

# HOOSIER WOMEN AT WORK

## STUDIES IN INDIANA WOMEN'S HISTORY

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### Indianapolis's Female Economy: The Work History of the Notorious Mrs. Clem

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This essay draws on my book, *The Notorious Mrs. Clem: Murder and Money in the Gilded Age*, which chronicles the life and times of an alleged (and probable) Indianapolis murderess.<sup>1</sup> Nancy Clem may strike readers as a strange inspiration for a conference called “Hoosier Women at Work.” But given that I am a historian of women and labor, her work history is part of what drew me to her. Clem was by turns a farm girl, respectable urban housewife, boardinghouse keeper, street broker, supposed originator of the Ponzi scheme, prison laundress, peddler of patent medicines, and “female physician.” Various women workers, including domestic servants, a dressmaker, a prostitute, a secondhand dealer, the keeper of a jewelry and notions store, a pioneering “lady” journalist, the proprietor of a major downtown hotel, and the Superintendent of the Indiana Female Reformatory, helped to determine Clem’s fate. Even as prosecutors invoked the ideology of separate spheres, trial testimony revealed a robust nineteenth-century female economy, one that encompassed paid and unpaid labor, and various forms of business (some legitimate, others less so). Limits of time and space prevent me from reconstructing this economy in full. Instead, I’ll use the experiences of “the notorious Mrs. Clem” as a jumping off point for sketching the wide range of women’s economic activities in late nineteenth-century Indianapolis. I’ll also explore

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the ways in which these very pursuits became entangled in legal and political debates, for Clem's trials served in part as referendums on "working women" and women's business.

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Like many Hoosiers, Nancy Clem, née Hartman, came to Indiana from the upland south—in her case from the North Carolina Piedmont. Around 1831, a very young Nancy, along with her parents and seven surviving siblings, settled in rural Pike Township, in the northwest corner of Marion County.<sup>2</sup> We know little about her early working life as the daughter of a "plain farmer," but we can safely guess what it encompassed. Women cultivated gardens that fed their families; they preserved fruits, vegetables, and meats; they cooked, cleaned, and sewed. They sheared sheep, processed their wool, and spun it into yarn. They milked cows and tended chickens; they churned the butter and collected the eggs that purchased the things Indiana farmers could not grow—coffee and tea, needles and nails, hammers and hoes. This was the life and livelihood that Nancy's three older sisters, each of whom married a prosperous farmer, opted to pursue. Nancy did not follow in their footsteps. She married William Patton, a plasterer and part-time school teacher, who had already signaled his intention of moving to Indianapolis.<sup>3</sup>

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<sup>2</sup> Gregory S. Rose, "Hoosier Origins: The Nativity of Indiana's United States-Born Population in 1850," *Indiana Magazine of History* 81, no. 3 (Sept. 1985): 201-232; John Hartman family tree, Ancestry.com, <http://trees.ancestry.com/owt/person.aspx?pid=119943854>; Federal Manuscript Population Census (hereafter FMPC), 1830, Stokes County, North Carolina, roll 125, p. 275; Early Land Records of Pike Township, Pike Township Historical Society, <http://www.in1.org/pike/tract.htm>.

<sup>3</sup> Dorothea Kline McCullough, "'By Cash and Eggs': Gender in Washington County during Indiana's Pioneer Period" (PhD diss., Indiana University, 2001), 142-165; Richard F. Nation, *At Home in the Hoosier Hills: Agriculture, Politics, and Religion in Southern Indiana, 1810-1870* (Bloomington: Indiana University Press, 2005), 109-112; Joan M. Jensen, *Loosening the Bonds: Mid-Atlantic Farm Women, 1750-1850* (New Haven: Yale University Press, 1986); Nancy Grey Osterud, *Bonds of Community: The Lives of Farm Women in Nineteenth-Century New York* (Ithaca, N.Y.: Cornell University Press); Jeanne Boydston, *Home and Work: Housework, Wages, and the Ideology of Labor in the Early Republic* (New York: Oxford University Press, 1990); Susan Sessions Rugh, *Our Common Country: Family Farming, Culture, and Community in the Nineteenth-Century Midwest* (Bloomington: Indiana University Press, 2001), esp. 20-21, 23-24, 65-70; Tamara Gaskell Miller, "'Seeking to Strengthen the Ties of Friendship': Women and Community in Southeastern Ohio, 1788-1850" (PhD diss., Brandeis University, 1994), 67-107; James H. Madison, *Hoosiers: A New History of Indiana* (Bloomington: Indiana University Press; Indianapolis: Indiana Historical Society, 2014), 61-72, 86-87; Oliver Johnson, *A Home in the Woods: Pioneer Life in Indiana* (1951; repr., Bloomington: Indiana University Press, 1991), 25-26, 31, 34-38; John Hartman family tree; marriages, Anna Hartman and James McCurdy, Polly Hartman and Silas White, in Indiana, Marriage Index, 1800-1941 (online database, Ancestry.com, 2005), <http://search.ancestry.com/search/db.aspx?dbid=5059>; FMPC, 1850, Boone County, Indiana, roll M432-136, p. 164; FMPC, 1870, Eagle Township, Boone County, Indiana, roll M595-300, p. 95; FMPC, 1880, Eagle Township, Boone County, Indiana, roll T9-267, p. 267; marriage Nancy E. Hartman and William N. Patton, in Marriages through 1850 (online database, Indiana State Library, n.d.), [www.statelib.lib.in.us/INMarriages1850/marriages\\_search](http://www.statelib.lib.in.us/INMarriages1850/marriages_search); testimony, 16

John H. Wiley, *Nancy E. Clem v. State of Indiana* (1869), 972-973, 985-986, Office of Supreme Court Records, Indianapolis, Indiana; "Old Alabama Street House Still Holds Mystery of Famous Clem Murder Case," *Indianapolis Star*, Aug. 30, 1930, 2.22.

