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Article of Agreement,

Entered into this *Eighth* day of *October* — eighteen hundred and forty-nine, by and between the Commonwealth of Pennsylvania by *H. C. Pitkin* Superintendent of the Railway to avoid the Inclined Plane, of the one part, and *Philip Duffey* of the other part.

Witnesseth,

That the said

Philip Duffey

doth promise and agree, to execute the Grading and Road formation of that portion of the said Railway, known and designated upon the plan of the said railway, as the *second* section, and to conform to such directions as shall from time to time be given by the Engineer, or Assistant Engineer, having charge thereof, and agreeably to the annexed specification at the following prices to wit:

For Grabbing and clearing the whole section, the sum of *five dollars*

For all necessary excavation of sand, earth, clay, loam, gravel or loose stones, which may occur on the section, per cubic yard, *Twelve & a Half cents*

For embankment, when removed more than one thousand feet to be measured in the banks, per cubic yard, *Twenty cents*

For excavation of solid or blast rock, per cubic yard, *Fifty cents*

For all necessary walls on the section, per perch, *Sixty cents*

For Ballast, per cubic yard, *Fifty cents*

It is understood by the parties, that all embankment, the earth for which is not removed more than one thousand feet, shall be estimated and paid for as excavation; and that in all cases the earth for embankment shall be taken from such places as may be directed by the Engineer or his Assistant. It is also understood that no allowance shall be made for bailing or pumping of water.

WHO WAS THE REAL PHILIP DUFFY?

New research reveals the personal journeys of a primeval railroad contractor –
a follow-up to an article in *Railroad History* 211

By J. Francis Watson

The name “Philip Duffy” has become synonymous with Duffy’s Cut, the site of the mass grave of 57 Irish railroad laborers who died of cholera and murder in the woods of Chester County, Pa., in August 1832. On the one hand, Philip Duffy has been called “an immigrant who succeeded against the odds”¹; and on the other hand, he has been characterized as, at best, an amoral passive participant who consented to the murder of his men by local vigilantes.² Who was the real Philip Duffy? Was he a sort of Judas Iscariot, who used the hard work of his fellow Irish immigrants when he needed it, but who, when push came to shove, betrayed his fellow Irishmen at Duffy’s Cut to vigilantes who murdered them? Or was he merely a labor contractor working on a mile-long stretch of the Pennsylvania-state-funded Philadelphia & Columbia Railroad, with very limited power over his immediate environment after cholera struck the shanty at Duffy’s Cut, and whose Irish-immigrant work crew found themselves in the wrong place at the wrong time? There is a sense in which the real Philip Duffy is all of the above, and more.

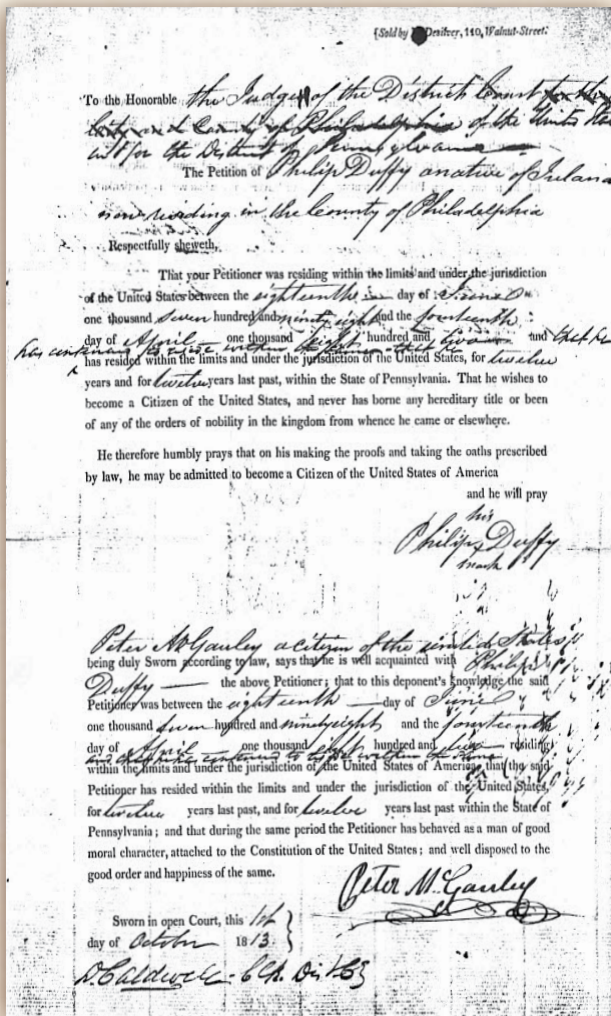
It has been asserted in scholarly circles that the lives of mid-level railroad contractors of the 1830s were almost impossible to trace.³ While that is undoubtedly the case with the vast majority of railroad contractors of this period, due to the multi-year and multi-pronged research of the Duffy’s Cut Project, the life story of Philip Duffy can now be told. Through a great variety of sources, including naturalization and census records, railroad contracts, church archives, federal, state, and county archives, as well as death certificates, the details of Philip Duffy’s personal and professional life can be mapped out in some detail.

