

**BAWDY CITY
COMMERCIAL SEX, CAPITALISM, AND REGULATION IN NINETEENTH-
CENTURY BALTIMORE**

By

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ABSTRACT

This dissertation examines the development and policing of Baltimore's commercial sex trade between 1800 and 1880. Using a core source base of Baltimore City court dockets, newspaper and census records, estate inventories, appellate court decisions, Alms-House medical and admissions records, and medical journals, it reveals that nineteenth-century Baltimore was home to a variety of businesses and entrepreneurs who supported themselves by commodifying sex. The sex trade grew more profitable and diverse as Baltimore developed as a capitalist city, and prostitution, venereal medicine, and (later) risqué print materials were all deeply embedded within the broader urban economy. Commercial sex developed in tandem with the shifting spatial and labor arrangements of capitalism, and it in turn fueled the economic and cultural development of the city.

As commercial sex expanded at mid-century, moralists, middle-class Baltimoreans, and political opportunists voiced increasingly strong opposition to prostitution and obscenity. Local authorities were tasked with deciding how best to police the sex trade. This dissertation argues they developed a bifurcated approach. Lawmakers and police eventually assumed a suppressive stance toward the trades in abortion, anti-venereal medicine, and obscene print, all of which promoted sexuality that was simultaneously too public and too covert. At the same time that they cracked down on other forms of commercial sex, however, local authorities tolerated bawdy houses and indoor prostitution and integrated them into a well-established regulatory system that operated through the city courts. Prostitution was tremendously profitable and significant

to the social life of the city, and bawdy houses represented the best possible version of it. Not only did bawdy houses line the pockets of a wide array of Baltimoreans (directly or indirectly) but they kept sex out of sight even as they produced legible sexual subjectivities. In the latter part of the nineteenth century, Baltimore police officials pioneered the spatial segregation of bawdy houses in an attempt to preserve them in the face of increasing public opposition.

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Finally, I wrote a dissertation about people who profited from the sale of sex in the nineteenth century and, in doing so, became one of them. The labors of the women discussed herein enabled my own, and stories of the lives they carved for themselves under difficult and unpleasant circumstances granted me a shot at the sort of career to which they never had access. I am grateful to them.

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Introduction

Ann “Nancy” Thomas witnessed a remarkable transformation over the course of her nigh three decades as a madam in Baltimore. Born in Maine circa 1810, Thomas was operating a bawdy house in Baltimore's Middle District by the 1830s. Her establishment, which sat at the intersection of North and Bath Streets, was located in an area of the city referred to in the early decades of the nineteenth century as “The Meadow.” The Meadow was underdeveloped at the time and so poorly graded that it was perpetually filled with “mud and fumes.” The taverns, saloons, and bawdy houses there, including Thomas's were rough; streetwalkers, sporting men, and drunks—black and white—brawled with one another frequently in the streets and in local establishments. In 1838, the *Sun* referred to Thomas as among the “depraved wretches who preside over dens of infamy.”¹

Over the course of the next twenty years, however, Thomas's situation changed dramatically. After the construction of a rail station just a block north of her house, her neighborhood became a node along the path between the city's booming center of maritime commerce and the engines that carried people and products to distant points. “The Meadow” developed to the point that it ceased to be referred to as such, and Thomas's house, once a “den of infamy,” became one of the best houses of prostitution in the city. By the Civil War period, Thomas was hosting high-ranking Union officers, enjoying a good working relationship to the Police Commissioner, and making enough

¹ 1860 U.S. Census, Population Schedule, Ward 11, Ann Thomas, Baltimore, MD, Roll: M653_463, 238-239.

John Hazlehurst Boneval Latrobe, *Picture of Baltimore: Containing a Description of All Objects of Interest in the City* (Baltimore: Fielding and Lucas, 1832), 59-60. Accessed May 13, 2014: <https://play.google.com/store/books/details?id=eGZZAAAACAAJ&rdid=book-eGZZAAAACAAJ&rdot=1>. *Baltimore Sun*, June 22, 1838.

money that she could afford to pay \$100 court fines for keeping a bawdy house without breaking her stride.²

This project traces the experiences of women and men like Nancy Thomas who sold sex (directly or indirectly) in early Baltimore. It examines the development, geographies, and policing of the sex trade between roughly 1800 and 1880, focusing especially on the peak period of the trade between the mid-1830s and the mid-1870s. At the same time that Nancy Thomas's establishment was transitioning from a rough-and-tumble bawdy establishment to a fancy parlor house, Baltimore's commercial sex trade as a whole was growing, shifting, and diversifying in accordance with the city's transition to capitalism.³ As I argue here, the physical manifestations of capitalist development and the way they structured the city and its labor patterns created new demands and opportunities for the commodification of sex. Brothels, assignation houses, clinics that treated venereal diseases and sexual debilities, and the trade in sporting papers and fancy books all emerged as part of a network of urban entertainments and service businesses that grew up around the city's commercial and transportation hubs. At the same time, street prostitution and more informal forms of sexual exchange adapted their arrangements to take advantage of new markets and spaces for sexual solicitation. Commercial sex, which had never been a marginal form of commerce, became deeply embedded in Baltimore's

2 'Narrow Escape from Destruction,' *Sun*, Oct. 15, 1863. Baltimore City Criminal Court (Criminal Docket), Jan. Term, 1864, Case 592, Nancy Thomas, C1849-25, Maryland State Archives (MSA), Annapolis, Maryland.

3 The institutions at the core of capitalist development in the United States played a significant role in shaping labor arrangements within the sex trade at the local level. My acknowledgement of their centrality should not be taken to imply that they were the sum total of what capitalism was in early America. Recent scholarship on the history of capitalism has been critical of approaches that identify capitalism by its manifestations (i.e. banks, credit agencies) rather than by its inherent commodifying tendencies and structuring of labor relations. Capitalism was, as Seth Rockman argued, "a political economy that dictated who worked where, on what terms, and to whose benefits" rather than merely a set of financial arrangements. Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: Johns Hopkins University Press, 2008), 5.

economic, social, and cultural life by mid-century. In turn, its spaces and geographies took on an important role in shaping nineteenth-century sexual subjectivities.

As commercial sex became a highly visible and lucrative part of the city's economy, Baltimore authorities grappled with how to police a trade that many nineteenth-century Americans regarded as problematic. The sheer number of bawdy houses and venereal clinics that operated in U.S. cities would suggest that many of their residents and visitors supported the sex trade with their money if not their mouths. Nevertheless, prostitution, obscene print, and even popular medicine around venereal ailments were often referred to in discourse as dangerous to the physical and moral health of the city and (in the case of prostitution) disruptive to neighboring property owners. As commercial sex became a more diverse and visible part of the urban landscape, efforts to regulate, suppress, or otherwise police commercial sex developed along with it. Over time, efforts on the part of the local state to police the sex trade shaped its labor patterns and geographies almost as much as shifting demands for sex and urban entertainments did.⁴

This project, then, places the economic development of the commercial sex trade over the course of the century in the context of the ways in which it was regulated and controlled by local authorities. I argue that Baltimore developed a bifurcated approach to policing commercial sex by the mid-century. Like authorities in other cities, Baltimore

4 Many early histories of the sex trade focused on moral reform campaigns or the politics of prostitution without actually examining the lives of prostitutes. In her history of the reform tradition in Boston, for instance, Barbara Meil Hobson claimed that her book was “not about the prostitution culture or the secret lives of prostitutes, their patrons, or pimps” (Hobson, 4). Recent scholarship on commercial sex has increasingly broken down the divide between the intellectual history of law and reform and the social and cultural history of the sex trade in favor of examining the dialectic between policy and practice at the local level. See for instance, Donna Dennis, *Licentious Gotham: Erotic Publishing and Its Prosecution in Nineteenth-Century New York* (Cambridge: Harvard University Press, 2009); Philip Hubbard, *Sex and the City: Geographies of Prostitution in the Urban West* (Aldershot: Ashgate Publishing, 1999), 60-99.

police, court officers, and politicians adopted suppressive policies toward un-contained, mobile, or ambiguous forms of commercial sexuality. While they were not always successful at translating those policies into practice—persons involved in the sex business were remarkably good at adapting their businesses and strategies to new policing paradigms—local authorities nevertheless attempted to crack down on obscene print, the popular medical marketplace around sexual health, and streetwalking. As local contestations over politics, property, race, and the proper contours of the economy intensified after the Civil War, some of the most highly visible parts of Baltimore's commercial sex trade came under sustained attack. Advertisements for venereal cures and abortion in local papers, streetwalkers plying their trades along main thoroughfares, and lurid magazines sold on public newsstands began to disappear as a result of harsher policing tactics. In some senses, the heyday of Baltimore as a 'bawdy city' was over by the 1880s.

And yet, one sector of Baltimore's commercial sex trade proved remarkably resilient: brothels like Nancy Thomas's. Bawdy houses, a category that by the mid-century included taverns and saloons that boarded prostitutes, brothels, and (sometimes) assignation houses, thrived in Baltimore not only as a result of demand but also as a result of toleration from local authorities. By the 1840s, Baltimore had developed a system for regulating bawdy houses. It was not a European-style regulatory system that utilized forced medical inspections, mandatory registration of prostitutes, and state-run *maisons de tolérance* where authorities could dictate the precise conditions under which sex took place. Rather, it was a *de facto* system that ran through the city's courts.⁵ Each

5 On the French system of regulation, see Alain Corbin, *Women for Hire: Prostitution and*

year, all known madams or proprietors were brought into the court on a warrant to face charges of “keeping a bawdy house,” assigned a steep but graduated fine upon a determination of their guilt, and then released to go on about their business until the next year. The fines assigned to bawdy house keepers, which were for all intents and purposes licensing fees, then went to finance the city's public dispensaries for the medical care of the “worthy” poor. The money from prosecutions was never more than a few thousand dollars each year, but the system of regular fines allowed authorities to bring the existence of bawdy houses to public attention and bring the houses themselves under the domain of state authority.⁶

Baltimore was not the only nineteenth-century city to use its courts to implement a regulatory system around brothels; other historical works suggest that numerous small cities used prosecutions to informally license and tax prostitutes in the late nineteenth century.⁷ Baltimore, however, is both the first and by far the largest and most established city in the U.S. known to have regulated brothels in this way. It also maintained its system of toleration longer than other cities. Baltimore was slow to develop the kind of anti-vice and reformist societies that developed in other cities. Its authorities in fact went to great lengths to ensure that brothels remained on the urban landscape even as they

Sexuality in France After 1850 (Cambridge, MA: Harvard University Press, 1990).

⁶ Historians of the American West have asserted that the policing of prostitution helped to establish and cement the authority of the state in turbulent and violent areas. Historians of European regulation have made similar claims, asserting that the exercise of control over prostitution reinforced the state's power to govern and control its subjects. As Julia Bruggemann argued in her study of prostitution in Hamburg, “The state defined prostitutes and consequently had the authority to define morality, sexuality, and respectability.”

Anne M. Butler, *Daughters of Joy, Sisters of Misery: Prostitutes in the American West, 1865-90* (Urbana: University of Illinois Press, 1985), 74-95; Bruggemann, “Prostitution, Sexuality, and Gender Roles in Imperial Germany: Hamburg, a Case Study,” in *Genealogies of Identity: Interdisciplinary Readings on Sex and Sexuality*, ed. Margaret Sönsner Breen and Fiona Peters (New York: Editions Rodopi BV, 2005), 19-38, p. 34.

⁷ On regulation in other cities, see Joel Best, *Controlling Vice: Regulating Brothel Prostitution in St. Paul, 1865-1883* (Columbus: Ohio State University Press, 1998).

intensified suppressive efforts against other forms of vice in the later 1860s and '70s. The spatial segregation of vice in Baltimore began with efforts by local police to render brothels compatible with the changing social and economic geographies of the city.

This project argues that the bifurcated approach to policing commercial sex developed as a result of complex arrays of local political, economic, and spatial concerns, but also result of complicated nineteenth-century impulses regarding sex and sexuality. Many legal scholars have explained the toleration of bawdy houses in terms of a desire on the part of “Victorians” to hide illicit sex and push it into the shadows. But the goal of policing was, in fact, far more complicated than making sex “private.” It was true that city residents grew particularly distasteful of displays of overt sexuality or of “obscene” materials as the century wore on. At the same time, however, they evinced a pervasive fear of sexuality removed from the realm of public surveillance. The elements of the sex trade that Baltimoreans lashed out at most strongly—masturbation, clinics for “secret diseases,” abortion, and non-brothel prostitution—shared a common element: they allowed for the concealment of illicit sexuality and thus made it difficult to separate respectable people from deviants. What emerged in the nineteenth century, then, was a kind of paradox: many Baltimoreans detested the visibility of commercial sex even as they feared that concealing it would only exempt those who participated from its rightful social consequences.⁸

During a period in which commercial sex—and prostitution specifically—seemed entrenched in city life, brothel prostitution struck many Baltimoreans as the most

⁸ On masturbation as a dangerous and anti-social practice, see Thomas Laqueur, *Solitary Sex: A Cultural History of Masturbation* (New York, Zone Books, 2003); Wendy Mitchinson, *The Nature of Their Bodies: Women and Their Doctors in Victorian Canada* (Toronto: University of Toronto Press, 1991), 114-115.

preferable form that the business of sex could take. Bawdy houses kept sex itself spatially contained and out of sight, but they were inherently visible and legible spaces. Brothels created legible sexual subjects by placing actual walls between respectable women and “whores.” They acted as points of separation between the bourgeois city and pockets of sexual deviance. In so doing, they made it easy for local police to monitor them and easy for Baltimoreans who wished to avoid them to do so. Particularly in the case of high-end brothels, bawdy houses also removed the need for police to monitor them particularly closely; madams who invested heavily in their establishments and who had a stake in attracting bourgeois and genteel clientele were often careful to regulate the behavior of their employees. Brothels were, in short, the most sanitized, rationally capitalist, and easily governed units of the commercial sex trade.⁹

By examining the development of commercial sex alongside the development of the city and its legal infrastructures as a whole, this project argues for the significance of prostitution and other forms of selling sex to the broader history of capitalism and regulation. Timothy Gilfoyle’s pioneering work on the commercialization of sex in New York City brought prostitution into the realm of economic history by examining how commercial sex developed in accordance with and fueled the urban economy. Despite the success of *City of Eros* and the renewed scholarly interest in capitalism that has come in the wake of the economic collapse, scholarship on American prostitution has continued to focus heavily on commercial sex as a survival strategy for poor women or as a subject of

⁹ Geographer Philip Howell has framed the regulation of brothels as an expression of biopolitical power by the state. According to Howell, the containment of sex in brothels “is not about the disciplining of sex, but about the production of sexual subjects and the combating of certain dangers and irregularities (disease, perversity, disorder, and so on).” Howell “Foucault, Sexuality, Geography,” in *Space, Knowledge, and Power: Foucault and Geography*, ed. Jeremy Crampton and Stuart Elden (Aldershot: Ashgate Publishing, 2007), 306.

moral reform. And yet, prostitution and related trades in sexual healing and sporting print were vital parts of the urban economy. Brothels owned or managed by women shaped the development of particular neighborhoods, anchored commercial strips, and spawned subsidiary businesses. Women selling sex bolstered a number of legitimate and semi-legitimate commercial and cultural venues in the city, and funded the facilities that provided medical care to the workingmen and women whose labor enabled the city's commercial and industrial growth. For much of the nineteenth century, businesses based around the sale of sex were institutions at the center—geographically and figuratively—of the transition to the modern, capitalist city.¹⁰

In a similar vein, the rise of capitalism was crucial to the development of sexuality in the nineteenth century. In his path-breaking work on sexuality, Foucault dismissed the idea that capitalism's central effect on sexuality was to render it (ideally, at least) quick, mechanical and oriented around reproduction. In the decades that followed the publication of *The History of Sexuality*, historians and other scholars have endeavored to define the relationship between capitalism (with its inherent tendencies toward commodification) and the formation of nineteenth-century sexuality.¹¹ This dissertation joins a body of scholarship that argues that capitalist metaphors underpinned discourses of normative sexuality and that capitalist acquisitiveness motivated the deployment of

10 Timothy Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790-1920* (New York: W.W. Norton, 1993).

While there has been a wealth of excellent scholarship on capitalism's effects on the construction of sexuality and the forging of sexual identities, scholarship that examines the role of sexual economies played in fostering the growth of urban capitalism remains considerably less developed.

11 I am not suggesting (as some scholars have) that sexuality was a creation of the nineteenth century. Rather, I am drawing from a body of Foucaultian scholarship that argues that the nineteenth century witnessed a transformation in the meaning of sexuality in terms of its relationship to individual identity and subjecthood. Michael Foucault, *The History of Sexuality*, Vol. 1 (New York: Vintage Books, 1990).

those discourses at the local level. More significantly, it asserts that capitalism drove the creation of physical spaces—the brothel, the assignation house, the venereal clinic, and even the advertising column—that became crucial sites in which and through which Baltimoreans conceived of sexuality and enacted sexual subjectivity. Geographers like Philip Howell and Phil Hubbard have criticized scholars of sexuality for failing to account for the “the materiality of discursive agency—including its social and spatial specificity” and in so doing creating the impression that “geography and genealogy do not require each other.” This joins Howell, Hubbard, and others in asserting that that local geographies were inherently related to the genealogies of sexuality and its policing in nineteenth-century America.¹²

To that end, the project utilizes a variety of municipal, state, and local records to reconstruct the development and policing of Baltimore's sex trade. Because Baltimore had very few organized reform movements centered on commercial sex during the period covered here, the kind of detailed, moralistic exposés of brothels and vice districts that exist for cities like New York by and large do not exist for Baltimore. As a result, I have relied primarily on city court dockets and newspaper records as the core source base of

12 Philip Howell, "Foucault, Sexuality, Geography," 312.

Much of the work on capitalism, space, and sexuality has been pioneered by scholars of gay, lesbian, and queer culture. See for example: Lawrence Knopp, "Sexuality and the Spatial Dynamics of Capitalism," *Environment and Planning D: Society and Space* 10 (1992); John D'Emilio, "Capitalism and Gay Identity," in *Making Trouble: Essays on Gay History, Politics, and the University*, ed. John D'Emilio (New York: Routledge, 1992), 3-16; George Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940* (New York: Basic Books, 1994).

More recent works have examined the performative aspects of heterosexuality and the relevance of space to the construction of heterosexual identities. See Philip Hubbard, "Desire/disgust: Mapping the Moral Contours of Heterosexuality," *Progress in Human Geography* 24:2 (June 2000), 191-217; Hubbard, "Pulp Fictions: Mapping the Sexual Landscape," *Journal of Psychogeography and Urban Research*, Vol 1(2) (2002).

On sexuality and urban space, see Frank Mort, "The Sexual Geography of the City," in *A Companion to the City*, ed. Gary Bridge and Sophie Watson (Oxford: Blackwell Publishing, 2003), 308-315; Judith Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London* (Chicago: University of Chicago Press, 1992); Philip Hubbard, *Sex and the City*; Hubbard, *Cities and Sexualities* (New York: Routledge, 2011).

this project, though I have also utilized a wide variety of other archival and published resources (e.g. census records, estate inventories, appellate court decisions, Alms-House medical and admissions records, medical journals, and even Pinkerton case notes) to fill in as much detail as possible about the business of sex in the city.

Even so, there are limits to the records. Because Baltimore's regulatory system employed charges related to “keeping” a property, madams are more represented in records than brothel prostitutes, though it was not uncommon for multiple women in the same house to be held responsible for “keeping” it.¹³ Likewise, streetwalkers and occasional prostitutes, who may well have outnumbered professional prostitutes significantly, occupy a more precarious position in this narrative than do their brothel-dwelling counterparts.¹⁴ Streetwalkers, unlike madams and brothel prostitutes, were not arrested on charges specific to their occupations. Rather, they were brought before local authorities on allegations of vagrancy, an umbrella charge that could be and was applied to any persons lacking a visible source of income. Determining who among the women arrested for vagrancy was a prostitute and who was simply a poor woman is nearly impossible without corroborating newspaper records. Complicating matters further is the issue of due process: for much of the nineteenth century, people accused of being

13 The labor arrangements in bawdy houses and even parlor houses could be diverse. In many cases, establishments did not fit the classic model of brothel in which an older woman (in her thirties to fifties) supervised the labor of a handful of women in their late teens to mid-twenties. Without a clear hierarchy in place—or without an age difference to make it visible—authorities could define “keeping a bawdy house” quite loosely and hold multiple occupants responsible for the maintenance of the “nuisance.”

14 Contemporary estimates suggested that brothel prostitutes made up only a small minority of the total number of prostitutes in American cities. Notably, however, exaggerating the number of “secret” or covert prostitutes was an easy way to inflate the scope of the prostitution “problem.”. After all, so long as the estimates were not wholly ridiculous (see, for example, the New York Magdalen Society's 1831 exposé), it was almost impossible to disprove them. The actual numbers of covert prostitutes were likely much lower than reformist estimates suggested. N.Y. Magdalen Society, *Magdalen Report* (New York, 1831); John C. Morris, "Minority Report of the Special Committee on the Prevention of Venereal Diseases," *Maryland Medical Journal* 8:1 (May 1, 1881).

vagrants were deprived of the right to a formal hearing or trial before the court. Often, they were summarily committed by police magistrates to any one of a number of local institutions or reformatories that housed paupers or wayward youth. Because police court records do not exist prior to the 1860s and because private institutional records are uneven and scattered, it is nearly impossible to recover the stories of most of the women who made their money soliciting on the wharfs and in the areas around the public markets. The women who composed the most visible part of Baltimore's sex trade are among the least visible in the archive.¹⁵

The sparseness of sources on streetwalkers and other prostitutes who lived outside of brothels has another consequence as well, namely that black women do not play as large a role in this text as they likely played in Baltimore's commercial sex trade. The tendency of records to highlight property-owners and prostitutes who operated out of brothels downplays black women's participation in the sex trade, especially during the antebellum years. In part, their underrepresentation in the records suggested authorities' apathy toward policing black women's sexual propriety in the period prior to the Civil War; longstanding conceptions of black women as inherently sexual and libidinous made their participation in prostitution less culturally problematic in the eyes of white Baltimoreans than white women's was. In all likelihood, however, the records also reflect an actual dearth of opportunities for black women to enter the brothel trade as madams rather than streetwalkers or subsistence prostitutes. Not only did the poor pay afforded to free black women limit their ability to raise the kind of capital necessary to open their

15 Christopher Gustavus Tiedeman, *A Treatise on the Limitations of Police Power in the United States: Considered from Both a Civil and Criminal Standpoint* (St. Louis: F.H. Thomas Law Book Company, 1886) 119-125; Markus Dirk Dubber, *The Police Power: Patriarchy and the Foundations of American Government* (New York: Columbia University Press, 2005).

own houses, but the nature of black women's employment in the city—the enslaved status of some and the overrepresentation of black women in domestic work—made them easily sexually exploitable. During a period when even free black Baltimoreans were legally barred from testifying against whites, the vulnerability inherent to domestic service was magnified. The hideous reality was that black women may have had little success at commodifying their sexual labor in Baltimore because they could so often be raped without consequence.¹⁶

While the sources used in this study are inherently imperfect, this project seeks to employ them in a way that conforms to the limitations of the source materials and allows for the telling of a different kind of story about prostitution and other forms of commercial sex. All histories of commercial sex owe a great intellectual debt to feminist historians who have painstakingly reconstructed the lives and experiences of nineteenth-century prostitutes. Nevertheless, this dissertation builds off their analyses of why women entered into prostitution and how selling sex functioned as a survival strategy for women rather than attempting to replicate them. Suffice it to say that women in Baltimore went into prostitution for the same reasons women in other cities did. Many were in dire straits economically. Some were desperate to escape family authority, while others were desperate to use the money from prostitution as a means of keeping their families intact.

16 Until recently, few histories of American prostitution had made race a central part of their analyses, except in the context of discussions of Progressive Era panic over “white slavery.” Within the last decade, this deficit has been remedied somewhat with works like Cynthia M. Blair’s pioneering study of black sex-workers in turn-of-the-century-Chicago, Judith Kelleher Schafer’s study of prostitution in antebellum New Orleans, and Emily Epstein Landau’s history of Storyville. Those histories have analyzed not just the nature of black women’s participation in sex work, but also the ways in which sexual fantasies and fantasies of racial power intersected in the context of interracial prostitution. Blair, *I’ve Got to Make My Livin’: Black Women’s Sex Work in Turn-of-the-Century Chicago* (Chicago: University of Chicago Press, 2010); Landau, *Spectacular Wickedness: Sex, Race, and Memory in Storyville, New Orleans* (Baton Rouge: Louisiana State University Press, 2013); Schafer, *Brothels, Depravity, and Abandoned Women: Illegal Sex in Antebellum New Orleans* (Baton Rouge: Louisiana State University Press, 2009).

Still others were deemed “fallen” as a result of some supposed sexual misadventure and subsequently excluded from more “respectable” means of earning a living. Prostitution paid well compared with the legitimate work available to women prior to the late nineteenth century, and, in its most basic form, it required no resources save one’s body. Whatever other reasons women had for entering the trade or how they felt about being in it are largely lost to historians, as prostitutes seldom speak for themselves in the archives.¹⁷

Rather than dwelling on the fact that women who worked in the sex trade were often brought into it by circumstances not of their own making or choosing, this project pushes beyond an analysis of how prostitution did or did not victimize women and into one about how women navigated the trade once they were in it. Selling sex may not have been the first choice employment or much of a choice at all for the women who made their livings doing it, but many of them made it their own nonetheless. The pages that follow analyze how they styled themselves and their establishments, how their efforts and entrepreneurship reshaped the sex trade, and how they contributed to the success of existing businesses while generating others. Because the sources focus so extensively on madams, what follows is a kind of business history of commercial sex.¹⁸

The first three chapters of the dissertation focus on commercial sex from the

17 For histories that examine the social and economic factors that influenced women's entrance into prostitution, see for instance: Butler, *Daughters of Joy, Sisters of Misery*; Blair, *I Got To Make My Livin'*, Christine Stansell, *City of Women: Sex and Class in New York, 1789-1860* (Urbana: University of Illinois Press, 1987), 171-192; Ruth Rosen, *The Lost Sisterhood: Prostitution in America, 1900-1918* (Baltimore: Johns Hopkins University Press, 1982), 137-168.

18 As Luise White has noted, the tendency of historians and other scholars to rely on reformist sources has led to the rhetoric of reform leaking into studies of prostitution. Nineteenth-century moralists' assumptions about prostitutes and assertions about the nature of the sex trade should not be taken at face value; examining local records and dockets grants a different, less-mediated perspective. See White, *The Comforts of Home: Prostitution in Colonial Nairobi* (Chicago: University of Chicago Press, 1990), 13-15.

earliest days of the city to its expansion between the mid-1830s and the eve of the Civil War. Chapter 1 traces the shifting geographies of prostitution in antebellum Baltimore, with an emphasis on the ways in which the city's broader economic and physical development contributed to the rise of brothels and the widespread commercialization of sex beginning in the 1830s.

Chapter 2 focuses on the legal system and madams and prostitutes' interactions with Baltimore City courts. It not only traces the development of the *de facto* licensing system that emerged as prostitution specialized, but also the ways that the legal system and local authorities conceived of sex workers as subjects and rights-bearing individuals.

Chapter 3 examines a seldom-acknowledged but highly lucrative segment of Baltimore's trade in sex: the popular medical marketplace around venereal disease, reproductive control, and sexual debility cures. Propriety medicines designed to treat venereal diseases, for-profit lock hospitals, and a trade in abortifacients began to appear on the urban landscape and in the advertising sections of local paper around the same time that prostitution expanded in the Baltimore. Though economically and spatially connected to the broader commercial sex trade, popular practitioners and patent-medicine dealers nevertheless became some of the city's most vocal advocates of a bourgeois vision of sexuality that limited sex to (heterosexual) marriage and emphasized reproduction. By linking sexual debility with sexual immorality in their advertisements, they inadvertently laid the ideological groundwork for policies that would hurt both their own businesses and the sex trade on which they depended for their profits in the decades that followed.

The latter three chapters examine commercial sex during the Civil War period and

its aftermath. Baltimore was occupied by Union troops from the earliest months of the war until its end. As Chapter 4 reveals, the presence of tens of thousands of soldiers in the city and the economic dislocations of war drove Baltimore's sex trade to expand to levels that far exceeded anything that had come before or would come in the decades after. The high visibility of prostitution and its associations with disease among soldiers increased scrutiny of the trade by local and military officials. Nevertheless, brothels proved crucial not just to soldier's ability to bond with one another through shared enactments of masculinity, but to military officials' efforts to gather intelligence and maintain control and surveillance of a large bodies of troops. As a result, Baltimore's old system of regulating rather than suppressing brothels remained remarkably consistent despite severe disruptions to civil authority and concerns about prostitution as a source of venereal disease.

And yet, potential threats to the city's sex trade did not end as troops left the city. As Chapter 5 argues, the city's sex trade temporarily contracted after the war, but it never declined back to antebellum levels. Sexually suggestive, "obscene" publications, which had gained popularity due to wartime demand and infrastructural expansions that made broad distribution possible, flooded the city from New York. Brothels of the parlor house model that had predominated prior to and during the war entered a period of decline as women sought more flexible forms of prostitution. Streetwalking, assignation houses, and non-specialized spaces of commercial sex similar to those that had long characterized the trade in East Baltimore regained popularity throughout the city.

As Chapter 6 argues, local authorities, property owners, and moralists did not respond well to the expansion of forms of commercial sex that blurred lines between

rough and respectable neighborhoods and between secret vice and legible spaces of sex. Particularly as prostitution and vice gained traction as political issues in the aftermath of war, emancipation, and the triumph of wage labor, calls to action to ban or more stridently regulate commercial sex became more frequent. While Baltimore authorities dealt major blows to streetwalkers, occasional prostitutes, publishers of “obscene” texts, and abortionists, they doubled down on a system that gave preference to brothel-keepers and brothel prostitutes. Rather than shutting down bawdy houses, however, they began to force them out of respectable neighborhoods and into poorer enclaves of the city. The move toward spatial segregation, which began less as a process of fencing them in than as a process of fencing them out of tony neighborhoods, was a radical move. As the chapter argues, however, it was also a testament to the enduring nature of Baltimore's system of toleration through regulation. Relocation inherently endorsed the view that specialized sex establishments were necessary, in keeping with liberal goals of legibility and containment, and worthy of preservation.

Notably, Nancy Thomas did not stay in Baltimore's sex trade long enough to witness the full effects of emerging segregationist policies toward bawdy houses. Thomas's establishment had seen lush times during the Civil War; she had outfitted her house with a piano, procured a liquor license, and made herself and the women she boarded popular by throwing elaborate dances and balls for military men and civilians. But when the conflict ended and business dried up somewhat, Thomas, who by then was in her late 50s, bowed out from the trade. She disappeared from Criminal Court Dockets and newspaper records around 1867, and, like many former madams and prostitutes, faded into archival obscurity. By the time she left prostitution, she had not exactly made a

fortune from the sex trade, but she had made a comfortable living. What follows is the story of how she and so many others managed to carve a place for themselves in nineteenth-century Baltimore's dynamic and at times turbulent economic and social landscape.¹⁹

¹⁹ City Criminal Court (Criminal Docket), May Term, 1867, Case 488, Nancy Thomas, C1849-34, MSA; William Fish Court Martial, NARG, [RG153].

Chapter 1

The Shape of Commercial Sex in Antebellum Baltimore

In the early nineteenth century, Baltimore's deep-water harbor at Fells Point was a booming site of maritime commerce and the gateway through which many visitors entered the city. When young Pennsylvania-native William Darlington visited Baltimore late in the summer of 1803, he rode through the streets surrounding the Point's wharves. "I have always been notorious," Darlington wrote in his travel journal, "for gaping about in towns and acting the haw-buck—reading all the signs &c." Darlington noted that Fells Point was "a fine place for trade" as well as an amusing place to meander. Its taverns boasted all manner of entertaining and "curious" inscriptions, from a carving of a dove delivering the olive branch to the ark to a sign that read, "Come in Jack, here's the place to sit at your case, and splice the main brace." But the Point had a reputation for offering entertainment of another sort as well; as Darlington put it, "This is a noted place for those carnal lumps of flesh called en francais Filles de joie." Darlington went on to describe a street colloquially known as Oakum Bay, which was filled with women who accepted "rope yarn and old cables" from sailors as payment for sexual services.¹ Fifteen years later, a Wilmingtonian calling himself "Rustic" confirmed Darlington's observations about the neighborhood. Rustic wrote in his travel journal, "It is the rendezvous for all the heavy shipping; There were several fine ships at anchorage: some just arriv'd and

¹ An abbreviated version of this chapter will appear as "Selling Sex and Intimacy in the City: The Changing Business of Prostitution in Nineteenth-Century Baltimore," *Capitalism by Gaslight: The Shadow Economies of Nineteenth-Century America*, edited by Wendy Woloson and Brian Luskey (Philadelphia: University of Pennsylvania Press, forthcoming). Used with permission of the publisher.

William Darlington, Journalissimo of a Peregrination to the city of Baltimore: performed in the year domini 1803. William Darlington Papers, New York Historical Society, New York City, New York. Thanks to Seth Rockman for sharing information about this citation.

others about to embark. But it has the appearance: & I was enform'd was a place of great dissipation, prostitution & wickedness[.]”²

Darlington's and Rustic's accounts of their flâneury in Fells Point, though brief, suggest much about the geography and nature of prostitution in early Baltimore. Prostitution existed in the city even in the early years of its development, when its size, youth, and unevenness of settlement relative to other eastern port cities meant that men like Darlington could still refer to it as a “town.” Sites of prostitution were spread throughout the city by the first years of the nineteenth century, but, as Rustin and Darlington suggested, they were clustered more densely in commercial and transportation gateways like Fells Point. Such areas experienced frequent influxes of mobile male interlopers to the city, and they developed service industries to meet the needs of the sailors, merchants, farmers, and travelers who came through to conduct business, visit, or take up temporary residence. Taverns, boarding houses, and small inns promised—like the dove presenting Noah with the olive branch—respite from long journeys, and the opportunity to purchase shelter, board, liquor, entertainment, and any number of other services, including sex. In the early years of the city, spaces of prostitution and spaces of the service economy more generally were often one and the same. Illicit commerce and legitimate commerce overlapped to such a degree that specialized spaces of sexual exchange were rare. “Brothels” in the first decades of the nineteenth century were taverns, inns, boardinghouses, and grog shops. It is not coincidental, then, that the city's courts made no distinction between brothels and other types of disorderly houses prior to

2 “A Manuscript Account of a Journey from Wilmington to Baltimore and Back,” 1818, MS 523, 15. Special Collections, Milton S. Eisenhower Library, The Johns Hopkins University, Baltimore, Maryland.

the 1830s; quite often, there was no distinction to be made.³

The overlap between commercial sexuality and more “legitimate” commerce was not solely spatial; from the earliest decades of the nineteenth century, prostitution was integrated into the legitimate urban economy. Its shape was largely determined by shifts in the broader commercial orientation and transportation infrastructures of the city, and its presence in a neighborhood in turn influenced other commerce in the area. The women and men who participated in the sex trade—prostitutes and the keepers of spaces that allowed prostitution—employed it as *a* strategy of economic survival and advancement rather than as their only one. The women whom Darlington suggested exchanged sex for the raw materials they needed to produce other goods were not atypical. Keepers of houses of ill fame sold food at public market, sewed, and kept boarding houses and taverns. Women who worked as prostitutes also worked as seamstresses, washwomen, and actresses, and many moved in and out of sex work as economic necessity dictated. Sex was one of the few things women could sell that required virtually no start-up capital, and it was a service that men who visited and lived in the city expected to be able to purchase alongside any number of others.

In the latter decades of the antebellum period, the geography and character of the commercial sex business began to change, especially in the part of the city West of Jones Falls. As West Baltimore developed into the commercial and financial center of the city, the “rougher class” of brothels was largely pushed out of the area and replaced by a small number of higher-end brothels and assignation houses. With the birth of the railroad and

3 On the development of sex districts and the tendency of prostitution to take place in taverns and boardinghouses in the early years of the nineteenth century, see Timothy Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790-1920* (New York: W.W. Norton, 1993), 29-54; 161-178.

the expansion of the hospitality and finance industries, the city center, which prior to the 1830s had housed a scattered assortment of disorderly and bawdy houses, became a major locus of brothel prostitution. The establishments that sprung up there were different than what had predominated in the city to that point. Though commercial sex remained integrated into the service industry as a whole—indeed, it became more so as sex became commercialized—brothels followed the model of other businesses at the time and became increasingly specialized. Rather than offering a variety of domestic services, madams created establishments that provided clientele with sexual services in the context of genteel, well-furnished heterosocial spaces in which male clients could participate in interactions modeled on the rituals of middle-class sociability and courtship.⁴ Such specialization proved a sound economic strategy, both for madams and the women who labored in their establishments. By adopting material signifiers and behaviors associated with middle-class gentility, prostitutes in the new model of brothel were able to attract wealthier clients and thus, as one scholar noted, to “increas[e] the value of the commodity they offered for sale.”⁵

In addition to increasing the lucrativeness of prostitution for the women involved, the creation of spaces devoted to the commodification of sex and even courtship marked the beginnings of a wide-reaching and diverse sex trade in Baltimore. As brothels became specialized in their purpose and the prostitutes within them specialized in their labor, they

4 Historian Katherine Hajar has noted that depictions of commercial sex establishments in popular culture often highlighted their bourgeois characteristics. Drawing on a variety of brothel guides, paintings, and published texts, Hajar argues that sporting male publications used surprisingly genteel language in their descriptions of brothels, which they cast as pseudo-domestic spaces that maintained many of the gender conventions of the American middle class. See Hajar, "Sexuality, Print, and Popular Visual Culture in the United States, 1830-1870," (Ph.D. dissertation, Johns Hopkins University, 2008), 457-516.

5 Rebecca Yamin, "Wealthy, Free, and Female" Prostitution in Nineteenth-Century New York," *Historical Archaeology* 39:1 (2005), 4-18, p. 4.

relied on a number of other businesses, laborers, and financiers to provide them with the goods, services, and capital they needed to survive and compete in the market. Over time, the number of people of who would profit directly and indirectly from the trade in sex—real estate dealers, hoteliers, hack drivers, theatre owners, restaurateurs, liquor dealers, laundresses, furniture sellers, and (as will be discussed in Chapter 3) venereal medicine providers—would grow tremendously. That growth was not always even throughout the city; East Baltimore, especially in the vicinity of Fells Point, was much slower to develop a spatially specialized sex trade and if anything became rougher rather than more genteel throughout the 1850s. Nevertheless, the latter decades of the antebellum period saw “the world's oldest profession” fully integrated into the emerging world of urban capitalism and transformed from a street-level trade into a sizable urban industry.

Prostitution in Early Baltimore

In the earlier decades of the 1800s, prostitution was a diffuse trade. Houses of ill-fame and popular resorts of streetwalkers were spread throughout the city, with clusterings appearing in each of the three areas that had been combined to form Baltimore City in the eighteenth century: Fells Point, Old (or Jones) Town, and Balimoretown. Early court records suggest that waterfront neighborhoods were home to the largest concentrations of “disorderly houses,” a legal category that included brothels until the 1830s. Fells Point, Baltimore's year-round, deep-water harbor, had the highest number of such establishments in the city, with one chronicler of sexual vice referring to it as “as famous a spot as this place can boast of.”⁶ Establishments that sold sex and other

6 “Baltimore: Correspondent of The Whip,” *The Whip*, July 2, 1842. Quoted in Patricia Cline Cohen, Timothy J. Gilfoyle, and Helen Lefkowitz Horowitz, *The Flash Press: Sporting Male Weeklies in 1840s New York* (Chicago: University of Chicago Press, 2008), 190-191.

disorderly houses clustered around the Point's wharves and in the streets running north between the wharves and Wilks Street (later known as Eastern Avenue). North of Fells Point in Old Town, several notorious houses of ill fame were located in the neighborhood's tangle of small alleys and the strip along the Jones Falls waterway. In the Western section of the city, which had a far smaller vice trade than its eastern counterpart prior to the 1830s, most houses of ill fame appear to have been located around Park and Garden Streets, in the area just south and west of Lexington Market. The area around the inner harbor, particularly Pratt Street and Ruxton Lane, also had a number of disorderly houses and grog shops that, much like the Point's, had a reputation for drawing dissolute women and rowdy men.⁷

The areas in which brothels were most densely clustered shared certain characteristics that created increased demands for sex work. Chief among these were their connections to the city's commercial and transportation infrastructures. Baltimore rose to prominence rapidly in the latter part of the eighteenth century due largely to two factors: its proximity to the booming Western bread belt region and its relatively deep, year-round ports. Farmers and merchants brought wheat flour and whiskey into Baltimore via turnpikes, with much of the traffic entering the city from the West. According to historian Thomas Scharf, the busiest seasons saw the area “westwardly from Howard Street, along Franklin to its junction with Pennsylvania Avenue, and out the avenue to

⁷ Newspaper records comment on drunkenness and violence in the inner harbor area, but seldom mention prostitution. Additionally, most of the defendants indicted for keeping disorderly houses in the area were male, and it was rare for men to keep brothels in the antebellum period. Even in cases in which married couples ran brothels, the women were usually identified as the ones responsible for keeping the house as a bawdy house (perhaps as a result of their association with the domestic realm).

Information on the geography of brothels is derived from an examination of newspaper and court records. See Baltimore Court of Oyer and Terminer and Gaol Delivery (Docket and Minutes), MSA-C183; Baltimore City Court (Docket and Minutes, MSA-C184; Baltimore City Criminal Court (Criminal Docket) C-1849, Maryland State Archives (hereafter MSA), Annapolis, Maryland.

George Street, and often beyond it [...] nightly blocked up by the ponderous Conestoga wagons.”⁸ Farmers and grain merchants would then unload their provisions along the Howard Street corridor, an area that also drew traffic from local farmers eager to sell their produce at nearby Lexington Market. From there, much of the flour and provisions were exported to the Caribbean and to Europe via Fells Point.

As the city's trade expanded, its commercial gateways saw increasingly large influxes of visitors, merchants, and other temporary residents, which created a market for sexual services in those areas. The demographics of the city as a whole were conducive to the commercial sex business: the marrying age for men was later than it had been in previous generations, and among the white population aged 15-39 years, men significantly outnumbered women in every census year but one.⁹ Trade, however, brought to Baltimore large numbers of men who were mobile and outside the purview of their communities' or families' surveillance while they were in the city. In the case of Fells Point and Old Town, many of the men who visited the city worked in an occupation—seafaring—that made forming stable family and marital relationships difficult and involved prolonged periods without opposite-sex contact. When sailors from other cities came ashore in Baltimore, sex was among the services they expected to be able to purchase.¹⁰

8 J. Thomas Scharf, *The Chronicles of Baltimore: Being a Complete History of "Baltimore Town" and Baltimore City, From the Earliest Period to the Present Time* (Baltimore: Turnbull Brothers, 1874), 406.

9 Historical Census Browser, 2004. Retrieved November 4, 2010, from the University of Virginia, Geospatial and Statistical Data Center:
<http://mapserver.lib.virginia.edu/collections/stats/histcensus/index.html>.

10 On the demand for prostitution in establishments that boarded sailors in port, see W. Jeffrey Bolster, *Black Jacks: African American Seamen in the Age of Sail* (Cambridge, MA: Harvard University Press, 1997); 186-7; Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: Johns Hopkins University Press, 2008), 101-102; Linda M. Maloney, "Doxies at Dockside: Prostitution and American Maritime Society, 1800-1900," in *Ships, Seafaring, and Society: Essays in*

Demand was not the only factor that influenced where commercial sex took root; the nature of trade ensured that Fells Point and Old Town had demographic factors that incentivized women's participation in prostitution. Generally speaking, both areas housed a large number of poor and economically marginalized women, including sizable populations of African-Americans who settled in Old Town and in the alley houses of the Point when the city center became increasingly populated by affluent whites.¹¹ In the case of the Point and the sections of Old Town that bordered the Jones Falls, the maritime orientation of the neighborhoods ensured that much of the adult male population was absent for long stretches of time. Sailing was a dangerous profession, and many men went to sea and never returned as a result of accident, death, or, in some cases, voluntary abandonment of their families. The result was a larger than average number of households that were headed by women, some of whom were left to raise and support children.¹² For some of these women, taking part in commercial sex—either temporarily as prostitutes or in the longer term as keepers of bawdy houses—was a means of augmenting other income in order to make ends meet.

As the service sector of their economies grew to meet demand for lodging, board, and entertainment, the city's commercial gateways also developed an abundance of spaces in which commercial sex could be transacted. The number of taverns, grog shops, and public houses in Baltimore rose sharply in the early decades of the nineteenth century, and both Fells Point and Old Town became home to unusually high concentrations of inns and boarding houses. One historian calculated that in the early

Maritime History, ed. Timothy J. Runyan (Detroit: Wayne State University Press, 1987), 217-225.

11 Christopher Phillips, *Freedom's Port: The African-American Community of Baltimore, 1790-1860* (Urbana: University of Illinois Press, 2007), 104.

12 Rockman, *Scraping By*, 165-166.

years of Baltimore's development, Thames and Bond Street alone held over half as many inns as existed in the entire city to the west of Jones Falls. West Baltimore also developed a number of inns, which, though fewer than in the Eastern part of the city, were generally capable of accommodating larger numbers of guests. According to Thomas Scharf, many hotels in the western part of the city, including the Indian Queen on Baltimore and Hanover, “contained each of them a larger number of rooms and beds than all the taverns on Bond Street put together.”¹³

Particularly in the Point and other areas around the waterways, the wealth of inns, taverns, and boardinghouses drew a mix of streetwalkers, casual prostitutes, and other women who hoped to take advantage of demands from the maritime crowd. Particularly on the rougher streets along the water, proprietors in the area welcomed prostitutes and integrated them and their services into their establishments alongside more “legitimate” offerings.¹⁴ Boardinghouses, especially those catering to sailors, were particularly common sites at which sex was sold alongside any number of more standard domestic offerings like room, board, and laundry. The case of “Big” Ann Wilson, one of the most famous and long-operating bawds in Baltimore, is emblematic of this phenomenon. Wilson kept a house on Wilk Street (now Eastern Avenue) just east of the Jones Falls bridge. (See Figure 1) The area, known colloquially as the Causeway, was lined with numerous houses that, according to one commenter, “surpass[ed] the 'Five Points' in the

13 Scharf, *History of Baltimore City and County*, 513.

14 On boardinghouses and prostitution, see Gilfoyle, *City of Eros*, 115, 167-168. In his history of prostitution in antebellum Salt Lake City, Jeffrey D. Nichols referred to boardinghouses and taverns as “allied businesses;” Nichols, *Prostitution, Polygamy, and Power: Salt Lake City, 1847-1918* (Champaign, IL: University of Illinois Press, 2008), 91. On anxieties about prostitution in boardinghouses, see Wendy Gamber, *The Boardinghouse in Nineteenth-Century America* (Baltimore: Johns Hopkins University Press, 2007), 102-103.

richness of filth and putrid matter.”¹⁵ City records document Wilson's involvement in keeping a house of ill-fame in the area at least as early as 1825, though she was rumored to have been in the trade since the first decade of the nineteenth century.¹⁶ While Wilson's business was a notorious sink of vice even by the standards of the Causeway, it also served a “legitimate” economic function: Wilson's brothel was a boardinghouse for sailors that she regularly listed in city directories and ran with the assistance of her son until at least 1850. Sexual services were the most controversial and likely the most profitable of the services Wilson's house provided, but they were hardly the only ones. That Wilson's house gave jacks the opportunity to enjoy a “girl in port” without leaving their place of board helped to boost Wilson's business enough that she was able to provide her children a kind of social mobility that would have been difficult to achieve otherwise. Wilson earned enough money to send her daughters away to school and to marry them off to respectable families.¹⁷

15 “Baltimore: Correspondent of The Whip,” *The Whip*, July 2, 1842. Quoted in Patricia Cline Cohen, et al. *The Flash Press*, 190-191.

16 The correspondent to the *Whip* claimed that Wilson had been a “bawd” for thirty-five years. Wilson appeared in Baltimore City Court at least as early as 1825 on charges of keeping a disorderly house: Baltimore City Court (Docket and Minutes), Case #487, June Term, 1825 (C184-2), MSA. Wilson appeared in numerous court dockets thereafter on charges related to keeping a disorderly or bawdy house, and city directories indicate that she continued to operate her establishment as late as 1850. See Matchett's Baltimore Director, 149-1850 (Baltimore, R.J. Matchett), pp. 426. Available online from Archive.Org: <http://archive.org/details/matchettsbaltimo1849balt> [Accessed 21 Dec. 2013]

17 “Baltimore: Correspondent of The Whip,” *The Whip*, July 2, 1842. Quoted in Patricia Cline Cohen, et al. *The Flash Press*, 190-191; Matchett's Baltimore City Director for 1849 and 1850. Baltimore: Printed and published by Richard J. Matchett. Online at: <https://archive.org/details/matchettsbaltimo1849balt> [Accessed November 4, 2010].



Figure 1: The Causeway, Fells Point. Base map from *Matchett's Baltimore Directory, 1855-1856* (Baltimore: R.J. Matchett, 1855). Courtesy of JScholarship. <http://jhir.library.jhu.edu/handle/1774.2/33815>.

Like sailors' boardinghouses, the taverns and (later) lager houses so ubiquitous around the waterfront areas in Fells Point and Old Town also proved popular sites for prostitution. Baltimore's flash press noted that East Baltimore was dotted with what appeared to be “well-kept taverns, while in reality they [we]re vile brothels, frequented by the lowest prostitutes.”¹⁸ Another commenter complained that a grogery in Pitt Street (later, Fayette Street) drew a crowd that caused the neighbors to be “disgusted and abused, day and night, with the obscene language and drunken orgies of a horde of wretches.”¹⁹

Taverns' and grogeries' status as heterosocial spaces in hardscrabble neighborhoods in East Baltimore made them ideal locations for women looking to sell sex could connect with men looking to purchase it. One German immigrant to Baltimore whose fourteen- year-old daughter had run away was aware that the young woman was working as a prostitute and, in an effort to locate her, “sought for her in a stew kept by Mary Pearson.” Not finding her there, the mother then checked a local tavern, where she found her daughter seated at the bar, apparently trying to attract the attention of men who might be willing to pay for sex.²⁰ Had the girl succeeded in picking up a customer, she would have found it easy enough to carry out their transaction in the tavern itself. Many establishments had back rooms that their keepers rented out nightly to prostitutes, a practice that was well known to local residents. Another mother of a young woman in Fells Point complained in 1811 that her daughter had ventured out on the town when she turned eighteen and resorted to “one of those sinks of Iniquity,” where she continued to

18 “Vile Cribs,” *The Viper's Sting and Paul Pry*, August 11, 1849. The *Viper* was a flash press paper published in Baltimore. Only a few issues of the paper are known to exist today, but their content suggests that the paper had a lengthier run than the archival record would suggest.

19 *Sun*, August 1, 1840.

20 *Sun*, June 13, 1839.

spend “night[s] in riot and debauchery.”²¹

Sources detailing the everyday operation of prostitution in early Baltimore are sparse, but scattered accounts suggest that tavern keepers enjoyed a mutually beneficial relationship with women who sold sex. Many both acquiesced to and actively endorsed the presence of prostitutes in their establishments. The relationship between the sale of sex and the sale of liquor tended to be a close one, and the boost in business that resulted from the patronage of “bawds” and their clients was almost assuredly sufficient to outweigh the fines levied against disorderly and bawdy houses. Many keepers of “rough” taverns were no strangers to the legal system anyway, as their establishments tended to be loci of a variety of illicit and outright illegal commerce, including the fleecing of drunken patrons, the sale of liquor without a license, and the fencing of stolen property.²²

The association of early East Baltimore bawdy houses with drink, debauchery, and maritime culture gave them a disorderly reputation, and one that was only intensified by the fact that most catered to both black and white clientele. In both Fells Point and Old Town, houses of ill fame were particularly notorious for violating the established racial order by sanctioning sex across the color line and allowing black and white prostitutes to mingle.²³ According to one commenter, it was possible to “enter some [brothels on Wilks

21 Maryland Governor and Council (Pardon Papers, folder 106 [MSA S1061-15], MHR, quoted in James D. Rice, “Laying Claim to Elizabeth Shoemaker,” in *Over the Threshold: Intimate Violence in Early America*, Christine Daniels and Michael V. Kennedy, eds. (New York: Routledge, 1999), pp. 185-201.

22 Ann Wilson's house in particular was noted as a site associated with disreputable locals, including thieves. In 1839, for instance, Alexander M'Taggart stole his former boardinghouse-mate's savings and made his way to “Big Ann's” house, where he took up residence and spent all but \$6 that he loaned to Wilson. *Sun*, Oct. 23, 1839.

23 It is unclear from the sources whether the complaints revolved around black men having sex with white prostitutes, or white men having sex with black prostitutes. The former, however, seems like the more likely scenario, as I have found no evidence of brothels owned by black women in Fells Point. Additionally, toleration for interracial sex tended to be more limited when it involved a black man and a white woman. See Martha Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South*

Street] and view the Circassian and sable race beautifully blended together, and their arms intermingled so as to form a lovely contrast between the alabaster whiteness of the one, and the polished blackness of the other[.]”²⁴ An 1839 police raid of James Dempsey's house on Fleet Street resulted in the arrest of five persons, an “abandoned set of loafers and prostitutes, black and white” that apparently included an enslaved man named Wilkey Owens.²⁵ Old Town, Salisbury Alley, Guilford Alley, and Brandy Alley were all notorious for having grog shops and “dens of iniquity” which catered to “the most debased and abject of our black and white population.”²⁶ Salisbury Alley was also home to one of the longest-running brothels run by an African-American woman in antebellum Baltimore; Harriet Price (alias Carroll and Anderson) kept an establishment there for at least fourteen years.²⁷

The mere act of blacks and whites socializing outside the bounds of a service relationship was so associated with the lower classes and the “dangerous elements” of society that it was regarded as inherently disorderly. In its coverage of the raid on Dempsey's disorderly house, the *Sun* noted of two men who were arrested for fighting outside the establishment—one white, the other black—“their physiogs [sic] displayed abundance of ocular proof of a breach of the peace.” When sex was involved, social condemnation only intensified. The same observer who noted witnessing interracial

(New Haven: Yale University Press, 1997).

24 “Baltimore: Correspondent of The Whip,” *The Whip*, July 2, 1842. Quoted in Patricia Cline Cohen, et al. *The Flash Press*, 190-191.

25 “Nuisances,” *Sun*, November 16, 1839.

26 *Sun*, August 25, 1837.

27 Price took her last name from Giles Price, a free black man to whom she was allegedly a mistress in the 1830s; she also went by Harriet Anderson and—following her marriage to Joseph Carroll in 1840—by Harriet Carroll Little information is available on Giles Price, despite assertions by the *Sun* that he was notorious for having “robbed Bonaparte.” Bizarrely, Price appears much later in records from Grady County, Georgia, where he apparently contributed money to arm the local branch of Confederate soldiers. Gwendolyn Brock Waldorf, *The Genesis of Grady County, Georgia* (Sentry Press, 2006), 111.

liaisons in the brothels on Wilk Street went on to add:

“I love amalgamation as the devil does holy water. [...] if I was the mayor, I would with a posse of police officers very politely escort them to the Penitentiary, where they might enjoy the cool, refreshing breeze on the 'margin of fair Jones's water,' until they were perfectly satisfied with a rural retreat.”²⁸

The correspondent's distaste for amalgamation was not uncommon among Baltimoreans, although it was more often reserved when sex occurred between white men and black women. Baltimore was, after all, a slave city, and one whose laws and ordinances reinforced the rights of white people (men, in particular) to control, commodify, and objectify black bodies. White men who demanded or paid small sums for sexual access to black women were exercising racial and gendered privilege in a way that was largely tolerated. When the reverse happened, the reaction was usually more negative. John Gibson, who appears to have been white, ran an establishment on L Alley that catered to “the worst class of sable sporting men.” The interracial prostitution, drinking, and gambling that took place in Gibson's establishment and in other businesses on that street were so strongly scorned that the area came to be known colloquially as “Diabolic Alley.”²⁹

In addition to being a hub for interracial sex, Fells Point may also have been a center of more marginal forms of sexual commerce, including sex between men. Though Ann Wilson sent her daughters away to be educated, the correspondent to the *Whip* noted that “the son was allowed to participate in the business his mother carried on; he became a proficient in the art, he carried it on until the law arrested his progress and placed him

28 “Baltimore: Correspondent of The Whip,” *The Whip*, July 2, 1842. Quoted in Patricia Cline Cohen, et al. *The Flash Press*, 190-191.

29 *Sun*, Oct, 23, 1839.

in 'durance vile' [that is, in a long prison sentence].”³⁰ The allusion regarding Wilson's son is vague—was he a prostitute or merely a protector for the brothel?—but the reference to the prison sentence made the former more likely. Similar evidence, however, was rare. Flash papers bear occasional mentions of men sneaking into houses dressed as women, but the assumption on the part of the papers was always that they were doing so to gain access to homosocial female spaces—and thus to women's bodies—without arousing suspicion. Court records are likewise unhelpful. Male prostitution would almost assuredly have been a primarily street-level rather than house-based trade, and since men's presence on the streets late at night was seldom questioned, run-ins with local authorities would be rare. Still, the handful of Baltimore City Court cases that involved charges of male-on-male sodomy suggest that the practice was often associated with sailors, and it is possible that rumors of sex between men taking place in Fells Point bawdy houses contributed to their “low” image.³¹

Bawdy houses in Fells Point and Old Town also came to be associated with petty crime, theft, and fencing of stolen goods. Harriet Price, the long-time African-American keeper of a house in Old Town, appeared in court no fewer than twelve times on various charges, two of which were related to possession of items alleged to have been stolen. In one instance, Price was alleged to be holding a gold watch taken from Henry Rowe of

30 A search of the Maryland Penitentiary's Prisoner Docket for the five years preceding the date at which the article was written reveals no men from Baltimore City who were imprisoned for sodomy, and only one man with the last name “Wilson” sent for any crime committed in the city. The biographical details contained in Daniel Wilson's prisoner entry suggest that he was most likely not the son referenced in the letter.

“Baltimore: Correspondent of The Whip,” *The Whip*, July 2, 1842. Quoted in Patricia Cline Cohen, Timothy J. Gilfoyle, and Helen Lefkowitz Horowitz, *The Flash Press: Sporting Male Weeklies in 1840s New York*, 190-191.

31 The alleged perpetrators of sodomy were more commonly than not sailors, with some offenses alleged to have taken place at sea.

Alexandria, VA; in the other, she was charged with assaulting John Roberts and taking a breast-pin from him. In another incident that did not result in her arrest, police searched her house for stolen merchandise after seventeen year-old Frank Bowen was arrested for stealing fancy goods from Boury's on Baltimore Street, where he worked as a porter. Bowen told the magistrate that he had taken the goods to Price's house, where authorities eventually recovered them.³²

Price was not alone in her attempts to supplant the proceeds of prostitution with the discounted purchase of stolen goods or with theft. When George Cordery stole a lot of spermaceti candles from the docks, he sold part of his loot to Sarah “BlackHawk” Burke, who operated a well-known brothel in the central part of the city. Theft from clients was also common. Though there is little evidence that the kind of sophisticated panel houses that existed in cities like New York existed in Baltimore, madams in lower-end brothels did take advantage of their clients' vulnerability when *in flagrante delicto* or resting afterwards. Caroline Davenport, the keeper of a brothel on the Causeway, was charged in 1837 with stealing a pocketbook from Captain George Hayden. The *Sun's* wry commentary—“We forbear, at present, to state the circumstances under which the robbery was perpetrated”—left little doubt that Hayden had been in a compromising position at the time of the theft. Many similar crimes probably went unreported by men who were more reluctant than Hayden had been to admit to police and to the press that they had been engaging the services of prostitutes.³³

While West Baltimore's early vice trade was never as sizable or robust as East

32 On Price, see Baltimore City Court (Docket and Minutes), Cases 398 and 742, Sept. Term 1837, Cases 246, 247, and 829, Oct Term, 1839, Case 292, May Term, 1847; Case 863, May Term, 1849; MSAC1849; “Local Matters,” Baltimore *Sun*, October 24, 1837; July 3, 1841; August 4, 1845, October 13, 1845; May 5, 1851.

33 *Sun*, July 13, 1833; Nov. 9, 1837. On panel houses, see Gilfoyle, *City of Eros*, 108, 150, 173.

Baltimore's in the early years of the city, the streets just north of the harbor had an array of taverns and grog shops similar to those that lined the waterways. Ruxton Lane, a narrow street in sight of the docks, was a site of numerous drunken altercations between women and was quite likely a streetwalking zone, though there were few houses of ill-fame. The streets around Lexington Market to the west, particularly Park Street, had a trade more oriented toward indoor prostitution, but they too featured rough establishments with reputations for crime and drunken violence. The same commenter who compared Wilk Street to New York's Five Points noted in 1842 that "Park Street [...] was once as notorious for its damnable deeds as ever the 'Five Points' was in its Palmiest days."³⁴

By the late 1830s, however, West Baltimore's sex trade was beginning to change. After comparing old Park Street to New York's worst slum district, the correspondent to the *Whip* noted, "the street has improved of late years."³⁵ What had occurred, however, was not the disappearance of prostitution from Park Street, but its reorientation. Park Street's taverns and rookeries began to disappear, as did its class of rough streetwalkers. In their place rose brothels, genteelly decorated, staffed by women worked primarily as prostitutes, and geared toward providing a brand of prostitution that involved more than just sexual release. The same pattern would play out over and over again in West

34 "Baltimore: Correspondent of The Whip," *The Whip*, July 2, 1842. Quoted in Patricia Cline Cohen, et al. *The Flash Press*, 190-191.

Ruxton Lane had a reputation for being among the filthiest streets in Baltimore. Notably, it was a center of an 1832-cholera outbreak. See, David Meredith Reese, *A Plain and Practical Treatise on the Epidemic Cholera: As it Prevalled in The City of New York, In the Summer of 1832* (New York: Conner & Cooke, 1833), 31. On violence in Ruxton Lane, see, for instance, the case of Paul Rhodes and Rudolph Brown who were prosecuted for "fighting for the prize of love and beauty" in the streets. In the course of their fight, Rhodes and Brown struck Margaret Evans and Mary Ryan, the latter of whom was a gin and julep dealer and "one of the more eminent ladies of Ruxton Lane." *Sun*, June 27, 1837.

35 Ibid.

Baltimore and, to a more limited extent, the areas to the East over the next two decades. In order to understand how and why such a shift occurred, it is necessary to understand the history of development in the central part of the city.

The Rise of Assignment Houses and Brothel Prostitution

When William Darlington and “Rustic” noted that Fells Point was Baltimore's center of heavy shipping, their remarks highlighted what had been a longstanding problem for the section of the city to the west of Jones Falls: the harbor lacked the depth of the port at the Point, and it was prone to filling up with debris and silt. The invention of the mud machine, a massive horse-powered dredger, in the mid-1780s improved the situation, but the process of clearing the harbor was laborious and slow. It also became something of a vicious cycle: dredging the harbor allowed for larger ships to enter, which in turn allowed for more commercial development around the water. More commercial development, however, loosened soil that then flowed into the harbor directly or via the Jones Falls, which then clogged the harbor and required more dredging. The invention and procurement by the city of a steam-powered mud machine addressed the problem somewhat, but the constant need for costly maintenance meant that the harbor did not enjoy the same prominence as a shipping center that the Point did for much of the early part of the nineteenth century³⁶

Beginning in the 1820s, however, the western half of the city was gradually transformed into Baltimore's hub of finance, commercial exchange, and government. In 1816, a group of prominent Baltimore businessmen formed the Baltimore Exchange

36 William Darlington, *Journalissimo of a Peregrination to the city of Baltimore; “A Manuscript Account of a Journey from Wilmington to Baltimore and Back.”* On the mud machine, see Rockman, *Scraping By*, 75-100.

Company, whose mission was “to erect, for the purposes of commercial utility, a public building in the city of Baltimore.” Four years later, the Baltimore Exchange opened only blocks north of the inner harbor, in the area just west of Gay Street and bounded by Second and Lombard. The building, a four-story, “H” shaped complex that housed (among other things) offices, counting rooms, a bank, a reading room, a hotel, and a branch of the U.S. Customs Office, was intended to herald a period of economic growth and commercial development for the young city. And, indeed, it did. In the decades that followed the construction of the exchange, the city center became home to numerous banks, customs houses, and commercial buildings.

Just three years after the Exchange Building opened for business, John Neal, prominent literary figure in the city and a member of Baltimore's Delphian Club, drew a parallel between central Baltimore's rapid development and commercial pretensions and the rise of a certain kind of gendered falseness in the city. W.H.O, a character in Neal's 1823 novel *Randolph*, quipped that Baltimoreans “do not value themselves for their literature, or age, or wealth; but for [...] having grown up faster than any people, ever did; not even excepting those of St. Petersburg, when they exhausted the resources of the whole Russian Empire.” Upon observing the Exchange Building, W.H.O. noted that “the best contrived building, and, to my taste, more entirely beautiful, of the kind, than any that I have ever seen, except that at Berlin.” And yet, the he continued:

“Here is the same base, showy spirit, of which I have before complained. It is plastered all over; and this plaster is cunningly managed, by the application of gray paint, to look like stone; nay, even the real stone about it, is *painted*. Upon my word, I should, prefer the sober honesty of Dutch brick;—this is *rouging*, with a vengeance.”³⁷

37 John Neal, *Randolph: A Novel in Two Volumes*, Vol. 1 (Philadelphia, n.p., 1823), 60, 66-7. On painted women and their connection to prostitution, seduction, and insincerity, see Karen Halttunen,

W.H.O went on to draw a relationship between the city's physical development and the emergence of “painted woman,” a figure that came to symbolize anxieties about the deception that urban anonymity, mobility, and the increased availability of material markers of gentility could foster: “The publick authorities, and publick edifices, paint and patch, and cheat; and how can they have the face to scold the women for such things?”³⁸

While not all “painted women” in the early nineteenth-century were prostitutes, Neal's statement was prophetic regarding the effects that the expansion of commercial infrastructures had on the development of the sex trade. If the falseness of public buildings was metaphorically related to the falseness of women who painted their faces and appeared genteel when they were not, the development of the city's financial and commercial core also had a more literal link to the rise of “painted” prostitutes in the center of the city. The heavy concentrations of financial offices drew large cadres of professional men and young clerks seeking employment. Men who fell into the latter category have been particularly well-documented by historians as participants in both the social and sexual aspects of brothel prostitution and the sporting male culture that would develop in major cities during the antebellum period. Their presence in the city's distinctly masculine spaces of finance and commerce contributed to demand for the various forms of commercial sexuality that would develop and expand in central Baltimore in the decades preceding the Civil War.³⁹

Confidence Men and Painted Women: A Study of Middle-class Culture in America, 1830-1870 (New Haven, Yale University Press, 1982), xv.

38 John Neal, *Randolph*, 66-7.

39 Richard Robinson, the young man who famously murdered Helen Jewett, was employed as a clerk at the time of his crime, and enjoyed tremendous popularity among young professional, “sporting” men in New York City. Both Timothy Gilfoyle and Patricia Cline Cohen have written extensively about sporting culture among clerks and young men who flocked to major cities seeking employment in the

The sex trade's expansion began gradually. Early city records and other written accounts gave no indication that prostitution had anything more than a scattered presence in central Baltimore. By the 1830s, however, records began to note the presence of brothels in the areas surrounding the city center. There was the "damnable" enclave of bawdy houses in Park Street, of course, and another called the "The Meadow" (possibly a reference to its location at the northern boundaries of the city's built environment) near the intersection of North and Bath streets. Like the Causeway and Park Street, the Meadow was a notoriously rowdy and disreputable neighborhood, filled with taverns and groggeries, shops known for fencing stolen goods, and gambling houses.

Unlike the Causeway, however, The Meadow was also home to another kind of business: the specialized brothel, a house of prostitution that was not a tavern or a boardinghouse for men, but a place of board or assignation for women selling sex. By the mid-1830s, the brothel business was in full swing, with madams recruiting young women into their establishments as well as opening them for assignations to prostitutes working independently. In 1834, a sixteen-year old girl suffering from gonorrhoea and chancre told an alms-house physician that she had been "seduced" into being a girl of the pave by a married woman operating out of the north part of the city, in what was almost assuredly the Meadow.⁴⁰ By 1841, the area featured at least six bawdy houses kept by Cecilia Grey, Harriet Rhineman, Mary Miller, Lethe Ann Talbot, Margaret Tallborn, and Betsey Osborn.⁴¹

1830s. Gilfoyle, *City of Eros*, 92-116; Cohen, *The Murder of Helen Jewett*, 230-247; 330-363.

40 James H. Miller, "Case notes for Maria Gassaway," Alms-House Medical Record, 1834, Maryland Historical Society, Baltimore, MD.

41 *Sun*, June 24, 1841. For more on the Meadow, violence, and the relationship between prostitution and taverns in the area, see, for instance, *Sun*, Feb. 23, 1838; Feb. 13, 1839; May 28, 1846; Aug. 20, 1846.

The houses in the Meadow were not especially genteel or fancy given the area they were in; Mary Ann Hebrews's house on Davis and Bath Streets, for instance, was described by the *Sun* as being “notorious as a brothel where black and white promiscuously congregated nightly, to put into practical operation, the beautiful doctrines of the abolitionist.” Another brothel, also in the upper part of the city was raided after Charles Torrence, one of its customers, annoyed watchmen and police by ringing a watchman's rattle out the window. The newspapers noted that that particular brothel had long been associated with obscene and rowdy public displays: “some of the female inmates of the house were in the habit of donning the unmentionables and riding through the streets *en cavalier*.”⁴²

Nevertheless, it was clear that the influx of capital into the central part of the city and the ensuing presence of monied young men had already made the young establishments more profitable than their East Baltimore counterparts. Upon being tried for keeping bawdy houses, the six women above were assigned steep fines of between \$50 and \$100 for their offenses; all managed to find the required capital to pay the fines immediately. Other court cases and newspaper records note the existence of similarly specialized, if slightly less lucrative, houses in the alleys near the Central District watch-house, Tripolett's Alley, Watch-house Alley, Lovely Lane, and Davis Street.⁴³

As the city continued to develop its economy and infrastructure, the nascent

On the underdeveloped state of the Meadow, John Hazlehurst Boneval Latrobe remarked: "The stranger who imagines that we gainsay our town, when we speak of its ups and downs, may easily ascertain in the course of a morning's walk, that we do not speak without our voucher, as he one moment snuffs the pure air of the Cathedral hill, and in five minutes finds himself ploughing through Bath street in the mud and fumes of the meadow." Latrobe, *Picture of Baltimore: Containing a Description of All Objects of Interest in the City* (Baltimore: Fielding and Lucas, 1832), 59-60. Accessed May 13, 2014: <https://play.google.com/store/books/details?id=eGZZAAAACAAJ&rdid=book-eGZZAAAACAAJ&rdot=1>

42 *Sun*, August 26, 1837; *Sun*, June 14, 1839.

43 *Sun*, June 24, 1841.

brothel business continued to change with it as new technological developments and internal improvement projects created opportunities for the growth of the sex trade. Though Baltimore's financial fortunes and commercial development was initially based around maritime trade, the city staked its fortunes on a new commercial pathway in the 1820s: the railroad. Baltimore, hoping to preserve its connections to the grain-producing regions to the West in the face of increasing competition from other cities, invested heavily in the development of a railroad that would allow for faster transport of grain and flour from the hinterlands to the port. In 1827, a group of prominent merchants and citizens secured a charter for the Baltimore and Ohio Railroad Company (B & O), and by 1830 the first rail lines opened and began transporting passengers and cargo to and from the city. In the decades that followed, a number of other rail corporations expanded their lines to Baltimore, connecting the city to agricultural regions to the west and north as well as to other urban areas along the Atlantic seaboard. While the railroad was touted for its role in promoting trade, it also made Baltimore readily and rapidly accessible to travelers, merchant traders, and tourists who composed a potentially lucrative market for sexual services. The railroad contributed to an unprecedented degree of mobility in the mid-nineteenth century, and, in removing young men and, occasionally, women from family and community supervision, created new opportunities for the city to develop into a sort of commercial and entertainment playground for visitors.⁴⁴

The railroad would also complement and drive the growth of the city's burgeoning hospitality industry, which was a crucial part of the plan to attract people and commerce

⁴⁴ David Schley, "Making the Capitalist City: The B&O Railroad and Urban Space in Baltimore, 1827-1877" (PhD diss., Johns Hopkins University, 2013); John F. Stover, *History of the Baltimore and Ohio Railroad* (Purdue: Purdue Research Foundation, 1987)

to Baltimore. The first major development in the hospitality sector, the City Hotel, was begun in 1826 by David Barnum, who had previously managed the Indian Queen Hotel, and George Brown, a prominent banker and future treasurer of the B&O. Built in the center of the city at the corner of Calvert and Fayette Streets, the hotel was a massive structure by the standards of the time, a six-story building spanning the width of a city block. It included thirteen private “family parlors” accessible by two entrances off Fayette Street, 172 apartments, a barber shop, a ballroom, stores, a bar, a lunchroom, and a reading room in which guests could sit and read all the major newspapers. The hotel was part of a strategy to secure the continued prosperity of Baltimore by establishing it as a place with hospitality offerings exceeding those of competing municipalities.⁴⁵ By all accounts, it succeeded: *The Fashionable Tour*, a guide for tourists in the Mid-Atlantic, called it “the most splendid edifice of its kind in the union, if not in the world.”⁴⁶ Almost all of the city's most prominent visitors lodged there, including Charles Dickens when he made his tour of the United States, and so great were its purported comforts that guests could sometimes be “induced to stay in the city for days and weeks instead of passing rapidly through it.”⁴⁷ The hotel was so successful that in the 1840s it had to expand to meet increased demand.

Even as Barnum's expanded and cornered the market on luxurious lodgings for travelers, a number of other large establishment soon joined it in an attempt to capitalize on the opportunities the railroad presented. Many of central Baltimore's previously

45 A.K. Sandoval-Strausz, *Hotel: An American History* (New Haven: Yale University Press, 2007). Sandoval-Strausz argues that the City Hotel represented a second major internal improvement project for Baltimore, begun for similar reasons as those used to justify the founding of the B&O railroad.

46 Gideon Minor Davison, *The Traveller's Guide Through the Middle & Northern States, & the Provinces of Canada* (Saratoga Springs: G.M. Davison, 1834), 56.

47 Scharf, *History of Baltimore City and County*, 516.

famous small inns and hotels found themselves rendered almost obsolete, replaced by what Scharf referred to as “the finer buildings made necessary by railroads”—i.e. more luxurious hotels with larger guest capacities. Among the more notable of these were the Eutaw House, which opened on the corner of Eutaw and Baltimore Streets in 1835, and Guy's Hotel, a 150-room establishment that opened on Monument Square in 1855. The Exchange Hotel, opened in 1820 in a wing of the Exchange Building, remained in business despite the failure of the original plan for its complex, and The City Hotel expanded to meet increased demand in the 1840s.⁴⁸

Spaces of entertainment also increased significantly in center city in the 1830s and '40s. The Holliday Street Theater, or Old Drury as it was commonly known, had been a popular attraction in Baltimore since the colonial period, and it continued to thrive in the nineteenth century, showcasing such notables as Junius Brutus Booth and Edwin Forrest (an icon amongst sporting men for divorcing his cheating wife and beating her alleged seducer). Following the commercial development of downtown, the Holliday Street Theater was joined by numerous other establishments. Ford's Front Street Theatre, which was four-stories high and "the largest and most complete theatre in the United States" at the time it was built, was opened in September of 1829 at the intersection of Front and Low Streets, just east of the Jones Falls. Other popular exhibit and performance spaces included the Roman Amphitheater, a large 5,000-seat hippodrama venue at the corner of Calvert and Fayette Streets, and the Baltimore Museum. A number of smaller playhouses were also constructed downtown, including the Adelphi Theatre (popularly

48 Scharf, *History of Baltimore City and County*, 515-517.

known as the Mud Theatre because it was situated on low ground).⁴⁹

New spaces of hospitality and entertainment became nodes in the broader network of the commercial sex industry that developed in central Baltimore. Theaters present the most obvious example of spaces that integrated commercial sexuality, especially prostitution, into their business plans. As numerous historians have noted, antebellum theaters were notorious as spaces in which prostitutes and their clients socialized, negotiated arrangements, and sometimes engaged in “lewd” acts. In many cases, theaters relied on the businesses generated by prostitutes and their clients to fund their operations, and many of Baltimore's establishments were no exception.⁵⁰ A few theaters made sporadic attempts to curb illicit sexuality and disreputable behavior in their establishment by implementing policies designed to discourage certain groups from attending their productions. The Howard Anathaeum, for instance, wrote in its advertisement for the farce “The Queen” that unescorted gentlemen wishing to attend would have to pay a fifty-percent mark-up of the general admission price and that unescorted women would not be admitted at all.

Generally, however, theaters were happy to profit from the sex trade. Many accepted and even actively encouraged the presence of prostitutes, who not only paid admission prices themselves, but also attracted paying customers in the form of men who knew that the third-tier provided easy opportunities to meet women willing to sell sex.

John B. Ray, a private officer at the Holliday Street Theater who later became a

49 On entertainment venues in Baltimore, see Scharf, *History of Baltimore City and County*, 678-698; 651-677; Henry H. Shepherd, "Drama, Theatres, and Music," *Baltimore: Its History and Its People*, Volume 1, ed. Clayton Colman Hall (New York: Lewis Historical Publishing Company, 1912), 651-677; May's Dramatic Encyclopedia of Baltimore, 1750-1904, MS 995, Maryland Historical Society (MdHS), Baltimore, Maryland.