In many ways, Nancy Patton recreated the patterns of rural life in the city (although to describe Indianapolis in the early 1850s as a city is perhaps an exaggeration).<sup>4</sup> She grew and preserved a good deal of the food her family ate, including peaches from the trees she planted in her yard. She also tended a garden on a city lot some distance from her home. She may have sold her surplus produce at one of the city's markets. Possibly she kept chickens or even a cow during her early years in Indiana's fledgling capital; real estate notices, including those advertising property directly adjacent to the downtown business district, listed "cow lots" among the featured amenities. Even had she enjoyed the help of a servant, Nancy Patton would not have escaped the rigors of housework; respectable city folk swept, scrubbed, and washed more often and more thoroughly than did their country cousins.<sup>5</sup> William Patton died of unknown causes in 1857. He left behind two houses, one in which his widow and child continued to reside, another that brought in a small rental income—not quite enough to comfortably support Nancy and her six-year-old son. Hence she did what many women would have done: she took in boarders. "Think she had four at one time," her brother, Matthew, would recall. Like most such women, she did not describe her dwelling as a "boardinghouse;" to do so potentially placed her in the same socially suspect category as servants, washerwomen, and prostitutes. Nevertheless Nancy "did her own work," that is, she kept house—providing her lodgers with room and board—without the assistance of a servant. She fared well during her widowhood, acquiring a reputation for "industry and frugality."<sup>6</sup>

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<sup>4</sup> B. R. Sulgrove, *History of Indianapolis and Marion County, Indiana* (Philadelphia: L. H. Everts, 1884), 20, 25-27, 9, 111, 123-124, 129-130, 147; Carl Abbott, "Indianapolis in the 1850s: Popular Economic Thought and Urban Growth," *Indiana Magazine of History* 74, no. 4 (Dec. 1978): 294; John H. Holliday, *Indianapolis and the Civil War*, Indiana Historical Society Publications 4:9 (Indianapolis: Edward J. Hecker, 1911), 525; Jeffrey Tenuth, *Indianapolis: A Circle City History* (Charleston, S.C.: Arcadia Publishing, 2004), 28-29; Edward A. Leary, *Indianapolis: The Story of a City* (Indianapolis: Bobbs-Merrill, 1971), 12-13; Robert G. Barrows and Leigh Darbee, "The Urban Frontier in Pioneer Indiana," *Indiana Magazine of History* 105, no. 3 (Sept. 2009): 268-282.

<sup>5</sup> Testimony, Alfred Rooker, *Indianapolis Journal*, Dec. 7, 1868, 2; Debby Applegate, *The Most Famous Man in America: The Biography of Henry Ward Beecher* (New York: Doubleday, 2006), 179, notes that Henry Ward Beecher sold produce in Indianapolis in 1843. On cow lots, see, for example, "Sale of City Property," *Indiana State Sentinel*, June 2, 1853, 3. As late as 1868, William J. Abrams, a man who resided well within the city limits, could report that he "shot at a cow that was trying to get into my yard." "The Cold Springs Murder," *Journal*, Sept. 17, 1868, 5. For discussions of housework and cleanliness, see Boydston, *Home and Work*, esp. 75-98, 120-141; Suellen Hoy, *Chasing Dirt: The American Pursuit of Cleanliness* (New York: Oxford University Press, 1995), 3-27; Ruth Schwartz Cowan, *More Work for Mother: The Ironies of Household Technology from the Open Hearth to the Microwave* (New York: Basic Books, 1983), 40-68; and Susan Strasser, *Never Done: A History of American Housework* (New York: Pantheon, 1982), esp. 85-124.

<sup>6</sup> William Patton, gravestone, Pleasant Hill Cemetery, Pike Township, Marion County, Indiana; testimony, James W. Hill, *Indianapolis Sentinel*, Feb. 18, 1860, 4; and *Sentinel*, Oct. 4, 1871, 3; testimony, Matthew Hartman, *Sentinel*, Dec. 12, 1868, 2; John Hanna, closing argument, *Journal*, Dec. 21, 1868, 6; Wendy Gamber, *The Boardinghouse in Nineteenth-Century America* (Baltimore: Johns Hopkins University Press, 2007); Patton did not advertise her services in city directories. William P. Fishback, closing argument, in *The Cold Spring Tragedy: Trial and Conviction of Mrs. Nancy E. Clem for the Murder of Jacob Young and Wife . . .* (Indianapolis: A. C. Roach, 1869), 100.

