An incarcerated republic: prisoners, reformers, and the penitentiary in the United States, 1790-1860

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AN INCARCERATED REPUBLIC:
PRISONERS, REFORMERS, AND THE PENITENTIARY IN THE UNITED STATES, 1790-1860

by

Jonathan Nash

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“Virtue is uncommon in all the classes of humanity; and yet I suppose it will scarcely be imagined more frequent in a prison than other places.”

—Samuel Johnson (1753)¹

“Could we all be put on prison fare, for the space of two or three generations, the world would ultimately be the better for it. Indeed, should society change places with the prisoners, so far as habits are concerned, taking to itself the regularity, and temperance, and sobriety of a good prison, and condemning the culprits of the country to quarter themselves in great houses, live on a sumptuous and exciting diet, hold intercourse with all manner of social evil, and suffer the consequences of this course of living, it would show itself quite as sensible as it now is. As it is, taking this world and the next together, so far as mere opportunity is concerned, and saying nothing of previous disposition and nothing of guilt and innocence, the prisoner has the advantage.”

—James B. Finley (1851)²

“He thought that in the history of the world it might even be that there was more punishment than crime but he took small comfort from it.”

—Cormac McCarthy (2006)³

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ABSTRACT

The dissertation focuses on Pennsylvania and New York state prisons, and their inmates, during the late eighteenth and early nineteenth centuries. After the American War for Independence, politicians and reformers influenced by Christianity, Enlightenment philosophy, British prison reformers, and their personal experiences, replaced public punishments with incarceration at hard labor. Prisoners at the first Pennsylvania and New York state prisons maintained their pre-incarceration customs, formed communities of opposition, resisted confinement, and by the late 1810s and early 1820s, had largely taken control of the prisons. Reformers responded by formulating new architectural designs and stricter disciplinary regimens. At New York’s antebellum state prisons, prisoners were to silently labor together during the day, and spend their nights inside solitary cells. Contemporaries called the disciplinary system that developed in New York the “Auburn System.” In Pennsylvania, legislators authorized the construction of the Eastern State Penitentiary, where prisoners were to spend their entire sentence at work inside a solitary cell. Contemporaries called Eastern State’s regimen, the “Pennsylvania System.” Inside antebellum state prisons, prisoners resisted incarceration. They attempted to undermine forced isolation and labor. Guards responded by torturing and whipping prisoners. Antebellum state prisons did not reform prisoners; they destroyed convicts.

Through it all, the penitentiary remained and became an important site where Americans learned the characteristics of proper citizenship and gender roles. In addition, through reading about and visiting prisons, Americans worked through the definitions of race, ethnicity, and labor. By the 1850s, the prison became an invariable necessity. It had incarcerated Americans’ imaginations. The antebellum United States was, then, an incarcerated republic.
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INTRODUCTION

“The Black Flower” of the Incarcerated Republic

Nathaniel Hawthorne’s 1850 novel *The Scarlet Letter* began in front of an old, weather-beaten prison, where a crowd of Bostonians awaited the emergence of Hester Prynne, a condemned adulterer. In time, the spectacle of suffering satiated the crowd’s curiosity. Hester slowly passed through the prison door holding her child Pearl in her arms. Hester and Pearl climbed the scaffold to receive their punishment and the community’s scorn. In addition to her time on the scaffold, magistrates sentenced Hester to wear a scarlet “A” on her breast for the rest of her life. They intended the letter to be a permanent reminder of Hester’s adulterous act, but her own actions transformed it over the course of time from a mark of shame to one of admiration. She sewed garments for everyone, from the Governor to the destitute, and donated food to the poor. As the years slowly passed, the letter came to signify that she was just another member of the community. Before she emerged and the novel’s plot began, however, Hawthorne paused to describe the prison, which he called, “the black flower of civilized society.”¹

The prison door, the threshold dividing the criminal from the citizen, was “heavily timbered oak and studded with iron spikes.” The door was part of one of the first public works in the colony. “The founders of a new colony, whatever Utopia of human virtue and happiness they might originally project,” Hawthorne observed, “have invariably recognized it among their earliest practical necessities to allot a portion of the virgin soil as a cemetery, and another portion as the site of a prison.” The certainty of crime ensured that “some fifteen or twenty years after the settlement of the town, the wooden jail was already marked with weather-stains and other indications of age, which gave a yet darker

aspect to its beetle-browed and gloomy front.” The door, like the prison’s ugly edifice, perpetuated the ways of old in a new world: “The rust on the ponderous ironwork of its oaken door looked more antique than any thing else in the new world.”

In 1850, when Hawthorne published *The Scarlet Letter*, the prison, a publicly funded building that confined convicted felons at hard labor for a specified period of time, seemed like a permanent, invariable necessity, but it was a relatively young institution. During the sixty years since Americans began building prisons, incarceration had shackled their imaginations. A few voices proposed alternatives to the prison, such as reinstating public punishments, exiling convicts to an island in the Pacific Ocean, or deploying felons to labor on public works, but the majority of citizens ignored the dissenters’ opinions. In 1833, French visitors Gustave de Beaumont and Alexis de Tocqueville observed, “there is not a citizen of the United States who does not know how the prisons of his country are governed, and who is not able to contribute to their improvement, either by his opinion or by his fortune.”

After its creation, Americans rarely questioned the prison’s existence. They complained of its failure to reform prisoners and questioned the design of its disciplinary regimens, however. Complaints and questions led prison reformers to tinker endlessly with the institution. “Experiment, vainly made, led again to experiment,” prisoner W.A.

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2 Hawthorne, *Scarlet Letter*, 45. Hawthorne used the terms “jail” and “prison” interchangeably. At the time of the novel’s setting, the jail was a holding place for witnesses and alleged criminals who were awaiting trial or punishment. In Hester’s case, confinement in the jail was not her punishment. Her punishment was standing on the scaffold and wearing the scarlet letter.

Coffey wrote.\textsuperscript{4} Through it all, the prison remained; “Like all that pertains to crime, it seemed never to have known a youthful era.”\textsuperscript{5}

Before the construction of the first state prisons during the 1790s, convicted criminals were punished in public, like Hester. Some, unlike Hester, suffered physical as well as psychological torment. They were whipped and branded. Their ears were cropped. Their heads were shaved and placed in stocks at the center of town. Physical and psychological public terror may have punished criminals and deterred crime in small, relatively stable villages. By the end of the eighteenth century though, many people began to doubt the effectiveness of public punishments.

In the years that followed the American War for Independence, contemporaries complained that a crime wave had gripped the young republic. Judges sentenced 151 people to hang in Pennsylvania between 1780 and 1800.\textsuperscript{6} In 1791, New England minister William Smith lamented that a “gang of plunderers” had “infested the United States.”\textsuperscript{7} In his 1807 narrative, notorious thief Henry Tufts boasted that he had conspired with numerous American, Scottish, and Irish criminals during his long life of crime.\textsuperscript{8} By all accounts, state criminal codes that called for public, physical punishments failed to deter crime or reform criminals. Pennsylvania and New York criminal law reformers such as

\footnotesize


8 Henry Tufts, \textit{A Narrative of the Life, Adventures, Travels and Sufferings of Henry Tufts, Now Residing at Lemington, in the District of Maine. In Substance, as Complied From His Own Mouth} (Dover, NH: Samuel Bragg, Jr., 1807).
Benjamin Rush, Caleb Lownes, and Thomas Eddy began to replace public punishment with confinement at “hard labor” inside a prison.

Historian David Rothman minimized the significance of these early U.S. criminal law reformers. He argued that they were backward-looking men, saddled with a colonial mindset. According to Rothman, early reformers thought that prisons were “necessary adjuncts to the reform [of criminal law], the substitutes of capital punishment, but intrinsically of little interest.” “The fact of imprisonment,” he claimed, “not its internal routine, was of chief importance.”

Certainly, prison reformers in the 1790s hoped that incarceration would serve as a deterrent to crime, but their voluminous writings demonstrate that they devised intricate prison regulations and attempted to dictate every hour of a prisoner’s day. They denied liberty to convicts in hope of reforming and preparing them to enjoy liberty, but within limits, upon their release. They focused their attention not only on the world outside the prison, but also on the world within it.

Early prison reformers were optimistic, humane, Christian men. They hoped to follow in the footsteps of famous English prison reformers Jonas Hanway and John Howard by putting their fellow feeling toward the less fortunate into action. They replaced public punishment with the prison. They saw prisons as emblems of state power, warnings to criminals, reminders to citizens, incubators of reform, and laboratories of governance. The psychological power of imprisonment was just as important as its physical power. Yet, despite their efforts to leave the despotic violence of the past, it remained inside early national and antebellum state prisons.

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10 In making this argument about violence, I refer to Raymond Williams’s concept of “the residual.” “The residual, by definition,” Williams wrote, “has been effectively formed in the past, but it is
The newly constructed state prisons of the 1790s, subjected the bodies and minds of convicted felons to an ordered, timetable-regulated regimen of hard labor.\textsuperscript{11} The regimen, reformers argued, would transform criminals into useful citizens and deter others from committing crimes. Inside the prisons, wardens tested theories of governance, chaplains hunted for converts, and physicians dissected deceased prisoners, as if to illustrate that inmates’ bodies belonged to the state, whether dead or alive. Through the eyes of early-national reformers, as Thomas Eddy explained, the prison appeared “a durable monument of the wisdom, justice, and humanity” of the State and its leading men.\textsuperscript{12} Eddy’s favorable description, however, did not match the reality of incarceration.

To every significant extent, prisoners took control of their lives while inside the first Pennsylvania and New York state prisons, which opened in 1790 and 1797.
respectively. They slept in congregate apartments and conversed with one another. They played pranks on each other, fought, and gambled. Older, experienced criminals told the young of their exploits and encouraged them to join gangs of brigands upon their release. Prisoners also attempted to maintain their pre-incarceration customs. They resisted forced labor, rebelled, and attempted to escape.13 By the late 1810s and early 1820s, legislators and prison reformers began to denounce the current prisons and to imagine new prisons with new disciplinary regimens.

Rothman argued that antebellum prison reformers of the 1820s and 1830s were reactionaries who designed prisons in response to rapid urban population growth, mostly fueled by migrants from the countryside and immigrants from Europe, industrialization, and the crumbling of the colonial “social order.” That is part of the story; but, by shifting inside early national prisons, the dissertation argues that reformers built new antebellum prisons, and guards devised increasingly violent disciplinary regimens in response to the actions of prisoners confined inside previous prisons. Historians must take account of the actions of prisoners if they wish to have a complete understanding of the history of incarceration in the early United States.

To relieve overcrowding and gain control of the first state prison, New York State legislators authorized the construction of the Auburn State Prison in 1816. At Auburn, and later at New York’s other antebellum state prisons, Sing Sing and Clinton, prisoners worked in silence during the day and slept inside solitary cells at night. Officials at these

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prisons did not believe that they could persuade prisoners to reform themselves without violence. Nor did they think that prisoners would emulate the virtuous manhood of prison guards.

Guards did not have much virtue for inmates to emulate. They mercilessly kicked, punched, and beat prisoners who resisted incarceration or violated regulations with sticks, clubs, rawhides, and cat-o’-nine-tails. Guards also electrocuted prisoners and tortured them with the shower bath, the pulleys, the yoke, the cage, and bucking—all tortures that left minimum evidence on prisoners’ bodies. The prisoners who emerged from these institutions were broken men. Some could barely function. Those without friends and family struggled to survive. Others left the state in hope of starting new lives.

A handful of prisoners released from antebellum New York prisons were confined in Philadelphia’s Eastern State Penitentiary, which opened in 1829. Legislators authorized the construction of the penitentiary in 1823 after prisoners took over the previous state prison, the Walnut Street Prison. The architecture of the Eastern State Penitentiary attempted to divide and conquer prisoners.14 Each convict was confined for the entirety of his sentence inside a solitary cell at hard labor. Occasional visits from prison officials, the chaplain, and members of the Philadelphia Society for Alleviating the Miseries of Public Prisons, reduced inmates’ loneliness. Still, prisoners resisted the terms of their incarceration. They communicated with one another, worked slowly, and sabotaged work tools and supplies. They masturbated, attempted to kill themselves, and

rammed their heads into the walls of their cell. Some attempted to murder guards, and others tried to escape.

Although the history of incarceration in the early United States is a history of failure, reformers never lost faith in the prison. When prisons did not produce the effects that they had hoped, reformers did not abandon incarceration. On the contrary, they designed new prisons and devised new disciplinary measures. Antebellum prison officials, especially those in New York, looked back upon the country’s short history of incarceration, and decided that earlier reformers were mistaken in their belief that prisoners could be persuaded to reform while inside the controlled environment of the prison. They rejected moral suasion in favor of beating convicts into submission, but violence rarely produced its intended results.

By the late 1850s, the germ of incarceration that had begun in Pennsylvania and New York had infected the entire nation. Although incarceration did not reform all criminals, or deter all crime, state legislators throughout the nation authorized the construction of state prisons. Most states modeled their prisons upon Auburn, where prisoners silently worked together during the day, and slept in solitary cells at night. New Jersey, which had one prison on the Auburn model, also built a prison on the Pennsylvania model, in which prisoners were confined in solitary cells, at hard labor, for the entirety of their sentences.

The history of the prison and incarceration, then, is the history of the United States. The prison became the site for Americans to imagine what it meant to be an ideal man or woman, in other words, an ideal citizen of the new republic of liberty. The intention of prison regimens illustrated who an American was meant to be. As Max
Horkheimer and Theodor W. Adorno observed, “Man in prison is the virtual image of the bourgeois type which he still has to become in reality.” When citizens visited prisons, which became popular tourist attractions, or read reports about them, they learned that many immigrants and black men and women were incarcerated. These observations, buttressed by an avalanche of statistics, provided evidence that justified Nativist movements and the movement to colonize free black men and women in West Africa. The prison is a window into the best and worst of the nineteenth-century United States, which was an incarcerated republic.

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The story of the incarcerated republic begins in Chapter One with the late eighteenth-century agitation to end the public, physical punishment of criminals. In place of public punishments, reformers in Philadelphia instituted public labor. As we shall see, this did not produce its intended effect. It did not curtail crime; it increased it. Pennsylvania reformers responded by creating the Walnut Street Prison in 1790. After learning about Philadelphia’s incarceration experiment, Thomas Eddy, a Quaker reformer in New York City, visited the Walnut Street Prison. When he returned to the Empire State, he convinced the legislature to authorize the construction of a state prison in New York City, modeled upon Walnut Street.

In Chapter Two, the focus moves from the cultural and societal soil from which the prison sprouted, to an examination of the men and women who tried to reform prisons, the men who worked inside them, and the men, women, and children who were confined within them. Although Christianity, the principles of Enlightenment philosophy, the writings of Atlantic prison reformers, and a transatlantic culture of sensibility inspired prison reformers, often their own personal experiences propelled them to action.\textsuperscript{17} Despite being engaged in the same pursuit of perfecting the prison and society, reformers rarely agreed on the best plans of imprisonment, the best disciplinary regimens, or the best modes of action. Reformers formed associations with lofty names like the Society for Alleviating the Miseries of Public Prisons and the Boston Prison Discipline Society. The societies’ official publications propagated specific, well-defined positions on incarceration. The official publications presented a unified voice, but the societies’ members rarely reached the level of consensus that Rothman suggested, and when they did, they did not maintain it for long.

In Chapter Two, the dissertation also shifts inside the penitentiaries of Pennsylvania and New York for the first time. We meet the guards and wardens who worked inside prisons. Often wardens clashed with guards, and guards disobeyed regulations. In some ways, guards had more in common with prisoners than they did with reformers and wardens. The prisoners of the early United States were, for the most part,

young men who were members of the laboring poor and committed mostly property crimes. Disproportionate numbers of immigrants and black men and women were also incarcerated. Few white women were incarcerated. In official publications, administrators rarely mentioned women. They reserved the term “prisoner” for white men. Still, the prisoners of the republic were men and women, white and black, who struggled to survive and sometimes stole a barrel of pork to feed their families, or a handful of silver spoons to pawn for rent money. Of course, not all prisoners were good people to whom bad things happened. The republic’s prisons also confined rapists, murderers, and arsonists, as well as those who assaulted and battered others.

Chapter Three shifts our attention toward the initial Pennsylvania and New York state prisons. Inside these prisons, reformers designed and officials attempted to implement disciplinary regimens that would transform prisoners into productive citizens. Prisoners were forced to labor for the benefit of the state during their confinement. In return, they received clothing, food, and basic reading, writing, and religious instruction. They were to emulate the virtuous men who confined them. Reformers intended the regimens of the first state prisons to teach incarcerated men and women the habits and characteristics of an ideal American citizen, which I term “laboring citizenship.” The regimens inside these prisons attempted to inculcate more than sobriety, industry, and discipline, they hoped to teach prisoners proper gender roles as well. Prisoners resisted and rebelled. They attempted to maintain their own, individual pre-incarceration customs

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and identities. During the thirty or so years these prisons existed, from the 1790s to the 1820s, prisoners largely took control.

Throughout the dissertation, I make every effort to highlight the voices and actions of prisoners. They appear in official reports, prison records, and memoirs written by prison administrators. While incarcerated, some prisoners wrote diaries, letters, and poems, as well as painted. Upon release, a few prisoners wrote memoirs about their experiences. The focus on prisoners illustrates that inside the prison, power was not hegemonic; it was contested constantly. “Hidden by the veil of discipline rages the struggle of fiercely contending wills, and intricate meshes are woven in the quagmire of darkness and suppression,” Alexander Berkman, an imprisoned anarchist, observed.19 Historians who do not account for the actions of prisoners miss the significance of the prison; it would not have existed as it did if it were not for its prisoners.20

Rothman’s focus on published, printed documents accounted for his inattention to the thoughts and actions of prisoners.21 The dazzling interpretative gymnastics performed by Michel Foucault in his Discipline and Punish: The Birth of the Prison, also obscured

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21 For example, see Rothman’s “bibliographic note” at the conclusion of Discovery of the Asylum, 299-312.
the thoughts and actions of prisoners, while it presented the fantasies of reformers as realities. Foucault’s interpretations are evocative and suggestive; they have clearly informed my thinking while writing this dissertation. Like Rothman, however, Foucault focused mostly on reformers, and treated them as an undifferentiated mass. He carefully chronicled the new way of being and seeing introduced by the prison: regimented timetables; examinations; the compiling of dossiers; the creation of “the deviant,” institutionalized individual; changes in discipline; and the molding of docile bodies.

Foucault viewed the prison as emblematic of a new form of power that arose at the turn-of-the nineteenth century in France. He analyzed a disciplinary power that observed, regulated, and coerced at the individual level. His description of disciplinary power closely resembled Alexis de Tocqueville’s description of the “sort of despotism democratic nations have to fear”:

> [T]he ruling power, having taken each citizen one by one into its powerful grasp and having molded him to its own liking, spreads its arms over the whole of society, covering the surface of social life with a network of petty, complicated, detailed, and uniform rules through which even the most original minds and the most energetic spirits cannot reach the light in order to rise above the crowd. It does not break men’s wills but it does soften, bend, and control them; rarely does it force men to act but it constantly opposes what actions they perform; it does not destroy the start of anything but stands in its way; it does not tyrannize but it inhibits, represses, drains, snuffs out, dulls so much effort that finally it reduces each nation to nothing more than a flock of timid and hardworking animals with the government as shepherd.22

Incidentally, this is exactly how early national New York and Pennsylvania prison reformers hoped the state prisons’ disciplinary regimens would operate upon the bodies and minds of prisoners. Perhaps the American prison was more humane than whipping, cropping, and branding, but incarceration too changed prisoners. It aimed to strip

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convicts of their own, unique individuality by transforming them into an undifferentiated mass that prison reformers and administrators counted, sorted, and collated into abstract statistical tables and reports, which provided officials with a much-needed illusion of power over “orderly” prisoners—a power the historiography has helped to maintain until relatively recently.23

Although reformers used the language of sensibility to promote the prison, their aim, according to Foucault was not humanitarian. “The reform of criminal law must be read as a strategy for the rearrangement of the power to punish,” Foucault wrote. Reformers of criminal law worked “not to punish less but to punish better … to punish with more universality and necessity; to insert the power to punish more deeply into the social body.”24 Foucault argued that the prison punished not only past transgressions, but worked to prevent “future disorder” by creating “docile” bodies “that may be subjected, used, transformed, and improved.”25 Like Foucault, I do not see the prison as a marginal institution, it was central to the history of the antebellum United States.

Foucault’s arguments have influenced historians of incarceration in the early nineteenth-century United States. For this dissertation, the two most important scholars are Thomas L. Dumm and Michael Meranze, who both studied incarceration in early national Philadelphia. Dumm closely followed Foucault to view democracy and punishment as hopelessly entangled. Dumm argued that from its beginnings the United States has been, at its core, a disciplinary society, in the Foucauldian sense of the term.

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25 Foucault, Discipline and Punish, 93, 136.
“The emergence of the penitentiary in the United States,” Dumm asserted, “was a project constitutive of liberal democracy.” It was the penitentiary, he suggested, that taught Americans to regulate their own actions, which in turn allowed a liberal democracy of self-rule to emerge. Dumm demonstrated that the penitentiary and the push for a discipline that penetrated individual lives, gives pause to the triumphant narrative of the expansion of liberty and democracy in the nineteenth-century United States.26

Similarly, historian Michael Meranze examined the relationship between prison reform and the emergence of liberalism in Philadelphia. The work of Foucault and Sigmund Freud informed his analysis of how reformers tried to create an enlightened, liberal republic. “Tracing the transformation of punishment from the 1780s through the 1830s,” Meranze wrote, “I argue that discipline was a continually renewed effort to shape public communication, individualize social problems, train dutiful citizens, and marginalize social divisions and alternative ways of life.” Although Philadelphia prison reformers claimed to target “the convicts’ spirit or character,” Meranze illustrated, “the body was both part of the penal process and excluded from it.”27

Unlike Rothman, Foucault, and Dumm, Meranze examined the reality of life inside the prison. He demonstrated that prisoners inside the Walnut Street Prison resisted incarceration and showed that reformers resorted to torture when prisoners resisted inside the Eastern State Penitentiary. He did not account for, however, the similarities in resistance strategies that prisoners used in different penitentiaries. It was not only prisoners’ resistance inside the Eastern State Penitentiary that led some officials to

employ torture, but also the knowledge of officials’ past failures, as well as prisoners’ successes in shaping life inside pervious prisons.

Since Meranze’s book, a small group of historians has begun to focus on the actions of prisoners. Larry Goldsmith examined the actions of prisoners inside the early nineteenth-century Massachusetts State Prison. His work demonstrated that prisoners were active and important historical subjects. In their recent books on the history of New York’s state prisons, Jennifer Graber and Rebecca McLennan accounted for the actions of prisoners. Graber analyzed how prisoners may have interpreted religious messages in the first New York State Prison, Auburn, and Sing Sing. McLennan touched briefly on the antebellum period, but her focus is mainly the late nineteenth and early twentieth century. Likewise, Timothy J. Gilfoyle’s *A Pickpocket’s Tale* analyzed incarceration at Sing Sing and New York City’s municipal jail, The Tombs, through the eyes of George Appos, a convicted criminal who lived during the late nineteenth century.28

Also of importance is historian W. David Lewis’s history of the first fifty years of prison reform in New York. At the time of his writing, he did not have access to the archival materials that are now at the New York State Archives. Consequently, he relied on the next best available evidence: published sources authored primarily by the men who ran the prisons. His narrative privileged the literate men who promoted and oversaw the construction of state prisons within a transatlantic intellectual “heritage,” and catalogued the administrative, financial, and political problems that plagued New York’s

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prisons. As a result, Lewis tended to view the prison from the top down, and prisoners often appeared as passive objects of reform, not as active agents who influenced everyday life inside state prisons. Still, Lewis provided a valuable overview of early incarceration efforts in New York State, similar to Lawrence M. Friedman’s comprehensive overview of American criminal law in his *Crime and Punishment in American History*.\(^\text{29}\)

Unlike those historians who focus on one state, this dissertation focuses on New York and Pennsylvania. These two states led the early nation in criminal law reform. They were the first states to build state prisons and all other states followed their lead. Despite their importance to the history of incarceration, historians have not yet examined the nineteenth-century history of Pennsylvania and New York state prisons together. By focusing on New York and Pennsylvania, this dissertation analyzes the differences between their respective reformers, prison administrators, prisons, and the actions of convicts within those prisons.

A comparative lens illustrates that it was in response to the actions of prisoners and the problems their actions created, that reformers and politicians built new state prisons. In New York, officials opened the Auburn State Prison in 1818, the Sing Sing State Prison in 1825, and the Clinton State Prison in 1845, the settings for Chapter Four. Inside these prisons, guards attempted to remedy the problems that plagued previous state prisons, namely, the actions of prisoners. At Auburn, prison officials tried, for almost a year, complete solitary confinement without labor. Prisoners went insane; they mutilated and killed themselves. Then, officials established a new incarceration regimen, the Auburn System, which became renowned throughout the world. Under the system,

prisoners were to silently labor together during the day inside large workshops. The state
sold prisoners’ labor to contractors who reaped the rewards of an inexpensive and
relatively disciplined labor force. At night, prisoners returned to their solitary cells.
Officials implemented the same system at Sing Sing and Clinton prisons. The labor of
prisoners, it was hoped, would offset the prisons’ operating costs, and teach prisoners the
habits of an industrious citizen laborer, in other words, the characteristics of laboring
citizenship.

Guards employed vicious violence to maintain order and to keep prisoners in line.
The violence was directed at particular inmates who violated the rules of the prison, or
insulted guards. Everyone inside the prison witnessed and experienced the psychological
terror of the daily physical beatings that some prisoners endured. Still, prisoners resisted
incarceration and attempted to escape. Guards and prisoners were locked in a never-
ending cycle of violence, and it was often difficult to determine who was struggling
against whom. Terror, violence, and coerced labor characterized New York’s antebellum
prisons.

On the other hand, Pennsylvanian legislators and prison reformers responded
differently to the failure of their first state prison. In 1829, after six years of construction,
the imposing Eastern State Penitentiary opened on the northwestern outskirts of
Philadelphia—it is the focus of Chapter Five. Inside Eastern State, prisoners remained
confined in solitary cells for their entire sentence. They also worked inside their cells.
Contemporaries called the regimen of solitude and hard labor at the penitentiary, the
Pennsylvania System. According to the rules of the system, prisoners were not supposed
to leave their cells, except for occasional exercise in a walled, outside yard directly
behind their cells. The horrors of solitude, reformers claimed, would force prisoners to confront their guilty consciences, and in turn, reform themselves. In describing the system, historians Dario Melossi and Massimo Pavarini asserted, “Alone in his cell, the inmate is handed over to himself.”  

Coupled with solitude, forced labor taught convicts a trade that they could practice upon their release, as well as relieved their boredom, prison officials hoped. Yet, Pennsylvania’s Eastern State Penitentiary was no more effective than New York’s state prisons.

Prisoners undermined the forced isolation of Eastern State. They communicated with one another by tapping codes on pipes and walls, as well as through notes and letters. Some prisoners climbed to the skylight atop the ceiling of their cell to yell at others. Other prisoners climbed the walls of their exercise yards in hope of finding someone to talk with. Prisoners also attacked guards, mutilated themselves, and attempted to escape. Many prisoners masturbated to relieve the boredom and lonely monotony of solitary confinement. Officials argued that masturbation made prisoners insane not prolonged solitary confinement.

Despite the differences between the Auburn System and the Pennsylvania System, both systems incorporated “hard labor,” which is the subject of Chapter Six. Although prisoners’ working conditions—strictly regimented, long hours, and constant threat of violence—resembled the conditions under which enslaved laborers toiled on southern plantations, there were differences. Strictly speaking, prisoners’ confinement and length of forced labor that they endured had limits. Once convicts had served their sentence, they were free to leave the prison. Unlike slaves, inmates’ children would not

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automatically become prisoners, although children whose parents were incarcerated often found themselves inside a disciplinary institution of some kind, such as a House of Refuge or city almshouse.

The forced labor regimens inside antebellum New York and Pennsylvania prisons most closely resembled the practice of indentured servitude. Although indentured servitude and enslavement waned in New York and Pennsylvania, coerced labor thrived inside the state prisons. The products of prisoners’ labor were used to offset incarceration costs. As we saw, reformers hoped that forced labor would also teach prisoners the characteristics of laboring citizenship that they could put into practice upon release, but despite these intentions, prisons rarely turned a profit and coerced labor did not turn all prisoners into proper citizens.

Citizens, especially workingmen in New York, protested prison labor. Workingmen argued that ex-prisoners who learned a trade would infiltrate their ranks, and if they committed a crime, they would tarnish the reputations of all workingmen. Even worse, they claimed that the prisoner-produced products undermined their ability to be proper citizens. An increase in the labor supply, led to a decline in wages, which consequently threatened workingmen’s ability to support their families, and may even have pushed some to commit crimes of survival. Although besieged momentarily by an army of irate, hard-working Americans, the prison survived.

The dissertation’s conclusion analyzes the legacy of antebellum incarceration. It examines a handful of men who were debilitated, broken, and maimed by imprisonment. From its birth, the prison failed to produce its intended results. It did not make good on its promises. Prisoners were not reformed. They fought back against dehumanizing
regimens and vicious physical violence. They rebelled and escaped. Despite the efforts of
prisoners, the prison remained. In less than a century after its appearance, Americans had
come to see the prison as an invariable and necessary institution.

In 1851, the idea of the prison had incarcerated the imagination of James B.
Finley, the chaplain of the Ohio State Penitentiary. He believed that incarceration held
the solution for the republic’s problems. “Could we all be put on prison fare, for the space
of two or three generations, the world would ultimately be the better for it,” he asserted.
“Indeed,” he wished for “society” to “change places with the prisoners, so far as habits
are concerned, taking to itself the regularity, and temperance, and sobriety of a good
prison.” “As it is, taking this world and the next together, so far as mere opportunity is
concerned, and saying nothing of guilt or innocence,” Finley proclaimed, “the prisoner
has the advantage.”31 The idea of the prison incarcerated the imaginations of Americans
like Finley. Not only was the prison an invariable, practically self-referential necessity,
the republic would be stronger if citizens lived like prisoners. During its formative years,
the United States was an incarcerated republic.

Power, 1850), 41-42. Partially quoted in Rothman, Discovery of the Asylum, 84-85.
CHAPTER ONE

THE SETTING: THE AMERICAN PENITENTIARY AND ITS CONTEXTS

In the years following the American War for Independence, white middling-class men replaced the public punishment of the stocks and scaffold, with imprisonment at hard labor inside a penitentiary. They argued that public punishment was inefficient. It did not deter crime, and citizens were hesitant to convict fellow citizens of crimes that called for violent punishment in public. After a brief experiment with using felons for public labor, Pennsylvania became the first state to establish a state prison. Pennsylvania's prison became the model to emulate, and informed the designs of subsequent state prisons that were built during the 1790s. The American reformers who replaced public punishment with imprisonment were idealist men inspired by Enlightenment philosophy, Christianity, the culture of sensibility, and, ironically, British prison reformers. The language of the acts and laws they passed, suggests that they saw themselves as doing something new and patriotic, they were breaking from the laws of the past, to create the law for the new republic of liberty.

The men were part of a cohort that historian Gordon Wood calls, “The revolutionaries.” They “aimed at nothing less than a reconstitution of American Society.” They worked to replace the bonds of monarchical society—“kinship, patriarchy, and

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1 By “middling-class” or “middle class,” I refer to people of an emerging economic class that worked primarily with their heads instead of their hands, and members of a cultural class that “subscribed to a strict set of values,” which included “frugality, temperance, chastity, silence, tranquility, humility, cleanliness, moderation, order, resolution, sincerity, justice, and industry.” Jennifer L. Goloboy, “The Early American Middle Class,” Journal of the Early Republic 25 (Winter 2005), 538-539. See also Stuart M. Blumin, The Emergence of the Middle Class: Social Experience in the American City, 1760-1900 (New York: Cambridge University Press, 1989); and Karen Halttunen, Confidence Men and Painted Women: A Study of Middle-Class Culture in America, 1830-1870 (New Haven: Yale University Press, 1982).
patronage”—with “new social bonds of love, respect, and consent.”² Part of this effort was the reform of criminal law. The ideas of European Enlightenment thinkers that informed revolutionaries’ thoughts on constitutional governance also inspired reformers to question the practices of public punishment in a republican society. This “humanitarian reform” of criminal law, Wood notes, would attract “worldwide attention.”³

The writings of French Enlightenment philosopher Montesquieu influenced the thoughts and actions of American criminal law reformers. In the pages of his 1748 *The Spirit of the Laws*, reformers learned that the most effective criminal codes rested upon punishments that were certain and proportionate to the crime. “They held that society should subject the criminal to no more pain than was necessary to preserve the safety of the community from his future depredations and to deter others from following his example,” writes historian W. David Lewis.⁴

Punishment also reflected governance. In despotism, where terror legitimated authority, Montesquieu claimed, “punishments ought to be more severe.” Severe punishments, however, Montesquieu observed, made the people “cruel.”⁵ In a republic, therefore, public punishments were ineffective. When love, respect, and consent became the bonds between citizens, spectators who witnessed public punishments were horrified, not terrified. They would sympathize with the pain of the suffering criminal, not with the barbaric state that viciously inflicted that pain.

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Italian legal theorist Cesare Beccaria further summarized and stated these ideas in his *An Essay on Crimes and Punishment* (1764), which was on the library shelves of all American legal reformers. “In pamphlet after pamphlet the American writers,” historian Bernard Bailyn writes, “cited … Beccaria on the reform of criminal law.” He argued that deterrence, not vengeance should be the basis of criminal law. “The purpose” of punishment, Beccaria claimed, “is nothing other than to prevent the offender from doing fresh harm to his fellows and to deter others from doing likewise.” Therefore, he continued, “punishments and the means adopted for inflicting them should, consistent with proportionality, be so selected as to make the most efficacious and lasting impression on the minds of men with the least torment to the body of the condemned.”

Reformers were familiar with how condemned men and women faced public punishment or at least with how Beccaria imagined they faced public punishment: “these laws are nothing but pretexts for power and for the calculated and cruel formalities of justice; they are nothing but a convenient language for killing us all the more surely, like the preselected victims of a sacrifice to the insatiable god of despotism.” Again, like Montesquieu, Beccaria connected public punishments with the regimes of despots and monarchs, not republics.

These ideas were articulated by one of the most ardent revolutionaries of the Atlantic World, Thomas Paine. In his 1791 *The Rights of Man*, Paine advised, “Lay then the axe to the root, and teach governments humanity. It is their sanguinary punishments

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which corrupt mankind.” Paine only had to look toward eighteenth-century England to illustrate his claim. “The rulers of eighteenth-century England cherished the death sentence,” writes historian Douglas Hay. “The effect of those cruel spectacles exhibited to the populace is to destroy tenderness or excite revenge,” Paine continued, “and by the base and false idea of governing men by terror, instead of reason, they become precedents.” “Sanguinary,” public punishments were the fruits of monarchical, English corruption that threatened to poison the humane and benevolent republic of liberty that revolutionaries imagined.

Pennsylvanian legislators eliminated public punishments from the criminal law. Public punishments appeared to them as vestiges of the British colonial past. Perhaps public punishments were proper for the subjects of despots and monarchs, but they were no longer appropriate for a republic whose citizens fought for freedom and liberty. Americans would not fully achieve liberty and freedom until they ruled themselves with their own laws, not with the laws of the past. “Hence sanguinary punishments, contrived in despotic and barbarous ages,” Justice William Bradford observed in 1793, “have been continued when the progress of freedom, science, and morals renders them unnecessary and mischievous: and laws, the offspring of a corrupted monarchy, are fostered in the bosom of a youthful republic.”

Bradford’s sentiments illustrate not only a contrast between despotic, monarchical law and the law of a “youthful republic,” but also changing conceptions of historical and

11 Thomas Paine, Common Sense, Rights of Man, and Other Essential Writings, 157.
every day time, or in other words, the historicity of temporality. He and his contemporaries began to think of time as linear, the present was a moment on a continuum where the past and future met. Fewer and fewer people in America’s cities continued to see time as a cyclical revolution structured by the rhythms of the harvest or religion. Mechanical clock time began to order reality into discreet and divisible temporal segments. Bradford’s temporality suggested that public punishments though, were brief flashpoints, perhaps appropriate for those who committed heinous crimes, where the barbaric despotism of the past burst into the present. Public punishments, though, were destabilizing bursts that threatened to retard “the progress of freedom, science, and morals” in the “youthful republic.” Similarly, reformers of criminal law argued that punishment must flow through controlled linear time to help reform a criminal’s character so he could become a virtuous citizen in the future. “In prison,” legal philosopher Ana Messuti observes, “the execution of punishment is entrusted to time.”

The time of punishment, convict W.A. Coffey lamented in 1823, “creeps slowly along; time rolls heavily around upon the wheels of the lazy clock; impatience lashes it with its nettles, but the hours accelerate not their own speed.” The seemingly perpetual present of penitentiary punishment worked upon prisoners’ bodies and minds not to target the transgressions of the past, but to prevent future legal transgressions.

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The framers of Pennsylvania’s 1776 state constitution believed that the time had arrived for the reform of criminal law. Historian Henry Elmer Barnes argues that the new state constitution “directed a speedy reform of the criminal code along the lines of substituting imprisonment for the various types of corporal punishment.” The jails of the state, however, were nasty places. They confined a motley assembly of criminals awaiting trial, debtors, members of the “wandering” poor, as well as runaway servants and slaves. Jails were holding places on the way to punishment, not punishments in themselves. Keepers extorted money from prisoners in exchange for food, water, liquor, and clothing. Disease and violence were common. By all accounts, jails did not reform their inmates, but led them further into vice and corruption.

The interior of jails made benevolent men and women shudder. “What a spectacle must this abode of guilt and wretchedness have presented, when in one common herd were kept by day and by night, prisoners of all ages, colours, and sexes!” Quaker philanthropist Roberts Vaux exclaimed of the jails of the period. In his 1799 novel *Arthur Mervyn: or, Memoirs of the Year 1793*, Charles Brockden Brown portrayed the scene inside the jail of the day. The inmates’ “pale faces and withered forms” displayed “marks of negligence and poverty.” Not repentance, but “Ferocious gaiety, or stupid indifference, seemed to sit upon every brow.” The noxious “vapour from a heated stove mingled with the fumes of beer and tallow that were spilled upon it, and with the tainted breath of so promiscuous a crowd, loaded the stagnant atmosphere.” The claustrophobic

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narrator “found it difficult to breathe” while he “looked anxiously round.” He saw “every mouth was furnished with a segar, and every hand with a glass of porter.” He heard “conversation, carried on with much emphasis of tone and gesture.” While some inmates conversed, “Others, unemployed, were strolling to and fro, and testified their vacancy of thought and care by humming or whistling a tune.”

Such fiction mirrored reality and conditioned readers’ responses to actual jail interiors. Vaux could hardly contain his emotions when he described Philadelphia’s revolutionary-era jail:

No separation was made for the most flagrant offender and convict, from the prisoner who might perhaps be falsely suspected of some trifling misdemeanor: none of the old and hardened culprit, from the youthful and trembling novice in crime;—none even of the fraudulent swindler, from the unfortunate and possibly the most estimable debtor; and when intermingled with all these, on one corrupt and corrupting assemblage, were to be found the disgusting object of popular contempt besmeared with filth from the pillory—the unhappy victim of the lash streaming with blood from the whipping post—the half naked vagrant—the loathsome drunkard—the sick suffering with various bodily pains—and too often the unaneled malefactor, whose precious hours of probation had been numbered by his earthly judge.21

His meandering sentence perfectly captured the “intermingled” mass of “one corrupt and corrupting assemblage” that colonial jails attempted to contain. Yet by containing such a motley, unclassified combination, contemporaries argued, revolutionary-era jails spread vicious vices, corruption, and criminality.

Vaux’s description of intermingling and mixture could have just as easily applied to the urban landscapes of Philadelphia and New York. Early nineteenth-century English traveler John Lambert seems to have been similarly overwhelmed by the cacophonous

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hustle and bustle of the New York waterfront. “All was noise and bustle. The carters were driving in every direction; and the sailors and labourers upon the wharfs, and on board the vessels, were moving their ponderous burthens from place to place,” Lambert wrote. He continued to sketch the scene,

The merchants and their clerks were busily engaged in their counting-houses, or upon the piers. The Tontine coffeehouse was filled with underwriters, brokers, merchants, traders and politicians; selling, purchasing, trafficking, or ensuring; some reading, others eagerly inquiring the news. The steps and balcony of the coffeehouse were crowded with people bidding, or listening to the several auctioneers, who had elevated themselves upon a hogshead of sugar, a puncheon of rum, or a bale of cotton …. The coffeehouse slip, and the corners of Wall and Pearl streets, were jammed up with carts, drays, and wheelbarrows: horses and men were huddled promiscuously together.22

The almost interchangeable and equally evocative descriptions of the jail and the waterfront must have overwhelmed early republican readers. Respectable men like Vaux, who were involved in a variety of reform efforts, soon used the penitentiary and its disciplinary regimen to test theories of governance that they hoped could apply to society as a whole.

Jails of the day, however, had trouble containing the corruption of their interiors. Notorious counterfeiter Stephen Burroughs never met a jail from which he did not wish to escape. “From the first moment of imprisonment,” at Castle Island, a jail in the middle of Boston Harbor, Burroughs recounted, “I felt an insupportable impatience at confinement, and an ardent desire of the enjoyment of liberty, entirely beyond description.” Incarceration did not encourage him to reform. “I concluded that my

punishment was greater than I ought to bear,” he wrote. He escaped a few days later. Likewise, prisoners escaped from Philadelphia’s jail. On March 19, 1787, the city’s militia killed one prisoner and wounded another during a mass prison break.

Even when prisoners did not escape, they made their presence known. “Some of these deplorable objects,” Vaux reported,

not entirely screened from the public eye by ill constructed walls, exposed themselves daily at the windows, through which they pushed out into the street bags and baskets, suspended upon poles, to receive the alms of the passenger whose sympathy might be excited by their wails of real or affected anguish, or if disappointed, they seldom failed to vent a torrent of abuse on those who were unmoved by their recitals, or who disapproved of their importunity.

