Commonwealth of Pennsylvania v. Mathias Althouse Being a Case of Adultery, Fornication and Bastardy in Upper Bucks County

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Abstract: In 1861, Mathias Althouse, 34, married with several children, impersonated a neighbor, Peter Detweiler, and seduced Esther "Hetty" Campbell, 32, widowed with several children. When Campbell became pregnant, she went to the magistrate and swore a complaint against Althouse. Althouse was arrested, jailed, tried and convicted of two crimes: "adultery," resulting in a \$1 fine and eight months in the county jail, and "fornication and bastardy," resulting in a \$1 fine plus \$2 on account for expenses and 75 cents per week of support until the child turned seven.

Adultery, Fornication and Bastardy in Upper Bucks County

By Daniel Paul Morrison, M.A. Fellow of the Doylestown Institute

In all times and places, rascals, rogues, and rapscallions have enjoyed the carnal pleasures of women other than their own wives, sometimes siring children out of wedlock. Some things never change. The consequences of adultery and the begetting of bastards, however, has varied widely.

Those of us born in the late twentieth century find it hard to imagine that adultery, fornication and bastardy might be crimes, much less crimes punishable by many months in prison. Such, however, was the case in the United States not so long ago.

In this paper I briefly review the particulars of *Commonwealth of Pennsylvania v*.

Mathias Althouse – a case of adultery, fornication and bastardy, in which the defendant, a carpenter from Richlandtown, Bucks County, was convicted of these crimes and fined, charged with the support of his bastard child, and sentenced to eight months in the county jail.

From his arrest on September 17, 1861 until his final release on November 6, 1862 – fully 447 days – Althouse languished in the jail at Doylestown. When Althouse finally regained his freedom, he had been in the county jail longer than any other prisoner during the years 1861 and 1862.

Sources

There are several sources of information regarding the parties involved in *Commonwealth of Pennsylvania v. Mathias Althouse*. They are:

Doylestown Weekly Intelligencer – This weekly newspaper published in the county seat of Bucks County, carried two items regarding Mathias Althouse, one on November 26, 1861 and one on December 2, 1861. The earlier article lists Althouse under the title "Prison Affairs," an item listing the fourteen people in the Doylestown jail awaiting trial. The later article devotes more than 500 words to Althouse's trial, including detailed information regarding the testimony given in the case – information not contained in the court records.

Bucks County Court Records – Althouse was tried and convicted in Doylestown before the Court of Quarter Session of the Peace of Bucks County during the December 1861 session.

Court records provide the names of the jurors, the attorneys, the witnesses called by each side in the case, the changes, the court costs, and the judgment and sentence of the court. Unfortunately, these records offer no insight into the details of the arguments placed before the court.

U.S. Census Records – Census records provide a minimal insight into the location and household circumstances of the parties to this case. We find Mathias Althouse and his household in the Bucks County census records of 1850, 1860, 1880, and 1900. We find Hetty Campbell and her household in the Bucks County census records of 1860, 1870, and 1880. We see William Campbell, the bastard son of Mathias Althouse, in the Bucks County census records of 1870 and 1880. Unfortunately, the census records are not as accurate as could be desired. The listed ages of individuals are often incorrect, as we can ascertain from more reliable records.

Genealogy of the Althaus-Althouse Family: A Preliminary Study – This self-published family history written by Daniel M. Althouse and John Baer Stodt provides information regarding the ancestors of Mathias Althouse, going back to Arndt Althaus, his great-grandfather and the progenitor of the Althouse family in Bucks County. Unfortunately, it contains no information regarding the descendants of Mathias.

Cemetery Records – We find tombstones of Mathias Althouse, Hetty Campbell, and three legitimate sons of Mathias Althouse in the Quakertown Union Cemetery, St. Luke's Union Cemetery (Ferndale), and Tohickon Union Cemetery (Keelersville).

The Althouse Family

The progenitor of the Althouse family in Bucks County was Arndt Althouse, one of 596 passengers aboard the ship *Fane* from Rotterdam to Philadelphia, bearing families from the Palatinate, Württemberg and Rottenheim. He took the oath of allegiance at Philadelphia on October 17, 1749. Arndt Althaus died August 6, 1758 and is buried in the churchyard of the Tohickon Reformed Church in Bedminster Township.

