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“Between the Heavens and the Earth”: Narrating the Execution of Moses Paul

Matt Salyer

New Haven, September 2, 1772: “By the melancholy providence of God,” a “great concourse of people” had gathered to watch Moses Paul die. Nearly a year before, the Superior Court meeting “by adjournment” at New Haven had convicted Paul, a “transient” Mohegan sailor and ex-soldier, of murdering Moses Cook with a flatiron as the two men stood arguing in the doorway of David Clark’s tavern in Bethany. By 1772, it was common knowledge that Paul “had behaved so disorderly (on Mrs. Clark’s refusing to let him have a dram) that he was turned out of doors, where he swore to be revenged on some one person in the house.” And when the unfortunate Cook left the tavern, he “received from the Indian (who tis supposed lay in wait near the house, in order to put his threat in execution) a violent blow on his head, with some weapon, that broke his skull in so terrible a manner that he died of the wound.”¹ The following Tuesday, eighteen “able Judicious and Lawful freeholders” convened as a Grand Jury and issued an indictment against “Moses Paul a transient person” who, “Not having the fear of God before his Eyes butt being moved and Seduced by the Instigation of the Devil,” had murdered Cook “of his Malice forethought.”² Normally the Superior Court at New Haven would not have convened until the spring, but the crime was unusually severe and sudden, and the assailant was an Indian, and so the Court convened

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early to render its judgment—remarkably early, in fact.³ Three days after the “Lawful freeholders” returned the indictment and five days after Cook’s death, the Superior Court met in session at eleven o’clock in the morning. At the trial, Paul pled “not guilty,” and placed his fate in the hands of “God and the Country.”⁴ Other than his advocate’s clumsy assertion of Paul’s innocence, it is hard to know what else may have been said, for there are only scant records of the trial itself. Procedurally, it was standard. The King’s Court provided counsel for Paul—there is a bill for six pounds to that effect—but given the short span of days from the indictment to the trial, any preparation for the defense must be considered hasty at best. Later, Paul would recall being “under very poor advantages to make his proper Challenges to the Jury.”⁵ Little more than a week passed between Cook’s death and the jury’s agreement that Paul should “go hence to the Common Gaol from whence he came and there to the place of execution and then and there be hanged up by the Neck between the Heavens and the Earth.”⁶ No one took credit for the defense.⁷

Paul protested his innocence in a lengthy appeals process, but lost. Ten months later, he sat midmorning with part of that “great concourse” gathered at the “Brick-Meeting House” on the Green. At his request, before the hanging the celebrated Indian preacher Samson Occom extolled repentance for nearly an hour. “Death,” Occom reminded them, “is called the king of terrors, and it ought to be the subject of every man and woman’s thoughts daily.”⁸ By the time he had finished speaking, the day had already become “very stormy and uncomfortable.” Perhaps that, too, was all part of the “melancholy providence of God,” attuned to the dramatic spectacle of the gallows, the reminders of death, hell, and the “wages of sin,” and the somber, nearly liturgical procession that paraded “about a mile” from church to gallows.⁹ Occom accompanied Paul on his walk through a jostling crowd that “some said” numbered upwards of “18 thousand gathered.”¹⁰ Many of the “poor [Indian] kindred” of the condemned were there, for whom the public display of Paul’s body seems to have occasioned the last “general meeting of representatives from the decaying tribes of southern New England.”¹¹ They stood alongside a strange, heterogeneous mix of “poor Negroes,” clergymen, local “Gentlemen of Note,” curiosity seekers, and even, we must assume, the bereaved and well-established Cooks of Waterbury, who had lost one of their own at the hands of the condemned man.¹² The crowd watched one man. They waited to see the work of one “king of terrors.” But they watched that man and his death through many stories.

MOSES PAUL: HIS SPECTACLE AND HIS SPEAKERS

The illustration at the head of *A Short Account of the Life of Moses Paul*, a broadside published for the crowd, gives a nightmare impression of the death scene that awaited the condemned.¹³ The artist renders a square, bright box of the gallows. Paul's distended body captivates the viewer; his head, shaved and crowned with a topknot, hangs mournfully askew from the noose. The background is nothing but an endless repetition of faces: indistinct, crudely delineated, skull-like. They serve their function, signifying the "great concourse" of "18 thousand" present. Between the dark patterns of eyes and mouths and the clear, isolated image of Paul's corpse, a series of other figures mediates the hanging. Each performs a role in framing the events of the gallows for the witnesses and readers. Men of the court are there in their official capacities. Occom, too, is surely represented. This, after all, was part of the double spectacle produced at the gallows for a crowd whose "Curiosity was as much excited to hear Mr. Occom preach as to see the Execution, altho' there has not been one in this Town, since the Year 1749."¹⁴ Viewers wanted to see how Moses Paul performed his death, but they also wanted to see how Paul's mediators put on their own performances of Moses Paul.

Notably, some of the most significant mediators of Paul's story are lost in the anonymity of the *Short Account's* picture of the crowd. In the legal record, Paul explicitly states that his case was aided through the intervention of several of Colony's "Gentlemen of Note." One of those gentlemen, the prominent New Haven attorney and politician William Samuel Johnson, was also the coauthor and editor of Paul's petition. The only narrative record preserving the clear intonation of Paul's own voice and version of events, the petition illustrates just how difficult it is to actually distinguish between a suppressed individual identity and the mediators who gave it form by inscribing it in the normative, inherited forms of eighteenth-century public discourse. In literary parlance, it frustrates what W. K. Wimsatt and M. C. Beardsley call the "intentional fallacy," whereby we read texts as ways of unlocking the private psychologies of their writers, as well as a critical tendency to read simple binaries and isolate, crystalline identities into the historical records of real lives.¹⁵

The conventional Indian identities produced by Occom's *Sermon* or the broadside *Short Account* are similar to the confessional identities "discovered" or "uncovered" in texts: typically ossified, they are often inextricable from an "intentional reader's" own commitment to an essentialist sense of the human experience. For example, we cannot recover why elite "Gentlemen of Note" in eighteenth-century Connecticut advocated for the "violent drunk" Paul, or why Occom's political enemy Johnson, who forcefully argued against Mohegan land claims presented to the Crown, also forcefully argued on behalf of a convicted

Mohegan murderer. Yet we may observe that the sympathetic, confessional speaker before the law, "Moses Paul," is partly a creation of his erudite English attorney, just as the gallows figure of the repentant Indian convert is Occom's creation as much as it is Paul's. At the same time the rhetorical figure of the condemned by Johnson's petition is equally a creation of the real Mohegan sailor, Moses Paul, the living subject of legal inquiry, procedure, and judgment. By acknowledging the coproduction of Paul's legal and religious confessional selves, we decenter any one interpretive model of how texts produce or alternately suppress identities. Instead, we bring the important role of a text's formal *occasion* into clearer relief. Here, because Johnson is constructing a petition for his client, he advocates for the marginal figure of the accused *against* an unsympathetic construction of "Indianness." Because the specific coproduction of a petition required that the figure of "Moses Paul" appear as the recognizable and sympathetic subject of the Crown's justice, it does not advocate for or valorize a figure that remains other.

Moses Paul and his intercessory "Gentlemen of Note," Johnson in particular, exemplify the extent to which *all* figurations of selves in texts are mediated representations. We cannot see through the metaphorical interlocutors that separate the body of the condemned from the vast audience in the dramatic image from the *Short Appeal*. Paul himself is only one of many mediators, and thus should not be considered merely the "true" and "essentialized" voice kept from view. Reframing his role as a co-mediator of his own represented figure illustrates that, as Alasdair MacIntyre remarks, "we are never more (and sometimes less) than the coauthors of our own narratives."¹⁶ While there are a number of ways in which constructed identities can make one the object of domination, nostalgia, romanticized idealism, or a myriad of other rigid roles, there are also a variety of ways in which speakers coauthor their own self-representations and those of others, ways that do not cleanly fit into accepted critical tropes about cultural dominance, intersubjectivity, ideological binaries, and othering. For Mikhail Bakhtin, narrative discourse produces "events whose essential and constitutive element is the relation of a consciousness to *another* consciousness, precisely because it is *other*. Such are all events that are creatively productive, innovative, unique, and irreversible."¹⁷ Reading coauthorship encourages an acute sense of the real distinction between individual speakers like Paul and his advocate, and it also preserves Paul's own speech act from essentializing him into a static representation, "Moses Paul," a figure that would be produced just as Occom's sermon produces the figure of the "poor unhappy brother." More broadly, situating Paul's petition within the juridical practices of eighteenth-century Connecticut implicates another sense of how coauthorship affects representation, that is, a communal one that mediates between idiosyncratic speech acts—individual petitions, inquests, and appeals,

for example—and the community to which such acts are answerable. We can then ask how that community becomes reconfigured, or answerable, not only by its explicit definitions of the other, but also in its own role as coauthor of *another's* speech.

