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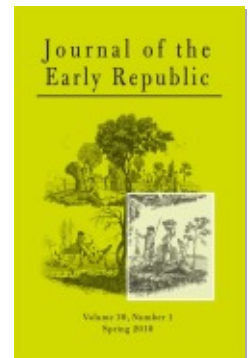
"The Right to Purchase Is as Free as the Right to Sell":  
Defining Consumers as Citizens in the Auction-house  
Conflicts of the Early Republic

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# “The Right to Purchase Is as Free as the Right to Sell”

Defining Consumers as Citizens in the Auction-house  
Conflicts of the Early Republic

JOANNA COHEN

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In 1817, one anonymous defender of New York auction houses made a statement that had unexpected consequences for the fate of the American consumer. Eager to deflect the criticisms of jealous and indebted merchants, this champion of the auction house claimed that “the right to purchase [wa]s as free as the right to sell” and that merchants who attacked the auction did so because it forced them to compete for the customer’s attention and coin. The statement was an accurate assessment of mercantile interest and easily recognized as part of the struggle between East Coast merchants and auctioneers for market share that endured over twelve years. However, the apparently simple defense of the “right to purchase” was not quite as straightforward. In ways that surprised everyone involved, the rights and responsibilities of the consumer became a lightning rod in this self-interested tussle, galvanizing political opinion on all sides. The auctioneers’ defense forced

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Americans in the early republic to consider whether the “right to purchase” was really part of the spectrum of rights that citizens could claim. Although the retort was in part simply a rhetorical flourish, beneath that lay something more. Embedded in the phrase was a signal that Americans were trying to envision the civic entitlements and obligations of purchasers. Their efforts were an attempt to define more precisely the exact place and nature of the consumer in the early republic.<sup>1</sup>

That the category of consumer was not self-evident to the merchants and auctioneers on the eastern seaboard is clear from an examination of the auction debates themselves. Time and again both groups attempted to refashion the figure of the consumer in an effort to serve their own interests. Their attempts yielded an erratic and contested vision of the American consumer. While merchants described shoppers first as rural innocents and later as greedy fools, auctioneers focused on the commercial savvy that consumers brought to the marketplace. Over time these efforts transformed the commercial turf war into a debate over the complex relationship between consumption and citizenship in the early republic. As the conflicts over auctions came to a head between 1817 and 1829, the rights or obligations a consumer had as a citizen became cause for contention. Moreover, the question of *who* would have the power to define the consumer’s civic privileges and duties provoked a struggle with far-reaching consequences.

In the last fifteen years, America’s “world of goods” has received a great deal of scholarly attention. Yet only a small amount of this work explores the ways in which consumption has transfigured concepts of citizenship in America’s history. When it comes to understanding the ways consumer practices and ideals have shaped the notions of good citizenship, historians have tended to focus more on those extraordinary moments of nonconsumption, rather than unravel the multiple ways in which everyday consumption has contributed to the construction of civic ideals. This silence is particularly noticeable in the scholarship that explores the post-Revolutionary moment. While T. H. Breen’s study of eighteenth-century consumer politics brought to light the connections many colonists forged with one another through a “galloping frenzy of consumption,” his work has provoked new questions that have gone

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1. *The Beneficial Tendency of Auctioneering and the Danger of Restraining It by a Friend to Trade* (New York, 1817), 14.

largely unanswered. At the heart of these queries remains confusion over how American notions of nationhood and citizenship took shape as consumer practices and identities took on fresh meaning in the newly formed United States. Given that Breen himself acknowledged the ambivalence with which all Americans approached the consumer boycotts of the late eighteenth century, the question of how these Revolutionary impulses evolved seems all the more pertinent. Yet despite this, the connections between consumption and citizenship in the nineteenth century have been largely overlooked.<sup>2</sup>

This is perhaps due in part to the difficulties scholars encounter in

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2. The phrase "world of goods" is taken from the title of *Consumption and the World of Goods*, ed. John Brewer and Roy Porter (New York, 2003). The quote is from T. H. Breen, *The Marketplace of Revolution: How Consumer Politics Shaped American Independence* (Oxford, UK, 2004), 101. For a sample of the large body of work that has explored the contours of American consumption, see Regina Lee Blaszczyk, *Imagining Consumers: Design and Innovation from Wedgwood to Corning* (Baltimore, 2000); Richard L. Bushman, *The Refinement of America: Persons, Houses, Cities* (New York, 1992); Cary Carson, Ronald Hoffman, and Peter J. Albert, eds., *Of Consuming Interests: The Style of Life in the Eighteenth Century* (Charlottesville, VA, 1994); Richard Wightman Fox and T. J. Jackson Lears, eds., *The Culture of Consumption: Critical Essays in American History, 1880–1980* (New York, 1983); Lawrence B. Glickman, "'Buy for the Sake of the Slave': Abolitionism and the Origins of American Consumer Activism," *American Quarterly* 56 (Dec. 2004), 889–912; Daniel Horowitz, *The Morality of Spending: Attitudes Towards the Consumer Society in America, 1875–1940* (Chicago, 1992); William R. Leach, *Land of Desire: Merchants, Power and the Rise of a New American Culture* (New York, 1994); Lori Merish, *Sentimental Materialism: Gender, Commodity Culture, and Nineteenth-Century American Literature* (Durham, NC, 2000); Kathy Lee Peiss, *Hope in a Jar: The Making of America's Beauty Culture* (New York, 1998); John Styles and Amanda Vickery, eds., *Gender, Taste, and Material Culture in Britain and North America, 1700–1830* (New Haven, CT, 2006). For scholarship that does examine the relationship between consumption and citizenship more directly see Breen, *The Marketplace of Revolution*; Linzy A. Brekke, "'The Scourge of Fashion': Political Economy and the Politics of Consumption in the Early Republic," *Early American Studies* 3 (Spring 2005), 106–39; Dana Frank, *Buy American: The Untold Story of Economic Nationalism* (Boston, 1999); Michael Zakim, *Ready-Made Democracy. A History of Men's Dress in the American Republic, 1760–1860* (Chicago, 2003); Lizabeth Cohen, *A Consumer's Republic: The Politics of Mass Consumption in Postwar America* (New York, 2003). See also Drew McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (Chapel Hill, NC, 1980).

teasing out the relationships between consumption and citizenship. Unlike the study of nonconsumption, which provides a specific set of bounded circumstances to explore, the protean, sometimes prosaic ways in which Americans imagined the connections between their consumption and their civic lives is hard to pin down. This is particularly true for the early nineteenth century, when the parameters of citizenship and the identity of the consumer were both in flux, evolving rapidly out of new practices of capitalism and fresh understandings of both political economy and civic life. The auction conflicts thus present a particularly valuable perspective for exploring these sometimes elusive interconnections. As a quarrel that persisted over a decade, the auction debates present an opportunity to trace the ways in which discussions on civic consumption evolved, growing out of broader concerns that connected market practice and production to civic values.

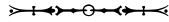
In the early decades of the nineteenth century many educated Americans still understood the nation to be a delicately calibrated balance of three productive interests: farmers, merchants, and manufacturers. Within this framework these Americans found it hard to imagine a political economy where consumers had a role or even a set of rights that was independent of this trinity's needs. Yet through their efforts to serve themselves, the merchants and auctioneers created a new understanding of the consumer. They made the shopper something more than a servant to the interests of farmers, merchants, and manufacturers. Over time, the auctioneers' use of the image of the consumer yielded a figure that was no longer a passive cipher in the system of republican political economy. Instead the auctioneers helped to define an active individual whose civic entitlements were fashioned out of the understanding that Americans had a freedom to consume however they wanted, free from restraint.<sup>3</sup>

Tracing the rise and fall of the mercantile auction houses of New York and Philadelphia illuminates a moment when the commercial community of the early republic used its own experiences and concerns to expand the basis of civic belonging in the United States. In moving beyond the parameters of production, these merchants and auctioneers created a

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3. For the best explanation of how the post-Revolutionary focus on productive interests eclipsed the Revolutionary concern over consumption, see Cathy Matson and Peter Onuf, "Toward a Republican Empire: Interest and Ideology in Revolutionary America," *American Quarterly* 37 (Autumn 1985), 515-16.

set of entitlements and obligations that were defined by the ways they understood the needs and desires of commercial consumers. At the same time, the auction-house debates reveal that a consumer-oriented vision of civic belonging emerged from understandings of the economy and the body politic that were neither fully liberal nor republican in their nature but an uneasy amalgam of the two. By the 1830s this struggle over auctions bequeathed a complex legacy of values and behavior to middle-class American consumers. They gained not only a new understanding of their identity but also a renewed sense of the role they would play within the nation itself, one that emphasized how consumption mattered more as a display of gentility and sophistication and less as a facet of political economy. Thus American urban consumers became slowly enmeshed in the politics of representation and turned away from the politics of supply, production, and market regulation. Explaining the context and the course of this little known conflict allows an examination of a moment when Americans in the early republic made civic consumption meaningful in new ways.



Amidst the rapidly changing political economy of the early nineteenth century, the question of what constituted a good American consumer became a politically charged question, albeit a confused one, that would perplex both the auctioneers and merchants who became involved in the auction conflicts. For consumers, the legacy of the Revolution had been unclear. Consumer boycotts during the War of Independence had highlighted the ways in which individuals' consumption connected them to a larger economic system, stressing the importance of consumer action. But in the wake of the war, that clarity crumbled. Despite their political victory, America remained hemmed in by British commercial restrictions, cut off from free trade with Europe and dependent on British-made goods. American responses to this problem varied. One suggested remedy was to focus on the promotion of American manufacturing. Men like Mathew Carey and Benjamin Rush lobbied for protective tariffs and government stimuli to promote new modes of production, believing that strength in manufacturing would lead the United States to economic independence. Even though the civic responsibilities of the consumer were not entirely forgotten—indeed Carey urged women in particular to support American production by resisting the impulse to purchase Brit-

ish luxuries—the post-Revolutionary moment witnessed the eclipse of the idea of the citizen consumer in favor of the promotion of American production.<sup>4</sup>

An alternative solution was proposed by those who took up the theories of Adam Smith, whose *Wealth of Nations* was published in 1776. Smith's arguments that free trade would promote national economic strength directly countered the arguments of men like Carey and Rush and were popular with those who feared that the effects of commercial regulation would upset the balance of economic interests in the United States. Despite the wide-ranging debate on this subject, the question of the civic consumer was again overshadowed by the more pressing issue of championing free trade in a largely mercantile Atlantic world. Perhaps this was because Smith's emphasis on market logic seemed to demand even less of consumers than the pro-tariff men had. In a world governed by self-interest, economic sacrifices or consumer restraint seemed to be absent from the picture entirely.<sup>5</sup>

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4. On the Revolution and its legacy, see Breen, *The Marketplace of Revolution*; Linzy A. Brekke, "'To Make a Figure': Clothing and the Politics of Male Identity in Eighteenth-Century America," in *Gender, Taste, and Material Culture*, ed. Vickery and Styles, 225–26; Brekke, "The Scourge of Fashion," 106–39; Ann Fairfax Withington, *Toward a More Perfect Union: Virtue and the Formation of American Republics* (New York, 1991), 10–17. On post-Revolutionary political economists who embraced the tariff, see Lawrence A. Peskin, *Manufacturing Revolution: The Intellectual Origins of Early American Industry* (Baltimore, 2003), 65–114; McCoy, *The Elusive Republic*, 139–165.

