address this one attack. He spoke about the numerous children who had been assaulted by Dwire's sons and daughter. Ward's summary represented conversations and observations that took place outside the court and beyond the parameters of this one particular assault.[50] The fine itself was merely obligatory. The conclusion that Dwire and her children were a nuisance was the overriding factor. Ward and his neighbors called Dwire out in a legal forum and made the court handle the matter. Dwire could deal with the consequences or face another hearing and a second public shaming.

Adjudicating violence entailed solving communal problems. The records indicate that, in most instances, complainants desired to protect their bodies and their interests—not see offenders fined or locked up. That was Betsy Taylor's motivation in 1800 when she asked that her neighbor's housekeeper Maria Cummings be "bound to keep the peace." Cummings had pushed Taylor in the stairwell and kicked her. Taylor wanted protection for herself and others who lived in the house. She did not ask that the court remove Cummings, nor did she suggest that her neighbor release her from her duties.

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[50] *The People v. Michael Dwire and Peter Dwire*, 11 January 1812, New York County District Attorney Indictment Records, NYCMA.

The charges also sent a message to Cummings, that there would be further legal action if her bad behavior continued.[51]

Betsy Taylor and James Ward's cases reveal that people solved their personal problems in court and, in the process, defined the kind of order they wanted. Whether the violent issues they addressed had taken place within their homes or in the wider neighborhood did not matter. They relied on the courts to mediate violence because violent acts were personal and yet a part of a broader effort in the community to maintain a collective peace. That peace began in the home with familial relationships and stretched out into the streets with neighbors, friends, acquaintances, and passersby. For Ward and Taylor, no barrier existed separating their personal issues from the peace; the two were inextricably tied. When someone made a nuisance of themselves or put other people in harm's way, as with Mrs. Dwire's children and Maria Cummings, victims and witnesses often considered the courts the best avenue for recourse. These incidents posed a danger to them and their community and, therefore, jeopardized everyone's safety.

The process of seeking legal redress for violence was personal because violent incidences were personal. Violence, with rare exception, involved people who were related, married, knew each other as a friend or neighbor, or, at the very least, were

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[51] *The People v. Maria Cummings,* 8 October 1800, New York County District Attorney Indictment Records, NYCMA.

somewhat acquainted. For many this relationship was familial. Between 1799 and 1813, the terms "husband" and "wife" appear regularly in the indictment records. Men and women filed charges against spouses for domestic abuse, although women outnumbered men in this regard. Husbands and wives also acted as witnesses for one another if either spouse endured violence by someone else. The terms "son" and "daughter" also come up in the records over and over. The word "family" is even more prevalent. Men and women sought protection for their families, mostly from people who entered their homes and attacked them. At times, such instances were the result of rioters and vagrants who wreaked havoc in communities. Families then became entangled in the chaos that ensued.

More commonly, families opened their doors to people whom they knew personally. Then an otherwise unremarkable situation got out of hand. Alice Hunt charged Henry Hardenbrook with assault and battery in 1810 after he came to her room and threatened her and her family. Hunt and her children resided in the upper part of the house where Hardenbrook and his mother lived. Hunt frequently overheard Hardenbrook abuse and threaten his mother "most scandalously." One day she decided "to admonish him for his conduct." "Much irritated" by Hunt's brazenness, Hardenbrook threw a bat at Hunt's daughter.[52] As with so many altercations, a relatively

[52] *The People v. Henry Hardenbrook*, 5 October 1810, New York County District Attorney Indictment Records, NYCMA.

minor disagreement spiraled into a bigger problem, that then morphed into a legal matter when the parties could not find common ground. Community members hashed out the issues that were meaningful to them within the framework of competing personal interests. Violent offenses underline the boldness of people who inserted themselves into matters that did not directly concern them.

People's perceptions of the peace were wrapped up in their relationships with those around them. These relationships were still significant despite continued population growth in the city and the movement of people in and out of certain neighborhoods and wards. Most often, violent exchanges happened in the areas where people lived. Even when people could not name offenders outright, they knew enough to parse out neighbors from strangers. Hannah Brown was harassed constantly by some boys in her neighborhood who threw rocks at her when she left her house. She could not list all their names when she filed charges against them in 1802. Brown gave officials the names of the boys she did know. The remaining offenders were listed as "others" in the record.[53] Similarly, when Prudence Hill returned home in 1800 and found two men there who attempted to rape her, she told the court she only knew one of them. A witness identified the unknown offender as William Murdock, a man who was "new here," and

[53] *The People v. Daniel Stansberry, Stephen Stansberry, and Others,* 8 July 1802, New York County District Attorney Indictment Records, NYCMA.

had "not [a] place of Residence in Town except a Boarding house in the Bowry."[54] People maintained a sense of who lived in the vicinity and who did not. That knowledge defined the boundaries of community. Court records represent the existence of common and intimate bonds among residents who became entangled in each other's troubles.

Some labor historians have viewed working-class life in New York as too transient in the early nineteenth century for people to create cohesive communities. Significant changes occurred with city housing after the American Revolution, which crowded laborers into rundown tenements and boardinghouses and pushed the wealthy and propertied into other parts of the city. As people flooded into New York, the need for cheap housing became desperate. Land itself morphed into a commodity when the population doubled in size from 31,131 in 1790 to a staggering 60,529 in 1800.

Elizabeth Blackmar argues that significant transitions in the housing market had broader implications. It meant that landless wage earners paid the wealthy for their personal housing, which, in turn, changed the geography of the city both spatially and socially. Housing spread into formerly uninhabited regions where laborers lived and worked even if those areas were disease-ridden. Repeated epidemics in the late 1700s and early 1800s took their toll and pushed the wealthy outward—mainly to the Fifteenth Ward. Some neighborhoods earned a bad reputation and were considered "low class." A

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[54] *The People v. William Michang and William Murdock,* 8 October 1800, New York County District Attorney Indictment Records, NYCMA.

mixture of European immigrants, free people of color, and laboring whites called the Sixth Ward home, much to the chagrin of the upper classes. Because laborers moved where there was work and affordable housing, that often meant relocating themselves and their families on a regular basis. Still, Blackmar asserts that the working classes did not stray far from their prior home base even if they did move multiple times. Cheaper rent might lure a laboring family elsewhere, but relocating mostly entailed packing up and moving two or three blocks away.[55]

The cohesiveness of laboring communities is reflected in New York City's court records. The working classes filled legal dockets with charges against neighbors, family, and acquaintances more so than any other group. They also constituted the highest number of offenders. Kenneth Scherzer explains that class neighborhoods created opportunities for social and ethnic mixing, where the bonds people shared were connected to their work and socioeconomic status. Thus, early nineteenth century New Yorkers identified more with their neighborhoods than they did with the city as a whole.[56] The personal dynamics of violent offenses indicate the strength of working-class communities.

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[55] Elizabeth Blackmar, *Manhattan for Rent, 1785-1850* (Ithaca: Cornell University Press, 1989), ch. 2.
[56] Kenneth Scherzer, *The Unbounded Community: Neighborhood Life and Social Structure in New York City, 1830-1875* (Durham: Duke University Press, 1992), introduction and ch. 1. See also Brian Phillips Murphy, *Building the Empire State: Political Economy in the Early Republic* (Philadelphia: University of Pennsylvania Press, 2015); Stuart Blumin, *The Emergence of the Middle Class: Social Experience in the American City, 1760-1900* (Cambridge: Cambridge University Press, 1989); Bruce Martin Wilkinfield, *The Social and Economic Structure of the City of New York, 1695-1796* (New York: Arno Press, 1978).

The word "neighborhood" appears repeatedly in New York City court records. Neighborhood invoked the bonds New Yorkers expected to tie together residents who lived in close proximity, as well as their efforts to maintain those bonds. Specifically, violent offenses indicate that when the neighborhood's stability was in jeopardy neighbors rallied. Joseph Leggett's case against John Ryckman in 1802 is an example. Leggett hid away Ryckman's wife and daughter after he threatened to kill them both. In an effort to "redress public grievances," Leggett and the other witnesses testified that Ryckman "makes the most shameful rioting…and disorder." In so doing, he had not only disturbed "the Respectable Family beneath them, but also a peacable and quiet neighborhood." The petitioners asked that the court make Ryckman and his family relocate so they could restore "Peace and Tranquility to the Neighborhood."[57]

Their plea reveals that notions of order were tied to laborers' physical and spatial boundaries, or rather a lack thereof. The individuals who collectively issued charges against Ryckman on behalf of the neighborhood did so because his recurrent violent actions towards his wife and daughter had a direct impact on them given their physical proximity to the couple. His constant threats could be overheard by them on a nightly basis, and on this particular occasion dragged them all into his abuse in a literal way. Both order and governance were intertwined in the offenses individuals committed

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[57] *The People v. John Ryckman*, 7 June 1802, New York County District Attorney Indictment Records, NYCMA.

because neighbors either willingly or reluctantly included themselves in the affairs of others.

The Ryckman complaint also demonstrates the limits of community within these neighborhoods. Rather than helping Ryckman's wife file charges against her husband, with the hopes that a peace bond would correct Ryckman in the long-term, these neighbors wanted the entire family banished. Families often acknowledged that their quarrels affected more than just themselves. Some maintained a keen awareness of the impact personal quarrels could have on the wider neighborhood. Isaac Anderson procured a watchman in 1805 because his wife was "making such a great noise so as to disturb the whole neighborhood." Anderson called on the watch to mediate their personal argument and restore order to their home and the immediate vicinity, because he knew his wife's belligerence would alarm their neighbors. His neighbors might call the watch and then provide testimony that he and his wife were frequent quarrelers.[58] In their complaints, people separated neighbors from "disturbers of the peace." Later chapters will show that bearing the mark of a "disturber" held personal and social consequences.

Guarding the neighborhood against disorder began in the home with spousal and familial relationships, even if home was a crowded apartment, basement cellar, or

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[58] *The People v. Samuel Griffin*, 6 December 1805, New York County District Attorney Indictment Records, NYCMA.

shack. Neighborhood order was inseparable from notions of private and public, an effort further complicated by housing in the city. Domestic abuse could not be considered entirely personal, in part because workers—related and not—customarily shared cramped and intimate living quarters. The spaces renters inhabited ranged in appearance but shared one commonality: a lack of privacy. Individuals who rented a fully furnished room or occupied a separate area like a cellar still used a common space—typically the kitchen or another room that all sorts of people traversed on a regular basis. Houses that served a dual purpose as businesses had the added foot traffic of customers. The records provide countless examples of this. Men and women ran grocery stores and grogshops or sold other wares from their residence. They filed charges against customers who violated their bodies or damaged their goods.[59]

Violent offenses often transpired within the confines of these intimate living spaces. Many told the court the offense had taken place "in their own room."[60] It was not uncommon for several unrelated persons to sleep in the same bedroom. Patrick Blake, who was convicted of murdering his wife in their bed, had two primary witnesses—the immigrant women who shared a room with Blake and his wife. Both identified

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[59] Blackmar, *Manhattan for Rent*, 94.

[60] For example, in 1800 a man issued charges against several persons for coming in and assaulting him in "his own Room." The records have other similar incidents, where people charged into the rooms of boarders to assault them—most often for reasons not apparent in the record. Similarly, in the same year John Batchelor stated that several men came to his house, entered "without knocking," and kicked him. His statement focuses on the difficulty he had in getting them out of his house rather than the reason for them entering in the first place. *The People v. John Marrow*, 6 February 1800; *The People v. Daniel Davis*, 5 April 1800, New York County District Attorney Indictment Records, NYCMA.

themselves as working in "industry." For reasons not apparent in their testimony, they slept in a bed that was just over from the Blakes'.[61] The case was far from an anomaly. Most laboring New Yorkers shared a residence with non-family members. Others rented "sections" of homes where there may or may not have been a wall separating them from their fellow tenants. Witnesses frequently noted that they overheard or intervened in an offense in the upper or lower part of a house where people occupied rooms.

Historians have recognized boardinghouses and tenements as spaces for sleeping and not socializing. That lifestyle was opposite from the elite, who considered their home a showpiece as well as a meeting place for others of the same class. Urban scholars have argued that working-class communal formation mostly took place outside the home in nearby taverns and grogshops and out on the street. The streets were areas where laborers' legitimate and illicit business transactions took place. Peddling, selling goods and food, prostitution, and an array of other monetary and social exchanges happened outside and not within dirty, damp, and dilapidated boardinghouses.[62] Yet legal records connect public dealings and private matters, and show how the relationships formed on city streets manifested in the spaces people called home. Most violent altercations transpired within residencies or began on the street and carried over into a boardinghouse or business.

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[61] Daniel Rogers, ed., *The New-York City-Hall Recorder, For the Year 1817* (New York: Charles N. Baldwin, 1817), 1:114-19.

[62] On the history of housing in New York City after the Revolution, see Blackmar, *Manhattan for Rent,* esp. ch. 2, 4, and 5. See also Scherzer, *The Unbounded Community.*

The manner in which laborers carried out daily work and leisure and maintained relationships served a blow to static conceptions of private and public. The records outline countless scenarios where the close physical proximity people had with each other inspired them to intervene in violent crimes. They became a part of the offense and subsequent legal proceedings from necessity or sheer intrigue. Most persons who reported violence were neighbors who had either heard the crime from the adjacent room where they resided or who had been pulled directly into the offense by the victim(s). In 1805 Thomas Spencer found his neighbor, Robert Cross, lying incoherent and inebriated in the hallway outside his bedroom. Having heard Cross cry out earlier, the other dozen or so boarders, along with neighbors, came running. Several women danced around Cross and laughed at him, while another woman grabbed him by the neck and kicked him "violently." He later died. The same boarders and neighbors offered several bizarre renditions of what happened when they gave their testimony. Each account was more convoluted than the previous one.[63] The people who sought recourse on a daily basis made it impossible to determine what public and private meant, since for them these boundaries were not rigid.

Notions of private and public were molded by the circumstances of the incident and by individuals' relationships with and proximity to one another. Mrs. Blake and

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[63] *The People v. Benjamin (a Blacksmith) and Letty Oakley*, 11 November 1805, New York County District Attorney Indictment Records, NYCMA.

Robert Cross' deaths did not occur in isolation. They happened within a communal context that required others' opinions of the incident and the persons implicated. In Patrick Blake's case, the two women were not aware Blake had stabbed his wife in the night. The accounts they gave regarding the couple's constant fighting and quarrelling were enough to show intent on Blake's part, and he was found guilty.[64] In the case of Robert Cross the opposite was true. Each witness' unique rendition was as complex as it was conflicting. The court acquitted all parties despite the fact that Cross was dead.[65] People negotiated violent conflicts within a personal context that helped guide and dictate legal proceedings and their implications for community order. In so doing, they broke down imagined barriers between their personal lives and the communal peace.

The offenses for which people pursued legal recourse played an equal role in the process of community formation. Violence brought people together as allies or as enemies; violent acts represented community ties and fostered new ones. These bonds were sometimes congenial, other times obligatory, and in the criminal cases people presented before the courts, rife with conflict. Ultimately, processing violence in New York City entailed an ongoing conversation concerning community norms and how people connected with one another.

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[64] Rogers, *New-York City-Hall Recorder*, 1:114-19.
[65] *The People v. Benjamin (a Blacksmith) and Letty Oakley*, 11 November 1805, New York County District Attorney Indictment Records, NYCMA.

3. Chapter Two: 'Most Intolerably Abusive': Changing Identities and Challenging Authority through Violent Conflicts

This chapter explores the links between contested violent acts and communal perceptions of people's identities. It uses court records to break down assumptions in the literature that urban violence was random and spectacular. The chapter first reorients the historiography through examples of relational violence, such as neighborhood conflicts (sometimes classified as riots), domestic altercations, and slave and servant abuse charges. Violence brought together community members as protectors of personal and communal order. Legal proceedings allowed witnesses and complainants to express their views on violent offenses and the individuals involved. Their descriptions of the altercation reflected personal knowledge and a keen awareness of legal culture. This chapter argues that people drew upon their familiarity with their community members, along with personal prejudices, to intervene in violent conflicts and determine when violence exceeded permissible limits.

Individual opinions about the offense, as well as the persons implicated, bore consequences for relationships and the peace. Neighbors filed criminal charges against men for abuse and discredited them. Women, and indentured and enslaved persons, were also subject to community opinions—whether positive or negative. When legal dependents were clear victims of gratuitous violence at the hands of barbarous men, they garnered sympathy and support. If their actions caused disorder, people

considered them "unruly" and "wayward." As this chapter shows, violence and reputation created and reinforced certain gendered and racialized identities. These identities were far from static, and evolved with communal expectations and the unique circumstances of an offense.

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The historiography on urban violence has dismissed the common forms of violence people brought before the courts, particularly if courts formally dismissed the charges. Instead, historians of New York City have drawn attention to notorious neighborhoods, like Five Points, and to spaces marked as violent, such as brothels and grogshops. Crime narratives and travel accounts intentionally villainized laborers, ethnic groups, and certain areas of the city. Editors of crime literature published heinous crimes or otherwise manipulated violent offenses for popular consumption. Travelers' portrayals of working-class life were equally biased and selective. Yet these are the accounts some scholars have relied on to frame their views of violence in the city. Urban historians' emphasis on riots, in particular, falsely centers them as the most common of urban crimes.[1]

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[1] On violence in New York, see Jill Lepore, *New York Burning: Liberty, Slavery, and Conspiracy in Eighteenth-Century Manhattan* (New York: Knopf, 2005); Leslie Harris, *In the Shadow of Slavery: African Americans in New York City, 1626-1863* (Chicago: University of Chicago Press, 2003), 247-57; Tyler Anbinder, *Five Points: The Nineteenth-Century New York City Neighborhood that Invented Tap Dance, Stole Elections, and Became the World's Most Notorious Slum* (New York: Free Press, 2001); Elizabeth Blackmar, *Manhattan for Rent, 1785-1850* (Ithaca: Cornell University Press, 1989), 172-80; Paul Gilje, *Road to Mobocracy: Popular Disorder in New York City, 1763-1834* (Chapel Hill: University of North Carolina Press, 1987). There is also a body of literature that explores northern crime narratives exclusively. See Daniel A. Cohen, *Pillars of Salt, Monuments of Grace: New England*

The focus on Five Points, mobs, and riots distorts how violence operated in everyday life. For most, violent conflicts were rooted in personal matters and not political motivations. Even riots and mob violence were rarely preconceived or targeted at a political cause. The records for many riots contain very little detail, if any, about the exact inspiration for the conflict. In 1804 Samuel McDonald testified that he witnessed Thomas Palmer "strike two black men and three white men neither of whom did in the least molest or disturb" him. According to another witness, Palmer and others had gathered along George Street, "Disturbing or interrupting people as they passed along."[2] Most riots resembled Palmer and his posse's attack on an individual or group in a neighborhood. On the surface, they had no greater point beyond acting on their emotions and venting their anger.

Records with more detail disclose that group violence was often inspired by an isolated incident, or had a connection to a personal vendetta or communal disagreement. Several cases from 1811 address riots targeted at men who collected unwanted and sick dogs, and subsequently killed and buried them in Potter's Field. The men told the court

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Crime Literature and the Origins of American Popular Culture, 1674-1860 (Amherst: University of Massachusetts Press, 2006); Virginia A. McConnell, *Arsenic Under the Elms: Murder in Victorian New Haven* (Connecticut: Praeger Publishers, 1999); Patricia Cline Cohen, *The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth Century New York* (New York: Alfred A. Knopf, 1998); Karen Halttunen, *Murder Most Foul: The Killer and the American Gothic Imagination* (Cambridge: Harvard University Press, 1998).

[2] *The People v. Thomas Palmer,* 13 August 1804, New York County District Attorney Indictment Records, New York City Municipal Archives (hereafter cited as NYCMA).

people had thrown rocks and objects at them as they passed. John Carlock asserted that several individuals who followed him called him a "damned murdering buggar" and said they would throw him in the hole with the dead dogs. The crowd later freed the dogs.[3] Group violence was not always calculated. Passersby sometimes collected together and retaliated on the spur of the moment. Riots typically contained some connection to community or personal conflict, like most other forms of violence.

The legal charge "riot" meant disorderly and did not refer to "riot" in the modern sense. A number of charges classified as riots entailed no violence whatsoever. One case from 1811 addressed a group of people who spoke too loudly in a Baptist church and disturbed everyone present.[4] Within the framework of a criminal charge, "riot" typically described violence that entailed two or more people (one of whom was not the complainant). It could also classify an incident where a group of people disturbed the peace, as in the above charge.

The non-legal term "riotous," and variations of it, appear far more frequently than actual charges for riots. Individuals used "riotous" to describe multiple persons who behaved violently or disorderly. Betsey Brown claimed that several men conducted themselves in a "riotous manner" after they barged into her home, beat her, and broke

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[3] *The People v. John Gillespie and Others,* 11 June 1811; *The People v. Francis Passman and Daniel Randall,* 11 June 1811; *The People v. Henry Fleuder* 11 January 1812, New York County District Attorney Indictment Records, NYCMA.

[4] *The People v. Nicholas Lozier,* 10 February 1810, New York County District Attorney Indictment Records, NYCMA.

her dishes. She charged them with assault and battery instead of a riot for reasons that are not apparent. Brown's description of the exchange as "riotous" turned the assault into a more ominous event that bore communal significance. If these men violated her body and her belongings for no reason, what would stop them from doing the same elsewhere?[5]

The description of a violent act as "riotous" transformed the offense from a personal assault to a threat against the peace. Stephen Williams thought Amelia Carstang approached him in a "riotous manner" after she purchased oysters from him in 1807. He did not serve them quickly enough, so she threatened to "beat his brains out." The persons with her then knocked him down. Williams told the court Carstang was the "principle leader," which implied she and her accomplices were a violent mob. Perhaps Williams' description was truthful, but more than likely his dramatic portrayal made the altercation seem more menacing. Williams used his testimony to express a personal and communal danger, but the court disagreed and acquitted Carstang.[6]

As the prior chapter explained, many legal officials did not consider violent offenses "dangerous" in a broader sense. Officials responded with fines, issued peace bonds, encouraged settlements, or dismissed the charges entirely. When all was said and done, people put faith in the process not the verdicts. Part of that process required that

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[5] *The People v. James Westerwell and Others,* 8 February 1812, New York County District Attorney Indictment Records, NYCMA.
[6] *The People v. Amelia Carstang,* 4 November 1807, New York County District Attorney Indictment Records, NYCMA.

complainants and witnesses divulge every aspect about the offense and the persons implicated. Recorders provided only small pieces of this testimony. Still, the information that remains shows that people placed emphasis on the details, particularly the characteristics of the incident that would get a court's attention. When described as "riotous," the violence took on new significance. The same was true of domestic abuse, slave and servant cruelty, and relational violence in general. People used imagery that caught legal officials' notice and emphasized the broader repercussions of an otherwise personal incident.

Witnesses and complainants laid out the specifics of the offense and offered insight into when, how, and under what circumstances people considered violence a reasonable and justifiable course. The overwhelming number of witnesses for any given case exemplified the strength of people's relationships in their neighborhood. An average violent offense had three to four witnesses. The number increased drastically if the incident happened in a boardinghouse or on a street, and if it transpired in broad daylight.[7] Robert Cross, who was found unconscious outside his room by a neighbor in 1805, had around a dozen witnesses. People poured in from his boardinghouse and another nearby when they heard him cry out.[8] James Ward's case against a mother and her three bothersome children in 1811 had six witnesses. It is evident from Ward's

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[7] These figures are from my observations of the indictment records from 1799 to 1813.
[8] *The People v. Benjamin (a Blacksmith) and Letty Oakley*, 11 November 1805, New York County District Attorney Indictment Records, NYCMA.

testimony that his neighbors had endured the children's mischief on many occasions. It seems only a handful witnessed the actual assault and came forward in court.[9] Witness testimony was key; it strengthened the case and determined the boundaries of violent conflict and community.

The familiarity a witness had with the persons implicated was as important as their description of the crime. Witnesses typically called the offenders by name and stated their relationship or proximity to those persons. They sometimes provided pertinent details such as how frequently they saw them and if they had observed similar behavior in the past. If witnesses had no familiarity with the offenders, they might comment that they had never seen them before or did not recognize them. Recorders jotted down witnesses' addresses and those of the people involved. When Elijah Heustis issued charges against Catharine Pearson for assaulting him and spitting in his face, the recorder noted that Pearson lived in the Fifth Ward and that the assault also happened in the Fifth Ward. Heustis resided at the corner of Reed and Greenwich Street, where he ran a grocery.[10] Where people lived mattered, largely due to the fact that many offenses happened within residences which occasionally doubled as groceries, grogshops, and other businesses.

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[9] *The People v. Michael Dwire and Peter Dwire*, 11 January 1812, New York County District Attorney Indictment Records, NYCMA.
[10] *The People v. Catharine Pierson*, 8 November 1805, New York County District Attorney Indictment Records, NYCMA.

A person's address was meaningful because it indicated an established residence, and ties to a specific place and the people who lived there. People legitimized their claims by noting how long they had been living in the city.[11] Thomas Spencer, the man who found Robert Cross nearly dead outside his door, had been in New York for only four or five weeks when the offense occurred. Spencer stated that he hailed from Philadelphia. Another witness in the case mentioned that he had lived in America for almost nine years and worked on the shore. He stayed at Mrs. James' boardinghouse in the Fly Market.[12] The time they had been in the city played into the particulars of the case. Spencer wanted the court to know that even though he was the one who found Cross (who later died), he had little knowledge of him or the boarders who were suspects. The few weeks he had spent there implied he harbored no ill will against Cross or the boarders with whom he was barely acquainted.

What seems like routine information separated community residents from outsiders. Place was important. It connected the crime to a specific location; the

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[11] Laborers and African Americans were, at times, labeled as foreigners and strangers, a common trend that historians of race and immigration have discovered was a means to regulate citizenship in the North. See Kunal M. Marker, *Making Foreigners: Immigration and Citizenship Law in America, 1600-2000* (New York: Cambridge University Press, 2015); Kunal Parker, "Making Blacks Foreigners: The Legal Construction of Former Slaves in Post-Revolutionary Massachusetts," *Utah Law Review* 75 (2001): 75-124. Cornelia Dayton and Sharon Salinger note that the process of marking certain people as "strangers" dates back to the colonial era. Their study shows that various towns in colonial New England, namely Boston, allowed the constable to "warn out" visitors who could claim legal settlement elsewhere. Officials were not obliged to provide poor relief to strangers even if they worked in the town and intended to stay for the foreseeable future. See Cornelia H. Dayton and Sharon V. Salinger, *Robert Love's Warnings: Searching for Strangers in Colonial Boston* (Philadelphia: University of Pennsylvania Press, 2014).

[12] *The People v. Benjamin (a Blacksmith) and Letty Oakley*, 11 November 1805, New York County District Attorney Indictment Records, NYCMA.

complainant, defendants, and witnesses to the streets where they resided; and everyone involved to the communities where they interacted and negotiated these incidents. Edward Maloy, who was accused of inflicting a violent blow to another man's head in 1801, said he was acting in self-defense since he was struck first. Maloy asserted that he could stand in his "own defense" because he was "well known" and had been living in the city for eight weeks.[13] Maloy felt his ability to plead self-defense was linked to the familiarity his community had with him. If others attested to his good nature, even if they did not witness the offense itself, the case might get dropped entirely. Where someone came from, who they knew, and where they lived provided the court a broader and necessary context.

The need for information pulled many into legal proceedings regardless of age, race, gender, or social standing. By providing information to the court, witnesses offered their own insights into whether or not violence was suitable under the circumstances. Their testimony created a spectrum of behavioral norms based on unique circumstances and personal knowledge. Individual violent acts and the manner by which those acts were adjudicated in city courts produced a dialogue that determined what was permissible and what was not. These discussions raised a central question regarding who could wield violence without suffering legal and social penalties. Community

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[13] *The People v. Edward Maloy*, 6 February 1802, New York County District Attorney Indictment Records, NYCMA.

members felt they could make such judgments because they either witnessed violent behavior, were victims themselves, or became entangled in the offense due to physical proximity or sheer curiosity.

Records indicate that a person's ability to engage in physical force was based largely on community perceptions of their identities, what some scholars call "reputation" or "character." Recent work has emphasized the importance of a person's reputation, which refers not only to a person's status, but also to his or her standing in the community. Reputation could not exist without some level of community cohesiveness. Knowledge of the persons implicated was necessary to form an opinion outside the offense itself. Reputation was also fundamental at a time when people created and reinforced their identities through the relationships they had with others. How people felt about their community members was relevant in nineteenth-century legal culture since people brought gossip, opinions, and recollections into court when called upon as witnesses. Courts' heavy reliance on testimony gave people a semblance of authority in setting standards for one another. The expectations they laid out were a part of their broader efforts to maintain order in their lives and neighborhoods.[14]

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[14] On the role of reputation and legal culture in the United States, see Kimberly M. Welch, *Black Litigants in the Antebellum American South* (Chapel Hill: University of North Carolina Press, 2018); Kelly Kennington, *In the Shadow of Dred Scott: St. Louis Freedom Suits and the Legal Culture of Slavery in Antebellum America* (Athens: University of Georgia Press, 2017); Kimberly Welch, "Black Litigiousness and White Accountability: Free Blacks and the Rhetoric of Reputation in the Antebellum Natchez District," *Journal of the Civil War Era*, no. 5.3 (September 2015): 372-98; Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press,

Personal knowledge carried implications for relationships of authority. When people issued criminal charges for wives, children, and enslaved and indentured servants, it symbolized an effort to keep male authority in check. Witnesses and victims spoke out against men who directed gratuitous punishments against their dependents. Neighbors often held men accountable for their actions and made their transgressions known, particularly when a peace bond compelled them to do so.[15] Criminal charges also cast doubt on a man's ability to govern his household and maintain the peace.

Legal accusations against husbands shed light on the dynamics of violence within the household. White masculinity and violence have a close affiliation—historically and within the historiography. Historians have traced the various ways that violence played out within the household, primarily in the Antebellum South.[16] Criminal charges break down assumptions in the literature that the household was a private

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2009); Ariela J. Gross, *Double Character: Slavery and Mastery in the Antebellum Southern Courtroom* (Princeton: Princeton University Press, 2000).

[15] An example is the Billings' neighbor who notified the court that Henry Billings had continued abusing his wife. *The People v. C. Billings and Thomas Howlett v. Henry Billings*, 15 July 1801, New York County District Attorney Indictment Records, NYCMA.

[16] On slavery, violence, and the household in the South, see Lacy K. Ford, *Deliver Us from Evil: The Slavery Question in the Old South* (New York: Oxford University Press, 2009); Stephanie Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: University of North Carolina Press, 2004); William Dusinberre, *Them Dark Days: Slavery in the American Rice Swamps* (Athens: University of Georgia Press, 2000); Jeffrey Robert Young, *Domesticating Slavery: The Master Class in Georgia and South Carolina, 1670-1837* (Chapel Hill: University of North Carolina Press, 1999); Saidiya V. Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York: Oxford University Press, 1997); Joyce E. Chaplin, *An Anxious Pursuit: Agricultural Innovation and Modernity in the Lower South, 1730-1815* (Chapel Hill: University of North Carolina Press, 1993); Elizabeth Fox-Genovese, *Within the Plantation Household: Black and White Women of the Old South* (Chapel Hill: University of North Carolina Press, 1988); Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Vintage Books, 1976).

space. The violence men directed towards their wives, children, servants, and slaves emerge as a source of communal deliberation.[17]

Abusive husbands and masters faced criticism inside and outside of court. Proceedings were moments of disgrace for men, and retribution for dependents—that is, if men kept their bond or otherwise changed their behavior afterwards. Either way, testimony gave meaning to the abuse and to the men who wielded violence. Recurring abuse charges against one man jeopardized his personal reputation. The collection of charges against many different men over time created two popular tropes: "cruel master" and "abusive husband." No single definition entirely captures the experience of the victims or the motives of the abuser. Each case was unique and circumstantial. One can assert, however, that people knew how to recognize abuse. Moreover, they possessed knowledge of the law and the power of reputation.

Discipline fell into the category of "corporeal punishment" as long as physical force was within reason and justifiable; otherwise, discipline quickly became abuse. The fine line separating the two is apparent in the records. Domestic, slave, and servant abuse cases typically made it to court whenever neighbors heard or witnessed an altercation. Battered wives, and tortured enslaved and indentured persons, also engaged in the legal process either through the information they provided to the court or through

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[17] Thavolia Glymph has argued that the household was not a private space, but rather a cite of violent negotiation. See Thavolia Glymph, *Out of the House of Bondage: The Transformation of the Plantation Household* (New York: Cambridge University Press, 2008), esp. ch. 1.

the stories they shared with their neighbors. Cooperative neighbors (or neighbors who were fed up) issued criminal charges against men on grounds that the violence they employed had moved from discipline into assault. Neighbors' involvement was proof the violence no longer constituted discipline since it was an offense against the peace.