50 Claudia D. Johnson, “That Guilty Third Tier: Prostitution in Nineteenth-Century American Theaters,” *American Quarterly* 27:5, Special Issue: Victorian Culture in America (Dec., 1975), 575-584.

watchman for the fifth ward, testified that the third tier of that establishment was specifically reserved for prostitutes and their clients, and that he had seen women of the town gathered there. Theaters were such an important venue for drumming up clientele—especially for women not associated with a particular brothel—that prostitutes sometimes went to great lengths to be admitted. When the officers at the Roman Amphitheatre denied one particularly well-known woman of the town admission to a production, the woman used blackface in an attempt to sneak into the “colored” section of the venue.⁵¹

In some cases, the women who staffed and performed in the city's theaters and entertainments venues were one in the same with the women who prostituted themselves in the area. When she was not acting at the Baltimore Museum, for instance, a young woman and part-time seamstress named Elizabeth Black was in the habit of bouncing between a half dozen brothels in the Western part of the city. In 1848, Black moved into Jane Christopher's house, where she would work and board for periods of between two and four weeks on and off for the next three years. After moving out of Christopher's establishment in 1851, Black lived in Mrs. Grey's house in the Meadow before moving to Mary Kelly's establishment for three months. She also lived at Margaret Hamilton's house in Lovely Lane, just across the bridge from the Front Street Theatre, and Ann Bartlett's and Mell Fry's establishment on Chestnut Street. While Black was unusually mobile thanks in part to a drinking habit and in part to poor health, the strategy that underlay movements—going from house to house but always in a way that kept the entertainment

51 Scharf, *History of Baltimore City and County*, 678-698; Patricia Click, *The Spirit of the Times: Amusements in Nineteenth-Century Baltimore, Norfolk, and Richmond* (Charlottesville, University of Virginia Press, 1989). “Local Matters,” *Sun*, November 20, 1852. May's Dramatic Encyclopedia of Baltimore, MS 995, Roll 7, R.A. 3 1846; R.A. 5 1846.

districts nearby—was a common one. Sex workers and theaters enjoyed close ties.⁵²

In addition to being sites of solicitation and even employment for prostitutes, theaters also dabbled in sexually charged and risqué entertainments that their critics alleged promoted vice. The Holliday Street in particular became notorious for showcasing scandalous exhibitions that few “respectable” women of Baltimore were willing to attend; in 1848, the theater booked Dr. Collyer's famed “model artistes,” a troupe that recreated famous paintings and portraits using live models. The troupe had previously performed to acclaim in New York and Philadelphia, but Baltimore audiences were outraged by the latter scenes of the production, which involved women clad only in semi-transparent, flesh-colored silk bodysuits recreating "Psyche Going to the Bath" and "Time Discovering Truth." The fact that the models appeared nude, claimed critics, made the show little more than a front for the "hideous purpose of debasing the feminine character of American women to the gross indelicacy which must pervade it, to fit them to become deliberate spectators of fantastic obscenity."⁵³ Baltimoreans were incensed not just at the notion that European-style shows (Collyer was British) were intentionally shocking and insulting American women, but also at the potential for such entertainments to lure young men and women into lust and sexual vice. Theaters were thus associated with prostitution both on and off-stage, in the literal and moral senses.⁵⁴

52 Report of the Trial of Michael Rock on an Indictment for a Rape on Elizabeth Black MS. 174, Special Collections, Milton S. Eisenhower Library, The Johns Hopkins University.

53 *Sun*, Jan. 17, 1848; Feb. 3, 1848; Feb. 18, 1848; Feb. 19, 1848; *Baltimore Clipper*, Jan. 3, 1848; Jan 22, 1848.

54 Collyer's Model Artistes sparked considerable debate about public exhibits and decency among Baltimore authorities. “Communication from the Mayor Relative to the Model Artists,” City Council Records, RG 16, Series 1, Box 82, No. 611; “Report of the Joint Committee on Police on the Mayor's Communication Relative to Model Artists,” 1848, City Council Records, RG 16: 1, Box 83, No. 755; “A Further Supplement to the Ordinance for Licensing Theatrical Exhibitions in the City of Baltimore,” 1848, City Council Records, RG 16:1, Box 83, No. 973, Baltimore City Archives, Baltimore, Maryland.

The city's hotels also contributed to the boom in West Baltimore's prostitution trade, though how direct that contribution was remains unclear. There is no evidence that any of the major hotels kept prostitutes on their premises or otherwise condoned the sex trade directly. Likewise—and unsurprisingly—there is no source material documenting men using their hotel rooms for paid sexual encounters, though occasional scandals in other major cities suggest that the practice was not unheard of in hotels during this period.⁵⁵ What is certain is that major hotels provided clientele to brothels, in the form of their genteel and often quite affluent guests and even their employees. The hackmen they sometimes paid to shill for them at the rail stations were often also on the payroll of madams, who tipped them for ferrying out-of-towners looking for a good time to their establishments.⁵⁶ As it had been in the earlier years of the city's development, commercial sex remained well integrated into the broader service and entertainment sectors of the economy.

At the same time that the construction of large hotels and of the railroad embedded commercial sex into a broad network of sites of transportation, leisure, and service, it also prompted the specialization of the trade. As the central part of the city came to feature an increasingly diverse array of businesses catering to various needs and desires of travelers' and locals' alike, the model in which houses of ill-fame were essentially one-stop shops for men became ill-suited to the area. That is, houses that offered sex for sale need not focus on providing men with board, food, drink, and

⁵⁵ On the connections between brothels and ostensibly respectable hotels, see especially Gilfoyle, *City of Eros*, p. 120-22.

⁵⁶ Men who visited brothels are notoriously difficult to identify, given that males were seldom arrested in raids of brothels. However, as Chapter 4 notes, at least one Barnum's employee—a barber—was a frequenter of Annette Travers's brothel. Additionally, hack drivers who typically stationed themselves outside of Barnum's to pick up guests frequented a supper-club for prostitutes and reported picking up fares from brothels on a regular basis.

domestic services in addition to sex; it was sufficient for them to carve their niche in sexual services and to use liquor service or the promise of an overnight stay as secondary enticements. Between the 1830s and the 1850s, more and more establishments devoted specifically to selling sex—brothels and assignation houses alike—began to appear in the central and western parts of the city.

As prostitution began to develop its own spaces the keepers of bawdy houses began to focus their businesses on sex, the nature of the prostitution business and the kind of labor that was required of women began to change. Particularly in the central part of the city, where madams and other keepers of bawdy houses found themselves catering to clientele that was largely middling or genteel rather than laboring, bawdy houses and even houses of assignation ceased merely to be the physical structures in which sex occurred. The keepers of bawdy houses sought to build an experience around sex that would cater to the emotional and social demands of clients and commoditize elements of bourgeois courtship and domestic sociability. In many cases, this required madams to transform the physical spaces of their houses, to employ a very specific kind of labor force, and to invest a great deal of money in creating an ambience suited to their goals and the tastes of the men to whom they catered.⁵⁷

The rise of highly cultivated houses that sought to provide more than four walls, a bed, and a ceiling took place across West Baltimore, but nowhere was the transition to the new model of brothel more apparent than in the Meadow. Between 1850 and 1860, the former Meadow area (the nickname faded as the area developed) saw one of the most

⁵⁷ On madams and prostitutes increasing the value of their labor by adopting markets of gentility, see: Katherine Hajar, "Sexuality, Print, and Popular Visual Culture in the United States, 1830-1870," (Ph.D. dissertation, Johns Hopkins University, 2008), 457-516; Rebecca Yamin, "Wealthy, Free, and Female" Prostitution in Nineteenth-Century New York," *Historical Archaeology* 39:1 (2005), p. 4-18, pp. 4.

dramatic increases in the number of specialized bawdy houses of any area in Baltimore, due in large part to the opening of the Baltimore & Susquehanna Railroad's Calvert Street Station on the corner of Calvert and Franklin Streets. The station and rail depot, which opened late in the year in 1850, connected Baltimore with Owings Mills and points north in Pennsylvania. Because of the way in which the various rail lines in Baltimore were set up, passengers who arrived at the Calvert Street Station wishing to catch a connecting train to Washington D.C. or other cities could not do so without passing through the city proper in order to transfer to another rail station. They had to walk, catch a streetcar or omnibus, or take a hack or carriage south to Mount Clare or Presidents Street Stations in order to catch their connecting trains. Likewise, visitors to the city who were staying at Barnum's Hotel or other establishments at the center of town needed to walk South from the station to reach their destinations.⁵⁸ (See Figure 2)

58 Brugger, *Maryland: A Middle Temperament*, 253.

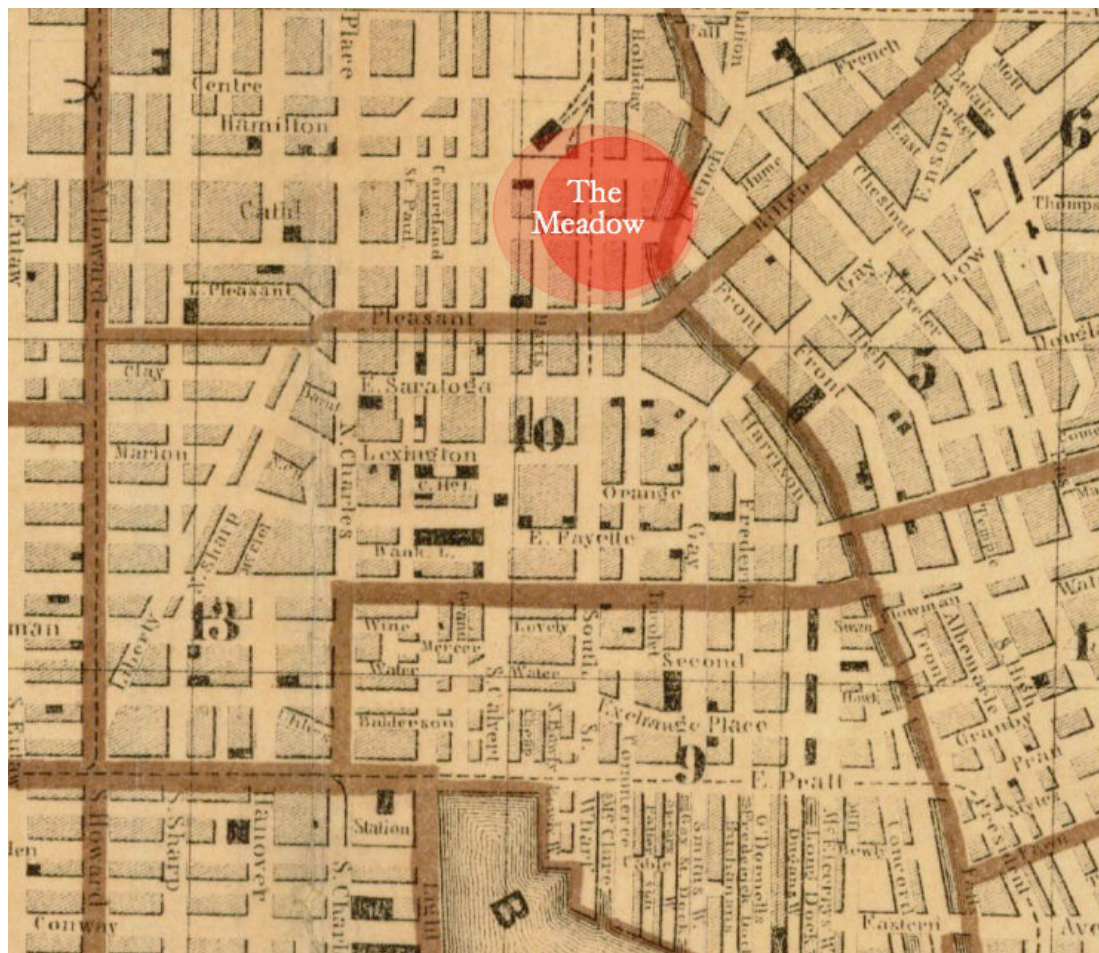


Figure 2: The Meadow. Base map from *Matchett's Baltimore Directory, 1855-1856* (Baltimore: R.J. Matchett, 1855). Courtesy of JScholarship. <http://jhir.library.jhu.edu/handle/1774.2/33815>.

The Meadow, which was located to the south of the station, thus became the perfect location for madams looking to cater to businessmen and travelers to the city. The Meadow had already begun to develop in the 1840s as a result of the northward expansion of the city's built environment, to the point that the half-dozen bawdy houses located there were considerably more lucrative than their East Baltimore counterparts. Following the construction of the rail station, however, some of the less illustrious early examples of West Baltimore bawdy houses improved their character to suit the changing character of the area, while others were pushed out and replaced by high-class establishments.⁵⁹ At the time of the 1850 census, which was taken shortly before the completion of the Calvert Street Depot, Wards 10 and 11 contained a only handful of dwelling that housed multiple, unmarried and apparently unrelated young women—in other words, houses that bore the typical demographic markers of brothels. Of those, only three housed multiple women who had been identified as prostitutes in criminal dockets and newspaper records. In all, those dwellings were home to nineteen single women, one married woman and her husband, and two children. By 1860, census takers enumerating the same ward explicitly listed eleven “bawdy houses” and “houses of ill-fame” in Ward 11 alone, with 62 total “inmates”—all single women—residing in them. The enumeration for Ward 10 included two additional dwellings, one of which housed fifteen women (including two servants and one woman who had been explicitly identified as a prostitute in other records). The bulk of these houses were located in or around the old Meadow

59 Nancy Thomas, whose brothel was among the most famous in the city by the 1860s, was one of the residents of the old Meadow who graduated from a relatively unpretentious establishment to a fancy one over time. Thomas was already established as a brothel-keeper in the neighborhood of North and Bath Streets by 1838, when the area was still rough. She continued her operations for nearly thirty more years, adapting to the area as it shed its bad reputation and became a relatively genteel vice district.

district on Bath, Davis, and North Streets.⁶⁰

The brothels that sprung up in what used to be known as the Meadow following the opening of the rail depot shared a label with the city's older commercial sex establishments, but bore little else in common with them. They were not the disreputable male boardinghouses, grog shops, or taverns in which women who sold sex congregated, nor were they merely assignation houses in which independent prostitutes could rent a room for a few hours or a night. Rather, the new establishments were quasi-domestic spaces that boarded women for whom prostitution was the primary and often exclusive source of income, and a very specific type of woman at that. Women of all ages, ethnic and racial backgrounds, and marital statuses prostituted themselves in Baltimore, but all of the women identified as “inmates” of houses near the old Meadow in 1860 were single white women ranging in age from 16 to 33, with 23 years-old being average. Unlike the women who worked in East Baltimore's sailors' boardinghouses, such women were not expected to be domestic laborers in addition to prostitutes. Undoubtedly, many brothels still offered their clients basic services like washing or meals if they demanded it, but the tasks of preparing food, maintaining the houses, and performing any other domestic work generally fell to other women, usually African-American domestic servants.⁶¹

⁶⁰ All data cited here collected from the 1850 and 1860 U.S. Federal Census Schedules for Baltimore City, Wards 10 and 11. Census of the United States, 1850; Baltimore Ward 10, Baltimore, Maryland; Roll: M432_284; 59B-113; Baltimore Ward 11, Baltimore, Maryland, Roll: M432_284, 114-217; Records of the Bureau of the Census, Record Group 29, National Archives, Washington, D.C. 1860 U.S. Census, Population Schedule. NARA microfilm publication, Baltimore Ward 10, Baltimore (Independent City), Maryland; Roll: M653_461, 1-108; Baltimore Ward 11, Baltimore (Independent City), Maryland; Roll: M653_463, 1-258; Washington, D.C.: National Archives and Records Administration. Available Online from Ancestry.com.

⁶¹ One woman living in Ann Thomas's house, Sarah Thomas, was 48. Given her last name and the fact that she was 28 years older than any other prostitute living in the house and fifteen years older than any other brothel prostitute in the Ward, it is safe to assume that Sarah was a relative of Ann's, probably her younger sister. Since her employment in the house was atypical and likely the result of a family arrangement, I have excluded Sarah's age from the data set.

The uniqueness of the demographics, residence patterns, and labor divisions of the brothels that cropped up in central part of Baltimore represented a calculated effort on the part of their keepers to cater to something more than men's simple desire for sexual release. Specifically, the new model of brothel was designed to cater to the sexual fantasies and social pretensions of the men who participated in the city's developing sporting culture. Geographer Philip Howell has argued that an increasingly large number of young men in mid-nineteenth century America and Britain began to conceptualize urban places as “cities of bachelors” full of sexual possibilities. According to Howell, sporting manhood parodied and contested more restrained, bourgeois notions of masculinity by positing that enjoying ready sexual access to women established young, urban men's gendered status. More recently, historian Katherine Hajar had argued for a more nuanced relationship between sporting masculinity and bourgeois masculinity by noting that sporting men's newspapers and guides to brothels often used the language of gentility and domesticity to describe both the spaces of commercial sex and the women they found desirable. The fantasies that underlay sporting culture, in other words, were not rejections of the trappings of gentility but projections of desire that depended on them. Young urban men who enjoyed the idea that the city provided them with unlimited sexual access to women particularly relished the fantasy that women with all the markets of gentility and refinement—the kind of women who were expected to be virtuous and chaste—were also available for and desirous of sexual contact.⁶²

1860 U.S. Census, Population Schedule. NARA microfilm publication, Baltimore Ward 11, Baltimore, Maryland, Roll: M653_463, 1-258; Washington, D.C.: National Archives and Records Administration. Available Online from Ancestry.com.

62 Philip Howell, “Sex and the City of Bachelors: Sporting Guidebooks and Urban Knowledge in Nineteenth-Century Britain and America,” *Cultural Geographies* 8:1 (January, 2001), 20-50; Hajar, “Sexuality, Print, and Popular Visual Culture in the United States, 1830-1870,” 457-516

The new model of brothel was built around satisfying young men's desire for access to genteel women. Brothels' policy of employing only young, white women played to a very specific fantasy, and one that depended on the ability to project the illusion of youthful innocence. When sporting men wrote of brothels, one of the stock "characters" in such accounts was the "girl"—often described as being hardly out of her teens—who appeared so delicate and ill-suited to her profession that she might still be saved from it. A description from the *Whip* of a woman in a West Baltimore brothel was typical:

“There is one [woman] I particularly noted for her extreme youthful appearance and modest deportment; one profane word uttered by any one, would cause a blush to crimson her spotless cheek for very shame. At first sight of her, I knew the sphere she was then filling was not suited to her nature. Oh! that she could be 'plucked as a brand from the burning,' she would yet be an honor to her family and society.”⁶³

Ostensibly, the description was a lamentation that a young woman so innocent found her way into a sex establishment; sporting papers, after all, had to toe the line between bawdy print and obscenity carefully by cloaking articles that were essentially advertisements for and enticements toward brothels in condemnatory moralistic language. In reality, however, the simultaneous “tragedy” of ostensibly virtuous young women's fall from virtue and the thrill of her deflower were two sides of the same coin. Men wished to purchase women who did not look like they should be for sale, and madams did their best to provide.

To similar fantasy-fulfillment ends, madams, unlike earlier keepers of assignation-style bawdy houses, carefully cultivated the women in their employ to create a sort of boutique atmosphere. By 1852, a city guide for tourists would call the

⁶³ “Baltimore: Correspondent of The Whip,” *The Whip*, July 2, 1842. Quoted in Patricia Cline Cohen, Timothy J. Gilfoyle, and Helen Lefkowitz Horowitz, *The Flash Press: Sporting Male Weeklies in 1840s New York*, p. 190-191.

neighborhood around houses like Eliza Randolph's "the most fashionable part of the City" and compliment it for its "elegant dwellings."⁶⁴ As in the Meadow, the shift toward gentility had been followed by most of the low-end bawdy houses, including taverns, being forced out of the neighborhood by property owners' refusal to rent to their proprietors. Also like the Meadow, the closure of low-end brothels did not represent the end of the sex trade in the area so much as the beginning of a new style of trade. By 1842, the street had developed at least one house "fit for a person to enter": a newly constructed dwelling owned by Eliza Randolph, a longstanding madam in the city. What set Randolph's house apart from its predecessors was not only its fashionable appearance, but its offerings of "about a dozen girls of all sizes, shapes and ages," including the seemingly-virtuous young women described above.⁶⁵ Other houses like Randolph's that existed outside larger brothel districts took a similar approach, providing diverse arrays of women for every taste and playing in to men's desire to "shop" for whatever body type or persona interested them.

Houses of the Meadow indulged a similar penchant for fantasy and novelty while distinguishing themselves by adopting more specialized niches. With the exception of a woman who was likely her sister, Nancy Thomas employed no women older than 20, making her house by far the youngest-leaning establishment in the area. So well known was Thomas's prioritization of youth, apparently, that one young woman who moved

64 "Baltimore: Correspondent of The Whip," *The Whip*, July 2, 1842. Quoted in Patricia Cline Cohen, Timothy J. Gilfoyle, and Helen Lefkowitz Horowitz, *The Flash Press: Sporting Male Weeklies in 1840s New York*, p. 190-191.

The Stranger's Guide to Baltimore, Showing the Easiest And Best Mode of Seeing All The Public Buildings and Places of Note (Baltimore: Murphy & Co, 1852), 15. Accessed Nov. 5, 2010: <https://archive.org/details/strangersguideto00baltd>

65 Baltimore: Correspondent of The Whip," *The Whip*, July 2, 1842. Quoted in Patricia Cline Cohen, Timothy J. Gilfoyle, and Helen Lefkowitz Horowitz, *The Flash Press: Sporting Male Weeklies in 1840s New York*, p. 190-191.

establishments during the census enumeration period felt the need to claim she was younger than she was to gain employment there. On June 18, 1860, prostitute Bell Young was living at the house of Ann Wilson (no relation to the Fells Point brothel-keeper). At that point, she gave her age as twenty, which made her one of the younger women in Wilson's house; when she moved to Ann Thomas's house ten days later, she gave her age as eighteen. Some brothel keepers may have catered to desires for novelties less common than youth; Annette Travers's brothel, for instance, housed two twenty-five year-old women who were most likely a set of twins.⁶⁶

The new class of high-end brothels depended on more than just the attractiveness, youth, and variety of the women in their employ to secure the patronage of male clients with pretensions toward gentility. As numerous scholars have noted, many of the women who worked in brothels were not themselves from genteel backgrounds, though they often (as Helen Jewett famously did) had enough to contact with wealthy or genteel people to play the part. Nevertheless, the food they ate, the leisure activities that they favored, and sometimes even their personal possessions tended to suggest that they were less opulent and refined than the appearance they cultivated suggested. While there is no archaeological information for Baltimore as there is for other cities, evidence suggests that its prostitutes were no exception to this pattern. Literacy rates among prostitutes, for instance, were lower even in the fanciest houses than they were for the general female population; by 1860, about 91 percent of the female population of the United States was literate, with the number being closer to 94 percent in urbanized areas to the north. In comparison, only about 84 percent of prostitutes in Baltimore's fancy houses could read

66 1860 U.S. Census, Population Schedule, Ward 11, Baltimore, MD, Roll: M653_463, 238-239.

or write, which suggested that many of them had not come from privileged backgrounds.⁶⁷

In order to create the impression of gentility, both for their establishments and the women employed in them, madams relied on adopting physical and material markers of status. The employment of African-American servants was one such marker, but many madams also invested heavily in furnishings and décor. Census records suggest that most keepers of houses of ill fame in Ward 11 had significant personal property values. The majority of brothel keepers were listed as having \$500 in personal property in 1860, though the totals ranged from \$100 for the smallest, least affluent brothels to \$1,000 for large, well-appointed establishments. In New York City, similar amounts of personal property may only have marked a middling house, but an establishment that had between \$500-\$1000 in holdings was generally regarded as quite high-end in Baltimore.⁶⁸

While descriptions of the interiors of Baltimore's brothels are virtually non-existent, there are some indications that they were quite opulent. Among these are the paintings of Henry Bebie, a Swiss-born artist who lived in Baltimore and painted a

⁶⁷ Cohen, *The Murder of Helen Jewett*; Yamin, "Wealthy, Free, and Female" Prostitution in Nineteenth-Century New York," 4-18. 1860 U.S. Census, Population Schedule. NARA microfilm publication, Baltimore Ward 10, Baltimore (Independent City), Maryland; Roll: M653_461, 1-108; Baltimore Ward 11, Baltimore (Independent City), Maryland; Roll: M653_463, 1-258; Washington, D.C.: National Archives and Records Administration. Available Online from Ancestry.com.

On nineteenth-century women's literacy rates, see Catherine Hobbs, "Introduction: Cultures and Practices of U.S. Women's Literacy," in *Nineteenth-Century Women Learn to Write*, Catherine Hobbs, ed. (Charlottesville: University of Virginia Press, 1995), 12.

⁶⁸ Data on the relative wealth of brothels is derived from a combination of U.S. Federal Census Schedules and Local Tax and Orphan's Court Estate Inventory records. 1860 U.S. Census, Population Schedule. NARA microfilm publication, Baltimore Ward 10, Baltimore (Independent City), Maryland; Roll: M653_461, 1-108; Baltimore Ward 11, Baltimore (Independent City), Maryland; Roll: M653_463, 1-258; Washington, D.C.: National Archives and Records Administration. Available Online from Ancestry.com.

On person property values in New York brothels, see Cohen, *The Murder of Helen Jewett*, 103, 127.

number of works depicting brothel scenes at some point between 1850 and 1870.⁶⁹ The least ambiguously suggestive of the paintings, entitled “Conversation (A Group of Baltimore Girls),” shows a number of well-attired young women socializing and grooming one another in a room adorned with mirrors and looking glasses, an elaborate mantle, a gold clock, and various furnishings and drapes accented with red velvet. In the background, a number of women converse with a man in military officer's attire in a room decorated with a variety of paintings and portraits. While it is impossible to know whether Bebie's painting was inspired by or based on an actual establishment in the city, it undoubtedly captured something of the actual transition that took place in the quality and fashioning of sex establishments in the 1850s. As historian Katherine Hajar notes of the women in the painting, “their deportment and gestures marked them as models of well mannered, genteel femininity. These are not the bawdy, aggressive, and overdressed streetwalkers of George G. Foster’s urban landscape.” Indeed, they were not, but their appearance of gentility depended as much upon the backdrop as it did on their behaviors.

Hannah Smithson's West Baltimore house provides a more direct example of the kind of investment that madams and keepers of bawdy houses made in ensuring their properties were well-decorated and appealing to genteel clientele. Smithson, who opened her establishment on Garden Street (abutting Howard and not far from Park Street) just below Madison sometime in the late 1830s, kept an assignation house rather than a brothel; she had no boarders save for her own children, but she made a practice of renting

69 Henry Bebie (1799-1888), *Conversation (Group of Baltimore Girls)*, Painting, Peale Museum, Baltimore, Maryland.

Though two of the paintings in particular have been consistently misidentified as depicting less subjective subject matter, historian Katherine Hajar as well as a number of art experts have argued convincingly that the paintings actually depict sexualized imagery typical of the brothel scene genre. Katherine Hajar in her dissertation, "Sexuality, Print, and Popular Visual Culture in the United States, 1830-1870," pp. 457-516.

rooms to both prostitutes and their clients and married people—particularly women—carrying on extra-marital affairs.⁷⁰ Her establishment was a sort of nineteenth-century version of a pay-by-the-hour-motel, with one significant difference: it did not have a reputation as a tawdry or unkempt place.

In fact, Smithson's house was well known as a resort of respectable Baltimoreans looking for a private place to carry on trysts, and its décor reflected its intended clientele. Smithson's house was three stories with servants' quarters and a kitchen in the lower level, a sitting area, and between four and six bedrooms on the second and third levels. Smithson was not rich by any means; she was a sickly woman who raised seven children on her own and sent several of them to school and to college. Nevertheless, she invested in touches that made her common areas and bedrooms welcoming to guests. She bought artwork for the walls, fashionable Brussels carpeting for the floors, and card tables and Britannia spittoons for her parlor. Each bedroom was carpeted and furnished with a bedstead; at least one feather or straw mattress; a dressing table made of made of mahogany, marble, or curled maple; a mirror; a wash stand; and curtains or blinds for the windows. Despite the burden of her health and having to support so many children on her own, Smithson had managed to accumulate a significant amount of wealth by her death in 1848. Smithson's personal property was appraised at just over \$500, and the total value of her estate was estimated to be just over \$3,000.⁷¹

As the presence of items like mantel glasses, sofas, card tables, and spittoons in

⁷⁰ Hannah Smithson's tendency to cater to married women in particular was well-known, and it made her a target of authorities and the courts in the early republic. See Chapter 2.

⁷¹ "City Court," March 9, 1840; "Licentiousness," *Sun*, June 19, 1841; Baltimore County Register of Wills (Orphan's Court Proceedings), Dec. Term, 1848, Hannah Smithson, C396-24; Baltimore County Register of Wills (Inventories), Jan. 4, 1848, Inventory of Hannah Smithson, C340-61, Maryland State Archives (MSA), Annapolis, Maryland.

the parlor rooms suggested, the décor in bawdy houses was more than just a marker of gentility; it was functional and intended to promote the establishment as a social as well as sexual space. Male fantasies around brothels revolved around sex and the possibilities the establishments promised for immediate sexual access to a woman of their choice. But in many cases they also revolved around a desire for courtship, companionship, and even domestic ritual. As Timothy Gilfoyle argued of the mid-nineteenth-century, “The transiency of urban life and the changing structure of work disrupted older traditions of courtship for young men.”⁷² Baltimore did not see the kind of onslaught of young men that a financial capital like New York saw, but it was nevertheless true that the city was home to numerous young professionals who came to the city to labor, took up residence in boardinghouses, and began the process of establishing themselves financially. For these young men, traditional methods of courting—meeting a young woman through family, calling on her in the parlor—were often inaccessible, which lent a kind of appeal to establishments that provided men with the opportunity to simulate the rituals of courtship in an ostensibly domestic space.

The keepers of the class of brothels that emerged in accord with Baltimore's commercial development understood the demand for sexual services that took place in the context of a kind of domestic haven, and they tailored their establishments to meet it. Madams included furnishing in their parlors—sofas, card tables, and pianos—that turned them into spaces that resembled a kind of fun-house mirror version of an ordinary genteel home. They invited men not just to use the parlor as a space in which to evaluate the women of the house in preparation for retiring to one of the upstairs bedrooms, but as a

⁷² Gilfoyle, *City of Eros*, 102.

space in which to linger, to enjoy entertainment, and to socialize with the women of the house and with other male customers. As Patricia Cline Cohen noted, it was not unusual for young men to have a woman at a particular brothel with whom they enjoyed a continuing relationship that, while rooted in sex, also extended beyond the bedroom.⁷³ While madams were leery of relationships developing that might compromise a prostitute's ability or willingness to continue working and earning, many brothel keepers encouraged sociability. Some madams even adopted a kind of bourgeois rhetoric of courtship to describe the nature of their establishments and the kind of relationship they promoted between men and women. In 1852, Jane Christopher, who kept a bawdy house in the central part of the city, was asked in the context of giving testimony in a court case to state the nature of her establishment. Christopher had nothing in particular to fear from giving the court a truthful answer; she was widely known as a bawdy house keeper, and she was well-acquainted at the time of her testimony with how regulation worked in Baltimore. Nevertheless, Christopher responded in a way that painted her establishment as a genteel place of courtship. She stated that she was the keeper of a boardinghouse for ladies where gentlemen could occasionally call and pay them visits.⁷⁴

The obvious pitfall of adopting a sociability model of brothel was that it was considerably more difficult to commoditize talking and flirting than it was to commodify a sex act. Not only was it difficult to assign a price to something as amorphous as conversation but men were often openly hostile toward women who were blunt about

⁷³ Patricia Cline Cohen's work has established that high-end prostitutes often engaged in more than just sex with their regular clients. Helen Jewett wrote Richard Robinson letters and participated in behaviors that resembled courtship. In Baltimore, clients of a particular brothel sometimes used phrases such as "having a girl" at a particular house, whom they would go to see for visits that involved a conversational and social component rather than just a straight exchange of money for sex. Cohen, *The Murder of Helen Jewett*, 126-151, 230-279.

⁷⁴ *Sun*, Nov. 20, 1852.

their commercial motivations. It broke the very illusion that flirtation within the brothel was meant to create for men, namely that attraction or submission or lust rather than crass economic exchange drove women to yield to them sexually. Men tended to react with disdain or even violent ire when women neglected to obscure the cash nexus of their establishments and preserve the illusion.⁷⁵ When discussing Eliza Randolph's house, for instance, "Free Loveyer's" 1859 brothel guide remarked "This lady keeps a first class house, but we don't like her arrangements[.] It's either treat, trade, or travel. Gentlemen are not over fond of such disgusting language, especially from such pretty young ladies." The author concluded the entry with, "Oh, you little fellows,/Don't us whores see fun," suggesting that that Randolph's women took advantage of and condescended to their clients. "Whores" as a term was almost never used to describe brothel prostitutes, and its use placed Randolph's boarders squarely within the class of women most subject to violence and intimidation in Baltimore's sexual marketplace.⁷⁶

In order to maintain the illusion that allowed them to attract a wealthier class of clientele while not losing out on the revenue such clients promised, madams turned to a simple solution: alcohol. The sale of champagne, wine, and other spirits within brothels allowed "hostesses" to make money even if "gentlemen callers" only wished to sit in the parlor, flirt with the women of the house, and talk with fellow visitors. An 1859 *Directory to the Seraglios* that covered Baltimore's bawdy houses touted several of the establishments in the city as fine places in which to drink and socialize. Margaret

⁷⁵ While Baltimore had no well-documented, large-scale brothel riots in the antebellum period, madams, prostitutes, and brothels themselves were often targets of violence by men who resented prostitutes' wealth or their own lack of access to their services. On brothel rioting and the motivations that drove it, see Gilfoyle, *City of Eros*, 76-91; Cohen, *The Murder of Helen Jewett*, 82-85.

⁷⁶ Free Loveyer, *Directory to the Seraglios in New York, Philadelphia, Boston and all the principal cities in the Unionn*, (New York, 1859) p. 37. Thanks to Eric Robinson of the New York Historical Society for his assistance with this source.

Hamilton's establishment on Frederick Street, for instance, was noted for having “good wines constantly on hand.” Maggy King's house in Watch-House Alley (so named because it was home to the Central District Watch-House) featured “Good wines &c. of the very best brands.”⁷⁷ While the pious among the middle class would hardly regard drinking as a respectable activity, within the world of brothels, the type of alcohol offered was a crucial sign of status. The sale of champagne and fine wines marked such establishments as being of the highest class and added to their profits; if the wine's intoxicating effects loosened men's purse strings, so much the better. As for the women of the house, they were expected to remain sober or at very least limit their consumption. Drunkenness was bad for both the practical workings of the business and its image, and madams readily evicted women who over-indulged in spirits.⁷⁸

High-end brothels' reliance on supplies of good wine and liquor created opportunities for other businesses in the area even as it helped to preserve brothels' aura of non-commercialized respectability. It was not unheard of for brothel keepers to stock and sell their own spirits. In 1830, for instance, Catherine Peduze, who worked as a prostitute and madam for at least twenty-two years during the antebellum period, was charged both with keeping a disorderly house and selling liquor illegally. Peduze was fined \$24 for the latter offense, a penalty that was likely insufficient to cancel out the profits of illegal liquor sales, but nonetheless steep for the period.⁷⁹ Other brothel keepers, perhaps hoping to avoid large fines and the attention of the authorities, refrained from selling liquor directly and instead placed orders with nearby taverns and groggeries.

77 Free Loveyer, *Directory to the Seraglios [...]*, pp. 37.

78 William Sanger, *The History of Prostitution: Its Extent, Causes, and Effects Throughout the World* (New York: Harper & Brothers, 1869), 541, 551.

79 Baltimore City Court (Docket and Minutes), Cases #331, June Term, 1830 (C184-5); MHR.

When Ann Power was charged with keeping a house of ill fame in 1840, for instance, one of her clients testified that Power never stocked liquor in her establishment. Rather, she made it clear to her clients that it could be sent for upon request.⁸⁰ Thus, though taverns and grog shops in the western part of the city did not themselves serve as sites of prostitution as commonly as their eastern counterparts did, they nevertheless operated symbiotically with local brothels.

Liquor dealers were hardly the only people to profit from the rise of the brothel model of prostitution. The success of specialized bawdy houses, especially of the high-end variety, depended on more than sexual labor alone; houses needed food, cleaning, and washing, which prostitutes on the whole did not do. It was perhaps no coincidence, then, that many brothels were located in areas that were populated by large numbers of service workers, many of whom were African-Americans. Even in more affluent areas, the presence of affordable alley housing generally ensured that black and immigrant Baltimoreans were represented in most neighborhoods. Nevertheless, several cases in which white-owned and operated brothels were located on blocks that were otherwise exclusively African-American suggest something beyond the standard racial integration patterns. Locating bawdy establishments on streets populated by black residents made sense on the level of legal strategy; black Baltimoreans had less social capital to contest the presence of brothels in their neighborhoods and were legally barred from giving testimony against whites.⁸¹ Even beyond that advantage, however, the location of

⁸⁰ Baltimore City Court (Docket and Minutes), June Term, 1830, Case 331, Catherine Peduze, C184-5, MSA; *Sun*, February 18, 1840.

⁸¹ Rockman, *Scraping By*, 53. On African-Americans in Baltimore, see Christopher Phillips, *Freedom's Port: The African American Community of Baltimore, 1790-1860* (Urbana: University of Illinois Press, 1997); Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground: Maryland During the Nineteenth Century* (New Haven: Yale University Press, 1985); Ralph Clayton, *Black Baltimore, 1820-*

brothels in neighborhoods heavily populated by service workers made sense in light of brothel's divisions of labor within the houses and dependence on outside labor for tasks like washing. Brothels were often located amidst clusterings of dwellings that housed women whose occupation was listed in census records as “wash women,” a trade which was heavily dominated by African-American women in Baltimore. Taking washing from brothels, which no doubt generated a good amount of soiled sheets and bedclothes, was not glamorous or well-paid work, but it was probably a significant source of income for the women who lived near bawdy houses.⁸²

The expansion of brothel prostitution also proved profitable for local business owners whose establishments prostitutes patronized on a regular basis. Theaters, of course, continued to cater to prostitutes throughout the antebellum period. So too did restaurants, some of which actually made prostitution a significant part of their business model. Alonso Welch (or Welsh) and his wife, Susan, provide one of the most compelling examples of the ways in which prostitution was integrated into legitimate or semi-legitimate commercial ventures. In 1846, Johns Hopkins opened his Commercial Buildings across the street from the Exchange Building in downtown Baltimore. The buildings, like the Exchange, were intended to promote commerce, and they were designed to house a refectory in their basement so that financiers, merchants, and other men of commerce could dine together. In 1847, the refectory opened as a fancy French

1870 (Bowie, MD: Heritage Books, 1987).

⁸² Observations derived from Seventh Census of the United States, 1850; Baltimore Ward 10, Baltimore, Maryland; Roll: M432_284; 59B-113; Baltimore Ward 11, Baltimore, Maryland, Roll: M432_284, 114-217; Records of the Bureau of the Census, Record Group 29, National Archives, Washington, D.C. 1860 U.S. Census, Population Schedule. NARA microfilm publication, Baltimore Ward 10, Baltimore (Independent City), Maryland; Roll: M653_461, 1-108; Baltimore Ward 11, Baltimore (Independent City), Maryland; Roll: M653_463, 1-258; Washington, D.C.: National Archives and Records Administration. Available Online from Ancestry.com.

Restaurant that advertised separate ladies' entrances for escorted ladies and even segregated eating times.⁸³

When Alonso and Susan Welch (alias Creamer) took over management the establishment, however, whatever respectable pretensions it had fell away. By 1850, the French Restaurant had become a favorite hangout and solicitation spot for the women who worked in the second-tier brothels nearby. The Welches, who also dabbled in illegal liquor dealing, did not appear to have allowed sex to take place on their premises; in 1852, when a half-dozen witnesses testified that the French Restaurant had a common reputation as a bawdy house, most of them denied witnessing specific incidents of inappropriateness. One witness, a hackman named John Valentine, admitted that he had eaten at the Welches' establishment many times over a period of years and had never seen anything “wrong” occurring there. Nevertheless, the Welches actively promoted their restaurant as a solicitation spot and courted the business of “fashionable” women. The men who levied the allegations of impropriety at the establishment, most of whom were hack drivers who based themselves around Barnum's Hotel, stated that they had frequently picked women up from known brothels and brought them back and forth to the Welches' eatery, as well as taken women from the eatery to the city's theaters. Randall Meacham, who ran a counting room on Gay Street, testified that the Commercial Building's basement was a known “supper-club” for prostitutes. It was also, the testimony suggested, the hangout of various “gentlemen” looking to buy sex and of hack drivers looking for a drink or a potential fare. The restaurant was representative of the kind of “nodes” of the sex trade that developed as prostitution specialized; it did not usurp the

83 *Sun*, Jan. 6, 1847; Scharf, *History of Baltimore City and County*, 497.

brothel as a site of sexual commerce, but its keepers and patrons (in the case of the hackmen) profited from providing spaces and services that complimented those of the brothel.⁸⁴

While numerous businesses and laborers made money from bawdy houses, perhaps no one profited more from the shift toward specialized establishments than real estate investors and property owners. Properties near commercial districts and in fashionable neighborhoods helped to guarantee madams' profits, but they were also costly. Particularly early in their careers, the women who kept brothels and assignation houses did not have the money to purchase them outright. For some, particularly those who kept more middling brothels, property ownership remained out of reach for the entirety of their careers. Very few women listed in the census had recorded real property holdings, and court records confirm that many of them rented their establishments on either a permanent basis or on a rent-to-own basis that inflated the cost of the properties.

Beginning in the late 1840s, prosecutions for “Renting a House for a Bawdy House” became common, which was a reflection of both a genuine increase in the complexity of the sex business and a greater interest on the part of local authorities in pursuing it. As the prostitution business grew and stratified to include establishments of a variety of classes and types, new opportunities arose for men and women alike to purchase dwellings and lease them to women looking to own bawdy houses. While there were legal risks to such arrangements for the landlords, they were minimal compared to

84 Baltimore City Criminal Court (Criminal Docket), May Term, 1855, 770, Alonzo Welsh, C1849-4; Baltimore City Criminal Court (Criminal Docket), Sept. Term 1855, Case 444, Susan Creamer, C1849-4, MSA. *Sun*, November 19, 1852; “Local Matters,” *Sun*, November 20, 1852. The Welches/Welshes continued to be indicted for bawdy house charges throughout the 1850s and early 1860s.

the steady stream of rental income that could be derived from women in a business as lucrative as prostitution.⁸⁵

The majority of property owners who rented their houses to madams did so on a small scale, especially in cases in which the brothels were in poorer areas where the assignation model remained dominant; for instance, Priscilla Howard, one of the few African American women to be indicted for the offense of renting a house to be used as a brothel, appeared in court only once. Howard was charged with leasing a dwelling at 153 Caroline Street in East Baltimore to Margaret Fay. Likewise, Rosanna Calder, a widowed Irish immigrant living in Fells Point made a single court appearance for renting a house to an unnamed woman. Calder was a grocer with several children and fairly substantial real and personal property holdings, and she lived almost directly adjacent to a grouping of houses of ill fame. She may have simply taken the opportunity to rent a surplus property around her own for use as a brothel, which was a business she could be reasonably certain would generate enough income to allow the tenants to make rent.⁸⁶

In other instances, however, property owners made a sizable business out of renting houses of ill fame, particularly when they owned expensive properties or even alley-houses that were located in good proximity to commercial areas. In four sample years of court cases between 1849 and 1859, ten people (two women and eight men) appeared in court multiple times for leasing their houses to be used as brothels. Though a few of these landlords were likely quite wealthy, most were middling or middle-class

⁸⁵ On the practice of renting in other cities, see Gilfoyle, *City of Eros*, 35-46; Judith Kelleher Schafer, *Brothels, Depravity, and Abandoned Women: Illegal Sex in Antebellum New Orleans* (Baton Rouge: Louisiana State University Press, 2009), 155-158.

⁸⁶ Baltimore City Criminal Court (Criminal Docket), May Term, 1852, Case 886, Priscilla Howard, C1849-1; Baltimore City Criminal Court (Criminal Docket), May Term, 1855, Case 359, Rosanna Calder, C1849-4, MSA.

persons for whom renting houses to be used as brothels was a path to upward mobility (provided they could avoid excessive fines).⁸⁷ Andrew Fitzpatrick, a grocer who kept a shop on the corner of Canal and Silver Streets in Old Town, was by far the most prolific offender. In the four sample years, Fitzpatrick faced thirteen counts of renting houses of ill fame to eleven different proprietors, male and female. Lewis Goldsmith, who along with his wife Martha rented out several houses for bawdy purposes, worked at the customs house, and other property owners had occupations that ranged from sailors, hatters, and teachers, to dry goods importers and real estate brokers.⁸⁸ The rise of brothel prostitution and of the assignation house thus provided diverse groups of Baltimoreans with opportunities for commercial advancement.

Such opportunities, however, were not necessarily spread evenly over the city. Though census records demonstrate the degree to which brothel prostitution had come to predominate in West Baltimore by the end of the antebellum period, they also suggest that this development occurred far more slowly and incompletely in East Baltimore. In the 1860 census schedule for Ward 2, the area of Fells Point that contained the wharves and the notorious Crossway, only three women were listed as “wom[e]n of pleasure” by the enumerator. Of these, two were living in households that were obviously brothels: Sarah E. Forsight and Mary Dickenson lived next door to one another in dwellings that each contained five other women. The general lack of brothels recorded in the census seems shockingly low for an area notorious as a haven of vice and commercial sex, but it

⁸⁷ Gilfoyle, *City of Eros*, 45.

⁸⁸ Baltimore City Court (Docket and Minutes), May Term, 1849, Cases 838-845, Andrew Fitzpatrick, MSA C-184-11; Baltimore City Criminal Court (Criminal Docket), Jan Term, 1855, Cases 222-227, Lewis and Sarah Goldsmith, C1849-4, MSA.

Information about the professions of other landlords was derived from cross-referencing names of persons accused of renting houses for bawdy houses in City Court and City Criminal Court dockets with city directories.

had much to do with the persistence of informal and decentralized prostitution in poorer neighborhoods to the East of Jones Falls. Even toward the end of the antebellum period, taverns, boardinghouses, and the barebones, assignation model of bawdy house continued to dominate.⁸⁹

The relative absence of the new, fancier model of brothel in the Causeway and in Old Town did not go unremarked upon by moralists, sporting men, or the local press, all of whom consistently characterized East Baltimore's sex trade as being particularly “low” and terrible. In July of 1841, Ann Wilson and Old Town brothel keepers Polly Glenn, Eliza Cole, and Harriet Price were arrested for running houses of ill fame; the *Sun* described their establishments as being “of the lowest description, if the profession admits of the use of adverbs of quality.”⁹⁰ The Causeway had such a poor reputation that when Edward Hall was prosecuted for keeping a disorderly house at the corner of Caroline and Wilks, witnesses testified that despite his establishment being “frequented by men and women, apprentice boys and girls of loose character,” his establishment was nevertheless “a kind of decent disorderly house for that neighborhood.”⁹¹ An anonymous correspondent to the New York *Whip* also noted that women who found themselves employed in the Causeway for any significant length of time had no hope of improving their station, even through prostitution: “if a girl leaves that path of rectitude and takes up her abode in this abominable place, she is at once sunk below (in the eyes of every respectable person) the brute creation.” Few women stayed in the area long enough to be “worn out,” the correspondent claimed, lest they lose hope of ever being admitted to a

89 1860 U.S. Census, Population Schedule, Baltimore Ward 2, Baltimore (Independent City), Maryland; Roll: M653_458, 1-234, pp. 169; Washington, D.C.: National Archives and Records Administration. Available Online from Ancestry.com.

90 *Sun*, July 7, 1841.

91 “City Court,” *Sun*, October 28, 1839.

better house.⁹²

In reality, most of the women in East Baltimore probably did not wish to be admitted to the model of brothel that sprung up to the West. Many prostitutes in Old Town and Fells Point were probably in similar situations to the third woman listed as a “woman of pleasure” in the 1860 census, Mary Bower. Bower was thirty-eight years-old and living at the time of the census with her two sons, William (19, a carpenter) and John (17, a day laborer), and young couple who were presumably boarders: John Williams, a ship's carpenter, and his wife, Mary.⁹³ For women like Bower who were using prostitution to support their children, the brothel would have offered little even if they were not outside its average age range. Brothels required women to live in, to turn over a portion of their income either directly or indirectly through rents and bed fees, and (if they were among the better class of establishments) to behave according to relatively restrictive middle-class standards of decorum. For poor and laboring women, the freedom that streetwalking or occasional prostitution offered was more suited to their needs and probably much preferable to the regulated regime of the brothel, even if streetwalking tended to pay less than more genteel forms of sex work.⁹⁴

92 “Baltimore: Correspondent of The Whip,” *The Whip*, July 2, 1842. Quoted in Patricia Cline Cohen, Timothy J. Gilfoyle, and Helen Lefkowitz Horowitz, *The Flash Press: Sporting Male Weeklies in 1840s New York*, p. 190-191.

93 1860 U.S. Census, Population Schedule, Baltimore Ward 2, Baltimore (Independent City), Maryland; Roll: M653_458, 1-234, pp. 168; Washington, D.C.: National Archives and Records Administration. Available Online from Ancestry.com.

94 Historian Luise White argued in her study of prostitutes in Nairobi that streetwalking was considered by some prostitutes to be more profitable than working in a brothel because there was no middle-man to take a cut of their earnings. Kevin Mumford's work has also generated some support for the idea that many women regarded streetwalking as a better financial decision than brothel prostitution. Numerous other historians, however, have concurred with nineteenth-century reformers and observers of bawdy and sporting culture in their assessments of brothel prostitution as more desirable and lucrative. While there is little in the way of good financial data for Baltimore, my overall impression of the trade is that streetwalking was not a lucrative form of sex work and that brothel prostitution tended to be preferable for women who met the demographic requirements for it.

Additionally, the bawdy house-based part of the sex trade East Baltimore, particularly in the area of the Point, often had a reputation for being brutal and dangerous. In the 1850s, when political tensions between Democrats and Know-Nothings were peaking in Baltimore as sectional tensions peaked in the rest of the country, people who were heavily involved in the violent street-culture that characterized Baltimore politics dominated the Causeway's brothel trade. Ann Manley, the wife of Know-Nothing gang-leader and notorious tough James Manley, ran a bawdy house on the Causeway, not far from the disreputable tavern kept by Democratic ward boss George Konig and his wife, Caroline. The Konigs and the Manleys were regularly involved in bloody confrontations with each other, amongst themselves, and with the women who lived in their houses. Konig teamed up with local brothel-keeper Susan Jackson against Manley, with whom the two frequently scuffled; in 1851, the conflict escalated to the point that James Manley shot George Konig twice at point blank range over a street dispute (Konig, who had also been stabbed numerous times in separate incidents, survived). Manley also beat his wife, and cheered Ann on when she beat the prostitutes boarding with them. Konig was similarly abusive toward his wife and toward other women, and he was linked in 1859 to the death of a young prostitute named Mary Day, who had gone to his country estate in North Point to avoid election violence. Sometime on her trip, Day was bludgeoned to death and then dumped in the river, where her body was found washed up three months later.⁹⁵ Life had always been rough for the women of Fells Point; the ties between bawdy

Luise White, *The Comforts of Home: Prostitution in Colonial Nairobi* (Chicago: University of Chicago Press, 1990), 13-16; Kevin J. Mumford, *Interzones: Black/White Sex Districts in Chicago and New York in the Early Twentieth Century* (New York: Columbia University Press, 1997), 101-105; Ruth Rosen, *The Lost Sisterhood: Prostitution in America, 1900-1918* (Baltimore: Johns Hopkins University Press, 1982), 38-50.

⁹⁵ Baltimore City Court (Criminal Docket and Minutes), May Term, 1849, Case 690, James

houses and politics made life infinitely harsher and more dangerous for women with links to organized prostitution in the 1850s. Streetwalking in the areas near the theater or taking advantage of the assignation houses in Old Town was likely far less risky for women who could afford to be choosy about their working conditions.

While the brothel model was slow to develop in East Baltimore, particularly in its more affluent incarnations, its rise was similarly uneven in parts of West Baltimore. Many smaller houses in the alleys north of the harbor still employed the assignation house model or kept lower-tier establishments that did not enforce the high standards of conduct or racial segregation that characterized high-end houses. Streets like Lovely Lane, Tripolett's Alley, and Watch-House Alley all featured small establishments that were known for employing women with reputations for violence and connections to crime, particularly laundering of stolen goods. They were also known for violating unspoken but agreed-upon codes of decorum that included not accepting women below a certain age (usually 16) into their establishments.

Even high-end houses whose keepers eschewed associations with crime and insisted on good behavior from their inhabitants could be rough places, however, largely as a result of violence from men. In the case of brothels, both the women living in the houses and the physical structures of the dwellings were sometimes attacked by men who were drunk and/or resentful of their lack of access to women in the most affluent houses. In the case of high-end assignation houses, violence usually occurred at the hands of an

Manley, C184-10, MSA. Baltimore City Criminal Court (Criminal Docket), May Term, 1852, Case 882, George Konig, C-1849-1, MSA. *Sun*, Oct. 10, 1848; May 12, 1851; July 26, 1851; Oct. 24, 1855; Feb. 18, 1860.

For more on Konig and Manley, see: Frank Towers, *The Urban South and the Coming of the Civil War* (Charlottesville: University of Virginia Press, 2004), 132, 178; Tracy Matthew Melton, "The Lost Lives of George Konig Sr. & Jr., A Father-Son Tale of Old Fell's Point," *Maryland Historical Magazine* (Fall, 2006), 332-361.

angry spouse or subject of gossip. One husband, for instance, became suspicious and followed his wife to Garden Street, where he confronted her upon seeing her enter Hannah Smithson's well-known assignation house. In the ensuing scuffle, the man's wife drew a dirk knife and stabbed him with it, seriously but not fatally wounding him. In another case, Ralph H. Carlisle and James Gifford had an altercation after Carlisle accused Gifford of sending a black woman (presumably, a servant) to ask a young woman of Carlisle's acquaintance to meet him at an assignation house in Holland Street (the old Meadow). Gifford apparently took offense to the allegation, as he responded by severely beating Carlisle with his cane.⁹⁶

The common experience of violence aside, however, there was a diverse sex industry in Baltimore by the eve of the Civil War, and one whose divisions could roughly be mapped by the boundary of the Jones Falls. In East Baltimore, prostitution began in the earliest years of the city's development in Fells Point, where sex work was conducted in the streets and in the spaces of the broader service economy. While prostitution evolved there over time and spread up along the Jones Falls in Old Town, it remained a largely decentralized pursuit, and one that was that was largely the domain of poor women who worked in prostitution as a temporary life stage or as an occasional means of supporting a family. West Baltimore, which was initially slower to develop a sizable prostitution trade due in part due to its less-than-ideal harbor, saw far more abrupt and rapid changes in its prostitution trade between 1830 and 1860. As the area around the harbor developed into a commercial center and the railroad moved into the city, specialized bawdy houses began to appear to the West of the Falls. As development

⁹⁶ *Sun*, June 7, 1841; Aug. 5, 1847.

progressed, those bawdy houses evolved into a diverse array of brothels and assignation houses, many of which were geared toward meeting the demands of an increasingly bourgeois clientele. Carefully cultivated and requiring substantially more capital investment than their predecessors, specialized sex establishments employed women who worked primarily as prostitutes and carefully regulated their labor in order to commoditize not just sex, but courtship and sociability. It was a significantly different model of prostitution than one that integrated sex into a network of domestic services or isolated it as an act of physical release.

And yet, even as prostitution charged in accordance with the development of capitalism and the physical development of the city, one thing remained consistent: the sale of sex was never a marginal form of commerce. The growth of the commercial sex trade was intimately related to the development of transportation infrastructures and changes in the service economy more broadly, and it in turn shaped the businesses around it and created its own demands for domestic service and labor. In short, prostitution was deeply integrated into the broader economy of urban America. The women who sold sex on the eve of the Civil War found themselves employed not in an *ad hoc*, subsistence-level trade like that which William Darlington observed in 1802, but in a vast, profitable, and deeply economically-connected trade.⁹⁷

⁹⁷ William Darlington, *Journalissimo of a Peregrination to the city of Baltimore: performed in the year domini 1803*, NYHS.

Chapter 2

Sex, The Legal System, and the Regulation of Bawdy Houses, 1810-1861

In April of 1856, Margaret Hamilton went before Circuit Court of Baltimore City prepared to face a potentially devastating equity suit. Hamilton, a well-known bawdy house keeper, had recently left her brothel on Lovely Lane in favor of purchasing a house at 51 N. Frederick Street. In theory, the move represented a sound business decision: the northern section of Frederick ran just north of the Center Market, which guaranteed a good amount of foot traffic not just from the market itself but from the nearby theaters and the Baltimore Street commercial district. Unfortunately, however, Hamilton's relocation to Frederick Street was met with a great deal of resistance from her neighbors, who took the extreme step of suing to prevent her from occupying the property she had bought and furnished. Hamilton had no way of knowing it at the time, but the legal battle over her presence on Frederick Street would drag on for over a year, resulting in a ruling by the Maryland Court of Appeals that helped to lay the groundwork for the expansion of courts' rights to use the principle of equity to regulate vice and public nuisances well into the twentieth century.¹

That case, *Hamilton v. Whitridge*, would be Hamilton's most publicized encounter with the judicial system, but it was not her first appearance in a Baltimore courtroom. Nor would it be her last. Like many prostitutes and brothel-keepers in the city, Hamilton was a semi-regular visitor to the criminal courts. Often, she appeared on charges relating to her occupation; as the residents of Frederick Street were keenly aware, Hamilton had

¹ Baltimore City Circuit Court (Equity Docket A, Miscellaneous), John Whirtidge et al. v. Margaret Hamilton, 01/01/1856-03/08/1858, C185-2, MSA; *Hamilton v. Whitridge*, 11 Md. 143.

For a brief analysis of the long-term impact of *Hamilton v. Whitridge*, see William Novak, *The People's Welfare: Law & Regulation in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1996), 165-6.

appeared before Baltimore City Criminal Court previously in 1854 and twice in 1855, each time for “Keeping a Bawdy House.” Hamilton pled guilty in both of the latter cases, paying a total of \$25 in fines. The sum was relatively typical as far as such things went, and it certainly was not sufficient enough to discourage Hamilton from her trade. Hamilton continued to face sporadic charges and fines for keeping a bawdy house well into the 1870s.²

Hamilton also appeared before the criminal court as a defendant, a plaintiff, and a witness in a number of other cases that were incidental to her occupation. Most of these revolved around assaults, as Hamilton, like many sex workers, experienced and witnessed a great deal of turbulence and violence throughout her time in the trade. In 1852, Hamilton testified in one of the year's most drawn-out and notorious criminal trials, a proceeding against Michael Rock and John Judge for the rape, assault, and robbery of a young seamstress and prostitute named Elizabeth Black. Hamilton was no stranger to violence herself. In 1849, she had been fined for assaulting fellow brothel-keeper Eliza Simpson. It was the first of many appearances relating to what became a years-long, bloody feud between the two women that ultimately culminated in a brutal showdown in the Centre Market. Hamilton attempted to publicly cowhide Simpson, and Simpson responded by drawing a gun and shooting Hamilton in the face. Simpson was charged with and found guilty of assault, and paid only 50 cents in fines; Hamilton survived and made her infamous move to Frederick Street.³

Save perhaps for the extreme nature of the shooting, Hamilton's interactions with

2 Baltimore City Criminal Court (Criminal Docket), Case 558, Sept. Term, C1849-3, MSA. Ibid, Case 704, May Term, 1855, C1849-4, Annapolis, Maryland.

3 Baltimore *Sun*, Jan. 23, 1849; Nov. 20, 1852; June 12, 1855.

the legal system were not unusual for a woman of her occupation. Prostitutes, bawdy house keepers, and brothel landlords were frequenters of Baltimore's criminal courts. This chapter traces the ways in which such persons interacted with the local justice system, as well as the ways in which the courts' approach to offenses related to commercial sex changed over the course of the antebellum period. The first section examines the court's treatment of such offenses from the first decades of the nineteenth century through the 1840s. Prostitution was not in and of itself a violation of any statutory law during that period, but women who worked in the sex trade were subject to prosecution under vagrancy statutes (in the case of streetwalkers) or under common law offenses related to keeping public nuisances or disorderly houses (in the case of women who rented or owned establishments). The way the court adjudicated cases related to prostitution changed over time, sometimes inexplicably.

By the 1840s, however, Baltimore's City Court had not only come to distinguish public order violations and nuisances that involved sex from those that did not, but had developed a relatively routinized and systematic way of dealing with them. In cases that involved extreme violations of community standards or challenges to masculine sexual prerogatives, the courts could be and often were exceedingly harsh in their treatment of bawdy house keepers. Generally speaking, however, such a punitive, suppressive approach to regulating commercial sex establishments was atypical. Courts did not seek to drive brothel keepers out of business with heavy fines, or to dis-incentivize vice to the point that it would be eliminated from the city. Rather, they sought to protect property rights and compromise with monied interests in a way that also ensured that the community would be compensated for the ill effects of prostitution. The result was a

progressive system of fines that functioned as *de facto* licensing fees, the proceeds of which went to fund public dispensaries. Baltimore thus diverged from the patterns of non-enforcement or sporadic application of disorderly house statutes observed in other major cities, developing an informal but routinized system of regulating commercial sex decades before the Civil War.⁴

The second section of the chapter focuses on the late 1840s and '50s, a period during which state and local courts expanded their authority over bawdy house cases in response to both structural shifts in the legal system and the growing commercialization of sex on the ground. Through precedents set in two cases, *Smith v. State* and *Hamilton v. Whitridge*, Maryland courts asserted their not just to penalize brothel *owners* in addition to brothel tenants but to alter the shape of the sex trade by barring bawdy houses from particular areas of the city. On their face, the decisions had the potential to alter profoundly the regulatory system that was already well established by the time of their issuance, shifting it from a tolerant to a repressive one. *Hamilton*, after all, gave courts nearly unchecked power to regulate moral nuisances if they could be said to interfere with the property rights of others. In practice, however, the court's rulings in *Smith* and *Hamilton* had a much more benign impact on Baltimore's regulatory structure. The *Smith* decision expanded rather than destabilized the system of regulation, and the *Hamilton* decision went unenforced in the years that followed it. At the same time, while changes

4 Historians have noted similar informal systems of regulation in other cities. In one of the most extensive works on the topic, *Controlling Vice: Regulating Brothel Prostitution in St Paul, 1865-1883* (Columbus: Ohio University Press, 1998), author Joel Best argued that an unofficial but organized system of licensing brothels via regular fines existed in postbellum St. Paul and, in all likelihood, a number of other American cities. Yet, relatively few studies have undertaken the level of detailed archival research necessary to identify such systems, and even fewer have traced them as far back as the antebellum period.

For a study of another Gilded Age regulatory system, see Sharon E. Wood's work on Davenport, Iowa: *Freedom of the Streets: Work, Citizenship, and Sexuality in a Gilded Age* (Chapel Hill: University of North Carolina Press, 2005), 158-185.

to the structure of Maryland's judiciary temporarily interrupted the prosecution of bawdy house cases at the local level during the early years of the 1850s, they did not fundamentally alter the court's approach. By the latter years of the antebellum period, it was clear that the court had firmly committed to an approach that monetarily penalized brothel keepers in a way that simultaneously affirmed their continued position in the urban landscape.

Finally, the chapter examines prostitutes' and madams' use of local courts as recourse for crimes—primarily assaults and destruction of property—committed against them. It gives special attention to the rape of Elizabeth Black, the trial of which was both unusually lengthy and richly documented. Placed into the broader context of cases involving prostitutes and bawdy house keepers as plaintiffs, the Black case provides a window into the danger and violence that plagued sex workers at virtually all levels of the trade. Nevertheless, it also reveals that prostitutes understood the same criminal courts that prosecuted them to be a viable means of recourse against those who would do them violence. And with good reason: courts often exhibited a surprising degree of receptiveness to prostitutes' complaints, even in cases that involved sexual outrages like rape that popular sentiment dictated could never truly be visited on “fallen” women.⁵

The study of the legal system's handling of bawdy houses and prostitutes contributes to ongoing historical debates regarding the character and trajectory of legal culture in antebellum America. Two central arguments run throughout this chapter. The first relates to questions about moral regulation that have dominated the historiography of

⁵ The finding that local courts in Baltimore were willing to hear the complaints of prostitutes is in line with what historians have observed of other cities. See Patricia Cline Cohen, *The Murder of Helen Jewett* (New York: Knopf, 1998), 95-103; Marilyn Wood Hill, *Their Sisters' Keepers. Prostitution in New York City, 1830-1870* (Berkeley: University of California Press, 1993), 146-174.

prostitution and its relation to the legal system in nineteenth-century America. Historians and legal scholars have frequently used prostitution as a gauge of courts' willingness to enforce morality, and they have often disagreed profoundly in their conclusions. One set of scholars, influenced in large part by Lawrence Friedman, have used the low number of arrests of brothel keepers in cities like New York to argue that the state was tolerant of sexual vice and willing to ignore it in the service of keeping it "in the shadows." Another set, influenced largely by William Novak, has used legal opinions and evidence of periodic raids on and imprisonments of prostitutes as evidence that the state was intensely concerned with moral regulation and intolerant of vice.⁶ What the Baltimore case study suggests, however, is that there was not necessarily a clear binary between the morally tolerant, neglectful state and the active, morally approbative state. The local state in Baltimore was simultaneously active in its policing of brothels and tolerant of them. Likewise, the state and its agents were active in bringing brothels out of the shadows and into the light in the service of making them a legible and therefore feasible part of urban life and the urban economy. They did so not because they had no moral issue with brothels; often, (though certainly not always) they did. But brothels were never merely the physical manifestations of sexual immorality: they were properties, businesses, employers, sources of income for many local proprietors, and sites in which particular forms of gender were enacted. The courts treated them accordingly, devising an approach

6 William Novak, *The People's Welfare*; Lawrence Friedman, *Guarding Life's Dark Secrets: Legal and Social Controls Over Reputation, Propriety, and Privacy* (Stanford: Stanford University Press, 2007), 124-140.

Legal Scholar Herbert Hovencamp has contested Novak's assertion that economic regulation was widespread in nineteenth-century America but ultimately agreed with Novak regarding the emphasis placed on regulating public morality. According to Hovencamp, "Individualism in economics and communitarianism in morals dominated orthodox American thought in the nineteenth century." Herbert Hovencamp, "Law and Morals in Classical Legal Thought" (Chicago: Fulton Lectures, 1996), 17.

to them that acknowledged their complexity as spaces as well their keepers' complexity as figures who were at once morally apart from society and representative of its increasingly dominant capitalist vision. Courts were, in short, never simply regulating morality when they regulated brothels.

The second argument relates to the role that the gradual formalization of law played in limiting “marginal” actors’ participation in the criminal justice process. In her path-breaking work on the development of the Southern legal system, Laura Edwards argues that courts in the early nineteenth century usually often operated informally. More often than not, they based their decisions not on statutory law or abstract principles, but on an intensely localized conception of “the peace.” This conception, with its emphasis on maintaining the social order of a community, allowed persons not usually entitled to formal legal recognition—white women, free blacks, and slaves—to participate in the legal process on the basis of their “credit” with other community members. When courts became more formal, more subject to oversight from state-level appellate courts, and more focused on abstract notions of individual rights based in property ownership, opportunities for people who were not white men to participate in the legal process declined somewhat. Yet, an examination of courts in a more urban and less strictly patriarchal setting offers a somewhat different picture. In the 1840s and 50s, Baltimore’s courts applied the language of rights under the law and judicial impartiality in a way that did not limit those concepts to men. Using abstract notions of justice and of the duty of the court to extend protection to all (white) persons regardless of their moral standing, the courts also justified their interventions in cases in which popular sentiment might deem the complainant unworthy of recourse based on her sex, her forays into prostitution, or

her lack of social credit.⁷

In the early decades of the nineteenth century, Baltimore's criminal court was similar to those in other U.S. cities in that it rarely utilized charges that were exclusively related to commercial sex. The Baltimore County Court of Oyer and Terminer, which adjudicated all criminal cases originating in Baltimore city from the 1790s until 1817, instead penalized persons involved in the sex trade through a variety of "umbrella" charges related to offenses against public order. The most common and harshly penalized of these was vagrancy. Maryland's statutory law had specified vagrancy as a criminal offense since at least the mid-1700s, but the offense became an especially hot-button issue in the earliest decades of the nineteenth-century. In 1804, the Maryland legislature passed a law stating that anyone without visible means of support, anyone who wandered the streets, any fortune tellers, gamblers, or jugglers, "and every woman who is generally reputed a common prostitute [...] shall be adjudged a vagrant, vagabond, prostitute or disorderly person."⁸ Any person convicted under the statute could be sentenced to two months of labor in the almshouse, though the penalty proved a difficult one to enforce given that the almshouse was not designed to incarcerate the unwilling.

In 1811, Baltimore Mayor Edward Johnson complained that the city had been overrun by dissolute persons and beggars and lobbied for more severe (and effectual) measures to combat vagrancy. The state legislature responded by passing a law stating that persons convicted of being vagrants or vagabonds be sentenced to a year at labor in

7 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).

8 "An Act Relating to Vagrants in Baltimore City," *Maryland Code*, Chapter XCVI, Sections 2 and 3 (1804).

the state penitentiary. While the new law no longer explicitly listed prostitutes as vagrants, women who sold sex on the streets—along with virtually all other poor or “illegitimately” employed persons remained vulnerable to arrest.⁹

Unfortunately for streetwalkers and other members of the urban poor, Baltimore court records indicate that the vagrancy statute was enforced with vigor after the new law’s passage. In 1816, for instance, the Court of Oyer and Terminer and Gaol Delivery heard sixty-two separate vagrancy cases, about a fifth (N=13) of which resulted in the offenders’ convictions and remand to the penitentiary for a year. Over seventy percent of those charged with vagrancy (N=44) were women, and women were significantly overrepresented among persons sentenced to the penitentiary for the offense.¹⁰ Seth Rockman has noted that between 1812 and 1819, women accounted for nearly seventy-five percent of the 186 persons who served time in the Maryland State Penitentiary for the offense. Contrary to some historians’ assertions that Maryland’s vagrancy laws were primarily employed against blacks, the majority of women sent to prison for the offense in Baltimore were white, usually Maryland-born, and in their late twenties. Many were listed in the Penitentiary docket as having been occupied with “legitimate” trades like spinning and seamstressing prior to their arrests, suggesting that they were convicted of vagrancy for reasons other than “having no visible means of support.”¹¹ Perhaps they

9 On the potentially devastating effects of vagrancy laws on vulnerable populations of streetwalkers and the urban poor, see especially Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: Johns Hopkins University Press, 2009), 172, 214. For a discussion of the legal and economic roots of vagrancy statutes and prohibitions in the postbellum period, see Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (Cambridge: Cambridge University Press, 1998), 98-137.

10 Baltimore Court of Oyer and Terminer and Gaol Delivery (Docket and Minutes), 1813, MSA C183-8; 1816, MSA C-183-9.

11 Rockman, *Scraping By*, 223.

In 1816, 36 of the 44 women charged with vagrancy were white women. The remaining eight women were listed as colored, negro, or mulatto, with one woman specifically referred to as a slave and

were women who used prostitution as a means of supplementing the meager earnings they got from their legitimate employments. Whatever such women's alleged transgressions against the public order were, they proved sufficient to allow the state to assume control of their labor. Imprisoned vagrants deemed healthy enough to work were set to "wool picking," sewing, or washing for the duration of their confinement.¹²

Men and women who allowed prostitution or assignations to take place in their dwellings or women who prostituted themselves off of the street-level were prosecuted under separate statutes. By the 1810s, it was rare that these statutes were specific to sex work. In 1813, for instance only five women appeared before the court on allegations that they kept "bawdy houses," a term that connoted houses in which illicit sexual activity took place. In all five of these cases, however, the court or the grand jury responded by issuing a writ of "Ignoramus," an older legal usage of the word that translated literally from the Latin ("We have no knowledge [of these matters]"). The court thus declined to pursue the cases of any of the "bawdy house" defendants on the basis that there was insufficient evidence to justify indictments. By the 1816 docket, "Keeping a bawdy house" had disappeared completely from the court's arsenal of charges.¹³

Instead, the court employed the charge of "Keeping a Disorderly House," a vague charge that encompassed bawdy houses, but applied equally to any houses or establishments that violated the established social or racial order: gambling parlors, grog shops, and places of "promiscuous" recreation all fell under the rubric. In 1816, fifty-five persons were charged with keeping a disorderly house, a slight majority of whom were

one other referred to in a way typically employed to refer to enslaved persons (i.e. "Negro Nancy," with no last name specified).

¹² Ibid; Maryland State Penitentiary (Prisoner Record), 1811-1840, MSA S275-1.

¹³ Baltimore Court of Oyer and Terminer and Gaol Delivery (Docket and Minutes), 1813, C183-8; 1816, C-183-9, MSA.

women. Among those brought before the court were twenty-four white males, one black male, seventeen white females, and ten black females, and three white persons of unknown sex. Despite the fact that the grand jury presented a sizable number of people to the court on “disorderly house” charges, however, very few of those were actually successfully prosecuted and convicted. Only six of the fifty-five defendants were pled or were found guilty, and of those, all received a fine of ten dollars. This was not an insignificant sum, but the docket contained no notations indicating that the convicted men and women could not afford to pay it (such a default would likely have resulted in confinement in the jail, and a commitment usually merited a note in the docket). One defendant, however, a black woman referred to in the docket as “Aunt Juno” Clark, was sentenced to six months imprisonment in addition to the fine.¹⁴

In 1816, the state abolished the Court of Oyer and Terminer and awarded Baltimore City its own court for the first time. The following year, a newly formed Baltimore City Court assumed control over the appointment of police and watchmen and began to preside over criminal cases originating within the limits of the municipality. For the first decades of its existence, the new court operated similarly to its predecessor, with one significant exception: it adjudicated only a minimal number of vagrancy cases. Just a year after the City Court’s creation, the state rescinded its harsh 1811 law concerning vagrancy in favor of reverting back to the older 1804 statute.¹⁵ In the most direct sense, this was a softening of the state’s approach to vagrants, whose number may have decreased as Baltimore recovered from the economic havoc wreaked on it by wartime

14 Statistics derived from an overview of disorderly cases contained in the Baltimore County Court of Oyer and Terminer and Gaol Delivery (Docket and Minutes), 1810, C183-6; 1816 C183-8, MSA.

15 “An Act Relating to Vagrants in the City of Baltimore,” Chapter 189, Maryland Code, 1818.

trade embargoes. But the new law also had the effect of depriving streetwalkers and others charged as vagrants of many of their rights to due process. Because the penalty under that statute was commitment to the almshouse rather than incarceration in the Maryland State Penitentiary, a formal trial in the City Court was no longer required. Most alleged vagrants were brought before police magistrates, who committed or freed them summarily and often without granting the accused the right to call witnesses or know the identities of those who testified against them. Given the lack of surviving arrest dockets from individual police districts before 1867, it is impossible to estimate with any accuracy how many streetwalking prostitutes were arrested for vagrancy. Newspaper records do, however, provide evidence that magistrates, police justices, and even the Mayors of Baltimore sent at least a few destitute sex workers to the almshouse.¹⁶

Women who plied their trade indoors (or allowed others to do in their houses) initially faced consequences similar to those their predecessors had faced under the Court of Oyer and Terminer, though the City Court had begun to crack down by mid-1820s. In 1821, twenty-five people appeared before the court on charges that they kept disorderly houses. Twenty of these were women, a handful of whom can be identified from other records as women involved in prostitution. Of the total number of defendants, nearly half (N=12) were found guilty, a significant increase from the percentages that had been typical in the Court of Oyer and Terminer.¹⁷ Nevertheless, the penalties remained the same; most defendants paid \$5-\$10 in fines, plus the cost of their trials. Only two were sentenced to jail (for a single day), and in both cases, the sentence was struck out in the

16 On the handling of vagrancy by local police courts and magistrates, see for example "The Honorable Delegates to the General Assembly of Maryland, From Baltimore City and County," *Baltimore Patriot & Mercantile Advertiser*, January 15, 1823. For examples of how cases were adjudicated, see for example "Before the Mayor," *Sun*, November 17, 1858.

17 Baltimore City Court (Docket and Minutes), 1821, C184-1, MSA.

docket by the clerk of court. Defendants who appeared on similar charges in the years that followed were not so lucky. Of thirty-six defendants presented for “Keeping a Disorderly House” in 1825, fifteen were found guilty. The majority of those convicted received fines of \$20 plus court costs, though the penalties levied on a few rose to as high as \$50. Six of the defendants were also sentenced to serve between two and six months in jail, which suggests that the courts were beginning to treat vice-related offenses with more seriousness than they had previously.¹⁸ This trend would continue through the 1820s before dropping off with no clear explanation. By 1830s, fines dropped back down to \$10 in most cases, and jail terms for disorderly houses were largely limited to a week.¹⁹

Sometime over the course of the 1830s, the courts shifted their approach to prostitution yet again, this time by altering the nature of charges levied against keepers of commercial sex establishments. In response to both the expansion and the formalization of the local sex trade and new concerns about prostitution and extra-martial sexuality that had emerged out of the evangelical revivals of the previous decade, Baltimore’s courts began to recognize certain forms of commercial sex as constituting a unique category of disorder. Even as streetwalking remained embedded within—and largely undistinguished from—a constellation of disorderly behaviors that were punished under vagrancy or disorderly conduct statutes, prostitution that was contained within an brothel, assignation house, or other house of ill-fame was increasingly prosecuted under its own sets of charges. A gap in records between 1831 and 1839—likely the result of a courthouse

¹⁸ Baltimore City Court (Docket and Minutes, 1825, MSA-C184-2).

¹⁹ This data is based on an examination of the only two years of the Baltimore City Court (Docket and Minutes) that survive for the 1830s: 1830 (C-184-5) and 1839 (C-184-6).

fire—makes it impossible to pinpoint when exactly the change began, but by the end of the 1830s, the courts were regularly distinguishing between keepers of disorderly houses whose violations involved sex and those that did not (or could not be proved to). The court adopted the new charges of “Keeping a Bawdy House” or (less commonly) “Keeping a House of Ill-Fame” for brothels and houses of assignation. At the same time, it limited the use of “Keeping a Disorderly House,” charges primarily to gambling dens, unruly saloons, and other spaces not primarily associated with sex. This change was reflected in the demographics of those charged with each offense. Disorderly house charges, which had once been levied against men and women in nearly equal numbers, became charges predominantly associated with men. At the same time, at least 75% of the ill-fame and bawdy house charges brought in any given year were levied against women, with the number steadily rising to around 90% by the time the local brothel trade was nearing the height of its development in the 1850s.²⁰

The Baltimore court's employment of bawdy houses charges was unusual in the context of the time period. The practice of differentiating sexual and non-sexual forms of disorder was by no means universal among U.S. cities. While Boston adopted a practice similar to Baltimore's by charging women with brothel-keeping, New York, the city that has produced the bulk of historical knowledge about nineteenth-century prostitution, continued to group brothels under the umbrella of “disorderly houses” well into the latter half of century. Once Baltimore's courts diverged from cities like New York in creating the specialized charge, they also used it far more frequently than the courts in any other city for which data exists. In Boston, the city that directly trailed Baltimore in population

²⁰ This observation is based on an examination Baltimore City Court (Docket and Minutes) records from 1847 (C-184-10) and 1849 (C-184-11). Court records survive sporadically for the 1840s.

size for much of the antebellum period and had a reputation for being among the harshest judicial environments for prostitutes, prosecutions for brothel-keeping peaked at 110 cases during a period of extensive police raids in the early 1850s. While no 1850 docket exists for the Baltimore City Court, the closest available docket years reveal that prosecutions in fairly typical years for Baltimore (that is, years without unusual spikes in the policing of brothels) came close to and even exceeded even the peak years for Boston; Baltimore saw 125 indictments for keeping a bawdy house in 1849, and 94 in 1852. By 1855, Boston's brothel panic had subsided and case loads had dropped back down to 1840s levels of fewer than 60 cases a year. At the same time, Baltimore's caseload remained relatively steady; the City Criminal Court saw 121 bawdy house and house of ill-fame cases and an additional four indictments for assignation houses in 1855. As the city's sex trade expanded, the number of cases rose accordingly, reaching a pre-war height of 187 in 1859. New York, in comparison, tried an average of only nine madams per year on disorderly house charges during the 1850s.²¹

The advent of sex-specific charges thus coincided with a period in which keepers of houses of ill-fame were prosecuted in fluctuating but consistently high numbers uncharacteristic of the extreme cycles of crackdowns/complacency in policing observed in other urban areas. Based on currently available historical data, Baltimore authorities appear to have been among the most regular and thorough policers of commercial sex in early republic America, bringing more criminal cases against brothel keepers than

21 Barbra Meil Hobson, *Uneasy Virtue: The Politics of Prostitution and the American Reform Tradition* (New York: Basic Books, 1987), 39.