5. Smith's direct references to consumers are relatively sparse, although it is clear that he thinks of consumption as one of the central forces that animates a market organized around free-trade principles. See Adam Smith, *The Wealth of Nations*, ed. Edwin Cannan and intro. Robert Reich (New York, 2000), 12–14, 33, 61, 715–17, 889, 935, 938–41. The literature on Adam Smith is vast, but I have found the following useful: Jerry Z. Muller, *The Mind and the Market: Capitalism in Early Modern European Thought* (New York, 2002), 51–83; Paul K. Conkin, *Prophets of Prosperity: America's First Political Economists* (Bloomington, IN, 1980), 17–26; Joyce Appleby, "Consumption in Early Modern Social Thought," in *Consumer Society in American History: A Reader*, ed. Lawrence B. Glickman (Ithaca, NY, 1999), 130–47; Samuel Fleischacker, "Adam Smith's Reception among the American Founders, 1776–1790," *William and Mary Quarterly* 59 (Oct. 2002), 897–924, 916. The subject of political economy more generally became particularly interesting to Americans in the early republic. For American publications of treatises of political economy. See Esther Lowenthal, "American Reprints of Economic Writings 1776–1848," *The American Economic*

Smith did, however, have a vision of the consumer. He believed purchasers should be frugal, dedicating themselves to the purchase of those things that would enhance their capital, and that this, combined with industrious effort, would lead to social betterment on a national scale. Thus the adherents of Smith charted a narrow path on the question of consumption. Critiquing those who spent on nonproductive luxuries (a truly elusive category of goods) proved a complicated task. In any case, the question was not one of civic responsibility for Smith. Instead he hoped to harness self-interest to a national cause.

Throughout the last decades of the eighteenth century, the country's economic strength remained a question of central importance to nearly all Americans but little consensus was reached on any of the major economic questions of the day, including the responsibilities of the consumer. Americans who criticized the nation's consumption of foreign commodities were left to wonder if they ought to be admonishing the commercial consumers (the merchants who bought the imported goods from English manufacturers) or the ultimate consumers (the men and women who bought tea and silks from their local retailer). No one knew who ought to assume the final responsibility of consuming for the good of the nation. This confusion over identity and responsibility—spurred in part by the shifting imperatives of a growing trans-Atlantic marketplace and the jarring experiences of the War of 1812—led to new debate. In the wake of the war, new economic opportunities and commercial systems blurred the identities of the commercial and the ultimate consumers, leaving their roles as citizens open to question.<sup>6</sup>

If the identity and role of the consumer prompted one set of debates, the meaning of citizenship in the early republic instigated another, and these would also shape the auction house conflicts. Having fused liberal and republican visions of the nation together in creating the body politic, Americans in the early republic had to contend with competing understandings of citizenship. Debates over natural and constitutional rights vied with discussions over civic obligations and a duty to the public

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*Review* 42 (Dec. 1952), 876–80; Esther Lowenthal, "Additional American Reprints of Economic Writings 1776–1848," *The American Economic Review* 43 (Dec. 1953), 884.

6. Muller, *The Mind and the Market*, 76–81. On the War of 1812, see Donald R. Hickey, "American Trade Restrictions during the War of 1812," *Journal of American History* 68 (Dec. 1981), 527–38.



good. American citizens understood that their status brought them not just privilege but responsibility. Legal definitions posed one set of problems, but a broader and equally important debate ensued over perfecting the model of civic belonging that engulfed nearly every aspect of social, cultural, and economic life in America.<sup>7</sup>

In some ways these debates were hardly surprising. Both liberalism and republicanism are powerful ideologies that, as scholar Rogers Smith notes, placed great strains on the citizenry. While liberalism requires that citizens be industrious, rational, and ultimately self-reliant, democratic republicanism asks them to commit to extensive political participation, sacrificing for the public good despite the pressures of a competitive marketplace. How to be a good economic citizen thus posed particular challenges for Americans who pondered the nature of their civic membership. The ratification of the constitution in 1787 sparked a new language of rights in American culture that would be used by excluded and oppressed groups of citizens to make claims to power over the course of the nineteenth and twentieth century. But the discussions of the merchants, auctioneers, and politicians occurred among those who already had the privilege of full citizenship and were trying to make sense of its meaning. These citizens knew their obligations and balanced debates over inalienable rights with concomitant understandings of duty or responsibility. These deliberations were not simply theoretical; they determined how white male citizens defined their civic rights and obligations as individuals loyal to the interests of an American economy.<sup>8</sup>

By 1812 some of these economic rights and obligations were already clear. The post-Revolutionary generation eagerly embraced the thinking of John Locke and Adam Smith, and by fusing them together created a

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7. My thinking on the nature of citizenship and civic belonging have been most clearly influenced by Rogers Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S History* (New Haven, CT, 1997); Linda Kerber, *No Constitutional Right To Be Ladies: Women and the Obligations of Citizenship* (New York, 1998); Judith N. Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge, MA, 1991); Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (1983; 2<sup>nd</sup> ed., London, 1991). See also Rosemarie Zagari, "The Rights of Man and Woman in Post-Revolutionary America," *William and Mary Quarterly* 55 (Apr. 1998), 203–30.

8. Smith, *Civic Ideals*, 37; Hendrik Hartog, "The Constitution of Aspiration and 'The Rights That Belong to Us All,'" *Journal of American History* 74 (Dec. 1987), 1013–34.

strong belief that individuals had the right to ownership of their own labor. Of course this right did not extend to women or slaves, but for white men, John Locke's assertion that "every man has a *property* in his own *person*" underpinned the idea that every man both owned and could claim the fruits of his own labor. The importance of labor was supplemented by the centrality of property in the structure of the early republic's political economy. Drawing on the English Whig tradition of Harrington and Locke, Americans came to believe that property provided the basis of every man's claim to autonomy and thus freedom and independence. It became one of the guiding principles of American political life that a man's earnings and his property would be inherently protected by law from the depredations of both society and government.<sup>9</sup>

The power of these liberal theories however, was balanced by a strong belief in regulating society for the benefit of the community or the public good. Within the marketplace in particular, local and state regulations controlled a number of different occupations—including auctioneers—through licensing laws and other restrictions. Both legally and through a larger conception of a moral economy, communal obligations and restrictions held in check the private rights of citizens to pursue their own interest in the marketplace. As Roger Taney argued before Chief Justice Marshall in 1827, there was no such thing in American jurisprudence as "the right to sell." In the interest of public welfare, the community could always regulate business. Taney's pronouncement came ten years after the angry auctioneers had argued that the "right to purchase is as free as the right to sell," yet Taney's words offered a salutary reminder that neither selling nor buying was an inalienable right in the early republic. While property and labor were considered sacrosanct, rights and obligations within the marketplace more broadly remained open to question and interpretation.<sup>10</sup>

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9. John Locke quote is in Jeffrey Sklansky, *The Soul's Economy: Market Society and Selfhood in American Thought, 1820–1920* (Chapel Hill, NC, 2002), 19. On the question of rights to labor and property, see Sklansky, *The Soul's Economy*, 3–7, 18–31; McCoy, *The Elusive Republic*, 51–75.

10. For Taney's quote, see William Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill, NC, 1996), 112. Novak's position is that the early American economy was highly regulated and that in fact most Americans wholeheartedly endorsed those regulations. He provides a useful and powerful corrective to the arguments of historians such as Joyce Appleby and T. H. Breen, who have overemphasized Americans' willingness to forgo a republi-

In the wake of the War of 1812 the need to clarify the role of the consumer as a citizen intensified, as Americans became more aware of the ubiquity of consumer goods in their lives. As one historian has noted, by 1815 “fully half the number of families in the country, 400,000, owned luxury goods worth two hundred to six hundred dollars.” A large swath of free Americans thus owned a significant number of consumer goods by the early decades of the nineteenth century, ranging from everyday crockery to a lavish sideboard or a piano forte. Despite ongoing debates over American self-sufficiency, consumer goods, both foreign and domestic, were available and prevalent. As yet however, no definitive conception of a distinct consumer identity had emerged. Political economists talked most often in terms of production, and people saw themselves as producers first and foremost. Retail areas and the practice of “going shopping” were still innovations exclusive to the very wealthy in American society. While retailers did use trade cards and broadsides to advertise themselves and their products, the art of advertising that would cultivate a widely circulating vision of a middle-class consumer was decades away. Nonetheless, a changing marketplace brought the figure of the consumer into sharper focus. At a time when new technologies of production and trade escalated the circulation and availability of goods, understanding the nature of the American consumer had become imperative.<sup>11</sup>

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can version of moral economy and embrace instead the liberal social contract. Nonetheless, I believe that that question of market regulation was in fact far more contentious than Novak would suggest, although not quite the stark confrontation between the vanguard of capital and the laboring populace that historians such as Christopher Clark, Sean Wilentz, and Charles Sellers have presented. See Joyce Appleby, *Capitalism and a New Social Order: The Republican Vision of the 1790s* (New York and London, 1984); Breen, *The Marketplace of Revolution*, esp. 23–25; Christopher Clark, *The Roots of Rural Capitalism: Western Massachusetts, 1780–1860* (Ithaca, NY, 1990); Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class, 1788–1850* (New York, 1984); Charles G. Sellers, *The Market Revolution: Jacksonian America, 1815–1846* (New York, 1991).

