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“THE LADIES ARE COMING!”: A NEW HISTORY OF ANTEBELLUM  
TEMPERANCE, WOMEN’S RIGHTS, AND POLITICAL ACTIVISM

by

DAWN M. WINTERS

DISSERTATION

Presented to the Faculty of the College of the Marianna Brown Dietrich College of  
Humanities and Social Sciences of Carnegie Mellon University in Partial Fulfillment of  
the Requirements For the Degree of

DOCTOR OF PHILOSOPHY

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path into the field. I am eternally grateful for her encouragement and assistance as I applied to programs and impatiently waited for responses.

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of inspiration. Brian D. provided much needed distractions as I wrote “War and Peace,” as he jokingly calls it, and faithfully traveled to Pittsburgh to fill many a weekend with food, fun, and laughter.

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My parents, Melvin and Linda Winters, have always supported me even when they were not necessarily comfortable with where my decisions took me. When I announced, just as the Great Recession hit, that I was selling my home, quitting my “good, stable job” and moving to Pittsburgh for graduate school, they were not exactly sold on the idea, but still encouraged me. As I worked to finish and revise this manuscript, my mother put her life on hold and came to Pittsburgh. For almost two months, she watched my daughter, cleaned my house, and always made sure I had a steady supply of coffee, salad, and some sort of yummy baked goods to snack on. Her sacrifice made my dream come true.

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When I started this project, I had no idea that I would go to the polls and vote in a local option election. In May 2015, I headed down to my local polling place and cast a ballot on the license question—would my town overturn a prohibition ordinance that had stood since 1933. As I stepped into the voting booth, I thought of the women who fill these pages. I had the right to cast a ballot on the question—something they so desperately desired and lobbied so hard to achieve. While they certainly would have balked at my vote, I hope the story that follows is a fitting tribute to the thousands of ordinary, antebellum women who fought the liquor traffic and demanded equal rights.

In memory of my grandfather,  
who first awakened my love of history

and

for my father,  
who always fostered it



## **Abstract**

This dissertation reconfigures our knowledge about antebellum temperance activism, the origins and inflections of antebellum women's rights, and the role of women in antebellum political culture. It charts women's grassroots temperance activism over the 1840s and 1850s. Focusing on the Midwest, and also on the Northeast, it recovers a story that we have not known—one that revises a significant number of settled academic conclusions.

First, where the historiography posits that women, because they were disenfranchised, played only auxiliary roles in temperance after it shifted in the 1840s from moral suasion to legislative pressure, this dissertation finds just the opposite. In fact, as women grew disillusioned with men's political ineptitude, they seized control of political temperance, launching robust political pressure campaigns that were highly effective. Moreover, they inflected temperance with a different set of concerns, centering a gendered analysis that focused on women's legal and political disabilities.

Secondly, where the historiography sees antebellum women's rights growing almost exclusively out of abolition (the campaign to end chattel slavery), this dissertation finds that an antebellum women's rights movement grew just as powerfully out of temperance activism. In fact, numerous temperance women began demanding the vote in 1846, a full two years before the supposed origin of that demand in 1848. At the same time, temperance women across the Midwest also innovated and secured various forms of married women's property rights—something that has remained completely unseen.

Midwestern women's rights organizations were also heavily populated by temperance women, who remained committed to both causes throughout the 1850s.

Thirdly, where the historiography depicts antebellum women as genteel supplicants, this dissertation recasts them as militant, aggressive, and violent political actors. Exasperated with men's inaction and legislative failures, women took matters into their own hands. They bodily threatened and assaulted saloon owners, swung hatchets and destroyed liquor barrels, and leveled entire buildings. Over and over again. This coordinated, political violence waged by women in massive numbers upends our ideas about women's roles in antebellum politics. And it situates women squarely within the violent political culture of the 1850s, something usually reserved to men.

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## Introduction

On the morning of July 10, 1846, the residents of Utica, Michigan arose to a sensational scene. Between one and two o'clock in the morning, forty armed women secretly assembled and set off to do battle with a demon in their midst. They proceeded to a notorious bowling alley, known not only as a gaming hall, but also as an illegal liquor den. Armed with hatchets, axes, and hammers, they were steadfastly determined "to take the law into their own hands." Operating "with much spirit and energy," they commenced a coordinated attack on the building. Press reports exclaimed that the women "tore down the walls—razed the roof to the ground, and finished with trampling upon and breaking to pieces the roof." In a little less than an hour they laid an eighty-foot building to ruins.<sup>1</sup>

Newspapers from Ann Arbor to New Orleans heralded accounts of the nighttime raid. Many reports carefully (and without sarcastic commentary) noted some of the particulars of the attack. Columnists characterized the assault not as an episodic moment of fury, but rather as a deliberated attack by a well-organized and determined group of

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<sup>1</sup> "Michigan Ladies," *Norwalk (OH) Huron Reflector*, August 4, 1846, Vol. XVII, no. 29, pg. 4; "Wolverine Ladies," *Southport (WI) American*, August 8, 1846, Vol. 5, no. 46, pg. 2; "A Female Riot," *Edgefield (SC) Advertiser*, July 29, 1846; "Female Heroism," *Indiana State Sentinel* (Indianapolis, IN), August 6, 1846; "Female Heroism," *Louisville (KY) Courier*, July 29, 1846, pg. 2; "Female Mob," *Western Farmer and Gardener* (Indianapolis, IN), August 15, 1846, Vol. 2, no. 16, pg. 241; "Female Rioters," *Times-Picayune* (New Orleans, LA), July 31, 1846, pg. 2; "A Female Riot," *Banner* (Abbeville, SC), August 5, 1846; "Female Heroism," *American Republican and Baltimore (MD) Daily Clipper*, July 23, 1846; "Female Heroism," *Indiana State Sentinel*, August 1, 1846; "The Ladies vs. Bowling Alleys," *Liberator* (Boston, MA), July 31, 1846, pg. 4; "War upon Ten Pins," *Mississippi Democrat* (Carrollton, MS), August 26, 1846; [no title], *Signal of Liberty* (Ann Arbor, MI), July 18, 1846, Volume 6, no. 13, pg. 51; "The Ladies vs. Bowling Alleys," *Greensboro (NC) Patriot*, August 1, 1846, pg. 3; "Ladies and Bowling Alleys," *Niagara* (Lowell, MA), August 1, 1846, Volume I, no. 16; "Female Riot," *Joliet (IL) Signal*, August 18, 1846; "Good," *Pearl* (New York), July 25, 1846, Volume I, no. 8, pg. 61; "Domestic," *Washington Journal* (Portland, ME), July 29, 1846, Volume IV, no. 38.

women in response to local officials' failure to prosecute the owner of establishment for blatant violations of Michigan's liquor license law.<sup>2</sup>

Only a year earlier, Michigan's temperance-minded women had been instrumental in the passage of the state's 1845 local option law. Local option, also known as "no license," allowed communities a vote on whether to issue a liquor license in their town, thus granting them an avenue to shutting down or better regulating the sale of intoxicating spirits. These laws put the power to control licenses into the hands of ordinary citizens. Female reformers rushed into this movement, electioneering for "no license" and forming vigilance and prosecuting committees to police liquor dealers in dry communities—such as those in Utica, who laid waste to an eighty-foot building for illegally selling liquor. These women had taken their grievances to local law enforcement and repeatedly demanded the proprietor be prosecuted, but, according to newspaper

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<sup>2</sup> It is not known what provision in Michigan's 1837 license law the women expected local officials to enforce. It could have been for selling to prohibited persons, such as drunkards, for operating without a license, or the prohibition on gaming at a place where liquor was sold. It is also unknown if Utica was one of the townships who voted "dry" following the 1845 modification of the license law that ushered in local option. Chapter 5, Of Taverns and Other Licenses Houses, *The Revised Statutes of the State of Michigan Passed at the Adjourned Session of 1837 and the Regular Session of 1838* (Detroit: E.B. Harrington and E.J. Roberts, 1838), 203-205; No.108, An Act Supplementary to an Act Entitled An Act to Modify the License Law, *Act of the Legislature of the State of Michigan, Passed at the Annual Session of 1845* (Detroit: Bagg & Harmon, 1845), 137; "Michigan Ladies," *Norwalk Huron Reflector*, August 4, 1846; "Wolverine Ladies," *Southport American*, August 8, 1846; "A Female Riot," *Edgefield Advertiser*, July 29, 1846; "Female Heroism," *Indiana State Sentinel*, August 6, 1846; "Female Heroism," *Louisville Courier*, 29 July 1846; "Female Mob," *Western Farmer and Gardener*, August 15, 1846; "Female Rioters," *Times-Picayune*, 31 July 1846; "A Female Riot," *Banner*, 5 August 1846; "Female Heroism," *American Republican and Baltimore Daily Clipper*, July 23, 1846; "Female Heroism," *Indiana State Sentinel*, August 1, 1846; "The Ladies vs. Bowling Alleys," *Liberator*, July 31, 1846; "War upon Ten Pins," *Mississippi Democrat*, August 26, 1846; [no title], *Signal of Liberty*, July 18, 1846; "The Ladies vs. Bowling Alleys," *Greensboro Patriot*, August 1, 1846; "Ladies and Bowling Alleys," *Niagara*, August 1, 1846; "Female Riot," *Joliet Signal*, August 18, 1846; "Good," *Pearl*, July 25, 1846; "Domestic," *Washington Journal*, July 29, 1846.

accounts, they “waited in vain for some legal proceedings” against the establishment. When the law failed them, they deputized themselves and went directly to the source, mercilessly attacking the bowling alley.<sup>3</sup>

Although nothing in the existing scholarship prepares us to expect such violent, uncompromising action from supposedly submissive, white, antebellum women, the ferocity of Michigan’s female activists was not an anomaly. As this dissertation shows, women played an integral and spectacular role in the antebellum crusade to control and

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<sup>3</sup> “Michigan Ladies,” *Norwalk Huron Reflector*, August 4, 1846; “Wolverine Ladies,” *Southport American*, August 8, 1846. On the rise of local option see Walter W. Spooner, *The Cyclopædia of Temperance and Prohibition* (New York, NY: Funk & Wagnalls, 1891), 272-360; Kyle G. Volk, *Moral Minorities and the Making of American Democracy* (New York: Oxford University Press, 2014), 69-100; Kyle G. Volk, “The Perils of Pure Democracy: Minority Rights, Liquor Politics, and Popular Sovereignty in Antebellum America,” *Journal of the Early Republic* Vol. 29, no. 4 (Winter, 2009): 641-679. On petitions to the 1845 Michigan legislative session asking for a local option law see *Journal of the Senate of the State of Michigan, 1845* (Detroit: Bagg & Harmon, 1845), 32, 36, 40, 53, 65, 72, 77, 80, 115, 159, 163; *Journal of the House of Representatives of the State of Michigan, 1845* (Detroit: Bagg & Harmon, 1845), 25, 46, 51, 56, 64, 73, 79, 85, 91, 95-96, 101-102, 106-107, 115, 120, 170, 184, 190, 199, 204, 215-216, 222, 231, 238, 243, 285, 349. On Michigan women’s agitation for local option and attempts to enforce it see “Letter Address to the Manufacturers of Ardent Spirits in Michigan,” *Michigan Journal of Temperance and Washingtonian Jackson, MI*, April 15, 1847, Vol. II, no. 4, pg. 29; “Peddling and Tippling—Prompt Action,” *JATU*, May 1, 1845, Volume IX, no. 5, pg. 67; “Female Action,” *JATU*, April 1, 1846, Vol. X, no. 4, pg. 55; “Ladies Temperance Society at Dexter,” *Michigan Temperance Journal and Washingtonian*, July 15, 1846, Vol. 1, no. 7, pg. 53; “Pledge and Resolutions,” *Lily (Seneca Falls, NY)*, January 1, 1849, Vol. 1, no. 1; “Ladies Temperance Society at Albion,” *Michigan Temperance Journal and Washingtonian*, April 15, 1846, Vol. I, no. 4, pg. 27; “Doing Their Duty,” *Pearl*, June 27, 1846, Volume I, no. 4, pg. 29; “Ladies’ Temperance Society at Dexter,” *Michigan Temperance Journal and Washingtonian*, July 15, 1846, Vol. I, no. 7, pg. 53; “A Precious Little One,” *JATU*, April 1, 1849, Vol. XII, no. 4, pg. 53-54; “Good,” *JATU*, September 1, 1846, Vol. X, no. 9, pg. 141; “Ladies Temperance Societies,” *JATU*, July 1, 1847, Vol. XI, no. 7, pg. 102; John W. Quist, “An Occasionally Dry State Surrounded by Water: Temperance and Prohibition in Antebellum Michigan,” in Paul Finkelman and Martin J. Hersock, eds., *The History of Michigan Law* (Athens, OH: Ohio University Press, 2006), 69.

exterminate the liquor traffic. This refutes the standard historiographic understanding of women's activism. According to historians, when the broader temperance movement shifted tactics in the mid-1840s, from moral suasion (the idea that through persuasion one can convince others to change behavior, for which women were thought to be particularly well suited) towards legislative methods to control liquor, women, owing to their disenfranchisement, supposedly dropped out. My dissertation demonstrates a different trend; the turn from moral suasion towards legal suasion (or coercive legislation) actually mobilized women and fostered a growing, independent sense of political identity. As the broader temperance movement embraced legislation as the best means to combat the liquor trade, disenfranchised female reformers, far from dropping out, instead retooled their strategies and their rhetoric. Taking an increasingly militant stance over the course of the 1840s and 1850s, these heretofore invisible temperance women also seeded the early women's rights movement, being some of its earliest and most militant supporters and pioneering demands for the vote, a full two years before white abolitionist women are said to have first demanded it.

Despite women's robust and pioneering activism, this history is almost entirely unknown. Where glimpsed here and there in the scholarship historians quickly dismiss those snapshots as anomalies. Their vigorous actions, however, were actually part of a vivid, sustained whole—one this dissertation finally recovers and explores. My study exposes that hidden history through an examination of grassroots temperance women's activism in the Northeastern and Midwestern United States from 1845-1860, during which time women on the ground formed a vital, independent movement. Where studies of both temperance and women's rights tend to focus on leaders and prominent names (who are more easily visible), this project focuses on the ordinary, everyday women who

populated a grassroots movement. It is a movement where leaders never quite materialized and the activists on the ground, thus far, have been much harder to see. But finally seeing them forces us to revise much of what we think we know.

Focusing on the actions of this army of mostly unnamed reformers, this dissertation places these grassroots women at the center of the antebellum temperance crusade, showing that they were integral to the development of that movement in the 1840s and 1850s. Here, I argue, the turn toward legislative initiatives to solve the nation's "liquor problem" did not alienate women (as the scholarship insists) but, rather, mobilized and radicalized them. In fact, female reformers often developed a very different vision of temperance from their male counterparts, one inflected with feminist sensibility that kept an eye on the larger social and legal disabilities of women. At the same time, women's uniquely inflected temperance activism sometimes outstripped that of their male colleagues. Where scholars have women obediently trailing temperance men (if women appear at all), I have often found them out ahead of men, being the antebellum movement's trailblazers. Female agitators often employed a two-pronged approach. They pushed for legislative initiatives on the state and local levels, which we might expect to see. At the same time they also pursued a militant, direct action campaign for enforcement in their communities. They destroyed grog-shops and violently attacked their owners, completely upending scholarly notions of an ostensibly passive, white womanhood and suggesting the need for a much broader understanding of white women's political identities in the antebellum North.<sup>4</sup>

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<sup>4</sup> The closest analogy to antebellum temperance women's use of violence is found in the long history of female participation in bread and food riots, especially in eighteenth-century Europe. For example see E. P. Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," *Past & Present*, no. 50 (1971), 76-136; E.P. Thompson, "The Moral Economy Reviewed," in *Customs in Common* (New York:



My dissertation also locates many of the arguments that scholars attribute to prominent women's rights activists (who came out of abolition) squarely within these women's broader vision of temperance—one that simultaneously addressed the social and legal disabilities of women. These grassroots temperance women, I argue, actually stood at center of a budding antebellum women's rights movement; challenging scholarly characterizations that they were the more conservative, myopic, one-issue, and misguided counterparts to the more radical antebellum women's rights reformers. The standard narrative of women's rights as coming almost exclusively out of abolition has completely missed how these grassroots temperance women also built a political sensibility that helped undergird and found early, (northern) white women's rights. Across the Midwest, the two movements, in fact, blended into one—involving many of the exact same people. In their agitation, antebellum female temperance activists often linked anti-liquor agitation with commentary on women's social and legal status, which buttressed their arguments for women's rights. In tracing how women's rights also grew out of temperance, I offer a new vision for the origin of antebellum women's rights, arguing that its origins were multiple and not singular.

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W.W. Norton, 1991); John Bohstedt, "Gender, Household and Community Politics: Women in English Riots 1790-1810," *Past & Present*, no. 120 (1988), 88-122; Lynne Taylor, "Food Riots Revisited," *Journal of Social History* 30, no. 2 (Winter 1996); Cynthia A. Bouton, "Gendered Behavior in Subsistence Riots: The French Flour War of 1775," *Journal of Social History* 23, no. 4 (1990), 735-754; . There is far less literature on women and riots in the United States and what exists is often on wartime incidents. For example see Barbara Clark Smith, "Food Rioters and the American Revolution," *William and Mary Quarterly* 51, no. 1 (Jan., 1994), pp. 3-38; For example see Teresa Crisp Williams and David Williams, "'The Women Rising': Cotton, Class, and Confederate Georgia's Rioting Women," *Georgia Historical Quarterly* Volume 86, no. 1 (Spring 2002), 49-83; Michael B. Chesson, "Harlots or Heroines? A New Look at the Richmond Bread Riot," *The Virginia Magazine of History and Biography* Volume 92, no. 2 (April 1984), 131-175.

To fully appreciate the radical nature of women's activism in this period, a brief overview of the antebellum temperance movement before the turn to legal suasion in the mid-1840s is required. The roots of temperance as a mass reform movement can be found in the early decades of the nineteenth century, amidst the unfolding of American capitalism and the massive moral reform efforts that punctuated the Second Great Awakening. Fueled by evangelical religious enthusiasm, some individuals looked to remake American society into a Christian republic and re-order basic social relations in the image of the emerging middle-class. The nation's love of alcohol and the social disorder sowed by intemperance, reformers believed, threatened to undermine the entire noble project. And they had reason to be concerned about the rate of alcohol consumption. As historian R.J. Rorabaugh calculated, by 1830, the annual per capita consumption of distilled spirits alone exceeded five gallons, and one-half of the adult males in the nation consumed two-thirds of all distilled spirits.<sup>5</sup>

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<sup>5</sup> On American capitalism see Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: Johns Hopkins University Press, 2009); Sven Beckert and Seth Rockman, eds., *New History of American Economic Development* (Philadelphia: University of Pennsylvania Press, 2016); Seth Rockman, "What Makes the History of Capitalism Newsworthy?," *Journal of the Early Republic* Volume 34, no. 3 (Fall 2014), 439-466; Sven Beckert and Christine Desan, eds., *American Capitalism: New Histories* (New York: Columbia University Press, 2018). On the Second Great Awakening and reform and temperance see Paul E. Johnson, *A Shopkeeper's Millennium: Society and Revival in Rochester, New York, 1815-1837* (New York: Hill and Wang, 1978); Mary P. Ryan, *Cradle of the Middle Class: The Family in Oneida County, New York, 1790-1865* (New York: Cambridge University Press, 1981), 11-14; Ronald G. Walters, *American Reformers, 1815-1860* (New York: Hill and Wang, 1978), 130-131; Joseph R. Gusfield, *Symbolic Crusade: Status Politics and the American Temperance Movement* (Urbana: University of Illinois Press, 1963); Thomas R. Pegram, *Battling Demon Run: The Struggle for Dry America, 1800-1933* (Chicago: Ivan R. Dee, 1998), 16-20; W.J. Rorabaugh, *The Alcoholic Republic: An American Tradition* (New York: Oxford University Press, 1979), 8-11, 188-195.

It was not necessarily the consumption of alcohol but the radical shift in drinking patterns that alarmed reformers. By the 1820s, binge drinking of potent distilled spirits (especially whiskey ) appeared to overtake the conventional practices of individuals of all classes who imbibed small amounts of alcohol (often fermented forms such as ale and cider) throughout the day. Those who drank to excess now seemed to threaten the social fabric itself and were considered more likely to neglect their familial and economic responsibilities, and engage in illegal or mischievous behavior. This fear of social disorder caused by drunkenness led ministers in the Northeast to organize societies for the suppression of intemperance. These early ministerial organizers looked to moral suasion and advised drinking in moderation, but by the mid-1820s, increasingly called for total abstinence from alcohol. This transition was most forcefully signaled by the creation of the American Temperance Society (ATS), a New York based organization founded in 1826, that historian Ronald Walters noted, quickly became the nation's clearing house for temperance guidance and information. The ATS operated as an information and propaganda network; a way for disparate reformers to have a place to go to find the newest information on the cause and spread the word. The formula worked. In just eight short years, the ATS had distributed millions of pro-abstinence tracts, pamphlets, plays, fiction, and newspapers that preached temperance and encouraged local organizing. By 1834, historians estimate that there were over five thousand state and local temperance societies with over one million members—many of whom were women.<sup>6</sup>

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<sup>6</sup> Rorabaugh, *Alcoholic Republic*, 169-170, 190-191, Walters, *American Reformers*, 129-132; Pegram, *Battling Demon Rum*, 20-23; Jack S. Blocker Jr., *American Temperance Movements: Cycles of Reform* (Boston: Twayne Publishers, 1989), 12-24.

The temperance movement clearly resonated with a growing number of antebellum Americans, especially women. Just five years after the organization's founding there were twenty-four ladies' temperance societies operating under the ATS umbrella in the northeast. Most women, however, joined mixed-sex local societies that were led by male reformers. Historians estimate that in the community-based ATS affiliated organizations, female reformers constituted anywhere from thirty-five to sixty percent of the membership. Men welcomed women into these new societies, but firmly expected them to assume a subordinate position in the temperance campaign and engage in activism consistent with their separate domestic role.<sup>7</sup>

The ATS' message of sobriety and total abstinence from both distilled and fermented drinks proved remarkably successful, and the ranks of temperance continued to grow. Reorganized into the American Temperance Union (ATU) in 1836, the organization continued to serve as the nation's information network for the anti-liquor crusade through the Civil War. The efforts of reformers drawn into the ATS/ATU orbit in the late 1820s and 1830s, drove quantifiable change. Historians estimate that by 1840, the yearly per capita consumption of alcohol had dropped from five gallons to two, as over one million temperance proponents preached teetotalism. The movement made great strides in this early period, and remained a relatively white, northern, middle-class campaign dominated by religious authorities. This changed in the early 1840s with the emergence of the Washingtonian movement and fraternal temperance organizations.<sup>8</sup>

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<sup>7</sup> Ian R. Tyrrell, "Women and Temperance in Antebellum America, 1830-1860," *Civil War History* Vol. XXVIII, no.2 (June, 1982), 129-132; Blocker Jr., *American Temperance Movements*, 18-21.

<sup>8</sup> Rorabaugh, *Alcoholic Republic*, 8, 196-198; Pegram, *Battling Demon Rum*, 20-23; Blocker Jr., *American Temperance Movements*, 21-22; Joseph Dewey, "American Temperance Union," in Scott C. Martin, ed., *The Sage Encyclopedia of Alcohol: Social,*

The rise of the Washingtonians and fraternal orders, like the Sons of Temperance, wrenched the temperance moment from its more staid, middle-class, evangelical Protestant origins. The Washingtonians, as historian Jack Blocker argued, brought temperance to a new constituency. Not only were the founders of the Washingtonian movement all ex-drunkards, the members in the loosely-knit Washington societies hailed mostly from the working and lower-middle classes. They, too, preached moral suasion and focused on community outreach to other drinkers. The Washingtonians proved short-lived, however, and by 1844 were supplanted by the fraternal order of the Sons of Temperance. Within two years of their founding in 1842, according to Blocker, the Sons had grand divisions in six states and the District of Columbia. They were not the only fraternal order to organize at this time, but they quickly became, and then remained, the most popular male fraternal temperance organization into the 1850s. The Sons incorporated some mutual aid benefits associated with nonreligious fraternal orders, alongside a commitment to secularism, and agitation for temperance through moral suasion. These orders attracted not only the Washingtonians, but also mainstream reformers from state and community-based societies that were loosely affiliated with the ATU. Women, too, flooded into these new organizations and were organized into separate auxiliary societies.<sup>9</sup>

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*Cultural, and Historical Perspectives* Volume 1 (Los Angeles: Sage Publications, 2005), 131-136,

<sup>9</sup> Other fraternal orders that emerged in the 1840s and early 1850s included the Order of Rechabites, Templars of Honor, and the Independent Order of Good Templars. Blocker Jr., *American Temperance Movements*, 39-51; Walters, *American Reformers*, 133-138; Pegram, *Battling Demon Rum*, 26-32; Jed Dannenbaum, *Drink and Disorder: Temperance Reform in Cincinnati from the Washingtonian Revival to the WCTU* (Urbana: University of Illinois Press, 1984), 32-59; Ian R. Tyrrell, *Sobering Up: From*

The new Washingtonian and fraternal orders did nothing to unsettle the gender dynamics of the temperance movement that relegated women's activism to subordinate, supporting roles. The women who flocked to the auxiliaries of the Washingtonian movement, called Martha Washington societies, were mostly the wives and daughters of reformed drunkards who looked to alleviate the disruptive forces of alcohol on the family. While support and counselling moral suasion in the home remained central to their mission, they also looked outside the bonds of family, and were committed to providing emotional and material support to inebriates, reformed drunkards, and their families. The reign of the Martha's (like the Washingtonian movement as a whole) was short lived and by 1842-1843, most societies disbanded. But they had spread temperance sentiment into new social stratas. They then scattered into the new fraternal temperance orders and unaffiliated anti-liquor societies, while others went on to join mutual aid societies.<sup>10</sup>

While the Martha Washington societies only lasted a few years, the female auxiliary organizations of fraternal temperance had far more staying power. Analogous to

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*Temperance to Prohibition in Antebellum America, 1800-1860* (Westport, CT: Greenwood Press, 1979)159-182.

<sup>10</sup> Ruth M. Alexander, "We are Engaged as a Ban of Sisters: Class and Domesticity in the Washingtonian Temperance Movement, 1840-1850," *Journal of American History*, Vol. 75, no. 3 (December, 1998), 763-785; Scott C. Martin, *Devil of the Domestic Sphere: Temperance, Gender, and Middle-class Ideology, 1800-1860* (DeKalb: Northern Illinois University Press, 2010), 129; 139-140; Ian R. Tyrrell, "Women and Temperance in Antebellum American, 1830-1860," *Civil War History*, Vol. XXVIII, no. 2 (1982), 134-141; 128-134; Barbara Leslie Epstein, *The Politics of Domesticity: Women, Evangelicalism, and Temperance in Nineteenth Century America* (Middletown, CT: Wesleyan University Press, 1981), 93; Dannenbaum, *Drink and Disorder*, 33-51; Tyrrell, *Sobering Up*, 179-182, 211-218; Holly Berkley Fletcher, *Gender and the American Temperance Movement of the Nineteenth Century* (New York: Routledge, 2008), 30-37.

the Sons of Temperance that emerged in the early-1840s, the Daughters of Temperance rapidly became the dominant fraternal order for women. As their male counterparts in the Sons actively cultivated a prominent presence in the public sphere, the women who flocked to the Daughters were cautioned against any independent public activities as a violation of propriety. In their meetings, the Daughters were encouraged to cultivate thorough and thoughtful discussions about how to best promote temperance at home and to educate friends and neighbors on the dangers of intemperance. But they also provided a ceremonial and supportive role to their male counterparts, providing food and decorations for celebrations sponsored by the Sons of Temperance. Their public role at these events, however, often did not extend beyond presenting a gift to a keynote speaker and little actual activism was expected of them outside the sanctioned quarter of the home and meeting hall.<sup>11</sup>

The first local option campaigns of the mid-1840s proved a pivotal moment for female reformers. As “no license” drives took shape, first in New England and the Mid-

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<sup>11</sup> Tyrrell, “Women and Temperance in Antebellum American, 1830-1860,” 128-141; Epstein, *The Politics of Domesticity*, 93; Dannenbaum, *Drink and Disorder*, 33-51; Martin, *Devil of the Domestic Sphere*, 144-48; Tyrrell, *Sobering Up*, 179-182, 211-218; Fletcher, *Gender and the American Temperance Movement*, 30-37; Jed Dannenbaum, “The Origins of Temperance Activism and Militancy Among American Women,” *Journal of Social History*, Vol. 15, no. 2 (Winter 1981), 137. For Daughters of Temperance activities and their “feminine” support see Sons of Temperance to Almira Maria Scott, 11 July 1849, Point Commerce, Indiana, Almira Maria Scott Harrah Papers, 1819-1961, Box 1, Folder 4, Indiana Historical Society Manuscripts, Indianapolis, Indiana; “Grand Union Celebration,” *Pearl*, April 17, 1847, Volume I, no. 46, pg. 364-365; J.C. Brown to E. Hurlbut, 17 December 1847, Waukesha, Wisconsin, Edwin Hurlbut Papers, 1834-1903, Folder 1, Division of Library, Archives, and Museum Collections, Wisconsin Historical Society, Madison, Wisconsin; “Sons of Temperance Procession,” *Missouri Whig (Palmyra, MO)*, 25 November 1847, Vol. IX, no. 19, pg. 2; “Temperance Dedication,” *Daily National Intelligencer* (Washington, D.C.), February 17, 1847. Lesser known fraternal temperance orders, such as the Independent Order of Rechabites encouraged similar roles for female auxiliaries. For an example see “Grand Rechabite Demonstration,” *Pearl*, April 17, 1847, pg. 365.

Atlantic, and then the Midwest, temperance activism took on a decidedly public and political shape. It is at this moment, many temperance historians argue, that women's antebellum activism began to decline. This dissertation picks up here: precisely where scholars have asserted that women exited the scene when the private realm became less critical to the new mission of temperance.<sup>12</sup>

By centering women in the legislative campaigns of the 1840s and 1850s, I aim to redirect temperance literature. I move away from scholars' preoccupation with national organizations to look instead at the grassroots, where women's activism was most pronounced. Through the lens of grassroots women's activism, temperance emerges as a far different and more complex movement than scholars have previously recognized. The misinterpretation of women's withdrawal first gained ground in the late 1970s and early 1980s, when a renewed flurry of temperance scholarship, which was not explicitly focused on antebellum women, nevertheless attempted to include some information on their role in the broader movement. Fully articulated by Jed Dannenbaum in 1981, and referenced in numerous studies since, this now-familiar story viewed women through the optic of their supposedly debilitating disenfranchisement. As long as the anti-liquor crusade focused on moral suasion, the conventional story goes, they were important actors. But as tactics transitioned to legislative initiatives, disenfranchised women were, by definition, excluded from this new exciting realm of political activism. Still today,

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<sup>12</sup> Dannenbaum, *Drink and Disorder*, 181-182; 194; Tyrrell, *Sobering Up*, 243-245; Volk, *Moral Minorities*, 70-77; Dannenbaum, "The Origins of Temperance Activism and Militancy," 235-252; Martin, *Devil of the Domestic Sphere*, 124, 130-132, 147-149; Catherine Gilbert Murdock, *Domesticating Drink: Women and Alcohol in American, 1870-1940* (Baltimore, MD: John Hopkins University Press, 1998), 16-18; Janet Zollinger Giele, *Two Paths to Women's Equality: Temperance, Suffrage, and the Origins of Modern Feminism* (New York: Twayne Publishers, 1995), 45-47.



when scholars take notice of notice of women's violent attacks on liquor dealers, they view them through this narrative of decline and alienation, arguing these were anomalous acts of desperation by distraught women detached from the cause. Nothing could be further from the truth. Since the 1980s, historians have roundly debunked the idea that enfranchisement was necessary for political agency, but these insights have not yet made their way into temperance scholarship.<sup>13</sup>

Undoing this dominant narrative about antebellum women's temperance activism also requires attention to post-bellum temperance history, which unhelpfully reinforces the invisibility of militant female reformers. That literature posits that women's militancy began with the now-famous Women's Temperance Crusades of 1873-1874, and the formation of the Woman's Christian Temperance Union (WCTU) in 1874. Those crusades witnessed large groups of women peaceably entering saloons and praying and singing while barkeepers attempted to carry on business as usual. And scholars argue, consequently, that this is when women became independent political temperance actors. Historians contend these post-Civil War activists were politicized, highly organized, innovative, and by the late-1870s, fully on board with national prohibition. In making this

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<sup>13</sup> Dannenbaum, "The Origins of Temperance Activism and Militancy," 235-252; Dannenbaum, *Drink and Disorder*, 181-182; 194-203, Tyrrell, *Sobering Up*, 243-245; Norman H. Clark, *Deliver Us from Evil: An Interpretation of American Prohibition* (New York: Norton, 1976); Jack Blocker, Jr., *Alcohol, Reform, and Society: The Liquor Issue in Social Context* (Westport, CT: Greenwood Press, 1979); Martin, *Devil of the Domestic Sphere*, 124-126, 130-132, 147-149; Volk, *Moral Minorities*, 70-77; Murdock, *Domesticating Drink*, 16-18; Giele, *Two Paths to Women's Equality*, 45-47; Elizabeth R. Varon, *We Mean to Be Counted: White Women and Politics in Antebellum Virginia* (Chapel Hill: University of North Carolina Press, 1998); Tera W. Hunter, *To 'Joy My Freedom: Southern Black Women's Lives and Labors After the Civil War* (Cambridge: Harvard University Press, 1997); Ira Berlin, "Who Freed the Slaves? Emancipation and Its Meaning," in David W. Blight and Brooks D. Simpson, eds., *Union and Emancipation: Essays on Politics and Race in the Civil War Era* (Kent, OH: Kent State University Press, 1997), 105-122.

argument, these same historians unwittingly reinforce a view of antebellum advocates as quaint, incidental reformers preaching moral suasion and laboring under male organizers. This has obscured the significant continuity between the two movements, something this project illuminates, starkly revising our story of post-war (as much as antebellum) temperance.<sup>14</sup>

The sources that historians first turned to has greatly contributed to this absolute confusion about the character of women's antebellum temperance activism. As women's history got off the ground in the 1970s and 1980s, and historians strove to understand

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<sup>14</sup> On the WCTU and the Women's Crusades see Ruth Bordin, *Women and Temperance: The Quest for Power and Liberty, 1873-1900* (New Brunswick, NJ: Rutgers University Press, 1990); Giele, *Two Paths to Women's Equality*; Epstein, *The Politics of Domesticity*; Ann-Marie E. Szymanski, *Pathways to Prohibition: Radicals, Moderates, and Social Movement Outcomes* (Durham, NC: Duke University Press, 2003); Murdock, *Domesticating Drink*; Carol Mattingly, *Well-Tempered Women: Nineteenth-Century Temperance Rhetoric* (Carbondale, IL: Southern Illinois University Press, 1998); Ian Tyrrell, *Woman's World, Woman's Empire: The Woman's Christian Temperance Union in International Perspective, 1880-1930* (Chapel Hill: University of North Carolina Press, 1991); Jack S. Blocker, Jr., *"Give to the Winds Thy Fears": The Women's Temperance Crusade, 1873-1874* (Westport, CT: Greenwood Press, 1985); Blocker, Jr., "Separate Paths: Suffragists and the Women's Temperance Crusade," 460-476; Ruth Bordin, "A Baptism of Power and Liberty: The Women's Crusade of 1873-1874," *Ohio History: The Scholarly Journal of the Ohio Historical Society* 87, no. 4 (1978), 393-404; James Clyde Sellman, "Social Movements and the Symbolism of Public Demonstrations: The 1874 Women's Crusade and German Resistance in Richmond, Indiana," *Journal of Social History* 32, no. 3 (1999), 557-588; Joseph R. Gusfield, "Social Structure and Moral Reform: A Study of the Woman's Christian Temperance Union," *American Journal of Sociology* Vol. 61, no. 3 (November, 1955), 221-232. Two notable exceptions are Ruth Bordin and Jed Dannenbaum. Bordin, in the preface to the 1990 paperback edition of *Women and Temperance*, remarked that when writing the groundbreaking book, she missed the extent of the continuity between the antebellum and late nineteenth-century activism. Dannenbaum also saw roots of the crusades in women's antebellum activism in the form of pre-war saloon incursions. These incidents, however, are presented as a few random acts of frustrated women alienated from meaningful participation in the politicized temperance movement. He sees the Crusades at the climactic moment that politicized temperance women. See Bordin, *Women and Temperance*, xiv; Dannenbaum, "The Origins of Temperance Activism and Militancy Among American Women," 235-236.

women's role in temperance, those first scholars turned to the spate of participant histories written in the 1880s and 1890s. The first collection of these chronicles was written by prominent participants in the Women's Crusades of 1873-1874, and/or leaders in the WCTU. Amazingly, given how powerfully antebellum women's temperance work seized the nation's attention, these accounts rarely acknowledged women's pre-war efforts, let alone their stark turn toward militant, politicized actions. These 1880s and 1890s participant accounts, the very ones that continue to inform so much of today's master narrative about women's involvement in the movement, argue wrongly (and curiously) that the only meaningful women's activism during the entire century began in the 1870s.<sup>15</sup>

As temperance reformers penned their version of women's anti-liquor activism in the late-nineteenth century, the prominent suffragists, Elizabeth Cady Stanton, Susan B. Anthony and Matilda Joslyn Gage, published their now iconic, three-volume *History of*

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<sup>15</sup> For some examples of participant histories from the late nineteenth century see Mother Stewart, *Memories of the Crusade: A Thrilling Account of the Great Uprising of the Women of Ohio in 1873, Against the Liquor Crime* (Columbus, OH: WM. G. Hubbard & Co, 1888); Annie Wittenmyer, *History of the Woman's Temperance Crusade* (Boston, MA: James H. Earle, 1882); V.W. Grubb, Esq., *Practical Prohibition* (Greenville, TX: T.C. Johnson & Co., 1887); John G. Woolley and William E. Johnson, *Temperance Progress in the Century* (Philadelphia, Pa: Linscott Publishing Company, 1903); J.E. Stebbins and T.A.H. Brown, *Fifty Years History of the Temperance Cause. With a Full Description of the Origin and Progress of the New Plan of the Labor by the Women Up to the Present Time* (Hartford, CT: L. Stebbins, 1874); Matilda Gilruth Carpenter, *The Crusade; Its Origins and Development at Washington Court House and Its Results* (Columbus, OH: W.G. Hubbard & Co., 1893); W.H. Daniels, ed., *The Temperance Reformers and Its Great Reformers* (New York: Nelson & Phillips, 1878); J.H. Beadle, *The Women's War on Whisky: Its History, Theory, and Prospects* (Cincinnati, OH: Wilstach, Baldwin & Co., 1874). In the few instances where late nineteenth-century authors acknowledged women's attacks, they were little more than a footnote. For example see: T.A. Goodwin, *Seventy-Six Years' Tussle with the Traffic* (Indianapolis, IN: Carlon & Hollenbeck, 1883), 9-10; V.W. Grubbs, *Practical Prohibition* (Greenville, TX: T.C. Johnson & Co., 1887), 295.

*Woman Suffrage*. Published in the 1880s, this second vein of participant history, is commonly held up by historians as an authoritative voice on the history of the nineteenth-century women's rights (referred to as women's suffrage after the Civil War). Although scholars of temperance today cite it over and over again, it too, offers a badly skewed story of antebellum temperance. The *History* presents early antebellum temperance as a movement hopelessly bogged down by conservative male activists, who were overly concerned with enforcing women's proper, subordinate, and home-bound roles. With the turn towards legislative temperance in the mid-1840s, conservative male activists, the *History* emphasizes, further subordinated women, denying them any voice in steering the redesigned movement. The *History* also argues that these same men were exceedingly hostile to the specter of women's rights, condemning it, and thus erasing it, wherever it may have dared rear its head. Refusing to labor under these conditions, radical and forward-thinking activists—including two of the *History's* authors, Stanton and Anthony—fled organized temperance in 1853, to focus on a much more important campaign aimed at achieving the social, legal, and political equality of women. The retreat of these radical, clear-eyed women from temperance, the story continues, created two separate movements: one focused on broader, meaningful, social change; and the other, a single-issue, short-sighted, anti-liquor crusade populated by conservative, apolitical women. The *History's* authors underline their point by deriding temperance women as lacking "proper self-respect," as they agreed to labor quietly, and pointlessly, under the thumb of male reformers and the clergy. Like the temperance histories of the same era, the *History of Woman Suffrage* presents a narrative of meaningful activism in temperance as only commencing with the infamous Women's Temperance Crusades of 1873-1874. Although scholars have begun to scrutinize the narratives in these two bodies

of participant histories (questioning their usefulness as transparent fact), our current understanding of antebellum temperance is still largely rooted in these narratives written over well over one hundred and twenty years ago.<sup>16</sup>

Even the archival documents temperance scholars often turned to have bolstered the dominant interpretation forged so long ago. Much of the research on antebellum female reformers has focused on the records (membership lists, newspapers, tracts, correspondence, and meeting and convention proceedings) of the nationally organized fraternal orders primarily because those records have been most readily available. The centralized and highly bureaucratized nature of these organizations has meant that there is a far broader swath of records that are preserved. Although there is not much secondary literature on antebellum female reformers, what there is adopts the experience of these fraternal women, especially the members of the Daughters of Temperance, as typical across the movement. But this is highly problematic because these organization were essentially under the control of male organizers, who advised women to steer clear of public activism and embrace moral suasion. Furthermore, most temperance reformers were not members of fraternal orders. In a movement that numbered over one million

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<sup>16</sup> Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage, eds., *History of Woman Suffrage, Volume I, 1848-1861* (New York: Fowler & Wells, 1881), 499, 512-513. Over the past few decades scholars have begun to take a more critical eye to the denunciation of temperance in the *History of Woman Suffrage*. Historian Clair Mattingly called the *History's* claim that women abandoned temperance flatly “inaccurate,” while Kyle Volk suggested that the centrality of suffrage to legislative temperance initiatives made female activists keenly aware of the limits of their activism without access to the ballot box, perhaps spurring women’s first known organized demands for the vote. Although these scholars have mentioned temperance as an important context for women’s antebellum politicization and demands for suffrage, these assertions are brief, minor statements, outside of the broader subject of their examination. They have not yet risen to the level of a scholarly revision, a point this dissertation tries to stick. Mattingly, *Well-Tempered Women*, 23; Volk, *Moral Minorities*, 78-79.

proponents, with fully one-third to one-half of those being women, the Daughters of Temperance (although the most popular of all auxiliary fraternal organizations) comprised only a small fraction of advocates. At the organization's peak in 1848, it could only boast about thirty-thousand members. When we move away from movement leaders and centralized organizations and focus attention on the ground, especially in the Midwest, women's antebellum temperance work takes on a whole different strength and character. It becomes a movement of ordinary women who were loosely knit-together through extended networks, setting their own agenda, deviating from men, calling for women's rights, forcefully policing their communities, and laboring in autonomous societies, detached from nationally based organizations. But this powerful army of grassroots women has not been so easily locatable in the archival record, has left behind no caches of archived papers.<sup>17</sup>

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<sup>17</sup> Dannenbaum, "Origins of Temperance Activism and Militancy among American Women," 236-241; Dannenbaum, *Drink and Disorder*, 49-51, 183, 187; Blocker Jr., *American Temperance Movements*, 49-50, 59-60; Jack S. Blocker, Jr., "Separate Paths: Suffragists and the Women's Temperance Crusade," *Signs* Vol.10, no.3 (Spring, 1985), 460; Dewey, "American Temperance Union," in Martin, ed., *The Sage Encyclopedia of Alcohol*, 136; Tyrrell, "Women and Temperance in Antebellum America," 135-151; Pegram, *Battling Demon Rum*, 30-31; Nancy Hewitt, *Women's Activism and Social Change: Rochester, New York, 1822-1872* (Ithaca, NY: Cornell University Press, 1984), 160-166; Martin, *Devil of the Domestic Sphere*, 130-131, 144-145. This is true even of the narrative presented in the *History of Woman Suffrage*. The recollections describing the anti-liquor crusade and the climatic break from organized temperance of prominent women (like Stanton and Anthony) is based on the personal experience of reformers who were involved, at some point, in the New York Unions of the Daughters of Temperance, auxiliaries of the state's highly conservative Sons, which amongst fraternal temperance, held some of the strongest views against women's public activism. Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joselyn Gage, eds., *History of Woman Suffrage, Volume I, 1848-1861* (New York: Fowler & Wells, 1881), 499, 512-514. In 1898, Ida Husted Harper tracked the extensive temperance agitation of Susan B. Anthony in her two-volume biography. See Ida Husted Harper, *The Life and Work of Susan B. Anthony*, Volume I (Indianapolis: The Hollenbeck Press, 1898), 53-55, 60-71, 81-97, 100-105.

This lack of attention to the local level has not only been a question of sources, however. It also stems from a general scholarly disinterest in temperance and prohibition. Both the nineteenth and early twentieth-century prohibition movements are often considered by scholars and the general public as failed experiments, initiated by moralizing conservative reformers attacking windmills and perfectly legal commerce. While twentieth-century prohibition tends to generate slightly more attention (especially as we approach the hundredth anniversary of national prohibition), the lack of interest in the nineteenth-century campaign is particularly stark. In the past twenty years, only two monographs on the subject have been published. Both works, Holy Berkley Fletcher's *Gender and the American Temperance Movement* (2008) and Scott Martin's *Devil of the Domestic Sphere* (2010), provide fresh takes on an often-maligned social movement. Both Martin and Fletcher adopt gender as their lens to examine temperance ideology and the changing meaning of that construct in the movement. But again, both only briefly mention antebellum female reformers, and both pay little attention to local advocacy. Even these recent monographs have not broken free from this aspect of the dominant narrative, continuing to present a muted picture of female activism.<sup>18</sup>

Turning away from temperance literature to scholarship on antebellum women's rights, we find another important elision: the absence of women's temperance activism from histories about the development of feminism. My argument that such activism

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<sup>18</sup> Fletcher, *Gender and the American Temperance Movement*; Martin, *Devil of the Domestic Sphere*. For a few examples of recent scholarship on twentieth-century prohibition see Lisa M. McGirr, *The War on Alcohol: Prohibition and the Rise of the American State* (New York: W.W. Norton & Company, 2016); Lisa M. Anderson, *The Politics of Prohibition: American Governance and the Prohibition Party, 1869-1933* (New York: Cambridge University Press, 2013); W.J. Rorabaugh, *Prohibition: A Concise History* (New York: Oxford University Press, 2018).

contributed robustly to the formation of a women's rights campaign departs fully from that scholarship. The master narrative about the growth and development of women's rights, including the origins of the demand for the vote, situates this story almost exclusively in the history of abolition, where women are said to have developed the political skills and consciousness necessary to launch a feminist movement. That abolition origins narrative is now a central tenant of antebellum women's rights scholarship. But abolition was not the only pre-Civil War social movement to draw massive numbers of female advocates, who grew increasingly politicized through their activism, inflecting that activism with a sophisticated critique of the social, political, and legal disabilities of women. Temperance was another. Yet scholars overlook temperance as a cite of feminist women demanding social and legal equality. Certainly, abolition provided an important seeding ground, but this should not foreclose the idea that other movements also operated as an incubator for similar claims. As it turns out, temperance, this often-overlooked chapter in antebellum women's history, was equally important. In fact, temperance women began organized demands for the vote well before the women of abolition. Usually viewed as arising in 1848, at the women's rights convention in Seneca Falls, New York, such organized demands also arose among female local-option crusaders in 1846, a full two years earlier. This dissertation sharply revises this cardinal tenant of scholarship on antebellum women's rights by suggesting that we need to look beyond abolition and cast a much broader net when trying to understand the influences that contributed to early women's rights efforts more generally.<sup>19</sup>

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<sup>19</sup> For some examples of scholarship on antebellum women's rights see Eleanor Flexner, *Century of Struggle: The Woman's Rights Movement in the United States*, Enlarged Edition, by Ellen Fitzpatrick (Cambridge: Harvard University Press, 1959, The Belknap Press of Harvard University Press, 1996); Ellen Carol DuBois, *Feminism & Suffrage: The Emergence of An Independent Women's Movement in America. 1848-1869*



The consensus amongst historians that antebellum women's rights grew out of abolition, in part, dates back to Stanton, Anthony, and Gage's *History of Woman Suffrage*. Throughout the *History*, the drive for women's political equality is tightly woven around anti-slavery activism. Only fifty-two pages into the first volume the editors set out (in no uncertain terms) their definitive statement: "And above all other causes of the "Woman Suffrage Movement," was the Anti-Slavery struggle in this country." Temperance, on the other hand, is cast as a movement with little impact beyond acting a stepping stone for some activists to move into women's rights, generally out of an utter rejection of the temperance movement's conservatism. By the early 1850s, according to the *History*, "intelligent women saw that the most direct way to effect any reform was to have a voice in the laws and lawmakers," and turned their sole attention to the campaign for women's rights. While this narrative may have served the political and ideological needs of the authors of the *History of Woman Suffrage*, it stands in stark contrast to the political sentiments of many grassroots activists. Since the local option campaigns of the

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(Ithaca, NY: Cornell University Press, 1978, 1999); Ellen Carol DuBois, *Woman Suffrage and Women's Rights* (New York: New York University Press, 1998); Keith E. Melder, *Beginnings of Sisterhood: The American Woman's Rights Movement, 1800-1850* (New York: Schocken Books, 1977); Sylvia D. Hoffert, *When Hens Crow: The Woman's Rights Movement in Antebellum America* (Bloomington, IN: University of Indiana Press, 1995); Jean H. Baker, ed., *Votes for Women: The Struggle for Suffrage Revisited* (New York: Oxford University Press, 2002); Miriam Gurko, *The Ladies of Seneca Falls: The Birth of the Woman's Rights Movement* (New York: Macmillan Publishing Co., 1974); Hewitt, *Women's Activism and Social Change*; Lori D. Ginzberg, *Women and the Work of Benevolence: Morality, Politics, and Class in the 19<sup>th</sup>- Century United States* (New Haven, CT: Yale University Press, 1990); Carol Faulkner, *Lucretia Mott's Heresy: Abolition and Women's Rights in Nineteenth-Century America* (Philadelphia: University of Pennsylvania Press, 2011); Joelle Million, *Woman's Voice, Woman's Place: Lucy Stone and the Birth of the Woman's Rights Movement* (Westport, CT: Praeger Publishers, 2003); Lori D. Ginzberg, *Untidy Origins: A Story of Woman's Rights in Antebellum New York* (Chapel Hill: University of North Carolina Press, 2005); Nancy Isenberg, *Sex & Citizenship in Antebellum America* (Chapel Hill, NC: University of North Carolina Press, 1998).

mid-1840s, many women on the ground viewed temperance and women's rights as inextricably intertwined and imbued their anti-liquor rhetoric with calls for women's social, legal, and political equality.<sup>20</sup>

As this dissertation contributes to the literature on antebellum temperance and women's rights, it also enhances our understanding of nineteenth-century political history. Over the past twenty years, women's historians have placed middle and upper-class white women as firmly rooted in antebellum political culture. They were not passive or silent, but vocal, often partisan, albeit disenfranchised, political actors in their own right. From this position, they wielded a great amount of influence and power. Although the public and private political influence women exerted has long been recognized, especially in regards to abolition, it is still not yet part of the conversation when it comes to temperance. Here, female activists still stand outside of the halls of power, where even their massive petitioning drives are somehow stripped of their inherent political connotations. Even though historians have assumed the turn towards legislative temperance pushed women to the margins, people at the time did not make the same presumption: they recognized women as standing at the center of that struggle. This dissertation fills the void in women's political history that has yet to see temperance reformers as political actors in their own right. It demonstrates that legislative temperance

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<sup>20</sup> Stanton, Anthony, and Gage, eds., *History of Woman Suffrage*, Volume I, 52, 512-513. I follow up, here, on a handful of scholars who have argued for the importance of temperance to women's rights. See, for example, Mattingly, *Well-Tempered Women*, 23; Giele, *Two Paths to Women's Equality*, 45; Volk, *Moral Minorities*, 78-79. In recent years, a growing body of scholarship has begun to evaluate the inadequacies of the master narrative carefully cultivated in the *History of Woman Suffrage*. See Lisa Tetrault, *The Myth of Seneca Falls: Memory and the Women's Suffrage Movement, 1848-1898* (Chapel Hill: University of North Carolina Press, 2014); Ginzberg, *Untidy Origins*; Isenberg, *Sex & Citizenship*.

brought women into the political process. Women did not occupy the margins, but were at the center, and as early as 1846, women and even some men were talking about bringing women directly into the political process as voters. Exposing temperance women as influential political brokers, however, is only one part of the story.<sup>21</sup>

Moreover, these reformers were part of the violent political subculture of the period, which is often presumed to be exclusively male. Historians readily acknowledge that the antebellum political culture was particularly violent; mobs of various sorts and sizes, rampant vigilante activity, and open brawling in the seat of government, are all well-noted staples of the era. Through all this violence and turmoil, women, and particularly respectable, middle-class, white women, are not recognized as perpetrators, at least outside of the occasional wartime food riot. So where historians have conceded that disenfranchised white women could and did participate in the political culture of the era, as active agents, historians routinely depict those women as highly genteel, not unapologetically violent, like the women in this dissertation. Little in the scholarship

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<sup>21</sup> Varon, *We Mean to Be Counted*; Susan Zaeske, *Signatures of Citizenship: Petitioning, Antislavery, and Women's Political Identity* (Chapel Hill: University of North Carolina Press, 2003); Daniel Carpenter and Colin D. Moore, "When Canvassers Becomes Activists: Antislavery Petitioning and the Political Mobilization of American Women," *American Political Science Review* Volume 108, no. 3 (August, 2014), 479-498; Maggie McKinley, "Petitioning and the Making of the Administrative State," *Yale Law Journal* Volume 127, no. 6 (April, 2018), 1538-1637; Ronald J. Zboray and Mary Saracino Zboray, *Voices Without Votes: Women and Politics in Antebellum New England* (Durham: University of New Hampshire Press, 2010); Jean Fagan Yellin and John C. Van Horne, eds., *The Abolitionist Sisterhood: Women's Political Culture in Antebellum America* (Ithaca, NY: Cornell University Press, 1994); Mary P. Ryan, *Women in Public: Between Banners and Ballots, 1825-1880* (Baltimore: Johns Hopkins University Press, 1992); Barbara Cutter, *Domestic Devils, Battlefield Angles: The Radicalism of American Womanhood, 1830-1865* (DeKalb: Northern Illinois University Press, 2003); Michael D. Pierson, *Free Hearts and Free Homes: Gender and American Antislavery Politics* (Chapel Hill: University of North Carolina Press, 2003); Ginzberg, *Women and the Work of Benevolence*.

prepares us for these militant temperance women who employed considerable, highly public, and celebrated violence, both responding to and participating in, the more tumultuous currents of antebellum political culture.<sup>22</sup>

Until recently, the subject of this dissertation would have been considerably more difficult to document. Historians have not appreciated the robust, often militant, activism of grassroots reformers, in part, because they have not been able to see it. The activism of this study is not found in the records of the centralized national temperance organizations that fill the shelves of archives and libraries. Nor is it found in the recollections and histories of the movement written down in the 1880s and 1890s that have shaped so much of the previous scholarship. Instead, this study looks to the press. In the pages of nineteenth-century newspapers, ordinary temperance women, the rank and file, so to speak, left an incredibly rich legacy of their work, often in their own words. Over the course of the 1840s and 1850s, female reformers turned to the press to pull together their loosely-knit networks, disseminate their message, and convey tactics. Week after week,

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<sup>22</sup> Kimberly K. Smith, *The Dominion of Voice: Riot, Reason, and Romance in Antebellum Politics* (Lawrence: University of Kansas Press, 1999); Mary P. Ryan, *Civic Wars: Democracy and Public Life in the American City During the Nineteenth Century* (Berkeley: University of California Press, 1997); John R. McKivigan and Stanley Harrold, eds., *Antislavery Violence: Sectional, Racial, and Cultural Conflict in Antebellum America* (Knoxville: University of Tennessee Press, 1999); Michael Felberg, *The Turbulent Ear: Riot & Disorder in Jacksonian America* (New York: Oxford University Press, 1980); Joanne B. Freeman, *The Field of Blood: Violence in Congress and the Road to Civil War* (New York: Farrar, Straus, and Giroux, 2018); Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: W.W. Norton & Company, 2005); Jean H. Baker, *Affairs of Party: The Political Culture of Northern Democrats in the Mid-Nineteenth Century* (Ithaca, NY: Cornell University Press, 1983); Paul A. Gilje, *Rioting in America* (Bloomington: Indiana University Press, 1996); David Grimstead, *American Mobbing, 1828-1865: Toward Civil War* (New York: Oxford University Press, 1998); Varon, *We Mean to Be Counted*; Zaeske, *Signatures of Citizenship*; Zboray and Zboray, *Voices Without Votes*; Yellin and Van Horne, eds., *The Abolitionist Sisterhood: Pierson, Free Hearts and Free Homes*.

through letters to the editor, columns on temperance, petitions and appeals, meeting and convention proceedings, and even outright threats directed to local liquor dealers warning of their planned violent incursions, these women bequeathed an abundant documentary record of their activities.

Local newspapers represented a critical cite for women's organizing, but prior to the widespread digitization projects of the past fifteen years and the continued augmentation of both subscription-based and free newspaper databases, trying to tie together a picture of this activism by scrolling through endless reels of microfilm would have been a Herculean task. The proliferation of Optical Character Recognition (OCR) technology that allows for complex, massive searches of publications from disparate regions of the country has changed the way historians can now use newspapers, and thus, expands the questions we can ask. But even with this massive proliferation of digitized sources, they represent only a fraction of the publications currently held on microfilm and in hardcopy in libraries and archives across the nation—so there may be an even more robust story yet to recover. And although this dissertation relies heavily on the columns mined from digitized databases, it also incorporates materials pulled from countless nineteenth-century newspapers preserved in hardcopy and on microfilm.<sup>23</sup>

After compiling hundreds of such newspaper accounts, I then turned to more traditional historical sources to continue fleshing out the story. From archives and

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<sup>23</sup> For some information on the state of digitization see National Digital Newspaper Program: A Partnership between the Library of Congress and the National Endowment for the Humanities, available from <http://www.loc.gov/ndnp/>; William Schlaack and Kyle Rinkus, "United States Newspaper Digitation in an Age of Uncertainty," [https://www.ifla.org/files/assets/newspapers/2017\\_Iceland/2017-schlaack-en.pdf](https://www.ifla.org/files/assets/newspapers/2017_Iceland/2017-schlaack-en.pdf).

libraries in Ohio, Indiana, Wisconsin, Michigan, Illinois, and Massachusetts, I found correspondence, legislative journals, court records, local temperance society documents, and tracts and texts produced by the temperance movement, all of which allowed me to tie together the story sketched out in disparate newspaper accounts from across the county. Legislative journals, in particular, proved a powerful resource for locating women's political influence. Grassroots activists' lobbying efforts, petitions, addresses, and in-person visits to legislative assemblies are all carefully documented in the pages of state legislative journals. Interwoven with the material culled from newspapers and manuscript and archival sources, they reinforced not only grassroots women's central role in the legislative initiatives of the 1840s and 1850s, but also the degree to which these local politicized activists agitated for women's rights as part of their broader vision of temperance.

Twenty-eight years ago, historian Ruth Bordin issued a call for scholars to turn their "attention to women's role in the temperance cause and the temperance movement's contributions to the politicization of women" and analyze women's political action where it took place, on the local level. The chapters that follow take Bordin's call to heart, to uncover a story of the highly politicized female activists who stood at the heart of the temperance movement in the 1840s and 1850s, paying careful attention to their distinct vision of temperance and the unconventional, often violent, strategies they employed in their battle with "King Alcohol."<sup>24</sup>

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<sup>24</sup> Bordin, *Women and Temperance*, xvii. Scholars in other areas have also called for closer attention to the local level during the antebellum years, arguing that this was among the most important registers of action. See, for example, 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).

Chapter one focuses on women's robust, grassroots, and newly politicized temperance offensives during the local option campaigns (allowing local communities to vote on the granting of local liquor licenses) of the mid-1840s, in the Northeast and Midwest—the regions where temperance agitation occurred most forcefully. Through their public, political efforts, women reformers proved themselves integral to these legislatively driven “no license” campaigns (where historians posit they receded). But these disenfranchised women also began laying the groundwork for a broader transformation in the temperance movement, whereby it became a breeding ground for female political mobilization. In turn, this moment began the transformation that would lay the foundation for some of the claims and rhetoric of the coalescing woman's rights movement—including the first demands for the vote. All that began here, this chapter argues.

Chapter two examines the passage of the nation's first liquor-related civil damage, or so-called “dram shop,” laws in the late 1840s. Civil damage laws represent an important phase in the development of women's property rights (a central demand of a burgeoning mainstream woman's rights movement), but is almost entirely missing from the historiography. As local option laws proved insufficient, women began a different kind of pressure, leveraging the legal and economic power they eked from this campaign for civil damage laws. These permitted an individual, who was injured by an intoxicated person, to sue the owner of the establishment where the liquor was sold for damages in the form of monetary compensation. Such laws provided protection to the injured party for personal injury, property damage, and the loss of family support—caused by someone's (generally men's) intoxication. The recouped monetary damages could be held by the aggrieved party, even if they were a married woman (and, thus, otherwise not

legally entitled to control of any economic assets). Not surprisingly when these laws were applied in practice, the injured party was mainly married women, who struck blows for married women's property rights in their campaigns for, and use of, these laws. A little-known, brief episode in temperance history and a completely unrecognized chapter in women's rights, this chapter argues that the drive for civil damage laws represented an important moment in both campaigns, again situating some of the most important demands of a mainstream, nascent women's rights movement squarely within temperance activism.

Chapter three turns its focus to the beginning of the most well documented campaign in antebellum temperance: prohibition. Contrary to conventional wisdom, it argues that grassroots female reformers stood at the forefront of the early prohibition campaigns. Through their tactics—both traditional (petitioning and genteelly pleading) and unconventional (violent grog shop raids)—they kept prohibition in the spotlight and drove the movement, which they inflected differently than men, forward. Like the local option and civil damage drives that came before it, the prohibition crusades of the early 1850s forced female reformers to confront the limits of their direct influence in the nation's political system and these campaigns became an opportunity to draw attention to women's social and legal disabilities. In all strains of their activism, they defended their right to a public role in the fight for prohibition and mixed demands for temperance with women's rights, especially their continued calls for access to the elective franchise.

Chapter four explores a single, pivotal year: 1853. It agrees with historians that 1853 was indeed a transformative year in the prohibition and temperance crusade, but not for the reasons that scholars consistently claim. The prevailing narrative takes (without question) the chronicle of women's 1853 retreat from temperance directly from Stanton,



Anthony, and Gage's *History of Woman Suffrage*. In the *History*, temperance women, frustrated and angry with the chauvinism and sexism among male temperance advocates at two famous 1853 meetings—the Brick Church gathering and the World's Temperance Convention—led women to quit the cause and, instead, to join up with women's rights. While this was true for Stanton and Anthony themselves, it was not true for the women at the grassroots level, who remained committed to temperance and women's rights simultaneously. As this chapter argues, 1853 was a pivotal year because it marked not a downturn, but a sharp upsurge in women's local activism, and the beginning of a new aggressive, and increasingly violent campaign against the liquor traffic. At the same time, this chapter argues that where scholars have seen a final, irrevocable division between temperance and women's rights after 1853, for the activists on the ground in the Midwest, there was little light between temperance and women's rights. In their minds, the two were inextricably linked and often involved the very same people.<sup>25</sup>

In chapter five, finally, I explore Midwestern activists coordinated, violent, grassroots campaign against the liquor traffic on the local level and their simultaneous agitation (through more conventional means) for prohibition on the state level between 1854-1860. Through an examination of women's threats and direct action tactics (such as saloon raids), this chapter charts a story of women's violent, political behavior that has been missing in the histories of antebellum politics, temperance, and women's rights. Moreover, I argue that by 1854, women took control of the antebellum temperance movement, directly contradicting scholarship that keeps men firmly in charge. It demonstrates that women's now highly aggressive, often violent campaign to enforce

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<sup>25</sup> Stanton, Anthony, and Gage, *History of Woman Suffrage*, Volume I, 512-513.

existing liquor statutes and rid their communities of the liquor traffic, were highly successful (even if for a short time) and kept the fight for prohibition in the public spotlight, when it seemed to enjoy little legislative success. This was a highly complex campaign. Female reformers used these attacks both to practically enforce prohibition where it failed legally, and to draw attention to the need for prohibition laws. At the same time, they also used these episodes as a vehicle to discuss women's rights, especially the vote, all the while, challenging our understanding of women's place in the antebellum era's political culture.

Throughout this dissertation, I speak of a woman's rights movement—as it was known in the nineteenth century—but this did not encompass all women. While they don't usually get marked as such, they were largely native-born, white, northern women, who, while they may have struggled economically, were also not direly poor. To include all these qualifiers before each mention of the woman's rights movement would be stylistically clumsy, so I will refer to it simply by name. But it should be understood throughout that this was a movement limited by race, geography, and class.

## Chapter 1

### Talk Not to Them of Moral Suasion

On March 4, 1845, a group of twenty women from the Ladies Temperance Union marched into the Philadelphia Court of Quarter Sessions carrying a sprawling petition. Their memorial, containing the signature of fifteen thousand women of Philadelphia County, demanded that “no license” be granted to taverns which “do not come expressly within the meaning of the law” and urged the court “to be vigilant and active in the suppression, as far as it lies in its power, of the vice of intemperance.” The women’s hulking petition yielded immediate results. For the first time in its history, the Philadelphia Court of Quarter Sessions set aside a day for hearing “applications for tavern license, and the remonstrances against them.” Not everyone in the temperance movement, however, lauded these women’s actions. Some reformers applauded the “war the women of Philadelphia opened against the rum-shops,” but others attacked it. Male activists called out the female organizers, Mrs. Beecher, Mrs. Aaron, and Mrs. Chambers for going beyond their “appropriate sphere”—that nineteenth-century notion that women belonged at home, and only men belonged in government. Other individuals went so far as to threaten those ladies who took “an active part in the proceedings.” Despite the threats and criticism, the women of the Temperance Union were undeterred. Women, they announced in no uncertain terms, would remain front and center as temperance moved away from moral suasion and toward political action.<sup>1</sup>

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<sup>1</sup> It is not known what type of threats were made against the ladies of Philadelphia or if they were ever carried out. There is also some question as to the number of signatures on the petitions. Some accounts report that there were fifteen thousand signatures, although most reports state sixteen thousand. “Philadelphia,” *New York Herald*, March 5, 1845; “Ladies Memorial—The Court,” *Voice of Freedom* (Brandon, VT), April 3, 1845; “The Ladies in the Field,” *American Republican and Baltimore*

Following their wildly successful campaign at the city level, the women of the Ladies' Temperance Union shifted their sights from Philadelphia and local law to Harrisburg and state statutes. On May 5, 1845, they initiated a campaign for a state-wide local option statute. Local option, also referred to as "no license," was a legislative approach to regulate the sale of intoxicating spirits as a beverage by controlling the granting of liquor licenses. This represented a new turn in temperance tactics. No longer would advocates supplicate and ask drunkards to reform. They would coerce them with the law through the curtailment of licenses. These local option, or "no license," laws put the power to control the distribution of licenses to vend spiritous liquors as a beverage (as opposed to a medicine) into the hands of ordinary citizens. The Philadelphia women went to work and set out to convince state legislators to pass a local option statute that allowed citizens to vote on the granting of liquor licenses in their community.<sup>2</sup>

The women of the Union carefully laid out their plan. They tasked Mrs. G.W. Reed, Miss Bartlett, and Mrs. Collins, to devise a petition to present at the next legislative session "for the passage of a law, providing for the expression of the popular will, in each Ward and Township in the Commonwealth, upon the propriety of licensing taverns for

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(MD) *Daily Clipper*, March 6, 1845; "Ladies' Temperance Union," *Holly Springs (MS) Gazette*, July 26, 1845; "Philadelphia Ladies' Memorial," *Journal of the American Temperance Union* (New York), hereafter cited as *JATU*, April 1, 1845, Vol. IX, no. 4, pg. 54. For an in-depth historical perspective on nineteenth-century local option see Walter W. Spooner, *The Cyclopædia of Temperance and Prohibition* (New York: Funk & Wagnalls, 1891), 390-400.

<sup>2</sup> "The Ladies in the Field," *American Republican and Baltimore Daily Clipper*, March 6, 1845; "Ladies' Temperance Union," *Holly Springs Gazette*, July 26, 1845; "Ladies Memorials – The Court," *Voice of Freedom*, April 3, 1845; "Philadelphia Ladies' Memorial," *JATU*, April 1, 1845, Vol. IX, no. 4, pg. 54. Local option statutes at the time were often referred to as "license or "no license" or the "license question." The term local option came into widespread usage with the "no license" campaigns after the Civil War, but temperance historians use the term to discuss the campaigns of the antebellum era, this is the convention I adopted.

the sale of intoxicating liquors.” Another group coordinated monthly meetings to monitor the collection of signatures and progress in this “important matter.” The women viewed their petition and canvassing strategy as a template for similar action across the state, showing their sense of leadership in this new legislative strategy. Fully expecting women and men to follow them, they urged the committee to “print a sufficient number [of petitions] to supply all the Temperance Societies of the State.” When the Pennsylvania State Legislature convened in January 1846, it was indeed inundated with petitions for a change in the license law, signed by both women and men. Of the signatories from Philadelphia, a full eleven thousand were women. Women, these signers clearly signaled, had a stake in this new campaign.<sup>3</sup>

When the local option campaign yielded a decisive victory—due, in no small part to women’s activism—their lobbying efforts continued, unabated. On April 7, 1846, the Pennsylvania state legislature ratified bill No. 206, “An Act Authorizing the Citizens of Certain Counties to Decide By Ballot Whether the Sale of Vinous and Spirituous Liquors Shall be Continued in Said Counties.” They may not have been able to vote themselves, but they demanded a central role in the ongoing campaign. They would convince voters to vote “no license. As the Pennsylvania State Temperance Society men devised a plan to

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<sup>3</sup> The journals of the 1846 Pennsylvania General Assembly do not include the number of individuals who signed license petitions, so it is impossible to calculate the total number of women compared to men who petitioned for changes in the license law. “New Temperance Movement,” *North American and Daily Advertiser* (Philadelphia, PA), June 24, 1846; [no title], *Columbian Fountain* (Washington, D.C.), 19 February 1846; “The License Law,” *Voice of Freedom* (Brandon, VT), November 19, 1846; *Journal of the Senate of the Commonwealth of Pennsylvania, Volume I* (Harrisburg, PA: J.M.G. Lescure, 1846), 59, 63, 95, 101, 107, 113, 121, 126, 136, 143, 151, 161, 166, 170, 181, 187, 194, 204, 208, 212-213, 218, 226, 248, 258, 267, 302, 328, 331, 341; 248-249, 418, 456, 584; *Laws of the General Assembly of the Commonwealth of Pennsylvania* (Harrisburg, PA: J.M.G. Lescure, 1846). For an example of women petitioning the state in 1845 for a change in the license law see [no title], *Sunbury (PA) American and Shamokin Journal*, February 22, 1845.

sway voters to vote against local liquor licensing, the women of Philadelphia also called a convention to devise a strategy. When the license question was submitted to the people in eighteen counties and two townships in the spring of 1847, the majority of the voters in five of those eighteen counties (Chester Delaware, Alleghany, Washington, and Fayette) cast their ballots for “no license,” effectively restricting the granting of liquor licenses in their area. As these incredible victories rolled across the state between 1845-1847, Pennsylvania’s women took a prominent role in coordinating them.<sup>4</sup>

This chapter argues that women were among the primary drivers of the local option campaigns of the mid-1840s in the Northeast and Midwest. Local option was a powerful and consequential campaign that centered women, but this fact that appears almost nowhere in temperance scholarship. That existing literature portrays local option as if it were exclusively a male story. It has erroneously assumed that, by virtue of their disenfranchisement, antebellum temperance women were largely politically inactive, and therefore not relevant in this turn toward political solutions and away from moral suasion. But as this chapter demonstrates, female temperance reformers were integral to the success of local option campaigns. Seeing their robust and politicized activism, however,

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<sup>4</sup>“The License Law,” *Voice of Freedom*, November 19, 1846; “Pennsylvania License Election,” *Voice of Freedom*, April 15, 1847; Spooner, *Cyclopædia of Temperance*, 338. The Pennsylvania Local option law, which only covered eighteen counties and two boroughs, was short lived. The state Supreme Court ruled it unconstitutional in *Parker V. The Commonwealth* on November 8, 1847. “Parker V. Commonwealth,” in John A. Clark, ed., *Pennsylvania Law Journal Reports Vol. IV* (Philadelphia: John Campbell & Sons, 1872), 163-181; “The No License Law of this State,” *Sunbury American and Shamokin Journal*, November 6, 1847; [no title], *Daily National Whig* (Washington, D.C.), November 5, 1847; Asa Earl Martin, “The Temperance Movement in Pennsylvania Prior to the Civil War,” *The Pennsylvania Magazine of History and Biography*, Vol. XLIX, no. 3 (1925), 213-217; Ann-Marie E. Szymanski, *Pathways to Prohibition: Radicals, Moderates, and Social Movement Outcomes* (Durham, NC: Duke University Press, 2003), 103-105; Joan M. Jensen, *Loosening the Bonds: Mid-Atlantic Farm Women, 1750-1850* (New Haven, CT: Yale University Press, 1986), 196-197.

requires looking at the grass-roots. This angle sheds new light on women's temperance activism and shows women as determinant in this legislative turn within temperance, and argues that temperance, in turn, became a highly important breeding ground for female political mobilization and women's rights—one of the primary arguments of this dissertation.<sup>5</sup>

### The Rally to Law and Legislation

In January 1845, under the headline of “License System,” the *Journal of the American Temperance Union (JATU)* boastfully proclaimed the progress of temperance legislation—a sign of changing discourse away from moral suasion. Articles in temperance periodicals discussed petitions circulating in New York, and Ohio, demanding their lawmakers “refer the license question to the towns.” For those adherents

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<sup>5</sup> On legal suasion as it pertains to the temperance movement in the nineteenth century see Spooner, *Cyclopædia of Temperance*, 272. For works that speak to the transition to legislative temperance as alienating to women see Jed Dannenbaum, *Drink and Disorder: Temperance Reform in Cincinnati from the Washingtonian Revival to the WCTU* (Urbana: University of Illinois Press, 1984) 180-211; Jed Dannenbaum, “The Origins of Temperance Activism and Militancy Among Women,” *Journal of Social History* 15, no. 2 (Winter, 1981) 235-252; Jack S. Blocker, *American Temperance Movements: Cycles of Reform* (Boston: Twayne Publishers, 1989); Scott C. Martin, *Devil of the Domestic Sphere: Temperance, Gender, and Middle-class Ideology, 1800-1860* (DeKalb: Northern Illinois University Press, 2008) 125-126; Ian R. Tyrrell, *Sobering Up: From Temperance to Prohibition in Antebellum America, 1800-1860* (Westport, CT: Greenwood Press, 1979) 279-280. On the dominant male centric view of local option see Jack S. Blocker, Jr., *Give To the Winds Thy Fears: The Women's Temperance Crusade, 1873-1874* (Westport, CT: Greenwood Press, 1985), 124-126; Pegram, *Battling Demon Rum*, 35-38; Tyrrell, *Sobering Up*, 243; Blocker, *American Temperance Movements*, 53; Quist, “An Occasionally Dry State Surrounded by Water” in Finkelman and Herschok, eds., *The History of Michigan Law* (Athens, OH: Ohio University Press, 2006), 68-71; Kyle G. Volk, *Moral Minorities and the Making of American Democracy* (New York: Oxford University Press, 2014), 69-100; Szymanski, *Pathways to Prohibition*, 100-109; John J. Rumbarger, *Profits, Power, and Prohibition: Alcohol Reform and the Industrializing of America, 1800-1930* (Albany: State University of New York Press, 1989); John W. Quist, *Restless Visionaries: The Social Roots of Antebellum Reform in Alabama and Michigan* (Baton Rouge: Louisiana State University Press, 1998), 254-261.

not quite ready for political action, the petitioners reassured their readership, some of whom still firmly believed moral suasion represented the only true way to defeat intemperance, that local option laws, also known as “no license,” were not “coercive legislation,” but stood in harmony with moral suasion because they did not ask “law-makers to interpose the strong arm of their power in aid of our cause.” Such laws, advocates argued, were not legal coercion or legal suasion, the idea of using the law to compel individuals to behave in a certain manner, but simply a re-centering of power. Local option merely asked the legislature to “*let the people protect themselves*” through the “peaceful, legitimate power of the ballot box.” They put the power to regulate liquor in the hands of the community, and more directly, into the hands of the voters, not an arbitrary official who was bound by state law to issue liquor licenses to all who qualified (through payment of a license fee, promise not to operate a disorderly house, prohibition on gaming, etc.). This move to local option represented a major tactical shift in how anti-liquor activists intended to attack the scourge of intemperance in their cities and towns. And female activists quickly mustered their numbers to push for “no license.”<sup>6</sup>

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<sup>6</sup> “License System,” *JATU*, January 1845, Volume IX, no. 1, Pg. 4. Local option laws operated as an extension or add-on to the license system, which had been used to regulate liquor sales since the colonial era. The license system, as it operated in most states into the mid-1840s, allowed local officials to grant a permit to proprietors who complied with the requirements laid out in a state’s license statute. Local option laws were different. The question became not who was granted a liquor license, but if they were to be granted at all, and advocates framed these laws as a means to move the real source of power over liquor regulation into the community where the traffic operated. These local option laws, referred to by contemporaries as “no license,” represented a pivotal first step in what would soon become a strong turn toward legislative temperance and away from moral suasion. As the 1840s progressed, some local option laws began to allow locals to vote for township or county prohibition, banning the sale of alcohol as a beverage (but not a medicine). But first, these campaigns, which quickly picked-up steam in the mid-1840s, focused on banning licenses. See Spooner, *Cyclopædia of Temperance*, 390-400. For a discussion on liquor laws in the Colonial era and the Early Republic see Spooner, *Cyclopædia of Temperance*, 338-339; Thomas R. Regram, *Battling Demon Rum: The Struggle for Dry America, 1800-1933* (Chicago, IL: Ivan R. Dee, 1998)13-38;



Temperance activists quickly embraced local option. Only a year after the headline in the *JATU* signaled the rise of local option and legislative temperance, the majority of reformers were rejecting moral suasion as the best means to attack the scourge of drunkenness. In speeches and newspaper columns, conventions and meetings, moral suasion was derided as ineffective against such a formidable, and state sanctioned, foe. At the same time critiques on the license system picked-up steam. Reformers denounced the hated liquor licensing system as merely a way for local officials to raise revenue through fees collected on the issuance of yearly licenses. They criticized the local boards and township supervisors who supposedly ensured only reputable retailers in good standing received permits. Although some reformers had worked within the existing license system and pressured local officials and councils not to issue liquor licenses to anyone, regardless of good standing, these efforts did not have the same force of law as local option. Such strategies succeed in achieving virtual prohibition in some towns, but depended on the will of local authorities, and therefore, could be very unpredictable and quickly reversed. As a lasting temperance strategy, mere pressure on local officials proved too ineffective for the desires of many reformers. Local option, many advocates argued, invested the existing license system with real power to stop the flow of intoxicating spirits.<sup>7</sup>

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W.J. Rorabaugh, *The Alcoholic Republic: An American Tradition* (New York: Oxford University Press, 1979), 49-50, 217; Tyrrell, *Sobering Up*, 22-24, 43.

<sup>7</sup> “The Exempted City,” *JATU*, July 1, 1845, Volume IX, no. 7, pg. 116. By 1846, those favoring stringent license laws and local option statutes represented the majority of temperance reformers. On the moral vs. legal suasion factions in the largest temperance publication of the mid-1840s see “License Law,” and “Connecticut State Temperance Meeting,” *JATU*, January 1, 1845 Vol. IX, no. 1, pg. 4, 11; “South Carolina—Judge O’Neil,” *JATU*, February 1, 1845, Vol. IX, no. 2, 28; “Hartford County Temperance Society,” *JATU*, March 1, 1845, Vol. IX, no. 3, pg. 44; “Moral Legislation,” *JATU*, May 1, 1845, Vol. IX, no. 5, pg. 72; “The Spirit of Coercion,” *JATU*, July 1, 1845, Vol. IX,

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no. 7, pg. 105; "Moral Suasion," *JATU*, August 1, 1845, Vol. IX, no. 8, pg. 116; "Massachusetts Temperance Convention," *JATU*, October 1, 1845, Vol. IX, no. 10, pg. 155-157; "New York State Temperance Convention," *JATU*, November 1, 1845, Vol. IX, no. 11, pg. 169; "Good Thoughts from Ohio," and A Long Pull, A Strong Pull, And a Pull Together," *JATU*, February 1, 1846, Vol. X, no. 2, pg. 20, 32; "Effects of Exclusive Moral Suasion," *JATU*, May 1, 1846, Vol. X, no. 5, pg. 79; "Tenth Anniversary of the American Temperance Union," *JATU*, June 1, 1846, Vol. X, no. 6, pg. 81-85; "The Law," *JATU*, July 1, 1846, Vol. X, no. 7, pg. 101; "Legal Suasion," and "Moral Suasion to Rumsellers," *JATU*, September 1, 1846, Vol. X, no. 9, pg. 131, 135; "Spirit of Other States," and "Don't Care," *JATU*, November 1, 1846, Vol. X, no. 11, pg. 164-165; "Ohio," *JATU*, January 1, 1847, Vol. XI, no. 1, pg. 12; "Moral and Legal Suasion," *JATU*, February 1, 1847, Vol. XI, no. 2, pg. 17-18; "Benefits of the License Law," *JATU*, April 1, 1847, Vol. XI, no. 4, pg. 54; "Decision of the Supreme Court," and "The Temperance Cause," *JATU*, May 1, 1847, Vol. XI, no. 5, pg. 66-67. See Also, "A Word for Ourselves," *Michigan Temperance Journal and Washingtonian* (Jackson, MI), May 15, 1846, Volume I, No 5, pg. 39; "Driving Men into Sobriety," *Michigan Temperance Journal and Washingtonian*, July, 15, 1846, Volume I, No 7, pg. 54; "The Ladies," *Michigan Temperance Journal and Washingtonian*, February 15, 1847, Volume II, No 2, pg. 13; "Temperance Convention at Keene, N.H." *Vermont Phoenix* (Brattleboro, VT), September 22, 1843; "The Law for the Rumseller," *Voice of Freedom*, July 11, 1844; [no title], *Voice of Freedom*, September 11, 1845, pg. 46. For examples of citizens pressuring local officials to end licenses in communities see *To the People of Wayne Township, Wayne County, Indiana* (Richmond, IN: Palladium Press, 1846); [no title], *Sunbury American and Shamokin Journal*, February 22, 1845; I.W. Quinby, *A History of Local Option and Temperance Legislation in Ohio* (Columbus, OH: Cott & Hann, 1880), 2-4; "Nullification in Albany," *Pearl*, April 24, 1847, Volume I, no. 47, pg. 372; Volk, *Moral Minorities*, 73; Blocker, *American Temperance Movements*, 25-29; Dannenbaum, *Drink and Disorder*, 23-25; Quist, "An Occasionally Dry State Surrounded by Water," in Finkelman and Herschok, eds., *The History of Michigan Law*, 63; Szymanski, *Pathways to Prohibition*, 103; Spooner "Legislation," *Cyclopædia of Temperance*, 338-339; Pegram, *Battling Demon Rum*, 13-38; W.J. Rorabaugh, *The Alcoholic Republic*, 49-50, 217; Tyrrell, *Sobering Up*, 22-24, 43. On the abandonment of moral suasion in reform during the era 1840s more generally, see Lori D. Ginzberg, *Women and the Work of Benevolence: Morality, Politics, and Class in the 19<sup>th</sup>-Century United States* (New Haven, CT: Yale University Press, 1990), 9, 100-101; Lori D. Ginzberg, "Moral Suasion is Moral Balderdash: Women, Politics, and Social Activism in the 1850's," *Journal of American History* 73, no. 3 (Dec., 1986): 601-622. On temperance reformers and the license system see *Facts for the People of Marion County* (Indianapolis, IN: State Journal Steam Press, 1848), 5-6; *To the People of Wayne Township, Wayne County, Indiana*, 2-3; "Licensed to Do What?," *JATU*, May 1, 1847, Vol. XI, no. 5, pg. 67; Volk, *Moral Minorities*, 73, 77; Blocker, *American Temperance Movements*, 25-29; William J. Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1996), 171-178; Dannenbaum, *Drink and Disorder*, 23-24, 93-94; Pegram, *Battling Demon Rum*, 35-38; Tyrrell, *Sobering Up*, 243; Quist, "An Occasionally Dry State Surrounded by Water," in Finkelman and Herschok, eds., *The History of Michigan Law*, 68-71; Szymanski, *Pathways to*

These statutes, which ultimately prevailed in some form in twelve states and territories, allowed anti-liquor crusaders to bypass unresponsive legislators and local officials and appeal directly to their neighbors. Public opinion ruled the day. A “no license” vote was a vote for a “dry” county or township, and a “license” vote continued the flow of spirits. The act of voting on licenseing, reformers believed, also helped delegitimize the liquor trade in the public eye. As some proponents noted, when neighbors voted “no license,” they stripped the local rum-seller “of the guise and cloak” of being welcomed in the community and operating a respectable business. Furthermore, if the majority of voters cast a ballot for “no license,” surely, advocates believed, the public would abide by the law. As activists embraced “no license” as the best means available to control the liquor traffic, state legislators increasingly supported such laws as a matter of political expediency. Shifting responsibility to local voters removed the liquor question, in some respects, from party politics at the state level. For state legislators, local option provided political cover. With the question in the hands of the voters, politicians eluded having to render a decision on such a thorny issue.<sup>8</sup>

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*Prohibition*, 100-109; Richard Mendelson, *From Demon to Darling: A Legal History of Wine in America* (Berkeley: University of California Press, 2009), 19-23.

<sup>8</sup> The states and territories that put the license question to a vote of the people were New York, Vermont, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Indiana, Michigan, Iowa, Wisconsin, and Ohio. Volk, *Moral Minorities*, 240n17. “Eight Reasons,” *Universalist Watchman and Christian Repository* (Montpelier, VT), December 27, 1845, Vol. XVII, no. 24, pg. 187; “Will the Traffic Cease?,” *JATU*, April 1, 1846, Vol. X, no., 4, pg. 55; Spooner, *Cyclopædia of Temperance*, 338-339; Quinby, *A History of Local Option and Temperance Legislation in Ohio*, 2-4; Blocker Jr., *Give To the Winds Thy Fears*, 124-126; Volk, *Moral Minorities*, 70-79; Pegram, *Battling Demon Rum*, 35-38; Tyrrell, *Sobering Up*, 243; Blocker, *American Temperance Movements*, 53; Quist, “An Occasionally Dry State Surrounded by Water,” in Finkelman and Hersock, eds., *The History of Michigan Law*, 68-71; Szymanski, *Pathways to Prohibition*, 100-109; Mendelson, *From Demon to Darling*, 18-23.

Campaigns for “no license” mobilized not only anti-liquor male voters, but also female temperance reformers. Many of the female organizations that emerged during the mid-to-late 1840s were politicized, aggressive, and openly embraced legal suasion. The women who flocked to these local societies were not reticent to publicly step into the political arena and defend their authority to speak on the matter. The tactics and rhetoric that some temperance women employed in these local option campaigns were so important, so fundamental to the conduct of temperance, that they set the groundwork for their community activism over the next decade. In short, women were not only actively involved in this new political turn within temperance; they, in many ways led the charge.

### **Mobilization – The Ladies Are Coming**

From the outset of the local option campaigns, female temperance reformers took on an active and public role. Practically invisible in temperance scholarship on this era, they were highly visible to their contemporaries and were recognized as essential participants in “no license” drives. The broader temperance movement’s transition to legal suasion did not alienate women from meaningful participation but mobilized them. In other words, women’s participation in local temperance organizing for “no license” referendums led to an increased level of politicization, despite the fact that they could not vote. Their increased involvement and politicization over the 1840s not only benefited the temperance movement, but also laid the groundwork for some of the anti-liquor rhetoric of a coalescing woman’s rights movement.

In the fall of 1845, temperance activists in Maysville, New York, hosted a massive meeting for Chautauqua County reformers. Representatives from a number of female organizations were in attendance and proudly marched at the head of the convention’s grand procession. The women from town of Chautauqua hoisted a large

banner proclaiming their distinction as the first local temperance society. It bore the inscription: “The Ladies are coming!—The First Female Temperance Society in Chautauqua Organized in August 1844.” Another group of women announced a “Ladies Declaration: Freedom from Intemperance! Our Motto: ‘There’s No Such Word As Fail!’” Women from the nearby town of Portland also seized the opportunity to display their support for New York’s new local option legislation. They emblazoned their flag with the declaration that “Portland, with her good majority, says, No License.” Other delegates carried smaller flags promoting the call for “No License.” The female activists in attendance demanded recognition and respect. They also clearly asserted their right to publicly advocate legal suasion.<sup>9</sup>

The transition to legal suasion (embodied by the “license” or “no license” movement of the mid-1840s) spurred a wave of politicized temperance organizing that drew in women just as it did men. Although they had been active and integral members of anti-liquor societies since the earliest days of organized temperance in the United States, the new public political campaigns fostered organizing that challenged the subordinate role of women in the movement. For all social movements of the era, but in particular temperance, contemporaries’ belief in woman’s superior moral nature meant that through her pious and virtuous nature she provided an example to emulate and encouraged men to reform. Male reformers openly welcomed women into the temperance fold and encouraged them to join temperance societies, but expected them to remain passive contributors, exerting their superior moral influence upon their relatives, friends,

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<sup>9</sup> Chapter 300, An Act Relating to Excise, and to Licensing Retailers of Intoxicating Liquors, Passed May 14, 1845, *Laws of the State of New York Passed at the Sixty-Eighth Session of the Legislature, Begun and Held in the City of Albany the Seventh Day of January, 1845* (Albany: C. Van Benthuysen and Co. , 1845), 322-323; “Temperance Banners,” *JATU*, November 1, 1845, Volume IX, no. 11, pg. 174.

and neighbors. This was the case with the ladies' auxiliaries of the Washingtonian and fraternal orders that emerged in the early 1840s.<sup>10</sup>

The women who joined Martha Washington societies and fraternal orders such as the Daughters of Temperance were expected to engage in activities that were consistent with their domestic role, adhere to moral suasion, and steer clear of political activities. The expectation that the Martha's reject political activities was in line with the broader ideology of the short-lived Washingtonian branch of the temperance movement. Washingtonians eschewed political action in favor of reaching out to inebriates in order to help them reform their habits through mutual support and shared experience. While the members of the Martha Washington societies worked to alleviate the suffering of inebriates and their families, the women who flocked to the Daughters of Temperance adopted a slightly different approach. They tended to focus on promoting total abstinence from liquor, educating their friends and neighbors on intemperance, and supporting the Sons of Temperance through traditional feminine activities (providing food and

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<sup>10</sup> Martin, *Devil of the Domestic Sphere*, 53-56; Fletcher, *Gender and the American Temperance Movement*, 16-22; Ginzberg, *Women and the Work of Benevolence*, 5, 11-35; Jed Dannenbaum, "The Origins of Temperance Activism and Militancy Among Women," *Journal of Social History* 15, no. 2 (Winter, 1981) 235-252; Paula Baker, "The Domestication of Politics: Woman and American Political Society, 1780-1920," *The American Historical Review*, Vol. 89, no. 3 (June 1984), 620-621, 631; Janet Zollinger Giele, *Two Paths to Women's Equality: Temperance, Suffrage, and the Origins of Modern Feminism* (New York: Twayne Publishers, 1995), 44-46; Barbara Leslie Epstein, *The Politics of Domesticity: Women, Evangelicalism, and Temperance in Nineteenth Century America* (Middletown, CT: Wesleyan University Press, 1981), 89-95; Ian R. Tyrrell, "Women and Temperance in Antebellum America, 1830-1860," *Civil War History*, Vol. XXVIII, no. 2 (1982), 128-134. It is difficult to estimate the breadth of the temperance movement at the advent of local option. Historians estimate that in 1840 the temperance movement had over one million adherents with anywhere from one-third to one-half of the members in organized groups being women. Blocker Jr., *American Temperance Movements*, 49-50, 59-60; Jack S. Blocker, Jr., "Separate Paths: Suffragists and the Women's Temperance Crusade," *Signs* Vol.10, no.3 (Spring, 1985), 460; Dewey, "American Temperance Union," in Martin, ed., *The Sage Encyclopedia of Alcohol*, 136; Pegram, *Battling Demon Rum*, 30-31.

decorations for meetings and celebrations and presenting gifts to speakers). Unlike the Washingtonians, who were decidedly apolitical, male fraternal orders (especially the Sons of Temperance) actively engaged in public campaigns. Yet they discouraged any independent public activities by the members of the ladies auxiliaries. Women were advised not to march in parades or speak publicly. Instead, they were instructed to discuss the question of how to promote total abstinence at home. By 1848, the Daughters reached their peak with a national membership of thirty thousand and represented one of the largest female organizations in the nation.<sup>11</sup>

The Daughters' reign proved short lived. With legislative temperance almost universally recognized as the best way to challenge the liquor traffic, by 1849 the order's membership rapidly declined. The conservative gender expectations insisted on by the Sons exacerbated tensions within the organization. Men in the Sons wanted feminine support not equal counterparts in the public political fight against "King Alcohol." Many women felt their support would be better used elsewhere and dedicated their efforts to unaffiliated, local organizations. Temperance reformer Aurette Hoyt remarked that she could not "remember any great work done" by the Sons and Daughters of Temperance in Bloomington, Indiana. Members of the Daughters, Hoyt noted, enjoyed "select readings, recitations, essays, &c.," and in the end, they accomplished little on the temperance front. Her assessment is reflected in some of the orders records. For example, the absence of focused activism is etched on the pages of the Daughters of Temperance minute book from Economy, Indiana. The volume painstakingly records procedure, membership

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<sup>11</sup> Tyrrell, "Women and Temperance in Antebellum American, 134-141; 128-134; Epstein, *The Politics of Domesticity*, 93; Dannenbaum, *Drink and Disorder*, 33-51; Martin, *Devil of the Domestic Sphere*, 144-48; Tyrrell, *Sobering Up*, 179-182, 211-218; Fletcher, *Gender and the American Temperance*, 30-37; Dannenbaum, "The Origins of Temperance Activism and Militancy Among American Women," 137.

initiations and removals, and meeting attendance, but does not mention any actual temperance work. By 1854, the chapter disbanded, citing the “greatly decreased & decreasing numbers of our members.” And Hoyt was not alone in her assessment of the Daughters, activist Amelia Bloomer characterized them as having “no more effect to stop the liquor traffic than the mewings of so many kittens would have. The world is none the wiser or better for their doings.” The Daughters, according to Aurette Hoyt and others, were simply social clubs under the thumb of male patriarchs. Tellingly, the Economy order dissolved just as women’s grassroots activism in the Midwest (especially in Indiana) entered an exciting, new stage.<sup>12</sup>

The majority of female reformers labored in unaffiliated local societies. Both the Daughters of Temperance and Martha Washingtonian societies drew a great number of women into the temperance fold in the early 1840s, but by the middle of the decade, women increasingly organized independently and much more militantly. These societies tended to be far more progressive than those affiliated with national organizations, set their own agendas, and bristled at what they saw as male interference with their associations and tactics. One female commentator quipped: “one of the most annoying and discouraging things our Female Temperance Societies have to contend with, has been

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<sup>12</sup> Aurette Hoyt, “Centennial Report of Woman’s Temperance Work in Indiana,” undated, Collection of Sketches of Various Charitable Institutions, S2233, Rare Books and Manuscripts. Indiana State Library, Indianapolis, Indiana. Daughters of Temperance Minute Book, Economy, Indiana, 1852-1854, Thomas Marshal Papers, 1821-1920, BV 1029, Indiana Historical Society Manuscripts, Indianapolis, Indiana; “Temperance Societies—The Daughters,” *Lily* (Seneca Falls, NY), January 1, 1852. For a general discussion on the Daughters see Tyrrell, “Women and Temperance in Antebellum American,” 134-141; 128-134; Epstein, *The Politics of Domesticity*, 93; Dannenbaum, *Drink and Disorder*, 33-51; Martin, *Devil of the Domestic Sphere*, 144-48; Tyrrell, *Sobering Up*, 179-182, 211-218; Fletcher, *Gender and the American Temperance*, 30-37; Dannenbaum, “The Origins of Temperance Activism and Militancy Among American Women,” 137.



the impertinent interference of the men in their affairs.” The women drawn into the temperance fold and who labored in local societies demanded control over their own organizations, free from “interference from the other sex.” They intended to weigh in on the political debates swirling around temperance in their own way and adopt tactics to deal with the liquor problem in their communities on their own terms.<sup>13</sup>

Not bound by the strictures of national organizations, grassroots women’s temperance societies took an active role in the public sphere. They developed tactics to deal with the liquor traffic in their communities, such as visiting committees, and at times, violent clashes with liquor dealers. These committees brought ostensibly passive, middle-class women into direct negotiations with proprietors of distinctly male spaces, like grog shops. Rather than approaching business owner’s as supplicants and victims, they entered saloons and groceries with a clear set of demands and were prepared to cut a bargain to achieve their goals. These episodes illustrate the level of public activism women inserted into the temperance movement and evidence their recognition that reining in the liquor traffic required a multifaceted approach. Petitioning state and local officials remained an essential activity, but they also endorsed immediate action on the ground. Women (unlike their male counterparts) were far less content to wait for the slow gears of government to turn and enact legislation that would stymie the liquor traffic. Direct action with liquor dealers could be undertaken at the same time that they worked the levers of government at the both the local and state level.

Local women’s organizations often turned to the press to disseminate their message. Newspapers represented an important tool for the temperance movement, especially as a site of organizing for grassroots activists. Not only did temperance

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<sup>13</sup> “Masculine Impertinence,” *Voice of Freedom*, April 22, 1847.

publications dominate the reform-publishing sector during the antebellum period, but the liquor question represented one of the most debated issues in the commercial/popular press. When female activists submitted materials specifically for publication, it provided another avenue for them to weigh in on the political debate swirling around the liquor question and a site to publicly make a stand against retailers of ardent spirits.<sup>14</sup>

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<sup>14</sup> For instances of women's visiting see "Pledge and Resolutions," *Lily*, January 1, 1849, Vol. 1, no. 1; "Ladies Temperance Society at Albion," *Michigan Temperance Journal and Washingtonian*, April 15, 1846, Vol. I, no. 4, pg. 27; Manchester Union Temperance Society Records, M0835, Indiana Historical Society Manuscripts, Indianapolis, IN; Presbyterian Little Elkhart Temperance Society, Manuscripts and Rare Books Division, Indiana State Library, Church History S2484, Indianapolis, Indiana; "Female Action," *JATU*, April 1, 1846, Vol. X, no. 4, pg. 55; "Ladies Temperance Society at Dexter," *Michigan Temperance Journal and Washingtonian*, July 15, 1846, Vol. 1, no. 7, pg. 53; "A Precious Little One," *JATU*, April 1, 1849, Vol. XII, no. 4, pg. 53-54; "Peddling and Tippling – Prompt Action," *JATU*, May 1845, Vol. IX, no. 5, pg. 67; "Good," *JATU*, September 1, 1846, Vol. X, no. 9, pg. 141; "Ladies Temperance Societies," *JATU*, July 1, 1847, Vol. XI, no. 7, pg. 102; "The Buckeye Women," *Somerset (PA) Herald & Farmers & Mechanics Register*, March 10, 1846; "Ohio State Temperance Society," *JATU*, February 1, 1846, Vol. X, no. 2, pg. 31. For examples of several attacks in 1846 see "Michigan Ladies," *Norwalk (OH) Huron Reflector*, August 4, 1846, Vol. XVII, no. 29, pg. 4; "Wolverine Ladies," *Southport (WI) American*, August 8, 1846, Vol. 5, no. 46, pg. 2; "A Female Riot," *Edgefield (SC) Advertiser*, July 29, 1846; "Female Heroism," *Indiana State Sentinel* (Indianapolis, IN), August 6, 1846; "Female Mob," *Western Farmer and Gardener* (Indianapolis, IN), August 15, 1846, Vol. 2, no. 16, pg. 241; "A Female Riot," *Banner* (Abbeville, SC), August 5, 1846; "Female Heroism," *American Republican and Baltimore Daily Clipper*, July 23, 1846; "Female Heroism," *Indiana State Sentinel*, August 1, 1846; "War Upon Ten Pins," *Mississippi Democrat* (Carrollton, MS), August 26, 1846; "Female Riot," *Joliet (IL) Signal*, August 18, 1846; *Pearl*, July 25, 1846, Vol. I, no. 8, pg. 61; "The Maine Women," *New York People Organ, A Family Companion*, April 10, 1847, Vol. 6, no. 41, pg. 324. On reading and newspapers in nineteenth-century America see David M. Henkin, *The Postal Age: The Emergence of Modern Communication in Nineteenth Century America* (Chicago: University of Chicago Press, 2007); David M. Henkin, *City Reading: Written Words and Public Spaces in Antebellum New York* (New York: Columbia University Press, 1998); Christopher B. Daly, *Covering America: A Narrative History of a Nation's Journalism* (Amherst: University of Massachusetts Press, 2012); Sari Edelstein, *Between Novel and News: The Emergence of American Women's Writing* (Charlottesville: University of Virginia Press, 2014); Charles G. Steffen, "Newspaper for Free: The Economies of Newspaper Circulation in the Early Republic," *Journal of the Early Republic* Volume 23, no. 3 (Autumn, 2003): 381-419; William E. Huntzicker, *The Popular Press, 1833-1865* (Westport, CT: Greenwood Press, 1999); ; Kathleen L. Endres and Therese L. Luek, eds., *Women's Periodicals in the United States: Social and Political Issues* (Westport, CT:

When temperance women in Cadiz, Ohio, sought to suppress the local liquor traffic, they did so in person and in a local newspaper. The Martha Washington Total Abstinence Society (a group unaffiliated with the practically defunct Washingtonian movement) organized a visiting committee to pressure liquor vendors to cease operations. They visited a number of dealers and published an address to the merchants in the *Cadiz Sentinel*. Signed by ten women, it publicly attacked the respectability of the liquor sellers, stating “we will not believe there is one respectable man in our community” who, in consideration of the “wretchedness and crime that is caused by the sale of spirituous drink, would, for the sake of the paltry sum gained by such a traffic, any longer be engaged in it.” Members of the Leoni [Michigan] Female Temperance Society also took to the press to criticize local liquor distillers. The women penned an open letter to the “Manufacturers of Ardent Spirits in Michigan,” and called on those who “lay claim to the dictates of humanity,” to “go stand by the nine miles of graves annually filled with the victims of intemperance,” deaths liquor vendors, they proclaimed, were directly responsible for. In publishing their addresses, the women of Cadiz and Leoni clearly intended to make a very public statement of their position on the liquor traffic; a perspective that women in fraternal temperance organizations (like the Daughters of

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Greenwood Press, 1996); Martha M. Solomon, ed., *A Voice of Their Own: The Woman Suffrage Press, 1840-1910* (Tuscaloosa: University of Alabama Press, 1991); Michael Schudson, *Discovering the News: A Social History of American Newspapers* (New York: Basic Books, 1978); Alfred McClung Lee, *The Daily Newspaper in America: The Evolution of a Social Instrument* (New York: MacMillan Co., 1937), 12, 717-718, 735; Bertha-Monica Stearns, “Reform Periodicals and Female Reformers, 1830-1860,” *The American Historical Review* 37, no. 4 (July, 1932), 678-699.