Baltimore City Court (Docket and Minutes), 1849, C184-11; Baltimore City Criminal Court (Criminal Docket), 1852, C1849-1; 1855, C-1849-4; Jan Term, 1859, C1849-10; May Term, 1859, C1849-11; Sept. Term, C1849-12, MSA.

Timothy Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790-1920* (New York: Norton, 1993), 125-6.

authorities in any other city. But while Baltimore's prosecution numbers far exceeded those of other East Coast cities, the growing frequency with which bawdy house charges were employed did not reflect an increasingly intolerance for or desire to suppress commercial sex. In fact, as charges became specialized and their use regularized, punishments for sexual disorder offenses became decidedly more lenient. Imprisonment, which was by far the harshest and most suppressive penalty authorities had the power to employ against brothel keepers, declined almost completely after the late 1830s. Baltimore courts had employed jail sentences against the keepers of disorderly houses during the period when sex was integrated into the general category of disorder, and authorities in other cities regularly issued sentences of one to three years in prison to women convicted of keeping brothels. And yet, in eight sample years of criminal records between 1839 and 1860, only two people out of nearly 900 persons charged either with keeping a bawdy house or keeping a disorderly house in Baltimore were sentenced to incarceration, one for a term of one month and one for just a day.²²

The totality of the changes that began to take root in the 1830s—the advent and frequent enforcement of bawdy house charges and the decline of imprisonment—indicated that Baltimore had begun to assume a regulatory approach to prostitution. Eschewing older models of enforcing public morality through the harsh suppression of illicit sexual expression, authorities developed a new system of policing. Baltimore authorities and civilians used the judicial system to supervise brothels, to render them legible as spaces of illicit sex through legal proceedings and the newspapers' subsequent

22 On arrests in New York, see Marilyn Wood Hill, *Prostitution in New York City, 1830-1870* (College Park: University of Maryland Press, 1988); on Boston's policing strategies, see Hobson, *Uneasy Virtue*, 28-48; Novak, *The People's Welfare*, 149-168.

Baltimore City Court (Docket and Minutes), 1849, Case 409, Mingo Alberto, C184-11; 1847, Case 173, Elizabeth Whittington, C184-10, MSA.

coverage, and to extract revenue from their trade.

By the 1840s, the system followed a predictable pattern year after year. While scholars have often explained tolerant approaches to brothels as means of keeping commercial sex contained and “in the shadows,” the implementation of Baltimore's regulatory system began each spring with a massive knowledge-gathering endeavor. In Baltimore, unlike many other East Coast cities, prosecutions of brothel-keepers did not begin with police raids or sweeps of brothels. The police, in fact, had relatively little to do with the regulatory infrastructure around the sex trade during the first decade or so of its existence. The task of rounding up brothel-keepers instead fell to Baltimore's grand jury, a panel of mostly elite citizens and persons of means that was tasked not just with deciding to issue indictments in cases brought before them by a prosecutor but with serving an active investigative role. Each year, usually in the May or June term of the court, the grand jury sought out information on all bawdy houses and illegal liquor dealers operating within the city. In the case of the latter, they conducted the search formally, publishing requests that ward officers and citizens come forward with testimony; in the case of the former, the process appears to have been conducted—in the realm of print, at least—quietly. Nevertheless, each spring saw a steady stream of witnesses clamoring to provide information to the jury about bawdy houses in their vicinity.²³

In an era before professional policing and formalized standards of evidence, the knowledge of members from all strata of the community was crucial to the municipalities'

²³ On the inquisitorial powers granted to Maryland grand juries, see George John Edwards, *The Grand Jury: Considered from an Historical, Political and Legal Standpoint, and the Law and Practice Relating Thereto* (Philadelphia: George T. Bisel Co., 1906), esp. 104.

investigation of vice. “Bawdy houses,” as the local courts typically labeled brothels, were legally synonymous with “houses of ill-fame,” the latter being the term employed frequently by the state courts and preferred by the local press (which, of course, played a role in producing “houses of ill-fame” by publishing their details). Modern readers often understand “house of ill-fame” to be simply a euphemistic means of referring to a commercial sex establishment, but its the phrase captured a literal truth about such establishments in the antebellum period. Brothels were widely known to city residents, and collective agreement about which houses were brothels or assignation places constituted the bulk of evidence in the grand jury's investigation. As Laura Edwards has argued of antebellum legal culture, “Who was involved [in cases] and what others knew about them mattered more than anything else. Gossip, hearsay, and innuendo had legal standing just as information, common knowledge, and credit did.”²⁴ People who were recognized as having knowledge about a particular neighborhood or aspect of the urban geography regularly gave testimony about what they heard and “knew” about specific houses and the men and women who ran them. Likewise, persons who sought to contradict those witnesses' testimony might themselves swear to never having heard anything negative about a house or its keeper.²⁵ Even beyond this evidentiary basis, however, “house of ill-fame” captured something about the nature of brothels' disorderliness—namely, that brothels had a public reputation for being sites of illicit sex was itself a kind of violation of the public order, independent of the disorderly acts that

²⁴ Edwards, *The People and Their Peace*, 23. Maryland did not differentiate between houses of ill-fame by fact and houses of ill-fame by reputation—in other words, houses in which prostitution was actually occurring rather than houses in which prostitution was rumored to be occurring—until the 1884 case, *State vs. Henson*.

²⁵ See, for example, the case of Mary Ann Patterson, recounted in “City Court,” *Sun*, June 15, 1841; see also the testimony regarding Alonso Welch and Susan Creamer's establishment, recounted in the trial of Michael Rock and John Judge for the rape of Elizabeth Black: *Sun*, November 19, 1852.

did or did not occur within their walls. That brothels were widely known was part of what made them subject to legal discipline, which made it fitting that their regulation began with the grand jury tapping into the city's collective knowledge banks.

In the 1840s, witnesses turned up in significant numbers to testify against bawdy house keepers. In some cases, the madams actually testified (and quite likely lodged complaints) against each other. Whether this was due to business rivalries, personal acrimonies, or simply a desire to parlay their information about the sex trade into more lenient treatment from the courts is not clear, though there is ample evidence that many of those involved in Baltimore's sex trade were not on good terms with one another. In the majority of cases, however, witnesses were either direct neighbors of the defendants or people who lived in proximity to their establishments.²⁶ In some cases, they no doubt testified against the madams in question because they were irritated by their presence on their blocks; houses of ill fame, with their tendency not only to alienate pious Baltimoreans but also to attract rowdy, drunk crowds who loitered and hollered until the wee hours, often made for poor neighbors. In other cases, witnesses appeared to have decent relationships with brothels nearby, with some even volunteering that they were aware of the reputation of the houses in question because they had visited or attended parties or events there. In these instances, money rather than morality may well have been the deciding factor; municipal code promised witnesses half of whatever fines were lobbied against brothel keepers upon conviction.²⁷

²⁶ This information derived from samplings of witness lists contained in Baltimore City Court (Docket and Minutes) records, C-184, MSA.

²⁷ On the neighbors' sources of knowledge about the happenings in and reputations of brothels, see, for example, *Sun*, Mar. 9, 1840.

The General Public Statutory Law and Public Local Law of the State of Maryland, from the Year 1692 to 1839 Inclusive: with Annotations Thereto, and a Copious Index, Vol. 2 (Baltimore: John D. Toy,

Once the grand jury had completed its annual investigation, the process of adjudicating cases went speedily. The jury issued presentments against the men and women whose neighbors had implicated them as bawdy house keepers, and the sheriff served *capias* warrants against the accused. Alleged madams were either released on their own recognizance pending a court date or required (in conjunction with another citizen) to post bonds of \$200-\$500 for their appearance in court. Most madams were able to afford the bonds or otherwise find someone to guarantee them, and few were jailed pending trial. In the second term of the court, madams appeared one after the other before a judge and—upon their request for a trial—jury, and quickly had their cases heard. Upon a guilty plea or conviction, madams were assessed fines and subsequently released.²⁸

The fines imposed on alleged brothel-keepers were substantial, ranging from \$1 to \$500, with amounts of \$5-25 being the most typical. Combined with court costs that could easily be \$2.55 for a short day in court or over \$10 in the case of a prolonged trial, the amounts were far beyond what the average female laborer in the nineteenth-century would have been able to afford, especially if she was unmarried. Madams and the prostitutes who worked in their establishments, however, made far more than the average female wage laborer, and the fines were neither financially devastating nor intended to be such.²⁹ In fact, the court went out of its way to ensure that the fines were affordable by adjusting them according to the relative size of each woman or man's establishment. On June 24, 1841, for instance, the court heard eight separate bawdy house cases, those of Anne Bartlett, Mary Cooke, Sarah “Black Hawk” Burke, Cecilia Gray, Elizabeth

1840), 1695.

²⁸ All statistics derived from Baltimore City Court (Docket and Minutes) records, C149, MSA.

²⁹ On the income of prostitutes in New York, see Sanger, *The History of Prostitution*, 600-601; Christine Stansell, *City of Women: Sex and Class in New York, 1789-1860* (New York: Knopf, 1986), 181.

Osborne, Harriet Rhineman, Leathy Ann Talbot, and Ann Thomas. All eight women were fined for the offense, but each was assigned an amount “according to the extent of the apparent means which were used severally by these abandoned women, in their disgraceful and pernicious traffic.” Elizabeth Osbourne and Sarah Burke were fined (respectively) two-hundred and one-hundred dollars respectively, amounts typically reserved for the keepers of particularly wealthy or well-known establishments. Leathy Talbot, Anne Bartlett, and Mary Cooke, on the other hand, each paid only ten dollars plus court costs, which was a standard penalty for small houses. Keepers of small, mixed-use or occasional assignation houses in the poorest areas of town could expect to pay less.³⁰

Fines for keeping a bawdy house were no doubt cumbersome to the men and women who were hauled into court and required to pay them each year, but they quickly became an accepted cost of doing business. Running a brothel was a profitable enough enterprise that even steep fines were insufficient to render the sex trade non-lucrative, and most men and women who stood accused of keeping a bawdy house agreed to them upfront and with little protest. In three sample years between 1839 and 1849 a total of 136 “keeping a bawdy house” cases progressed beyond the presentment or indictment stage; in 77 (fifty-seven percent) of those cases, the defendants simply pled guilty to the charges and paid the fines that resulted. Trials were expensive affairs, and the cost was passed on to the defendant in the case of a loss. The high financial and time burdens associated with trial, as well as the scrutiny that drawn-out legal proceedings had the potential to bring upon brothel proprietors and their clientele, made them unworthy investments. By the 1840s, paying the fine and returning to business as soon as possible

30 “City Court,” *Sun*, June 24, 1841.

proved the soundest strategy for those employed in brothel work.³¹

This is not to say that Baltimore courts never aimed to be punitive toward brothel-keepers or that the system of fines could never be applied to suppressive ends. There were boundaries even within a tolerant regulatory system, and brothel-keepers whose establishments attracted the attention of authorities outside of the annual investigative period were often subject to much harsher treatment in January or September terms than they were in May. Brothel keepers were often keenly aware of this. In 1840, for instance, long-time bawdy-house-keeper Ann Bartlett was so fearful of arrest that she closed and locked her establishment on Potter Street and left it abandoned for months. This was an extreme and unusual measure, and, unfortunately for Bartlett, it failed. She was eventually arrested, given a prohibitively high bail, and jailed to await trial.

A year later, an assignation house keeper named Hannah Smithson faced a similarly difficult situation. Smithson was not only arrested and tried for keeping her establishment on Garden Street, but she was also ordered to pay a staggering fine of \$500 upon her conviction. As discussed in the first chapter, Smithson was fairly well-off, but not so wealthy that she could produce such a sizable sum. She was reduced to petitioning for reprieve from the penalty on the grounds that it would entirely deplete her worth. While she eventually received clemency, the City Court continued in its mission of punishing those involved in her operation. The Court arrested Smithson's landlord, Samuel H. Goldsmith as well, holding him on a \$500 bail for perjury and knowingly

³¹ Data gathered from an examination of Baltimore City Court dockets in three sample years, 1839 (C184-6); 1847 (C-184-10), and 1849 (C-1849-11); Baltimore City Court (Docket and Minutes), MSA C-184.

renting a house for illicit purposes.³²

The amounts assigned as bail or fines in the Bartlett and Smithson cases were unusual in that they were prohibitively expensive and suppressive in their intent, but Bartlett's and Smithson's were exceptions that proved the rule when it came to regulation. What was at issue in both women's cases was not simply the sale of sex or the letting of spaces in which sex could take place. That, after all, was permissible and tolerated so long as it contained sex indoors and put it under the management of propertied and capital-oriented proprietors. What Smithson and Bartlett stood accused of was promoting additional and far more grievous violations of moral sentiment and sexual boundaries. In the latter case, Bartlett had committed one of the few offenses that rarely failed to bring the force of the law down on those involved in the sex trade: she allowed a thirteen year-old girl to be brought to and seduced within her establishment. At thirteen, the girl was only slightly younger than some of the women whose presence in the sex trade was both common and well accepted. Nonetheless, there was a difference between a fifteen year-old prostitute and a thirteen year-old whose background was respectable enough for her seduction to make Bartlett's case a "very aggravated" and outrageous one.³³

Instances in which brothel and bawdy house keepers were charged with similar offenses followed the same pattern. Mary Ann Hill, for example, was prosecuted for keeping a house of ill fame after a sixteen year-old who had been "seduced away from her father" was discovered hidden in the crawl space of Hill's house on Canal Street. Hill was fined \$100 and then—in what was a very rare pattern of prosecution—charged with

32 On Barlett's case, see: "Local Matters," *Sun*, April 4, 1840; "Local Matters," *Sun*, June 6, 1840. On Smithson's case, see "Licentiousness," *Sun*, May 29, 1841; "Editorial Immorality," *Sun*, June 19, 1841; "The Fine," *Sun*, June 22, 1841; "That Fine," *Sun*, June 24, 1841.

33 "Local Matters," *Sun*, April 4, 1840.

the same offense at least three other times in the same term of the City Court.³⁴

Similarly, the vitriol directed at Smithson by both the courts and the press was rooted in large part in the allegation that Smithson catered to a group whose presence in commercial sex establishments was socially unacceptable: respectable, married women. Smithson never denied in the course of her trial that she ran a house of assignation catering to prostitutes. Quite the contrary: Smithson actually *insisted* that she catered to prostitutes (and prostitutes alone) as part of her defense against the truly damning allegation that arose in the course of her trial. Nevertheless, an unnamed person testified that Smith allowed into her establishment both “single ladies passing as respectable” and “married ladies of respectability, passing as virtuous in society, resorted to the house.”³⁵

The accusation proved to be a devastating one in large part because it united two central concerns that lingered around assignation houses: first, that they were illegible, and second, that their illegibility threatened men's control over women. At the same time that the court went after Smithson for keeping a house of assignation, it also went after Mary C. Patterson, who lived just blocks away from her. Patterson's case perhaps more than any other demonstrated what was at stake when courts approached assignation houses. In June of 1841, Patterson was brought before the Baltimore City Court on charges that she kept her dwelling on Lexington Street and Market Alley as a bawdy and disorderly house. At the root of the allegations against Patterson was the “promiscuous” traffic coming in and out of her house; Patterson's neighbors, Mr. Walker and Mr. Hendrickson testified that they had seen a gentleman arrive at the door of Patterson's

34 “Local Matters,” *Sun*, April 4, 1840; *Sun*, March 30, 1840; “Local Matters,” *Sun*, June 17, 1840.

35 “Licentiousness,” *Sun*, May 29, 1841; “Editorial Immorality,” *Sun*, June 19, 1841; “The Fine,” *Sun*, June 22, 1841; “That Fine,” *Sun*, June 24, 1841.

house and appear to be waiting until a respectable-looking young lady arrived. When she did “they stood on the steps, the gentleman put his arm round her waist, and bestowed a kiss upon her had in turn” before entering the house. Hendrickson insisted that the traffic of men and women meant the house was an assignation house, but Patterson countered with a more banal explanation that highlighted how unclear the boundaries between legitimate and illegitimate commerce could be. Patterson, who sold coffee, meat and other cooked provisions, and, in the summer, ice cream at nearby Lexington Market, claimed that she kept an eating house. Her other neighbors testified on her behalf that she purchased large amounts of cream from them, that they could hear her grinding coffee, and that they had, at times, helped her repair her machinery for ice cream. Several testified that they had never seen anything untoward, and that Patterson's male and female visitors were customers of her. Because women so often did the shopping at weekly markets, the explanation was believable. At the same time, it highlighted how commerce and mobility could function to obscure who was respectable and who was not.³⁶

In both the Patterson and Smithson cases, the heightened anxieties about assignation houses had much to do with the sexual license their ambiguity could grant women, especially those who were married. Assignation houses were widely criticized for their roles in promoting extra-marital sex and thus robbing the familial home of “the priceless jewel of connubial virtue” and leaving it “cheerless as a sandy desert.”³⁷ But it was one thing for married men to frequent assignation houses, and quite another for their

36 *Sun*, June 14, 1841

37 “Licentiousness,” *Sun*, May 29, 1841; “Editorial Immorality,” *Sun*, June 19, 1841; “The Fine,” *Sun*, June 22, 1841; “That Fine,” *Sun*, June 24, 1841.

allegedly respectable wives to do so. Men's ability to claim sexual access to women's bodies was foundational to certain strains of early nineteenth-century masculinity. So too was their ability to exercise control over the labor and bodies of the women in their household.³⁸ Brothels had to support both of these prerequisites in order to remain tolerable, and those that ignored the latter by allowing daughters to stray from fathers and wives from husbands committed a serious violation. Ladies' presence in sex establishments, argued those involved in Smithson's trial, represented an embarrassment not only to all respectable citizens but to "the city itself."

As a result, Smithson's attorney scrambled to explain the presence of any women not involved in the sex trade in her house: one was a medical attendant, another a deliverer of butter, another a seamstress sent to do sewing work, another a messenger sent to collect Smithson's payment for her children's board at school, and yet another a mother looking for her wayward son (Smithson's lawyer insisted that the woman waited outside). But the witness who had accused Smithson went so far as to offer the court a list of respectable women who visited the house, the revelation of which would be "an injury to society, that could never find a remedy." The court refused to receive the list, but nonetheless punished Smithson harshly as a result of the scandal.³⁹

Aside from interfering with the dominion of men over their daughters and wives, commercial sex establishments could also attract special scrutiny through particularly

³⁸ Recently, Mark Kann has argued the sex right and patriarchal authority remained in force in the early republic and that they shaped the policing of sex and the boundaries of permissibility regarding sexual conduct. Mark Kann, *Taming Passion for the Public Good*, 1-48.

³⁹ "Licentiousness," *Sun*, May 29, 1841.

As I have argued here, one of the surest ways for an assignation house or brothel keeper to earn a harsh reproach from the court was to violate the dictate that men could expect fidelity from women over whom they had authority (e.g. by allowed girls to be "seduced away from [their] fathers" or letting rooms to wives who were being unfaithful to their husbands). Lawrence Friedman, *Guarding Life's Dark Secrets*.

egregious violations of the public peace. Harriet Price, a black brothel-keeper, was assigned a bail of \$50—an amount far exceeding her financial means—because she kept an establishment catering to mixed race clientele who had for some time “greatly harassed” her neighbors by their “riotous and disorderly conduct.” Likewise, Catharine Hill found herself not only fined \$50, but ordered to pay a \$100 security to ensure that she left the sex trade after a client of her establishment, Charles Torrence, disturbed the peace and taunted the police by “springing a watchman's rattle out of the window at night.” The incident was only the last in a long string of bad behavior at Hill's brothel, however; female residents in her house were also “in the habit of donning the unmentionables and riding through the streets *en cavalier*.”⁴⁰

That fines had the potential to be devastating if they occurred outside the normal cycle of regulation left women vulnerable to exploitation by men capable of exercising power over them. Even an unexpected fine of as little as \$5 had the potential to disrupt the finances of a low-end establishment, and failure to pay often resulted in authorities jailing women until they came up with or earned the money. The desire to avoid the costly fines, exposure, and potential incarceration that could follow an arrest prompted some women to acquiesce to demands for bribes or payoffs. In some cases, such extortion attempts came from ordinary citizens. During the press run of Baltimore's short-lived flash paper *The Viper's Sting and Paul Pry*, one correspondent to the paper recounted witnessing a man who needed money for liquor walk into Trippolett's Alley and demand it from a prostitute. The unnamed man told the woman, referred to only as Sally (possible Sarah “Blackhawk” Burke, a long-time brothel keeper in the central part of the city), that

40 *Sun*, July 3, 1841; *Sun*, June 14, 1839.

he was a writer for the *Viper*. He threatened to write an exposé about her that would draw the attention of authorities to her establishment and its clientele if she did not pay him.

“Sally” was forced to throw a small bag of coins down to him.⁴¹

Still other threats came directly from municipal police and members of the watch. One Fells Point Watchman, John Wesley Oldham, made a habit of threatening prostitutes with arrest or violence if they did not bribe him with a small sum to keep quiet about their activities. At one point, Oldham even demanded sex in exchange for his inaction, telling the women who worked in a brothel known as Three Gun Battery that he would take them to the watch house if they refused “connexion with him.” (Oldman, notably, was fired by Mayor Jesse Hunt, who declared that “however degraded an individual may be, justice demands that they should not be made the victims of cruelty.”)⁴² It is difficult to say with certainty how often such extortion occurred given the covert nature of bribery. In all likelihood, the systematic bribery that would plague cities like New York in the latter part of the century had not developed yet, but individual officers possessed power sufficient to make the lives of women on their beats difficult. At least one officer, Constable Charles Hergersheimer, was actually prosecuted for demanding that Elizabeth Williams pay him \$5 to ensure that the bawdy house charges she faced before Justice Welsh were dropped.⁴³

Despite the difficulties faced by individual women in the trade, however, Baltimore's system of fines was not generally a source of apprehension for women whose establishments were orderly. In fact, rather than requiring brothels to become shadowy

41 “Black Mail,” *Viper's Sting and Paul Pry*, August 18, 1849.

42 Mayor's Correspondence, R.G. 9, Series 2, 1833: 390, Baltimore City Archives.

43 Historian Marilyn Wood Hill has suggested that widespread bribery and corruption was more characteristic of the late nineteenth-century than the earlier period. Hill, *Their Sisters' Keepers*, 146. *Sun*, Mar. 13, 1858.

spaces whose presence had to be concealed through bribes, the system of fines generally allowed women to operate with little fear that they would be driven out or raided. A sizable minority of the women and men charged with keeping bawdy houses appeared in court year after year for the same offense. The frequency which they were summoned and fined not only failed to deter them from continuing their trade, but in fact became something of a running joke in light of the fact that everyone was aware of how prosecutions functioned. When the state's attorney questioned Mary Kelly about her occupation during the course of her testimony in Elizabeth Black's rape case, Kelly remarked snidely, "All of you gentlemen here know what kind of house I keep—I have been up here often enough." Indeed, she had. Kelly had been tried multiple times for keeping a bawdy house, with the first charge occurring at least five years before she appeared at the Black trial. While the commonness of her name makes it impossible to know with certainty, she was quite probably the same Mary Kelly who appeared on similar charges well into the 1860s.⁴⁴

The court never formally acknowledged what it was doing when it hauled women into court, forced them to pay a fine, and then released them to return to their business, in part because an outright system of licensing vice was likely to generate public controversy. Nonetheless, by the 1840s, the court had begun to integrate brothel prostitution into a clearly defined regulatory infrastructure similar to that that existed around illegal liquor sales. Like liquor law violations, brothel prostitution was something to be publicly condemned but largely ignored outside of one period of the year in which revenue was extracted from those in the trade. Bawdy house cases came to be tried

⁴⁴ "Criminal Court," *Sun*, November 20, 1852; *Sun*, June 1, 1847; Baltimore City Court (Docket and Minutes), May Term, 1847, Case 394, Mary Kelly (C-184-10), MSA.

alongside violations of liquor licensing laws in the spring court term, and the financial proceeds from both kinds of trials were employed similarly. Bawdy house fines and liquor fines never generated major municipal revenue, but they helped to fund the sheriff's office, the local courts, and the public dispensaries. The latter of these represented a pragmatic arrangement, as dispensaries served as the primary sites of medical care for urban residents who could not afford a private physician for much of the nineteenth century. Channeling the proceeds of two trades associated with the promotion of disease toward medical institutions served as a sensible way to allow vice to exist within the urban landscape while simultaneously minimizing its ill-effects on the populace.⁴⁵

Despite the fact that the contours of the regulatory system around prostitution were never explicitly articulated, most Baltimoreans were well aware of what was going on in the courts. The local news media, which tended to be critical of prostitution as a moral evil, expressed cynicism about the court's treatment of vice and the motivations that underlay it. In 1843, for instance, a reporter for the *Sun* wrote of the City Court,

45 Ibid. *Laws of the State of Maryland*, 1843, Chapter 261, Sec. 1.

A 1915 meeting of Progressive reformers held in Baltimore used the practice of donating money from bawdy-house fines to the dispensaries as evidence of how widely-accepted Baltimore's regulatory system was:

“There was little, if any, protest made in Baltimore against this system. It was acquiesced in upon all sides as either necessary and good in itself, or, if not that, at least the only practicable way of handling the problem. Even the legislature gave the system a sort of recognition by disposing of the proceeds of bawdy-house fines in certain special ways, devoting them to the maintenance of public dispensaries, etc.”

Proceedings of the National Conference of Charities and Correction, Vol. 42, Baltimore (Chicago: Hildmann Printing Co, 1915), 426.

On the history of dispensaries, see Baltimore General Dispensary, *Rules and By-laws of the Baltimore General Dispensary, with Other Matter, Relative to the Institution* (Baltimore, 1803); Baltimore General Dispensary, *An Address to the Citizens of Baltimore and Its Vicinity: Containing a Concise Account of the Baltimore General Dispensary, its By-laws, and Other Matters Worthy of Notice* (Baltimore: 1812). For more on the history of dispensaries, see Charles E. Rosenberg, "Social Class and Medical Care in Nineteenth-Century America: The Rise and Fall of the Dispensary," *Journal of the History of Medicine and Allied Sciences XXIX (1) (1974)*, pp. 32-54.

"This court was engaged yesterday in [...] endeavoring to purify the morality of the community, so far as the imposition of fines upon the proprietors of licentious establishments is calculated [to] effect that object."⁴⁶ Other editorials, citing the frequency with which women returned to prostitution after their court dates, were more direct in their assertions that the system of fines was not intended as a punitive or suppressive measure against prostitution. As one *Sun* commenter wrote, "Does anyone believe that the disease [of vice] can be removed in this way? No—not one. Neither the makers nor the ministers of the law believe any such thing."⁴⁷ In practice, the papers noted, the City Court treated brothels not as moral blights to be eradicated, but as businesses; it simply did so in the only way it could without arousing public debate and ire—namely, by disguising licensing fees as punitive fines for criminal offenses. "The periodical imposition of fines, for offenses that it is known, will be continued after payment," wrote one reporter, "amounts to neither more nor less than a license granted after some time spent in the traffic, with an implied promise of renewal of it, to some future indefinite period."⁴⁸

The City Court's approach to bawdy house cases earned it occasional criticism from the press, but, on the whole, there were few demands for the court to alter its practices and little in the way of sustained commentary on how the judiciary should handle prostitution. Part of the explanation for this no doubt lies in people's conceptions about the proper role of law. Courts in the nineteenth century asserted and enjoyed nearly

46 *Sun*, June 28, 1843

47 "Licentiousness," June 19, 1841.

48 "Licentiousness," *Sun*, June 19, 1841.

unchecked power (in principle, at least) to prosecute offenses against public morals.⁴⁹ And yet, the moral reformers and vocal opponents of commercial sex in the antebellum period did not necessarily accept that the courts *should* assume the responsibility of enforcing public morality. Numerous studies of moral reform societies that formed in early nineteenth-century cities note the reluctance of reformers to turn to legal solutions to solve social ills, not because it was in any way outside of the authority of the state to enforce morality, but because efforts by the state were ineffectual in practice. Fear could encourage people to refrain from expressions of immorality, just as the punishments the courts dealt out could make people regret their immoral behavior after the fact. But the measure of true morality was not just outward expressions of piety or restraint from the commission of moral offenses; a truly moral society was one in which people were inwardly inclined and motivated toward moral behavior. If people were not naturally inclined to such inward motivation, they could be encouraged through personalized interventions and moral suasion to lead virtuous, good, and—in the case of women—chaste lives. Law could play a supporting role in this process, but voluntary rejections of immorality were much preferable to legally coerced ones. As one writer put it, there were two methods of restraining vice, “legislative coercion, or the renovating and redeeming power of moral improvement [, and] the latter is certainly by far the better mode, could it be rendered practically effective.”⁵⁰

If Baltimoreans put stock in moral improvement, however, they created little in the way of an organized moral reform movement against sexual vice in the first half of

49 See Novak, *The People's Welfare*, 149-189.

50 “Licentiousness,” *Sun*, June 19, 1841. For more on the role of moral suasion in reform campaigns against prostitution, see, for instance: Heather Lee Miller, *From Moral Suasion to Moral Coercion: Persistence and Transformation in Prostitution Reform, Portland, Oregon, 1888-1916* (Portland: University of Oregon, 1996).

the century. Cities like New York and Philadelphia developed small but vocal anti-prostitution movements following the evangelical awakening of the 1820s, but Baltimore developed nothing of a comparable scale until years after the Civil War. Temperance advocates gave attention to prostitution as a social ill promoted by alcohol, and many religious philanthropic societies that developed in the latter decades of the antebellum period were designed to help wayward young women, including prostitutes. But few specialized benevolent organizations formed around reforming prostitutes or disseminating information about commercial sex in the city. No Magdalene societies published vice exposés or released alarmist estimates of the number of women employed in the city's sex trade. If there were any sustained efforts to minister to those who sold sex in brothels or on the streets, they are not apparent in local records.

The closest thing Baltimore had to an organized society in opposition to sexual vice appears to have been a small group of evangelically minded citizens who set out to imitate Philadelphia's Magdalene Society. The Philadelphia group ran a reformatory for "fallen" women, and a small group of Protestant Baltimoreans attempted to replicate the institution on their own soil. It turned out to be an abortive and unpopular effort.⁵¹ Few sex workers demonstrated any interest in the events the Baltimore reformers hosted, and only one of those was deemed sufficiently sincere in her repentance that the society felt comfortable investing in her board. Following that unnamed woman's "happy death" a few years hence, the group rented a row house and furnished it, but could not find any matrons willing to staff the establishment. The society reported these discouraging

51 On Magdalene Societies in other cities, see Gilfoyle, *City of Eros*, 182-4; Michael Meranze, *Laboratories of Virtue: Punishment, Revolution, and Authority in Philadelphia, 1760-1835* (Chapel Hill: University of North Carolina Press, 1996), 272-279; Clare Lyons, *Sex among the Rabble: An Intimate History of Gender and Power in the Age of Revolution, Philadelphia, 1730-1830* (Chapel Hill: University of North Carolina Press, 2006), 323-353.

developments to the New York Magdalene reformers, and attributed them to the apathy and antipathy of their neighbors: “Such is the opposition of some, and the indifference of others, that as yet we have not been able to move forward, although several appeals have been made to our citizens, to endeavor to enlist their cooperation.”⁵²

The Magdalene Society's letter suggested that some Baltimoreans were reluctant to undertake reform efforts as a result of strong disdain for or “opposition” toward prostitutes. Even as subsets of evangelical reformers embraced outreach to women involved in the sex trade, dominant antebellum discourses about prostitution cast prostitutes in a far less sympathetic light. Many moralists attributed women's participation in prostitution to individual immorality and lust rather than to social or economic factors that might imply limited agency. The notion that women resorted to prostitution as a result of their own wickedness made it easy to dismiss them as unworthy of assistance, unable to be redeemed, and dangerous to the moral standing of others. It also made it difficult for Baltimoreans to organize a strong oppositional movement within the reformist paradigm, as it deprived even those who shared strong moral disgust for the sex trade of an effective and mutually agreed upon means of addressing it as a problem. Some Americans went so far as to compare any outreach to those involved in urban vice as a slippery slope that was likely to result only in the ruin of those who reached out with the goal of redeeming.⁵³

At the same time that even many religious reformers were responding to prostitution by distancing themselves discursively and literally from its participants, some

52 “Baltimore Magdalene Society,” March 28, 1831, letter in *Magdalene Facts* 1, (New York, January, 1832), 54-5.

53 On the diverse array of attitudes toward prostitutes in the antebellum period, see Hobson, *Uneasy Virtue*, 110-123; Stansell, *City of Women*, 171-192.

Baltimoreans went so far as to defend vice explicitly against attacks by morally-minded citizens. In 1839, for instance, the *Sun* received an anonymous letter that began, “You bloody, blasted d---d methodists, if you dont quit preaching about sporting men, you'll get yourself into a fix and be licked like d—nnation.” The letter came in response to the *Sun*'s coverage of gambling in the city, but the author wrote broadly defense of “sporting men,” a so-called “subculture” of masculinity that was associated not just with gaming but also with mobility within the city, sexual license, and sexual display. The author threatened in the remainder of the profanity-laced letter that the paper would face severe consequences if it continued to publish exposés and lobby for tighter restrictions on “disorderly” establishments:

“By meddling with gentlemen, you run foul of a snag, and blast me if you dont get blowed up and your paper sent to the d—l. You may think this is done only to scare you, but you'll find that sporting men can take away your subscribers and take away your printers, like they did in Richmond, and then tar and feather you and kick you out of Baltimore and make you starve wherever you go, for they are rich and gentlemen and not a parcel of stinking poor devils of mechanics that hasn't got the sense of a sucking turkey, and the whole city is afraid of them [...] so stop trying to get up the people against us, for its no use, and we can soon put you out of our way, you chanting, psalm-singing hypocrites. D—n you, youre nothing but a pack of methodists and papists that suck the Pope's big toe, and I hope you and him may all go to hell to-gether[.]”⁵⁴

While the level of vituperation evident in the letter was unusual, the screed written by the man signed only “Jack-of-All Trades” did highlight the fact that brothels, gaming establishments, and groggeries were important sites for the enactment of certain forms of urban masculinity. “Sporting” masculinity depended on men having the right to move through the city and its underworlds, as a significant part of the basis for its culture of masculine camaraderie was mutual participation in illicit entertainments and the rejection

54 “Beautiful,” *Sun*, March 14, 1838.

(or reinterpretation) of restrictive codes of sexual morality. Brothels were a space in which men affirmed their masculinity and virility, not only before the women who worked there, but before each other. In light of that, attempts on the part of the press to call attention to the trade in order to promote its eradication were often not well received.⁵⁵

In his clumsy way, Jack-of-All Trades also illuminated another crucial barrier to the successful suppression of vice: money. The language Jack used betrayed the fact that he was likely not as educated or wealthy as he claimed to be. Nevertheless, Jack was not wrong to point out that men of means had reason to want the sex trade preserved. Brothels could not have sustained the level of wealth and hierarchical diversity they did in antebellum Baltimore if they did not enjoy the patronage of a substantial number of men from all social and economic strata. Not only did wealthy and influential men use brothels as social spaces and sites of release, they also frequently had direct economic stakes in their survival. As sex became increasingly commercialized and its sale increasingly specialized in the 1830s and 40s, the number of people who benefited economically from and invested money in the sex trade grew exponentially. In all likelihood, their financial stakes in brothels and their dependence on them as sites of comparative privacy led to a certain amount of backdoor dealing to ensure their protection. There were sporadic allegations throughout the latter decades of the antebellum period that prominent men were quietly shielding brothels, particularly genteel establishments, from appearances in the courtroom. Likewise, newspapers were

⁵⁵ Gilfoyle, *City of Eros*; Gilfoyle, Horowitz, Cohen, *The Flash Press*; Katherine Hajar, "Sexuality, Print, and Popular Visual Culture in the United States, 1830-1870"; Cohen, *The Murder of Helen Jewett*.

quick to note that many of the women who received exceedingly high fines were quietly pardoned soon after those fines were levied and publicized (including, much to the *Sun*'s dismay, Hannah Smithson).⁵⁶

For every affluent man who used his influence to defend brothels or religious reformer who sought to redeem prostitutes, there were dozens more Baltimoreans who had little stake in the issue. Brothels were so integrated into the commercial and spatial landscape of the city by the 1840s that they were something of a fact of life for many city residents. They might make noisy or annoying neighbors or prompt some degree of moral disgust, but they could also be fixtures of the block that hardly seemed worthy of special comment outside of the annual round-up period. In the absence of sustained public outrage or consensus on the issue of brothels, Baltimore authorities and citizens responded by creating a regulatory system that functioned as an effective compromise. The system of informal licensing respected the rights of property owners (be they madams or brothel landlords), kept commercial sex contained and legible using means that outwardly appeared punitive, and succeeded in extracting revenue that could be used to reduce the social harms that came with the trade.

In the late 1840s, even as the City Court had fallen into something of a routine in its treatment of bawdy house cases, state-level courts were gaining increased prominence

⁵⁶ There is little evidence to suggest that critics were correct in their assertion that keepers of genteel brothels colluded with authorities to keep their establishments out of the courts. Even the most affluent brothels and assignation houses appeared regularly or semi-regularly in the courts.

"The Fine," *Sun*, June 22, 1841. Following the arrest of Harriet Rhineman as a result of an affray near her brothel in 1839, the *Sun* claimed to have received a letter requesting that Harriett's name be kept out of the paper: "Mrs R has been a great friend to me in several instances and has ten days agow been as goud at \$500 dollars in my pocket for that reason I should not like to see hur name in the publice print where in wiil be a penny lost to you it will be a shinning aved [sic.]" *Sun*, Feb. 13, 1839

within broader outlines of the judicial system. Appellate courts in particular expanded their oversight of lower court decisions and began to take a more active role in ensuring that the handling of cases at the lower-court level was rendered compatible within a larger framework of legal thought and legal principles. In the 1840s and '50s, the Maryland Court of Appeals used two bawdy house cases that originated within Baltimore's lower courts to affirm and expand the judiciary's regulatory and punitive powers in vice cases. In the first of these cases, the expansion of the court's authority served to extend the system of taxation and *de facto* licensing of brothels to a new group of people rather than to revamp substantially the court's treatment of those involved in the sex trade. In the second case, the court asserted a much more radical right to police vice, albeit one that proved to be confined primarily to theory for much of the antebellum period.

In the years after the courts began to distinguish consistently between establishments whose violations of the public order involved sex from those that did not, another new category of offense began appearing in the records of the City Court. In the early 1840s, the grand jury became increasingly aware that the new, more specialized trade in sex often involved far more people than just those who managed and worked in the houses. While many madams did own their own properties, others got their starts renting from men and women looking to supplement their incomes by renting to brothels. In light of the presence of the latter in the trade, the grand jury expanded its investigations to include not only the keepers of houses of ill-fame, but the men and women who rented properties to them. Using information culled from the testimony of madams who stood before the court accused of keeping bawdy houses, the jury began to

issue presentments against brothel landlords as well as their tenants, and charges of “Renting a House for a Bawdy House” or “Renting a House of Ill-Fame” began to appear in small but increasing numbers in the dockets.⁵⁷

The reasons behind authorities’ decision to begin going after persons who rented properties to brothel-keepers are not entirely clear, though one of the earliest cases provides a possible clue. In 1840, Samuel H. Goldsmith, a wealthy dry goods dealer and real estate investor residing in the central part of the city, was brought before the City Court on charges of renting a house of ill-fame in Old Town to Mary Ann Hill. The state’s attorney alleged that Goldsmith’s actions were criminal because he had leased the property to Hill’s with clear foreknowledge of her intentions for the house. The charge was unprecedented, but the impetus for filing it was apparent: Goldsmith’s arrest came hot on the heels of public outrage about Hill’s conviction for allowing a sixteen year-old girl to be seduced in her home. The court attempted to stem the furor over the incident by expanding its purview to regulate brothels and striking out against all persons involved. Sentiment against Goldsmith in particular was hostile enough that he requested—with the consent of the court—that his trial for renting the house and for perjuring himself by giving testimony that he was unaware of Hill’s profession be removed to another court. The Howard Municipal District of Anne Arundel County adjudicated Goldsmith’s case to ensure the fairness of the proceedings.⁵⁸

If public furor demanded that landlords be held responsible for profiting from their tenant’s illicit businesses, however, the legal basis for the charge of “Renting a

⁵⁷ This observation based on an examination of newspaper records and Baltimore City Court dockets. Baltimore City Court (Docket and Minutes), C184-6, 10-11, MSA.

⁵⁸ *Sun*, March 30, 1840; June 17, 1840.

Bawdy House” seemed less clear. In 1848, the Maryland Court of Appeals heard the petition of Martin Smith, a grocer who had been convicted in 1845 of renting a house to Dorcas Smith (apparently no relation) for bawdy purposes. The Baltimore City Court had ruled that Martin Smith knowingly rented the house for use as a bawdy house and that Dorcas Smith had indeed conducted it as such. While Martin Smith did not contest either of these findings, he did argue before the appellate court that the court of Baltimore City had no right to pursue his case because the indictment against him “set[...] forth no crime under the laws of this state.” Because there was no actual statute against renting a bawdy house, Smith asked the Court of Appeals to suspend the judgment against him.⁵⁹

In delivering the appellate court’s opinion, Justice J. MacGruder acknowledged that the charge of “Renting a House for Bawdy Purposes” was unprecedented, noting, “It may be that none of us can recollect any case like this, which was prosecuted with success in any court of Maryland.”⁶⁰ The court went on, however, to argue in favor of the judiciary’s right to intervene even when there was no exact precedent for it to do so, stating, “it cannot be inferred, from the mere circumstance, that a particular offence has never been punished, that there is not law to authorize its punishment.” The common law, the justices argued, allowed for the state’s right to exercise police power to punish “crimes” even in the absence of statutes that defined them as such. Since keeping a bawdy house was decidedly an indictable offense at common law, the court found that a person who rented a house for bawdy purposes could legally be considered an “aider and abettor in the misdemeanor” and a violator of the “peace, government and dignity of the

59 *Smith vs. State* (1848), *Reports of Cases Argued and Determined in the Court of Appeals of Maryland, 1852* (London: Forgotten Books, 2013, Reprint). 424-5.

60 Prosecuting landlords of bawdy houses was not a well-established practice at the time, even outside of Maryland. New York, for instance, did not add a statute specifying that landlords could be indicted for disorderly or bawdy houses until 1849. Hill, *Their Sisters' Keepers*, 133.

State.” As such, he or she was subject to the judgment of the court.⁶¹

The court thus used the common law tradition, with its strong emphasis on precedent, as justification for an unprecedented expansion of the court’s authority in bawdy house cases. Its ruling had an immediate effect. In 1849, the year after the Court of Appeals issued its decision, Baltimore City heard twenty cases involving persons accused of renting bawdy houses of houses of ill fame. By 1855, the number had risen modestly to twenty-four cases, and the offense would be prosecuted frequently—albeit with occasional and unexplainable gaps in prosecutions—for years thereafter.⁶²

As was the case with keepers of bawdy houses, however, the authority of the court was rarely sufficient—or truly intended—to deter would-be landlords from renting their properties to women and men who intended to use them as locations for commercial sex. While Samuel Goldsmith was eventually acquitted of perjury and renting a house for bawdy purposes, his ordeal was public and unusually costly; he was forced to post a bond of \$1,000.⁶³ Nonetheless, the harshness with which he was treated did not ultimately exceed the profitability of renting properties to women who intended to keep them as brothels. If Goldsmith was truly ignorant of Mary Ann Hill’s intentions when he rented the dwelling on the corner of Canal and Silver to her, he was well aware of the intentions of the many other women to whom he was accused of renting bawdy houses. Goldsmith appeared in the City Criminal Court on renting charges multiple times throughout the 1850s, apparently unswayed by bails as high as \$1,500 being levied on him after his arrests. In late 1859 or early 1860, Goldsmith married an extraordinarily wealthy Dutch

61 Smith vs. State (1848), *Reports of Cases Argued and Determined in the Court of Appeals of Maryland, 1852*, 424-5.

62 Baltimore City Court (Docket and Minutes), 1848, MSA C184-10; Baltimore City Criminal Court (Criminal Docket) 1855, MSA C1849-4.

63 *Sun*, March 30, 1840.

Jewish widow seventeen years his senior, Sarah. The two jointly rented numerous properties as bawdy houses well into the 1860s, more than twenty years after the initial charges were brought against Samuel (following Samuel's death, Sarah continued in the business well into the 1870s).⁶⁴

Others charged with renting out houses to madams were equally unfazed by more typical—i.e. significantly lower—bonds and fines. Andrew Fitzpatrick, a grocer, was fined the relatively meager sum of \$20 in 1849 for renting bawdy houses to eight different men and women, among them Mary Giles. In 1852, Fitzpatrick was still profiting from leasing his properties to purveyors of commercial sex; not only did he continue to rent to Mary Giles, but he had also picked up four additional madams as tenants.⁶⁵

The decision to allow criminal charges to be brought against brothel owners as well as keepers expanded the court's regulatory powers and revenue streams. It was followed a decade later by a far more significant expansion of the court's authority over bawdy house cases. In 1857, the Maryland Court of Appeals issued a ruling in *Hamilton v. Whitridge*, the civil case that arose out of Margaret Hamilton's purchase of the property at 51 N. Frederick Street. Hamilton had kept a bawdy house in center city's Lovely Lane for a number of years, and by all appearances intended to continue her old trade in her

⁶⁴ Baltimore City Criminal Court (Criminal Docket), Sept. Term, 1864, Cases 946-951, 1001 and 1064, Samuel and Sarah Goldsmith, C1849-27.

The 1860 Census lists Sarah Goldsmith as owning \$75,000 of real property.

⁶⁵ Baltimore City Court (Docket and Minutest), May Term, 1849, Cases 838-845, Andrew Fitzpatrick, MSA C184-11, MSA. Baltimore City Criminal Court (Criminal Docket), Jan Term, 1855, Cases 222-227, Lewis and Sarah Goldsmith, C1849-4, MSA.

City directories list Fitzpatrick as a grocer living at 151 Eastern Avenue in 1849: *Matchett's Baltimore Director*, For 1849 '50 (Baltimore: R.J. Matchett, 1849), 131. Earlier directories listed his as a stone mason living on Eastern Avenue near Caroline: *Matchett's Baltimore Directory*, 1842 (Baltimore: R.J. Matchett, 1842), 163.

new neighborhood. A painter working on the house claimed that she had confessed as much to him, and Hamilton made no effort to deny the allegation.⁶⁶

Hamilton's neighbors were none too pleased. John Whitridge, a prominent physician, occupied a house on Gay Street that abutted Frederick, and owned and rented out another dwelling near Hamilton's. Whitridge feared that if Hamilton were to be allowed to occupy the house she was fixing up and furnishing for use as a brothel, it would reduce his property values and drive away his tenants. Resin Haslup had similar concerns. Haslup, a coach smith who lived in the house immediately adjacent to Hamilton's on Frederic, worried not only about the noise and traffic that a house of prostitution would almost assuredly bring, but also about the moral impact it would have on his three teenaged daughters. Whitridge, Haslup, and two other local property owners ended up banding together and taking their concerns before the Baltimore City Circuit Court. Together, they made the case that if Hamilton were allowed to run a brothel out of the house she had purchased, their ability to preserve the value of and enjoy their properties would be severely and undeniably compromised. Under the principle of equity, they claimed, the court could and should intervene and prevent Hamilton from occupying her home. The court agreed, and issued an injunction barring Hamilton from living in her own property.⁶⁷

⁶⁶ Baltimore City Circuit Court (Equity Docket A, Miscellaneous), John Whirtidge et al. v. Margaret Hamilton, 01/01/1856-03/08/1858, C185-2, MSA. Hamilton v. Whitridge, *Maryland Reports: Containing Cases Argued and Adjudged in the Court of Appeals of Maryland* 11 (Baltimore, 1858), 128-147.

⁶⁷ Woods' Baltimore Directory for 1856-57 (Baltimore: John Woods), 354- . Accessed May 3, 2011:
<http://aomol.msa.maryland.gov/megafile/msa/speccol/sc2900/sc2908/000001/000544/html/index.html>

Baltimore City Circuit Court (Equity Docket A, Miscellaneous), John Whirtidge et al. v. Margaret Hamilton, 01/01/1856-03/08/1858, C185-2, MSA. Hamilton v. Whitridge, *Maryland Reports: Containing Cases Argued and Adjudged in the Court of Appeals of Maryland* 11 (Baltimore, 1858), 128-147.

Unsurprisingly, Hamilton contested the decision, and the case advanced all the way to the Maryland Court of Appeals. Hamilton's lawyer was Charles J.M. Gwinn, a former member of the House of Delegates who would go on to gain some notoriety as the Attorney General of Maryland and the author of the documents that established Johns Hopkins University. At the time of the Hamilton case, Gwinn was a young lawyer in the early days of his practice. He argued in his appeal that the court had no right to prevent Hamilton from occupying the dwelling on Frederick; for one thing, Gwinn claimed, being the keeper of a house of ill-fame was an occupation, not an indelible personality trait. If common scolds and drunks, who committed offenses much more inherent to their identities, were allowed to move into neighborhoods, keepers of bawdy houses had to be extended the same right. Secondly, even if Hamilton's occupation was not one that she was ready to shed, Gwinn claimed that her choice to run the house as a brothel would not represent an offense to the "physical senses." If anything, a bawdy house would be an offense only to the "moral senses," and thus outside the purview of a court that was not authorized to act as a moral censor.

The court, however, disagreed. After a lengthy rebuttal and discussion of precedent, the court issued a decision stating that having a house of ill fame in a neighborhood represented "such an inconvenience, such an invasion of the domestic comfort, and invasion of a man's house, that he is entitled to come and ask this court to interfere." Therefore, the court sided with the appellees and upheld the equity injunction.⁶⁸

Hamilton v. Whitridge became a landmark case, in part because of its broad

68 "Hamilton v. Whitridge," *Maryland Reports*, 141-3.

defense of the court's right to advance "substantial justice" even in the absence of precedent. The court wrote in its opinion, "when [...] rights can be asserted, or wrongs prevented or redressed, consistently with established principles, it would be a great failure of justice to deny relief, merely because no decision could be found in which the jurisdiction had been invoked and exercised." The decision substantially expanded the rights of the court to enforce the principle of equity, and jurists and legal treatises continued to cite it well into the 1990s in a wide variety of civil cases.⁶⁹ The case came to be remembered and recorded in legal indices as one of the central cases that established a precedent for injunctions against morally offensive nuisances.

Five years after the Court of Appeals decided *Hamilton v. Whitridge*, a Baltimore court cited it as precedent for issuing an injunction against Sarah Fuller (alias Sarah Harper), who kept a bawdy house that adjoined a Baptist church and sat across the street from Public School No. 9 on Saratoga Street.⁷⁰ For the next several decades thereafter, the *Hamilton* case became a standard citation for courts around the country that issued injunctions against not only the keepers of houses of ill fame but also keepers of saloons and other businesses that entailed disorderly conduct by patrons. In issuing its decision in a suit Northern Pacific Railroad Company, for instance, a federal court in 1893 cited *Hamilton v. Whitridge*, as precedent in enforcing statutes aimed at curbing "nuisances which affect the public morals." The case became such an important precedent that William Novak described it as a legal innovation "sealed the fate of many urban red-light districts in the Progressive Era."⁷¹

69 "Hamilton v. Whitridge," *Maryland Reports*, 145.

70 "Circuit Court," *Sun*, March 18, 1863.

71 "Northern Pacific Railroad v. Whalen," *United States Reports: Cases Adjudged in the Supreme* 120

Despite the *Hamilton* decision's undeniable expansion of court authority to regulate bawdy houses, two caveats are in order. In the first place, and contrary to the associations the case came to have for legal scholars, the text of the Court of Appeals' opinion in the *Hamilton* case did not actually assert the right or duty of the court to keep "the morals of the community under its care." When the majority rejected Charles Gwinn's argument for overturning the injunction against Hamilton—i.e. that the court had no right to act as a moral censor—they did not do so on the basis that Gwinn's argument was incorrect. Rather, they said, it was irrelevant: "We need not inquire how far this jurisdiction can be defended on grounds of morality, and to preserve the decencies of life from gross violation. The case does not require this." According to the court, the language of commerce, commercial regulation, and property rights was more than sufficient to render language of moral regulation unnecessary in justifying the injunction. It is worth quoting the opinion at length:

The ground on which [the court] interferes in this case, is not that this defendant, or those around her, or even her establishment, is offensive to the *moral senses* of the *complainants*, but that the *business* and *occupation which she intends to follow*, has been *condemned* by the courts as an *illegitimate employment*, and a *public nuisance*, and is punished as such, and that by establishing this nuisance alongside of *their property*, they will be *severally deprived* of the *comfortable enjoyment of it*, and *it will be greatly depreciated and lessened in value*. Nor is the action of this court directed against the defendant as an *immoral* or *vicious neighbor* simply, but as an individual *conducting an offensive business*, regarded by the law as a *nuisance*, and interfering with the enjoyment, and impairing the value of their property.⁷²

Court at October Term, 1892 149 (New York: 1893), 163. Available online from Google: http://books.google.com/books?id=B-g_AAAAYAAJ&dq=%22This%20section%20is%20aimed%20at%20nuisances%20which%20affect%20the%20public%20morals%22%20Northern%20Pacific%20Railroad%20Company&pg=PP1#v=onepage&q&f=false [Accessed December 4, 2013].

Novak, *The People's Welfare*, 166.

72 "Hamilton v. Whitridge," *Maryland Reports*, 140.

There can be little doubt that terms like “illegitimate employment” and “public nuisance” were shot through with moral judgment when it came to prostitution. The sex trade’s “illegitimacy” was rooted in its moral abhorrence, and the court itself admitted that moral offenses and encroachments on property rights were so inextricably linked in the case of bawdy houses that moral censorship would likely occur as a side effect of its decision to uphold the injunction against Hamilton. Likewise, the complainants’ concern for their wives and daughters made it clear that their objections to Hamilton’s house were about more than a vague distaste for the noise and heavy foot traffic a bawdy house was likely to bring. They objected to the notion that they as respectable people should have to confront the implications of such noises continually. Ultimately, however, moral regulation was a side effect rather than court’s imperative. The justices repeatedly couched their decision in terms of property and financial concerns, arguing that it was sufficient to establish “that the *pecuniary interests* and *property* of the citizen are committed to [the court’s] charge, and that under certain circumstances it must interfere to protect them from damage.”⁷³

The second caveat to viewing the *Hamilton* case as a path-breaking and practically meaningful decision is that, while it may have been a death knell for Progressive-Era brothels, its result actually had very little impact on Hamilton herself. The Circuit Court forbid Hamilton from occupying her home in 1856, and the Court of Appeals affirmed the decision in 1857. Two years later, not only was Hamilton still living at 51 N. Frederick, but she was still running it as a bawdy house. An 1859 brothel guide informed gentlemen callers that Hamilton had “good wines constantly on hand,” and

73 “Hamilton v. Whitridge,” *Maryland Reports*, 140.

proclaimed her house “one of the most magnificently furnished establishments in the Monumental City.”⁷⁴ That same year, the Baltimore City Circuit Court attempted to hold Hamilton in contempt for her refusal to comply with the terms of the injunction, but for reasons unknown, the charge was quashed.⁷⁵ Hamilton continued to operate her business for another two decades.

The longevity of Hamilton's enterprise implies as much about the courts as it does her personal determination. The legal system was evolving in the middle decades of the nineteenth century: state-level appellate courts checked the decisions of local judiciaries, laws became increasingly codified, and the legal practice grew more professionalized. But despite the growing formalization of legal culture and structuring of courts, the judiciary was frequently lacking in means of enforcing their rulings. The picture that emerges from studying cases like Hamilton's is not one of a legal system waging an extensive policing campaign against moral offenders, but one of a fairly small group of legal scholars writing opinions that were interesting pieces of legal philosophy but little more.

Additionally, it is worth noting that the theoretical expansion of the courts' regulatory powers in matters of vice occurred at roughly the same moment as the lower courts began to decline prosecution in an increasingly large number of bawdy house cases. In 1851, Maryland ratified a new state constitution, which profoundly changed the structure of the state's judiciary. County courts were eliminated in favor of dividing the state into eight judicial circuits. Baltimore, which became an independent city under the

⁷⁴ Free Loveyer, *Directory to the Seraglios in New York, Philadelphia, Boston and all the principal cities in the Unionn*, (New York, 1859) p. 37. Thanks to Eric Robinson for his assistance with this source.

⁷⁵ Baltimore City Circuit Court (Equity Docket), Hamilton vs. Whitridge, Misc-A, MSA C185-4, p. 316-7.

new Constitution, also became its own circuit, and the state established three new courts to oversee its legal matters: the Court of Common Pleas, the Superior Court, and the Baltimore City Criminal Court.⁷⁶ The latter took over the duties of the defunct City Court, and it immediately diverged from its predecessor in its handling of vice cases. In previous years, it was not unheard of for the state's attorney to decline to pursue a matter that had been presented to him by the grand jury. In 1847, for instance, the City Court heard sixty-three presentments on charges related to bawdy houses; the prosecutor placed five of those on the stet docket, which meant that the state declined to prosecute the cases but reserved the right to revive them later if the defendant committed future violations of the peace. In 1849, twenty cases out of one-hundred-and-forty-seven presentments for bawdy houses (14 percent) met the same end. With the establishment of the Criminal Court, however, those numbers jumped significantly. In 1852, the state's attorney steted nearly half of the one-hundred-and-eleven bawdy house cases the grand jury presented. By 1855, that percentage fallen to thirty-six percent, a percentage that was still significantly higher than any year under the City Court.⁷⁷

A lack of discursive sources makes it impossible to state with certainty why this trend occurred, but two factors likely played a role. The first was that the court appears to have been somewhat overwhelmed in its first years of operation. During the same period that the new court was finding its footing, bawdy house cases were on the rise due to both the expansion of the sex trade and a streamlining of the information-gathering process about brothels. With the professionalization of the Baltimore police force in the 1850s,

⁷⁶ James Warner Harry, *Maryland Constitution of 1851* (Baltimore: Johns Hopkins Press, July-August, 1902), 79-81.

⁷⁷ Baltimore City Court (Docket and Minutes), 1847, C184-10; Baltimore City Criminal Court (Criminal Docket), 1852, MSA C-1849-1; Baltimore City Criminal Court (Criminal Docket), 1855, C1849-4, MSA.

police gradually replaced citizens as the primary informants to the grand jury, which meant that brothel cases no longer depended exclusively on the whims of annoyed neighbors or citizens seeking reward money. The rise in the number of cases put a strain on the court, and that strain was undoubtedly worsened by the fact that the new state court system allowed accused persons to request that their trials be moved out of Baltimore. Under new provisions, defendants could request to have their trials removed to other districts if they could make a reasonable argument that strong public sentiment locally would prevent them from getting a fair trial. Numerous persons accused of crimes ranging from murder to theft succeeded in getting their trials relocated to other counties, particularly Anne Arundel. Madams, who were often quite legally savvy, may have seized on the same opportunity, counting on the fact that the expense and hassle of moving their cases would make the state unlikely to follow through with prosecution. They were probably correct. Since brothel cases were relatively minor offenses and since the revenue they generated helped local charitable organizations rather than the state, investing a great deal of energy in prosecuting contested cases made little financial sense.⁷⁸

Between the temporary lull in legal enforcement and the existence of a system of regulation that tolerated brothels, madams and prostitutes who did not commit extreme transgressions against the peace generally had little reason to fear the intervention of the courts. In fact, by the time the regulatory system developed, they could expect significant

⁷⁸ Numerous ordinances were passed regarding remission of payment for cases removed from the Baltimore City Criminal Court during the antebellum period. See for instance: "An Ordinance for the Payment of certain Expenses of the Courts, Jail, &c.," *The Ordinances of the Mayor and City Council of Baltimore, Passed at the January Session, 1856, No. 11* (Baltimore: Samuel Mills, 1856), 12.

protections from the courts when they themselves were the victims of violence or theft. Prostitutes in Baltimore, like those in other cities, often led turbulent lives. Selling sex provided women with a level of income that far exceeded what they could expect to earn in legitimate professions, but the relative affluence it could bestow upon the industrious and lucky sometimes came at a sharp price. Not only did prostitutes suffer debilitating venereal diseases at high rates (see Chapter 3), they were also targets of violence from both their customers and their fellow prostitutes. Especially among the keepers of second and third-tier brothels in rough neighborhoods, competition for resources and clientele could be fierce. While prostitutes could function as a sisterhood in times of crisis, they could also turn on each other over poached clients, borrowed garments, or any number of other minor contentions. Rivalries and feuds like that of Margaret Hamilton and Eliza Simpson were common; in 1842, for instance, prostitute Catherine Holley assaulted Ellen Hendricks, who was also “of the Cyprian order,” because she was angry at Hendricks for forcing her to post security to keep the peace earlier in the week.⁷⁹

The violence that occurred as a result of rivalries between prostitutes was only compounded that which was visited upon prostitutes by men who resented them, their sexual agency, and their wealth. Baltimore did not experience brothel riots of the type that occurred in New York and other cities, but many houses of ill-fame were stoned or otherwise damaged by men who were angered at being denied entrance or intoxicated and looking for an easy target for vandalism. Ann Bartlett's house on Potter Street, for instance, suffered numerous attacks over the course of Bartlett's long career. In

⁷⁹ *Sun*, June 6, 1842. See also the case of Eliza Matthews and Sally Millon, *Sun*, Mar. 36, 1838. In her research on the sex trade in antebellum New Orleans, historian Judith Kelleher Schafer found that there was little sense of sisterhood or camaraderie among prostitutes. Schafer, *Brothels, Depravity, and Abandoned Women: Illegal Sex in Antebellum New Orleans* (Baton Rouge: Louisiana State University Press, 2006), 156-157.

September of 1854, Frank Remious destroyed the porch of Bartlett's house; only a month and a half later, Hyde Mitchell was arrested for destroying Bartlett's furniture.⁸⁰

Attacks on brothels, their keepers, and their “inmates” by men were more than just acts of misogynistic violence; they functioned as an extra-legal form of sexual regulation. Damaging the physical structures of brothels could make it clear to their keepers their establishments were not wanted in particular neighborhoods and make it more costly to operate. They could also function as expressions of dominance, of men exerting their power over women who seemed by virtue of their wealth and relative independence from bourgeois sexual norms to be troublingly outside the bounds of male control and male sex right. Acts of violence against women involved in the sex trade worked similarly; by pushing, beating, and even raping prostitutes, men not only expressed anger at particular women, but established that sex workers were not entitled to the same rights and “courtesies” that other women were. A small number of men even became regular assaulters of women involved in the sex trade; a local tough named James McFaul, for instance, appeared in the courts several times over a period of years for attacking multiple women, one of whom ended up scalding him with hot ash to get him off of her porch and another of whom fired a pistol at him in self-defense. Prostitutes were easy targets of rage not just because they transgressed gender norms in a way that was threatening, but because transgressing those norms made them—theoretically at least—less entitled to the protection of a system of law that revolved around preserving an intensely patriarchal conception of “the peace.”⁸¹

80 *Sun*, Sept. 12, 1854; Nov. 1, 1854. On violence toward women involved in prostitution, see especially Cohen, *The Murder of Helen Jewett*, 78-86, 124; Gilfoyle, *City of Eros*, 76-91.

81 McFaul, in an incident fairly typical of his career, was charged with “Kicking and Threatening

The very fact that McFaul and his ilk enjoyed long careers of violence against prostitutes seems, on its face, to confirm prevailing assumptions that the nineteenth-century courts did not take assaults against sex workers—or any woman whose virtue was in question—seriously. In reality, the situation was more complicated. Antebellum Baltimore was a rough port city that was remarkably tolerant of violence in the decades before the Civil War. While assault was legally a criminal matter, it was generally punished in keeping with the old tradition of treating it as a civil offense. Many prosecutions for violence were private prosecutions, and most resulted in no more than small fines or securities to keep the peace. It was only in extreme cases—murder, rape, or maiming with deadly weapons—that assaults resulted in incarceration. The lax penalties fostered—and reflected—a culture in which violent physicality was normal and acceptable, particularly among working people. So, while penalties assessed on men like McFaul for their attacks on prostitutes tended to be lenient, they did not differ substantially from those assessed on men and women who attacked “respectable” persons. Additionally, the very ability of historians to identify repeated incidents of assaults on prostitutes stems from prostitutes' willingness to employ the police and courts on their behalf. Prostitutes were active in soliciting the arrests and indictments of men who attacked them, which demonstrates both that they had degree of comfort with the legal system and that they believed it would offer them some protection.⁸²

to Kill” prostitute Jane Campbell in 1852. Campbell was later acquitted in a separate incident of pulling a revolver on McFaul in retaliation in defense of herself. In another incident, McFaul had hot ash thrown in his face by an African American prostitute whom he attacked. Baltimore City Criminal Court (Criminal Docket), May Term, 1852, James McFaul, MSA C1849-1. *Sun*, Oct. 12, 1852.

82 On the legal history of assault, see Edwards, *The People and Their Peace*, 97-98. On the prevalence of private prosecutions for assault in Baltimore, see Stephanie Cole, “Keeping the Peace: Domestic Assault and Private Prosecution in Antebellum Baltimore,” in *Over the Threshold: Intimate Violence in Early America*, edited by Christine Daniels and Michael V. Kennedy (London: Routledge,

As the legal system grew more formalized and rooted in discourses of individual rights, the protections the courts offered to prostitutes expanded in some realms of law, a development that was simultaneously intuitive and unusual in the context of the early nineteenth-century legal culture around sex and moral regulation. As numerous historians and political scientists have noted, there was little about liberal discourses of individual rights that made them inherently opposed to traditional, patriarchal conceptions of the peace. In fact, Mark Kann and others have argued that the policing of sex—and, by extension, the securing of patriarchal order—was central to the project of the liberal state. Likewise, as a path-breaking study of obscene publishing and its regulation has made clear, it was exceedingly rare for nineteenth-century Americans to draw from discourses of individual liberty and rights to assert the legality of transgressing societal standards of sexual morality and decency. Liberalism was compatible with sexual policing, uneven in its development, and, what was more, uneven in its application. Legal scholars like Laura Edwards have argued compellingly that liberal concepts of “rights” were inherently unequal, based in property ownership, whiteness, and masculinity.⁸³ Given that the policing of public morality was well-accepted and that women and racial minorities were increasingly denied rights under the law, an obvious question arises: why did prostitutes find themselves with stronger legal standing in the latter decades of the antebellum period?

One answer was that the increased emphasis on individual rights rooted in

1999), 148-172.

The trend of punishing property crimes much more harshly than violent crimes was nearly universal in the antebellum United States. See, for instance, Theodore N. Ferdinand, *Boston's Lower Criminal Courts, 1814-1850* (Cranbury, NJ: Associated University Presses, Inc., 1992), 105-113.

⁸³ Kann, *Taming Passion for the Public Good*; Donna Dennis, *Licentious Gotham: Erotic Publishing and Its Prosecution in Nineteenth-Century New York* (Cambridge: Harvard University Press, 2009); Edwards, *The People and Their Peace*, 25.

property and legal formalism made courts less likely to decline to prosecute particular charges on the basis of intimate knowledge of a complainants' reputation or standing within the community (though that information remained relevant in the trial). Courts became more willing to prosecute cases that were controversial under traditional standards of community justice, including—surprisingly—rape cases involving prostitutes as victims.⁸⁴

One of the most compelling examples of this phenomenon was the 1852 trial of Michael Rock and John Judge for the rape of Elizabeth Black. The case sprang from an incident that occurred late on the night of Friday, August 13, a day that Elizabeth Black had gone to work in a restaurant at the Commercial Building. Black had boarded at houses of ill fame and worked as a prostitute on and off for years, but on the day in question, she was participating in “legitimate” employment. Black was helping the restaurant’s proprietor, Susan Welch (alias Creamer), to finish an order of pantaloons she was sewing. Mrs. Welch requested that Black stay late to complete the work and promised that she could take a hack home if she agreed. Later that night, Welch asked John Judge, a hack driver who was already at the bar, to go up to Barnum’s Hotel and fetch a hack. Judge returned with another hackman, Michael Rock, and Elizabeth Black left with them around 9 p.m.⁸⁵

The next morning, Black’s mother went to Susan Welch’s establishment in search of her daughter, who had never returned home. After consulting with the Welch’s boy

⁸⁴ On the gradual transition from communal notions of the peace to abstract notions of individual rights, see Edwards, *The People and Their Peace*, 203-255.

⁸⁵ For coverage of the Rock and Judge case, see: "Heinous Outrage," *Sun*, August 21, 1852; "Application for Bail," *Sun*, August 30, 1852; "Criminal Court," *Sun*, November 16, 1852; "Criminal Court," *Sun*, November 18, 1852; "Criminal Court," *Sun*, November 19, 1852; "Criminal Court," *Sun*, November 20, 1852; "Criminal Court," *Sun*, November 22, 1852; "Criminal Court," *Sun*, November 23, 1852.

and with Michael Rock, Black's mother searched the area around Federal Hill. She found Black huddled in the bushes, with her breast uncovered and her bonnet, shawl, and earrings stripped from her person. Black told her mother that she had been beaten and outraged, though she did not relate the full story immediately. A few days later, before the state's attorney, Black swore that Rock and Judge had refused to take her home immediately on the night that she got into their hack. Rather, she claimed, they had driven her around for at least an hour before stopping at a liquor dealer's house and attempting to force her into drinking strong brandy. Black resisted, but Rock continued to attempt to ravish her while Judge drove the hack. Finally, Rock and Judge pulled over at the outskirts of town, forced her from the cab, and savagely beat and raped her. When they were finished, Black testified, they robbed her of her earrings and some trinkets she was carrying with her, and dumped her along the side of the road.⁸⁶

The state's attorney to whom Black complained was none other than Charles J.M. Gwinn, who promptly secured indictments against both Rock and Judge. The defendants responded by soliciting the counsel of one of the most prominent criminal defense attorneys in Baltimore, William Preston, and public interest in the trial escalated quickly.⁸⁷ The proceedings against Rock and Judge were unusually drawn out. They involved the testimony of around two-dozen witnesses, lasted for over a week, and were remarkably well covered by the local press. Rock's trial in particular is a valuable source of information about the shape and nature of life for women in the sex trade, due largely to the extensive testimony it generated about Black's movements and her motivations for

⁸⁶ Ibid.

⁸⁷ Preston's notes on newspaper coverage of the trial survive in the historical record. William Preston, Report of the Trial of Michael Rock on an Indictment for a Rape on Elizabeth Black MS. 174, Special Collections, Milton S. Eisenhower Library, The Johns Hopkins University.

entering prostitution. But the trial was also significant in the legal sense: rape trials rarely focused solely on whether or not the accused had forcible intercourse with their accusers, and the proceedings against Rock and Judge were no exception. Rock and Judge's guilt or innocence hinged on a number of questions aside from whether they had been with Black and had rough intercourse with her on the night of August 13. Who was allowed to testify in court, and what made a witness reliable or unreliable? What factors had to be in place before a woman could be said to have had sex "against her will?" Could a woman who worked as a prostitute ever truly be "outraged?" These questions were central to determining the fates of Rock and Judge, but they also had broader implications for the boundaries of the legal system and the nature of legal culture.⁸⁸

The particular struggle to define who should be heard and protected by the legal system resolved itself in an entirely unsurprising way in the *State vs. Michael Rock*: a jury acquitted both Rock and John Judge of assaulting and raping Elizabeth Black. Witnesses testified that they saw both Rock and Judge in other locations around or shortly after the attack on Black allegedly took place. Fellow hackmen, police, watchmen, and even Rock's regular physician also offered testimony verifying that Rock and Judge were respected members of the community and were regarded to be of good character. While the historiography on rape in the nineteenth-century is underdeveloped aside from number of monographs and articles on interracial sex in the South, what data is available suggests that the respectability of the male played a key role in the court's decision as to whether sex was rape or merely rough but consensual. Respected white men were rarely classed as rapists except in extreme circumstances, and Black's case did

⁸⁸ On the history of rape and its legal definition, see Sharon Block, *Rape and Sexual Power in Early America* (Chapel Hill: University of North Carolina Press, 2006).

not qualify. Historians have argued, in fact, that popular wisdom at the time dictated that prostitutes and drunken women could not be raped. Testimony from many, many witnesses suggested that Black had been both of those at multiple points in her life.⁸⁹

If the verdict was predictable, however, the trial itself was not. For one thing, the trial reinforced that women involved in the sex trade did not always or even usually see themselves as bound to one another by their profession or by any sort of common struggle. Several of Baltimore's most notorious keepers of bawdy and assignation houses, including Margaret Hamilton, testified for the defense that they knew Black and had offered her board at some point or another. The admission that Black was a prostitute could hardly be classed as helpful to Black's case, but decidedly more damaging was the testimony that the brothel keepers offered about Black's drinking habits. Anne Bartlett volunteered that Black was not very particular about her alcohol, and Margaret Hamilton confirmed that Black was frequently drunk. Furthermore, Hamilton offered a particularly damning story about a visit Black paid her after she heard that Hamilton would be testifying against her. Maggie Hamilton told the court that after she had remarked to Black that she must have been "very tight" (i.e. drunk) on the night of her alleged rape, and that Black had replied, "not 'tighter' than I am now." Hamilton testified, however, that Black appeared to be very drunk at the time and that she had refused to let Black linger in her house because of it.

The reasons for Hamilton and the other witnesses' lack of sympathy toward Black are not entirely clear. Perhaps she behaved poorly in their houses in the past and cost

⁸⁹ Block, *Rape and Sexual Power in Early America*. Historian Anne M. Butler found that the notion that prostitutes could be raped was outright ridiculed in the American West. Butler, *Daughters of Joy, Sisters of Misery: Prostitutes in the American West, 1865-90* (Urbana: University of Illinois Press, 1985), 110-113.

them clientele; perhaps the women did not wish to ruin their reciprocal business arrangements with hack drivers by giving testimony that condemned one of them. Whatever the reason, it was patently obvious that the woman who testified in Black's case did feel obliged to support Black or defend her character.⁹⁰

A still more unusual element of the trial, however, was the seriousness with which the court treated Black's accusations against Rock and Judge. Were it actually impossible for nineteenth-century Americans to conceive of a prostitute being raped, one would expect that charges would never be brought, or that the resulting trial would be little more than a brief effort at going through the legal motions. But that was not the case in the Rock and Judge trials, despite the defense's best efforts to make it so. Preston, the defense counsel, argued that if Black was proved to be a common prostitute, "It would have its effect to impair, and should impeach her testimony" against Rock and Judge.

Gwinn disagreed, and, ultimately, so did the court. In a remarkable ruling that implicitly rejected popular prejudice, the court decided, "there is no rule of law which provides for destroying the credibility of witnesses of one sex in a different manner than witnesses of the other sex." Because a man's testimony would never be impeached by evidence that he frequented bawdy houses, the court reasoned, Black's testimony could not be impeached for that reason either: "if [a woman's] veracity is called in question, it must be shown that she is unworthy of belief for the same reason that a man would not be believed. She must be shown to have so little regard for truth as to be unworthy of belief under oath." The court then issued a sharp rebuttal of the assumption that clearly underlay the defense's objection to Black's testimony, namely that her status as a

⁹⁰ November 18, 1852; "Criminal Court," *Sun*, November 19, 1852; "Criminal Court," *Sun*, November 20, 1852; "Criminal Court," *Sun*, November 22, 1852.

prostitute automatically invalidated her accusations of rape:

It is not material whether [a female witness] is or is not possessed of chastity and sobriety, as either a prostitute or intemperate woman comes under the protection of the law, and if outraged, have the same means of redress as other persons. If this were not so, it would only be sufficient in most cases of rape, to prove the female a prostitute, for the prisoner to be acquitted, which might often result in shielding from punishment parties guilty of grossest violations and outrages.⁹¹

So much about the court's decision to allow Elizabeth Black to testify runs completely contrary to the traditional picture of antebellum courts that has emerged from the historiography. The court not only asserted that prostitutes could be raped, but that it was in the public interest to recognize that fact so as not to make it easy for morally wretched men to get away with their crimes. Even more significantly, however, the court declared, apparently without significant dissent or prolonged debate, that not only did women in general have the right to be heard and afforded credibility according to the same standards as men, but that an itinerant woman with no property and a questionable sexual history had the right to expect the protection of the law. The decision, coupled with the willingness of courts to hear cases with prostitutes as plaintiffs, suggests that the rise of legal formalism, the discourse of rights, and concept of due process at the local level was not necessarily as exclusionary or patriarchal as studies of courts in rural areas have suggested.⁹²

If individual rights discourses could be—and were—applied to women as well as men, they particularly aided the legal standing of prostitutes. Liberal discourses of rights benefited men disproportionately in part because they rested strongly in property

91 "Criminal Court," *Sun*, November 19, 1852; William Preston, Report of the Trial of Michael Rock on an Indictment for a Rape on Elizabeth Black MS. 174.

92 Edwards, *The People and Their Peace*.

ownership and status as head of household. While many women involved in the sex trade were in long-term relationships with particular men whom they considered their husbands (it was common for prostitutes to be referred to as “Mrs.” in criminal dockets and newspaper articles), most do not appear to have been married in any legal sense. They were also far more likely than other women to live independently of their spouses, and, in the case of madams, to own property and head households. Even in cases in which they only rented the houses they occupied, they had greater financial independence than most of their female peers. Their standing as people of means, as property owners, and as women with financial and social connections with local businessmen, real-estate interests, and other influential interests gave female sex workers the cultural and economic capital they required to assert legal rights⁹³

The interactions between courts and persons involved in the commercial sex trade reveal much about the policing of sex and the functioning of law in the early liberal state. As the first section of this chapter has argued, Baltimore's legal system faced a difficult situation in the latter decades of the antebellum period. The system of local courts was in flux and struggling to establish itself during the very period in which commercial sex was developing into a sizable industry that generated a wealth of opposing interests. On one

93 On prostitutes and their experiences with marriage, see Marion S. Goldman, *Gold Diggers & Silver Miners: Prostitution and Social Life on the Comstock Lode* (Ann Arbor: University of Michigan, 1981), 49-77, 70-72; Ruth Rosen, *The Lost Sisterhood: Prostitution in America, 1900-1918* (Baltimore: Johns Hopkins University Press, 2002), 143-147.

