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“A Class of Persons Whose Presence Is a Constant Danger”: Progress, Prohibition, and “Public Disorderliness” in Burlington, 1860–1880

Disorderliness, as a public phenomenon identified and criminalized by Anglo elites, was at its core a fear of young foreigners and of diminishing social control through religion and education. The instability of the industrial economy and the mobile young men it attracted coincided with the Anglo elite turn toward reform movements, law, policing, and criminal justice.

By MICHEL J. MARTIN

The phenomenon of “public disorderliness” was a major feature of mid-nineteenth-century American urban life. Police used the term as a catchall to identify various kinds of drunken, loud, aimless, brawling, ruffian, suspicious, intemperate, and vagrant behavior. A crime against the public order also referred to the sale and manufacture of liquor in a prohibitionist state, as Vermont was from 1853 to 1902. Eric Monkkonen has charted arrests for disorderliness in mid- and large-sized cities around the United States from 1860 to 1970. They were most

common during the first part of that time span, constituting over 50 percent of all arrests in 1860 and declining gradually thereafter, down to 25 percent in 1970.¹ Supplementing Monkkonen's aggregate-level analysis, John Schneider's case study of Detroit from 1830 to 1880 indicates that the initial expansion of policing and criminal justice institutions marked this concern with disorderliness. The concern stemmed specifically from the elites' awareness of the daily vulnerability of newly built areas downtown, not primarily from sensational riots.² Disdain for and fear of young men deemed outcasts—whether they were paupers, criminals, or tramps—were common sentiments among elites who saw these men as desperate criminals, a “dangerous class” just waiting for the chance to commit more serious crimes.³

Over the past two decades, two strands of interpretation of early police behavior have emerged. Some historians emphasize the political bases of police action, the top-down approach to police history. Roger Lane and others have shown that police responsibility and authority increased as a result of more frequent demands from respectable citizens.⁴ A second kind of analysis, that of David Johnson, ascribes police behavior to encounters with criminals in the places they frequented. Noting especially the geography of arrests and similar social characteristics of police and criminals, this approach focuses on police responsiveness to the underworld.⁵

Each of these methods of study brings out certain significant truths about early police behavior, but they sometimes ignore the structural aspects of disorderliness. Schneider's study of Detroit comes closest to combining a history of public order with a history of urban society. My argument here is that in the case of Burlington high percentages of arrests for crimes of disorderliness should be understood less in terms of political pressure or underworld activity and more as part of an urban-industrial context. Arrests for disorderliness were common not only because police and criminals made individual choices that might have been made anywhere at any time but also because their choices were constrained by spatial, demographic, economic, and cultural realities. The patterns of settlement, pace of urbanization, nature of work, and cultural clash of values shaped the extent and nature of disorderliness.⁶

In the late 1860s and 1870s in Burlington, there was simultaneously an identification of a “disorderly class” and a more conscious, formal, financially backed effort at policing downtown streets and the industrial yards on the waterfront.⁷ Along with this policing effort came a legal effort aimed at facilitating the processing of offenders. The social phenomenon and the responses to it, therefore, were very closely connected. Did arrests for disorderliness reflect the level of disorderly conduct, or did they

reflect the emphasis that the police and respectable citizens placed on such behavior? The elite responses at a legal level certainly characterized the phenomenon as we know it from the historical record. The voices of the less powerful are not so readily available, but they should not be forgotten.⁸

As disorderliness became known to the public, it was fraught with cultural misunderstandings. In part the phenomenon grew out of structural changes set in motion by those who despised it most. Specifically, it resulted from the convergence of the following factors, none of which was entirely separate from others: (1) genteel Anglo elites came into contact with uncouth young Irish men downtown; (2) large numbers of immigrants, especially unmarried Irish men, settled near the waterfront in Burlington in the late 1860s and early 1870s; (3) work was unstable and seasonal, creating periods of idle time that workers spent drinking and socializing; and (4) the criminalization of public drinking in Vermont contrasted sharply with the traditional socializing role of public drinking for the Irish.

Statewide prohibition in Vermont beginning in 1853, fervently supported by Burlington elites, allowed for more active identification and reprimand of the "disorderly class." The history of public disorderliness in a small city, therefore, necessarily combines the history of policing, law, immigration, labor, urban geography, and reformers. In small cities these factors were not as separable as in large cities. Getting away from employers, reformers, and other members of the business class required more adaptation and creativity than in cities where zones had been marked off for partaking in alternative entertainment and sharing in a cult of masculinity: a Burlington youth could not just escape to a clearly defined and well-known "vice district," as he might in a big city.⁹ The frequent interaction between elites and the working class was an inescapable feature of public life in Burlington.

A number of changes associated with the early industrial economy accompanied the growing elite fear of disorderly behavior. Small, smug, homogeneous communities were transformed into teeming, anonymous, heterogeneous places. Different cultures overlapped, urban space segmented, and middle classes moved to the outer edges. This combination left inner-city territory to be contested by a new type of fashionable elite and a new type of working poor. The former garnered public support for their desire to prevent undesirables from moving about suspiciously in newly valued areas of the city.¹⁰

In Burlington, a regional manufacturing center of slightly over 14,000 in 1870, there existed some of the same patterns of order control described for medium-sized to large cities. As in larger northeastern and mid-

western cities, young Irish men were most often arrested for crimes against public order. Consistent with findings in Milwaukee and Detroit about the cohesion and conditional acceptance of certain immigrant communities, French Canadian immigrants to the Burlington area established a thriving subcommunity that Anglos approved of to some extent. Like the German immigrant communities accepted elsewhere, French Canadians in Burlington found meaning in church and ethnic associations and established a nonoffensive niche in society.¹¹ Other patterns of the response in Burlington mirrored what had taken place in larger cities three or four decades previously. For example, some of the features of Jacksonian justice and social reform—the expansion of informal policing, the institutionalization of punishment, and the initial bureaucratization of justice—developed in Burlington during the Victorian period.¹²

But unlike larger cities, Burlington saw greater informality and more active citizen surveillance. Anglo Protestants maintained their cultural hegemony up to 1880, and their attitudes about social drinking were extreme. With the support of the *Burlington Free Press*—the city's most widely read newspaper—the temperance movement was active and influential. Time and again, city officials and *Free Press* editors linked public consumption of alcohol to criminal behavior. Arrests for drunkenness were the most common type, and, as elsewhere, such arrests served the broadly interpreted functions of public reprimand and crime prevention.

