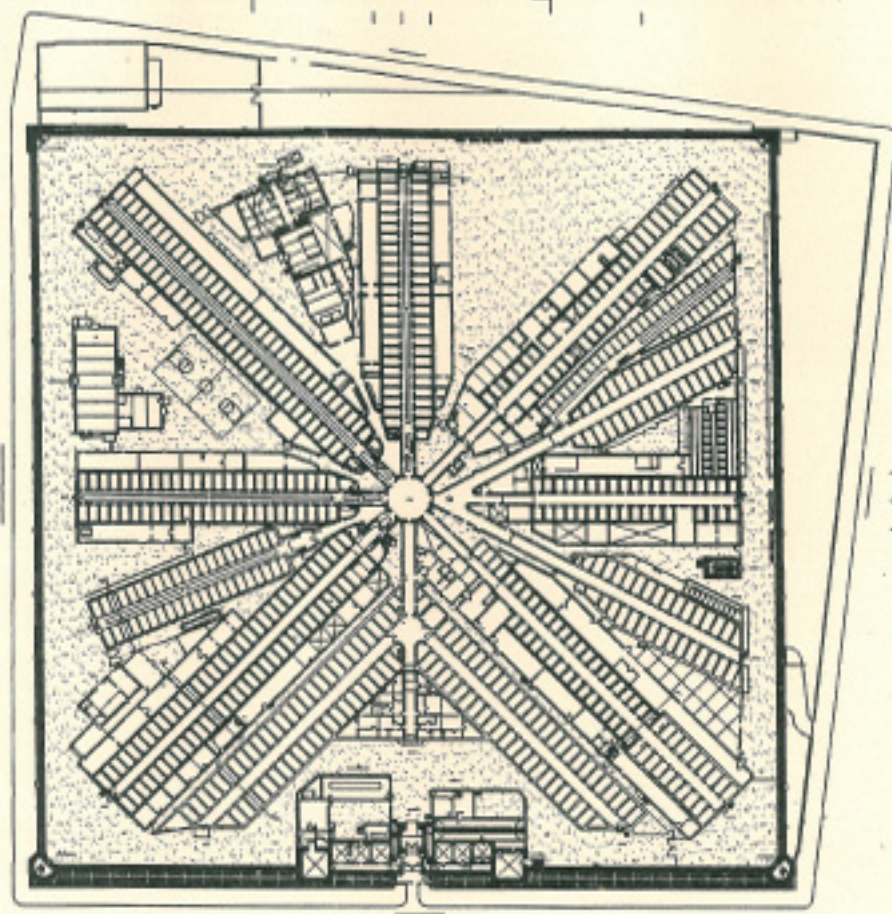


# EASTERN STATE PENITENTIARY HISTORIC STRUCTURES REPORT



## VOLUME I

JULY 21, 1994

City of Philadelphia  
Philadelphia Historical Commission

Eastern State Penitentiary Task Force *of the*  
Preservation Coalition of Greater Philadelphia

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**§ PREFACE:**

Approach, Team, Acknowledgments

This historic structures report on the prison was commissioned by the Eastern State Penitentiary Task Force and the City of Philadelphia. Funding was provided by The Pew Charitable Trusts, The Getty Grant Program, the Andy Warhol Foundation for the Visual Arts, and the City of Philadelphia.

The purposes of this Historic Structures Report are those stated in the Request for Proposals prepared for it by the Eastern State Penitentiary Task Force in 1992. The Task Force sought a better understanding of the “context for Eastern State Penitentiary as an historic site” from study of its significance as an architectural design, as an example of 19th-century institutional theory and architecture, as a technological solution, as an institution within its neighborhood, as the product of the individuals and groups who shaped and administered it, and, finally, as the environment of inmates who occupied the penitentiary. It was to be a “descriptive, analytical and synthetic study, . . . an essential tool in the process of planning for the reuse and interpretation of the site in totality and of its individual structures.” The Historic Structures Report (HSR) was to provide the underpinnings for both interpretive planning and prioritizing physical intervention to restore or alter the component buildings.

The Task Force previously undertook an evaluation of existing physical conditions, entitled *Eastern State Penitentiary: National Historic Landmarks Condition Assessment Report*, and a follow-up *Stabilization and Protection Plan*. Those will be used in conjunction with the HSR and concurrent planning studies to establish a strategy or strategies and a phased schedule for implementation of reuse.

The Historic Structures Report is the product of a multi-disciplinary team, assembled to address various aspects of the history and significance of Eastern State Penitentiary. The team process was anticipated in materials submitted with the proposal as “an interactive dialogue, involving exchange of findings and interpretive hypotheses, so that conclusions can represent interdisciplinary syntheses.” The dialogue started when the team first met, before the selection interview, as a verbal exchange about issues to be considered and ways in which the team members could collaborate to achieve a synthetic interpretation bridging the various disciplines. Our dialogue continued against a backdrop of ongoing research and recording of the physical fabric, in the form of measured drawings and notes summarizing the documentation of construction chronology,.

The team who researched and wrote this report is composed of:

- Jeffrey A. Cohen, of the Latrobe Papers, American Philosophical Society, writing mainly on the penitentiary's architectural history [JC]
- David G. Cornelius formerly of Keast and Hood Company (now of the Vitetta Group Historic Preservation Studio), writing principally on building technology and systems [DC]
- Finn Hornum of LaSalle University, writing principally on matters of penal philosophy, history, and governance at ESP [FH in the body of the report]
- Vera Y. Huang of the University of Pennsylvania, working with Finn Hornum and Leslie Patrick-Stamp on statistical aspects of the prison's history [VH]
- Emma Jones Lapsansky of Haverford College, writing on social and institutional history [EJL]
- Leslie C. Patrick-Stamp of Bucknell University, writing principally on the inmate population and its perspectives [LPS]

- Michele Taillon Taylor of the University of Pennsylvania, writing principally on the social identities of the founders and working with Emma Jones Lapsansky on the social history [MTT]

The measured survey was conducted by Harry Edmund Bolick and Jeffrey B. Halferty, with guidance from Scott D. Hoffman and Marianna M. Thomas and assistance from Michael E. Schuldt. The drawings were prepared using Autocad Release 11 by Harry Bolick, with assistance from Jeffrey Halferty, Scott D. Hoffman, and Scott D. Kelly, and oversight from Marianna Thomas. Drawing files prepared by Venturi Scott Brown Associates, Inc. for the Administration Building were incorporated into our plans. The architectural team offered information and insights at team meetings, and assisted with the organization and production of the report, particularly Michael Schuldt and Edward J. Morrison.

Team meetings were scheduled at intervals during the project, several during the initial period of defining the problem and establishing the research tasks, others for sharing of information, ideas, conclusions, leads, and a final meeting to discuss implications of Task Force responses to the first partial draft. Collaboration between individual team members facilitated coordination of efforts and guided the research of two graduate interns. Regular progress reports to the Task Force and minutes of discussions between team representatives and the Task Force HSR Committee were shared with team members to maintain regular and prompt communication of Task Force concerns.

Our goal has been to complement what has already been set out in print in well-documented works, not to attempt a new, comprehensive history of Eastern State Penitentiary. To that end, there are references throughout the text to material covered in previous works; but rather than rework scholarship upon which one can confidently lean, we have sought mainly to uncover aspects of ESP's history that are less well known. This had meant a weighting of our effort not toward the philosophical genesis and birth of the Pennsylvania system, the initial design for ESP, its dissemination, nor the earliest years of the institution, but toward its middle and later years, the history of over a century of adaptation, reworking, and reconciling changing ideals with challenging realities. Similarly, the measured drawings of existing 1993 conditions form a record of the cumulative adaptations and changes, rather than an attempt to reconstruct the plans and sections at any given previous period.

This research effort has been unlike most, where one pans in a rushing stream for rare nuggets, usually searching painstakingly for morsels of pertinent contemporary evidence. In this case one of the greatest challenges is the sheer quantity of the contemporary documentation. The papers of the prison, with manuscript records for nearly every prisoner, and a very nearly full run of daily, monthly, and annual reports, force one to balance a scale of scrutiny broad enough to feasibly cover a reasonable span of time, on one hand, with enough detail to learn specific new things on the other. The overview provided by the rich annual reports has served as a framework on which to interweave the particular from other sources, which often belie the advocacy present in the official publications. We have appended our raw notes from these sources as a less polished but most useful contribution; it could easily be expanded to twice this amount of information without being repetitive; further scrutiny of the detailed records holds most of the answers to particular questions about the fabric, the population, and the policies of the penitentiary. We will gladly provide them on diskette as a more searchable resource or a framework for further expansion.

The report has seven parts: (I) a set of statements of significance from the vantage points of various disciplines, (II) a section on the background, founders, and original design of the penitentiary, (III) an omnibus section composed of short essays and documentary

reports gathered chronologically into three sections, (A) 1829-65, (B) 1866-1923, and (C) 1923-71. Following this is (IV) a survey of the architectural history of various parts of the penitentiary, assembled from observations and documents presented in the form of notes arranged by date in an appendix. Section V is a discussion of further bibliography and research directions, and section VI comprises the appendices, featuring extended collections of research notes ordered by date and location. Section VII, the final one, is a set of images with captions, assembled by part of the prison and by date. Comprehensive representation of images encountered in the research took precedence over reproductive quality of individual images in the selection of archival views and drawings to be included.

Although the authors of this report have come together in discussion and in print, it remains the work of several individuals writing independently, and it preserves elements of their distinctive voices, approaches, views, and disciplines. We have made little attempt to homogenize these.

We have been greatly aided in our efforts by the generous help of others. Much useful material has been painstakingly gathered by Milton Marks of the Preservation Coalition of Greater Philadelphia and by Sally Elk of the Philadelphia Historical Commission, to whom we are indebted. Also extremely helpful, and as yet tapped only in part, are the oral histories collected and transcribed at the behest of the Eastern State Penitentiary Task Force, and provided us by filmmaker Hal Kirn. These have served as an irreplaceable tonic against what otherwise becomes more of an official history or sequence mainly of extraordinary, often sensational events. More promising, but not yet tapped in full, are the manuscript records at the Pennsylvania State Archives, particularly the Warden's Daily Journal and the Monthly Minutes of the Board of Inspectors. We are grateful for twentieth-century excerpts from the transcripts of interviews provided us by Richard Fulmer of Millersville State University.

We have been fortunate to have had repeated discussions with Richard Fulmer and with Norman Johnston; they and Finn Hornum are veterans of reform efforts at the penitentiary in the 1960s. We are also grateful for insights shared by Daniel McCoubrey of Venturi Scott Brown Associates, Inc. architects, and George E. Thomas of the University of Pennsylvania; for the occasional documents passed on by Gretchen Worden, of the Mütter Museum; for the photographs sent by Ken Finkel of the Library Company of Philadelphia; and for the critical attentions of other members of the ESP Task Force, who have offered information and guidance throughout the project. Our thanks as well to Linda Stanley and Louise Jones of the Historical Society of Pennsylvania. We have all benefited from a spirit of intellectual generosity that has reigned among several coeval efforts connected with the penitentiary. The cross-fertilization of information and ideas has benefited our team and has, we hope, enriched also the concurrent project teams with whom we have communicated: archaeological investigations by Richard Davis and his students at Bryn Mawr College; planning for the site operations and marketing of the site by Urban Partners, S. Huffman and the Center for History Now; the feasibility study for the Administration Building by Venturi Scott Brown Associates; the exhibition at the Philadelphia Museum of Art guest curated by Ken Finkel and the accompanying publication by Norman Johnston.

Marianna M. Thomas  
Jeffrey A. Cohen

## I. INTRODUCTION, STATEMENTS OF SIGNIFICANCE

### § A. Introduction

Jeffrey A. Cohen

All old buildings are historic. To say that any aged structure is more significant than others opens questions that we usually pass over by quiet, mutual assent. Through official and private means, informational and protective, we and our public agents certify convictions that a building brings us closer to a vision of the past that interests us or draws our reverence. By its physical persistence such a building injects history into modern life, but our value for it reflects more about our age and perspective than anything in the past. This can seem arbitrary and changeful. History is constantly at our mercy.

But claims of significance will be made, and weighed, each implicitly resting on assumptions about what constitutes a valid claim. One can construct a variety of arguments for validation, and it seems best to sketch out an attractive construct here.

Definitions of "significant" in dictionaries seem founded in three pertinent notions: like other things defined as significant, a building of significance ought to have a special, distinctive meaning; the meaning should be an important one, something of consequence; and the building must be expressive of that meaning.

Acknowledging an inevitable "presentism" in the weighing of significance, we might add criteria from an admittedly modern vantage point; we of the present are, after all, the actors here. Historians often play key roles in weighing these matters, but their considerations are usually predicated upon what they see as the best interests of a wider public. By these lights, certification of historic importance can properly reflect something contemporary culture judges to be of wide interest or importance. Undeterred by issues of anachronism, modern concerns less focal historically--such as technological advance, lower-class life, issues of race and gender--can properly promote themselves alongside or above concerns assigned importance historiographically. We might accept and explore what it is we seek from the past, but we might attempt to temper these selective hungers of the present with our most accurate assessments of the realities of the past.

Ultimately, a measure of the standing of Eastern State Penitentiary is that it presents itself as highly significant by almost any such efforts to gauge it.

- It has a special importance as the flagship for one side in a lasting national debate over penological methods in the 19th-century, as a seminal architectural model for prisons nationwide and worldwide, as an architectural work of landmark status by one of the nation's leading 19th-century architects, and as the specific focus of philanthropic efforts to improve American society and social mechanisms.
- The penological issues presented by the penitentiary were clearly urgent and central to the concerns of the 1820s and 1830s, nationally and locally. The issues broached resound today, both generally in the decade and specifically in the election

campaigns of the present year. Architecturally, the issue of combining communicative style with rational planning and technological advance was and remains one of the main challenges of practice. Sociologically, the once widespread favor for controlling institutions as positive social mechanisms was viirtually epitomized at Eastern; optimism about the benefit and humanity of such institutions has since fallen, probably reaching its nadir in the late 1960s, but the debate has been constant, and this too remains a central issue.

- And the building complex remains supremely expressive, focusing attention on its central meanings dramatically, and as inescapably as it once confined its residents. Few visitors leave the penitentiary untouched by many if not most of these major issues, and it spurs curiosity and insight into several others not so special to it alone: it demonstrates the power of architecture as a socially ordering mechanism as almost no other building can; rarely is the public so aware of the penal policies that have been devised on its behalf, or so attuned to considering matters of punishment, programs, and the possibility of rehabilitation. Through the prison and its remarkable wealth of documentation one vividly encounters issues specific to its past: the role of philanthropic action; the sequence of accommodations to other tides in Pennsylvania's penal history, the evidence of emerging advances in building systems over time. More generally, one finds accessible insights into Philadelphia's urban growth and diversification, into the changing state of medical knowledge, theories of social dysfunction, the treatment of minorities, and ultimately into human nature as exemplified in these populations under control and stress.

By all these criteria, Eastern State Penitentiary presents wide and strong arguments that it is one of the most significant buildings in American history.



## **§ IB. Significance of Eastern State Penitentiary in the Context of Philadelphia History**

Emma Jones Lapsansky

Eastern State is a fascinating study in legend, in architecture and engineering, in social planning. Its story shapes and reflects the dynamics of a neighborhood, a state and a nation over a period of more than a century.

Prisons are a great tourist attraction. The human interest stories they encapsulate--depravity, creativity, despair and transcendence--intermingle with the stories of the communities around them--politics and economics, sociology and demography--to hold our fascination the way a Stephen King novel does. Alcatraz, as a "museum" attracts hundreds of thousands of visitors each year. A similar "museum", the state penitentiary in Columbia South Carolina, which opened to tourists in February, 1994, has also attracted visitors at a brisk rate. If visitors to Alcatraz can muse about such fascinating characters at the "Bird Man," surely Philadelphia visitors will be no less enthralled imagining the lodgings of such colorful characters as Al Capone and Willie Sutton. From its beginnings, Eastern State Penitentiary was a tourist attraction. Innovative in architecture, in engineering design, and in programmatic outlines, ESP attracted international attention in the 1830s--a central purpose of Tocqueville's famous visit to the United States was his interest in this prison-- and even after its closing in 1971, it has continued to attract national and international visitors wishing to study its unique design and program..

The Philadelphia into which the Eastern State Prison experiment was launched was a community rich with innovations and "modern" experiments. As Sam Bass Warner described it in The Private City, "speed, bigness, newcomers, and money beat upon settled manners with a rain of harassment and opportunity." Warner goes on to suggest that the patterns of Philadelphia have typified the trends for all of urban America: "big cities require habits of community life...and a willingness to care for all men, not just successful men, that the American tradition could not fulfill once cities became large and industrialized."

The group of Philadelphians who conceived and designed Eastern State Penitentiary were working within the framework of the newly-industrializing cities. Formal institutions of many sorts were being developed to replace the informal methods of managing community life. Orphanages and almshouses were replacing overseers-of-the-poor. Whereas such overseers made periodic visits to the unfortunates, offered what was called "outdoor relief", and then left the misfits to fend for themselves, systematized "houses of industry" which required recipients of aid to live on-site and receive "indoor aid" were replacing overseers, as such widely divergent institutions as mental hospitals, orphanages and schools began to agree that stable residence, schedules and repetitive routine were necessities of good community life. Even such heretofore undisciplined and diverse entities as street vendors and chimney-sweeps were, in the 1830s, reined in by ordinances, under the mantle of urban discipline. Everything from banking to the education of the deaf was becoming specialized, professionalized, systematized and controlled.



Equally necessary to good community life, in the eyes of mid-nineteenth century urban planners, was good, healthful air and water, for "healing" the damages caused by or indicated by social aberration. Hence, orphanages, hospitals and almshouses--and prisons-- were located near, but not in, the congested city center, accessible to city oversight, but distant-enough to avoid contamination of either city residents or vulnerable outcast. Orphans and criminals and the mentally ill would be restored and renewed by the country air, the protection from the city's temptations and hubbub, and the healthful routines. Urban-dwellers, in turn, would be safely distant from the depraved. ESP, after all, replaced a facility that had been located squarely in the middle of the city, where inmates, housed en masse, had nothing better to do with their time than to encourage each other in leaning out the windows to beg from and spit upon passersby. Surely, more isolated surroundings, and more demanding routines would improve the situation.

Concurrent with the construction of ESP were such diverse institutions as the Blockley Almshouse, in what is now West Philadelphia, and Girard College for orphaned boys, located just a few blocks from the prison. The colored orphanage, also located nearby, the Kirkbride Annex to the Pennsylvania Hospital, designed to restore the mentally ill, Haverford College, quite some distance from the city, to provide a "guarded" (without temptation) education for Quaker boys in Montgomery County, the Institute for Colored Youth, (now Cheyney University) the Moyamensing Prison just south of the city--all were opened at approximately the same time, and a brief look at the designers and governing boards of all these institutions reveals an informative overlap in leadership. Further research into the background and philosophy of these men would tell us much about early industrial city planning.

This concern with the healing power of the bucolic extended even to death. The Laurel Hill Cemetery, a landscaped park where the bereaved might commune in peace with departed family members, (modeled after similar arrangements in other urban centers,) was opened within a few years, and within a few miles, of the Eastern State Penitentiary. ESP, then, takes some of its importance from the fact that it was an integral part of an urban renovation that included many new facilities for community improvement and extended even to the re-designing of public transportation.

Public transportation was not new--stagecoach travel had been available in Philadelphia for decades. But the idea that public transportation should be routinized, scheduled, and should regularly service the neighborhoods of these new institutions, was new. By the end of its first decade, Eastern State Penitentiary was a part of a network of urban institutions--public schools introducing the Lancasterian teaching method, cemeteries newly conceived to be romantically landscaped parks, orphanages orchestrated to teach work skills to otherwise untethered youth, mental hospitals that advocated an occupational therapy curriculum, almshouses and workhouses and public transportation networks, all designed to create an integrated system of services to the urban community. As such, ESP may be viewed as an essential piece in an intricate web of social planning.

Eastern State's original designers not only had access to the most modern ideas of community life; they also had intriguing modern architectural and engineering tools with which to experiment on a grand scale. Mechanisms for central heating and indoor plumbing were new and exciting--the technology of the future--and, with each redesign or renovation of the building over the decades, there was a new opportunity to try out a new technology. The radical design, with rotunda and natural lighting, offered opportunities to experiment with the use of skylights and innovative construction ideas. Over the years, the continued conversations about the proper size and orientation of exercise yards, and later, about communal spaces, kept penologists and architects in a frequent and revealing dialogue about the relationship between a criminal's physical environment and his/her rehabilitation--a conversation that continues today.

In addition to the innovations in institutional design which are represented by ESP, the establishment and growth of ESP parallels a revolution in methods of recording events. Systematic recording of vital statistics, and the increasing detail and sophistication of quantitative and qualitative aspects of inmates and employees experiences offer the researcher and the visual interpreter a wide range of ways to use the prison as metaphor for many aspects of historical and recent community life. What was the typical age of a prisoner's entry into the facility? Once there, what was life expectancy? How often did people spend the bulk of their lives in prison? How many people did, as one prisoner expressed, find the structure and routine of prison life to be a welcome discipline in an otherwise untethered life? How did the answers to these questions change over time?

The Civil War made a significant difference in the demographics of the prison's population. How did this affect the dynamics of prison life? How was prison life and planning affected by the dramatic rise in eastern- and southern-European immigration in the last decades of the nineteenth-century? By the dramatic rise in black immigration from the American south in the first few decades of the twentieth century? What were the social implications of the prison becoming coeducational?

As ESP was developing, myriad institutions, from voluntary associations, to municipal offices to schools and federal census-takers, churches and clubs, were cultivating a taste for detailed records and rudimentary statistics. Thanks to that revolution in record-keeping ,records abound which could be analyzed for their story on the interaction between incarceration and demographic, economic and/or social or medical trends. To explore such angles, in the context of a tangible edifice from which to launch such studies, offers rich possibilities.

From many angles, then, ESP offers Americans, and international visitors, a tangible launch from which to explore who we are as a society, and how we came to be so.

From the beginning, the Quaker ideal of each person establishing a personal and intimate relationship with his Creator, has a significant influence on the conceptualization of the prison system. But so, to, did many other concerns. As cholera and many other infectious diseases ravaged American cities, as they did in the mid-nineteenth century, concerns for community health management were always paramount in the plans of urban institutions

(and the concern with the air pollution from the poudrette lot located near ESP is indicative of the expectation that the air should be clean and fresh.)

The story of ESP mirrors the story of the larger community in other important ways. In the second half of the nineteenth-century, industry and transportation networks ripple the neighborhoods--heavy metal factories, breweries, trains and trolleys assure that by the 1880s, ESP is no longer in the country. Simultaneously, the development of social work, and penal theory as professional fields helps develop "scientific" descriptions of the "criminal type"--characteristics supposedly discernible from physical and demographic clues.

Future research which could be launched from a study of ESP includes exploring the morbidity and mortality records of the facility to illuminate such questions as how infections was controlled, the relationship between diet and morbidity/mortality, uses and practices of the infirmary. How varied and healthful was the diet? What can be said about notions of what a prisoner was entitled to, by examining the number and content of the caloric and nutrient content? What, if any, changes occur in dietary systems when a synagogue is established at the turn of the century? By what guidelines were dietary standards arrived at and met, and how did these change over time? Does ESP have any lessons for us for the future, about group hygiene, health management and communal meal planning. Food production, procurement, preparation and distribution records for ESP are all available over a long period of time, and could provide a rich research resource.

Equally provocative are questions of the inmates and how their sense of self-consciousness developed over time in relationship to institutional conformity. Does the introduction of a chapel, then a synagogue, then, finally, an internal prisoners' publication signify a progressive awareness of "human rights" and class consciousness among prisoners? These and other topics for research and investigation make Eastern State potentially more than "just" a tourist attraction. As Sam Bass Warner suggests, ESP invites our investigation of what our institutions can teach us about building a society that can "care for all [people], not just successful [people.]

## § IC. Statement of Architectural Significance

Jeffrey A. Cohen

Eastern State Penitentiary's claims to architectural significance lie in many areas: in its importance as a principal work by one of the most accomplished American architects of the early 19th century, in its wide international influence on prison design, in its urbanistic role as a major part of the constellation of vividly styled institutional landmarks dotting Philadelphia's periphery, and as a well-documented record of architectural adaptation to changing needs and uses over time.

But its strongest claim lies in qualities of the building's early design and execution from 1821 to 1836, which resulted in a complex that was at once one of the country's most rational and most romantic creations. The penitentiary's founders called on architect John Haviland (1792-1852) to devise a spatial form for their optimistic venture. Both they and he were undoubtedly aware of contemporary British experiments combining such themes as solitary cells with yards, radial design, and central observation. Together they created a plan generated by their desiderata for sleep and (after some equivocation) work in cells with attached outdoor yards, contrived to maintain full separation of inmates during their confinement. In this regard the new penitentiary was like a dour twin to Thomas Jefferson's University of Virginia, commenced several years earlier on a plan generated from a similar rational reexamination of spatial uses and human interactions.

Haviland's radial scheme offered a simple, idealized geometry, one whose iconic appeal outweighed shortcomings that later became apparent. The plan shows a striking discontinuity between the interior and the overall exterior, the foursquare towered perimeter which acts as both barrier and image. Most fully realized as image is the south front, whose center third comprises the administration building and main gate. Here the surfaces are severe and ordered, composed of long, very carefully jointed and coursed stones. The scale of the elements injects notes of the heroic and the sublime. Medievalizing details like the pointed, splayed arches, rectilinear labels, steeply gabled buttresses, and arched corbel table are all wrought of the same massive stonework and take on the same superhuman scale, one that translates image directly into the stereometry of shaped stone, seemingly without the intervention of the human hand. In a town accustomed to brick and carved or shaped wooden details, this was the work of large men and large ideas impassively commanding the efforts of others as their instruments. The laconic monumentality and lithic directness shared much with Haviland's nearly coeval front for the Philadelphia Asylum for the Deaf and Dumb, surviving on South Broad Street, its classical vocabulary notwithstanding. The building borrowed the language of medievalism to provoke desired associations in the viewer, but it did not look old.

Those associations had most to do with the imagery of the castle's strong boundary and controlled gate, and descriptions of the time describe the exterior's evocation of awe. But the walls also seem devised to convey a more transcendent imagery as well. The insistence on pointed profiles along the front and in the axial tower defer and pass the viewer's eye to the larger arch of the gate, whose size goes well beyond the requisite height and seems, with its flanking buttresses, to call upon the Gothic's ecclesiastical associations. Despite the secular,

even civic, character of the institution, this was not out of place, for its purpose, at its most elevated, was also to bring men to a more moral vision of their role.

Within the walls, the penitentiary was almost entirely mechanism, a device for separating convicts from one another in individual cells and placing them under central observation and control. They were meant to be accommodated in cells with a well-serviced and almost completely artificial environment, where they were provided salutary levels of heat, light, toilet facilities, food, work, and benevolent visitation by moral influences. The design of the cellblock complex culminated the work of two generations redefining a building type with the confidence, felt throughout Haviland's work, of an age of new beginnings. Few buildings emanated so directly from a program, with little attempt to incorporate the subtle continuities of familiar social conventions and cultural expectations.

Haviland's mercurial temperament as a designer is evident in various elements. The stonework of the administration building changes, once beyond the parts seen from the front (fig. B6), from a brickwork-like bond of very large ashlar blocks to a remarkably varied pattern of close-fitting angled and shaped stones, some with polygonal joints that resemble primitive Greek forms; some confirmation that this allusion was intended is found in the Aeolic balusters Haviland designed for the later cellblocks, taking the form of a precursor to the Ionic. But most of the interior relied on the ordered geometry emanating from the fundamental conception in plan. As in the work of romantic classicists of this and an earlier generation, the conventional handwork of wooden detail was suppressed in favor of a larger simplicity. The building embraced a functional order more extreme than nearly all its peers.

The penitentiary as designed and executed was a remarkably accomplished work of architecture, one with few peers for either its innovative planning or its adventurously artistic self-presentation. The fabric, as it evolved, recorded the abrupt encounters of ideals and realities, the come-uppance of technical hubris, changes in vision, renewed commitment, abandonment, and the evidence of lives passed in various roles within these walls. The record of adaptation has enriched this place in ways that could not be matched by an abstraction frozen in its pristine form. It bears witness to the layers of reassessment that continually challenge architecture to meet the needs and expectations of its users and sponsors over time.

## 1. Sidebar: Assessments of Eastern State Penitentiary's Architecture

Jeffrey A. Cohen

George Washington Smith, 1830:

"The design and execution 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 particularly impressive. solemn, and instructive. . . . We are not advocates of inconsistent or meretricious decoration, but we may express our gratification that no unwise parsimony rendered the aspect or arrangements of this institution an opprobrium to the liberal, humane, and enlightened character of our commonwealth." (A View and Description of the Eastern Penitentiary of Pennsylvania [Phila., 1830], p. 3)

Talbot Hamlin, 1944:

"It was the Gothic, of course, or rather a sort of simplified 'Castellated' style that marked Haviland's extraordinary design for the Eastern State Penitentiary, . . . a building that, with Haviland's other prison designs, completely revolutionized prison conceptions in the Western World and had the honor of being perhaps the first American structure to be studied by European building commissions or committees sent across the ocean specifically for that purpose. This is an important fact and typical of Haviland's architectural approach. The problems of penology were troubling many thinkers at the time. . . . Individual cell confinement as a means to order and reform was not, naturally, the invention of Haviland alone, nor was the introduction of labor--agricultural or industrial--as part of the prison regimen; but it was Haviland who took these ideas, absorbed them, integrated them, and expressed them in actual structures magnificently planned for their specific purpose. Especially important was his development of the radiating plan to allow simple supervision. The prisons he designed were such an enormous improvement over what had gone before that many of their ideas and arrangements became accepted standards of prison design in the nineteenth century. . . . the penitentiary was Gothic, and of a simple, straightforward kind of Gothic that makes its walls and gates even today things of power and beauty." (Greek Revival Architecture in America, pp. 71-72)

Fiske Kimball, 1946:

"While most people don't think of the Pen in relation to beauty, the exterior of this building is one of the most notable works of architecture in the United States. . . . It would be a great pity if these walls could not be preserved--even restored by the removal of the wretched barbican added to the entrance under WPA." (letter to Evening Bulletin [Philadelphia], 6 March 1946)

Norman Johnston, 1958:

Cherry Hill "was to become not only the first 'successful' large scale prison (with the possible exception of the Ghent maison de force), and the center of furious controversy in American penological circles, but was to serve along with Haviland's Trenton prison as the architectural and administrative prototype for most of the penitentiaries which were subsequently put up during the nineteenth century, especially where some form of solitary confinement was used rather than the Auburn system. . . . Although there is little in Cherry Hill which is completely new, Haviland can be credited with bringing together for the first time a number of improvements, and setting up standards of construction, space, lighting, and sanitation which were to exert influence over prison building for many years. It was Haviland who first freed the central rotunda, thereby utilizing the potentialities of the radial plan for the first time. . . . The pattern of this diffusion in its gross outlines is clear: the half-circle type radial developed out of the full-circle Cherry Hill plan and found expression in the original Haviland plans for Trenton prison, which in turn formed the basis for the model prison of Pentonville. This became the inspiration for various radial designs, most of which permitted central inspection of cell corridors. Influences from both America and England spread out to western and Eastern Europe, South America, and later Asia." ("The Development of Radial Prisons: A Case Study in Cultural Diffusion," Ph.D. diss., Univ. of Penna., 1958, pp. 207, 225, 421)

George B. Tatum, 1961:

"From its beginning in 1821, the Eastern Penitentiary represented the this prevailing Quaker philosophy on penal matters and did much to establish Haviland as the leading designer of a new type of prison soon to be erected in considerable numbers in Europe and America. . . . But the real innovation at the Eastern Penitentiary, and the one that brought it much attention, was the arrangement of the cell blocks in a radial plan. This permitted a minimum number of supervisory personnel stationed in the central building to keep all the prisoners under constant and almost simultaneous surveillance. Since this plan seems to have been used earlier in Europe for hospitals for the insane, Haviland cannot be considered the originator, but he was the first to apply it successfully to the design of prisons." (Penn's Great Town, p. 79)

Matthew Baigell, 1965:

"It did not occasion a revolution but represented a culmination and point of departure. . . . [It was revolutionary] only in the sense that it marked perhaps the first successful and large scale realization of these dreams and experiments." ("John Haviland," Ph.D. diss., Univ. of Penna., p. 214)

Nikolaus Pevsner, 1970:



"The Eastern Penitentiary (Cherry Hill) was designed in 1825 on the principle of solitary confinement day and night. Work was done in the cells which were therefore larger than those of Auburn and Sing Sing. Severe critics of the separation system and of the Eastern Penitentiary were not absent, the best-known of them Dickens and Heinrich Heine. . . . [Heine] called the Pennsylvanian system 'horrible, inhuman, even unnatural,' and added, 'The Bastille is a sunny garden pavilion in comparison with these small silent American hells which only a lunatic pietist could think up.' Pennsylvania is indeed Quaker country, and . . . solitude was regarded as the best way to introspection and self improvement. . . . The Eastern Penitentiary was progressive incidentally concerning the equipment of the cells. Each had hot-water heating, a latrine and a tap. It can be said that it was universally accepted as the model prison of the nineteenth century. (A History of Building Types, 1976, pp. 167-78)

Richard Webster, 1976:

"Haviland's radial plan was not unique--it had been executed abroad earlier on a smaller scale for jails and insane asylums--but Haviland carried the concept to its fullest realization, and his name has been associated with it ever since as the plan has been adopted for prisons around the world. . . . The prison's lugubrious presence is the result not of the architect's eccentricity but of the prison commissioners' directive that the exterior should 'convey to the mind a cheerless blank indicative of the misery that awaits the unhappy being who enters within its walls.'" (Philadelphia Museum of Art, Philadelphia: Three Centuries of American Art, p. 258)

Robin Evans, 1982:

"The English rediscovered the reforming power of solitude in America . . . Haviland's Cherry Hill was destined to become the focus of international interest. . . . With the appearance of Crawford's Report on the Penitentiaries of the United States in 1834 there was a rediscovery of the profound effect of solitude--solitude not as part of the system, not as the pure extremity of the system, but as the very basis of all imprisonment. . . . The Philadelphians had not invented a new process of reformation, all they had done was to solve certain technical problems which now made it possible to create an artificial environment in which solitary could be practised. An architectural difficulty had been overcome. . . . Philadelphia, where a balance had been struck between oppressive incarceration and comfortable indulgence, was the model [for British prisons in the 1830s]. . . . Separate confinement spread all over Europe in the 1840s and 1850s. . . . Elmes' pupil John de Haviland [sic], who emigrated to the United States and designed the first separate prison at Cherry Hill, was, like Blackburn, known as a good prison architect rather than a good architect. . . . It is generally thought that [providing the

solitary cell with space for work and an exercise yard] was invented by John Haviland for the Philadelphia East Penitentiary . . . It is more probable that Haviland, as an English emigrant, exported the technique to America." (The Fabrication of Virtue: English Prison Architecture, 1750-1840, pp. 318, 320, 325, 327, 384, 410, 436, n.96)

Norman Johnston, 1993:

"A number of writers have since speculated that [Haviland] may well have been inspired by the famous Ghent workhouse . . . or possibly the ill-conceived Millbank Prison in London (1813-1821). . . . Even a superficial comparison with Haviland's plan shows, however, that these two prisons could hardly have been his source. The origins are much more direct and linear. Reformers' descriptions of the disorders and evils of the prisons and asylums of the 18th century led to a variety of plans, beginning in the 1780s in England and Ireland, which consisted of cell wings radiating in a semi- or full-circle array from a center house where the governor or warden lived. These structures were usually on a small scale and the opportunities for observation of either inmates or guards was almost always limited or non-existent. Some of these, which Haviland was undoubtedly aware of [such as James Bevens's and John Foulston's plans for lunatic asylums at London, 1814, and Bodmin, Cornwall, 1818], bear a remarkable resemblance to his early plans for the Philadelphia prison." (Crucible of Good Intentions, draft of typescript, chap. 3, pp. 9-10)

## § ID. Statement of Penological Significance

Finn Hornum

Even a cursory review of introductory texts in criminology and criminal justice reveals the historical importance of Eastern State Penitentiary in the emergence of imprisonment as a dominant form of punishment. The institution is routinely mentioned as a prototype of prison architecture and as the prime example of the Pennsylvania system of separate confinement. Penal historians and criminal justice scholars, while pointing out that both the architectural characteristics, the ideological bases of solitary confinement, and the practical implementation of a penitentiary system originated elsewhere, also stress its historical importance as one of the two penitentiary systems dominating imprisonment for almost a century, but highlight its failures as well. In our own research over the last year we have reviewed the numerous primary and secondary sources and our detailed documentation in the final report supports many similar conclusions.