According to some accounts, Nancy Patton found an additional way to make ends meet, loaning out money William left her and charging interest. It may be impossible to document the extent of what contemporaries called street brokering, but scattered evidence suggests that it was a relatively common practice.<sup>7</sup> Lending money—and collecting interest when the loans came due—was a type of business open to anyone willing to risk the resources at his or her disposal. And it was a business uniquely accessible to women. Ventures of this sort could be easily combined with housework and childcare, small-scale profits hidden from tax collectors and, when necessary, from nosy relatives and meddling husbands.

Indeed, the widow Patton considered her business ventures worth protecting, for in 1859 when she married a grocer named William Franklin “Frank” Clem, she signed a prenuptial contract that gave her “control of . . . her own business affairs.” People would later argue over whose idea the agreement had been, whether it furnished evidence of Frank’s “manly” consideration or Nancy’s grasping avarice. Nancy certainly exercised no more than her legal right. Married women’s property acts passed by the Indiana legislature in 1852 and 1853 granted her control over any property she possessed prior to her marriage, but continuing to do business on her own account required a special arrangement. Certainly this was a sensible decision for an enterprising widow to make; without it, anything she earned belonged to Frank.<sup>8</sup>

Apart, perhaps, from the prenuptial agreement, Nancy Hartman Patton Clem’s story to this point was unexceptional. Her history of unpaid labor and small-scale entrepreneurial ventures such as money-lending and taking in boarders was commonplace, probably just as typical of women’s undertakings as various kinds of wage work.<sup>9</sup> But in the spring of 1868, Clem would begin to make history. She joined William J. Abrams, a longtime friend of her family, and Jacob Young, a longtime friend of both Abrams and Clem’s brother, Silas, in series of complex, mysterious, and secretive transactions.<sup>10</sup> What exactly they entailed—despite the gallons of ink that newspapers would later spill on the subject—remains uncertain.

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<sup>7</sup> On informal money-lending, see Suzanne Lebsack, *A Murder in Virginia: Southern Justice on Trial* (New York: W. W. Norton, 2003), 13, 130-131; Susan Parsons Brown Forbes, Diary, August 1, 1859; November 14, 1856; May 3, 1858 (original at American Antiquarian Society, Worcester, MA), *American Women’s Diaries (New England)* [microfilm] (New York, [1983?]); testimony, Silas A. Pollard, *Journal*, Sept. 9, 1869, 2; testimony, Silas Hartman, *Journal*, Dec. 14, 1868, 2; testimony, Ann Hottle, *Journal*, Dec. 7, 1868, 2-3; and testimony, William J. Abrams, *Journal*, Oct. 2, 1871, 5.

<sup>8</sup> Virginia Dill McCarty, “From Petticoat Slavery to Equality: Women’s Rights in Indiana Law,” in *The History of Indiana Law*, ed. David J. Bodenhamer and Randall T. Shepard (Athens: Ohio University Press, 2006), 179-180; Fishback, closing argument, *Cold Spring Tragedy*, 100; John Hanna, opening statement, *Sentinel*, Feb. 12, 1869, 8; Hanna, closing argument, *Journal*, Dec. 21, 1868, 6.

<sup>9</sup> On this point, see Susan Ingalls Lewis, *Unexceptional Women: Female Proprietors in Mid-Nineteenth-Century Albany, New York, 1830–1885* (Columbus: Ohio State University Press, 2009), esp. 20, 36-37, 161-163.

<sup>10</sup> Testimony, Robert L. Dorsey, *Journal*, Sept. 8, 1869, 2; “Arrest of William Abrams,” *Sentinel*, Sept. 16, 1868, 4; “The Cold Spring Tragedy,” *Sentinel*, Dec. 1, 1868, 4; “Mrs. Clem: An Hour’s Talk with Her,” *Sentinel*, Mar. 29, 1869, 4.

What can be said is that the enterprise relied on a frenetic cycle of borrowing and lending. Those who agreed to loan their money were promised, and in many cases realized, high rates of interest. Investors included William Duzan, Clem's family physician; Arthur L. Wright, the Marion County treasurer; and Stephen Keyes Fletcher, a member of one of Indianapolis's first families. They also included Clem's dressmaker, Ann Hottle, who invested—and lost—her life savings of \$925. Commentators would attach various labels to this venture —“confidence game,” “Cassie Chadwick system”—but most likely, the trio carried out what would later become known as a Ponzi scheme. Newspapers would later peg Clem as the originator of this particular con, a claim that is almost certainly without merit.<sup>11</sup>

The scheme ended within nine months, when the bodies of Jacob Young and his wife, Nancy Jane, were discovered at Cold Spring, a popular recreation spot on the west bank of the White River, just a few miles northwest of Indianapolis. Whether, as prosecutors would allege, Jacob Young threatened to reveal Clem's business dealings to her unsuspecting spouse when—unexpectedly denied a \$22,000 loan from Dr. Duzan—she could not repay him, or whether the murderers simply knew that he carried a large sum with him on the day that he drove to Cold Spring is unclear.<sup>12</sup> No one will know for certain what happened on the afternoon of Saturday, September 12, 1868, but this is the prosecution's version, a reconstruction based almost entirely on circumstantial evidence: William J. Abrams purchased the shotgun that lay on the sand near Jacob Young's body. Silas Hartman, Clem's ne'er-do-well younger brother, rented a horse and buggy that transported him to the scene of the crime. There his sister, Nancy Clem, having accompanied the Youngs on their weekend excursion, joined him in committing “cold-blooded atrocity.” Hartman killed Jacob Young with the shotgun. Clem shot Nancy Young with a pistol that was never found, striking her with a rock or the pistol itself when the bullet failed to effect Young's immediate demise.<sup>13</sup>