Temperance) could not publicly express without facing censure from their male colleagues.<sup>15</sup>

The statements issued by the women of Cadiz, Ohio, and Leoni, Michigan, in local newspapers reflected the growing politicization of female temperance activists. As women moved away from auxiliary fraternal organizations and into autonomous grassroots organizations, their rhetoric and tactics shifted. The coalescing networks of local temperance organizations that cropped up at the start of the local option campaigns of the mid-1840s provided a unique space for female activists to cultivate different political sensibilities from male reformers. The strategies they developed during “no license” drives set a precedent for the tactics women deployed in the prohibition campaigns of the late 1840s and 1850s. These actions were both different, in form and content, from their male counterparts. While some conservative temperance men advised women to use their private influence, female reformers unapologetically and publicly voiced their opinions. And through the public dialogue of local option campaigns, they

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<sup>15</sup> “Address,” *Cadiz (OH) Sentinel*, March 4, 1846; “Letter Address to the Manufacturers of Ardent Spirits in Michigan,” *Michigan Journal of Temperance and Washingtonian*, April 15, 1847, Vol. II, no. 4, pg. 29. Despite the decline of the Washingtonian movement, women continued to labor under the Martha Washington Society banner. These organizations were primarily located in the Midwest, unaffiliated with the former Washingtonian movement, operated independently, and did not reject political means. The membership also changed. While the women who flocked to the movement in the early 1840s tended to be the female family members of reformed inebriates from the working and lower middle-classes, the societies in the mid-to-late 1840s tended to be middle-class and geared towards local agitation in the name of temperance. For examples of temperance societies using the Martha Washington name and their activities the mid and late 1840s see “Temperance in the West,” *Pearl*, March 27, 1847, Vol. 1, no. 43, pg. 340; “Address,” *Cadiz Sentinel*, March 4, 1846; “To the Committee of the Martha Washington Society,” *Cadiz Sentinel*, March 11, 1846; “Ladies Temperance Society at Albion,” *Michigan Temperance Journal and Washingtonian*, April 15, 1846, Vol. I, no., pg. 27; “And Still They Come,” *Michigan Temperance Journal and Washingtonian*, February 15, 1847, Vol. II, no. 2, pg. 13.

increasingly invoked language that drew attention to women's social and legal disabilities.

### **Men's Appeals, Local Option, and the Drunkard's Wife**

Local option campaigns turned on the will of the voters. To encourage individuals to vote "no license," male reformers tailored their arguments to appeal to issues they believed would sway their constituency—other white men. Men's local option addresses emphasized the disruption intemperance unleashed on the family and highlighted the wretched physical and emotional condition of the inebriate's long-suffering, victimized wife. They often turned to the drunkard narrative, a story of decline, despair, and suffering universally understood by all nineteenth-century Americans, to buttress their justification for local option laws. By trading on the drunkard narrative, male temperance activists sought to convince voters that by simply refusing to grant licenses, the traffic in intoxicating spirits and accompanying social disorder caused by intemperance would vanish.<sup>16</sup>

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<sup>16</sup> For a discussion on the importance of the drunkard narrative in nineteenth-century America see Parsons, *Manhood Lost*, 3-17. On gender and female victimization in temperance literature see Elizabeth Pleck, *Domestic Tyranny: The Making of Social Policy Against Family Violence from Colonia Times to the Present* (New York: Oxford University Press, 1987), 49-66; Martin, *Devil of the Domestic Sphere*, 40-50; Fletcher, *Gender and the American Temperance Movement*, 22-23. For examples of local option tracts and columns highlighting the plight of the drunkard's victimized wife see No License, "The License Question," *New York Tribune*, March 11, 1846; *Facts for the People of Marion County*, 6; "The License Question – no. 5," *JATU*, April 1, 1846, Vol. X, no. 4, pg. 50; "Orange County Tract, *JATU*, March 1, 1846, Vol. X, no. 3, pg. 38-39; Abram Marsh, *A Discourse. Reasons for Law, with Some Special Reference to the Traffic in Intoxicating Liquors* (Hartford: CT: Courant Office Press, 1845); *Report of the Executive Committee of the American Temperance Union* (New York: American Temperance Union, 1846), 27-29, 68; "License" or "No License": *A Calm Appeal to the Electors of Ulster County, New York* (Kingston, NY: W.H. Romeyn, 1846); "Final Appeal," *New York Daily Tribune*, March 28, 1846; T.W. Tipton, A.B. Buttles, Rev. G. Moody, *An Appeal to the Citizens of the State of Ohio upon the License Question by the Board of Managers of the State Temperance Society, Columbus, March 20, 1847*

Despite public sympathy towards the struggles of the “drunkard’s wife,” activists were tasked with convincing voters to essentially ban an entire subset of local, and traditionally legitimate, business. At the same time that local option tracts highlighted the plight of the suffering wife, they transferred the responsibility for the drunkard’s deplorable condition. Fault no longer solely lay at the feet of the supposedly weak-willed inebriate, but also on the rum-seller who enticed him into addiction. Over the course of the mid-1840s, the appeals for “no license” in newspapers, speeches, and temperance periodicals focused on both the victimized woman and the greedy rum-seller. They suggested that a vote of “no license” held the promise to restore order in the home, return men and women to their proper roles in the marital relationship, and delegitimize liquor selling as a respectable business.<sup>17</sup>

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(Columbus, OH: Buttles and Aumock, 1847), 12-14; “Appeal on the License Question: Put Forth By the Rochester Temperance Convention,” *New York Evangelist*, December 25, 1845, Vol. 16, no. 52. For an example of the victimized wife in agitation for local officials to pass stringent local laws see “The Relapse — A Domestic Scene,” *JATU*, April 1, 1849, Volume XIII, no. 4, pg. 50. For some examples of the portrayal of women in temperance fiction from the early 1840s see John W. Crowley, ed., *Drunkard’s Progress: Narratives of Addiction, Despair, and Recovery* (Baltimore, MD: Johns Hopkins University Press, 1999); Mrs. J. Thayer, *Picnic Tales, Number Three: The Drunkard’s Daughter* and *Picnic Tales, Number One: The first Time* (Boston, MA: William S. Damrell, 1842); Mrs. J. Thayer, *Picnic Tales, Number Five: The Widow’s Son* (Boston, MA: William S. Damrell, 1843); Mrs. J. Thayer, “The Distillery,” *Picnic Tales, Number 2* (Boston: William S. Damrell, 1842), 5-60; Mrs. Ellis, “The Reformed Husband,” *Picnic Tales, Number 2* (Boston: William S. Damrell, 1842), 63-79. For examinations of temperance fiction, although primarily from the post-Civil War period, see Carol Mattingly, *Well-Tempered Women: Nineteenth-Century Temperance Rhetoric* (Carbondale: Southern Illinois University Press, 1998).

<sup>17</sup> No License, *Facts for the People of Marion County*, 1-8; “The License Question,” *New York Daily Tribune*, March 11, 1846; “The License Question – no. 5,” *JATU*, April 1, 1846; “Orange County Tract,” *JATU*, March 1, 1846; Marsh, *A Discourse; Report of the Executive Committee of the American Temperance Union*, 1846, 27-29, 68; “License” or “No License”: *A Calm Appeal to the Electors of Ulster County; To the People of Wayne Township, Wayne County, Indiana*; “Final Appeal,” *New York Daily Tribune*, March 28, 1846; Tipton, Buttles, and Moody, *An Appeal to the Citizens of the*

Men, in particular, employed language that painted the liquor traffic as a major destabilizing force on middle-class gender roles. It was not just the issue of intemperance but the threat the liquor traffic itself posed to the home and family. With nineteenth-century middle-class gender relations rooted in the home, ensuring that the home operated in an orderly fashion was extremely important. Middle-class ideology presented the domestic sphere as the locus of female authority and moral influence, which operated, at least theoretically, as a refuge from the volatile forces of the market. Unlike other vices, however, the liquor traffic permeated the protect sphere of the home.<sup>18</sup>

By invading the home, the liquor traffic directly unsettled the relationship between husband and wife and parent and child. The drunken husband who squandered his earning at the grog shop and returned home to abuse his family abdicated his role as the head of household. Incapable of his proper role as financial provider and familial protector, the drunkard's wife was forced to undertake these responsibilities to protect her family. In campaigns for local option, the invasion of the home by the market (in the form of the liquor traffic) was not only the fault of the inebriate, but also the ardent spirits dealer who ensnared him for his own profit. As one contemporary observer remarked, men "are made drunkards, not at home, but in the dram-shop." The inebriate did not get his start in the home, where female moral authority reigned, but in the market driven groggery. For male reformers, in order to resettle proper gender relations, the sale of intoxicating spirits as a beverage had to be stopped, and in the mid-1840s, local option

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*State of*, 9-14; "Appeal on the License Question: Put Forth By the Rochester Temperance Convention," *New York Evangelist*, December 25, 1845.

<sup>18</sup> For a discussion on the drunkards' threat to middle-class gender ideology see Martin, *Devil of the Domestic Sphere*, 108-118; Fletcher, *Gender and the American Temperance Movement*, 19-20; Frantz-Parsons, *Manhood Lost*, 22-26, 55-58.

was viewed as the most efficient means to go about it. Yet reformers needed to get men to the polls to cast their votes for “no license.”<sup>19</sup>

Depictions of the victimized wife and morally corrupt grog seller drew voters into the “no license” camp. The underlying male arguments that “no license” would restore order to the home (and respectable businessmen to the marketplace) often appeared right before voters cast their ballots. Just as electors in New York went to the polls in 1846, an editorial by “No License” appeared in the *New York Daily Tribune*, which described the life of a woman who the author claimed personally told him her story. It was a tale of poverty and abuse. Of a “wretched female,” who suffered “pinching poverty” and twice had “been obliged to flee” her drunken husband “at the dead of night and go three quarters of a mile to the nearest neighbor to avoid his brutal violence, after he had returned home from the tavern licensed by the law.” Her husband often threatened her life and she lived in such a state of despair, that were it not for her children who her “husband often beats and kicks when drunk,” she would be thankful to “lie down and die.” “How long,” the woman bemoaned, “will men be permitted for gold to lure our husbands and sons to destruction through the influence of their poisons.” After all, this same man, before he “commenced visiting the tavern over the way” was “one of the kindest of husbands, and one of the most affectionate of fathers.” The message was clear; her husband and the law that sanctioned men to sell intoxicating spirits were equally at

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<sup>19</sup> Leonard Bacon, *A Discourse on the Traffic in Spirituous Liquors, Delivered in the Center Church, New Haven, February 6, 1838, with an appendix Exhibiting the Present State and Influence of the Traffic in the City of New Haven*. (New Haven, CT: B.L. Hamlen, 1838), 6.



fault for her and her children's deplorable situation, but a vote of "no license" would put an end to it.<sup>20</sup>

An appeal to Indianans in Marion County adopted a similar trajectory. Also written by a "No License," he condemned the "persons in Marion county who are trying to persuade their fellow citizens to authorize them [liquor shops] again, by license, to try to make them and their children drunkards." Voters must go to the polls and cast a ballot for "no license," he urged, for every man who "does not write No License on his ticket, authorizes thereby the drunkard-maker in his neighborhood, to make him, his children, and his neighbors, drunkards." Those who failed to stand against the dram seller, he scolded, were complicit in the destruction of good hard-working families. In particular, "no license" would protect the poor drunkard's wife, a woman who lives a life of "agony" as the "lone watcher." She who in "poverty and sorrow awaits his coming, fearful, yet anxious, nervous and unhappy—her dream of love has vanished; the bright hopes of her young heart are withered, and burned to ashes!" Unless voters cast their ballots for "no license," the women of Marion County faced "brutal violence" that destroyed the marriage contract and the family unit. A man's homecoming, No License argued, should be a "signal for smiles and gladness," but for the drunkard's wife it is "watched with tearful eyes, a heavy heart, and a spirit of foreboding woe." By eradicating the liquor dealer, domestic tranquility would be restored in Marion County. The only person who could stand in the way of women's happiness and the fulfillment of her true

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<sup>20</sup> No License, "The License Question," *New York Daily Tribune*, March 11, 1846

role as mother and wife was the complacent voter who neglected to cast his ballot for “no license.”<sup>21</sup>

Emphasis on the long-suffering abused wife served two mutually reinforcing objectives. On the one hand, these tracts highlighted the threat of the liquor trade on the ideology of middle-class domestic tranquility. A vote for license represented a vote to increase the “profits a drunkard-maker” received when he sold liquor and sent a “husband home drunk to distress or even kill his wife.” On the other hand, these tracts celebrated women’s fidelity and moral fortitude, even in the most deplorable domestic conditions; reinforcing romanticized notions of nineteenth-century womanhood. As one author commented, there could be none “more worthy of pity and heart-felt commiseration, than she, who is bound by cords of love and duty, to a living body of death.” When commentators, such as “No License” transferred the preponderance of the blame for woman’s abject misery on liquor dealer, they suggested that if they could eradicate drunkenness, the threat to the established gender order that the inebriate posed would be removed. In this context, local option laws could not only alleviate the plight of

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<sup>21</sup> No License, *Facts for the People of Marion County*, 1,6. In 1847, the Indiana legislature allowed residents in several townships to vote on liquor licenses at the spring election. Indiana had various local laws on the books since 1830, but rather than a vote, the decision whether to grant licenses was contingent on a majority of the legal voters in a township petitioning the local boards and in some counties this remained the deciding factor on whether to grant licenses. Between the years 1848 and 1852, the Indiana legislature passed forty-nine acts regulating liquor. Spooner, *Cyclopædia of Temperance*, 293-294; Charles E. Canup, “Temperance Moments in Indiana,” *Indiana Magazine of History*, Vol. XVI, no. 1 (March, 1920), 21-22; *Local Laws of the State of Indiana passed at the Thirty-First Session of the General Assembly* (Indianapolis: J.P. Chapman, 1847), 191, 194-195, 214, 350, 372, 382, 413. Local option legislation lasted until 1853, when the State Supreme Court overturned it. §14. Local Option and §15. Licensing and Regulation, *The Indiana Digest: A Digest of the Decisions of the Courts of Indiana*, Vol. 6 (St. Paul, MN: West Publishing Co., 1911), 42-43; “List of Indiana Statutes Held Unconstitutional,” *Indiana Law Journal*, Vol. 17, Issue 2 (December, 1941), 120, 122.

thousands of abused and suffering women and children across the nation, but also eliminate a pervasive threat to -prescriptive middle-class gender roles.<sup>22</sup>

### **Women and the Campaign for Moral Legislation**

While men sympathized with drunkards' wives to get out the vote, women also publicly advocated for "no license." When local option campaigns took hold in the mid-1840s, women immediately mobilized. Across the nation, temperance women arose for the first time in massive numbers to coordinate petition campaigns for local option drives. Women in conservative fraternal organizations, like the Daughters of Temperance, as well as members of the rapidly growing number of unaffiliated grassroots organizations, took part in the monumental drive. Even in states where local option was not on the legislative agenda, the fervor for legal suasion spurred women into action.<sup>23</sup>

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<sup>22</sup> No License, *Facts for the People of Marion County*, 4,6. On the two depictions of the drunkard's wife in temperance literature see, Martin, *Devil of the Domestic Sphere*, 39-67.

<sup>23</sup> Where the scholarship presumes that women retired at this moment, as women were not voters, exactly the opposite was true; women mobilized in massive numbers for the first time—something scholarship has not seen or reckoned with in its understanding of temperance women's lives. For example see Tyrrell, "Women and Temperance in Antebellum American, 1830-1860," 128-141; Epstein, *The Politics of Domesticity*, 93; Dannenbaum, *Drink and Disorder*, 33-51; Martin, *Devil of the Domestic Sphere*, 144-48; Tyrrell, *Sobering Up*, 179-182, 211-218; Fletcher, *Gender and the American Temperance Movement*, 30-37; Jed Dannenbaum, "The Origins of Temperance Activism and Militancy Among American Women," *Journal of Social History*, Vol. 15, no. 2 (Winter 1981), 237. For some examples of local option petitions see "The Ladies in the Field," *American Republican and Baltimore Daily Clipper*, March 6, 1845; "Ladies' Temperance Union," *Holly Springs Gazette*, July 26, 1845; "Ladies Memorials – The Court," *Voice of Freedom*, April 3, 1845; "Philadelphia Ladies' Memorial," *JATU*, April 1, 1845; "New Temperance Movement," *North American and Daily Advertiser*, June 24, 1846; [no title], *Columbian Fountain*, February 19, 1846; [no title], *Sunbury American and Shamokin Journal*, February 22, 1845; "House of Representatives," *Spirit of Democracy* (Woodsfield, OH), December 26, 1846; "Legislature of Maryland," *American Republican and Baltimore Daily Clipper*, February 13, 1846; "Ohio Legislature," *Spirit of Democracy*, January 2, 1847; Elizabeth Cady Stanton, Susan B. Anthony, Matilda Joselyn Gage, eds. *History of Woman Suffrage, In Three Volumes*. Volume 1: 1848-1861. First

At the same time that eleven thousand Philadelphia women petitioned for local option, reformers elsewhere weighed in on the license question. Temperance women across the nation replicated the electioneering strategies embraced by the women of Pennsylvania. In Cincinnati, six thousand women signed memorials for “no license,” and in Baltimore, twelve thousand ladies petitioned their local officials to “turn applications for license empty away.” Prior to the license contest in Delaware, female reformers hosted a large convention where they resolved to encourage all voters to go to the polls and cast their votes for temperance. Petitions to the New Jersey Legislature for local option included one by several hundred ladies from Rahway, and one affixed with signatures of Passaic women that measured about “forty feet long.” In Ohio, women from all parts of the state flooded the legislature with petitions on the license question, while in Maryland, Representative Hook presented a “no license” petition and remarked that “he regretted the ladies could not constitute a portion of the committee” considering the question. In every state where local option was debated women took an active part in the proceedings.<sup>24</sup>

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Edition (New York: Fowler and Wells, 1881), 344-350; Jensen, *Loosening the Bonds*, 196-197. On the general enthusiasm for local option at the time see “A Great Victory,” *New York Evangelist*, June 4, 1846, Vol. 17, no. 23; “The “Great Excitement,” and “Rattling Among the Dry Bones,” and “License or No License,” *Michigan Temperance Journal and Washingtonian*, April 15, 1846, Volume I, No 4, pg.28, 30-31; “The License Law in Ohio,” *Michigan Temperance Journal and Washingtonian*, March 15, 1847, Volume II, No 3, pg.23; “Judge Lynch in Ann Arbor,” *Signal of Liberty* (Ann Arbor, MI), August 18, 1845, Volume 5, no. 17; “Judge Lynch in Ann Arbor,” *Ypsilanti (MI) Sentinel*, August 13, 1845; “Temperance in Connecticut,” *North Carolina Standard* (Raleigh, NC), October 22, 1845; Volk, *Moral Minorities*, 69-100.

<sup>24</sup> “No Progress in Temperance!,” *JATU*, November 1, 1845, Vol. IX, no. 11, pg. 162; “Female Influence,” *JATU*, May 1, 1847, Vol. XI, no. 5, pg. 74; [no title] *New York Tribune*, January 31, 1846; [no title] *Spirit of Democracy*, December 26, 1846; “The Ohio Legislature,” *Spirit of Democracy*, January 2, 1847; “Legislature of Maryland,” *American Republican and Baltimore Daily Clipper*, February 13, 1846.

Women across New York, also signed petitions calling on the state legislature to submit “the question of license to the people.” Lawmakers listened. On May 14, 1845, the General Assembly passed a local option statute and set the date for the first license election on May 19, 1846. Just a month before the election, on April 16, 1846, 1,680 women in Buffalo, New York, affixed their names to a petition “in favor of the causes of benevolence and justice.” They circulated it amongst the voters of the city prior to the election and submitted a copy for publication in local newspapers. Although the men of New York would cast the votes to “decide whether the sale of intoxicating liquors shall be authorized,” the tract’s authors noted, the state’s women had a responsibility to use “what influence we possess” to steer voters in favor of a “no license” victory.<sup>25</sup>

Their appeal, however, was not a simple prayer asking men to vote against license for the sake of the poor drunkard’s wife. Instead, the Buffalo women urged voters to consider “no license” on “behalf of the public, which is taxed to support the pauperism and crime generated by intemperance.” Only after they asserted their demands on the part

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<sup>25</sup> On petitions and debates on local option in the 1845 New York legislature see *Journal of the Assembly of the State of New York, at Their Sixty-Eighth Session* (Albany, NY: Carroll and Cook, 1845), 63, 87, 95-96, 99-100, 103, 108, 120, 126, 132, 144, 149, 161, 167, 180, 187, 196, 205, 215, 230, 2245, 255, 262, 269, 278, 292, 299, 307, 313, 321, 303, 336, 342, 351, 362, 278, 384, 395, 406, 418, 425, 437, 440, 448, 453, 467, 472, 476, 478, 487, 499, 504, 536, 550,,557, 561, 593, 686, 711; *Journal of the Senate of the State of New York, at Their Sixty-Eight Session* (Albany, NY: E. Mack, 1845), 47, 53, 80, 101, 07, 185, 197-198, 212, 240-241, 244, 247, 257, 276, 312, 314-315, 322-323, 333, 349, 357, 418, 423, 435, 448, 453, 588; “A Voice from the Ladies of Buffalo, *JATU*, June 1, 1846, Vol. X, no. 6, pg. 91; “To the Friends of Temperance of the State of New York,” *Albany (NY) Argus*, May 29, 1846, Volume XXXIV, no. 3480; “Political Address of the Ladies of Buffalo,” *Columbian Fountain*, May 16, 1846; “License or No License,” *New York Daily Tribune*, May 16, 1846; E.B. Merritt, “Founders of the Buffalo Courier—Theodotus Burwell,” in *Magazine of Western History* Vol. VIII, no. 1 (May, 1888): 83-89; H. Perry Smith, *History of the City of Buffalo and Erie County*, Volume I (Syracuse: D. Mason & Co., 1884), 689-695; W.J. Rorabaugh, “Prohibition as Progress: New York State’s License Election, 1846,” *Journal of Social History*, Vol. 14, no. 3 (Spring, 1981), 425-443.

of the taxpayers did they request on behalf of “all the women of our city” upon which the “miseries of intemperance chiefly fall” a vote against license. They reminded voters that it is “woman who is bound to him by near relationship, that feels his fall most keenly. It is she, who must bear up under want, unkindness, and the ruin of those she loves; while the drunkard lives an idle burden to society; and he who made him such grows rich as she grows wretched.” The women implored voters to “think of her rights, and her wrongs.” When the returns came in, Buffalo, like over 650 towns across the state adopted “no license. The election returned an overwhelming victory for New York’s temperance forces, and the women of Buffalo (like their sisters across the state) had taken a prominent role in electioneering against licenses.<sup>26</sup>

The female authors of the Buffalo address (like many authors of temperance tracts) came from the middle class. Class certainly did not protect women from the miseries of intemperance, but it afforded some women a greater opportunity to publicly weigh in on the politics of liquor regulation; a level of affluence brought greater opportunities for influence. Political victory in the nineteenth-century (no different than in the twenty-first) relied on garnering enough support for a cause and wielding influence

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<sup>26</sup> “A Voice from the Ladies of Buffalo,” *JATU*, June 1, 1846; “To the Friends of Temperance of the State of New York,” *Albany Argus*, May 29, 1846; “Political Address of the Ladies of Buffalo,” *Columbian Fountain*, May 16, 1846; “License or No License,” *New York Daily Tribune*, May 16, 1846. On the election returns see “Election Returns,” *JATU*, June 1, 1846, Volume X, no. 6, pg. 89; “Triumphs of Temperance,” *New-York Daily Tribune*, May 25, 1846; “Further Election Returns,” *New-York Daily Tribune*, May 23, 1846; “The War With King Alcohol,” *New-York Tribune*, May 21, 1846; “Excise Returns,” *New-York Daily Tribune*, May 26, 1846. The *JATU* notes that 656 towns voted for no license, while historian W.J. Rorabaugh’s examination found 651. “Eleventh Anniversary of the America Temperance Union,” *JATU*, June 1, 1847, Vol. XI, no. 6, pg. 81-82; Rorabaugh, “Prohibition as Progress: New York State’s License Election, 1846,” 427-428; Martin, *Devil of the Domestic Sphere*, 78; “Anti-Temperance Majorities – Repeal of the Excise Law,” and “Legislature of the State of New York,” *JATU*, June 1, 1847, Vol. XI, no. 6, pg. 88-89, 92.

in a way that afforded access to those in power. This was certainly the case for two of the Buffalo women who took charge of appeal: Mrs. Theodotus Burwell and Abigail Filmore. Burwell was the wife a well-known judge and founder of the *Buffalo Courier*, and Abigail Filmore, just four years later, became first lady of the United States.<sup>27</sup>

Middle-class female reformers well-established record of benevolence set a precedent which allowed them to weigh in on controversial issues. This tradition extended to temperance work, and women who publicly agitated for local option often wielded the mantle of benevolent work to ward off criticism. They could call for voters to address the plight of the drunkard's wife and demand legislative changes that would protect all women without constant censure. The rights and protections they demanded for the drunkard's wife, were, in essence, rights and protections for all women. Even for those who may not have considered themselves aligned with the nascent woman's rights movement, the language they used to discuss the liquor problem increasingly highlighted women's circumscribed legal status.<sup>28</sup>

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<sup>27</sup> Ginzberg, *Women and the Work of Benevolence*, 76-77; "A Voice from the Ladies of Buffalo," *JATU*, June 1, 1846; "To the Friends of Temperance of the State of New York," *Albany Argus*, May 29, 1846; "Political Address of the Ladies of Buffalo," *Columbian Fountain*, May 16, 1846; "License or No License," *New York Daily Tribune*, May 16, 1846; E.B. Merritt, "Founders of the Buffalo Courier—Theodotus Burwell," 83-89; Smith, *History of the City of Buffalo and Erie County*, Volume I, 689-695.

<sup>28</sup> "A Voice from the Ladies of Buffalo," *JATU*, June 1, 1846; "To the Friends of Temperance of the State of New York," *Albany Argus*, May 29, 1846; "License or No License," *New York Daily Tribune*, May 16, 1846; "Political Address of the Ladies of Buffalo," *Columbian Fountain*, May 16, 1846; Ginzberg, *Women and the Work of Benevolence*; Hewitt, *Women's Activism and Social Change*; Mary P. Ryan, *Cradle of the Middle Class: The Family in Oneida County, New York, 1790-1865* (New York: Cambridge University Press, 1981); Ann M. Boylan, *The Origins of Women's Activism: New York and Boston, 1797-1840* (Chapel Hill, NC: University of North Carolina Press, 2002).

Obvious legal disabilities and domestic instability shaped the language women used to address the local option question. The tracts and columns they produced tended to ask voters to consider the female subject as more than a victim. At the same time, they justified their authority to publicly speak on an overtly political subject. Antebellum temperance, for many, was a movement for the rights of women. Female authors were less interested in encouraging other women to use moral persuasion at home than to use their influence on a broader public scale. Women's disproportionate burden made them well aware that moral suasion was ineffective at eradicating this social evil. The time for moral suasion in the domestic realm had long passed. Legislation appeared to be the answer, but many women increasingly recognized that statutes regulating liquor only represented part of the puzzle, and that broader systemic changes were necessary to address social and legal disabilities of women.<sup>29</sup>

As in Buffalo, middle-class female reformers unapologetically and publicly expressed their opinion on the license question. Yet at the same time they deflected criticism by trading on their supposed passivity. When the women of Buffalo coyly noted that they were simply exercising their "responsibility of using what influence" they possessed, they invoked a vision of womanly duty to protect their sisters and simultaneously claimed a right to publicly speak on political matters. They acknowledged the condition of women, upon whom the "miseries of temperance chiefly fall," but did not dwell on the particulars of the drunkard's wife. Written at a time when the drunkard narrative and long-suffering pious wife represented *the* language of the mainstream

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<sup>29</sup> "A Voice from the Ladies of Buffalo," *JATU*, June 1, 1846; "To the Friends of Temperance of the State of New York," *Albany Argus*, May 29, 1846; "Political Address of the Ladies of Buffalo," *Columbian Fountain*, May 16, 1846; "License or No License," *New York Daily Tribune*, May 16, 1846.



temperance movement, these women presented nuanced arguments that contended, even if implicitly, that there was no way to disentangle the legal disabilities that affected all women from the “miseries of intemperance.” They spoke not only for the wife the inebriate, but on “behalf of the women of our city.” All women, at any time, could find themselves the wife, mother, or sister of an inebriate. As female temperance activists drew attention to the social and legal disabilities of women, they did so in a way that sidestepped criticism that they were overstepping their sphere, as often occurred in the abolition movement.<sup>30</sup>

Trading on their supposed passivity did not change male reformers stance on acceptable forms of women’s activism. Male advocates needed women to engage in anti-licensing campaigns, but they wanted them to operate within the tightly bound structure of nineteenth-century gender roles. The tracts male advocates directed at voters depicted women as virtuous long-suffering victims of intemperance, whereas, those aimed at temperance women emphasized their moral superiority and the great service that their passive persuasion could lend to the movement. Columns addressed to women celebrated the archetype of the female moral exemplar and tended to read more as paeans to a

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<sup>30</sup> “A Voice from the Ladies of Buffalo,” *JATU*, June 1, 1846; “To the Friends of Temperance of the State of New York,” *Albany Argus*, May 29, 1846; “Political Address of the Ladies of Buffalo,” *Columbian Fountain*, May 16, 1846; “License or No License,” *New York Daily Tribune*, May 16, 1846. For some examples of works on abolition see Susan Zaeske, *Signatures of Citizenship: Petitioning, Antislavery, and Women's Political Identity* (Chapel Hill: University of North Carolina Press, 2003); Julie Roy Jeffery, *The Great Silent Army of Abolitionism: Ordinary Women in the Anti-Slavery Movement* (Chapel Hill, University of North Carolina Press, 1998); Beth Ann Salerno, *Sister Societies: Women's Antislavery Organizations in Antebellum America* (DeKalb: Northern Illinois University Press, 2005); Jean Fagan Yellin and John C. Van Horne, eds. *The Abolitionist Sisterhood: Women's Political Culture in Antebellum America* (Ithaca, NY: Cornell University Press, 1994); Carol Faulkner, *Lucretia Mott's Heresy: Abolition and Women's Rights in Nineteenth-Century America* (Philadelphia: University of Pennsylvania Press, 2011).

romanticized era of moral suasion than calls for public engagement in local option campaigns. At the same time that women began to claim a right to directly engage in temperance politics, men in the movement pushed back, issuing articles that courted women's assistance in local option but pressed for these interactions to be apolitical and remain in the home.<sup>31</sup>

Just as male reformers arguments to the voters were meant to sure up middle-class gender roles, so too did their instructions to female reformers. For example, the Ladies Department of the *Michigan Temperance Journal and Washingtonian* encouraged women to stand by and let "the men do what they will, let them quarrel about moral suasion and legal suasion, —license and no license." Women, however, must "go on in the good old way" and "warn men of the dangers and miseries of intemperance and persuade them to sign the glorious PLEDGE" to vote for "no license." Another asked "do you want your husbands and sons to become drunkards?" Private influence, "on many a father and husband and brother" would tip the scales in favor of "no license." An Ohio tract also urged women's "continued co-operation," but strictly in the home. If not maintained as a temperate sanctuary, local option was sure to fail. Men's public exertions to "press the question of legislation" would all be in vain "if mothers should teach their sons to drink—sisters present the cup of death to gallant gentlemen, and young brides sip

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<sup>31</sup> For some examples of male activists counselling women on private influence see "The Ladies," *Michigan Temperance Journal and Washingtonian*, February 15, 1847; [no title], *JATU*, September 1, 1846, Vol. X, no. 9, pg. 13; "The License Question—no. 5," *JATU*, April 1, 1846, Vol. X, no. 4, pg. 50; "What Can Woman Do?," *JATU*, January 1, 1845, Vol. IX, no. 1, pg. 8. For a general discussion of women's politicized organizing in reform see Ginzberg, *Woman and the Work of Benevolence*, 71-72, 75-77, 80-81. On women in temperance literature see Martin, "Victims and Exemplars: Promoting Gender Ideology in Temperance Literature," in *Devil of the Domestic Sphere*, 39-67; Fletcher, *Gender and the American Temperance Movement*, 21-24; Mattingly, *Well-Tempered Women*, 123-132.

of wine with their heart.” Women had to participate in the local option campaigns, but in traditionally feminine ways. They were to banish intoxicants from the home and counsel their husbands, sons, and fathers to vote for “no license.”<sup>32</sup>

Many, however, had no intention of passively counseling from the hearth in the home. While men called on women to stay true to moral suasion, women publicly campaigned for local option and through their interactions developed political sensibilities that differed from their male counterparts. As men generated rhetoric that highlighted how legislation would enforce middle class gender norms, women critiqued those norms and in doing so helped forge a path to women’s rights. When local activists, as in Buffalo, publicly campaigned for legislation with an eye to the wrongs and rights of the drunkard’s wife, they articulated a vision of the temperance movement that was far broader than their male counterparts—one that sought to address the systemic social and legal disabilities of women.<sup>33</sup>

### **From Local Option to Woman’s Rights**

Female temperance activists took on a prominent public role in local option from the onset of the campaign. Although practically invisible to historians, they were highly visible to their contemporaries, being extremely active in anti-licensing drives. The temperance movement’s transition to legal suasion did not alienate women from meaningful participation but mobilized them. In other words, women’s participation in

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<sup>32</sup> “The Ladies,” *Michigan Temperance Journal and Washingtonian*, February 15, 1847; No License, “The License Question,” *New-York Daily Tribune*, March 11, 1846; Tipton, Buttles, Moody, *An Appeal to the Citizens of the State of Ohio*, 13.

<sup>33</sup> “A Voice from the Ladies of Buffalo,” *JATU*, June 1, 1846; “To the Friends of Temperance of the State of New York,” *Albany Argus*, May 29, 1846; “Political Address of the Ladies of Buffalo,” *Columbian Fountain*, May 16, 1846; “License or No License,” *New York Daily Tribune*, May 16, 1846.

local temperance organizing for “no license” elections led to an increased level of politicization, despite the fact that they could not vote. This increased involvement and deepening politicization over the course of the 1840s not only benefited the broader movement, but also laid the groundwork for some of the claims and rhetoric of the coalescing woman’s rights movement. By the time prominent women’s rights activists, such as Elizabeth Cady Stanton and Susan B. Anthony challenged temperance narratives that celebrated the perseverance of the long-suffering inebriate’s wife and called for liberalized divorce laws and suffrage, some grassroots temperance activists had already included these claims in their campaigns for local option. Throughout the drive for “no license” legislation activists on the ground publicly pushed back against narratives that viewed women as exerting little agency over the course of their domestic situation, agitated for divorce from inebriates, and in some cases, demanded the vote.<sup>34</sup>

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<sup>34</sup> On prominent woman’s rights activists who challenged the idea that drunkards’ wives should persevere see Pleck, *Domestic Tyranny*, 49-66; Martin, *Devil of the Domestic Sphere*, 40-50; Fletcher, *Gender and the American Temperance Movement*, 22-23. The lack of scholarship on the mobilization and politicization of female reformers in local option campaigns is, to some extent, rooted in the histories of the temperance movement penned in the decades following the Civil War. By the mid-1870s, as the temperance activists sought to regain the mass appeal of the antebellum era, a series of monographs written by anti-liquor advocates sketched a history of the movement as it unfolded over the course of the nineteenth-century. These works sprung up in support of the post-war crusade for prohibition and positioned the 1851 Maine Liquor Law, which prohibited the sale of intoxicating liquors as a beverage, as the primary antecedent for the revitalized movement. The few histories that mentioned local option campaigns, such as V.W. Grubbs *Practical Prohibition* and John G. Woolley and William E. Johnson’s *Temperance Progress in the Century*, glossed over the importance antebellum activists placed on “no license” drives, and how the mobilization that occurred around this moment paved the path to the drives for statewide prohibition. While these works did not eradicate the role of nineteenth-century women from the temperance movement, they redirected it. Women’s activism for the entire century was reduced to the awakening in the Women’s Crusades of 1873 and 1874, which birthed the Women’s Christian Temperance Union (WCTU). Even works produced by female reformers in the post-war period ignored the public political actions and women’s rights claims that were central to the activism of antebellum women. Instead, these were overlooked in favor of the Women’s Crusades, the WCTU and its uneasy alliance with the post-war suffrage

Local option's dependence on the vote made female temperance activists keenly aware of the limits of their activism without access to the ballot box, and this seems to have spurred women's first known organized demands for the vote. In their "no license" appeals, petitions, and columns they often included calls for women's rights, especially demands for suffrage. Yet the role of antebellum female temperance is barely discernable in the iconic history of the nineteenth-century woman's rights movement, *History of Woman Suffrage*. Little is mentioned in the *History* on the connection between the local option campaigns of the mid-1840s and women's demands for political rights. It is not until a passage discussing the 1847 repeal of New York's local option law that the editors gave pause and addressed the subject. The law's repeal, they noted, "filled the temperance hosts throughout the State with alarm, and roused many women to the assertion of their rights." According to the *History*, repeal in 1847 sparked women's political consciousness, not the coordinated and assertive campaign for "no license" in 1845-1846. Repeal likely spurred some women to public action and to consider their

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movement. For some examples of works on the temperance movement written after the civil war see Mother Stewart, *Memories of the Crusade: A Thrilling Account of the Great Uprising of the Women of Ohio in 1873, Against the Liquor Crime* (Columbus, OH: WM. G. Hubbard & Co, 1881); Annie Wittenmyer, *History of the Woman's Temperance Crusade* (Boston, MA: James H. Earle, 1882); V.W. Grubb, Esq., *Practical Prohibition* (Greenville, TX: T.C. Johnson & Co., 1887); John G. Woolley and William E. Johnson, *Temperance Progress in the Century* (Philadelphia, PA: Linscott Publishing Company, 1903); J.E. Stebbins and T.A.H. Brown, *Fifty Years History of the Temperance Cause. With a Full Description of the Origin and Progress of the New Plan of the Labor by the Women Up to the Present Time* (Hartford, CT: L. Stebbins, 1874); J.H. Beadle, *The Women's War on Whisky: Its History, Theory, and Prospects* (Cincinnati, OH: Wilstach, Baldwin & Co., 1874); Rev. T.A. Goodwin, *Seventy-Six Years' Tussle with the Traffic* (Indianapolis, IN: Carlon & Hollenbeck, 1883).

legal disabilities, but many grassroots temperance reformers publicly discussed the status of their political rights in the context of anti-licensing campaigns several years earlier.<sup>35</sup>

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<sup>35</sup> “Anti-Temperance Majorities—Repeal of the Excise Law,” and “Legislature of the State of New York,” *JATU*, June 1, 1847, Vol. XI, no. 6, pg. 88-89, 92; Stanton, Anthony, and Gage, *History of Woman Suffrage*, Volume I, 474. Ironically, it was Susan B. Anthony, who as late as 1849 still advised moral suasion in temperance. In speech to the Canajoharie, New York, Daughters of Temperance she did not set out a radical new agenda for temperance and/or women’s rights. Instead, she counselled her sisters, that “in my humble opinion, all that is needed to produce a complete Temperance and Social reform in this age of Moral Suasion, is for our Sex to cast their united influence into the balance.” Her 1849 speech was certainly provocative coming from a member of the ultraconservative Daughters of Temperance, but it was a far cry from the reconsideration of rights suggested in *History of Woman Suffrage*, which dated the speech to 1847, shortly after the local option law was repealed. The *History of Woman Suffrage* put the year of this address as 1847, but Ida Husted Harper’s biography of Anthony placed the lecture on March 1, 1849, while a transcript of a portion of the speech in *The Selected Papers of Elizabeth Cady Stanton and Susan B. Anthony* records the date as March 2, 1849. The March 1849 date is likely correct as Anthony did not join the Daughters of Temperance until 1848. Ida Husted Harper, *The Life and Work of Susan B. Anthony, Including Public Addresses, Her Own Letters, and Many From Her Contemporaries During Fifty Years, In Two Volumes*, Volume I (Indianapolis, IN: Bowen-Merrill Company, 1899), 53-54; Gordon, et al, eds., *Selected Papers*, Volume I. 135-142. The centrality of suffrage to local option made female temperance activists keenly aware of the limits of their activism without access to the ballot box, and this seems to have spurred women’s first known organized demands for the vote. Some of the shards of this reality are beginning to be visible in scholarship, but they have not yet been woven together into the larger reinterpretation offered here. Recently, political historian Kyle Volk examined the politics of local option as part of a broader study of the conflicts spurred by nineteenth-century moral reformers and their influence on the development of American democracy. Volk notes that by the time the local option crusade materialized in the mid-1840s, the significance of the vote had radically changed. The ballot had transformed from something used to elect government officials to a tool that could be wielded to produce social and moral change. These ballot-driven attempts to regulate community behavior, such as anti-licensing initiatives, exposed the limits of the political influence of the disenfranchised. Although Volk mentions that local option provided a context for women who were considering suffrage at this time, it is a minor point presented in a broader discussion of the transformation of government. But this point deserves underlining and emphasis. Women’s politicization through anti-licensing initiatives helped foster a reconsideration of their rights and produced women’s first known demands for suffrage. Volk, *Moral Minorities*, 78-79. On the transformation of the vote and women’s political identity see also Ginzberg, *Women and the Work of Benevolence*, 94-96.

As local option brought the limits of women's direct influence at the ballot box into focus, some female—and male—reformers began publicly voicing their opposition to women's circumscribed legal status and demanding the vote. The approaching local option election in New York, in the spring of 1846, provided female activists in Buffalo an opportunity to ponder the limitations of their disenfranchisement. The women, who had helped convince the legislature to pass a local option statute in 1845, now watched as the men of the city prepared to go to the polls and cast their ballots on the question. In their April 1846 address to city voters, the women of Buffalo lamented their exclusion from the climax of their campaign. They complained that “having no ballot,” they were regrettably forced to depend upon male voters “for a victory.” Although they did not explicitly call for the franchise, they clearly conveyed their feelings on the limits of their political agency in a campaign that they tirelessly worked on for well over a year. This anger was so wide and deep that the Buffalo memorial garnered an astonishing 1,680 female signatures.<sup>36</sup>

Other New York women also chimed in on the state of their political rights as the license question dominated temperance discussions. Although “no license” carried the day in at least 650 New York townships, these victories were not sufficient for many women, who now harbored a growing desire for yet another reform: women's suffrage. As the women of Buffalo publicly lamented their lack of access to the ballot and dependence on male voters in the pages of several local newspapers, fourteen hundred

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<sup>36</sup> “A Voice from the Ladies of Buffalo,” *JATU*, June 1, 1846; “To the Friends of Temperance of the State of New York,” *Albany Argus*, May 29, 1846; “Political Address of the Ladies of Buffalo,” *Columbian Fountain*, May 16, 1846; “License or No License,” *New York Daily Tribune*, May 16, 1846. On petitions to the 1845 legislature from Erie county, where Buffalo is located see *Journal of the Assembly of the State of New York, at Their Sixty-Eighth Session*, 95, 342, 395, 406, 425; *Journal of the Senate of the State of New York, at Their Sixty-Eight Session*, 362.

women from Monroe County affixed their signatures to a petition that “bemoan[ed] their lack of the ballot” and “petitioned voters to safeguard their welfare at the polls” by electing pro-temperance candidates to the legislature. Meanwhile, a female author took to the ladies’ magazine the *Pearl* to express her resentment at women’s disenfranchisement. For her, the campaign had laid bare the pretense of claims of a government based upon “true democratic principles.”<sup>37</sup>

It was clear the Buffalo ladies were not alone in their frustration. Several months after the victorious New York state local option election, a temperance woman writing to the *Pearl*, nevertheless remained angry. Her article denounced the hypocrisy of a state government that touted the principle “that we who are governed by the laws should have a voice in making them,” yet “one half of our adult population have no voice whatever.” This state of affairs, she argued pointedly, made the whole female population “a body of serfs, aliens ... but not citizens.” She asked readers to consider how much better it would be if women were enfranchised, how they could reorder the landscape of New York for the better. “If all the women in New York were voters,” she averred, “how long would it be before their rights would be respected, in the making and the administration of the

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<sup>37</sup> William G. Bishop and William H. Attree, *Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of New York, 1846* (Albany, NY: Evening Atlas, 1846, 646. The petition of the fourteen hundred women from Monroe county is quoted in Hewitt, *Women’s Activism and Social Change*, 113; “Something More About the Rights of Woman,” *Pearl*, August 1, 1846; “A Voice from the Ladies of Buffalo,” *JATU*, June 1, 1846; “To the Friends of Temperance of the State of New York,” *Albany Argus*, May 29, 1846; “Political Address of the Ladies of Buffalo,” *Columbian Fountain*, May 16, 1846; “License or No License,” *New York Daily Tribune*, May 16, 1846; Jensen, *Loosening the Bonds*, 197; Stanton, Anthony, and Gage, *History of Woman Suffrage*, Volume I, 344; Ginzberg, *Untidy Origins*, 5-26; Judith Wellman, “Women’s Rights, Republicanism, and Revolutionary Rhetoric in Antebellum New York State,” *New York History*, Vol. 69, no. 3 (July, 1988), 352-384; Jacob Katz Cogan and Lori D. Ginzberg, “1846 Petition for Woman’s Suffrage, New York State Constitutional Convention,” *Signs*, Vol. 22, no. 2 (Winter, 1997), 427-439.



laws?” Enfranchised women could also do so much more for temperance, she continued. If women voted, “how long would they permit the existence of three thousand tippling shops in which females never enter, but which are yearly making thousands of drunkards of their brothers and sons?” Her conclusion: not long. And as voters, temperance women could help ensure laws got enforced. This columnist for the *Pearl* echoed the sentiments of an increasing number of temperance women. And highlighting the inevitable eradication of the liquor traffic that she saw to come with woman’s suffrage suggested that temperance reformers should get on board with the prospect.<sup>38</sup>

Around the same time that the female columnist in the *Pearl* tied temperance to woman’s suffrage, a small group of women in western New York, took their demand for the ballot to Albany. The timing does not seem coincidental. On August 8, 1846, six ladies from Jefferson County penned a petition to the New York State Constitutional Convention “asking for the extension of the elective franchise to women.” Their petition stated that a government that denied all women the “right of suffrage and any participation in the forming of the government and laws under which they live, and to which they are amendable, and by imposing upon them the burdens of taxation, both directly and indirectly, without admitting them the right of representation,” could not be considered democratic. By denying women access to the ballot box, the petition continued, the state struck “down the only safeguard of their individual and personal liberties.” They asked not for a new right, but simply the restoration of one that “had been ungenerously withheld from them, rights which they as citizens of New York may

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<sup>38</sup> “Eleventh Anniversary of the America Temperance Union,” *JATU*, June 1, 1847; Rorabaugh, “Prohibition as Progress: New York State’s License Election, 1846,” 427-428; “Something More About the Rights of Woman,” *Pearl*, August 1, 1846.

reasonably and rightfully claim.” The women were clear, they were entitled to a voice in the government that ruled them, and the state’s actions violated their rights.<sup>39</sup>

Since Lori Ginzberg first discovered this document in 1997, scholars have struggled with what to do with the it. Often seeing it as an anomaly—since it does not fit the usual 1848 story. Ginzberg, who has written extensively on the memorial, has referred to the document as somewhat of a puzzle. Her monograph, *Untidy Origins*, uses the document as a jumping off point to examine rural women’s political identity; as starting point to get at the politicization of local women and how that transition was nurtured in both public and private discussions. Their very “ordinariness,” Ginzberg suggests, reveals a far more widespread sympathy with their views on woman’s political rights than historians have previously recognized. That these ideas were swirling about is well documented. But what historians have missed is how this was connected to this little known moment in temperance, when tactics began to turn toward the political, and women’s insistence that they remain central to the campaigns of which they understood themselves to be intimately apart of. Antebellum women’s demands for suffrage certainly have roots in abolition as well as in the debates on republican ideals and democratic principles that circulated in the political discourse of the era, the usual scholarly interpretation. But while Ginzberg argues that the Constitutional Convention of 1846 provided an opportune time to pressure lawmakers, this alone does not adequately explain the timing. It misses the larger context of the temperance agitation in precisely

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<sup>39</sup> Bishop and Attree, *Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of New York, 1846*, 646; Ginzberg, *Untidy Origins*, 5-26; Wellman, “Women’s Rights, Republicanism, and Revolutionary Rhetoric in Antebellum New York State,” 352-384; Cogan and Ginzberg, “1846 Petition for Woman’s Suffrage, New York State Constitutional Convention,” 427-439.

this same year, and the ways in which it produced frequent laments from temperance women about their disenfranchisement.<sup>40</sup>

Indeed, the petition arrived in Albany less than three months after the state's local option election, and at a time when other New York women were publicly addressing their disenfranchisement in the context of the local option campaign. Putting the petition in this context also suggests that it was not an anomaly, but likely part of a much bigger movement for women's suffrage within the temperance movement—something still completely unseen in the scholarship. Women across New York were heavily involved in the 1845-1846 local option movement. They petitioned, they held public demonstrations and carried banners, they wrote columns to newspapers, and organized temperance societies in unprecedented numbers. Yet they campaigned for a legislative change that they themselves could not go to the polls to cast a vote for, and this irked them. In her article, the unnamed woman writing to New York's *Pearl* (and published just one week before the Jefferson women submitted their memorial), employed language remarkably similar to the Jefferson petitioners, again suggesting the Jefferson County petition arose from the local option temperance crusade. And although the memorial of the women from Jefferson County did not mention liquor laws, they lived in an area where the anti-licensing campaign was hugely popular. When viewed through this lens of female temperance activism, the Jefferson petition no longer appears as an anomaly, but as part

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<sup>40</sup> Ginzberg, *Untidy Origins*, 5-26; Wellman, "Women's Rights, Republicanism, and Revolutionary Rhetoric in Antebellum New York State," 352-384; Cogan and Ginzberg, "1846 Petition for Woman's Suffrage, New York State Constitutional Convention," 427-439.

of the greater political awakening that occurred alongside the “no license” offensives of the mid-1840s.<sup>41</sup>

Whether or not the six women from Jefferson County were “temperance women” is unknown, but it is particularly notable that they hailed from a section of the county that strongly supported local option. Indeed, it’s entirely possible these were temperance-leaning women. As the New York legislature debated local option in 1845, women and men from across Jefferson County rose up to support it. They sent numerous petitions to Albany requesting a law that allowed them to decide whether liquor licenses were granted. When the results of the May 1846 local option election rolled in, voters across Jefferson County overwhelmingly cast their ballots for “no license.” In Clayton Township, the general area where the six petitioners lived, “no license” won the day by 236 votes. Whether the women who wrote the suffrage petition were directly involved in the 1845-1846 local option campaign is unknown. But the extent that residents of the area petitioned the legislature on the subject and the adoption of “no license” across the

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<sup>41</sup> On New York women’s activism in the local option campaign see “Temperance Banners,” *JATU*, November 1, 1845; “The Ladies on License,” *Columbian Fountain*, February 5, 1846; “A Voice from the Ladies of Buffalo,” *JATU*, June 1, 1846; “Political Address of the Ladies of Buffalo,” *Columbian Fountain*, May 16, 1846; “To the Friends of Temperance of the State of New York,” *Albany Argus*, May 29, 1846; “License or No License,” *New York Daily Tribune*, May 16, 1846; Stanton, Anthony, and Gage, *History of Woman Suffrage*, Volume I, 344-350; Jensen, *Loosening the Bonds*, 196-197. Women’s suffrage was not completely without precedent in 1846. In New Jersey, women who met the state’s property qualification could vote between 1776-1807. According to historian Rosemarie Zagarri, it does not seem that New Jersey’s women actively demanded the vote and only a small number of them actually qualified to cast a ballot. On women’s voting in New Jersey see Rosemarie Zagarri, *Revolutionary Backlash: Women and Politics in the Early American Republic* (Philadelphia: University of Pennsylvania Press, 2007); Judith Apter Klinghoffer and Lois Elkis, ““The Petticoat Electors”: Women’s Suffrage in New Jersey, 1776-1807,” *Journal of the Early Republic* Volume 12, no. 2 (Summer, 1992): 159-193.

county suggests that even if they were not out electioneering, they would have been steeped in this campaign. This, too, must have contributed to the timing of the petition.<sup>42</sup>

In fact, the petition from the six women of Jefferson County is not even the only suffrage memorial sent to the delegates at New York's Constitutional Convention. Another 1846 women's suffrage petition exists, authored by a group of men in Albany. The petitioners viewed female enfranchisement as a move that would benefit not only women, but society. Again, whether or not the men were sympathetic to temperance and active in the local option campaign is not known, but their broader view that women's enfranchisement could be beneficial to society suggests that if women had access to the ballot box, they would use that power to enact legislation that would control immorality and vice, including the liquor traffic. Although the male minority endorsing women's suffrage at this time came at it with a different agenda, after all they had political rights, the fact that these demands also occurred at the same time that the temperance movement turned towards legislative means is significant. At a time when temperance moved out of the home and to the ballot box, activists had to attract voters that would use the vote to usher in stringent measures to control the liquor traffic. At the same time female reformers started to demand the right to vote, some men began to consider woman's suffrage, even if limited to the liquor questions, as an option.<sup>43</sup>

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<sup>42</sup> *Journal of the Assembly of the State of New York, at Their Sixty-Eighth Session*, 230, 262, 321, 385, 406, 418; *Journal of the Senate of the State of New York, at Their Sixty-Eight Session*, 145, 230; "Election Returns," *JATU*, June 1, 1846; "Triumphs of Temperance," *New-York Daily Tribune*, May 25, 1846; "Further Election Returns," *New-York Daily Tribune*, May 23, 1846; "The War With King Alcohol," *New-York Tribune*, May 21, 1846; "Excise Returns," *New-York Daily Tribune*, May 26, 1846; Ginzberg, *Untidy Origins*, 20-23.

<sup>43</sup> Lori Ginzberg briefly mentions the existence of the men's petition that called for women's suffrage amongst other political reforms in *Untidy Origins*. See Ginzberg, *Untidy Origins*, 16-17.

What's more, *another* women's suffrage petition exists: this one from women in Pennsylvania, and also from 1846—yet this one is largely unknown to historians. When word arrived that the state Supreme Court declared the 1846 local option law unconstitutional, temperance women from Chester County, Pennsylvania, took their displeasure directly to the capital in Harrisburg. A memorial, written by Ann Preston, and delivered in person by a group of women from Chester County, to both the House and the Senate, drew attention to the fact that although women bore the brunt of the consequences and moral degradation that the licensed sale of liquors caused, they were “debarred from voting on such matters.” The female delegates were quick to inform lawmakers that had they “been permitted to vote on this particular question [the license system]” a clear majority would vote to rein in the liquor traffic. Although the Supreme Court, not the legislature, overturned the law, the female reformers took the opportunity to express their ire over the court's verdict and their disenfranchisement. Clearly, there was a larger movement afoot—namely, the temperance movement—producing all this ferment for women's suffrage.<sup>44</sup>

The budding idea that female voters were a good idea even extended into Mississippi. On January 30, 1846, Mr. McCaughan, a tee-totaling representative to the Mississippi legislature presented an astounding resolution to the state's House of Representatives. It requested that the judiciary committee investigate the expediency of a bill to “amend the laws giving license to sell vinous liquors, &c.,” that would permit local option elections every two years. McCaughan then proposed that all “married and

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<sup>44</sup> Language of the memorial presented to the Pennsylvania Legislature in 1848 is referenced and quoted in Jensen, *Loosening the Bonds*, 197. The *History of Woman Suffrage* mentions that the West Chester women went to Harrisburg but does not mention the petition they delivered. Stanton, Anthony, and Gage, *History of Woman Suffrage*, Volume I, 344.

unmarried women and women over 14 years of age” vote on whether local boards of police would grant liquor licenses. Lawmakers agreed with McCaughan, going so far as to adopt his resolution by a healthy margin of fifty-four to thirty-two. Women’s suffrage briefly held the day among these men. Yet despite the resolution’s endorsement, on February 4, 1846, the judiciary committee then rejected the proposition and thus ended Mississippi’s brief consideration of woman’s suffrage on the liquor question. Still, it speaks to how closely tied women’s suffrage was to the liquor question in 1846, and how temperance, as much as abolition, actually birthed demands for voting women.<sup>45</sup>

McCaughan’s resolution, like the petitions up North, emerged from a broader conversation. McCaughan’s proposal was noticed as far away as Michigan, where an article in the *Michigan Temperance Journal and Washingtonian* endorsed the proposal. The author, also supporting women’s suffrage, remarked, “give the ladies the power to vote upon this subject, and authorized tippling shops will be scarce as hen teeth.” Another newspaper columnist commented that if such a bill were to become law “the ladies will be able to control the question, so look out toppers.” The *Mississippi Democrat* declared that the passage of such a bill would bring about a “Temperance Millennium” for “No WOMAN will cast her vote on the side of that enemy who enters into the mouths of sweethearts and husbands, to steal away their brains.” One editorialist claimed that Mr. McCaughan had zeroed in on the most “effective instrument against this great vice—the influence of women.” Meanwhile, moving east to Hagerstown, Maryland, the *Herald of*

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<sup>45</sup>“Proceedings of the Legislature,” *The Mississippian* (Jackson, MS), February 4, 1846, Volume XV, no. 6; “House of Representatives,” *Kosciusko (MS) Chronicle*, February 7, 1846; “Mississippi and Tippling,” *Indiana State Sentinel*, March 26, 1846; “Let the Ladies Vote,” *Michigan Temperance Journal and Washingtonian*, April 15, 1846, Volume I, no. 4; [no title], *Mississippi Democrat* (Carrollton, MS), February 11, 1846; [no title] *Mississippi Free Trader and Natchez Gazette*, February 5, 1846, Issue 16; [no title], *Kosciusko Chronicle*, February 14, 1846.

*Freedom* not only lauded McCaughan's efforts in Mississippi, but suggested that the Maryland legislature consider a similar proposal, letting women vote. While McCaughan's resolution was likely the first proposal to a sitting legislature to consider the efficacy of granting women's suffrage on the liquor question, the significance of this move extended far beyond who could vote on local option in Mississippi. It was part of a national conversation on the question, a conversation that the scholarship has yet to hear, or reckon with.<sup>46</sup>

These episodes illustrate the extraordinary lengths some lawmakers were willing to entertain to curtail the sale of alcohol. It also signaled a shift amongst some male temperance activists. Men, too, began to endorse measures that expanded the rights of women in the name of temperance, even as they could be critical of the increasingly politicized public activities of female reformers. At the time McCaughan proposed partial suffrage, the woman's rights moment was still in its infancy, and most states had not passed married women's property legislation, nor liberalized divorce and custody laws. This act was most certainly not intended to directly expand the rights of women as an end unto itself. Instead, it represented the first in a line of legislative initiatives proposed in the 1840s and early 1850s, that aimed to regulate the liquor traffic and in doing so, provoked debate on the political rights of women. The local option campaigns of the era not only fostered a politicization of female reformers and led some to embrace women's

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<sup>46</sup> "Let the Ladies Vote," *Michigan Temperance Journal and Washingtonian*, April 15, 1846; [no title], *Mississippi Free Trader and Natchez Gazette*, February 5, 1846; "A Good Move," *American Republican and Baltimore Daily Clipper*, September 16, 1846; "The Women at Last," *Columbian Fountain*, September 19, 1846; [no title], *Mississippi Democrat*, February 11, 1846; Puck, Letter to the Editor, *Yazoo Democrat (MS)*, February 11, 1846; "A Good Move," *Herald of Freedom* (Hagerstown, MD), September 15, 1846, Vol 8, no. 25; "Mississippi and Tippling," *Indiana State Sentinel*, March 26, 1846.



rights and even demand the vote, these initiatives also forced lawmakers and male activists to consider the intersection of the liquor question and the rights of women.

Optimism and enthusiasm for local option proved to be short lived. The short duration of this moment, however, should not diminish appreciation for its radicalness. Over the course of the mid-1840s twelve states—in New England, the mid-Atlantic, and the Midwest—had passed some sort of local option statute. But by 1847, the momentum stalled, as local option failed to be the saving grace advocates had hoped for. Even an important victory in the 1847 United State Supreme Court *License Cases* that affirmed a state's right to pass local option statutes, could not reignite the optimistic fervor that swept local option to the forefront of the temperance movement in 1845. Two years later, local option in New York, Delaware, Pennsylvania, and New Jersey, had been overturned. Not only were the statutes constantly under attack from legal challenges questioning their constitutionality, but equally important, the promises promoted in anti-licensing campaigns remained unfulfilled once “no license” was enacted. The laws offered no long-term protection from the liquor traffic; votes could swing back and forth, so a locality that went “dry” one year could be “wet” next. Even in towns that adopted “no license,” the penalties for selling in violation of the law were so low that many liquor dealers considered the fines a nuisance, merely the cost of doing business. Yet as local option faltered, temperance reformers remained dedicated to some sort of legal solution to control the liquor traffic. As the movement as whole reeled to figure out what steps to take next, female activists in some states reacted quickly to the reversals. This next turn in the campaign toward prohibition—seen as avoiding the pitfalls of no license—was, indeed, heavily influenced by women, although temperance literature again erroneously credits it to men. A decisive turn to prohibition, however, did not come right away. For a

time, after local option failed to produce desired results, the temperance movement was divided on where to move next.<sup>47</sup>

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This examination of the anti-licensing campaigns of the mid-1840s exposes the robust activism of female temperance reformers on the local level. It demonstrates that women took decisive roles in these campaigns, restoring them to this important but overlooked moment in the history of temperance. Far from accepting their alienation, women in this the transition to legal suasion mobilized and expanded their politicization. While much has been written about the emergence of women's rights through abolition activism, little attention has been paid to the claims emanating from the temperance movement. Yet in the mid-1840s, some grassroots temperance women promoted a radical change to the social order. They not only advocated using the power of the state to curtail business transactions they felt amoral, but also co-opted the moment and momentum of the "no license" crusade to openly probe issues surrounding their legal status and

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<sup>47</sup> The *License Cases*, were a collection of challenges to local option laws in three states: *Samuel Thurlow, Plaintiff in Error, v. The State of Massachusetts*; *Joel Fletcher, Plaintiff in Error v. The State of Rhode Island and Providence Plantations*; *Andrew Peirce, Jr., and Thomas W. Peirce, Plaintiffs in Error, v. The State of New Hampshire*, 46, U.S. 504 (January Term, 1847), 504-633. On the legal challenges to local option and lack of enforcement see "The License Law," *Signal of Liberty*, August 11, 1845, Volume 5, no. 16, pg. 62; "No License—Its Results," *JATU*, October 1, 1846, Vol. X, no. 10, pg. 159; "Results of the Anti-License System in Massachusetts," *JATU*, December 1, 1846, Vol. X, no. 12, pg. 179; "Legal Suasion in Worcester, Co., Mass.," *JATU*, July 1, 1847, Vol. XI, no. 7, pg. 108; "Legal Suasion at Portland," *JATU*, October 1, 1847, no. XI, no. 10, pg. 156; "Decision of the Supreme Court," *JATU*, May 1, 1847, Vol. XI, no. 5, pg. 66-67; Spooner, *Cyclopædia of Temperance*, 272-360; Volk, *Moral Minorities*, 69-100; Blocker, *American Temperance Movements*, 51-54; Novak, *The People's Welfare*, 171-177; Szymanski, *Pathways to Prohibition*, 19-20, 102-106; Martin, *Devil of the Domestic Sphere*, 129; Quist, "An Occasionally Dry State Surrounded by Water," in Finkelman and Hersock, eds., *The History of Michigan Law*, 68-71; Quinby, *Local Option and Temperance Legislation in Ohio*, 2-4; Henry Wade Rogers, "The Constitutionality of Local Option Laws," *Yale Law School Central Law Journal* (1881), 123-127.

disenfranchisement. Within the context of women's increased vulnerability at the hands of intemperate men, they could voice fairly radical ideas through the socially acceptable rhetoric of temperance. The local option moment provided a public forum to discuss their lack of the franchise in a language that circumvented criticism of their womanhood.

The failure of local option legislation to deliver on the promise of a temperate society prompted reformers to consider new avenues of coercive legislation. It is out of the local option moment that some activists, mostly women at the time, came to consider if some form of prohibition held the answer—something generally credited by scholars to men. Yet no unified voice emerged heralding one specific form of regulation as local option collapsed under the weight of its ineffectiveness. During the late-1840s, the campaign faced a lack of direction, and no clear alternative to local option. For a brief window, activists became experimental, willing promote various types of legislation that held the promise to stem the tide of intemperance.

This struggle to invest more power into the law led to yet another brief and unknown chapter in antebellum temperance; a chapter that centrally bore upon the development of women's rights claims. In this campaign, activists looked to maintain license laws, but strengthen them through the inclusion of civil damage provisions—a drive that was both pioneered by and centered women. These clauses provided that a vendor provide financial compensation to individuals for damages they sustained as a consequence of the liquor traffic, including the wives of drunkards. Within the cacophonous temperance symphony over the course of the 1840s, women's voices struck a very different chord. Whether temperance women advocated prohibition, civil damage laws, or modifications to the licenses system, they demanded changes that considered their vulnerable legal position and leveraged their influence in a way the promoted their

political sensibilities, including claims to women's rights. And while local option had produced simmering demands for women's enfranchisement, the subsequent movement for civil damages, which came almost entirely out of women's activism, would bear importantly on the development of married women's property rights, another important women's rights terrain—further locating the evolution and elaboration of a broader women's rights ferment squarely within temperance.

## Chapter 2

### The Possibilities of Legislative Temperance

Jane Hibbard Keefer's early married life shadowed that of many young brides in the 1840s. Originally from Martinsburg, Virginia, after her marriage to Jacob Keefer, the couple traveled west, eventually settling in Peoria, Illinois. Then in 1847, she made a fateful decision—to leave her profligate husband and return to her family in Martinsburg. But before she left Peoria, Jane stowed some of her belongings at the home of a friend, George Washington, to safeguard them from her husband's grasp. Shortly after her departure, Jacob appeared at Washington's home and demanded Jane's things. Washington resisted at first, but after seeking legal advice, he felt compelled to "let him have them fore he had a rite [sic] to take them." Washington correctly assessed the legality of Jacob's claim. Under Illinois law, as in much of the nation, it was perfectly legal for a husband to sell off his wife's possessions, even to cover his grocery debts.<sup>1</sup>

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<sup>1</sup> George Washington to Mrs. Jane Keefer, January 30, 1848, Peoria, Illinois. Jane Hibberd Keefer Papers, Folder 2, Manuscripts Division, Ohio Historical Society Library and Archives, Columbus, Ohio. Washington wrote to Jane months after Jacob appeared at his door and explained why he let her things go and apologized giving them to Jacob. Esther Fuller to Mrs. Jane Keefer, November 14, 1847, Peoria, Illinois. Jane Hibberd Keefer Papers, Folder 1, Manuscripts Division, Ohio Historical Society Library and Archives; Bernie D. Jones, "Revisiting the Married Women's Property Acts: Recapturing Protection in the Face of Equity," *Journal of Gender, Social Policy & the Law* Volume 22, Issue 1 (2013), 103. Illinois did not pass a married women's property act until 1861. Some of the grounds for divorce in Illinois included two years of extreme and repeated cruelty or habitual drunkenness. Chapter XXXIII of the Revised Statutes also included a provision that allowed women who demonstrated a financial hardship to prosecute her divorce complaint without cost and protected the dower rights for those "divorced from her husband for the fault or misconduct of said husband." *Revised Statutes of the State of Illinois* (Springfield: William Walters, 1845), 196-197, 200 "Martinsburg's Aaron Hibbard House," *The Journal News (Martinsburg, WV)*, April, 2009, Digital Edition, <http://www.journal-news.net/page/content.detail/id/518070/Martinsburg-s-Aaron-Hibberd-House.html>.

In November 1847, Jane's friend, Esther Fuller, attempted to intervene. She went to the home of a Mr. and Mrs. Waugh to investigate Jacob's whereabouts. Mr. Waugh confided "he had not seen him for two weeks," but when he last saw Jacob, he "looked quite ragged and dirty." When Esther spoke with Mrs. Waugh, she implored her to tell Jane to come for her things soon or they would be never be seen again. Jacob had "not a cent laid up" and was heavily indebted, and by the spring, Mrs. Waugh told Esther, Jane's things "would be amongst the missing." But only a month later, Jacob Keefer was in a far worse situation. When Jacob showed up at Esther Fuller's home in December, he was "a frightful looking object" and looked "more like a skeleton than anything else you can mention." Jacob attempted to explain his skeletal appearance as the result of "billous fever." Many around Peoria, however, knew it was "something worse, the [delirium] tremens."<sup>2</sup>

Jacob's degraded physical state did not stop him from asserting his right to control Jane's property. When Esther Fuller told Jacob that Jane inquired about her things, the meeting grew tense and "he appeared very angry and looked like vengeance [sic]" at her. All of Jane's belonging, he assured Esther, were "packed and safe at Patterson's," his boarding house. She refused to accept Jacob's assurances and sent their friend, Mr. True, to Patterson's. True arrived at the boarding house a few minutes after Jacob, but soon enough to witness him open one of Jane's boxes, "remove candle moulds [sic], a plane, and a gourd," and head off towards Bessomns grog-shop. When True confronted the boarding house owner, Patterson told him there was little left, except "one

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<sup>2</sup> Esther Fuller to Mrs. Jane Keefer, November 14, 1847, Peoria, Illinois. Jane Hibberd Keefer Papers, Folder 1, Manuscripts Division, Ohio Historical Society Library and Archives.

box and one barrel” and warned that nothing would be “moved until his board bill was paid.” Patterson actions, while heartless, were perfectly legal.<sup>3</sup>

With no legal redress possible, Jane Keefer’s friends rallied around her, and unsuccessfully attempted to intercede in creative ways. When Esther Fuller spied Jacob with Jane’s churn, she told him that Jane “wanted Mrs. Waugh to have it for 50 cents,” and another friend was to receive her candle molds. Jacob Keefer disregarded her assertions and “carried them somewhere else.” Despite selling off his wife’s goods, Jacob continued to languish in poverty. Esther confided to Jane, “he can’t possibly live but a short time, you need not be surprised should you hear about his death soon.” Less than a month later, Jacob was dead. Her trouble with her dissolute husband, however, did not end with his burial. Jane still did not have access to the few remaining items her husband had not squandered at the grog shop. Esther reaffirmed the bleak situation and the legal barriers to her reclaiming her the property. There was not much left “than the law would allow you if you was keeping house here,” but they “wont [sic] send you anything but your clothing that is made up where you are unless you send the money to pay his debts.” According to the law, Jane Keefer was only entitled to her clothing and Jacob’s debts.<sup>4</sup>

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<sup>3</sup> Esther Fuller to Mrs. Jane Keefer, December 26, 1847, Peoria, Illinois. Jane Hibberd Keefer Papers, Folder 1, Manuscripts Division, Ohio Historical Society Library and Archives.

<sup>4</sup> Esther Fuller to Mrs. Jane Keefer, January 26, 1848, Peoria, Illinois, Jane Hibberd Keefer Papers, Folder 2, Manuscripts Division, Ohio Historical Society Library and Archives. After Jacob’s death, his debts continued to roll in. In February 1848, Mr. Fissund, a lawyer from Peoria, notified Jane that the remainder of her and her husband’s belongings were being held by Mr. Blakely, Esq., and to avoid the auction of her property, she needed to remit fifty dollars. By June, the tally of Jacob’s debts rose to \$81.50. Jane’s wealthy family shouldered the costs, but even as a steamboat carried her remaining possessions to Martinsburg, Mr. E. Dickinson notified Jane that two more claims amounting to \$27.50 had emerged against Keefer. Again, her family’s wealth shielded her from indigence. Esther Fuller to Mrs. Jane Keefer, January 26, 1848, Peoria, Illinois; and Mr. [?] H. Fissund to Jane Keefer, February 4, 1848, Peoria, Illinois; and Mr.

Stories like Jane Keefer's played out across the nation. As lawmakers argued over the notion of married women's property rights, and the coalescing woman's rights movement demanded them, no one could ignore the stark reality that women were legally defenseless to save themselves against the drunkards' libertine ways. Not only did the plight of the drunkards' wife factor into arguments over married women's property rights, by the late 1840s it became a central theme in debates over how to regulate the liquor traffic, none more so than in the campaign for civil damage laws.

Antebellum civil damage laws, also known as dram shop acts— or, in contemporary parlance, bond laws, permitted parties injured (primarily women, often married women) by an intoxicated person (generally a man) to sue the owner of the establishment where the liquor was sold for financial compensation. Despite the groundbreaking nature of these laws, they have escaped historians notice. One reason is that the campaign for civil damage laws was primarily a drive where a lot of the action got done on paper, and therefore it does not fit with what has been considered activism. That much of the legislative lobbying came from women at the grassroots, moreover, has further obscured the agitation for antebellum civil damage laws. Men may have proposed the initial laws, but on the ground, female activists gave them life. Women quickly seized upon this possibility and turned it into a new weapon in both the fight for temperance and women's rights. In turn, the passage of dram shop acts changed women's relationship to temperance activism, and to the law.<sup>5</sup>

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E. Dickinson to Jane Keefer, June 2, 1848, Peoria, Illinois, Jane Hibberd Keefer Papers, Folder 2, Manuscripts Division, Ohio Historical Society Library and Archives.

<sup>5</sup> Civil damage or dram shop laws are a form of civil liability law that provided protection to the injured party for personal injury, property damage, and loss of family support. Walter W. Spooner, *The Cyclopædia of Temperance and Prohibition* (New York: Funk & Wagnalls, 1891); 81; Hugh R. McGough, "Dramshop Acts," *American*



A little known stage in antebellum temperance and a completely unknown development in women's rights, civil damage laws were a critical step in both campaigns. The preponderance of the scholarship on the 1840s legislative turn in the temperance movement—and there is very little of it—briefly touches on local option and then moves right into the early 1850s push for prohibition. But prohibition did not immediately spring forward as the unifying juggernaut portrayed in the master narrative. As this chapter demonstrates, “bond laws” were an important experiment, largely led by grassroots women, that paved the way (in many locales) for prohibition. Looking there—where scholarship has instead favored telling the story through prominent, leading men—this chapter refocuses our attention to the local level and offers one of the first systematic scholarly examinations of antebellum civil damage laws. It not only reveals a new window into a little-known, but transformative moment in temperance; it also sheds light upon an unknown victory in the path to married women's property rights. Civil damage laws granted married women economic control, in this one arena, well before most state's passed statutes recognizing married women's separate property and formally granting them sole control over it.<sup>6</sup>

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*Bar Association Section of Insurance, Negligence and Compensation Law* (Chicago: American Bar Center, 1967), 448-455; *Journal of the Senate of the First Legislature of the State of Wisconsin* (Madison: Rhenodyne A. Bird, 1848), 200-201, 248-249; Joseph Schafer, “Prohibition in Early Wisconsin,” *The Wisconsin Magazine of History* 8, no. 3 (March, 1925), 282-283.

<sup>6</sup> On the legislative turn in antebellum temperance see Jack S. Blocker, *American Temperance Movements: Cycles of Reform* (Boston: Twayne Publishers, 1989); Ian R. Tyrrell, *Sobering Up: From Temperance to Prohibition in Antebellum America, 1800-1860* (Westport, CT: Greenwood Press, 1979); Kyle Volk, *Moral Minorities and the Making of American Democracy* (New York: Oxford University Press, 2014), 69-100; Thomas R. Pegram, *Battling Demon Rum: The Struggle for Dry America, 1800-1933* (Chicago, IL: Ivan R. Dee, 1998); Ann-Marie E. Szymanski, *Pathways to Prohibition: Radicals, Moderates, and Social Movement Outcomes* (Durham, NC: Duke University Press, 2003); John J. Rumbarger, *Profits, Power, and Prohibition: Alcohol Reform and*

## The Roots of Liquor Related Civil Damage Laws

This all began quite unexpectedly. In July 1848, with local option laws stalled, temperance advocates across the country debated political strategy. In Wisconsin, Senator Warren Chase proposed an unexpected civil damages amendment to a completely different temperance bill, setting off—almost by accident—a critically important new vein of activism. Chase’s path-blazing amendment provided that “all persons who shall sell ardent spirits shall be liable in suits at law for all damages which may arise from such sales.” Not only was this proposal radical by holding the liquor dealer (not the drinker) responsible for damages and injuries arising from intoxication, it seemingly came out of nowhere. This had not yet been a strategy tried by temperance crusaders.<sup>7</sup>

But in this state where legislative temperance had not yet taken a strong hold, the idea quickly took shape. With Chase’s amendment in debate, another legislator jumped onto the civil damage cause. Senator Simeon Mills, who had proposed the original temperance bill, immediately motioned to amend Chase’s proposal. Mills’ moved to allow judgments for damages to be levied against a liquor dealer’s private dwelling, further strengthening the proposal. The homestead of the retailer, Mills’ declared, “shall not be exempt.” An injured party could not only seek compensation, but they could claim

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*the Industrializing of America, 1800-1930* (Albany: State University of New York Press, 1989); Jack S. Blocker, Jr., *Alcohol, Reform, and Society: The Liquor Issue in Social Context* (Westport, CT: Greenwood Press, 1979); Norman H. Clark, *Deliver Us from Evil: An Interpretation of American Prohibition* (New York: Norton, 1976); Joseph R. Gusfield, *Symbolic Crusade: Status Politics and the American Temperance Movement*. 2nd ed. (Urbana: University of Illinois Press, 1986).

<sup>7</sup> *Journal of the Senate of the First Legislature of the State of Wisconsin*, 200-201, 248-24; Joseph Schafer, “Prohibition in Early Wisconsin,” 282-283.

damages against a rum-seller's house—ensuring that there were funds available to cover any judgments levied against them.<sup>8</sup>

The two men had taken a bill repealing the license system and amended it into a proposal for the nation's first statewide liquor-related dram shop or civil damage law. The Senate accepted both amendments and referred the proposal to the Committee on the Expiration and Re-enactment of Laws. The committee refused to endorse the bill, but the ideas therein advanced a new model. Civil damage law had now been introduced as a possible legislative means to controlling the liquor traffic. Neither Chase or Mills could have known it at the time, but over the next few years civil damage laws would take center stage in debates over legislative temperance initiatives. Neither man have predicted how women would seize upon this idea and, almost single-handedly, turn it into a popular campaign.<sup>9</sup>

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<sup>8</sup> *Journal of the Senate of the First Legislature of the State of Wisconsin*, 200-201, 248-24; Schafer, "Prohibition in Early Wisconsin," 282-283.

<sup>9</sup> The Senate accepted both amendments by a vote of eleven to eight. During the same legislative session, the Wisconsin House also proposed a bill, No. 23, "A Bill to Repeal all Laws Relating to the State of Spirituous Liquors." It also died in committee. *Journal of the Senate of the First Legislature of the State of Wisconsin*, 200-201, 248-24; Schafer, "Prohibition in Early Wisconsin," 282-283. Temperance activists writing in the mid-to-late-nineteenth-century remembered civil damage laws as an important innovation with lasting value and often revived these antebellum statutes as blueprints for similar laws later in the century. Yet even in these accounts, discussion on how and why these laws first arose is minimal to non-existent. Partly because people looking back at this era knew what ultimately gripped the antebellum movement: prohibition. If we forestall our rush to prohibition, this moment that looms so large over antebellum temperance, we revise our sense of how we got there and who mattered in the journey. For some examples late nineteenth century publications examining civil damage laws see Henry Campbell Black, *A Treatise of the Laws Regulating the Manufacture and Sale of Intoxicating Liquors* (St. Paul, MN: West Publishing Company, 1892), 325-425; A.J. Jutkins, *Hand-Book of Prohibition, 1885* (Chicago: Lever Print, 1885); Daniel Dorchester, *The Liquor Problem in All Ages* (New York: Hunt & Eaton, 1887); T.A. Goodwin, A.M., *Seventy-Six Years' Tussle with the Traffic* (Indianapolis: Carlon & Hollenbeck, 1883); V.W. Grubbs, *Practical Prohibition* (Greenville, TX: T.C. Johnson & Co., 1887); John .G. Woolley and William E. Johnson, *Temperance Progress in the*

The civil damage proposals during Wisconsin's 1848 legislative session foreshadowed events that unfolded over the next few years. It is not clear what prompted Simeon Mills to propose the bill repealing the licensing system to which Chase and Mills attached the civil damage amendments. In the *only* mention of the episode in temperance scholarship, historian Joseph Schafer suggested that some members of the legislature were looking for a way to transfer liability for the social ills caused by the liquor traffic from the state to the individual liquor dealer. This may help to explain the timing. At the time Mills' introduced his repeal bill there was not yet a ground swell of agitation from

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*Century* (Philadelphia: Linscott Publishing Company, 1903); John Marsh, *Temperance Recollections. Labors, Defeats, Triumphs. An Autobiography* (New York: Charles Scribner & Co., 1866); W.W. Wollen and W.W. Thornton, *Intoxicating Liquors: The Law Relating to the Traffic in Intoxicating Liquors and Drunkenness*, Volume I (Cincinnati: W.H. Anderson Company, 1910); National Temperance Society, *Liquor Laws of the United States. Prohibitory, License, Local Option Tax, and Civil Damage Laws* (New York: National Temperance Society and Publication House, 1878); R. Vashon Rogers, Jr., *Drinks, Drinkers and Drinking, or the Law and History of Intoxicating Liquors* (Albany: Weed, Parsons and Company, 1881); J.E. Stebbins, *Fifty Years History of the Temperance Cause* (Hartford: L. Stebbins, 1874); Spooner, *Cyclopædia of Temperance*; Howard C. Joyce, *The Law Related to Intoxicating Liquors* (Albany: Matthew Bender & Company, 1910); F.R. Lees, *The Science Temperance Text-Book in Relation to Morals, Chemistry, Physiology, Criticism, and History* (London, U.K.: National Temperance Publication Depot, 1884); E.L. Fanshawe, *Liquor Legislation in the United States and Canada* (London, U.K.: Cassell and Company, 1892). For the most thorough examination of late nineteenth century civil damage laws see Elaine Frantz Parsons, *Manhood Lost: Fallen Drunkards and Redeeming women in the Nineteenth-Century United States* (Baltimore: Johns Hopkins Press, 2003); Elaine Frantz Parsons, "Slaves to the Bottle: Smith's Civil Damage Liquor Law," *The Annals of Iowa* 59, no. 4 (Fall 2000), 347-373. A number of legal and sociological scholars have noted the enactment of antebellum statutes as precursors to twentieth century laws, but neglect to examine their historical significance. For some examples see William Hurst, "The Dram Shop: Closing Pandora's Box," *Indiana Law Review* 22, no. 1 (1989), 487-502; James F. Mosher, "Dram Shop Liability and the Prevention of Alcohol-Related Problems," *Journal of Studies on Alcohol* 40, no. 9 (1979), 773-798; McGough, "Dramshop Acts," 448-455; Richard Smith, "A Comparative Analysis of Dramshop Liability and a Proposal of Uniform Legislation," *The Journal of Corporate Law* 25 (Spring 2000), 553-589; Peter J. Wifler, "Reconsidering the Illinois Dram Shop Act: A Plea for the Recognition of a Common Law Action in Contemporary Dram Shop Litigation," *John Marshall Law Review* 19, no. 49 (1985), 49-68; Marc Odier, "Social Host Liability: Opening Pandora's Box," *Indiana Law Journal* 61, no. 1 (January 1985), 86-114.

Wisconsin's temperance community backing a coherent legislative strategy. Although activists in Wisconsin were not pushing the legislature for an immediate change in 1848, Mills proposal was in step with strategies under debate in the temperance movement generally.<sup>10</sup>

The 1848 Wisconsin proposal, however, was not completely without precedent. Shifting rhetoric in the temperance movement and experiments with limited retailer liability in several states presaged the move in Wisconsin. By the mid-1840s, reformers increasingly criticized the license system as morally corrupt and financially taxing. State legislatures, they argued, were complicit in drunkard making; by issuing liquor licenses the state sanctioned vice and conferred legitimacy on a corrupting trade. Not only did the system enable the liquor traffic, but the government made money off of it through the collection of license fees. The first widespread shot at the system came with the local option campaigns of the mid-1840s, but "no license" proved only marginally effective. When local option failed to deliver consistent, sustainable results, anti-liquor crusaders struggled to define a more effective legal framework. They endorsed a flurry of legislative strategies, including those which reflected the intent of Mills' original proposal to repeal the license system. Repealing the license system combined the practical prohibition inherent in local option (the notion that by not granting liquor licenses, there would be no legalized traffic in spirits) and applied this idea on a statewide scale. If a legislature repealed the license system in the entire state, some reformers argued, it would essentially do the same thing that "no license" aimed to do on the local

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<sup>10</sup> Schafer, "Prohibition in Early Wisconsin," 282-283.

level—end the legalized traffic by revoking the traditional means by which the government regulated liquor sales.<sup>11</sup>

The debate over civil damage laws heralded a strategic shift by both temperance activists and state legislators. The roots of this new strategy are found in the voluminous literature pumped out by the temperance movement during the local option campaigns of the mid-1840s. Early tracts advocating for “no license,” especially those written by men, tended to focus on the victimization of women at the hands of the drunkard, but as reformers revamped their arguments over 1847 and 1848, they increasingly turned to a moral-economic critique. Even towns that voted “no license” shouldered the costs for supporting the drunkard’s family. There was nothing to stop a man from crossing county or township borders to spend time in a tippling shop and stagger back home to his dry town.

The moral-economic critique of the license system pivoted on two themes: the moral degradation caused by the greedy liquor dealer and the financial toll that the retailer’s insatiable pursuit of profits wrought on a community. For example, one

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<sup>11</sup> During the 1830s, there were some sporadic attempts to end the licensing system. The most notable was Massachusetts’ short-lived fifteen-gallon law. More often, temperance activists used existing local laws and town meetings to convince officials not to issue licenses, with predictably mixed results. See Kyle Volk, *Moral Minorities*, 33-34, 73. For some examples of criticism of the licensing system see “The Exempted City,” *Journal of the American Temperance Union*, July 1, 1845, Volume IX, no. 7, pg. 116, hereafter cited as the *JATU*; *To the People of Wayne Township, Wayne County, Indiana* (Richmond, IN: Palladium Press, 1846); [no title], *Sunbury (PA) American and Shamokin Journal*, February 22, 1845. I.W. Quinby, *A History of Local Option and Temperance Legislation in Ohio* (Columbus, OH: Cott & Hann, 1880), 2-4; “Nullification in Albany,” *Pearl*, April 24, 1847, Volume I, no. 47, pg. 372; Blocker, Jr., *American Temperance Movements*, 25-29; Jed Dannenbaum, *Drink and Disorder: Temperance Reform in Cincinnati from the Washingtonian Revival to the WCTU* (Urbana: University of Illinois Press, 1984), 23-25; John W. Quist, “An Occasionally Dry State Surrounded by Water: Temperance and Prohibition in Antebellum Michigan,” in Paul Finkelman and Martin J. Hersock, eds., *The History of Michigan Law* (Athens, OH: Ohio University Press, 2006), 63; Szymanski, *Pathways to Prohibition*, 103.

commentator from Ohio argued that the “dealer in intoxicating drinks fill his own coffers; but in order to do this, he takes from others that which should go to purchase the necessities of life, wives and children.” The poor suffering family of the inebriate are the “recipients of private [assistance], or supported by public charity,” while the rum-seller takes from the drunkard the “wages of their labor” and enrich “themselves upon the beggary of their victims.” As the rum-seller grew rich, the drunkard’s wife and children were forced to beg for the barest of necessities. Another observer railed against liquor dealers who complained of “common sense” measures intended to protect families. The “poor drunkards have spent nearly all of their property, and their health is gone – they have stripped their wives and children of every comfort,” still the liquor dealer cries “what will become of me and my traffic?” The connection between the long-suffering wife and the financial burden liquor dealers levied on the community convinced some that retailers should help shoulder those costs, priming the way for civil damages laws. One reformer justified such far-reaching proposals as simply a “question of political economy.” The liquor trade spread “crime, pauperism and insanity” and impaired the “aggregate industry of the country—swells taxation, and causes the waste of time and money.” The time had come for the liquor dealer to pay his fair share of the economic burden his traffic imposed on the taxpayers.<sup>12</sup>

The relationship between the liquor retailer and pauperism represented a well-worn rhetorical prop in temperance works, but authors revised this theme in the late-

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<sup>12</sup> James A. Briggs, ““License,” or “No License?” Undated newspaper clipping, James Briggs Scrapbook, James A. Briggs Papers, Volume 1, page 261, Western Reserve Historical Society, Cleveland, Ohio; *Facts for the People of Marion County to Consider Before Out Township Elections on the First Monday in April, 1848* (Indianapolis, IN: State Journal Steam Press, 1848), 4-5; “The Excise Laws of New York,” *Michigan Temperance Journal and Washingtonian* (Jackson, MI), July 15, 1846, Volume I, no. 7, pg. 51.

1840s to buttress arguments for civil damage laws. Publications produced during local option campaigns often highlighted the economic plight of the drunkard's family and the looming threat of the poorhouse for those who imbibed from the poisonous cup. Male authors, in particular, often underscored the deplorable financial plight of the inebriate's wife and children as a tool to garner sympathy and support for "no license." These publications, however, rarely mentioned the quantifiable pecuniary burden on the broader community. Instead, they simply noted that the drunkard's neglect of his financial responsibilities to his wife and children burdened their neighbors.<sup>13</sup>

In 1847, a series of tracts appeared breaking down the liquor traffic's financial toll into dollars and cents. One report from Marietta, Ohio, exposed that intemperance caused two-thirds of the pauperism in Washington County. Of the fifty-six paupers in the

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<sup>13</sup> For some examples of local option columns and tracts see No License, "The License Question," *New York Daily Tribune*, March 11, 1846; *Facts for the People of Marion County*; "The License Question – no. 5," *JATU*, April 11, 1846, Vol. X, no. 4, pg. 50; "Orange County Tract," *JATU*, March 1, 1846, Vol. X, no. 3, pg. 38-39; Abram Marsh, *A Discourse. Reasons for Law, with Some Special Reference to the Traffic in Intoxicating Liquors* (Hartford, CT: Courant Office Press, 1845); American Temperance Union, *Report of the Executive Committee of the American Temperance Union* (New York: American Temperance Union, 1846), 27-29, 68, here after listed as ATU; "License" or "No License": *A Calm Appeal to the Electors of Ulster County, New York* (Kingston, NY: W.H. Romeyn, 1846); "Final Appeal," *New York Daily Tribune*, March 28, 1846; T.W. Tipton, A.B. Buttles, G. Moody, *An Appeal to the Citizens of the State of Ohio upon the License Question by the Board of Managers of the State Temperance Society, Columbus, March 20, 1847* (Columbus, OH: Buttles and Aumock, 1847), 12-14; "Appeal on the License Question: Put Forth By the Rochester Temperance Convention," *New York Evangelist*, December 25, 1845, Vol. 16, no. 52. While local option tracts and articles did not mention quantifiable costs, at the height campaign some did address the economic toll, although in a more simplistic form than the tallies that appeared after 1846. For some early examples see "Maryland State Temperance Society," *JATU*, March 1, 1845, Volume IX, no. 3, pg. 43; "Rum's Doings in Vermont," *JATU*, June 1, 1845, Volume IX, no. 6, pg. 86; "Warren County Temperance Convention," *JATU*, November 1, 1845, Volume IX, no. 11, pg. 163; "Niagara County," *JATU*, March 1, 1846, Volume X, no. 3, pg. 45; "New York State Rum Taxes," *JATU*, April 1, 1846, Volume X, no. 4, pg. 64; "Criminal Statistics for 1846," *Michigan Temperance Journal and Washingtonian*, February 15, 1847, Volume II, no. 2, pg. 11.



county's poorhouse, thirty-four were intemperate. The annual cost of supporting them was estimated at \$1,370, with an additional six hundred dollars incurred in legal expenses. Not only did the cost of supporting the drunkard and his family burden the county purse, the bureaucracy to police the liquor dealers also drained the treasury. Each of the county's nine licensed liquor dealers cost the treasury \$217 per year. A review of other Ohio locales revealed similar findings. The annual fiscal toll inflicted on an unnamed Morgan County township amounted to \$1,200. Of the fourteen paupers the community supported over the preceding five years, all but one "were reduced to penury by intemperance." The story was the same in New Jersey. In rural Sussex County, each township paid two hundred dollars in liquor related legal expenses, while the cost for supporting inebriate paupers and their families came in at \$4,987.91. One commentator remarked that it amounted to "a tax of *twenty-six cents* on every inhabitant, male or female, old or young, white or black. It is a tax of *one dollar and fifteen cents on every taxable citizen* in the county." Such exorbitant expenses, temperance activists argued, were hardly offset by the paltry revenue generated from liquor license fees.<sup>14</sup>

As the temperance movement churned out tracts that highlighted the financial cost of intemperance, several states experimented with laws to hold retailers financially

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<sup>14</sup> "Pauperism and Intemperance," *Marietta (OH) Intelligencer*, reprinted in the *JATU*, July 1, 1848, Volume XII, no. 7, pg. 102; "Pauperism and Intemperance," *New York Daily Tribune*, July 20, 1848; "Facts for the Tax-Payer to Think Of," *Vermont Phoenix* (Brattleboro, VT), November 17, 1848; "Appeal to the Essex County Temperance Society," *JATU*, December 1, 1847, Volume XI, no. 12, pg. 178-179. For some additional articles highlighting quantifying community costs for the support of inebriates see "Appeal to the Essex County Temperance Society," *JATU*, December 1, 1847, Volume XI, no. 12, pg. 178-179; "An Address," *Joliet (IL) Signal*, July 20, 1847; "Cost of Intemperance," *Vermont Phoenix*, June 24, 1847; "New Bedford," *JATU*, September 1, 1847, Volume XI, no. 9, pg. 140; "Liquor License," *Richmond (VA) Enquirer*, June 8, 1847; "Domestic Compend," *Green-Mountain Freeman* (Montpelier, VT), September 23, 1847.

accountable. In 1846, Pennsylvania enacted a prototype of a civil damage statute. The law, however, only applied to the several counties that had voted “no license” under the state’s 1845 local option statute. Applicable to Armstrong, Clarion, and Carbon counties, the act included a provision that allowed individuals to initiate lawsuits for violations of the liquor law. Convictions carried penalties ranging from ten to fifty dollars, which was split between the person who filed the suit and the county where it was brought. While the law did not specifically provide for damages, it allowed community members to execute suits for violations, including serving habitual drunkards. The extent to which residents filed suits under the law is unknown, but the statute opened up an avenue where residents, even the marginalized and disenfranchised, could use the legal system to promote their interests. Under the 1846 Pennsylvania statute, a successful conviction would not only have drained a chunk of the profits from the liquor dealer, but awarded the person who initiated the suit at least five dollars, creating a powerful incentive for residents to police vendors.<sup>15</sup>

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<sup>15</sup> No. 359, *The Laws of the General Assembly of the Commonwealth of Pennsylvania Passed at the Session of 1846* (Harrisburg: J.M.G. Lescure), 431-432; Spooner, *Cyclopædia of Temperance*, 338-339; Elaine Frantz Parsons notes that “the first known civil damage law passed in Pennsylvania” in 1846, however, as stated above, this act was limited to just three counties and did not take the form of a true civil damage or dram shop law as they would develop over the next three years. Elaine Frantz Parsons, “Civil Damage Laws,” in Jack S. Blocker, Jr., David M. Fahey, and Ian R. Tyrrell, eds., *Alcohol and Temperance in Modern History: An International Encyclopedia* (Santa Barbara, CA: ABC-CLIO, Inc, 2003)163-164. In 1849 Pennsylvania passed a bill that required persons applying for a liquor license to post a bond of \$500. If the dealer violated any provisions of the license law, any citizen of the commonwealth could sue the dealer, with one half of the compensations awarded to the individual and one half to the commonwealth. The statute, however, only applied to Philadelphia County, and unlike civil damage statutes in other states, it attempted to offset state debts rather than specifically alleviate the public burden for supporting drunkards families. See No. 409, Section 2., “An Act To Change the Mode of Granting Tavern Licenses in the City and County of Philadelphia,” and No. 369, Section 20, 21, 22, 23, and “An Act To Create a Sinking Fund and to Provide for the Gradual and Certain Extinguishment of the Debt of the Commonwealth,” in *Laws of the General Assembly of the Commonwealth of*

In Maine, legislators also implemented regulations to hold retailers accountable. A new liquor statute approved in August 1846, included a provision for the recovery of monies from a liquor dealer and prohibited the sale of domestically produced wine and spirituous liquors as a beverage. While the prohibition of several classes of liquors as beverages was groundbreaking, the penalties for selling in violation of the law were equally radical. The act provided:

If any payment, or compensation, for any such liquor hereafter sold in violation of law, shall be received by the seller, his clerk, servant, agent or attorney, whether in money, labor, or other property, real or personal, the amount so received, shall be held, and considered to have been received, in violation of law, and without consideration; and held against law, and equity and good conscience, and may be recovered back, any time within six years from the receiving thereof, by the purchaser, his guardian, executors or administrators, or by any of his creditors, such money, in an action of trover, or in a special action on the case, for the value thereof, in any court proper to try the same.<sup>16</sup>

The notion that a drunkard, guardian, or executor could initiate legal action to recoup payments or compensation for liquor purchased up to six years prior was nothing short of astounding.

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*Pennsylvania Passed at the Session of 1849* (Harrisburg, PA: J.M.G. Lescure, 1849), 57-658, 573-574. In 1924, the 1849 Pennsylvania Law was inaccurately attributed to apply to the entire state and this interpretation has been cited in a number of temperance histories. See Ernest Hurst Cherrington, Albert Porter, William E. Johnson, Cora Frances Stoddard, eds., *Standard Encyclopedia of the Alcohol Problem*, Volume II (Westerville, OH: Buckingham Dow, 1924), 618; Jack S. Blocker, Jr., *Give To The Winds Thy Fears: The Women's Temperance Crusade, 1873-1874* (Westport, CT: Greenwood Press, 1985), 125. For the pioneering work on how the marginalized and even disenfranchised leveraged the legal system to their benefit see Laura Edwards, *A People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009).

<sup>16</sup> Under the 1846 Maine statute, sales for medicinal and mechanical purposes were still allowed by licensed retailers. Spirituous liquors and wine imported into the United States, as wells as liquors sold in quantities greater than twenty-eight gallons were also exempt. §11, Chapter 205, An Act to Restrict the Sale of Intoxicating Drinks, *Acts and Resolves Passed by the Twenty-Sixth Legislature of the State of Maine, A.D. 1846* (Augusta: William T. Johnson, 1846), 192.