In this section we will discuss the significance of the Pennsylvania system of imprisonment, which was most fully and exclusively developed at Eastern State Penitentiary. Although this system was the official mode of "prison discipline" at Eastern from 1829 to 1913, it must be noted that its use as a prison from 1914 to 1970 has also been investigated for its possible contributions to penology. With the exception of a five-year period just before its closing, when there was an attempt to introduce modern rehabilitative policies at the prison, the twentieth century's history of imprisonment at Eastern was sadly lacking in innovation and, in fact, lagged behind progressive penological developments in other prisons, in Pennsylvania and elsewhere. Our research clearly indicates that the management of this institution was indifferent or opposed to the introduction of the reformatory principles that swept the country between 1870 and 1920. In the 1920s and 1930s, when the "big house" industrial prison became the norm nationwide, Eastern was considered unsuitable for industrial and agricultural production and imminent replacement by the new prison at Graterford was anticipated. Neither did the most significant national program innovation during that period, central and institutional classification, become fully effective at Eastern until the Bureau of Correction was established in 1954. There is no indication, furthermore that the institution was influential at the height of the rehabilitative era. This discussion, therefore, is properly focused on the significance of the separate system of confinement as practiced at the penitentiary during the nineteenth century.

The idea of solitude and the actual use of single cells were already known in England, before they were proposed by the Philadelphia reformers. These elements of the system were subsequently implemented in the penitentiary wing added to the Walnut Street Jail in 1790 due to the efforts of the Philadelphia Society for Alleviating the Miseries of Public Prisons (Pennsylvania Prison Society). The creation of the Pennsylvania system of prison discipline, then, occurred with the limited experiment carried out in the sixteen solitary cells of the Walnut Street Jail. At Eastern State Penitentiary, however, this new system was implemented on a grand scale and hard labor, education, moral instruction and a practice of prison- visiting by public-spirited citizens further expanded the model

and ranked it in the forefront of progressive penology. One must agree with the eminent penal historian, Harry Elmer Barnes<sup>1</sup> that

Out of the work of these pioneers there ultimately emerged not only the first historic system of prison discipline, but one which seemed at the time to have solved the knotty problems of the reformation of criminals....This was truly the expression of a feeling of responsibility on the part of the free citizen for the less fortunate who had fallen afoul of the law. Whatever the later fate of the Pennsylvania system or however we may deplore the fanaticism of its partisans after it was established, it remains true that at no other time in the penal experience of the state of the nation have so many important citizens taken so diligent and so personal an interest in the well-being and destiny of the man confined in a prison cell.

The state of New York, even before Cherry Hill accepted its first prisoner, saw the rise of a rival system; the Auburn or silent system of prison discipline. At Auburn State Penitentiary, which had been built to alleviate the overcrowding of Newgate Prison in New York City, there was a brief experiment with the system of separate confinement but, when this resulted in inmate mental illness and suicides, it was soon abandoned for a system that combined separate confinement at night with congregate labor in separate prison workshops during the day. In order to prevent communication, if not physical association, among the prisoners, silence was strictly enforced through the threat and use of corporal punishments. The differences between the two systems, which were interminably argued with bitter debates and diatribes during the next forty years, throw some light on the significance of the Pennsylvania system.

First, there were clear differences in the aims of the founders and the administrators of the two systems. Roberts Vaux of the Philadelphia Society, who had been extensively involved in the planning of the penitentiary, summarized the basic principles of the system:

- (1) Prisoners should be treated not vengefully but in ways designed to convince them that through hard and selective forms of suffering they could change their lives;
- (2) to prevent the prison from being a corrupting influence, solitary confinement of all inmates should be practiced;
- (3) in his seclusion the offender was to have an opportunity to reflect on his transgressions so that he might repent;
- (4) solitary confinement is a punishing discipline because man is by nature a social being; and
- (5) solitary confinement is economical because prisoners do not need long periods of time to benefit from the penitential experience; fewer

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<sup>1</sup>Harry Elmer Barnes, *Pennsylvania Penology - 1944: A Report on Penal and Correctional Institutions and Correctional Policy in the State of Pennsylvania*. (1944) State College, PA: The Pennsylvania Municipal Publications Service. p. 1-2.

keepers are required, and the costs of clothing are reduced. The strong faith in reformation coupled with deterrence is very evident.

The Auburn system, which soon became standardized on a nationwide basis "had the beauty of a finely functioning machine (which) reduced the human beings within the prison to automata."<sup>2</sup> Warden Elam Lynds, who ran both Auburn and Sing Sing prisons with an iron hand, saw little hope for the prisoner's reformation. Rather, he believed that all offenders were cowards who needed to be ruled by fear and intimidation. The purpose of imprisonment was seen as punishment and terror in order to break the spirit of the recalcitrant individual. Close surveillance and corporal punishment would force the prisoner to conform to the desired readiness for inculcation of moral values.

With the triumph of the Auburn system in the United States, the goal of reformation retreated and the aims of retribution and incapacitation became dominant. From this perspective, the Auburn system can certainly claim to be living up to the aims of its founders; there is no faith in reformation so one should not expect recidivism to be determined by the prison experience. What is remarkable about the Pennsylvania adherents, however, is their persistent and abiding faith in reformation in the face of overwhelming national opposition. Unfortunately, their claims to be reducing recidivism can not be supported from the available information. The recidivism data presented in the institution's annual reports are far too self-serving to be taken seriously.

A second area of significance lies in the daily regime of prison discipline. Although there are examples of institutional punishments being administered to uncooperative inmates at Eastern State Penitentiary, the single-cell confinement greatly reduced disciplinary problems. In the Auburn- type institutions, on the other hand, the maintenance of silence and order was only possible through a brutal system of corporal punishments, especially flogging. These institutional sanctions were, on many occasions, so widespread that they gave rise to legislative investigations.

The labor system constitutes another area of difference between the two systems. The dominant form of prison labor practiced at Eastern during the penitentiary period was the public account system, while the contract labor system prevailed in the Auburn institutions. Under the former system the prison administration purchased the raw materials for production from outside entrepreneurs and, when the product was finished, sold it on the open market (sometimes at a previously set price per piece).

Since institutional personnel, rather than external contractors, supervised the labor, there was much better control over production and less exploitation of the prisoners. Corruption scandals involving contractors were also more typical in the contract system and, most significantly, there was not the constant problem with agitation from free labor and business regarding unfair competition. While there is clear evidence that the contract system was more profitable -- at least part of the time -- the exponents of the

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<sup>2</sup>Orlando F. Lewis, *The Development of American Prisons and Prison Customs, 1776-1845*. (1967) Montclair, NJ: Patterson Smith. p. 78.

Pennsylvania system could and did claim that their handicraft manufacturing were essential to the process of reformation.

Also contributing to the reformation of the prisoners, it was claimed, was the combination of social isolation of the inmates from one another with the exposure to moral and religious instruction from both institutional staff and visiting, prominent citizens. In spite of the difficulties in completely eliminating communication between prisoners, the system was successful in preventing the development of a prisoner subculture with a normative system antithetical to reformation; a feature that is all too familiar in contemporary prisons. In fact, by placing the prisoners in a situation where their leisure time was primarily occupied by reading the Bible and appropriate moral and religious tracts, by exposing the prisoners frequently to the preachings of the permanent chaplain and the exhortations of a moral instructor, and by allowing conversations with members of the visiting committee of the Pennsylvania Prison Society, it might well be expected that conscientious self-examination would result and lead to reformation. That this did not happen very often, we suspect, was that the commitment to the idea of social isolation, either through solitude or silence, was based on the designers' belief that individuals, deprived of the corrupting influence of communication with others, would permit meditation and repentance. As other scholars have noted, they generalized from their own subjective experiences of how human beings behave, not realizing that their experiences had conditioned them to a greatly different kind of adaptive ability than was true of the socially and culturally deprived persons who were the typical prisoners.

While solitary confinement was tried in Maryland, Massachusetts, Rhode Island, New Jersey and Maine, it was only in Pennsylvania that the system was maintained for any length of time. In the other states it was the silent system that served as the model of prison discipline, especially as it was developed at Auburn and Sing Sing penitentiaries in New York and at Wethersfield in Connecticut. In Europe, on the other hand, the Pennsylvania system was officially adopted in England, Belgium, France, Prussia, Hungary, Denmark, Norway and Holland between 1835 and 1851. Why did the Auburn system prevail as the prototype for American penitentiaries, while the Pennsylvania system was widely copied in Europe?

In the debate between adherents of the two systems prominent citizens lined up on different sides. Supporters of the Auburn system included such prominent citizens as Mathew Carey and Francis Wayland, while the Pennsylvania system was hailed by Samuel Gridley Howe, Dorothea Dix, and Francis Lieber. But most scholars give special credits to the "media campaign" waged by Reverend Louis Dwight of the Boston Prison Discipline Society. He wasted no opportunity to condemn the Pennsylvania system in the annual reports of the society, in articles and pamphlets, and in correspondence with prison reformers. The Pennsylvania society responded in kind, but its position was not as widely publicized. Many of the European visitors during the 1830s, however, praised the Pennsylvania approach and influenced governmental decisions in their own countries.

The statements of significance above stress the historical importance of

Eastern State Penitentiary during the period when the separate system was a viable option. What lessons for modern penology may be learned from the legacy of Cherry Hill? Penologists and prison reformers would be tempted, at first glance, to dismiss the separate system of confinement as a failed system, exemplifying good intentions that went astray, as does so much of penal history. Further consideration of the basic elements of the system, however, suggests two major lessons for contemporary penal policy.

It must be remembered, first of all, that the humanitarian motives of its founders and their faith in an individual's capacity for change, planted the seeds for the reformatory principles in the late nineteenth century and the rehabilitation era in more modern times. While they were naive about the conversion potential of religious contemplation to produce lasting change in the criminal mind, it should be recognized that such "born again" experiences are still a significant part of some successful rehabilitation programs. It should also be noted that they sought the basic causes of criminal behavior in societal conditions long before the researches of social scientists laid the theoretical foundations for modern criminology.

Secondly, the very failure of the system sends a strong warning lesson to the most recent developments in criminal justice policy. The current throwback to a punitive perspective in our society with its emphasis on retributory and incapacitating solutions to crime has led to an expansion in the use of imprisonment unmatched in our history. In fact, for the first time since its demise, the separate system (without the compassion of its 19th century practitioners) is being implemented in super-max institutions across the country. Yet, lessons from the penitentiary experience should have taught us that social isolation is not the answer to the crime problem. Crime rates do not vary inversely with incarceration rates. As two hundred years of experimentation with incarceration should have taught us, the answers must be found in dealing with the root causes of crime in the context of the community.



## § IE. Prisoners' Presence and Perspectives: Introduction And Statement of Significance

Leslie C. Patrick-Stamp

Since its inception, Eastern State Penitentiary has been the subject of numerous studies, inquiries, and investigations. Yet, Eastern State Penitentiary would be insignificant were it not for the people sentenced to serve prison sentences behind its massive walls. None of the otherwise excellent secondary literature on Eastern State, for instance, acknowledges the presence and perspectives of people who lived (and sometimes died) behind those massive walls. Eastern State prisoners' presence and perspectives, then, offer an opportunity to enlarge the body of knowledge about this historically significant institution.

Presented here, however, are but fragments of Eastern State Penitentiary's prisoners' presence and perspectives. This portion of the Historic Structures Task Force Report represents the first attempt to methodically collect and analyze some of the extant documentation of prisoners' presence and perspectives at Eastern State Penitentiary. Preliminary research such as this suggests there is not a continuous source of documentary evidence spanning Eastern State's life. Hopefully future research will uncover more. This presentation hopes to inspire others to investigate this long neglected aspect of Eastern's history.

Every other aspect of this project has an established body of literature from which to draw. The history of penal practices is written almost exclusively from the perspective of those in authority and sympathetic to the use of imprisonment. Witness the numerous reports *about* prisoners' lives written by inspectors and visitors. Throughout the literature on penal history, then, the prisoner remains either an abstraction or absent.

North Americans who had been found guilty of criminal deeds, however, have chronicled their experiences since the seventeenth century.<sup>3</sup> Literary scholars have long accepted the examination of "criminal biographies" as a legitimate source of scholarly inquiry.<sup>4</sup> As literature, the "criminal biography" does not have to necessarily address the dichotomy between "fact" and "fiction," or must it be subjected to verification by other documents. Rather, the criminal biography's value as text can be appreciated on its own terms as literature. Criminal biographies, however, are but one form of expression of which prisoners availed themselves.

The student of history must look beyond the standard texts to find any evidence of prisoners' outlooks on their lives and incarceration. Social historians, however, have not agreed upon the necessity for collecting and analyzing perspectives of the punished. This

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<sup>3</sup>Daniel E. Williams, *Pillars of Salt: An Anthology of Early American Criminal Narratives* (Madison: Madison House, 1993) has most recently published some of the earliest known biographies.

<sup>4</sup>H. Bruce Franklin's *Prison Literature in America: The Victim as Criminal and Artist* (New York, 1989; expanded edition) is one of the earliest and most thorough examinations of this issue.

lacuna results to some extent from a fundamental historiographic assumption about the requirement that the historian verify and authenticate sources:

Wary of the problem of accepting the biographies at face value and yet unwilling to reject them totally, they [certain social historians] have subjected them to testing against other sources, typically manuscript court records.<sup>5</sup>

Furthermore, views of prisoners have been more severely challenged and subject to dismissal than the views of those in positions of institutional authority or philanthropists who were sympathetic to the institution. The populace is socialized and educated not to recognize prisoners as legitimate members of society. Throughout most of the literature on the history of penal practices, one finds that people who transgressed authority have been portrayed as deviant; and because their perspectives often threatened to contradict prevailing ideas about the reasons for crime and punishment, this dimension of the historical record remains largely uncollected and obscure. One phenomenon that has changed little over time, then, is the fact that prisoners' perspectives have not been systematically included in the historical record. In light of their absence, adding prisoners' perspectives represents a radical departure from traditional conceptions of penal history.

Prisoners' views are fragmented and scattered, therefore, because few scholars have bothered to methodically collect and record inmates' oral and material objects.<sup>6</sup> Not unlike their very existence, about which few details will be found except those of importance to legal and penal authorities, their writing and other forms of expression have almost vanished completely. Take, for instance, the most literal example of a material object remaining from an Eastern State inmate, a mural of religious devotion painted by on the chapel wall. Soon it will be gone. In one cell's now-peeling wall an inmate painted a symbol of religious belief that reveals religions other than Christianity existed among prisoners. Other such examples abound. In some few cells remaining contents reveal the rapidly deteriorating remnants of an inmate's life in prison--an *Ebony* magazine left lying on the floor of a cell, dated from Eastern's closing; a trunk of shoes; a chart of undetermined meaning; a boot painted on the side of the stool issued to prisoners as part of their personal effects; abandoned packet of cigarettes rotting in a nightstand drawer; a "poster girl" painted on the side of an inmate's footstool (figs. F18-F22).<sup>7</sup> Even their correspondence to and from the outside world has been neglectfully compiled: At some unspecified point, someone decided to "save" some of the letters to and from inmates which had been written in 1845. And, who will ever know what became of the love letters written in 1862, by Elizabeth Velora Elwell to Albert Green Jackson, while both were imprisoned at Eastern State?

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<sup>5</sup>Philip Rawlings, *Drunks, Whores and Idle Apprentices: Criminal Biographies of the Eighteenth Century* (London: Routledge, 1992), p. 13.

<sup>6</sup>Among the various repositories which have yielded primary documents with information contained in this portion of the report are the Pennsylvania State Archives, Historical Society of Pennsylvania, Library Company of Philadelphia, Historic Preservation Coalition, Dauphin County Clerks of Courts.

<sup>7</sup>Thanks to Harry Bolick for photographing these few remaining material objects.

The singular aspect of imprisonment one would expect to find would be consistency of record-keeping as to who was imprisoned and when. This too, unfortunately, is another fragmentary piece of the documentary evidence. Publication of the *Annual Reports*, in which such information was recorded, ceased in 1929. Without reconstruction from the clerk's reports in the Descriptive Register, it is virtually impossible to know anything certain about the prison's occupants.

Perhaps most unfortunate is that the surviving documents reveal so little about the women who were imprisoned at Eastern State between 1831 and 1922. Their presence is recorded in the Descriptive Registers, and they are occasionally mentioned in the Warden's Daily Journal. Otherwise, virtually no other mention is made of the special circumstances they encountered in an institution designed primarily for men.

Fortunately, some evidence of prisoners' perspectives have survived in a somewhat less fragmented manner. During its early years and after it closed, Eastern's inmates and what they said about their incarceration, attracted the attention of people interested in interviewing them. Besides individuals who recorded prisoners' insights, certain inmates also wrote about their ideas and beliefs. Among the written documents left by the inmates at Eastern State, one finds two inmate publications, "the Umpire" and "The Eastern Echo," poetry, plays, and letters.

Inmates could not always be forthcoming. Their guarded testimonies, letters, recollections, and interviews often resembled those of ex-slaves who viewed their interlocutors as symbols of authority.<sup>8</sup> Only once they did not have to fear reprisals from penal authorities, did it seem they could fully express their critical views about the justice meted out at Eastern State. For instance, during the investigation of Eastern State in 1897, prisoners who were called to testify before the legislative committee would not making any disparaging remarks about the prison or its Warden, Cassidy. All of these individuals had to return to Eastern State after they testified. On the other hand, Willie Sutton, the famed bank robber imprisoned at Eastern State, published his autobiography twice; each time with very different accounts of his exploits. When Sutton published his first autobiography in 1953, he was still imprisoned; and the account is written as an expression of regret for his crimes as well as a concern for individuals whose credibility or well-being could be jeopardized. In his 1975 memoirs, Sutton's outlook differs dramatically. He had been released from prison, many of the people with whom he associated were dead, and he had little to fear from authorities.

Autobiographies from inmates at Eastern State such as Willie Sutton's, however, are the exception. Rather, prisoners' are often silent when one would expect outcries of protest. They contradict each other about seemingly major events. Indeed, it might appear that

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<sup>8</sup>For an excellent discussion of the problem of ex-slaves' unwillingness to be forthcoming cf. John Blasingame, "Using the Testimony of Ex-Slaves: Approaches and Problems," in Charles T. Davis and Henry Louis Gates, ed., *The Slave's Narrative* (New York: Oxford University Press, 1985), pp. 78-98. For the conceptual justification to assert the similarity between slaves and prisoners cf. J. Thorsten Sellin, *Slavery and the Penal System* (New York: Elsevier, 1976).

their conflicting accounts would lend credence to the belief that their words and deeds carry no credibility. The few writings by the men and women who were incarcerated at Eastern State Penitentiary do not begin to capture their myriad experiences and perspectives on their time in prison. If nothing else, their voices and experiences complicate and disrupt an otherwise unambiguous narrative.

It would be fatuous to assume that most inmates wrote about themselves or their observations on society and its prisons. Many were barely literate; and few publishers expressed any interest in prisoner writings if they were not spectacular confessions of their crimes. However, during Eastern State's early years, visitors to the institution--especially those who traveled from abroad--expressed an interest in prisoners' perspectives. These visitors interviewed and observed Eastern State inmates, leaving a valuable portrait of an otherwise shrouded past. Only in the 1990s did inmates who had been at Eastern State again receive attention from people interested in interviewing them. Although separated by more than 150 years, these interviews reveal both the continuity and discontinuity of prison life at Eastern State.

Inmates did not always express their outlooks on prison life through work written by themselves or by others, however. Some employed various non-written methods for registering their ideas and beliefs. Among the few material objects left by prisoners at Eastern State are paintings, graffiti, and "decorated" furnishings in their cells. These relics, however, are in extremely poor condition and what little remains may not be able to be retrieved except through the lens of a camera. Riots and escapes demonstrate yet another non-written form of prisoners' views about their incarceration. These poorly preserved and documented responses to imprisonment require further examination than the otherwise parochial accounts of their defiance.

The few surviving documents from prisoners' perspectives do not disclose a particular truth, but they reveal the tension between reformers' goals and prisoners' realities. Prisoners held far more diverse views than the perspective held by the penal authorities. Authorities disagreed about the appropriate type of confinement, separate versus congregate, but they all believed imprisonment to be the best method to redress criminal acts. The authorities' belief in imprisonment continued, exhibiting little change over time.

Prisoners, on the other hand, held a variety of views about their acts and the consequences of their actions. Interviews conducted by visitors to the prison indicate that contrary to the popular impression of them, not all prisoners pleaded their innocence, seeking to reduce their terms of servitude. They also did not agree whether imprisonment was punishment or rehabilitation, or about the conditions they experienced at Eastern. When they did express themselves, it appears they were more likely to be critical of the institution when writing or speaking to an audience that did not hold official power over them. Finally, their views changed over time, becoming increasingly more complex examinations of imprisonment generally, and Eastern State specifically.

That prisoners did not agree about the nature of imprisonment does not diminish the significance of their contributions to this history. In fact, quite the contrary, as their very disagreement with each other--and especially with authorities--is what animates this very subject. Taken together, prisoners' presence and their experiences may, or may not, contradict the versions of what has become accepted as fact. That, however, is not the point. Rather, the historical record of Eastern State Penitentiary remains far from complete until all sides of the story, regardless of the ways in which they may conflict, are recognized. This is a beginning attempt to do so.

## § IF. The Role of Eastern State Penitentiary in the Development of Building Technology

David G. Cornelius

In several statements, some previously quoted, by architectural and social historians, beginning with the perceptive remarks of Talbot Hamlin and especially in those reflecting four decades of scholarship by Norman Johnston, can be read the origins of interest in Eastern State Penitentiary (Cherry Hill) as the architectural manifestation of a profoundly sincere social mission, with powerful influences through time and space. Historical analysis pertaining to the physical fabric of ESP has generally addressed four aspects of its design and construction. (1) Earlier observations by architectural historians, such as Kimball<sup>9</sup> and Tatum,<sup>10</sup> tended to focus upon the use of the Gothic architectural language, which is only applicable to the outward aspect (Administration Building and enclosure wall) of the complex; Johnston<sup>11</sup> also commented on the stylistic issue. (2) Beginning as early as Hamlin<sup>12</sup> and continuing with Tatum and Hitchcock,<sup>13</sup> the radial plan of ESP was identified as of great significance, with Johnston<sup>14</sup> going to great lengths to clarify the confusion of some authors as to whether the concept was originated or adapted by Haviland. The last two issues are the particular concern of the Building Technology and Systems element of the Historic Structures Report, and derive in large measure from the invaluable observations of Johnston, presaged by those of Hamlin: (3) Closely linked to the consideration of the penitentiary's overall plan is that of its individual units, their scale and proportion, quality of construction, and accommodation of the details of daily life. Hamlin and Johnston have forcefully argued for the standards set by ESP for the penitentiary, which bear comparison with those of other contemporary institutional archetypes, and perhaps with those of our own times. (4) The specific means of accommodation comprises the last of these topics, the exploitation of innovative building technology--whether adapted from recent developments in America or abroad, or invented specifically by John Haviland--in which the roles of Haviland's two most important penitentiaries, Eastern State Penitentiary in Philadelphia and the New Jersey State Penitentiary in Trenton, are arguably of central importance.<sup>15</sup>

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<sup>9</sup> Fiske Kimball, letter, *Philadelphia Evening Bulletin*, March 6, 1946 [refer to Chronological Research Notes].

<sup>10</sup>George B. Tatum, *Penn's Great Town: 250 Years of Philadelphia Architecture*, 2d ed. (Philadelphia, 1961), 79-80.

<sup>11</sup>Norman B. Johnston, "John Haviland, Jailor to the World," *Journal of the Society of Architectural Historians* 23 (May 1964): 105.

<sup>12</sup>Talbot Hamlin, *Greek Revival Architecture in America* (New York, 1944; reprint, New York, 1964), 71-72.

<sup>13</sup>Henry-Russell Hitchcock, *Architecture: Nineteenth and Twentieth Centuries*, 3d ed. (Baltimore, 1969), 121; "American Influence Abroad," in *The Rise of an American Architecture*, ed. Edgar Kaufmann, Jr. (New York, 1970), 16-19.

<sup>14</sup>Norman Johnston, "John Haviland," in *Pioneers in Criminology*, ed. Hermann Mannheim, 2d ed. (Montclair, N.J., 1972), 116-17.

<sup>15</sup>Johnston, "John Haviland," in *Pioneers in Criminology*, 116-17.

The present study of the importance of Haviland's work at Cherry Hill in the development of building technology generally and of institutional architecture specifically, has necessarily proceeded in what is still to some extent an historical vacuum. Both institutional architecture and building technology (other than structure) have only in the past few decades become the subjects of widespread inquiry for architectural historians. The simultaneous emergence of both topics is not entirely coincidental but also reflects an appreciation, by such authors as Banham and Brugemann, of the significant interdependent development of institutional building types and mechanical building services in the eighteenth and nineteenth centuries. Critical questions forming the basis of this investigation included the following: (1) how did the appearance of particular technological innovations at ESP relate chronologically to their occurrence elsewhere internationally, in the United States, and in similar and differing building types; (2) were these innovations successful within their specific application; (3) did they have continuing influence on subsequent developments and, if so, what were the likely means of their dissemination; (4) considered individually and collectively, how does knowledge of the technology influence our evaluation of the total significance of Eastern State Penitentiary; (5) similarly, how does understanding of specific aspects of building technology inform the interpretation of the human history of the place?

The conclusions of this portion of the HSR ultimately endorse and restate the long-standing observations of Hamlin and Johnston. The individual systems employed by Haviland were frequently (like his radial plan) improvements on the works of others, rather than personal innovations. In the early years of the Penitentiary painful acknowledgments of the failure of some systems were combined with unjustified claims for the success of others, resembling in microcosm the anguished debate over the validity of the Pennsylvania System. Specific devices and systems employed by Haviland were immediately or rapidly rendered obsolete; what endured from his work were instead embryonic concepts, such as the control of a spatial environment by mechanical services in separate dedicated spaces and the industrialized production through technology transfer of standard building components, which in more developed form served as critical attributes of what would later be identified as modern architecture. The significance of Eastern State Penitentiary's building systems lies not so much in the documentation of any single technological innovation, as in the precedent set by the Philadelphia and Trenton penitentiaries in popularizing the concept that building technology could be relied upon to solve complex and unprecedented programmatic problems. In this regard the penitentiaries, although relatively primitive in specific respects, in totality combined an unprecedented range of experimental and innovative systems, and as such served as necessary and identifiable precedents for the next generation of technologically complex buildings including Paxton's Crystal Palace, the termini of the 1850s, David Barlow Reid's work at the Houses of Parliament, and that of T. U. Walter and Montgomery Meigs at the United States Capitol.

The purpose of this facility inevitably darkens and enriches any analysis of its technology. A remarkable side effect of the need to develop new building services, with respect equally to sanitary plumbing and heating and ventilation at ESP, is that the prisoners were the beneficiaries of technological innovations sometimes decades in



advance of their counterparts outside the wall. Technology's blessings were at best mixed, however. The case could be made that the prisoners were--by accident or design--the captive subjects of experiments which would be unacceptable to society at large, which ultimately benefited from technologies perfected at the cost of prisoners' discomfort, injury and occasional deaths. Both Johnston<sup>16</sup> and Ferguson<sup>17</sup> have expressed skepticism about the potential dangers of over reliance on technological devices, the former in the context of penal architecture, the latter in that of nineteenth-century architecture generally. Conversely, the availability of amenities to prisoners not generally available to the public might have contributed to the recurring resentment of ESP as an unduly luxurious facility.

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<sup>16</sup>Norman Johnston, *The Human Cage: A Brief History of Prison Architecture* (New York, 1973), 54.

<sup>17</sup>Eugene S. Ferguson, "An Historical Sketch of Central Heating: 1800-1860," in *Building Early America*, Charles E. Peterson, ed. (Radnor, Pa., 1976), 180-81.

## II. MOTIVES AND MOVERS, ORIGINAL CONSTRUCTION

### § A. Penological Philosophy

#### 1. General Background

Finn Hornum

The management of any organization is oriented toward the achievement of one or several goals. The goal of imprisonment, along with other criminal justice sanctions, is in the most general sense to punish the convicted offender. While punishment clearly implies the infliction of pain and suffering on the evildoer, philosophers of punishment have also insisted that it should be justified on utilitarian grounds, i.e. to prevent or control crime. Thus, punishment may be said to serve two different purposes, an expressive function and a defensive function. The expressive function, it has been argued, allows the law violator to expiate his sin through suffering and helps the community unite around the norms and values that it expects all its members to uphold. In its most ancient form of retaliation the community expresses its anger with the offender through vengeance, fulfilling the biblical injunction of "an eye for an eye, a tooth for a tooth." In its modern, and more moderate, version it includes retribution, restitution and compensation. Retribution refers to the objective of "just deserts" placing the emphasis on the notion that the punishment should fit the crime in order to satisfy the public's demand for equitable justice. It focuses exclusively on the seriousness of the criminal act and is based on the belief that the punishment should be proportional to the consequences of that act. Restitution and compensation further emphasize the deservedness aspect of punishment by requiring the offender (or the state) to restore the social situation to what it was before the offense was committed, usually through some form of direct payment to the victim or the victim's family or through service to the community.

The defensive function of punishment, on the other hand, aims at the control and prevention of crime. It includes incapacitation, deterrence and rehabilitation (sometimes referred to as treatment, resocialization, or reintegration). Incapacitation simply argues that sanctions should be designed in such a fashion as to provide maximum protection for society by removing the convicted offender from society so that he/she, at least while "out of circulation", will not be able to commit a crime. Deterrence stresses the importance of fixing the type and length of punishment to make either the convicted offender refrain from further criminal acts (specific deterrence) or to make the potential lawbreaker so fear the consequences of punishment that he/she will not commit a contemplated crime (general deterrence). Rehabilitation, finally, sees the task of imprisonment to be to facilitate change in the convicted offender and/or in the community to which he/she returns so that conforming and law-abiding behavior will follow. While retribution and incapacitation do not require any change in the offender in order to accomplish their goals, specific deterrence and rehabilitation visualize such

change to have occurred either through the fear of future punishment or through clinical or social intervention.<sup>18</sup>

In spite of their inconsistency and incompatibility, these multiple purposes of punishment have coexisted throughout history and are evident in American corrections today. However, at different periods in prison history one or several of these objectives have become dominant.<sup>19</sup> Prior to the eighteenth century the dominant purpose was clearly retaliation. Crime causation was not an issue since crime was considered a form of sin or demonic possession. Punishment was therefore aimed at the extermination of the offender through execution for most offenses and/or corporal sanctions or banishment (outlawry) for minor infractions. While common gaols were used for detention of offenders prior to trial and before the imposition of sentence, imprisonment as a form of punishment had only been tried on wayward clerics in monastic surroundings and on beggars and vagrants in "bridewells" and "houses of correction" in England and the Netherlands. This was the situation in both Europe and colonial America until the start of the so-called Age of Enlightenment.

## 2. The Philosophical Background to the Pennsylvania System

Finn Hornum

There is considerable agreement among penologists that the elements of the Pennsylvania System of "separate confinement at hard labor" stem from the general European developments in social and political philosophy in the eighteenth century and the specific attempts to reform criminal jurisprudence. The philosophical attacks on the "old regime" by such French writers as Montesquieu, Voltaire, Rousseau, Diderot, Turgot and Condorcet and their English counterparts, especially David Hume, Adam Smith, Thomas Paine and Jeremy Bentham, introduced the doctrine of rationalism into social and political thought and their writings were familiar to American political figures prior to and during the Revolutionary War.

The advocacy of concomitant reforms in the barbarous and irrational system of criminal jurisprudence, however, came primarily through the ideas expressed in Montesquieu's Persian Letters and The Spirit of the Laws and in the Essay on Crimes and Punishments written by the young Italian nobleman, Cesare Beccaria. The latter's significant critique of the existing criminal justice system included proposals for a reduction in the severity of sanctions (he even advocated the complete abolition of the death penalty) and the use of imprisonment for serious crimes. Similar ideas were contained in the extensive critical commentaries on English criminal law by William Blackstone and in the voluminous

<sup>18</sup>Todd R. Clear and George F. Cole, *American Corrections*. (1986). Monterey, CA.: Brooks/Cole. pp. 95-104.

<sup>19</sup>Thorsten Sellin, "Correction in Historical Perspective," *Law and Contemporary Problems*, (1958), 23 (No. 4): pp. 585-593; Elmer K. Nelson and Catherine H. Lovell, *Developing Correctional Administrators*. (1969). College Park, MD: Joint Commission on Correctional Manpower and Training: p. 4; Donald R. Cressey, "Limitations on Organization of Treatment in the Modern Prison," in Richard Quinney (Ed.), *Crime and Justice in Society*. (1969). Boston: Little, Brown and Company. pp. 462-463.

writings by the utilitarian philosopher, Jeremy Bentham, who even drew up elaborate plans for prison construction (the Panopticon Plan).<sup>20</sup>

According to W. D. Lewis' review of the heritage of the penitentiary system,<sup>21</sup> there were actually two groups of reformers. One represented the outlook of the Enlightenment, who wanted above all else to make the criminal law rational, and included such reformers as Montesquieu, Cesare Beccaria, Jeremy Bentham, William Blackstone, William Eden and William Godwin. Initially, most of these rationalists did not favor imprisonment since their experience with the contemporary jails suggested that they were inhumane and it was only as the second group of reformers were able to convince them that a new, more rational system of incarceration was feasible, that they became supporters of a penitentiary system. This second group was inspired by religious convictions and saw the offender as a child of God who should be treated with compassion and love. These reformers included such Quakers as William Penn, John Bellers and John Howard, whose own experiences with incarceration led them to focus primarily on changing the deplorable conditions in the local jails and opposition to capital punishment. Penn's "Great Law", the Quaker criminal code that was in effect from 1682 to 1718, imposed imprisonment in "houses of correction" as the penalty for most crimes and constituted, of course, the most specific influence on the Philadelphia reformers. It was the detailed reports on visits to common gaols and other penal institutions throughout England and continental Europe by the English prison reformer, John Howard, that provided practical models for the Philadelphians.