Prisoners constantly assaulted citizens’ senses. “To increase the horror and disgust of the scene,” Vaux wrote, “the ear was continually assailed by the clank of fetters, or with expressions of the most obscene and profane, loudly and fiercely uttered, as by the lips of demons.” The specters of seen and unseen criminality stalked the citizens. In 1786, legislators responded by passing the “wheelbarrow law.”

With the passage of the “wheelbarrow law,” which built upon the principles postulated by Beccaria, the Pennsylvania legislature broke from the fetters of colonial law. No longer would convicted criminals be subjected to the shame and humiliation of the pillory and the stocks. With the new law’s passage, convicted male criminals, known as “wheelbarrow men,” would be employed on public works that promised to improve the state’s infrastructure. Judges would sentence convicted women to “hard labor” in the city’s workhouse for a set amount of time. “Whereas,” the law declared,

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it is the wish of every good government to reclaim rather than to destroy, and it being apprehended that the cause of human corruptions proceeds more from the impunity of crimes than from the moderation of punishments, and it having been found by experience that the punishments, directed by the laws now in force, as well as for capital as for other inferior offenses do not answer the principal ends of society in inflicting them, to wit, to correct and reform offenders, and to produce such strong impression on the minds of others as to deter them from committing the like offenses.

The law’s aim to produce “a strong impression on the minds of others” echoed the tenets of Lockean Philosophy and the ideas of other Enlightenment thinkers. The purpose of punishment—to reform and deter—the law stipulated, “may be better effected by continued hard labor, publicly and disgracefully imposed on persons convicted of them, not only in the manner pointed out by convention, but in streets of cities and towns, and upon the highways of the open country and other public works.”

Although a perhaps well-intentioned reform, the new law was a failure. The criminality of the wheelbarrow men refused to be contained. They escaped, robbed passersby, and assaulted citizens. They were often, Vaux recalled, “the sport of the idle and the vicious.” A sort of standing army tried to separate criminals from citizens. “To prevent them from retorting injuries still allowed to be inflicted,” Vaux claimed, “they were incumbered with iron collars and chains, to which the bomb-shells were attached, to be dragged along while they performed their degrading service, under the eye of keepers armed with swords, blunderbusses, and other weapons of destruction.”

The convicted criminals’ public presence was a constant provocation. Their public labor “triggered” what historian Michael Meranze terms “mimetic corruption,” where the very presence of embodied criminality overwhelmed spectators’ virtue and led

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26 “Law of September 15, 1786,” quoted in Teeters, They Were in Prison, 22.
27 Vaux, Notices, 21.
them to identify with and replicate criminality.” According to Meranze, many criminal law reformers viewed the “public realm as a dangerous theater of miscommunication and misunderstanding.”²⁸ It was as if they saw public urban spaces as carnival funhouses full of distorting and disorienting mirrors. For reformers, the public “penal scene became a vortex of viciousness, ominously seducing and contaminating the larger society.”²⁹ Reformer Benjamin Rush criticized the wheelbarrow law, and in its place, he and others “urged a dramatic break with the logic of public penal display.”³⁰

Less than a year after the law’s implementation, Rush, a prominent physician, philanthropist, and signer of the Declaration of Independence, delivered a lecture that criticized the law at a meeting of the Society for Promoting Political Enquiries convened at the home of Benjamin Franklin. Drafted by a group of educated, white Philadelphia men, the Society’s charter claimed that British colonial rule had “grafted on an infant commonwealth, the manners of ancient and corrupted monarchies.” Although the battles of the Revolution were concluded, “In having effected a separate government,” the charter continued, “we have as yet effected but a partial independence. The Revolution can only be said to be complete, when we shall have freed ourselves, no less from the influence of foreign prejudices than from the fetters of foreign power.”³¹ Rush’s lecture, *An Enquiry into the Effects of Public Punishment Upon Criminals and Upon Society*, which was later published as a pamphlet and reprinted in newspapers and magazines, was

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revolutionary in that it proposed replacing public punishment, a remnant of British colonial law, with a new institution, the penitentiary.

At the beginning of his lecture, Rush borrowed from the writings of Montesquieu and Beccaria to define the purpose of punishment. It was to reform offenders, deter others by “exciting terror,” and to “remove those persons from society, who have manifested, by their tempers and crimes, that they are unfit to live in it.” Public punishment did not achieve these goals. Since it was “always connected with infamy,” Rush explained, it “destroys” a criminal’s “sense of shame, which is one of the strongest out-posts of virtue.” In addition, echoing new notions of time, Rush argued that public punishments occurred too quickly to “reform obstinate habits of vice.” Lastly, Rush claimed public punishments “encreased the propensities to crime” because a man punished publicly “probably feels a spirit of revenge against the whole community.”

The writings of European physicians and Scottish moral philosophers helped Rush elucidate the pernicious effects of public punishments on republican society. Although the outlines of Scottish moral philosophy were well known on both sides of the Atlantic, Rush probably first encountered them when he studied medicine in Edinburgh during the late 1760s. One of the most prominent Scottish moral philosophers, Adam Smith, asserted that everyone, even the “greatest ruffian, the most hardened violator of the laws of society,” could use their imaginations to sympathize with the joys and pains

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of others. The senses stimulated sympathy by encouraging spectators to use their imaginations to “bring home” to themselves the feelings of the person they observed.

Through the work of artists, poets, playwrights, essayists, ministers, musicians, physicians, and novelists, citizens on both sides of the Atlantic debated, cultivated, and experienced sympathy and sensibility. Given this cultural context, and that aspiring “men of feeling” composed his audience, it is unsurprising that Rush deployed the malleable language of sensibility to criticize public punishments. After all, as literary historian Jennifer Greiman writes, “sentiment and sympathy produced a kind of *lingua franca* for reform, shaping debates about technologies of punishment along with those on abolition, temperance, public education, and any number of reformist efforts.”

Criminal law reform and the birth of the American penitentiary, then, were components of what historian Sarah Knott calls the post-Revolution “sentimental project.” “The project’s primary impulse,” Knott explains, “was to connect selves and society in a harmonious whole.” According to Knott, Rush “was the dominant figure in the sentimental project, both influential and idiosyncratic at once.” Rush dedicated his life to promoting reform movements. He was involved in education reform, temperance, and abolition, as well as prison reform. Acts of charity and moral reform, Knott argues, “were ‘self’-centered attempts at individual and social progress that might secure social harmony and an order of virtue.” An optimistic belief in the perfectibility of human beings fired reformist efforts. “At the same time,” however, “the sentimental project they

peddled was animated by the complexities of recent experience,” Knott asserts, “which included—as in the case of John André—the frightening dilemma of sympathy’s misdirection as much as its easy radiation.”36 The writings of the Scottish moral philosophers guided, and complicated, Rush’s reform efforts.

Smith and Rush knew that sympathy had a fragile basis. In some contexts it could misfire, such as in public punishments. An indifferent crowd of citizens, watching “wheelbarrow men” labor in the streets might strengthen the felons’ “fortitude” and harden their resistance to reform, while spectators who showed compassion and pity toward the felons, might make them “insensible” to their punishment. Rush also worried that unsympathetic insults could lead felons to “retaliate upon the inhuman curiosity of spectators, by profane or indecent insults or conversation.”37

Danger lurked even when public punishment appeared to work effectively. Felons who suffered while laboring on public works prompted some sympathetic observers to want to relieve their distress. Citizens could not act on their sympathy, however, because, as Rush observed, “the distress which the criminals suffer, is the effect of the law of the state.” Rush argued that this inability to act on sympathy would create “abortive sympathy in society.” When citizens cannot act on sympathy, he asserted, it “will soon lose its place in the human breast”; and “Misery of every kind will then be contemplated without emotion or sympathy.” Abortive sympathy stifled the benevolent impulses that “founded hospitals, erected charity-schools, and connected the extremes of happiness and misery together, in every part of the globe.” Abortive sympathy also extinguished citizens’ sensibility, which Rush claimed, was “the sentinel of the moral faculty.” Even

37 Rush, Enquiry into the Effects of Public Punishments, 6.
worse, abortive sympathy undermined the stability of the Republic. A law that forced
offenders to suffer punishment in public but prevented spectators from acting on their
sympathy with the sufferers, Rush alleged, led citizens to “secretly condemn the law
which inflicts the punishment—hence arises a want of respect for laws in general, and a
more feeble union of the great ties of government.”

To strengthen the “feeble union,” Rush’s proposed penitentiary would use the
bonds of love, respect, and consent to reform prisoners. Unlike the executioner or the
public punisher, prison guards would not use violence to enforce their will. Prisoners
would respect and imitate the virtuous characteristics of their captors. Reformers in the
late eighteenth century placed great faith in the reformative potential of imitation and
emulation. They believed Thomas Jefferson’s observation that “man is an imitative
animal. This quality is the germ of all education in him. From his cradle to his grave he is
learning to do what he sees others do.”

For Rush and other prison reformers, such as Thomas Eddy, penitentiary mimicry
anticipated postcolonial theorist Homi Bhabha’s concept of “colonial mimicry” as “the
desire for a reformed, recognizable Other, as a subject of a difference that is almost the
same, but not quite.” Penitentiary mimicry, however, was always unstable and threatened.
Reformers constantly questioned prisoners’ claims to reformation and professions of
religion. The wish for an uncertain penitentiary mimicry, then, “intensifies surveillance,

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38 Rush, Enquiry into the Effects of Public Punishments, 7.
and poses an immanent threat to both ‘normalized’ knowledges and disciplinary powers.”

Even at its birth, the uncertainty of reform and the possibility of failure haunted the penitentiary. Nonetheless, Rush hoped that the magic of penitentiary mimicry inside a controlled penitentiary interior would reform the wayward citizen-convict into a virtuous member of the republic. “Methinks,” Rush wrote, “I hear the inhabitants of our villages and townships counting the years that shall complete the reformation of one of their citizens.” No longer would a convicted criminal return home maimed and debilitated. When the reformed, prodigal ex-convict returned home, his neighbors would run “to meet him on the day of his deliverance.” Likewise, “His friends and family bathe his cheeks with tears of joy; and the universal shout of the neighbourhood is, ‘This our brother was lost and is found—was dead, and is alive.’”

The prodigal son was a popular trope in late eighteenth-century Atlantic literature. Literary historian Jay Fliegelman argues that the parable of the prodigal son had “crucial relevance … to the concerns of later eighteenth-century Anglo-American culture.” Of importance to the history of the American penitentiary, is the notion that the prodigal son, or convict, was “dead” during his absence—imprisonment—and “alive” upon his return—release. Rush’s use of the parable suggests the redeemable nature of any criminal. On the other hand, the parable indicated that Rush viewed the prisoner as

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41 Rush, Enquiry into the Effects of Public Punishments, 13.
42 Jay Fliegelman, Prodigals and Pilgrims: The American Revolution Against Patriarchal Authority, 1750-1800 (New York: Cambridge University Press, 1982), 113. Rush’s vision also echoes the lyrics of English clergyman John Newton’s hymn, “Amazing Grace,” which was published in 1779. “I once was lost but now am found, /Was blind, but now I see.” The hymn would become popular in the United States during the Second Great Awakening.
temporarily dead, in a state of suspended, penitentiary animation. Rush’s image also illustrates literary historian Caleb Smith’s claim “that the poetics of the penitentiary—developed by reformers, theorists, and literary artists in the late eighteenth century and early nineteenth centuries—were organized around a narrative of rebirth, and that the narrative required, as a precondition, the convict’s virtual death.”

Ironically, though, “The fear of being buried alive was a serious concern at this time.”

Another serious concern was the relationship between labor and citizenship. Rush claimed that public convict labor made all forms of labor unattractive, particularly labor for the state. The slave societies of the southern states and the Caribbean stood as Pennsylvania’s “double shadow.” There, Rush observed, white men “decline labour … only because the agriculture, and mechanical employments of these countries, are carried on chiefly by Negro slaves.” The continuation of public convict labor in Pennsylvania and other northern states, likewise threatened to detach labor from citizenship and open the door to the nefarious effects of idle luxury. Spectacles of public labor attracted attention and distracted citizens from their labor. In Rush’s mind the wheelbarrow law backfired. It did not teach the virtues of laboring citizenship: self-discipline, sobriety, and diligence. Wheelbarrow men rebelled. They distracted citizens from their own work. In the end, Rush reasoned that public labor prevented citizens from laboring and would ultimately undermine the republic.

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Although Rush objected to public convict labor, the convicts of his penitentiary would work silently inside solitary cells. Since at least the time of the ancient Greeks and Romans, from whom educated Americans sought inspiration, labor had accompanied punishment.\(^{48}\) The men listening to Rush’s lecture or later reading it, probably recalled Britain’s dumping of its convicts on colonial American shores as indentured servants. Historians have “estimated that one-half to two-thirds of all [European] immigrants to the colonies came as indentured servants. Among these immigrants there were an estimated 50,000 British and Irish convicts and vagabonds shipped to America, between 1718 and 1775 and bound over as servants,” Wood writes.\(^{49}\) Americans claimed that transported convicts committed countless crimes. In the April 11, 1751 issue of *The Pennsylvania Gazette*, an exasperated Franklin exclaimed, “When we see our Papers fill’d continually with Accounts of the most audacious Robberies, the most cruel Murders, and infinite other Villainies perpetrated by Convicts transported from Europe, what melancholy what terrible Reflections must it occasion!”\(^{50}\)

According to Rush, the benefits of incarceration at hard labor inside a penitentiary were obvious. “There is no alternative,” he proclaimed. Incarceration answered each of the “general axioms” that he culled from the writings of Edmund Burke, as well as European criminal law reformers and the Scottish philosophers. Distance of time and place, Rush reasoned, led the human mind to “exaggerate everything.” Likewise, the mind “magnifies” all that was “secret,” as well as “ascribes the extremes in qualities, to things that are unknown; and an excess in duration, to indefinite time.” Uncertain terror, or evil, always inspired dread and fear. Separation from “kindred and society,” Rush

\(^{50}\) *The Pennsylvania Gazette* (Philadelphia), April 11, 1751.
explained, is “one of the severest punishments that can be inflicted upon man.” In a republic where “personal liberty” provided the foundation for a citizen’s individual identity, the loss of liberty inside a penitentiary was equivalent to death, albeit temporarily. Given these general axioms, Rush’s penitentiary promised to perform a double-duty: inside its walls, it would reform prisoners into law-abiding citizens, and on the outside, disperse psychological terror to deter others from committing crimes. Despite Rush’s claim, republican law, like despotic and monarchical law, would mobilize the sublimity of punishment to maintain social stability through coercion.

The prison reform efforts of English magistrate John Howard laid the groundwork for Rush’s penitentiary. In 1777, Howard published *The State of the Prisons in England and Wales*, based upon his observations of prisons throughout Europe. “Howard’s importance rests not only upon the fact that he exposed bad jail conditions,” writes Lewis, “but also upon his success in convincing influential men that prisons could be improved, could be made relatively humane, could serve as basic weapons with which to fight crime and attempt the reformation of delinquents.” Rush would echo Howard’s observation, “Solitude and silence are favourable to reflection; and may possibly lead them to repentance.” Similarly, English Quaker reformer Jonas Hanway’s 1776 *Solitude in Imprisonment, With Profitable Labour and a Spare Diet*, influenced Rush’s penitential imagination. Hanway remarked, “Affliction is the truest friend to repentance:

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51 Rush, *Enquiry into the Effects of Public Punishments*, 12, 10. Smith suggests, “the prison condemns offenders to a kind of living death as a precondition for their resurrection into the community of the living; the cell is both a tomb of abjection and the birthplace of a new humanity.” Smith, *The Prison and the American Imagination*, ix.


solitude will create affliction, such as arises from a consciousness of guilt; and without this what amendment is to be expected?” In a controlled environment, the alchemy of solitude would apparently push prisoners to reform themselves by reflecting upon their pasts.54

Rush’s penitentiary would be “a large house … erected in a remote part of the state.” The road leading to it would be “difficult and gloomy by mountains or morasses.” When the penitentiary’s iron doors opened and closed, Rush imagined that their harsh, grating noise would “be increased by an echo from a neighboring mountain, that shall extend and continue a sound that shall deeply pierce the soul.” A guard at the penitentiary’s gate would “prevent strangers” from entering the foreboding institution that confined prisoners inside solitary cells. Guards who patrolled its interior would be dour, virtuous men who would certainly never “discover any signs of mirth, or even levity, in the presence of the criminals.” Lastly, Rush hoped that a suitable name would be invented to “encrease the horror of this abode of discipline and misery.”55

The imagined penitentiary drew upon Burke’s theories of the sublime. “Whatever is fitted in any sort to excite the ideas of pain, and danger,” Burke wrote, “whatever is in any sort terrible, or is conversant about terrible objects, or operates in a manner analogous to terror, is a source of the sublime, that is, it is productive of the strongest emotion which the mind is capable of feeling.”56 According to Burke, terror, obscurity, power, solitude, vastness, difficulty, pain, sound, and the magnificence and magnitude of

54 Jonas Hanway, Solitude in Imprisonment, With proper profitable Labour and a Spare Diet. The most humane and effectual Means of bringing Malefactors, who have forfeited their Lives, or are subject to Transportation, To a right Sense of their Condition; With Proposals for Salutary Prevention: And how to qualify Offenders and Criminals for Happiness in both Worlds, And preserve the People, in the Enjoyment of the genuine Fruits of Liberty and Freedom from Violence (London, J. Bow, 1776), 42.

55 Rush, Enquiry into the Effects of Public Punishments, 11.

56 Edmund Burke, A Philosophical Enquiry into the Origin of our Ideas of the Sublime and Beautiful (1757; New York: Oxford University Press, 1990), 36.
architecture were sources of the sublime. Rush’s ideal penitentiary incorporated each of these. The proposed penitentiary not only represented what Meranze calls the “penitential ideal,” but also postulated the aesthetic power of what I call the penitentiary sublime. In time, the nineteenth-century American penitentiary would supply new meaning to French philosopher Denis Diderot’s assertion, “If it is important to be sublime in anything, it is especially so in evil.”

Architects of early nineteenth-century American penitentiaries would assiduously incorporate the power of the penitentiary sublime into their designs.

Secrecy, which Burke connected with despotism, heightened uncertainty and increased the “passion of fear.” Punishment inside Rush’s imagined penitentiary would be secret, but “defined and fixed by law.” It would function at an individual level, “according to the temper of criminals, or the progress of their reformation.” In an almost word-for-word recitation of Burke, Rush explained, “The imagination, when agitated with uncertainty, will seldom fail of connecting the longest duration of punishment with the smallest crime.” The secrecy of the penitentiary’s mysterious punishments would captivate citizens’ imaginations. “Superstition,” Rush predicted, “will add to its horrors, and romance will find in it ample materials for fiction, which cannot fail of encreasing the terror of its punishments. … I cannot conceive anything more calculated to diffuse terror thro’ a community”

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59 Burke, *Philosophical Enquiry*, 54.

When citizens who were “men of feeling” observed the penitentiary from afar, they would experience terror tinged with pleasure, “a combination,” historian G.J. Barker-Benfield asserts, that was “prized as a mark of heightened sensibility.” Pleasure, generated by believing that the unknown penitentiary punishment was “a means of saving the life of the sufferer” would encourage citizens to accept the penitentiary as a necessary, humane and benevolent institution. Thus pleasuring reformers, carefully administered bodily pain would realign the “sympathies which occur in [a prisoner’s] nervous system.” Coerced hard labor would make the penitentiary self-sufficient and teach prisoners habits of industry that they could employ upon their release. Silence, solitude, cleanliness, a simple diet, and religious instruction would all play a role in the prisoner’s reformation. Through prolonged, calculated discipline, administered at an individual level, the imagined penitentiary promised to reclaim citizens who participated in the emerging market economy through crime.

Changing social factors in late eighteenth-century Philadelphia also contributed to Rush’s proposal for incarcerating convicted criminals. After the Revolution, Philadelphia’s commerce and population increased. “By the late eighteenth century, Philadelphia had become America’s largest, wealthiest city and experienced an annual growth rate of 3.4 percent from 1750 to 1801,” write historians Jack D. Marietta and G.S. Rowe. Philadelphia merchants accumulated and reinvested wealth into a vigorous trade

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between the city’s hinterland and Atlantic markets. While wealthy men accumulated more and more capital, the city’s poor struggled to survive. Historian Peter Linebaugh’s observation that in eighteenth-century London, the “Accumulation of capital means accumulation of the proletariat,” rang true for Philadelphia and New York City too.\(^65\) Like the urban poor in other Atlantic port cities, Philadelphia’s working poor was composed of migrants from the countryside, immigrants from Europe, and black men and women. Dislocation, poverty, and precariousness were ubiquitous experiences for the urban working poor. In the words of historian Billy G. Smith, “For many laboring Philadelphians, life was nasty, short, and brutish.”\(^66\)

Just as Philadelphia’s commerce and population skyrocketed, so too did the gap between rich and poor and the number of property crimes. Accusations of crimes against property in Philadelphia tripled during the last half of the eighteenth century. Between 1760 and 1800, 23.8 percent of all property crimes reported in Pennsylvania occurred in Philadelphia.\(^67\) In eighteenth-century Pennsylvania, 66.3 percent of the century’s property crimes occurred during its last two decades. During these decades, 43.0 percent of all property crimes committed in Pennsylvania occurred in Philadelphia. “The last decade of the century accounted for 41.1 percent” of the entire century’s property crimes.\(^68\)

The perpetrators of property crimes are allusive historical subjects. During the 1790s, “84.0 percent of the accused male thieves, burglars, and robbers are missing” from the city directories, report Marietta and Rowe. Immigrants from Ireland and black men


\(^{67}\) Marietta and Rowe, *Troubled Experiment*, 220.

\(^{68}\) Marietta and Rowe, *Troubled Experiment*, 231.
and women, of foreign and American birth, seem to account for a disproportionate number of the alleged thieves, burglars, and robbers. Most thieves were poor. Of the men Marietta and Rowe found in the city directories, “31.0 percent (counting conservatively) followed unskilled or poorly remunerated occupations.”

Crimes against persons and property filled the pages of the city’s newspapers. Brigands fleeced John Allen of gold and silver coins. Twelve “armed men” committed “a most daring robbery … at the house of Mr. Audrain, a French gentleman.” While a few of the robbers “very much abused Mr. Audrain, others plundered the house of the most valuable portable articles.” In October of 1788, a group of men welcomed a young Irish immigrant to Philadelphia by stealing his eight guineas. After “plundering” another young man, the perpetrators “tied him to a stake.” At the conclusion of its report, The Independent Gazetteer warned ominously, its readers “would do well to arm themselves.”

It was, then, the mixture of social conditions and intellectual ideas that encouraged Rush to propose replacing public punishments with the penitentiary. Similar factors influenced Quaker reformer Thomas Eddy to agitate for the construction of a state penitentiary in New York. Like Philadelphia, New York’s commerce and population grew during the late eighteenth century. Young men from the Hudson and Connecticut River valleys migrated to New York City in hope of finding fortune and a wife. In addition, New York attracted immigrants from throughout the Atlantic World who were searching for better lives.

69 Marietta and Rowe, Troubled Experiment, 234-235.
70 The Pennsylvania Packet (Philadelphia), March 1, 1785.
71 The Independent Gazetteer (Philadelphia), Aug. 13, 1785.
72 The Independent Gazetteer (Philadelphia), Oct. 15, 1788.
The population of New York City increased from 33,131 in 1790, to 60,489 in 1800, and reached 96,373 by 1810.  

By 1800, New York had become, alongside Philadelphia, one of the early republic’s leading commercial entrepôts. The value of goods exported from its “superb harbor” between 1800 and 1801 “reached the stupendous amount of $19,851,136.” The City’s economic growth did not develop without hitches. The combination of the Panic of 1797, the Quasi-War with France, and yellow fever epidemics slowed the economies of Atlantic port cities, led to a decline in wages, and increased the number of reported crimes.

Vice grew alongside commerce. “The true causes of this increase of crimes are the rapid growth of our population and wealth; the consequent luxury and corruption of manners,” Eddy argued, “and the great number of indigent and vicious emigrants from Europe and the West-Indies.” In his Brief Treatise on the Police of the City of New York (1812), Charles Christian observed, “with a population increasing beyond all precedent, an immense amount and quick interchange of floating property, and an influx of transient persons, greater than any city on this side of the Atlantic, it furnishes superior temptations to the cupidity of those sharpers, of all grades, that devote their pernicious talents to the


76 Thomas Eddy, An Account of the State Prison or Penitentiary House, in the City of New York: By One of the Inspectors of the Prison (New York, 1801), 58.
annoyance of society.”

New York’s elite, white citizens viewed taverns, grog-shops, horseracing, card playing, wrestling matches, cock fighting, and gambling with disgust. These activities “and every species of amusement which may tend to harden the heart, and render the manners of the people ferocious,” Eddy contended, “ought to be prevented by a well regulated police.” His use of the phrase “harden the heart,” indicates that Eddy, like Rush, was influenced by the ideas of sympathetic philosophers and was a participant in the transatlantic culture of sensibility. Eddy and others condemned and attempted to criminalize laboring-class leisure activities. Middle-class and elite individuals soon began to imagine the city’s laboring-class and immigrant neighborhoods as dangerous, dirty incubators of vice, crime, and corruption.

Eddy, like Rush, only had to look out the windows of his carriage to see that public punishment did not effectively reform citizens’ manners and morals. With the work of Rush and other Pennsylvania legal reformers as his example, Eddy, with the help of General Philip Schuyler, convinced the state legislature to authorize the construction of state penitentiaries with the passage of the March 1796 “Act Making Alterations in the Criminal Law of This State and for Erecting State Prisons.”

New York City’s American Minerva welcomed the Act’s passage, “We announce with great pleasure, that the judiciary bill has passed both houses of the legislatures of

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78 Eddy, An Account of the State Prison or Penitentiary House, 58.
this State. Capital punishment is abolished, except in the case of murder & treason.”
Like Rush, Eddy drew upon the ideas of Montesquieu, Beccaria, and Howard, when he
asserted, “Punishments mild and certain more effectually prevent crimes than those
which are sanguinary and severe.” The Act mandated that individuals convicted of
felonies, besides murder and treason, shall be sentenced at “hard labour” in a state prison.
While individuals convicted of murder and treason “shall suffer death” in public, public
punishments such as whipping for lesser felonies were outlawed.

Just as Rush was intensely optimistic about the penitentiary, so was Eddy. According to his memoirist Samuel L. Knapp, Eddy believed that “many who had been allured to the paths of vice might be recalled, if proper methods were taken to instruct them in trades, to give them industrious habits, and to keep them from the pollution of those hardened in iniquity.” Like the prisoners in Rush’s prison, the prisoners in New York’s prison were to labor in silence under the watchful eyes of benevolent, yet firm keepers. By reforming criminals, the penitentiary would become a valuable republican institution. “[W]hatever may be the future condition of mankind,” Eddy announced, “this institution will reflect lasting honour on the State; become a durable monument of the wisdom, justice, and humanity of its legislators, more glorious than the most splendid achievements of conquerors or kings; and be remembered when the magnificent structures of folly and pride, with their founders, are alike exterminated and forgotten.”

81 American Minerva; An Evening Advertiser (New York), 26 March 1796.
82 Eddy, An Account of the State Prison or Penitentiary House, 16.
83 American Minerva; An Evening Advertiser (New York), 26 March 1796.
84 Samuel L. Knapp, The Life of Thomas Eddy: Comprising an Extensive Correspondence with Many of the Most Distinguished Philosophers and Philanthropists of this and Other Countries (London: Edmund Fry and Son, 1836), 55.
85 Eddy, An Account of the State Prison or Penitentiary House, 70.
This optimism in the reformatory power of incarceration assisted the penitentiary’s penetration of the heart of early U.S. culture. Newly built penitentiaries instantly became symbols of civic pride. They attracted tourists from throughout the Atlantic World and appeared in prints and books that respectable families displayed in their parlors. “The parlor,” historian Karen Halttunen asserts, was “the arena within which the aspiring middle classes worked to establish their claims to social status, to that elusive quality of ‘gentility.’” Debates about crime and punishment filled the pages of newspapers and flamed pamphlet wars. Novelists and poets mobilized the tropes of incarceration, reform, and criminality which, as Rush predicted, were eagerly consumed by a voyeuristic reading public. As cultural productions further dispersed images of incarceration, the image of the prisoner would take its place alongside the republic’s other Others: Amerindians, enslaved people of African descent, and women. It was in contrast to these fabricated Others, of which the prisoner was one, that Americans demarcated the boundaries of citizenship and the characteristics of the ideal, liberal-republican citizen.

Most insidiously, perhaps, the terror of incarceration began to appear in the pages of juvenile literature. Images of incarceration socialized young readers to accept the necessity of the penitentiary. One pamphlet advised juvenile boys to stay inside their homes to read. Readers grew-up to become ministers and honorable men. Those “mischievous,” “unhappy,” and “idle” boys who roamed the streets became drunkards, thieves, axe murderers, and of course, prisoners. Discipline and govern yourself, the author warned, or else the state will forcibly discipline and govern you. At the

86 Halttunen, *Confidence Men and Painted Women*, 60.
incarcerated republic’s heart stood the penitentiary, a supposedly “necessary” and “benevolent” institution with clearly despotic tendencies. In fact, it enforced the limits of liberty by confining, torturing, and coercing prisoners, while simultaneously encouraging citizens to obey the law, for the health and prosperity of the state.
CHAPTER TWO

THE PLAYERS: REFORMERS, GUARDS, AND PRISONERS

American prison reformers shared much in common with one another. Influenced by Christianity, Enlightenment philosophy, British prison reformers, the transatlantic culture of sensibility, and events in their own lives, these men and women agitated for changes in the criminal law, designed penitentiaries, developed disciplinary regimens, and visited prisoners. Reformers often argued and debated. They formed rival associations whose official reports illustrated proper penitentiary architecture and discipline. Sometimes reformers wrote pamphlets that challenged the tenets of the penitentiary discipline that their association promoted.

All reformers, however, agreed that penitentiary punishment must include “hard labor.” Prisoners were not the only ones who labored inside the penitentiary. Reformers often worked as inspectors who regularly visited the penitentiary to talk with prisoners, meet with staff, and observe its disciplinary regimen. Wardens, sometimes referred to as Head Keepers, appointed and supervised keepers, or as they were often called, guards. Sometimes inspectors, wardens, and guards disagreed about how to punish convicts. Guards’ labor was exhausting and they occasionally fell asleep on the job. Prisoners worked hard to maintain their pre-incarceration customs and to regain their liberty. Some attacked guards, rebelled, and escaped. This chapter introduces the players—reformers, prison staff members, and prisoners—whose thoughts and actions are this dissertation’s subject.

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In his 1852 novel, *The Blithedale Romance*, Nathaniel Hawthorne lampooned reformers by exposing the failure of their efforts. Near the end of the novel, the narrator asked the reformer Hollingsworth, “how many criminals have you reformed? ‘Not one!’ said Hollingsworth, with his eyes fixed on the ground. ‘Ever since we parted, I have been busy with a single murderer!’” The exchange prompted the narrator to meditate on the effects of “Philanthropy.” Although philanthropy was “often useful by its energetic impulse to society at large, it is perilous to the individual, whose ruling passion, in one exclusive channel, it thus becomes.” Furthermore, the narrator ruminated, “It ruins, or is fearfully apt to ruin, the heart; the rich juices of which God never meant should be pressed violently out, and distilled into alcoholic liquor, by an unnatural process; but should render life sweet, bland, and gently beneficent, and insensibly influence other hearts and other lives to the same blessed end.”

Hawthorne’s Hollingsworth was a somewhat exaggerated version of the prison reformers French magistrates Gustave de Beaumont and Alexis de Tocqueville encountered during their investigation of United States penitentiaries twenty years earlier. The French visitors met men “whose extreme sensibility feels the want of some illusion.” “These men, for whom philanthropy has become a matter of necessity,” Beaumont and Tocqueville argued, “find in the penitentiary system a nourishment for this generous passion.” The philanthropists experienced pleasure in the reform of prisons. They saw themselves as visionaries, perhaps prophets, “for an epoch when all criminals may be radically reformed, the prisons be entirely empty, and justice find no crimes to punish.” Their passion for perfection made them obsessive: “they occupy themselves with prisons; it is the subject to which all the labors of their life bear reference,” Beaumont and Tocqueville argued.

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Tocqueville observed. Philanthropic action that aimed at reforming society also reformed and defined the self-identity of reformers. According to Beaumont and Tocqueville, “Philanthropy has become for them a kind of profession, and they have caught the *monomanie* of the penitentiary system, which to them seems the remedy for all the evils of society.”

Early national and antebellum U.S. reformers shared more than “the *monomanie* of the penitentiary system.” In Philadelphia, Benjamin Rush’s reform activities spanned abolitionism, prisons, education, and temperance. Likewise, Thomas Eddy focused on multiple reform efforts in New York City. Most prison reformers were men, although Dorothea Dix, Catherine Sedgwick, and numerous other women later partook in prison reform and other reform activities. Many reformers were part of a newly emergent professional class, which included physicians, ministers, merchants, and lawyers. Just as lawyers and police officers began to professionalize the criminal justice system, prison reformers started to professionalize punishment. “If we take a long-term view of the

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criminal justice system, from its beginnings in the colonial past to the end of the twentieth century,” historian Lawrence M. Friedman writes, professionalization “is surely one of the master trends of the entire period.”

The Pennsylvania Society for Alleviating the Miseries of Public Prisons was the first prison reform society to emerge in the United States. The society formed in February 1776 as the Philadelphia Society for Assisting Distressed Prisoners. When the British occupied Philadelphia during the fall of 1777 and winter of 1778, however, the society disbanded. Although officially disbanded, the Society’s members observed the horrible conditions Americans in captivity endured.

While in Philadelphia, the British renamed the Walnut Street Jail the British Provost Prison. One historian alleges that the British introduced “a régime in which the most vicious brutality was practiced.” Contemporaries reported that the British confined as many as thirty men inside each of the prison’s “apartments”—an approximately twenty-by-eight-foot room. When the prison began to overflow, the British confined more prisoners inside the Pennsylvania State House and at a handful of city taverns. For prisoners, food, water, and clothing were in short supply. Surgeon Albigence Waldo reported that one starving prisoner “drove to the last extreem by the rage of hunger—eat his own fingers up to the first joint from the hand, before he died.” Incarcerated American officers also complained of the “vile insulting language” used by the guards.

Provost Marshal William Cunningham oversaw the prison. Prisoners said he was a nasty man. He supposedly used his heavy keys to pummel a sick prisoner to death. On

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another occasion, he ridiculed philanthropic residents who brought food to the starving prisoners. According to prisoner Jacob Ritter, Cunningham kicked-over a tub of soup, “and laughed when he saw the prisoners fall down and lick up the soup like dogs.”\(^7\)

When Henry Yeager, a fifteen-year-old drummer boy for the American army returned to see how his parents were faring in occupied Philadelphia, he was arrested and sentenced to death for spying. His life, however, was spared after he endured “a morbid mock execution staged by Cunningham.”\(^8\)

Prisoners of war in New York did not fare better. Beginning with the large, decrepit transport ship *Whitby*, in 1776, the British converted old ships into prison ships. The *Jersey* was the most infamous prison ship docked in New York Harbor. The *Jersey*, however, was not alone. Twenty-one other prison ships surrounded it—including the *Good Intent*, *Good Hope*, and *Scorpion*. In addition to the prison ships, three ships served as prison hospitals: the *Hunter*, *Perseverance*, and *Bristol Packet*.\(^9\)

Prison ships resembled slave ships. Guards confined prisoners below deck. All the hatches were sealed, except for one that let in a glimpse of sunlight and perhaps a breath of air. Captors safely watched their suffering captives through the grates of a heavy iron gate. Prison ships were crowded and dirty; a slight nudge or wrong look could lead to fights between prisoners. Poor sanitation and the lack of fresh, circulating air made it difficult to breathe. The stench of urine, feces, and perspiration permeated the air. Often, the food served to prisoners was inedible. Fatal diseases ran rampant. The two most

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\(^7\) The anecdotes and evidence in this and the previous paragraph come from Edwin G. Burrows, *Forgotten Patriots: The Untold Story of American Prisoners during the Revolutionary War* (New York: Basic Books, 2010), 119-120.

\(^8\) Burrows, *Forgotten Patriots*, fn. 28, pg. 295.

common were scurvy and dysentery. Each morning, prisoners awoke to discover that one or more of their fellow captives had died during the night.\textsuperscript{10}

Contemporaries knew about the experiences of American prisoners of war. Their sheer numbers made them hard to ignore. Historian Edwin G. Burrows estimates that the British confined between 24,850 and 32,000 prisoners of war in New York City alone. Of these, he calculates that between 15,575 and 18,000 died during confinement. The men confined inside the British prisons ships came from the Atlantic seaboard. According to estimates from the United States Census Bureau, the population of the thirteen colonies in 1780 totaled 2,780,000, of whom 2,205,000 were white and 575,000 were black. “In sum, then,” Burrows writes, “approximately 1 percent of the overall white population and 0.5 percent of the overall black population were held captive in New York City during the Revolutionary War.”\textsuperscript{11}

Just as the British harassed and confined suspected rebels, so too did rebels harass and confine suspected loyalists to the crown and those who professed neutrality. Once rebel governments established themselves in the colonies, they required all residents to take oaths of allegiance to the revolutionary cause. In November 1777, after the British captured Philadelphia, the Continental Congress recommended confiscating loyalist property. Some loyalists were flogged and others tarred-and-feathered. Some were arrested and imprisoned, even executed. The most notorious loyalist prison was inside the ruins of an old copper mine in Simsbury, Connecticut. One contemporary observed, “the prisoners are let down by a windlass into the dismal cavern, through a hole, which answers the purpose of conveying their food and air, as to light it scarcely reaches them.”

\textsuperscript{11} Burrows, \textit{Forgotten Patriots}, passim. 200-203.
Other loyalists were luckier; they underwent house arrest. Historian Mary Beth Norton summarizes the history of American loyalists, “As individuals, they could not have hoped to oppose the ubiquitous mobs, and as a group they proved to be too few and too scattered to offer any significant resistance.”

In the aftermath of the war, loyalists were not the only ones who struggled to begin life anew. Urban reformers rebuilt their cities and dreamt of the new republic’s future greatness. A few days before the nation’s leading men convened the Constitutional Convention in Philadelphia, the members of the Society for Alleviating the Miseries of Public Prisons reformed to draft a new constitution:

When we consider the obligations of benevolence, which are founded on the precepts and examples of the author of Christianity, and not cancelled by the follies or crimes of our fellow creatures, and when we reflect upon the miseries which penury, hunger, cold, unnecessary severity, unwholesome apartments, and guilt (the usual attendants of prisons) involve with them, it becomes us to extend our compassion to that part of mankind, who are the subjects of these miseries.

The Society aimed to promote “humane” and “gentle” punishments that would encourage criminals to reform their ways. They saw the prison as a site where the extremes of humanity intersected, and where virtuous, philanthropic men must assist the less fortunate. “By the aids of humanity,” the authors proclaimed,

Their undue and illegal sufferings may be prevented; the links which should bind the whole family of mankind together, under all


circumstances, be preserved unbroken; and such degrees and modes of punishment may be discovered and suggested, as may, instead of continuing habits of vice, become the means of restoring our fellow creatures to virtue and happiness.15

The members of the Society were respected Philadelphians. Episcopal Bishop William White served as the Society’s first president. He continued as president for the next forty-six years. Born on April 4, 1748, in Philadelphia, White was educated at Princeton. In 1770, he sailed across the Atlantic to be ordained in the Chapel Royal at St. James’ Palace. White served as the Chaplain of the Continental Congress and later as the Chaplain of the U.S. Senate. He engaged in multiple reform activities. In 1795, he raised money to build a school for Philadelphia’s black and Native American children. Five years later, he helped to found the City’s Magdalen Society, whose members hoped to lead prostitutes back to the path of virtue.16 In 1820, he founded the Pennsylvania Institution for the Deaf and Dumb. He served as the Institution’s president until his death in 1836.

Ten years after White’s death, the Society’s official publication, the *Journal of Prison Discipline and Philanthropy*, described him in glowing terms. He was “impartial, courteous, and dignified.” He “contributed in an eminent degree to the harmonious action of the association.” Thanks to White’s leadership, the author argued, “benevolent and intelligent reformers” transformed Pennsylvania’s “antiquated and inhuman penal code—a code as variant with sound policy as with Christianity.”17

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Under White’s guidance, the members of the Society petitioned Pennsylvania politicians to eliminate the public, physical punishment of convicted criminals, and implement reforms at Philadelphia’s Walnut Street Jail that transformed the city jail into the first state prison. In 1788, the Society’s members, of whom a third were Quakers, sent their first memorial to the Pennsylvania State Legislature. In place of public punishment, the Society urged “private or even solitary Labor.” This, they argued, “would more successfully tend to reclaim the unhappy Objects” of punishment. By preventing “the Evils of familiarizing young Minds to vicious Characters,” solitary confinement would also protect wayward youth. In addition, the writers encouraged legislators to pass legislation that would separate incarcerated men and women from one another, and prevent prisoners from acquiring alcohol. If legislators implemented their suggestions, the Society believed the penal law “may more Effectually answer the good and humane Purposes thereby originally Intended.”