Rates of property ownership among madams and other brothel keepers varied by city. Marilyn Wood Hill and Joel Best found that a substantial number of madams and brothel keepers in antebellum New York City and postbellum St. Paul owned the properties out of which they operated. Judith Kelleher Schafer's scholarship on New Orleans suggests that very few women owned houses, and that it was disproportionately men (specifically, male landlords) who reaped the profits of prostitution. Data on late nineteenth-century and early twentieth-century Chicago suggests a more mixed set of arrangements, although the majority of brothel keepers do not appear to have owned their establishments. See Hill, *Their Sisters' Keepers*, 99-106; Best, *Controlling Vice*, Schafer, *Brothels, Depravity, and Abandoned Women*, 11-13; Blair, *I Got to Make My Livin'*, 81-84.

hand, brothel prostitution was a business in which many people were deeply financially and even culturally invested; on the other hand, it was a business that had the potential to be socially disruptive and damaging to the property values of those who found themselves in its vicinity. The courts responded by developing—through a process of articulation between the grand jury and police, brothel-keepers, property owners, and moneyed interests—a system of regulating prostitution through the use of informal licensing fees designed to minimize the social harm of the sex trade. Streetwalkers and keepers of houses of ill-fame who transgressed against the social order in highly-visible and extreme ways (or allowed their tenants or clients to do so) could expect to find themselves subject to harsh judicial penalties. Otherwise, however, police and the courts did not take a suppressive approach to prostitution, but integrated its participants—from the wealthiest madams to the keepers of the lowest houses—into a system designed to monitor and control the trade and render it legible.

As the *Hamilton* case demonstrates, the court justified exercising this and other forms of authority over the sex trade by asserting its rights to regulate not just morality, but property and commerce. Examinations of how the state treated prostitution often function in the historiography as a gauge of the nineteenth-century state's willingness to engage in moral and sexual policing. This is not an unreasonable approach, especially as there can be little doubt that regulating prostitution had the inherent effect of regulating morality and sexuality. And yet, as this chapter has shown, moral regulation was sometimes a *de facto* effect of local authorities' policing prostitution rather than their primary justification for doing so. Because prostitution was a business with concrete and palpable effects on the urban landscape, the language of preserving property rights and

regulating occupations and commerce provided a more-than-sufficient justification for policing it, and in doing so supplanted the language of moral authority. Acknowledging that the legal justifications for regulating sex work were not solely moral, but also economic in nature opens new doors to integrate prostitution into historical discussions of the ways in which the early state regulated capitalism. It also opens the door to examine the ways in which the power to police public morals and the power to police commerce functioned in relation to—and reinforced—one another.

As the final section of the chapter suggests, however, prostitutes' interactions with the courts extended beyond cases in which they were prosecuted as a result of their trades. Prostitutes in antebellum Baltimore were subjected to violence, both by each other and by men who wished to exert extra-legal forms of power over them, their bodies, and their businesses. In a practice that highlights prostitutes' tendency to view the law not as a primarily oppressive force, but as a domain under which they too could lay claim to rights, sex workers frequently responded to violence by summoning police and spearheading private and public prosecutions of their attackers. Courts consistently treated prostitutes similarly to other, more “respectable” residents of the city, and, as the law became more formalized, began to extend them protections that would have been difficult to conceive of under more informal and popular standards of justice and “peace.” As propertied and moneyed women who nonetheless transgressed against the moral boundaries embraced by persons whose economic status was similar to their own, prostitutes were an unusual case. Their experiences with the law provide an unusually rich window not just into the ways in which courts balanced community standing and “credit” against newly trenchant, property-based discourses of rights, but also into the

position of commercial sex in the nineteenth-century city. Simply put, commercial sex was a tolerated, legally recognized, and even protected part of antebellum Baltimore's urban landscape

Chapter 3

Secret Diseases: Sexuality and Baltimore's Medical Marketplace

In 1841, in a N. Front Street dwelling located eight doors from Gay Street and directly across from the Bull's Head, Dr. J.M. Johnston opened his Baltimore Lock Hospital. Johnston, who claimed to be a “member of the Royal College of Surgeons, Licentiate of the Apothecary's Hall, London, and late Professor of an eminent American Medical College,” was not running a lock hospital in the traditional sense of the term. His was not a charitable facility, nor was it an institution designed to provide religious instruction to fallen women and wayward men. Johnston's Lock Hospital was a profit-oriented clinic that promised speedy, confidential, and non-mercurial cures to persons suffering from syphilis and gonorrhea, as well as effective treatments and surgeries for a variety of other non-venereal ailments.

Or, at least, it began that way. After a few years of operating his clinic and heavily advertising it in a variety of daily papers, Johnston dropped the non-venereal ailments from his repertoire in favor of touting his abilities in another area: cures for “the solitary vice.” By the late 1840s, Johnston was advertising himself—sometimes twice per issue in each newspaper—as a specialist in all “secret diseases,” genital debilities resulting from the solitary vice or any other impropriety, and even reproductive medicine. He subsequently expanded his business again to include sexual health consultations for couples considering marriage.

By 1850s, then, Johnston was operating as a sort of all-around sexual specialist. While very little of his personal biography has survived, it was clear that Johnston was tremendously successful in his practice. Advertisements for his Lock Hospital were

prominent in the advertising columns of multiple local dailies for almost two decades, and his marketing was even immortalized in a sketch by Baltimore artist Richard Caton Woodville.¹

Dr. Johnston was one of the most prominent figures in antebellum Baltimore's marketplace of sexual medicine, but he was hardly the only one. Syphilis and gonorrhea, both of which were common in American ports, had been present in Baltimore's population since the earliest days of the city. As they began to show themselves in the populace, so too did merchants and medical men who promised that they could cure them—for the right price. The first newspaper established in Baltimore in 1773 included ads for “proper medicines for all stages of the venereal disease.”² By the late eighteenth century, due in large part to venereal patients' unique difficulties in accessing regular medical care, Baltimore had already developed a thriving and visible medical marketplace that offered a variety of treatments and proprietary medicines for venereal ailments.

Over the course of the nineteenth century, however, the medical marketplace around venereal ailments would undergo a transition similar to that of prostitution's as it specialized and developed its own economic spaces. More and more practitioners and patent medicine manufacturers not only specialized in venereal treatments but cast themselves as experts in sexual health. By the late 1830s—not coincidentally, the same period prostitution was beginning to boom—sexual medicine was developing into a thriving industry in Baltimore that was extremely well publicized in the growing local

¹ For samples of Johnston's advertisements over time, see *Baltimore Sun*, Sept. 25, 1841; Sept. 13, 1848; July 18 1855.

² Richard Caton Woodville, *The Card Players*. 1846. Detroit Institute of Arts, Detroit, Michigan; Justin Wolff, *Richard Caton Woodville: American Painter, Artful Dodger* (Princeton: 2002).

press. Not only did more than a dozen venereal clinics dot the areas around Baltimore's wharfs, public markets, and railroad stations in the latter decades of the of the antebellum period, but abortionists and dealers in reproductive treatments began operating relatively openly as well. On any given day, Baltimore newspapers were filled with advertisements for cures for "uterine blockages," syphilis and gonorrhea, masturbation, involuntary seminal emissions, and failed reproductive efforts. The medical marketplace around venereal and reproductive ailments proved so profitable that readers of the *Baltimore Sun* or the *Daily Clipper* could scarcely open their papers without being met with bold headings proclaiming, "SECRET DISEASES" or "SEMINAL WEAKNESS." (Readers of the *Clipper*, in fact, did not even need to open their papers; ads for Dr. Johnston's Lock Hospital and other practices were often on the first column of the first page.)³

This chapter traces the development of Baltimore's sexual marketplace between the late eighteenth and mid-nineteenth centuries, with a focus not just on how and why so many entrepreneurial persons entered the world of popular medicine around venereal ailments, but also on what role those persons played in deploying particular conceptions of sexuality at the local level. The chapter begins with an overview of the various spaces—the private home, the dispensary, the Alms-House—in which Baltimoreans suffering from venereal ailments could expect to access regular medical care, as well as the difficulties and pitfalls that accompanied traditional treatments. It examines the development of diverse businesses intended to remedy the deficits of regular medicine when it came to healing venereal disease, as well as the way those businesses marketed themselves locally. Despite its prolific advertising and obvious profitability, America's

³ See, for example, *Baltimore Clipper*, January 3, 1848.

medical marketplace around venereal matters has remained largely under-explored even by scholars concerned with the commercialization of sexuality. In rare cases in which advertisements for venereal treatments are mentioned in histories of prostitution, they function mainly as evidence that illicit sexuality and prostitution in particular must have been rampant in nineteenth-century cities; after all, diseases like syphilis were only sporadically contagious thus were spread most effectually by people having sex with multiple partners in a short period of time.⁴ While this is not an unreasonable or inaccurate interpretation of the proliferation of ads for anti-venereal treatments, it does miss a central point. The presence of patent medicine producers and anti-venereal physicians in American cities like Baltimore was evidence of more than prostitution's popularity with men; it was evidence of prostitution's prominence within the urban economy. Sexual medicine, which was a crucial source of funding for the early urban press, was a hugely profitable trade that was deeply connected to the rise of the prostitution and the broader urban commercial sex industry.

The rise of popular sexual medicine was also deeply connected to the deployment of sexuality at the local level. Like their counterparts in prostitution studies, historians and theorists concerned with medico-moral discourses on sexuality have not tended to take popular medical practice or the advertising it generated particularly seriously.⁵ In a

⁴ See for example Judith Kelleher Schafer, *Brothels, Depravity, and Abandoned Women: Illegal Sex in Antebellum New Orleans* (Baton Rouge: Louisiana State University Press, 2009), 4-5. For other studies of prostitution that reference anti-venereal advertising, see Gail Hershatter, *Dangerous Pleasures: Prostitution and Modernity in Twentieth-Century Shanghai* (Berkeley: University of California Press, 2007), 231-2.

⁵ Historians of "Victorian" American attitudes toward sexual restraint, masturbation, and health have tended to focus on more prominent and prolific figures like Sylvester Graham, Frederick Hollick, or Anthony Comstock. See, for example, Rodney Hessinger, *Seduced, Abandoned, and Reborn: Visions of Youth in Middle-Class America, 1780-1850* (Philadelphia: University of Pennsylvania Press, 2005), 148-176.

sense, this is understandable: popular medical ads were not literary masterpieces by any means. They were rote, and they often had an oddly timeless quality about them. Revealing shifts in the languages and discourses employed in local ads were sometimes subtle, and the rhetoric in ads from 1840s Baltimore resembled the language of those from 1760s London and 1890s Illinois.⁶ Many proprietors also flat-out plagiarized both their product pitches and testimonials from their competitors, resulting in a kind of perfunctory, boilerplate copy that does not necessarily reward the kinds of close reading to which scholars of cultural history are accustomed. Add to that the fact that “quacks” and patent-medicine dealers are so often dismissed as shady snake-oil salesmen who symbolized the worst excesses of unregulated capitalism, and it is easy to see why historians have not taken them especially seriously as disseminators of ideas about sexuality. They were strategic and opportunistic profiteers rather than ideologues, and they provided cures that were likely ineffectual in many cases (of course, regular physicians were not much different in that respect).⁷

⁶ On early British anti-venereal advertising, see Roy Porter, *Health for Sale: Quackery in England, 1660-1850* (Manchester: Manchester University Press, 1989); Mark S.R. Jenner and Patrick Wallis, eds., *Medicine and the Market in England and its Colonies, c.1450-c.1850* (New York: Palgrave MacMillan, 2007); William F. Bynam and Roy Porter, eds., *Medical Fringe & Medical Orthodoxy, 1750-1850* (London: Croom Helm, 1987).

Observations on later advertising are based on examinations of the Helfand Collection of Medical Ephemera at the Library Company of Philadelphia.

⁷ For a quintessential history portraying popular practitioners and patent-medicine dealers as snake-oil salesmen, see James Harvey Young, *The Toadstool Millionaires: A Social History of Patent Medicines in America before Federal Regulation* (Princeton: Princeton University Press, 1961).

Popular American medical movements like Thomsonianism have received a significant amount of balanced scholarly attention. See, for example: James C. Whorton, *Nature Cures: The History of Alternative Medicine in America* (Oxford: 2002); Michael A. Flannery, “The Early Botanical Medical Movement as a Reflection of Life, Liberty, and Literacy in Jacksonian America,” *Journal of the Medical Library Association* 90(4) Oct. 2002: 442–454.

To date, most of the historical work on the more explicitly commercial side of the American medical marketplace has been written for popular audiences and published by non-academic presses. Much of it has focused on particularly sensational and scandalous figures in the trade. See for example: Ann Anderson, *Snake Oil, Hustlers and Hambones: The American Medicine Show* (Jefferson, NC: McFarland & Co. Inc., 2000); Timothy B. Riordan, *Prince of Quacks: The Notorious Life of Dr. Francis Tumblety*,

And yet, as this chapter argues, their drive to promote their businesses made patent-medicine dealers and popular practitioners some of the most vocal and widely publicized commenters on matters of sex in the nineteenth century. As they funded newspapers through their regular purchase of advertising space, persons who profited from abortion, masturbation, and venereal disease treatments disseminated ideas about what was normal, healthy, and deviant in the realm of sex to tens of thousands of readers every day. While not every consumer of local dailies read or even paid attention to their advertisements, enough did that patent-medicine dealers and practitioners could afford to purchase huge chunks of ad space regularly and remain in business for years or decades at a time. In a period in which medical texts and sexually explicit books were often accessible only to the wealthy, popular medical advertisements may very well have been the primary print medium by which many Baltimoreans encountered ideas about sexuality that would become dominant among the urban bourgeoisie as the century wore on.⁸ By the 1840s, changes in the material structures of venereal clinics and the spatial shifts that accompanied the specialization of the venereal medical marketplace acted as physical reinforcements for the idea that sexuality was a “secret,” a mystery to be solved,

Charlatan and Jack the Ripper Suspect (Jefferson, NC: McFarland & Company, Inc., 2009).

⁸ This is not meant to imply that print discourses on sex were not widespread in the nineteenth century. For information on print discourses on sexuality, see Helen Lefkowitz Horowitz, *Rereading Sex: Battles Over Sexual Knowledge and Suppression in Nineteenth-Century America* (New York: Knopf, 2002). However, while numerous medical advice books and tracts, including Charles Knowlton's 1832 *Fruits of Philosophy, or, The Private Companion of Young Married People* enjoyed popularity with the American public, their circulation likely paled in comparison to the daily circulation of penny press papers.

“Fancy” books (i.e. erotic books) printed by American publishers retailed for approximately two dollars each for good quality copies. Cheap texts could be as little as \$.35 to .50, while the best quality publications that included full-color, illustrated plates could cost as much as \$5. Price lists derived from Philo's Army Purchasing Agency, (Brooklyn: 1861-1865?), AM 1861 Philo 14935.Q; Grand Fancy Catalogue of the Sporting Man's Bazaar: for 1870, AM 1870 Grand 14978.Q, Library Company of Philadelphia, PA.

See also: Roy Porter and Lesley Hall, *The Facts of Life: The Creation of Sexual Knowledge in Britain, 1650-1850* (New Haven: Yale University Press, 1995).

and one that had to be solved in the right way in order for an individual to be a productive citizen and subject.⁹

Even as venereal physicians and medicine dealers helped to deploy what was in many senses a bourgeois notion of sexuality at the local level, however they also generated controversy among the urban bourgeoisie. As the final part of this chapter argues, the growing suspicion of sexually explicit or suggestive print materials and the increasing influence of professionalized medicine combined to challenge the visibility of the popular medical marketplace around sex. Venereal advertisements even played a role in prompting the passage of Maryland's first anti-obscenity statute, which would not only hamper the sexual medical marketplace but lay the groundwork for increasingly strident postbellum efforts to police sex and reproduction.

In order to understand how Baltimore's popular medical marketplace on sex became both profitable and highly influential over the course of the nineteenth century, some background on venereal disease and its relationship to traditional medicine is in order. In nineteenth-century America, as in the rest of the Western world, *lues venerea* was a remarkably common and often quite serious health problem. Few people or institutions collected any sort of systematic data on venereal infection rates prior to 1857, but scattered institutional records suggest that about five to ten percent of the American population was afflicted with some form of venereal malady, with urban dwellers being more likely than their rural counterparts to be infected. Given that detecting syphilis or gonorrhea involved observing active symptoms of the diseases or relying on patients to disclose past bouts of illness, it is quite possible that the actual rates of infection were

⁹ On the emergence of sexuality, see Michel Foucault, *The History of Sexuality: An Introduction*, Vol. 1 (New York: Vintage Books, 1990).

considerably higher. By the most liberal estimations, as much as fifteen percent of adult Americans in large cities and ten percent of those living in towns and rural areas may have been afflicted with venereal disease by the mid-century.¹⁰

In addition to being common, venereal infection was frequently debilitating to sufferers. At best, those afflicted with venereal ailments experienced them as painful, embarrassing inconveniences; at worst, they found them potentially life-altering or even life-ending afflictions. By the nineteenth century, syphilis, the more dreaded of the venereal diseases, had long since ceased to be the “great pox” that had ravaged Europe in the late fifteenth and sixteenth centuries. Most nineteenth-century sufferers did not develop pustules the size of acorns or excruciating joint pains, and only a small percentage of infected adults died from the disease. Nevertheless, the lower mortality rates and subtler physical manifestations of the ailment were cold comfort to those who suffered from it.

Syphilis remained heavily socially stigmatized because of its associations with prostitution, filth, and immorality, and its effects on the body were profound. In its early stages, the disease usually manifested itself in the form of a painless chancre, followed by fever, fatigue, buboes and sores that exuded “foul” discharge on the genitals, and a distinct skin rash. Those unlucky enough to experience the disease’s later stages suffered

¹⁰ Contemporary estimates for Baltimore suggest that almost twelve-percent of Alms-House inmates were infected with syphilis (Annual Report of the Executive Committee of the American Society for the Promotion of Temperance, Vol. 1 (1827), 64). Records from various Alms-Houses around the U.S., including Baltimore's, indicate that around 4-9% of patients annually came to the medical wards suffering from syphilis or gonorrhea, though the significance of this data is obscured by the fact that fluctuations in rates of other diseases could alter these percentages as easily as fluctuations in the raw numbers of syphilitic or gonorrheal patients.

Statistical data on venereal disease rates prior to the mid-nineteenth century are considerably more developed in the European context. Kevin Siena found that venereal disease cases accounted for about 20% of all hospital admissions in early modern England. Siena, *Venereal Disease, Hospitals, and the Urban Poor: London's "Foul Wards," 1600-1800* (Rochester, NY: University of Rochester Press, 2010).

through the “poison” devouring their soft tissues and pitting the bone beneath them, leaving their skulls exposed and often collapsing their palates. Sufferers lost their ability to see, to feel their limbs, and to walk without a shaky, stiff gait, and they gradually became delirious or manic. Even with the benefit of allopathic medical treatments that struck many sufferers as more horrific than the disease itself, some still died. Others recovered, but passed syphilis on to their children, giving birth to stillborn, deformed, or severely weakened infants, many of whom lived only a short time. Gonorrhea, which was considered be the far milder manifestation of syphilis prior to the 1830s and the milder affliction thereafter, also caused a good deal of physical discomfort, including burning pain during urination and embarrassing discharges from the urethra or vagina. It too had the potential to affect the women's reproductive capacities and cause severe health problems in infants born to infected mothers, including eye infections that could cause blindness. In some cases, it could also infect the bloodstream, affecting the joints and even causing death from sepsis.¹¹

In light of the commonness of venereal disease, its potentially devastating physical effects, and the stigma associated with it, it is perhaps unsurprising that there was sizable demand for effective and confidential cures for venereal infection. Within the offerings of allopathic medicine, however, such cures often proved difficult to attain for people living in Baltimore and its hinterlands. Venereal sufferers faced many of the same barriers to care as the general population in early America did—physicians were few in

¹¹ Siena, *Venereal Disease, Hospitals, and the Urban Poor*; Roger Davidson and Leslie Hall, eds. *Sex, Sin and Suffering: Venereal Disease and European Society since 1870* (London and New York: Routledge, 2001); Allan M. Brandt, *No Magic Bullet: A Social History of Venereal Disease in the United States Since 1880* (Oxford: Oxford University Press, 1985); Linda E. Merians, ed. *The Secret Malady: Venereal Disease in Eighteenth-Century England and France* (Lexington: University Press of Kentucky, 1996).

less densely populated areas, and a sizable part of the urban population could not afford to retain their services—but they faced the additional burden of having a disease associated with shame and disreputability. Even the wealthiest Baltimoreans, those who were the most likely to have geographic and financial access to regular physicians, could find it hard to overcome the barriers to access. By 1816, a Baltimore city directory listed 48 physicians operating in various sections of the city.¹² In all likelihood, however, not all of these physicians were willing to take venereal cases, and many were not especially experienced in treating them. Physicians in private practice tended to see far fewer patients than physicians who worked in institutional contexts, and, as a result, were sometimes confounded by obstinate or unusual manifestations of syphilis or gonorrhea. A young physician named Isaac Cole, for instance, was familiar enough with the nature of venereal disease to recognize that an infant he had been called to examine was suffering from an ocular form of gonorrhea. Despite a midwife's protestation that the child's eye irritation and discharge were the result of the mother's taking sick during confinement, Cole “was well acquainted with the character of the child's father, and suspected he had communicated gonorrhea to his wife, and that the child had contracted the disease during labour.” When it came to treating it, however, Cole was “at a loss to know what to do,” and initially turned to unsuccessful cures involving rhubarb purgatives and painful applications of chemicals to the infant’s eyes. It took several abortive attempts to cure the discharge before Cole arrived at the more standard treatment practice of applying balsam copaiva to the affected area.¹³

¹² *Matchett's Baltimore City Director*, 1816 (Baltimore: Wanderer Office, 1816).

¹³ Isaac Cole, "A Case of Gonorrheal Opthamalia Cured by the External Application of Balsam Copaiva," *Baltimore Monthly Journal of Medicine & Surgery*, Volume 1 (1830), 191-2.

If wealthy and middling persons faced bumps along the road to venereal cures, the bulk of the urban population fared much worse. For the urban poor, access to regular medicine came in the same way it had historically come: through charitable organizations and hospitals. Citizens of Baltimore developed a number of private charitable organizations designed to provide medical care to impoverished persons over the first half of the nineteenth century, the most prominent of which were public dispensaries. Dispensaries generally followed the model of the city's original organization, the Baltimore General Dispensary, which was opened in 1801 by a group of private citizens and funded by subscribers. Any Baltimorean who could secure a letter of recommendation from one of the dozens of contributing member of the dispensary (i.e. anyone who donated five dollars or more annually) was entitled to a free home visit from his or her district's dispensary physician. If, upon examination, the physician deemed that the patient required medication, he could issue a prescription that the patient could fill with the dispensary's resident apothecary at no cost (save a promise to return the bottles). The Dispensary proved so popular among poor Baltimoreans that it treated between two and four percent of the city's population annually in its first years of the existence. Over the next few decades, other dispensaries cropped up in the Eastern and Southern parts of the cities to meet the tremendous demand for health services.¹⁴

On the stigma associated with venereal disease, see Siena, *Venereal Disease, Hospitals, and the Urban Poor*, 30-61.

¹⁴ Baltimore General Dispensary, *Rules and By-laws of the Baltimore General Dispensary, with Other Matter, Relative to the Institution* (Baltimore: Bower and Cole, 1803). Accessed Apr. 4, 2013, <https://archive.org/details/2542019R.nlm.nih.gov>; Baltimore General Dispensary, *An Address to the Citizens of Baltimore and Its Vicinity: Containing a Concise Account of the Baltimore General Dispensary, its By-laws, and Other Matters Worthy of Notice* (Baltimore: 1812). Accessed Apr. 4, 2013, <http://archive.org/details/2751003R.nlm.nih.gov>.

For more on the history of dispensaries, see Charles E. Rosenberg, "Social Class and Medical Care in Nineteenth-Century America: The Rise and Fall of the Dispensary," *Journal of the History of Medicine and Allied Sciences* XXIX (1) (1974), 32-54.

While Baltimore's dispensaries provided medical care to thousands of indigent residents each year, however, they appeared to provide care to relatively few people who suffered from venereal ailments (despite being funded in part by the fines assessed on keepers of bawdy houses). In 1804, patient records for the dispensary listed only two venereal patients, one of whom, Betsey Brown, had "just escaped from Prison" and fled to the dispensary because she "ha[d] no other means of being cured" of her inveterate infection.¹⁵ In later years, dispensary records indicated that out of thousands of cases treated, apothecaries had only handled two-dozen prescriptions for sufferers of syphilis and gonorrhea.¹⁶ Some of this may simply have been the result of record-keeping; many physicians considered themselves bound by oath to treat anyone who came to them in need of medical attention, but most were also aware that venereal disease had a strong social stigma. In order not to alienate donors who wanted to support an organization that assisted the "worthy poor," physicians may have reclassified cases of syphilis or gonorrhea under other disease groups. Just as likely, however, was the possibility that many venereal sufferers were put off by the dispensaries' application process, which involved going before their social "betters"—people on whom they relied for employment or assistance in many cases—and explaining why it was that they needed to see a doctor.

The poor could not or did not wish to gain access to the services of the dispensary had two other "traditional," institutional options for treatment. One of those, the University of Maryland's Baltimore Infirmary and teaching hospital, was not, in the

¹⁵ Baltimore General Dispensary, Patient Records, 1801-1845. Medical and Chirurgical Society Records, Series VII, Box 61, Flat 1, Maryland Historical Society (MDHS), Baltimore, MD.

¹⁶ Baltimore General Dispensary, Patient Records, 1862-4. Medical and Chirurgical Society Records, Series VII, Box 61, Flat 2, MDHS.

strictest sense, a choice for most of the patients who ended up in its wards. Hospitals were unpleasant places in the antebellum period, and most people who could avoid them did so. The Infirmary treated a variety of diseases, including venereal ailments, in a patient population that consisted of a mix of people whose circumstances left them with few options: enslaved persons, the down-and-out (including orphans and sick young people without connections in the city), people who were seriously injured and brought to the hospital under emergency circumstances, and transient populations. Some of the patients who came from the latter group were wealthy or solidly middle-class, and simply seeking the only treatments readily available to those without a residence nearby; others, however, were people who by virtue of not having residence in Baltimore City or County, were denied access to the institution that treated the largest percentage of venereal cases: the Alms-House.¹⁷

The Baltimore Alms, originally constructed in 1773 and rebuilt two miles outside of the city in the 1820s, acted as more than a shelter for those out of a job and out of luck in early Baltimore. The Alms-House had large hospital wards, a well-stocked supply of medicines and medical texts, and a staff that consisted of a salaried and usually quite elite head physician as well as several assistant and student physicians in residence. For the “unworthy” and desperate poor, it was often the primary option for medical care. While gaining admission to the Alms-House technically required a note from the local poor warden, it was easy enough for venereal patients to avoid disclosing the specific nature of their diseases. Those who chose to follow the admissions requirements could frame their need for the Alms-House’s services as an issue of poverty more than illness; those who

¹⁷ For more on early republic and antebellum hospitals, see Charles E. Rosenberg, *The Care of Strangers: The Rise of America's Hospital System* (Baltimore: Johns Hopkins University Press, 1987).

did not could circumvent the requirement entirely by simply showing up at the institution. A seriously ill person was unlikely to be turned away from any medical practice, but the Alms-House was often uniquely willing to accept patients who would have been deemed ineligible for charity at other institutions. Given its larger facilities and lower standards for admission, the Alms-House handled far more cases of venereal disease each year than the dispensary. Streetwalkers, former prostitutes and madams, and poor Baltimoreans from the most maligned racial and ethnic groups usually ended up in the Alms-House if they found themselves desperate or unable to pay for their own medical care.¹⁸

Treatment at the Alms-House could also be a harrowing process, particularly in the latter decades of the antebellum period when the Paris medicine became influential within the institution. The Alms-House medical wards were primarily teaching wards, and they attracted a number of young physicians eager to pioneer new medical knowledge and establish the superiority of particular treatment regimens using experimentation and qualifiable measures of results. Parisian medicine, with its influence on understanding the nature of disease, used patients as research subjects in ways that pressed the boundaries of ethics even at the time. One American wrote of the practices of the very Parisian doctors whose ideas would so influence medical practice in Baltimore, "The coolness with which fearful experiments are carried on for the purpose of establishing personal reputations and private theories is astonishing to anyone who is in the habit of placing any value upon human life, or feeling sympathy for suffering humanity."¹⁹

¹⁸ Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: Johns Hopkins University Press, 2009), particularly 194-231.

¹⁹ For more on the influence of Parisian medicine on American medical practice, see John Harley

Because of the stigma associated with venereal disease, syphilitics—especially those who were prostitutes and/or African-American women—were uniquely vulnerable to being among the populations subjected to painful and callous experimentation by physicians. In one case in the 1830s, head alms-house physician William Power, a student of Paris’s famed venereal hospital, attempted to establish a treatment for syphilitic papules, which were raised bumps that he claimed fixed “upon the filthy and abandoned [...] by preference.” After achieving positive results on several women with local applications of the French preparation *nitrate-ac-de-mercure*, Power set about firmly establishing the efficacy of his treatment by denying it to select African-American patients. When 22 year-old Eliza Brown, a woman Power described as “Dissolute in habits” was admitted to the wards with syphilitic chancres and papules on her labia, Power began with the “Usual treatment—pills of Proto-Iod. Hydrarg—a grain at night and morning, with a pint of *decoct-lignor*, daily,” plus local applications of “nitr-argent and black wash.” When the nitr-argent appeared to make the papules worse, the doctor overseeing the case under Power’s purview shaved the papules off and used nitr-argent to cauterize Brown's wounds. That approach predictably failed, but the failure did not stop physicians from attempting it *twice* more, with the addition of two weeks of friction treatments with mercurial ointments applied to Brown’s genitals. It was only after Power was satisfied that two and a half months of constant, agonizingly painful treatments had no chance of working that he finally applied the *nitrate-ac-de-mercure* to Brown. Similarly, Powers subjected a young, free black prostitute named Jane to forty days of

Warner, *Against the Spirit of System: The French Impulse in Nineteenth-Century American Medicine* (Princeton: Princeton University Press, 1998).

M.M. Rodgers, "Letter from a Correspondent at Paris" (Paris, 6 Feb. 1851) *Buffalo Medical Journal* 6 (1850-1851): 646. Quoted in Warner, *Against the Spirit of System*, 260.

treatment because, he was “anxious to see how far the local treatment we had applied so successfully in other cases, was, in itself, sufficient to effect a cure.” Power avoided giving her oral medications he felt confident would work for four weeks before he thought his point sufficiently established to merit giving Jane an effective cure.²⁰

If treatment at the Alms-House could be dehumanizing and horrifically painful, it also came at a steep price. Unlike the dispensaries, the Alms-House was not designed to be an expression of noblesse oblige. It was intended instead to be a self-sustaining institution that would instill the values of labor into the idlers, incorrigibles, and vagrants who were thought to populate it. As such, all inmates were assessed a fee for every day they were incapacitated in the hospital wards. For most patients, the fee was twenty cents a day, but venereal patients were charged more. Syphilitic patients were assessed fees of thirty cents per day and, if they were female, endured humiliating segregation from other patients in the “Magdalene” or “syphilitic” ward on the second floor of the institution. When they were deemed well enough to move about the wards, they could begin working off the cost of their treatment by laboring at sewing or other crafts, farm labor on the grounds, or cleaning and institutional upkeep. Depending on their ability level, it could take anywhere from two to three days of labor to pay off one day of care. Since treatment for syphilis could easily take one to three months, venereal patients who resorted to the Alms-House for treatment could easily find themselves incarcerated and laboring at the institution for a half-year or more to settle their debts.²¹

Long confinements were unpleasant and undesirable for the majority of venereal

²⁰ William Power, “Practical Remarks on Mucous Papules,” *Eclectic Journal of Medicine* 4 (Nov. 1839), 170-176 p. 171.

²¹ “Report of the Commissioners of the Alms House, Bridewell, and Penitentiary,” *Documents of the Board of Alderman, City of New York*, Vol. IV, Document 32 (New York, 1838), 224.

patients, but for some, they were also not a viable option. Many sufferers who came to Baltimore hoping to find relief from venereal ailments were people passing through the city. Persons who inhabited the comparatively thinly populated hinterlands to the north and west of the city often had poor access to physicians, as did the sailors whose access to medicine on voyages was largely limited to what was in the ship's supply. When seamen arrived in port or merchants and farmers came to the city to sell grain, flour, and produce, they often took advantage of their time in Baltimore to purchase medicines for what ailed them. Even if they could get access to local institutions, which they often could not as non-residents, many visitors to the city would have found themselves confounded by the nature of regular treatments. Mercury, which remained the most common regular remedy for syphilis in the nineteenth century, was not compounded or applied in the 1800s in the same way it had been in previous centuries. The dreaded practice of using mercury to induce uncontrollable salivation in patients became rare by the mid-century, as physicians came to regard ptyalism as a sign of the over-application of mercury rather than the desired result of treatment.²² Nevertheless, many of the unpleasant and burdensome elements of standard mercury treatments—limited dietary intake and mobility, containment to a controlled environment, strong physical reactions that included distinctive fetid breath, and long treatment lengths—remained in effect. The ill effects rendered standard regular treatments poorly suited for transient populations or anyone coming to the city hoping to find a quick and discreet cure.

²² Alms-House physicians generally regarded ptyalism as a sign of overdose. William Power's case notes regarding his treatment of Eliza Brown noted that he withdrew his applications of proto-ioduret or mercury "as soon as ptyalism manifested itself, and resumed immediately upon its disappearance." Power, "On Mucous Papules," *Baltimore Medical and Surgical Journal* 1 (Baltimore: 1840), 32.

In light of Baltimoreans' difficulties in procuring inexpensive regular treatments that did not involve intense pain and the sacrifice of mobility or reputation, it is perhaps unsurprising that there was a substantial market for affordable, convenient, and painless cures for venereal ailments. Within a decade of Baltimore's emergence as a rapidly expanding port city in the late eighteenth century, a small number of physicians, dentists, and esoteric practitioners specializing in venereal cures had opened shops and clinics near the city's waterways. By 1787, the *Maryland Journal and Baltimore Advertiser* regularly featured ads from at least two practitioners who promised venereal treatments that were far less painful, prolonged, and confining than the traditional mercury cures. Lawrence Storch, a German immigrant, claimed to be able to cure any "foul diseases without resort to Mercury," and M. Jeanin, a French immigrant to Baltimore and a dentist, advertised that patients could leave word with Mrs. Gold in Frenchtown if they wished him to effect a venereal cure "in the course of two or three weeks, without confinement or danger to the patient." Both practitioners, anticipating potential skepticism on the part of their customers, promised that patients did not have to pay for treatment if their methods failed to affect a cure.²³

In the decade that followed, other practitioners set up shops near the center of maritime commerce and prostitution at Fells Point. Dr. Richard Warner and Dr. J. Morgan, who kept clinics at Bond Street and Bowly's Wharf, respectively, both employed advertising strategies similar to their predecessors, albeit with one added promise: privacy and confidentiality in the consultation process and in the course of treatment. Dr. Morgan assured his potential customers that they "may rely on secrecy,

²³ *The Maryland Journal and Baltimore Advertiser*, May 18, 1787; Mar. 6, 1787.

honor, and his method of cure, most effectual, easy and expeditious [...and] may use them and avoid discovery,” a statement that implied both his willingness to be discreet in matters of his practice and his cure's subtlety. The fetid breath and drooling that mercury treatment prompted were more than just inconveniences for patients; they alerted other that the people in question were infected with venereal taint. By promising a cure that would prompt no telling physical side effects, Dr. Morgan was articulating what would become a common selling point for virtually all popular anti-venereal medicines.²⁴

The confidentiality, comfort, and certainty of cure that popular practitioners touted was no doubt appealing to patients, and their businesses fared well in the early years of the city. Many operated for years and advertised regularly in local weekly papers. In 1798, however, popular practitioners were dealt a serious blow by the Maryland legislature. That year, General Assembly granted a charter to the Maryland Medical and Chirurgical Society that, among other things, granted the society had exclusive licensing rights over medical and surgical practitioners in the state. According to the terms of the licensing provision, anyone not already practicing medicine at the time of the Act's passage could be prosecuted if they sold medical services without the proper credentials.²⁵ The terms of the charter were never well enforced, and, indeed, irregular physicians continued to specialize in venereal afflictions. One University of Maryland-trained doctor in Baltimore wrote in an editorial, “I either hear of, or see, daily, the melancholy instances of the mal-practice of such empirics. [...] These men have for a long time been practicing in the various branches of the profession, some offering their

²⁴ *Federal Gazette & Baltimore Daily Advertiser*, Aug. 8, 1797; *American And Daily Advertiser*, Jan. 24, 1800.

²⁵ John B. Colvin, *The Magistrate's Guide, and Citizen's Counsellor: Adapted to the State of Maryland and Washington County, in the District of Columbia* (Washington, DC: Elijah Weems, 1819), 368.

advice and medicine for the cure of Intermittent Fever, while others, (indeed almost all), take more particular notice of Venereal cases.”²⁶ If the charter did not succeed in stifling irregular practice, however, it did succeed in making it prohibitively risky for “irregular” anti-venereal physicians to advertise their services openly in print. In the decades that followed the 1798 law, the only irregular physician who continued to publicly advertise venereal cures was Dr. Warner, who had been grandfathered in on the basis that he had been practicing prior to the passage of the charter. Following his death or retirement circa 1813, Alfred L. Warner, who was possibly his son, continued the family business, claiming to sell “the late Dr. Warner’s methods.” Alfred claimed to sell both treatments and “medicines” that could be mixed in his office and taken elsewhere for treatment of venereal disease, and he continued to run his shop well into the 1840s at various locations around the city.²⁷

In the wake of the charter’s restrictions on the sale of medical practice by irregular physicians, another, equally old form of popular medicine came to dominate the visible part of Baltimore’s medical marketplace around venereal ailments: the proprietary medicine trade. Proprietary or “patent” medicines were remedies produced by entrepreneurial individuals or corporations and heavily marketed as curatives for various diseases.²⁸ Such medicines had been a staple of medical practice in the American colonies since at least the eighteenth century, when most were imported from Britain. In the days of sparse settlement, when physicians were inaccessible and unaffordable to

²⁶ *Baltimore Gazette And Daily Advertiser*, July 7, 1830.

²⁷ *The Republican or, Anti-Democrat*, 6 Aug. 1802; *Baltimore Patriot & Mercantile Advertiser*, Feb. 25, 1834; Sun, Sept. 22, 1840.

²⁸ While “patent medicines” was the term most commonly applied to commercially produced curatives that were sold for profit, it was not to be taken literally. While some medicines (like Jacob Houck’s Panacea) were patented, most medicines were not. Nevertheless, I have employed the term here in its most general sense, to apply to commercial remedies.

large segments of the population, proprietary medicines that could be purchased directly from local merchants filled a crucial demand for medicinal treatment. Since most boasted a long shelf life and easy portability, they became stock parts of household medicine chests. Following independence and the 1807 embargo that made it difficult for American merchants to access British patent drugs, local entrepreneurs in Baltimore and other large cities began to produce and market their own remedies. Many found the trade in proprietary remedies a tremendously profitable one, not only because demand sustained high prices but because the actual products were inexpensive to produce (many were made of herbs and other “vegetable matter” suspended in alcohol). Both manufacturers and retailers could turn substantial profits on the sale of proprietary cures.²⁹

By the turn of the century, a number of Baltimoreans had set up shops in the city to produce or import patent remedies, and they almost immediately became some of the most prolific advertisers in the local papers. Over the first half of the nineteenth century, Baltimoreans would produce or distribute upwards of forty different medicinal remedies that were specifically advertised as being effective against venereal complaints, and their products would be stocked by at least sixty-six merchants, including booksellers, apothecaries and druggists, confectioners, and dealers in dry goods. Forty-three shops that stocked venereal remedies were located in or directly around the city’s main

²⁹ On the difficulties of accessing patent remedies during the embargo period, see, for *example* *Federal Republican & Commercial Gazette*, Oct. 17, 1810. Ads for Solomon's Anti-Impetigine mentioned that, “[Warner & Hanna, retailers of the drug] have not had a bottle of the above medicine for sale since the Embargo, until the present, and now but a small supply.”

On the centrality of proprietary remedies to early American medicine, see: Young, *The Toadstool Millionaires*; James N. Green, Charles E. Rosenberg, and William H. Helfand, *Every Man His Own Doctor: Popular Medicine in Early America* (Philadelphia: The Library Company of Philadelphia, 1998); Adelaide Hechtlinger, *The Great Patent Medicine Era; or, Without Benefit of Doctor* (New York: Galahad Books, 1974).

commercial thoroughfare on Baltimore Street, a statistic that indicates that anti-venereal medicines were not particularly subtle or hidden commodities within the city. Many of the rest were located on the streets near the waterways, where they could take advantage of sailors' demands for portable remedies they could take with them upon departure.³⁰

While numerous proprietary medicine manufacturers noted their remedies' effectiveness in treating venereal complaints, relatively few of those who marketed their cures in Baltimore over the first three decades of the nineteenth century specialized their businesses in anti-venereal treatments or produced medications specific to venereal disease. Out of eight frequently advertised medicines whose marketing specifically mentioned their usefulness as venereal cures, six were either panaceas or curatives for a variety of skin and blood diseases. For instance, "The Grand Tonic DeGurida," which was advertised as effective for gonorrhoea and gleet, was primarily an anti-bilious medicine, while Solomon's Anti-Impetiginous was billed as a "Specific remedy for the SCURVY, LEPROSY, VENEREAL DISEASE, and all those disorders which arise from impurities of the blood."³¹ Dr. Relfe's Botanical Drops treated an even more dizzying array of diseases, including "Scrofula, Leprosy, Salt Rheum, St. Anthony's Fire, Fever Sores, even when the bones are effected, White Swellings, violent Eruptions after Measles, Scurvy, foul festering Eruptions, Pimpled and Carbunkled faces, Sore Eyes, Sore Legs, Scald Head, Ulcers, Venereal Taints, when Mercury has failed, and all other disorders arising from an impure state of the blood and humors."³² Of the two remedies

³⁰ Data derived from a combination of OCR searches and samplings of Baltimore newspapers digitized in America's Historical Newspapers, as well as searched of original and microfilm newspaper records in the collections of the Maryland Historical Society.

³¹ *Baltimore Patriot & Mercantile Advertiser*, Sept. 22, 1817; *Federal Republican & Commercial Gazette*, Oct. 17, 1810.

³² *Baltimore Patriot & Mercantile Advertiser*, Aug. 8, 1818.

designed specifically for venereal infections, only one, Hunter's Red Drops, was usually advertised under its own billing. The other, Noah Ridgely's Indian Vegetable specific for treatment of "the venereal," was only one of a dozen medicines prolifically advertised under the Lee Patent Medicines brand, which marketed everything from plasters to cures for worms and coughs.³³

While most patent medicine dealers sought to maximize their profits by touting their pills, tonics, tinctures, powders, and cordials as medicines for specific groupings of diseases or as miraculous, all-purpose curatives, their tendency to make specific references to their drugs' usefulness in venereal cases reflected their awareness that there was an especially strong market for "irregular" syphilis and gonorrhea cures. Thomas Swaim's Panacea, a nationally distributed Philadelphia-based curative that was heavily marketed in Baltimore, devoted multiple pages of its advertising booklets to the case studies of venereal patients who had supposedly been cured by the remedy. The marketers of Swaim's even went so far as to include a number of illustrations of syphilitics, including the famous Nancy Linton image, in order to convey just how effective the panacea could be even in severe and obstinate cases.³⁴ Similarly, nearly all advertisements for cure-alls contained a set of promises that held special appeal to venereal patients who might otherwise find themselves forced to resort to painful and prolonged regular treatments. With the notable exception of Hunter's Red Drops (almost assuredly a mercurial remedy), most medicines were marketed as being "botanical" in nature or "composed entirely of vegetables," designations that set them apart from the

³³ *Baltimore Patriot & Mercantile Advertiser*, June 15, 1816; Oct. 18, 1817.

³⁴ William Swaim, *A Treatise on the Alternative and Curative Virtues of Swaim's Panacea, and For Its Application to the Different Diseases of the Human System : Interspersed with Remarks on Its Pharmaceutic Effects as a Remedial Agent* (Philadelphia : J. Bioren., 1833.)

harsh chemical remedies employed by regular practitioners. In fact, many proprietary medicine dealers—no doubt hoping to profit from both venereal sufferers who were reluctant to try regular medicine and those who had already sought the care of regular physicians—claimed that their medicines could even cure the damage done to the palate and the constitution by the “abuse of mercury.” Other common claims included the curatives’ gentleness, pleasant taste, lack of restrictions on diet, and compatibility with patients continuing an active and mobile life.³⁵

By the later 1830s, however, a major shift was beginning to take place in the medical marketplace, and one that would result in the patent-medicine producers and dealers becoming far more direct in their efforts to market their products specifically to venereal patients. Cure-alls like the locally manufactured Jacob Houck’s Panacea by no means disappeared from the local marketplace, but they were joined by an increasingly large variety of medicines marketed as anti-venereal specifics. Alongside long-running advertisements for Hunter’s Red Drops, local newspapers featured promotions for a diverse array of treatments for syphilis and gonorrhea, including Minerva Pill Anti-Syphilitic, Dr. Poett’s Gonorrhea Eradicator, Husselbaugh’s Infallible Anti-Gonorrheal Specific, Old Dr. Cumming’s Unfortunate’s Friend for “private” complaints, Cross Specific Mixture for gonorrhea, gleet, and analogous problems, and Dr. Magdin’s of Paris, Le Cordial De Lucine, Ou L’Elixir De L’Amour for gleet, *fluor albus*, and urinary and reproductive problems (Lucina was the ancient Roman goddess of childbirth).³⁶ The colorful names given to such product names were matched by equally colorful language

³⁵ *Baltimore Gazette and Daily Advertiser*, Oct. 8, 1835; *Baltimore Patriot & Mercantile Advertiser*, Aug. 8, 1818.

³⁶ *Baltimore Gazette and Daily Advertiser*, Oct. 9, 1835; Sun, Apr. 18, 1838; Dec. 13, 1838; Dec. 17, 1857; May 23, 1838; Dec. 20, 1838

in the ads that promoted them.

While old advertisements might consist only of a simple declaration that a pill or syrup was “For the venereal,” newer ads tended to expound on the benefits of their products at greater length. Previously, only Hunter’s Red Drops had consistently highlighted confidentiality as one of the central benefits of treating “venereal taint” with patent medicines. New advertisements were much more likely to highlight the convenience and subtlety of their cures. Some advertisers proclaimed that their medicines could cure diseases in as little as two days with no side effects, making them perfect for men who wished to continue their commercial and social pursuits without interruption. Minerva Pill Anti-Syphilitic advertisements proclaimed that the medicine “Neither purges, salivates, or sweats, requiring neither confinement in the house, nor any alteration of the usual habits or diet of the patient, who gets well while pursuing his usual occupations, thus defying discovery, or even suspicion of the most intimate friend.” Similarly, Valier’s French Pills assured potential customers that the cure would in no way interfere with business or ordinary social interactions.³⁷

At the same time that proprietary remedies were becoming more specialized, legal changes allowed for the re-emergence of irregular medical practitioners specializing in venereal cures. In 1838, petitioners from Baltimore City and other portions of the state lobbied the legislature to loosen the restrictions on medical licensing in order to allow Thomsonian physicians to practice in Maryland. Thomsonianism, which gained a great deal of popularity as the population moved westward and Jacksonian democracy rose to prominence, was a system of medicine grounded in the belief that anyone was capable of

³⁷ *Baltimore Gazette and Daily Advertiser*, Oct. 9, 1835; *Sun*, Aug. 16, 1838.

gaining medical knowledge through reason and common sense. Its founder, Samuel Thomson, was opposed to what he perceived as the elitism and arrogance of the emerging medical establishment, and he strongly criticized their focus on chemical remedies. He urged people to adopt healthier, gentler, natural remedies made from vegetables, botanicals, and roots.³⁸ Thomsonians gained quite a following in rural and urban areas alike, and its adherents succeeded in getting the Maryland legislature to nullify the Medical and Chirurgical Society's exclusive licensing privileges. A new Act proclaiming that not only Thomsonian and "botanick" physicians but "any person a citizen of this State" could charge and collect payment for medical services.³⁹ With the elimination of the ban on irregular medical services, the variety of mercurialists, botanic physicians, and other popular practitioners who had been treating venereal diseases no longer needed to operate quietly. Within months of the repeal, they were joined in the medical marketplace around venereal cures by a handful of practitioners who not only focused their practice on venereal treatments but opened their own specialized clinics with names like Dr. Browne's Lock Dispensary or Dr. Johnston's Baltimore Lock Infirmary in areas around the city. Between 1838 and 1860, at least fifteen different men calling themselves physicians—some with regular medical educations, some with no apparent qualifications save empirical knowledge—regularly advertised their services and treatments for venereal complaints in local daily papers.⁴⁰

³⁸ For histories of Thomsonianism, see James C. Whorton, *Nature Cures*; James Harvey Young, *The Toadstool Millionaires*; Michael A. Flannery, "The Early Botanical Medical Movement as a Reflection of Life, Liberty, and Literacy in Jacksonian America," *Journal of the Medical Library Association* 90:4 (Oct. 2002): 442–454.

³⁹ Laws of the State of Maryland, Session 1838, Ch. 281.

⁴⁰ The term "lock" did not refer to confinement, although European institutions referred to as lock hospitals were sometimes used to confine alleged prostitutes suffering from syphilis. Instead, "lock" was a bastardization of the French "loques," the term for the bandages that were applied to lepers. The so-called

What accounted for the relatively sudden specialization of the medical marketplace around sex in the late 1830s? Clearly, the repeal of the charter provision played a major role by enabling physicians to target venereal sufferers through advertising, which was a crucial means of attracting customers to such a specialized venture. But there were other factors as well, chief among them the rise of the penny press. Proprietary medicine and the press had long been entwined industries, with each enabling the profits of the other. Inexpensive dailies such as the *Sun* and the *Clipper*, both of which appeared in Baltimore in the late 1830s, depended on advertising revenue to keep their papers affordable. As a result, they devoted a sizable portion of each issue to commercial notices and marketing. Advertisements were printed in smaller type than they had been in earlier weekly or bi-weekly papers, and the number of advertisers who could purchase space in any given issue rose. The increased space enabled more anti-venereal practitioners to promote their businesses and even prompted specialization and the use of distinctive marketing language by making practitioners compete side-by-side in the advertising sections.⁴¹

If the rise of the penny press encouraged greater specialization in marketing, broader trends in the economy and medicine reinforced practitioners' and patent-medicine producers' turn toward specialization of their remedies. In the most basic sense, specialization in general made good economic sense under capitalism, and it became more and more common in business by the mid-nineteenth century. With cure-all medications, patients needed only to buy one remedy to cure all their ills, which was part

Lock Hospitals in Baltimore were not institutions of confinement, nor did they have the charitable or religious underpinnings that their European counterparts did.

⁴¹ On the centrality of advertising, especially patent medicine advertising, to the penny press financial model, see Michael Schudson, *Discovering the News: A Social History of American Newspapers* (New York: Basic Books, 1978), 15-31.

of their commercial appeal. It was also something of a downside for proprietary medical manufacturers, however, who stood to profit more from requiring consumers to purchase a specialized remedy for each particular ailment. Additionally, medical practice, like commercial enterprises more generally, was beginning to grow more specialized in the mid-nineteenth century, particularly in areas related to reproduction and women's health. The great disdain for venereal patients—disdain that often prompted their separation from non-venereal patients in hospitals and other institutional settings—only encouraged the development of separate and specialized venereal medicine.⁴²

The shift toward specialization of medicines for venereal ailments was further supported by changes in medical knowledge about the nature of syphilis and gonorrhea as diseases. Gonorrhea or “clap” had long been regarded as merely an early manifestation of syphilis or “pox.” It was not until 1838 that Baltimore-born physician Philippe Ricord officially proved through a series of experiments on prostitutes at Paris's famed Hôpital du Midi that the two were separate diseases with entirely different causes. Syphilis, according to Ricord, was a poison, while gonorrhea was merely a local irritation. Not only did Ricord's findings attract new attention to venereal medicine, they were also crucial to establishing new treatment protocols for venereal disease. In practice, many Baltimore physicians had been treating syphilis and gonorrhea differently since at least the 1830s, but mercury fell further out of favor as a regular anti-gonorrheal treatment after Ricord published his work. To replace it, many physicians employed balsam copaiba and decoctions of cinchona root and herbs similar to those peddled by producers

⁴² On the specialization of medicine in the nineteenth century, see G. Weisz, "The Emergence of Medical Specialization in the Nineteenth Century," *Bulletin of the History of Medicine* 77, 3 (Fall, 2003), 536-75.

of “botanic” proprietary medicines. With the rise of non-chemical cures for gonorrhea, patent medicine dealers seized on the opportunities to market their medicines as gonorrheal specifics that were equal in effectiveness to regular treatments but far less confining. It was no coincidence that five of the new venereal-specific remedies were specifically marketed as anti-gonorrheal treatments rather than anti-syphilitics.⁴³

It was also no coincidence that specialized venereal remedies began to appear around the same moment that prostitution began to grow into a specialized, expansive urban trade. Prostitutes themselves were probably not major consumers of anti-venereal patent drugs, despite their undoubtedly high rates of syphilitic and gonorrheal infection. Patent medicines tended to be pricey at an average cost of one to two dollars a bottle or box, and most alleged cures required multiple doses. The remedies were a good option for those without the social or economic capital to hire the services of a physician or for those who wished to avoid revealing their conditions to anyone directly. Prostitutes, however, fell under neither category. While it was important that prostitutes minimized any visible symptoms of venereal infection for the sake of maintaining their clientele and not being removed from high-end establishments, venereal disease that could be managed

⁴³ Philippe Ricord, *A Practical Treatise on Venereal Disorders* (Philadelphia: Haswell, Barrington, and Haswell, 1840).

Maria Gassaway's treatment for gonorrhea in the Alms-House provides an example of the array of non-mercurial treatments physicians employed to cure the disease. Gassaway arrived at the Alms-House at the age of sixteen after being “seduced by a married woman who acts as principle the north part of the city and a Miss Hubard” and spending a year “sur a pave.” Gassaway’s physician did use local applications of mercury in an attempt to stem her gonorrheal sores, but his general prescription for her involved the consumption of “diet drink,” a popular (and expensive) sarsaparilla-based remedy. He then used local applications of yeast poultice and “chincona [i.e. cinchona, the bark of poison oak trees]” decoction to remedy her genital and oral irritations, respectively. All the while, he avoided other dietary and environmental restrictions that usually accompanied mercurial treatments for the venereal, including placing severe limitations on food intake. In the end, Gassaway’s physician proclaimed, “The treatment which seems to be most available and which seems to have weaned her from the down-ward course toward the grave is chalybeate [i.e. chalybeate, an infusion of iron salts], the cold infusion of camomile and a generous diet.” James H. Miller, Alms-House Medical Record, Maria Gassaway, 1834, MDHS.

was almost assuredly not as stigmatized among prostitutes as it was among the general population. In fact, there is some evidence that madams had long-term professional relationships with private physicians, whom they paid to tend to them and sometimes even to the women they employed in their establishments. Hannah Smithson, who was stricken with an unnamed chronic illness (possibly syphilis) in the later years of her life, was regularly treated in her home by a Dr. Miller. Similarly, both Elizabeth Black and Margaret Hamilton patronized John C. Morris, a young physician who would go on to become one of the most vocal national advocates for medical oversight of brothels in the 1880s. So long as even respected physicians were willing to make house calls to establishments they knew to be of bad character, in-house care provided a convenient and reasonably priced option for brothels.⁴⁴

While prostitutes may not have composed a significant proportion of popular clinics' patrons, however, prostitution played a major role in making the shift toward sexually specialized medicine profitable, not the least of which because venereal diseases were so strongly associated with prostitution. Most nineteenth-century medical thinkers perceived a strong connection between prostitution and venereal disease, and many went so far as to claim that all cases of venereal infection could be traced back to an encounter with a prostitute. In some cases, physicians and moralists asserted this from the belief that

⁴⁴ *Sun*, March 2, 1840; June 12, 1855; Report of the Trial of Michael Rock on an Indictment for a Rape on Elizabeth Black MS. 174, Special Collections, Milton S. Eisenhower Library, The Johns Hopkins University. For more on Morris, see Chapter 6.

Historians of brothels in the American West have observed that many madams paid for their employee's medical care. In eastern cities where women made up a much larger portion of the population and the supply of sexual laborers was not as tight, there was less economic incentive for such generosity. Nevertheless, there is evidence that madams allowed prostitutes to convalesce in their establishments and that some enjoyed long-term relationships with physicians that would only be sustainable if the physician were a doctor to the entire house. In one particularly interesting case from Boston, Mrs. Lake, a madam who kept a brothel on Endicott Street, actually married a homeopathic doctor who then resided in the brothel and performed venereal treatments and abortions for the women of the house. Amy Laskowski, "A Brothel Reveals Its Secrets," *BU Today*, Jan. 31, 2011.

moral and physical sicknesses were analogous to the point that one could easily prompt the other. Under this paradigm, all venereal disease was quite literally the fault of women, as the wickedness of prostitutes made their bodies the sites of sickness. Women generated venereal poison, which they then transferred to the men with whom they had intercourse. In other cases, physicians embraced slightly more balanced approaches, claiming that it was the combination of men's and women's activities that caused venereal venom to develop within a woman's body. One 1857 pamphlet on venereal disease, for instance, claimed that men's smegma, when deposited inside a woman, could fester and transform into syphilitic poison if it accumulated to excess. Women who limited themselves to one partner were usually safe, as they never accumulated enough smegma to allow it to fester; prostitutes and other women who slept with multiple men in a short amount of time, however, were not so lucky.⁴⁵

Regardless of the various inaccuracies and sex biases inherent in the theories of venereal disease, physicians were not entirely wrong in the basic outlines of their idea that persons who engaged in sex with multiple partners over a short period of time were more likely to transmit venereal infection. As many physicians realized by the late 1830s and '40s, syphilis was a disease with distinct stages and distinct periods at which it was actively infectious and capable of being spread. Women and men who had syphilitic chancres were exceedingly infectious and likely to transmit the disease. The more men/women they had intercourse with during the period of active infection, the more likely it was that they would expose multiple partners to infection. Since prostitution

⁴⁵ James Glenn, *The Venereal Disease; Its Primary Cause Explained* (New York, 1857). On venereal "poison" as a product of women's bodies, see Mary Spongberg, *Feminizing Venereal Disease: The Body of the Prostitute in Nineteenth-Century Medical Discourse* (New York: New York University Press, 1997).

more than perhaps any other sexual arrangement involved sex with a large number of partners over a short period of time, it was indeed a particularly effective means of transmitting syphilis.

There is evidence, in fact, that venereal infection rates in American cities may actually have increased during the period that prostitution expanded. The most complete early statistics on venereal-disease infection rates in nineteenth-century America came from William Sanger's 1857 study of prostitution, which collected information about reported syphilis cases in New York City and Brooklyn in the 1850s. Sanger claimed that the rates of venereal infection among New Yorkers were both tremendously high and on the rise in the years leading up to his data collection, due in large part to the effects of urban prostitution. While working as a physician on Blackwell's island, the primary site of treatment for both penitentiary inmates and the bulk of city paupers suffering from syphilis, Sanger found that over thirty-seven percent of the patients on the island in 1854 were currently suffering or had suffered from syphilis. By the following year, that percentage had risen by a whopping twenty-one percent; by 1866, Sanger reported, the percentage of inmates afflicted with syphilis was just shy of three-quarters. Penitentiary inmates represented a disproportionately affected group when it came to venereal ailments, especially since some were sent to the island specifically for the purposes of venereal treatment. Nevertheless, Sanger asserted that the general population was experiencing a similarly disturbing rise in syphilitic infection rates. After compiling statistics from other hospitals and facilities and estimating the number of patients treated by popular practitioners, Sanger concluded that if each reported case of syphilis represented a separate individual (which he admitted was unlikely), then as much as a

sixth of the adult population of New York might be afflicted with the disease.⁴⁶

Statistics for Baltimore are less complete, primarily because Alms-House admissions records for the two decades preceding the Civil War have been lost. Nevertheless, what records do survive suggest that venereal disease was on the rise during the period in which prostitution was beginning the first stages of specialization and growth. Between May of 1833 and May of 1836, syphilis and gonorrhea combined accounted for 5.2 percent of all cases treated in the Alms-House medical ward. Between May of 1837 and December of 1840, the percentage of venereal cases had risen to 7.3 percent with the increase almost entirely resulting from sharp increases in the number of cases of primary, secondary, and congenital syphilis. Scattered data from the years that followed suggest that percentages remained high as time went on. Between 1848 and 1849, for instance, Alms-House physicians treated 212 cases of gonorrhea, syphilis, and syphilis-related diseases. During both years, city-wide epidemics (of consumption in 1848 and cholera and typhus in 1849) swelled the number of non-venereal patients entering the institution; nonetheless, even with the distortion, venereal disease accounted for 5.6 percent of all cases treated during that period.

Inmates outside the medical wards also suffered from the disease at high rates; one 1840 report estimated that about twelve percent of persons in the Alms-House were infected with syphilis. These numbers, while less startling than New York's, were nevertheless remarkably high. They were also likely underestimations; given the stigma of venereal disease and its potential to alienate donors to charitable institutions, physicians were unlikely to report venereal infections if patients had other, more

⁴⁶ William Sanger, *The History of Prostitution* (New York: Harper & Brothers, 1858), 586-94.

palatable ailments for which they also sought treatment. There can be little doubt, then, that venereal disease was a major health issue during the period in which prostitution became increasingly commercialized.⁴⁷

Regardless of whether prostitution was actually a primary source of venereal infection, however, anti-venereal physicians and medical manufacturers seized on the idea that it was responsible in order to promote their products and treatments. The crop of anti-venereal physicians that rose to prominence immediately following the repeal of the Medical and Chirurgical Society's monopoly were different than their predecessors in one crucial sense: whereas eighteenth-century anti-venereal physicians had seen little need to explain venereal disease, nineteenth-century physicians were at the forefront of the trend toward "incitement to discourse" around matters of sex.⁴⁸ No longer content with simply proposing to cure those "unfortunate" enough to be afflicted with venereal ailments, advertisers increasingly took it upon themselves to explain how it was that their customers came to suffer from those afflictions. Specifically, physicians and patent-medicine dealers began to characterize "secret diseases"—a euphemism that became significantly more popular in ads during the 1830s—as the results of immoral or "incorrect" sex. Ads for Dr. J.B. Mills's practice, for instance, described "secret diseases" as being among the "diseases of imprudence," while Drs. Huet and Harval at the French Medical House claimed that syphilis and gonorrhoea were nothing short of the "Evil

⁴⁷ Statistics derived from the Baltimore City and County Relief and Welfare Services, Alms-House Admissions Record, MS.1866.1, MDHS; Trustees for the Poor of Baltimore City and County, Report of the Trustees for the Poor of Baltimore City and County (Baltimore: 1849), MDHS; *Annual Report of the Executive Committee of the American Society for the Promotion of Temperance*, Vol. 1 (1827), 64.

⁴⁸ On the "incitement to discourse" about sexuality in the nineteenth century, see Foucault, *The History of Sexuality*, Vol 1.

effects of improper intercourse.”⁴⁹ While relatively few ads mentioned prostitution specifically, the language of “youthful folly” in matters of sex strongly implied to nineteenth-century readers that young men’s resort to prostitutes was the source of the disease. Even the location of venereal clinics suggested connections between venereal ailments and prostitution; as Figure 5 indicates, many venereal clinics were located in areas near clusters of brothels, where they were poised to take advantage of foot traffic to and from the houses.⁵⁰ One proprietary medicine producer even went so far as to name his venereal cure “The Cyprian Julep,” a reference to the common slang term for a prostitute.⁵¹

⁴⁹ *Sun*, Feb. 17, 1857; May 21, 1850.

⁵⁰ While some of the spatial overlap between brothels and anti-venereal clinics may have been coincidental (both counted maritime laborers and out-of-town visitors as customers), contemporary sources suggest that many merchants and peddlers intentionally took advantage of a proximity to brothels to sell anti-venereal cures and preventatives. William Sanger, for instance, noted that liquor stores in New York neighborhoods where brothels predominated tended to stock “Pine Knot Bitters,” a favorite treatment of the lower classes. Sanger, *The History of Prostitution*, 596.

⁵¹ *Sun*, May 7, 1852.



Figure 3: Map of Venereal Clinics in Baltimore between 1838 and 1860. Base map from *Matchett's Baltimore Director, 1855-1856* (Baltimore: Richard J. Matchett, 1855). Courtesy of JScholarship: <http://jhir.library.jhu.edu/handle/1774.2/33815>.

References to prostitutes as the source of venereal disease worked to anti-venereal practitioners' advantage, not only because they confirmed widely held perceptions but because they reinforced the shameful of venereal afflictions. Shame and fear had always been crucial tools in the patent-medicine dealers' and anti-venereal doctor's arsenal; the idea that venereal disease was a particularly loathsome and embarrassing affliction made the promise of secrecy in treatment into a valuable commodity and encouraged men to pay a premium for "confidential" and "discreet" medicines. By

making pronouncements such as, “Privacy must ever be a grand desideratum to those who are so unfortunate [as to be stricken with syphilis or gonorrhea,” profit-oriented venereal healers both acknowledged and produced a demand for confidentiality.⁵² By asserting that venereal disease was the fault of sufferers and the result of their own sinful and unhealthy behaviors, popular physicians encouraged patients to choose their services over those of regular physicians who operated in contexts that made secret and subtle treatment difficult. If they managed to make young men considering a trip to the brothel fearful that they would face a potentially debilitating illness afterward, so much the better; many proprietary medicine dealers also marketed their medicines as preventatives and prophylactics against infection.⁵³

As part of the process of generating dread for venereal diseases, patent medicine dealers and physicians included increasingly graphic descriptions of the physical effects of syphilis and gonorrhea in advertising. Early anti-venereal advertisements tended to assume that sufferers could identify the symptoms of venereal infections on their own, and (save for some brief mentions of how syphilis was “dreaded” or “horrible”) they included very little in the way of descriptive language about the progress of the diseases. The Victorian tendency toward sensational language carried over into later advertising, however, and gruesome and hyperbolic descriptions became standard in many ads. Dr. Hitzelberger, for instance, claimed that his remedy was appropriate for,

When the most horrible of all diseases, the secret disease, has fastened itself upon the constitution, causing ulcerated sore throat; ulceration of the wind-pipe, known as consumption of the throat; disease of the bones, of the nose, and palate of the mouth; ulcerous sores, and copper-colored blotches on the head, breast, arms, and legs, eruption and pustules on the skin, strictures and

⁵² *Baltimore Patriot & Mercantile Advertiser*, Aug. 8, 1818.

⁵³ *Sun*, May 28, 1838.

gleet.⁵⁴

Other ads went into similarly graphic detail about skin and bone afflictions, and one practitioner—Dr. Goldd, “the French Doctor”—used “TO THE NOSELESS” as the headline of his advertisement for syphilis remedies. Sensational language was ubiquitous in the period, but its application to syphilis fostered syphilophobia for the sake of profit and in so doing heightened an already considerable stigma around diseases transmitted through sex. The message of the ads was clear: sexual missteps had the potential to devastate and destroy physical health.⁵⁵

The idea that diseases deriving from “improper” sexual intercourse were uniquely horrible and shameful was reinforced by more than just the language of anti-venereal advertising. The spatial shifts that occurred in accordance with the specialization of venereal medicine required patients to enact a kind of stigma even as they sought treatment. In the era of panaceas or medicines that grouped venereal ailments with other skin and blood diseases, there were few spaces reserved for those who sought treatment for venereal diseases. Sufferers could go to their local bookseller or confectioner to purchase a medicine that would not readily identify the nature of their disease. The rise of the venereal clinic, like the concurrent rise of the brothel, created a space oriented primarily around sex where there had been none before. While the venereal clinic never wholly displaced the patent-medicine displays at bookshops or retail stores, its emergence meant that an increasing number of venereal sufferers who sought treatments outside the bounds of regular medicine had to go to sites designed for that purpose or, if they chose, send requests secretly and privately through the mail. Rather than being a part of the

⁵⁴ *Sun*, July 21, 1843.

⁵⁵ *Sun*, Dec. 4, 1843.

holistic function of the body or of the city, sex became cordoned off and contained.

The ways in which venereal sufferers accessed the clinic only further reinforced the notion that sex was—despite being simultaneously special and fundamental to physical health—a secret. Venereal clinics themselves, while easily located because of their placement on commercial streets, were designed to promote stealthy comings and goings for would-be clients. Many shops and infirmaries had little more than clearly painted addresses to distinguish them, and their proprietors issued cautions to would-be clients that they would not be able to identify them unless they took note of the street numbers. Other included detailed descriptions of the clinic locations (e.g. “No. 55 Second Street, between Gay and Frederick, opposite the Marine Bank, 3 doors east of Gay”) because the buildings themselves bore no distinguishing markings. Furthermore, while most of the buildings were located amidst the bustle and traffic of sites of urban commerce, they offered “private” entrances and waiting rooms accessible only from alleyways, courtyards, or side streets that would allow for covert entrance.⁵⁶

Even clinics that offered treatments and surgeries to non-venereal sufferers promised separate waiting rooms to those coming in with “private complaints.” While these spatial features almost certainly appealed to sufferers of syphilis and gonorrhea who wished to conceal their diseases, they nevertheless had a coercive undertone to them in that they encouraged venereal sufferers to separate themselves and move in different ways from “normal” and “healthy” subjects. In order to receive treatment that promised to be free of the bodily pain that accompanied regular medical regimens, patients had to

⁵⁶ *Sun*, Dec. 22, 1843. Advertisements providing private entrances were numerous; for one example, see Dr. Johnston's advertisement, *Sun*, 23 Sept. 1850.

acquiesce to a degree of sexual disciplining.

Venereal clinics' business hours also reinforced the links between venereal sufferers and deviant, illicit sexuality. Whereas many "regular" clinics closed at sunset or before, commercially oriented clinics usually operated for twelve hours a day (or more in the summer months).⁵⁷ Dr. Hardwick, who treated venereal "virus" on Front Street near the Shot Tower, proclaimed in his advertisements that he kept his clinic open between 7 and 9p.m. daily.⁵⁸ Only a few blocks south, just east of where Pratt Street crossed the Jones Falls, a Dr. Harris ran a venereal hospital that was open until 11pm. Many venereal sufferers likely appreciated the late hours, not only because they were convenient for laborers and others who worked ten to twelve hour days, but because they allowed them to enter venereal clinics under the cover of darkness. In practice, though, the late hours meant that many venereal sufferers were by default integrated into a kind of temporal urban underworld that emerged even in respectable commercial areas after dark; those who walked to clinics at 10p.m. were quite likely to find themselves amidst foot traffic oriented toward the seedier forms of urban commerce and entertainment that predominated around Fells Point and Old Town.⁵⁹

As popular practitioners and patent-medicine dealers rhetorically and spatially

⁵⁷ Despite the fact that public dispensaries were intended to keep the laboring and worthy poor from having to resort to the Alms-House, their apothecaries often kept hours that were not conducive to patronage by working people. In the early years of the General Dispensary, the institution's apothecary dispensed prescriptions on weekdays between 8 in the morning and 2 in the afternoon and from 3 to 6p.m. (later changed to "sunset"), hours that overlapped with the long workdays of most laborers. By 1812, the apothecary's hours had been expanded into the weekend, but were still limited. Opening times on Sunday, the day most associated with leisure and free time for the laboring classes, consisted only of the three hours between 8-10a.m. and 5-6p.m. These hours of operation made it impractical for laborers to seek care except when their cases became desperate or debilitating, a fact that one historian of medicine has claimed may account for the disproportionate sex ratios of dispensary patients (women almost always outnumbered men, sometimes by as much as two to one).

⁵⁸ *Sun*, May 4, 1843.

⁵⁹ *Sun*, July 15, 1846.

integrated venereal disease into the domain of deviant and immoral sexuality, they also began to turn their attention to other forms of improper sex. Secure in the knowledge that the venereal clinic model was profitable, many physicians imitated Dr. Johnston in minimizing or dropping entirely the non-sexual aspects of their businesses (i.e. repairs of club foos or performance of eye surgeries) in favor of becoming specialists in a wide array of sexual ailments, from impotence to involuntary seminal emission to “whites” and other abnormal vaginal discharges in women. Among the more common secondary specialization of venereal physicians, however, was masturbation. By the mid-1840s, several of the more prominent practitioners of venereal medicine were also offering cures for the potentially deadly effect of the “solitary vice.” Augustin Huet, for instance, promised that he could cure not just syphilis, but “affections arising from certain secret habits of youth, and which of all others is the most insidious and dangerous.”⁶⁰

The ease with which physicians expanded their service from curing diseases caused by “poison” or “virus” to addressing young men's autoerotic habits initially seems curious, but its timing was entirely predictable. Masturbation was certainly not a phenomenon unique to the mid-nineteenth century, but it took on a new cultural significance in America in the context of rapid economic expansion and the rise of capitalism. *Onania*, the 1722 text that historian Thomas Laqueur argued was responsible for sparking anxieties about the dangers of masturbation in Britain, was printed in America in the late eighteenth century to little fanfare or public attention. In 1832, however, a reprinting of the tract garnered a great deal of attention, in large part due to the fact that market metaphors applied to the body helped to transform what was once

⁶⁰ *Sun*, Dec. 31, 1846.

thought of as a relatively minor sexual impropriety into something regarded as a major threat to health and personal standing. As Laqueur has argued, the masturbator came to represent a kind of failed capitalist; in wasting what might be limited seminal resources on non-reproductive ends and failing to control his “spending” (a metaphor for orgasm), he failed to internalize the prudence and rationality required of him as a participant in the market economy. At the same time, he internalized the miserly, anti-social, and obsessively acquisitive aspects of capitalism all too well, taking them to their extreme end by indulging constantly in his own pleasure and hoarding semen rather than distributing it through the proper reproductive channels. By failing to practice good bodily economy, the idea went, masturbators were putting their health at serious risk.⁶¹

Onania had originally been published as a text by “quacks” looking to profit from book and medicine sales, and while religious reformers like Sylvester Graham seized on and modified its ideas, participants in the medical marketplace embraced it for its original purpose. In New York, the publishers of risqué sporting papers like the *Venus Miscellany* were also behind the anti-venereal ads in their papers, which meant that they essentially got customers coming and going (so to speak). In other words, the same men who published titillating papers that many nineteenth-century Americans agreed had the possibility to provoke criminal and sexual lusts also sold the cures for the ill-effects of lust, including masturbation and involuntary emission. While there is little evidence that the participants in Baltimore’s medical marketplace had connections to the sporting press, their strategy was not entirely dissimilar to those who did: they proliferated and

⁶¹ Thomas W. Laqueur, *Solitary Sex: A Cultural History of Masturbation* (New York: Zone Books, 2003); Horowitz, *Rereading Sex*, 86-122; Hessinger, *Seduced, Abandoned, and Reborn*, 148-176; Thomas Laqueur, “Sexual Desire and the Market Economy During the Industrial Revolution,” in *Discourses of Sexuality: From Aristotle to AIDS*. Domna C. Stanton, Ed. (Ann Arbor: University of Michigan Press, 1992), 185-215.

contributed to discourses that pathologized certain sexual behaviors and created categories of deviancy for the sake of profiting from them. Augustin Huet claimed that masturbation had the potential to "destroy both body and mind" if unchecked, while Dr. Johnston proclaimed boldly that the practice led to "ENFEEBLED MANHOOD."⁶²

The emergence of a rhetoric of enfeebled manhood marked a significant moment in the development of Baltimore's venereal medical marketplace. In the most basic sense, the phrase was a euphemism for the direct physical effects of masturbation on the genitals; physicians believed that masturbation rendered men impotent and flaccid. In the deeper sense, however, the rhetoric imbued venereal practitioners' broader project—rendering venereal diseases and illicit sexual practices as related deviances—with new social significance. Nineteenth-century discourses of sexuality revolved not just around defining normative sexuality in relation to a constellation of deviances, but in linking both to subjecthood.⁶³ That is, the deployment of sexuality depended on creating a relationship between a person's desires and sexual behaviors and his or her political and personal identity. Any number of varieties of "improper sex," venereal practitioners implied, were capable of depriving a man both of his physical health and of his very identity as a gendered subject.

During a period in which political participation and even citizenship depended on one's being male, the loss of manhood had catastrophic consequences not just for the individual but for the polity more broadly. As Dr. Johnston explained the problem of masturbation, it "sweeps to an untimely grave thousands of young men of the most exalted talents and brilliant intellect, who might otherwise have entranced listening

⁶² *Sun*, Jan. 19, 1847; Mar. 15, 1849.

⁶³ Foucault, *History of Sexuality*, Vol 1.

Senates with the thunders of eloquence.”⁶⁴

For Dr. Johnston and others, masturbation and other venereal ailments' ability to destroy men's political subjecthood was not based solely on their physical effects, but rather on their tendency to preclude men from participating in an institution that served as the basis for their economic and political authority: marriage. Immediately after proclaiming that masturbation deprived men of the opportunity to entrance listening Senates, Dr. Johnston switched gears to proclaim the importance of his services to “MARRIAGE” (offset on its own line and set in larger type than the body of the ad). No longer content to refer to venereal disease and the effects of masturbation as horrible physical afflictions in and of themselves, Johnston and his ilk began to proclaim that they were “impediments to marriage,” both because of their stigma and their negative effects on reproduction.⁶⁵ By the mid-1840s, heterosexual marriages that produced children came to be cast in the advertisements not only as the ultimate goals of venereal treatment but as the ultimate goal of life for men and women alike. Marital sexuality was the yin to deviant sexuality's yang; if the latter deprived the body of health, the former ensured continued vitality and enjoyment. By restoring people to sexual health so that they might participate in marriage, Baltimore's venereal physicians proclaimed that they were guaranteeing the happiness of both the individuals they treated and those around them:

A sound mind and body are the most necessary requisites to promote connubial happiness—indeed, without these, the journey through life becomes a weary pilgrimage, the prospect hours darkens to the view—the mind becomes shadowed with despair, and filled with the melancholy reflection that the happiness of another becomes blighted with our own.⁶⁶

⁶⁴ *Sun*, Oct. 16, 1850.

⁶⁵ *Ibid*; *Sun*, July 15, 1851.

⁶⁶ *Sun*, Nov. 6, 1845.