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<sup>11</sup> Testimony, William N. Duzan, S. K. Fletcher, and Arthur Wright, *Journal*, Dec. 10, 1868, 2; testimony, Ann Hottle, *Sentinel*, Dec. 7, 1868, 2; *Cold Spring Tragedy*, 29-39; William W. Leathers, opening argument, *Cold Spring Tragedy*, 60; Jacob Piatt Dunn, *Greater Indianapolis: The History, the Industries, the Institutions, and the People of a City of Homes*, (Chicago: The Lewis Publishing Company, 1910), 1: 60. “Stealing by Wholesale” appeared in several Indiana newspapers, including the *Newport Hoosier State*, July 8, 1885, 4; the *Brazil Clay County Enterprise*, July 8, 1885, 4, and the *Critic* (Logansport), July 12, 1885, 2. “Nancy E. Clem Dead,” *Journal*, June 9, 1897, 5; “Many Memories Stirred by Robert Underwood Johnson,” *Indianapolis News*, Nov. 21, 1923, 22; “Old Alabama Street House Still Holds Mystery;” “Counterpart Here for Mrs. Chadwick,” *Indianapolis Morning Star*, Dec. 25, 1904, 8; “Old Reporter's Reminiscences,” *News*, June 9, 1906, 14.

<sup>12</sup> *Cold Spring Tragedy*, 30, 99-100; *News*, June 9, 1897, 8.

<sup>13</sup> See, for example, Fishback, closing argument, *Cold Spring Tragedy*, 99-105, 118, 121-122.

Nancy Clem stood trial four times for the Young murders. Two resulted in hung juries, two in convictions, each of which her attorneys successfully appealed to the state supreme court. A fifth ended in a plea of *nolle prosequi* when Marion County authorities decided they could not afford further prosecutions. Each of these trials became a spectacle, for the prospect of an outwardly respectable middle-class woman accused of first-degree murder created enormous public interest—in Indianapolis, the State of Indiana, and the nation at large. As was typical of notorious murder cases, both prosecution and defense commanded impressive arrays of legal talent. Private attorneys for all practical purposes tried the case; public prosecutors tended to be young, inexperienced, and not especially qualified to try important or complex cases. Three established practitioners lent the state much-needed assistance. One of them was Clem’s neighbor, future United States president Benjamin Harrison.<sup>14</sup> Both sides would make the most of their legal expertise, the prosecution citing precedent that endorsed the value of circumstantial evidence, the defense invoking authorities who declared its fallibility.<sup>15</sup> But given the paucity of hard evidence linking the defendant to her alleged crime, both sides would also have to construct stories about Clem herself. As the historian Ann Jones has observed, “Where issues are blurred, attention centers on personality, or to use the nineteenth-century term, character. The question becomes: Is the accused the sort of person who could have committed the crimes charged?”<sup>16</sup>

Here prosecutors faced a problem, for Clem was an unlikely murderess. Her alleged offense was not a woman’s crime. She had purportedly conspired to kill a business partner, not a lover or husband. If she did murder Nancy Jane Young, she had employed a pistol rather than poison, the usual female weapon. And she was not the *kind* of woman nineteenth-century Americans typically envisioned when they thought of murderesses. By the standards of her day—standards that, to be sure, were in flux—Clem was respectable, not disreputable. She was not, in nineteenth-century parlance, a woman of “ill fame.” Rather, she was the wife of a “worthy tradesman” of unquestioned character, a man who sat at her side for the duration of her trials, testament to his belief in her innocence. Clem dressed in “very appropriate

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<sup>14</sup> *Daily Republican* (Decatur, Ill.), Apr. 29, 1874; “Free. Nancy Clem at Large: The Last of the Law’s Delay,” *Sentinel*, Apr. 30, 1874, 4-5; Daniel A. Cohen, *Pillars of Salt, Monuments of Grace: New England Crime* 18

*Literature and the Origins of American Popular Culture, 1674-1860* (New York: Oxford University Press, 1993), 29-30; Robert M. Ireland, “Privately Funded Prosecution of Crime in the Nineteenth-Century United States,” *American Journal of Legal History* 39, no. 1 (Jan. 1995): 43-58; *Logan’s Indianapolis Directory . . . for the Year Commencing July 1, 1868* (Indianapolis: Logan & Co., 1868), 37, 85.

<sup>15</sup> John T. Dye, closing argument, *Journal*, Dec. 18, 1868, 2; Fishback, closing argument, *Journal*, Dec. 21, 1868, 1; Fishback, closing argument, *Cold Spring Tragedy*, 95-98; Hanna, closing argument, *Journal*, Dec. 21, 1868, 3; in Clem’s second trial, see Leathers, opening argument, *Cold Spring Tragedy*, 60.