A year later, the Society sent another memorial to the legislature. This time, the Society’s members reported on their investigation of the Walnut Street Jail. Many of the prisoners who awaited trial were “destitute of shirts and Stockings and warm coverings, partly owing to the length of time before trial and partly to the easy access by various means to spirituous liquors, for which their cloths are disposed.” Again, members urged legislators to outlaw the sale and trade of alcohol inside the prison. In their petition, the members observed that although convicted prisoners and those awaiting trial had access to food, witnesses did not. Similarly, women who were incarcerated with young children were given food for themselves, but not for their children. To rectify this problem, the

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18 “A Protest Against Public Punishments” (Jan. 29, 1788). Reproduced in Teeters, They Were in Prison, 447.
Society formed a committee that would provide bread and soup for the witnesses and children inside the prison. The Society also formed a committee to solicit donations to clothe prisoners.19

The authors of the memorial complained about prisoners’ sleeping arrangements as well. Society members encountered “prisoners lying promiscuously on the floor.” Even worse, “they found that the men and women had general intercourse with each other, and it was afterwards discovered that they were locked up together in the rooms at night.” During the winter months, fires were lit to heat the cells. Although the fires may have warmed prisoners, the smoke and soot made it difficult to breathe. At the conclusion of the memorial, the Society reiterated their previous advice: “Solitary Confinement to hard labor and a total abstinence from spirituous liquors will prove the most effectual means of reforming these unhappy creatures, and that many evils might be prevented by keeping the debtors from the necessity of associating with those who are committed for trial as well as by a constant separation of the sexes.”20

Legislators rewarded the Society’s persistence. In 1790, they passed an act that implemented some of its members’ suggestions and transformed the jail into a prison. In addition, ironmonger Caleb Lownes, a friend of Benjamin Rush and one of the Society’s members, became the Head Keeper, or warden, of the newly named Walnut Street Prison. According to François Alexandre Frédéric, duc de la Rochefoucauld-Liancourt, an exile of the French Revolution who toured the United States in 1795, Lownes had transformed the Walnut Street Jail into an ideal prison—albeit only for a short amount of time. “It was

19 “Describes the Terrible Conditions Existing in the Walnut Street Jail,” (Jan. 12, 1789). Reproduced in Teeters, They Were in Prison, 448-449.
Lownes,” Rochefoucauld-Liancourt claimed, “who animated his brethren with the hope of carrying through their benevolent and sublime project” of penal reform. “It was Lownes,” Rochefoucauld-Liancourt continued, “who proposed and effected the change of discipline; who proposed to substitute a mild and rational, but firm treatment, in the room of iron and stripes; and who without relaxing in his efforts, patiently bore to be treated as a visionary in full confidence of the good to be obtained by perseverance.” Lownes’s “perseverance” and “indefatigable zeal” garnered support for his plans. Thanks to Lownes, Rochefoucauld-Liancourt gushed, the Pennsylvania penitentiary system “extended almost simultaneously in all the States of the Union.”

Lownes attracted the attention of New York Quaker and prison reformer, Thomas Eddy. According to James Kent, one of Eddy’s contemporaries and a respected American jurist, Eddy’s “object and unshaken purpose seemed to be, to diffuse, by every possible and reasonable effort on his part, a liberal, enlightened, humane, active and Christian public spirit.” Eddy also served as the director of the Western Inland Lock Navigation Company, which hoped to build a canal that would connect the Hudson River with the Great Lakes. In 1797, Eddy became a governor of the New York Hospital, a position that he would hold for many years. He worked to establish New York City’s insane asylum, a House of Refugee for juvenile criminals, the Manumission Society, a Savings Bank, and free public education, especially for poor and black children. No wonder prominent New York politician Cadwallader D. Colden wrote, “there is no benevolent or charitable

institution founded in that time of which [Eddy] was not the zealous promoter, if the project for its establishment did not originate with him.”

Eddy “possessed,” Kent claimed, “far beyond the race of ordinary men, the philanthropy of [John] Howard”—the famous and influential eighteenth-century, British prison reformer. Eddy consulted with Lownes on the proposed location and design of the New York State Prison, in the City of New York. Eddy’s persistence convinced members of the State Legislature to appropriate funds for building the prison, which opened in 1797. Kent observed that Eddy “appeared to possess a firm Christian faith, without particle of bigotry or fanaticism, and it was softened or recommended by the spirit of charity.” Eddy guided the prison’s daily operations until 1803, when the eclipse of the Federalist Party removed him from the political spoils system.

Eddy’s prison reform activities were not only inspired by the actions of Pennsylvanian prison reformers, but also by his experiences during the Revolutionary War. As a Quaker, Eddy remained neutral during the conflict. He lived in Philadelphia during the British occupation. When the British left Philadelphia, he moved to occupied New York. One evening in 1780, Eddy and Lawrence Hartshorne traveled from New York City to Sandy Hook, New Jersey. Eddy hoped to see Hannah, Hartshorne’s sister, and Hartshorne wanted to visit his parents. Members of the New Jersey militia spotted the men and shot at them. “We laid ourselves on our backs in the bottom of the canoe,” Eddy recalled, “and some of the balls went through the sides, immediately over our

\[22\] Samuel L. Knapp, *The Life of Thomas Eddy: Comprising An Extensive Correspondence With Many of the Most Distinguished Philosophers and Philanthropists of This and Other Countries* (London: Edmund Fry and Son, 1836), 8, 13, 20

bodies.” Shaken and scared, Eddy and Hartshorne rowed to shore to surrender. They were captured by the militia, and according to Eddy, “they treated us harshly, searched us, and took from us some articles of small value.” In the morning, the militia marched Eddy and Hartshorne to the Monmouth Court House. The presiding judge sentenced them to prison for espionage.24

Militia members confined Eddy and Hartshorne inside a “six or seven feet square” room with four or five other prisoners. “We were much crowded and had nothing to lie on but extremely dirty straw,” Eddy recalled, “which I believe had not been changed since the other prisoners had occupied the room.” The small, crowded room stunk. “On first entering this miserable dungeon,” Eddy remembered, “the stench occasioned by foul and noxious air exceedingly alarmed me, and it was strongly fixed on my mind that it would put an end to my life in less than half an hour.” “In time,” however, Eddy acclimated himself to the prison’s odor: “it did not feel so very offensive, and becoming habituated to it, I was able to eat my meals with good appetite.” After about two weeks, Eddy and Hartshorne were released in exchange for “two soldiers of the militia.” Eddy’s nighttime mission finally concluded when he embraced Hannah, whom in December 1782, he married.25

Unlike in Philadelphia, there was not a New York prison reform society until the 1840s. To fill this hole, Eddy had corresponded with likeminded reformers in the United States and Europe. Like the Philadelphia reformers, Eddy advocated solitary confinement at hard labor, protested public punishments, and believed liquor had no place inside a prison. He wrote to members of the Philadelphia Society for Alleviating the Miseries of

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Public Prisons, and to Patrick Colquhoun, an influential British magistrate. Eddy sent his first report on the New York State Prison to Colquhoun. In response, Colquhoun wrote, “Your excellent work on the State Prison of New York has been considered of so much interest and importance, by several very elevated characters in this country, that a proposition has been made to reprint it.”  

Eddy’s correspondence makes clear that American prison reformers participated in an Atlantic culture of reform and sensibility, which often manifested itself through philanthropy.

Like Eddy, Baptist minister John Stanford participated in the Atlantic culture of reform and sensibility. Stanford worked as the chaplain of the New York State Prison, and at practically every other public institution in the city. Stanford argued that the “State Prison is designed not only for the correction of vice but the Cultivation of morals in hope through a Divine benediction that the Criminals may become useful members of public Society.” Stanford visited the prison each week. He preached to the prisoners on Sundays and helped to establish a school inside the prison. Like Eddy, he believed “that while the prisoners are kept in one mass, little expectation may be indulged of their reformation, but on the contrary such vicious principles will be daily propagated which

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26 Knapp, Life of Thomas Eddy, 149.
will render the greater part of them more dangerous to the public on their liberation.” 29 Stanford directed his energy to ensure that the prison was a place of reformation, and not a “seminary for vice.”

Stanford expected respect from prisoners. In one of his sermons, he told them to be humble. “Humility is the best garment; whether for a sinner, or a saint,” he preached. “I am very certain that it will set well upon you, and give an amicable character which your prison garments cannot conceal.” 30 Stanford advised prisoners to couple humility with attention. “We all have much to learn,” he said, “but when in the furnace of affliction [the prison], there is far more need for instruction and improvement.” Stanford believed that prisoners should not only pay attention to their benevolent visitors, but also to the guilty, painful thoughts that tormented their minds. “And surely you have need to consider seriously your past and present ways,” Stanford observed, “the cause of your confinement, the loss of your reputation, the unhappy state of your families at home.”

Lastly, Stanford encouraged prisoners to show gratitude to the visitors who came to instruct them. If, he postulated, it is a “luxury” for the infirm and dying to receive visitors, “it surely must be more so to you in these gloomy shades of confinement.” Stanford believed “the blessed Saviour and Judge” smiled on all prison reform efforts, therefore, “it imperiously demands on your part, the temper of Humility, a disposition to receive instruction, and the warmth of gratitude to God and man, for the privilege you receive!” 31

31 Stanford, “Volume on the State Prison.”
Stanford expected a lot from prisoners. He expected much from himself as well. He had an exhausting schedule. On Wednesday, June 4, 1817, after attending to duties elsewhere, he “walked to the State Prison, preached twice & had agreeable conversation with some prisoners.” Other days were not as pleasant. On Thursday, May 14, 1818, he “Visited State Prison again, but with very little profit whether to myself or others.”

Stanford experienced personal, professional, and spiritual enjoyment when prisoners appeared to be reformed. After spending an afternoon listening to prisoners reciting the Catechism, he wrote, “The Lord make the seed of his Truth abundantly fruitful!” He celebrated another “prisoner who is verging to morality, & gives promising testimony of having Divine light shed upon his heart.” At other times, he must have been disheartened. On June 3, 1818, he wrote, “Went to the State Prison, owing to a great riot among the prisoners, could not visit the sick, or perform any service.” Stanford neglected to record his actions during the uprising, but his biographer claimed, “the appearance of Mr. S. at one of the windows, produced a greater effect on the minds of the rioters, than the appearance of the soldiers upon the prison walls.” Upon seeing Stanford, the prisoners supposedly stopped rebelling, and upon his urging, returned peacefully to their cells.

As the June 1818 uprising suggests, all was not well inside the New York State Prison. The same could be said about Philadelphia’s Walnut Street Prison. Following the conclusion of the War of 1812, which plunged many port cities into an economic depression, the Walnut Street Prison, like the New York State Prison, became

33 Stanford, “Diary, 1816-1818, Vol. 1,” entries for April 1, 1818, May 6, 1818, and June 3, 1818.
increasingly crowded. In January 1818, the Philadelphia Society petitioned the State Legislature to authorize the construction of more “Penitentiaries in suitable parts of the State.” They claimed that the aim of the Walnut Street Prison—the reformation of prisoners—was “obstructed and many other evils experienced by the necessity of crowding into that Establishment great numbers of convicts from all parts of this populous State.” New penitentiaries were needed, they argued, “for the more effectual employment and separation of the Prisoners, and of proving the efficacy of Solitude on the Morals of those unhappy Objects.”

In 1818, legislators heeded the Society’s petition, and authorized the construction of the Western Penitentiary, which opened in 1826 near Pittsburgh. Of the Western Penitentiary and the Arch Street Prison, a newly constructed Philadelphia county prison, historian Michael Meranze observes, “because of financial restrictions, building difficulties, and architectural problems, neither institution effectively restrained the growing pressures on Walnut Street.” Unsurprisingly, the members of the Philadelphia Society continued to petition legislators to build a new prison until the Eastern State Penitentiary opened in Philadelphia in 1829.

Members of the Philadelphia Society also worked inside Philadelphia prisons. They served as prison inspectors—a group of men who appointed the warden, visited prisoners, and oversaw the prisons’ daily operations. After some members visited the Walnut Street Prison in April 1800, the Society “purchased 30 Blankets for the use of Prisoners,” and placed a newspaper advertisement that solicited further clothing

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36 Meranze, Laboratories of Virtue, 232.
donations.\textsuperscript{37} Similarly, in the beginning of 1805, they purchased rugs to distribute to prisoners. They also saw many prisoners who were “destitute” of clothing. To clothe prisoners they purchased two pieces of Ticklenburg, which was the same fabric slaves used to make their clothes.\textsuperscript{38} Five years later, they again observed prisoners who were “very poorly clad, and some of them nearly destitute of cloathing.” In response, the Society bought material to clothe the prisoners and shoes to cover their bare feet.\textsuperscript{39}

The Society’s members continued to visit prisoners after the Eastern State Penitentiary opened in 1829. The member who left the most detailed record of his visits was William Parker Foulke. Foulke was an attorney and naturalist, who in 1858 would unearth the first full dinosaur skeleton in the United States. In addition to being a member of the Philadelphia Society for Alleviating the Miseries of Public Prisons, he was a member of the Pennsylvania Colonization Society, the Historical Society of Pennsylvania, and the American Philosophical Society.

Foulke believed that the Eastern State Penitentiary represented “the best mode of combining labour with solitary confinement which our country presents; & much infinitely superior to the prisons of the Old Continent, & much in advance of those which had been new and built here.” After his first visit to the penitentiary, an impressed Foulke wrote, it “possesses all the requisites for the satisfaction of offended justice, while it aims at leading back into the bosom of society the prodigal sons who have abandoned its

\textsuperscript{38} Entry for Jan. 11, 1805, in “Acting Committee Minutes, 1798-1835, Vol. 2.”
\textsuperscript{39} Entry for Jan. 5, 1810, in “Acting Committee Minutes, 1798-1835, Vol. 2.”
maxims & its laws. Melancholy and the more fatal ravages of confirmed madness, once the common effect of solitary seclusion, are here unknown.”

His daily notes, written inside a pocket-sized notebook that he brought inside the penitentiary, are of more interest than his general observations. The notebook’s entries provide a glimpse into the world inside Eastern State. In January 1846, Foulke encountered many freezing prisoners. In the penitentiary’s second block, he “found a black prisoner with his feet upon the warming pipes, complaining of cold.” “The pipes,” Foulke noted, “were being drawn off & refilled & of course the warming ceased.” In the same part of the penitentiary, he encountered “a crazy woman complaining of cold.” Prisoners confined in the second block of the prison frequently complained of the cold. “Every week I find some prisoner in the 2d block complaining of want of heat,” he wrote, “the block is not properly & steadily heated.”

Foulke conveyed prisoners’ complaints to the members of the Philadelphia Society. During the Society’s March 13, 1846 meeting, Foulke reported, “He had found the heating very irregular; and on two occasions, the circulation of the warm water entirely stopped.” He was clear to note, like most problems in the penitentiary, “The deficiency in heating, is owing to defective structure of the apparatus, and not any fault in the administration of the system.”

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Foulke was also interested in prisoners’ reading. He and other members of the Society solicited book donations and purchased volumes for the prison’s library. He seemed concerned when guards told him that prisoners like “histories, voyages & travels, biographies, & any magazines of a light character; that religious books are not liked generally; that sermons were distasteful &c.” He was, however, pleased to see one prisoner “reading the journal of the Franklin Institute in which he seemed much interested.”

Perhaps Foulke experienced the most joy when prisoners thanked him for his visits and credited him with their reformation. One such prisoner was Charles W. Smith. Smith was a 25-year-old blacksmith from Philadelphia who was convicted of larceny and sentenced to a five-year sentence. The Eastern State Penitentiary was not the first carceral institution that he had encountered. While a child, he had spent time in the House of Refuge, and later in the Moyamensing Prison, a county prison. Smith told Eastern State’s Moral Instructor Thomas Larcombe that his imprisonment was a mistake. He said that while walking along a road near the outskirts of the city, two men had given him two horses to sell. He claimed not to have known that the horses were stolen. Larcombe did not believe Smith’s tale. He noted tersely that Smith was “hardened” and had “N[o] h[ope]” of reformation.

Although Smith failed to convince Larcombe of his innocence or reformation, he may have convinced Foulke. When Smith first met Foulke, he refused to work. Smith explained that he found weaving distasteful. Foulke listened to Smith’s complaints, and

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arranged to transfer him to a new block. Foulke also “loaned” Smith a “copy of ‘Eminent Mechanics’; & after that a copy of ‘Aristotle’s Physics.’” A few weeks after their first meeting, Smith was transferred to a new block. There, keeper “Blunden took pains to show him the nature of his work (bobbin winding), & told him to take time & do it well; & afterward to increase his speed.” In the new block, and under the watchful eyes of a new keeper, Smith flourished. He exceeded Foulke’s expectations by making “580 good bobbins out of 10 pounds of yarn.”

Foulke interpreted Smith’s increased productivity as a sign of reformation. “I had a long talk with the prisoner,” Foulke reported. Smith, according to Foulke, “attributed all his change to myself; & said that if he ever should make a respectable man or a useful citizen it would be through my visits & advice &c.” Smith credited Foulke’s visits and reading material for turning him away from crime. “That for some time after he first came in,” Foulke wrote, “he thought of his old practices but now the lives of Eminent Mechanics had turned his thought.” Smith reaffirmed Foulke’s faith in “the advantages of separation” and “the advantage of our Society visiting.”


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45 Foulke, “Notebooks Concerning Prisons and Prisoners.”
46 Foulke, “Notebooks Concerning Prisons and Prisoners.”
horrible prison conditions, as well as atrocities committed by slave traders, whom he called “traders in human flesh.” To his wife, Dwight wrote, “you may feel that my labor is not in vain, if I apply myself with diligence to alleviate the suffering which I witness.” “I hope I shall have health and strength to make a fair report,” Dwight continued, “as well as to do good in this way; and if to do good is the principal object of my life, my wife be willing that I shall persevere in my employment though it carries me farther and farther.”47 After witnessing dreadful conditions inside the Baltimore Jail in January 1825, Dwight confided in his diary, “There is but one sufficient excuse for Christians, in suffering such evils to exist in prisons, in this country, as do exist; and that is, that they are not acquainted with the real state of things.”48

Dwight dedicated the rest of his life to exposing “the real state of things” inside the nation’s prisons. For the next thirty-one years, he would be the primary author of the Boston Prison Discipline Society’s annual reports. In the reports, Dwight tabulated statistics on the nation’s prisoners, and offered advice on building and operating prisons. He and fellow Society members obtained funding from the Massachusetts State Legislature to investigate the nation’s prisons. The Legislature even granted the Society’s members control of the Massachusetts State Prison in Charlestown, a suburb of Boston. The Society modeled the state prison on New York’s congregate system of confinement, in which prisoners silently worked together during the day, and spent their nights locked inside solitary cells.49

48 Jenks, _Memoir of the Rev. Louis Dwight_, 22.
The Boston Prison Discipline Society’s annual reports encouraged other states to build their prisons upon the New York model. Dwight criticized the Inspectors of the Eastern State Penitentiary for not publishing the prison’s “pecuniary affairs, in its annual reports.” Without this information, other states could not determine if compete solitary confinement at hard labor generated enough revenue to offset operating costs. Dwight noted that although Eastern State’s prisoners were in solitary confinement, they still communicated with one another. Dwight claimed if investigators “would be a little more thorough in their investigations, they would find that this [the inability for prisoners to communicate with one another] is not true.” Although Eastern State officials claimed that solitary confinement made physical torture unnecessary, Dwight listed the penitentiary’s implements of torture: the iron gag, tranquilizing chair, straitjacket, dark cell, and shower bath. “It appears, therefore, to us,” Dwight concluded, “that punishments have been resorted to, in the Eastern Penitentiary of Pennsylvania, which are more objectionable than stripes, to subdue the refractory convict, notwithstanding all that has been said about the mildness of the system.”50

Although the Boston Prison Discipline Society’s publications presented a unified voice, the Society’s membership never attained consensus. Samuel Gridley Howe, Horace Mann, and Charles Sumner led a faction opposed to Dwight. Howe, Mann, and Sumner argued that the Pennsylvania System was preferable to the congregate model in New York. In 1843, while a member of the Massachusetts Legislature, Howe tried unsuccessfully to block state funding for the Society. Afterward, however, Howe “strove

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in various ways to awaken some interest in the subject, and to bring the merits of the Pennsylvania system before the public.’’

Howe did this with the publication of his 1846 Essay on Separate and Congregate Systems of Prison Discipline, arguing against the New York model and praising the Pennsylvania one. Unlike at Auburn or Sing Sing, Howe claimed, “the testimony of the prisoners in Philadelphia convinced us that they were generally treated with great kindness.” Howe went so far as to characterize the interior of the Eastern State Penitentiary as “beautiful order, neatness, and perfect quiet.”

While Howe and the Philadelphia Society for Alleviating the Miseries of Public Prisons aligned themselves with the Pennsylvania model, and Dwight and the Boston Prison Discipline Society aligned with the New York model, the New York Prison Association, founded in 1844, attempted to stake out a middle ground. In 1847, the Prison Association invited prison reformers from throughout the nation to a conference in New York City. Members of both warring camps attended, but a consensus on the proper mode of imprisonment did not emerge.

The New York State Legislature granted the New York Prison Association a charter of incorporation, and allowed its members to tour the state’s prisons and speak privately with prisoners. In this way, the Association shared the same privileges as the Boston Prison Discipline Society and the Philadelphia Society for Alleviating the

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52 Howe, An Essay, 6.

53 Howe, An Essay, 10.

Miseries of Public Prisons. Like the other societies, members of the New York Association investigated prisons, formed committees, and published annual reports. In addition, the Association established an office in New York City to assist discharged convicts. Under the direction of Quaker Isaac Hopper, the office provided ex-prisoners with money, clothing, and leads on employment and housing. In 1846, 506 ex-prisoners visited the office for assistance. The office found employment for 205 of them.\footnote{Lewis, \textit{From Newgate to Dannemora}, 224.}

In 1845, the New York Prison Association created a female wing. Most of the women in this project were wives of Association members. Novelist Catherine Sedgwick and journalist Margaret Fuller were notable exceptions. Sedgwick and the other women members established a home in New York City “to lend a helping hand” to discharged female convicts. Women who voluntarily committed themselves to the home were forbidden to smoke, drink, or curse. Matrons compelled the women to work as seamstresses or laundresses, and to attend Sunday service. If a woman showed signs of reformation and virtue, she would be discharged from the home, and often, thanks to the help of the matrons, secure employment as a domestic servant or factory worker. In 1848, two years after the home’s creation, matrons secured employment for 175 women.\footnote{Lewis, \textit{From Newgate to Dannemora}, 224-225. Margaret Fuller, “Asylum for Discharged Convicts,” in \textit{Margaret Fuller’s New York Journalism: A Biographical Essay and Key Writings}, ed. Catherine C. Mitchell (Knoxville: University of Tennessee Press, 1995), 94.}

The women of the New York Prison Association were not the only women engaged in prison reform. The Philadelphia Society had a female auxiliary as well. These women seemed to have spent the majority of their time visiting women confined inside the Eastern State Penitentiary and inside county jails. One of the most prominent woman prison reformers was Dorothea Dix. Although born in Massachusetts, Dix did not affiliate
herself with the Boston Prison Discipline Society. Dix investigated the nation’s prisons and insane asylums. She talked with individual prisoners and delivered lectures to groups of prisoners. Her reports and essays meticulously detailed the interior worlds of the institutions she visited. After her service in the Civil War as the Union Army’s Superintendent of Army Nurses, Dix continued to work to improve the conditions of the nation’s prisons and asylums.57

The prison reformers of the early national and antebellum United States were hard-working men and women. They read practically everything published in the U.S. and Europe that pertained to incarceration. The writings of European reformers and philosophers, as well as the experiences of the American Revolution and the conditions inside American prisons stimulated their passion for reform. Inheriting the values propagated by the culture of sensibility and the intertwined Scottish Enlightenment, they were “humane” men and women who wished to replace “barbaric” physical punishments with the more “civilized” punishment of incarceration inside a prison. For the most part, they believed that prisoners could be reformed if the conditions were right. Although they disagreed on the characteristics of the proper prison, they agreed that incarceration should have a component of solitary confinement and hard labor. Despite their differences, all reformers believed they were assisting prisoners, improving their nation, and doing God’s work.

Prison reformers hoped to attract virtuous, hard-working men to be the keepers, or guards, of the new penitentiaries. Prison keepers were to be meticulous men of detail. They “shall carefully inspect into the moral conduct, shall enjoin a strict attention to the regulations, relative to [the] cleanliness, sobriety, and industry” of prisoners. They were to be sober men who “shall prevent the admission of any spirituous liquors or any other improper article to the Prisoners.” They were to be men with restraint who commanded prisoners’ obedience “by mild yet firm measures.” Guards had to remain alert “to prevent embezzlement, waste or destruction of implements or materials.”

They had to “be on guard” against prisoners’ “machinations” and “should consider them as wicked and depraved, capable of every atrocity, and ever plotting some means of violence and escape.” Yet, keepers had to mitigate their vigilance with compassion. According to Thomas Eddy, a keeper “should always be convinced of the possibility of amendment, and exert himself in every way to promote it.”

Ideal keepers, however, were difficult to find. The dangerous work environment and low salary probably dissuaded many men from pursuing an occupation as a prison guard. At the first New York state prison, keepers earned an annual salary of $250.00, or less than $5.00 a week. Most early nineteenth-century New York journeymen carpenters, masons, and tailors earned between $6.00 and $10.00 per week. On average, a family of five needed to earn at least $7.00 a week to cover the basic expenses of food and lodging. Few journeymen, historian Sean Wilentz argues, “could expect year-round, full

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58 Philadelphia County and City Jail, Directions for the Inspectors, &c. of the Gaol of the City and County of Philadelphia (Philadelphia: n.p., 1792).

employment in New York, given the severe seasonal fluctuations in demand and the
interruptions of winter and bad weather."\(^{60}\) Although many of New York’s manual
laborers lived below or just at the poverty line, few men decided to forsake their trades to
become prison guards. The salaries for guards were just as low at Pennsylvania prisons
and subsequent New York prisons.

Most of the guards employed at the earliest New York and Pennsylvania state
prisons were veterans of the Revolutionary War. The training and discipline they
received as soldiers in the Continental Army seemed to make them ideal guard
candidates. Under George Washington, the army slowly became a more disciplined and
stronger fighting force. “The strictest government is taking place,” observed Reverend
William Emerson, “and great distinction is made between officers and soldiers. Everyone
is made to know his place and keep it.” Washington persistently petitioned Congress to
increase the number of lashes that could be inflicted upon an undisciplined soldier from
100 to 500. Just as soldiers “had to sacrifice freedom in order to attain it,” so too did
prisoners.\(^{61}\)

To be sure, guards who were once common soldiers had much more in common
with prisoners than with reformers, or the virtuous, Revolutionary War veteran Colonel
Manly, of Royall Tyler’s popular 1787 play, *The Contrast*.\(^{62}\) Few observers would
describe a prison guard who “bowed so gracefully; made such a genteel apology, and


looked so manly and noble!," as Maria did of Colonel Manly.63 Manly, an officer in the army, more closely resembled reformers. Guards at the Walnut Street Prison and the New York State Prison, however, appeared to be participants in the “jolly fellow” culture described by historian Richard Stott. Jolly fellows enjoyed fighting, bantering, drinking, gambling, and playing pranks.64 A former prisoner of the New York State Prison, W.A. Coffey, claimed to have witnessed keepers cursing and “staggering, from intoxication.”65 He described the guards as “Born in vulgarity, and cradled in ignorance, they have not a virtuous sentiment, that would dignify the head, nor a solitary feeling, that would do honour to the heart.”66 It seems that practically all prisoners inside antebellum Pennsylvania and New York state prisons agreed that keepers were horrible people.

Wardens, or head keepers as they were called, often came into conflict with the keepers they supervised. For instance, Warden Samuel Wood, of the Eastern State Penitentiary, confronted keeper P. Steele for “promulgating deistical doctrines among the prisoners.” After “some conversation,” Steele “said he thought he would leave” his employment at the prison. To which Wood responded, “I wished him to understand me explicitly, that I did not now discharge him, nor did I wish to him to remain a single hour, he was free and could do as he pleased.” Wood was less diplomatic in his dealings with keeper William Griffiths. For an unrecorded reason, Wood met with Griffiths on January 31, 1834, to tell him “that his services should terminate this day.” “Very well,” Griffiths

responded, leading a relieved Wood to write, “I was pleased that he went so quietly as I did not wish to get angry with him however base his conduct may have been.”

Another source of tension inside the Eastern State Penitentiary was disagreements between the Inspectors, who were members of the Philadelphia Society for Alleviating the Miseries of Public Prisons, and penitentiary officials about the proper way to restrain and punish prisoners. In May 1844, penitentiary officials placed prisoner Charles Butler into “the dark cell with irons on his feet and wrists” for making noise and refusing to work. He was shackled and confined inside the cell, at reduced food rations, for one week.

Visiting Inspector Thomas Bradford, a member of the Philadelphia Society, objected to the restraining of Butler inside the cell. Wood resented the “interference of Mr. Bradford in the merited and mild punishment of this convict.” He argued that Bradford’s “interference” would encourage prisoners to disobey and disrespect guards. Furthermore, Bradford’s objections, if made public, would disgrace the penitentiary, which was the pride of Philadelphia.

Sometimes keepers sought out members of the Philadelphia Society to complain about the warden. In the fall of 1849, a keeper named Merrill criticized Warden Thomas Scattergood in a conversation with William Parker Foulke. Merrill explained, “Scattergood employed him excessively during the day, & would not relieve him as to

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night duty.” Because “Scattergood had been harsh & ungentlemanly in his treatment,” Merrill resigned.⁷⁰

Merrill believed that the guards’ exhausting working conditions had disastrous consequences. He claimed guards were not “suitably” distributed throughout the prison. As a result, “an insane prisoner was burned to death by falling in the hot pipes,” and another “who hung himself … could not have done it but for the neglect of the Warden.” Merrill further alleged that the Warden put his own interests before the penitentiary’s interests. He claimed that Warden Scattergood distributed cream skimmed from the top of the prison’s milk, as well as vegetables from the prison garden, to his friends in Philadelphia.⁷¹

Near the end of his time as the penitentiary’s “Moral Instructor,” Thomas Larcombe wrote a bitter note on the last page of the fourth and final volume of his notebooks. He claimed, “Overseers conceive hostility against him for trivial cause or for none at all.” The keepers, Larcombe lamented, criticized him for just doing his job. “They either speak to their prisoners against him or insinuate something to his disadvantage,” Larcombe wrote in the third person. In consequence, prisoners “misrepresent him [Larcombe] or having their imaginations impressed, they watch him closely and often wrongfully interpret his language.”⁷²

Chaplains in New York’s state prisons occasional came into conflict with prison officials too. In 1829, the Chaplain of Sing Sing, Gerrish Barrett, who received his salary from the Boston Prison Discipline Society, began to investigate alleged abuses at the prison. Thanks to inadequate clothing, poor heating, and the lack of blankets, prisoners

⁷⁰ Foulke, “Notebooks Concerning Prisons and Prisoners.”
⁷¹ Foulke, “Notebooks Concerning Prisons and Prisoners.”
froze during the winter months. The prison’s harsh, physical punishments, which included whipping, tended to harden prisoners. Lastly, Chaplain Barrett accused the prison’s agent and warden, Elam Lynds, of embezzlement. According to Barrett, Lynds purchased inferior food, such as “offal beef,” and then took the remaining money in the food budget for himself. Barrett informed the prison’s inspectors of what he found. Lynds responded by successfully defending himself against the allegations, and winning the removal of Barrett from the position of chaplain.  

Internal staff disagreements affected New York’s state prisons as well. The record book compiled by state inspectors who visited Clinton Prison illustrated the occasional negligence of guards. In March 1848, keepers Owen Ayers and Eliakim Barlow were suspended “for having been found asleep at their post.” A few months later, Ayers and keeper Horace Allen were “reprimanded for refusing to charge upon a Convict when ordered by the Keeper or Assistant Warden, and give to understand that no excuse was sufficient for such refusal, and could not be received in future.” If the prison staff was to maintain order, they had to present a clear, unified front to the prisoners. The performance of the guards seemed to have improved little in the next few years. In 1850, the Warden was granted the right to suspend or fire, (without the input of state-appointed inspectors) any guard who neglected his duties or violated the prison’s regulations.

Prison staff members, like reformers, were never as unified as they had hoped. Guards and wardens argued. Wardens and prison inspectors disagreed on the proper ways to punish and restrain prisoners. Chaplains and prison guards frequently came into conflict. Guards came from the lower ranks of society. They shared more in common

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with convicts, than with reformers or their superiors. They enjoyed an occasional drink and card game. They cussed and played pranks on one another and inmates. They were, perhaps, just as appropriate subjects for the prisons’ reformatory regimens as prisoners.

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Like guards, prisoners appear as shadowy historical subjects. Much more was written about them, than they wrote about themselves. Prison statistics provide a general, descriptive summary of who the prisoners of the republic were. As historian Patricia Cline Cohen has argued, a mania for counting and tabulating statistics spread throughout the early republic. The statistical portraits included in the annual reports of prisons and prison reform societies, probably best illustrate the efforts of a “calculating people.”

Philosopher Ian Hacking puts it more bluntly when he observes that the compilation and calculation of statistics “may think of itself as providing only information, but it is itself part of the technology of power in a modern state.”

Prisoners were, for the most part, poor. Of those who had occupations, many were listed as servants, slaves, sailors, and shoemakers. Shoemakers were perhaps the poorest group of artisans. They weathered assaults on their craft from outwork, large-scale New England factories, and the vicissitudes of the Atlantic market. The first trade introduced inside the New York State Prison, in the City of New York, was shoemaking because

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77 Wilentz, Chant’s Democratic, 124-127.
many of its first prisoners were shoemakers. In addition, most prisoners committed non-violent crimes against property, such as forgery, grand larceny, and petty larceny (Figure One). An overwhelming number of prisoners were young, white men below the age of twenty-five. Compared with their numbers in the general population, a large number of black men and women were incarcerated (Table One). In addition, many recent immigrants found themselves inside the nation’s state prisons.

**Figure One: Aggregate Crimes of Prisoners Sentenced to the New York State Prison, in the City of New York, 1797-1810**

<table>
<thead>
<tr>
<th>Year</th>
<th>Location</th>
<th>% White</th>
<th>% Black</th>
<th>Total</th>
<th>Base #</th>
<th>% of Total State Population</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>State</td>
<td>State</td>
<td>Prison</td>
<td>State</td>
<td>Prison</td>
<td></td>
</tr>
<tr>
<td>1790</td>
<td></td>
<td>92.4</td>
<td>79.5</td>
<td>73.4</td>
<td>95.8</td>
<td>100</td>
</tr>
<tr>
<td>1800</td>
<td></td>
<td>94.7</td>
<td>26.6</td>
<td>5.3</td>
<td>4.2</td>
<td>100</td>
</tr>
<tr>
<td>1805</td>
<td></td>
<td>79.5</td>
<td>4.2</td>
<td>100</td>
<td>81.1</td>
<td>100</td>
</tr>
<tr>
<td>1810</td>
<td></td>
<td>73.4</td>
<td>18.9</td>
<td>95.8</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>
Statistics from the inmate intake register of the New York State Prison, in the City of New York, provide a general portrait of the nation’s prisoners. Although variations existed in different prisons, and at different times, the statistics from the New York State Prison, in the City of New York, were the rule, not the exception. Between 1797 and 1810, 2,284 men and women were sentenced to the prison. Of the total, 69.7 percent were white men, 5.4 percent were white women, 18.9 percent were black men, and 6.0 percent were black women (Figure Two and Table Two). Of the men, 21.4 percent were black and 78.6 percent were white. Of the women, 52.5 percent were black and 47.5 percent were white. Out of the total sentenced, 67.4 percent were American born and 32.6 percent were foreign born. 51.9 percent of American born convicts and 34.9 percent of the total were born in New York State. 59.7 percent of the total number was convicted in New York County (the present-day island of Manhattan). Juries sentenced more prisoners for the crimes of grand and petty larceny than all other crimes combined. Between 1797 and 1810, 47.5 percent of individuals sentenced to the prison committed grand larceny, 28.9 percent petty larceny, and 10.4 percent forgery (Figure One). White men convicted of non-violent property crimes composed the majority of the prison population.  

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78 New York State Prison, of the City of New York, “Register of Prisoners Received, 1797-1810,” New York State Archives, Albany, New York. Hereafter cited as “Register of Prisoners Received.”
FIGURE TWO: AGGREGATE RACE AND GENDER OF INDIVIDUALS SENTENCED TO THE NEW YORK STATE PRISON, IN THE CITY OF NEW YORK, 1797-1810

White Men 69.7%
Black Men 18.9%
White Women 5.4%
Black Women 6.0%

TABLE TWO: PERCENTAGE OF INDIVIDUALS SENTENCED BY GENDER AND RACE TO THE NEW YORK STATE PRISON, IN THE CITY OF NEW YORK, 1797-1810

<table>
<thead>
<tr>
<th></th>
<th>Men</th>
<th>Women</th>
<th>Men and Women Combined</th>
</tr>
</thead>
<tbody>
<tr>
<td>% Black</td>
<td>21.4</td>
<td>52.5</td>
<td>24.9</td>
</tr>
<tr>
<td>% White</td>
<td>78.6</td>
<td>47.5</td>
<td>75.1</td>
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<tr>
<td>Total</td>
<td>100</td>
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<td>100</td>
</tr>
<tr>
<td>Base #</td>
<td>2023</td>
<td>261</td>
<td>2284</td>
</tr>
</tbody>
</table>

The prison register listed occupations for 89.0 percent of all prisoners convicted between 1797 and 1803 (Figure Three). Farmer, laborer, and seaman/sailor were the top three recorded occupations. Almost all white men (97.7 percent) and most black men (91.6 percent) had a listed occupation. The top three recorded occupations for white men were farmer (20.2 percent), laborer (18.6 percent), and sailor/seaman (12.7 percent). The top four recorded occupations for black men, on the other hand, were sailor/seaman (19.8 percent), farmer (16.5 percent), slave (10.6 percent), and servant (9.3 percent). Few white women (24.2 percent), and about half of black women (49.3 percent) had occupations recorded. The top two recorded occupations for white women were housekeeper (13.6 percent) and servant (10.6 percent). The top two record occupations of black women were servant (30.4 percent) and slave (17.4 percent). The statewide statistics of the occupations of black and white men and women, suggest that many of the individuals...
whom judges sentenced to the prison belonged to the working poor. Most of the male occupations—farmer, laborer, and sailor—were seasonal occupations. The most popular female occupations—housekeeper, servant, and slave—indicate that most women sentenced to the prison were also part of the working poor. The working poor experienced the brunt of the prison’s disciplinary regime. As we have seen, those who reformed, established, and ran prisons were from the opposite end of the social spectrum.79

**FIGURE THREE: AGGREGATE OCCUPATIONS OF INDIVIDUALS SENTENCED TO THE NEW YORK STATE PRISON, IN THE CITY OF NEW YORK, 1797-1803**

![Pie chart showing aggregate occupations of individuals sentenced to the New York State Prison, 1797-1803.](image)

Compared with recorded statewide occupations, fewer individuals convicted by New York County juries had an occupation listed in the register. This suggests that many of the felons sentenced to the prison from New York County, were poorer than their

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Like statewide statistical rates, most men sentenced in New York County worked as laborers and seamen. In areas outside of New York County, most men sentenced to the prison were listed as farmers. Unsurprisingly, judges sentenced fewer farmers and more shoemakers to the prison from New York County than statewide. Compared with statewide numbers, New York County juries sentenced fewer employed white men and more employed black men to the prison. The occupations of black and white women sentenced to the prison from New York County remained consistent with their statewide counterparts. The occupation rate of black women from New York County remained relatively close to the statewide occupation rate. The occupation rate of white women from New York County was lower than the statewide rate. Still, like statewide rates, New York County juries sentenced mostly working and lower class individuals to the State Prison. During the first six years of the State Prison’s existence, it appears many prisoners were previously employed and were part of the working poor.

Historian Simon P. Newman identifies a similar incarceration pattern in late eighteenth-century Philadelphia. “The Walnut Street Jail provided one of the most tangible reminders of the ever-widening gulf between rich and poor in early national Philadelphia,” Newman argues, “serving as it did to remove, seal off, and control the illegitimate and immoral bodies of any of the poor and lower sort who were not properly controlled.” The lived experience of class and race would influence how individuals navigated and negotiated both social and prison authority.80

Occasionally, the ethnic diversity suggested by the statistics led to fights between prisoners, but more often, it allowed reformers to indulge in nativist and racist fantasies (Figure Four). Thomas Eddy blamed, in part, “the great number of indigent and vicious emigrants from Europe and the West Indies” for the increase of crime in New York City. According to Warden Samuel Wood of the Eastern State Penitentiary, “discontented free blacks or worthless slaves, set free by their masters, and of runaway slaves” accounted for the low productivity of prisoners. Similarly, inspectors blamed the increase in prisoners’ deaths, on “the dissipated habits and the diseased condition of prisoners, particularly the coloured population, of which class we have more than any prison in the United States, not excepting the slaveholding States.” William Darrach, Eastern State’s physician, even argued that an increase in the number of insanity cases stemmed from “the less intelligent of the prisoners, particularly the coloured,” who “practice excessive masturbation.” When reading the official reports of Eastern State, one gets the sense that the warden, inspectors, and physician believed that the penitentiary would have been a penitential utopia, if it were not for prisoners who happened to be “coloured.”

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Some reformers translated their racist thoughts into action by supporting the colonization of free blacks to West Africa. Louis Dwight belonged to a colonization society in Boston. In the reports of the Boston Discipline Society, he argued, “The first cause, existing in society, of the frequency and increase of crime, is the degraded character of the colored population.” If the “character” of the “colored population cannot be raised, where they are,” Dwight asserted, “a powerful argument may be derived from these facts, in favor of colonization, and civilized States ought surely to be as willing to expend money on any given part of its population, to prevent crime, as to punish it.”