Among the four children of Arndt Althaus was Daniel Althaus, who married Anna Marie Scheib on September 28, 1773. She bore him four sons and two daughters and then died at the age of 32 on January 15, 1783. Daniel Althaus married Juliana Schwenk who bore him five sons and one daughter. He died as the result of an accident on December 16, 1795.

The fourth of the twelve children of Daniel Althaus was John Martin Althouse, born June 14, 1778. On November 31, 1802, he married Catherine Ziegenfus and had eleven children. He

owned a farm near Keller's Church and also worked as a stone mason. He was killed accidentally in April 1839, while returning with a team of horses from Philadelphia.

The ninth of the eleven children of John Martin Althouse was Mathias Althouse, born September 21, 1826.¹ Thus, Mathias Althouse was a fourth-generation American, born to a family with both land and a trade.

Mathias Althouse prior to 1861

Born September 21, 1826 in Bucks County, Pennsylvania, we have no record of the activity of Mathias until, at the age of 23, he married Lydia Anna Leh (or Ley) in the Tohickon Reformed Church, Bedminster Township on September 30, 1849.

According to her gravestone in the Quakertown Union Cemetery, Lydia was born March 6, 1834, making her fifteen and one-half years old when she married.

On September 5, 1850, the census records list Mathias as a 25-year-old carpenter without any real estate living with his 16-year-old wife.

In the Tohickon Union Cemetery we find evidence of three sons of Mathias and Lydia Althouse – all having died as babies. Samuel Althouse was born June 30, 1850 and died September 10, 1850. Mathias Althouse was born November 1851 and died January 5, 1852. James Martin Althouse was born February 24, 1857 and died December 10, 1857. Two girls survived: Catherine born 1853 and Mary Elizabeth born 1859.

On June 26, 1860, the census records list five people living in the Althouse household. Mathias is listed as a 31-year-old carpenter and Lydia is listed as a 31-year-old wife – these ages are both incorrect. There are two girls listed: Catherine, age seven, and Mary E., age one. Also living in the house is Jacob Ziegler, aged 12. Ziegler was called as a witness for the defense in the case under consideration.

An 1860 Richlandtown map shows an M. Althouse living in what is now the borough of Richlandtown, across the road from the farm of Lewis Benner. Benner was called as a witness for the prosecution in the present case.

The census record of 1860, a year prior to his arrest, lists the value of his real estate at

¹ Mathias Althouse's tombstone in the Quakertown Union Cemetery lists his dates as September 21, 1826 to August 15, 1907. The 1850 census lists his age as 25 as of September 5, 1850, placing his birth date before September 5, 1825. The 1900 census lists his birth date as September 1821. The *Genealogy of the Althaus-Althouse Family* lists his birthdate as September 21, 1816.

\$1,800 and his personal estate at \$500. His wealth was comparable with his neighbors: his next-door neighbor, a shoemaker, has real estate worth \$2,000 and a personal estate worth \$500. Two doors down, a pair of bricklayer brothers share real estate worth \$1,600.

We can ascertain that just a year prior to his crime, Mathias Althouse was a middle-class tradesman, living in a rural community with his wife of 12 years and a small family. Tragically, he had lost three sons to early deaths in the previous decade.

Hetty Campbell prior to 1861

On July 11, 1828, Hetty Campbell was born Esther Glassmeyer to Joseph and Anna Marie Glassmeyer in Berks County, Pennsylvania. She married Frederick Campbell in 1849, the year Hetty's father died.

According to the 1850 census, Hetty was living with her husband, Frederick, a carpenter owning \$1,000 worth of real estate. Living with them was their daughter, Susanna, aged 1, and a 19-year-old boarder and probable employee, William Claymoyer.

On July 14, 1860, Hetty's husband, Frederick died, at age 38, and was buried in the St. Luke's Union Cemetery, Ferndale, Bucks County, Pennsylvania.

According to the 1860 census, taken less than a month after Frederick Campbell's death, the 32-year-old Hetty is listed with four children, Susanna, age 11, Mary Emma, age 9, Jonas, age 1, and Amanda age 1. Her estate is listed as comprising \$3,000 worth of real estate and a \$700 personal estate.