Howard's descriptions of the San Michele papal prison for young offenders in Rome (built in 1704), Vilain's prison at Ghent (built 1773), and the English county bridewells at Wymondham, Petworth, Winchester, Middlewich and in Gloucestershire demonstrated the use of single cells and prison labor and were guided by reform objectives. Sir Thomas Beevor's institution at Wymondham in Norfolk County, erected in 1784, separated the sexes, first offenders from hardened criminals, used separate cells at night for all prisoners and at all times for incorrigibles, and also had workshops for inmate labor. This institution was particularly admired in Philadelphia.<sup>22</sup>

The development of the specific ideas of solitude and isolation has been attributed to the polemical writings of such English reformers as Rev. William Dodd, Sir George Paul, and, especially, Jonas Hanway, who designed a plan for an institution which would ensure complete isolation of its inmates in 1776. Sellin attributes the major contribution to the philosophy to have been made by Rev. William Paley in his 1785 tract on Principles of Moral and Political Philosophy.<sup>23</sup> and argues that the idea of solitary

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<sup>20</sup>Harry Elmer Barnes, *The Evolution of Penology in Pennsylvania*. (1927) Indianapolis: Bobbs-Merrill. p. 74-79.

<sup>21</sup>W. David Lewis, *From Newgate to Dannemora: The Rise of the Penitentiary in New York, 1796-1848*. (1965). Ithaca, N.Y.: Cornell University Press. pp. 16-26.

<sup>22</sup>Barnes (1927), *Op.Cit.* , pp. 78-79; Thorsten Sellin, "The Origin of the 'Pennsylvania System of Prison Discipline'," *The Prison Journal*, (1970) 50 (No. 1): 20-21

<sup>23</sup>Sellin (1970), p. 19

confinement "had fully matured in England before the 'penitentiary house' in the yard of the Walnut Street Jail was even contemplated."

In sum, the criminal justice reform principles advocated by Beccaria, Bentham and Howard and based on the social contract philosophy of the Enlightenment found ready acceptance among the Quakers and other members of the Philadelphia elite around the time of the American Revolution. The belief in the perfectability of human nature and the faith in social progress based on reason were incompatible with the colonial emphasis on retribution and stressed instead the reformation of the criminal as the sole objective of punishment. The blame for repeated criminality was placed on the retributive and sanguinary philosophy imbedded in the English criminal law. Since the criminal was believed to be rational and capable of the exercise of free will, just laws prescribing punishments that were balanced with the seriousness of the criminal act were thought to deter the individual from criminality. Incarceration, with its gradations of severity through the length of time imposed, was uniquely suited to the hedonistic pain-pleasure calculus, which the utilitarians believed was the motivating principle underlying all human behavior. In addition, prisons would provide the physical facilities necessary to confine the individual for the purposes of "useful work and good habit formation, and from his labor the prison would pay for itself."<sup>24</sup>

The practical consequences of this philosophy were revisions of the penal codes. At the time of the Revolution, capital punishment in Pennsylvania was authorized for treason, murder, burglary, rape, sodomy and buggery, malicious maiming, manslaughter by stabbing, arson, and counterfeiting as well as for a second conviction of any felony. Similar capital crimes were in the penal codes of the other colonies. In 1786 the Pennsylvania legislature limited capital punishment to four of these crimes (treason, murder, rape and arson) and, in 1794, the infliction of the death penalty was reduced to premeditated murder.<sup>25</sup>

The reform legislation was strongly influenced by the efforts of such eminent Philadelphians as Benjamin Franklin, William Bradford, Benjamin Rush and Caleb Lowmes. Their ideas reflected the Quaker belief that the prevention of crime was the sole legitimate end of punishment. Such punishment should be directly apportioned to the offense and should be designed to promote the reformation of the offender. Imprisonment was the logical substitute for capital and corporal punishments, and the early efforts of the reformers therefore concentrated on the construction of facilities suitable for the achievement of reformation.<sup>26</sup> In Philadelphia, where the deplorable conditions in the old High Street Jail had led to legislation forcing prisoners to engage in compulsory labor upon the public roads of the city, the increasing presence of criminals on the streets caused the citizens much fear and apprehension.

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<sup>24</sup>David Fogel, *"We Are The Living Proof." The Justice Model for Corrections.* (1978). Cincinnati: Criminal Justice Studies, Anderson Publishing Company, p. 16.

<sup>25</sup>Orlando F. Lewis, *The Development of American Prisons and Prison Customs, 1776-1845.* (1967) (1922). Montclair, NJ: Patterson-Smith. pp. 13, 16, 28, 43-44.

<sup>26</sup>O. Lewis, pp. 13-15.

The keepers (on the streets) were armed with swords, blunderbusses and other weapons of destruction. The prisoners were secured by iron collars, and chains, fixed to bombshells. The old and hardened offenders were daily in the practice of begging and insulting the inhabitants, collecting crowds of idle boys, and holding with them the most indecent and improper conversations.<sup>27</sup>

In March, 1787 a meeting was held at the home of Benjamin Franklin to listen to an address by Dr. Benjamin Rush, a highly respected physician in the city. Rush presented a lengthy paper upon the effects of punishment upon criminals and upon society. He argued that punishment should: "reform the person who suffers punishment" (rehabilitation), "prevent the perpetration of crimes, by exciting terror in the minds of the spectators" (general deterrence) and "remove those persons from society who have manifested by their tempers and crimes, that they are unfit to live in society" (incapacitation).<sup>28</sup>

He urged the building of a reformatory institution, which included classification of the offenders and a system of prison labor productive enough to meet the expenses of institutionalization and provide food for the inmates' consumption. The component parts of a prison sentence, whose length should be tailored to the prisoner's reformation, were to be "painfulness, labor, watchfulness, solitude and silence."<sup>29</sup> In modified form, Rush's principles became the guidelines for the penal philosophy of the early reformers. The newly formed (May 8, 1787) Philadelphia Society for Alleviating the Miseries of Public Prisons was in the forefront of spreading these ideas. In a series of "Memorials" the Pennsylvania legislature was persuaded, in 1790, to authorize the remodeling of the Walnut Street Prison by adding a "penitentiary wing" to the facility. Based upon the principle of "solitary confinement to hard labour," first recommended by the Society in their Memorial of December 15, 1788, the most serious felons would be incarcerated in solitary cells without labor in this penitentiary house, while the less serious offenders, witnesses and debtors would be housed in larger "night rooms" and forced to work in association in specially designed workshops. This "cradle of the penitentiary" allowed for classification by separating serious from less serious offenders, males from females, and criminals from non-criminals. It instituted a system of prison labor for the minor offenders and experimented with isolation in solitary cells to prevent contamination.<sup>30</sup>

At first, the new system appeared to be successful. Convictions in Philadelphia declined from 131 in 1789 to 45 by 1793. There were no escapes from Walnut Street during those four years, while over a hundred had escaped during a comparable period from the old High Street Jail. Lownes, who had become one of the inspectors at Walnut Street and was the main manager of the prison, wrote in 1797:

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<sup>27</sup>Lownes, as quoted in O. Lewis, p. 18.

<sup>28</sup>O. Lewis, *Op. Cit.*, p. 20; Ronald L. Goldfarb and Linda R. Singer, *After Conviction*. (1973). New York: Simon and Schuster. p. 23.

<sup>29</sup>O. Lewis, pp. 22-23.

<sup>30</sup>Barnes (1927), *Op.Cit.* , pp. 80-105;

Our streets meet with no interruption from those characters that formerly rendered it dangerous to walk out of an evening. Our roads in the vicinity of the city, so constantly infested with robbers, are seldom disturbed by these dangerous characters...Our houses, stores and vessels, so perpetually disturbed and robbed, no longer experience these alarming evils.

We lie down in peace, we sleep in security... If the discharged prisoners have returned to their old courses, they have chosen the risk of being hanged in other States, rather than encounter the certainty of their being confined in the penitentiary cells of this.<sup>31</sup>

It was the reports on this success story that led other states to copy the Walnut Street model.

Another famous Quaker philanthropist, Thomas Eddy, urged the New York state legislature to build a Walnut Street institution and Newgate Prison was soon built on the shore of the Hudson River in Greenwich Village, New York City. It was enclosed by massive walls and contained fifty-four rooms to accommodate eight prisoners each and fourteen solitary cells, where convicts would serve three years or more. Each prisoner was paid for his labor but his clothes, board and lodging were charged against his wages. Other early prisons were built at Lambertton near Trenton, New Jersey (1798), at Richmond, Virginia (1800), at Frankfort, Kentucky (1800), at Charlestown in Massachusetts (1805), at Windsor, Vermont (1809), at Baltimore, Maryland (1812), at Concord, New Hampshire (1816), at Columbus, Ohio (1816) and at Milledgeville, Georgia (1817). These eleven institutions constituted the embryonic correctional system of the new republic. All of these early American prisons attempted to copy the Walnut Street system and were successful in instituting some prison labor, enforcing silence at work, and adopting similar approaches to governance. A small number of the prisons also experimented with solitary confinement.<sup>32</sup>

Problems soon arose. Overcrowding in both Walnut Street and Newgate led to the indiscriminate mixing of males with females, juveniles with adults, and convicted offenders with detentioners, material witnesses and debtors and caused severe disciplinary problems and disturbances. In both Pennsylvania and New York reformers began to lobby for new institutions where the ideal and pure penitentiary principle of separating convicts from one another could be carried out.

The prevailing philosophy of punishment in Walnut Street, and those early prisons that copied it, as Bartollas and Miller have noted, appears to have been based on a "family" or

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<sup>31</sup>O. Lewis, *Op. Cit.*, p. 29.

<sup>32</sup>Blake McKelvey, *American Prison: A History of Good Intentions*. (1977). Montclair, NJ: Patterson-Smith. pp.8-10; David E. Duffee, *Corrections: Practice and Policy*. (1989). New York: Random House. p. 262



"household" model.<sup>33</sup> Not only was the physical plant similar to a large private residence, but the dominant use of congregate rooms and the considerable freedom of movement allowed within the confines of the institution suggest that its advocates believed that crime was attributable to a breakdown of the family and traditional community structure and that the reformation of the criminal should occur within a restricted environment of family and community life.

When overcrowding, idleness and poor management overwhelmed the implementation of these goals by the start of the nineteenth century, the focus shifted. In the belief that the criminal's character had been formed through immoral influences in the social environment, the need for moral reformation became paramount. Such reformation was to be achieved through imprisonment of the convicted offender in isolation from the corrupting influences of other criminals, which had so typified the conditions in the jails. The penitentiary would then inculcate the discipline that family, friends, and the corrupt life styles of the criminal's environment had destroyed. Contemplating the evil ways of his/her previous life of crime, the prisoner would then repent and could be released to the free society as a reformed individual. Reformation was the goal and penitence the means to achieve it.<sup>34</sup> The retributory view of the criminal as a "pariah", against whom the only logical responses were execution, mutilation or banishment, had been replaced by the view of the offender as a "penitent" who needed moral guidance.<sup>35</sup>

In Philadelphia, the Prison Society deplored the developments at Walnut Street. In a 1801 Memorial they urged the legislature to extend the use of solitude and labor to all prisoners and, in 1803, they advocated the construction of two new state penitentiaries, one in the Western part of the state and one in Philadelphia to replace the inadequate facility at Walnut Street. While the institution built at Arch Street was intended to serve the latter function, it was not opened until 1817 and only used for debtors. The legislature also authorized the construction of a penitentiary in Pittsburgh to serve the western part of the state and that institution was constructed and ready for use by 1826. The statutes authorizing the construction of both penitentiaries (1818 for Western; 1821 for Eastern) did not permit work since many of the reformers believed that solitariness by itself would be sufficient to produce the penitent individual and that work would distract the prisoner from his contemplation. Thus, Western was constructed with such small cells that work was impossible. It was this feature and the use of open gratings in the cells, which made conversation between the inmates possible, that led to the early demolition of the Pittsburgh institution.<sup>36</sup>

Meanwhile, other states were pursuing similar efforts to remedy the defects of their earliest institutions. The state of New York added two new institutions, Auburn State Prison (1817) in an up-state area newly opened up by the Erie Canal and Sing Sing State Prison (constructed 1825-28) on the Hudson River closer to New York City and designed

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<sup>33</sup>Clemens Bartollas and Stuart J. Miller, *Correctional Administration: Theory and Practice*. (1978). New York: McGraw-Hill. pp. 24-25

<sup>34</sup>David J. Rothman, *The Discovery of the Asylum*. (1971). Boston: Little, Brown and Company. pp. 82-83

<sup>35</sup>Fogel, *Op. Cit.*, p. 63

<sup>36</sup>O. Lewis, *Op. Cit.*, pp. 119-120

to replace the overcrowded Newgate.<sup>37</sup> At Auburn there was an initial attempt to follow the Pennsylvania philosophy of solitary confinement but a marked increase in sickness, mental illness and suicides among the convicts led to its discontinuance in 1822. In Maine, the first institution was built at Thomaston in 1823. It was located next to a quarry and contained seventy-one cells, which were literally pits set back to back but sunk below the surface of the ground and designed for solitary confinement. A reconstruction of this barbarous place did not occur until 1845.<sup>38</sup> In Virginia, the crescent-shaped prison at Richmond, designed by Thomas Jefferson and opened in 1800, was originally intended for cellular solitary confinement but the number of cells was insufficient and, when an adequate number was added in an 1823 renovation, the location of the institution continued to cause serious health problems. Two successive wardens, Samuel L. Parsons and C. S. Morgan, advocated changes in the law specifying six months of solitary confinement for most prisoners. The morbidity and mortality rates among the inmates were appallingly high. Parsons traced the high mortality rate to the mental despair of the prisoner caused by a combination of the mandatory solitude and a prohibition against mitigation through pardons:

Whenever a convict sentenced for life has been seriously attacked by disease, he has sunk under it. There has not been a single instance where a convict, whose sentence was for life, ever recovered from indisposition...Nothing has presented itself more destructive to the health and constitution of the convict than the six months close and uninterrupted solitary confinement upon first reception.<sup>39</sup>

Morgan continuously pressed the legislature to reduce mandatory solitary confinement and was opposed to its use except for violation of prison rules, but effective changes were not made until 1838.<sup>40</sup>

These negative experiences with solitary confinement during the decade from 1820 to 1830 led to a search for an alternative system. Such an alternative was developed at Auburn after 1823. While it is not clear who "invented" this system (it is variously attributed to either Governor Clinton of New York, Warden Gershom Powers, Warden Elam Lynds or Assistant Keeper John Cray<sup>41</sup>), it emerged against the failures of the earlier system. This system, which soon became standardized on a nationwide basis (except for Pennsylvania), "had the beauty of a finely functioning machine (which) reduced the human beings within the prison to automata."<sup>42</sup> Warden Elam Lynds replaced the solitary approach with a silent system of prison discipline, where the inmates were kept in individual cells at night but allowed to congregate in workshops during the day. Contamination from association was to be avoided through the imposition of complete

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<sup>37</sup>Paul W. Keve, *Corrections*. (1981). New York: John Wiley and Sons. pp. 72-83

<sup>38</sup>O. Lewis, pp. 147-148

<sup>39</sup>O. Lewis, p. 213

<sup>40</sup>O. Lewis, *Op. Cit.*, p. 214

<sup>41</sup>Gustave DeBeaumont and Alexis DeTocqueville, *On the Penitentiary System in the United States*. (1964) (1831). Carbondale, IL: Southern Illinois University Press. pp. 42-43

<sup>42</sup>O. Lewis, p. 78

silence. Lynds, however, saw little hope for the prisoner's reformation. Rather, he believed that all offenders were cowards who needed to be ruled by fear and intimidation. The purpose of imprisonment was seen as punishment and terror in order to break the spirit of the recalcitrant individual. Close surveillance and corporal punishment, he held, would force the prisoner to conform to the desired readiness for inculcation of moral values. He believed that a warden must actually despise the prisoners if he is to manage the prison with a firm hand. He was so proud of his system at Auburn and Sing Sing that he advocated the extension of its principles to family life, educational institutions, and industry.<sup>43</sup> These views were strongly shared by the Reverend Louis Dwight and the Boston Prison Discipline Society which he led. Lynds' successor at Sing Sing, Warden Robert Wiltse, summarized the views with the comment: "The best prison is the one prisoners consider the worst."<sup>44</sup>

No such ideas were shared by the Philadelphians. While the problems with separate and solitary confinement without labor at Western soon became apparent to the reformers and they were aware of the developments at Auburn, they were convinced of the rightness of their cause. When the legislature appointed a commission in 1826 (the Wharton-King Commission) to revise the penal code in accordance with a system of imprisonment at hard labor and solitary confinement and the members of the commission "came under the spell of the Reverend Louis Dwight" and recommended the alteration of the Pittsburgh and Philadelphia penitentiaries according to the Auburn model, the Prison Society sent a committee to Auburn to study the system and, subsequently, dispatched the most persuasive member of both the society and the building commission, Mr. Samuel Wood, to Harrisburg to argue to argue their case. The legislature was convinced and passed the Act of April 23, 1829, which ordered "separate or solitary confinement at labour" to be implemented at the two state penitentiaries.<sup>45</sup>

Eastern State Penitentiary became the model for the Pennsylvania system based on separate confinement. Roberts Vaux of the Philadelphia Society, who was extensively involved in the planning and building of the penitentiary, has provided the best summary of the basic principles of the system:

- (1) Prisoners should be treated not vengefully but in ways designed to convince them that through hard and selective forms of suffering they could change their lives;
- (2) to prevent the prison from being a corrupting influence, solitary confinement of all inmates should be practiced;
- (3) in his seclusion the offender was to have an opportunity to reflect on his transgressions so that he might repent;
- (4) solitary confinement is a punishing discipline because man is by nature a social being; and

<sup>43</sup>Torsten Eriksson, *The Reformers: A Historical Survey of Pioneer Experiments in the Treatment of Criminals*. (1976). New York: Elsevier. p. 50; Fogel, *Op. Cit.*, pp.22-23; Keve, *Op. Cit.*, pp. 76-80

<sup>44</sup>Eriksson, p. 58

<sup>45</sup>Negley K. Teeters and John D. Shearer, *The Prison at Philadelphia: Cherry Hill. The Separate System of Penal Discipline, 1829-1913*. (1957). New York: Oxford University Press. pp. 20-23

(5) solitary confinement is economical because prisoners do not need long periods of time to benefit from the penitential experience; fewer keepers are required, and the costs of clothing are reduced.<sup>46</sup>

In the 1862 volume of the Journal of Prison Discipline and Philanthropy, the publication of the Prison Society, the ideal of solitary confinement was further explained:

The thorough separation ... must not be misunderstood ... to mean, as has been charged, "perpetual solitude," or "total isolation from the world." It is not society itself, or intercourse with his fellow-men that is denounced by the system, but his association and companionship with criminals, -- with the depraved and wicked, -- which it is believed ... should be utterly prohibited. The social intercourse under this system is, in point of fact, abundantly sufficient for the health, both of body and mind ... We give them that of the virtuous, the intelligent and the good (visitors), who not only make it their business to see that they have the bodily comforts to which they are entitled; but who are desirous of promoting their reformation with a view to their own real good through the remaining term of their lives, and to securing society against renewed depredations from them after their discharge; and above all, that they may be instrumental, under the divine blessing, in bringing these poor wanderers and outcasts, into a true sense of their past sinfulness, that they may in condescending mercy, be yet brought, by repentance and amendment of life, to work out their soul's salvation.

Thus, from 1820 to 1830 the basic foundations of the two rival penitentiary systems, the Pennsylvania and the Auburn systems, were laid. Both systems attempted to resolve the problems experienced in the early prisons through separation of inmates but, while one system (Auburn) tried to accomplish these objectives through a combination of silent, congregate labor during the day and solitary confinement at night, the other system (Pennsylvania) advocated complete separate and solitary confinement. Under the unswerving leadership of Rev. Louis Dwight of the Boston Prison Discipline Society, which had been established in 1826, and Roberts Vaux of the Philadelphia Society for Alleviating the Miseries of Public Prisons, the respective systems developed institutions with distinctly different architecture and separate modes of administration and discipline.

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<sup>46</sup>Clear and Cole, *Op. Cit.*, pp.75-76, from Sellin (1970), *Op. Cit.*, pp. 15-17

## § IIB. Prison Labor: General Background and Early Years

Finn Hornum

Throughout the history of imprisonment in America, prison labor has been a major issue for the prison administrator. The earliest penal statutes called for imprisonment at "hard labor" and, to this day, sentenced prisoners are required to work while serving their time. Different reasons for the importance of institutional work have been given. It has been considered essential to teach the inmate a useful trade. The very routine of regular work has been considered significant in emphasizing the Puritan work ethic and in maintaining order within the institution. In addition, prison labor has been advocated because it helped to defray the cost of institutionalization and might even produce a profit for the state.

Since the beginning of imprisonment, the following prison labor systems have been tried, either in their "pure" form or in combination, in the United States:

- The contract system, where the state retains control over the inmates but sells their labor to an outside contractor at a daily fee;
- The lease system, where the care and custody of the inmates are turned over to an external entrepreneur for a stipulated fee;
- The piece-price system, where a private entrepreneur furnishes the raw materials and pays the prison for each unit of finished product;
- The state or public account system, where the state does its own manufacturing in the institutions and sells them on the open market; and
- The state-use system, where the goods and services produced by prison inmates can only be for the use of other state agencies or their political subdivisions. The latter system may take the form of prison or correctional industries, where inmates are employed inside the institution in a variety of production tasks; penal farms, where agricultural work is performed in open, but supervised, settings; and public works, where prisoners work on construction and improvement of roads, in forestry, or in mining. In the southern states this latter form of penal labor was performed in chain gangs.<sup>47</sup>

Work in the early Pennsylvania penal institutions was mandated by the Quaker Criminal Code of 1682. Penn's familiarity with the "houses of correction" in Holland as well as the English bridewells for vagrants and paupers was probably the inspiration for

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<sup>47</sup>Lee H. Bowker, *Corrections: The Science and the Art*. (1982). New York: MacMillan. pp. 82-86; Vernon Fox, *Correctional Institutions*. (1983). Englewood Cliffs, NJ: Prentice-Hall Inc. p. 86; Elmer J. Johnson, "Prison Industry," in Robert M. Carter et al. (Eds.), *Correctional Institutions*. (1972). Philadelphia: J.B. Lippincott. p. 358

changing the system of punishment in provincial Pennsylvania. The "Great Code" maintained only murder as a capital offense but prescribed imprisonment in "houses of correction" for other crimes of violence, property crimes and some offenses against the public order. The Code visualized that the local common "gaols" typical in England and in the earliest years of the colony were to be combined with the workhouses reserved for vagrants and paupers into a true penal institution where the criminal class would be incarcerated for punishment purposes as well as holding them in detention until trial and sentencing.<sup>48</sup> As Barnes has contended:

The great contribution of the West Jersey and Pennsylvania Quakers to the development of modern penology consists in the twofold achievement of substituting imprisonment for corporal punishment in the treatment of criminals and of combining the prison and the workhouse. In other words, they originated both the idea of imprisonment as the typical mode of punishing crime, and the doctrine that this imprisonment should not be in idleness but at hard labor. Of the priority of their accomplishment in this regard there can be no doubt. A century later they added the principle that imprisonment at hard labor should be in cellular separation and thus created the modern prison system in its entirety.<sup>49</sup>

The innovation was short-lived, however. With the return to the harsh Anglican and Puritan codes in 1718 and the restoration of capital and corporal punishments as the dominant penalties for crime, the authorized houses of correction became merely traditional workhouses and the county jail, once again, returned to its detention functions. County jails were erected in all eleven Pennsylvania counties between 1718 and 1776, but workhouses (sometimes within the same facility) were only erected in Philadelphia, Bucks, Chester and Lancaster counties. Only in Philadelphia and Chester did they have some resemblance to Penn's penal institutions.<sup>50</sup>

In Philadelphia, it was the "New" High Street Jail, built in 1723 and located on the corner of Third and High Street that combined the jail and workhouse functions. This institution was replaced by the Walnut Street Jail, authorized as a jail replacement in 1773, but occupied as a prison facility when it opened in 1780. During the early years of the Walnut Street Jail, there were no work opportunities provided for the prisoners. From 1786 to 1790, however, the Pennsylvania legislature had tried to deal with the pervasive idleness by ordering the prisoners to work on the public streets of Philadelphia, a practice that soon horrified and frightened the good citizens of that city. Accordingly, when Walnut Street was remodeled in 1790, workshops were established and daily labor made compulsory for the minor offenders who were housed in the large, congregate night rooms. The serious offenders, who were placed in the solitary cells in a separate wing were not set to work in spite of the intention of the law.

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<sup>48</sup>Harry Elmer Barnes, *The Evolution of Penology in Pennsylvania*. (1927). Indianapolis: Bobbs-Merrill. pp. 27-53

<sup>49</sup>Barnes (1927), pp. 54-55

<sup>50</sup>Barnes (1927), pp. 57-63

Inspector Caleb Lownes introduced a variety of handicrafts and became the actual manager of the work program. The inmates worked in such skilled occupations as carpentry, joinery, weaving, shoemaking, tailoring, nail manufacturing and in such unskilled tasks as beating hemp and picking moss, wood or oakum. They were paid for their labor with some earning as much as one dollar per day, but had to pay the cost of their trials, fines and fifteen cents per day toward their maintenance. It was reported that the institution was able to meet its expenses during the early years and that discharged prisoners often had savings upon release<sup>51</sup> The labor model followed was a form of the "public account" system, since the state purchased the raw materials and sold the finished products on the open market. Thus in the earliest prison, work for the inmates was available, at least until overcrowding set in.

The prisoners were required to work simply as a way of repaying the state for the expense of operating the institutions, but there was still sufficient funds left over to permit the prisoner to earn money for themselves and their families. Their wages may even have been proportionally higher than prison wages today. Furthermore, during the frugal and efficient administration of Lownes, a small profit for the state was attained. The work program's two goals, "to promote reformation through inculcating habits of industry and sobriety and to make possible an indemnity to the community for the expense of the conviction and maintenance of the offender", were reached.<sup>52</sup>

When overcrowding of Walnut Street made both solitary confinement and labor impossible in practice, the legislature called for the erection of Western and Eastern Penitentiaries. In the enabling legislation of March 3, 1818 and March 20, 1821 it was "definitely stipulated that both penitentiaries should be constructed according to the principle of solitary confinement, but no provisions were made for the employment of the convicts."<sup>53</sup> The Western Penitentiary, when it opened in July, 1826, was designed for solitary confinement without labor and when the Act of April 23, 1829 required both penitentiaries to be operated according to the principle of solitary confinement with hard labor, it became apparent that the cells were too small and dark to introduce labor. Until that institution was remodeled, all labor took place in common congregate workshops negating the principle of solitary confinement.<sup>54</sup>

There had, in fact, been some disagreement even among the authors of the 1829 legislation about the merits of requiring labor as part of the penitentiary system. As Teeters and Shearer have noted

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<sup>51</sup>Barnes, *Op. Cit.*, pp. 68-70; Blake McKelvey, *American Prisons: A History of Good Intentions*. (1977). Montclair, NJ: Patterson-Smith. p. 8; Orlando F. Lewis, *The Development of American Prisons and Prison Customs, 1776-1845*. (1967) (1922). Montclair, NJ: Patterson-Smith. pp. 30-31, 46.

<sup>52</sup>David Fogel, "*We Are The Living Proof.*" *The Justice Model for Corrections*. (1979). Cincinnati: Criminal Justice Studies, Anderson Publishing Co. p. 44; W. David Lewis, *From Newgate to Dannemora: The Rise of the Penitentiary in New York, 1796-1848*. (1965). Ithaca, NY: Cornell University Press. p. 33

<sup>53</sup>Barnes (1927), *Op.Cit.*, p. 121

<sup>54</sup>Barnes (1927), p. 157; McKelvey, *Op. Cit.*, p. 18

Much of the opposition to the provision of labor came from persons who were members of the (Philadelphia Prison) Society as well as members of the Board of Inspectors of the Walnut Street Jail.<sup>55</sup>

As early as 1821 these inspectors had called for solitary confinement without labor in the county jails arguing that a sentence of one year in solitary without labor would be equivalent to three years in solitary with labor. The board's minutes show their reasoning:

(E)mployment diminishes in a very great degree the tediousness of confinement and thus mitigates the punishment, (thus) it may be a question whether labour ought not to be abandoned altogether, except as an indulgence to penitent convicts and as a relaxation from the much more painful task of being compelled to be idle.<sup>56</sup>

In the meetings of the Building Commission Samuel R. Wood, later to become the first warden of Eastern, argued strongly in favor of labor, while Thomas Bradford, Jr. was as vehemently opposed to it. Other members, including the main spokesman for the Prison Society, Roberts Vaux, did not have any great enthusiasm for the labor component either. Vaux, apparently, favored a more eclectic approach and suggested that while some prisoners might be permitted to labor, others would be kept without labor.<sup>57</sup>

The debate was further confounded when the Commission on the Penal Code, composed of three jurists, Charles Shaler, Edward King, and T. J. Wharton, became so impressed with the Auburn system that it recommended in December, 1827 that both Western and Eastern be adapted to implement this silent, but congregate system. The Building Commission report, filed in January, 1828, recommended solitary confinement be absolute, without any employment. At this point, the Prison Society sent a committee to Auburn to ascertain the merits of this system (with predictable results) and dispatched Mr. Wood to Harrisburg to persuade the legislature to institute separate or solitary confinement with hard labor at both penitentiaries.<sup>58</sup>

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<sup>55</sup>Negley K. Teeters and John D. Shearer, *The Prison at Philadelphia: Cherry Hill. The Separate System of Penal Discipline, 1829-1913.* (1957). New York: Columbia University Press. p.19

<sup>56</sup>Quoted in Teeters and Shearer, p. 20

<sup>57</sup>Barnes (1927), *Op. Cit.*, p. 222; Teeters and Shearer, *Op. Cit.*, p. 29

<sup>58</sup>Teeters and Shearer, pp. 22-23; O. Lewis, *Op. Cit.*, pp. 122-123



## § IIC. Background and Social History

Michele Taillon Taylor

This section reviews the religious and political affiliations of the principal players at the Philadelphia Prison Society (PPS) and at Eastern State Penitentiary (ESP). In particular, the role of Quakers is considered in the development and early administration of ESP because their philosophy of human nature became the driving ideological framework for the design of the prison. ESP and PPS are also viewed in the context of the religious and political controversies of the day. This study is divided into three historical time-frames: A. 1787-1818 - formative period of the PPS leading up to the conception of ESP, social and philosophical underpinnings; B. 1818-29 - building ESP and establishing the Pennsylvania System; C. 1829-1840 - early administration of prison and controversy.<sup>59</sup>

### 1. Beginnings: 1787-1818

Michele Taillon Taylor

#### Philosophical Underpinnings -- Quaker Connections

The foundations of the penological ideology underlying ESP were laid in the late eighteenth century with the establishment of the Philadelphia Society for Alleviating the Miseries of Public Prisons, known as the Philadelphia Prison Society (PPS). Founded in 1787, the PPS was composed of a remarkably energetic group of individuals who promoted a series of landmark legislative reforms in the 1790s. These transformed a colonial penal system based upon humiliating and often brutal public corporal punishment, into a new, American system which promoted rehabilitation through labor and private penitence.<sup>60</sup> These early reformers had been inspired by European: the materialistic psychology of Locke and the Edinburgh school; the rationalist institutional and the social philosophies of French revolutionaries; Beccaria's theories of moderate and appropriate punishment in his *Crimes and Punishments*; and the writings on prison environments by English prison reformers John Howard and Jeremy Bentham.<sup>61</sup> These progressive European ideas were accessible to Americans because transatlantic exchange was continuous during this period. A large French expatriate community had migrated to Philadelphia after the French Revolution. Influential Americans, such as scientist/philosopher Benjamin Rush, traveled and studied in Europe.<sup>62</sup> The cultural and intellectual connections between English and Philadelphia Quaker communities were especially significant to the study of prison reform. With the rise of evangelism among American and English Quakers in the early nineteenth century, Quaker leaders on both sides of the Atlantic focused their energetic reformist efforts in areas of traditional Quaker concerns: prison and educational reform. The great British prison reformer,

<sup>59</sup>The author benefitted from the helpful comments of Dr. Emma Lapsansky, especially with regard to Quaker history.

<sup>60</sup>M. Meranze, "Penitential Ideal in Eighteenth-Century Philadelphia." *Pennsylvania Magazine of History and Biography*, CVIII (October 1984): 420 and *passim*.

<sup>61</sup>See Meranze, 420 and *passim*; H. M. Barnes, *The Evolution of Penology in Pennsylvania*, (Indianapolis: The Bobbs-Merrill Company, 1927), 74-79; N. Tomes, *A Generous Confidence: Thomas Kirkbride and the Art of the Asylum Keeping, 1840-1883*, (Cambridge: Cambridge University Press, 1984), 5.

<sup>62</sup>Meranze, 434.

Elizabeth Fry, began her career with a visit to Newgate Prison in 1813 at the suggestion of Stephen Grellet, a prominent Philadelphia Friend. In the 1830s, Fry's brother, Joseph Gurney, spent several years in America and visited ESP during his stay in Philadelphia. American Quaker, Roberts Vaux who was a leading member of the PPS, also helped introduce the teaching methods of British Friend Joseph Lancaster to the public schools of Philadelphia. Thus, Quakers in Philadelphia were important conduits of the latest reform ideologies of the English colleagues to America.

Friends have traditionally been credited with leading the early penological reforms in Pennsylvania. It is difficult, however, to pinpoint the specific dimensions of the Quaker contribution vis-à-vis that of other groups, to the Prison Society and to the development of ESP. Nineteenth century writers often represented the PPS as an institution of the Society of Friends. H. E. Barnes, however, in an effort to ascertain the veracity of this commonly-held assumption, surveyed the membership of PPS from 1787 to 1830 and determined that slightly less than half was made up of Quakers.<sup>63</sup> Members of other faiths were also prominent within the Society. The president of the PPS for its first forty nine years was William White, the Episcopalian Bishop of Philadelphia. Other prominent ministers included Henry Christian Helmuth, German Lutheran; George Duffield, Presbyterian; and William Rogers, Baptist.<sup>64</sup> In fact, by the early nineteenth century it was commonplace for the various Christian sects to downplay their doctrinal differences in order to promote common, evangelical goals in missionary, tract, Bible and Sunday School Societies.<sup>65</sup> The PPS's policy of promoting the principle of imprisonment over corporal punishment, however, ultimately represented the ascendancy of the Quaker point of view in penal philosophy over those of other religious denominations. This had not always been the case in colonial Pennsylvania. During the early eighteenth century, Quaker William Penn's original penal code, emphasizing reform over punishment, had been replaced with the British penal system with the support of politically powerful Episcopalians.<sup>66</sup> By the end of the century, however, with the creation of a new republic, some Americans were receptive to the ideals of a penal code that had originated on native soil. To American liberals, Quaker penal philosophy expressed a more humane and optimistic view of human nature than the harsh penal practices, remnants of British colonial rule. Who were the men that brought about this change in perspective?