By asserting healthy marital sexuality as their mission, venereal physicians were serving a few purposes, the foremost of which was justifying their incursions into reproductive medicine. Reproduction, was, after all a core component of marriage in the mid-nineteenth century and ensuring that both partners were able to participate in healthy reproductive sex was a crucial part of securing the long-term viability and happiness of a union. By the late 1840s, many of the men who had begun as healers of venereal diseases only a decade earlier had expanded their offerings to include reproductive treatments and information as part of their refashioning into all-round promoters of marital health. Drs. Huet and Harval advertised cures for a variety of reproductive problems to “married persons, whose conjugal relation has not been productive, and those contemplating marriage, conscious of physical inability.”⁶⁷ Likewise, Dr. Harris claimed that his “unfailing remedies for certain complaints and affections of FEMALES [...] ha[d] crowned many disconsolate hearts with a diadem of joy,” sentimental phrasing that suggested that his medicines granted women not just immediate physical relief, but also the long-term relief of being able to claim their rightful positions as wives and mothers. Dr. Johnston urged young men and women thinking of entering marriage to consult with him about sexual health to ensure their union would be successful, and Dr. Blakeman of the French Medical House began to promote “A Pathological View of Marriage,” his treatise on diseases that could effect the health of the body over the period of a marriage, alongside his venereal cures. Blakeman promised among other things that, “[it is] written in a familiar style, avoiding all medical technicalities, and every thing that would offend

⁶⁷ "Dr. Conner's Invigorating Cordial for Genital Debility," *Sun*, Feb. 8, 1849.

the ear of decency.”⁶⁸

In addition to serving as the umbrella that united all of venereal practitioners' seemingly disparate set of services, marriage also served as a shield against potential criticism as those services veered into increasingly controversial territories. While most practitioners proclaimed that their treatments promoted conception, others used language that strongly suggested that they were marketing abortifacients and forms of birth control. Dr. Dow, for instance, began advertising himself not just as specialist in secret diseases and female complaints, but also a purveyor of “preventatives,” which may have been herbal treatments to prevent pregnancy but (given the time frame) were most likely condoms. Condoms were relatively new in the 1840s, and they became highly scandalous because of their association with sporting men, prostitution, and the promotion of illicit sex. And yet, while Dow probably sold his preventatives to anyone who could pay the steep five-dollar fee, he preemptively defended his sale of the product by portraying it as a way of preserving a healthy marital union. According to Dr. Dow, the preventatives were for, “Married Ladies, whose health will not admit of an increase of family.”⁶⁹

As physicians used the language of promoting marriage and marital health to market potentially scandalous products, they also used it as a means of forestalling potential criticism about the language they used in their ads. With the expansion of venereal practice into the realms of general sexual debility rather than just “secret diseases,” the language of venereal ads became increasingly graphic with respect to

⁶⁸ *Sun*, Aug. 25, 1848; July 15, 1851; July 6, 1854.

⁶⁹ “Medical Aid,” *Sun*, 29 Aug. 1848. On the emergence of condoms and condom advertising, see Janet Farrel Brodie, *Contraception and Abortion in Nineteenth-Century America* (Ithaca, Cornell University Press, 1994), 205-211; Donna Dennis, *Licentious Gotham: Erotic Publishing and Its Prosecution in Nineteenth-Century New York* (Cambridge, MA: Harvard University Press, 2009), 22, 213-4.

proclamations about “seminal weakness” and “genital debility.” At a period when the nascent urban bourgeoisie was beginning to grow intolerant of highly public forms of immorality, the resort to such graphic and blunt language was increasingly risky. Framing all their products and services as aids to marital happiness was an attempt on the part of venereal physicians to reinforce their decency by vocally supporting the bourgeois notion of healthy sexuality—i.e. sex and desire that occurred within the confines of heterosexual marriage and aimed at reproduction. By advocating for marital sexuality and taking on the expert consultants on matters of healthy marriage, venereal physicians were attempting to fashion themselves as the promoters and saviors of a crucial social institution rather than enablers of libertinism and peddlers of obscenity.

Unfortunately venereal physicians, however, the strategy did not work as well as they had hoped. Soon enough, venereal practitioners and patent-medicine dealers had been joined in the marketplace around sexual remedies by numerous men and women who devoted considerably less energy to deploying bourgeois discourses of sexuality in their advertising. Chief among these were abortionists and dealers in abortifacients, who by the mid-1840s were advertising their services using fairly transparent euphemisms in the same advertising sections as venereal physicians. In 1846, for instance, Madame Demain began advertising her practice at Lombard Street east of Broadway, where she promised that women could consult her in confidence to obtain “Madame Demain's Celebrated Female Regulating Pills.” While the language of “regulating” left some ambiguity as to the purpose of the pills—it was possible that they were intended to promote fertility—many historians have noted that drugs advertised as methods for removing female complaints were often employed as abortifacients. Ads from Madame

Dumont, who proclaimed herself to be a female physician, were somewhat less ambiguous on this point. Dumont promised to treat all “irregularities and suppressions,” and proclaimed, “Married ladies will find her mode of treatment simple and effectual.”⁷⁰

By the 1850s, female physicians like Demain and Dumont found themselves competing for business with another crop of popular practitioners, namely fortune tellers who sidelined in abortion. Under the auspices of telling clients their futures, fortune tellers could provide women with information about pregnancy, reproduction, and abortion, and a handful of Baltimore entrepreneurs did just that. Madam Moore, for instance, proclaimed in ads that she was a “Female Doctor and Fate Revealer,” and she promised women that they would be satisfied by her guidance or have their money returned. In another regularly running ad, prominent abortionist S. Schuman (who had relocated to Baltimore after practicing in and perhaps being driven out of Philadelphia) advertised himself as a fortune teller and an “old Philosopher, from St. Petersburg [...] specializing in “Astology, Astronomy, Physionomy, Palmistry, and Signs.” Schuman noted that he could be “consulted on matters of love, marriage, and on the future events of life,” which at the time was a well-accepted euphemism for reproductive medicine and abortion services. If there were any doubt about the nature of his business, his prices would have cleared them up quickly enough: he charged two dollars to give “fortunes” to female clientele.

Other practitioners were not so costly or so unambiguous about the nature of their businesses; many female fortune tellers proclaimed that “No information will be given to gentlemen,” but whether that was a result of propriety or practicality is unclear.

⁷⁰ *Sun*, Apr. 7, 1846; Mar. 8, 1851.

Regardless, the connection between fortune telling and abortion services was well-known enough that some ads for fortune tellers explicitly denied that they had pretensions toward doctoring.⁷¹

With the virtual explosion in the late 1830s and early 1840s of ads touting cures of “seminal weakness,” secret diseases, and the solitary vice as well as abortion services, it was only a matter of time before anti-venereal advertising caught the attention of local authorities, regular physicians, and ordinary Baltimoreans. An 1840s sketch by Baltimore artist Richard Caton Woodville sheds considerable light on how venereal practitioners and their ads were conceptualized within the social and economic context of the antebellum period. Woodville’s sketch would become the basis for one of his most popular and celebrated paintings, “The Card Players.” In it, two men are engaged in a card game, one smoking, drinking, and (seemingly unaware of the mirror behind him) playing his hand while the man across from him appears to be using the mirror to cheat. The distinctly unsavory impression the image conveys is reinforced by Woodville’s decision to populate the background of the sketch with various pieces of Baltimore print ephemera: an ad for the Front Street Theater, a rail schedule, and a broadside advertising none other than the Baltimore Lock Infirmary.⁷²

The inclusion of the Baltimore Lock Infirmary ad in “The Card Players”

⁷¹ *Sun*, Jan. 28, 1850; Jan. 4, 1860. On the connections between fortune-tellers and abortion, see W. De Blécourt and C. Osborne, “Women's Medicine, Women's Culture: Abortion and Fortune-Telling in Early Twentieth-Century Germany and the Netherlands,” *Medical History* 43:3 (July, 1999), 376-392; James C. Mohr, *Abortion in America: The Origins and Evolution of National Policy* (Oxford: Oxford University Press, 1978), 303.

⁷² Richard Caton Woodville, *The Card Players*. 1846. Detroit Institute of Arts, Detroit, MI; Justin Wolff, *Richard Caton Woodville: American Painter, Artful Dodger* (Princeton: Princeton University Press, 2002); Joy Peterson Heyrman, *New Eyes on America: The Genius of Richard Caton Woodville* (Baltimore: Walters Art Museum, 2013), 53-55.

encapsulated a number of different reactions to the rise of anti-venereal clinics and the ubiquity of their advertising. In the most basic sense, the presence of the Lock Hospital in a sketch that revolved around themes of fraud, greed, and the perils of a new economic order implicated the hospital in dirty dealings, commercial illegitimacy, and charlatanism. Woodville, who had himself attended medical school at the University of Maryland for a year before dropping out to take up painting, likely shared the attitudes of the many regular physicians who were critical of anti-venereal “quackery” and disdainful of physicians who advertised their services in ostentatious ways.

At the same time, Woodville’s situating of the Baltimore Lock Infirmery ad among ads for theaters and horse tracks as well as a railroad schedule implied that his critique revolved around more than just fraudulent medical practice and health profiteering. Theaters, horse races, and railroads (the literal engines of mobility) were all spaces and technologies associated with the rise of urban sporting masculinity, a mobile form of masculinity that encouraged young men to imagine the city and its leisure spaces as a sort of playground for their erotic and sensual enjoyment. Sporting masculinity emerged as a result of the growth of cities and of shifting labor patterns that removed young men from home and family surveillance. Placed into homosocial urban worlds where misogyny, rough masculinity, and disregard for traditional forms of sexual restraint thrived, young men strayed from the “traditional” paths of virtue. The Lock Hospital simultaneously represented the negative consequences of their straying—disease, physical misery—and the means by which young men were freed of those consequences; as such, it functioned in Woodville’s sketch both as a warning against immoral conduct and as yet another example of an urban institution that promoted and

enabled that conduct.⁷³

Woodville's implicit critique of the Lock Hospital as a site of male license initially seems curious in light of the fact that neither venereal clinics nor their ads espoused anything close to sexual libertinism. Quite the contrary; clinics were vociferous critics of sexual deviance. Nevertheless, the transition between punishment and discipline did not occur completely or instantly, and there was still a great deal of resistance to the latter among moralists and medical men alike. If medicine had by the nineteenth-century increasingly turned toward new bourgeois categories of knowledge to exert control over sexuality, venereal treatments of the period were more than sufficient to demonstrate that it also had not fully abandoned the older method of "actually punishing the bodies" of those who transgressed against the sexual order.⁷⁴ Salivation had faded from prominence, but the techniques that took its place were no less painful: injections of nitrate of silver into the urethra caused intense burning and bleeding. Bark extracts could be caustic enough to blister the skin, and virtually all non-sarsaparilla oral medications caused intense digestive distress and purging. The knowledge that venereal patients suffered for their cures was, in a sense, what made their cures permissible.

And yet, commercially oriented physicians promised patients the opposite of a punishing medical regime: a cure with no pain, no prolonged confinement, and no social consequences. By pledging to dispense with the painful and prolonged aspects of treating

⁷³ Ibid.

On sporting culture and cities as the sites of male sexual fantasy and license, see Patricia Cline Cohen, Timothy J. Gilfoyle, and Helen Leftkowitz Horowitz, *The Flash Press: Sporting Male Weeklies in 1840s New York* (Chicago: University of Chicago Press, 2008); Philip Howell, "Sex and the City of Bachelors: Sporting Guidebooks and Urban Knowledge in Nineteenth-Century Britain and America," *Cultural Geographies* 8 (January, 2001), 20-50.

⁷⁴ Thomas Laqueur, "Sexual Desire and the Market Economy During the Industrial Revolution," 201. Michel Foucault, *History of Sexuality* vol. 1.

syphilis and gonorrhea (even to the point of making sure the medicines were pleasant-tasting), commercially oriented practitioners were unmooring sex from a traditional means of controlling and punishing it. By promising their customers that the treatments required no “alteration of the usual habits” and were discreet enough to “defy[...] discovery, or even suspicion of the most intimate friend,” they were coming close to explicitly endorsing continued sexual misconduct.⁷⁵

More problematic than the actual nature of the treatments that clinics and patent medicines provided, however, was the language they used in their ads. As Foucault argued, the nineteenth century was a period of tremendous “incitement to discourse” around sexuality; medical men, moralists, bourgeois reformers, and a variety of other actors all set about creating discourses of what was normal, what was deviant, and what was healthy sexually. There was no shortage of people talking about sex. At the same time, however, nineteenth-century Americans were profoundly anxious about the possibility that discourses about sex, even those that ostensibly endorsed bourgeois notions of sexuality, might introduce dangerous ideas or knowledges. This was particularly the case if their authors were suspected of having bad, selfish, or impure motives; a piece that was ostensibly critical of vice might just as easily act as an advertisement for it, which helps to explain why sensational newspapers faced criticism even for editorials about the sex trade that assumed a condemnatory tone toward it. As men who were not only promoting a vision of sexuality to line their own pocketbooks but also promoting it in a public venue that was not tied to the familial or religious contexts,

⁷⁵ On the punitive aspects of the venereal disease treatment and rise of explicitly moralistic treatment regimens, see Siena, *Venereal Disease, Hospitals, and the Urban Poor*; 181-250; Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State* (Cambridge: Cambridge University Press, 1980), 54-67.

“Minerva Pill, Anti-Syphilitic,” *Baltimore Gazette and Daily Advertiser*, Oct. 9, 1835.

anti-venereal physicians and patent-medicine dealers were toeing a thin line between prescriptive and obscene.⁷⁶

By the 1840s, many Baltimoreans came to believe that line had been crossed. Anti-venereal advertisements were criticized for being obscene promoters of immorality and licentiousness. One Washington, D.C.-based correspondent to the *Viper's Sting and Paul Pry* wrote in 1849, "That paper in your City, that contains those two or three columns of such indelicate gross subjects, eternally staring one in the face, is fast cutting its own throat, by its very proper exclusion from every decent parlor in our City." If ads frequently resorted to euphemistic language about venereal disease, the author complained, they showed no such reservations when it came to issues like "seminal weakness," "genital debility," and "the solitary vice." The terms angered the correspondent, who found advertisers' willingness to "publicly and rudely holding up such subjects" both "obscene" and dangerous. There was, after all, the possibility that their ads would be seen by children and, according to the author, "offend and vitiate the mind of the young and modest of every community."⁷⁷

The Maryland Medical and Chirurgical Society apparently shared the correspondent's concern and began to distance itself from any practitioners who were found to advertise anti-venereal cures. In 1848, the Society went after three of its members who stood accused of advertising their practices in daily papers. Two of the cases were based around accusations that the practitioners made "empiric" claims, but the third, that of Augustin Huet, revolved around allegations of obscenity. Huet, who had earned a regular medical degree in 1839 and who was a member of the faculty of the

⁷⁶ Hessinger, *Seduced, Abandoned, and Reborn*, 148-176.

⁷⁷ *Viper's Sting and Paul Pry*, Aug. 18, 1849.

society, ran the anti-venereal French Medical House with Dr. Harval and actively promoted his business in local newspapers. The Board of Examiners of Western Maryland found that Huet's "filthy and obscene advertisements constantly fill the columns of our daily journals," and deemed them "an insult to common decency and subversive to good morals." Huet was expelled from the Society for unprofessional conduct and, unlike another physician who was expelled around the same time for empiric practices, was not reinstated.⁷⁸

By the early 1850s, public intolerance for obscenity had only grown more intense as more and more obscene publications began to appear in the streets and shops of Baltimore. Anti-venereal doctors and patent-medicine dealers were just one subset of publishers of "obscenity" in the city. In the 1840s, Baltimore had come to be home to a flash press paper called *The Viper's Sting and Paul Pry*. Like anti-venereal advertising, *The Viper's Sting* was closely related to Baltimore's prostitution trade and prone to functioning simultaneously as a decrier and an advertiser of the world of illicit sex. The paper was filled with content that ranged from letters to the editor recounting various amusing urban events and rumors to its "Wonder If" section, a column of the paper devoted to publishing gossip about Baltimoreans' alleged sexual misbehaviors and suspicious wanderings about town. The column was a source of titillation under the auspices of policing, and much of its gossip revolved around who was seen leaving or entering particular houses of ill-repute. One issue, for instance, included the blind item, "Wonder who those two young men are, iwho [sic] live in B—— street, not far from W——, who start for the Bethel every night, and the first place they find themselves is in

⁷⁸ Eugene Fauntleroy Cordell, *The Medical Annals of Maryland, 1799-1899* (Baltimore: Williams & Wilkins, 1903), 446.

Wilk St.? Don't come home, Tom and gas so much about the Bethel ; and George had better look out, or the Viper will give him a harder sting.” As the *Viper's Sting* titillated readers around the city (it claimed, almost certainly falsely, to have 20,000 subscribers), a small trade in licentious and risqué books developed in the streets around the city's main hotels and fancy brothel district.⁷⁹

The sudden, open proliferation of sexually explicit and suggestive print prompted disgust among local moralists, some of whom petitioned the City Council to act against the open sale of obscene books. In response to both local outcry and broader trends in anti-obscenity legislation, the State took action as well. In a landmark 1853 move, the Maryland General Assembly passed its first statute against obscenity, the terms of which made it clear that the law was directed in large part at stemming venereal advertisements in local papers:

Whenever any newspaper, or other periodical publication, printed, issued or published in this State, shall contain any obscene or licentious matter, whether the same be contained in any professional or other advertisements, or in any other article [...] every proprietor and publisher shall be held guilty of a misdemeanor.⁸⁰

The law prescribed between \$20 and \$200 in fines and/or ten days to a year in prison for each offense.

Initially, the obscenity law did little to stem to venereal advertising, though it did prompt some practitioners to tone down the elements of their ads that could provoke controversy. The language of marriage intensified in some ads, as did the use of “secret diseases” instead of “syphilis” or “gonorrhoea.” Some practitioners who needed to

⁷⁹ *Viper's Sting and Paul Pry*. In 1850, John P. Delacour of Monument Street wrote to the City Council to, “respectfully call your attention to the sale of obscene Books by Boys at our Public Hotels.” Petition of J.P. Delacour, Baltimore City Council Records, RG 16, Ser. 1, Box 87, BCA.

⁸⁰ State of Maryland, Public General Laws (1853), ch. 183; (1860), art. 30, sec. 78.

differentiate between treatments for the two referred to the former as a “disease of the constitution” and the latter as “g-----.” Generally speaking, however, the changes were minor, and the kind of advertising that had appeared for almost a decade by the time of the obscenity law continued to appear in virtually the same form afterward.

Nevertheless, the passage of the obscenity law that venereal physicians had a role in prompting marked a significant turning point in the history of local sexual regulation and one that would have far-reaching consequences. As the urban bourgeoisie consolidated and new print technologies fueled anxieties about obscenity and indecency in the years that followed, the law would prove a powerful tool in suppressing “obscene print,” including any advertisements related to birth control. By the eve of the Civil War, anti-venereal advertising had not disappeared entirely, but it was significantly diminished as newspapers, perhaps wary of the risk of running afoul of the obscenity regulation, turned to other funding sources. The lack of advertising did not make the popular medical marketplace around venereal ailments or reproductive services disappear, but it did quite likely diminish the profitability of clinics that depended on maintaining a subtle physical presence in the city.

Ironically, the discourses about sexuality that venereal practitioners promoted played a major role in marginalizing popular medicine around sex. By advancing a conception of sexuality that prioritized marriage and reproduction while casting everything else as dangerous and unhealthy, anti-venereal practitioners profited in the immediate sense. In the long-term, however, the ideas they endorsed about masturbation and illicit sexuality as sources of physical disease would have profound social consequences for the regulation of commercial sex. Medical discourses that identified

prostitution as the source of all venereal infection would become increasingly influential over the course of the next decade, and they would threaten to suppress or put under the control of regular physicians the very trade that helped make popular practice profitable. Furthermore, the notion that masturbation was dangerous was a driving force behind backlashes against obscene and licentious print, backlashes that would eventually crush the visible aspect of the medical marketplace almost completely by the end of the 1860s. First, however, came the Civil War.

Chapter 4

“We Have the Pleasure to Pay Our Patriotic Friends a Visit” Prostitution in Civil-War Baltimore

On April 19th, 1861, Baltimore became the site of the first bloodshed of the Civil War. That day, members of the Sixth Massachusetts Militia arrived in the city via the President Street Station and began the ten-block march westward to meet their train to Washington. The soldiers had been warned before their arrival that they were likely to meet a chilly reception from Baltimoreans. Maryland's strong economic ties to free labor economies of the North and West ultimately made secession an impractical option for the state, but that reality did little to curtail its populace's Southern sympathies. Maryland was a slave state with strong cultural connections to the South, and many of those who flocked to or resided in Baltimore at the start of the conflict supported the secessionist cause. While they were probably no more than a small minority of people in the city, their numbers were strong enough to ensure a tense political climate. The sight of armed troops wending their way along Pratt Street was enough to tip tension into violence. Civilians interrupted the Sixth Massachusetts's march, pelting the soldiers with bricks and stones. The troops answered by firing into the crowd, and the melee that rapidly ensued left four soldiers and twelve civilians dead in the streets, with dozens of others injured.¹

While the bloody confrontation between the militia and the citizens of Baltimore played out on Pratt Street, another, far less-famed skirmish was taking place only a few blocks away. Due to a railroad error, a regimental band dispatched from Philadelphia to

¹ Robert J. Brugger, *Maryland: A Middle Temperament, 1634-1980* (Baltimore: Johns Hopkins University Press, 1988), 274-77. For a detailed popular account of the Pratt Street riot, see Harry A. Ezratty, *Baltimore in the Civil War: The Pratt Street Riot and a City Occupied* (Charleston, SC: The History Press, 2010).

march in front of the Sixth Massachusetts arrived at the President Street station late. When word of their presence reached the rioters on Pratt Street, the musicians quickly found themselves in a situation similar to that of their comrades, save for one crucial difference: none of the band members were armed. As their train car was pelted with rocks and shot, the musicians could only scatter, fleeing the car and attempting to fend off the blows from the crowd waiting outside. Confusion reigned amidst the tumult of the rioting, until a figure appeared and began shepherding the soldiers away from the violence. The figure guided the soldiers into the home of an “Amazon” living near the train station. The woman dragged wounded soldiers into her house and barricaded the door to ensure the rioters could not follow. She then tended to the musicians’ wounds, fed them, and gave them civilian clothes that would allow them to pass unmolested through the streets. Later, she delivered their freshly laundered uniforms to them at the train station before they departed the city.

A few papers in Pennsylvania, where the soldiers returned after their harrowing time in Baltimore, picked up the story of the woman’s “Samaritan kindness in the midst of most savage barbarity,” and deemed her a “saint.” Baltimore papers, on the other hand, made no mention of the incident, which was no doubt an embarrassing one for the city: the woman who sheltered the soldiers was none other than Ann Manly, one of the most infamous “women of the town” in Baltimore. The dwelling in which the musicians rested was a house of ill-fame located in the roughest stretch of Eastern Avenue.²

2 “A Baltimore Saint,” Philadelphia *Saturday Evening Courier*, reprinted in the New Hampshire *Farmer's Cabinet*, 10 May 1861.

Manley's actions during the rioting that day were later referenced in *Records of the Proceedings of the Investigation before His Excellency Thomas Swann, Governor of Maryland, in the case of Samuel Hindes and Nicholas L. Wood, Commissioners of the Board of the Police of the City of Baltimore, Upon Charges Preferred Against Them for Official Misconduct* (Baltimore: William K. Boyle, 1866), 25.

It was, in a sense, fitting that one of the stories to emerge out of that bloody day in April was that of a madam opening her door to Union troops in a time of crisis. The basic outline of that story would repeat itself, albeit under more mundane and less altruistic circumstances, over and over again throughout the next four years. Tens of thousands of soldiers camped around or passed through Baltimore over the course of the war. Most were young, away from home for the first time, and eager to take advantage of the comforts Baltimore had to offer before they departed for combat. As this chapter argues, houses of ill-fame served an important social and cultural function for these men in the context of war. Brothels and bawdy houses were spaces in which young men could “get on a spree,” and purchase sex, but they were also spaces where men could dine, socialize, drink, and bond with their comrades at arms, all while enjoying domestic comforts that were so often absent from camp life.³ Commercial sex establishments, in turn, were more than willing to embrace this role. Providing food, alcohol, and sex to military men became a major source of profit for the women and men involved in Baltimore's bawdy trade, and the sex industry expanded dramatically to meet demands occasioned by military occupation.

Yet, if the story of Ann Manly heroically rescuing Union troops serves as apt metaphor for one aspect of the relationship between soldiers and prostitutes, it also captures the ambivalence that surrounded the figure of the prostitute in wartime. Even as Ann Manley was a kindly “saint” lending her domestic labor to aid soldiers, she was also

³ Court Martial of William Hall, National Archives Record Group 153 [RG153]. Thomas Lowry conducted the most detailed study of illicit sex in court martial records, *Sexual Misbehavior in the Civil War* (Xlibris, 2006). All citations here are based on examinations of the original records at the National Archives.

an “Amazon,” a masculine, imposing, and potentially bellicose figure.⁴ Even in the course of a kind act, she maintained an air of danger. And so it was with prostitution more generally. The commercial sex industry met the sexual and social demands of soldiers and thrived alongside military mobilization, but it also threatened the war effort in a variety of ways. Some of these were moral and spiritual threats; soldiers who witnessed the proliferation of commercial sex in their camps lamented it as a blow to the righteousness of their cause, and pondered whether God would even continue to support an army so infiltrated with “wicketness.”⁵ Union commanders, however, focused on more practical concerns. Not only could brothels and houses of ill-fame become sites of violence and disorder that reflected badly on Union soldiers, but the epidemics of venereal disease that often came along with increases in prostitution proved costly to the army.

This chapter explores both of these aspects of the commercial sex trade as they manifested in Union-occupied Baltimore. The first section of the chapter examines the nature of the sex trade's expansion, with attention to the ways in which circumstances specific to camp life around the city influenced the scope and geographic shape of its sex trade. It argues that while the sex trade did expand spatially to take advantage of the demand that came with military occupation, the bulk of prostitution remained concentrated in vice districts that had been established in the latter decades of the antebellum period. Houses in these districts, particularly the Middle and Eastern, adapted

4 “A Baltimore Saint,” *Farmer's Cabinet*, 10 May 1861.

5 Michael Thomas Smith, *The Enemy Within: Fears of Corruption in the Civil War North* (Charlottesville: University of Virginia, 2011), p. 13-36, 95-100; Catherine Clinton, “Public Women and the Confederacy” (Milwaukee: Marquette University Press, 1999); David Rolfs, *No Peace for the Wicked: Northern Protestant Soldiers and the American Civil War* (Knoxville: University of Tennessee Press, 2009), 177.

their operations to cater to military men. In so doing, they became more than spaces in which soldiers sought out sexual contact; not only did brothels and bawdy houses fulfill a longing for domestic comfort, they allowed men to negotiate and establish forms of masculinity that were suited to wartime. The latter function was particularly important in the context of the conflict. War brought groups of men from different social classes and backgrounds, many of whom were strangers to each other prior to their mustering, into close quarters and dangerous situations in which they depended on one another for their lives. Masculine bonds were central to military life and culture, and brothels and houses of ill-fame became spaces in which men—officers and enlisted, genteel and rough—could establish those bonds through their interactions with women and with each other. Houses of ill-fame, for their part, embraced this role. Many reaped unprecedented profits during the war period by appealing to soldiers.

Yet, as the second section of this chapter reveals, not all the exchanges between prostitutes and soldiers were so reciprocal. Some prostitutes, particularly those in poorer neighborhoods, supplemented their earnings by drugging or robbing soldiers. In addition, many encounters between military men, prostitutes, and other male patrons turned violent as a result of a combination of masculine bravado and political tensions. The potential volatility of brothels, combined with substantial rates of venereal infection associated with the sex trade, prompted military and civilian officials alike to express concerns over prostitution. Unlike their counterparts in other occupied cities, however, officials in Baltimore were relatively circumspect in their approach to regulating commercial sex. There were no attempts to implement medical licensing and regulation of prostitution as authorities in Nashville and Memphis had, or attempts to drive prostitutes out of the city.

Such grand shifts in the regulatory infrastructure would have been impractical given the complicated relationships between military and civil authority and between military authority and individual prostitutes. In the latter case, the social and cultural relevance of brothels proved central to matters of regulation. The same social aspects of brothels that helped to popularize them with soldiers also made them excellent sources of gossip and intelligence, which madams used to their advantage in dealings with Union officials.

Following the violence on Pratt Street in April, 1861, the situation in Maryland devolved quickly. Citing fears of further rioting, Maryland Governor Thomas Holliday Hicks and a delegation of men from Baltimore petitioned President Lincoln to cease marching troops through Maryland. Their request was, as Lincoln was alleged to have pointed out, untenable: “Our men are not moles, and can't dig under the earth; they are not birds, and can't fly through the air. There is no way but to march across [Maryland], and that they must do.”⁶ Lincoln gave assurances that Marylanders had nothing to fear from the troops so long as they themselves behaved peacefully, but his words came too late. Just days after the riots, under the pretense of preventing similar occurrences, Governor Hicks and Baltimore Mayor George William Brown assented to Police Marshal George P. Kane organizing a band of citizens to burn the railroad bridges leading into Baltimore from the North in order to prevent troops from passing through the city.⁷

The decision to destroy the rail lines prompted a swift response from the Lincoln

6 *Maryland Voices of the Civil War*, Charles W. Mitchell, ed. (Baltimore: Johns Hopkins University Press, 2007), 76.

7 Brugger, *Maryland, A Middle Temperament: 1634-1980*, p. 248-305; Police Commissioners of Baltimore City, *Report of the Police Commissioners of Baltimore City, with Accompanying Documents* (Baltimore: 1861). Available from the University of Maryland at College Park Archive at Archives.org: <http://archive.org/details/reportofpoliceco1861poli>

administration. On April 27, Lincoln suspended the writ of habeas corpus in Maryland, and as soon as Washington, DC was sufficiently defended, deployed troops to secure the state's rail lines.⁸ Among these troops was Major General Benjamin Butler, who had been sent to guard the Relay House seven miles outside of Baltimore. Butler, believing that Baltimore had to be subdued if the Union had any hope of preserving transportation infrastructure in the long-term, made an executive decision. On May 13, 1861, under the cover of darkness and a violent thunderstorm, he marched 1,200 troops through the streets of Baltimore and seized Federal Hill. From there, Butler's troops could oversee the harbor and train their guns on the city proper. Baltimore thus became an occupied municipality just over a month after the start of the war.⁹

The military's occupation of Baltimore introduced thousands of young men in the areas immediately surrounding the city over the next several months. The Department of Annapolis quickly relieved Butler of his command for having taking Federal Hill without orders, but it never reversed his decision to occupy the city. In the months that followed, Federal Hill remained under Union control, and the army's presence expanded to a number of other areas on the outskirts of Baltimore proper. By the late summer of 1861, 4,633 troops occupied Federal Hill, Fort McHenry, Mount Clare (known as Camp Carroll), and agricultural ground a mile north of the city. As the conflict progressed, the army created additional encampments at Patterson's Park, Potter's Race Course, and Isaac McKim's Mansion, which provided excellent vantage points from which army cannons could assault dangerous portions of the city if necessary. In total, the Union army

8 Brugger, *Maryland, A Middle Temperament: 1634-1980*, 248-305.

9 Benjamin F. Butler, *Autobiography and Personal Reminiscences of Major-General Benjamin F. Butler*, Part 1 (Boston: A.M. Taylor's Book Publishers, 1892), 230-5.

occupied 42 camps in and around Baltimore between 1861 and 1865. Some contemporary sources estimated that there were between eight and eleven thousand troops stationed in defense of the city in the early years of the war.¹⁰

Meanwhile, the number of troops who were passing through the city or camping around Baltimore increased as well. The areas at the outskirts of the city became stop-over points for newly formed regiments marching South into Washington to be incorporated into the Army, which meant that the city saw large influxes of troops around periods of heavy muster activity. One soldier wrote that in his short tenure in Baltimore over the summer of 1862, he had seen fifteen regiments pass through the city; similarly, another officer estimated in a letter home that there were over 15,000 men encamped around Baltimore at the time of his writing.¹¹

The rapid influx of troops into the city created a number of logistical and political issues, and soldiering in Baltimore often proved a hard lot in the earliest months of the war. Many men initially found themselves camping in slipshod tents that were filled beyond their intended capacity and pitched on stretches of open land unsuited to long-term settlement. Soldiers had to do the work of rapidly transitioning makeshift campgrounds into organized sites of occupation. They laid out “streets” and parade grounds, dug wells to prevent water supplies from being cut off in case of hostility from the city, and constructed entire fortifications, quarters, and ramparts from scratch. It was a difficult process, and one that displeased the segments of Baltimore’s population that remained strongly sympathetic to the secessionist cause. Soldiers who ventured out into

10 John A. Dix to G.W. Cullum, August 17, 1861; George B. McClellan to Abraham Lincoln, August 4, 1861; in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series I, Volume 5, by the United States War Department (Washington, D.C.: Government Printing Office, 1881), p. 7, 566.

11 Michael Guigan to “My Dear Friend,” MDHS.

the city for camp supplies or flag-raising ceremonies in the public squares often met with a distinct lack of enthusiasm or even outright hostility from the civilian population. Many complained of jeers from Baltimoreans donning Confederate colors or cheering “old Jeff [Davis],” and a number claimed in letters home to have been spat upon or otherwise assaulted.¹²

The threat of crowd disorder and violent opposition to the Union cause would continue to loom large in soldiers’ minds throughout the initial period of occupation, when rumors that “secesh” riots were about to break out in the city were ever-present. In addition to their normal maintenance and drilling duties, soldiers often found themselves suddenly and unpredictably dispatched into Baltimore proper to quell disturbances or to do what one soldier called the “not very pleasant work [of...] acting as police guard over the city.” Soldiers acting under the authority of the Provost Marshal put down riots in taverns and in the streets, oversaw elections, and arrested suspected secessionists and disloyal citizens within the city. Among those they took into custody in the summer of 1861 were Baltimore Mayor George Brown, Baltimore Police Marshal George P. Kane, and every civilian member of the city’s Police Board. All were imprisoned on charges that they were pro-Southern in their sympathies and that their responses to rioting in Pratt Street had been insufficient to the point of being treasonous. The wave of political arrests in Baltimore and around Maryland did not stomp out pro-Confederate sympathies among Baltimoreans, but when combined with the softer tactic of offering Union contracts to

12 Henry M. Congdon to 'Father,' June 9, 1862, Henry M. Congdon Letters, 1861-1873, New York Historical Society, New York, NY; Henry S. Murray to Will, May 31, 1862; Henry S. Murray to his sister, June 14, 1862, Henry Spencer Murray Letters, 1861-1864, New York Historical Society, New York, NY; George A. Mitchell to Mother and Father, July 29, 1861; George A. Mitchell to 'My Dear Parents,' December 29, 1861; George A. Mitchell Letters, 1861-1863, New York Historical Society, New York, NY. William W. Osborn to his wife, March 29, 1862, Maryland Historical Society, Baltimore, Maryland.

local businesses, they did succeeded in subduing displays of Southern sympathy.

Baltimore's transition from a hotbed of "secesh" activity to one whose general pro-Union sentiment seemed reasonably assured brought changes to the nature of military life in the surrounding camps. The initial fears that the city would have to be brought under control by fire and force faded into a sense of relative complacency. General Nathaniel Banks, confident that the city was squarely under Union control by the late summer of 1861, recommended to his superiors that they "could safely withdraw the best troops for service elsewhere, leaving the new levies in possession here." Banks further envisioned the encampments around Baltimore less as strategic locations from which the city could be bombarded, but as ideal training ground for raw troops. Banks believed its large, flat tracks of land "would afford most excellent camps of instruction," and his superiors apparently endorsed his plan.¹³ Several areas around the city quickly became training grounds for soldiers new to the army. Camp Carroll was transformed into a cavalry training ground and stable area, and Patterson Park was set up as drill ground. Several camps, including Patterson Park and the Lafayette Barracks were also partially converted to hospital grounds and places of convalescence for wounded soldiers in the later years of the war.¹⁴

Baltimore's shift from a potential combat zone to a training grounds for new soldiers would have a number of important implications for the city's sex trade. For one thing, it meant that soldiers who arrived in Baltimore were not only new to military life

13 Nathaniel Banks to Simon Cameron, June 16, 1861, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series I, Volume 2, by the United States War Department (Washington, D.C.: Government Printing Office, 1881), 690.

14 The Lafayette Barracks were known prior to 1862 as Camp Hoffman, but should not be confused with the more famous Camp Hoffman established as a prison for Confederate captives in Point Lookout, Maryland.

and discipline, but also subjected to relatively undemanding duty schedules that left them with a great deal of free time. As the war progressed, much of the hard, physical work of maintaining and fortifying the camps—work that had previously been the purview of soldiers—fell to African-American “contraband” and conscripted laborers. Soldiers were left to perform a miscellany of tasks: guarding the camps and forts, occasionally venturing out to secure rail lines or to police the city during major events, and performing the ceremonial work of attending flag raisings and escorting the bodies of fallen soldiers to local cemeteries. Mainly, however, soldiers drilled. George Mitchell, a sergeant with the 5th New York Volunteers at Fort Federal Hill described the daily schedule of his camp as a long, monotonous routine of preparation for war:

½ past 8 in the morning the commissioned officers commences drilling the non-commissioned officers, and drills them until ½ past 10, then the non-commissioned officers drill the Privates until 12 o'clock, then we get our dinner, and immediately afterwards, the commissioned officers drills the non-coms until 3. o'clock, then again the non-com's drill the Privates until 4. o'clock, at ¼ past 4 we have evening Parade which generally lasts until 5. o'clock.¹⁵

For Mitchell, a non-commissioned officer, drill was demanding; for most recruits, however, drill took up only a few hours a day by prescription and often less in practice. In the hottest summer months, afternoon drills were frequently canceled on account of the dangers posed by soaring temperatures, which left soldiers free from duty from supper onward. Heavy storms, excessive cold, or any number of other factors were also enough to provoke cancellation of scheduled drills throughout the year, especially in camps whose officers were lenient with recruits.¹⁶ As a result, the actual amount of time soldiers

15 George Mitchell to his parents, January 19, 1862, George A. Mitchell Letters, 1861-1863, NYHS.

16 Henry M. Congdon to his mother, June 23, 1862. Congdon Letters, NYHS; Claudius W. Rider,

spent drilling varied by season and by commander: men in some companies complained that their training was a hard school that left them sore and barely able to move, while others wrote of their time around Baltimore as a “summer vacation at Uncle Sam's expense.” Private James M. Bollard of the 1st Indiana Artillery, for instance, was underwhelmed by what was expected of him at Fort Marshall: “I seldom have to drill, the only duty we have is guard duty and that is once in 10 days.” Even Mitchell, whose schedule was much more rigorous than average, noted that his evenings were free for “having a little fun.”¹⁷

In addition to ensuring that soldiers had a comparatively large amount of free time, Baltimore's shift from defense to training ensured that many soldiers also had a great deal of money to spend in pursuit of “a little fun.” As the conflict rolled on and the grim toll of war became apparent in the rising numbers of dead and wounded, morale among civilian populations waned. It became more difficult to find men willing to enlist for the lengthy periods recruiters demanded. State and local governments, as well as private citizens seeking to hire replacements for drafts, began offering sizable bounties to attract enlistees to the army. In the later years of the war in particular, fresh recruits often arrived in Baltimore with large sums of money burning holes in their pockets. Private William Hall, for instance, arrived in Baltimore only eleven days after he received \$500 for his three-year enlistment in 2nd Massachusetts Cavalry. The amount of Hall's bounty was generous, but not wholly remarkable. Edward Hawkins, also of the 2nd Massachusetts, received \$190.03 for a year's service thirteen days before he arrived at

Diary Commencing August 11, 1862, NYHS.

¹⁷ James Bollard to Michael Hammons, February 7, 1862. From the Catalog of the Historical Shop, Cary Delery. Quoted in Thomas P. Lowry, *Sex in the Civil War* (Xlibris, 2006), 106. George Mitchell to his parents, January 19, 1862, George A. Mitchell Letters, 1861-1863, NYHS.

Baltimore, and Private Henry R. Williams of the 1st Maine Volunteers received \$400 for signing up for a year's duty just over a month before he was assigned to Fort Federal Hill.¹⁸

The aggregation of idle and temporarily-flush young men in the outskirts of Baltimore had predictable results. Some Union men managed to adapt the restrained and devout masculinity that had prevailed in the North during the antebellum period to the demands of military life. They busied themselves with writing letters to parents and friends, attending religious services and dramatic productions staged in camp, and participating in a variety of camp meetings, including Temperance societies. But many other Union recruits, away from home for the first time and eager to use their military service as a means of establishing their status as men, carved out a space for themselves in their new regiments by immersing themselves in the rowdy, masculine culture that flourished in the camps.¹⁹ They played pranks on one another, sang ribald songs, gambled, and embraced a sporting masculinity similar to that which had flourished in urban centers as mobility increased during the antebellum period.

In many ways, the dislocations of the antebellum period had been minor compared with those of the Civil War; distanced from their pre-war lives and facing death on a scale that was unprecedented in American history, many young men used their time outside of the battlefield to do things that would have been unacceptable or

18 National Archives Record Group 153 [RG153], Records of the Judge Advocate General's Office (Army), Entry 15, Court-Martial Case File, Files OO522, OO386, and OO954, National Archives, Washington, DC.

19 On masculinity in the Civil War, see Lorien Foote, *The Gentlemen and the Roughs: Violence, Honor, and Manhood in the Union Army* (Baton Rouge: Louisiana State University Press, 2009); On Civil War soldiers' perception of war and military service as a coming of age experience, see Reid Mitchell, "Soldiering, Manhood, and Coming of Age: A Northern Volunteer," in *Divided Houses: Gender and the Civil War*, Catherine Clinton and Nina Silber, eds. (Oxford, 1992), 43-54.

inaccessible at home. They drank, they caroused, and they patronized commercial sex establishments at a much greater rate than their antebellum counterparts. Union Army officers, chagrined at the proliferation of prostitution near military encampments, blamed the increase on army life's combination of mobility and masculine homosociability: "The influence of the armies has largely contributed to the state of things, as soldiers do not seem to feel the same restraints away from home, which at home regulated their intercourse with the gentler sex."²⁰ Sergeant Alfred Davenport of the 5th New York (the Zouave regiment responsible for constructing Fort Federal Hill) observed so much vice among his fellow troops that he claimed that Army life "ruined [soldiers] in morals and in health for they learn everything bad and nothing good."²¹

Increased demand for commercial sex was not unique to Baltimore, but the specific circumstances of camp life in and around the city ensured that the city's sex trade met the demand in a somewhat unusual way. In many military-occupied areas across the South and West, much of the trade in sex was carried out by women who either followed the army or flocked to military encampments from the surrounding countryside. These "camp followers," as they were called, lived alongside soldiers and provide services ranging from laundry to sex in exchange compensation.²² While there were probably camp followers in and around Baltimore as well, the nature of the occupation made it difficult for them to ply their trades to soldiers in their own barracks. Even after Baltimore had been subdued, Union officers regarded the civilian population suspiciously. During the day, military officials allowed men and women to promenade in

20 Quoted in Bell Wiley, *The Life of Johnny Reb* (Baton Rouge: Louisiana State University Press, 2008 edition), 55.

21 Alfred Davenport and his homefolk, Quoted Wiley, *The Life of Billy Yank*, 247.

22 Clinton, *Public Women and the Confederacy*.

the areas around the camps and even to enter to bring soldiers baked foods, fruit, and other morale-boosting tokens. Still, access to the camps was controlled; one soldier stationed at Federal Hill wrote home, “We don't see much of the people here, as but very few people are allowed in the fort.”²³ At night, security tightened further. Following the arrests of the civilian police force and a number of suspected secessionists in 1861, military authorities established barricades between the city and the encampments. According to one source, “No one was allowed to pass after nightfall with a pass; [...] a precaution taken against carrying information to the enemy of the number of United States troops in and about the city.”²⁴

If would-be camp followers had a difficult time accessing the occupied areas around Baltimore, however, soldiers had no such troubles with mobility. Leave policies in the camps around the city tended to be generous, not only because soldiers removed from the battlefield had relatively light duty requirements, but because the logistics of supplying an army were complicated. If soldiers were encamped near urban centers that could provide them with food, camp supplies, and other goods, it made little sense to insist that they rely on the military for such articles.²⁵ Military officials around Baltimore therefore implemented a system that both eased the demand on supply lines and acted as a reward system for soldiers: they made it easy for soldiers to go into the city and buy what meals, basic services, and “luxuries” they desired. Each time soldiers stood guard, they were granted passes out of camp on the following day to “make up for the

23 Lou to the Girls, June 22, 1863, MDHS.

24 de Francias Folsom, *Our Police: A History of the Baltimore Force from the First Watchman to the Latest Appointee* (Baltimore: J.D. Ehlers & Co. and Guggenheimer, Weil & Co., 1888), 61.

25 Camp followers and locals traditionally played a major role in providing food and basic services to troop in light of the difficulties of supplying a mobile army.

deprivation and exposure suffered when in the performance of our duty.”²⁶ Some commanders also handed out evening passes freely after long days of drill, or gave additional passes to soldiers whose religious faiths were not well represented within the camps so that they might attend services outside. Private Bollar wrote that in his camp, soldiers were allowed to visit Baltimore proper as often as every few days.²⁷

Many soldiers took advantage of loose camp discipline to make their visits to the city more frequent. Sentries stationed around the camps were keen to keep civilians out of them at night, but they showed far less concern about keeping their fellow soldiers in. Many sentries either loosely enforced the pass system or ignored it completely. One soldier noted that he was able to come and go as he pleased most of the time: “I don't ask for a pass [to take leave], I have taken it for granted that I don't need any, and as long as I am not asked for, I don't mean to get one.”²⁸ In some cases, sentries were actively involved in subverting the pass system. A soldier from New York claimed that the men guarding his camp colluded with fellow soldiers who wished to be absent without proper leave: “The men slip out with the connivance of the sentries. I suppose there must be at least 30 or 40 go out and come in every night this way.”²⁹ The case of Private Edward Hawkins, who was eventually court martialed for deserting his post, supported the New York soldier's assertions. Hawkins had only been at Fort Federal Hill for a day when “men of the camp” asked him to go into town with them. Hawkins did not have a pass, but the sentry at the gate not only let Hawkins and his fellow soldiers leave the fort but also told the group when he would be on duty again so that they would not be caught

26 Henry Congdon to his father, June 2, 1862, NYHS.

27 James Bollar to Michael Hammons, February 7, 1862. From the Catalog of the Historical Shop, Cary Delery. Quoted in Thomas P. Lowry, *Sex in the Civil War* (Xlibris, 2006), 106.

28 Lou to the Girls, June 22, 1863, MDHS.

29 Quoted in Bell Wiley, *The Life of Billy Yank*, 214.

upon their return.³⁰

The ease with which soldiers left camp, combined with the limited civilian access to military areas, ensured that prostitution in Baltimore remained a primarily urban rather than camp-oriented trade. Soldiers inclined to seek out sex did so primarily by making trips into Baltimore during their leave time. Private Bollar, for instance, gave a cheeky recounting of the frequency with which he left camp, writing, “You may guess how a fellow of my turn would enjoy himself when there are plenty of pretty women about. Baltimore is full of 'patriotic young ladies' who devote their entire time to gratify the passions of the soldiers.” Bollar claimed that he and his fellow soldiers frequently “ha[d] the pleasure to pay our patriotic friends a visit.”³¹ The writings of other soldiers supported his claim that the desire to visit with “patriotic young ladies” often drew men away from the camps and into the city proper. A soldier from the 75th New York Infantry lamented that undisciplined officers and soldiers alike slipped out of camp to seek out vice in the city: “Tonight,” he wrote, “not 200 men are in the camp. [...] A hundred men are drunk, a hundred more at houses of ill fame.”³² Furthermore, the three soldiers that arrived in Baltimore with large bounties mentioned earlier in the chapter, Privates Hall, Hawkins, and Williams, all left their camps to visit houses of ill-fame within days of their arrival. Hall, as he would later explain, “only wished a spree” with his bounty, and upon leaving camp to go into the city, “staid in a Drinking House and Brothel, 3 days.” Likewise, Private Hawkins, who left camp the same day he arrived with a group of men from his camp, quickly “got on a spree and got tight in a house of ill fame.” He remained in the

30 NARG 153 [RG153], File OO386.

31 Bollar to Hammons, February 7, 1862, quoted in Lowry, *Sex in the Civil War*, 106.

32 Bruce Catton, *Mr. Lincoln's Army* (Garden City, NY, 1956), 64-65. Quoted in MacPherson, *Battle Cry of Freedom*, 329.

house for almost two days before he was arrested on suspicion of desertion.³³

It was not just soldiers in and around Baltimore who saw the city as a place for leisure and bawdy revelry. Baltimore also drew soldiers from points all around Maryland. Many Union men stationed in Maryland were assigned to secure the state's rail lines and depots, which served as crucial wartime supply lines linking the Northern states to Washington and other points South. Even as protecting the rails was their sworn-duty, however, many soldiers used the rails as a means of shirking their military responsibilities. The speed of travel by train collapsed the distance between Baltimore and its hinterlands and made the city accessible to men stationed many miles outside its limits. Private Michael Graham of the 1st Michigan Volunteers, for instance, was stationed nearly seventeen miles outside of Baltimore in Annapolis Junction when he and a musician from his company decided to go on a spree. Graham and the musician, Warren Smith, were “both pretty drunk” when they made the decision to go to Baltimore, but they calculated that they had plenty of time to get there and back to Annapolis Junction without anyone noticing their absence. So long as they caught the 4 o'clock morning train, they could pass most of the night in Baltimore while still arriving back in time for roll call in the morning.³⁴ Unfortunately, after visiting a boardinghouse “the reputation of which, I have since learned, was bad,” Graham found himself “drugged + otherwise stupefied, so that I was unable to control my intellect.” He ended up on a train to Philadelphia.

33 NARG 153 [RG153], Records of the Judge Advocate General's Office (Army), Entry 15, Court-Martial Case File, Files OO522, OO386, and OO954, National Archives, Washington, DC.

34 In his intoxicated state, Graham actually took a train up to Philadelphia, where he soon enlisted in another regiment of the Union Army. He was arrested after his former commanding officer recognized Graham among the ranks of his new regiment several months later. Michael Graham Court Marital, NARG 153, Folder II-837.

Prostitutes, madams, and tavern-keepers around the city were eager to respond to the increased demands for sex, drink, and even board that accompanied military occupation. Baltimore's commercial sex industry expanded during the war years, both spatially and in terms of the number of women who participated in the trade. The unevenness of policing during the Civil War (discussed at greater length later in this chapter) makes it difficult to evaluate the degree of prostitution's wartime expansion with precision; criminal dockets reflect changes in enforcement as much as they reflect changes in the nature of vice. Nevertheless, such dockets do offer compelling evidence that the growth of prostitution between 1861 and 1865 was dramatic. In 1860, between 107 and 117 individuals appeared before the City Criminal court in 137 separate cases related to commercial sex (126 charges of keeping bawdy houses, and 11 for renting them). In 1862, there were 134 cases (128 for keeping and 5 for renting bawdy houses), which involved between 116 and 122 individual defendants. By 1864, however, the Criminal Court was processing an unprecedented 378 cases (339 for keeping and 39 for renting bawdy houses), involving between 274 and 283 individuals.³⁵ The court spent much of the January term as well as the entire month of December adjudicating these “bawdy house” presentments and indictments, and court recorders had to write two

³⁵ Baltimore City Criminal Court (Criminal Docket), January, May, and September Terms 1860, C1849-13-15; January, May, and September Terms 1862, C1849-19-21; January, May, and September Terms, 1864, MSA 1849-25-27, Maryland State Archives (MSA), Annapolis, Maryland.

Ambiguities in the number of unique individuals charged with keeping or renting bawdy houses arise as a result of two factors. The first of these is the prevalence of common names such as “Mary Smith;” if “Mary Smith,” appeared in the January, May, and September Term dockets, I could be reasonably confident that “Mary Smith” was a single individual. But if “Mary Smith” appeared twice in a single term, I had to acknowledge the possibility that there were two separate individuals with the same name in this and similar instances. The second source of ambiguity had much to do with recording practices. Occasionally, certain recorders only listed women by their last names and an honorific, i.e. “Mrs. Smith.” It is impossible to tell with any reasonable certainty whether “Mrs. Smith” was one of the many Smiths who appeared in other Term Dockets. The ranges I have included are an attempt to account for these ambiguities. Thirty-six of the cases heard in 1864 had been carried over from the previous year.

names per space in the docket book to avoid running out of room. While any number of factors—the reconstituted civilian police force finding its footing, or the staging of an unusually thorough and concerted crackdown on prostitution—might have contributed to the increase in arrests, the sheer enormity of the increase suggests that there were other factors at play. Baltimore’s sex industry almost assuredly experienced a sizable uptick in the number of brothels and houses of ill fame operating within the city, and one which was in line with the increases historians have observed in other occupied urban areas.³⁶

Two police districts in particular—the Southern and the Western—appear to have experienced substantial increases in the number of “bawdy houses” in their vicinity as a result of Union presence. In the Southern District, the bulk of the sex industry’s expansion took place in the 15th and 16th wards. Both wards were occupied by large populations of maritime laborers and tradesmen, and had experienced significant population increases in the decade prior to the war. The 15th Ward in particular had long been home to a number of disorderly houses, and, by the latter part of the 1850s had also come to boast a handful of houses of ill fame. Most of these houses were concentrated in the areas bounded by Sharp and Light Streets to the east and west and Lee and Hughes to the North and South—areas mere blocks from the future site of Fort Federal Hill. The

36 Clinton, *Public Women and the Confederacy*, 14; E. Susan Barber, “Depraved and Abandoned Women: Prostitution in Richmond, Virginia, Across the Civil War,” in *Neither Lady Nor Slave: Working Women of the Old South*, Susanna Delfino and Michele Gillespie, eds. (Chapel Hill: University of North Carolina Press, 2002), 155-173; James Boyd Jones, Jr., “A Tale of Two Cities: The Hidden Battle against Venereal Disease in Civil War Nashville and Memphis,” *Civil War History* 31:3 (September 1985), 270-276; Lowry, *Sexual Misbehavior In the Civil War*, 15-114. For an overview of prostitution during the Civil War period, see Judith E. Harper, *Women During the Civil War: An Encyclopedia* (London: Routledge, 2004), 307-309.

Some historians of sexual regulation in rural areas, particularly in the South, have noted the opposite trend. Victoria Bynum, for instance, noted that in North Carolina, prosecutions for prostitution decreased markedly during the war period, even as theft and rioting become more common. *Unruly Women: The Politics of Social and Sexual Control in the Old South* (Chapel Hill: University of North Carolina Press, 1992), 112).

clusterings of bawdy houses in the Southern District were thus perfectly positioned to take advantage of the opportunities brought by the Union occupation. Over the course of the war, enterprising madams opened a number of additional houses of ill-fame in pre-existing vice zones, and expanded their territory into Guilford Alley, a narrow passage running between Howard and South Charles Streets. Similar establishments also came to dot Welcome Alley as well as Harrison, Sharpe, and York Streets, and court dockets indicate that bawdy houses sprung up far west as Barre Street, which lay almost at the midway point between military encampments at Fort Federal Hill and Mount Clare. By 1864, approximately twelve percent of the bawdy house cases whose districts of origin were identified in Criminal Court Dockets were located within the Southern District.³⁷

The wartime sex industry also expanded into Baltimore's Western Police District, defined as the area from Charles Street to the Western boundary of the city. As outlined in Chapter One, the Western section of the city had since the latter decades of the antebellum period housed number of brothels and houses of assignation, particularly in Park Street and the alleys around Lexington Market. During the war, houses of ill fame began appearing farther West than ever before, perhaps as a result of their proprietors' efforts to meet the demand that arose with the establishment of military barracks like Camp Hoffman, an army rendezvous point located at the site of modern Lafayette Square. By 1864, the Western District, like its Southern counterpart, accounted for about twelve percent of the bawdy house cases.

There are indications that the war period also marked the first expansion of the commercial sex industry into Raborg Street, which would gradually develop into one of

³⁷ Baltimore City Criminal Court (Criminal Docket), January, May, and September Terms, 1864, MSA 1849-25—27.

the city's preeminent sex districts over the course of the next several decades (by the time the Society for the Suppression of Vice and the Maryland Vice Commission conducted their study of vice in the area in 1915, Raborg street contained no fewer than three blocks of brothels).³⁸ In the war period itself, though, Raborg Street and the other areas into which brothels expanded were only a small portion of the larger trade; the bulk of Baltimore's sex establishments remained concentrated in the areas that had hosted them prior to the war.

Baltimore's Middle District, which included clusterings of brothels on North, Davis, and Bath Streets, as well as a few scattered houses in the alleys near the harbor, contributed almost double the number of houses of ill fame (forty-seven percent) to the total number of indictments and presentments as did West and South Baltimore combined. The Eastern District, had long housed low-end bawdy houses along Eastern Avenue in Fells Point and Potter Street in Old Town, contributed the remaining twenty-nine percent.³⁹

While the purveyors of commercial sex Middle and Eastern Districts did not uproot their establishments in order to establish greater proximity to soldiers, they too reaped the benefits of military occupation. Houses in the Middle District were not particularly close to the camps, but their proximity to the main hotels of the city ensured that they nevertheless received a significant amount of business from military men, particularly officers. Eutaw House, a large hotel located at the corner of Baltimore and

³⁸ Ibid; Maryland Vice Commission, "Maryland Vice Commission Report," vol. 1 (1915), Enoch Pratt Free Library Archives, Baltimore, Maryland. For the most detailed accounting of vice in early twentieth-century Baltimore, see Jayme Rae Hill, "From the Brothel to the Block: Politics and Prostitution in Baltimore During the Progressive Era," M.A. Thesis, University of Maryland, Baltimore County, 2008.

³⁹ Baltimore City Criminal Court (Criminal Docket), January, May, and September Terms, 1864, MSA 1849-25—27.

Eutaw Streets, became informal headquarters of the Army's Middle District. Visiting officials and officers lodged there on their trips to Baltimore, and it quickly became a favorite among soldiers looking to enjoy good meals and leisure within the city. The Middle District's lavish establishments were well poised to appeal to the “respectable” military men who frequented the area. Brothels like Nancy Thomas's, Annette Travers's, and Emma Morton's Davis Street all actively courted military clientele by welcoming social calls from officers even inviting them to elaborate balls and parties in their establishments.⁴⁰

As the hosting of fancy dances and events would indicate, the Western district's brothels served as more than just places in which to purchase sex during the war years. Being away from home allowed young men to exercise a greater degree of sexual freedom, but it also deprived them of many domestic comforts. The soldiering life involved immersion in a predominantly homosocial world, and even in a non-combat zone like Baltimore offered few luxuries. Food in the camps was usually nutritionally complete but “to[o] regular” and repetitive, and the quality of quarters varied widely. One soldier wrote that his quarters at Fort Federal Hill were dirty and ramshackle, and that “the place is full of L[ice or louse], B.Bugs, and all other sorts of horrid things.”⁴¹ Even under better conditions, soldiers' living arrangements left them little in the way of privacy. A soldier at Fort Federal Hill wrote that his company of 96 men slept in a room that “is about 60 by 25, with 48 'bunks,' there is three tiers, arranged the same as the bearths on a steamboat ones above the other, two persons sleep in each bunk.”⁴² In light

40 William Fish Court Martial, NARG 153, MM1356.

41 Henry M. Congdon to his father, June 2, 1862, NYHS; Lou to the girls, June 22, 1863, MDHS.

42 George A. Mitchell to his parents, December 29, 1861, NYHS.

of the deprivations of camp life, soldiers who ventured into the city often sought out a range of “luxuries” and comforts that included but was not limited to sex: fine dining and refined entertainments, hot baths and comfortable beds, liquor, and opportunities to enjoy themselves in heterosocial spaces.

The Middle District's high-end brothels were well equipped to meet soldiers' demands for a variety of comforts and services. As previous chapters have argued, the upper crust of assignation and bawdy houses oriented themselves around providing their clients not just with sex but with a refined domestic experience. So long as soldiers were willing to purchase wine and liquor, they were free to enjoy the parlors and spaces of congregation in brothels without any immediate pressure to purchase time with a woman of the house. Men could sit in comfortably-appointed and tastefully-decorated seating areas, be served refreshments and food by servants, and enjoy the company of both the inhabitants of the establishments and their fellow male visitors. If they wished for a more private audience with one of the women, they could retire to her quarters upstairs, but even then, they had the options of paying for more than sex. Male patrons could elect to spend the full night and even stay to take meals the following day. If the success of such establishments was any indication, the combination of sex and domestic comfort proved profoundly appealing to many men in during the antebellum period; in wartime, it took on an even more significant valence.⁴³

Interestingly, evidence suggests that brothels did more than fulfill the individual soldier's longings for the domestic and for female company; they served a social and

43 For more on brothels' genteel/domestic orientation during the antebellum period, see Patricia Cline Cohen, *The Murder of Helen Jewett: The Life and Death of a Prostitute in Nineteenth-Century New York* (New York: Knopf, 1998); Katherine Hajar, “Sexuality, Print, and Popular Visual Culture in the United States, 1830-1870,” Ph.D. Dissertation, Johns Hopkins University, 2008.

cultural function for men that, while not wholly unique to the Civil War period, took on an increased importance in its context. Brothels were sites where men expressed and displayed their virility and masculinity, not just to the female inhabitants of the establishments but to other male patrons. Such forms of masculine display and bonding took on a more central role in the context of war and massive military mobilization. Men in the army slept, ate, and marched shoulder to shoulder. In the heat of battle, they depended on one another for their very survival. As historians of gender in the Civil War era have argued, the project of establishing manliness was a crucial one both at the personal and cultural levels for soldiers. At the individual level, being recognized as manly was central to preserving one's honor; more broadly, a sense of shared manliness, masculinity, and camaraderie fostered an esprit de corps that motivated Union men to fight and mitigated some of the despair and deprivation that accompanied war.⁴⁴

Even as military culture emphasized manliness, however, the violence and dislocations of war made antebellum standards of masculinity—particularly those that revolved around restraint—increasingly difficult to attain. War was a violent, brutal affair that took men away from home and family and away from women more generally. Many men found themselves denied the very forms of heterosexual expression—marriage and reproduction—that were crucial to the attainment of healthy male sexuality and manhood more generally. Placed in a primarily homosocial world and deprived of “licit” heterosexual outlets, soldiers used their interactions with prostitutes as a means of negotiating the complicated world of wartime masculinity. Cooperating informally with the “inmates” of the houses, men employed brothels and houses of ill-fame as sites in

44 Foote, *The Gentlemen and the Roughs*.

which to articulate new and hybrid forms of masculine expression that were suited to the dislocations of war.⁴⁵

In order to understand how brothels came to fulfill this function, it is best to turn to a case study of Harry W. Davies, whose experiences within Baltimore's brothels are unusually well documented. Educated and cosmopolitan, Davies arrived Baltimore in February of 1861 and quickly found his way into some of the city's more preeminent social circles. His years spent living in New Orleans gave him an advantage in making influential connections; his familiarity with the South and lingering traces of a regional accent allowed him to mingle easily with Baltimore's sizable contingent of Southerners and Southern sympathizers. Davies soon struck up a friendship with O.K. Hillard, a New Yorker who had developed an affinity for the Southern states during his travels around the country. Shortly after South Carolina's secession, Hillard took to sporting a palmetto pin about town to express his support for the Southern cause. His lack of subtlety about his politics prompted one of Hillard's detractors to call him a rash, drunken man who was more concerned with style than substance. While there was no doubt some truth in this characterization, Hillard was ultimately likable enough character, and he and Davies became nearly inseparable in the weeks following their introduction.⁴⁶

45 The middle-decades of the nineteenth-century witnessed the development of a bourgeois masculinity that emphasized men's roles husbands, fathers, and active participants in family life. For a study of the development of bourgeois manhood in antebellum cities (including Baltimore), see Amy Greenberg, *Cause for Alarm: The Volunteer Fire Department in the Nineteenth-Century City* (Princeton: Princeton University Press, 1998). On the importance of marriage and child-rearing to masculine identity, see also Mark E. Kann, *Taming Passion for the Public Good: Policing Sex in the Early Republic* (New York: New York University Press, 2013); John Tosh, *A Man's Place: Masculinity and the Middle-Class Home in Victorian England* (New Haven: Yale University Press, 2007).

46 Davies's story appears in a collection of "Pinkerton Records" housed in the Huntington Library. The records are not originals, as most of the Pinkerton documents related to the Baltimore investigation were destroyed in the Chicago Fire of 1871. All material here is cited from transcriptions of the Pinkerton records, which were in turn transcribed again and published by Norma Cuthbert in 1949. Cuthbert, *Lincoln and the Baltimore Plot, 1861: From the Pinkerton Records and Related Papers*

In the nascent stages of their friendship, Hillard and Davies took full advantage of Baltimore's myriad spaces of entertainment and leisure. The pair dined together at Mann's Restaurant, played billiards at Hemling's, paid visits to Hillard's acquaintances at Barnum's Hotel, and attended the theatre and concert saloons. At Hillard's suggestion, he and Davies also made trips to Travers's brothel at 70 Davis Street, where Hillard "had a girl" named Anna Hughes.⁴⁷ Davies wrote of one visit, "Hillard and his woman seemed very much pleased at meeting, and hugged and kissed each other for about an hour" in the parlor of Travers' house. Afterward, Davies retired with Hillard to his boardinghouse, where the two stayed up talking about various things—including Hillard's nagging sense that something was "wrong" with him—until about one in the morning. Hillard then left to pass the night at Travers' brothel because, he told Davies, "he had promised [Hughes] to come."⁴⁸

Davies's experiences with Hillard and Hughes in Annette Travers's brothel, while only briefly recounted, nonetheless reveal much about the complicated interplay of masculinity, homosociability, and heterosexuality that took place within commercial sex establishments. Hillard went to the brothel ostensibly to visit Hughes, but what transpired there was as much about his relationship with Davies as anything else. Hillard could have parted ways with his friend before he made his way to Travers house, or simply excused himself from his company once he was there. Instead, he not only brought Davies with him but put Davies in a position to observe his interactions with Hughes—interactions

(Huntington Library, 1949).

⁴⁷ Ibid. The 1860 census does not include an "Anna Hughes" in Travers's household or any other brothel, but Travers did have an employee named "Ann Heyworth." It is possible that Davies either misheard the name or altered it slightly. 128. 1860 U.S. Federal Census, Baltimore (Independent City), Maryland, p. 128, Anna Heyworth; digital image, Ancestry.com (<http://ancestry.com>: accessed Jan 2012), National Archives microfilm publication M653.

⁴⁸ Cuthbert, *The Baltimore Plot*.

that were essentially a variation on a middle-class courtship ritual in which the normal restrictions on physical affection had been removed. Once Hillard established his ability to secure the affections of “his” woman in the presence of his friend, he left the brothel in favor of bonding with Davies back at the boardinghouse. Revealingly, when Davies recounted the incident in which Hillard expressed his melancholy and vulnerability to him, he structured his narrative in a way that highlighted the brothel's role in promoting his newfound bond with Hillard; Davies bookended his recounting of the incident with mentions of time at Travers' brothel.⁴⁹

If Hillard's willingness to leave Hughes in favor of passing time with Davies was a gesture of friendship, it also indicated Hillard's ability to adapt aspects of bourgeois notions of restrained masculinity to an environment not typically associated with restraint. Contemporary reformers and historians alike have tended to think of commercial sex as part of the world of “rough” or “sporting” strains of masculinity that diverged from hegemonic, bourgeois masculinity.⁵⁰ There is a certain truth to this conception, but the realities were more complicated, particularly in times of profound dislocation. Men who engaged sexually and socially with prostitutes were not necessarily rebelling against more conventional, bourgeois courtship rituals or forms of sexual expression. They were often seeking a proxy for them. And just as high-end brothels modeled themselves on the same middle-class homes they were allegedly soiling—indeed, because they did—men who purchased sex from such establishments were able to integrate standards of bourgeois respectability into their experiences.

49 Hillard and Davies's relationship fits the model of triangulation proposed by Eve Kosofsky Sedgwick in her pioneering work, *Between Men: English Literature and Male Homosocial Desire* (New York: Columbia University Press, 1985).

50 Amy Greenberg, *Manifest Manhood and the Antebellum American Empire* (Cambridge: Cambridge University Press, 2005); Greenberg, *Cause for Alarm*; Foote, *The Gentlemen and the Roughs*.

Rather than abandon the concept of restraint, men—particularly middle-class men and officers who visited high-end brothels—simply reinterpreted it in a way that reconciled sexual expression with displays of restraint. When Hillard parted ways with Anna Hughes rather than consummating their lengthy session of kissing and fondling one another, he was simultaneously prioritizing his male friend and demonstrating that neither Hughes nor his desire for her controlled him. Once his restraint has been sufficiently established, he was free to make (and announce to Davies) his return to the brothel to partake in activities more commonly associated with virile, sporting masculinity.⁵¹

Given the rarity of accounts like Davies', it is difficult to say how often encounters like the ones shared by Davies, Hillard, and Hughes took place. What records do make clear, however, is that Davies and Hillard were not unique in the ways in which they approached brothels as a space of masculine leisure. The Civil War period was profoundly unusual in that it was one of the only periods in American history to that point in which authorities concerned themselves with men's participation in the sex trade. Records from that era documented men's movements, habits, and participation in vice in greater detail than any period before or since. Rich court martial records and newspaper evidence demonstrate over and over again that brothels were not shadowy establishments that men slipped into and out of in secret. Brothels were well integrated into the broader network of sites of entertainment and hospitality, and visiting activity that men (soldiers especially) often did together as part of their adventures in the city.

Women who worked in high-end brothels were skillful in their management of

51 Katherine Hajar's work on print culture makes a compelling case against this view of sporting culture as the antithesis of restrained masculinity. "Sexuality, Print, and Popular Visual Culture in the United States, 1830-1870," Ph.D. Dissertation, Johns Hopkins University, 2008.

male clients' experiences. By maintaining the image of their establishments as spaces of courtship and domestic comfort rather than crass commercialism and vulgar sexuality, madams and prostitutes created the conditions under which genteel masculinity could be integrated with the sex trade. Anna Hughes, for example, exercised her own brand of restraint in her dealings with Hillard. Rather than betraying any annoyance that she might have felt at Hillard's departure—she had, after all, spent an hour kissing and cuddling with him for no compensation save the cost of the wine he purchased—she simply asked that he to come back later and pass the night with her. In so doing, she participated in a delicate but established ritual. Her request to Hillard was passive and veiled enough that it could be interpreted (as Davies chose to interpret it) as an expression of her affection and desire for him. Once he had demonstrated his mastery of his passion, Hillard reciprocated her gesture by returning to the brothel, a move that he could explain to his friend as an act of indulgence toward “his” girl. The subtlety of the interaction enabled both parties to get what they wanted: Hughes got her money while never having to transgress genteel politeness by explicitly requesting it, and Hillard had his desirability reinforced in front of a male companion whose opinion mattered a great deal to him.⁵²

By all indications, Middle District prostitutes' skill at attracting and catering to genteel and affluent clients during the war period resulted in tremendous profits. In 1862, the Federal Government instituted taxes on income and luxury commodities in 1862 to raise funds for the war effort. Several Baltimore madams appeared on federal tax rolls, which itself served as a marker of their economic success; taxable income was defined as

⁵² Some madams were far less tolerant of clients' attempts to take advantage of “free” services. Patricia Cline Cohen has noted that some New York City madams banned kissing and lap-sitting in their parlors, for instance. *The Murder of Helen Jewett*, p. 113.

income exceeding \$600 per annum, a sum substantial enough that around ninety percent of Union households did not pay income tax.⁵³ Few single women who worked in legitimate occupations could hope to earn anywhere near that amount in wages, but a handful of Baltimore madams exceeded it handily. Annette Travers, the madam whose house Hillard and Davies visited, reported a taxable income of \$100 in May of 1863 (suggesting her total reported income was \$700). Emma Morton, who ran a house only a short distance away from Travers's at 98 North Street, enjoyed even greater success: in 1863, Morton reported a whopping \$1594 in taxable income. Her brothel, which was known to host the Union Provost Martial on occasion, made her 3.5 times more affluent than the best paid female wage earners, and nearly thirteen times wealthier than a woman working in domestic service could expect to be after a year's work. Lest there were any doubts that Morton's opulence was linked to a wartime boom in business, tax rolls covering 1861 and 1866 suggest far lower earnings. Morton paid no income tax in 1862, and reported a substantial decline in taxable income--\$691--in 1866.⁵⁴

Remarkably, even the sizable earnings reported by some of the more prominent Middle District madams at the peak of occupation were probably under-representations of their actual income. Tax assessment rolls for licenses and valuable personal property indicate that many brothel keepers acquired a great deal of expensive finery for

53 Steven Weisman, *The Great Tax Wars: Lincoln to Wilson--The Fierce Battles over Money and Power That Transformed the Nation* (New York: Simon & Shuster, 2002), 102.

54 Miss Emma Morton, U.S. IRS Tax Assessment Lists, 1862-1918, Roll Title: District 3; Annual Lists, 1862, p. 295; U.S. IRS Tax Assessment Lists, 1862-1918, Roll Title: District 3; Annual Lists, 1863-4, p. 271; U.S. IRS Tax Assessment Lists, 1862-1918, Roll Title: District 3; Annual Lists, 1865, p. 341; U.S. IRS Tax Assessment Lists, 1862-1918, Roll Title: District 3; Annual Lists, 1866, p. 362.

Miss Annie Travers, U.S. IRS Tax Assessment Lists, 1862-1918, Roll Title: District 3; Annual Lists, 1863-4, p. 245; Mrs. Anne Traverse, U.S. IRS Tax Assessment Lists, 1862-1918, Roll Title: District 3; Annual Lists, 1862 [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2008. National Archives (NARA) microfilm series: M603, M754-M771, M773-M777, M779-M780, M782, M784, M787-M789, M791-M793, M795, M1631, M1775-M1776, T227, T1208-T1209.

themselves and their establishments during the war years. The same year that Emma Morton reported her substantial increase in income, she also paid taxes on a 48 ounce silver plate and what appeared to be a newly-purchased, two-horse carriage valued between \$800 and \$1000. Several madams, including Annette Travers, purchased pianos and heavy silver serving platters for their establishments, as well as gold watches and other pricey trinkets for themselves. They also purchased and paid substantial federal taxes on retail liquor licenses for their brothels. All of these expenditures (including personal effects) could reasonably be classed as business expenses, as they went toward promoting the image of brothels as refined spaces of conviviality. Even so, they were sizable expenditures that detracted a significant percentage of each woman's reported income; given the nature of their business and the ease of concealing income, it seems likely that some Middle District madams were earning more than they claimed.⁵⁵

For East Baltimore brothel keepers, wartime business proved just as brisk but substantially less profitable. Like the houses in the Middle District, the houses that lined the Causeway and dotted the streets of Old Town found themselves primed to cater to soldiers' demands for sex, liquor, lodging, and entertainment. The Causeway in particular enjoyed a good business, as it was in such close proximity to the President Street station that it was among the first things soldiers saw as they disembarked from their trains. Soldiers who were otherwise “entire stranger[s] to the city” and its geography quickly recognized the Causeway as a vice district, and those who chose to patronize it could easily identify its spaces of commercial sex in its well-marked boardinghouses and

⁵⁵ Miss Emma Morton, U.S. IRS Tax Assessment Lists, 1862-1918, Roll Title: *District 3; Special Lists, 1864*, p. 279; Annette Travers, U.S. IRS Tax Assessment Lists, 1862-1918, Roll Title: *District 3; Special Lists, 1864*, 367.

taverns.⁵⁶ Once they were settled in an establishment, soldiers who had only a few hours to spare before they returned to camp for roll call found themselves reaping the benefits of the unspecialized nature of East Baltimore's bawdy trade. Many of the bawdy houses in East Baltimore were not brothels in any classic sense, but rather one-stop shops for a variety of services: men could purchase drink from the bar area and food and a variety of other services from the employees of the house, socialize with and purchase sex from women, and even rent rooms for the duration of their stay.

In the most general sense, East Baltimore's bawdy houses had something in common with the Middle District's brothels: both provided a variety of services in addition to sexual ones. That, however, was where the similarities ended. Eastern District bawdy houses provided a much different experience than their refined counterparts. Despite offering board to their male patrons, they had little in the way of domestic pretensions; amenities were basic, and the culture of the establishments was rough. Similarly, while some soldiers developed affection for and even relationships with particular prostitutes, East Baltimore's bawdy houses were not designed to be spaces of courtship. Long-term arrangements could be difficult to sustain in the context of the low-end trade, as many women did not live or board at bawdy houses.⁵⁷ Rather, they moved frequently from establishment to establishment, using particular houses as temporary accommodations or simply visiting them to conduct their business before they returned to

56 NARG 153, File OO954, National Archives, Washington, DC.

57 Many bawdy houses were not specialized spaces for commercial sex, but rather mixed spaces that transformed into spaces of sex at night. In 1861, for instance, a group of petitioners complained that a lager shop at No. 55 Marsh Market was a space in which men congregated and kept up “noisy amusements.” At night, the complaint claimed, “Profligate and abandoned women will meet in said house, and add to the noisy entertainment given there.” Charles R. [Golmar?] et al., Petition to the Mayor of Baltimore, 1861, Mayor's Correspondence, RG9, Series 2, Box 30, Item 634 (Folder 103-119), Baltimore City Archives (BCA).

their actual homes. These mobility issues notwithstanding, the level of compensation that low-end prostitutes and streetwalkers received for their services often precluded spending a great deal of time performing non-compensated services—flirting, kissing, cuddling—with any one client. Women working the Causeway did not earn anywhere near the amount that their high-end counterparts did, and as a result probably had to see several clients a day to make ends meet. Under these conditions, sex, rather than being cloaked in the rituals of courtship, was often couched as a practical and perfunctory exchange. For the most part, there was nothing romantic about what went on in cheap houses of ill-fame.⁵⁸

There was also nothing particularly genteel about low-end establishments, which during the war (as in the decades prior to it) served a clientele consisting largely of laboring men and toughs. The military men who flocked to such establishments were not officers, on the whole, but young enlisted men who save for their bounties had little in the way of economic resources. The dominant culture at such establishments tended to be a working-class street culture that emphasized a “rough” form of masculinity. Despite sharing many of the same core values as genteel masculinity—honor, heterosexual display, and the exercise of male sex right—“rough” masculinity prioritized different forms of masculine expression. If bourgeois conceptions of manhood tended to focus on restraint, rough masculinity placed a greater emphasis on overt sexuality, violent physicality, and dominance. As a result, bawdy houses often had a lewd, raucous internal

⁵⁸ For works that discuss disreputable, rough brothels and their contrasts with their high-end counterparts, see Marilyn Wood, *Their Sisters' Keepers: Prostitution in New York City, 1830-1870* (Berkeley: University of California Press, 1993); Tyler Anbinder, *Five Points: The Nineteenth-Century New York City Neighborhood* (New York: Free Press, 2001); Timothy Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790-1920* (New York: Norton, 1992), particularly p. 161-178; Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State* (Cambridge: Cambridge University Press, 1980).

culture.⁵⁹

The rough culture of bawdy houses no doubt suited many of enlisted men who “only wished a spree,” but it also proved problematic for a number of reasons.⁶⁰ One of these was crime. The sexual services of women in hardscrabble, working neighborhoods were priced right for young soldiers, but the relatively low earnings from sex work gave incentive for prostitutes and madams to supplement their incomes by other means. Chief among these was theft, which often proved an easy con to pull off in light of soldiers' naivety and unfamiliarity with the city. Most Baltimoreans would have known that East Baltimore's houses of ill-fame, particularly those on the Causeway, had a reputation as dens of crime. Freshly recruited soldiers had no such knowledge, however, and prostitutes preyed on their ignorance. In some cases, like that of Laura Yeager and Elizabeth Huble of Potter Street, who were arrested for stealing \$10 from Jacob F. Williams of the 111th Pennsylvania Infantry, thefts appear to have been crimes of opportunity. Soldiers passed out drunk or fell asleep, and prostitutes simply took advantage of their incapacity to steal whatever money or trinkets they had on their persons.