It is clear from the statute that the financial plight of the drunkard's wife and children factored into the crafting of the statute. The compensation section specifically allocated recovered monies to "meet to debts of the purchaser, or to relieve his wife or widow and child, and parents." This provision attempted to safeguard the property of a drunkard's family, which was often sold off to cover the debts of tipplers, and provided financial compensation for the inebriate's family. The section also suggests that lawmakers viewed the ability to recoup monies paid for ardent spirits as a means to transfer some of the liability for a drunkard's debts from their family to the liquor retailer. The number of claims instituted under the statute is unknown, but like the Pennsylvania law from the same year, it signaled a subtle shift in how lawmakers approached liquor control. By providing a mechanism to sue a vendor for up to six years of monies paid for alcohol, Maine's lawmakers introduced another means by which liability was transferred from the drinker to the retailer.<sup>17</sup>

Despite the far-reaching implications of Maine's 1846 liquor statute, the law elicited little discussion in temperance circles. Of the reformers who did comment, it was the punitive liability, not the prohibition on the sale of domestically produced spiritous liquors as a beverage, that dominated the discussion. For example, in July 1846, the *Michigan Temperance Journal and Washingtonian* ran a column entitled "The Remedy." The writer recommended that any man applying for a liquor license be required to "give ample security for the payment of his share" of the community's burden. Public authorities, for their part, were to see "that the destitute wives, widows and children of drunkards be *well* supported." Holding dealers responsible, the author confidently

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<sup>17</sup> §19, Chapter 205, An Act to Restrict the Sale of Intoxicating Drinks, *Acts and Resolves, Maine, 1846*, 193-194.

proclaimed, would “put an end to nine-tenths of the grogeries; and the fewer sellers become, the heavier the tax” on the remaining dealers. As more dealers left the business, the column continued, eventually the few remaining ones could no longer afford the costs, and in theory, they would close up shop, and effectively end the liquor traffic. The prohibition on the sale intoxicating spirits as a beverage was a secondary consideration.<sup>18</sup>

Commentators focus on the dealer liability provisions demonstrates that some activists believed prohibition was not the only legislative approach capable of controlling the liquor traffic. The concept of statewide prohibition, even if limited to certain classes of intoxicating spirits, was just beginning to gain traction in the mid-1840s. At the time Maine enacted the limited prohibition statute in 1846, many reformers still viewed local option as a valid and reliable means to eradicate the liquor traffic, even if that impression did not last long. Even the minority of temperance reformers who envisioned statewide prohibition as the end goal recognized that the state of public opinion could not sustain a full-scale campaign to ban the sale of intoxicating beverages. An article in the *New-York Daily Tribune* summed up the viewpoint of many reformers; prohibition was “impracticable, until public opinion shall have been more thoroughly enlightened, to suppress entirely the sale of Intoxicating Drinks.” It would take until the early 1850s before temperance activists believed social sentiment was ripe for prohibition. In the late 1840s, with local option faltering, no clear consensus existed either amongst lawmakers or temperance reformers on how best to proceed. In the ever-shifting landscape of legal

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<sup>18</sup> “A Remedy,” *Michigan Temperance Journal and Washingtonian*, July 15, 1846, Volume. I, no. 7, pg. 55.

suasion, what framework would win out was still up in the air and for a brief time, it seemed like civil damage laws held the answer.<sup>19</sup>

### A New Legal Remedy

The statutes in Pennsylvania and Maine represented a harbinger of things to come. Right at the very height of the local option movement, some reformers were already thinking about ways to invest these statewide liquor laws with more power. Many activists remained unconvinced that efforts to ban or prohibit liquor sales at the state level was an appropriate tactic. And those who did support prohibition agreed that public opinion would not support a complete ban of intoxicating spirits as a beverage. So reformers increasingly focused on legislation that moved some measure of financial

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<sup>19</sup> “Eleventh Anniversary of the American Temperance Union,” *JATU*, June 1, 1847, Volume XI, no. 6, pg. 81-82; American Temperance Union, “Eleventh Annual Report,” *Permanent Temperance Documents* Vol. III (New York: American Temperance Union, 1852), 3, Hereafter listed as the ATU; ATU, *Report of the Executive Committee of the American Temperance Union, 1847* (New York: American Temperance Union, 1847); “Liquor and Law,” *New York Daily Tribune*, January 15, 1848. There was no substantive change to the Maine Prohibition Law in 1847, and the Twelfth Annual Report of the ATU merely mentioned “The prohibitory statute of Maine remains unaltered.” The ATU did not feel compelled to discuss prohibition in an in-depth manner in regard to its success or failure in Maine. Despite the fact that by the time the report was presented to the ATU in 1848, an increasing number of temperance activists were looking towards prohibition as the solution. This fits in with the reluctance of many in the ATU to also embrace civil damage laws. ATU, “Twelfth Annual Report,” *Permanent Temperance Documents* Vol. III (New York: American Temperance Union, 1852), 3. It was not until the Thirteenth Annual Report presented in 1849, following the adoption of a civil damage law in Wisconsin, that the ATU provided a deeper look at the workings of the 1846 Maine statute. ATU, “Thirteenth Annual Report,” *Permanent Temperance Documents*, Vol. III, 15-16. On the importance of the circulation of the ATU’s Annual Reports to the broader temperance movement see W.J. Rorabaugh, *The Alcoholic Republic: An American Tradition* (New York: Oxford University Press, 1979), 197-198. On the history and place of the ATU in the temperance movement see Marsh, *Temperance Recollections*.

liability to the liquor dealer, which seemed more likely to gain public traction, as the best strategy to rein in the liquor traffic.

As members of the American Temperance Union (ATU) gathered in New York City in the spring on 1847, few would have predicted the debate sparked off by one of the keynote speakers. Despite the increasingly morose mood among activists disappointed in local option laws' lack of results, the ATU remained steadfastly behind "no license" as the best available strategy to control the liquor traffic. This stance reflected just how detached a national organization could be from the work of activists on the ground (and just how misleading scholarship that mainly focuses here can also be). During the proceedings, alternative legislative initiatives like that in Maine, (prohibiting the sale of certain classes of liquors a beverage and allowing a drunkard, executor, or guardian to initiate legal action to recoup monies spent on liquor) received only cursory acknowledgement. For example, after a long and glowing summary of the "no license" campaign in New York, the *Journal of the American Temperance Union (JATU)*, tersely mentioned, "in Maine no action of this character [local option] has been resorted to; but a law has been made during the year by the Legislature, prohibiting the traffic altogether, and empowering the heirs or widows and orphans of the unfortunate drunkard to recover back the money paid for liquor." Yet not all delegates and speakers at the meeting maintained such a flippant attitude towards new legislative strategies. Nathaniel Hewitt, a prominent minister and member of the ATU from Bridgeport, Connecticut, openly embraced a very different viewpoint. From the podium at the national ATU convention, he endorsed "a new mode for the action of government," namely, civil damage laws.<sup>20</sup>

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<sup>20</sup> "Eleventh Anniversary of the American Temperance Union," *JATU*, June 1, 1847; ATU, "Eleventh Annual Report," *Permanent Temperance Documents*, Vol. III; ATU, *Report of the Executive Committee of the American Temperance Union*, 1847.

Speaking to a somewhat skeptical crowd dedicated to local option, Hewitt built an argument for civil damages around the familiar plight of the drunkard's wife, showing the kind of paternalism that informed men's vision of these laws. "Suppose," he said, "there was a law by which you could hold the rumseller personally responsible for all of the damages resulting for his business, would any one [sic], with such a law overhanging him, continue the traffic?" The passage of such a law would, "in less than 5 years" alleviate the suffering of "50,000 females, young wives and mothers." Civil damage laws, Hewitt argued, provided women redress against the liquor traffic that was denied to them under the current provisions of the license system. Even local option did not afford women the level of protection they stood to enjoy with civil damages. A wife whose husband crossed over from a "no license" town to drink at a dram shop in a "licensed" one, had no way to hold the retailer accountable for her suffering. A statewide civil damage law, he asserted, would hold dealers across the state responsible, rendering the traffic utterly unprofitable. While Hewitt's proposal at the ATU convention may have taken some members by surprise, his stance quickly gained support.<sup>21</sup>

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<sup>21</sup> "Eleventh Anniversary of the American Temperance Union," *JATU*, 1 June 1847; ATU, "Eleventh Annual Report," *Permanent Temperance Documents*, Vol. III; ATU, *Report of the Executive Committee of the American Temperance Union, 1847*. Hewitt also called on the temperance movement to endorse civil damage laws in the spring of 1847. When he initiated a petition to the Connecticut General Assembly for a law to redress private injuries occasioned by the traffic in intoxicating spirits. The legislature declined to consider the petition. Hewitt also led a campaign in Massachusetts in 1847 that met with the same fate. See "Responsibilities of the Rumseller," *JATU*, June 1, 1847, Volume XI, no. 6, pg. 92; *Journal of the House of Representatives of the State of Connecticut, May Session, 1847* (Hartford: John L. Boswell, 1847); "Connecticut Legislature," *Litchfield (CT) Republican*, June 26, 1847, Vol. I, no. 1, pg. 2; ATU, "Memoranda for 1847 & 1848," *Almanac of the American Temperance Union for the Year 1849* (New York: American Temperance Union, 1849), 18. "Massachusetts," *JATU*, February 1, 1848, Volume XII, no. 2, pg. 290; Rev. Joseph Cook, *Boston Monday Lectures, Fifth Series* (London, U.K.: R.D. Dickinson, 1880), 184; Dorchester, *The Liquor Problem in All Ages*, 487.



Hewitt's Law, as some temperance periodicals referred to it, quickly drew enthusiasm and gained proponents. One activist, E.B. Perkins in Marietta, Ohio, heralded civil damage laws as the most promising new direction for legal suasion. The liquor traffic would soon dry up, he forswore, if "every one [sic] who engages in the traffic be made liable to the parties injured in civil suits for all the evils resulting from it." Although Hewitt's Law permitted any individual to sue for damages, Perkin's proclaimed that the most significant piece of the proposal was the provision allowing women and children to initiate lawsuits. For when a drunkard's wife and children could "claim for the loss of the father's or husband's services and support" the traffic in intoxicating spirits would be rendered "too hazardous for any sane man to engage in." Perkins and other proponents believed that if women were given the opportunity to initiate lawsuits against liquor dealers they would eagerly do so, and win.<sup>22</sup>

Designating women as an eligible class to initiate suits for damages increased the likelihood of the law's enforcement, since they were forceful in protecting themselves with the means available. Civil damage laws would work, proponents like Perkins believed, because the drunkard's family would eagerly seek out the assistance of the legal system, and judges and juries (many of whom were likely their neighbors) would be sympathetic to their plight. The laws that governed the sale of liquor may have been promulgated at the state level, but enforcement operated at the local level. And the

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<sup>22</sup> E. B. Perkins, "Letter from Ohio," *JATU*, December 1, 1847, Volume XI, no. 12, pg. 181.

localized nature of the legal system would support the interests of the drunkard's family over the rum-seller.<sup>23</sup>

Within a few months, Hewitt's Law had sparked a raging debate in temperance circles. The issue loomed so large that it disrupted the coalescing movement in New York for a statewide referendum on "sale or no sale," essentially a form of prohibition that allowed voters to decide whether the sale of alcohol would be permitted statewide. In the spring of 1847, many of the state's male reformers barely even recognized legislative action other than local option, but when the 1845 local option law was repealed in May 1847, they were forced to find a new approach. After months of contentious debate, delegates tasked to plan the annual convention of the New York State Temperance Society, ultimately united behind a referendum for "sale or no sale," and tepidly agreed to endorse a memorial to the legislature asking for a civil damage law. The divisiveness amongst New York's male reformers around civil damages, however, remained far from settled.<sup>24</sup>

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<sup>23</sup> "Dr. Hewitt's Law," *JATU*, July 1, 1847, Volume XI, no. 7, pg. 104; Perkins, "Letter from Ohio," *JATU*, December 1, 1847; Edwards, *A People and Their Peace*, 3-10.

<sup>24</sup> "Amsterdam Convention," "Saratoga Meeting," "Orange County," and "Letter from Rev. C.J. Warren to the Cor. Sec. A.T.U.," *JATU*, August 1, 1847, Volume XI, no. 8, pg. 118, 123-125; "Letter from H.D. Brown, Esq. to the Cor. Sec. A.T.U.," and "Meeting at Troy," *JATU*, September 1, 1847, Volume XI, no. 9, pg. 135, 140; "Excursion to Buffalo – State Convention," "New York State Convention," "Address of the New York State Temperance Convention to the People of the State," "New York State Movements," and "New Hartford Resolutions," *JATU*, October 1, 1847, Volume XI, no. 10, pg. 145-148, 152-155. On January 9, 1847, a decision in *The People vs. Wm. S. Hodgeman*, by Chief Justice Bronson and Justices Beardsley and Jewett concluded that the law was incompatible with the Revised Statutes in relation to the operation of the Boards of Excise. Their opinion noted, "instead of submitting the *discretion* as to granting license to the *Boards of Excise* of the several towns, it submits such discretion to the *inhabitants* of the town in the first place." Yet it would take an act of the legislature to fully repeal the law. The legislature finally acted in May, 1847, and passed legislation that abided by the Revised Statutes, giving the Boards of Excise in each town, not the

At the annual September convention, opposition to the civil damage proposal organized immediately. One man in attendance characterized the convention's atmosphere as filled with "much clamor, not to say angry strife." The proposed memorial to the legislature, which included the measure on damages, ultimately passed, but not unanimously. Speaking on the proposal, another attendee remarked that lawmakers "will be slow to throw down all barriers against the sale, and will feel a disposition to mulct the vender in heavy damages for all the mischief he does to individuals, families, and the community." Legislators, opponents believed, would favor the addition of civil damage provisions to the state's license system rather than consider a statewide referendum on the sale of alcohol.<sup>25</sup>

The convention's adjournment did not end the controversy. Over the next few months, male reformers carried out a lengthy and robust debate in pages of the *JATU*. And there was no shortage of naysayers. Critics voiced their opposition to the proposal for a myriad of reasons. Some argued that such a statute would be impossible to prosecute because a man "is made a drunkard by a *hundred* retailers," and the courts, would never be able to determine which dealer was directly liable for an individual's intemperance. Others railed that the "sufferers from the trade would find the expense and trouble of the prosecution for damages so difficult, that in nine hundred and ninety-nine cases out of a thousand, they would be still, and suffer under them." Still other critics

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people, to power decide the license question. "Important Decision in relation to the Excise Law," *JATU*, February 1, 1847 Volume XI, no. 2, pg. 20; "Anti-Temperance Majorities. The Repeal of the Excise Law," *JATU*, June 1, 1847, Volume XI, no. 6, pg. 88.

<sup>25</sup> "Excursion to Buffalo – State Convention," New York State Movements," "New York State Convention," and "Address of the New York State Temperance Convention to the People of the State," *JATU*, October 1, 1847; "Dr. Hewitt's Law," *JATU*, April 1, 1848.

claimed that a civil damage law posed no deterrent for profit hungry retailers. Even noted antebellum social reformer, Gerrit Smith, Esq., jumped into the chorus of criticism. At a New York temperance meeting in January 1848, he proclaimed, “rumsellers cannot pay for the damage done by them any more than can the adulterer.” Even if a judge and jury awarded a judgment, Smith argued, it would be “worth nothing.” Retailers would simply claim themselves insolvent.<sup>26</sup>

What many opponents of civil damages laws (who were almost universally male) failed to grapple with was the simple fact that they offered a measure of financial protection to women. Detractors often complained that punitive compensation could not replace a life lost to intemperance. As one opponent lamented, “what restitution can a liquor seller make to a father for his lost son? Or to a widow and her children for the death of their father and protector?” While a man writing under the pseudonym “Veto” in the *JATU* called the laws a “mockery of justice” as “dollars and cents cannot compensate for the ruin of fathers, husbands, and sons.” Advocates of civil damages laws, meanwhile, never suggested that they could compensate, but simply argued they were the most effective means to control the liquor traffic. By opening up retailers to liability, supporters were confident that loved ones, particularly the wives of drunkards, would file lawsuits against liquor dealers.<sup>27</sup>

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<sup>26</sup> “Excursion to Buffalo – State Convention,” and “New York State Movements,” *JATU*, October 1, 1847; “Dr. Hewitt’s Law,” *JATU*, April 1, 1848 “Proposed State Convention,” *JATU*, January 1, 1848; “Public Meeting,” *JATU*, February 1, 1848; J. Elwell, “Northville. Dec. 8<sup>th</sup>, 1847, *Michigan Temperance Journal and School Advocate* (Jackson, MI), December 15, 1847, Volume II, no. 12, pg. 93.

<sup>27</sup> “Quere.” *JATU*, November 1, 1847, Volume XI, no. 11, pg. 163; “Communicated for the Journal,” *JATU*, February 1, 1848, Volume XII, no. 2, pg. 22; “New Law in Wisconsin,” *Lily* (Seneca Falls, NY), May 1, 1849. For another example of reformers objecting to civil damage laws because monetary damages could not adequately compensate the harmed family see “Public Meeting,” *JATU*, February 1,

Female activists, however, recognized the basic promise these laws had for ordinary women. Even these small economic protections could allow a drunkard's wife to feed and clothe herself and her children, and female reformers were confident women would use these laws. For example, a woman writing to the *Lily*, simply noted that women "smarting from the evils of intemperance will be very likely to resort to the remedy it [civil damages] provides." Another female contributor to the *Lily* also believed that women would take advantage of financial protections inherent in such statutes and remarked that "those who go to law for damages are sure to get them!" Female reformers did not view damage laws in the context of lofty aspirations, like economic compensation for the emotional loss of a spouse, but as small-scale, pragmatic solutions to protect the drunkard's wife and children from the inevitable poverty.<sup>28</sup>

As criticism piled up in the pages of the *JATU*, activists in some states pushed lawmakers for dram shop acts. By the winter of 1848, just as Mills and Chase were attaching civil damage amendments to the Wisconsin license system repeal bill, some Michigan residents were readying their own push for dealer liability. Amidst a flurry of petitions to the legislature asking for revisions to Michigan's liquor statute, a group of petitioners from Allegan County explicitly asked for civil damages to be included in any revision of the license system. On February 23, 1848, Mr. Flavious J. Littlejohn, the representative to legislature for Allegan County, presented a memorial that called for a

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1848, Volume XII, no. 2, pg. 21. One report referenced during the civil damage debate in the Wisconsin Assembly noted that over two hundred thousand people were in almshouses across the nation as a direct result of alcohol. This included both drinkers and their family. State of Wisconsin. *Report of the Select Committee to which was Referred "No. 68,(A), A bill Repealing all Laws Providing for the Sale of Spirituous Liquors* (Madison: David T. Dickson, 1849), 4-5.

<sup>28</sup> "New Law in Wisconsin," *Lily*, May 1, 1849; [no title], *Lily*, October 1, 1849.

dedicated tax on liquor dealers to defray the county's expense for supporting paupers and suppressing crime. The petitioners also insisted on a law that rendered dealers "amenable in a civil action for all the consequential injuries from such traffic." Unfortunately, none of the petitions submitted to the 1848 legislative session mention the sex of the petitioners, so it is impossible to know if women were behind this early attempt to convince the legislature to adopt civil damages. The memorial was referred to the committee of the judiciary for consideration, which declined to entertain the demands of the Allegan petitioners, or the thousands of other Michigan residents who requested the legislature alter the license laws. Yet the state's activists were mobilized, and some of them were clearly considering the benefits of retailer liability.<sup>29</sup>

When local option failed to achieve the desired results in many states, anti-liquor crusaders struggled to define a legal framework to eradicate the traffic in intoxicating spirits. For some, repealing the license system appeared like a viable answer, while others began considering prohibition, and still others sought to invest more power into the license system. Out of this landscape emerged the push for civil damage laws. Supporters of civil damages highlighted how such laws could financially protect the drunkard's wife and family, and alleviate the economic drain they posed to a community's resources, all while making the traffic so unprofitable it would eventually crumble. The published debates on civil damages, particularly in the widely circulated *JATU*, brought this option out into the open and legitimated it as a viable legislative avenue to forestall the liquor

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<sup>29</sup> *Journal of the House of Representatives of the State of Michigan, 1848* (Lansing: Bagg & Harmon, 1848), 85, 114, 121, 131, 140, 143, 158, 189, 194, 257, 284, 300, 309, 429, 446, 458, 491, 688; *Journal of the Senate of the State of Michigan, at the Annual Session of the Legislature for 1848* (Lansing: Bagg & Harmon, 1848), 208, 218, 242, 372, 450, 559.

traffic. And in Wisconsin, legislators were about to test the efficacy of the liability principle.

### **The First Civil Damage Law**

As the Wisconsin legislature convened for its second session in January 1849, legislators recognized that the liquor question (barely visible on the agenda in 1848) was now a pressing political issue. Petitions from women and men poured into the Senate and Assembly demanding they alter the current liquor statute. Just two years into the state's experiment with local option, which took effect in 1847, temperance activists now lamented the statutes' mediocre results and called for a more comprehensive law. Temperance petitioners forwarded a variety of propositions, but many were extremely vague, asking for lawmakers to transform the existing license system into something more comprehensive. Yet one demand came up repeatedly; any law should include a mechanism to support the poor, whose condition reformers almost universally tied to the liquor trade.<sup>30</sup>

Clearly the failure of local option and the tactical shift in temperance rhetoric emphasizing financial costs peaked the interests of Wisconsin's activists. They prodded their legislators to levy taxes against liquor dealers, increase grog-shop owners property

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<sup>30</sup> An Act to Amend an Act Entitled An Act to Regulate Taverns and Groceries, *Laws of the Territory of Wisconsin, together with the Resolutions and Memorials Passed at the Annual Session of the Legislature in 1847* (Madison: H.A. Tenny, 1847), 218-220. For petitions to the 1849 session see *Journal of the Assembly of the State of Wisconsin: Begun and Holden at Madison, on the 10<sup>th</sup> Day of January, and Ending April 2<sup>nd</sup> A.D. 1849* (Madison: D.T. Dickson, 1849), 21, 54, 94-95, 214-215, 217, 231, 250, 494, 498, 511, 576, 636, 644, 652; *Journal of the Senate, Second Annual Session of the Legislature of the State of Wisconsin: Begun and Holden at Madison, on Wednesday, the 10<sup>th</sup> Day of January, A.D., 1849* (Madison: David T. Dickson, 1849), 229, 278, 301, 315 [misprinted as 215], 439-440, 445, 479-480, 505, 554, 628, 655.

assessments, and redirect monies collected from liquor licenses all to support the state's poor. Still, with all the coverage of civil damage proposals in the temperance press, Wisconsin's activists remained relatively silent on the subject; none of the recorded petitions to the 1849 legislative session called for a statewide dram shop law. With no coherent voice from the state's temperance community and petitions for a variety of options piling up, lawmakers in both the Senate and Assembly investigated their options.<sup>31</sup>

Perhaps because Wisconsin's activists seemed disorganized or without a coherent plan to rein in the liquor traffic, or simply because scholars have dismissed civil damages laws as inconsequential to the antebellum march towards prohibition, little attention has been paid to the 1849 Wisconsin dram shop act, the first statewide statute of its kind. Yet an examination of how it was debated in the legislature and the various provisions of the law provide a very different insight. The law did not come out of nowhere, but was the product of legislative trial and error (initiated by both temperance activists and lawmakers) in the long and often circuitous path to find a viable solution to control the liquor traffic. And in doing so, they promulgated a statute that changed the nature of liquor regulation in Wisconsin and expanded women's rights in an unexpected way.<sup>32</sup>

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<sup>31</sup> *Journal of the Assembly of the State of Wisconsin, 1849*, 21, 54, 94-95, 214-215, 217, 231, 250, 494, 498, 511, 576, 636, 644, 652; *Journal of the Senate of the State of Wisconsin, 1849*, 229, 278, 301, 315 (misprinted as 215), 439-440, 445, 479-480, 505, 554, 628, 655; Schafer, "Prohibition in Early Wisconsin, 282-283.

<sup>32</sup> A number of works late nineteenth century works mention the law as a precursor to contemporary statutes, but none link the debates swirling in the temperance movement at this moment to the passage of antebellum damage statutes, which began to pick up steam after Wisconsin's 1849 act. The most in-depth examination came in 1887, when V.W. Grubbs reprinted the 1849 Assembly report and provided an annotated summary of the law, concluding that the Wisconsin law "was almost exactly like what have since been denominated *civil damage laws*." In his account, it was important only as a forerunner to laws in operation in the late nineteenth century, but little else. Grubbs,



Over the first two months of the 1849 session, as lawmakers considered a series of proposals, the liquor question dominated both houses. Many of the idea's they considered hewed close to the recommendations submitted in reformer's petitions. By the end of February, Wisconsin's legislators, like many of the memorialists, were focused on the costs liquor dealers transferred to the taxpayers, and believed vendors should be shouldering some of that burden. A report from the Senate committee tasked with considering the temperance petitions declared that "if the rum-seller shall be permitted to scatter pauperism and crime abroad, it is but just that the expense of such pauperism and crime, should fall mainly if not entirely upon him." In the Assembly, a committee considering legislation came to a similar conclusion. The liquor traffic destroyed the "the prosperity and happiness" of the drunkard and his family, reducing them to poverty, while the dealer raked in profits, and the state had to pick up the costs. Their report estimated that across the country, support for drunkards and their families cost "not less than one million dollars annually." The message from both the Assembly and the Senate was clear— liquor dealers were fleecing the public.<sup>33</sup>

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*Practical Prohibition*, 332-340. For some other late nineteenth century mentions see Jutkins, *Hand-Book of Prohibition*; Dorchester, *The Liquor Problem in All Ages*; Woolley and Johnson, *Temperance Progress in the Century*; Marsh, *Temperance Recollections*; Wollen and Thornton, *Intoxicating* Volume I; National Temperance Society, *Liquor Laws of the United States*; Rogers, Jr., *Drinks, Drinkers and Drinking*; Spooner, *Cyclopædia of Temperance*. From a modern perspective, several articles on temperance in Wisconsin mention the law, but it amounts to little more than a footnote. See Schafer, "Prohibition in Early Wisconsin," 282-283; A.M. Thomson, *A Political History of Wisconsin, Second Edition* (Milwaukee, WI: C.N. Casper, 1902), 219-220. Marc Odier mentions the Wisconsin bond law in his article on social host liability laws, but incorrectly dates the passage of the law in 1850. See Odier, "Social Host Liability: Opening Pandora's Box," 87.

<sup>33</sup> *Journal of the Senate, State of Wisconsin, 1849*, 278, 315, 406, 422, 427, 445; *Journal of the Assembly of the State of Wisconsin, 1849*, 200, 217, 328, 461-466, 474, 516, 528-529, 554; State of Wisconsin, *Report of the Select Committee to which was Referred No. 68(A), A Bill Repealing all Laws Providing for the Sale of Spirituous*

On February 26, 1849, Assemblyman Elisha T. Gardner, proposed a momentous bill that sought to hold liquor dealers financially liable for the sale of intoxicating spirits. His measure did not dismantle the licensing system but implemented a bond provision as a condition of licensure, and included a civil damages clause. The bond provision required all licensed liquor dealers to secure a surety (a promise to cover debts incurred by order of the court) to guarantee that funds were available for an injured party to recoup compensation from in the event they violated the terms of their license. The bill seemed to counter every opposition naysayers drummed up when Nathaniel Hewitt laid out the proposition at the 1847 ATU convention. Over the next month, a contentious debate raged in both the Assembly and the House. One assemblyman argued the provisions of the bill were so “inartificial and imperfect” that should it pass it would immediately become a “nullity upon our statutes.” Another opponent, Assemblyman Saterlee Clark Jr., snidely remarked that if the bill passed, it would be a “reflection on the intelligence and capacity of the assembly.” Despite vociferous opposition, the bill passed on March 26, 1849, and five days later Governor Nelson Dewey signed “An act relating to the sale of spirituous liquors” into law. News of the groundbreaking Wisconsin law spread like wildfire.<sup>34</sup>

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*Liquors* (Madison: David T. Dickson, 1849), 4-9; “Liquor and Law,” *New-York Daily Tribune*, January 15, 1848; “Prohibitory Statutes,” *JATU*, February 1, 1848, Volume XII, no. 2, pg. 25-26; “The License Law,” *Waukesha (WI) Democrat*, February 6, 1849, Volume I, no. 30, pg. 2; Schafer, “Prohibition in Early Wisconsin, 282-283.

<sup>34</sup> *Journal of the Assembly of the State of Wisconsin, 1849*, 200, 217, 328, 461-466, 474, 516, 528-529, 554, 576-577; *Journal of the Senate, State of Wisconsin, 1849*, 278, 315, 406, 416, 422, 427, 503, 523, 537-538, 552-553, 667, 671; State of Wisconsin, Report of the Select Committee, 4-9; Title XI, Chapter 29, *The Revised Statutes of the State of Wisconsin, Passed at the Second Session of the Legislature, Commencing January 10, 1849* (Southport, WI: C. Latham Sholes, 1849), 242-243.

Across the country newspapers heralded word of the new statute, simply referring to it as the “bond law” and explaining how it worked. To receive a license a prospective vendor needed to execute a bond of one thousand dollars (the equivalent of about \$33,000 today) backed by at least three sureties who were all residents of the place where the business was located in order to cover “all damages that community or individuals may sustain, by reason of said traffic; to support all paupers, widows and orphans” and offset the costs of civil and criminal prosecutions. The provision clearly aimed to reduce the number of liquor retailers in a given locale by making it financially burdensome to obtain a license, while at the same time it aimed to alleviate the traffic’s financial burden on community coffers. Not only did the provision force prospective retailers to meet any locally imposed “requirements of the law,” but the bond backed only by sureties within the town ensured a finite pool of underwriters; another way to limit who had access to a bond, and therefore, to open a liquor dispensary. The requirements also silenced early criticism of civil damage laws as uncollectable. By compelling retailers to post bonds with sureties, Wisconsin’s lawmakers guaranteed an indemnity (a guarantee of funds to compensate for loss or damages sustained) against which individuals could file suit. This meant that dealers would not be able to hide their assets or simply shutter their businesses and claim insolvency, leaving judgments against them unfulfilled.<sup>35</sup>

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<sup>35</sup> “Going it Strong,” *New York Organ*, March 24, 1849, Volume 8, no. 39, pg. 287; “Going it Strong,” *Anti-Slavery Bugle* (Salem, OH), April 27, 1849; “Wisconsin Temperance Law,” *Milwaukee (WI) Sentinel and Gazette*, May 5, 1849, Volume 5, no. 14; “Wisconsin and Massachusetts Temperance Laws,” *Huron Reflector* (Norwalk, OH), May 22, 1849, Volume XX, no. 19, pg. 2; “Law in Wisconsin,” *New York Organ*, April 14, 1849, Volume 8, no. 42, pg. 309; “Remarkable Temperance Law,” *North American and United States Gazette* (Philadelphia, PA), April 23, 1849; “Remarkable Temperance Law,” *Richmond Enquirer*, April 27, 1849; “New Law in Wisconsin,” *Lily*, May 1, 1849, Volume I, no. 3; “Wisconsin,” *JATU*, April 1, 1849, Volume XIII, no. 4, pg. 61; “Remarkable Temperance Law,” *Organizer* (Oxford, MS), May 12, 1849; “Remarkable Temperance Law,” *Daily National Whig* (Washington, DC), April 23,

1849; "Temperance Law of Wisconsin," *Zion's Herald and Wesleyan Journal* (Boston, MA), May 2, 1849, Volume XX, no. 18, pg. 70; "Wisconsin Rumselling," *Edgefield (SC) Advertiser*, May 9, 1849; "Wisconsin on Rumselling," *New York Daily Tribune*, April 25, 1849; "A Good Law in Wisconsin," *Watchman of the Prairies* (Chicago, IL), May 15, 1849, Volume 2, no. 37; "Wisconsin on Rumselling," *Planters' Banner* (Franklin, LA), June 21, 1849, Volume XIV, no. 25; "Dr. Hewit's [sic] Law," *JATU*, May 1, 1849, Volume XIII, no. 5, pg. 72; "Plan for the Extinguishing of the Rum Traffic," *Ohio Observer* (Hudson, OH), May 9, 1849; "Temperance Laws," *Boston (MA) Saturday Rambler*, May 12, 1849, Volume IV, no. 19; "Temperance Laws," *Southern Sentinel* (Plaquemine, LA), May 16, 1849; "Wisconsin on License," *Hillsdale (MI) Whig Standard*, May 8, 1849; "Wisconsin-Temperance," *Zion's Herald*, May 16, 1849, Volume XX, no. 20, pg. 78; "Remarkable Temperance Law," *Arkansas State Democrat* (Little Rock, AK), June 8, 1849, Issue 4; "Temperance Law of Wisconsin," *Boston (MA) Investigator*, May 2, 1849, Issue 52; "Remarkable Temperance Law," *Christian Inquirer* (New York, NY), April 28, 1849, Volume III, no. 29, pg. 3; "Temperance Measures in Wisconsin," *Cleveland Herald*, April 26, 1849, Issue 96; "Wisconsin," *Independent* (New York), May 3, 1849, Volume I, no. 22, pg. 87; "Teetotalism in Wisconsin," *Vermont Watchman and State Journal* (Brattleboro, VT), May 3, 1849; "Temperance Law of Wisconsin," *Vermont Phoenix*, May 4, 1849; "Legislation for Temperance," *Vermont Chronicle* (Bellow Falls, VT), May 9, 1849; "Remarkable Temperance Law," *Presbyterian* (New York), May 12, 1849, Volume XIX, no. 19, pg. 76; "Remarkable Temperance Law," *Advocate of Moral Reform and Family Guardian* (New York), May 15, 1849, Volume XV, no. 10, pg. 76; "Temperance Law of Wisconsin," *Planters' Banner*, May 17, 1849; "Temperance in Wisconsin," *Cleveland Herald*, May 30, 1849, Issue 125; "Remarkable Temperance Law," *Daily National Intelligencer* (Washington, DC), April 23, 1849; "The Spirit Abroad," *Emancipator & Republican* (Boston, MA), May 10, 1849; "The Liquor Law," *Emancipator & Republican*, May 31, 1849; "Remarkable Temperance Law," *Friends' Review* (New York), May 5, 1849, Volume II, no. 33, pg. 519; "Wisconsin on License," *Hillsdale Whig Standard*, May 8, 1849; "The New Anti-Rum Law of the State of Wisconsin," *Massachusetts Cataract, Temperance Standard, and Dew Drop* (Worcester, MA), May 10, 1849, Volume 7, no. 8, pg. 31; "Temperance Laws," *New Hampshire Statesman* (Concord, NH), May 11, 1849; "Temperance Laws," *Niles' National Register* (Philadelphia, PA), May 2, 1849, Volume LXXV, no. 18, pg. 281; "Remarkable Temperance Law," *Non-Slaveholder* (Philadelphia, PA), July 1849, Volume IV, no. 7, pg. 147-148; "Teetotalism in Earnest," *Water-Cure Journal and Herald of Reforms* (New York), June 1849, Volume VII, no. VI, pg. 189; [no title], *New York Herald*, May 7, 1849; "American Temperance Union," *New York Herald*, May 15, 1849; "New Temperance Law," *Sunday School Advocate* (New York), July 3, 1849, Volume VIII, no. 19, pg. 149; "Temperance Matters," *New York Organ*, August 11, 1849, Volume 9, no. 7, pg. 63; "American Temperance Union," *Ohio Observer*, May 30, 1849; "Temperance Law," *Polynesian* (Honolulu [Oahu], Kingdom of Hawaii), October 20, 1849; "Wisconsin Law," *JATU*, September 1, 1849, Volume XIV, no. 9, pg. 129; "Wisconsin License Law," *Janesville (WI) Daily Gazette*, June 14, 1849, Volume IV, no. 40, pg. 1; "License Law in Wisconsin," *Republican Daily Banner and Nashville (TN) Whig*, May 4, 1849, Volume XXXV, no. 68; "Wisconsin on Rumselling," *Journal and Poughkeepsie (NY) Eagle*, April 28, 1849, Volume 6, no. 278; "The Wisconsin Temperance Law," *Wisconsin (MI) Express*, May 15, 1849, Volume 9, no. 27;

Those who violated the law faced far higher penalties than those imposed under the typical license system. Any person who retailed or gave away spirituous liquors without posting the required bond was guilty of a misdemeanor and upon conviction, could be fined fifty to five hundred dollars and imprisoned for anywhere from ten days to six months. The law deemed all those caught selling without the required surety “liable in all respects to the public and to individuals, the same as he would have been had he given the bond required.” The stiffer penalties and the introduction of prison time for offenders reflected the demands temperance activists, who repeatedly called for such measures.<sup>36</sup>

The centerpiece of the legislation focused on the drunkard’s family—namely women and children. A series of provisions in the bill increased protections, particularly for the wives of inebriates. One section curtailed dealers’ ability to collect on delinquent grog tabs and forbid the state’s courts from entertaining suits initiated to recoup liquor debts. To avoid traffickers from circumventing this prohibition, the statute deemed all promissory notes that patrons entered into with a liquor retailer, either in whole or in part, as a violation of the provision forbidding actions of debt for alcohol and ordered the courts to dismiss the case and assess the costs for prosecution to the retailer. Even if the promissory note covered monies issued for other expenses, if any portion of the note could be tied to liquor, then the entire balance was dismissed. Not only would the groggery owner fail to collect on the debt, but they were also stuck with the court costs.<sup>37</sup>

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“The License Law Again,” *Wisconsin Tribune* (Mineral Point, WI), June 15, 1849, Volume II, no. 38.; “License Law in Wisconsin,” *Tennessean* (Nashville, TN), May 4, 1849, page 2; Title XI, Chapter 29, §1, *The Revised Statutes of the State of Wisconsin, 1849*, 242.

<sup>36</sup> Title XI, Chapter 29, §9, *Revised Statutes of the State of Wisconsin, 1849*, 242.

<sup>37</sup> Title XI, Chapter 29, §5, *Revised Statutes of the State of Wisconsin, 1849*, 242.

The legal prohibition excluding grog bills from the courts granted women some level of economic protection. By prohibiting retailers from initiating suits for liquor debts, women avoided the confiscation of their property to cover judgments for alcohol against their husbands. Enacted before Wisconsin passed a married women's property act, this clause not only protected married women, but also widows, those who fled an abusive marriage or whose husbands abandoned them. The exclusion of liquor bills from a court ordered lien could mean the difference between having their personal belongs commandeered to cover an outstanding whiskey bill and keeping family property intact. But this important clause did not constitute the most far reaching provision protecting women.<sup>38</sup>

### **Granting Women's Property Rights**

Section four of the 1849 Wisconsin statute specifically protected married women and broke absolutely new ground in the arena of woman's rights. It decreed that "it shall be lawful for any married women to institute and maintain in her own name, a suit on any such bond, for all damages sustained by herself or children, on account of such traffic, and the money, when collected, shall be paid over to her for the use of herself and her children." Such a cause of action could be initiated against "all persons engaged" in the traffic, "who may have sold or given liquor" to an individual who committed an offence or became a public charge. An individual suing for damages could initiate a suit against any retailer they could prove sold or gave liquors to an intoxicated person; greatly increasing the potential circle of defendants, and thus financial compensation. This provision provided married women not only the ability to sue in their own name, but also

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<sup>38</sup> Title XI, Chapter 29, §5, *Revised Statutes of the State of Wisconsin, 1849*, 242.

to control all monies awarded in a judgment—something otherwise not legally allowed. Unlike the clause that excluded grog bills as a legitimate debt and therefore protected women’s property from confiscation (like what happened to Jane Keefer in Illinois), section four of the bill explicitly challenged the limits of coverture for drunkard’s wives.<sup>39</sup>

Under the Blackstonian interpretation of coverture, married women had no legal standing. In the eyes of the law, she was legally “covered” by her husband. Any property she held at the time of marriage, unless tied into a separate estate, now belonged to her husband, as did any assets acquired during the marriage, including her earnings. She could not sue or be sued or enter into a contract, although, as historian Laura Edwards has demonstrated, these strictures were not necessarily ironclad when applied on the local level. Courts often acted in ways that challenged such a strict definition of coverture. But for many married women, their legal status placed them in a precarious position. And for the drunkard’s wife, these legal disabilities were often magnified. For instance, in many states, her belongings could be confiscated and sold off to cover her husband debts, including groggery bills. While the men in the Wisconsin legislature were in no hurry to unbind women from the constraints of coverture, focus on the dollars and cents of intemperance led to the extension of certain financial protections for married women. Under the guise of temperance, Wisconsin’s legislators granted married women the right to stand in the court of law under their own identity and maintain sole authority over a

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<sup>39</sup> Title XI, Chapter 29, §4, 6, 8, *Revised Statutes of the State of Wisconsin, 1849*, 242.

judgment at a time when lawmakers were still divided over the efficacy of a married women's property act.<sup>40</sup>

In Wisconsin, the far-reaching implications of the "bond law" are magnified when read against the debates over several bills on the rights of married women introduced during the same legislative session. For all the debates and wrangling in the legislature over the proposed liquor law, there is not one motion or amendment in the proceedings of either the Assembly or Senate rebuking section four of the bill, which granted women the right to sue in their own name and control any judgment as they saw fit. The overarching desire to place some measure of financial liability for supporting the poor onto the liquor dealer (whom both temperance activists and many lawmakers firmly believed the traffic had a role in creating) outweighed their opposition to the expansion of married women's rights. Not only had decades of temperance tracts highlighted the fiscal vulnerability of the drunkard's family, but much of the propaganda activists promoted in favor of civil damage laws focused on the financial protection that such laws afforded the inebriate's

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<sup>40</sup> On coverture and married women's property rights see Joan Hoff, *Law, Gender and Injustice: A Legal History of U.S. Women* (New York: New York University Press, 1991); Carole Shammas, Marylynn Salmon, and Michel Dahlin, *Inheritance in America: From Colonial Times to the Present* (New Brunswick, NJ: Rutgers University Press, 1987); Catherine B. Cleary, "Married Women's Property Rights in Wisconsin, 1846-1872," *The Wisconsin Magazine of History*, Volume 78, no. 2 (Winter, 1994-1995), 113-126; Richard H. Chused, "Married Women's Property Law: 1800-1850," *Georgetown Law Journal* 71 (June, 1983), 1359-1424; Norma Basch, *In the Eyes of the Law: Women, Marriage and Property in Nineteenth Century New York* (Ithaca, NY: Cornell University Press, 1982); Carole Shammas, "Re-Assessing the Married Women's Property Acts," *Journal of Women's History* 6, 1 (Spring, 1994), 9-30; Hendrick Hartog, *Man and Wife in America: A History* (Cambridge, MA: Harvard University Press, 2000), 115-122; Edwards, *A People and Their Peace*, 169-179.



wife and children, even though these laws afforded compensation to any third party injured by the actions of an intoxicated person.<sup>41</sup>

That married women's rights were expanded appears to have been merely incidental to Wisconsin's legislators—that is, they appeared not to grapple with this radical element of their proposals. It seems that lawmakers found it far more beneficial to extend some protection to married women, on these specific and limited grounds, than to continue along the same paradigm of liquor regulation. Civil damage laws transformed temperance into an acceptable reason to expand the rights and protections for married women, even for lawmakers who opposed granting broader rights to women.

While legislators exhibited no qualms in extending rights and protections to the drunkard's wife, many of these same lawmakers vehemently opposed such expansion to married women on a universal basis—which formed one demand of the budding antebellum woman's rights movement. Many of those who so casually voted for the adoption of the liquor law, vehemently opposed two other bills proposed in the same legislative session that addressed the status of women's extensive legal disabilities. The first, a proposal in the Assembly “concerning the general provisions of husband and wife,” aimed to unravel some of the contractual constraints of coverture, gained few proponents. Some of the proposed provisions granted women the right to instigate suits in their own name “against third persons and also their husbands” and prohibited pleas of coverture in any legal proceedings, making wives “liable to be proceeded against for all

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<sup>41</sup> Title XI, Chapter 29, §1, *Revised Statutes of the State of Wisconsin, 1849*, 242; *Journal of the Assembly of the State of Wisconsin, 1849*; *Journal of the Senate, State of Wisconsin, 1849*.

offences against the laws or rights of individuals, in the same manner as femme sole.”

The bill, predictably, failed to become law.<sup>42</sup>

As long as such rights remained within the custodial and paternalistic frame of “protecting women,” legislators seemed willing to grant them. But when these same rights were framed outside this protective rhetoric, recast by women’s rights advocates as their individual dignity and possession, male lawmakers balked. Yet regardless of the paternalistic rhetoric framing their advocacy, temperance civil damage laws nevertheless granted women the same autonomy the woman’s rights movement was demanding in their alternate proposals. So while male legislators were on record opposing married women’s property laws, they were simultaneously engaged in granting them, on certain, specific grounds. But the failure of these laws, when demanded on their own merits, has gotten all the scholarly attention. No one has noticed—not even the legislators themselves—that such rights were busily being granted in the guise of civil damage, or bond, laws.

This paternalism and derision of women’s rights on their own merits—seeing women as autonomous individuals, rather than men’s wards—was seen very clearly in the theatrical flair with which the men of the Wisconsin Senate lampooned the married women’s property bill. When a bill “to provide for the protection of married women in the enjoyment of their property” came up before the Senate on February 28, 1849, rather than just a quick up or down vote, several members of the body sought to make a mockery of the proposal. During the course of debate, Senator Alexander Botkin, moved to retitle the act as a “bill to authorize married women to wear their husband’s

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<sup>42</sup> *Journal of the Assembly of the State of Wisconsin, 1849*, 535, 555, 577, 585-586, 591-593, 599, 602, 615, 629-631, 634, 655; *Journal of the Senate, State of Wisconsin, 1849*, 600, 602, 611, 619, 627, 631.

unmentionables,” while Senator Henry Merrill moved to change the name to “a bill to declare married women the head of the family.” Both men had used similar tactics to derail discussions on the bill “concerning the general provisions of husband and wife.” It seems that Botkin and Merrill viewed the bills as preposterous enough that they should be bestowed with as ridiculous a title. With ayes and nays called after each amendment, only Botkin, Merrill, and occasionally Senator James Fischer, supported the farcical proposals. On March 10, 1849, the Senate finally passed the married women’s property bill, without amendment, and sent it to the Assembly for concurrence. The Assembly refused, although without the Senate’s derisive theatrical commentary.<sup>43</sup>

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<sup>43</sup> *Journal of the Senate, State of Wisconsin, 1849*, 51, 62, 113, 133, 145, 303-305, 379; *Journal of the Assembly of the State of Wisconsin, 1849*, 311, 313, 371-374. A similar bill was also proposed during the 1848 session, entitled “to provide for the protection of married women in the enjoyment of their own property,” but the bill was voted down fourteen to five. *Journal of the Senate, State of Wisconsin, 1848*, 54, 66, 102, 105-106, 311-312. For more information on the wrangling over married women’s property rights starting with the failed constitution of 1846 see *Journal of the Convention to form a Constitution for the State of Wisconsin: Begun and Held at Madison, on the Fourth Day of October, One Thousand Eight Hundred and Forty-Six* (Madison: Beriah Brown, 1847); *Journal of the Convention to Form a Constitution for the State of Wisconsin with a sketch of the Debates, Begun and Held at Madison, on the Fifteenth Day of December, Eighteen Hundred and Forty-Seven* (Madison, W.T.: Tenney, Smith & Holt, 1848). Catherine B. Cleary, “Married Women’s Property Rights in Wisconsin, 1846-1872,” *The Wisconsin Magazine of History*, Volume 78, no. 2 (Winter, 1994-1995), 113-126; Frederic L. Paxson, “A Constitution of Democracy – Wisconsin, 1847,” *The Mississippi Valley Historical Review*, Volume 2, no. 1 (June, 1915), 3-24. The failed Wisconsin Constitution of 1846 contained a Married Women’s Property clause and when the 1847 convention convened it was one of the controversial measures that some delegates pointed to for the failed ratification of the 1846 document. The Wisconsin legislature finally passed a married women’s property act in 1850 after a contentious debate. For the debates over the successful 1850 married women’s property act see *Journal of the Senate. Third Annual Session of the Legislature of the State of Wisconsin: Begun and Held at Madison, on Wednesday the Ninth Day of January, A.D. 1850* (Madison, WI: David T. Dickson, 1850); *Journal of the Assembly of the Third Legislature of the State of Wisconsin, Held at Madison, Beginning on the Ninth Day of January, and Ending on the Eleventh Day of February, A.D. 1850* (Madison, WI: David T. Dickson, 1850).

As the debates in the Wisconsin Assembly and Senate reveal, lawmakers were willing to countenance an expansion of women's rights and protections, but only within the parameters of temperance. Some of this opposition invariably came down to gender roles in the marital relationship, as evidenced by the factious remarks of Botkin and Merrill. Whereas gender roles were already under assault in the drunkard's family through the man's abdication of his role as provider and protector, legislators were hesitant endorse legislation that would unsettle marital relations by granting women more universal rights in marriage. The perceived financial drain on the state by the poor drunkard's family justified measures that challenged the existing legal precepts governing women's rights in marriage. Even though these men did not grapple directly with the radical nature of the changes they were willing to support, this was, nevertheless, a victory in the larger pursuit of married women's property rights, something that has remained unseen and unappreciated in our histories of both antebellum temperance and women's rights. With the new bond law slated to take effect on May 1, 1849, temperance reformers looked to Wisconsin and its innovative, new liquor statute.<sup>44</sup>

### **Wisconsin's Civil Damage Law: A Blueprint for Temperance**

On May 5, 1849, the *Milwaukee Sentinel and Gazette* expounded on the bond law as the "most philosophic legislation that has hereto been attempted." At a time when the temperance movement was split between factions advocating various forms of prohibition and others calling for civil damage laws, the passage of the Wisconsin statute suggested an opening for proponents to rally around. Advocates proudly argued that no

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<sup>44</sup> Scott C. Martin, *Devil of the Domestic Sphere: Temperance, Gender, and Middle-class Ideology, 1800-1860* (DeKalb: Northern Illinois University Press, 2008), 44-46.

longer would retailers of spirits enjoy “immunity from responsibility,” they were now held responsible for the “costs of their traffic and the pecuniary mischief it inflicts on society.” Civil damage laws, one columnist remarked, held the promise to unify the movement. Wisconsin’s bond law represented the long searched for blueprint to solve “one of the most difficult legislative problems of our day.”<sup>45</sup>

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<sup>45</sup> “Wisconsin Temperance Law,” *Milwaukee Sentinel and Gazette*, May 5, 1849, Volume 5, no. 14; “Wisconsin and Massachusetts Temperance Laws,” *Huron Reflector*, May 22, 1849; “Law in Wisconsin,” *New York Organ*, April 14, 1849; “Remarkable Temperance Law,” *North American and United States Gazette*, April 23, 1849; “Going it Strong,” *Anti-Slavery Bugle*, April 27, 1849; “Remarkable Temperance Law,” *Richmond Enquirer*, April 27, 1849; “New Law in Wisconsin,” *Lily*, May 1, 1849; “Wisconsin,” *JATU*, April 1, 1849; “Remarkable Temperance Law,” *Organizer*, May 12, 1849; “Remarkable Temperance Law,” *Daily National Whig*, April 23, 1849; “Temperance Law of Wisconsin,” *Zion’s Herald*, May 2, 1849; “Wisconsin Rumselling,” *Edgefield Advertiser*, May 9, 1849; “Wisconsin on Rumselling,” *New York Daily Tribune*, April 25, 1849; “A Good Law in Wisconsin,” *Watchman of the Prairies*, May 15, 1849; “Wisconsin on Rumselling,” *Planters’ Banner*, June 21, 1849; “Dr. Hewit’s [sic] Law,” *JATU*, May 1, 1849; “Plan for the Extinguishing of the Rum Traffic,” *Ohio Observer*, May 9, 1849; “Temperance Laws,” *Boston Saturday Rambler*, May 12, 1849; “Temperance Laws,” *Southern Sentinel*, May 16, 1849; “Wisconsin on License,” *Hillsdale Whig Standard*, May 8, 1849; “Wisconsin-Temperance,” *Zion’s Herald*, May 16, 1849; “Remarkable Temperance Law,” *Arkansas State Democrat*, June 8, 1849; “Temperance Law of Wisconsin,” *Boston (MA) Investigator*, May 2, 1849; “Remarkable Temperance Law,” *Christian Inquirer*, April 28, 1849; “Temperance Measures in Wisconsin,” *Cleveland Herald*, April 26, 1849; “Wisconsin,” *Independent*, May 3, 1849; “Teetotalism in Wisconsin,” *Vermont Watchman and State Journal*, May 3, 1849; “Temperance Law of Wisconsin,” *Vermont Phoenix*, May 4, 1849; “Legislation for Temperance,” *Vermont Chronicle*, May 9, 1849; “Remarkable Temperance Law,” *Presbyterian*, May 12, 1849; “Remarkable Temperance Law,” *Advocate of Moral Reform*, May 15, 1849; “Temperance Law of Wisconsin,” *Planters’ Banner*, May 17, 1849; “Temperance in Wisconsin,” *Cleveland Herald*, May 30, 1849; “Remarkable Temperance Law,” *Daily National Intelligencer*, April 23, 1849; “The Spirit Abroad,” *Emancipator & Republican*, May 10, 1849; “The Liquor Law,” *Emancipator & Republican*, May 31, 1849; “Remarkable Temperance Law,” *Friends’ Review*, May 3, 1849; “Wisconsin on License,” *Hillsdale Whig Standard*, May 8, 1849; “The New Anti-Rum Law of the State of Wisconsin,” *Massachusetts Cataract*, May 10, 1849; “Temperance Laws,” *New Hampshire Statesman*, May 11, 1849; “Temperance Laws,” *Niles’ National Register*, May 2, 1849; “Remarkable Temperance Law,” *Non-Slaveholder*, July 1849; “Teetotalism in Earnest,” *Water-Cure Journal*, June 1849; [no title], *New York Herald*, May 7, 1849; “American Temperance Union,” *New York Herald*, May 15, 1849; “New Temperance Law,” *Sunday School Advocate*, July 3, 1849; “Temperance Matters,” *New York Organ*, 11 August 1849; “American Temperance

The comprehensive coverage of the law remained remarkably consistent and far more positive than the other popular strain of legislative advocacy at this point: prohibition. Rather than a blurb summarizing the law, most newspapers presented a full analysis, often publishing verbatim, either the entire statute or sections four through nine. That the clear majority of columns began their transcript with section four (expanding married women's legal rights) is noteworthy and highlights the revolutionary nature of the provision. Requiring liquor dealers to post a bond to cover damages and help financially support inebriates and their families represented an important legislative milestone, but it was the expanded rights for married women that was widely remarked upon, favorably so.<sup>46</sup>

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Union," *Ohio Observer*, May 30, 1849; "Temperance Law," *Polynesian*, October 20, 1849; "Wisconsin Law," *JATU*, September 1, 1849; "Wisconsin License Law," *Janesville Daily Gazette*, June 14, 1849; "License Law in Wisconsin," *Republican Daily Banner and Nashville Whig*, May 4, 1849; "Wisconsin on Rumselling," *Journal and Poughkeepsie Eagle*, April 28, 1849; "The Wisconsin Temperance Law," *Wisconsin Express*, May 15, 1849; "The License Law Again," *Wisconsin Tribune*, June 15, 1849; "License Law in Wisconsin," *Tennessean*, May 4, 1849.

<sup>46</sup>"Wisconsin Temperance Law," *Milwaukee Sentinel and Gazette*, May 5, 1849, Volume 5, no. 14; "Wisconsin and Massachusetts Temperance Laws," *Huron Reflector*, May 22, 1849; "Law in Wisconsin," *New York Organ*, April 14, 1849; "Remarkable Temperance Law," *North American and United States Gazette*, April 23, 1849; "Going it Strong," *Anti-Slavery Bugle*, April 27, 1849; "Remarkable Temperance Law," *Richmond Enquirer*, April 27, 1849; "New Law in Wisconsin," *Lily*, May 1, 1849; "Wisconsin," *JATU*, April 1, 1849; "Remarkable Temperance Law," *Organizer*, May 12, 1849; "Remarkable Temperance Law," *Daily National Whig*, April 23, 1849; "Temperance Law of Wisconsin," *Zion's Herald*, May 2, 1849; "Wisconsin Rumselling," *Edgefield Advertiser*, May 9, 1849; "Wisconsin on Rumselling," *New York Daily Tribune*, April 25, 1849; "A Good Law in Wisconsin," *Watchman of the Prairies*, May 15, 1849; "Wisconsin on Rumselling," *Planters' Banner*, June 21, 1849; "Dr. Hewit's [sic] Law," *JATU*, May 1, 1849; "Plan for the Extinguishing of the Rum Traffic," *Ohio Observer*, May 9, 1849; "Temperance Laws," *Boston Saturday Rambler*, May 12, 1849; "Temperance Laws," *Southern Sentinel*, May 16, 1849; "Wisconsin on License," *Hillsdale Whig Standard*, May 8, 1849; "Wisconsin-Temperance," *Zion's Herald*, May 16, 1849; "Remarkable Temperance Law," *Arkansas State Democrat*, June 8, 1849; "Temperance Law of Wisconsin," *Boston Investigator*, May 2, 1849; "Remarkable Temperance Law," *Christian Inquirer*, April 28, 1849; "Temperance Measures in

Even the conservative American Temperance Union praised the law, particularly those sections that extended protections to the drunkard's family. Somewhat hostile to the principles behind "Hewitt's Law" in 1847, after the enactment of the Wisconsin bond law, the ATU changed its position. Suddenly, civil damages represented the most "effectual means of stopping the traffic as could be adopted." The new law was a "stringent and truly excellent bill" and a "most cheering action for humanity." This sudden praise was an about face for an organization whose membership picked apart the idea in the pages of the *Journal of the American Temperance Union* for well over a year. In addition to bestowing praise on Wisconsin's statute, the *JATU*, repeatedly remarked on the provisions that allowed married women to sue in their own name. One columnist declared, "the 4<sup>th</sup> section is surprisingly good. A wife suing the greedy man of his tap, for

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Wisconsin," *Cleveland Herald*, April 26, 1849; "Wisconsin," *Independent*, May 3, 1849; "Teetotalism in Wisconsin," *Vermont Watchman and State Journal*, May 3, 1849; "Temperance Law of Wisconsin," *Vermont Phoenix*, May 4, 1849; "Legislation for Temperance," *Vermont Chronicle*, May 9, 1849; "Remarkable Temperance Law," *Presbyterian*, May 12, 1849; "Remarkable Temperance Law," *Advocate of Moral Reform*, May 15, 1849; "Temperance Law of Wisconsin," *Planters' Banner*, May 17, 1849; "Temperance in Wisconsin," *Cleveland Herald*, May 30, 1849; "Remarkable Temperance Law," *Daily National Intelligencer*, April 23, 1849; "The Spirit Abroad," *Emancipator & Republican*, May 10, 1849; "The Liquor Law," *Emancipator & Republican*, May 31, 1849; "Remarkable Temperance Law," *Friends' Review*, May 3, 1849; "Wisconsin on License," *Hillsdale Whig Standard*, May 8, 1849; "The New Anti-Rum Law of the State of Wisconsin," *Massachusetts Cataract*, May 10, 1849; "Temperance Laws," *New Hampshire Statesman*, May 11, 1849; "Temperance Laws," *Niles' National Register*, May 2, 1849; "Remarkable Temperance Law," *Non-Slaveholder*, July 1849; "Teetotalism in Earnest," *Water-Cure Journal*, June 1849; [no title], *New York Herald*, May 7, 1849; "American Temperance Union," *New York Herald*, May 15, 1849; "New Temperance Law," *Sunday School Advocate*, July 3, 1849; "Temperance Matters," *New York Organ*, 11 August 1849; "American Temperance Union," *Ohio Observer*, May 30, 1849; "Temperance Law," *Polynesian*, October 20, 1849; "Wisconsin Law," *JATU*, September 1, 1849; "Wisconsin License Law," *Janesville Daily Gazette*, June 14, 1849; "License Law in Wisconsin," *Republican Daily Banner and Nashville Whig*, May 4, 1849; "Wisconsin on Rumselling," *Journal and Poughkeepsie Eagle*, April 28, 1849; "The Wisconsin Temperance Law," *Wisconsin Express*, May 15, 1849; "The License Law Again," *Wisconsin Tribune*, June 15, 1849; "License Law in Wisconsin," *Tennessean*, May 4, 1849.

the injury done to her and her children, by making her husband a drunkard, and thus making him neglect his duty, is the justest [sic] application of something like *lex talionis* [law of retaliation] we have ever met with." Civil damages, not prohibition, now garnered a prominent place on the ATU's agenda.<sup>47</sup>

Accolades continued for bond law at the ATU's Thirteenth Anniversary meeting. Nathaniel Hewitt, the first outspoken proponent of civil damage laws, praised the Wisconsin law for going far beyond the original principle. Hewitt argued that a women's ability to "go into court and sue for damages in her own name on account of the evil coming upon her by a drunken husband" marked real progress in the fight against the liquor traffic. This was, Hewitt proclaimed, "an enactment which has not had its precedent; and so far as redress can be given, it affords redress." Public opinion was so high, he declared, that if a "Wisconsin law" were placed before the voters of New York, Massachusetts, Connecticut, and Vermont, it would undoubtedly pass. In the report of the convention proceedings, the ATU printed the act in its entirety. Despite criticism of civil damage laws by many in the ATU several years earlier, hardly a dissenting voice was heard after the passage of Wisconsin's law.<sup>48</sup>

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<sup>47</sup> "Wisconsin Law" and "Temperance in the West," *JATU*, September 1, 1849, Volume XIV, no. 9, pg. 129-130, 141; "Dr. Hewitt's [sic] Law" and "Wisconsin," *JATU*, May 1, 1849; "Thirteenth Anniversary," and "The Wisconsin Law," *JATU*, June 1, 1849, Volume XIV, no. 6, pg. 81, 89; "New York State Society," *JATU*, August 1, 1849, Volume XIV, no. 8, pg. 113-114; "The Wisconsin Law," *JATU*, August 1, 1850, Volume XIV, no. 8, pg. 119. The *JATU* first drew attention to the provision allowing married women to sue when the bill was still being debated in the Wisconsin legislature. "Wisconsin," *JATU*, April 1, 1849, Volume XIII, no. 4, pg. 61.

<sup>48</sup> ATU, "Thirteenth Anniversary of the American Temperance Union, 1849," *Permanent Temperance Documents* Vol. III (New York: American Temperance Union, 1852), 9-10, 15-16, 50-52; "American Temperance Union," *New York Herald*, May 15, 1849; "American Temperance Union," *Ohio Observer*, May 30, 1849. Following the passage of the Wisconsin law, the *JATU* only ran one column that somewhat criticized civil damage laws. Reprinting of the speech of Gen. Joseph Smith, President of the New



Everywhere it seemed that law breathed “new life” into Wisconsin’s temperance movement. In Milwaukee, temperance women and men held a mass meeting to determine the best course of action and called on the “city Council and other proper authorities and executives to take the necessary measures efficiently and impartially to enforce the provisions of this law.” Meanwhile in Waukesha, a group of women and men were so anxious to see the law enforced that they drained a retailer’s stocks. In violation of the law, an “old chap” received a shipment of “the good critter and put them in a ro [sic] along the side of his building on end so that he could draw it out to good advantage. The nex [sic] nite” they drilled “into the bottom [sic] of the bbl [barrel] and let whole of the stuff out.” The author of a column lauding the success of the statute jabbed at the eastern activists who had been skeptical of civil damages until the enactment of the bond law. He sardonically remarked, “think of this, people of the enlightened East. What an example, to come from the very frontiers of civilization!” The news from Wisconsin was consistent: the law was popular, and it worked.<sup>49</sup>

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York State Temperance Society. He argued that “Wisconsin has taken new grounds. Her laws do not prohibit the traffic, but make the liquor seller accountable for all damages which may follow in consequence of his business. Such a law, where correct public sentiment prevailed, would doubtless, to some extent, answer the purpose, but it is much to be feared that the perverted public taste, and the influence of liquor-dealers and their allies, will render the law in most cases a nullity. Indeed, even apart from this hostility, there seems to be an insuperable impracticality in executing such laws. For what sum of money can be made the measure of damage to a wife for the destruction of the reputation, the health or life of a husband!” “New York Society,” *JATU*, August 1, 1849.

<sup>49</sup> Viator, “Affairs in Walworth Co. Wisconsin,” *Watchman of the Prairies*, July 16, 1850; “Temperance Resolution,” *Wisconsin Tribune*, June 1, 1849; “The License Law,” *Wisconsin Tribune*, June 8, 1849; J.M. Hurlburt to Edwin Hurlburt, 23 September 1849, Waukesha, WI, Edwin Hurlburt Papers, 1834-1903, Folder 1, Division of Library, Archives, and Museum Collections, Wisconsin Historical Society, Madison, Wisconsin. Wisconsin’s temperance activists vowed to see the law enforced. In Mineral Point, Wisconsin, reformers wasted no time in putting liquor dealers on notice. In June 1849, resolutions appeared in the *Wisconsin Tribune* warning “all who choose willfully to violate the provisions of the law,” that they intended to “present at the Grand Jury at its

As the statute reinvigorated Wisconsin's temperance community, advocates in other states lobbied for similar laws. In May 1849, members of the Delaware State Temperance Society "unanimously adopted" resolutions based on the "Wisconsin principle." The South Carolina *Temperance Advocate* called on the state's legislature to act on the liquor question during the next session and recommended the Wisconsin statute as a blueprint. The "Wisconsin law," the author noted, was "stereotyped, and ready for use." Meanwhile, in Cincinnati, Ohio, an editorialist for the *Western Fountain* also called for a "bond law." After criticizing the city's Sons of Temperance for "being little agitated either in or out of the division Room," the columnist called for "a memorial to the Legislature" to demand a "new law like that of Wisconsin." With the Wisconsin

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next session, complaints against all whom we shall have ascertained, have violated the law, and to furnish evidence to sustain each complaint." To carry out their plan, Mineral Point's reformers appointed a committee of three to work with "the Prosecuting Attorney in making and sustaining such complaints." Walworth County reformers also banded together to ferret-out violators and commenced prosecutions for vending without the required bonds. Their efforts proved successful; some of the dealers quit the business and other gave the "required bonds." In one town in Sauk County where there were "several who sold it [liquor] eighteen months ago, [they] now sell none." Another Sauk County resident noted that "at the last court, bills were found against four persons for selling intoxicating liquors contrary to the laws of the state." Across the state, Wisconsin's temperance activists were determined not to see the statute become a dead letter upon the books. Viator, "Affairs in Walworth Co. Wisconsin," *Watchman of the Prairies*, July 16, 1850, Volume 3, no. 46; "Growth and Strength," *The Home Missionary* (New York), February 1850, Volume XXIII, no. 10, pg. 239-240. For some additional accounts of the enforcement efforts in Wisconsin see "Letter from Wisconsin," *JATU*, April 1, 1850, Volume XIV, no. 4, pg. 55; Milton Badger, "Wisconsin Law," and "Wisconsin," *JATU*, May 1, 1850, Volume XIV, no. 5, pg. 72, 78; "Fourteenth Anniversary" and "Clerical Temperance Convention," *JATU*, June 1, 1850, Volume XIV, no. 6, pg. 82, 84-85; "Wisconsin Law," *JATU*, August 1, 1850, Volume XIV, no. 8, pg. 119; "From Wisconsin," *Daughter of Temperance* (Naperville, IN), October 3, 1850, Volume I, no. 4. Temperance Resolution," *Wisconsin Tribune*, June 1, 1849; "License in Wisconsin," *JATU*, August 1, 1849, Volume XIV, no. 8, pg. 127; "Temperance in the West," *JATU*, September 1, 1849, Volume XIV, no. 9, pg. 141.

law in force, many reformers now heralded it as the most efficient means to control the liquor traffic.<sup>50</sup>

Support for bond laws ran so high that even the New York State Temperance Society, which was bitterly divided on the issue several years earlier, formally incorporated civil damages into its platform. When the society met in July 1850, one observer noted that while a number of members remained fixated on a referendum for “sale or no sale,” most of them believed “something more resembling the Wisconsin law would meet with better success.” The civil damage majority won out and the final proposal included a provision to allow “a married women or minor may bring action in their own names” against a liquor dealer for damages. A month later, as temperate Iowans gathered in convention, a spokesman for the ATU, hoped the conventioners would “press their Legislature for the adoption of the Wisconsin law.” Iowans, however, did not necessarily agree with the ATU’s spokesman. The majority of the petitions submitted to the legislature demanded prohibition, not a Wisconsin law. Meanwhile, at a September 1850 convention in Abington, Massachusetts, attendees passed a resolution that recommended “the next legislature be flooded with petitions requesting a law that may be passed giving the wives and children of drunkards the power to recover damages

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<sup>50</sup> ATU, “Thirteenth Annual Report,” *Permanent Temperance Documents*, Vol. III, 25; “Delaware,” *JATU*, June 1, 1849, Volume XIV, no. 6, pg. 92; “Wisconsin Law,” *South Carolina Temperance Advocate* quoted in the *JATU*, September 1, 1849, Volume XIV, no. 9, pg. 130; “New Measures at the West,” *Cincinnati Western Fountain* quoted in the *JATU*, September 1, 1849, Volume XIV, no. 9, pg. 133-134. Other organizations that called for the implementation of civil damage laws included the Annual meeting of the Indiana Presbytery at Fort Wayne in the fall of 1849. “Indiana,” *JATU*, December 1, 1849, Volume XIII, no. 12, pg. 188.

of the rumsellers who provided their husbands and fathers with the means of intoxication.”<sup>51</sup>

Although the civil damage moment had an almost accidental beginning, the passage of the Wisconsin bond law garnered a tremendous amount of positive attention. Up until this time, dram shop legislation was a much-maligned, untested strain of legislative temperance; a theory that grew out of the floundering for legal options after local option failed to deliver consistent results. A product of trial and error, that when first proposed in 1847, few believed would ever ascend, even for a moment, to the pinnacle of legislative temperance activism. The passage of the Wisconsin bond law changed the perspective of many temperance reformers. Suddenly, even the most critical opponents in the ATU celebrated the law as a giant leap forward. Yet had it not been for women seizing on this political opportunity, civil damages would likely have not taken off to the extent that they did. With the Wisconsin bond law on the books, women in other states drove the campaign for similar statutes. Little did the men who first proposed civil damages know that female activists—who understood the far-reaching implications for their lives—would grab onto their proposals and turn them into a brief, but important campaign.

### **Civil Damage Laws, Property Rights, and Women’s Activism**

In the winter of 1850 newspapers across the country were ablaze with the name of one woman—Mrs. Lovicy Keyser. She would have likely remained completely anonymous, another ordinary woman married to a drunkard, but her decision to prosecute

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<sup>51</sup> “New-York,” *JATU*, August 1, 1850, Volume XIV, no. 8, pg. 123; “Letter from a Gentleman in Iowa,” *JATU*, September 1, 1850, Volume XIV, no. 9, pg. 133; “Spirit of the People,” *JATU*, October 1, 1850, Volume XIV, no. 10, pg. 156.

one of the liquor dealers who sold her husband grog placed her in the spotlight. Not only did her case represent the first successful prosecution by a woman under the 1849 Wisconsin “bond law,” but temperance reformers heralded the case as evidence that the law operated as intended. In the fall of 1849, Lovicy Keyser filed suit against Joseph Heath and his five sureties (the backers of his bond) for selling liquor to her husband, Jacob. Over the course of October 1849, Heath repeatedly sold intoxicating spirits to Jacob Keyser and then in November, he experienced an attack of “*delirium tremens* ... and was the object of great care and attention on the part of his wife, from which care and fatigue she became sick.” Southport Justice of the Peace H. Tuttle presided over the three-day trial. The defense claimed that the number of times Jacob obtained liquors from Heath rendered it impossible for the “effects to have resulted from his vending solely.” They admitted Keyser purchased liquors at Heath’s, but argued that “Heath and his sureties, were only answerable for those effects which could be directly traced to the sales made by him, which did not exceed ten or twelve times.” The jury agreed with the defense’s claim that other retailers were involved but ruled in favor of Keyser based on the estimation of sales “ten or twelve times.” On January 16, 1850, they returned a verdict for the plaintiff and awarded Lovicy Keyser \$100 in damages, the “extent of the jurisdiction.”<sup>52</sup>

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<sup>52</sup> For some newspapers that carried accounts of the Keyser verdict see “Important Decision,” *Milwaukee Daily Sentinel*, January 22, 1850, Volume V, no. 232; “A License Law that Works Well,” *Presbyterian*, March 16, 1850, Volume XX, no. 11, pg. 44; “The License Law in Wisconsin,” *Middlebury (VT) Register*, March 12, 1850, Volume XIV, no. 46; “License Law of Wisconsin,” *JATU*, June 1, 1850, Volume XIV, no. 6, pg. 92-93; “License Law of Wisconsin,” *Fayetteville (NC) Weekly Observer*, March 5, 1850, Volume XXXIII, no. 1709; “The Law Tested,” *Oshkosh (WI) True Democrat*, January 25, 1850, Volume VI, no. 49; “The Law Tested,” *Watertown (WI) Chronicle*, January 30, 1850, Volume VIII, no. 33; [no title], *Wisconsin Free Democrat* (Milwaukee, WI), January 16, 1850, Volume 6, no.6, pg. 227; “The License Law in Wisconsin,” *Sun* (Baltimore, MD), February 26, 1850, Volume XXVI, no. 85; “The License Law of

On the day the jury handed down the Keyser verdict, prominent Southport temperance reformer Colonel M. Frank recorded the momentous decision in his diary:

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Wisconsin," *Brooklyn (NY) Daily Eagle*, February 21, 1850, Volume 9, no. 44; "License Law in Wisconsin," *Democratic Banner* (Bowling Green, MO), March 18, 1850, Volume 5, no. 47; "License Law in Wisconsin," *Sun*, February 21, 1850, Volume XXVI, no. 81; "License Law in Wisconsin," *Louisville (KY) Daily Courier*, February 27, 1850, Volume II, no. 303; [no title], *Huron Reflector*, March 19, 1850, Volume XXI, no. 10; "Decision in Wisconsin," *New York Organ*, February 23, 1850, Volume 9, no. 35, pg. 287; "The License Law in Wisconsin," *Massachusetts Cataract*, March 7, 1850, Volume 7, no. 51, pg. 202; "The License Law in Wisconsin," *Lancaster (OH) Gazette*, March 8, 1850; "The License Law in Wisconsin," *Spirit of the Lakes and Boatman's Magazine* (Sandusky City and Cleveland, OH), May 1850, Volume 2, no. V, pg. 65; "License Law in Wisconsin," *Star of Temperance* (Jackson, MI), April 2, 1850, Volume 2, no. 8, pg. 1; "Wisconsin-Law of Damage," *JATU*, March 1, 1850, Volume XIV, no. 3, pg. 46; "Liquor Dealers in Wisconsin," *Maine Farmer* (Augusta, ME), February 28, 1850, Volume 18, no. 19, pg. 2; "Rum," *Boston Investigator*, February 27, 1850; "A Just Law," *Vermont Chronicle*, September 17, 1850; [no title], *Daily National Intelligencer*, February 22, 1850; "Liability of Liquor Sellers," *North American and United States Gazette*, February 18, 1850; "The Liquor Law of Wisconsin," *Independent*, July 25, 1850, Volume II, no. 86; [no title], *Watchman of the Prairies*, March 12, 1850, Volume 3, no. 28; [no title], *Advent Herald* (Boston, MA), March 2, 1850, Volume V, no. 5, pg. 40; "Liability of Liquor Sellers," *Christian Advocate and Journal* (New York, New York), February 28, 1850, Volume XXV, no. 9, pg. 35; "Liability of Liquor Sellers," *Presbyterian*, February 23, 1850, Volume XX, no. 8, pg. 31; "O.K.," *American Union* (Boston, MA), February 23, 1850, Volume III, no. 17; [no title], *Indiana State Sentinel*, March 28, 1850; [no title], *Star of the North* (Bloomsburg, PA), February 28, 1850; [no title], *Lewistown (PA) Gazette*, March 2, 1850; "License Law in Wisconsin," *Southern Sentinel*, March 20, 1850; "License Law in Wisconsin," *Camden (SC) Journal*, March 5, 1850; "License Law in Wisconsin," *Lancaster Gazette*, March 1, 1850; "License Law in Wisconsin," *Evansville (IA) Daily Journal*, March 2, 1850; [no title], *Daily Crescent* (New Orleans, LA), March 1, 1850; "License Law in Wisconsin," *Indiana Whig* (Rising Sun, IN), March 2, 1850, Volume 2, no. 38; [no title], *Burlington (IA) Hawkeye*, March 21, 1850, Volume XI, no. 44; [no title], *Angelica (NY) Reporter*, February 26, 1850, Volume XIII, no. 37; "License Law in Wisconsin," *Democratic Pharos* (Logansport, IA), March 27, 1850, Volume VI, no. 37; "License Law in Wisconsin," *People's Friend* (Covington, IN), March 16, 1850, Volume 8, no. 41; "The License Law in Wisconsin," *Daily Lafayette (IN) Courier*, March 5, 1850, Volume I, no. 78; "From Wisconsin," *Daughter of Temperance*, October 3, 1850, Volume I, no. 4. The award for one hundred dollars was in accordance with Section 10 of Chapter 29 of the Revised Statutes of 1849. Suits for civil damages against a bond brought before a justice of the peace could not exceed one hundred dollars. Suits for great amounts could be commenced but not be prosecuted before a justice of the peace. Title XI, Chapter 29, *Revised Statutes of the State of Wisconsin, 1849*, 242-243.

The great trial of the liquor sellers terminated today, having been in continuance more than two days. Suit brought by a wife to recover damages of a liquor seller on his bond of indemnity, for selling liquor to her husband by reason of which sale her husband became sick and incapable of rendering her any support. Verdict for the plaintiff of \$100, being the largest sum within the jurisdiction of the justice court. This is the first case under the new law of this kind which has been tried in the state.<sup>53</sup>

Frank's entry conveyed the perception of many temperance reformers: the law worked.

The civil damage moment may have been a short-lived episode in the history of antebellum legislative temperance activism, but it is an important one for understanding temperance as a crucible of women's rights claims. While much of the early debates over civil damages emanated from male activists, following the passage of the Wisconsin bond law, female reformers quickly mobilized to advocate for similar laws. Their advocacy for civil damages only increased following the successful prosecution of Joseph Heath. At the same time the verdict came down in the Keyser case, women in Indiana, Ohio, and Michigan began to flood their states with petitions for dram shop laws. What had emerged out of the failure of local option and an idea pushed primarily by male activists, such as Nathaniel Hewitt, grew into a largely female directed campaign. In a legal system that bound a woman to her husband, giving her no legal control over any property (known in law as "feme covert"), a legal revision that provided even a small measure of legal autonomy and financial protection was appealing to women activists.<sup>54</sup>

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<sup>53</sup> January 16, 1850, Diary of Colonel M. Frank, as quoted in Frank H. Lyman, *The City of Kenosha and Kenosha County Wisconsin, A Record of Settlement, Organization, Progress and Achievement*, Volume I (Chicago: S.J Clarke Publishing Co., 1916), 132.

<sup>54</sup> Hoff, *Law, Gender and Injustice*; Shammass, Salmon, and Dahlin, *Inheritance in America*; Chused, "Married Women's Property Law: 1800-1850," 1359-1424; Basch, *In the Eyes of the Law*.

Female reformers mobilized around the expansion of married women's rights and protections inherent in civil damage laws. In these campaigns they engaged in important activism around their legal status that has been overlooked in both the history of temperance and woman's rights. While there is a growing body of literature on married women's property rights, this scholarship does not look at the agitation for and passage of civil damage laws as part of this history. These statutes, however, expanded married women's property rights at a time when many state lawmakers still resisted legislation protecting women's property. Although the Keyser case became national news, little is yet known about how women used antebellum civil damage laws. This is an important avenue for future research, which will augment both women's history and the new body of legal scholarship, pioneered by Laura Edwards, that focuses on how people on the ground used the courts and leveraged them to their advantage. Lovicy Keyser was most certainly one of them.<sup>55</sup>

Civil damage laws turned on the widely recognized legal disabilities of married women. The marriage contract was incredibly important to nineteenth-century Americans and they recognized that women lost both their legal identity and personal autonomy upon marriage. At the same time, it was universally accepted that they bore the brunt of the suffering wrought by the liquor traffic. Whether as a wife, a mother, a daughter, or a sister, the perception that women felt the burden of intemperance more acutely than men shaped both male reformers and lawmakers' willingness to embrace temperance legislation (like civil damage laws) that protected married women. Temperance tracts

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<sup>55</sup> For some works by Laura Edwards on how ordinary people engaged the legal system see Edwards, *A People and Their Peace*; Laura F. Edwards, *A Legal History of the Civil War and Reconstruction: A Nation of Rights* (Cambridge: Cambridge University Press, 2015).



often reminded readers how “woman who is bound to him [the drunkard] by near relationship, that feels his fall most keenly. It is she, who must bear up under want, unkindness, and the ruin of those she loves; while the drunkard lives an idle burden to society” and she “is bound by cords of love and duty, to a living body of death,” who is made so by the actions of the liquor dealer. While such incantations of love and duty resonated with both women and men, female reformers understood that women’s legal status is what made them so vulnerable to the degradation of a drunken husband, and made civil damage laws so appealing. The rights and protections embodied in dram shop legislation were, in essence, rights and protections that could extend to all women, for any woman could find herself bound in marriage to a drunkard.<sup>56</sup>

While the image of the abused and penniless wife of the inebriate populated the majority of antebellum temperance tracts, the experience of women like Jane Keefer (whose profligate husband sold her belongings to cover his debts), exemplified how a woman’s legal status left them vulnerable to economic exploitation by a drunken spouse, regardless of social class. And for women who weighed into the civil damage debate in the late-1840s, stories like Keefer’s profoundly shaped their perception. Her story was not an anomaly, but indicative of the experience of thousands of women who found themselves married to a drunkard, which is exactly why these laws were so important for female temperance reformers. With the Wisconsin bond law in operation and news of the first successful prosecution of a rum-seller for damages by a woman, female temperance activists kicked off campaigns to lobby legislators for civil damage laws.

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<sup>56</sup> “A Voice from the Ladies of Buffalo,” *JATU*, June 1, 1846, Vol. X, no. 6, pg. 91; No License, *Facts for the People of Marion County*, 4,6. On the depictions of the drunkard’s wife in temperance literature generally see, Martin, *Devil of the Domestic Sphere*, 44-46; Carol Mattingly, *Well-Tempered Women*.

One of the most prominent women's temperance periodicals of the era, Amelia Bloomer's the *Lily*, publicized the Wisconsin bond law and Lovicy Keyser's successful suit to muster support for similar laws in other states. The *Lily* served as a vital conduit for women's temperance activism across the country. Many of the columns Bloomer published were explicitly activist in nature and often engaged in social criticism. They not only called on female reformers to publicly engage in the anti-liquor crusade, but to do so in an overtly political manner. When news of the Keyser verdict broke, it did not take long for the *Lily* to comment on the case and encourage women to agitate for similar laws. This strain of legislative temperance, columns in the *Lily* proclaimed, should be adopted "at once by every State in the Union." Under the simple headlines of "Good" and "A Good Law," the *Lily* chronicled the case of Lovicy Keyser, but the columns were more complicated than their titles suggested.<sup>57</sup>

The articles celebrated the "spirit of Mrs. Keyson [sic]," a brave woman who "dared to put the admirable Wisconsin law in force." Not only had Keyser boldly exercised her legal right to take on the liquor traffic, but her decision would inevitably "inspire others with confidence to prosecute the good work thus begun." Progress in the war against whiskey required the expansion of the law outside of Wisconsin, and the *Lily* addressed its readers on possibilities for similar statutes. "We believe, if a law should be enacted in this State [New York]," the columnist proclaimed, "giving power to prosecute

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<sup>57</sup> "Good" and "A Good Law," *Lily*, March 1, 1850, Volume 2, no. 3; On the importance of the *Lily* as a site for women's activism see Edward A. Hinck, "The *Lily*, 1849-1856: From Temperance to Woman's Rights," in Martha M. Solomon, ed., *A Voice of Their Own: the Woman Suffrage Press, 1840-1910* (Tuscaloosa: University of Alabama Press, 1991), 30-47; Ann Russo and Chris Kramarae, eds., *The Radical Women's Press of the 1850s* (New York: Routledge, 1991); Barry Wise Smith, "The *Lily*," in Katherine L. Endres and Theresa L. Lueck, *Women's Periodicals in the United States: Social and Political Issues* (Westport, CT: Greenwood Press, 1996), 174-186.

liquor vendors, it would not long remain a dead letter.” But in the context of the Wisconsin law, the *Lily* also returned to a frequent subject: criticism of male temperance activists. Such laws, the female author argued, would spur women to institute legal actions and do what men with all their “boasted power” shrink from—women would directly take on the liquor traffic. Men, the column suggested, often passed temperance laws but rarely engaged in the hard work of enforcement.<sup>58</sup>

Temperance men, a *Lily* authoress proclaimed, were “more censurable for their inconsistency on this subject” than the “liquor party.” At least the liquor trafficker’s “vicious principles” were known. The male temperance reformer, the columnist railed, is “governed by better principles yet fail to carry them out in practice.” The hard work of temperance was essentially in the hands of women. But for women to prosecute the rum-sellers, they needed laws that permitted them to do so. Another female editorialist to the same issue of the *Lily*, encouraged women to lobby their lawmakers and send their representatives in the state legislature “a fac similie of the Wisconsin law,” to use as a

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<sup>58</sup> “Good,” and “Mrs. Editor,” *Lily*, March 1, 1850; “Temperance and Politics,” *Lily*, April 1, 1850, Volume 2, no.4. For an account that ran in another women’s temperance periodical see “From Wisconsin,” *Daughter of Temperance*, October 3, 1850. Reports of the case were published in a number of reform periodicals. For some examples see “A License Law that Works Well,” *Presbyterian*, March 16, 1850; “License Law of Wisconsin,” *JATU*, June 1, 1850; “Decision in Wisconsin,” *New York Organ*, February 23, 1850; “The License Law in Wisconsin,” *Massachusetts Cataract*, March 7, 1850; “License Law in Wisconsin,” *Star of Temperance*, April 2, 1850; “Wisconsin-Law of Damage,” *JATU*, March 1, 1850; “The Liquor Law of Wisconsin,” *Independent*, July 25, 1850; [no title], *Advent Herald*, March 2, 1850; “Liability of Liquor Sellers,” *Christian Advocate*, February 28, 1850; “Liability of Liquor Sellers,” *Presbyterian*, February 23, 1850; [no title], *Star of the North*, February 28, 1850; “License Law in Wisconsin,” *People’s Friend*, March 16, 1850. For some additional examples of calls for eastern based bond law initiatives see “New York Anniversaries,” *Bangor (ME) Daily Whig and Courier*, May 18, 1850; “The License Law in Wisconsin,” *Greenfield (MA) Courier* quoted in the *Middlebury Register*, March 12, 1850, Volume XIV, no. 46; [no title], *Advent Herald*, March 2, 1850, Volume V, no. 5, pg. 40; “A Just Law,” *Independent* quoted in the *Vermont Chronicle*, September 17, 1850.

blueprint. She also called on them to simultaneously petition for drunkard's wives to "receive an annual pension from the State" and to have their property "exempt from taxation." For the *Lily's* columnists, female activists should not only take a lead role in the agitation and enforcement of liquor laws, but they should lobby for laws that specifically addressed the status of women.<sup>59</sup>

At the same time some eastern female reformers kicked off their bond law campaigns, back in the Midwest, proponents were already demanding action from their lawmakers. Across the region, tens of thousands of advocates took their demands for dram shop legislation to their state governments, and many of them were women. As the Indiana legislature convened in December 1849, signatures from over ten thousand residents awaited them in Indianapolis. Hannah G. Sample, Mary Brady, and "other" women from Muncie, Indiana, sent a petition. So did women from Shelbyville, Brownsville, and Sullivan, and Clay Township, along with those from Adams, Jay, Jackson, and Porter counties, all demanding lawmakers address the liquor question. Amongst the petitions for alteration of the license system were requests specifically for "the passage of the Wisconsin law, which makes the retailers responsible for all crime or poverty growing out of the traffic." While ten thousand citizens petitioned to alter the license laws, only two memorials with a mere two hundred signatures remonstrated against changing the current system.<sup>60</sup>

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<sup>59</sup> "Good," and "Mrs. Editor," *Lily*, March 1, 1850; "Temperance and Politics," *Lily*, April 1, 1850.

<sup>60</sup> "House of Representatives," *Indiana State Sentinel*, January 17, 1850; "House of Representatives," *Indiana State Sentinel*, December 13, 1849. The *Journal of the House of Representatives* refers to the petitions simply as temperance memorials and does not elaborate on their demands. Throughout the legislative session of 1849-1850, both the House and the Senate received numerous petitions demanding legislative action on the liquor question. Lawmakers debated several proposals to deal with the liquor

A month into the session, in January 1850, Representative Oliver Butler from the Committee on Temperance proposed a new bill to regulate the state's liquor traffic. The bill raised penalties for violations and included a civil damage clause that permitted any women or man to sue for "any evil growing out of the traffic." Butler's bill, however, contained a provision that more closely resembled local option than the expansive statute of Wisconsin. Rather than applying to the entire state, voters would decide at the annual August election whether the law should be put in force in their county. If the voters cast ballots against the measure, the present laws remained in effect. The bill failed to receive enough support to pass and the legislature moved on from the liquor question. But before they moved to other business, Representative George G. Brown of Shelby County, addressed the petition of 152 women from Shelbyville. From the floor of the legislature, Brown proclaimed them "worthy of the high consideration of the philanthropist and patriot, for the deep anxiety they have manifest for the welfare of their people."

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issue, although a Wisconsin-style law was not one of them. They considered statewide local option and increased penal offences for license law violators. In the end, the only modification to the standing liquor law amounted to expanding the counties in which townships were able to determine the question of license. For petitions, debates, and proposed bills on the liquor question in the Indiana House see *Journal of the House of Representatives of the State of Indiana, During the Thirty-Fourth Session of the General Assembly, Commencing December 3, 1849* (Indianapolis: John D. Defrees, 1849), 90-91, 93, 102-103, 120-121, 133, 141-142, 167, 1712-173, 193-194, 203-204, 208-209, 221, 238-240, 253, 263-265, 290-291, 303, 324-326, 339-341, 345, 355, 365-369, 381-382, 389, 396-398, 427, 432, 436-437, 439, 454, 467, 469, 479-480, 510, 535, 543-544, 549, 557, 577-579, 593-594, 608-609, 637, 640-641, 643-644, 676, 684, 692, 694, 725, 728-730, 745, 748-749, 757, 760-763, 796, 803, 805-806, 809, 828-830, 835, 837, 840, 855, 862, 877, 882, 889-893, 895, 897, 900, 902, 906, 908, 912, 914-915, 919. For petitions, debates, and bills proposed in the Senate see *Journal of the Senate of the State of Indiana, During the Thirty-Fourth Session of the General Assembly, Commencing December 3, 1849* (Indianapolis: John D. Defrees, 1849), 84, 102-103, 110-111, 150, 170, 193, 203, 237, 254, 262, 273-274, 296, 300-303, 312, 326, 334, 367, 381, 396-398, 415, 418, 438, 462, 468, 481, 493, 503, 534, 569, 573, 580, 585-586, 599, 603-604, 616-618, 625, 628, 645, 678-681, 685, 713, 720, 723, 736, 739-740, 745, 753, 755, 761, 768, 776, 784, 786, 794, 804, 807, 810-811, 813, 819, 822, 825.

Lawmakers many not have been ready to alter Indiana license laws, but they were clearly aware that women were shaping the debate in the temperance movement.<sup>61</sup>

The failure of Butler's bill did not discourage reformers in their push for civil damage laws. Instead, they simply changed tactics and worked within the existing laws until the next legislative session. Indiana's decentralized liquor regulation system provided an opening for individual counties to address the question as they saw fit. Representatives to the state legislature could move to have laws enacted at the county level, and this is exactly the approach residents of Kosciusko County undertook in the winter of 1850. On January 16, 1850, William G. Grave, the representative from Kosciusko County, presented a temperance memorial from his constituents and proposed a bill altering the laws regulating liquor sales in Kosciusko. The bill mimicked many of the provisions of Wisconsin's bond law (including those that permitted women to sue and control the judgment), altered slightly to operate within the parameters of Indiana's legal system. The bill passed the legislature without amendment and was approved on January

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<sup>61</sup> Unfortunately the transcript of the Shelbyville women's petition was not printed in the session proceedings. *Journal of the House of Representatives of the State of Indiana, 1849*, 90-91, 93, 102-103, 120-121, 133, 141-142, 167, 1712-173, 193-194, 203-204, 208-209, 221, 238-240, 253, 263-265, 290-291, 303, 324-326, 339-341, 345, 355, 365-369, 381-382, 389, 396-398, 427, 432, 436-437, 439, 454, 467, 469, 479-480, 510, 535, 543-544, 549, 557, 577-579, 593-594, 608-609, 637, 640-641, 643-644, 676, 684, 692, 694, 725, 728-730, 745, 748-749, 757, 760-763, 796, 803, 805-806, 809, 828-830, 835, 837, 840, 855, 862, 877, 882, 889-893, 895, 897, 900, 902, 906, 908, 912, 914-915, 919; *Journal of the Senate of the State of Indiana, 1849*, 84, 102-103, 110-111, 150, 170, 193, 203, 237, 254, 262, 273-274, 296, 300-303, 312, 326, 334, 367, 381, 396-398, 415, 418, 438, 462, 468, 481, 493, 503, 534, 569, 573, 580, 585-586, 599, 603-604, 616-618, 625, 628, 645, 678-681, 685, 713, 720, 723, 736, 739-740, 745, 753, 575, 761, 768, 776, 784, 786, 794, 804, 807, 810-811, 813, 819, 822, 825. For a speech in the Senate in support of changing the license laws, see "Speech of Mr. Milliken in the Senate of Indiana," *JATU*, February 1, 1850, Volume XIV, no. 2, pg. 18-20. For the alternations to the township and county liquors laws in Indiana see *General Laws of the State of Indiana Passes at the Thirty-Fourth Session of the General Assembly* (Indianapolis: John D. Defrees, 1850), 119-131.

19, 1850. If lawmakers were unwilling to pass a statewide civil damage statute, reformers vowed to see such laws enacted in one way or another. In Kosciusko County, under the guise of temperance, the rights of married women were greatly expanded in the short space of three days.<sup>62</sup>

When the Ohio legislature assembled in December 1849, they were also inundated with temperance petitions, the majority from women. They came from Sara A. Brown and 108 of her fellow female activists from Hamilton County, Mrs. M. Whitman and 181 of her compatriots from Fairfield Township, and Julia Thompson and nineteen Portsmouth women. Lawmakers also received memorials from women in Lima, Newcomers Township, Wooster, and Columbus, as well as Meigs, Preble, and Montgomery counties. While many asked for alternations to the existing license system, almost all of the memorials signed by women specifically called for the “enactment of a law in force in Wisconsin.” The petition information from the *Journal of the Senate* suggests that female temperance activists not only actively engaged with their legislators to pass liquor laws they perceived would benefit society, but specifically for legislation that provided married women a modicum of financial protection.<sup>63</sup>

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<sup>62</sup> *Journal of the House of Representatives of the State of Indiana, 1849*, 748, 757, 791, 891, 908, 915; *Journal of the Senate of the State of Indiana, 1849*, 736; Chapter CLIX, An Act to Regulate the Retailing of Spirituous Liquors in the County of Kosciusko, *General Laws of the State of Indiana, Passed at the Thirty-Fourth Session of the General Assembly* (Indianapolis: John D. Defrees, 1850), 127-128.

<sup>63</sup> For additional petitions from men and women on temperance and debates on the liquor question see *Journal of the Senate of the State of Ohio: Being the First Session of the Forty-Eight General Assembly, Held in the City of Columbus, Commencing on Monday, December 3, 1849* (Columbus: L.L. Rice, 1850), 155-156, 158-161, 175, 177-180, 192-193, 201, 209, 212-213, 215-216, 223-224, 232-233, 242-243, 246, 251, 258, 261, 266, 270, 276, 278, 283-284, 291-292, 305, 320, 326, 341, 353, 382, 407-408, 411, 428, 432, 439, 453, 488, 490, 509, 520, 521, 527, 531, 533, 548, 575, 609, 634-635, 650-651, 664, 679-680, 689-699, 701, 741, 756-757, 768-769, 776, 830, 846-852, 907-911,

As in Indiana and Ohio, Michigan's women also lobbied for dram shop acts. When legislators convened in Lansing for their annual session in January 1850, they were greeted with numerous petitions demanding changes to the liquor law. Almost all of those who sought a law "similar to those enacted by Wisconsin for the suppression of intemperance," came from women. For example, Henrietta Millard Mills submitted a petition along with 107 other signatories from Jackson and Calhoun counties that requested a law compelling "vendors of intoxicating drinks, to give bonds for the support of those who are reduced to poverty by intemperance or its influence, and for the payment of all damages occasioned by those under the influence of liquor." Although petitioners in Michigan sent missives asking for prohibition, penal offensive for liquor retailing violations, and some other unnamed alternation of the license laws, appeals for civil damages laws dominated in the myriad of women's proposals.<sup>64</sup>

Michigan legislators listened. By the beginning of February, the stacks of petitions and a liquor bill, House bill No. 40, which included a civil damage provision, were under consideration by a select committee. The committee's minority report wholeheartedly endorsed the bill and declared the civil damage clause particularly important. Committee members regarded the proposition "with favor," as a "reasonable, just and practical" approach to rein in the liquor traffic. Rather than "remaining a dead letter upon the statute book," a damages law would "in many places limit, and in others entirely

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914, 948, 953; "Report of the Standing Committee on the Judiciary," *Appendix to the House Journal for the Session of 1849-1850* (Columbus: B. Medary, 1850).

<sup>64</sup> *Journal of the House of Representatives of the State of Michigan, 1850* (Lansing: R.W. Ingals, 1850), 263, 291, 318; *Journal of the House of Representatives of the State on Michigan, 1850*, 36, 43, 156, 181, 246, 272, 291, 325, 342, 355, 391, 402-403, 434, 454, 516; *Journal of the Senate of the State of Michigan, 1850* (Lansing: R.W. Ingals, 1850), 256, 265, 358, 387, 410, 530



prohibit the sale of spirituous liquors as a beverage.” Some of Michigan’s lawmakers, like the constituents who advocate for dram shop legislation, viewed it as one of the most effective means to control the liquor traffic, and one residents would readily support and enforce.<sup>65</sup>

The rights of married women figured prominently in the select committees’ report. The committee members endorsed the provisions that allowed a married woman to “prosecute and recover damages” as “certainly just, and nothing more.” They had “no doubt” in the “propriety and justice of the measure” for “humanity requires it—justice demands it.” As reports trickled out of the legislature that some lawmakers heartily supported a revised liquor statute with civil damages, female temperance reformers petitioned their representatives, beseeching them to pass House bill No. 40. It was clear that Michigan’s women not only intended to inform lawmakers on the type of bill they wanted, but kept tabs on what legislators did with that information, ready to exert their influence when necessary.<sup>66</sup>

It did not take long for women to vocalize their support for House bill No. 40. Just twenty days after the bill was introduced, the first women’s memorial demanding its passage was presented to the Michigan legislature. Over the next month, as lawmakers deliberated, women’s petitions punctuated the debate. One from Mrs. H. King and 141 women of Genesee County simply requested that their representatives pass the bill. Likewise, Mrs. Cynthia H. Abbott, Mrs. Harriet J. Fairbanks, Miss. Caroline A. Wilson

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<sup>65</sup> “House Doc. No. 18, Report of a Minority of the Select Committee on the License Laws,” *Documents Accompanying the Journal of the House of Representatives of the State of Michigan at the Annual Session of 1850* (Lansing: R.W. Ingals, 1850), 5.

<sup>66</sup> “House Doc. No. 18, Report of a Minority of the Select Committee on the License Laws,” *Documents Accompanying the Journal of the House of Representatives, 1850*, 6-7.

and 129 other female advocates who presented a memorial “praying for the passage of House bill No. 40.” Members of the House found a petition submitted by Mrs. Euphemia Hubbard and sixty-three other women from Macomb County so significant that it was published, in its entirety, in the documents accompanying the House journal; the only memorial from group of citizens to be included in the body’s proceedings.<sup>67</sup>

Clearly, many of Michigan’s temperance women paid close attention to the state legislature’s proceedings on liquor regulation and were not reticent to make their views known. All of the petitions submitted and recorded in the House proceedings explicitly in favor of bill No. 40 came from women. Why the publisher decided to include this petition along with the names of all sixty-four signatories is unknown. Perhaps they distilled their demands into the most coherent and concise argument, making it representative of all women’s memorials sent to the legislative session. Whatever the reasoning, the preservation of the document suggests that someone associated with the 1850 legislative session found it important enough to be included.<sup>68</sup>

Euphemia Hubbard and her female compatriots made it clear from the first line that they were keeping an eye on how lawmakers handled the temperance question. The

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<sup>67</sup> *Journal of the House of Representatives of the State of Michigan, 1850*, 166, 342, 434, 472, 485, 562, 612, 640, 645,-646, 689-691, 712, 760, 768, 779-780; “House Doc. No. 12, Petition of Mrs. Euphemia Hubbard and 63 others, Ladies of Macomb county, asking for the passage of bill No. 40, relative to the license laws and the sale of spiritous liquors,” *Documents Accompanying the Journal of the House of Representatives, 1850*, 1-2.