Before 1865, the year Burlington became a city, population stood at just under 7,000. No less than 60 percent of residents in 1860 were Anglos, while 14 percent were Irish and 22 percent French Canadian. Burlington's proximity to Montreal had made the city an important gateway for Irish immigrants to the United States. After the War of 1812, the British Parliament imposed a stiff tariff on tickets from Britain to the United States, making the trip from Dublin to Montreal about half as expensive as passage from Dublin to New York. French Canadians had also discovered Burlington, but instead of using it as a stopping point on the way to larger cities, they came for economic reasons and maintained contacts with relatives and friends only hours away across the border.¹³

The economic and demographic transformations of the 1860s coincided with drastically increased newspaper and legal concern with disorderliness. Population burgeoned following the expansion of large manufacturing firms after the Civil War. By the end of the 1860s, population had almost doubled, increasing 87 percent, from 7,716 in 1860 to 14,387 in 1870. The lumber industry, upon which the Burlington economy depended, expanded its job base from 948 in 1860 to 2,713 in 1870. Most of these jobs were created after 1865, the population between 1865 and 1870 reportedly jumping from 6,953 to 14,387.¹⁴

The end of the Civil War in April 1865 marked the beginning of attention toward the problem. Mayor Albert Catlin noted in his May inaugural address that he had added two detectives to the police force to “take notice of all suspicious persons that may arrive in town . . . [and] to keep special vigilance over idlers and loungers, who are already in our midst.”¹⁵ In 1866 and 1870 thousands of young, militaristic Irish nationalists – members of the Fenian Brotherhood of America and often Civil War veterans – came to northwestern Vermont to attempt a raid into Canada. Their goal was to seize territory in Canada and then ransom it for the freedom of Ireland. Instead, they succeeded only in briefly attracting national attention, moving around en masse drunk, and instilling fear in residents in towns they passed through, including Burlington.¹⁶ Like riots in other cities, the two Fenian raids were a thorny problem but one that townspeople knew would go away. It was the perceived Irish menace they witnessed daily in the streets that caused greater worry for elites. Some young Irish men were staying in town to work for a while; an undesirable new class of citizens had come to the city.¹⁷

Blue-collar work in Burlington at this time was unsteady. The lake froze for two to three months a year, making the transportation of unprocessed logs to the lumberyards impossible and leaving thousands of men to search for temporary work in the winter if they chose to stay in the area. The number of jobs rose dramatically in the 1860s, but the depression of the 1870s meant cutbacks and closures. Especially in the 1860s and 1870s, Burlington developed a reputation, as historian Betsy Beattie described it, for being “a conduit to the factory towns and cities of central and southern New England – a place for a brief sojourn to earn money” before immigrants went on their way.¹⁸

Many of those arrested for disorderliness worked in Burlington’s unstable industrial firms. Out of a one-tenth random sample of 910 criminals listed in judge case lists, 63 percent can be located in the city directories, and only five out of sixty-three did not have jobs. Of the remaining fifty-eight, nearly all were employed in one of Burlington’s three major lumber firms, in Burlington’s textile firm, or on one of Vermont’s railroad lines. The rest had jobs in small shops and businesses.¹⁹

From 1865 to 1880, police reports show that arrests were, in order of frequency, “drunkenness,” “sale and manufacture of liquor,” and “breach of peace” or “public disorderliness.” Violations of the prohibition law included both drunkenness and the business of providing drink; together, they were by far the most common type of offense. Police also sometimes specified offenses of “open and gross lewdness,” “vagrancy,” “disturbing religious meetings,” “disturbing schools,” “malicious mischief,” “nuisance,” and “riotous conduct.” All these offenses can be placed under

the rubric of public disorder, which constituted anywhere from 55 to 85 percent of all arrests in the 1860s and 1870s. In terms of the overall arrest rate in the years for which it can be computed, there were thirty-six arrests per 1,000 residents in 1865, forty-two per 1,000 in 1870, and forty-three per 1,000 in 1880. Of these, arrests for disorderliness accounted for twenty-eight per 1,000 in 1865, thirty-three per 1,000 in 1870, and thirty-five per 1,000 in 1880. There was thus a steady increase in both the arrest rate and the rate of arrest for crimes against the public order.

Of 910 lower court prosecutions taken over the twelve-year span from 1858 to 1870, 47 percent involved Irish defendants, 26 percent French Canadians, 22 percent Anglos, and the remaining 5 percent other ethnic groups. Although the Irish made up 14 (1860) to 12 (1870) percent of the population, they were involved in almost half of the arrests. French Canadians made up 22 (1860) to 35 (1870) percent of the population and one-fourth of the arrests. Anglos, meanwhile, made up 60 (1860) to 50 (1870) percent of the population and less than a quarter of arrests.²⁰ Immigrant status alone did not increase the chances of being arrested. French Canadians had proportional rates of arrest; the incidence of Irish arrests was disproportionately high.