She lives next door to John J. Campbell and two doors down from John U. Campbell. Perhaps the Messrs. Campbell are Hetty's in-laws and she lives on family property.

While none of the census records indicate that Hetty Campbell is illiterate, we may infer this from the fact that her 1861 affidavit bears her "x" mark rather than a signature.

The Crime

The article in the *Bucks County Intelligencer*, which is transcribed in the appendix, provides many details of the crime, so here we need only briefly sketch the events and draw attention to some interesting elements.

In early 1861, Althouse, age 34, traveled to the house of Hetty Campbell, age 31, and claimed to be Peter Detweiler, a widower living south of Quakertown. He said that he wanted to

hire her as a housekeeper, and that if things worked out well, he would support her and her children. During this first meeting, the widow Campbell "submitted to the desires of Althouse."

Althouse then called on Campbell several more times, each time having carnal knowledge of the widow.

On one occasion, Campbell told him that she was pregnant. He was unconcerned, saying that all widows know how to deal with such circumstances. He then stopped visiting her. In time, Campbell went to the magistrate and swore a complaint against Peter Detweiler, who was arrested. When Detweiler appeared before the magistrate along with Campbell, all the parties present realized they had the wrong man.

No records have come to this writer's attention that indicate how the courts and Campbell ascertained Mathias Althouse was the man responsible for the child growing in Campbell's womb. But somehow that was done and Althouse was arrested on September 17, 1861.

Following Althouse's arrest, John Hinkle, Jr., the Richland township constable, showed up at the Althouse residence with the intention of seizing some of the jailed man's property to be sold by the court to settle some claims. Mrs. Lydia Ann Althouse insisted that the property was hers and the two fell to blows. In the end, the goods were seized by the constable and sold. Subsequently, the constable and the wife of the prisoner filed assault and battery complaints against each other, both of which were dropped without prosecution. Mrs. Althouse pursued a civil suit against the constable, the outcome of which this author does not know.

The Trial and Sentence

For the prosecution, the court heard the testimony of Hetty Campbell and four other witnesses present in the courtroom. Affidavits were entered for four witnesses, including Lewis Benner, a farmer living across the road from Althouse, and Peter Detweiler, the man whose good name was abused.

For the defense, only one witness was called, to wit, Jacob Ziegler, the 12-year-old lad living with Althouse. The boy was either kin to Althouse or beholden to him as an employee, and, given the outcome of the case, it is apparent that his testimony was of little consequence.

While Althouse plead innocence, claiming he never saw Campbell until she appeared in the courthouse, he was convicted on both charges. For adultery, he was fined \$1 and sentence to the county jail for eight months. For fornication and bastardy, he was fined \$1 and required to

provide \$2 on account and 75 cents per week to support the child until age seven.

The Aftermath

Althouse emerged from the Doylestown jail on November 6, 1862. He had spent 75 days in jail awaiting trial – the court being in session only once per quarter. Following his sentencing, he remained in jail for another 342 days in jail – nearly 100 days more than the eight-month sentence. While the reason for this overage is not clear, the sentence of the court required that he remain in jail until his fines were paid. It hardly seems possible, however, that he would have remained in jail three extra months on account of a few dollars.

So what became of Mathias Althouse, Hetty Campbell and their bastard son? Unfortunately, the record is sparse, but we can snatch a few glimpses during those moments when their lives intersect the duties of the census taker.

Mathias Althouse—Matthias Althouse and his wife Lydia Ann do not appear in the Pennsylvania census records of 1870. It is possible they left the state during that time, or simply that they somehow eluded the census takers. Mathias and his family do appear in the subsequent census records, continuing to live in the general area he lived all his life.

We catch up with Althouse in the 1880 census. He is listed as a 53-year-old carpenter, living with his wife, Lydia Ann, aged 46. His 15-year-old daughter, also named Lydia Ann, is at home. Rounding out the household is Clementine Reeder, a 10-year-old granddaughter. She is the daughter of Catherine Althouse, aged seven as of the 1860 census.

In the 1900 census, we find Althouse, age 78, living with his wife Lydia, age 69. The children are gone and they have celebrated their 51st wedding anniversary in the past year. His profession is still listed as carpenter and there are four others in his employ.