<sup>68</sup> “House Doc. No. 12, Petition of Mrs. Euphemia Hubbard and 63 others, Ladies of Macomb county, asking for the passage of bill No. 40, relative to the license laws and the sale of spiritous liquors,” *Documents Accompanying the Journal of the House of Representatives of the State of Michigan at the Annual Session of 1850*, 1-2; *Journal of the House of Representatives of the State of Michigan, 1850*, 166, 342, 434, 472, 485, 562, 612, 640, 645,-646, 689-691, 712, 760, 768, 779-780.

petition, dated February 18, 1850, was written just twelve days after the bill's initial introduction and just seven days after the select committee's favorable report. From the timing, it is clear that Hubbard and her counterparts felt time was of the essence. Their memorial informed legislators that they "read the provision contained in the House bill No. 40, recently reported to that branch of your honorable body—'a bill to regulate the sale of spiritous liquors,'—and fully approve of all its provisions." Hubbard and her co-signers requested that the "honorable body will cause the provisions of said bill to become law of this State in the sale of spirituous liquors." Despite the entreaties of Michigan's women and the endorsement of the select committee, on March 29, 1850, the "bill to regulate the sale of spirituous liquors" lost by a vote of twenty-six to thirty-three. Although the bill failed, it had come close to passing, and Michigan's women had led the lobbying efforts.<sup>69</sup>

As female reformers in a number of states agitated for civil damage laws, and, as in Michigan, almost saw them enacted, things suddenly seemed less certain in Wisconsin. Following the Keyser case, popular support for the law in Wisconsin remained high, but on the same day the verdict was handed down, Senator Frederick W. Horn, a vocal opponent of the statute, made an ill-fated attempt to repeal it. His repeal proposal garnered the ire of temperance reformers across the state. Activists held "great remonstrances" meetings to protest the move and hundreds of petitions from both women and men suddenly poured into the Assembly and the Senate urging against repeal. S.M. Hanna and thirty-three other women from Geneva sent one of many petitions, as did a

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<sup>69</sup> "House Doc. No. 12, Petition of Mrs. Euphemia Hubbard and 63 others" *Documents Accompanying the Journal of the House of Representatives, 1850*, 1-2; *Journal of the House of Representatives of the State of Michigan, 1850*, 156, 166, 342, 434, 472, 485, 562, 612, 640, 645-646, 689-691, 712, 760, 768, 799-780.

group of women from Southport (where the first successful prosecution under the civil damages law took place), all remonstrating against the repeal of the bond law. With public support for the law running high, the legislature actually strengthened the 1849 statute. Included in the revised bill was a procedure for the replenishment of bonds. The inclusion of this section suggests that in the wake of the Keyser verdict, lawmakers anticipated more prosecutions under the civil damage clause and therefore needed to clarify procedures to ensure bonds were properly maintained and replenished. Governor Nelson Dewey signed the law into effect on February 8, 1850, and temperance activists celebrated.<sup>70</sup>

Although reformers in Indiana, Ohio, and Michigan were unable to convince lawmakers to act on the liquor question at the regular legislative sessions of 1849-1850,

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<sup>70</sup> Unfortunately it is difficult to discern the sex of the signatories on most petitions as many were recorded simply with a name and generalizations such as “others” or “inhabitants” and occasionally, “citizens” For petitions and debates in the legislature on the bond law see *Journal of the Assembly of the Legislature of the Third Legislature of the State Wisconsin, Held at Madison, Beginning the Ninth Day of January, and Ending the Eleventh Day of February, A.D. 1850* (Madison: David T. Dickson, 1850), 35, 44-45, 72-73, 75, 89, 143, 158, 174-175, 197, 201, 205, 214-215, 235, 248-249, 263, 269-270, 278, 296-297, 321, 324, 366, 338, 407, 427; *Journal of the Senate, Third Annual Session of the Legislature of the State Wisconsin, Held at Madison, Beginning the Ninth Day of January, and Ending the Eleventh Day of February, A.D. 1850* (Madison: David T. Dickson, 1850), 41, 46, 52, 58, 71, 74-75, 77-79, 104, 111-113, 123, 131, 144, 168, 180, 189, 203, 220, 256, 264, 267, 281, 297, 309, 315, 324, 361, 381. The revised law added several procedural sections; the most important covered the replenishment of bonds. It required dealers to post a new bond every time a judgment was found against them. The provision ensured there were funds for any future claims against a dealer and further tightened the pool of potential backers to recruit from. Every time a bond needed to be replenished, the retailer had to find at least two different individuals to pledge a surety of one thousand dollars. “Chapter 139, An act relating to the sale of intoxicating liquors, and to repeal twenty-nine of the Revised Statutes,” *Acts and Resolves Passed by the Legislature of Wisconsin in the Year 1850* (Madison: David T. Dickson, 1850), 109-111. For some newspaper accounts of the revised law see “Temperance Law in Wisconsin,” *Anti-Slavery Bugle*, June 1, 1850; “Wisconsin License Law,” *New York Organ*, June 15, 1850, Volume 9, no. 51, pg. 415; “New York Anniversaries,” *Bangor Whig and Courier*, May 18, 1850; “The Wisconsin Law,” *JATU*, August 1, 1850, Volume XIV, no. 8, pg. 119.

an opportunity arose when all three states called constitutional conventions. The liquor question at the convocations in Michigan, Ohio, and Indiana, proved as contentious in the debates over new constitutions as it had at the previous year's legislative sessions. In Indiana thousands of reformers affixed their signatures to petitions demanding the delegates write restrictions on the licensing and sale of intoxicating liquors into the constitution, and again, the majority of the petitioners were women. Their pleas fell on deaf ears and the delegates refused to seriously consider any constitutional accommodation on liquor regulation.<sup>71</sup>

Indiana's delegates, however, were far more open to debate the perils of intemperance in the context of married women's property rights. When it came to that subject, the liquor question drove the acrimonious debate. At the heart of the argument laid the economic vulnerability of the drunkard's wife and children—the very same concerns that drove the push for civil damages. In particular, the neglectful inebriate husband, whose wife toiled to feed and clothe her children, but had no claim to her meager earnings. Even more outrageous, Thomas W. Gibson pointed out, women were

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<sup>71</sup> The vast majority of memorials requested a clause removing the state from the licensing business. For petitions and debates on temperance and married women's property rights see *Reports of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Indiana, 1850* (Indianapolis: A.H. Brown, 1851), 42, 51, 56, 114-116, 462-486, 497-536, 664, 797-799, 803-830, 857; *Reports of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Indiana, 1850*, Volume II (Indianapolis: A.H. Brown, 1851), 1153-1154, 1156-1159, 1163, 1167, 1173, 1177, 1179, 1180, 1183, 1187, 1190-1196, 1276, 1340-1341, 1434-1435, 1769-1772, 1875, 1898-1901, 2011-2012; *Journal of the Convention of the State of Indiana to Amend the Constitution. Assembled at Indianapolis, October 1850* (Indianapolis: Austin H. Brown, 1851), 30-31, 48, 70-71, 101-102, 123, 147-148, 154, 157, 164, 177, 193, 229, 237, 256-259, 276, 295-303, 322, 415, 449-451, 478-481, 511, 555, 603, 676-677, 692-693, 727, 809, 820-823, 893-897, 903-906. *Journal of the Convention of the People of the State of Indiana to Amend the Constitution Assembled at Indianapolis, October 1850* (Indianapolis: Austin, H. Brown, 1851), 48, 123, 128, 154, 164, 177, 193, 229, 259, 276, 322, 473, 511, 555, 727, 803.

responsible for their drunken husbands' debts, including grog bills. Despite passionate arguments to protect Indiana's women, the convention voted to leave both temperance and married women's property rights out of the new constitution. The delegates felt both issues were best left to the legislature to sort out in the future. The convention debates, however, reveal the extent to which some antebellum lawmakers perceived the issue of married women's property rights and the liquor question as inordinately intertwined. A fact that female activists were acutely aware of, and often included in their own temperance rhetoric.<sup>72</sup>

In Ohio, women also led the lobbying efforts on the liquor question and a civil damage law loomed large on their lists of demands. When delegates arrived for the constitutional convention, they were inundated with temperance petitions. The convention's proceedings reveal that hardly a day passed when the session did not open with a series of anti-liquor petitions from women. Amongst the memorials sent to the convention were ones sent by Ann P. McLaughlin, Margaret Skinner, Pricilla Johnson, Mary Allen, to name just a few each one was co-signed by hundreds women demanding the new constitution address the liquor question either by prohibiting the "[l]egislature from passing any law legalizing traffic in spirituous liquors," or a provision "whereby vendors of spirituous liquors may be legally answerable in damages for any injuries, direct or consequential, that may result from the sale of such liquor." Some wanted the delegates to enshrine both proposals into the new governing document. By the time the

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<sup>72</sup> *Reports of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Indiana, 1850*, 161-166, 462-474, 479-482, 511-519, 805-830; *Reports of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Indiana, 1850*, Volume II, 1168-1196; Virginia Dill McCarty, "From Petticoat Slavery to Equality: Women's Rights in Indiana Law," in David J. Bodenhamer and Randall T. Shapard, *The History of Indiana Law* (Athens: Ohio University Press, 2006), 179-180.

convention adjourned over twenty thousand reformers, mostly women, had requested the delegates deal with the liquor question directly in the constitution.<sup>73</sup>

The delegates dismissed the petitioners request to prohibit the legislature from legalizing the traffic, but were far more sympathetic to a liability law. A delegate from Morgan County, William Hawkins, proposed a clause that provided the “right to pecuniary redress for inquiries [sic] resulting from the manufacture and sale of spirituous liquors.” James W. Taylor, a representative from Erie County, also weighed in on the subject. He stood in favor of provisions “similar to those of Wisconsin.” For many, a bond law could alleviate the worst excesses of the traffic and not bind the hands of future lawmakers.<sup>74</sup>

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<sup>73</sup> “Women at Work!,” *Lily*, December 1, 1850. The Ohio Constitutional Convention of 1850 convened on May 6<sup>th</sup> and adjourned on July 9<sup>th</sup> from Columbus and re-assembled on December 2<sup>nd</sup> in Cincinnati. *Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Ohio, 1850-1851* (Columbus: S. Medary, 1851), 109, 137, 157, 167, 206, 226, 236, 260, 270-271, 273, 298, 313, 327, 338, 354, 374-375, 430, 448, 460, 464, 474, 512, 518, 524, 538, 544, 550, 569, 584, 599, 615, 633, 646, 664, 675, 693, 714, 725; *Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Ohio, 1850-1851*, Volume II (Columbus: S. Medary, 1851), 4-5, 7, 11, 26, 34, 44, 67, 90, 106-107, 112, 119-120, 131, 140, 151, 159, 169, 176, 183, 192, 200, 212, 218-220, 225-227, 231-232, 242, 256, 277, 287, 290, 294, 310, 317, 325, 328-331, 338-339, 348, 352, 361-362, 369, 382-383, 392, 399, 402, 413, 424, 427, 434-469, 485, 506, 512, 523, 556, 576, 593, 614, 651, 674, 684, 694-695, 701, 710-726, 744, 753, 773, 775, 787-789, 793-805, 848, 854, 865, 875; *Official Reports of the Debates and Proceedings of the Ohio State Convention Called to Alter, Revise or Amend the Constitution of the State, Held at Columbus, Commencing May 6, 1850 and at Cincinnati, Commencing December 2, 1850* (Columbus: Scott & Bascom, 1851), 88, 14, 178, 197, 206, 228, 238-239, 278, 291-292, 302, 318, 336-337, 390, 405, 416, 429, 465, 476, 490, 495, 501, 518, 532-533, 545, 579, 590, 607, 618, 635, 655, 665-666; *Official Reports of the Debates and Proceedings of the Ohio State Convention Called to Alter, Revise or Amend the Constitution of the State, Held at Columbus, Commencing May 6, 1850 and at Cincinnati, Commencing December 2, 1850*, Volume II (Columbus: Scott & Bascom, 1851), 676, 696, 704, 712-713, 734, 755, 771, 783, 801, 819, 828, 841, 849, 857, 868, 875, 886, 928, 938, 941, 958, 965, 972, 977, 984-985, 993, 997, 1005, 1041, 1052, 1072-1097, 1394-1395.

<sup>74</sup> *Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Ohio*, 39, 110, 544-549; 854-855; *Debates and*

Taylor's proposal, like that of Hawkins, to insert a damages clause into the constitution, failed. Rather than rendering a verdict on the liquor question, the delegates ceded the decision to the voters. At the same time voters went to the polls to adopt or reject the new Ohio Constitution, they were to vote on whether the state would prohibit the issuance of liquor licenses. The June 1851 election was a rout; voters decided 104,255 to 8,892 to continue the licensing system. Whether reformers disagreed with the proposal and decided not to vote in favor of it, or the majority of those pushing for a constitutional solution to the liquor question were the state's disenfranchised women, the election results clearly indicated that the vague ballot initiative did not appeal to voters.<sup>75</sup>

Like their counterparts in Ohio and Indiana, temperance activists in Michigan made sure that the liquor question occupied a prominent place at the state's constitutional convention. And it did not take long before the question arose in the proceedings. On June 8, 1850, only six days into the convention, Mr. Joseph H. Bragg from Wayne County, requested that the delegates consider a provision to permit any person in the state to vend intoxicating spirits without a license, provided they be held liable for "all the pernicious consequences arising from such sale, to be collected in a court of law." A slight departure from civil damage provisions that worked in concert with the licensing

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*Proceedings of the Convention for the Revision of the Constitution of the State of Ohio, 1850-1851*, Volume II, 338-339, 362-363, 402, 436-461, 512-513, 694-695, 711-723; *Official Reports of the Debates and Proceedings of the Ohio State Convention*, 20-21, 495; *Official Reports of the Debates and Proceedings of the Ohio State Convention* Volume II, 984, 1005, 1041-1042, 1072-1099, 1323-1334, 1142-1143, 1308-1309, 1449.

<sup>75</sup> *The Constitution of the State of Ohio, Passed in Convention, March 10<sup>th</sup>, 1853; Adopted by the Vote of the People, June 17, Took Effect, September 1, 1851* (Columbus: S. Medary, 1852), 29; § License to Traffic in Intoxicating Spirits, *The 1851 Constitution with Amendments to 2015*, available from <https://www.legislature.ohio.gov/laws/ohio-constitution>. For an example of a pamphlet circulated to convince voters to vote for "no license" see S. F. Cary, et al, *License or No License, That is the Question*, Printed Works Collection Pam 178.1 L698, Cincinnati History Library and Archives, Cincinnati, Ohio.



system, Bragg's proposal nonetheless incorporated the central principle to transfer liability to the liquor retailer. The committee took up Bragg's proposal, but they did not agree with his request for a liability clause. Neither did Michigan's temperance activists. None of the petitions submitted to the convention requested a civil damages law. While the conventions in Indiana and Ohio received multiple calls for dram shop acts, memorialists in Michigan focused either on prohibition or license restrictions. All of the petitions demanding prohibition in Michigan, Ohio, and Indiana, came from women. Showing how, even as the majority of female reformers lobbied for civil damages, some women were already looking towards legislation to ban the traffic altogether.<sup>76</sup>

Convention delegates struggled to come to a consensus on the issue. Following a contentious debate, where several members backed the women's petitions asking for prohibition and another group called for civil damages, they eventually settled on the ambiguous provision that "Legislature shall not pass any act authorizing the granting of licenses for the sale of ardent spirits or other intoxicating liquors." Unlike Ohio, which left the decision to the voters, the ambiguity in the Michigan Constitution left temperance activists unsatisfied, and the general public confused. There was no clear determination whether the existing local option statute remained in effect, or if the constitution enacted total prohibition or permitted unregulated retailing.<sup>77</sup>

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<sup>76</sup> *Report of the Proceedings and Debates in the Convention to Revise the Constitution of the State of Michigan, 1850* (Lansing: R.W. Ingals, 1850), 30-31, 49, 93, 102, 159, 183-188, 239, 326, 358, 397-413, 428, 430-436, 465, 483, 510, 522, 558, 580, 590, 621, 766-771, 839, 885, 893; *Journal of the Constitutional Convention of the State of Michigan, 1850* (Lansing: R.W. Ingals, 1850), 41, 59, 74, 78, 97, 107, 121, 161-162, 166, 175, 202, 204-205, 226, 240, 256, 263-264, 281, 287, 295, 320, 352, 418, 452-453, 470, 482, 532.

<sup>77</sup> *Report of the Proceedings and Debates in the Convention to Revise the Constitution of the State of Michigan, 1850*, 30-31, 49, 183-188, 397-413, 430-436, 766-771, 885, 893; *Journal of the Constitutional Convention of the State of Michigan, 1850*,

Ironically, the clause in the 1850 Michigan Constitution opened up the door for a civil damage law. Just six months after the adoption of the new constitution, in February 1851, the annual session of the Michigan legislature was beset with temperance petitions “from almost all parts of the State.” This time, however, many activists specifically demanded a civil damage law, and lawmakers responded. Eager to clear up the confusion precipitated by the vague constitutional clause and facilitated by Governor John S. Barry’s call to address the issue, a civil damage bill quickly passed through both houses of the legislature. On June 27, 1851, Michigan became the second state to enact a dram shop act. The provisions of the bill closely resembled those in the 1849 and 1850 Wisconsin statutes. It required dealers to post a bond of between \$500 to \$1000, allowed married women to sue for damages in their own name and control the judgment, and excluded grog bills as legitimate debts. As the law took effect, one newspaper columnist noted that few “will hardly dare run the risk for such a purpose [retailing]. The liabilities are almost endless.”<sup>78</sup>

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41, 59, 107, 204-205, 240, 352, 452-453, 470, 482, 532; *The Revised Constitution of the State of Michigan, Adopted in Convention, August 15, 1850* (Lansing: R.W. Ingals, 1850), 18; “Senate Report No. 12: Report of the Committee on Expiring Laws, Respecting the License Laws,” *Documents Accompanying the Journal of the Senate and the House of Representatives of the State of Michigan at the Annual Session of 1851* (Lansing: R.W. Ingals, 1851), 1-4; John W. Quist, “An Occasionally Dry State Surrounded by Water,” in Paul Finkelman and Martin J. Herschok, *The History of Michigan Law*, 73.

<sup>78</sup> *Journal of the House of Representatives of the State of Michigan, 1851* (Lansing: R.W. Ingals, 1851), 42, 50-51, 59, 67, 80-82, 85, 89, 112-114, 129, 137, 161-163, 165, 171, 179, 188, 194, 198, 212, 223, 230, 241, 251, 261, 279, 281, 286-287, 289, 295, 305, 311, 313, 318, 320, 329, 338-339, 351, 369, 371, 384-385, 412, 414, 450, 477-478, 511, 544, 599-600, 616; *Journal of the Senate of the State of Michigan, 1851* (Lansing: R.W. Ingals, 1851), 9, 31, 33, 46, 71, 81, 90, 134, 144-145, 149, 161, 169-170, 177, 200-201, 205-206, 264, 277, 305, 431, 442; *Journals of the Senate and House of Representatives of the State of Michigan, Extra Session, 1851* (R.W. Ingals, 1851), 12-13, 66-67, 79, 138, 147; Chapter 41, Of Tavern Keepers and Retailers of Spirituous Liquors, *Acts of the Legislature of the State of Michigan, Passed at the Annual and Extra Sessions*

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The optimistic atmosphere inaugurated by the enactment of civil damage legislation in Wisconsin and Michigan, and the flurry of women's activism around them, was quickly overshadowed when the Maine legislature passed a prohibition statute in the summer of 1851. During that brief experimental and improvisational period of 1849-1851, it seemed that the temperance movement, as a whole, might veer into a unified civil damage campaign. But the passage of prohibition in Maine—a law that was so influential that people after this would refer to prohibition simply as “the Maine Law”—refocused the temperance campaign on prohibition. Prohibition suddenly garnered massive, national attention and ignited new campaigns to enact similar legislation across the nation. The once small chorus of reformers calling for prohibition in the 1840s, many of whom were women, were now joined by thousands of women and men demanding that states ban the sale of alcohol as a beverage.

The newly gathering crusade for prohibition after the enactment of the 1851 Maine Law created a broad consensus in the temperance community that had been absent since the failure of local option. The two main factions that dominated the movement in the late 1840s, those advocating for civil damage acts and those calling for prohibition, now reunited around this latter strategy. But the “experiment in liability” ushered in by the 1849 Wisconsin bond law did not simply evaporate.

While prohibition became the unifying strategy within the movement, dram shop acts did not entirely disappear. Some state legislatures continued to pass them, either as an alternative to prohibition or when “Maine Law” statutes were overturned. As other

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*of 1851, Together with the Revised Constitution and an Appendix* (Lansing: R.W. Ingals, 1851), 309-311; [no title], *Grand River Times* (Grand Haven, MI), August 6, 1851.

states passed dram shop acts, the statutes in both Wisconsin and Michigan (the first two states to enact this type of legislation) were repealed. The groundbreaking Wisconsin “bond law” was repealed in 1851 amidst pressure from liquor dealers over the liability provisions and complaints from temperance reformers that the law was not enforced. With prohibition quickly gaining popularity, Wisconsin’s activists turned their attention to the Maine Law as a better strategy to eradicate the liquor traffic. Michigan’s damage law remained on the books until December 1853, when prohibition was ushered in.<sup>79</sup>

Temperance women played a central role in the drive for prohibition, but they carried forth their experiences from the 1840s. Their activism in both the local option and civil damage drives now shaped their perceptions and expectation of legal suasion—which emerged differently inflected than that of their male counterparts. The legacy of these early dram shop acts, and the legal rights women won within them, influenced the way female advocates envisioned future legislation around prohibition. In several states, when women demanded prohibition statutes, they insisted they contain civil damage provisions. Keenly aware that the illegal sale of alcohol would persist under prohibition, female reformers wanted to maintain the expanded protections afforded to women under civil damage laws, rights they were not keen to relinquish. Moreover, in the next few years, as Maine Law campaigns scored victories and prohibition reigned in a number of states, women rose as the arm of enforcement in unexpected ways—thrusting them into the center of the new temperance campaign.

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<sup>79</sup> The states that passed civil damages laws were Wisconsin in 1849, Michigan in 1851, Indiana in 1853, Ohio and Pennsylvania in 1854, and Massachusetts in 1855. See Spooner, *Cyclopædia of Temperance*, 272-360.

### Chapter 3

#### Maine Law Women

“ENFORCEMENT OF THE “MAINE LAW” IN MT. VERNON!!,” declared the March 12, 1852, Cincinnati *Organ of the Temperance Reform*. Passed just nine months earlier, in June 1851, the Maine Law prohibited the sale of intoxicating beverages and implemented far-reaching enforcement provisions, including the search, seizure, and destruction of liquors kept for illegal sale, representing the first statewide prohibition law of its kind. Back in the midwest, Ohio women seemed to draw inspiration from its passage. But the execution of the law in Mount Vernon, Ohio, was of a far different sort than the headline implied.<sup>1</sup>

Several weeks before the enforcement action, a group of women entered the notorious Montezuma saloon in the bustling town. Comprised of the sisters and friends of young men who patronized the establishment, the women were well acquainted with the proprietor, Ansom D. Richards. They had visited on several occasions and pleaded in vain for him to stop selling intoxicating spirits to their loved ones. By March, the young women switched tactics. They now entered the groggery armed with clubs and warned Richards that “they had come to have the question settled.” If he would not cease selling spirituous liquors, they would “enact and enforce the Maine law.” Agitated, Richards, “drew a chair upon them, and ordered them out of his house.” Undeterred, the young ladies raised their clubs and smashed every liquor bottle, keg, or barrel they could find.

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<sup>1</sup> “Enforcement of the Maine Law in Mt. Vernon!!,” *Ohio Organ of the Temperance Reform* (Cincinnati, OH), March 12, 1852, hereafter cited as the *Organ of the Temperance Reform*.

With liquor pooling on the floor and Richards cowering in the corner, the women quietly retreated and made their way home.<sup>2</sup>

After some difficulty engaging a lawyer or a justice willing to entertain his allegations, Richards finally procured a warrant for their arrest on charges of riot and property damage. The women were summoned before a justice of the peace, but the trial was postponed. In the meantime, Richards found himself ensnared in another set of legal proceedings. Likely filed in retaliation for his case against the women, he was charged with violating Ohio's liquor and gambling statutes for keeping a roulette table in his saloon. With his own trial set before that of the riotous women, Ansom Richards quietly slipped out of town for "parts unknown." When Richards fled Knox County to escape his own prosecution, he scuttled the case against the women. Without the "complaining witness," the case crumbled, and the women were exonerated. Two of the "Heroines of Montezuma Hall," the Misses Watsons, were instantly regarded as local luminaries. Thereafter, temperance activists passing through Mount Vernon made a point to meet the women who put "the Maine Liquor Law into practical operation."<sup>3</sup>

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<sup>2</sup> "Enforcement of the Maine Law in Mt. Vernon!!," *Organ of the Temperance Reform*, March 12, 1852; "Anti-Spirit Knocking," *Freemont (OH) Weekly Freeman* (Freemont, Ohio), March 13, 1852; "Anti-Spirit Knocking," *Madison (WI) Daily Democrat*, April 23, 1852; "Anti-Spirit Knocking in Old Knox," *Carroll Free Press* (Carrollton, OH), March 12, 1852; "The Heroines of Montezuma Hall," *Organ of the Temperance Reform*, May 7, 1852; [no title], *Pennsylvania Freeman* (Philadelphia, PA), March 11, 1852, Volume IX, no. 11; "Spiritual Manifestations," *Clinton Republican* (Wilmington, OH), March 19, 1852, Volume XIV, no. 17; "Spiritual Manifestations," *Lancaster (OH) Gazette*, March 11, 1852; "Beautiful," *Woodville (MS) Republican*, May 18, 1852.

<sup>3</sup> Members of the Mount Vernon Sons of Temperance were so impressed by the actions of the women that they collected monies from the Grand Division to pay the women's initiation fees into the Daughters of Temperance. It is not known whether any of the women involved took them up on the offer. In November 1852, the women were again celebrated at a Grand Supper of the Daughters of Temperance. Their actions were afforded a resolution of recognition and several speakers lauded their actions. Although a

At the time of the attack in Mount Vernon, Ohio did not have a Maine Law. Yet the notion that the women's actions were related to prohibition should not be discounted. By the time "Heroines of Montezuma Hall" entered the barroom, the Maine Law had already risen to legendary status, and anti-liquor demonstrations were often cast in the context of the iconic statute. Since the turn towards legislative temperance, reformers had tried various tactics to control the liquor traffic, and failed. A year into Maine's ban on intoxicating spirits, the nation's temperance activists were firmly united behind prohibition. And female activists, some of whom were the earliest agitators for prohibition, once again helped lead the charge.<sup>4</sup>

The headline in the *Organ of the Temperance Reform* declaring the violent execution of the Maine Law played off what many contemporaries accepted—women were instrumental to the enactment and enforcement of prohibition. This chapter examines female reformers' political activism during the prohibition drives of the early

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supper given by the Daughters of Temperance, all speakers were male. "Enforcement of the Maine Law in Mt. Vernon!!," *Organ of the Temperance Reform*, March 12, 1852; "Anti-Spirit Knocking," *Freemont Weekly Freeman*, March 13, 1852; "Anti-Spirit Knocking," *Madison Daily Democrat*, April 23, 1852; "Anti-Spirit Knocking in Old Knox," *Carroll Free Press*, March 12, 1852; "The Heroines of Montezuma Hall," *Organ of the Temperance Reform*, May 7, 1852; [no title], *Pennsylvania Freeman*, March 11, 1852; "Spiritual Manifestations," *Clinton Republican*, March 19, 1852; "Spiritual Manifestations," *Lancaster (OH) Gazette*, March 11, 1852; "Beautiful," *Woodville Republican*, May 18, 1852.

<sup>4</sup> On the quick ascent of the Maine Law as the preferred legislative approach see Jed Dannenbaum, *Drink and Disorder: Temperance Reform in Cincinnati from the Washingtonian Revival to the WCTU* (Urbana: University of Illinois Press, 1984), 98; Jack S. Blocker, *American Temperance Movements: Cycles of Reform* (Boston: Twayne Publishers, 1989), 54-60; Scott C. Martin, *Devil of the Domestic Sphere: Temperance, Gender, and Middle-class Ideology, 1800-1860* (DeKalb: Northern Illinois University Press, 2008), 126-128; Ian R. Tyrrell, *Sobering Up: From Temperance to Prohibition in Antebellum America, 1800-1860* (Westport, CT: Greenwood Press, 1979), 252-264; Kyle Volk, *Moral Minorities and the Making of American Democracy* (New York: Oxford University Press, 2014); Thomas R. Pegram, *Battling Demon Rum: The Struggle for Dry America, 1800-1933* (Chicago, IL: Ivan R. Dee, 1998), 39-41.

1850s, challenging scholars' characterizations of antebellum temperance women as secondary and subordinate to their male counterparts. I argue that female reformers stood at the forefront of the early Maine Law campaigns and agitated for prohibition from an unapologetic, politicized stance that mixed temperance and claims for women's rights. Viewed through the lens of women's activism, antebellum prohibition emerges as a more complex movement where advocacy occurred everywhere, from the statehouse to the barroom. This approach extends our understanding of the campaign's reach and nature. It exposes female reformers as essential actors who embraced both traditional (petitioning, pleading) and unconventional (violent raids) tactics that kept prohibition in the spotlight and drove the movement forward. They not only lobbied for Maine Laws, but demanded a voice in how they were crafted.

From the outset of the prohibition campaign, women across the Midwest and Northeast took a commanding role in the direction of the movement. Yet in the voluminous scholarship on the Maine Law and antebellum prohibition—the campaign's most famous moment—women lurk on the periphery, disenfranchised helpmates to politicized male activists. Following the same model as local option discussions, scholars typically present women as alienated from meaningful participation in a political movement that was directly connected to the electorate. Although the ballot box was not the only locus of legitimate political influence, agitation outside of the traditional political arena is treated as unimportant. This unwarranted preoccupation with men and formal politics has completely missed the significant contributions of female reformers to



the shape and course of the antebellum Maine Law movement—and thus misunderstood prohibition itself.<sup>5</sup>

While the optic of women's activism is essential to understanding the complexities of the antebellum prohibition movement, it also reveals the prominent role grassroots reformers played in the promotion of a woman's rights agenda overall. The connections activists made between temperance and women's rights in the legislative temperance campaigns of the 1840s remained a central feature of reformers' political identity into the 1850s. By the time the drive for prohibition emerged, the distinct political sensibilities nurtured in the campaigns of the previous decade had matured into a far more radical and militant perspective on temperance; one that saw no

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<sup>5</sup> For scholarship on antebellum temperance movement see Dannenbaum, *Drink and Disorder*; Jed Dannenbaum, "The Origins of Temperance Activism and Militancy Among Women," *Journal of Social History* 15, no. 2 (Winter, 1981) 235-252; Blocker, *American Temperance Movements*; Martin, *Devil of the Domestic Sphere*; Tyrrell, *Sobering Up*; Pegram, *Battling Demon Rum*; John W. Quist, "An Occasionally Dry State Surrounded by Water: Temperance and Prohibition in Antebellum Michigan," in Paul Finkelman and Martin J. Hersock, eds., *The History of Michigan Law* (Athens, OH: Ohio University Press, 2006), 68-71; Ann-Marie E. Szymanski, *Pathways to Prohibition: Radicals, Moderates, and Social Movement Outcomes* (Durham, NC: Duke University Press, 2003); John W. Quist, *Restless Visionaries: The Social Roots of Antebellum Reform in Alabama and Michigan* (Baton Rouge, LA: Louisiana State University Press, 1998); Holly Berkley Fletcher, *Gender and the American Temperance Movement of the Nineteenth Century* (New York: Routledge, 2008); Janet Zollinger Giele, *Two Paths to Women's Equality: Temperance, Suffrage, and the Origins of Modern Feminism* (New York: Twayne Publishers, 1995); Barbara Leslie Epstein, *The Politics of Domesticity: Women, Evangelicalism, and Temperance in Nineteenth Century America* (Middletown: Wesleyan University Press, 1981); Ian R. Tyrrell, "Women and Temperance in Antebellum America, 1830-1860," *Civil War History*, Vol. XXVIII, no. 2 (1982), 128-134; Carol Mattingly, *Well-Tempered Women: Nineteenth-Century Temperance Rhetoric* (Carbondale: Southern Illinois University Press, 1998); John J. Rumbarger, *Profits, Power, and Prohibition: Alcohol Reform and the Industrializing of America, 1800-1930* (Albany: State University of New York Press, 1989); Jack S. Blocker, Jr., *Alcohol, Reform, and Society: The Liquor Issue in Social Context* (Westport, CT: Greenwood Press, 1979); Norman H. Clark, *Deliver Us from Evil: An Interpretation of American Prohibition* (New York: Norton, 1976); Joseph R. Gusfield, *Symbolic Crusade: Status Politics and the American Temperance Movement*. 2nd ed. (Urbana: University of Illinois Press, 1986).

boundary between calls for prohibition and demands for woman's rights. In all strains of their activism, they defended their right to a public role, and mixed demands for temperance with women's rights, especially access to the elective franchise. Even their justifications of hatchet-driven enactments of the Maine Law drew attention to their lack of a voice in the laws that governed them. Like the local option and civil damage drives before it, the Maine Law offensive of the early 1850s forced female reformers to confront the limits of their direct influence in the nation's political system, and in turn, they used the prohibition campaign to draw attention to women's social and legal disabilities.

### **The Maine Law**

Although Maine was the first state to pass such a comprehensive law, it was not the first push for prohibition. As activists strategized in 1840s, some women were already demanding prohibition. Their early efforts helped lay the groundwork for the first Maine Law campaigns. In 1848, for example, after the Pennsylvania local option law was found unconstitutional, a group of Chester County women, Hannah M. Darlington, Sidney Pierce, and Ann Preston, embarked upon one of the nation's earliest drives for prohibition. Over the course of the fall, Chandler Darlington, Hannah's husband, drove the women day and night as they addressed audiences, distributed appeals and tracts, and collected signatures to memorials against licensing liquor dealers. Their petitions soon flooded the legislature asking for the passage of a law prohibiting the sale of liquor, with fully two-thirds of signatures coming from women.<sup>6</sup>

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<sup>6</sup> In 1846, Maine passed a partial prohibition bill. See §11, Chapter 205, *An Act to Restrict the Sale of Intoxicating Drinks, Acts and Resolves Passed by the Twenty-Sixth Legislature of the State of Maine, A.D. 1846* (Augusta: William T. Johnson, 1846), 192-195. John A. Clark, ed., "Parker V. Commonwealth," *Pennsylvania Law Journal Reports* Volume IV (Philadelphia, PA: John Campbell & Sons, 1872), 163-181; Asa Earl Martin,

Not only did the women from Chester County canvass for signatures, but they personally delivered their petition (along with a stridently written address) to the Pennsylvania legislature in Harrisburg. Legislators cordially received them and congratulated their efforts. The memorial and the address, written by Ann Preston, were presented to the House and the Senate, read in their presence, and referred to the Committee on Vice and Immorality for consideration. The committee even invited the women to address them directly. Sidney Peirce spoke to a “large roomful of the Committee and legislators,” who listened “with profound attention.” The women appear to have had such an impact that they got prohibition introduced. On March 24, 1848, Pope Bushnell from the House Committee on Vice and Immorality introduced bill No. 882 “An Act to Prohibit the Sale of Vinous and Spirituous Liquors in the County of Chester.” While the bill was immediately tabled, but for the female activists involved, they had shown their potential force on this new path of political temperance. From the outset, women would help shape that undefined, experimental path toward a full-scale push for prohibition.<sup>7</sup>

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“The Temperance Movement in Pennsylvania Prior to the Civil War,” *Pennsylvania Magazine of History and Biography*, Vol. XLIX, no. 3 (1925), 213-217; Stanton, Anthony, and Gage, *History of Woman Suffrage, Vol. I. 1848-1861*, 344-350; *Journal of the Senate of the Commonwealth of Pennsylvania Volume I* (Harrisburg: J.M.G. Lescure, 1848), 204, 257, 262, 288, 307, 344, 354, 385, 412, 434, 454, 534, 590, 476, 527, 608, 656; *Journal of the Fifty-Eighth House of Representatives of the Commonwealth of Pennsylvania Commenced at Harrisburg, Tuesday the Fourth Day of January, in the Year of Our Lord One Thousand Eight Hundred and Forty-Eight and of the Commonwealth the Seventy-Second*, Volume I (Harrisburg: J.M.G. Lescure, 1848); 40, 55, 62, 68, 76, 122, 144, 156, 196, 221, 253, 340, 362-363, 392, 464, 498, 504, 545, 578, 588, 676, 679, 688, 714, 882; Joan M. Jensen, *Loosening the Bonds: Mid-Atlantic Farm Women, 1750-1850* (New Haven, CT: Yale University Press, 1986), 197.

<sup>7</sup> Hannah M. Darling’s summary of the action, written in 1881 and published in the *History of Woman Suffrage*, notes that a local option law passed in 1848, yet a search of the laws passed in 1848 does not reflect a new statute. Furthermore, the Pennsylvania local option law was overturned in 1847. Writing over thirty years later, she likely mixed-

When the bill failed, the women of Chester County refused to back down. In December, they called a county-wide temperance convention at the Marlborough Friends Meeting Hall. Over the course of the proceedings, they positioned themselves as the vanguard of the temperance movement in Pennsylvania and the only voice leading this new legislative initiative: prohibition. Although they acknowledged that such a law as they envisioned “may not entirely prevent drunkenness,” it would nevertheless, they argued, “certainly act as a restraint.” A prohibition law, the Chester County women declared, would set a “State verdict against the practice.” Almost three years later, a new law finally tested their predictions.<sup>8</sup>

That test came in Maine, not Pennsylvania. Governor John Hubbard could not have known it at that time, but with a stroke of his pen, he ushered in a new era of legislative temperance and along with it, a militant stage in women’s activism. The Act for the Suppression of Drinking Houses and Tippling Shops, otherwise known as the “Maine Law,” was signed into effect on June 2, 1851, and launched prohibition as the temperance strategy du jour. By the time the Maine Law campaigns kicked-off in the early 1850s, women were already mobilized from years of political agitation for various legislative temperance initiatives. Prohibition did not represent a new point of departure for female activists, but merely a new context in which to rally their increasingly well-

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up the sequence of events. Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage, eds., *History of Woman Suffrage*, Volume I, 1848-1861 (New York: Fowler & Wells, 1881), 344. Language of the memorial presented to the Pennsylvania Legislature in 1848 quoted in Jensen, *Loosening the Bonds*, 197; *Journal of the Fifty-Eighth House of Representatives of the Commonwealth of Pennsylvania, 1848*, Volume I, 55, 76, 99, 144, 165, 196, 221, 464, 676-677, 688, 806-807, 871-872.

<sup>8</sup> Jensen, *Loosening the Bonds* 197-198; Stanton, Anthony, and Gage, eds., *History of Woman Suffrage*, Volume I, 347-348; “What Shall We Do Now?,” *Pearl*, April 1, 1847, Vol. I, no. 44, pg. 349.

established—if never formalized—networks. They welcomed the turn to prohibition, comfortable with public political activism.<sup>9</sup>

Even as they demanded prohibition, female activists assessed the Maine Law somewhat differently than their male counterparts. Women underlined the statutes' expansive enforcement clauses. Their insistence in that regard produced new political strategies, prompting supposedly genteel women to behave in ways the scholarship does not prepare us for; laying a path of violent destruction not only in Mount Vernon, Ohio, but elsewhere, with increasing frequency. But first, they tried to work within the letter of the law, often leading the push for legislative change.

Touted as a watershed moment by both contemporaries and scholars of the nineteenth-century temperance movement, the Maine Law quickly overshadowed all other strains of liquor regulation. The law banned the manufacture and sale of spiritous or intoxicating liquors, but exempted transactions for medicinal or mechanical purposes as well as alcohol produced outside of the United States, provided it was kept in its original packaging. It included stringent penalties for violators, many of which were identical to those that temperance activists had demanded for years. Like provisions contained in the Wisconsin and Michigan civil damage acts, the Maine Law also forbade dealers from using the courts to recoup liquor debts.<sup>10</sup>

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<sup>9</sup> Chapter 211. An Act for the Suppression of Drinking Houses and Tippling Shops, *Acts and Resolves Passed by the Thirty-first Legislature of the State of Maine, A.D. 1851*. Augusta: William T. Johnson, 1851, 210-218.

<sup>10</sup> For example, a first offence mandated a one hundred dollar fine and the cost of prosecution, and if in default of payment, sixty days in the common jail. A second conviction carried a prison sentence of four months. Chapter 211. An Act for the Suppression of Drinking Houses and Tippling Shops, *Acts and Resolves, State of Maine, 1851*, 210-218.

Some of the provisions in the Maine Law went far beyond most anti-liquor crusaders expectation, especially the far-reaching power granted to local authorities over illegal vendors' liquor stocks. On a complaint by three people, a judge or justice could issue a warrant to search the premises where the complainants charged liquors were kept for illegal sale, and if found, an official had the right to seize the contraband. The owner had one month to appear before the justice or judge to provide proof that the liquor was of foreign origin, and therefore exempt from the law. If the owner failed to appear or to prove without a doubt that the liquors were exempt, they were considered forfeited and destroyed. Investing local authorities with the power to search, seize and destroy liquor stocks was a monumental break from previous forms of liquor regulation. Even version of the license system that included local option and civil damages had no mechanism to confiscate and destroy illegal liquors. The Maine Law's enforcement provisions were as important as the prohibition on the sale of intoxicating spirits as a beverage. And as previous experiments with legislative regulation taught temperance activists, laws were only effective if enforced.<sup>11</sup>

There was no shortage of praise for Maine's groundbreaking statute and newspapers columnists across the nation celebrated the new law. New York's *Independent* characterized it as "the most important act of legislation of modern times," while Washington's *Republic* summarized it as an "experiment which may lead to

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<sup>11</sup> Chapter 211. An Act for the Suppression of Drinking Houses and Tippling Shops, §10, *Acts and Resolves, State of Maine, 1851*, 214-215. For an example of provisions under local option see Chapter XX, Title IX, Of Excise, and the Regulation of Taverns and Groceries, *Revised Statutes of the State of New York, Third Edition*, Volume I (Albany: Weare C. Little and Co., 1846), 851-858. For an example of provisions under civil damages see Title XI, Chapter 29, *The Revised Statutes of the State of Wisconsin, Passed at the Second Session of the Legislature, Commencing January 10, 1849* (Southport: C. Latham Sholes, 1849), 242-243.

important political consequences.” A writer to Salem, Ohio’s *Anti-Slavery Bugle* also applauded the statute, but took a more measured assessment of the law’s promised results. Opining that the example of “positive prohibition” could destroy the traffic only “if public sentiment will execute it.” A law itself, the author cautioned, could not destroy an individual’s appetite for ardent spirits, nor could it stop the rum-seller from seeking profits through illicit sales. The public had to support its enforcement to the fullest extent. Without execution, prohibition, like the legislative strategies before it, would fall far short of expectations.<sup>12</sup>

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<sup>12</sup> “The Temperance Law in Maine,” *Independent* (New York), July 3, 1851, Volume 3, no. 135; “License Law in Maine,” *Republic* (Washington, D.C.), June 16, 1851; “A Bright “Star in the East”!,” *Lily* (Seneca Falls, NY) July 1, 1851; “The New Liquor Law of Main [sic],” *Anti-Slavery Bugle* (Salem, OH), July 4, 1851. For some additional columns on the passage of the Maine Law see “Maine Liquor Law,: *American Telegraph* (Washington D.C.), June 24, 1851; “Maine Liquor Law,” *New York Observer and Chronicle*, June 19, 1851, Volume 25, no. 25, pg. 198; “Maine Liquor Law,” *Charlotte (NC) Journal*, July 30, 1851; “Maine Liquor Law,” *Ottawa (IL) Free Trader*, July 5, 1851; “How It Works!,” *Lily*, August 1, 1851; “The Maine Liquor Law,” *New York Herald*, September 25, 1851; “The Maine Liquor Law,” *Weekly National Intelligencer* (Washington, D.C.), August 2, 1852; “The Maine Liquor Law,” *Sumter Banner* (Sumterville, SC), May 18, 1852, Volume VI, no. 30; “Maine Liquor Law,” *New York Daily Tribune*, June 19, 1851; “Maine Liquor Law,” *Daily Crescent* (New Orleans, LA), June 28, 1851; “The Maine Legislature,” *Green-Mountain Farmer* (Montpelier, VT), June 19, 1851; “The Maine Liquor Law,” *Weekly Wisconsin* (Milwaukee, WI), July 2, 1851, Volume V, no. 6, pg. 3; “Maine Liquor Law,” *Portage Sentinel* (Ravenna, OH), June 23, 1851; “Temperance Items,” *Templar’s Magazine* (Cincinnati, OH), July 1851, pg. 351. There is a rich body of literature written by both contemporaries and historians on the Maine Law. For some examples of works written in the nineteenth century see Henry S. Clubb, *Maine Liquor Law: It’s Origin, History and Results, Including a Life of Hon. Neal Dow* (New York: Fowler and Wells, 1856); Lebbeus Armstrong, *The Temperance Reformation, Its History from the organization of the First Temperance Society to the Adoption of the Law of Maine, 1851, Second Edition* (New York, Fowler and Wells, 1853); *Documentary History of the Maine Law* (New York: Hall & Brother, 1855); John Marsh, *The Triumphs of Temperance, A Discourse* (New York: John P. Prall, Printer, 1855); Joel Wakeman, *The Maine Law Triumphant* (Boston, MA: Albert Colby and Company, 1859); A Citizen of Maine, *The Maine Liquor Law, with an Introduction, and Appendix on its Practical Working* (Montreal: J.C. Becket, 1852); J.C. Lovejoy, *The Law and Offence: A Lecture on the Subject of Prohibitory Laws, in Regard to the Use of Intoxicating Drinks* (Boston, MA: Charles C. Moody, 1852); H. Mills, *The Temperance Manual* (St. Louis, MO: Edwards & Bushnell, 1856); *Law of Maine and the Law of God*

Shortly after the law took effect, Amelia Bloomer, the editor of the activist women's periodical the *Lily*, praised the statute's expansive enforcement powers. The search, seizure and destruction provisions, she argued, were the keys to its success. While Maine's "noble example," represented "the best law ever passed by any legislature for the suppression of intemperance," she reminded her readers that the law would not destroy the drunkard's cravings. Prohibiting the sale of liquors did little without stringent measures that physically removed illegal alcohol from the community. What made the Maine Law so extraordinary, she argued, was that it allowed for the confiscation and destruction of illegal liquors. These provisions distinguished it from all previous legislation and made the law enforceable. Similarly, what distinguished grassroots temperance women's response from men's was this preoccupation, even delight, with the enforcement clause. Indeed, Bloomer's *Lily*, which frequently printed columns chastising male temperance activists' lack of enthusiasm for the enforcement of liquor laws, proclaimed the "feature which authorizes the search for, and the destruction of the poison" the centerpiece of the statute. With these provisions, she suggested, women had tool that could transcend male reformers complacency.<sup>13</sup>

The Maine Law revolutionized liquor law enforcement, and *Lily's* column revealed quite early just how differently women perceived this news. Previous laws made it difficult to establish a rum-sellers guilt, requiring the testimony of the individual who

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(Boston, MA: J.B. Chisholm, 1852); *Mapleton, or More Work for the Maine Law* (Boston, MA: Jenks, Hickling and Swan, 1853); For some examples of secondary literature on the Maine Law see Tyrrell, *Sobering Up*, 252-289; Fletcher, *Gender and the American Temperance Movement*, 7-57; Volk, *Moral Minorities*, 166-205; Dannenbaum, *Drink and Disorder*, 69-179; Blocker, *American Temperance Movements*, 30-60; Rumbarger, *Profits, Power, and Prohibition*, 21-41; Pegram, *Battling Demon Rum*, 24-42; Martin, *Devil of the Domestic Sphere*, 124-149.

<sup>13</sup> "A Bright "Star in the East"!", *Lily*, July 1, 1851.



bought and paid for the liquors or a statement by someone who witnessed the purchase. Indictments were few, a *Lily* columnist remarked, because the “drinker will not testify against the man who sells them liquor.” The Maine Law now removed this convoluted reliance on the drunkard to testify against the dealer. As long as three members of the community swore to a justice that they were aware of an illegal sale, a search of the premises could commence, and any articles found could be seized—making enforcement vastly easier. The seizure and destruction of liquor stocks, she cheered, would render the liquor business unprofitable and dealers would “soon see the necessity of giving up the business entirely.” A man’s appetite for liquor may still exist, but if the supply was cut off and grog-shops shuttered (either by choice or by force), the traffic would finally cease. The real power in the Maine Law was not prohibition, women argued, but the mechanisms to enforce it.<sup>14</sup>

By July 1851, only weeks after its passage, reformers in Maine were already celebrating the law’s effectiveness. Stories told of how dealers their closed shops and shipped their liquors stocks out of state, many to Boston. In Portland and Bangor, police and city marshals seized casks and barrels “to the entire satisfaction” of the great crowds gathered to watch. Another Bangor city official oversaw the “washing [of] the gutters with liquor.” By order of the police court, area newspapers trumpeted, ten casks of confiscated liquor were “rolled out from the basement of City Hall” and dumped into the gutters. Executing the action to the letter of the law, the “empty casks were then safely returned to their owners.” The entire proceeding, one paper reported, was carried out “in accordance with the popular sentiment.” Neal Dow, Portland’s temperance mayor who was instrumental in the drafting and adoption of the Maine Law, boasted: “Our law

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<sup>14</sup> “A Bright “Star in the East”!,” *Lily*, July 1, 1851.

works well. We are gradually contracting the area within which we have the rum traffic enclosed, and in good time we will exterminate it all.” As officials worked to completely clear the traffic from the cities, Dow declared that “in the interior towns, the law is found to be efficient and sufficient ... liquor has been seized and destroyed before the face of the owners.” Maine’s law appeared to be working as promised, and this inspired folks elsewhere.<sup>15</sup>

With reports of success so quickly streaming out of Maine, lawmakers in other states were confronted with calls for prohibition, and many of those voices were women. These women were both the most vocal proponents of prohibition, and some of the earliest. For some reformers, the massive drive for Maine Laws boiling up across the country was the fulfillment of the legislative turn temperance activists had made in the late 1840s.

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<sup>15</sup> “Temperance Law in Maine,” *Independent*, July 3, 1851, Volume 3, no. 135; “Liquor Destroyed in Maine,” *The Portsmouth (OH) Inquirer*, September 8, 1851; “Liquor Seizures in Maine,” *Weekly National Intelligencer*, July 19, 1851; “New Liquor Law of Maine,” *Anti-Slavery Bugle*, July 5, 1851; “Washing the Gutters with Liquor,” *Portsmouth Inquirer*, July 28, 1851; “Operation of the Maine Liquor Law,” *North Carolinian* (Fayetteville, NC), July 26, 1851; “Liquor Law in Maine,” *Green Mountain Freeman* (Montpelier, VT), September 25, 1851; “Liquor in Maine,” *New York Daily Tribune*, August 5, 1851; “Liquor Seizures in Maine,” *Plymouth (IN) Pilot*, August 6, 1851; “Liquor Seizures in Maine,” *Lancaster Gazette*, July 24, 1851; [no title], *Athens TN) Post*, August 5, 1851; “The Maine Liquor Law,” *Weekly National Intelligencer*, August 2, 1851; “The Maine Liquor Law,” *Anti-Slavery Bugle*, August 2, 1851; “Washing the Gutters with Liquor,” *Meigs County Telegraph* (Pomeroy, OH), August 5, 1851; “Washing the Gutters with Liquor,” *American Telegraph* (Washington D.C.), July 21, 1851; [no title], *Vermont Watchman and State Journal* (Montpelier, VT), July 17, 1851; “Washing the Gutters with Liquor,” *Richmond (VA) Enquirer*, July 18, 1851; “Seizure of Liquor in Maine,” *New York Herald*, August 2, 1851; “Maine Liquor Law,” *Portage Sentinel* (Ravenna, OH), June 30, 1851; [no title], *Middlebury (VT) Register*, August 20, 1851; “The Late Liquor Seizure in Portland,” *Lancaster Gazette*, August 21, 1851; “The Maine Liquor Law,” *New York Herald*, September 25, 1851; “Seizures in Bangor” and “How it Works!,” *Lily*, August 1, 1851; A Citizen of Maine, *The Maine Liquor Law*; “Legal Suasion,” *Templar’s Magazine*, August 1851, pg. 377.

## The Woman Who Begot the Maine Law

As accounts of Maine's triumph over "King Alcohol" made headlines and prohibition campaigns fostered a consensus in the temperance community, reformers were eager to capitalize on the momentum and intense public interest elicited by Maine's example. Out of this contemporary need for a mobilizing story to energize this budding new campaign emerged several stories. One today is well known and centers on the indefatigable, indomitable (and as some regarded him, excessively vain) leader of Maine's temperance movement, and mayor of Portland, Neal Dow. His zealous efforts to enact a legislative remedy and stringently enforce prohibition was, within a year's time, legendary. While Dow, partly due to his own self-promotion, emerged as the contemporary—and, today, scholarly—face of prohibition, some activists sought to explain how such an extraordinary law came into being—giving credit to a woman, Caroline Swett. Of course, no one person was responsible, but as contemporaries searched for inspiration in this past, some entirely affirmed women's role in this effort, something this chapter begins to recover, laying out an alternative contemporary origins story for prohibition.<sup>16</sup>

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<sup>16</sup> The life of Neal Dow is well documented by both contemporaries and historians. For some examples see Neal Dow, *The Reminiscence of Neal Dow: Recollections of Eighty Years* (Portland, ME: The Evening Press Publishing Company, 1898); Gen. Samuel F. Cary, ed., "Hon. Neal Dow," *The American Temperance Magazine and Sons of Temperance Offering, Vol. II* (New York: P.T. Sherlock, 1851), 17-38; Clubb, *The Maine Liquor Law*; J.E. Stebbins, *Fifty Years History of the Temperance Cause* (Cincinnati, OH: Henry Howe, 1874), 286, 291-292; Frank L. Byrne, *Prophet of Prohibition: Neal Dow and His Crusade* (Madison: State Historical Society of Wisconsin, 1961), 42-47; Blocker, *American Temperance Movements*, 32-34; Rumbarger, *Profits, Power, and Prohibition*, 31-37; Tyrrell, *Sobering Up*, 252-274; James A. Morone, *Hellfire Nation: The Politics of Sin In American History* (New Haven: Yale University Press, 2003), 285; William J. Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1996), 178-179; Martin, *Devil of the Domestic Sphere*, 126-128; Volk, *Moral Minorities*, 168-173; Pegram, *Battling Demon Rum*, 39-42.

The Swett story appears to have coalesced in January 1852. On the second night of a massive temperance demonstration in Albany, New York, John J. W. Hawkins spoke to a packed house gathered to hear him lecture on the Maine Law. The prominent reformer and founder of the Washingtonian temperance movement of the early 1840s, had a reputation for fiery lectures with a moral flare. But that night, he veered off in an unusual direction. He did not reiterate the effectiveness of the law and its operation in Maine. Nor did he mention the accomplishments of Neal Dow. He did not speak to how legislation could be used as a tool to wipe out vice and uplift families or the money prohibition saved the taxpayers. Instead, he lectured on what he called the *true* origins of the Maine Law: the actions of one ordinary woman, Mrs. Caroline Swett.<sup>17</sup>

Swett already enjoyed some notoriety, and it is likely that many in the audience had heard of her. Her violent 1849 raid on a Portland, Maine, saloon had been national news, and Hawkins tied this somewhat famous incident (almost three years earlier) to the emergence of the Maine Law. Hawkins regaled his Albany audience of Swett's heroic story. Her husband, Jeremiah, an industrious man when sober, had been induced into H. Cole's "splendid drinking saloon." When Jeremiah was carted home dead drunk from saloon, he told the attentive audience, Caroline—who had pleaded with the proprietor to stop selling her husband ardent spirits—set out to pay him another determined visit. When she arrived, Cole, who was vending in violation of the 1846 Maine liquor statute, verbally abused Swett. He "cursed her, and told her to leave," Hawkins shouted. Caroline

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<sup>17</sup> "State Temperance Alliance and Maine Liquor Law," *Carson League* Syracuse, NY), February 6, 1852, Volume 1, no. 35. On Hawkins see William George Hawkins, *Life of John H.W. Hawkins* (Boston, MA: Briggs and Richards, 1862), 379-381; Walter W. Spooner, "Hawkins, John Henry Willis," *The Cyclopædia of Temperance and Prohibition* (New York: Funk & Wagnalls, 1891), 203; David Harrisson, Jr., *A Voice from the Washingtonian Home* (Boston: Redding & Co., 1860).

refused, and when he began to “talk obscenely to her,” she “seized him by the collar and held him with one hand, as in a vice. With the other hand she slapped his face, back and forth until he was most severely chastised, and then left for home.” Despite her physical assault, Cole persisted, much to her chagrin.<sup>18</sup>

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<sup>18</sup> For some examples of articles detailing Swett’s 1849 attack see “Mrs. Sweet Convicted,” *Scioto Gazette* (Chillicothe, OH), July 18, 1849; “Mrs. Swett Convicted,” *Daily National Intelligencer* (Washington, DC), July 11, 1849; “Mrs. Swelt Convicted,” *Tarboro Press* (Tarborough, NC), August 4, 1849; “Mrs. Swett Convicted,” *North Carolinian* (Fayetteville, NC) July 21, 1849; “Mrs. Swett Convicted,” *Lincoln (NC) Courier*, July 28, 1849; “Mrs. Swett Convicted,” *Journal of the American Temperance Union* (New York), August 1, 1849, Volume XIV, no. 8, pg. 117-118; “Mrs. Sweet Convicted,” *New-York Organ*, July 14, 1849, Volume 9, no. 3, pg. 29; “A Woman in a Rum Shop,” *Portland (ME) Transcript*, April 14, 1849, Volume XII, no. 52, pg. 414; “Victorious Battle in Exchange Street,” *Portland (ME) Pleasure Boat*, April 12, 1849, Volume 4, no. 32; “A Smash,” *Boston (MA) Courier*, April 16, 1849; “Mrs. Swett,” *Boston (MA) Saturday Rambler*, July 21, 1849, Volume IV, no. 29; “Mrs. Caroline M. Sweet,” *Massachusetts Cataract, Temperance Standard, and Dew Drop* (Worcester, MA), August 16, 1849, Volume 7, no. 22, pg. 85; “A Smash,” *Dover (NH) Gazette & Strafford Advertiser*, April 21, 1849; “Mrs. Caroline M. Sweet,” *Lily*, August 1, 1849; “What A Woman Can Do,” *Southern Sentinel* (Plaquemine, LA), June 13, 1849; “What A Woman Can Do,” *Lancaster Gazette*, April 27, 1849; “What A Woman Can Do,” *Carroll Free Press*, May 25, 1849; “A Woman’s Revenge,” *Vermont Phoenix* (Brattleboro, VT), April 13, 1849; “Victorious Battle in Exchange Street,” *Anti-Slavery Bugle*, April 27, 1849; “War in Portland,” *Olive Branch* (Boston, MA), April 14, 1849, Volume XIV, no. 15; “Heroine,” *Portland Pleasure Boat*, June 14, 1849, Volume 4, no. 41; [no title], *Daily Crescent*, July 17, 1849; [no title], *Vermont Phoenix*, July 6, 1849; [no title], *Scioto Gazette*, August 1, 1849; [no title], *Bangor (ME) Daily Whig & Courier*, April 14, 1849; [no title], *Boston (MA) Daily Atlas*, July 9, 1849; [no title], *Milwaukee (WI) Sentinel and Gazette*, July 14, 1849; [no title], *Bangor Daily Whig & Courier*, April 11, 1849; [no title], *Gazette & Courier* (Greenfield, MA), July 2, 1849; “Smashing Suasion,” *New York Organ*, April 28, 1849, Volume 8, no. 44, pg. 324; “One-Eyed Justice,” *New York Organ*, July 21, 1849, Volume 9, no. 4, pg. 39; “A Drunkard Maker’s Swett,” *Massachusetts Cataract*, July 12, 1849, Volume 7, no. 17, pg. 67. When Hawkins discussed Caroline Swett, he referred to her as Sweet, as did some of the articles at the time of the attack, while some later retellings call her Nancy Sweet, instead of Caroline. According to the 1850 census, she is Swett. See Maine, Portland Ward 1, Cumberland County, 1850 U.S. Census, population schedule, Digital Image, Ancestry.com, <http://ancestry.com>. On the 1846 Maine liquor law see §11, Chapter 205, An Act to Restrict the Sale of Intoxicating Drinks, *Acts and Resolves Passed by the Twenty-Sixth Legislature of the State of Maine, A.D. 1846* (Augusta: William T. Johnson, 1846), 192. On retelling of the Swett incident see “State Temperance Alliance and Maine Liquor Law,” *Carson League*, February 5, 1852; “Origin of the Maine Liquor Law,” *Hillsdale (MI) Standard*, March 9, 1852; “Maine Liquor Law,” *Democratic Banner* (Davenport,

Hawkins continued his lecture with mounting dramatic flair. Jeremiah Swett again staggered home drunk the next day, “and so the next and the next day and the next.” Then on a Saturday afternoon in April 1849, Caroline had had enough. Rather than waiting for Jeremiah to stagger home, yet again, she made her way to Exchange Street. This day, a crowd was gathered in front of Cole’s for an auction, and upon Caroline’s entering the saloon, one by-stander quipped, “there goes Mrs. Sweet [sic]— another battery?” Her husband, sitting at the bar, dropped his cup and escaped through the back door as Caroline approached. Caroline addressed Cole “as before; and he talked to her as before.” Then, “when he commenced his obscenity, she went inside the bar and seized Cole by the collar with her left hand, and run her cinched fist in his face with her right hand until it was well pounded.” She then shoved him out of the bar head first and “kicked him as he fell into the street.” This day Caroline also intended to put a dent in Cole’s business. She reentered the building, “surveyed the splendid bottles and furniture,” and “at once broke all the bottles, and set the cocks of the barrels of liquor all running” onto the floor.

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IA), April 23, 1852, Volume IV, no. 25; “Origin of the Maine Liquor Law,” *Wabash Express* (Terre-Haute, IN), May 5, 1852, Volume XI, no. 21; “Maine Liquor Law,” *Old North State* (Elizabeth City, NC), May 15, 1852; “Origin of the Maine Liquor Law,” *Lebanon (KY) Post*, June 2, 1852, Volume 1, no. 5, pg. 4; “Origin of the Maine Law,” *Morning Star* (Dover, NH), June 23, 1852, Volume XXVII, no. 11, pg. 44; “Mrs. Nancy Swett,” *Massachusetts Cataract*, October 28, 1852, Volume 10, no. 33; A.R. Phippen, ed., “What Caused the Maine Liquor Law,” *Schoolmate: A Monthly Reader for School and Home Instruction of Youth*, Volume I, 1852 (New York: George Savage, 1852), 169-170; Cousin-Hunter, “Mrs. Nancy Swett,” *Family Fire-side Book; or Monuments of Temperance* (Philadelphia: Leary & Getz, 1853), 601-605. Swett’s attack also featured prominently at the 1853 Whole Worlds Temperance Convention. For retelling at the convention see *The Whole World’s Temperance Convention held at Metropolitan Hall in the City of New York on Thursday and Friday Sept. 1<sup>st</sup> and 2<sup>nd</sup>, 1853* (New York: Fowler and Wells, 1853), 13; John Otis Wattles to Esther Whiney Wattles, 1 September 1853 [date on letter labeled by an archivist is incorrect, filed as September 6<sup>th</sup>, but the letter clearly shows in Wattles writing September 1<sup>st</sup>. Also, the convention did not take place on the 6<sup>th</sup> and he is writing on that evening], New York, John Otis Wattles and Esther Whiney Wattles Family Papers, Container 1, Folder 12, Special Collections, Western Reserve Historical Society, Cleveland, Ohio.

Caroline, Hawkins noted, “having destroyed everything” inside, stepped into the street and headed for home. Along the way, the Mayor and several policemen intercepted her. Undaunted by the threat of arrest, she proceeded to chastise them for neglecting their duty. According to Hawkins, she lectured them on their failures: “You are in office to protect me, and my husband, and our children,” she pronounced, “and you have left us to be murdered by this man, and if you wont [sic] protect us, I will take the law into my own hands.” The sheriff, a sympathetic figure according to Hawkins, acknowledged the “justice of her complaint.” Meanwhile, the crowd gathered for the auction cheered her actions. Hawkins then closed his gripping story by concluding that it was the widespread circulation of Caroline Swett’s heroic actions that “begot the Maine Liquor Law.”<sup>19</sup>

John Hawkins’ argument that Caroline Swett’s dramatic single-handed attacks on H. Cole’s saloon “begot the Maine Law,” should not be dismissed outright as a rhetorical prop any more than the narrative of Neal Dow as the instigator of the antebellum prohibition movement should be accepted at face value. Hawkins spoke to a captive audience of women and men already committed to prohibition, and in need of little convincing. But his story was significant for what it tells us about women’s roles in this campaign, so long credited to men, partly due to the contemporary efforts of Dow himself.

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<sup>19</sup> “State Temperance Alliance and Maine Liquor Law,” *Carson League*, February 5, 1852; “Origin of the Maine Liquor Law,” *Hillsdale Standard*, March 9, 1852; “Maine Liquor Law,” *Democratic Banner*, April 23, 1852; “Origin of the Maine Liquor Law,” *Wabash Express*, May 5, 1852; “Maine Liquor Law,” *Old North State*, May 15, 1852; “Origin of the Maine Liquor Law,” *Lebanon Post*, June 2, 1852; “Origin of the Maine Law,” *Morning Star* (Dover, NH), June 23, 1852; “Mrs. Nancy Swett,” *Massachusetts Cataract*, October 28, 1852; Phippen, ed., “What Caused the Maine Liquor Law,” *Schoolmate*, Volume I, 1852, 169-170; Cousin-Hunter, “Mrs. Nancy Swett,” *Family Fire-side Book*, 601-605.

By the time Hawkins delivered his speech in Albany, Neal Dow, an expert at self-promotion and a crafty politician, had already successfully styled himself the “prophet of prohibition.” In Dow’s own version, his was a one-man show. He ushered in the movement, wrote the statute, politicked the bill’s way to ratification, and then took his rightful place as the arm of enforcement. Hawkins, on the other hand, while acknowledging Dow’s indispensable efforts, attempted to present the Maine Law as something more than a notion that sprang fully-formed from the mind of one, prominent man. Women at the grassroots, who took the law into their own hands, Hawkins insisted, had mattered too.<sup>20</sup>

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<sup>20</sup> Cary, ed., “Hon. Neal Dow,” *The American Temperance Magazine*, Vol. II, 17-38; Dow, *The Reminiscence of Neal Dow*, 221-495; Clubb, *The Maine Liquor Law*, 17-65; Stebbins, *Fifty Years History*, 286, 291- 292; Byrne, *Prophet of Prohibition*, 42-47; Blocker, *American Temperance Movements*, 32-34; Rumbarger, *Profits, Power, and Prohibition*, 31- 37; Tyrrell, *Sobering Up*, 252-274; Morone, *Hellfire Nation*, 285; Novak, *The People’s Welfare*, 178-179; Martin, *Devil of the Domestic Sphere*, 126-128; Volk, *Moral Minorities*, 168-173; Pegram, *Battling Demon Rum*, 39-42. The three-day mass temperance demonstration in New York that Hawkins spoke at coincided with the opening of the state assembly’s legislative session. Reformers representing a myriad of temperance organizations descended upon the capital to specifically lobby lawmakers for prohibition. Women, unsurprisingly, were highly visible in the gatherings. Meetings sponsored by the male-dominated and well established State Temperance Society, as well as the State Temperance Alliance were joined by what the *New-York Daily Tribune* stated was “the first State Convention of [temperance] Women ever held.” Women, too, had arrived en masse in Albany. And conventioners of both sexes arrived armed with petitions that contained the signatures of several hundred thousand more New Yorkers, all demanding a Maine Law. At least one hundred thousand of those signatures were from women. On the New York convention see “The Temperance Convention – Liquor and Law, *New York Daily Tribune*, January 28, 1852; [no title]: *New York Herald*, January 29, 1852. For the text of one of the women’s petitions circulated by the Daughters of Temperance see “To the Legislature of New York,” *Carson League*, December 11, 1851, Volume 1, no. 27; “The Great Temperance Demonstration,” *Lily*, February 1, 1852. For the resolutions passed at the women’s meeting see “Women’s Temperance Convention,” *Lily*, February 1, 1852. Petitions sent to the New York Legislature are recorded in the *Journal* for the session. Many of the petitions are documented with the number of signers and some note whether men or women submitted them. Other are noted just with the general term inhabitants, while some do not record the number of signatories. The *Journal* records a total of 224,290 signatures, but many petitions listed do not show the number of signers. Of these 27,181 were listed as women,



81,940 as men or voters, 75 as colored, 115,094 as inhabitants or citizens. Historian Ann Gordon notes that the New York Daughters of Temperance were responsible for collecting one hundred thousand signatures on their petitions for the Maine Law. *Journal of the Assembly of the State of New York at Their Seventy-Fifth Session* (Albany: Charles Van Benthuyzen 1852), 46-47, 53, 61-62, 68, 73, 90, 96, 106, 121, 129, 131, 140, 143, 158-159, 170, 176, 199-200, 210, 224, 233, 237, 246, 256-257, 266, 274, 293, 300, 309, 332-333, 340, 357, 390, 403, 415, 424, 439, 459, 472, 488, 509, 534, 578, 580, 535, 541-542, 726; *Journal of the Senate of the State of New York at Their Seventy-Fifth Session* (Albany: Charles Van Benthuyzen, 1852), 53, 60, 78, 82, 85, 92, 98, 101-102, 104, 107, 113, 119, 123, 127-128, 138, 146-147, 151-153, 177-178, 180, 192-193, 195-196, 210, 214-215, 219, 225, 230-231, 238-239, 251, 255-256, 261, 265, 276-277, 281, 296-297, 301, 321, 332, 340, 345, 370, 403, 446, 456, 466, 478, 562; Ann D. Gordon, Tamara Gaskell Miller, Stacy Kinlock Sewell, Ann Pfau, and Arlene Kriv, eds., *The Selected Papers of Elizabeth Cady Stanton and Susan B. Anthony, Volume I, In the School of Anti-Slavery, 1840 to 1866* (New Brunswick, N.J.: Rutgers University Press, 1997), 183.

There is some confusion over the women's meeting at the January 1852 Albany temperance demonstration. The *History of Woman Suffrage* states that it was a "mass meeting of all the Divisions [Sons and Daughters of Temperance] in the State." When Susan B. Anthony rose to speak she was told "ladies were invited to listen, and not to take part in the proceedings." Following this insult, many women withdrew to hold their own meeting that evening. An excerpt in the *Selected Papers of Elizabeth Cady Stanton and Susan B. Anthony, Volume I: In the School of Anti-Slavery, 1840-1866*, notes that the rule stating women could not speak was planned and announced prior to the meeting. Either way, Anthony cleared intended to speak at some venue on temperance during the demonstration days in Albany. At some point before January 28, 1852, Stanton had written Anthony a letter with suggestions for her speech. An article in the January 28, 1852, *New York Daily Tribune*, affirms the fact that a women's meeting was planned, prior to the mass meeting of all the divisions of the Sons and Daughters of Temperance. The *Tribune* noted that there were two temperance conventions scheduled for Albany that week, "one of them the first State Convention of Women ever held." Historian Alice Felt Tyler states that there was one meeting of all temperance societies in New York, which the Daughters of Temperance had been invited to attend and then once there, Anthony was barred from speaking. While historian Carol Mattingly put the Sons and Daughters of Temperance meeting in Albany where Anthony was barred from speaking in March 1852. Stanton, Anthony, and Gage, eds., *History of Woman Suffrage*, Volume I, 475-480; Elizabeth Cady Stanton to Women's Temperance Meeting in Albany, before January 28, 1852, in Gordon, et al., eds., *Selected Papers*, Volume I, 189-193; Alice Felt Tyler, *Freedom's Ferment: Phases of American Social History to 1860* (Minneapolis: University of Minnesota Press, 1944), 448; Carol Mattingly, *Well-Tempered Women*, 23.

Despite the concerted efforts of the New York temperance community and contrary to the recommendations of the legislature's select committee, lawmakers rejected a draft prohibition bill. No. 88: Report of the Majority and Minority of the Select Committee on Excise, Relative to the Adoption of Stringent Measures for the Suppression of Intemperance, *Documents of the Assembly of the State of New York, Seventy-Fifth Session*, Volume 2 (Albany: C. Van Benthuyzen, 1852); No. 26, Report of the Select Committee on Excise, in Relation to the Petitions to Prohibit the Traffic in Intoxicating Liquors," *Documents of the Senate of the State of New York, Seventy-Fifth Session, 1852*

In another version of his narrative to the “Cousin-Hunter,” in the fall of 1852, Hawkins stated that Caroline Swett, had in fact been the one to convert Dow to prohibition in the first place. Swett, a “personal acquaintance of Neal Dow,” Hawkins explained, gave him the “first idea of this necessary law.” In lectures and in writing, Hawkins repeatedly educated temperance activists on the “origins of the Maine Law,” crediting Swett.<sup>21</sup> Showing how the story began to have credible reach, an unnamed temperance activist also celebrated Swett’s inspiration in song. The final verse read:

Twelve cheers for [Caroline] Nancy Swett,  
                     The Portland heroine!  
 Who ruined Alcohol,  
                     Away down east in Maine:  
 A brave and faithful wife,  
                     Whose deeds inspired that law  
 Which sways our noble State,  
                     Without a fleck or flaw.<sup>22</sup>

The increasingly infamous story of Caroline Swett would be told and retold at temperance conventions and in periodicals for years to come. But it has been entirely lost today, contributing to our lack of appreciation for the centrality of women in legislative temperance campaigns. The Maine Law, contemporaries recognized, was not just a statute promulgated, debated, and executed by men locked away in legislative chambers.

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(Albany: C. Van Benthuyssen, 1852); *Journal of the Assembly of the State of New York, 1852*, 972-976. The abundance of women’s signature on petitions for prohibition is also visible in other states. For example, in New Hampshire, one petition presented to the legislature contained 24,599 male voters and 47,771 females. See “Temperance Demonstration,” *New-Hampshire Patriot* (Concord, NH), June 16, 1852, Volume 6, no. 265, pg. 2.

<sup>21</sup> Cousin-Hunter, “Mrs. Nancy Swett,” *American Temperance Offering and Sons and Daughters of Temperance Gift for 1852* (New York: P.T. Sherlock, 1852), 237-241; Cousin-Hunter, “Mrs. Nancy Swett,” *Massachusetts Cataract*, October 28, 1852; “Mrs. Nancy Swett,” *Family Fire-Side Book*, 601-605

<sup>22</sup> Cousin-Hunter, “Mrs. Nancy Swett,” *American Temperance Offering*, 237-241; Cousin-Hunter, “Mrs. Nancy Swett,” *Massachusetts Cataract*, October 28, 1852; “Mrs. Nancy Swett,” *Family Fire-Side Book*, 601-605.

It was equally the result of ordinary women, on the ground, who took the law into their own hands and (although disenfranchised) played an enormous part in the conception and implementation of prohibition.<sup>23</sup>

Neal Dow never recorded that he met Caroline Swett. But Dow, an ardent temperance supporter who lived in Portland at the time of her saloon raid, undoubtedly heard of the incident. Whether or not news of Swett's attack on H. Cole influenced Dow's thinking about how to enforce prohibition is lost, but the bill that passed and became the Maine Law contained strict penalties and provisions for the search, seizure, and destruction of liquors held in violation of the law—something that had been at the heart of women's demands and may well have sprung from their sometimes notorious efforts on this front.<sup>24</sup>

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<sup>23</sup> On the retelling of the Swett incident, see "State Temperance Alliance and Maine Liquor Law," *Carson League*, February 5, 1852; "Woman's Convention in Ohio," *Liberator* (Boston, MA), June 11, 1852, Volume XXII, no. 24, pg. 95; "Origin of the Maine Liquor Law," *Hillsdale Standard*, March 9, 1852; "Maine Liquor Law," *Democratic Banner*, April 23, 1852; "Origin of the Maine Liquor Law," *Wabash Express*, May 5, 1852; "Maine Liquor Law," *Old North State*, May 15, 1852; "Origin of the Maine Liquor Law," *Lebanon Post*, June 2, 1852; "Origin of the Maine Law," *Morning Star*, June 23, 1852; "Mrs. Nancy Swett," *Massachusetts Cataract*, October 28, 1852; Phippen, ed., "What Caused the Maine Liquor Law," *Schoolmate*, Volume I, 1852, 169-170; Cousin-Hunter, "Mrs. Nancy Swett," *Family Fire-side Book*, 601-605; *Whole World's Temperance Convention*, 13; John Otis Wattles to Esther Whiney Wattles, 1 September 1853, New York, John Otis Wattles and Esther Whiney Wattles Family Papers, Container 1, Folder 12, Special Collections, Western Reserve Historical Society, Cleveland, Ohio.

<sup>24</sup> At the time of Swett's raid, Dow's prohibition crusade was already underway. He tirelessly advocated for prohibition for several years prior to the Maine Law and had drafted several prohibition bills that went nowhere in the legislature. Although the bill had a number of loopholes and few enforcement provisions, it banned the sale of domestically produced spirituous liquors except for medicinal and mechanical purposes. The statute of 1846, however, did little to stem the flow of liquor and the sale of intoxicating spirits flourished. Dow and other temperance activists in Maine sought to remedy the situation. Armed with a firm belief that prohibition would work if it were enforced, they set out to see that a revised statute would have some teeth and hold violators accountable. Cary, ed., "Hon. Neal Dow," *The American Temperance*

## A Maine Law Movement Across the Midwest

Women helped promote a version of prohibition that emphasized strict enforcement, but they also laid some of the important early groundwork that allowed the campaign to spread across the Midwest—that region where women’s grassroots networks had been building, informally, for nearly a decade. Those networks strengthened, as they, along with men, pushed prohibition onto the legislative agenda. Activists, however, quickly realized that reproducing Maine’s legislative victory was not so easy to achieve, and these early midwestern efforts, which arose quickly on the heels of the Maine Law, failed. But they seeded the ground for efforts to follow (where prohibition came much closer to winning and in some states won). Several waves of prohibition work rolled across the Midwest, and in each, women claimed a prominent role in steering the agenda. With the passage of the Maine Law, determined female reformers quickly mobilized their loosely-knit, grassroots networks, which had prodded lawmakers for local option and civil damage laws, and redirected their efforts towards prohibition.

Iowa’s women, for example, did any number of things to push the question. In the various temperance petitions signed by thousands women and men, and submitted to the state legislature, a curious pattern emerged. While some memorials requested a repeal of the licensing law or alterations to the existing statutes, women’s petitions uniformly demanded prohibition. Despite their near unanimous pleas, lawmakers rejected their demands and countered that, in their view, “the best way to correct an evil is to take a medium course, and to enact laws that public opinion are prepared to sustain.” The statute

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*Magazine*, Vol. II, 17-38; Dow, *The Reminiscence of Neal Dow*, 221-495; Clubb, *The Maine Liquor Law*, 17-65; Byrne, *Prophet of Prohibition*, 42-47; §11, Chapter 205, An Act to Restrict the Sale of Intoxicating Drinks, *Acts and Resolves, State of Maine, 1846*, 192; Chapter 211. An Act for the Suppression of Drinking Houses and Tippling Shops, §1-9, 16 in *Acts and Resolves, State of Maine, 1851*, 210-218.

enacted by Iowa's legislature in 1851 fell short of prohibition. It prohibited the sale of intoxicating spirits by the glass or to be drank on or about the premises where sold; a measure that theoretically pushed the consumption of liquor back into the home under the watchful eye of women. Similar statutes were passed in both Illinois and Ohio the same year. If public opinion, lawmakers argued, would not support total prohibition, restrictions on the quantity of liquor that could be sold and where it could be consumed, represented a step in that direction.<sup>25</sup>

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<sup>25</sup> For a contemporary discussion on the rise of prohibition and its primarily eastern appeal in early 1851 see *Proceeding Speeches and Address of the Fourth National Temperance Convention, held at Saratoga Springs, N.Y., August 20, 1851; with the Maine Law* (New York: American Temperance Union, 1851); John Marsh, *A Half Century Tribute to the Cause of Temperance* (New York: American Temperance Union, 1851); "Fifteenth Anniversary of the American Temperance Union, 1851," *Permanent Temperance Documents*, Vol. III (New York: American Temperance Union, 1852). On the spread of prohibition in the northeast see Volk, *Moral Minorities*, 166-205. For reformers calls for prohibition in the Midwest see *Journal of the House of Representative of the General Assembly of the State of Iowa* (Iowa City: Palmer and Paul, 1850), 196. The printer's date is listed as 1850, but the session spanned into 1851. Both the House and Senate *Journals* reflect the submission of thousands of signatures to petition requesting more stringent laws regulating liquors. See *Journal of the House*, 36-37, 50, 55, 59, 81, 88, 92, 125, 132, 161-162, 173, 177, 195, 202, 249, 280; *Journal of the Senate of the Third General Assembly of the State of Iowa* (Iowa City: Palmer & Paul, 1850), 37, 50, 73, 108, 119-120, 138, 156, 158, 160, 257, 280; Chapter 55, "The Sale of Intoxicating Liquors," *The Code of Iowa, Passed as the Session of the General Assembly of 1850-1851* (Iowa City: Palmer & Paul, 1851), 144-146; *Journal of the Senate of the Seventeenth General Assembly of the State of Illinois at the Regular Session Begun, and Held at Springfield, January 6, 1851* (Springfield: Lanfier & Walker, 1851), 29, 33, 83, 98, 101-102, 113-114, 130, 146-147, 165, 180-181, 193, 213; *Journal of the House of Representatives of the Seventeenth General Assembly of the State of Illinois at the Regular Session, Begun and Held at Springfield, January 6, 1851* (Springfield: Lanphier & Walker, 1851), 41, 51, 62, 70, 89, 92, 94, 99, 112, 121, 175, 188-189, 203, 221, 224, 234-235, 248, 250, 281-282, 359; "An Act to Prohibit the Retailing of Intoxicating Drinks," *General Laws of the State of Illinois, Passed by the Seventeenth General Assembly at the Sessions Commencing January 6, 1851* (Springfield, Lanphier & Walker, 1851), 18-19; "Appendix: Fifteenth Anniversary of the American Temperance Union, 1851," *Permanent Temperance Documents*, Vol. III, 55-57; *The Journal of the Senate of the State of Ohio: Of the First Session of the Forty-Ninth General Assembly*, Vol. XLIX (Columbus: Chas. Scott, 1851), 12, 16, 28, 37, 56, 73, 111, 24, 139, 150, 156-158, 167, 177-178, 187, 193, 197-198, 210, 237, 244-246, 252, 275-276, 283, 294, 300, 307-308, 337, 356-357, 373-374, 383, 388, 408, 454, 465, 468, 494, 526, 536, 605, 648-649, 664-

Women's demands for prohibition also shaped the liquor debate during Michigan's 1851 legislative session. As the opening of the session drew near, female activists mobilized their networks and sent numerous petitions demanding lawmakers take action. Just as in the local option and civil damage campaigns, Michigan's women were organized and ready to lobby their representatives. Of all the petitions submitted to the 1851 legislative session, women by far constituted the majority of memorialists. By the time legislators arrived in Lansing, the liquor question already loomed large.<sup>26</sup>

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665, 695, 733, 742-755, 761-762, 1048; "An Act. To Restrain the Sale of Spirituous Liquors," *Act of a General Nature Passed by the Forty-Ninth General Assembly of the State of Ohio*, Vol. XLIX (Columbus: S. Medary, 1851), 87. In Indiana, both the Senate and House *Journals* also list numerous petitions, the majority of which came from women, requesting changes to the state's liquor laws. The *Journal* does not specify what type of change the memorialists requested. See *Journal of the Indiana State Senate During the Thirty-Fifth Session of the General Assembly* (Indianapolis: J.P. Chapman, 1851), 10, 37, 52, -54, 72, 137, 150, 152, 193, 201, 229, 239, 242, 270-271, 284, 317-318, 328, 330, 342, 356, 375, 423; *Journal of the House of Representatives of the State of Indiana During the Thirty-Fifth Session of the General Assembly* (Indianapolis: J.P. Chapman, 1851), 56, 76, 81-82, 84, 98, 100, 113-114, 146-147, 161, 169-170, 180, 185, 189, 199, 213-214, 226, 234-235, 244-247, 249, 253, 268-269, 274, 279-280, 296, 333-334, 343-344, 354-355, 371-373, 395-398, 404-406, 409-410, 423-424, 439, 443, 458, 472, 513-515, 565, 695, 716. Indiana's legislators opted to continue the existing statute, which allowed for individual counties to petition the General Assembly to regulate the sale of spirituous liquors. The county-based legislation ranged from strict licensing requirements to laws that dictated the quantity that liquors must be sold to prohibition. For some examples passed by Indiana's thirty-fifth Assembly see *General Laws of the State of Indiana, Passed at the Thirty-Fifth Session of the General Assembly* (Indianapolis: J.P. Chapman, 1851), 121-132. The prohibition on the sale of liquors to be drunk where sold was an attempt to remove the sociability and convivial aspects of drinking. Lawmakers hoped consumption would decrease and with it, intemperance. No more would a man be drawn into the corrupting dram shop to spend his wages and neglect his family. Those who wished to imbibe would need to do so in the presence of their family, whose mediating influence would, theoretically, decrease their desire to binge drink.

<sup>26</sup> *Journal of the House of Representatives of the State of Michigan. 1851.* (Lansing: R.W. Ingals, 1851), 21, 42, 50, 67, 78, 80-81, 85, 114, 137, 161-162, 179, 198, 212, 261, 280-281, 289, 305, 320, 329, 335, 351, 371, 384-385, 412-414, 450, 478, 511, 535, 544, 599-601, 616-617; *Journal of the Senate of the State of Michigan. 1851* (Lansing: R.W. Ingals, 1851), 9, 31-33, 46, 71, 81, 90, 134, 150, 161, 177, 200-201, 205-206, 264, 305, 431, 441-442.

Women's petitions arrived at the capital from across the state. Ladies from Almont, Lapeer County, Napoleon in Jackson County, Sturgis, St. Joseph district, Lansing in Ingham County, Northville, Wayne County, and Branch County affixed their names to memorials demanding immediate action on the liquor question. While the majority of the petitions called for laws against the trafficking in ardent spirits, others were vague, asking lawmakers to simply address the issue of liquor licenses. One memorial, from 145 women from Van Buren County, which may have best summarized the sentiments of all of the petitioning women, was reprinted in its entirety, along with the names of each signatory in the compendium accompanying the House and Senate proceedings. The existing laws of the state, they argued, offered no protection against the evils inflicted by the liquor traffic. Drawing on the moral-economic critique of the license system sharpened in the legislative campaigns of the 1840s, the Van Buren women insisted that the effects of the liquor trade were "fast becoming overwhelmingly oppressive in a pecuniary point of view, and absolutely ruinous" to every aspect of their lives. The vague clause in the constitution that the legislature "shall not pass any act authorizing the granting of licenses for the sale of ardent spirits or other intoxicating liquors" had not restrained the liquor traffic, and they now demanded immediate, definitive action.<sup>27</sup>

The Van Buren women's memorial demonstrated their deftness with the political process. They presented themselves as constituents who were knowledgeable and

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<sup>27</sup> *The Revised Constitution of the State of Michigan, Adopted in Convention, August 15, 1850* (Lansing: R.W. Ingals, 1850), 18; *Journal of the House of Representatives of the State of Michigan. 1851.* (Lansing: R.W. Ingals, 1851), 21, 42, 50, 67, 78, 80-81, 85, 114, 137, 161-162, 179, 198, 212, 261, 280-281, 289, 305, 320, 329, 335, 351, 371, 384-385, 412-414, 450, 478, 511, 535, 544, 599-601, 616-617; *Journal of the Senate of the State of Michigan. 1851* (Lansing: R.W. Ingals, 1851), 9, 31-33, 46, 71, 81, 90, 134, 150, 161, 177, 200-201, 205-206, 264, 305, 431, 441-442.

sympathetic to the difficult political position of their representatives. Yet at the same time, they made it clear that they expected to be heard and respected. “We are aware that it has not hitherto been an easy matter” for legislators to take actions against the liquor traffic, however, they noted, “we cannot but appeal again and again to the only authority competent to afford legitimate protection.” They had spent enough time on “lengthened arguments” demonstrating that the sale of intoxicating spirits was “productive of evil,” the petitioners complained, and now it was imperative that lawmakers act on that assumption. The legislature held the power, they argued, to exterminate the vice of intemperance with the passage of a law “prohibiting the Sale of Intoxicating Liquors as a beverage, attaching suitable penalties for its violation.” They demanded a law that could not “be violated with impunity.” Although legislators clearly took note of the women’s demands, as evidenced by the inclusion of the petition in session’s published documents, they dismissed their request for prohibition.<sup>28</sup>

The Van Buren women’s pecuniary argument is what seems to have caught lawmakers attention. In their larger argument for prohibition, the petitioners pointed out the ways that the liquor traffic was financially ruinous for the drunkard’s family and a drain on a community’s coffers. And while lawmakers sympathized with them, they were not convinced that prohibition represented the proper strategy at that time. After much wrangling, legislators finally passed a new liquor statute, one that included civil damage provisions and incorporated the widely lauded protections first enacted in the 1849 Wisconsin bond law. For lawmakers, it represented a viable solution, even if it fell short of prohibition. At the same time, some provisions in the new law suggest they were

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<sup>28</sup> Senate Doc. No. 7, *Documents Accompanying the Journal of the Senate and the House of Representatives of the State of Michigan, 1851*, 1-3.



trying to appease female activists, who were leading the growing clamor for prohibition.<sup>29</sup>

Michigan's new law included additional protections for women, far surpassing those in the Wisconsin bond laws. It included the crucial damages provisions that allowed women to sue in their own names and control any judgments as they saw fit, but also provided a new avenue for financial compensation. The 1851 statute allowed loved ones to recoup monies for simply selling to a habitual drunkard. Under the statute, if a liquor dealer violated a written request by a man's wife, relative, or guardian not sell or give intoxicating spirits to a person of intemperate habits, the vendor forfeited twenty dollars for each offense, which was recoverable in an action of debt along with the costs of the suit, by the wife (in her own name), a relative, or guardian. In suits initiated by the wife of a drunkard, the amount recovered, as in the case of damages, "shall be for her benefit," while monies recovered by a relative or a guardian were for the benefit of the injured

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<sup>29</sup> The 1851 Michigan law required bond to vend spirituous or intoxicating liquors as a beverage and violators faced stiff fines or jail time, courts were barred from hearing suits brought to recoup notes or outstanding debts for liquor sales, and injured parties could sue for damages. Like the Wisconsin law, married women could sue in their own name and had sole control over any monetary judgement. Senate Document No. 7 and H.S. Mead, "Senate Doc. No. 12," *Documents Accompanying the Journal of the Senate and the House of Representatives of the State of Michigan, 1851*, 1-3, 1-4; *Journal of the Senate of the State of Michigan, 1851*, 9, 31, 33, 46, 71, 81, 90, 103, 108, 134, 144, 145, 149, 161, 177, 200, 201, 205-206, 243, 250, 264, 277, 289, 305, 431, 442-444, 495, 498; *Journal of the House of Representatives of the State of Michigan, 1851*, 21, 42, 50-51, 57-59, 67, 80-81, 83, 89, 112-114, 121, 129, 137, 161-163, 165, 171, 179, 188, 194, 198, 212, 223, 230, 241, 251, 261, 279, 281, 286-287, 289, 295, 305, 311, 318, 320, 329, 335, 338-339, 351, 371-372, 384-385, 412, 414, 450, 477-478, 511, 544, 599-600, 616-617; *Journals of the Senate and the House of Representatives of the State of Michigan, Extra Session, 1851* (Lansing: R.W. Ingals, 1851), Senate 11-15, 25, 52, 54-55, 57-59, 68-69, 72-75, 114, 122; House 13, 16, 66-67, 79, 100, 104-105, 130-131, 138, 147; No. 178. An Act to Amend Chapter 41 of the Revised Statutes of 1846 "Of Taverns and Other Licensed Houses," *Acts of the Legislature of the State of Michigan Passed at the Annual and Extra Sessions of 1851 Together with the Revised Constitution and Appendix, Containing the State Treasurer's Annual Report, & c.* (Lansing: R.W. Ingals, 1851), 306-311.

family. The new statute granted an aggrieved party not only the right to financial compensation for damages, but to institute a suit for monetary benefit for simply selling to a person of intemperate habits. While it is unknown the extent to which women used the law, the extensive provisions provided an opportunity for ordinary women to leverage the courts to their advantage.<sup>30</sup>

At first, Michigan's temperance activists were overwhelmingly optimistic, but by the spring of 1852, the landscape had changed and enthusiasm for Michigan's damages law had faded. Two factors influenced the quick decline in support. First, quantifiable positive results never materialized. Although the statute took effect in September 1851, the enacting clause exempted all licenses granted before the law took effect, for the duration of their terms. Since liquor licenses were valid for one year, only vendors issued a license after September 23<sup>rd</sup> were bound by the provisions of the new law. Second, prohibition's success in Maine also reduced support for Michigan's damages law. By February 1852, the Michigan Sons of Temperance finally joined the thousands of female activists, and threw their support behind prohibition. Then in May, the Michigan State Temperance Society formally endorsed prohibition as the "only effective and practical legal measure to suppress the manufacture and sale of intoxicating drinks." Their resolution represented a complete reversal of their support for the state's damage law just

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<sup>30</sup> No. 178. An Act to Amend Chapter 41 of the Revised Statutes of 1846 "Of Taverns and Other Licensed Houses, *Acts of the Legislature of the State of Michigan, 1851*, 306-311; [no title], *Lily*, October 1, 1851. On the new legal scholarship that looks at how the marginalized and disenfranchised used the courts to their advantage see Laura F. Edwards, *A People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009).

seven months earlier. By the spring of 1852, the “Maine Law” emerged as the unifying strategy for anti-liquor crusaders not only in Michigan, but across the nation<sup>31</sup>

These early, unsuccessful Midwestern Maine Law campaigns represented an important step in the drive for statewide prohibition. They showed activists that prohibition, an idea largely first championed by women, may not pass so easily in the rest of the country as it had in Maine. Lawmakers, even sympathetic ones, were apprehensive to take such radical steps against an entire subset of legal commerce. The state of public opinion, legislators argued, would simply not support such stringent measures. As a result, reformers regrouped and focused their attention on electing pro-temperance candidates. At the same time, they worked to educate the public on the merits of prohibition. These first efforts did not yield the quick overhaul of the liquor system that many had hoped, but advocates remained confident that public opinion would ripen, and

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<sup>31</sup> E. Cheever, Letter to the Editor, *Washtenaw Whig* (Ann Arbor, MI), November 19, 1851, Volume V, no. 15; “Proceedings of the Michigan State Temperance Society,” *Hillsdale Standard*, May 11, 1852; Quist, “An Occasionally Dry State Surrounded by Water,” in Finkelman and Herschok, *The History of Michigan Law*, 73. The courts did not entertain a case under the statute until April 1852, over a year after the statute had been signed into law. The plaintiff, James E. Marshall, the minor son of Horace Marshall, won an award of seventy-five dollars for abuse he endured from his intoxicated father. Shortly after the Marshall case, the wife of Albert Langley successfully prosecuted a suit for damages against John Ergensinger and received an award \$72.18 in damages and court costs for selling liquor to her husband. *Langley vs. Ergensinger et al* represented the first successful prosecution for damages by a Michigan woman, but the case did not end with the Langley verdict. Ergensinger challenged the constitutionality of the Michigan license law. In May 1854, the Michigan Supreme Court upheld the law and “its provision a married woman may bring suit in her own name upon the bond therein provided,” but by the time the court ruled, Michigan had passed a widely contested prohibition law. “The Liquor Law,” *Grand River Times* (Grand Haven, MI), April 28, 1852. *Langley vs. Ergensinger* is the first case I have been able to locate under the Michigan statute of 1851 where a woman was the plaintiff and the verdict awarded damages. *Langley v. Ergensinger et al*, January Term, 1854, Supreme Court of the State of Michigan, in George C. Gibbs and Prof. V.B. Denslow, LL.D., *Michigan Supreme Court in Reports of the Cases Argued and Determined in the Supreme Court of the State of Michigan*, Volume III (Chicago: Callaghan & Company, 1880), 315-318.

when it did, legislatures packed with good temperance men would follow through and enact prohibition.

The slow pace did not dissuade female reformers any more than their male counterparts, in fact, it mobilized them in unexpected ways. These early defeats prompted women to take a closer look at what they could do to control the liquor traffic in their own communities, while they simultaneously electioneered for pro-temperance candidates and lobbied state lawmakers for prohibition. As the Maine Law unified temperance activists, women remained visible, vocal, politicized activists for the cause on both the state and local level. And throughout the campaign, they continued to elaborate their budding articulations of women's rights alongside their temperance commitments.

### **A More Militant Maine Law**

As Maine Law campaigns picked up speed in late 1851 and 1852, women's activism took on a markedly more aggressive character, often following in the vein of Caroline Swett and the Mount Vernon, Ohio, saloon raiders. Temperance scholarship, however, pays little attention to this rise in women's militant activism as prohibition campaigns spread across the nation. When women's contributions to these offensives have been mentioned, it is generally boiled down to petitioning. Although petitioning was an incredibly important political activity, women's activism was far more diverse and influential, particularly when it came to enforcement of prohibition, whether it had been rendered legal or not. In the drive for Maine Laws, female anti-liquor crusaders incorporated a wide variety of strategies to both advocate for the Maine Law and, simultaneously, to fight the liquor traffic in their communities. In person, in conventions, and in the press, female reformers took on the liquor traffic during these early prohibition

campaigns in aggressive manner that kept the movement in the spotlight, and sometimes seized the initiative from men. Their actions and rhetoric were overtly political and exhibited an increasingly militant, even violent, tone that completely challenges scholars' vision of an ostensibly passive antebellum white womanhood.<sup>32</sup>

With prohibition in Maine only several months old, female reformers in Cincinnati were already diligently at work furthering their campaign. In September 1851, a large number of women convened in Forster Hall to revise their strategy. At their annual temperance meeting the previous year, the women had decided to lobby the state's constitutional convention delegates for anti-liquor measures. To convince conventioners that a ban on the liquor traffic was an imperative, they vowed to collect and publish a list of the city's women and children made destitute by intemperance. Over the ensuing year, the number of destitute families continued to grow, and the delegates to Ohio's convention refused to adequately tackle the liquor question.<sup>33</sup>

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<sup>32</sup> While temperance scholarship mentions female activists' petitioning drives, it is often in a manner that undermines the political weight and influence of women's memorials. Yet a whole new body of scholarship has shown the how important petitioning was for the disenfranchised and how it provided them input into the lawmaking process. For example see Maggie McKinley, "Petitioning and the Making of the Administrative State," *Yale Law Journal* Volume 127, no. 6 (April, 2018), 11, 13, 23; Susan Zaeske, *Signatures of Citizenship: Petitioning, Antislavery, and Women's Political Identity* (Chapel Hill: University of North Carolina Press, 2003); Daniel Carpenter and Colin D. Moore, "When Canvassers Becomes Activists: Antislavery Petitioning and the Political Mobilization of American Women," *American Political Science Review* Volume 108, no. 3 (August, 2014), 479-498. For a couple examples on temperance women's petitions as Maine Law activism see Dannenbaum, *Drink and Disorder*, 188; Tyrrell, "Women and Temperance in Antebellum America," 130, 146-150. On women's attacks see Blocker, *American Temperance Movements*, 60; Dannenbaum, "The Origins of Temperance Activism and Militancy," 235-252; Dannenbaum, *Drink and Disorder*, 1196-200; Tyrrell, "Women and Temperance in Antebellum America," 142-144; Martin, *Devil of the Domestic Sphere*, 125-126.