The Genesis and Exodus of Philip Duffy

According to Duffy’s naturalization petition, dated October 1, 1813, in Philadelphia, Duffy was born in 1783 in Ireland, during the reign of King George III, King of Great Britain and Ireland. As Duffy grew into his teenage years, Ireland had begun to experience the stirrings of independence and revolution.⁴ These stirrings would lead to a national crisis in 1798, with the eruption of open revolt in the United Irishmen Rebellion. While the United Irishmen labored for a free Ireland, Philip Duffy celebrated his 15th birthday. That year, Duffy also joined thousands of fellow Irish Catholic immigrants who left their homeland for the New World. Philip Duffy arrived in Philadelphia on June 18, 1798. He stepped onto the docks of William Penn’s city during the term of the second president of the United States, John Adams. Duffy was one of thousands of Irish laborers to come to America in the 1790s and who found work in the Philadelphia area.

Between his arrival in 1798 and the second decade of the 19th century, Duffy became sufficiently settled into his new life in America that he decided to become a naturalized American citizen. Thirteen years after he arrived in America, Duffy filed his petition for naturalization. He had left Ireland in the year that his homeland was at war with England. It is very telling that in the second year of the War of 1812, as Great Britain attacked his adopted country, Duffy decided to become a citizen of the United States.

When Duffy signed his petition for naturalization during the presidency of James Madison, he was 30 years of age. He affirmed that, during the previous 12 years, he had been a resident of Pennsylvania. As he signed his mark, Duffy consented to the standard



Philip Duffy's 1813 immigration papers. Credit TBA

loyalty oath contained within the petition, stating that “he wishes to become a Citizen of the United States, and never has borne any hereditary title or been of any of the orders of nobility in the kingdom from whence he came or elsewhere.” Duffy’s witness, a man named Peter McGauley, affirmed that to his knowledge, the “Petitioner,” Philip Duffy, had resided for the previous 12 years within the state of Pennsylvania, and that for those 12 years, the “Petitioner has behaved as a man of good moral character, attached to the Constitution of the United States; and well disposed to the good order and happiness of the same.” Considering the religious and political conditions of his homeland in the year of his journey to America, it would likely have been an easy task to affirm that “I do absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign Prince, Potentate, State or Sovereignty

whatever and particularly to the King of the United Kingdom of Great Britain and Ireland.”