In other cases, however, prostitutes in specific brothels more systematically defrauded soldiers, sometimes with the assistance of local men. Josephine Oakley, who worked in Dorothy Giles's establishment on Eastern Avenue, was arrested in 1862 for stealing \$70 in treasury notes from Pvt. John Silver of the 10th New York Cavalry and

⁵⁹ Greenberg, *Manifest Manhood and Cause for Alarm*. On sporting masculinity, see Timothy Gilfoyle, Patricia Cohen, and Helen Horowitz, *The Flash Press: Sporting Male Weeklies in 1840s* (Chicago: University of Chicago Press, 2009). On male sex right and prostitution, see Mark E. Kann, *Taming Passion for the Public Good: Policing Sex in the Early Republic* (New York: New York University Press, 2013), p. 35-6, 131, 149.

⁶⁰ Court Martial of William Hall, National Archives Record Group 153 [RG153].

passing the money to a local laborer, Thomas Rice. It was not the first time Giles's house had been identified as a site of theft. Catharine Denny, a prostitute in the establishment who also had a history of assaulting soldiers, had been arrested for stealing \$60 in treasury notes from a man visiting from Washington, D.C. only ten days before.⁶¹

Some soldiers were lucky to lose only their money. Henry Williams, the young soldier from the 1st Maine Volunteers mentioned earlier in this chapter, was “robbed of about fifteen dollars and my overcoat, Blouse, Military Vest, and cap were stolen and in there [sic] place left an old hat, olde citizen coat, and best.” Williams admitted that the theft occurred while he was intoxicated of his own accord, but some of his fellow soldiers went so far as to insist that their incapacity was the result of scheming on the part of unscrupulous brothel keepers. Michael Graham testified that he was drugged at the boardinghouse he visited, and another soldier who visited a house on Potter Street gave police a similar story. The latter was robbed of a “finger ring, a small sum of money, and 2 pocket watches” before his assailants dragged him out and dumped him on the corner of Low and Exeter Streets.⁶²

The “rough” masculinity predominated in the lower class of brothels also lead to deadly incidents of assault. East Baltimore's bawdy houses had been raucous spaces long before the war, but the political tensions that came with military occupation frequently sent drunken bravado tipping into violence. These tensions were made worse by the relative stability of the sex trade; because Baltimore's commercial sex industry retained much of its pre-war geography rather than shifting its orientation toward the camps, it also never

61 “A Charge of Theft,” *Sun*, 2 May 1862; “Charged with Robbery,” *Sun*, 1 July 1862; “Charged with Robbery,” *Sun*, 21 June 1862.

62 Court Martial of Henry Williams, NARG 153, Files OO954; Michael Graham Court Marital, NARG 153, Folder II-837.

transformed fully into a military-oriented trade. Civilians who had frequented bawdy houses before the war continued to frequent them during the conflict. Particularly in areas like the Point, it was common for soldiers and locals to mingle in the same establishments, an arrangement that sometimes proved disastrous. Soldiers often wrote of their disdain and distrust for Baltimoreans, and many locals either sympathized with the Southern cause or simply resented the presence of outside interlopers in their streets and shops. As a result, interactions between the two could and sometimes did sour quickly.

On September 17, 1862, for instance, a gunfight broke out between a group of local men and Union soldiers at “The Arch,” Susan Reese's establishment on Potter Street. Jackson Hedrick, a butcher from Fells Point, Charles Norwood, the keeper of a tavern on nearby Chestnut Street, and a young man named George Gerbrich were drinking together just a short distance from where a group of Union troops were sitting. Apparently spoiling for a fight, one of the locals offered a toast to the health of Jefferson Davis loudly enough for the soldiers to hear. The Union troops took offense to the insult, and responded by escalating the situation into a physical confrontation. During the ensuing argument, Charles Norwood drew a pistol and fired at one of the soldiers. He missed; George H. White, a thirteen year-old African American employee of the establishment, sustained a gunshot wound to the chest and died shortly thereafter.⁶³

Had it not been for the pistol, the scuffle between Union soldiers and locals at The Arch may have been a fairly unremarkable affair, if nevertheless an embarrassing one for the military. As the death of George White demonstrates, however, the proliferation of arms during the Civil War often functioned to elevate typical incidents of brawling

63 “Another Shooting Affray—Probably Fatal,” Sun, 18 Sept. 1862. The men's occupations and residences were taken from *Wood's Baltimore City Directory* (Baltimore: John W. Woods, 1860).

among drunk men in houses of ill fame into murderous affrays. Prior to the Civil War, “public women” were much more likely to brandish pistols and revolvers than their male clientele, and usually as a means of protection. For instance, when an intoxicated client named John King belligerently refused Susan Jackson's order that he leave her Eastern Avenue establishment, Jackson pulled out a pistol and shot him in the chest before summoning the police to arrest him for assault. Such incidents, however, were rare. The Civil War period saw a number of deadly clashes between military men--many of whom carried pistols far more powerful than the derringer models favored by prostitutes--and local authorities, civilians, or even fellow soldiers.⁶⁴

Incidents like the one at the Arch Street could damage public will toward the occupying soldiers, but army commanders could justify them as legitimate—if ultimately tragic—reactions to Baltimoreans' violent, secessionist impulses. Other incidents involving soldiers were much more difficult to defend. Only a few weeks after the incident in Reese's brothel, Potter Street became the site of yet another fatal gunfight. Several enlisted members of the 13th Pennsylvania were attending a dance at the house of “a female named Carroll” (almost certainly Sarah Carroll) when a scuffle broke out in the early morning hours. City Marshal William A. Van Nostrand, the head of the Baltimore police force who had been chosen by the Provost Marshal, attempted to quell the disturbance by arresting Jacob Kitcheman, a member of the cavalry. Kitcheman's fellow soldiers protested. Sergeants George Clark and Michael O'Neal and Private James Lucas pulled out their revolvers and fired at Van Nostrand and his guard, all of whom were

⁶⁴ “Shot by a Woman,” *Sun*, June 13, 1861. Derringers fired small projectiles at relatively slow speeds, making them deadly primarily at close range. In contrast, many of the cavalry men involved in the shoot outs in brothels would have been issued Dragoon Revolvers, the Colt model of which weighed four pounds, had a 7.5 inch barrel, and fired .44 caliber bullets at two to three times the speed of the average derringer.

unarmed save for what they managed to wrest away from the brawling soldiers. A soldier named Duffy was shot in the head and killed during the ensuing shootout.⁶⁵

So common was violence involving soldiers, in fact, that only two months after Ann Manley was lauded as a hero for saving the Union troops, her husband was indicted for murdering one. Susan Jackson, the Manleys' neighbors and a fellow bawdy-house keeper, testified that James Manley had observed a group of intoxicated soldiers making their way along Eastern Avenue. Because the soldiers' train home was about to depart, Manley amicably suggested they make their way to the depot before they missed it. The soldiers, however, did not take kindly to his interference, and quickly grew violent. They shoved a bottle again Manley's chest and brandished a knife at him. Manley, who had been a soldier himself and who was a leader of the staunchly pro-Union Know Nothing contingent, made an uncharacteristic retreat. It was only when the soldiers yelled "Kill the Baltimore son of a bitch!" and advanced that Manley lost his patience; he pulled his pistol and fatally shot Edward W. Rayne. Manly was known as a violent thug and wife beater about town, but the behavior of the Union soldiers had been so atrocious that even Manley's critics agreed that, in this case, his victim had it coming. The state's attorney, conceding that Rayne was a rough and wicked character, told the court that he believed Manley had acted in self-defense. The jury acquitted him immediately.⁶⁶

Incidents in which soldiers grew violent with locals or otherwise behaved boorishly in public were problematic in terms of the army's relationship to the city.

65 "Fatal Affray, *Sun*, 8 Oct. 1862. The 13th Pennsylvania, or "The Irish Dragoons," as they were nicknamed, were stationed at the time at Fort Carroll, near Mount Clare.

66 "Proceedings of the Courts," *Sun* September 20, 1861.

On the rough world of James Manly and his neighbors, see Tracy Matthew Melton, *Hanging Henry Gambrill: The Violent Career of Baltimore's Plug Uglies, 1854-1860* (Baltimore: Maryland Historical Society, 2005), and "The Lost Lives of George Konig Sr. & Jr., A Father-Son Tale of Old Fell's Point," *Maryland Historical Magazine* 101, no. 3 (2006) : 332-361.

Enactments of “rough” masculinity ran opposed to the image of military life Union Army officials struggled to promote, and they gave critics of the Union war effort ammunition with which to discredit the Union cause. Baltimoreans with pro-Southern or copperhead sympathies fixated on incidents in which soldiers acted in unprincipled, brutish, and even prurient ways in their encounters with civilians as a means of rallying anti-Union sentiment and drawing attention to the injustices of occupation and martial law. For instance, W.W. Glenn, who had been arrested in the course of Union round-ups of suspected secessionists, criticized the Union Army's decision to disband the pro-South Maryland Club in part by remarking on the conduct of the soldiers: "The men [of the 7th New York Regiment] took entire possession [of the Maryland Club's meeting facility], played billiards, drank all the wine and segars they could find."⁶⁷ The description painted Union soldiers as little more than unprincipled pillagers who treated Baltimore and its institutions as places in which to partake in debauchery.

In addition to creating what would now be called public relations problems for the army, Union soldiers' participation in vice often impaired their ability to perform their duties. Not only did the revelry that often took place at houses of ill-fame leave many men drunk and unfit for duty, it often led to more lasting impairments: venereal diseases. Troops assigned to military's Middle District, which was headquartered in Baltimore, experienced disproportionately high incidences of venereal infection compared to troops in the Atlantic Region as a whole in all but three months of the first three years of the war. In the early period of the conflict, infection rates were particularly extreme; between October, 1861 and June, 1862, almost eighteen percent of the total number of

67 W.W. Glenn, Letter, cited in *Maryland Voices in the Civil War*, pp. 188.

venereal cases reported in the Atlantic Region occurred among soldiers in the Middle District, despite the fact that those soldiers made up just over five percent of the region's troop totals. In any given month, around fourteen out of every 1,000 men assigned to the Middle District sought treatment for syphilis or gonorrhea, compared to eight out of every 1,000 in the Atlantic Region as a whole.⁶⁸ The degree to which Baltimore itself contributed to such alarmingly high infection rates is not readily discernible given the nature of military statistics, but the city had all the characteristics that military physicians associated with high incidences of syphilis and gonorrhea: it was an urban area removed from the front lines and populated by new recruits who were allowed generous leave from camp.⁶⁹

The frequent occurrence of syphilis and gonorrhea among soldiers proved a significant burden to the army. The diseases themselves could cripple soldiers, and treating them was costly and time consuming. Prominent military physicians writing for the U.S. Sanitary Commission recommended that all soldiers infected with gonorrhea be removed from quarters, put on bed-rest, and subjected to hot baths and urethral injections applied frequently over the course of several days. Syphilitic patients faced a harder lot; they underwent risky and expensive cures involving regular mercury injections over the course of weeks. While they were in the process of completing their course of treatment, they were taken out of commission and hospitalized, as “the dangers to be apprehended from exposure and hardship while pursuing a mercurial course, are too great to admit of

68 All statistics derived from tables of Atlantic Region and Middle District illness in the U.S. Army's Surgeon General's Office, *The Medical and Surgical History of the War of the Rebellion* Part I, Volume I (Washington, DC: Government Printing Office, 1870).

69 U.S. Army's Surgeon General's Office, *The Medical and Surgical History of the War of the Rebellion* Part III, Volume I. (3rd Medical volume) (Washington, DC: Government Printing Office, 1888), p. 891.

this treatment being undertaken in camp.”⁷⁰ A single case of venereal disease could disable a soldier for months.

The high cost of venereal treatment—both in terms of the price of medicine and lost productivity—spurred military officials in many districts into action. Seeking a solution to the problem of high incidences of syphilis and gonorrhea, many commanders turned their attention immediately to prostitution. Not only did prostitutes have a longstanding association with venereal disease, they were also problematic figures in the context of a wartime rhetoric that linked prostitution to disloyalty and treachery. “Prostitution” as a term had long been used to describe not just sex workers, but also persons who abandoned their convictions or the interests of the republic out of corrupt desire for person gain. From the Northern perspective, that description fit sex workers and secessionists equally well, and, indeed, the two categories became somewhat collapsed in the context of war. Nowhere was this more apparent than in the case of Benjamin Butler's infamous General Order No. 28, which specified that any woman who “shall by word, gesture, or movement insult or show contempt for any officer or soldier of the United States [...] shall be regarded and held liable to be treated as a woman of the town plying her avocation.”⁷¹ Butler's order was designed to control the female populace of New Orleans, but the logic underlying it was not unique. When Corporal William Decker of the 124th New York arrived in Baltimore and found the population pro-

70 U.S. Sanitary Commission, *Committee of the Associate Medical Members of the Sanitary Commission on the Subject of Venereal Diseases, with Special Reference to Practice in the Army and Navy* (New York: John F. Trow, Printer, 1862) p. 16.

71 Alecia P. Long, “(Mis)remembering General Order No. 28: Benjamin Butler, the Woman Order, and Historical Memory” in *Occupied Women: Gender, Military Occupation in the American Civil War*, LeeAnn Whites and Alecia P. Long, eds. (Baton Rouge: Louisiana State University Press, 2009). See also Long's article on, “The Woman Order (General Order 28),” in *Women in the American Civil War* Vol. 1, Lisa Tendrick Frank, ed. p. 593-4.

Southern and hostile of Union military presence, his comment encapsulated the parallel between commercial sex and secession: “Of all the places of corruption and whoredom Baltimore is No 1.”⁷² So long as “whoredom” and disloyalty were interchangeable, containing prostitution was an obvious means of controlling potentially treasonous elements and securing the Union war effort.

In cities like Nashville and Memphis, containing prostitution famously took the form of implementing European-style medical regulation of the trade overseen by military officials (this after the Union commander in Nashville implemented an ill-fated plan to ship prostitutes out of the city). Prostitutes in those cities were required to obtain a license and operate within brothels in order to practice their trade legally. Once they were licensed, they had to pay regular fees to cover the costs associated with medical inspections. Military and police surgeons not only examined the conditions of brothels on a frequent basis, but also performed physical exams on the women who worked in them. Any woman who showed signs of infection with syphilis, gonorrhea, or chancre had her license revoked. In a cultural context in which few people could imagine that the supply or demand side of prostitution could ever be fully eliminated, such drastic measures seemed to some military officials the best hope of reducing disease among soldiers.⁷³

In Baltimore, neither civil nor military officials took steps to implement a medical inspection system, despite manifest concerns over issues of prostitution and venereal infections. In the last months of the conflict, G.W. Wayson, a physician serving on the First Branch of Baltimore's City Council, introduced two resolutions concerning

⁷² William Decker, quoted in Charles J. LaRocca, *The 124th New York State Volunteers in the Civil War: A History and Roster* (Jefferson, NC: McFarland & Company, Inc. 2012), p. 22.

⁷³ Jones, “A Tale of Two Cities.”

commercial sex and disease. First, Wayson proposed that the physicians of the Alms-House should report the number of patients under their care suffering directly or indirectly from syphilis, with the goal of ascertaining the financial burden the disease placed on the municipality. Second, Wayson requested that the city police provide a list of all houses of ill-fame, their locations, and the number and identity of their inhabitants to the Council (sadly, the results of this census do not appear to have survived).⁷⁴

The back-to-back nature of these resolutions was not coincidental, and, indeed, the Alms-House physician's reply to the query about syphilis focused extensively on prostitution. His recommendations, however, did not result in any significant expansions to the city's formal regulatory and policing infrastructures around prostitution. The grand jury continued its long-established routine of presenting accused bawdy house-keepers to the court, and the court continued its longstanding routine of taxing them informally through fines. Meanwhile, military authorities demonstrated a similar disinclination to take drastic action. Despite reserving to themselves a tremendous authority to police and restrict certain vices—liquor, most notably—military authorities made no concerted efforts to curb commercial sex.⁷⁵

⁷⁴ Baltimore City Council, *Journal of Proceedings of the First Branch City Council of Baltimore at the Session of 1864-1865* (Baltimore: James Young, 1865), p. 170.

⁷⁵ The military was prone to using strong-arm tactics to prevent soldiers from getting drunk, particularly around potentially tumultuous urban festivities and election days. In March of 1863, for instance, a number of officers were sent into Baltimore to seek shelter after their quarters at Fort McHenry were destroyed in a blaze. Fearing that the men would take the opportunity to behave raucously, General Schenck issued a proclamation stating that any proprietor caught selling hard drink to the soldiers would be imprisoned and put out of business. The soldiers proceeded to take advantage of the availability of liquor to such a degree that General Schenck actually passed an order stating that any proprietor caught selling hard drink to soldiers would be imprisoned and put out of business. Similar orders went out during elections and at in periods of high political excitement; later that same month, when the Maryland Institute held a Union mass meeting, Schenck closed all saloons and grog shops in the city and county for forty-eight hours.

On increased policing of Northern women's sexuality during the Civil War period, see Nina Silber, *Daughters of the Union: Northern Women Fight the Civil War* (Cambridge, MA: Harvard University Press, 2008), especially p. 87-122.

The obvious question is “Why?” If prostitution was perceived as threatening to the war effort, and if martial authority granted both the latitude and the manpower to police it, why did officials in Baltimore make no concerted efforts to interfere with the trade?

One answer lies in the nature of military occupation in Baltimore. Baltimore was an occupied city in the most literal sense: throughout the war, thousands of soldiers were encamped in and around it and poised to employ violence against its populace if necessary. The coercive and tense nature of occupation, encapsulated in the image of the camps' “big columbiads pointing their grim mouths at the rebellious city & grinning defiance,” cannot and should not be denied.⁷⁶ Nevertheless, the fact remained that Baltimore was not occupied in the way that the seats of Confederate States were occupied by virtue of Maryland's continued position in the Union. In many areas that had fallen to the Union Army, military officials had nearly unilateral authority to govern because civil authority had been negated by rebellion. In Maryland, that was not the case. The concept of wartime necessity gave military officials the ability to unseat specific members of Maryland's state and municipal governments on suspicion on treason, but the legitimacy of civil authority remained. The suspension of habeas corpus and the invocation of martial law could temporarily invalidate civil processes, but both approaches generated harsh criticism and resistance from civilians and the judiciary alike.⁷⁷ When it came to

⁷⁶ Henry M. Congdon to his father, June 9, 1862. NYHS.

⁷⁷ The arrests of Southern-sympathizers in Maryland prompted one of the most famous criticisms of Lincoln's suspension of habeas corpus, Roger B. Taney's *Ex Parte Merryman* (Fed. Cas. 144 (C.C.D. Md. 1861) (No. 9487)). Union authorities' perceived overreach in matters of civil liberties also drew less legally-pointed criticisms, including the anonymously-written and published 'Fishing' in *Troubled Waters* (Maryland: 1862? [almost assuredly 1863]), a broadside mocking Provost Marshal William Fish and his men for searching the houses of Baltimore women whom he suspected of harboring secessionist sympathies. George L.L. Davis to the Mayor of Baltimore, July 2, 1861, in *Mayor's Correspondence*, RG9,

exercising authority over a people who were not (as a political whole) in rebellion against the Union, military officials had to tread lightly if they wished to retain the consent and cooperation of the population. In Baltimore, this meant supporting—or at least paying lip service to—civil authority.

That military commanders had to pay heed to civil authority and continue the process of elections made a system like the one that developed in Nashville and Memphis an unlikely option for Baltimore. Simply put, there was very little democratic backing for the medical regulation of prostitution. Most Americans who ventured to express their opinions on the subject found the licensing and inspection to be both an ineffectual and morally loathsome solution to curtailing vice. When Baltimore City Health Commissioner S.T. Knight furnished his report on syphilis to the First Branch of the City Council, for instance, he devoted almost the entirety of his remarks to the ills attending state regulation of prostitution. Echoing the sentiments of many reformers and political officials, Knight claimed that police regulation promoted immoral governance, did little to check the spread of disease, and “in no way serves the public good.”⁷⁸ Knight went so far as to argue that a licensing system would fundamentally change the basis and scope of the state's political authority: “things will have undergone a total revolution, and I think not for the better, when the repression of syphilis is taken under the care of the State.”⁷⁹ It was one thing for military officials unilaterally to implement a medical licensing system under martial authority; it was quite another for such a system to be undertaken by a civil government. The controversy over and lack of support for medical licensing made it an

Series 2, Box 30 (Folder 103-119), Baltimore City Archives (BCA).

⁷⁸ Samuel T. Knight to the Members of the First Branch of the City Council, March 13, 1865, in *Journal of Proceedings of the First Branch City Council of Baltimore at the Session of 1864-1865*, 320-38, pp. 333.

⁷⁹ *Ibid.*, 334.

unviable option in Baltimore and other Union cities.

The timing of political turbulence in Baltimore added further complications. The period in which venereal disease was peaking among Middle District troops—October of 1861 to June of 1862—was the same period in which policing in Baltimore was at its most disorganized. For nine months following the arrest of Marshal Kane and the Police Board by the Union Provost in the summer of 1861, the status of the Baltimore's police force was ambiguous. Military officials promised that the army had no interest in interfering with civil authority beyond what was necessary to secure the city, and quickly gave permission for the appointment of a new Mayor. Nevertheless, military officials were slow to respond to requests by municipal authorities to allow the city to install a new police board. They eventually decided against handing control of police appointments back to the municipality, choosing instead to install a handpicked Civilian Marshal to oversee policing of Baltimore.⁸⁰ It was not until 1863 that the military agreed to let the state legislature to form a new police force, which subsequently began policing the city alongside members of the provost guard in April.⁸¹

While a later history of the police would recall that the transitions between military and civil authority were smooth and accompanied by few disruptions to the legal system, court records paint a different picture. Before the war, there had been a general upward trend in the number of indictments for “Keeping a Bawdy House” from year to year. Additionally, historians of sex and the Civil War have been nearly unanimous in observing sizable increases in prostitution in cities with a military presence. By all

80 Nathaniel P. Banks, “Proclamation,” June 27, 1861. Reproduced in *The War of the Rebellion Series 1, Vol II*, 140-1. George L.L. Davis to the Mayor of Baltimore, July 2 1861, BCA.

81 Charles Howard, William H. Gattell, and John W. Davis, “Memorial of the Board of Police Commissioners.” Reproduced in *The War of the Rebellion Series 1, Vol. 2*, 145-152.

accounts, then, the number of indictments in Baltimore during wartime should have been at least in line with (if not in significant excess of) the average annual increase in peacetime. Yet, criminal court records show that the number of commercial-sex related indictments in the City Court actually dropped slightly between 1860 and 1862.⁸² Additionally, in 1862 the vast majority of presentments and indictments that did not resolve with a guilty plea ended up on the “stet” docket, indicating that the state declined to pursue them. Such statistics suggest a significant interruption to the functioning of the local legal system in the early years of the war. At a time in which the city barely managed to enforce its entrenched system of regulation through regular fines, a more ambitious system of regulation was not in the cards.

Issues of disruptions to civil authority aside, however, there is little evidence that officials in Baltimore ever seriously considered a system of formal regulation or eradication of prostitution, even upon the full restoration of the police force. Court dockets and other documents for the time suggest several possible explanations for their relatively staid approach. Chief among these is that the expansion of prostitution in Baltimore, while significant, was also less dramatic in a number of ways than the expansion of vice in other cities. Take, for instance, the issue of scale. At their height, wartime bawdy house prosecutions in Baltimore nearly tripled from pre-war totals, but many urban areas from New York to New Orleans experienced even more substantial growth. Five to tenfold increases in prosecutions and in estimations of the numbers of brothels and bawdy house were common, with some of the steepest increases occurring (unsurprisingly) in areas that subsequently developed formalized regulatory systems.

⁸² Baltimore City Criminal Court (Criminal Docket), January, May, and September Terms 1860, MSA 1849-13—15; January, May, and September Terms 1862, MSA 1849-19—21, MSA.

Placed in the context of the period a three-fold rise was moderate, and, given the circumstances of war and military mobilization, not out of the realm of what was to be expected.⁸³

If the growth of prostitution was (relatively speaking) moderate, so to was the spatial nature of its expansion. As I have argued throughout this chapter, longstanding vice districts like those of the 11th ward and the Point continued to dominate the trade during the Civil War, and often looked and functioned much the same as they did in the antebellum period. The establishments were so commercially and socially rooted in the surrounding neighborhoods that their presence ceased to be actively problematic. New houses did pop up in areas that had been previously free of brothels and bawdy houses, and carried with them the potential for encroachment into “respectable” neighborhoods. Even then, though, the lack of en masse movement to orient the sex trade toward the camps meant that prostitutes did not take over whole neighborhoods or erect the kind of ad hoc, clapboard structures that so alarmed the citizens of other cities.⁸⁴ The type of ostentatious, blatant display that tended to attract the attentions (and the consternation) of authorities and would-be reformers was largely absent.

Also absent was an ostentatious flow of outsiders into the city. In many areas, military and civil officials blamed the rapid expansion of prostitution on women from the countryside and from other towns flocking to take advantage of the lucrative sexual

83 New York, estimated to be home to 600 brothels prior to the war, prosecuted around 6,000 prostitution cases annually during the war years. Similarly, Nashville was home to 198 prostitutes at the time of the 1860 census; shortly after the Union army took the city in 1862, the number of prostitutes increased nearly eight-fold. Jones, “A Tale of Two Cities;” Clinton, “Public Woman in the Confederacy.”

84 Thomas P. Lowry, *The Stories the Soldiers Wouldn't Tell: Sex in the Civil War* (Mechanicsburg, PA: Stackpole Books, 1994), p. 29. On the ostentatious nature of prostitution's expansion in other cities, see Jones, “A Tale of Two Cities,” and E. Susan Barber, “Depraved and Abandoned Women: Prostitution in Richmond, Virginia, across the Civil War.”

marketplace occasioned by occupation. In Baltimore, however, there is little evidence to suggest that there was a dramatic migration of this type. Many of the city's Civil War-era bawdy houses were run by women and (less frequently) men who had been operating in the city for years or even decades prior to the war. When a list of persons arrested on bawdy house charges in 1862 and 1864 is compared with a list of those arrested on similar charges over the course of six sample years between 1847 and 1860, between seventeen and twenty percent of the Civil War names match those from antebellum records.⁸⁵ On its face, this seems like a relatively small percentage, but the vast majority of persons indicted on bawdy house charges were only indicted once, likely because most “bawdy houses” were not actually established brothels. The percentage of alleged bawdy house keepers who appeared in dockets from year to year during the antebellum period was only between ten and fifteen percent. Thus, there appears to have been a surprising degree of stability in the wartime sex trade; many of the most influential and notorious figures from decade leading up to the war continued to run some of the most well-known and lucrative houses during the conflict.

In fact, Baltimore may have experienced something of an exodus of its less-established professional prostitutes as the war progressed. Business was good in the city, but especially after battles raged and the number of troops assigned to secure Baltimore declined, it was not as good as what could be had elsewhere. Early in the conflict, Elizabeth Brooks, a prostitute in Bath Street, took up with Thomas Dutcher, a soldier in the 5th New York, stationed at Federal Hill. Following his discharge from the army,

⁸⁵ Based on a sampling of records from the January, May, and September Terms of the Baltimore City Court in 1847 and 1849 of the Baltimore City Criminal Court in 1852, 1855, and 1859. Baltimore City Court, (Docket and Minutes), C184-10-11, MSA; Baltimore City Criminal Court (Criminal Docket), C1849-1; 4; 10-12, MSA.

Books convinced Dutcher to travel to Alexandria, Virginia, to scout for potential brothel locations; Alexandria, located just South of Washington, was experiencing a wartime boom of prostitution, and the young woman hoped to relocate there to take advantage of the opportunity.⁸⁶ Her situation appears to have been relatively common. Authorities in other areas complained that Baltimore was among the places responsible for unleashing its prostitutes on their towns and cities; police in Washington, for instance, noted of the increase in prostitution, "New York, Boston, Philadelphia, Baltimore and some of the western cities dumped this aggregation of unclean birds on the community." Bearing out that assertion, military and police censuses of vice establishments in Southern cities like Savannah noted the presence of Baltimore women in local brothels.⁸⁷

That women with the ambition and resources to cash in on wartime demand for prostitution chose to leave Baltimore is significant to broader questions of regulation. If the growth of the city's sex trade was not primarily the result of outsider opportunists converging on Baltimore, then it was most likely the result of internal pressures. Baltimore was more insulated from the hardships of war than many Southern and Western cities were, but its residents nonetheless faced deprivation. Women who were left to assume the role of head of household in the absence of their husbands often suffered especially severely. Their earning power in legitimate occupations was low, and the income of their soldier husbands and sons (assuming they were responsible enough to

⁸⁶ *Records of the Proceedings of the Investigation before His Excellency Thomas Swann, Governor of Maryland, in the case of Samuel Hindes and Nicholas L. Wood, Commissioners of the Board of the Police of the City of Baltimore, Upon Charges Preferred Against Them for Official Misconduct* (Baltimore: William K. Boyle, 1866), p. 40. Bath Street was located in the Middle District, and intersected with North and Davis. Testimony in the election investigation indicated that Dutcher and fellow soldiers, George Perkins and Robert Mitchell, boarded for a time at Brooks's house.

⁸⁷ Jacqueline Jones, *Saving Savannah: The City in the Civil War* (New York, 2008) p. 89; U.S. War Department, Provost Marshal, Department of Washington, "Bawdy Houses," quoted in *Freedom Rising: Washington in the Civil War* by Ernest B. Furguson (New York: Vintage, 2004 edition), p. 207.

send money home) was often insufficient to maintain their pre-war standard of living. Even temporary absences of male wage earners could be hard on a household, but the incredible amount of death and disfigurement the war wrought left many destitute. Poverty drove many women across the country to turn to prostitution to support themselves and their families, and Baltimore's case was likely no different.⁸⁸

Poverty's role in the growth of the sex trade posed something of a conundrum for those who might be inclined toward eradicating the sex trade. If prostitutes were drawn to military-occupied urban areas out of a desire to seize on the lucrative market for sex, they could (presumably) be driven out by inhospitable policing practices and systems of regulation that made it expensive for them to operate. But if women were flocking to the sex trade from within the city itself as the result of want, no amount of muscle flexing by the local state would be sufficient to stamp out commercial sex. Even if brothels were forced to close their doors, the deprivation that drove women into prostitution would still be present. So too would the women themselves; there be no driving out “women of the town” because they actually were women *of the town*, with nowhere else to go and no other home to which to return. The most authorities could hope to accomplish by strong-arm measures was driving prostitution into the streets, alleyways, and any number of other “shadowy” spaces where it would be out of sight.

⁸⁸ William Sanger had liked prostitution to poverty several years before the war began in his *The History of Prostitution: Its Extent, Cause, and Effect Throughout the World* (New York: Harper & Brothers, 1858).

Judith Giesberg and others have suggested that despite the growth of the Northern manufacturing economy during wartime, there may have been temporary contractions in the early stages of expansion that hit vulnerable populations of women raising families without support from a male wage earner especially hard. See Giesberg, *Army at Home*, p. 57. As Geisburg also notes, some of the strongest rhetorical links between poverty and prostitution during the war were made in relation to seamstresses, whose work in making uniforms and other clothing for soldiers was poorly compensated. For a general discussion of poverty and prostitution in wartime, see Catherine Clinton, “Public Women,” p. 14.

On Northern women's experiences on the homefront, see also Jeanie Attie, *Patriotic Toil: Northern Women and the American Civil War* (Ithaca: Cornell University Press, 1998).

As it happened, the invisibility of prostitution was quite the opposite of what military and civil authorities wanted to accomplish. During the war period, authorities in Baltimore and other cities made unprecedented efforts to uncover and generate statistical and geographic knowledge about the sex trade. Not only did the City Council order the census of brothels, but the civilian police force also began to provide more complete and methodical accountings of the houses of ill-fame and assignation on their beats. Their testimony before the Grand Jury was largely responsible for generating the list of prostitution-related presentments each term.⁸⁹ The increase in the production of knowledge around vice and prostitution initially seems curious in light of the fact that it resulted in so little direct action by the state. In actuality, however, it made a great deal of sense. Few people believed it would be possible to eliminate either the supply or demand side of the sex trade, especially in the context of a war that economically devastated so many women and took young men away from home and social restraint. The sex trade was an inevitability, and even the most stringent systems of regulation present at the time acknowledged as much. The most that could be done in many cases was monitoring and informally taxing commercial sex in order to mitigate its social and physical harm. Accomplishing that kind of surveillance required rendering the spaces of the sex trade legible and then ensuring that the trade remained contained primarily to those spaces.⁹⁰

89 Almost all court docket entries for charges relating to houses of ill-fame were presentments rather than indictments. i.e. cases whose prosecution was at the behest of the grand jury. Usually, the bulk of prosecutions for offenses related to commercial sex were concentrated in one term of the court, with most featuring a police officer or watchman as the sole prosecuting witness. Cases were also prosecuted by district and then in alphabetical order, suggesting that prosecutions resulted from routinized reporting of houses of ill-fame rather than situational arrests.

90 Samuel T. Knight to the Members of the First Branch of the City Council, March 13, 1865, in *Journal of Proceedings of the First Branch City Council of Baltimore at the Session of 1864-1865*, 320-38. On spatial containment and supervision as strategies of regulating commercial sex, see Mara Keiran, *For Business and Pleasure: Red-Light Districts and the Regulation of Vice in the United States, 1890-1933* (Baltimore: Johns Hopkins University Press, 2010); Joel Best, *Controlling Vice: Regulating Brothel*

Union officers in the Middle District informally adopted the legibility and containment model to their purposes during the war. Brothels were among the chief destinations of choice for soldiers who left camps without the proper leave or failed to return within their allotted times. Rather than trying to force the closure of such establishments, military officials took advantage of their tendency to act as a sort of flypaper for wayward soldiers and even deserters. A significant part of the Deputy Provost Marshal of the Middle District's job was arranging sweeps of commercial sex establishments. Almost daily, detectives under his command visited houses of ill-fame, not to raid them but to collect any men who were absent without passes. Provided there were no indications that they intended to desert, the men who were found lodging in or visiting brothels usually faced no formal disciplinary action. In a routine that suggested the pragmatic rather than condemnatory nature of the Provost's interest in the inner lives of brothels, the Guard simply returned errant soldiers to their camps after the round-up was complete.⁹¹

Some military officials not only tolerated the sex trade but actively courted professional relationships with the women who worked in it. In order to understand why, it is helpful to return to the example of O.K. Hillard and Harry Davies, the men who visited Annette Travers's brothel together in 1861. It was, in fact, no coincidence that Davies ended up meeting and befriending Hillard upon his arrival in Baltimore: Davies was an undercover Pinkerton agent working to assess the threat that violent secessionist groups posed to the infrastructure of the Philadelphia, Wilmington, and Baltimore Railroad. Hillard was a suspected secessionist who had been subpoenaed earlier in the

Prostitution in St. Paul, 1865-1883 (Columbus: Ohio State University Press, 1998).

91 William Fish Court Martial, NARG 153 [RG153], MM1356.

month to give testimony before a Congressional Committee investigating pro-Southern militia organizations.⁹² Hillard had denied participating in militia activity himself, but admitted that he that he knew several of the men who participated in the National Volunteers, a Democratic political organization that mobilized as a militia force following Lincoln's election. The Congressional Committee declined to pursue the matter, but Davies zeroed in on Hillard as a source of intelligence information.

Annette Travers' house played a pivotal role in Davies' intelligence gathering efforts. It was during the talk that followed their first visit to Anna Hughes that Hillard finally confessed the extent of his activities to Davies. Hillard not only relayed that he was a member of the National Volunteers and that he planned to drill with them, but hinted that the group might be plotting to harm Lincoln as he passed through Baltimore on the way to his inauguration.⁹³ Davies's reporting of this and similar interactions with Hillard would eventually help to convince Pinkerton that Baltimoreans were plotting against Lincoln's life.⁹⁴ At Pinkerton's urging, Lincoln ended up taking the controversial step of canceling his appearance in Baltimore without notice and passing through the city

92 34th Congress, 2d Session, House of Representatives, Report 79, *Alleged Hostile Organizations Against the Government within the District of Columbia* (Washington, 1861) No. 25, Wednesday, February 6, 1861 pp. 144-155.

93 Cuthbert, *A Baltimore Plot*.

94 Whether the Baltimore plot actually existed remains a matter of some debate among popular and academic historians. Thomas Scharf, the nineteenth-century chronicler of Baltimore's history, rejected the notion of the plot, as did Ward Hill Lamon. Prominent scholars of Maryland history, including Edward C. Papenfuse and Robert Brugger, have given the plot more credence. Daniel Stashower's recently published *The Hour of Peril: The Secret Plot to Murder Lincoln Before the Civil War* (New York: St. Martin's, 2013) provides one of the most comprehensive arguments for the existence of the plot. Yet, there are still reasons to doubt the veracity of Pinkerton's conclusions. For one, some of the scenes Pinkerton claimed to have witnessed—e.g. the drawing of lots to decide which men from a Southern-sympathizing militia group would be charged with attacking the president—seem outright fantastical. For another, many of the remarks documented by Pinkerton and his agents read less like well thought-out plotting and more like loose talk from intoxicated men caught up in the wave of secession and angry with the direction of national politics. Pinkerton himself described O.K. Hillard, for instance, as a dissolute and rash man who seemed more interested in proclaiming his Southern sympathies because it was faddish to do so than because they were genuinely felt. (Cuthbert, *A Baltimore Plot*).

in secret.

In this case, the centrality of the brothel revolved around its role in promoting homosocial bonds; the visit to Travers's brothel created a sense of fraternity that led Hillard to feel comfortable revealing his true sympathies to Davies. But, as a subsequent episode between Hillard and Davies revealed, the role of the brothel in facilitating the exchange of intelligence gathering was not always so indirect. The very same day Lincoln made his clandestine trip through Baltimore, Davies returned to Annette Travers's brothel. He sat drinking in the parlor as he listened to Hillard, Anna Hughes, and a local grocer named Smith (a friend of Hillard's who also “had a girl” at the house) talk about the events of the day. Not realizing that Lincoln had changed his travel plans at the eleventh hour, thousands of Baltimoreans had gathered at the Calvert Street Station to greet him at his appointed arrival time. Anna Hughes, who had witnessed many of the events at station because of the brothel's proximity to it, related that the scene had been a violent one, with Lincoln's supporters and opponents clashing with one another. According to Davies, Smith laughed at news of the violence, saying with a wink that he expected nothing would have happened to Lincoln if he had passed through the city openly. Davies again recorded the conversation and sent the account to Pinkerton. He regarded what he witnessed in Travers' parlor as proof that he and his fellow agents had been correct that Lincoln would be in severe danger if he risked a public appearance in Baltimore.⁹⁵

Davies' experience highlights an aspect of life in brothels that prostitutes would employ to their advantage in the war years: some of the same elements that made houses

95 Cuthbert, *The Baltimore Plot*.

of ill-fame so appealing to soldiers also made them excellent sources of intelligence. Because brothels and bawdy houses were not exclusively spaces of sex, men tended to spend a fair amount of time drinking and socializing within them. In the parlors and common areas of bawdy houses, the combination of alcohol and a desire to establish one's status before one's peers could be potent fuel for the type of braggadocio Davies witnessed. Drunk men eager to seem important or brave were often careless about revealing information they should not, including information about military campaigns and troop movements. In the case of Middle District brothels in particular, the male clientele tended to be the types of men who had access to high-level intelligence information: local officers, visiting commanders, and political figures. Not all of these men were Unionists; the proximity of the brothels to Barnum's Hotel (a hub of secessionist sympathizers) and the rail lines that carried out-of-towners into the city meant that brothels catered to a diverse political spectrum of men. The tidbits prostitutes overheard in parlors or received directly from clients were often of value to the Union war effort.⁹⁶

The court martial case of Colonel William S. Fish corroborates the notion of brothels as sites of important intelligence exchange. Fish had assumed the role of Provost Marshal in Baltimore on January 1, 1863, and in short order proved to be an unscrupulous and corrupt officer. In December of that year, Fish was arrested and charged with one count each of undermining military discipline, committing fraud, violating the 39th article of war, and conducting himself in a way unbecoming an officer.

⁹⁶ For more on secessionists in Barnum's Hotel, see Edward C. Papenfuse's work on Cipriano Ferrandini. Ferrandini, Cipriano (1823-1910), Archives of Maryland (Biographical Series), MSA SC 3520-14473. Available online at <http://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/014400/014473/html/14473bio.html> (Accessed on September 30, 2013).

The charges included over twenty-five specifications, mostly detailing Fish's alleged misappropriations of bonds and goods seized from suspected Southern sympathizers, acceptance of bribes, and falsification of written accounting. The specifications relating to the fourth charge—that Fish had engaged in conduct unbecoming an officer and a gentleman—were unique, however, in that they revolved exclusively around Fish's conduct with prostitutes and madams in Baltimore's high-class North and Davis Street brothels. According to testimony from subordinate officers, Fish (like Hillard before him) paid frequent visits to Annette Travers's brothel. He also was alleged to have visited Emma Morton's brothel, perhaps the most glamorous establishment in all of Baltimore, “as often as three times a week” for several months in early 1863, as well as visiting Nancy Thomas's establishment at least once during that same period.⁹⁷ The charges against Fish did not go so far as to state explicitly that Fish had paid for the services of women, but the charges implied impropriety on his part.⁹⁸

As part of his defense, Fish wrote and published a lengthy, point-by-point rebuttal of the charges against him, but he kept his response to the charges of conduct unbecoming brief. After stating, “The specifications connected with the 4th charge, I do not desire to discuss,” Fish denied having danced at a ball with a girl from Emma Morton's house.⁹⁹ He denied, in fact, most all of the allegations levied against him, characterizing them as plots on the part of disloyal and possibly treasonous men. But

97 Emma Morton faced multiple fines of \$200 during the war, an unusually high amount considering that most penalties for “Keeping a Bawdy House” were in the \$10-\$50 range. Fines were typically graduated according to the wealth of the establishment, which suggests that Morton ran an especially high-end brothel. Emma Morton, Case 267, Baltimore City Criminal Court (Criminal Docket), May Term, 1864, C1849-26, MSA.

98 William Fish Court Martial, NARG, [RG153].

99 William S. Fish, Defence of Col. Wm. S. Fish, U.S. Army (Washington, DC: 1864), p. 48. Available from Archive.org: <http://archive.org/details/defenceofcolwmsf00fish> (Accessed 29 Sept 2013)

there was a notable exception: Fish did admit readily that he made a habit of visiting brothels, and that that he “endeavored to make [himself] acquainted with them, and the inmates of the houses.” He did so, he said, not for prurient reasons—though he noted that that was not a crime under the law—but rather because he saw the visits as an extension of his professional duties as Provost Marshal. Being on familiar terms with the women who worked in houses of ill fame allowed Fish “to get that information best obtained in such places, and which was of importance to the service.” Fish said that “the most important information [he] ever obtained, was through such sources” and that it was thanks to “an inmate of one of those houses” that he had been able to arrest a noted Confederate officer. The officer, Lieut. Col. Eugene Lamar of the 14th Louisiana Infantry, had been in Baltimore and Washington gathering information on U.S. Army fortifications. He had been sought by the War Department for months before he was finally captured based on information from the madams and imprisoned in Fort McHenry.¹⁰⁰

Fish certainly had reasons to exaggerate his professional interest in the brothels he was accused of visiting, but when his account is viewed in light of Davies’s, there is reason to believe that he was being truthful about brothels’ potential to generate valuable intelligence for the Union. Travers’s house, the house that Fish visited most frequently over the course of his tenure as Provost Marshal, had indeed been popular with men active in pro-Southern networks and apt to talk politics over drinks in the parlor. In recognition of this fact, Fish’s commanding officer offered testimony supporting Fish’s

100 Ibid, 49. Fish misidentified Lamar’s unit as the 17th Louisiana Infantry; Lamar was found guilty of treason and sentenced to be hanged, though he later escaped from Fort McHenry along with a few other prisoners of war. John Thomas Scharf, *History of Baltimore City and County* (Philadelphia: Louis H. Everts, 1881), pp. 146.

assertions that houses of ill fame were of value to the Union war effort and, as a result, legitimate places for an officer to visit in the course of his duties. The court agreed: Fish was found guilty of conduct undermining military discipline and of defrauding the U.S. Government, but acquitted of all specifications relating to conduct unbecoming an officer.¹⁰¹ In the case of the second specification—that Fish had attended an event at Emma Morton's brothel in uniform—the court found that the allegations were true, but that there was no criminality in the act, it appearing that it was done in accordance with his duty.

The brothel keepers, for their part, could have had any number of motives for their cooperation with Union troops. Perhaps some of them were, as Ann Manly undoubtedly was and as Private Bollar slyly described, “patriotic friends” of the Union.¹⁰² Whatever their politics, however, there was an undeniable benefit to colluding with Union officers. In return for madams opening their doors to Union officers and agreeing to pass on politically or militarily valuable information they overheard, the Provost Guard appears to have not just tolerated, but actually bestowed favor on particular establishments. Favor might express itself in a variety of ways: authorities could ignore ostentatious events and displays at brothels, strike particular women’s names from the role of sex workers who were to be presented to the criminal courts, or turn a blind eye to the practice of catering to soldiers who were absent without leave. In Annette Travers’s case, the latter appears to have been the negotiated pay-off for her cooperation. The specifications against Fish alleged that subsequent to his visits to Annette Travers’s brothel, Fish “did order Captain

101 William Fish Court Martial, NARG, [RG153], Folder .Fish was ordered to forfeit his salary, pay a fine of \$5,000, and to remain in the Albany Penitentiary for a minimum of one year until the fine was paid.

102 James Bollar to Michael Hammons, February 7, 1862. From the Catalog of the Historical Shop, Cary Delery. Quoted in Thomas P. Lowry, *Sex in the Civil War* (Xlibris, 2006), 106.

Edward J. Parker, Assistant Provost Marshall under him, [...] whose duty, as such [...] was to enter houses of prostitution for the purpose of arresting officers and soldiers found there without passes, not to enter the [public] house of Annette Travers.”¹⁰³ Frequent visits by members of provost guard were undesirable for establishments that catered to respectable clientele. By coming to an agreement with Fish, Travers not only ensured a greater degree of privacy for her middle-class patrons, but also worked out a system in which she could continue to make money from military men without fear of the trouble that could result if she were found harboring deserters. In addition, Travers may have been granted a degree of leniency from the courts in return for her cooperation. In the January Term of 1862, Travers paid the outrageously high sum of \$500 for pleading guilty to keeping a house of ill-fame. The fines decreased to as low as \$10 and costs thereafter, and by the January Term of 1864, Travers’s presentment for the same charge was simply placed on the “Stet” docket.¹⁰⁴

Cases like Travers' are intriguing not just for what they reveal about the role that prostitutes played in shaping regulatory apparatuses but for what they suggest about the broader relationship between those apparatuses and the social and cultural functions of brothels. Moments of crisis—whether they be isolated incidents of violence or conflicts on the scale of the Civil War—provide historians with rare documentation about how brothels functioned on a day-to-day basis and what roles they played in the lives of men who patronized them. In arguing that brothels served as an important site for male bonding and the negotiation of wartime masculinities, this chapter joins a chorus of

103 William Fish Court Martial, NARG 153, MM1356.

104 Annette Travers, Case 519, Baltimore City Criminal Court (Criminal Docket), Jan. Term, 1862, C1849-19; Case 933, Baltimore City Criminal Court (Criminal Docket), May Term, 1862, C1849-20, MSA; Case 586, Baltimore City Criminal Court (Criminal Docket), Jan. Term, 1864, C1849-25, MSA.

recent scholarship that acknowledges brothels and bawdy houses not just as problems to be solved by reformers, but as significant cultural and social sites in nineteenth-century cities. This chapter tells a story about the effect of the Civil War on Baltimore's sex industry, but it also functions more broadly as an argument for integrating the cultural history of brothels into the legal history of regulation. Historians who have examined legal approaches to prostitution as primarily top-down efforts to regulate sexuality have grappled with why concern over the sex trade only sporadically translated into attempts by the state to crack down on the trade. Acknowledging both the social import of brothels and the ways in which that import provided prostitutes with particular kinds of leverage brings clarity to this historical problem. Systems of regulation that initially appear inscrutable, contradictory, and even hypocritical make a great deal more sense when historians approach regulation not as a course of action decided upon by elites, but as an ongoing process of negotiation that involved a number of actors, including sex workers themselves.

In Civil War-era Baltimore, the result of that process of negotiation was a staid approach to the regulation of commercial sex. The complicated politics of authority, the relatively unostentatious nature of the trade's expansion, and the resourcefulness of local madams combined to create a system in which prostitution was monitored but ultimately tolerated. As the next chapter will reveal, however, the long-term effects of the Civil War on the sex trade would be less benign. Attempts by local officials to generate and collect knowledge about prostitution and venereal disease at the tail end of the conflict were the first in a series of efforts to expose sexual vice. The social, economic, and political changes wrought by the war drew more attention than ever to commercial sex. For the

first time in any sustained way, the discourse around the sex trade began to shift. Commercial sex became not just a form of moral wickedness to be condemned but a social problem to be solved.

Chapter 5

"Many Females Are Yearly Added To The Long Catalogue of Prostitution" Ambiguity, Anxiety, and the Shifting Marketplace of Sex in Postbellum Baltimore

On February 24, 1872, the Baltimore *American* published a startling allegation: a young girl named Mary Driscoll had come forward to accuse Dr. Lorenzo Dow Huston, Reverend of the Trinity Church and former Reverend of Winan's Chapel and St. Paul's, of seducing and ruining her. The story was picked up by newspapers from Cincinnati to New York and became an instant scandal. Baltimore Methodist Conference wasted no time in launching a full-scale investigation into the charges, and a special committee tried Huston on multiple counts of seduction and sexual impropriety in May of that year. The trial revealed a string of allegations that Huston had not only seduced two young women residing in Baltimore, Virginia Hopkins and Mary Driscoll, but that he had done so by means that were intimately linked with the city's trade in obscene print materials and prostitution. Huston allegedly convinced the women to have sex with him by assuring them that all schoolgirls took lovers and that he knew from books how to avoid getting women into "trouble" (i.e. making them pregnant). His affairs also unfolded over a dizzying array of morally questionable urban spaces as he and the girls he seduced traveled to various locations around city to avoid being discovered by Huston's wife or child. Houses of ill-fame and secret places of assignation masked as licit businesses and ordinary households all populated the convoluted and conflicting narratives about Huston's relationships with Hopkins and Driscoll.¹

¹ Baltimore *American*, Feb. 24, 1872; "The Trial of Rev. L. D. Huston, for the Alleged Seduction of Mary Driscoll, Virginia Hopkins, &c., giving a full & complete account of all the testimony taken before the Ecclesiastical court, and containing all the evidence that has been withheld from the public, with an

The Huston case was a highly unusual one, both in its nature and in the breadth and intensity of the controversy it generated.² And yet, the details that emerged out of Huston's ecclesiastical trial reveal much about the changing shape and organization of Baltimore's commercial sex trade in the decades after the war. As the first section of this chapter argues, prostitution initially declined after the Confederate surrender and the subsequent withdrawal of Union troops from the city. The slump proved temporary, but the sex trade that began a period of expansion in 1867 was in some senses not the one that had existed before or during the war. Parlor houses, especially the fanciest class of establishments, entered a period of decline, and the model of brothel in which a madam oversaw the labor of numerous unmarried, live-in prostitutes lost its prominence in the city's sex trade. Assignment houses of the kind Huston allegedly visited became more common, and the prostitution trade in general grew increasingly less centralized and more flexible in its arrangements. In many cases, distinctions between fallen women and respectable ladies, legitimate leisure spaces and illicit dens became muddled.³

At the same time that prostitution expanded and became even more embedded in the mainstream culture of the city, so too did Baltimore's trade in "obscene" print materials, a category that included everything from informational materials about reproduction and birth control methods to lurid police gazettes and even photographs and

elaborate article from Dr. Huston's legal counsel. The only authentic edition, containing all the suppressed testimony." (Baltimore: N.P., 1872), 5, 10, 24-5, 37-8. Accessed June 3, 2014: <http://nrs.harvard.edu/urn-3:HLS.Lib:102837>

² For local coverage of the Huston case, see Baltimore *American*, Feb. 24, 1872; Feb. 27, 1872; *Sun* Feb. 24, 1872; Feb. 26, 1872; Mar. 4, 1872; Mar. 12, 1872.

³ The gradual decline of parlor houses in the decades after the Civil War took place in numerous cities across the US. Historian Timothy Gilfoyle argued that heyday of brothels lasted from roughly the mid-1830s to the mid-1870s, after which point parlor houses and board-in brothels more generally began a slow and uneven decline. See Timothy Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790-1920*. (New York: W.W. Norton, 1992), 179-297.

novelties containing images of nude women. While advertisements for venereal medical men had long been widespread in the city, the array of other sexually-suggestive and explicit materials available for sale in public spaces increased to the point that some Baltimoreans began to perceive a dangerous incursion of illicit sexuality into bourgeois culture.

The growing diversity and decentralization of Baltimore's commercial sex trade set the stage for a backlash against prostitution and obscene publishing. As the second section of this chapter argues, some of the same social and economic changes that benefited commercial sexuality also created conditions under which commercial sex became uniquely problematic in the eyes of many local and national reformers. Increasingly public and disturbingly ambiguous forms of commercial sexuality clashed with bourgeois visions of an orderly city and were perceived as threatening to youth and to the overall health of the social body. By the time of Huston's trial, many middle-class and elite Baltimoreans had begun to employ rhetoric that positioned commercial sex not just as a nuisance or a moral evil, but as a threat to the continuation of the urban bourgeoisie and even the "race" (that is, white Americans). In response to the perceived dangers of commercial sexuality, the expansion of the sex trade was matched by a tremendous growth in the number of charities and reform institutions designed—at least in part—to reform men and women who strayed from the path of virtue.

Robert E. Lee's surrender at Appomattox came as welcome news for many Baltimoreans, but it also represented the end of a boom period for the city's commercial sex trade. The exodus of soldiers from the city and the end of some of wartime's more

extreme economic dislocations closed the chapter on a period in which desperate and entrepreneurial individuals alike had flocked to sexual commerce. As wartime demands for commercial sex gave way to postwar slumps, proprietors left the trade in droves. Some property-owners who had rented their houses to madams or opened the doors of their businesses to prostitutes and their clients during the war simply dropped out of the trade, reverting their establishments back to the *status quo antebellum*. Others, including George Lea, used the profits they had made from catering to soldiers to relocate their businesses to more lucrative marketplaces. Lea was a concert saloon proprietor from New York who had come to Baltimore in 1862 hoping to capitalize on Union soldiers' demands for entertainment and the city's lax laws about alcohol sales in theatrical venues. His New Idea concert saloon thrived during the military occupation, but peacetime brought fewer opportunities. Lea left Baltimore as the troops did, selling the New Idea and returning to New York to resume the concert saloon business there.⁴

Similarly, Annette Travers, the madam who had made a tidy sum catering to and exchanging intelligence with Union officers, vacated her brothel on Davis Street sometime after 1867. Washington, D.C. had expanded during the war years along with the federal government, and Travers hoped to take advantage of the demand for prostitution that came along with the influxes of clerks, politicians, professionals, and military men. She moved her operations to the national capital and, as of the 1870 census,

⁴ In 1862, New York passed a restrictive law requiring that concert saloons that provided theatrical entertainments refrain from serving alcohol or using serving girls and waitresses in their lobbies or auditoriums. Concert saloons that failed to meet the requirement or that allowed prostitutes to solicit on their premises were subject to having their licenses revoked and their proprietors prosecuted.

On Lea, concert saloons, and law, see: William Lawrence Slout, ed. *Broadway Below the Sidewalk: Concert Saloons of Old New York* (San Bernadino, CA: The Borgo Press, 1994), xii-xiv; Gillian M. Rodger, *Champagne Charlie and Pretty Jemima: Variety Theater in the Nineteenth Century* (Urbana: University of Illinois Press, 2002), 59-71, especially 65-66.

operated a small but successful house of ill-fame on Capitol Hill.⁵

Between the outmigration of wartime proprietors and the reversion of former “bawdy houses” to legitimate businesses or ordinary dwellings, Baltimore’s sex trade entered a slump period in the aftermath of the war. The years immediately following the conflict saw a sharp decline in the number of persons prosecuted for keeping bawdy houses and houses of ill-fame. In 1864, at the height of the wartime sex trade, the Baltimore City Criminal Court heard 366 presentments and indictments for keeping a bawdy house; by 1866, the number of presentments and indictments had fallen to only 167, with many indictments never progressing to the trial stage. The sex trade was in such a state of flux with bawdy house keepers abandoning or relocating their establishments that many of the alleged madams whose names were given to the grand jury could not be easily located after the court issued *capias* warrants for them. Local authorities, busy with the burdens and challenges that accompanied the early period of rebuilding after the conflict, did not devote much effort into tracking them down, with the result that approximately a fifth of all warrants in bawdy houses cases were never served. With so much in question in the aftermath of the war, the future of the sex trade and its regulation seemed uncertain as well.⁶

Within a few years of the war’s end however, Baltimore's commercial sex

5 Annette Travers's last appearance in the Baltimore City Criminal Court on bawdy house charges appears to have been in the 1867. (Baltimore City Criminal Court (Criminal Docket), May Term, 1867, Case 489, Annette Travers, C1849-34, MSA.) At the time of the 1870 census, Travers, who was thirty-two years old but claiming to be twenty-five, was living with a thirty-year-old, Maryland-born prostitute named Hattie Clinton, and two African-American domestic servants. She had accumulated \$2,000 of personal property. 1870 U.S. Federal Census, Anna Travers, Washington Ward 2, Washington, District of Columbia; Roll: M593_123; Page: 355A; Image: 722; Available from Ancestry.Com.

6 Data derived from Baltimore City Criminal Court (Criminal Docket), 1864, C1849-25-27; Baltimore City Criminal Court (Criminal Docket), 1866, C1849-31-33, MSA. Numbers are adjusted to exclude cases that were carried from one term of the year to another.

industry began to bounce back from its temporary postbellum contraction. In the decade following the war, the number of individuals presented to the grand jury for keeping bawdy houses in any of the six sample years examined (excluding 1866) exceeded the number of bawdy house keepers presented in any given sample year during the antebellum period. The average number of bawdy house cases presented to the court annually in sample years between 1866 and 1876 was sixty-seven percent higher than the average number of cases prosecuted in four sample years between 1850 and 1860. After 1867, the number of bawdy house cases presented to the court in any given year never dropped below 200, and it was sometimes significantly higher. In 1873, the grand jury issued between 235 and 237 unique presentments for bawdy house charges; by 1876, the number had risen to 276. While prosecution totals fluctuated annually according to everything from the efficacy of individual police officers to minor and often inscrutable changes in the court system, the general upward trend was too sharp to be coincidental. The postwar contraction in the sex trade was a temporary one, and new bawdy houses began to appear on Baltimore's urban landscape beginning in the late 1860s. By 1880, one Presbyterian pastor lamenting the condition of young men in cities claimed that the census recorded 300 bawdy houses in Baltimore.⁷

⁷ The ambiguity in the actual number of charges reflects the presence of especially common names in the criminal dockets (e.g. Mary Smith). In some cases, it was unclear whether a case represented a new charge against an individual who happened to have the same name of another woman or a continuation of an older charge against one woman. Additionally, many of the dockets from the late 1860s in particular have water damage at the edges of their pages, which in a few instances rendered the names of those accused illegible.

Baltimore City Criminal Court (Criminal Docket), 1866, C1849-31-33; 1867, C1849-34-5; 1870, C1849-42-4; 1872, C1849-48-9, 51; 1873, C1849-52-3, 55; 1875, C1849-60-1, 63; 1876, C1849-65-6, 68, MSA.

The docket for the January Term of 1867 was unlocatable at the time of my request (July, 2012). Given the obvious water damage to adjacent dockets, it seems likely that flooding or a leak destroyed the docket at some point during its storage. The January Term generally saw relatively few presentments for keeping a bawdy house (33 in 1867, 9 in 1870), and many of those were carried until the May/June Term.

The increase in the number of bawdy houses in the latter part of the 1860s was sharp by any standard, but growth in the sex trade also outpaced the growth of the urban population as a whole. As a result, the ratio of bawdy houses to people living in Baltimore increased dramatically in the postbellum years. In the decade between 1850 and 1860, there had been an average of one bawdy house presented to the court for every 1,579 city residents. In the years between 1866 and 1876, there was an average of 1 bawdy house to every 1274 Baltimoreans, an increase of just over nineteen-percent.

When adjusted to reflect only the segment of the city population that was likely to patronize bawdy houses—that is, males in the census' 18-49 year age range—the ratio became even more dramatic. The Civil War had killed roughly two percent of the total U.S. population, with the bulk of the dead being men who died of injury or disease on or off the battlefield. Baltimore, like many other cities and towns across the United States, saw a significant decline in its male population in the immediate aftermath of the conflict. Federal Census schedules from the antebellum period suggest that men between the ages of 15 and 49 composed approximately thirty-three percent of Baltimore's population in 1850 and twenty-five-percent in 1860. By 1870, men in brothel's primary demographic range composed only nineteen percent of the city's residents, with that number creeping up to just twenty-one percent by 1880. Thus, bawdy houses were on the rise during a period in which their traditional demographic base was depleted. Analysis of court dockets from four sample years between 1850 and 1860 suggests that in the last decade of the antebellum period, Baltimore had approximately one indicted house of ill-fame for

As a result, the effect of the missing January Term docket on the quality of the data is likely negligible.

Joseph Waddell Clokey, *Dying at the Top: Or, The Moral and Spiritual Condition of the Young Men of America* (Chicago: W.W. Varnarsdale, 1890), 90.

every 435 male residents aged 15 to 49. In the decade following the war, there was one bawdy house for every 257 Baltimore men in that age range, a difference of forty-one percent.⁸

The expansion of indoor prostitution in the late 1860s and early 1870s reflected an increase in both the supply and demand sides of the city's sexual marketplace. As historian Robert Brugger has argued, the economic legacy of the Civil War in Maryland was mixed. The war had been a financial boon for Baltimorean iron producers, railroad corporations, and wheat and corn processors, all of whom profited from Union contracts. At the same, it had proven devastating for a number of importers, firms, and mills that depended on Southern agricultural products or contracted with Southern states or businesses. The fighting had deprived local industries of male labor, which purportedly drove some to the brink of financial ruin. At the same time that many industries and household economies were deprived of able-bodied male laborers, the cost of living skyrocketed. While the situation improved after the cessation of hostilities—cost of living dropped to levels not seen since 1850, older local industries bounced back from wartime hardships, and new industries like canning and clothing became major money-makers—Baltimore's economy lagged somewhat in comparison with other cities. The economic depression of 1873 hit Baltimore hard; by 1890, it had dropped from having the fifth highest number of wage earners in any city in the U.S. to having the seventh highest.

⁸ On Civil War mortality, see Drew Gilpin Faust, *This Republic of Suffering: Death and the American Civil War* (New York: Vintage Books, 2008), 266.

All ratios were derived from cross-referencing data from the Baltimore City Criminal Court dockets and U.S. Federal Census data for Baltimore City. Census information attained from the Historical Census Browser, University of Virginia, Geospatial and Statistical Data Center (2004). Accessed on Nov. 4, 2014: <http://mapserver.lib.virginia.edu/>.

Baltimore City Criminal Court (Criminal Docket), 1866, C1849-31-33; 1867, C1849-34-5; 1870, C1849-42-4; 1872, C1849-48-9, 51; 1873, C1849-52-3, 55; 1875, C1849-60-1, 63; 1876, C1849-65-6, 68, MSA.

Economic contractions and disruptions to manufacturing had the potential to throw laboring families into economic distress and drive women to prostitution as a means of earning a living or making ends meet.⁹

At the same time that some Baltimoreans faced difficult and uncertain monetary futures, however, others gained significant social mobility. The number of non-manual jobs open to men increased throughout the latter half of the nineteenth century, which meant that the ranks of young clerks and professionals—demographics that had traditionally served as one of the sex trade’s most sizable customer bases—swelled. The salaries non-manual laborers could expect to receive also rose, providing men with greater spending power and more disposable income. The combination of widening wealth gaps that left many segments of the population reeling and gave others wealth to spare created a climate ripe for the growth of the sex trade.¹⁰

The expansion of indoor prostitution during the decade after the Civil War was more than a simple replication of the pre-existing sex trade on a larger scale. The steadfast use of the term “bawdy house” in court and police records imposed a kind of consistency and rationality on the physical units of the sex trade that was not actually present in practice. In many senses, the postbellum period represented a new era in prostitution, one that saw some once-prominent models of selling sex decline even as other previously marginal models came to predominate.

In Baltimore, as in other cities, one of the first casualties of shifting postbellum

⁹ Robert J. Brugger, *Maryland: A Middle Temperament, 1634-1980* (Baltimore: Johns Hopkins University Press, 1988), 308-318; Tom Liebel, *Industrial Baltimore* (Charleston, SC: Arcadia Publishing, 2006), 53-122; Mary Ellen Hayward and Frank R. Shivers, Jr., eds. *The Architecture of Baltimore: An Illustrated History* (Baltimore: Johns Hopkins University Press, 2004), 150-183.

¹⁰ On the growth of the non-manual sector of the economy following the Civil War, see Stuart M. Blumin, *The Emergence of the Middle Class: Social Experience in the American City, 1760-1900* (Cambridge: Cambridge University Press, 1989), 258-297.

economic, demographic, and social conditions was the fancy parlor house. By the early 1870s many of the first-class and second-tier parlor houses that had thrived in the city before and during the war had ceased to operate as younger brothel-keepers relocated or left the trade and older ones aged out of the business. Nancy Thomas, who had kept a brothel in the old Meadow area since at least 1838, left the area around the same time that Annette Travers did. Assuming she was the same person listed in the Census as “Ann Thomas,” she was around 57 years old in the last year in which she faced bawdy house charges in the City Criminal Court. Her fellow Ward 11 brothel keeper Emma Morton, whose house had entertained high-ranking Union officers during the war, disappeared from Baltimore's bawdy business a several years later, in 1873. The years after the war thus saw the former Meadow, once the most fashionable brothel district in the city, lose the very houses that had anchored it for so many years.¹¹

Even the less fancy but still semi-genteel houses in the central part of the city began to vanish as their keepers felt the pinch of economic pressures and age. Some madams terminated their careers quietly, some spectacularly. Margaret Hamilton, the long-time brothel-keeper who had leant her name to the precedent-setting equity case *Hamilton v. Whitridge*, fell into the latter category. Hamilton continued to operate as a madam for thirteen years after the war, first at her longtime residence at 51 N. Frederick Street and then on Low Street. Her pugnacious temper, which was usually directed at other prostitutes, flared up on occasion, but rarely to the degree it had prior to the incident that had provoke Eliza Simpson to shoot her in the face in the Centre Market. By 1878,

¹¹ Thomas's and Morton's last known court dates were in and the Fall of 1873, respectively. Baltimore City Criminal Court (Criminal Docket), May Term, 1867, Case 488, Nancy Thomas, C1849-34; Sept. Term, 1873, Case 1195, Emma Morton, C1849-55, MSA.

however, Hamilton was feeling the effects of the changing brothel trade and her own long tenure in the business. After three decades in the prostitution business and at fifty-four years old, Hamilton was at the upper edge of age range that was acceptable even for madams and facing increased competition resulting for the expansion of the trade.

On July 6 of that year, Hamilton snapped. After hearing rumors that her lover/client was also carrying on an affair with a young prostitute named Maggie Addison, Hamilton made her way to Addison's residence in Lilly Farrell's brothel at 51 N. Josephine Street. Upon arriving at the house in Josephine, Hamilton chased Addison up to her room on the third floor, beat against the door until she managed to break it down, and proceeded to attack Addison viciously with a pair of scissors she found on a desk. Hamilton's attack was targeted: rather than going for a fatal blow, Hamilton used the scissors to stab Addison's face over and over again, apparently to destroy her appearance. She then attempted to push Addison out a third floor window. Her efforts were interrupted by the arrival of another prostitute, whom Hamilton also stabbed twice in the shoulder before officers from the nearby Western District Station rushed in to halt the violence.¹²

Hamilton, who had amassed a good deal of money during her tenure in the sex business, managed to settle out of court with Addison, who agreed to testify on Hamilton's behalf before the grand jury. Addison told the jury that her injuries were not as serious as they initially appeared and that she had already been compensated sufficiently, and she asked that they not follow through with criminal charges. At Addison's request, the grand jury narrowly voted not to indict Hamilton, but the incident

¹² *Sun*, July 8, 1878; *New York Herald*, July 15, 1878. Hamilton's story received coverage from newspapers across the Eastern seaboard.

ended both of their careers.¹³

At the time that Hamilton broke down its door and attacked its inhabitants, Lilly Farrell's house was one of the few remaining fancy parlor houses in the city and also one of the most notorious for incredible misfortune. Before Lilly Farrell took over the establishment, it had been managed by Fanny Cole, who, like others in the bawdy trade, had settled in Josephine Street during the early days of the Civil War. Cole followed a model common in parlor houses of the time by inviting men to dine in the establishment and socialize with the women, but she diverged from the model slightly by allowing a young blind man named Franklin Battee to frequent the establishment throughout the day for meals and shelter. Battee, who sold matches and other goods outside of nearby Lexington Market, almost assuredly did not earn the kind of money that Cole and her prostitutes were accustomed to receiving for services. Cole's decision to accommodate him was thus probably motivated more by charitable than business impulses.¹⁴

Unfortunately for Cole, her generosity was not rewarded. In 1871, Battee came down with an unspecified disease—quite likely syphilis—that landed him in the Washington Hospital for several months before he was discharged as a pauper and recommended to the Alms-House. Desperate to avoid the Alms-House at any cost and angry at Cole for allegedly fleecing him of money and deceiving him about the health of her girls, Battee purchased an axe and made his way to the property. As he dined with Cole and the women of the house, Battee stood up without warning, grabbed his axe, and

¹³ *Sun*, Sept. 5, 1878.

¹⁴ By 1862, Fanny Cole was renting a bawdy house from Lewis Cobientz (or Coblentz); at some point over the course of the next decade, she purchased the house (*Sun*, July 21, 1862). Cole was presented to the court for keeping a bawdy house irregularly throughout the 1860s and early 1870s. See for example Baltimore City Criminal Court (Criminal Docket) Jan, Term, 1866, Case 798, Fanny Cole, C1849-31, MSA.

beat Cole over the head repeatedly, nearly severing her hand at the wrist and fracturing her skull severely. Cole somehow survived the attack, but she was left so severely disabled that she abandoned the trade and left Farrell, who had worked as a prostitute under her, to manage her house. Farrell's tenure as madam was similarly marred with tragedy. On a cold January night over two years after Cole was nearly murdered, the brothel caught fire and sustained severe damaged. It had to be reconstructed using insurance money.¹⁵

While the sheer extremity of the misfortune that befell the women of 51 Josephine was unusual, aspects of it were also indicative of the changing climate of commercial sex. As the keepers of the fanciest brothels retired or moved to greener pastures and centrally-located brothels began to close, the remaining parlor houses were mostly confined to outlying neighborhoods that were less genteel than those of their predecessors. Historians like Timothy Gilfoyle have argued that this shift was not coincidental, but rather a pattern that played out in virtually all American cities. Because they catered primarily to professional men who could afford the higher prices of their services, fancy brothels tended to cluster in and around commercial and business districts. As cities became increasingly industrialized and oriented toward manufacturing, however, commercial districts became more segregated in their function and less residential. According to

¹⁵ Baltimore *American*, Nov. 30, 1871; *Sun*, Nov. 30, 1871; Dec. 1, 1871; De Francias Folsom, *Our Police: A History of the Baltimore Force from the First Watchman to the Latest Appointee* (Baltimore: J.D. Ehlers & Co. and Guggenheimer, Weil & Co., 1888), 333-335; Joshua Vansant, *Mayor's Message to the First and Second Branches of the City Council of Baltimore* (Baltimore: John Cox, 1874), 491.

While Cole no longer actively managed the house after Battee's attack, she was still indicted as its keeper twice more in the years immediately following the incident. The indictments suggest that she may have lived in the brothel for a short time before purchasing the house she eventually settled in in East Baltimore. Cole later successfully petitioned Governor John Carroll against pardoning Frank Battee for the attack against her. Shortly after his application for clemency was rejected, Battee attempted to stab James Contee, a African-American prisoner charged with escorting him around the penitentiary, before slitting his own throat. He lingered for four months before dying from his injuries. *Sun*, Jan. 12, 1877; Sept. 17, 1877; Sept. 22, 1877; Jan. 15, 1878.

Gilfoyle, many property owners with real estate or land holdings in central manufacturing districts found it more profitable to lease or sell spaces for industrial use rather than continue renting them for brothels. While the trend toward segregated land use was less pronounced in Baltimore than in other major East Coast port cities, the basic outlines of Gilfoyle's argument apply. Between commercial shifts and (as the next chapter will discuss in more detail) growing intolerance for brothels in respectable neighborhoods, brothels were largely pushed to the margins of commercial areas in the decade following the war.¹⁶

At the same time that brothels were being pushed toward rougher neighborhoods, increased competition within the sex trade and the rise of discourses that blamed the prevalence of venereal disease on prostitutes made life increasingly treacherous for women involved in the sex trade. Profitable houses had always been vulnerable to attacks from men who resented women's financial success and ability to earn a living outside the confines of long-term heterosexual union. The layering-on of resentments from men like Frank Battee who held prostitutes responsible for spreading venereal "poison" and even from madams like Margaret Hamilton who were themselves unable to compete in an increasingly saturated sexual marketplace made circumstances considerably worse. While there is no doubt that many women continued to make a good deal of money working in

¹⁶ Gilfoyle, *City of Eros*, 178-297.

An alternate explanation for the decline of brothels lies with the decline of the local sporting press. As discussed in the next chapter, publishers of sporting papers in the years after the Civil War typically geared their newspapers toward out-of-city or out-of-state markets to avoid local obscenity laws. Because papers were made for widespread distribution, they often did not dwell on the details of commercial sex in any one locality to the degree that their antebellum predecessors had. Without the sporting press to advertise for them and make their presence on the urban landscape known to the right class of persons, parlor houses that prided themselves on their discreet, quiet exteriors probably lost the business of travelers and others unfamiliar to the city. On the shift in the sporting press, see Donna Dennis, *Licentious Gotham: Erotic Publishing and Its Prosecution in Nineteenth-Century* (Cambridge: Harvard University Press, 2009), 167-237.

prostitution—Lizzie Johnson of Josephine Street earned enough as a madam to purchase two additional bawdy houses and still have \$10,000-\$12,000 in savings—the brothel trade became less glamorous and more perilous than ever in the decades after the war.¹⁷

While the fanciest classes of parlor houses were among the early casualties of postbellum shifts in the sex trade, even the general brothel model of prostitution began to falter somewhat by the mid-1870s. By the latter years of the antebellum period, brothels in which a madam supervised the labor of anywhere from two to fifteen live-in prostitutes were common, and they came to dominate popular imaginings of the sex trade. Houses with a variety of sexually available female residents were the ideal in 1840s and '50s; anything less was “low” or “degraded” in the eyes of many commenters. By the 1870s, however, brothels were no longer the pinnacles of the trade, nor were they as prevalent as they once were. Scattered brothels continued to operate in both halves of the city; Martha Hancock, for instance, kept an establishment at 60 S. Caroline Street in Ward 3 that housed two “ladies of pleasure” as well as two African-American domestic servants and an older African-American woman listed in the census as deaf.¹⁸ The main concentrations of brothels, however, were contained in West Baltimore, both on Josephine Street and on nearby Raborg. Josephine Street featured houses kept by Lilly Farrell, Hester Wehn, and

¹⁷ *Sun*, Aug. 25, 1875.

Syphilis and immorality had long been linked in the minds of moralists and medical men, but widespread concern about syphilis and prostitution began to develop following the publication of Alexandre-Jean-Baptiste Parent-Duchâtelet's 1835 study of prostitutes in Paris and subsequent studies by William Acton and William Sanger. On French regulation of brothels, see Alain Corbin, *Women for Hire: Prostitution and Sexuality in France After 1850* (Cambridge: Harvard University Press, 1990). On increased concern about syphilis in the late nineteenth century Anglo-American context and the rise of discourses linking syphilis to prostitutes, see: Mary Spongberg, *Feminizing Venereal Disease: The Body of the Prostitute in Nineteenth-Century Medical Discourse* (New York: New York University Press, 1998); Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State* (Cambridge: Cambridge University Press, 1980).

¹⁸ 1870 United State Federal Census, Baltimore Ward 3, Baltimore, Maryland; Martha Hancock, Roll: M593_572; Page: 537B. Available from Ancestry.com.

Lizzie Johnson, while Raborg housed at least five brothels, three of which had 4-6 female residents, by the time of the 1880 census. With the exceptions of relatively small brothel districts and some isolated houses, however, the brothel model had fallen into an overall decline.¹⁹

The reduction in the number of brothels reflected shifting preferences among the demographic groups who traditionally staffed and performed the bulk of the sexual labor in sex establishments. In the latter years of the antebellum period, brothels had arguably provided the women involved in selling sex the best opportunities to earn a living. While bed fees could be high and madams unscrupulous about taking cuts of their tenants' earnings, prostitutes who enjoyed good relationships with the madams under whose supervision they worked enjoyed distinct advantages. For one, data from other cities suggests that the going rates for sexual services were considerably higher in brothels than they were on the streets or in less organized forms of prostitution. For another, brothels provided relatively good (if never perfect, as cases like Fanny Cole's, Maggie Addisons's, and Helen Jewett's suggest) protection from violence at the hands of clients. With so many prostitutes in close proximity to one another, it was less likely that violent attacks would go unwitnessed, and madams' cooperative relationships with local police allowed them to summon help without fear of being arrested themselves. Streetwalkers and independent prostitutes generally had much more to fear from police, and even those who enjoyed close protective relationships with other women involved in the trade were

¹⁹ Baltimore City Criminal Court (Criminal Docket), Sept. Term 1870, Case 72, Hester Wehn, C1849-44, MSA. Wehn, who was listed as residing at 9 Josephine Street, also testified that term against Ann M. Stewart, who stood accused of renting a house for a bawdy house. Case 90, Ann M. Stewart, C1849-44.

1880 United State Federal Census, Baltimore City: 14th Ward: South of Lexington St, Then West of Arch St, South of Fayette St, Then West of Pearl St, North of Baltimore St, Then East of Pine St, North of Fayette St Then East of Fremont St. Available from Ancestry.com.

vulnerable if they went off to a second location with clients. Brothels provided a relative safety net and good opportunities to accumulate wealth.²⁰

Yet, the relative physical and financial security that came along with brothel prostitution also came at a price. Brothels were businesses in which prostitutes were beholden to madams, many of whom were in turn beholden to landlords. As such, many of their owners operated according to a cold logic of profit, disciplining their employees and regulating their conduct in order to reap the most financial benefits from commodifying their sexual and emotional labor. As noted in previous chapters, the live-in requirement of brothels was onerous to women who had families or who wished to make their forays into prostitution temporarily, and it was hardly the only requirement that chafed. Prostitutes were expected to behave according to the standards of the establishment. If hard liquors were served in brothels, they were often off-limits to the prostitutes themselves, who were not allowed to get drunk lest they behave badly or make themselves vulnerable to manipulation by clients (recall the case of Elizabeth Black, who made enemies of a half-dozen madams with her drinking). The level of physical flirtation that could take place in the parlors was tightly controlled, as was the type of language women could employ. Any swearing, coarse language, or obvious displays of improper

20 Luise White has contested the idea that brothel prostitution was safer than other forms of sex work; according to the prostitutes White spoke with in Nairobi, it was regarded as considerably more dangerous to admit a man into one's rooms than pick up clients on the street. White, *The Comforts of Home: Prostitution in Colonial Nairobi* (Chicago: University of Chicago Press, 1990), 13-18. Numerous other works have also highlighted the propensity for brothels to be sites of rioting, assaults, or even murders. See, for example: Patricia Cline Cohen, *The Murder of Helen Jewett* (New York: Vintage Books, 1999); Gilfoyle, *City of Eros*, 76-91; Anne M. Butler, *Daughters of Joy, Sisters of Misery: Prostitutes in the American West, 1865-90* (Urbana: University of Illinois Press, 1987), 96-121.