Besides ethnicity, characteristics such as gender, age, and class increased a person's likelihood of being arrested. Of the 910 cases, 85 percent involved men and 15 percent women. Though court and census records do not provide the ages of offenders, *Free Press* reporters warned on October 24, 1865, that jail cells were filling up with "young" offenders. In the county jail located on Burlington's busy Church Street, the "most hardened offenders of both sexes" mixed with "lads and young girls charged with comparatively slight offenses." The "lads and girls . . . graduated instructed in burglary, arson, and every crime," making the prison a "school of crime." A month later, another report noted that "a surprising proportion of the inmates are boys and girls from 12 to 18 years."²¹ In 1871 Police Chief Noble Flanagan identified a "class of young men" as the major source of trouble.²² The widespread use of child labor down to the age of nine in Burlington at this time, especially among minorities, meant that some offenders were not merely truant delinquents but also young wage earners celebrating their time off from work. Youthful as they were, many of these offenders had adult concerns; most were trying to make new lives for themselves.²³

French Canadians and Irish composed the bulk of Burlington's working class. Census data show that 75 percent of Irish workingmen were unskilled "laborers" in 1860, and the figure had increased to 80 percent a decade later. French Canadian men, by contrast, worked in unskilled

jobs at a rate of 48 percent in 1860 and 63 percent in 1870. Both groups took the work available to them, chiefly in Burlington's lumber and textile firms. As common laborers, they received \$1.75 per day in 1870, which amounted to only half of what a semiskilled carpenter earned at the time. There was, then, a significant gap in income between unskilled and semi-skilled laborers. An even greater gap, of course, was emerging between Anglo professionals and businesspeople on the one hand and the working class on the other.²⁴

What made the Irish more susceptible to disorderliness? Most obvious, perhaps, was that their move across the Atlantic had been far more traumatic than the French Canadians' move a few miles across the border. French Canadians could (and did) return to Quebec to attend family and cultural events. The Irish, for their part, were cut off from the Old World and had to sustain their cultural identity alone or in small social groups. This isolation may help explain why a night out drinking with friends took on vital importance for young Irish men. French Canadians came to Burlington in family units for economic and cultural reasons. Family cohesion ensured cultural fulfillment and participation in the church. Census records show that as French Canadians settled, their family sizes grew. This increased the number of wage earners per family and boosted hopes for a better future.²⁵

But perhaps more than from these individual- and group-level experiences, the high incidence of Irish arrest derived from settlement patterns. Some French Canadians settled in the inner part of Burlington when they first arrived but almost immediately relocated elsewhere. The percentage of French Canadian families from the city's 1860 census who reappeared in the 1870 census was 19.6. One group gravitated toward more stable jobs in Winooski Falls, a mill town next to Burlington. Another group established what was a continuation of that enclave over the Winooski River in Burlington's north ward. The northeastern section of the ward formed part of one continuous French Canadian enclave separated only by the river and a legal designation between Burlington and Winooski Falls. Most important, the north ward was about a half mile from the hustle and bustle of downtown and the lumberyards.

The pattern of Irish immigrants' settlement, meanwhile, demonstrates their major difference from the French Canadians. Of the 1,763 Irish in Burlington in 1870, 312 owned homes concentrated on the waterfront along Water and Champlain Streets. Most of the 1,451 others either boarded with homeowners in the southwest quadrant of the north ward or lived in company-owned tenements on the waterfront.²⁶ The rate of Irish in Burlington who stayed on between 1860 and 1870 was, as in the previous

two decades, under 10 percent.²⁷ There was a substantial drop in the bracket of twenty- to forty-nine-year-olds, from 1,099 in 1850 to 734 in 1870. To be sure, a small middle-class Irish population became evident in the work of the Hibernian Society, which organized Burlington's first St. Patrick's Day parade in 1866. But the majority of young Irish men were finding temporary occupational opportunities in Burlington.²⁸ More than any other factors, it was the limited stay and place of residence of many young Irish that accounted for their high rate of arrest for disorderliness.

Although transiency over a ten-year period was becoming common in the new industrial economy, a one-tenth random sample of 910 offenders indicates that most stayed and worked in the area for an average of about two years before moving on. Of the ninety-one sampled, 31 percent were not listed, whereas 69 percent appeared in the city directories. Of that 69 percent, all but five had jobs and remained in town for an average of two years. The unstable industrial economy demanded mobility; despite this, most offenders proved not to be complete drifters but people intent on staying and working for a while. Unable to become insiders in the downtown Anglo community, they used their leisure time and expressed their cultural dignity in ways that conflicted with genteel Anglo sensibilities.²⁹

Using sources that vividly depict the lives of Irish working-class men in New York City in the 1840s and 1850s, the historian Eliot Gorn described the existence of an "oppositional culture" of young Irish, "a living refutation of bourgeois and evangelical verities, a way of life paced by a contrapuntal rhythm: mutuality, deep loyalty, and elaborate rituals of friendship on the one hand, fierce hatreds among rival cliques and intense competition for status on the other." Gorn convincingly showed that for these young men, bravado, defiance, competition, and public attention helped lighten the brutality of industrial poverty. The locus of this culture was the saloon—an outlawed institution in Burlington. Because of prohibition, social drinking remained underground, and illegality became a prerequisite for cultural fulfillment. Young Irish men formulated their own law in defiance of the dominant culture. Burlington's Irish probably did not develop their oppositional culture as extensively as their brethren in New York City, but public drunkenness constituted a practical and symbolic act against elite culture.³⁰

During the debilitating depression of the mid-1870s, the city passed regulations against vagrancy, mendicancy, and pauperism. The number of lodgers at the police station skyrocketed. The amended charter and ordinances of 1873 gave the board of aldermen the power "to restrain and punish vagrants, mendicants and common prostitutes, and to make regulations respecting paupers." Unlike previous charters, it also provided

for the lighting of city streets. Only 25 lodgers stayed at the police station in 1865, but 180 boarded there in 1874, 884 in 1875, 653 in 1876, 493 in 1877, 362 in 1878, 414 in 1879, and 441 in 1880.³¹ Police Chief Luman Drew gave a breakdown of lodgers according to ethnicity in his 1879 report: of the 414, he identified 265 Irish, fifty-six French, forty-eight American, twenty-six English, ten Scotch, four Welsh, one German, two unknown, and two "colored persons."³² After 1873, police work increasingly overlapped with the duties of the overseer of the poor, and both seemed to deal with more and more Irish.³³