At Paul's gallows, two paired spectacles operated in unison, legal and sacerdotal, Indian and English, both attuned to the single climax of death. Beside the condemned, Samson Occom offered a "short, but well adapted Prayer to the Occasion," while Paul waited with apparent "Decency and Steadiness."¹⁸ When Occom finished, Paul stepped forward to take his own "most affectionate Leave of his Countrymen." Like Occom's short supplication, Paul's "most affectionate Leave" is irrecoverable; at the time it did not seem worthy of more than the most cursory mention. Yet because we have the text of Occom's sermon from earlier that morning, it is easy—perhaps altogether too easy—to imagine a voice, Occom's voice, issuing from the platform: "my poor unhappy brother . . . I shall speak plainly to you . . . you are the bone of my bone and flesh of my flesh . . . a despised creature, but you have despised yourself."¹⁹ In the end, though, we are left with little more than an acknowledgment that Paul "exhorted them [the Indians] to shun those Vices, to which they are so much addicted, viz. Drunkenness, Revenge, &c."²⁰ Such words are in essence a recapitulation, however heartfelt, of Occom's sermonizing, but Paul concludes with a curious rejoinder. He "acknowledged that he kill'd Cook," the papers reported, "though not with a Flat-iron, as was supposed, but with a club."²¹ It is as if, having witnessed his own obsequies for the sake of Providence, he wants to return to the legal narrative begun at New Haven's Superior Court, and continued by another powerful mediator, his appeals attorney, William Samuel Johnson. He wants to set the record straight.

Paul's insistence that he "kill'd Cook" with a "club," and "not with a Flat-iron" is one of many instances where Paul's own narrative does not align cleanly with the highly dramatic conventions of exhortations from the pulpit and the popular literature of executions. He is willing to acknowledge the broader themes of "Vices . . . viz. Drunkness, Revenge, &c." heard in Occom's register, but he also insists on accurate details and the integrity of his own version of events. In the *Short Account*, for example, the compiler tells us that Paul "earnestly wishes that his untimely End, may be a Means of deterring others, from following those sinful Practices, which has made him so public an Example of Sin and Folly." At the same time, Paul "declares his Innocency" as "a dying person" of any "other Murders, particularly of killing a Sailor in the West-Indies."²² But like the crowd illustrated in *A Short Account*, the interlocutors who figuratively surround Paul at the gallows mediate the figure of the condemned man for us; we see the character "Moses Paul" through their eyes.

To a great extent, the literary history of Samson Occom's famous *Sermon* has subsumed Paul's case history. As Michael Eliot remarks, Occom's *Sermon*, reprinted in nineteen editions, was "both an opportunity for English Americans to watch Native Americans enacting the judicial rituals of the dominant culture and a chance for American Indians to hear one of their own people speak from a position of cultural authority."²³ Occom produces the civilized Indian and literary celebrity "Samson Occom" as much as he produces the subject of his discourse, his "poor unhappy brother." At times, the "violent drunk" Paul becomes, in Ava Chamberlain's words, little more than "a foil for the Native minister, who had so thoroughly conquered his instincts that, from the pulpit of one of the colony's oldest meetinghouses, he could condemn a fellow Indian's natural depravity."²⁴

What if we could recover the voice of Moses Paul and hear him tell his story in his own words? After his quick trial and failed appeal, through his attorney Paul submitted an extensive petition for a new trial that is highly narrative. Perhaps his voice is there, as Chamberlain suggests, in a record of his attempt to represent a more complex case of Indian identity than the one performed by Occom's *Sermon*.²⁵ Like Occom's missionary discourse, New England's legal discourse served as a "crucial vehicle" of imaginative cultural differentiation between English colonists and their Mohegan neighbors.²⁶

Clearly, a work like Occom's *Sermon* enacts many of the contradictions inherent in constructing "Indianness" through the representational forms, traditions, and rhetorical imagination of the dominant culture.²⁷ The literary techniques of close reading reveal textual ambiguities, paradoxes, ironies; applied to historical records, they can reveal fissures between mediated figures (such as the "violent drunk" Indian of Occom's *Sermon*) and the way actual marginalized individuals represented—or might have represented—their own lives, actions, and narrative self-understandings. Yet at the same time, as Robert Warrior warns us, it is important to question whether there is a fundamental binary between the speakers in the text, and the spoken-for, or we may fall into "a commitment to essentialized indigenous world-views and consciousness," which "always risks an ossifying of American Indian existence."²⁸ Many of the documents that, as Chamberlain notes, seek to render American Indian existence according to preestablished forms for colonial audiences—court pleadings, sermons, popular accounts of criminals' lives—can actually complicate, rather than ossify, their representations of lives along the margins of the community.

Paul's case illustrates this potential for complicating binary relationships. In Occom's version, Paul's tacit involvement in the staging of his own death helps to produce the powerful coauthored identity of "Occom," the Christian Indian preacher whose speech encodes the mutable dynamics between penitent,

preacher, and their audiences. In another version, Paul's legal petition to Connecticut's Assembly, the powerful rhetorical persona of "Moses Paul" masks the clarity of hand and interpolations of his erudite English advocate. Here we come face to face with Paul's version of events and his attestation of innocence, both of which are absent from Ocom's *Sermon*. The discourses of law and religion, the two primary modes of recording Paul's story, both reveal the interdependency of Paul, the subject, and his interlocutors. The confessional "Paul" of Johnson's text, after all, is a kind of true mask, a common performance that is both less and more than what either author would have been able to produce alone. It stands as a formal space in the law, a contact zone, where advocacy and self-advocacy, private and public speech, and Indian and colonial identities all remain continuously at play until they become, at times, virtually indistinguishable from each other and subject to new, unexpected formulations.

MOSES PAUL: THE PREACHER'S ITERATION

One of the defining contact zones between eighteenth-century New England's Indian communities and their English neighbors was the gallows. Because of New England's general reluctance to perform legal executions in the seventeenth and eighteenth centuries, the fact that so many of its executions involved Indian convicts points to the role that a highly essentialized formula of "Indianness" played in defining the limit of the culture's religious, political, and legal imagination.²⁹ In the 1670s, many of the legal executions of Indians in New England colonies were responses to the outbreak of King Philip's War. Of the forty-three Indian executions held between 1675 and 1677, forty were for the conjoined charge of "murder and sedition."³⁰ The remaining three, however, reveal a different pattern: a colonial use of the law to define the murkiness of colonial encounters with Indian neighbors and subjects. In 1675, three Wampanoag men, Tobias, Mattshunnamo, and Wampapaquan, killed John Sassamon, a "Christian Indian" and missionary preacher.³¹ While a number of factors in tribal politics led to Sassamon's death, his killing illustrates a broader characteristic of Indian capital cases in seventeenth and eighteenth-century New England. Encounters between Indian and English communities often produced misapprehension, mutual resentment, and bloodshed, and the colonial courts were uncharacteristically quick to prosecute for capital offenses when those encounters turned violent. The century that passed between Sassamon's killing and the execution sermon of another Indian missionary, Samson Ocom, often tells a story of two communities renegotiating their boundaries through a religious rhetoric of bloodshed, sin, and confessional submission. Deeply rooted in Puritan covenant theology, eighteenth-century

execution sermons spoke to New England's particular vocation and purpose in God's plan, and issued jeremiads against sin, secularization, and barbarism. The figures of condemned criminals facing certain death vividly reminded listeners and readers to avoid the venality and youthful indiscretions that New England ministers taught led to more serious offenses such as murder, rape, and burglary.³²

Because they were regularly the principal actors in prominent capital cases, New England Indians were also significant figures in the crime literature being produced for a developing print culture in the Colonies. As Michael Warner remarks, the "covert identification" between print culture and a white male identity tended to exclude women, racial minorities, criminals, and the unpropertied from the public discourse.³³ But when these excluded classes were represented in the domain of a text as condemned criminals, they acquired many of the same attributes that they were denied in the stratified real world.³⁴ As narrated characters, they had names, life stories, individuated relationships, and the same hope of Christian redemption that readers sought for themselves. Popular execution sermons "berated offenders for their wickedness, exhorted them to repent, and taught them how to seek salvation," but to begin on a fundamental level, at least these popular sermons addressed people as individuals. "Katherine Garret, An Indian-Servant" convicted of infanticide in 1738 or "John Jacobs, An Indian Native" and laborer condemned to death for murder in 1768, were not by any means part of the community of white, landed print consumers.³⁵ But they were more than the voiceless subjects of the execution sermons written on their behalf. The conventions of these sermons required that the preacher turn from an exhortation to general repentance and directly address the murderer. Orators like Samson Occom knew that the execution sermon was a rare public occasion for their own display of rhetorical prowess and highly literate exegesis. For the condemned, these sermons were also a final opportunity to display conclusively their own repentance, moral seriousness, and habits of literate study. The largely poor and heavily Indian constituency of the gallows thus formed the primary audience for the execution preacher's reiteration of evangelical paternalism and the normative values of New England's literate white elites, at least within the text.

Men like Paul not only performed the dual roles of propitiatory scapegoat and approving, repentant audience. Part of the whole drama in Moses Paul's case involved Paul's choice of Occom to deliver the gallows sermon, a fellow Mohegan and celebrity missionary to the Indians, who had spent the better part of two years in England in the company of British luminaries, raising money for Indian charity schools. The title page of Timothy Pitkin's *Sermon* for John Jacobs claims that the original version was "Preached upon the Desire of the Criminal and published at the request of some of the Hearers." Thus

criminals also acted as coproducers and critics: *discriminating* viewers of the way others mediated them.³⁶

Clearly, the routine presentation of so many Indian criminals, “redeemed” by their own public confessions and the English community’s staged destruction of their bodies, ought to give us pause. The notorious crimes of Indian servant girls who kill their masters’ children or transients who kill their hosts, like the “violent drunk” Paul, enact the common anxieties of New England communities. The racial divide between these figures and their print audience allowed readers to exorcise sin imaginatively from within the community of the “elect”; Indians are killers because they are outside God’s “covenant.” The execution sermon, in turn, vindicated faith in New England’s covenant with God and dramatically narrated the redemption of the “savage” heart. Particularly in Occom’s day, when New England piety had shifted away from Puritan models, and Enlightenment humanism increasingly began to displace ideals of spiritual conversion and grace, racially-inflected execution sermons remained popular, in large part, because they continued to delineate the parameters of a changing New England.