Other historians, however, have noted that brothel prostitutes typically enjoyed better working relationships with police than other sex workers, to the point that they were often able to summon them for help in times of crisis. Additionally, women who owned property or had connections to wealthy property owners were more likely to be recognized as legal subjects. See for example Cohen, *The Murder of Helen Jewett*, 87-100; Marilyn Wood Hill, *Their Sisters' Keepers: Prostitution in New York City, 1830-1870* (Berkeley: University of California Press, 1993), 145-174.

behavior were banned.²¹

As the nineteenth-century wore on, the restrictions and occasional financial exploitation that accompanied brothel life became increasingly undesirable to women in the sex trade. Timothy Gilfoyle, who dates the beginnings of brothels' decline to the period between the mid-1870s and 1880s, has argued that brothels fell from the limelight in part because “women themselves grew less satisfied with the brothel as a place to work.” Both Gilfoyle and historian Elizabeth Alice Clement attribute women's changing preferences to the economic exploitation and the rise of entertainment establishments and new commercial forms that “offered a more efficient and effective way to organize commercial sex.” As Clement's history of “treating” as an element of urban youth culture argues, practices that were somewhere between traditional prostitution and courting were also becoming more common in the latter decades of the nineteenth century. As exchanging sex for gifts or indirect forms of compensation became a more frequent practice and non-marital sex became more mainstream, highly organized forms of commercial sex became increasingly obsolete. While this transformation had by no means been completed within the period covered by this project, the first stirrings of a turn toward a more informal sexual economy were already present in Baltimore in the 1870s.²²

21 William W. Sanger, *The History of Prostitution* (New York: American Medical Press, 1895), 549-574.

22 Notably, neither Gilfoyle or Clements claimed that women's preferences were the determining factor in the decline of brothels. As previously noted, Gilfoyle attributed the shift to changing patterns of land use and to the 1896 passage of the Raines Law that required saloon-keepers to add beds to their establishments if they wished to continue selling alcohol legally. Clements concurred, but noted that prostitutes played a pivotal role in shaping the new establishments in a way that captured the positive aspects of brothel life while dispensing with the restrictive and exploitative elements. Gilfoyle, *City of Eros*, 197-250; Elizabeth Alice Clement, *Love for Sale: Courting, Treating, and Prostitution in New York City, 1900-1945* (Chapel Hill: University of North Carolina Press, 2006). See also Cynthia Blair, *I've Got to Make My Livin': Black Women's Sex Work in Turn-of-the-Century* (Urbana: University of Illinois Press,

At the same time that young, native-born white women began to seek alternatives to brothels, the sex trade also came to include more women from demographic groups that were traditionally excluded from brothels or disinclined to resort to them. Immigrants, for instance, were consistently underrepresented in the brothel trade, especially in the more well-to-do sex districts. In 1860, for instance, only fourteen percent of the women who worked in the brothels in Wards 10 and 11 were foreign born (mostly German and Irish), despite the fact that foreign-born persons composed about a quarter of Baltimore's total population at the time.²³ In the decades after the Civil War, Baltimore did not see the kind of mass immigration that cities like New York did; in fact, the percentage of foreign-born Baltimoreans actually declined after 1870. Nevertheless, the 1860s did see a sizable influx of German immigrants to the city, which had been a major port of arrival for passenger ships coming from Bremen since the 1840s. By 1868, a quarter of the city's white population was German-born, and the raw numbers of German immigrants entering the city only increased after the Baltimore & Ohio Railroad Company entered a partnership with shipping company North German Lloyd. The latter was responsible for transporting hundreds of thousands of German immigrants to the U.S., and its deal with the B&O ensured that many of them passed through or remained in the port of Baltimore. As German immigrants entered the city, many brought with them their own ideas about the sex trade and the way it should be structured.²⁴

2010), 69-71.

²³ 1860 U.S. Census, Population Schedule. NARA microfilm publication, Baltimore Ward 10, Baltimore (Independent City), Maryland; Roll: M653_461, 1-108; Baltimore Ward 11, Baltimore (Independent City), Maryland; Roll: M653_463, 1-258; Washington, D.C.: National Archives and Records Administration. Available Online from Ancestry.com. Kevin Conley Ruffner, *Maryland's Blue and Gray: A Border State's Union and Confederate Junior Officer Corps* (Baton Rouge: Louisiana State University Press, 1997), 23.

²⁴ Matthew Crenson, "Baltimore, MD 1854-1877," *Cities in American Political History*, 278

As German immigrants entered the sex trade in higher numbers, so too did African-American women. Following emancipation, Baltimore became a major destination for formerly enslaved men and women who sought employment in the city's industrial and manufacturing sectors. Even as white laborers complained that influxes of black laborers from the counties drove wages down, many newly freed persons struggled to gain access to education and find work. Single women in particular found themselves limited in the realm of the "legitimate" economy to work like washing, huckstering, or domestic service, all of which could be physically-demanding jobs that paid very little. While there is little evidence to suggest that African-Americans were overrepresented in prostitution relative to their overall demographic prevalence in the city, there is evidence to suggest that some black laboring women—like their white counterparts—turned to prostitution to supplement legitimate income or support themselves.²⁵

Black women had been underrepresented in brothel prostitution for as long as it had existed in Baltimore, and, while emancipation saw more African-Americans able to accrue the kind of capital necessary to open their own establishments, that was slow to change. What black-run brothels there were in the city tended to be relatively flexible in their internal structures, and they often included women who worked other jobs in addition to prostitution. Harriet Collins, for instance, worked as a washwoman even as she operated a brothel in the centrally located Ward 10. Collins rented her house from prominent Baltimore silversmith Hugh Gelston and boarded five young women in their

Richardson Dilworth, ed. (Los Angeles: Sage Press, 2011), 243-249, p. 324; Dean R. Esslinger, "Immigration through the Port of Baltimore," in *Forgotten Doors: The Other Ports of Entry to the United States*, M. Mark Stolarik, ed. (Cranbury, NJ: Associated University Presses, 1988), 61-74; Alan M. Kraut, "Comment," in *Forgotten Doors*, Stolarik, ed., 75-80; Brugger, *Maryland: A Middle Temperament*, 313.

²⁵ Richard Paul Fuke, *Imperfect Equality: African Americans and the Confines of White Racial Attitudes in Post-Emancipation Maryland* (New York: Fordham University Press, 1999), 112-147; Brugger, *Maryland: A Middle Temperament*, 306-310;

late teens or early twenties. Her 1870 census entry provides a stark window into why her foray into the prostitution business was necessary: Collins, who was either unmarried or living apart from her husband, was supporting six of her own children (three of whom, born between 1860 and 1865, were listed as mulatto) and, along with the other women in the house, raising a 5 year-old boy named Ulysses Grant. The brothel next door to Collins's, which was also a Hugh Gelston property, also housed children, albeit in a configuration that strongly suggested that its proprietor was involved in wet nursing or baby farming. Jane Bull (also known as Mary), a seamstress, boarded three seamstresses and laundresses who worked as prostitutes and four youngsters with no apparent relationship to anyone in the house: George Washington (age three), James Logan (one), and two one-month-old babies, one black and one white²⁶.

As women like Harriet Collins and Jane Bull adapted the form of the brothel to suit their economic needs and their familial circumstances, numerous other women abandoned it entirely, choosing instead to work independently. For women who opted to work and reside outside of the bounds of traditional sex establishments, the postbellum period presented a remarkable number of options. While streetwalkers and prostitutes who lived outside of brothels had always been a part of Baltimore's sex trade, the variety of new entertainment spaces, taverns, and mixed-boardinghouses that sprung up in the city after the war made their jobs safer (from violence if not from disease) and more profitable. At the same time, they remedied the major drawbacks of brothel life and

²⁶ 1870 United States Federal Census, Baltimore Ward 10, Baltimore, Maryland, Harriet Collins and Jane Bull; Roll: M593_575; Page: 504A-504B, Available from Ancestry.com.

Both Collins and Bull testified against Gelston when he was charged with renting bawdy houses in 1870. Baltimore City Criminal Court (Criminal Docket), Sept Term, 1870, Cases 538 and 539, Hugh Gelsten [sic], C1849-44, MSA. Gelst0n was also charged for renting to Lucy Sheldon and Charlotte Williams, who also kept brothers in the Western district.

allowed women who were older, non-white or non-native born, and supporting families to reap more of the profits of sex work than they had seen when brothels dominated the trade.

One of the major innovations that took root during the war and flourished in the years immediately following it was the concert saloon, which joined Baltimore's pre-existing array of theater and exhibition spaces as a major site of solicitation for prostitutes. Concert saloons, a precursor to vaudeville halls, were usually cheaper than theaters and sometimes even offered free admission to nightly popular musical acts. While Baltimore's concert saloon business was occasionally turbulent because of rapid owner turnaround and poor luck with fires, the city nevertheless developed several thriving venues in the years following the war. The Bijou (formerly Gemote Palace) operated at the corner of Baltimore and Light Streets during the late 1860s; by 1869, another popular establishment, the Haymarket Concert Saloon had opened in the Centre Market space. Others quickly followed, and with them came opportunities for women looking to sell sex. The reason concert saloons were able to offer cheap entertainment was that their revenue came mainly from liquor, wine, and beer sales rather than ticketing. In order to increase their alcohol sales and keep young men in their establishments as long as possible, many concert saloon proprietors took to hiring women as waitresses in the establishments. While certainly not all female servers who worked the halls sold sex in the more literal sense, the job of circulating through predominantly male crowds enabled women who wished to do so to attract clientele who would pay for sex or otherwise treat them in return for favors. The drunken and ribald atmosphere of many saloons quickly gave the whole genre of businesses a reputation for promoting vice

and licentiousness, so much so that the Maryland State Legislature passed laws attempting to bar women's employment in the establishments.²⁷

Less notorious but arguably more popular among prostitutes in the latter half of the century were new breeds of saloons, namely lager houses and beer gardens operated by German-born Baltimoreans. As new immigrants flooded the city, some brought brewing traditions from the old country with them, including newly developed methods for producing light lagers. Germans became a dominant force in the expanding brewing trade in Baltimore, and dozens of families from diverse German-speaking regions opened lager houses and saloons throughout the city. Following a pattern that had been common to taverns and saloons since the earliest years of the city, lager houses became popular places of resort for both women looking to sell sex and men looking to buy it.

Baltimoreans lodged complaints about “dissolute” women frequenting lager houses near market spaces as early as the 1850s, and the issue only grew as the lager business did.²⁸

While some saloon and lager house keepers were content to allow prostitutes to linger and drink in their establishments, others catered to them more directly. Many saloonkeepers ran establishments with up to a half dozen rooms upstairs, and those who lived in areas in which prostitution had longstanding ties to the local tavern culture often took advantage of the opportunity to rent them to prostitutes. This was particularly true of

27 May's Dramatic Encyclopedia of Baltimore, 1750-1904, MS 995, Reel 7, MdHS; . On concert saloons, see: Brooks McNamara, *The New York Concert Saloon: The Devil's Own Nights* (Cambridge: Cambridge University Press, 2002); Robert Clyde Allen, *Horrible Prettiness: Burlesque and American Culture* (Chapel Hill: University of North Carolina Press, 1991), 73-76, 123-127; Gilfoyle, *City of Eros*, 224-250. John Prentiss Poe, *The Maryland Code: Public General Laws*, Art. 27, Section 390 (Baltimore: King Bros. 1904).

28 Maureen O'Prey, *Brewing in Baltimore* (Charleston, SC: Arcadia Publishing, 2011); Hayward and Schriver, eds. *The Architecture of Baltimore*, 178-80; Christine Sismondo, *America Walks into a Bar: A Spirited History of Taverns and Saloons, Speakeasies and Grog Shops* (Oxford: Oxford University Press, 2011), 151-152; Mark Edward Lender and James Kirby Martin, *Drinking in America: A History* (New York: The Free Press, 1982), 61-63; Brugger, *Maryland: A Middle Temperament*, 356.

Fells Point, where numerous German families kept lager houses that doubled as houses of ill-fame. Herman Herring, who kept a lager saloon at the southeast corner of Bond and Shakespeare Streets in Fells Point, lived at the property with his wife Johanna, their two adult daughters, and a barkeeper. The Herring family rented out numerous rooms above the bar, and quickly became well known for boarding disreputable women. At the time of the 1880 census, the Herring saloon had five tenants, all young women (two Maryland-born, one British, one Canadian, and one Bavarian) whose occupation was recorded as “prostitute.”²⁹ Not far away on Shakespeare Street, Baden-born Lewis Vogtman lived above his bakery and beer saloon with his wife, their three young daughters, and four prostitutes (one Irish and the rest native-born). Unsurprisingly, saloonkeepers on Eastern Avenue’s notorious Causeway just blocks to the north followed a similar pattern. George Konig, who had for years kept a tavern and house of ill-fame with his wife Caroline, moved out of the Causeway in the decade the followed the war, but he was quickly replaced in the business by others. Jacob Geoff, his wife, their adopted daughter, and a servant all lived in an Eastern Avenue saloon that boarded six prostitutes (four native-born and two, like Jacob, from Hanover).³⁰

If Fells Point establishments like George Konig’s had been notorious for being rough, violent places, German-run houses of ill-fame generally enjoyed a different

29 Herman Herring's first recorded appearance in sample years of court dockets was in the September term of 1864: Baltimore City Criminal Court (Criminal Docket), Sept. Term 1864, Case 953, Herman Herring, C1849-27, MSA. *Sun*, Oct. 15, 1874; Jan. 3, 1876; 1870 United States Census, Baltimore Ward 2, Baltimore (Independent City), Herman Herring, Maryland; Roll M593_571; 314B. Available from Ancestry.com.

30 1880 United State Federal Census, Baltimore City: 2nd Ward: South of Alice Ann St, West of Broadway, North of the water line, South-East of Thames St and East of Caroline St, Lewis Vogtman, 14; Ibid, Jacob Geoff, 30. Available from Ancestry.com. Tracy Matthew Melton, "The Lost Lives of George Konig Sr. & Jr., A Father-Son Tale of Old Fell's Point," *Maryland Historical Magazine* (Fall, 2006), 332-361.

reputation, and one that made them desirable places of board for German and native-born prostitutes alike. In his famed study of prostitution, William Sanger noted that German-run saloons in New York, while technically third-tier establishments, were often of a better character than second-tier brothels. Because they were typically run by married couples with children, the lager houses and saloons often proved less brutal and disorderly than establishments that were solely oriented around sex work or run by men alone. At the same time, they provided protection to prostitutes without placing upon them the kind of demands that high-end brothels did. Women were expected to comport themselves properly in the bar area, namely by operating subtly and by not continuing to solicit anyone who indicated disinterest. However, they were not otherwise strictly supervised or charged the sorts of outrageous rents that might be demanded of them in parlor houses, and they enjoyed ready access to potential clients. For women who wished to strike a balance between their desire to be free from supervision and their wish to continue operating in safer, indoor spaces, lager saloons proved an excellent option.³¹

Saloonkeepers were not the only proprietors to open their doors to prostitutes who desired less formal and constraining living arrangements. Particularly in less reputable districts in the Eastern part of the city, entrepreneurial laborers who made ends meet by renting out rooms sometimes took on prostitutes in addition to legitimately employed boarders. At the time of the 1870 census, for instance, Baltimore's Ward 3 featured multiple houses of ill-fame, a few of which were traditional brothels run by single women and many of which were family-run establishments kept by craftsman and laborers with employment outside the sex trade. Among the latter was a small clustering of bawdy

31 Sanger, *History of Prostitution*, 559-564

houses at 8-12 S. Dallas Street. The houses numbered 8 and 10 were headed by German-born shoemakers John Pleamer and Henry Eckeler, who inhabited the properties with their wives (and, in Eckeler case, his young son) and rented rooms to a handful of women who worked as “lad[ies] of pleasure.” Number 12 was headed by Elizabeth Kuhne, who rented one room to a carpenter and four to young prostitutes. While these establishments were almost certainly sites in which the exchange of sex for money took place, the family-owned element of the new houses of ill-fame and the presence of boarders not involved in the sex trade broke the mold of the traditional brothel.³²

The social elements of sex work, in which women flirted and conversed with men in front parlors before retiring to their individual rooms largely disappeared in houses like Eckeler's and Kuhne's, replaced by a system in which sexual exchange was conducted more directly and privately. For the women in the Dallas Street houses, embracing that arrangement was likely less a conscious choice than it was a necessity. Five out of six prostitutes boarding in Eckeler's house could not write, and four were wholly illiterate, which rendered them unsuited to houses that based their business model around the genteel image of their boarders. And yet, it is easy to see why similar arrangements in better classes of houses would have appealed to women who a generation earlier might have jumped at the change to work in a parlor house. The carefully cultivated commercial appeal and “girls of all shapes and sizes” buffet quality of the parlor house was largely absent in the family-run bawdy house, and with it many of the expectations for emotional

32 1870 United States Federal Census, Baltimore Ward 3, Baltimore, Maryland, John Pleamer, Henry Eckeler, and Elizabeth Kuhne, Roll M593_572; 261-262. Numerous historians have written about boarding houses and prostitution: Marilyn Wood Hill, *Their Sisters' Keepers: Prostitution in New York City, 1830-1870* (Berkeley: University of California Press, 1993), 93-4; Cynthia Blair, *I've Got to Make My Livin'*, 69-71.

labor and affect that burdened denizens of high-end establishments.³³

Even as brothel prostitution became less formalized and rigid, other establishments sprung up that allowed women to dispense entirely with the live-in model of indoor sex work and embrace more transient and temporary forms of prostitution. Chief among these were assignation houses. Due to their covert nature, assignation houses were often difficult for contemporaries to identify, as had been evident as far back as 1841 when Baltimoreans struggled over whether Mary C. Patterson's house was an eatery or an assignation house. Their lack of demographic signifiers makes them equally difficult for historians to locate in surviving records. Nevertheless, it is clear that assignation spaces of all characters dotted Baltimore's urban landscape in the postbellum period, just as they had in the decades before the war.³⁴

The ecclesiastical trial of L.D. Huston, which was set against the backdrop of two very different types of assignation houses, suggests the range of establishments that existed by the 1870s. In some cases, places of assignation were not public establishments in any strict sense, but houses like the one that Huston's housekeeper, Lucy Adams, was accused of keeping in the course of his trial: private dwellings whose owners or tenants made extra money by renting rooms to familiar men and women for sexual liaisons. Virginia Hopkins, who brought the seduction charges against Huston, insisted that he had taken her to Lucy Adam's house on Caroline Street, where Adams did washing for students at the nearby medical college. Once they were there, Huston apparently suggested that Hopkins provide sexual services to the medical students, as it would give

³³ 1870 United States Federal Census, Baltimore Ward 3, Baltimore, Maryland, Henry Eckeler, Roll M593_572; 261.

³⁴ *Sun*, June 7, 1841.

her sexual experience and make extra money for Adams. While there is no evidence to corroborate the story that Adams ran a place of assignation—she was never indicted by the court for keeping a bawdy house—the quiet, subtle kind of prostitution that Huston allegedly proposed undoubtedly took place largely unnoticed in the city.³⁵

The second kind of assignation house, which was far more likely to attract the attention of neighbors and local authorities, was a dwelling that rented out small rooms for short durations to whomever came to the house willing to pay. By the 1870s, Baltimore had several such establishments operating around the city including along Sharp Street, where Virginia Hopkins was alleged to have gone with one of the men who testified that she was a prostitute, Tilghman Halliday. Unlike brothels, many assignation houses were designed for secrecy, with dark front entryways and little more in the common areas of the house than a slot in which to anonymously deposit rent money. Assuming patrons of such houses were not unlucky enough to cross paths with an acquaintance as they entered or left the establishment (as Virginia Hopkins supposedly had been), they could be reasonably confident that their trysts would remain private despite the bad reputation that tended to accompany establishments open to the public. What small-scale and large scale assignation spaces shared, then, was their proprietors' tendency to prioritize discretion and attract paying customers who valued the same.³⁶

Neither the prevalence of assignation houses nor their emphasis on discreet sexual encounters was unique to the postbellum period, but both took on a new significance during an era in which young women were increasingly mobile within the city. The Civil

35 "The Trial of Rev. L. D. Huston, for the Alleged Seduction of Mary Driscoll, Virginia Hopkins, &c.," 37-38.

36 "The Trial of Rev. L. D. Huston, for the Alleged Seduction of Mary Driscoll, Virginia Hopkins, &c.," 5, 24-25. Gilfoyle, *City of Eros*, 169-174.

War had seen unprecedented numbers of young women entering the workforce. While many women returned to the domestic realm in peacetime, many others continued in the decades thereafter to labor at jobs—sewing in the city’s emergent garment trade, manning the counters at the shops, or, like Virginia Hopkins, working as a domestic in other households—that required them to work or travel outside of their homes. At the same time that more women began to venture into jobs that took them out of their family dwellings, Baltimore’s omnibuses and new streetcar system allowed them to travel greater distances across the city, making it quick and cheap for them to take work outside of their immediate neighborhoods. By literally removing women from the familial sphere of surveillance, changes in employment patterns and improvements in transportation created new opportunities for young people to engage in courtship or sexual exchange beyond what had traditionally been permissible.³⁷

Occasionally, sexual exchange between young men and women veered into the territory of quasi-prostitution, which many scholars suggest became more common in the late nineteenth century than in previous periods. In the course of the Huston trial, Virginia Hopkins was alleged to have remarked to a friend of hers that, while she did not wish to become a public prostitute, she would not mind entering sexual relationships with one or two men in exchange for gifts and favors. The veracity of the testimony on that particular point was questionable, as Huston's supporters obviously had reason to attempt to discredit Hopkins as a strumpet and an unchaste woman. Nevertheless, its admission in

³⁷ As numerous historians have argued, there was no even upward trajectory of women's entry into the labor force following the Civil War. Nevertheless, the growth of industry in large cities changed the dynamics of work and employment for laboring women. Nina Silber, "Northern Women During the Age of Emancipation," in *A Companion to the Civil War and Reconstruction*, Lacy Ford, ed. (Malden, MA: Blackwell Publishing, 2005), 385-402; Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States* (Oxford: Oxford University Press, 1983), 75-107.

the trial suggests that scenarios in which young, ostensibly respectable women exchanged sex for gifts was a believable one of the time. As historian Elizabeth Anne Clement's work has argued persuasively, "treating," or engaging in sex and courtship in exchange for indirect forms of payment or compensation, was growing prevalent in U.S. cities at the time. Assignment houses, once a place of resort primarily for prostitutes and cheating spouses, were among the spaces that enabled the development of treating culture. In the decades following the Civil War, they became popular not only with professional sex workers who wished to live outside of brothels, but with young couples and young women making temporary—and secret—forays into the realm of commercial sex before returning to their outwardly respectable existences.³⁸

Unsurprisingly, as prostitution and more ambiguous forms of sexual exchange became more prominent in postbellum Baltimore, related forms of commerce that revolved around sex also thrived. The popular side of the medical marketplace around venereal disease and sexual debility treatments did not thrive as it had in the early 1850s, but it remained a presence in the city and in the advertising sections of local papers. Practitioners like Dr. Johnston continued to advertise their clinics and to tout the expanded range of reproductive services they had begun to offer in part as a means of asserting the family-oriented nature of their practices in the face of obscenity laws. As the expansion of commercial sex (in combination with other factors) drove demand for drugs and devices that allowed for some degree of reproductive control, the core group of popular physicians that had advertised in Baltimore's newspapers for decades were joined by new practitioners as well. Dr. S.F. Schuman, for instance, advertised himself regularly

38 "The Trial of Rev. L. D. Huston, for the Alleged Seduction of Mary Driscoll, Virginia Hopkins, &c.," 5; Clement, *Love for Sale*, 1-12.

as “the great Womb Doctor,” and promised to relieve women's uterine blockages (i.e. perform abortions) for reasonable fees.³⁹

As so-called “obscene” ads continued to appear in Baltimore papers, the array of other obscene and lurid materials circulating in Baltimore increased dramatically. The Civil War had, in many senses, paved the way for the dramatic expansion of the obscene print trade. In the years leading up the war, a number of states and localities, including New York City, had begun to crack down on risqué, erotic, and sensational print materials using common law and statutory prohibitions on obscenity. Yet, because laws against obscenity were primarily local ones that only applied to materials sold within a particular state or city, publishers who made their fortunes selling sporting papers had a ready loophole to avoid prosecution: they could sell their products to buyers outside their immediate jurisdiction, either by mail subscriptions or through external distributors. Schemes devised by New York publishers to do just that proved successful in the latter years of the antebellum period, and they only became more profitable once the war broke out. Not only did the separation of large numbers of young men from their spouses and “sweethearts” drive demand for erotic novels and titillating sporting papers, the wartime growth in transportation and distribution networks facilitated their rapid dissemination. In part because of the dramatic increase in the number of letters circulating throughout the country, the U.S. Postal Service expanded its services during the war; Baltimore’s news distribution companies, striving to meet the demand of a public eager for the latest updates on politics and on the outcomes of battles, did the same. News firms run by men

39 On Schuman's advertisements, see for example: *Sun*, May 5, 1863. James Mohr has argued that other Baltimore abortionists advertised as palm readers and astrologers following 1868. Mohr, *Abortion in America: The Origins and Evolution of National Policy* (Oxford: Oxford University Press, 1978), 54-55, n. 303.

like Henry Taylor did a brisk business in acquiring and distributing papers from other cities throughout the conflict, and many expanded their businesses in its aftermath. Improvement of transportation infrastructures facilitated the widespread distribution of print, even as the new sense of nationalism fostered by the travails of war drove demand for it. By 1870, Henry Taylor's firm had grown into the Baltimore News Company, which among other things became a major distributor of papers from other U.S. cities.⁴⁰

As the expansion of distribution networks brought newspapers from other cities to Baltimore, it also brought in New York publishers' new array of sensational papers, illustrated police weeklies, and risqué magazines. By 1868, a writer for the Baltimore *Sun* was complaining that "various Northern towns [we]re said to be inundated" with obscene materials and that, "the same evil is beginning to show itself here." Shortly after, an investigation by the Baltimore Grand Jury confirmed that New York periodicals featuring obscene content and imagery were being sold and displayed along Baltimore's public thoroughfares. Persons who passed along the main streets of the city were free to gawk at papers and magazines like *Stetson's Dime Illustrated*, *Last Sensation*, *Illustrated Police News*, and the *National Police Gazette*, all of which were devoted to revealing the tawdry details of police work and life in the urban underworld. Newsboys and candy sellers hawked similar publications to those riding on passenger trains. While most of these publications did not explicitly depict sexual activity, they traded on the luridness of crime and its intersections with sensuality and sexuality. As Baltimore City Court Judge Robert Gilmore noted, the papers' stories about crime "not unfrequently [sic] are sought to be invested with a certain kind of romance, and the most indecent engravings are used to

40 Dennis, *Licentious Gotham*, 167-198; Clayton Colman Hall, ed. *Baltimore: Biography III* (New York: Lewis Historical Publishing Company, 1912), 849-851.

illustrate them.” The papers were intended to titillate and even arouse, and their widespread availability and open sale on the streets represented a significant change in Baltimore’s local print culture. Just as prostitution had expanded to the point that it seemed less and less removed from spaces of “legitimate” business and even from general youth culture, obscene publications had ceased to be secretive products traded among wealthy libertines and sporting men and become a popular medium.⁴¹

At the same time that police magazines and sporting papers from other cities began to appear in Baltimore, technological advances in the mid-nineteenth prompted the development of new forms of erotic visual culture that quickly developed a substantial but subtle market in the city. The rise of photography, the emergence of techniques that allowed for the printing of multiple copies of photographs, and the advent of print methods that made large-scale publication of images cheaper all dramatically expanded the number of “obscene” images circulating in East Coast cities. Novelty “fancy” items such as playing cards that could be held up the light to reveal drawings of nude women or cufflinks that featured very small images of the same became popular among young men. *Carte-de-visite* images of scantily clad or nude women were sold and traded among participants in the city's sporting culture. And, of course, obscene books continued to be peddled by boys in the streets around the city's hotels.⁴²

As was typical when rapid changes occurred in the sex business, Baltimore’s expanding and increasingly diverse commercial sex trade prompted anxiety among the

41 *Sun*, Feb. 24, 1868; Feb. 28, 1868; Mar. 3, 1868. Wayne E. Fuller, *Morality and the Mail in Nineteenth-Century America* (Urbana: University of Illinois Press, 2003), 57-77.

Frank L. Mott said of magazines like *Stetson's*, “They were imitators of the police gazettes, but they out-Heroded their Herod and played up the sex angle in crime beyond anything that had been done before.” Mott, *A History of American Magazines, 1865-1885* (Cambridge: Harvard University Press, 1938), 43-45, p. 44.

42 Dennis, *Licentious Gotham*, 200-205.

city's residents and backlashes against the sex trade. At the forefront of Baltimoreans' concerns was the increasing decentralization of the sex trade and its effects on the legibility of vice in the city. Mary C. Patterson had been prosecuted in the 1840s for keeping a house of assignation that blurred the boundaries between legitimate commerce and illicit sexual commerce. By masquerading as an eatery at the edges of the market space, Patterson's house allowed women to exercise sexual license while passing off their forays into the world of illicit sex as nothing more than shopping trips for coffee and ice cream. Assignation houses, in other words, not only encouraged infidelity and immoral conduct on the part of women, but also allowed those women to maintain their reputations by concealing their sexual transgressions. As such, they did the opposite of what brothels—for all their faults and distastefulness—did very well: physically contain disreputable women in a way that rendered them immediately legible as such.⁴³

Once the clear-cut model of brothel that had begun to emerge in the 1830s began to fade in the decades after the war, longstanding fears about the legibility of the sex trade once again rose to the forefront of the discourse about commercial sex. Nowhere was the angst that accompanied blurred lines between respectable and fallen women more apparent than in the course of testimony intended to ascertain the reputation of Virginia Hopkins the course of the Huston trial. Whereas the attorneys in Elizabeth Black's 1852 rape case had only needed to rely on geography to ascertain Black's sexual reputation—had she been in or boarded at a well-known brothel?—the parties in the Huston case faced a much more difficult challenge. As prostitution integrated itself more and more

43 *Sun*, June 7, 1841. On the impulse toward legibility and order in late nineteenth-century cities, see Patrick Joyce, *The Rule of Freedom: Liberalism and the Modern City* (New York: Verso, 2003); Gunther Barth, *City People: The Rise of Modern City Culture in Nineteenth-Century America* (Oxford: Oxford University Press, 1980), 28-57.

into mixed-economic spaces and subtle places of assignation, the lines between adventurous but ultimately respectable women and prostitutes became less and less clear. It was not obvious that either of the houses that Hopkins had visited with Reverend Huston or the other men alleged to be her lovers were houses of ill-fame. In the case of Lucy Adams's house, it was Hopkins's word against Adams's that the house was used as a space of assignation. In the case of the house on Sharp Street, the establishment was so covert that the only people who could testify to its bad character were men who claimed to have patronized it with women—men whose honesty and morality was itself questionable by virtue of their admitted sexual improprieties.⁴⁴

What Huston's council was forced to rely on to prove that Hopkins was a "prostitute," then, was mainly a hodgepodge of testimony that revolved around very loose signifiers of potential bad character. One witness testified that Hopkins struck her as disreputable because she said "durn it" regularly, and occasionally used "damn it" and "by God." Lucy Adams said that she came to believe Hopkins was sexually experienced because once when the two were in a kitchen together, Hopkins joked that one of the small water faucets with a weak stream would "would not do a fellow any good." Adams deemed the remark "too straight" for a virginal woman to make. The difficulties in identifying who was virtuous and who was not prompted anxieties among middle-class and elite Baltimoreans, who feared that that the dark tendrils of sexual immorality were extending further into respectable society than they had before.⁴⁵

Longstanding anxieties about the legibility of the sex trade—anxieties that had

44 On Elizabeth Black, see Chapter 2. "The Trial of Rev. L. D. Huston, for the Alleged Seduction of Mary Driscoll, Virginia Hopkins, &c.," 5, 24-25.

45 Ibid, 14-15.

played a foundational role in shaping Baltimore's regulatory system around bawdy houses—were not the only ones at play in the decades after the Civil War, however. The backlash against prostitution in the latter part of the nineteenth century far exceeded any that had come before it, largely because reformers and other citizens alike had gradually adjusted their conceptions of the sex trade. Reformers increasingly came to view commercial sex not just as a moral blight but as a social problem that was indicative of deeper rifts in the urban economic and social landscape. As the sale of sex took on new social and moral meanings, it gradually became a sustained subject of public discourse.⁴⁶

In many ways, the Civil War and emancipation set the stage for commercial sex to assume a greater social import. Abolitionists and woman's rights campaigners had for many years drawn strong rhetorical parallels between prostitution and slavery, two trades in flesh that shared strong elements of sexual abuse and exploitation. Over the course of the antebellum period, many Americans had come to regard both as inexorable institutions, deeply rooted not just in the ancient past but also in their respective geographies (prostitution in the cities and slavery in the rural South). The Civil War, of course, changed that: Maryland abolished slavery by constitutional convention in 1864, and the U.S. as a whole followed suit with the passage of the 13th Amendment. For many reformers, including Baltimore health officer S.T. Knight, the end of slavery evinced a new optimism about the power of politicians and citizens alike to accomplish social change, especially as it related to eliminating the other trade in bodies. "Prostitution may be an evil too deeply seated to admit of extirpation, and yet this might have been said,

46 On the rise of moral regulation and purity crusades after the Civil War, see Alan Hunt, *Governing Morals: A Social History of Moral Regulation* (Cambridge: University of Cambridge, 1999), 118-121; David J. Pivar, *Purity Crusade: Sexual Morality and Social Control, 1868-1900* (Greenwood: Greenwood Press, 1973).

and was said of slavery in this state and country but a few years ago,” Knight wrote. “The success achieved in remedying the one should certainly be a strong inducement to making a vigorous attempt to relieve the other.”⁴⁷

Yet, even as emancipation prompted some Baltimoreans to embrace a whiggish optimism for social progress, it prompted others (particularly Southern sympathizers) to dwell on the ill-effects of the “triumph of free labor.” As historian Amy Dru Stanley has noted, Southerners and proslavery apologists often used the presence of commercial sexuality in Northern cities as a evidence that wage labor was no better than bondage. Under slavery, so the argument went, bonds-people were integrated into a paternal, domestic hierarchy that placed them within a well-understood network of rights and obligations. Under free labor capitalism, advocates of slavery claimed, there were no obligations between employers and employees. Traditional patriarchal structures were rendered unstable, and that instability transferred to all facets of life, including the household. Southern sympathizers (of which there were many in Baltimore) blamed everything from the rise of licentious publications to the growth of urban prostitution on wage labor, arguing that both resulted from the lack of boundaries between the realm of the market and the realm of the intimate and domestic under a free labor system. Under this line of criticism, commercial sex became shorthand for the perils of capitalism taken to its ultimate, dystopian end.⁴⁸

Not all Baltimoreans agreed with this pessimistic assessment of wage labor’s

47 First Branch, Baltimore City Council, *Journal of the Proceedings of the First Branch of the City Council at the Sessions of 1864 & 1865* (Baltimore: James Young, 1865), 321. Brugger, *Maryland: A Middle Temperament*, 302-308; Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (Cambridge: Cambridge University Press, 1998), 218-263.

48 Amy Dru Stanley, *From Bondage to Contract*, 218-263.

tendency to promote illicit sexual commerce. Indeed, many harkened back to antebellum arguments that attributed women's participation in prostitution or men's resort to illicit sexual entertainments to lustfulness or personal moral failings. But the tide of public opinion was beginning to shift away from explanations that placed the responsibility solely on the individual, and many reformers acknowledged the role of economic disparities in driving women into prostitution. William Acton and William Sanger both downplayed lust and sexual desire as explanations for women's forays into sex work, pointing instead to economic need and abuses at home. Knight cited their work in his essay on prostitution, and he concurred that women's inability to make a living for themselves under the prevailing wage system was primarily responsible for the trade's prevalence in Baltimore. Wage work open to female laborers—domestic service, washing, and sewing—paid a pittance and left women desperate. According to Knight, it was in light of these “miseries and wants and privations to which they [we]re subjected by the wretched wages given in return for their labor,” that women were vulnerable to being seduced into the sex trade or otherwise forced to turn to it to survive. For Knight and others, this did not necessarily represent any inherent flaw in the wage labor system, but it did suggest a problem in its implementation. He and other labor-minded reformers called for higher wages for women.⁴⁹

Even as commercial sex evolved as a site of contestations over postbellum economic changes, its presence in the city became a source of annoyance for the primary benefactors of the new economy. Baltimore's nascent urban bourgeoisie had traditionally

49 First Branch, Baltimore City Council, *Journal of the Proceedings of the First Branch of the City Council at the Sessions of 1864 & 1865*, 320-338, p. 327. On discourses of prostitution that emphasized the role of exploitation and low wages in driving women to sex work, see: Judith Walkowitz, *Prostitution and Victorian Society*, 90-112.

produced some of the city's most vocal critics of commercial sexuality, and its ranks swelled in the decades following the war. The number of non-manual laborers rose, and men in traditionally middling professions (including, notably, physicians) began to claim an increased status and respectability. As the spending power of previously middling groups expanded, so too did the number of Baltimoreans who had a personal stake in opposing the increasingly public nature of the commercial sex trade. Flirtatious streetwalkers, ostentatious bawdy houses, and open displays of obscenity all broke the peace of neighborhoods and made them less desirable to middle- and upper-class families who endorsed the vision of a quiet, orderly city. Just as Resin Haslup and John Whitridge had argued that the proximity of Margaret Hamilton's brothel to their homes would lower their property values and ability to attract tenants, many middle-class Baltimoreans in neighborhoods populated by bawdy houses viewed those establishments as threats to their investments.⁵⁰

Other middle-class and elite anxieties about commercial sex in all its forms ran deeper than direct concerns over property. As the urban middle class grew and coalesced, its members developed a system of shared values that emphasized masculine restraint, feminine chastity, and liberal citizenship. With the possible exception of the second—feminine chastity—these values were not necessarily regarded as traits inherent to bourgeois individuals. Self-regulation had to be taught, and, during the latter half of the nineteenth century, bourgeois Baltimoreans did their best to shape the urban landscape in ways that promoted and were conducive to the exercise of liberal subjecthood. They

⁵⁰ On Margaret Hamilton, see Chapter 2. Burton J. Bledstein, *The Culture of Professionalism: The Middle Class and the Development of Higher Education in America* (New York: W.W. Norton & Co., 1976).

lobbied for an orderly, legible, and sanitized city free of excessive noise, barriers to free circulation, and physical and moral nuisances that could affect the health of both citizens and the social body. Commercial sex, in the minds of most middle-class reformers, fell squarely into the latter category.⁵¹

In the case of obscene publications, anxieties centered on the potential for risqué magazines or papers containing advertisements for reproductive control methods to encourage illicit behaviors. Magazines like *Stetson's Dime Illustrated* or the *Illustrated Police Gazette* presented young people with sensationalized accounts of the urban underworld that made it seem as intriguing and sensual as it was perilous. Not only did many reformers fear that young men would be seduced into lives of crime by the publications, they feared that they would be driven to lust by illustrations that were often as suggestive as those found on contemporary *carte-de-visite* that were explicitly marketed as “fancy” and erotic. Many elite and middle-class Baltimoreans, like their counterparts in other cities, embraced the idea that materials designed to provoke lusts were inherently dangerous because “the destructive tendencies and passions aroused by the publications [had] ruinous effects upon soul and body.”⁵²

Particularly in the case of youth who were still malleable and less able to regulate their desires, obscene publications could ignite a lust so strong that it took expression in any number of morally odious ways: seduction, resort to prostitution, or engagement in the solitary vice. The first was a threat to the lineage of middle-class families; the second led inevitably toward crippling and deadly venereal disease; and the last led to nervous

51 Blumin, *The Emergence of the Middle-Class*, 258; Pivar, *Purity Crusade*. On the development of middle-class culture and household arrangements, see Mary P. Ryan, *Cradle of the Middle Class: The Family in Oneida County, New York, 1790-1865* (Cambridge: Cambridge University Press, 1983).

52 *Sun*, Feb. 24, 1868.

debility, wasting, and even death. One Baltimore reformer even suggested that obscene publications led inevitably to “crime of murder as one of the means of concealing [the] shame [of an illegitimate child].” Birth control might prevent the latter, but many moralists believed that ready access to it only made it easier for young people to participate in illicit and damaging sexual behaviors. As a result of this belief, middle-class and elite reformers took to characterizing lurid print and advertisements for birth control methods as “poisons” that were fatal to both the physical health and ambitions of young people.⁵³

As was the case with uproars over obscene print materials, outcries against prostitution were frequently couched in terms of concerns over the welfare of youth and of future generations. Social critics in Baltimore and elsewhere fixated on prostitution’s potential to disrupt family lineage, both literally and socially. In the purely physical sense, prostitution was strongly associated in the minds of reformers with syphilis, a disease that had garnered increased attention during the Civil War period because of its deleterious effects on soldiers. The postbellum period saw a growing awareness among those outside the medical profession that syphilis had a congenital form that could be passed on to children of infected mothers, a realization that prompted concerns about the disease’s potential to healthy reproduction on a broad scale. S.T. Knight’s 1865 report on the causes of prostitution had actually come in response to a City Council inquiry into “hereditary” syphilis and the possibility of it creating entire generations of sickly and dependent individuals. The Council’s fear was that the disease would literally and

53 Rodney Hessinger, *Seduced, Abandoned, and Reborn: Visions of Youth in Middle-Class America, 1780-1850* (Philadelphia: University of Pennsylvania Press, 2005), 144-177; Roy Porter and Leslie Hall, *The Facts of Life: The Creation of Sexual Knowledge in Britain, 1650-1850* (New Haven: Yale University Press, 1995); *Sun*, Feb. 24, 1868.

irrevocably ruin families, and in turn place a massive financial burden on the city's charitable institutions.⁵⁴

For many parents, the fears related to generation were slightly less literal, if no less severe. As historian Nicola Biesel has argued, many Americans worried that resort to illicit sexuality would destroy young people's reputations, thus preventing them from enjoying the same social, cultural, and economic statuses their parents enjoyed. In the aftermath of a war that solidified the wealth of some and destroyed that of others, members of the new urban bourgeoisie and elite were keenly aware of how vulnerable their families' social standings were. By extension, they were also keenly eager to attack anything—prostitution, obscene texts—that could jeopardize them.⁵⁵

As Biesel and other scholars have noted, middle-class concerns about generation and lineage were intertwined with anxieties about race, and, more specifically, the ability of white and native-born Americans to maintain economic, cultural, and numeric supremacy. Many historians have interpreted postbellum anti-vice movements, including Anthony Comstock's famed Society for the Suppression of Vice, as reactionary responses to influxes of Italian, Jewish, and Eastern European immigrants to American cities in the latter half of the nineteenth century. Faced with ethnic groups who were racially and religiously "other" and varied in their attitudes toward sexuality and its proper expression, white, native-born Protestants struggled to enforce a rigid standard of sexual conduct. They also lashed out at non-procreative sex and birth control, both of which limited reproduction during a period in which the bourgeoisie were anxious to preserve

54 First Branch, Baltimore City Council, *Journal of the Proceedings of the First Branch of the City Council at the Sessions of 1864 & 1865*, 320-338; Joan Sherwood, *Infection of the Innocents: Wet Nurses, Infants, and Syphilis in France, 1780-1900* (Montreal: McGill-Queens University Press, 2010).

55 Nicola Kay Beisel, *Imperiled Innocents: Anthony Comstock and Family Reproduction in Victorian America* (Princeton: Princeton University Press, 1997).

their numbers.⁵⁶

Pre-1880s Baltimore did not see the same level of national diversity in its immigration patterns as New York did, nor did it develop the kinds of organized anti-vice crusades that spring up in other port cities over the course of the 1870s. Nevertheless, the general narrative about racial anxieties driving crackdowns on vice applied there as well. Germans remained the dominant immigrant group coming into the city in the aftermath of the war, but many of the immigrants who arrived after 1865 were of Catholic or Jewish backgrounds.⁵⁷ Additionally, Baltimore received large influxes of racial “others” from within its own nation’s borders; following the abolition of slavery, thousands of newly-freed African-Americans streamed into the city from surrounding counties and (to a more limited extent) from the Southern states. As a result of this migration, between 1870 and 1880, Baltimore’s black population grew from 39,559 to 53,689 persons, a rate of growth that outpaced that of the city population as a whole by nearly fifty-percent. Though Baltimore had always had a large free black population, sizable growth at a point at which the strongest legal demarcations separating black and white citizens were disappearing prompted discomfort among many white Baltimoreans. Asserting control over sex and reproduction in this context became a means of asserting racial control as well, both by ensuring that whites maintained demographic superiority and (as the next chapter will argue) by providing additional means by which to ensnare African-

56 Nicola Kay Beisel, *Imperiled Innocents*, 3-24, 104-127; Nicola Beisel and Tamara Kay, "Abortion, Race, and Gender in Nineteenth-Century America" *American Sociological Review* 69 (August, 2004), 498-518.

57 Immigrants were always a minority in the brothel business, surnames like Katz, Kimmel, and Rosenthal began to appear in court dockets, and some prostitutes apparently traded on their ethnic identities: Fanny Ellenger, arrested for keeping a bawdy house in 1870, was more commonly known by her nickname, “Jew Fanny.” Baltimore City Criminal Court (Criminal Docket), May Term, 1870, Case 2349, Fanny Ellenger, C1849-43, MSA.

Americans in a hostile legal system.⁵⁸

As middle-class and elite reformers became increasingly anxious about both the symbolic implications of prostitution and the practical consequences of its expansion in the city, they reacted in a variety of ways. In some cases, they took matters into their own hands, creating a number of voluntary associations and charitable societies designed to reach out to and reform prostitutes and young people in danger of falling from the path of virtue. The latter years of the antebellum period in Baltimore had seen the opening of the YMCA and the House of Refuge, both institutions designed to promote Christian values and clean living among young men. The former was voluntary, while the latter was employed as a commitment facility by the state and by individual parents dissatisfied with their son's behavior (Robert Loane, who testified in the Huston case, had been committed to the institution in his youth after his parents discovered his visits to houses of prostitution and ill-repute). It had taken Baltimoreans nearly four decades to respond to initial demands for the construction of the House of Refuge, but subsequent to its construction, similar institutions sprung up or expanded at an unprecedented pace. The House of the Good Shepherd, a Catholic organization whose mission was the "reclamation and reformation of fallen and unfortunate women and the preservation of young girls and children in danger of being led to ruin" was incorporated in 1864 and expanded in 1866. It was joined in short order by the Home for Fallen Women (constructed 1869), the Maryland Industrial School for Girls (1866), and the Industrial School for Colored Girls, the latter of which reflected the rise of segregated postbellum reformatories. In the decades following the Civil War, such institutions would house and

58 Fuke, *Imperfect Equality*, 112-114.

attempt to reform thousands of young women, including streetwalkers and other “fallen” girls admitted by charity workers or by orders of the local courts.⁵⁹

In addition to taking steps to reform and control young people they feared were being lured into Baltimore’s increasingly large, subtle, and dangerous world of prostitution and sexual vice, well-heeled and religiously-oriented Baltimoreans began to lobby for lawmakers and local officials to change their approaches to Baltimore’s commercial sex trade. The image of urban life that emerged throughout the course of testimony in the highly-publicized Huston case—a world in which young women talked casually of prostituting themselves, in which shady and secretive houses of assignation were only a streetcar ride away, and in which men could seduce women by asserting knowledge of reproductive control—was a deeply disturbing one. Many citizens began to lobby both local authorities and even the state government to change the policies toward commercial sex and take steps to curb its potentially devastating consequences for the social body.

Even as popular sentiment rose against various facets of the sex industry, however, moralistic impulses became inextricably enmeshed with contentious disputes over property and land use, policing, professionalization, and politics. As the next chapter will argue, the sheer variety of interest groups that seized on outcries over abortion, obscenity, and prostitution to promote their own ends created a complicated political situation, and one that resulted in vastly different outcomes for historically-related sectors of Baltimore’s trade in sex.

59 "The Trial of Rev. L. D. Huston, for the Alleged Seduction of Mary Driscoll, Virginia Hopkins, &c.," 15; Scharf, *History of Baltimore City and County*, 592-604; Home for Fallen and Friendless Women, *Report of the Home for Fallen and Friendless Women* (Baltimore: J.F. Weishampel, Jr. 1870).

Chapter 6

Politics, Space, and the Postbellum Policing of Sex

By 1866, James Manley and his wife, Ann, had been keeping a bawdy house on Eastern Avenue for nearly twenty years. Active in Baltimore's Know-Nothing political gangs in the 1850s, Manley had long been a fixture of the Causeway and of local politics. His well-known propensity for violence, including his attempted murder of Democrat and fellow bawdy house-keeper George Konig and his actual killing of a Union soldier during the war, had never been sufficient to disqualify him on any permanent basis from participating in local elections. Nor had his longstanding connections to commercial sex derailed his minor political ambitions. Despite having plead guilty to keeping a bawdy house multiple times and having spent years in the penitentiary prior to the war, Manley often served as a constable for Baltimore's 2nd Ward during election periods.¹

After the war, however, James Manley's simultaneous connections to politics and to prostitution became decidedly more problematic. In 1866, Maryland Governor Thomas Swann, a former Baltimore Know-Nothing who had been a beneficiary of James Manley's violent election antics, launched a full-scale investigation into alleged election frauds perpetrated by the Baltimore Police Commissioners. Swann's investigation was politically motivated. Shortly after his election, Swann, who had been member of the Union Party during the war, came to despise Radical Republican policies in peacetime. Supportive of President Andrew Johnson's vision for Reconstruction, Swann moved quickly to ally himself with Maryland Democrats and stamp out the Radical Republican

¹ Baltimore City Court (Criminal Docket and Minutes), May Term, 1849, Case 690, James Manley, C184-10, MSA.

Frank Towers, *The Urban South and the Coming of the Civil War* (Charlottesville: University of Virginia Press, 2004), 132, 178; Tracy Matthew Melton, "The Lost Lives of George Konig Sr. & Jr., A Father-Son Tale of Old Fell's Point," *Maryland Historical Magazine* (Fall, 2006), 332-361, p. 336-340.

influence in Maryland.

The investigation into the Police Commissioners was part of a project of robbing the Republican party of its power by hampering its control over local elections. Among other allegations that arose in the course of the investigations were charges that the Commissioners appointed “rough” men who were well-known for their participation in urban vice as judges and special constables of the election. Witnesses testified about the “bad” character and of numerous constables and election judges (Manley included) as well as the men's participation in the prostitution business. In light of the growing anti-vice sentiment among bourgeois Baltimoreans and the strong imagined and actual connections between prostitution and political corruption, the “revelation” that Manley and his ilk had ties to the bawdy houses went a long way in giving Baltimore Republican’s election day activities an air of impropriety. In the end, Republicans Samuel Hindes and Nicholas Wood were removed from their positions on the Board of Police.²

The 1866 investigation was a significant moment in the history of Baltimore’s political and legal responses to the sex trade. Baltimore’s slowness to develop the kind of private anti-vice societies that were appearing in other Eastern port cities by the 1870s was due in part to Swann and other Democrats’ political maneuverings in the mid-1860s. Democrats in Maryland were so successful at monopolizing power at the state level and in Baltimore after the war that it was nearly ten years until factions who opposed the state’s so-called Gorman-Rasin machine to managed to field a coalition of “reform”

2 Maryland, Governor (1865-1869: Swann), *Record of Proceedings of the Investigation Before His Excellency Thomas Swann, Governor of Maryland, in the Case of Samuel Hindes and Nicholas L. Wood, Commissioners of the Board of Police of the City of Baltimore, Upon Charges Preferred Against Them for Official Misconduct* (Baltimore: W.K. Boyle, printer, 1866).

Archives of Maryland (Biographical Series), Thomas Swann (1809-1883), SC 3520-1464, MSA, <http://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/001400/001464/html/1464extbio.html>

candidates and seven more before reformers won even small victories at the municipal level. In many U.S. cities, societies created for the purpose of investigating and suppressing vice were often headed by opponents of Democratic political machines, who used allegations of municipal corruption to weaken incumbents. In the absence of a strong anti-Democratic opposition and a charismatic leader in the vein of New York's Anthony Comstock or Philadelphia's Joseph Leeds, it took Baltimore until the late 1880s to develop a unified anti-vice society that could translate anxieties about commercial sex and debates over its regulation and policing into clear paths to political action.³

The absence of an organized movement aside, however, middle-class and elite Baltimoreans did make efforts to change legislative and police approaches to various aspects of the commercial sex trade. The kind of cynical, self-conscious manipulation of anti-vice sentiment that was evident in the Swann case remained rare, but the investigation nevertheless set a kind of precedent for the political deployments of anti-commercial sex rhetoric that would follow it. Just as Swann was driven by political self-interest to attack prostitution, postbellum Baltimoreans' attitudes toward commercial sex were seldom the product of nebulous moral concerns alone; on the contrary, they were grounded in particular visions for—and contestations over—physical space, property and land use, and professional and political power. Changes that took place in the aftermath of the Civil War, including the growth of the urban middle-class, prompted new

3 On postbellum politics in Maryland, see Frank Richardson Kent, *The Story of Maryland Politics* (Baltimore: Thomas and Evans Printing Co., 1911); Robert Brugger, *Maryland: A Middle Temperament, 1634-1980* (Baltimore: Johns Hopkins University Press, 1988), 388-406.

On the relationship of anti-vice campaigns to anti-Democratic reform movements, see Nicola Beisel, *Imperiled Innocents: Anthony Comstock and Family Reproduction in Victorian America* (Princeton: Princeton University Press, 1998), 104-28; Timothy J. Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790-1920* (New York: Norton, 1992), 251-315; Mara Keire, *For Business and Pleasure: Red-Light Districts and the Regulation of Vice in the United States, 1890-1933* (Baltimore: Johns Hopkins University Press, 2010).

contestations even as they imbued longstanding issues with fresh social and political significance. The result was a context in which commercial sex could function in a variety of ways: as a significant moral issue in its own right, as a rhetorical bogeyman that justified spatial and political reorientations, or as something in between—a social problem whose solution could morally purify the city even as it served the interests of those who proposed it. Commercial sex, in other words, took on a new political and discursive importance in the context of Reconstruction and the Gilded Age.⁴

Given the degree to which outcries over commercial sex were enmeshed in a broader politics of urban space and society, it is perhaps unsurprising that while there was a general consensus among the most outspoken Baltimoreans—politicians and city officials, medical men, and elite and bourgeois citizens—that commercial sex was a problem, there was often considerably less agreement on what should be done about it. Many middle and upper-class Baltimoreans who wanted prostitution and obscene print off the streets and out of their neighborhoods argued for the suppression of vice in all its forms, as did religiously-oriented reformers who believed the state had a duty to promote moral values. However, more pragmatically oriented citizens, including a controversial but vocal subset of medical men took a different approach. They argued that the nature of human sexuality and fallibility was such that certain forms of vice—prostitution being the major one—could never be truly eliminated; therefore, it was the duty of the state not to attempt impractical suppressive efforts, but to implement systems of regulation.

As it happened, the clash between advocates of suppression and advocates of

4 On changes in the middle class following the Civil War, see Stuart M. Blumin, *The Emergence of the Middle Class: Social Experience in the American City, 1760-1900* (Cambridge: Cambridge University Press, 1989), 258-297.

regulation played out dissimilarly across the various branches of commercial sex. For Baltimore's publishers and distributors of obscene materials, abortionists, popular venereal practitioners, and streetwalkers, the postbellum period was a time of tumult and hardship. Growing hostility on the part of state and local authorities and a vocal public minority translated into suppressive policies and policing techniques at the local level. For Baltimore's madams and brothel prostitutes, the effects of the postbellum period were much more ambiguous. The turbulent political climate of the postbellum era changed the policing of brothels, sometimes in radical ways. Nevertheless, it failed to fundamentally alter authorities' longstanding policy of regulating bawdy houses as a means of rendering the sex trade as inoffensive, contained, and easily controlled as possible. Understanding how and why suppressive or regulationist policies triumphed in some instances and failed in others, it is necessary to understand the ways in which commercial sex became enmeshed in broader local and state-level political struggles. It is to these issues that this chapter turns.

As the simultaneous rise of the urban bourgeoisie and expansion of the commercial sex trade caused increasing political and social tensions in Baltimore, one of the earliest casualties in a long-line of anti-vice backlashes was the trade in obscene print. Obscene print was in the unusual and unenviable position of having many customers (if the popularity of dime weeklies and sporting papers was any indication) but virtually no public defenders. Middle-class moralists universally condemned sporting papers, "fancy" books, and pamphlets about birth control or sexual health as damaging to the public morals. Sensational papers, they claimed, not only produced criminal proclivities in youth

by exposing them to a romanticized view of the urban underworld but also provoked lusts that could only be satisfied by resort to immoral sexuality. It was not uncommon for reformers to blame risqué print for everything from seduction, prostitution, and masturbation to infanticide and theft. As one commenter wrote of illustrated dime magazines, "They help fill the brothels of which public complaint is made as so stigmatizing to our city, besides to unspeakable private licentiousness introduced and encouraged among the young." Religiously motivated Baltimoreans found additional reasons to condemn obscene print for its historical associations with religious and political dissent. As one writer put it, obscene print was a "serious injury of the public morals, and calculated to subvert the teachings of the sacred institutions of religious [sic] worship."⁵ The writers and editors of local dailies, who quite likely viewed sporting papers as competing with their own print offerings, threw their support behind moralists and joined in the chorus of voices criticizing sensational and risqué print.

Even as the local press and morally minded Baltimoreans criticized obscene publications for their role in promoting moral decay, physicians chimed in to criticize their role in causing the decay of the physical body. Since the late 1840s, irregular and commercially oriented physicians in Baltimore had championed efforts to problematize uncontrolled male lust and masturbation by suggesting that both destroyed men's health.

5 "An Intolerable Evil," *Sun*, Feb. 24, 1868; "The Circulation of Obscene Periodicals--Instructions of Judge Gilmor to the Grand Jury," *Sun*, Feb. 28, 1868; "Indecent Publications" *Sun*, March 3, 1868; "Obscene Publications," *Sun*, Sept. 11, 1868.

On obscene and licentious materials as a sexual danger and a temptation toward masturbation, see: Helen Lefkowitz Horowitz, *Rereading Sex: Battles Over Sexual Knowledge and Suppression in Nineteenth-Century America* (New York: Knopf, 2002), 210-247; Beisel, *Imperiled Innocents*, 49-75.

On obscenity and its imagined and actual connections to subversion and political and religious dissidence, see Lynn Hunt, ed. *The Invention of Pornography: Obscenity and the Origins of Modernity, 1500-1800* (New York: Zone Books, 1993); Karen Harvey, *Reading Sex in the Eighteenth Century: Bodies and Gender in English Erotic Culture* (Cambridge: Cambridge University Press, 2004).

Without the ability to control their bodies and their emissions, men would inevitably be sapped of their vitality and derailed from the path to (re)productive citizenship. By the postbellum period, this had also become a common belief among regular physicians, some of whom joined Comstock and other religious reformers in claiming that masturbation could lead to insanity and even death.⁶ In light of the belief that lust could destroy the moral and physical body, obscene and licentious publications' tendency breed lust made them nothing short of a "poison" that demanded some remedy from authorities. As one critic of obscenity put it, "If there were professional poisoners in a community engaged in selling to the public articles of food impregnated with deadly elements, their vile trade would be speedily suppressed, and yet such a practice would not be as mischievous to society as the destructive tendencies and passions aroused by the publications we speak of."⁷

The language of poison left little rhetorical room for "obscene" papers to be treated as anything but commodities to be suppressed for the sake of public health and morality. And, indeed, authorities responded to them as such. Driven by anxieties about the role of obscene texts in promoting sexual desire (and, by extension, the evils of masturbation, seduction, and resort to prostitution), authorities in Baltimore moved quickly to suppress the dime magazines and flash papers that flooded the city in the late

⁶ For a contemporary example of medical men embracing anti-masturbation discourse, see Samuel D. Gross, "Syphilis In Its Relation to the National Health: Being the Address in Surgery, Delivered before the American Medical Association, at its Meeting at Detroit, June 3, 1874," (Philadelphia: Collins, Printer, 1874), 38-9.

On the popularly perceived linkages between masturbation and physical health, see Thomas Laqueur, *Solitary Sex: A Cultural History of Masturbation* (New York: Zone Books, 2003); Marjorie Heins, *Not in Front of the Children: "Indecency," Censorship, and the Innocence of Youth* (Rutgers: Rutgers University Press, 2007), 30-1; Angus McLaren, *Impotence: A Cultural History* (Chicago: University of Chicago Press, 2007), 133-4.

⁷ *Sun*, Feb. 24, 1868.

1860s and early 1870s.

In 1868, the Baltimore Grand Jury launched a full-scale investigation into obscene papers circulating in Baltimore. They presented Judge Robert Gilmore with copies of *Stetson's Dime Illustrated*, *The National Police Gazette*, and other New York papers, all of which they claimed to have found for sale widely and openly around the main streets of the city. Judge Robert Gilmore, upon perusing the jury's report and copies of each paper, concurred that the papers were a "subtle and dangerous moral poison" that would encourage youth to seek out lives of crime. Gilmore informed the jury that the law provided remedies against the purveyors of obscenity and that it was their duty to present such persons to the court. Gilmore further stated that he would personally see to it that all those found guilty of selling obscene papers were punished to the fullest extent allowable under the terms of both the 1853 obscenity statute and the common law. Given that the 1853 obscenity statute allowed for exorbitant penalties—fines of up to \$200 and possible jail time—news sellers initially took Gilmore's pledge seriously. Following the publication of Gilmore's remarks in local newspapers, the number of vendors displaying the police weeklies that had attracted the attention of the grand jury dropped dramatically as a result of fears of prosecution.⁸

Threats aside, however, the sudden furor against obscenity was not backed by consistent action on the part of police or the grand jury. Enforcement of prohibitions against obscenity was sporadic and mostly directed at small-scale dealers; on May 18, 1868, for instance, an Eastern District police officer arrested Henry Elsworth for

⁸ "An Intolerable Evil," *Sun*, Feb. 24, 1868; "The Circulation of Obscene Periodicals--Instructions of Judge Gilmore to the Grand Jury," *Sun*, Feb. 28, 1868; "Indecent Publications" *Sun*, March 3, 1868.

“exposing obscene books in the presence of ladies in the Passenger Rail Way Car.”

Elsworth may have been a consumer of obscene books, but he was more likely one of the vendors who sold candy and books on the train. The practice of selling racy offerings on the third pass of the car (the first two being for high literature and low but respectable reading) was a common one.⁹

While the arrest was certainly inconvenient for Elsworth, the sporadic nature of crackdowns on small-scale distributors did little to curb what had become a city-wide trade in popular weeklies. Once it became clear that authorities did not intend to carry out large raids on a regular basis, the open sale of obscene books and papers resumed soon after Gilmor’s proclamation. Just months after the initial Grand Jury investigation, a letter to the editor of the *Sun* complained that purveyors of obscene materials had returned to business as usual: "For two of three weeks after that charge the mercenary dealers in this wicked ware seemed to stop its sale, but soon recommenced again as boldly as ever. The most public corners of Baltimore street and many shop windows are daily filled with the obscene and disgusting pictures of the 'criminal' press."¹⁰

Initially, at least, it seemed that sellers of obscene weeklies were correct that they had little to fear from the law and from local police, whom moralistic Baltimoreans claimed ignored even the most blatant displays of obscenity. By the early 1870s, however, anti-obscenity reform movements had gained significant ground in other cities

⁹ Baltimore City Police Department (Criminal Docket, Eastern District) Henry Elsworth, May 18, 1868, C2111-5; MSA.

Rail stations were also sites for distributing obscene and pornographic photographs in the late nineteenth-century. Joseph W. Slade, *Pornography and Sexual Representation: A Reference Guide*, Volume 1 (Westport, CT: Greenwood Press, 2001), 45.

¹⁰ “Obscene Publications, *Sun*, Sept. 11, 1868.

Samplings of police records and Baltimore City Criminal Court Dockets (MSA C1849) confirm that arrests and prosecutions for obscene publications were exceedingly rare in the years immediately following the grand jury investigation.

and towns. No doubt influenced by this broader trend, local authorities in Baltimore began to assume a harsher stance toward obscene print. Instead of arresting street-level newsvendors, police began to target large distributors of news from other cities. In 1872, authorities arrested the entire partnership of the Baltimore News Company—Henry Taylor, William E.C. Harrison, and David and John Abercrombie—and charged them with selling obscene papers. William E.C. Harrison had been acquitted of similar charges three years prior, but he proved less fortunate the second time around: Harrison and his partners (minus Taylor, who was no longer involved in the business at the time of the offense) were convicted and issued fines \$200 each plus court costs.¹¹

The incredible steepness of the fines issued to the Baltimore News Company partners sent a strong signal that the Baltimore Criminal Court was primed to crack down on distributors of obscene materials. Even more remarkable than the amount of the fines, however, was the content that had prompted the court to issue them. The partners in the Baltimore News Company did not stand accused of selling any of the police gazettes or raunchy weeklies that had initially sparked public outcry over obscenity. In fact, Harrison and his partners purchased advertising space in local papers in order to issue a public denial that they were involved in such dealings, stating, "we have never sold obscene publications, as the public are well aware from the reputation of our House; nothing of that character has ever been allowed to enter our establishment."¹² In a twist that suggested a significant shift in both the scope and intensity of the legal system's attacks

¹¹ Baltimore City Criminal Court (Criminal Docket), Jan. Term, 1872, Case 508, Henry Taylor, William E.C. Harrison, David Abercrombie, and John Abercrombie, C1849-48; MSA. On Harrison's previous case, see *Sun*, Nov. 14, 1868.

On the Baltimore News Company, see Clayton Colman Hall, ed. *Baltimore Its History and Its People, Vol. III: Biography* (New York: Lewis Historical Publishing Company, 1912), 850-851.

¹² "Special Notices," *Sun*, March 29, 1872.

on obscenity, the “obscene papers” in question were actually copies of a weekly paper from Boston that featured an obscene ad for reproductive control devices.

As the partners in the Baltimore News Company were quick to note, similar advertisements for devices and medicines that promoted reproductive control had been common in and largely tolerated in virtually all city newspapers for almost two decades. By the early 1870s, however, anxieties over the availability sexual knowledge and technologies had intensified to a point that even veiled references to birth control devices had come to be regarded as obscene in and of themselves. Because prohibitions against non-imported obscenity existed only at the state level, however, the courts were helpless to strike out against the publishers of obscene papers from other states. In a remarkable turn, Baltimore authorities compensated by holding local distributors (many of whom were prominent citizens whose effort to disseminate the news had garnered them public praise during the war years) legally responsible for the every piece of content in every paper they distributed.¹³

The decision to prosecute wealthy and influential local businessmen was a testament to the seriousness with which the Baltimore authorities had come to approach matters of obscenity by the 1870s. Although Harrison and his partners waged a public relations campaign rather than legally contesting the charges against them, others were less content to accept the new legal paradigm with regard to obscenity. Edward F. Nicholson, a local printer, was arrested on the same day as the Baltimore News Company partners for publishing an issue of *New Varieties* that included an ad for “new ring self-

13 The localized nature of obscenity laws fostered the large-scale distribution of obscene papers by encouraging publishers to cater to subscribers and distributors outside of their cities in order to avoid prosecution. See Donna Dennis, *Licentious Gotham: Erotic Publishing and Its Prosecution in Nineteenth-Century New York* (Cambridge, MA: Harvard University Press, 2009), 169-199.

adjusting protectors,” (i.e. condoms). Nicholson, incensed at the attack on both his pocketbook and his reputation, appealed his conviction to the highest court in the state. He, like so many others, shied away from arguments relating to free speech. Rather, he asserted that he was innocent on the basis of his ignorance. It was impossible and ridiculous, Nicholson claimed, to expect publishers to be aware of the meaning of any and all innuendo contained in their advertising.¹⁴

Unfortunately for Nicholson, the court disagreed. The court did rule that Maryland’s obscenity statute required malice aforethought, and it concurred that the state had failed to make that a part of its allegations in Nicholson’s case. The court therefore accepted Nicholson’s demurrer with regard to the first count of his conviction. It upheld the second count, however, citing that the charge specified that the Nicholson had “unlawfully, wickedly, willingly, scandalously and maliciously” distributed obscenity. Since the demurrer did not contest this and since “there can be no question that the publication as set out in the charges and averments in this indictment, is obscene,” the court affirmed Nicholson's guilt. In so doing, it not only sealed Nicholson’s fate but also set a strict precedent for future obscenity prosecutions. The opinion in *Nicholson v. State of Maryland* specified that even innuendo that required specific knowledge to be properly identified as obscene nevertheless fell under the obscenity statute. Furthermore, it also held that the inclusion of even subtle references to birth control made publishers liable for financially devastating monetary penalties.¹⁵

Even prior to the passage of the Comstock Act of 1873, then, Baltimore

14 Baltimore City Criminal Court (Criminal Docket) Jan. Term, 1872, Case 509, Edward F. Nicholson, C1849-48; MSA. "Court of Appeals of Maryland. Edward F. Nicholson v. The State of Maryland," *Legal Opinion* Vol. 3 (Harrisburg, PA: John W. Brown, 1872), 332-3.

15 "Court of Appeals of Maryland. Edward F. Nicholson v. The State of Maryland," *Legal Opinion*, 335.

authorities had taken major steps to suppress obscene print. Anthony Comstock's success in legally banning lurid periodicals, obscene advertisements, and birth control devices and information from the U.S. Mail (obscene books had been banned by a previous statute in 1865) only streamlined a process that had already been begun at the local level. With Comstock placed in charge of inspecting the mails and ferreting out smut-peddlers of all stripes, the burden of determining what types of print were obscene shifted from decentralized local distributors to a centralized, federal office that was better equipped to handle the challenges of regulating obscenity in a growing national print market. Comstock largely succeeded in crushing large-scale publishing operations that peddled sensational magazines or reproductive information, as well as in destroying huge swaths of nineteenth-century risqué print materials.¹⁶

Local trades in obscene papers, books, and photographs still survived in Baltimore and other cities, but the hostile legal environment wiped out large-scale publishers and left in their wake small operations. Many of these small-scale publishing operations were moneymakers for the very kind of shady characters that authorities had imagined they were striking out against by banning the open sale of obscene papers. Among the more notorious of these individuals was Augustus Lloyd, who was arrested in 1879 for selling obscene cards (most likely playing cards with images of semi-clothed women on them). His case was ultimately placed on the stet docket, but Lloyd quit the business anyway in favor of joining his uncle's law firm, where he spent almost a decade defrauding dozens of primarily African-American Civil War pensioners of their money. Lloyd's case as much as any other signaled that the era in which flash papers and ads for

¹⁶ On the Comstock Laws, see Beisel, *Imperiled Innocence*, 49-75; Dennis, *Licentious Gotham*, 238-274; Horowitz, *Rereading Sex*, 299-318; 358-418.

sexual and reproductive medicines were commonplace in the urban world had come to an end, replaced by one in which the circulation of sexually-explicit or suggestive materials had to be covert and secretive.¹⁷

Somewhat ironically, crackdowns on obscene publications quickly began to affect the very people who served as some of obscenity's most vocal critics: popular medical practitioners who traded in venereal and sexual debility cures and methods of reproductive control. Proprietary medicine dealers and keepers of lock clinics had for years been playing a dangerous game in which they simultaneously extolled the dangers of obscenity and trafficked in it themselves. In New York, prolific smut-peddlers like George Akarman owned both the quack medicine operations that purported to cure the ill effects of masturbation and the sporting papers in which they advertised, an ingenious money-making system. Akarman got readers coming and going: he sold them papers designed to promote lust, problematized that lust, and then promised to cure them of its negative physical symptoms—for a price.¹⁸ There is little evidence to suggest that the links between the publishers of risqué papers and books and medicine dealers in Baltimore were so direct, but obscene print and the popular medical marketplace were still perceived as related enterprises. In order to peddle their cures, popular practitioners and patent medicine dealers published advertisements that used explicit language and talked frankly about sex and “the solitary vice.” Even as they cautioned young men

¹⁷ Baltimore City Criminal Court (Criminal Docket) Augustus Lloyd, Case 359, June. Term, 1879, MSA C1849-81; MSA; Carrie Kiewitt, A Study of Fraud in African-American Civil War Pensions: Augustus Parlett Lloyd, Pension Attorney, 1882–1909, 73–78 (1996) (unpublished M.A. thesis, University of Richmond), cited in Larry M. Logue and Peter David Blanck, *Race, Ethnicity, and Disability: Veterans Benefits in Post-Civil War America* (Cambridge: Cambridge University Press, 2010).

On Comstock Laws' effect on decentralizing the publishing industry and crushing large publishers, see Dennis, *Licentious Gotham*, 238-274.

¹⁸ Dennis, *Licentious Gotham*, 167-197.

against “youthful folly” and excessive lust, they publicized knowledge about sex that itself was regarded by the urban bourgeoisie as dangerous and potentially corrupting to young readers. Ads that confirmed the perils of obscenity came themselves to be viewed as obscene, and, as the Nicholson case suggested, authorities grew increasingly intolerant of them.

Maryland's obscenity act of 1853 did not succeed in crushing the publicized aspect of the popular medical marketplace so much as in changing the language employed in advertisements. During the 1860s, however, attacks on the discursive side of popular medicine around sex were coupled with attacks on popular medicine itself. As previously noted, popular medicine had been well accepted in the city in the middle third of the nineteenth century, a period in which early regular medicine and alternative practices may have had similar efficacy rates and regular medicine remained ill-defined and mostly decentralized. The Civil War proved to be a crucial turning point, in part because the experience of serving on the battlefields and in the field hospitals functioned to unite and foster the professionalization of regular physicians. Bolstered by the increased demand for their services and by the advancements in medicine that had occurred in the course of the conflict, regular medical men began to seek greater centralization and organization within their ranks and monopolies on medical legitimacy at the state level. In the years following the war, a group of Baltimore-based medical men created their own professional organization, the Baltimore Medical Association. Their goal was to accomplish what the Medical and Chirurgical Society had shown little inclination or ability to do, namely winning legislative approval for the tightening of licensing regulations for physicians and surgeons. The Baltimore Medical Association

petitioned the state in 1867 to grant authority local licensing boards the authority to dictate who was allowed to practice medicine within each county or independent city.¹⁹

More than a direct act on the sexual side of the popular medical marketplace, the Association's actions were an attempt to assert regular physicians' monopoly on legitimate medical knowledge. Nevertheless, the very fact that so much of the medical marketplace was populated with practitioners of sexual and reproductive medicine proved central to the Association's efforts. The physicians and surgeons who advocated for licensing boards faced significant resistance, both from popular medical practitioners who had long enjoyed their practices in the city and from regular physicians from other parts of Maryland who disdained the idea of so much authority being concentrated in the hands of a small cabal of urban practitioners. In order to overcome this resistance and succeed in accomplishing their goals, the Baltimore Medical and Surgical Association tapped into anxieties about the role that anti-venereal medicine and birth control played in encouraging sexual licentiousness, especially on the part of women.²⁰

As they lobbied the state legislature to pass measures to ensure that the public was protected from what they deemed dangerous quackery, members of the Baltimore Medical Association coupled their efforts with attempts to pass a statute outlawing abortion. It was a solid strategic move on two levels. In the practical sense, abortion was a particularly lucrative area of medicine for "quacks" and irregular practitioners, many of

19 James Mohr, *Abortion in America: The Origins and Evolution of National Policy* (Oxford: Oxford University Press, 1978), 211-215; "The New Medical Law of Maryland," *Medical and Surgical Reporter* 16 (June 8, 1867), 487-8.

20 Mohr, *Abortion in America*, 211-215.

On birth control and nineteenth-century anxieties about reproductive control methods, see Andrea Tone, *Devices and Desires: A History of Contraceptives in America* (New York: Hill and Wang, 2001); Janet Farrell Brodie, *Contraception and Abortion in Nineteenth-century America* (Ithaca: Cornell University Press, 2004).

whom had expanded their services to include reproductive control after passage of the 1853 obscenity law. The furtive and secretive nature of popular medical clinics that structured their practices around the treatment of various reproductive and sexual debilities gave them an undeniable advantage over regular medical facilities. Outlawing abortion took away a significant source of income for popular practitioners who chose to conform to the law and increased the riskiness of business for those who did not.²¹

In a more abstract sense, abortion sat at the ideological crossroads of postwar anxieties about race, gender, reproduction, and population, and thus took on a greater political and moral significance in the minds of many elite Baltimoreans. At the same time that physicians spearheaded efforts to outlaw abortion, reformers like Anthony Comstock lobbied against abortion and birth control (two reproductive strategies between which he made virtually no distinction) on moral grounds. Comstock and his allies in the Society for the Suppression of Vice considered all sex that did not have a procreative function to be immoral and unhealthy, both for the individual and for the social body. As numerous scholars have noted, late nineteenth-century rhetoric against reproductive control tended to be shot through with anxieties about women's agency and mobility. While Comstock and his fellow anti-vice reformers often applied the rhetoric of sexual restraint to both men and women, nineteenth-century Americans tended to wink at and tacitly endorse men's sexual license to visit prostitutes or engage in affairs even as they condemned women for doing the same. The notion that women should be able to exercise control over reproduction—often through means that circumvented the knowledge or authority of the men in their lives—ran contrary to prevailing attitudes about gender and

21 Mohr, *Abortion in America*, 147-170; 200-225.

male sex right. It also generated fears among white, native-born, upper-class Americans that birth control would lead to low birth rates among those who could afford to terminate pregnancies, which only heightened anxieties about increased immigration's potential to threaten the demographic and cultural dominance of Anglo-Americans. By seeking to have both abortion procedures and the sale of abortifacients declared illegal, physicians were simultaneously using a moral and biopolitical issue to advance their own professional ends and striking out at an area of medicine over which they struggled to assert control in an open marketplace.²²

Their tactics proved successful. In 1867, the Maryland State legislature passed a law entitled, "An act for the protection of the Public against Medical Impostors, and for the suppression of the crime of unlawful Abortion." The termination of a pregnancy after quickening had long been regarded as a crime under the common law, although it was rarely prosecuted due to the difficulties of ascertaining when the crime took place. Under the new statute, however, restrictions on abortion tightened in ways that clearly targeted the providers of abortion or abortifacients rather than the recipients. The law made it illegal not just to conduct an abortion, but to "knowingly advertise, print, publish, distribute or circulate [or cause to be circulated] any pamphlet, printed paper, book, newspaper notice, advertisement, or reference" that even hinted at a person or place where a person could go to receive medicines or advice designed to cause the end of a pregnancy. It also dramatically increased the prescribed penalties; anyone convicted

²² Ibid; Janet Farrell Brodie, *Contraception and Abortion in Nineteenth-Century America*, Carroll Smith-Rosenberg, "The Abortion Movement and the AMA, 1850-1880," *Disorderly Conduct: Visions of Gender in Victorian America* (Oxford: Oxford University Press, 1985), 217-244.

