

STATE UNIVERSITY  
OF PENNSYLVANIA  
OF THE  
LIBRARY

# BOOT & SHOEMAKERS

OF PHILADELPHIA,

ON AN INDICTMENT

*FOR A COMBINATION AND CONSPIRACY*

TO RAISE THEIR WAGES.

---

---

TAKEN IN SHORT-HAND,  
BY THOMAS LLOYD.

---

---

PHILADELPHIA:

PRINTED BY B. GRAVES, NO. 40, NORTH FOURTH-STREET,  
FOR T. LLOYD, AND B. GRAVES.

\*\*\*\*\*

1806.

I. PHILADELPHIA CORDWAINERS – 1806  
COMMONWEALTH V. PULLIS

[Title page] THE TRIAL OF THE BOOT & SHOEMAKERS OF PHILADELPHIA, ON AN INDICTMENT FOR A COMBINATION AND CONSPIRACY TO RAISE THEIR WAGES. Taken in Shorthand, by Thomas Lloyd, Philadelphia: printed by B. Graves, No. 40, North Fourth street, for T. Lloyd, and B. Graves, 1806.

TO THOMAS M'KEAN, Governor, and  
THE GENERAL ASSEMBLY OF PENNSYLVANIA,

Is dedicated the report of the most interesting law case, which has occurred in this state since our revolution . . . with the hope of attracting their particular attention, at the next meeting of the Legislature.

“It is better that the law be known and certain, than that it be right.” With respect, I am, fellow citizens,  
your most obedient,

THOMAS LLOYD.

## CONTENTS [Original]

	PAGE
OPENING by Mr. Hopkinson for the Plaintiffs . . .	[ 1 ]
Indictment recited . . . . .	[ 2 ]
Witness, Job Harrison . . . . .	[ 10 ]
Anthony Bennet . . . . .	[ 25 ]
James Cummings . . . . .	[ 26 ]
William Forgrave . . . . .	[ 28 ]
Samuel Logan . . . . .	[ 29 ]
Andrew Dunlap . . . . .	[ 31 ]
William Hawkins . . . . .	[ 32 ]
— Blair . . . . .	[ 32 ]
John Bedford . . . . .	[ 34 ]
John Conyers . . . . .	[ 38 ]
William M'Culey . . . . .	[ 38 ]
William Montgomery . . . . .	[ 39 ]
Lewis Ryan . . . . .	[ 41 ]
Opening by Mr. Franklin for the Defendants . . .	[ 42 ]
Witness, James Geoghan . . . . .	[ 47 ]
John Hayes . . . . .	[ 54 ]
Philip Dwyer . . . . .	[ 56 ]
William Young . . . . .	[ 57 ]
John Thompson . . . . .	[ 60 ]
John Millis . . . . .	[ 61 ]
John Bean . . . . .	[ 62 ]
Mr. Bedford, again . . . . .	[ 62 ]
Mr. Ryan, again . . . . .	[ 62 ]
Mr. Young, again . . . . .	[ 63 ]
Argument Mr. Joseph Hopkinson . . . . .	[ 64 ]
Mr. Walter Franklin . . . . .	[ 73 ]
Mr. Caesar A. Rodney . . . . .	[ 89 ]
Mr. Jared Ingersoll . . . . .	[ 125 ]
Charge, Moses Levy, Recorder . . . . .	[ 140 ]
Verdict . . . . .	[ 149 ]
Appendix . . . . .	[ 150 ]

## THE TRIAL OF THE JOURNEYMEN BOOT &amp; SHOEMAKERS OF PHILADELPHIA

[1] MAYOR'S COURT. *Present*, Levy, *recorder*; Innskeep, *mayor*; and Pettit, Douglass, and Carswell, *aldermen*. The Commonwealth against George Pullis, *et al.*

THE JURY. 1. Isaac Watkins, *innkeeper*; 2. Wm. Allibone, *merchant*; 3. James Flamand, *grocer*; 4. John Kunius, *hatter*; 5. W. Henderson, *tobacconist*; 6. D. Lowndes, *watchmaker*; 7. John Livzey, *taylor*; 8. S. Kennedy, *inkeeper*; 9. John Clark, *tavern-keeper*; 10. Thos. M'Clean, *bottler*; 11. James Eccles, *grocer*; 12. Neil Sweeney, *grocer*. Jonathan Wharton, *shoemaker*, was drawn as one of the jurors, but objected to on account of his occupation.