What accounts, then, for the fact that many Indian men and women were active instigators of, and collaborators with, a common discourse that structured their exclusion as figural heathens and savages, or their anonymity as defeated penitents on the public stage? In many cases it is hard to assess the degree to which this was a result of what Vizenor calls “cultural schizophrenia.”³⁷ Some eighteenth-century Indian convicts, for example, want to make it clear that they are “Christian Indians,” that they served dutifully in one of the eighteenth-century frontier wars, or that they read and write in English. Others have no interest in claiming any of this. Coproduction afforded the convicted criminal the opportunity for individual expression and self-editing, allowing individual voices to become part of the whole edifice of New England’s colonial social covenant in highly idiosyncratic ways.

Several execution sermons, among them those of Katherine Garrett and Patience Boston, illustrate this instability of voice. A Pequot, “Descended from one of the best Families among them,” Garrett had been indentured to the family of the Reverend William Worthington and, “Having Unhappily fallen into the Sin of Fornication,” hid her pregnancy and murdered her child shortly after it was born.³⁸ A narrative of Garrett’s life, appended to her execution sermon, indicates that shortly after her arrest, she was “thrown into the utmost Confusion & Distress, [and that] Her Expressions were rash and unguarded and she scarce forbore throwing blame on all sorts of persons.”³⁹ We are told none of the particulars; all doubt is subsumed into a final, culminating dying admonition to bad children, disobedient servants, and masters who fail to set a good example for their lessers. This narrative appendix serves the

heavy-handed rhetorical needs of the centerpiece, Eliphalet Adams's sermon condemning those who do "Violence to the blood of any person" to "the Pit."⁴⁰ Yet within the text Garrett's voice vies with Adams's for space and authority; at different points she is noticeably silenced or remarkably in control.

There is a similar tension in the *Faithful Narrative* of Patience Boston, another Indian servant condemned to the gallows in 1735.⁴¹ The execution preacher and compiler of Boston's *Narrative*, Samuel Moody, ventriloquizes the figure of the Indian servant girl, Patience, admitting that his words "could not be exactly taken in her own Way of expressing her self."⁴² While Moody's sermon register is at play in Boston's "confessional" speech, it is notably rich in irony, comparisons between the penitent's own failings and the sins of famous Biblical heroes, sly critiques of marriage and servitude, and clever punning on the "Long Suffering Patience . . . of God,"⁴³ so much so that it becomes nearly impossible to distinguish Boston's tongue from her clerical interlocutor's, just as it becomes equally difficult to unravel the work's idiosyncratic, subversive strains from the conventional sermon genre motifs without destroying the complex, organic unity of the whole piece. The point is not that religious crime literature subverted the values it explicitly asserted, nor that it utilized an increasingly Indian series of figures as imaginative scapegoats who "spoke" with the voices given to them by elite divines like Moody. The point is that the complex performance of confession, sermonizing, transcription, and narration could do *both*, and often did so simultaneously.

Whether we think of this complexity as the tactics of one speaker or both, any given performance was predicated on the condemned Indian's act of confessional conversion. By nature, there is something unstable about personal conversions. They suggest that the individual together with one or many communal traditions coproduce the confessional self and a reimagined life story. These follow discursive models, but are also radically situational. Often the idiosyncrasy of conversion is reflected in the metatextual descriptions of a given work. The story of Patience Boston's "Wicked Life" is a relatively formulaic "Faithful Narrative" of descent into petty, and then increasingly severe, sins. Her conversion, however, is a "Remarkable Conversion." Similarly, according to New England covenant theology, earthly justice requires that Katherine Garrett's body be consigned to the grave—and potentially "the Pit"—without hesitation, but "It will be no Difficulty to his [God's] grace to change and make a New Creature of her, Nor any Dishonour to his Name, to pardon her when she is truly penitent." God, in this rhetoric, is the ultimate trickster, who can transmute requirements of divine and earthly justice into pardon and salvation, the visibly condemned into the invisibly elect.⁴⁴

By Paul's era, the "faithful" narratives, true confessions, personal exhortations, and other appendices of the execution sermon largely had diverged into

their own literary subgenres. When Samson Occom preached his *Sermon* in 1773, the emergence of popular secular crime literature freed the genre of the execution sermon to maintain its religious emphasis.⁴⁵ As the form stabilized, the role of the preacher again took center stage. The authorial voice of Occom's *Sermon*, for example, is most decidedly that of Samson Occom and *not* Moses Paul. In the first edition of *Sermon*, Paul is simply the "poor condemned criminal" whose "shameful death" occasions Occom's sermonizing. He is also the "poor miserable object" of that speech, displayed "before your eyes, for the due reward of his folly and madness, and enormous wickedness." There is almost no mention of the name of the "object," Moses Paul, anywhere in the text. While subsequent editions included a brief narrative appendix taken from the *Short Account*, these lack the markedly dialogic renderings of Katherine Garrett's or Patience Boston's life. In part this change in later Indian execution sermons is due to the shifting role of the preacher. In Samson Occom's case, he himself has assumed all roles and voices. In works such as Occom's *Sermon*, the condemned Indian figure no longer speaks from within the text, no longer indicts the failure of white Christian elites to meet their own standards, and hence no longer introduces strains of instability into the polyphonic sermon.

Joanna Brooks has asserted that "colonial and protonational political pressures demanded a creative reformulation of Indianness" in 1770s New England, and Occom "responded to these pressures by rearticulating Indianness as a distinctive and powerful religious identity."⁴⁶ But *whose* "Indianness?" There is nothing new about Occom's "violent drunk" and sinful "object"; the "poor condemned criminal" Paul is little more than a combination of familiar racial and religious tropes, but Occom constructs him in this way because he needs this "object" as a foil, the opposite pole to his own permanent liminal position, which was the source of his authority.⁴⁷ To permanently situate himself this way, the rhetorical logic of Occom's *Sermon* requires that he also permanently establish both polarities: an absolute mean of "English society" to be converted *to*, as well as an "essentialized" state of Indian depravity to be converted *from*.

Occom certainly had his own anxieties about this particular missionary rhetorical project. His long, fraught relationship with the prominent minister and educator, Eleazar Wheelock, had turned sour. Wheelock had envisioned training Indian missionaries like Occom as part of a "grand design" to spread Christianity through "errands into the wilderness." Wheelock thought it unlikely that his Indian students would compete with white divines, "either as School-Masters or Ministers, among the English," but they would be obsequious, "dependent," and useful to their "elder [white] brothers" where "they will be fit . . . among their own Nation."⁴⁸ But over the course of his several "errands" among the Montauks, Niantics, and the Oneidas, Occom grew more and more despairing about his own role and the position of Indian

communities in New England. "I have thought there was no Heathen but the wild Indians," he reflected, "but I think now there is some English Heathen, where they Enjoy the Gospel of Jesus Christ too, Yea I believe they are worse than ye Savage Heathens of the Wilderness,—I have thought that I had rather go with the Meanest and most Despis'd creature on Earth to Heaven, than Go with the greatest Monarch Down to Hell."⁴⁹

When Occom returned from his errands, disenchanted with the reality of Wheelock's grand design, he became involved in the contentious and long-standing dispute over the administration of Mohegan tribal lands in the eastern part of Connecticut. By the time he signed a humiliating apology for involving himself in the "said Controversy; which I ought to have passed by in Silence,"⁵⁰ and for "this imprudent, rash, and offensive Conduct of mine,"⁵¹ he found himself accused of many of the same impulses that he condemned in Moses Paul a year later. Beginning in 1769, his former mentor, Wheelock, began accusing him of drunkenness in a series of letters, and patronizingly referred to the "bad conduct and bad behavior"⁵² of his former students as a reason for abandoning the framework of his grand design to train Indian missionaries. And in 1765, Zachary Johnson, a Mohegan counselor loyal to the tribal elite that supported the Colony's land claims, accused Occom of taking his pasture, saying that "as fast as I put up fence, he would tear it down." That same year, another Mohegan, Sarah Mahomet, testified "in the presence of God" that Occom sent another man, Eliphalet Peggy, to "ask of her whether she would be for sachem & government or join to have him turned out."⁵³ If "sachem & government" won out, Peggy warned her, "they would all go up to Montreal, even Samson would go with them & leave his house, and would come down & kill all [who] lived on Mohegan lands, English & Indians, the father and mother, sister, or brother. This was the agreement of one & all of them & that they would stand by one another against the English."⁵⁴

Whatever the truth of these accusations, Occom was highly conscious of his own tenuous position by the time he preached his *Sermon*. "Many white people," he wrote, "make no bones of it to call me a drunkard, and I expected it, as I have many enemies round about here, yea they curse and damn me to the lowest hell."⁵⁵ He was as much the subject of his *Sermon* as Moses Paul: "you are an Indian," he tells the condemned, "a despised creature," but "I am an Indian also"; together, they are "Brethren the Bone of my Bone and Flesh of my Flesh."⁵⁶ It is as though the two men have negotiated a compromise. In the place of "Moses Paul," they have commingled "Bone" and "Flesh" to coproduce a figure named "Samson Occom," a more viable, eloquent, and permanent rhetorical figure of criminal, converted "Indianness." To say this is neither to cast aspersions on Occom's personal sympathy for Paul or the seriousness of his conviction that he was doing the Lord's work at the gallows. Rather, in

asserting that Occom's *Sermon* is as much about its author as its subject I am pointing out two changes in conventional public discourse.