<sup>33</sup> [no title], *Lily*, November 1, 1850; "Women at Work!," *Lily*, December 1, 1850; "Women and Temperance in Ohio," *Lily*, October 1, 1851, Volume 3, no. 10, pg. 77. The delegates to the Convention ceded the decision on whether the state would

Owing to these failures, at their fall 1851 meeting, the ladies of Cincinnati decided on a more direct approach, showing the turn in women's activism toward increasing militancy. They formulated a plan to embarrass any local politician or official who challenged laws restraining liquor sales. In a "Declaration of Independence," they deemed all anti-temperance politicians as no better than the "traitor Arnold, who for office and power would barter away the best interests of their country" and pledged to use all their influence to remove pro-liquor men from office. To ferret out the traitors, the women appointed a committee to "obtain *all* of the names of *all* of the men who thus pledged themselves" and vowed to publish them for all to see. A female correspondent for the *Lily*, celebrated their "boldness to proclaim to the world that they were created free and independent, and that they will not longer submit to any infringement of their rights." Cincinnati's activists asserted their right to weigh into the political process and pressure officials to support pro-temperance ballot measures. They also stood ready to publicly chastise those who ignored their requests.<sup>34</sup>

Even when taking on more traditional activities, such as petition canvassing, some prohibition women began exhibiting a more forceful character. For example, in Columbus, Ohio, women aggressively pursued potential signers to their memorial. One of the committees dispatched to collect signatures diverted their canvass to enter a well-known saloon on Broadway and take seats at the bar. The "hospitable and generous proprietor" set out a bottle and, according to one local newspaper, he "*very politely*"

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prohibit the issuance of liquor license to the people. The ballot measure failed. *The Constitution of the State of Ohio, Passed in Convention, March 10<sup>th</sup>, 1853; Adopted by the Vote of the People, June 17, Took Effect, September 1, 1851* (Columbus: S. Medary, 1852), 29.

<sup>34</sup> [no title], *Lily*, November 1, 1850; "Women at Work!," *Lily*, December 1, 1850; "Women and Temperance in Ohio," *Lily*, October 1, 1851.

invited the ladies to imbibe. They refused the barkeeps offer and instead presented a prohibition petition, boldly requesting that he and his patrons sign it. Their incursion was a success; a number of the saloon's patrons "came forward and actually *signed* their petition."<sup>35</sup>

At the same time the Columbus temperance women petitioned saloon patrons, activists in Indiana stopped pleading with citizens and, instead, took their uniquely inflected prohibition demands directly to the legislature. At four o'clock in the afternoon on March 9, 1852, Mrs. Bassett, Mrs. Paxton, Mrs. Richmond, and Mrs. Learned, acting as representatives of the Social Order of Temperance, arrived in the Senate chamber to read and present their memorial for a Maine Law. Mrs. Learned, the chosen speaker, "urged the entire removal of a cause so aggravating and so destructive, by immediate Legislative enactment," the *Indiana State Sentinel* reported. The passage of a Maine Law, Learned argued, would secure the "personal protection and happiness" of women across the state and "remove the mischief" created by the liquor traffic. The women did not insist on an exact duplicate of the law as it operated in Maine, however. They wanted additional protections, all centered, once again, on enforcement. They urged the Senate to enact a law with the prohibition and search, seizure, and destruction clauses of the Maine statute, but they also wanted civil damages. Their version of the law included provisions securing "the right of injured relatives and the State, to recover from the wretch who, for gain, will thus destroy the peace of families." Their demand for a civil damage clause reveals that the women of the Social Order of Temperance were not only well versed in

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<sup>35</sup> "Women's State Temperance Convention," *Organ of the Temperance Reform*, December 24, 1852; "A Temperance Appeal to the Women of Ohio," *Ohio Cultivator* (Columbus, OH), December 15, 1852, Volume VII, no. 24, pg. 378; [no title], *Daily Scioto Gazette*, March 3, 1852, issue 78; [no title], *Cleveland Herald*, March 4, 1852.

the various strains of legislative temperance, but their vision of a Maine Law was one that incorporated additional protection for women. In essence, they demanded prohibition with not just enforceable destruction clauses, but with civil damages as well, retaining this important demand as they shifted into prohibition mode—and differentiating their claims from those of prohibition men.<sup>36</sup>

While proponents universally viewed prohibition as the best solution to combat the liquor traffic, the additional protections proposed by the women of Indiana suggests that they did not necessarily believe, as temperance men seemed to, that a Maine Law alone would totally eradicate the ravages of intemperance, particularly those suffered by women. They advocated for a much more exacting version of prohibition, in which they retained their rights to sue. A clause allowing an aggrieved party to sue a dealer who sold liquor to a loved one for damages represented an important provision in state that had not yet passed a comprehensive married women's property statute—something women felt keenly. While many male temperance activists looked to Maine's prohibition statute as the template for legislation elsewhere, female advocates sometimes argued for more expansive laws that went further than that in Maine. They looked to past efforts and combined elements of previous legislative campaigns, ones they sometimes led, to formulate a law that respected their rights, as they understood them, and provided women the best means of protection.<sup>37</sup>

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<sup>36</sup> "Senate, Tuesday March 9, 1852, Afternoon Session," *Indiana State Sentinel*, March 11, 1852, Volume XI, no. 41. The women also intended to present and read the memorial to the Indiana House of Representatives, but several members objected to their reading the petition. In a compromise, the clerk of the House read the memorial with the women present. See "House of Representative, Tuesday March 9, 1852," *Indiana State Sentinel*, March 11, 1852.

<sup>37</sup> "Senate, Tuesday March 9, 1852, Afternoon Session," and "House of Representatives," *Indiana State Sentinel*, March 11, 1852. Women in Ohio also called for



As women advocated for creatively redesigned state prohibition statutes, they also kept their sights on enforcement and turned to the courts to enforce existing laws in their communities. While Michigan, and Wisconsin (until 1851), were unique in this period for their dram shop statutes that granted women the right to sue for damages in their own name, female reformers in other states made equally viable use of the courts, forcing officials to prosecute liquor law violators.

This happened in several ways. For example, women in Cardiff, New York, used the courts to take “their rights into their own hands.” Under New York’s license system, local officials maintained the right to grant licenses and prosecute violators. When the overseer of the poor (charged with enforcing the license statute in Cardiff) neglected his duty and failed to address allegations against several vendors of ardent spirits, a group of activists took legal action. They appeared before a grand jury, and entered complaints against the dram shops, and also against the overseer for ignoring liquor law violators. Their uncompromising appearance before the court resulted in indictments not only against the dram shops’ proprietors for vending in violation of the law, but the overseer for failure to prosecute the offenders. At the same time, female reformers in Fulton County and Elbridge, New York, also successfully used the courts to address license violations. These sample actions illustrate not only how female reformers enforced the

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a Maine Law with a civil damage clause. See “Women’s State Temperance Convention,” *Ohio Cultivator*, February 1, 1853, Volume IX, no. 3, pg. 44-45. On Indiana and married women’s property rights in the 1840s and 1850s see Richard H. Chused, “Married Women’s Property Law: 1800-1850,” *Georgetown Law Journal* 71 (June, 1983): 1359-1424.

existing legal statutes as they campaigned for more sweeping legislation, but how the marginalized and disenfranchised successfully leveraged the courts for their own ends.<sup>38</sup>

The early prohibition campaign coincided with a shift in women's activism towards direct action tactics, like those of the increasingly infamous Caroline Swett. In addition to political agitation for Maine Laws, or efforts to dry up the traffic through the courts, women also turned to saloon incursions, where they would enter liquor dispensaries and make their will known. At times these episodes were peaceful, and at other points they turned violent; either way, they often successfully curbed the flow of spirits in their communities. These incidents represented a practical way that militant women enacted prohibition on the ground, even if their legislative efforts had failed. Saloon incursions kept the fight for prohibition in the public eye and were extremely important to furthering the larger temperance movement. Where men pleaded, women took action and drove the campaign forward.

In one Michigan town, women used a combination of visiting and legal action to shutter a notorious grocery. The proprietor followed the proper channels to vend in the village and posted the required bonds. While he may have complied with the provisions of the law, thirty women in the village were still determined to shut him down, regardless of his legal compliance. They organized into committees of six and commenced a course of systematic visitation, with one company calling on the barkeep each day. The first day, the proprietor treated the "matter as a very good joke" and offered his visitors a drink. After the third day, the women's incursions were no longer a

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<sup>38</sup> Local option in New York had been repealed in 1847 and liquor sales were once again governed under the license system. Spooner, *Cyclopædia of Temperance*, 329; "What Woman Can Do," *Carson League*, December 11, 1851, Volume I, no. 27; "What Woman Can Do," *Lily*, December 1, 1851, Volume 3, no. 12. On how the disenfranchised leveraged the legal system see Edwards, *A People and Their Peace*.

laughing matter. Rather than opening at his usual time, he waited until sundown, hoping the women would have returned home. But a squad stood at the ready, and as the doors opened, they filed in with the regular patrons. By the fifth day, the *New-York Organ* reported, the “whole regiment of ladies waited upon him in a body” and came with a pledge from most of the families in town vowing to boycott his store as long as he sold liquors. Within a week, his bondsmen revoked their sureties, and without sufficient bonds, he discontinued the sale of liquor. Thru sheer force and cunning, they had enforced prohibition where legislators had failed. Even though the dealer had given up the trade, the women showed their incredible resolve, remaining vigilant. When they soon “suspected him of selling illegally,” they leapt to action once again, and gathered evidence to file a lawsuit under the state’s bond law. It is not known if a case was ever initiated, but the women’s actions reveal their uncompromising determination and resourceful deployment of all the options at their disposal.<sup>39</sup>

Around the same time the Michigan women forced the closure of a local grocery, a spate of more violent confrontation occurred between activists and barkeepers in Ohio. Only weeks before the armed attack by the “Heroines of Montezuma Hall” (as the press dubbed them and whose story opened this chapter), another Mount Vernon woman took up arms against local liquor dealers. In the winter of 1852, the wife of a local drunkard visited one of the town’s saloon’s and asked the proprietor to stop selling liquor to her

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<sup>39</sup> “Rum Shop Closed by the Ladies,” *Home Missionary* (New York), August 1852, Volume XXV, no. 4, pg. 94-95; “Ladies at Work,” *New-York Organ*, July 31, 1852, Volume 12, no. 5, pg. 38; “A Rum Shop Closed by the Ladies,” *Temperance Chart* (Indianapolis, IN), October 13, 1852, Volume II, no. 16; “Rum Shop Closed by the Ladies,” *Organ of the Temperance Reform*, September 17, 1852; “Rum Shop Closed by the Ladies,” *Independent*, July 22, 1852, Volume IV, no. 190, pg. 120; “Rum Shop Closed by the Ladies,” *Morning Star* (Limerick, ME), August 11, 1852, Volume XXVII, no. 18, pg. 72; “A Rum Shop Closed by the Ladies,” *Advocate of Moral Reform and Family Guardian* (New York), September 15, 1852, Volume XVIII, no. 18, pg. 142-143.

husband. After multiple attempts to resolve the issue peaceably, according to a column in the *Watchman of the Prairies*, she armed herself with a club, entered the offending groggery and smashed all the bottles, decanters, and jugs she could find as the stunned barkeep and patrons watched. As she exited the shop, the reporter noted, she wielded her club and “demolished the front window.” The incidents in Mount Vernon were not just notable for their female militance, but also because their actions spurred a prohibition movement in the area. Mount Vernon, the seat of Knox County, had never been renowned as a bastion of temperance sentiment. The women’s attacks, however, awakened the public spirit in Knox and fueled public demand for an Ohio version of the Maine Law.<sup>40</sup>

When Knox County’s new state representative, James Withrow, arrived in Columbus in January 1852, he was one of only a few lawmakers not inundated with petitions appealing for a Maine Law. That is, until women attacked grog-shops in Mount Vernon. One observer remarked that when Withrow arrived, “others in the House had their tables loaded with petitions, his [Withrow’s] was empty.” By the spring that had all changed; fifty-four of his constituents traveled to Columbus and presented a prohibition petition signed by 4,110 Knox County residents. They also informed him that the women of Mount Vernon “had been executing the Maine Law, in anticipation of its speedy

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<sup>40</sup> Newspaper accounts of the incident played off of the nineteenth-century Spiritualists movement, which was closely associated with women, and advocated a series of reforms, including women’s rights and abstinence from alcohol. “Spirit Rappings,” *Watchman of the Prairies* (Chicago, IL), February 10, 1852, Volume 5, no. 24; “Spirit Rappings,” *Massachusetts Cataract*, April 15, 1852, Volume 10, no. 5, page. 18; “Sprit Rappings,” *Grand River Times*, February 17, 1852; “A Spiritual Rapper,” *Lancaster Gazette*, January 22, 1852; “Spirit Rappings,” *Youth’s Temperance Advocate* (New York), July 1, 1862, Volume XIII, no.7, pg. 27. On spiritualism see Ann Braude, *Radical Spirits: Spiritualism and Women’s Rights in Nineteenth-Century America*, 2nd ed. (Bloomington, IN: Indiana University Press, 2001).

passage by the General Assembly.” Lawrence Van Buskirk, the Senator from Knox County, also noticed a similar uptick in petitions after the two attacks. And for the remainder of the session, Withrow and Van Buskirk regularly received memorials demanding Ohio’s legislators pass a prohibition statute. The women’s actions, not men’s, had spurred on the prohibition movement in Knox County.<sup>41</sup>

Groggery attacks extended into New York as well. In Syracuse, Mrs. Margaret Freeland took matters into her own hands. She had repeatedly pleaded with Emanuel Rosendale to stop selling alcohol to her drunken and abusive husband. Each time Mr. Freeland visited his shop, she told Rosendale, he staggered home drunk and abused her. Finally, one afternoon in June 1852, Freeland armed herself “with stones and clubs” and proceeded to the groggery. She broke the windows and forced her way into the shop, and then violently destroyed every bottle and keg she could find. As she set off for home, Rosendale vowed retribution.<sup>42</sup>

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<sup>41</sup> The sex of the fifty-four people who traveled to Columbus to deliver the petition is unknown. “Progress of Public Sentiment,” *Organ of the Temperance Reform*, March 12, 1852. The petition of the 4,110 ladies and gentlemen of Knox was not the only petition sent to Withrow, he received several others over the course of the legislative session. The constituents delivered the petition to him on February 24<sup>th</sup>, but Withrow did not present it to the House until February 27<sup>th</sup>. *Journal of the House of Representatives of the State of Ohio: Being the First Session of the Fiftieth General Assembly Held in the City of Columbus, Commencing on Monday January 5, 1852*, Vol. L (Columbus: S. Medary, 1852), 308, 318, 338, 341, 612, 658; *Journal of the Senate of the State of Ohio: Being the First Session of the Fiftieth General Assembly Held in the City of Columbus, Commencing on Monday, January 5, 1852*, Vol. L (Columbus: S. Medary, 1852), 164-165, 395-396, 636, 707.

<sup>42</sup> “Female Heroine,” *Anti-Slavery Bugle*, June 26, 1852; “A Heroic Woman,” *Lily*, July 1, 1852, Volume 4, no. 7, pg. 59; “Mrs. Freeland,” *Organ of the Temperance Reform*, June 18, 1852, Volume 1, no. 22; [no title], *Friend* (Honolulu [Oahu], Kingdom of Hawaii), November 2, 1852, Volume I, no. 9, pg. 66; “A Noble Woman,” *Massachusetts Cataract*, January 20, 1853, Volume 10, no. 45, pg. 178; “Very Good,” *Independent*, July 29, 1852, Volume IV, no. 19, pg. 123.

Rosendale quickly filed charges against Freeland. The ensuing course of his case, however, showed just how much the public sympathized with these women, even though they broke with gender conventions and behaved aggressively and assertively. Within days, a Syracuse police constable arrested Margaret Freeland and brought her before the court for an arraignment. Thomas L. Carson, head of the anti-liquor Carson League and editor of the Syracuse temperance newspaper of the same name, appeared for Freeland and demanded the case go to a trial. That Freeland and Carson requested a trial by jury reflects the confidence both held that once jurors heard of her suffering, her actions would be justified, and she would be acquitted. And public sentiment was on her side. The residents of Syracuse were overwhelmingly sympathetic to Freeland's plight and hired attorney C.B. Sedgwick to prepare the defense. But before the case went to trial, Rosendale suddenly dropped the charges. He abandoned the case when he was arrested on a complaint from Thomas Carson for selling liquor without a license. When faced with public scorn and charges against him, Rosendale felt it better to refrain from prosecuting a woman whom the community regarded as a heroine. Local justice was sure to be on Margaret Freeland's side, not his.<sup>43</sup>

While Freeland acted to address a specific grievance with this one rum-seller, her actions resonated more broadly with activists. As individual women physically destroyed the liquor trade, communities applauded their actions and encouraged the continuation of their surprising efforts, which in turn, whipped up local temperance sentiment. Freeland's

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<sup>43</sup> "Female Heroine," *Anti-Slavery Bugle*, June 26, 1852; "A Heroic Woman," *Lily*, July 1, 1852; "Mrs. Freeland," *Organ of the Temperance Reform*, June 18, 1852; [no title], *Friend*, November 2, 1852; "A Noble Woman," *Massachusetts Cataract*, January 20, 1853; "Very Good," *Independent*, July 29, 1852; "Mrs. Freeland," *Organ on the Temperance Reform*, June 18, 1852. On the significance of local justice in the court system see Edwards, "Part II: Localized Law," in *A People and Their Peace*, 55-200.

destruction of Rosendale's groggery, for example, elicited a general call to arms in the name of temperance. The Syracuse *Star* trumpeted, "What this woman has done, every woman may do in like circumstances." An account in the *Carson League* encouraged other women to follow Freeland's example. Carson, who instigated the charges against Rosendale, proclaimed that "public feeling" justified the destruction of groggeries by "a woman whose person or family is outraged by a rum seller." The destruction of groceries need not be a singular affair, Carson argued, and he urged women to keep up their growing direct action militance. If all the women of Syracuse proceeded in a body and destroyed every liquor shop, he intoned, they would likewise be "justified by law and public opinion." Freeland, Carson suggested, suffered under unjust laws that she had no voice in making, underscoring women's unfair disenfranchisement and making a tacit argument for women's rights. In this context, he continued, her reactions represented a legally justifiable response to laws that placed women and their families in danger. So where we might expect communities to condemn these women for their militancy, which so violated the tenants of good Victorian womanhood, they appear to have done just the opposite. Freeland should not have been punished for her deeds, Carson and others claimed, but elevated as an example for women across the country to emulate. Carson could have had no idea that women would soon emulate these still isolated examples of militant action, waging a war of destruction up and down the Northeast and Midwest. But that was still in the offing. For now, isolated examples kept appearing, cheered on by men like Carson and their larger communities.<sup>44</sup>

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<sup>44</sup>"Female Heroine," *Anti-Slavery Bugle*, June 26, 1852; "A Heroic Woman," *Lily*, July 1852; "Mrs. Freeland," *Organ of the Temperance Reform*, June 18, 1852; [no title], *Friend*, 2 November 1852; "A Noble Woman," *Massachusetts Cataract*, January 20, 1853; "Very Good," *Independent*, July 29, 1852; "Mrs. Freeland," *Organ on the Temperance Reform*, June 18, 1852.

Several weeks after the incident in Syracuse, the wife of probate judge from Wayne County, New York, armed herself with a cudgel and, according to the *New-York Organ*, “made a total smash of bottles and windows” at a groggery her intemperate husband frequented. When several patrons tried to intervene, she “beat them most soundly” and then “bore her husband home in triumph.” A female editorialist for the Indianapolis *Temperance Chart* celebrated the raid, and argued that she had a right to attack the shop under the premise that “if the law does not protect us, we must protect ourselves,” for “What protection had the woman from Government? What was the Government worth to her?” Amelia Bloomer also weighed in on the subject. One column in the *Lily* blasted: “If the rulers of our land will do nothing to stay the ruin caused by intoxicating drink ... then it is time that woman bids defiance to our unjust laws, and shows a spirit and determination to protect herself. We only wonder that she has so long tamely submitted to them.” Female reformers (and occasionally men too) consistently argued that if women were excluded from making the laws that governed her, she should be able to find other forms of redress for her grievances, “she had a right” to do so.<sup>45</sup>

Wide press coverage of women’s stepped-up, violent raids demonstrates the broader significance that contemporaries placed on these actions. Historians have typically read such stories of women attacking grog sellers as one-off, single examples of isolated, aggrieved women. In short, they’ve dismissed them as offering no more than a

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<sup>45</sup> “Glorious Woman,” *Cayuga Chief* (Auburn, WI) July 20, 1852, Vol. 14, no. 30, pg. 2; “Glorious Woman,” *New-York Organ*, August 7, 1852, Vol. 12, no. 6, pg. 47; “Glorious Woman,” *Temperance Chart*, August 11, 1852, Vol. II, no. 7: [no title], *Lily*, August 1, 1852; “Mrs. Caroline M. Sweet,” *Lily*, August 1, 1849;. In addition to the two attacks in Mount Vernon, Ohio, and in Syracuse and Wayne County New York, there were also incidents in Wellsville Ohio, and Raysville, Indiana, in 1852, On Wellsville and Raysville see “Excitement in Wellsville,” *Organ of the Temperance Reform*, January 7, 1852; [no title], *Temperance Chart*, October 13, 1852, Vol. II, no. 14.



little narrative color. Scholars have missed what contemporaries so clearly saw: that these examples were not singular, and that women's militant actions had broader significance for the conduct and spread of the nascent prohibition movement. Moreover, these incidents illustrate that the prohibition movement was not a monolith, and men and women approached it quite differently, with female reformers often innovating methods and tactics, and even sometimes leading the way.<sup>46</sup>

### **Maine Law Campaigns and The Progress of Women's Rights**

Temperance arguments judging women's violent attacks defensible—because they suffered most acutely from the traffic and were excluded from a voice in making the laws that governed them—shaded, quite logically, into women's rights claims. Although scholars commonly tell the story of prohibition and women's rights as if they are two separate movements, this was not at all the case. Unlike the historiography, which draws a line between the two, I argue that until 1853 (and long after at the grassroots), there was little perceptible distance between woman's rights and temperance. The language of the reformers who are now recognized as the antebellum era's most prominent women's rights advocates actually reflected the viewpoint of many grassroots activists. And there, on the ground, hitherto unseen temperance women were important to the growth and

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<sup>46</sup> For some historiographical discussions on women's attacks see Dannenbaum, "The Origins of Temperance Activism and Militancy," 235-252; Dannenbaum, *Drink and Disorder*, 182; 196-203, Tyrrell, *Sobering Up*, 243-245; Tyrrell, "Women and Temperance in Antebellum American, 1830-1860," 141-144, 146-150; Martin, *Devil of the Domestic Sphere*, 125-126.

broad acceptance of women's rights, particularly as they radicalized over the early 1850s and took increasingly militant stands.<sup>47</sup>

The sudden escalation in women's violent grog-shop raids inspired temperance crusader, publisher, and women's rights activist, Amelia Bloomer, to discuss the subject in the pages of the *Lily*. She did not mince words, seeing in these actions a distinct blow for women's rights. Her biting editorials in strident support of these attacks mixed temperance with calls for suffrage, and defended their inalienable rights. The liquor dealer, Bloomer argued, made the laws and found protection in them, while women, excluded from a direct hand in lawmaking, and who "never consented to such laws" were unfairly expected to submit to them. Here Bloomer echoed other commentators, including some men. Under such an unjust system, she claimed, attacks on liquor dealers were completely justified, for "if our laws will not protect her, but rather trample upon

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<sup>47</sup> Dannenbaum, *Drink and Disorder*, 182-194; Martin, *Devil of the Domestic Sphere*, 128-149; Tyrrell, "Women and Temperance in Antebellum American, 1830-1860," 146-150. The narrative woven through the pages of the *History of Woman Suffrage* has been scholars' favored lens for interpreting the actions of antebellum temperance women. In terms of temperance, the story that emerges in the pages of the *History* is of two separate movements. One focused on radical activism aimed to achieve social, legal, and political equality of women, and the other, a single-issue, short-sighted temperance crusade dominated by conservative, prim advocates who preferred to remain tied to the constraints of proper nineteenth-century womanhood. While the former group forged an autonomous movement, the latter, lobbied for change from subordinate position under the watchful eye of male reformers and critical clergy. Mirroring the problem with accounts today, much of the narrative in the *History of Woman Suffrage* draws upon the lived experience of reformers who were members of the Daughters of Temperance, most notable amongst them, one of the authors, Susan B. Anthony. The *History's* authors/editors draw a bold line between advocates of women's rights and temperance; they are seen as two separate movements populated by different groups of women advocating distinct ends. This stark line, however, is more of an historiographic construct than a true division between two competing movements. While antebellum activists did maintain different priorities, to so sharply categorize them collapses the broader historical influences and characters that forged antebellum women's rights, and the deep debt that movement owed to temperance women. Also see Stanton, Anthony, and Gage, eds., *History of Woman Suffrage*, Volume I; Gordon, et al., eds., *Selected Papers*, Volume I.

her inalienable rights, and mock at her misery, then she should bid defiance to them and make unto herself a law for her own actions.” Their war on whiskey and demands for women’s rights were analogous to the principles the nation’s forefathers fought for in the Revolutionary War. “For no greater cause than the taxation of property,” she charged, “our fathers felt justified in declaring war against the mother country. Nobly they withstood all aggression and fought for their rights. We honor them for this, and sing pœans to their praise.” Yet the nation’s women, she concluded, suffered far more than the revolutionary men who proclaimed, “resistance to tyranny is obedience to God.” Women still suffered under tyrannical forces, and it was time to resist.<sup>48</sup>

Bloomer called on female reformers to pick up the mantle of the Revolution and fight for their own rights. Not only does coverture strip women of “her whole property,” the state sanctioned liquor traffic robs her of her husband and children, of all her sources of “happiness and life.” Time had come, she argued, for woman to “free herself from this curse” by “taking our cause into our own hands, and defending our own rights.” Reformers, she suggested, needed to agitate for both woman’s rights and prohibition simultaneously. Women’s struggle “would be a nobler warfare, and her triumph more worthy of being commemorated through all time than was the victory won by the Patriots of ’76.” To reassure those who felt that such aggressive action and rhetoric unwomanly, she counselled her readers to consider that it is men who teach women it is a “virtue to submit to tyranny, rather than to unsex ourselves,” but there is far “more glory in resistance than submission.” If the laws promulgated by men ignored domestic abuse, shielded abusers, and denied protection to women and children, women had a duty to challenge the system and demand their rights by whatever means possible. Violent

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<sup>48</sup> “Right,” *Lily*, September 1, 1852.

assaults by female temperance advocates were not only a justifiable action against a social evil, they were a call to arms for a host of claims for woman's rights.<sup>49</sup>

Bloomer's article illustrates the tremendous significance reformers imparted on women's violent temperance raids. While such stories could have been read as examples of aggrieved women settling a specific complaint, activists interpreted these incidents differently and used them to draw attention to their cause, and their distinctly feminist vision of temperance. These accounts positioned violence as legitimate and justifiable, and highlighted, sometimes implicitly, demands for women's rights. At the same time supporters of women's rights were often denigrated as unsexing themselves or being "strong-minded," those who struck a blow at the liquor traffic received a very different reception. Even when advocates explicitly drew attention to women's inequality and demanded a voice in the legislative process, they obtained a level of respect and consideration not often enjoyed by those who did not cloak similar demands in the mantle of temperance.

Amelia Bloomer was not the only activist teasing out claims for woman's rights in temperance appeals. In January 1852, Mrs. Ball, ascended the podium at a temperance assembly in the small town of Canastota, New York. The capacity, mixed sex audience packed in to hear her oration on the Maine Law. Her speech was not a simple recitation on the transformation in Maine under prohibition, but a call upon the movement to shift course—showing how Ball understood her activism as leading the movement (where men had failed) and how she viewed women's rights as a central demand. This day, Ball

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<sup>49</sup> "Right," *Lily*, September 1, 1852.

imbued her fiery lecture with an emphasis that women in temperance had long made: enforcement.<sup>50</sup>

It was an unapologetic call for decisive action from temperance women, and a condemnation of male reformers' complacency. Echoing the militance of other female activists, Ball declared that if those "claiming to be temperance men" refused to act to "remove this great evil [the liquor traffic], it is time women took the matter in hand." Apathetic men, she charged, had created a "yawning vortex" that women must now confront: "If man with all power and the law in his hands, cannot or will not exterminate the monster, then let *woman*, all powerless and without law, prepare herself for the battle. Let us *buckle up our amour and prepare* for the crusade." Throwing off the genteel stance that was socially expected of white women, Ball called on reformers to "pass beyond the limits which custom has prescribed to females" and take hold of the campaign, for "if our politicians will not hear us for the righteousness of our causes, maybe they will yield to our *importunity*." Attempts to regulate the traffic through the license system, she argued violated the "equal rights of which Americans are justly so tenacious." The liquor dealer was granted a "right to plunder" and destroy the lives of those who were drawn into his influence, while those who suffered the most from the savages of intemperance (women and children) had their rights trampled upon and were offered no legal redress. The remedy, Ball argued, was simple; give women access to the ballot box, and they would usher in prohibition and see to its enforcement. Again, as in

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<sup>50</sup> "Mrs. Ball's Speech at Canastota," *Carson League*, January 15, 1852, Volume I, no. 32.

the mid-1840s, temperance women were in the vanguard of demanding the vote—something scholars almost never notice.<sup>51</sup>

The Maine Law campaigns of the early 1850s further reinforced grassroots activists' claims for women's rights—including the right to vote and modicum of economic rights. Examining these early prohibition offensives through the lens of grassroots activism, women who never formed a coherent organization, but were increasingly well organized, reveals the extent to which these reformers were also influential in furthering calls for some of the key elements of the woman's rights platform. Their prohibition campaigns consistently drew attention to their disenfranchisement, and to the tangible injustice of being denied access to the ballot box. While a few temperance scholars have acknowledged that some anti-liquor activists advocated for the vote during the Maine Law campaigns of the 1850s, these claims are almost exclusively attributed to prominent reformers, such as Elizabeth Cady Stanton, Susan B. Anthony, Lucretia Mott, Lucy Stone, and Amelia Bloomer, when, in this case, it seems as if many grassroots temperance women arrived at this conclusion out of the logic of their own activism, and that they helped push this agenda into the mainstream as much as any others.<sup>52</sup>

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<sup>51</sup> "Mrs. Ball's Speech at Canastota," *Carson League*, January 15, 1852.

<sup>52</sup> Jed Dannenbaum notes that there was a close link between temperance and women's rights during the early Maine Law campaigns but situates this in the context of the activism of the prominent women like Stanton, Anthony, Mott, and Bloomer. His analysis is more focused on setting up the conflicts that exploded in 1853 and led Stanton and Anthony to denounce the temperance movement. Dannenbaum's narrative, heavily influenced by the *History of Woman Suffrage*, is frequently cited in works on temperance. See Dannenbaum, *Drink and Disorder*, 180-211; Dannenbaum, "The Origins of Temperance Activism and Militancy," 235-252; Martin, *Devil of the Domestic Sphere*; Murdock, *Domesticating Drink*; Giele, *Two Paths to Women's Equality*; Fletcher, *Gender and the American Temperance Movement*, 43-45. Carol Mattingly in her study of the WCTU and the post-Civil War temperance movement has noted that women who

This can be seen over and over again in the columns in the *Lily*, which discussed the women's rights implications of grassroots temperance work in equally compelling language. One author emphasized how long temperance women had been demanding the ballot and how they understood themselves in the vanguard of women's rights agitation: "for years before the question of woman's rights was agitated, we longed for the privilege of *voting* on the license question." Dating back to mid-1840s, the female author noted, reformers held the conviction that if men refused to pass the laws that women agitated for, then they should demand the "right to legislate" themselves. Temperance women, she stated further, had first considered the possibilities of limited suffrage before calls for women's rights had become pervasive. They had demanded an extension of the franchise since the local option campaigns and had firmly and consistently maintained the stance that "it is only through the ballot box that the iniquitous traffic can be reached." For many female activists, the opinions presented in the *Lily* reflected their position that prohibition and women's suffrage went hand in hand; demands for the former buttressed the latter.<sup>53</sup>

On January 1, 1852, with both prohibition and woman's rights dominating female reformers discussions, Amelia Bloomer issued a call for more tightly coordinated action. The loose-networks of activists making such great progress on the ground, she proposed,

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supported temperance also actively supported a "broad definition of woman's rights" and many "believed that temperance, equal rights, and suffrage were equally important in advancing women's causes; however, they believed that the temperance issue would most effectively change attitudes about women's injustices and encourage women to become active on their own behalf." Mattingly, *Well-Tempered Women*, 15.

<sup>53</sup> "Correspondence," *Lily*, December 1, 1850; "Women's Influence in the Temperance Cause," *Lily*, October 1, 1851. For some other examples of mixing calls for prohibition with woman's rights and suffrage in 1850 and 1851 see "The Western Fountain," *Lily*, July 1, 1850, Volume 2, no. 7; Mrs. L.G. Abell, "Woman and Her Rights," *Lily*, August 1, 1850; "Amelia Bloomer," *Lily*, October 1, 1850; "Petitions," *Lily*, November 1, 1851; "Intemperance. Feminine Suffrage" and "Dear Mrs. Bloomer," *Lily*, December 1, 1851.

should convene an annual Temperance Woman's Rights Convention. Such a meeting, Bloomer asserted, would provide an important forum for "consultation and discussion" amongst the many "active, determined, fearless" reformers engaged in the work," those "who will not be frightened or deterred from their purpose by the 'lions' in their path." She also made a swipe at the Sons of Temperance, noting that the convention would set an example and may help "strengthen the weak nerves" of the Sons and "stimulate them to a little exertion." Bloomer spoke to women laboring in unaffiliated, local organizations and those increasingly dissatisfied with fraternal orders, especially the conservative Daughters of Temperance. It is clear from the content of the call and where it was published that she saw grassroots women as the movement's progressive force—the plan was attached to a column blasting the ineffective, apolitical, moral suasionist efforts of the Daughters of Temperance. Although such a meeting never came to pass, the call showed the inextricable link between the two issues in the minds of temperance women, and inadvertently showed just how loose these networks could be.<sup>54</sup>

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<sup>54</sup> "Temperance Societies—The Daughters," *Lily*, January 1, 1852. Three months after Bloomer's convention call, Elizabeth Cady Stanton and Susan B. Anthony helped found the Women's New York Temperance Society. Organized in an open convention held in Rochester, on April 20, the new society was populated by mix of the Daughters of Temperance and unaffiliated grassroots women. The organization's founding document, an *Appeal to the Women of the State of New York*, boldly proclaimed, "The Gospel of Temperance with Woman is not one of Compromise." Their platform included key woman's rights claims, such as access to the ballot box, divorce from drunkards, and monetary independence. In addition to using all means possible to "carry our temperance principles into politics," the *Appeal* went further and encouraged women to withdraw from all organizations and churches that prevented them from public address or refused to recognize them as "equal in counsel." When New York's first statewide Woman's State Temperance Convention commenced in October 1852, calls for prohibition flowed alongside speakers' strident demands for things scholars more closely associate with a supposedly different strand of women's rights activism, including liberalized divorce laws. And while they advocated withdrawal from organizations and churches that tolerated tipplers, they simultaneously demanded withdrawal from those same institutions if they chastised women for public activism. Resolutions affirmed that although women were barred from the ballot box, they needed to carry "temperance principles into



Just as women's rights demands made their way into the heart of temperance gatherings, so too did temperance take center stage at some women's rights meetings. In May 1852, women from across Ohio traveled to Massillon for that state's third annual woman's rights convention. Over the course of two days, delegates organized the Ohio Woman's Rights Association, and adopted resolutions that recognized the equality of the sexes in all interactions: "personal, social, legal, political, industrial and religious." They endorsed women's representation in government, the elective franchise, their choice of occupations, and equal pay or "an impartial distribution of reward of effort." Speakers emphasized that the rights they asserted were "not the ultimate *end* we aim at, for rights are not end, but only *means* to ends."<sup>55</sup>

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politics." They passed additional resolutions insisting that disenfranchised women should still jump into the political fray and demand just laws. Divorce, a highly controversial woman's rights issue, elicited the most spirited debate. In the end, the attendees adopted a resolution proposed by Susan B. Anthony that endorsed drunkenness as grounds for divorce, but only by a small margin. In the end the platform ratified at the state convention firmly connected prohibition to a series of claims for woman's rights. Bloomer's call for a national convention to discuss temperance and women's rights did not come to pass, but for a time the Women's New York Temperance Society functioned in that role for New York reformers. "Women's Temperance Convention," *Lily*, February 1, 1852; "Temperance — Rights of Woman," *Pennsylvania Freeman* (Philadelphia, PA), July 10, 1852, Volume IX, no. 28, pg. 109; "Mrs. Stanton's Address, Delivered at the Woman's Temperance Convention Recently Held in Rochester," *Frederick Douglass Paper* (Rochester, NY), May 13, 1852; "Mrs. Bloomer's Address," and "Afternoon Session," and "Mrs. Stanton's Address," *Lily*, May 1, 1852; Appeal by ECS. [July 1, 1852], "Temperance — Woman's Rights," and "SBA to the Editor, *Carson League*," September 20, 1852, and "Remarks by SBA to Women's New York State Temperance Society," in Gordon, et al., eds., *Selected Papers*, Volume I, 201-211.

<sup>55</sup> "Proceedings of the Third Women's Rights Convention of Ohio," *Anti-Slavery Bugle*, June 5, 1852; "Women's Rights Convention at Massillon," and Frances D. Gage, "Letters from Mrs. Gage. Convention at Massillon — Licking Valley Distillery — Thoughts on Temperance and Female Influence," *Ohio Cultivator*, June 15, 1852, Volume VIII, no. 12, pg. 188-190; "Woman's Convention in Ohio," *Liberator*, June 11, 1852, Volume XXII, no. 24, pg. 95; Proceedings of the Third Women's Rights Convention of Ohio: Extracts," *Anti-Slavery Bugle*, June 12, 1852; "Meeting of the Amazons," *New York Herald*, June 2, 1852; "Woman As A Politician," *New-York Daily Tribune*, June 12, 1852; "Ohio: The Woman's Rights Convention," *New-York Daily*

Amidst speeches on equality and discourses on rights, Jane Frohock delivered a rousing prohibition lecture to the capacity audience packed into the Baptist Meeting House. According to the *Ohio Cultivator*, her lecture on the Maine Law was “*the address of the day*” and produced “a lasting impression on all who heard her.” The questions of woman’s rights, temperance, and slavery, Frohock thundered, could all be settled equitably by the “*practical application of an old theory; that of doing unto others, as we would have others do unto us.*” The oppression inherent in women’s legal and social status, intemperance, and slavery, she suggested, would all be removed through “social, civil, and political equality.” Her message called on women to simultaneously fight injustice in all of the great social movements of the day (temperance, abolition, woman’s rights), emphasizing their interconnectedness. But it was Frohock’s “most interesting history of the rise and progress of the Maine Law,” the *Liberator* claimed, that captivated the audience.<sup>56</sup>

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*Tribune*, June 4, 1852. Divorce from drunkards, however, a subject that elicited much discussion at the New York convention, did not occupy a prominent place in the proceedings in Ohio. This was likely because, unlike New York, most midwestern states had codified drunkenness as grounds for the dissolutions of a marriage by the late-1840s. On divorce laws see Henry Folsom Page, *A View of the Law Relative to the Subject of Divorce in Ohio, Indiana and Michigan* (Columbus: J.H. Riley & Co., 1850); Norma Basch, *Framing American Divorce: From the Revolutionary Generation to the Victorians* (Berkeley: University of California Press, 1999).

<sup>56</sup> Full proceeding of the convention at Massillon in 1851 have been lost and there is no full transcript of the speeches. A partial transcript of Frohock’s speech exists, but it does not contain the section detailing the progress of the Maine Law. The *Liberator*, summarizes the speech of “Mrs. —, of Wellsville,” which is likely Jane Frohock as she is the only speaker from Wellsville, Ohio in all other accounts of the convention. “Proceedings of the Third Women’s Rights Convention of Ohio,” *Anti-Slavery Bugle*, June 5, 1852; “Women’s Rights Convention at Massillon,” *Ohio Cultivator*, June 15, 1852; “Woman’s Convention in Ohio,” *Liberator*, June 11, 1852; Proceedings of the Third Women’s Rights Convention of Ohio: Extracts,” *Anti-Slavery Bugle*, June 12, 1852; “Meeting of the Amazons,” *New York Herald*, June 2, 1852; “Woman As A Politician,” *New-York Daily Tribune*, June 12, 1852; “Ohio: The Woman’s Rights Convention,” *New-York Daily Tribune*, June 4, 1852.

Repeating a now familiar refrain in temperance circles, Frohock too rooted the causes for the 1851 Maine Law in the militancy of Caroline Swett. Swett's actions not only begot this groundbreaking legislation, Frohock argued, but also reaffirmed women's choices to pursue prohibition by whatever means necessary, stoking and affirming women's growing grassroots militancy in the name of women's rights. Women, in Frohock's origin tale, stood at the forefront of the anti-liquor crusade *and* at the center of the woman's rights movement—particularly in their advocacy of the vote. In an equally familiar strain, she defended grog shop attacks as a legitimate remedy for women “denied the right of making or assenting to the laws that govern them.” If men failed to muster the “moral courage to pass and execute” protective laws, Frohock railed, then women were left with no choice but to claim, “their right to such.” Reflecting on the meeting shortly thereafter, prominent abolitionist and women's rights reformer Frances D. Gage, who delivered the convention's opening address, sent a letter to the *Ohio Cultivator* pushing prohibition in Ohio. She reminded the state's reformers to put their “shoulders to the wheel of Temperance” and use their influence to “*remove the present dram drinking Legislature*” and “roll the Maine law into our statute books.” As lecturers and delegates to Ohio's third woman's rights convention affirmed, they held the power to see prohibition implemented across the nation. Female reformers just needed to act and adopt whatever means necessary to ensure the execution of their objectives.<sup>57</sup>

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<sup>57</sup> “Proceedings of the Third Women's Rights Convention of Ohio,” *Anti-Slavery Bugle*, June 5, 1852; “Women's Rights Convention at Massillon,” and Gage, “Letters from Mrs. Gage,” *Ohio Cultivator*, June 15, 1852; “Woman's Convention in Ohio,” *Liberator*, June 11, 1852; “The Temperance Question in Ohio,” *Lily*, January 15, 1853; “Proceedings of the Third Women's Rights Convention of Ohio: Extracts,” *Anti-Slavery Bugle*, June 12, 1852; “Meeting of the Amazons,” *New York Herald*, June 2, 1852; “Woman As A Politician,” *New-York Daily Tribune*, June 12, 1852; “Ohio: The Woman's Rights Convention,” *New-York Daily Tribune*, June 4, 1852.

For many female prohibitionists during the early 1850s, temperance and women's rights were inextricably intertwined. Examining demands for women's rights in the context of the early Maine Law campaigns exposes a far more universal set of demands. Just as prohibition factored into suffrage arguments in the late nineteenth and early twentieth centuries, antebellum activists also made these connections. Analyzing their words and actions destabilizes the notion of a clear divide between woman's rights and temperance, revealing a far more mutually reinforcing set of goals.

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The Maine Law ushered in a new sense of optimism and consensus in the temperance movement. Women, some of the earliest proponents of prohibition, immediately claimed a central, public, political role in these new campaigns and pressed a distinct vision of temperance that called for prohibition and women's rights. But convincing lawmakers to implement Maine Laws proved far more difficult than many activists expected, and their first drives met with little success. These early failures (like the local option and civil damage campaigns of the 1840s) forced female reformers to confront the limits of their direct political influence, reinforcing their demands for women's rights, especially the vote. As Amelia Bloomer reminded women attending a temperance convention in New York, "It will probably be a long time ere we may exert our influence on the temperance questions through the ballot-box, we must see what we can do in the meantime—for we must not be idle." Agitation for the vote was an imperative, but until the franchise was won, immediate action to beat back the liquor traffic was necessary—this, women clearly understood.<sup>58</sup>

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<sup>58</sup> "Mrs. Bloomer's Address," *Lily*, May 1, 1852; On the New York women's temperance convention see "Women's Temperance Convention," *Lily*, February 1, 1852; "Temperance — Rights of Woman," *Pennsylvania Freeman* (Philadelphia, PA), July 10,

During the prohibition campaigns of the early 1850s, women increasingly adopted direct action tactics (often violent saloon raids) to address the situation on the ground. Their embrace of violence challenges the image of the nineteenth-century's ostensibly passive white womanhood, but also provides valuable insight into temperance women's political sensibility. When female reformers discussed grog shop raids they justified these incursions as a defense of their rights and tied them directly to arguments for women's suffrage. They offered just the sort of challenge to the system that could be used to practically implement prohibition and argue for women's rights. In the fall of 1852, an article in the *Lily* celebrated the "the spirit shown by such women in the courageous defense of their own rights," and hoped in the coming year that "every city and town through the length and breadth of our land their example might be followed by hundreds and thousands." Over the next few years, the author's wish came true.<sup>59</sup>

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1852, Volume IX, no. 28, pg. 109; "Mrs. Stanton's Address, Delivered at the Woman's Temperance Convention Recently Held in Rochester," *Frederick Douglass Paper* (Rochester, NY), May 13, 1852; "Afternoon Session," and "Mrs. Stanton's Address," *Lily*, May 1, 1852; Appeal by ECS. [July 1, 1852], "Temperance — Woman's Rights," and "SBA to the Editor, *Carson League*," September 20, 1852, and "Remarks by SBA to Women's New York State Temperance Society," in Gordon, et al., eds., *Selected Papers*, Volume I, 201-211.

<sup>59</sup> Right," *Lily*, September 1, 1852.

## Chapter 4

### 1853: A Pivotal Year

On a Thursday afternoon in July 1853, a young newlywed from Cambridge City, Indiana, like many brides before her, set out on an all too familiar mission: to locate her drunk husband. The young man had left his home on Tuesday and headed to a local groggery where he “became intoxicated, and so continued for three days.” Mortified by his intemperance, she visited every liquor trader in town, and according to local newspapers, “politely requested them not to sell her husband any more.” Each one, patently lied, declaring “that they had not and would not sell him any liquor.” As the hours ticked by that Thursday afternoon and he failed to return home, she resolved to publicly confront her husband and put an end to the matter. At a groggery near the railroad, the newspaper stories continued, she found him “drunk and almost senseless.” Enraged, the woman turned her gaze to the doggery-keeper who only a day before falsely assured her that he had not, and would not, sell liquor to her husband. She now decided, like a growing number of women across the Midwest, to take matters into her own hands, and, grabbing a club, she “coolly and deliberately” studied her targets, and “set upon the whiskey shop.”<sup>1</sup>

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<sup>1</sup> “An Indignant Lady in a Doggery,” *Belmont Chronicle and Farmers, Mechanics, and Manufactures Advocate* (St. Clairsville, OH), July 29, 1853, hereafter cited at the *Belmont Chronicle*; “An Indignant Lady in a Doggery,” *Aurora* (New Lisbon, Ohio), September 7, 1853, Volume XIX, no. 43; “Great Excitement in Cambridge City – Doggery Destroyed by Woman,” *Ripley (OH) Bee*, July 30, 1853; “An Indignant Lady in a Doggery,” *Norwalk (OH) Reflector*, August 2, 1853; “An Indignant Lady in a Doggery,” *Nashville (TN) Union and American*, August 7, 1853; “An Indignant Lady in a Doggery,” *Kenosha (WI) Telegraph*, August 5, 1853; *Ohio Organ of the Temperance Reform* (Cincinnati, Ohio), July 29, 1853, Volume 2, no. 28, pg. 219, hereafter cited as the *Organ of the Temperance Reform*; “An Indignant Lady in a Doggery,” *Organ of the Temperance Reform*, December 9, 1853, Volume 2, no. 48, pg. 374; “Great Excitement in Cambridge City — Doggery Destroyed by Woman,” *Ohio Star* (Ravenna, OH), August

The young woman brandished the club and sent pitchers, glasses, and flasks crashing to the ground while the contents of smashed whiskey and beer kegs flowed onto the dirty floor. When the stunned old doggery-keeper grabbed her, she turned upon him. Grasping her weapon with two hands, she brought “his *highness* to the floor” with one “fell stroke.” The astonished owner, local papers reported with glee, “raised the cry of murder and fled,” followed closely behind by his terrified, “blossom-nosed customers.” After “making small pieces of all that could be broke,” one observer reported, the young woman stood in the door-way and exclaimed: “If have destroyed all the liquor here; I only wish there was a hundred times much more to destroy—gladly would I do it.” She then summoned her drunken husband and led him home.<sup>2</sup>

Although the young woman could not have known it, her actions formed part of what was quickly coalescing over 1853 into a movement: women enforcing prohibition,

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24, 1853; “An Indignant Lady in a Doggery,” *Lily* (Mount Vernon, OH), January 16, 1854, Volume VI, no. 2, pg. 11; An Old Man, “Enacted and Enforced,” *Ohio Star*, September 21, 1853. The *Daily Union* and the *North-Carolinian* ran accounts on the Cambridge City incident, but incorrectly identified it as Ohio. “A Harsh Remedy,” *Daily Union* (Washington D.C.), August 6, 1853; “A Harsh Remedy,” *North-Carolinian* (Fayetteville), August 13, 1853; T. A. Goodwin, *Seventy-Six Years' Tussle with the Traffic: Being a Condensation of the Laws Relating to the Liquor Traffic in Indiana from 1807 to 1883 Inclusive, and All the Points Decided by the Supreme Court on More Than Four Hundred Appeals* (Indianapolis: Carlon & Hollenbeck, 1883), 9-10; V.W. Grubbs, *Practical Prohibition* (Greenville, TX: T.C. Johnson & Co., 1887), 295.

<sup>2</sup> “An Indignant Lady in a Doggery,” *Belmont Chronicle*, July 29, 1853; “An Indignant Lady in a Doggery,” *Aurora*, September 7, 1853; “Great Excitement in Cambridge City,” *Ripley Bee*, July 30, 1853; “An Indignant Lady in a Doggery,” *Norwalk Reflector*, August 2, 1853; “An Indignant Lady in a Doggery,” *Nashville Union and American*, August 7, 1853; “An Indignant Lady in a Doggery,” *Kenosha Telegraph*, August 5, 1853; *Organ of the Temperance Reform*, July 29, 1853; *Organ of the Temperance Reform*, December 9, 1853; “Great Excitement in Cambridge City,” *Ohio Star*, August 24, 1853; “An Indignant Lady in a Doggery,” *Lily*, January 16, 1854; An Old Man, “Enacted and Enforced,” *Ohio Star*, September 21, 1853; “A Harsh Remedy,” *Daily Union*, August 6, 1853; “A Harsh Remedy,” *North-Carolinian*, August 13, 1853. According to the 1850 federal census, Cambridge City’s population was 1,217.

sometimes violently, where it failed to be enacted legislatively; and women enacting enforcement where new laws failed to be enforced. Women's enforcement took different forms, both peaceful and violent. At times women targeted liquor dealers who were vending in violation of state or local law, often appealing to them to give up the liquor trade before resorting to legal action or violence. At other times, women used direct action to mimic enforcement provisions in laws that existed elsewhere (such as the search, seizure, and destruction clauses of the 1851 Maine Law). These actions were clearly extralegal, but contemporaries, and the women themselves, viewed them as a perfectly justifiable enforcement of prohibition, even where no such statute was in force. Frustrated with the slow pace of the prohibition campaign across the Midwest and disappointed with the lack of enforcement for smaller laws that did pass (strict license laws, prohibitions on drinking at the premises where liquors were sold, etc.), female activists looked to what had previously been localized, individual direct action, especially violent incursions, over the late 1840s and early 1850s, and quickly turned this approach into a more systematized and coordinated strategy. As this chapter argues, 1853 was a pivotal, transformative year in the prohibition and temperance crusade, but not for the reasons that scholars consistently claim.<sup>3</sup>

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<sup>3</sup> At the time the young woman from Cambridge City, Indiana, violently attacked the groggery in July 1853, the establishment had for some time operated in violation of the state's statute and public sentiment. On March 4, 1853, the Indiana General Assembly enacted An Act to Regulate the Retailing of Spirituous Liquors, and For the Suppression of Evil Arising Therefrom. Although the law fell far short of demands for a Maine Law, it included several provisions that went far beyond previous attempts to regulate the state's liquor trade. The law reinstated local option (allowing voters in any township to cast their ballots for or against the issuance of liquors licenses at the annual April election) and instituted a civil damage clause. For villages that voted to issue licenses, all retailers needed to post a bond backed by four sureties ranging from \$500 to \$2,000, based on the number of inhabitants in the township. Those retailing in violation of the law were subject to prosecution by the "wife, child, parent, guardian, employer, or other person, who shall be injured in person or property, or means of support, by any



Temperance and women's rights scholarship position 1853 as a climatic year in antebellum temperance because women supposedly fled the movement en masse. The story of women's 1853 retreat from temperance activism seems to have first begun in Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joselyn Gage's 1880s *History of Woman Suffrage*. In this account, women's dissatisfaction with the chauvinism and sexism among male temperance advocates at two famous 1853 meetings—the Brick

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intoxicated person, or in consequence of the intoxication, habitual or otherwise." Married women, whether to "initiate or prosecute the suit, control the recovery or otherwise," were considered to have the same rights as if they were single. The law provided a broad definition of a "disorderly house" where any liquor-selling establishment could be considered a nuisance and fined from \$25 to \$100 per violation, if kept to the "annoyance, disturbance, or injury of the neighborhood." It also required licensed dealers to "board, keep, and take care of" intoxicated persons until they could safely return home without assistance. Even in towns that voted for license, the broad interpretation of a disorderly house and the requirement to oversee intoxicated persons, at least theoretically, provided residents with an avenue to instigate legal proceedings if they could find a willing official to assist in the prosecution. The law, however, was rarely enforced. Chapter 66. An Act to Regulate the Retailing of Spirituous Liquors, and for the Suppression of Evils Arising Therefrom, *Law of the State of Indiana, Passed at the Thirty-Seventh Session of the General Assembly* (Indianapolis: J.P. Chapman, 1853), 87-89; "An Act to Regulate the Retailing of Spirituous Liquors, and for the Suppression of Evils Arising Therefrom," *Plymouth (IN) Banner*, March 24, 1853; "Indiana Temperance Bill Passed," *Organ of the Temperance Reform*, March 18, 1853. On petitions and debate in the assembly in liquor regulation see *Journal of the Indiana State Senate, During the Thirty-Seventh Session of the General Assembly, Commencing January 6, 1853* (Indianapolis: J.P. Chapman, 1853), 20-21, 53, 59, 73, 75, 88, 90, 100, 103-105, 108-109, 111, 113, 125, 146, 150, 165, 170, 173-174, 182, 200-202, 212, 223-224, 228, 234, 240, 242, 252, 270, 284, 291, 307, 330, 340, 351, 376, 386, 389, 401, 414-415, 433, 449, 457, 467, 470, 476-477, 480, 493, 505-508, 511-512, 521, 522-525, 532, 537, 578-579, 623; *Journal of the House of Representatives of the State of Indiana, During the Thirty-Seventh Session of the General Assembly, Commencing January 6, 1853* (Indianapolis: J.P. Chapman, 1853), 22-23, 60, 77-78, 84, 87-88, 101-102, 113, 116, 121-124, 130, 133, 136-138, 147-149, 154, 162-163, 168, 176, 192, 199, 216, 242-243, 228, 250-252, 258, 265, 276, 285, 287, 290, 293, 308-309, 325, 328, 334-336, 359, 362, 381, 402-406, 446, 454, 470, 495, 499, 511, 518, 547, 556, 582, 592, 605-606, 609, 612-621, 633-634, 673, 683-684, 693, 709-712, 715-717, 725, 737, 746, 749-750, 716, 766, 779, 803-804, 811, 820, 829, 846, 852, 866, 889, 906, 928, 954, 981, 1020, 1022, 1041. For some examples women suing under the civil damage clause see "Damages for Causing Drunkenness," *Weekly Intelligencer* (Wabash, IN), February 28, 1855, Volume I, no. 42; "Julia A. Walker vs. James Ditton," *Weekly Intelligencer*, March 14, 1855, Volume I, no. 44.

Church gathering and the World's Temperance Convention—led women to quit the cause and, instead, to join up with woman's rights. While this was true for Stanton and Anthony themselves, it was not at all true for the legions of women at the grassroots, who remained committed to both causes, simultaneously. Indeed, temperance, in the form of women's enforcement actions, remained an important seedbed for the development of women's rights. Yet the *History of Woman Suffrage* and this storyline of women leaving temperance in 1853 in response to these now somewhat legendary meetings is what scholars continually cite when (and if) they try to understand what happened with temperance women in the 1850s. Where their findings posit an 1853 withdrawal by women, this chapter argues for a sharp upsurge in female activism and the unfolding of a new, grassroots campaign. Frustrated at the failure of men to act, women began coordinating and launching sharply aggressive campaigns for enforcement—campaigns that the literature does not prepare us for.<sup>4</sup>

Like so much of women's antebellum temperance work, this rapidly dawning enforcement campaign appears nowhere in the historiography, even though it seized the attention of contemporaries, who roundly supported it. Residents of Cambridge City, Indiana, for example, celebrated the young woman's courageous attack by awarding her a cash gift of "more than twenty dollars." Another Midwestern resident was so impressed, he suggested that a commemorative plate be made to lionize and celebrate her decisive, destructive action. To him, these women were the face of prohibition. Approbation for the woman's violent deed extended beyond her small Indiana city, as regional commentators drew the connection between her spiking a doggerly and the intensifying

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<sup>4</sup> Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joslyn Gage, *History of Woman Suffrage*, Volume I, 1848-1861 (New York: Fowler & Wells, 1881), 493-513.

demands for prohibition across the Midwest. An editorial in the New Lisbon, Ohio, *Aurora* encouraged women's practical enforcement, in the absence of prohibition laws, cheering that if the women of their town "may at future provocations carry out such an enactment ...[,] nine-tenths of our sober and respectable citizens would most heartily approve it." A year later, the women of New Lisbon banded together and did just that, physically destroying the rum shops in that community.<sup>5</sup>

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<sup>5</sup> "An Indignant Lady in a Doggery," *Belmont Chronicle*, July 29, 1853; "An Indignant Lady in a Doggery," *Aurora*, September 7, 1853; "Great Excitement in Cambridge City," *Ripley Bee*, July 30, 1853; "An Indignant Lady in a Doggery," *Norwalk Reflector*, August 2, 1853; "An Indignant Lady in a Doggery," *Nashville Union and American*, August 7, 1853; "An Indignant Lady in a Doggery," *Kenosha Telegraph*, August 5, 1853; *Organ of the Temperance Reform*, July 29, 1853; *Organ of the Temperance Reform*, December 9, 1853; "Great Excitement in Cambridge City," *Ohio Star*, August 24, 1853; "An Indignant Lady in a Doggery," *Lily*, January 16, 1854; An Old Man, "Enacted and Enforced," *Ohio Star*, September 21, 1853; "A Harsh Remedy," *Daily Union*, August 6, 1853; "A Harsh Remedy," *North-Carolinian*, August 13, 1853. The New Lisbon editorials were correct, when Mrs. Pleasants entered a doggery looking for her husband in New Lisbon and took a stick and broke all of the glasses, the residents supported her tactics as a practical means to keep her husband out of the groggery. [no title], *Aurora*, June 8, 1853, Volume XIX, no. 32. A year later, a number New Lisbon's groceries were destroyed following the death of a local man under the influence of alcohol. See "Death in New Lisbon and Destruction of the Rum Shops!," *Lily*, March 15, 1854, Volume VI, no. 6. "An Old Man" writing to Ravenna's *Ohio Star* believed the women doing battle were so impressive, they deserved commemoration. He urged the creation of a commemorative plate to immortalize the women's violent destruction of groggeries as a symbol of the fight for prohibition. The "name of the heroic lady, should be printed in LARGE CAPITALS OF GOLD and sent throughout the entire State of Ohio, and all other States that have not yet adopted and put in force the *Maine Liquor Law*." The large plate would illustrate the progression of the offensive: the drunken husband laying in a corner of the doggery, "almost senseless," the club wielding woman demolishing the decanters and kegs, the "fiend in human shape attacking the lady," her "unerring skill" in taking a blow at the "soft head of the frantic keeper, and he with distorted countenance falling to the floor with the word murder in his mouth," a scene depicting the startled inebriates fleeing from the shop, and finally, the "lady in the door having full possession of the groggery and exclaiming in triumph." An Old Man, "Enacted and Enforced," *Ohio Star*, September 21, 1853. When women's grog shop attacks are noted in scholarship, they are presented as random, episodic acts of violence, not a coordinate campaigns as I argue. On the episodic random nature see Jed Dannenbaum, *Drink and Disorder: Temperance Reform in Cincinnati from the Washingtonian Revival to the WCTU* (Urbana: University of Illinois Press, 1984), 181-

This chapter reexamines and recasts that pivotal year. Far from interest among women sharply falling off in 1853, temperance women began making coordinated bids for leadership of the movement. They simultaneously blended prohibition demands with their continued advocacy for women's rights, lending their energies to this nascent cause as well. Although scholars firmly divide them, by 1853, at the grassroots level across the Midwest, the two campaigns were actually difficult to tell apart, often involving the same people. For those midwestern women on the ground, prohibition and women's rights were inextricably linked, challenging scholars' stark division between the two—where temperance is positioned as conservative and rearguard, while women's rights is positioned as radical and forward-looking—prompting a reexamination of our understanding of women's rights as well.

### **A Woman's Maine Law**

Simmering tensions in some pockets of the temperance movement over the “woman question” did not quell the overall sense of optimism that percolated amongst activists in 1853. Despite the previous year's failed prohibition drives, activists remained optimistic. By January 1, 1853, four states had enacted prohibitory statutes and Michigan was on the cusp of being the first midwestern state to pass a Maine Law. Reports from prohibition states heralded positive results. Advocates were also buoyed by a ruling in the Maine Supreme Court that affirmed the constitutionality of the statute. In *State v. Gurney*, the state's Supreme Court proclaimed, “the Legislature [has] a right to regulate by law

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182; 194-203; Jed Dannenbaum, “The Origins of Temperance Activism and Militancy Among Women,” *Journal of Social History* 15, no. 2 (Winter, 1981): 235-252;

the sale of any article, the use of which would be detrimental to the moral of the people.” The holding helped galvanize the position that prohibition was not only the best and most effective means to eradicate the liquor trade, but that, as had happened in Maine, the law would survive a legal challenge.<sup>6</sup>

By 1853, the Maine Law campaign in Ohio had picked up steam and the state’s female temperance advocates stood at the ready to press their issue with the public and the legislature. They were well organized, publicly visible, increasingly aggressive (in both their tactics and rhetoric), and steadfastly determined to usher in statewide prohibition. Above all, they were optimistic in their power to shape the political process. In January, as the General Assembly reconvened in Columbus, temperance activists made their way to the state’s capital for the Women’s State Temperance Convention and the Ohio State Temperance Convention. The two conventions were deliberately scheduled to coincide with the legislative session and delegates intended to do all everything in their power to ensure the Maine Law would dominate the Assembly’s business. But as the two convention unfolded, it was clear that the female activists held a different vision of prohibition.<sup>7</sup>

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<sup>6</sup> The states and territories with an active prohibition law at the beginning of 1853 included: Maine, Massachusetts, Rhode Island, and the Minnesota Territory. The Maine Laws in Rhode Island and Minnesota, however, were declared unconstitutional in 1853. Henry S. Clubb, *The Maine Liquor Law; It’s Origin, History, and Results, Including A Life of Hon. Neal Dow* (New York: Fowler and Wells, 1856), 71-87, 90-91. *State v. Gurney*, 37 Me. 156 (Me. 1853); Solyman Heath, ed., “State *versus* Gurney,” in *Reports of Case in Law and Equity, Determined By the Supreme Judicial Court of Maine. Maine Reports*, Volume XXXVII (Hallowell, ME: Masters, Smith & Company, 1855), 149-164. For a discussion on the importance of court cases affirming the constitutionality of liquor regulation, see William J. Novak, *The People’s Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1996), 178-186.

<sup>7</sup> On the two temperance conventions convened in Columbus during January 1853 see “A Temperance Appeal to the Women of Ohio,” *Ohio Cultivator*, December 15,

The male Ohio State Temperance Convention convened on January 5<sup>th</sup>; the first of the two convocations. The delegates declared that “popular sentiment” demanded the legislature enact a prohibition law and that any statute must include the “principle of search, seizure, confiscation and destruction, and all other vital principles in the Maine Law.” The delegates, similar to activists across the nation, crafted proposals that mirrored the iconic Maine Law, including provisions for search, seizure, confiscation, and destruction of liquor held for unlawful sale, principles hailed as indispensable to the effectiveness of the law. The men’s convention concluded with a note to the legislature that advised they “will be satisfied with no measure which does not provide for the utter extermination of the distilleries and dramshops of the State.” A week after the convention concluded, women from across the state headed to Columbus to plot their own, slightly different, course towards prohibition.<sup>8</sup>

The Ohio Women’s State Temperance Convention opened on January 14<sup>th</sup> to great fanfare. One attendee remarked that it was “more largely attended from abroad than we had dared to hope,” with some sessions attracting more than a thousand participants. The convention, slated to meet in the Second Presbyterian Church, was so well attended

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1852, Volume VII, no. 24, pg. 378; “Women’s State Temperance Convention,” *Organ of the Temperance Reform*, December 24, 1852; “Women’s State Temperance Convention,” *Ohio Cultivator*, February 1, 1853, Volume IX, no. 3, pg. 44; “Women’s State Temperance Convention,” *Ohio Organ of the Temperance Reform*, February 11, 1853; “Ohio State Temperance Convention,” *Organ of the Temperance Reform*, January 7, 1853; “Women’s State Temperance Convention,” *Anti-Slavery Bugle*, January 8, 1853; “The Women’s State Temperance Convention,” *Anti-Slavery Bugle*, January 22, 1853; “Ohio Women’s State Temperance Convention,” *Lily*, January 15, 1853; Dannenbaum, *Drink and Disorder*, 188-189.

<sup>8</sup> “Ohio State Temperance Convention,” *Organ of the Temperance Reform*, January 7, 1853. On the Maine Law as blueprint for other state laws see Blocker, Jr., *American Temperance Movements*, 54-58; Tyrrell, *Sobering Up*, 253-282; Kyle, G. Volk, *Moral Minorities and the Making of American Democracy* (New York: Oxford University Press, 2014), 168-172.

that they moved the first evening session to the Hall of the House of Representatives. There, a packed house enthusiastically listened to impassioned speeches by Mrs. J. Elizabeth Jones of Salem, and Mrs. Josephine Griffing of Litchfield. In the great hall, activists rubbed shoulders with the legislators they traveled to the capital to lobby. The women transacted the business of the convention with a keen eye toward not only the goal of doing everything in their power to secure a Maine Law, but to lobby for a law that incorporated their vision of temperance. Retrofitting a boilerplate version of the Maine Law to Ohio, as the male convention called for, was not the approach the female conventioners felt best served their interests.<sup>9</sup>

The delegates adopted resolutions revealing their increasingly aggressive sentiments and growing impatience, especially with temperance men. In an opening salvo to those who were still uncertain of the propriety of assertive public action, one resolution declared that it was “highly proper and becoming that she should labor for its [intemperance] removal, and in such ways as her judgment shall dictate.” All actions in the war against “King Alcohol” were deemed respectable in a climate where the “rapid strides” of intemperance progressed every day. The women then turned their eye to their male counterparts. They criticized the nationwide network of male dominated temperance societies, such as the Sons of Temperance, as wholly lacking the energy and dedication to enter the fray and effectively work to eradicate the liquor trade. One of the resolutions the women adopted decried that since “no organization secret or otherwise, had proven adequate to stay the progress of intemperance,” it was their duty to agitate and do all in

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<sup>9</sup> “The Women’s State Temperance Convention,” *Anti-Slavery Bugle*, January 22, 1853; “Women’s State Temperance Convention,” *Ohio Cultivator*, February 1, 1853, pg. 44; “Women’s State Temperance Convention,” *Ohio Organ of the Temperance Reform*, February 11, 1853.

their power to ensure “the passage of a prohibition law similar to that of Maine.” Their resolution suggests, that they believed that the responsibility to usher in prohibition fell firmly on their shoulders. Women, not men who had a direct hand in making the law, must lead the Maine Law campaign.<sup>10</sup>

When it came to their defense of prohibition, the women displayed their keen understanding of state law. Prohibition, the female delegates argued, was not only constitutional, but an inherent right in the state’s constitution. The “right to prohibit the liquor traffic,” fell under the constitutional clause providing for their “natural right of self-defense.” Once they established a right to prohibition, it came down to sketching out their vision of the law. A mere carbon copy of the Maine Law was not what the women had in mind. The delegates announced their intention to lobby for a law that resembled the Maine statute, but also provided additional protection for women and children. One resolution endorsed the inclusion of a provision that enabled “the wife and children to prosecute the seller of ardent spirits for the recovery of the value of the money paid for the same by the husband and father, of such vital importance to the wretched victims of alcohol, and to the suppression of the evils of intemperance.” Similar to the provisions for search, seizure, and destruction, a woman’s right to prosecute, they argued, provided a powerful deterrent, while at the same time afforded women a means to recoup vital household resources spent on grog. The women of Ohio, they proclaimed, “will be satisfied with no liquor law which does not substantially embody this enlightened provision.” They not only advocated for a more expansive version of prohibition, but

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<sup>10</sup> “Women’s State Temperance Convention,” *Ohio Cultivator*, February 1, 1853.



openly acknowledged their distinct position, and expressed “deep concern [for] the apparent willingness” of temperance men “to dispense with the provision.”<sup>11</sup>

The women’s call for a provision granting the right to sue liquor dealers marked a distinct break from male advocates who saw no need to incorporate additional protections. While the temperance movement as a whole embraced prohibition as the most effective means to combat the liquor trade, female activists harbored doubts that the law could completely eradicate the liquor traffic. The right to sue provided them a powerful tool to protect their interests and combat, what they believed was an inevitable illegal liquor trade. They did not just accept the Maine Law, but looked back to the legislative experiments of the previous decade, and combined some of those principles into their proposals, creating statutes that reflected their vision, one that explicitly acknowledged and safeguarded women’s rights. Female activists, even before laws were in place, looked beyond the Maine Law and cast about ways to strengthen prohibition, always looking towards what could come next.<sup>12</sup>

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<sup>11</sup> “Women’s State Temperance Convention,” *Ohio Cultivator*, February 1, 1853.

<sup>12</sup> “Women’s State Temperance Convention,” *Ohio Organ of the Temperance Reform*, February 11, 1853, pg. 32. The year before a contingent of Indiana women traveled to Indianapolis, and personally delivered a petition to the legislature demanding a similar law. See “Senate, Tuesday March 9, 1852, Afternoon Session” and “House of Representative, Tuesday March 9, 1852,” *Indiana State Sentinel* (Indianapolis, IN), March 11, 1852, Volume XI, no. 41. The Ohio women’s proposal differed from Wisconsin and Michigan’s civil damage laws, but closely resembled a provision included in Michigan 1851 liquor law that allowed individuals to sue liquor dealers who sold to a habitual drunkard. Title XI, Chapter 29, *The Revised Statutes of the State of Wisconsin, Passed at the Second Session of the Legislature, Commencing January 10, 1849* (Southport: C. Latham Sholes, 1849), 242-243; no. 178. An Act to Amend Chapter 41 of the Revised Statutes of 1846 “Of Taverns and Other Licensed Houses,” *Acts of the Legislature of the State of Michigan Passed at the Annual and Extra Sessions of 1851 Together with the Revised Constitution and Appendix, Containing the State Treasurer’s Annual Report, & c.* (Lansing: R.W. Ingals, 1851), 306-311.

Prosecutorial rights were so important to the women that they made them a central demand in their petition to the General Assembly. The memorial called for a law “similar in its provisions to the Maine Liquor Law,” but added “that in view of the vital importance to the family of the inebriate, and to the successful operations of the law, that you will incorporate in the law the humane and liberal provision granting the wife and children the right to sue the seller of ardent spirits for the recovery of the value of money paid by the husband or father for the same.” The right to sue, they argued, not only strengthened the law, making it more effective, it also helped protect women and children. These issues preoccupied and shaped female activists approach to prohibition far more than their male counterparts who simply wanted an exact copy of the Maine Law. Despite the women’s personal delivery of the memorial and other petitions numbering “tens of thousands,” the General Assembly refused to enact a prohibitory law. Once again, their efforts failed. With the next legislative session over a year away, Ohio’s temperance women considered what to try next.<sup>13</sup>

### **Private Maine Law Affairs: Women and Coordinated Direct Action**

After almost a decade of legislative temperance campaigns, and two years of prohibition drives, midwestern female activists were losing faith in the slow-moving

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<sup>13</sup> “Women’s State Temperance Convention,” *Organ of the Temperance Reform*, February 11, 1853, pg. 32; *Legislative Manual of the State of Ohio* (Columbus: F.J. Heer, 1918), 179; “Temperance Women of Hamilton County,” *New-York Daily Tribune*, September 8, 1853, pg. 6; [no title], *Daily Scioto Gazette* (Chillicothe, OH), September 3, 1853. Unfortunately, both the House and Senate *Journals* for the second session of the fiftieth Ohio Assembly are unavailable to review, but a Minority Report from the fifty-first legislative session discusses the number of petitions sent the previous term. See “Minority Report of the Select Committee of Temperance,” in *Appendix to the Journal of the House of Representative of the State of Ohio for the Session of 1854* (Columbus: John W. Kees, 1854), 265.

legislative process and complacent temperance men. Yet at the same time they were gaining confidence in themselves and their ability to direct campaign on the ground. Community-based activism increasingly seemed like the arena where women could get things done, and the growing militance of the past few years now really began to take shape, as they embraced direct action strategies (saloon visitation, threats, violent grog shop raids, agitation at the polls). While temperance women continued to lobby for statewide prohibition laws, 1853 represented such a pivotal year for midwestern activists because they shifted their attention to the local level. And here, they began to realize that direct action was an effective source of political influence.

This trend was particularly pronounced in Ohio. Although women perpetrated the largest number of saloon incursions here, incidents also occurred in Indiana, Michigan, and New York. Almost as soon as the Ohio legislature shattered female activists' hopes for a prohibition law with civil damages, women embarked on a series of aggressive, coordinated efforts to control the liquor traffic, on their terms. In Ashland, Ohio, women petitioned the city council to enact a prohibition ordinance. The measure appeared before the council on February 28<sup>th</sup> and was summarily voted down. Their refusal to pass the ordinance was not surprising, they had previously lobbied for similar measures. But when the council failed to act this time, only a month after the state legislature rejected prohibition, the women decided to take matters in to their own hands. Two days later, on March 1<sup>st</sup>, thirty women, armed with household implements, assembled and proceeded to the grocery of Anthony Jacobs. They entered his shop and politely requested that he abandon the liquor trade. Jacobs refused, and according to newspapers reports, produced a musket and threatened to shoot if they attempted to destroy his stocks. Mrs. Kellogg, undaunted by Jacob's threat, grabbed him by the collar, while several other women

forcibly removed him from the shop. Others in the group, chopped his bagatelle board “into kindling wood, and emptied his liquors.”<sup>14</sup>

With Jacob’s stock’s destroyed, the women proceeded to another grocery and a tavern, where both owners speedily capitulated to their demands. E. Slocum, meanwhile,

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<sup>14</sup> Ashland was a community of about 220 families at the time. 1850 U.S. Census, Ashland County, Ohio, population schedule, Dist. No. 1 (Ashland); digital image, *Ancestry.com* (<http://ancestry.com>, accessed November 4, 2014). It is likely that the Mrs. Kellogg mentioned in the article is twenty-five or six year old C.C Kellogg, wife of local attorney B.W. Kellogg, or possibly Juliette Kellogg, wife of local physician Kellogg from Montgomery Township, 1850 U.S. Census, Ashland County, Ohio, population schedule, Dist. No. 1 (Montgomery Township); digital image, *Ancestry.com* (<http://ancestry.com>, accessed November 4, 2014); H.S. Knapp, reported the population of Ashland in 1850 as 1,264, *A History of the Pioneer and Modern Times of Ashland County from the Earliest to the Present Date* (Philadelphia: J.B. Lippencott & Co., 1863), 216; An Act to Restrain the Sale of Spirituous Liquors, §1073, *The Public Statutes at Large of the State of Ohio from the Close of Chase’s Statutes, February , 1833 to the Present Time, Volume II* (Cincinnati: Maskell E. Curwen, 1853), 1649-1650; [no title], *Cleveland (OH) Herald*, March 3, 1853; [no title], *Organ of the Temperance Reform*, March 25, 1853, Vol. 2, no. 10. The *Organ* put the number of women involved at fifty. [no title], *North American and United States Gazette* (Philadelphia, PA) March 12, 1853, Issue 18713, col. I; [no title], *Ashtabula (OH) Weekly Telegraph*, March 26, 1853, Vol. IV, no. 17; “Mob by Strong-Minded Women,” *Daily Place Times and Transcript* (San Francisco, CA) April 27, 1853, Vol. 4, no. 948, pg. 2; “Mob of Women,” *Albany (NY) Evening Journal*, March 16, 1853, pg. 2; “Women Mobs and Women Rights,” *American Union* (Steubenville, OH), March 16, 1853, Vol. XX, no. XLV; *Vermont Watchman and State Journal*, March 17, 1853; “Taking the Law into Their Own Hands,” *Spirit of Democracy* (Woodsfield, OH) March 23, 1853; “Wo-man [sic] Law in Ashland,” *Ohio Star*, March 16, 1853; “Wo-man [sic] Law in Ashland,” *Portage Sentinel* (Ravenna, OH), March 23, 1853; “Mob by Strong-Minded Women,” *Athens Post*, March 25, 1853; [no title], *Portsmouth (OH) Inquirer*, March 25, 1853; “A Mob by Women,” *Monongalia Mirror*, April 2, 1853; “Wo-man Law in Ashland,” *Weekly Lancaster Gazette*, March 17, 1853; *Organ of Temperance Reform* April 8, 1853; “Woman Law in Ashland,” *Aliened American* (Cleveland, OH), April 9, 1853; “Mob by Strong Minded Women,” *Abbeville (SC) Banner*, April 14, 1853; “The Women in the Field,” *Windham County Democrat*, April 20, 1853; “Mob By Strong-Minded Women,” *Daily Dispatch* (Richmond, VA), March 16, 1853; [no title], *Pennsylvania Freeman*, March 17, 1853, Volume X, no. 11, pg. 43; “Strong Minded Women,” *Daily Comet*, March 29, 1853; “Mob By Strong-Minded Women,” *Port Gibson (MS) Reveille*, March 30, 1853; “Feminine Breeze,” *Weekly National Intelligencer* (Washington, D.C.), March 26, 1853; “Mob By Strong-Minded Women,” *North-Carolinian*, April 2, 1853; “Mob By Strong-Minded Women,” *Richmond Enquirer*, March 18, 1853; “Mob By Strong-Minded Women,” *New York Herald*, March 11, 1853. One account of the Ashland incident placed the number of women involved at “some hundred” *Liberator*, April 29, 1853, issue 17, p. 67.

anticipated their visit and prepared to prevent their entry. Well equipped with a variety of firearms, he and several patrons barricaded the doors and successfully thwarted the raid. At the shop of Mrs. Wirtz, also known as “Mother Yonkers,” the women pulled the spigots from the whiskey barrels and let the contents drain upon the floor. Within days of the raid, newspaper accounts celebrated that “not a drop of the “cratur” [sic] can now be found in Ashland, and the determination is that this state of things shall continue.” An editorial published in Ohio’s most widely circulated temperance paper, *Ohio Organ of the Temperance Reform*, noted that women in other towns were well aware of events in Ashland and were prepared to undertake similar action.<sup>15</sup>

Widespread press coverage of raids inspired women in other communities to take action against the liquor traffic, showing just how important local newspapers were to

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<sup>15</sup> [no title], *Cleveland (OH) Herald*, March 3, 1853; [no title], *Organ of the Temperance Reform*, March 25, 1853, Vol. 2, no. 10. The *Organ* put the number of women involved at fifty. [no title], *North American and United States Gazette* (Philadelphia, PA) March 12, 1853, Issue 18713, col. I; [no title], *Ashtabula (OH) Weekly Telegraph*, March 26, 1853, Vol. IV, no. 17; “Mob by Strong-Minded Women,” *Daily Place Times and Transcript* (San Francisco, CA) April 27, 1853, Vol. 4, no. 948, pg. 2; “Mob of Women,” *Albany (NY) Evening Journal*, March 16, 1853, pg. 2; “Women Mobs and Women Rights,” *American Union* (Steubenville, OH), March 16, 1853, Vol. XX, no. XLV; *Vermont Watchman and State Journal*, March 17, 1853; “Taking the Law into Their Own Hands,” *Spirit of Democracy* (Woodsfield, OH) March 23, 1853; “Wo-man [sic] Law in Ashland,” *Ohio Star*, March 16, 1853; “Wo-man [sic] Law in Ashland,” *Portage Sentinel* (Ravenna, OH), March 23, 1853; “Mob by Strong-Minded Women,” *Athens Post*, March 25, 1853; [no title], *Portsmouth (OH) Inquirer*, March 25, 1853; “A Mob by Women,” *Monongalia Mirror*, April 2, 1853; “Wo-man Law in Ashland,” *Weekly Lancaster Gazette*, March 17, 1853; *Organ of Temperance Reform* April 8, 1853; “Woman Law in Ashland,” *Aliened American* (Cleveland, OH), April 9, 1853; “Mob by Strong Minded Women,” *Abbeville (SC) Banner*, April 14, 1853; “The Women in the Field,” *Windham County Democrat*, April 20, 1853; “Mob By Strong-Minded Women,” *Daily Dispatch* (Richmond, VA), March 16, 1853; [no title], *Pennsylvania Freeman*, March 17, 1853, Volume X, no. 11, pg. 43; “Strong Minded Women,” *Daily Comet*, March 29, 1853; “Mob By Strong-Minded Women,” *Port Gibson (MS) Reveille*, March 30, 1853; “Feminine Breeze,” *Weekly National Intelligencer* (Washington, D.C.), March 26, 1853; “Mob By Strong-Minded Women,” *North-Carolinian*, April 2, 1853; “Mob By Strong-Minded Women,” *Richmond Enquirer*, March 18, 1853; “Mob By Strong-Minded Women,” *New York Herald*, March 11, 1853.

help coordinate grassroots activists' efforts. Newspapers are not often considered as a site for organizing, but for these loosely-knit temperance networks, the press represented a crucial conduit to stoke momentum at the grassroots. The press bonded these networks together and provided an essential route of communication to circulate tactics. The first glimpse of this power is found in some of the early appeals for local option, and then reports on the handful of saloon raids from 1851-1852, where columnists (both male and female) occasionally used the opportunity to encourage women in other communities to engage in similar actions. But by the time women stepped-up their use of direct action, the manner in which local activists used the press quickly evolved. Across the Midwest, women increasingly turned to local newspapers as a site of activism and organizing, a place where they could congratulate each other, share strategies, and vent their growing frustration.

The ladies temperance society of Richland County, for example, specifically credited the women of Ashland as an inspiration for their own actions against the liquor traffic. The Richland women addressed letters to each grog seller, and threatened that if they refused to abandon the traffic peaceably, "means might be resorted to similar to those so signally efficient at the 'spiritual rapping' demonstration in our neighboring town of Ashland." Over the course of the spring, newspapers heralded a spate of grog shop incursions across Ohio. In April, a group of women from Lima "resolved to abate a nuisance of a drunkery." Armed with hatchets, they marched in a body up to the shop, entered the shop and smashed whiskey barrels. Despite a newly enacted liquor ordinance in New Lisbon that banned the sale of alcohol within the city limits, spirits still flowed freely from the kegs and spigots. In May 1853, while searching for her drunken husband,

Isaac, Mrs. Pleasants, entered a doggery on Market Street and when the barkeep verbally abused her, she picked up a stick and destroyed all the liquor stocks and glassware.<sup>16</sup>

The constant flurry of newspaper reports not only served as an organizing tool for activists, but also kept prohibition in the spotlight and reminded liquor dealers that women were willing to use violence to dry up the liquor business. An incident on June 11<sup>th</sup> at a doggery in Millwood, Ohio, helped reinforce the town's temperance sentiment and demonstrated the growing frustration of business owners with women's tactics. When Miss. Elizabeth Kelly entered George W. Butler's doggery in search of her intemperate brother, Dr. J.A. Kelly, the owner was no in mood to deal with an intrusive woman. With a barrage of "disrespectful and highly abusive language," he ordered Elizabeth out of his shop. She complied, but immediately came back in with a handful of rocks and threw them at the bar. After demolishing a number of decanters, she turned to head for home. But Butler, incensed by her actions, grabbed his Colt revolver and pursued Elizabeth, and at distance of about fifteen paces, he fired four shots at the young woman. One bullet lodged in her thigh and another struck Dr. Moflitt, who was sitting near his home. Both victims survived, but the balls were lodged so deep in the victims' muscles that they could not be removed. Temperance advocates collected a large fund to

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<sup>16</sup>Wm. Case, "Richland Co.," *Organ of the Temperance Reform*, August 5, 1853; "More Whiskey Spilt," *Anti-Slavery Bugle*, April 2, 1853; "More Whiskey Spilt," *Windham County Democrat*, April 13, 1853; "The Late Temperance Ordinance," *Aurora*, June 8, 1853, Vol. XIX, no. 32; [no title], *Aurora*, June 8, 1853, Vol. XIX, no. 32. At the time Mrs. Pleasants attacked the liquor dealer, New Lisbon had an ordinance in effect, which banned the sale of liquor within the city limits. Yet the doggery keeper was acquitted when there was not enough evidence to render a positive verdict that a direct violation had occurred. Acquittals for dealing in liquors without a license were fairly common and increased the clamor for a prohibitory law. Around the same time, a woman and two men dressed in disguise intercepted a liquor delivery on its way to New Castle, Ohio in May 1853 and stove in the of the barrel. See [no title], *Daily Scioto Gazette*, May 10, 1853.

prosecute Butler. Within days, he was arrested and “found guilty of shooting with intent to kill, wound, or maim.” The incident ignited demands in Knox County for a prohibitory law, and converted Dr. Moflitt, a lukewarm supporter, into a friend of temperance. Although the incident in Millwood was atypical, and women were often not harmed during saloon raids, the episode illustrates that as women turned to saloon raids, some proprietors were also willing to employ force.<sup>17</sup>

By the summer, some female activists started expanding how they used the press to support this new, rapidly coalescing direct action strategy. Temperance activists in Vernon, Indiana, used the local papers to threaten liquor dealers. In a communication sent to the *Wabash Commercial*, they “came out boldly and strictly against intemperance and liquor selling” and warned that “as we before remarked, we are going to put a stop to these doggeries.” Several weeks later, the women followed through with their threat. They marched on two groceries and “made a crash of the decanters.” For some time afterwards, the groggeries were guarded from future attacks by sentries armed with loaded muskets. While the women may not have succeeded in permanently removing the liquor menace, they put the grogshops on notice that they were willing to engage in violence to achieve their goal of the liquor free village.<sup>18</sup>

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<sup>17</sup> “A Woman Shot by a Rumseller,” *Organ of the Temperance Reform*, June 25, 1853, Vol. 2, no. 23, pg. 181; [no title], *Green Mountain Freeman* (Montpelier, VT), August 11, 1853.

<sup>18</sup> [no title], *Wabash Commercial*, September 21, 1853, Volume 5, no. 26; “The Women are Coming,” *Windham County Democrat*, October 5, 1853; “The Women are Coming,” *Anti-Slavery Bugle*, August 27, 1853; [no title], *Freemont Journal* (Sandusky, OH), October 8, 1853; “The Women are Coming,” *Aurora*, September 7, 1853, Volume XIX, no. 43. Ohio and Indiana were not the only states to see women take violent actions against liquors sellers in 1853. Female attacks also occurred in Ann Arbor, Michigan, Brighton, Iowa, and Jamestown, New York. See “The Maine Law Enforced by a Woman,” *Portland (ME) Transcript*, June 25, 1853, Volume XVII, no. 11, pg. 83; “Liquor Law in Iowa,” *Organ of the Temperance Reform*, June 3, 1853; [no title], *Meigs*



Although women's saloon raids clearly forced some liquor dealers to adopt a far more defensive posture, incidents did not always turn violent. Widespread reports of violence actually made some liquor dealers more willing to bargain with the women. For example, when a man attempted to set up a groggery in the dry town of Marlboro, Ohio, women organized a meeting and appointed a visiting committee. After two visits by the women, "he yielded to the determined public sentiment, and promised not to get or sell any more." With assurance in hand, they carted away the "remnant of his liquor" and burned it in the public square. Similar events also played out that spring in Markland, Ohio. The women's temperance society appointed a committee to visit all of the "merchants, grocers and taverns of the place, selling ardent spirits" and requested the owners sign a pledge to discontinue the sale of liquors excepts for "medicinal and mechanical" purposes. With reports of violence in several nearby towns filling newspaper columns, nine of Markland's eleven liquor dealers signed the pledge. The women held "great confidence" that the two recalcitrant proprietors would eventually yield to their request. Public opinion, one observer wrote, was on the women's side as almost every citizen in the town signed a petition to the state legislature demanding a Maine Law.<sup>19</sup>

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*County Telegraph* (Pomeroy, OH), October 13, 1853; "The Women In Arms," *Moore's Rural New Yorker* (Rochester, NY), July 30, 1853, Volume IV, no. 31, pg. 250; "The Women in Arms," *Watch Tower* (Portland, ME), July 30, 1853, Volume I, no. 31, 247; "Smashing Whiskey Bottles," *Anti-Slavery Bugle*, September 10, 1853; [no title], *Belmont Chronicle*, September 23, 1853; "Just Right," *Athens (TN) Post*, July 29, 1853; [no title], *Middletown (OH) Herald*, September 9, 1853, Volume III, no. 12; [no title], *Pennsylvania Freeman*, September 1, 1853, Volume X, no. 35.

<sup>19</sup> "The Way to Do It," *Anti-Slavery Bugle*, March 5, 1853; "What Ladies Can Do," *Vermont Watchman and State Journal* (Montpelier, VT), April 14, 1853. For additional accounts of visitation in this period see "Fatal Effects from Liquor Drinking," *Anti-Slavery Bugle*, January 8, 1853; "Liquor War in Vernon," *Decatur (IN) Press*, August 26, 1853, Volume III, no. 36; "A Rum Shop Closed by the Ladies," *Temperance Chart*, October 13, 1852, Volume II, no. 14; "Ladies at Work," *New York People's Organ*, July 31, 1852, Volume 12, no. 5, pg. 38; "The Missouri Ladies," *JATU*, August 1,

The implied threat of more forceful measures convinced some Carrollton, Missouri, liquor dealers to close up shop. The town's temperance women gathered at the Baptist Church and prepared a set of resolutions aimed at not only the town's liquor dealers, but any individual who opposed their actions. They vowed that they would not "encourage or patronize any person, let his occupation be what it may" who is opposed to their organization and who makes "use of ardent spirits." The women also planned boycotts of any merchant that kept or sold intoxicating liquors. Fifty women signed the resolutions and headed to the town square for a public demonstration. Marching under a banner emblazoned with the words: "Here We Come! *Down! Down!* With the Liquor Traffic," they stopped at each shop, read their resolutions, and left the proprietors with a warning: "Here is a hint of what we are about – you will hear from us further on Monday." By the time the women arrived on Monday, a number of the town's liquor dealers had already disposed of their stocks.<sup>20</sup>

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1853, Volume XVII, no. 8, pg. 117-118; [no title], *Wabash Commercial* (Williamsport, IN), September 21, 1853, Volume 5, no. 26; [no title], *Organ of the Temperance Reform*, August 5, 1853, pg. 227; [no title], *Ohio Star*, August 24, 1853; "Excitement in Wellsville," *Belmont Chronicle, and Farmers, Mechanics and Manufacturers Advocate* (St. Clairsville, OH), February 4, 1853; [no title], *Organ of the Temperance Reform*, February 18, 1853; "Excitement in Wellsville," *Carroll Free Press*, January 14, 1853; "Excitement in Wellsville," *Organ of the Temperance Reform*, January 7, 1852; [no title], *Christian Advocate and Journal*, January 13, 1853, Volume XXVIII, no. 2, pg. 7; "Desperate Under the Curse," *New York People's Organ*, January 23, 1853, Volume 12, no. 30, pg. 239; [no title], *Hillsdale (MI) Standard*, February 1, 1853; "Ladies Temperance Meeting in Fairfield," *Norwalk Reflector*, August, 30, 1853, Volume XXIV, no. 34; "Ladies vs. Liquor," *Lily*, October 16, 1854, Volume VI, no. 19, pg. 149; "A Reports," *Lily*, March 1, 1854; [no title], *Temperance Union* (Indianapolis, IN), May 24, 1854, Volume I, no. 22; [no title], *Weekly Reveille* (Vevay, IN), May 11, 1854, Volume I, no. 47. A similar series of events took place around the same time in Savannah, Missouri. See "The Missouri Ladies," *JATU*, August 1, 1853, Volume XVII, no. 8, pg. 117-118.

<sup>20</sup> "A New Temperance Movement," *Cooper's Clarksburg Register*, March 23, 1853.

Threats and boycotts also succeeded in several Ohio towns. In Wellsville, a visitation committee warned liquor dealers that they “must quit the traffic or abide the consequences.” They also addressed local officials who they accused of ignoring blatant liquor law violations and warned that if they “will not abide them to put down the abominable traffic, they will do it themselves.” The women of Logan, coupled visitation with threats of boycotts and successfully rid the town of the “*critter*.” The Randolph Ladies Temperance Alliances also experimented with a direct action and intimidation in the press to rid the town of a particularly obstinate grocer, Jerusha Hine. After a series of visits “using every possible argument and entreaty,” Hine consented to throw out her liquor stocks and join the Alliance. But hours later, word arrived that she had actually secreted away the casks to dole out spirits upon request. They immediately dispatched another visiting committee, which Hine met with “rudeness and insult.” The women decided that since Hine refused to listen to reason and comply with their demands, public shaming and a boycott might nudge her in the right direction. Mrs. Maria Dickinson, president of the Alliance, and the secretary, Miss. E. Antoinette Meriam, penned a resolution to the *Ohio Star*. They warned Hine that the Alliance planned to “make our disapprobation manifest *publicly, boldly, and individually* as opportunity offers” and called on residents to boycott her establishment. Dickenson and Meriam defended their tactics by blaming lawmakers. Since the Ohio legislature failed to enact a Maine Law, visitation, shaming, and boycotts, offered some “effectual means of brining her to reason.” Although directed at Hine, their very pointed message served as a warning to other proprietors that the women intended see prohibition enacted in Randolph, either with or without a legally binding Maine Law.<sup>21</sup>

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<sup>21</sup> [no title], *Christian Advocate and Journal*, January 13, 1853, Volume XXVIII,

While threats and grog shop incursions (both peaceful and violent) captured contemporaries' attention, many temperance women viewed such action as just one useful tactic, albeit a very effective one, in their broader campaign against the liquor traffic. Even as women were becoming more skeptical in lawmakers' willingness to enact prohibition, they still viewed legislation as an important piece part of their efforts. These early successful direct action campaigns convinced some women that the same principle could be applied to elections. And when prohibition came up on the ballot in Michigan and the opportunity arose to replace obstinate law makers in Ohio, women took to the polls, bringing with them their aggressive inclinations honed through their face-to-face encounters with barkeeps.

#### **“I Never Realized That I had Such Influence”: From Lobbying to Electioneering**

On February 12, 1853, temperance women across Michigan rejoiced as lawmakers finally passed a prohibition bill. Once again beset by scores of petitions from female prohibitionists, lawmakers adopted the bill just six weeks into the legislative session. Yet unlike the legislative enactment of the Maine Law, Michigan lawmakers took an approach reminiscent of local option, and put the bill's fate in the people's hands. On the third Monday in June, voters were to cast their ballots and decide when the new law would take effect. A majority of votes in the affirmative, and Michigan would join

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no. 2, pg. 7; “Desperate Under the Curse,” *New-York Organ*, January 23, 1853, Volume 12, no. 30, pg. 239; “Excitement in Wellsville,” *Carroll Free Press*, January 14, 1853; [no title], *Organ of the Temperance Reform*, February 18, 1853; “Excitement in Wellsville,” *Belmont Chronicle*, February 4, 1853; [no title], *Hillsdale Standard*, February 1, 1853; For the Ohio Star,” *Ohio Star*, August 24, 1853. Women in Logan turned to the *Ohio Star* to circulate their threats. Their August 1853 address warned dealers that it was in their best interest to give up the traffic. “Huzza for the Ohio Women!” *Organ of the Temperance Reform*, March 25, 1853, Vol. 2, no. 10.

the growing list of “dry” states on December 1, 1853, but if the returns were negative, the bill still became law, but not until March 1, 1870. This provision suggested that suggesting that Michigan’s legislators had grown weary of prohibitionists’ constant demands and wanted the liquor question removed from their legislative agenda. With the ballot measure set, Michigan’s temperance women leapt into actions.<sup>22</sup>

Female activists, who played such an instrument role in legislative lobbying, turned their attention to the electors. This was not necessarily new territory for temperance women; since the early local option drives, they executed coordinated, public campaigns to steer voters towards anti-liquor measures. Yet a lot had changed since the optimistic atmosphere of those first “no license” offensives in the mid-1840s. After almost a decade of public, politicized temperance activism, simply appealing to voters no longer carried the same weight or conveyed their growing sense of urgency and frustration. Disappointed by previous failed attempts to usher in prohibition, women now adopted strategies more in tune with their growing militancy and confidence in public, politicized action. On this all important election day, they would go to the polls.

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<sup>22</sup> *An Act Prohibiting the Manufacture of Intoxicating Beverages and the Traffic Therein*, Laws of Michigan [No. 66], *Acts of the Legislature of the State of Michigan, Passed at the Regular Session of 1853* (Lansing: Geo. W. Peck, 1853), 100-111; Select Committee on the Maine Law, “Senate Doc. No. 16,” and “Senate Doc. No. 17,” in *Documents Accompanying the Journal of the Senate & House of Representatives of the State of Michigan, at the Regular Session of 1853*, 1-11, 1-3; *Journal of the House of Representatives of the State of Michigan, 1853*, 60, 139-140, 194, 199, 202-203, 215, 235-241, 247-250, 257-258, 278, 290, 294, 357, 388; 424, 43; *Journal of the Senate of the State of Michigan, 1853*, 78-79, 114, 121, 149, 209, 228, 243, 249-255, 280; John W. Quist, “An Occasionally Dry State Surrounded by Water: Temperance and Prohibition in Antebellum Michigan,” in Paul Finkelman and Martin J. Hershock, eds., *The History of Michigan Law* (Athens, OH: Ohio University Press, 2006), 73-74; John W. Quist, *Restless Visionaries: The Social Roots of Antebellum Reform in Alabama and Michigan* (Baton Rouge: Louisiana State University Press, 1998), 267-269.

As the date of the election approached, female temperance activists across the state planned to make a forceful presence at the polls. The activist, Mrs. Emma R. Coe, told of women who hovered in the vicinity of the polls, and when they found an undecided man, “they ceased not their entreaties until they had gained him to the Temperance cause.” In one instance, Coe revealed, two women found a drunkard in the street, and “talked to him for four hours.” When he finally sobered up, he promised to vote as they wished. According to one newspaper, women in Detroit visited the “stores and places of business” to educate potential voters on the election and encouraged them to vote for the law. On the day of the election, they returned to those offices and stores and specifically asked men if they had voted. Those who responded in the negative were encouraged to head to the polls and deposit vote for the Maine Law. Tecumseh’s temperance women appointed a committee to “induce the voters of the town to go and vote for the law.” In the run-up to the election, more than one hundred Grand Rapids activists pledged to attend the polls, and “use all suitable means to induce the electors to vote for the Maine Law.” They remained true to their word, and according to a number of newspaper reports, on June 20<sup>th</sup>, two hundred showed up at the polls in Grand Rapids women “electioneered all day for the Maine Law.”<sup>23</sup>

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<sup>23</sup> Stanton, Anthony, and Gage, *History of Woman Suffrage*, Volume I, 148; “All Honor to the Women of Michigan,” *Lily*, July 15, 1853, Volume 5, no. 14; “Ladies Temperance Meeting,” *Norwalk Reflector*, August 30, 1853, Volume XXIV, no. 34; “The Way it was Done,” *Democratic Sentinel*, August 17, 1853; [no title], *New Orleans (LA) Daily Crescent*, July 28, 1853; [no title], *Daily Evening Star* (Washington, D.C.), July 21, 1853; “Ladies at Elections,” *Loudon (TN) Free Press*, August 12, 1853; “Ladies at Elections,” *Jeffersonian* (Stroudsburg, PA), July 28, 1853; “May Women Work for Temperance!,” *Hannibal (MO) Journal*, August 17, 1853; “Ladies at Elections,” *Temperance Chart* (Indianapolis, IN), July 20, 1853, Volume III, no. 4; “The Way They do it in Leoni, Mich,” *Morning Star* (Dover, NH), October 5, 1853, Volume XXVIII, no. 26, pg. 102; “To the Ladies of Portage County,” *Ohio Star*, October 5, 1853.