### 1a. Leading Reformers of the Eighteenth Century

Michele Taillon Taylor

Three individuals stand out as presiding spirits over the policies and administration of penal institutions during the years leading up to the creation of ESP. These men were Benjamin Rush, scientist and doctor; Caleb Lownes, Quaker iron merchant; and Roberts Vaux, Quaker philanthropist (We will discuss Vaux in section 2). These men, along with

<sup>63</sup>One hundred and thirty-six out of three hundred and forty members were Quakers. See Barnes, 83-84.

<sup>64</sup>N. Teeters, *They Were in Prison*, (Philadelphia: The John C. Winston Company, 1937), 122.

<sup>65</sup>D. Bowens, "Quaker Orthodoxy and Jacksonian Democracy: an Interpretation of the Hicksite Separation," (Swarthmore College, M.A. Thesis, 1968), 67.

<sup>66</sup>Barnes, 57, 84.

the jurist William Bradford, were responsible for laying down the foundations of what would later become the Pennsylvania System at ESP.

During the formative years of the Prison Society, the leaders of the PPS concentrated their reform efforts on two areas: the state's legal code and the administration of prisons. In 1786, the first step took place in the transformative process when a law was passed in the State Legislature replacing capital and corporal punishments with public labor. The elimination of physical punishments seemed a humane improvement but critics quickly pointed out that the public nature of the punishments was humiliating and counterproductive. This criticism had its ideological origins in John Howard's institutional theories.<sup>67</sup> Benjamin Rush was the principal interpreter of Howard's ideas to the PPS.<sup>68</sup> Howard's book, *The State of the Prisons in England and Wales* (1777), was owned by the PPS.<sup>69</sup> In it Howard promoted the notion that reform was possible. He argued for a strict disciplinary regimen to control common prison abuses and to rehabilitate prisoners. Convinced of the unity between mind and body, he argued that rationally planned and strictly disciplined institutional environments actually healed "moral diseases."<sup>70</sup> Both Rush and Howard believed that crime was a "moral disease" and that a re-awakened conscience could cure the mind and redeem the prisoner. They proposed that a morally sick conscience would be stimulated to health with carefully controlled and rigidly structured setting. British Quaker doctors, John Fothergill and John C. Lettsom, collaborated closely with Howard in his experiments with new prison conventions. Both these Quakers, in turn, were long-time correspondents with Episcopalian Benjamin Rush, keeping him informed about their latest ideas on institutions.<sup>71</sup> Thus, an international Quaker connection linked Rush to Howard.

In 1787, in reaction to the controversial law of 1786 for public labor, Rush argued publicly for a "house of repentance," in accordance with Howard's ideas.<sup>72</sup> Like Howard, Rush proposed that an individual's moral faculty would be best stimulated in an environment in which cleanliness, diet, labor and other factors were carefully manipulated.<sup>73</sup> The organization of these environmental factors was essential to a prisoner's rehabilitation. Rush's promotion of the revolutionary notion that rehabilitation was possible provided the philosophical premise for a new penal ideology. The pervasive Quaker presence in Pennsylvania prepared reformers to be receptive to this perspective.

### 1b. Walnut Street Jail

Michele Taillon Taylor

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<sup>67</sup>Meranze, 432.

<sup>68</sup>Teeters, *They Were*, 38-40

<sup>69</sup>Teeters, *They Were*, 40.

<sup>70</sup>Meranze, 433-434.

<sup>71</sup>Meranze, 434.

<sup>72</sup>Meranze, 435.

<sup>73</sup>Meranze, 440.

The Philadelphia Prison Society, established in 1787, adopted from its beginning Rush's premise that the function of a prison should be that of a carefully regulated house of reformation. In a Memorial to the Legislature of 1788 the Society criticized the chaotic situation existing in the Walnut St. Jail. It cited the disruptive and promiscuous mingling of the men, women and children, felons and debtors in that institution and noted also the problem of liquor, inadequate bedding and the lack of labor for prisoners.<sup>74</sup> The general assembly responded to the PPS's memorial with an act (1790) that provided for the erection of a cell house with solitary confinement for hardened offenders at Walnut St. Jail.<sup>75</sup> The three story cell house subsequently built was the precursor of ESP. The legislation of 1790 was crafted by the State Legislature with the help of the PPS. Specifically, Caleb Lownes, a Quaker, charter member of PPS, and iron merchant, led the movement to push through the state legislature a penitentiary system inspired by Rush's reformist ideals.<sup>76</sup>

From 1790 to 1799 Lownes was chair of the inspectors of the Walnut Street Jail. Historian Negley Teeters claimed that this period was the heyday in the history of the jail. Graft and privileges were reduced, the sexes were segregated, labor was instituted, debtors were separated from felons and children from adults. A complete set of regulations were established, the first ever for the operation of a penal institution.<sup>77</sup> Thus, the Quaker Lownes was a powerful influence on the reform of Walnut Street Jail, during the 1790s. This was the earliest American penal institution to experiment with solitary confinement.

During the same decade Caleb Lownes cooperated with the famous jurist, William Bradford, Attorney General of the United States, on revising the penal code of Pennsylvania.<sup>78</sup> In the resulting legislation, the death penalty was eliminated for all crimes except premeditated murder. Cruel physical punishments were replaced with imprisonment at hard labor for standardized periods of time.<sup>79</sup> Although like Rush, Bradford was not a Quaker, also like Rush, he worked out his ideas on penological reform in dialogue with a Quaker reformer. Thus, Quakers were involved in all aspects of the reform process which ultimately produced the Pennsylvania system. They led the lobbying effort to establish humane and rational laws, and were key players in planning important institutional reforms, some of which take place at Walnut Street Jail. Quaker

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<sup>74</sup>Meranze, 443, 445.

<sup>75</sup>N. Teeters, *The Prison at Philadelphia: Cherry Hill*, (New York: Columbia University Press, 1957), 10.

<sup>76</sup>N. Teeters, *The Cradle of the Penitentiary: The Walnut Street Jail at Philadelphia, 1773-1835*, (Philadelphia: The Philadelphia Prison Society, 1955), 37.

(Lownes) has secured for himself the principal honour of the scheme...(he) animated his brethren with the hope of carrying through their benevolent and sublime project. ...His indefatigable zeal .. obtained from the legislature the..laws of 1789 and 1790.... (Duke Francois Alexandre Frederic de la Rochefoucauld- Liancourt, *On the Prisons of Philadelphia by an European*, Philadelphia: no publisher, 1796).

<sup>77</sup>N. Teeters, *Walnut St. Jail*, 37-41.

<sup>78</sup>Lownes collaborated with Bradford on *An Inquiry how far the punishment of death is necessary in Pennsylvania; with notes and illustrations*. Lownes contribution to this is entitled: *An Account of the Gaol in Philadelphia*. N. Teeters, *They Were*, 52-3.

<sup>79</sup>Barnes, 107

belief in the universal potential for human redemption inspired Quaker and non-Quaker reformers alike.

### 1c. Deterioration of Walnut Street Jail

Michele Taillon Taylor

The first two decades of the nineteenth century leading up to the creation of ESP were marked by a serious deterioration of the administration of Walnut Street Jail. One source attributes this decline to political changes within Philadelphia.<sup>80</sup> Another source suggests that the absence of a committed and thoughtful Lownes was the main cause of the decline of the prison.<sup>81</sup> Overcrowding and the jail's faulty architecture may have also contributed to deteriorating conditions.<sup>82</sup> Whatever the cause, it is clear that the 1790s were the best years for Walnut Street Jail and that difficulties soon followed. One particularly controversial issue was the cost of inmate maintenance. Since the prisoners came from all over Pennsylvania, the expenses of their maintenance were shared by the Commonwealth and the various counties that sent prisoners. Constant conflict festered between prison and county officials over the payment of bills, particularly with officials from the westernmost counties. Suspicious officials from Westmoreland county complained that "the produce of the Criminals, Labour and payment of their Subsistence has of late become a matter of private gain and Emolument to Said Prison." (February 1808).<sup>83</sup>

The charges that prison labor was being used to profit administrators of the prison were frequently made by county officials. Such concerns may have fueled the controversy over whether to build Western and Eastern State Penitentiaries for solitary confinement with or without labor. Western State Penitentiary was initially built for confinement without labor, possibly in response to this vexing issue.

## 2. Building the Pennsylvania System: 1818-1829

Michele Taillon Taylor

During the early nineteenth century, the most influential member of the Prison Society was Quaker philanthropist, Roberts Vaux. Vaux was elected corresponding secretary of the Society in 1810 and served as such until 1832. In 1821 Vaux was appointed a commissioner to plan the building of ESP. During the erection of ESP Vaux made it one of his goals to explain to the public the Pennsylvania System by publishing his letters written to British prison reformers in which he described the progressive system

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<sup>80</sup>New York philanthropist, Thomas Eddy claimed that the decline of Walnut Street Jail after Lownes' departure was the result of "violent political strife" in the city of Philadelphia: Party politics led to the replacement..of the original Quakers upon the Board. The Philadelphia Prison Society became gradually no longer an intimate co-operator with the prison board of managers, but an organization of protest..as the policies of the prison changed. (N. Teeters, *Walnut Street*, 89).

<sup>81</sup>N. Teeters, *Walnut Street*, 89-90.

<sup>82</sup>N. Teeters, *Walnut Street*, 90.

<sup>83</sup>Teeters, *Walnut Street*, 90.

emerging in his state.<sup>84</sup> Vaux also published an important history of the PPS and its reform efforts.<sup>85</sup> Vaux abruptly left public life in 1832 because of the change in political climate in the city. This will be discussed further.

The growth of the state population in the early nineteenth century and the rapidly deteriorating conditions at Walnut Street Jail made the need for a larger state institution for felons increasingly apparent. The State legislature attempted to remedy this situation by providing for Arch Street Prison in 1803, but that was not built until 1817. It did not provide for solitary confinement and proved to be grossly inadequate from its earliest days. In fact, Roberts Vaux's mother-in-law, Mary Waln Wistar, organized the Society of Women Friends to visit the female prisoners incarcerated in that prison because of its notoriously squalid conditions.<sup>86</sup> By 1817 conditions at Walnut Street Jail had deteriorated making it unsatisfactory as a state jail. Furthermore, the transportation of prisoners to that institution from all over the commonwealth was very expensive. In 1817-1818, the Board of Inspectors of the Walnut Street Jail and the PPS, sent a memorial to the legislature asking for prisons in "suitable parts of the state for the more effectual employment and separation of the prisoners, and to prove the efficacy of solitude on the morals of (the prisoners)."<sup>87</sup>

In 1818, the legislature passed an act providing for a state penitentiary to be built near Pittsburgh. The Board of Inspectors of Walnut Street Jail was designated by the legislature to select a plan for that prison organized according to the solitary system. William Strickland, architect of the prison, designed an institution arranged in an octagonal, panopticon plan, without provision for the labor of the prisoners.<sup>88</sup>

On March 20, 1821, the legislature appropriated \$100,000 for the erection of a second state prison in Philadelphia, ESP, to house prisoners from the eastern half of the state. The act stated that the Philadelphia prison was to be constructed after the plan of the Pittsburgh institution, again based on the principle of solitary confinement. No provision was made for prisoner labor. The main figure promoting a system of solitary confinement without labor was Thomas Bradford, an inspector at Walnut Street Jail, member of the PPS, later a Building Commissioner and Inspector of ESP. Bradford, who had been involved with the planning of the Pittsburgh jail, had promoted confinement without labor even before funds had been allocated by the state legislature to build ESP.<sup>89</sup> In a public letter Bradford claimed that "employment diminishes ..the tediousness of

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<sup>84</sup>N. Teeters, *They Were*, 155-56. See "Letter on the Penitentiary System of Pennsylvania Addressed to William Roscoe, Esquire" (Philadelphia, 1827), and "Reply to Two Letters of William Roscoe, Esquire, of Liverpool, on the Penitentiary System of Pennsylvania" (Philadelphia, 1827). From N. Teeters *Cherry Hill*, 26-29.

<sup>85</sup>See "Notices of the Original, and Successive Efforts to Improve the Discipline of the Prison at Philadelphia and to Reform the Criminal Code of Pennsylvania" (Philadelphia, 1826); R. Ryon, "Moral Reform and Democratic Politics: the Dilemma of Roberts Vaux," *Quaker History* 59 (Spring 1970): 5.

<sup>86</sup>N. Teeters, *Walnut Street*, 105-107.

<sup>87</sup>N. Teeters, *Walnut Street*, 109.

<sup>88</sup>N. Teeters, *Cherry Hill*, 18.

<sup>89</sup>N. Teeters, *Cherry Hill*, 18-19.

confinement and thus mitigates the punishment, ...it may be a question whether labour ought not to be abandoned altogether..."<sup>90</sup> Bradford argued that

Enough has been seen to..justify the belief that its effects will be to reform entirely..To be shut up in a cell for..years, alone, ..deprived of converse with a fellow being, to have no friendly..consolation..but..to count the tedious hours as they pass, a prey to the corrodings of conscience and ..despair..<sup>91</sup>

While a dispute over the definition of solitary confinement festered among members of the Prison Society, in 1821, Governor Joseph Hiester appointed the members to the Building Commission for the prison. Most of the appointees were members of the PPS.<sup>92</sup> The Commission considered the plans of two architects, William Strickland and John Haviland. Strickland's design was octagonal and its internal arrangement most likely resembled his earlier prison near Pittsburgh. Haviland's plan was arranged as cell blocks along seven radiating wings surrounded by a rectangular wall.<sup>93</sup>

As soon as the designs were submitted by the architects, the Commission split up into angry factions over which one to approve.<sup>94</sup> Most of Strickland's supporters had been Inspectors at the Walnut Street Jail with the exception of Samuel Wood (later first warden at ESP), the only one of that group who preferred the Haviland plan. The chief points of contention were whether the prison should be built in a radial (Haviland) or octagonal plan (Strickland), along with the size and degree of architectural ornamentation for the prison keeper's house.<sup>95</sup> The Commission did not compromise over the choice of architect or design for the prison until a year later, in May, 1822, when Haviland's design was finally agreed upon. Actual construction did not begin until May 1823.<sup>96</sup>

The polarization of the building commission over the architecture of the proposed penal institution reflected an intense power struggle between the two factions over who would give the defining form to the Pennsylvania system. The stakes were high because, after more than thirty years of the PPS's existence, ideas were finally and irrevocably being translated into brick, stone and mortar. Since, as we have seen, a rigorously controlled

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<sup>90</sup>Teeters, *Cherry Hill*, 20. This was signed by Thomas Bradford and Peter Miercken. Teeters, *Cherry Hill*, 20. They were both members of the Building Commission for ESP.

<sup>91</sup>N. Teeters, *Cherry Hill*, 19-20.

<sup>92</sup>These included Samuel R. Wood (later ESP's first warden), Peter Miercken (sugar refiner); George Baker (lumber merchant); Thomas Bradford (lawyer); John Bacon (city treasurer); Caleb Carmalt (conveyancer); Thomas Sparks (shot manufacturer); James Thackera (engraver); Daniel Miller (merchant); Coleman Sellers (manufacturer); and Roberts Vaux. Teeters, *They Were*, 179-180; Teeters, *Cherry Hill*, 33.

<sup>93</sup>M. Baigell, *John Haviland*, (Ph.D. Dissertation, University of Pennsylvania, 1965), 223-4.

<sup>94</sup>Bacon, Carmalt, Sparks, Wood, Sellers and Vaux supported the Haviland plan. Baker, Bradford, Miercken, Miller and Thackera argued for Strickland. N. Teeters, *Cherry Hill*, 33-36.

<sup>95</sup>M. Baigell, 223-247.

<sup>96</sup>M. Baigell, 222-234.

environment was understood to be the essential factor in stimulating character rehabilitation, architectural design was of utmost importance.<sup>97</sup>

At the core of the dispute over the architectural design of ESP was the debate over whether solitary confinement would or would not to include prison labor. As mentioned above, Strickland's earlier Western State Penitentiary, the prototype for his design for ESP, had been organized for solitary confinement without labor. Even before it was completed in 1826, however, that institution's architecture was already considered a failure.<sup>98</sup> The inadequacies of Strickland's earlier prison may have given Haviland supporters on the Commission the justification to ultimately push through Haviland's design. The latter, provided with more spacious cells, was flexible enough to allow for confinement with labor. Roberts Vaux wrote of ESP:

The solitary chambers at the penitentiary in progress near Philadelphia, are on the surface of the ground, judiciously lighted, ventilated, and adapted in every way to protect the health of the prisoner; each cell is to have a yard, where, or in the cell itself, which is also sufficiently commodious, labour may be performed, if it shall be so ordered...<sup>99</sup>

Vaux wanted the architecture adaptable enough to tailor punishments to the individual prisoner. Vaux's son Richard later wrote that his father "was so decidedly in favor of 'separation of prisoners' that he was willing labor and instruction should be a part of the system."<sup>100</sup>

The debate over the type of solitary confinement to be established at ESP did not end with the adoption of Haviland's more flexible plan, but continued unabated until the institution actually opened in 1829. In March 1826, in an effort to achieve some resolution, a board of prominent Pennsylvania jurists was appointed by the state legislature to revise the penal code and to finalize plans for the system of solitary confinement to be established at ESP.<sup>101</sup> Ironically, the board ended up proposing that solitary confinement be scrapped altogether for Pennsylvania prisons in favor of the Auburn system, a silent but congregate system of labor. The recommendation was not followed. At the same time that the state commission was working on this report, the legislature also requested that the Building Commissioners of ESP submit their own plan of discipline and organization for that institution. The Building Commissioners, after much disagreement, produced a compromise plan that once again proposed a system of

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<sup>97</sup>"...there are principles in architecture, by the observance of which great moral changes can be more easily produced among the most abandoned of our race..." From Anonymous, "Notes on the Fourth Annual Report of the Prison Discipline Society of Boston," *The Friend, Religious and Literary Journal*, (Philadelphia, Vol. III, # 4, November 1829), 25.

<sup>98</sup>Its cells were inadequate, too small, with unworkable sanitary facilities and those on the outer perimeter could not be properly supervised. M. Baigell, 260.

<sup>99</sup>Teeters, *They Were*, 157.

<sup>100</sup>Teeters, *They Were*, 157.

<sup>101</sup>Teeters, *Cherry Hill*, 20.



absolute solitude without "any employment, except the study of the Scriptures."<sup>102</sup> Samuel Wood, the Building Commissioner who had always supported Haviland's plan and solitary confinement with labor, seems to have subsequently, in private, convinced the legislature to ignore the Building Commissioner's recommendation and to legislate the organization of ESP based upon a solitary system which included labor.<sup>103</sup> Wood subsequently was made the first warden of ESP.

In addition to the criticism by opponents that labor combined with solitary confinement distracted the prisoner from the painful process of moral healing, there was concern, part ethical, part economic, over whether and how much profit should be made from the forced labor of prisoners. This subject was being continuously debated in relation to Walnut Street Jail during the construction of ESP. In 1824, charges appeared in the Democratic Press in which Walnut Street Jail administrators were accused of not returning to released prisoners the balance of money made by them at labor after payment of their maintenance expenses.<sup>104</sup> And, as was mentioned earlier, the anger over this issue was heightened by suspicion on the part of Pennsylvania counties that money in Walnut Street Prison was not well managed. This suspicion seemed to be vindicated in 1830 when the secretary of the Boston Prison Discipline Society, Reverend Louis Dwight, a long-time critic of the Pennsylvania System, published an analysis of the financial records of Walnut Street Jail. He claimed that the counties need not contribute to the maintenance of their prisoners in Walnut Street Jail because most of these prisoners' industries showed a profit.<sup>105</sup> It is not clear how much this bitter city/county controversy influenced the discussions of the Building Commissioners as they sought to come up with the Pennsylvania System of solitary confinement.

Finally, it is important to remark upon the historical situation looming in the background of the divisive debate over prison labor, especially during the crucial years when the Pennsylvania System achieved its final form, from 1826 to 1829. These were the years when, according to Nicholas B. Wainwright, "the voice of labor began to be heard in Philadelphia." In fact, the American labor movement had its origins in this city at this time.<sup>106</sup> During the late 1820s, inspired by radical English literature, artisans and mechanics in Philadelphia began to organize. In 1827, an angry, strike-ridden year, they formed the Mechanics Union of Trade Associations which served as a coordinating body for its constituent trade unions. In 1828 they established the Mechanics Free Press, the first labor paper in the United States. From 1828 to 1831, the Working Men's party put up candidates for public office who proposed free and universal public schooling, the abolition of imprisonment for debt, mechanics' lien laws to collect debts, and other

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<sup>102</sup>Teeters, *Cherry Hill*, 20-21.

<sup>103</sup>Teeters, *Cherry Hill*, 22.

<sup>104</sup>Teeters, *Walnut Street*, 143.

<sup>105</sup>Teeters, *Walnut Street*, 122.

<sup>106</sup>N. B. Wainwright, "The Age of Nicholas Biddle, 1825-1841," in *Philadelphia, a 300-year History*, R. Weigley, ed. (New York, London: W.W. Norton & Company, 1982), 279.

measures to protect skilled craftsmen and artisans.<sup>107</sup> The relationship between the birth of the labor movement in Philadelphia and its implications for the divisive issue of prison labor has not yet been explored in the research. Is there any evidence that early labor leaders opposed prison labor because of its potential to compete with free labor? If so, did this influence members of the Building Commission? Did the increasing number of strikes and the radicalism of the rhetoric of labor leaders affect the debate over penal ideology for ESP? Were labor leaders concerned about the exploitation of prisoners? Members of the Working Men's Party opposed imprisonment for debt because workingmen were the largest group affected by this law. Did this party hold other positions on penal reform during the 1820s? Further research on these important questions is necessary in order to determine how political pressures affected the final resolution of the Pennsylvania System during the 1920s. A review of the Mechanics Free Press, and other contemporary, partisan papers may yield answers to some of these questions, along with a reading of the Minutes of the Building Commission for this period. (Volumes I and II, from 1821 to 1832 are located in the State Records Office, Harrisburg, Pa.)

Linked to the growth of labor and its political impact upon plans for ESP, is the broader question of the political connections of the ESP planners and PPS members. Equally important is the assessment of ESP's role in the context of a national debate over penal and institutional policies for social reform. Did the debate become politically partisan? From an initial review, it appears that members of the Prison Society and public supporters of the Pennsylvania System represented a wide range of political positions: National Republicans (predecessors of the Whigs), old Federalists, and Republican Democrats. Roberts Vaux, for instance, chief spokesman of the PPS, was a Jacksonian Democrat with the accompanying concern for the dispossessed and optimism about the potential inherent in human nature. John Sergeant, National Republican and later Whig, was also an influential member of the PPS, and publicly supported the principle of solitary confinement. In the late 1820s Sergeant collaborated with Vaux on the planning of the House of Refuge in Philadelphia for juvenile offenders.<sup>108</sup> Sergeant shared Vaux's faith in prisoner rehabilitation by means of a carefully regulated environment, but as a Whig his concern would have been to achieve an end result of social control. Other individuals of varied political persuasions also supported the Pennsylvania System. Edward Livingston, Andrew Jackson's secretary of state, proposed that his state of Louisiana adopt that penal philosophy and code of the Pennsylvania System.<sup>109</sup> Francis Lieber, another well-known national and international promoter of ESP, was a Whig and a strong opponent of Jacksonian Democratic economics.<sup>110</sup> Thus, it would appear that, initially at least, promotion of the Pennsylvania system transcended party politics. The common denominator for support of ESP seemed to have been class, not political affiliation. Indeed, in the 1820s Philadelphia's social elite collaborated on a variety of

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<sup>107</sup>Wainwright, 279-280; S. B. Warner, *The Private City, Philadelphia in Three Periods of Its Growth*, (Philadelphia: University of Pennsylvania, 1987), 72-73.

<sup>108</sup>Teeters, *They Were*, 167; *Cherry Hill*, 30.

<sup>109</sup>Teeters, *Cherry Hill*, 24-25.

<sup>110</sup>Teeters, *Cherry Hill*, 30.

philanthropic projects, class membership overriding political differences. For these leaders, ESP was one of a constellation of institutions designed to impose order on an increasingly chaotic society. This political bipartisanship would change with the advent of General Andrew Jackson's election as President in 1828, as will be shown in the next section.<sup>111</sup>

### 3. Eastern State Penitentiary and the Orthodox/Hicksite Controversy

Michele Taillon Taylor

Although members of different political parties worked together to plan ESP in the 1820s, it is not clear whether the same was the case with the factions of Quakers, Orthodox and Hicksite, that formed during the same period. Quakerism underwent a profound crisis at this time which culminated in a split in the Society of Friends in 1827. The impact of this religious controversy upon the influential Quaker membership of the PPS is unclear.

Throughout the 1820s, a group of wealthy and prominent Orthodox Friends attempted to impose an evangelical, Christ-centered and biblically based theology upon the Philadelphia Yearly Meeting.<sup>112</sup> Socially, these Orthodox Quakers were generally urban, upper class businessmen with the need to maintain close working connections to people of other Protestant persuasions.<sup>113</sup> The embracing of evangelism by Orthodox Quakers allowed them full participation in worldly affairs and the dominant Protestant culture of the time.<sup>114</sup>

Hicksite Quakers, on the other hand, were more likely to be farmers or artisans, and an influential few liberal intellectuals who reacted against Orthodox leaders' efforts to impose doctrinal belief upon Friends. Hicksites as a group had less economic or spiritual interest in assimilation into the dominant Protestant culture. They emphasized egalitarianism, the value of actions over faith, and the supremacy of individual conscience. Hicksites rejected the Orthodox focus on Christ as the sole path to salvation, instead emphasizing the Light Within, or That of God within every person. Hicksite's belief in the perfectibility of individuals and society tilted their liberal sympathies toward

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<sup>111</sup>In an act of foresight to prevent ESP from becoming controlled by a political power group, the General Assembly passed an Act in 1829 in which the board of inspectors of that prison was to consist of 5 taxable citizens appointed by judges of the supreme court of the state to serve for two years. These men were given the power to administer the prison, disburse monies, appoint a warden, physician and clerk for the institution and visit ESP twice a week. See Barnes, 124-5.

<sup>112</sup>The Orthodox emphasized the literal interpretation of the Bible as a source of divine revelation; the concept of Christ's atonement for humanity and Christ as mediator between God and man; belief in the Trinity; and faith as the means of achieving religious truth. R. Doherty, "The Hicksite Movement," *Pennsylvania Magazine of History and Biography*, xc, (No. 2, April 1966): 234.

<sup>113</sup>Doherty, 235.

<sup>114</sup>T. D. Hamm, *The Transformation of American Quakerism, Orthodox Friends, 1800-1907*, (Bloomington: Indiana University Press, 1988), 16. Hamm argues that this was not as much the case in other areas of the country.

the radical ideas of utopian reformers such as Robert Owen.<sup>115</sup> Orthodox Quakers accused Hicksites of taking the belief in the Inner Light beyond the boundaries of scriptural revelation. Orthodox Quakers, like evangelical Protestants, saw themselves defending revealed Christianity against the deism of their opponents.<sup>116</sup>

Insights into the division between these two groups of Quakers can best be gained by looking at the political culture of the time. Hicksites were strongly sympathetic to the Jacksonian emphasis on individualism. Both Hicksites and Democrats had a strong aversion to perceived arbitrary authority. Elias Hicks, leader of the Hicksites, claimed that the schism between Quakers had been caused by English ministers and "Royal Americans". He accused Orthodox leaders who had tried to impose their evangelical beliefs on the Yearly Meeting of being "cold and cruel as the British cabinet of 1775."<sup>117</sup> In a popular Hicksite pamphlet, the Hole in the Wall, it was argued that Quaker government should be "republican", and that the reigning Orthodoxy was corrupt.<sup>118</sup> On the other hand, Orthodox Quakers accused Hicksites of pursuing an excess of democracy bordering upon anarchy.<sup>119</sup> The dispute between these two Quaker factions included the legitimate use of authority, the problems of the corruption of power, and the question of when and how to resist "oppressive" authority. These issues that were of general concern to Jacksonian Americans.

Despite their differences, however, both Hicksite and Orthodox Friends participated in traditional Quaker activities, including prison reform and the care of the poor.<sup>120</sup> It seems that members of both factions were active in the Prison Society and possibly in the planning and administering of ESP. The dominant group, however, was always Orthodox (Roberts Vaux and Samuel Wood for example). By the end of the nineteenth century an 1897 Yearly Meeting Directory listed the PPS as an Orthodox Quaker organization.<sup>121</sup> It is not yet clear, however, what differences each group brought to their approach to penal reform. They may have had conflicting ideas in the debate over the structure of solitary confinement with or without labor, for instance. Further research comparing Hicksite and Orthodox institutions may shed light on this question and help us understand the specific nature of the Quaker contribution to prison reform throughout the nineteenth century.

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<sup>115</sup>Doherty, 235-243.

<sup>116</sup>Hamm, 21-23.

<sup>117</sup>Bowen, 5-10.

<sup>118</sup>Bowen, 10.

<sup>119</sup>Bowen, 11.

<sup>120</sup>Bowen, 104-5.

<sup>121</sup>Philadelphia Yearly Meeting Directory, 1897. In: Friends Historical Library, Swarthmore College.

### § IID. Choosing and Refining the Design, 1818-29

Jeffrey A. Cohen

Relying on the accounts given in Norman B. Johnston, "The Development of Radial Prisons: A Case Study in Cultural Diffusion," (Ph.D. diss., U. of Penn., 1958); in Matthew E. Baigell, "John Haviland," (Ph.D. diss., U. of Penn., 1965); in Negley K. Teeters and John D. Shearer, The Prison at Philadelphia, Cherry Hill: the Separate System of Prison Discipline, 1829-1913 (New York, 1957); and a few other sources cited below, one can summarize the early history of ESP's design, from the earlier efforts of John Haviland and William Strickland, through the protracted deliberations of the building commissioners, and the initial evolution of the design while construction was underway.

The state of Pennsylvania authorized the erection of penitentiaries in both the western and eastern districts, at Pittsburgh and Philadelphia, respectively, on 3 March 1818. Sixty thousand dollars was appropriated for the Western State Penitentiary, built 1818-26 on a concentric plan following Strickland's design.

As for the eastern district, sale of the Walnut Street Prison was authorized. Baigell reports that both Strickland and Haviland prepared plans for a new Philadelphia prison in 1819. These were submitted to the Board of Inspectors of the Walnut Street Prison, whose minutes describe two designs by Haviland, one with 280 regular cells, another 20 for refractory prisoners, and an observatory. This was judged inadequate for guarding the prisoners, and it reportedly lacked provision for solitary confinement. The other design, described only as an "imperfect sketch,"<sup>122</sup> was favored by Haviland, and was definitely radial, with four cellblocks attached by covered passageways to a central observatory.

But there was little action on the Philadelphia institution until the act of 21 March 1821 providing funding for a prison for 250 in the eastern district to be constructed on the Pittsburgh plan. Provision was made in that act, however, for alterations and improvements in the design that the building commission might recommend for approval by the governor of the state, and therein lay an important opening. The eleven commissioners appointed by the governor to procure a site, select a design, and to oversee construction were Samuel R. Wood, George N. Baker, Thomas Bradford, Thomas Sparks, John Bacon, Peter Miercken, James Thackara, Daniel R. Miller, Caleb Carmalt, and two who did not serve, Thomas Wistar and Dr. Samuel P. Griffiths. Four were members of the Pennsylvania Prison Society; six had served as inspectors of the Walnut Street Prison. They began to meet in April 1821. Roberts Vaux and Coleman Sellers took the vacant places late in 1821.

In May 1821 the Building Commission selected the Cherry Hill site and invited designs. Four architects responded, Strickland, Haviland, Charles Loos, Jr., of New York, and Samuel Webb, of Philadelphia. The latter two were quickly passed over, and attention

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<sup>122</sup>Matthew E. Baigell, "John Haviland," (Ph.D. diss., U. of Penn., 1965), p. 221.

focused on designs by the other two, who both had firm champions on the board. Discussion over whose plan would be followed continued for over two years through various revisions by these two architects.

Of Strickland's plan only a few characteristics are recorded: it was octagonal, and had a 100-foot keeper's house as part of the octagonal perimeter. Its cells may have been, like those of WSP, arrayed around the perimeter rather than radiating from the center. Haviland described his original design at length on 2 July 1821: it was rectangular, with a front of 660 feet; a house for the chief officers was 200 feet wide, with a pediment and cupola, and it formed the main front to the prison, with the word "penitentiary" in its tympanum; within the perimeter seven 32-cell cellblocks radiated from the center. The cells were to be covered by groin vaults, to be heated by hot air, and each was to have an iron-framed skylight and an exercise yard. While much of this is relatively familiar from the executed fabric, the center building was conceived upon a notion quite different than that ultimately employed: the hub was to hold the laundry, washrooms, bakery, and the infirmary; below were dungeon cells; on the ground story were observation stations for each corridor; there was an outer walkway for observation at second-story level.

Haviland explained the leading purposes of one of his early radial designs for ESP, from 1821, as being devised to aid "watching, convenience, economy and ventilation."<sup>123</sup> A description dated 2 July from one of his ledgers noted that his scheme with seven radiating one-story blocks had as a hub structure a circular building to contain 26 cells with their yards, for female prisoners; these cells would be under the same roof as those of the wash-house and laundry, presumably providing employment for the women, and would adjoin the kitchen and bakehouse, and storerooms; the floor above would hold a chapel or a cistern for water storage, and above that was an observatory tower. In the basement were to be "eight strong dungeons"<sup>124</sup> with individual staircases and fireplaces.

Looking back in 1832, Haviland recalled that "the cells first erected now in operation were originally designed for solitary confinement without labor."<sup>125</sup> This is confirmed by a report from Warden S. R. Wood to the managers later that year, during discussions about the pairing of upper-story cells. "The size and construction of the present cells were fixed before it was decided that the prisoners should be employed," he stated.<sup>126</sup> The cells originally executed in blocks 1, 2, and 3 measured 7'6" x 12', compared to Strickland's cells measuring 7' x 9' at the Western State Penitentiary. This was quite large for a cell without labor; could an expectation of ultimate approval of labor being performed in them, despite the letter of the law, have led to such generous dimensions? Or was this a measure of the commissioners' humane intentions, providing a cell not only well serviced, but ample?

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<sup>123</sup>Norman B. Johnston, "The Development of Radial Prisons: A Case Study in Cultural Diffusion," (Ph.D. diss., U. of Penn., 1958), p. 198.

<sup>124</sup>Johnston, p. 199.

<sup>125</sup>Johnston, p. 204n.

<sup>126</sup>Monthly Minutes of the Board of Inspectors for ESP, 1 Sept. 1832, Record Group 15, Pennsylvania State Archives.