The records are filled with domestic violence cases that, at first glance, appear the result of passions gone awry, and common misunderstandings between husbands and wives. As Christine Stansell explains in *City of Women,* "In the records of most domestic quarrels, conflicts over practical household arrangements unleashed men's rage. The passion is evident in the fury of the fights; the practicality in the causes—money and domestic services, the currency of the marriage relation."[18] The minutia out of which numerous domestic disputes arose sent women, like Catherine Billings and Mrs. Ryckman, running to neighbors for protection.[19]

Legal officials who recorded violent crimes, as well as witnesses, customarily used vivid and descriptive language when the violence involved dependents. Domestic disputes departed from the usual perfunctory explanation, especially if the violence was gratuitous. Recorders' summaries, while not told from the first person, offer glaring details about violent exchanges when men were the instigators. Recorders, witnesses, and complainants invoked terms such as "cruelty" and "derangement" when they

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[18] Christine Stansell, *City of Women: Sex and Class in New York, 1789-1860* (New York: Alfred A. Knopf, 1986), 78-79.

[19] *The People v. John Ryckman*, 7 June 1802; *C. Billings and Thomas Howlett v. Henry Billings*, 15 July 1801, New York County District Attorney Indictment Records, NYCMA.

depicted violence that they perceived as gratuitous. The following represent more detailed domestic violence cases from the indictment records:

> "Deborah Harrington, Sarah Boyd and Amanda Nelson saith that they live in the same house with Thomas Collins and Susan his wife, that as long as they have lived in said house, said Collins has treated said Susan in a cruel manner by beating and other ill treatment. That last night in the particular he beat her and continued to beat her from before twelve oclock till about four oclock in the morning and disturbed the peace of deponents. That they believe said Susan is so much infused by said beating as to be unable to leave her room. They therefore too their own safety and peace as also for the safety of said Susan pray surety of the peace of said Thomas Collins Deponent reside at no. 55 Cherry Street."[20]

> "Louisa Roberts wife of William Roberts of Prinice Street being sworn desposeth and saith that her husband the said William Roberts her repeatedly street and abused her. That he has threatened to kill her child not yet five weeks old and actually this morning ran to the cradle where the said child laid and struck at the child and the Deponent received the blow on her hand. That the said William Roberts in striking at the infant several times knocked the Deponent down with the child in her arms. The deponent believes that unless the said William Roberts shall be restrained from further violence that he will actually kill the said child as he appears at times to be deranged in mind and very dangerous."[21]

Providing vivid details to the court was crucial in these cases, particularly from the standpoint of complainants who were sometimes dependents. The description separated reasonable discipline from abuse and transformed a marital dispute into a wider threat. The details people offered in violent offenses dealing with dependents outlines the limits others tried to place on domestic abuse, even if the offense did not pertain to them or occurred behind closed doors.

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[20] *The People v. Thomas Collins,* 10 March 1812, New York County District Attorney Indictment Records, NYCMA.
[21] *The People v. William Roberts,* 11 April 1807, New York County District Attorney Indictment Records, NYCMA.

Men who brutally directed violence against women came across as barbaric, animalistic, and as jeopardizing the institution of marriage. John Banks hit his wife Margaret over the head with a shovel and slit her throat in 1805, a murder that was editorialized as a pamphlet the following year. The record upon which the pamphlet is based explains that his reasoning was "her getting drunk" and not managing their money properly. Years prior, Margaret ran to a female neighbor who was "well acquainted with the couple." She cried and said John was "treating her ill because he was missing some money." John found Margaret there, grabbed her by the throat, and swore he would kill her. The neighbor offered him money for the sake of appeasing him, but he refused the gesture. His abuse continued, which is summarized in the complaint and spectacularized in the crime narrative. Two years later, the Court of General Sessions convicted him of murdering his wife.[22] The Banks' neighbor played the dual role of mediator and legal witness. The crime narrative indicated that she told authorities about her prior run-in with John and Margaret Banks. The history of their stormy relationship, which she supplied, was a key component of the prosecution's case against him.[23]

Banks's case and others indicate that women formed their own communities in reaction to the violence inflicted upon them. Many female witnesses and deponents filed

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[22] *The People v. John Banks,* 9 January 1806, New York County District Attorney Indictment Records, NYCMA.
[23] *The Only Correct Account of the Life, Character, and Conduct of John Banks…* (n.p.: New York, 1806). See also the discussion in chapter four on crime narratives.

assault and battery charges against married men on behalf of their wives.[24] The three women who issued assault charges against Thomas Collins mentioned that his abuse had a broader context outside this one gratuitous incident in which he beat his wife all through the night. His female neighbors sought protection from the court—both for themselves and for his wife who suffered serious injuries. The fact that these women also feared Collins was significant. It meant that Collins was a dangerous person who might harm others.

Wives periodically filed criminal charges against their husbands. Courts could not compel women to testify against their spouses, but married women could and did issue criminal charges on their own. A charge pertained to a particular episode, but women offered the courts a much longer and more detailed history of their husband's violence. A lone incident did not bring a wife into court, but repeated acts of abuse did. Mary Van Valson issued assault charges against her husband James in 1807. She told the court that James' "outrageous" and "violent" conduct had started three or four years earlier. In fits of anger and drunkenness, James had "pulled her hair" and "beat her many times." She witnessed him throw their two children from their chairs. The charge

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[24] Married women also sought legal recourse against men with whom they had no familial relationship. Women either pursued redress on their own or their husbands filed the charges on their behalf. Wives typically issued a statement independently even if their husband's name was attached to the case. Catherine Provost's husband filed charges for her after Peter Jones hit her in the face with a bunch of oranges from her fruit stand. Her husband, however, did not provide a statement to the court. The narration of the offense came from Catherine. *The People v. Peter Jones*, 12 August 1800, New York County District Attorney Indictment Records, NYCMA.

she brought against him pertained to an episode where he came home and demanded dinner. Mary conveyed that she had made him a "good dinner," but he threw it into the fire, breaking their dishes. This same exchange was a repeat of a prior event where he locked her out of the house and threw the victuals at her. She appealed to the court out of fear he would continue to harm her and her children.[25]

Married women had a lot to lose—far more than neighbors who were merely inconvenienced by noisy quarrels. The record for Mary Van Valson's case contains a note that the complainant "acknowledged falsification." She admitted to the court that all or part of what she originally told officials was untrue. Without further details, it is impossible to know what exactly transpired or what portion of her testimony was fabricated (if any). Mary's husband James may have been incensed by the charges. Perhaps he forced her to recant her statement. If there was even a semblance of truth to her testimony, James was indeed a loose cannon. Married women navigated a dangerous terrain as complainants. They put their welfare in the hands of legal officials and the community.

When filing assault charges, women sometimes outlined the broader consequences of their husbands' abuse. Wives uncovered the marks of violence on their bodies and recounted the financial setbacks they endured. William Souter, who had

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[25] *The People v. James Van Valson*, 5 June 1807, New York County District Attorney Indictment Records, NYCMA.

constantly abused his wife and children, threatened to sell all their property and leave her and the children to "provide for themselves." In the assault and battery charge Mary Souter filed against him, she painted a picture of his violent temperament as well as a grim image of what would befall them if he carried though with his threat to leave. She and her children would become the "public charge of the city," as she was unequipped to support them on her own.[26] The assault charge was merely her vehicle into court. She needed legal officials to convince her husband to stay with his family. The abuse might continue, but at least they would not be destitute. Mary Souter's charge resonated with other women who had to endure violence just to survive in New York.

Given Mary Van Valson and Mary Souter's experiences, it comes as no shock that neighbors rather than wives were routinely the ones who reported violent husbands. Loud arguments gave neighbors a reluctant front-row seat to the disputes and disagreements of those living in their building. Neighbors often became more than witnesses. Battered wives sought shelter with those who lived nearby. They pounded on doors, begged neighbors for help, and opened up their neighbors to their husbands' violence. Henry Nichols found himself in this very spot in 1807. Nichols had been "called upon by the family" of his neighbor more times than he could count, and he was

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[26] *The People v. William Souter*, 28 May 1806, New York County District Attorney Indictment Records, NYCMA.

out of patience. He begged the court for a peace bond so the husband would think twice about committing the same offense again.[27]

Neighbors intervened in spousal disputes since it had as much to do with keeping the peace in their own home as it did protecting those in the vicinity from unreasonable husbands, fathers, and masters. Complainants who reported domestic abuse commonly referenced liquor as an underlying reason for a husband's violent temper. For women who endured physical abuse from intoxicated husbands, the violence they faced was dangerous to their bodies, their children, and their neighbors. A heated and drunken marital dispute quickly engulfed housemates and onlookers. Susan Brasher, a free woman of color, filed charges against her neighbor John Stoddart in 1800 for beating his pregnant wife. The Stoddarts occupied the upper section of the house where Brasher lived. She told the court Stoddart was "addicted to Strong Liquors" and was "most intolerably abusive to his wife." Stoddart's alcoholism and abuse disrupted Brasher's life and others who lived in the house. Her mention of his addiction was key, as it made her and others appear at risk as well.

Equally as many discussions about corporeal punishment centered on what kinds of violence were suitable in the master-slave relationship. Community members showed special concern if enslaved and indentured persons faced inhumane

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[27] *The People v. Jacob Tyler*, 8 October 1807, New York County District Attorney Indictment Records, NYCMA.

punishments since they could not testify against their masters in court or defend themselves. Carl Hoffman faced assault charges brought by a former boarder in 1804, who had observed him treating a young servant "very inhumanely." The boarder claimed Hoffman had "tied the boys hands above his head and his feet to a Nail in the floor." Hoffman then stripped the servant naked and "whipped him with a horsewhip, the first stroke of which drew blood so plentifully that it dropped on the floor…after cutting his back with the whip he applied salt and vinegar." Another witness described a separate act of cruelty. A woman who had sewn for Hoffman considered his treatment of the young man "barbarous." She recalled that the boy ran away. As punishment, Hoffman strapped an iron collar around his neck which resulted in his voice being "so broken that it is with difficulty that he can be heard." The individuals who filed charges against Hoffman made his disgraceful actions known with the hope that authorities would demand he release the servant. Hoffman had refused the request when others approached him in the past.[28] People stood by enslaved and indentured persons if the violence so far exceeded what they considered tolerable that they felt there was no other option but to report the abuse.[29]

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[28] *The People v. Carl A. Hoffman,* 8 October 1804, New York County District Attorney Indictment Records, NYCMA.

[29] Neighbors might have come to the rescue of abused enslaved persons, but the courts were not always receptive to the charges. Similar incidents appear in the dismissed case files. Charles Marsh claimed a "small black boy" was "brought to his house." The young man had a "trammel fastened about his neck by a padlock." Marsh said the trammel was "so tight" that Marsh could not squeeze his finger in between the chain and the slave's neck. When he discovered the slave belonged to an attorney named Joseph Strong, he took him back to Strong's home and inquired about the chain. Strong admitted to putting the chain around

Community members recognized certain forms of violence as destructive and inhumane, which violated their conceptions of order and patriarchal authority. The records offer innumerable examples of unwarranted abuse. Robert Pickering, who lived just above Michael Sandford in a house on Chamber Street, said he "frequently observed that the said Sandford used great cruelty towards a Black boy named Peter by beating the said boy unshamably." After hearing Peter cry out while Sandford beat him in the cellar kitchen with the doors bolted shut, Pickering addressed the incident with Sandford directly. Sandford responded that he would "beat him as much as he pleased," and that if Peter died it would be "his own loss." Pickering reported Sandford to authorities and left his fate to the court since he refused to admit he was in the wrong.[30]

Regardless of the verdict, Sandford and cruel masters continued with their lives after legal proceedings. The court manumitted enslaved and indentured persons only if the violence were too flagrant to ignore. There had to be a history of excessive abuse proven by numerous witnesses who were committed to obtaining legal redress. Even then, the chances for manumission were slim to none. There is no evidence in the

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the slave's neck and tightly fastening it. Marsh reported Strong but, unless he pursed separate charges on another occasion, it seems nothing came of the case. It is also worth noting that Marsh took the slave back to Strong. Marsh recognized that Strong was the slave's rightful owner, even if he also acknowledged that the chain was indicative of gratuitous abuse. *Charles Marsh v. James Strong,* date unknown, Dismissed Case Files, NYCMA.

[30] *The People v. Michael Sanford,* 30 May 1806, New York County District Attorney Indictment Records, NYCMA.

Hoffman case that authorities released his servant. Yet the proceedings served as proof that even if the courts would do little other than slap masters on the hand, community members would shame them continually in court until they softened their approach or released those under their authority. Popular perceptions of the master-slave relationship mattered both in a legal and in a communal framework.

Legal proceedings often challenged masters' images, as their disgraceful treatment of indentured and enslaved persons discredited them. Witness testimony makes clear that neighbors and former employees filed charges against cruel masters and mistresses to humiliate them if nothing else. In 1807 Jacob Fought issued charges against John Young for assaulting Else Hart, Young's black servant. Fought and Young knew each other, as they were both bakers in the same neighborhood. According to Fought, Young had pushed Hart down the stairs and put her on display in his front yard naked in the bitter winter. Fought explained this was not a lone incident or an act of passion. Young made a habit of his brutality. Another gentleman said Young had offered Hart to him. Upon finding her "crippled," he said he would send her to the almshouse just to get Young "in trouble." Else Hart's vivid account, which detailed the brutality she faced under Young and his wife's employ, further validated the witnesses' accusations.[31] The same day, Fought filed separate charges against Young for abusing

[31] *The People v. John Young*, 5 February 1807, New York County District Attorney Indictment Records, NYCMA.

Catharine Provos, another servant. The cruelty Provos faced was similar to that of Hart. At the end of his testimony, Fought made a bold statement that Young was of an "inhuman disposition" and "unfit to have charge of any servant."[32]

The record indicates that the parties settled in Else Hart's case, but the record does not list a verdict for Catharine Provos. The lack of a clear verdict did not mean Young got off easy or that the cases were a failure. On the contrary, Fought achieved his goal of disgracing Young, a person recognized as a cruel master whose violent and visible actions towards his servants humiliated him and his neighbors. Fought also delegitimized Young as a master and made it known publicly that he would never treat those in his service with any level of human decency.

Enslaved and indentured persons relied on neighbors like Robert Pickering and Jacob Fought for protection. They relayed their stories to those they knew could help them and painted a horrific picture of the ruthlessness they suffered on a daily basis. In 1811 Edward Potter stumbled upon a young man chained up inside a barn wearing an iron collar. He told Potter that he had been fed bread and water only since his arrival. He would be there for eight weeks, which likely meant his master had leased him to Jonathan Stanley—the person Potter filed charges against.[33] Stanley tried to hide the abuse, but the young man brought the incident to light through his conversation with

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[32] *The People v. John Young*, 5 February 1807, New York County District Attorney Indictment Records, NYCMA. There are separate records for the charges against John Young, but both were issued the same day.
[33] *The People v. Jonathan Stanley*, 15 October 1811, New York County District Attorney Indictment Records, NYCMA.

Potter. It was important that Potter know he was leased. It meant the abuse would continue and he might not be able to withstand it. Beyond that, a legal charge would also make the abuse known to his legitimate master.

The individuals who issued charges against Michael Sandford, John Young, Carl Hoffman, and Jonathan Stanley knew the violence these men engaged in far exceeded the limits of corporeal punishment. Each incident was unique, but equally gratuitous. Else Hart, Peter, and others were clearly the victims. There are no indications from witness testimony or complainants' statements that these enslaved and indentured persons had ever retaliated or committed an act deserving of the punishment they received.[34] The legal and personal assistance Robert Pickering, Jacob Fought, and Edward Potter offered was conditional. Criminal charges might shame a master or mistress in a legal forum but, ultimately, the court and community upheld the existing authoritative structure. No one reported routine whippings, for instance, unless the person being whipped was not enslaved or indentured (meaning the incident was an assault and battery on a free person). Only when power tipped the balance from humane to inhumane did people and the courts take notice.

Enslaved and indentured persons who wielded violence against their masters and mistresses symbolized that very power imbalance. Masters and mistresses issued

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[34] *The People v. Michael Sanford,* 30 May 1806; *The People v. John Young*, 5 February 1807; *The People v. Carl A. Hoffman,* 8 October 1804, New York County District Attorney Indictment Records, NYCMA.

assault charges against slaves and servants they could not control. The charges expressed a plea for protection. In 1807 a mistress pursed legal recourse against her slave Jane, who she said had "behaved herself very obstreperously." Jane had refused her commands and laid "violent hands" on her.[35] Similarly, in 1810 Thomas Mace claimed his slave Titus had threatened to stab him. Titus told officials that if they forced him to go back with Mace he would "put him down so that he would never rise up again."[36] The record does not provide justification for Titus and Jane's actions. Their masters portrayed them as naturally recalcitrant and excused themselves from any culpability. Titus' response was as bold as it was revealing. Titus would kill Mace and face execution rather than spend any more of his life as his slave. At the very least, Titus' threat let officials know there might be more to the story than Mace was willing to admit in a legal forum.

Titus, Jane, and others recognized the power of reputation in court and they used their limited legal voice to their advantage. Enslaved and indentured persons could not give formal legal testimony, but they could and did provide information to legal officials. When on trial, they delegitimized perceptions of their owners as "good" masters and mistresses. In 1808 an enslaved person named Lucy tried to kill her master's children and some of those in their employ by putting crushed glass in a pie crust. Lucy

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[35] *The People v. Jane (a Black)*, 7 May 1807, New York County District Attorney Indictment Records, NYCMA.
[36] *The People v. Titus a Slave*, 5 October 1810, New York County District Attorney Indictment Records, NYCMA.

admitted guilt but stated that the family had been beating her. One of them threatened to shoot her. Lucy recognized the severity of what she had done. Her master warned her that, at the very least, she would go to prison if she confessed. Lucy saw no alternative.[37] There are similar cases wherein slaves poisoned or assaulted their owners, or set their homes on fire.[38] Violent reactions constituted far more than everyday resistance. Lucy and others used the offense and their confession as a powerful image to prove the violence they endured was so inhumane that imprisonment or execution emerged as the more appealing option. Public discussion in court was crucial and provided dependents a platform. Their fate may or may not have changed, but the words they spoke held influence.

Men (and women) risked their communal image if people identified them as brutal and ruthless. Any person could earn a bad reputation if they engaged in violence without purpose, in haste, or when intoxicated. Alternatively, violence sometimes went hand-in-hand with being a notorious person. A violent act simply supported what others thought they knew about the offenders. In 1807 John Rice charged several men with assault for breaking his brother's leg. He claimed the "general character of the said

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[37] *The People v. Lucy (a Slave of H. G. Livingston),* 11 June 1808, New York County District Attorney Indictment Records, NYCMA. See also *The People v. Jemima a Slave of William Hight,* 21 June 1810, New York County District Attorney Indictment Records, NYCMA.

[38] For examples, see *The People v. Eleanor Rankin,* 8 December 1806; *The People v. Margaret (a black) and Diana (a black),* 8 December 1806; *The People v. Mary Gilbert,* 13 February 1809; *The People v. Jack a Black Boy a Slave of E. Haring,* 9 June 1809; *The People v. Jeremia a Slave of William Wright,* 5 April 1810; New York County District Attorney Indictment Records, NYCMA.

three young men…was that of Disorderly persons, Hauntes of…Brandy Houses and Disturbances of the Peace." It came as no surprise to Rice that these men would harm his brother; it was in their character.[39]

People bore knowledge of those who were locally infamous. Complainants and witnesses named the individuals who they felt possessed a naturally passionate character. Isabella Graham issued charges against Charles Higgins in 1804 when he assaulted her. The record provides little detail about what the assault entailed. Graham instead spoke of Higgins' extremely violent temperament and a previous episode wherein he broke the back of his own child. She and her neighbors knew his "general character" to be that of a "cruel vindictive Drunken Retch."[40] A person's affiliation with violence stemmed from communal knowledge of their prior actions and behaviors. Popular opinions could convince the court to side with the deponents. A history of violence, combined with allegations that the offenders were a nuisance, gave merit to the charges. Witnesses and complainants altered the way officials adjudicated violent offenses through the context they provided—whether truthful or biased.

Many recognized that being associated with violence stirred gossip and jeopardized a person's image. People often positioned themselves in opposition to unnecessary violent acts in an effort to play the victim or take the moral high ground.

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[39] *The People v. Morrel Tribe and Others,* 3 June 1807, New York County District Attorney Indictment Records, NYCMA.
[40] *The People v. Charles Higgins,* 18 April 1804, New York County District Attorney Indictment Records, NYCMA.

John Davidson and a few men were "engaged about the election" in 1812 when William Lewis barged in the room and demanded that they fight him. Davidson boasted to Lewis he was a "strong and powerful man" and warned him that they would both get hurt. Davidson later informed the court that he did not want to go "home with a couple black eyes" as he was a "man of family." Davidson bragged about his strength, which might have encouraged Lewis. In court he explained that he was a man who valued his family and character, and that he maintained self-control even when Lewis did not. He claimed the fault clearly lay with Lewis since he, himself, would never partake in a needless scuffle.[41]

For more reasons than one, people wanted the court and community to know they had not initiated an altercation. The phrase "without cause or provocation" appears repeatedly in the records since it bore legal significance. A recorder used the line in his summary as clarification that the complainant was the clear victim. After James Romagne was attacked on the street by Neil McKinnon, Romagne told the court the altercation started without any provocation on his part. Romagne refused the fight at first because he "would not degrade himself so much as to place himself upon footing" with McKinnon. The area was "so public a place" and McKinnon was "a man of no reputation." McKinnon continually provoked Romagne, who announced to the crowd

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[41] *The People v. William Lewis*, 11 May 1812, New York County District Attorney Indictment Records, NYCMA.

that if he must fight, he would place "himself in opposition for retaliation." Romagne signaled to onlookers that his participation constituted self-defense; otherwise, he might take an equal share of the blame. He also knew a fight with a man who lacked a good reputation would reflect poorly on his own character.[42]

The role of victim bore different meanings to men and women and was dependent upon their status. James Romagne and John Davidson were not as concerned about the assault as they were their reputations. Both offenses were fleeting moments in their lives. Neither expressed concern that their attackers might seek them out again. Women who filed assault charges against their husbands had to make clear they had neither instigated nor partaken in the abuse. If there was any sign the wife was at fault or was intoxicated at the time, the proceedings may not play out in her favor. The court could assume the violence was correctional and therefore justifiable. Under these circumstances, legal officials might label both the husband and wife "disturbers of the peace."

Officials customarily acquitted violent husbands if they could prove their wives were equally abusive or "in liquor" when the offense occurred. Nicholas Owen, who lived in the same house as William Griffith, alleged that William's wife Lucy was "in the habit of getting intoxicated with strong liquor and…disturbing him…and breaking the

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[42] *The People v. Neil McKinnon,* 10 October 1810, New York County District Attorney Indictment Records, NYCMA.

peace." According to Owen, Lucy's husband kicked her out because she, in a fit of drunkenness, had grabbed a poker and said she would "beat his brains out." She kept coming back, despite the allowance William provided for her, and threatened him with "tongs, pokers, candlesticks, and knives." William had no sympathy for his wife; nor did his housemate. He narrated the history behind their turbulent relationship and pushed the blame on her for the incident.[43]

Women faced unique challenges when they grappled with others' perceptions of their identities. A woman's supposed bad reputation often became a scapegoat for violence. Men, and sometimes women, invoked the insult "damned whore" to justify an assault they had initiated without legitimate cause. Offenders operated under the assumption that "bad" women did not deserve decent treatment; they trusted the court would agree.

Women who filed charges for assault and battery mentioned if their attacker prefaced the offense with certain insults. According to the perpetrators, the insult itself was an announcement that the violence was warranted. Jane Conklin brought three men before the court for assault and battery in 1812 because they called her and her sister "whores" and abused their acquaintance. Conklin said the language they used "in the

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[43] *The People v. Lucy Griffith*, 14 April 1807, New York County District Attorney Indictment Records, NYCMA.

publick street" was "too obscene to be repeated."[44] Charlotte Greenwould was more forthcoming about her attackers' invectives. Some children aggressively harassed her on a regular basis in 1806. They called her "scurrellous names," including "Damned black bitch" and "black rattlesnake bitch."[45] By recounting the insults, Conklin and Greenwould explained why the violence imposed on them was unjustifiable. They were neither whores nor bitches, which removed the reasoning behind the assault and set the record straight. Women defended their bodies through force and legal action but doing so required that they defend their character as well.

Some women had more at stake than their reputations. Rachel Quick's landlords kicked her out in 1811 on grounds that she was a "damn flaming whore." He and his wife accused her of running a brothel on their property. When they evicted her, the couple knocked her down on the ground and beat her mercilessly. If Quick was a prostitute, the landlord and his wife felt they were within their rights to dissolve the lease and remove her with violent force. Quick, after all, had degraded herself to the status of a whore and did not deserve to be treated like a lady.

Women countered insults through their own narration of the offense. Quick relayed the absurdity of the assault to the court. She explained that her landlord's wife had thrown sweet meats in her face before the landlord knocked her down "with his

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[44] *The People v. Tommis Tallman, John Bennet, and Frederick Boyce,* 13 April 1812, New York County District Attorney Indictment Records, NYCMA.
[45] *The People v. Maria Warner,* 10 October 1806, New York County District Attorney Indictment Records, NYCMA.

fist" and pushed her up against the house. Quick never addressed the accusation about her being a prostitute, or at least the recorder did not mention it in his summary. Her occupation was not reason enough to evict and assault her. The assault on her body was the actual offense—not the presumptions the couple had about her character and employment.[46]

Some women changed the narrative altogether and cast doubt on their offenders' character instead. Jane Conklin offered a lengthy statement about the men who assaulted and blackguarded her, her sister, and their friend. She referred to them as "evil" persons and swore she and the others had done nothing to offend or embolden them. She also added another significant detail: One of the men was an "entire stranger." If the men did not know them on a personal level, then their insults had no basis.[47] Jane Conklin, Charlotte Greenwould, and Rachel Quick told their whole stories to officials. The context was key, as it put insults and the blame back on their offenders.

Women who actually worked in grogshops and houses of ill repute struggled to defend their reputations and their bodies. The records indicate that prostitutes were especially vulnerable to assault and rape. Prejudice constituted one hurdle. A sex worker had to convince the court that the exchange was a legitimate offense. Assault and battery

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[46] *The People v. Thomas Goodsman,* 15 October 1811, New York County District Attorney Indictment Records, NYCMA.
[47] *The People v. Tommis Tallman, John Bennet, and Frederick Boyce,* 13 April 1812, New York County District Attorney Indictment Records, NYCMA.

charges carried more weight if they had witnesses; rape required them.[48] As the next chapter will demonstrate, sex workers struggled to harness community ties. An individual might act as a witness, but their respect for the victim (or lack thereof) could jeopardize the proceedings.

On rare occasions people filed criminal charges on behalf of female sex workers. The scenarios people presented before the court were exceptional, at least when compared to other violent offenses. Two seamstresses reported William Lowe in 1805, not for keeping a disorderly house but for assaulting the women who lived there. Lowe claimed the mayor had permitted him a "public whore house," which included the privilege to "whip or cow hide any of the girls who he may have in his House wherein they misbehave themselves."[49] The record makes no statement regarding Lowe's assertion that he had a legal right to discipline the women working for him. These neighboring seamstresses found his conduct questionable. Still, such charges usually implied annoyance on the part of complainants, not sympathy for the women who put up with the abuse.

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[48] On domestic abuse and rape in the North and South, see Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: University of North Carolina Press, 2009); Sharon Block, *Race and Sexual Power in Early America* (Chapel Hill: University of North Carolina Press, 2006); Mary Beth Sievens, "Divorce, Patriarchal Authority, and Masculinity: A Case from Early National Vermont," *Journal of Social History* 37, no. 3 (2004): 651-61; Diane Miller Sommerville, *Rape and Race in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 2004); M. H. Arnold, "Life of a Citizen in the Hands of a Woman: Sexual Assault in New York City, 1798-1820," in *Passion and Power: Sexuality and History,* ed. K. Peiss and C. Simmons (Philadelphia: Temple University Press, 1989), 35-56.

[49] *The People v. William Lowe,* 15 January 1806, New York County District Attorney Indictment Records, NYCMA.

People who reported houses of ill repute repeatedly cited prostitutes as being low-class and as attracting riff raff to the neighborhood. When Catharine Stephenson filed charges against two women who were using their apartments as prostitution rings, she did so on grounds that their constant drinking and rioting was a personal and communal disturbance. Stephenson was especially bothered by the black and white women who lived there—women she considered the "lowest class of the community."[50] For Stephenson, the mere association between female sex workers and low-class men gave her cause to blame these women for perpetuating violence and poor conduct in their neighborhood. The fact that women of color also lived there merely added fuel to the fire.

The association of violence with disorderly houses and taverns stemmed mostly from the interracial interactions people claimed occurred in these spaces. Residents customarily reported the goings on of such establishments out of fear that they were breeding grounds for violence, not because any one particular violent incident had taken place. Like Catherine Stephenson's case, the descriptions supplied by complainants were general. They were more or less presumptions rather than actual observations. Several people described the disorderly house in their neighborhood as filled with "men and women Black and White of evil fame and name." The dishonest conversations (a

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[50] *The People v. Sarah Buckley*, 8 October 1800, New York County District Attorney Indictment Records, NYCMA.

synonym for sex), swearing, drinking, quarrelling, and fighting that ensued on a daily basis was bothersome to everyone, particularly during the evening hours.[51] This description served as the standard complaint for brothels.

Complainants cited houses of ill repute and grogshops for mixing the races in a manner they considered dangerous and destructive. In 1809 Miajah Miller alerted authorities about a local grocery he claimed doubled as a tavern, where "Black and white persons…come together there and tipple and Gamble all night long." He counted as many as fifteen people of color in attendance in one night—both men and women. Miller could provide an accurate number of attendees because he had been there two nights in a row.[52] Those who lived and worked in the vicinity considered the persons who frequented these businesses "disorderly" and "riotous"—but apparently only if they were "low-class."

Houses of ill repute and grogshops were not only noisy, but an embarrassment to neighbors. Leisure businesses stained a community's reputation at a time when some wards were already known as "slums" in the press.[53] Neighbors sometimes reported businesses over and over with the hope that officials would shut them down, but were often disappointed. The same complainants from the above case threw in a few

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[51] *The People v. Mary Bazette alias Mary Henderson,* 9 October 1801, New York County District Attorney Indictment Records, NYCMA.
[52] *The People v. Michael McFarland and John Kelly,* 11 February 1809, New York County District Attorney Indictment Records, NYCMA.
[53] See chapters four and five for a discussion on published portrayals of working-class life and culture.

additional names at the end—including Jane Ashwin, who they said prostituted herself in the street. From the summary, it appears someone else had issued charges against Ashwin for the same reason on a prior occasion. The court "excused" her "from a prosecution" upon a promise that she would cease her operation. The deponents added her name to the complaint, which put officials on notice that Ashwin's illicit activities had persisted despite the court's warnings.[54]

Other cases mirrored Ashwin's and served a dual purpose: The complaint reported disturbers of the peace and convinced officials to "clean house." It also acted as a declaration regarding the kinds of neighbors people wanted. If Ashwin and the others could not find upstanding employment, they should set up shop elsewhere. These scandalous operations otherwise jeopardized the community's safety. The complaint also signified that not all women were equal before the court or community.

Female sex workers and women who ran grogshops demonstrated that they were the ones who took the brunt of whatever violence did transpire in brothels and grogshops—not the neighbors who were merely inconvenienced or embarrassed. In 1800, Mary Riley reported some men "dressed in Uniform" who had come inside her shop and asked for a drink. While she poured the drinks, one man hid a turkey under his clothing. Riley grabbed him and cried out for a watchman, at which point the man

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[54] *The People v. Mary Bazette alias Mary Henderson,* 9 October 1801, New York County District Attorney Indictment Records, NYCMA.

slapped her in the face and darted out the door. Riley issued charges against him for assault and for damages to her personal property.[55] Women like Riley constantly pushed back on male violence they deemed destructive to their bodies and families. They relied upon the law to right the wrongs inflicted on them, even if their neighbors considered them low-class and disgraceful.

People decided who belonged and who did not based on their own personal investment in the offense and how it connected them to others. Neighbors guarded their community against disorder, which was a part of a larger negotiation over physical boundaries and legal intervention. The spectrum upon which violent conflict fell was constantly shifting. Men were protectors of the peace if they used violence to restore order or in self-defense. Neighbors looked down upon men who beat their wives, slaves, and servants, but only if those women were respectable.

Good character and victimhood allowed women to pursue legal redress against men and encouraged their neighbors to rally around them. Women's dependency within their communities and the law placed limits on what they could do both inside and outside of court. If a woman fought off an attack or initiated a violent offense, people might cast shame on her or depict her as wayward or disorderly. The same was true for enslaved and indentured persons who garnered sympathy when their white owners abused them but found themselves on the receiving end of community backlash if they

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[55] *The People v. Ichabod Pratt,* 7 April 1800, New York County District Attorney Indictment Records, NYCMA.

retaliated. Male violence was circumstantial. Violent women and violent people of color, however, had no place in the community.