First, it illustrates a certain closing of New England's religious imagination. The messy, dialogic language of earlier printed execution sermons had, as Cohen suggests, returned to the form of earlier eighteenth-century models by Occom's time. Speech at an execution now was solely the preacher's domain. Second, Paul's selection of an Indian missionary as the gallows preacher, as well as the Mohegan community's high turnout at the execution, suggests that this formal development coincided with a Native sense of public discourse that emphasized dialogic communal assent over debate.⁵⁷ In this context the primary concern of Occom's sermon is more likely the communal expression of Occom as a character type, and the assertion of an autonomous rhetorical space, than a concern with the role of mediating witness that Samson Occom bears in relation to Paul's soul. As a result, as readers we come to know Occom as the dominant figuration that was coproduced in a unique, communal social space. In contrast, we are best able to approach the figure of Moses Paul through the coauthored literatures of the law.

MOSES PAUL: THE ADVOCATE'S ITERATION

Petitions in eighteenth-century criminal cases were handwritten, usually on both sides of a sheet of paper, folded like letters, and sometimes wrapped with a cover sheet that hastily noted the parties involved at the top. To a modern reader, these documents exhibit a curious degree of highly visible editing. Words and phrases are routinely crossed out and then reformulated above the erasures. Important details and qualifications are inserted with carats and crammed between adjoining lines or page margins. Sometimes, edits are obvious stylistic revisions or a result of the way that the physical form of the page constrains the attorney's hand. Often, these edits reveal the way that a given attorney mediated his client's speech for the court or edited his own language to serve his client's best interest. They also allowed the attorney to emphasize certain words by underlining them or applying peculiar calligraphic flourishes. For example, in the appeal of Hannah Occuish, a Mohegan servant accused of murdering her employer's daughter, her attorney, Timothy Larrabee, underlines "Indian Squaw" and "African" when describing her parents, as if to emphasize his twelve-year-old client's disadvantages in a way that the formal discourse of law could not overtly take into account. He also strikes the word "murdered" from the line "The Child was Murdered" and replaces it with "Killed."⁵⁸ His client, after all, is accused of "Murder." She only admits to having accidentally "Killed" her child mistress. In documents of this sort, the

condemned would sign at the end, or else an attorney would affix a client's name in his own clear hand. Whoever signed was largely beside the point, for the identity of the condemned was ultimately a coproduction. While petitions and appeals offered information about convicts' private lives and personal histories, they were predominantly the work of attorneys who subordinated those personal narratives to the precise language of the courts, but remain remarkably dialogic narratives. What is more, the intact revisions evident in these texts illustrate at least one additional layer of mediation between that coauthored narrative identity and its final judicial audience.

In Paul's case, Johnson redacts Paul's memories and reconstructs them to argue for his client's innocence. He then substantially revises his own framing devices to make them fall into line with the general ethos of his rhetorical "Paul," as well as with the best interests of his living client. In other words, Paul's heavily edited petition exhibits all of the editorial characteristics common to eighteenth-century legal narratives produced for New England courts. What makes Johnson's petition noteworthy is the unusually high level of attention paid to the particulars of Paul's trial as well as to the crime. Compared to similar documents produced for New England courts, Johnson's text shows an exceptional degree of "insider" knowledge of Connecticut's legal culture. In his repeated emphasis on the important role played by community in the judicial process, it is clear that this exceptionally well-connected, elite writer went to great pains to produce a serious, well-formulated narrative appeal for an unlikely client. It is also clear that there were expressive, even artistic, impulses at play in Johnson's work. All petitions state the type of pleading and party names on the cover. Ordinarily these covers merely note case types, names and dates, but this cover resembles the frontispiece of a printed book. Johnson renders "Moses Paul's Petition for a New Trial" as an ornate, calligraphic title, framed by purely decorative curlicues and flourishes. Beneath the heavy lettering, his hand has sketched the image of a human face: surprised, plaintive, ringed with frizzled shocks of hair. A series of diagonal marks runs across the little face, but you can still make out the confused expression beneath them. Similar marks recur throughout the text of the petition, where Johnson uses them to mark his revisions.

What should we make of this little face, then, embedded in the idiosyncratic marginalia of Johnson's title? On one level, it is an index of the unexpected and highly personal touches that hide beneath the generic form and emblematic of the kind of trickster discourse for which the petition's form establishes a space. Is the face Paul's? If so, then it is a Paul rendered by Johnson's impressionistic hand. The image's effectiveness hinges on the reader's ability to read beneath the lines. This, however, is exactly what eighteenth-century petitions literally ask readers not to do. Because the textual edits are nearly always visible in

this type of document, an appellate judge, for example, would have to suspend his disbelief and opt to read the revised language rather than the original wording that often clearly shows beneath editorial scribbling. At the very least, Johnson's unexpected illustration subtly suggests that his client was a figure partially hidden from view—an unstable, surprising figure—and one, certainly, whose life story was still subject to revision.

One might expect this ethos of redemption and personal transformation to animate the responses of the more progressive New Light clergy who took an interest in Paul's case, but it simply does not. Instead, most of the practical support Paul received during his appeals process came from the more conservative quarters in the Colony's elite: prosperous attorneys with transatlantic connections to Parliament and the Court, and ministers aligned with the declining Anglican establishment. Set to hang on the 17th of June, 1772, Paul received a stay of execution until September of that year, ostensibly so that he could prepare his soul to meet Christ. The repentance of the condemned was an integral part of law's ritual spectacle, but it was undoubtedly of genuine concern to the religious men who attended to Paul in varying capacities: ministers from different New Haven congregations, epistolary correspondents like the Mohegan preachers John Johnson and Samson Occom, and the New Light revivalist Jonathan Edwards, Jr. In Paul's petition, his attorney mentions the generosity of several "Ministers of the Town," noting their "unwearied attendance on him." When the petition names them, though, they are members of the receding "high church" establishment of New Haven Colony, men like the Reverend Chauncey Whittlesey, whom David Brainerd famously described as having "no more grace than a chair."⁵⁹

Men of Whittlesey's circle were members of a prosperous, mercantile elite, conscious that their "predecessors [had] laid the foundations of the Church in this Country;" but also conscious of the "weight of popular odium" stirred up against them by the increasing popularity and political influence of "the Dissenters," progressive New England clergy who rejected the entrenched religious establishment, including many of the New Light ministers interested in Paul's case. A few years before Paul's trial, William Samuel Johnson lamented the state of New Haven religious culture. The "Dissenters," he wrote, exhibited a "shocking bitterness vileness and ill-nature . . . and indiscriminately . . . represent the whole body of our clergy and people as destitute of all charity, Jacobites, enemies not only to the government in the plantaions [plantations] but to the protestand [protestant] succession in the H[ouse] of H[anover]."⁶⁰

Although there was no shortage of spiritual interest from members of the "Dissenter" clergy like Occom, Paul had difficulty financing his appeal.⁶¹ Evidence needed to be gathered. Claims needed to be presented in the proper parlance of the court. The appeals process had changed over the past decade,

and when the General Assembly denied Paul's initial motion, likely due to inadequate preparation as well as the hostile position of Hillhouse and Dyer in the Assembly, there still remained recourse to the appellate jurisdiction of the Superior Court.⁶² Somehow during this time, Paul obtained sufficient funds to finance both the continuing process of discovering new evidence, as well as the ongoing process of judicial appeal. And someone helped Paul obtain new legal representation with the prominent William Samuel Johnson, who had recently returned from England, who worked to set Paul's new appeal in motion. Most likely, this person was the unpopular Whittlesey, who had been professionally involved with Johnson's father at Yale and King's College, and continued to move in many of the same circles as his old associate's son.⁶³ Contrary to what one might assume, it was the "Gentlemen of Note" in Whittlesey's circle who actually forwarded the cause of Moses Paul, the temporary *cause célèbre* of Johnson's "Dissenters."

At first glance, William Johnson's involvement seems equally unexpected. It was Johnson, for example, who transcribed the statements of Occom's tribal enemies in the 1760s, and since 1770, he had pressed colonial interests before Parliament in the longstanding Mason Controversy between the Colony of Connecticut and Mohegan claimants over tribal lands, as the labyrinthine case "dragged its slow length along."⁶⁴ By Johnson's day, the dispute over whether the tribal lands' trustee was Connecticut or Major John Mason was already more than a century old. In effect, the Mason claim established a parallel, incongruous community structure in the midst of New England townships: a hereditary, paternal, and seemingly perpetual fief of considerable size and value.⁶⁵ Johnson took the Colony's claim to London and argued it at length, but by 1772, his long and very visible involvement had begun to bother him. No one on either side seemed entirely happy with the progress of the case, and Johnson worried that he was quickly incurring "the resentment of all that are in any measure interested in the affair—that is of the whole Colony—and the ridicule of all mankind, which, besides the dishonor of it, would ruin me in business, and bring the destruction of my family."⁶⁶

Johnson's interest in the Paul case may have been motivated in part by his desire to ameliorate some of that resentment. Since 1726, the Colony had appointed guardians to represent Mohegan interests and mediate disputes between the tribe and their English neighbors.⁶⁷ Assisting Paul might very well have seemed like the perfect opportunity for putting the abstract political claims that Johnson had argued before Parliament into practice, namely that the men of deference who directed the machinery of court and state were equally as capable of protecting the rights of Indians as the Masons had been. Yet it is curious that Johnson remained relatively anonymous in the proceedings—an anonymity that also extends to Whittlesey and other clergy who

seemed to have been involved in Paul's case at least as much as the spiritual intercessors whose efforts were well-publicized. Without any written evidence, it is impossible to know why Johnson not only took Paul's case, but also argued it with such seriousness. Still, Johnson's relative anonymity, like Paul's, illustrates the extent to which both men's personalities were subordinated to a common project of crafting a speaking appellant in "Moses Paul's Petition for a New Trial."