A motion that Haviland's plan be adopted was defeated on 24 July 1821, and efforts were made the following month to combine features of the two designs, squaring Strickland's perimeter. Johnston reports that Haviland's design for the front building was accepted in August 1821; if this was the case, things did not rest there. The same month both architects were asked to redesign the keeper's house, but an effort to introduce Haviland's front building and perimeter to Strickland's design was defeated. Haviland had altered his keeper's house adding a tower and improving its structure, adding some \$3000 to its cost; Baigell proposes that this may have been the first appearance of Gothic detail on the keeper's house. New estimates were requested from Strickland in September, specifying "bastions" and a portcullis,<sup>127</sup> but action stalled. Strickland probably saw no reason to forestall a trip underwritten by canal proponents. He left in mid-October 1821 for a six-month trip, in his own words, scouting the country round "in search of professional food in Locks, Docks & solitary cells."<sup>128</sup>

In December 1821, with Strickland still away, the building commission came to a resolution presenting what may have been intended as an odd compromise: it appointed Strickland superintendent of construction, but stipulated that his plan would not be the one adopted. (A letter of Strickland's of 28 May 1822 stated his belief that he was appointed the board's architect in September 1821, and that his duties and salary were set on 7 May 1822. The board's majority later contested this recollection.<sup>129</sup>) Strickland was to receive \$2000 a year, and upon his return in the spring of 1822 to begin work on the excavations and lower parts of the front part of the perimeter, 650 in length; apparently meaning Haviland's perimeter rather than Strickland's was being commenced; other parts, including the form of the keepers' house, still lay in some limbo.

As the beginning of the building season approached, building commissioners made efforts to resolve the matter of the front building, asking Strickland for a new design for this in February 1822. He provided two more in late March, and his faction supported him by calling for a front building no more than 100 feet wide, half the width of Haviland's. But this resolution failed. The more expensive of Strickland's designs, estimated at \$8000, had a "double gateway and portcullis flanked by two Towers," at least nominally not unlike that ultimately executed. His cheaper design, 100 feet wide, appealed to a commissioner for its evocation of a "cheerless blank indicative of the misery which awaits the unhappy being who enters within its walls." This commentator was critical of a large convenient front building such as Haviland's, which would exhibit "too much comfort to produce the above effects."<sup>130</sup>

Haviland also seems to have made a new design for the front building, and his faction tried unsuccessfully in early March to seal matters by proposing approval of a radial plan rather than an octagonal (presumably concentric, as at Pittsburgh) plan. His 200-foot front building, estimated at \$28,430, was criticized by one commissioner as extravagant

<sup>127</sup>Johnston, p. 200.

<sup>128</sup>Stephen Catlett, "Here I am at Saracens head . . .," *Manuscripts* 37 (1985): 111-24.

<sup>129</sup>Negley K. Teeters and John D. Shearer, *The Prison at Philadelphia, Cherry Hill: the Separate System of Prison Discipline, 1829-1913* (New York, 1957), p. 41.

<sup>130</sup>Baigell, p. 230.

and unnecessarily large. Strickland's less expensive design submitted on 26 March, smaller and much cheaper than Haviland's, was adopted.

If it had not already been begun, excavation and construction must have started very soon after this, for an account of the season's progress noted that 17,000 perches of exterior wall were erected that year.<sup>131</sup> A perch is a unit of stonework 16.5 feet long, 1.5 feet thick, and 1 foot high, meaning a very significant amount of stone was laid that first season. (Uncertainty about the size of a cavity in the thick, battered perimeter wall makes it unclear how much height this would account for. The foundations were presumably solid, broad, and very deep, meaning that much of this work was below grade.) The following year, it was reported that this first season's progress had brought the four cardinal walls up to the belting course, with some exceptions on the east and west, and that both south corner towers were rising.<sup>132</sup>

What momentum there was in the deliberations of the Building Commission suddenly reversed on 14 May 1822, when Haviland's front building was substituted for Strickland's. And eight days later the commission agreed to adopt Haviland's "arrangement of the cells upon radiating lines instead of arranging them on the periphery of a circle," as at Pittsburgh.<sup>133</sup> The governor of the state approved this amendment, as provided by law, on 22 August 1822. Teeters and Shearer point out that Governor Joseph Hiester was a kinsman of Vaux (who favored Haviland's design), and that Hiester had been consulted on the matter in the interim. Haviland was finally awarded the \$100 competition premium offered for the adopted design in May 1821.

Strickland, who still expected to supervise construction when Haviland's design was adopted in May, agreed to supervise, and he indeed visited the site three times per week for much of that season, consulting with the superintendent of masonry, Jacob Souder, and regulating the levels of the walls. He met with the building commission each Monday, and visited the quarries through much of the 1822 season. But Strickland wrote that he declined to take responsibility for the work, since it was not of his design, leading the commissioners to propose dispensing with his services in June 1822; the commission agreed to his dismissal on 17 September 1822. In that month, Haviland was engaged to superintend on a monthly basis. The following year he began to work at a yearly salary.

At the beginning of September 1822, Haviland offered a revised scheme for the front building. The infirmary was to relocate from the hub to the east side of the front building, probably along with some of the hub's other domestic functions.

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<sup>131</sup>Report of the Building Commissioners, 21 Feb. 1823 in *Journal of the Senate of Pennsylvania* 33 (1822-23): 379-80.

<sup>132</sup>Report of the Building Commissioners, c. 12 Jan. 1824 (date read in Senate), in *Journal of the Senate of Pennsylvania* 34 (1823- 24): 204-07.

<sup>133</sup>Baigell, p. 233.



The following season, on 22 May 1823, the cornerstone was laid. That year work was pressed ahead on the south front and front building, and the foundations of the first three cellblocks were laid.<sup>134</sup>

By the time of Haviland's published Description of Haviland's Design for the New Penitentiary, Now Erecting near Philadelphia (Phila., 1824), his design incorporated further changes. The hub would accommodate a reservoir below ground, the observation space at grade, and above, a room for "underkeepers and watchman" surrounded by an observation platform.<sup>135</sup> That description also gives the number of cells per block as 36, up from 32 in 1821, and barrel-vaulted rather than groin-vaulted. As ultimately erected, the first three cellblocks would each have 38 cells, 19 to each side of the corridor. There may be an explanation for this discrepancy: early plans show that in each block the two cells closest to the hub lack yards; these were the rooms Haviland identified in his published description as intended for hot air stoves, leaving 36 cells for inmates, 2 for stoves.

The evidence of early graphics is more equivocal than the textual evidence, probably in part due to a lack of survival and in part due to delays and anachronistic features in published views. Better knowledge of two original plans only partially known--one lost and one in Russia--should offer further needed information. But what is dated as an 1821 drawing in reproduction by the WPA in 1936 (fig. A1) agrees with the published engraving that accompanied the 1824 description (fig. A2) in showing several round features: the distinctive quadrant walls that expand the two yards north of the front building; the round front tower, the round central hub and tower (without a cupola), and the semicircular link joining the two side pathways emerging from the main gate. (The 1828 John Neagle portrait of Haviland at the Metropolitan Museum of Art [fig. C1.1] seems to show this round front tower, but at that point it must have been obsolete. The faceted tower ultimately executed is shown in C. G. Childs's 1829 engraving after William Mason's perspective of the front (fig. C1.2). Both plans also show a covered passageway leading from the main gate to the hub, ultimately not constructed. Lacking the pedimented front, the 32-cell wings, or the much more diversely functioning hub of the July 1821 design, this seems a revision of more than a month or two.

The Russian sheet (fig. A3), with inscriptions unfortunately illegible in reproduction, shows squared yards north of the front building, and a cupola over the hub, presumably placing it closer to the executed design. It also shows 19 cells and eighteen yards per side. The absence of the front tower from the front elevation may not be significant, more a matter of it not being in the plane of the facade and the architect having neglected to leave room for it.

The engraved plan by C. G. Childs after Haviland (fig. A4) that appeared in G. W. Smith's pamphlet of 1829 again shows 19-cell, 18-yard blocks. Cross marks in the cells suggest they are meant to be groin-vaulted, as in the WPA sheet; in fact, cells had already

<sup>134</sup>Report of the Building Commissioners, c. 12 Jan. 1824 (date read in Senate), in *Journal of the Senate of Pennsylvania* 34 (1823- 24): 204-07.

<sup>135</sup>Baigell, p. 236.

been completed in 1829 with barrel vaults. It also shows squared front yards, and a covered passage to the front, now forking off into diagonal pathways at the gate; this front passage was mentioned as still planned as late as February 1829.

The design evolved in several important ways as construction proceeded through 1836, but one can take the features of these plans as representing Haviland's approved scheme as the cornerstone was laid and the first three cellblocks began to emerge from the ground in 1823. His thinking is laid out in the published "Description," whose dating can be refined slightly by the appearance of excerpts from it in Philadelphia in 1824, published by Mathew Carey in August 1824. One of the first things he wrote betrays some of the geometric idealism in the plan:

In the distribution of the cells into a general form, I have maturely considered the recommendation and objections to every geometrical figure, but cannot find any so well adapted to accomplish the main objects of the institution. It appears to me to be a form that possesses many advantages in the watching, health and superintendence of the Prison, for by distributing of the several blocks of Cells forming so many radiating lines to the Observatory or Watch-House, which is equal in width to one of those blocks: a watchman can, from one point, command a view of the extremity of the passages of the cells, or traverse under cover unobserved by the prisoners and overlook every cell; when they are exercising in their yards, the same watchman, by walking round on a platform three feet wide, . . . can see into every yard and detect any prisoner that may attempt to scale the minor walls.

He also wrote of the advantages of ventilation this plan presented over one "formed on the periphery of this octangular, or any other figure," undoubtedly jibing at Strickland's plan. And he alluded to the idea that an octagonal prison would not be "so capable of extension, if desired at any future time." His detailed discussion describes the "dead eyes," "feeding drawers," ventilators above the seats of the privy, and even the long slabs traversing the cells, running beneath the intervening walls. The wooden links he describes as running from the center to the start of each cellblock, cheaply shingled and weatherboarded, appears to have been built in stone from the start, and other aspects of his description may have been revised in execution also. He wished to discourage any buildings between the blocks, which would serve as hiding places that might assist escape. The front building he described as actually three separated but appearing as one and linked by controlled passages that could isolate disease or fire. VSBA's study of the administration building has confirmed this; the former open well of space immediately within the main gate insulated the parts from one another, and the multiplicity of stairways provided separate access to various parts of the building.

On viewing the front, Haviland offered, "it will be seen with what success the designer has attempted to unite a simplicity of style, with that character the nature of the building required. . . . The octagon towers at the angles afford a happy and characteristic termination to this design."

The sources for the design, its wide influence over other prison designs worldwide, and its place within Haviland's oeuvre are issues that have attracted more scholarly writing on ESP's architecture than any others. Without slighting the importance of these issues, this report focuses its efforts on others, and defers to the well-documented writings of Johnston, Baigell, and others on this topics. But a very brief discussion may be in order here. The first topic takes up the issue of Haviland's originality in devising this plan. Nearly all writers for over a century have agreed that none of the components of Haviland's design, separation in individual cells, radiating blocks, central observation, or individual yards are original to the plan of ESP, nor that even their combination was unprecedented; late 18th- and early 19th-century British institutional buildings are pointed out, many of them smaller and provincial, without the size, notoriety, or geometric power of Haviland's design. One early commentator on this subject named J. S. Buckingham wrote about sources for ESP's design shortly after its completion. He pointed out a building erected at Gloucester in 1790 as a model and described the system as "of English birth" . . . "though it has certainly been brought to greater perfection in Philadelphia than elsewhere."<sup>136</sup> Johnston identified a design for an insane asylum published in London in 1814, with seven radial wings with solitary rooms connected to a central observatory; Baigell proposed that a radial prison plan by George Ainslee published in London in 1820 might have been influential. Others have concurred in finding English models seminal, just as English penological thought was seminal in its effect on the founders of the Pennsylvania System. These scholars have generally agreed that Haviland's design culminated the interest and experimentation of a generation, and that his role lay in bringing these ideas to a full realization and creating a working model on a large scale, and just at a time when international governments and philanthropists were energetically pursuing such issues.

The issue of dissemination, taken up by Johnston, is demonstrable not only by formal similarity, but also by clear evidence documenting transmission to England and France in the 1830s. Johnston counts hundreds of buildings from two centuries across the globe bearing the imprint of ESP's plan. An important part of this discussion is the concomitant lack of broad emulation in the U.S. An explanation offered by Johnston ties this to the general preference, in the U.S., not for the Pennsylvania System, with labor in individual cells, but to the Auburn System, with congregate workshops that were more viable in an industrial marketplace. He also posits the difference between this "manpower-hungry" nation in the 19th century and Europe, where labor surpluses ultimately meant less emphasis on productive prison industries.<sup>137</sup> The radial plan, predicated on non-association and central oversight, had many fewer advantages to offer a prison operating on the Auburn System, with cells for sleeping and most time spent in congregate workshops, dining halls, or yards.

Baigell's monograph on Haviland assembles and documents his life and work as it had not been before, and it remains unsurpassed in its comprehensiveness. In the course of

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<sup>136</sup>J. S. Buckingham, *America, Historical, Statistical, and Descriptive* (London, 1841), pp. 169-70.

<sup>137</sup>Johnston, p. 464.

this, he gives major attention to Haviland's later career as a prison architect and the formal elements in ESP's designs found in his other designs. The architect quickly recognized the notoriety ESP brought him, and he attempted to capitalize on it, touting the "Haviland Plan" to other states. He worked toward refining his design notions in subsequent prisons, most influentially the New Jersey State Penitentiary at Trenton. Baigell also points out patterns of composition in the architect's work generally, with strongly characterized dependent flankers, not simple mute echoes of the center. The ends sometimes rival the preeminence of the center in particulate compositions, with only implied elisions.

Although Robin Evans compared Haviland to William Blackburn as "a good prison architect rather than ... a good architect,"<sup>138</sup> that judgment is belied by other works by Haviland. Many show a similar flair for a geometric severity and a largeness of ordering that engages more than most similar buildings of this period, avoiding the overseriousness of the consistently literal or the purely reductive. Such qualities are found in works in a variety of classical and revival styles, and are most effective where, as at the Cherry Hill, he was able to assemble and shape large, prismatically refined stones to bring reality to forms wrought in his imagination as modern interpretations of familiar ones. Despite his early Greek Revival work, he was unusual among American architects, and in some ways really remained a European, in his mercurial stylistic range; he appears to have been too impatient to settle into such patterns of Hellenism as did Strickland from the late 1820s on. There are odd elements of this even at ESP, where primitive Greek elements like polygonal masonry and Aeolic balustrades appear, interwoven amid a vivid play of stereometric variety--with quarter cylinders and gabled boxes running into a rising octagon with triple-faceted lintels (fig. D1.14) at penetrated corners. As Baigell demonstrated, Haviland was indeed one of the most accomplished and most interesting architects of his generation in this country.

Baigell's dissertation was the first and still the fullest effort to interpret the evidence of Haviland's voluminous and complex notebooks; further extended scrutiny of these may reveal undisclosed aspects of the design and construction of ESP. Haviland's sources, activities, and influences have not been our focus in this report, which has placed most of its attention on the aspects of the prison that have received less scholarly scrutiny, like the later history of the fabric, but an unweaving of the many scattered notations relating to ESP in Haviland's notebooks might be a fruitful next step in probing his role.

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<sup>138</sup>Robin Evans, *The Fabrication of Virtue: English Prison Architecture, 1750-1840*, Cambridge, England, 1982, p. 410.

### III. CHRONOLOGICAL CHAPTERS

#### § A. Early Operation, 1829-1865

##### 1. Penal Philosophy

Finn Hornum

As Eastern opened its doors in 1829 the debate about the merits of the two systems, which had been under way since 1826, continued and became increasingly heated and vitriolic until 1854. The two major figures in the debate were Reverend Louis Dwight, organizer and secretary of the Boston Prison Discipline Society (founded 1825) who fervently supported the Auburn System and, for the Pennsylvania System, Richard Vaux of the Philadelphia Society, who had taken his father's place on Eastern's Board of Inspectors in 1842 and dominated the affairs of the penitentiary as a member of that board until his death in 1895. While this is not the place to detail all the issues separating the two reformers, a brief summary of Dwight's critique of the Pennsylvania system should give the reader some of the flavor of the attack.<sup>139</sup>

In 1842, Dwight argued in the Report of the Boston Prison Discipline Society that the Pennsylvania System had failed to answer "the expectations and designs of its friends" in:

- Dispensing with labor
- Preventing evil communication
- Deterring from crime and preventing recommitments
- Its effects on health and life
- Its effects on the mind
- Self-support
- Dispensing with severe punishments for misdemeanors in prison
- In regard to its extension in America.

Perhaps the most persuasive and serious of these charges were the allegations that the system produced a higher rate of mortality and morbidity, and that it led to insanity. Also significant was the point that the expense of constructing and operating a Pennsylvania-type institution far exceeded that of an Auburn type. The assessment of these accusations, which were vehemently defended by Vaux in both correspondence and (after 1845) in the Journal of Prison Discipline and Philanthropy, are, according to both Lewis and Teeters/Shearer very difficult to make because of the rather self-serving data presented by both sides.

The Pennsylvania system, however, had numerous supporters. Among the notable and prominent Americans strongly supporting the separate and solitary system of confinement were Edward Livingston, the statesman and jurist who later drafted a most progressive code for Louisiana; Dr. Francis Lieber, political economist and refugee from Germany, who settled in Philadelphia became the editor of the Encyclopaedia Americana

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<sup>139</sup>See Teeters and Shearer, *Op. Cit.*, pp. 201-212; O. Lewis, *Op. Cit.*, pp. 236-252

and translated Beaumont and Tocqueville's report on the penitentiary system into English; and Dorothea Lynde Dix, the well-known visitor and reformer of the mental institutions in the new republic.<sup>140</sup>

Foreign countries had also observed the penal developments in the United States with great interest and many visitors from Europe, Canada, and South American, some of them official representatives of their government, came to see the competing systems. The Duke of Rochefoucault-Liancourt had visited the Walnut Street institution in 1794 and had praised this new approach to punishment and another French reformer, Charles Lucas, wrote favorably about the Pennsylvania system as early as 1828. In 1831, the famous pair of Gustave de Beaumont and Alexis de Tocqueville was sent by the French government to study the relative merits of the two systems and wrote a thorough and balanced analysis which led them to conclude that the Pennsylvania system was likely to produce more honest men, while the Auburn system would produce more obedient citizens. They did, however, consider the Auburn system more practical for a future French penal system. From 1832 to 1834, William Crawford, who was the secretary of the London Society for Improvement of Prison Discipline, arrived from England and submitted a glowing report on the Pennsylvania system. His recommendations later led to the construction of the Pentonville Prison near London, perhaps the most thorough and purest example of the separate and solitary system in Europe.<sup>141</sup>

Dr. Nicolaus Heinrich Julius, the official representative from Prussia, arrived in 1834 and was also so impressed with the Pennsylvania approach that he recommended it as the model for Prussia and other German states. Canadian representatives came in two deputations, Commissioner Macauley /Commissioner Thompson from upper Canada and Commissioner Mondelet /Commissioner Neilson from lower Canada, but did not agree on which was the better system with the former endorsing the Auburn system and the latter the Pennsylvania system. Finally, the French government, which had been dissatisfied with the Beaumont and Tocqueville report, sent Judge Frederic A. Demetz and Architect Guillaume Blouet, to do a more thorough study. Their 1834-36 investigation resulted in a monumental statistical and architectural report which reaffirmed the preferences of other Europeans with the Pennsylvania plan. Other notable

<sup>140</sup>The sources for the following materials are Barnes (1927), *Op. Cit.*, pp. 173-176; Teeters and Shearer, *Op. Cit.*, pp. 25-30, 195-212; O. Lewis, *Op. Cit.*, pp.224-236. The original comments on the Pennsylvania system by the listed visitors can be found in the following primary sources (when traceable):

- Edward Livingston: From an 1828 letter quoted in Richard Vaux, *Brief Sketch of the Origin and History of the State Penitentiary for the Eastern District of Pennsylvania at Philadelphia*, (1872)
- Francis Lieber: Most definitive supportive arguments can be found in his *A Popular Essay on Subjects of Penal Law and on Uninterrupted Solitary Confinement at Labour*, (1838)
- Dorothea Lynde Dix: *Remarks on Prisons and Prison Discipline in the U.S.*, (1845); also quoted in *Journal of Prison Discipline and Philanthropy*, Vol. I, No.2 (1845), p. 246.

<sup>141</sup>Their original comments on the Pennsylvania system can be found in the following primary sources:

- Gustave DeBeaumont and Alexis DeTocqueville: *On the Penitentiary System in the United States*, (1834). Most recent, available edition with a foreword by Thorsten Sellin published 1964 by Southern Illinois University Press
- William Crawford: *Report on the Penitentiaries of the United States*, (1834).

foreigners, who wrote in favor of the Pennsylvania system after their visit to Eastern, were the Swedish novelist Fredrika Bremer, Harriet Martineau, the English authoress of Society in America, and the British navy officer and novelist, Captain Frederick Marryat. It should be noted, however, that George Combe, the Scottish phrenologist, and, of course, Charles Dickens were highly critical of the system.<sup>142</sup>

Perhaps of greater importance was the almost unanimous endorsement of the Pennsylvania system in 1846 by the First International Prison Congress in Frankfurt, Germany. It put the European seal of approval on the adoption of the system, which had already taken place in several countries: England (1835), Belgium (1838), Sweden (1840), Hungary (1841), France (1844), Prussia (1844), Denmark (1846), Norway (1851) and Holland (1851).

No such successes for the system occurred in the United States. The Auburn system became the model for both new and remodeled penitentiaries throughout the country. Some states experimented with the system of separate and solitary confinement for a while, but by the 1850s only the two Pennsylvania institutions, Western and Eastern, still used the system and it was shortly to be abandoned in the Pittsburgh institution as well.

A brief outline of the fate of the Pennsylvania system in the different states may be helpful:

- |                     |  |
|---------------------|--|
| <u>Pennsylvania</u> | <ul style="list-style-type: none"> <li>• 1790 implemented in separate solitary wing at Walnut Street Jail, Philadelphia</li> <li>• 1821-1869 Western State Penitentiary, Pittsburgh</li> <li>• 1829-1913 Eastern State Penitentiary, Philadelphia</li> </ul> |
| <u>New York</u>     | <ul style="list-style-type: none"> <li>• 1796 implemented by judicial discretion at Newgate Prison, New York City</li> <li>• 1821-1823 Auburn State Penitentiary</li> </ul>  |
| <u>Maryland</u>     | <ul style="list-style-type: none"> <li>• 1809-1838 Baltimore Penitentiary (in modified form)</li> </ul>  |
| <u>New Jersey</u>   | <ul style="list-style-type: none"> <li>• 1820-1828 authorized for most offenders at New Jersey Penitentiary at Lambertton</li> </ul>   |

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<sup>142</sup> Their original comments on the Pennsylvania system can be found in the following primary sources:

- Nicholas Heinrich Julius: *Nord Amerika's Sittliche Zustände nach eigenen Anschauungen in den Jahren 1834, 1835 and 1836*, 2 vols. (1839).
- F. A. Demetz and G. Blouet: *Rapports sur les penitenciers des Etats-unis*. (1837).
- Fredrika Bremer: In Adolph Bensen (Ed.), *America in the Fifties: Letters of Fredrika Bremer*. (1924). p. 154f. See also Torsten Eriksson, *The Reformers: A Historical Survey of Pioneer Experiments in the Treatment of Criminals*. (1976). p. 50.
- Harriet Martineau: *Society in America*, Vol. II (1837).
- Captain Frederic Marryat: *A Diary on America with Remarks on its Institutions*. Vol. II (1839). pp. 265-269.
- George Combe: *Notes on the U.S. of North America during a Phrenological Visit in 1839-40*. (1841).
- Charles Dickens: *American Notes*. (1843).

- 1833-1858 Trenton State Penitentiary

Maine

- 1824-1827 implemented by judicial discretion at Thomaston Penitentiary

Virginia

- 1824-1850 implemented at Richmond Penitentiary as six months solitary confinement at admission, later (1833) modified to not more than 1/12 of sentence and only one month at a time

Rhode Island

- 1838-1844 Providence Penitentiary.<sup>143</sup>

In conclusion, the Pennsylvania system had the advantages of ease of control, absence of the more severe forms of disciplinary punishments, the prevention of contamination from "evil associates", and the potential for classifying and treating inmates according to individual needs. But these advantages were outweighed by the effects of solitariness on the prisoner's body and mind, which made many unfit for return to free society, the probability that inmates will still engage in "solitary" vice, and the problem of implementing religious and academic instruction on other than an individual basis. The Auburn system was less costly to construct, permitted congregate association for purposes of work and religious instruction, and had the potential for making the institution self-supporting. It was plagued, however, with the constant need to enforce discipline through harsh measures, with the failure to fully maintain the system of silence which was designed to minimize contamination, and with its lesser emphasis on the reformatory aspects of labor and a preoccupation with profit. However, the two most persuasive arguments to American legislatures, as they were faced with the construction of a penitentiary in their state, appear to have been the more expensive construction and maintenance costs of the Pennsylvania type of institution and the greater potential of the Auburn labor system to make the institution self-sustaining or even profit-making.

With the triumph of the Auburn system in the United States, the goal of reformation retreated and the aims of retribution and incapacitation became dominant.<sup>144</sup> The commitment to the idea of social isolation, either through solitude or silence, was based on the designers' belief that individuals, deprived of the corrupting influence of communication with others, would permit meditation and repentance. It seems fair to say that they generalized from their own subjective experiences of how human beings behave, "not realizing that their experiences had conditioned them to a greatly different kind of adaptive ability than was true of the deprived persons who were typical prisoners."<sup>145</sup>

During the decade of the 1840s, new administrators began to break away from the traditional Auburn philosophy. A softening public attitude toward the criminal, reflecting a more optimistic world view "nourished by economic abundance,

<sup>143</sup>Barnes (1927), *Op. Cit.*, pp. 170-179.

<sup>144</sup>Samuel Walker, *Popular Justice: A History of American Criminal Justice*. (1980). New York: Oxford University Press. pp. 66-68.

<sup>145</sup>Keve, *Op. Cit.*, p. 76



technological progress, the physical expansion of the country, and the achievements of natural science,"<sup>146</sup> led to new directions in penal philosophy. Instead of speaking of the need to break the spirit of the convict, reformers and administrators argued that kindness, consideration and gratification of inmate needs were needed to cultivate self-respect and bring about reformation. But, although these developments were soon interrupted and a program of retrenchment and severity was restored when the political winds brought about a change in administration, there is little doubt that a new outlook was emerging.

Parallel developments occurred in the area of sentencing during this period. Especially noteworthy is the position taken on the use of the death penalty. At the start of the century many state legislatures had limited the use of capital punishment to murder and strong objections had emerged to the spectacle of public executions. In the 1820s and 1830s Rhode Island, Pennsylvania, New York, Massachusetts and New Jersey moved all executions inside the prison walls and by 1850 fifteen states had abolished public executions. Some states completely abolished the death penalty - Michigan in 1846, Rhode Island in 1852, and Wisconsin in 1853 - while others restricted its use by allowing jury discretion.<sup>147</sup>

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<sup>146</sup>W.D. Lewis, *Op. Cit.*, p. 202

<sup>147</sup>Walker, *Op. Cit.*, pp. 75-76

## 2. Prison Governance and Administration, 1829-65

### 2a. Pennsylvania Practice before 1829.

Finn Hornum

The system of governance, which was developed in the county jails of colonial Pennsylvania and emulated in such early prisons as the Walnut Street Jail in Philadelphia, became a national model for prison administration for almost a century. While the provincial jails had been controlled by five trustees, who were entrusted with the responsibility of keeping up the property and raising the required funds, the governance of Walnut Street was vested in a board of six managers, called "inspectors", appointed from the local citizenry by the mayor, two aldermen and two justices of the peace from Philadelphia. They were unpaid for their services, which included the determination of the general policies for the institution, supervision of its administration and "inspection" of the facilities through daily visits. This approach appears to have been based on the theory that volunteer service from local citizens could produce a governing body of highly qualified and highly motivated people who would guard the public interest and serve as models to the prisoners for reformation.<sup>148</sup>

The actual daily administration of a county jail was vested in the county sheriff, but he usually delegated his authority to an undersheriff, known as the "gaol keeper." At Walnut Street, however, the immediate administration of the prison was in the hands of an official called the "warden" or "principal keeper," who, after 1795, would be hired and fired by the board, paid a salary, and held responsible for reporting to the board.<sup>149</sup> During the early years, this form of administration apparently worked extremely well as the prison board was manned by individuals active in the reform movement. Unfortunately, it was to be less than a decade before weaknesses in the system became visible. Political infighting in Philadelphia led to the replacement of the original reformers on the board and, as the policies changed, the Philadelphia Society became increasingly critical of the new management.<sup>150</sup>

### 2b. Eastern State Penitentiary, 1829-1865

Finn Hornum

The use of the governing board of inspectors continued under the penitentiary system. The Act of 1829 established the basic governance structure of Eastern State Penitentiary and this system was left intact until 1870. The top officials of the institution were the five inspectors appointed by the Judges of the Pennsylvania Supreme Court. The members of this Board of Inspectors had to be taxable citizens residing in the city or county of Philadelphia and were appointed for two-year terms. Their duties involved the holding of monthly meetings and the obligation to visit the institution at least twice per

<sup>148</sup>Harry Elmer Barnes, *The Evolution of Penology in Pennsylvania*. (1927). Indianapolis: Bobbs-Merrill. pp. 63-64, 121-123.

<sup>149</sup>Barnes (1927), p. 123; Orlando F. Lewis, *The Development of American Prisons and Prison Customs, 1776-1845*. (1967) (1922). Montclair, NJ: Patterson-Smith. p. 28.

<sup>150</sup>O. Lewis, pp. 39-40

week. The Board elected its own President, Secretary and Treasurer and appointed, every six months, a warden, a physician and a clerk. While they had to serve without compensation and, in return, were exempt from military service and jury duty, they set the salaries, kept the accounts, and supervised the manufacturing, purchase and sale of prison goods. They also had the responsibility to secure proper religious instruction, including the appointment of a non-salaried moral instructor. During their visits, individually or collectively, to the institution they had to speak privately with all inmates in order to watch over the daily running of the institution. At the end of each year, they were responsible for issuing an annual report to the legislature and the general public.

Selected from among prominent citizens in Philadelphia, the first board of inspectors for Eastern Penitentiary consisted of a judge, two prominent lawyers, a merchant who was also a state senator, and Roberts Vaux, a philanthropist and officer of the Philadelphia Society. In contrast to boards in other states (e.g. New York), the Eastern inspectors took their oversight responsibilities very seriously and appear to have had considerable influence on policy.

The chief executive officer of the institution was the warden. Although appointed on a six-months basis, all but one of the early wardens served for long periods of time. The first warden served for eleven years, the next two wardens for five years each, and the fourth warden served for an initial period of four years and, after two years replacement by another warden, returned for another fourteen years to service as the sixth warden of the institution. The warden had to reside in the institution and was not permitted to be absent from his duty overnight without the Board's permission. He was obliged to visit every prisoner daily, but was not to be present when one of the inspectors visited with the inmates, except on their request. He was directly responsible to the Board for the everyday operation of the institution and had to report all activities, including infractions of the rules, to the Board. He had responsibility for appointing the overseers (underkeepers/"guards") and all "servants" employed by the institution. He was obliged to keep a daily journal, keeping careful records of receptions, discharges, punishments, etc.

Although the board usually had the appointment and discharging powers of the warden and formulated the regulations for the institution, their role in the everyday operation of the prison was minimal. The various visitors and observers coming to Eastern during the early years, including Beaumont and Tocqueville, recognized that the most important management role was played by the warden and focused much of their investigation on eliciting his views on institutional operations. They were convinced that "the most distinguished persons offered themselves to administer a penitentiary system" and praised the administrative talent of these "honorable men."<sup>151</sup> Since the wardens frequently were obliged to provide security "for their good behavior" and received only "adequate" salaries, varying from \$1200 to \$2000 per year, the job must have had some intrinsic appeal for its applicants!

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<sup>151</sup>Gustave DeBeaumont and Alexis DeTocqueville, *On the Penitentiary System in the United States*. (1964) (1831). Carbondale, IL: Southern Illinois University Press. pp. 62-63

The wardens during this early period were:

1829-1840	Samuel R. Wood
1840-1845	George Thompson
1845-1850	Thomas Scattergood
1850-1854	John Halloway
1854-1856	Nimrod Strickland
1856-1870	John Halloway

There is not a great deal of personal information available about these early wardens in spite of the fact that they faithfully kept daily journals and submitted an annual report to the Board of Inspectors. Wood was a stone and lead mill owner and also held a partnership in the mahogany business. Thompson was an operator of a foundry. Scattergood was a tanner and railroad official. Halloway, who served as warden twice, was the son of Jacob Halloway, one of the principal keepers of the Walnut Street Jail, and had been a clerk at the penitentiary during Wood's regime. Strickland was a judge from West Chester. Both Wood and Scattergood were Quakers and members of the Philadelphia Society. A few evaluations of their character by various observers may be found in the work of Teeters and Shearer.<sup>152</sup>

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<sup>152</sup>Negley K. Teeters and John D. Shearer. *The Prison at Philadelphia: Cherry Hill. The Separate System of Penal Discipline, 1829-1913.* (1957). New York: Columbia University Press. pp. 86-92

## 2c. Eastern State Penitentiary Population and Number of Cells

Jeffrey A. Cohen  
Michael E. Schuldt

## Inmate population and number of cells, 1829 - 1865

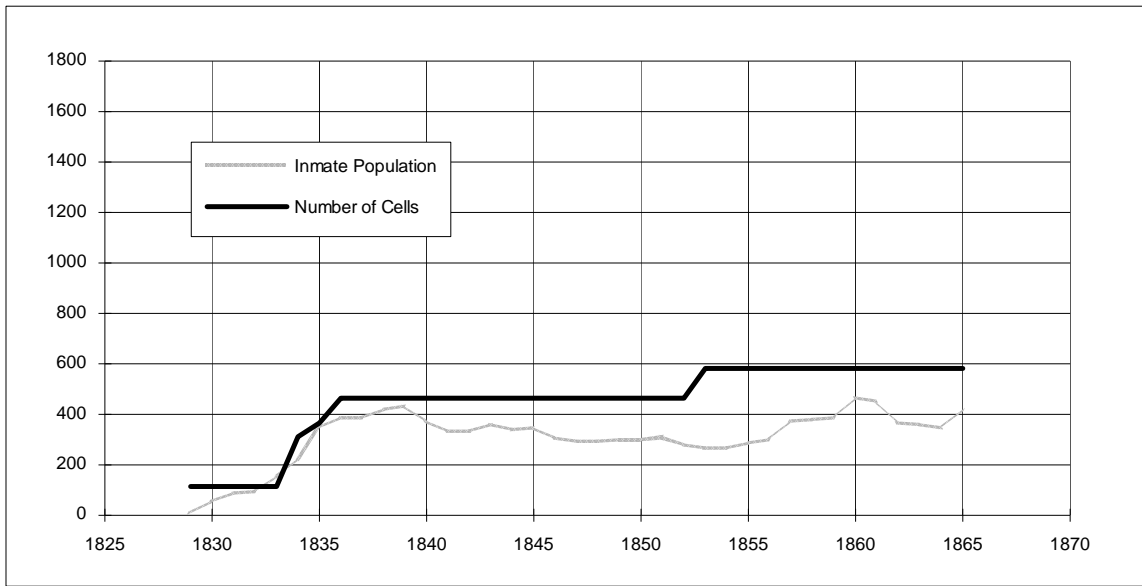
	Population	source	Cells	source
1829	9	a		
1830	54	a	114	b
1831	87	a		
1832	97	a		
1833	154	a		
1834	218	a	311	c
1835	344	a	366	c
1836	385	a	464	c
1837	387	a	464	
1838	417	a		
1839	434	a		
1840	376	a		
1841	335	a		
1842	331	a		
1843	359	a		
1844	340	a		
1845	344	a		
1846	308	a		
1847	294	a		
1848	292	a		
1849	299	a		
1850	299	a		
1851	310	a		
1852	283	a		
1853	267	a	582	d
1854	270	a		
1855	285	a		
1856	297	a		
1857	376	a		
1858	378	a		
1859	388	a		
1860	464	a		
1861	451	a		
1862	369	a		
1863	358	a		
1864	345	a		
1865	418	a		

a Population chart, 1829 - 1931, photocopy c. 1829 annotated by typewriter to c. 1932  
Pennsylvania State Archives, Harrisburg (courtesy Richard Fulmer)

b G.W. Smith, View of ESP, (Phila. 1830)

c Mentioned in Board of Inspectors' annual report for following year

d M.F.P. Soldan, Examens... (N.Y. 1853)



### 3. Early Administration and Controversy in the 1830s

Michele Taillon Taylor

On April 23, 1829, a legislative act established the governmental and administrative system for ESP and Western State Penitentiary. It was decided that ESP would be supervised by a board of inspectors composed of five taxable citizens residing in Philadelphia city or county. These men would serve without pay for two years and be appointed by supreme court judges of the state. Inspectors were mandated to visit ESP twice weekly, to meet monthly, vote on officers and keep minutes of meetings. Their duties included overseeing all prison accounts, appointing prison personnel and setting all salaries and preparing an annual report on the prison.<sup>153</sup> Despite a board of inspectors established to monitor ESP, however, its early years of operation were disrupted by scandal. This may have reflected underlying religious and political power struggles.