COUNSEL FOR THE PROSECUTION. Jared Ingersol and Joseph Hopkinson.

COUNSEL FOR THE DEFENDANTS. Caesar A. Rodney and Walter Franklin.

MR. HOPKINSON. May it please the court. The bill of indictment exhibited before you, and which you, gentlemen of the jury, are sworn to try, charges an offence not of every day's production; in order that you may fully comprehend the extent of the charges against the defendants; and although the bill is long, I will read the whole of it to you, for your information. It is in these words:

[2] Be It Remembered, that at mayor's court held at Philadelphia, for the city of Philadelphia, before John Innskeep, Esq., mayor, Moses Levy, Esq., recorder, and Philip Wager, Esq., Andrew Pettit, Esq., and Abraham Shoemaker, Esq., aldermen of the said city, on Thursday the second day of January in the year of our Lord one thousand eight hundred and six, by the

oaths or affirmations of David C. Claypoole, foreman, John Bohlen, Andrew Kennedy, Joseph Price, Joseph Simmons, John Wistar, Jacob Christler, Joseph Worrell, James Crukshank, Samuel Richards, John Markland, Jacob Schreiner, Martin Hartley, Augustus Friecke, and James Cameron, good and lawful men of the said city, then and there sworn, or affirmed, and charged to enquire for the said city: it is presented that the annexed bill of indictment is true.

January Sessions, 1806. City of Philadelphia, ss.

The grand inquest of the commonwealth of Pennsylvania, inquiring for the city of Philadelphia upon their oaths and affirmations, respectively, do present that George Pullis, Peter Pollen, John Harket, John Hepburn, Underl Barnes, John Dubois, George Keimer, and George Snyder, late of the city of Philadelphia, aforesaid, being artificers, workmen and journeymen in the art and occupation of a cordwainer, and not being content to work, and labour in that art and occupation, at the usual prices and rates for which they and other artificers workmen and journeymen, in the same art and occupation were used and accustomed to work and labour; but contriving, and intending unjustly and oppressively, to increase and augment the prices and rates usually paid and allowed to them and other artificers, workmen, and journeymen, in the said art, and occupation, and unjustly to exact and procure great sums of money, for their work and labour, in the said art and occupation, on the first day of November in the year of our Lord one thousand eight hundred and five, with force and arms did combine, conspire, confederate, and unlawfully agree together, at the city of Philadelphia, aforesaid, that they, the said George Pullis, Peter Pollen, John Harket, John Hepburn,

Underl Barnes, John Dubois, [3] George Keimer, and George Snyder, or any of them would not, nor should work and labour, in the said art and occupation, but at certain large prices and rates, which they the said George Pullis, Peter Pollen, John Harket, John Hepburn, Underl Barnes, John Dubois, George Keimer, and George Snyder, then and there insisted on being paid, for their future work and labour in the said art and occupation, for and upon, and in respect of certain particular sorts of work and labour in the said art and occupation, that is to say: for making fancy boots, the sum of five dollars for making back strap boots the sum of four dollars, for making long boots the sum of three dollars, for making cossacks the sum of three dollars, and for making bootees the sum of three dollars, which, said several rates and prices which were so as aforesaid, fixed and insisted on by the said George Pullis, Peter Pollen, John Harket, John Hepburn, Underl Barnes, John Dubois, George Keimer, and George Snyder, were at the time of their being so fixed and insisted on by them the said, George Pullis, Peter Pollen, John Harket, John Hepburn, Underl Barnes, John Dubois, George Keimer, and George Snyder, more than the several and respective prices and rates, which had been, and which were then used and accustomed to be paid and allowed to them, the said George Pullis, Peter Pollen, John Harket, John Hepburn, Underl Barnes, John Dubois, George Keimer, and George Snyder, and other artificers, workmen, and journeymen employed in the said art and occupation of a cordwainer, for and upon and in respect of the said particulars and respective sorts of work and labour, for and upon and in respect of which the same were so respectively fixed and insisted on by the said George