Duffy the Labor Contractor

Philip Duffy’s arrival in the United States predated the dawn of the age of steam power in America by a quarter-century. Duffy was a hard-working Irish laborer who eventually rose through the ranks to become a contractor on the P&C, one of America’s earliest railroads. Duffy earned a reputation as a contractor who was able to get difficult jobs done. Between his naturalization in 1813 and the events at the place called Duffy’s Cut, Duffy found himself working with his brother-in-law, James Smith, who was also an immigrant from Ireland. Along the way, Duffy had married Smith’s sister, Margaret. On February 10, 1829, James Smith signed a document from Mauch Chunk, Pa., and addressed to the Commonwealth of Pennsylvania, listing Philip Duffy as his “partner” for “Section Sixteen” of the P&C: “I authorize Mr. Philip Duffy to sign his name in conjunction with mine as partner on the contract section No. 16. Your obedt. Servant, James Smith.” The document actually preceded Smith’s February 25, 1829, “Article of Agreement” for Section Sixteen, which was issued under the name of William Wilson, “Acting Superintendent of the Pennsylvania Railway.” Wilson was the engineer who helped survey the line of the proposed P&C in 1828 for the Pennsylvania Canal Commission. As he worked at Section 16, Duffy proved himself. He was then given his own contract on Mile 60. The June 9, 1829, *American Republican* newspaper reported that Duffy was at work on mile 60 which adjoined mile 59 to the east:

At No. 60, which crosses the summit of the hill, the contractor (Mr. Philip Duffy) is now prosecuting the Herculean task with a sturdy looking band of the sons of Erin. The greatest depth to be excavated is 25 feet and 8-10ths; it will, however, continue about 20 feet below the surface for a distance of several rods⁵

It is clear from this newspaper account that Duffy was already accustomed to working with Irish immigrant laborers, as he would later do at Duffy’s Cut. At the time of his work on the railroad at Mile 60, Duffy was living in Willistown Township in Chester County. According to the 1830 census, Duffy had 23 men between 20 and 40 years of age living with him. Ten of the 27 people living with Duffy were listed as “aliens – foreigners not naturalized.” Duffy would continue to use Irish immigrant labor throughout his career as a railroad contractor.

Duffy at Mile 59

On May 18, 1831, Duffy was given the contract for Mile 59 of the P&C, which eventually became known as Duffy's Cut.⁶ The completion date for this one-mile stretch of railroad was April 1, 1832. Mile 59 proved to be the hardest mile to build, as well as the most expensive mile on the whole line of the P&C.⁷

The geological features of Mile 59 (including a large curve – the Sugartown Curve, as it is still called, and a large valley that had to be spanned with a man-made railroad bridge – called Duffy's Fill or Duffy's Bank) proved so difficult that in the summer of 1832, Duffy hired more Irish immigrant laborers to finish the work.⁸ These workers were passengers who arrived at Philadelphia on June 23,

1832, from the port of Derry on a two-month voyage aboard the barque *John Stamp*. The youngest laborer on the *John Stamp* was 15 years old, the same age as Duffy when he arrived in America, and the oldest was 70. The majority of the laborers were in their 20s.

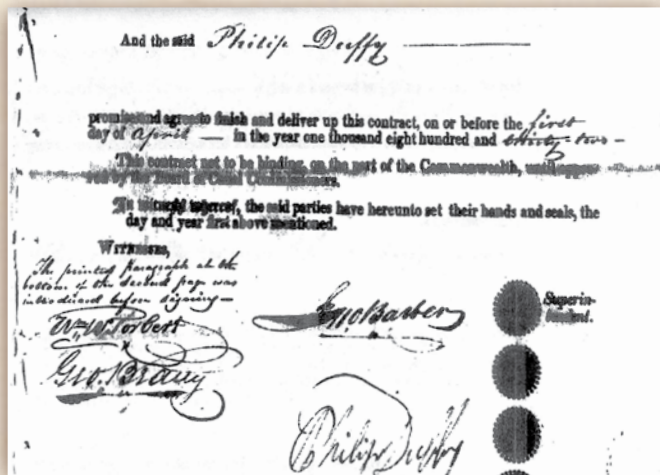
Within eight weeks of their arrival, all the railroad laborers were dead. The official contemporary record of the deaths of the laborers, the "Mitchell Letter" (so named from the author, Duffy's boss, P&C Superintendent William B. Mitchell), dates from the spring of 1833 and lists a number as high as 60 men dying at Duffy's Cut due to cholera. Mitchell wrote to James Clarke, Esquire, President of the Board of the Pennsylvania Canal Commission, in Harrisburg, about the delay at mile 59. Duffy was portrayed in "great difficulty and distress":

This man (Duffy) has been rather unfortunate during the last fall. Nearly one half of his men died of cholera – but it must also be admitted that he is perfect master of the art of complaining, with or without cause⁹

Mitchell's assessment of Duffy is very telling, in that it speaks to the valuation of human life and work during the Industrial Revolution. It was not the Irish railroad laborers who died, but Duffy who was "unfortunate," and in "great difficulty and distress."