Perhaps this argument, or one like it, encouraged Philadelphia Society for Alleviating the Miseries of Public Prisons member, William Parker Foulke, to join the Pennsylvania Colonization Society, and subscribe to The Colonization Herald. Only “SIXTY DOLLARS will settle one emigrant in Liberia,” the Colonization Society claimed. To many

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reformers, this was a trivial amount if it ensured the success of the nation’s penitentiaries.84

Eastern State Penitentiary’s Moral Instructor, Thomas Larcombe, had little interest in colonization. His notebooks, however, illuminate the personal histories of prisoners. Larcombe interviewed every prisoner committed to the penitentiary between 1834 and 1840. During the interviews, or immediately after, Larcombe noted whether prisoners drank, when they committed their first crimes, if they were religious, if they had an education, and their relationships with their parents. Larcombe learned that most prisoners could not read or write well. Few had religious instruction. Most drank alcohol, sometimes excessively. Many prisoners also came from broken homes. He used this information, as well as prisoners’ behavior, to predict their hopes of reformation. For most prisoners, he wrote, “NH,” which meant no hope for reform.85

Prisoner Hugh Dougherty, a nineteen-year-old Irish immigrant convicted of larceny, was typical. He arrived at Eastern State on November 7, 1840 and discharged at the expiration of his sentence on May 7, 1842. Before his imprisonment, he worked as a


85 Larcombe’s description of prisoners resembles the language reformers used to describe other potential objects of reform. See, for instance, Scott C. Martin, Devil of the Domestic Sphere: Temperance, Gender, and Middle-Class Ideology, 1800-1850 (DeKalb, IL: Northern Illinois University Press, 2008); Elaine Frantz Parsons, Manhood Lost: Fallen Drunkards and Redeeming Women in the Nineteenth-Century United States (Baltimore: John Hopkins University Press, 2003); and Steven Mintz, Moralists and Modernizers: America’s Pre-Civil War Reformers (Baltimore: Johns Hopkins University Press, 1995).
part-time laborer in Philadelphia. His father died when he was thirteen; his widowed mother did not remarry. According to Larcombe, Dougherty did not have “proper relig[ious] instruction,” and had not attended Sunday School. He drank and could not read or write. During his interview with Larcombe, Dougherty “[wept] passionately & declare[d] his innocence.” Larcombe wrote, “Some reason to believe him.” During his incarceration, Dougherty labored diligently and studied the Bible, leading Larcombe to believe that he had “Some hope” of reform.86

William Parker Foulke wrote notes that were even more detailed about the prisoners he encountered inside the Eastern State Penitentiary. In March 1846, Foulke visited with an unnamed prisoner in the penitentiary’s seventh block. Previously, the prisoner had spent ten years incarcerated inside the Walnut Street Jail, and another eight or nine years inside the Eastern State Penitentiary. When Foulke encountered the prisoner, the man was serving another sentence of five years inside the penitentiary. The prisoner told Foulke “that his father was kind to him, but his mother was harsh & used to beat him frequently with a strap.” He often ran into the street to escape his mother’s blows. To prevent him from escaping, his mother “sometimes tied him, & sometimes took his clothes off, & locked him up naked in a chamber.” “On one occasion,” the prisoner remembered, “he got out naked in the street.” In time, he escaped from his abusive mother to join a gang of boys who lived at the home of an “old woman.” The boys “stole old iron &c which they sold.” He recalled sleeping in carts and under sheds. It was not long until he was incarcerated in the Walnut Street Prison, where he “associated with very bad persons.” He told Foulke that Walnut Street was “an injurious place for a

lad like him.” The prisoner’s story highlights what reformers came to identify as the sources of crime: abusive or negligent parents, little to no education, and association with bad people. Reformers hoped that solitary confinement inside the Eastern State Penitentiary would prevent youngsters from learning the tricks of the criminal trade from older convicts.

Similarly, another prisoner told Foulke of his misspent youth. This convict became a circus performer at the age of six. He “was taught tumbling, & the rope exercise which he had followed until within 2 or 3 years of his conviction.” The traveling nomadic life of a circus performer meant that he “was never taught a trade, nor had the advantage of domestic education.” He was convicted of swindling $12 from a person by “sporting” and sentenced to the penitentiary. He told Foulke, “his conviction [had] been the best thing that could happen to him—that he had learned a good trade in the penitentiary & thought he could honestly maintain himself after his liberation.” Upon release, he hoped to travel to Kentucky to establish a farm. Perhaps the unnamed prisoner really believed that his conviction and forced labor were good things. On the other hand, he and other prisoners knew what Foulke and his associates wished to hear, and that they often rewarded prisoners with extra benefits, such as chalk and paint supplies, or seeds for gardens in their exercise yards.

Individuals sentenced to the Pennsylvania and New York state prisons were members of the Atlantic proletariat that Peter Linebaugh and Marcus Rediker elegantly

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88 Foulke, “Notebooks Concerning Prisons and Prisoners.”
describe in *The Many-Headed Hydra*. Like other members of the Atlantic proletariat, prisoners were numbered, categorized, classified, measured, and counted. Before their convictions and incarceration, most prisoners were employed. They were farmers, laborers, sailors, servants, and slaves. Their blood, sweat, and labor undergirded the growing Atlantic economy. Most prisoners came from the working class and were poor. The prisoners were young and old, men and women, black and white. They were mobile and came from throughout the Atlantic World. They were born in Africa, the Caribbean, Western Europe, and North America. As members of the Atlantic proletariat, they were “terrorized, subject to coercion,” inside and outside the state prisons.89 While incarcerated, prisoners worked separately and collectively, to challenge the daily operation of authority within the earliest New York and Pennsylvania state prisons.

89 Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000), 332-333. The men, women, and children incarcerated in antebellum prisons belong to an Atlantic proletariat. The history of antebellum prisons is as much a history of the working class as it is a history of “reform.” The histories of prisons and prisoners are not marginal additions to the mainstream historical narrative of the early national United States. The histories of prisons and prisoners elucidate and clarify themes that are essential to the writing of the history of the pre-Civil War United States.
During the night of April 4, 1803, a small but determined group of convicts attempted to escape from the New York State Prison, in the City of New York. This was not the first time prisoners tried to escape from New York’s first state prison. Since its inception in 1797, prisoners frequently rebelled, set the prison on fire, and attempted escapes. The historical record is partial and fragmented, but nonetheless provides the outlines of the incident and an opportunity to analyze the complex responses prisoners had to incarceration. Some inmates, like Daniel McDonald, a convicted horse thief sentenced to seven years of hard labor, the so-called “ringleader” of the uprising, persistently resisted incarceration. By contrast, Isaac Lytle and others like him had accommodated themselves to the rules of the prison and refused to join the rebellion. Lytle may have hoped that his good behavior would lead to an early release. Other prisoners, such as Comfort Carpenter, who was convicted of forgery and sentenced to life imprisonment at hard labor, aligned themselves with guards during the rebellion in hope of winning their favor to receive a pardon that would allow them to return to their families and friends.

During the fateful evening of April 4, McDonald, Lytle, and Carpenter all played important roles. McDonald and his cohorts may have spent days, weeks, or months planning their escape. Sometime between five and six in the evening, McDonald and a
handful of prisoners set fire to one of the apartments—a room that confined at least eight prisoners. When guards arrived to extinguish the fire, the prisoners escaped from the apartment and rushed into the prison’s interior courtyard. One of the guards reported that McDonald claimed that he was “unjustly imprisoned” and “that he would escape over the Walls of the prison.” McDonald informed a guard that if he did not interfere with the escape, he would not be harmed.\(^3\)

In the prison’s courtyard, a hostile group of prisoners greeted McDonald and his followers. The blacksmiths and nailers, who were at work in the yard, “refused to join them.” Some of the prisoners even pledged to protect the keepers “at the risque of their lives.” The escaping prisoners quickly proceeded to one of the prison’s exterior walls and climbed a scaffold in hope of regaining their liberty. A keeper furiously rang the prison’s bell, which signaled to all the guards and residents of the surrounding neighborhood that a prison break was in progress. Guards yelled at prisoners. They told “them to desist.” Escaping prisoners responded with “very abusive language” and pelted guards with “brick bats and hammers.” The guards quickly realized that they could not persuade the rebelling prisoners to “submit,” and began to employ “coercive measures.” They peppered the prisoners with bullets, and in time, gained control of the prison.\(^4\)

Not all prisoners participated in the rebellion. Some, like Isaac Lytle, attempted to avoid the melee. Lytle stayed within the confines of his apartment and watched the unrest below from his window. Although he had an opportunity to participate in the disturbance and attempt to escape, he decided not to. Lytle, according to keeper John Bailey, “was uniformly a well behaved man, and did not discover the least disposition to join the riot,

\(^3\) *Commercial Advertiser* (New York), April 6, 1803.

\(^4\) *Commercial Advertiser* (New York), April 6, 1803.
or to have any kind of concern with the rioters.” Unfortunately, his calculations did not succeed. When guards opened fire on the escaping prisoners, a bullet struck Lytle in the head, wounding him mortally. 5

Other prisoners, such as Comfort Carpenter, were luckier than Lytle. Carpenter, unlike Lytle, decided to participate in the uprising, but in a way different from McDonald. Carpenter was a forty-seven-year-old farmer from Rutland, Massachusetts. When two rebelling prisoners invited him to join the uprising, he declined. The two prisoners “seized” him. Carpenter escaped their hold, and “declared that he would die rather than be concerned in such an attempt to break the prison.” Undeterred, uprising prisoners, “being armed with knives and hammers, threatened vengeance to all who would not join them.” Carpenter, and the convicts who refused to participate, also armed themselves with knives and other tools from the prison’s workshops. According to keeper Bailey, prisoners Daniel Callahan, George Thompson, and James Dongherry pledged to protect and defend him with their lives. The guards not only tried to prevent prisoners from escaping over the wall, but also worked to prevent prisoners from battling one another. After guards and a militia company opened fire on the prisoners, keeper Thomas Hartley spoke loudly:

Let me entreat you to desist from further violence; consider the danger you are in; you are sporting away your lives as of no value; see that poor unhappy being, who is now apparently breathing his last, and who was with you a few minutes ago; put a stop to your hazardous attempt now, and it may be a means of alleviating your future punishment. 6

Hartley’s words as well as the actions of Carpenter, Lytle, Callahan, Thompson, and Dongherry, suggest the powerful prospect the alleviation of punishment had on some

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5 Mercantile Advertiser (New York), April 7, 1803.
6 Mercantile Advertiser (New York), April 7, 1803.
prisoners’ actions. Prisoners had good reason to hope that docile, accommodating actions would lead to a pardon. Between 1797 and 1803, 137 prisoners, approximately twenty prisoners a year, received pardons (Figure Five). During the early years of the prison, when it was not crowded, guards and inspectors used pardons to reward good behavior, not to make room for new prisoners. None of the prisoners mentioned in newspaper reports who aligned themselves with the guards received a pardon.

**FIGURE FIVE: NUMBER OF PARDONED PRISONERS AT THE NEW YORK STATE PRISON, IN THE CITY OF NEW YORK, 1799-1827**

![Graph showing number of pardoned prisoners from 1799 to 1827.](image)


When guards gained control of the prison, Lytle was dead, and four or five mortally wounded prisoners would die during the next few days, McDonald and his followers failed to escape, and prisoners who acted like Carpenter did not win pardons. Guards confined McDonald and his cohorts inside the prison’s solitary cells on an allowance of bread and water—the prison’s only disciplinary recourse. Lytle left the prison in a wooden box. Carpenter and other prisoners who aligned themselves with their captors served the remainder of their sentences. It appears that none of the prisoners

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7 New York State Prison of the City of New York, “Register of Prisoners Received, 1797-1810,” New York State Archives.
gained what they had hoped—freedom and a reunion with their families and friends. In their 1803 Annual Report, the Inspectors of the prison ruefully began a brief paragraph about the uprising: “With much regret….” Despite the dreadful loss of life and challenge to their authority, the inspectors continued, “It is with much satisfaction the Inspectors observe, that although very great pains were taken to induce the remainder of the convicts to join those who thus endeavored to escape, they resolutely refused to be concerned in the enterprise.”

The prisoners’ actions illuminate the complex calculations that they made while incarcerated, and, just as importantly, that they had a direct and powerful influence on the daily operation of the prison.

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This chapter analyzes prisoners’ choices and actions inside the first New York and Pennsylvania state prisons—the New York State Prison, in the City of New York, and the Walnut Street Prison in Philadelphia. The actions of prisoners confined in the first state prisons spurred reformers and politicians in both states to design not only new prisons, but also new disciplinary regimens at New York’s Auburn and Sing Sing prisons and Pennsylvania’s Eastern State Penitentiary. Prisoners’ actions illustrate how they navigated the world inside the prison by attempting to endure, accommodate, or resist incarceration. After strategic considerations, some prisoners decided to serve their sentence quietly, others aligned themselves with guards, and still others resisted incarceration—of course prisoners could alternate strategies or even employ conflicting ones simultaneously. An analysis of the actions of prisoners complicates the

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interpretations of the existing historiography of imprisonment in the early United States that focuses primarily on the thoughts and actions of prison reformers.

“In historical writing,” historian Pieter Spierenburg notes, “life inside the prison has hardly been a subject at all.”

Relying primarily on sources generated by the promoters of incarceration—reformers and politicians—historians of early American prisons have neglected to analyze sufficiently the actions of prisoners. Additionally, historian Leslie Patrick observes, “Throughout the literature, prisoners remain either abstractions or absent—they have become imagined subjects confined by silence, yet victims first of circumstance and finally of history.”

Most historians have replicated prison reformers’ abstract portrayals of prisoners, not as individuals, but as static, lifeless statistics in countless tables and graphs. Historians have neglected to examine the individual lives and actions of the men, women, and children that the early nation’s prisons confined, disciplined, and purportedly aimed to reform. Just as confinement excluded them from the early republic, so for the most part, historians have excluded them from history. Convicts were crucial historical actors inside the state prisons of the early United States, yet their actions and individual lives remain buried under the rubble.

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of history. Through their varied responses to incarceration, prisoners influenced the actions of politicians, reformers, and guards, as well as how the public thought about incarceration.

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In 1790, after a brief experiment with public labor, Pennsylvanian politicians authorized the conversion of Philadelphia’s Walnut Street Jail into the Walnut Street Prison. Before the conversion, the Walnut Street Jail had confined an indiscriminate mixture of the city’s beggars, runaway servants and slaves, debtors, people awaiting trial, and convicted felons. Reformers introduced a system of classification that separated vagrants, debtors and those awaiting trial, from convicted felons. Reformers also attempted to classify convicted felons by separating men from women, and black and white women from one another. After the conversion, the Walnut Street Prison became Pennsylvania’s first state prison. It confined convicted felons from throughout the state, whom judges had sentenced to incarceration at hard labor.12

In 1786, Philadelphian reformers first replaced public, physical punishment with hard labor. At first, convicted criminals performed hard labor in public, on the streets of the city; now, in 1790, convicted criminals performed hard labor, for a length of time, in private, hidden behind the walls of the prison. Philadelphians viewed the amelioration of their criminal code and the replacement of public punishment with confinement at hard labor, as intimately connected with the principles of republican governance and with the

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national identity of the United States. They would have agreed with Philadelphian reformer William Bradford, who served as the second Attorney General of the United States, when he wrote, “During our connection with Great Britain no reform was attempted: but, as soon as we separated from her, the public sentiment disclosed itself, and this benevolent undertaking was enjoined by the constitution.”

The keyword in Bradford’s description is “benevolent”—derived from the Latin *bene volent-em*, meaning, “well wishing.” Ambitious reformers erected penitentiaries, almshouses, orphanages, and hospitals all in the name of the middle-class’ “sentimental project,” which, in the words of historian Sarah Knott, aimed “to remake society from the ground up where the ‘sensible’ self was open to personal change and an agent of social reform.”

Philadelphian reformers were proud of their new prison. It appeared in numerous guides to the city and countless pamphlets trumpeted its virtues. Thanks to the new prison, one of the prison’s first inspectors, Caleb Lownes, claimed, “Our houses, stores, and vessels, so perpetually disturbed and robbed, no longer experience those alarming evils. We lay down in peace—we sleep securely.”

In his popular guidebook to the city, Philadelphian physician James Mease wrote, “the abolition of the system of public and

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severe punishments,” and their replacement with imprisonment at hard labor, “have been sensibly felt by the state at large, and especially in the city of Philadelphia.”

The reformers’ coordinated and congratulatory propaganda campaign not only influenced how early nineteenth-century Philadelphians viewed their new state prison, but also how historians have interpreted life inside the prison. In their published reports and pamphlets, reformers portrayed life inside the prison as strictly ordered and regimented. They depicted prisoners as an undifferentiated mass of docile—submissive to training and governing—men and women who, for the most part, passively submitted to the penitentiary’s regimen. Lownes observed, “The order in their employments; their demeanor towards the officers; harmony amongst each other; and their decorum and attention, at times appointed for religious worship, have been obvious, and are such as have obtained the approbation of all those who have been witnesses to it.”

Lownes described, in addition to a “laboratory of virtue,” a just as critical laboratory of governance. By avidly reading reports, pamphlets, and newspaper articles on prisons, middle-class men learned how to effectively govern a potentially hostile people; or, as Michel Foucault asks rhetorically: “By stepping outside these local, regional, and precise institutions of the hospital, the prison, or families, are we not referred back, quite simply, to another institution, so that we will have abandoned institutional analysis only to be enjoined to enter into another type of institutional analysis, in which, precisely, the state is the stake?”

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Visitors from other states as well as Europe investigated the prison, suggesting that state prisons not only shone light on the American state, but also on the states of many European countries. Frenchman François Alexandre Frédéric, duc de la Rochefoucault-Liancourt claimed, “The appearance of the prisoners has nothing of that insolence, or of that dejection, which is so striking among our own convicts in Europe. It is cold, respectful, and calm.”

Rochefoucault-Liancourt’s words spurred reformers of European criminal laws to push for the construction of prisons modeled on the early nineteenth-century state prisons of New York and Pennsylvania, such as in France.

In 1796, Quaker reformer Thomas Eddy and General Philip Schuyler traveled from New York City to visit the Walnut Street Prison. The ideas of British prison reformer John Howard, Italian legal theorist Cesare Beccaria, and Pennsylvanian prison reformer Benjamin Rush, each of whom were members of the transatlantic “culture of sensibility,” influenced the design and disciplinary regime of the prison.

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what they observed, Eddy and Schuyler returned to New York to draft an act for the construction of New York’s first state prison. They introduced the act to the members of the New York State legislature at a fortuitous time. Earlier in the year, during his address to the New York State Senate on January 6, 1796, Governor John Jay advised his fellow politicians to ponder, “how far the severe penalties prescribed by our laws in particular cases admit of mitigation; and whether certain establishments for confining, employing and reforming criminals will not immediately become indispensible.” With Governor Jay’s support, Schuyler persuaded State Senator Ambrose Spencer to introduce the act in the Senate. On March 25, 1796 the State Senate and on March 26 the State Assembly passed “An Act Making Alterations in the Criminal Law of This State and for Erecting State Prisons.”

Just as in Philadelphia, the citizens of New York read many congratulatory pamphlets, reports, and newspaper articles that boasted of the state’s newest “benevolent” and “humane” institution, the New York State Prison. The American Minerva welcomed the act’s passage, “We announce with great pleasure, that the judiciary bill has passed both houses of the legislatures of this State. Capital punishment is abolished, except in the case of murder & treason.” The act stipulated that only individuals convicted of murder and treason “shall suffer death” and outlawed public punishments such as whipping. “Punishments mild and certain,” asserted Eddy, “more effectually prevent

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24 American Minerva; An Evening Advertiser (New York), March 26, 1796.
crimes than those which are sanguinary and severe.” 25 The act mandated that people convicted of felonies, besides murder and treason, shall be sentenced to “hard labour” in a state prison. 26 Most importantly, the act ordered the construction of two state prisons, one in New York City and the other in Albany; although “less than a year later,” writes historian W. David Lewis, “the Albany plan was abandoned, possibly because it was believed that the number of convicts from upstate areas would be small and that one prison would therefore suffice.” 27 Lastly, the act appointed John Watts, Mathew Clarkson, Isaac Stoughtenburgh, Thomas Eddy and John Murray, Jr., all influential men, to “a board of commissioners for erecting and building ‘a State prison in the city of New York.’” 28

New York reformers saw the prison as one of the “benevolent” institutions at the center of the “sentimental project.” John Stanford, the chaplain of the New York State Prison, believed it had a three-fold purpose: it “corrected” vice, “cultivated morals,” and, thanks to God’s blessing, transformed criminals into “useful members of public Society.” The white bourgeoisie’s “sentimental project” was a utopian vision that aimed to make heaven a place on earth. For middle-class white Americans, the War for Independence not only bestowed “benevolently” the freedom to govern and write smugly, but the freedom to “reform” themselves, others, and society, in the hope of creating republican citizens who would submit willfully to republican government. By uprooting the “exotic plant” of violent, public corporal punishments, reformers asserted their independence

25 One of the Inspectors [Thomas Eddy], An Account of the State Prison or Penitentiary House, in the City of New-York (New York, 1801), 16.
27 Lewis, From Newgate to Dannemora, 29.
28 “An Act making alterations in the criminal law of this State and for erecting State prisons,” 671.
from the fetters of British law by planting, in its place, “the black flower of civilized society.”

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The architectural design and disciplinary regimen of the first New York state prison closely mirrored Philadelphia’s Walnut Street Prison. The regulations of each prison banned liquor and outlawed communication between prisoners and the outside world. Just as at the Walnut Street Prison, prisoners in the New York State Prison, the act declared, “shall be cloathed in habits of coarse materials, uniform in colour and make, and be sustained upon inferior food at the discretion of the said inspectors, and shall be kept as far as may be consistant with their sex age health and ability to hard labour.” Unarmed prison keepers had the power to punish disobedient convicts “in the solitary cells of the said prisons by keeping them on bread and water only.”

Since the Walnut Street Prison and the New York State Prison shared a similar architectural design and disciplinary regimen, we can analyze the actions of prisoners in each prison concurrently. Both prisons rested upon a congregate model of incarceration, in which prisoners worked and slept in groups. In each prison, prisoners labored together during the day, and at night, at least eight prisoners, often more after the prisons became crowded during the 1810s and 1820s, slept in an “apartment.” The ringing of bells, just as at the budding factories of the Northeast and the stifling plantations of the South, divided each day into temporal segments. During the summer months, a bell would ring at

31 For aural timekeeping on Southern plantations, see Mark M. Smith, Mastered By the Clock: Time, Slavery, and Freedom in the American South (Chapel Hill: University of North Carolina Press, 1997). For the temporalities of the workplace, see David Brody, “Time and Work During Early American Industrialization,” Labor History 30 (Winter 1989), 5-46; and Herbert G. Gutman, “Work, Culture, and
sunrise to awaken prisoners. Then prisoners would wash their faces and hands, and eat breakfast. After breakfast, another bell would ring, summoning prisoners to the workshops. At mid-afternoon, the bell would ring again, this time calling prisoners to the mess hall for supper. After supper, they would return to work. Then, in the evening, another bell would ring signaling that it was time to eat dinner. After dinner, guards marched prisoners back to their apartments for the night. The next day, and the next, and the next, would all follow the same regimented routine of strict temporal and aural discipline.

It often took prisoners a few weeks to become accustomed to confinement. W.A. Coffey, a prisoner convicted of forgery and sentenced to seven years at “hard labor” at the New York State Prison, was initially horrified by the prospect of imprisonment. Compared with other prisoners, Coffey was well-educated and -employed. He worked as a lawyer and may have had a university degree. Coffey’s 1823 book, *Inside Out; or, an Interior View of the New-York State Prison*, provides a firsthand account of his three years inside the prison. Unlike reformers, Coffey found nothing about the prison that deserved praise. He claimed that he wrote the book to illustrate eight points: (i) “the prison has failed to promote the object of its institution”; (ii) its officers were “immoral”; (iii) prisoners “corrupted each other”; (iv) the prison failed to prevent crime; (v) forced convict labor was “generative of depravity”; (vi) convicts were “treated with the utmost inhumanity”; (vii) keepers abused their pardoning power; and lastly, (viii) the prison’s...
finances suffered from a “want of integrity.”\textsuperscript{32} Coffey’s book alarmed the prison’s inspectors, who, in their 1824 report, wrote that it was “written with a revengeful and malignant spirit, and for the purpose of bringing the prison into disrepute and to excite mutiny within its walls.”\textsuperscript{33}

Before his imprisonment, Coffey thought he knew the dreadful world the prison’s “dreary” gate and high walls hid from the world. As an attorney, he may have read the many pamphlets and reports that prison officials wrote. He imagined the world inside the prison as “a horrid place, and I naturally expected to find every visage sad, every eye sunk, every cheek pale, and every heart among the convicts, uncommonly depressed.” When he entered the prison, however, he was surprised to learn that his imagination was “entirely mistaken.” All he saw was “unbounded levity.”\textsuperscript{34} He did not encounter the prisoners whose appearances Rochefoucault-Liancourt described as “cold, respectful, and calm.”\textsuperscript{35} Instead, Coffey saw “Cheerfulness and contentment played upon their cheeks; quietude of mind was visible in their actions. Depraved in the most shocking degree, they evinced everything unmanly, obscene and disgusting.”\textsuperscript{36} It seems, then, that some prisoners did not see the prison as a place of reformation. Instead, they maintained their pre-incarceration customs.

The keepers whom reformers portrayed as upstanding citizens, who would provide prisoners with virtuous examples to emulate, were not, according to Coffey,

\textsuperscript{32} One Who Knows [W.A. Coffey], Inside Out; or, an Interior View of the New-York State Prison; Together with Biographical Sketches of The Lives of Several of the Convicts (New York: James Costigan, 1823), xi.
\textsuperscript{36} Coffey, Inside Out, 21.
much better than the prisoners they watched. Coffey blamed the keepers for the prisoners’ “unmanly, obscene and disgusting” behavior. Instead of being virtuous men, keepers drank, swore, gambled, and played pranks on prisoners. Keepers “indulge themselves in the most obscene and wicked conversations, with vulgar, profligate and abandoned convicts, to the manifest corruption of many within their hearing.” They not only assaulted Coffey’s delicate ears. He even claimed to have seen “them staggering, from intoxication, about their shops, abusing every convict they casually met, and venting their vulgarity without blushing or reserve.”37 According to Coffey, the guards, just as much as the prisoners, needed reform.

Prisoners at the Walnut Street Prison also complained that guards were immoral men. Patrick Lyon, a Philadelphian artisan who was imprisoned in the Walnut Street Prison while awaiting trial for allegedly robbing the Bank of Pennsylvania, despised his keepers. He described one of the keepers as a man “whose heart was not of the dove kind, but rather in kind, more like to a lapstone,” a flat stone that a shoemaker placed on his lap to beat leather.38 The stonehearted keeper gave Lyon a bowl of cold, “unwholesome” rice soup. When he complained, the keeper took away the soup, and Lyon suffered “twenty-four hours afterwards without a morsel.”39 He described another keeper, named Lewis, who died when Yellow Fever ravaged the prison, as a man who “did not leave too much humanity behind him.”40 The keepers’ treatment led him to believe, “the usage I received

37 Coffey, Inside Out, 22.
39 Lyon, Narrative, 21.
40 Lyon, Narrative, 22.
was worse than any prisoner.”  

He received no rewards for following the rules of the prison or for obeying his captors’ orders. Throughout his *Narrative*, Lyon bemoaned his confinement inside the “loathsome and unwholesome prison.”

Lyon and Coffey were not the only prisoners to publish books that sketched a counter-narrative to reformers’ descriptions of incarceration. Ann Carson, who was imprisoned for conspireing to kidnap the governor of Pennsylvania in hope of persuading him to pardon her lover, who had murdered her husband, also exposed terrible conditions within the Walnut Street Prison.  

Carson painted a complex portrait of the keepers. From head-keeper Kelker, she claimed, “I received every attention and kindness my situation demanded; instead of being constantly locked in my room, I was permitted to walk the prison yard, and garden appertaining to it.” Despite Kelker’s kindness, Carson described the solitary cells as “abodes of human wretchedness, that were at this period filled with miserable victims, who had given some slight offence to the sovereign lords of this *American Bastille*.” Her description suggests that despite the head-keeper’s kindness, the keepers who worked under him were petty, unjust tyrants. Instead of preparing prisoners for reentry into society as citizens, the prisons of the early nation,

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42 Lyon, *Narrative*, 58.
43 Susan Branson’s *Dangerous to Know: Women, Crime, and Notoriety in the Early Republic* (Philadelphia: University of Pennsylvania Press, 2008) is the current, definitive study of Carson, her memoir, and the world in which she lived.
according to prisoners, were “residual,” despotic institutions that kept the cruelties of old
alive in the new American republic of liberty.46

Prisoners who were not as fortunate as Carson, Lyon, and Coffey to find a public outlet for their grievances still protested incarceration. Some prisoners confined in the Walnut Street Prison wrote to Philadelphia Mayor Joseph Watson to complain of horrible treatment or to implore him for a pardon. In 1826, one prisoner, after contemplating his “unhappy and unjust” situation, decided to write Watson in hope of winning his favor and a pardon. The convict claimed he was innocent of the “crime of the most heinous matter” for which he was sentenced to the prison for eight years. The inmate did not write about horrible conditions inside the prison. Instead, he tried to win Watson’s sympathy. He wrote not of the physical trials of imprisonment, but of the emotional hardship of being separated from his “affectionate mother.” His mother, the prisoner claimed, “is miserable on my account.” Knowing that he caused the misery that his mother experienced, the convict confessed, “my mind is most distracted with grief and sorrow.” The inmate’s emotional, sympathetic tale failed to win Watson’s compassion.47

Few prisoners persuaded Watson to bestow a pardon, but that did not prevent them from continuing to write for help. Perhaps no convict was more persistent than Charles Mitchell, who may have been Ann Carson’s lover.48 In September 1825, while confined in the Arch Street Prison, a county prison in Philadelphia, Mitchell wrote to prominent Philadelphia attorney Charles Coxe. In his letter to Coxe, Mitchell said that he

46 “The residual, by definition,” writes theorist Raymond Williams, “has been effectively formed in the past, but it is still active in the cultural process, not only and often not at all as an element of the past, but as an effective element of the present.” Williams, Marxism and Literature (New York, 1977), 122.
48 Susan Branson, Carson’s biographer, writes, “Mitchell’s true calling was a counterfeiter.” Branson, Dangerous to Know, 71.
had knowledge of a large counterfeit ring that spread “spurious money” throughout Philadelphia, whose members he did not identify. He claimed to have written because it was “a duty I owed myself as well as to the Commonwealth & the public in general.” He hoped that if he acted on his “duty,” Coxe and Watson would release him from prison. In return for this outcome, he pledged that he would be “devoted to their service” for years.49

A few months later, on Christmas Eve, Mitchell addressed a letter to Watson that reiterated the claims and plan outlined in his previous letter to Coxe. Mitchell prostrated himself at Watson’s feet by admitting that he had “greatly erred.” Mitchell asked Watson to forget his past mistakes and to remember his present offer. He pled desperately, “I have no one to look to, but your Honor, and it is in your power to restore me to liberty, nay I may add to life.” 50 Mitchell saw imprisonment not only as a curtailment of liberty, but as a form of social death that cut him off from society, from his family, and from his friends.51 He was, he believed, dead to those on the outside. After all, in the antebellum United States, a white man without liberty was barely even a man.

Although he promised to expose a large counterfeiting ring, Mayor Watson refused to make a deal with Mitchell. Almost seven months later, Mitchell wrote again. In this letter, Mitchell’s tone became increasingly desperate. He knew Watson was proud of the Walnut Street Prison, which was beginning to lose the public’s support, and tried to use this pride to his advantage. Mitchell wrote that his experience in the prison had

reformed him and he pledged to live the rest of his life as an honest, law-abiding citizen. “And if a heart truly penitent for the past—disgusted with the evil of his ways, and abhorring his former associates in guilt,” Mitchell professed, “and fully and firmly resolved on pursuing such a course through life hereafter as shall make amends for the evil he has done, and by virtuous, honest and upright pursuits, use every exertion to render himself as useful.” After a few more sentences that professed his reformation, Mitchell used the language of sensibility to promise that he was not a fraud. He claimed to share “the true sentiments of my heart.” By using sentimental language, Mitchell tried to convey that he was not a criminal, but a man of feeling, like Watson.

Despite his skillful use of sentimental language, his proclamations of reformation, and his continued promise to expose the counterfeiting ring, Mitchell continued to languish in prison. He wrote another letter to Watson on November 27, 1826. In this letter, he apologized for his persistent correspondence and asked, yet again, for a pardon. This time he not only reiterated that he had information about a counterfeiting ring, but told of how he thwarted the plans of prisoners who hoped to escape from the prison. “Permit me here to state to your Honor that a deep & dangerous conspiracy, one of a more formidable & determined nature than ever before was conceived,” he related politely. According to Mitchell, the plotting prisoners hoped to take control of the prison and free every prisoner who wished to escape. The plan, Mitchell wrote, “was to be accomplish’d in the dead hour of the night, when all were lull’d in peaceful security.”

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soon as Mitchell heard the plan, he “immediately” told one of the keepers and “thus happily [the escape] was prevented.”

Mitchell’s numerous, persistent letters illustrate a complex, desperate reaction to imprisonment. He staked his whole life on the performance of his prose, on the right turns of phrase, in hope of convincing the powerful men who could decide his fate to release him from prison. Upon his initial imprisonment, he offered to expose the actions of his former associates in return for his freedom. At a time when there was not a national currency, counterfeiters and counterfeit currency proliferated throughout the United States. Counterfeiters undermined the public’s faith in the medium of commercial exchange, an exchange that was vital to the nation’s regional and national economies. Mitchell knew he had valuable information, and he thought, wrongly, that this information would procure his freedom. When information about criminals outside the prison failed to win Watson’s favor, he turned against his fellow prisoners by exposing, and consequently destroying, their escape plans. Still, even though he attempted to align himself with the powerful—the guards and Watson—he failed to win a pardon and remained incarcerated for the remainder of his sentence.

Few prisoners were as articulate as Coffey, Lyon, Carson, and Mitchell. Most convicts had to form relationships with guards or other prisoners, or stick to themselves in hope of surviving imprisonment. It was difficult not to get involved in the internal politics of the prison, because by the late 1810s both the first New York and Pennsylvania state prisons were crowded. For instance, the New York state prison had

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fifty-four, twelve by eighteen foot apartments, designed to confine eight prisoners each. The prison was to confine, at maximum occupancy, 432 prisoners. In January 1805, less than ten years after it opened, the prison confined 428 prisoners.\textsuperscript{55} Four years later, in December 1809, the prison housed 478 prisoners.\textsuperscript{56} At the end of 1812, 486 prisoners were confined inside the walls of the prison.\textsuperscript{57} By the end of 1815, 553 prisoners were crammed inside it.\textsuperscript{58} In 1816, with the nation in an economic depression following the War of 1812, the prison confined an astronomical 659 prisoners, most of whom committed property crimes, which meant that approximately twelve prisoners slept in each twelve by eighteen foot apartment (Figure Six).\textsuperscript{59} After this highpoint, the state authorized the construction of two new prisons—Auburn and Sing Sing—that helped to decrease the number of prisoners confined in the first state prison, and eventually led to its closure in 1828.

The Walnut Street Prison also became increasingly crowded during the 1810s and 1820s. As early as the fall of 1806, a Visiting Committee from the Philadelphia Society for Alleviating the Miseries of Public Prisons reported that “The convicts are so numerous and the accommodations of them so limited that twenty and sometimes more are lodged together.” The Committee believed that the crowded accommodations would endanger the prisoners’ physical and moral health, as well as threaten the operation of the prison. The crowded, congregate apartments “enabled [prisoners] to form plans of mischief to be executed within and without the prison when they or any of them are liberated.” Guards supposedly frustrated “several daring [escape] plans” that prisoners concocted inside the apartments.60

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The apartments particularly worried reformers. Although they were unable to pinpoint exactly what occurred inside them at night, they claimed, “many pernicious consequences arise” from the conversations that prisoners had before retiring to bed. They believed that conversations with “old convicts” would transform “the young and untutored offender” into a “hardened and skillful” criminal. Furthermore, first-time offenders “become worse and at length, from the lessons they receive here, become thieves & villains.”61 Although it is difficult to determine exactly what transpired in the congregate apartments, it appears that the actions of prisoners had begun to terrify reformers.

Inside the apartments of the New York State Prison, prisoners formed a community and cultivated a culture of opposition. In the twelve-by-eighteen foot rooms, prisoners shared beds, swapped stories, boasted of previous exploits, and made friends and enemies. They also sang, gambled, swore, argued about politics and other subjects, traded tobacco, and wrestled. Coffey stayed in a room with eleven other prisoners. By the light of a “dull lamp” he saw a handful of convicts engaged in “close conversation” while sitting around a “greasy table.” Others sat scattered throughout the room on benches, straw beds, and the floor.62 “Confined together, and having continual opportunities, of unrestricted conversation,” Coffey wrote, “it is natural that the convicts should consummate friendships with, and imbibe the principles of each other.”63 Coffey met a man convicted of highway robbery, who boasted he had committed “the most manly crime in the prison.” In the prisoners’ world, the most “manly” convicts had committed

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62 Coffey, Inside Out, 69, 162, 104.
63 Coffey, Inside Out, 54.
the most daring crimes. A jury convicted Coffey’s “bed fellow” of perjury. Together, they spent the night upon a bed of “filthy straw, worn nearly as fine as bran, lying in one corner of the room.”

Ann Carson, who was incarcerated in the Walnut Street Prison during the early 1820s, also described crowded conditions. She claimed that while she awaited trial, she was confined in a “twelve feet square” apartment that contained “about twenty-eight or thirty persons.” “Vermin” also infested the crowded apartment. After her conviction, she entered the crowded “women’s hall, where the sight of fifty miserable wretches of all colours and ages, spinning, clothed in the convict apparel, so shocked me that my fortitude evaporated, and mortified pride usurped its place.” Immediately upon seeing her fellow prisoners, Carson cried “a flood of tears.” She noted with irony that “the interior of this penitentiary, so celebrated for its humanity, and the wisdom manifested in its regulations,” was horrid. Keepers confined Carson in an apartment that frequently filled with “volumes of smoke” from a heating stove. The smoke, Carson grumbled, “materially injured my eyes.”

Although reformers claimed to have separated white women from black women, Carson claimed otherwise. At mealtime, she observed that women prisoners “take their scanty meals, black and white together ranged, a ‘motley group.’” Prisoners, “assembled round the dining-table, catching their meat in their fingers, and gnawing it like dogs, no knives or forks being then allowed them,” disgusted her. Carson complained about the black women confined in the prison. She called them “hypocrites” who tried

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64 Coffey, *Inside Out*, 105.
“to ingratiate themselves with the visitors, affected to feel the powers of religion to so violent a degree, that persons in the immediate vicinity were endangered by the surprising feats of agility they performed.”69 Although she found herself in a disagreeable situation, Carson would not shed the privileges of whiteness to see black women prisoners as potential allies who could help make incarceration more bearable.

Carson’s Memoirs is valuable because there are few sources that describe the lives of women in the nation’s first prisons. Inspectors and reformers rarely mentioned the presence of women prisoners. Historians have perpetuated this silence.70 Inside the New York State Prison, women composed a small percentage of the prison’s population. However, they performed valuable and arduous labor as cleaners and washerwoman. Reformation, all reformers noted, rested upon a pillar of cleanliness, and cleanliness was the goal of women’s labor.71 Some women used the mobility that accompanied cleaning to their advantage. They moved freely from the women’s section into the men’s section. They cleaned the workshops, yards, chapel, dining area, and halls of the prison. Cleaning provided women with opportunities to form relationships with male prisoners. Women prisoners, if they wished, could leverage these relationships to their advantage both while imprisoned and upon release.

Silvia Van Rantz, a twenty-six-year-old enslaved black woman, whom a New York County jury convicted of grand larceny, used the mobility that accompanied cleaning to her advantage. While cleaning the prison, she maintained a relationship with

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69 Carson, Memoirs, 67.
70 Historian and criminologist Nicole Hahn Rafter argues, “What has been ignored is both the physical presence of women in prisons and the fact that prisons themselves are gendered institutions, reflecting and reinforcing beliefs about sexual difference.” Rafter, Partial Justice: Women, Prison, and Social Control (1985; New Brunswick, NJ: Transaction Publishers, 1990), xii.
John Robertson, a twenty-six-year-old black man, whom a New York County jury also convicted of grand larceny. Van Rantz and Robertson were both convicted and sentenced on the same day and spent two years in the New York State Prison. Upon their release, they apparently left together. Van Rantz’s owner placed an advertisement in New York City’s *Mercantile Advertiser* to offer an eight-dollar reward in hope of recapturing her. The owner claimed Van Rantz wore “a dark calico gown with yellow spots and leaves, a dark homespun gown and petticoat, the last of which she received from the State Prison.” The writer speculated, “she went off with a seafaring negro man, named John Robertson, who came out of the State Prison on the same day with her.” He closed the advertisement with a warning: “All persons are cautioned against harboring or employing her at their peril.” The writer’s description of Van Rantz and Robertson, two ex-prisoners who traveled together, suggests that convicts could form and maintain important relationships that transgressed the prison’s gendered geography.

Van Rantz and Robertson did not appear in the inspectors’ reports or listed in the warden’s punishment logs. They must have obeyed most of the rules of the prison and stayed out of trouble, but they transgressed the prison’s classification system that separated men from women. Van Rantz and Robertson may have known each other before their incarceration, or they may have not. In any case, they seem to have been able to maintain a relationship that they each used to their advantage.

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72 New York State Prison of the City of New York, “Register of Prisoners Received, 1797-1810,” New York State Archives, Albany, NY.
73 *Mercantile Advertiser* (New York), Sept. 8-10, 1802.
Other prisoners attempted to befriend Reverend John Stanford, who was appointed chaplain on July 30, 1812. On December 13, 1817, prisoner Timothy Bulluegh addressed a letter of thanks to Stanford. Bulluegh thanked Stanford for encouraging him “to open” his mind and heart. Bulluegh admitted that he had “sinned greatly” and claimed, “I bent the knee to my Creator and besought his forgiveness for my manifold transgressions.” Despite the “bitter grief & jest” of his fellow prisoners, he decided to dedicate his life to God. He closed his letter with a request, “I would beg of you to visit, to comfort, and assist me, to lend me the aid of your wisdom and experience to bear my lot without murmuring or repining until it shall please God in his mercy to loosen the chains of bondage, and permit me to worship his name, in the midst of my unfortunate, and disconsolate family.”

Stanford could be a potentially powerful ally for prisoners. He tried to obtain a pardon for Diana Sellick, a “miserable woman of colour,” who was confined in New York City’s Bridewell, and later in the state prison, for allegedly poisoning her child. Unfortunately, Sellick died in the state prison of “malignant fever” before Stanford could procure the pardon. After her death, Stanford maintained that Sellick lived the life of a tragic, sentimental heroine: “The wicked act was done by instigation of a man who had

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75 December 13, 1817 letter from Timothy Bulluegh to John Stanford, in the “Thomas Naylor Stanford Papers, 1773-1860,” Rutgers University Special Collections and University Archives, New Brunswick, New Jersey.
76 January 3, 1818 letter from John Stanford to members of the New York State Legislature in the “Thomas Naylor Stanford Papers, 1773-1860,” Rutgers University Special Collections and University Archives, New Brunswick, New Jersey.
promised for marriage, and by liquor threw into a state of intoxication.”

He also helped fifteen prisoners “under professed seriousness of mind” move to a “room in which they might lodge together for the purpose of reading & prayer.”

Although some inmates respected Stanford’s opinions, others refused to listen to him. For instance, on December 9, 1818, Stanford recorded in his diary, “Preached twice in State Prison, with very little satisfaction.” Stanford also noted that when he visited the state prison on August 4, 1822, an “incident occurred that extremely Discomposed my spirits all day. Still, the Lord helped me to preach his holy & blessed word in the Chapel, morning and afternoon.” Stanford also mentioned a visit he had with a woman confined in the prison’s solitary cells because it was “unsafe to admit her with other females.” Unlike the prisoners Stanford wrote mostly about, this “miserable prisoner” refused to talk with him. He observed, “she appeared to have very little feeling, although she had been confined alone 10 months.”