Pullis, Peter Pollen, John Harket, John Hepburn, Underl Barnes, John Dubois, George Keimer, and George Snyder, as aforesaid, to the damage, injury, and prejudice, of the masters employing them in the said art and occupation, of a cordwainer and of the citizens of the commonwealth generally, and to the great damage and prejudice of other artificers, and journeymen, in the said art and occupation of a cordwainer, to the evil example of others, and against the peace and dignity of the commonwealth of Pennsylvania.

[4] 2. And the inquest aforesaid upon their oaths, and affirmations aforesaid, do further present that the said George Pullis [*et al.*] being artificers, workmen, and journeymen, in the said art and occupation of a cordwainer, and not being contented to work and labour, in that art, and occupation, at the usual prices and rates, for which they and other artificers, workmen, and journeymen, in the same art and occupation, were used and accustomed to work and labour, but contriving and intending, unjustly and oppressively to increase and augment the prices, and rates usually paid, and allowed to them and other artificers, workmen, and journeymen, in the said art and occupation, and unjustly to exact and procure great sums of money for their work and labour, on the said first day of November one thousand eight hundred and five, with force, and arms, at the city of Philadelphia, aforesaid, unlawfully did combine, conspire, confederate, and agree together, that they the said George Pullis [*et al.*], or any of them would not, nor should, and also that they the said George Pullis [*et al.*], and each, and every of them should and would endeavour to prevent by threats, menaces, and other unlawful means, other artificers, workmen, and journeymen, in the said art and occupa-

tion, from working and labouring in the said art and occupation, but at certain large prices, and rates which they the said George Pullis [*et al.*], then and there fixed and insisted on being paid for their future work and labour, in the said art and occupation, for and upon and in respect of certain and particular sorts of work, and labour in the said art and occupation, that is to say for making fancy boots the sum of five dollars for making back strap boots the sum of four dollars, for making long boots the sum of three dollars, for making cosacks the sum of three dollars, and for making bootees the sum of three dollars, which said several rates and prices, which were so as [5] last aforesaid, fixed and insisted on by the said George Pullis [*et al.*], were more than the several, and respective rates and prices, which had been, and which were used and accustomed, to be paid, and allowed to them the said George Pullis [*et al.*], and other artificers, workmen, and labourers employed in the said art and occupation of a cordwainer, for and upon and in respect of the said several and respective sorts of labour, for upon and respect of which the same were so respectively fixed and insisted on by the said George Pullis [*et al.*], as last aforesaid to the great damage, injury and prejudice of the masters employing them in the said art and occupation of a cordwainer . . . and of the citizens generally of the commonwealth, and to the great damage and prejudice of others, artificers and journeymen, in the said art and occupation of a cordwainer, to the evil example of others, and against the peace and dignity of the commonwealth of Pennsylvania.

3. And the inquest aforesaid, upon their oaths and affirmations aforesaid, do further present, that, the said George Pullis [*et al.*], being artificers, workmen and