<sup>16</sup> Ann Jones, *Women Who Kill* (New York: Holt, Rinehart, & Winston, 1980), 86.

and unobtrusive” attire, not the ostentatious finery of a prostitute or a servant aping her betters. “Her manners were those of a well bred lady.”<sup>17</sup>

To be sure, prosecutors invoked familiar cultural scripts. “Mrs. Clem goes to Mr. Young’s house . . . at night. . . . No other woman visited Young in that clandestine way,” prosecuting attorney John Dye proclaimed. Benjamin Harrison (who played only a minor role in Clem’s first trial, but a major part thereafter) alluded to “frequent and mysterious visits paid to [Young] by Mrs. Clem. . . . She, a married woman—without the knowledge of her husband, and not only without his knowledge, but carefully concealing from him the fact—is found frequently visiting the house of Jacob Young, and going into a room with him privately and apart from others. What does this mean?”<sup>18</sup>

Yet money, not sex, was at the heart of the case. As Harrison and his colleagues were forced to admit, “business relations” explained Clem’s “frequent and mysterious visits” to Jacob Young. Consciously or not, prosecutors cast about for another means of tarnishing her character. They opted for a rhetorical strategy predicated on gender deviance, but one that departed from familiar scenarios that distinguished passionless ladies from degraded prostitutes. Clem, in John Dye’s words, was “a woman of brain and of power.” This was hardly a compliment; rather it was evidence that an apparently ordinary woman had seized masculine prerogatives. Clem, as Dye saw it, wielded a particular kind of power, not a sexual power, the sort identified with the villainesses of antebellum crime literature. Clem’s power, rather, was a “calculating” power, one that explained her ability to commit premeditated murder. She was, after all, a woman who possessed “more than ordinary executive ability.” In Dye’s refashioning of criminal femininity, a likely murderess was not a “strange woman”—the minister Henry Ward Beecher’s famous euphemism for a prostitute. She was a woman of business.

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<sup>17</sup> Jones, *Women Who Kill*; Judith A. Allen, *Sex and Secrets: Crimes Involving Australian Women since 1880* (Melbourne: Oxford University Press Australia, 1990); Mary S. Hartman, *Victorian Murderesses: A True History of Thirteen Respectable French and English Women Accused of Unspeakable Crimes* (New York: Schocken Books, 1977); Edward Berenson, *The Trial of Madame Caillaux* (Berkeley: University of California Press, 1992); Susan Branson, *Dangerous to Know: Women, Crime, and Notoriety in the Early Republic* (Philadelphia: University of Pennsylvania Press, 2008); Benjamin Feldman, *Butchery on Bond Street: Sexual Politics and the Burdell-Cunningham Case in Antebellum New York* (New York: New York Wanderer Press, 2007); Randolph Roth, *American Homicide* (Cambridge, Mass.: Harvard University Press, 2009), 265-269, 288-290, 325; *The Cold Spring Tragedy*, 16; “From Indianapolis,” *Cincinnati Daily Gazette*, October 8, 1868, 3; “The Cold Springs Tragedy: Another Arrest,” *Journal*, Oct. 8, 1868, 8; “The Young Murder: First Day of the Trial,” *Journal*, Dec. 2, 1868, 4.

<sup>18</sup> Here I can provide only a hint of the richness and complexity of trial rhetoric; see Gamber, *Notorious Mrs. Clem*, 54-60, 78-98, 106-107, 115-124 for a more complete discussion. Opening and closing arguments have survived only for Clem’s first two trials. It is possible, but unlikely, that their content changed significantly during subsequent proceedings. Dye, closing argument, *Journal*, Dec. 18, 1868, 2; Benjamin Harrison, closing argument, *Cold Spring Tragedy*, 69.

She was also self-reliant. Here Dye shrewdly exploited an opportunity Clem's physician Dr. Duzan had unwittingly provided. In testimony Dye considered "absolutely startling," Duzan declared his willingness to do business with Clem again. "She is a wonderful woman," Duzan had claimed, "strong-minded, self-reliant, and inflexible in the pursuit of her purposes." Dye did not find Clem quite so wonderful. Rather, he pronounced her "self-reliant and God-defiant."<sup>19</sup> Dye's summation implicitly invoked his belief that respectable women belonged in the home, not the marketplace, a social configuration, as his memorable rhyme suggested, established by divine as well as human authority. "Is there any more such women? For the honor of the sex, and for the credit of our city and of humanity, God forbid that there should be one other such woman on the continent."<sup>20</sup> Whether he meant a "self-reliant woman," a murderess, or both was not entirely clear. If female self-reliance explained murder, it also threatened to become a crime itself. Dye's colleague, William Pinckney Fishback, imbued Clem's antenuptial arrangement with sinister meaning, insisting that "such a woman was well qualified to act a part in this tragedy." That Clem had chosen money over love, economic autonomy over male protection, was evidence of a cold heart, a calculating disposition—and guilt. Clem's business dealings exceeded the requirements of financial necessity or even prudent foresight. "She stepped out from the plain, straightforward path of duty as a faithful wife, to enter upon the dangerous paths of financial speculation." For Fishback, the faithless wife was not an adulteress but one who ventured boldly into the marketplace.<sup>21</sup>