Incorporation of Burlington in January 1865 had provided the centralized decisionmaking capabilities, local tax base, and new criminal justice institutions for the response of local government. Spending on criminal justice rose dramatically after 1865. The city court was created in 1868, a city house of correction built by 1879, and the number of police more than quadrupled by 1873. As Lane has shown for Boston, not only did police respond to new conditions but, following the proddings of their superiors, used enhanced authority to "forcibly improve" their urban surroundings.³⁴ Respectable citizens kept close watch over the whole process and committed new money to quell the problem. As had been the case in Burlington village in previous decades, policing was not only the task of officially designated enforcers; especially among elites living downtown, it was seen as a duty of community residents.³⁵

Despite the communitarian rhetoric among Anglos, power and prestige remained in the hands of the city's most successful businessmen. Lawrence Barnes, owner of Burlington's largest and most prosperous lumber manufacturing firm, wrote the 1865 city charter. As Burlington's representative in the Vermont legislature, he was one of the most influential Republicans in the city. After 1865 he gave up his seat in the legislature to become alderman for Burlington's downtown hill section, or center ward, where in 1866 he had bought a mansion formerly owned by a Vermont governor. Another prominent businessman, Calvin Blodgett, owner of Burlington's second largest lumber firm, served as mayor in 1874 and 1875.

In late 1864 the *Burlington Times* endorsed Barnes's charter, saying that it benefited "large businessmen, those who have invested capital in our village, and by a liberal outlay from their own purses secured many of the improvements we have had." The charter split the city into three wards: north, center, and south. The north ward, increasingly populated by French Canadians, and the south ward remained on the periphery; the center ward, where elites most often encountered Irish transients, was the focus of the new attention toward public disorder.³⁶

This first charter created the post of recorder and the police court.

Annually elected, the recorder was required to be available to hold police court "at all times for the examination and trial of criminals." In the event of the recorder's absence or inability to attend, the mayor could appoint a justice of the peace to preside over the police court. Supplementing the efforts of the justice of the peace, this court allowed for the processing of those suspected of violating local norms.³⁷

By 1868, aldermen found the part-time position of recorder inadequate and replaced it with a full-time city judge. Well-known Republican lawyer William Shaw became the first city judge. One highly publicized case decided on January 18, 1871, revealed Shaw's values. A man who sent a letter threatening the arson of "valuable property . . . unless a certain watchman, offensive to the authors of the threats, was discharged from the employ of one of our lumber firms" was brought before Shaw, who ruled that the threats caused personal "fear" and breached the "interest of the public." He sentenced the writer to nine months at the state prison. This case highlighted the sacred respect for private property that judges increasingly insisted upon, in the process reading entrepreneurial-capitalist values into the law.³⁸

Construction of the house of correction began in 1873 and was completed in 1879 with a financial commitment from the state. Along with the reform school for juveniles built in Waterbury in 1868, the house of correction became a symbol for reformers eager to send harsher messages to deviants.³⁹ An initial humanitarian idealism in the late 1860s and early 1870s soon gave way to punitive measures. Police Chief Drew lauded the creation of the correctional facility in 1879 because it was a "terror to evil-doers, which jail or fines had failed to be."⁴⁰

The number of officers on Burlington's police force rose quickly after 1865, from nine in 1865, to twelve in 1866, eighteen in 1868, twenty-five in 1869, and forty-nine in 1873. There were three types of officers: regulars, watchmen, and detectives. Regulars were by definition "volunteers" who received their income from costs and fees imposed on convicted criminals. This contributed to a conviction rate of over 80 percent between 1858 and 1870. In order to be paid, a regular had to make an arrest, obtain a conviction, and rely on a judge to impose significant costs on top of fines. As Mayor Torrey Wales proudly informed residents in his inaugural address in 1867, newly appointed regular policemen had served the previous year "without cost or expense to the city."⁴¹ But despite his hope that this would become a cost-cutting measure, expenditures for criminal justice continued to increase, as Table 1 shows.

Increased spending on criminal justice resulted in part from the jump in the number of watchmen and detectives between 1865 and 1870. Unlike regulars, watchmen and detectives were paid wages from city pay-

TABLE 1 Amounts Spent on Criminal Justice in Burlington, 1860–1890

	<i>Population</i>	<i>Total Amount Spent on Criminal Justice*</i>	<i>Amount Spent per 1,000 People*</i>
1860	7,716	\$632.99	\$82.03
1870	14,387	\$1,697.17	\$117.97
1880	11,365	\$6,019.48	\$529.65
1890	14,590	\$4,581.01	\$313.98

* This amount is money the city spent on all functions relating to criminal justice efforts, including salaries for sheriffs, deputy sheriffs, constables, part-time policemen, justices of the peace, the city recorder, the city judge, and the city attorney. It also includes costs for maintaining a police station and city court, and the cost of police uniforms and equipment. The figure is a statement of disbursements; it does not account for receipts or income received from fines.

