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"A Mode of Correcting the Existing Evils": Swindlers, Inland Passage Tickets, and the Federalization of Immigration Policy in the Antebellum United States

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**“A Mode of Correcting the Existing Evils”: Swindlers, Inland Passage Tickets, and the
Federalization of Immigration Policy in the Antebellum United States**

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**A Thesis presented to the Graduate Faculty
of the College of William and Mary in Candidacy for the Degree of
Master of Arts**

Lyon G. Tyler Department of History

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This Thesis is submitted in partial fulfillment of
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Master of Arts



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Approved by the Committee, June, 2015



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ABSTRACT

In the late 1850s, officials of the United States State Department began a correspondence with various European governments to inform them of the department's desire that the sale of inland passage tickets on the Continent be banned. These vouchers provided for migrants' transatlantic passage as well as further transport to a desired point past the US's eastern coast. Fraudulent versions of these passes had been showing up on the country's shores, leaving many of the purchasers stranded in New York City without recourse. The federal push for a prohibition of the trade looked to stop such a situation from happening again. Through the efforts of US consuls who petitioned European governments, leveraged the power of the press, and engaged in other diplomatic tactics, a widespread ban was successfully put in place. The inland passage ticket issue constitutes an understudied yet significant moment on the timeline towards full, formal federalization of US immigration policy by the late nineteenth century.

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“...ever encourage that continual and fearless sifting and winnowing by which alone the truth can be found.”

-- 1894 Report of the University of Wisconsin Board of Regents

Arriving in New York City in the middle of the nineteenth century, European migrants would have found themselves in the middle of a bustling scene. Scores of dockworkers would have carried baggage and trunks to and fro, with luggage owners following close behind.¹ Some of the passengers stepping off ships would have had a piece of paper called an “inland passage ticket” clutched in their hand or stowed in a pocket. This voucher ostensibly provided for a migrant’s ocean passage, as well as transport to a desired point somewhere beyond the Eastern Seaboard. After working their way through the crowd immediately surrounding the docked vessel, a soul who possessed one of these slips would venture to the nearest railroad terminal and present it to an employee. In some cases, the holder would learn that that their ticket was invalid: the company whose services it provided for did not exist, the individual who sold it had no authority in a firm that did, or perhaps he or she did not even work for said enterprise. This unfortunate turn of events left the migrant with one of two alternatives: remain in New York or purchase a legitimate ticket. Most swindled passengers had little choice but to stay where they were because they lacked the funds to reach their intended destination, having spent them on a worthless facsimile of a ticket.

With this distressing image in mind, US consul Theodore S. Fay sat at his desk in Bern writing to Secretary of State Lewis Cass his thoughts on, and recent efforts against, the fraud that so adversely affected such European migrants. Having just printed and disseminated copies of a warning against the purchase of inland passage tickets by aspiring emigrants, he recognized that such things “are merely collateral and palliative.

¹ “Emigrant-Landing in New York,” sketch in “Emigrants, and Emigrant Life,” *Harper’s Weekly*, June 26, 1858.

The real remedy will be a legal prohibition of the sale of inland passage tickets.”² Part of a steady relay of communications between US consuls, Continental governments, and the State Department, Fay’s note is but a single instance of the wider effort to enact a wholesale ban on the European sale of inland passage tickets and thus eliminate the voucher fraud.

These two vignettes, taken together, offer a window into the shape of US immigration policy in the mid-nineteenth century. The fraudulent activities surrounding inland passage tickets went beyond the domestic level, forcing officials of the federal government to work for a prohibition of the trade. This exercise of (inter)national political power deflates the notion that authority over immigration management rested solely with individual US states at this time, instead highlighting a move that—among several others—led towards the full federalization of immigration policy. That a federal response came at this point in history is due to the confluence of several factors, which will be explored at the end of the piece.

Though historians of nineteenth-century European immigration to the United States have written scores of monographs and articles on seemingly every facet of this period’s international migration flows, inland passage tickets—along with their context and consequences—have been largely passed over as topic of inquiry. Perhaps this is because the action undertaken by the United States government regarding their sale in Europe was not codified as policy and because it involved no passage of legislation. In

² Fay to Cass, July 22, 1857, U.S. Senate, *Executive Document no. 26: Message of the President, in Answer to a Resolution of the Senate, calling for Information on the Subject of Contracts Made in Europe for Inland Passage Tickets*, 35th Cong., 1st Sess. (Washington, D.C.: William A. Harris, 1858), 40. Hereafter cited as *Inland Passage Tickets*.

fact, the inland passage ticket situation is important not just because of the immigrants it financially ruined but because it contributed to the fitful expansion of federal control over immigration policy, which previously fell within the states' purview.

In the standard narrative of the history of immigration to the United States, the earliest national measures in managing immigration emerged with the Chinese Exclusion Act of 1882, or with the Page Act of 1875—elements of which found their way into the Exclusion Act.³ This view dates back at least to the 1940s, with Marcus Lee Hansen emphasizing the lack of federal involvement in immigration, saying the country gave “no encouragement to immigrants except that offered by its opportunities,” and presented “no barriers except those confronting native and foreigner alike.” Two decades later, Maldwyn Jones put forth similar ideas in *American Immigration*. Aristide Zolberg has termed such works' outlook on federal immigration management as “benevolently neutral.”⁴ But this is a rather narrow view, as it mistakenly sees sole authority for the management of immigration as resting in federal hands.⁵ Decades prior to the Page or Exclusion Acts, many coastal states enacted their own immigration policies, often in an effort to deter certain “undesirables” from reaching their shores. Benjamin J. Klebaner

³ Page Act: Library of Congress, *United States Statutes at Large*, 43rd Cong., 2nd Sess., 477-78; Chinese Exclusion Act: *Statutes at Large*, 47th Congr., 1st Sess., 58-61. For a treatment of the Exclusion Act and its ramifications, see Andrew Gyory, *Closing the Gate: Race, Politics, and the Chinese Exclusion Act* (Chapel Hill: University of North Carolina Press, 1988).

⁴ Marcus Lee Hansen, *The Atlantic Migration 1607-1860: A History of the Continuing Settlement of the United States* (Cambridge: Harvard University Press, 1940); Maldwyn Allen Jones, *American Immigration* (Chicago: University of Chicago Press, 1960); Aristide R. Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (Cambridge: Harvard University Press, 2006), 3.

⁵ For a comprehensive treatment of the content in this section, see Gerald L. Neuman, “The Lost Century of American Immigration Law (1776-1875),” *Columbia Law Review* 93 no. 8 (December 1993): 1833-1901.

cites a law passed in New York in 1721 that necessitated either the removal of or a bond payment for “any persons that cannot give a good Account of themselves to the Mayor or like[ly] to be a Burthen” to New York City, where migrants disembarked. Similar measures passed at the state level throughout the rest of the eighteenth and nineteenth centuries.⁶ But while individual states played a major role in immigration policy before the Page Act, the national government was far from a nonfactor. The Naturalization Act of 1790, in allowing “any alien, being a free white person” as long as he or she was “of good character” to be able to gain US citizenship after two years’ residence in country, is a measure of immigration management when one considers its exclusion of indentured servants, Native Americans, blacks both free and slave, and any other nonwhite individuals.⁷ Eight years later, the bundle of legislation known as the Alien and Sedition Acts required vessels to declare upon arriving in a US port if they carried any foreign nationals, while also giving the president the power “to *order* all such *aliens* as he shall judge dangerous to the peace and safety of the United States...to depart.”⁸ The ban on the slave trade put into effect in 1808 is a federal measure of managing immigration as well, albeit of the unfree variety.⁹

Zolberg’s *Nation by Design* also draws attention to instances before the oft-cited years of 1875 and 1882 in which the federal government became more deeply involved in

⁶ Benjamin J. Klebaner, “State and Local Immigration Regulation in the United States before 1882,” *International Review of Social History* 3 no. 2 (August 1958): 292. The article as a whole offers a succinct overview of state-level immigration policies across the United States.

⁷ *Statutes at Large*, 1st Cong., 2nd Sess., 103.

⁸ *Statutes at Large*, 5th Cong., 2nd Sess., 571, 577-78, 596-97. The Sedition Act remained on the books for only a few years, expiring in 1801. Italics in original. See also Zolberg, *Nation by Design*, 87-88, 96.

⁹ *Statutes at Large*, 9th Cong., 2nd Sess., 426-30.

immigration management, further complicating what he sees as a “prevailing view of American immigration policy as a single historical line weaving between openness and restriction at different points in time.”¹⁰ He cites the enactment of the 1819 and 1847 Passenger Laws which stipulated space and tonnage quotas per immigrant aboard a vessel to provide what was hoped to be a safer and more sanitary environment. However, pushback by shipping interests led to an undercutting of this legislation.¹¹ The Passenger Cases, argued before the US Supreme Court in 1849, somewhat ambiguously (due to individual states’ subsequent skirting of the decision’s ramifications) contributed to federal authority over immigration as well under the Commerce Clause of the US Constitution.¹² Federal-level involvement continued in the 1860s with the passage of contract labor legislation such as the prohibition of US participation in the “coolie trade” two years into that decade.¹³ Donna R. Gabaccia also makes the more general point that well before legislative action on immigration such as the Page or Chinese Exclusion Acts,

the bilateral trade treaties negotiated to renew or expand trade between the United States, Europe, the Americas, Africa, and Asia determined many of the main features of U.S. governance of international migration. Most treaties with Europe outlined a reciprocal liberty for persons seeking to enter or to trade in either country, along with their goods. Until the 1830s,

¹⁰ Zolberg, *Nation by Design*, 19.

¹¹ On 1819 law, see Zolberg, *Nation by Design*, 110-113; for 1847, 145-146; for pushback, 147, ft. 81, 85. For the text of the 1819 law, *Statutes at Large*, 15th Cong., 2nd Sess., 488-89; for 1847, *Statutes at Large*, 29th Cong., 2nd Sess., 127-28. There was also an 1855 law passed with similar purposes in mind, which Zolberg does not address. See “An Act to Regulate the Carriage of Passengers in Steamships and other Vessels,” 33rd Congress, Sess. II, Ch. 213; 10 Stat. 715, March 3, 1855.

¹² For text of the case, see <https://supreme.justia.com/cases/federal/us/48/283/case.html>. See also Zolberg, *Nation by Design*, 148-150.