Duffy lost half of his work crew, but his superiors saw him as a "perfect master of the art of complaining."

The Pennsylvania Railroad (PRR) later created and maintained a file on Duffy's Cut (No. 004.01 "C"), produced by later PRR President Martin W. Clement and his fellow supervisor at Paoli, Pa., George W. Sinnickson. Drawing on local witnesses and railroad testimony as well as several press accounts, this PRR file officially recognized that 57 laborers died of cholera at Duffy's Cut. Virtually every newspaper piece that covered the story of what happened at Mile 59 downplayed the number of dead, stating that as few as eight men died there. Other accounts listed as many as 16 deaths. Anthropological and archaeological research on the mass grave at



Philip Duffy's signature on the contract for Mile 59. Credit TBA

Duffy's Cut has found that all the bodies recovered so far (five men and one woman) were murdered (one man, SK006, was both axed and shot in the head). Contemporary evidence from the early 1830s bears witness to the murder of other cholera victims elsewhere in the United States and in Europe.

Exactly how the deaths of his laborers affected Duffy is unknown. His "great difficulty and distress" in the Mitchell letter may be evidence of genuine sorrow; on the other hand, Duffy's "difficulty and distress" may rather be based in the financial realities that he was still behind in his work due to the deaths of his 57 Irish immigrant laborers. Most of the Mitchell letter actually details Duffy's complaint that the death of his men at Mile 59 had put him in a difficult financial position. While Mitchell supported Duffy's financial claims for reimbursement, no action was taken by the Canal Commission, and there appears to be no further money paid to Duffy by the state of Pennsylvania to complete Mile 59.

Compounding the delay of Duffy's work at Mile 59 was the fact that eight days after he signed his contract for that job, on May 26, 1831, Duffy also signed a contract to work on the nearby Section 9 of the West Chester Railroad.¹⁰ Duffy was moonlighting while working at Mile 59, and so, at least for part of the time that his men were working and dying there, Duffy was not present.

While he had to contend with the death of 57 of his men due to cholera and murder, Duffy got the job done. The work at Mile 59 was indeed completed in the spring of 1833, and Duffy had gained the reputation of a railroad contractor who could handle very difficult circumstances and still complete his contract.

Philip Duffy post-Duffy's Cut

In spite of the harsh assessment of his character that was asserted in the Mitchell letter in the spring of 1833, upon the completion of Mile 59, Duffy received another contract for the laying of tracks on Section 29. Section 29 was located 28 miles west of Duffy's Cut, in the eastern part of Lancaster County, Pennsylvania, and just west of Chester County. Duffy had less than a year ("on or before the first of December next," that is, December 1, 1833) to complete the laying of a first track. He was to lay the second track at Section 29 on or before July 1, 1834. Signing Duffy's contract was none other than P&C Superintendent William B. Mitchell.

After the death of the Irish laborers at Duffy's Cut in August 1832, Duffy appears to have taken an increased interest in the lives of his laborers. It may be argued that what happened at Mile 59 heightened his concern for the laborers he employed.

During 1834, as he continued working at Section 29, Duffy was the second signatory of a document called "Columbia Contractors for Relief." Simply dated "1834," the document was addressed "to the Canal Commissioners of the Commonwealth of Pennsylvania," and signed by 23 P&C contractors who worked between sections 30 and 9 (excluding mile 13). The railroad contractors claimed that they were "subjected to great inconvenience and embarrassment" due to the "stoppage of the work on this road." This stoppage was the result of the failure of the Pennsylvania Legislature to pass a bill that would enable the funding of the completion of the second track of the P&C. Duffy and his fellow contractors claimed that the "troubles" resulting from the failure of the state to fund the construction of the second track "fall most heavily upon the poorer and laboring classes." Duffy and his fellow "Columbia Contractors for Relief" sought to petition the Canal Commissioners and the Pennsylvania Legislature on the basis of both their own interests and those of their laborers. The contractors were "bound" by their contracts to the point that they "have incurred many other responsibilities, expended money, and made arrangements which will involve them in loss and in some cases utter ruin, without aid from the