4. Chapter Three: A 'Nuisance to the Neighborhood': White Women, Free Blacks, and the Boundaries of Belonging

This chapter analyzes the connections between dependency, violence, and the peace in New York City. It uses violence as a lens to explore cultural conceptions of white women and free people of color as victims and assailants. White women (married, single, and widowed) and free blacks issued criminal charges for violence within the context of a community that considered them inherently dependent despite their legal agency. Relational dependency, or the notion that certain individuals were "subordinate" and reliant upon their community ties, undergirded their legal claims. Many white women used dependent relationships to their advantage—to navigate the courts and hold their attackers accountable. Racial prejudice, however, made it difficult for free blacks to utilize the law or their community ties as effectively when combatting violence. The unique forms of violence white women and people of color endured in the city, namely rape and kidnapping, became enmeshed in community opinions regarding the level of independence they should be able to possess.

Community members considered violent white women and violent free blacks as "others" since violence pushed back on what many viewed as proper behavior. Complainants filed criminal charges against white women and free blacks for violent offenses and therefore turned courts into spaces where they could negotiate difference. Within the context of criminal charges, people measured femininity and blackness by a

person's unique reaction to violence or the circumstances under which they succumbed to violence. Ultimately, constructs of race and gender were on trial as much as the violent offense itself.

The chapter expands the framework of social and legal studies that recognize violence as a central component of daily life for white women and people of color in the North and South.[1] As Laura Edwards argues, legal categories masked the violence white women committed. Courts tried to keep violent acts involving legal dependents outside the law. Free people of color made claims, but they did so in a legal system that protected the interests of white men above all else.[2] According to Thavolia Glymph, white women were violent, sometimes gratuitously. Cultural conceptions of white women as docile and genteel have masked this violence or portrayed it as an exception.[3] Feminine violence and black violence did more than break down traditional notions of masculinity in the nineteenth century. White women and free people of color created competing ideas regarding their gendered and racialized identities.

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[1] Sources are extensive, but some key texts include Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-revolutionary South* (Chapel Hill: University of North Carolina Press, 2009); Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: University of North Carolina Press, 2009); Sharon Block, *Race and Sexual Power in Early America* (Chapel Hill: University of North Carolina Press, 2006); Mary Beth Sievens, "Divorce, Patriarchal Authority, and Masculinity: A Case from Early National Vermont," *Journal of Social History* 37, no. 3 (2004): 651-61; Walter Johnson, "On Agency," *Journal of Social History* 37, no. 1 (Autumn 2003): 113-24; M. H. Arnold, "Life of a Citizen in the Hands of a Woman: Sexual Assault in New York City, 1798-1820," in *Passion and Power: Sexuality and History,* ed. K. Peiss and C. Simmons (Philadelphia: Temple University Press, 1989), 35-56.

[2] Laura F. Edwards, "Law, Domestic Violence, and the Limits of Patriarchal Authority in the Antebellum South," *Journal of Southern History* 65 (November 1999): 733-70.

[3] Thavolia Glymph, *Out of the House of Bondage: The Transformation of the Plantation Household* (New York: Cambridge University Press, 2008).

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Relational dependency took on new meaning in urban spaces where all persons, regardless of status, generally maintained a level of independence and mobility. Recent studies show that women, in particular, played a vital role in the market economy in port cities like New York.[4] Recorders noted the jobs people performed since work symbolized status. The city's diverse population had many occupations available in the skilled trades, domestic work, and day labor.[5] Women were employed as landlords, seamstresses, grocers, washers, maids, marketeers, sex workers, and the runners of grogshops and brothels. Many married women cleaned their run-down tenements and the homes of others, all while tending to their children and husbands.[6] Quite a few women listed as complainants, victims, and offenders were single or widowed and supported themselves.[7]

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[4] Ellen Hartigan-O'Connor, *The Ties That Buy: Women and Commerce in Revolutionary America* (Philadelphia: University of Pennsylvania Press, 2011); Serena Zabin, *Dangerous Economies: Status and Commerce in Imperial New York* (Philadelphia: University of Pennsylvania Press, 2009).

[5] Elizabeth Blackmar, *Manhattan for Rent, 1785-1850* (Ithaca: Cornell University Press, 1989), ch. 2, esp. 48-50. For more on employment in New York, see Paul A. Gilje, *Keepers of the Revolution: New Yorkers at Work in the Early Republic* (Ithaca: Cornell University Press, 1992); Graham Russell Hodges, *New York City Cartmen, 1667-1850* (New York: New York University Press, 1986).

[6] Blackmar, *Manhattan for Rent*, 149-51. For more on the work of women in the early republic, see Jeanne Boydston, *Home and Work: Housework, Wages, and the Ideology of Labor in the Early Republic* (New York: Oxford University Press, 1990). See also Alexandra Finley, "'Cash to Corinna': Domestic Labor and Sexual Economy in the 'Fancy Trade'," *Journal of American History* 104, no. 2 (September 2017): 410-30; O'Connor, *The Ties That Buy*.

[7] Christine Stansell claims that strong working-class communities diminished urban domestic production, which pushed men out of the household and into manual work. Women who remained in the home formed a community of women's workers and created what she calls a "sexual delineation of urban geography" rooted in class ties. Christine Stansell, *City of Women: Sex and Class in New York, 1789-1860* (New York: Alfred A. Knopf, 1986), 41-46.

All working-class women—black and white—performed labor with a public presence, like carrying water, washing and hanging laundry, gathering wood, and taking goods to and from market. The upper classes considered women public dependents if they labored outside the home. The term "public dependent" did not mean women lived in poor houses or received public assistance (although some did). Unmarried women relied exclusively on their wages and were therefore dependent on their employers or customers to keep them afloat. Married women who had to seek employment were dependent upon earnings from others. Their husbands were not their sole providers.[8]

Enslaved and indentured persons, too, navigated a world outside the home since many purchased their freedom and that of their family members by working and paying their masters with their earnings. Cases and crime narratives alike represent that trend. People of color sometimes assaulted or were assaulted by employers who were not necessarily their legal masters or mistresses. As Leslie Harris explains, enslaved and indentured persons entered into manumission contracts with their owners, which defined the nature of their freedom and hastened the end of slavery in the state.[9]

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[8] On the work of African American women, see Jane Dabel, "From Her Own Labor: African-American Laboring Women in New York City, 1827-1877" (PhD. Diss., University of California, Los Angeles, 2000).
[9] The ratio of free blacks to enslaved persons increasingly declined over the first two decades of the nineteenth century. According to Leslie Harris, the ratio was one to three in 1790. Ten years later the ratio was three to two, and by 1810 there were roughly seven free blacks to every one enslaved person. See Leslie Harris, *In the Shadow of Slavery: African Americans in New York City, 1626-1863* (Chicago: University of Chicago Press, 2003), 73-74. See also Shane White, *Somewhat More Independent: The End of Slavery in New York City, 1770-1810* (Athens: University of Georgia Press, 2004).

New York was one of the last states in the North to free its enslaved population. Officials implemented gradual emancipation in 1799. The law granted limited freedom to enslaved persons, although some slaveholders used the law as reason to manumit their slaves immediately. The plan stipulated that all children born into slavery after July 4, 1799, would be free at a certain age: twenty-five for women and twenty-eight for men. Another law passed in 1817 granted freedom to enslaved persons born before 1799, but it delayed full emancipation until 1827.[10] The slave population remained relatively high during that window. Scholars estimate that there were 15,000 enslaved persons in the state as a whole.[11]

The terms "slaves" and "servants" are scattered throughout the records. The latter typically referred to indentured people of color, although people and legal officials tended to use them interchangeably. The context sometimes gave clarification regarding status. Complainants or witnesses might note to whom an enslaved or indentured person belonged. They could also mention that a person was a former slave and name their previous owner.

The confusion surrounding African Americans' status produced a legal predicament. Before they considered the charges, legal officials sometimes tackled the issue of whether or not a person was legitimately free and could therefore give formal

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[10] Harris, *In the Shadow of Slavery*, 56-60, 94; White, *Somewhat More Independent*, 106-11, 151-52.
[11] Sarah Gronningsater, "'Expressly Recognized by Our Election Laws': Certificates of Freedom and the Multiple Fates of Black Citizenship in the Early Republic," *William and Mary Quarterly* 75, no. 3 (July 2018): 474.

testimony. Manumitted slaves had freedom papers, but not all manumissions were legal. Many enslaved persons acquired their freedom informally. They worked out alternative arrangements with their owners or negotiated a verbal freedom agreement. Free blacks who lacked manumission papers had to defend both their status and their actions against legal officials who were already prejudiced against them.[12]

Freedom produced a growing free black population: There were 8,137 free people of color in New York City alone by 1810.[13] Some achieved middle-class status, but many remained in domestic jobs or day labor that mirrored slavery. Ultimately, racism hindered the upward mobility of free persons. Whites considered free people of color dependent on wages in a similar sense to unmarried women.[14]

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[12] This issue comes up relatively frequently in the *New-York City-Hall Recorder*, which will be discussed in detail in chapter four. Daniel Rogers, the editor, discussed the status of African Americans and raised larger issues about the violence they employed. The case of Diana Sellick from 1817 is an example. Sellick was accused and convicted of poisoning someone's child. The child's mother was a free woman of color. When the child's father was brought to the stand and explained how he gained his freedom—by way of his mistress promising him he could live as a free man upon her death—the court immediately dismissed him on grounds that he was san enslaved person. His mistress' husband was still living and had a legal claim to him but honored the informal contract and released him when she died. Despite having lived as a free man for the better part of a year and having married the child's mother, the court refused his testimony. Daniel Rogers, ed., *The New-York City-Hall Recorder, For the Year 1817* (New York: Charles N. Baldwin, 1817), 1:185-91.

[13] Sarah Gronningsater, "'Expressly Recognized by Our Election Laws'," 465-506.

[14] Leslie Harris explains that many free blacks returned to domestic work, while others were employed as street cleaners and chimney sweeps. Still, New York City had a high population of African Americans in skilled trades, especially when compared to other major urban areas in the United States. Harris, *In the Shadow of Slavery*, ch. 3. On free blacks in New York, see also White, *Somewhat More Independent*; David N. Gellman and David Quigley, eds., *Jim Crow New York: A Documentary History of Race and Citizenship, 1777-1877* (New York: New York University Press, 2003); Shane White, *Stories of Freedom in Black New York* (Cambridge: Harvard University Press, 2002); George Walker, *The Afro-American in New York City, 1827-1860* (New York: Garland, 1993); Rhoda Freeman, *The Free Negro in New York City in the Era Before the Civil War* (New York: Garland Publishing, 1994).

The number of free blacks who appeared in legal records increased over the decade. Recorders used the term "free black," but were more apt to depict someone as "black" or as "a black." The description also referred to people who were enslaved or indentured. A recorder's description of someone as "black" showed the extent to which people and the courts conflated enslaved and free persons. The term could also indicate that complainants and legal officials were unsure about a person's legal status. Recorders might describe an African American's stature or jot down their skin tone as "mulatto," "yellow," or "orange." Recorders rarely noted the country of origin of other complainants, witnesses, and victims. Officials cared far less about the details when European immigrants were involved since they were, by their standards, "white."

Legal structures and cultural conceptions of women and people of color overlapped but were not the same. A recorder's description of someone as free, enslaved, indentured, married, unmarried, and widowed connotated a specific legal status. Free persons and women without husbands (whether single or widowed) could make claims in civil and criminal courts. Some legal officials demanded that African Americans provide manumission papers in order to give formal testimony. Enslaved and indentured persons, as well as married women, could not issue civil suits but they could issue complaints in criminal law since violence was a form of disorder. As the prior chapter explained, women regularly filed assault charges against abusive spouses. Despite the legal odds being stacked against them, legal dependents brought their

claims to court and made the violence known. Enslaved and indentured persons provided important information to legal officials and to the ordinary people who filed criminal charges against their masters and mistresses on their behalf.[15]

Neighbors, not legal dependents, usually filed charges in an effort to protect the victims, but typically did so out of a desire to defend themselves and restore order. Criminal charges reinforced the social dependency of women and enslaved and indentured persons. Neighbors highlighted legal dependents' helplessness and their inability to combat inhumane and gratuitous violence on their own. Dependents maintained the posture of victimization to elicit sympathy from their communities and the court. Wives, such as Mary Souter, wanted legal officials to know that her husband's abuse was intolerable, but the thought of being left to the "public charge" of the city was equally devastating.[16] Sexual assault, feminine violence, and violence that involved free people of color continued a conversation wherein people negotiated the boundaries of violent conflict. The cultural rules, however, were not as straightforward if violence did not relate to male heads of household.

Like domestic disputes, sexual assaults became moments of community outrage against men. Women combatted sexual violence inflicted by men they knew but to

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[15] Laura Edwards discusses the social and cultural implications of local legal practices in North and South Carolina during the early national period. Women and slaves maintained limited access to the law, because legal officials considered certain offenses a violation of the "peace." Edwards, *The People and Their Peace.*
[16] *The People v. William Souter*, 28 May 1806, New York County District Attorney Indictment Records, NYCMA.

whom they were not related. The setup of boardinghouses and tenements in New York, where people occupied areas within homes, shared rooms, or stayed in an unsecured apartment or cellar made it easier for male visitors, customers, and boarders to assault women in the spaces where they worked and slept. Few rapes entailed a woman being lured elsewhere.[17]

Rape cases constitute some of the more detailed records in the indictment papers. The records offer a vivid and unfortunate portrayal of men's disregard for women's bodies. A closer reading discloses women's strength and tenacity during and after the attacks. In 1800 Prudence Hill bravely fought William Murdock who tried to rape her in the grocery store she and her husband operated. Murdock was having a drink with an acquaintance when he "seized" Hill "about his body." Hill cried out for help and pushed him off. Her daughter ran in, and Hill told her to go get the neighbors. The daughter bit Murdock on the hand instead. Without hesitation, Hill "ordered them out of the House" and informed the two men that if they did not leave she would "take the life" of Murdock. Murdock grabbed her again and kept the door shut. In the meantime, a female customer stopped by. Having overheard Hill and Murdock in the scuffle, she swung the door open and immediately "reprimanded" him for "his Conduct." With

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[17] Women also noted if their attacker had broken in or if the door was unsecured. That information demonstrated to the court that the victim had not welcomed the attack or invited the attacker inside. In 1804 Lucretia Harper said her residence was locked. Her attacker "came to the Door and broke it open." He then came to her bedroom, "which had no lock to it." *The People v. Mary Dougherty,* 10 February 1804, New York County District Attorney Indictment Records, NYCMA.

"great assertance" Hill commanded that the men leave. They refused, so she "laid violent hands on them to put them out."[18]

The details played into the proceedings—what the women were doing at the time, the space where the rape (or attempted rape) happened, if they knew the offender or not, the names of witnesses if applicable, and their efforts to fight off the offender or notify others. Women adamantly contested the stories men crafted. Prudence Hill did not let her attackers pass off the altercation as spontaneous and trivial, despite Murdock telling the authorities he only meant to "kiss her a little." Hill issued a statement that she believed both men "intended to ravish her" and that it was a preconceived plan between them. The victim's story and the background provided by outsiders were crucial to ensure that men were prosecuted by the court and that women received protection by their communities afterwards. Women who defended themselves conveyed that men who sexually assaulted them would be subject to violent and legal retaliation.

Like Hill, many women confronted the men who sexually assaulted them either through their own volition or through the help of neighbors. Rape victims who pursued recourse named their offenders (if they knew them), even when threatened with further violence if they spoke out. After Jane Ryan was raped in her own bed in 1799, she ran after her attacker and found a fellow boarder on her way down the stairs. Unable to

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[18] *The People v. William Michang and William Murdock,* 8 October 1800, New York County District Attorney Indictment Records, NYCMA.

speak at first, she eventually gathered her thoughts and explained "what he had done to her." The boarder later helped her file charges. He told the court where her attacker resided and what he did for a living.[19]

Other women went a step further and shamed aggressors. Catharine Laurence lived in the cellar of a house occupied by another family. She was about her business in 1810 when a neighbor ran over and told her she saw a man go inside the house. Laurence went upstairs and broke into the daughter's bedroom. The girl was lying on a bed with her clothes pulled up and a man standing by the window with his "pantaloons down." He casually explained he had come to speak with the girl's father and claimed the girl had invited him into her room. Laurence found his excuse absurd and reported him on grounds that the incident must have occurred "by force and against her will." This language suggested Laurence's familiarity with the legal forms that applied to these charges.[20] The details victims and witnesses provided cast doubt on attackers' dignity and depicted them as foolish and barbaric.

Women fought boldly in court—armed with witnesses or, at the very least, evidence that they had shared details about the exchange before the proceedings. Elizabeth Vought, a servant, was filling a pail with water near her master's home in 1811 when George Patten raped her. In her testimony she noted the specifics: the time was in

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[19] *Jane Ryan and James Nesbit v. Patrick Flem*, 20 December 1799, New York County District Attorney Indictment Records, NYCMA.
[20] *The People v. David Crawford*, 7 June 1810, New York County District Attorney Indictment Records, NYCMA.

the evening, after a prayer meeting at her master's home; her familiarity with Patten, who lived only a few doors down; and the fact that she told Mrs. Patten what happened immediately afterwards, before notifying her master or anyone else about the incident. Having no witnesses, Vought thought if she told her attacker's wife it would be clear she had not been a consenting party.[21]

Courts accepted that there were very specific circumstances permitting women the privilege of self-defense—either in protection of their own bodies or the bodies of other women and children. Women could engage in violence against men who were not their husbands if the violence was a necessary, last resort. In Prudence Hill's case, she kicked the men out after Murdock's second attempt at raping her. She issued a verbal command that they leave, and when they did not, she removed them with force.

Hill exercised violence within the limits of her dependency. She gave the court every assurance that she had yelled for help and demanded that the men leave before she removed them with violence. Furthermore, her husband was absent at the time. She had no other choice but to take matters into her own hands. If her husband had walked in, it would have been his responsibility to fend off the attackers—not hers.[22]

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[21] No witness showed for Elizabeth Vault, so her case against Patton fell apart. Elizabeth Vaught's case symbolized the risks women, especially servants and slaves, took when they sought redress. Courts allowed women to share their stories of sexual misconduct, but legal officials operated within the parameters of the law. Without witnesses, women had no case against their attackers. *The People v. George Patten*, 10 June 1811, New York County District Attorney Indictment Records, NYCMA.

[22] Ibid.

Legal proceedings doubled as debates over proper male behavior. Women helped steer that narrative when they portrayed their attackers as reprehensible. Catherine Laurence and Prudence Hill both denied the men's accusations that the exchanges were invited or insignificant. In Laurence's case, she unraveled the offender's story and humiliated him at the same time. What man would be caught pants down in a young woman's room with no other motive but to meet with her father? According to Hill's attackers, she and the other women had overreacted. They were drunk and only meant to steal a few kisses.[23] Neither woman let the men walk away unscathed. Moreover, Laurence and Hill fiercely protected their own reputations and the reputations of the other women involved. They made it clear the male attackers deserved all the blame.

Within this context, violence remained masculine since men forced violent responses from women like Prudence Hill. A recorder would note if a woman resisted her attacker with force, but summaries often focused on the man and therefore deflected from the women's forceful response. Hannah Van Tassell filed charges for rape against William Van Tassell (not her husband, but presumably a relative) in 1800. The record provides a few notes about Hannah: she was getting dressed at the time; she hurt her back during the altercation; and she "made all the resistance in her Power." These were

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[23] *The People v. William Michang and William Murdock*, 8 October 1800; *The People v. David Crawford*, 7 June 1810, New York County District Attorney Indictment Records, NYCMA.

basically side notes, but they indicated she had not consented. Almost the entire summary is devoted to William and his material witness, and their side of what transpired.[24] As with domestic and slave abuse charges, the emphasis was on the men who broke down community order and not the legal dependents who fended off attacks and made legal claims.

The cultural presumptions that connected legitimate uses of violence to white men posed problems for everyone else. If white women exercised violence independently (i.e., not in reaction to a violent sexual assault from a man), they ceased being women altogether, according to those who filed charges against them. In case summaries, violent women come across as unreasonable and unladylike. The lack of context in some cases reinforced this assumption. Complainants focused on the women rather than the circumstances that inspired the incident. Samuel Torbet filed charges against two women for assault in 1808 after they "threw water on him and ruined some of his clothes." Torbet claimed he was "peacably engaged about his own business" and standing "on his own premises" at the time. He took no share of the blame, and there is no backstory as to why the women might have targeted him.[25] Phrases such as "engaged about his own business," and variations of it, or "without cause," were common in cases where men pursued legal redress against women. The lack of explanation for the offense

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[24] *The People v. William Van Tassel,* 8 February 1800, New York County District Attorney Indictment Records, NYCMA.
[25] *The People v. Jane Garrish and Hannah Sparling,* 8 June 1808, New York County District Attorney Indictment Records, NYCMA.

made the violence seem random since the victim provided no broader reason for the attack.

Repeat offenders acquired reputations as "disorderly persons." People who filed charges against the same women over and over again reinforced their reputations as disturbers of the peace. When Michael Brandon took Margaret McMullen to court in 1807 for assaulting him, he mentioned that she frequently disturbed his family and neighbors.[26] There may have been some truth to Brandon's statement since Elizabeth Cornell issued charges against McMullen for assault the year prior.[27]

Other women gained notoriety for violence simply by their demeanor or profession. The prior chapter explained that people held prejudices against female sex workers. Neighbors dragged prostitutes to court, even when no offense had transpired. People generally labeled prostitutes "disorderly persons," which connected their business dealings or their actions with the peace. A person who was "disorderly" might not have committed an actual assault, but people regarded them as troublemakers and as dangerous to the community. Conversely, a complainant or witness might describe someone as "disorderly" in an assault charge since it provided an underlying reason for the offense. If the offender had a natural inclination for disorder, then the complainant shared no part of the blame.

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[26] *The People v. Margaret McMullen,* 5 June 1807, New York County District Attorney Indictment Records, NYCMA.
[27] *The People v. Margaret C. McMullen,* 25 April 1806, New York County District Attorney Indictment Records, NYCMA.

Prostitutes or women labeled as such faced many social and legal hurdles. Lanah Wallace and Sally Graham appeared before the court in 1802 after several individuals accused them of selling sex and attracting mobs outside their door. The witnesses referred to them as "very disorderly women" and as "bad women." People heard the "cry of murder" from the house nearly every night. They pleaded with officials to put a stop to the "Danger and Evil above described." Wallace and Graham refuted the accusations on grounds that they made a living "sewing and washing." The court let them go. Whether or not they restored their reputations after the proceedings is unknown. At the very least, the case symbolized the influence of personal opinions. Even if Wallace and Graham did not prostitute themselves, cry murder, or gather violent mobs, their neighbors' perceptions were sufficient grounds for legal action against them. The women might not have wielded or encouraged violence, but the complainants felt Wallace and Graham's presence in the neighborhood put others in harm's way.[28]

Women who participated in activities people considered violent and dangerous, or who employed violence outright did not view themselves as "bad" or "disorderly." Women utilized violence in a similar capacity to men, just with the added risk of being considered "bad women" after the fact. In 1807 Lucy Griffith and Amelia Carstang both threatened to "beat the brains out" of men they knew. Lucy repeatedly assaulted her

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[28] *The People v. Lanah Wallace and Sally Graham,* 6 August 1802, New York County District Attorney Indictment Records, NYCMA.

estranged husband William, as well as those in his employ. William was ashamed of her. He told the court he tried to "hide her from the world," but she had "made herself so public."[29] Stephen Williams was equally fearful of Amelia Carstang and the people accompanying her, who he portrayed as a violent mob after they knocked him down at his business.[30] Both men were incensed by these violent women for different reasons. Yet, William Griffith and Stephen Williams come across as less than masculine or independent in their accounts. Lucy's violent temperament was a disgrace to William, especially the violence she employed in "public." He could not control his wife or protect himself. Williams also desperately needed the court's protection from Carstang and her friends.

Ultimately, Lucy Griffith and Amelia Carstang represented a culture of feminine violence in the city that was detached from the household and masculinity. The violence women directed towards men was relational, but not necessarily familial. Like William Griffith, some men dragged their violent wives or former wives to court looking for redress and protection. More so, men filed charges against women with whom they shared no family ties, but who put their lives in jeopardy. These cases were also proof

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[29] *The People v. Lucy Griffith,* 14 April 1807, New York County District Attorney Indictment Records, NYCMA.
[30] *The People v. Amelia Carstang,* 4 November 1807, New York County District Attorney Indictment Records, NYCMA.

that feminine violence was not solely reactionary or in self-defense to male violence. Women utilized violence for their own purposes without apology.[31]

Unmarried women who employed violence were especially concerning to complainants and witnesses. Men sometimes blamed a lack of male authority for a spinster or widow's violent temperament. Bridget McCready faced charges for keeping a disorderly house in 1809. A neighbor told the court McCready and her children were a "nuisance to the neighborhood" because they "fight with each other and throw stones at and break the windows in the House." They were perpetually drunk and fighting, which the neighbor associated with the death of McCready's husband.[32] His absence had caused McCready to become violent, drunk, and masculine. There was no longer a male figure to establish order over the family, and as a result, the peace was lost as well.

Married or not, women used the power of violence and violent threats, especially in their relationships with other women. Violence served as a form of discipline against their own children and the children of others in the neighborhood. The records offer many examples where women used corporeal punishment against children who were

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[31] Cases with greater detail show that feminine violence also qualified as gratuitous at times. People filed assault and battery charges against women who treated them with brutality and threatened to kill them. Complainants expected the courts to serve the dual purpose of redressing their grievances and offering them protection against "dangerous" women. In 1807 Catharine Tones told the court she was very afraid of Catharine Cough. Cough had attacked her and her friend Maria as they were walking home and had attempted to choke Tones. Tones ran away and hid in a store. Aware she was hiding, Cough announced she would "mall her and stamp the deponent's soul out if she could ketch her." This case was fairly representative in that there was no context explaining why the altercation had taken place. *The People v. Catharine Cough*, 9 November 1807, New York County District Attorney Indictment Records, NYCMA.
[32] *The People v. Bridget McCready*, 7 August 1809, New York County District Attorney Indictment Records, NYCMA.

not their own. A mother filed charges against Mary Cooley in 1805 when she saw Cooley beat her son with a broomstick in the street. The neighbor came over to set Cooley and her husband straight. In response, Cooley "took up a knife and a broomstick" and came after her.[33] Violent discipline allowed women to make a statement against mothers who, in their opinion, had fallen short where parental discipline was concerned. Mothers felt their maternal authority had been challenged by female neighbors who beat their kids for minor mishaps. Women regularly took up these issues with one another. Cooley's response was symbolic of the conflictual relationships women sometimes shared.[34]

The exact reasoning behind women's violent threats is often absent from the records, but summaries indicate a vague history of abuse. In 1799 Mary Henderson told the court that Fanny Hall assaulted her. Both women lived at the same residence, and

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[33] *The People v. Mary Cooley*, 9 November 1805, New York County District Attorney Indictment Records, NYCMA.

[34] Some women still preferred the courts over violence. The issue of child discipline makes a common appearance in the indictment records. Most suits played out very similarly: a neighbor observed children being mischievous (which included violence in the form of throwing rocks at passersby or hurting other children) and subsequently accosted the parent(s) at their residence. When the exchange went awry—either with the parents refusing to take the matter seriously or threatening the neighbor—that neighbor filed charges against the children and sometimes the parents as well. If there were a mixture of male and female children, the actual record might only list the male children (although the summary mentioned all of them). Women filed assault charges against the children of neighbors just as often as men. They also provided as many details to the court as possible, which revealed the severity of the offense and the level of annoyance they had endured. Elizabeth Clapp offered an exact tally to the court regarding the number of stones, brick bats, and oyster shells Thomas Heckle's children hurled at her and her husband. She came to the even number of fifty, and said they harassed her while she was sitting in her apartment. She and her husband frequently approached the parents about their children's behavior but were "insulted and abused" instead. Like the Clapps, people often perceived the courts as the ultimate way to address their grievances. *The People v. Elizabeth Heckle and Martha Heckle and Margaret Heckle*, 13 October 1807, New York County District Attorney Indictment Records, NYCMA.

Henderson was concerned it would happen again. The record does not focus on this particular incident, nor is it clear about what the violence entailed. Instead it homed in on the women's prior exchanges, which had been rife with conflict. Hall had "repeatedly threatened her with violence." She warned Henderson she would beat her "brains out" and kill her.[35] Threats accomplished what these women set out to do—whether it was settling a dispute or sending a message to the other person. The fact that legal officials usually disregarded violent threats meant the threat still held potential after the proceedings and inadvertently legitimized the women who issued them.

White women and women of color both earned bad reputations for violence. Their identities were intertwined in their actions, and community perceptions about who they were as individuals and what they could do as women. Yet records indicate that African American women employed violence, in self-defense and for other reasons, with looser community ties. Fewer neighbors were willing to come to their rescue or provide testimony for them in court. White complainants assumed black female violence was perpetually destructive to the community—a community they affiliated with whiteness.

Legal officials heard out white women when they pursued legal redress from male predators. The brevity of records and the prevalence of not guilty verdicts

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[35] *The People v. Fanny Hall*, 8 February 1800, New York County District Attorney Indictment Records, NYCMA.

pertaining to African American victims indicates their complaints were rarely remedied. White male attackers had a far easier time convincing the court an act had been consensual when the victim was a woman of color. The description reads similarly to a complaint involving a white woman: A woman of color was raped—typically in her own room—by an assailant who swore her to secrecy. Mary Kenzie, described as "yellow," was raped in her bed in 1807 after a man knocked on her door and broke in. She hid next door afterwards because the man told her he would return. Kenzie pulled her neighbors into the proceedings, but the court acquitted her attacker simply because he told authorities the exchange was consensual.[36] The case supported the general belief that African American women were inherently sexual.

Rape and assault and battery cases provide a biased picture where African Americans encouraged violence through their mere presence in the lives of whites. The records reveal common threads across cases, namely an affiliation between blackness, violence, and the ruin of white families. These themes are most apparent in assault cases where violence and infidelity intersect. Complainants and witnesses often implied African Americans had destroyed the family and stirred a violent temperament in the husband or wife. In 1808 Deanah Mulligan accused her husband Robert of beating her and marrying a "Black girl by the name of Clarissa Francis." Deanah said the two

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[36] *The People v. Christopher Basketdore*, 8 December 1807, New York County District Attorney Indictment Records, NYCMA.

walked out together "almost every night." Their relationship was public, much to her dismay. Robert came to Deanah's house and beat her "on account of the said Clarissa." Deanah attributed her husband's abuse to his new wife, who she said had threatened her on a separate occasion. Deanah also delegitimized Robert and Clarissa's relationship in court by referring to herself as Robert's legitimate wife. The case, then, was not about this one incident. For Deanah, the abuse she endured was tied to her abandonment.[37]

William Griffith also associated his estranged wife's violent temperament with an African American. William explained that Lucy was "distressed" and had taken up "with a black man for Shelter." He followed the statement with an account of the crude weapons she used against him and the debt she incurred in his name. Lucy's affiliation with an African American was more than an aside. It was an intentional act by William to exonerate himself and villainize his wife.[38] The way violence played out in the everyday helped fuel opinions that blackness and criminality were synonymous.

The whole notion of community was exclusionary. Whites often criminalized and shunned free blacks in the communities where they lived and labored. People of color defended their bodies against unwarranted violence within a broader social and moral framework of how people perceived them. The kinds of violence African Americans endured reflected cultural perceptions of them as "unfree" and took the

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[37] *The People v. Robert Mulligan*, 9 August 1808, New York County District Attorney Indictment Records, NYCMA.
[38] *The People v. Lucy Griffith*, 14 April 1807, New York County District Attorney Indictment Records, NYCMA.

primary forms of kidnappings, group violence, and violence that mirrored slave discipline.

Kidnapping charges make a regular appearance in the records. Some reached the Court of General Sessions and were editorialized in popular literature.[39] Kidnappings occurred in the midst of free blacks' daily life in the city. Whites violently removed people of color from their homes and work, and re-enslaved or relocated them elsewhere.[40] Some kidnappings stemmed from confusion or misunderstanding surrounding the freedom agreement. Lewis Everard barged into the home of the Deseze family in 1801, accompanied by a man masquerading as an officer. Everard claimed the couple had stolen his slave Fanny. The purported officer dragged Fanny out and "continued his violence" to the point that the "whole neighborhood was disturbed." The record is unclear about who had a legitimate claim to Fanny. It appears she sought refuge with the Desezes because her mother resided with them. In court Mrs. Deseze

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[39] See chapter five for a discussion on kidnapping cases in the popular press.