On anxieties about race and Anglo-Saxon dominance as they related to abortion, see: Nicola Beisel and Tamara Kay, "Abortion, Race, and Gender in Nineteenth-Century America" *American Sociological Review* 69 (August, 2004), 498-518.

under the law was to face a sentence of not less than three years at labor in the penitentiary, a fine of between \$500-\$1,000 or both (at the judge's discretion).²³

As was so often the case when it came to attempts to suppress illicit commerce relating to sex, the new law's success was mixed.²⁴ Shortly after the passage of the statute, Augustus Erich, the President of the Baltimore Medical and Surgical Association, was arrested alongside noted abortionist S.F. Schuman for attempting to procure an abortion for a local woman. Erich was never indicted by the grand jury and was cleared of misconduct allegations by his colleagues, but the arrest was both embarrassing and symbolic of the fact that enforcement of statute did not always play out in ways its authors anticipated.²⁵

Enforcement at the local level was uneven, not only because abortion was often a crime of collusion but because local juries—even grand juries composed of elite Baltimoreans—were, in practice, fairly apathetic to the crime. An examination of newspaper records and seven sample years of court dockets reveals only twenty persons (mostly physicians, midwives, and druggists) arrested for producing, attempting to produce, or attempting to procure abortions between 1866 and 1879.²⁶ A quarter of those cases only came to light because the woman who had attempted to terminate her

23 Mohr, *Abortion in America*, 211-215; John Ordronaux, *Jurisprudence of Medicine in Its Relations to the Law of Contracts, Torts, and Evidence, with a Supplement on the Liabilities of Vendors of Drugs* (Philadelphia: T. & J. Johnson & Co., 1869), 206.

24 Notably, the authors of the law failed to include an enactment clause, which essentially rendered it unenforceable. In 1868, the legislature repealed the law and enacted a new one that continued the abortion ban, but eliminated the restrictions on medical practice. Mohr, *Abortion in America*, 214-215; Ordronaux, *Jurisprudence of Medicine in Its Relations to the Law of Contracts, Torts, and Evidence*, 206.

25 *Sun*, Sept. 17, 1867; "The Alleged Abortion Case," *Sun*, Sept. 23, 1867; "At a Special Meeting of the Baltimore Medical Association," *Sun*, Sept. 23, 1867.

On Erich, see Scharf, *History of Baltimore City and County*, 739.

26 This information was derived from examinations of the Baltimore City Criminal Court's criminal docket for the years 1866, 1867, 1870, 1872, 1873, 1875, and 1876, as well as OCR scans of the Baltimore *Sun*. Baltimore City Criminal Court (Criminal Docket), C1849, MSA.

pregnancy had been in some way injured by the accused party; in four cases, the women in question had actually died as a result of infection or poisoning by ergot (a common abortifacient), and charges against the midwives or physicians were brought by their husbands, mothers, or siblings. Very few of these cases were successful; of eleven abortion cases that could be traced through the record, ten resulted in dismissals or acquittals. The only person convicted for producing an abortion, Dr. S.F. Schuman, had already been indicted and had other abortion charges dismissed on technicalities at least twice before he was finally fined \$500 and sent to jail for 30 days in 1868.²⁷

The tendency of even sensational and high-profile cases to slip through the cracks did not go unnoticed by court officials. In 1876, shortly after the grand jury dismissed highly publicized allegations that regular physician Buckler Jones caused the death of a woman by performing an abortion, Baltimore City Court Judge George William Brown resorted to lecturing new members of the grand jury on their responsibility to follow through on abortion cases. Judge Brown, a former Baltimore mayor and a trustee of Johns Hopkins University, told the jury that he had “reason to suppose the law has been violated to a large extent in the city” and ordered them to make serious efforts to investigate any and all allegations of abortion. In a statement that was revealing of the degree to which Baltimoreans were divided on the moralistic legal prohibitions—abortion, gambling, and Sunday liquor restrictions—Brown also reminded jurymen, “it is your duty to do your part in having them enforced, whether the laws meet your approval or not.” If his words had resonance, it was not reflected in indictments. In December of

²⁷ *Sun*, Jan. 12, 1867; Sept. 17, 1867; Oct. 1, 1867; May 19, 1868; July 1, 1868. See also Baltimore City Criminal Court (Criminal Docket), Sept. 1866, Case 273, S. F. Schuman, MSA C1849-33, MSA.

1876, an abortion case against Clay Maddox for performing an abortion on Mrs. M.A. Lawless stalled, and prosecutions for abortion tapered off toward the end of the 1870s. Notably, however, even rumors and stalled prosecutions could be devastating; though charges were dismissed against Buckler Jones, he committed suicide by slitting his throat less than six months after his arrest.²⁸

While the ban on abortion was not uniformly enforced at the local level, the threat of prosecution was nevertheless real and present. Ambiguities in the law made it a source of significant anxiety even for “regular” physicians and druggists who remained uninvolved in the abortion business. Shortly after a well-publicized death involving an abortifacient, a druggist wrote to the *Baltimore Sun* inquiring about the law concerning the sale of poisonous chemicals. The druggist was concerned that he opened himself up to liability by selling chemicals that, while recognized as having legitimate medical uses, could also cause abortion. The *Sun* could say little to assuage his concerns; while the 1867 and 1868 statutes made it a crime to provide abortifacients “knowingly,” the common law criminalized abortion without referencing a need to prove intent or foreknowledge. In a period in which public outrage over abortion could be ignited easily—especially in cases that resulted in a young woman’s death—even selling legitimate but potentially dangerous medicines could be risky.²⁹

For the midwives, regular physicians, irregular practitioners, and druggists who continued to provide drugs or procedures designed to cause abortion, the legal climate of the postbellum period was significantly more threatening. While the specter of

28 *Sun*, June 30, 1876; Oct. 20, 1876; Dec. 23, 1876; Mar. 9, 1877. Baltimore City Criminal Court (Criminal Docket), Dec. Term, 1876, Case 1290, J. Clay Maddux [sic], C-1849-68, MSA.

29 *Sun*, Sept. 5, 1872.

prosecution was not enough to halt the trade in abortion, it was enough to send abortionists—many of whom offered abortions as part of an array of sexual and reproductive medical services—underground. The majority of references to medicines designed to allow reproductive control were, predictably, stricken from advertisements, and the print promotion of “lock hospitals” and clinics specializing in sexual medicine dropped off precipitously by the end of the 1860s. Ads for popular practitioners that had once taken up the majority of print column became dramatically shorter and more vague, and virtually disappeared by the end of the decade.

Legal crackdowns on abortion, in other words, accomplished something that bourgeois Baltimoreans and regular practitioners had wanted for some time: they made major strides toward silencing the men and women who—judging from the frequency of their advertising and apparent wealth—had been a popular source of sexual knowledge and healing for the urban population. The abortion ban functioned to consolidate “legitimate” medical knowledge about sexuality in the hands of regular practitioners, even as it erased what many critics had long regarded as the most offensive aspect of the medical marketplace. Years before the passage of the Comstock Act, Baltimore papers were by and large cleansed of their “obscene” advertising.³⁰

Abortionists and healers of sexual debility were not the only ones to be dealt a serious blow in the postbellum period; patent medicine dealers, too, found themselves facing a crisis. Just as regular physicians from Baltimore began to push for

30 My findings about Baltimore comport with legal scholar Donna Dennis's findings about New York. Dennis argues against viewing the Comstock Laws as the start of American censorship; she emphasizes instead that the Comstock Laws arose out of a long local tradition of policing obscenity. Indeed, New York's local trade in obscene print was already under attack locally long before Comstock achieved a federal prohibition on obscenity in the mails. Dennis, *Licentious Gotham*.

Observations on the decline of “obscene” advertisements based on samplings of the *Sun* and of the *Baltimore American*.

professionalization after the war, so to did their pharmacist counterparts. In 1868, the newly re-chartered Maryland College of Pharmacy lobbied the state legislature to pass regulatory measures concerning the dispensing and selling of medicines. Initial efforts to pass the bill failed, in part because of opposition from rural counties where patent medicines remained an important means of medical treatment and a significant source of profit for local storekeepers. Once the bill was modified to apply only to Baltimore City, where the College itself was located, it was passed into law in 1870.

The new law, entitled, “An Act to Prevent Incompetent Persons from Conducting the Business of Druggist and Apothecary in the City of Baltimore,” required that anyone who wished to dispense medicines or prescriptions had to possess a diploma and submit to and pass an examination before a state board appointed to oversee the pharmaceutical trade. In 1872, the state legislature added vendors of “retail drugs” to the list of those who had be certified in order to continue in their operations. The new law did not stem the production of patent medicines, but it did reduce the number of people capable of selling them. The booksellers and confectioners who had once been the primary advertisers and sellers of patent medicines designed to cure venereal ailments and sexual debility were placed in a murky legal position, and advertising fell off as a result. Mentions of “ the venereal,” syphilis, and gonorrhoea gradually disappeared from the pages of newspapers.³¹

As growing bourgeois intolerance of commercial sex led to the suppression of obscene print and the medical marketplace around sex, Baltimore’s oldest, largest, and

31 Lewis Mayer, *Supplement to the Baltimore City Code; Comprising the Acts of the General Assembly of Maryland, Passed at the Sessions of 1870, 1872, and 1874, Relating to the City of Baltimore, and the Ordinances of the Mayor and City Council from June 1869, to June 1874, With Decisions of the Courts Construing the Acts and Ordinances. Also an Appendix of Ordinances, from June to Adjournment of Council, October 27, 1874* (Baltimore: John Cox, City Printer, 1874), 94-94.

most well-established branch of commercial sex also seemed on the verge of precarious situation. Like obscenity, prostitution generated public anxieties about the corruption, moral atrophy, and even physical decay. The more the trade expanded and drifted into decentralization in the decades following the war, the worse these anxieties became. The blurring of traditional lines between respectable spaces and dens of iniquity and between immoral prostitutes and “ladies” prompted demands from bourgeois Baltimoreans that authorities cleanse the city of streetwalking, brothel prostitution, and any forms of sexual solicitation that fell between the two categories.³²

Unfortunately for morally minded Baltimoreans, however, the joint coalition with medical men that had functionally ended the publicized aspects of the popular medicine around sex and the open trade in obscene print failed to materialize in the case of prostitution. Initially, medical men followed the same basic pattern they had in the obscenity and popular medicine cases: first, medical men joined reformers in decrying prostitution as morally and physically damaging. On the heels of heightened post-war consciousness about the prevalence of venereal disease, physicians called attention to the problem of urban prostitution by claiming that the trade was responsible—directly or indirectly—for virtually all cases of syphilitic infection in the urban population. In light of prostitutions’ role in spreading illness and threatening the health of future generations, physicians then joined their counterparts in arguing that the state needed to step in and remedy the situation. Lastly, as they had done before, they used concern over the ill-effects of prostitution as an opportunity to assert and expand their own professional

32 On fears of prostitution and degeneracy, see for instance: First Branch, Baltimore City Council, *Journal of the Proceedings of the First Branch of the City Council at the Sessions of 1864 & 1865* (Baltimore: James Young, 1865), 320-338.

authority.³³

Unlike the previous case, however, physicians' proposed solution to the problem of prostitution differed significantly from the one moral reformers envisioned. A vocal (although by no means universally-supported) group within the medical profession, including several prominent Baltimore physicians, began to call not for the suppression of prostitution or the closure of brothels, but for a system of regulation similar to the ones that operated in continental Europe (i.e. licensed prostitution and medical inspection) or in English military ports (i.e. forced medical inspection of suspected prostitutes).³⁴

Various city physicians, some of whom allegedly had the support of local brothel keepers, made at least five attempts between 1874 and 1882 to lobby the Baltimore grand jury or the state legislature to enact some variation on the French or British systems. John C. Morris, the same physician who had treated Margaret Hamilton as she recovered from the gunshot wound inflicted on her by Eliza Simpson in 1856, became a national advocate for a revised system of medical inspection for prostitutes in the late 1870s and

33 Major medical and sociological studies that argued for the relationship between prostitution and venereal disease included Alexandre-Jean-Baptiste Parent-Duchâtelet, *Prostitution in Paris, Considered Morally, Politically, and Medically: Prepared for Philanthropists and Legislators, from Statistical Documents, translated from the French, by an American Physician* (Boston: Charles H. Brainard, 1845); William Sanger, *The History of Prostitution*; William Acton, *Prostitution, Considered in Its Moral, Social & Sanitary Aspects, in London and Other Large Cities with Proposals for the Mitigation and Prevention of its Attendant Evils* (London: John Churchill, 1863).

34 For a general overview of European regulationism, see: Peter Baldwin, *Contagion and the State in Europe, 1830-1930* (Cambridge: Cambridge University Press, 1999), 355-524.

In addition to enhancing the professional authority of medical men, medical regulationist campaigns in their trans-Atlantic and international context were closely linked with preserving imperial power and colonial authority. On the Contagious Disease Acts, see: Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State* (Cambridge: Cambridge University Press, 1980); Philippa Levine, *Prostitution, Race and Politics: Policing Venereal Disease in the British Empire* (New York: Routledge, 2003); Philip Howell, *Geographies of Regulation Policing Prostitution in Nineteenth-Century Britain and the Empire* (Cambridge: Cambridge University Press, 2009).

On French medical regulation, see Alain Corbin, *Women for Hire: Prostitution and Sexuality in France After 1850* (Cambridge: Harvard University Press, 1990);

early 1880s.³⁵

In 1881, Morris served on the Special Committee of the American Public Health Association on the Prevention of Venereal Diseases, which drafted model legislation addressed to the Maryland State Legislature. The proposed legislation criminalized both the willful spread of venereal diseases and the intentional harboring of infected persons, as well as authorized the Baltimore City Board of Health to quarantine the afflicted. Morris concurred with the provisions of the bill, but also authored a minority report urging strict oversight of houses of ill-fame by the local state. In a move that acknowledged the reality that most prostitutes no longer operated out of brothels exclusively, Morris proposed that all keepers of establishments that allowed prostitution on their premises be required to report the names of all women frequenting their houses. While Morris shied away from suggesting that the women be issued licenses or subjected to taxes (as they were under the Parisian system that other physicians advocated), he did specify that they should be subjected to bimonthly medical inspections. All inspections were to be conducted by one of four "regularly educated medical men" appointed by the Mayor of Baltimore and paid a regular salary from revenue collected as part of the city's police tax. In a provision similar to the Contagious Disease Acts, Morris proposed that any district physician who observed signs of venereal infection in either a prostitute or a male visitor to a house of ill-fame should have the right to commit the person in question for treatment.³⁶

35 Aaron Macy Powell, *State Regulation of Vice: Regulation Efforts in America. The Geneva Congress* (New York: Wood & Holbrook, Publishers, 1878), 83-84.

On Morris's previous experiences treating prostitutes, see: *Sun*, March 2, 1840; June 12, 1855; Report of the Trial of Michael Rock on an Indictment for a Rape on Elizabeth Black MS. 174, Special Collections, Milton S. Eisenhower Library, The Johns Hopkins University.

36 John C. Morris, "Minority Report of the Special Committee on the Prevention of Venereal

The advantages to physicians of a regulatory system that required the local state to employ physicians as police surgeons and de facto guardians of the public health were obvious. Indeed, opponents of medical regulation promptly attacked regulationist physicians for prioritizing self-interest over public morality and welfare. As early as 1865, Baltimore Health Officer Samuel T. Knight had argued that state-sanctioned vice would represent nothing short of a “revolution” in American politics, and not one that was for the better. In the years that followed, religious individuals made similar claims; Quaker philanthropists J. Carey Thomas and Francis King were responsible for halting two of the efforts to bring the issue of regulation before the grand jury. They and other religious reformers argued that licensing vice was an abdication of government’s responsibility to foster a moral society, as well as an assault on the virtue of women. In an echo of Josephine Butler and the British Repealers, Baltimoreans argued that subjecting women to humiliating inspections for the sake of allowing men to satisfy their lusts without consequence was an abomination. In place of licensing vice, moral reformers proposed creating a more moral society by creating circumstances that allowed people to control their lusts as they were intended to, including but not limited to granting women greater economic opportunities to promoting gymnastic exercises for men that would help them develop healthy habits and restraint.³⁷

Diseases," *Maryland Medical Journal* 8:1 (May 1, 1881), 440-443.

37 Baltimore Health Officer Samuel T. Knight, upon noting that intellectual pursuits were important to preserving the virtue of young men, added, “Nor are the gymnastic exercises to be forgotten: they go a long way towards the work of self-restraint in the adolescent. Encourage in our Park and elsewhere skating clubs, cricket clubs, ball alleys and gymnastics generally.” (332) First Branch, Baltimore City Council, *Journal of the Proceedings of the First Branch of the City Council at the Sessions of 1864 & 1865* (Baltimore: James Young, 1865), 332, 334; Powell, *State Regulation of Vice: Regulation Efforts in America*, 83-84.

On Josephine Butler, see Walkowitz, *Prostitution and Victorian Society*; Jenny Dagggers and Diana Neal, eds. *Sex Gender, and Religion: Josephine Butler Revisited* (New York: Peter Lang Publishing, Inc., 2006); Jane Jordan and Ingrid Sharp, eds. *Josephine Butler and the Prostitution Campaigns: Diseases of*

In light of almost universal opposition to regulation outside the medical community, efforts at imposing a system of medical regulation in Baltimore followed the course they followed in every city except St. Louis: they failed.³⁸ And yet, as extreme and unpopular as advocates of medical inspection were, their assumptions about sexuality and law were neither. In 1874, Samuel T. Gross, a Philadelphia physician gave a pro-regulation speech at the American Medical Association that generated considerable interest in Baltimore. In it, Gross argued that the sale of sex was an evil that could never truly be eliminated. “I am sometimes inclined to believe” Gross remarked, “that prostitution is the normal condition of the human race. Or, if we reject this proposition, so offensive to good taste, it must be admitted, beyond the possibility of doubt or cavil, that the practice is so intimately interwoven with our social system as to form an essential part of it.”

Prostitution was “essential,” Gross believed, not only because it had deep historical roots but also because it satisfied a desire inherent to man. Unless prostitution was around to satisfy men’s impulses, those impulses would play out in ways that were even less desirable and more offensive to respectability than prostitution. As distasteful as pious Baltimoreans found the idea that lust was a part of the human condition rather than a moral stain to be blotted out, many Baltimoreans—and Americans more generally—agreed that prostitution was something of an inevitability. The idea that prostitution could never be eradicated because demand would never cease was pervasive

the Body Politic (London: Routledge, 2003).

38 On regulation campaigns in the US, see: John D’Emilio and Estelle B. Freedman, *Intimate Matters: A History of Sexuality in America, Third Edition* (Chicago: University of Chicago Press, 1988, 2012 edition), 147-150. Jeffrey D. Nichols, *Prostitution, Polygamy, and Power: Salt Lake City, 1847-1918* (Urbana: University of Illinois Press, 2002), 83-135.

in the late nineteenth century.³⁹

While authorities in Baltimore had never articulated a version Gross's philosophy in the decades leading up his proclamation, they too had quietly embraced the idea that prostitution was a part of the urban landscape, to be regulated and controlled but not suppressed unless it violated the public peace to a degree that could not be ignored. In the wake of a relative absence of successful attempts to lobby the state for legislative restrictions or bans on the local sex trade, authorities in Baltimore were left with the task of figuring out for themselves how to reconcile their traditional approaches to the sex trade with its increasingly decentralized nature and with growing middle-class intolerance toward highly-public forms of prostitution. They began immediately after the war by creating a system that disincentivized and punished undesirable forms of prostitution while safeguarding and channeling women into more tolerable ones.⁴⁰

The first step in exerting control over the sex trade involved cracking down on its most public elements: streetwalking and non-brothel prostitution. Streetwalkers had always fared the worst in the city's policing schemes with regard to commercial sex, in large part because they were the poorest, most visible, and most racially mixed group involved in prostitution. They were also the most derided. As numerous historians have noted, streetwalking was a comparatively desirable form of prostitution for women who

39 Samuel D. Gross, *Syphilis in its Relation to the National Health: Being the Address in Surgery, Delivered before the American Medical Association, at Its meeting at Detroit, June 3, 1874* (Philadelphia: Collins, Printer, 1874), 38. Accessed June 1, 2014: <http://nrs.harvard.edu/urn-3:HMS.COUNT:1103593>

On the representativeness of Gross's views, see Baldwin, *Contagion and the State in Europe, 1830-1930*, 355-369.

40 Numerous historians have noted that systems of informal regulation like Baltimore's existed in numerous cities by the postbellum period: Joel Best, *Controlling Vice: Regulating Brothel Prostitution in St Paul, 1865-1883* (Columbus: Ohio University Press, 1998); Jeffrey D. Nichols, *Prostitution, Polygamy, and Power: Salt Lake City, 1847-1918* (Urbana: University of Illinois Press, 2002), 83-89; Sharon Wood, *Freedom of the Streets: Work, Citizenship, and Sexuality in a Gilded Age* (Chapel Hill: University of North Carolina Press, 2005), 158-185.

did not wish to be subject to the hierarchies and control of the brothel. And yet reformers, moralists, and sporting men who either could not comprehend the logic behind streetwalking or, in comprehending it, resented it usually characterized streetwalkers as the most degraded and “low” women selling sex.⁴¹ Their rhetoric had a profound impact on the way in which streetwalkers were treated by the legal system. As the “lowest” rung on the sex trade, streetwalking prostitutes, unlike their sisters in brothels, could not draw on their great wealth, property ownership, or financial connections to landlords with high social standing to assert their individual rights before local courts. The absence of connections or the traditional markers of rights made them most vulnerable to heavy-handed applications of police power, a situation that was no different after the war. Despite the fact that streetwalking and other forms of non-brothel prostitution became more common and less associated with solely “degraded” and impoverished women, the status of independent prostitutes did not improve socially or legally as it improved financially. Growing bourgeois intolerance of highly-public forms of commercial sex and anxieties about the legibility of the sex trade prompted the creation of new laws and technologies of regulation that made streetwalkers’ and occasional prostitutes’ lives increasingly difficult.⁴²

Some of the earliest attacks on non-brothel prostitution came in the form of laws that made it risky for the owners of legitimate businesses to cater to the commercial sex trade. When concert saloon proprietors like George Lea arrived in Baltimore hoping to take advantage of the troop presence during the Civil War and Maryland's lack of legal

41 White, *The Comforts on Home*, 14-19.

42 On the relationship between individual rights and property in the nineteenth century, see Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South*. (Chapel Hill: University of North Carolina Press, 2009).

restrictions on alcohol sales in theaters, action on the part of state senators was almost immediate. Maryland legislators moved to prevent proprietors like Lea from turning their establishments into spaces for sexual solicitation. In 1864, Maryland passed a law specifying that it was illegal for any “theatre, museum, or other place of amusement” to employ women as waiters, or allow them to act in the establishment, or to allow them to circulate among the audiences selling wine, liquor, or lager beer. Proprietors who violated it were subject to fines of \$100-\$1,000, one to six months in jail, or both, plus the revocation of their licenses. Because concert saloons typically made their money less from entertainments than from overcharging for drinks sold by attractive young women circulating among the audience, the law dealt a major blow to the fledgling branch of the entertainment business.

Another bill passed in 1878 did further damage by making it illegal for concert saloons, theaters, or any place of entertainment that allowed obscene or vulgar displays or served liquor to admit women under the age of 16 or young men under the age of 14. Young people typically made up a sizable portion of concert saloons' patrons, and the law deprived all but the most reputable establishments of their livelihoods. It also deprived women of an opportunity to solicit in an environment that was potentially safer than the streets and less restrictive than the brothel.⁴³

Lawmakers' attempts to drive commercial sex out of the city's entertainment

43 William Lawrence Slout, ed. *Broadway Below the Sidewalk: Concert Saloons of Old New York* (San Bernadino, CA: The Borgo Press, 1994), xii-xiv; Gillian M. Rodger, *Champagne Charlie and Pretty Jemima: Variety Theater in the Nineteenth Century* (Urbana: University of Illinois Press, 2002), 59-71, especially 65-66.

United States, Bureau of Labor Statistics, *Bulletin of the United States Bureau of Labor Statistics*, Issue 54 (September, 1904), 1140-1141; Woman's Christian Temperance Union, *Minutes of the National Woman's Christian Temperance Union at the Eighth Annual meeting, Boston, Mass. November 13 to 18, 1891* (Chicago: Woman's Temperance Publishing Association, 1891), 193.

spaces were coupled with increasingly strenuous efforts on the part of local police to cleanse the streets and public thoroughfares of the sex trade. Two concurrent developments made it possible for Baltimore's police and courts to undertake unprecedented suppressive efforts against streetwalkers and other prostitutes who operated outside of brothels. The first of these was the dramatic expansion of police power that accompanied a wave of panic over vagrancy in the years that followed the Civil War. Following emancipation, Americans expressed fears that the rise of free labor would be accompanied by an inevitable refusal on the part of certain segments of the population to work. In Baltimore as in other cities, capacious vagrancy statutes granted authorities what at times seemed unmitigated power to police men and women whom they deemed idlers, layabouts, persons lacking in "visible means of support" from a legitimate profession, or, indeed, anyone else whose presence on the streets they deemed disruptive to increasingly stringent notions of urban order. Frequent vagrancy sweeps in the latter half of the century netted everyone from out-of-work men and women, to street musicians, scrap collectors, beggars, fortune tellers, drunks, and, of course, prostitutes.

As moral and practical objections to streetwalking intensified, the expanded use of vagrancy allegations provided a powerful, cheap, and immediate tool by which police could suppress street prostitution. Because a person deemed a vagrant stood accused of being a disorderly person rather than committing a specific crime, she or he could be denied the presumption of innocence, access to witnesses, and right to a jury trial that were typically reserved to persons accused of misdemeanor or felony offenses. The lack of due process rights meant that most cases could be and were summarily decided before a

police court or magistrate shortly following arrest.⁴⁴

The second development that allowed for suppressive crackdowns on non-brothel prosecution was the growth of the physical infrastructures that supported the first. An increasing desire on the part of bourgeois Baltimoreans to create a liberal city may have motivated the regulation of prostitution, but the ideological impulse itself was not sufficient to make that regulation possible. Vagrants were persons who had failed to integrate themselves in to the liberal-capitalist ethos of self-regulation, and, as such, their successful reformation demanded a prolonged process that coupled moral education with practical trade skills and compulsive labor. In recognition of this fact, Maryland law consistently prescribed incarceration as the penalty for Baltimore vagrants; in the years immediately following the war, for instance, section 108, article 4 of the local law specified the penalty for vagrancy as 30 days in jail.⁴⁵

The problem with the incarceration of vagrants, however, was that city infrastructure made such sentences impossible to enforce in many cases. By the middle of the century, the Baltimore City Jail was consistently overcrowded, so much so that the Baltimore Grand Jury recommended that its officers relieve the institution of its crowding by not accepting vagrants. The Alms-house, the other institution to which those convicted of vagrancy were traditionally sentenced, proved similarly ill-suited to handling the number of persons remanded to its custody on the charges. Under pre-war circumstances, the inability of the usual institutions to accommodate the number of persons sentenced

44 Stanley, *From Bondage to Contract*, 60-137; Priscilla Clement, "The Transformation of the Wandering Poor in Nineteenth-Century Philadelphia," in *Walking to Work: Tramps in America, 1790-1935*, Eric H. Monkkonen, ed. (Lincoln: University of Nebraska Press, 1984), 54-84. See also Rockman, *Scraping By*, 172, 226-227

45 Maryland, Public Local Law, Sec. 108, Art. 4.

for vagrancy necessitated a reduction in prosecutions.⁴⁶

During the postbellum period, however, the outcropping of private and semi-private institutions designed to accommodate wayward youth and the sick removed the institutional barrier to vagrancy prosecutions by expanding the number of sentencing facilities available to the court. The state wasted little time in forging partnerships with new religious reformatories and private houses of industry that opened in the years following the war. By the 1870s, Baltimore's justice system had established a practice of sending special categories of vagrants to these private institutions. By the 1870s, institutions like the Catholic-run House of the Good Shepherd, the Female House of Refuge, and The Maryland Industrial School for Girls were taking in large numbers of young women—including streetwalkers—sent to them by local courts. Likewise, Bayview Asylum and the House of Refuge each accepted vagrants of both sexes. With the proliferation of privately run institutions, it became possible for the local courts in Baltimore to prosecute vagrancy to an extent not witnessed since the 1810s.⁴⁷

Baltimore police and judicial authorities took advantage of the opportunity and used expansive vagrancy statutes to target, round up, and incarcerate women who sold sex on the streets. In 1871, the city's Board of Police Commissioners issued and publicized an order specifying that the night police should henceforth "arrest all that class

46 Baltimore City Council First Branch, *Journal of Proceedings of the First Branch City Council of Baltimore at the Sessions of 1879-80* (Baltimore: King Brothers, 1880), 562; Baltimore Yearly Meeting of the Religious Society of Friends, *Extracts from the Minutes of Proceedings of Baltimore Yearly Meeting of Men and Women Friends, Held in Their Meeting House on Lombard Street, in the City of Baltimore* (Baltimore: John W. Wood, Printer, 1883), 30-31; John Lee Chapman, "Mayor's Message," in *Ordinances and Resolutions of the Mayor and City Council of Baltimore Presented at the Session of 1862* (Baltimore: King Bro. & Armiger, City Printers, 1862), 8.

47 George P. Bagby, *The Annotated Code of the Public Civil Laws of Maryland* Vol. 3 (Baltimore: King Bros., Printers and Publishers, 1914), 481-493. On early vagrancy prosecutions, see Rockman, *Scraping By*, 222-223, n. 338.

of females known as street-walkers found on the street after dark." Following the issuance of the order, police conducted sporadic sweeps of their districts' streets throughout the 1870s, sometimes arresting twenty or more women prostitutes in a single district per night on vagrancy charges. Samplings of police dockets suggest that women made up a majority of those arrested for vagrancy in the 1860s and '70s. The lack of due process rights assigned to accused vagrants makes it impossible to tell from police and court dockets how many persons arrested as vagrants in the postbellum period were streetwalking prostitutes and how many were simply poor women, but what is clear is that capacious vagrancy statutes made it dangerous for women to solicit men or create the appearance of potential impropriety by lingering on street-corners or moving unescorted throughout the city. Hundreds of women, black and white, were arrested on vagrancy charges in the decades that followed the war, and those who could not afford to post securities for their release usually found themselves summarily committed to reformatories, workhouses, or the city jail for weeks or months at a time.⁴⁸

At some points, in fact, local authorities became so excessive in their employment of vagrancy statutes that even prostitutes who could afford bonds were denied the opportunity to buy their way out of the charges. In 1868, a Grand Jury probe into vagrancy arrests found that "corruption, malpractice, and oppression are widely prevalent among many of the magistrates of the city, and also with the constables." Specifically, members of the jury accused magistrates of finding persons guilty of vagrancy for the sole purpose of collecting the \$2.40 fine that resulted from their commitment. Suspicions

48 *Sun*, Mar. 30, 1871; Apr. 1, 1871; June 30, 1885. Data on vagrancy arrests derived from Baltimore City Police (Criminal Docket, Eastern District), 1867-1868, C2111-4; Baltimore City Police (Criminal Docket, Southern District) 1867-1868, C2113-1.

of judicial malfeasance prompted the Baltimore City Court to implement a regular review of vagrancy commitments by city magistrates, and city attorneys occasionally stepped in to file writs of habeas corpus in particularly controversial cases. Generally, however, high courts upheld the constitutionality of wide-ranging vagrancy statutes, and streetwalkers—a particularly unsympathetic group of defendants in the eyes of most Baltimoreans—found themselves little recourse when the full weight of those statutes befell them.⁴⁹

Even as round-ups of streetwalkers made their lives difficult legally, there are also signs of dynamics within the sex trade that paved the way for greater exploitation of prostitutes. Police crackdowns on women who solicited or engaged in sex in public spaces and growing public apathy toward streetwalkers made women who worked independently vulnerable to legal and extralegal violence. Some began relying on men to protect them, act as lookouts, and bail them out in case of difficulties with the police. When Mabel Murray, Annie Little, Gussie Anderson, and Ida Cole were arrested for "annoying men on the public thoroughfares" and flirting in response to a plain-clothes police officer making a "mash" at them, two young men appeared in court to pay their fines for disorderly conduct. A police officer in the courtroom blamed the young men for turning the women into streetwalkers. He also noted that they acted as assistants to the women, buying them food and groceries, performing look-out duties, picking up their laundry, and doing whatever other "menial jobs" they required, including posting bond.

In light of the conflicting description, it is unclear whether the women in question

⁴⁹ Sun, Sept. 9, 1868. Stanley, *From Bondage to Contract*, 98-137; Markus Dirk Dubber, *The Police Power: Patriarchy and the Foundations of American Government* (New York: Columbia University Press, 2005).

employed the young men in an attempt to prevent their arrests of incarceration or whether they were the victims of trafficking. What is clear, however, is that crackdowns on streetwalking facilitated men's increased presence in the world of prostitution, not just as financiers but as active participants and pimps. As women operating independently grew more vulnerable to incarceration, the women left on the streets were more likely to be those who either paid men to protect them or were forced by men to prostitute themselves. Late nineteenth-century reformers' accounts of women in the sex trade are filled with accounts similar to those of an unnamed woman whom authorities discovered prostituting herself near Gay street. The woman told police that her husband forced her onto the streets, watched over her while she searched for clients, then came and took whatever money she earned so he could buy liquor. When the woman was arrested, it was her husband who came and retrieved her from the police station. The sex trade was never entirely free from such exploitation, but reformers who employed the argument that all prostitution was coercive to justify its suppression created a self-fulfilling prophecy.⁵⁰

The suppression of streetwalking and open sexual solicitation functioned not only to enforce a moral urban order, but a gendered one. During a period in which young men were beginning to take work outside their homes and enjoy greater mobility within the city due to streetcars and omnibus systems, arrests of women for "making peregrinations" about town did not inconvenience prostitutes alone. As one commenter noted, police officers' tendency to arrest any women out walking on the streets at night put shop girls

⁵⁰ *Sun*, June 30, 1885. Luise White argued persuasively that, historically speaking, men enter the sex trade when the state does; in other words, state interference in and policing of the sex trade fosters male exploitation of women involved in sex work. White, *The Comforts of Home*, .

The most extreme iteration of fears that women were being coerced or forced into prostitution was the turn-of-the-century panic over "white slavery." See Brian Donovan, *White Slave Crusades: Race, Gender, and Anti-Vice Activism, 1887-1917* (Champaign: University of Illinois Press, 2006).

and other women who worked outside the home in difficult positions. Especially during the winter months when the sun set early, many women quite reasonably feared that their walks home from work might result in their being arrested, brought before a magistrate, and humiliated by allegations that they were disreputable. Police crackdowns that equated female mobility with sexual impropriety served to reinforce an urban order in which only men were guaranteed unfettered access to public spaces.

As local authorities moved to assert gendered notions of public order, they also moved to assert racial ones. Black women had always been a part of Baltimore's sex trade, both at the street-level and, to a more limited extent, in brothels. Despite substantial growth in the city's black population following emancipation, surviving records suggest that the racial demographics of prostitution in Baltimore changed very little from the antebellum to the postbellum period. In fact, black women's participation in the brothel/bawdy house-based segment of the sex trade may have actually decreased in proportion if not in real numbers. African-Americans made up between five and nine percent of persons arrested for keeping a bawdy house at the tail end of the antebellum period; by 1870, black men and women accounted for only three percent of those indicted on bawdy house charges. The records of vagrancy arrests are less well-preserved due to the informality and lack of due process in such cases, but samplings of police records from the Southern and Eastern districts suggest that black women were also not sharply overrepresented among vagrants. Fourteen percent of those arrested as vagrants—a category that included but was not limited to streetwalkers—in 1867 were black women, a figure that reflected the racial composition of the total city population almost exactly

(blacks were just over fourteen-percent of Baltimore's population by 1870).⁵¹

While black women's levels of participation in the sex trade appeared to change relatively little, however, black women's relationship to local authorities and to the justice system had changed a great deal in the wake of emancipation. Maryland, like most Southern states, initially attempted to implement a series of black codes that allowed for control of African-Americans' labor even in the absence of legal chattel slavery. When those codes were quickly deemed unconstitutional, white Southerners utilized a variety of legal devices, including vagrancy statutes, to re-exert authority over the black population. Interactions that had been permissible or largely ignored when slavery still codified racial hierarchies were no longer regarded as socially or legally acceptable following slavery's abolishment. Among these relationships were certain forms of interracial sex. Under slavery, the rape, coercion, and sexual exploitation of black women by white men had been commonplace, which helps to explain both why relatively few black women managed to commodify their sexual labor in Baltimore's antebellum marketplace and why local authorities seldom made special efforts to go after those who did. Under a system in which men had virtually unlimited legal rights to the bodies of African-American women, a small number of African-American prostitutes was not a threat. In the wake of emancipation, however, black women who charged white men for sexual access that had previously belonged to them by presumed right took on new political significance. Interracial sex in general became part of a constellation of anxieties about race and generation, but the idea that black women profited from it and used it as a means

51 Baltimore City Criminal Court (Criminal Docket), 1866, C1849-31-33; 1867, C1849-34-5; 1870, C1849-42-4; 1872, C1849-48-9, 51; 1873, C1849-52-3, 55; 1875, C1849-60-1, 63; 1876, C1849-65-6, 68, MSA. Baltimore City Police (Criminal Docket, Eastern District), 1867-1868, C2111-4; Baltimore City Police (Criminal Docket, Southern District) 1867-1868, C2113-1, MSA.

of laying claim to their own bodies and labor became too much for many Baltimoreans to tolerate.⁵²

As a result of growing intolerance, an increasing number of African-American women involved in even the traditionally tolerated sectors of the sex trade—prostitution in brothels of houses of ill-fame—found themselves facing punitive legal measures in postbellum Baltimore. In the antebellum period, women like Jane Bull, a twenty-one year old native of Virginia and the keeper of a bawdy house (and possibly baby farm) in Baltimore’s Tenth Ward, could expect roughly the same legal treatment as their white counterparts. They would be subjected to a graduated fine and then released by the City Criminal Court upon payment. Bull and women like her, however, faced much worse outcomes after the war. In the Fall of 1870, Bull was presented to the City Criminal Court for keeping a bawdy house. Despite her cooperation in testifying against her landlord, prominent Baltimorean Hugh Gelston, Bull was found guilty and fined a staggering \$25 plus \$11.98 in court costs. The fine was steep and—in a departure from the antebellum practice of fining women according to their earnings—far more than Bull could afford. Bull was committed to jail in default of payment, and remained there for six months and a day before she was finally released.⁵³

Not all black bawdy house keepers were assigned fines as steep as that of Jane

52 Brugger, *Maryland: A Middle Temperament*, 308-310. Much of the scholarship on interracial sex and the law after emancipation has focused on black men's relationships with white women. See Martha Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven: Yale University Press, 1997), 147-210; Diane Miller Sommerville, *Rape and Race in the Nineteenth-century South* (Chapel Hill: University of North Carolina Press, 2004).

On the general tendency of Southern states to reassert control over the black population through the criminal justice system and imprisonment, see Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the Nineteenth-Century American South* (Oxford: Oxford University Press, 1984), 141-276.

53 1870 United States Federal Census, Baltimore Ward 10, Baltimore, Maryland, Jane Bull; Roll: M593_575, 504A-504B, Available from Ancestry.com; Baltimore City Criminal Court (Criminal Docket), Sept. Term, 1870, Case 534, Jane Bull, C1849-44; Baltimore City Jail (City Criminal Docket), 1870-1872, Oct. 6, 1870, Mary Bull, C2057-18, MSA. (Jane Bull was sometimes listed in records as Mary)

Bull, but an increasingly large number found themselves in jailed as a result of charges related to their trade. Because many African-American sex workers lacked the capital reserves of their wealthier, white counterparts, authorities bent on using the legal system to re-exert control over black women's bodies in the wake of emancipation could do so without significantly altering the existing regulatory structure. By assigning fairly standard but contextually severe fines and insisting on bail in bawdy house cases, authorities ensured that many black women faced incarceration for commercial sex offenses. Between 1870 and 1874, 19 persons (including Jane Bull) were committed to the Baltimore City Jail for failure to pay their fines for keeping a bawdy house; of these, 16 were black (15 women and 1 man). Many of these persons found themselves jailed for periods similar to Bull's, with most being incarcerated in the fall and not released until February or March of the following year.

African-American also made up the majority of defendants who were jailed for failing to produce bail in bawdy houses cases; fourteen out of 23 persons listed in the Baltimore City Jail's Criminal Docket as having been incarcerated for inability to post bond were black. So too were the vast majority of those sentenced to jail, virtually unheard of punishment for keeping a bawdy house in the antebellum period and a rare one even in the decades following the war. Eight of 10 persons listed in Criminal Court dockets as having received jail sentences were black, and black defendants also accounted for seventy-six percent of bawdy house cases in which the accused were incarcerated for reasons that are unclear from jail and criminal dockets (i.e. cases in which no sentence appears to have been handed down formally).⁵⁴

54 Baltimore City Jail (City Criminal Docket), 1870-1872, C2057-18; 1872-1874, C2057-19. It
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Yet, as intense as city officials' efforts to suppress streetwalking and black participation in the sex trade became in the decades following the Civil War, their efforts were not attempts to rid the city of prostitution so much as attempts to define its boundaries. For all the reformist fervor and moral optimism of the 1870s and '80s, the underlying assumption that drove local authorities' responses to prostitution remained remarkably consistent: prostitution was an inexorable part of urban life. Changes in law and policing could, in turn, change the sex trade, but no remedy the law could provide would ever succeed in eliminating it. In light of what the majority of police, grand jurors, and local officials regarded as that simple truth, Baltimoreans in power turned their efforts toward corralling and molding the sex trade into the shape they imagined for it, a shape that would render it easily monitored and regulated. Even as this effort entailed strenuous crackdowns on the most mobile and difficult to control elements of the sex trade, it also entailed equally strenuous defenses of establishments that kept commercial sex contained and easily legible—namely, brothels and houses of ill-fame.

Initially, authorities' shielding of brothels from prosecution may have been a product of self-interest not dissimilar to that which drove so many regulatory strategies in the late nineteenth-century—in this case, a desire on the part of police for money and for power within their districts. Accusations that watchmen and constables solicited monetary and even sexual bribes from madams and prostitutes in return for not arresting them date back to the early decades of the nineteenth century. As the city police force professionalized and bureaucratized, however, bribery likely followed the course it did in other cities, becoming less an occasional transgression committed by individual officers

was common practice in the penitentiary, jails, and alms-houses not to release inmates in the winter months when they were unlikely to find legitimate employment.

and more a choreographed relationship between beat cops and brothel-keepers. Baltimore's practice of initiating prosecutions of bawdy-house keepers through warrants issued by the grand jury rather than by mass-arrests and raids by the police gave officers less leeway to regulate brothels as they wished at the district level. Nevertheless, since police acted as the primary informants to the grand jury in the period following the 1850s, they were free to omit the names of select brothel-keepers with whom they had favored relationships or financial arrangements from their testimony about bawdy houses on their beats. There is limited evidence that they did just that: some keepers of houses of ill-fame who were open enough about their operations that census-takers listed their occupants as "lady of pleasure" or "prostitute" nevertheless failed to appear in court dockets even once on charges of keeping bawdy houses.⁵⁵

Contemporary reformers and modern historians alike have used the fact that local police profited from maintaining relationships with neighborhood bawdy house keepers to explain persistent toleration of brothels in the face of mounting public opposition to prostitution. In reality, however, police were merely (if illegally) imitating at the ward level what the courts had been doing for at the city level for decades: extracting money from the keepers of bawdy-houses in return for allowing their continued operation. Save for the crackdowns on black bawdy house-keepers and for instances in which bribes kept

⁵⁵ On the professionalization of the Baltimore City Police, see De Francias Folsom, *Our Police: A History of the Baltimore Force from the First Watchman to the Latest Appointee* (Baltimore: J.D. Ehlers & Co. and Guggenheimer, Weil & Co., 1888).

Information about keepers of bawdy houses who were never arrested was derived from comparisons between samplings of census entries for dwellings explicitly marked as brothels and sample years of court dockets. It is possible that some houses operated so briefly or sporadically as houses of prostitution that they were not in business at the time of the grand jury's annual investigation. Nevertheless, there is evidence that Baltimore police participated in bribery schemes (see Chapter 2), and numerous historians have argued that bribery became more common and entrenched in the late nineteenth century. See for example, Gilfoyle, *City of Eros*, 253-254.

madams outside the purview of the city's grand jury, the old system of legal regulation persisted in functioning much as it had since the late 1830s. Brothel-keepers who violated the terms of the longstanding truce between bawdy houses and the courts by allowing underage women in their establishments, by participating in other forms of illicit commerce (i.e. fencing stolen goods), or by allowing their patrons to get disruptively loud, drunk, or violent were subject to arrest. The bulk of brothel keepers, however, were rounded up as they always had been, by order of the grand jury in one particular term of the court. Once indicted, most plead guilty and accepted fines, while others contested the charges with mixed results. For the most part, white brothel keepers simply returned to keeping their establishments after they paid their fines and court fees and/or found someone willing to guarantee a security to keep the peace on their behalf.

The long persistence of what amounted to an informal licensing system for brothels was not the result of inertia, nor was it the result of judicial inaction or private corruption. Both the police and the City Criminal Court took highly publicized and decisive steps to defend and preserve the existing regulatory infrastructure even in the face of increasing hostility to commercial sex.

For the court, one of the most remarkable of these steps came a decade after the war, in the form of a local court decision preventing the use of vagrancy statutes to prosecute madams. In major cities like New York, vagrancy statutes that allowed the arrest of anyone without a visible, legitimate means of support could be and were employed as legal weapons against all classes of prostitutes, not just streetwalkers. When Baltimore justices of the peace attempted to apply the local ordinance against vagrancy in a similar manner, however, they were quickly rebuffed by the City Criminal Court. In

1875, for instance, west Baltimore madam Lizzie Johnson and her colleague, Jesse Evans Porter were brought before Justice Peters for keeping a house of ill-fame. Justice Peters, apparently tired of seeing Johnson and other madams appear before him repeatedly only to return to their business after paying their fines, invoked Section 2, Article 43 of the city code, which specified that “every person who leads a dissolute and disorderly course of life, and cannot give an account of the means by which he procures a livelihood” was legally a vagrant. In light of Johnson’s occupation, Justice Peters ruled that she clearly fell under the statute, and ordered her and her probable beau/business partner incarcerated.

Johnson, who was wealthy enough to hire an attorney, was in the process of contesting the charges when Baltimore City Criminal Court Clerk William McKewen (who himself had been previously tried for Renting a Bawdy House) intervened. Writing with the authority of the court, McKewen ruled that Peters had no right to imprison Johnson and Porter, not only because both parties could afford security, but because Johnson had an obvious livelihood. In a move that clearly contradicted the specifications of the local ordinance, McKewen asserted that Johnson, who owned two houses of ill-fame on Josephine Street and another on South Sharp street and who was rumored to have accumulated \$10,000-\$12,000 in savings from prostitution, “had visible means of support.”⁵⁶

The court’s decision in the Johnson case not only blocked the implementation of a legal innovation that could have facilitated the incarceration of dozens of madams around

56 John Prentiss Poe, *The Maryland Code: Public Local Laws: Adopted by the General Assemblies of Maryland, March 14, 1888*, Vol. 1 (Baltimore: King Bros., Printers and Publishers, 1888), 565-568; *Sun*, Aug, 25, 1875.

On McKewen see, *Sun*, Dec. 5, 1863.

the city but also made explicit what had for so long been implied by the court's handling of bawdy house cases. Namely, it made clear that while all prostitution was morally illegitimate enough to prevent the state from formally endorsing it, some forms of prostitution were far preferable to others. So long as prostitution took place indoors and under the purview of individuals who had legal status—in the postbellum context, white, business-minded, propertied persons of means—the local authority was willing to tolerate it, defend it, and even endorse its legitimacy for fear of what would replace it if it were eliminated. Notably, Johnson and Porter were both released from jail by order of the Baltimore City Criminal Court within two days of their confinement, and Johnson quickly returned to her trade.⁵⁷

Just as the courts stepped in to defend brothel prostitution, the police also made unprecedented efforts to preserve houses of ill-fame in the face of increasing public hostility. By the 1860s, complaints about the presence of brothels in respectable neighborhoods and in the areas around public schools had begun to flood in from propertied citizens and bourgeois advocates for public morality and child welfare. In 1863, following a public outcry, a Baltimore city court made rare use of the precedent set by *Hamilton v. Whitridge* to issue an injunction barring Sarah Fuller (alias Harper) from continuing to operate a brothel across the street from a public school. While the injunction may very well have been successful (Fuller's name ceased to appear in criminal court dockets shortly after), it did little to stem a problem that only grew along with the public school system.⁵⁸ In 1850, Baltimore had 24 public schools, 11 for boys

⁵⁷ *Sun*, Aug. 25, 1875

⁵⁸ *Sun*, Mar. 18, 1863. The last court appearance on bawdy house charges that I was able to locate for Sarah Fuller/ Harper was in 1864. Baltimore City Criminal Court (Criminal Docket), Sept. Term,

and 13 for girls. After the Maryland Constitution of 1864 created a tax on property to fund public education in the state, that number rose dramatically. By 1870, Baltimore had 101 public schools devoted to educating students at high school level and below, 46 for boys and 55 for girls.⁵⁹ The combined expansions in the public school system and in the sex trade meant that the sites at which children were inculcated into liberal values inevitably overlapped with spaces that represented (in the minds of many bourgeois Baltimoreans, at least) the failure or rejection of those values. Concerns about the purity and virtue of children generated sporadic panics over the alleged conduct of students whose schools bordered brothels. In one instance that prompted an investigation by the grand jury, the Baltimore *American* claimed in 1873 that the proliferation of brothels around the Eastern Female High School led to frequent seduction of female students.⁶⁰

Property-owners, real estate developers, and urban boosters quickly joined bourgeois moralists in calling for brothel clearance, in part as a strategy of justifying their controversial expenditures. In 1873, for instance, a group of developers and citizens petitioned the City Council to open the section of Hanover running between Baltimore and Liberty Streets. Their motivations were largely business-related: the square of land between Hanover to the east and Sharp Street to the west was located at virtually the dead center of the city, and it had the potential to be exceedingly valuable property if it was cut through with a street. Opening the area would also relieve traffic on Light, Charles, and Lombard streets and make travel between the major avenues of business and trade—

1864, Case 952, Sally Harper, C1849-27. In 1873, however, a woman named Sarah Atkinson was arrested alongside a William Atkinson. A note by her name suggested that her alias was Harper, which makes it possible that Sarah Harper disappeared from records because she left the brothel business temporarily, married, and only occasionally went by her maiden name thereafter. Baltimore City Criminal Court (Criminal Docket), Sept. Term, 1873, Case 853, Sarah Atkinson, C1849-55.

⁵⁹ Brugger, *Maryland: A Middle Temperament*, 307.

⁶⁰ *Sun*, Apr. 17, 1873.

Baltimore and Pratt Streets—easier. Proponents of the plan argued that the city had a duty to act to condemn and open the square as a means “supplying the necessary thoroughfares for the transaction of our increasing business.” While they managed to attract the support of several prominent citizens and media outlets, however, the authors of the proposal also faced significant opposition, particularly from the persons in the neighborhood of Hanover. Chafing at the idea of shouldering the project costs and fearful that small businesses and shops in the area would be pushed out, Hanover residents fought back against the plan.

In the face of opposition, supporters of the proposal played up the argument that opening Hanover was a means morally purifying the neighborhood. As testimony in the *Huston* case had suggested, the area between Sharp and Hanover was well-known as home to a clustering of houses of ill-fame, as was nearby New Church Street. The square between Sharp, Hanover, Baltimore, and Lombard had even come to be known as “the Meadow” after the name ceased to be applied to the increasingly fancy brothel district near Bath and Holliday. Advocates of clearance characterized the new Meadow as “an eyesore as well as a dangerous nuisance” that was comparable to the Five Points. Evincing a liberal faith in the power of infrastructure to shape the behavior of urban subjects, proponents of cutting the street through claimed would create an environment of openness and light that would inevitable cleanse the city of a center of “pestilence, conflagration, and filth.” Notably, one of the leading opponents of efforts to license and medically regulate brothels, Francis T. King, would also have been one of the most immediate beneficiaries of plans to clear the area of vice; if the resolution to extend Hanover passed, the extension would go directly to the corner of King's warehouse on the

north side of Baltimore Street. Opponents of the resolution fought back by claiming that it was irresponsible to spend “five hundred thousand to one million of dollars merely to suppress a few houses of ill-fame, for the closing of which the law already provides without any great expense.” Nevertheless, they too concurred the brothel closure was desirable.⁶¹

Incidents like the allegations against Eastern Female High School students and the Hanover controversy made it clear to city authorities that the old system of fining brothels and allowing them to continue their operations, while useful, was no longer sufficient to resolve cases in which brothel encroached on areas that were newly declared as off-limits. So strong was the public outcry that without satisfactory resolution to those cases, the entire system of toleration was at risk.

Local authorities responded to the challenge by taking an unusual tack: they used the power granted by to city by *Hamilton v. Whitridge* to support unprecedented efforts to alter the spatial arrangement of the city’s sex trade. Shortly after the *American* published its exposé, the Baltimore grand jury conducted a full-scale investigation into the paper’s allegations. While the jury declared the *American*’s claims about the students of Eastern Female High libelous, it did acknowledge that there were a troubling number of brothels located on Aisquith Street near the school. In response, the jury ordered the Clerk of Court to issue notice to all offending madams that they planned to rid the area around the school of prostitution. Madams, aware that injunctions or raids by the police were likely to follow if they refused to vacate their establishments, cleared the area within days of

61 *Sun*, Apr. 28, 1873; June 3, 1874. City of Baltimore, *Ordinances and Resolutions of the Mayor and City Council of Baltimore, Passed at the Annual Session of 1874* (Baltimore: John Cox, 1874), 90-91.

receiving the notices.⁶²

On their face, the court's actions smacked of suppression, and there can be little doubt that they inconvenienced the madams on Aisquith Street greatly. Nevertheless, efforts to push houses of ill-fame from respectable areas were less efforts to suppress the sex trade than efforts to render it compatible with the newly-emergent bourgeois urban order. It was well-understood by everyone involved that orders to vacate a house were not blanket cease and desist orders for the brothel business, but rather demands that madams move their establishments to neighborhoods where the residents were more tolerant of prostitution or, barring that, less able to mobilize a strong political resistance to it. Josephine Street, which was apparently an acceptable street on which to locate brothels, was an example of the latter; despite outcry over the proximity of brothels to schools, the Josephine street vice district was nearly adjacent to the Institute for the Colored Deaf and Blind. Neighborhoods with sizable black and laboring populations tended to catch the run-off of brothels from wealthier neighborhoods.⁶³

To many Baltimoreans, the fact that threats of injunction and orders to vacate brothels resulted in relocations rather than closures was fully predictable in light of prostitution's inevitability. One writer said of the attempt to clear Aisquith Street, "It is not expected that anything more can be done than to clear the locality. It will hardly be possible for Baltimore to do much more than other large cities, and get rid of this class of people entirely."⁶⁴ To others, including the elite and bourgeois citizens who populated the

⁶² *Sun*, Apr. 17, 1873. On the significance of *Hamilton v. Whitridge* to brothel clearance efforts, see William Novak, *The People's Welfare: Law & Regulation in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1996) 165-167.

⁶³ Kevin J. Mumford, *Interzones: Black/White Sex Districts in Chicago and New York in the Early Twentieth Century* (New York: Columbia University Press, 1997).

⁶⁴ *Sun*, 17 Apr. 1873.

grand jury, it was an embarrassment. The same year they launched their investigation into Aisquith Street, jurors defended themselves against criticism that they did not do enough to suppress prostitution by noting that suppression as impossible under the current legal paradigm: “The grand jury have discharged their duty, but the dreadful stain of impurity will, from the inadequacy of the laws, be only changed to another locality, probably nearer where poorer people live. So while a neighborhood may succeed in purifying itself, the pollution will only have moved its abiding place.”⁶⁵

For still others, however, the fact that the new system resulted in the relocation of brothels represented not a failure, but a triumph of regulation. President of the Police Commissioners of Baltimore City William Fusselbaugh used the speed with which madams complied with police requests to leave particular neighborhoods as evidence that the police were successful in their efforts to bring the sex trade under control: “It is usually the case that a simple notice from the authorities to the keeper of the house, that she must find some other spot in which to ply her trade, is complied with quietly and promptly.” Fusselbaugh noted that madams generally cooperated enough with police that their removal from a particular location “seldom need to go the length of a formal appeal to the courts.” Relocations without resort to the courts provided quicker and cheaper resolutions to contestations over urban space, and they allowed police to begin concentrating brothels in areas where they were more easily monitored. These areas included Josephine Street, where in addition to bordering the Institute for the Colored Deaf and Blind, the primary cluster of brothels shared a block with the newly-constructed Western District Police Station. Brothels were already the most stable and self-regulated

⁶⁵ *Sun*, Sept. 8, 1873.

element of the sex trade; the police's proximity allowed them to familiarize themselves with the keepers of the houses and establish an external regulatory presence.⁶⁶

As the nineteenth century progressed, that external regulatory presence would prove crucial to local police's efforts to stave off interference from state legislators. By the late 1870s, Maryland politicians had begun to consider statutory measures to curb ostentatious prostitution in Baltimore City, and, in 1880, the Maryland House of Delegates passed a bill that made it illegal for houses of ill-fame to be located within a specified distance of female academies or asylums in Baltimore. As it considered the bill, the State Senate wrote to the board of Board of Police Commissioners in Baltimore to request that the commissioners explain the "the causes which have prevented the suppression of them of the evil [of prostitution in Baltimore]" so that the bill could be amended to address them. Baltimore Police chafed at the bill, and at the implication that they were unsuccessful in their efforts to handle prostitution. In his response to the state, Police Commission President Fusselbaugh argued that the longstanding practice of bringing the keepers of houses of ill-fame before the courts and fining them was more than a sufficient remedy for the "evil" of prostitution. Existing regulatory strategies represented, according to Fusselbaugh, "successful application of a well-understood system." As Fusselbaugh noted:

"If a house of assignation, or a bawdy house, should become notorious, and disturb the peace or the decency of the neighborhood where it is situated; if the mistress or keeper of any such house should break bounds and invade a quiet and respectable neighborhood; if, in fact, the evil appears upon the surface anywhere, or any-way, to the detriment or discomfort of society, repressive measures are at once resorted to."

⁶⁶ The Western District Police station was constructed in 1871. It was a "stone's throw" from Lilly Farrell's brothel on Josephine. Baltimore *American*, Nov. 30, 1871; *Sun*, Nov. 30, 1871.

Fusselbaugh explained, however, that such houses were the exceptions rather than the rule, and the problems with them were easily addressed. As a general policy, tolerance through supervision and regulation was more than sufficient to ensure the peace of the city: “The police exercise a careful and thorough surveillance over all houses of ill-fame, of whatever description, for the purposes of order and decency and control, however, rather than suppression.”⁶⁷

The lengths to which police went to physically reshape Baltimore’s brothel trade were in the most literal sense unprecedented. In employing the *Hamilton* decision as a means of pushing brothels out of particular neighborhoods, police and courts were assuming responsibility for a process of neighborhood purification that had once been accomplished informally through the machinations of local property owners, if it had been accomplished at all. For the first half of the nineteenth century, houses of ill-fame had been spread throughout the city, in small alleyways, along waterways and main commercial drags, and on residential streets. That bawdy houses were no longer welcomed or even tolerated in particular neighborhoods represented a major shift in Baltimore’s urban geography. Once a city of racially and occupationally mixed neighborhoods, Baltimore increasingly became home to bourgeois enclaves whose residence insisted on insulation from the poor, the vulgar, the obscene, the loud. White brothel-keepers—like printers of obscene materials, abortionists, sexual-debility physicians, streetwalkers, black prostitutes and madams, and virtually everyone else who populated Baltimore’s once vibrant bawdy trade—fell victim to efforts on the part of

67 William H.B. Fusselbaugh to Eugene Higgins, Secretary of the Senate of Maryland, Feb. 25, 1880, from *Journal of the Proceedings of the Senate of the State of Maryland, January Session, 1880* (Annapolis: Wm. T. Iglehart & Co, 1880), 318-320.

property owners, developers, and medical men to make the law reflect their visions of urban order. Baltimore of the late nineteenth century saw prostitution the closest it ever came to being “in the shadows” while it was still technically legal.

Yet, if active relocation of troublesome brothels was a significant departure from the older system of regulation, it was also a primary means of preserving it in the face of challenges from reformers advocating for suppression. The kind of united political action that had won suppressive state-level measures against obscene publications and the popular medical marketplace around sex never fully coalesced in response to prostitution. Local authorities were thus left with a great deal of leeway in arriving at an approach to prostitution that suited the demands of a series of actors—physicians, politicians, developers, ordinary citizens, moral reformers—who simultaneously disgusted by prostitution and divided on what could be done about it. Police and city courts responded to the turmoil and contestations over space by doubling down on the assumptions upon which they had long based their approaches to the sex trade—namely, that prostitution was and likely would always be a part of urban life, and that the best the law could hope to do was render it as palatable as possible. Since the late 1830s, “palatable” had meant “in brothels or houses of ill-fame.” Brothel prostitution not only contained prostitution and made it readily legible, but it also ensured that the women involved in the trade were subjected to discipline imposed on them by madams who had incentives to ensure the profitability of their establishments. For all that the urban bourgeoisie hated brothels, the city had always quietly recognized them as the illegitimate establishments that came the closest to legitimate businesses. With that in mind, local authorities not only continued in their approach of tacitly tolerating brothels but took unprecedented and explicit steps to

ensure that they continued to be a part of Baltimore's urban landscape. Ultimately, relocations were a novel means of achieving a very non-novel end: the incorporation of bawdy houses into a regulatory infrastructure that allowed the city to monitor them, to extract taxes from their keepers, and to enjoy the relative peace that came from their internally-imposed orderliness.

Epilogue

The spatial segregation of Baltimore's brothels staved off increasing hostility towards commercial sex—temporarily. While Baltimore's *de facto* system of regulation persisted for at least another decade, the kind of suppressive, anti-vice movements that had taken root in other cities eventually materialized in Baltimore as well. In 1888, Baltimore developed its own chapter of the Society for the Suppression of Vice, which took up the work, previously reserved to individual property owners, of lobbying for the exclusion of disreputable establishments from genteel neighborhoods. The Society and similar organizations would have a devastating long-term effect on the city's prostitution business. In its early years, the Society encouraged reformatory efforts toward prostitutes and lobbied for the strict enforcement of spatial segregation. As time went on, however, its members became vocal advocates of abolitionist policies toward brothels and other sex establishments. By the early twentieth century, members of the Society, with tentative cooperation from the police, were staging raids on brothels and saloons in order to force their closure. At the same time, Society reformers joined with the Baltimore Woman's Civic League and the Maryland Vice Commission to launch a major investigation into prostitution and sexual immorality in the city. By the time the MVC compiled its findings into a report in 1916, all known brothels in Baltimore had been shut down by local authorities and their occupants driven into the streets or out of the city. The last establishment in Baltimore closed its doors in 1914, over three decades after police officially endorsed spatial segregation.¹

1 Jayme Hill, "From the Brothel to the Block: Politics and Prostitution in Baltimore During the
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At the turn of the century, then, Baltimore followed a pattern of brothel clearance common to virtually all American cities and well documented in the historiography on prostitution.² While much remains to be said about Progressive anti-vice reform movements at the local level, it is not my intention to rehash a familiar story about turn-of-the-century regulation or even to tell a new one. Rather, my purpose in this project has been to suggest that regulation, particularly the kind of toleration-through-regulation ethos that characterized early Progressive reform efforts, has a longer history than many scholars have acknowledged. For a variety of reasons—the ideological angst that accompanied the transition to free-labor capitalism, changing land-use patterns, new employment opportunities for women, the rise of social work, and the increasing awareness of venereal disease—prostitution became a subject of public discourse in the

Progressive Era” (M.A. Thesis, University of Maryland, Baltimore County, 2008); Robert Brugger, *Maryland: A Middle Temperament: 1634-1980* (Baltimore: Johns Hopkins University Press, 1988), 398-400; Maryland Historical Society Library Department, “As for me, I like him;: H.L. Mencken, Judge Morris Soper, and the Vice Squad,” *Underbelly: From The Deepest Corners of the Maryland Historical Society Library*, Sept. 19, 2013, <http://www.mdhs.org/underbelly/2013/09/19/as-for-me-i-like-him-h-l-mencken-judge-morris-soper-and-the-vice-squad/>.

2 The bulk of scholarship on the sex trade been concentrated on the late nineteenth century, not only because that was the point at which prostitution became highly visible as a “social problem,” but also because the attention moralists and urban reformers devoted to that problem generated a remarkably rich source base. Numerous historians have focused on the development of Progressive Era reform movements, their impact on geographies of vice, and the rise and fall of red-light districts in cities as diverse as New York, New Orleans, El Paso, Davenport, Minneapolis, and Grand Forks. While Baltimore's red-light districts and anti-vice efforts have received comparatively less attention, the works of historians like Pamela S. Haag, Cynthia Gissendanner, and Jayme Hill have done much to uncover the city's transition from quietly sanctioned brothel districts to a sanitized red-light district, the Block.

On Baltimore, see: Hill, “From the Brothel to the Block.” Haag, “Commerce in Souls': Vice, Virtue, and Women's Wage Work in Baltimore, 1900-1915,” *Maryland Historical Magazine* 86 (1991), 292-308.

On Progressive regulation more generally, see Barbara Meil Hobson, *Uneasy Virtue: The Politics of Prostitution and the American Reform Tradition* (New York: Basic Books, 1987); David Pivar, *Purity Crusade: Sexual Morality and Social Control, 1868-1900* (Westport, CT: Greenwood, 1973); Pivar, *Purity and Hygiene: Women, Prostitution, and the "American Plan," 1900-1930* (Westport, CT: Greenwood, 2002); Mara Keire, *For Business and Pleasure: Red-Light Districts and the Regulation of Vice in the United States, 1890-1933* (Baltimore: Johns Hopkins University Press, 2010); Ruth Rosen, *The Lost Sisterhood: Prostitution in America, 1900-1918* (Baltimore: Johns Hopkins University Press, 1982); Sharon E. Wood, *Freedom of the Streets: Work, Citizenship, and Sexuality in a Gilded Age City* (Chapel Hill: University of North Carolina Press, 2005), 79-185.

latter decades of the nineteenth century to a greater extent than ever before. But prostitution had been a fixture on the urban landscape for many decades before the Progressive Era, and most cities—Baltimore included—had found ways to manage, police, and regulate it for some time. Progressive Era reformers were not pioneers in uncharted territory but rather part of a long tradition of policing and exerting power over commercial sex.

Seen as part of this continuum, the reform efforts of the Gilded Age and Progressive Era lose some of the salience attributed to them by previous historians. Recent histories of segregationist policies toward vice, for instance, have attributed the creation of red-light districts to early Progressive political reformers. Historian Mara Keire argued that mugwumps, a group of mostly elite and middle-class reformers opposed to working-class-oriented political machines, were responsible for the creation of zones in which vice was tolerated. Realizing that the bribes and fines from brothels, illegal saloons, and gambling houses padded the coffers of the machines, reformers set about creating red-light districts that would deprive their political opponents of revenue and keep vice from invading tony neighborhoods.³

While Keire makes a compelling argument for the economic and political motivations that underlay efforts to control and segregate vice, the exact role that turn-of-the-century reformers played in the creation of vice districts has not been established. The Baltimore case study suggests reformers did not create vice districts from whole cloth so much as reinforce and formalize extant ones that had been shaped by the growth of capitalist infrastructures and shifting real-estate markets. With the exception of

³ Keire, *For Business and Pleasure*, 1-4.

clusterings located in newer sections of the city, most of what reformers in the Progressive Era would identify as Baltimore's concentrated vice zones were well-established by 1880.⁴ In 1890, a correspondent to *The Nation* claimed that Baltimore's taverns and houses of ill-fame were concentrated in three wards of the city in particular: the second (Fells Point), the fourth (Old Town), and the ninth (the central business district). The worst areas of these wards, the correspondent estimated, contained a combined total of 417 taverns and brothels, or one for every ten registered voters. The names he gave for those problem areas were familiar: the Causeway, the Meadow, and the Space.⁵ Vital statistical data published by the U.S. Census Bureau that same year noted two other groupings that the correspondent had neglected to mention. According to the enumeration, the district at the northern part of the Ward 9, which included the streets that thirty years earlier had been home to the likes of Annette Travers, Emma Morton, and Nancy Thomas, "was mainly occupied by houses of prostitution, lowering in grade from North Street toward the falls." Ward 10, a mostly middle-class district that contained Josephine and Raborg Streets, was also indicated as being home to the

4 While not exactly a brothel district, Lower Druid Hill Park and Biddle Alley area to the North of what had been the old city boundary had by the early twentieth century developed a series of disreputable saloons that attracted "dissolute" women and gamblers. Because the establishments were in predominately black neighborhoods and catered to black clientele, they were almost entirely ignored by white anti-prostitution reformers. Information about sexual vice in the slum district comes primarily from a report of the Colored Law and Order League of Baltimore and from an 1895 survey of urban slums. See James H.N. Waring, *Work of the Colored Law and Order League, Baltimore, MD* (Cheyney, PA: Committee of Twelve for the Advancement of the Interest of the Negro Race, 1908), 10-11; Garrett Power, "Deconstructing the Slums of Baltimore," in *From Mobtown to Charm City: New Perspectives on Baltimore's Past*, Jessica I. Elfenbein, John R. Breiham, and Thomas L. Hollowack, eds. (Baltimore: Maryland Historical Society, 2002) 47-63.

5 J.C.R. "'The Residuum' in Baltimore," *The Nation*, Jan. 30, 1890, 92. Accessed May 20, 2014, <http://books.google.com/books?id=B-84AQAAMAAJ&dq=The%20Nation%2C%20Jan.%2030%2C%201890&pg=PP1#v=onepage&q=The%20Nation,%20Jan.%2030,%201890&f=false>

occasional “isolated house of bad repute.”⁶ The locations of brothels were very much in line with what they been in the 1860s or earlier.

While the overall pattern of segregation endured into the twentieth century, some changes occurred as a result of changing patterns of development. By the time the Maryland Vice Commission began its investigations in 1913, the brothel districts located at the central part of the city had largely declined as a result of the same factors that had once sustained them. With the rise of industry and the consolidation of the business district, centrally located properties could be put to more valuable use than renting as brothels. In Baltimore as in cities like New York, the dictates of real estate as much as reform pushed brothels out of highly central commercial and industrial areas.⁷

The MVC found, however, that the clusterings of sex establishments in more peripheral areas were still thriving. The Vice Commission noted two vice districts in particular that would have been equally familiar to Baltimoreans in the 1860s as they were in the 1910s. In East Baltimore, brothels were concentrated in Eastern Avenue (the old Causeway), Fleet and Spring Streets, and Dunkers Alley; in West Baltimore, they were concentrated on a block of Josephine Street and three blocks on Raborg. The descriptions the MVC assigned to the establishments in each area of the city would have been as applicable seventy years before as they were when they were written. East Baltimore houses tended to be rough, dirty, and small, while houses in West Baltimore

6 United States Census Office, John Shaw Billings, *Vital Statistics of the District of Columbia and Baltimore Covering a Period of Six Years Ending May 31, 1890* (Washington, DC: Government Printing Office, 1893), 66-7.

7 On real estate, changing land use patterns, and the decline of brothels, see Timothy Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790-1920* (New York: W.W. Norton & Co., 1993), 197-224, 251-270.

were larger, better kept and furnished, and even “wholesome in character.”⁸

If East and West Baltimore's early twentieth-century brothel districts did not owe their origins or characters to the maneuverings of late nineteenth-century reformers, neither did the logic of spatial segregation. Turn-of-the-century reform efforts to segregate vice no doubt helped to reinforce and solidify already extant brothel districts, but the groundwork for the segregation of the sex trade had been laid earlier and by other actors, including the police and members of the public. It was not opponents of Democratic machine rule who first implemented segregation but rather the city police, who were using a radical method to preserve an older system. The movement of brothels—the growing impulse to demand that authorities rather than the market determine not just under what conditions the sale of sex took place but also where in the city—was emblematic of a major shift in opinion toward commercial sex in the late nineteenth century. And yet, the willingness on the part of authorities to undertake relocation projects rather than suppressive raids simultaneously represented a remarkable point of consistency in local authorities' attitudes and approaches toward prostitution: brothels were, as always, privileged.

In the 1880s as in the 1830s, many Baltimoreans believed that brothels were the best of all possible worlds when it came to commercial sex: they were public and legible but not crass, their keepers embraced capitalist labor regimes even as some of them purposefully obscured the cash nexus, and they were comparatively orderly and easy to monitor. They were, in other words, the original form of spatial containment of illicit sex. Forcing their relocation was a new strategy of policing in the service of an old goal: to

8 Maryland Vice Commission, "Maryland Vice Commission Report " 1915, vol. 1, Enoch Pratt Free Library Archives, 1: 375, 6-7. Quoted in Hill, "From the Brothel to the Block," 53-4.

ensure that if prostitution happened in the city, it happened in a brothel or bawdy house rather than a shady place of assignation, a street, or a space where respectable commerce also took place. Baltimore's system of regulating bawdy houses through the courts, which began in the mid-1830s, had survived and adapted to the political disruptions of the Civil War years and the tumult of Reconstruction. By placing legal “fences” around the areas of the city where brothels could not be located, authorities did their best to ensure that the regulatory system survived the suppressive impulses of the late nineteenth century as well.

By the late nineteenth century, Baltimore's regulatory system around indoor prostitution was certainly not unique among U.S. cities. Historians have noted that similar approaches to bawdy houses and brothels developed in cities as diverse as St. Paul, El Paso, and Davenport, among many others. And yet, as this dissertation suggests, such systems may not have been limited to small, less-established cities, nor to the Gilded Age. That an urban area as large as Baltimore had developed the means of supervising and regulating the bawdy house trade by the 1830s indicates that current historical narratives of how commercial sex was policed prior to the postbellum decades are incomplete. More research into other early nineteenth-century cities may well reveal that Baltimore was not unusual even in the antebellum years and that sexual vice was more embedded into urban life and local legal culture in early America than has previously been recognized.

While Baltimore was not unique in its system of tolerating sexual vice through regulation, the city's system did survive for a surprisingly long time, so much so that—much to the chagrin of anti-vice reformers—Baltimore developed a reputation for being

softer on prostitution than other cities known as once-thriving capitals of vice. Even as anti-prostitution crusaders began to lobby for the closure of brothels and city officials and private societies alike began to interfere more directly with the sex trade, the women involved in prostitution continued to assert that Baltimore was a better place to operate than other cities. As one prostitute explained to a member of the Maryland Vice Commission, "You know, this is not New York. In New York, you get raided all the time. It isn't so here. Nobody will bother you." Another madam dismissed the notion that toleration would ever cease to be the reigning paradigm in Baltimore: "These vice reformers are a nine-days' wonder[;] their craze soon blows over."⁹

Sadly for the women involved in Baltimore's sex trade, the unnamed madam's prediction proved incorrect. And yet, echoes of the city's longstanding tolerance for forms of commercial sex that were contained, legible, and sanitized as much as possible still remain in Baltimore. Just blocks north of the Inner Harbor tourist district stands Baltimore's famed red-light district. "The Block," as it is known colloquially, rose out of the ashes of the great fire of 1904 as a strip of shooting galleries, penny arcades, and vaudeville. In later years, it developed a distinctly seedier character: its theaters showcased a mix of comedy acts and striptease performers, and it became a hub of smutty bookstores, pornography shops, and peep shows. While the Block was never home to legalized brothels, it was well known as early as the 1930s as a hub of illicit prostitution and other illegal activities.

Despite and because of the Block's seedy reputation, it has thrived for decades in

⁹ Maryland Vice Commission, "Maryland Vice Commission Report," 312. Quoted in Hill, "From The Brothel to the Block," 56; Raymond V. Phelan, "Publish the Names," *The Survey* 36, July 8, 1916, 396.

the city. When Baltimore's overhaul of the Inner Harbor area in the 1970s and '80s plunged the Block's continued existence into jeopardy and uncertainty, many Baltimoreans protested the idea that the vice district should be eliminated. The Block, many asserted, was a treasured Baltimore institution. In 1972, for instance, a tourism industry publication summed up the Block's reputation by noting:

The Block may succumb to the wrecker's ball. But even if renewal does disrupt its nearly round the clock revelry, it will surely be temporary. For, this little island of action and fun is as much a part of Baltimore as oysters and crabcakes, and the *city in between* would never be the same without it.¹⁰

Though reduced in size in recent years by various real-estate shifts, by the changing economics of sex in the Internet age, and by a recent five-alarm fire, the Block still stands today, decades after Boston's Ann Street fell to the wrecking ball and old Times Square to gentrification. It sits just east of the intersection of Baltimore and Commerce Streets, near the site of the old Exchange Building and very much at the heart of the city's commercial, tourist, and entertainment districts. It consists of rows of strip clubs, adult stores, peep shows, and burlesque houses with names like "The Pussycat" and "The Jewel Box," plus a few scattered arcades, bars, and liquor stores in between. On the south side of the block, a Subway sandwich franchise stays open until 2 a.m. or later every day except Sunday to take advantage of the club crowd. Police are still dogged by public allegations that they consciously allow prostitution and other forms of vice to continue on the Block as a means of keeping them contained and under surveillance.¹¹ While authorities have launched sporadic raids on the clubs and rounded

10 "Baltimore's New Look for a Grand Old Lady," *Amoco Seasons*, June-July, 1972, 7.

11 For recent coverage of the Block, see Kurt Schmoke, "The Mayor: Blowing up the Block," *Sun Magazine*, May 10, 2012, <http://www.baltimoresun.com/entertainment/sun-magazine/bs-sm-kurt-schmoke->

up the women plying their trade on the streets in response, prostitution still thrives on the Block. Commercial sex remains an open trade in Baltimore, in an area bounded on the east by the Central District Police Headquarters, and in the shadow of City Hall.

20120513,0,7508037.story. Adam Meister, "Baltimore Needs To Get Rid Of The Block," *Examiner.Com*, Aug. 2, 2008, <http://www.examiner.com/article/baltimore-needs-to-get-rid-of-the-block>. Fern Shen, "Prostitution and Other Allegations, But No Police Officer to Testify," *Baltimore Brew*, Feb. 1, 2014, https://www.baltimorebrew.com/booze_news/prostitution-and-other-allegations-but-no-police-officer-to-testify/.

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