Soon after the May session of the General Assembly, Johnson met with Paul. He seems to have helped the convicted murderer continue the practical work of tracking down evidence and testimony, and he surely had great influence in drafting the final petition that allows us to hear Paul's side of things for the first time. By the time of Paul's internment, many things were known or rumored about the condemned: he had been a sailor for some years on merchant ships; he had served in the Royal Navy prior to that; there were even accusations that he had killed a second man in the West Indies, which Paul hotly denied.⁶⁸ Seafaring was not an uncommon profession for a Connecticut Indian—Joseph Johnson, for example, had served on a whaler before finding Christ. Stories about the sinfulness of life at sea, particularly as they figured into religious testimonies, no doubt hardened the public's sense of a divide between themselves and the figure of Paul, a violent Indian sailor who drank himself blind in taverns, passing in and out of their midst along the docks.⁶⁹ But within the written appeal, Paul's figure speaks because William Samuel Johnson establishes a public rhetorical space for it; in effect, he formalizes a figure that had heretofore been little more than an amorphous specter of the public imagination that was spoken about in gossip and whispers.

This carefully crafted document consists of three parts. First, Johnson fleshes out Paul's lineage and envelops his subject's personal past in the communal history of Anglo-American New England. Once he has staked out a discursive space within this history for Paul, Johnson presents Paul's version of the events at Clark's Tavern, culminating with the blow that killed Moses Cook. Abruptly, he then shifts to the circumstances of Paul's trial and explains the reasons why Paul's case should be reheard. Overall, the narrator's initial focus on social and historical context narrows to the interior thoughts of a single Indian on a given night, then broadens out to re-inform the public understanding.

In its first part the petition makes an immediate distinction between "French" Indians and Indians "born in a Christian land."⁷⁰ The latter are beholden to that "Christian land," and Johnson implies that, in turn, this land must exercise its political authority on behalf of its Indian wards. The speaker, "Paul," aligns himself with these "Christian Indians," and Johnson brings his distinction from "French Indians" to the fore. This distinction places Paul together with those men who had served against the French a decade earlier,

men who could well recall the atrocities of the French and their Iroquois allies, along with, perhaps, the faithfulness of their own Indian soldiery. In this context “Paul” is established as a dependent, and, as the circumstances of his fealty become clearly oriented toward specific men, and to pivotal points in New England’s common history, he becomes a more specific type of Christian Indian as well. Notably, we learn that Paul was born in Barnstable, Massachusetts, which establishes his lineage among longstanding “Friends, Allies, and Loyal Subjects of the Crown of England,” the Cape Cod tribe that met the Puritan forefathers of men like the Cooks and the Clarks and “assisted them in their first Settlements.”⁷¹ Rhetorically, this claim creates a backstory of cultural fealty and dependence, grounding Paul’s appeal in the justice and paternal protection of the Colony, and it becomes even more individuated as the description of his lineage progresses. “Paul” tells his audience that his father, Jacob Paul, served against the French at Louisburg among the fifty Barnstable Indians who fought under Shubael Gorham in an irregular unit known as “Gorham’s Rangers.”⁷² According to the petition, Paul’s father had been the first to die in Gorham’s naval assault. For the petition’s rhetorical purposes, Jacob Paul’s eagerness to fight serves as a counterpoint to Paul’s claim that he was reluctant to fight Cook, reinterpreting the image of the bellicose Indian as an example of patriotism and public trustworthiness.⁷³ Jacob Paul was not merely a “Christian Indian” by accident of birth or geography; he had enough conviction to charge over the wall first.

When the petition’s second section presents Moses Paul as a veteran of the French and Indian War, its language implies that we should interpret the son’s intention and honor through the righteousness and blood shed by the father. Just as the New Haven jury assumed the integrity of the white men present at Clark’s tavern, largely because of their positions within the community, Johnson asks us to assume the honesty of Paul’s recollection because of his equally upstanding ancestry. The petition frames Paul’s autobiography as a recapitulation of his father’s story: like his father Jacob, Moses Paul had protected the Colony. A resident of Connecticut since the age of five, when his mother indentured him to John Manning of Windham, Paul left Windham and enlisted when Israel Putnam raised troops to fight Pontiac. He served for nearly a year before signing onto a British man-of-war. Including Paul’s service under Putnam was a deft maneuver. Those who recalled this popular commander’s exploits would have remembered his capture and near execution at the hands of French Iroquois. Putnam was tied to a tree when an Indian stepped forward to save the colonial commander and proffered his loyalty. Putnam was later set to be burned alive, but this same Indian brought the prisoner’s impending death to the attention of his French officer, who succeeded in freeing Putnam.⁷⁴ The reference to Paul’s service under Putnam not only serves

as a cue to the popular story of the commander's exploits, but also returns us to Paul's own circumstance as a condemned prisoner: there is the imminent wrongful execution, from which the righteous soldier-prisoner is freed by the intervention of an authority; there is the figure of the loyal Indian, who, like Paul, stands in contradistinction to the savage and irrational French Indians of the north.

By the time the petition presents the sequence of events at Clark's tavern, Johnson has established successive frames—the battle at Louisburg and Putnam's exploits—that establish Paul's voice through a lens of communal memory, creating an intricate web of allusions that limn the edges of the contested legal version of Cook's death. And once Johnson writes his client into the community, placing his client at the terminus of an Indian history that parallels an English one, "Moses Paul" earns the right to give his own account of what happened at Clark's Tavern. Johnson never explicitly makes an analogy between Paul, the Christian Indian, and Putnam's Iroquois intercessor, nor, after the petition describes the physical abuse Paul suffered in the tavern, does he directly compare Paul's abuse to Putnam's. Yet for a reader, such connections remain tantalizingly possible. While such connections have little legal bearing on the charge of murder or the determination of "malice aforethought," they appeal to the same popular consciousness that saw in Paul the caricature of a drunken, rapacious Indian and assumed his guilt. This time, however, the rhetorical effect is to unseat such assumptions and raise a reasonable doubt about what a Christian Indian like Paul might do. Instead of obfuscating Paul's voice, the attorney's rhetorical framework delimits an indeterminate space where at least "Paul" might attempt to speak as someone other than an alien.

In contrast, Paul was not free to testify at his trial. There, two narratives had emerged from various testimonies, one presented by an eloquent King's prosecutor, James Abraham Hillhouse, who had left the academy for the law, and a competing version of events hastily presented by Paul's appointed defenders. It seems clear that Hillhouse obtained a conviction based on a forensic argument. His "account of the Evidences" measured the duration of time between Paul's expulsion and the attack on Cook, setting it at a full eight minutes. This considerable length of time meant the difference, in the court's eyes, between manslaughter and premeditated homicide. Present at the day of the trial were the men whom the petition would later term "Gentlemen of Note and curious Observation," including Chauncey Whittlesey, the minister who had left his religious calling for commerce. To counter how Hillhouse framed the events at the tavern during the day of the trial, the petition claims that Whittlesey and others present on that day "carefully remarked the Evidence" and "did not understand them [the witnesses] to say that your Petitioner [Paul] gave out any Threatenings at any other Time against the said Cook except while he was

beating your Petitioner nor that your Petitioner lay in wait at the Door at all waiting for the said Cook." That "part of the Evidence," Johnson continues, "may have been mistaken by the Honorable Court and Jury upon said Trial and the Mistake most probably must have arisen from the account of the Evidences that gave your Petitioner lying a Considerable Space of Time out of Doors."⁷⁵

In restating the defense, Paul's petition draws to a climax at the same point in the story on which Hillhouse focused his attention. But Johnson's "Paul" does not simply offer a different sequence of causes and effects. Instead, the events at Clark's are interwoven with commentary about the way those events were presented and interpreted at the trial. Paul admits to drinking heavily on the night in question, just as Clark and his patrons had done, and he acknowledges that Clark's wife refused to serve him. This, he agrees, spurred him to behave "unmannerly," but with good reason: he had paid the King's money, just as Cook had, or Mix, the Grand Jury foreman, or anyone else present that night. As he puts it, "he had as good a Right to be there" as any of them. As we have seen, Johnson's pen had already provided him with an Englishman's personal history; surely Putnam's man, one whose family recalled Louisburg and Plymouth Plantation, had earned his seat at the inn. But Clark's patrons responded to Paul's outraged assertion of his "Right" in a "most threatening, imperious manner," and proceeded to drag him outside, "beaten and bound with Cords," and left him broken in a ditch. It was not enough, though, to tie his legs together with a cart rope and flail him; Moses Cook came out a few minutes later and ordered the beaten man—the "Drunken Dogg," as he put it—to get up. He proceeded to whip him again, until he grew tired of his violence and went back inside.⁷⁶