[40] Legal officials did not always take kidnappings seriously, as evidenced by the presence of kidnappings in the dismissed case files. In 1809 Lambert Merril came to Mary Stilwell's home and demanded that her daughter Margaret come with him on grounds that she was his slave. Margaret refused, so Merril took her by the hand, put her on his cart, and drove her back to his home. Mary went to Merril's home to find her daughter there tied up with rope around her waist and arms. Merril then dragged Margaret down the stairs by the rope, threw her back on the cart, and put her on board a ferryboat. The question of Margaret's status is never answered, at least not in this particular record. The court's inclination to dismiss the case is telling, as it disregarded the violence that Margaret suffered and her potential claims to freedom as well as the public disorder that must have surrounded the incident. *Mary Stilwell v. Lambert Merril,* 6 June 1809, Dismissed Case Files, NYCMA.

accused Everard of committing a "Scandalous breach of the Peace" and violating the "rights of Asylum."[41]

New York City courts were generally unequipped to handle the complications that came with adjudicating freedom suits.[42] The court found Everard and his accomplice guilty of assault and battery. This case, however, did not address Everard's assertion that he was Fanny's rightful owner—just that he had disturbed the peace. The emphasis on order meant that African Americans left court with no clearer definition of their status than when they entered. The proceedings also confirmed that, ultimately, communal definitions of black freedom carried more weight than the law.

Many whites viewed free blacks as innately dependent, which drove the level of violence whites felt they could wield against free people of color or, conversely, the level of protection whites offered them. African Americans were a part of the broader community when abused indentured and enslaved persons required neighbors' protection. Even then, the violence had to be so gratuitous that the law was the final recourse. Whites typically drew the line at extreme slave abuse. Public and gratuitous violence within the master-slave relationship jeopardized the community's reputation and connected everyone to the offense. Enslaved and indentured persons could not

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[41] *The People v. Lewis Everard and Abraham Manning*, 6 February 1801, New York County District Attorney Indictment Records, NYCMA.

[42] On New York City courts and kidnapping suits, see Martha S. Jones, "Time, Space, and Jurisdiction in Atlantic World Slavery: The Volunbrun Household in Gradual Emancipation New York," *Law and History Review* 29, no. 4 (November 2011): 1031-60.

formally testify against their owners in court, which meant that a free person had to file the charges. For free people of color, white community ties were tenuous at best and entangled in the public view of them as inferior and unfree.

Free blacks grappled with slavery's legacy in a real and everyday sense, even those who were born free or who had always lived in the city as free persons.[43] The nature of violence free blacks endured symbolized that whites did not always recognize or accept the terms of their freedom. In 1801 Louis Cooneys was standing in front of his residence, which was a shop next to a museum, when several watchmen accosted him and ordered him to go inside. Cooneys knew the law permitted him the right to remain outside until ten o'clock, especially since he "disturbed no one." It was not past curfew, so Cooneys assertively told them "he was a free man and would go in when he pleased." Incensed at his refusal, the officers immediately pummeled him, inflicting a serious injury to his kidneys.[44] The watchmen used Cooneys' blackness and his brazenness as justification for the attack.[45] Like Cooneys, free people of color often defended their bodies and their freedom simultaneously.[46]

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[43] On the legacy of slavery in New York, see Harris, *In the Shadow of Slavery*, esp. ch. 4 and 6.

[44] *The People v. Henry Stanton, Thomas McGuire, and Cornelius Rawba,* 14 November 1801, New York County District Attorney Indictment Records, NYCMA.

[45] Cooney's case also suggests that a certain level of animosity existed between watchmen and people of color. In 1801 there was a riot involving a group of "French negroes" and the watch. The mob collected outside the Volunbrun household to "murder all the white people" and release their slaves, according to the record. Over two hundred people of color collected there overnight. The crowd ended up making "battle with the watch," the implications of which are not clear from the summary. For the case, see *The People v. Marcelle, Sam, Benjamin Bandey and 20 Others,* 9 October 1801, New York County District Attorney Indictment

Violence that mirrored slavery persisted in the lives of free people of color. Legitimate or informal freedom did not necessarily change the way whites treated African Americans. Former masters and others whipped freedmen and women, sometimes in the street. Louis Hart, a free black, saw Louis Humphrey, a white man, beat an African American woman with a stick while she was standing peacefully outside his home in 1803. After the woman ran inside (she likely resided there), Humphrey tried to cut open the door with a knife. When Hart asked Humphrey to stop, Humphrey inquired if he was the owner of the home, to which he replied he was. Humphrey then struck Hart. Unwilling to fight him, Hart went inside. A half hour later, Humphrey came back with six shipmates. They broke into the cellar and "beat and Bruised the said Black woman named Nancy very sorely." When they were done with Nancy they went to Hart's room, beat him, broke several of his belongings, and carried off three silver teaspoons and a hat.[47] This particular case showed the total disregard some whites held for the bodies and belongings of African Americans. Whites felt privileged to violently assault African Americans through beatings and whippings because they considered

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Records, NYCMA. For an in-depth discussion on the Volunbruns, see Jones, "Time, Space, and Jurisdiction in Atlantic World Slavery," 1031-60.

[46] Shane White uses Louis Cooney's case and others from the indictment records to reconstruct free black life in the city. Shane White, "'We Dwell in Safety and Pursue Our Honest Callings': Free Blacks in New York City, 1783-1810," *Journal of American History* 75, no. 2 (September 1988): 468.

[47] *The People v. Lewis Humphrey, Alex Simpson, and Nathaniel Rider*, 8 June 1803, New York County District Attorney Indictment Records, NYCMA.

people of color inferior. Since many of these whippings transpired in the open, violence sent a message that free blacks were not far removed from slavery.[48]

The law could be the better recourse over self-defense for free blacks who were victims of assault. If free people of color fought back, whites could pin part or all of the blame on them. Henry Lawson brought two suits against his former master in 1811—a civil suit for unpaid wages and a criminal charge for assault. Lawson's master had dismissed him for "improper conduct and for absenting himself." He returned to collect the wages he felt were owed him, but the two disagreed over the amount. The man raised his hand to Lawson "without any violence" taking place, although the threat of violence was apparent in the action. His former master may have desired to provoke Lawson, but he did not respond. Instead Lawson charged him with assault and battery and for the unpaid wages.[49] Lawson and others also recognized the power of the law to act as a mediating force even though courts did not always side with African American complainants. Nonetheless, Lawson made known that he had been treated unfairly and that, as a free man, he could use the law to his advantage.

African Americans who pursued legal redress cited their freedom as granting them a right to self-defense. The benefits of legal freedom, however, proved limited. More numerous than whippings and beatings were incidents where people forced

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[48] Shane White also cites this case as an example of how poor whites retaliated against African Americans who owned property. See White, "'We Dwell in Safety and Pursue Our Honest Callings'," 468.
[49] *The People v. Jason Arden,* April 1811, New York County District Attorney Indictment Records, NYCMA.

themselves into the homes of African Americans to abuse their bodies and loot their belongings. At a basic level, group violence (often classified as riots) involved two or more outsiders who invaded a residence and assaulted or otherwise ill-treated the person(s) inside. The riots free blacks endured met that standard, but with added racial slurs and threats that their attackers would kill or kidnap them. William McCready was sitting on his porch one evening in 1804 when some white men came along and inquired about the "orange man" who lived there. McCready said he was the orange man, at which point the group immediately demanded his "orange bitch" come out so they could "skin the Deponents like a frog." McCready reported the men out of fear they would carry through with their threats at a later time (there is no record they did).[50] Others were less fortunate. In 1806 Daniel Sweeny, a white man, was at his house when a free black who operated an apple stand nearby came to him and said a mob attacked him and kidnapped his wife. Sweeney accompanied the man to his cellar, where he estimated that between thirty and forty persons had gathered and taken the wife downstairs. Feeling he had no choice, Sweeny fired a rifle into the crowd and dispersed the mob.[51]

Free blacks who defended themselves against multiple attackers often sought out help from white neighbors. The logic behind the decision was that a white person might

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[50] *The People v. James Gorman and Bartley Burns,* 8 October 1804, New York County District Attorney Indictment Records, NYCMA.
[51] *The People v. Daniel Sweeny*, 17 January 1806, New York County District Attorney Indictment Records, NYCMA.

diffuse tensions by standing up for them. Daniel Sweeney told the crowd he thought it was "a Shame for them to meddle with the black man's wife and begged them to go away [and] leave the black man and his wife alone." Reason was no match for the mob, who responded that they would "serve him as they had the black man." Sweeney's neighbor spoke up for him and his wife, but the mob sent the message that a white person who defended African Americans would be cast in the same lot. For free people of color, neighbors' willingness to assist was limited—usually by the same prejudices that inspired the assaults in the first place.[52]

Unlike white women and even enslaved and indentured persons, free blacks negotiated violence without significant community backing, indicated by the fact that their suits had fewer witnesses than those involving white New Yorkers. White married women and enslaved and indentured people of color who suffered abuse from husbands and masters used their communities as a source of protection and as a means to get their stories heard. Their cases contained multiple witnesses who confronted men at their homes and in court, where they unraveled accused men's reputations. Daniel Sweeney's boldness was a rarity. Very few records describe scenarios where whites put their lives on the line for free blacks.

Freedom did not ensure respect, protection, or even empathy. Louis Hart owned his home and had at least several prized possessions, but the men who barged in and

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[52] Ibid.

assaulted him and Nancy had no respect for Hart's status, property, or privacy.[53] Henry Lawson, who confronted his former master, had one witness for his case—himself.[54] William McCready was also the only witness in his case, even though there was an entire mob gathered outside his home.[55] There was one witness listed for the couple who begged Sweeney for help against the "thirty or forty persons" who kidnapped the man's wife. Here again, the couple's names are not listed in the summary. The recorder simply referred to them as "the black man and his wife." The case summary also did not address the riot, but rather Sweeney who fired a rifle and accidentally injured a rioter. The injured rioter later filed charges against Sweeney. Because of the way the offense was adjudicated, Sweeney emerged as the disrupter of order—not the white mob who tried to kill his neighbors.[56]

All four offenses transpired in the open. Yet the public nature of the events did not inspire support from white neighbors as it might have in cases involving white women or enslaved and indentured persons. The charges against Sweeney were a reminder that the social repercussions attached to protecting African Americans were significant. Whites who came to the rescue of free black neighbors faced consequences,

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[53] *The People v. Lewis Humphrey, Alex Simpson, and Nathaniel Rider*, 8 June 1803, New York County District Attorney Indictment Records, NYCMA.
[54] *The People v. Jason Arden,* April 1811, New York County District Attorney Indictment Records, NYCMA.
[55] *The People v. James Gorman and Bartley Burns,* 8 October 1804, New York County District Attorney Indictment Records, NYCMA.
[56] *The People v. Daniel Sweeny*, 17 January 1806, New York County District Attorney Indictment Records, NYCMA.

namely the risk of being assaulted in the process. Free blacks maintained a keen awareness of racial prejudices, and unlike Daniel Sweeney's neighbors, many fought off attacks on their own. William McCready and his wife hid in their house rather than running for help even though the mob dispersed and came back a second time in the same night.[57] William Waldron, the keeper of the museum that was next to Louis Cooneys' shop, observed the watchmen approach Cooneys, shove him against the house "two or three different times," and strike him repeatedly. It seems Waldron did not come to his rescue but "finally called the said Black man in" once the watch had done all the damage they could for one night.[58] Free blacks negotiated violence on their own terms, as there were few better alternatives.

Since white witnesses were generally more reluctant to provide testimony for free black victims, there was a greater risk that attackers might categorize the violence as unintentional or non-criminal. In 1802 Ruth Dusenberry, a free black woman, reported Nicholas Davenport after she saw him strike Avery Salter, a black man, then stab him and leave him dying in the street. Upon being questioned by the court, Davenport said he had "gently" laid his hand on Salter. The object in his hand was a pencil, not a knife. He claimed Salter was bleeding before he ever touched him. Witness testimony centered on the conversation between the two men. One witness called their exchange "Indecent

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[57] *The People v. James Gorman and Bartley Burns,* 8 October 1804, New York County District Attorney Indictment Records, NYCMA.
[58] *The People v. Henry Stanton, Thomas McGuire, and Cornelius Rawba,* 14 November 1801, New York County District Attorney Indictment Records, NYCMA.

and Immoral." Another told the court Salter was "drunk" or "nearly dead" at the hospital, conflating him dying with signs of intoxication. The coroner's report used similar language and described him as being in a "Stupor."[59] Salter was dead, a fact that was less important than the description of his demeanor—one that comes across as more stereotypical than factual. Other testimony addressed the knife and the hand in which Davenport was holding it. The details mattered. In this particular case, the minutia likely signified an effort to exonerate Davenport or consider the offense a misdemeanor.

If the court presented a free person of color as intoxicated or immoral, that narrative alone had the power to alter the proceedings entirely and allow white assailants to walk away practically unscathed. At the very least, the accounts pushed part of the blame on Avery Salter and all the negative qualities people associated with blackness, such as a drunkenness and immorality. The free black woman who gave her testimony, however, disproved their stories. From the record, it seems she was a passerby and had no familial relationship with Salter or vested interest in the case. She witnessed the stabbing and narrated the offense as a murder. Her testimony discredited Davenport and the witnesses who portrayed Salter as drunk and bleeding prior to their conversation. Free blacks willingly contested the violence whites inflicted on other people of color, thereby displaying the power of their own community ties.

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[59] *Ruth Dusenberry v. Nicholas Devenport,* 16 February 1802, New York County District Attorney Indictment Records, NYCMA.

Whites' stereotypical views of free blacks as lazy, unintelligent, and barbaric sometimes became the foundation for white-on-black conflict. In 1812 Philip Ferris and several men harassed two people of color and several young sweep boys, and then pummeled them with rocks. Ferris and his group hurled insults at them and called them "Damned Negroes."[60] Such slurs centered, in part, on the belief that all people of color—enslaved or free—held a vendetta against whites. Derogatory remarks held power and put free blacks in the position of deserving public and dehumanizing violence despite being innocent bystanders. More important, racialized invectives turned the offense back on African Americans and legitimized the violence whites committed against them.

The growing presence of free black communities in the city inspired whites of all classes to mark the spaces people of color inhabited as intrinsically violent. Isaac Bogart singled out a section of his neighborhood near Little Water Street where some African Americans lived. He filed charges against them because he said they regularly "engaged in quarrelling and…fighting."[61] Whites' descriptions of free black life and culture were often condescending. Several persons who occupied a boardinghouse filed charges against two African American women in 1804 for throwing stones, dirty water, and "bob bobs" in their windows for no reason but to "tantalize" and disturb them. The deponents said they were "idle persons." The complainants were taken aback by the

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[60] *The People v. Philip Ferris*, 8 May 1812, New York County District Attorney Indictment Records, NYCMA.
[61] *The People v. John Wilkes, Betsey Wilkes, Felicia Williamson, Sarah Brown*, 8 July 1812, New York County District Attorney Indictment Records, NYCMA.

women, who roamed the streets and used the "most obscene and profane language that can be thought of."[62] When whites charged free people of color with violence or perceived violence, the process did more than address the one offense—it highlighted and solidified existing biases about the violent disposition of all African Americans.

Some white complainants believed that African Americans—free and enslaved—purposefully committed violent acts to destroy the white community. Two similar cases that transpired one year apart serve as examples of how whites could get away with violent offenses people of color could not. George Pollock witnessed an enslaved person "wantonly" drive a carriage over a white woman who was walking peaceably down Broadway in 1801.[63] A comparable incident had taken place in 1800, but with the roles reversed. Michael Gates, a white cartman, was driving his cart too fast, lost control, and crashed. His wheel ran over an African American woman who was crossing the street while holding her infant.[64] George Pollock thought the enslaved person who hit a white woman with his cart did so with intent and not by accident. Pollock inquired about the woman afterwards. He discovered she lived in the almshouse and was pregnant and "very ill of the bruises she received."

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[62] *The People v. Eliza Wisner and Betsey Jarvis,* 1 June 1804, New York County District Attorney Indictment Records, NYCMA.
[63] *The People v. Roter (a slave) of Jacob H. Butman,* 5 December 1801, New York County District Attorney Indictment Records, NYCMA.
[64] *The People v. Michael Gates,* 7 October 1800, New York County District Attorney Indictment Records, NYCMA.

The record gives no explanation for Pollock's inquiry nor does it imply he knew the woman personally. One can surmise his interest might have been an effort to solidify his case. Pollock's discovery that she was pregnant and ill made the enslaved person who hit her appear malicious.[65] Gates, on the other hand, was found not guilty even though he appears to have been racing another cart at the time. The woman and her child both died from the impact.[66] These cases did not enforce behavioral norms or determine if the violence was permissible under the circumstances. Black violence was dangerous, illegitimate, and a threat to white society—regardless of the context. White violence, on the other hand, was circumstantial.

At times recorders drew stark dividing lines between violent free blacks and "civil" white communities. Descriptions, although brief, laid out the harm African American violence held for the white community. In 1801 several neighbors reported two men for keeping a "machine called the flying horse." "Many other Citizens living in their neighborhood" were disturbed in the night by the goings on of the establishment. It was frequented by "persons of evil Reputation" of whom the "greater part" were people of color. The neighbors referred to the African American patrons as "extremely abusive" and accused them of mistreating the "Civil Persons" who passed by.

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[65] *The People v. Roter (a slave) of Jacob H. Butman*, 5 December 1801, New York County District Attorney Indictment Records, NYCMA.
[66] *The People v. Michael Gates*, 7 October 1800, New York County District Attorney Indictment Records, NYCMA.

The complaint itself mirrored that of brothels and taverns. It took issue with racial mixing and blamed free blacks for perpetuating and supporting such businesses. Racial mixing was a component of a larger problem. These white complainants did not want African Americans in their community at all on grounds that their violent temperaments disrupted the white citizens who lived there "in peace." Whites generally affiliated African Americans with spaces and pastimes they deemed irreputable, such as disorderly houses and gambling. The above description regarding the "flying horse" went a step further, separating people of color from white, law-abiding citizens altogether.[67]

"Disorderly person" was another way a recorder could describe a free black. The phrase was a part of the formulaic summaries officials used in complaints against brothels and grogshops. As the prior chapter discussed, people and the courts typically labeled prostitutes as "disorderly persons." Disconnected from these charges, the phrase parsed out "orderly" whites from "disorderly" free blacks. Pheobe Johnson, who the recorder described as a "black woman," was arrested in 1812 after someone reported her for "cursing, swearing, and Stomping at the Citizens Doors." The watchman who detained her called her "very disorderly." The offense is listed as an assault and battery. The more detailed summary makes no mention of an assault—just that she was

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[67] *The People v. Benjamin Williams and P. Dougalle,* 3 December 1801, New York County District Attorney Indictment Records, NYCMA.

bothering "citizens" through her stomping and swearing. The reason for her disorderliness is not apparent, although these white "citizens" perceived her as violent.[68]

Free people of color were disorderly, disturbing the social order, and therefore marginal to it. By extension, perhaps they were not really citizens, having forfeited claims of inclusion. The criminalization of African Americans began in city courts and spread into the popular press where editors drew upon the language of citizenship to set apart all people of color. As the next two chapters will show, crime literature connected behaviors to notions of social and political belonging. Crime pamphlets and the *New-York City-Hall Recorder* used the violent actions of laborers, enslaved and indentured persons, and free blacks to determine whether or not these groups could maintain the peace and therefore call themselves citizens.

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[68] *The People v. Phoebe Johnson*, 7 November 1812, New York County District Attorney Indictment Records, NYCMA.

5. Chapter Four: 'As Much Force as was Necessary to Bring the Offender to Justice': Narrating Violence and Citizenship in New York City

In 1821 attorney Daniel Rogers published the latest edition of his *New-York City-Hall Recorder*, which highlighted specific trials from the Court of General Sessions.[1] Rogers added sensational details to many of the cases he selected for publication. He reinterpreted violent offenses adjudicated in city courts to convey his own concerns about order. One trial Rogers included in this issue involved Arunah Randall, a laborer who (supposedly) owed some men a debt. The summation at first reads like a legal record—direct and to the point. The men came to Randall's home demanding money or the equivalent in goods. Randall claimed he had no recollection of the debt, but promised he would look into the matter later. The men kept coming back. Each time Randall refused them entry, until, during their last attempt, they broke down his door.

Rogers depicted the events that happened next as a "battle" between good (the men who wanted the money) and evil (Arunah Randall, the laborer who refused to acknowledge he owed anything). As the creditors rushed up the stairs towards Randall, he doused them with hot water and grabbed a hatchet for protection, striking one man on the arm. They fled but came back with a group of "citizens." Again, Randall seized his hatchet, injuring one man and mortally wounding another.

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[1] The *New-York City-Hall Recorder* will be cited hereafter as *NYCHR*.

The legal proceedings were also told through Daniel Rogers' perspective, which focused on an important question: What level of force could a man use in protecting himself and his property? As Rogers narrated it, the defense focused on "civil liberty" in its argument. Regardless of Randall being a common laborer, he was acting in self-defense against the "exercise of illegal, unjust, and daring violence," which he was "driven to repel by equal violence." If the court convicted him of murder, the verdict would deny him a "civil right" and "strip him of this glorious ornament of republican character," even if he was "poor and destitute." Rogers incorporated the prosecution's argument that Randall was "too dangerous a person to be set at large." The court found him guilty of manslaughter and sentenced him to ten years of hard labor.[2]

Like legal proceedings, crime publications shaped perceptions about the effects of violence on community order. The *NYCHR* and other narratives tell a different story than actual court documents. Crime narratives were propaganda, an exaggeration of an offense and legal proceedings designed to advance a certain ideology within the broader context of political, legal, and cultural changes. The usual offenses appear in publications, but editors were inclined to make these crimes more appealing or only draw attention to the most bizarre happenings. Randall's case was straightforward: He owed two men for a debt he had never paid, and those men went to his home to collect.

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[2] Daniel Rogers, ed., *The New-York City-Hall Recorder for the Year 1820* (New York: Nathaniel Smith, 1821), 5:141-64.

Daniel Rogers' narration turned Randall's trial into a much more complicated ordeal that addressed republican character, civil rights, and the plight of propertyless workers.

This chapter illustrates how crime publications became a platform from which editors instructed readers on the ways of proper citizenship by spotlighting examples of violence. The focus on citizenship allowed editors, who were often attorneys like Daniel Rogers, to offer a different vision of order than the complainants who pursued legal redress in city courts.[3] Editors linked independence with respectable white men and dependence with renters. Crime publications associated independence with legitimate violence, or violence that restored order, and dependence with all the negative qualities associated with poor, laboring culture. Independent white men could exercise violence in a restorative manner; dependent laborers could not. Ultimately, the language of citizenship allowed editors to separate those who upheld order (citizens) from those who caused disorder (laborers).

Scholars have found crime literature particularly appealing because one narrative can offer a wealth of insight into societal dynamics, constructs of gender, race and class, and the historical moment in which the narrative was produced. Historians have observed that these narratives carried "moral lessons" and "instructions" for the

[3] For the sake of consistency, I refer to the authors of crime publications as "editors." Some pamphlets list the name and occupation of the editor, but many others do not.

reading public—about crime itself, appropriate behaviors, and the social hierarchy.[4] Violence, in particular, acted as a vehicle for editors to forward certain principles or prejudices. The selectivity of crime literature, which lends itself to the spectacular rather than the mundane, is more a glimpse into the editors' visions of offenses than actual legal claims and court dynamics. This chapter contributes to existing literature by using crime publications as a lens into competing perceptions of citizenship and order in the city. As this chapter demonstrates, editors like Daniel Rogers utilized the concept of belonging to draw class and gender lines around violence.

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New York City witnessed significant social and political transformations in the first decades of the nineteenth century. For one, propertyless men gained the right to vote after the American Revolution. This expansion of the franchise challenged the power of elite white men who owned land and maintained a visible presence in local

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[4] On crime narratives in the United States, see Daniel A. Cohen, *Pillars of Salt, Monuments of Grace: New England Crime Literature and the Origins of American Popular Culture, 1674-1860* (Amherst: University of Massachusetts Press, 2006); Virginia A. McConnell, *Arsenic Under the Elms: Murder in Victorian New Haven* (Connecticut: Praeger Publishers, 1999); Patricia Cline Cohen, *The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth Century New York* (New York: Alfred A. Knopf, 1998); Karen Halttunen, *Murder Most Foul: The Killer and the American Gothic Imagination* (Cambridge: Harvard University Press, 1998); Estelle Fox Kleiger, *The Trial of Levi Weeks: Or The Manhattan Well Mystery* (Chicago: Academy Chicago, 1989). Leslie Harris discusses the ways that the popular press conceptualized African American freedom in the city. See Leslie Harris, *In the Shadow of Slavery: African Americans in New York City, 1626-1863* (Chicago: University of Chicago Press, 2003), 104-16. Joshua Stein observes that newspapers, crime narratives, and the *New-York City-Hall Recorder* (which he does not view as a crime narrative but rather an official record of trials) became a venue to lay out a set of rules for violence that centered on authoritative relationships. He contends that editors' inclinations to publish extreme forms of violence gave the public the impression that legal officials would ignore other less harmful violent acts. He argues the desired effect encouraged the public to bring only the most gratuitous offenses into court. Joshua M. Stein, "The Right to Violence: Assault Prosecution in New York, 1760-1840," (PhD diss., University of California Los Angeles, 2009), 134-36, 164-76.

and state politics. At the same time, land was increasingly utilized for rental property as the wealthy vacated areas of the city where workers congregated. Elizabeth Blackmar explains that as the elite converted more real estate into income-producing rental property, they effectively denied laborers any hope of purchasing property on their own and achieving economic independence.[5]

According to Blackmar, neighborhoods, rather than individual households, became symbolic of inhabitants' respectability or lack thereof. The elite found working-class life dirty, distasteful, and even menacing. Laborers who occupied public spaces for work and leisure threatened the elite perspective of the "public good." Some forms of entertainment, like gambling, were restricted to men. Women maintained a public presence in dancehalls and grogshops as patrons and workers. Prostitution was a significant part of the way some single women made their living. In the eyes of the elite, there was very little that seemed respectable about laboring culture.[6] Editors magnified these social and economic changes in crime publications. The violent offenses they featured fed into stereotypes about working-class culture and reinforced existing class prejudices.

The trial of Levi Weeks, also referred to as the "Manhattan Well Mystery," reinvigorated the popularity of publicized crime in New York City in the early

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[5] Elizabeth Blackmar, *Manhattan for Rent, 1785-1850* (Ithaca: Cornell University Press, 1989), ch. 3 and 4.
[6] Ibid.

nineteenth century.[7] Weeks was arrested for murdering his soon-to-be wife, Gulielma "Elma" Sands, in January 1801, after her body was found in the Manhattan Well near the boardinghouse where she resided on Greenwich Street. New Yorkers took a great deal of interest in the case in large part due to Weeks' famous defense lawyers: Alexander Hamilton, Aaron Burr, and Brockholst Livingston. The murder was editorialized by city papers and in pamphlet form—a foreshadowing of what was to come. The popular press continued on as a venue for discussing and sensationalizing crime and enticing readers' interests.[8]

Crime publications came in different varieties and ranged from short vignettes featured in newspapers to entire pamphlets covering lengthy trials. At times, editors issued different renditions of a trial, competing over the best and most dramatic depictions. These pamphlets did not always stop with the verdict, and particularly when a death sentence was rendered, followed the prisoner's story in the weeks between the trial's end and the execution. Religious organizations, in particular, took advantage of such scenarios and depicted the criminals as repentant.[9]

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[7] That said, crime literature was by no means a new phenomenon. It had a lengthy history both in America and in Europe. For a history of New England crime literature in the eighteenth and nineteenth centuries, see Cohen, *Pillars of Salt, Monuments of Grace.* See also Halttunen, *Murder Most Foul.*

[8] There were three published transcripts of the trial, the longest and most thorough of which was written by William Coleman. See William Coleman, *Report of the Trial of Levi Weeks, On an Indictment for the Murder of Gulielma Sands….* (New York: John Furman, 1800). For an analysis of the trial, see Kleiger, *The Trial of Levi Weeks*.

[9] The trial of Rose Butler, explored in chapter five, is one such example. Butler, an African American indentured servant, was accused and convicted of setting fire to her mistress' home in 1819. Several renditions of Butler's crime made its way to the reading public. One was published by Dorothy Ripley, a

Between 1816 and 1821 the *NYCHR* was a popular platform to feature trials taking place in what Daniel Rogers calls the "Courts of Judicature," especially the Court of General Sessions. At the beginning of his first volume, Rogers claims that his publication constitutes a "complete register of the principle business of the Court of Sessions." He considered criminal cases "the most useful and interesting to the community," which explains his focus. Yet, on the very same page he states that the volume contains "notes and remarks, critical and explanatory." Rogers did not want his publications targeted solely at lawyers. On the contrary, the proceedings he chose "subserve[d] the interests of general literature" and instructed his patrons, who he considered the "citizens at large."[10] Rogers added his own insights, both for the sake of clarification and for good storytelling.

It was not uncommon for crime literature to claim accuracy as a way to convince readers that the offenses and proceedings portrayed therein were far from fictional. Crime narratives were crafted by editors who had their own agendas. Their prejudices became a part of their depictions of the offense, the persons involved, and the court's

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British evangelist turned Quaker who came to America in 1801. Ripley claimed to have spent time with Butler in the weeks leading up to her execution, during which time Butler supposedly confessed to her wrongdoing and converted to Christianity. Butler's conversion story is detailed in Dorothy Ripley, *An Account of Rose Butler, Aged Nineteen Years, Whose Execution I Attended in the Potter's Field*…. (New York: John C. Totten, 1819).

[10] Daniel Rogers, ed., *The New-York City-Hall Recorder for the Year 1816* (New York: Charles N. Baldwin, 1817), 1:preface.

opinion. According to Rogers, the *NYCHR* is a combination of narration and transcription. Since trial transcripts were not available until later in the nineteenth century, some legal scholars have relied on the *NYCHR* as a factual recounting of legal proceedings.[11] Rogers lays out most entries as transcriptions, with one party issuing a statement and then the other. At the end is the verdict. Interpolated in these proceedings are Rogers' opinions and generalizations. In that sense, the *NYCHR* straddles the line between crime literature and legal record. It offers insights into the agendas and sentiments of legal officials and the jury (at least from Rogers' point of view), which court records do not. Its overly dramatic tone provides a biased perspective on city crime and violent offenders. Rogers' selection of crimes affords a glimpse into his own perspectives on gender and class in the city.[12]

The *NYCHR* is broken up into sections and divided by term (i.e., January 1818). Each section begins with an outline of key information about court proceedings: the date and the names of the presiding justices (typically the mayor, two aldermen, the district attorney, and a clerk). The trials and summaries are then listed by type of offense—assault and battery, rape, murder, forgery, malicious mischief, conspiracy, robbery,

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[11] Hendrik Hartog skillfully uses the *New-York City-Hall Recorder* in his studies on New York and New Jersey, but he supplements the cases featured therein with newspaper articles and other legal texts. When combined, a researcher can piece together the trial along with the public's perception of it. See Hendrick Hartog, *The Trouble with Minna: A Case of Slavery and Emancipation in the Antebellum North* (Chapel Hill: University of North Carolina Press, 2018); Hendrik Hartog, "Pigs and Positivism," *Wisconsin Law Review* (July/August 1985): 899-935.

[12] The final chapter and conclusion will explore Rogers' views on race.

grand larceny, petit larceny, and libel to name a few. It also lists the prosecuting and defending attorneys. Entries begin with a short summary and then transition into the proceedings.