¹³ *Statutes at Large*, 37th Cong., 2nd Sess., 340-41. Moon-Ho Jung covers the law in “Outlawing Coolies,” the first chapter of his excellent *Coolies and Cane: Race, Labor, and Sugar in the Age of Emancipation* (Baltimore: Johns Hopkins University Press, 2006).

Americans labeled this treaty-defined liberty to move about and to trade as 'free trade.' Free trade thus carried a very different meaning in the early nineteenth century than it does in our own times, when it has come to mean instead the removal of tariffs or duties on internationally traded goods.¹⁴

Thus, while Richard H. Leach's assertion in a 1950 article that "there were few [federal] examples to follow" for "the state of New York and some of its sister states...to find acceptable solutions to the issue raised by immigration" may hold for parts of the eighteenth century, it is empirically untrue by the late nineteenth.¹⁵ Taken together, the above instances illustrate how the nationalization of immigration policy that led to the forceful assertion of federal authority in the form of the Chinese Exclusion was far from a straight line from point A to B. Instead, the federal state periodically intruded into what had been largely the purview of individual states, with pushback and evasion of such efforts a common occurrence. The inland passage ticket issue of the mid 1850s and subsequent actions to manage it constitute an understudied event within this fitful process, bringing about clear federal involvement and offering a moment for analysis of the winding path towards the full federalization of control over migration management.

This thesis also aims to revive and push forward a much smaller historiography from the mid-twentieth century on New York's Castle Garden emigrant landing depot (the precursor to Ellis Island) and emigrant agents, a location and set of characters integral to telling the story of inland passage tickets and their context. Leach and Richard J. Purcell both examined Castle Garden, but with an emphasis on the depot's public

¹⁴ Donna R. Gabaccia, *Foreign Relations: American Immigration in Global Perspective* (Princeton: Princeton University Press, 2012), 54; examples of such treaties on 55.

¹⁵ Richard H. Leach, "The Impact of Immigration Upon New York, 1840-1860," *New York History* 31, no. 1 (January 1950): 15.

health benefits to immigrants rather than any connections to European trade in vouchers.¹⁶ Similarly, when scholars mention emigrant agents, it is briefly, and they are portrayed largely as something immigrants just had to endure. No thought is given as to how the problem the agents presented may have been rectified, or what larger consequences their presence could indicate.¹⁷

Engaging with Oscar Handlin's *The Uprooted*, Thomas J. Archdeacon rightly avers, "adequately describing the course and effects of immigration would involve 'no less a task than to set down the whole history of the United States.'"¹⁸ This project's aims are quite a bit narrower than explaining the whole of American immigration, but it still seeks to fill a significant gap in historical understanding. However, because this project engages with such an incredibly large historiography, it is crucial to put forth the study's limits. This paper focuses exclusively on European migrants landing in New York. Broadly speaking, it is not a story that focuses on lived experiences from migrants' perspectives. It deals with the employment of government efforts to manage migration flows; it is not a focused exploration of the choices that led to emigration on an individual

¹⁶ Leach, "The Impact of Immigration Upon New York, 1840-1860," *New York History*, 15-30; Richard J. Purcell, "The New York Commissioners of Emigration and Irish Immigrants: 1847-1860," *Studies: An Irish Quarterly Review* 37 no. 145 (March 1948): 29-42.

¹⁷ George M. Stephenson, *A History of American Immigration, 1820-1924* (New York: Russell & Russell Inc., 1964), 5-6; Philip Taylor, *The Distant Magnet: European Emigration to the U.S.A.* (London: Eyre & Spottiswoode, 1971), 110-113; Ann Novotny, *Strangers at the Door: Ellis Island, Castle Garden, and the Great Migration to America* (Riverside: The Chatham Press, Inc., 1971), 43, 48, 52.

¹⁸ Thomas J. Archdeacon, "Problems and Possibilities in the Study of American Immigration and Ethnic History," *International Migration Review* 19 no. 1 (Spring, 1985): 112.

level.¹⁹ Life in the United States post arrival is not at the center of discussion for similar reasons.²⁰

This is not to discount the richness, complexity, struggle, and pain that all came with life as an international migrant during this period. Nor is it an attempt to remove agency from those individuals. Far from unwitting pawns swept up by the tide of history to crash ashore in a new world, those who purchased inland passage tickets were, by that very act, making a conscious choice to move. And that choice intertwined each migrant with the US federal government. Donna R. Gabaccia quite correctly writes “no one understands better than immigrants the continuing power of national governments...[I]mmigrants experience the power of nation states in an extremely intimate fashion, sometimes on a daily basis.”²¹ Thus, migrants figure significantly in this account, even if biographical details do not.

The origins of the inland passage ticket frauds lay back in Europe, but the trade in the vouchers started off innocently. Legitimate transactions for the vouchers took place in

¹⁹ For a general introduction see, James M. Bergquist, *Daily Life in Immigrant America, 1820-1870* (Westport: Greenwood Press, 2008), 21-57. For an overview of theories of migration see, Elizabeth Fussell, “Space, Time, and Volition: Dimensions of Migration Theory,” in *The Oxford Handbook of the Politics of International Migration*, eds. Marc R. Rosenblum and Daniel J. Tichenor (New York: Oxford University Press, 2012), 25-52.

²⁰ For studies on this topic (specific to the Irish) cf., Kerby A. Miller, *Emigrant and Exiles: Ireland and the Irish Exodus to North America* (New York: Oxford University Press, 1985) and Lawrence J. McCaffrey, *Textures of Irish America* (Syracuse: Syracuse University Press, 1992).

²¹ Donna R. Gabaccia, *Foreign Relations*, 2-3; A note on the primary sources used for this project: as stated above, the issues surrounding the sale of inland passage tickets have been strikingly understudied. The cornerstone of this project’s primary source base will be the similarly underutilized international diplomatic correspondence on the topic that took place largely between the US State Department, and its consuls residing in Europe, as well as the governmental officials of the nations where these diplomats were stationed. Further context will be gleaned using a combination of contemporary newspapers, and immigration reports from the State of New York.

the large emigration ports of the day: Liverpool, Limerick, and Bremen, among others.²² Those looking to emigrate from such places learned of the possibility of purchasing inland passage tickets primarily through two sources of advertising: individual US states and private railroad companies looking to populate the land adjoining their lines with settlers. States and rail lines in the Midwest in particular were major players in attracting Europeans by marketing inland passage tickets.²³

E.H. Thomson, Michigan's appointed Commissioner of Immigration, took full advantage of print advertising to direct European migrants towards his state. He reported in 1850 that he had had "a pamphlet [printed] in the German and English languages, accompanied by a map of our State, with the entire route laid down from New York to the termination of the Michigan central rail road...for distribution in the ports of Great Britain and Ireland." Thomson had the content of the work vetted by Caleb Smith Woodhull, mayor of New York, who certified "that full faith and credit might be given by emigrants to any advice given by the commissioner on the part of the state of Michigan." The heads of both a German emigrant society and the New York Commissioners of Emigration positively assessed the advertisement as well. Thomson had 14,000 copies made ready for distribution.²⁴ His efforts soon showed tangible results. He wrote that in the previous ninety days leading up to his report, "upwards of twenty

²² "Emigrants," *Harper's Weekly*, June 26, 1858, and accompanying sketch "Departure from Home."

²³ Theodore C. Blegen, "The Competition of the Northwestern States for Immigrants," *Wisconsin Magazine of History*, 3 no.1 (September 1919): 3-29.

²⁴ "Report of the Select Committee on the Report of the State Agent of Immigration," *Documents Accompanying the Journal of the Senate of the State of Michigan...* [1850] (Lansing: R.W. Ingals, 1850), 13-14, with page numbers restarting for each document. The New York Commissioners played a major role in prompting the State Department's response to the inland passage ticket situation, as will be seen below.

thousand acres of state lands have been purchased” by German settlers in just two Michigan counties. As part of their transport package, the state arranged for “a propeller, suitable for cabin and stœrage passengers” to run from Buffalo, New York, where immigrants landed after their trip via railway out of New York City, to Saginaw, Michigan. Past that point, “a small river steamboat will take them a considerable distance up either the Flint, Cass, Shiawassee or Titabawssee rivers, and in the immediate vicinity of the German settlements” if needed.²⁵ Wisconsin officials engaged in similar activities. They placed advertising in European newspapers, focusing on German cities from where emigrants were known to depart for the US. All the pieces “extoll[ed] the healthy climate, the fertile soil, and the general opportunities available” in the state, hoping to direct immigrant traffic past the Eastern Seaboard.²⁶

Private railroad companies were the other providers of European inland passage tickets. The Illinois Central’s efforts to attract migrants to settle the land around its lines in the Midwest are emblematic. Like individual states in this period, the company printed advertising material for distribution in Europe.²⁷ Unlike them, the Central also hired dedicated agents to work in Europe, advertising inland settlement and arranging transport

²⁵ “Report of the Select Committee,” *Documents*, 17.

²⁶ Paul Wallace Gates, *The Illinois Central Railroad and Its Colonization Work* (Cambridge: Harvard University Press, 1934), 170.

²⁷ Gates, *The Illinois Central Railroad*, 175. The company also engaged in the rather modern advertising practice of “inserting placards in the panels of the Second, Third, and Sixth Avenues cars in New York City,” 180. Gates uses letters between the Central’s officials for the bulk of his source base of the material that will be cited in this section. The railroad’s records are housed in the Newberry Library in Chicago, and I attempted to procure copies. However, the documents were not part of the institution’s collection, and the archivist I corresponded with thought it most likely they were lost in the move to the Newberry in the 1950s. Due to this, Gate’s analysis and quoting will have to be accepted at face value.

to the company's lands upon the completion of sales. The line assigned Oscar Malmberg in 1854 to Norway and Sweden.²⁸ Agents were also deployed to Germany in the same year, employing using similar means to spread the virtues of settling on the Central's land holdings. Migrants who decided to move to the US bought "through tickets"—to use Paul Wallace Gates's phrase for inland passage tickets—that would offer combined steamship and rail transport to that great hub of the Midwest, Chicago.²⁹

That these two entities both engaged in the sale of inland passage tickets is telling for one major reason: not all of the passes on offer were fraudulent. Railroad companies and state governments looking to boost immigration offered legitimate means of purchasing transport from a European port to a US destination past the East Coast. Victims of the racket had no reason to suspect they might be spending their savings on a fraudulent ticket, a mistake that could hamstring their new life in the United States. While it is impossible to know exactly how prevalent fraudulent tickets were, the ensuing response to them shows it to have been a serious issue.