The first warden appointed by the Board to take charge of ESP was Samuel R. Wood. He was an Orthodox Quaker, a member of PPS,<sup>154</sup> and he had been an Inspector of Walnut Street Jail. Wood's tenure as warden was troubled by scandalous charges brought against his management by some employees and prisoners. In early 1834 concerns over the warden's behavior were expressed to the board of inspectors. When nothing happened, the State Attorney-General, George M. Dallas, was informed of the charges by certain "well-known and respectable" men.<sup>155</sup> In November 1834, Dallas asked Governor Wolf (a Democrat) to form a joint investigative committee. In December of 1834, the committee held five weeks of hearings reviewing the accusations of abuse of power and corruption made against the warden and other prison officers. The charges included "licentious behavior" with females on the premises of ESP; embezzlement of prison funds and appropriation of public property for personal use; the infliction of excessive physical punishments upon prisoners; and relaxation in the practice of solitary confinement.<sup>156</sup>

The majority on the committee exonerated Wood and his officers. An outraged minority, headed by Democrat Thomas B. McElwee from Bedford County, believed the warden and others guilty of the accusations. McElwee published the minority's dissenting report.<sup>157</sup> It is difficult to explain how the two sides could have had such divergent interpretations of what happened. It is intriguing to speculate on the motives of the accusers: whether they were based solely on moral outrage or whether there was an underlying political agenda. In December of 1833, Warden Wood had complained in a letter to the Board of Inspectors that he was "surrounded by spies who, while ..shewing respect and civility to me...I see little else than suspicious surmises, reports of low dirty

<sup>153</sup>Barnes, 124-125.

<sup>154</sup>R. Doherty, *The Hicksite Separation: A Sociological Analysis of Religious Schism in Early Nineteenth Century America* (New Brunswick, N. J.: Rutgers University Press, 1967): Appendix, 120.

<sup>155</sup>Teeters, *Cherry Hill*, 96.

<sup>156</sup>Members of the Joint Committee were: SENATE - Penrose of Cumberland County; Leet or Washington; Petrikin of Centre; Hopkins of Columbia; and Rogers of Buck County. HOUSE - McElwee of Bedford; Erson of Delaware; Kerr of Butler; Stevens of Adams; and Irvin of Clearfield. Teeters, *They Were*, 211-214.

<sup>157</sup>Teeters, *They Were*, 215.

bar room village scandal..and not a single fact." Most significantly, Wood claimed that some of his overseers (prison guards) were "Deists", and that another was a strong "sectarian who was busy inculcating among the prisoners his own notions."<sup>158</sup> Each witness testifying before the Joint Committee was, in fact, examined for his religious orthodoxy, probably a response to Wood's complaints. If the witness's doctrinal views were judged unacceptable then his testimony was discounted. Silas Steele, an employee of the prison who was allowed to testify, however, was one of the individuals accused by both Samuel Wood and Thomas Bradford (now a member of the Board of Inspectors) of being a deist and of distributing leaflets by Thomas Paine.<sup>159</sup> The term "deist" was significant, as it was often used in the 1830s to refer to Hicksite sectarians.<sup>160</sup> It appears that Wood, in concurrence with the Board of Inspectors, may have framed the conflict over his administration as a struggle between Hicksites and Orthodox Christians. This aspect of the 1834 controversy has not been considered and needs more exploration.

Tension between Orthodox and Hicksite Quakers seems to have erupted sporadically during subsequent decades, though with lessening intensity as Friends' influence in the prison diminished. An example of this can be seen in 1849, in the journal of Quaker Warden Thomas Scattergood, in which he complained about the sermon of a Hicksite Friend, Mary Caley, who had come to minister to the prisoners:

Her discourse was marked by an entire omission to direct the penitent to the Savior - so much so as to be the subject of general remark of those officers who heard it."<sup>161</sup>

Indeed, the rehabilitation of a prisoner, according to Orthodox thinking, could only through orientation to Christ, the sole source of redemption. How did differences in theology translate into differences in prison reform practices between the two groups? Were these differences significant to fuel political controversies at ESP?

In addition to religious conflicts that may have affected Warden Wood's tenure in 1834, political power struggles between the emerging Whig and Democratic parties may have had an impact upon the prison and the Prison Society as well. When the 1834 legislative investigation was made of ESP, it was in the context of a complex and charged political scenario in city and state. In 1828, President Andrew Jackson had been elected with the support of both the state and the city. Traditionally Federalist Philadelphia had voted in a

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<sup>158</sup>Teeters, *Cherry Hill*, 97.

<sup>159</sup>T. McElwee, *A Concise History of the Eastern State Penitentiary of Pennsylvania, Together with a Detailed Statement of the Proceedings of the Committee, Appointed by the Legislature Dec 6, 1834* (Philadelphia: Neall and Massey, 1835), 160.

<sup>160</sup>The great English evangelical Quaker J.J. Gurney, in a letter from Philadelphia to his daughter in 1838 claimed that Thomas Jefferson, Andrew Jackson and Elias Hicks were all dangerously persuasive proponents of "deistic" "infidelity" one of the causes of the deterioration of American society. D. E. Swift, *Joseph John Gurney; Banker, Reformer, and Quaker* (Middletown, Connecticut: Wesleyan University Press, 1962), 204.

<sup>161</sup>Teeters, *Cherry Hill*, 89-90.



Democrat for mayor on Democrat Jackson's coattails, George M. Dallas.<sup>162</sup> In 1832 Jackson won again in the state, but in the meantime he had begun his war to destroy the Philadelphia based Second Bank of the United States. The fallout from the Bank war would dominate the politics of the city for the rest of the decade. In 1832, Jackson's efforts to dismantle the financial institution that regulated credit and currency nationally and insured Philadelphia's prominence as the financial capital of the country, shocked the city into electing an anti-Jackson mayor, John Swift.<sup>163</sup> The city and the state counties were, with some exceptions of the counties close to Philadelphia, at odds in their political allegiances. The states had voted for Jackson and Democratic governor Wolf. The partisan harmony of the 1820s had ended.

One of the casualties of the political war between the President and the Bank that had a direct impact upon ESP was Roberts Vaux. He was a Democrat, an unusual political affiliation for an Orthodox Quaker.<sup>164</sup> Orthodox Quakers were the strongest supporters of the Whig (pro-Bank) party.<sup>165</sup> Vaux, however, supported Jackson because he was convinced that the President was a champion of the poor. By the 1830s, at the height of the Bank controversy, Vaux had become discouraged with the meager results of his life-long labors with philanthropic institutions and had come to believe he would only achieve significant social reform by engaging political activities. In 1829, Vaux declined to serve as inspector to ESP. In 1832, he publicly supported Jackson and his attacks on the Bank, which he considered a corrupt institution. As a result he angered his colleague, the politically powerful Nicholas Biddle, nationally renowned president of the Bank. In 1832, because of his vocal Democratic politics, Vaux was ostracized by the same philanthropic, educational and penal institutions in the city to which he had so prominently and fruitfully contributed in the 1820s.<sup>166</sup> He became, in effect, a pariah to the philanthropic community whose members were predominantly anti-Jacksonians. In 1832 Vaux retired from the Prison Society, either under duress or voluntarily, ending two decades of leadership in prison and educational reform. What impact did Vaux's sudden departure from the PPS have on the administration of ESP? Did it leave a power vacuum resulting in the vicious struggle over administrative control of 1834?

It appears that politics did affect Vaux's relationship with ESP directly. The Bank war had made Vaux increasingly embittered toward Biddle. He was angered by his pro-Bank political maneuvers. In 1834, determined to force the President to recharter the Bank, Biddle had contracted the Bank's credit spurring a severe money shortage around the country. At the same time, Biddle tried systematically to silence his critics by having his supporters organize rallies of poor merchants, tradesmen and apprentices to hear to pro-Bank rhetoric. The climax of Biddle's outrageous acts, for Vaux, was when the Bank

<sup>162</sup>E. Oberholtzer, *Philadelphia, A History of the City and Its People* (Philadelphia: S. J. Clarke Publisher, 1912), 180 *passim*.

<sup>163</sup>Oberholtzer, 185. Labor supported Jackson and his candidates.

<sup>164</sup>See R. Kelly, *The Cultural Pattern in American Politics: The First Century* (New York: Alfred A. Knopf, 1979).

<sup>165</sup>Kelly, 167.

<sup>166</sup>See R. Ryan, "Moral Reform and Democratic Politics: The Dilemma of Roberts Vaux," *Quaker History* 59 (Spring 1970): 3-14.

sponsored a banquet at ESP in February of 1834 for assemblymen who were wavering in their support of the Bank. In Vaux's mind, the prison was being used to promote an ideology of economic and political corruption.<sup>167</sup> At this time of intense political polarization, the prison may have been publicly associated with the pro-Bank, anti-Jackson camp. It is important to note that the banquet took place within weeks of the 1834 legislative investigation of Warden Wood's administration. What did all this mean for ESP? Were the charges brought against Wood a result of political intrigue and slander or were they legitimate? Did the predominantly Democratic legislature perceive ESP as a Whig institution? Was this an echo of the old political divisions between city and county that had affected perceptions of prison management since Walnut Street Jail? Did Vaux's severance of all connections with ESP and the PPS reflect the fact that Whigs, or anti-Jackson men, were increasingly in command of those institutions?<sup>168</sup>

Although the political bipartisanship that had characterized the penal reform of the 1820s was shattered with the Jackson/Biddle conflict of the 1830s, the political divisions between Whigs and Democrats of the 1830s did not endure throughout subsequent decades of the nineteenth century. By 1851, Richard Vaux, son of Roberts Vaux, Democratic mayor of Philadelphia from 1856-1860, had become a major figure at the PPS and was president of the Board of Inspectors at ESP. By all accounts Richard Vaux was the most passionate proponent of the separate system. The ascendancy of this prominent Democrat in Philadelphia and at the Prison Society reflected the changing political situation in the city. Vaux's political success despite his membership in the Democratic party was a result of a political shift in Philadelphia politics that had taken place during the 1850s. Abolition had become a major issue. The Whig party was dying and former Whigs of conservative temperament, alienated by the new Republican party's perceived radical abolitionism, drifted into the Democratic Party. The complex story of the politics of the Prison Society and of ESP cannot be detached from the various realignments in city, state and national politics.

The preliminary research reported in this paper on the influence of Quakers and the impact of politics on the planning and early administration of ESP has raised some important questions and underscored areas requiring further investigation. Although the institutional history of ESP has been thoroughly laid out in the work of Teeters and Barnes, among others, the religious and political affiliations of administrators, inspectors and planners have not been addressed in any depth, nor has the political context of the evolving penological practices at ESP throughout the nineteenth century. Further research into these areas will not only give historians a richer understanding of the background forces driving the evolution of the prison than we now have, but should

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<sup>167</sup>Ryan, 13.

<sup>168</sup>A brief survey of partisan newspapers from 1834-5 would surely shed some light on these questions. For example, on Mar 28, 1835 an anonymous letter was written in the *National Gazette*, a Whig paper, hailing Wood's acquittal by the Legislative Committee.

Knowing the interest you take in the affairs of our friend Samuel R. Wood, I feel great pleasure in communicating to you, that Mr. Penrose is now reading in the Senate the report of the committee of investigation, which contains an honorable exculpation from all the charges made against that gentleman...

provide scholars with an important chapter in the social and political history of Philadelphia itself.

#### 4. Construction and Alterations, 1822-65

4a. Construction, Phase One, 1822-30 (See appendix A, by date, or appendix C. by location, for sources.)

Jeffrey A. Cohen

Initial efforts focused on the perimeter wall, even before the cornerstone was laid on 22 May 1823. In the spring of 1822, all four of the cardinal walls were begun, and work that season, comprising some 17,000 perches of stonework (a perch is a volume of masonry measuring 16.5 x 1 x 1.5'), brought most of the perimeter up as high as the belting course and raised one of the two southern corner towers as high as 25 feet. The site was leveled and foundations dug. The following season workmen concentrated on the south wall and the walls of the first three cellblocks. The basement of the front building was completed and vaulted, and the stonework rose some four feet above the second floor. The remainder of the south wall was carried up 17 feet in height.

By the end of the 1823 season, the walls of the three cell blocks and their yards were raised an average of six feet before the whole was covered with boards to prevent frost damage. Late in the summer of the 1824 season 201 were men employed at the work, 101 masons, 94 laborers, 5 carters, and 1 blacksmith. Haviland sought the building commissioners' approval for his proposed manner of finishing the northern perimeter wall and connecting it to the bastions. Progress was hamstrung by a dearth of rough stone, but that year they completed the north, east, and west perimeter walls and capped them with copings anchored with iron ties. Work remained on the four corner towers, and the south wall still lacked about 12 feet. Three types of stonework were described: common masonry, cut stone, and hammer-dressed range work.

By the close of the following season, 1825, one cellblock was nearly completed, and the commissioners proposed carrying forward only the first three already begun rather than commence others. Haviland prepared estimates for completing three blocks or completing seven, the cheaper to call for about \$90,000 more than presently appropriated, which was the basis for the following year's sum. This came in March 1826, delaying the work season, which lasted from mid-April to late December. The foundation for the central reservoir was dug and walls carried up for the cell blocks and yards, the octagonal center building, and the three radiating passages between them, which were built and roofed over in wood. Wooden roofs were also built over two cellblocks, comprising 76 cells, the octagonal central observatory, and the administration building, whose two appended yard walls were built this season. Slate roofs were built over the wooden ones on one block and part of a second. The perimeter wall was shingled. Iron cell doors, frames for windows, and pipes were received. Among the main tasks remaining in the front building were the doors, windows, floors to be installed, the "rooms skirted and angle beaded," readying them for plastering. This was also the case for the central octagon; the belfry over that was not yet completed. A covered passage from the main gate to the center was still envisioned, but not begun.

The 1827 and 1828 seasons accomplished much of the construction set out as part of the first phase, although much remained to be done in finishing and furnishing the cells and other spaces. The commissioners were unwilling to proceed beyond the funds appropriated. Still outstanding after these, and awaiting another \$10,000, were beds, doors, and locks for most of the 114 cells, heating furnaces, boilers, and pipes for bringing water from the Fairmount reservoir. The covered axial passage was still intended. And the nearby streets, whose unimproved state encumbered the approaches, still needed leveling and "regulation." \$5000 more was appropriated, and finally, on 1 July 1829, the commissioners charged with building the prison turned the facility over to the Board of Inspectors, charged with running it. The first prisoner was received on 25 October 1829, although the heating furnaces were still wanting. The nine prisoners received over the remainder of 1829 were warmed by six small coal stoves the warden purchased as a makeshift until the completion of the first furnace, which he expected in December of that year.

At this point the intended design was for seven one-story blocks such as those already constructed, with 38 cells per block, or a total of 266 cells. The whole, it was expected, would cost the state \$432,000 when completed. The eastern half of the front building was the warden's residence, while the western half quartered three keepers and held a corner apartment for the inspectors. Its basement accommodated the kitchen and other service offices. The front tower held an alarm bell and clock; the space below, over the gateway, was the apothecary's apartment. The cells were by now warmed with large "cockle stoves," communicating with the cells via flues.

The building commissioners turned over the building and remaining funds to the inspectors, who would conduct most of the remaining construction through a two-man building committee elected from among their own members in 1831.

4b. Construction, Phase Two, 1831-36 (unless otherwise cited, see appendices A or C for sources)

Jeffrey A. Cohen

In their second annual report, published in January 1831, the Inspectors expressed their confidence in the system now in place, and proposed that, now that doubts about it were removed, the second half of the construction program be authorized. Two months later the Pennsylvania legislature complied, authorizing an enlargement to bring the total to 400 cells (rather than the 266 previously assumed). This apparently foresaw not the two-story wings ultimately erected, but the extension of each block, probably much as Haviland had expected in 1824 when he wrote of the expandability of this plan: the three cardinal blocks were to grow by ten cells each, the diagonal blocks by twenty-six (48 x 3 plus 64 x 4), bringing them much closer to the corner towers and eliminating some of the circular idealism of the plan.

The Board of Inspectors, now in charge, advertised for lime and stone in April 1831, with proposals to be received by 10 May. Surprisingly, the board reopened the matter of who the architect would be, resolving "that proposals be issued for plans for the erection of 400 cells in the Eastern Penitentiary, \$100 will be paid for the plan that shall be adopted." By the start of June a two-man building committee was appointed to oversee construction of the new cells, inspectors John Bacon and William H. Hood being named (Bacon had been one of the Building Commissioners, and was a leader of the Haviland faction a decade earlier.<sup>169</sup> Haviland had been consulting on an informal basis since the beginning of May, but by 7 June 31 the board had received a plan and explanation from Haviland, and came to what may have seemed a foregone conclusion: it quickly resolved "that the additional cells required by law to be erected within the outer walls of the Penitentiary be constructed on the plan now submitted by John Haviland on the radiating system, subject to such alterations from time to time as the Board may adopt." Haviland had proposed improvements in ventilation, and the inspectors directed the building committee "to have such alterations made in two of the cells already erected, one on the north & the other on the south side, as shall be productive of a better degree of ventilation than now exists." These new model cells were quickly adapted and approved for the new blocks, and the board hastened to get work started.

This meant a late start that season, and the board still had to contend with a scarcity of stone, although work bringing iron pipe from the Fairmount reservoir had been ongoing since February, and May had brought a startling realization: that the water level was too low to reliably fill the central reservoir and reach the cell plumbing. Instead, horse power was used to draw water from a well on the site.

Contracts were made, a board fence was erected to set off the new part of the prison, and the architect worked with the superintendent to lay out the lines of the foundation for cellblocks 4, 5, and 6. Excavation work followed, beginning on 13 June, and stonework on 11 July. A new blacksmith shop was built in place of the old one in the path of block

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<sup>169</sup>Teeters & Shearer, *Cherry Hill*, pp. 36, 50.

6. Late in June new features for the new block were approved, including double-cone ventilators, larger, rectangular skylights, and doorways directly from the corridor into the cells, unlike those in the first three blocks, which were entered only via the yards. The building committee agreed with the architect that the best means of heating would be by the use of hot air from furnaces at either end of each block, distributed via a divided passage under the corridor and then through openings under the sills of the cell doors (fig. D21.1).

Meanwhile pressure was mounting to complete block 3, which still lacked cell doors, for only ten cells remained available in block 2. In October, 73 of the 76 available cells were filled. A new furnace was placed at the far end of block 2 late in the year, and later a stove placed in block 3 for the first few inmates to reside there. The physician was critical of the infirmary in the front building as too remote and not devised for effective separation of inmates; he preferred the use of regular cells reserved in each block. At the end of the year he also criticized the heating system, noting that it sometimes failed to bring the temperature up to even 60 degrees.

It was not until 20 August that the inspectors finally resolved that block 4 was to be two stories high, by a vote of three to two; both members of the building committee were among the approving trio. The second-story cells were to be paired, the adjoining cell assigned to each inmate to be allowed him in place of the yard provided those below. As the prison filled, of course, these second cells were isolated and reassigned as individual cells without yards.

The prison had to compete for stone with the building of the Delaware River breakwater, but additional quantities were obtained from a new quarry opened by G. G. Leiper. Despite the late start, work proceeded quickly, and this first of the new blocks was ready for some vaulting and some iron fittings by the end of the 1831 season; the other two blocks were brought above ground. There is mention of the improvements in lighting and ventilation being adopted for the first three blocks as well, but this may not have been carried out fully at this time.

The 1832 campaign got off to an early start, in March, amid spirited complaints of the use of a nearby site for a Poudrette lot, with pits for city privy waste just thirty feet from the prison walls. In May, Frederick Graff, from the Fairmount Waterworks, informed the prison that the supply from the water main would be interrupted for two months due to the intervening railroad line. The inadequate water supply and the poudrette lot nearby made smell and disease, strongly associated in many minds, a major concern, particularly in view of the limited supply of water with enough head to cleanse the system; also, a breakout of cholera was anticipated. Lime chloride (and a weak mixture of sulfuric acid!) was distributed to the prisoners to put in their privies and was placed in the central reservoir as well, which was contaminated by backflow. A sufficient supply of good water was acquired from wells on the site, raised by horsepower to the upper level of the central rotunda. Word came in July that the corridors of the new blocks were to be flagged in stone, in contrast to the brick of the earlier ones.

In late August 1832 "the question of a second story was agitated," again, but a decision was postponed because of the absence of Thomas Bradford, an opponent of the idea and of Haviland's plans for a decade. Warden Wood responded, explaining that the original cells had not been designed for labor, and were adequate for shoemaking, but barely for weaving. In addition to the argument about giving the gallery prisoners the equivalent of a yard, he offered one of paired cells upstairs allowing larger looms; he would reserve the blocks 5 and 6 for the cotton and woolen business. Meanwhile, citing the rise of prison population, he proposed that they concentrate their energies on completing block 4 rather than distribute them evenly among all three rising ones. But this season was slowed at mid-summer by a "pestilent scourge" and the threat of cholera (there was one death from that disease), the lack of iron castings meant to be sent from foundries in New Jersey, and the continuing lack of stone. As in other seasons, the traditional allowance of "ardent spirits" and "grog" was withheld from the workmen. The 1832 season fell short of the goal of completing block 4, or of closing in the other two blocks in hand. Block 4 was roofed, plastered, and its yard walls were finished; prisoners could enter when its walls dried and its ironwork was received and put in place. Blocks 5 and 6 were raised to "the square" of the second story, and roofed with boards. Based on an estimate by the architect, the inspectors asked for an early \$120,000 appropriation to reach completion.

The legislature responded with \$130,000 in February 1833. Block 4 was indeed finished that year, and the improvements Haviland offered in them, once put into place, inspired further refinement. In May 1833 he offered a new model for the cells in block 7, which was quickly adopted by the Board of Inspectors. By the close of the season, block 5 was roofed, mostly plastered, and complete except for four yards. Most of the masonry of block 6 was completed except for some yard walls, and it was roofed. About one sixth of the masonry for block 7 had been laid, and the committee was disappointed in its hope of closing that in. Once again, delays in receiving cast-iron elements held up the work. Most of the work on a culvert around the cells was completed that season.

The following building season, 1834, made major strides. By its close, cells for 311 were reported completed; this would probably have included the 114 cells in the first three blocks, 75 (50+25) in block 4 (if they were counting the upstairs cells as paired), 102 (68+34) in block 5, and 20 in block 6; if they were counting even paired cells, this would have reached only into part of block 5, and not at all into block 6. Both 5 and 6 were reported only as near completion that December. Block 7 was walled and roofed, but lacked most of its yard walls. A "furnace Cellar room & shed was built," and preparations made for heating block 5.

More importantly, given the failure of the previous system, new facilities for water storage were improvised. A well 30 feet across and 25 deep was walled and arched over between blocks 4 and 5. This was an elaboration of the well utilized for several years by horse power to bring water to the center, and was reported to show no signs of an exhausted supply. Adjoining the well on the southeast, a new rectangular building measuring 34 by 40 feet was erected; this housed a furnace and boilers in its arched basement, and a six-horsepower steam engine above it. Nearly finished, it would raise water from the large well and bring it into a substantial masonry reservoir above ground,



40 feet in diameter, 10 feet high. The reservoir would hold 76,000 gallons, and would serve all lower cells and privy pipes. Over the reservoir was a space with nine large cedar tanks or cisterns, to be filled by engine and supply the second-story cells. Extra engine power, the architect expected, could be used for manufacturing.

Work still remained on the last three blocks, fitting up the cells, paving within the grounds, and building a front terrace required by the new grading of Fairmount Avenue. But Haviland's design work was largely complete. He tendered an amicable resignation letter in December, saying his efforts were no longer needed, and that he would be happy to provide any further advice gratuitously. Bacon and Hood, still serving as the inspectors' Building Committee, would work with the superintendent to oversee the completion of things already in progress.

In March 1835 came testimony before the legislature about the misbehavior of prison officers, cruel punishments, and the rife compromises with ideals of complete separation. This also provided some further detail about the fabric at this point, confirming that the gallery rooms were indeed used in pairs, that the iron beds originally used had been replaced by wood ones that also folded up against the wall, and that the cells had wood floors. Defects in the sewer pipes that had allowed prisoners to communicate through them were reportedly remedied. Food was cooked by steam from the boilers near the new reservoir.

That season blocks 5 and 6 were completed, and the population grew by a large chunk in October 1835, when 69 were transferred from the Walnut Street Jail; others went to Philadelphia County's Moyamensing Jail, just completing in South Philadelphia to T. U. Walter's designs. This brought the population at ESP to 325 males and 19 females at the close of the year in a facility accommodating about 366 (114+75+102+75). Block 7 was covered in and plastered, its completion anticipated for June 1836. It was planned to offer space for another 102 in 136 cells, and would ideally have brought the total number of cells to 586 (114+100+136+100+136). There was a serious fire in the engine house in April 1836, but damage was quickly repaired. The annual report published in February 1837 reported that block 7, completing the entire building program, had been finished.

Published accounts of visitors add some details. Crawford's report to the British government, based on an 1833 visit, noted that blacksmiths, carpenters, and other artisans worked locked up separately outside their cells in small shops, or in association with an outside artificer. They identified receiving rooms in the western front yard for undressing and haircuts, bathing, and provision of uniforms. A letter sent by Warden Wood in January 1834 described partitions between beds in the infirmary.

But much more complete was the 1837 report of Demetz and Blouet, sent by the French government. They specified that there were 582 cells, which could accommodate 464 inmates. This subtracted four from the idealized conception, these at the commencement of block 7, serving as a kitchen. Their plan and text pointed out several other features between the wings and appended to the front yards, including a dye workshop and stables at the latter, a fulling mill for processing cloth near the reservoir, a frame forge building

between blocks 5 and 6, and a frame woodworking shop between blocks 6 and 7. They also detailed the outline of various appendages for heating, laundry, and other purposes at the ends of the cellblocks, and outhouses and pumps in the yards in various parts of the grounds. They noted that the original blocks were paved in brick, unlike the later ones; the brick was replaced by stone sometime later in the century. They also pointed out that some cellyards were already covered over and used as shops. The sick were brought to special cells in block 4 instead of the old infirmary at the front, that the heat and humidity fluctuated badly in the cells, and the most preferred by the inmates were the newest, in block 7. Demetz and Blouet detailed the system of leaving the wooden doors to the corridor slightly ajar, the opening toward center, and the manner of non-associative worship in the corridors. And they gave a good deal of attention to the heating, ventilating, and plumbing schemes, past and present.

The vision of the early 1820s was now realized, evolving into new forms as it was achieved. If it lacked the idealized geometry of Haviland's early schemes, it was tempered and occasionally rebuked by realities that resisted such symmetrical apportionment, by technological systems not yet perfected, by experience with human nature, and by expedients accepted.

4c. New Construction and Alterations, 1837-1865 (unless specifically cited, all references are from the notes in appendices A or C)

Jeffrey A. Cohen

With the completion of block 7 and the new reservoir and engine structures between blocks 4 and 5, the prison reached a plateau reflected in the as-is plan provided Demetz and Blouet by Haviland. What followed over the next three decades, through the end of the Civil War, were mainly adjustments to the program and the systems reflected in alterations to the existing fabric, the erection of some smaller buildings between the finished cellblocks, and repairs to some deteriorated elements, particularly in the first three cellblocks. No new cellblocks were begun and no major reworking took place in the administration building until after the war's end. The preeminent focus over this period was on effective services providing heat, water, and ventilation.

Already in 1838 a committee of the state legislature commented on the matter of the absent corridor doors in the first three blocks, noting that the inspectors and warden wished to correct it, at a cost of about \$10,000, but this would be decades off. An experiment with hot water heating was tried that summer, its success encouraging wider installation of the system. The 562 cells reported in 1839 was more than the number (468) one would give if counting only half the upper-story cells--the others being still considered indoor yards--but less than the number (586) counting all of these upper-story cells; some may have already been sealed from one another. The principal manufactures were cloth and shoes made in the cells.

By 1844 the physician was choosing some infirm inmates for exercise in the open air and work in the six garden areas, raising vegetables (aerial views from the next decade show a greenhouse and what is possibly a garden surrounded by a high fence just east of the end of block 4). He mentioned the provision of lamps of some sort for inmates in winter, permitting them to read in their cells until 9PM. More frank than most, Dr. Hartshorne pointed out faults in the heating and ventilation of the cells, and detailed efforts made that year to remedy them. Decayed plank floors were replaced by linseed-oil-soaked wood covered with a coarse carpet. Another comment he made indicates that there was as yet no means for bathing the whole body regularly, but this was remedied that year when ten individual stalls with grated doors were devised, probably at the end of block 4 (where later descriptions place such stalls). Females were at this point on an upper floor in double cells, but the physician thought they should be removed to a ground-floor range with access to yards. He stated that the old blocks were much inferior in temperature, ventilation, and lighting, and urged improvements in them; a commentator in 1846 agreed, calling the systems in these blocks "extremely defective," since this field was so poorly understood when they were erected. As for the newer cells, Hartshorne thought them better ventilated, warmed, and lighted than the homes of many in the class of industrial workers, and opined that the prisoners had more time for rest and recreation than such counterparts. Touching on a longtime plague for the programmatic intent of ESP, he wrote of the need of a state asylum for the insane, who required different kinds of treatment than those offered, and were neither improving nor productive inmates. The state finally appropriated funds toward such an institution in 1848, engaging Haviland to design its building, near Harrisburg.

Another set of comments critical of the fabric appeared in an annual report in 1850, again in the words of a prison physician, this time R. A. Given, Hartshorne's successor. The physician was the prison officer least exclusively devoted to the prison and the system's success; his devotion to the health of the inmates and the healthfulness of their environment and treatment often overrode the spirit of institutional advocacy that seems to have led the inspectors and the warden to accentuate mainly the positive in the annual reports. Again he was critical of defective heating and of excessive condensation in the cells, a lack of light, and ineffective sanitation practices. He pointed out that shoemaking was the most unhealthy of activities, and thought some cells yards should be roofed over and used as shops while larger, more useful exercise yards were built elsewhere. The claim of the frequent visitation that distinguished separate from solitary confinement, he stated, amounted in reality, to only about ten minutes a day. He felt the prisoners should be allowed family visits, letters, and newspapers, all apparently contrary to practices at the time.

Some improvements were made. The shoemakers were given an elevated bench to alleviate their constant stooping. More ample and elevated water from the new Spring Garden Waterworks allowed better cleansing of the pipes, with daily flushing rather than two to three times per week. Better ventilation without a loss of heat was somehow devised. Religious newspapers were permitted.

In the early 1850s other problems and remedies emerged. The failure of the original roofs of Pennsylvania slate on the three older blocks and their deterioration had caused the partial abandonment of two of them; in 1852 they were described as abandoned except for some of the "turbulent insane." Female prisoners were for the first time allowed to exercise in the yards of the old blocks. The shingled roofs of the later blocks, accommodating the great majority of the inmates, were considered a fire hazard, and also needed replacement.

Ventilation became a stronger concern in the early 1850s, especially in view of the nailing shut of some of the operable skylights in order to prevent communication. Wooden cell doors were left open more often. The physician recommended modifying the Pennsylvania system to allow greater degrees of association in small workshops for those in whom isolation tended to produce insanity. A law was passed in 1852 permitting such a temporary relaxation of separation where mental or physical health was in danger. An appropriation the same year was used for new slate roofs on the old blocks, and work continued on renovating block 1, 2, and 3 into the mid-1850s, including expanding some of the cells and improving their lighting and ventilation. In 1855 gas lighting was put into partial use. At this time block 2 was used for punishment, block 3 for chairmaking.

By 1859 evidence of the outside world was becoming more insistent: the buildup of the surrounding neighborhood caused streets to be laid out around the prison, but conforming to the city's grid rather than the prison walls, leaving narrow triangular lots to be purchased. Visits from citizens and strangers, neither family members seeing inmates nor officials on business, had averaged 20 per day over five years. That year the newer blocks held all but 21 of the inmates, but they still had their shingled roofs. Action finally took place on this account in 1860, and the roof of block 4 was slated. Meanwhile the cells were filling up,

with 464 inmates, the largest number ever, most of them in the 472 cells, including individually sealed gallery cells of block 4 through 7. Repairs were by now a constant preoccupation, as many of the buildings finished their third decade.

In May 1861 the library was moved to the second floor of the center, where it would stay for several decades as its 3,000 volumes grew to 10,000. It was in this year that ESP started to install a new system of steam heating, beginning with block 4, block 1, and block 2. Its success led to its more general adoption, requiring new boiler buildings. Block 7 followed in 1862, then block 5 in 1864 and block 6 in 1865. This required a new boiler house, built with funded from a March 1865 appropriation. This completed the conversion of the blocks to steam heating, judged more reliable and economical than the old hot water systems. The old washhouse, destroyed by fire in January 1861, was replaced by a new one, probably the tripartite one between blocks 5 and 6 that survived to the end of the century.

Appropriations were granted in 1863 to improve the water supply and for manufacturing lighting gas. The first of these undertakings was discussed in retrospect in 1886: it involved the expansion of the reservoir between blocks 4 and 5; architects and engineers estimated that it would cost some \$30,000, but inspector Richard Vaux teamed up with overseer (and later warden) Michael J. Cassidy built it years ago for \$9,000. (The 1864 annual report credited a civil engineer of known ability who had died since.) It had a brick inner wall, and a stone outer one, and was bound with iron hoops three feet apart. It more than tripled the reservoir's capacity, bringing it to 250,000 gallons, ten days supply in case of failure of the city-supplied water from the Spring Garden waterworks. It also involved the near total reconstruction of the adjoining bakehouse and kitchen.

Brick buildings replaced the former frame structures at the ends of blocks 1 and 2, and a fireproof addition was built at the end of block 3. It was meant for the storage of paint, varnish, and other flammable substances, presumably associated with the chairmaking shop in that block. If very nearly full, the penitentiary had achieved a nearly total replacement of all its service systems and rehabilitation was performed on structures nearly abandoned.