In sum, it seems Althouse returned to his life, raised his family, continued his profession, remained married, and lived to a ripe, old age of 81. His tombstone in Quakertown Union Cemetery lists his date of death as August 15, 1907. His widow survived until December 12, 1925 and is buried next to him.

Hetty Campbell—Hetty Campbell's life following the birth of William, her bastard son, takes a decided downward turn, though it is possible that that negative trajectory had begun upon

her being widowed.

In 1860, the year Campbell was widowed, and the year before her trouble with Mathias Althouse began, Campbell's estate is valued at \$3,700. She is living with her four young children, Susanna, 11; Mary Emma, 9; Jonas, 6; and Amanda, 1.

But in 1870, we find Hetty living as a domestic servant in the house of Samuel Hefler, a 61-year-old, illiterate, unmarried farmer laborer. She has no personal property listed in the census, and her employer is listed as owning only \$500 in real estate and \$200 in personal property. She is living with children, William, age 8, who would appear to be the bastard son of Althouse, and Clementine, age 5, who would appear to be another bastard child, given the fact that Campbell has no husband.

In the 1880 census, we find Hetty Campbell living with her son, Jonas, a 25-year-old farm laborer. The record tells us nothing more than that she was healthy at the time she was visited by the census taker. According to her tombstone, Hetty Campbell died on July 26, 1884, at the young age of 56. She was buried alongside her husband, Frederick Campbell, in St. Luke's Union Cemetery, Ferndale, Bucks County, Pennsylvania.

In sum, it seems Campbell continued to have carnal knowledge of men without the benefit of marriage, with the consequence of increasingly desperate economic conditions.

William Campbell—We have only slim information about William Campbell. He appears in the 1870 census as an eight-year-old boy living with his mother and younger sister in the house of Samuel Hefler, in Applebachsville, Bucks County. We see him again in the 1880 census, now an 18-year-old farmhand, living in Wrightstown, Bucks County, on the farm of David Slack, who also is a justice of the peace.

After that point, this author has been unable to find any definite information about the child of Mathias Althouse and Hetty Campbell in census and other public records. In part, this difficulty is caused by the commonness of his name.

There is one distressing newspaper notice of a William Campbell which might be our man. Dated July 28, 1881, it reads, "William Campbell of Warminster was committed to jail one day last week by Squire Willis Wall, on charges of assault and rape."

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APPENDIX

Doylestown Weekly Intelligencer

November 25, 1861

Prison Affair.—There are fourteen persons in the Doylestown jail awaiting trial at the present term of Court. The offenses charged are principally of a petty character, though considerable time will be occupied in disposing of these cases. The names of the prisoners and the offenses charged as follows:

-- Section Cut --

Mathias Althouse, charged on oath of Hetty Kemble, with fornication and bastardy. Althouse is from the upper end of the county, and although the offense charged is one of common occurrence, the circumstances under which it is alleged it was committed added interest to the affair. The defendant is charged with acting under false pretenses. Some rich developments may be looked for when the case comes up for trial.

Doylestown Weekly Intelligencer

December 2, 1861

Commonwealth v. Lydia Ann Althouse—Assault and battery, on complaint of John Hinkle, Jr., of Richland township. The defendant is the wife of Mathias Althouse, whose name also appears in the report of the proceedings of this term. The prosecutor is the constable of Richland township, and having an execution in his hand against Mr. Althouse, went to where he lived to levy on some of the property, when it was claimed by the defendant as hers. The constable being disposed to disregard her claim, she assaulted and beat him — and hence this complaint. The goods, were however seized, and sold by the constable, and a civil suit is now pending by the defendant against the constable for damages therefrom. This prosecution for assault and battery was now settled by the parties, and a nol pros. entered. Gilykson for Commonwealth.