Women from Leoni, Michigan, proved equally assertive. On election day, fifty to sixty women turned out at the polls to stump for prohibition. A column in the *Lily* reported that when an anti-Maine Law man approached the polling place, the ladies would surround him and argue their case, and tried any number of things to win them over. They refuted anti-prohibitionists' objections to the law, pleaded with them "in behalf of the cause of humanity," and even annoyed them into submission by "singing temperance songs" until they could "cause him to vote for the law." When Mr. C., an influential citizen and known anti-prohibitionist, arrived to deliver a speech encouraging voters to reject the measure, the women leapt into action. As he launched into his oration, a woman stood on each side of him and advised him to vote for the law, while another, larger group surrounded him. They then "led him to the *ballot-box*—put the right kind of a ticket in *his hand*, and he voted for it." When another prominent resident Mr. P., arrived to vote, he was "cornered by the ladies for two hours," before finally yielding. By the time the polls closed, the town of Leoni had "a two hundred and six majority for the law." Michigan voters overwhelming approved the Maine Law; prohibitionists won the day with 63.7 percent of the vote, thanks largely to women's efforts.<sup>24</sup>

Temperance campaigns prompted many women to consider the potential power of their political influence. Reports of major victories, like that in Michigan, further helped

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<sup>24</sup> "All Honor to the Women of Michigan," *Lily*, July 15, 1853, Volume 5, no. 14; "The Way They do it in Leoni, Mich," *Morning Star* (Dover, NH), October 5, 1853, Volume XXVIII, no. 26, pg. 102; "Ladies Temperance Meeting," *Norwalk Reflector*, August 30, 1853, Volume XXIV, no. 34; "The Way it was Done," *Democratic Sentinel*, August 17, 1853; [no title], *New Orleans (LA) Daily Crescent*, July 28, 1853; [no title], *Daily Evening Star* (Washington, D.C.), July 21, 1853; "Ladies at Elections," *Loudon (TN) Free Press*, August 12, 1853; "Ladies at Elections," *Jeffersonian* (Stroudsburg, PA), July 28, 1853; "May Women Work for Temperance!," *Hannibal (MO) Journal*, August 17, 1853; "Ladies at Elections," *Temperance Chart* (Indianapolis, IN), July 20, 1853, Volume III, no. 4; "To the Ladies of Portage County," *Ohio Star*, October 5, 1853; Quist, *Restless Visionaries*, 269.

reinforce grassroots women's belief that their efforts were far more responsible for anti-liquor victories than their male associates, especially at the local level. For example, a June 1853 editorial in the *Ohio Organ of the Temperance Reform* by female activist M.A. Bronson, squarely attributed local prohibition in Ravenna, Ohio, to women's efforts. Opposed by "the drunkard and the professed [male] temperance friend" they went forward, held meetings, made speeches, talked about who "must be elected," and "what the voters must do." After the ban passed, Bronson gleefully noted, even the "leading temperance men of Ravenna acknowledged that the ladies had done more to get the Ordinance passed there, than the men."<sup>25</sup>

Reports heralding women's role in successful anti-liquor drives spurred activists elsewhere to adopt similar tactics. Several weeks after Michigan women's stand at the polls, Ohio's activists were busily meeting and discussing their options. Since the current legislature refused to enact prohibition, they vowed to use their "public and private" influence to elect "reliable temperance men" who would enact a Maine Law. And here, they took their cue from Michigan's women. On July 26, 1853, sixty to seventy ladies of Fairfield, Ohio, gathered at J.N. Watrous' home to strategize. The proceedings and transcripts of the speeches were submitted to the *Norwalk Reflector* for publication, suggesting they intended other Ohio activists to follow their example.<sup>26</sup>

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<sup>25</sup> "Medina County, O," *Ohio Organ of the Temperance Reform*, June 3, 1853, Volume 2, no. 20, pg. 153.

<sup>26</sup> "Ladies Temperance Meeting," *Norwalk Reflector*, August 30, 1853. Female temperance activists in several states called for activists to emulate the example of Michigan's women. For example see "All Honor to the Women of Michigan," *Lily*, July 15, 1853, Volume 5, no. 14; "Ladies Temperance Meeting," *Norwalk Reflector*, August 30, 1853; "To the Ladies of Portage County," *Ohio Star*, October 5, 1853; "All Hail! Randolph," and "Women at the Polls," *Lily*, March 1, 1854, Volume VI, no. 5.



Miss. Jane Welch, the first speaker, advocated for direct action at the polls, like that in Michigan. She did not dwell on the particulars, noting that the audience had already read the newspaper reports celebrating their successful electioneering. Such action, she cheered, “was a new thing under the sun” and firmly “in the legitimate sphere of woman’s rights.” If Ohio’s women embraced similarly aggressive tactics, Welch argued, they could turn the tide towards prohibition. “Who does not know that if the virtuous ladies of every village, city and township in Ohio, were to “use all suitable means” to secure the election of sound temperance men, there could not be a score of bad men returned to the next General Assembly? Let them use their power.” Ohio’s women must go to the polls and directly exert their influence on voters.<sup>27</sup>

The next speaker, Mrs. R.L. Watrous, echoed Welch’s call, but emphasized how their actions forced a reconsideration of her own political power. Despite a long history of activism, Watrous confessed, “I never realized that I had such influence until a few weeks past.” The example the Michigan women not only proved effective in winning prohibition, it also instilled confidence in other women that direct action (whether peaceful or violent) represented an effective means to exert political influence. In the wake of repeated legislative failures, the prohibition campaign demanded aggressive, public, political actions. They must, Watrous asserted, embrace tactics that explicitly expressed their will and challenged not only lawmakers and liquor dealers, but temperance men. For “reason teaches me, that did the rum-sellers and whiskey-drinkers think us without influence, they would not take the trouble to point towards us the black tongue of slander and vulgarity, thinking thereby, to abate our zeal in this noble, God-approving cause; but instead of abating zeal, it has served to fill our souls with more

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<sup>27</sup> “Ladies Temperance Meeting,” *Norwalk Reflector*, August 30, 1853..

courage and energy.” Criticism from all corners, whether friend or foe, must be confronted, she continued, for if women “will be united and act,” they could “accomplish wonders.” Prohibition, she suggested, was in women’s hands, if they would reckon with their political influence and take coordinated, bold action. And many women were ready to do so.<sup>28</sup>

Yet at the same time, Watrous and Welch suggested that they needed to do something more, and take immediate actions against the town’s liquor dealers. And there was no shortage of inspiration; by the time the women met, Ohio’s newspaper had reported on a host of direct action strategies. That afternoon they drew up a pledge and appointed a visiting committee to address the town’s grocers, Messrs. Barnum & Berry, and Mr. Kirtland. Their pledge requested that the dealers cease the sale of intoxicating spirits. If refused, the women warned, they would “not only withhold our patronage, but use all our influence against you.” The women did not explain exactly what they meant by “influence,” but with frequent reports of women’s grog shop raids, the grocers may have guessed.<sup>29</sup>

Barnum and Berry complied, but Kirkland held out. When a second committee was dispatched to reason with him, they accused Kirtland of violating the state’s liquor law (a charge he vehemently denied) and urged him to reconsider his stance. When he again refused, “the ladies proceeded to the cellar and the faucets of the aforesaid whiskey barrels were turned and the whiskey began to run to waste.” Kirtland turned the spigots off after several dollars of liquor had run onto the ground, and the ladies retreated without any further incident. But Kirtland was still angry at their incursion and initiated legal

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<sup>28</sup> “Ladies Temperance Meeting,” *Norwalk Reflector*, August 30, 1853.

<sup>29</sup> “Ladies Temperance Meeting,” *Norwalk Reflector*, August 30, 1853.

proceedings against Mrs. Burr, Mrs. Allen, Mrs. Waterous [Watrous], Mrs. Wright, Mrs. Owen, Mrs. Edwards, and Mrs. Harrington, for riot. The accused were all at the meeting several weeks earlier—where Mrs. Watrous mused about her influence—to plot a course against the liquor traffic. On August 11<sup>th</sup>, the seven married women of “respectable standing,” as newspapers described them, traveled to neighboring Norwalk for their trial.<sup>30</sup>

Fairfield’s “*fair prisoners*” arrived in Norwalk amidst great fanfare. A large gathering of temperance advocates escorted them into town and followed them to the court house, which was adorned with bouquets for the occasion. The counsel for the state, Mr. Whitbeck, lamented the overwhelming “feeling that pervades the public mind at this time, on the subject of Temperance,” and believed Kirtland accusations were unlikely to be viewed in a sympathetic light. He felt the venue was so unfavorable for the state’s case, he reminded the jury that their judgment must “be administered impartially.” His

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<sup>30</sup> *Daily Scioto Gazette*, August 24, 1853; “The Ladies Triumphant,” *Norwalk Reflector*, August 16, 1853, Vol. XXIV, no. 32; “A Private Maine Law Affair,” *Belmont Chronicle*, September 2, 1853; *Wheeling (VA [WV]) Daily Intelligencer*, August 24, 1853; *Organ of the Temperance Reform*, September 16, 1853; “A Private Maine Law Affair,” *New York People’s Organ*, August 27, 1853, Vol. XIII, no. 9, pg. 71; “Maine Law Enacted and Executed by the Ladies,” *Ohio Observer* (Hudson, OH), August 17, 1853; “Novel and Summary Anti-Liquor Proceedings,” *Daily Dispatch*, August 27, 1853; “Ladies Temperance Meeting in Fairfield,” *Norwalk Reflector*, August 30, 1853, Vol. XXIV, no. 34. An Act to Restrain the Sale of Spirituous Liquors, which took effect on May 1, 1851, it held the promise that it would eradicate the saloon. The law prohibited the sale of “any spirituous liquors of any kinds whatever, to be drank in the place where sold.” It also banned the sale of ardent spirits in a quantity less than a quart. Nonetheless, the penalties for violating the statute remained relatively minor. For each violation, a retailer was subject to a fine between five and twenty-five dollars. The statute failed to stem the tide of the liquor traffic and across the state spirits continued to flow by the glass. Even in towns with a strong temperance sentiment, prosecutions against liquors dealers were often difficult and those selling in violation were able to avoid conviction. An Act to Restrain the Sale of Spirituous Liquors, *Act of a General Nature, Passed by the Forty-Ninth General Assembly of the state of Ohio, Volume XLIX* (Columbus: S. Medary, 1851), 87-88; Clubb, *The Maine Liquor Law*, 334.

case stood an even tougher challenge than anti-liquor sentiment, he had to convince the jury to convict seven respectable, married women for riot. In the eyes of many residents, the women had acted in the best interests of their families, and exercised a form of self-defense—a right the Ohio Women’s State Temperance Convention had affirmed at their annual meeting.<sup>31</sup>

The evidence against the women was damning. One witness disclosed that the women arrived at Kirtland’s expecting a fight. An interrogatory by one of the defendants revealed that “they railed at the Legislature, and declared if that body would do nothing they, [the ladies] were determined to take the matter into their own hands.” A number of other witnesses called for the prosecution testified that the ladies intended to “call upon Mr. K., and if possible, prevail upon him to abandon the traffic, and if he failed in this, then, ... the liquor was to be destroyed.” Once the prosecution concluded, C.E. Pennewell, Esq., one of the counsels for the defense, moved to discharge the case. After a short consultation, the justice announced that “the testimony did not establish a riot, and consequently that the defendants must be discharged.” Despite the fact that the women’s incursion technically met the basic definition of riot, and the testimony provided indicated that the women intended to destroy property, the judge and jury were clearly not comfortable convicting the women. The flexibility of local law, especially in criminal cases, often protected female saloon raiders. Men were often unwilling to convict

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<sup>31</sup> *Daily Scioto Gazette*, August 24, 1853; “The Ladies Triumphant” and “The Maine Law in Norwalk,” *Norwalk Reflector*, August 16, 1853, Vol. XXIV, no. 32; “A Private Maine Law Affair,” *Belmont Chronicle*, September 2, 1853; *Wheeling Daily Intelligencer*, August 24, 1853; *Organ of the Temperance Reform*, September 16, 1853; “A Private Maine Law Affair,” *New York People’s Organ*, August 27, 1853, Vol. XIII, no. 9, pg. 71; “Maine Law Enacted and Executed by the Ladies,” *Ohio Observer*, August 17, 1853; “Novel and Summary Anti-Liquor Proceedings,” *Daily Dispatch*, August 27, 1853; “Women’s State Temperance Convention,” *Anti-Slavery Bugle*, January 29, 1853; Isenberg, *Sex and Citizenship*, 161.

ostensibly passive, middle-class, married women as perpetrators of premeditated violence, even when the evidence suggested otherwise. Vindicated for their actions, the women returned to Fairfield with plenty of time to plan for the upcoming election.<sup>32</sup>

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<sup>32</sup> *Daily Scioto Gazette*, August 24, 1853; “The Ladies Triumphant” and “The Maine Law in Norwalk,” *Norwalk Reflector*, August 16, 1853, Vol. XXIV, no. 32; “A Private Maine Law Affair,” *Belmont Chronicle*, September 2, 1853; *Wheeling Daily Intelligencer*, August 24, 1853; *Organ of the Temperance Reform*, September 16, 1853; “A Private Maine Law Affair,” *New York People’s Organ*, August 27, 1853, Vol. XIII, no. 9, pg. 71; “Maine Law Enacted and Executed by the Ladies,” *Ohio Observer*, August 17, 1853; “Novel and Summary Anti-Liquor Proceedings,” *Daily Dispatch*, August 27, 1853. On local justice in the court system see Laura F. Edwards, “Part II: Localized Law,” in *A People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009), 55-200. Riot in Ohio was defined as “three or more persons shall assemble together, with intent to do any unlawful act, with force and violence, against the person or property of another, or to do any unlawful act against the peace; or, being lawfully assembled, shall agree with each other to do any unlawful act, as aforesaid, and shall make any movement or preparation therefore, the persons so offending, shall each, on conviction thereof, be fined in any sum not exceeding two hundred dollars, and be imprisoned in the cell or dungeon of the jail of the county, and fed on bread and water only, not exceeding ten days.” “Riot” Chapter 35, Section 52, Sect. V in *Statutes of the State of Ohio of a General Nature, in Force, December 7, 1840; also the Statutes of a General Nature Passed by the General Assembly at their Thirty-Ninth Session, Commencing December 7, 1840* (Columbus: Samuel Medary, 1841), 241; “Riot,” Chapter 1347, Chase, 1729, Section 5 in Maskell E. Curwen, ed., *The Public Statutes at Large of the State of Ohio from the Close of Chase’s Statutes, February, 1833 to the Present Time* (Cincinnati: By the Author, 1854), 2367. Men were hesitant to convict women of actions that clearly had the sympathy of the community, and often presented as perpetrated as self-defense or protection of their families. While saloon raiders themselves often contextualized them in terms of the broader temperance movement and law enforcement, the courts viewed their actions differently and the Fairfield case fits with this pattern. When women were prosecuted for criminal actions like riot, stemming from saloon raids, they were often acquitted, or the cases were thrown out for insufficient evidence. Justices and juries were far more likely to find saloon raiders guilty in civil cases for property damages, but even her assessed far lower damages than the value of the property they destroyed. For some examples see “A Drunkard Maker’s Swett,” *Massachusetts Cataract*, July 12, 1849, Volume 7, no. 17, pg. 67; “A Female Heroine,” *Anti-Slavery Bugle*, June 26, 1852; “Progress of Public Sentiment,” *Organ of the Temperance Reform*, March 12, 1852; “Woman Law in Ashland,” *Aliened American*, April 9, 1853; “The Ladies Triumphant,” *Norwalk Reflector*, August 16, 1853; [no title], *Aurora*, June 8, 1853, Volume XIX, no. 32; “Liquor Law in Iowa,” *Organ of the Temperance Reform*, June 3, 1853, Volume 2, no. 20; “Just Right,” *Athens Post*, July 29, 1853; On the ten cases where it is not indicated there was prosecution see “Michigan Ladies,” *Norwalk Reflector*, August 4, 1846; “Female Vengeance,” *JATU*, March 1, 1849, Volume XIII, no. 3, pg. 34-35; [no

Months of coordinated direct action on the ground and the well-publicized acquittal of Fairfield's "fair prisoners" seemed to fuel women's resolve to make a showing at the polls. For example, on October 5, 1853, just six days before the election, Helen L. Bostwick and A.E. Austin from the Portage County Ladies [Temperance] Alliance, published an appeal to the *Ohio Star's* female readers. Bostwick and Austin encouraged women to organize meetings and educate voters on temperance and the Maine Law, but also called for them to make a physical presence at the polls and ensure voters followed through with their promises. Duty, they argued, called women to the "place of election on Tuesday next," they must "imitate the example of the ladies of Michigan," and sweep reliable temperance men into the legislature. Elsewhere in Portage and Summit counties, women also prepared to take their demands directly to the voters.<sup>33</sup>

The women of the Randolph Ladies Temperance Alliance spent considerable time planning for the election. That the members of Alliance intended to make a stand at the polls was not surprising. In August they coordinated the visitation, boycott and public shaming of the liquor dealer, Jerusha Hine. As the fall election approached, the women once again reached out the *Ohio Star* to jumpstart their campaign. In a published endorsement, the 178 women of the Randolph Ladies Temperance Alliance signed their names to a resolution calling on voters to cast their ballots for "men known as

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title], *Temperance Chart*, October 13, 1852, Volume II, no. 14; "Temperance," *Lily*, January 15, 1853; "Great Excitement in Cambridge City – Doggery Destroyed by Woman," July 30, 1853; "More Whiskey Spilt," *Anti-Slavery Bugle*, April 2, 1853; "The Women are Coming," *Anti-Slavery Bugle*, August 27, 1853; "A Woman Shot by Rumseller," *Organ of The Temperance Reform*, June 24, 1853, Volume 2, no. 23; "The Maine Law Enforced by a Woman," *Portland (ME) Transcript*, June 25, 1853, Volume XVII, no.11, pg. 83; "Glorious Woman," *Temperance Chart*, August 11, 1852, Volume II, no. 7.

<sup>33</sup> "To the Ladies of Portage County," *Ohio Star*, October 5, 1853.

temperance men, *men* who will pass a law similar in power to the Maine Law.” They then readied plans for a pageant at the polls. On the morning of the election, the women headed to the voting place with a “Ballot Box of their own.” They chose three judges, Cynthia M. Price, Sophronia C. Smalley, and Comfort Harmon, and two clerks, E. Antoinette Meriam, and Sophronia C. Smalley, and staged their own Maine Law referendum. The Maine Law won in a landslide, with no votes cast against prohibition. Their carefully orchestrated spectacle was a rousing success. Throughout the mock election, they addressed men heading to the polls and encouraged Randolph’s electors to emulate their example and vote for temperance candidates. By the end of the day, they had “induced many to vote for Brown [the pro-temperance man], who would otherwise have voted for Cochran [the anti-Maine Law candidate].” Although the women of Randolph convinced a number of voters to cast their ballots for Brown, Cochran won.<sup>34</sup>

Election demonstrations struck a chord with many midwestern women. By 1853, their traditional lobbying efforts (petitioning, appeals, etc.) had produced mixed results, and women increasingly shifted attention to coordinated direct action at the local level. Physical presence at the polls represented the next logical step in their broader set of hands-on tactics, and their actions scored some victories, which inspired women elsewhere. The women’s periodical the *Lily*, called for women across the country to replicate this new “manifestation of Woman’s Rights” and “go forward into the thickest of the fight and contend boldly and bravely for the immediate and entire prohibition and suppression of the traffic.” Their embrace of such bold efforts, the author proclaimed, presaged a time when women would “nominate and elect officers of their own sex, and

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<sup>34</sup> “To the Voters of Portage and Summit,” *Ohio Star*, October 5, 1853; “Ladies of Randolph,” *Ohio Star*, October 12, 1853; *History of Portage County, Ohio* (Chicago: Warner, Beers & Co., 1885), 311.

then sustain them in making and enforcing laws for the suppression of vice and immorality.” While the women staging election demonstrations no doubt longed to have a direct hand in lawmaking (as evidenced by female temperance activists frequent calls for suffrage), these direct action episodes at the polls were part of a broader shift in their activism. By 1853, midwestern women took more of an initiative to dictate the direction of the temperance movement in a way they saw fit and pushed a vision of temperance that reflected their political sensibilities.<sup>35</sup>

### **“Shame on the Woman!”: The Brick Church and Competing Conventions**

As midwestern women publicly continued to fight the liquor traffic on several fronts (election day demonstrations, coordinated direct action, lobbying campaigns for Maine Laws), in New York, a different initiative seemed to be underway—a move to silence outspoken temperance women. The stories of the so-called Brick Church Meeting, World’s Temperance Convention, and Whole World’s Temperance Convention is well-known in both temperance and women’s rights literature. Because of what transpired here, forward-thinking women turned their back on the conservative, single issue, temperance movement to fight for woman’s rights. What transpired in New York has been considered so pivotal that it dramatically altered the course of women’s activism for the next two decades. But when read through the optic of grassroots activism, even this well-known narrative is given new life. It is clear that the animosity (especially at the Brick Church meeting) was not only directed at the prominent female activists in attendance known for their espousal of women’s rights, but male activists were just as

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<sup>35</sup> “All Hail! Randolph,” and “Women at the Polls,” *Lily*, March 1, 1854, Volume VI, no. 5.



annoyed with the ordinally rank-and-file activists. Grassroots women increasingly garnered attention and were seizing control of the movement, especially in the Midwest, and they, too, publicly advocated for women's rights.<sup>36</sup>

The female delegates traveled to the Brick Church meeting knowing their presence would provoke a reaction. Just a year earlier, in January 1852, many of the same women encountered fierce opposition at the mass temperance celebration in Albany, New York. The hostility they encountered there precipitated the founding of the New York State Women's Temperance Society. Many of the male delegates to the Brick Church meeting were not only New Yorkers, but would have been present at the 1852 Albany celebration. On May 3, 1853, less than two weeks before the delegates were scheduled to arrive in New York City for the Brick Church meeting, Susan B. Anthony predicted trouble. She requested the renowned reformer Lucy Stone attend the planning meeting to "help us Tem. Women claim our right to be represented in the World's Temperance Convention." Anthony expected "the brothers will feel very much disturbed at our presence." With the American Anti-Slavery Society's anniversary meeting scheduled to open the day before the Brick Church meeting, Anthony called on Stone to rally anti-slavery activists to support women's claim to full equality at the World's Convention. "I look to the Antislavery friends to sustain us in our claim that woman shall be represented at the World's Convention." "Were it not for the hope of their presence," Anthony confided, "I should shrink from going into that meeting." Clearly, when Anthony, Stone,

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<sup>36</sup> *Proceedings of the World's Temperance Convention, Held at Metropolitan Hall, in the City of New York, September 6, 1853 with all the Correspondence and Documents of the Convention* (New York: S. W. Benedict, 1853), 4-8; *The Whole World's Temperance Convention held at Metropolitan Hall in the City of New York on Thursday and Friday Sept. 1<sup>st</sup> and 2<sup>nd</sup>, 1853* (New York: Fowlers and Wells, 1853), 1-2; "Brick Church Meeting," Stanton, Anthony, and Gage, eds., *History of Woman Suffrage*, Volume I, 499-503.

and the other female delegates arrived at the Brick Church the morning May 12<sup>th</sup>, they did not expect cooperation.<sup>37</sup>

The meeting commenced amicably enough. At nine o'clock in the morning, temperance activists from thirteen states and two Canadian provinces filed into the lecture room of the Brick Church in lower Manhattan to plan a "grand World's [Temperance] Convention." The secretary called the meeting to order and the Rev. Dr. Nathaniel Hewitt (a principle behind the first civil damage laws in the 1840s) delivered the opening prayer, followed by the appointment of secretaries. With some positions filled, Rev. John Marsh "moved that all gentlemen present, who were friends of Temperance be admitted as delegates." In response, Dr. Trall, a representative from New York, offered a simple correction to what seemed like an oversight—the word "ladies" should be inserted into the motion to recognize the delegation from the from the Women's State Temperance Society [of New York]. The motion carried unanimously, and for a brief time it appeared that the female delegates would be considered full participants in the proceedings.<sup>38</sup>

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<sup>37</sup> SBA to Lucy Stone, Rochester, New York, May 1, 1853 in Ann D. Gordon, Tamara Gaskell Miller, Stacy Kinlock Sewell, Ann Pfau, and Arlene Kriv, eds., *Selected Papers of Elizabeth Cady Stanton and Susan B. Anthony, Volume I, In the School of Anti-Slavery, 1840 to 1866* (New Brunswick, NJ.: Rutgers University Press, 1997), 219-221, hereafter cited as Gordon, et al., eds., *Selected Papers, Volume I*. On events in Albany in 1852 see Gordon, et al., eds., *Selected Papers, Volume I*, 183; Elizabeth Cady Stanton to Women's Temperance Meeting in Albany, before January 28, 1852, Gordon, et al., eds., *Selected Papers, Volume I*, 189-193; Alice Felt Tyler, *Freedom's Ferment: Phases of American Social History to 1860* (Minneapolis: University of Minnesota Press, 1944), 448; Carol Mattingly, *Well-Tempered Women: Nineteenth-Century Temperance Rhetoric* (Carbondale: Southern Illinois University Press, 1998), 23.

<sup>38</sup> *The Whole World's Temperance Convention*, 2; "World's Temperance Convention," *New-York Daily Tribune*, April 7, 1853; "Brick Church Meeting," Stanton, Anthony, Gages, eds., *History of Woman Suffrage*, 499-500; "Meeting of Delegates," and "The Preparatory Meeting," *JATU*, June 1, 1853; "The Women's Rights Party vs. Temperance," *New York People's Organ*, May 21, 1853, Volume 12, no. 47, pg. 372.

Then the trouble began. As the meeting's officers assigned male delegates to committees at a furious pace, it was clear they had no intention to accept women as equal partners. When Thomas Wentworth Higginson, a delegate from Massachusetts, motioned for Susan B. Anthony to sit on the business committee, the proposal ignited a nasty war of words. Nathaniel Hewitt lashed out, incredulous that "in certain parts of the country women had received a good deal of celebrity and notoriety" in the temperance cause, and he "was not prepared to give up to women that prominent place in arranging the affairs of mankind which hitherto was the province, and was given to others." Hewitt correctly assessed the "celebrity and notoriety" of temperance women. The man who had first pushed for civil damage laws in the 1840s and maintained prominent role in the temperance movement, found his position overshadowed by female activists, often midwestern grassroot women. Female activists took a prominent role in legislative temperance initiatives and increasingly garnered attention for their advocacy, and this did not sit well with Hewitt. Headlines that once celebrated male reformers now focused on women who enacted and enforced Maine Laws. Hewitt, like many men gathered at the Brick Church had a hard time accepting women's growing authority over the direction of the temperance movement.<sup>39</sup>

The proposal to seat the notorious Susan B. Anthony on the business committee evoked an uproar. Another delegate, Mr. Thompson, also from Massachusetts, chastised the hypocrisy of a "World's Temperance Convention" that excluded women as equal partners, and a motion was made to appoint Lucy Stone to a committee. With the

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<sup>39</sup> *The Whole World's Temperance Convention*, 2; "World's Temperance Convention," *New-York Daily Tribune*, April 7, 1853; "Brick Church Meeting," Stanton, Anthony, Gages, eds., *History of Woman Suffrage*, 499-500; "Meeting of Delegates," and "The Preparatory Meeting," *JATU*, June 1, 1853; "The Women's Rights Party vs. Temperance," *New York People's Organ*, May 21, 1853, Volume 12, no. 47, pg. 372.

nomination of Stone, Abby Kelly Foster, Joseph Dugdale, and Miss. Emily Clark hurried to their feet to in support, but according to the published accounts of the meeting, found that “amid the cries of order” it was “difficult to be heard.” The Honorable Bradford R. Wood of Albany then took the floor and moved for an adjournment, roaring that the female delegates were “bound to run this affair right straight into the ground” for they had come “for that express purpose, and no other.” Wood immediately withdrew his motion, but his belligerent suggestion laid bare the fear of Wood, Hewitt, and their supporters—full inclusion of women undermined their control of the proceedings and signaled a consolidation of women’s authority in the movement more broadly.<sup>40</sup>

As the shouts and cries coming from the delegates got louder and louder, Abby Kelly rose to speak. “Mr. Chairman,” she began, “I hope sir, that this is to be no sectarian test. I hope that gentlemen will allow me to express my opinions, as I only take the liberty to express my views.” Kelly got no further. Accounts of the meeting note how she was overpowered by shouts of “order,” “sit down,” “we don’t want to hear your remarks.” Hewitt tried to establish order and the Chairman demanded Abby Kelly Foster relinquish the floor and return to her seat. As Kelly retreated, Mr. Wood again moved for adjournment if the meeting was “to be subjected to such interruptions.” Meanwhile, Rev. Buckhart piped-up, railing against “women interfering with matters outside of their own sphere.” In the midst of the turmoil, the committee tasked with reviewing the credentials of the delegates returned from deliberation and presented their report to Chairman

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<sup>40</sup> *The Whole World’s Temperance Convention*, 2; “World’s Temperance Convention,” *New-York Daily Tribune*, April 7, 1853; “Brick Church Meeting,” Stanton, Anthony, Gages, eds., *History of Woman Suffrage*, 499-500; “Meeting of Delegates,” and “The Preparatory Meeting,” *JATU*, June 1, 1853; “The Women’s Rights Party vs. Temperance,” *New York People’s Organ*, May 21, 1853, Volume 12, no. 47, pg. 372.

Barstow. The committee unanimously voted to reject the women's credentials on the basis that "it was not intended by those who called this meeting that female delegates should be received, that their credentials should be disregarded." The expulsion of the women enraged Higginson, who initiated the call for the meeting and fully intended the women act as equal partners.<sup>41</sup>

The exclusion of the female delegates led to an exodus of women and men from the meeting amidst a barrage of insults. Abby K. Foster, Susan B. Anthony, Lucy Stone, Lydia Fowler, Emily Clark, Mary C. Vaughn, T.W. Higginson, the Rev. J.W. Higginson, Dr. R.T. Trall, E.L. Baldwin and "others of the minority" withdrew to Dr. Trall's Institute "to carry out their duty as Delegates." As the group left, a series of speakers lit into scathing attacks on the women. Rev. Hewitt quibbled that even if certain groups of reformers saw it fit to send women to the convention as equals, "Paul and other Scriptural authorities," dictated that they should not be engaged in public activities and should counsel morality at home. The Rev. Chambers attacked Abby Kelly Foster for "outraging the proprieties of her sex, trampling the very Son of God under her blasphemous feet." The expulsion of the women, Chambers remarked, had merely "gotten rid of the scum of this convention." E. W. Jackson considered the women notorious troublemakers. He had personally "known some of these women for twenty years. They were in the habit of disturbing the Anti-Slavery meetings in the same way, with their stuff and nonsense about "Women's Rights. They had come to this Hall, expressly to do what they had attempted to do to-day." The meeting's Chairman, Mr. Barstow, simply referred to the

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<sup>41</sup> *The Whole World's Temperance Convention*, 2; "World's Temperance Convention," *New-York Daily Tribune*, April 7, 1853; "Brick Church Meeting," Stanton, Anthony, Gages, eds., *History of Woman Suffrage*, 499-500; "Meeting of Delegates," and "The Preparatory Meeting," *JATU*, June 1, 1853; "The Women's Rights Party vs. Temperance," *New York People's Organ*, May 21, 1853, Volume 12, no. 47, pg. 372.

female delegates as “a disgrace to their sex” who were “never productive in anything but mischief.”<sup>42</sup>

When female delegates and their supporters exited the Brick Church to “carry out their duties” at Trall’s Institute, they lit out with the intention of organizing a competing convention. They planned to host the Whole World’s Temperance Convention at Metropolitan Hall on September 1<sup>st</sup> and 2<sup>nd</sup> 1853. In opposition to the World’s Temperance Convention scheduled for September 6<sup>th</sup>, the Whole World’s Convention was organized on the principle of equal cooperation in the temperance cause. While the events at the Brick Church meeting and World’s Temperance Convention are well-studied, the Whole World’s Temperance Convention remains somewhat obscured. Beyond acknowledging the origins of the convocation (the shameful treatment of women at the Brick Church), temperance and women’s rights scholars have not placed much emphasis on the proceedings. But scrutinizing the convention with an eye to grassroots activism reveals that the central arguments made by the meeting’s prominent reformers—

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<sup>42</sup> Ironically, the only attendees talking about “woman’s rights” that day were the male delegates. The women in attendance were barely able to utter a word, let alone present an argument linking temperance and woman’s rights. Yet the very fact that the women in attendance viewed temperance as intertwined with woman’s rights, and expected to take their seats as full and equal partners was deemed such a threat to male authority that the issue had to be resolved before any other business was transacted. The reaction from the majority of male delegates was hardly surprising. Many attendees represented northeastern, male, fraternal temperance organizations—representatives from the Sons of Temperance were plentiful and over a third of delegates were clergy. The female delegates entered a meeting that was hostile to them even before it was called to order. *The Whole World’s Temperance Convention*, 2; “World’s Temperance Convention,” *New-York Daily Tribune*, April 7, 1853; “Brick Church Meeting,” Stanton, Anthony, Gages, eds., *History of Woman Suffrage*, 499-500; “Meeting of Delegates,” and “The Preparatory Meeting,” *JATU*, June 1, 1853; “The Women’s Rights Party vs. Temperance,” *New York People’s Organ*, May 21, 1853, Volume 12, no. 47, pg. 372. *The Whole World’s Temperance Convention*, 1-8, 65-71; *Proceedings of the World’s Temperance Convention, held at Metropolitan Hall, in the City of New York, September 6, 1853. With all the Correspondence and Documents of the Convention* (New York: S.W. Benedict, 1853), 3-7.

the interconnectedness of women's rights and temperance—was the same basic principle that many rank-and-file advocates had espoused since the local option campaigns of the 1840s, again demonstrating that grassroots activists not only stood in the forefront of the temperance movement, but embraced a vision of temperance and women's rights as inextricably intertwined.<sup>43</sup>

On the morning of September 1, 1853 over a thousand people filed into Metropolitan Hall for the opening of the Whole World's Temperance Convention. Thomas Wentworth Higginson, appointed president of the proceedings, addressed the lingering charge that the gathering was a veiled woman's rights convention. "I have heard, since I came into this Hall, some expressions from those who do not understand us or our purpose, upon which I will say one word. Let it be understood, once and for all, what this Convention is; this is not a Woman's Rights Convention—it is simply a Convention in which Woman is not wronged." He then turned to women's contributions to the temperance movement, arguing that they were the true force that pushed the cause into new territory, and none more so than Caroline Swett. Higginson recounted the now familiar tale of her grog shop raid, and great cheers erupted when he proclaimed that the "first Neal Dow man of the state of Maine was a woman." The actions of women like

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<sup>43</sup> *The Whole World's Temperance Convention*, 7, 16, 71; Stanton, Anthony, Gage, eds., *History of Woman Suffrage*, 508. For some newspaper accounts on the convention proceedings see "Whole World's Temperance Convention," *Anti-Slavery Bugle* (Salem, OH), September 17, 1853, Volume 9, no. 5; "New York Correspondence," *National Era* (Washington, D.C.), September 22, 1853, Volume VII, no. 351, pg. 152; [no title], *Organ of the Temperance Reform*, September 9, 1853, Volume 2, no. 34, pg. 268; "Whole World's Temperance Convention," *New-York Daily Tribune*, September 3, 1853, Volume XVIII, no. 3863, pg. 4.

Caroline Swett, Higginson argued, proved that they were indispensable to the temperance movement and must be respected as equal partners in the cause.<sup>44</sup>

Shortly after Higginson's opening address, the Rev. Miss. Antoinette L. Brown, the acclaimed women's rights activist and first woman ordained as a mainstream Protestant minister, ascended the platform amidst "tremendous cheering." Brown not only took aim at the reformers who shunned women as equal colleagues, but also at

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<sup>44</sup> *The Whole World's Temperance Convention*, 12-13; John Otis Wattles to Esther Whiney Wattles, 1 September 1853 [date on letter labeled by an archivist incorrectly identified as September 6<sup>th</sup>, but the letter clearly shows in Wattles writing September 1<sup>st</sup>. Also, the convention did not take place on the 6<sup>th</sup> and he is writing on that evening.], New York, John Otis Wattles and Esther Whiney Wattles Family Papers, Container 1, Folder 12, Special Collections, Western Reserve Historical Society, Cleveland, Ohio. For some examples of articles detailing Swett's 1849 attack see "Mrs. Sweet Convicted," *Daily Scioto Gazette* (Chillicothe, OH), July 18, 1849; "Mrs. Swett Convicted," *Daily National Intelligencer* (Washington, D.C.), July 11, 1849; "Mrs. Swelt Convicted," *Tarboro Press* (Tarborough, NC), August 4, 1849; "Mrs. Swett Convicted," *North Carolinian* (Fayetteville, NC) July 21, 1849; "Mrs. Swett Convicted," *Lincoln (NC) Courier*, July 28, 1849; "Mrs. Swett Convicted," *JATU*, August 1, 1849, Volume XIV, no. 8, pg. 117-118; "Mrs. Sweet Convicted," *New-York Organ*, July 14, 1849, Volume 9, no. 3, pg. 29; "A Woman in a Rum Shop," *Portland (ME) Transcript*, April 14, 1849, Volume XII, no. 52, pg. 414; "Victorious Battle in Exchange Street," *Portland (ME) Pleasure Boat*, April 12, 1849, Volume 4, no. 32; "A Smash," *Boston (MA) Courier*, April 16, 1849; "Mrs. Swett," *Boston (MA) Saturday Rambler*, July 21, 1849, Volume IV, no. 29; "Mrs. Caroline M. Sweet," *Massachusetts Cataract, Temperance Standard, and Dew Drop* (Worcester, MA), August 16, 1849, Volume 7, no. 22, pg. 85; "A Smash," *Dover (NH) Gazette & Strafford Advertiser*, April 21, 1849; "Mrs. Caroline M. Sweet," *Lily*, August 1, 1849; "What A Woman Can Do," *Southern Sentinel* (Plaquemine, LA), June 13, 1849; "What A Woman Can Do," *Lancaster (OH) Gazette*, April 27, 1849; "What A Woman Can Do," *Carroll Free Press* (Carrollton, OH), May 25, 1849; "A Woman's Revenge," *Vermont Phoenix* (Brattleboro, VT), April 13, 1849; "Victorious Battle in Exchange Street," *Anti-Slavery Bugle*, April 27, 1849; "War in Portland," *Olive Branch* (Boston, MA), April 14, 1849, Volume XIV, no. 15; "Heroine," *Portland Pleasure Boat*, June 14, 1849, Volume 4, no. 41; [no title], *Daily Crescent*, July 17, 1849; [no title], *Vermont Phoenix*, July 6, 1849; [no title], *Scioto Gazette*, August 1, 1849; [no title], *Bangor (ME) Daily Whig & Courier*, April 14, 1849; [no title], *Boston (MA) Daily Atlas*, July 9, 1849; [no title], *Milwaukee (WI) Sentinel and Gazette*, July 14, 1849; [no title], *Bangor Daily Whig & Courier*, April 11, 1849; [no title], *Gazette & Courier* (Greenfield, MA), July 2, 1849; "Smashing Suasion," *New York Organ*, April 28, 1849, Volume 8, no. 44, pg. 324; "One-Eyed Justice," *New York Organ*, July 21, 1849, Volume 9, no. 4, pg. 39; "A Drunkard Maker's Swett," *Massachusetts Cataract*, July 12, 1849, Volume 7, no. 17, pg. 67.



Higginson's claim that the meeting was not a woman's rights convention. One attendee from Ohio, John Otis Wattles, wrote to his wife that Brown "was rather the most captivating speaker I ever heard" and that she "wittingly hits at the remarks of the Pres. [Higginson] that women's rights are not to be discussed in this convention." The notion that woman's rights should not be discussed in conjunction with temperance was outrageous to many female activists who believed the subjects were inseparable.<sup>45</sup>

In a rousing speech, Brown boldly addressed the foolishness and hypocrisy of promoting the notion of disparate issues. "The sun maybe everywhere seen, though it is not yet up in the meridian," Brown declared, and "any one has a right to speak of Temperance to the world, even though this right has been disputed and virtually voted away." She then took aim at the hypocrisy of hosting a temperance convention with women as full participants, yet dictating the parameters of their dialogue: "Who does not see this to have been in bad taste — and not a word here about any woman's right to vote, even in favor of a Maine Law, although the world disenfranchises one-half of its inhabitants; although they are not recognized as belonging to its inhabitants, and although the other part are licensed to sell and use what bring them desolation and ruin." If the men of the World's Convention wished to eradicate the liquor trade and usher in prohibition, she suggested, they would support women's right to vote, even if just on the

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<sup>45</sup> John Otis Wattles to Esther Whiney Wattles, 1 September 1853, New York, John Otis Wattles and Esther Whiney Wattles Family Papers, Container 1, Folder 12, Special Collections, Western Reserve Historical Society, Cleveland, Ohio. Charles C. Sholes, also in attendance, wrote to his wife of Brown's speech that he "never really heard a more entertaining speech than she made." Charles C. Sholes to Sarah Sholes, 21 September 1853, New Haven, Connecticut, Charles C. Sholes Papers, 1843-1867, Folder 5, Division of Library, Archives, and Museum Collections, Wisconsin Historical Society, Madison, Wisconsin; Nancy Isenberg, *Sex & Citizenship in Antebellum American* (Chapel Hill: University of North Carolina Press, 1998), 99-101.

liquor questions. It was the same argument that grassroots, local option advocates first made in the 1840s.<sup>46</sup>

Women's inequality, Brown argued, tied the two issues together. "Do not let it be known that the father has the whole custody of the children, although a drunkard, and that he may take them away from the mother and apprentice them as a security for his own grog-bill; and that he may, in his last will and testament, give them over to the rum-seller for the whole term of their minority." She then took another shot at Higginson, noting that even at a convention that invited women as equal partners, they were not to speak "a word about all this." Instead, some say: "Why, this belongs to Woman's Rights, and what has this to do with the temperance cause?" To this Brown proclaimed, "It may be that this is after all a distinction without a difference; for we always find the degradation of women connected with the rum-traffic." Brown's forceful speech masterfully illustrated that temperance and woman's rights were one in the same, and received "loud and continued applause."<sup>47</sup>

Antoinette Brown was not the only speaker to address the connection between temperance and woman's rights. A series of renowned activists hammered the issue. President of the Ohio Women's State Temperance Society, Mary C. Vaughn, proclaimed the temperance cause as the "basis of other reforms" and called on women to "throw their influence in the political scale for the Maine Law" and go to the "polls and electioneer." Vaughn's endorsement of electioneering at the polls emphasized the successful campaigns by grassroots women in the June 1853 Michigan prohibition referendum, and a similar drive Ohio's activist were diligently planning. Adoption of the Maine Law, she

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<sup>46</sup> *The Whole World's Temperance Convention*, 16-17.

<sup>47</sup> *The Whole World's Temperance Convention*, 16-17, 19.

declared, would not only eradicate intemperance but represented a step forward for woman's rights, while the indomitable Lucretia Mott advised the audience that there was no "danger in blending several reforms together." Reformers needed to adopt the "utmost liberality towards all movements," and support not only temperance, but also antislavery and woman's rights. To further all causes, any "exclusive notions should be annihilated." Clarina I. Nichols, a prominent reformer who often spoke and wrote on temperance, abolition, and woman's rights, railed against laws that protected the rights of liquor dealers and left women's financially vulnerable. The law barred her from "the bread she earns to feed her babes and children" and allowed her inebriate husband to squander it at the grog shop. Nichol's argument went right to the heart of why many women vehemently supported civil damages laws in the 1840s and why they demanded Maine Laws with similar provisions—until treated equally under the law, women would continue to disproportionality suffer from male intemperance.<sup>48</sup>

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<sup>48</sup> Nichols also lectured on the "deep and great need of woman" to have access to divorce and live in a society that prohibited liquor. She urged attendees to ask why women were the greatest sufferer of intemperance. The answer, Nichols argued, was that women's systematic legal inequalities bolstered injustice, and this fact was often obscured or just ignored. "Woman is the greatest sufferer," she thundered, "because the laws of the land have bound her hand and foot, and committed her soul and body to the protection of her husband; and when he fails to protect her through imbecility, misjudgment, misfortune, or intemperance, she suffers." When Lucy Stone spoke, she implored the audience to accept woman's rights and temperance as interconnected, but also argued that divorce on the grounds of habitual drunkenness acted as a deterrent to intemperance. Stone explained that a wife, husband, or child "whose nearest interests were affected by the intemperance of either, should be allowed to separate from the one who caused the misery." Laws that compel an individual to stay married to a drunkard, is "false to humanity." Furthermore, the Court offer the women and children abused at the hands of the drunkard little redress. Once public sentiment, Stone reasoned, accepted the dissolution of marital bonds on the grounds of intemperance, the prospect of such "would be a check against the acquirement of such habits." Stone's argument, John Otis Wattles remarked was delivered "gently & forcibly & the silent multitude ... seems to say amen." Both Nichols and Stone also emphasized the myriad ways intemperance invaded women's homes and robbed them of the money they earned, their material possessions, and the ability to comfort and raise their own children. The nation's law protected the

By the time the meeting adjourned, the conventioners firmly established their belief that women were equal partners in the temperance cause. While male speakers belabored this point and encouraged women to press for prohibition, female lecturers took a far different approach. They emphasized the fundamental connection between women's rights and temperance. In some case, like that of Antoinette Brown, their orations seemed to directly address the men in attendance, who gladly accepted women as partners, but still expected them to steer clear of any mention of women's rights. It was clear that many of the men and women gathered at the Whole World's Temperance Convention held different visions of temperance, even if they both agreed that women were indispensable public activists in the movement. And these differences were not just amongst the prominent, mostly northeastern reformers gathered in New York. Women at the grassroots had been advocating for a broad vision of temperance that included women's rights for almost a decade. As the convention adjourned with an air of "harmony and earnest enthusiasm," all eyes turned to the contested World's Temperance Convention scheduled to occupy the same hall later that week.<sup>49</sup>

On September 6, 1853, the delegates to the World's Temperance Convention entered Metropolitan Hall in New York City. Many of the conventioners hoped to avoid a repeat of the chaotic scenes that arose in May at the Brick Church meeting, but when

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drunkard and the liquor dealer while systematically depriving women of their most basic rights. *The Whole World's Temperance Convention*, 42-46, 57-59; John Otis Wattles to Esther Whiney Wattles, 1 September 1853, New York, John Otis Wattles and Esther Whiney Wattles Family Papers, Container 1, Folder 12, Special Collections, Western Reserve Historical Society, Cleveland, Ohio; Lori D. Ginzberg, *Women and the Work of Benevolence: Morality, Politics, and Class in the 19<sup>th</sup>-Century United States* (New Haven: Yale University Press, 1990), 114-115; Diane Eickhoff, *Revolutionary Heart: The Life of Clarina Nichols and the Pioneering Crusade of Women's Rights* (Kansas City, KS: Quindaro Press, 2006).

<sup>49</sup> *The Whole World's Temperance Convention*, 9-64.

the Chair, Neal Dow, received the credentials of Antoinette L. Brown as a delegate, the stage was set for another contentious showdown. When Brown ascended the platform to speak, a chorus of “hisses, stomping and cries of “order” rang out from all parts of the hall. Hostile delegates immediately passed two resolutions to remove her from the proceedings. But so long as Brown remained a delegate she was entitled to “the privileges and rights of a delegate” and when she rose to interject during the business session, pandemonium erupted.<sup>50</sup>

As “hisses, groans, squeals, and taunting epithets” thundered around her, she maintained a “calm dignity of manner.” One clergyman shouted “Shame on the woman! Shame on the brazen-faced creature! Put her out! Down with woman!” The Presbyterian minister Thomas Hunt leapt to the stage and screamed at Brown that “if she had any modesty, she would leave the platform.” Samuel Cary, Mr. Kenner, and the Rev. John Chambers echoed Hunt’s sentiment. Chambers then called on all of his fellow Pennsylvania delegates to “retire and leave the hall in the hands of the women and abolitionists.” The entire scene created such commotion, the Rev. J.W. Dale, offered a motion that the “[h]all be cleared in order to ascertain who are delegates.” Afterwards, the “roll of officers was then called and the platform re-occupied.” The approved members were readmitted to carry on the business of the convention. Antoinette L.

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<sup>50</sup> The first motion restricted the platform to “Officers of the Convention. And such other persons as the presiding officers may invite.” The second, motioned by the prominent Ohio temperance activist and Son of Temperance, Samuel F. Cary, stated that the “Convention fully appreciate the value, and the absolute necessity of the co-operation of our wives, our mothers, and our sisters” but the delegates “are of the opinion that the public platform of discussion is not the appropriate sphere of woman.” “The Psuedo World’s Temperance Convention,” *Pennsylvania Freeman* (Philadelphia, PA), September 15, 1853, Volume X, no. 37, pg. 146; “Intemperate Temperance Meeting,” *Liberator* (Boston, MA), September 30, 1853, Volume 29, no. 39, pg. 156; “The Late World’s Convention,” *New York People’s Organ*, September 17, 1853, Volume XIII, no. 12, pg.92; *Proceedings of the World’s Temperance Convention*, 12-13.

Brown was not among them. This time the conventioners had succeeded in expelling the female agitator.<sup>51</sup>

The conventioners not only wanted to expel Brown and the other women from the convention, they sought to expunge all mention of the chaos from the proceedings. The published documents of the World's Temperance Convention make no mention of Antoinette Brown or the bedlam sparked by her commission as a delegate. The only reference to the disorder are several resolutions mentioning interruptions by a "faction of disorganizers" whose intent was to involve "their particular notions on topics not connected with the Temperance cause." When the organizers expunged the debates over women's activism, they presented a version of the temperance movement as dominated and steered by men, a portrait that bore little resemblance to the execution of the campaign on the ground. There it was a movement led by women who paid little heed to the distractions sowed in the east by the so-called "woman question."<sup>52</sup>

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<sup>51</sup> "The Psuedo World's Temperance Convention," *Pennsylvania Freeman*, September 15, 1853; "Intemperate Temperance Meeting," *Liberator*, September 30, 1853; "The Late World's Convention," *New York People's Organ*, September 17, 1853; *Proceedings of the World's Temperance Convention*, 21-23.

<sup>52</sup> For some examples of newspaper coverage of the World's Temperance Convention see "The Psuedo World's Temperance Convention," *Pennsylvania Freeman*, September 15, 1853; "Intemperate Temperance Meeting," *Liberator*, September 30, 1853; "The Late World's Convention," *New York People's Organ*, September 17, 1853; "The World's Temperance Convention – Grand Row!," *Cooper's Clarksburg (VA) Register*, September 21, 1853, Volume II, no. 46; "The World's Temperance Convention," *Monongalia Mirror* (Morgantown, [W]VA), September 17, 1853, Volume V, no. 214; "New York Correspondence," *National Era* (Washington, D.C.), September 22, 1853, Volume VII, no. 351, pg. 152; [no title], *North-Carolina Standard* (Raleigh, NC), September 14, 1853, Volume III, no. 86; "A Picture of Life in New York – Reform and Reformers," and "The World's Temperance Convention," *New York Herald*, September 9, 1853, Volume XVIII, no. 250; "The World's Temperance Convention," *New York Herald*, September 8, 1853, Volume XVIII, no. 249; "The World's Temperance Convention," *New York Herald*, September 7, 1853, Volume XVIII, no. 248; "The Maine Liquor Law Alliance," *New York Herald*, September 10, 1853, Volume XVIII, no. 251; "The World's Convention," *Organ of the Temperance Reform*,

The disgraceful treatment and brazen insults lobbed at the female delegates clearly angered many midwestern activists, but had little tangible consequences for their execution of the movement at home. They remained far more concerned with the enactment and enforcement of liquor laws than the discord sowed over women's rights and their public activism. Still, it is noteworthy that one of Ohio's most distinguished reformers, General Samuel Carey, played a leading role in the disrespectful proceedings, and that rankled many temperance women. Carey likely thought nothing of his comments against female participation or his resolution barring women from the platform. A leader in the Sons of Temperance (an organization vehemently opposed to women's public activism), he simply expressed his personal stance and one of the Sons guiding principles—public political action was inappropriate for women. While Carey's comments adhered to the precepts of the Sons of Temperance, many of Ohio's female reformers found his stance shameful and worthy of public condemnation.

The anti-liquor crusader, abolitionist, and President of the Ohio Woman's Rights Association, Josephine S. Griffing, struck first. On the eve of the annual Ohio State

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September 23, 1853, Volume 2, no. 37, pg. 284; "The World's Convention," *Organ of the Temperance Reform*, September 16, 1853, Volume 2, no. 36, pg. 277; "The World's Temperance Convention," and "Rich Scene in the World's Temperance Convention," *Richmond (VA) Enquirer*, September 13, 1853, Volume I, no. 38 ; "The World's Temperance Convention," *Spirit of the Age* (Raleigh, NC), September 21, 1853, Volume V, no. 3; "The Half World's Temperance Convention," *Anti-Slavery Bugle*, September 17, 1853, Volume 9, no. 5; "How Gen. Cary Put Her Down," *Democratic Sentinel* (Cadiz, OH), September 28, 1853, Volume 20, no. 22; "The World's Temperance Convention," *Lancaster (SC) Ledger*, September 14, 1853, Volume II, no. 32, pg. 127; "Conventions," *National Era*, September 15, 1853, Volume VII, no. 350, pg. 147; [no title], *Wyandot Pioneer* (Upper Sandusky, OH), September 14, 1853, Volume I, no. 20; "Another World's Temperance Convention," *Weekly Comet* (Baton Rouge, LA), September 25, 1853, Volume I, no. 19; "The World's Temperance Convention," *Windham County Democrat* (Brattleboro, VT), September 28, 1853, Volume XVII, no. 51; [no title], *New-York Daily Tribune*, September 7, 1853, Volume XIII, no. 3866 , pg. 4. *Proceedings of the World's Temperance Convention*, 12-31, 21-23.

Women's Temperance Society convention, she sent a scathing editorial to Ohio's *Anti-Slavery Bugle* criticizing the male delegates at the World's convention. She denounced the "clergy and common rioters of New York," who out of "wonted and *increased* desperation," shut out the voice of women and their "genius in the creation of public sentiment against the use of intoxicating drinks," but she saved the harshest censure for Carey. "I am glad that Ohio was disgraced with only *one such* delegate," she blasted, "and that he was in no very conspicuous degree a *representative* man." Carey's "heartless immolation of woman, *even*, will scarcely entitle him to rank with his illustrious predecessors—Generals whose murders and butcheries have purchased for them the highest honors in the gifts of the nation." According to Griffing, Carey a stalwart of temperance who often courted women's support, crossed the line and his disgraceful actions were unforgivable.<sup>53</sup>

As delegates gathered in Dayton for the Ohio State Women's Temperance Society annual convention on September 21, 1853, women's activism, not the World's convention, dominated their attention. The audience listened to reports of women's efforts throughout Ohio, vowed to secure a Maine Law, and cultivate "public sentiment which would uphold the law." The turn to direct actions in some pockets of the state, and across the Midwest generally, seemed to be scoring some victories. Liquor shops in a number of towns had shut their doors, even if only temporary, and the sale of intoxicating spirits had been stopped. Many women in the audience applauded these actions and found inspiration in them. During one discussion on the best means to enforce the Maine Law, a woman shouted loudly, "if the men could not do it, the women would give them effectual

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<sup>53</sup> Josephine S. Griffing, "Letter from Mrs. Griffing," *Anti-Slavery Bugle*, October 1, 1853, Volume 8, no. 7.



aid.” No one doubted her, over the course of 1853 women accelerated their enactment and enforcement efforts. Throughout the day’s proceedings, resolutions passed proclaiming it women’s duty to “act individually and collectively, to petition and remonstrate, in every laudable way” and called on all touched by intemperance to join them in the “holy enterprise.”<sup>54</sup>

The delegates then formalized what many activists and contemporaries already knew—the temperance movement was now in their hands. The conventioners appointed Josephine Griffing, M.E. Peck, J.C. Bateham, and Mary B. Birdsall, to a committee tasked with setting the course for the upcoming year. Their *Appeal to the Women of Ohio* declared that the men who claimed authority over the temperance movement and enjoyed a direct hand in lawmaking simply could not get the job done. Through complacency and sheer ineffectiveness, men left the real work to women. “From this enterprise,” they wrote, “we as women, having no legal political rights available in this warfare, *seem* to be excluded. We have no legal recognition as citizens, not as voters, and hence cannot due the legitimate work of such. Nevertheless the most important part of the work is left upon our hands.” While women could not pass laws and do the “legitimate work of such,” they could take the law into their own hands, and simultaneously lobby for prohibition. They had a responsibility, the *Appeal*’s authors argued, to demand prohibition laws that specifically protected women’s interests; they must address “the disproportionate

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<sup>54</sup> “Women’s State Temperance Convention,” *Ohio Organ of the Temperance Reform*, August 26, 1853, Volume 2, no. 32, pg. 252; Parker Pillsbury, “Woman’s State Temperance Convention,” *Anti-Slavery Bugle*, October 1, 1853, Volume 8, no. 7; “Women’s State Temperance Convention,” *Ohio Cultivator (Columbus)*, October 1, 1853, Volume IX, no. 19, pg. 301. See also “Complimentary,” *Ohio Organ of the Temperance Reform*, September 30, 1853, Volume 2, no. 38, pg. 292; “Letter from Mrs. Gage,” *Ohio Cultivator*, October 15, 1853, Volume IX, no. 20, pg.; Stanton, Gage, Anthony, eds., *History of Woman Suffrage*, Volume I, 120-122.

sufferings of our sex from a curse in which we are *comparatively* free from guilt and insist upon redress through a prohibitory law.” The history of the temperance movement, they stated, proved that “individual moral actions, as a *measure* adapted to secure the desired reform or destroy drunkenness” failed, and it was time for women to do all in their power to end the liquor traffic. To ensure all women in Ohio understood their platform, they requested newspapers across the state publish their *Appeal*.<sup>55</sup>

The World’s Temperance Convention only came up when the discussion turned to temperance on a national scale. A few speakers mentioned the treatment of “Antoinette Brown” by the “Reverend Ruffians” at the “*Hemispherical Convention*” while others demanded a direct rebuke of Samuel Carey. Here, Josephine Griffing again took the lead. She proposed a resolution that denounced his “tyrannical and cowardly confirmation to the *usages of society*” in thrusting women from the platform. “His actions constituted a “most daring and insulting outrage upon all of *woman kind*” and it was “with the deepest shame and mortification that we learn that our own State of Ohio furnished the delegate to officiate in writing and presenting the resolution, and who presided at the session when the desperate act was accomplished.” While Carey’s name did not appear in the resolution, his reputation as the most renowned male temperance activist in Ohio and a principle in the women’s expulsion meant that Griffing did not need to utter his name.<sup>56</sup>

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<sup>55</sup> Josephine S. Griffing, M.E. Peck, J.C. Bateman, and Mary B. Birdsall, “An Appeal for Temperance,” *Ohio Cultivator*, December 1, 1853, Volume IX, no. 23, pg. 365.

<sup>56</sup> “Women’s State Temperance Convention,” *Ohio Organ of the Temperance Reform*, August 26, 1853, Volume 2, no. 32, pg. 252; Parker Pillsbury, “Woman’s State Temperance Convention,” *Anti-Slavery Bugle*, October 1, 1853, Volume 8, no. 7; “Women’s State Temperance Convention,” *Ohio Cultivator (Columbus)*, October 1, 1853, Volume IX, no. 19, pg. 301. See also “Complimentary,” *Ohio Organ of the Temperance Reform*, September 30, 1853, Volume 2, no. 38, pg. 292; “Letter from Mrs.

The convention's delegates adopted Griffing's resolution, but not unanimously. A small group of Oberlin delegates requested the chair record their objections. While they "regard as uncourteous [sic], unchristian and unparliamentary [sic], the far-famed proceedings at New York," they could not "endorse the language of censure" against Carey. They did not necessarily disagree with the sentiment, but the language of the invective. Several weeks after the convention, Matilda Joselyn Gage, addressed the decision of the Oberlin delegates and assured readers of the *Ohio Cultivator* that no one "wished to detract from the present or past services of Gen. Carey in the cause of Temperance." It was Carey's steadfast and noble dedication that made his actions so egregious and insulting. "That he should attempt to cool the ardor of the women, which he has so earnestly striven to create in the past," pained all the women who had worked alongside him in the cause, and she noted that "had the resolution passed through the hands of the committee it would have been softened." The issue was the language, not the message.<sup>57</sup>

### **The Legacy of the Brick Church and the Competing Conventions**

The events at the Brick Church meeting and the World's Temperance Convention still guides our understanding of women's antebellum activism. Although male delegates' heinous behavior infuriated many midwestern temperance women, it did not dampen

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Gage," *Ohio Cultivator*, October 15, 1853, Volume IX, no. 20, pg.; Stanton, Anthony, and Gage, eds., *History of Woman Suffrage*, Volume I, 120-122.

<sup>57</sup> "Women's State Temperance Convention," *Ohio Cultivator*, October 1, 1853; Stanton, Gage, Anthony, eds., *History of Woman Suffrage*, Volume I, 120-122; Matilda Joselyn Gage, "Letter from Mrs. Gage, *Ohio Cultivator*, October 15, 1853, Volume IX, no. 20, pg. 218; "Complimentary," *Ohio Organ of the Temperance Reform*, September 30, 1853.

their dedication to the prohibition campaign or convince them to abandon the cause. Their continued involvement directly contradicts the dominant narrative, which argues that after the World's Convention most women's left the temperance movement until the Women's Crusades of 1873-1874. This story, derived from one source, the seminal *History of Woman Suffrage*, has obscured the continued agitation by tens of thousands of temperance women, especially in the Midwest. While the events at the Brick Church and the World's Temperance Convention may have been useful to explain why the editors of the *History* fled temperance to focus on building a woman's rights movement, it did so by dismissing activism that did not adhere to the narrative they envisioned. Prominent women did indeed leave organized temperance in 1853, but those at the grassroots remained active, and aggressively so. Theirs was a movement that was building over 1853, not weakening.<sup>58</sup>

The first volume of the *History of Woman Suffrage* dedicated fifteen pages to events at the Brick Church meeting and the World's Temperance Convention. This suggests that the editors believed they needed to thoroughly explain their exit from

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<sup>58</sup> On the *History of Woman Suffrage* as the authoritative voice on the nineteenth-century women's rights/suffrage see Lisa Tetrault, *The Myth of Seneca Falls: Memory and the Women's Suffrage Movement, 1848-1898* (Chapel Hill, NC: University of North Carolina Press). For example of temperance scholarship that take the account from the *History of Woman Suffrage* see Jed Dannenbaum, *Drink and Disorder: Temperance Reform in Cincinnati from the Washingtonian Revival to the WCTU* (Urbana: University of Illinois Press, 1984), 180-211; Jed Dannenbaum, "The Origins of Temperance Activism and Militancy Among Women," *Journal of Social History* 15, no. 2 (Winter, 1981): 235-252; Ian R. Tyrrell, "Women and Temperance in Antebellum American, 1830-1860," *Civil War History*, Vol. XXVIII, no. 2 (1982), 128-134; Jack S. Blocker, *American Temperance Movements: Cycles of Reform* (Boston: Twayne Publishers, 1989), 54-60; Scott C. Martin, *Devil of the Domestic Sphere: Temperance, Gender, and Middle-class Ideology, 1800-1860* (DeKalb: Northern Illinois University Press, 2008), 124, 130-132, 147-149; Catherine Gilbert Murdock, *Domesticating Drink: Women and Alcohol in American, 1870-1940* (Baltimore, MD: John Hopkins University Press, 1998), 16-18; Janet Zollinger Giele, *Two Paths to Women's Equality: Temperance, Suffrage, and the Origins of Modern Feminism* (New York: Twayne Publishers, 1995), 45-47.

temperance activism at a time when many women viewed temperance and women's rights as intertwined. While the Brick Church and World's Temperance Convention occupied multiple pages of the volume, the Whole World Temperance Convention, which the editors were involved with, is only mentioned in contrast to the "ribaldry of speech and rudeness of actions" that dominated the "Half World's Temperance Convention." The "shameful" events at the Brick Church and the World's Temperance Convention, Anthony, Stanton, and Gage insisted, drove the most able and worthy activists away from temperance and to woman's rights. According to the *History*:

Most of the liberal men and women now withdrew from all temperance organizations, leaving the movement in the hands of time serving priests and politicians, who being in the majority, effectually blocked the progress of the reform for the time — destroying, as they did the enthusiasm of the women in trying to press it as a moral principle, and the hope of the men, who intended to carry it as a political measure. Henceforward women took no active part in temperance until the Ohio crusade revived them again all over the nation, and gathered the scattered forces into "The Woman's National Christian Temperance Union," of which Miss. Frances E. Willard is president. As now, so in 1853 intelligent women saw that the most direct way to effect any reform was to have a voice in the laws and lawmakers. Hence they turned their attention to rolling up petitions for the civil and political rights of women, to hearings before legislatures and constitutional conventions, giving their most persistent efforts to the reform technically called "Woman's Rights."<sup>59</sup>

Stanton, Anthony, and Gage's assessment became the definitive narrative on antebellum women's temperance agitation. After the shameful events at the World's Temperance Convention—what the editors referred to as their "Waterloo in that reform"—

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<sup>59</sup> Stanton, Anthony, Gage, eds., *History of Woman Suffrage*, Volume I, 512-513. The main source for the women who remained in the temperance movement under the strict guidance of their male counterparts seems to come from the 1853 Ohio Women's Temperance Convention where a minority of women disrupted the proceedings to support the stance taken by the men at the World's Temperance Convention. See "Complimentary," *Ohio Organ of the Temperance Reform*, September 30, 1853, Volume 2, no. 1, pg. 222; "Letter from Mrs. Griffing," *Anti-Slavery Bugle*, October 1, 1853, Volume 8, no. 7; "The Ohio Women's Convention," in Stanton, Anthony, Gage, eds., *History of Woman Suffrage*, Volume I, 120-122.

—there was no remarkable progress in the temperance campaign. Those who remained were content to labor under male leadership and “had no proper self respect.” Those who “tested their status” abandoned “all temperance organizations, as the same proper pride that that forbade them to accept the conditions of a proscribed class in men’s conventions, also prevented their affiliation with women who would tolerate such insults to the sex.” With their assessment, author/editors of the *History* set forth two distinct movements that did not converge until the 1870s.<sup>60</sup>

Yet when we move our focus to the grassroots, it is clear that the narrative in the *History* stands in stark contrast to the reality on the ground. It obviously reflected the viewpoint of the editors (which was likely shaped by their own experience with organized temperance), but it is not indicative of the campaign nationwide. The narrative emphasizing disengagement from temperance is focused on the northeast, and particularly New York, where the “woman question” remained a divisive issue. Clergy and conservative fraternal orders, such as the Sons and Daughters of Temperance, which were openly hostile to women’s public agitation, dominated New York’s temperance movement. The New York-centric focus presented in the *History of Woman Suffrage* does not represent that reality on the ground in other parts of the country, particularly the Midwest.

The Brick Church meeting and the World Temperance Convention caused some prominent women to abandon temperance, but they had little impact on midwestern grassroots women’s activism. On the ground, women kept fighting. They continued to refine their direct action strategies, demand law enforcements, and lobby for prohibition. And they maintained their belief that temperance and women’s rights were inextricably

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<sup>60</sup> Stanton, Anthony, Gage, eds., *History of Woman Suffrage*, Volume I, 499.

intertwined, and pushed for laws that directly addressed their vision. Far from abandoning the temperance crusade, these women harnessed their influence and tirelessly pressed for change in whatever manner they felt best served their ends.

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Over the course of 1853, midwestern women reevaluated their tactics, made a decisive turn towards coordinated direct action, and embraced both peaceful (election demonstrations, visiting, pledges) and violent (grog shop raids) methods. Frustrated with the legislative process and complacent temperance men, they increasingly looked to confront the liquor traffic on their terms and in their communities. The number of saloon incursions in 1853 far outpaced previous spurts of episodic incursions. Between 1846 and 1852, violent attacks occurred in eight different towns, half of them in New England and the Northeast, and most were perpetrated by one or two women with a grievance against a specific dealer. By the spring of 1853, this pattern started to shift, as midwestern women banded together and attacked liquor vendors. Of the ten known violent incidents in 1853, only three were the work of a single woman and only one occurred outside of the Midwest. The shift towards coordinated direct action (peaceful and violent) exposes not only women's continued activism, but also how they innovated and improvised on the ground as legislative prohibition faltered. These early experiments in coordinated direct action proved remarkably effective and evolved into a concerted strategy that dominated their activism for the remainder of the decade.<sup>61</sup>

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<sup>61</sup> For a sample of newspaper coverage on each of the attacks identified between 1846 and 1853 see "Michigan Ladies," *Norwalk Reflector*, August 4, 1846, Volume XVII, no. 29, pg. 4; "Victorious Battle on Exchange Street," *Portland (ME) Pleasure Boat*, April 12, 1849, Volume 4, no. 32; "Female Vengeance," *JATU*, March 1, 1849, Volume XIII, no. 3, pg. 34-35; "A Heroic Woman," *Lily*, July 1, 1852, Volume 4, no. 7; "Glorious Woman," *Temperance Chart*, August 11, 1852, Volume II, no. 7; [no title], "*Temperance Chart*, October 13, 1852, Volume II, no. 14; "Progress of Public Sentiment,"

As well-known eastern reformers abandoned temperance for woman's rights, many midwestern women continued their active campaigns against the liquor traffic and championed women's rights. For these women, it was not an either/or question; the issues were inextricably intertwined. Following the events in New York City, midwestern women condemned the treatment of their sisters in the cause, chastised regional male temperance activists who had been involved with the distasteful scene, and continued their mission, albeit far more skeptical of their male compatriots. Unlike the northeast (and New York in particular), where large, conservative, national organizations dominated the movement, most midwestern women, actively labored in smaller, autonomous, local organizations. These organization provided members a forum to lobby for statewide prohibition, as well as to coordinate action against the liquor traffic in their own communities. On the ground in the Midwest, 1853 was indeed a pivotal year, one that marked a turning point towards aggressive (often violent), coordinated, community-based action in the name of temperance.

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*Organ of the Temperance Reform*, March 12, 1852; "Temperance," *Lily*, January 15, 1853; "Riotous Ladies. A Private Maine Law Affair," *New York People's Organ*, August 27, 1853, Volume XIII, no. 9, pg. 71; [no title], *Daily Scioto Gazette*, May 10, 1853; "Great Excitement in Cambridge City- Doggery Destroyed by Woman," *Ripley Bee*, July 30, 1853; "Woman Law in Ashland," *Aliened American*, April 9, 1853; "More Whiskey Spilt," *Anti-Slavery Bugle*, April 2, 1853; "The Women are Coming," *Anti-Slavery Bugle*, August 27, 1853; [no title], *Aurora*, June 8, 1853, Volume XIX, no. 32; "A Woman Shot by a Rumseller," *Organ of the Temperance Reform*, June 24, 1853, Volume 2, no. 23; "Liquor Law in Iowa," *Organ of the Temperance Reform*, June 3, 1853, Volume 2, no. 20; "Just Right," *Athens Post*, July 29, 1853; "The Maine Law Enforced By a Woman," *Portland Transcript*, June 25, 1853, Volume XVII, no. 11, pg. 83.



## Chapter 5

### The Law of Hatchets

“We have a new order,” declared an Indiana newspaper in 1854, “not the Sons, nor the Daughters, but *The Mothers* of Temperance, they *make* temperance.” These particular *Mothers* lived in Winchester, where in late March one Thornton Alexander succumbed to delirium tremens. As the Indianapolis *Free Democrat* reported his last words, “I am dying; whiskey has done it.” Within hours, the “Women’s Temperance Army” gathered at a church to comfort the widow, Eliza Alexander, and to prepare a public statement. At four o’clock that afternoon, several newspapers noted, they “took the subject [the liquor traffic] in hand and instituted a prohibitory law, which they proceeded forthwith to put into execution.”<sup>1</sup>

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<sup>1</sup> “Another Murder – A Summary Prohibitory Law,” *Free Democrat* (Indianapolis, IN), April 6, 1854; M.A. Reeder, “Great Excitement – Maine Law Triumphant,” *Indiana American* (Brookville, IN), April 21, 1854; “How the Women Break Up Rummeries,” *Anti-Slavery Bugle* (Salem, OH), April 8, 1854; “Another Man Murdered,” *Fort Wayne (IN) Times*, April 5, 1854; “Another Murdered. Summary Prohibitory Law,” *Monongalia Mirror* (Morgantown, VA [WV]), May 20, 1854; Spirit of the Temperance Movement,” *Daily Indiana State Sentinel* (Indianapolis, IN), April 7, 1854, Volume III, no. 279; “The Ladies of Winchester,” *Temperance Union* (Indianapolis, IN), August 16, 1854, Volume I, no. 34; “A Lesson for Gov. Seymour,” *Grand River Times* (Gran Haven, MI), April 19, 1854; “A Lesson for Gov. Seymour,” *New-York Tribune*, April 5, 1854; “The Spartan Mothers of Winchester, Ind.,” *Journal of the American Temperance Union* (New York), June 1, 1854, Volume XVIII, no. 6, hereafter cited as the *JATU*; “Sprit of the Temperance Movement,” *Jackson County Democrat* (Brownstown, IN), April 18, 1854; “Great Excitement,” *New-York People’s Organ* (New York), April 15, 1854, Volume XIII, no. 42, pg. 335; “The Women and the Groggeries,” *Lily* (Mount Vernon, OH), April 15, 1854, Volume VI, no. 8; J.P. Davis, “How It Works,” *Anti-Slavery Bugle*, April 29, 1854; “Females vs. Liquor Sellers,” *New Orleans (LA) Daily Crescent*, April 13, 1854; “Females vs. Liquor Sellers,” *Daily Dispatch* (Richmond, VA), April 10, 1854; “Technical,” *Southerner* (Tarboro, NC), April 29, 1854; “Spunky Women,” *Burlington (VT) Free Press*, April 28, 1854; “Females vs. Liquor Sellers,” *Jackson Standard* (Jackson Court House, OH), April 20, 1854; “Maine Law in Indiana,” *Nashville (TN) Union and American*, April 19, 1854; “Maine Law in Indiana,” *Monongalia Mirror* (Wheeling, VA[WV]), April 29, 1854; Alex. Hunter, “The Winchester Riots,” *Anti-Slavery Bugle*, June 10, 1854; Franklin D.

Prohibitionists Amanda Way, Hannah Hiatt, Thirza Way, and Melissa Diggs – all founding members of the Indiana Woman’s Rights Association – led at least forty other women (some armed with hatchets) to the grocery of David Acker. The marchers demanded that he sign a pledge “not sell any more liquor in Winchester.” When Acker hesitated, the widow Eliza accused him of murdering her husband. Acker sensed the growing impatience and indignation and offered to sign their pledge, if they would buy out his stock. For an agreed price of \$110, and they confiscated and dumped into the street four barrels of whiskey, six to eight kegs of brandy, gin, and wine. Then they moved on the town’s other grogeries.<sup>2</sup>

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Richards, ed., “Temperance with a Vengeance,” *Latter-Day Saints’ Millennial Star*, vol. XVI (Liverpool, U.K.: Franklin D. Richards, 1854), 351; “The Maine Law Enforced by American Ladies,” *Bristol (U.K.) Temperance Herald*, September 1854, Volume XVII, no. 9, pg. 139-140; Joseph Barker, “Letter from Joseph Barker, No. IV,” *Liberator* (Boston, MA), August 18, 1854, Volume 23, no. 33, pg. 132; Joseph Barker, “Letter from Joseph Barker, No. IV,” *Anti-Slavery Bugle*, August 19, 1854; [no title], *Brooklyn (NY) Daily Eagle*, April 8, 1854, pg. 2; [no title], *Liberty (IN) Union Herald*, April 20, 1854; [no title], *Cannelton (IN) Reporter*, April 15, 1854; [no title], *New Albany (IN) Daily Tribune*, April 4, 1854; [no title], *New Albany (IN) Daily Ledger*, April 15, 1854; New York’s *Sabbath Recorder* also included a story on Winchester, but incorrectly cited Winchester in Illinois: “Rum-Selling in Illinois,” *Sabbath Recorder* (New York), April 13, 1854; E. Tucker, “Temperance,” in *History of Randolph County, Indiana* (Chicago, IL: A.L. Kingman, 1882), 189-190; Jacob Piatt Dunn, *Indiana and Indianans*, Volume II (Chicago, IL: The American Historical Society, 1919); T. A. Goodwin, *Seventy-Six Years’ Tussle with the Traffic: Being a Condensation of the Laws Relating to the Liquor Traffic in Indiana from 1807 to 1883 Inclusive, and All the Points Decided by the Supreme Court on More Than Four Hundred Appeals* (Indianapolis: Carlton & Hollenbeck, 1883), 9-10; V.W. Grubbs, *Practical Prohibition* (Greenville, TX: T.C. Johnson & Co., 1887), 295.

<sup>2</sup> Indian Woman’s Rights Convention, Dublin, Indiana, October 14 and 15, 1851, “Report of the Committee on Resolutions,” Folder 1, Indiana Woman’s Suffrage Association Collection, Indiana Historical Society Manuscripts, Indiana Historical Society, Indianapolis, Indiana; “Way, Amanda, M.,” in Edward T. James, Janet Wilson James, and Paul S. Boyer, eds., *Notable American Women: 1607-1950*, Volume 3 (Cambridge, MA: Harvard University Press, 1971), 552-553; “Another Murder – A Summary Prohibitory Law,” *Free Democrat*, April 6, 1854; Reeder, “Great Excitement – Maine Law Triumphant,” *Indiana American*, April 21, 1854; “How the Women Break Up Rummeries,” *Anti-Slavery Bugle*, April 8, 1854; “Another Man Murdered,” *Fort*

Not all of Winchester's liquor dealers were ready to bargain. William Page refused to sign their pledge and, according to the *Grand River Times*, "shut his door in their faces." This proved to be a mistake. Eyewitness David Heaton saw some of the ladies strike "the door with flat side of hatchet" and "cut on the door as hard as they could" until they "chopped his door down." Meanwhile, Mrs. Emily Wheeler smashed the windows with yet another hatchet. Once inside they emptied every bottle they could find and smashed a dozen or so kegs and barrels. The damage done – \$363.50 worth – made clear that the Temperance Army would not be deterred. The next six shop owners signed their pledge. The lone holdout, Mr. Binager, saw his own daughter step out of the mob and fetch a keg of whiskey into the street, where she smashed it herself. As night fell, the women agreed to meet again the next afternoon to destroy the local brewery, "the only place in town where they had not introduced and established the Maine Law."<sup>3</sup>

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*Wayne Times*, April 5, 1854; "Another Murdered. Summary Prohibitory Law," *Monongalia Mirror*, May 20, 1854; "The Ladies of Winchester," *Temperance Union*, August 16, 1854, Volume I, no. 34; "A Lesson for Gov. Seymour," *Grand River Times* (Grand Haven, MI), April 19, 1854; "A Lesson for Gov. Seymour," *New-York Tribune*, April 5, 1854. Several months before, Amanda Way and her temperance army picked up weapons and attacked the town's liquor shops, the same women organized another type of incursion into one of the town's saloons. When a Winchester saloonkeeper advertised for a "free lunch," Way and group of other local women hatched a plan to take advantage of the grog dealers' offer and embarrass them at the same time. They organized a "small army of children whose fathers spent all their money in drink-shops" and brought the hungry kids to "enjoy the rare luxury of a full meal, much to the discomfiture of the proprietors." While the "free lunch" offensive drew attention to the saloon problem in Winchester, ultimately, the women resorted to more forceful means. See "Way, Amanda, M., in Ernest Hurst Cherrington, D., Albert Porter, William E. Johnson, and Cora Frances Stoddard, eds., *Standard Encyclopedia of the Alcohol Problem*, Volume VI, Simons-Zythos (Westerville, OH: American Issue Publishing, 1930), 281.

<sup>3</sup> "A Lesson for Gov. Seymour," *Grand River Times*, April 19, 1854; "Another Man Murdered," *Fort Wayne Times*, April 5, 1854; "Spirit of the Temperance Movement," *Daily Indiana State Sentinel*, April 7, 1854; ; "Another Murder – A Summary Prohibitory Law," *Free Democrat*, April 6, 1854; Reeder, "Great Excitement – Maine Law Triumphant," *Indiana American*, April 21, 1854; Davis, "How the Women Break Up Rummeries," *Anti-Slavery Bugle*, April 8, 1854; "The Spartan Mothers of

This much publicized incident epitomized what one newspaper called the “present state of political temperance reform” – that is, that temperance was a form of politics, not merely reform; that it was a form of direct action, sometimes violent action; and that these forms of politics and activism were developed and driven by women. This chapter examines midwestern temperance women’s use of threats and direct action tactics (such as saloon raids) from 1854 to 1860. I argue that as legislative prohibition faltered, female activists surveyed the political landscape, considered what approaches worked in the past, and turned direct action into coordinated campaigns. The events that unfolded were not anomalous or random acts of spasmodic violence, but calculated, coordinated, and premeditated actions perpetrated by the unlikeliest segment of Victorian America’s population: well-respected, often married, middle-class, ostensibly passive white women. According to historical and historiographical consensus, these are precisely the women who eschewed confrontational action in this era in favor of passive moral persuasion.

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Winchester, Ind.,” *JATU*, June 1, 1854, Volume XVIII, no. 6; “Great Excitement,” *New-York People’s Organ*, April 15, 1854, Volume XIII, no. 42, pg. 335; “The Women and the Groggeries,” *Lily*, April 15, 1854, Volume VI, no. 8; Hunter, “The Winchester Riots,” *Anti-Slavery Bugle*, June 10, 1854. The Winchester raid received an enormous amount of attention. Newspapers across the country, and several in England, heralded stories of the women’s implementation of “The Maine Law in Indiana.” The incident even garnered international attention. When American reformer James Barker toured England and displayed one of the hatchets used in the raid, “men, women, boys and girls crowded to see the wonderful hatchet” that had “given a deadly blow to the accursed drinking traffic.” Back in Indiana, the women’s Temperance Army continued to meet and vowed to keep the town liquor free by whatever means necessary as three cases related to the incident wound their way through the courts. Eliza Alexander filed suit against Page and Binager under the civil damage provisions of Indiana’s 1853 liquor law for selling liquor to her husband. William Page agitated for an unsuccessful criminal suit against the women for malicious trespass, and then initiated a civil suit and was awarded \$140 in property damages. “The Maine Law Enforced by American Ladies,” *Bristol Temperance Herald*, September 1854; Barker, “Letter from Joseph Barker, No. IV,” *Liberator*, August 18, 1854; Barker, “Letter from Joseph Barker, No. IV,” *Anti-Slavery Bugle*, August 19, 1854; Richards, ed., “Temperance with a Vengeance,” *Latter-Day Saints’ Millennial Star*, Volume XVI, 351; *Page v. Colgrove, et al*, Randolph County Historical Society, Winchester, Indiana.

Although women had occasionally used nonviolent direct action (and the violent kind) for decades, by 1854 these were widespread, premediated, and far more coordinated tactics. Furthermore, these incidents were tightly connected to legislative and legal challenges to prohibition; again, they were a form of politics, not extra-political frustrations or digressions. Even as they continued lobbying efforts for stringent liquor laws, female activists eagerly embraced the role of law enforcers where legislation passed. They also enacted prohibition (albeit extralegally) where it had failed legislatively. Through this widespread yet profoundly female take on activism, they leveraged their power and demanded statewide legislation. Simultaneously, they policed liquor dealers on the local level in ways that challenge our understanding of women's influence in the antebellum era's violent political culture.

Given how widely contemporaries celebrated these women, as this campaign unfolded over the 1850s, it is surprising that we have not seen them. The reasons for this are complicated. Women's organizational papers are generally scarce, but beyond that, the women in this chapter eschewed formal organizations. They had no singular or prominent, charismatic leaders. Antebellum reform scholarship has been framed associationally and structurally, making it harder to find or study localized and emphatically grassroots movements without central leaders. This variety of women's political and direct action emerges most forcefully in newspapers, where it was routinely (if sensationally) reported. Newspapers, in turn, became the platform through which women organized this campaign and, looking back, provide us access to women's voices on the ground.<sup>4</sup>

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<sup>4</sup> On the importance of newspapers to recovering women's voices in the antebellum woman's rights campaigns see Genevieve G. McBride, *On Wisconsin*

### 1854: Activism Invigorated

Midwestern activists skillfully navigated the shifting political landscape, and developed innovative, and at times, improvised tactics to confront the liquor traffic. Since the first local option campaigns, women pressed forward on different fronts to further their distinct temperance vision. And this pattern continued into the 1850s. When state assemblies sat in session, networks of women petitioned and penned addresses to lawmakers, sometimes delivering them in person. At election time, it was agitation at the polls and campaigning for pro-temperance candidates. And when legislatures adjourned or when they refused to satisfactorily enact liquor regulations, women took the law into their own hands and claimed to enact and enforce prohibition, regardless of whether there was a legal basis for such action.

Ohio's activists, who had pioneered coordinated saloon-based direct action in 1853, stood ready to expand their coalescing campaign if the legislature again failed to enact a Maine Law. As the annual meeting of Ohio's Women's Temperance Society commenced on January 11<sup>th</sup>, attendees were cautiously optimistic that the politicians they tirelessly campaigned to elect the previous fall would shepherd a prohibition bill through the legislature. One conventioneer remarked, "We are assured by those who know" that "the present Legislature are by no means impenetrable." To remind lawmakers of their demands, the women prepared a memorial and sent a committee to deliver it in person. On the afternoon of January 13<sup>th</sup>, Amelia Bloomer, Mrs. Corner, Mrs. Hodge, Mrs. Janney, and Mrs. Seter headed to the Senate. There, Mrs. Corner, made her way to the

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*Women: Working for Their Rights from Settlement to Suffrage* (Madison: University of Wisconsin Press, 1993), xvii.

clerk's desk and read their address, which called for a "*salutary and stringent prohibitory law*." Corner plainly told lawmakers that despite their past failures, they were "stimulated and resolved" in the fight for prohibition and counted "no sacrifice too great for the accomplishment of this important end." The next day they delivered a memorial to the House where Mrs. Hodge addressed the representatives. Members of the House and the Senate unanimously vote to print the memorial in the sessions formal documents, and for a time it seemed the delegation may have swayed any wavering legislators.<sup>5</sup>

Their optimism was short-lived. Although the General Assembly passed a revised statute, it fell far short of the activists expectations. The law, however, did address one of the women's key demands—civil damages. This had been the centerpiece of their prohibition plank in 1853, and continued to be one of their principle demands. While the civil damage provision afforded a measure of financial protection for drunkards' wives, a clause declaring all shops vending liquor illegally as public nuisances proved a boon to

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<sup>5</sup> "Petitions," and "The State Temperance Society of the Women of Ohio," *Lily*, February 1, 1854, 20, 22-24. The appendix to the House incorrectly references Mrs. Corner reading the memorial to the House, but the *Lily* and the house *Journal* reference Hodges, although the House *Journal* incorrectly notes Mr. not Mrs. Hodge. "Memorial of the Women's State Temperance Society," *Appendix to the Journal of the House of Representatives of the State of Ohio, for the Session of 1854* (Columbus: John W. Kees, 1854), 10; *Journal of the House of Representatives of the State of Ohio. Being the First Session of the Fifty-First General Assembly* (Columbus: John W. Kees, 1854), 76; *Journal of the Senate of the State of Ohio. Being the First Session of the Fifty-First General Assembly* (Columbus: John W. Kees, 1854), 76; "Legislature," *Ohio Star* (Ravenna, OH), January 18, 1854; "Ohio Legislature and Nebraska," *Anti-Slavery Bugle*, January 21, 1854. In March, another delegation from the state temperance convention also visited the fifty-first assembly. A group including Caroline M. Severance, a vice-president of the women's convention, personally delivered a memorial on woman's rights, property, and voting rights. "Memorial of Mrs. Caroline M. Severance, of Cleveland, in Behalf of Woman's Rights, In Respect to Property and the Exercise of the Elective Franchise." Appendix to the Senate Journal in *Journal of the Senate of the State of Ohio*, 1854, 58-66; A.A. Stewart to Robert McMeen, 31 January 1854, Calm Retreat, Jay Cooke Papers, Box 42, Folder 1, Manuscripts Division. Ohio Historical Society Archives and Library, Columbus, Ohio.

women's intensifying campaign of violence. This interpretation of the law seemingly legitimized women's attacks on illegal vendors, further reinforcing women's claims that their actions were legally justified. Suddenly, Ohio women could claim they were simply exercising their right to abate a public nuisance when they attacked grog shops.<sup>6</sup>

Once again, the General Assembly failed Ohio's female prohibitionists, and it did not take long for them to display their displeasure. While many male anti-liquor crusaders endorsed the new statute as an opportunity to demonstrate that "some other law than the

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<sup>6</sup> A.A. Stewart of Ohio, wrote to his nephew Robert McMeen, that he had "not the least doubt but that there will be a majority in favor of some law restricting the use of spirituous liquors." Such a law, Stewart felt was imminent, it "will be passed. In the House and Senate, committees tasked to consider the expediency of a prohibition bill recommended the adoption of a bill that, like the Maine Law, provided for "the seizure, confiscation and destruction of all liquors held for illegal sale." Although legislative committees were convinced that a prohibition statute was the best means to effectively restrain the liquor trade and believed public sentiment would uphold a law, the members of the full assembly were not convinced it was the answer. The law they passed retained the often-unenforced provision of the 1850s statute that prohibited the sale of liquors to be drunk on the premises where they were sold and restricted transaction in quantities less than a quart. The law also increased fines, allowed for the incarceration of violators, and added new restrictions on sale to minors, declared all establishments that unlawfully sold liquors public nuisances, and included a civil damage law. Like civil damage provisions in other states, the provision allowed individuals to prosecute liquor dealers to recover damages for injuries to persons or property inflicted by an intoxicated person or because of habitual intoxications. And afforded married women the "same right to bring suits, prosecute and control the same, and the amount covered, the same as if feme sole." *Journal of the Senate of the State of Ohio*, 1854, 31, 35, 71, 76-77, 125, 129, 131, 164, 167-168, 177, 188, 190, 194, 204, 213, 217, 219, 230, 235, 254-256, 261, 279-280, 282, 294, 316-317, 326, 357-370, 436, 453; "Report of the Select Committee of Temperance," in *Journal of the Senate of the State of Ohio*, 1854, 49-56; "Minority Report of the Select Committee on Temperance," in *Appendix to the Journal of the House of Representatives of the State of Ohio, for the Session of 1854*, 262-265; "An Act to Provide Against the Evils Resulting from the Sale of Intoxicating Liquors in the State of Ohio," Joseph R. Swan, compiler, *Statutes of the State of Ohio, of a General Nature, In Force August 1854: With Reference to Prior Repealed Laws* (Cincinnati: H.W. Derby & Co., 1854), 897-899; Henry S. Clubb, *The Maine Liquor Law: Its Origin, History, and Results, Including A Life of Hon. Neal Dow* (New York: Fowler and Wells, 1856), 83; Spooner, *Cyclopædia of Temperance*, 334-335. For newspaper coverage on the Ohio Law see "An Act," *Perrysburg Journal*, May 13, 1854; "The New Liquor Law," *Perrysburg Journal*, May 6, 1854; "The New Temperance Law," *Maine Temperance Journal* (Portland, ME), May 27, 1854, Volume XI, no. 21, pg. 3.



Maine Law may work much good,” and were confident in local official’s zeal to enforce the law, women were not convinced. One woman called the bill’s passage a “mere political *ruse* adopted for the purpose of deceiving the people.” The nuisance and civil damage provisions, she noted, were the only sections that mattered. The women of the Portage County Temperance Alliance also lamented that the new law “rung from reluctant legislators” was “not all we could desire,” the only bright spot was the “provision which clothes married women with power to commence and control suits in such cases.” Women, unlike their male counterparts, believed the only truly effective statute was a Maine Law with civil damage provisions, and even here, it would only be useful if fully enforced.<sup>7</sup>

The law may have fallen short of prohibition, but Ohio’s women vowed to see it enforced by whatever means necessary and used local newspapers to communicate their sentiments and suggestions. On May 4<sup>th</sup>, just four days after the law passed, the Portage Temperance Alliance sent a proclamation to the *Portage Sentinel* warning liquor dealers that they intended to “secure every possible benefit and advantage of this law,” and stood “firm, fearless, and resolute.” They vowed to carry out its provisions and see that “every grog-shop and doggery in the County shall be closed.” A hundred miles to the north, E.A. Rathbun and M.A. Payne of the Mechanicsburg [Ohio] Women’s Regulating Temperance

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<sup>7</sup> “Mr. Emerson’s Amendment to Sen. Eckley’s Temperance Bill,” *Ohio Union* (Ashland, OH), March 29, 1854; “Liquor Law of Ohio,” *Independent Journal and Temperance Agitator* (Worcester, MA), June 1, 1854, Volume 2, no. 12, pg. 54; “Annual Meeting of the Ladies’ Portage County Temperance Alliance,” *Portage Sentinel* (Ravenna, OH), May 17, 1854; “A Temperance Bill Passed,” *Lily*, May 1, 1854; “The Prospect in Ohio,” *Lily*, April 1, 1854. On women’s call in 1853 for civil damages see “Women’s State Temperance Convention,” *Ohio Cultivator* (Columbus, OH), February 1, 1853, Volume. IX, no. 3, pg. 44; “Women’s State Temperance Convention,” *Ohio Organ of the Temperance Reform* (Cincinnati, OH), February 11, 1853, hereafter cited as the *Organ of the Temperance Reform*.

Union, submitted instructions to the women's periodical, the *Lily*, detailing how to keep a town liquor free. The eighty regulators met once a month to discuss affairs in Mechanicsburg, and maintained a vigilance committee to "report if liquors are sold in the village." When they identified a violator, they dispatched the committee to "persuade them to give up the stock in trade or remove it beyond any boarder." If persuasion failed, they proceeded "in a body to the place, and by firmness and perseverance, force them to yield." As the regulators told the *Lily's* readers, they applied a firmer hand "in many instances" and "seized *contraband articles*, and poured them out on the bosom of mother Earth." Their efforts proved successful; at the time they organized there were six vendors in the village, but through vigilance and careful application of a little force when necessary, their town was now dry. And through careful application of their plan, they assured readers, activists elsewhere could also rid their communities of the traffic. Rathburn and Payne concluded their step-by-step blueprint with a call for women across the state to follow their simple motto: "Peaceably if we can, forcibly if we must." This was a message many women in Ohio were already amendable too.<sup>8</sup>

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<sup>8</sup> "Liquor Law of Ohio," *Independent Journal and Temperance Agitator*, June 1, 1854; "Annual Meeting of the Ladies' Portage County Temperance Alliance," *Portage Sentinel*, May 17, 1854; "A Temperance Bill Passed," *Lily*, May 1, 1854; "The Prospect in Ohio," *Lily*, April 1, 1854. After they succeeded in ridding the town of liquor dealers, the Mechanicsburg women lobbied the town's Trustees to implement a "Dwarf Maine Law." E.A. Rathbun and M.A. Payne, "Report of the Women's Regulating Temperance Union of Mechanicsburg, Champaign County, Ohio," *Lily*, March 1, 1854, Volume V, no. 5, pg. 37. For a discussion of Ohio residents' determination to enforce the law and prosecute violators see Clubb, *The Maine Liquor Law*, 83; "Enforcing the Law," *Lily*, June 15, 1854; "Mount Vernon. Effects of Enforcing the Law," *Lily*, September 1, 1854; "Temperance in Ohio," *Lily*, December 1, 1854; "The Liquor Law," *Weekly Intelligencer*, May 24, 1854; "Liquor Cases in Court," *Anti-Slavery Bugle*, August 27, 1853; A Citizen, "The Ohio Liquor Law" and "Unquestionably Right" *Maine Temperance Journal*, July 22, 1854, Volume XI, no. 29, pg. 3; "The New Temperance Law," *Freemont Journal*, February 23, 1855; "The Prospect in Ohio," *Lily*, April 1, 1854; "The Ohio Liquor Law – The Way It Works," and "Unquestionably Right," *Maine Temperance Journal*, July 22, 1854, Volume XI, no. 29, pg. 2-3; For a case on the 1854 law that went to the state

“Peaceably if we can, forcibly if we must.” resonated with women in other Ohio communities and they, too, picked up household implements and destroyed liquor stocks. In addition to the vigilance committee’s actions in Mechanicsburg, women in New Lisbon, Ripley, Pendleton, and Perrysville initiated coordinated assaults. When peaceful solutions failed to convince Perrysville’s vendors to abandon the traffic, the women opted for force, and according to the *Lily*, acted “upon the principle of the Maine Law.” At the appointed time, the group assembled at a grocery, read an address and requested the owner pledge to give up the sale of intoxicating spirits. When he refused, they coolly entered the grocery, marched to the cellar, and “emptied every decanter, flask, bottle, barrel, or cask that could be found.” They then quietly left and “proceeded from grocery to grocery, until they finished the work.” When Ohio’s lawmakers again failed to pass a Maine Law, women vowed to continue to exert their influence and send pro-temperance men to the legislature and then lobby for prohibition when the Assembly reconvened, but in the meantime they would use direct action to fight the liquor traffic.<sup>9</sup>

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Supreme Court, see “The Liquor Law in Ohio,” *American Union* (Steubenville, OH), January 31, 1855, Volume XXII, no. XLVI.

<sup>9</sup> “Excitement in Perryville, Ashland Co., Ohio – Ladies in Arms! Destruction of Liquor!,” *Norwalk (OH) Reflector*, March 21, 1854, Volume XXV, no. 11; “The Ladies in Arms,” *Lily*, March 15, 1854, Volume VI, no. 6. On petition from the women of Ashland County, Ohio to the 1854 legislature see *Journal of the Senate of the State of Ohio, 1854*, 164. For some accounts of the women’s 1853 raid in Ashland see “Taking the Law into Their Own Hands,” *Spirit of Democracy* (Woodsfield, OH), March 23, 1853; “Wo-man Law [sic] in Ashland,” *Ohio Star*, March 16, 1853; “Wo-man [sic] Law in Ashland,” *Portage Sentinel*, March 23, 1853; “Woman Law in Ashland,” *Alienated American* (Cleveland, OH), April 9, 1853, pg. 2; “The Women in the Field,” *Windham County Democrat* (Brattleboro, VT), April 20, 1853; “The Ladies in Arms,” *The Lily*, 15 March 1854; “Women and Temperance in Pendleton, OH,” *Spirit of the Age* (Raleigh, NC), 8 November 1854. For some accounts on the incidents at Ripley and New Lisbon see “Death in New Lisbon and Destruction of the Rum Shops!,” *Lily*, March 15, 1854, Volume VI, no. 6; “New Lisbon Doggeries Annihilated,” *Aurora* (New Lisbon, OH), February 25, 1854, Volume XX, no. 12; “Mob at Ripley,” *Wisconsin Temperance League* (Milwaukee, WI), July 12, 1854, Volume I, no. 29; “Mob in Ripley,” *Ripley (OH) Bee*,

The widespread coverage of these episodes not only encouraged activists in other communities to take similar action, but emboldened them. Women were already organized coming into 1854, but the circulation of reports seemed to really kick-start their campaign, and activists elsewhere in the Midwest, faced with similar predicaments, drew inspiration from the coalescing direct action offensive spearheaded in Ohio. When prohibition again failed in Wisconsin, the state's women wasted no time condemning the pro-liquor legislature. Still angry over the repeal of the civil damages law, female activists had placed their efforts behind the Maine Law and electioneered for a ballot initiative (like the 1853 Michigan referendum) authorizing the legislature to pass a prohibition statute. When voters adopted the measure, Wisconsin women expected the law would pass quickly, and without debate. But they had incorrectly read the extent of anti-prohibitionist sentiment in the legislature. When a bill failed to materialize, they vented their frustration at lawmakers and vowed to directly combat the liquor traffic.<sup>10</sup>

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July 8, 1854, Volume VI, no. 7. On Ashland and Fairfield see "Wo-man Law in Ashland," *Ohio Star*, March 16, 1853; "The Ladies Triumphant," *Norwalk Reflector*, August 16, 1853, Volume XXIV, no. 32; "A Private Maine Law Affair," *Belmont Chronicle and Farmers and Manufacturers Advocate* (St. Clairsville, OH), September 2, 1853.