Immigration administrators in New York had become aware of these rackets in the early 1850s and wished to eliminate them. They realized that the federal government would have to become involved due to the seat of the frauds being in Europe. State Department officials did just that, advising American consuls residing in Europe to work for a prohibition of the trade in inland passage tickets. The diplomatic effort involved is evidence of a projection of federal authority over US immigration to its European origin

²⁸ Gates, *The Illinois Central Railroad*, 189; Malmberg to D.A. Neal, May 28, 1854 in A.A. Stromberg, ed., "Letters of an Early Emigrant Agent in the Scandinavian Countries," *Swedish-American Historical Bulletin* 3, no. 2 (June 1930): 9-12.

²⁹ Gates, *The Illinois Central Railroad*, 192.

points not unlike what Aristide R. Zolberg has in mind with his theorization of “remote control.” This “amounted to a projection of the country of destination’s borders into the world at large” and “it was most effective when border-crossing took place at sea, since ships constitute containers [that] can be supervised.”³⁰ Taken as a whole, the processes and outcomes of the inland passage ticket issue add up to an instance of explicit federal involvement in the managing of immigration years before the standard dating of a formal, comprehensive national policy on the subject.

A broader domestic context must be established before broaching the subject of federal involvement in the issue of inland passage ticket sales. It involves multiple groups and locales: emigrant runners who plied their sly trade on the docks of New York and ships in its harbor, the Commissioners of Emigration of the State of New York who attempted to curtail such practices by establishing a formal emigrant landing depot, and, of course, the immigrants themselves.

During the latter half of the 1840s through the middle of the next decade, European migrants who came to New York were largely left to their own devices during the process of disembarkation and stepping onto United States soil. Ships disgorged their passengers, with the transplants having to navigate their new circumstances in unfamiliar surroundings without formal guidance. This lack of oversight by any party interested in

³⁰ Aristide R. Zolberg, “Managing a World on the Move,” *Population and Development Review* 32 no. S1 (December 2006): 224. For more on this concept, see “The Archeology of ‘Remote Control,’” in *Migration Control in the North Atlantic World: The Evolution of State Practices in Europe and the United States from the French Revolution to the Inter-War Period*, eds., Andreas Fahrmeir, Olivier Faron, and Patrick Weil (New York: Berghahn Books, 2003), 195-222 and Zolberg, “The Great Wall Against China: Responses to the First Immigration Crisis, 1885-1925,” in *Migration, Migration History, History: Old Paradigms and New Perspectives*, eds. Jan Lucassen and Leo Lucassen (New York: Peter Lang, 1999), 308.

the welfare of immigrants left a situation ripe for exploitation, one many rather devious characters capitalized on. An “expatriated Irish cotter” or other recent arrival, *Harper’s Weekly* reported in 1858, could easily become “prey to the first ensnarer he meets,” ready to take advantage. Persons so inclined gathered on the docks, eyeing up potential targets.³¹ Scholars have written a great deal about transatlantic migrants and their subsequent lives in the United States, but not about the other person who took part in this encounter: the “ensnarer.” Who was he? What did he do, and how did he accomplish these things? The answers to these questions start to explain the impetus for the United States government intervening in the sale of inland passage tickets in Europe.

The language used in newspapers and periodicals to describe those whose work centered on the defrauding of recent arrivals sheds light on how much of the wider public regarded them. Dailies did not hold back in their negative descriptions, variously calling them “agents,” “runners,” or “swindlers.”³² The *Albany Journal* spoke of “legions of positive harpies” which enveloped the immigrant in a swarm of deceit and trickery. *Harper’s Weekly* called the runners “human vultures.” The opinions were unequivocal: such men were “scoundrels of the very lowest calibre.”³³ These sorts of judgments worked their way across the Atlantic into English and Irish papers as well, where the ominous term “man-catcher” gained traction in describing these individuals.³⁴ Such men

³¹ “Emigrants,” *Harper’s Weekly*, June 28, 1858. The article looks back on earlier years, with an accompanying image entitled “Runners of the Olden Days.”

³² These terms will be used from this point forward without clutter-inducing scare quotes.

³³ *Albany Journal*, December 1, 1855; “Emigrants,” *Harper’s Weekly*, June 28, 1858.

³⁴ This term’s similarity to “slave-catcher” is most likely more than coincidental as it connotes a similar level of venom as was directed by anti-slavery advocates towards individuals who worked in service of the strengthened Fugitive Slave Act of 1850. For a few representative examples, see “Fugitive Slave Bill,” *The Liberator*, September 20,

possessed “unblushing villainy” in pursuing the financial exploitation of migrants. It is perhaps unsurprising that numbers of persons, when faced with having to “run the gauntlet through scores of designing and unscrupulous ‘man-catchers,’” succumbed to nefarious machinations upon arriving at the United States’ doorstep.³⁵

The forms taken were varied, and often a runner was but a single part of a much larger scheme of immigrant fraud. New York’s Commissioners of Emigration reported that this “regular and systematic course of deception” was “continually in operation,” and involved a web of individuals conducting a shady business.³⁶ The “ensnarers” truly lived up to their moniker, commonly serving as a first point of contact once migrants stepped on the docks, drawing in targets and trapping them in gossamers of chicanery. However, the goal of the frauds remained the same regardless of the means employed: profiting from recent arrivals’ misfortune and (in many instances) ignorance. A single instance is emblematic of the scope of these systems, as well as how they played out on the ground:

As soon as a ship, loaded with these emigrants, reaches our shores, it is boarded by a class of men called runners, either in the employment of boarding-house keepers or forwarding establishments, soliciting custom for their employers. In order the more successfully to enable the latter to gain the confidence of the emigrant, they usually employ those who can speak the same language of the emigrant. If they cannot succeed in any other way in getting possession and control over the object of their prey, they proceed to take charge of [the immigrant’s] luggage, and take it to some boarding-house for safe keeping, generally under the assurance that

1850; “Served Him Right,” *Frederick Douglass’ Paper*, October 28, 1853; “Anti-Slave-Catchers’ Mass Convention,” *Milwaukee Daily Sentinel*, April 10, 1854.

³⁵ “To Irish Farmers and Others Intending to Emigrate to the United States of America,” *Freeman’s Journal, and Daily Commercial Advertiser*, December 24, 1849; “The Tide of Emigration to the United States and to the British Colonies,” *Illustrated London News*, July 6, 1850.

³⁶ “First Annual Report: From May 5, to December 31, 1847,” *Annual Reports of the Commissioners of Emigration of the State of New York, from the Organization of the Commission, May 5, 1847, to 1860* (New York: n. p., 1861), 6.

they will charge nothing for carriage-hire or storage. In this way they are induced to go to some emigrant boarding-house, of which there are a great many in the city.³⁷

As shown, the emigrant agent was a cog in a machine that usually led back to lodgings, the proprietor of which also looked to make a quick profit from migrants. The system was mutually beneficial—the innkeeper profited from the rates for room and board paid by those brought in by the runner who, in turn, received a kickback in the form of a commission. Because attracting larger numbers of migrants meant a larger payday, gaining the trust of those brought to boarding houses in the city was absolutely critical. To do so meant “all sorts of falsehoods [were] resorted to mislead and deceive the emigrant” as to the cost of conveying luggage, as well as to what awaited he or she upon reaching the lodgings that runners so earnestly advertised. The Committee of Investigation of Legislature, reporting on this system in 1847, was “shocked to find that a large portion the frauds committed upon these innocent and, in many cases, ignorant foreigners are committed by their own countrymen who have come here before them; for we find the German preying upon the German, the Irish upon the Irish, the English upon the English, etc.”³⁸ Who could fault a migrant for accepting such supposed assistance, especially when the person offering aid was a native of the land so recently left behind?

³⁷ “Report of the Committee of the Investigation of the Legislature, 1847” quoted in Friedrich Kapp, *Immigration, and the Commissioners of Emigration of the State of New York* (New York: The Nation Press, 1870), 62. Some runners illegally obtained licenses to be able to board the ships under the pretense of being an inspector from a customs house, and then went to work persuading emigrants to accept their services. Kapp, *Immigration, and the Commissioners of Emigration*, 63.

³⁸ Quoted in Kapp, *Immigration, and the Commissioners of Emigration*, 63.

Circumstances did not improve upon reaching accommodations. R. Schoyer, president of the Netherlands Emigrant Society, asserted that keepers of boarding houses charged prices for meals and lodging that were often double those advertised by runners. The power to do so can be traced back to the initial interaction on the emigrant boat. Runners, after attracting their “customers,” took their baggage and carried it to their destination as part of the offered service. By the time migrants had to settle up, these possessions were in the hands of the building’s owner. The negotiation that followed was simple: acquiesce to the fees or one’s belongings remained with the inn. Certain parallels can be drawn between the webs of fraud that these runners were a part of and systems which began later in the nineteenth century (in this instance, of coerced labor) headed by *padrones*.³⁹ The image of the migrant coming to the United States in the depths of destitution is a familiar one. That of the migrant who arrived with basic means but found themselves out on the streets of New York after falling victim to a series of frauds is less known, but no less significant.⁴⁰ In the mid-1850s, New York immigration officials began to take notice of such occurrences, and set in motion a plan

³⁹ Testimony of R. Schoyer: Kapp, *Immigration, and the Commissioners of Emigration*, 64; Padrone has a variety of suitable English translations, but all relate to a figure of authority: “master,” “owner,” “boss,” or “chief.” On this system of labor recruitment, see Gunther Peck, *Reinventing Free Labor: Padrones and Immigrant Workers in the North American West, 1880-1930* (Cambridge: Cambridge University Press, 2000) and “The Sacrifice of Golden Boys and Girls: The Padrone System and New Jersey Agriculture” in Cindy Hahamovitch, *The Fruits of their Labor: Atlantic Coast Farmworkers and the Making of Migrant Poverty, 1870-1945* (Chapel Hill: University of North Carolina Press, 1997).

⁴⁰ For representative examples of the popular image of the destitute immigrant, see “Lo! The Poor Immigrant!,” *Milwaukee Sentinel and Gazette*, July 7, 1849; “Irish Pauper Migration,” *Daily Evening Transcript*, November 6, 1847.

to ameliorate the condition of recently arrived European migrants by curtailing the practices of emigrant agents.