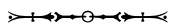
11. This statistic is taken from Cary Carson, “The Consumer Revolution in Colonial America: Why Demand?” in *Of Consuming Interests*, ed. Carson et al., 692. See also Bushman, *The Refinement of America*. For discussions on the topic of self-sufficiency as they took shape in the politics of the late eighteenth and early nineteenth centuries, see McCoy, *The Elusive Republic*, 14–15, 63–66, 107–13, 237–38. In terms of historiography, the debate over how self-sufficient Americans

The combined pressures of practical considerations and theoretical confusions, sparked by a jealous quarrel over auction regulation, resulted in acrimonious debate within the commercial community in the wake of the War of 1812. The messy and self-interested conflict that sprung up around auction houses in New York and Philadelphia between 1817 and 1829 reveals how merchants, auctioneers and politicians arrived at a new understanding of the rights and responsibilities of citizens as consumers. The protracted struggle over the place of the auction in American commercial life had not begun as a debate on the civic role of the American consumer but it soon became so. As both the auctioneers and the merchants advanced their visions of how to regulate the auction house, they

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were by the end of the eighteenth century is wide ranging. In general, it is clear that the relative importance of home production varied from region to region, but that very few Americans were entirely self-sufficient by 1815. See T. H. Breen, "An Empire of Goods: The Anglicization of Colonial America, 1690–1776," *Journal of British Studies* 25 (Oct. 1986), 479–85; Clark, *The Roots of Rural Capitalism*, 23–38, 64–93; Carole Shammas, "How Self-Sufficient was Early America?" *Journal of Interdisciplinary History* 13 (Autumn 1982), 247–72; and Paul G. E. Clemens, "The Consumer Culture of the Middle Atlantic, 1760–1820," *William and Mary Quarterly*, 62 (Oct. 2005), 577–624, <http://www.historycooperative.org/journal/wmq/62.4/clemens.html>. On the ways in which shopping in particular was changing, see Ellen Hartigan-O'Connor, "Collaborative Consumption and Politics of Choice in Early American Port Cities" in *Gender, Taste, and Material Culture*, ed. Vickery and Styles, 125–49; Ann Smart Martin, "Ribbons of Desire: Gendered Stories in the World of Goods," in *Gender, Taste, and Material Culture*, ed. Vickery and Styles, 179–200; Thomas David Beal "Selling Gotham: The Retail Trade in New York City From the Public Market to Alexander T. Stewart's Marble Palace, 1625–1860" (PhD diss., State University of New York at Stony Brook, 1998); Fred Mitchell Jones, "Retail Stores in the United States, 1800–1860," *Journal of Marketing* 1 (Oct. 1936) 134–42; Brian Luskey, "The Marginal Men: Merchant's Clerks and Society in the Northeastern United States, 1790–1860" (PhD diss., Emory University, 2004); Stuart Blumin, *The Emergence of the Middle Class: Social Experience in the American City, 1760–1900* (Cambridge, UK, 1998), 138–191. For the ways in which the American economy was changing more generally, see *American Economic Growth and Standards of Living before the Civil War*, ed. Robert E. Gallman and John Joseph Wallis (Chicago, 1992), 1–19; Diane Lindstrom, *Economic Development in the Philadelphia Region, 1810–1850* (New York, 1978); William Pencak and Conrad Edick Wright, eds., *New York and the Rise of American Capitalism: Economic Development and the Social and Political History of an American State, 1780–1870* (New York, 1989), xii–xv.

sought rationales that would convince political constituencies and public audiences of their legitimacy. Neither side began by championing consumers' rights and obligations, but both soon realized the value of using the consumer as a symbol to further their own ends. But neither side had anticipated that focusing on consumers and their rights meant accepting and dealing with the behavior and expectations of ordinary individuals. Thus both sides not only had to acknowledge consumers as powerful agents but also had to accept that they would reject any version of political economy that did not serve their own interests.



Auctions had always generated some controversy in American society. As the vehicles that sheriffs used to sell debtors' personal goods to pay off creditors, auctions were uncomfortable reminders of the harsh realities of economic life. Moreover, as Benjamin Franklin argued in *The Way to Wealth*, auctioneers whipped up individuals into a buying frenzy, persuading them to spend unwisely. This widely circulated condemnation of "the public vendue" reflected the public discomfort over market morality in colonial towns and cities. There were however, more specific reasons why the commercial community approached the auction with considerable suspicion. In the late eighteenth century, as public sales became indispensable to wholesalers as outlets for imported dry goods, local retailers often found themselves at a disadvantage in the chaos of the salerooms. Returning home with poor-quality goods caused frustration among retailers, and resulted in several local protests targeting the auction house. In 1770, for example, disgruntled Philadelphia shopkeepers had instituted a partial boycott of the city's auction houses, trying to curtail the sale of dry goods at auction, but met with little success. In the following decades it became clear that merchants and retailers imagined auctioneers as a necessary evil, set apart from normal commercial activity. Unlike regular trade, auctions were controlled by the state and auctioneers had to be licensed by local government. Stipulations ranged from paying special taxes to the prohibition of sales after sunset. In short, the auction had always been a market mechanism that had generated both intense interest and suspicion simultaneously. It was unsurprising, then, that as a result of the War of 1812 this watchful tolerance became something more fully antagonistic.<sup>12</sup>

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12. On auctions in the colonial period, see Carl Bridenbaugh, *Cities in Revolt: Urban life in America, 1743–1776* (New York, 1955), 78–79, 276. After 1815,

At the outbreak of war, merchants and auctioneers looked on with dismay as the nation ground to a virtual commercial standstill and when the conflict ended three years later, merchants welcomed the resumption of trade, believing that they could restore their businesses' profitability. But the war had changed the marketplace. British manufacturers, whose warehouses overflowed with years of unsold goods, inundated the American marketplace with merchandise. Despite saturating the market by 1816, British manufacturers continued to pour their chinaware, textiles, and hardware into the United States through the following year, and, when orders began to dwindle, they sent their agents to seek new outlets. These were found among American auctioneers, who quickly capitalized on their new opportunity.<sup>13</sup>

The auctioneers' unexpected success hinged on their ability to outpace and outsell American merchants in a saturated marketplace. This was not so much an issue of skill as it was one of commercial structure. While merchants offered their clients extended lines of credit, allowing their country customers to stock up and defer payment for up to a year, auctioneers insisted on cash or provided only short lines of credit. They could thus stay solvent more easily and could afford to refurbish their stock quickly. The auctioneers' willingness to pay cash obviously attracted British manufacturers, and auctions soon became their outright preference. Auctioneers were now selling only the newest and most styl-

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see R. G. Albion, *The Rise of New York Port, 1815–1860* (New York, 1939), 13, 61, 276–80; Norman Sydney Buck, *The Development of the Organization of Anglo-American Trade 1800–1860* (New York, 1968), 135–39; Ira Cohen, "The Auction System in the Port of New York, 1817–1837," *Business History Review* 45 (Winter 1971), 489–93; Ray Westerfield, "Early History of American Auctions: A Chapter in Commercial History," *Transactions of the Connecticut Academy of Arts and Sciences* 23 (May 1920), 159–210; Roland Arkell and Catherine Saunders-Watson, *The Vendue Masters: Tales from Within the Walls of America's Oldest Auction House* (Pottstown, PA, 2005), 27; and Wendy Woloson, "In Hock: Pawning in Early America," *Journal of the Early Republic* 27 (Spring 2007), 35–81. On Franklin's critique of auctions, see Benjamin Franklin, *The Way to Wealth* (Montpelier, VT, 1810), 15–16. For more on the incredible persistence and popularity of Franklin's *The Way to Wealth*, which was first published in 1758, see James Green and Peter Stallybrass, *Benjamin Franklin: Writer and Printer* (New Castle, DE, 2006).

13. For examples of goods that sold at both commercial and second-hand auctions, although for a slightly later period, see "Returns 1825–1831," Auction Records, 1818–1839, New-York Historical Society, New York.

ish items, enhancing their fashionable reputation with competitive pricing. By insisting on cash payments, auctioneers eliminated the cost of interest from their prices but also kept prices low illicitly by colluding with British manufacturers to create two invoices: one for their own records and one for the customs office. The lower rates recorded on the latter enabled auctioneers to deduct a percentage of the duty from their prices.<sup>14</sup>

By 1817, the auction house had become a commercial hub that drew both old hands and newcomers to the city into its orbit. One young man, arriving in New York in 1821, captured the irresistible pull of these sales. "As one goes further down towards the shore on Pearl Street, Water Street and Front Street," he wrote, "the crowding of merchants becomes greater and the noise more diversified and grating; one person stands on a cask calling off by auction hogsheads of tobacco; another from the Tontine Coffee House is selling some thousand acres of land to the highest bidder; a third at the corner of the street is knocking off a ship or bales of cotton with the hammer." The awestruck youth watched how the trader "pushes his body in a store to learn what is going on," and that "he gets wedged fast into the corner and overshadowed by leghorn hats which cover him like so many umbrellas." Probably crushed and buffeted himself, this visitor, like many other New Yorkers, was still excited about the sheer thrill of the auction and the opportunities it offered to men of commerce. By 1817, merchants in New York began to claim that auctioneers had the "whole trade of the city" firmly in their hands. Their self-interested protests were only a partial exaggeration: One historian has calculated that as of 1821, 44 percent of all imports into New York were sold at auction.<sup>15</sup>

The bitter rivalry that sprung up between the auctioneers and the merchants of the two port cities in the 1810s was strictly commercial. Ironically, very little divided the two groups of men, and in fact most of New York's and Philadelphia's auctioneers had at one time or another been merchants themselves. Consequently, auctioneers not only competed for market share but also muscled in on much of the merchant's

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14. Buck, *Development of the Organization of Anglo-American Trade*, 142–43.