The defense advanced its own definition of marital fidelity, one that was more in keeping with the common sense of the farmers who dominated successive juries. Rather than lament Clem's entry into the marketplace or bemoan her avariciousness, attorney William Wallace Leathers praised her reputation for "economy" and "industry," qualities that rendered her a "faithful wife" and "model woman."<sup>22</sup> No one defended Clem's business endeavors as fiercely as did her lead counsel, John Hanna. His closing arguments offered a populist defense of working people in general and of "self-reliant" working women in particular. Hanna appealed to listeners who viewed women's participation in family economies as both expected and essential. He acknowledged that Clem had been "foolish" to conceal her dealings from her husband but otherwise approved her diligence and savvy. Far from condemning Clem's self-reliance, he praised her "great business tact." "Trumpet-tongued" prosecutors, Hanna implied, had little respect for working people, not even for the honest farmers who sat on the jury. Not so John Hanna. "I honor the

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<sup>19</sup> Dye, closing argument, *Journal*, Dec. 18, 1868, 2; Henry Ward Beecher, *Seven Lectures to Young Men, on Various Important Subjects* (Indianapolis: Thomas B. Cutler, 1844), 131-166.

<sup>20</sup> Dye, closing argument, *Journal*, Dec. 18, 1868, 2.

<sup>21</sup> Fishback, closing argument, *Cold Spring Tragedy*, 100; Fishback, closing argument, *Journal*, Dec. 21, 1868, 1.

<sup>22</sup> Leathers, closing argument, *Journal*, Dec. 19, 1868, 2.

men and women who work . . . If you want virtue, industry and solid worth, go among the women who work. Go to the women who stand before the wash tub,” Hanna thundered. Countering the prosecution’s portrait of an avaricious predator and faithless spouse, Hanna, as had Leathers, depicted his client as an able manager and dependable contributor to family coffers—just the sort of woman jurors might have married.<sup>23</sup>

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Courtroom rhetoric offered two contrasting visions of gender, economy, and the expected duties of “faithful wives.” One, articulated by the prosecution, was urban, and for its time and place, modern. In condemning Clem’s “self-reliance,” Dye, Fishback, and, eventually, Harrison championed the ideology that historians have come to call the doctrine of separate spheres, a set of cultural principles that assigned men to the marketplace and women to the home. These beliefs had partisan overtones; Whigs, and later Republicans, were more likely than Democrats to embrace them.<sup>24</sup>

But separate spheres was a concept that many Indianapolis and Marion County residents—even as late as the 1860s—would have found unfamiliar. In fact, the 21-year-old county prosecutor made a major blunder during Clem’s first trial. When he disparaged the defendant for “doing her own work” during her widowhood, he very likely offended the gentlemen of the jury, almost all of whom were married to women who managed without the help of servants.<sup>25</sup> And no one had to look very far to find evidence of women’s active involvement in the city’s economy. One needed to look no further than William J. Abrams’s conspicuous consumption of firearms on the morning of the murder. Abrams—or someone who looked very much like him—encountered at least two businesswomen as he shopped for a shotgun. Rebecca Marot’s secondhand furniture store had no guns for sale. The Exchange Store did, but Josephine Stevens, the twelve-year-old daughter of its proprietress, asked a higher price for a rusty double-barreled shotgun than the man was willing to pay. That he purchased the infamous weapon from a man—a clerk at Solomon Brothers pawnshop—was the result of a serendipitous combination of availability and price, not the absence of women from the urban marketplace.<sup>26</sup>

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<sup>23</sup> Hanna, closing argument, *Journal*, Dec. 21, 1868, 3, 6.

<sup>24</sup> Michael D. Pierson, *Free Hearts and Free Homes: Gender and American Antislavery Politics* (Chapel Hill: University of North Carolina Press, 2003), 97-114, 165-190; Rebecca Edwards, *Angels in the Machinery: Gender in American Party Politics from the Civil War to the Progressive Era* (New York: Oxford University Press, 1997), 12-38, 77.

<sup>25</sup> Fishback, closing argument, *Journal*, Dec. 21, 1868, 1; Hanna, closing argument, *Journal*, Dec. 21, 1868, 6. For information about jurors’ occupations, marital status, and household composition, see Gamber, *Notorious Mrs. Clem*, 263, n. 18.

<sup>26</sup> *Cold Spring Tragedy*, 38-40. On women’s active involvement in commercial life, see Lewis, *Unexceptional Women*; Susan M. Yohn, “Crippled Capitalists: Gender Ideology, the Inscription of Economic Dependence, and the Challenge of Female Entrepreneurship in Nineteenth-Century America,” *Feminist Economics* 12 (2006): 85-109; Edith Sparks,

The gender ideology invoked by the defense reflected the necessities and sensibilities of a rural, and to a certain degree, Democratic society. Democrats believed that white men were the masters of their households, but they also believed that all who constituted those households, including faithful wives and dutiful daughters, had economic contributions to make. Like their legal opponents, William Leathers and John Hanna, were Republicans. Both, however, had once been Democrats. They left their party but not its gender conventions, behind.<sup>27</sup>