The unnamed woman prisoner was not alone in rejecting Stanford’s message. In his 1824 report to the Board of Inspectors, Stanford rejoiced, “During the time of worship the unfortunate prisoners have paid that attention, and conducted with that propriety

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80 Charles Sommers, Stanford’s memoirist, demonstrates the high-esteem in which Stanford was held: in 1812, “Mr. Stanford was unanimously elected to that office by the board of Inspectors, and continued as the able and indefatigable minister of Christ in that institution until its removal from the city to Sing-Sing, in 1828.” Sommers, Memoir of the Rev. John Stanford, D.D.: Late Chaplain to the Humane and Criminal Institutions in the City of New-York (New York: Swords, Stanford, and Co., 1835), 163.


which could reasonably be expected.” Stanford also noted, however, that prisoners “more
inured to vicious habits, and hardened in iniquity, care for none of those things [religious
instruction], and therefore set with cool indifference.”

Other prisoners resisted the guards and prison officials in ways that were more
tangible. Prisoners frequently set fires in hope of escaping or disrupting the prisons’
operations. For instance, a group of men planned and perpetrated an escape from within
their apartment. Edmund Barnes, Joseph Ambler, James Stanford, William Wicker,
William Griswold, John Rosenkrantz, and one other unnamed prisoner shared an
apartment with each other. At ten PM, on Monday May 7, 1804, they decided to put their
plan into action. An assistant keeper returned Barnes, Ambler, Stanford, Wicker,
Griswold, Rosenkrantz, and the unnamed prisoner to their apartment. The men
overpowered the keeper and tied him up. One of the men, armed with a knife, stood
guard over the keeper. They “tore down a chimney used for insertion of a stove pipe, and
crept through the aperture to the garret where they set fire to the building.” Barnes,
Wicker, Ambler, and Griswold escaped. Keepers later found Rosencrantz, Stanford, and
the unnamed prisoner hiding in a cell. Apparently, Rosencrantz and Stanford hoped to
escape after the keepers extinguished the fire.

The “voluntary” testimony of the unnamed prisoner helped keepers piece together
the event. The unnamed prisoner claimed that he, Barnes, Ambler, Wicker, Griswold,
Rosenkrantz, and Stanford had spent the last week planning the escape. The convict

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84 “To the Board of Inspectors of the State Prison of New York, Southern District, City of New
York, 1824,” in “Annual Reports,” in John Stanford, “Papers, 1768-1862,” box 1, New-York Historical
Society.

85 Morning Chronicle (New York), May 9, 1804. Chronicle Express (New York), May 10, 1804.
claimed that they set fire to the prison to create a diversion that would allow them to escape undetected. The prisoner who testified got cold feet. In the garret, he told Barnes “he had done wrong.” Barnes responded by declaring, “he would perish in the flames or get his liberty.” Just like every other white American man, Barnes cherished liberty. Authorities, though, quickly recaptured him, Ambler, and Wicker. Only William Griswold escaped.86

Fires, insurrections, and escape attempts occurred regularly. After the first insurrection, politicians created a twenty-six man armed guard, modeled upon the military and commanded by the mayor. The guard lived in a barrack outside the prison.87 Despite the presence of the guard, prisoners continued to defy keepers. Beginning in 1807, visitors began to note the presence of a company of firemen assigned to the prison. The firemen, like the creation of the armed guard, were reformers’ response to prisoners’ actions.88 In 1819, the State Legislature responded to the actions of defiant prisoners by allowing keepers to flog and use leg irons and stocks to discipline prisoners.89 In addition to these reactive measures, politicians and reformers began to imagine new incarceration schemes.

In 1801, four years after the prison opened and following two prisoner insurrections, Eddy criticized the prison’s congregate cells. “Had the rooms for the prisoners been so constructed as that each should lodge but one person,” he argued, “the chance of their corrupting each other would have been diminished, and escapes would

86 Morning Chronicle (New York), May 9, 1804. Chronicle Express (New York), May 10, 1804.
89 Lewis, From Newgate to Dannemora, 45-46.
have been more difficult.”90 The actions of prisoners forced Eddy to rethink the design of the prison. They also led the Society for the Prevention of Pauperism in the City of New York’s *Report on the Penitentiary System in the United States* to declare that in the country’s prisons, prisoners formed “a distinct and independent community.” According to the report, prisoners had “their watchwords, their technical terms, their peculiar language, and their causes and objects of emulation.”91 The “infectious communication” of prisoners in the Walnut Street Prison, argued John Sergeant, turned “our” prisons into “schools of vice, where a most finished education is obtained, if we may call by that name the maturing our worst propensities by a stimulating culture.”92 Thanks to the actions of prisoners, prisons did not reform criminals, or prevent crime; they created criminals and perpetuated crime.

Reformers’ descriptions suggest that inside the early republic’s prisons, inmates had largely taken control and formed communities and cultures of opposition. According to reformers, the prisoners’ culture seduced “criminal youth.” “Vicious as may be their preconceived principles and habits,” Stanford wrote, “it cannot otherwise be expected but that both will be highly cultivated by their associating with men more expert and rooted in crime than themselves.” In hope of preventing young criminals from listening to seasoned criminals, Stanford claimed to have taken “every favourable occasion to give

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90 Eddy, *Account of the State prison or Penitentiary House*, 38. In an 1802 letter to Patrick Colquhoun (1745-1820), founder the Thames River Police, Eddy wrote, “I am clearly of opinion, that all prisons intended for the confinement of convicts for a term of years should be so constructed as that they should lodge in separate rooms; by being kept thus solitary and separate from each other, it would be more likely to produce reformation, and prevent escapes.” Samuel L. Knapp, *The Life of Thomas Eddy; Comprising an Extensive Correspondence With Many of the Most distinguished Philosophers and Philanthropists of This and Other Countries* (New York: Conner & Cooke, 1834), 180.


them my best advice.” The culture prisoners created, made him “deeply lament that the internal construction of the prison is such, as illy to admit of classification; and without this, little reformation of any kind, can be expected, while the labour of the keepers is ten fold the more heavy upon their heads.” Prisoners had used the architectural design of the first New York state prison to maintain their own distinct cultures and communities. Prisoners resisted incarceration by working to reclaim their individual identities from the clutches of the state. Or, at least to form new collective identities that thwarted prison officials’ goals.

Prisoners at the Walnut Street Prison also formed a separate culture, rebelled, tried to escape, and lit the prison on fire. By the late 1810s, many Philadelphian reformers began to view the prison as “a School for depravity, and nursery for vice, which in their opinion calls aloud for a remedy.” In late March 1820, a violent rebellion confirmed their fears. The uprising occurred in the early morning, just after guards released the prisoners from their apartments, where they may have made their plans. When escaping convicts rushed into the courtyard and made their way toward the prison’s walls, guards shot at them, killing one and wounding two. Prisoners responded by throwing “stones and brickbats” at the guards. The rebellion, one newspaper reported, was “general.” “Every man confined in the cells was released by the ringleaders,” horrified Philadelphians read, to enable them to join in the insurrection. Almost every bar inside the prison was wrenched from its proper position; all the locks of the doors and all cells were broken; and one of the doors at the southeast corner of the yard, communicating with the department for untried prisoners, was


forced opened by a large Jack used to raise stone, in order to let in about 200 men to their aid.95

After opening the door to the other half of the prison, a group of prisoners attempted to open a gate to the outside. “A large bolt,” however, latched the gate, which the prisoners could not cut. At this time, residents from the surrounding community arrived and began to shoot prisoners. A few hours later, the guard, with the help of a militia company and some Philadelphians, gained control of the prison. In the days after the uprising, many articles appeared in the pages of Philadelphia’s newspapers that criticized the prison. “The mode of [the uprising’s] inception, and the character of its progress and suppression,” a writer for The National Gazette and Literary Register observed, “argue material defectiveness in the management of the prison, and a weakness in the civil power, to remedy which measures cannot be too speedily taken.”96 The writer resigned himself to the unhappy fact that if a new prison was not built, another uprising would soon occur. The uprising demonstrated to reformers, politicians, and ordinary citizens that prisoners had taken control of the Walnut Street Prison.

Pennsylvanian reformer and soon-to-be Eastern State Penitentiary physician, Franklin Bache, complained that prisoners in the Walnut Street Prison formed relationships inside their apartments that destroyed order within the prison and often escaped its walls. Prisoners had created and maintained a cultural community inside the prison. According to Bache, the “community of offenders” possessed “similar views, feelings, interests, and even a peculiar language.” When released, he believed prisoners

95 Poulson’s American Daily Advertiser (Philadelphia), March 29, 1820. Unlike the press coverage of the 1803 rebellion at the New York State Prison, the Philadelphia press did not identify individual prisoners. This suggests that the prison population was no longer seen as composed of individuals. Instead, the population of the prison was a mass of people, categorized as abstract statistics. 96 The National Gazette and Literary Register (Philadelphia), April 5, 1820. Meranze, Laboratories of Virtue, 218-219.
used the relationships that they formed inside the prison to join a “confederacy of villains” that waged “war with society.” Bache imagined that solitary confinement would destroy “the community of criminals, united by the common ties of misfortune and crime.” He claimed that solitary confinement, by preventing prisoners from communicating with one another, would create:

a disjointed, scattered, unconnected population of offenders, without concert and without common principle of action, who, so far from having their criminal propensities fostered and confirmed by bad association, might possibly be reclaimed by the influence of the comparatively virtuous communities in which they might happened to be situated.97

Solitary confinement, Bache argued, would improve prison discipline, facilitate prisoner reform, and in turn, benefit all of society.

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The Pennsylvania Legislature made Bache’s vision a reality with the opening of the Eastern State Penitentiary in 1829. Designed to confine prisoners in solitary confinement for the length of their sentence, the Eastern State Penitentiary was a technological and architectural marvel. Despite reformers’ best intentions and architect John Haviland’s best plans, prisoners soon disrupted its disciplinary regimen of silent, solitary confinement. They communicated with one another through sewer pipes, yelled out skylights atop their cells, and drilled holes through the walls of their cells. Instead of working, they sang, painted on the walls of their cells, mutilated their bodies, and masturbated. Eastern State Penitentiary did not turn most prisoners into law-abiding citizens; it made them insane.

Just as the Pennsylvania Legislature built Eastern State Penitentiary as a reaction to the actions of prisoners confined at the Walnut Street Prison, so the New York State Legislature authorized the construction of the Auburn and Sing Sing prisons in reaction to the actions of prisoners confined in the New York State Prison. Prisoners in the first New York state prison took it over. Their actions made reformers, legislators, and members of the public view the prison, not as a place of punishment or potential reformation, but as a place where old offenders schooled the young in the criminal arts, and where men formed gangs that would later rob and murder the citizens of the state. Auburn, Sing Sing, and Clinton State Prisons were built as a response to the actions of the state’s first inmates, where reformers and politicians eventually implemented an incarceration regimen based upon solitary confinement at night, and silent congregate labor during the day. Keepers at Auburn, Sing Sing, and Clinton employed brutal, corporal punishment to enforce discipline. Reform through persuasion and example gave way to discipline through the vicious crack of the whip.

The famous New York and Pennsylvania systems of the antebellum era were conceived, planned, and built in reaction to the actions of the nation’s first state prisoners. The actions of men and women like McDonald, Carpenter, Carson, Coffey, and Lyon were critical influences on the construction of the second generation of state prisons in New York and Pennsylvania. Although historians have not examined the lives and individual actions of the prisoners confined in the nation’s first state prisons, this chapter illustrates their importance. In the next chapter, we will see how prisoners influenced life inside New York’s Auburn, Sing Sing, and Clinton State Prisons.
CHAPTER FOUR

“THIS TERRIBLE PLACE OF TORTURE”: THE PENITENTIARIES OF ANTEBELLUM NEW YORK, AUBURN, SING SING, AND CLINTON

A poem “written in a very cramped hand” by an unnamed inmate at Sing Sing State Prison appeared in the 1855 Annual Report of the Prison Association of New York. The poet “was classed as able to read and write, and looked upon by his fellow prisoners as quite a prodigy of learning.” His poem, “Prisners Sufferins,” captured life at Sing Sing through a convict’s eyes. The forced isolation and separation from others weighed on his mind: “this dungen I hav ben long / Bound down in chains of Iron / In sadness I writ this song.” The guards who whipped or tortured prisoners created an environment of stress, fear, and paranoia. “I heer the sound of human footsteps / Snekking a Long and very nere / Hes a Keeper Lurking for me / O my hart never fear.” Guards’ actions did not inspire convicts to reform themselves; they inspired hatred, vengeance, and violence. “That Keepers hart is full of vengeance / he would Like my flesh to tare / His Looks bespeak his foul intention / Tho my suferins is not fair.”

The poet captured the terror and despotic discipline of antebellum New York’s state prisons. They were violent, stressful and scary places designed in response to the actions of inmates at New York’s first state prison. The disciplinary regimens at Auburn, Sing Sing, and Clinton aimed, like an authoritarian, evangelical parent, to break the will of a prisoner, whom guards saw as child-like, destroy his identity, and force his submission. In 1831, Baptist minister Francis Wayland asserted, “The right of the parent is to command; the duty of the child is to obey. Authority belongs to the one, submission

to the other.” If Wayland replaced “parent” with “guard” and “child” with “prisoner,” he would have described the order and discipline officials at New York’s prisons hoped to maintain. Inside the state prisons, though, not all convicts submitted. Many resisted, just like the inmates at the first state prison. The convicts at the antebellum state prisons, however, faced a much stricter and more violent disciplinary regimen that was designed to prevent them from taking over, as the inmates had at the first state prison.

After the War of 1812, conditions inside the New York State Prison, in the City of New York, deteriorated as the prison became increasingly crowded. The congregate, nighttime sleep arrangements provided prisoners with constant opportunities to talk with one another and to hatch plans for rebellion. Rebellions and escapes did occur frequently. In consequence, Thomas Eddy argued that each prisoner must be confined inside “a separate room” at night, so they would not “corrupt each other” and “come out of the prison more hardened and deprived than when they entered it.” About the prison he helped create, a dejected Eddy observed in 1819, “No benefit, as it regards reformation, ever has been, or ever will be produced, unless our prisons are calculated to have separate rooms, six feet by eight feet, so as that every man can be lodged by himself.” Robert Wiltse, the Warden of Sing Sing Prison, later claimed, “Liberated felons jeered at the [first] State Prison, and denominated it their college.” The first state prison, it seemed, was beyond the point of repair.

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3 Thomas Eddy, Letter to William Roscoe (Aug. 8, 1818), in Samuel L. Knapp, *The Life of Thomas Eddy: Comprising an Extensive Correspondence with Many of the Most Distinguished Philosophers and Philanthropists of This and Other Countries* (London: Edmund Fry and Son, 1836), 211.
In hope of reducing the number of prisoners and improving the discipline at the New York State Prison, in the City of New York, the legislature authorized the construction of the Auburn State Prison, in Auburn, New York, which was incorporated as a village in 1815. After the Erie Canal opened in 1825, the population and trade of the village of Auburn, which sat about ten miles from the canal, flourished, along with the rest of western New York. The canal also provided relatively easy and inexpensive shipment of prisoner produced products to markets in New York City and elsewhere in the Atlantic World. In addition, the sheer number of young laborers, and the seasonal nature of their work, alarmed some western New Yorkers who became Sabbatarians, temperance promoters, or attendees at religious revivals, as well as founders of Sunday schools and distributors of Bibles. These citizens initially welcomed the prison and the stability it invoked. The Auburn prison received prisoners convicted in the western portion of the state. The New York State Prison, in the City of New York, would continue to receive prisoners convicted in the eastern portion of the state. It would close in 1828, after Sing Sing Prison in Ossining, New York, opened.


The moral suasion proposed by Thomas Eddy gave way to the vicious crack of the whip. Antebellum prison administrators did not believe that prisoners could be completely reformed. The best they hoped was that incarceration would teach prisoners a trade that they could practice upon their release and check their criminal propensities. In short, administrators hoped to transform criminals into self-disciplined citizen laborers. They tried to do this through the implementation of strict timetables, vicious physical violence, nighttime solitary confinement, and unrelenting hard labor, first at Auburn Prison, then Sing Sing Prison, and lastly Clinton Prison.

After ten months of construction, the Auburn State Prison opened in April 1817. It resembled the New York State Prison, in the City of New York. Auburn’s initial architectural plan had sixty-one cells designed to confine two prisoners each. For the less “hardened” offenders, the prison had twenty-eight “apartments,” each about the size of the “apartments” at the New York State Prison. Auburn’s “apartments” housed between eight and twelve prisoners apiece. As at the first state prison, prisoners at Auburn labored for the benefit of the state. Some prisoners, however, ran errands outside the prison, accompanied by a guard. Other prisoners worked as waiters and servants for the warden.\footnote{Lewis, \textit{From Newgate to Dannemora}, 58-59.}

Despite its newness, the Auburn Prison seemed to experience, at least initially, the same problems that plagued the first state prison. In their first annual report, the inspectors confessed that they had “experienced considerable difficult in maintaining that order and discipline among the prisoners.” Convicts had many opportunities to talk with and receive contraband—such as tobacco—from “mechanics” who worked to finish the prison’s workshops and exterior walls, and who, like prisoners, were members of the working poor. According to the inspectors, the mechanics “frequently prove not to be
men of the purest morals, and being collected as they are, from almost every part of the state, their reputations at the time of employment are generally unknown.” As a further hint of the prison’s troubles and its staff’s struggles, the inspectors closed their first annual report with an appeal for a militia that could respond “on the first notice of an alarm at the prison,” and for money to purchase “a fire engine, for the use of the prison.”

Conditions inside the prison did not improve during the year. In their 1819 report, the inspectors complained, “much difficulty has been experienced in maintaining that strict order and discipline, so important in an institution of this kind.” Three prisoners had escaped—authorities apprehended and returned only one to the prison. Despite escaping prisoners and the difficulty of establishing “strict order and discipline,” the inspectors remained optimistic. They thought they saw “a material improvement in the manners and morals of some of the convicts.” They pleaded for patience and perseverance. Given time, “a well regulated system of moral discipline would produce the most benign and happy effect among the convicts.”

The inspectors’ optimism did not seem justified. Two years later, in 1821, six prisoners escaped “through an old breach in the wall, where seven convicts had previously escaped.” In hope of imposing “strict order and discipline,” the legislature authorized the construction of a block of solitary cells for the “most hardened” prisoners.

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9 “Annual Report of the Inspectors of the State Prison in the Village of Auburn (1818),” in Journal of Assembly of the State of New York, Forty-Second Session (Albany, n.p., 1819), 324-326. As historian Karen Halttunen and others observe, the antebellum period was characterized by population growth and increased mobility, in which people could break from the restraints of family life and craft new identities for themselves. When personal identity was no longer fixed, many settled residents viewed newcomers with suspicion. Halttunen, Confidence Men and Painted Women: A Study of Middle-Class Culture in America, 1830-1870 (New Haven: Yale University Press, 1982), 1-32. Historian Paul E. Johnson demonstrates how civic authorities in Rochester attempted to “tame the workingmen and drifters who filled” western New York, with temperance and Sabbatarian movements. Johnson, A Shopkeeper’s Millennium, 79-94.

An accidental fire engulfed the prison’s workshops and its new wing of solitary cells. Undeterred, Warden William Brittin immediately began to build a new block of solitary cells. The block stood forty-two feet high. Its outside walls were “2 feet 8 inches thick.” In its interior, the block contained “five tiers of cells, 7 1/2 feet by 3 feet 8 inches, and 7 feet high, over each other, amounting in the whole to 165.” The cells “heavy doors,” like Hawthorne’s prison door, were “of oak plank and iron, with strong iron grates, weighing from 30 to 40 pounds, and fastened in the safest manner.” A three-foot wide, wooden gallery, ran around the interior of the block, and provided access to each cell. New York’s reformers, like those in Pennsylvania, believed that solitary confinement could be the key to maintaining discipline and order. In one of his annual messages to the state legislature, Governor De Witt Clinton proclaimed, “Solitary confinement is, next to death, the most appalling punishment which can be inflicted on a human being.”

On December 25, 1821, eighty-three of the most “hardened” prisoners moved into the solitary cells. The inspectors selected these inmates from “those guilty of the higher offences, and such as had been in prison, without much regard to their conduct since their confinement here.” According to the inspectors, the prisoners confined in solitary cells without labor, were “men of the most artful, desperate, and dangerous character.” Another group of prisoners who labored in the workshops during the day was confined in the solitary cells at night. Like Jonas Hanway, John Howard, Thomas Eddy, Benjamin Rush, and Governor Clinton, the inspectors believed that the power of solitary confinement could be the key to maintaining discipline and order.

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confinement would reform prisoners. “Let the most obdurate and guilty felons be
immured in solitary cells; let them have pure air, wholesome food, comfortable cloathing
and medical aid when necessary;” they proclaimed,

cut them off from all intercourse with men; let not the voice or face of a
friend ever cheer them; let them walk their gloomy abodes, and commune
with their corrupt hearts, and guilty consciences, in silence and brood over
the horrors of their solitude, and the enormity of their crimes, without the
hope of executive pardon.13

Prisoners confined in perpetual solitude, without work, were awoken at dawn and
forced literally to stand under the threat of punishment for the remainder of the day.
Bored prisoners aimlessly paced their cells in hope of passing the time. Solitary
confinement prevented prisoners from experiencing “every enjoyment arising from social
or kindred feelings and affections; of all knowledge of each other, the world, and their
connections with it.” Solitude “Force[d] them to reflection, and let self-tormenting guilt
harrow up the tortures of accusing conscience, keener than scorpions stings; until the
intensity of their suffering subdues their stubborn spirits, and humbles them to a realizing
sense of the enormity of their crimes.”14

The inspectors admitted, however, “But few too, have yet been discharged from
the cells, to extend a knowledge of the horrors of solitude.”15 The “horrors of solitude”
did not inspire prisoners to reform themselves; instead, it plunged many into insanity.
When guards opened the door to his cell, one prisoner rushed across the gallery and
jumped from the fourth tier of the block in an apparent attempt to kill himself. Thanks to
a pipe that broke his fall, the prisoner survived to jump another day. Another prisoner slit

13 “Annual Report of the Inspectors of the State Prison in the Village of Auburn (1821),” in
14 “Annual Report of the Inspectors of the State Prison at Auburn (1822),” in Journal of the
15 “Annual Report of the Inspectors of the State Prison at Auburn (1822),” in Journal of the
his wrists with a sharpened piece of tin. And another rammed his head into the walls of his cell until one of his eyes fell out of its socket. The desperate actions of these prisoners led Governor Robert Yates to inspect the prison in 1823. What he saw horrified him. He pardoned most of the prisoners confined in complete solitary confinement, and instructed that the remaining prisoners should labor in the workshops during the day, and be confined in solitary cells at night.\textsuperscript{16}

New York’s experiment with complete solitary confinement, without labor, was brief, but disastrous. Prisoners in perpetual seclusion went insane and their bodies deteriorated. Prison physician E.D. Tuttle explained that most of the prisoners confined in solitary were “enfeebled, and sickening with a consumptive diathesis, that would have soon become established and incurable.”\textsuperscript{17} In response, legislators and reformers instituted what became known as the Auburn System. The system was characterized by silent, congregate labor in the prison’s workshops during the day, and solitary confinement in individual cells during the night. In the antebellum United States, almost all states based their prisons upon the Auburn model, if for no other reason than that penitentiaries built along its lines were much less expensive to construct than ones like Philadelphia’s Eastern State Penitentiary, which confined prisoners inside solitary cells for the entirety of their sentence.

The Auburn Prison was not inexpensive; it cost $450,000 to build. The prison stood on a five-hundred-foot square plot of land and a two thousand foot wall ran along its perimeter (Figure Seven). The wall was thirty-feet high, and “four feet thick at its base.” Inside the boundary of its southern wall, ran a small creek. A waterwheel and shaft

\textsuperscript{16} Lewis, From Newgate to Dannemora, 69.
harnessed the creek’s water to power the machines in the workshops. By 1832, enough cells existed to provide each prisoner with his own cell for the night. Each cell, like the initial solitary cells, was seven-and-a-half feet deep, three-feet eight-inches wide, and seven-feet high. The small cells had an oak-plank floor, and two-foot thick walls. The doors of the cells were made of heavy oak and iron. Each door had an iron grate at its top. A three-foot alcove, designed to prevent prisoners from communicating with one another and to provide a space for prison officials to talk privately with convicts, stood in front of each cell. It was hoped that light and air would flow through the cell door’s iron grates; the cells did not have windows. To add extra ventilation, an outside pipe brought fresh air into each cell. Despite this, English visitor William Crawford observed, “The ventilation is … defective, and the air-pipes afford the means of communication from one cell to another.”

**Figure Seven:** View of the State Prison at Auburn, New York


Defective ventilation was just one of the many challenges new warden Elam Lynds faced in 1822, after the death of his predecessor Warden Brittin. Lynds, a veteran

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of the War of 1812, installed a system of strict, martial discipline upon a foundation of corporal violence. Deputy keeper John D. Cray, also a veteran of the War of 1812, may have developed the lockstep, one of the system’s most famous features. When convicts marched through the prison, they moved in single file with their right hand on the shoulder of the prisoner in front of them. The marching prisoners tilted their faces toward the guards who counted cadences. Guards would whip prisoners who moved their lips or attempted to communicate in any other way.\(^\text{19}\) Lynds and his staff whipped convicts who violated prison regulations with either a cat-o’-nine-tails or a rawhide. It was under the leaderships of Lynds and Cray that the Auburn System was born.

Lynds believed that a completely reformed convict was a myth. He thought, however, that ex-prisoners could “become useful citizens, having learned in prison a useful art, and contracted habits of constant labor. This is the only reform which I ever have expected to produce, and I believe it is the only one which society has a right to expect.” He hoped to transform prisoners into “useful,” law-abiding citizen laborers, by forcing them to labor together during the day, in silence, and then locking them inside solitary cells at night. “[T]heir bodies are together, but their souls are separated,” French visitors Gustave de Beaumont and Alexis de Tocqueville observed, “it is not the solitude of the body, which is important, but that of the mind.”\(^\text{20}\)

Lynds’s view of prisoners resembled how some evangelical-protestant parents viewed their children. Lynds battled to break prisoners’ wills, and aimed at nothing less than acquiring their unconditional surrender and submission. After talking with Lynds for “several hours,” Beaumont and Tocqueville wrote, “Mr. Elam Lynds constantly returned

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\(^\text{19}\) Lewis, *From Newgate to Dannemora*, 93.
to this point—that it was necessary to begin with curbing the spirit of the prisoner, and convincing him of his weakness. This point attained, every thing becomes easy, whatever may be the construction of the prison, or the place of labor.”

Lynds’s goal, then, was aimed at a larger target than prisoners; he aimed at society itself. Most prisoners at Auburn came from broken homes, could not read or write, never attended Sunday school, and occasionally drank alcohol to excess. These damaged, debilitated, and failed men fell through the cracks of an individualistic society. By working together but separated by silence and from signaling or looking at one another, and confined to solitary cells at night, Lynds hoped to make each prisoner into a “useful citizen,” which he described as “a silent and insulated working machine.” Of the prisoners who worked in the workshops, Beaumont and Tocqueville observed, “they are really isolated, though no wall separates them.” The “silent and insulated working machine” that Lynds envisioned, resembled Rush’s dream of a “republican machine,” and sounded eerily similar to Tocqueville’s description of a citizen living under a hypothetical despotic regime, which he sketched in a chapter of Democracy in America entitled, “What Sort of Despotism Democratic Nations Have to Fear”:

Each of them, living apart, is almost unaware of the destiny of the rest. His children and personal friends are for him the whole of the human race; as for the remainder of his fellow citizens, he stands alongside them but does not see them; he touches them without feeling them; he exists only in himself and for himself; if he still retains his family circle, at any rate he may be said to have lost his country.

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22 Quoted in Lewis, From Newgate to Dannemora, 88.
Lynds’s despotic prison regimen attempted to mold submissive prisoners whom he hoped would become docile and “useful” citizen laborers upon release.

The prison regimen at Auburn had the same goal as Tocqueville’s creeping despotism of democracy; it aimed to create “nothing more than a flock of timid and hardworking animals with the government as shepherd.” The penitentiaries of antebellum New York, with their violence, forced labor, and solitary confinement, might be seen as laboratories of despotic governance, situated within a republic of liberty. The penitentiary regimen, like “the ruling power” of despotism:

having taken each citizen one by one into its powerful grasp and having molded him to its own liking, spreads its arms over the whole of society, covering the surface of social life with a network of petty, complicated, detailed, and uniform rules through which even the most original minds and the most energetic spirits cannot reach the light in order to rise above the crowd.

Lynds hoped that prisoners, who were equals before the lash, would have their wills broken. Similarly, the power of a despotic regime “inhibits, represses, drains, snuffs out, dulls so much effort” that it equally reduced each citizen into a docile, complacent, and child-like object.25 The penitentiary regimen, then, was despotism aimed, ironically, at preparing prisoners to exercise liberty and participate in American democracy.

As soon as a prisoner arrived at the prison, he felt the brunt of its despotic discipline. A prisoner who arrived in shackles had “his irons knocked off by one of the convicts.” Sometimes the sledgehammer-swinging convict missed the irons and struck the incoming prisoner. Next, barbers shaved his face, or plucked out his whiskers, and

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gave him a “close” haircut. Guards then ordered prisoners to bathe. After a shave, haircut, and bath, prisoners put on their black-and-white striped prison uniform for the first time. If prisoners were lucky, the uniform was new. Most often, however, the uniform stunk of its previous wearer, fitted poorly, and was tattered and patched. Guards then recorded each prisoner’s physical description, place of birth, race, occupation, and date of conviction in the prison register. Next, guards told prisoners what would be expected from them and the regulations of the prison. Guards then assigned prisoners to one of the trades in the prison’s workshops.

At the conclusion of the intake ceremony, the warden addressed the new prisoners. Warden Gershom Powers (who had replaced Lynds after he departed with a group of prisoners to build Sing Sing Prison in 1825) informed incoming prisoners that they “exhibit a sad picture of human degradation.” Powers told them that they had committed crimes because they associated with bad people, indulged in evil passions, and were idle. Since they “violated the laws” of their country and “offended” God, they must “forfeit” their “liberty.” It was their own fault that they “appear[ed] in culprit robes, doomed to the gloomy solitude of a prisoner, where the smiles of kindred and friends can never cheer your dreary abode.” He instructed prisoners to “weep” not just for themselves, but to cry over the “suffering” and disgrace that their families experienced on account of their crimes. He reminded convicts that in days of old, they could have been executed or mutilated. They should be grateful, then, to be incarcerated. Inside the prison they could acquire “regular, temperate and industrious habits,” learn “a useful trade,”

26 One Who Knows, A Peep into the State Prison at Auburn, N.Y. (Auburn, NY?: Printed and Published for the Author, 1839), 11.
27 Lewis, From Newgate to Dannemora, 113.
submit “to the laws,” subdue “evil passions,” and receive “moral and religious
instruction.” He told prisoners to be obedient. Upon release, an obedient prisoner “will
return to your friends and to society with correct views and good resolutions, and then
friends and society will receive you again with open arms.” At the conclusion of his
speech, Powers articulated the ethos of individualism that permeated antebellum
America—note his repeated use of “you” and “your”: “You are to be literally buried from
the world: but when you again return to it, the fault will be entirely your own, if you do
not acquire for yourself a new reputation, become a blessing to your friends and to
society, and exemplify the power of deep repentance and thorough reform.”

The speeches that other wardens delivered to incoming prisoners remained
consistent over time. They focused on the mental and physical suffering of individual
convicts. They saw crime as springing from a prisoner’s individual choices and failures.
In the mid-1830s, Warden Levi Lewis reinforced these ideas when he told prisoners that
if they violated the rules of the prison, guards would discipline them immediately. “This
place is meant as a punishment of the mind,” Lewis thundered, “but if you do not
conform to the rules laid down by myself or the keeper of your shop; we have the power
of punishing very severely, even to the taking of life.”

The statistical tables that appeared at the conclusion of yearly inspectors’ reports
paint a general portrait of the prisoners who heard the wardens’ speeches. They were
overwhelming white. In 1818, ninety-two out of the ninety-seven prisoners who arrived
at the prison were white. Of the white prisoners, only one was a woman. Almost half of
the prisoners were born in New York State, and only a handful of convicts were born

30 One Who Knows, A Peep into the State Prison at Auburn, 12.
outside the United States. The majority of convicts committed nonviolent property crimes, such as grand larceny and forgery. In 1818, these two crimes alone accounted for the sentences of 62.3 percent of prisoners. This statistical portrait of young, white men who committed property crimes would remain relatively unchanged for the next fifty years.31

Practitioners of the budding pseudo-science of phrenology also assessed prisoners, examining their faces and heads. “Phrenology treats of the faculties of the Human Mind, and of the organs by means of which they manifest themselves,” prominent British phrenologist George Combe explained, “but it does not enable us to predict actions.”32 When he visited Auburn in 1839, Combe did not need to predict actions; he knew that the convicts were criminals—after all, they were imprisoned. “Their heads presented the usual development of criminals,” Combe observed confidently, “deficiency of size in many, deficiency of the moral organs in the great majority, deficiency of intellect in many, with large organs of the propensities in nearly all.” Prisoners’ faces and heads clearly indicated that they should be incarcerated. In the prison hospital, Combe encountered a man who “had voluntarily chopped off his left hand.” When Combe’s companion, Governor William Seward, who was also a prison reformer, asked the convict why, the man replied, “Because it had offended against God and man, and it was borne in upon me, that I cut it off, as commanded by the Scripture, God would forgive me, and man also.” This prisoner, it seems, despite a “deficiency of the moral organs” and “deficiency of intellect,” internalized the wardens’ messages: he

sacrificed his hand in hope of receiving forgiveness for his sins and the sins of the world.\footnote{Combe, \textit{Notes on the United States of America During a Phrenological Visit, in 1838-9-40, in Two Volumes, Vol. II} (Philadelphia: Carey and Hart, 1841), 72.}

Combe only wrote about male prisoners. The statistics suggest that few women were incarcerated inside the Auburn Prison. In his first report to the legislature, Warden William Brittin wrote, “few women are ever to be expected” at the prison. He encouraged the legislature to pass an act that would sentence all convicted women to the State Prison in New York City. In 1820, at the time of his report’s submission, there were only three women confined at Auburn, two were white and one was black. Brittin did not get his way. There were always a few women convicts at Auburn. In 1827, the prison received seven white women and three black women. During the first twenty years of operation, the prison received 3,257 prisoners, of whom only 116, or 3.56 percent, were women.\footnote{“Annual Report of the Inspectors of the Auburn State Prison (1846),” in \textit{Documents of Senate of the State of New York, Vol. I} (Albany, 1847).}

By 1835, women prisoners were under the supervision of a matron, “in the old apartments in the south wing” of the prison. The matron read prayers and Bible passages to the women daily. She also kept them on a strict timetable. They arose at dawn, and after breakfast, began work as seamstresses. They produced and mended all the clothing worn by prisoners: coats, vests, hats, and pants made of cotton and wool, cotton shirts, and woolen socks. The women also made the prisoners’ woolen blankets and other bedding items. Unlike men, guards were not supposed to whip or beat women prisoners. Instead, “As an extreme punishment some of the women have been tied down in their rooms.” Guard Ebenezer Cobb, however, flogged prisoner Rachel Welch to death. In
addition, women prisoners supposedly never went out “into the open air for exercise at any time,” they did, however.35

Men prisoners went outside for exercise but they too endured a strict timetable. In the summer, they worked in the workshops from half-past five in the morning until six in the evening. During the winter, when the days were shorter, they worked less hours. Although some prisoners may have enjoyed working fewer hours, it meant that they spent the remainder of their time locked inside cramped, solitary cells.

As at other prisons, the factories of the north, and the plantations of the south, bells divided the days into temporal segments. Prisoners arose to the sound of a ringing bell. At the sound of another bell, guards opened the doors to their cells. Prisoners emerged with their “night-tub, water-can, and provision-kit.” In single file, with eyes cast down to the ground, they marched silently, in lockstep, through the washroom, where they dropped off the provision-kit. Next, they dumped the contents of their night-tub, and washed urine and excrement from its interior. They left their night-tubs in a neat line so they could be easily retrieved at the end of the day. From there, they marched to the workshops to work for an hour or two before breakfast. When it was time for breakfast, another bell rang, signaling the keepers to line-up the prisoners. Prisoners then marched to their assigned seat in the mess-hall, and stood until all prisoners had arrived. Then, at the sound of a bell, they sat and began to eat. To prevent prisoners from exchanging looks or signs, they all sat facing the same direction, on the same side of narrow tables. If a prisoner wanted more food, he raised his left hand to receive an extra portion. If a prisoner was full, he raised his right hand. If a full prisoner had excess food, waiters

distributed it to other hungry prisoners. The same eating routine would occur at dinner, which was normally served at noon. In the evening, after a long day of work, prisoners picked-up their suppers on the way back to their cells.\textsuperscript{36}

The food prisoners ate was purchased under a contract secured by the warden, and cooked by prisoners assigned to work in the kitchen. The rations for each meal included ten ounces of pork or sixteen ounces of beef, 10 ounces of finely grounded wheat flour, twelve ounces of Indian meal, and half a gill of molasses. In addition, cooks used two quarts of rye-coffee, four quarts of salt, four quarts of vinegar, one-and-a-half ounce of pepper, and two-and-a-half bushels of potatoes, for every one hundred meals. It cost little more than five cents to feed a prisoner for the day. “From these provisions the prisoners are supplied in the morning with cold meat, bread, a slice of cold hominy, hot potatoes, and a pint of hot rye-coffee, sweetened with molasses,” Crawford reported. “For dinner they have meat, soup made from the broth thickened with Indian meal, bread, and potatoes.” Although the meals were considered wholesome, they were far from attractive. One prisoner claimed to “have frequently seen a pig’s ear, badly cleansed with hair sticking to it, served out as a ration for a hungry man’s dinner.”\textsuperscript{37}

Prisoners ate dinner inside their solitary cells. They spent the whole night inside the cramped and dimly lit cells. At night, patrolling guards wore moccasins and “consequently move so silently that a prisoner knows not but that the officer may be at the cell door.” The alcove in front of each prisoner’s cell “acts as a sounding gallery, and a watchmen in the open area below can hear any noise from a distant cell in the upper


story although he may be unable to detect the offender” (Figure Eight).38 Although Auburn was not modeled upon British theorist Jeremy Bentham’s panopticon, secret passages, hidden peepholes, and moccasins allowed guards to move silently through the prison and watch convicts whom never really knew when they were being observed.39 Tocqueville and Beaumont observed that at night, “the silence within these vast walls, which contain so many prisoners, is that of death.”40

**Figure Eight: Exterior of a Convict’s Cell**

![Image of an exterior view of a convict's cell]

**Source:** “Torture and Homicide in an American Prison,” *Harper’s Weekly* (Dec. 18, 1858), 809.

Just because prisoners were silent, did not mean they were not busy inside their cells. Some were figuring-out how to communicate with their neighbors. Others may

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have been hatching escape and rebellion plots. Still other prisoners, like those at Pennsylvania’s Eastern State Penitentiary, masturbated. “Its existence is very marked at Auburn, and is doubtless one exciting cause of much of the insanity which has prevailed there,” wrote investigators from the New York Prison Association. 41 In his 1840 report, prison physician Erastus Humphreys attributed one case of insanity to masturbation. According to Humphreys, prisoners “thought that they must, for their health’s sake, indulge the practice, and were astonished when informed, by us for the first time, how injurious it was.”42

On Sundays, when the chaplain preached and visited, prisoners probably heard warnings about the dangers of masturbation. The chaplain also encouraged prisoners to repent and reform. The first paid, fulltime chaplain to work at the prison arrived during the tenure of Warden Powers. Powers believed that chaplains created “better convicts, and whenever restored to their liberty, better citizens.”43

Auburn’s first chaplain was Congregationalist minister Jared Curtis. Curtis began work at the prison in November 1825. He was born in Stockbridge, Massachusetts, and paid by the Boston Prison Discipline Society. He established a Sabbath school, preached on Sundays, and interviewed prisoners.44 “The Chaplain is, I fear,” wrote one prisoner, “too much taken up with his worldly affairs to pay that attention to his flock he ought to do; he seldom visits the men at their cell doors, except on Sundays, and then but few are

gratified by his conversations or precepts.”45 There were not enough hours on a Sunday for Curtis to visit all prisoners. Crawford claimed, “The chaplain assured me that having as many as 680 convicts under his charge he could not, with every exertion, complete the task of visiting them, going from cell to cell, under a period of three months.”46

On days other than Sunday, prisoners labored in the prison workshops. Behind the walls of each workshop, ran a narrow hallway. Through tiny peepholes in the wall, “the operation of the convicts can at all times be conveniently inspected, without exciting observation.” Tourists who paid twenty-five cents to visit the prison often watched prisoners through these peepholes.47 “We have often espied from this gallery the conduct of the prisoners,” Beaumont and Tocqueville wrote, “whom we did not detect a single time in a breach of discipline.”48 Prisoners worked as stonecutters, blacksmiths, carpenters, toolmakers, weavers, tailors, shoemakers, and even silk cultivators. “The labour performed in the Auburn Penitentiary is considerable,” Crawford exclaimed.49

While at work, prisoners could not speak to other prisoners. They worked silently, with “downcast eyes.” When a guard caught a prisoner looking away from his work or communicating with another prisoner, “he is flogged by the overseer with a whip (a ‘cat’ or ‘cow-hide’), in the presence of his associates. The correction is certain and immediate”—just as Beccaria had instructed.50 Nonetheless, Pennsylvania prison reformer Frederick A. Packard claimed that he was told, “prisoners very generally knew each other’s names, residence, crimes, sentences, and even the courts by which they were

45 One Who Knows, A Peep into the State Prison at Auburn, 54.
47 Crawford, Report on the Penitentiaries, 16.
Employees of businessmen who contracted prison labor, oversaw convict laborers, and could encourage keepers to assault prisoners who did not meet daily work quotas. According to an ex-prisoner, the weaver’s shop was the setting for “scenes of bloodshed” that were “beyond calculation.”