15. "Diaries 1821–1824" (Summer 1821), Box 1, File 1.4, New-York Historical Society; Buck, *Development of the Organization of Anglo-American Trade*, 139; Cohen, "The Auction System in the Port of New York," 496.

social capital, undoubtedly considering themselves members of the mercantile classes. New York auctioneer Charles Town, for example, was not only a director of the North River Bank in 1836 along with Peter Jay, son of the wealthy merchant John Jay, but was also the president of the Aetna Fire Insurance Company, which had a capital of \$200,000. Others, like Martin Hoffman, belonged to old mercantile families and would have been just as at home in the precincts of the Tontine Coffee House as the most well-established merchant. Some, such as Frederick Montmollin and Robert McMenomy, married into eminent families that brought them social standing and access to new wealth. Montmollin, for example, married Hannah Phile, the daughter of a prominent Philadelphia physician and landowner, while McMenomy married Elizabeth Salter, the daughter of Manasseh Salter, a wealthy New York merchant who undoubtedly helped him to get started by employing him as a clerk in his store. Many auctioneers had also served in the Revolutionary War and some, like Mordecai Myers had attained officer status that set them up later for political careers. Myers, like some others, was Jewish, although this was not a dominant characteristic of New York and Philadelphia auctioneers. Instead, these men came from all walks of life and used auctioneering to either make or augment a family fortune. But, particularly after 1815, merchants came to believe that those fortunes cut into the profits they considered rightfully their own.<sup>16</sup>

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16. For a list of New York auctioneers, see "Appointments by the Council of Appointment March 4<sup>th</sup> 1817," *Advertiser* (Albany, NY), Mar. 8, 1817. For Philadelphia's auctioneers I constructed a list of names by surveying the adverts from *Poulson's American Daily Advertiser* (Philadelphia) for 1816 and cross-checking with James Robinson, *Philadelphia Directory for 1816 containing the Names, Trades, and Residences of the Inhabitants of the City, Southwark, Northern Liberties and Kensington* (Philadelphia, 1816). The full list is in the author's possession. On Charles Town, see Edwin Williams, *The New-York Annual Register* (New York, 1835) 205, 235. On Martin Hoffman, see Walter Barrett, *The Old Merchants of New York City*, Second Series (New York, 1864), 53–55. On Frederick Montmollin, see *Genealogies of Pennsylvania Families from the Pennsylvania Genealogical Magazine* (3 vols., Baltimore, 1982) 3: 491. For Robert McMenomy, see John Edwin Stillwell, *First Families of Old Monmouth* (Washington, DC, 1882) 4–6. For Mordecai Myers see "Political Reminiscences: Two Chapters from the Recollections of a Political Journalist," *New York Times*, May 20, 1866. For other Jewish auctioneers, see "Simon Nathan," *Jewish Encyclopedia*, <http://www.jewishencyclopaedia.com>; and Solomon Seixas, whose career is discussed in Woloson, "In Hock" 40, 50.



This commercial rivalry might have remained simmering beneath the surface had it not been for a decision by a small group of merchants to publicly denounce auctions in the winter of 1817. In part, their efforts were simply a jealous response to the success of men like Philadelphia-based auctioneer Silas Weir, whose correspondence reveals how busy auction houses had been in the years following the War of 1812. Weir had done well with British cassimeres, calicos, and cambrics and Irish linens, and had even been sought out to sell American-manufactured printed table covers, woolen shawls, and fine flannels from his commission rooms on South Front Street. But it was not this kind of success alone that prompted the merchants to act. Rather, it was the news in December 1817 that Congress was debating whether to repeal the 3 percent tax on all sales at auction, a wartime duty that the politicians now believed was no longer justified. The threat of repeal was the last straw for the struggling merchants, who now publicly condemned the system of sale by auction. Not long after, unwelcome news filtered through to Weir from New York colleagues who informed him that a group of merchants and traders had organized to pressure Congress to pass a new tax bill, levying a 10 percent duty on auction sales. Sensing disaster, the New York auctioneers begged for Weir's cooperation to thwart the efforts of the "dangerous combination." Eager to protect his own interests, Weir agreed and quickly joined a loose association of auctioneers from Boston to Baltimore bent on ending the merchants' attacks.<sup>17</sup>

The auctioneers' decision to form an interregional combination was sensible. The question of whether auctions ought to be taxed captured national attention. Although a great deal of the conflict centered in New

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17. Martin Hoffman, Philip Stone, and Daniel Dedham to Silas E. Weir, Dec. 19, 1817, Mrs. Howard W. Lewis Collection, Historical Society of Pennsylvania, Philadelphia (hereafter cited as Lewis Collection). On Weir's business, see Aaron Levy Jr. to Silas E. Weir, Aug. 17, 1814, Lewis Collection; Moses Poor to Silas E. Weir, Aug. 24, 1814, Lewis Collection; Thomas Didery to Silas E. Weir, May 16, 1816, Lewis Collection; James Gillespie to Silas E. Weir, June 20, 1816, Lewis Collection; R&G Gould to Silas E. Weir, Feb. 12, 1817, Lewis Collection. Weir was listed at this address in James Robinson, *The Philadelphia Directory for 1810 Containing the Names, Trades and Residence of the Inhabitants of the City, Southwark and Northern Liberties* (Philadelphia, 1810), 10. On the abolition of duties on auction sales, see *The Public Statutes at Large of the United States of America*, ed. Richard Peters (8 vols., Boston, 1845), 3: 401–403.

York, nearly every major East Coast city reported the ongoing congressional debate over the taxation of auctions, noting that the issue went beyond local commercial rivalry and was part of a larger ongoing debate over how the country's economy ought to serve the nation. The auctioneers quickly realized this fight would be waged on an open stage. "Our apprehensions are alive to every movement of theirs publically [sic]," New York auctioneer Martin Hoffman told Silas Weir, "but we are by no means acquainted with their secret machinations." Hoffman knew there was little chance of discovering what the merchants were doing privately to undermine auctions, but he seemed more concerned about the pamphlet that the merchants had published. In *Auctions Inconsistent with Regular Trade and Injurious to the City*, the merchants attacked auctions as violent, unnatural, and destructive modes of business and argued that, if auctions went unchecked by government, "every sober and correct judge of business, must perceive nothing in prospect but confusion, desperation and ruin." Auctioneers not only undersold hardworking American merchants, the merchants contended, but also served English interests instead of looking to their own nation's needs.<sup>18</sup>

The pamphlet revealed the merchants' horror at discovering that the logic of supply and demand could operate against their interests. But their language also suggests they were shocked at how the steady flow of commodities they had overseen, and believed to be regulated by genuine consumer need, had been disrupted by the tidal wave of goods brought into the nation by auctioneers to cater to a sudden and disproportionate appetite for new things. Unable to compete with the auctioneers' entrepreneurial abilities, the merchants lost out on a marketplace where old business relationships were supplanted by commercial opportunism. Consequently, the merchants complained bitterly that the auctions created an unnatural marketplace that did not serve the country's best interests. These serious accusations would now be judged on a public and

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18. Martin Hoffman, Philip Stone, and Daniel Denham to Weir, Dec. 29, 1817, Lewis Collection; *Auctions Inconsistent with Regular Trade and Injurious to the City. Addressed to the People of New York* (New York, 1817), 5. For national coverage of the debate see *Daily National Intelligencer* (Washington, DC), Dec. 12, 1817; *Gazette* (Alexandria, VA), Dec. 12, 1817; *Commercial Advertiser* (New York), Dec. 13, 1817; *Poulson's American Daily Advertiser*, Dec. 13, 1817; *Washington Whig* (Bridgetown, NJ), Dec. 15, 1817; *Daily Adviser* (Boston), Dec. 16, 1817.

national stage, and the debate became something more than a spat over profit. By the very force of its public and political nature, the discussion became a means to critique the successes and failures of American political economy and the citizens it helped create.

The anti-auction arguments in 1817 failed to convince Congress, as auctioneers swiftly repudiated the merchants' claims. Weir wrote to Congressman Adam Seybert of Pennsylvania on the Committee on Commerce and Manufacturers, while others argued that they operated a "fair & most useful trade for public good & public convenience," to counteract the merchants' accusations that their business was selfish and opportunistic. In rejecting the idea that they were sacrificing the balance of interests and the public welfare to the imperatives of the market, New York auctioneers responded particularly effectively to merchants' attacks with their own pamphlet, ridiculing the traders as self-interested and hysterical. How could it be, the auctioneers asked, that thirty-six men, the only licensed auctioneers in New York, could bring America's greatest commercial entrepôt to financial ruin? Their case was made stronger since each state benefited from sales at auction, accruing funds from duties, bonds paid, and licensing fees; few Congressmen were interested in depriving their constituencies' coffers of such monies. Despite the merchants' best efforts, the repeal of the federal taxation of sales at auction became law in January 1818 while no discussion of a 10 percent tax on auctions ever materialized.<sup>19</sup>

This skirmish opened a more than ten-year debate over the auction's place in American commercial life, and no one involved was under any illusion but that the battle over auction houses was one motivated by self-interest. The huge sums that auctioneers paid to the state in taxes reveals the scale of their business. In 1822, Philadelphia auctioneers paid \$70,491.00 to the state of Pennsylvania; by 1826, that sum had more than doubled to \$142,929.00. Similarly, in New York in 1818, auctioneers added \$105,000.00 to the state coffers, and eight years later that

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19. The quote comes from Hoffman's letter to Weir, see Martin Hoffman, Philip Stone, and Daniel Dedham to Silas E. Weir, Dec. 19, 1817, Lewis Collection; Adam Seybert to Silas E. Weir, Dec. 29, 1817, Lewis Collection. See also *The Beneficial Tendency of Auctioneering*, 5. For the funds that auctions brought the state, see Cohen, "The Auction System in the Port of New York," 493. Cohen notes that the Auction Law provided DeWitt Clinton with \$1,247,319.21, which Clinton used to construct the Erie Canal.

sum stood at \$285,845.00. These figures confirmed the merchants' belief that their livelihoods were threatened, while auctioneers fought tenaciously to keep their prosperous profit margins.<sup>20</sup>

With so much at stake, both sides chose their positions carefully. In the early stages of the debate, merchants apparently cared little for the consumer, instead objecting that the auction, as a "fashionable machine of polite and licensed swindling" was a *system* that methodically undermined regular trade. Of course, they were happy to lodge specific complaints and did, protesting that they were unfairly undersold, that the quality of goods sold at auction was inferior, and worst of all that auctioneers deliberately evaded legitimate legal expenses. They did not, however, argue that a better class of auctioneer would solve the problem. The very nature of the auction as business practice had become the merchants' chief target. Arguing that the auction encouraged speculation, duplicity, and downright immorality among America's commercial citizens, merchants painted a bleak and hopeless picture; they declared, "when a nation sinks down from the habits of order, the rules of morality and the dictates of religion, they never rise again." But their concern did not end with immorality. Over time, they feared auctions would destroy the business of all merchants, decimate the commercial interest and fundamentally disrupt the balance of interests in America. Regulating the auction was not simply about preventing individual misdeeds. Unless Americans strictly controlled the economy to ensure that every interest, commercial or otherwise, was equally served, the nation would not hold together.<sup>21</sup>

Responding that they served "the public good and public convenience," auctioneers, who had operated so long in the shadow of merchant monopolies might well have seen the mercantile attack as somewhat hysterical. For them, the auction rebalanced American political economy, stopping merchants from dominating trans-Atlantic trade.

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20. For Philadelphia figures, see *The Saturday Evening Post* (Philadelphia), Aug. 2, 1823; *The Register of Pennsylvania* (Philadelphia), Jan. 19, 1828. For New York City figures, see *Niles' Weekly Register* (Baltimore), Mar. 7, 1818; *Western Recorder* (Utica, NY), Feb. 14, 1826.

21. *Auctions Inconsistent with Regular Trade*, 4, 6. On the anxieties over balancing interests, see Matson and Onuf, "Toward a Republican Empire," 516–30. On the problems of fashioning American political economy during and after the War of 1812, see McCoy, *The Elusive Republic*, 209–59.