The extent of mid-nineteenth century European immigration to the United States made it impossible for political leaders at all levels to ignore it. During an 1854 debate on applying a proposed Homestead Act to immigrants, Senator William H. Seward argued that “the ingress of the foreign population into this country is a fixed and unchangeable fact...nothing could prevent the exodus of the population from Ireland when they were besieged in their native homes by famine and pestilence...So it is of parts of the population of Germany and continental Europe which come here...it cannot remain at home; it must come here.”⁴¹ The need for oversight became apparent when those with outlooks similar to Seward’s considered the trials endured by recent European arrivals. In an effort to put such supervision in place, an act of the New York legislature in April of 1855 granted the Commissioners of Emigration—an advisory board created in 1847 to investigate and assess the state of immigration to New York—the ability to establish a centralized and formal location for migrant landings. The Emigrant Landing Depot, colloquially known as Castle Garden, opened the following August.⁴² A *New York Times* article announcing the event gave a nod to the location’s past as a popular amphitheatre, but found its new purpose to be of a higher order, one

⁴¹ John C. Rives, *Congressional Globe* 28, pt. 3, July 12, 1854. Quoted in George J. Svedja, *Castle Garden as an Emigrant Depot, 1855-1890* (Office of Archeology and Historic Preservation, National Park Service, 1968), 34.

⁴² First Annual Report,” *Annual Reports of the Commissioners of Emigration*, 3; “Ninth Annual Report for the Year 1855,” *Annual Reports of the Commissioners of Emigration*, 185-86.

which would benefit “Humanity.”⁴³ In the protections it offered from practitioners of fraud, the *Jamestown Journal* found much to recommend about the depot, especially considering the vulnerability of migrants prior to its establishment. “Vessels loaded with Immigrants, after leaving Quarantine, proceed immediately to Castle Garden, where the passengers are discharged into the building; and as immigrant runners are not allowed to board the ships nor enter Castle Garden, the immigrants are entirely secure from the rascalities of these harpies.”⁴⁴ Illustrations of the depot reinforced this image, portraying a safe, orderly, and welcoming location.⁴⁵

It was the state of New York that undertook the above endeavors to protect European immigrants. This fits in with the prevailing scholarly assessment of governmental involvement in migration management at this time. And by all accounts, the establishment of Castle Garden as a formal emigrant depot succeeded in protecting arrivals from the frauds they would have been susceptible to in the preceding years. The emigrant agent was effectively cut off from his traditional manner of conducting operations. However, as so often happens when officials erect barriers to illicit activity, those involved in unlawful practices merely work to find a way around such obstructions.

In late January 1857 Franklin Pierce’s Secretary of State William L. Marcy sent a circular to United States consuls working in Europe. In it he stated “the attention of this department having been recently called to the abuses to which emigrants are subjected in

⁴³ *New York Times*, August 1, 1855.

⁴⁴ *Jamestown Journal*, August 10, 1855.

⁴⁵ “State Emigrant Landing Depot, Castle Garden, N.Y.” in Kapp, *Immigration, and the Commissioners of Emigration*, plate between 108 and 109; additional images under same title via *New York Public Library Digital Gallery*.

the countries from which they proceed...it has been deemed advisable to bring the subject to your notice.” Attached was a letter from Gulian Crommelin Verplanck, president of the Commissioners of Emigration, which described the alleged ill treatment. Verplanck also proposed, in Marcy’s words, “a mode of correcting the existing evils”—the proposition being to ban the inland passage ticket trade. The leader of the State Department continued, directing American diplomats in Europe to

bring this subject...to the notice of the government to which you are accredited, or of the authorities of the place where you reside, and to ask for the adoption of such measures on their part as may be considered necessary for the protection of those intending to emigrate to this country. A step in this direction would no doubt be a service in correcting the evils complained of, and a regard for the interests of humanity demands that it should be taken.⁴⁶

The circular began a correspondence that lasted almost a year, with communications traveling between the United States and various stations in Europe, as the State Department’s emissaries engaged in a vigorous and determined diplomacy across the Continent, seeking to convince several governments that complying with American desires in managing immigration was in their best interest.

It was no coincidence that the language of the above communiqué was similar to that used in describing the frauds practiced by emigrant agents on the docks of New York prior to the establishment of Castle Garden. Such deceptions may have been curtailed at

⁴⁶ “Circular No. 17,” *Inland Passage Tickets*, 3. The Senate Resolution, put forth by Republican Preston King from New York, reads: “Mr. KING submitted the following resolution; which was considered by unanimous consent, and agreed to: Resolved, That the President of the United States be requested to furnish, if not incompatible with the public interest, copies of the correspondence with, and dispatches from, our Ministers at the Courts of England, France, Switzerland, and other Powers, on the subject of the dangers to emigrants arising from the practice of contracting with irresponsible parties in Europe for American inland passage tickets.” *Congressional Globe*, 35th Cong., 1st Sess., [January 7, 1858] (Washington, D.C.: John C. Rives), 215.

that locale, but they had not been eliminated outright. The origin point of these systems of criminal deceit underwent a transatlantic shift, as runners were unable to reach targets aboard arriving ships or on shore. The fears of Verplanck and other members of the Commission “that the seat of depredation on the emigrant would be changed from this port to the ports of embarkation, [had] been more than realized.”⁴⁷ The object of this fear was the inland passage ticket, and more specifically, its sale in Europe to individuals looking to take up residence in the United States.

The appeal of the (legitimate) inland passage ticket was in its simplicity, and as seen in an earlier discussion, state governments and private railroad companies could leverage it in their efforts to induce settlement on their respective lands. To begin the process that would bring aspiring emigrants to places such as Michigan or Illinois, they would sign on with an agent in Europe that offered, with this single voucher, arrangements for the individual’s entire journey. First there was the voyage across the ocean. Upon reaching the United States, the migrant would present the ticket to someone working in connection with that agent, who would provide transport for both the person and whatever belongings they had by rail, canal, or a combination of the two, to their desired destination. The inland passage ticket must have seemed ideal, and it was when the seller was genuine. Contract with a single company, and one’s transoceanic trek and beyond was arranged and taken care of. Little did migrants know, many with less benevolent motives saw in the inland passage ticket system an opportunity to establish a lucrative racket, latching onto a legitimate trade and operating under its auspices.

⁴⁷ Verplanck to Marcy, January 23, 1857, *Inland Passage Tickets*, 3.

This ticket served as a medium for multiple deceptions. Agents who sold the vouchers commonly charged prices well above market value. Consider how simple it could be to take advantage in this way of a relatively isolated village's population looking to emigrate. The more harmful possibility was that the ticket itself was not genuine. In that case, the consequences could be dire. A hypothetical account tells a vivid, if distressing, story:

The emigrant is shown a neatly printed ticket, with a picture of a steamboat, railroad-cars, and canal-packet, with three horses attached to it, and is given to understand that such a ticket will take him to a given place beyond Albany in a specified manner...and after disposing of the ticket for an exorbitant price, the emigrant is furnished with a steamboat ticket to take him to Albany, where he is to present this passage-ticket to some person or company upon which it is drawn, where it is often either protested, or objections taken to the mode of conveyance; and the passenger...is often known to complain—when the only evidence he can furnish of the fraud committed upon him is to exhibit his ticket with a picture of three horses, while the line boats are only drawn by two.⁴⁸

Such were the effects on migrants of inland passage tickets' sale in Europe. After often paying a sizeable sum, they could be left with an invalid paper scrap.

Ironically, the success of Castle Garden in curtailing migrant fraud on New York shores in many ways created the inland passage ticket issue. Two years before Marcy issued his circular No. 17, Verplanck had written him to express pride in the “satisfactory character” of the structures and methods in place at the emigrant landing depot, saying it did much “to increase [immigrants'] comforts whilst here,” and stating that it was “also highly advantageous to their health.”⁴⁹ Such language speaks to the deeper claim that Verplanck wished to make: these improvements in migrants' experiences had their

⁴⁸ Theodore S. Fay to Swiss Federal Council, February 19, 1857, *Inland Passage Tickets*, 13; Kapp, *Immigration, and the Commissioners of Emigration*, 68.

⁴⁹ Verplanck to Marcy, October 12, 1855, *Inland Passage Tickets*, 5.

origins in the commissioners' ability to separate emigrant agents from their intended marks. Castle Garden had fulfilled its purpose. But the commissioners soon realized that instead of the frauds being completely eliminated, they had merely shifted bases of operations.

An American diplomat serving in Switzerland encapsulated the situation when he said, "The swindlers, who have found their artifices cut short by the efficient proceedings of the American authorities, have transferred the seat of their operations to Europe."⁵⁰ The systems of migrant fraud had now taken on the shape of a hydra: cutting off chicanery in New York led to snake heads rising in various European locales. Indeed, the diffuse, decentralized nature of the European situation made combatting this threat to migrants all the more difficult. Verplanck noted the scope of the enterprise when he remarked "the chief operators of fraud have not only opened offices in the several seaports where emigrants to this country usually embark, but have also established agencies in the very villages whence families are likely to emigrate." He saw the latter as more ominous, saying it was in these "more remote" locations that "the greater...opportunity for imposition and fraud" presented itself.⁵¹

The essence of the fraudulent inland passage ticket system was that it kept migrants away from any formal oversight, hence Verplanck's apprehension about their sale in secluded European villages and towns. This avoidance of authority continued once in the United States, with those who purchased inland passage tickets at their point of origin having little reason to remain in Castle Garden or make use of its services.

⁵⁰ Theodore S. Fay to Swiss Federal Council, February 19, 1857, *Inland Passage Tickets*, 13.

⁵¹ Verplanck to Marcy, January 23, 1857, *Inland Passage Tickets*, 3-4.

According to a chronicler of the Commissioners of Emigration immigration at Castle Garden, the depot had fourteen discrete departments providing assistance to those arriving in New York. Employees offered help by writing letters to acquaintances still in Europe, managing remittances forwarded to immigrants, and operating a labor exchange where new arrivals could look for employment, just to name a few.⁵² Another major component of their services was the authorized sale of passage tickets to points west of New York City. The Commissioners of Emigration “induced the directors of the principal railroad and steamboat lines to the West to organize at Castle Garden a central and joint ticket office for the sale—at the regular published prices—of passage tickets for emigrants to their several places of destination in the interior, and, to place such office, and the entire business of forwarding persons or property, under their own immediate supervision.”⁵³ All of Castle Garden’s intended protections are visible in this single instance. The basic physical security of the location, the transparent and fair assistance on offer, and the formal oversight of the process all aided the immigrant. However, this was all for naught if an individual had already purchased an inland passage ticket in Europe. If so, migrants were soon outside the secure confines of the depot, with the all potentialities of their immediate future contained in a small and potentially worthless paper voucher.