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Courtroom lawyers were not the only people concerned with women's economic status. Mary Livermore, the future vice president of the soon-to-be-formed American Woman Suffrage Association, was a featured speaker at the woman's suffrage convention held in Indianapolis during the summer of 1869. Livermore reiterated what she had said at earlier gatherings in New York, Boston, Syracuse, and Lowell: she considered the "closing of avenues of remunerative labor against them," like the denial of the franchise and limited access to education, a "wrong inflicted on women."<sup>28</sup> No one mentioned Nancy Clem in the course of this conversation; to do so would have attached added notoriety to an already controversial cause. And woman's rights advocates who lobbied for legislation that would allow married women ownership over the wages they earned were not thinking of female street brokers, like Nancy Clem at her most innocuous, or even shopkeepers like Hattie Stevens whose store William J. Abrams had allegedly visited on the morning of the Young murder. The list of working women Livermore compiled some years later—"saleswomen, cashiers, bookkeepers, telegraphers, compositors, stenographers, typewriters, watchmakers, chemists, pharmacists, journalists, authors, lecturers, physicians, lawyers, clergywomen"—was notable for its exclusion of entrepreneurs. Livermore justified both earnings laws and vocational training as a hedge against "incompetent" husbands, rather than a right to which women were entitled. "Many men make neither good nor competent husbands. Many are incompetent, others are invalids, some are dissolute and idle, and not a few desert entirely both wives and children," she declared in her most famous speech, "What Shall We Do with Our Daughters?" Such a position was, of

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*Capital Intentions: Female Proprietors in San Francisco, 1850-1920* (Chapel Hill: University of North Carolina Press, 2006); Angel Kwolek-Folland, *Incorporating Women: A History of Women and Business in the United States* (New York: Palgrave Macmillan, 2002); Wendy Gamber, *The Female Economy: The Millinery and Dressmaking Trades, 1860-1930* (Urbana: University of Illinois Press, 1997); and Gamber, *Boardinghouse in Nineteenth-Century America*.  
<sup>27</sup> McCullough, "'By Cash and Eggs,'" Edwards, *Angels in the Machinery*, 24, 61, 68-74; *History of Hendricks County, Indiana* (Chicago: Inter-State Publishing, 1885), 619-622; Nicole Etcheson, *A Generation at War: The Civil War Era in a Northern Community* (Lawrence: University Press of Kansas, 2011), 22, 40-41; "Death of William W. Leathers," *Cincinnati Gazette*, Dec. 17, 1875, 5; "The Last Honors to the Late W. W. Leathers," *Sentinel*, Dec. 18, 1875, 3.

<sup>28</sup> "Woman Suffrage," *Journal*, June 10, 1869, 5.

course, strategic, far more likely to sway the members of all-male legislatures than a bold declaration of rights.<sup>29</sup>

It left a crucial question unanswered: did women married to competent and prosperous husbands have the right to engage in business on their own accounts? Neither a stenographer nor a clergywoman, but undeniably a woman of business, Nancy Clem raised precisely this question. Her trials took place before the passage of Indiana's earnings act in 1881; hence her legal ability to "manage her own business affairs" depended on a prenuptial agreement rather than a general statute. The men who served on successive juries were charged with determining whether she was guilty or innocent of murder, not whether she had a right to the profits she had earned. Yet competing interpretations of the political economy of marriage were central to the narratives constructed by her prosecution and defense. They echoed a cultural conversation that took place in many arenas—in feminist demands; in statehouses, as legislators contemplated revised married women's property acts and earnings laws; in courts, as judges considered women's claims; and in myriad negotiations between husbands and wives. The proper exercise of female self-reliance—especially as it applied to married women—would remain contested. Both prosecution and defense agreed that faithless wives deserved to be punished. But each had proposed its own definition of fidelity. The subtle but significant differences between them created a slender continuum between wifely dependence and limited autonomy, granting ambitious women a narrow cultural space in which to maneuver.

Perhaps Nancy Clem is not the best example for a conference that "celebrate[s] the many contributions of women's work to Indiana history."<sup>30</sup> I would argue, however, that she does have a contribution to make, both to Indiana history and the history of the U.S. as a whole. Her story reveals just how fragile and embattled the doctrine of separate spheres really was, as an *ideology*, not just as a practice. It reveals as well the significance of forms of work that defy the standard parameters of labor

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<sup>29</sup> For opposition to woman's rights, see, for example, "Woman's Rights," *Sentinel*, June 10, 1869, 4. Mary Ashton Rice Livermore, *What Shall We Do with Our Daughters? Superfluous Women, and Other Lectures* (Boston: Lee & Shepard, 1883), 111, 60. According to *Standing Before Us: Unitarian Universalist Women and Social Reform, 1776-1936*, ed. Dorothy May Emerson, June Edwards, and Helene Knox (Boston: Skinner House Books, 2000), 233, Livermore first gave the lecture in 1868; the first newspaper notice I can locate dates from 1871: "The 20

City," *The Critic* (Washington, DC), Dec. 11, 1871, 3. The 1883 book expanded on the original lecture; it is impossible to tell which portions Livermore had previously delivered orally. Her list of occupations, which includes "type-writers" and stenographers, better describes the 1880s than the late 1860s. See Carole Srole, *Transcribing Class and Gender: Masculinity and Femininity in Nineteenth-Century Courts and Offices* (Ann Arbor: University of Michigan Press, 2010), esp. 52,162-164.