What else might have happened among them after Paul's "unmannerly" claim to remain in their company and the subsequent "imperious" manner of Cook and his companions? It is possible that Paul may have remembered that Clark's kinsman had deserted from Putnam's regiment during the war, with the result that a public notice offered a reward for information on Elias Clark, who was related to Moses Cook by marriage.⁷⁷ Possibly Paul may have boasted of his own martial accomplishments with Putnam, to the chagrin of the Clark clan and their familiars. Yet whatever may have served as a flashpoint, in the petition Johnson maintains the popular rhetorical distinction between savage and civilized opponents. But Johnson's literary feat is to reverse the usual parties. Drawing Paul into the commonwealth of letters—broadside, statute, and popular histories—he fashions an Indian captivity narrative where the Indian is the civilized Christian captive, and the common men of the New England—millers, tanners, and innkeepers—are the "Barbarous" and brutal savages who seize their poor captive by force and abuse him.⁷⁸

The King's prosecutor had made his case using a reasoned, hypothetical span of eight minutes to prove Paul's "malice aforethought," but he had ignored altogether the question of whether or not Paul struck Cook in the manner testified to by Clark and others. The petition's version of event ends dramatically with Paul as its wronged hero. In Johnson's version, "Paul" claims (indignantly) that he reentered the tavern to get his coat after a lapse of time that seems to be greater than the prosecutor's eight minutes. Clark and two other men escort Paul roughly back toward the door. Paul stops in the doorway, "hearing these words at the instant of his being put out at the door by that Person . . . (who he did not at that Time know was the said Cook . . .) Viz 'Give me Hurlbutt's Staff and I'll Still the Dog.' Your Petitioner, immediately thereupon Struck, without a moments Time for consideration meaning nothing more than to give a Blow in his own Defense."⁷⁹ Johnson's petition elides the issue of the lapsed time, and replaces it with a different formulation of experiential time: the single moment when Paul turned and struck his unknown assailant with Hurlbutt's staff. Prior to Cook's verbal outburst, the text has rendered the surface textures of experience, a series of events in an epithetical world of barbarians and Christian Indians, but the climactic action itself now becomes removed from the reader. At the decisive moment of the "Blow in his own Defense," the textual voice is probably as close to Paul's as we can get, for the language becomes digetic; that is, it moves from outward description into the interior psychology of the speaker. The moment resonates in the petition because the revelation of Paul's interior life serves as the climax: it sets forth his claims to feeling "justly apprehensive," to "imagining . . . eminent Danger," and to lacking any "Design of Murder in his Heart." The petition ends its second section, Paul's section, with the speaker's understanding that he has already struck his blow. The description of the moment of the appellant's turn is a sophisticated psychological portrait, but it also makes a case against "malice aforethought" without directly stating a case for manslaughter or self-defense, for there is no mention of what must have happened: Paul turned with martial reflexes and grabbed Hurlbutt's staff from his hands, striking out at the source of the voice behind him. Noticeably absent from the passage is any mention whatsoever of the blow or of Paul's actual thoughts as he delivers it. We do know what Moses Paul was *not* thinking, however, because Johnson goes to great lengths to tell us.

These key moments of Paul's version of events are all products of lawyerly editing—the compression of the prosecution's forensic time into first-person perspective, the exchange of the trial's legal subject for a narrating, psychological one, and the claim for manslaughter instead of willful murder. Up to this point, Johnson has been careful to make small changes throughout the document: a phrase such as "the Threatenings on the part of your Petitr" was

changed to “any Threatenings on the part of your Petitr,” and “flung down a steep Declivity” was changed to “flung down a Declivity or Precipice.” Paul, he corrects the text, was not “put out at the Door;” more ominously, he was “followed out the Door.” For some reason he cautiously crosses out prominent names like “Thomas Darling, Esq.” from the list of “Gentlemen of Note.” For the most part these intermittent edits seem as though they were meant to bring the texture of the narrative into alignment with important added language, such as “and after being there again severely whipped.” In contrast, the moment of Paul’s decision exhibits several separate layers of revision. The original passage with its revisions appear as shown below. “Xxx” indicates a word crossed out in Johnson’s manuscript, “[. . .]” indicates an addition, and “[^ . . .]” indicates an addition in the manuscript marked by a carat:

And your Petitr further Begs Leave to say that the Real xxx [Truth] Truth of the Matter is, that having been used in a most Inhumane, cruel, and born with a great Degree of Patience the worst of Treatment, and hearing these Words, at the Instant of his being put out at the Door by the Person who then put him out (who he did not know at that Time was the said Cook, there being Two more Men present) Viz “Give me Hurlbutt’s Staff and I’ll Still the Dog.” Your Petitr immediately thereupon Struck, without a moment’s Time of Consideration meaning Nothing more than to give a Blow by his own Defense, and without any Design of Murder [^in his thoughts] or Intent xxx [even to kill] to do more than defend himself from any further [^Insults or] Barbarous Treatment, xxx[of] which he was then Justly apprehensive was immediately to befall him, [^and imagining] xxx(and apprehensive of) that his own Life was in xxx [Danger] eminent Danger.

Before the final “Danger,” there is a heavy inkblot. It is as if Johnson debates about the right word for a while before finally settling on his first choice. Perhaps he realized that he accomplished his narrative purpose with the addition of the word “eminent.” His concerted focus, though, is the correct portrayal of Paul’s state of mind. Nearly every line of the scene exhibits some change meant to draw it into alignment with the preceding cultural narrative, or justify the request for a new trial that follows. Visually, the messiness of the lines concerning Paul’s state of mind and impressions of danger contrast with the quotation, underlined and written in a heavy hand: “Give me Hurlbutt’s Staff and I’ll Still the Dog.” In the next line, Johnson begins his argument for a new trial. The additions to the text are clearly directed toward the appellate judges. He is careful to revise his claim that “this Honourable Court Sentenced [him] to be executed in the month of same Case, giving him no Opportunities to petition the said Court for a New Trial,” to the less combative “Leaving him no Opportunities.” In a small hand, he inserts the argument that “the sole Reason why the said General Assembly did no more for him your Petitr supposes to

have been for Want of the Evidence referred to in his said Memorial, which he then failed of getting only for want of Friends and Money” in the already-existing text. At the end of the account, Johnson the narrator intervenes: “But so it was.”

Johnson has located himself and his client “Moses Paul” somewhere between fiction and history, in a negotiable space where they can project and investigate their own cultural values through a distinct personal narrative. What is more, he was able to use the narrative forms of elite legal discourse to renegotiate the fixed meanings of *Christian* and *barbarous, drunken Indian* and *good citizen*. While Occom’s *Sermon* performed similar rhetorical reevaluations, Occom’s Indian speaker reconfigures those values as part of his own rhetorical persona while the “object” Paul remains silent. In “Moses Paul’s Petition for a New Trial,” the dynamic of the *Sermon* is reversed. For all of his rhetorical and artistic inclinations, in telling Paul’s story the erudite legal “preacher,” William Samuel Johnson, is more concerned with producing the character “Moses Paul” than foregrounding his own authority. The world in which he places his client, somewhere between colonial history and the statutory present, is a distinctly imaginative one. Through sophisticated rhetorical framing he leads the reader to a world that might have been, one where citizens can acknowledge that Moses Paul “had as good a Right to be there” as anyone else, and one where jurists and readers had room to sympathize with the “Drunken Dogg” against the apparently “barbarous” Colonial community.

CONCLUSION: COAUTHORING MOSES PAUL

The petition failed. Despite Johnson’s claim that he had new evidence to bring forth, there is no record of the appeal being heard.⁸⁰ There is only the fact of Paul’s death, an event dominated by the copious literature surrounding the execution. Paul’s relative silence in that literature illustrates how greatly the issue of his “Right” hinged on his access to the Colony’s common, inherited forms of public speech. Inevitably then, any attempt to “recover” Paul’s individual voice is also a critical exercise in judging between competing interlocutions on his behalf. It is impossible to discover Paul’s singular voice anywhere. At the same time, Moses Paul himself seems to have believed that formal language, uttered in the right context and mediated by the right speakers, had the power to express the truth of his experience. When a North Haven farmer’s wife passed by his prison window in May 1772, exhorting him to repent of his sins, he sent her away, waving books at her through the prison bars and maintaining his innocence. Writing later in her diary, she pitied his foolishness, just as the audience at the gallows must have shaken their heads

at Paul's stubborn and seemingly inane insistence on his choice of weapon. He seemed, Hannah Heaton wrote, "stupid & unconcerned about his soul."⁸¹ Nothing could be further from the truth. Nevertheless, whenever we have a record of Paul's actual speech, it is clearly filtered by the misapprehensions of passersby, chance listeners, or prurient spectators at the gallows.