By all accounts, the corporal punishment inflicted upon prisoners was severe. As we have seen, guards initially wielded the cat and the rawhide. The cat had a large rawhide handle to which six to eight thin, but heavy, eighteen to twenty inch pieces of rawhide were attached. The cat was designed “so that each thong shall fall singly upon the sufferer’s back and makes a corresponding abrasure of the skin.” The rawhide on the other hand was a leather whip. Like overseers on southern plantations, when guards selected a prisoner to punish, they ordered the victim to strip off his clothes immediately, often in front of other prisoners. If he stripped too slowly, guards ordered his fellow prisoners to assist. The guard whipped the naked prisoner “before all the men in his shop.” Some keepers were experts. They knew the exact distance to stand from their target and the way to flick their wrists to inflict maximum pain. “I have seen men’s backs so cut to pieces from the neck down to the calve of the legs, that it would have been difficult to find a piece of sound skin larger than a sixpences,” wrote an ex-prisoner.

Despite the testimony of ex-prisoners, historian W. David Lewis cautions, “one should not overestimate the amount of brutality which appeared in the normal course of operations at Auburn.” The prison’s “Daily Punishment Reports” suggest otherwise. In
December 1836, guards lashed forty-two prisoners 258 times with the cat. On January 18, 1837, two prisoners were whipped. A prisoner named Jackson received “six stripes with the cat for giving away a portion of meat.” A prisoner named Doz was whipped “for laziness & singing so as to be heard for some time.” In February 1837, one prisoner was whipped six times “for talking and laughing.” Two others were whipped ten times “for talking and lying.” And another prisoner was whipped eight times “for stealing a pencil and lying about it.” Prisoners, it seems, often tried to lie their way out of punishment; most often, the lie provided justification for the infliction of even more stripes with the cat. A guard punished a prisoner named Martin “six stripes with the cat for carrying chalk into his cell & writing in his book.”55 Auburn’s daily discipline was based on violence, intimidation, and humiliation (see Table Three). No wonder one former prisoner called it a “terrible place of torture.”56

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The whipping statistics suggest that guards inflicted direct and pointed punishment upon particular prisoners. In December 1837, 60 of the prison’s 652 convicts, or 9.20 percent, were whipped. On average, whipped prisoners received 5.63 lashes per whipping. Compared with enslaved laborers at Bennet H. Barrow’s Louisiana cotton

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plantation, fewer prisoners were whipped at Auburn. Still, like the overseers at Barrow’s plantation, guards employed violence in hope of obtaining convicts’ submission.\textsuperscript{57} Although not all inmates were whipped, all convicts witnessed whippings. Physical violence had little to do with labor, the average number of lashes and the number of prisoners lashed remained consistent throughout the year, even during the winter months when work inside the shops slowed. Whipping, then, was about breaking down prisoners to ensure that guards maintained dominance. Guards’ use of physical punishment created a violent, stressful, and terrifying environment in which some prisoners broke down and submitted, while others fought back. All prisoners just hoped to survive until the end of their sentences.\textsuperscript{58}

Discipline at Sing Sing was even more brutal. Under Lynds’s supervision, approximately one-hundred convicts from Auburn, reinforced by prisoners from the State Prison in New York City, began to build the Sing Sing State Prison in Ossining, New York, in 1825. On arrival, prisoners, under the supervision of armed guards, built a makeshift barrack. Then they began to use the marble in the surrounding quarries to build


\textsuperscript{58} Despite antebellum campaigns against corporal punishment, prisoners continued to endure physical tortures. Myra C. Glenn, \textit{Campaigns Against Corporal Punishment: Prisoners, Sailors, Women, and Children in Antebellum America} (Albany: State University of New York Press, 1984). In a sense, historians can read memoirs written by ex-prisoners alongside slave narratives. Like slaves, prisoners catalogued atrocities, described physical and emotional hardships, and attempted to elicit sympathy. Convicts, however, did not win the public’s sympathy. By and large, the public thought inmates received the punishment that they deserved. See Halttunen, “Humanitarianism and the Pornography of Pain in Anglo-American Culture,” \textit{American Historical Review} 100 (April 1995), 303-334; and Elizabeth B. Clark, “‘The Sacred Rights of the Weak’: Pain, Sympathy, and the Culture of Individual Rights in Antebellum America,” \textit{Journal of American History} 82 (Sept. 1995), 463-493.
the prison’s main structures. After Eddy visited the prison while it was under construction, he claimed that its plan was, “in my opinion, the best in the world.”

When completed in 1828, the prison sat on a five hundred seventy-two foot square piece of land near marble quarries along the Hudson River, about thirty-eight miles north of New York City. On the eastern portion of the prison’s property, the convicts built a large five-story building. The building contained 1,000 cells that each had three-foot thick walls. Each cell, like those at Auburn, was seven feet deep, seven feet tall, and three feet six-inches wide. Ventilation pipes that ran from four stoves, placed equidistance apart, heated the building. The doors of the cells were made of iron. At the top of each door was an iron grate that allowed keepers to look inside the cells. Unlike at Auburn, there was not an alcove in front of the cell doors. The doors were in a straight line, which allowed guards to lock as many as fifty cells at once with a long bolt or latch. Inside each cell was a wooden bedstead, three blankets, a tin cup and spoon, a small cup of vinegar, and a Bible. Unlike most prisons, Sing Sing did not have an exterior wall until 1877, so for about the the next fifty years, guards shot prisoners who tried to escape.

When a prisoner arrived at Sing Sing, he was “stripped of his clothes, and clad in the uniform of the prison.” His hair was cut, face shaved, and body bathed. According to former prisoner Levi S. Burr, “the barber pleases his keeper best, when he makes the subject appear the worst; consequently, his head is often so much disfigured by clips and gashes in his hair, that he would hardly be known by an acquaintance.” Guards also recorded biographical information about each prisoner into the prison’s register.

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59 Knapp, Life of Thomas Eddy, 237.
61 Levi S. Burr, A Voice from Sing Sing, Giving a General Description of the State Prison, A Short and Comprehensive Geological History of the Quality of the Stone of the Quarries; and a Synopsis of the Horrid Treatment of the Convicts in that Prison (Albany: n.p., 1833), 19.
Prisoners then listened to a speech by the warden and were assigned a cell and work detail.

The prisoners at Sing Sing resembled prisoners elsewhere. A statistical snapshot, taken on September 30, 1845, provides a general portrait of the prison population. They were overwhelmingly poor men—women were confined inside a separate “female prison.” 42.53 percent of the 797 prisoners were in their twenties. They were predominately American-born whites. Significantly, though, unlike at Auburn, a quarter of Sing Sing’s prisoners were black. Most committed crimes against property and were convicted in New York City. Many prisoners blamed “intemperance” and “evil associations” for their imprisonment. 20.89 percent of prisoners, however, claimed that they were innocent. Unlike Auburn’s prisoners, most convicts at Sing Sing could read and write, and had received religious education as children, although the parents of 290 convicts were dead.62

According to visitors, conditions inside Sing Sing’s small cells were no better than conditions inside Auburn’s cells. Crawford claimed that Sing Sing’s cells “appeared to me to be deficient in ventilation: they had a close and offensive smell.” In addition, “The floor is damp in wet weather.”63 Still, prisoners tried to make their tiny cells their homes. Chaplain John Luckey recalled seeing one prisoner who “suspended” his Bible “by cords, from the top of his cell, in such a manner as to be constantly open; so that,

when in his cell, he had nothing to do but cast his eyes upon its sacred pages in order to peruse it.”  

As at Auburn and the other state prisons throughout the nation, prisoners at Sing Sing worked every day but Sunday. “The whole system of the Prison government is based on great watchfulness and coercion, and conducted like an extensive manufactory,” wrote John Neilson, a Canadian prison reformer. Prisoners dug marble in the quarries and worked as locksmiths, blacksmiths, coopers, weavers, tailors, hatters, stonecutters, shoemakers, and waiters. “[T]he better behaved and less dangerous convicts work in the quarries,” while the “higher classes of criminals are kept at labour in the shops.” Sing Sing prisoners followed the same strict, regimented timetable as the prisoners at Auburn. They arose at sunrise to work a few hours before breakfast, which they ate inside their cells. Then they marched back to their work areas until it was time for dinner in the evening. After prisoners returned to their cells, they received dinner from waiters or a rotating contraption that dispensed containers of food to the cells.  

According to observers, when the feeding contraption pushed the containers into the cells, food often spilled. The spilled food attracted mice, rats, and other vermin. Surely, the unsanitary conditions debilitated prisoners’ health; however, some prisoners welcomed mice and rats into their otherwise lonely, solitary cell. One anonymous prisoner wrote a poem entitled, “The Prisoner and His Mouse.” Although it is unclear if this prisoner was at Sing Sing, or the Massachusetts State Prison, the poem captures the

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joy a prisoner might show toward any companion, even a rodent. Upon first seeing the mouse, the convict “pitied thy weakness; it told me of mine / And on whose kind will all our blessings depend.” In time, the lonely inmate became attached to the mouse; it was the only friend who had not forsaken him. “For thou wert my friend, when all others beside / Turned coldly away, with fear and distrust, / Thou half seemed to love me, and learn to confide; / And came to me daily, and shared in my crust.” By the end of the poem, however, the mouse disappeared just like all the prisoner’s other friends. “I’m lonesome without thee, poor innocent one, / Thy presence oft brightened my solitude’s cell, / But since thou has left me, ’tis gloomy and lone.”

To relieve the gloomy loneliness of their solitary cells, prisoners often devised ways to communicate with one another. Because the cells did not have an alcove in front of them, like those at Auburn, prisoners could easily converse with fellow convicts confined in adjoining cells. They also used chalk and pencils to write notes that they tossed from cell-to-cell down the block. In a footnote to their 1846 report, investigators from the New York Prison Association reported, “We have been assured by an adroit rogue in the Sing Sing Prison, that he could at all times send a message to an acquaintance and get an answer in twelve hours; and that to an entire stranger, whom he had never seen, and who had just been committed, he could do the same thing in three days.”

Even under the prison’s strict regime of vicious corporal punishment, prisoners attempted to communicate with one another in hope of relieving the daily drudgery of incarceration.

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67 Voices From Prison: Being a Selection of Poetry from Various Prisoners, Written Within the Cell (Boston: C. and J.M. Spear, 1847), 42.
Lynds remained in charge of the institution until the fall of 1830. Although cleared of embezzlement by an investigation in 1828, Lynds resigned as warden on October 30, 1830. His protégé, Robert Wiltse, served as Warden for the remainder of the decade. Wiltse, like Lynds, believed that “the best prison, is that which the inmates find the worst.”

During Wiltse’s tenure as warden, keepers mercilessly beat prisoners with clubs and heavy sticks. Some guards punched prisoners and kicked them to the ground. During the 1830s, physical violence was an everyday occurrence inside the prison.

Like his mentor, Wiltse did not believe in convicts’ reformation. Society could only beat prisoners into submission. “They must be made to submit to its rules, and this by the most energetic means; corporeal punishment for transgression, which is to be effectual must be certain, and inflicted with as little delay as possible; ‘quick as thunder follows the lightning, should punishment follow the offence.’” Wiltse’s argument echoed earlier criminal law reformers, who argued that public punishments were inefficient, because they were not certain. These earlier reformers, of course, replaced public punishments with incarceration. Wiltse, on the other hand, argued for immediate, public physical punishments within the walls of the prison. He thought like Lynds, who was influenced by Beccaria: “It is not so much the actual pain inflicted as the certainty of its exercise, which produces the effect.” A convict who was whipped, or watched others whipped, Wiltse reasoned, “fears to transgress, sensible as he is of the scrutinizing eyes of his keepers, who are almost certain to detect him, and conscious of the certainty with

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69 Lewis, *From Newgate to Dannemora*, 149, 142.
which punishment will follow if detected.”  

Guards may have been so vicious because they were afraid of prisoners. Guards were few and prisoners were many. When Beaumont and Tocqueville visited Sing Sing, they saw “nine hundred criminals watched by thirty keepers, work free in the midst of an open field, without a chain fettering their feet or hands.” Guards used violence and intimidation because their lives depended on it, the French officials suggested. Unlike prisoners, guards had the power of uncontrolled communication on their side, and could “act in concert” to discipline prisoners or putdown rebellions. Prisoners, who were “separated from each other, by silence, have, in spite of their numerical force, all the weakness of isolation.” Guards viciously beat prisoners who attempted to transcend “the weakness of isolation.”

Unsurprisingly, prisoners thought that most guards were tyrants who enforced a despotic regimen. Prisoner Levi S. Burr denounced Sing Sing as “a Cat-o-cracy and Cudgel-o-cracy.” He alleged that since no one oversaw the actions of keepers, they became “Autocrats.” The prisoners suffered greatly because “there is no eye to pity, no tongue to tell, no heart to feel, or will or power to oppose.” Burr claimed to have watched a guard whip a prisoner 133 times with the cat. The prisoner could barely stand, Burr recalled, “and while the afflicted subject was begging upon his knees, and crying and writhing under the lacerations, that tore his skin to pieces from his back, the deputy keeper approached, and gave him a blow across the mouth with his cane, that caused the

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71 Beaumont and Tocqueville, On the Penitentiary System, 60.
blood to flow profusely.”72 Sing Sing was not a “laboratory of virtue,” but a laboratory of despotism.

Upon his release, prisoner James Brice chronicled the prison’s almost never-ending cycle of violence. “If you could but once witness a state prison flogging,” Brice wrote; “The victim is stripped naked and beaten with a cruel instrument of torture called a cat, from neck to his heels, until as raw as a piece of beef.” He saw ghost-like prisoners who had mutilated and infected backs that “smelled of putrefaction.”73 Ex-prisoner Horace Lane’s narrative that featured a conversation between an Auburn prisoner and a Sing Sing prisoner corroborated the claims made by Burr and Brice. While the Auburn prisoner claimed he was justly treated, the Sing Sing prisoner said, “There were so many heads cut open, and so many bloody faces, when spectators came along, that I suppose they got ashamed of it.” The Sing Sing prisoner claimed, “I got my head cut shockingly, twice.” The Sing Sing prisoner reported further that one “keeper would come and give me five or six raps with his cudgel every half hour, says he, ‘I’ll learn you how to act the old soldier.’” It is little wonder that the Sing Sing prisoner confessed, “I could not help but cry almost all the time, and the more I cried, the more they beat me.”74

Some prisoners attempted to resist keepers by fighting back. In 1855, prisoners attacked a keeper in the workshops, and another who rushed upon the keepers in the quarry with a crowbar, was shot dead. Three years later, four prisoners attempted to escape. Two were shot dead, one was clubbed to death, and the other one was

72 Levi S. Burr, *A Voice From Sing Sing*, 16-17.
74 Horace Lane, *Five Years in State’s Prison; or, Interesting Truths, Showing the Manner of Discipline in the State Prison at Sing Sing and Auburn. Exhibiting the great Contrast Between the Two Institutions, in the Treatment of the Unhappy Inmates; Represented in a Dialogue Between Sing Sing and Auburn* (New York: Luther Pratt and Sons, 1835), 13, 12.
recaptured. Others killed themselves or mutilated their bodies. Chaplain Jonathan Dickerson testified that a prisoner named Little whom “frequently made a noise in his cell by singing, praying, speaking, and lamenting his sad condition … was frequently and severely flogged.” To escape these unprovoked beatings, Little threw himself into the Hudson River and drowned.

During the 1840s, state legislators and reformers attempted unsuccessfully to bring humanity back into the prisons of the state. Responding to inmate murders, debilitated ex-convicts who committed crimes, and perhaps influenced by other antebellum reform movements against the corporal punishment of sailors, women, and children, officials began to think that some prisoners might be redeemable. They introduced and made more of an effort to maintain prison libraries and Sunday schools. Guards allowed prisoners to visit face-to-face with their relatives for the first time. In addition, legislators began to limit the infliction of the lash upon convicts’ bodies. Other tortures, such as the shower bath, the pulleys, the yoke, the crown, and bucking quickly entered the prisons (Figure Nine). These tortures, unlike the cat and the rawhide, left little physical evidence of abuse upon convicts’ bodies. Likewise, the rotten food, small cells, lockstep, violence, and demanding labor routine remained.

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75 Lewis, From Newgate to Dannemora, 273-274.
77 See for example the arguments William Seward used in his defenses of Auburn prisoner Henry Wyatt who killed fellow inmate James Gordon, and of William Freeman, an ex-convict at Auburn who murdered almost all the members of the Van Nest family in 1846. Seward argued that Wyatt and Freeman “suffered from moral insanity, a form of mental illness that affected the emotions while leaving the intellect in many cases undisturbed,” a form of mental illness that, in Seward’s mind, Auburn’s disciplinary regimen produced. See Andrew W. Arpey, The William Freeman Murder Trial, 2; and Earl Conrad, Mr. Seward for the Defense (New York: Rinehart, 1956). See also, Glenn, Campaigns Against Corporal Punishment.
78 Lewis, From Newgate to Dannemora, 210-211.
In 1844, the state legislature authorized the construction of Clinton State Prison, near what became the Village of Dannemora in the extreme north of the state. Legislators selected the spot after reading inventor Ransom Cook’s survey of the ore deposits in the Adirondack Mountains. Cook and others expected prisoners to mine ore, which they would refine into iron for use in the manufacture of a variety of products. In addition, the mining of ore meant that the labor of prisoners at Clinton would not compete with the products produced by the state’s mechanics and workingmen, who protested goods produced by prisoners at Auburn and Sing Sing. Once Clinton was built, Cook served as its first warden.

The rugged, northern environment prevented Cook from gathering all the supplies he needed to mine and refine ore. According to Lewis, Cook could not acquire the “mining, smelting, and forging” machinery that would boost prisoners’ production.
Furthermore, during the 1840s and 1850s, the Adirondack iron industry struggled, and
the state paid high rents for prisoners to work the land. In his 1860 address to the state
legislature, Governor Edwin D. Morgan complained, “The disproportionate cost, of
maintaining the prison at Dannemora, in Clinton county, shows that its original design
and location was an error.” Although Morgan believed that it was impossible for the
prison to show a profit from the mining of ore and the manufacturing of iron, he decided
that the prison should remain in operation. He encouraged officials to make contracts “for
the employment of [convicts] in other branches of manufacture.”

The prison continued to operate, albeit with reservations. For the most part,
inspectors appeared pleased. In 1847, a committee described the prison’s buildings as
“plain” but neat. While at work, the convicts were in “good order.” In addition,
committee members believed “that the convicts may be safely employed in any branch of
iron manufacture as in other mechanical pursuits.” Particularly since confinement at
Clinton seemed “to change the whole man, and it is as common for the convicts to strive
to excel one another, as other men pursuing an employment of their choice.”

Despite the committee’s observations, not all prisoners were docile laborers.
“While the great mass of convicts have behaved remarkably well,” Warden Cook wrote,
“we have about half a dozen desperate men, who are continually forming plans, and
making arrangements for escape. … Among other plans, they are making efforts to
seduce the better disposed to join them in a general insurrection.” Because the labor of
prisoners put them in “contact with one another,” Cook claimed, guards “cannot entirely

80 “Report of the Select Committee in Relation to the Clinton Prison,” in Documents of the Senate
prevent their conversing with each other, and we fear that these abandoned wretches may contaminate the whole.”

In an attempt to mitigate “contamination,” guards forced prisoners to attend Sunday religious services in the prison’s chapel. Most of the time, the inspectors reported, “It being Sunday attended religious services in the Chapel and listened to an excellent sermon from the Chaplain. The convicts gave the best attention, were clean and neat in their appearance.” Sometimes, however, “many of the convicts were quite uncleanly in their personal—in some instances warranting their conditions to be termed filthy.” Some convicts also chewed tobacco inside the chapel. This particularly irked the inspectors, who wrote that prisoners had made “the House of God a deposit for their tobacco juice from their mouths occasioned by their chewing.”

On days other than Sunday, prisoners worked as carpenters, blacksmiths, miners, and ore refiners. Most prisoners worked in the ore mines. Working in the mines was dangerous. They used explosives to blast ore deposits, and sometimes rocks fell on them. Convict O.H. Tucker was injured by a “premature discharge of a Blast in the mine.” He “lost one of his eyes and the use of one hand.” Forced hard labor did not rehabilitate Tucker; it debilitated him.

Guards brutally punished prisoners who resisted forced labor and imprisonment. After Joseph Thompson insulted and assaulted a guard, he was “punished with shocks of electricity.” The assistant keeper claimed that the shocks, however, “produced but little

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effect.” After their failed escape attempt, John Lincoln, Silas Cooper, and John Kemp had their “Heads shaved over the left ear” and wore a “ball and chain for 31 days.” A day after the escape attempt, Lincoln somehow broke the door to his cell. For this, guards gave him “15 blows with the cat.” John Jones made noises in his cell, swore, and threatened to kill a guard. He was punished with “27 blows with a cat and 15 days solitary confinement.” Prisoners also attacked one another. William Blake wore a “ball and chain [for] 5 days” after he hit another convict. Likewise, John Williams was assigned to a different work detail and wore a “ball and chain [for] 30 hours” after he attempted to fight a fellow inmate.84

Prisoners often attempted to escape the violence inside the prison. In September 1851, a convict named Coward escaped. In May 1853, Smyton Irish and Thomas French escaped. A year later, two prisoners attempted to escape from the prison’s “coal pits.” Guard David Myers shot and killed prisoner John Swan. The other prisoner “ran about half a mile and was overtaken and brought back to the prison.” Less than a month later, convicts James Green and Henry Parks, “who were employed in the mine made their escape.” They passed by McMurray, the guard stationed at the “Mine Guard House,” and climbed over the prison’s wall. The inspectors concluded, “McMurray was either asleep or negligent while on duty,” and instructed all guards to observe “unusual vigilance” to prevent future escapes. Despite the directive, prisoners continued to escape. In 1856, prisoner Charles Foot escaped and raped “Mrs. Shaw a resident of Dannemora.” Once captured, prison officials transferred Foot to Sing Sing.85

Prisoners fled Clinton Prison because of its harsh environment and hard labor. Likewise, prisoners attempted to escape from the violence and forced labor at Auburn and Sing Sing. It is difficult to track prisoners who were released after the completion of their sentences at the state prisons of antebellum New York. Inspectors and prison administrators boasted of the low numbers of ex-prisoners who were reconvicted after their release. Beaumont and Tocqueville captured prison officials’ sentiments when they wrote, “the Auburn discipline gives to the prisoners the habits of society.” It is amazing as it sounds, inspectors of the three antebellum New York state prisons only kept records for inmates who were released, committed a crime, and sentenced back to their previous prison. If convicts did not return to the prison where they were previously confined, officials presumed that they were reformed and lived according to the laws of the land.

A handful of convicts incarcerated at Philadelphia’s Eastern State Penitentiary, though, claimed to have spent time in New York’s antebellum prisons. James Morton, who wrote a diary during his confinement at Eastern State, was released from Sing Sing in April 1843. Prison reformer William Parker Foulke encountered prisoner James C. Clarke, who blamed the convicts of “Auburn where the men communicate & there is more activity & greater variety of scene than here,” for his failure to reform and subsequent incarceration at Eastern State.87 Eastern State’s “Moral Instructor” Thomas Larcombe met convicts who were confined previously at Auburn as well. Prisoner Samuel Martin, a twenty-five-year-old “mulatto” convicted of larceny, told Larcombe that he was “Once in Auburn Penitentiary N. York.” Similarly, Gabriel VanRipper, a thirty-four-year-old white man, who Larcombe described as “A fine looking man,” spent

time “in Auburn State Prison NY.”\textsuperscript{88} It is to these prisoners, their stories, and their experiences in the Eastern State Penitentiary that we now turn.

CHAPTER FIVE

“THIS PLACE OF MISERY AND CRUEL TREATMENT”:

LIFE INSIDE THE EASTERN STATE PENITENTIARY

Men with a personal and professional stake in the success of the Eastern State Penitentiary produced most of the published textual and visual evidence of life inside the institution. For the most part, this evidence portrayed a quiet, orderly penitentiary, in which penitent prisoners labored, reflected, and reformed themselves inside impenetrable solitary cells. Published reports described the penitentiary’s interior as completely silent; no prisoners were seen or heard communicating with one another. Masturbation and black prisoners, not physical and psychological torture, accounted for an increase in the number of insanity cases. Since prisoners were isolated in solitary cells, penitentiary officials claimed that there was no need for the physical torture that guards employed inside New York’s prisons.

The same men produced evidence in private that exposed cracks in the official portrayal. This evidence described the use of physical torture apparatuses against defiant prisoners. It recorded discord between the warden and the guards under his command, as well as numerous escapes, suicides, mutilations, and violent standoffs between prisoners and guards. Taken together the published and unpublished evidence illuminates how prisoners endured incarceration, which Eastern State inmate James Morton described as “grave-like Solitary confinement.”

Morton left few traces in the historical record. In early September 1843, a few months after his release from Sing Sing Prison, the Pennsylvania Inquirer and National

1 James Morton, “Diary, 1852-1853,” Historical Society of Pennsylvania, Philadelphia, Pennsylvania. Morton’s notebook is the only existing diary of a prisoner written during confinement at the Eastern State penitentiary before the Civil War of which I know.
Gazette reprinted a report from the Baltimore Sun: “A man named James Morton has been arrested in Baltimore, charged with having committed forgeries on several banks of Philadelphia; and in the sums varying from $800 to $1600.”\(^2\) Forgery was a common crime in the early United States, which one historian has called “A Nation of Counterfeiters.”\(^3\) Morton, like many confidence men, was a cunning fellow. “His mode of operations was by sometimes sending a boy, at others a man to get the checks cashed, while he waited in the vicinity to receive the funds,” a local newspaper reported.\(^4\) Eleven days later, Morton arrived in Philadelphia and was imprisoned until his trial at the Mayor’s Court.

Morton had at least one friend in Philadelphia. An anonymous man almost posted his bail “but was restrained for fear that publicity would be given to it.” Whether or not the potential bail poster existed was immaterial. The newspaper’s claim that one existed implied that Morton was just one in a ring of forgers and counterfeiters. The newspaper asked the reading public to help identify the suspected bail poster: “Persons who go surety for such notorious characters ought to be known to the public.”\(^5\)

Morton disappeared from the newspapers of record for almost two years. In January 1845, authorities again charged him with forgery. He allegedly cashed a forged $500 check at the Manufacturers and Mechanics Bank, gave the $500 note he received to a woman who was arrested for attempting to exchange it at the Pennsylvania Bank.\(^6\) Eleven months later, on Christmas Eve, Morton was arrested again for forgery.\(^7\) Two

\(^2\) Pennsylvania Inquirer and National Gazette, Sep. 9, 1843.
\(^4\) Pennsylvania Inquirer and National Gazette, Sep. 9, 1843.
\(^5\) The North American and Daily Advertiser (Philadelphia), Sep. 30, 1843.
\(^6\) The North American and Daily Advertiser (Philadelphia), Jan. 11, 1845.
\(^7\) The North American (Philadelphia), Dec. 25, 1845.
weeks later the police arrested Asa R. Tomer “on the charge of conspiring with James Morton, to defraud the Commercial Bank of this city, by a forged check, offered at the counter of that Institution a few weeks since.”

Directly below its announcement of Tomer’s arrest, The North American reported, “Three beautiful rainbows were seen yesterday morning at sunrise, in the western horizon.” It is doubtful that either man saw the rainbows as they awaited trial inside the city jail. There would be no peace, no reward and, if Thomas Larcombe, the moral instructor of the Eastern State Penitentiary, is to be believed, “no hope” for their futures. A jury of Philadelphians convicted Morton of forgery and Tomer of conspiracy to defraud. Even while imprisoned at Eastern State for seven years, Philadelphians felt Morton’s reach. A year after his conviction, “officers Russel and Bennett, of the police,” arrested one of his alleged accomplices, “Dr. Lungren, alias Scott, alias Jones.” The officers entered “a house kept by Julia Wade,” where they encountered “Dr. Lungren” and found “near $1400 counterfeit notes” as well as “several dies for the printing of bank notes.” Morton’s accomplices fell like dominoes. The officers arrested “Dr. Lungren,” Wade, and “another female named Cherry,” and confiscated their equipment.

The official published record makes clear why a jury convicted and judges sentenced Morton to seven years inside the seventeen-year-old penitentiary that was the pride of Philadelphia. He appears as a notorious forger connected with a ring of counterfeitters. Morton and his accomplices cashed forged checks and passed counterfeit notes at the banks and businesses of Philadelphia. Until the establishment of a national currency in the early 1860s, men and women like Morton and those with whom he

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conspired, tried to use the confusion created by the plethora of state-charted banks that issued their own checks and paper money, to their advantage.

An increase in the circulation of counterfeit currency and forged checks, accompanied an increase in commercial activity. As the confidence man in Herman Melville’s 1857 novel declared, “Confidence is the indispensable basis of all sorts of business transactions.” Merchants’ and bankers’ confidence in bank notes dwindled thanks to the actions of confidence men like Morton, who swindled their victims, in part, by their respectable appearance and address. In response to the nation’s counterfeiters, many men, like the old man in the final scene of Melville’s novel, carried a “Detector” to identify genuine currency. After his thorough examination of a bank note with the Detector, which lasted “some time,” the exasperated old man admitted, “I don’t know, I don’t know, there’s so many marks of all sorts to go by, it makes it a kind of uncertain.”

By incarcerating men and women like Morton, the state hoped to alleviate confusion and uncertainty over currency, the fuel for the engine of capitalism.

The Eastern State Penitentiary, which received its first prisoner on October 23, 1829, was an integral part of Philadelphia culture and society. The Quaker inspectors and warden, as well as reform-minded citizens in general, hoped that the penitentiary would act as a deterrent to crime and ultimately uphold a middling-class vision of proper behavior. They hoped that men like Morton, who languished in a solitary cell for seven years, would become law-abiding citizens by the end of their sentences. Most prisoners were men. During the penitentiary’s first fifteen years of operation, only about 5 percent of its convicts were women, of whom 65 percent were black. Most of the men, however,

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were white (67 percent). Their experiences as men and women buried from society would serve as an ominous warning to those who contemplated criminal actions, which were mostly non-violent property crimes, whether forging checks to purchase luxury items or stealing food to feed starving family members.

The majority of prisoners confined at the Eastern State Penitentiary committed crimes against property. Between 1829 and 1844, 75 percent of convicts sentenced to the penitentiary had committed larceny, burglary, forgery, or stole a horse. In effect, the penitentiary aimed to defend society against itself. The message was clear: Those who deviated from legally-sanctioned economic activities shall suffer solitary confinement and coerced hard labor. Although the penitentiary functioned as a mechanism of the rule of law, its interior must be seen as exception to the rule of law, a place of torture, “misery and cruel treatment.”

In 1823, reformers and architect John Haviland designed the prison as an antidote to the problems that plagued the Walnut Street Prison. At Walnut Street, prisoners slept in crowded “apartments” and labored together in the prison’s workshops. They had constant opportunities to converse with one another, plot rebellions, and plan escapes. Prisoners who were experienced criminals allegedly instructed younger, novice offenders in the dark arts of crime. Some formed gangs that exerted their influence both inside and outside the prison.

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By isolating prisoners inside solitary cells, Eastern State’s architecture attempted to shatter the world that Walnut Street’s inmates had made. George Washington Smith, a member of the Philadelphia Society for Alleviating the Misery of Public Prisons, hoped that isolation would prevent the anarchy of previous prisons:

… the mixture of all ages, ranks, and sexes, into one corrupting leavened mass of shameless iniquity, and the unrestrained intercourse which was permitted day and night, rendered the consignment of a juvenile offender to these abodes of depravity, a certain sentence of moral death: he who entered the gates a novice in guilt accomplished his education in villainy, and leaving character, shame, independence, and every incentive to voluntary industry and virtue within their walls—departed an adept in crime, ignorant only of his duties; prepared to practise at the expense of society, those lessons of vice which its folly, had forced on his acquaintance, and almost compelled him as a profession when discharged.\(^\text{16}\)

The rhetoric of reform articulated a new theory of governance that promised not only to protect citizens from criminals, but criminals from one another.

The penitentiary’s architecture aimed to make reformers’ rhetoric a reality. It sat atop a hill that was part of a cherry orchard in northwestern Philadelphia (hence its colloquial name, “Cherry Hill”). The large, granite, gothic-style prison dominated the city’s horizon. “The design and execution,” Smith reflected, “impart a grave, severe, and awful character to the external aspect of this building. The effect which it produces on the imagination of every passing spectator, is peculiarly impressive, solemn, and instructive.”

Like the penitentiary Benjamin Rush imagined in 1787, Eastern State’s exterior harnessed the power of the penitentiary sublime, which reformers hoped would strike terror into the minds of all citizens and force them to check their potential criminality. The gothic design, however, may have confused some citizens of a republic that claimed

to be a rejection of monarchical Europe. “This penitentiary,” Smith observed, “is the only edifice in this country which is calculated to convey to our citizens the external appearance of those magnificent and picturesque castles of the middle ages, which contribute so eminently to embellish the scenery of Europe.”

Practically every Philadelphia guidebook published during the antebellum era praised the penitentiary. Readers of Thomas Porter’s 1831 *Picture of Philadelphia* may have wished to visit the penitentiary after reading his sublime, spine-tingling description: “In passing through the entry or avenue, that is in the center of the block of cells, the stillness of death seems here to reign, all is hushed into silence.” The author of the *Guide to the Lions of Philadelphia* wrote proudly, the penitentiary “is one of the most remarkable buildings in the country.” He assured readers that they did not have to commit a crime to visit: “In order to be sure of admission, it is necessary to procure a permit from one of the superintendents residing in the city.” Guidebook writer Richard A. Smith boasted, “This institution is the result of the laborious investigation of half a century, of a few minds, deeply interested in the subject of prison discipline.” No wonder William Parker Foulke, a Quaker and member of the Philadelphia Society for Alleviating the Miseries of Public Prisons, wrote that he “had long contemplated a visit to

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17 Smith, *A View and Description*, 3.
20 R.A. Smith, *Philadelphia as it is, in 1852; Being a Correct Guide to all the Public Buildings; Literary, Scientific, and Benevolent Institutions; and Places of Amusement; Remarkable Objects; Manufactories; Commercial Warehouses; and Wholesale and Retail Stores in Philadelphia and its Vicinity; With Illustrations, and a Map of the City and Environs* (Philadelphia: Lindsay and Balkiston, 1852), 381.
this prison partly on account of the pleasure I expected to derive from the novelty of the scene.” Foulke was not alone. Between 1854 and 1859, 40,000 tourists visited the penitentiary.

Visitors to the penitentiary came from throughout the world. The French government sent Alexis de Tocqueville and Gustave de Beaumont to investigate, as the title of their 1833 report suggested, *On the Penitentiary System in the United States and its Application in France*. “The entire discipline consists in the isolation of the prisoners,” the Frenchmen wrote, “and the impossibility of them violating that rule.” Foulke, who first visited the penitentiary on May 13, 1834, claimed its exterior “strikes the spectator very forcibly by its high walls & heavy towers; & impresses upon his mind the desperate nature of any effort to escape from its seclusion, an impression not at all awakened by an after inspection of its interior arrangements.” After his visit to the penitentiary in 1842, a young Charles Dickens criticized its system of solitary confinement. “I hold this slow and daily tampering with the mysteries of the brain, to be immeasurably worse than any torture of the body,” he wrote, “because its wounds are not upon the surface, and it extorts few cries that human ears can hear; therefore I the more denounce it, as a secret punishment which slumbering humanity is not roused up to stay.”

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22 Jennifer Lawrence Janofsky, “‘There is no hope for me’: Eastern State Penitentiary, 1829-1856” (PhD diss., Temple University, 2004), 278. See also chapter five of John Sears’s *Sacred Places: American Tourist Attractions in the Nineteenth Century* (New York: Oxford University Press, 1989).


Despite Dickens’s description, the penitentiary captured the imagination of Robert Harding, a struggling English merchant. In 1843, a year after Dickens published his description of the penitentiary, Harding traveled from London to Philadelphia in hope of confining himself inside a solitary cell. Warden George Thompson claimed that Harding “had a strong determination to be confined in it thinking thereby his mind would become settled and he could confine himself to business after his release.” After a few weeks of solitary confinement, Harding begged for his release.26

Harding, Morton, and other prisoners underwent a symbolic intake ceremony that hoped to strip them of their “deviant” identities, and symbolized their passage from an individual to a number. The arrival of prisoners from the recently closed Walnut Street Prison on October 5, 1835, provides a glimpse of this process. Guards escorted the arriving prisoners to the washhouse, and ordered them to strip and bathe. Penitentiary officials argued that an initial bath ensured the good health of prisoners. The forced bath also symbolized a new birth for prisoners, and that guards were fathers who would direct their most intimate affairs. After bathing, prisoners dressed in their “convict suit.” During the summer, they wore pants and shirts of “coarse linen.” In the winter, they wore “coarse woolen” shirts and pants. Guards then interrogated prisoners about their pasts and alleged crimes. They recorded this information along with a physical description of each prisoner into the penitentiary’s register. Following the “interview,” guards placed a hood over the prisoner’s head and walked him to his cell. According to Warden Samuel R. Wood, “the

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quiet systematic mode we adopted throughout had a favoured effect & the mode of
hooding them has a subduing one.”

The convicted felons then entered, for the first time, their own twelve-by-eighteen
foot cell with an adjoining exercise yard. The cells were much larger than those at New
York’s antebellum state prisons. In the center of each cell’s ten-foot barreled ceiling was
an eight-inch convex window called a “dead eye.” The walls between the cells were
eighteen-inches thick to prevent prisoners from communicating with one another. From
the wall of every cell hung a “simple bed” that could be stowed during the day to provide
space for the prisoner—who was sentenced to confinement at hard labor—to work. Each
cell had double-doors, the outer of oak and the inner of grated steel. Guards fed prisoners
through a six-by-sixteen inch slit in the steel door, designed to minimize a prisoner’s
contact with other human beings. Architect John Haviland explained that when opened
by the guard the slit “closes the aperture behind, and consequently prevents the prisoner
seeing the superintendent, or receiving by this opportunity any thing but what is intended
for him.” At a time when few American buildings had indoor plumbing, each cell had its
own sink and toilet. Two coal furnaces in each wing of the prison supplied cells with heat
to keep prisoners warm during the winter.

In addition to the architecture’s “subduing” effect, prisoners endured a regimen of
solitary confinement and forced labor. Guards, who were to be men of “competent skill
and knowledge,” taught prisoners the intricacies of the penitentiary’s industries:

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28 John Haviland, A Description of Haviland’s Design for the New Penitentiary, Now Erecting
shoemaking, weaving and dying of wool, and other handicrafts. In addition, to learning a trade, prisoners were to learn religion. Initially, however, the penitentiary lacked a “religious instructor.” “In the opinion of this board,” the inspectors wrote to the state legislature in 1831, “a fair experiment of the system of solitary confinement, with labour, cannot be made without moral and religious instruction, and a suitable individual to fill that office cannot be obtained, unless the legislature allow a compensation for his services.”

Despite the lack of a religious instructor, inspectors claimed that the “experiment of the system of solitary confinement” proceeded nicely. Solitary confinement “improved” prisoners’ “corporal and mental” health. It “turn[ed] the thoughts of the convict inwards upon himself, and [taught] him how to think.” In “but a few hours,” the torture “of a mind [that] can only operate on itself” became unbearable, forcing the prisoner “to petitions [sic] for something to do, and for a bible.” The warden claimed that after experiencing solitary confinement, the two pillars of the institution—labor and religion—would appear before prisoners “as favours,” and consequently could be “withheld as a punishment.” Unlike New York’s Auburn, Sing Sing, and Clinton prisons that attacked convicts’ bodies, the Eastern State Penitentiary aimed at their minds and spirits. The board of inspectors boasted that the penitentiary’s system of solitary confinement at hard labor, accompanied with religious instruction:

is eminently calculated to break down his obdurate spirit, and when that important object of penitentiary discipline has been gained, (and in any

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31 First and Second Annual Reports of the Eastern State Penitentiary of Philadelphia, 7, 10.
prison it frequently is), and when the prisoner has once experienced the
operation of the principles of this Institution on a broken spirit and contrite
heart, he learns, and he feels, that moral and religious reflection, relieved
by industrious occupation at his trade, comfort and support his mental
powers, divest his solitary cell of all its horrors and his punishment of
much severity.

The system of discipline operating inside the Eastern State Penitentiary aimed to “break
down” a prisoner’s “obdurate spirit” and remake him through solitary confinement,
coerced labor, and compulsory religious instruction, into “a new character,” the backbone
of antebellum America, the man who “earned his livelihood by honest industry,” a
defining characteristic of laboring citizenship.33

Not only would the penitentiary transform criminals into law-abiding laboring
citizens, it acted as a “Great terror upon the minds of the convict community.” The
penitentiary’s influence was felt throughout the state. Inspectors claimed that “rogues
avoid[ed] committing those offences which would subject them to its discipline,” while
prisoners inside the penitentiary “have been hitherto obedient and exemplary in their
deportment.” Prisoners were eager laborers who “show[ed] an expertness and desire to
learn.”34 “I feel therefore much pleasure in adding,” Warden Wood wrote, “that
experience has convinced me that the structure and discipline of this penitentiary have
completely accomplished this great desideratum—conversation and acquaintance are
physically impracticable to its inmates.”35

In short, the initial official reports portrayed the penitentiary as a successful
experiment in reform. Gone were the days of prisoners speaking, plotting, and sharing
beds with one another. Thanks to the architectural genius of John Haviland, prisoners at

33 First and Second Annual Reports of the Eastern State Penitentiary of Philadelphia, 10.
34 First and Second Annual Reports of the Eastern State Penitentiary of Philadelphia, 11, 13.
35 First and Second Annual Reports of the Eastern State Penitentiary of Philadelphia, 14.
Eastern State lived in total isolation from one another. In forced solitude, prisoners were to turn their attention inward to reflect upon their past transgressions. They were to learn a trade, find God, and master their ABCs. The experiences of prisoners, though, illustrated that the rhetoric of reform did not often reflect reality.

During the mid-1830s, cracks began to appear in the “truly excellent and benevolent” penitentiary’s facade.\(^{36}\) In his second annual report, Warden Wood reflected: “From the remote situation of the Penitentiary from the city, it is highly important that it should be furnished with a large alarm bell.”\(^{37}\) The request suggested that not all was well on the inside. The bell could alert the penitentiary physician, who resided in the city, when he was needed to attend to convicts who had been tortured, attempted to kill themselves, or succumbed to the carbon monoxide generated by the heating system, or to dress the wounds of guards whom prisoners had assaulted. The bell would also alert neighboring residents of a disturbance within the prison or an escape.