Upon becoming aware of the ramifications of fraudulent inland passage tickets and their origins in Europe, the United States government intervened in managing international migration, setting in motion one of the fits and starts that took place as the

⁵² Kapp, *Immigration, and the Commissioners of Emigration*, 111-24.

⁵³ Kapp, *Immigration, and the Commissioners of Emigration*, 205.

crafting and setting of US immigration policy became a fully federal issue. The initiation came through diplomatic correspondence, put into practice by American consuls in residence on the Continent working for a solution. The consuls were the key to the whole process. Having “boots on the ground” petitioning European governmental officials proved to be an effective mechanism for bringing about the desired change. Some diplomats went beyond this, bringing their message straight to the populace by placing ads and editorials in local newspapers. One even engaged in a heated exchange via the press with an oppositional group, as will be seen. All this done was for desired federal control of immigration in this instance.

From the beginning of his correspondence with Secretary of State Marcy, Verplanck had called for a total prohibition of the inland passage ticket trade, as the vouchers were the root of the issue.⁵⁴ One should recall that not all were fraudulent, as legitimate stateside entities engaged in their sale abroad. And yet, there was no plausible manner in which to separate the fake from the genuine article—doing away with the trade in its entirety was the only way forward. US officials quickly adopted the outlook that enacting a complete ban was the best way to dismantle prevailing systems of fraud and protect migrants from further potential victimization. In communicating the desired plan of action to European governments, American consuls used concise and direct language. There was to be no misunderstanding the objective of this exercise. Theodore S. Fay’s address to the Federal Council of Switzerland exemplifies these qualities. After stating his government’s position on the issue, he clarified to maximum effect, writing, “every

⁵⁴ Verplanck to Marcy, January 23, 1857, *Inland Passage Tickets*, 3.

*European emigrant agent should be forbidden to sell in Europe any ticket, or make any contract, for inland American carriage or transportation.”*⁵⁵

As mentioned above, communications from Verplanck to Secretary of State Marcy served as stimulus for the involvement of the state in pushing for a ban. Indeed, the commissioner was sure that the severity and scope of the problem demanded federal action to enact change. In one of his several letters to Marcy he wrote, “the claims of humanity and justice, and the comity of nations, require and authorize our government to invoke the aid of other governments in protecting their own subjects during their pilgrimage.” United States diplomats sounded this claim for the necessity of governmental action often throughout their correspondence. Officials of several European governments concurred with this assessment of the situation, using language that acknowledged the importance placed by the United States on rectifying the problematic ticket trade.⁵⁶

Underlying the push for US federal involvement in managing immigration was a feeling that migrants’ influences on their destination country were too tremendous not to be influenced and administered by the national government. The European arrivals in question during this period could be a tremendous boon to the country’s labor force, but allowing the frauds associated with inland passage tickets had the potential—in both the short and long term—to disrupt any societal benefits that the introduction of additional population might have. Fay articulated such sentiments, seeing the immigration taking

⁵⁵ Theodore S. Fay to Swiss Federal Council, February 19, 1857, *Inland Passage Tickets*, 13. Italics in the original.

⁵⁶ Verplanck to Marcy, January 23, 1857, *Inland Passage Tickets*, 4. For other examples on the US side, see Fay to Federal Council, June 8, 1857, 22; John Y. Mason to Lewis Cass, August 15, 1857 on his “executing the wishes of the President,” 55. On the European side see, “Circular, Swiss Federal Council to all the confederated States,” June 13, 1857, *Inland Passage Tickets*, 46, 49.

place as “one of the most important interests of modern time,” and believing that “a crisis in human history is silently changing the face of the world, involving the most weighty questions connected with pauperism, capital, labor, and human happiness.” He continued by saying that despite international migration affecting each of these significant subjects, it “has received from governments only partial attention, and has never become the subject of any legislative or treaty stipulations tending to establish *one general system* for the promotion...of the mutual interest of the emigrant himself, the country from which he issues, and that to which he proceeds.”⁵⁷ The banning of the sale of inland passage tickets in Europe can be seen as a step towards a “general system” that Fay bemoaned the lack of.⁵⁸ While the international correspondence that constitutes the main source base for this project highlights the consular diplomacy undertaken in only in several select countries, it should be remembered that Secretary of State Marcy’s Circular No. 17 was sent to all United States emissaries serving on the Continent, and thus it is reasonable to believe envoys in other European nations similarly conducted themselves.⁵⁹ On the issue of the sale of inland passage tickets, there would be no formal legislation or treaties, but the diplomatic efforts expended by the American state to enact the trade’s prohibition is evidence of clear and direct federal involvement in managing immigration.

⁵⁷ Fay to Swiss Federal Council, February 19, 1857, *Inland Passage Tickets*, 12. Italics in the original.

⁵⁸ Indeed this want of a “general system” could be read as a desire for more formal federal authority over immigration, and he himself would become an example of the capacity to enact change in that arena at the federal level.

⁵⁹ To reiterate, the correspondence covers the nations of Great Britain (including Ireland), France, Germany, Italy, and Switzerland. This may be because these were the major migrant-sending countries during the mid-nineteenth century, but given the wide audience of the circular, the state department seemed to be making a systematic effort at enforcing a ban.

American officials now had a plan: to work for a prohibition of inland passage ticket sales on the Continent. However, the diplomats realized that the enactment of this plan could not be done unilaterally. It relied heavily on European enforcement. To help in achieving this end, United States consuls, when communicating with their assigned governments, consciously stressed the theme of international cooperation to solve a mutually affecting issue. In Switzerland, Fay expressed confidence “that the high federal council” would “continue to lend its able co-operation.” Minister to France John Young Mason had “received instructions to ask the co-operation of the Emperor’s government in uprooting the abuse” of inland passage voucher sales “so far as it may exist in” that country. Later in the same communication he reinforced his government’s petition, as he wished “to invoke the earnest attention of the Emperor’s government...and express the hope that measures will be immediately taken to suppress legally” the trade in tickets.⁶⁰

Those advocating for prohibition usually couched it in terms of benevolence and humanitarianism. Writing to the minister of foreign affairs in France, Mason spoke of “benevolent individuals” who “illustrated the Christian virtue of charity by devoting themselves to the investigation and removal of these monstrous abuses as they have existed in America.”⁶¹ He wished to draw a parallel between the successes of Castle Garden and the enactment of a ban on the sale of inland passage tickets, as he believed the results would be the same. European officials used similar language, signaling agreement about the importance of the enterprise before them. Early on in its

⁶⁰ Fay to the Federal Council, June 8, 1857, *Inland Passage Tickets*, 22; Fay had earlier “received from his government instructions to solicit” such collaboration, Fay to Swiss Federal Council, February 19, 1857, 13; Mason to Walewski, June 23, 1857, 57.

⁶¹ Federal Council to Fay, March 2, 1857, *Inland Passage Tickets*, 22; Mason to Walewski, June 23, 1857, 56.

correspondence, the Swiss Federal Council recognized “the noble object which lies at the foundation” of asking for prohibition.

US officials’ insistence on this issue could not have been any clearer: “the best way for the immigrant is—*To buy no inland ticket in Switzerland or Europe*, but to pay his passage only to New York city,” and “to land at Castle Garden.”⁶² But all this diplomatic wrangling and general state involvement would be for naught if the trade’s prohibition could not be brought about. There were some expressions of early skepticism about the necessity of a ban. Alexander Herbemont, United States consul in Genoa, reported to Secretary of State Lewis Cass that he had done his due diligence in alerting “the chief authorities of this city,” to the problems associated with the voucher trade, but he was unsure “whether it will do much good” where he was in residence. This was not due to the absence of frauds in Genoa, but because “the people here seem to feel no sympathy for those who emigrate—the great object (with the authorities at least) being to get rid of as many useless characters as possible.”⁶³ This provides a view into the darker side of pro-emigration sentiment perhaps, but such feelings were isolated. London-based diplomat Robert B. Campbell had a more pragmatic edge to his skepticism, believing a prohibition to be “so much at the variance with the practice of issuing through tickets, so universally prevailing in England and on the continent, that I fear it will be difficult to induce the governments of Europe to abolish this practice.”⁶⁴

⁶² “Warning to North American emigrants by New York,” *Inland Passage Tickets*, 24.

⁶³ Cass took office on March 6, 1857, replacing Marcy. Herbemont to Cass, March 27, 1857, *Inland Passage Tickets*, 18.

⁶⁴ Campbell to Marcy, February 17, 1857, *Inland Passage Tickets*, 9.

American officials met these expressions of uncertainty about the effect of banning inland passage tickets by citing the cities—most often Bremen and Hamburg—where a prohibition was already in place. In one of his early letters, Verplanck had remarked “there is a marked contrast in passengers coming by way of Hamburg and Bremen and those by other European ports. It rarely occurs that passengers from either Hamburg or Bremen are unable, on their arrival here, to pay their way to their destination in the interior, or to secure all proper comforts and conveniences on the way.”⁶⁵ When the banning of inland passage ticket sales was shown to be beneficial to the emigrant, European officials would be hard pressed to oppose such measures as pushed for by the US state. In this vein, consuls cast Bremen and Hamburg as guiding lights for other Continental locations to follow. These locales, “in doing away with this abuse, by legally breaking it up, have, in the interest of the emigrant, set a good example to other European states.”⁶⁶ Other German cities which had also already enforced prohibition expressed appreciation and support for the actions taken by the United States. A minister based in Darmstadt “was pleased to see...the needful regulations on the part of the United States government for the protection of the German emigrants.”⁶⁷ Borne by US diplomacy, this idea for managing international migration gained traction.

In multiple European locales, ousting the sale of inland passage tickets came with little difficulty. Correspondence with the US minister in London led Lord Clarendon,

⁶⁵ Verplanck to Marcy, January 23, 1857, *Inland Passage Tickets*, 4.

⁶⁶ The Federal Council to Fay, March 2, 1857, *Inland Passage Tickets*, 14-15; The Council referred to Fay’s assertion that, due to their banning of the vouchers, Hamburg and Bremen “are to be preferred by the emigrant before all others,” Fay to the Federal Council, February 19, 1857, 13. For other mentions of these two cities, see 4, 12.