Moreover, the connections Americans made between balanced trade and the state of the nation also meant that what constituted a balanced—or equal—nation was now also contested. The equal treatment of economic interest formed the material basis of a democratic polity in the United States, preventing the rise of a financial aristocracy and, as befit a republic, ensuring equality prevailed among the male citizenry. Thus when the pro-auction propagandist wrote in defense of his cause, “that the right to purchase is as free as the right to sell,” he was more focused on balancing interests than championing an imagined consumer.<sup>22</sup>

The preoccupation with creating a perfect union of interests meant that the consumer rarely appeared in the early stages of the auction-house conflicts and only as a shadowy figure located indeterminately within the broad spectrum of agendas promoted on either side. The consumer’s initial absence from the debate was in part rhetorical strategy but it was also because the “ultimate consumers,” the individuals who ended up buying, keeping, and using the goods, were not present at auction houses in the late 1810s. Commercial auctions attracted city retailers, country store owners, and occasional peddlers, all of whom had previously bought from the urban merchants and who now flocked to the auction house where they bought cheap goods and then sold them to urban and rural consumers across the East Coast. Facing the loss of this business, merchants did not think to raise the question of the consumer. Meanwhile, auctioneers, who rarely came into contact with the individuals who bought the set of Staffordshire crockery or selected winter-weight fabrics that arrived at the dry-goods store via the auction, had inadvertently acknowledged the consumer in their self-defense, but were not planning to champion the shopper’s rights either. Nonetheless, when auctions once again came under the spotlight in 1820, the consumer, though loosely defined, had a new place in the debate.<sup>23</sup>

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22. Quote comes from Martin Hoffman, Philip Stone, and Daniel Dedham to Silas E. Weir, Dec. 19, 1817, Lewis Collection. For the auctioneers’ accusations that merchants monopolized trade, see *The Beneficial Tendency of Auctioneering*, 12–14. However, anxieties over the question of monopoly surfaced on both sides of the debate. See Joshua R. Greenberg, *Advocating the Man: Masculinity, Organized Labor, and the Household in New York* (New York, 2006), <http://www.gutenberg-e.org/greenberg/Chapter3JRG.html>, para. 5–10.

23. Weir, for example, was employed to find “purchasers for back country consumption.” See Josiah Roberts to Lisle, Weir & Co., Feb. 4, 1819, Lewis Collection. For a discussion on how wholesale and retail business was changing

A second round of public debate over auctions resulted from the economic devastation of the Panic of 1819. This time, the commercial auctions of New York did not garner much attention; rather, the old specter of the sheriff's sale that auctioned a bankrupt's goods imprinted itself on the people's minds. As visible manifestations of debt and bankruptcy, these auctions seemed to capture the horrors of an unstable economy (see Figure 1). The panic caused Americans to doubt that "unfettered freedom of exchange would bring prosperity and rough equality of opportunity." These misgivings translated into vicious debates over how best to regulate the economy and spawned arguments over banks, tariff, specie, and bankruptcy laws, as well as of course, auctions. By May 1820, a wave of anti-auction petitions, part of a so-called memorial campaign, had reached Congress directed to the Chairman of the Committee of Manufactures, Henry Baldwin from Pennsylvania. Baldwin, a staunch protectionist, responded by putting together a legislative package placing a 10 percent tax on the sale of foreign goods at auction, dramatically increasing tariffs, and requiring that customs duties be paid in cash.<sup>24</sup>

Baldwin's proposal sparked a flurry of debate in Congress on the question of whether regulating the economy would in fact promote the nation's collective interest. Anti-auction voices argued that the public vendues represented a monopoly, because only very few men were licensed and thus could profit as auctioneers. Auction sales not only undermined the business of American merchants and manufacturers by exposing them to unfair competition but also converted trade into "a system of hazard and chance," which induced "gambling and speculating habits." As such, they represented the worst kind of marketplace, one that promoted national immorality and unfair privilege. According to Charles Kinsey, the Republican representative from New Jersey, the auction system would, if unchecked, prevent Congress from providing "parental care" to "the sinking American manufacturer and merchant."

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in these years, see Zakim, *Ready-Made Democracy*, 41–68, Walter A. Friedman, *Birth of a Salesman: The Transformation of Selling in America* (Cambridge, MA, 2004), 14–33; Buck, *Development of Anglo-American Trade*; Bruce Laurie, *Working People of Philadelphia 1800–1850* (Philadelphia, 1980), 4–29.

24. Quote from Daniel S. Dupre, "The Panic of 1819 and the Political Economy of Sectionalism" in *The Economy of Early America*, ed. Cathy D. Matson (Philadelphia, 2006), 276.

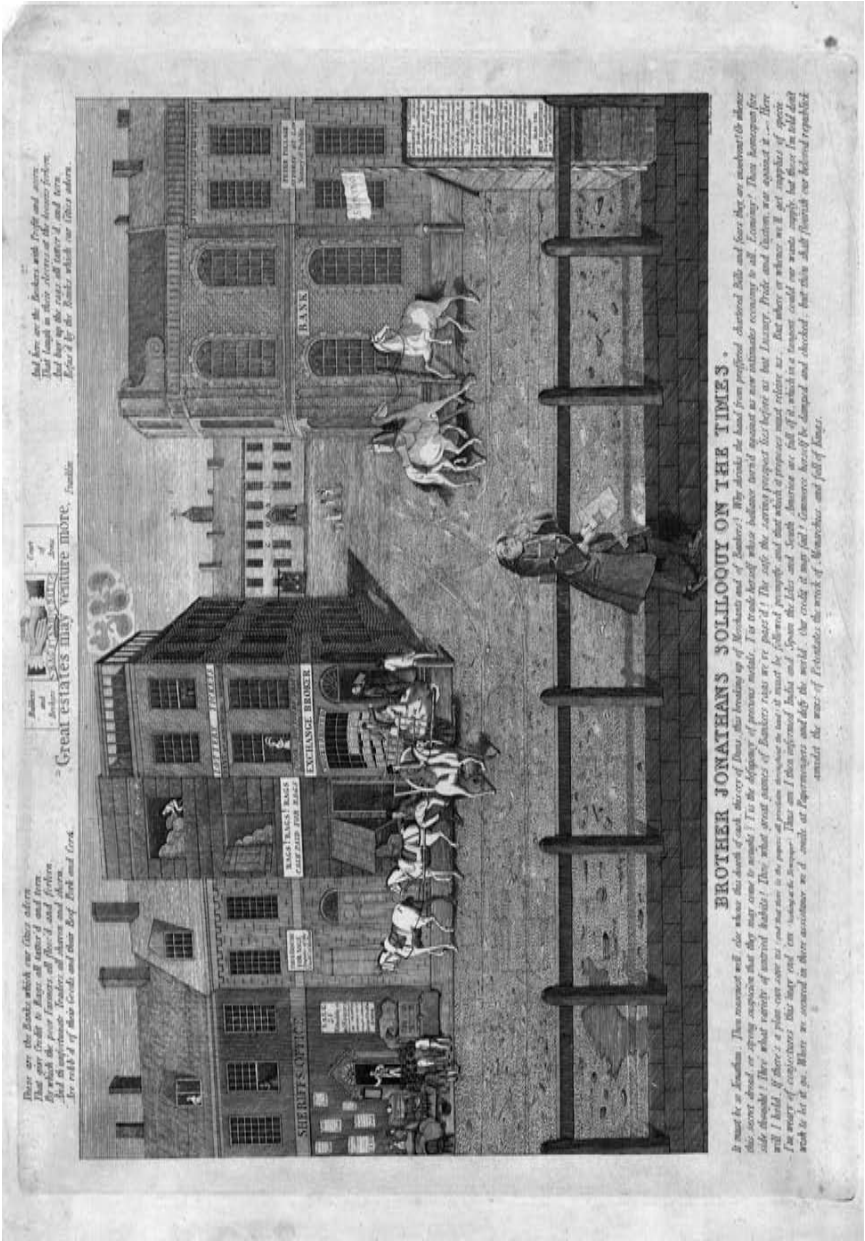


Figure 1: A print from 1819, highlighting the auction or sheriff's sale as one of the consequences of the Panic of 1819. "Brother Jonathan's soliloquy on the times" (s.n., ca. 1819, also dated 1812, 1832). Courtesy of the American Antiquarian Society.

In contrast, pro-auction advocates opposed regulation, arguing that such legislation would privilege merchants at the expense of manufacturers and farmers, while permitting auctions would undermine the commercial monopoly on trans-Atlantic trade that allowed merchants to sell their commodities for unreasonably high prices. Meanwhile politicians contended that any taxation of the American people attacked the right of property. Two visions of marketplace clashed in five days of debate over auctions, out of which emerged a new understanding of the consumer.<sup>25</sup>

While Baldwin, representing the anti-auction voice, claimed that he wanted America, and by implication the federal government, to be in "full command of [its] consumption," his real interest lay in protecting the interests of the merchant and manufacturer. By contrast, his opponents began to experiment with the concept of the consumers' rights. The unregulated marketplace, they suggested, left Americans at liberty to make economic decisions and choices, a freedom they were entitled to as citizens. James Johnson of Virginia made this case with gusto. "The old fashioned way was the best," which, he claimed, "left to the good people of the United States to judge for themselves of what would best promote their interest," and while he conceded the need to tax citizens during a time of war, "in time of peace, he was disposed to let every man tax himself what he pleased by his consumption of articles of foreign growth or manufacture." Johnson's argument not only supported states' rights but also endorsed the individual's right to make his own economic decisions. Consumers knew that foreign goods cost more, and they should be allowed to buy them if they wanted, Johnson thought. Nor would he countenance the federal government imposing an added tax obligation upon the citizenry. Albert H. Tracy of New York responded to the charge of immoral and foolish purchasing by arguing that private sales by merchants were as likely as public sales at auction, if not more so, to promote immoderate consumption, because people could buy on credit. Regulation of sales, he thought, was unlikely to alter consumer behavior and should not be attempted. Although the measure received a great deal of support from staunch protectionists, the House ultimately rejected the auction bill by a mar-

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25. Charles Kinsey, *Annals of Congress*, 16<sup>th</sup> Cong., 1<sup>st</sup> sess., 2176; John Sergeant, *Ibid.*, 2175; and Kinsey, *Ibid.*, 2176.



gin of five votes, leaving auctions untaxed at the federal level. But Johnson's new line of argument over the legitimacy of the auction, which placed more emphasis on the individual's right to purchase goods unhindered by the federal government's efforts to regulate the marketplace, had now entered into the debate.<sup>26</sup>