Officials also had difficulty attracting competent guards. In the early 1830s, Warden Wood complained that it was difficult to hire and keep guards for a long time, “namely the salary not being sufficient.”\(^{38}\) He also noted that there were too few guards to supervise the prisoners effectively. Salary was not the only hindrance to retaining guards. Warden Wood fired two guards who spread deistic beliefs among the prisoners. He fired a “gravely negligent” guard, who left the door to a prisoner’s cell unbolted,

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\(^{37}\) First and Second Annual Reports of the Eastern State Penitentiary of Philadelphia, 14.

allowing the convict to escape. The state legislature ordered him to fire the wife of a
guard, who worked as the penitentiary’s cook, for allegedly hosting late-night parties.  

In addition to his struggle to control guards, Warden Wood struggled to control
prisoners. At the beginning of his tenure, one prisoner threw a large stone at his head. A
wounded Wood spent two days recovering in his residence. He vowed to quit; but
ultimately continued as warden. Wood seemed perfectly suited for the job. He was a
Quaker and “had long been distinguished” as a member of the Philadelphia Society for
Alleviating the Miseries of Public Prisons. He had an Atlantic vision of reform. Like John
Howard, the famous eighteenth-century prison reformer, Wood “had, during a tour of
Europe, visited and examined the most celebrated prisons of the old world, and, was
familiar with those of his own country.” He also served on the board of commissioners
who oversaw the construction of the prison. Throughout Wood’s life, the board of
inspectors gushed, “his valuable talents and experience were always gratuitously and
industriously employed in the service of the penitentiaries of his native state.”

Although Wood won-over Pennsylvanian reformers, he struggled to maintain the
respect and obedience of prisoners. They apparently spent the majority of their time
attempting to communicate with one another. They used the prison’s sewer and water
pipes “as a means of constant communication.” A guard named Stancliff caught two
prisoners, Nathaniel Snyder, a 20-year-old chair-maker and turner convicted of riot and
assault and battery, and Eli Bartlett, a 40-year-old laborer from Vermont, “talking thro
the pipes.” Upon learning of Snyder’s and Bartlett’s illicit communication, the warden
confined both men in the dark cells, which were damp, windowless dungeons, in irons. In

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40 *First and Second Annual Reports of the Eastern State Penitentiary of Philadelphia, 7.*
his journal, Wood wrote, “I would propose that the release pipes should not enter the cell but pass along the corridor.”41

Some prisoners, such as Thomas Van Dyke, an “Indian-Mulatto” blacksmith from Lancaster County, Pennsylvania, and Jacob Arnold, a “black laborer” from Berks County, Pennsylvania, attempted to pass “articles to each other through the pipes.” This was not Van Dyke’s first attempt to communicate with other prisoners. The warden claimed that he had previously caught Van Dyke “climbing to the top of his yard wall & talking.” For his initial offense, Van Dyke went without dinner “for 2 or 3 days.” Since Van Dyke persisted in attempting to communicate with fellow prisoners, however, he and Arnold were “order’d to the dark cell & to be iron’d.”42

In time, when new cellblocks were constructed, reformers ensured that prisoners could no longer use the pipes to communicate with one another. The sewer pipes were filled with water in hope of dampening echoes and preventing the passage of notes. These architectural reforms did not prevent resourceful prisoners from talking with one another. Guards caught Samuel Turner and Alexander Moulton “writing letters to each other and passing them over from the ends of the 6th and 7th blocks.” Like those before them, guards sent both Turner and Moulton to the dark cells.43

Similarly, prisoners used the books in the prison library to communicate with one another. They had access to “about 2000 volumes of English and German books.” The books were mostly of an educational nature. Appropriate reading material paved the road

41 Entry for April 7, 1838, in “Reports, Overseers, 1829-1853,” box 1, Series 15.50, Records of the Department of Justice, RG-15, Pennsylvania State Archives, Harrisburg, Pennsylvania.
42 Entry for Nov. 1, 1845, in “Reports, Board of Inspectors, 1843-1848,” box 2, Series 15.50, Records of the Department of Justice, RG-15, Pennsylvania State Archives, Harrisburg, Pennsylvania.
to reform. The library included Emma Hart Willard’s *Late Periods of Universal History* as well as her *Guide to the Temple of Time*, and even *The Little Thinker*. Prisoners had other options, such as the *New Testament*, Henry Ward Beecher’s *Lectures to Young Men on Various Important Subjects*, *The Life and Essays of Franklin*, Lydia Marie Child’s *Isaac T. Hopper: A True Life*, and Dr. Charles Jewett’s *Lectures on Temperance*. Existing evidence does not indicate how prisoners interpreted the texts they read. They apparently, however, wrote notes throughout the pages of the books they acquired. George Veff, the penitentiary’s teacher, claimed, “Many of the books have been so much defaced, that they [he and the Moral Instructor] have been compelled to go over each book, and examine every page, carefully so as to detect any injury done to them in [the] future.”

Guards could send prisoners caught writing inside the books to the dark cells.

Inside the penitentiary’s dark cells, prisoners did not have a bed but sometimes had the warmth of a thin blanket when they slept on the damp floor. Guards fed prisoners “eight ounces of bread and some water every twenty-four hours.” The weather intensified the effect of the cells. The “sufferings” of a prisoner confined in a dark cell “are intense,” wrote State Legislator Thomas B. McElwee, “particularly in cold weather, and when relieved he is the victim of rheumatism, and the severity of his treatment.” The dark cell attacked convicts’ bodies in hope of obtaining the obedience of their minds. “It is said one man remarkably active, athletic and vigorous,” McElwee continued, “was taken out of the *Dark Cell*, little removed from an idiot—his nervous system unstrung and in a few months his sorrows and his crimes found a common grave.” Guards confined another convict, “a yellow boy,” in a dark cell for forty-two days. Toward the end of his

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confinement in the cell, the boy “exhibited every symptom of delirium produced by starvation; he was on his knees, his eyes rolling in phrensy, and his frame reduced to a skeleton by the severity of his punishment.”

The dark cells were just one of the weapons guards wielded against prisoners who attempted to maintain their humanity by refusing to submit to the penitentiary’s discipline of forced isolation. Guards would sometimes forbid prisoners from exercising outside, or withhold a convict’s dinner for a few days or even weeks. Even those who were not so deprived, frequently suffered from “stomach and bowel complaints” and carefully picked worms from their soup and bread.

Guards punished other prisoners by “ducking” them in a “shower bath.” They suspended a prisoner “from the yard wall by the wrists, and drench[ed] him with water, poured on his head from buckets in nature of a shower bath.” Prisoners at New York’s antebellum state prisons and enslaved laborers on southern plantations were also “ducked.” During the warmer months, when “temperate,” Eastern State’s officials believed this torture was merely a “moderate” “inconvenience” for prisoners. The inspectors claimed that John Mayfield, whom guards “put in the shower bath for 3 minutes for leaving his cell by withdrawing the bolt & lock and Secreting himself in the


Yard … only laughed at the effect … and seemed to enjoy it.”

During the winter, however, it could be deadly. When guards ducked Seneca Plimly, he “was in a state of nudity, and icicles formed on his hair, and his person was incrusted with ice.” He died a few days later.

The prison also had a “mad-chair” (also called the “tranquilizing chair” or “composing chair”), which was “a large box chair, constructed of plank, having some of the peculiarities of a close stool” that was invented by Benjamin Rush, a reformer and signer of the Declaration of Independence. Guards strapped a handcuffed prisoner’s arms, legs, and torso to the chair. “It was impossible,” McElwee observed, “for an individual thus manacled to move any part of his body or limbs. The pain must have been intense; and yet prisoners have been beaten while in this painful and helpless posture.” Once released, a prisoner’s “arms and legs are swelled to a frightful extent.”

Guards used straitjackets to “cure” prisoners of “stubbornness.” The penitentiary’s straitjacket “consisted of a piece of sack or bagging cloth of three thicknesses, with pocket holes for the admission of the hands in the front part of the inside.” The back of the straitjacket had “rows of eyelet holes [that] were worked similar to those in a lady’s corset, though of greater dimensions.” Guards slid the straitjacket over a prisoner’s head, tightly laced the back, and secured an iron collar around his neck. According to McElwee, the jacket “was kept on the culprit from four to eight, or nine hours.” The straitjacket restricted the circulation of blood and often made prisoners’

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hands numb. One prisoner even lost the use of his hand. The necks and faces of other prisoners turned “black with congealed blood.” It is little wonder that McElwee claimed, “When undergoing this punishment, men of the stoutest nerve will shriek as if on the rack.”

The iron gag was the penitentiary’s most notorious weapon of torture. The gag, which was also employed by overseers on southern plantations, “was a rough iron instrument resembling the stiff bit of a blind bridle, having an iron palet in the centre, about an inch square, and chains at each end to pass round the neck and fasten behind.” Guards shoved the gag deep into a prisoner’s mouth, secured the “iron palet” over his tongue, shoved his hands into leather gloves in which were iron staples and crossed behind his back; leather straps were passed through the staples, and from thence round the chains of the gag between his neck and the chains; the straps were drawn tight, the hands forced up toward his head, and the pressure consequently acting on the chains which press on the jaws and jugular veins, producing excruciating pain, and a hazardous suffusion of blood to the head.

At least one prisoner died from the gag and “many others [were] tortured beyond human endurance.” “The gag,” historian Michael Meranze suggests, “was designed to ensure silence through restraint—in that it was a more personalized version of the penitentiary itself.”

Other prisoners, like James Morton, who did not violate the penitentiary’s rules, were not punished. Morton wrote to himself in a notebook provided by the penitentiary.

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physician, David W. Lassiter. Lassiter gave Morton the notebook, during his sixth year of confinement, in which to record his thoughts in hope of preventing him from going insane. Most of the diary chronicled the history of the Christian Church from Adam and Eve to the Reformation and Martin Luther. Interspersed within the history were entries on the penitentiary, police, courts, members of the Philadelphia Society for Alleviating the Miseries of Public Prisons, the horrors of solitary confinement, and his treatment at the hands of penitentiary officials.57

As we have seen, reformers asserted that solitary confinement led to reformation by preventing prisoners from communicating with one another and by encouraging self-reflection. Morton told a different story: “In the gloomy solitude, of a sullen Cell, there is not one … redeeming principle—The mind labours under despondency, and the imagination being left entirely to its own workings increases the horrors, which thoughts under such circumstances must unavoidably inspire.” Locked inside a solitary cell, he suffered from the “effect of nervous derangement,” a “shattered … nervous system,” and a “nerveless state of mind.” He wrote to relieve the psychological anguish of solitary confinement: “[P]ain, not pleasure inks his pen, and Sorrow guides it.” Morton described vividly the “Sting in grave-like Solitary confinement which pierces with the most venomous thrust according to the Circumstances under which the victim is confined.” Near the end of his confinement, he denounced the penitentiary as a “feudal Cloud, which has so long hung in mist over our State,” and whose “production is more evil than good.”58

57 Janofsky claims that Morton “likely structured his narrative to manipulate officials into relaxing his solitude.” Janofsky, “‘There is no hope for me,’” 243.
58 Morton, “Diary, 1852-1853.” His sentiments echo a larger body of texts written by sailors and prisoners, in which, Myra C. Glenn observes, “[W]riters often portrayed the navy and the penitentiary as
To relieve the monotony of solitary confinement, which Morton called “evil,” some prisoners painted on the walls of their cells. Dickens claimed to have visited the cell of a prisoner who wore spectacles and “a paper hat of his own making.” The prisoner, Dickens noted, had “very ingeniously manufactured a sort of Dutch clock” to mark the passing of the hours when time must have felt as if it stood still. “He had extracted some colours from the yarn with which he worked,” Dickens observed, “and painted a few poor figures on the wall.” Above the door to his cell, the prisoner painted a woman whom he had named, “The Lady of the Lake,” after one of Sir Walter Scott’s popular poems.59

Members of the Philadelphia Society for Alleviating the Miseries of Public Prisons also saw paintings on the walls of the cells. They believed that painting was a worthwhile pursuit and supplied prisoners with chalk, brushes, and paint. Alexander Kitzmiller may have used these supplies to paint a watercolor that depicted “migrating emancipated slaves.” He might have identified with the freed people’s situation, while longing for the end of his confinement and restoration to liberty. Kitzmiller based the watercolor on an illustration that appeared in the August 8, 1863, issue of *Frank Leslie’s Illustrated Newspaper*, which incidentally does not appear in the prison’s library holdings.60 Other prisoners penned poems on the walls of their cells. According to British phrenologist George Combe, one prisoner “had celebrated [the] pleasures and pains [of masturbation] in an ode written with a pencil on the white-washed wall of his cell.”61

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59 Dickens, *American Notes*, 149.


The prisoner-poet and many other convicts masturbated to relieve the lonely monotony of solitary confinement. In his February 1837 report, Penitentiary Physician William Darrach wrote, “The misuse of the sexual system among the prisoners is a subject of my deepest medical interest.”62 Darrach treated prisoner Charles Warrick, “a coloured man,” for “dementia from masturbation.”63 In June 1837, Darrach believed two prisoners died from “excessive masturbation.” A few years later, Darrach claimed that another prisoner died of “Asthenia from Erotic enervations.”64 Although many prisoners—white and black, men and women—masturbated, Darrach observed that masturbation was most “common” among “negroes between 26 and 30 years of age.” His medical knowledge and racial wisdom led him to theorize that black men in their late twenties masturbated because they had “large” “gen[i]t[a]l systems.”65 To prevent suspected masturbators from pleasuring themselves, Darrach proposed to fit them with a contraption that he called a “genital-guard.”66 He also warned prisoners that masturbation would lead to death or insanity. By warning about the dangers of masturbation, he perhaps hoped to make prisoners too anxious and scared to masturbate.67


Edward Williams may or may not have heeded the warnings of Darrach and the other physicians. In his journal, Warden John Halloway recorded, Williams “mutilated himself in the most shocking manner by cutting off his penis near the root; This cut was the result of excessive Masturbation.” Perhaps Williams wounded himself in a quest for greater sexual pleasure. On the other hand, it is equally possible that Williams internalized the physician’s and moral instructor’s anti-masturbation messages. He may have seen self-castration as the only way to eliminate, or at least mitigate, illicit sexual temptation. In any case, for lonely prisoners buried from the world inside a tomb-like solitary cell, masturbation could strengthen their sense of self-sufficiency, self-esteem, and self-love, while allowing them to form and maintain imaginary relationships with others.

Penitentiary officials viewed the imaginary relationships that masturbating prisoners formed with others as just as dangerous as the actual relationships prisoners formed with one another. According to Darrach, celibacy was a critical component of the penitentiary’s regimen. Forced celibacy, Darrach believed, led some prisoners to masturbate, which in turn produced poor health and insanity. Darrach wrote of a black prisoner, who, “unrestrained by mind & morals, he, in his cell, abstracts from his body by a morning masturbation.” Like the prominent anti-masturbation crusader Sylvester Graham, Darrach argued that masturbation expelled valuable bodily fluids and drained “the strength of body & mind which sleep had restored for another day’s labor.” In time,

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69 My interpretations of masturbation are influenced by Thomas W. Laqueur’s *Solitary Sex: A Cultural History of Masturbation* (New York: Zone Books, 2004), 23. Unlike Janofsky, I do not read all instances of masturbation as “resistance.” See Janofsky, “‘There is no hope for me,’” 208-209.
the early-morning masturbator not only neglected his labor, but also became “dyspeptic, demented, scrofulous, and consumptive.” Darrach claimed, “a judicious combination of moral, mechanical, and medical measures” would cure the masturbator of the debilitating vice that siphoned energy from his body and mind, and threatened to undermine the penitentiary’s regimen of forced celibacy and coerced labor.⁷⁰ According to penitentiary physicians, masturbation also caused an increase in the number of insane prisoners.⁷¹ Preventing prisoners from masturbating was a constant challenge: at least one prisoner, and probably many more, believed masturbation “did him no harm, but was a benefit.”⁷²

Other prisoners attempted to relieve their loneliness by writing to friends and family members. Prisoner James Brisner wrote to his mother Sarah, “i have not been right well since i have been in this prison and cold chill of two or three my heart got to beating from it what ever it whas.” Despite his “cold chill,” Brisner reassured Sarah that all would be well soon.⁷³ James S. Bennard wrote to his wife Rebecca a few days after arriving at the prison. He encouraged her to remain strong and assured her that they would reunite after his four-year sentence. “My Dear Wife,” Bennard wrote, “its for you my heart bleeds for I love you as dear as my own life.” He told her, “its for you and you alone I desire to live that I may render you happy and if you will asure me you will live for me to pray for me and not take it hard I will be perfectly happy.” The pain of

separation must have been unbearable. Bennard confessed, “How I long to see your lovely face it would heal my lasered heart and my confinement would seem much lighter—at present I am perfectly distracted.” Although imprisoned, Bennard attempted to play the role of proper husband. He instructed Rebecca to sell his coats and pants if she needed money, and to convey his love to his family and friends.74

Occasionally prisoners formed real relationships with other humans beings inside the penitentiary of which the overseers approved. Foulke visited prisoners often. On May 4, 1846, he visited Henry Martin. Martin, a 25-year-old English immigrant, told Foulke his life story. He had never met his father, and claimed to have “had a fondness for a bad life” since he was nine or ten. During his early teenage years, he learned to pick locks, robbed “sleeping travellers,” and committed “burglary and highway robbery.” He was sentenced to jails in London, Liverpool, Edinburgh, Dublin, and Cardiff. During his late teens, he was transported to the Hobart Island penal colony (present-day Tasmania).75 He escaped a year later aboard a New Zealand whaling ship that chased its prey throughout the Pacific Ocean. He eventually traveled to France, and then returned to England. Soon after arriving in England, he sailed for New Orleans. He then traveled north along the Mississippi River and its tributaries, only to spend time in the prisons of St. Louis, Louisville, Cincinnati, and Blackwell’s Island in New York City. After escaping from Blackwell’s Island, he traveled to Philadelphia. He was arrested and sentenced to three years imprisonment at Eastern State for “picking a man’s pocket at the Museum in Philadelphia.” After sharing his past adventures, he assured Foulke that solitary

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confinement had reformed him: “Being left to myself I have been thinking over my life, & all the men I have known, & how deceitful every thing had been, & my heart pinched me, for I saw I had been a fool”—significantly, Martin did not see himself as inherently criminal.\footnote{Entry for Nov. 15, 1846, in “William Parker Foulke Papers, ca. 1840-1865,” box 7, notebook “Notes on Prisoners,” American Philosophical Society, Philadelphia, Pennsylvania.}

Martin and other prisoners knew that Foulke and the members of the Philadelphia Society for Alleviating the Miseries of Public Prisons could make solitary confinement more bearable. They advocated for prisoners, and supplied them with reading material, art supplies, and seeds for gardens in their exercise yards. They would also provide “worthy” prisoners with a new set of clothes and a small sum of money upon their release.\footnote{The still standard history of the Philadelphia Society for Alleviating the Miseries of Public Prisons is Negley K. Teeter’s \textit{They Were in Prison: A History of the Pennsylvania Prison Society, 1787-1937} (Chicago: John C. Winston, 1937).} Martin may have fashioned his life’s story and reformation in hope of winning Foulke’s favor. Existing records, though, do not indicate if Martin’s tale earned Foulke’s sympathy.

Moral Instructor Thomas Larcombe, a Baptist minister, also visited each prisoner in the penitentiary. Larcombe quizzed prisoners about their parents, religious education, when they committed their first crimes, if they drank, their marital status, and if they could read or write. Larcombe’s statistics suggest that most prisoners in the Eastern State Penitentiary were single, uneducated men who occasionally drank to excess.

Prisoners who made false professions of religiosity disillusioned Larcombe. After his first meeting with James Stewart, a fifty-year-old white man convicted of selling counterfeit money, Larcombe noted, “Professes religion. Is quite an intelligent & venerable looking man.” Upon further discussion, Larcombe concluded that Stewart’s
“Profession of religion [was] false.” George Hark, a 24-year-old white man convicted of burglary, also professed his faith in God. Larcombe, however, was unconvinced. After his second visit, he wrote, “Has since confessed he was only hypocritically pretending and seems filled with a diabolical spirit. N[o] H[ope].” 78 Prisoners may have conversed with Larcombe because they had an interest in religion, or because they wished to convince him that they did in hope that he would help them obtain a pardon or an early release. On the other hand, for a prisoner enduring a sentence of solitary confinement, the companionship and conversation of any person may well have been a blessing.

If Larcombe’s notebook is an accurate indication of his thinking, he believed few prisoners were capable of reform. He wrote of Samuel Davis, a “mulatto” convicted of rape, “Exceedingly excited, enraged at the judge & threatened revenge, Swore if Knife or Pistol would be had, would revenge his wrongs upon his prosecutor also had sold himself to the Devil.” Davis remained locked inside a solitary cell for twelve years. Likewise, Larcombe had “not much hope” for Alexander Howe. Howe was a 21-year-old white man convicted of stealing a horse and larceny. Although “A man of pretty good mind,” Larcombe claimed that Howe was “cooly & desperately determined to evil, because of this hopeless of retrieving character.” Of George Wilson, a prisoner who thought he had “been a recipient of the H[oly] Spirit,” Larcombe noted pithily, “Laboring under a species of mental imbecility.” Larcombe also pronounced Thomas Brown, an escaped “mulatto” slave convicted of assault and battery with intent to commit rape who believed “his confinement will promote the welfare of his soul,” “Demented.” 79


79 Thomas Larcombe Ledgers.
Some prisoners viewed Larcombe with suspicion. For instance, in his diary, James Morton wrote a hostile letter to Larcombe. “I have of necessity heard your address to the walls of this prison during the last seven years,” Morton wrote, “and I never have heard one single discourse that was not fraught with something bearing the Stamp of malignity—something far-fetched purposing to insult the dignity and wound the feelings of those who deigned listen to you.” In Morton’s view, it was the penitentiary that turned Larcombe into a nasty person. “I am aware that the System—the original System of this Prison, commands you thus to do,—commands you to stab—cut—and carve with reckless hand, and mercilessly, around you,” Morton wrote. “But Sir I am also aware that such command comes not from the great master of all virtues, whom you profess to serve.” Morton aimed at nothing less than reforming Larcombe, by “hold[ing] up this mirror before you, no doubt that your own conscience will respond [to] its warning.” In general, Morton believed that penitentiary officials, who thought of themselves as humane philanthropists, had only one goal: “It is our wish—our aim and end, that you think only as we think.” According to Morton, officials designed and operated a disciplinary regimen that aimed to destroy and remake a convict’s identity through physical and psychological torture. “There is much said about Philanthropy—about religion—about morality—about kindness—sympathy—humanity toward dumb brutes—and Prisoners, but talk is one thing and practice quite another,” Morton argued.80

Morton’s diary illustrates that he suffered greatly while in solitary confinement. Larcombe’s notebook suggests that he was not alone. Nathan Adams’s “mind [was] evidently crushed & broken. Supposes he will never be permitted to come forth out of prison.” He was released after eight years of solitary confinement. Robert Nixon

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80 Morton, “Diary, 1852-1853.”
confessed his crimes and “seems despairingly impressed with a sense of his sins, has long sought mercy through Jesus, as his only hope, but cannot come to him or trust him.” Larcombe had the kindest words for Joseph Finney, a 22-year-old black man convicted of robbery: “Gives perhaps the clearest indication of being possessed of a gracious Spirit, of any other yet found in the penitentiary.” After four years of solitary confinement, Finney died, “in hope of Immortal Life.”

While alive, prisoners used their work tools to drill holes in the walls of their cells, passed bobbins that contained notes, tapped codes on pipes, climbed atop the walls of their exercise yards, and yelled out the window atop the ceiling of their cells, called a “dead eye.” William Henry weaved his supply of yarn into a ladder to climb to the “dead eye” at the roof of his cell to talk with prisoners in the adjoining cells. Samuel Anderson, “in attempting to talk from the top of his loom fell and broke his leg above the ancle.” Guards confined Charles Butler “in the dark cell with irons on his feet and wrists to prevent him from moving about the cell and reaching the cell door where he could converse with his fellow prisoners and disturb the whole block.” Foulke reported that two prisoners who were in adjoining cells managed to speak with one another throughout their imprisonment. The prisoner who was released first, “having learned the

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81 Thomas Larcombe Ledgers.
day at which the younger was to be liberated awaited him outside the gate.” “Our structure is defective,” Foulke concluded.85

The penitentiary’s architectural structure was defective in many ways. Evidently, it did not prevent prisoners from communicating with one another. Its coal furnaces frequently failed to heat the cells sufficiently. During the winter of 1837, Darrach treated prisoners who had “frosted hands.”86 Nine years later, prisoners still “complain[ed] of the cold.”87 When the furnaces worked, they often expelled “smoke” and “deleterious gases”—carbon monoxide—into the prisoners’ cells, poisoning them. The gases, which came from a “defect in the warming apparatus,” killed prisoners. “Such is the nature of the Gaseous poisons produced by the combustion,” Penitentiary Physician Franklin Bache observed, “that they create a torpor of the nervous system, and a tendency to sleep; in consequence of which the sufferer is not conscious of his danger, and therefore, not induced to call for assistance.”88 When the furnaces worked properly, they heated the sewage pipes, “causing unwholesome and very fetid vapours” to fill the cells.89 Fumes from the furnaces, vapors from the sewer, and the stink of shoemaking and weaving materials made the “air of the cells unpleasant.”90 It is unsurprising that many prisoners,

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like William Conover, “a colored man aged 22 y[ea]rs died of chronic disease of the lungs after an imprisonment of 8 mo[nth]s & 3 days.”

Some prisoners used their tools and work materials to escape the penitentiary. During the evening of February 1, 1834, Samuel Brewster used a handmade rope ladder to climb over the exercise wall behind his cell, and then over the penitentiary’s exterior wall. Five days later, the police returned a limping Brewster, who had sprained his ankle falling over the exterior wall. Another prisoner who worked as a tailor made himself a suit. The prisoner, dressed in his suit, opened the door of his exercise yard and “walked deliberately” out the front gate. His well-made disguise fooled the guard at the gate who probably thought that he was just one of the many tourists who visited the penitentiary daily.

A few prisoners who could not escape the penitentiary alive, tried to escape through death. Almost two years after he arrived at the prison, 36-year-old Irish peddler John Ayers “hung himself in his cell with a hank [coil] of cotton yarn fastened to the door of the cell with a piece of twine & a stick.” The coroner ruled that Ayers died “by suicide caused by insanity.” According to the warden, David Harman, a 26-year-old white man convicted of stealing a horse, “either attempted or pretended to have attempted to hang himself.” Guards found Harman “on the floor of his cell making a great noise.” Harman told the guards, “the rope had broken.” The warden transferred him “into a cell where he

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will find it difficult to harm himself.” The warden claimed another prisoner “shortened his days by attempting to make himself look very ill for the purpose of obtaining a pardon.” The prisoner did not obtain a pardon. He did, however, leave the prison before his sentence expired, but inside a makeshift casket. Perhaps in hope of killing himself or eliminating the temptation of masturbation, Isaac Thomas “attempted to castrate himself with a shoe knife.” Thomas, the warden wrote, “had cut into one testicle and bled profusely.”

Prisoners attacked guards too. William Blackstone, a black laborer convicted of larceny, “attempted the lives of the Overseers in several instances with his knife when he was about being removed from his cell on account of ill behaviour.” Warden George Thompson reported, “Overseer Merrill would have been killed by him but for the interposition of Doctor Watson who was seriously wounded in saving Merrill’s life.” Michael Trusty acted “violent & very abusive; he has his shoemaking knife with which he bid defiance, & in an unsuccessful attempt to take it from him by the Keepers W[illia]m Wray received a severe wound in the hand.” Eli Smith, a 27-year-old black laborer convicted of larceny, stabbed guard William Blundel “in the hand and neck.” “The knife,” the warden wrote, “entered the side of [Blundel’s] neck cutting some of the

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tendons and inflicting a wound about an inch long and supposed one and a half deep.”

James Hall, a 23-year-old “light black” plasterer, “prepared a spear for the purpose of piercing the eye of the Watchman.” When the warden attempted to confiscate the spear, Hall “broke one of his fingers.” Another prisoner named Billman murdered the penitentiary’s nurse by beating him “with [a] board on the side of the head and then across the forehead.”

While some prisoners attacked themselves and others, at least one prisoner, Elizabeth Velora Elwell, fell in love. It is unclear how Elwell met her two love interests but her letters illustrate cracks in the system of separate confinement. To fellow prisoner Albert G. Jackson, Elwell wrote, “I was glad to see you and get your note for my heart is all most broken for you if you was in my lonsome sell to night oh my dear loved one it wood not seem so lonely.”

Elwell also wrote playfully to convict Peter James:

A day later, Elwell imagined her future freedom and pursuit of Jackson: “Oh could i only free our selfs out of this place of misery and cruel treatment but time and

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patients will bring us out I trust and if I ever see you my dear and I will if I have to follow you ove the globe for months.”

Love and letter writing helped Elwell cope with imprisonment. Despite her meager literary skills, her prose portrayed the anguish of being separated from the men she fancied, and help us imagine how life may have been inside the penitentiary.

The “scarce few words that speak of them” and the scarce few words they wrote, illuminate the lives of prisoners inside one of the early nation’s most famous penitentiaries. The penitentiary, as seen from the perspective of prisoners, appears much different from the penitentiary that prison reformers and tourists described. Most prisoners did not see the penitentiary as a humane institution that aimed to reform them into law-abiding citizen laborers. Instead, they viewed it, in Elwell’s words, as a “place of misery and cruel treatment.” Prisoners emerged broken, not reformed. “It would seem,” Morton wrote to the penitentiary physician, “as tho my feeble condition rends me unfit for the necessary qualifications of shifting for myself.”

Morton’s self-description on the eve of his release could have described countless other prisoners whose penitentiary experience made them “unfit” for providing for themselves and their families upon their restoration to liberty.

Although officials such as McElwee, Lassiter, and Foulke tried to assist prisoners, most inmates still suffered from loneliness and psychological anguish. They froze on cold winter nights and sweated on hot summer days. In hope of maintaining their sanity, they

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107 Morton, “Diary, 1852-1853.”
wrote, read, painted, gardened, masturbated, and talked with one another and their visitors. Some daring prisoners even escaped the penitentiary that Foulke believed was inescapable. Those who could not escape physically may have escaped mentally when they descended into madness. For others, suicide was one way to assert control over their own lives and escape the walls of their solitary cell. They banged their heads into walls, slit their throats, and hanged themselves from bedposts, doorknobs, and “dead eyes.” Despite the tortures, suicides, and cases of insanity, some contemporary observers continued to view the Eastern State Penitentiary as a “truly excellent and benevolent” institution that epitomized the civilized culture of Philadelphia. The experiences of prisoners suggest something different: hidden behind its imposing walls, barbarism ran amok.
CHAPTER SIX

“THE ENEMY OF HONEST INDUSTRY”: REFORMERS, PRISONERS, AND WORKINGMEN

The title character of Robert Montgomery Bird’s 1836 novel, *Sheppard Lee: Written by Himself*, had a remarkable skill: he could become other people by willing his soul into their recently deceased bodies. One of the bodies Sheppard commandeered belonged to Philadelphian Quaker philanthropist, Zachariah Longstraw. As Longstraw, Sheppard bestowed “that virtuous knowledge and those virtuous principles, which are better than alms of gold and silver” upon prisoners, Irish immigrants, African Americans, a drunkard who beat his spouse, a debtor who could not pay his creditors, school children, and needle-women who protested to obtain higher wages.\(^1\) Not one of the objects of Sheppard’s philanthropy appreciated his assistance, leaving him to conclude, “the world is a wicked world, and I begin to doubt whether man can make it better.”\(^2\)

Nonetheless, an undeterred Sheppard continued to practice the “great enterprise of philanthropy.”\(^3\) He sheltered a runaway slave who stole twenty-seven pounds of silver and three watches from his home. After turning in the escaped slave to the police, who returned the slave to his enslaver, members of Philadelphia’s free-black community burned Sheppard’s house to the ground. To rebuild, Sheppard explained, “I bought my marble out of the prison, in order to encourage industry among the prisoners, and thus lighten the load of taxation on the community at large.” “This being known,” Sheppard continued,

the marble-cutters fell into wrath, denounced me as a friend of villainy and the enemy of honest industry; and being joined by the shoemakers, who

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\(^3\) Bird, *Sheppard Lee*, 269.
had put me down in their character-book as a patron to none but prison
workmen, and by divers other mechanics that had some grudge of the
same kind, they seized me, as I stood surveying my rising mansion, and
bedaubed me from head to foot with thick whitewash, painting in great
black letters on the broad of my back, the following words, namely—‘THE
ROGUE’S FRIEND;’ which caused me, after I had escaped from their hands,
to be hooted at by boys and men along the street, and to be bitten by a
great cur-dog, that was amazed at my appearance.4

The experience of the battered, bruised, and dog-bitten philanthropist highlights
this chapter’s key themes: reform, prison labor, and the reactions of workingmen to the
goods produced by incarcerated laborers. Most historians of labor who have examined
the formation of class and nascent “industrialization” during the “market revolution,”
neglect workingmen’s responses to forced prison labor—one of the primary issues that
galvanized workingmen politically in early national New York City.5 The state prisons of
early nineteenth-century New York and Pennsylvania provide a lens on how reformers,

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4 Bird, Sheppard Lee, 281-282. Bird was not the only antebellum writer to lampoon “well-
intentioned” philanthropists. Another prominent example is Nathaniel Hawthorne’s portrayal of Mr.
an analysis of nineteenth-century writers who criticized reformers, see the first section of David S.
Reynolds’s Beneath the American Renaissance: The Subversive Imagination in the Age of Emerson and

University Press, 1991). Workingmen’s responses to forced prison labor receive little more than an
occasional page or footnote in Richard B. Morris, Government and Labor in Early America (New York:
Columbia University Press, 1946); Howard Blair Rock, “The Independent Mechanic: The Tradesmen of
New York City in Labor and Politics During the Jeffersonian Era” (PhD diss., New York University,
1974); Bruce Laurie’s Working People of Philadelphia, 1800-1850 (Philadelphia: Temple University Press,
1980); Sean Wilentz’s Chants Democratic: New York City and the Rise of the American Working Class,
1788-1850 (New York: Oxford University Press, 1984); Charles G. Steffen’s The Mechanics of Baltimore:
Workers and Politics in the Age of Revolution, 1763-1812 (Urbana: University of Illinois Press, 1985);
Steven J. Ross’s Workers on the Edge: Work, Leisure, and Politics in Industrializing Cincinnati, 1788-
1890 (New York: Columbia University Press, 1985); David R. Roediger, The Wages of Whiteness: Race
and the Making of the American Working Class (London: Verso, 1991); David Montgomery, Citizen
Worker: The Experience of Workers in the United States with Democracy and the Free Market During the
Nineteenth Century (New York: Cambridge University Press, 1993); Christopher L. Tomlins, Law, Labor,
and Ideology in the Early American Republic (New York: Cambridge University Press, 1993); and Peter
Way, Common Labour: Workers and the Digging of North American Canals, 1780-1860 (New York:
Cambridge University Press, 1993). Historians of labor may begin to rectify this gap if Seth Rockman’s
Scrapping By: Wage Labor, Slavery, and Survival in Early Baltimore (Baltimore: Johns Hopkins University
Press, 2009) serves as a guide. Joshua R. Greenberg briefly explores workingmen’s opposition to prison
labor in his Advocating the Man: Masculinity, Organized Labor, and the Household in New York, 1800-
(accessed March 5, 2010).
prisoners, and workingmen understood coerced prison labor and how their conflicting conceptions contributed to the cultural and political construction of an emerging definition of laboring citizenship.

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On March 9, 1787, during a meeting of the Society for Promoting Political Inquiries, convened at the home of Benjamin Franklin, Benjamin Rush delivered a paper entitled, “An Enquiry into the Effects of Public Punishments Upon Criminals and Upon Society.” Rush’s paper, which was later published as a pamphlet, argued that public punishments failed to deter crime because juries often hesitated to convict fellow citizens of crimes that required a sentence of public, physical punishment. When citizens congregated to view the few convicted criminals who received public punishments, they often sympathized with the condemned, but spectators could not act on their sympathy. Unable to act on their benevolent, sympathetic impulses, “the sympathy of the spectator is rendered abortive,” Rush explained, “and returns empty to the bosom in which it was awakened.”

Abortive sympathy had dangerous consequences, as Sheppard Lee had discovered. It threatened to dissolve the bonds that held citizens together. “Misery of every kind,” Rush predicted, “will then be contemplated without emotion or sympathy.”

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The withering of sympathy within citizens’ bosoms, Rush argued, removed “the sentinel of our moral faculty,” which left “nothing to guard the mind from the inroads of every positive vice.” Unprotected minds would easily succumb to the disastrous consequences of what historian Michael Meranze terms “mimetic corruption.” Perhaps most insidiously, Rush warned, abortive sympathy would lead citizens to “secretly condemn the law which inflicts the punishment.” In Rush’s mind, public punishments were, quite simply, the actions of a suicidal state.

As we have seen, before citizens of Pennsylvania turned away from public, physical punishments and toward confinement at hard labor within a penitentiary, they sentenced convicted criminals to public labor. In 1786, judges began to sentence convicted felons, called “wheelbarrow men,” to labor publicly in the streets of Philadelphia. Their “peculiar,” multicolored dress and shaved heads made them a visual spectacle. Thompson Westcott, a nineteenth-century newspaper editor, described the wheelbarrow men’s multicolored outfits: “The jacket of one convict might be made up of materials half red and half green, another’s might be black and white, and a third blue and yellow. The sleeves of the roundabout would be of two different colors, and the two legs of a pair of pantaloons would present an equal variety of hues.” The most dangerous men each wore “a heavy iron ball, attached to his ankle,” by “a chain, ten or twelve feet

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7 Rush, Enquiry into the Effects of Public Punishments, 7.
8 Meranze, Laboratories of Virtue, 8.
9 Rush, Enquiry into the Effects of Public Punishments, 7.
long.”11 Some men, such as William Cosgrove and Patrick Dalton, who “escaped from their labour” on June 28, 1789, wore “steel collars on their necks.”12

“Under the care of keepers, who kept a strict eye on their movements,” wheelbarrow men labored on public works throughout Philadelphia. They swept and scraped grime from the streets and sidewalks. They repaired the streets of the city and its suburbs. They built and repaired roads that connected Philadelphia to its agricultural hinterlands. They dug and quarried stone that later found its way into the city’s mansions, homes, and public buildings. They sawed firewood that was used to heat the Pennsylvania Hospital, almshouse, and prison. They dug, removed, and leveled earth. As Westcott explained, “They dug away a steep hill in the neighborhood of Seventh and Arch streets, and filled up a pond of water at Eight and Filbert streets.” They dug ditches near the Pennsylvania Hospital and excavated the County Court House’s cellars.13 The public labor of wheelbarrow men improved and strengthened the infrastructure of Philadelphia. Their contemporaries may have considered them marginal, but wheelbarrow men’s labor was central to the maintenance of the late eighteenth-century cityscape that William Russell Birch immortalized in his famous collection of engravings, The City of Philadelphia … As it Appeared in the Year 1800.14

Many wheelbarrow men resented wearing absurd clothing while performing grueling labor on Philadelphia’s streets. Some of the men who wore a heavy ball and

12 The Pennsylvania Packet (Philadelphia), July 14, 1789
chain around their ankles would throw the ball down with all their strength to damage the streets and sidewalks. Other men would throw the ball at passing citizens. While on the streets, the men maintained their criminal ways. “It was no unusual thing for one of them to snatch a watch, or some other valuable article, from the pocket of a passerby,” Westcott claimed, “and slip it from one to another of the gang so dexterously that the article could not be recovered.” Just as dangerous to the citizens of Philadelphia, wheelbarrow men communicated with their friends while laboring in the city’s streets. From their friends, they received food, money, and liquor. Stories abounded of wheelbarrow men who “staggered about with the effects of intoxication.”

In addition to communicating with friends, robbing and injuring citizens, and getting drunk, wheelbarrow men frequently plotted escapes and occasionally revolted. During the evening of March 19, 1787, tired wheelbarrow men returned to the Walnut Street Jail after a long day of laboring in the streets. Upon arriving at the prison, guards noticed that one man’s irons were loose. Guards sent a blacksmith to repair the irons. The man and the other men in his apartment—a cell that contained at least eight prisoners—knocked the blacksmith down and beat him “unmercifully.” They then rushed the prison’s gates. A short time later, “an armed force” arrived at the prison and fired upon the men. One man was killed and another was “dangerously” wounded. The militiamen helped guards prevent the escape and gain control of the jail. According to Westcott, the revolt and escape “attempt was caused by the great repugnance which the convicts had to the wheelbarrow service.” Five months later, militiamen again opened fire on wheelbarrow men who rebelled. This time only one wheelbarrow man was severely

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injured. The actions of wheelbarrow men made it appear that the system of employing convicts at public labor spread crime and violence, not curtailed it.

The most atrocious incident involving wheelbarrow men occurred on September 18, 1789. That afternoon five of them—named Cronan, Burns, Bennett, Logan, and Ferguson—labored near Philadelphia’s Centre Square. One of the men, seeking “a tin can, for the purpose of getting a drink from a neighboring pump,” knocked on the front door of the McFarland brothers’ house. When one of the McFarlands answered the door, the wheelbarrow man saw a large pile of money on a table. With his can in hand, the man proceeded to the neighboring pump to share a drink with his fellow laborers. While enjoying a cool, refreshing drink, he explained what he saw. During their afternoon drink, the men resolved to escape from the jail that night in order to relieve the brothers McFarland of their money.

During the night, the men escaped. Before heading to the McFarland house, they went to the house of Logan’s wife. Along with Logan’s wife, the men, armed with a lantern and a pump-handle, made their way to the McFarlands’s home. They gained entry to the house and bludgeoned one of the brothers “in the most barbarous manner.” During the melee, the robbers’ lantern was extinguished and darkness engulfed the interior of the home, which allowed the uninjured McFarland brother to escape “by concealing himself in the cockloft.” The robbers left the house; once they re-lit the lantern, they returned to ransack the home. They found and stole at least two thousand dollars. Before exiting the house, the men heard the moans of the wounded brother.