⁶⁷ Multiple letters, *Inland Passage Tickets*, 19-21; Quote: J. V. Dalwight to Samuel Ricker, May 4, 1857, 20.

Britain's Secretary of State for Foreign Affairs, to sanction official action to counter the trade in the spring of 1857. This included the authorizing of police forces to work against its continuation in Ireland. Warnings about the "great frauds having been committed on passengers...by the sale, in this country, of 'inland passage tickets'" found their way into British newspapers as well.⁶⁸ That summer, Frankfurt joined the ranks of German cities enacting bans, while the town of Lubeck also took concrete strides against the trade, echoing British officials' use of law enforcement officers to warn its populace against the purchase of these tickets, as well as putting constabularies on the lookout for agencies continuing to offer them, in which case "a special *prohibition* in this respect should be deemed advisable."⁶⁹ The French government endorsed the idea as well. Having already put a ban on "tickets entitling the holder to a passage from France to California" specifically, a general prohibition was in the works, especially "in view of the abuses which had been pointed out."⁷⁰ The exercise of US statecraft proved to be quite effective in bringing about preferred outcomes in managing immigration.

The road to prohibition was not as smooth elsewhere. Similar endeavors in Switzerland met dogged resistance, forcing United States diplomats in residence there to redouble their efforts. In the face of correspondence between Theodore S. Fay and the Federal Council, immigration offices that sold inland passage tickets were openly carrying on doing so. What is more, agencies working out of Basel and St. Gall—cities in the extreme north and northeastern parts of Switzerland respectively—put an

⁶⁸ Multiple letters, February 21 to March 26, 1857, *Inland Passage Tickets*, 15-17; "Summary," *Caledonian Mercury*, April 17, 1857.

⁶⁹ Samuel Ricker to Cass, July 3, 1857, *Inland Passage Tickets*, 29; P.L. Edler to Ricker, July 17, 1857, 40. Italics in original.

⁷⁰ Walewski to Mason, July 6, 1857, *Inland Passage Tickets*, 58.

advertisement in the “demi-official” paper *Der Bund* [The Union], which, in Fay’s estimation, stated that these firms would “*continue* to forward emigrants by New York...to the *interior of the United States of America*.” The diplomat was understandably dissatisfied with this turn of events—the move to continue the trade ran counter to all his efforts to this point—and he said as much to Secretary of State Lewis Cass. It was “notwithstanding...the substance of my note of February 19, a copy of which...had been published by the federal government in the ‘*Feuille Federale* [Federal Gazette],’ their official sheet, and been copied, I believe, into all the Swiss newspapers, and notwithstanding the circular upon the subject issued, in consequence of my note, by the federal council to the cantonal governments.” If he was to finish the assignment set before him by his government, further action was required. Fay rightly “thought a more energetic step necessary, and therefore caused to be inserted in the ‘Bund’ newspaper [a] ‘warning’ to emigrants.”⁷¹ He decided to do so after perceiving a lack of action on the part of the Swiss Federal Council to work towards a prohibition. An additional communication reiterated the United States government’s position on the issue and asked for the council’s “renewed attention.”⁷² Their response complicated how Fay had planned to achieve his government’s wishes, but it also opened an alternate path for realizing his objective.

⁷¹ Fay to Cass, June 11, 1857, *Inland Passage Tickets*, 21. Italics in original; text of ad in *Der Bund*, 24-25; the “note of February 19” refers to Fay’s communication to the Swiss Federal Council regarding frauds connected to the sale of inland passage tickets and his government’s belief in the necessity of its prohibition. *Inland Passage Tickets*, 12-14; Fay’s warning, 23-24.

⁷² Fay to the Federal Council, June 10, 1857, *Inland Passage Tickets*, 23.

The council replied that “the emigration business does not, constitutionally, come within the official range of the federal authorities...it rather belongs to the cantonal governments to watch over this movement of the public life, and to protect it, as far as possible, from abuses.” Therefore, while the council had already “express[ed] the expectation that the governments will adopt the requisite measures to arrest this pernicious and ruinous conduct of the agents for the future,” that was the extent of its capabilities.⁷³ Fay now had to consider how best to exert influence on the issue of inland passage ticket sales at a national level, as entreaties to the Swiss federal government were not having the necessary impact. Fay’s ensuing struggle for coverage in *Der Bund* and *Feuille Federale* set a precedent. Winning a battle for positive press on prohibition presented an excellent avenue to exert leverage on the issue. It was a perceptive insight.⁷⁴ Fay now looked to sway public opinion so as to force action by the cantonal governments.

A periodical titled *Der Kolonist*, described as “the organ for Swiss emigrants,” set a debate in motion. An article published in late June of 1857 laid out twelve reasons advising against immigration to New York and, most importantly, through Castle Garden. While the authors did not directly oppose a ban on inland passage ticket sales in Europe, their campaigning against New York’s emigrant landing station could incline migrants to choose to buy such a ticket, hoping to avoid the alleged ills of Castle Garden. Fay hoped

⁷³ The Federal Council to Fay, June 13, 1857, *Inland Passage Tickets*, 25-26. These quotes show that, similar to the US at this time, Swiss control over immigration policy was of a decentralized nature.

⁷⁴ As Benedict Anderson has shown how an imagined, shared identity can be engendered through the “mass ceremony” of individuals reading newspapers in a shared “print language,” newspapers can hold immense power in the shaping of ideas in a national context. Benedict R. O’G. Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 2006), 35.

to snuff out this line of thinking. The article's main thrust was that Castle Garden was controlled not by the Commissioners of Emigration, but by private railroad companies that provided the service of conducting arrivals to points inland. It alleged that a "most flagitious monopoly"—complete with the charging of exorbitant prices for the offered railroad travel—was in place at Castle Garden, one sanctioned by the commissioners.⁷⁵ Thus, a ban on inland passage tickets would funnel all immigrants through Castle Garden, securing sizable business for the railroad firms conducting business there. What is more, the article claimed these same companies were the ones conducting the trade in inland passage tickets on the Continent: "the 'booking' in Europe—which the commissioners have represented...as highly injurious—is carried on as extensively...by both of the Castle Garden monopolizing railroad companies."⁷⁶ Having worked so diligently to bring about a prohibition of this ticket trade and enact the wishes of his government, Fay did not let the piece in the *Kolonist* deter his efforts, and instead set out to refute its allegations.

In a lengthy letter to the Federal Council after the publishing of the *Kolonist* piece, Fay spoke in disbelieving terms of how it seemed "clear that [the *Kolonist*'s] proceedings...are calculated to inflict an injury upon the emigrant."⁷⁷ In order to mitigate such harm and eliminate the potential for any in the future, he took to disproving the claims one by one. Beyond pointing to a general lack of hard evidence to accompany several of the *Kolonist*'s assertions, Fay cited an investigation carried out by the county

⁷⁵ "Warning to Emigrants who go to North America by Way of New York," *Der Kolonist, Inland Passage Tickets*, 27-29

⁷⁶ "Warning," *Kolonist, Inland Passage Tickets*, 29.

⁷⁷ Fay to Federal Council, July 7, 1857, *Inland Passage Tickets*, 32.

of New York in 1856 to assess Castle Garden's conditions and systems. The report found that "the utmost order prevailed throughout," with "spacious bath-rooms" and rooms fit for "promenading." Overall, "the grand inquest having thus personally witnessed the whole mode of doing business at the landing depot of Castle Garden," they had "become satisfied that every care was taken of the emigrants that philanthropy could suggest." The report did mention that the investigatory team had received "complaints against certain employés of the railroad companies doing business with the emigrants landing at Castle Garden." Having watched the system in action, however, the county committee "dismissed" these allegations, as the investigators were "satisfied that they were not sustained by law, and have their origin in a design to disturb, rather than to further, the good work" of the emigrant depot.⁷⁸ As for the *Kolonist's* claim that the railroad firms in Castle Garden also worked in Europe to sell inland passage tickets, Fay pointed out an inherent logical fallacy: "If these railroad companies govern in Castle Garden, and at the same time have agents to book in Europe, how is it that Castle Garden [and, by extension, the US state] warns emigrants not to book in Europe? The truth appears even from the 'Kolonist's' objections themselves."⁷⁹ Soon after this communication, the president of the council notified Fay that every Swiss canton had positively replied to Fay's earlier entreaties and, in a communication to Secretary of State Lewis Cass, the diplomat said

⁷⁸ "Before the Recorder," *Inland Passage Tickets*, 7, 6, 9; full report is 6-9. A later communication from Verplanck mentions "the improvements which have been made since the date of this report add so much to the present value of the establishment," Verplanck to Cass, September 3, 1857, 59.

⁷⁹ Fay to the Federal Council, July 7, 1857, *Inland Passage Tickets*, 33.

the Swiss federal government had given him “the assurance that it would do everything in its power to suppress the traffic of American inland passage tickets.”⁸⁰

Even with this pledge, Fay continued to work for beneficial press coverage, penning a second warning for publication in Swiss papers, reiterating the advice against purchasing a voucher. He also included a refutation of the *Kolonist's* claims, quoting verbatim several paragraphs of the 1856 inquest findings.⁸¹ Fay worked to disseminate this message as widely as possible, knowing this was necessary to obtain the desired level of influence. *Der Bund* published the warning just as it had the first. Copies were sent to each of the cantonal governments for posting, as well as to other consuls serving in Switzerland, with Fay imploring them “to give it every publicity in your power, as well as by communicating it to the emigration offices within your district as to such newspapers as may be willing to republish it.”⁸²

The *Kolonist*, however, had not stopped with a single anti-Castle Garden article, publishing later “remarks of the editors” restating their views on why emigrants should not travel there. After this, Fay decided to debate his antagonists on their own ground. He asked for the publication of his warning in the following issue of the *Kolonist*, knowing that to deny its printing “would have furnished [Fay] a just cause of complaint.” If it was included, he was supremely confident that the notice “contained abundant proof that [the editors’] paragraph was a calumny against Castle Garden.” The next edition of the *Kolonist* ran with Fay’s warning and no rebuttal of any kind. In a communication to Cass,

⁸⁰ Fay to Cass, July 17, 1857, *Inland Passage Tickets*, 35.

⁸¹ “Second warning of the American Legation to emigrants,” *Inland Passage Tickets*, 36-38.