In 1866 the penitentiary reported a truly remarkable number of visitors, 75,785 for the previous year; if credible, this figure would have meant an average of more than 200 a day, and the wording suggests these were not visitors to inmates or state officials and religious figures or even members of the prison society, though all might be included. Most appear to have been visitors to Philadelphia. Guidebooks to the city suggest the mechanism for this: one from 1852<sup>170</sup> reported that "tickets of admission can be had on application to any of the Inspectors. For the accommodation of strangers, we will state that MR. VAUX's office is in Sixth below Chestnut Street. This gentleman takes pleasure in giving any information in his power respecting this truly noble Institution, which, we assure the reader, is well worthy of a visit." One from 1875<sup>171</sup>, published in anticipation of the Centennial Exposition, explained that "tickets of admission are necessary, which can be procured from any Inspector, or at the Public Ledger office, Sixth and Chestnut streets."

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<sup>170</sup>R. A. Smith, *Philadelphia As It Is in 1852* (Phila., 1852), p. 385.

<sup>171</sup>Thompson Westcott, *Official Guide Book to Philadelphia* (Phila., 1875), p. 112.

## 5. Initial Building Systems, 1822-36, and Changes, 1837-65

### 5a. Overview

David G. Cornelius

The development of new building technology in the late eighteenth and early nineteenth centuries was encouraged by the need to serve new building types which were evolving at the same time, as well as more complex buildings serving larger and more specialized populations. The Pennsylvania System dictated the necessity of the self-contained cell, an abstraction realized, by architectural design and technology, through innumerable specific problem solutions. The most challenging design constraint deriving from the separate system was the need to minimize the prisoner's contact with other people, which encouraged the development and application of mechanical servants to replace human ones. In this respect the builders of Eastern State Penitentiary fully participated in international architectural trends associated with the restructuring of increasingly institutionalized and industrialized societies. The systems most critically affected, and of the greatest interest for the present analysis, were plumbing (sanitary and water supply), heating and ventilation.

The Pennsylvania System could be realized at Cherry Hill because the Penitentiary was conceived at the precise moment when the building systems necessary to make it possible were being invented and developed. To what degree this is coincidence, and to what degree serving the needs of the Penitentiary contributed to these developments, is a question which has been raised before, will be asked again in the present analysis, and which, not being fully answered, can serve as the basis of much valuable future inquiry. In the Penitentiary's historic fabric, if anywhere, many of the answers would be found, rendering its preservation, or at least its exhaustive recordation, of great import to the history of architecture and technology. That some of the critical building systems present at Eastern State Penitentiary were developed simultaneously or slightly earlier at the New Jersey State Penitentiary enhances rather than diminishes the value of the physical testament of the former, in view of the loss within recent times of the latter.

Haviland's remarkable response to shortcomings in the local building community was to develop standardized elements for offsite fabrication, using materials, particularly cast iron, not typically associated to date with construction,<sup>172</sup> for unprecedented components, such as gallery brackets and balusters, skylights, water closets, environmental controls and security hardware.<sup>173</sup> Whether or not he was aware of it, Haviland benefited from one exemplary regional tradition, that of cast iron stoveplates,<sup>174</sup> wherein iron was used in small-scale industrial settings for the manufacture of one category of widely-marketed architectural components. The premises thereby pursued were not totally dissimilar to

<sup>172</sup>Richard Vaux, *Brief Sketch of the Origin and History of the State Penitentiary for the Eastern District of Pennsylvania, at Philadelphia* (Philadelphia, 1872), 71, 73, for April 10, 1826 [Chronological Notes].

<sup>173</sup>Possibly the "mahogany for patterns," purchased from the great cabinetmaker Michael Bouvier in 1831, was for some of these castings. Monthly Minutes, Board of Inspectors (Pennsylvania State Archives, Harrisburg), 3 Sept 1831 [Chronological Notes].

<sup>174</sup>Henry C. Mercer *The Bible in Iron*, 3d ed. (Doylestown, Pa., 1961).

breakthroughs in technology transfer effected in the following generation by such individuals as Joseph Paxton, I. K. Brunel and Peter Cooper, and to the philosophies of building industrialization formulated by Jean Prouve and others in the mid-twentieth century. No contemporary American architect is known to have explored a comparable range of applications for cast iron; for equally innovative architectural use of this material, one need look to Berlin, Paris or Liverpool.

As Haviland's first constructed prison and as an unprecedented building in several respects, Cherry Hill was subjected to severe testing through its initial occupancy, inducing major changes in its architectural design and systems technology in the course of its completion. Some of these changes--such as the hot water heating system--were perceived of by the architect and owner as improvements, others--such as the two-story cellblocks--as unfortunate compromises militating against the realization of the separate program.

In the course of the penitentiary's first three decades of operation, the efficacy of several of Haviland's innovations were tested with some, such as the hot water heating system, ultimately being found wanting, especially with the development--outside of the walls--of more successful alternative technology. Written comments about the constructed facilities, however, paralleled those about the Pennsylvania System they supported: general approbation from its sponsors, tempered by dissent and observations of real deficiencies, deficiencies which in part compromised the achievement of the generating vision and in part derived from its too-successful realization.

With respect to utilities and services, the early institution was itself largely self-contained and self-sufficient, due to the limitations of the public infrastructure as much as its programmatic separation from the outside community. During its subsequent history this independence was progressively eroded, due in varying degrees to the engulfing of Cherry Hill within the growing city, the expansion of the municipality's role in serving its population, and--as the new century approached--the eventual fading of the Pennsylvania System.

## 5b. Structure and Envelope

David G. Cornelius

The structure of the Eastern State Penitentiary as originally designed and constructed by Haviland is probably--with the exception of one atypical assembly to be discussed below--the least extraordinary building system in the complex. If not leadingly innovative, however, the structural system does represent much of the accepted state of the art of its time and place, conscientiously realized, and successfully fulfills the requirements of its architect to provide a controlled site and to address issues of security, fire safety and permanence.

The development of the Cherry Hill site was a monumental structural undertaking in its own right. Existing grades suggest that the penitentiary site originally dropped fifteen to sixteen feet downhill, north to south, from the present Brown Street to Fairmount Avenue. During the construction of the prison a platform, corresponding to the entire area of the enclosure and level to within one foot, was created by excavating the northern edge of the site and extensively filling southwards. In consequence, much of the penitentiary wall serves as a gravity retaining wall, with as much as feet of unbalanced earth within the wall at its southeast and southwest corners.<sup>175</sup> The extent of this grade differential is not apparent to most visitors, nor was it to one hapless 1833 escapee, described by Teeters and Shearer<sup>176</sup> whom, having successfully negotiated the inner face of the great wall with a handmade ladder, was dismayed to discover the ladder to be ten feet short of reaching the ground on the outside face.

The extent of raised fill at the southern edge of the site raises a question regarding the elevation of the building foundations relative to the virgin soil level, a question basically addressed by the lack of any visible distress indicative of differential settlement. The actual building and wall foundations are almost totally concealed, but are presumed to comprise substantial stone base courses. Although no information is known to exist on the founding levels of any of the original building or yard walls, accounts of escape tunnels suggest that some of the cellblock foundations extend some ten feet below grade, which appears to reflect the depth of the site backfill.<sup>177</sup>

An interesting component of the foundation system is visible in the Administration Building, a series of inverted brick arches distributing the loads of piers between window openings (fig. C3.19). Inverted arches were not common in contemporary Philadelphia construction, but occur in another Haviland building, St. Andrew's Church (1822-23; now St. George's Greek Orthodox Cathedral);<sup>178</sup> they have also been recorded in some buildings by Latrobe (Baltimore Cathedral) and Strickland. Haviland, as well as Latrobe, could have become familiar with inverted foundation arches in England, where Sir Robert Taylor had used the device at the Bank of England from 1765 onwards.

<sup>175</sup>“Plan showing city survey measurements...,” June 1936 [Chronological Notes].

<sup>176</sup>Negley K. Teeters and John D. Shearer, *The Prison at Philadelphia: Cherry Hill* (New York: 1957), 182-83.

<sup>177</sup>*Philadelphia Inquirer*, 4 Apr 1945 [Chronological Notes].

<sup>178</sup>Observations by Nicholas L. Gianopoulos, P.E., structural engineer.



Also of structural interest in the Administration Building are its groin vaults, which are used for the room spaces in combination with barrel vaults for the corridors and stairs. The use of groin vaults was promoted in the early nineteenth century as an effective form of fireproof construction; doubtless at Eastern State Penitentiary vaults also had desirable security characteristics. The earliest recorded groin vaults in Philadelphia were in the Bank of Pennsylvania (Latrobe, 1799-1801) and the east and west wings of the old State House, now Independence Hall (Mills, 1812); applications contemporary with the penitentiary are the Second Bank of the United States (Strickland, 1818-24), the U.S. Naval Asylum (Strickland, 1827-33) and Founder's Hall, Girard College (Walter, 1833-47). The relative thinness of the groin vaults relative to their spans (8 inches and 18 to 24 feet respectively) and their good condition despite various ill-considered modifications attests to the high quality of their workmanship and supervision.

The simpler brick barrel vault systems of the cells, and of the corridors of the first three cellblocks and Administration Building, have also performed effectively with little distress. They are directly descended from the vaults employed in Walnut Street Penitentiary for purposes of security and fire safety, which were among the earliest use of above-grade masonry vaults in the city. While primarily intended to be self-supporting, the vaults carry major wall loads in the two-story cellblocks. The soundness of their construction was challenged and confirmed at various times during the nineteenth and early twentieth centuries, when demising walls were removed and replaced by shallow segmental arches spanning from corridor wall to yard wall, with the original vaults remaining in place above; this work is the most conspicuous in cellblock 3, which was modified in this manner in 1900 to accommodate the hospital (figs. D3.11a and b).<sup>179</sup>

The exterior stonework of the penitentiary, although now weathered to a uniform color, actually comprises several distinct stone types, including what has been described as granite in the Administration Building façade and a mixture of various gneisses and schists elsewhere; the last mentioned stone, reportedly came initially from East Falls ("Wissahickon" schist, the archetypal Philadelphia foundation material until the early twentieth century) and subsequently from the Leiper quarry on Crum Creek<sup>180</sup> ("Media" stone, a closely related material, still available). The stonework is set in mud mortar, which has been repointed on numerous occasions. The facing stone is generally massive in scale, especially at critical locations such as lintels (fig. D21.7). There is a wide variety of stonework patterns: highly individual ashlar on the north face of the Administration Building and more regular ashlar on its public face; semi-coursed stonework on most exposed surfaces, and good quality rubble backup where plastered.<sup>181</sup> The transverse yard demising walls were constructed after the longitudinal walls of the cellblocks and outer yard walls; in some locations large openings appear to have been left in the cellblock walls for keying to.

<sup>179</sup>Annual Report 70, Feb. 1900 [Chronological Notes]. In the same cellblock, a reinforced concrete penthouse was superimposed on the existing walls and vaults in 1923 (Annual Report 1924, p.20), with no apparent adverse consequences.

<sup>180</sup>Minutes, Board of Inspectors, 10 January 1832 [Chronological Notes].

<sup>181</sup>In several of the cells, the backup masonry was seen to have semi-regular starting courses for the first few feet with rubble above.

The structural framing of the central observatory, which supported a full story, heavily loaded initially by a reservoir and subsequently as a library, and a tower, clearspanning some thirty six feet, must have comprised some of the more remarkable timber construction of the period. Some indications of its construction were recorded in the drawings prepared when the observatory was reconstructed in 1952<sup>182</sup> and in one inmate's recollections of the mortised and tenoned timber construction, reportedly of oak.<sup>183</sup>

The roofing materials of the penitentiary were originally copper (possibly the metal whose remnants can be seen beneath later asphalt shingles) for the Administration Building and towers, slate for the first three cellblocks and reservoir building, and shingles for the observatory building, connecting corridors, and Cellblocks 4 through 7.<sup>184</sup> The last selection was an economy which caused the Penitentiary considerable subsequent concern about fire risk, especially as the adjoining neighborhood became more densely built up.<sup>185</sup> Also covered with shingles was the coping of the penitentiary wall, a curious detail, not well documented, which might have served both to deter escapees and to protect the wall masonry from the weather.

The most delicate--and historically noteworthy--features of this somber complex are probably the galleries of Cellblocks 4, 5 and 6. The galleries are supported on cast-iron brackets, T-shaped in section, which taper in depth in an elegant expression of their cantilever function (shown by Blouet in Fig. D16.2, detail IV); the brackets are embedded for the full thickness of the walls and are anchored by cotter pins on their outer faces, as can be inspected at the ends of the cellblocks near the Rotunda. The use of the T-section for cast-iron members is advanced for its date; whether the shape reflected positive structural intuition, or merely provided a convenient section for attaching the gallery floor decking to, is information lost.<sup>186</sup> The Aeolic cast-iron balusters, the sole ornamental element in Haviland's interiors, are inventions worthy of Schinkel; the food wagons (of which one or two survive) are inventions of another sort, miniature railroads dating from the very years when the first American railroads were constructed.

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<sup>182</sup>Reconstruction plans for center tower, 1 June 1950, working drawings Jack S. Steele Co., architects and engineers, for Comm of Pa, Department of Properties and Supplies, project no. 881, drawing A-3, revised 29 July 1952 [Chronological Notes].

<sup>183</sup>Interview with "H. B.," former prisoner [Chronological Notes].

<sup>184</sup>Vaux, Brief Sketch, 71, 73 [Chronological Notes for April 10, 1826].

<sup>185</sup>Annual Report 22, 1851 [Chronological Notes].

<sup>186</sup>The earliest structurally rational cast-iron members recorded in Britain, at the Watney's Distillery in Wandsworth, ca. 1830, were primitive I-beams. T-sections in wrought iron were developed, independently from shipbuilding and railroad prototype transfer respectively, in Britain and America in the 1840s. R. J. M. Sutherland, "Pioneer British Contributions to Structural Iron and Concrete: 1770-1855," in *Building Early America* (Radnor, Pa., 1976): 96-118; Charles E. Peterson, "Inventing the I-Beam: Richard Turner, Cooper & Hewitt and Others," *The Association for Preservation Technology Bulletin*, v.12, no.4 (1980): 3-28.

Coincident with the completion of the last cellblocks was the construction of the reservoir and pumphouse.<sup>187</sup> The extent of Haviland's involvement in the design of this facility is not known, although Blouet's illustrations are believed to be based on drawings provided by Haviland, from which some role on his part can be inferred. With regard to both the machinery contained and the structuring of its containment, the reservoir complex must have been an extraordinary accomplishment, very much a product of the first heroic period of Philadelphia engineering which had recently produced the Fairmount Water Works (the shortcomings of which, ironically, created the need for the penitentiary's comparable facility). More could be known about this structure: how, for example, the reservoir was spanned and roofed; and about the disposition of the iron hoops binding the three foot reservoir wall.<sup>188</sup> In 1863 the reservoir was expanded upwards to a height of 24 feet, increasing its capacity to 250,000 gallons.<sup>189</sup> Fragments of the enormous brick tank wall and engine house still remain, incorporated into the early twentieth-century kitchen building.

For most of its institutional history, beginning with its inception, the enclosure of the penitentiary contained various minor timber-framed structures, including workshops and ancillary functions, such as laundries and boiler rooms, attached to the principal buildings. The framed buildings were doubtless perceived of as temporary in nature, and changed and disappeared accordingly.

The condition of the roofs became a serious issue at mid-century. By 1850 deterioration of the slate roofs on the three oldest cellblocks, attributed to inferior quality stone, had led to their partial abandonment; these blocks were reroofed in 1853-54.<sup>190</sup> After frequently expressed concerns about the risk of fire, and several serious fires within the complex, the shingle roofs of Cellblocks 4 through 7 were replaced by slate in 1861.<sup>191</sup>

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<sup>187</sup>Minutes, Board of Inspectors, 31 Dec 1834; Building Committee, Architect's Report, 31 Dec 1834 [Chronological Notes].

<sup>188</sup>Vaux, *Brief Sketch*, 67 [Chronological Notes for 1835].

<sup>189</sup>Annual Reports 34-35, 1863-64; Warden's Daily Journal (Pennsylvania State Archives, Harrisburg), October 31, 1863 [Chronological Notes].

<sup>190</sup>Annual Report 21-25, 1850-55 [Chronological Notes].

<sup>191</sup>Annual Report 30-32, 1859-61 [Chronological Notes].

### 5c. Sanitary Plumbing

David G. Cornelius

As is the case with many other innovations and anomalies in both the correctional program and its manifestations in the built fabric of Eastern State Penitentiary, the prehistory of the plumbing system at Cherry Hill can be found in the accounts of the Walnut Street Prison Penitentiary House (1791). Sellin records that “Each cell...was equipped with a toilet connected with a sewer pipe which could be flushed by the guard with water pumped into a cistern on the roof.”<sup>192</sup>

Two design issues, which will recur at Cherry Hill, are already evident at Walnut Street. The first is the need to provide individual toilet facilities served by running water, in order to eliminate the need for collecting night soil, and with the larger objective of preserving the prisoner’s isolation and confinement; earlier attempts to address this problem, for example in medieval dungeons and in the San Michele Prison in Rome (1704) have been described by Johnston.<sup>193</sup> The second is the degree of control given or denied to the individual prisoner over his or her environment: to regulate ventilation and light, and most fundamentally at both Walnut Street and Cherry Hill, to flush the water closet. The reasons for the jailer’s control over the water closets at Walnut Street are lost, but were probably similar to those which will be seen at Cherry Hill, a combination of security concerns and the limitations of the available technology. Perhaps the issue of control is a projection of present-day attitudes, and would not have been recognized by the typical inmate of the early nineteenth century who had never previously encountered such an amenity.

In a context which is exactly contemporary with, and programmatically very similar to, Cherry Hill, Robert Mills proposed the use of some kind of individual flush toilets, unfortunately deleted for budgetary reasons, at the South Carolina Insane Asylum in Columbia (1821-25); this building has other interesting links to the penitentiary, including a radial plan, careful designation of outdoor space for the use of the inmates, and a Quaker-influenced program.<sup>194</sup>

As is usually the case with most aspects of Haviland’s design, the best documentation of the original sanitary drainage system is to be found in the Demetz and Blouet report.<sup>195</sup> The detail plans and sections (pls. 24, 25, 27, reproduced as figs. D16.1, D16.2 and D21.1) show the conical iron water closets in the corners on the exterior cell wall which, as the text relates, permits observation of any attempt to communicate through the soil

<sup>192</sup>Thorsten Sellin, “Prisons of the Eighteenth Century,” in *Historic Philadelphia: From the Founding Until the Early Nineteenth Century*, Transactions of the American Philosophical Society, vol. 43, part 1 [1953], 329; Negley Teeters, *The Cradle of the Penitentiary* (Philadelphia: 1957).

<sup>193</sup>*The Human Cage: A Brief History of Prison Architecture*, 1973

<sup>194</sup>John M. Bryan, ed., *Robert Mills Architect* (Washington: 1989): 85-88.

<sup>195</sup>M. Demetz and M. G. Abel Blouet, *Rapports...sur les penitenciers des etats-unis*, 1837; Annual Report 8, February 1837 in *Historic Philadelphia: From the Founding Until the Early Nineteenth Century*, Transactions of the American Philosophical Society, vol. 43, part 1 [1953]: 329.

line during flushing; the lid of the low seat is also delineated.<sup>196</sup> The soil line running through the joist cavity below the floor is similarly indicated, but unfortunately the nature of the house sewer's connection to the yard culvert is not; the limited depth of the cavity would allow very little pitch for draining the pipes, considering especially the length of the cellblocks, and reducing the scouring action of the water during flushing which was relied upon to clear the lines.

The French visitors were evidently impressed by the "places of ease," and especially how the water in the hoppers precluded communication and odors. The first virtue must be tempered on the basis of observations by McElwee,<sup>197</sup> who makes cryptic reference to a solution to this problem, and by others as late as 1901<sup>198</sup> of the prisoners' ability to circumvent the system and talk through the pipes, especially during the flushing process; a further distinction should be made between communication through speech and through tapping the pipes using code.<sup>199</sup> The success of the water closets, perceived by Demetz and Blouet, relative to odors must also be qualified: although the water standing in the hoppers doubtless served as an early form of sanitary trap, preventing methane from entering the cells from the sewer (except during the flushing process),<sup>200</sup> the odors of the hoppers themselves would have been unmitigated between the infrequent flushings.<sup>201</sup>

The limitations on water supply, storage capacity and pressure described elsewhere in this chapter initially restricted flushing to two or three times a week; with the availability in 1850 of water from the Spring Garden reservoir, this was increased to daily flushing, which remained the norm until the renovations of 1907-12.<sup>202</sup> More problematical was the means by which the toilets were flushed and refilled; the most significant liability being the lack of a separate water supply line to each fixture. Substantial evidence for this inference begins with Blouet's drawing, which shows no supply line, coupled with his statement that the soil lines were always filled with water; further confirmation is found in contemporary drawings of two water closet systems modeled after Haviland's, by T. U. Walter at the Philadelphia County Prison,<sup>203</sup> and a later one by Michael Cassidy at Eastern State Penitentiary itself (fig. D12.2), discussed in the next chronological section. In the absence of individual flush tanks, the reservoir (initially in the center tower basement, later in its separate building) must have served as a giant flush tank, flooding the toilets, less than satisfactorily, through the soil lines themselves. Although

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<sup>196</sup> For further discussion and later modifications for odor control, refer to Annual Reports 21 and 23, 1850 and 1852 [Chronological Notes].

<sup>197</sup> Vaux, *Brief Sketch*, 60-64 [Chronological Notes for 1835]

<sup>198</sup> Minutes, Board of Inspectors, 5 January. 1901 [Chronological Notes].

<sup>199</sup> N. K. Teeters and J. D. Shearer, *The Prison at Philadelphia: Cherry Hill*, 1957, 72

<sup>200</sup> Minutes, Board of Inspectors, 5 January. 1901 [Chronological Notes].

<sup>201</sup> Annual Report 17, 1846; Annual Report 21, 1850, which notes the use of lime chloride to help control odors; Teeters and Shearer, *The Prison at Philadelphia*, 73, quotes a vivid testimony from the prison physician; Annual Report 50, January. 1880, asserts the lack of odors in the newly completed cells; in 1929 the warden still felt obliged to comment on the absence of odors in the prison, perhaps in response to pervasive memories [Annual Report 1929] [Chronological Notes].

<sup>202</sup> Annual Report 22-24, 1850-52, the first of which observes that even daily flushing was inadequate; Vaux, *Brief Sketch*, 69-70, 1872; Annual Report 70, Feb. 1900 [Chronological Notes].

<sup>203</sup> Tatum, *Penn's Great Town*, Fig. 79

Demetz and Blouet refer to level control (raising the question of whether the monumental labor of leveling the entire site to within one foot was dictated by the need to maintain uniform inverts in the pipes), there would be a difficult and delicate task involved in preventing the water closets from overflowing onto the floors. The nightmarish scenario thereby postulated unfortunately has some historical corroboration in an 1846 physician's report<sup>204</sup> which links the weekly flooding of the cell floors to the incidence of consumption (contrary evidence being an 1845 reference to carpets in the cells).<sup>205</sup> Another consequence of the flushing system, which could only have been addressed by the development of backflow preventers later in the nineteenth century, was the pollution of that portion of the water supply dedicated to flushing the privies;<sup>206</sup> in both the earlier and later configurations of the water system, there were upper and lower level tanks used for drinking and flushing respectively.<sup>207</sup>

An explicit objective of this report, in response to Johnston's statements regarding the historical importance of Haviland's water closets,<sup>208</sup> had been to anchor this development more firmly in its historical context. This intention has unfortunately been frustrated by the nearly total lack of substantive published historical analysis of the development of sanitary plumbing in the United States prior to the Civil War; the situation described differs from that for Great Britain, which has been documented more extensively on both a popular and technical level.<sup>209</sup> With reference to the British context from which Haviland emanated, the Cherry Hill water closets closely resemble in form the Long Hopper Closet, mass-produced in metal and ceramic versions before 1870.<sup>210</sup> Technically, however, Haviland's privies were considerably more primitive than either the Long Hopper or its antecedent, the Valve Closet which was patented by Alexander Cummings in 1775, improved by Joseph Bramah in 1778, and widely available through most of the nineteenth century;<sup>211</sup> the major deficiencies include the absence of a siphon trap (for which the constantly filled soil lines would have substituted, on a less than optimum basis), of a separate line for the cistern trap, and of control over the flushing mechanism (which may have been motivated in part by security concerns). Whether the British devices were either commonly imported to, or emulated in, the United States in the second quarter of the century is unclear; one would especially like to know more about Mill's proposal for the South Carolina Asylum. Nevertheless, the validity of Johnston's observation that Eastern State Penitentiary constituted the first large-scale installation of flush toilets in the United States remains unchallenged pending further research into the histories of building technology and of individual buildings.

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<sup>204</sup>Annual Report 17

<sup>205</sup>Annual Report 16, January.? 1845

<sup>206</sup>Annual Report 4, January 1833 [Chronological Notes]; Teeters and Shearer, *The Prison at Philadelphia*, 72

<sup>207</sup>Minutes, Board of Inspectors, December 31, 1834; Annual Report 34, 1863 [Chronological Notes].

<sup>208</sup>Johnston, "John Haviland", in *Pioneers in Criminology*, 121-23.

<sup>209</sup>An exhaustive search of the dissertation literature, which was not undertaken for the purposes of this Report, might be helpful. For British-oriented plumbing history refer to Lawrence Wright, *Clean and Decent* (London: 1960), with bibliography; H. A. J. Lamb, "Sanitation: An Historical Survey," *The Architects' Journal*, (March 4) 1937.

<sup>210</sup>Wright, *Clean and Decent*, 201-02.

<sup>211</sup>Wright, *Clean and Decent*, 107-08.

Unlike the prisoners in their cells, the occupants of the Administration Building, including the warden and his family, relied until an unknown later date upon simple privies in the corners of the two yards.<sup>212</sup>

The penitentiary as originally designed and constructed relied upon on-site disposal of sewage through brick vaulted “culverts”. Blouet shows the locations of the culverts, which usually bisect the angles between pairs of radiating cellblocks, and the cesspools terminating the culverts at both ends (Fig. A6, key item [h]). The culvert layout is confusing in that the soil lines for the cellblock privies must have run diverging from, not into, the culverts; perhaps the latter also served some role in site drainage. The use of on-site disposal by the penitentiary in its first two decades was not very different than that of the city at large, where the general provision of sanitary sewers lagged behind that of drinking water by some four decades; as noted in 1832 and 1850, the prison’s builders and occupants suffered from the proximity of the city’s poudrette fields (at the present Ridge Avenue and 19th Street).<sup>213</sup> Connection to municipal (Spring Garden District) sewerage was effected in 1853.<sup>214</sup> One consequence of this change was the prisoners’ discovery of the obvious utility of the sewers as an avenue of escape, for which they were exploited at various times including in 1871 and, more successfully, in 1934;<sup>215</sup> it is uncertain whether modifications were made to the sewers after any such incident to render them more secure.

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<sup>212</sup>Demetz and Blouet, plate 23, reproduced as Figure A6.

<sup>213</sup>Minutes, Board of Inspectors, April 4, 1832; Annual Report 21, 1851 [Chronological Notes].

<sup>214</sup>Annual Report 24-25, 1853-4 [Chronological Notes].

<sup>215</sup>Annual Report 43, March 1872; *Philadelphia Inquirer*, December 15, 1934; *Philadelphia Record*, February 15, 1940 [Chronological Notes].

## 5d. Water Supply

David G. Cornelius

Water supply was initially provided to the site in the first stages of construction by seven wells with pumps.<sup>216</sup> Presumably, two of these pumps were those located in the “warden’s garden” (east yard of the administration building) and to the west of the path leading from the main gate to the center building (fig. A6, key item [k]) and still in use in 1837. Indeed, what had been intended as a provisional measure, pending the arrival of municipal water, had an extended life. The supply of water of adequate quality and quantity, which is one of the most fundamental requirements of a habitable construction project, proved an elusive goal for nearly the first century of the penitentiary’s existence; this reflected the very real difficulties faced by nineteenth-century engineers in addressing the most critical public health issue of their time.

The source for municipal water in the Spring Garden District, wherein Cherry Hill Penitentiary was located until the consolidation of the city and county in 1854, was the Fairmount Waterworks on the Schuylkill; the history of the Fairmount Waterworks, which supplanted the earlier Centre Square Waterworks in 1815, is told elsewhere.<sup>217</sup> During the 1825 and 1826 construction seasons,<sup>218</sup> it was intended to lay iron pipes to connect the public water main at the corner of Hunter (now Green) and William (22th) Streets to the penitentiary reservoir, initially located in tanks in the center building; due to monetary problems, this connection was still incomplete as of early 1829 but was apparently addressed with funding authorized shortly thereafter.<sup>219</sup>

A consistent and noteworthy aspect of the Haviland design, of equal programmatic importance to the water toilets, was the provision of individual running water sources to each cell. Demetz and Blouet (key item [I], figs. D16.1, D16.2 and D21.1) show the tap, a few feet above the floor in the cell wall adjoining the corridor. Because the prisoners were provided with wash basins, there was no fixed sink; these minimal provisions survived until the plumbing fixtures were modernized in the early twentieth century, with some cellblocks apparently never receiving sinks. Only cold water was supplied to the cells, a situation which remained unchanged until the 1950s, but one which Haviland was able to improve upon in 1846 at the Berks County Prison, which had hot and cold running water.<sup>220</sup>

Although the original lead water supply piping and copper taps<sup>221</sup> are long-vanished, one physical remnant of the system remains visible in the corridor of cellblock 7, where deteriorating plaster has revealed an original concealed piping chase. The chase had been neatly cut into the stonework of the corridor wall (fig. D21.9), indicating the degree of

<sup>216</sup>Report of the Commissioners, read 12 January. 1824 [Chronological Notes].

<sup>217</sup>Jane Mork Gibson and Robert Wolterstorff, *The Fairmount Waterworks* (Philadelphia: 1988).

<sup>218</sup>Report of the Commissioners, read 3 January. 1826; Vaux, *Brief Sketch*, 71, 73 [Chronological Notes].

<sup>219</sup>Report of the Commissioners, read 14 Feb. 1829; Acts of Assembly, 9, 24 Apr. 1829 [Chronological Notes].

<sup>220</sup>Matthew Eli Baigell, “John Haviland” (Ph.D. diss. University of Pennsylvania, 1965), 283.

<sup>221</sup>As described by Demetz and Blouet. Annual Report 8 [Chronological Notes].



labor and forethought invested in accommodating a utilitarian element. The chase had been closed with salvaged roofing slates, themselves objects of refined if prosaic craft, and then plastered over. The records state that the slate roofs of the cellblocks, installed in 1861, were renewed in 1909; in that and the following year the cellblock plumbing was replaced, at which time the original chase would have been abandoned.<sup>222</sup>

A fundamental deficiency in the water supply system became apparent early in the operation of the Penitentiary: due to the similarity in elevation between the water level at the Fairmount reservoir and the descriptively-named Cherry Hill site, there was insufficient head to deliver the street water to the center reservoir. According to a contemporary account, the Fairmount supply sufficed only for cleansing the toilets, causing its pollution, and requiring the use of a horse-powered pump at one of the wells to supply supplementary potable water.<sup>223</sup> Apparently the water for sanitary flushing was stored in the basement reservoir of the rotunda, with potable water kept in tanks on the second story of the same building.<sup>224</sup> The gravity of this problem, exacerbated by the decision to complete the remaining cellblocks with second stories, elicited an extraordinary response, within a year, in the form of a complex between Cellblocks 4 and 5 comprising an extensive (30 to 35' diameter, 25' deep, excavated cistern (key item [V], Fig. A6), an elevated circular masonry reservoir enclosed within a masonry wall ([S]), a steam engine to drive the pump from the cistern to the reservoir ([U]), and a fulling mill exploiting the available power ([T]).

The Spring Garden District, which had previously been a customer, at premium rates, of the Fairmount Waterworks, established its own waterworks on the Schuylkill in 1845,<sup>225</sup> with its reservoir located between Eastern State Penitentiary and Girard College at Corinthian Avenue and Poplar Street. The new Spring Garden reservoir, at a higher elevation than the old one on Fairmount, benefited the Penitentiary greatly by permitting the previously noted daily flushing of the water closets.<sup>226</sup> In conjunction with the new reservoir turbines were added to the Fairmount Waterworks in 1851;<sup>227</sup> after the consolidation of the Spring Garden District with the city, in 1854, the water systems were merged, enabling the penitentiary to enjoy the benefits of these improvements also. The penitentiary's own reservoir continued in use, however, to supplement the improved but still limited municipal supply, being enlarged with a new boiler and engine, as well as an attached flour mill in 1863.<sup>228</sup>

Almost as soon as a prisoner was admitted to the Penitentiary, the inmate would be bathed in a room for this purpose in the reception building in the northeast corner of the west Administration Building yard. The analogies between physical and moral hygiene,

<sup>222</sup>Report of the Board of Public Charities 40 for 1909 [1910]; Annual Report 81 [1911] for 1910, 7 [Chronological Notes].

<sup>223</sup>Annual Report 4, January. 1833 [Chronological Notes].

<sup>224</sup>Minutes, Board of Inspectors, 5 January 1833 [Chronological Notes].

<sup>225</sup>Tatum, Penn's Great Town, Fig. 86.

<sup>226</sup>Annual Report 22-23, 1851-52 [Chronological Notes].

<sup>227</sup>Gibson and Wolterstorff, *Fairmount Waterworks*, 34.

<sup>228</sup>Annual Report 32, 34, 35, 1861, 1863-64; Acts of Assembly 18, April 14, 1863 [Chronological Notes].

and the imagery of washing off the contamination of the outside world, and possibly of baptism into a new life, conspired to make the prisoner's first bath a symbolic as well as a hygienic activity.

The construction of boilers to provide hot water for "washing" (it being unclear whether this is a reference to laundry or personal bathing) and cooking was among the items left unexecuted in early 1829 due to limited funds.<sup>229</sup> To what degree this problem was addressed for the benefit of the earliest prisoners is not apparent, although Demetz and Blouet show a laundry and drying rooms at the end of cellblock 4 (Fig. A6, key items [f] and [g]) and the kitchen within cellblock 7, both the kitchen and the laundry having been relocated from their intended or original locations in the Administration Building. One possible reason for this relocation could have been the provision of steam power in 1834-35 to serve the reservoir pump, providing a "cogenerative" energy source for those activities. When the engine house and reservoir were enlarged in 1863, the kitchen and bakery were relocated within the complex, again to optimize the available power source.<sup>230</sup>

The steam engine was further exploited in the same spirit, beginning in 1844, to heat water for bathing. The bathrooms, in ten converted cells, are described in detail, including mysterious allusions to airtight cylinders, possibly part of the water heating apparatus.<sup>231</sup> The accommodation of the routines of bathing within the Pennsylvania System are also recorded, including the fifteen minutes granted each prisoner at least every other week and the officer on watch at the door; the same regimen, but now weekly, was still being observed in 1892.<sup>232</sup> The level of comfort provided, if not its frequency, was probably comparable to that found in new city houses of the mid-nineteenth-century upper middle class, with the majority of urban and rural residents subsisting with considerably less. Associated with the bathing facilities was the provision of drying rooms for damp clothes, part of the ongoing campaign of the prison authorities against the dampness prevailing in the Penitentiary and in large measure inherent in its design.