Rogers' summaries of offenses and trials range in scope and detail. Some are dull and brief reiterations; others are lengthy elaborations of the offense that go so far as to compare certain crimes to literary tales and Greek mythology. Rogers sometimes claims to be quoting the presiding officials or attorneys. At other times, there is simply narration. The following is an excerpt from Rogers' description of a violent offense that involved a landlord who attacked his two female tenants for trespassing:

> "Now the battle raged along the whole line. Man stood opposed to woman, and maid to man, which direful contest not the matchless verse of Homer, or the towering genius of Maro, could adequately describe. At this moment, big with fate—this moment of alarm and danger, when the violated honor of the man and his house seemed to be at stake, some deity, inimical to the rights of women, mounted on his soaring pinions, and conveyed this sad tidings to the ears of the son of the besieger (the other defendant:) 'Fly to the assistance of thy father, who is now in danger—Fly! Oh fly! and save a father from a disgraceful discomfiture from worthless women.' He heard—he saw—he came—he conquered."[13]

A single summary might occupy a small section of the page. Lengthier proceedings comprise almost the entire issue for that session, ranging from ten to twenty pages. Not surprisingly, Rogers gave greater attention to offenses pertaining to bodily

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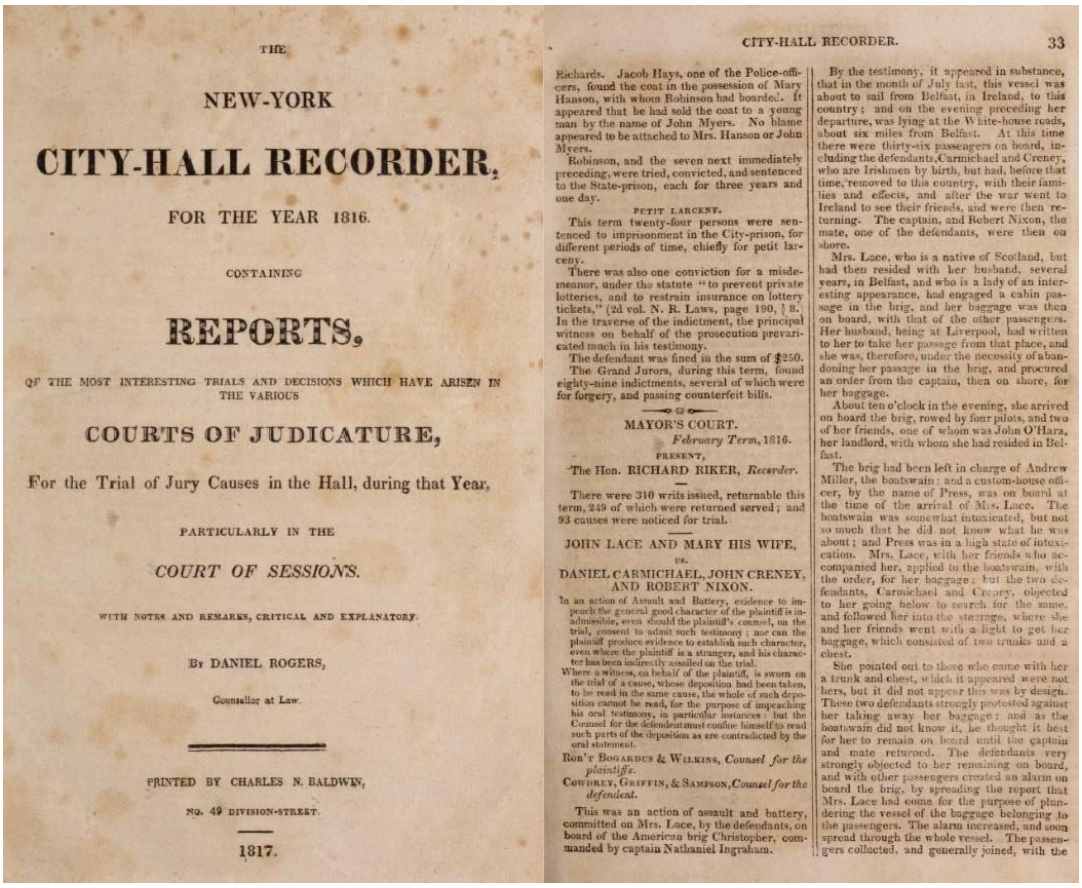
[13] Rogers, *New-York City-Hall Recorder*, 1:31-33.

injury than a simple petty theft or minor altercation. Descriptive entries contain two main elements: a detailed explanation of the circumstances and Rogers' recounting of the remarks issued by the presiding legal officials and attorneys.



THE

NEW-YORK

CITY-HALL RECORDER,

FOR THE YEAR 1816.

CONTAINING

REPORTS,

OF THE MOST INTERESTING TRIALS AND DECISIONS WHICH HAVE ARISEN IN THE VARIOUS

COURTS OF JUDICATURE,

For the Trial of Jury Causes in the Hall, during that Year,

PARTICULARLY IN THE

COURT OF SESSIONS.

WITH NOTES AND REMARKS, CRITICAL AND EXPLANATORY.

By DANIEL ROGERS,

Counsellor at Law.

PRINTED BY CHARLES N. BALDWIN,

No. 49 DIVISION-STREET.

1817.

CITY-HALL RECORDER. 33

Richards. Jacob Hays, one of the Police-officers, found the coat in the possession of Mary Hanson, with whom Robinson had boarded. It appeared that he had sold the coat to a young man by the name of John Myers. No blame appeared to be attached to Mrs. Hanson or John Myers.

Robinson, and the seven next immediately preceding, were tried, convicted, and sentenced to the State-prison, each for three years and one day.

PETIT LARCENY.

This term twenty-four persons were sentenced to imprisonment in the City-prison, for different periods of time, chiefly for petit larceny.

There was also one conviction for a misdemeanor, under the statute "to prevent private lotteries, and to restrain insurance on lottery tickets," (2d vol. N. R. Laws, page 190, § 8.) In the traverse of the indictment, the principal witness on behalf of the prosecution prevaricated much in his testimony.

The defendant was fined in the sum of $250.

The Grand Jurors, during this term, found eighty-nine indictments, several of which were for forgery, and passing counterfeit bills.

MAYOR'S COURT.

February Term, 1816.

PRESENT,

The Hon. RICHARD RIKER, *Recorder.*

There were 310 writs issued, returnable this term, 249 of which were returned served; and 93 causes were noticed for trial.

JOHN LACE AND MARY HIS WIFE,

vs.

DANIEL CARMICHAEL, JOHN CRENEY, AND ROBERT NIXON.

In an action of Assault and Battery, evidence to impeach the general good character of the plaintiff is inadmissible, even should the plaintiff's counsel, on the trial, consent to admit such testimony; nor can the plaintiff produce evidence to establish such character, even where the plaintiff is a stranger, and his character has been indirectly assailed on the trial.

Where a witness, on behalf of the plaintiff, is sworn on the trial of a cause, whose deposition had been taken, to be read in the same cause, the whole of such deposition cannot be read, for the purpose of impeaching his oral testimony, in particular instances; but the Counsel for the defendant must confine himself to read such parts of the deposition as are contradicted by the oral statement.

Ron't Bogardus & Wilkins, *Counsel for the plaintiffs.*

Cowdrey, Griffin, & Sampson, *Counsel for the defendant.*

This was an action of assault and battery, committed on Mrs. Lace, by the defendants, on board of the American brig Christopher, commanded by captain Nathaniel Ingraham.

By the testimony, it appeared in substance, that in the month of July last, this vessel was about to sail from Belfast, in Ireland, to this country; and on the evening preceding her departure, was lying at the White-house roads, about six miles from Belfast. At this time there were thirty-six passengers on board, including the defendants, Carmichael and Creney, who are Irishmen by birth, but had, before that time, removed to this country, with their families and effects, and after the war went to Ireland to see their friends, and were then returning. The captain, and Robert Nixon, the mate, one of the defendants, were then on shore.

Mrs. Lace, who is a native of Scotland, but had then resided with her husband, several years, in Belfast, and who is a lady of an interesting appearance, had engaged a cabin passage in the brig, and her baggage was then on board, with that of the other passengers. Her husband, being at Liverpool, had written to her to take her passage from that place, and she was, therefore, under the necessity of abandoning her passage in the brig, and procured an order from the captain, then on shore, for her baggage.

About ten o'clock in the evening, she arrived on board the brig, rowed by four pilots, and two of her friends, one of whom was John O'Hara, her landlord, with whom she had resided in Belfast.

The brig had been left in charge of Andrew Miller, the boatswain; and a custom-house officer, by the name of Press, was on board at the time of the arrival of Mrs. Lace. The boatswain was somewhat intoxicated, but not so much that he did not know what he was about; and Press was in a high state of intoxication. Mrs. Lace, with her friends who accompanied her, applied to the boatswain, with the order, for her baggage; but the two defendants, Carmichael and Creney, objected to her going below to search for the same, and followed her into the steerage, where she and her friends went with a light to get her baggage, which consisted of two trunks and a chest.

She pointed out to those who came with her a trunk and chest, which it appeared were not hers, but it did not appear this was by design. These two defendants strongly protested against her taking away her baggage; and as the boatswain did not know it, he thought it best for her to remain on board until the captain and mate returned. The defendants very strongly objected to her remaining on board, and with other passengers created an alarm on board the brig, by spreading the report that Mrs. Lace had come for the purpose of plundering the vessel of the baggage belonging to the passengers. The alarm increased, and soon spread through the whole vessel. The passengers collected, and generally joined, with the

Figure 3: An 1816 issue of the *New-York City-Hall Recorder.* Source: Seymour B. Durst Old York Library, Avery Architectural & Fine Arts Library, Columbia University.

Actual court records and crime publications share few commonalities, the key difference being the transcript of the offense. While the indictment records and dismissed case files typically provide brief entries that are full of legal jargon, the *NYCHR*—and crime literature generally—does not disappoint with regard to

captivating storytelling in gruesome detail.[14] Deep gashes, bloody punches, and mortal wounds, as well as makeshift weapons such as saws, hammers, knives and an array of unusual objects fill the pages. Rogers included details that Arunah Randall allegedly defended himself with a hatchet and poured boiling water on the men as they followed him up the stairwell. He also provided testimony from the medical examiner, who vividly described the wound Randall inflicted on one of the men.[15] Randall received a prison sentence since he committed manslaughter, but the case was exceptional. Murder and manslaughter trials can be found in almost every issue of the *NYCHR* and by far receive the most ink. Typical fodder consisted of the usual range of offenses—domestic disputes, confrontations with watchmen, and matters of self-defense—all of which were likely to end with fines, peace bonds, or settlements.

The vivid telling of an offense contrasts with the outcome, which often seems anticlimactic in comparison. In 1820 Thomas Slover was fined $20 for resisting an inquest by George Mills, an assistant to the Board of Health. Due to an epidemic in Philadelphia, Rogers said the mayor had called upon "all citizens" to help prevent those who had been in Philadelphia from coming into the city. According to Rogers' account, Mills apprehended Slover when he tried to get off a Staten Island ferryboat without a

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[14] Court records for this time period typically contain only basic information: the names of the persons involved and the witnesses, the date and location of the offense, and a short summary of the assault. Murder and manslaughter received more attention, as did cases with multiple witnesses. See New York County District Attorney Indictment Papers, 1799-1813, New York City Municipal Archives (hereafter cited as NYCMA).

[15] Rogers, *New-York City-Hall Recorder*, 5:141-64.

permit (proof that he had been quarantined). Slover apparently "sprang from the boat" and grabbed Mills, "turning him partly round with some violence." From this point the details grow more sensational as the climax of the offense approaches: Slover jumped on a steamboat; Mills chased after him with the help of Alfred Edwards, who was a "stranger to both parties"; Edwards then laid his hand on Slover "without any great degree of violence." Rogers gleaned a central question from the court's instructions to the jury: Were both men at fault for challenging the authority of Mills—one for leaving the ship without quarantine papers and the other for inserting himself into the offense and physically stopping Slover? Above all else, had the men acted as "good citizens"?[16]

While the offense itself was a bit lackluster, the *NYCHR* turned the case into a discussion on disease prevention and good citizenship. For Rogers, the verdict paled in comparison to the details, which supported presumed fears of an epidemic spreading to New York. This minor scuffle also presented Rogers with an opportunity to offer clarification and instruction: Slover was in the wrong for pushing Mills and Edwards was in the right for grabbing Slover so Mills could catch him. Clearly, Slover was not a good citizen, which entitled him to a fine. Edwards, however, exemplified the character of a good citizen since he had assisted Mills in preserving order, and the court acquitted him.

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[16] Ibid., 5:168.

Crime publications elevated process over outcome, much like the actual adjudication of these cases in city courts. The details regarding the persons involved, the crime itself, and how the case played out were what mattered. The narratives' focus on eyewitness testimony and character witnesses also represented the communal nature of offenses and legal proceedings. Multiple eyewitnesses added different and often conflicting renditions of the crime. Crime narratives, however, manipulated witness testimony. Editors often overshadowed testimony by bringing the voices of lawyers and presiding legal officials to the forefront. Those voices carried a serious tone, which emphasized that all forms of violence held broader consequences for the community.

Handpicking specific cases served that purpose, as it allowed editors to choose the kinds of legal proceedings of which they wanted readers to be aware and to control the means by which those proceedings reached the public. Editors overdramatized violence, which made it appear that legal officials only heard the most complex crimes. Offering an accurate representation of the courts' business was secondary to the ultimate motive of crime publications—putting wrongdoers in their place and enforcing certain standards. Daniel Rogers stated this intention outright in the 1817 edition of the *NYCHR* when he said he hoped the "examples presented to the general reader may be beneficial in a moral point of view inasmuch as, in contemplating human nature in its lowest state

of depravity and wretchedness, many may learn to avoid the evils which thus lead to debasement and ruin."[17]

The *NYCHR* offered a set of behavioral standards for citizens that were separate from legal and political rights, but added to a larger conversation concerning what citizenship should look like in the early republic. The term "citizen" appears in crime publications and in court records because citizenship existed in the early republic. After the American Revolution, those without property could be citizens, including women, since citizenship did not confer a specific set of rights. There were multiple meanings of citizenship: A person could be a citizen of the city, state, or country.[18]

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[17] Rogers, *New-York City-Hall Recorder,* 1:45-48.

[18] Key texts on citizenship in the nineteenth century United States include Gregory Ablavsky, "'With the Indian Tribes': Race, Citizenship, and Original Constitutional Meanings," *Stanford Law Review* 70, no. 4 (April 2018): 1025–76; Nathan Perl-Rosenthal, *Citizen Sailors: Becoming American in the Age of Revolution* (Cambridge: Belknap Press, 2015); Barbara Young Welke, *Law and the Borders of Belonging in the Long Nineteenth Century United States* (Cambridge: Cambridge University Press, 2010); Douglas Bradburn, *The Citizenship Revolution: Politics and the Creation of the American Union, 1774–1804* (Charlottesville: University of Virginia Press, 2009); Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2009); William J. Novak, "The Legal Transformation of Citizenship in Nineteenth-Century America," in *The Democratic Experiment: New Directions in American Political History*, ed. Meg Jacobs, William J. Novak Novak, and Julian E. Zelizer (Princeton: Princeton University Press, 2003), 85–119; Joyce Appleby, *Inheriting the Revolution: The First Generation of American* (Cambridge: Harvard University Press, 2001); Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven: Yale University Press, 1997); David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776–1820* (Chapel Hill: University of North Carolina Press, 1997); Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (Oxford: Oxford University Press, 1995); David Montgomery, *Citizen Worker: The Experience of Workers in the United States with Democracy and the Free Market During the Nineteenth Century* (Cambridge: Cambridge University Press, 1993); Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class, 1788-1850* (New York: Oxford University Press, 1984); Edward Countryman, *A People in Revolution: The American Revolution and Political Society in New York, 1760-1790* (Baltimore: Johns Hopkins University Press, 1981); James H. Kettner, *The Development of American Citizenship, 1608–1870* (Chapel Hill: University of North Carolina Press, 1978); Gordon Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, 1969).

Crime publications used the term "citizen," in part because it appears occasionally in court records. In 1800 a case from the indictment records addressed a "Number of Citizens" who told a watchman a sailor "almost kill[ed] some of them." The record does not indicate if these persons were citizens of the city, state or country, just that they warned the watchman to exercise caution since the sailor had a knife.[19] The phrase "to the good of the citizens of the state of New York," along with variations of it, appears even more frequently. Legal forms listed people as such since offenses against the public were offenses against the people of the state of New York. "Citizens" could be substituted for a different term like "community" or "society," which suggests that officials chose "citizens" intentionally to depict the people who they believed comprised the public body.

Legal officials used citizenship to draw lines between inclusion and exclusion, but they did so fairly broadly and inclusively. They shifted the terms according to the unique circumstances of the case. When two people kept a disorderly house in their neighborhood in 1800, the record claimed the drinking, quarrelling, and whoring transpiring there was a "disturbance of the good Citizens dwelling near them."[20] The term "good citizens" separated those who were keeping the peace from those who disrupted the peace, either by violence or by maintaining taverns and brothels that were

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[19] *The People v. Ramon Ellano,* 5 April 1800, New York County District Attorney Indictment Records, New York City Municipal Archives (hereafter cited as NYCMA).
[20] *The People v. John McDermot and Fanny McDermot,* 5 June 1800, New York County District Attorney Indictment Records, NYCMA.

known to foster violent behavior. Simultaneously, the term "citizen" could denote a person's place of birth. In 1801 Louis Laureille, a French officer, issued assault charges against several people, including "Negroes armed with sticks," for attacking him in the street. He got away with the help of "four American citizens" and "a few Frenchmen."[21] Likewise, when Robert Swartwout, a merchant, challenged Richard Riker, New York County's first district attorney, to a duel in 1805, the record noted that both men were "citizen[s] of the state of New York."[22] Citizenship served different purposes in the records, grouping both men and women together regardless of status, in their efforts to preserve the peace.

Editors were far more exclusionary in their use of citizenship. They invoked the language of citizenship to divide those who upheld the law from those who broke the law. When the peace was at stake, it was "the duty of every citizen, without warrant, to use all lawful means to arrest the offender, and bring him to punishment." Citizens had a "right to use as much force as was necessary to bring the offender to justice," but if they went beyond these restrictions "they [too] became offenders."[23] As in court records, the term "citizen" was broad and encompassed many people. Upon closer examination, however, it becomes apparent that editors did not want women, people of color, or men

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[21] *The People v. Peter Descources,* 6 June 1801, New York County District Attorney Indictment Records, NYCMA.
[22] *The People v. Robert Swartwout,* 4 June 1805, New York County District Attorney Indictment Records, NYCMA.
[23] Daniel Rogers, ed., *The New-York City-Hall Recorder for the Year 1819* (New York: Clayton and Kingsland, 1819), 4:111-12.

of a lower social status to respond to violent conflict or wield violence in any given scenario. "Citizenship" was a term mostly affiliated with white men.

The ability to "repel force with force," a phrase that comes up repeatedly in the *NYCHR*, depended on the offense. Yet the dilemma of "equal force" most often arises in narratives that address the protection of property, whether a tenement or stolen personal property. The phrase "equal force" does not appear in actual court records for this period, but "force and arms" was a part of the formulaic language officials used in assault and battery summaries. A person "with force and arms, did make and assault" someone was standard language.[24]

"Equal force" was a measuring stick that editors used to differentiate between force that was necessary and force that constituted a crime. To make his point, Rogers used an 1816 case involving a landlord who forcibly removed two tenants before their lease had ended. Rogers quoted the court as saying a tenant was "justifiable in making use of as much force as may be necessary in repelling an attempt made by any person,

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[24] Since the phrase was common, there is no one case to cite for reference. The names, dates, and location change from one case to the next, but the language stays the same. The following is a standard description: "The Jurors of the People of the State of New-York, in and for the body of the City and County of New-York, upon their Oath present, That Francis O'Brien late of the third ward of the City of New-York, in the County of New-York, Cooper on the twelfth day in the year of our Lord one thousand eight hundred and thirteen at the third ward of the city of New-York in the county of New-York, aforesaid, in and upon the body of Anthony Belamy in the peace of God, and of the said people then and there being with force and arms, did make an assault and [illegible] the said Anthony did then and there beat, wound and ill treat and other wrongs and injuries to the said Anthony then and there did, to the great damage of the said Anthony to the evil example of all others in like case offending, and against the peace of the people of the state of New-York and their dignity." *The People v. Francis O'Brien*, 8 July 1813, New York County District Attorney Indictment Records, NYCMA.

without the aid of legal process, to dispossess him by force…[and] to repel force with force."[25] In the same volume, Rogers drew upon a case from the "Mayor's Court" to clarify why tenants could not be removed with violence: The law had "prescribed a remedy…to obtain a possession wrongfully withheld."[26] While there were certain circumstances that permitted a man to be violent, he had to gauge the amount of force necessary to repel an attack. An illegal action from one party did not constitute an equally unlawful reaction from the other.

The *NYCHR* drew attention to self-defense cases since they presented ideal examples of how citizens could protect their bodies and their property. Rogers featured a case from 1820 wherein a proprietor demanded that a customer leave his store after the customer called him a liar and used "abusive and degrading language towards him." Rogers said the proprietor hit the man on the arm with an umbrella. In retaliation, the man threw a glass tumbler at the proprietor, striking him in the eye and causing him to lose his vision. It was clear to Rogers (and the court) that the customer's reaction did not constitute self-defense: The man had "no right to make use of more force than was necessary in repelling the attack."[27]

Physical force was permissible in reaction to violence that had no legitimate components; in other words, any form of violence that jeopardized order. The response

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[25] Rogers, *New-York City-Hall Recorder*, 1:96-98.
[26] Ibid., 1:119.
[27] Rogers, *New-York City-Hall Recorder*, 5:93.

had to be equivalent in kind and not surpass the offending action. In this instance, the *NYCHR* deemed the customer's reaction excessive, making him the criminal. A swat with an umbrella did not justify an assault that resulted in blindness. In this way, Rogers outlined degrees of violence. He placed limitations on force, which created a counter narrative to the people who made legal claims.

All citizens had the responsibility of maintaining order, but Rogers made it clear that those same citizens had to act within certain authoritative and legal structures. Most of the violent offenses that appeared in the *NYCHR* entailed very specific relationships: husband-wife, parent-child, lender-debtor, landlord-tenant, master-servant, watchman-civilian, and proprietor-customer. An 1816 narrative entitled "Mind Your Own Business" concerned a passerby who assaulted a watchman when he saw him in a dispute with a married woman. Rogers asserted that since the "lives and property of the citizens of New York were guarded by the watchmen," the man's intervention jeopardized the "free and independent exercise of their duty." The man felt "he had a right as a citizen of New York to interfere when a lady was abused" and made a comment to the watchman that there were more important matters for him to address.

The *NYCHR* featured what might seem like a rather trivial exchange because of the takeaways it offered. The citizen's "insolence" undermined both the watchman and husband, the presumption being that her husband had fallen short in his responsibilities to stand up for her. In this particular scenario, the watchman was distracted from his

duty and wound up in a violent scuffle with the citizen, one that ended with the watchman arresting him and keeping him at the watchhouse for the duration of the evening.[28] It was clear the citizen meant well, but his desire to protect a married woman and correct the watchman were inappropriate. As a self-proclaimed citizen he had to mind the watch and respect the authority of a husband over his wife.

Women were popular subjects as witnesses, victims, and offenders. Editors relied on the female voice to add important and tantalizing details which made for interesting reading.[29] Yet the roles of women were tied inextricably to men. Actual court records offer an opposing perspective. Women wielded violence against men, other women, and dependents on a regular basis. Editors, however, typically placed women in the passive role of reacting to male violence.

As prior chapters explained, women and neighbors were usually the ones who reported spousal abuse. Violent abuse within marriage could be an indicator of misunderstandings, alcoholism, derangement, or negotiations over proper roles and unmet expectations. Editors delineated the vivid details of these negotiations. Men's

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[28] Rogers, *New-York City-Hall Recorder*, 1:150-51.

[29] Although editors highlighted female testimony, they recognized the bias that could prevail if a woman was the only witness in an offense in which her husband was the assailant. In a case involving a landlord who murdered his tenant, the man's wife was the sole eyewitness. The narrator quoted the presiding officials, who were concerned that her "testimony is coloured…. She has the feelings of a wife and it is not to be wondered at; nature stamps that colour on her testimony, and for that reason the jury must not rely on it too implicitly." See William Sampson, *Report of the Trial of James Johnson, a Black Man, for the murder of Lewis Robinson, a Black Man, on the 23rd of October Last, Also the Trial of John Sinclair, a German, Aged Seventy-Seven Years, for the Murder of David Hill, on the Eighth Day of April Last* (New York: Southwick and Pelsue, 1811), 1-36.

reasons for assaulting their wives could be as simple as a woman not cleaning the house or making dinner. The justification behind the assault was significant because it demonstrated just how trivial these matters could be. Crime publications morphed these personal arguments into performances that encouraged sympathy for women and criminalized male laborers. Domestic abuse cases allowed editors to discuss the roles of men as husbands and citizens, and to maintain the dependency of women.

Editors carefully and intentionally defended patriarchy without standing up for the individual men who physically abused their wives. The 1806 pamphlet that covers the murder of Mrs. Banks is an example. John Banks, a laborer, slit his wife's throat. He said she was a "discontented, quarrelsome woman, [who] would frequently get drunk, and when in that state would abuse him very violently." Several witnesses came forward to attest that they had heard Banks threaten to kill her on multiple occasions and had witnessed the couple quarrelling. The editor turned the crime into a lesson about marriage: "To citizens of every description this solemn occurrence affords [a] mournful but useful lesson which deserves the most consideration. To those who have not yet entered the married state, let it teach the necessity of candidly examining the character and temper of those with whom they engage in those sacred ties, which can only terminate in death." For the married, the case served as an equally important

illustration of the "absolute necessity of sobriety, temperance and equanimity of temper."[30]

Murder offered an extreme example of spousal abuse, which made it easier for editors to victimize women and animalize laboring men. The Banks case and many others also engaged prevailing stereotypes about laboring culture, with its references to drunkenness and riotousness. John Banks, who was convicted and sentenced to death, showed no remorse for his action. He said his wife was a "damn'd bitch" and he would "kill a dozen like her" if given the opportunity.[31] The case supported the elite's beliefs that laborers were a dangerous lot.

Lengthy trials provided enough vivid detail for a pamphlet-length rendition the likes of John Banks, but more common instances of spousal abuse found their way into the pages of the *NYCHR*. Daniel Rogers highlighted cases that offered a clear perspective on the authority necessary for a man to govern his household. In 1821 Rogers proclaimed, "No man has a right to beat his wife." The statement was attached to his description of a case in which a woman had left her husband because she could no longer stand his violent temperament. Afterwards, her husband asked an officer to accompany him and bring her back home. Unable to persuade his wife to return, Rogers said the husband "seized her with violence by her wrists." According to Rogers'

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[30] *The Only Correct Account of the Life, Character, and Conduct of John Banks…* (n.p.: New York, 1806), 1-16.
[31] Ibid.

account, the husband's attorney tried to justify his actions: "the husband, being the head of the family, and subjected to the maintenance of his wife, had a right to make use of moderate correction, to keep her within the bounds of duty." If a man's wife deserted him, he could use enough force to bring her to her senses.

A man's authority over his household might be unquestionable, but Rogers and the court rejected violent expressions of that authority. Even a semblance of violence had no place in a marriage, "for it was not the law in this country, that a man had a right to beat a woman, and he hoped it never might be." In other words, violence and marriage were fundamentally at odds with one another.[32] Spousal abuse forced women to either leave their husbands or resort to self-defense, both of which jeopardized the marriage contract and set a poor example for the community.

Editors made it clear there were no circumstances under which women should be violent in self-defense or for other reasons. The prior chapter outlined the ways that women challenged that logic by defending their bodies with force and then filing assault or rape charges against male attackers.[33] The greater risk of letting men abuse women, according to the *NYCHR*, was that it placed those women in the position of reacting to violence with violence, which served a blow to patriarchy. One 1816 entry begins with

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[32] Daniel Rogers, *The New-York City-Hall Recorder for the Year 1821* (New York: E. B. Clayton, 1822), 6:66.
[33] Prudence Hill's case against William Murdock and his acquaintance is an example. Hill and her daughter assaulted Murdock after he tried to rape her and then refused to leave her grocery store. *The People v. William Michang and William Murdock*, 8 October 1800, New York County District Attorney Indictment Records, NYCMA.

the statement, "It is disgraceful for a man to beat a woman." The case pertained to two women, a mother and daughter, both of whom were assaulted by their landlord and another man for temporarily occupying a portion of the tenement solely reserved for the owner and his family. The women fought back and nearly succeeded in keeping the landlord from removing them from the premises, with "victory in favor of female prowess," and "fearful odds…cast against the besieger." Rogers claimed that the court recognized the women were at fault for trespassing. The men's actions were "peculiarly disgraceful." They had chosen violence over legal recourse, which left the women no other choice but to respond with violence. The real offenders were the men, who had stripped these women of their rightful dignity.[34]

Rape narratives epitomized the press's efforts to diminish women's personal and legal agency by placing them on the receiving end of male violence. These accounts put notions of masculinity and femininity on trial as well. If a woman had consented to a man's advances, then she had no virtue. If the man had forced himself on the woman, he was a disgrace to his gender. One of the more famous rape trials was that of Richard Croucher who, in 1801, was convicted of raping a thirteen-year-old girl named Margaret Miller.[35] Croucher had been courting the woman with whom Miller boarded. He

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[34] Rogers, *New-York City-Hall Recorder,* 1:31.

[35] Richard Croucher also played a role in the Levi Weeks trial. Croucher resided at the same boardinghouse as Gulielma Sands and helped spread the rumor that Weeks had murdered her. Croucher claimed that Weeks' accomplice confessed to the crime. Several publications argued that Weeks was guilty. Croucher was outed at the trial for spreading the rumor. One of Weeks' attorneys famously held a candle to

inquired about hiring Miller to clean the room he rented on Greenwich Street, with the added request that she stay overnight. When Miller arrived, Croucher locked her in a room and raped her. Croucher later confessed to having relations with Miller, but said it had been consensual. Witnesses testified that Croucher had turned Miller out of the boardinghouse several times and called her a "whore."

The key issue the narrative presented was whether or not an adolescent could be considered a willing party. According to the editor, Croucher's defense operated under the premise that her adolescence did not save her from being a prostitute. There were many girls "living in a state of open prostitution at the early ages of 12 or 13 years." When people discovered that "a girl has had a criminal connection with a man, there is instantly a strong bias" against her. He was right. Character witnesses were crucial in rape cases since testimony for or against the reputation of the woman involved could determine the outcome despite material evidence. There were no character witnesses except one tenant who said she "took her to be a modest, inoffensive girl."[36]

The editor implied that, at times, people instinctively defended women and ignored evidence that damned their character. Legal officials and community members desired to "avenge the injury" when "a female who is entitled to our protection, is

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Croucher's face when a witness was asked if he could identify Croucher as the responsible party. See Kleiger, *Trial of Levi Weeks*.

[36] *Report of the Trial of Richard Croucher on an Indictment for a Rape on Margaret Miller* (New York: George Forman, 1800), 1-28.

seduced or violated."[37] The editor operated under the premise that courts assumed women were innocent and that men were guilty (court records say otherwise). The legal proceedings surrounding rapes offered editors an opportunity to pose the questions: Should a woman who lacked propriety be treated with the same level of decency as a woman who maintained a sound reputation? Was it right for a man to lose his reputation for a women who had invited, if not encouraged, the exchange? Editors defined women's virtue according to popular conceptions of white womanhood and thus offered a perspective of the "types" of women who deserved protection. Class helped dictate the circumstances in which editors placed blame on a woman for the violence she experienced.[38]

Crime publications drew upon common tropes that categorized "disorderly" women as unstable. Prostitution cases were popular fodder for editors who separated virtuous women from those who had fallen into a life of vice and debauchery.[39] The 1816 edition of the *NYCHR* featured a misdemeanor that involved a woman who kept a disorderly house on Bancker Street. Rogers described her as a "daughter, once the hope and expectation of the fond parent," who had turned an "Archangel ruined." Led astray

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[37] Ibid.

[38] See chapter five for an exploration of rape narratives and their implications for African American women.

[39] Crime publications also highlighted assaults where men attacked women under the (false) assumption that they were prostitutes. Daniel Rogers featured a case where a man, along with "two or three other lads of spirit," assaulted a married woman in the street, tearing her headdress and clothing and abusing her "with the most approbrious language." The men thought she was a "woman of ill-fame." Rogers said the husband filed separate suits against each of the men. Two of them agreed to pay him $100 for the damages. See Rogers, *New-York City-Hall Recorder*, 5:182-83.

and seduced, "the roses of modesty had fled from her cheeks; no longer her eyes beamed with the expressive mildness of virtue, and the sweet enchanting graces of innocence." Female sex workers emerge as lost causes who had no hope of gaining a higher status or having a better life. As such, prostitutes could not be granted the same level of sympathy or mercy as respectable women because they had degraded themselves.[40]

Editors considered some women unworthy of social consideration or legal protection. Virtuous women deserved respect and physical dignity, but those who lacked decorum could be treated as the circumstances permitted.[41] Editors felt "wayward" women had brought violence upon themselves through their actions, placing themselves outside the bounds of citizenship. An 1816 case Rogers selected addressed this issue. Some passengers accused an alleged "vagrant woman" of stealing some goods on board a ship. Rogers quoted the prosecutor, who said a "virtuous discreet woman" was entitled to the "most profound respect." Only the most brutal of

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[40] Rogers, *New-York City-Hall Recorder*, 1:26-28.

[41] Editors turned the murders of female sex workers into popular reading for the public. The death of Helen Jewett in 1836 sparked even more interest in sex and class relations in the city. Jewett was a well-known and "elite" New York City prostitute whose body was found in the brothel where she was employed. She had been hit in the head with a hatchet while in bed and her bed set on fire afterwards. Richard P. Robinson, one of her regulars, emerged as the only suspect. Most of the witnesses were fellow prostitutes who identified Robinson. Given their professions, the court deemed their testimony unacceptable. The trial that ensued received mass coverage by major newspapers in the city, who sold two different perspectives: Robinson as the victim of a conspiracy and Robinson as a person of privilege who swayed the jury. The court found Robinson not guilty. Scholars cite the offense, along with the public's overwhelming interest in the trial, as laying the foundation for the continued popularity of criminal fiction, which continues today. See Patricia Cline Cohen, *The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth Century New York* (New York: Alfred A. Knopf, 1998).

men could "discard the tender feelings which should ever glow in our bosoms, as to wantonly inflict a wound on the tender feelings of such a woman." This woman, however, had become "abandoned," forgetting the "honor and dignity which elevate that sex in the estimation of man," which made it justifiable to treat "such a character as her infamy deserves."[42]

Cases like the above reversed the normal logic of crime publications and argued that "low-class" women deserved violent retaliation. The conditions of each case changed, but ideas about wayward and vagrant women remained static and further solidified class-based female stereotypes in the minds of readers. Editors consistently framed violence as masculine, which made violent women appear less feminine, and socially and legally inferior to men.