By 1821, while merchants continued to dwell on the effect auctions had on the balance of trade and their livelihoods, auctioneers pushed their new line of argument. Although regulating consumption was important, the consumer had rights in the American marketplace. Highlighting how auctions drove down prices for consumers by introducing competition in the dry-goods market, New York auctioneers such as W. W. Wetmore and Robert McMenomy accused merchants of levying a "tax upon the yeomanry of the country." In their choice of vocabulary the auctioneers were linking their cause to a specific vision of the political economy that championed agricultural interests and supported self-sufficient farmers working to make the nation independent through their faithful labor on America's "fertile but uncultured soil." By emphasizing yeoman production, the auctioneers advanced new ideas about what consumers might be entitled to, couching the figure of the consumer in the familiar terms of a producer's identity whose labor earned him his civic rights. By promoting the cause of hard-working male citizens, not spendthrifts or women, auctioneers pushed at the boundaries of what the individual might be able to expect as a citizen consumer, using the language of production to anchor their arguments in an older politics of virtue.<sup>27</sup>

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26. For Baldwin's quote, see Malcolm Rogers Eiselen, *The Rise of Pennsylvania Protectionism* (Philadelphia, 1974), 54. For Johnson's response, see *Annals of Congress*, 16<sup>th</sup> Cong., 1<sup>st</sup> sess., 2175, 2198. For Tracy's comment, see *Ibid.*, 2175. For an example of the anti-auction petitions, see *City of New York Praying for Cash Payment of Duties and High Duties on Sales at Auction January 7<sup>th</sup> 1820* (Washington, DC, 1820). For Baldwin's efforts to push the auction tariff through, see Eiselen, *The Rise of Pennsylvania Protectionism*, 54–56; Westerfield, "Early History of American Auctions," 204.

27. *Memorial of the Auctioneers of the City of New York* (Washington, DC, 1821), 11; *The Beneficial Tendency of Auctioneering*, 13. For the anti-auction response that failed to highlight the plight of the consumer, see "Sales at Auction," *Niles' Weekly Register* (Baltimore), July 21, 1821 or *Memorial of the American Society for the Encouragement of Domestic Manufactures January 21, 1822* (Washington, DC, 1822).

The auctioneers' characterization of the yeoman consumer was in many ways a fiction. By and large commercial middlemen—city or country retailers who bypassed the wholesale dry-goods merchants in their quest for a better deal—patronized the urban auctions. But auctioneers thought they would garner support for their cause by cultivating the idea of the simple yeoman consumer, who preferred the plain and substantial fabrics he bought at auction rather than the “shewy” and expensive ones that merchants pressed upon their rural clients, corrupting them with luxury. Of course, auctioneers were just as capable of selling luxury goods, and retailers and consumers knew it (see Figure 2). But by connecting their business to a fight for low prices and no additional tariffs, as well as against monopolies, they reached out to anti-protectionists both in government and in a wider public audience. The imagined yeoman consumer who was a beneficiary of duty-free commerce became the linchpin in a popular fiction of nation and good citizenship that struck a powerful blow for the pro-auction cause.<sup>28</sup>

Although hard to measure accurately, the auctioneers' success in persuading the public that they served the ordinary consumer is suggested by a flourishing auction scene. The total percentage of U.S. imports sold at auction rose from 13 percent in 1820 to 16 percent in 1821. The commercial boycott of auctions that merchants in New York attempted to orchestrate in 1821 failed miserably. A group of merchants called the United Dry Goods Mercantile Association sought to turn public opinion against the auctioneers by placing an advertisement in the *New-York Gazette*, where they recommended that importers deliberately advertise their sales as private, thus allowing retailers to circumvent the public sales at auction houses. Five months later the merchants met at Washington Hall in New York to discuss the progress of their effort but despite the bombastic tone and the somewhat desperate agreement that they had struck a symbolic blow, they had to concede that their attempt to boycott had done little to stop the proliferation of auction sales in New York. The merchants now shifted their angle of attack on auctions. If they could no longer compete for the consumer's attention in terms of price and variety, they could stress the inherent immorality of the auction sale. In so doing the merchants began to style themselves as the champions of the moral

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28. *Memorial of the Auctioneers of the City of New York*, 8.

1849.

# Great Attraction !

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## RICH SPRING GOODS

FROM NEW YORK AUCTIONS !

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## C. A. UPTON & CO.

Are now receiving from Auctions and other sources, the largest variety of Rich Goods for the Spring trade that have ever been offered in Worcester. We would say to our friends and patrons that we are now daily opening packages of New Goods well worth attention. Strangers will find our store the best place to buy their Spring Goods, as we shall always offer the best Goods at the lowest prices.

## SHAWLS. SHAWLS.

In this department we are on hand, and can present a variety unequalled by any concern in the city. In Rich Cashmere Shawls we have some splendid bargains,—a good Brocha Shawl we are selling at \$2.00. We have in Store

### 15 CARTONS OF BLACK SILK SHAWLS,

some with extra heavy fringes, a very fair article, can be had for \$3.75. Canton Crape Shawls of every shade, together with every other desirable style in the market.

### TURK SATIN, PARASOLS AND PARASOLETTES,

Mantillas and Visettes, ready made and of the latest fashions.  
BLACK and CAMELION SILKS, of every style and quality, for Dresses and Visettes,

### DRESS GOODS.

We are opening an elegant stock of new Barages, Grenadines, Cameleon Lustres, French Jaconets, Lawns, Gingham, de Laines, &c. Fringes for Visettes and Mantillas.

**DOMESTIC GOODS** we are selling at less than fall prices—3-4 brown Cotton 3 c.; 4-4 do do 4 c.; Ticking 8 c.; Gingham 10 c.; Prints 3 c.; Good do, for Dresses, 6c.; Lawns 12 c.; 50 doz. Linen Handkerchiefs 6 c.; together with many other goods unusually cheap.

Purchasers are respectfully invited to examine our stock before making their selections, as they will find civil treatment and more goods for one dollar than can be had at any other store in the city.

**C. A. UPTON & CO., 140 Main st.**

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*Worcester, April 13, 1849.*

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Tyler & Hamilton, Printers, (*Palladium Office*), 11 and 12 Central Exchange, Worcester.

Figure 2: C. A. Upton & Co. "Great Attraction! Rich Spring Goods from New York Auctions!" (Worcester, MA: Tyler and Hamilton, Printers [Palladium Office], 11 and 12 Central Exchange, Worcester, 1849). Courtesy of the American Antiquarian Society.

interests of consumers, whom they now considered as citizens in need of protection from the marketplace.<sup>29</sup>

Proving that auction houses were dens of iniquity was not particularly hard. Auctions already had a reputation for crooked business practices. Any citizen who browsed the pages of *The New York City Hall Recorder* would have soon learned of the many accounts of cons and robberies that took place within the auction house or nearby. Pickpockets lurked at the back of the crowded auction room, waiting for buyers to be distracted by the buzz of the sale, while burglars frequently sold stolen goods at auction. Whether the auctioneers colluded in these illegal activities remained open to question but they would certainly conspire with their suppliers to avoid duties and fees, as was explained in a letter Silas Weir, the Philadelphia auctioneer, received from a colleague. "Prior to the sale," wrote the vendor, "we wish the Goods advertised as the effects of a Bankrupt (who formerly transacted business in your city.) This will save the State and U States duty."<sup>30</sup>

Yet the merchants saved their real invective for the double dealings that directly harmed consumers. Auctioneers claimed that they conducted honest sales, but they often bypassed legal regulations and schemed to confuse buyers at auction. Otis Swan, a New York merchant with whom Weir did regular business, concocted an elaborate scheme to raise prices on fabrics in Philadelphia. "We have an idea," wrote Swan, "that these goods will bring more money sold as bombazettes than Wildbores—if they are called Bombazetts & shown out[,] people would see them & judge for themselves—& we think their being called Bombazettes would induce them to give a little more for them than to call them Wildbores." This classic ruse played on the essential nature of sale at

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29. See Cohen, "The Auction System in the Port of New York," 496. On the meeting, see "Auction Duties," *Niles' Weekly Register* (Baltimore), Oct. 13, 1821; and Westerfield, "Early History of American Auctions," 199.

30. W. Laverty to Silas E. Weir, Mar. 11, 1817, Lewis Collection. For other instances of customs fraud see Smith M. Call & Co. to Silas E. Weir, Mar. 22, 1817, Lewis Collection. On efforts to get around paying duty, see William E. Ross to William L. Marcy Esq., Mar 25, 1828, Auction Records, New-York Historical Society. On auctions as opportunities for crime, see "Aiding, Abetting and Assisting," *The New York City Hall Recorder* 4 (Dec. 1819), 179; "John Shotwell's cases," *The New York City Hall Recorder* 3 (June 1818), 95; "Larceny," *The New York City Hall Recorder*, 3 (Dec. 1818), 210; *New-York Weekly Museum* 3 (Dec. 30, 1815), 144.

auction. Relying on the speed of sales and the retailers' appetite for bargains, Swan thought that Weir could nudge clients to fool themselves into thinking that they were buying higher priced fabrics. Well-informed buyers would see through the ploy, but naïve ones would be deceived.<sup>31</sup>

Merchants highlighted these ploys through the 1820s. Whereas in earlier efforts to promote their interests and invoke public sympathy they had focused on how auctions were defrauding the customs house and thus depriving the nation of its rightful funds, now merchants stressed the duplicity of auctioneers and their lack of concern for the consumers' rights. Auctions afforded men the opportunity to sell "spurious and deceptive articles of Merchandise," merchants claimed, "conceal[ing] from public censure those practicing or attempting to practise fraud." Worse still, auction sales had the capacity to "tempt the buyer, who ha[d] been deceived by the purchase of a spurious instead of a genuine article, to pass the cheat, and deceive another, who in turn shifts to a third, till the cheat goes round and is at last fastened upon the consumer, who is generally the person least able to bear the loss." Placing the consumer's plight at the heart of their critiques, merchants sought the political advantage and the moral high ground. Invoking the rich language of rights, they argued that the auction system was a monopoly that shattered commercial equality. "In a republican government like ours," they warned, "great care should be taken that priviledges calculated to exalt one class of the community at the expense of another, should not be tolerated. Equal rights and priviledges are secured to all by the Constitution." This lofty position, they felt, clinched their winning argument. Not even the auctioneers could refute the claim that their sales defrauded the retailers, sparking a chain of events whereby innocent consumers paid the price for their cunning and deceit.<sup>32</sup>

Events, however, proved the merchants wrong. Their attack had relied on the public agreeing that retailers and consumers should be pro-

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31. On the wildbore scheme, see Otis Swan to Silas E. Weir, July 23, 1817, Lewis Collection. Bombazets and wildbores were both types of lightweight woolen cloths finished without a glaze, although a bombazet was more finely woven than the stouter wildbore. See Florence M. Montgomery, *Textiles in America, 1650–1870* (New York, 1984), 172, 374. For the idea that the buyer at an auction required experience, see *Memorial of the Auctioneers of the City of New York*, 8.