After all, as Hannah Heaton's uncomprehending response suggests, Paul's literal voice is also a highly decontextualized one. As such, it seems incoherent. His actual utterances, such as his insistence on the right form of bludgeon, only have a meaningful context when read in the light of documents like Johnson's petition, which record and emphasize information like "Hurlbutt's Staff" as editorial interventions and narrative mediations. In Johnson's mediating legal narrative, the living, speaking Moses Paul becomes harder to distinguish from his interlocutor, not less. Still, it is only through this kind of communal coauthorship that "Moses Paul" becomes an interpretive problem in the first place, unlike so many of Occum's "poor unhappy [Indian] brother[s]," who remain little more than names and dates of death in the court records of seventeenth and eighteenth-century New England. Often they are nameless. Paul's story in "Moses Paul's Petition for a New Trial" emphasizes the importance of a Bakhtinian model of coauthorship in any relationship between an individual speaker and a community, where the "essential and constitutive element is the relation of a consciousness to *another* consciousness, precisely because it is *other*."

From one perspective, the competing narrations of "Moses Paul" record one of the messy ironies of cultural history: a marginalized condemned figure encodes his own cultural identity in an elite discourse that simultaneously annihilates him. In this view, Paul's selection of Occum and willing subordination to the preacher's language of approbation and conversion helps to reestablish trust in an Indian Christian minister somewhat under suspicion. Paul serves as a propitiatory sacrifice who supports Occum's rhetorical ethos of autonomy and authority as a converted Indian speaker. Occum can be both insider and outsider to his English and Indian audiences, a kind of vocational intruder in many worlds, but this is in large part because he presents Moses Paul as a thoroughly penitent drunken "Dog." But at the same time, Paul's involvement with the common forms of legal practice leads to a curious situation in which a political antagonist of the Mohegans, William Samuel Johnson, writes Paul into history as a fundamentally rational, inexcusably wronged, and sympathetic member of the British imperial community.

NOTES

1. Samson Occom, *A Sermon Preached at the Execution of Moses Paul, an Indian; Who was executed at New-Haven, on the Second of September 1772, for the Murder of Mr. Moses Cook, Late of Waterbury, on the 7th of December 1771. Preached at the Desire of Said Paul*. By Samson Occom, Minister of the Gospel, and Missionary to the Indians (New Haven: T & S Green, 1772), 1.

2. *Rex v. Paul*, Grand Jury Warrant, 18 December 1771, New Haven Superior Court, Papers by Subject, 1712–98, RG 3, Box 321, Connecticut State Library; *Rex v. Paul*, Grand Jury Indictment. All further citations of court documents from the *Paul* case refer to documents contained in the Connecticut State Library's collection.

3. Prior to *Paul*, the most recent capital case in Connecticut had been that of John Jacobs, tried and executed at Litchfield in 1768. Jacobs, an Indian, murdered a “damned Shatacook” with an ax and was hanged on November 2, 1768. In contrast to Paul, Jacobs was held for trial until the Superior Court met in session. See Daniel Allen Hearn, *Legal Executions in New England: A Comprehensive Reference, 1623–1960* (Jefferson: McFarland, 1999), 150; James W. Oberly, *Executions in the United States, 1608–1991: The ESPY File* (Ann Arbor: Inter-University Consortium for Political and Social Research, 2002). The convention of a special court to hear cases of murder involving Indian assailants had a long precedent in New England, however. In 1704, a Nantucket Indian named Fitch was the subject of such proceedings, and was quickly tried and hanged within a matter of weeks. See Hearn, 108.

4. Thus the court convened “by Adjournment” for *Rex v. Paul*, as stated by the Verdict and Sentencing Report. The Superior Court had replaced the earlier Court of Assistants in 1711. The Court of Assistants, in turn, had assumed the jurisdiction of the Quarter Court (called the Particular Court when convened by adjournment) after the union of the New Haven and Connecticut Colonies in 1665. By 1711, the Superior Court at New Haven, part of a circuit, would have been in session twice a year (spring and fall), but the court would have retained the authority to convene by adjournment. For a history of Connecticut courts and their jurisdiction, see Dwight Loomis and J. Gilbert Calhoun, *The Judicial and Civil History of Connecticut* (Boston: Boston History Co., 1895); see also Cornelia Hughes Dayton, *Women Before the Bar: Gender, Law, and Society in Connecticut, 1639–1789* (Chapel Hill: University of North Carolina Press, 1995), 15–69.

5. *Rex v. Paul*, Petition, Box 332.

6. *Rex v. Paul*, Court Verdict and Sentencing Report, September 1769–72, ER 3, Box 332.

7. *Rex v. Paul*, Bill of Costs, Box 321.

8. Occom, *A Sermon Preached at the Execution of Moses Paul*, 5.

9. *The Connecticut Journal*, September 4, 1772.

10. Hannah Heaton of North Haven, Connecticut, estimated eighteen thousand in attendance; see Heaton's “Experiences or Spiritual Exercises,” in the private collection of Winifred N. Lincoln and Maryanne Lincoln of Bethany, CT (photocopy held by Connecticut Historical Society, Hartford); see also Barbara E. Lacey, “The World of Hannah Heaton: The Autobiography of an Eighteenth-Century Connecticut Farm Woman,” *William and Mary Quarterly* 45, no. 2 (1988): 300.

11. W. Deloss Love, *Samson Occom and the Christian Indians of New England* (Boston: Pilgrim Press, 1899), 169.

12. For New Haven's “Gentlemen of Note,” see William Samuel Johnson and Moses Paul, “Moses Paul's Petition for a New Trial,” New Haven County Court Files 1770-3, RG 3, Box 332, Connecticut State Library, Hartford, CT. The pages of the Petition are not numbered. In editing his *Sermon Preached at the Execution of Moses Paul* for publication, Occom writes that he intends his speech to be “common, plain every day talk,” so that it may be serviceable” to “common people,” “litttle children,” “poor Negroes,” and my “poor kindred, the Indians,” i.

13. Anonymous, *A Short Account of the Life of Moses Paul, (An Indian) who is this Day to be Executed in New-Haven . . . but was reprieved to this Day* (New Haven, 1772). One sheet, 43x19 cm. American Antiquarian Society microform: Early American Imprints, first series, no. 42358.
14. *Connecticut Journal*, September 4, 1772.
15. W. K. Wimsatt Jr. and M. C. Beardsley, "The Intentional Fallacy," *Sewanee Review* 54, no. 3 (1946): 468–88.
16. Alasdair MacIntyre, *After Virtue* (Notre Dame: University of Notre Dame Press, 1981), 199.
17. Tzvetan Todorov, *Mikhail Bakhtin: The Dialogical Principle* (Minneapolis: University of Minnesota Press, 1984), 99–100.
18. *Connecticut Journal*, September 4, 1772.
19. *Ibid.*
20. Occom, *A Sermon Preached at the Execution of Moses Paul*, 21.
21. *Connecticut Journal*, September 4, 1772. See also *The Providence Gazette; And Country Journal*, September 19, 1772; *The Pennsylvania Gazette*, September 16, 1772; *The New York Gazette; and Weekly Mercury*, September 14, 1772.
22. Anonymous, *A Short Account of the Life of Moses Paul*.
23. Michael Elliot, "'This Indian Bait': Samson Occom and the Voice of Liminality," *Early American Literature* 29, no. 3 (1994): 233.
24. Ava Chamberlain, "The Execution of Moses Paul: A Story of Crime and Contact in Eighteenth-Century Connecticut," *New England Quarterly* 77, no. 3 (2004): 416. Arguing that Paul's voice comes down to us obfuscated and "strained by the documents that seek to formalize it," Chamberlain points to the equally fraught mediation of the judicial process, and the many legal narratives that it produced in the form of inquests, testimonies, sentences, appeals, and petitions, as well as Occom's sermonic performance. Chamberlain suggests that in paying so much attention to Occom's rhetoric "modern analysts . . . have failed to notice Paul's silence."
25. *Ibid.*
26. Amy E. Den Ouden, *Beyond Conquest: Native Peoples and the Struggle for History in New England* (Lincoln: University of Nebraska Press, 2005), 66.
27. Philip J. Deloria's *Playing Indian*, for example, argues that constructed "Indianness" was the mythopoetic "bedrock for creative American identities, but it was also one of the foundations (with two others being slavery and gender relations) for imagining and performing domination and power in America." Philip Joseph Deloria, *Playing Indian* (New Haven: Yale UP, 1998), 186. Daniel R. Mandell points to the "subversive meanings" encoded in "the costumed appearance of local Indians in [New England] historical pageants at the turn of the century." They portrayed an "inevitably, perhaps tragically, vanished" race to white "organizers and observers," but "those Indians could also use their participation to organize their people" and encourage traditional practices. Daniel R. Mandell, *Tribes, Race, History: Native Americans in Southern New England, 1780–1880* (Baltimore: Johns Hopkins University Press, 2008), 224.
28. Robert Allen Warrior, *Tribal Secrets: Recovering American Indian Intellectual Traditions* (Minneapolis: University of Minnesota Press, 1995), xvii.
29. Daniel Allen Hearn observes, "the New England region (when compared to some other areas of the country) practiced unusual restraint in the imposition of capital punishment." Hearn, *Legal Executions in New England*, 2.
30. *Ibid.*, 48–53.
31. See James P. Ronda and Jeanne Ronda, "The Death of John Sassamon: An Exploration in Writing New England History," *American Indian Quarterly* 1, no. 2 (1974): 91–101; and Jill Lepore, "Dead Men Tell No Tales: John Sassamon and the Fatal Consequences of Literacy," *American Quarterly* 46, no. 4 (1994): 479–512.

32. Ronald A. Bosco, "Lectures at the Pillory: The Early American Execution Sermon," *American Quarterly* 30, no. 2 (1978), 176.