19 *The Independent Gazetteer* (Philadelphia), Sept. 23, 1789.
According to Westcott, Logan’s wife proclaimed, “she would ‘finish him,’ and coolly battered his head against the wall until she thought he was dead.” He died the next day.²⁰

With loot in hand, the gang of plunderers buried their booty in Potter’s Field and proceeded to enjoy a night on the town in the “neighborhood of Fourth and Shippen streets, where they came into contact with a party of sailors, who ridiculed their peculiar dress.” The wheelbarrow men and sailors rumbled in the street. A few days later the men and Logan’s wife were arrested, and shortly thereafter, tried and sentenced to death. The Governor commuted the sentence of Logan’s wife—the state rarely executed women. On October 12, a crowd gathered to watch the men dangle from a scaffold “erected on Centre Square, near to where the crime was committed.”²¹

The wheelbarrow men who robbed and murdered one of the McFarlands decisively turned citizens against the practice of employing criminals in the streets of Philadelphia. Opposition against the wheelbarrow men had not begun with the McFarland murder, however. In his lecture at Franklin’s house, Rush argued against employing criminals on public works. He feared that their employment in “public labour will render labour of every kind disreputable, more especially that species of it which has for its objects the convenience or improvement of the state.” Furthermore, Rush contended that wheelbarrow men would allure “spectators from their business: and thereby deprive the state of greater benefits from the industry of its citizens, than it can ever derive from the public labour of criminals.”²²

Rush was not the only commentator who complained about criminals who labored in public. For instance, in the March 15, 1788 issue of The Independent Gazetteer, a

²⁰ Westcott, History of Philadelphia, 590.
²¹ Westcott, History of Philadelphia, 590.
²² Rush, Enquiry into the Effects of Public Punishments, 9.
correspondent bemoaned, “the streets, market-place, and other public passages, are unhealthful and dirty to a shameful degree.” Since wheelbarrow men cleaned the city’s public thoroughfares and spaces, the writer alleged, “the wheelbarrow men are not sufficiently employed for the public utility.” According to this writer, the men were not laboring hard enough. He further urged the city to employ the men in shoveling snow from the sidewalks and streets during the winter.23

The wheelbarrow men’s frequent escapes, though, terrified the inhabitants of Philadelphia. In the beginning of October 1788, thirty-three wheelbarrow men escaped. According to an article in The Independent Gazetteer, the men immediately “resumed their former practices of depredation upon the persons and property of the inhabitants.” They robbed an Irish immigrant of eight guineas, “plundered” a young man, and “then tied him to a stake.” The article warned that citizens who traveled at night “would do well to arm themselves.”24 Escaped wheelbarrow men even perpetrated criminal acts outside of Philadelphia. The Pennsylvania Mercury printed a report that outlined crimes committed by members of “the wheelbarrow gentry” upon the inhabitants of New York City.25 No wonder a writer in Lippincott’s Magazine later claimed, “children huddle around the evening fire with eyes dilated at the tales of servants concerning ‘the wheelbarrow men.’”26

The actions of wheelbarrow men turned the citizens of Philadelphia against the wheelbarrow law. Writers to the city’s newspapers contended that criminals did not fear the law and that it failed to deter crime. A correspondent to The Independent Gazetteer

23 The Independent Gazetteer (Philadelphia), March 15, 1788.
argued, the wheelbarrow law “has ceased to be a punishment: It serves only to make bad men worse, and is therefore unpopular and odious in every part of the state.”

Another anonymous writer observed, “the merciful tenderness of the law serv[ed] only to encourage their bloody depredations.” In place of the law, some writers suggested returning to the practice of public, physical punishments. While other writers favored solitary confinement at hard labor. The writer to *The Independent Gazetteer* implored the government to “remove from the sight of our citizens the dreadful spectacles of human misery and depravity which meet us in every street” in the form of wheelbarrow men. He recommended replacing public labor with solitary imprisonment at hard labor. “To be delivered to a merciless overseer of a public work of any kind, or to be delivered to a sheriff for execution,” a writer to the *Federal Gazette* asserted, “are both light punishments compared with a wicked man being delivered by solitude and confinement to his own reflections.”

In 1790, the State Legislature abolished the wheelbarrow law, and replaced public, criminal labor with hard labor inside a prison.

Although the wheelbarrow men disappeared from the streets, their actions and resistance strategies continued inside the prison. Prisoners rebelled, escaped, and fought one another. They also broke tools and worked slowly, as well as carelessly. They formed relationship, boasted of their exploits, and yearned for liberty. Convicts lived the lives that formed the basis of the tales that servants told to the children who had “dilated eyes.”

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29 *The Independent Gazetteer* (Philadelphia), Sept. 19, 1788.
To make incarceration an effective reformatory punishment, reformers implemented new regulations and rules for the Walnut Street Jail, which would confine debtors and convicted criminals in separate sections, abolish gaol fees, prevent communication between prisoners and their friends outside the prison, separate men from women and blacks from whites, prevent prisoners from drinking “spirituous liquors,” and institute a “system of labour,” in hope of introducing “order, decency, economy, and industry” to the prison. After a few years, the regulations, Robert J. Turnbull observed, transformed the prison into a “neat, handsome, and no inconsiderable ornament to the city.” In addition to these regulations, reformers authorized the construction of a “large stone building” that contained sixteen solitary cells to confine “hardened” offenders and disobedient prisoners. The majority of prisoners, however, never experienced “close confinement” inside the solitary cells.

Early reformers viewed idleness, as well as intemperance and “evil connections,” as the wellsprings of criminal activity. Therefore, hard, “laborious work” stood at the center of the new prison regimen. After the establishment of the prison, judges sentenced convicted criminals from throughout the state to a “term of servitude” at hard labor. The beneficent examples of the “principles of industry,” would, reformers hoped, compel prisoners to become sober, improve their morals, and in time, transform them into

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virtuous, hardworking citizens—men who possessed the characteristics of laboring citizenship.36

When Turnbull visited the Walnut Street Prison in 1796, he was amazed to find himself “amidst a small industrious community.” The men labored, “under the mutual inspection of each other,” at blacksmithing, nail making, rope making, shoemaking, weaving, and tailoring. They also chipped wood, ground plaster of Paris, beat hemp, and sawed and polished marble. They occasionally picked oakum, wool, cotton, and hair.37 Women spun wool, sewed, mended, and washed uniforms, as well as cleaned the prison.38 They whitewashed the prison at least three times a year, and washed the passages and rooms of the prison once or twice a week. Women were responsible for washing the prisoners’ linen and towels each morning.39 The early national prison, just like the early national home, was maintained by the labor of women, for as Dr. James Mease observed, cleanliness was “intimately connected with morality.”40

During the early years of the prison, reformers claimed that most prisoners submitted to the regimen of hard labor. Some “desperate and disappointed characters,” however, resisted the efforts of reformers and guards. Caleb Lownes, one of the prison’s first inspectors, shared the story “of a woman, of an extreme bad character, an old offender, and very ungovernable, who had made an attempt to burn the prison.” Lownes also noted a male prisoner who refused to labor. Guards confined this prisoner “in the

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solitary cells, where he remained some weeks, without labour, bed, or furniture of any kind, except a vessel to hold his drink, and another his mush, and a blanket.” Once the prisoner emerged from solitary confinement, he labored diligently and, according to Lownes, conducted himself with “the utmost propriety of conduct.”

In the aftermath of the 1798 yellow fever epidemic and destruction of the workshops by fire, members of a visiting committee from the Philadelphia Society for Alleviating the Miseries of Public Prisons reported, “the Prison exhibit[ed] a state of Idleness, Dirt and Wretchedness exceeding any thing of the kind which they have observed there for some years past.” By and large, however, until a mass prisoner uprising in 1820, the prison appeared relatively quiet to the public, served as an example to reformers in other states, and held “out to offenders no other scenes than those of annihilated liberty, the obligation to labour and the injunction of regularity and silence.”

In March 1796, encouraged by the success of Philadelphia’s Walnut Street Prison, New York politicians replaced public, physical punishments such as whipping, cropping, and branding with incarceration at hard labor for a specified length of time. Politicians hoped the state prison, situated on the east bank of the Hudson River about two miles northwest of New York City’s City Hall, would subject the bodies and minds of

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convicted felons to a well-regulated regimen, “consistant with their sex[, age[,] health and ability to hard labour.”

Politicians believed the regimen would re-form criminals into ideal citizens.

In early nineteenth-century New York, judges sentenced all convicted felons to “hard labour,” the cornerstone of the state prison’s regimen. “It is by confinement to hard labour in a penitentiary house,” Quaker Thomas Eddy asserted, “that the primary and legitimate purpose of human punishment is to be effected.” Reformers, who incidentally supported the abolition of slavery, claimed to design a coerced-labor regimen to teach prisoners, who hailed mostly from the working class, trade skills and virtuous habits—the characteristics of an ideal, white, republican citizen, what I term laboring citizenship. Indentured servitude provided the model of forced labor that prisoners endured. Like indentured servants, prisoners performed labor for the length of their sentence, and upon release, they regained their freedom as citizens of the republic of liberty. In addition to labor’s supposed reformatory powers, reformers hoped, in vain, that profits from forced labor would finance the prison’s operation.

Reformers charged keepers with ensuring that prisoners labored diligently and with providing the proper models of citizenship for prisoners to emulate. Ideal keepers would be father figures who taught prisoners the characteristics of an emerging cultural citizenship: self-discipline, diligence, order, sobriety, cleanliness, submission to authority, and trade skills. Eddy imagined the ideal keeper who would serve as an example to “the unhappy wretches committed to his care and subjected to his power,” as a man of feeling who personified the law:

46 Eddy, Account of the State Prison or Penitentiary House, 37.
a person of sound understanding, quick discernment, and ready apprehension; of a temper cool, equable, and dispassionate; with a heart warmed by the feelings of benevolence, but firm and resolute; of manners dignified and commanding; yet mild and conciliating; a lover of temperance, decency, and order; neither resentful, talkative, or familiar; but patient, preserving, and discreet in all his conduct.

Although Eddy viewed prisoners as “wicked and depraved, capable of every atrocity, and ever plotting some means of violence and escape,” he considered them “susceptible of being influenced by their fellow men, and capable of reformation.”

After an initial interview, keepers assigned prisoners to labor in one of the prison’s industries. Women prisoners attended the sick, washed and sewed prisoner uniforms, cooked, cleaned, and spun wool. Men prisoners produced many goods for private contractors who had purchased the rights to their labor. At the end of 1802, the prison contained 357 male prisoners. Of these, 179 worked in the shoemaking workshop as shoemakers, binders, cutters, and closers. Another nineteen prisoners worked in the prison’s nail workshop. While the remaining 159 men, minus three prisoners confined in the solitary cells, twenty-two in the infirmary, and four “invalids unfit for labor,” worked as blacksmiths, carpenters, coopers, tailors, weavers, oakum pickers, furriers, gardeners, barbers, clerks, engravers, and assistants to the prison physician.

Prisoners in New York, like those in Philadelphia, frequently disrupted the coerced-labor regimen. Like indentured servants and enslaved laborers in the South, prisoners resisted coerced labor by working slowly, sloppily, and destroying material. Ex-prisoner W.A. Coffey claimed weavers burned and destroyed cloth with “unnecessarily

In his 1812 year-end report, Head-Keeper Nicholas Roome reported that he confined John Grant in solitary “for setting fire to the brush shop” and “for cutting and destroying all the pieces in the looms in the upper weave shop”; Thomas Wilkinson for “refusing to work and threatening” keepers; John Jackson “for refusing to work”; and nine other prisoners for confining and threatening keepers, and “burning the shops, in order to effect an escape.”

New York City Mayor Stephen Allen described “a robust and hardened culprit who resolutely puts the keepers at defiance.” The prisoner refused to work, destroyed machinery, and according to Allen, “openly insult[ed] those who attempt[ed] to question the propriety of his conduct.” Keepers chained the prisoner to the floor of a solitary cell and fed him “bread and water for a number of days.” After spending days in solitary confinement, the prisoner still refused to work and declared, “he would rather stay where he was, than be out and work.” An exasperated Allen asked rhetorically, “What think you, would not thirty-nine lashes, well laid on, have brought this fellow to his reason? For my own part, I have no doubt of it.”

Prisoners often rebelled inside the congregate-labor workshops, which provided spaces for mass organization, as well as tools they could wield against their captors. On June 13, 1799, “50 or 60” shoemakers “seized upon the keeper” and “furnished themselves with hammers and axes, from the carpenter’s shop and the nailery, and

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proceeded to force the outer gates.” Unfortunately for the prisoners seeking their freedom, large piles of “fire wood” blocked the gates. Approximately 300 soldiers, including artillery, arrived at the prison to crush the insurrection. In addition to daring escape attempts, prisoners occasionally set fire to prison buildings, for example in the spring of 1804. Five years later, in his report to the Legislature, Prison Agent P.H. Wendover wrote that the 1804 fire “was productive of much injury to the business of the prison, both by the loss of labor, and damage to a large amount sustained to the stock on hand.” The specter of arson haunted the prison. In 1812, a prisoner “deliberately and willfully set on fire” one of the prison’s “principal workshops.” The fire destroyed the workshop, “consum[ed] a considerable amount of materials and valuable tools,” and forced Prison Agent William Torrey to ask the State Legislature for an additional $15,000 appropriation.

As Chapter Three demonstrated, during the remaining years of the prison’s operation, it became more crowded and prisoners rebelled, set fires, and escaped more frequently. Frustrated politicians and dejected reformers viewed the prison and its prisoners with increasing suspicion. In 1812, the state prison inspectors confessed to the Legislature, “the primary object of reclaiming offenders is nearly defeated … there is so much reason to believe that so many of the convicts, after they are liberated, are not

better citizens than when they were committed.” The actions of prisoners led Samuel H. Hopkins, Stephen Allen, and George Tibbets, commissioners appointed by the Legislature, to write “that as long as it is necessary to confine several prisoners in the same room, our State Prison at New York, can be no other than a college of vice and criminality.” After visiting the prison, Stephen Allen in an 1822 address to the New York City Common Council concluded glumly, the penitentiary “experiment has in great measure failed.”

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New York reformers were not alone in their disillusionment. After the 1820 prisoner uprising at the Walnut Street Prison, Philadelphia’s reformers agitated for the construction of a new penitentiary. Nine years later their wishes came to fruition with the opening of the Eastern State Penitentiary, situated in the northwest corner of the city. At Eastern State, prisoners were subjected to total, solitary confinement at hard labor. “The system,” Charles Dickens wrote in 1842, “is rigid, strict, and hopeless solitary confinement. I believe it, in its effects, to be cruel and wrong.” As we have seen, prisoners often resisted forced isolation by communicating with other prisoners through pipes, holes in the cell walls, and by yelling out of the skylights of their cells. Prisoners at Eastern State also resisted the penitentiary’s regimen of coerced labor.  

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59 See also Jennifer Lawrence Janofsky, “‘There is no hope for me’: Eastern State Penitentiary, 1829-1856” (Ph.D. diss., Temple University, 2004), 157.
At Eastern State, most prisoners labored alone in their cells. They worked as weavers, tailors, coopers, blacksmiths, and shoemakers. Some prisoners were also employed in the penitentiary’s kitchen and bake house. Inspectors shared the belief of early reformers that hard labor held reformatory potential, but unlike earlier reformers, they saw emulative reform as impossible. Inspectors believed labor would not only teach prisoners useful trades that they could employ upon their release, but that it would instill the virtuous habits of laboring citizenship. Inspectors argued that labor was not a punishment, but a “privilege.” When prisoners violated the rules of the penitentiary, inspectors denied them the “privilege” of work and, at minimum, placed them on a reduced diet of bread and water.

Many prisoners did not see labor as a privilege or a reward. Instead, prisoners resisted the regimen of forced labor or used their work materials to subvert the penitentiary’s system of solitary confinement. As we saw in the last chapter, prisoner William Henry fashioned the yarn he wove into a ladder. He climbed the ladder to the skylight at the roof of his cell to talk with prisoners in adjoining cells. Keepers responded by placing Henry in a dark cell, with ten ounces of bread and three-and-one-half pints of water per day, for three days. Prisoner John Caldwell resented coerced labor so much that he broke his loom. Caldwell was not the only prisoner who destroyed work material or refused to labor. Between March and May 1845, the warden sent fourteen prisoners to the dark cells for refusing to work.60

Other prisoners used their tools to escape. Samuel Brewster, like Henry, used a rope ladder to escape the prison. After his capture and return to the penitentiary, guards

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assigned him to the shoemaking trade. On January 2, 1835, a guard named Clayton informed Warden Wood, “Brewster had made but four pair of shoes during the last month & that he said he never would make another pair.” Wood responded by ordering Brewster to be removed to a new cell without his shoemaking tools. Although Brewster had not used his tools to produce too many shoes, he refused to depart his cell without them, unless he could be moved without the customary black hood over his head. Guards routinely transferred prisoners to and from their cells with hoods over their heads to prevent them from observing the prison or other prisoners. The guard reported to Wood that he capitulated to Brewster’s request and removed him without his hood. Upon learning this information, Wood coolly noted in his journal, “I expressed my decided disapprobation of his having made any such agreeing or of his having so as improper.”

The next day, Clayton, the guard, resigned.61 Few prisoners were as successful as Brewster was in obtaining what they wanted. For instance, when John Hyde refused to work, Warden Nimrod Strickland placed him in a shower bath. It did not have the intended effect. It did not spur Hyde to work. Instead, it injured him so badly that he was unable to work for days.62

Prisoners waged a never-ending war against guards for control of the prison. They often used their tools as weapons to attack guards or themselves. On July 25, 1836, Warden Samuel R. Wood recorded that prisoner number 210, Michael Trusty, was noisy

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and engaged in “troubling conduct.” Wood punished Trusty by putting him “on short allowance”—reduced rations. Wood’s actions did not break Trusty’s spirit. The next day Trusty still behaved “violent & very abusive” by threatening keepers with “his shoemaking knife.” When guard William Wray attempted to confiscate the knife, Trusty inflicted a “severe wound” on Wray’s hand.63

Other prisoners used their tools to inflict violence on their own bodies. Charles Langenheimer, a German immigrant, perhaps terrified about enduring a five-year sentence of solitary confinement, tried to kill himself on May 19, 1840, four days after he entered the penitentiary. Langenheimer “attempted suicide with a shoe knife by stabbing himself in the abdomen & cutting the large vein and wounding the artery in his left arm.” A guard found him “insensible[,] laying in a pool of blood.” William Darrach, the penitentiary’s physician dressed Langenheimer’s wounds and saved his life. A month later, Langenheimer again “cut himself, in a number of places.”64 About Langenheimer, Charles Dickens claimed, “a more dejected, heart-broken, wretched creature, it would be difficult to imagine.” Despite multiple suicide attempts, Langenheimer did not succeed in killing himself, survived the remainder of his sentence, and was sentenced eight more times to Eastern State before he died in 1884.65 Solitary confinement at hard labor did not reform Langenheimer; it institutionalized him.

Prisoners at the Eastern State Penitentiary prevented the creation of the penitential utopia that reformers envisioned. They did not labor diligently or silently in their solitary confinement. Solitary confinement at hard labor did not reform Langenheimer; it institutionalized him.

cells. Many prisoners resisted coerced labor. They destroyed materials and refused to work. They also used their tools to escape, communicate with other prisoners, and attack themselves and guards. While the prisoners who worked, did not produce much. The prisoners at the Eastern State Penitentiary just like the prisoners at the Walnut Street Prison and the New York State Prison, in the City of New York, did not view coerced labor regimens in a beneficent light. They were, for the most part, not interested in learning trades while laboring for the profit of others. Their actions thwarted the hopes of prison reformers, who, in the words of Meranze, believed “Penitential punishments promised an entirely new way of governing society—one based on spiritual engagement, not coercive violence, one that would reclaim rather than expel, that would preserve individual reputation instead of spreading infamy, and that would contain rather than extend the example of criminality.”

The incarceration regimens at New York’s next two state prisons, Auburn and Sing Sing, differed from the one at Pennsylvania’s Eastern State. As Chapter Four illustrated, prisoners at Auburn and Sing Sing endured regimens of silent, congregate labor during the day. At Auburn and Sing Sing, unlike at New York’s first state prison, which closed in 1828, prisoners were confined in solitary cells at night. In addition, keepers at the new state prisons flogged prisoners who disobeyed regulations. After the 1820s, states throughout the nation modeled their state prisons upon the New York system. Auburn and Sing Sing, unlike Eastern State, contained extensive manufacturing workshops where, in the words of political scientist Rosalind P. Petchesky, “the state

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66 Meranze, Laboratories of Virtue, 3.
67 McLennan, Crisis of Imprisonment, 63.
broadened a fiscal base and legitimacy, and … private owners accumulated capital and secured disciplined labor.”

Prisoners at Auburn and Sing Sing worked primarily for private contractors. In 1827, 376 of Auburn’s 525 prisoners engaged in contract labor as blacksmiths, gunsmiths, machine workmen, turners, chair makers, comb and basket makers, carriage makers, house joiners, tailors, weavers, spoolers, bobbin winders, warpers, loom mendes, shoemakers, cooperers, painters, and tool makers.  

Under the watchful eyes and violent discipline of Elam Lynds, the former Agent and Warden of Auburn, over one-hundred convicts from Auburn and the New York State Prison, in the City of New York, labored for three years (1825-1828) to build a new state prison, which became known as Sing Sing, in Ossining, a town along the Hudson River, about 38 miles north of New York City. In 1831, 60.1 percent of Sing Sing’s 980 prisoners produced “work for sale” as shoemakers, tailors, locksmiths, ironworkers, stonemasons, quarrymen, stone carters, railway stone pounders, and porters who loaded prisoner-produced goods onto boats for transportation to Albany, New York City, or throughout the Atlantic World.

Officials at Auburn and Sing Sing expressed the same faith in the disciplinary power of labor as inspectors at earlier Pennsylvanian and New York state prisons. Unlike inspectors at the Eastern State Penitentiary, officials at Auburn and Sing Sing did not believe labor led

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69 “Annual Report of the Inspectors of the State Prison at Auburn,” in *Journal of the Assembly of the State of New York, Fifty-First Session* (Albany: n.p., 1828), table 4. Eight prisoners were employed as blacksmiths, four as gunsmiths, twelve as machine workmen, eleven as turners and chair makers, twelve as comb and basket makers, four as carriage makers, six as house joiners, forty-nine as tailors, seventy-one as weavers, spoolers, bobbin winders, warpers, and loom mendes, sixty-four as shoemakers, ninety-six as cooperers and painters, and thirty-nine as tool makers.

70 Lewis, *From Newgate to Dannemora*, 136-138.

prisoners toward reformation. French travelers Gustave de Beaumont and Alexis de
Tocqueville captured this sentiment when they wrote, after visiting Auburn and Sing Sing
in 1831,

…the penitentiary system in America is severe. While society in the
United States gives the example of the most extended liberty, the prisons
of the same country offer the spectacle of the most complete despotism.
The citizens subject to the law are protected by it; they only cease to be
free when they become wicked.72

With the construction of Auburn and Sing Sing, discipline, not reform, formed the
foundation of an incarceration regimen designed to manufacture outwardly virtuous, self-
disciplined, laboring citizens.

The architectural designs of the workshops at Auburn and Sing Sing aimed to
prevent mass rebellions by limiting the possibility of communication between prisoners
as they worked. Auburn’s workshops were “surrounded by a gallery, from which
[prisoners] may be observed, though the observer remains unseen.”73 At both prisons,
keepers arranged prisoners “in such a way as not to face each other, and to labour
separately as much as possible.” Keepers would “immediately” flog any prisoner who
“looked off his work,” spoke with another prisoner, or “wilfully or negligently injure[d]
his work, tools, wearing apparel, or bedding.”74

Inmates denounced Auburn as a “terrible place of torture” that destroyed
prisoners. “When their term expires,” one ex-convict wrote, “they return to their friends,
poor emaciated skeletons of their former selves, unable to gain an honest livelihood, and

72 Gustave de Beaumont and Alexis de Tocqueville, On the Penitentiary System in the United
States and Its Application in France (1833; Carbondale: Southern Illinois University Press,1964), 79.
73 Beaumont and Tocqueville, On the Penitentiary System, 60.
74 William Crawford, Report on the Penitentiaries of the United States (1835; Montclair, NJ:
Patterson Smith 1969), 25.
are driven to crime and recommitment to Prison.”75 Similarly, English traveler William Crawford observed that at Sing Sing, “There is no regulated punishment or limited number of stripes for any specific offence, it being the governing principle that the mind and will of the prisoner must be completely broken down, whether it be accomplished by ten or by one hundred stripes, by one or by repeated whippings, and until this end be attained, the punishment is continued.”76 The campaign against public punishment had hidden corporal punishment behind the walls of the nation’s prisons, whose disciplinary regimens influenced the designs of countless subsequent penitentiaries throughout the world.

Despite architectural “improvements,” enhanced surveillance, and the constant threat of violence, prisoners continued to resist coerced labor. The 1846 “Report of the Inspectors of the Auburn State Prison” contained a fifty-four page table that documented each flogging inflicted since June 2, 1845. Keepers flogged Benton Colborn nine times for “destroying yarn and lying,” James Finch eight times for “neglecting his own work to hinder others,” and William Corson six times for “destroying tools and trying to hide them.”77 Prisoners also used the workshops’ tools to produce materials that facilitated escape attempts. Isaac Churcher was flogged forty-one times “for fabricating clothes and a heavy bowie knife, with intent to make his escape, and for refusing to take off his clothes, and showing an uns submissive spirit till near the close of his punishment.”78

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Many of New York’s prisoners, like their counterparts confined in Pennsylvania’s state prisons, resisted coerced labor and possessed an “unsubmissive spirit.” They destroyed workshops, tools, and machines. They worked slowly and sloppily. They used tools as weapons to attempt escapes or to attack guards. “Prisoners,” as historian Rebecca McLennan observes, “insisted on shaping the way all manner of things were done in the penitentiary.”

The republic’s prisoners tried to maintain their liberty, and by doing so, they destroyed the hopes of early American prison reformers and, in the eyes of some Americans, discredited incarceration as a means to reform and discipline wayward men and women.

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Protests against prison labor occurred outside the penitentiary as well. As early as 1801, New York City’s shoemakers protested the labor of prisoners. In a published letter addressed “To the Shoemakers of the City of New-York,” “Brutus” claimed that prisoner-produced shoes, combined with factory-produced shoes imported from other states, flooded the City’s marketplace, and drove “down the price of shoes and of work so as to injure some very industrious people.” He reminded readers of the petition shoemakers sent to the Legislature during its last session, and that although Federalists and Republicans had promised to limit prisoners’ shoe production, ultimately they did nothing. According to Brutus, politicians “were afraid of the influence of the Quakers, they therefore were resolved to make fair weather with them.”

Legislators, however, may have been swayed by the slightly less conspiratorial argument presented by Quaker

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79 McLennan, *Crisis of Imprisonment*, 45.
80 Unlike Joshua R. Greenberg, in his *Advocating the Man*, I view workingmen’s opposition to prison labor as one of the primary motives for the emergence of trade unionism in early nineteenth-century New York.
81 *Commercial Advertiser* (New York), April 17, 1801.
prison inspectors, Thomas Eddy and Thomas Franklin. If legislators limited shoe production, Eddy and Franklin warned,

The consequence must be, that the Prison becomes an increasing expence to the community, public disappointment will create public disgust, and all the experiment and appropriations of the last five years may be lost in having recourse once more to the more simple and cheap punishment of the gibbet and the pillory.

They trivialized the shoemakers’ claims by arguing that if prisoner-produced shoes had “a tendency to lessen the price of shoes, and thus to lessen the profits of a few individuals, the consideration should always be what measure is calculated to produce the greatest good to the general portion of the people.”

Not only would state prisons confine disproportionate numbers of working-class men, but also the products of prison labor, in the name of “the greatest good,” Brutus claimed, would push members of the working poor deeper into poverty and perhaps a life of crime.

Initial setbacks did not deter workingmen from presenting more petitions and memorials that protested the products of prison labor. A legislative committee assigned to investigate an 1831 petition admitted that prisoner labor at Sing Sing harmed New York City’s “workers in iron” and stonecutters. According to the committee, prisoner-manufactured “iron doors and shutters” undermined the ability of ironworkers to obtain contracts. The committee also noted that the labor of prisoners at Sing Sing produced all the cut-marble for the front edifice of “the Museum in New York, owned by Mr. Olmstead” for only $500. If the City’s stonecutters had supplied the marble, it would have cost “from seven to eight thousand dollars,” they claimed.

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83 “Document No. 279: Report Of the committee on trade and manufactures, on the petition of mechanics and others, of the city of New-York,” in Documents of the Assembly of the State of New York,
In 1834, workingmen from Buffalo, Rochester, Geneva, Ithaca, Auburn, New York City, Troy, Albany, Elmira, and Brooklyn presented memorials to protest competition from the labor of prisoners confined at Auburn. “The Coopers of New-York” accused the “State Prison monopoly” of hindering journeymen’s opportunities “to obtain employment” and their ability to support their “dependent” family members. During the fall of 1834, stonecutters in New York City attacked contractors who used prisoner-cut stone to build buildings at New York University. The stonecutters, according to nineteenth-century historian Joel Tyler Headley, argued that the use of prisoner-cut stone “was taking the bread out of their mouths, and if allowed to go on would destroy their business.” According to workingmen, incarceration had not solved the labor predicaments that Rush had feared.

In May 1840, mechanics from across the State met in Albany “to obtain redress of their embarrassments … in relations to the employment of State Prison convicts at mechanical labor.” The mechanics proclaimed that “They deny the right of the legislature to set on foot, or continue such an unequal system; a system that must degrade and ruin so large a portion of respectable citizens.” They denounced “the schemes of theoretical philanthropists who have fallen in love with our state prison system” and threatened to place a mark “as odious as the mark put upon Cain” on “those members of
the legislature who have violated our trust.”88 For workingmen besieged by the invisible forces of the market revolution and nascent industrialization, state prisons and their prisoners were tangible threats that they could easily identify and attack.

The following year, mechanics held another statewide convention in Albany to protest the state prison system that allowed “the labor of criminals [to] be brought into injurious competition with the labor of honest and industrious citizens.” “Against this system,” the mechanics declared, “we protest—and planting ourselves upon the broad ground of right—we war against it now and forever.”89 The New York State Mechanic, a weekly, statewide-circulated newspaper published by Joel Munsell, emerged out of the convention. The newspaper united New York State’s workingmen against the products of prisoner labor.90 It reprinted the “Mechanics’ Circular” that claimed the newspaper’s purpose was to inspire “united action of the mechanics throughout the state,” and to “detail a series of enormities committed by avaricious and unprincipled men, both upon the convicts and the public.” “T.,” one of the paper’s most prolific correspondents, offered alternatives to prisoner labor, two of which were not entirely feasible. He suggested employing prisoners on public works such as building tunnels, excavating rocks, “McAdamizing our roads,” and building a canal to bypass Niagara Falls. In addition, T. claimed “Colonization is the best and most effectual remedy, whenever it can be done—ridding the community of the rogues, and the different occupations of complaints.” T. also proposed building a prison in the State’s northern “wilderness”

88 Gray, “Important!,” 3.
where prisoners could mine ore and forge iron to develop “the resources and hidden wealth of the state.”

In 1844, as we have seen, legislators partially acquiesced to workingmen’s demands when they authorized the construction of Clinton State Prison in the extreme north of the State, near what became the Village of Dannemora, at the base of mineral-rich Lyon Mountain. Prisoners confined at Clinton mined ore and forged iron, which legislators reasoned, “will not only prove profitable to the State, but will not injure any other interest whatever.” Despite building a new prison whose products would not compete with the products of workingmen, legislators did not significantly limit the production of prisoners confined at Auburn and Sing Sing. During the remainder of the nineteenth century, prisoners at Auburn and Sing Sing continued to produce goods for sale on the open market, and workingmen continued their protests.

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The ramifications of coerced prisoner labor reached far beyond the walls of New York and Pennsylvania’s early nineteenth-century penitentiaries. Reformers and politicians viewed prisoners’ labor as a potential source of revenue for the state and as a tool to re-form criminals into the virtuous citizens the republic required. Coerced labor, reformers and politicians argued, inculcated the characteristics of a proper, white,

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republican citizen into the minds of prisoners. It taught prisoners trade skills and the virtues of hard work, sobriety, discipline, order, cleanliness, and submission to authority—the key characteristics of laboring citizenship. Reformers hoped that through the alchemy of incarceration at hard labor, a prisoner would transform from a dangerous criminal who threatened the republic, into a virtuous citizen who would become a valuable asset to the republic.

Not all Americans viewed the prison systems’ coerced-labor regimens in the same positive, hopeful light. Prisoners thwarted coerced labor by working slowly, destroying materials, rebelling, and setting workshops and prisons on fire. The defiant actions of prisoners confined within the first state prisons influenced the architectural designs and disciplinary-labor regimens politicians enacted at subsequent state prisons, which served as the models for all state prisons built in the nineteenth-century United States. The actions of prisoners helped to discredit coerced, prison labor by visibly, and sometimes violently, demarcating the limits of reform.

Outside the walls of the penitentiary, New York’s workingmen, and workingmen in other states that had penitentiaries modeled upon the Auburn System, such as Massachusetts and New Jersey, protested the products of incarcerated labor. Workingmen refashioned the rhetoric of republican citizenship into a language of protest that placed demands upon legislators. They undercut the arguments of reformers by arguing that prison labor diminished their ability to perform a fundamental responsibility of white-male republican citizenship: to earn a living wage that would support dependent family members. Galvanized by the apparent destruction the prison systems’ coerced-labor regimens inflicted upon their pecuniary interests, workingmen performed a crucial duty
of citizenship: they held elected officials accountable for ruinous legislation that sustained class inequalities. The penitentiary and its coerced-labor regimen stood at the center—not the periphery—of the early nation, and profoundly influenced how Americans understood an emerging cultural and political definition of laboring citizenship.
**CONCLUSION**

**“A USED UP MAN”:**

**THE PERSONAL LEGACIES OF INCARCERATION IN THE ANTEBELLUM UNITED STATES**

When readers first meet Clifford, a character in Nathaniel Hawthorne’s 1851 novel *The House of Seven Gables*, he had just emerged from the Massachusetts State Prison, which was modeled upon New York’s Auburn and Sing Sing State Prisons, after serving a thirty-year sentence for murder. Although it was later revealed that his cousin Judge Jaffrey Pyncheon framed him, the damage incarceration inflicted upon Clifford’s mind and body was clear. Clifford had “the spirit of the man, that could not walk. The expression of his countenance—while, notwithstanding, it had the light of reason in it—seemed to waver, and glimmer, and nearly die away, and feebly to recover itself again.” In prison, “his mind and conscious took their departure.” His body was left “wasted, gray, and melancholy … a substantial emptiness, a material ghost.” The other characters perceived a “dim veil of decay and ruin” around him, leaving his sister Hepzibah to ruminate, “He was probably accustomed to a sad monotony of life, not so much flowing in a stream, however sluggish, as stagnating in a pool around his feet.”

Clifford struggled to adjust to the restoration of his liberty. His cousin Phoebe Pyncheon referred to him as “only a poor, gentle, childlike man…. I am afraid … that he is not quite in his sound senses; but so mild and quiet, he seems to be, that a mother might trust her baby with him.” Clifford emerged from prison broken and debilitated. “With a mysterious and terrible Past, which had annihilated his memory, and a blank Future before him, he had only this visionary and impalpable Now,” Hawthorne wrote,

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“which, if you once look closely at it, is nothing.” Incarceration had destroyed Clifford’s life and the possibilities it held. “We are ghosts!,” he exclaimed.²

There are nuggets of historical truth embedded within great works of fiction. Despite the professed intentions of reformers and prison officials, few prisoners emerged from incarceration as rehabilitated citizen laborers. The experience of incarceration did not transform prisoners into ideal citizens. Inside New York and Pennsylvania’s first state prisons, prisoners retained their pre-incarceration customs, resisted confinement, and communicated with their fellow inmates. The actions of prisoners convinced citizens that released inmates would immediately join their associates to resume their dastardly ways. “[I]t is not unreasonable to believe that many become more wicked and incorrigible from their imprisonment,” Thomas Eddy wrote in 1818.³

Legislators and reformers responded by building new prisons and devising new regimens that isolated prisoners from one another. At Pennsylvania’s Eastern State Penitentiary and New York’s Auburn, Sing Sing, and Clinton State Prisons, prisoners continued to resist and undermine incarceration. Consequently, guards and wardens lost faith in reformation. In New York, guards whipped convicts with the cat and rawhide, as well as pummeled them with clubs, sticks, fists, and feet. In time, guards in New York and Pennsylvania employed tortures such as the dark cells, the iron gag, the shower bath, the tranquilizing chair, the straitjacket, the cage, the yoke, the pulleys, and bucking.

These tortures often debilitated the minds and broke the bodies of prisoners. Some prisoners at the Eastern State Penitentiary were afraid to be released. After enduring

² Hawthorne, The House of Seven Gables, 125, 149, 169.
³ Thomas Eddy, Letter to William Allen (June 7, 1818) in Samuel Knapp, The Life of Thomas Eddy: Comprising an Extensive Correspondence with Many of the Most Distinguished Philosophers and Philanthropists of this and other Countries (London: Edmund Fry and Son, 1836), 205.
solitary confinement and struggling to maintain their sanity, the prospect of reentering society was terrifying. On August 6, 1833, the sentences of Wilkinson Striefer and William Koch expired, but the men did not wish to leave. The Warden agreed to let them stay. Koch stayed in his cell to work as a shoemaker. Striefer stayed to work and “went on as usual eating the prison fare.” On the day of his release, John Nameless “began to cry loudly, and to behave very badly.” Nameless even “broke a bunk” in his cell. When the Warden released Nameless that evening, he did not receive “the $4.00 allowed by the state.” The Warden apparently kept the money to pay for the repair of the broken bunk. Consequently, Nameless left the penitentiary in a “bad state of mind.”

Prisoners left antebellum New York’s state prisons in bad states of mind as well. Sing Sing Chaplain John Luckey told of a prisoner who was so enfeebled by incarceration that he had to be escorted back to his mother in New York City. In 1820, when the prisoner, whom Luckey called T, “entered the [first New York State] Prison he was twenty years of age, strong, healthy, and of sound mind.” In 1825, officials transferred him up the Hudson River to help build the Sing Sing State Prison. “[B]eing an athletic man,” Luckey wrote, T “was selected as one of the men for carrying the heavy blocks up the gangplanks, on a hand-barrow, and placing them on the scaffold for the masons’ use.” The work was exhausting and destroyed T’s body. When he asked for a new work assignment, “he was flogged with the never-to-be-forgotten ‘cat,’ on his bare back.” For the next fourteen years, T “was flogged almost weekly; and yet, it was acknowledged that he was not actually a malicious or stubborn convict.”

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5 John Luckey, Life in Sing Sing State Prison, as Seen in a Twelve Years’ Chaplaincy (New York: N. Tibbals and Co., 1860), 110-112.
When Luckey first met T in the spring of 1839, T was “literally ‘a used up man’ in almost every sense of the phrase. Every movement was mechanical.” T had become in Warden Lynds’s phrase, “a silent and insulated working machine.” T meekly “followed the company he was locked up with, wherever they went, with less display of intelligence than the hunter’s dog follows his master.” The hard labor, violence, and isolation of incarceration changed T. He “abandoned himself to his stern fate, he had long since lost all hope, fear, or ambition, and hence became absolutely brutalized”—as we have seen, this was the goal of Lynds and Robert Wiltse, the wardens of Sing Sing during T’s imprisonment.

On February 1, 1841, T was pardoned and released from the prison. On the day of his release, Luckey recalled, T followed “within a pace of me, placing his right foot in the track of my left, without the slightest variation—this being the well-known ‘lock-step.’” After meeting T, the attorney who procured his pardon exclaimed, “I did not then know that he had had his brains knocked out at the prison.” At Luckey’s brother’s house, T would not begin to eat until Chaplain Luckey told him he could. “He lost no time after that, until his plate was twice emptied.”

A few days later in New York City, T continued to march in lockstep. According to Luckey, “The ‘lock-step’ was so novel to the spectators, and it was so emphatically practised on that occasion, that even my companions failed to retain their usual gravity.” At last, T reunited with his mother at the city’s almshouse, where he “began rapidly to improve both mind and body.” For the next ten years, Luckey reported, T took care of his

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8 Luckey, *Life in Sing Sing State Prison*, 112.
“infirm and heart-broken mother.”\(^{10}\) He lived the rest of his life as a ghost on the margins of society, bouncing in-and-out of charitable and disciplinary institutions.

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Although solitary confinement at the Eastern State Penitentiary ended in 1913, the institution remained in operation until 1971. The end of solitary confinement at Eastern State did not mean the end of solitary confinement in the United States. The U.S. continues to confine at least 80,000 people inside solitary, isolation units. Officials claim that these units with euphemistic names like “Special Housing Unit,” “Communication Management Unit,” or “Administrative Segregation,” exist for the “protection” of inmates. The prisoners inside them, however, suffer from boredom, paranoia, and the disorienting torments of prolonged isolation. They often go insane, just as prisoners did inside the ante‌bellum Eastern State Penitentiary.\(^{11}\) While in solitary confinement for forty-four days during the winter of 1972, Wilbert Rideau wrote, “It’s not right to make a man live like this, alone.”\(^{12}\) The pain of prolonged solitary confinement transcends time.

Likewise, New York’s Auburn, Sing Sing, and Clinton State Prisons are still in operation today. These prisons are crowded and riddled with violence, just as they were in the early nineteenth-century. In an age of tightening state budgets and exploding incarceration costs, many Americans continue to see incarceration as an unavoidable

\(^{10}\) Luckey, *Life in Sing Sing State Prison*, 119, 121-122.


necessity. Yet, some Americans are following in the footsteps of Angela Y. Davis, to ask, “Are Prisons Obsolete?” When Americans ask and seek answers to this question, they ought not to forget the actions and experiences of antebellum prisoners, guards, and reformers. Perhaps they will serve as a warning of what did not work then, and what will likely not work now. May their examples inspire Americans to unshackle their minds, to imagine a world that does not need prisons, and to work to bring that world into existence. Until that day dawns, the United States of America will remain an incarcerated republic.

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