32. *An Exposition of Some of the Evils Arising from the Auction System* (New York, 1822), 8, 6.

tected from such frauds, but the auctioneers had anticipated this move. Acknowledging that buying at auction came with some risk, auctioneers readily conceded that all too often fabrics sold under the hammer might be shorter than advertised: dressed, glazed, and decorated in an effort to make them appear richer and more valuable. But because auctioneers by law had to offer a warranty on goods sold, most retailers and country storekeepers accepted that while business at the auction house entailed some risk, the reward of a low price offset the occasional poor deal. If the consumer bore some of this cost, then so be it. Those who did business at auction knew full well what was going on. "The misrepresentation has become sanctioned by universal practice and is innocent because notorious," claimed the auctioneers. Drawing on the longstanding legal notion of *caveat emptor*, they disclaimed responsibility for ensuring that a country innocent or first-time retailer knew the ins and outs of city trade. Their task, as they began to define it, was to bring down the price of commodities for the savvy middlemen and retailers who would pass on the benefits to the ultimate consumer.<sup>33</sup>

The auctioneers' arguments had taken care of the rights of the retailer. The force of the *caveat emptor* assertion stymied the merchants' protests about the duplicity of auctions. If retailers knew the risks and continued to buy at auction, then that was that. Some anti-auction campaigners, however, still believed they could attack the auction houses by standing up for the rights of those they now deemed the ultimate consumer—farmers. For several years, auctioneers argued that farmers were well served by auctions, a claim anti-auction campaigners began to refute by noting that cheap prices meant nothing if auctioneers sold only shoddy goods. In a series of letters addressed to the citizens of Baltimore, one anonymous author pointed to the "quantities of rubbishage [sic] which in reality [were] not worth the expence," offered to farmers at auction. Similarly, a group of Philadelphia merchants complained to Congress in 1824 that "the fact is notorious, that goods are now made expressly for sale by auction, so extremely deficient, that the most heedless consumer, is convinced on trial that he has been defrauded." But consumers did not share the merchants' outrage. Country store owners even tempted

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33. Ibid., 8. On the history of *caveat emptor* and its implementation in U.S. law in the early republic, see Walton H. Hamilton, "The Ancient Maxim of Caveat Emptor," *The Yale Law Journal* 40 (June 1931), 1133–87.

shoppers into their stores by advertising that their goods had been bought in New York at “auction prices.”<sup>34</sup>

Merchants decided to highlight cheap, poor-quality commodities not simply out of concern for the innocent consumer, but because of their broader anxiety that auctions were allowing goods to enter the United States simply to be sold rather than to be useful, or as one author put it, “made expressly for sale by auction.” This distinction was not splitting hairs but rather reflected a growing discomfort concerning individual consumers’ desires and their effect on the nation’s economy. Auction critics believed that public sales encouraged people to purchase on impulse and satisfy capricious desires. Magazine articles commented that it was all too easy to be deceived by the excitement of a sale that left individuals with purchases they did not want. Those who bought at auction were labeled as the “here and there” folks, unable to settle on anything honest and sustained. Critics contrasted such uncontrolled behavior to the calm, orderly purchases people made at private sales where, they claimed, consumers bought only what was necessary, high quality, or useful. Auction rooms full of cheap goods, inspiring desire but without utility, encouraged individuals to surrender to their consumer cravings at the expense of good judgment. This mistrust matured over the 1820s, as critics targeted the practiced theatrical skills of a good auctioneer, operating not coincidentally from “the stage,” who could whip a crowd into a frenzy, inducing them to buy shoddy goods for which they had no use. But the logic of this argument had unexpected consequences. By the late 1820s, critics were forced to acknowledge that auctioneers and retailers were not solely to blame, because people continued to buy from stores that had got their goods at auction.<sup>35</sup>

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34. *The Auction System Being a Series of Numbers Published in the Federal Gazette, Addressed to the Citizens of Baltimore* (Baltimore, 1824), 31; Samuel Harvey, *Copy of a Letter Addressed to each Member of Congress by the Delegates from the Committee appointed at a meeting of the Merchants of Philadelphia* (Washington, DC, 1824), 4. For a sample of advertisements that boast of “auction prices,” see Rochester (NY) *Telegraph*, Jan. 6, 1824; Ithaca (NY) *Journal*, Apr. 21, 1824; Rochester (NY) *Telegraph*, Nov. 9, 1824; *Ibid.* Apr. 26, 1825. See also Henry H. Chamberlin, *Chamberlin & Co’s. Cheap Cash Store* (Worcester, MA, 1841).

35. Harvey, *Copy of a Letter*, 4. On the debate over sale versus use, see *The Beneficial Tendencies of Auctioneering*, 10 and A Plain Practical Man, *Remarks upon the Auction System to Which Are Added Numerous Illustration* (New York, 1828), 9, 18; “Gone to a Book Auction” *Ariel* 4 (July 10, 1830), 45. For the “here

As retailers continued to reel in their customers by promising them goods bought at auction, merchants struggled with their argument that "the innocent consumer is the real sufferer." Critics could not deny the success of retailers' advertisements that announced new goods had been bought at New York auctions. Even the ultimate consumers of manufactured goods thought auction sales offered new items at cheaper prices. Merchants had to concede that only when farmers looked for quality, rather than quantity at a cheap price, would the problem of poor merchandise and a "vitiated public taste" disappear. Farmers could become better "economists" by understanding that their interests would be better served if they stopped buying the cheap but showy fabrics on sale at auction, merchants contended, but this meant quite a leap from their earlier arguments, which had sought government regulation of auctions. Now it was the consumers themselves who should take responsibility for the shape and nature of the American marketplace, buying more expensive goods to "employ the American merchant and manufacturer" and benefit the nation. But the merchants had little faith in their fellow Americans' capacity for self-regulation, conceding that the ultimate consumers seemed happy to embrace a marketplace of uncertainty provided that there was an ever-present promise of a bargain. Merchants had to face the fact that consumers themselves believed they had a "right to purchase" whatever they wanted.<sup>36</sup>

Efforts to control auctions therefore had to start with the consumers themselves, but this too proved ineffective. By the mid 1820s, auctioneering went from strength to strength. In 1825, 21 percent of the entire inventory of U.S imports, some twenty million dollars' worth of business, had been sold at auction. Nor were the successes confined to imports. Between 1824 and 1826, New York auctioneers sold an average of \$3,167, 045 worth of domestic dry goods per annum, a two-million-dollar increase since 1818. Business was booming, and Americans showed no sign of forsaking the auction rooms and the bargains they

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and there" folk, see "Here and There Folks," *New-York Weekly Museum* 5 (Mar. 8, 1817), 304. See also Zakim, *Ready-Made Democracy*, 17–19, 41–47. For the vaudevillian nature of auctions, see A Plain Practical Man, *Remarks upon the Auction System*, 46; "On Metropolitan Auctions," *The Atheneum; or Spirit of the English Magazines* 2 (Mar. 15, 1825), 472.

36. A Plain Practical Man, *Remarks upon the Auction System*, 26, 18; *The Auction System, Being a Series of Numbers*, 31, 29.



offered. Meanwhile, the auctioneers' arguments were also gaining political traction, so that when in 1824 East Coast merchants pushed another bill into Congress, attempting to place a 7 1/2 percent tax on all sales, it foundered. Congress took no action, and the anti-auction forces had again to admit defeat. They were running out of options but had not yet given up, deciding to stage one more political assault, prompted by the passage of the Tariff of Abominations in 1828.<sup>37</sup>

Normally, merchants would have viewed this tariff with horror, but as anti-auction lobbyists they saw an opportunity because the legislation galvanized one of their chief allies in the fight against auctions. Protectionists, who belonged to organizations like the American Institute or the American Society for the Encouragement of Domestic Manufactures, abhorred auctioneers for channeling cheap imports into the country and edging American merchandise out of the market. They based their own campaigns against auctions on their belief that tariffs of any kind would cripple auctioneers and benefit American manufacturers. Merchants, desperate to try and curb the auctioneers' successes, threw aside their usual disdain for the pro-tariff men in order to exploit the protectionists' political power. United by personal interest and a desire to end what they saw as the corrupting and unpatriotic commercial dealings of the auctioneer, they constituted a formidable alliance.<sup>38</sup>

On June 2, 1828, eighteen merchants calling themselves the New-York Anti-Auction Committee gathered at the Masonic Hall to formulate their campaign. They were organized by the well-connected merchant Thomas H. Leggett, whose family history may have predisposed him to lead the anti-auction campaign. Twenty-eight years earlier, Leggett's cousin had also challenged New York's auctioneers, defying their demands for credit guarantors and claiming his word of honor was sufficient proof of his ability to pay. Leggett's opposition to auctions went beyond the personal, as he and his associates formulated a cogent attack

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37. Cohen, "The Auction System in the Port of New-York," 496, 498; Westerveld, "The Early History of American Auctions," 206.

38. For the American Institute's position, see *Report of a Special Committee of the American Institute on the Subject of Cash Duties, the Auction System &c. January 12 1829* (New York, 1829), Box 466, American Institute Collection, New-York Historical Society; *Memorial of the American Society for the Encouragement of Domestic Manufactures*. See also Eiselen, *The Rise of Pennsylvania Protectionism*, 83–88.

upon the auction system, which like its predecessors began with a pamphlet. They knew, however, that pamphlets had failed before, so they went one step further by establishing a political platform, and in October nominated a slate of three men to run for Congress on an anti-auction ticket.<sup>39</sup>

In the month before the elections, the anti-auction constituency cultivated support for their cause. A fifty-man committee circulated memorials demanding a 10 percent tax on auction sales and gathered signatures on anti-auction petitions. Their efforts met with extraordinary success. Meetings were held in Philadelphia and Baltimore, and more than fifty memorials, from nearly every state, reached Washington by that fall. The petition organizers obtained over ten thousand signatures, demanding that the auction system be dismantled. Leggett's committee established its own newspaper, the *Anti-Auctioneer*, which devoted all its column inches to denigrating auctions. Highlighting the auction's monopolistic structure and tendency to encourage speculation and luck over honest hard work and craftsmanship, the newspaper appealed specifically to American tradesmen. In the first issue, the editor ran a piece that directly addressed the "Mechanics of the City of New-York:"

Worthless, deceptive articles must now be made in lieu those which were formerly substantial and creditable to you—and for whom? [C]ertainly not for your customers, they have long since fled. The Auctioneers are the only medium between you and the consumer: and for their special accommodation, you must deduct five to ten per cent from the amount of the sales—which is just so much out of your pockets.