<sup>10</sup> By February draft prohibitory bills were open for debate as the judiciary committee finalized its recommendations to the General Assembly. The majority report of the Committee on the Judiciary overwhelmingly supported legislative enactment and claimed it "best satisfied the sentiment of the whole people." Lawmakers, however, could not come to an agreement on the provisions in the bill. Two months of bitter debate ensued, and then the Senate finally accepted the Assembly's strict prohibition bill, but with an amendment to send it back to the voters for approval. If the electors voted in the affirmative, prohibition would take effect on January 1, 1855, if they rejected the law, it would still take effect, but not until June 1, 1900. The Assembly refused to concur. They believed that the people had already spoken in favor of prohibition at the general election of 1853. To send the bill back to the voters was unnecessary. A stalemate ensued. When a special council of representatives from the Senate and the Assembly failed to broker an agreement, the bill was dead. Document A, "Message of William A. Barstow, Governor of the State of Wisconsin, to the Senate and Assembly, January 11, 1854" in *Governor's Message and Accompanying Documents* (Madison: Beriah Brown, 1854), 16. On

That Wisconsin's women were poised to use violence was not a surprise. Even before the legislative session commenced, a female temperance activist warned they were poised to take such action. At a speech in Madison, Mrs. Fonda proclaimed that "if the legislature did not pass a Maine Law, the ladies would take up the case, and broken glasses would be cheap." Lawmakers obviously did not heed her warning, or did not care, but some liquor dealers soon felt the force of her proclamation.<sup>11</sup>

Women struck first in Baraboo. Already frustrated by another legislative failure and local officials' refusal to enforce the existing liquor law, the brutal beating of two wives by their drunken husbands convinced the town's temperance women it was time to act. Several prominent women organized a meeting and declared that if officials refused to put an end to the unlawful sale of liquor, they had a right and a duty to take on the traffic. They reconvened at the courthouse on May 23<sup>rd</sup>, armed and ready to enforce the law themselves.<sup>12</sup>

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petitions, debates, and failure of the proposed Senate and Assembly prohibition bills see *Journal of the Assembly of Wisconsin. Annual Session, A.D. 1854* (Madison: Beriah Brown, 1854), 72, 93, 97, 102, 108, 120, 189, 201, 224, 274, 294, 298-300, 305-306, 316, 359, 393, 404, 408-412, 418-419, 427, 429-430, 432, 440, 443, 448, 451-457, 492-493, 526-528, 547-548, 557, 563-568, 615, 760; *Journal of the Senate of the Senate of Wisconsin, 1854*, 32, 38, 70-71, 77-92, 101, 239, 254, 262, 265, 270, 282, 381, 394, 401-403, 425, 437-438, 447-452, 469, 559-561, 602-603; "Majority Report of the Committee on the Judiciary, To Whom Was Referred So Much of the Governor's Message As Relates to A Prohibitory Liquor Law," in *Governor's Message*, 1. For the perspective of the lone dissenting member of the committee see W.E. Webster, "Minority Report of Mr. Webster, Upon the Prohibitory Liquor Law. February 28, 1854," in *Governor's Message*, 2-6. For a brief discussion on the 1854 prohibition bills in the Wisconsin legislature see A.M. Thompson, *A Political History of Wisconsin*, Second Edition (Milwaukee, WI: C.N. Caspar Company, 1902), 222.

<sup>11</sup> [no title], *Daily Argus and Democrat* (Madison, WI), June 5, 1854.

<sup>12</sup> "Baraboo," *Wisconsin Temperance League*, June 28, 1854, Volume I, no. 27; "A Temperance Revolution," *New-York Daily Tribune*, July 4, 1854; "Baraboo," *Wisconsin Temperance League*, July 5, 1854, Volume I, no. 28. Joseph Schafer's 1925 article on prohibition in Wisconsin, briefly summarized the attack in Baraboo and noted

That morning, fifty women marched to the Wisconsin House tavern. They encountered a servant girl who refused them entry, but they pushed passed her, made their way to the cellar, confiscated ten barrels of liquor and emptied their contents into the street. Then they moved on the saloon across the square. Here, they offered to buy the vendor's liquor, which he refused, and as they tried to convince him to reconsider, a detachment snuck in through a backdoor, made their way to the cellar and dumped his stocks. At French Peter's, the next groggery, things did not proceed so smoothly. He had caught word of their doings and barricaded the doors. Peter's wife appeared and informed the women that a "determined resistance would be offered, and that they would not be allowed to enter the house unmolested." As a detachment discussed their next move on the piazza, the *Wisconsin Temperance League* reported, the "muzzle of a gun was thrust through a light of glass" and fired several times. The gunshots drew a crowd of temperance men who begged the women to withdraw and assured them that their "just demands should be complied with." At the same time, the Sheriff appeared, "read the riot act, and after a long parlay the crowd dispersed." Throughout the entire proceedings, the women stood their ground and only agreed to leave once assured that local officials would take steps to address the illegal liquor traffic. Their actions not only stopped the flow of liquor from several grog shops, but spurred complacent temperance men and reluctant authorities to finally address the issue.<sup>13</sup>

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that the establishments they targeted were not conforming to the license law. Joseph Schafer, "Prohibition in Early Wisconsin," *The Wisconsin Magazine of History* 8, no. 3 (March, 1925), 29.

<sup>13</sup> "Baraboo," *Wisconsin Temperance League*, June 28, 1854; "Good Deed," *Moore's Rural New Yorker*, June 17, 1854; "Great Excitement at Baraboo—Liquor Destroyed by a Mob of Ladies—Riot Act Read," *New-York Daily Times*, June 6, 1854; "Great Excitement in Baraboo," *Ohio Observer*, June 21, 1854.

With newspapers from Maine to Missouri trumpeted the “Great Excitement in Baraboo,” other advocates drew inspiration from the attack, demonstrating the press’s important, yet unintentional role transmitting successful strategies. On June 11<sup>th</sup>, just weeks after the Baraboo incident, women in neighboring Reedsburgh cited the assault in their decision to formalize their temperance operations. With Mrs. J.S. Strong elected to chair, and Mrs. L. Gay Sperry, as secretary, they transacted the meeting with an eye towards publication and passed a resolution to send the proceedings to several local newspapers. One of their first orders declared the “search, seizure and destruction of intoxicating liquors, by the women of Baraboo” in a manner consistent with the Maine Law, as a “proper and legitimate act that should be emulated in other communities. They extended their gratitude in their blow against “King Alcohol” and pledged assistance in any future raids. But that was only part of the women’s agenda.<sup>14</sup>

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<sup>14</sup> “Baraboo,” *Wisconsin Temperance League*, June 28, 1854, Volume I, no. 27; “A Temperance Revolution,” *New-York Daily Tribune*, July 4, 1854; “Baraboo,” *Wisconsin Temperance League*, July 5, 1854; “Great Excitement at Baraboo—Liquor Destroyed by a Mob of Women,” *Washington (D.C) Sentinel*, June 8, 1854, Volume 2, no. 63; “Great Excitement at Baraboo—Liquor Destroyed by a Mob of Women—Riot Act Read,” *Massachusetts Life Boat* (Boston, MA), June 13, 1854, Volume X, no. 9; “Great Excitement at Baraboo—Liquor Destroyed by a Mob of Ladies—Riot Act Read,” *Schenectady (NY) Cabinet*, June 13, 1854, Volume XLIV, no. 50; “Great Excitement at Baraboo—Liquor Destroyed by a Mob of Ladies—Riot Act Read,” *Daily Evening Star* (Washington D.C.), June 6, 1854; “Great Excitement at Baraboo,” *Ohio Observer Hudson, OH*), June 21, 1854; “Great Excitement at Baraboo—Liquor Destroyed by a Mob of Women,” *Nashville (TN) Union and American*, June 16, 1854; “Great Excitement at Baraboo—Liquor Destroyed by a Mob of Ladies – Riot Act Read,” *Albany Evening Journal (NY)*, 3 June 1854; “Great Excitement at Baraboo—Liquor Destroyed by a Mob of Ladies—Riot Act Read,” *New York Daily Times*, June 6, 1854; “Liquor Destroyed by a Mob of Ladies,” *New York Observer and Chronicle*, June 22, 1854, Volume 32, no. 25, pg. 200; “Liquor Destroyed by a Mob of Ladies,” *Frederick Douglass’ Paper* (Rochester, NY), June 16, 1854; “Liquor Destroyed by a Mob of Women,” *Daily Missouri Republican* (St. Louis, MO), June 9, 1854, Volume XXXII, no. 139; “Good Deed,” *Moore’s Rural New Yorker* (Rochester, NY), June 17, 1854, Volume V, no. 24, pg.194; “Excitement Among the Ladies,” *New Orleans (LA) Crescent*, June 13, 1854; “A Mob of Ladies,” *Fayetteville (NC) Observer*, June 15, 1854; “Liquor Destroyed by a Mob of Ladies,” *Vermont Christian Messenger* (Northfield, VT), June 14, 1854, Volume VIII,

While newspapers frequently carried stories of women's saloon attacks, by 1854 it was clear that some women were beginning to view the press as a useful tool to communicate with each other, as well as lawmakers, local officials, and liquor dealers. This is the practice the Reedsburgh women adopted. After congratulating their sisters in Baraboo, they lit into lawmakers, slowly building an argument justifying women's temperance violence. In a pointed invective later published in the *Wisconsin Temperance League*, they impugned the "servile and treacherous Senate," for their refusal to "enact a Law" that carried "out the expressed will of the people of Wisconsin." The legislators' actions denied "justice to the people" and represented a "gross failure to recognize the principle that 'upright majorities should govern.'" For the legislature to allow rum-shops to be "sustained and countenanced by *Law* or *otherwise*" violated women's rights and going forward, they intended to follow the maxim of "what is not Justice is not Law." If their elected representatives failed to enact a law sanctioned by public sentiment and

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no. 24; "Great Excitement at Baraboo—Liquor Destroyed by a Mob of Females," *Brother Jonathan* (New York), June 10, 1854, Volume XV, no. 134; [no title], *Cape Ann Light and Gloucester (MA) Telegraph*, June 10, 1854, Volume XXVIII, no. 23; "Great Excitement at Baraboo—Liquor Destroyed by a Mob of Ladies," *Maine Farmer* (Augusta, ME), June 22, 1854, Volume 22, no. 26, pg. 2; "Mob of Females at Wisconsin," *Athens(TN) Post*, June 23, 1854; "Mob of Females at Wisconsin," *Independent Press* (Abbeville Court House, SC), June 24, 1854; [no title], *Alexandria (VA) Gazette*, June 8, 1854, Volume LV, no. 135; "Baraboo," *Wisconsin Temperance League*, July 5, 1854, Volume I, no. 28; [no title], *Daily Argus and Democrat* (Madison, WI), June 5, 1854, Volume IV, no. 129; "Mob of Females in Wisconsin," *Cooper's Clarksburg (VA) Register*, June 14, 1854, Volume III, no. 32; [no title], *Der Lecha Patriot* (Allentown, PA), June 28, 1854, Volume 27, no. 15; "Great Excitement at Baraboo," *Union and Eastern Journal* (Biddeford, ME), June 14, 1854, Volume I, no. 28; "Great Excitement at Baraboo," *New York Herald*, June 6, 1854, no. 6495; [no title], *Green-Mountain Farmer* (Montpelier, VT), June 22, 1854, Volume XI, no. 26.



quantified at the ballot box, action against the liquor traffic must be and would be initiated by Wisconsin's women.<sup>15</sup>

In the absence of law, the women of Reedsburgh, publicly proclaimed the right of women across the state enact prohibition, violently, if necessary. "It is not only our *right*, but our duty, to establish justice and secure our safety, by using *any* and *all* means at our command." If the legislature proved too cowardly to enforce the will of the people, women claimed that authority. They then proclaimed, "*every* Rum-selling and Rum-drinking establishment is a nuisance," and warned that if local officials neglected or refused to abate them, female activists were prepared and organized to do so. "With hearts, hands, and efforts united" they planned to "apply the principle of Prohibition, to every Rum-shop in the community." Their declaration was public, aggressive, and unambiguous. What had been a tactic occasionally used to deal with a specific rum-seller

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<sup>15</sup> Newspapers referred to the towns as Reedsburgh, but census records list Reedsburg. Eighty-six of the town's women had come together in February and prepared a petition demanding the immediate passage of a prohibitory liquor law and sent it off to Madison. The population of Reedsburgh [Reedsburg] according to the federal census on 1860 was 461. For the 1850 census, it was consolidated under Sauk, so eighty-six women would likely have constituted the majority of adult women in the town. *Journal of the Assembly of Wisconsin. Annual Session, 1854*, 306; "Reedsburgh, June 11<sup>th</sup>, 1854," *Wisconsin Temperance League*, August 2, 1854, Volume I, no. 32. The failed prohibition law placed Wisconsin's legislators in a predicament. They had to explain to the people of Wisconsin why they failed to abide by the results of the 1853 election and enact a prohibition law. To avoid a backlash and explain what had gone wrong, most of the pro-temperance senators and assemblymen appealed directly to the people. On April 20, 1854, less than three weeks after the adjournment of the 1854 legislative session, forty-nine of the one hundred and one assemblymen and senators affixed their names to an address to the citizens of Wisconsin and submitted it for publication to the *Mineral Point Tribune*. The pro-temperance legislators laid the legislative failure directly on what they claimed were pro-liquor obstructionists who refused to compromise and recognize the validity of the 1853 election that provided a mandate for the Maine Law. Their message was clear, it was not their fault, and the election of more pro-temperance politicians at the November election would bring home a victory for prohibitionists. J.Q. Adams, et al, "Address of the Members of the Legislature, Friendly to a Prohibitory Liquor Law," *Mineral Point (WI) Tribune*, April 20, 1854, Volume VII, no. 23.

was quickly evolving into a coordinated campaign across the Midwest, and the women who intended to perpetrate such violence were not only comfortable publicly proclaiming their intentions, they wanted their declarations circulated not only amongst activists, but also lawmakers and liquor dealers.<sup>16</sup>

With frequent reports of violence in the papers, anyone who read the Reedsburgh resolutions knew the women were serious. And before long, women in other Wisconsin town's took matters into their own hands. When a group of women from North Prairie attacked a groggery, the papers were quick to note that they did it in "Baraboo style." They marched out en masse armed with various implements and "broke into a grocery and destroyed a quantity of liquor, broke decanters, tumblers, &c." By June, with columns extolling women's assaults filling newspapers, a columnist for the Madison *Daily Argus* reminded readers that Mrs. Fonda had warned that women were prepared to break up the groggeries. As midwestern lawmakers failed to enact prohibition and local official refused to enforce liquor laws, reports heralding women's coordinated assaults seemed to breed similar actions across the region.<sup>17</sup>

Hoosiers quickly recognized that the March 1854 Winchester raid was not an isolated incident, but part of a larger movement gaining national attention. With the state legislature in adjournment, and the Indiana Supreme Court's nullification of the local option provision in the 1853 liquor law, women mobilized their networks and turned their

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<sup>16</sup> "Reedsburgh, June 11, 1854," *Wisconsin Temperance League*, August 2, 1854.

<sup>17</sup> "Reedsburgh, June 11, 1854," *Wisconsin Temperance League*, August 2, 1854; "Mob of Females in Wisconsin," *Athens Post*, June 23, 1854; [no title], *Daily Argus and Democrat*, June 5, 1854; "Another Baraboo Case," *Janesville (WI) Daily Gazette*, October 3, 1854, Volume I, no. 74; "Baraboo," *Wisconsin Temperance League*, June 28, 1854; "Acquittal of the Six Ladies," *Wisconsin Temperance League*, July 19, 1854; "Baraboo," *Wisconsin Temperance League*, July 5, 1854; "A Temperance Revolution," *New-York Daily Tribune*, July 4, 1854; [no title], *Lily*, September 1, 1854.

attention to local enforcement. Over the course of the year, women in at least eight communities dispatched visiting committees, threatened liquor vendors, and raided grog-shops. And local newspaper columnists immediately drew a connection between incidents across the state. For example, the *Evansville Daily Journal* declared the Winchester Women's Temperance Army "followed the example of their sisters of Jeffersonville," who also gave notice to liquor dealers to close-up shop and when ignored, confiscated liquor casks and emptied their contents. A month later, activists in Shelbyville organized a temperance association and dispatched a visiting committee to give the town's liquor dealers "notice to close in ten days or suffer the consequences." The grog sellers ignored the women's threats, and several weeks later they demonstrated their "fixed determination to put down the liquor traffic." This time they called upon the vendors with weapons, not words. They marched in, confiscated liquor stocks, rolled out barrels and smashed kegs, and left a trail of spilt alcohol in their wake.<sup>18</sup>

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<sup>18</sup> Features of Indiana's 1853 statute included local option, provisions that a licensed retailer was required to take care of intoxicated personal until they could, without assistance, return safely to their homes, a civil damages clause that allowed women to sue in their own names and control awards, deemed all licensed liquor selling establishments common nuisances if kept in a disorderly manner, required a \$2,000 bond for license, and declared all places selling liquors without a license as common nuisances. Chapter 66. An Act to Regulate the Retailing of Spirituous Liquors, and for the Suppression of Evils Arising Therefrom, *Law of the State of Indiana, Passed at the Thirty-Seventh Session of the General Assembly* (Indianapolis: J.P. Chapman, 1853), 87-89; *Maize v. State* 4 In. 342 (1853); [no title], *Evansville (IN) Daily Journal*, April 5, 1854; "Shelbyville, Ind.," *Temperance Union*, May 24, 1854, Volume I, no. 22; [no title], *Weekly Reveille (Vevay, IN)*, May 11, 1854, Volume I, no. 47; "Destruction of Private Property," *Indiana American*, July 7, 1854, Volume XXII, no. 29; "Riot in Shelbyville," *Plymouth (IN) Banner*, June 29, 1854; [no title], *Raftsmen's Journal* (Clearfield, PA), July 5, 1854; "Liquor Excitement in Shelbyville," *Athens (TN) Post*, July 28, 1854; "Great Excitement," *National Volunteer Extra* (Shelbyville, IN), June 22, 1854; "Temperance and Maine Law Items," *New-York Herald*, July 2, 1854. The *New York Herald* incorrectly identifies Shelbyville in Iowa not Indiana. On other violent raids in Indiana see "Destruction of Private Property," *Indiana American*, July 7, 1854; *Alumnus*, *Indiana American*, December 15, 1854; "Search, Seizure, and Distribution,"

The well-publicized attacks in Winchester, Jeffersonville, and Shelbyville inspired North Manchester's women to take a decisive stand against the liquor traffic. On June 29<sup>th</sup>, with stories of the other raids still appearing in the local papers, members of the Excelsior Temperance Association filed into the Methodist Episcopal Church to coordinate their plan. The sale of intoxicating liquors, they declared, demanded "not only the attention, but the *decided* action of the mothers, wives, and daughters" and the time had come, for them to take "*vigorous and immediate* action." They appointed a committee to "labor with the rummies daily, until sufficient notice had been given" of their objective. Notification was provided not only in person, but also in writing. On July 12<sup>th</sup>, a pledge signed by eighteen women appeared in at least two local papers, the *Wabash Weekly* and the *Weekly Intelligencer*. In it, they vowed to "use every means in our power, both moral and physical, for the total suppression of the sale of ardent spirits, as a beverage, in our village." They also explicitly warned dealers that if peaceful means failed to achieve the desired results, they planned to "proceed to the rum shops *in person*, and with our *own* hands, and such implements as circumstances may require, *let the liquor out on the ground*." Mrs. E. Williams, the association's president, and E.B. Place, the secretary, concluded their meeting with a call for women across the state to "serve them [liquor dealers] in the same way."<sup>19</sup>

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*Standard* (Fort Wayne, IN), November 2, 1854, Volume I, no. 18; "What Will Indiana Do," *Temperance Union*, May 24, 1854, Volume I, no. 22.

<sup>19</sup> Throughout the 1850s North Manchester maintained several flourishing temperance organizations. Both the women's Excelsior Temperance Association of North Manchester and the North Manchester Star Temperance Association were in operation in 1854. In 1856 a Ladies and Gentlemen's Main Law Society was founded and lasted for a number of years. There was also the Manchester Union Temperance Society. This organization had both female and male members and their constitution stated that the executive committee was to be formed of six women and six men. According to the Indiana Historical Society, the society was organized sometime between 1847 and 1857.

Their public threats worked. Within weeks, all but one of the town's dealers ceased selling intoxicating spirits as a beverage and voluntarily dumped their stocks. The women, however, demanded more than just promises. They pressured the dealers into posting a bond "to be forfeited by their selling any more ardent spirits within five miles" of the village. Although not legally enforceable, the extraction of the bond illustrates not only the authority the Excelsior women wielded in North Manchester, but also how female activists leveraged the widespread coverage of grog shop raids to their advantage. The town's dealers were likely aware that they intended to carry through with their threats, newspapers across the state plainly showed as much. But as their published proceedings reveal, the women clearly had a second target in mind—complacent anti-liquor men. The "criminal indifference the male portion of our community," who idly stood by and allowed the liquor traffic to operate with impunity, they chided, deserved "the severest censure." Their public condemnation forced the men into a more active stance. Following their threats and the closure of all but one of the town's grogeries, the men's Star Temperance Association offered their assistance. They volunteered to help institute a lawsuit against the last grog shop for violating the liquor statute. But for the women of the North Manchester Temperance Association, and many other female activists across the Midwest, it was becoming abundantly clear they did not need

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Many of the names listed in the records of the Star and Excelsior societies are also listed on the Union scroll. The Union scroll, however, is cut off, so the full list of members is unavailable. It is unclear whether the Union organization came about before or after the Excelsior and Star societies. What is clear is that the women on the Excelsior organization felt North Manchester's temperance men were soft on the issue in 1854. See Manchester Union Temperance Society Records, M0835, Indiana Historical Society Manuscripts, Indiana Historical Society, Indianapolis, Indiana; "Proceedings," *Weekly Intelligencer*, July 12, 1854, Volume I, no. 12; "Proceedings of the Excelsior Temperance Association of North Manchester. Prepared and Published by Order of the Association," *Wabash (IN) Weekly*, July 12, 1854, Volume 7, no. 20; [no title], *Lily*, October 16, 1854, Volume VI, no. 19, pg. 153.

temperance men's help to enact and enforce prohibition. It was their actions, not their male counterparts, that closed the grog shops.<sup>20</sup>

At the same time Indiana's women scored victories with threats and destructive raids, activists in neighboring Illinois initiated their own series of violent uprisings. Female activists watched in horror as the repeal of the state's stringent liquor statute and reinstatement of a lax license law appeared to spread intemperance, and they also adopted direct action to take on the traffic. The women of Pontiac held a public meeting and announced they were going to "put a stop to the sale of alcoholic drinks in that town." Several days later, twenty ladies marched on the town's two groceries and destroyed their liquor stocks. About the same time, "whiskey regulators" in Peru and neighboring LaSalle destroyed \$2,000 in liquor, while in Marion nine women attacked the doggery of George Tanner, and group of women in Polo confiscated and smashed whiskey barrels at a railroad depot. The violent spree continued into the summer. On July 27, 1854, twenty ladies of McHenry gathered and announced their intention to put a stop to the traffic "peaceably, if we can and forcibly if we must." They set out to visit the groggeries armed with axes and hatchets, confirming their plan to use force if necessary Force was necessary, and they left a trail of spilt alcohol and smashed liquor kegs in their wake. By the end of the day, the women proclaimed McHenry a dry town. Where there had been no coordinated attacks in Illinois in all of 1853, over the space of three months in 1854,

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<sup>20</sup> "Proceedings," *Weekly Intelligencer*, July 12, 1854; "Proceedings of the Excelsior Temperance Association of North Manchester," *Wabash (IN) Weekly*, July 12, 1854; [no title], *Lily*, October 16, 1854. For some general examples of the actions of the male Star Temperance society see [no title], *Wabash Weekly Gazette*, July 5, 1854, Volume 7, no. 19; [no title], *Weekly Intelligencer*, July 5, 1854, Volume I, no. 11.

women in six towns banded together and violently assaulted liquor dealers. Direct action was clearly on the rise.<sup>21</sup>

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<sup>21</sup> The legislature repealed the liquor law which prohibited the sale of intoxicating spirits to be consumed on the premises where sold and reinstated the lax license law of 1839. Despite the petitions of tens of thousands of women and men demanding the reinstatement of a strict liquor law or the passage of a Maine prohibition law, when the second session of the eighteenth General Assembly commenced in February 1854, they refused to take up the issues. "An Act to Prohibit the Retailing of Intoxicating Drinks," *General Laws of the State of Illinois, Passed by the Seventeenth General Assembly, At the Session Commencing January 6, 1851* (Springfield: Lanphier & Walker, Printers, 1851), 18-19; "Report of the Committee on the Maine Liquor Law," in *Reports Made to the Eighteenth General Assembly of the State of Illinois Convened January 3, 1853* (Springfield: Lanphier & Walker, Printers, 1853), 95-96; Walter W. Spooner, *The Cyclopædia of Temperance and Prohibition* (New York: Funk & Wagnalls, 1891), 292. On petitions, debates, and re-institution of the license law of 1839 see *Journal of the House of Representatives of the Eighteenth General Assembly of the State of Illinois, Convened January 1853* (Springfield: Lanphier & Walker, Printers, 1853), 17, 19-21, 27, 36, 40, 60, 63, 74-76, 78, 83, 90, 94-96, 103-104, 118-119, 140-141, 161-162, 182-188, 201, 203-206, 213, 230, 247-248, 267-269, 272-273, 277-281, 322-323, 341-342, -363, 366, 368, 408, 419, 470, 479, 550-551, 553, 582, 600, 616-622, 663, 688; *Journal of the Senate of the Eighteenth General Assembly of the State of Illinois, Convened January 1853* (Springfield: Lanphier & Walker, Printers, 1853), 20, 27, 34-35, 39-42, 45-46, 67, 77, 85-87, 100, 110, 113, 123, 147, 159-163, 168, 201-203, 207-208, 211-215, 219-223, 242, 260, 271, 285-286, 298-299, 304-305, 309, 321, 328-331, 334-335, 337, 361, 430-431, 472, 486, 496, 530-531, 550, 553, 555, 616-622; "Report from the Select Committee on the Amendment of the School Law," in *Journal of the House of Representatives of the Eighteenth General Assembly of the State of Illinois, at Its Second Session, Commencing February 9, 1854* (Springfield: Lanphier & Walker, Printers, 1854). Whether or not petitions for a Maine Law were sent to the second session is unknown; both the senate and house *Journals* for the second session do record petitions for other requests, but they do not include any for or against temperance measures. On attacks in Illinois see "Temperance Heroines," *Thibodaux (LA) Minerva*, May 13, 1854 [no title], *Mount Carmel (IL) Register*, May 17, 1854, Volume XIII, no. 35; "Whiskey Regulators," *Jackson Standard*, May 18, 1854; [no title], *Democrat and Sentinel* (Ebensburg, PA), May 18, 1854; [no title], *Perrysburg (OH) Journal*, May 20, 1854; The women indicted and found guilty were Rowena R. Herndon, Emily Lewis, Caroline Sawyer, Helen Sawyer, Catherine Shinkle, Caroline Shurtliff (Shurtliff), Elizabeth Shurtliff (Shurtliff), Caroline Taylor, and Martha Taylor. People v. Shurtliff et al, *The Law Practice of Abraham Lincoln*, second edition. <http://www.lawpracticeofabrahamlincoln.org/Details.aspx?case=141139>; Undated essay on the history of temperance in Polo, Illinois, John W. Clinton Papers, 1834-1918, Box 1, Folder: Temperance, Manuscripts, Abraham Lincoln Presidential Library, Springfield, Illinois. Another undated summary of temperance in Polo, Illinois, dates the ladies destruction of the liquor at the railroad depot in 1855. Undated timeline on the history of temperance in Polo, Illinois, John W. Clinton Papers, 1834-1918, Box 1, Folder: Clubs,

When Michigan's Maine Law came under scrutiny, women were quick to adopt direct action to ensure the law was enforced. In February 1854, the state supreme court deadlocked on the constitutionality of the 1853 statute and remanded the case back to the circuit court. The result was a practical nullification of the law, and enforcement across the state evaporated. Female activists were particularly outraged with the court's decision; their electioneering had been instrumental to the law's adoption. Worse, the legislature remained in adjournment until January 1855, leaving no opportunity to even try to wring a revised statute out of reluctant lawmakers. Many of the same women who had used peaceful direct action at the polls the previous year, now adopted a more aggressive hands-on approach and sought to enforce the law they helped enact.<sup>22</sup>

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Societies, Libraries, Manuscripts, Abraham Lincoln Presidential Library, Springfield, Illinois. "Liquor Destroyed by Women," *Alton (IL) Weekly Courier*, June 1, 1854, Volume III, no. 1; [no title], *Ottawa (IL) Free Trader*, June 3, 1854; "The Destruction of Liquor at McHenry," *Standard*, November 9, 1854, Volume I, no. 19; "Spilt Milk," *Hillsdale (MI) Standard*, August 22, 1854; "The McHenry Ladies," *Alton Weekly Courier*, December 14, 1854, Volume III, no. 122.

<sup>22</sup> In the *People vs. Collins*, the Michigan Supreme Court deadlocked on the constitutionality of the statute with a four-four split in their opinion. The case was remanded the back to the Wayne County Circuit Court, which had originally ruled the law unconstitutional. Although Wayne County Circuit Court Justice Douglass' ruling technically only invalidated the law in his district, the practical effect was a nullification of the law across the state. An Act Prohibiting the Manufacture of Intoxicating Beverages and the Traffic Therein, Laws of Michigan [no. 66], *Acts of the Legislature of the State of Michigan, Passed at the Regular Session of 1853* (Lansing: Geo. W. Peck, 1853), 100-111; John W. Quist, *Restless Visionaries: The Social Roots of Antebellum Reform in Alabama and Michigan* (Baton Rouge: Louisiana State University Press, 1998), 269-271; Martin J. Herschock, *The Paradox of Progress: Economic Change, Individual Enterprise, and Political Culture in Michigan, 1837-1878* (Athens, OH: Ohio University Press, 2003), 110-111; "The Liquor Law," *Grand River Times*, February 15, 1854, Volume III, no. 134; "The Liquor Law," *Grand River Times*, February 22, 1854, Volume III, no. 135; "Decision of the Liquor Law," *Hillsdale Standard*, March 21, 1854, Volume VIII, no. 389; "The Maine Law Dead in Michigan," *Kalida (OH) Venture*, March 31, 1854, Volume XIV, no. 13; "Supreme Court," *Grand River Times*, March 22, 1854, Volume III, no. 139; Henry S. Clubb, "Results of Prohibition in Michigan," in *The Maine Liquor Law: Its Origin, History, and Results, Including A Life of Hon. Neal Dow* (New York: Fowler and Wells, 1856), 257-260. There were two other cases that were decided along



By the spring, with blatant violations increasing exponentially, local women's temperance societies took "upon themselves the execution of the law." In Leoni, where temperance women harassed voters into casting Maine Law ballots, the ever-vigilant activists seized a shipment of liquor destined for a new grog shop and issued a public statement that "if any person wishes to have his liquor destroyed, send it to Leoni, for they 'will not give the monsters a night's lodging.'" Meanwhile, a hundred miles to the west in Berrien Springs, the local temperance society targeted the grocer, James Green. On Wednesday evening, June 21, 1854, forty of the society's members visited Green and offered to buy his whiskey stocks. He replied with an inflated amount and the group's leader, Miss Peck, presented a counter offer, which he refused. Peck read him a pledge, and according to several newspaper reports, threatened "*necessary* action," if he did not reconsider. Green apparently grasped the severity of the situation, "grabbed two jugs of brandy, and made his flight." With the store to themselves, the women rolled all the barrels into the street and smashed in their heads. Fifty miles to the southwest, another group of women were also planning an incursion.<sup>23</sup>

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with the *People v. Collins*; *People v. Hawley* and *People v. Hoffman*. For a brief discussion see John W. Quist, "An Occasionally Dry State Surrounded by Water: Temperance and Prohibition in Antebellum Michigan," in Paul Finkelman and Martin J. Herschok, eds., *The History of Michigan Law* (Athens, OH: Ohio University Press, 2006), 74-75. On women's efforts that led to passage of the 1853 law see "All Honor to the Women of Michigan," *Lily*, July 15, 1853, Volume 5, no. 14; "The Way it was Done," *Democratic Sentinel* (Cadiz, OH), August 17, 1853; [no title], *New Orleans (LA) Daily Crescent*, July 28, 1853; [no title], *Daily Evening Star*, July 21, 1853; "Ladies at Elections," *Loudon (TN) Free Press*, August 12, 1853; "Ladies at Elections," *Jeffersonian* (Stroudsburg, PA), July 28, 1853; "May Women Work for Temperance!," *Hannibal (MO) Journal*, August 17, 1853; "Ladies at Elections," *Temperance Chart* (Indianapolis, IN), July 20, 1853, Volume III, no. 4; "The Way They Do It In Leoni, Mich.," *Morning Star* (Dover, NH), October 5, 1853, Volume XXVIII, no. 26, pg. 102; "To the Ladies of Portage County," *Ohio Star*, October 5, 1853.

<sup>23</sup> Clubb, "Results of Prohibition in Michigan," in *Maine Liquor Law*, 265-266; "Liquor Destroyed by a Mob of Ladies," *Maine Farmer*, June 22, 1854, Volume 22, no.

Aggravated with local officials who refused to prosecute illegal liquor vendors, and stubborn groggery owner who dismissed their entreaties, Otsego's women launched their own enforcement action. That December, thirty-eight armed temperance women systematically raided every grog seller in town, smashing kegs and barrels, and with liquor still pool on the groggery floors, extracted signed bonds to give up the traffic, or face a return visit. Only one vendor needed additional prompting. As they wielded their axes, several articles noted, the proprietor "rudely grasped one of the females and hurled her back." Undeterred, another woman seized him and drenched him in the liquor. The *Freemont Journal* reported that the barkeep "received several very severe injuries in the melee." With Otsego cleared of doggeries, the women quietly returned home, but vowed to remain vigilant and enforce the law when necessary. Acknowledging the uptick in coordinated saloon raids, a columnist for the *Freemont Journal* noted that "the ladies generally prove themselves good and efficient enforcers of the Maine Law principles."

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26, pg. 2; "The Women Resolved," *New York People's Organ*, June 10, 1854, Volume XIII, no. 50, pg. 399; "Liquor in Leoni," *Jackson Standard*, June 29, 1854; "Liquor in Leoni," *Daily Telegraph* (Jersey City, NJ), June 6, 1854, no. 1271; "Liquor Destroyed by a Mob of Ladies," *Vermont Christian Messenger*, June 14, 1854, Volume VIII, no. 24; "Liquor in Leoni," *Brother Jonathan*, June 10, 1854, Volume XV, no. 134; [no title], *Cape Ann Light and Gloucester Telegraph*, June 10, 1854, Volume XXVIII, no. 23. According to the court records of the 1854 attack in Winchester, Indiana, the value of three barrels of common whiskey was \$28.16, one barrel of whiskey at \$24.60, and one barrel of bourbon was valued at \$22.75; Green was obviously inflating his price. For liquor valuations see *Page v. Colgrove, et al*, Randolph County Historical Society, Winchester, Indiana. J.W.L., "Berrien Springs, Berrien, Co., Mich.," *Wisconsin Temperance League*, July 5, 1854, Volume I, no. 28; "More Destruction of Liquor by Women in Michigan," *Brother Jonathan*, July 8, 1854, Volume XV, no. 138; "More Destruction of Liquor by Women," *Monongalia Mirror*, July 22, 1854; [no title], *Lily*, September 1, 1854, Volume VII, no. 16; "More Destruction of Liquor by Women," *Wisconsin Temperance League*, July 26, 1854, Volume I, no. 31; "More Destruction of Liquor by Women," *JATU*, August 1, 1854, Volume XVIII, no. 8, pg. 119; "More Destruction of Liquor by Women," *Cayuga Chief* (Auburn, NY), July 4, 1854, Volume 6, no. 27, pg. 2.

Otsego's female activists, like those in other Michigan towns, enforced prohibition where local officials refused, and were recognized for their efforts.<sup>24</sup>

Incidents like Otsego, Berrien Springs, and Leoni helped convince Michigan residents that women were the arm of liquor law enforcement. Henry Clubb echoed this sentiment in his 1856 survey of prohibition, *The Maine Liquor Law*. Wherever the courts failed to uphold the Maine Law and "officers of the law have neglected their duty," he

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<sup>24</sup> "Attack on Liquor Shops by Women," *Fremont Journal*, January 12, 1855; A Friend of Temperance and Good Order, "Letter from Michigan," *Puritan Recorder* (Boston, MA), February 15, 1855, Volume XL, no. 7, pg. 28; G.S. Whiteman, "Otsego," in Clubb, "Results of Prohibition in Michigan," in *Maine Liquor Law*, 263-264; "The Ladies Spilling the Liquor," *Kalamazoo (MI) Gazette*, December 22, 1854; "Otsego, Mich.," *Lily* (Richmond, IN), January 1, 1855; "Attack on Liquor Shops by Women," *Southern Enterprise* (Greenville, SC), January 12, 1855; "Brave Women of Michigan," *JATU*, January 1, 1855, Volume XIX, no. 1, pg. 11-12; "Summary Enforcement of the Michigan Liquor Law," *Maine Temperance Journal*, December 30, 1854, Volume XI, no. 52, pg. 3; "Attack on Liquor by Women," *Wabash Weekly Gazette*, January 10, 1855, Volume 7, no. 45; "Attack on Liquor Shops by Women," *Raftsmen's Journal*, January 10, 1855; "Attacks on Liquor Shops by Women," *Daily Morning News* (Savannah, GA), January 3, 1855; "Attacks on Liquor Shops by Women," *Nashville (TN) Union and American*, January 7, 1855; "Attacks on Liquor Shops by Women," *Democratic Advocate* (Baton Rouge, LA), January 11, 1855, Volume XII, no. 34, pg. 269; "Attacks on Liquor Shops by Women," *Daily Cleveland (OH) Herald*, January 8, 1855; "Attacks on Liquor Shops by Women," *North American and United States Gazette* (Philadelphia, PA), December 29, 1854, Volume LXXII, no. 19286; "Attacks on Liquor Shops by Women," *Sun* (Baltimore, MD), December 30, 1854, Volume XXXVI, no. 36; "Summary Enforcement of the Michigan Liquor Law," *Frederick Douglass' Paper*, January 4, 1855; "Female Spunk," *Athens Post*, February 2, 1855; "Women vs. Liquor," *Fayetteville (TN) Observer*, January 11, 1855; [no title], *Anti-Slavery Bugle*, December 30, 1854; [no title], *Athens (OH) Messenger and Hocking Valley Gazette*, January 5, 1855, Volume II, no. 52; [no title], *Gallipolis (OH) Journal*, January 4, 1855; [no title], *Boston (MA) Daily Atlas*, December 29, 1854; [no title], *New York Evangelist*, January 11, 1855, Volume 26, no. 2, pg. 7; [no title], *American Phrenological Journal* (New York), March 1855, Volume 21, no. 3, pg. 66; [no title], *Massachusetts Spy* (Worcester, MA), January 10, 1855, Volume LXXXIV, no. 2; [no title], *Charleston (SC) Daily Courier*, January 5, 1855, Volume LIII, no. 16921; [no title], *American Union* (Boston, MA), January 20, 1855, Volume XIII, no. 12; [no title], *Aurora*, January 20, 1855, Volume XX, no. 49; [no title], *Evening Star*, January 2, 1855; "Feminine Mob Law," *Dollar Newspaper* (Philadelphia, PA), January 10, 1855, Volume XIII, no. 1. On women's optimism for the 1855 legislature see Miss. Anne B. Henderson, "Public Opinion," in Clubb, "Results of Prohibition in Michigan," in *Maine Liquor Law*, 259.

pointed out, “the far more potent aid of women has been enlisted, and prohibition secured.” Miss Anne B. Henderson, a teacher from Allegan City, proudly reported that the Maine Law “has been enforced in this city, although it has been declared a dead letter in the State of Michigan,” and applauded women’s “practical enforcement of the prohibitory liquor law.” Even Michigan Supreme Court Justice Abner Pratt, who ten months earlier ruled against liquor law, supported the female activists’ tactics. Pratt, who was in Otsego during the assault, felt the “women ought to have a reward for their bravery.” He, like most residents, were “strongly on their side.” While contemporaries clearly appreciated their efforts, the state’s temperance women made sure they documented their accomplishments as part of the broader history of the Maine Law.<sup>25</sup>

Michigan’s women eagerly responded when Clubb called for articles on Maine Law enforcement. Not only were most of the Michigan sections in *The Maine Liquor Law* focused on women’s efforts, but the submissions were written by the state’s female activists. And their contributions clearly contextualized their actions as part of a premediated, coordinated, and legitimate campaign to enact and enforce prohibition. These were not isolated acts of desperation, but well thought-out actions with clear

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<sup>25</sup> Clubb, “Results of Prohibition in Michigan,” in *Maine Liquor Law*, 261-262; *Journal of the House of Representative of the State of Michigan, 1853* (Lansing: Geo. Peck, 1853), 66, 81, 135, 343; A Friend of Temperance and Good Order, “Letter from Michigan,” *Puritan Recorder*, February 15, 1855, Volume XL, no. 7, pg. 28; “Summary Enforcement of the Michigan Liquor Law,” *Maine Temperance Journal*, December 30, 1854; “Attack on Liquor Shops by Women,” *Freemont Journal*, January 12, 1855; “Brave Women of Michigan,” *JATU*, January 1, 1855; “Women vs. Liquor,” *Fayetteville Observer*, January 11, 1855. On Justice Abner Pratt’s position in *People v. Collins* see Herschok, *The Paradox of Progress*, 110-111.

political implications. Clubb evidently agreed, crediting their actions for the “Spirit and energy in relation to the temperance movement.”<sup>26</sup>

The women’s essay’s kept grog shop raids in the forefront. One submission gleefully noted that where officials shirked their responsibilities, women enforced the Maine Law and carried out the hard work of “seizing and destroying contraband liquor.” Anne Henderson, in her entry on Allegan City, provided an account of a meeting celebrating the grog shop raid in neighboring Otsego, where attendees proclaimed their actions as a “declaration of woman’s rights” against a foe that robbed them of so much. She also announced that activists across the state planned to continue their course “until the traffic in intoxicating liquors is suppressed” and recommended “their sisters elsewhere” follow their example and “go and do likewise.” They were not only dedicated to continued advocacy for prohibition and law enforcement, they were determined that the written account of their efforts reflected their viewpoint.<sup>27</sup>

As 1854 drew to a close, midwestern women remained dedicated prohibitionists, but increasingly turned their attention to the local level and direct action to achieve their

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<sup>26</sup> Clubb, “Results of Prohibition in Michigan,” in *Maine Liquor Law*, 257, 261, 265-266; Miss. Anne B. Henderson, “Period of Enforcement,” “Decision of the Supreme Court,” “Public Opinion,” in Clubb, *Maine Liquor Law*, 258-259, 262. Cold Water, “Brave Women of Michigan,” *JATU*, January 1, 1855. Michigan’s temperance women were the only ones who forwarded submissions to Clubb for publication. In his introduction to the Michigan section he stated: “we doubt not that there are many good temperance women in other States who would have done so could we have had the good fortune to find them out ...” Other Michigan female contributors to the book included Mrs. E. Sinclair Nichols, and the *Woman’s Temperance Paper*. For Clubb’s introduction and summaries by other female contributors see Clubb, “Results of Prohibition in Michigan,” in *Maine Liquor Law*, 257-270.

<sup>27</sup> Clubb, “Results of Prohibition in Michigan,” in *Maine Liquor Law*, 257, 261, 265-266; Miss. Anne B. Henderson, “Period of Enforcement,” “Decision of the Supreme Court,” “Public Opinion,” in Clubb, *Maine Liquor Law*, 258-259, 262. Cold Water, “Brave Women of Michigan,” *JATU*, January 1, 1855.

goals. Women did not abandon statewide lobbying for prohibition, but after almost a decade negotiating the shifting political landscape of legislative temperance, they were confident in their ability to direct the movement as they saw fit, especially at the local level. And on the ground, their innovative tactics scored real victories against the liquor traffic. Although women had used violent assaults for almost a decade, by the end of 1854, grog shop raids evolved into a legitimate and far more coordinated strategy. At the same time, loosely-knit networks of activists were slowly coming together through their creative and astute use of the press. While newspaper editors found accounts of saloon raids good copy, women themselves began to see the press as a useful tool to further their agenda. Local temperance societies started conducting their business with an eye to publication and used this new platform to circulate direct actions strategies and confront liquor dealers. Over the next year, women's use of direct action ebbed and flowed with prohibition. Where enacted and enforced by officials, saloon raids ceased; in other areas, women executed a coordinated campaign against the traffic.<sup>28</sup>

### **1855: The Violent Ebbs and Flows of Midwest Prohibition**

Women's grog shop raids kept prohibition in the spotlight. Every time a group of ostensibly passive, genteel women of standing armed themselves with hatchets and

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<sup>28</sup> Women in Iowa and Massachusetts also attack grog shops in 1854. For some examples see Viator, "Letter from Iowa," *Independent* (New York, August 31, 1854, Volume VI, no. 300; [no title], *Lily*, September 15, 1854, Volume VII, no. 17, pg. 131; "A Banner for Mt. Pleasant," *Home Missionary* (New York), July 1854, Volume XXVII, no. 3, pg. 70; "The Way They Do It Up in Iowa," *Temperance Union*, August 16, 1854, Volume I, no. 34; "An Incident," and "Exeter in Arms," *Granite State Beacon* (Nashua, NH), February 11, 1854, Volume I, no. 7; "The Frantic Woman and the Grog Seller," and [no title], *Massachusetts Life Boat* (Boston, MA), April 25, 1854, Volume X, no. 2; "Excitement at Fall River," *Maine Temperance Journal*, January 21, 1854, Volume XI, no. 3, pg. 3; [no title], *Green Mountain Freeman* (Montpelier, VT), May 18, 1854; [no title], *Daily Evening Star*, May 10, 1854.

violently smashed kegs of whiskey and engaged in fisticuffs with gruff bartenders, people took notice. If lawmakers felt they could ignore the thousands of prohibition petitions women foisted on legislative sessions each year, their spectacular saloon raids often proved harder to ignore. While these episodes provided an avenue to enact and enforce practical prohibition in their communities, they served a larger service to the temperance movement. As prohibition faltered, saloon raids kept the public interested and increased pressure on Midwestern lawmakers to address the issue. By 1855, the complementary relationship between women's direct action offensives and shifting legislation came fully into focus as several midwestern states enacted Maine Laws and others continued to thwart prohibitionists' wishes. But contemporaries in the newly dry states recognized what is often overlooked today—female activists' ceaseless agitation and their coordinated direct action campaigns paved the way for prohibition.

As the Indiana General Assembly convened in January 1855, temperance women, again lobbied lawmakers for a Maine Law and simultaneously pursued their campaign of intimidation and violence on the ground. Female activists had grown confident in their ability to deal with defiant liquor dealers, but held less faith in politician's promises. Yet even as they remained skeptical of the General Assembly's dedication to prohibition, Governor Joseph A. Wright noted "an unusual degree of excitement" across the state for prohibition, a sentiment they helped foment, and they continued to harangue lawmakers. In January, Centerville's temperance women drew up two memorials, one to lawmakers demanding a Maine Law, and the other to the town's liquor dealers urging them to give up the traffic or bear the consequences. On January 27<sup>th</sup>, a visiting committee of twenty activists circulated the petition, signed by 313 women, amongst the town's liquor dealers. They informed the grog sellers that they stood in "united services to the

DISCOURAGEMENT and DISTRUCTION of every branch of business,” and requested “in *unmistakable terms*” the immediate abandonment of the liquor traffic. They presented the pledge for their signature and those who refused were given forty-eight hours to rethink their position. Two days later, committee members paid a second visit, and only two of the twenty vendors refused to comply. If the two remaining dealers thought the women would simply go away, they were mistaken <sup>29</sup>

This time the women made a more public declaration and used the press to broadcast their intentions. On January 31<sup>st</sup>, the full society met and passed two resolutions aimed at the obstinate proprietors. The resolutions, motioned by Mrs. P. Ham and sent to the *Richmond Palladium*, *Richmond Jeffersonian*, and *Indianapolis Daily Journal*, ominously warned those “who have refused to subscribe to the pledge” and anyone else who did not provide “satisfactory assurances” had “THREE DAYS to *dispose of their liquors and wind up their business, or TAKE THE CONSEQUENCES.*” With their objective published throughout Wayne County, the society personally prodded residents into joining their campaign. By February 6<sup>th</sup>, the grocer Mr. Lehee stood alone. That day, fifty armed women paid him a visit and offered \$145 to purchase his liquor, which he refused. They immediately seized the liquor barrels, rolled them into waiting wagons and then smashed them open in front of the courthouse. Several weeks later, the women met and submitted another address to the papers, this time they assured residents,

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<sup>29</sup> See *Journal of the House of Representatives, During the 38<sup>th</sup> Session of the General Assembly of the State of Indiana* (Indianapolis: Austin Brown, 1855), 27, 470; *Journal of the Indiana State Senate, During the Thirty-Eighth Session of the General Assembly, Commencing January 4, 1855* (Indianapolis: Austin H. Brown, 1855), 129, 193; “For the Palladium,” *Eaton (OH) Democrat*, March 1, 1855; [no title], *Lily*, February 15, 1855; “Letter from Centerville,” *Indiana American* (Brookville, IN), February 16, 1855; “Temperance Meeting at Centerville,” *Richmond (IN) Weekly Palladium*, February 23, 1855, Volume XXV, no. 10; Goodwin, *Seventy-Six Years' Tussle with the Traffic*, 9-10; Grubbs, *Practical Prohibition*, 295.



and any former dealer who may consider reestablishing their business, that they remained determined to “carry on the war of extermination against the liquor traffic.”

The Centerville society’s use of the press marked another important milestone in the evolution of direct action. Over the previous two years, some women had coupled threats in local newspapers with coordinated direct action, but in 1855 this practice became far more widespread. This suggests that women were more confident in their ability to control prohibition on the ground and that they saw newspapers as a valuable tool to not only to intimidate liquor dealers into submission, but to push the temperance movement forward. And in Indiana, Centerville’s activists were not the only one’s employing this strategy in the winter of 1855.<sup>30</sup>

As temperance petitions piled up in the General Assembly and legislators debated prohibition, Indiana women continued their campaign of threats and destruction. Female activists in Wabash, New Castle, and Brookville, “took hold of temperance matters” and dried “the traffic up by some means.” The Brookville *American* published a petition signed by 248 local women advising liquor dealers to dump their liquor stocks. Although a Maine Law may be coming soon, the women cautioned, proprietors would “find it for their advantage to quit” before the inevitable law. If they refused, there would be consequences. With reports of grog shop raids filling newspaper columns, the town’s dealers took the women’s threat seriously and agreed to abandon the traffic “at the expiration of their present license, or when they shall have disposed of their stocks.”

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<sup>30</sup> “For the Palladium,” *Eaton Democrat*, March 1, 1855; [no title], *Lily*, February 15, 1855; “Letter from Centerville,” *Indiana American*, February 16, 1855. For other mentions of the efforts in Centerville see “Temperance Meeting at Centerville,” *Richmond Weekly Palladium*, February 23, 1855, Volume XXV, no. 10; “Women on Liquor,” *Anti-Slavery Bugle*, March 3, 1853; “Women on Liquor,” *New York Daily Tribune*, February 16, 1855; “Women on Liquor,” *Spirit of the Times* (Ironton, OH), February 27, 1855.

Public threats followed by violent action, when necessary, proved remarkably successful. As one contemporary remarked, the combination often resulted in the “total destruction of it [liquor traffic].” Whether or not the Brookville dealers truly intended to give up the traffic quickly became a moot point, on February 16<sup>th</sup> the legislature approved Indiana’s version of the Maine Law. With the law slated to take effect on June 12, 1855, the state’s temperance activists rejoiced.<sup>31</sup>

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<sup>31</sup> “Women on Liquor,” *Anti-Slavery Bugle*, March 3, 1853; “Women on Liquor,” *New York Daily Tribune*, February 16, 1855; “Women on Liquor,” *Spirit of the Times*, February 27, 1855; “Womanly Suasion,” *New York People’s Organ*, February 17, 1855, Volume XIV, no. 33, pg. 260; “Temperance In Indiana,” *Carroll Free Press* (Carrollton, OH), February 15, 1855, Volume 23, no. 7; [no title], *Warren Republican* (Williamsport, IN), January 31, 1855, Volume I, no. 7; “Temperance in Indiana,” *Anti-Slavery Bugle*, February 2, 185. *Journal of the Indiana State Senate, 1855*, 12, 27-28, 49, 52, 62, 71, 88, 204, 267-272, 322, 342, 346, 478, 486, 519-520, 570-571, 577-578, 602-603, 608-609, 628-629, 642, 687, 774, 783, 790, 792, 795-796; *Journal of the House of Representatives, 1855*, 11-12, 27-28, 60, 77, 89-90, 161, 172-173, 242, 253, 264-265, 285, 388-396, 405-408, 481, 544-545, 565- 568, 660-661, 669, 693-695, 734, 742, 769-778, 804, 860, 875. Indiana’s 1855 prohibition law closely resembled the 1851 Maine Law. But it also added a clause voiding “all money, and every article of value of every kind, or the value thereof paid or transferred for the illegal sale of intoxicating liquor, may be recovered by the person paying or transferring the same.” Although this clause allowed a person who purchased liquors illegally to recoup the monies spent, it removed the civil damage provision in the 1853 law. The new clause meant that only the person who purchased the illegal liquors could recoup monies, stripping women of the ability to recover vital finds spent at an illegal groggery. Unfortunately, there the reaction of Indiana’s temperance women to the loss of the state’s civil damage provision is unknown. *Journal of the Indiana State Senate, 1855*, 12, 27-28, 49, 52, 62, 71, 88, 204, 267-272, 322, 342, 346, 478, 486, 519-520, 570-571, 577-578, 602-603, 608-609, 628-629, 642, 687, 774, 783, 790, 792, 795-796; *Journal of the House of Representatives, 1855*, 11-12, 27-28, 60, 77, 89-90, 161, 172-173, 242, 253, 264-265, 285, 388-396, 405-408, 481, 544-545, 565- 568, 660-661, 669, 693-695, 734, 742, 769-778, 804, 860, 875. Chapter CV. An Act to Prohibit the Manufacture and Sale of Spirituous and Intoxicating Liquors Except in the Case Therein Named, and To Repeal All Former Act Inconsistent Therewith, and For the Suppression of Intemperance, and Chapter CVI. An Act to Repeal Sections Two and Three of An Act to Regulate the Retailing of Spirituous Liquors, and for the Suppression of Evils Arising Therefrom Approved March 4<sup>th</sup>, 1853, and declaring all license heretofore issued under said Art. Null and Void, From and After the First Monday in April Next, *Laws of the State of Indiana, Passed at the Thirty-Eighth Session of the General Assembly. Begun the 4<sup>th</sup> Day of January, A.D. 1855* (Indianapolis: Austin H. Brown, 1855), 209-224. There was a lot of confusion amongst residents about exactly what the law permitted. For some examples see William Crumpton, Attica, Indiana, to

Within weeks, newspaper columns attributed the new prohibition law to women's direct action. A columnist for the Indianapolis *Locomotive* described grog shop raids as important demonstrations which finally convinced lawmakers to act. Across the state, the author noted, women exercised their "right of search, seizure, and destruction of intoxicating liquors, in anticipation of the adoption of this law" and abated a "public nuisance, which is the duty of every person who has spirit and courage enough to undertake it." A spirit, the columnist suggested that was the unique domain of temperance women. Another column in the *Phoenix* declared the victory for the "ladies of Winchester, Fort Wayne and Greenville, as well as every other place in the State" who fought the liquor dealers with their own hands. A female author for the *Ladies Wreath* also weighed in on the subject. Women's work was not done, she urged, there was a "clearly defined path before them." Their ceaseless advocacy and militancy "was necessary before the passage of the law, to bring about such a result," but it was also their duty to enforce the law. She called women to "marshal themselves into bands all over the State, and see that in every village, town, and city the law is honored and obeyed." Coordinated direct action helped enact prohibition, now those same tactics must be repurposed for enforcement, and redoubled, if necessary.<sup>32</sup>

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Governor Joseph Wright, June 15, 1855, Joseph A Wright Correspondence and Papers, Joseph A. Wright Correspondence and Papers, Box 1, Folder 8, Rare Books and Manuscripts, Indiana State Library, Indianapolis, Indiana; Jn. Caldwell, Vincennes, Indiana, to Governor Joseph Wright, June 12, 1855, Joseph A. Wright Correspondence and Papers, Box 1, Folder 8, Rare Books and Manuscripts, Indiana State Library, Indianapolis, Indiana.

<sup>32</sup> *Locomotive* (Indianapolis, IN), March 3, 1855, Volume XXXII, no. 2; "Indiana," *New Hampshire Phoenix* (Concord, NH), February 17, 1855, Volume II, no. 6; "The Ladies of Indiana," article reprinted from the *Ladies' Wreath* in the *JATU*, May 1, 1855, Volume XIX, no. 5, pg. 69. Temperance activists across the state celebrated their triumph. The *Richmond Indiana Palladium* called it "an occasion for rejoicing and congratulations to every true hearted citizen" and applauded lawmakers for passing a bill

And for the last six months of 1855, it seemed that such action was unnecessary. With a statute that state representative S.S. Crowe called “[s]tronger than the Maine Law,” in force and enforced in much of the state, no new female temperance attacks occurred between June and December. As long as officials followed through and prosecuted violators, women refrained from violence, demonstrating just how closely connected these incidents were to the passage and enforcement of liquor laws.

A similar trend occurred in Michigan, where women’s attacks stopped for a time after the passage of a revised prohibition statute. When the Michigan Supreme Court failed to render a verdict on the constitutionality of the 1853 Maine Law, official enforcement ceased across most of the state and women in a number of communities took the law into their own hands. As the legislature convened in January 1855, new governor, Kinsley S. Bingham implored lawmakers to immediately act and pass a prohibition law that would “avoid constitutional objections.” They did, and on February 5, 1855, he signed the new law, which took effect on May 13<sup>th</sup>. But for women in some communities, the liquor traffic posed an immediate threat, and technically the 1853 statute was still on the books until May, so they vowed to continue their enforcement actions.<sup>33</sup>

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that was the “*expressed will* of the majority of the citizens.” Samuel Landis wrote to his sister, Mary Embree of the jubilee in Greencastle, where they “threw a fine ball” and he could hear “the shouts of the people for a considerable distance from town.” The *Evansville Daily Journal* noted that the state “never has any similar law to this, and never before was any liquor law in Indiana so firmly and broadly founded upon public opinion.” “Temperance Resolutions,” Humanity,” and “Will the Quit?,” *Richmond Indiana Palladium*, June 14, 1855, Volume XXV, no. 26; Samuel Landis, Greencastle, Indiana, to Mary Embree, 18 February 1855, Lucius C. Embree Papers, Box 5, Folder 1, Rare Books and Manuscripts, Indiana State Library, Indianapolis, Indiana; “The Liquor Law,” *Evansville (IN) Daily Journal*, June 9, 1855, Volume VIII, no. 46.

<sup>33</sup> Kinsley S. Bingham, “Governor’s Message, January 4, 1855,” in George N. Fuller, ed., *Message of the Governors of Michigan*, Volume II (Lansing: Michigan Historical Commission, 1926), 288-289. By January 20<sup>th</sup>, a prohibition bill was working its way through the both house of the Michigan legislature. During the debate over the

Even with prohibition imminent, temperance women in Livingston County decided action was required. The county's activists had been an active force against the traffic for many years. They had taken "upon themselves the execution of the law" in 1854 when local officials refused to prosecute violators and sent a record of their deeds to Henry Clubb for the *The Maine Liquor Law*. Despite their efforts, liquor still flowed in some communities in Livingston County. Then in March 1855, less than two months before the new Maine Law took effect, a reformed inebriate from Howell drunkenly staggered home to his wife. According to newspaper reports, when his wife questioned him, the man explained that "he was urged and especially invited to drink ... under the

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House bill, Representative Littlejohn introduced an amendment to add a civil damage provision that allowed women to sue in their own name and recover damages against any person who illegally sold liquor. Littlejohn's amended to the proposed prohibitory bill was an anomaly. Most male temperance supporters did not stray from the basic outlines of the Maine Law. Typically, it was female activists who called for the inclusion of provision that specifically provided protection for women. Littlejohn's amendment lost, but two key provisions aimed to protect the wives of drunkards made it into the final bill. Section 2 deemed all payment for the unlawful sale of liquors in violation of the law and recoverable "by the persons so paying the same, his wife or any of his children." The law also compelled local officials to investigate all complaints of the illegal sale of liquors made by a wife or child of an intoxicated man, and compelled the person to testify, under oath, against the person who illegally provided the liquors. Both provisions provided an extra layer of protection to women but stopped short of a full civil damage provision. On petitions and debates over the 1855 prohibition law in Michigan see *Journal of the House of Representative of the State of Michigan, 1855* (Lansing: Hosmer & Fitch, 1855), 27, 32-33, 69, 86, 97, 101, 120, 128, 136-137, 139, 148-149, 163-167, 172-186, 203, 208-209, 281, 305, 322, 373, 390; *Journal of the Senate of the State of Michigan, 1855* (Lansing: Hosmer & Fitch, 1855), 20, 29, 60-61, 67, 75, 83, 101, 106-107, 125, 134, 145, 150, 152-154, 164, 169, 199, 201-202, 212. The law as it appeared in the *Acts* did not specify a formal date of implementation, but according to a number of newspapers, it went into effect on May 13, 1855. "The Liquor Law," *Hillsdale Standard*, May 15, 1855, Volume XI, no. 448; [no title], *Grand River Times*, May 9, 1855, Volume IV, no. 190. An Act to Prevent the Manufacture and Sale of Spirituous or Intoxicating Liquors as a Beverage, *Acts of the Legislature of the State of Michigan, Passed at the Regular Session of 1855, with an Appendix* (Lansing: Geo. W. Peck, 1855), 13-25. On vows of enforcement see "A Good Time Coming," *Grand River Times*, April 4, 1855, Volume IV, no. 185; "Enforcement of the Liquor Law at Grand Rapids," *Grand River Times*, June 13, 1855.

plea that he needed a little for his health.” Angered at the barkeep’s audacity, Howell’s women convened a meeting to address the situation.<sup>34</sup>

As the women discussed their options, the man’s wife argued for a decisive response. Before he quit drinking, she had “begged and entreated the grocery-man not to let her husband have liquor.” Now, that same barkeep, Sam, enticed him back into his shop, completely disregarding her wishes and her husband’s sobriety. The women agreed with the man’s wife, and decided to enforce the 1853 liquor law themselves. The next day, thirty armed women arrived at Sam’s for a “morning call.” He expected the visit and politely greeted the women. He assumed they had come to plead, but when one of them gave the order “now go to work,” there was little he could do. Sam offered no resistance and watched as the ladies smashed every cask, keg, bottle and decanter in the shop. With liquor pooling on the floor and every vessel smashed to pieces, the ladies peaceably retreated, and then sent a group to visit Howell’s other vendors. They delivered a stern warning: “desist from further traffic in intoxicating drinks as beverage” or expect a “morning call.” The other proprietors apparently complied, and no further violence was necessary. And as the new prohibition law took effect and was enforced by local officials, attacks elsewhere in the state also ceased.<sup>35</sup>

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<sup>34</sup> “Livingston County,” and “Maine Law Etiquette,” in Clubb, *Maine Liquor Law*, 265-267; “The Ladies and Whiskey,” *New York People’s Organ*, April 7, 1855, Volume XIV, no. 40, pg. 315-316; “Attack By Ladies Upon a Whiskey Store,” *Daily Evening Traveler* (Boston, MA), March 27, 1855, Volume X, no. 302; “Another Female Demonstration Against Liquor,” *Weekly Intelligencer*, March 28, 1855, Volume I, no. 46.

<sup>35</sup> “The Ladies and Whiskey,” *New York People’s Organ*, April 7, 1855, Volume XIV, no. 40, pg. 315-316; “Attack By Ladies Upon a Whiskey Store,” *Daily Evening Traveler*, March 27, 1855, Volume X, no. 302; “Another Female Demonstration Against Liquor,” *Weekly Intelligencer*, March 28, 1855, Volume I, no. 46; “Maine Law Etiquette,” in Clubb, *Maine Liquor Law*, 266-267. Also see “Attack By Ladies Upon a Whiskey Store,” *Vermont Christian Messenger*, April 4 1855, Volume IX, no. 14; “Attack By Women Upon a Whiskey Store,” *Dollar Newspaper*, April 4, 1855, Volume

Across the Midwest, liquor law enforcement represented an important predictor for women's grog shop raids. In Michigan for instance, the editor of the *Michigan Argus*, Elihou Pond, noted that while the 1855 prohibition law was not fully enforced, it was generally observed and "accomplishing much good." A survey of indictments prosecuting attorneys submitted to the legislature substantiate his assertion. The state's 1855 *Joint Documents* reveal a six hundred percent increase in prosecutions. This massive upsurge provides an important link to understanding temperance women's extralegal incursions. As long as prosecutions remained high, women worked within the legal system, but when laws were lacking or unenforced, they turned to extralegal methods and justified them as legitimate law enforcement.<sup>36</sup>

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XIII, no. 13; "Attack By Ladies Upon a Whiskey Store," *Portland (ME) Advertiser*, April 3, 1855, Volume 55, no. 14; "Women Attacking a Liquor Store," *Daily Dispatch*, March 31, 1855; "Attack By Women Upon a Whiskey Store," *Sun*, March 30, 1855, Volume XXXVI, no. 113; "Another Female Demonstration Against Liquor," *Daily Scioto Gazette* (Chillicothe, OH), April 9, 1855; "Attack By Ladies Upon a Whiskey Store," *North American and United States Gazette*, March 30, 1855; [no title], *Wheeling (VA [WV]) Daily Intelligencer*, April 3, 1855; [no title], *Star of the North* (Bloomsburg, PA), April 12, 1855.

<sup>36</sup> Elishu Pond quoted from Quist, "An Occasionally Dry State Surrounded by Water," in Finkelman and Herschok, eds., *History of Michigan Law*, 76. While the reports submitted to the legislature inevitably do not bear out the total number of prosecutions for liquor law violations for either year, they provide a high-level view in order to perform a quick comparison. "Abstracts of the Reports of Prosecuting Attorneys," *Joint Documents for the State of Michigan for the Year 1854* (Lansing: Geo. W. Peck, 1855), 7-34; "Abstracts of the Reports of Prosecuting Attorneys," *Joint Documents for the State of Michigan for the Year 1855* (Lansing: Hosmer & Fitch, 1856), 13-27. For some additional accounts of enforcement see "Convictions Under the Liquor Law," *Hillsdale Standard*, June 26, 1855, Volume IV, no. 454; "The First Liquor Suit in the State," and "Prohibitory Liquor Law—How It Works," and "Enforcement of the Liquor Law at Grand Rapids," *Grand River Times*, June 13, 1855, Volume IV, no. 195; "Liquor Law in Detroit," *Grand River Times*, August 1, 1855, Volume IV, no. 202; "Address Of the State Central Temperance Committee," *Hillsdale Standard*, August 14, 1855, Volume IX, no. 460; "The Circuit Court," *Grand River Times*, October 17, 1855, Volume V, no. 213; "The Maine Law, and "Liquor Law in Lansing," *Hillsdale Standard*, November 6, 1855, Volume X, no. 472; "Indictments Under the Anti-Liquor Law," and "Liquor Cases," *Hillsdale Standard*, November 13, 1855; Clubb, *Maine Liquor Law*, 270.

As prosecutions picked up and violent raids trailed off in Michigan and Indiana, the direct action campaign in Ohio continued unabated. With no legislative session scheduled, and therefore no possibility of a prohibition statute, women kept their focus on enforcement at the local level. Their efforts received a boost on January 20, 1855, when the state's Supreme Court upheld the constitutionality of the 1854 liquor law. Days after the decision, Ohio's women doubled their coordinated campaign to dry up the liquor traffic through prosecutions, threats, and violence, and left an incredible record of their actions in local newspapers.<sup>37</sup>

Women in several communities signaled their decision to use the courts in local papers. In February, the Cadiz ladies temperance society contacted the *Democratic Sentinel* and asked them to run short announcement. The missive, addressed to all "persons in Cadiz who sell any kind of spirituous liquors," warned that if they did not cease the sale of intoxicating spirits, they would have them "prosecuted to the fullest extent of the law." An editorial in the same paper, advised the dealers to comply with the

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In January 1856 the Michigan Supreme Court upheld the law as constitutional in *The People v. Thomas Gallagher*. See *People vs. Thomas Gallagher* 4. Mich. 244; January Term, 1856.

<sup>37</sup> "Liquor Law Decided Constitutional," *Freemont Journal*, January 26, 1855, Volume III, no. 1; "The Liquor Law in Ohio," *American Union* (Steubenville, OH), January 31, 1855; An Act to Provide Against the Evils Resulting from the Sale of Intoxicating Liquors in the State of Ohio, *Statutes of the State of Ohio, 1854*, 897-899; John Livingston, "Sale of Liquors in Taverns. Constitutionality of Law Prohibiting," *Livingston's Monthly Law Magazine*, Volume III (March, 1855), 177-178. For vows by women to enforce the law see Clubb, *Maine Liquor Law*, 83; "Enforcing the Law," *Lily*, June 15, 1854; "Mount Vernon. Effects of Enforcing the Law," *Lily*, September 1, 1854; "Temperance in Ohio," *Lily*, December 1, 1854; "The Liquor Law," *Weekly Intelligencer*, May 24, 1854; "Liquor Cases in Court," *Anti-Slavery Bugle*, August 27, 1853; "The Prospect in Ohio," *Lily*, April 1, 1854; "The Ohio Liquor Law—The Way It Works," and "Unquestionably Right," *Maine Temperance Journal*, July 22, 1854. On women demanding an Ohio Maine Law in 1855 see "Annual Meeting of the Portage County Temperance Alliance," *Weekly Portage Sentinel* (Ravenna, OH), May 9, 1855;



request and “save trouble.” Meanwhile in Charleston, women appeared in court and testified against a local hotel keeper who repeatedly violated the law, and their testimony led to his conviction. The *Norwalk Reflector* noted the women’s actions, “set a good example to others in ridding the community of an unmitigated curse.” At the same time, activists in Jackson Courthouse formed visiting committees to obtain evidence against liquor dealers in order to prosecute them.<sup>38</sup>

While some advocates announced their prosecutorial intentions in local newspapers, women from New Jefferson submitted a column reminding women of their rights under the 1854 law. At their April meeting, they created a roadmap to the law and sent it to the *Cadiz Democratic Sentinel* for publication. Their memo explained the civil damage provision and encouraged readers to use it for their “defense and redress.” They also urged women to pay attention to the clause that declared shops unlawfully vending spirits a public nuisance. This provision, they urged, granted women the right to abate grog shops. Should officials fail to quell these nuisances and “put the laws into execution, for want of moral courage,” then it was not only women’s duty, but in their “power to have the statutes of the State in this particular strictly enforced.” The destruction of illegal liquors, they argued, was sanctioned in the 1854 statute and women were within their rights to take such action.<sup>39</sup>

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<sup>38</sup> “Look Out,” *Cadiz (OH) Democratic Sentinel*, February 25, 1855; “The Temperance Law,” *Norwalk Reflector*, February 13, 1855; “Liquor Sellers,” *Jackson Standard*, February 1, 1855, Volume 3, no. 45.

<sup>39</sup> “The Ladies Temperance Society of New Jefferson,” *Cadiz Democratic Sentinel*, April 11, 1854, Volume 21, no. 50. Around the same time, the women of Fremont, Ohio also formed a permanent temperance society and sent their founding documents to the *Fremont Journal*. “Temperance Meeting,” *Fremont Journal*, June 1, 1855.

Shortly after the New Jefferson missive appeared in the *Democratic Sentinel*, the Portage County Temperance Alliance held their annual meeting and also endorsed direct action. Prohibition remained their priority, but community action was central to their mission “to secure a more thoroughly effective law — one positively annihilating the traffic.” They endorsed electioneering and encouraged women do all in their power to see temperance men elected and even declared “that we will vote for no man for any office, high or low, who is not known, both in sentiment and practice, to be in favor of temperance ... by the most severe and repressive prohibitory legislative enactments.” The resolution suggests that members of the Portage Alliance supported the enfranchisement of women and planned to exercise that right as soon as it was achieved. Campaigning for pro-temperance candidates and election day demonstrations would help install lawmakers favorable to prohibition, but such action did not immediately address the situation on the ground.<sup>40</sup>

But violent enforcement actions did. The women concluded their meeting with a resounding endorsement of militancy and violence. They lauded officials who sparked “liquor riots in the cities, caused by the enforcement of prohibitory law.” The riots, no matter how vicious, were simply the “death flurries of the monster, and should induce the foes of intemperance to redouble their blows, with the death-dealing vigor.” And the foes of intemperance dealing those deathblows were the state’s women. They applauded the “active and successful temperance movement” of the past year, and celebrated those who battled the liquor traffic head-on and took the matter directly into their own hands.

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<sup>40</sup> “Annual Meeting of the Portage County Temperance Alliance,” *Weekly Portage Sentinel*, May 9, 1855; On previous resolution and address of the Portage Alliance see “To the Ladies of Portage County” and “To the Voters of Portage and Summit,” *Ohio Star*, October 5, 1853; “Annual Meeting of the Ladies’ Portage County Temperance Alliance,” *Portage Sentinel* (Ravenna, OH), May 17, 1854.

Violence and riots in the name of temperance, they delightedly proclaimed, was perfectly acceptable and justified in the war against “King Alcohol.”<sup>41</sup>

The Portage County Temperance Alliance’s public support violence translated into action as women in a number of Ohio towns violently assaulted grog shops. The timing of these episodes again illustrates a correlation between officials’ lack of enforcement and violent outbreaks. Despite the Supreme Court verdict upholding the 1854 law, prosecutions quickly waned. One women writing to the Steubenville *True American* bemoaned that the law was carried out “in but very few cases,” and called on residents to pull together and initiate prosecutions. But she also encouraged newspaper editors to do their part, showing how female activists were starting to see the press as a vitally important tool in their prohibition campaign. She wanted them to “do all in their power to enforce the present Liquor Law” and “aid and encourage those who have nerve” to act. And typically, those who had such nerve were temperance women. An editorialist for the St. Clairsville *Belmont Chronicle* lamented authorities’ priorities when it came to the execution of laws. The “the arm of the law – so mighty when an unfortunate man is to be ground to atoms for petty debt – is inefficient – inactive – must we say indifferent when woman groans beneath these sufferings, worse than of death, entailed upon her by

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<sup>41</sup> “Annual Meeting of the Portage County Temperance Alliance,” *Weekly Portage Sentinel*, May 9, 1855; On previous resolution and address of the Portage Alliance see “To the Ladies of Portage County” and “To the Voters of Portage and Summit,” *Ohio Star*, October 5, 1853; “Annual Meeting of the Ladies’ Portage County Temperance Alliance,” *Portage Sentinel* (Ravenna, OH), May 17, 1854. On riots and violent outbursts associated with liquor law enforcement see Kyle G. Volk, *Moral Minorities and the Making of American Democracy* (New York: Oxford University Press, 2014), 172-174, 261-262 n10, n11; Blocker Jr., *American Temperance Movements*, 58-60; Ian R. Tyrrell, *Sobering Up: From Temperance to Prohibition in Antebellum America, 1800-1860* (Westport, CT: Greenwood Press, 1979), 33, 58-59; 294-296.

the rumseller.” Local officials indifference to the law, the author suggested, fueled grog shop raids, and in Washington, Ohio, this scenario was on full display.<sup>42</sup>

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<sup>42</sup> “Mr. Ragan,” *True American* (Steubenville, OH), November 14, 1855; “The Ladies Forever!,” *Belmont Chronicle*, 6 September 1855. On enforcement see “More Liquor Suits,” *Fremont Journal*, June 1, 1855; “Important Liquor Case in Cincinnati—Charge and Sentence by the Court,” *Western Reserve Chronicle and Weekly Transcript of the Times* (Warren, OH), March 7, 1855; “Important to Justices of the Peace,” *Jackson Standard*, June 7, 1855; “Probate Court,” *Jackson Standard*, August 16, 1855. On women’s liquor riots in Mount Pleasant, East Ironton, Chagrin Falls, Washington, Dayton, Oletangy, and Delaware, Ohio in 1855 see Female Liquor Riot in Ohio,” *Daily National Intelligencer* (Washington, D.C.), February 6, 1855, Volume XLIII, no. 13046: “Female Liquor Riot in Ohio,” *United States Journal* (New York), March 1855, Volume VI, no. 5; “Riot in Hamilton County—Destruction of Liquor,” *McArthur (OH) Democrat*, February 9, 1855; “Great Excitement in the Town of Mount Pleasant—A storehouse of Liquors Destroyed by the Citizens—Females the Principal Rioters,” *New-York Daily Times*, February 3, 1855; “Enforcing the Ohio Liquor Law,” *Weekly Minnesotan* (Saint Paul, MN), February 24, 1855, Volume 4, no. 23; “Cincinnati,” *True American*, February 1, 1855; “Female Riot at the West,” *Washington (D.C.) Sentinel*, February 1, 1855, Volume 3, no. 108; “Liquor Destroyed by Women,” *Spirit of Democracy*, February 7, 1855; “Destruction of Liquor by Women,” *Star of the North*, February 8, 1855; “Cincinnati,” *Athens Post*, February 9, 1855; “The Higher Law,” *Fremont Journal*, February 9, 1855; “Liquor Riot,” *North American and United States Gazette*, February 3, 1855; “Female Riot in the West,” *Sun*, January 31, 1855, Volume XXXVI, no. 63, pg. 2; “Liquor Destroyed,” *Carroll Free Press*, February 8, 1855, Volume 23, no. 6; “The Temperance Law,” *Norwalk Reflector*, February 13, 1855, Volume XXVI, no. 6; [no title], *Democrat and Sentinel*, February 15, 1855; [no title], *Aurora*, February 10, 1855, Volume XX, no. 52; [no title], *Perrysburg Journal*, February 10, 1855; [no title], *Nashville Union and American*, February 3, 1855; [no title], *Jackson Standard*, February 8, 1855; [no title], *Belmont Chronicle*, February 8, 1855; “Discharge of Women Arrested for Spilling Liquor,” *New-York Daily Times*, February 6, 1855; Legislation of Last Winter—No Criminal Court for Cincinnati,” *Western Reserve Chronicle and Weekly Transcript of the Times*, February 21, 1855; “Acquitted,” *Carroll Free Press*, February 15, 1855, Volume 23, no. 7; “Discharge of Women Arrested for Selling Liquor,” *Green Mountain Freeman*, February 15, 1855; [no title], *American Union* (Steubenville, OH), February 7, 1855, Volume XXII, no. XLVII; [no title], *Monongalia Mirror*, February 17, 1855; [no title], *Bradford Reporter* (Towanda, PA), February 24, 1855; “A Female Mob,” *Maine Farmer*, February 8, 1855, Volume 23, no. 7; “Liquor Destroyed,” *Daily Scioto Gazette*, June 13, 1855; [no title], *Cleveland (OH) Morning Leader*, June 7, 1855, Volume 9, no. 2514; [no title], *Spirit of the Times*, June 12, 1855; [no title], *Anti-Slavery Bugle*, December 15, 1855; “The Women of Troy,” *Perrysburg Journal*, December 8, 1855; [no title], *Oletangy Gazette* (Delaware, OH), December 7, 1855, Volume XXXVII, no. 36; [no title], *Ripley Bee*, December 15, 1855; [no title], *Carroll Free Press*, December, 20, 1855.

Before their violent attack, the Washington women appealed to groggery proprietors and local officials. The wife and daughters of an “eminent professional man” had repeatedly urged the towns’ dealers to stop selling him liquors. They flatly refused. In a drunken rage on August 9<sup>th</sup>, the man threatened his wife and children with a butcher knife, and was later arrested. But the next morning, according to newspaper reports, he was released on an “informality in the proceedings.” Outraged by the man’s release, a group of women appealed to the local justice and demanded he investigate illegal sales at the town’s groggeries. The justice, however, reportedly told them “he would sooner resign his office than give a warrant for such purpose.” Rebuffed by the justice, the women decided to enforce the law on their own.

Several days later, fifty-four armed women, led by Mrs. Judge Skinner and Mrs. Mary Craig, moved on the town’s liquor dealers. They visited the eight suspected illegal vendors, confiscated their stocks and “cut open and destroyed” all the liquor vessels they could find, “causing the streets to flow with strong drink.” In the short space of one afternoon, the women had done what the town’s officials had refused—cleared the town of the unlawful whiskey traffic. Following the incident, a writer for the *Belmont Chronicle* queried: “Have we no Washington Women here, to stay the black tide of death that flows from every doggery door, to wither & to kill!” While there may not have been “Washington Women” in St. Clairsville, female activists in six other town’s attacked grog shops and justified their actions as a legitimate form of law enforcement—a right embodied in the 1854 statute’s declaration that illegal liquor shops constituted a public nuisance.<sup>43</sup>

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<sup>43</sup> “The Women in Arms,” and “The Ladies Forever,” *Belmont Chronicle*, September 6, 1855; Maggie, “To Actions,” *Lily*, September 15, 1855; “Liquor Riot,” *Belmont Chronicle*, August 16, 1855. In November, 1855, at the same time that

The prohibition victories of 1855 throw women's grog shop raids into sharp relief. Where Maine Laws passed and were enforced, violent incursions stopped, but where legislation failed, or authorities failed to prosecute violators, women continued their coordinated direct action campaigns. Yet 1855 marked a turning point in their use of intimidation and violence. They used the press as a tool to further their campaign and disseminate tactics amongst their loosely-knit networks. While newspapers across the country frequently printed accounts of grog shop raids, female activists now used them for their own agenda, and they threatened liquor dealers and openly endorsed violence as a legitimate and successful strategy. Their approach worked. Groggery owners understood that women were organized, persistent, and did not make empty threats, and may shop keepers complied with their demands. And when anti-prohibitionists again challenged midwestern Maine Laws in the courts, woman, now firmly in control of the temperance movement, unleashed a flurry of threats and violence across several states.

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temperance activists lamented the lack of enforcement, a highly publicized civil damage case concluded, and Mrs. Sarah M. Phillips won an award from Richards & Scherer for selling liquor to her husband and the verdict was carried in newspapers across Ohio. For the Phillips case see "Putting It Through," *Cadiz Democratic Sentinel*, November 14, 1855; [no title], "*Gallipolis Journal*, November 22, 1855; "Liquor Case," *Spirit of the Times*, November 11, 1855. [no title], *Belmont Chronicle*, November 29, 1855. In addition to a January attack in Mount Pleasant, incidents occurred in East Ironton and Chagrin Falls in June, Washington in August, Delaware, Olentangy, and Dayton, in November. For accounts see "Liquor Destroyed," *Daily Scioto Gazette*, June 13, 1855; [no title], *Cleveland Morning Leader*, June 7, 1855, Volume 9, no. 2514; [no title], *Spirit of the Times*, June 12, 1855; [no title], *Anti-Slavery Bugle*, December 15, 1855; "The Women of Troy," *Perrysburg Journal*, December 8, 1855; [no title], *Olentangy Gazette*, December 7, 1855, Volume XXXVII, no. 36; [no title], *Ripley Bee*, December 15, 1855; [no title], *Carroll Free Press*, December 20, 1855.

### 1856: “Armed with Truth, Justice, and Hatchets”

1856 marked the highpoint of midwestern women’s use of coordinated violence. Almost as soon as Indiana and Michigan’s prohibition laws came under attack, female activists reestablished their direct action campaigns, and in the Hoosier state, the offensive was particularly widespread and ferocious. In December 1855, the state Supreme Court handed down opinions in *Beebe v. State* and *Herman v. State*, which drastically limited the scope of Indiana’s Maine Law. The verdicts stopped short of complete repeal, but gutted the enforcement provisions (including the search, seizure, and destruction of illegal liquors) and nullified the sections prohibiting the manufacture intoxicating spirits. For female activists, who had championed the Maine Law since 1851 and often focused their activism around these provisions, the reversal was especially galling. With these crucial measures invalidated, temperance women vowed to vigorously enforce the remaining provisions and personally reimplement the invalidated ones. The incidents they perpetrated in the wake of the court’s decision show the evolution of women’s violent attacks. They were not only more prevalent, but far more coordinated, premediated, larger, and increasingly destructive.<sup>44</sup>

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<sup>44</sup> Women across the Midwest turned to violence to further their temperance objective in 1856, but in the interest of space, I will focus primarily on Indiana where the largest number of incidents occurred. In the two Indiana verdicts, two judges held the entire act null and void, two determined that portions of the law were unconstitutional, and one judge the declared the entire law valid. A majority coincided to strike down the provisions that prohibited the manufacture of liquors. The plurality decision on the prohibition on the sale of liquors as a beverage meant this provision remained in force. In Michigan, an 1856 case, *People v. Gallagher*, also invalidated the search, seizure, destruction measures of the prohibition statute, setting off a series of grog shop attacks. *Beebe v. State*, 6 Ind. 401, 416, 417 (1855); *Herman v. State*, 8 Ind. 490, 506 (1855); Asa I. Fish and Henry Wharton, eds., “Herman vs. The State,” *The American Law Register*, Vol. IV (Philadelphia, PA: D.B. Canfield & Co., 1856), 344-364; “The Liquor Law. Opinions of the Judges,” *Weekly Indiana State Sentinel* (Indianapolis, IN), December 27, 1855; “Prohibitory Liquor Law,” *Weekly Indiana State Sentinel*, January 3, 1856; “The Prohibitory Law Decided,” *Evansville Daily Journal*, December 24, 1855; William J.

Indiana's women closely followed the legal challenges to prohibition. Only a week after the Supreme Court handed down their decisions, the members of Richmond's ladies temperance society demanded answers. A committee comprised of Martha W. Brown, Annis Underwood, Mrs. J.A. Holloway, and founding member of the Indiana State Woman's Rights Association, Hannah Birdsall, sent a letter to Supreme Court Justice Samuel Barnes Gookins (the only judge who upheld the entire law) requesting clarification. They expressed their dismay at the ruling and wanted to know how the court would rule if the remaining provisions of the law were challenged.<sup>45</sup>

Gookins wasted no time issuing a reply. In a response dated January 3, 1856, and printed in the *Evansville Daily Journal* on January 23<sup>rd</sup>, he affirmed the nullification of the "search and seizure" and manufacturing provisions, and told the women that any cases decided in the lower courts and then brought before the Supreme Court would indeed be reversed. Convictions in the lower courts for "unlawfully selling," he assured the committee, would be sustained. Gookins closed the letter with his "sincere desires for

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Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1999), 184-185; Quist, *Restless Visionaries*, 274-275.

<sup>45</sup> "Letter from Judge Gookins," *Evansville Daily Journal*, January 23, 1856. It is likely that Mrs. J.A. Holloway is Mary E. Holloway, who was also a founding member of the Indiana Woman's Rights Association. Indian Woman's Rights Convention, Dublin, Indiana, 14 and 15 October 1851, "Report of the Committee on Resolutions," Folder 1, Indiana Woman's Suffrage Association Collection, Indiana Historical Society Manuscripts, Indiana Historical Society, Indianapolis, Indiana. The decisions in *Beebe v. State* and *Herman v. State* spread confusion across the state. Days after the court handed down its decision, E.V. Long wrote to Governor Joseph Wright and lamented the confusion caused by the "different phases [sic] put on the decision of the Supreme Court." Conflicting information published in newspapers rendered it "impossible to deduce any reliable information." He implored Wright provide an "accurate report of the decision" to avoid public confusion. E.V. Long, Leesburg, Indiana, December 29, 1855, to Joseph A. Wright, Joseph A. Wright Correspondence and Papers, Box 1, Folder 9, Rare Books and Manuscripts, Indiana, Indianapolis, Indiana.



the abundant success of your benevolent effort.” The ladies of Richmond, and their sisters across the state, however, were not mollified by his explanation.<sup>46</sup>

Gookins’ tidings of success in their benevolent endeavors likely read as more insult than assurance to the militant and politically savvy temperance women. Before his response even reached the local papers, the Richmond cohort called a meeting of the county’s activists. On January 12<sup>th</sup>, the women issued a proclamation that they “WILL NO LONGER QUIETLY submit to the encroachment of the liquor traffic” and vowed to take all necessary action to “thoroughly prove the law and law making powers of our State.” The court may have invalidated portions of the law, but Richmond activists publicly announced their plan to reenact them. They also admonished Judge Samuel Perkins, the “highly reprehensible” ringleader of the anti-prohibitionists on the court. His decision, the women charged, deserved “to be held up to public condemnation” and proved him “treacherous of the people in his judicial position, and therefore unworthy of it.” Then they issued a warning to Perkins and his fellow anti-prohibitionists that they intended “to secure to ourselves a Prohibitory Law.” The meeting’s proceedings were sent to local newspapers for publication and a copy was mailed to Judge Perkins, ensuring their intentions would not be misconstrued.<sup>47</sup>

The meeting proceedings also suggest that the women were concerned with reformers political agenda outside of Indiana, and reaffirmed their dedication to a broad vision of temperance that included women’s rights. One resolution declared “DIVORCE, with all its wretchedness, a better resort than the responsibility of being mothers of a

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<sup>46</sup> “The Liquor Law,” *Weekly Indiana State Sentinel*, December 27, 1855; “Letter from Judge Gookins,” *Evansville Daily Journal*, January 23, 1856.

<sup>47</sup> “The Women of Richmond,” *Evansville Daily Journal*, January 19, 1856, Volume VIII, no. 138.

drunken race.” Through whatever means necessary, “duty bids her [woman] to strike the blow for freedom, that she may have the power to protect herself, and those *dearer to her than life*.” The resolution on divorce, a key women’s rights claim, implies that the women expected their agenda to circulate outside of the state. While many eastern activists, such as those in New York, were still lobbying to include drunkenness as grounds for divorce, Indiana, as well as Michigan and Ohio, had accepted intemperance as cause for over a decade. Indiana’s divorce laws were so lax, historian Norma Basch described the state as “the first divorce mill of the nineteenth century.” Their motion reminded Midwestern women that divorce from a drunkard was an option, and a preferable one, too. At the same time it signaled solidarity with the activists across the nation.<sup>48</sup>

Yet the situation on the ground in Indiana required immediate attention. With the key provisions of search, seizure, and destruction voided, the unlawful sale of intoxicating spirits spiked. Before the justices even handed down their verdict, former state senator William Hawthorn warned Governor Wright that an adverse decision would throw the state into chaos and urged him to intervene. He advised Wright: “You have got the power in your hands of Extricating Indiana out of this perilous position.” The law-abiding people of Indiana, he argued, wanted a strict prohibition law, and Wright had a duty to see a new law enacted. Hawthorn correctly read the landscape but was wrong on Wright’s ability to prevent turmoil. With the Indiana legislature in adjournment until

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<sup>48</sup> “The Women of Richmond,” *Evansville Daily Journal*, January 19, 1856. On divorce see Norma Basch, *Framing American Divorce: From the Revolutionary Generation to the Victorians* (Berkeley: University of California Press, 1999), 8, 76-78, 114-115; Nancy Isenberg, *Sex & Citizenship in Antebellum America* (Chapel Hill: University of North Carolina Press, 1998), 158-159, 165-167, 199-201; Henry Folsom Page, *A View of the Law Relative to the Subject of Divorce in Ohio, Indiana, and Michigan* (Columbus, OH: J.H. Ripley & Co., 1850), 172-177.

1857, a revised law would have to wait. In the meantime, the Richmond women's determination to take the law into their own hands mirrored the growing calls from female activists across the state, often communicated through local newspapers. And by April, papers across the country carried news of a veritable uprising of Indiana's temperance women.<sup>49</sup>

Over a two week period in March 1856, women attacked liquor dealers in at least seven Indiana communities (New Marion, Greensburg, Williamsport, Princeton, Eagle Village, Zionsville, and Lafayette). While local officials struggled with how to prosecute

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<sup>49</sup> William Hawthorn, Petersburg, Indiana, October 1855, to Joseph A. Wright, Joseph A. Wright Correspondence and Papers, Box 1, Folder 9, Rare Books and Manuscripts, Indiana State Library, Indianapolis, Indiana. For newspaper accounts on Indiana women's attacks in the Spring of 1856 see "Women versus Brandy," *Daily Scioto Gazette*, March 31, 1856; "Ladies and Liquor," *Norwalk Reflector*, April 15, 1854, Volume XXVII, no. 15; "A Grand Onset," *Warren Republican*, March 20, 1856, Volume II, no. 23 [the issue is incorrectly numbered in the masthead, should be 13]; "The Heroines Again in the Field," *Warren Republican*, April 3, 1856, Volume II, no. 15; "The Women in Arms," *Chicago (IL) Daily Tribune*, April 2, 1856; "Ladies and Liquor," *Daily Cleveland Herald*, April 1, 1856; [no title], *Evening Star*, April 29, 1856; [no title], *Daily Scioto Gazette*, April 30, 1856; "Insurrection at Princeton," *Chicago Daily Tribune*, March 31, 1856; [no title], *Daily Cleveland Herald*, March 27, 1857; "Female Lynch Law in Indiana," *Raftsmen's Journal*, April 16, 1856; "Female Liquor Riot in Indiana," *Evening Star*, April 5, 1856; "Female Liquor Riot in Indiana," *Winchester (TN) Appeal*, April 19, 1856; "Groceries Destroyed By Women," *Ripley Bee*, March 29, 1856; "Female Liquor Riot in Indiana," *North American and United States Gazette*, April 3, 1856; "Female Liquor Riot in Indiana," *Charleston (SC) Mercury*, April 7, 1856; "The Indiana Women vs. Free Whiskey," *Fayetteville (NC) Observer*, April 14, 1856; "Women vs. Liquor," *Galveston (TX) News*, April 17, 1856, Volume 14, no. 124; "Female Liquor Riot in Indiana," *Sunbury (PA) American*, April 12, 1856; [no title], *Weekly Intelligencer*, April 23, 1856, Volume 2, no. 50; "Female Liquor Riots in Indiana," *Church Advocate* (Harrisburg, PA), April 17, 1856, Volume XX, no. 51, pg. 406; "Female Liquor Riot in Indiana," *Newark (NJ) Daily Advertiser*, April 4, 1855, Volume XXV, no. 82; "Female Liquor Riot in Indiana," *Sentinel of Freedom* (Newark, NJ), April 8, 1856, Volume LVII, no. 40; "Female Liquor Riot in Indiana," *Washington (PA) Examiner*, April 19, 1856, Volume XXXIX, no. 50; "Female Liquor Riot in Indiana," *Daily Pennsylvanian* (Philadelphia, PA), April 5, 1856, Volume XLIII, no. 83; "Female Liquor Riot in Indiana," *Georgia Telegraph* (Savannah, GA), April 22, 1856, Volume XXX, no. 39; [no title], *Warren Republican*, April 10, 1856, Volume II, no. 16; "Mob At Salem," *New Albany (IN) Daily Ledger*, April 28, 1856, Volume VII, no. 2050.

violators in the aftermath of the court's verdict, female activists knew exactly how to proceed. They had been building up to this moment for several years. As newspapers across the country heralded the "Insurrection at Princeton" and another "Grand Onset," few could ignore the renewed violence in Indiana, and a March attack in Williamsport seemed to epitomize the direction of the prohibition movement, which was now firmly controlled by female activists and their direct action strategies.<sup>50</sup>

From the outset, it was clear that the women had carefully planned their attack. They arrived at the Williamsport Methodist Episcopal Church armed with hatchets and axes, and "other utensils," and quickly set off to reenact prohibition. At their first stop, G. Smith's grocery, the women found the doors barricaded and a man inside holding a gun. Smith received word that something was afoot and left town to avoid being caught up in the coming melee, leaving the barkeep to deal with the women. But neither the barred doors nor the armed man deterred the women. They plied their hatchets and axes to the doors and calmly marched into the groggery, while the barkeep shouted that he would "fire upon the first person that entered the room." Undaunted by the threats, the women wielded their weapons and demolished the carefully constructed bulwark designed to prevent their entry. Once inside, they sent demijohns and decanters flying, and confiscated five or six kegs, rolled them into the street, smashed them open and watched the contents stream onto the ground. With Smith's stocks destroyed, the ladies proceeded

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<sup>50</sup> "A Grand Onset," *Warren Republican*, March 20, 1856; "The Heroines Again in the Field," *Warren Republican*, April 3, 1856; "The Women in Arms," *Chicago Daily Tribune*, April 2, 1856; "Women versus Brandy," *Daily Scioto Gazette*, March 3, 1856; "Ladies and Liquor," *Norwalk Reflector*, April 15, 1854; "Ladies and Liquor," *Daily Cleveland Herald*, April 1, 1856.

to raid six other liquor dealers in a similar manner. By the time the women peacefully returned to their homes, they had successfully reinstituted prohibition in Williamsport.<sup>51</sup>

The women's raid garnered attention across the Midwest, and the perpetrators were determined to shape the public's perception of the incident. Over the next few months, the women picked up their pens and used the local newspaper, the *Warren Republican*, to make sure the public understood their standpoint, and warned local officials and liquor dealers that they were ready to strike again. Their columns in the *Republican* provide a unique glimpse into women's perspective on their use of violence, one that is difficult to recover in letters or diaries simply because there is no cache of personal papers. While saloon raiders often left glimpses documented in the countless conventions and local temperance meetings, addresses, and newspaper columns, the women of Williamsport left a far more complete record that can stand in for the thousands of activists who agitated on the ground in small towns across the country.

Just three days after the attack, they gathered again at the church and adopted a formal declaration. A committee composed of Mrs. Hitchens, Mrs. Gregory, Mrs. Wheeler, Mrs. Harper, Mrs. Rohdefer, Mrs. Warren, Miss. Johnson, and Miss. Thompson, composed the document, which justified their right to confiscate and destroy intoxicating liquors, chastised a Supreme Court justice, and signaled their support a broader woman's rights agenda. Like the women in Richmond, Indiana, they labeled Judge Perkins (the lead judge in the Supreme Court decision that nullified much of the prohibition law), "unworthy of office," and criticized all of the justices for "setting aside a large majority of the voters of the State" and rendering the "Temperance Law of '54

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<sup>51</sup> "A Grand Onset," *Warren Republican*, March 20, 1856; "The Heroines Again in the Field," *Warren Republican*, April 3, 1856; "The Women in Arms," *Chicago Daily Tribune*, April 2, 1856; "Ladies and Liquor," *Norwalk Reflector*, April 15, 1854.

and '55" a "dead letter" upon the books. The portions of the law that the justices upheld, they railed, failed to "protect their most sacred rights," and thus, they were justified in "abating nuisances by force." After having cleared the grog sellers stocks, they were "determined to keep it out" by any means necessary. To deter potential illegal vending, they formed a vigilance committee and "as soon as the monster is discovered destroyed [sic] it." The nullification of good laws, one observer wrote, required the adoption of "a summary process, which will insure [sic] the certain destruction of whiskey *property*." With a plan in place, they sent their declaration to the *Warren Republican*, which published it on March 20<sup>th</sup>.<sup>52</sup>

Days after the raid, the *Republican* ran the first of the participants' editorials. Published over the course of March, April, and May 1856, the columns provided particulars of the attack, offered a legal justification for their actions, threatened future raids, and proclaimed their steadfast dedication to both temperance and women's rights. Written under pseudonyms, the columns were not without some humor. When the local doctor and the women's most vocal opponent, B.H. Boyd, criticized them for using pseudonyms, "Another of Them" retorted that his assertion was preposterous as they "never feared anything but lightening and rumsellers." They adopted a "fictitious name" not out of fear, she argued, but it "seemed to be the custom, and we supposed probably

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<sup>52</sup> "Resolutions Passed by the Ladies of Williamsport," *Warren Republican*, March 20, 1856. The resolutions were also reprinted in several other newspapers. See "Resolutions Passed by the Ladies of Williamsport," *Lily*, April 1, 1856, Volume VIII, no. 7; "Good Work," *Cayuga Chief*, April 11, 1856, Volume 8, no. 14. It is not known if the women from Williamsport belonged to the Indiana Woman's Rights Association as the records of the organization only contain a membership list from its founding in 1851. Indian Woman's Rights Convention, Dublin, Indiana, October 14 and 15, 1851, "Report of the Committee on Resolutions," Folder 1, Indiana Woman's Suffrage Association Collection, Indiana Historical Society Manuscripts, Indiana Historical Society, Indianapolis, Indiana.

we might get out of our *sphere* if we did not follow in the footsteps of those who preceeded [sic] us.” By the time the editorials appeared many of the women were already identified; when they submitted the proceedings from their March 17<sup>th</sup> meeting to the *Republican*, they included their names.<sup>53</sup>

Furthermore, grog shop raiders did not hide from their actions, they proudly endorsed them. For example, when a group of women were prosecuted after a raid in Princeton, Illinois, M. Louise Scott wrote to her friend, Mrs. Coddington, about the trial. Mrs. Ufford, Mrs. Matson, and Mrs. Racon [?], were tried and acquitted for their assault on a liquor dealer who violated the town’s “Prohibitory law.” They had warned the proprietor that if she did not discontinue her illegal business, she would “find her habitation upturned.” Shortly thereafter, that is exactly what happened. The female perpetrators, Scott assured Coddington, “were not inconvenienced on account of it [the trial]” and viewed the raid and the trial as a point of “pride.” Women in Hanover, Illinois, also relished the public notoriety. When a number of saloon owners threatened to sue the attackers, the women offered to submit “a list of their names if it would accommodate them threatening to prosecute.” Female activists saw their participation in these incidents as a badge of honor and eagerly took up that mantle, they were not trying to hide from their actions, but publicize them.<sup>54</sup>

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<sup>53</sup> Another of Them, Letter to the Editor, *Warren Republican*, April 24, 1856, Volume II, no. 18. For some of B.H. Boyd’s editorials aimed at the women see B.H. Boyer, Letter to the Editor, *Warren Republican*, April 17, 1856, Volume II, no. 17; B.H. Boyd, Letter to the Editor, *Warren Republican*, May 1, 1856, Volume II, no. 18.