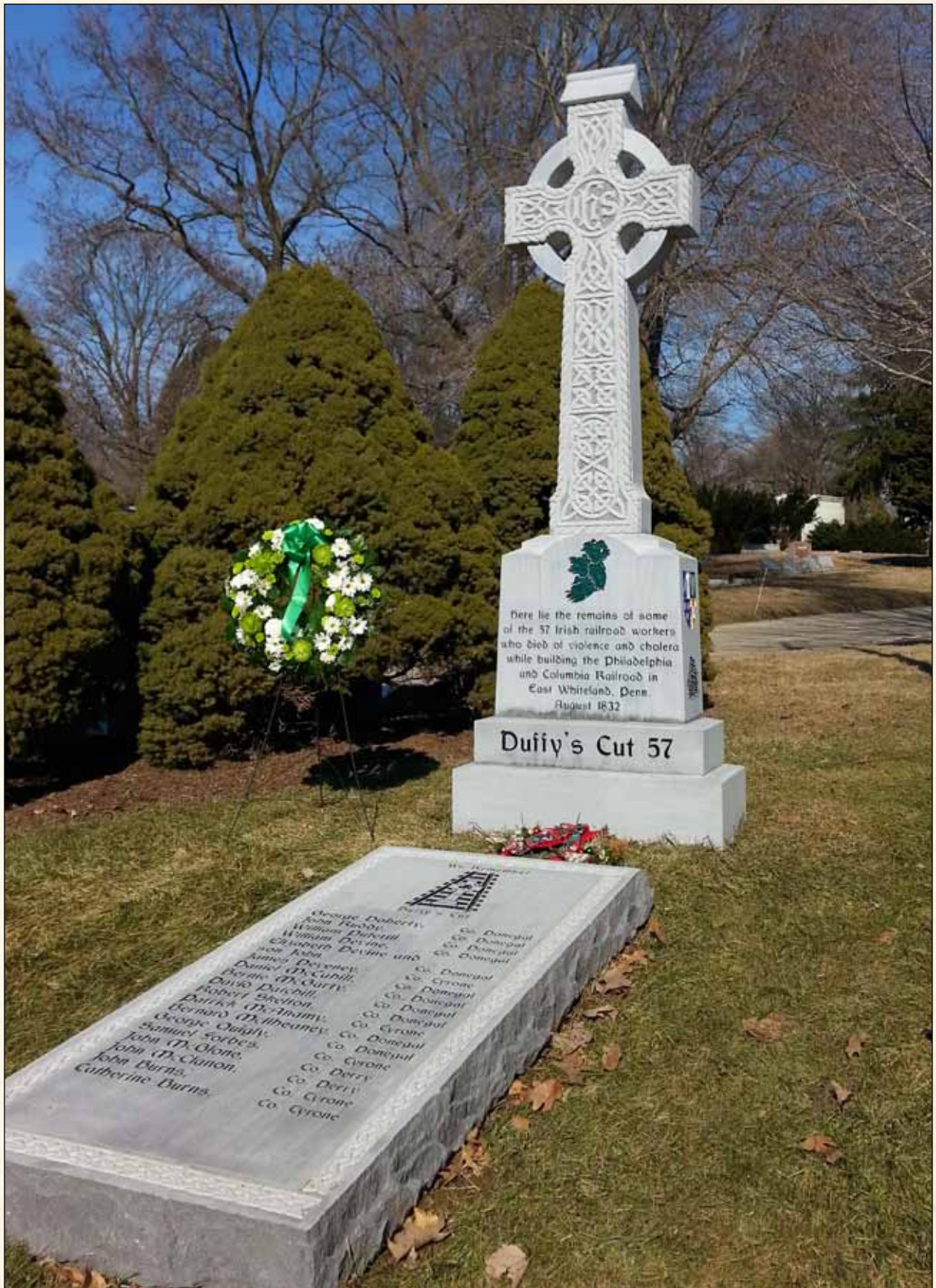
State." Duffy and his fellow contractors also pressed the case for "all those dependent upon the fulfillment of their (the contractors') contracts," that is, the laborers in their employ, and they expressed their concern that those laborers "be saved from great embarrassment and distrust." The laborers were promised wages for the work they performed, and if there was no money with which to pay them, the contractors would lose the trust of their workforce.