Source: Treasurer reports in the city reports.

rolls. The standard was \$2 for a day's or night's work, only slightly better than the \$1.75 workers at manufacturing firms received. Watchmen were hired for night patrol to control "disturbances in the streets" and to prevent vandalism and theft at specific places—almost always downtown businesses or lumberyards. Compared to five regulars and four watchmen in 1865, the force in 1870 had eleven regulars and twenty-two watchmen, an unknown number of whom were detectives or "special police." As has been observed of cities such as Detroit and Boston, elites preferred that the police force in Burlington consisted of a disproportionately high number of Irish. In 1869, six of twenty-four (25 percent) of Burlington's officers were Irish. As a sign of the increasingly formal role elites insisted police play by the mid-1870s, regulars and watchmen grudgingly began to wear uniforms in 1874.⁴²

The village charter of 1852 had made no mention of specific crimes against the public order—though no doubt locals recognized such offenses—but ordinances and bylaws in the 1865 charter specified crimes of "rude" and "disorderly manner"; "indecent, profane, or insulting language"; "riots and unlawful assemblages"; "disturbing the peace"; "nuisances"; "troublesome, noisome houses"; and "disorderly houses." The revised charter of 1873 was even more specific, clarifying the crimes of mendicancy, prostitution, and pauperism. Mention of the "tramp" problem first appeared in the city reports in 1877. No fewer than twenty-three more ordinances were passed in 1878, prohibiting such things as "ball playing or any games of chance" and "making indecent figures on boards."⁴³ Legal tinkering also went on at the state level, where by 1881 the prohibition law had become a 328-page document.⁴⁴

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The growing use of this legal formalism in the control of social phenomena reflected the inability of elites to influence newcomers as previously, through religion and public education. Neither the Irish nor the French Canadians were receptive to the incessant attempts at religious conversion by Burlington's Anglo Protestants, as those Anglos often lamented.⁴⁵ The unwillingness of the Irish or French Canadians to attend public school was also worrisome to Anglos. In his 1876 report Burlington school superintendent John Pomeroy claimed that half the children of school age in the city did not attend public school. Without actually criticizing Catholic education, he wrote that most students' leaving public school constituted a first step toward dropping out of respectable society altogether. As he put it,

Opposite the school house stands the jail, the reform school, or state prison. Those voluntarily attending the former, acquire much valuable learning, together with habits of morality, temperance and worldly wisdom. Theirs for the most part, are the quiet, peaceful walks of life with the comforts and honors which intelligent industry and virtue always secure. Those who go in on the opposite side lead an entirely different life, and are infected largely by vicious pauperism, profanity, intemperance and crime.⁴⁶

Attempts to improve society were indistinguishable from attempts to prevent minorities from gaining greater influence. Thus, conceding in part the limited opportunities for control through education and religion but daily watching the perceived collapse of public morality, Anglos turned to paternalistic reform movements and legal authorities.

This shift toward more formal methods of social control was evident also in the efforts of the city health officer, Samuel Thayer, whose warnings about the Irish bringing cholera in 1865 mobilized residents to commit significant resources toward a new waterworks in 1866. Mayor Catlin had predicted in 1865 that the tenements would "surely become the nurseries of disease." Thayer's powers as a judge enabled him to attack blighted areas. He followed many of the measures adopted by the board of health in New York City, mandating control of swine, proper disposal of solid waste and cleaning procedures, creation of a city dispensary and a new cemetery, and police enforcement of his orders. By stipulating, for example, that Irish tenement residents dispose of rotted vegetables and clean around the streets where they lived, Thayer forced genteel standards on the personal lives of the minority poor.⁴⁷

No civic group expressed the disgruntlement of elite Anglos better than the Women's Christian Temperance Union (WCTU), whose Burlington chapter was founded in 1874 and remained active on and off into the 1880s. The life experience of a middle-aged, educated Anglo Protestant woman

diverged widely from that of a young Irish Catholic laboring man. Each accordingly expressed different values in public. The women of Burlington's WCTU were relatively decorous compared to their counterparts in Kansas and Ohio, who marched through slums and forced their way into bar-rooms, chastising their "inferiors" for alleged immorality and intemperance. Burlington's teetotaling crusade placed its hopes in prayer, moral suasion, law, and education. The women's mission was not only to alleviate suffering from drunkenness but also to eliminate all crime. As a Mrs. Cole of Burlington put it in an 1878 address,

At our very door we see the desolating effects of intemperance. We see it in the degraded manhood reeling through our streets, in the debased intellects and poverty, want and privation which reign in the homes whose inmates are addicted to this terrible vice. We see it in the thinly clad shivering forms of the wives and children of the inebriate. . . . Intemperance is the fruitful soil from which spring so many [other crimes], that whatever we do to promote total abstinence principles will deal an effective blow at many vices.⁴⁸

Cole's views were not outside the mainstream; in his address of 1878, Mayor Joseph Hatch noted that "crime of all kinds is allied to, and is the offspring of, intemperance."⁴⁹ Neither, of course, were Cole's views directed at those with whom she associated. She was thinking of the poor, who were likely to be minorities. References to the "degraded men" and "thinly clad" women and children whose "want and privation" resulted from intemperance gave her comments emotional resonance. Instead of blaming the ills of their urbanizing and industrializing society on new structural inequities and capitalist methods, many Burlington Anglos pointed to the sin of public drinking as the source of their mounting unease.⁵⁰

Respectable citizens continually prodded police to enforce the prohibition law. In 1869 Chief Drew was under pressure to close down the reported thirty-four "diving bells," saloons operating illegally behind grocery stores. These stores could buy liquor legally and then sell it for supposedly medicinal purposes. While mayor in 1865, Catlin had received \$1,000 in compensation for his role as city liquor agent. Fiscal year 1868/69 listed the agency's budget at \$11,715.82, over \$7,000 of which was spent on liquor. This amount was six times more than the total spent on all police and criminal justice officials in the city in 1870.⁵¹ Such close ties among liquor, money, and city government drew criticism from the WCTU, but the activities of the city liquor agency did not cease: the demand for alcohol was too high. The hypocrisy was patent; despite the rhetoric of reformers and a prohibition law, liquor continued to be supplied to Burlington citizens who used respectable channels. In the public context—

where elites feared that intoxication might turn into vandalism or theft—the law was used to reprimand undesirables.