<sup>54</sup> M. Louise Scott, Princeton, Illinois, to Mrs. Coddington, 8 April [1855], Ichabod Coddington Family Papers, 1807-1937, Box 1, Folder Letters to Maria Coddington, 1849-1883, Abraham Lincoln Presidential Library, Springfield, Illinois. At the time Scott wrote to Coddington, Illinois did not have a statewide prohibition law. Just a month earlier, on March 6, 1855, a referendum was sent to the voters on whether or not to enact the prohibition law passed by the legislature. Illinois voter rejected the measure and the licensing system

And the women from Williamsport were clearly not trying to hide from their deeds. They had carefully planned out their course of action, and knew public opinion was overwhelming on their side. As “One of ‘Em,” proudly noted, the women had the “satisfaction of knowing that the “Grand Outset” has met with the approval of the good citizens in our own and many neighboring states” The decision to act, she assured readers, was not made in haste, they “reflected very calmly and deliberately on what we were going to do, and determined to strike decisively and never look back but with satisfaction on the good work.” To reinforce the point, “One of Em” declared that “no act of my life will ever be looked back to with more pleasure than that of assisting to destroy the Groceries of Williamsport.” And she stood “ready and willing” to do so again. “Another of Them,” echoed similar sentiments. She warned anyone considering the liquor traffic in Williamsport that all the “sisters who stood side by side ... are all ready and willing to make another attack upon whisky & c., wherever it may be found.” The women’s attack was a carefully coordinated, premediated assault that they were incredibly proud of, and were ready to repeat.<sup>55</sup>

When Williamsport’s doggery owners denounced the women as “indecent, mobcrats, [and] violators of the law,” “Homespun” (another raider), entered the fray.

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remained in force. It is not known, however, if Princeton, Illinois, had a local ordinance that banned the sale of liquors. An Act for the Suppression of Intemperance , and to Amend Chapter 30 of the Revised Statutes,” *Laws of the State of Illinois. Passed by the Nineteenth General Assembly, Convened January 1, 1855* (Springfield: Lanphier & Walker, 1855); 6-32; Frederick Richard Lees, *Text-Book of Temperance* (New York: J.N. Stearns, 1869), 231; “Sharp Trick of the Ladies,” *Carroll Free Press*, July 19, 1855, Volume 23, no. 29; “Sharp Trick of the Ladies,” *Cadiz Democratic Sentinel*, August 1, 1855; “Whiskey and Gambling Shop Destroyed by LADIES,” *Amboy (IL) Times*, May 8, 1856, Volume I, no. 46.

<sup>55</sup> One of ‘Em, Letter to the Editor, *Warren Republican*, April 3, 1856, Volume II, no. 15; Another of Them, Letter to the Editor, *Warren Republican*, April 24, 1856.



Insults, she insisted, like the “revolvers and threats” of the rumseller, “do not alarm us in the least.” The same men, who “held the law up to our ladies as a thing sacred” had no such “reverence for the sacredness of the law” when they threatened to mob the town jail to free a groggery owner convicted of unlawful sale. That man was provided a fair trial and convicted by law, “where is the consistency,” she blasted, in the rum party’s argument. The women who attacked the groceries, “Homespun” argued, simply sought to enforce provisions in a law rendered weak and inefficient by the courts, and they had a duty to act until the law was strengthened or a new law enacted. The women saw themselves not as law breakers, but enforcers, and their arguments revealed a keen understanding of how to leverage legal rhetoric to legitimize their actions.<sup>56</sup>

Another woman dissected the Supreme Court’s ruling to build her defense. Under the 1855 prohibition statute, she noted, the residents of Williamsport systematically enforced the law. The court’s ruling, however, destroyed their peace and quiet, and without the backing of local officials, groggeries sprang up all over town. The nullification of the statute’s key enforcement provisions, she asserted, did not legalize the traffic in liquors or void local liquor ordinances. A local law in Williamsport prohibited the sale of liquors without a license and declared establishments that violated the ordinance a nuisance. If the state prohibited the sale of alcohol as a beverage and the township declared all those vending without a license a nuisance, she asserted, then the ladies were legally justified in their attack—they were simply excising their right to abate a nuisance. All of the shops they attacked were public nuisances, that “was and is the law,” she proclaimed. “We think it clear that the facts have been admitted and acts

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<sup>56</sup> Homspun, Letter to the Editor, *Williamsport Republican*, June 12, 1856, Volume II, no. 25; M., Letter to the Editor,” *Warren Republican*, April 10, 1856, Volume II, no. 16.

performed which fully justify their course.” The ladies’ saloon incursions and destruction of contraband property, she declared, were not the illegal acts that day, those who engaged in the liquor traffic contrary to state and local law were the real criminals.<sup>57</sup>

Behind their unapologetic stance and nuanced legal explanations, there stood the broader struggle for women’s rights. Following the raid, one columnist noted that it seemed that every “female in this town is decidedly in favor of woman’s rights.” While an editorial by “M” (one of the raiders) explicitly tied the fight against the grogeries to struggle. If women sat in the halls of the legislature and made the laws, “how soon would those doggies of destruction disappear,” she inquired. The “disgraces and disaster brought upon us by the selfishness and imbecility of our rulers” allowed women to suffer at every turn, and every day “insult is added to oppression when man says her capacity is unequal to his.” Only when the rights of woman are recognized equally with those of man, will the “formation of an institution [government] that controls both” provide justice for all. Talk of a great democratic republic was particularly aggravating: “How can any set of men have an impudence to call this a ‘Federal Republican Government.[?]’” Change, “M” assured readers was underway. “The reformation has already commenced - slow- yet to be hoped sure and steadfast.” The blow to the liquor traffic in Williamsport represented a small battle, but the “work of reform may surely go on,” until men “respect women instead of idolizing them, justify, instead of ‘petting’ them” and until “woman is recognized in the law that governs her, as man’s equal.”<sup>58</sup>

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<sup>57</sup> Letter to the Editor, *Warren Republic*, March 20, 1856; Another of Them, Letter to the Editor, *Warren Republican*, April 24, 1856.

<sup>58</sup> “A Grand Outset,” *Warren Republican*, March 20, 1856; M., Letter to the Editor,” *Warren Republican*, April 10, 1856.

The Williamsport raiders not only supported the woman's rights movement, but viewed their actions as part of this struggle. Several weeks after the attack, "Another of Them" directly addressed the issue. "We have been told by some of the wise *ones* that we should look to a man for protection," but "we have no personal wrongs to avenge, we have no drunken husband, brother, or son." Their actions were not personal but driven by a deep-seated desire to change the system. "We are among the few who believe in woman's rights," she proclaimed. Her explicit assertion that they did not act out of a personal grievance, emphasized the political nature of these attacks. They openly used premediated, coordinated violence to further their political agenda—actions firmly in step with the antebellum era's violent political culture.<sup>59</sup>

The Williamsport women were not the only raiders that spring explicitly connecting their actions to the broader struggle for women's rights. A raid in Farmington, Illinois, prompted calls for suffrage in the pages of the *Ladies Enterprise*. The anonymous female writer prayed "for the time when she [woman] shall have a part in the choice of our rulers – that her vote ... shall place the rumseller [,] the distiller, and the importer among the basest criminal." Her message was simple: to defeat the liquor traffic, women must have the vote—echoing an argument made by female activists since the local option campaigns of the 1840s and became a central plank in the Woman's Christian Temperance Union's platform in the 1870s. While Alex Hunter, writing to the *Anti-Slavery Bugle* claimed saloon raids challenged the stance of "anti-Woman's Rights" men. Such assaults proved men could no longer "exclaim, with sickish sentimentalism, 'Oh! These women are too soft, too tender, to gentle, too amiable to compete with the

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<sup>59</sup> Letter to the Editor, *Warren Republic*, March 20, 1856; Another of Them, Letter to the Editor, *Warren Republican*, April 24, 1856.

rowdies and ruffians of the opposite sex.” If women could perpetrate such violence at the saloon, they were certainly strong enough to withstand the trials of the ballot box.<sup>60</sup>

The saloon raids in Indiana did not end with the seven attacks in March, but continued the rest of the year, unabated. Indiana was not the only state to experience an uprising of temperance women, across the Midwest women rose as the arm of law enforcement and were celebrated for their actions. For example, following an Illinois raid, “X.Y.Z.” submitted a poem to the *Journal of the American Temperance Union* chronicling their attack and encouraging others: “Oh! Ye ladies, who may read this, / Do as the Fulton ladies, / Make an onslaught on the barrels, / Brandy, beer and whiskey barrels, / Like the Maine Law, bang the heads in, / Cut the hoop-poles, let them drizzle, / Smash the bottles, dash decanters, / Fill the gutters with whiskey, ... .” And their campaign of violence did not escape lawmakers attention. Ohio state senator J.D. Cattell remarked that “scarcely a week passes that we do not hear of some case in which the law has failed” to stop the “grog selling nuisance” and a band of women stepped in and remedied the situation with summary action. His statement bears out. A survey of several hundred newspapers from 1856 reveals well over one hundred columns on temperance women’s violent incursion.<sup>61</sup>

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<sup>60</sup> M., Letter to the Editor,” *Warren Republican*, April 10, 1856; “A Grand Outset,” *Warren Republican*, March 20, 1856; The Brave Thirty,” *Ladies Enterprise* (Boston, MA), April 26, 1856, Volume III, no. 17; Ruth Bordin, *Women and Temperance: The Quest for Power and Liberty, 1873-1900* (New Brunswick, NJ: Rutgers University Press, 1990); Hunter, “The Winchester Riots,” *Anti-Slavery Bugle*, June 10, 1854; “Alex Hunter, The Lily, and the Winchester Women,” *Lily*, July 1, 1854, Volume VI, no. 12, pg. 98.

<sup>61</sup> “A Clean Sweep,” *JATU*, June 1856; “Female Riot – Whiskey Below Par,” *Canton Weekly Register*, March 20, 1856; “Remarks of Mr. Cattell of Columbiana,” *Anti-Slavery Bugle*, May 3, 1856.. Over the course of 1856, female temperance attacks occurred in Indiana, Ohio, Illinois, Kansas, Wisconsin, Michigan, New York, and Massachusetts. See “Women versus Brandy,” *Daily Scioto Gazette*, March 31, 1856;

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“Ladies and Liquor,” *Norwalk Reflector*, April 15, 1854, Volume XXVII, no. 15; “A Grand Onset,” *Warren Republican*, March 20, 1856; “The Heroines Again in the Field,” *Warren Republican*, April 3, 1856; “The Women of Indiana in Arms,” *Chicago Daily Tribune*, April 2, 1856; “Ladies and Liquor,” *Daily Cleveland Herald*, April 1, 1856; [no title], *Evening Star*, April 29, 1856; [no title], *Daily Scioto Gazette*, April 30, 1856; “Insurrection at Princeton,” *Chicago Daily Tribune*, March 31, 1856; [no title], *Daily Cleveland Herald*, March 27, 1857; “Female Lynch Law in Indiana,” *Raftsmen’s Journal*, April 16, 1856; “Female Liquor Riot in Indiana,” *Evening Star*, April 5, 1856; “Female Liquor Riot in Indiana,” *Winchester Appeal*, April 19, 1856; “Groceries Destroyed By Women,” *Ripley Bee*, March 29, 1856; “Female Liquor Riot in Indiana,” *North American and United States Gazette*, April 3, 1856; “Female Liquor Riot in Indiana,” *Charleston Mercury*, April 7, 1856; “The Indiana Women vs. Free Whiskey,” *Fayetteville Observer*, April 14, 1856; “Women vs. Liquor,” *The Galveston News*, April 17, 1856, Volume 14, no. 124; “Female Liquor Riot in Indiana,” *Sunbury American*, April 12, 1856; [no title], *Weekly Intelligencer*, April 23, 1856, Volume 2, no. 50; “Female Liquor Riots in Indiana,” *Church Advocate*, April 17, 1856, Volume XX, no. 51, pg. 406; “Female Liquor Riot in Indiana,” *Newark Daily Advertiser*, April 4, 1855, Volume XXV, no. 82; “Female Liquor Riot in Indiana,” *Sentinel of Freedom*, April 8, 1856, Volume LVII, no. 40; “Female Liquor Riot in Indiana,” *Washington Examiner*, April 19, 1856, Volume XXXIX, no. 50; “Female Liquor Riot in Indiana,” *Daily Pennsylvanian*, April 5, 1856, Volume XLIII, no. 83; “Female Liquor Riot in Indiana,” *Georgia Telegraph*, April 22, 1856, Volume XXX, no. 39; [no title], *Warren Republican*, April 10, 1856, Volume II, no. 16; “Mob At Salem,” *New Albany Daily Ledger*, April 28, 1856, Volume VII, no. 2050 “Mob at Salem,” *Plymouth Weekly Banner*, May 8, 1856; “A Whisky Mob – The Salem ‘True Flag’ Destroyed,” *Weekly Dollar Times* (Cincinnati, OH), May 15, 1856, Volume XIII, no. 39; “A Newspaper Mobbed in Indiana,” *Illinois State Journal* (Springfield, IL), May 6, 1856, Volume VIII, no. 276; “A Newspaper Mobbed in Indiana,” *Chicago Daily Tribune*, May 2, 1856; “Our Deference to Women,” *Albany (NY) Evening Journal*, May 7, 1856; “A Newspaper Mobbed in Indiana,” *Evening Star*, May 2, 1856; “Anti Whisky Riot Among the Woman at Vienna, Indiana,” *Daily Democratic State Journal* (Sacramento, CA), August 6, 1856, Volume IX, no. 31; “More Destruction of Liquor By Women,” *Ohio Daily Statesman* (Columbus, OH), June 14, 1856, Volume II, no. 222; Anti-Whisky Riot Among The Women at Vienna, Indiana,” *Charleston Mercury*, June 7, 1856, Volume XLVI, no. 9630; “The Way Indiana Women Do It,” *New-York Daily Times*, August 4, 1856; “A Shy at the Doggeries,” *Weekly Intelligencer* (Wabash, IN), August 6, 1856, Volume 3, no. 13; “The Way Indiana Women Do It,” *Pennsylvania Inquirer* (Philadelphia, PA), August 6, 1856, Volume LV, no. 31; “A Female Vigilance Committee,” *Sunbury American*, November 22, 1856; “A Liquor Establishment ‘Dried Up’ By the Ladies,” *Ripley Bee*, December 20, 1856; “A Liquor Establishment ‘Dried Up’ By the Ladies,” *Athens Messenger and Hocking Valley Gazette*, December 5, 1856, Volume 13, no. 47; “A Liquor Establishment ‘Dried Up’ By the Ladies,” *Bangor (ME) Daily Whig and Courier*, January 3, 1857; “A Liquor Establishment ‘Dried Up’ By the Ladies,” *Freemont Journal*, January 9, 1857; [no title], *Urbana (IL) Citizen and Gazette*, December 26, 1856, Volume 19, no. 38; “Wakeman Liquor Care—The Ladies Arrested, Tried and Acquitted,” *Daily Cleveland Herald*, July 3, 1856; ; “Wakeman Liquor Care—The Ladies Arrested, Tried and Acquitted,” *Norwalk Reflector*, July 1, 1856, Volume XXVIII, no. 26; [no title], *Anti-Slavery Bugle*, February

2, 1856; "Liquor Destruction—Ladies in the Field," *Alliance* (Columbus, OH), January 1856, Volume I, no. 1, pg. 8; "Grog Shops Demolished," *Ohio Farmer* (Cleveland, OH), July 19, 1856, Volume 5, no. 29; "Liquor Destruction," *Carroll Free Press*, January 24, 1856, Volume 24, no. 4; "Prosecution of Rumsellers," *Anti-Slavery Bugle*, July 5, 1856; "More Liquor Burned," *Norwalk Reflector*, August 12, 1856, Volume XXVIII, no. 32; "More Liquor Burned," *Daily Cleveland Herald*, July 25, 1856; "More Liquor Burned," *Anti-Slavery Bugle*, July 19, 1856; "The Ladies After Him," *Carroll Free Press*, June 12, 1856, Volume 24, no. 24; [no title], *Moore's Rural New Yorker*, May 3, 1856, Volume VII, no. 18; "The Female Riot at Canton, IL," *Weekly Wisconsin* (Milwaukee), April 16, 1856, Volume IX, no. 48; [no title], *American Farmer* (Kalamazoo, MI), April 12, 1856, Volume 1, no. 15, pg. 2; "The Brave Thirty," *Ladies Enterprise* (Farmington, IL), April 26, 1856, Volume III, no. 17; "Female Riot – Whiskey Below Par," *Rural American* (Utica, NY), April 19, 1856, Volume I, no. 16, pg. 126; "A Clean Sweep," *JATU*, June 1856, Volume XX, no. 6, pg. 87-88; "Female Riot – Whiskey Below Par," *Sun*, March 31, 1856, Volume XXXVIII, no. 114, pg. 4; [no title], *Illinois State Journal*, March 25, 1856, Volume VIII, no. 240; "Ladies At Work in Illinois," *Warren Republic*, April 3, 1856, Volume II, no. 15; [no title], *Anti-Slavery Bugle*, April 26, 1856; "Insurrection at Farmington," *Urbana (IL) Union*, March 27, 1856, Volume 4, no. 14; "Female Riot—Whiskey Below Par," *Canton (IL) Weekly Register*, March 20, 1856, Volume VII, no. 28; "May Ladies Mob Groggeries?," *Life Illustrated* (New York), June 21, 1856, Volume II, no. 5; "Whiskey and Gambling Shop Demolished by the Ladies," *Columbus (GA) Inquirer*, April 20, 1856, Volume II, no. 76; "Whiskey and Gambling Shop Demolished by Ladies," *Amboy Times*, May 8, 1856, Volume I, no. 46; "Liquor Prohibition by Ladies," and "Row at Mukwonago," *Warren Republican*, April 24, 1856, Volume II, no. 18; "Liquor Prohibition by Ladies," *Lily*, May 15, 1856, Volume VII, no. 10; "Sad Tragedy," *Illinois State Journal*, May 17, 1856, Volume VIII, no. 286; "The 'Light' Brigade," *New-York Tribune*, July 11, 1856, Volume XVI, no. 4751, pg. 6-7; "Women of Lawrence," *Zion's Advocate* (Portland, ME), August 22, 1856, Volume XXI, no. 34. An attack in Belleville occurred in 1856, but the court case was held over until 1857. "Temperance Matters in Richland," *Belmont Chronicle*, April 16, 1857; "Eleven Women Tried and Acquitted," *Brother Jonathan*, April 11, 1857, Volume XVII, no. 282; [no title], *Holmes County Republican* (Millersburg, OH), April 23, 1857; "Eleven Women Tried and Acquitted," *New-York Daily Times*, April 4, 1857; "Female Rioters," *Janesville Gazette*, April 11, 1857, Volume XII, no. 32; "Temperance Matters in Richland," *Highland Weekly News* (Hillsboro, OH), May 7, 1857. For two cases outside of the Midwest see "Lady Lynchers," *New-York Daily Tribune*, May 15, 1856; "Female Riot in Cattaraugus County," *Anti-Slavery Bugle*, May 10, 1856; "Liquor Riot," *Western Reserve Chronicle* (Warren, OH), May 14, 1856; "Female Riot in Cattaraugus County," *Chicago Daily Tribune*, May 12, 1856; "Another Female Riot," *Columbus (GA) Ledger Enquirer*, May 8, 1856, Volume II, no. 71; "More Amazons in the Field," *Weekly Wisconsin Patriot* (Madison, WI), May 10, 1856, Volume 2, no. 49; "Liquor Riot," *Cleveland Herald*, April 29, 1856; "Female Riot in Cattaraugus County," *Weekly Intelligencer*, May 21, 1856, Volume 3, no. 2; "Riot in East Randolph," *Jamestown (NY) Journal*, April 18, 1856, Volume XXX, no. 49; [no title], *New London (CT) Daily Chronicle*, May 3, 1856, Volume IX, no. 7; "Petticoat Rioters—Storming a Rum-Hole," *Brother Jonathan*, May 10, 1856, Volume XVII, no. 234; "Female Riot in Cattaraugus County," *Youth's Temperance Advocate* (New York), June 1856, Volume XVII, no. 6,

At a quick glance, one could easily dismiss these accounts as sensationalized reporting gleefully describing women acting outside of their “sphere,” but closer examination uncovers a much deeper implications. They were not (as has been often assumed) episodic, random, violent acts perpetrated by frustrated, desperate women alienated from the political process, simply looking to redress a personal grievance and then retreat back to their homes. On the contrary, grog shop raids were carefully choreographed, premediated acts carried out by highly politicized activists; actions which firmly place supposedly passive, genteel women as part of the era’s violent political culture. Although many scholars have missed some of the broader implications of these incidents, contemporaries recognized their importance. A columnist for the *Cleveland Herald* surveyed a series of attacks in the Midwest and simply concluded: “There is deep significance in these acts” of violence, and the women who perpetrated them thought so, too.<sup>62</sup>

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pg. 22; “Female Riot—Attack in a Tavern,” *Sentinel of Freedom*, May 6, 1856, Volume LVII, no. 44; “Female Riot in Cattaraugus County,” *Daily Louisville (KY) Democrat*, May 2, 1856, Volume XVII, no. 246; “Female Riot in Cattaraugus County,” *Sacramento (CA) Daily Union*, June 7, 1856, Volume XI, no. 1623; “Female Riot in Cattaraugus County,” *Pennsylvanian*, May 9, 1856, Volume XLIII, no. 112; “Female Riot in Cattaraugus County,” *Portland (ME) Advertiser*, May 13, 1856, Volume 56, no. 20; “Female Riot in Cattaraugus County,” *Daily Cleveland (OH) Plain Dealer*, April 30, 1856, Volume XII, no. 104; “Female Riot in Cattaraugus County,” *Albany (NY) Journal*, April 28, 1856, Volume 27, no. 7937; “Female Riot in Cattaraugus County,” *Daily Democrat and State Journal* (Sacramento, CA), June 23, 1856, Volume VIII, no. 149; “Female Riot in Cattaraugus County,” *North American and United States Gazette*, April 30, 1856, Volume LXXIV, no. 19698; “Female Riot,” *State Gazette* (Austin, TX), May 24, 1856, Volume VII, no. 40; “The Rockport Lynchers,” *JATU*, August 1856, Volume XX, no. 8, pg. 115; “Great Excitement at Rockport,” *Athens Post*, July 25, 1856; [no title], *Daily Scioto Gazette*, April 30, 1856; [no title], *Evening Star*, April 29, 1856.

<sup>62</sup> “Ladies and Liquor,” *Daily Cleveland Herald*, April 1, 1856; “Ladies and Liquor,” *Norwalk Reflector*, April 15, 1856. On saloon raids as random acts perpetrated by politically alienated women see Dannenbaum, “The Origins of Temperance Activism and Militancy,” 235-252; Dannenbaum, *Drink and Disorder*, 181-182; 194-203.

Although reporters inevitably embellished some accounts, court records corroborate the ferocious, coordinated nature of these attacks. For example, trial transcripts from a prototypical raid in Princeton, Indiana, hewed closely to many newspaper accounts. Stephen Fisher filed a suit against eight women (and their husbands who were not involved in the incident) for property damage. In his complaint, he described how a mob of one hundred ladies met and “did unlawfully, maliciously, notoriously and with force and strong hand enter his house” and inflict great damage. The women, the transcript goes on, “armed with axes, hatchets, and other deadly weapons in their hands” destroyed over \$1,000 in liquor and related property, then assaulted Fisher’s wife. According to the complaint, the mob “threatened to take her life if she offered any resistance.”<sup>63</sup>

Newspaper reports echo the court documents. The *Chicago Daily Tribune* described it as “one of the most *dissolving* scenes ever witnessed.” An army of over one hundred armed women, staved in the heads of barrels and smashed decanters “in the most summary manner” and when confronted, threatened blows from a “well-handled hatchet.” While Fisher described his poor wife faced off against an angry mob, he had intentionally left her there alone, well aware they planned to attack the groggeries. Ten days earlier, the women placed placards in front of the town’s grog shops warning the owners they had until March 22<sup>nd</sup> to cease the traffic in intoxicating spirits or the women would seize and destroy their stocks. Fisher also failed to mention that he was violating

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<sup>63</sup> *Stephen Fisher vs. William Howe et al.*, Gibson Circuit Court, Indiana, Volume 234, Gibson County Probate, Civil and Criminal Court Records, Indian State Library Microfilm Collection, Indianapolis, Indiana, Microfilm IND I-026A54, Indiana State Library.



Indiana's liquor statute, which forbid the sale of liquors as a beverage. As a result, the women claimed they were merely enforcing the law.<sup>64</sup>

Grog shop raids proved remarkably effective. They publicized the prohibition campaign, disrupted the liquor traffic, and spurred local officials to revamp ordinances and crackdown on unlawful sale. Less than two months after the Princeton attack, officials passed an ordinance that deemed the sale of liquors (as a beverage) a public nuisance and initiated a campaign of strict enforcement, locally instituting prohibition where the women had done so extralegally. Raids also occasionally led to proprietor's conviction for unlawful sale. When thirty women in Bellville, Ohio, attacked John Morton's groggery, it was Morton who was convicted. Eleven women were arrested and arraigned for riot, but a jury acquitted them. Their testimony, however, incriminated Morton, who was convicted of selling without a license. He was fined twenty dollars and

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<sup>64</sup> "Insurrection at Princeton, *Chicago Daily Tribune*, March 31, 1856. For additional accounts of the Princeton attack see "The Heroines in the Field Again," *Warren Republic*, 3 April 1856, Volume II, no. 15; "The Women of Indiana in Arms, *Chicago Daily Tribune*, April 2, 1856; "Groceries Destroyed By Women," *Ripley Bee*, March 29, 1856; "Female Liquor Riot in Indiana," *North American and United States Gazette*, April 3, 1856; "Indiana Women vs. Free Whiskey," *Fayetteville Observer*, April 14, 1856; "Female Liquor Riot in Indiana," *Charleston Mercury*, April 7, 1856, Volume XLVI, no. 575; "Women vs Liquor," *Galveston News*, April 17, 1856, Volume 14, no. 124; "Female Liquor Riot in Indiana," *Sunbury American*, April 12, 1856; "Female Liquor Riot in Indiana," *Church Advocate*, April 17, 1856, Volume XX, no. 51; "Female Liquor Riot in Indiana," *Newark Daily Advertiser*, April 4, 1856, Volume XXV, no. 82; "Female Liquor Riot in Indiana," *Sentinel of Freedom*, April 8, 1856, Volume LVII, no. 40; "Female Liquor Riot in Indiana," *Washington Examiner*, April 19, 1856, Volume XXXIX, no. 50; "Female Liquor Riot in Indiana," *Daily Pennsylvanian*, April 5, 1856, Volume XLIII, no. 3; "Female Liquor Riot in Indiana," *Georgia Telegraph*, April 22, 1856; "Female Liquor Riot in Indiana," *Raftsmen's Journal*, April 16, 1856; "Female Liquor Riot in Indiana," *Winchester Appeal*, April 19, 1856; "Female Liquor Riot in Indiana," *Evening Star*, April 5, 1856; "Ladies and Liquor," *Daily Cleveland Herald*, April 1, 1856; "Women Verses Brandy," *Daily Scioto Gazette*, March 31, 1856; "Ladies and Liquor," *Norwalk Reflector*, April 15, 1856, Volume XXVII, no. 15; [no title], *Daily Cleveland Herald*, March 27, 1856; [no title], *Weekly Intelligencer*, April 23, 1856, Volume 2, no. 50.

sent to prison for twenty days. The case served as warning to liquor dealers in more ways than one; their liquor stocks were perpetually at risk of destruction and they were vulnerable to conviction even as juries acquitted the attackers.<sup>65</sup>

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<sup>65</sup> *Stephen Fisher vs. William Howe et al.*, Gibson Circuit Court, Indiana, Volume 234, Gibson County Probate, Civil and Criminal Court Records, Indian State Library Microfilm Collection, Indianapolis, Indiana, Microfilm IND I-026A54, Indiana State Library. On the raid at Princeton see "Insurrection at Princeton, *Chicago Daily Tribune*, 31 March 1856; "The Heroines in the Field Again," *Warren Republic*, 3 April 1856, Volume II, no. 15. For additional accounts of the Princeton attack, which were carried in newspapers across the country see "The Women of Indiana in Arms, *Chicago Daily Tribune*, April 2, 1856; "Groceries Destroyed By Women," *Ripley Bee*, March 29, 1856; "Female Liquor Riot in Indiana," *North American and United States Gazette*, April 3, 1856; "Indiana Women vs. Free Whiskey," *Fayetteville Observer*, April 14, 1856; "Female Liquor Riot in Indiana," *Charleston Mercury*, April 7, 1856, Volume XLVI, no. 575; "Women vs Liquor," *Galveston News*, April 17, 1856, Volume 14, no. 124; "Female Liquor Riot in Indiana," *Sunbury American*, April 12, 1856; "Female Liquor Riot in Indiana," *Church Advocate*, April 17, 1856, Volume XX, no. 51; "Female Liquor Riot in Indiana," *Newark Daily Advertiser*, April 4, 1856, Volume XXV, no. 82; "Female Liquor Riot in Indiana," *Sentinel of Freedom*, April 8, 1856, Volume LVII, no. 40; "Female Liquor Riot in Indiana," *Washington Examiner*, April 19, 1856, Volume XXXIX, no. 50; "Female Liquor Riot in Indiana," *Daily Pennsylvanian*, April 5, 1856, Volume XLIII, no. 3; "Female Liquor Riot in Indiana," *Georgia Telegraph*, April 22, 1856; "Female Liquor Riot in Indiana," *Raftsmen's Journal*, April 16, 1856; "Female Liquor Riot in Indiana," *Winchester Appeal*, April 19, 1856; "Female Liquor Riot in Indiana," *Evening Star*, April 5, 1856; "Ladies and Liquor," *Daily Cleveland Herald*, April 1, 1856; "Women Verses Brandy," *Daily Scioto Gazette*, March 31, 1856; "Ladies and Liquor," *Norwalk Reflector*, April 15, 1856, Volume XXVII, no. 15; [no title], *Daily Cleveland Herald*, March 27, 1856; [no title], *Weekly Intelligencer*, April 23, 1856, Volume 2, no. 50. On the local ordinance and some examples of prosecutions following the enactment of the May 1856 ordinance in Princeton see *Anton Rutenfranz vs. John Lugow et al*, Gibson Circuit Court, Indiana, Volume 234, Gibson County Probate, Civil and Criminal Court Records, Indian State Library Microfilm Collection, Indianapolis, Indiana, Microfilm IND I-026A54, Indiana State Library; *Anton Rutenfranz vs. Andrew J. Wright et al*, Gibson Circuit Court, Indiana, Volume 234, Gibson County Probate, Civil and Criminal Court Records, Indian State Library Microfilm Collection, Indianapolis, Indiana, Microfilm IND I-026A54, Indiana State Library; *State of Indiana vs. George E. Spiker*, Gibson Circuit Court, Indiana, Volume 234, Gibson County Probate, Civil and Criminal Court Records, Indian State Library Microfilm Collection, Indianapolis, Indiana, Microfilm IND I-026A54, Indiana State Library; *State of Indiana vs. Anton Rutenfranz*, Gibson Circuit Court, Indiana, Volume 234, Gibson County Probate, Civil and Criminal Court Records, Indian State Library Microfilm Collection, Indianapolis, Indiana, Microfilm IND I-026A54, Indiana State Library. For another example of a township stepping up enforcement after a raid see "Prosecution of Rumsellers," *Anti-Slavery Bugle*, July 5, 1856; "More Liquor Burned," *Anti-Slavery Bugle*, July 19, 1856; "Temperance Matters in Richland," *Belmont*

1856 marked the pinnacle for women's premediated, coordinated campaign of violence. This Midwestern outbreak, fueled by legislative reversals and widely remarked upon in the press, successfully, if only temporarily, stopped the liquor trade in at least thirty communities. Newspapers served an essential role in this campaign. The widespread circulation of reports knit together loose networks of activists, who themselves used the press to celebrate raids, encourage other women to engage in violence, threaten liquor dealers, and defend their actions. By the spring of 1856, attacks in disparate states had become so well-choreographed they were outright formulaic. But the momentum quickly petered out as prohibition fell out of favor.<sup>66</sup>

### **1857-1860: Cycles of Violence**

The direct action campaign of 1856 marked the last major prohibition push of the antebellum era. While women successfully cleared some towns of grogeries, under the guise of enactment and enforcement of (extralegal) prohibition, the offensive was unsustainable as a long term solution. They simply could not keep up with the proliferation of the unchecked liquor traffic. And legislative prohibition, like other temperance initiatives, did not produce the promised wholesale destruction of the liquor traffic. With legal challenges mounting, lax enforcement, and general public indifference, lawmakers refused to enact new prohibitory statutes. Even as grogeries proliferated

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*Chronicle*, April 16, 1857; "Eleven Women Tried and Acquitted," *Brother Jonathan*, April 11, 1857; [no title], *Holmes County Republican*, April 23, 1857; "Eleven Women Tried and Acquitted," *New-York Daily Times*, April 4, 1857; "Female Rioters," *Janesville Gazette*, April 11, 1857; "Temperance Matters in Richland," *Highland Weekly News*, May 7, 1857.

<sup>66</sup> "A Clean Sweep," *JATU*, June 1856; "Female Riot – Whiskey Below Par," *Canton Weekly Register*, March 20, 1856.

across the Midwest, temperance activists seemed apathetic—petitions to lawmakers all but dried up. Grassroots campaigns required enormous local resources and constant vigilance, and relied on public support and access to the press, which was increasingly focused on the unfolding national crisis. Although midwestern women continued to attack grog shops, the number of incidents drastically declined.<sup>67</sup>

Even Ohio's ardent temperance activists, who pioneered coordinated direct action in 1853, seemed defeated. At the annual meeting of the Portage Ladies Temperance Alliance there were no fiery speeches threatening attacks on dealers or elaborate plans for coordinated electioneering. Instead, their resolutions regretted the "deep apathy that generally prevails" and deplored "the lack of sympathy manifest by the friends of temperance." The women's meeting conveyed a tone that they were alone, fighting an insurmountable evil. They reaffirmed their commitment to the "principles previously adopted" and lamented that these very resolutions, were of "no effect unless carried into action."<sup>68</sup>

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<sup>67</sup> Petitions across the Midwest drastically decrease. For some examples from 1857 see *Journal of the House of Representatives of the State of Indiana During the Thirty-Ninth Session of the General Assembly, Commencing Thursday, January 8, 1857* (Indianapolis: Joseph J. Bingham, 1857), 230, 236-238, 336, 381, 447, 519, 934; *Journal of the Senate of the State of Indiana During the Thirty-Ninth Session of the General Assembly, Commencing Thursday, January 8, 1857* (Indianapolis: Joseph J. Bingham, 1857), 191, 312, 331, 546, 572, 598; On petitions and debates in Ohio legislature in 1857 see *Journal of the Senate of the State of Ohio for the Second Session of the Fifty-Second General Assembly, Commencing of Monday, January 5, 1857*, Volume LIII (Columbus, OH: Richard Nevins, 1857), 10, 28, 104, 125, 128, 130, 178, 243, 262, 420-421, 436; *Journal of the House of Representatives of the State of Ohio During the Second Session of the Fifty-Second General Assembly, Commencing of Monday, January 5, 1857*, Volume LIII (Columbus, OH: Richard Nevins, 1857), 12, 34-35, 60, 68, 73, 76, 85, 95, 98, 125, 143, 170, 201-202, 256-257, 283, 315-317, 358, 395, 408-409, 553, 572.

<sup>68</sup> "Ladies Temperance Alliance," *Weekly Portage Sentinel*, February 12, 1857. On petitions and debates in Ohio legislature in 1857 see *Journal of the Senate of the State of Ohio for the Second Session of the Fifty-Second General Assembly, Commencing of Monday, January 5, 1857*, Volume LIII (Columbus, OH: Richard Nevins, 1857), 10, 28,

After 1856, raids were much more random, episodic, and involved far fewer women, suggesting there was far less coordination across town and state lines. There were only ten violent incursions in 1857 and those were spread across six states. Yet they followed the same general script as before: they visited each shop, presented the barkeep with a pledge to stop selling, and destroyed the stocks of those who did not comply. For example, Henry Doggett wrote to his friend Cyrus Trimble, of an incident in Hillsboro, Ohio. The women visited all of the town's dealers "en masse," requested they sign a pledge not to sell anymore liquor and threatened to "knock the heads of the barrels" if they refused. While in Logan, Ohio, women armed with hatchets and hammers demolished two establishments, "gave others some gentle hints" and then returned home..<sup>69</sup>

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104, 125, 128, 130, 178, 243, 262, 420-421, 436; *Journal of the House of Representatives of the State of Ohio During the Second Session of the Fifty-Second General Assembly, Commencing of Monday, January 5, 1857*, Volume LIII (Columbus, OH: Richard Nevins, 1857), 12, 34-35, 60, 68, 73, 76, 85, 95, 98, 125, 143, 170, 201-202, 256-257, 283, 315-317, 358, 395, 408-409, 553, 572.

<sup>69</sup> Henry Doggett to Cyrus B. Trimble, March 1, 1857, Hillsborough [sic], Ohio, John Allen Trimble Family Papers, 1787-1908, Box 9, Folder 3, Manuscripts Division, Ohio Historical Society Archives and Library, Columbus, Ohio; "Panic Among Liquor Dealers," *Highland Weekly News*, November 1, 1857. Attacks occurred in Indiana, Ohio, Illinois, Kansas, New York and Maine. See "Woman's Rights in Olmstead," *Daily Cleveland Herald*, October 23, 1857; "Panic Among Liquor Dealers," *Athens Messenger and Hocking Valley Gazette*, November 6, 1857, Volume 14, no. 133, pg. 3; [no title], *Carroll Free Press*, November 12, 1857, Volume 25, no. 46; "Panic Among Liquor Dealers," *Highland Weekly News*, November 1, 1857; [no title], *Weekly Intelligencer*, February 4, 1857, Volume 3, no. 39; "Hoosier Ladies vs. Whiskey," *Chicago Daily Tribune*, April 3, 1857; "The Ladies Liquor Law," *New York Herald*, January 12, 1857; [no title], *Vermont Phoenix* (Brattleboro, VT), January 17, 1857; "Moral Suasion," *Champion of Freedom* (Polo, IL), June 16, 1857, Volume I, no. 1; "The Women of Palo [Polo], *Life Illustrated*, August 1, 1857, Volume IV, no. 14, pg. 108-109; "Women Lynching King Alcohol," *North American and United States Gazette*, February 26, 1857; "Smashing a Doggery," *Urbana Citizen and Gazette*, July 10, 1857, Volume 20, no. 14; "Smashing a Doggery By A Woman," *North American and United States Gazette*, July 16, 1857; "Smashing a Doggery By A Woman," *Ripley Bee*, July 18, 1857; "Destruction of Liquor at Lawrence," *Ripley Bee*, February 21, 1857; "Wholesale Destruction of Liquor By Females," *Sun*, February 11, 1857, Volume XL, 74; "Lawrence Ladies and Liquor Shops," *Kansas Herald of Freedom* (Wakarusa, KS), January 31, 1857; "Affairs

The momentum behind saloon attacks may have waned, but female activists continued to discuss these incidents in terms of their broader vision of temperance, which included women's rights. A female editorialist, Rustic, wrote to the *Belmont Chronicle* and defended women "who are not afraid to speak and act in any good cause." If men refused to execute the laws, women were justified to use all in their power to do so. Yet the attacks, Rustic insisted, touched on more than liquor regulation. Until the law recognized women as equals and permitted them to "assist in constructing the laws," and "enjoy the same privilege," they would use whatever means necessary, including hatchets, to "maintain her freedom of speech and action." The decrease in the number of incidents did not change defenders' interpretation of them.<sup>70</sup>

Grog shop attacks cycled back up in 1858, but unlike previous spikes, this one was not related to legislation. Instead, it was spurred by an unlikely catalyst: a Massachusetts judge's decision in the case of the Rockport raiders. The attack by three hundred women, many of them armed with hatchets and household implements, took place on July 8, 1856. They met in the town square, unfurled a banner emblazoned with the image of a black hatchet and the words "From Thence," marched to thirteen liquor dealers, seized their stocks and smashed kegs, bottles, barrels and demijohns. The women claimed their actions were legally justified. The Massachusetts liquor law of 1855 prohibited the sale of intoxicating spirits and declared places where liquors were kept for

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in Kansas," *New-York Daily Times*, February 9, 1857; "Kansas Items," *Holmes County Republican*, February 19, 1857; [no title], *Perrysburg Journal*, February 19, 1857; "How the Ladies of Kansas Serve the Rum-Sellers—An Indignation Meeting," *Holmes County Republican*, February 26, 1857; [no title], *Edgefield (SC) Advertiser*, March 4, 1857; "A Liquor Incident," *New York Daily Tribune*, May 2, 1857; "A Liquor Incident," *Cayuga Chief* (Ft. Atkinson, WI), April 22, 1857, Volume 8, no. 49; "A Liquor Incident," *Anti-Slavery Bugle*, April 25, 1857.

<sup>70</sup> Rustic, Letter to the Editor, *Belmont Chronicle*, October 1, 1857.

sale as common nuisances. One of the liquor dealers, James Brown, disagreed and filed suit against Stephen Perkins and his wife, Rachel, who was a prominent participant. Brown claimed they falsely targeted him and destroyed non-liquor related merchandise, as he kept no spiritous liquors at his shop. The women, however, claimed Brown lied. They had not smashed or carried away any legitimate goods and insisted they only destroyed the illegal liquors he had secreted away. Furthermore, their approach was legally protected, they simply exercised their common law right to abate a public nuisance, and used no more force than was necessary to seize and remove the liquors. This was not wanton destruction, the women claimed, but a carefully prosecuted and lawful action.<sup>71</sup>

The lower courts twice ruled in the women's favor. Brown appealed the decisions, and in the spring of 1858, the case went before Chief Justice Lemuel Shaw. Before deliberations, Shaw counseled the jury on three matters of Massachusetts law. First, intoxicating liquors kept for sale are, by law, a common nuisance, and as such, it was lawful for an individual to destroy them "by way of abatement of a common nuisance, and that it is the exercise of a common and lawful right." Second, that if such articles are

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<sup>71</sup> While newspapers cite about 75 women involved in the incident, court records cite about 300. "Great Excitement at Rockport," *Athens Post*, July 25, 1856; "The Rockport Lynchers," *JATU*, August 1856; "Women's Raid," in John W. Marshall et al., eds., *History of the Town of Rockport, as Comprised in the Centennial Address of Lemuel Gott, M.D., Extracts from the Memoranda of Ebenezer Pool, Esq.* (Rockport, MA: Rockport Review Office, 1888), 111-119; *James Brown vs. Stephen Perkins & Wife*, 12 Gray 89, 78 Mass. 89, November Term 1858; Chapter 215. An Act Concerning the Manufacture and Sale of Spiritous and Intoxicating Liquors, *Acts and Resolves Passed By the General Court of Massachusetts in the Year 1855: Together with Messages* (Boston: William White, 1855), 623-643; Minutes in the Supreme Judicial Court, Volumes 49 through 52 – 1854-1860, The Lemuel Shaw Papers, microfilm edition, Reel 46A: 691-696, 46A:717-718, Frederick S. Allis, Jr., and Alfred S. Konefsky, eds., Massachusetts Historical Society Microfilm Publication, Number 6, 1970. Boston Massachusetts; Eleanor C. Parsons, *Hannah and the Hatchet Gang: Rockport's Revolt Against Rum* (Canaan, NH: Phoenix Publishers, 1975).

kept in a shop that is locked or barred, the use of force is justified, if “no more force than is necessary” is applied to seize the liquor. Finally, that a large “combination or conspiracy” of persons is justified to act in such a manner as long as it “extends no further than to take and destroy intoxicating liquors and their vessels, and use no unnecessary force.” The jury returned a third verdict for the defendants. Angered, Brown moved for a new trial claiming that Shaw misled the jury. His motion was held over to a hearing before the entire Court, which in November 1858, granted him a new trial.<sup>72</sup>

News of the unprecedented decision spread like wildfire. Temperance reformers sent Shaw congratulatory letters, thanking him for his “admirable choice” in the verdict,” and newspapers across the country printed his instructions to the jury and celebrated the women’s acquittal. The fact that the court granted Brown’s motion for a new trial and that Judge Shaw later admitted he was in error, was inconsequential. Temperance activists leveraged the decision not as a narrow holding only applicable to Massachusetts, but a blanket statement for the entire nation. In the weeks and months following the verdict, incidents of women’s saloon raids spiked, and were suddenly and consistently upheld under “Shaw’s Law.” Women, however, had argued for years that their actions

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<sup>72</sup> Finally, in January 1861, the Supreme Court of Massachusetts ruled in favor of Brown. The court found that Rachel Perkins trespassed on Brown’s property and he was entitled to nominal damages. The several hundred other women were not parties to the suit. “Women’s Raid,” in Marshall et al., eds., *History of the Town of Rockport*, 111-119; *James Brown vs. Stephen Perkins & Wife*, 12 Gray 89, 78 Mass. 89, November Term 1858; *James Brown vs. Stephen Perkins & Wife*, 83 Mass. 89; January Term 1861; Minutes in the Supreme Judicial Court, Volumes 49 through 52 – 1854-1860, The Lemuel Shaw Papers, microfilm edition, Reel 46A: 691-696, 46A:717-718, Allis, Jr., and Konefsky, eds., *The Lemuel Shaw Papers*. Microfilm Edition (Boston, MA: Massachusetts Historical Society Microfilm Publication, 1970).



were legally sanctioned. Shaw's decision simply provided them with an additional line of defense.<sup>73</sup>

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<sup>73</sup> Charles Sowell to Judge Lemuel Shaw, May 11, 1858, The Lemuel Shaw Papers, microfilm edition, Reel 16B: 1208-1209, Frederick S. Allis, Jr., and Alfred S. Konefsky, eds., *The Lemuel Shaw Papers*. Microfilm Edition (Boston, MA: Massachusetts Historical Society Microfilm Publication, 1970).; "An Important Decision by Chief Justice Shaw on New Points Under the Liquor and Nuisance Law—A Liquor Shop Can Be Entered and the Liquors Destroyed, By All Persons, Without Process of Law," *Boston (MA) Herald*, May 4, 1858; "Important Decision Touching Liquor—The Women Ahead," *New York Times*, May 8, 1858; "The Liquor Nuisances," *New York Evangelist*, June 3, 1858; "A Mob Law Decision," *Charleston (SC) Daily Courier*, May 12, 1858, Volume LVII, no. 17942; "Good," *Temperance Visitor* (Boston, MA), July 22, 1858, Volume II, no. 14; "Mob Law Decision," *Athens Post*, May 21, 1858; "Liquor Mobs Protected By Law," *Wheeling Daily Intelligencer*, May 11, 1858; "Rioting Legalized," *Daily Dispatch*, May 10, 1858; "Important Decision Touching Liquor—The Women Ahead," *Milwaukee (WI) Daily Sentinel*, May 13, 1858, Volume XV, no. 113; "Important Decision Touching Liquor – The Women Ahead," *Kansas Herald of Freedom*, June 5, 1858; "Important Decision Touching Liquor—The Women Ahead," *Ottawa (IL) Free Trader*, May 15, 1858; "Important Decision," *Temperance Visitor*, May 6, 1858, Volume II, no. 3; "A Nuisance Act in Massachusetts—Judge Shaw's Decision," *JATU*, June 1858, Volume XXII, no. 6, pg. 87; "Maine Law—Massachusetts Law," *Athens Messenger*, June 4, 1858, Volume 15, no. 21; "Massachusetts Liquor Law—A Right to Abate A Nuisance," *Burlington Free Press*, May 14, 1858; "From Boston," *New-York Daily Tribune*, May 8, 1858; "An Important Decision," *Vermont Phoenix*, May 8, 1858; "Massachusetts Nuisance Law," *Cleveland Morning Leader*, June 9, 1858; "Abating Nuisances," *New York Observer and Chronicle*, May 27, 1858, Volume 36, no. 21; [no title], *Western Reserve Chronicle*, June 2, 1858; [no title], *Nashville Union and American*, May 23, 1858; [no title], *Republic and Telegraph* (Dixon, IL), June 24, 1858; "Women's Anti-Liquor Demonstration," *Aurora (IL) Weekly Beacon*, May 20, 1858; "Important Decision Touching Liquor—The Women Ahead," *Summit County Beacon* (Akron, OH), May 26, 1858; "No Protection for Rumshops," *Portland (ME) Transcript*, May 1, 1858, Volume XXII, no. 6; "Judge Shaw Sustained," *Life Illustrated*, July 31, 1858, Volume VI, no. 14, pg. 108; "Exciting News from Fredericksburg," *Holmes County Republican*, February 11, 1858; "Beginning of the End," *Union Democrat* (Manchester, NH), May 18, 1858; "Important Liquor Decision," *New Hampshire Patriot and State Gazette* (Concord, NH), May 12, 1858, Volume XI, no. 573; "Mob Law Decision," *Sun*, May 10, 1858, Volume XVLL, no. 153; "Will Judge Shaw Be Sustained?," *Lowell (MA) Daily Citizen and News*, May 24, 1858; "The Rockport Case," *Lowell Daily Citizen*, June 10, 1858; "Judge Shaw's Decision," *Lowell Daily Citizen and News*, May 6, 1858; "Nuisance Law in Massachusetts," and "Important Decision Touching Liquor —The Women Ahead," *Richland County Observer* (Richland Center, WI), May 25, 1858, Volume III, no. 25; "Judge Shaw and the Liquor Dealers," *North American and United States Gazette*, May 29, 1858; [no title], *Wood County Reporter* (Grand Rapids, WI), May 19, 1858; "How it is Enforced," *Southerner*, June 19, 1858; [no title], *Alexandria Gazette*, May 26, 1858; "Rioting Legalized," *Lewisburg (PA)*

The Shaw decision thrust women's saloon raids back into the spotlight.

Newspaper columns were filled with accounts of attacks in Ohio, Indiana, Illinois, Iowa, Wisconsin, Missouri, Massachusetts, and Maine. Even the handful of attacks that occurred over the winter of 1858, before the verdict was announced, were recast in terms of "Judge Shaw's Law" and an individual's right to abate a nuisance. The *Summit County Beacon* reminded readers that the fourth section of the Ohio's liquor law declared "all places where intoxicating drinks are sold in violation of this act shall be *taken, held and declared to be common nuisances*." Whether or not the author was trying to test the legal precedent is unknown, but it did not take long before some women were under indictment for rioting and the destruction of property.<sup>74</sup>

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*Chronicle*, May 14, 1858; "Novel and Important Liquor Case," *Middlebury (VT) Register*, May 12, 1858; "How it is Enforced," *American Union* (Morgantown, VA [WV]), June 11, 1858; "Important Decision Touching Liquor—The Women Ahead," *Hillsdale Standard*, May 18, 1858; "An Important Decision," *Orleans Independent Standard* (Irasburgh, VT), May 14, 1858; "Right of People to Destroy Liquor," *Green-Mountain Freeman*, May 13, 1858; "Important Decision in Liquor Question," *Union and Eastern Journal* (Biddeford, ME), May 7, 1858; "Women's Anti-Liquor Demonstration Legalized in Massachusetts," *Tipton (IA) Advertiser*, May 15, 1858; "Important Decision Touching Liquor—The Women Ahead," *Kansas Herald of Freedom*, June 5, 1858; "How it is Enforced," *Daily Dispatch*, May 26, 1858; "Important Decision Touching Liquor—The Women Ahead," *Tipton Advertiser*, May 22, 1858; "Important Decision Touching Liquor—The Women Ahead" and [no title], *Weekly Hawk-Eye* (Burlington, IA), May 18, 1858. On Shaw's reversal see Frederick Hathaway Chase, *Lemuel Shaw: Chief Justice of the Supreme Judicial Court of Massachusetts, 1830-1860* (Boston, MA: Houghton Mifflin, 1918), 287-288.

<sup>74</sup> "Important Decision Touching Liquor—The Women Ahead," *Summit County Beacon*, May 6, 1858. For accounts of women's attacks in 1858 see "Judge Shaw's Decision Out West," *Temperance Visitor*, July 29, 1858, Volume II, no. 15; "Judge Shaw's Law in Ohio," *Nashville Union and American*, July 21, 1858; "Judge Shaw's Law in Ohio," *Sunbury American*, July 31, 1858; "Righteous Decisions," *Holmes County Republican*, July 15, 1858; "Groggery Nuisance—Wholesome Decision," *Cleveland Morning Leader*, July 12, 1858; "Liquor Spilt in Bristol," *Western Reserve Chronicle*, June 23, 1858; "The Bristol Liquor Business, Again," *Western Reserve Chronicle*, August 11, 1858; [no title], *Cleveland Morning Leader*, July 12, 1858; [no title], *Cleveland Morning Leader*, June 24, 1858; [no title], *Ashtabula (OH) Weekly Telegraph* July 31, 1858, Volume IX, no. XXXI; [no title], *Ashtabula Weekly Telegraph*, July 3,

1858; "The Trial of the Bristol Ladies," *Western Reserve Chronicle*, July 7, 1858; "Trial of Female Regulators," *Indiana Press* (Greencastle, IN), August 7, 1858, Volume I, no. 12; "The Liquor Decision in Ohio," *Livingston Republican* (Howell, MI), August 18, 1858, Volume 4, no. 15; "Bristol Ladies, Liquor Suit," *Western Reserve Chronicle*, July 14, 1858; "Summary," *Ashtabula Weekly Telegraph*, April 3, 1858, Volume IX, no. XIV; [no title], "Women at Wayne," and "Women Temperance Reform," *Holmes County Republican*, February 18, 1858; "Women After Liquor Sellers," *Ripley Bee*, February 27, 1858; [no title], *Weekly Hawk-Eye*, March 30, 1858, Volume 3, no. 26; [no title], *Holmes County Republican*, May 6, 1858; "Indicted," *Holmes County Republican*, March 18, 1858; [no title], *Holmes County Republican*, November 25, 1858; [no title], *Perrysburg Journal*, March 18, 1858; [no title], *Highland Weekly News*, March 4, 1858; "Exciting Scene," *Highland Weekly News*, April 15, 1858; "Exciting Scene," *Perrysburg Journal*, April 1, 1858; "Exciting Scene," *Holmes County Republican*, March 25, 1858; "Women After Liquor Sellers," *Urbana Citizen and Gazette*, March 12, 1858, Volume 20, no. 49; "Women After Liquor Sellers," *Weekly Intelligencer*, March 17, 1858, Volume 4, no. 45; "Reform by the Ladies," *Ashtabula Weekly Telegraph*, February 20, 1858, Volume IX, no. VIII; [no title], *Aurora Weekly Beacon*, February 24, 1858, Volume I, no. 26; "Women's Temperance Reforms," *Liberator*, March 12, 1858; "Women to the Fight," *JATU*, March 1858, Volume XXII, no. 3, pg. 37; "Excitement at Cuyahoga Falls," *Chicago Daily Tribune*, March 15, 1858; "Shut Up," *Temperance Visitor*, March 25, 1858, Volume I, no. 49; "Excitement at Cuyahoga Falls," *Summit County Beacon*, March 10, 1858, Volume 19, no. 34; "The Destruction By Females of Whiskey at Akron, Ohio," *Farmers Cabinet* (Amherst, NH), March 31, 1858, Volume 56, no. 35; "The Women Out West," *Temperance Visitor*, April 1, 1858, Volume I, no. 50; [no title], *Urbana Citizen and Gazette*, March 26, 1858, Volume 20, no. 51; "Excitement at Cuyahoga Falls," *Weekly Intelligencer*, March 17, 1858, Volume 4, no. 45; "A Vigilance Committee, and Lynch Law by Anti-Whiskey Women," *Daily Evening Bulletin* (San Francisco, CA), April 20, 1858, Volume VI, no. 10; "A Whiskey Insurrection in Ohio," *Sunbury American*, April 3, 1858; "Excitement at Cuyahoga Falls," *Athens Messenger and Hocking Valley Gazette*, March 26, 1858, Volume 15, no. 11; "Excitement at Cuyahoga Falls," *Scioto Gazette*, March 23, 1858; "Excitement at Cuyahoga Falls," *Louisville (KY) Daily Journal*, March 13, 1858; "Excitement at Cuyahoga Falls," *Holmes County Republican*, March 18, 1858; "Excitement at Cuyahoga Falls," *Western Reserve Chronicle*, March 17, 1858; [no title], *Perrysburg Journal*, March 18, 1858; "Another Outrage," *Holmes County Republican*, March 11, 1858; [no title], *Daily Cleveland Herald*, February 9, 1858; "Judge Shaw's Law at Painesville," *Daily Cleveland Herald*, May 22, 1858; "Liquor Running Loose," *Western Reserve Chronicle*, June 2, 1858; "Liquor Selling in Lake County," *Cleveland Morning Leader*, July 26, 1858; "The Fat Man in Painesville," *Daily Cleveland Herald*, August 25, 1858; "Liquor Selling in Lake County," *Holmes County Republican*, August 5, 1858; "Liquor Wasted," *Ashtabula Weekly Telegraph*, May 29, 1858, Volume IX, no. XXII; "A Woman was Killed," *Holmes County Republican*, December 30, 1858; [no title], *Perrysburg Journal*, January 20, 1859; "Ladies Moving," *Youth's Temperance Advocate*, December 1858, Volume XIX, no. 12; "Public Meeting," *Temperance Monitor* (Aurora, IL), April 1858, Volume I, no. 2; "The Ladies Temperance Association," *Aurora Weekly Beacon*, March 18, 1858, Volume I, no. 29; [no title], *Aurora Weekly Beacon*, May 6, 1858, Volume I, no. 36; "White vs. Barrell," and "Where the Women Stands," *Aurora Weekly Beacon*, March 4,

While the Shaw decision held no direct legal bearing outside of Massachusetts, verdicts suggests it likely emboldened jurists and juries to acquit women accused of riot and property destruction. For example, on June 7, 1858, nineteen armed women entered David C. Miller's grocery in Bristol, Ohio. A contingent pulled him outside and held him

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1858, Volume I, no. 27; "Destruction of Liquor," *Anti-Slavery Bugle*, June 12, 1858; "Destruction of Liquor," *Weekly Gazette and Free Press* (Janesville, WI), June 12, 1858, Volume XIII, no. 41; [no title], *Joliet (IL) Signal*, June 8, 1858, Volume 15, no. 51; "Judge Shaw's Decision Out West," *Temperance Visitor*, July 1, 1858, Volume II, no. 11; "Summary," *Aurora Weekly Beacon*, March 25, 1858, Volume I, no. 30; "Decatur Items," *Illinois State Journal*, February 17, 1858, Volume X, no. 299; [no title], *Illinois State Journal*, April 14, 1858, Volume VIII, no. 257; "Smashing Doggeries at Anderson," *Indiana Press*, January 1, 1858, Volume LI, no. 33; "Destruction of Liquor at Centerville," *Weekly Intelligencer*, July 15, 1858, Volume XI, no. 12; "Murder in Centerville," *Randolph County Journal*, July 8, 1858, Volume 1, no. 27; [no title], *Randolph County Journal*, September 22, 1858, Volume 1, no. 38; "Anti-Liquor Demonstration," *Indiana Press*, August 28, 1858, Volume LI, no. 15; "A Word to the Wise," *Indiana Press*, July 10, 1858, Volume LI, no. 8; "Whiskey Declining," *Versailles (IN) Dispatch*, December 17, 1858, Volume 2, no. 15; "Whiskey Declining," *Cleveland Morning Leader*, December 8, 1858; "Assault Upon a Doggery," *Indiana Press*, June 2, 1858, Volume LI, no. 4; "Ladies Riot," *Wisconsin Chief* (Fort Atkinson, WI), September 1, 1858, Volume 9, no. 44; "Ladies Riot," *JATU*, November 1858, Volume XXII, no. 11; "A Rumseller Castigated," *JATU*, March 1858, Volume XXII, no. 3, pg. 37; [no title], *Weekly Hawk-Eye*, March 30, 1858, Volume 3, no. 26; Mrs. Caroline A. Soule, "A Day's Experience Out West," *Gavard's Real Estate Register* (Boston, MA), October 30, 1858, Volume V, no. 41; Mrs. Caroline A. Soule, "A Day's Experience Out West," *Temperance Visitor*, October 28, 1858, Volume II, no. 28; "Regulating Whiskey Shops," *McArthur Democrat*, March 25, 1858; [no title], *Temperance Visitor*, July 15, 1858, Volume II, no. 12; "Judge Shaw's Decision Enforced by a Lady," *Daily Cleveland Herald*, June 23, 1858; "Judge Shaw's Decision Enforced by a Lady," *Tipton Advertiser*, July 10, 1858; "A Woman Destroying a Liquor Shop," *Lowell Daily News and Citizen*, September 28, 1858; "The Last of the Democratic Party," *Lewisburg Chronicle*, June 4, 1858; "The Last of the Democratic Party," *Jeffersonian*, June 17, 1858; "Extraordinary Female Temperance Champion," *Randolph County Journal*, September 2, 1858, Volume I, no. 35; "Hatchet Gang," *Cape Ann Advertiser* (Gloucester, MA), October 9, 1858, Volume I, no. 24; "Woman's Wrongs," *Daily Dispatch*, June 21, 1858. And men ever got in on the action. There was a sudden uptick in temperance violence where men were also the perpetrators. On incidents with men's participation see "Maine Law—Massachusetts Law," *Athens Messenger*, June 4, 1858; [no title], *Middlebury (VT) Register*, May 26, 1858; "Smashed Up," *Burlington (VT) Free Press*, May 14, 1858; [no title], *Weekly Hawk-Eye* (Burlington, IA), March 30, 1858, Volume 3, no. 20; "Destruction of Liquor at Centerville," *Weekly Intelligencer*, July 15, 1858, Volume XI, no. 12; "Regulating of the Whisky Shops," *McArthur (OH) Democrat*, March 25, 1858.

down, while another group destroyed his liquor stocks. Lucretia Thompson, Lydia Fenton, Susannah Sagar, Estella House, and another unnamed woman, were arrested for property destruction and “with force and violence unlawfully assaulting, seizing and imprisoning him for the space of half an hour.” A three-judge panel acquitted the women, stating the testimony “established by proof that the doggery was a nuisance” and “any person had the right to abate such a nuisance.” Miller initiated a civil case for damages against the women, but the jury was no more sympathetic; they awarded him one dollar. A group of women from Fredericksburg, Ohio, were also acquitted under claims of nuisance abatement.<sup>75</sup>

The Shaw verdict and women’s assaults briefly reawakened enthusiasm for local liquor law enforcement. As a correspondent for the *Cleveland Morning Leader* remarked,

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<sup>75</sup> “Liquor Spilt in Bristol,” *Western Reserve Chronicle*, June 23, 1858; “Trial of the Bristol Ladies,” *Western Reserve Chronicle*, July 7, 1858; “Bristol Ladies Liquor Suit,” *Western Reserve Chronicle*, July 4, 1858; [no title], *Ashtabula Weekly Telegraph*, July 3, 1858; [no title], *Cleveland Morning Leader*, April 14, 1859; “Trial of the Female Regulators,” *Indiana Press*, August 7, 1858; [no title], *Cleveland Morning Leader*, July 12, 1858; “Judge Shaw’s Decision Out West,” *Temperance Visitor*, July 29, 1858; [no title], *Ashtabula Telegraph*, July 31, 1858; “Judge Shaw Sustained,” *Life Illustrated*, July 31, 1858; “The Liquor Decision in Ohio,” *Livingston Republican*, August 18, 1858; “Judge Shaw’s Law in Ohio,” *Nashville Union and American*, July 21, 1858; “Judge Shaw’s Law in Ohio,” *Sunbury American*, July 31, 1858; “Righteous Decision,” *Holmes County Republican*, July 15, 1858; “Groggery Nuisance – Wholesome Decision,” *Cleveland Morning Leader*, July 12, 1858; “The Bristol Liquor Business Again,” *Western Reserve Chronicle*, August 11, 1858; [no title], *Cleveland Morning Leader*, June 24, 1858; “Exciting Scene,” *Highland Weekly News*, April 15, 1858; “Indicted,” *Holmes County Republican*, March 18, 1858; [no title], *Holmes County Republican*, November 25, 1858. For several other examples of cases under nuisance abatement see “Judge Shaw Decision Out West,” *Temperance Visitor*, July 1, 1858; “Assault Upon a Doggery,” *Indiana Press*, June 12, 1858; “Ladies Riot,” *Wisconsin Chief*, September 1, 1858; “Ladies Riot,” *JATU*, November 1858. On the significance of local justice in the court system see Laura F. Edwards, Part II: Localized Law,” in *A People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009), 55-200.

raids and acquittals citing nuisance abatement “stirred up a feeling on the behalf of temperance” that had diminished in the Midwest. Another commentator noted that as “prohibitory laws breakdown and the tide of intemperance pours through” the right to abate a nuisance will be sustained by law and public opinion. The Ashland Ohio Ladies Temperance Association explained that their right to abate a public nuisance protected them. Now, they declared, the “fines, imprisonments, or other penalties,” groggy owners tried to heap upon them were to no avail. They would no longer be dissuaded from resorting to “any means” to suppress the liquor traffic. But this enthusiasm proved fleeting.<sup>76</sup>

As the nation lurched towards war, women’s violent attacks and the temperance movement generally, trailed out of sight. Although women in thirteen Midwest communities assaulted grogeries over 1859 and 1860, these incidents received relatively little press coverage. Moreover, few articles appeared in local newspapers on conventions or meetings, and grassroots temperance women’s defiant voices all but vanished. While temperance still claimed tens of thousands of adherents, the national fraternal orders (Sons of Temperance, Independent Order of Good Templars, etc.) claimed the coveted column space in reform periodicals and newspapers. Grassroots activists who relied on local papers as a crucial organizing tool and outlet for their public declarations had to jockey for position, and the number of columns allotted to local organizations drastically

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<sup>76</sup> “Warren Correspondence,” *Cleveland Daily Leader*, July 12, 1858; “The Liquor Nuisance,” *New York Evangelist*, June 3, 1858; “Ladies Temperance Association,” *Ashland (OH) Union*, March 24, 1858.

diminished. But when grassroots activists attracted attention, it was inevitably axe-wielding women smashing whiskey barrels that made the headlines.<sup>77</sup>

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As legislative prohibition faltered in the 1850s, female activists surveyed the political landscape, considered what tactics were most effective, and turned direct action into a coordinated campaign. These tactics were not new in 1854, since the 1840s, women periodically resorted to direct action, both violent and peaceful, to redress a specific grievance with a liquor dealer, and by 1853 some activists (mostly in Ohio) had

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<sup>77</sup> For some examples of columns from 1859 on fraternal temperance see “Enlisting the Ladies,” *Daily Dispatch*, June 29, 1859; “The Lecture,” *St. Cloud (MN) Democrat*, January 20, 1859; “Appeal to Friends of Temperance in Orleans County,” *Green Mountain Freeman*, February 24, 1859; “Temperance Festival,” *Randolph County Journal*, January 6, 1859; Jane G. Swisshelm, “A Lecture Before the ‘Ladies St. Cloud Temperance Social Circle,’” *St. Cloud Democrat*, January 20, 1859; A Member of the E.L.T.S., Letter to the Editor,” *Weekly North Iowa Times* (McGregor, IA), February 2, 1859. For accounts of incidents in 1859 and 1860 see “Mob Law Triumphant in Chatham,” *Daily Cleveland Herald*, January 18, 1859; “Liquor Riot at Greencastle, Ind.,” *Chicago Press and Tribune*, February 2, 1859; [no title], *Union County Star and Lewisburg (PA) Chronicle*, January 20, 1859; [no title], *Jefferson ad Sentinel*, January 18, 1859; “A Liquor Shop Demolished By The Ladies,” *Freemont Journal*, December 16, 1859; “A Liquor Shop Demolished By The Ladies,” *Dayton (OH) Daily Empire*, December 14, 1859; “Liquor Riot at Greencastle, Ind.,” *Urbana Citizen and Gazette*, February 18, 1859, Volume 21, no. 46; “The Temperance Question at Crawfordsville,” *Putnam Republican Banner* (Greencastle, IN), April 13, 1859, Volume 7, no. 16; “Circuit Court - Its Action,” *Putnam Republican Banner*, April 13, 1859; “Liquor Riot at Greencastle, Ind.,” *Putnam Republican Banner*, February 2, 1859; [no title], *Daily Press (Cincinnati, OH)*, June 23, 1859; [no title], *Wabash Express* (Terre-Haute, IN), August 17, 1859; [no title], *Holmes County Republican* (Millersburg, OH), February 10, 1859; [no title], *Wisconsin Chief*, October 30, 1860, Volume II, no. 28; [no title], *Wisconsin Chief*, November 7, 1860, Volume II, no. 27; “A Mob of Women Break Up a Bagnio,” *Milwaukee Daily Sentinel*, May 21, 1860; “A Rebellion—Women in Arms,” *Daily Dispatch*, July 26, 1860; “A Rebellion—Women in Arms,” *Carrollton (LA) Sun*, August 8, 1860; [no title], *Urbana Citizen and Gazette*, February 27, 1860, Volume 22, no. 46; “Excitement in Minnesota—Ladies Turning Out in Force,” *Temperance Standard* (Philadelphia, PA), May 1, 1860, Volume I, no. 11.

even experimented with more coordinated incursions. But the ways in which women used violence and justified their actions slowly evolved, and by 1856, grog shop assaults were coordinated, premediated, and far more destructive. They were also closely tied to legislative cycles. When laws were enforced by local officials, incidents of saloon smashing receded, but when statutes were repealed or went unenforced, they took the law into their own hands.

By the mid-1850s, female activists designated themselves the arm of prohibition enforcement, and harbored no illusions that local officials had the zeal to prosecute law breakers. Loosely-knit networks of local temperance societies, mobilized in the campaigns for local option and civil damage laws in the 1840s, and then Maine Laws in the early 1850s, turned their attention to community-level prohibition enforcement through direct action. Local newspapers served as a central site to organize this new coordinated campaign. While papers frequently carried stories of grog shop raids, as women increasingly employed direct action tactics, they explicitly used newspapers as a tool to further their agenda and express their perspective. Columns penned by women threatened liquor dealers, chastised politicians and temperance men, congratulated each other for raids, and encouraged women in other communities to engage in extralegal violence. Local newspapers made temperance women's aggressive, often violent, political behavior visible, revealing tactical shifts towards coordinated actions that arose and developed, then matured and declined, between 1854 and 1860. And it is here, in the press, where we can see how this most unlikely segment of Victorian American society was firmly engaged in the antebellum era's violent political culture.



## Epilogue

### Where Did All The Grassroots Women Go?

As the Civil War came to a close, temperance advocates regrouped to figure out how to reinvigorate their campaign after the disruptions of war. They felt a new urgency to do so. Many worried that the soldiers had returned home, as Eliza (Mother) Stewart put it, with “the appetite [for alcohol], acquired in the army, fastened upon them.” And as they searched for a direction, a new national organization, the National Temperance Society and Publishing House (NTS), looked back to the legislative experiments of the 1840s and 1850s, ones that had been largely pushed by women, and adopted those women’s political strategies as their template for the post-war landscape. Once again local option and civil damages laws quickly dominated the legislative agenda of this flagship organization. But the gender dynamics within this large organization were completely overhauled. In this reinvigorated post-bellum movement, many organizationally-minded, male activists now accepted women as equal, politicized partners. Male temperance tracts no longer encouraged women to assume a passive, submissive role. To the contrary, men now depicted women as warriors with a decidedly public responsibility to the movement—the result, no doubt, of women’s dogged insistence upon their own dynamic and forceful leadership beginning decades earlier, in the 1840s.<sup>1</sup>

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<sup>1</sup> In August 1865, the American Temperance Union was rebranded as the National Temperance Society and Publishing House in August 1865. Eliza (Mother) Stewart, *Memories of the Crusade: A Thrilling Account of the Great Uprising of the Women of Ohio in 1873, Against the Liquor Crime* (Columbus, OH: WM. G. Hubbard & Co, 1888), 27; Holly Berkley Fletcher, *Gender and the American Temperance Movement of the Nineteenth Century* (New York: Routledge, 2008), 58-78. On the post-war movement in general see Lisa M. Anderson, *The Politics of Prohibition: American Governance and the Prohibition Party, 1869-1933* (New York: Cambridge University Press, 2013); Jack S.

What happened to the vibrant grassroots activists who dominated temperance in the 1850s—those women who so publicly, and, at times, violently, carved out a leading role in the prohibition campaign? Sadly, that story remains hidden. No scholarly work has been produced examining women's grassroots activism in the period between the Civil War and the emergence of the Women's Crusades in 1873. But outlines do exist. Although the heyday of grog shop attacks had died down, they did not disappear entirely. Suggesting grassroots activists continued to embrace their direct action strategies, and women remained an integral part of the post-war political landscape, well before the famous Women's Crusades of 1873-74.

These inescapable grog shop raids even drew the commentary of leading suffragists. On September 25, 1867, just two years after the war, Susan B. Anthony delivered what newspapers called a "forcible address" to the Kansas State Temperance Society. In this "Female Suffrage Address," Anthony wove calls for women's suffrage through the storied tapestry of yet another liquor attack. Detailing a recent assault upon the liquor shops in Salina, Kansas, Anthony repeated the argument that temperance women had been making now for almost two decades; without access to the ballot, violence was the only recourse women had to fight the "evil effects of intemperance." If

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Blocker, *American Temperance Movements: Cycles of Reform* (Boston: Twayne Publishers, 1989), 61-74; Jed Dannenbaum, "The Origins of Temperance Activism and Militancy Among Women," *Journal of Social History* 15, No. 2 (Winter, 1981), 244-246; John, J. Rumbarger, *Profits, Power, and Prohibition: Alcohol Reform and the Industrializing of America, 1800-1930* (Albany: State University of New York Press, 1989), 43-53; Ann-Marie E. Szymanski, *Pathways to Prohibition: Radicals, Moderates, and Social Movement Outcomes* (Durham, NC: Duke University Press, 2003), 106-109; David M. Fahey, *Temperance & Racism: John Bull, Johnny Reb, and the Good Templars* (Lexington: University of Kentucky Press, 1996).

citizens wanted to end women's extralegal measures against liquor, Anthony trumpeted, they had to enfranchise women.<sup>2</sup>

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<sup>2</sup> Anthony was not the only prominent suffragist to comment on women's post-war attacks. Lucy Stone penned an article, "Mobs & Women" following a raid in Carthage, Illinois. She lashed out again those who criticized women use of violence, arguing that if critics would "help us to make the woman citizen the political equal of the man citizen" these attacks would stop. With the ballot, they could vote "down things which they think ought not to exist, rather than by battering them down." Stone warned that until women had the power to "make or unmake the laws, whether it work harm to her and hers or not," such actions were likely to continue. The real wonder, Stone proclaimed, was not that women resorted to violence but that "they do not individually and collectively make constant and free assaults upon those who under cover of law" robb [sic] women of their "sacred rights of person and property." The enfranchisement of women, Stone assured detractors, would establish "one code for both sexes" and they could "trust that at least there will be no need of mob violence from women." Her remarks, like those of Anthony, echoed what grassroot activists had argued since the 1840s. Lucy Stone, "Mobs & Women," 68:391, Box 85, *Papers of the Blackwell Family* Microfilm Edition (Washington, D.C.: Library of Congress Photo Duplication Service, 1979); "Convention of the State Temperance Society," *Kansas Daily Tribune* (Lawrence, KS), in Patricia G. Holland and Ann D. Gordon, eds., *The Papers of Elizabeth Cady Stanton and Susan B. Anthony*: Microfilm Edition, (Wilmington, DE: Scholarly Resources, 1992), 12:459; "State Temperance Society vs. Woman Suffrage," *Emporia (KS) News*, October 18, 1867; Elizabeth Cady Stanton, Susan B. Anthony, and Matilda Joselyn Gage, *History of Woman Suffrage, Volume II, 1861-1876* (Rochester, NY: Charles Mann, 1887), 231. On women's attacks on liquor dealers between 1865 and 1879 see "Women in the Liquor Business," *Daily Cleveland Herald*, January 25, 1867; "Ladies Interfering with the Liquor Trade," *Vermont Chronicle* (Bellow Falls, VT), July 29, 1865; [no title], *Daily Cleveland Herald*, January 17, 1867; [no title], *Norfolk (VA) Post*, July 29, 1865; "A Women's Raid on the Whiskey Sellers," *Howard Union* (Glasgow, MO), July 27, 1865; "Great Excitement in Greenfield, O. The Ladies "Regulating" the Liquor Traffic - An Interesting Trial Prospect," *Daily Constitutionalist* (Augusta, GA), August 5, 1865; "Great Excitement in Greenfield, O. The Ladies "Regulating" the Liquor Traffic - An Interesting Trial Prospect," *New York Herald*, July 23, 1865; "Great Excitement in Greenfield. The Ladies "Regulating" the Liquor Traffic - An Interesting Trial Prospect," *Highland Weekly News* (Hillsboro, OH), July 20, 1865; "A Novel Trial. Female Suasion with Liquor Dealers - The Ladies of Greenfield, OH on Trial - Hospitality to the Heroines," *Chicago Tribune*, January 27, 1867; [no title], *Highland Weekly News*, May 31, 1866; [no title], *Gleason's Literary Companion* (Boston, MA), July 29, 1865; [no title], *Vermont Chronicle*, September 21, 1867; [no title], *Gallipolis Journal*, May 9, 1867; [no title], *Boston (MA) Investigator*, March 9, 1870; "Mob Law by Females" and [no title], *Chicago Tribune*, July 25, 1872; [no title], *Chicago Tribune*, July 26, 1872; "Miscellaneous," *Albany (OR) Register*, August 23, 1872; "News of the Day," *Alexandria (VA) Gazette*, July 27, 1872; "The West," *Andrew Country Republican* (Savannah, MO), August 9, 1872; [no title], *Bloomfield Times* (New Bloomfield, PA), August 6, 1872; [no title], *Daily State Journal* (Alexandria, VA), August 8, 1872;

Two year later, the Prohibition Party's 1869 founding convention, reflected women's now long-standing political activism in the fight against the liquor traffic. A third-party challenge to the two-party system of Democrats and Republicans, the Prohibition Party was the nation's first political party to include women as equal party members. Indeed, women were a driving force in crafting the party's political agenda. Many of the party's members had a long history of temperance activism, reaching back into the antebellum years. Amanda Way, for example, counted herself among the party's founding convention delegates; a place she had fought for through dogged antebellum activism. In 1851, Way had helped found the Indiana Woman's Rights Association, and in 1854 she led the Winchester Temperance Army on their spectacular, violent grogshop raid. Clearly, the temperance women drawn into this new party had strong roots in antebellum political activism.<sup>3</sup>

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"Woman's Rights," *Daily Phoenix* (Columbia, SC), July 30, 1872; [no title], *Eaton (OH) Weekly Democrat*, August 1, 1872; "Woman's Rights," *Evening Star* (Washington, D.C.), July 27, 1872; "Killing Whiskey," *Idaho World* (Idaho City, I.T.), August 15, 1872; [no title], *Nashville (TN) Union and American*, August 23, 1872; [no title], *Yorkville (SC) Enquirer*, September 5, 1872; [no title], *Weekly Register* (Point Pleasant, WV), August 29, 1872; "A Wife's Vengeance: A Woman Storms a Saloon Because Beer was Sold to Her Husband," *Chicago Tribune*, July 16, 1872; [no title], *Cleveland Morning Herald*, May 29, 1872; "Iowa Women Clearing Out Rum Shops," *Milwaukee Sentinel*, March 12, 1872; "Excitement in Millington, ILL. A Woman Raids Through the Saloons," *Chicago Daily Tribune*, August 3, 1873; [no title], *Vermont Farmer* (St. Johnsbury, VT), August 8, 1873; "Practical Sort of Strong-minded Woman," *Somerset (PA) Herald*, July 16, 1873; "Providence," *Bureau County Herald* (Princeton, IL), April 30, 1873, Volume 2, no. 49; "A Woman's Raid on a Saloon," *National Police Gazette* (New York), November 8, 1879; "'Crusaders.' The Female Assault Upon the Liquor Saloons at Fredericktown, O.," *Chicago Daily Tribune*, October 29, 1879; Letter Fragment, John Otis Wattles and Esther Whiney Wattles Family Papers, Container 2, Folder 5, Special Collections, Western Reserve Historical Society, Cleveland, Ohio.

<sup>3</sup> Fletcher, *Gender and the American Temperance Movement*, 58-78; Lisa Anderson, "Give the Ladies a Chance: Gender and Partisanship in the Prohibition Party, 1869-1912," *Journal of Women's History* Volume 23, No. 2 (Summer, 2011), 137-161. Several months after the founding of the Prohibition Party, Amanda Way was appointed as an Indiana delegate to the founding convention of the American Woman Suffrage

It is not surprising that women like Way claimed a prominent role in the formation of this new political party. As my dissertation demonstrates, temperance, that often maligned crusade of the nineteenth and twentieth centuries, can teach us quite a bit about the evolution of ordinary women's political activism. But we need to look at the local level, where women's political activities were most pronounced, to fully appreciate the diverse, often aggressive, methods they embraced to exert their political influence. And through the anti-liquor campaigns of the mid-1840s, they forged a distinctly feminist sensibility that punctuated their actions thereafter. As I have argued, their broad vision of temperance politics, which included women's rights, complicates the origin story of the antebellum woman's rights movement, showing it grew as strongly out of temperance as abolition. These women not only charted a distinct political course, but embraced direct action to carve that path forward. Their aggressive, often violent, tactics exposes the robust political activism of ordinary women and places them squarely in the antebellum era's violent political culture; something usually reserved for men.

Unearthing antebellum women's political temperance activities suggests continuity between the antebellum and post-war campaigns. This raises new questions about those crusading women of 1873-1874. Were some of those crusaders the same grassroots activists who engaged in legislative campaigns, smashed saloons, and argued for women's rights in the 1840s and 1850s? Were they the ones involved with spates of violence in the 1860s and early 1870s, who ultimately decided to alter their course?<sup>4</sup>

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Association. "Woman's Suffrage Call," *Woman's Advocate* (New York), November 1869, Volume II, no. 5.

<sup>4</sup> Jed Dannenbaum argued that the Crusades were the "climax of a social movement, and that it must be considered within the context of the decades of female

The Women's Crusades of 1873-1874 were essentially a movement of local women, who like their sisters in the 1850s, vowed to eradicate the liquor traffic in their own communities through direct action, albeit singing and praying rather than threats and violence. This movement is often presented as coming out of the blue, inspired by long-time reformer Dio Lewis' lecture to a group of Hillsboro Ohio, women. On December 22<sup>nd</sup> and 23<sup>rd</sup>, 1873, Lewis regaled the audience of his own mother's activism against the liquor trade forty years earlier, where she and some compatriots prayed and sang hymns until local liquor dealers closed their shops. This so inspired the women of Hillsboro, so the story goes, that the next day, seventy-five women marched on four of the towns liquor dealers, and sang and prayed until pledges were obtained that they would give up the traffic. Their success inspired others, and before long a full-fledged movement was underway across the country. This innovative use of nonviolent direct action, historian Jack Blocker Jr. argued, quickly took off, and newspapers helped spread this new, effective strategy. And within a year, some crusaders launched what would become one of the most powerful women's organizations in the nation's history, the Woman's Christian Temperance Union.<sup>5</sup>

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activists that preceded it." And it was here, in 1873, that women were "ready to fight that saloon for what they saw as the safety of their families," and temperance women were finally mobilized and politicized. I agree with Dannenbaum's assertion that we cannot understand the Crusades without considering the activism that came before them, but as I have argued throughout this dissertation, female activists were politically mobilized in the 1840s, and remained so. They grabbed control of the temperance movement in the 1850s and were the force behind prohibition. It was the fight for local option and civil damages in the 1840s, not the Crusades of 1873, where women demonstrated their willingness to take the prohibition fight directly into the saloon. Jed Dannenbaum, "The Origins of Temperance Activism and Militancy Among Women," *Journal of Social History* 15, No. 2 (Winter, 1981), 244-246.

<sup>5</sup> Jack S. Blocker, Jr., *"Give to the Winds Thy Fears": The Women's Temperance Crusade, 1873-1874* (Westport, CT: Greenwood Press, 1985), 7-17; Ruth Bordin, *Woman and Temperance: The Quest for Power and Liberty, 1873-1900* (New Brunswick,

Yet antebellum women's widespread use of direct action calls this neat story of the Crusades into question. More women than Dio Lewis' mother and her friends used nonviolent incursions in the 1850s, and an even larger number turned to threats and violence. That the women in Hillsboro needed such prompting to see direct action as an answer raises even more questions. The crusaders of 1873-1874 were undoubtedly familiar with stories of women's violent raids. Not only were reports of these assaults ubiquitous in the 1850s, incidents in the 1860s and 1870s were also well publicized. Furthermore, Hillsboro, Ohio, had a direct connection to such actions. In 1857, the town's women visited all the liquor dealers "en masse," requested they sign a pledge not to sell anymore liquor and threatened to "knock the heads of the barrels" if they refused. Then in December 1867, seven years before that all important first Crusade, Hillsboro hosted the trial of twelve women who attacked the groggeries in nearby Greenfield. Furthermore, some leading crusaders had a long history of temperance activism. They supported civil damage laws and helped drunkards' wives prosecute liquor dealers in the 1860s and 1870s. Eliza "Mother" Stewart (the well-known crusader and chronicler of the movement), for example, was a prominent, outspoken member of the Prohibition Party.<sup>6</sup>

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NJ: Rutgers University Press, 1990)15-22, 34-37; Ruth Bordin, "A Baptism of Power and Liberty: The Women's Crusade of 1873-1874," *Ohio History: The Scholarly Journal of the Ohio Historical Society* 87, no. 4 (1978), 393-404; James Clyde Sellman, "Social Movements and the Symbolism of Public Demonstrations: The 1874 Women's Crusade and German Resistance in Richmond, Indiana," *Journal of Social History* 32, no. 3 (1999), 557-588.

<sup>6</sup> Henry Doggett to Cyrus B. Trimble, March 1, 1857, Hillsborough [sic], Ohio, John Allen Trimble Family Papers, 1787-1908, Box 9, Folder 3, Manuscripts Division, Ohio Historical Society Archives and Library, Columbus, Ohio. On the Greenfield incident and trial see "Great Excitement in Greenfield, O. The Ladies "Regulating" the Liquor Traffic - An Interesting Trial Prospect," *Daily Constitutionalist* (Augusta, GA), August 5, 1865; Great Excitement in Greenfield, O. The Ladies "Regulating" the Liquor Traffic - An Interesting Trial Prospect," *New York Herald*, July 23, 1865; Great Excitement in Greenfield. The Ladies "Regulating" the Liquor Traffic - An Interesting

This begs the question: How many crusaders lobbied, electioneered, and used direct action in the antebellum campaigns, then tried to sing and pray their way to local prohibition in 1873-1874? A comprehensive study of women's local advocacy between the Civil War and the Crusades (like this one on the antebellum era) is likely to reveal continuity between the antebellum grassroots activists and the crusaders. The robust activism of the pre-war period and the continued use of saloon raids into the early 1870s, suggests they continued their vibrant local organizing, even if we have yet to see the full extent of it. How else could grassroots women in at least 912 communities mobilize into organized signing and praying bands in a matter of months? The infrastructure was likely already there from several decades of politicized local activism, just waiting to be revitalized into a new coordinated campaign. And presumably it was.<sup>7</sup>

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Trial Prospect, *Highland Weekly News* (Hillsboro, OH), July 20, 1865; "A Novel Trial. Female Suasion with Liquor Dealers – The Ladies of Greenfield, OH on Trial – Hospitality to the Heroines," *Chicago Tribune*, January 27, 1867; [no title], *Highland Weekly News*, May 31, 1866; [no title], *Gleason's Literary Companion* (Boston, MA), July 29, 1865; "The Greenfield Liquor Case," *Highland Weekly News*, January 17, 1867; "A Card from the Greenfield Ladies," *Highland Weekly News*, January 31, 1867; [no title], *Lancaster (OH) Gazette*, February 7, 1867. On the Crusades and the crusaders see Steward, *Memories of the Crusade*, 31-40, 45-52, 53-59, 241-244, 416-417; Annie Wittenmyer, *History of the Woman's Temperance Crusade* (Boston, MA: James H. Earle, 1882), 132-133, 301-302, 532-533, 644-645, 681; Matilda Gilruth Carpenter, *The Crusade; Its Origins and Development at Washington Court House and Its Results* (Columbus, OH: W.G. Hubbard & Co., 1893), 67; Lisa Anderson, "Give the Ladies a Chance: Gender and Partisanship in the Prohibition Party, 1869-1912," 141-146; Elaine Frantz Parsons, *Manhood Lost: Fallen Drunkards and Redeeming Women in the Nineteenth-Century United States* (Baltimore: Johns Hopkins University Press, 2003), 92-93, 166-167, 176-177; Blocker, Jr., "Give to the Winds Thy Fears," 132-133, 191-192; Bordin, "A Baptism of Power and Liberty, 393-404; Sellman, "Social Movements and the Symbolism of Public Demonstrations," 557-588.

<sup>7</sup> Bordin, *Women and Temperance*, 22.



## Bibliography

Note on newspapers: My project relies heavily on hundreds of newspaper articles, many pulled from subscription and free online databases. To include the specific database after each citation would make the already extensive footnotes even more difficult to read. Instead, I have included a section here called "Newspaper Databases" listing each collection I consulted. Hardcopy and microfilmed newspapers are listed in the notes with their volume and issue number, whereas those from online sources omit this information.

### Newspaper Databases

Accessible Archives

America's Historical Newspapers

American Antiquarian Society Historical Periodicals Collection: Series 3: 1838-1852,  
EBSCOhost

American Antiquarian Society Historical Periodicals Collection: Series 4: 1853-1865,  
EBSCOhost

Early American Newspapers

Hoosier State Chronicles

Library of Congress Chronicling America

Newspaper Archive

Newspapers.com

Nineteenth Century U.S. Newspapers

NYS Historic Newspapers

Proquest American Periodicals

Proquest Historical Newspapers: The Baltimore Sun

Proquest Historical Newspapers: Chicago Tribune

Proquest Historical Newspapers: New York Times

### Newspapers and Periodicals

*Abbeville (SC)Banner* (Abbeville, SC)

*Advent Herald* (Boston, MA)

*Advocate of Moral Reform and Family Guardian* (New York)

*Albany (NY) Argus*

*Albany (NY) Evening Journal*

*Albany (NY) Journal*

*Albany (OR) Register*

*Aliened American* (Cleveland, OH)

*Alexandria (VA) Gazette* (VA)

*Alliance* (Columbus, OH)

*Alton (IL) Weekly Courier*

*Amboy (IL) Times*

*American Farmer* (Kalamazoo, MI)

*American Phrenological Journal* (New York)

*American Republican and Baltimore Daily Clipper* (Baltimore, MD)

*American Telegraph* (Washington D.C.)

*American Temperance Magazine* (New York)

*American Union* (Boston, MA)

*American Union* (Steubenville, OH)

*American Union* (Morgantown, VA [WV])  
*Andrew Country Republican* (Savannah, MO)  
*Angelica* (NY) *Reporter*  
*Anti-Slavery Bugle* (Salem, OH),  
*Arkansas State Democrat* (Little Rock, AR)  
*Ashland* (OH) *Union*  
*Ashtabula* (OH) *Weekly Telegraph* (Ashtabula, OH)  
*Athens* (OH) *Messenger and Hocking Valley Gazette*  
*Athens* (TN) *Post*  
*Aurora* (New Lisbon, OH)  
*Aurora* (IL) *Weekly Beacon*  
*Bangor* (ME) *Daily Whig and Courier*  
*Banner* (Franklin, LA)  
*Banner* (Abbeville, SC)  
*Belmont Chronicle* (St. Clairsville, OH)  
*Belmont Chronicle and Farmers, Mechanics, and Manufactures Advocate* (St. Clairsville, OH)  
*Bloomfield Times* (New Bloomfield, PA)  
*Boston* (MA) *Courier*  
*Boston* (MA) *Daily Atlas*  
*Boston* (MA) *Herald*  
*Boston* (MA) *Investigator*  
*Boston* (MA) *Saturday Rambler*  
*Bradford Reporter* (Towanda, PA)  
*Bristol* (U.K.) *Temperance Herald* (Bristol, U.K.)  
*Brooklyn* (NY) *Daily Eagle*  
*Brother Jonathan* (New York)  
*Bureau County Herald* (Princeton, IL)  
*Burlington* (VT) *Free Press*  
*Burlington* (IA) *Hawkeye*  
*Cadiz* (OH) *Sentinel*  
*Cadiz* (OH) *Democratic Sentinel*  
*Canton* (IL) *Weekly Register*  
*Camden* (SC) *Journal*  
*Cannelton* (IN) *Reporter*  
*Cape Ann Advertiser* (Gloucester, MA)  
*Cape Ann Light and Gloucester* (MA) *Telegraph*  
*Carroll Free Press* (Carrollton, OH)  
*Carrollton* (LA) *Sun*  
*Carson League* (Syracuse, NY)  
*Cayuga Chief* (Auburn, NY)  
*Cayuga Chief* (Ft. Atkinson, WI)  
*Champion of Freedom* (Polo, IL)  
*Charleston* (SC) *Mercury*  
*Charleston* (SC) *Daily Courier*  
*Charlotte* (NC) *Journal*  
*Chicago* (IL) *Daily Tribune*  
*Christian Advocate and Journal* (New York)

*Christian Inquirer* (New York)  
*Church Advocate* (Harrisburg, PA)  
*Cleveland (OH) Herald*  
*Cleveland (OH) Morning Leader*  
*Clinton Republican* (Wilmington, OH)  
*Columbian Fountain* (Washington, D.C.)  
*Columbus (GA) Inquirer*  
*Columbus (OH) Ledger-Enquirer*  
*Cooper's Clarksburg Register* (VA)  
*Daily Argus and Democrat* (Madison, WI)  
*Daily Cleveland (OH) Herald*  
*Daily Cleveland (OH) Plain Dealer*  
*Daily Constitutionalist* (Augusta, GA)  
*Daily Crescent* (New Orleans, LA)  
*Daily Democratic State Journal* (Sacramento, CA)  
*Daily Dispatch* (Richmond, VA)  
*Daily Evening Bulletin* (San Francisco, CA)  
*Daily Evening Star* (Washington, D.C.)  
*Daily Evening Traveler* (Boston, MA)  
*Daily Indiana State Sentinel* (Indianapolis, IN)  
*Daily Lafayette (IN) Courier*  
*Daily Louisville (KY) Democrat*  
*Daily Morning News* (Savannah, GA)  
*Daily Missouri Republican* (St. Louis, MO)  
*Daily National Intelligencer* (Washington, D.C.)  
*Daily National Whig* (Washington, D.C.)  
*Daily Pennsylvanian* (Philadelphia, PA)  
*Daily Phoenix* (Columbia, SC)  
*Daily Place Times and Transcript* (San Francisco, CA)  
*Daily Press* (Cincinnati, OH)  
*Daily Scioto Gazette* (Chillicothe, OH)  
*Daily State Journal* (Alexandria, VA)  
*Daily Telegraph* (Jersey City, NJ)  
*Daily Union* (Washington D.C.)  
*Daughter of Temperance* (Naperville, IL)  
*Dayton (OH) Daily Empire*  
*Decatur (IN) Press*  
*Democrat and Sentinel* (Ebensburg, PA)  
*Democratic Advocate* (Baton Rouge, LA)  
*Democratic Banner* (Bowling Green, MO)  
*Democratic Banner* (Davenport, IA)  
*Democratic Pharos* (Logansport, IA)  
*Democratic Sentinel* (Cadiz, OH)  
*Der Lecha Patriot* (Allentown, PA)  
*Dollar Newspaper* (Philadelphia, PA)  
*Dover (NH) Gazette & Strafford Advertiser* (NH)  
*Eaton (OH) Democrat* (OH)  
*Edgefield (SC) Advertiser* (SC)

*Emancipator & Republican* (Boston, MA)  
*Emporia (KS) News*  
*Evansville (IA) Daily Journal* (IA)  
*Evansville (IN) Daily Journal* (IN)  
*Evening Star* (Washington, D.C.)  
*Farmers Cabinet* (Amherst, NH)  
*Fayetteville (NC) Observer*  
*Fort Wayne (IN) Times* (IN)  
*Free Democrat* (Indianapolis, IN)  
*Fremont (OH) Journal* (OH)  
*Freedom's Champion* (Atchison, KS)  
*Freemont (OH) Weekly Freeman* (OH)  
*Frederick Douglass Paper* (Rochester, NY)  
*Friend* (Honolulu [Oahu], Kingdom of Hawaii)  
*Friends' Review* (New York)  
*Gallipolis (OH) Journal* (OH)  
*Galveston (TX) News* (TX)  
*Gavard's Real Estate Register* (Boston, MA)  
*Gazette & Courier* (Greenfield, MA)  
*Georgia Telegraph* (Savannah, GA)  
*Gleason's Literary Companion* (Boston, MA)  
*Grand River Times* (Grand Haven, MI)  
*Granite State Beacon* (Nashua, NH)  
*Greensboro (NC) Patriot*  
*Green-Mountain Freeman* (Montpelier, VT)  
*Hannibal (MO) Journal*  
*Herald of Freedom* (Hagerstown, MD)  
*Highland Weekly News* (Hillsboro, OH)  
*Hillsborough (NC) Recorder*  
*Hillsdale (MI) Standard*  
*Hillsdale (MI) Whig Standard*  
*Holly Springs (MS) Gazette*  
*Home Missionary* (New York)  
*Holmes County Republican* (Millersburg, OH)  
*Howard Union* (Glasgow, MO)  
*Huron Reflector* (Norwalk, OH)  
*Idaho World* (Idaho City, I.T.)  
*Illinois State Journal* (Springfield, IL)  
*Independent* (Boston, MA)  
*Independent* (New York)  
*Independent Journal and Temperance Agitator* (Worcester, MA)  
*Independent Press* (Abbeville Court House, SC)  
*Indiana American* (Brookville, IN)  
*Indiana Press* (Greencastle, IN)  
*Indiana State Sentinel* (Indianapolis, IN)  
*Indiana Whig* (Rising Sun, IN)  
*InterOcean* (Chicago, IL)  
*Jackson County Democrat* (Brownstown, IN)

*Jackson Standard* (Jackson Court House, OH)  
*Jamestown (NY) Journal*  
*Janesville (WI) Daily Gazette*  
*Jeffersonian* (Stroudsburg, PA)  
*Journal of the American Temperance Union* (New York)  
*Journal News* (Martinsburg, WV)  
*Journal and Poughkeepsie (NY) Eagle*  
*Joliet (IL) Signal* (Joliet, IL)  
*Kalamazoo (MI) Gazette* (MI)  
*Kalida (OH) Venture*  
*Kansas Daily Tribune* (Lawrence, KS)  
*Kansas Herald of Freedom* (Wakarusa, KS)  
*Kenosha (WI) Telegraph*  
*Kosciusko (KS) Chronicle* (Kosciusko, MS)  
*Ladies' Enterprise* (Farmington, IL)  
*Lancaster (OH) Gazette*  
*Lancaster (SC) Ledger*  
*Livingston Republican* (Howell, MI)  
*Locomotive* (Indianapolis, IN)  
*Loudon (TN) Free Press*  
*Lebanon (KY) Post*  
*Lewisburg (PA) Chronicle*  
*Lewistown (PA) Gazette*  
*Liberator* (Boston, Massachusetts)  
*Life Illustrated* (New York)  
*Lily* (Seneca Falls, NY)  
*Lily* (Mount Vernon, OH)  
*Lily* (Richmond, IN)  
*Latter-Day Saints' Millennial Star* (Liverpool, U.K.)  
*Lincoln (NC) Courier* (Lincoln, NC)  
*Litchfield (CT) Republican*  
*Locomotive* (Indianapolis, IN)  
*Louisville (KY) Courier*  
*Lowell (MA) Daily Citizen and News*  
*Madison (WI) Daily Democrat*  
*Maine Farmer* (Augusta, ME)  
*Maine Temperance Journal* (Portland, ME)  
*Massachusetts Cataract, Temperance Standard, and Dew Drop* (Worcester, MA)  
*Massachusetts Life Boat* (Boston, MA)  
*Massachusetts Spy* (Worcester, MA)  
*McArthur (OH) Democrat*  
*Medina (OH) Gazette*  
*Meigs County Telegraph* (Pomeroy, OH)  
*Michigan Temperance Journal and School Advocate* (Jackson, MI)  
*Michigan Temperance Journal and Washingtonian* (Jackson, MI)  
*Middlebury (VT) Register*  
*Middletown (OH) Herald*  
*Milwaukee (WI) Daily Sentinel*

*Milwaukee (WI) Sentinel and Gazette*  
*Mississippi Democrat* (Carrollton, MS)  
*Mississippi Free Trader and Natchez Gazette*  
*Mississippian* (Jackson, MS)  
*Missouri Whig* (Palmyra, MO)  
*Monongalia Mirror* (Morgantown, [W]VA)  
*Moore's Rural New Yorker* (Rochester, NY)  
*Morning Star* (Dover, NH)  
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*Mount Carmel (IL) Register*  
*Nashville (TN) Union and American*  
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*National Police Gazette* (New York),  
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*Olentangy Gazette* (Delaware, OH)  
*Olive Branch* (Boston, MA)  
*Organ of the Temperance Reform* (Cincinnati, OH)  
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