The "Contractors for Relief" petition to the Canal Commission is a fascinating document. While the "contractors for relief" were undoubtedly primarily concerned about their own potential financial ruin, their attention to the plight of the "poorer ... laboring classes" speaks, at least, to a basic recognition that the suffering of their employees might adversely affect the contractors themselves. While it is not stated in those words, there is a sense that the contractors felt a measure of guilt, in that they could not fulfill their employer/employee agreements with their laborers. The fact that the P&C contractors even expressed such a sentiment in writing opens a glimpse into the murky realm of contractor-laborer relations in the first half of the 1830s. For Philip Duffy, as the second signer of the document, this may speak to a deeper level of concern for his workers that seems to have emerged after the events of August 1832 at Mile 59.

Furthermore, on July 16, 1834, just a little over two weeks after his contracted completion date for Section 29 of the P&C, Duffy signed Letters of Administration in Chester County for the estate of Paul Maguire, who was specifically listed as "a laborer on the Penna R Road" [*sic*]. It is not clear if Maguire was a laborer on Section 29 or not, but however Duffy knew him, Duffy was well enough acquainted with Maguire to willingly be involved with the settling of his estate upon his death. Maguire is an ancient Irish surname (originating in County Fermanagh), and so it seems that he was an Irish or Irish-American laborer likely working under Duffy along Section 29. According to this document, Duffy continued to officially reside in Chester County while working in nearby Lancaster County at Section 29.

Just how deeply Duffy was affected by what happened to his fellow Irishmen at Duffy's Cut, if at all, may never be fully understood. The least that can be said is that after the tragedy at Mile 59, Duffy put his name to documents that sought to better the lot of his laborers.

Grave of Duffy's Cut victims – "who died of violence and cholera while building the Philadelphia and Columbia Railroad" – at West Laurel Hill Cemetery. Author's Collection



Duffy the Family Man

Duffy continued to work for the railroad in the 1840s, and the youngest of his children, twin brothers Francis and Edward Duffy, were born while Duffy was working in Schuylkill County, nearly 80 miles northwest of Duffy's Cut. The twins were born on July 17, 1842, and were baptized at St. Patrick's Church in Pottsville, Pa.¹¹ Francis (or Frank) and his brother Edward (or Eddy) continued to live with their father until Philip Duffy died in 1871. Even though Duffy made it into the 1830 federal census (while living in Chester County with his laborers), by the time of the 1850 U.S. census, Duffy was listed as living in the "Richmond District" (now, the Port Richmond section) of Philadelphia. He was listed as having a wife, Margaret (who, according to son Francis Duffy's death certificate, was also born in Ireland), fraternal twins Philip and Mariah (aged 18), son William (aged 16), daughter Catherine (aged 13), and eight-year-old twin sons Francis and Edward. Philip Senior (who was somehow mistakenly listed as being 50 years old), as well as Philip Jr. and William were all listed as "laborers." This census "enumeration" was taken on August 9, 1850, 18 years, give or take a week or two, from the events at Duffy's Cut. As the census taker (Montgomery Johnson) recorded the bare facts and figures of the Duffy family that day, Duffy's wife Margaret was actually pregnant with a daughter who was born a month later, in September 1850. Tragically, the infant, named after her mother, died of a heart ailment on November 16, 1850, and a little less than three years later, Duffy's wife Margaret would also die (September 19, 1853), at age 51.

Philip Duffy had moved with his family to Philadelphia in 1849, when he was given the contract for a significant railroad project on the inclined plane at Belmont, in northwest Philadelphia. Duffy was to "execute the grading and road formation" so as to "avoid the Inclined Plane."¹² When Duffy signed his agreement on October 8, 1849, he was 66 years old. He was to complete the job by May 1, 1850. This contract was a major piece of work for the time, and the fact that Duffy was given this kind of responsibility as an older contractor speaks to his reputation as a man who was efficient both with his time and his resources.