journeymen in the said art and occupation of a cordwainer, on the same day and year aforesaid, at the city of Philadelphia aforesaid, unlawfully perniciously,<sup>42</sup> and deceitfully designing and intending to form and unite themselves into a club and combination, and to make and ordain unlawful and arbitrary bye laws, rules, and orders amongst themselves, and thereby to govern themselves and other artificers, workmen and journeymen in the art and occupation of a cordwainer, and unlawfully and unjustly to exact great sums of money by means thereof on the day and year aforesaid, at the city of Philadelphia aforesaid, did unlawfully assemble and meet together, [6] and being so unlawfully assembled and met together, did then and there unjustly and corruptly conspire, combine, confederate, and agree together that none of them the said conspirators, after the said first day of November, one thousand eight hundred and five, would work for any master or person whatever, who should employ any artificer, workman or journeyman, in the said art and occupation of a cordwainer, or other person who should thereafter infringe or break any or either of the said unlawful rules, orders or bye laws, and that they would by threats and menaces and other injuries, prevent any other workmen and journeymen from working for such master, and the said George Pullis [*et al.*], in pursuance of the said unlawful conspiracy, combination, and agreement, refused to work at the usual rates and prices given to artificers, workmen and journeymen in the said art and occupation of a cordwainer, and still do, and each of them doth refuse to work and labour at the usual rates and prices accustomed to be given to them, the said George pullis [*et al.*], and other artificers, workmen and jour-

<sup>42</sup> Query, The legal intendment of that word.

neymen in the said art and occupation of a cordwainer, to the great damage and prejudice of the masters employing them in the said art and occupation of a cordwainer, and of the citizens of the commonwealth generally, and to the great damage and prejudice of other artificers and journeymen in the said art and occupation of cordwainer, to the evil example of others, and against the peace and dignity of the commonwealth of Pennsylvania.

For the attorney general.—JOS. REED.

Witnesses annexed to the bill of Indictment. Lewis Ryan, sworn, John Bedford, sworn, Job Harrison, sworn, James Comyns, sworn, Anthony Bennet, sworn, Andrew Dunlap, sworn, George Kemble, affirmed.

[7] This prosecution has been commenced, not from any private pique, or personal resentment, but solely, with a view, to promote the common good of the community: and to prevent in future the pernicious combinations, of misguided men, to effect purposes not only injurious to themselves, but mischievous to society. Yet infinite pains have been taken to represent this prosecution, as founded in very improper motives. Not only in private conversation, and in public taverns, but even the press has been employed in the work of misrepresentations.

The newspaper called the *Aurora*, has teemed with false representations and statements of this transaction; and the most insolent abuse of the parties, who have brought it before this tribunal, with a view (if not with the declared intention), to poison the public mind, and obstruct the pure streams of justice flowing from the established courts of law. Yet we trust, we shall be enabled to counteract the nefarious effects, the publications alluded to were calculated to produce, by a fair

and candid exposure of all the circumstances. When the true nature of the case shall be explained, and the plain narrative of the facts, shall be laid before you gentlemen of the jury, we feel confident that you will not be biased by newspaper attempts, to delude and mislead you. It has been a common observation that newspaper accounts, of the proceedings in our courts of law, are filled with mistakes and misrepresentations, the publications alluded to are in conformity to this general character, and marks the ignorance or wickedness which gave them birth.

Let it be well understood that the present action, is not intended to introduce the doctrine, that a man is not at liberty to fix any price whatsoever upon his own labour; we disclaim the idea, in the most unqualified terms, we declare that every man, has a right to fix any price upon his commodities or his labour which he deems proper. We have no design to prevent him. We disclaim any such design. If any one of the defendants, had thought proper to charge \$100 for making a pair of boots, nobody would interfere, if he could get his employer to give it, or could compel the payment. He would have a legal right to do so, our complaint is not of that kind.

[8] Our position is, that no man is at liberty to combine, conspire, confederate, and unlawfully agree to regulate the whole body of workmen in the city. The defendants are not indicted for regulating their own individual wages, but for undertaking by a combination, to regulate the price of the labour of others as well as their own.

It must be known to you, that every society of people are affected by such private confederacies: that they are injurious to the public good and against the public

interest. The law therefore forbids conspiracies of every kind which puts in jeopardy the interest and well being of the community; what may be lawful in an individual, may be criminal in a number of individuals combined, with a view to carry it into effect. The law does not permit any body of men to conspire or to undertake to do any act injurious to the general welfare. An act of conspiracy is an offence against the laws of this country, and that is the charge brought against their defendants, in the first count of the indictment.