⁸² Fay to the Federal Council, July 22, 1857, *Inland Passage Tickets*, 41; Fay to Consuls, 41.

he relayed his success: the *Kolonist* “was the only voice in Switzerland raised against Castle Garden, and I presume it is now silenced.”⁸³

Fay’s presumption portended tangible results in Switzerland. Cantons that had not acted before now “adopted very stringent measures” against the sale of inland passage tickets, as several began to formally prohibit it, including the city of Basel, which Fay—perhaps a bit smugly—attributed to his “last summer protestations and public warnings.” Illegal sales of inland passage tickets brought fines of up to 1,000 francs.⁸⁴ With these conditions put in place, Fay had achieved the goal set out by his government, effectively exerting control over the flow of emigration from Switzerland, just as other consuls throughout Europe had done in their countries of residence.

The results achieved by US international diplomacy in regards to the inland passage ticket issue exhibits direct and explicit involvement of the federal state in managing immigration. True, full federalization of immigration policy began with the Page Act in 1875 or the 1882 Chinese Exclusion Act. But getting there was neither inevitable nor simple. The inland passage ticket issue of the mid nineteenth century is a signpost along the rocky road towards that point. To ignore the ramifications surrounding this moment is to perpetuate a historical blind spot. Perhaps the topic has been largely unacknowledged and discounted because there was no codified law, no discrete unit ripe for historical exploration. Whatever the reason, the conduct of international diplomacy is within the realm of the US federal government and it chose to use its consuls to achieve a desired outcome in the management of international migration. As Secretary of State

⁸³ Fay to Cass, September 3, 1857, *Inland Passage Tickets*, 43-44.

⁸⁴ Fay to Cass, December 15, 1857, *Inland Passage Tickets*, 63; Federal Council to Fay, November 27, 1857, 64; Fay to Cass, November 23, 1857, 63.

Lewis Cass said near the end of the correspondence regarding the trade in inland passage tickets, no one should be mistaken to think that the issue “had not received my consideration or that of the President,” and that “we could not fail to concur in any proper measures for their suppression.”⁸⁵ United States diplomats based in Europe had taken that message and worked for its fulfillment on the ground.

This highlights the fuzzy manner in which people engage with the concept of immigration policy. Even starting with what would seem to be a baseline, i.e., seeing immigration as state or federal issue can get messy. As shown above, there is no either/or. Both levels of government have been involved and the locus has shifted, moved “up” and fallen back “down” over time. To not take such complexity into account is to reify the concept of immigration policy. Even when policy-making is done at the federal level, which branch does so has differed as well: Congress enacted the slave trade ban, the Supreme Court ruled in the Passenger Cases, and the State Department confronted the inland passage ticket issue. US immigration policy, like the proverb says of success, has had many fathers.

The above exploration of the inland passage ticket situation explains how international diplomacy brought about a prohibition of the voucher trade. The *why* seems on the surface to be quite simple: frauds practiced abroad had brought consequences to US shores, and this necessitated the swindles’ termination. But employing the State Department and its diplomatic corps to do so is not an insubstantial action, as it forged another link in the chain of ongoing state formation regarding authority over immigration policy. Leaving aside the fact that such exercises of international diplomacy are the clear

⁸⁵ Cass to Mason, September 29, 1857, *Inland Passage Tickets*, 61.

domain of the State Department, what factors influenced this response to inland passage ticket rackets, and why did the issue come to a head at this time?

The political, economic, and social environment of the 1850s is sufficiently complex that it would be improbable for there to be a single factor that brought about the response to inland passage ticket frauds, and it would be equally impossible to isolate it if that was the case. Instead, this instance of federal involvement in immigration management lies at the convergence of multiple influences. Full prohibition also rested on the cooperation of European governments and thus many interests were in play.⁸⁶ What follows is a laying out of influences on the response to inland passage ticket fraud.

Perhaps the most obvious factor would be feelings of altruism on the part of the Commissioners of Emigration and state department officials sympathetic to the plight of swindled immigrants. No doubt the mental or actual image of these individuals stranded upon the docks of New York after facing a lengthy transoceanic journey (improvements in steamboat travel notwithstanding) pulled at heartstrings, and those with the power to enact change saw it as their duty to do so. US officials did foreground humanitarian interests in their correspondence with the various Continental polities, as shown in a discussion above. Recall as well a statement in one of Gulian C. Verplanck's earlier letters to William L. Marcy: "the claims of humanity and justice, and the comity of nations, require and authorize our government to invoke the aid of other governments in protecting their own subjects during their pilgrimage."⁸⁷ While some of this language

⁸⁶ For examples of this need for European aid in enforcement see above, and also Fay to the Federal Council, June 8, 1857, *Inland Passage Tickets*, 22; Fay to Swiss Federal Council, February 19, 1857, 13; Mason to Walewski, June 23, 1857, 57.

⁸⁷ Verplanck to Marcy, January 23, 1857, *Inland Passage Tickets*, 4.

refers to the necessity of caring for one's fellow man ("claims of humanity and justice"), it is also significant that Verplanck invokes the relevant European governments' responsibility to their *subjects*. Both choices of words are rooted in maintaining peoples' well-being, but acknowledge a difference in the motivations for doing so. Either way, while altruistic statements could be put down to consuls putting their most agreeable foot forward when petitioning European governments for what amounted to a diplomatic favor, there had to have been at least a grain of true sentiment behind such statements from even the most cynical of souls.

The potential for migrants defrauded by illegitimate inland passage ticket sales to become public charges also has to be taken into account. The parties in charge of providing aid in these cases would have had a vested interest in a prohibition of the trade, as it would at least partially reduce their financial outlay in this department. At the time of the actions against inland passage ticket fraud, poor relief was predominantly a local responsibility—a carryover from British poor law.⁸⁸ The eighteenth-century law in New York that required "any persons that cannot give a good Account of themselves to the Mayor or like[ly] to be a Burthen" to be denied the ability to land or the payment of a bond on their behalf by the ship's captain would seem to alleviate the problem, but a passage voucher's illegitimacy was most likely discovered after disembarkation. Provision of aid for those migrants who fell into abject poverty had to come from the locality they found themselves in and from the late eighteenth century onwards, New York state disallowed the practice of forcing the removal of foreigners who became public charges from their point of arrival on its shores. Networks of alms- and

⁸⁸ Gabaccia, *Foreign Relations*, 64.

workhouses served as the main givers of aid.⁸⁹ This bundle of issues inspired the passing of legislation at the state and local levels attempting to move the financial burden of providing for such individuals onto masters of ships, often through the imposition of a head tax per immigrant. This process led to the arguing of the Passenger Cases before the Supreme Court in the mid-nineteenth century discussed earlier.

Gulian C. Verplanck initiating the conversation that prompted the US diplomatic corps to act against inland passage tickets lends credence to the financial burden of local responsibility for poor relief being a crucial factor. As the president of the Commissioners of Emigration, he oversaw the body concerned with monitoring all facets of immigrant-related affairs at the US's busiest port for international arrivals, not the least of which was keeping tabs on the situation of poor aid. What is more, New York chapter presidents of German and Irish migrant aid societies had positions on the Commission throughout the board's existence, who no doubt knew the capabilities and status of poor relief in the city.⁹⁰ Seventy-five percent of the nearly four and a quarter million immigrants who landed on the country's shores in the two decades following 1840 did so at New York City.⁹¹ The amount of money needed would be tremendous if only a very small minority of this number required assistance and any added to it due to those defrauded by inland passage ticket scams would only exacerbate a potentially serious issue. Cutting off this possibility at its source through the power of the federal

⁸⁹ Klebaner, "State and Local Immigration Regulation in the United States before 1882," 292; Neuman, "The Lost Century of American Immigration Law," 1853-54.

⁹⁰ See Kapp, *Immigration, and the Commissioners of Emigration*, 224-26 for a list of commissioners from 1847 to 1870.

⁹¹ Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2007), 527.

government would thus be in aid providers' interests. Verplanck's action can be seen as a manifestation of their concern.

The general political climate of in the US at the time of the inland passage ticket issue should be highlighted as well, as many issues relating to immigrants contributed to its contentious nature. The state, local, and federal measures that sought to manage immigration that have been outlined here often had an exclusionary slant. The 1850s were, after all, the heyday of anti-immigrant nativism.⁹² On the other hand, pro-immigrationists such as Charles Sumner believed the phenomenon could only bring continued benefits to the US, as it had been doing for centuries: "there are our broad lands, stretching towards the setting sun; let them come and take them. Ourselves children of the Pilgrims of a former generation, let us not turn from the Pilgrims of the present...The history of our country, in its humblest and as well as most exalted spheres, testifies to the merit of foreigners." The country's "broad lands"—added to by territorial expansions such as the Louisiana Purchase and land acquisitions after the Mexican-American War—that Sumner spoke of drove a desire among many pro-immigrationists for quick western settlement and were great incentives for those coming from abroad.⁹³ Nativists feared a deluge of foreigners, whose un-American ways and sentiments would adversely impact the country's social, political, and cultural bases. Debates over how western lands should be settled, and by whom, also played into increasing sectional

⁹² Gabaccia, *Foreign Relations*, 63-67. For one of the standard texts on nativism, see: Tyler Anbinder, *Nativism and Slavery: The Northern Know Nothings and the Politics of the 1850s* (New York: Oxford University Press, 1992).

⁹³ Charles Sumner, "Political Parties and Our Foreign-Born Population" [1855], quoted in Daniel J. Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton: Princeton University Press, 2002), 64, 59.

tensions. The violence surrounding the 1854 Kansas-Nebraska Act and the issue of slavery highlights just a single facet of this. The vitriolic atmosphere grew ever more so as the decade progressed, and the inland passage ticket issue occurred right in the middle of it. The effort to enact a prohibition occupied a somewhat curious position within this political climate. The federal measures were pro-immigrant in that they aimed to protect European migrants from fraud, but the measures also controlled immigration by cutting off one of the legitimate way they could arrive on its shores.