33. Michael Warner, *The Letters of the Republic: Publication and the Public Sphere in Eighteenth-Century America* (Cambridge, MA: Harvard University Press, 1990), 48.

34. Daniel A. Cohen, *Pillars of Salt, Monuments of Grace: New England Crime Literature and the Origins of American Popular Culture, 1674–1860* (Amherst: University of Massachusetts Press, 2006), 79.

35. See Eliphalet Adams, *A Sermon Preached on the Occasion of the Execution of Katherine Garrett . . . Left under her own Hand* (New London: T. Green, 1738); Timothy Pitkin, *A Sermon, Delivered at Litchfield, on the 2d Day of November, 1768: On the Execution of John Jacobs, an Indian Native . . . at the Request of Some of the Hearers* (Litchfield: Green & Watson, 1768).

36. As Daniel A. Cohen remarks, the condemned were more than the "preacher's crucial focus of discussion and attention." They were often deeply involved in the coproduction of the sermon's performance, "active instigators and even collaborators" who "asked particular ministers to deliver execution discourses," and even request "that they address particular texts or topics." Cohen, *Pillars of Salt*, 6.

37. Gerald Vizenor, *Wordarrows: Native States of Literary Sovereignty* (Lincoln: University of Nebraska Press, 2003), xv.

38. Adams, *A Sermon Preached*, 38.

39. *Ibid.*, 39.

40. *Ibid.*, 1.

41. Tamara Harvey, "'Taken from her Mouth': Narrative Authority and the Conversion of Patience Boston," *Narrative* 6, no. 3 (1998): 262. Harvey notes "there are many instances in which Boston uses the logic and language of theological and secular law to challenge that law in a kind of discursive *perruque*, to use de Certeau's word for certain tactics which appropriate the resources of the system for other ends."

42. Patience Boston and Samuel Moody, *A Faithful Narrative of the Wicked Life and Remarkable Conversion of Patience Boston, Alias Samson . . . in Said Town* (Boston: S. Kneeland and T. Green, 1738), 1.

43. *Ibid.*, 6.

44. *Ibid.*, 30. Moody's comment that it does no dishonor to God to pardon her takes place in a context of traditional reparation theology, where the emphasis is usually on the debt owed God for sin, and the satisfaction of God's honor. The notion that God's forgiveness extends to a kind of universal salvation (for example, after a period of punishment in hell) is a relatively recent development in Protestant theology. It would have been unthinkable to most New Englanders in either sixteenth- to seventeenth-century Puritan or eighteenth-century Congregationalist traditions.

45. Cohen, *Pillars of Salt*, 12.

46. Joanna Brooks, *American Lazarus: Religion and the Rise of African-American and Native American Literatures* (Oxford: Oxford University Press, 2003), 55.

47. Elliott, "'This Indian Bait,'" 234. Elliott argues that Occom is trying to use "Protestant religious discourse to play off the mixed racial composition of his audience at the execution" because he, himself, occupied the traditional role of the converted Indian convict, a liminal figure "permanently situated at an in-between place," like the "poor condemned" man or women whose conversion refigured the relationship between divine and human justice. "His authority," Elliott concludes, "derived from this liminal state in which his Indian identity was never put under complete erasure; he represented an ongoing conversion to English society that could never be completed."

48. Eleazar Wheelock, *A Plain and Faithful Narrative of the Original Design, Rise, Progress and Present State of the Indian Charity School at Lebanon, in Connecticut* (Boston: Richard and Samuel Draper, 1763), 26.

49. Samson Occom, *The Collected Writings of Samson Occom, Mohegan: Leadership and Literature in Eighteenth-Century Native America*, ed. Joanna Brooks (Oxford: Oxford University Press, 2003), 26.
50. Samson Occom, Letter to the Board of Correspondents, March 12, 1765, in Bernd C. Peyer, *The Tutor'd Mind: Indian Missionary Writers in Antebellum America* (Amherst: University of Massachusetts Press, 1997), 73.
51. Minutes of the meeting of the Board of Correspondents, March 12, 1765, in Eleazar Wheelock Papers, 765212.07, Rauner Special Collections Library, Dartmouth College, Hanover, NH.
52. Eleazar Wheelock, *A Continuation of the Narrative of the Indian Charity-School, in Lebanon, in Connecticut* (Hartford, n.p., 1771), 19.
53. Zachary Johnson and Sarah Mahomet, Testimony of Zachary Johnson and Sarah Mahomet, March 8, 1765, Yale Indian Papers Project: New England Papers Series Database, <http://jake.library.yale.edu:8080/neips/data/html/1765.03.08.00/1765.03.08.00.html>.
54. William Samuel Johnson, "Testimony of Zachary Johnson and Sarah Mahomet," March 8, 1765, William Samuel Johnson Papers, Connecticut Historical Society, Hartford, CT.
55. Occom, *The Collected Writings*, 21.
56. Occom, *Sermon*, 21.
57. Robert Warrior, *The People and the Word: Reading Native Nonfiction* (Minneapolis: University of Minnesota Press, 2005), 135.
58. Timothy Larrabee, "Appeal of Hannah Occuish to the Connecticut General Court," October 24, 1786, Crimes and Misdemeanors, Series 1, vol. 6, 306, Connecticut State Archives, Hartford, CT.
59. Isaac Backus, *Church History of New England from 1620–1804: Containing a View of the Principles and Practice, Declensions and Revivals, Oppressions and Liberty of the Churches, and a Chronological Table* (Philadelphia: Baptist Tract Depository, 1839), 180.
60. William Samuel Johnson, Letter to Unknown, William Samuel Johnson: Personal, Political, and Legal Papers, 1658–1817, Box 3, Connecticut Historical Society Collections, Connecticut Historical Society, Hartford, CT.
61. Johnson and Paul, "Petition."
62. Chamberlain, 429.
63. For Whittlesey and Johnson, see *An Historical Sketch of Columbia College in the City of New-York* (New York: Leavitt, Trow & Co., 1846), 38–47.
64. William Samuel Johnson, Letter to Samuel Johnson, May 28, 1770. For Johnson, see Elizabeth Peterken McCaughey, *From Loyalist to Founding Father: The Political Odyssey of William Samuel Johnson* (New York: Columbia University Press, 1980), especially 101–48.
65. In 1659, the Mohegan sachem, Uncas, deeded tribal lands in trust to Major John Mason, to protect them against the incursions and claims of Connecticut settlers, and a dispute arose over the extent to which the Major had accepted Uncas' trust on behalf of the Colony. The Colony claimed that Mason's deed transferred proprietorship to Connecticut, while the Major's lineal heirs and their Mohegan supporters claimed that Uncas had intended for the land to remain in the custody of the Mason family. For the Mason Controversy, see Wendy B. St. Jean, "Inventing Guardianship: The Mohegan Indians and their Protectors," *New England Quarterly* 72, no. 3 (1999): 362–87; also *Governor and Company of Connecticut, and Mohegan Indians, by their Guardians. Certified Copy of Book of Proceedings before Commissioners of Review* (London: W. & J. Richardson, 1769).
66. William Samuel Johnson, letter to Samuel Johnson, August 18, 1770.
67. St. Jean, "Inventing Guardianship," 362.
68. Anonymous, *A Short Account*.
69. For the development of New England's perceptions of Indians, see William J. Simmons, "Cultural Bias in Puritans' Perceptions of Indians," *William and Mary Quarterly* 38, no. 1 (1981): 56–72; for statistics on the growing presence of Mohegans in maritime trades, a presence that

contributed to diminished political power at home in the late-eighteenth century, see Russel Lawrence Barsh, "Colored' Seamen in the New England Whaling Industry: An Afro-Indian Consortium," *Confounding the Color Line: The Indian-Black Experience in North America*, ed. James F. Brooks (Lincoln: Nebraska University Press, 2002): 76–108.

70. Johnson and Paul, "Petition."

71. Ibid.

72. Chamberlain, "The Execution of Moses Paul," 418.

73. See Samuel Waldo, letter to Shubael Gorham, May 22, 1745, *Collections of the Massachusetts Historical Society*, Sixth Series, Vol. X (Boston: Massachusetts Historical Society, 1899).

74. See David Humphreys, *An Essay on the Life of the Honorable Major-General, Israel Putnam: Addressed to the State Society of Cincinnati in Connecticut* (Hartford: Hudson and Goodwin, 1788), reprinted in several editions.

75. Johnson and Paul, "Petition."

76. Ibid.

77. See *The New-London Summary, or, The Weekly Advertiser*, July 11, 1760. Putnam offers a reward for the capture of Elias Clark, a "proper and well made fellow," who had deserted June 27, 1760, at Plainfield. Clark was related by marriage through the Weltons to Moses Cook. See Henry Bronson, *The History of Waterbury, Connecticut: The Original Township Embracing Present Watertown and Plymouth, and Parts of Oxford, Wolcott, Middlebury, Prospect, and Naugatuck. With an Appendix of Biography, Genealogy and Statistics* (Waterbury: Bronson Brothers, 1858), 546.

78. Johnson and Paul, "Petition." All quotes in this section refer to the petition (no pagination).

79. Ibid. Hurlbutt is also listed in the "Bill of Costs" as a witness to the events at Clark's.

80. Chamberlain, "The Execution of Moses Paul," 442.

81. Heaton, 210–11. Heaton's diary entry for May 21, 1772 notes that Paul "stood at the window in irons with two books in his hands I talked some to him."