(Mr. H. read the first count and then proceeded.)

It is here stated that this confederacy, was, not only injurious to the community generally, but also, to other artificers and journeymen cordwainers, it is not alleged to be against the masters, for they are in no wise concerned, it is against such part of the fellow craft as do not wish to submit to the tyranny of the few.

(Mr. H. here read the remainder of the indictment.)

You will also please to observe that this body of journeymen are not an incorporated society whatever may have been represented out of doors on that head; neither are they a society instituted for benevolent purposes. But merely a society for compelling by the most arbitrary and malignant means, the whole body of the journeymen to submit to their rules and regulations; it is not confined even to the members of the society, it reaches every individual of the trade, whether journeymen or master. It will appear, from the evidence to be adduced before you, to spread to an extent of which [9] you cannot as yet form any idea. You will find that they not only determine the price of labour for themselves, but compel every one to demand that price and receive no other, they refuse to hold communion with any person who shall disobey there man-

dates, in fine, they regulate the whole trade under the most dreadful pains and penalties, such I believe as never was heard of in this or any other civilized country.

There may be a number of young single-men, who may stand out for the wages required, but there are others with families who cannot subsist without work; these men are compelled to abstain from their employments, and are reduced to the extreme of misery, by the tyranny of the others, we shall shew you that some journeymen, with families, have been forbid to work at prices with which they were perfectly satisfied, and thereby been brought into deep distress.

We shall shew you the nature of the pains and penalties they affix to disobedience; we shall also shew the mode by which they compel men to join their society, and the fetters with which they afterwards bind them. A journeyman arriving from Europe, or any part of the United States. An apprentice who has served . . . his time, must join the association, or be shut out from every shop in the city, if he presumes to work at his own price. Nay every master shoemaker, must decline to employ such journeyman or his shop will be abandoned, by all the other workmen. A master who employs fifteen, or twenty hands is called upon to discharge the journeyman who is not a member of the body, if he refuses they all leave him whatever may be the situation of his business: this compulsion from its nature seldom fails. If the master discharges the non conformists, and he gets employed at another shop, the body pursue him, and order the new master to drive him away, and threaten in case of refusal that they will draw off all the members of the society, and so on, until the persecuted man either joins their body or is driven from



the city. The injury to the community is a very serious evil and demands at your hands to be redressed.

This is the chief charge in the indictment; and you now see that the action is instituted to maintain the cause of liberty and repress that of licentiousness. It is to secure [10] the rights of each individual to obtain and enjoy the price he fixes upon his own labour.

In the progress of this case the Evidence, the principles on which the prosecution is conducted, and the law arising thereon, will respectively be laid before you; and you will ultimately decide for the prosecution or the defendants as shall in your judgment comport with the justice of the case. I have thought it necessary to say thus much that you might not suppose, we are attempting to deprive any man of his constitutional rights and privileges as has been represented. I shall now proceed to call witnesses to establish the facts I have stated.

Job Harrison, *sworn*.

*Question*, by Mr. Hopkinson. Are you a journeyman shoemaker? *A.* Yes.

*Q.* Do you know whether the journeymen cordwainers in this city, are associated together for particular purposes, and do you belong to them? *A.* Yes they are formed into a society, and I belong to them.

*Q.* Does George Pullis, belong to the association? *A.* Yes.

*Q.* Does P. Pollen? *A.* I do not know that he does.

*Q.* Does Harket? *A.* Yes.

*Q.* Does Hepburn? *A.* I don't know him by name.

*Q.* Is Barnes one? *A.* Yes.

*Q.* Are Dubois and Keimer, members? *A.* Yes.

*Q.* Is George Snyder? *A.* I do not know.

[11] MR. HOPKINSON. Please to go on and explain