Law-conscious mayors and newspaper editors assumed that if citizens followed the laws, the city would not have to spend money on police and criminal justice officials. As they saw it, the cost of the criminal department therefore gave the elites all the more justification for their scorn for the mobile industrial working class. The city attorney hinted at this in his 1874 report: “There is a class of persons in this and every other city, whose presence is a constant danger to the peace and good order of society, and in a large measure, necessitates the constant employment of a police force.”⁵² Mayor Blodgett sought to justify increasing costs of the criminal department in 1876, saying, “Of course, the protection of property, and maintenance of good order, must be attended with expense, yet that expense should be reduced to as small a sum as is consistent with the proper management of the department.”⁵³

Policemen were thus expected to pursue their work with vigor and efficiency. As Mayor Hatch noted in 1880, “Numerously signed petitions have been presented to the City Council, urging a more vigorous enforcement of the Prohibitory law on the part of the officers of this department.” Hatch proceeded to argue defensively that police were doing their best and that the perceived decline in disorder over the latter half of the 1870s resulted from police and citizen efforts. Chief Drew had argued the same point in previous reports, claiming in 1877 that

the cost of the police department has been exceptionally small. In most of the smaller cities of New England, varying from 10,000 to 30,000 inhabitants, the expense of the police varies from \$1.00 to \$1.50 per capita while ours is but about 15 cents per capita. The mere statement of this fact argues at once the efficiency of the police and the order-loving, law-abiding character of our citizens.⁵⁴

In 1879 Drew also noted that there was “a decrease from the previous year of 49 arrests for intoxication.” But can the actions of police and citizens, superseding any structural realities of the time, be accepted as the only reason for declining disorder?

Clearly no. First, police were not more efficient in the late 1870s if efficiency is measured by the number of arrests per officer. There were more policemen: 4.14 per 1,000 citizens in 1880 as compared to 2.29 per 1,000 in 1870. Annual arrests per officer declined steadily, from 20.7 in 1866 to 18.5 in 1870, to 12.9 in 1875, to 10.4 in 1880, but the city was spending more money per capita on criminal justice. A perception of decreasing disorder may have come about in part because officers and their superiors believed that fewer arrests per officer meant would-be criminals were deterred by the police presence. But the actual effect of

hiring more police was to raise the arrest rate from thirty-six per 1,000 in 1865 to forty-two in 1870 and forty-three in 1880.⁵⁵

More important, population between 1870 and 1880 declined by 21 percent.⁵⁶ There were fewer chances that suspicious young men would be roaming around downtown and near the lumberyards. After the mid-decade depression, Burlington was left with a substantially higher proportion of human and monetary resources committed to the problem of disorder than in 1865. The pattern of Irish settlement was extremely fluid, and although the percentage of Irish increased from 12 percent in 1870 to 28 percent in 1880, more Irish were slowly moving up in Burlington society. Census data indicate that the percentage of laboring Irish slipped from 74 percent in 1870 to 55 percent in 1880.⁵⁷ The declining population as a whole and decreasing percentages of laboring Irish brought less congestion downtown and fewer confrontations between elites and young Irish men.

Disorderliness, as a phenomenon identified and criminalized by Anglo elites, was at its core a fear of young foreigners and of diminishing social control through religion and education. The instability of the industrial economy and the mobile young men it attracted coincided with the Anglo elite turn toward reform movements, law, policing, and criminal justice. The most valued places in the city became the downtown business district and waterfront lumberyards. Arrests for disorderliness were not only attempts to impose middle- and upper-class behavior on the minority poor but also messages from elites that they would guard the material fruits of their new city. As the perceived menace of transient young Irish men became semipermanent, Anglo reformers and government officials increasingly found the inner city filled with vice, crime, and disease. The spatial, cultural, and economic foundations of the subsequent trend toward suburban homeownership and marginalization of certain parts of the inner city had begun.

NOTES

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¹ Eric Monkkonen, "A Disorderly People? Urban Order in the Nineteenth and Twentieth Centuries," *Journal of American History* 68 (December 1981): 542-543.

² John Schneider, *Detroit and the Problem of Order, 1830-1880: A Geography of Crime, Riot, and Policing* (Lincoln: University of Nebraska Press, 1980), 53-55, 78, 83, and John Schneider, "Mob Violence and Public Order in the American City," (Ph.D. diss., University of Minnesota, 1971). Robert Fogelson has shown that placing the National Guard in armories was the main response to urban riots; see *America's Armories: Architecture, Society, and Public Order* (Cambridge: Harvard University Press, 1989).

³ Charles Loring Brace used this phrase in his book *The Dangerous Classes of New York and Twenty Years' Work Among Them* (1872; reprint, New York: Wynkoop and Hallenbeck, 1880). Brace was one of the most influential reformers of his day, but according to Monkkonen, phrases such as *disorderly*

classes or criminal classes were more common. After the depression of the 1870s, the category became subsumed by the common derogatory term *tramps*, applied to large groups of men who moved from city to city in search of work. See Eric Monkkonen, *The Dangerous Class: Crime and Poverty in Columbus, Ohio, 1860-1885* (Cambridge: Harvard University Press, 1975), 152-161.

⁴ Roger Lane, *Policing the City: Boston, 1822-1885* (Cambridge: Harvard University Press, 1967); Wilbur Miller, "Police Authority in London and New York, 1830-1870," *Journal of Social History* 8 (1975): 81-95; Mark Haller, "Historical Roots of Police Behavior: Chicago, 1890-1925," *Law and Society Review* 10 (Winter 1976): 303-323.

⁵ David Johnson, *Policing the Underworld* (Philadelphia: Temple University Press, 1979); Schneider, *Detroit*.

⁶ The sources used here should be familiar to social and legal historians. Between 1858 and 1870, in village and city reports, justices of the peace and the city judge annually published accounts of lower court cases—a total of 910 within that time period. Their lists provide names, fines, verdicts, and actions ordered to secure fines or prison terms. Combining them with information from arrest reports, city directories, census data, maps, and newspapers, one can form a picture of Burlington's experience with disorderliness in the 1860s and 1870s.