Commonwealth v. John Hinkle—Assault and battery, on complaint of Lydia Ann

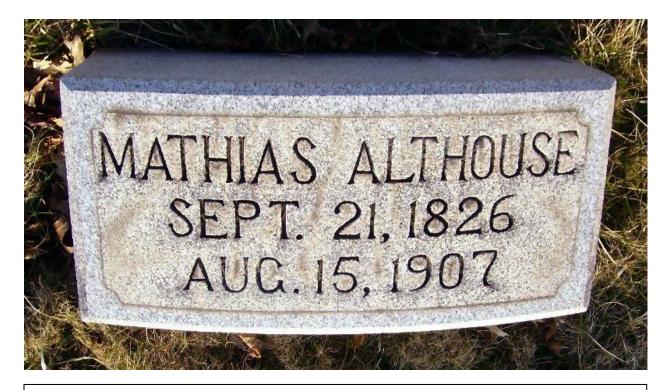
Althouse, in the above report named. This was a cross action to the above mentioned, arising out of the same occurrence. Settled, and a nol pros. entered. Gilkyson for Commonwealth.

Com. V. Peter Detweiler alias Mathias Althouse—Adultery and F. & B., on complaint of Esther Campbell of Haycock township. The defendant is a married man, and lived in Richland township. The prosecutrix testified that she was a widow with several small children, her husband having been dead about six months, when she became acquainted with the defendant; that he came to the house where she was living alone with her children, and stated that he was a widower, his wife having been dead some time, that his name was Peter Detweiler, and that he lived in Richland township; that having heard of her he had come to see if he could not hire her to keep house for him; that if she should she could get along very well, as he would pay her and would take good care of her and her children. That subsequently, on this first interview, and at several times afterward, she submitted to his desires. But that finally, at one of his visits, she informed him of her condition, when he replied that was a matter of little moment, as widowers well understood what to do in such cases; that he, however, never visited her again, but left her to get along as best she could; when some months subsequent she had a warrant issued, and the real Peter Detweiler, who lived a few miles from the defendant, in the same township, and who, had really been a widower some six years, arrested on this charge. But when the constable arrested Peter Detweiler he seemed to have been very much surprised by the charge against him, and when he and the prosecutrix met before the Justice, they found that they were entire strangers. Subsequent inquiries directed attention to the fictitious Peter Detweiler, who was arrested, but on meeting the prosecutrix, protested he had never known her. But she insisted that she had had a very intimate acquaintance with him, and various other circumstances being proved to corroborate her allegations and the defendant being unable to give bail, was committed to jail, where he remained until Court. The evidenced now on the trial was positive and conclusive, on behalf of the Commonwealth. The prosecutrix's testimony was corroborated in various respects. The defense called but one witness, whose testimony failed to aid the defendant. The jury, therefore, rendered a verdict of guilt. Gilkyson and T. & H. Ross for Com., James for defendant. When asked what he had to say why the court should not pass sentence upon him, he replied that he was innocent, and had never seen the prosecutrix until after his arrest, he met her at the Justice's office. The Court replied that this story might possibly be true,

but that the evidence had been pretty strong against him, and that they were, therefore, obliged to believe the verdict of the curry correct. Sentence for adultery, – \$1 fine and county jail for 8 months, for F. & B., \$1 fine, \$2 lying in expenses and 75 cents a week, until the child is seven years old.

The Central News (Perkasie, Pennsylvania)
July 28, 1881

William Campbell of Warminster was committed to jail one day last week by Squire Willis Wall, on charges of assault and rape. More grist for District Attorney Yardley's mill.



The gravestone of Mathias Althouse in the Union Cemetery, Quakertown, Pennsylvania.

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The widowed Hetty Campbell and her four legitimate children – Susanna, Mary Emma, Jonas, and Amanda – appear in the 1860 census. The widow owns a substantial amount.

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Hetty Campbell and her two illegitimate children – William and Clementine – appear in the 1870 census. The widow is destitute and working as a live-in housekeeper for Samuel Hefler, a 61-year-old farm laborer.

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An 18-year-old William Campbell is living and working on the farm of David Slack in Wrightstown, Pennsylvania, according to the 1880 census.

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Mathias Althouse and his wife Lydia, along with their two daughters, Catherine and Mary, appear in the 1860 census. The carpenter Althouse has an estate worth \$2,300.

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Mathias Althouse, 53, and his wife Lydia Ann, along with their daughter, Lydia Ann, and granddaughter, Clementine Reeder, appear in the 1880 census.

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Gravestone of Hetty and Frederick Campbell, Saint Luke's Evangelical Lutheran Church Cemetery, Ferndale, Bucks County, Pennsylvania