Crime publications depicted female violence as an anomaly and as the byproduct of poor laboring communities. Editors could not refute that women were violent, but they could manipulate the details and blame men whenever possible. Rogers used the example of the Trenors to elaborate. Elizabeth Trenor was indicted for an assault and battery in 1816 when she threw a rock at the head of her estranged husband, a baker in Corlear's Hook (a notorious sailor's hangout), after he refused her an order of flour. Rogers' summation included a discussion from the attorneys and presiding officials. They questioned whether Elizabeth could testify against her husband under the

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[42] Rogers, *New-York City-Hall Recorder*, 1:33-39.

circumstances, given that she was the "weaker vessel" and because the "domestic peace" should be "preserved inviolate." The defense argued that Elizabeth's actions were engendered by the violent abuses inflicted on her by her husband, who frequently beat her with cow skins and horsewhips. Denying her a formal statement would remove vital context from the case. Rogers claimed that the judge asked the jury to mitigate her punishment. All agreed the scuffle was an extralegal matter, a dispute between a husband and wife which did not constitute legal intervention.[43]

Neither the court nor Rogers could refute Elizabeth Trenor's violence, but they could place her actions within a broader context of abuse and laboring culture. The prior chapter showed that legal proceedings sometimes brought the attention back to the barbarity of the man, which obscured the fact that the woman had retaliated. At the same time, the *NYCHR*'s discussion of the legitimacy of Elizabeth Trenor's testimony reinforced her dependency (despite her living on her own and keeping their children). It supported the idea that women in general were inherently "weaker" than men, even if those men were in the wrong.

Crime publications took issue with women whose independence served as a threat to male authority. Women who were equally as strong as men could be equally as independent. Rogers highlighted this concern through Eleanor Spence's case. In 1816 the proprietor of a fabric shop cut a piece of cloth for her before they agreed on a price, so

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[43] Rogers, *New-York City-Hall Recorder*, 1:107-8.

Spence refused to take the fabric and walked out. The proprietor followed her and physically forced her back into the store. Rogers homed in on whether or not the proprietor's actions could be considered an assault and battery. That determination, however, rested on the question of how women should navigate contested commercial exchanges. Rogers quoted the defense attorney, who stated that, as of late, it had "become so fashionable for women to assume the character of suitors in this court." Instead of "figuring as an angry suitor in a court of justice, she would be more profitably employed in mending stockings and making puddings for her family." According to Rogers, Spence's attorney countered on grounds that the proprietor's act was "rude, unmanly, and unlawful." Regardless of the disagreement about price, he had indeed harmed a "defenceless woman." The *NYCHR* showed that putting women on trial for violent acts usually ended in debates about gender norms. The assault on Spence was irrelevant because, as a women, her audacity was the actual problem. At the heart of her case was a warning to men that the simple act of women bartering and buying goods for their families could serve a blow to patriarchy and jolt the social hierarchy.[44]

Rogers and other editors looked to women to uphold the peace through their domesticity. All women—even laboring women—were expected to embody certain standards that aligned with republicanism. Editors felt women should be the moral guardians of society, not provokers of violent conflict or even defenders of their own

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[44] Ibid., 1:39-40.

bodies. "Republican mothers," or married white women of a higher status, were quasi-citizens since they raised their sons to be politically active and financially independent. These women were docile and proper—a counterpoint to the women in crime publications.[45] Eleanor Spence was intimidated and assaulted by a proprietor who did not appreciate her display of independence. Well aware of the general cost of cloth, she refused the price he quoted her. Women were both buyers and sellers in the public marketplace, which the proprietor deemed threatening. The *NYCHR* pushed aside the fact that Spence was the one assaulted and displayed her limitations instead.[46] Obscuring the reality of women's lives, crime publications ascribed specific gender roles for women that were tied to the realm of the household.

Ultimately, crime narratives took issue with female violence and feminine independence as editors sought to connect physical force with masculinity and citizenship. By arguing that female violence was inappropriate because of women's dependency on men, Rogers and other editors made it clear that only specific men could

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[45] The classic study on republican motherhood is Linda Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill: University of North Carolina Press, 1980). More recent studies show that women did more than support the men in their lives who voted or who would be eligible to vote; they participated in public demonstrations and joined political clubs and societies. These traditions were not new, nor were they limited to white women. Middle-class African American women made strides in an informal political sphere. See also Rosemarie Zagarri, *Revolutionary Backlash: Women and Politics in the Early American Republic* (Philadelphia: University of Pennsylvania Press, 2007); Anne M. Boylan, *The Origins of Women's Activism: New York and Boston, 1797-1840* (Chapel Hill: University of North Carolina Press, 2001); Nancy Isenberg, *Sex and Citizenship* in Antebellum America (Chapel Hill: University of North Carolina Press, 2000); Linda Kerber, *No Constitutional Right to be Ladies: Women and the Obligations of Citizenship* (New York: Hill and Wang, 1999); Jan Lewis, "The Republic Wife: Virtue and Seduction in the Early Republic," *The William and Mary Quarterly* 44, no. 4 (October 1987): 689-721.

[46] Ibid., 1:39-40.

use force. The masculinization of violence within crime publications held several important repercussions. For one, the legal proceedings that made it to print clearly limited violence to men who could maintain their independence. In other words, the types of men who could employ violence were those men best described by the *NYCHR* as "citizens."

Many cases featured in the *NYCHR* deal with property, in some respect, and the protection of that property. Since most New Yorkers were renters, Rogers mainly speaks to wrongful evictions and rightful tenancy. The particulars of these cases are often convoluted and hard to follow. Nonetheless, the opinion of Rogers was straightforward: "A man who is in peaceable possession of a tenement…[was] justifiable in making use of as much force as may be necessary in repelling an attempt made by any person without the aid of legal process, to dispossess him by force." Rogers included this statement in his narration of an 1816 case that involved a tenant who took over a couple's lease. When the new tenant arrived and found the couple still in possession of the tenement, he and others forced the door open. Upon entering, they supposedly threw the couple's furniture and other belongings into the street, and chaos ensued. According to Rogers' account, the court determined a man could "repel force with force" to defend his

possessions if another man attempted to unlawfully take over his residence and harm his family.[47]

The circumstances had to warrant a forceful reaction. Specifically, a man could use violence in a lawful way if another person or persons directed violence at him in an unjustifiable and therefore illegal manner. More so, male citizens who engaged in violence had to maintain the respect of their peers and community. In one issue, Rogers printed the case of a man who had "respectable friends" and "respectable connections in London." He apparently experienced a lapse in character when he assaulted an elderly woman "in a fit of drunkenness." Rogers claimed the defense stood by him on grounds that it was not in his "nature" to behave in such a manner. Rogers maintained that his respectability was no excuse; in fact, it made the crime worse as he had fallen from an "elevated situation" and should have been "taught better." Even the most respectable man did not have a license to use force in any way he saw fit. As citizens, men with good character had a greater responsibility to maintain the peace and guard the community.[48]

Editors' discussions of respectability demonstrated that good character could be enough to forgive someone of an offense altogether or, at the very least, alleviate the sentence. Editors could not deny that even the most respectable of male citizens could be

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[47] Rogers, *New-York City-Hall Recorder*, 1:96-98.
[48] Ibid., 1:113-14.

susceptible to the occasional slip, typically due to drunkenness or pride. In such instances, Rogers offered redemption to citizens whose character and reputation had been otherwise unblemished. In Henry Hagerman's case, printed in the 1818 *NYCHR*, Rogers featured the court's sentencing for Hagerman's "outrageous" and violent attack of an editor who had printed something libelous about him. According to Rogers, the court left Hagerman with the following words: "You are a young man; and it is sincerely to be hoped, from your good standing in society, from the character you have hitherto, and until the unfortunate occurrence, sustained, and from the respectability of your friends and family, that you will learn to amend your conduct and govern your passions." Hagerman received a lesser punishment due to his standing in society as a lawyer and a judge who had formerly served in the militia. Respectable citizens like Hagerman had to set a good example. His use of gratuitous violence dealt a blow to his reputation and to the peace.[49] The case was brought before the state Supreme Court in 1820, which Rogers also covered. Rogers said the judge asked the jury to provide personal damages to the plaintiff, in part, "for the sake of public example, to deter others from the commission of similar offenses."[50]

Respectable men had a greater responsibility to guard the public against those who could jeopardize the safety and respectability of the community as a whole. As

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[49] Daniel Rogers, ed., *The New-York City-Hall Recorder for the Year 1818* (New York: Clayton and Kingsland, 1818), 3:73-89.
[50] Rogers, *New-York City-Hall Recorder*, 5:63-64.

such, editors found men who fought in public disgraceful. After two respectable men got into a fight near Broadway in 1820, "the most frequented of any part of the city," Rogers quoted one of the witnesses who proclaimed, "What gentlemen fight in the street!"[51] Violence that served no purpose for the common good was gratuitous and, therefore, degraded the character of those who wielded it.

The association Rogers made between citizenship and respectability excluded working-class men and portrayed them as antagonistic towards the efforts of actual male citizens to preserve order. If so-called gentlemen could be violent only in defense of the peace, then men who employed violence for any other reasons were criminals. Arunah Randall lashed out violently at the group of men who invaded his home to collect a debt. Randall had the right to defend his property against intrusion, but his use of barbarity was unjustifiable. Rogers placed Randall in opposition to the group of men who had come to diffuse the situation. He separated Randall's illegitimate use of physical force from the restorative use of violence employed by the male citizens.[52] Ultimately, Rogers and other editors forwarded an ideology that placed male citizens at the helm of maintaining the peace and bringing offenders to justice.

The *NYCHR* set apart the noble violence performed by male citizens for the public good from those that were unnecessary or destructive. That distinction also

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[51] Ibid., 5:11-52.
[52] Ibid., 5:141-64.

conveyed the idea that wealthier and respectable men knew when and how to employ violence. Affairs of honor made fewer appearances in crime publications than domestic abuse and other common forms of violent conflict. Actual case files for duels were lengthy and full of detail, on the rare occasion they appear at all. Most duels took place along the outskirts of the city, in places such as Hoboken or in neighboring states like New Jersey.[53] The *NYCHR* contains a handful of references to duels. Although "evil," Rogers recognized the duel as a "fashionable crime," one that was "confined to that class in society denominated by gentlemen."

The greater threat of the duel to the community was not dueling itself, but the risk that dueling would become popular among those who were not truly gentlemen. Rogers lamented that dueling was "diffusing itself among the lower…classes." This particular quotation pertained to a laborer "who had assumed the character and etiquette of a gentleman but there is scarcity a word in his letters spelled right." Any instance where violence was "calculated to descend from the higher to the inferior classes in society" had to "be checked at its first appearance" and stopped before it became normalized.[54] Thus the *NYCHR* drew class lines around violence. Rogers

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[53] While this dissertation does not explore the duel in an in-depth way since it was not a common occurrence, a number of scholars have addressed the significance of the duel in the North, especially in New York City, and its intersections with key political moments. See Joanne B. Freeman, *Affairs of Honor: National Politics in the New Republic* (New Haven: Yale University Press, 2001). For a look at how the duel was portrayed in the press, see Ryan Chamberlain, *Pistols, Politics, and the Press: Dueling in 19th Century American Journalism* (Jefferson, NC: McFarland, 2009).

[54] Rogers, *New-York City-Hall Recorder*, 3:90-91.

separated respectable men who had chosen violence, even if the reasoning was defense of one's pride or reputation, from laborers who possessed a natural disposition for violence.

If laborers could not wield violence for the greater good, the situation might spiral and put the peace at risk. The *NYCHR* regularly printed violent offenses that began with two or three laborers and later encompassed the entire community. Arunah Randall's case opened with two men knocking on his door to settle a debt, but by the end of the narrative multiple people had been swept into the mix. The man Randall killed was not one of the men to whom he owed money, but a citizen the group sought out for assistance.[55] In the case concerning the couple prematurely evicted from their apartment by the new tenant, a group of people immediately gathered and proceeded to drag the couple "feet foremost into the street." Rogers quoted one of the attorneys as saying that if the new tenant and his accomplices got away with ousting the couple, "club-law" and "mob-law" would rule the day.[56]

Editors portrayed certain parts of the city as more susceptible to mob violence than others, namely neighborhoods where laborers resided. Multiple riots from the Corlear's Hook district are featured in several issues of the *NYCHR*.[57] The individuals

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[55] Rogers, *New-York City-Hall Recorder,* 5:141-64.
[56] Rogers, *New-York City-Hall Recorder*, 1:96-98.
[57] For a history of mobs and riots in New York, specifically as they pertain to African American and laboring communities, see Paul Gilje, *Road to Mobocracy: Popular Disorder in New York City, 1763-1834* (Chapel Hill: University of North Carolina Press, 1987); Paul O. Weinbaum, *Mobs and Demagogues: The New York Response*

participating in one of the riots were "wretches" who were "in the habit of traversing that part of the city…armed with heavy dangerous clubs, for the purpose of creating riot and disturbance."[58] Mob violence made for great storytelling, affording Rogers an opportunity to underline cases that satiated readers' appetites for spectacular violence. Furthermore, Rogers effectively connected the working classes with a form of violence courts found especially menacing.

Mobs were of particular interest to Rogers, not only due to their chaotic nature, but also because they blatantly separated citizens from offenders. Editors affiliated mob violence with the lower classes of the city, which related group violence to the neighborhoods the elite thought of as "disorderly." Rogers featured a case in his 1819 issue that called on all citizens to assemble together and disperse mobs—even if it took equal violence to quell them. In a case involving a man who violently drove another man off the road with his wagon, a party gathered to carry the offender to the watch. A mob soon appeared "who was ready to take his side," allowing the wrongdoer to drive off. Rogers gleaned a general takeaway from the mayor's response: If a breach of the peace occurred, it was "the duty of every citizen, without warrant, to use all lawful means to arrest the offender, and bring him to punishment." This group of citizens had

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to Collective Violence in the Early Nineteenth Century (n.p.: UMI Research Press, 1979); Linda Kerber, "Abolitionists and Amalgamators: The New York City Race Riots of 1834," *New York History* 48, no. 1 (Jan 1967): 28-39.

[58] Rogers, *New-York City-Hall Recorder*, 1:98.

fallen short of their duty by letting a mob distract long enough for the offender to get away.[59]

In their protection of the peace, citizens had a responsibility to suppress mob violence and enact their authority as community policers, all while not becoming a part of the mob mentality. When a riot broke out in a church on Rose Street in 1817, the *NYCHR* surmised that no person already present at the church could be found guilty of the riot unless they, too, had committed a "riotous act." Such disorder had erupted that it was difficult to determine who was at fault. Riots served a blow to New York City's reputation, one legal officials regularly defended. Rogers published riots that had occurred in this same church on more than one occasion. In the 1820 issue, Rogers quoted the mayor who called the events a "disgrace" and "injurious" to the credit of the city and the "peace and quiet of our citizens."[60] Riots were inherently threatening, the effects of which could be felt throughout the community and beyond.

The officials who presided in the trials the *NYCHR* featured were quick to label assaults with three or more laborers as riots and mobs. As the second chapter explained, the adjective "riotous" appears frequently in court records, particularly in reference to

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[59] Rogers, *New-York City-Hall Recorder*, 4:111-12.
[60] Daniel Rogers, *The New-York City-Hall Recorder for the Year 1817* (New York: Clayton and Kingsland, 1817), 2:2-4; Rogers, *New-York City-Hall Recorder*, 3:7-10.

drinking in public houses.[61] The *NYCHR* publicized cases that offered a broad definition of riotous behavior, even going so far as to associate the terminology with arguments amongst family members. In the 1818 issue, Rogers included several domestic disputes, one of which pertained to a married couple as well as the wife's sister. The three lived together in a basement on Beekman Street. The husband beat both of them so regularly and to such an extent that their faces were "frequently bruised to pieces." Rogers quoted a councilmen, who cautioned them to not "degrade themselves" by devoting their time to "riot and beastly intoxication."[62] The *NYCHR* brought working-class violence to the forefront, which offered a frenzied and skewed image of city life. When editors compared common forms of violence to riots, it made offenses among laborers seem more widespread and, therefore, a greater threat to the peace.

The types of violence that appeared in publications allowed editors to invoke popular notions of dependency and associate masculinity with violence. The relationship between violence and masculinity effectively excluded women from making claims to legitimate forms of violence, even to self-defense, and characterized violent women as inherently and irreparably damaged—insane, wayward, and utterly irredeemable. The *NYCHR* framed discussions of order and appropriate roles for men and women within certain class stereotypes. Even laborers had the duty of maintaining

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[61] There are very few instances of riots in the indictment records. Some years witnessed no riots whatsoever. See New York County District Attorney Indictment Records, 1799-1813, NYCMA. See also chapter two for a discussion on riots.

[62] Rogers, *New-York City-Hall Recorder*, 3:45-48.

the peace, but Daniel Rogers demonstrated that laboring violence was a particular menace to the city because of laborers' tendency to resort to unnecessary and gratuitous violence. As the next chapter will show, crime publications became a way to deny belonging to the laboring classes and others in New York, both ideologically and on the ground, fanning the flames of race and class prejudice for decades to come.

6. Chapter Five: 'Too Interesting to Humanity and Good Morals, to be Sunk in Silence or Oblivion': Race, Violence, and Crime Literature

This chapter uses the *New-York City-Hall Recorder* and other crime publications to outline the ways that editors advanced a discourse of exclusion in New York City. Editors published certain kinds of violent offenses and legal proceedings to demonstrate that working-class whites, immigrants, and African Americans posed a threat to the stability of society.[1] Crime narratives marked the lower classes and certain ethnic groups as inherently "violent," which built on and gave merit to popular racialized and class-based stereotypes. This chapter argues that editors implicated these groups in an effort to describe disorder and deny belonging to the kinds of people who fostered disorder. African Americans, of all classes and legal statuses, often took center stage in crime narratives, which were published in the midst of the state's gradual emancipation plan. Editors strategically cast free blacks and enslaved and indentured persons as wayward and malicious within the context of a humanitarian discourse. The rhetoric of humanitarianism allowed editors to defend the city's reputation on the grounds that slave abuse and kidnappings were an anomaly. Crime publications represented legal officials and white citizens as racially progressive and the African American population as socially inferior.

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[1] The *New-York City-Hall Recorder* will be cited hereafter as *NYCHR*.

The chapter combines two threads of nineteenth century historiography—the literature on urban violence and the scholarly work on belonging. It sheds new light on the processes by which violence altered popular perceptions of working-class whites and ethnic groups.[2] Much of the historiography that analyzes urban violence emphasizes the 1830s and beyond. The literature explores the impact of race riots targeted at the state, and the effects of racialized violence on modern-day ghettoization and suburbanization.[3] In the early nineteenth century, popular portrayals of violence

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[2] Leslie Harris and Shane White have written extensively on African Americans in New York City, and this study is indebted to their research and insights. Leslie Harris, *In the Shadow of Slavery: African Americans in New York City, 1626-1863* (Chicago: University of Chicago Press, 2003); Shane White, *Somewhat More Independent: The End of Slavery in New York City, 1770-1810* (Athens: University of Georgia Press, 2004). Other key texts about African Americans in New York broadly include Michael E. Groth, *Slavery and Freedom in the Mid-Hudson Valley* (Albany: SUNY Press, 2017); Ira Berlin and Leslie M. Harris, *Slavery in New York* (New York: W. W. Norton, 2005); David N. Gellman and David Quigley, eds., *Jim Crow New York: A Documentary History of Race and Citizenship, 1777-1877* (New York: New York University Press, 2003); Shane White, *Stories of Freedom in Black New York* (Cambridge: Harvard University Press, 2002); Craig Steven Wilder, *In the Company of Black Men: The African Influence on African American Culture in New York City* (New York, 2001); Jane Dabel, "From Her Own Labor: African-American Laboring Women in New York City, 1827-1877" (PhD. Diss., University of California, Los Angeles, 2000); Graham Russell Hodges, *Root and Branch: African Americans in New York and East Jersey, 1613-1863* (Chapel Hill: University of North Carolina Press, 1999); Edgar J. McManus, *A History of Negro Slavery in New York* (Syracuse: Syracuse University Press, 1996); George Walker, *The Afro-American in New York City, 1827-1860* (New York: Routledge Publishing, 1993); Kathryn Grover, *Make a Way Somehow: African-American Life in a Northern Community, 1790–1965* (Syracuse: Syracuse University Press, 1994); Rhoda Freeman, *The Free Negro in New York City in the Era Before the Civil War* (New York: Garland Publishing, 1994); Thelma Foote, "Black Life in Colonial Manhattan, 1664-1785" (PhD diss., Harvard University, 1991); Vivian L. Kruher, "Born to Run: The Slave Family in Early New York, 1626 to 1827," (PhD diss., Columbia University, 1985).

[3] A few sources I have found helpful on race and criminality in the twentieth century include Heather Ann Thompson, *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy* (New York: Pantheon, 2016); Thomas Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 2014); Khalil Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge: Harvard University Press, 2011); Eduardo Obregon Pagan, *Murder at the Sleepy Lagoon: Zoot Suits, Race, and Riot in Wartime L.A.* (Chapel Hill: University of North Carolina Press, 2003).

contributed to a growing distrust of the lower classes and people considered "low-class," which suggests a longer history of tensions.

Legal historian Barbara Welke's notion of "belonging," or the act of defining who could live, work, and claim ties and benefits from their communities, has unique implications for New York City. In the context of crime narratives, belonging did not refer to a place where people lived or their community relationships, but rather their political and legal status as envisioned by those who held a public platform. Editors selectively published violent offenses that criminalized laboring whites, along with immigrants and African Americans, who they considered laborers whether they were or not. By doing so, editors denied these groups respectability, citizenship, and an equal role in city life and culture, at least from an ideological standpoint.

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Many crime narratives were published in the wake of the Embargo Act of 1807. The United States enacted the embargo as a response to British and French navies who plundered American merchants' cargo in the Napoleonic Wars. Instead of declaring war, then President Thomas Jefferson retaliated by forbidding U.S. merchants from trading with these European nations. While the law was designed to hurt Britain and France, it crippled the U.S. economy, particularly in port cities.[4] Finding employment

[4] On the Embargo Act, see Jeffrey A. Frankel, "The 1807 Embargo Act Against Great Britain," *Journal of Economic History* 42, no. 2 (1982): 291-308. On the Embargo Act in New York City, see Sean Wilentz, *Chants*

became harder for laborers who faced competition from the craftsmen who lost their livelihoods and scraped by.[5] Such was the fate of men, like Arunah Randall (from the previous chapter), who could not pay their debtors.[6] Wage labor meant the majority of city workers would never own land. Rent payments continually made the housing market more profitable and the city's merchant classes more affluent.[7] As the separation between rich and poor became greater, the differences between "citizens" and "laborers" became more apparent.

Editors looked down upon laborers as well as men who had lost their fortunes or who had otherwise fallen from grace. Throughout each issue of the *NYCHR*, Daniel Rogers used trial proceedings to detail the ways that disreputable men pursued lives of indolence and debauchery rather than temperance and industry. Rogers featured a case

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Democratic: New York City and the Rise of the American Working Class, 1788-1850 (New York: Oxford University Press, 1984), ch. 1 and 2.

[5] Seth Rockman's study of Baltimore is also helpful when applied to New York. Rockman takes the reader into the everyday lives of a diverse urban workforce. Regardless of ethnicity or legal status, the white street scraper, immigrant dockworker, white female seamstress, free black sawyer, and enslaved domestic all fell under the category of unskilled laborer and collectively made up what Rockman refers to as the "hybrid" labor force of Baltimore. For destitute whites as well as free and enslaved African Americans, wage labor was a means to an end, a way to garner enough income to scrape by. New York was similar in its workforce diversity, with white and African American workers laboring side-by-side. However, as more African Americans garnered freedom and moved to the city, they found certain professions closed to them altogether, particularly in the skilled trades. While white laborers remained propertyless and poor on the whole, African American laborers had greater hurdlers to overcome and fewer opportunities to achieve upward mobility. See Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: Johns Hopkins University Press, 2009). On African American employment opportunities in New York, see Harris, *In the Shadow of Slavery*, 234-64.

[6] Daniel Rogers, ed., *The New-York City-Hall Recorder for the Year 1820* (New York: Nathaniel Smith, 1821), 5:141-64.

[7] Elizabeth Blackmar, *Manhattan for Rent, 1785-1850* (Ithaca: Cornell University Press, 1989), ch. 3 and 4.

from 1817 that involved John Ball, an older "gentleman" who had "accumulated a large property." In 1817 Ball willfully set fire to a house and threatened to murder his wife. Rogers lamented the loss of Ball's character as well as his property. Once a "sober, industrious man in this city…for a number of years past, he had been in habits of brutal intoxication, and was of violent, vindictive passions." With the help of a neighbor, Ball's family deserted him. As an act of revenge, Ball set his room ablaze, thinking the fire would spread to the neighbor's house.[8] Ball was an example of how prosperity could be fleeting. Good character, on the other hand, was priceless. In the eyes of Rogers, Ball had forfeited both and lowered himself to the status of a laborer.

The *NYCHR* highlighted different aspects of laborers' daily lives—their work, families, pastimes, and homes (or "miserable hovels" in Rogers' perspective).[9] It also drew attention to their involvement in the legal process. Rogers' narration of proceedings cast doubt on laborers' abilities to provide accurate and unbiased testimony. He quoted one court official who referred to laborers as the "dregs of society" and said they were "incapable of attending to, or remembering distinctly, the facts, concerning which they had been called to testify."[10] The quote was selective; after all,

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[8] Daniel Rogers, *The New-York City-Hall Recorder for the Year 1817* (New York: Clayton and Kingsland, 1817), 2:85-86.
[9] Daniel Rogers, ed., *The New-York City-Hall Recorder for the Year 1819* (New York: Clayton and Kingsland, 1819), 4:109-11.
[10] Daniel Rogers, ed., *The New-York City-Hall Recorder for the Year 1818* (New York: Clayton and Kingsland, 1818), 3:45-48.

legal officials commonly relied on the testimony of working people, as it shaped legal outcomes every day. Yet, Rogers discredited laborers' legal agency altogether.

Within the context of crime publications, laborers shared certain commonalities—they were destitute, indolent, argumentative, and prone to alcoholism.[11] Rogers featured the trial of Patrick Blake in his 1816 issue. The Court of General Sessions convicted Blake of murdering his wife by stabbing her in their bed. Rogers quoted the coroner, who said Blake seemed "ignorant" and "stupid" at the time of his arrest. Apparently, Blake denied he had killed his wife despite the bloodstains on his clothing and knife in his pocket. Rogers' summary also included testimony from two immigrant women who were tenants at the same boardinghouse as the Blakes and slept in the same room with them. The narrative is unclear about their country of origin, but simply mentions that they were "conversing about the old countries" when officials arrived. The women seem equally as ignorant as Blake. They told the court they did not check on Mrs. Blake, who was lying lifeless in her bed, because they assumed she was drunk.

Rogers added a few details that had little to do with the case but supported his larger points. He said one of the women was "poor," "hard of hearing," and worked "in

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[11] Rogers repeatedly established that laborers were not citizens, but he sometimes went a step further and drew attention to cases that animalized the working classes. In an 1821 case, Rogers said a man was robbed by a burglar who was "foaming at his mouth, and gnashing his teeth." Although the circumstances may have been exceptional, Rogers intentionally made such incidences appear as the norm simply by publishing them alongside "routine" crimes. Whether or not the offenses were representative did not matter, as long as they proved laborers lacked self-control. Daniel Rogers, *The New-York City-Hall Recorder for the Year 1821* (New York: E. B. Clayton, 1822), 6:101-3.

the House of Industry." She saw Blake screaming over his wife's body the next morning, but did not hear anything unusual the night before.[12] The fact that the Blakes shared a room with two immigrant women (with whom they bore no familial relation) indicated their poverty. The women's inability to recall the murder established that they were oblivious or perhaps insensitive. Their testimony, combined with Blake's absurd excuses, offered an unfortunate portrait of working-class life. Rogers' narration relayed the risks of ethnic mixing, where renters of all backgrounds shared intimate living quarters.

Immigrants fell into the same category as laborers, regardless of their actual economic status. Some of the most shocking narratives pertained to immigrants, like John Banks, who hit his wife over the head with a shovel and slit her throat because she was a "bad woman." The murder was published as an entire pamphlet in 1806. The front page reads "Murder! Murder! Murder!" Beneath is a lengthy title, which lists John Banks as a native of "Nieuport, in Austrian Flanders." The editor divulges various details about John's life in the introduction that follows, including the fact that John spent much of his time at sea before winding up in New York. John's wife Margaret was also an immigrant. She was born in Londonderry, Ireland. The couple had been married only ten months at the time of the murder.

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[12] Daniel Rogers, *The New-York City-Hall Recorder for the Year 1816* (New York: Charles N. Baldwin, 1817), 1:99-104.

In John Banks' trial, as with less serious violent offenses, editors asserted that immigrants were ignorant outsiders who could not be assimilated into American culture. This editor noted that John had never received an education and was of a "roving disposition." More than that, John was morally depraved. He maintained an "obduracy" and "unconcerned state of mind" during the proceedings and, even after the court sentenced him to death. The editor consistently pointed out John's innate depravity, and blamed his foreignness for his "brutal cruelty."[13]

Daniel Rogers also held biased opinions about immigrants' criminality. In the 1816 edition of the *NYCHR* he proclaimed that "profligate foreigners…cannot assume the liberty, even in a land of liberty, of committing crimes." Immigrants could live and work in the city, but they had to uphold the law. His description of foreigners as "profligate" placed them in opposition to "citizens" who guarded the peace.[14]

Editors sometimes set apart immigrants as "strangers," which contrasts to the way legal officials, witnesses, and complainants used the term. In court records certain individuals are listed as "strangers," indicating a person was unknown to the parties or was new to the city or neighborhood.[15] William Hoffman, a mariner of the schooner "Manlins," was indicted for murder in 1811 after he shot and killed an officer who had

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[13] *The Only Correct Account of the Life, Character, and Conduct of John Banks…* (n.p.: New York, 1806), 1-16.
[14] Rogers, *New-York City-Hall Recorder*, 1:113-15.
[15] On marking certain people as "strangers" as a way to deny them belonging and citizenship, see Kunal M. Parker, *Making Foreigners: Immigration and Citizenship Law in America, 1600-2000* (New York: Cambridge University Press, 2015).

come on board to arrest him (for reasons that are unclear). The record notes that Hoffman was a "stranger in town." From the summary it seems Hoffman did not live in New York, but it is uncertain whether he was an immigrant.[16] It was not unusual for a complainant to call a mariner a "stranger." James Taylor charged several mariners with assault and battery in 1801, when they broke into his home and struck him. He told the court the four men were "all strangers" to him.[17] More commonly, complainants and witnesses referred to people they did not know as "strangers." The term was meaningful since it conveyed to the court that there was no established relationship between the victim and offender(s).[18] A person might also claim to be a "stranger" to recuse themselves. Bridge Welsh witnessed a man attack a young girl in 1812. She later told the girl's mother she saw the entire incident, but was a "stranger in the neighborhood" and was therefore too afraid to help her.[19]

Crime narratives drew a more direct connection between "strangers" and immigrants in an effort to separate them from law-abiding citizens. Daniel Rogers narrated a case from 1818 where a man, described as a "stranger," entered the home of a citizen and crawled into bed with the man's wife. He had left an Irish wake, and in a

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[16] *The People v. William Hoffman,* 14 February 1811, New York County District Attorney Indictment Records, New York City Municipal Archives (hereafter cited as NYCMA).
[17] *The People v. George Smith and Malichi Hauber,* 8 August 1801, New York County District Attorney Indictment Records, NYCMA.
[18] For an example, see Jane Conklin's case in chapter two. *The People v. Tommis Tallman, John Bennet, and Frederick Boyce,* 13 April 1812, New York County District Attorney Indictment Records, NYCMA.
[19] *The People v. John Roberts and William McDougall,* 11 May 1812, New York County District Attorney Indictment Records, NYCMA.

drunken stupor, mistook their home for a brothel. According to Rogers, the council defended his character on grounds that he was both an industrious and religious man. This one mistake did not define his reputation, even if he did break several laws. Rogers mocked the council's line of reasoning: "Being of good character, industrious, religious and drunk, he entered the dwelling-house of one of our citizens, by mistake, for a house of ill fame." No sexual assault transpired, but the court convicted him of intent to ravish, and sentenced him to the penitentiary for two years.[20] For Rogers, the incident showed that drunken foreigners posed a direct and imminent threat to native New Yorkers who sought to live in peace.