There are a total of fifteen annual reports with case lists. The first is the record of John Hollenbeck from December 3, 1858, to December 10, 1859. The final report is City Judge William Shaw's from February 1, 1869, to January 31, 1870. The reports are as follows, according to justice or judge and year: Justice of the Peace John Hollenbeck, 1858, 1859, 1861, 1862, 1863, 1865, 1867, 1869, 1870; Justice of the Peace David French, 1860; the city recorder David Read, 1865, 1866, 1867; City Judge William Shaw, 1869, 1870. Annual reports of the police chief are in the city reports, published in 1865 and annually from 1868 to 1880. All of these and other sources are in the Wilbur Collection in the University of Vermont library.

⁷ Police Chief Drew identified the "disorderly class" in his report, *City Report: 1878*, 73.

⁸ A detailed and concise discussion of elites' expectations of police use of authority in New York City and London is in Miller, "Police Authority."

⁹ One vivid portrait of big-city vice districts is Mark Haller's "Urban Vice and Civic Reform: Chicago in the Early Twentieth Century," in Kenneth Jackson and Stanley Schultz, eds., *Cities in American History* (New York: Knopf, 1972), ch. 16.

¹⁰ Schneider, *Detroit*, 58, 83.

¹¹ On the German community in Milwaukee, see Kathleen Conzen, *Immigrant Milwaukee, 1836-1860: Accommodation and Community in a Frontier City* (Cambridge: Harvard University Press, 1976), 64, 125. For a similar portrayal of Germans in Detroit, see Schneider, *Detroit*, 18-22.

¹² For extensive discussion of the differences between Jacksonian and Victorian juvenile justice in Wisconsin and elsewhere, see Steven Schlossman, *Love and the American Delinquent: The Theory and Practice of "Progressive" Juvenile Justice, 1825-1920* (Chicago: University of Chicago Press, 1977).

¹³ On Burlington's Irish, see Brian Walsh, "Dreams on Hold: Burlington's Nineteenth-Century Irish," *Chittenden County Historical Society Bulletin* 26 (Winter 1992): 1-15; on French Canadians, see Betsy Beattie, "Migrants and Millworkers: The French Canadian Population of Burlington and Colchester, 1860-1870," *Vermont History* 60 (Spring 1992): 95-117.

¹⁴ U.S. Census, 1860, 1870; for a good general economic history of Burlington, see Joseph Amrhein, "Burlington, Vermont: The Economic History of a Northern New England City" (Ph.D. diss., New York University School of Business Administration, 1958), 183-184; for a good study of the lumber industry, see William Gove, "Burlington: The Former Lumber Capital," *Northern Logger and Timber Processor* 19 (May 1971): 18-38; for the population figure given for 1865, see the mayor's report in *City Report: 1874*, 130.

¹⁵ *Burlington Free Press*, 3 May 1865.

¹⁶ For specifics on the Fenian raids of 1866 and 1870, see Edward Sowles, *History of Fenianism and Fenian Raids in Vermont: An Address Delivered Before the Vermont Historical Society at Montpelier, October 19, 1880* (Rutland, Vt.: Tuttle, 1880), 17-23, and *Burlington Free Press*, 9 February, 5 June, 7 June, and 8 June 1866. An extended discussion of the raids is also in Michel Martin, "Organized Responses to Urban Disorder in Burlington, Vermont, 1858-1870" (M.A. thesis, University of Vermont, 1992), 23-25.

¹⁷ *City Report: 1870*, 134.

¹⁸ Beattie, "Migrants and Millworkers," 99, 104-105. Stephan Thernstrom and Peter Knights long ago pointed out that working populations in nineteenth-century urban society were often tremendously fluid, filled with "men in motion." See Thernstrom and Knights, "Men in Motion: Some Data and Speculations About Urban Population Mobility in Nineteenth-Century America," in Tamara Hareven, ed., *Anonymous Americans: Explorations in Nineteenth-Century Social History* (Englewood Cliffs, N.J.: Prentice-Hall, 1971), 17-47. For an excellent recent discussion of this and other aspects of early industrial urban society, see Thomas Sugrue, "The Structures of Urban Poverty: The Reorganization

of Space and Work in Three Periods of American History," in Michael Katz, ed., *The "Underclass" Debate: Views from History* (Princeton, N.J.: Princeton University Press, 1993), 85–117.

¹⁹ For greater detail on this and the one-tenth random sample, see Martin, "Organized Responses," 1, 20, and appendix.

²⁰ For analyses of census information, see Beattie, "Migrants and Millworkers," 98, and Walsh, "Dreams on Hold," 4–6. Both Beattie and Walsh determined ethnicity not only according to a person's birthplace but also according to a person's name. Even if people were born in the United States, they could be Irish or French Canadian. This accounted for growing numbers of Irish Americans and Franco-Americans.

²¹ *Burlington Free Press*, 24 October, 14 November, and 17 November 1865.

²² Flanagan's report was reprinted in *Burlington Free Press*, 16 March 1871.

²³ Beattie, "Migrants and Millworkers," 99, 104–105.

²⁴ For wages in Burlington's manufacturing firms and the state of the economy, see Amrhein, "Burlington," 74–75, 255–259; Walsh, "Dreams on Hold," 4; and Beattie, "Migrants and Millworkers," 98. Sugrue has pointed out that the poor men who made up the large "floating proletariat" in mid-nineteenth-century society were seldom segregated residentially from the larger working-class community. See Sugrue, "Structures of Urban Poverty," 95.

²⁵ Beattie, "Migrants and Millworkers," 99, 104–105; David Blow, "The Establishment and Erosion of French-Canadian Culture in Winooski, Vermont, 1867–1900," *Vermont History* 43 (Winter 1975): 59–74.

²⁶ Walsh, "Dreams on Hold," 6.