As Duffy lived and worked for the railroad in Philadelphia, he continued his interest in the lives of his fellow Irishmen. On October 2, 1852, Duffy signed a petition for citizenship for Thomas Lappan, who renounced his allegiance to "the Queen of Great Britain and Ireland" (Queen Victoria). Lappan was

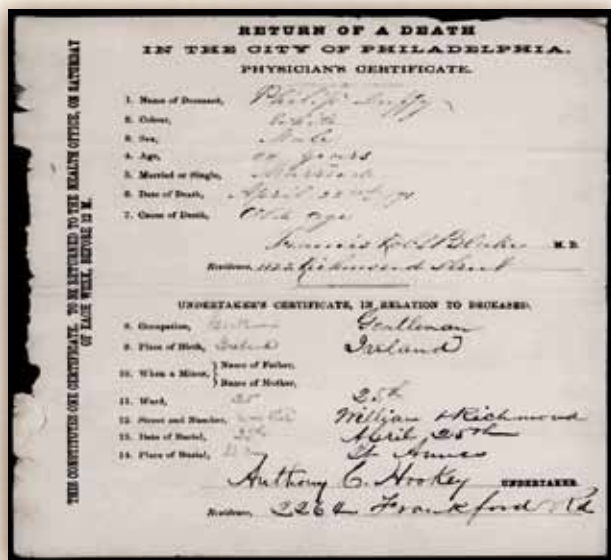
a laborer on the railroad and a fellow-parishioner of Duffy's at St. Anne's Catholic Church in Port Richmond.

In the 1860 U.S. census, Duffy was listed as having a number of his grown children living with him, including the older twins, Philip and Mariah (aged 27), William (aged 25), Catherine (aged 23), and the younger twins, Francis and Edward (aged 17). Philip Duffy was mistakenly listed as being 75 years old (he was actually 77). Interestingly, he was listed as having the occupation of "Gentleman," and as possessing real estate valued at \$13,000.

Philip Duffy, the laborer turned gentleman, would know his share of personal tragedy, as, in addition to losing his wife and infant daughter, he lost his oldest son and namesake, Philip, fighting for the Union in the American Civil War. Philip Jr. died at Antietam, Md., in 1862, fighting alongside his brothers Francis and Edward (according to Edward's obituary, Francis and Edward saw their brother Philip killed on the battlefield). Three of Philip Duffy's sons went off to fight for the Union to which their father had sworn allegiance 50 years earlier. Their Civil War experience made a mark on the younger twin Duffy boys, as, for the rest of their lives, they made a habit of dressing "in the style of dress in vogue at the time of the Civil War." The twins took "great pride in their facial resemblances to Lincoln before he grew a beard."

As his family was recorded in the 1870 U.S. census, Duffy's age was, for the first time in three decades, accurately recorded. He was listed as an 87-year-old "retired contractor," with \$40,000 in real estate and \$5,000 in cash. Living with Duffy were the only surviving fraternal twin, 39 year-old Mariah (styled "Maria" here), listed as "keeping house," along with a 31 year-old "Christina," and Duffy's younger twins, 27 year-old Francis (styled "Frank" here) and Edward, both listed as "hostel keepers."

Philip Duffy lived only a year beyond the 1870 census. According to his City of Philadelphia death certificate, he died on April 22, 1871, of "old age." His place of birth was listed as "Ireland," and the occupation of the man who came to America as a 15-year-old laborer was "gentleman." His address was William Street and Richmond Street, where he had resided since his move to Philadelphia in 1849. He was buried on April 25 in the cemetery of St. Anne's Catholic Church, East Lehigh Avenue and Memphis Street, in the Port Richmond section of Philadelphia. He had been preceded by his wife and infant daughter, and his younger twin son Francis would later be buried in the same family plot on



Philip Duffy's death certificate. Credit TBA

April 3, 1907. The brothers never married, and made a name for themselves in amateur boxing circles, as well as performing on the violin. Considering the fact that their father made his fortune and his name by building the railroad, it was an irony that while they continued to live together for the rest of their lives,¹³ twin brothers Francis (died 1907) and Edward (died 1921) prided themselves on never riding “in a trolley car or horse car, and never touched a drop of liquor.”¹⁴

Who was Philip Duffy?