Merchants, hoping to exploit the distrust that urban tradesmen felt for the city's financial elites, concealed their own wealth and privilege behind a façade of self-righteous indignation. They even made sure that the committee and the election ticket included some members with serious

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39. *Reasons Why the Present System of Auctions Ought to Be Abolished* (New York, 1828) reprinted as "The Auction System," *Niles' Weekly Register* (Baltimore) 34, June 14, 1828, 258; on Leggett, see Barrett, *The Old Merchants of New York City*, 249–50. See also Horace Secrist, "The Anti-auction Movement and New York Workingmen's Party of 1829," *Transactions of the Wisconsin Academy of Sciences, Arts and Letters* 17 (June 1914), 150–52.

credentials and credibility among working-class men, although merchants continued to dominate the direction of the campaign.<sup>40</sup>

This coalition was united only by its opposition to auctions. Merchants, pro-tariff protectionists, and urban tradesmen had little else to bind them together. However, by focusing on the auctioneers' power and privileges in the marketplace, the merchants forged an alliance inspired by something more than financial gain—a belief that they fought against a system that was intrinsically un-American in its lack of democracy. But this unlikely association, engineered by New York's merchants for their own sakes, did not last long.<sup>41</sup>

Despite their unanimity, the anti-auction forces failed again, essentially because auctions bought “immense trade” and thus great wealth into New York City. It was not simply the city's retailers who benefited from public sales; the auction trade attracted merchants from all over the country, who stayed at hotels and enjoyed New York's theatre and the city's other entertainments. Auctions made work for porters, carters, clerks, and errand boys, as well as sailors and ship's captains. Auctioneers pointed to just how much they paid in taxes to the state, monies that financed other projects, such as the construction of the Erie Canal, which the financial elite in New York favored. The anti-auction candidates did have some success in mercantile wards of the city, but they did not win the election. In an added blow, Congress chose not to act on the anti-auction petitions, giving priority to a rush of other business. Defeat left merchants like Leggett at a total loss, and they retreated from the electoral field. Only the New York mechanics remained in the ring, and although abandoned by their merchant allies they continued to criticize auctions through published attacks and political action. As part of that effort, a small group of men organized themselves into their own Committee of Fifty, which met in April 1829. But as they formulated a

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40. “To the Mechanics of the City of New-York,” *The Anti-Auctioneer* (New York), Nov. 1, 1828; “The Auction System,” *Niles' Weekly Register* (Baltimore) 34, Jul. 26, 1828, 349; “Auctions,” *Niles' Weekly Register* (Baltimore) 35, Nov. 29, 1828, 898; Westerfield, “The History of Early American Auctions,” 206; Secrist “The Anti-auction Movement,” 150–154; Greenberg, *Advocating The Man*, para. 5–10.

41. Westerfield, “The History of Early American Auctions,” 206; Secrist, “The Anti-auction Movement,” 150–54; Greenberg, *Advocating The Man*, para. 5–10.

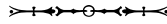
new platform, auctions took a back seat. The alliance of printers, machinists, and shoemakers now concentrated more on the monopoly practices of state-chartered banks, which had all too often denied them loans and failed to take care of their hard-earned deposits. Auctioneers, while condemned as part of the "banking aristocracy," ceased to be the focus of attention.<sup>42</sup>

These developments allowed auctioneers to continue enjoying the relative commercial advantages of low duty sales but, less tangibly, the auctioneers' political successes added up to an endorsement of their vision of America's political economy. The auctioneers had argued in 1828 that "in this *free and happy republic, every man has a right to be ruined in his own way.*" Despite the risks that commercial consumers took at the auction house on the behalf of the ultimate consumer, the right to do so, unfettered by the intervention of the government, was their entitlement as Americans. Invoking a language of rights, the auctioneers articulated the idea that a consumer was an independent citizen who was free to make economic choices as he saw fit. "The retailers and consumers do not want guardians," they argued. By making consumers' independence the linchpin of their argument, they asserted the consumer's claim to the civic privilege of free choice, a position reflected in the decision at the polls to eschew candidates that sought to provide consumers with guardians, and Congress's failure to pursue legislation that would ensure the same. By linking the consumer with the retailer instead of the farmer, the auctioneers had effected a subtle yet profound shift. As champions of the yeoman consumer, auctioneers had promoted the idea that the consumers' rights were embedded in their labor as citizens, but by shifting the identification of the consumer toward the commercial retailer, the auctioneers suggested that citizens themselves expected to be left free to take personal risks and seek self-serving opportunity. Auctioneers thus proposed a set of economic rights that existed outside the parameters of an individual's production. By the late 1820s, these same Americans were rejecting the idea that consuming citizens were obliged to help balance the country's economic interests and protect the nation from the depredations of foreign commerce, a realization that contributed to the

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42. *Evening Post* (New York), Feb. 17, 1829; *American* (New York), Jan. 3, 1829, both cited in Secrist, "The Anti-auction Movement," 155–157. *Report of the Committee of Fifty* (New York, 1829), 9.

diminution of the republican vision of political economy in the antebellum era.<sup>43</sup>



After 1828, auctions ceased to be a lightning rod in debates over American political economy. Larger numbers of American merchants sent agents abroad, soliciting trade directly and buying goods on their own accounts, thereby providing English merchants and manufacturers with ready funds, while deterring English sellers from shipping goods to America and waiting for remittances from auctioneers. In this way, American importers could cut the auctioneers out of the trade. New credit arrangements reinforced this shift. Merchants used foreign partners to guarantee the European sellers their money directly, thus providing new security in the trans-Atlantic marketplace for European merchants and manufacturers and at the same time boosting the proportion of trade Europeans conducted with American merchants. American wholesalers also began doing a better job of courting the American retailers. They employed agents who sought out the country traders when they arrived in the city, entertained them, and secured their business. They also gave buyers a one-price system, thus eliminating the uncertainties of buying at auction. Traders coming from increasingly far afield to buy their stock in the emporiums of New York and Philadelphia found these new techniques and strategies attractive and directed their custom accordingly. While auction sales never disappeared, American merchants managed to regain a good proportion of trade.<sup>44</sup>

Yet the conflict over auctions left a lasting impression on American ideas about the consumer as a citizen. The debate had fundamentally changed how the commercial world imagined the consumer. At the start of the decade, merchants and auctioneers had both taken their cue from the political economists of the day. As a result they had barely conceived

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43. *An Examination of the Reasons Why the Present System of Auctions Ought to be Abolished: As Set Forth By the Committee of New York Merchants, Opposed to the Auction System* (Boston, 1828), 15–16.

44. Cohen, “The Auction System in the Port of New York,” 506–507. On jobber entertaining, see John Jones Beauchamp, *Life and Adventures of a Country Merchant. A Narrative of his Exploits at Home, During His Travels and in the Cities. Designed to Amuse and Instruct* (Philadelphia, 1854), 254–277. I thank Paul Erickson for this reference.

of consumers, concentrating instead on an economy oriented around three intersecting interests, commerce, agriculture, and manufacturing; the needs and actions of the consumer were all but invisible. As the exigencies of the debate took hold, merchants and auctioneers shifted their focus, constructing a consumer who was a hard-working rural innocent, the representative of an agricultural interest who deserved protection from the vicissitudes of the marketplace. This vision served their interests well, but by the mid 1820s both sides realized that this vision did not correspond to reality. Ultimately, the consumers' own desires and decisions forced both merchants and auctioneers to radically reformulate their characterizations and depict individuals who claimed rights not only as producers but also as consumers and whose choices shaped their own lives as well as the market.

As this new vision of consumers gained currency, new ideas about their rights and responsibilities took hold. The consumer's right to purchase freed individual shoppers to make whatever choices they wanted in the marketplace. No federal regulation should impede their ability to select whatever they desired, even if the goods were shoddy or their purchase did not serve what others perceived to be in the national interest. By removing the process of choosing and purchasing goods from the spectrum of duties that citizens owed their nation in the name of the "public good," auctioneers had helped remove consumption from the context of a republican political economy that balanced interest against need to protect civic equality. The outcome of the auction conflicts, however, also confirmed a different understanding of civic belonging. Merchants suggested that new civic responsibilities accompanied the right to purchase. Citizens had duties and obligations, they argued, that included the responsibility to make purchases beneficial to the nation's reputation. Consumers' choices should reflect the young country's broader values, while poor choices could undermine its progress. "I have heard it remarked by foreigners," fretted one American, "that in no country are so many *flimsy* goods sold as in this, although no country possesses such ample means." Anxieties such as this could only be allayed if consumers made choices that befitted America.<sup>45</sup>

But these responsibilities stood apart from the earlier obligations. Now they were rooted in the politics of representation, rather than in the

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45. A Plain Practical Man, *Remarks on the Auction System*, 18.

practice of creating a balanced political economy. By the 1830s these new understandings of American citizenship were embodied in the consumer. Americans were free to choose, but were expected to select goods that reflected the cultural progress and economic power of the United States. Aware that their country was under constant observation, Americans began worrying that the consumer's right to choose reflected poorly on U.S. society. The outcome of the auction conflicts thus not only reshaped American understandings of political economy but also gave citizens a new way to practice good citizenship. The freedom to consume was one of many privileges American citizens could enjoy, but their choices were now subject to a new cultural scrutiny.

In a country where slavery and disfranchisement characterized the experience of a majority of the population, the freedom to consume was not the most pressing concern, nor would the scrutiny that accompanied it rank as particularly oppressive or draconian. But focusing on how merchants and auctioneers made the freedom to consume a civic concern does reveal that by the 1820s such activities began to be conceived as part of what it meant to be an American. The auction debates helped establish the idea that citizens should have access to the marketplace, and while their civic worth was still determined in part through their labor, their consumption was now a factor. As before, a good citizen could be measured through the fruits of his or her labor, but by the 1820s, the ability to consume also conferred civic standing. Americans were forging a new understanding of themselves and their society through their consumer spending. Not only did they acknowledge that consumers' desires could take precedence over the needs of manufacturers, a dramatic reversal of earlier conceptions of political economy, but they also accepted that genteel consumption itself would help define what it meant to be an American. Explored as something bigger than self-interested bickering, the auction debates of the 1820s reveal a moment when commercial privilege united with consumer desire to remake the meaning and practice of American citizenship in the early republic.