Editors racialized laboring people by making them all seem "foreign" or a people who did not belong in the city. Crime publications' emphasis on foreigners reinforced fears that ethnic fraternizations produced vice and violence. Rogers highlighted that point in a case from 1818 involving a laborer and an immigrant. When William Thompson tried to re-pay a woman for a debt, a "stranger" at the woman's cook shop began to "upbraid him about his country" and proceeded to take his money. Rogers recalled the intimidating language the man used. He said he would "stamp [Thompson's] guts out." This was no empty threat. Thompson called for a watchman and had the "stranger" arrested. Later that evening, while Thompson was lighting his

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[20] Rogers, *New-York City-Hall Recorder* 3:91-92.

pipe near the watchhouse, the "stranger" stabbed him.[21] This rather odd case was indicative of every point Rogers made about foreigners and the working classes. Thompson owed a debt to a woman, which symbolized his utter poverty. Foreigners had no respect for legal authority and could not be controlled, as evidenced by the "stranger" who insulted Thompson, stole his money, and stabbed him after being detained.

Crime literature portrayed immigrants as especially reckless. These narratives were devoid of a larger context, which left no other motive except a foreigner's sheer desire for brutality. When John Sinclair murdered his boarder David Hill in 1810, attorney William Sampson editorialized the crime in a pamphlet. More important than the specific details of the murder was Sinclair's intention of "killing somebody, no matter who." Sampson said Sinclair was a native of Germany and had been living in the city for more than twenty-five years, yet witnesses claimed he spoke only broken English. According to Sampson, the presiding official presented Sinclair with an opportunity to make a statement after his sentence was read. No one could understand him as "the matter of his discourse was not in[t]eligible to the court." The justice asked his attorney if anything he said was "material," to which he responded that it was a different rendition than that provided by the witnesses. Still, the defense did not think it of "much importance." Sampson wanted his readers to know Sinclair's speech was

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[21] Ibid., 3:10-11.

unintelligible and contrasted Sinclair with native-born citizens. Sinclair did not belong in New York due to his foreignness and his criminality, which were inseparable from one another.[22]

Editors used immigrants' accents as a means to describe them as insane since an unintelligible response could be symptomatic of mental instability. The topic of insanity appears more often in narratives that address immigrants. The editor of the Banks murder said John Banks responded that he was "no more a lunatic than the witnesses themselves" when asked if he was crazy.[23] In 1818 Lawrence Pienovi was arrested for "maiming" his wife by biting and tearing off her nose because he believed her to be involved with a Frenchman. Daniel Rogers included the following title above his summary of Pienovi's case: "Violent Passion—Jealousy—Revenge—Insanity." Rogers said several witnesses attested to his "deranged mental state."[24] Clearly, immigrants lacked the intellectual capacity to be assimilated into city life. Moreover, they were "insane" and "deranged," which were innate qualities that could not be erased or fixed.

Editors connected ethnicity, violence and class, which allowed them to separate respectable white citizens from people they considered criminals. Crime literature distinguished the two through the use of racialized comparisons. In his 1816 edition, Rogers dismissed arguments that white perpetrators should be given milder sentences if

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[22] William Sampson, *Report of the Trial of James Johnson, a Black Man, for the murder of Lewis Robinson, a Black Man….* (New York: Southwick and Pelsue, 1811), 1-36.
[23] *The Only Correct Account of the Life, Character, and Conduct of John Banks….*, 1-16.
[24] Rogers, *New-York City-Hall Recorder*, 3:123-27.

they had "respectable friends." By committing a violent crime, the offender had "voluntarily degraded himself to the rank of a common negro-malefactor, who had ignorance, poverty, and starvation." The perpetrator should have been "taught better," since he was "white" and "delicate."[25] Rogers operated under the assumption that respectable white men made a conscious decision to engage in violence that was destructive to their character and the peace. Morally upright white citizens possessed the ability to decipher good from evil. This offender had chosen criminality, which lowered his status to that of an African American. People of color had not forfeited their character in a moment of violent passion; they intrinsically lacked good moral character altogether.

Editors affiliated African Americans with unjustifiable or illegitimate forms of violence—rowdiness, revolt, and rebellion. Leslie Harris argues that crime narratives expressed white visions of black freedom in New York, a freedom in which people of color would remain largely "unfree."[26] These were ideological expressions that reflected a view of citizenship that pertained to proper behaviors—not actual rights. Crime narratives ultimately placed people of color and other "low-class" groups outside the borders of citizenship, even though many white and African American men were

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[25] Rogers, *New-York City-Hall Recorder*, 1:113-15.

[26] Harris views narratives as a factual recounting of trial proceedings. As such, narratives were more an expression of legal officials' prejudices and actual legal changes on the ground. The prejudice of editors is evident from the selection of cases they published. For Leslie Harris' discussion on New York City crime literature, see Harris, *In the Shadow of Slavery*, 104-16.

members of the political body at the time.[27] The behaviors that comprised what editors called "citizenship" included adherence to authority (state, legal, and patriarchal); the preservation of order (with moderate violence if necessary); and the maintenance of a good reputation (affiliated with whiteness). Editors established a dichotomy wherein African Americans fell short of these standards in every regard. In crime narratives, people of color appear as either the provokers of inhumane violence or the victims of it. White citizens, however, were the victims of black violence or the saviors of the abused. Crime narratives displayed the so-called humanitarian sentiments of whites who "rescued" enslaved and indentured persons from cruel masters, but maintained that all whites were potential targets of violent African Americans.

Editors sought to show that African Americans lacked the qualities of citizenship in addition to the legal status necessary to participate in public and legal matters. Questions about the status of African Americans as enslaved, free, or somewhere in between are prevalent throughout crime publications.[28] In 1816 Daniel Rogers featured a case in the *NYCHR* that involved a master who testified on behalf of his slave, Diana Sellick. She had poisoned and killed a child for reasons that remain a mystery to the reader. Perhaps Sellick maliciously targeted the child or maybe there was more to the story than Rogers or the court were willing to entertain. The broader context of the crime

[27] See the conclusion for a discussion on voting in New York.
[28] See chapter three for a discussion on gradual emancipation in New York.

did not interest Rogers (and perhaps the court, as well). Sellick's master responded rather vaguely when the presiding official inquired if she belonged to him: "Legally, I suppose the prisoner is my slave." He had purchased Sellick in 1807 with the promise that he would free her in 1819. Due to her being "restless" and "unsteady," he informally liberated her and let her work for other families as long as she promised to pay for her remaining years of service (she did not). Rogers said a witness was dismissed from the case due to similar circumstances. The witness' mistress promised him his freedom upon her death, which resulted in him living as a free man without manumission documents. Given the woman's husband was still living, the court decided he was, in fact, a slave and denied his testimony.[29] These selective details played into Rogers' larger point, that many people of color occupied a liminal status between slavery and freedom.[30]

Diana Sellick and other freedmen and women lived and worked in the same communities as whites. Racial mixing underlined the anxieties editors had about certain neighborhoods in the city, like Five Points.[31] Kenneth Scherzer explains that before the Civil War there were no truly segregated city neighborhoods. Rather, non-

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[29] Courts also dismissed African American witnesses if they had a criminal history, an issue that appears in court records as well as crime narratives. In the 1821 case of Eliza Orr, an African American woman who attempted to set fire to the tenement building where she and her sister lived, the main witness, who had put out the fire, was excused by the court for having previously stolen a bag of sugar. The court's vetting of such witnesses provided fodder for the editors of crime narratives, who used it as proof of a rampant criminality within black culture. Rogers, *New-York City-Hall Recorder*, 5:181.

[30] Daniel Rogers, ed., *The New-York City-Hall Recorder for the Year 1817* (New York: Charles N. Baldwin, 1817), 1:185-91.

[31] See chapter two for a discussion on Five Points.

homogeneous, working-class groups rented cellars and rooms in boarding and tenement houses.[32] Crime narratives publicized details about the ethnicities of people who shared a living space. An 1819 narrative in the *NYCHR* drew attention to a case involving a white man who threw a teapot at his wife. Rogers' summary includes witness testimony from two African American women who lived in the same house.[33] Crime publications spoke directly to demographic and cultural shifts, homing in on free blacks and the violent conflicts that arose from their personal and professional relationships with whites.

The fact that whites and people of color lived together was of less interest to editors than interracial interactions in grogshops, brothels, and dancehalls. As prior chapters discussed, complainants often marked leisure settings as violent due in large part to racial mixing.[34] Crime publications magnified those concerns for the readers by detailing the violent offenses that occasionally transpired in these businesses. Editors' emphasized illicit pastimes, drinking and dancing, providing an inaccurate picture of race relations and urban violence in the city. These narratives also contained a lesson, not about order or proper citizenship, but about the negative influence free blacks had

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[32] Kenneth Scherzer, *The Unbounded Community: Neighborhood Life and Social Structure in New York City, 1830-1875* (Duke: Duke University Press, 1992), 112-19; White, *Somewhat more Independent*, 173-75. Some African Americans also lived temporarily at the Municipal Almshouse. Segregated and recognized as a disease-ridden place, the Almshouse was considered by most to be a last-resort. This study does not draw on poor relief materials, as they do not address issues of violence and community. However, they do offer insight into where the poor lived and worked in the city. The Almshouse records cover the broad period of 1758 to 1953 and can be found at New York City Municipal Archives.

[33] Rogers, *New-York City-Hall Recorder* 4:109-11.

[34] See chapter two for a discussion on complaints against grogshops and houses of ill repute.

on white people. Editors repeatedly pinned the blame on African Americans for perpetuating violence between the two groups.

Editors felt there were even more detrimental consequences that stemmed from white and black interactions, namely the risk of interracial unions. A respectable white man might be lured into the arms of a woman of color and ultimately forfeit his dignity and, therefore, his citizenship. The trial of William Little illustrated these suspicions. Doctor William Little, a white man, plead not guilty in 1808 to assaulting his African American wife Jane. The trial, along with some letters William and Jane wrote to one another, were publicized as a pamphlet that same year. The narrative opens with a description of the atmosphere at the courthouse, where "all hearts were prone to sympathize with the unfortunate patient [William]." Jane approached the stand "not fair as the swan upon the lake but like the raven, glossy—so black—so comely." The editor positioned William as the clear victim despite being the one on trial for assault and battery. He quoted his attorney, who claimed, "a more tender or affectionate husband nowhere existed." The editor did not deny William had assaulted Jane, although he referred to the incident as an "act of excessive love." He also did not shy away from addressing the obvious prejudices that could influence the court's decision. Editors, complainants, and witnesses typically discredited men when they beat their wives; this literary portrayal did the opposite. It reframed the assault on Jane and blamed her for prosecuting "the man who had doted on her charms."

Jane supposedly dropped the charges against William, but the following week the two were caught in another scuffle. In one of several letters featured at the end of the pamphlet, William said he could prove she had beat him "as hard as you could on my breast." Jane was wealthy. The editor noted she owned "two free tenements…two houses and two lots in Fifth Street." William's letters signified he had married her for her money and relied on her for financial support. He had made several poor financial decisions that resulted in her losing property. William penned the letters from debtors' prison, after Jane turned him over to authorities and refused to bail him out. Their tumultuous relationship served as a warning to white men to avoid being enticed with money and sex by African American women. The narrative also laid out an additional scenario that could befall men like William, whose marriage had left him destitute, without his dignity and manhood, and even worse, a criminal without rights or resources.

Jane Little also personified the idea that blackness went hand-in-hand with corruption regardless of class. Jane's property holdings were exceptional, placing her higher on the socioeconomic ladder than most African Americans in the city. Yet, Jane's resources did not keep her from having an inclination towards violence. She attacked her husband in the street for reasons not apparent to the reader except that, according to

William, she was "crazy mad. "[35] Neither wealth nor status (or evidence that she had been provoked or was acting in self-defense) spared Jane from coming across as barbaric and brutal.

Jane's story was a bold example of the press's efforts to separate women of color from white women. White women wielded violence frequently, as evidenced by the records, but in crime literature white female violence centered on questions of whether or not women should utilize violence to protect their bodies. Jane's violent reaction was not in question nor did it seem shocking that she had pummeled her husband and might have caused further harm had a passerby not intervened. Her behavior appears far from exceptional, which leaves the reader with the impression that violence was in her nature.[36]

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[35] *A Faithful Report of the Trial of Doctor William Little, An Indictment for an Assault and Battery, Committed Upon the Body of His Lawful Wife…* (New York: n.p., 1808), 1-16. Some cite William Little as the editor of this narrative, likely due to a note at the beginning that it was "printed for the purchasers." The pamphlet also features several letters that Little wrote to his wife. Given that the narrative is not written in the first person and that "the publisher" refers to himself several times, it is unlikely Little was the actual editor.

[36] Leslie Harris uses this same narrative to show how Jane's masculine characteristics, her being a property owner and wealthy, implied that African American men might be inherently feminine. As scholars of African American history have explained, the presumed masculinity of women of color jeopardized the masculinity of African American men by insinuating that men of color fell short. While the narrative makes no statement with regard to why Jane had chosen to marry a white man, Harris points out that her decision to marry outside of her race—particularly to a man who was not financially sound—leaves the reader with the impression that her options within her own community were even less appealing to her. For Harris' analysis, see Harris, *In the Shadow of Slavery*, 110-12. On the masculinization of women of color and its intersections with the ideology of violence in the nineteenth century, see Nazera Sadiq Wright, *Black Girlhood in the Nineteenth Century* (Urbana: University of Illinois Press, 2016); Saidiya V. Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York: Oxford University Press, 1997); Catherine Clinton, *The Other Civil War: American Women in the Nineteenth Century* (New York: Hill and Wang, 1984); Dorothy Sterling, *We are Your Sisters: Black Women in the Nineteenth Century* (New York: Norton, 1984).

Editors' sexualization of African American women denied them respectability and placed them in the same category as "disorderly persons" and prostitutes. In 1808 James Dunn cornered Sylvia Patterson and coerced her into taking him home with her. The assault was editorialized the following year. According to the narrative, Dunn "proceeded to use violence—threw her forcibly on the bed, and was guilty of several enormities too indecent to be mentioned." Her husband walked in on them. James assured him that, while he intended to seduce Patterson, "her virtue could not be overcome." At first, the editor set his sights on Dunn's character. He quoted the prosecution, who argued that "to gratify his lust" Dunn was "perpetually shulking after negroes, and after the wives of those in humble and industrious walks of life." In a similar manner to William Little, the editor surmised only an ulterior motive would encourage a white man to pursue women of color or, in Dunn's example, an "avarice disposition" and the "depravity of his heart." Thus, the assumption remained that women of color lacked a sound moral character. The only reason a white man would have for pursuing an African American woman would be his equal lack of respectability.

Dunn did not deny his advances towards Patterson, but that did not prevent the editor from attempting to pin at least part of the blame on her and her husband. The editor said that Dunn invited Patterson's husband and their African American housemate to a grogshop, and bribed him with money and a watch. They gambled and

drank together, and "the company began to quarrel (as…black folks do sometimes)." Patterson entertained Dunn's offer of compensation rather than immediately alerting authorities, which signified his inclination for illicit activities. Crime narratives celebrated men (i.e., citizens) who protected their families and the peace. Patterson's husband, however, was more interested in drinking at the local tavern than seeking justice for her, at least initially.

The narrative was a blow to Sylvia Patterson's character and that of all African American women. Patterson had been ill. The editor quoted a witness as saying she had seen a woman who looked like Patterson at the hospital behaving "very improperly" and "showing the sores on her legs, which looked like venereal disease." Thus, the narrative discredited Dunn for his attraction to women of color, and disgraced Patterson by implying that her "rhumatis" was a euphemism for sexual promiscuity. Rape narratives involving white female victims rarely leapt to such conclusions (unless the women were prostitutes). The court and community agreed that white women could defend themselves through force in instances of sexual assault. Crime narratives also disgraced white men for jeopardizing white women's integrity and morality.[37] The courts denied African American women the privilege of self-defense, especially when a white man was the attacker. Interracial rape narratives pushed the blame back on

[37] See chapter three for a discussion on white women and rape narratives.

African Americans, offering a bleak picture of what could become of the family unit if white men let themselves be lured away.[38]

Ultimately, the editor praised the Pattersons for not succumbing to Dunn's bribery, but maintained a discriminatory attitude towards them. He quoted the prosecuting attorney, who said the couple had always lived together "with harmony and affection." Dunn, on the other hand, maintained an "infamous" and "nigardly" character. The attorney blamed Dunn's preference for women of color on his "avarice disposition." The narrative was not about the particulars of the offense, but more so what it represented—white men, who lacked character, preying on women of color. Only a white person with a most dishonorable reputation would pursue romance with an African American since there was nothing to lose.[39]

There were no legitimate components to black violence—either for African Americans themselves or the wider community. These conflicts were always destructive, meaning African Americans could not use physical force to protect themselves or to restore order. In 1810 James Johnson killed Lewis Robinson, both free blacks, in the "heat of blood and sudden agitation," during a disagreement at a dance at Johnson's

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[38] *The Trial of Captain James Dunn, For an Assault, With an Intent to Seduce Sylvia Patterson, A Black Woman, The Wife of James Patterson* (New York: Printed for the Reporter, 1809), 1-18. Leslie Harris uses the Dunn and Little cases to talk about African Americans and whites marrying, which whites feared would become increasingly common as more enslaved persons gained freedom. As Harris explains, the two cases use interracial marriage to demonstrate gender and power imbalances in white and African American communities. See Harris, *In the Shadow of Slavery*, 108-12.

[39] Ibid.

residence. William Sampson, who narrated the proceedings, claimed that twenty or thirty African American patrons gathered that night. Several witnessed the altercation, which they described as the result of "beastly intoxication." Johnson's wife, who sold liquor at the dance, accused Robinson of not paying enough, insulting her and stepping on her toe, which outraged her husband. Those present also claimed Johnson had flirted with Robinson's wife, adding fuel to the fire. When Robinson attempted to leave, Johnson demanded payment from him, but he refused. Apparently, Johnson yelled that he would "kill the neger," and stabbed Robinson with a knife. Sampson emphasized both men's "depravity." He quoted one witness after another, who testified they were visibly intoxicated and acting out of "passion." The purpose of making readers aware of Robinson's death was to set "before the eyes of the community so awful an example of the effects of unbridled passion, and of the destructive and odious crime of drunkenness." This was no ordinary moral lesson, neither was there any alternative posed for these men. In Sampson's point of view, their blackness was the genuine concern.[40]

African Americans were portrayed as victims of slavery, even those who had never been enslaved. Editors constructed narratives around the popular assumption that all people of color maintained some connection to the institution. Rogers' summation of

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[40] Sampson, *Report of the Trial of James Robinson*, 1-36. Leslie Harris uses Robinson as a way to explain how crime narratives on African Americans in the city had changed by 1811, specifically by portraying free blacks on the whole as low-class drunkards and rioters. See Harris, *In the Shadow of Slavery*, 104-5.

Diana Sellick's case reinforced that belief. According to Rogers, Sellick was not legitimately free until the trial. Her owner manumitted her during the proceedings to save himself from being responsible for her offense. The witness, who was dismissed, also lacked formal freedom, although his legal master was quick to inform the court that they had an arrangement. He lived as a free man even if he did not possess the papers to prove it.[41] As legal historians have observed, freedom agreements were often informal in New York and in neighboring states such as New Jersey.[42] Many like Sellick and the witness were "unofficially" free. Despite this common practice, the narrative stoked suspicions that African Americans could undermine the legal process and jeopardize the community's safety. Sellick did not belong—neither as a slave nor as a free person.

Crime narratives drew cultural, intellectual, and social dividing lines between whites and African Americans that inevitably revealed glaring differences between the two groups, even if they shared a similar socioeconomic status. Laborers as a whole appear uneducated and ignorant; free and enslaved African Americans seem conniving and shrewd. Editors printed cases that affirmed a presumed fact: Black violence held negative repercussions for the community. Diana Sellick, for instance, offered her poisonous concoction to the mother first and told her it was gin. When she refused, Sellick drank it herself before giving it to her own child and the woman's child. Since

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[41] Rogers, *New-York City-Hall Recorder*, 1:185-91.
[42] See Hendrik Hartog, *The Trouble with Minna: A Case of Slavery and Emancipation in the Antebellum North* (Chapel Hill: University of North Carolina Press, 2018).

Sellick had no apparent motive, Daniel Rogers focused on the court's discussion of insanity. Her being "possessed with the devil" would be the only reason to willfully consume arsenic and then give it to adolescents.

Diana Sellick's case represented a common literary theme wherein enslaved and indentured persons used poison to harm or kill people. This case contained an unexpected twist. Typically, narratives focused on enslaved and indentured persons who poisoned whites, but Sellick was accused of giving arsenic to another African American. The victim's race was inconsequential as the potential remained for other "unfree" African Americans to follow suit. Rogers proclaimed that no "citizen" could avoid such evils because "servants and domestics" might bring poison into their homes.[43] Editors handpicked proceedings for popular consumption, spinning them to have serious consequences for whites specifically.

Editors also publicized cases of arson because of the threat this particular crime posed to entire neighborhoods. Like poison, arson underscored African Americans' supposed disregard for order. In 1819 Rose Butler, an indentured person, purposely set fire to her mistress' home. Butler's case made it all the way to the New York Supreme Court, who convicted her and sentenced her to death by hanging. The editor who published the trial included every detail that would incriminate Butler—not solely for this crime but for having a scandalous disposition. Her sins were extensive: She stole

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[43] Ibid.

items of clothing from her mistress and sold them; spent her time "frolicking and rioting in dance-houses"; fraternized with sailors at Corlears Hook; and quarreled with her mistress and generally refused to do her tasks. The reader gets the intended impression that Butler sought out trouble wherever she could find it. Arson was simply her most drastic offense.

The editor repeatedly used the terms "conniving" and "vengeful" to describe Butler, implying that her malice was irrational and potentially boundless. Once condemned and imprisoned to await execution, she "behaved with extreme impropriety" and showed no remorse. This was not a lone incident involving a mistress and a disgruntled servant. The act was "highly criminal" because it put in "danger the existence of the whole neighborhood" and caused all who lived there emotional distress since the "conflagration of Motte Street will not soon be effaced from our memory." Placing the fire within the context of the community's welfare made Butler's actions seem far-reaching.[44] The pamphlet's dramatization, entitled *An Authentic Statement*, also contributed a sense of accuracy to the editor's rendition and thus encouraged readers to interpret opinion as fact.

Several editions of Rose Butler's trial and execution made their way into the hands of readers. In a religious retelling of Butler's offense and time in prison, she was

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[44] *An Authentic Statement of the Case and Conduct of Rose Butler, Who Was Tried, Convicted, and Executed for the Crime of Arson* (New York: Broderick and Ritter, 1819), 1-15. The front cover says the pamphlet was "reviewed and approved by the Rev. John Stanford," but it is unclear if he wrote any portion of it.

"ignorant" but remorseful for what she had done. Dorothy Ripley, the British evangelist who wrote the pamphlet, claimed Butler hoped her conviction and death would serve as a warning to others and "deter them from the commission of such atrocious and destructive crimes."[45] Before she was taken to the gallows, a minister gave a sermon at her prison door at Bridewell. Ripley included it in the narrative, a portion of which reads:

> "The wings of the Constitution of America are extended to defend and to foster the property, the liberty, and the lives of all its citizens, without exception. In this inestimable privilege, our fellow citizens of color enjoy a mutual share with us; and this unquestionably should dictate to them a correspondent spirit of gratitude and the practice of every social virtue. It is therefore deeply to be regretted that persons of color should either envy or attempt to destroy the safety and comfort to which we are justly entitled."

Both narratives portrayed Butler in a negative light, but Ripley had a different motive in mind. Beneath the weighty religious undertones of the pamphlet was a condemnation of Butler's actions, as represented in the minister's final words. Ultimately, it defended the city's treatment of and views towards people of color, even as it offered Butler redemption for her offense. Read with the previous interpretation, Butler's crime seems all the more shocking because neither the family she served nor the

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[45] While Rose Butler was hanged for her offense, Eliza Orr was sentenced to three years in the penitentiary for her attempted arson in 1821. Because Orr did not succeed in burning down the "old rookery," her offense was considered a misdemeanor instead of an attempted murder. The difference did not stop the press from villainizing her and making the offense appear as having no basis, in a similar sense to the Butler narrative. Danial Rogers explained that Orr had gotten into an argument with her sister about some furniture, inspiring her to place wood shavings at the base of some boards at the entryway to their tenement and set them aflame. The connection between the argument and the fire was unclear as well as the intent of Orr's actions. Logic did not matter. Rogers took the stand that a presumed ill-will, along with a total disregard for order, was adequate to convict a person of color. Rogers, *New-York City-Hall Recorder*, 5:181.

community deserved to have their lives put at risk. After all, she and other African Americans benefited from a "mutual share" of "liberty" with whites. Her crime could not be reflective of her lack of social status, money, or property. Free blacks had the same opportunities granted them as anyone else, even if the legal, economic, and social structures of the city made upward mobility and social belonging unattainable. This narrative denied Butler the ability to defend the act on grounds that she was ill-treated or had fewer options; instead, it left her with only one choice—ask forgiveness and have the Lord "receive her spirit."[46]

Crime narratives insisted that African Americans, whether slave or free, were humanely treated on the whole. In these accounts, New York City whites come across as racially progressive despite the state's unwillingness to end slavery immediately. Kidnapping suits were printed frequently in newspapers as increasing numbers of fugitive slaves escaped to port cities, like New York, and assimilated into a growing free black community. Editors took great interest in slave catchers and others who abducted free blacks (an illegal practice).[47] Narratives contain references to extreme violence. People of color were taken forcibly from homes, street corners, and ships coming into

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[46] Dorothy Ripley, *An Account of Rose Butler, Aged Nineteen Years, Whose Execution I Attended in the Potter's Field…* (New York: John C. Totten, 1819), 1-36. Leslie Harris uses both Butler narratives to compare and contrast public perceptions of African Americans who were serving out indentures under gradual emancipation. Harris points out that the Butler pamphlets were some of the more well-known narratives at the time. Butler's trial and execution received a great deal of public attention. Harris includes some of the newspaper coverage in her discussion. See Harris, *In the Shadow of Slavery*, 113-16.

[47] On slave catching, see Stanley W. Campbell, *The Slave Catchers: Enforcement of the Fugitive Slave Law, 1850-1860* (Chapel Hill: University of North Carolina Press, 2012).

port. Some had never been slaves; others were former slaves distancing themselves from their prior owners.[48]

William Coleman, a lawyer and editor of the *New-York Evening Post*, was indicted in 1817 on charges of libel for printing the case of John Hatfield, who kidnapped a free black named Cato Richards. Hatfield had purchased Richards from his master in New York and then moved him to New Jersey. Once Richards discovered he was a free man (selling a slave out of state was illegal in New York), he moved to the city and worked as a ferryman on one of Thomas Gibbons' boats. When the ferry docked that day, Hatfield and two marshals seized Cato, tied his hands with rope, and threw him into their boat headfirst like a "dead dog." A crowd witnessed the "unnecessary violence" inflicted on Cato by the men and recalled "seeing the black man forced along, all covered over with blood." They did not intervene given the presence of the two marshals and the "complexion of [it] being done by authority." Coleman later admitted he wrote the article based on an abolitionist's perspective of the altercation.[49]

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[48] See Eric Foner, *Gateway to Freedom: The Hidden History of the Underground Railroad* (New York: W. W. Norton, 2015); Harris, *In the Shadow of Slavery*, 206-73; White, *Somewhat More Independent*, 122-43.

[49] Hendrik Hartog uses the *NYCHR's* rendition of the assault on Cato Richards (along with other sources that cover the offense) in his study on slavery and gradual emancipation in the North to show how New York's gradual emancipation plan overlapped and conflicted with New Jersey's. Richards' case was also an example of the way contracts sometimes extended slavery. After Hatfield removed Richards from the ferryboat, he put him in a local jail in New Jersey. There, he presented him with two options: go to the state prison for five years or work for him for four. Richards picked the latter, thereby binding himself through a contract to Hatfield. The contract also indicated Richards' freedom, since slaves could not make contracts. Hatfield later "transferred" Richard's remaining years of service to Thomas Gibbons. Gibbons formed a new contract with Richards, one that paid him $10 per month. All the while, Richards was a free man. Hartog, *The Trouble with Minna*, 106-11.

Daniel Rogers re-printed the original article along with the indictment of Coleman for publishing an erroneous representation of the offense. Richards had "kidnapped" his wife, who was also a "slave" in Hatfield's home. Hatfield had a warrant for Richards' arrest, despite his wife technically being free for the same reasons as Richards. Rogers' inclusion of the original article achieved the overall aim of attracting readers through sensationalism. The indictment against Coleman was a far less interesting, but nonetheless an important point in the events that transpired. If Richards was a criminal, then the "excessive" violence described by witnesses was validated. If New York legal officials agreed Richards and his wife were free, then the *NYCHR* had offered a case that displayed the city's humanitarian sentiment and their dedication to justice—even for African Americans.

The proceedings had less to do with Richards' freedom than whether or not Coleman had intentionally been libelous in printing the incident. Rogers claimed that Richards, himself, offered testimony on behalf of Hatfield about the offense, which in and of itself proved he was a free man. Regardless of how the case ended (the jury apparently acquitted Coleman) the offense was fit to print as it could be interpreted in a variety of ways by readers, none of which harmed New York's public image in any regard.[50] Crime narratives not only delegitimized but also denied the violence whites

[50] Rogers, *New-York City-Hall Recorder*, 2:49-53. See also Hartog, *The Trouble with Minna*, 106-11.

inflicted on African Americans through the reinterpretation and manipulation of legal proceedings.

Another case that garnered a great deal of attention was the 1809 trial of Amos Broad and his wife. The Broads gained a notorious reputation in their community for abusing their slave, Betty, and her child, Sarah. According to the case file, former and current servants, neighbors, and acquaintances came forward to detail the atrocities inflicted on Betty and Sarah at the hands of the Broads. The record summarizes statements from witnesses—most of whom were women. All four female witnesses attested that Broad denied Betty both clothing and food and had forced her to stand in the yard naked during the winter months, going so far as to throw cold water on her to make the experience more intolerable. Broad also frequently beat Betty and Sarah—sometimes with a whip and other times by kicking and punching them.[51] Even a skillful editor could not escape cases that challenged its pretentions to humanitarianism.

The crime narrative expands upon their testimony in more graphic detail and recounts the trial proceedings. Not everyone spoke out against the Broads. Those still employed by the couple claimed they had displayed the utmost "humanity" towards Betty, her child, and all those under their care. Betty, too, attested to the kindnesses shown her by her master and mistress. The court, recognizing anyone currently working

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[51] *The People v. Amos Broad*, 25 February 1809, New York County District Attorney Indictment Papers, New York City Municipal Archives.

for the Broads would be reluctant to issue a statement that might cause them to lose their jobs, ordered Betty, her daughter, and another slave to be manumitted immediately.

According to the editor's interpretation, the presiding officials called the Broads' actions "inhuman." They were disgusted that "terror prevented the complaints of these slaves to deny the very violences of which their bodies bore testimony." Broad was convicted of assault and battery, fined, and sent to jail for two sixty-day sentences, one for Betty and another for Sarah. At the end of his imprisonment he had to enter into a recognizance, a type of peace bond, "conditioned for the good behavior…for the term of one year." His wife received a much smaller fine and did not have to serve a jail sentence. Considered "disturber[s] of the peace," the narrative represented the communal aspects of the offense. The Broads' abuse disgraced the entire neighborhood, as represented by the number of people willing to provide testimony against them.[52]

Amos Broad's trial exemplified the violence inherent to slavery from which most New Yorkers wished to distance themselves.[53] Crime publications drew attention to these cases in large part because gratuitous slave abuse allowed editors to recognize the continued existence of the institution and discredit slaveholders who took advantage of

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[52] Pierre Cortlandt Van Wyck, *The Trial of Amos Broad and his Wife…* (New York: Henry C. Southwick, 1809), 1-31.

[53] Leslie Harris uses the Broad case as a testament to how whites were willing to speak out against gratuitous slave abuse. She sees the case as setting a standard for the amelioration of slavery rather than the outright abolition of it. See Harris, *In the Shadow of Slavery*, 106-7.

their authority. These cases made slave cruelty appear as the exception since slaveholders, like Amos Broad, came under the scrutiny of legal officials, his employees and the press, who collectively agreed that Betty and her child should be freed. Far from masking the Broads' abuse, the editor heralded the opportunity to share the proceedings with the public:

> "The evidence contained in the following pages, is too interesting to humanity and good morals, to be sunk in silence or oblivion.—Since the object of the municipal law is not so much vengeance on an offender, as by the example of its punishment to deter others from crimes –publicly is essential to its ends. That the pains shall light on few, and the example benefit many, is the sentiment of enlightened jurisprudence. If this be true, there never was a case more deserving of universal notice; never one more characteristic of a nation's justice; none ever offered to humanity a more generous triumph to unfeeling pride—a more impressive lesson—or whispered in the ear of the oppressed, more balmy consolation."

Betty and others were "delivered" to the "benevolent charge" of the manumission society, adding to a façade that legal officials were dedicated to intervening on their behalf.