Philip Duffy was indeed an immigrant who succeeded against the odds. He came to America as a 15-year-old immigrant boy who worked himself up from a laborer to become a contractor, dying as a rich “gentleman.” His work on the railroad in the 19th century helped to establish the current line along which Amtrak now runs, a portion of which runs along the path of the old P&C where Duffy lost 57 men and at least one woman in August 1832. After the events at Duffy’s Cut, Duffy the family man experienced his own personal losses and he appears to have grown in his appreciation of the sacrifices and struggles of the Irish immigrant work force of which he was a part, and which he directed in his years as a railroad contractor. Duffy the man was a complex individual who epitomized the hopes and aspirations of those who emigrated from Ireland to early America in the hopes of making a new life for themselves and their families. Nonetheless, his name is inextricably

linked with the deaths of 57 of his fellow Irishmen at mile 59 of the P&C. That is the continuing dilemma of the real Philip Duffy, the man, the myth, and the legend, who, while apparently doing nothing to stop the deaths of his men in 1832, seems to have grown in his humanity thereafter. ♦

Notes

1. From the Tile Films/Smithsonian Channel television documentary, “The Ghosts of Duffy’s Cut.”
2. This is the portrayal of Duffy in both the Time Films/Smithsonian documentary, “The Ghosts of Duffy’s Cut,” and the Tile Films/PBS documentary, “Death on the Railroad.”
3. Walter Licht, *Working on the Railroad* (Princeton: Princeton University Press, 1983), 24: “It is practically impossible ... to learn about the independent contractors and their experiences as management-sponsored, small-time operators.”
4. See Liam Chambers, *Rebellion in Kildare: 1790-1803* (Dublin: Four Courts Press, 1998), A.T.Q. Stewart, *The Summer Soldiers: The 1798 Rebellion in Antrim and Down* (Belfast: The Blackstaff Press; reprint 1996), and David Noel Doyle, *Irishmen and Revolutionary America 1760-1820* (Dublin and Cork: Mercier Press, 1981).
5. Found in the railroad clippings files of the Chester County Historical Society, West Chester, Pa.
6. Duffy’s “Article of Agreement” for Mile 59 is found in the records of the Board of the Canal Commissioners, Columbia & Philadelphia Railroad, in the Pennsylvania State Archives, Harrisburg, Pa. The listing of the “railroad lettings” of the P&C from an undated 1831 edition of the *West Chester American Republican* newspaper further lists Duffy as being given responsibility for Mile 59 (in the Chester County Archives Railroad Clippings File).
7. See Watson, Watson, Ahtes, and Schandelmeier, *The Ghosts of Duffy’s Cut* (Westport and London: Praeger, 2006), Chapter Five.
8. See the PRR file on Duffy’s Cut, in Watson, Watson, Ahtes, and Schandelmeier, pp. 164-166.
9. Letter of William B. Mitchell to James Clarke Esq. of the Pennsylvania Canal Commission, dated 1833, found in the records of the Board of the Canal Commissioners, Columbia & Philadelphia Railroad, in the Pennsylvania State Archives, Harrisburg, Pa.
10. Found in Chester County Collections, no. 16 (West Chester Bureau of Historical Research, October 1939), 497-503 (Chester County Historical Society). Thanks to Professor Jim Jones of West Chester University for locating this information.
11. Thanks to Ken Milano of the St. Anne’s Historical Commission, who helped locate this information in the St. Patrick’s parish register.
12. From Duffy’s “Article of Agreement,” in the Pennsylvania State Archives, Harrisburg, Pa.
13. As seen in the 1880 and 1900 census records, the brothers lived for awhile with another sister, Bridget, and then on their own within the City of Philadelphia.
14. From Edward Duffy’s obituary in the *Philadelphia Inquirer*, July 24, 1921.