<sup>30</sup> Marcia Caudell, "Hoosier Women at Work," <https://blog.library.in.gov/hoosier-women-at-work/> (accessed Mar.12, 2016).

and business history. Scholars have shed little light on the wider sphere of working-class and especially middle-class women's economic activity—the power, however limited, they wielded as property owners and bank depositors, the economic arrangements they negotiated with fathers and husbands, the value accorded their unpaid household labor.<sup>31</sup> Partly this is because our narrow definitions of labor (usually meaning wage work) and business (usually connoting the tangible solidity of the store, factory, or corporation) obscure the multiple junctures at which women (and men) entered economic life. Clem offers us one way in.

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What became of the notorious Mrs. Clem? She remained incarcerated between 1868, when she was arrested for the Young murders, and 1874, when the *nolle prosequi* plea set her free. Once released she resumed the same sort of informal banking enterprise that previously brought her notoriety—taking out loans, promising high rates of interest, and loaning borrowed funds. This time, her unhappy business associates lived to tell the tale. After losing several civil suits, Clem was successfully prosecuted for perjury and sentenced to four years in the Indiana Reformatory Institution for Women and Girls. There she became the very person her former attorney John Hanna once had valorized: a woman who stood before the washtub. She considered her assignment to the Reformatory's laundry “punishment”—in part because washing was hot, dirty, backbreaking labor, in part because of laundry work's servile associations.<sup>32</sup>

Shortly after her release from the Reformatory, Clem was once again in business, this time as a traveling saleswoman for Slavin's Infallible Female Tonic. Like similar medicines, “S.I.F.T” was advertised as a remedy “for all female complaints,” including “painful or suppressed menstruation.” Both its name—it was, after all, “infallible”—and the symptoms it purportedly cured implied none-too-subtly that the concoction could be used as an abortifacient. Clem, who sometimes styled herself “Mrs. Dr. Patterson,

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<sup>31</sup> More comprehensive studies of women's economic contributions and legal condition emphasize the antebellum period. See, for example, Suzanne Lebsock, *The Free Women of Petersburg: Status and Culture in a Southern Town* (New York: Norton, 1984); Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: The University of North Carolina Press, 1986); and Boydston, *Home and Work*. Important exceptions include Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (Cambridge: Cambridge University Press, 1998), esp. 175-217; and Megan J. McClintock, “Civil War Pensions and the Reconstruction of Union Families,” *Journal of American History* 83 (Sept. 1996): 456-480. See also Linda Perriton and Josephine Maltby, “Working-Class Households and Savings in England, 1850–1880,” *Enterprise & Society* 16, no. 2 (June 2015): 413-445; and Rohit Daniel Wadhvani, “Citizen Savers: The Family Economy, Financial Institutions, and Social Policy in the Northeastern United States from the Market Revolution to the Great Depression” (PhD diss., University of Pennsylvania, 2002).

<sup>32</sup> See Gamber, *Notorious Mrs. Clem*, 199-208, 210-212, 214-217, 224-225, for Clem's later encounters with crime and punishment.

Female Physician,” however, prescribed it indiscriminately, making the papers once again when one of her patients, an African American Civil War veteran, died after drinking three bottles of Slavin’s Tonic. (She was never prosecuted; the results of an autopsy proved inconclusive and her alleged victim was neither wealthy nor white).<sup>33</sup>

Early in 1897 Clem began experiencing symptoms of what was then termed Bright’s disease, an inflammation of the kidneys that might have manifested itself in back pain, vomiting, or swelling. She fell ill after returning to Indianapolis from a sales trip and never recovered. On Wednesday, June 8, a little after eleven in the evening, “the historical little old woman,” as one reporter had described her, passed into history. Those who hoped that she would reveal what she knew of the Young murders were disappointed. “[S]he died,” the *Indianapolis News* reported, “with her lips sealed.”<sup>34</sup>

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<sup>33</sup> “Funeral of Mrs. Clem,” *News*, June 9, 1897, 8; Kyle J. Fernandez, “‘No Lady Need Despair’: Abortion, Pharmaceuticals, and the Regulation of Birth Control Commerce” (Ph.D. diss. in progress, Indiana University); for various advertisements, see *Logansport (Ind.) Journal*, June 14, 1888, 3; *Indianapolis Freeman*, Aug. 17, 1889, 6; and *Star*, Sept. 16, 1915, 12. “Mrs. Clem Tells Her Tale,” *News*, Dec. 15, 1892, 2; “Sore Feet: Novel Cure Prescribed for Them Kills the Patient,” *Cincinnati Enquirer*, Dec. 15, 1892, 1; “Mrs. Clem Testifies,” *Journal*, Dec. 16, 1892, 8.

<sup>34</sup> “Death of Nancy E. Clem,” *News*, June 9, 1897, 8; “Funeral of Mrs. Clem,” *News*, June 10, 1897, 8; “Nancy E. Clem Dead,” *Journal*, June 9, 1897, 5; “Mrs. Clem Tells Her Tale,” *News*, Dec. 15, 1892, 2; Nancy Clem burial permit, Crown Hill Cemetery, Indianapolis.