

LADY "JUSTICE," A VERDICT AND A LEGEND



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Cover image: The original statue of Justice as it looked at the time of the Anthony trial.
Photo courtesy Ontario County Historical Society.

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The trial of Susan B. Anthony took place in the Ontario County Court House, June 17-19, 1873. It was the setting for one of the most persistent legends of Western New York. Each generation since then has identified the Anthony case as a watershed event in the long struggle for woman suffrage. It was widely covered by the press, attended by former President Fillmore, and its proceedings were preserved for posterity in the various chronicles of the suffrage struggle. The best known of those publications is the multi-volume *History of Woman Suffrage* (1922) edited by Elizabeth Cady Stanton, Susan B. Anthony and Matilda Joslyn Gage (and finally by Ida Husted Harper). It is still in print in various formats. You would think that every significant event associated with the Anthony trial was thoroughly documented and would be history in the usual sense, not folklore.

However, one purported event went relatively undiscussed for decades. Then, in the mid-1930s, it took on major significance. That event was the damage done to the statue of Justice atop the court house dome. One account, widely cited today, was written decades after the event by well-known Rochester journalist, Arch Merrill, in his book, *The Lakes Country* (later republished and expanded as *Slim Fingers Beckon* in 1951). Recounting the events of the Anthony trial, Merrill said, "That night there is a high wind and the wooden statue of justice in the Court House dome crashes to the ground." (Merrill 1944, 50)



Ontario County Court House at the time of the Anthony trial.
Stereopticon card courtesy Ontario County Historical Society.

Since the mid-1930s there have been several published versions of possible damage sustained by the statue at the time of the Anthony trial. Some say it was hit by lightning. Some versions say the statue toppled from the dome. Other versions claim that only the statue's right arm, mistakenly said to be holding the scales of justice, fell to the ground. The most specific account of the "event" was published in the *Ontario County Times-Journal*, February 15, 1937 (1). In that article, Isaac J. Waldmer wrote that, "the more superstitious residents of the village attached ominous importance to the fact that the scales held in the hands of the statue of Justice, located at the peak of the Court House dome, fell to the ground at the very instant that the presiding judge was committing an action held to be highly unfair and brazen." Regardless of the actual facts, the stories of damage to "Lady Justice" all serve to emphasize the travesty of the trial proceedings. The wounding of the statue of Justice, if indeed it took place, is a symbol of the wounding of our body politic and our collective sense of justice. At a time when few among us would

seriously argue against woman suffrage, the damage that may have been done to "Lady Justice" is universally seen as an omen and a judgment from the heavens.

Yet, there are unanswered questions about the statue, its relation to the Anthony trial, and how and why the story developed. There has been very little research into the story. That may be due to the redemptive nature of the story. Even if it isn't true, we would like it to be. Any damage to the statue, the public felt years later, was an act of God; a judgment of the Almighty. Ninety years after women got the right to vote in New York (1917), the story confirms Anthony's outrage at the outcome of the trial. Addressing Justice Hunt she said:

"Yes, your honor, I have many things to say; for in your ordered verdict of guilty, you have trampled under foot every vital principle of our government. My natural rights, my civil rights, my political rights, my judicial rights, are all alike ignored. Robbed of the fundamental privilege of citizenship, I am degraded from the status of a citizen to that of a subject; and not only myself individually, but all of my sex, are, by your honor's verdict, doomed to political subjection under this, so-called, form of government." ("Famous American Trials.")

Writing for the *Canandaigua Daily Messenger*, February 28, 1968 (12), City Historian Herbert J. Ellis related the statue story plainly. "Tradition says that at this moment [the trial] the scales in the arm of Justice crashed to the earth in horror of injustice. This tradition has been handed down from one generation to the next." Ellis was known for his accuracy and he was born in Canandaigua just three years after the Anthony trial. If the statue had, indeed, be damaged on June 19, 1873 Herbert Ellis would not

have called it merely a "tradition." The statue story is handed down, in addition to the facts of the trial, because we want it to be true. The shared story is widely accepted and repeated because it serves a common purpose.

How is the story related to the actual facts of the Anthony trial? Local and regional accounts were nearly unanimous in their opinion that the trial was a travesty. But was the statue of Justice injured? Did it fall? The answer to that is a qualified "yes." On September 3, 1873, two Canandaigua newspapers reported that repairs were being made to the statue on the Court House dome. The *Ontario County Times* stated (3) that "scaffolding is being erected on the Court House this morning, to enable the workmen to repair the injuries suffered recently by fair Madame Justice." That same day, the *Repository and Messenger* said (3) that, "Mr. J. B. Robertson, the builder, is now engaged in restoring "Justice" to her proper shape. Our readers will probably remember that when Susan B. Anthony received her sentence, the statue of Justice on the Court house lost her right arm." Those reports were written just ten weeks after the trial. They are pretty convincing evidence that the statue was damaged at or near the time of the trial.

However, accounts of the trial published at the time (June 19) make no mention of damage to the statue. Anthony and her supporters did not mention the incident in their published accounts. Neither did Anthony mention such an incident in her diary. She distributed thousands of copies of the trial record. If she could have added such an emotional symbol to the story would she not have done so? Since the suffragists were focusing all their attention on politics and law, perhaps they overlooked something that appealed only to base emotion.

Contemporary newspapers reveal that there were several violent thunderstorms around Canandaigua in the summer of 1873. Ten days after the Anthony trial, the *Messenger* reported (Jul. 2, 1873, 3) that "During the heavy thunder shower on Monday [June 30], a bolt of lightening entered the Western Union Telegraph office here and exploded, causing a report like that of a cannon." The Western Union office was only a block from the courthouse. On other days, homes and farms were hit by lightening.

In fact, storms and lightening strikes appear to have been common elements of June weather around Canandaigua in 1873. The statue was damaged by lightening and wind several times throughout the years. Another incident was published by the *Times*, November 2, 1927 (4) as part of a story about local steeple jacks. "The Messrs. Nesbitt are known here as the men who repaired the statue of Justice on the Court House when it was damaged, and again repaired and replaced it when it was thrown down recently by lightening." One recent strike was nearly on the anniversary of the Anthony trial, June 13, 1991.

Probably, any damage to the statue was initially overlooked for two reasons. First, storm damage was fairly common in the area. Secondly, the participants, observers, and reporters associated with the Anthony trial were consumed with the legal contest and its political implications. A half century later, with woman suffrage a fact and Susan B. Anthony a national icon of legendary proportion, the statue was an obvious symbol of the struggle. Local stories of its damage could be overlooked no longer.

The statue of justice atop the Ontario County Court House in 1873 was probably carved by Christopher Harbo, a local woodcarver, in 1857. It remained on the court house dome until 1951. By then, it had rotted beyond repair. Its history is largely mystery, but it remains the object of a persistent upstate legend that serves a national purpose.



Surviving left arm of the original statue. Now in the collection of the Geneva, NY Historical Society. Photo by the author. A section of the surviving torso is in the collection of the Ontario County Historical Society.



Surviving relics of the first Lady Justice. On display at the Ontario County Historical Society, Canandaigua. Image by the author. April 2009.

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