²⁷ Thomas Jordan and Jeffrey Potash, "The Unended Journey: Burlington's Irish, 1840–1870," *Chittenden County Historical Society Bulletin* 22 (Fall 1987): 4.

²⁸ *Burlington Free Press*, 10 March and 18 March 1866; also Vince Feeney, "Burlington's First St. Patrick's Day Parade," *Burlington Free Press*, 17 March 1990.

²⁹ Further discussion is in Martin, "Organized Responses," 21.

³⁰ Eliot Gorn, "Good-Bye Boys, I Die a True American: Homicide, Nativism, and Working-Class Culture in Antebellum New York City," *Journal of American History* 74 (September 1987): 388–410, especially 409. For a similar description of the Irish male working class in Boston in the 1860s and 1870s, see Michael Isenberg, *John L. Sullivan and His America* (Urbana: University of Illinois Press, 1986), especially ch. 2, 39–59.

³¹ Section 20 of the amended charter and ordinances of 1873 in *City Report: 1873*, 31–33; for numbers of boarders at the police station, see police chief reports in *City Report: 1865*, 110; *City Report: 1874*, 107; *City Report: 1875*, 111; *City Report: 1876*, 75; *City Report: 1877*, 48; *City Report: 1878*, 163; *City Report: 1879*, 51; *City Report: 1880*, 59.

³² Police chief's report, *City Report: 1879*, 50.

³³ U.S. Census, 1870, 1880.

³⁴ Lane, *Policing the City*, 3.

³⁵ On the communitarian nature of Burlington at this time and how prominent citizens conceived their city as progressive, see T. D. Seymour Bassett, "Urban Penetration of Rural Vermont, 1840–1880" (Ph.D. diss., Harvard University, 1952), 637–646.

³⁶ Barry Salussolia, "The City of Burlington and Municipal Incorporation in Vermont," *Vermont History* 54 (Winter 1986): 14; for the proposed charter that passed, see *Burlington Free Press*, 3 January 1865.

³⁷ *City Charter: 1865*, section 11, printed in *Burlington Free Press*, 3 January 1865.

³⁸ *Burlington Free Press*, 19 January 1871; the way Shaw favored venturesome entrepreneurs by suppressing threats to their efforts supports Morton Horowitz's argument in *The Transformation of American Law, 1780–1860* (Cambridge: Harvard University Press, 1977).

³⁹ On the state's funding of the house of correction in 1878, see *Laws of Vermont: 1878*, 19–31, and *Laws of Vermont: 1880*, 25–29.

⁴⁰ Police chief's report, *City Report: 1878*, 73.

⁴¹ Police chief's reports in *City Report: 1871*, 81–82, and *City Report: 1874*, 105; for Mayor Wales's address, see *Burlington Free Press*, 2 April 1867.

⁴² Police chief's reports in *City Report: 1865*, 109–110; *City Report: 1869* and *City Directory: 1869–1870*; *City Report: 1870*, 157–158; *City Report: 1874*, 105–107; *City Report: 1879*, 50–51. On the elite use of the disproportionately high number of Irish in the Chicago police department, see Mark Haller, "Urban Crime and Criminal Justice: The Chicago Case," in Lawrence Friedman and Harry Scheiber, eds., *American Law and the Constitutional Order: Historical Perspectives*, 2d ed. (Cambridge: Harvard University Press, 1988), 304–313.

⁴³ *The Burlington Village Charter of 1852*, 2–3; *City Report: 1865*, 2; amended charter of 1873 in *City Report: 1873*, 3. The twenty-three more ordinances passed in 1878 are in *City Report: 1878*, 64–69.

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⁴⁴ Charles Porter, comp., *The Laws of Vermont Relating to the Illegal Sale and Use of Intoxicating Liquor Contained in the Revised Laws, and Those Enacted in the Years 1882 and 1884* (Rutland, Vt.: Tuttle, 1885); the provisions of the prohibition law accumulated from 1853 appeared as *Chapter 169 of the Revised Laws of Vermont, 1880* (Rutland, Vt.: Tuttle, 1881), which includes no other laws and fills 328 pages.

⁴⁵ The most-cited example of this is Edward Hungerford's *Report on the Moral and Religious Condition of the Community, Being an Address Before a Union of Evangelical Churches in the City of Burlington, Vermont, Delivered in the White St. Congregational Church, March 10, 1867* (Burlington: Free Press Steam Print, 1867), which inaccurately reports the percentages of Irish and French Canadians as collectively amounting to 54 percent of the population.

⁴⁶ *City Report: 1876*, 142-152.

⁴⁷ *Burlington Free Press*, 8 December 1865, 10 May 1866, and 26 June 1866; *City Report: 1866*, 100-121, for Thayer's twenty-one-page report; Catlin's quote, *City Report: 1865*, 93.

⁴⁸ This quote and other information about Burlington's WCTU can be found in Deborah Clifford, "The Women's War Against Rum," *Vermont History* 52 (Summer 1984): 141-160.

⁴⁹ *City Report: 1878*, 135.

⁵⁰ The temperance movement was the most influential reform movement of the day. The WCTU's efforts overlapped with a temperance society that held meetings on Sundays. Another reformer, William Atwater, later a professor at Wesleyan University, in the 1860s established *The Vermont Witness*, which he advertised as a family temperance paper that did not allow "immoral advertisements." See Catherine A. Galbraith, "W. W. Atwater: Minister, Publisher, and Crusader Against Rum," *Vermont History News* 43 (September-October 1992): 82-85.

⁵¹ *Burlington Free Press*, 15 July 1865, 24 February 1869.

⁵² *City Report: 1874*, 115.

⁵³ *City Report: 1876*, 26-27.

⁵⁴ *City Report: 1877*, 17.

⁵⁵ Except for census data, all of these numbers are available in police chief reports in the city reports for various years.

⁵⁶ U.S. Census, 1860, 1870.

⁵⁷ Walsh, "Dreams on Hold," 6.