The facts that the Broad narrative ignored were telling. Enslaved persons like Betty also defied patriarchal and legal authority, and sullied the reputations of abusive masters—a facet of race relations editors conveniently left out (unless a white person was harmed in the process). Legal records fill in the gaps and show the other side of a more complex story. A year after the incident, Betty and others assembled at the church where Amos Broad was a pastor. According to Broad, who filed charges against Betty for inciting a riot, she came to his church more than once, entered the building, and

walked amongst those in attendance, yelling and disturbing them. On this particular occasion, those who accompanied her threw rocks into the windows. The record only contains a statement from Broad, but one can assume that, for Betty, the incident was a form of retaliation.[54]

Seven years later, the *NYCHR* printed some of the proceedings addressing the riots in Broad's church. It seems others were inspired by Betty in the years that followed. Daniel Rogers noted that the riots had a longer history, "with much noise and disturbance made in the church during divine worship at divers times," but did not mention Betty herself had incited at least one incident. In the 1817 issue, Rogers covered the indictment of the five individuals blamed—none of whom were Betty. This particular night there were "from one to three hundred on the outside…calling on the multitude within, and inciting them to acts of violence." From the description it is apparent at least some of the rioters were African Americans. During the altercation, a "black boy" stood at the pulpit and "completed a scene of mockery and derision to the vile and worthless—of amazement and horror to those who reverence things divine." There were so many gathered—congregants and rioters alike—it was impossible to determine just who had started the trouble.

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[54] *The People v. Betty (a black)*, 15 October 1810, New York County District Attorney Indictment Papers, NYCMA.

Rogers was most interested in Amos Broad's character (or lack thereof), which officials blamed for the riots. The court recommended Broad relinquish his position as a minister to avoid further conflict.[55] Still, Broad appears in the subsequent issue of the *NYCHR*. This time Rogers said the mayor addressed Broad directly. Considering the riots a "disgrace to the city," the mayor blamed Broad for everything since he "had so conducted himself therein as to be the cause of the riots." Rogers did not mention the underlying reason, neither did he try to extrapolate in the way he had in prior proceedings. The court may not have addressed the issue head on—that Broad was a notorious former slaveholder.[56] In either scenario, the omission of Broad's infamy inferred Rogers and the court did not want to draw attention to the African Americans and others who had been targeting Broad for at least seven years.

Betty and the Broads became tropes that legitimized existing social relationships by placing limits on abuses of authority. As such, Betty's case was an example of authority gone awry, not an illustration of structural inequalities that were inherently problematic. Betty and the other slaves in Broad's care had to remain docile in order for people to have mercy on them. For the sake of the narrative's agenda, Betty and her child were considered members of broader society, especially since employees and

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[55] Rogers, *New-York City-Hall Recorder*, 2:1-4. Note that the pagination is off. The February 1817 issue restarts the pagination of the entire volume and, a few pages later, it falls back into the correct order.
[56] The proceedings Rogers supplied centered on the question of religious freedom and whether or not, by charging Amos Broad, the court was impeding on his rights. If Broad was responsible for the mobs, then he should be held accountable. If the mobs were gathering without reason, then those who collected had "trespassed upon his rights." Rogers, *New-York City-Hall Recorder*, 3:7-10.

neighbors witnessed the Broads' brutality on a regular basis. In turn, these individuals were left with the charge of policing Broad and ensuring that he did not fall back into old habits.

The editor did not convey that slavery should be ameliorated on the whole. The Broads instead come across as the exception. The manner in which the Broads treated their slaves did not represent intrinsic problems with the institution, but rather a lack of good character and "humanitarian" feeling on their part. Furthermore, the narrative reinforced what people already knew about slavery and the law: The courts would only adjudicate the most heinous forms of slave and servant abuse. Other types of violent discipline that whites used to coerce enslaved and indentured persons were "normal" and thus not a matter of legal debate.[57]

Amos Broad's case revealed an important lesson about belonging, particularly when compared to Rose Butler. Despite Broad and his wife's violent proclivities, they remained in their community after Broad served a brief prison sentence. The Broads' reputation was tarnished (assuming they had a good reputation to begin with), but they continued on with their lives in the wake of the trial. It was clear, however, that African Americans who sought to harm whites for any reason should be punished to the greatest extent of the law, as with Rose Butler who was executed. Violence helped

[57] See chapters two and three for a discussion on violence and discipline.

dictate the boundaries of belonging, but for people of color those boundaries were far more unforgiving.

Another noteworthy implication of Amos Broad's case was the language describing the violence and subsequent public outcry. The term "humanity," along with variations such as "inhuman" and "humanitarianism," appear in this narrative and countless others. Historians of slavery and emancipation have explored the various uses of the term in the nineteenth century and how it became a means to justify slavery, particularly its domestication. Simultaneously, humanitarianism gave anti-slavery advocates a rhetoric through which to foster opposition to the institution.[58] Much of this literature has concentrated on the South. As Margaret Arbuzzo demonstrates, discussions on humanitarianism and black violence moved to the forefront of political and literary discussions throughout the United States and across the globe during the nineteenth century. Abruzzo's research explores the ways that humanitarianism fueled deliberations on both sides of the slavery debate. She also shows that ideological uses of violence became a tool for people to talk about slavery and freedom on a broader level.[59]

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[58] On humanitarianism and slavery, see Lacy K. Ford, *Deliver Us from Evil: The Slavery Question in the Old South* (New York: Oxford University Press, 2009); Jeffrey Robert Young, *Domesticating Slavery: The Master Class in Georgia and South Carolina, 1670-1837* (Chapel Hill: University of North Carolina Press, 1999); Joyce Chaplin, *An Anxious Pursuit: Agricultural Innovation and Modernity in the Lower South, 1730-1815* (Chapel Hill: University of North Carolina Press, 1993).

[59] Margaret Abruzzo, *Polemical Pain: Slavery, Cruelty, and the Rise of Humanitarianism* (Baltimore: Johns Hopkins University Press, 2011).

Crime narratives contributed to this larger conversation on humanitarianism. The editor placed the Broads at the center of a deliberation about violence and white-black relations that extended far beyond New York. In the narrative that covers James Johnson's trial, "humanity" was the term the defense used in its plea to convict Johnson of manslaughter rather than murder since the latter was punishable by death. Johnson was "poor and humble," but he still had "a right to your humanity" since "the law respects the rights of the lowest as well as the highest." "Humanity" drew attention to the obvious prejudice facing Johnson and the likelihood of the jury to convict him of murder and sentence him to death.

The defense's statement regarding Johnson's supposed right to humanity prompted the editor to include an explanation of the differences between murder and manslaughter, and whether or not Johnson had any intent to harm Robinson. If Johnson's actions were not deliberate, however, that raised the issue of his response being extreme and barbaric. When Robinson fled, Johnson asked for someone to fetch him an axe—a request that only a "depraved mind" would make. An axe could not be found so Johnson killed Robinson with a knife instead.[60] "Rage, excited by drunkenness" could not excuse Johnson's behavior. "Passion was all on his own side, and the boiling

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[60] Crude weapons, such as axes and saws, made a regular appearance in the *NYCHR* and other narratives. African Americans' uses of them raised a different set of questions. In 1819 a "Spanish black" was indicted for attempting to assault another man with a fork. Since he did not achieve his aim, Daniel Rogers said the court was forced to debate whether or not the incident could be considered an assault. While a more minor offense than the Robinson trial, the same issues arose with regard to the barbarity of his intentions in his choice of a weapon. Rogers, *New-York City-Hall Recorder*, 5:95-96.

of his blood, his own wickedness." His fit of "rage" invalidated any humanitarian feelings the jury might have expressed towards him.

The dual nature of humanitarianism was evident in cases like Johnson's. Humanitarianism allowed the city to blatantly acknowledge and condemn racial prejudice, and marginalize African Americans all at the same time. The editor in the Johnson trial noted that Johnson's wife had offered to sell herself into slavery in order to hire proper legal council for her husband. The court was "moved by this act of piety," so an attorney volunteered to represent Johnson free of charge. By making a point about Mrs. Johnson's offer to enslave herself, a detail that had nothing to do with the evidence or how the trial played out, the editor garnered interest in the Johnsons' low-class status. He created an air of sympathy, but even more so made an example of the Johnsons. The editor never took a stand on slavery, but wanted readers to be aware that the couple was not far removed from the institution.[61]

Slavery was waning in the state, so publicized discussions of inter- and intra-racial violence had little if nothing to do with whether or not slavery should exist. The published versions of James Johnson and the Broads' trials make no mention of the state's approach to emancipation or to changing laws. In the latter, the editor simply agreed with popular opinions that cruel slaveholders should be held accountable, and

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[61] Sampson, *Report of the Trial of James Johnson*, 1-36. This case is also cited in Harris, *In the Shadow of Slavery*, 112-13. Harris uses the case to discuss how the press depicted free blacks as low-class drunkards. Rather than using reason, both men felt violence was the appropriate response. Harris claims this view supported public perceptions that African Americans were inclined to drunkenness and indolence.

that enslaved persons should not be forced to live and work with unkind masters.[62] Daniel Rogers' take on the riots that followed in Amos Broad's church continued a narrative wherein Broad's character was at fault—not the persons of color who fomented rebellion in his church.[63] The narratives on Rose Butler's trial and execution, although vastly different from Broad's, did not contain references to gradual emancipation either. Yet, both did convey that indentured persons were becoming more dissatisfied, lashing out violently at their masters and mistresses, and putting many whites in harm's way.

The Broad and Butler narratives, published ten years apart, symbolized changes that had occurred in crime literature as African American freedom became more of a reality. Amos Broad's actions jeopardized the progressive image New York journalists and lawmakers promoted. The popular press responded through a reinterpretation of offenses and legal proceedings that positioned the city as opposed to "unnecessary violence," but editors never veered from the belief that people of color did not belong. By the time Rose Butler was hanged in 1819, the language of humanitarianism was no longer a central component of many crime narratives, at least not in reference to slavery. Slavery inspired discussions about violence, but for New York that conversation took a different tone. Fewer narratives mentioned slavery outright. Rather, editors described

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[62] Van Wyck, *The Trial of Amos Broad and his Wife*, 1-31.
[63] Rogers, *New-York City-Hall Recorder*, 2:1-4; Rogers, *New-York City-Hall Recorder*, 3:7-10.

people of color as incapable of guarding the peace as members of the public and political body.

7. Conclusion

New York City crime narratives were not published in isolation—they were part and parcel of broader debates about citizenship and suffrage in New York and the nation as a whole. The content gave meaning to economic and political transitions in New York during the early national period. The term "citizenship" was a means for editors to separate respectable white men, or protectors of the peace, from disreputable laborers, immigrants, and African Americans. The behaviors Daniel Rogers and others associated with citizenship had real political and social implications as New York lawmakers reached conclusions about who should lay claim to political belonging.[1]

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Crime literature and its emphasis on violent laborers and ethnic groups is best understood within the context of important legal shifts and cultural practices in New York. With new laws came new political opportunities for working men who did not own property. In accordance with the state's 1777 constitution, men who met property and residency requirements, which were applied equally to whites and African Americans at the time, could cast their ballot. The constitution allowed renters to vote

[1] Arunah Randall stood as a case in point, as he was a laborer who refused to pay his debt and, when confronted, lashed out violently and uncontrollably. The *New-York City-Hall Recorder* described Randall's assault as an issue of civil rights, him being a white male with the presumed right to defend himself and his residence against intrusion. The case took a turn when the prosecuting attorney declared that Randall's violent behavior did not align with the ideals of someone deserving their citizenship. Randall's violent nature, as well as his lower-class status as a laborer, made him unequipped to be a citizen. His violent actions were barbaric and did not match the nature of the offense. Daniel Rogers, ed., *The New-York City-Hall Recorder for the Year 1820* (New York: Nathaniel Smith, 1821), 5:141-64.

for assemblymen, local officials, and eventually congressmen as long as they paid taxes and maintained a qualifying tenement. With slavery still legal, however, the vast majority of voters were white.[2]

While most New York officials agreed that slavery should end in the state and spoke out against the institution regardless of their party alliance, scholars have pointed out that far fewer whites believed formerly enslaved persons would be trustworthy members of the polity. Gradual emancipation started in 1799, when the state passed a law that gave freedom to the children of enslaved persons born after July 4th. Those children, however, had to be well into their twenties before they could gain full freedom. A second law passed in 1817 freed slaves born before the 1799 cutoff, but it deferred emancipation until 1827. Over the course of roughly three decades many enslaved and indentured persons gained freedom, either legitimately or informally. Thus, the number of free blacks in the state as a whole rose exponentially and, with that, the black voting block expanded as well.[3]

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[2] Sarah Gronningsater, "'Expressly Recognized by Our Election Laws': Certificates of Freedom and the Multiple Fates of Black Citizenship in the Early Republic," *William and Mary Quarterly* 75, no. 3 (July 2018): 473.

[3] For a discussion on gradual emancipation, see chapter three. Many scholars have drawn attention to African American civic participation in New York. See Gronningsater, "'Expressly Recognized by Our Election Laws'," 465-506; Leslie M. Alexander, *African or American? Black Identity and Political Activism in New York City, 1784–1861* (Urbana: University of Illinois Press, 2008); Christopher Malone, *Between Freedom and Bondage: Race, Party, and Voting Rights in the Antebellum North* (New York: Routledge, 2008); David N. Gellman, *Emancipating New York: The Politics of Slavery and Freedom, 1777–1827* (Baton Rouge: Louisiana State University Press, 2006); Shane White, *Somewhat More Independent: The End of Slavery in New York City, 1770-1810* (Athens: University of Georgia Press, 2004); Leslie Harris, *In the Shadow of Slavery: African Americans in New York City, 1626-1863* (Chicago: University of Chicago Press, 2003); Harvey Strum, "Property

In 1811 New York passed a law that forced formerly enslaved men to show their freedom certificates at the polls. These men paid a judge, mayor, recorder, or alderman to draw up the document, which stipulated their age, birthplace, and date of manumission. There were still many hurdles to overcome, even if a person met all the legal requirements to vote. Election inspectors had their own party alliances as well as their own prejudices which, as Sarah Gronningsater observes, sometimes translated to African American men being denied access to the polls altogether. After the 1811 law passed, Federalists publicly declared their stance on equal citizenship for all men. The African American vote helped Federalists gain further political momentum.[4]

Republicans won the governor's seat in 1813 with the election of Daniel D. Tompkins who was known for supporting gradual emancipation on grounds that African Americans were not equipped to transition into full freedom immediately.[5] The following year, Republicans garnered the majority in the assembly. The Republican victory produced more stringent certificate laws that further limited African American male suffrage.[6] Political historians of the early republic have demonstrated that

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Qualifications and Voting Behavior in New York, 1807–1816," *Journal of the Early Republic* 1, no. 4 (Winter 1981): 347–71.

[4] Gronningsater, "'Expressly Recognized by Our Election Laws'," 480.

[5] Harris, *In the Shadow of Slavery*, 107-8. Harris also discusses political changes that made voting more difficult for African American men. See her chapter four.

[6] Sarah Gronningsater argues that freedom certificates were a representation of black citizenship, as a civic right and a lived experience, revealing how African American men created and negotiated their citizenship after the American Revolution. Gronningsater, "'Expressly Recognized by Our Election Laws'," 465-506.

Republicans viewed former slaves and free blacks as a threat to their rise to power in city and state politics.[7] Free blacks typically voted with the "party of antislavery," the Federalists. That fact was not lost on Republicans, who wished to shame their opposing party and African American voters from a public platform.

Political participation increased amongst African Americans between 1810 and 1820. For free people of color, voting was more than a political privilege; it was a means to shape their freedom by voting for officials who stood publicly for emancipation and black suffrage.[8] Free African American men and women began making strides in the political sphere. They did so by voting, joining all-black clubs and societies, and participating in parades and public events. According to Shane White, parades celebrated the advances African Americans were making towards freedom. Yet, many whites considered these events a form of political protest and a sign of unrest.[9]

Crime narratives and public debates about citizenship intersected in the press. New York City held the largest number of free blacks in the state and, as such, the highest number of African American voters. Gronningsater shows that people of color received a great deal of attention from a partisan press eager to capitalize on African

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[7] David N. Gellman, *Emancipating New York: The Politics of Slavery and Freedom, 1777–1827* (Baton Rouge: Louisiana State University Press, 2006); Harris, *In the Shadow of Slavery*, ch. 3 and 4; White, *Somewhat More Independent,* 207, 252; Strum, "Property Qualifications and Voting Behavior in New York," 347–71.
[8] Gronningsater, "'Expressly Recognized by Our Election Laws'," 474-78.
[9] Shane White, "'It was a Proud Day': African Americans, Festivals, and Parades in the North, 1741-1834," *Journal of American History* 81, issue 1 (June 1, 1994): 13-50. See also Anthony Gronowicz, *Race and Class Politics in New York City before the Civil War* (Boston: Northeastern University Press, 1998); George Walker, *The Afro-American in New York City, 1827-1860* (New York: Garland, 1993). See also Harris, *In the Shadow of Slavery,* 102-3.

American suffrage debates. Republicans used the *Republican Watch-Tower* to deride Federalists for being the party of black voters and to accuse them of bribery and dishonest tactics. Federalists used the *Spectator* to celebrate African Americans casting their ballots. African American loyalty to Federalists, however, was not a given. People of color were also vocal about their political persuasions, outlining what they expected from the officials who needed their vote. A rising African American middle class in New York City furthered that effort and made African American voters more vocal than they had been in the past.[10]

The visibility of African Americans was problematic for many white officials who regarded citizenship as something only the most respectable white men should possess. Leslie Harris contends that African Americans' connection to slavery and cultural dependency excluded them from citizenship. That was particularly the case for the many free blacks who wound up in positions whites deemed "dependent" on white financial support, such as domestic service and day labor. Middle-class African Americans also found themselves grouped with laborers as blackness, in general, came to be affiliated with poverty.[11]

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[10] Gronningsater, "'Expressly Recognized by Our Election Laws'," 465-506, esp. 473-76.
[11] Leslie Harris has a chapter dedicated to African Americans and citizenship in New York. She discusses how former slaves and free blacks found unique ways to claim political participation in the face of laws designed to eliminate the African American vote altogether. See Harris, *In the Shadow of Slavery*, ch. 4.

Published cases also evolved into discussions that spoke directly to political debates.[12] The *New-York City-Hall Recorder* featured legal proceedings that addressed African American freedom and citizenship either through violent kidnapping suits and interracial assaults or cases that sparked a discussion on equality.[13] Moses Simon's 1818 trial offers insight into these issues. Simon and his brother were free blacks who were asked to leave a public ballroom (which was used as a dance school) after several of the scholars complained to the dancing master and threatened to leave. Apparently, Simon's brother had danced with one of the "handsomest" girls there, which offended the scholars. Simon left amicably after taking another turn around the room. When he attempted to come back on a separate occasion, the doorkeeper refused him. Simon demanded the names of the men who had asked that he and his brother be denied entry. When the dancing master refused, Simon retaliated by slapping him in the face.

Daniel Rogers narrated the offense as a problem of reputation, much like any other case he featured in the *NYCHR.* According to Rogers, Simon's attorney maintained that Simon was an "accredited gentleman" and an educated man with "wealthy" and

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[12] For studies on race and citizenship in the United States more broadly during the antebellum period, see Martha S. Jones, *Birthright Citizens: A History of Race and Rights in Antebellum America* (New York: Cambridge University Press, 2018); Gregory Ablavsky, "'With the Indian Tribes': Race, Citizenship, and Original Constitutional Meanings," *Stanford Law Review* 70, no. 4 (April 2018): 1025–76; Barbara Young Welke, *Law and the Borders of Belonging in the Long Nineteenth Century United States* (New York: Cambridge University Press, 2010); William J. Novak, "The Legal Transformation of Citizenship in Nineteenth-Century America," in *The Democratic Experiment: New Directions in American Political History*, ed. Meg Jacobs, William J. Novak, and Julian E. Zelizer (Princeton: Princeton University Press, 2003), 85-119; Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven: Yale University Press, 1997).

[13] The *New-York City-Hall Recorder* will be cited hereafter as *NYCHR*.

"respectable" connections. Simon himself was "one of the counsellors of this court" and had received an education at "one of the best universities in the country." Rogers recounted the testimony of several white men who attested to Simon's unblemished character. The portion of the defense's argument that Rogers provides outlines Simon's educational background and lists the names of respectable (white) people with whom Simon was affiliated.

Rogers depicted Simon as hopeful that an "enlightened community" would see that his act of violence was a necessary and legitimate response to needless prejudice. Rogers made clear this was not the first time Simon had ruffled a few feathers. One witness said Simon frequented his establishment, where he dined alongside white, southern gentlemen. The men issued complaints to the proprietor for allowing a man of color to sit at the same table with them. When the proprietor raised the concern with Simon, he left peaceably and did not return. Rogers wanted his readers to know that Simon made a habit of hobnobbing with elite whites who did not necessarily welcome his presence.

After summarizing the case, Rogers transitioned into his own commentary. Humanitarianism held sway when denouncing the barbarity of the slave trade. Under such circumstances, it was the duty of all people to exercise charity and "ameliorate the condition of the human family." But there was a "point beyond which we cannot go," Daniels proclaimed. He maintained there was an innate "distinction" between African

Americans and whites. Despite Simon's ability to access the law or even practice the law, it did not grant him, or any person of color, a status on par with white men. Rogers and others held a "sacred maxim" that "all men have equal rights," but the statement was more a generalization than a lived reality or a future ideal.

Rogers felt strongly that there was "and ought to be, a distinction, in society, between those whom we are proud in elevating to the highest stations of honour, as our most distinguished citizens." African Americans could not be held with the same regard since they had, "for centuries…been in the bosom of our country, in the condition of slaves and servants." The axiom "all men are equal" had to be accepted with "modification"; otherwise, it was a "political absurdity, having no foundation in truth." As citizens of New York and the nation, it was the responsibility of whites to establish a "national character" that was purely the "American character." Like Europe before the Moors, Rogers wished for the "complexion [to] remain unchanged." The blood of Americans should be "entire" and not contain the "African tinge."[14]

Simon's case, then, was not simply about an altercation. Simon used violence as a reaction to racism while he defended himself on grounds that he was a respectable person. His elite companions and profession elevated him above many white men, but that was not enough for the court or for Rogers. Simon's blackness was on trial, and

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[14] Daniel Rogers, ed., *The New-York City-Hall Recorder for the Year 1818* (New York: Clayton and Kingsland, 1818), 3:39-43.

Rogers was the ultimate judge. Simon, then, was not equal before the court or the community.

Moses Simon's case was a classic depiction of the trepidation surrounding white and black fraternization in the city. Racial mixing in grogshops and dancehalls was common, especially in diverse laboring communities, and it was not unusual for cases and narratives alike to address these concerns.[15] Still, Simon seemed to be an exception. He was wealthy, he had white friends, and he had a number of character witnesses who could attest to his reaction being unusual for him. Unlike the white laborers and other African Americans Rogers highlighted in the *NYCHR*, Simon did not have a penchant for violence. He simply lashed out against a racist proprietor who would not let him into a dancehall because the white men there said they would rather leave than be in his company. Simon's good character could not save him from the legacy of slavery which, in the opinion of Rogers, was his undoing. Simon was proof that even the most respectable African Americans could not elevate themselves above their race and would give in to needless violence if provoked.

In other issues of the *NYCHR*, the association between African American violence and citizenship was more obvious. At times, Rogers depicted violent African American crime within the context of actual elections. The narrative that addressed two tenants who refused to vacate their residence to a Frenchman in 1816 took place on an

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[15] See chapter five for a discussion on how interracial mixing was portrayed in crime literature.

election day. Rogers noted that the couple who owned the building were African Americans, as were several of the people who accompanied the Frenchman and helped him beat down the door. Rogers described the scene as follows: "New York seemed to pour forth at once into her streets, her thousands of men, and women, and children, of all ages, colors and conditions—and carts loading and unloading—furniture piled here and there—houses turned upside down, and carriages and carts rattling, and chimney-sweeps crying, and tea-rusk horns blowing (by far the most villainous sound that ever assailed mortal ear)." The Frenchman and his African American accomplices threw the tenants' belongings into the street. Two or three hundred people collected, dragged the Frenchman out, and together chanted "Kill the Frenchman and the negroes." The matter became so out of hand that the mayor was forced to come to the scene and "restore order" himself.[16]

Rogers' summation of the offense and proceedings exemplified racial and class prejudice, and stoked fears that the lower classes and people of color could have an undesirable impact on city politics by creating disorder around elections. This particular offense was proof that the stakes were much higher than those attached to a mere disturbance of the peace. If this lone act could distract from an important election and require the mayor's intervention, then it could be inferred that parades and protests, as

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[16] Daniel Rogers, *The New-York City-Hall Recorder for the Year 1816* (New York: Charles N. Baldwin, 1817), 1:96-98.

well as African Americans' presence at the polls, would do far worse to the stability of the city.

The years during which the *NYCHR* circulated marked the beginning of influential shifts in New York's suffrage and manumission laws. Just two years after the 1817 emancipation law passed, New York officials became increasingly vocal as discussions heated over whether Missouri would permit the institution of slavery or be a free state. The Missouri Compromise gave New York lawmakers a platform from which to express their views on slavery and African American citizenship—opinions that had been debated widely in newspapers and crime narratives for over a decade. James Tallmadge, Jr., a Republican, tried to keep slavery from expanding into Missouri. During the 15th Congress, Tallmadge proposed that Missouri enact a gradual emancipation plan similar to that of New York, allowing children, who were born into slavery, freedom at the age of twenty-five. With the exception of a small faction, state lawmakers in New York also agreed that all citizens should be able to settle in Missouri, including free blacks. Officials maintained that the clause in the proposed state constitution, which blatantly prohibited African American settlement, had no founding.[17]

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[17] For a discussion on New York lawmakers, black citizenship, and the Missouri Compromise, see Gronningsater, "'Expressly Recognized by Our Election Laws'," 497-506. On the Missouri Compromise and conceptions of democracy, see Sean Wilentz, *The Politicians and the Egalitarians: The Hidden History of American Politics* (New York: W. W. Norton, 2017); Matthew W. Hall, *Dividing the Union: Jesse Burgess Thomas and the Making of the Missouri Compromise* (Carbondale: Southern Illinois University Press, 2015); Robert Pierce Forbes, *The Missouri Compromise and its Aftermath: Slavery and the Meaning of America* (Chapel Hill: University of North Carolina Press, 2009); Elizabeth R. Varon, *Disunion! The Coming of the American Civil War, 1789-1859* (Chapel Hill: University of North Carolina Press, 2008); Robert Pierce Forbes, *The Missouri*

Lawmakers appeared both progressive and unified with regard to anti-slavery legislation in Missouri. Scholars of slavery and emancipation have noted that New York lawmakers were far from united when they reevaluated the state's suffrage laws during the Constitutional Convention in 1821. The majority of representatives at the convention were "Bucktails," an offshoot of the Republican Party who did not agree with Governor DeWitt Clinton (elected after Tompkins). The amount of property required to vote was the main revision on the table given recent demographic changes. With full emancipation around the corner and the free black population at an all-time high in New York City, the need to make changes to the state's suffrage laws was imminent. Finding a balance between rural and urban interests in New York was challenging, particularly since prejudices against laboring whites and African Americans of all classes persisted.[18]

Having very few allies at the Convention, African American voters issued a petition that delegates not permit certificate laws or require proof of freedom. African Americans won a temporary victory when the convention voted to extend equal suffrage, but a committee overturned the decision. In the end, the new constitution

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Compromise and Its Aftermath: Slavery and the Meaning of America (Chapel Hill: University of North Carolina Press, 2007); Sean Wilentz, *The Rise of American Democracy* (New York: W. W. Norton, 2005); William W. Freehling, *The Road to Disunion: Secessionists at Bay, 1776-1854,* vol. 1 (New York: Oxford University Press, 1991).

[18] Gronningsater, "'Expressly Recognized by Our Election Laws'," 497-506; Harris, *In the Shadow of Slavery*, 116-19.

increased property and residency requirements for African American men but gave white, tax-paying men or men who had served in the militia the vote regardless of whether or not they owned property. The law had a particularly detrimental effect on the city's free black population since many were renters. Further amendments in subsequent years made it possible for most white men to vote. Leslie Harris notes that men of color remained almost entirely disenfranchised until the Civil War, with around 300 eligible African American voters in the city at that time.[19]

The decision to place strict property-holding requirements on men of color while lifting those same requirements for white men spoke to the dedication of delegates to a political and social order that was unapologetically white. Officials defended that decision based on public sentiment. Denying men of color the vote, they argued, was reflective of the popular opinion that African Americans could not participate in governance. That same sentiment was shared by editors like Daniel Rogers, who published cases that marked African Americans as a group of people who blemished the "American character." Disenfranchisement also ensured that African American men would be inferior—socially, economically, and politically—to laboring white men, many

[19] Gronningsater, "'Expressly Recognized by Our Election Laws'," 504; Harris, *In the Shadow of Slavery*, 119.

of whom they worked with on a daily basis. Ultimately, representatives determined that only white men could guard the peace, whether or not those men owned property.[20]

The race-based stereotypes the *NYCHR* magnified and exacerbated through the publication of select legal proceedings shaped and were shaped by the New York suffrage and Missouri Compromise debates, as well as the decision to politically disenfranchise New York's free black population. African American men came to be the ultimate victims in Rogers' interpretations of assault and murder trials for popular consumption. Portrayed as naturally violent, men of color like Moses Simon were perceived as lacking judgment regardless of resources and respectability. Since early nineteenth century definitions of citizenship centered, in part, on displaying a certain kind of behavior in public, African Americans had no hope of achieving a higher status despite education, wealth, or property holdings. The press and lawmakers' consistency in connecting African Americans to unjustifiable and illegitimate violence upheld popular beliefs that free blacks would jeopardize the "national character" and should thus be excluded from the public body.

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[20] Blackmar discusses the disjoint between African American disenfranchisement and working-class life. Working-class African Americans and whites shared housing, labored alongside one another, fraternized in the same grogshops and dancehalls, and maintained interracial relationships (romantic and otherwise). Blackmar claims the decision drew a stark dividing line between race and class in the city, one that did not accurately reflect life on the ground. Elizabeth Blackmar, *Manhattan for Rent, 1785-1850* (Ithaca: Cornell University Press, 1989), 149-58.

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Biography

Meggan Farish Cashwell attended Coastal Carolina University, where she graduated summa cum laude in 2009 with a B.A. in history. In her senior year, the history department gave her the James Branham History Award and also recognized her as History Student of the Year. After graduating, Cashwell worked as a research fellow for the Waccamaw Center for Cultural and Historical Studies (2009-2011). In the summer of 2010, she was awarded the South Caroliniana Library's Lewis P. Jones Research Fellowship. During her time at the Caroliniana, the library offered her a position as a part-time assistant processing archivist (2010-2011).

Cashwell was accepted to the history PhD program at Duke University in the fall of 2011. She earned her M.A. from Duke in 2014 and her PhD in 2019. Her dissertation research was supported by the Duke History Department Summer Research Grant (2012); Duke Summer Research Fellowship (2014, 2015, 2017); Anne Firor Scott Award (2014, 2016); Duke Women's Studies Gender and Race Award (2014); Domestic Dissertation Travel Award (2015); Aleane Webb Dissertation Research Award (2015); African and African American Studies Fellowship from the David M. Rubenstein Rare Book, Manuscript & Special Collections Library (2016-2018); Versatile Humanists at Duke Internship (2018); Bass Instructional Fellowship (2018); and William Nelson Cromwell Foundation Early Career Scholar Fellowship (2018).

Cashwell has a passion for instruction. She has been a teaching assistant for several undergraduate history courses, including "American Dreams, American Realities" (2012, 2019); "U.S. Legal History" (2015); and "Women and Popular Culture in U.S. History" (2018). She has also dedicated herself to alternative track endeavors in archival processing, university publishing, and exhibit curation. Cashwell co-processed two manuscript collections at Duke: the Robert A. Hill Collection and the Joint Center for Political and Economic Studies Collection. She interned at Duke University Press for three consecutive summers. In the summer of 2018, Cashwell co-curated an exhibit at the Museum of Durham History entitled, *Durham During the Great War*.

While at Duke, Cashwell helped organize several conferences, including "The Transferable PhD" (2015, 2016). She presented her work at the Southern Historical Association Annual Meeting (2014), CUNY Early American Republic Seminar (2016), Society for Historians of the Early American Republic Annual Meeting (2016), Society of North Carolina Archivists Annual Conference (2017), and American Society for Legal History (2017).

Cashwell's publications range from books to blogposts. She and Roy Talbert, Jr. co-authored *The Journal of Peter Horry, South Carolinian: Recording the New Republic, 1812-1814* (published in 2012 by the University of South Carolina Press) and *The Antipedo Baptists of Georgetown County, South Carolina, 1710-2010* (published in 2014 by the University of South Carolina Press). She has also written several academic blogs

published by institutions such as the David M. Rubenstein Rare Book & Manuscript Library, Versatile Humanists at Duke, and the Duke University Graduate School. In 2018 Cashwell wrote an article for *Duke Today* and a book review for the *Register of the Kentucky Historical Society* (forthcoming).