The inland passage ticket issue should also be viewed in light of the Second Party System's collapse and the role of immigrants' political participation in it. Looking at the surge in European migration to the US in the late 1840s and early 1850s—in which Famine and post-1848 revolutions movement played no small part—the Whig Party and its leaders realized that their ability to compete in national elections could be severely threatened due to the immigrant vote usually going Democratic. The US naturalization policy of five years' residence made large numbers of migrants eligible for the 1852 presidential election, and many individual states allowed noncitizen residents to vote as well. Unless something was done to court immigrant ballots, Whig ascension to the White House would be an uphill battle. But to do so would be to set the party against nativist and anti-Catholic blocs that traditionally formed an important part of Whigs' support base. The party considered its options and the fact that a “tremendous surge in the immigrant vote was a virtual certainty” loomed too large to ignore.⁹⁴ But Whigs' subsequent switch to seeking immigrant support made them a latecomer to the electoral

⁹⁴ Michael F. Holt, *The Political Crisis of the 1850s* (New York: W.W. Norton & Company, 1978), 120-23.

party: “however understandable, their desperate decision during the 1852 presidential campaign to compete with Democrats for Catholic and immigrant votes was a colossal blunder. It failed dismally in the short run and permanently alienated an important, rapidly growing sector of the anti-Democratic electorate in the long run.” On the back of a large majority of the immigrant vote, Democratic candidate Franklin Pierce took his position as chief executive. This only marked the beginning of the end for the Whig Party. Divided by the Kansas-Nebraska Act and the issue of slavery more generally, the party was gone from the US political scene by the 1856 presidential election.⁹⁵ Regarding the inland passage ticket issue, the significance is not in the specifics of the downfall of the Whigs. What is significant is that the need for a governmental response arose at a time where foreign residents’ place in US politics being under heightened scrutiny. Federal efforts to manage immigration in this instance navigated an era where immigrants occupied prime space in the collective political and social mind.

A final element that can be woven into why this voucher question arose has to do with the importance of controlling transport hubs and lines during this era, especially those of railroads. The 1840s and 50s saw an absolute explosion of track laying, with the US’s Atlantic coast becoming increasingly connected with more western lands.⁹⁶ It is true that these “railroads had particularly portentous consequences for settlers in the newer states of the Old Northwest” wherein the “space-binding technology of the trains magnified the opportunities for farmers in those places to ship their crops to distant

⁹⁵ Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (New York: Oxford University Press, 1999), 956-57.

⁹⁶ Allan Pred, *Urban Growth and City-Systems in the United States, 1840-1860* (Cambridge: Harvard University Press, 1980), 45-47 has a useful graphical representation of this growth.

destinations, encouraging market production rather than local consumption.”⁹⁷ But providing the service that brought farmers to the inland points they wished to settle and work on was a lucrative trade as well.

It should be remembered that one of the major facets in Castle Garden’s efforts to aid migrants just off the boat was to provide “a central and joint ticket office for the sale—at the regular published prices—of passage tickets for emigrants to their several places of destination in the interior, and, to place such office, and the entire business of forwarding persons or property, under their own immediate supervision.”⁹⁸ On the surface, this seems like a measure with only an immigrant’s welfare in mind. And it no doubt protected many from the machinations of the runners who had prowled New York’s docks. But as shown, the purchase of an inland passage ticket prior to arrival on US shores allowed the bypassing of this department entirely, which cut railroad companies operating through Castle Garden off from a sizeable number of potential sales. Thus, the agitation for a prohibition of European-sold inland passage tickets can also be viewed in part as an effort to (re)establish control of migrant transport from New York City in the form of a likely railroad monopoly.

⁹⁷ Howe, *What Hath God Wrought*, 567. Howe also importantly notes: “Railroads did indeed have political as well as economic consequences, but they turned out to be sectional rather than simply strengthening the Union. Their network reinforced east-west ties at the expense of north-south ones. Their resources, added to those of the Erie and related canals, further encouraged the Old Northwest to ship its produce eastward rather than southward along the river system to the Gulf, affecting the balance of political power both regionally and nationally. The geographical competition that the railroads stimulated for westward routes, fostered by politicians like Illinois’s Stephen Douglas, was destined to exacerbate sectional tensions in the years leading up to the Civil War.” (569)

⁹⁸ Kapp, *Immigration, and the Commissioners of Emigration*, 205.

Swiss-based US consul Theodore S. Fay denied that exact accusation as part of his diplomatic efforts to have a ban on the vouchers enacted, as seen in his debate with the *Kolonist* in the Swiss press. But evidence points in the other direction. At the very least, railroad companies became increasingly specialized and sizeable through mergers in the years leading up to the inland passage ticket situation. Integral to these processes was the proliferation of the corporation as a form of business organization, with numbers of incorporated firms in New York mushrooming in the first sixty years of the nineteenth century. With the pooling of capital under one “roof” made easier by corporate legal status, buyouts and their resulting consolidations could also be more readily made.⁹⁹ From there, a single firm could come to dominate a given industry or other line business—such as transport in and out of a given hub. This was, after all, the time where individuals like Cornelius Vanderbilt could wield tremendous economic power by monopolizing steam shipping of both freight and people in the years leading to the inland passage ticket situation.¹⁰⁰

Consolidation became the name of the game for what became New York Central Railroad, a main line operating out of New York City and owner of offices in Castle

⁹⁹ L. Ray Gunn, *The Decline of Authority: Public Economic Policy and Political Development in New York, 1800-1860*. Ithaca: Cornell University Press, 1988, 49. Gunn notes twenty-eight corporations prior to 1800, with 2,104 by 1860.

¹⁰⁰ For more on this, see parts 1 and 2 of T.J. Stiles’s biography *The First Tycoon: The Epic Life of Cornelius Vanderbilt* (New York: Alfred A. Knopf, 2009). Especially interesting is Stiles’s exploration of how Vanderbilt used rhetoric to cast himself as the anti-monopoly, pro-competition people’s democratic champion while creating business monopolies for his own benefit. Vanderbilt would also get involved with New York railroads after the period covered in this paper.

Garden.¹⁰¹ In 1853, four years before inland passage ticket fraud drew the attention of the federal government, the New York Central Railroad Company formed by combining ten railway firms into a single corporation. This made the New York Central the primary, if not the sole provider of rail transport out of the city to critical nodes for travel farther west such as Albany, Rochester, and Buffalo.¹⁰² That this constituted a monopoly in the minds of many is evidenced by hostile press responses to the consolidation. The *Rochester Democrat* pointed out the rather simple but significant consequences: “all competition will be out of the question, and whatever money is to be made out of the railroad business in this State, must flow to them.” Three years on, the topic was still ripe for discussion, with New York City’s *Weekly Herald* terming the consolidation a “swindle.”¹⁰³ Swindle or not, such control over transport out of the city meant the New York Central commanded significant economic power. That many pro-consolidation articles came out of the *Albany Journal*, a paper founded and run by the influential New York journalist and editor Thurlow Weed, shows how that power could shade into the political realm as well.

It is obvious how vested of an interest, then, the New York Central would have in a ban on the overseas trade in inland passage tickets. Every inland ticket purchased took

¹⁰¹ Helen M. Barnard, “Report on Emigration,” in US Senate, *Executive Documents* [1873-74] (Washington, D.C.: Government Printing Office, 1874), 151. The document, though published in 1874, is detailing the early history of Castle Garden when it mentions the New York Central offices.

¹⁰² “The New York Central Railroad Company,” *Albany Journal*, June 1, 1853; Ch. 76, [1853,] *The Statutory Record of the Unconsolidated Laws Being the Special, Private and Local Statutes of the State of New York...* vol. 1 1778-1869 (Albany: J.B. Lyon Company, State Printers, 1911), 1014.

¹⁰³ “Railroad Consolidation,” *Rochester Democrat* article reprinted in *Albany Journal*, April 7, 1853, as part of the latter paper’s response to accusations of railroad monopoly; *Weekly Herald*, March 22, 1856.

easy money out of its pockets; the vouchers allowed arriving migrants to bypass their offices in Castle Garden. What was bad business for the New York Central was bad business for the depot, and therefore likewise for the city of New York—another motive can thus be added to Gulian C. Verplanck’s desire for a prohibition and his initiation of the discussion that led to its diplomatic pursuit.

The factors influencing European governmental cooperation on the issue are a bit more straightforward than those on the US side. There is little evidence that inland passage tickets played a part in any state-sponsored migrations from Europe, essentially due to an absence of state-led migrations during the mid-nineteenth century. Italian officials did little more than tally the numbers of in- and out-migrations, while most Irish migrants, if sponsored at all, saw aid come from the parish level. Similarly, German emigrants were overwhelmingly self-motivated individuals or families.¹⁰⁴ What more likely influenced European cooperation is that governments of sending societies recognized that not acting against fraudulent inland passage tickets could negatively impact networks of remittance-sending (Irish migrants alone sent millions of dollars back home during the course of Famine migration). There could also be domestic repercussions if word got back to the home country that its citizens endured severe financial hardship upon reaching the US due to an illegitimate transaction done at the port

¹⁰⁴ Donna R. Gabaccia, *Italy’s Many Diasporas* (Seattle: University of Washington Press, 2000), 136-37; for the Irish, see: Gerard Moran, *Sending Out Ireland’s Poor: Assisted Emigration to North America in the Nineteenth Century* (Dublin: Four Courts Press, 2004); for Germany, see: Walter D. Kamphoefner, “German Emigration Research, North, South, and East: Findings, Methods, and Open Questions,” in Dirk Hoerder and Jörg Nagler eds., *People in Transit: German Migrations in Comparative Perspective, 1820-1930* (Washington, D.C.: German Historical Institute, 1995), 28-30.

of emigration.¹⁰⁵ In those countries where individuals were subjects and not citizens, failure to act against inland passage ticket sales could signal a failure on the part of the state to provide for subjects to the full extent of its responsibilities over them.

Just as US immigration policy has had many fathers throughout the country's existence, there have been diverse motivations for seeking change in those policies. A few of those went into the push in the nineteenth century for a total ban on inland passage ticket sales in Europe. This theme of many origin points is an apt one upon which to conclude, as it again highlights how the State Department's efforts in the late 1850s are but one instance of federal involvement in managing international migration. Heretofore understudied, it deserves a place along the winding path of US immigration policy's formal federalization.

¹⁰⁵ David Fitzpatrick, *Irish Emigration 1801-1921* (Dublin: Economic and Social History Society of Ireland, 1984), 18-20. Remittances were also key for a family's ability to begin and maintain chain migration and inland passage ticket fraud could inhibit this from taking place. For German examples of the importance of remittances and the prevalence of chain migration, see Uwe Reich, "Emigration from Regierungsbezirk Frankfurt/Oder, 1815-1893, in Hoerder and Nagler, eds., *People in Transit*, 94-97.

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