A totally different philosophy of bathing was the employment, in the early decades at Cherry Hill, of cold showers as a means of punishment. Teeters and Shearer offer two evocative and contrary accounts.<sup>233</sup> The first, of a punishment administered in 1831 or 1832, apparently out of doors in the winter, suggests a fairly traumatic experience. The second, an excerpt from the punishment log of Warden George Thompson (1840-45), reported that the recipient, an eleven year-old boy, laughed at the shower, whereupon "The warden made trial of the shower bath himself and found it very agreeable...." The idea of a shower could have been regarded as both radically therapeutic and potentially threatening in the early nineteenth century, whereas by 1850 shower baths were being

<sup>229</sup>Report of the Commissioners 14 February 1829 [Chronological Notes].

<sup>230</sup>Annual Report 35, 1864 [Chronological Notes].

<sup>231</sup>The bathrooms are identified in Annual Report 63, March 1893, as being at one end of Cellblock 4; for their descriptions see Annual Report 16-17, 1845-46 [Chronological Notes].

<sup>232</sup>Annual Report 23, 1852; Annual Report 16; Newspaper account, January 7, 1892

<sup>233</sup>Teeters and Shearer, *The Prison at Philadelphia*, 101; 171

marketed for residential use, suggesting an attitudinal evolution.<sup>234</sup> Regardless of the disparate reactions of those experiencing them, the punitive use of showers was consistent with a broader and darker theme at the Penitentiary, wherein advanced environmental comforts (bathing, ventilation, light, heat) could be by their inversion or denial serve as punishments as well; this theme will be sounded again in the descriptions of the other systems mentioned.

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<sup>234</sup> Wright, *Clean and Decent*, 157-59.

## 5e. Heating

David G. Cornelius

In his brief but fundamental article<sup>235</sup> Robert Brugemann enumerated the three basic approaches to central heating which evolved between the second half of the eighteenth century and about 1830, and which remained standard in Europe and North America until the development of air conditioning a century later. Of considerable interest to the architectural historian is that all three of the methods, hot air, hot water, and steam, were used in succession at Eastern State Penitentiary, with the greatest degree of innovation associated with the use of hot water.

Haviland's originally installation, selected after early consideration of steam and hot air alternatives,<sup>236</sup> employed "furnaces of the passages, for warming the cells"<sup>237</sup> and was subsequently described by Demetz and Blouet. "Cockle" furnaces (brick furnaces for heating air)<sup>238</sup> were located below the cellblocks, apparently at both ends of each block; the products of combustion, which were kept separate from the heated air, were presumably exhausted from the chimneys, near the ends of the cellblocks, which appear somewhat randomly in early views of the complex. Also below the cellblocks, beneath their central corridors, were vaulted passages, divided into dual sections by longitudinal walls, which served to conduct the heated air to the individual cells; distribution to the individual cells was through small flues which terminated behind sliding iron dampers in the base of the cell walls adjoining the corridor. The corridors were heated through floor grates above the furnace, with a similar arrangement for the central observatory.

Brugemann attributed the development in the 1790's of the cockle furnace hot air system to the English engineer William Strutt.<sup>239</sup> Haviland could have known of Strutt's work in England, or through a description of one of his institutional installations, the Derbyshire Infirmary (1806-1810), published in 1819; another description was published in Philadelphia in 1829, probably too late to have consequentially influenced Haviland.<sup>240</sup> In Philadelphia, a central hot air system had been constructed and published by Oliver Evans in 1795;<sup>241</sup> more recently (1818), William Strickland had used stoves connected by pipes to basement cockles in the Bank of the United States.<sup>242</sup> Jacob Perkins, the important inventor who will soon be encountered in a related context, developed a cockle stove system in 1810 and applied it institutionally in the Massachusetts Medical College, Boston, of 1815.<sup>243</sup> A contemporary American institutional hot air system is that of

<sup>235</sup>Robert Brugemann, "Central Heating and Forced Ventilation: Origins and Effects on Architectural Design," *Journal of the Society of Architectural Historians*, 37 (1978): 143-60.

<sup>236</sup>Minutes, Board of Inspectors, June 3, 1823; cited in Baigell, "John Haviland," 238-39.

<sup>237</sup>Vaux, *Brief Sketch*, 71, 73 [Chronological Notes].

<sup>238</sup>For an illustration refer to Brugemann, 146, Fig. 6.

<sup>239</sup>Brugemann, "Central Heating and Forced Ventilation," 144-46.

<sup>240</sup>Charles Sylvester, "On the Best Method of Warming and Ventilating Houses and Other Buildings," *Journal of the Franklin Institute* 7 (1829), 311-15 and 379-82.

<sup>241</sup>Ferguson, 168-69

<sup>242</sup>Agnes Addison Gilchrist, William Strickland, *Architect and Engineer 1788-1854*, 30; Strickland apparently used a similar device again in the Merchant's Exchange (1832-34).

<sup>243</sup>Greville Bathe and Dorothy Bathe, *Jacob Perkins* (Philadelphia: 1943), 52.

Mill's South Carolina Insane Asylum (1821-25), already cited with respect to plumbing.<sup>244</sup>

Installation of the Cherry Hill hot air system was delayed due to budgetary constraints and, possibly, design indecision on Haviland's part, for more than three years after opening, necessitating the purchase and temporary use of small coal stoves.<sup>245</sup> In addition to being long-delayed, the system also proved short-lived due to its several inherent deficiencies: inadequate temperature control, with the cells' disadvantage increasing with their distances from the furnaces; the small cross-sectional area of the flues, limiting the quantity of deliverable warm air; the potential for using the flue system for communication between inmates; and, as recorded by Demetz and Blouet, the near-asphyxiation of twenty inmates, presumably due to products of combustion infiltrating the heated air through leaks.

The Administration Building was initially heated by coal stoves.<sup>246</sup> The controversy attached to Haviland's marble fireplace surrounds, which survived *in situ* until 1953, is recounted by Teeters and Shearer.<sup>247</sup> The fireplaces incidentally would have served as an important device for ventilating the rooms of the Administration Building, supplementing its relatively small windows.

The hot air system of the cellblocks, recorded as being not yet functional in 1833,<sup>248</sup> had been replaced with a hot water system by Blouet and Demetz's 1836 visit and was described by them. The heat sources for the hot water system were furnaces or boilers in wood shed additions at the outer ends of every cellblock (key item [e], Fig. A6); another heater below the central observatory ([I]) perhaps was reused from the hot air system. The cellblock cross-sections (Figs. D16.2 and D21.1, key item [H]) show distinctly the location of the twin heating pipes, along the base of the wall adjoining the corridor, offering no better opportunity of heating the depth of the cell than the earlier hot air flue in the same location.

Ferguson, Brugemann and, most recently, Willmert have written about the development of hot water heating in the first third of the nineteenth century.<sup>249</sup> The most significant development in what had previously been a relatively inefficient approach to heating greenhouses and other minor facilities was the invention by Jacob and Angier March Perkins, American father and son living in England,<sup>250</sup> of a high pressure system,

<sup>244</sup>John M. Bryan, Robert Mills Architect, 85-88.

<sup>245</sup>Vaux, *Brief Sketch*, 71, 73, 10 April 1826; Report of the Commissioners, 14 February 1829; Annual Report 1, January 1830; Annual Report 2, January 1831; Annual Report 3, January 1832; Annual Report 4, January 1833 [Chronological Notes].

<sup>246</sup>Report of the Commissioners, 14 February 1829 [Chronological Notes].

<sup>247</sup>Teeters and Shearer, *The Prison at Philadelphia*, 53.

<sup>248</sup>Annual Report 4, January 1833 [Chronological Notes].

<sup>249</sup>Ferguson, "An Historical Sketch of Central Heating," 168-72; Brugemann, "Central Heating and Forced Ventilation," 148; Todd Willmert, "Heating Methods and Their Impact on Soane's Work: Lincoln's Inn Fields and Dulwich Picture Gallery," *Journal of the Society of Architectural Historians* 52 (March 1993): 28-29.

<sup>250</sup>See Bathe and Bathe, *Jacob Perkins*.

operating at extremely high temperatures and permitting the use of small-diameter piping with low heat losses. The Perkins system was patented in 1831 and was widely distributed within the following decade. The earliest installation in the United States noted by Ferguson was in the New York Custom House in 1841, five years after the completion of the penitentiary;<sup>251</sup> Ferguson was evidently unaware of T. U. Walter's article of the same year,<sup>252</sup> describing the Eastern State Penitentiary as being heated by the Perkins system. The Walter article is of interest for other reasons also, in demonstrating the dissemination of Haviland's technological developments by a key innovator of the next generation.

The precise nature of Haviland's hot water heating at Cherry Hill Penitentiary therefore becomes a matter of great historical interest. The first obvious question, whether the system used hot water or steam, can be answered with confidence in favor of the former. The term "hot water" is consistently used in the official documentation, and the subsequent replacement of Haviland's work with a steam system is treated as a major transformation.<sup>253</sup> The second question is whether Haviland used low or high pressure hot water; again, the documentation is unequivocal. Blouet and Demetz recorded the explosion of one of the water pipes, injuring inmates, which implies water under high pressure; the problem was addressed by the substitution of English cast iron pipes, which were stronger than the local product, and which comments upon the difficulties associated with technological innovation in antebellum America.<sup>254</sup> Furthermore, part of the rationale for abandoning hot water was the extent of rust buildup in the small diameter pipes, again indicative of a high pressure system;<sup>255</sup> Blouet and Demetz record that the iron heating pipes were 0.027m, or one inch, in diameter, the same size used by Perkins in England.<sup>256</sup>

The question which remains is whether Haviland pioneered the use of the Perkins system in America, or--of even greater historical interest--employed an alternative high pressure system devised either by himself or by an unknown third party. It is not known if Haviland, who arrived in Philadelphia in 1816, had occasion to meet Jacob Perkins, who was briefly resident in Philadelphia in 1815-19;<sup>257</sup> such a meeting, even if it had occurred, would have of course predated the development of the heating system. Wolf has suggested that Haviland probably learned of the Perkins system in an 1832 illustrated article describing the new British patent.<sup>258</sup> What is indisputable is that shortly earlier, in December 1831, Haviland wrote to Angier March Perkins, seeking the U.S. distribution rights;<sup>259</sup> that Joseph Nason, a protégé of Perkins, freely exercised these rights after

<sup>251</sup>Ferguson, "An Historical Sketch of Central Heating," 171.

<sup>252</sup> T. U. Walter, "A Description of the Eastern Penitentiary....," *Journal of the Franklin Institute* 3rd ser. 2 (1841): 118-20; cited by Baigell, "John Haviland," 239.

<sup>253</sup>Annual Report 33-37, 1862-66 [Chronological Notes].

<sup>254</sup>Annual Report 8, 1837 [Chronological Notes].

<sup>255</sup>Annual Report 35, 1864 [Chronological Notes].

<sup>256</sup>Willmert, "Heating Methods," 28.

<sup>257</sup>Bathe and Bathe, Jacob Perkins, 59-76.

<sup>258</sup>"Perkin's Apparatus for Heating Air," *Journal of the Franklin Institute* 10 (1832): 45-49.; cited in Gary Wolf, "New Jersey State Prison" (unpublished, 1987), 44-45/

<sup>259</sup>Haviland papers; cited by Baigell

immigrating to America in 1841 suggests that Haviland was unsuccessful.<sup>260</sup> To what degree the system ultimately used by Haviland replicated or differed from that patented by the Perkinses cannot be authoritatively answered on the basis of the known physical evidence and historical documentation; it is not unreasonable, however, to presume that some modifications were made in response to local constraints.

The immediate cause of Haviland's interest in the Perkins system might have been the Philadelphia County Prison, for which he prepared designs, prior to being supplanted by T. U. Walter, in 1831-32,<sup>261</sup> or for his reconstruction of Strickland's Western State Penitentiary (1833-34), the building systems of which are basically unknown.<sup>262</sup> The use of the Perkins system in the New Jersey State Penitentiary in Trenton (1833-36) was definitely being contemplated by Haviland in 1834.<sup>263</sup> The earliest reference found to date on the Perkins system at Cherry Hill is Demetz and Blouet's 1837 report of their visit which, in describing the pipe explosion, indicates that the accident occurred two years previously; that such a significant and costly modification to the complex could have eluded mention or justification in the various records is a curiosity. Given that Trenton was completed in 1836, it can be inferred that the new heating system at Trenton roughly coincided with the retrofit in Philadelphia, and that the Cherry Hill installation might have been in service earlier. Haviland also used the Perkins system in the Essex County Court House, Newark, 1836,<sup>264</sup> and could well have used it in some of his later county jail designs.

The creation of Eastern State Penitentiary can serve to illustrate the global village of the early nineteenth century: wherein an English-born architect could be exposed to principles of prison reform in Russia, taken there by an English social philosopher; wherein that architect, on immigrating to America, could create an architectural paradigm which was emulated throughout the world; and wherein that paradigm was in part realized through technology invented by American expatriates working in England.

The hot water heating at Eastern State Penitentiary continued for some three decades after its installation, which might not honor Haviland's sense of permanence, but which does correspond to the expected lifespan of modern-day mechanical systems. In addition to the replacement English pipes, additional refinements were made in subsequent years. Undescribed modifications were performed in 1838, to enhance temperature control and minimize communication through the pipe openings.<sup>265</sup> Condensation on the walls in the spring and fall transitional seasons--a product of poor ventilation, the inability to modify humidity except through heating, and the 40-50F temperatures probably obtained--led to

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<sup>260</sup>Ferguson 172

<sup>261</sup>Baigell, 254-57

<sup>262</sup>Baigell, "John Haviland," 260-62.

<sup>263</sup>Baigell, 267; See also Wolf, "New Jersey State Penitentiary," 74-77, with interesting commentary on the shortcomings of the system.

<sup>264</sup>Baigell, 276.

<sup>265</sup>Annual Report 10, 1839 [Chronological Notes. The changes included rerouting the pipes, which had previously run continuously through numerous cells, from the corridor to each cell.: G. Owen Rees, "On the Ventilation and Warming of Prisons and Other Buildings," *The Pennsylvania Journal of Prison Discipline and Philanthropy* I (1845): 338-340.

improvements in furnace efficiency and, in conjunction with floor replacement, the apparent extension of the piping further into the cell spaces.<sup>266</sup>

Although further repairs were made to the hot water heating in 1857, the prison authorities proposed in 1861 to replace it entirely with steam heat, which had been established as the conventional means of space heating by that time.<sup>267</sup> Various experimental installations in 1861-62 indicated the perceived superiority of steam relative to temperature control (60-68F in winter, compared to modern day design standards of 68-70F), reliability, and fuel economy.<sup>268</sup> The transition to steam was completed in 1865.<sup>269</sup> Although the work coincided with the reconstruction of the engine house complex, the heating system retained decentralized boilers in the individual cellblocks,<sup>270</sup> rather than exploiting the possibility of making the engine house a central facility.

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<sup>266</sup>Teeters and Shearer, *The Prison at Philadelphia*, 71-72; Annual Report 15-16

<sup>267</sup>Annual Report 29, 1858; Annual Report 33, 1862 [Chronological Notes].

<sup>268</sup>Annual Report 33-34, 1862-63 [Chronological Notes].

<sup>269</sup>Annual Report 35-37, 1864-66 [Chronological Notes].

<sup>270</sup>See for example Annual Report 37, Feb. 1866; Vaux, *Brief Sketch*, 69, for 1869-70, records that Cellblocks 1 and 2 shared a boiler, presumably near their convergence at the Rotunda [Chronological Notes].



## 5f. Ventilation and Daylighting

David G. Cornelius

The fundamental importance of effective ventilation in reformed prison design was enunciated by John Howard himself.<sup>271</sup> At the beginning of the nineteenth century educated opinion still concurred with that of Vitruvius who, eighteen centuries earlier, identified foul gases as being the primary cause of disease.<sup>272</sup> In Philadelphia this concern obtained particular piquancy from the collective memory of the 1793 yellow fever epidemic, with the leadership role of Benjamin Rush in both the epidemic and the Philadelphia Society for Alleviating the Miseries of Public Prisons being characteristically indicative.<sup>273</sup>

The selection of the eponymous Cherry Hill site was largely dictated by the presumed salubrity of its elevation, exposure to prevailing breezes (which proved an ironic liability, before the completion of the penitentiary, when the municipal poudrette fields were located downwind) and distance from the Schuylkill swamps. At the beginning of the twentieth century, the subsequent urbanization and industrialization of the surrounding neighborhood, coupled with the high incidence of respiratory ailments among the inmates, was one of the major factors in the penitentiary's ultimate relocation to rural Graterford.

The provision of effective ventilation was especially critical to the success of the Pennsylvania System in view of the constrained separate lifestyle of the prisoners, who would spend the greatest part of their confinement within a single space. John Haviland attempted to address this issue on three levels: the radial plan of the prison complex, which, especially during the course of the 1821-23 arguments between the adherents of Haviland and Strickland,<sup>274</sup> was represented by the architect as optimizing air circulation; the attachment of individual exercise yards to the cells, for daily outdoor exposure; and the installation of a ventilation system, coordinated with but distinct from the heating system, within the cellblocks.<sup>275</sup>

The cells in Haviland's first three blocks, which were all of one-story height, had three alternate and supplementary sources of fresh air, the skylights; the door to the exercise yard, consisting of solid wood and open metal leaves, the former of which could be opened with security maintained by the latter; and an air vent in the form of a slot below the sill of the yard door. One of Haviland's most distinctive, if not necessarily most successful, inventions, the conical skylight (Fig. D3.9a) or "dead eye"--to use Haviland's picturesque term--probably performed questionably with most of the actual air exchange probably occurring through the yard and corridor doors. More significantly from the

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<sup>271</sup>Baigell, "John Haviland," 216

<sup>272</sup>I,iv.

<sup>273</sup>Johnston, "John Haviland", in *Pioneers in Criminology*, 110.

<sup>274</sup>Baigell, "John Haviland," 225-26.

<sup>275</sup>The state of ventilation knowledge in Haviland's day is well represented by the Sylvester article, previously cited, although the 1829 article might not have had any direct influence on the well-advanced designs for the penitentiary.

occupant's viewpoint, the inmate was apparently intended from the beginning to be able to adjust the skylight for personal comfort (a freedom which was sometimes punitively revoked), whereas the doors were externally controlled for purposes of security. The third device, the air vent below the sill, would be relied upon when the door and skylight were both closed; perhaps the vents originally had operable dampers similar to those on the hot air ducts. The cast iron frames of these openings remain visible in many locations (Fig. D21.8).

Air was exhausted from the cells through cast iron pipes penetrating the corridor walls at the crowns of the vaults, as described by Demetz and Blouet and as still frequently visible (Fig. D21.10), although no longer functional, in the various Haviland cellblocks. By locating the exhaust vent directly above the primary heat source (initially the hot air damper, later the hot water pipes in their original location), Haviland perhaps intended in winter to use convection to draw fresh air through the room; this effect would have tended to have been at the expense of warmth, however, as the heated air would directly short-circuit up the vent without benefiting the space. The Blouet diagram shows the pipe terminating into the cavity above the corridor vault, which could have been the case with the four later blocks, but which would have been more difficult to accomplish in Cellblocks 1, 2 and 3, with their brick vaults. An 1870s photograph (Fig. A12) shows small projections along the roof ridges of the cellblocks, one per pair of flanking cells, which could be interpreted as ridge vents; such vents, which have not survived, could have been the original termination detail mentioned in an 1826 account.<sup>276</sup> The corridors were ventilated by their skylights, which underwent various modifications during the lifetime of the institution, and through the end windows.

On the basis of lessons learned in the first three cellblocks, Haviland proposed modifications to the skylights and fresh air supply vents.<sup>277</sup> The previously circular skylight opening became a rectangular slit, framed in cast iron and pyramidal in form, which was to remain standard for the remainder of the century; like its predecessor, it was operated by means of a pole (Figs. D3.10 and D3.17). Typically the skylight was situated along the crown of the vault and adjoining the yard-end wall; for Cellblock 7, owing to the minimal projection of the first-floor cells beyond those above, the design was modified to a horizontal opening. The supplementary ventilators were intended for retrofitting the existing cells, with the physical evidence of what had been executed differing somewhat from Haviland's recommendations.<sup>278</sup> Typical throughout the Haviland cellblocks are pairs of flanged cast-iron pipe sleeves, now sealed, which flank many of the cell yard doors about a foot above the floor (Fig. D3.16), which appear to have served a ventilation role and which might date either from Haviland's retrofitting or from additional refinements of the ventilation system later in the century. At various locations in the older cellblocks, typically in conjunction with surviving circular skylights, can also be seen infilled circular openings above the yard doors, which are of

<sup>276</sup>Vaux, *Brief Sketch*, 71, 73, for April 10, 1826; 6 Feb 1827 in JSPa 37 (1826-27): 553-59 [Chronological Notes].

<sup>277</sup>Minutes, Board of Inspectors, 29 June 1831 [Chronological Notes].

<sup>278</sup>Minutes, Board of Inspectors, 1 June 1831 [Chronological Notes]. Haviland described a pair of conical devices in an hourglass configuration, to be located near the floor.

about the same diameter as the skylights and suggest that the same cast-iron frame type had been used to form the openings (Fig. D3.9a).

The argued necessity of the individual exercise yards to the health of the inmates was severely tested by the 1831 decision to construct the last four cellblocks with second stories. The compensatory gesture of offering the second-story inmates an additional cell was short-lived in the face of population pressure. That the high exercise yard walls posed disadvantages of their own, in restricting daylight and air circulation to the adjoining cells, was noted by Demetz and Blouet and other commentators, and might have influenced Haviland to omit exercise yards at the Trenton penitentiary. Individual exercise yards were, however, restored to Haviland's later county prisons, which were typically two stories in height, with the Berks County Prison providing designated individual yards for the second story inmates.<sup>279</sup>

Further design modifications were introduced by Haviland to provide the second story cells with a supplementary fresh air supply, in lieu of the yard doors with their sill vents. The fresh air intakes were rectangular openings at the outside and top of the exercise yard walls, connecting to runs of cast iron ducts atop the yard demising walls, one of which in turn entered each of the cells to discharge from some sort of rectangular corner floor register.<sup>280</sup> The sources of our knowledge of this system are, in addition to the Demetz and Blouet drawings, an 1870s photograph (fig. A12) which distinctly shows the fresh air intakes on the exercise yard walls. The physical evidence of the ducts was mostly lost when the exercise yards were roofed over.

The failure of the ventilation system of the Cherry Hill Penitentiary cells constituted an ongoing source of discomfort and ill health for its users, and is of considerable interest to contemporary historians of technology (these attributes not being entirely equivalent morally). The great misfortune of the penitentiary was to be constructed late enough to exhibit an sensitivity to ventilation as a critical design issue for large institutional buildings, but too early to benefit from the rationalization of ventilation design principles achieved in the following decades by David Barlow Reid in Britain and Lewis W. Leeds in America.<sup>281</sup> A pained awareness of this failure informs various documents of the early decades of the prison's operation.<sup>282</sup>

An 1846 Annual Report contains a passage of particular value for its rare citation of engineering quantities.<sup>283</sup> Eastern State Penitentiary is therein compared unfavorably to Pentonville, where the cells obtain fresh air supplies of 30 to 45 cubic feet per minute.<sup>284</sup>

<sup>279</sup>Baigell, "John Haviland," 390.

<sup>280</sup>The existence of a floor register is inferred from Demetz and Blouet Plates 24 and 25, which show the supply [key item {F} in Figure D16.1] in plan but not in elevation.

<sup>281</sup>For one of the few writings contemporary to the construction of the penitentiary, see the Sylvester article cited above. For Reid see Ferguson, 175-76 and Brugemann, 150-53; for Leeds, Ferguson, 172-74

<sup>282</sup>Annual Report 17, 1846; Annual Report 18, 1847; Annual Report 21, 1850; Annual Report 23, 1852 [Chronological Notes].

<sup>283</sup>Annual Report 17 [Chronological Notes].

<sup>284</sup>For the quality of ventilation theory in Britain in the 1840s, with interesting comments on Eastern State Penitentiary, see Rees, "On the Ventilation and Warming of Prisons and Other Buildings," already cited.

On the assumption that one prisoner per cell was accommodated at Pentonville, the air changes exceed present-day ventilation requirements of 15 to 25 cubic feet per minute. Brugemann explains how at Pentonville a heat-aided forced ventilation system, with fires in ventilating chimneys at the top of the building, was employed to draw large quantities of air through the building.<sup>285</sup> Essentially the same system was employed by Haviland in his model and executed county jails of the 1840s.<sup>286</sup> In the absence, however, of either such a heat-aided system or else the use of (steam-driven) mechanical fans, then in their infancy,<sup>287</sup> the convection-based system at Eastern State Penitentiary could be expected to deliver only a small percentage of the air quantities under discussion.

The inadequacy of Haviland's ducted air supply was further conceded with the acknowledgment that through-ventilation via the grated cell and yard doors was the most effective means of refreshing the cells (installation; thereby emphasizing the misfortune of second-floor occupants without this recourse.<sup>288</sup> Unspecified modifications to the ventilation system were made in 1851-54. Possibly these took the form of the cast-iron horizontal through-wall slot vents, just above the second floor plane, which can be seen on cellblock 4 and in other scattered locations.

The other role of Haviland's skylights was to provide daylight to spaces within one of the first large buildings in the United States to be primarily lit from above. The concept of top lighting fascinated architects of the period, most notably Soane at the Bank of England (where the system was, as in the Penitentiary, dictated by security requirements) and at the Dulwich Picture Gallery. At Cherry Hill, the limitations of the available glazing technology were severe: the few previous American buildings with significant toplit spaces, such as Latrobe's Bank of Pennsylvania in Philadelphia (1798-1801), had typically relied upon clerestory monitors, as indeed had Soane in his skylights at the Bank. The first (or, at least, oldest surviving) significant skylit interior in the United States was exactly contemporary to the Penitentiary: the Providence Arcade, 1828, by Russell Warren and James Bucklin, an elegant and sophisticated antithesis to the cellblock interiors whose utterly different program renders the comparison unfair.<sup>289</sup>

Haviland's challenges in common with those of Warren and Bucklin were to provide nearly flat glazed surfaces that would be weathertight and resistant to decay; his unique mandates were that they also be operable for ventilation, secure, and capable of production off-site in large numbers. The use of masonry barrel vaults for the cells and for the first three cellblocks' corridors further complicated the design issues; whereas the

<sup>285</sup> 158-59 and Fig. 27

<sup>286</sup> Baigell, "John Haviland," 281-82.

<sup>287</sup> According to Brugemann, 152, the first consistent and successful use of fans was at St. George's Hall, Liverpool, 1841-54; a forerunner of this installation, of relevance to the present study, was at Dance's Newgate Prison, 1770-78, 150.

<sup>288</sup> Annual Reports 22-23, 1852-53 [Chronological Notes].. The latter source compares the ventilation of the cells unfavorably to the "vacuum, or mixed system at Blockley." The reference is almost certainly to Strickland's New Almshouse (1830-34); unfortunately almost nothing is known about the building systems of this institution: Gilchrist, *William Strickland*, 9 and d 30.

<sup>289</sup> By coincidence or design, the cross-section of the Arcade, with its setback galleries, is reflected in Cellblock 7, the last block which Haviland built at the Penitentiary.

initial circular “dead eyes” with their conical iron frames had minimal structural impact, the later rectangular skylights, by eliminating several feet of keystone bricks, seriously compromised the arching action of the vaults. In compensation, the pyramidal iron frames were required to perform as significant structural elements. Little is known of the performance of the original skylight glazing, or of its operable hardware; none of the original units are known to have survived subsequent modifications and vandalism.

### 5g. Artificial Lighting

David G. Cornelius

Despite improvements in skylight design for Haviland's later cellblocks, wherein rectangular lights replaced conical ones,<sup>290</sup> the amount and quality of daylight provided within the cells and corridors was inevitably restricted. Artificial lighting of some sort was heavily relied upon from the beginning, for nocturnal work and reading. Demetz and Blouet, after complementing the good quality of natural light, describe the use of black iron oil lamps and, among their building sections, show a miniature elevation of one such lamp (Fig. D21.1, detail [V]).

Gas lighting was instituted in 1855 (Annual Report 26, 1855), and its use was actively expanded thereafter.<sup>291</sup> For a few years the Penitentiary officials entertained hopes of constructing their own gas works on the premises.<sup>292</sup>

Although most evidence of the gas lighting system were erased when the conversion to electricity was made, a few remnants can be seen, including pipe penetrations above numerous cell doors and a nearly intact run of piping and fixture coupling in the corridor of Cellblock 1 (Fig. D3.18)

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<sup>290</sup> Annual Report 4, 1833 [Chronological Notes].

<sup>291</sup> Annual Report 27, 1856; Annual Report 31, 1860; Annual Report 32; 1861; Acts of Assembly 108, 1871; Annual Report 43, 1872 [Chronological Notes].

<sup>292</sup> Annual Report 33, 1862; Annual Report 34, 1863; Acts of Assembly 18, 14 April 1863 [Chronological Notes].

## 5h. Architectural and Security Hardware

David G. Cornelius

The security hardware of Eastern State Penitentiary, which can only be lightly touched upon in a general work of this nature, merits a major study in its own right. The work in question ranges from the monumental cast iron portcullis and window gratings of the Administration Building façade to the original feeding doors, some of which survive in Cellblock 3 (Fig. D12.12). The cell doors themselves were modified or replaced on several occasions; creating a need for present-day historians to inventory and categorize the surviving fabric. Some of Haviland's designs, such as for the doorways for the end doors of the cellblocks (Fig. D3.19), not only survive in their original form, but were emulated by the penitentiary's later builders well into this century.

## 7. Prisoners' Presence and Perspectives (1829-1865)

### 6a. Introduction

Leslie C. Patrick-Stamp

During the early years of Eastern State Penitentiary's operation, the population was small, and the inmates received considerable attention from visitors to the new sensation of penology at Cherry Hill. Unfortunately, the number of documents that reveal prisoners' perspectives during these years is modest.

The numbers of inmates received at Eastern are only available for 1830 and 1860. Despite the absence of information for 1840 and 1850, information from the extant years does provide the means to observe that the number of inmates received in the penitentiary leaped from 49 to 253 males and 0 to 6 females. In relation to the general population of Pennsylvania, these numbers were quite small. Although the documents used to determine the size of the population received at Eastern in 1830 did not reveal an individual's race, they did disclose nativity. Upon closer examination, some patterns emerge, revealing a prototype that endured throughout Eastern's history. First, in 1830, most male inmates sentenced to the penitentiary were between the ages of 20 and 29 (43.8%). Second, the vast majority of inmates sentenced to prison were there for the first time. Finally, with respect to nativity, people born outside of the United States constituted a part of Eastern's population from nearly the beginning; the largest number having been born in Ireland (6). Only three countries--Ireland, England, and France--were represented among the inmate population received at Eastern in 1830.

Some patterns that occurred during 1830, however, were peculiar to that year. It was only in 1830 that inmates from states other than Pennsylvania represented the largest group of men sentenced to the prison. In subsequent years, men and women born in Pennsylvania would be the largest segment of the population sentenced to Eastern State. Also in 1830, most male inmates were sentenced to the penitentiary for crimes against persons and property. Such offenses included those that involved assault upon an individual while simultaneously attempting to burglarize or rob. Other possible categories of offenses were against property only (37.5%) or against persons only (20.8%).

By 1860, the demographic composition of Eastern State Penitentiary changed considerably, although the previously mentioned patterns continued. Women could be counted, a total of six received, among those inmates sentenced to Eastern State. Also, the race of the inmate was recorded, disclosing a significantly disproportionate percentage of African American men (15.5%) and women (16.7%).<sup>293</sup> These percentages surpassed considerably the 1.9% of the Pennsylvania population that was of African descent. In addition to an individual's race, an inmate's nativity also received attention of the clerk recording information upon arrival of the prisoner. Inmates who had been born outside of the United States included people from Germany, who constituted the

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<sup>293</sup> Percentages are based on the gender group, not the entire population.



largest foreign-born group (27), followed by people born in Ireland (24). Fourteen countries were represented by people sentenced to Eastern State penitentiary in 1860.

Although Eastern State Penitentiary was not the first state prison, it attracted the attention of visitors as though it were. Hence during this period, the interest in Eastern's inmates was captured by visitors to the prison. Excerpts from interviews with prisoners from two of the most renowned visits to Eastern between its opening and 1865, those by Beaumont and Tocqueville as well as those of Charles Dickens, are the two primary sources of information for this selection. Observations of other visitors, all of whom were European, who recorded inmates' viewpoints are also included.

Although most inmates were probably without formal educations and lacking literary skills, at least one inmate authored a book of poetry. George Ryno's (alias Henry Hawser), *Of Buds and Flowers* contains a socially instructive verse that is excerpted in this section. Other evidence of prisoners' perspectives, in the form of correspondence to and from prisoners as well as between them, discloses some aspects of the relationships sought between individuals whose lives were confined by imprisonment. The file of correspondence to and from prisoners (1845), however, hopes to show that some inmates not only valued their relationships with the world outside of prison, but that they and others valued and believed in their rights.

Taken together, these few shreds of inmates' presence and perspectives reveal that the first thirty-five years of Eastern State Penitentiary witnessed the slow but steady growth of an increasingly diverse population. Despite this heterogeneity, subsequent sources inform us that the prison was racially segregated. Moreover, the only reference to women's presence in the prison was by Warden Wood, who wrote of their inhabiting "the women's corner." This is a preliminary effort to recover and conceptualize neglected and lost sources. Much more information about prisoners' histories during this period needs to be discovered: what had their lives been like before prison, what was the regimen from their point of view once inside Eastern, and what was life like once they left prison. If nothing else, however, what has been uncovered, as Amy Rogers observed to Beaumont and Tocqueville, "It makes one think."

## 6b. 1829 Prison Sentence Docket

Leslie C. Patrick-Stamp

Eastern State Penitentiary's first inmate, an African American man named Charles Williams, received a guilty sentence for committing a burglary in Delaware County. He received a sentence of two years from the Court of Oyer and Terminer. Williams had been born in Harrisburg eighteen years earlier. He informed the authorities that he had been a farmer prior to his conviction for burglary. The clerk dutifully noted Williams' complexion, the color of his eyes and hair, any distinguishing marks, his stature, and the length of his feet. Interest in these aspects of Williams' physical attributes anticipated the late nineteenth century photographs that improved upon this ability to identify a prisoner.

Williams has received attention both in books and on film as the first of the nine prisoners sentenced to Eastern in its first year of operation, 1829. Reproduced here (fig. G3.1), but not transcribed, is the record of those first nine men who were sentenced to Eastern State Penitentiary. For each inmate entering Eastern State, the clerk recorded the same type of information as that taken from Williams, assigned him a number and "[h]e was then given a uniform and a hood [which] was drawn down over his eyes and was conducted to his cell."<sup>294</sup> This document is for most of the men and women imprisoned at Cherry Hill the only indication of their existence.

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<sup>294</sup>Negley K. Teeters and John D. Shearer, *The Prison at Philadelphia, Cherry Hill--The Separate System of Penal Discipline: 1829-1913* (New York, 1957), p. 75 quoting *McElwee's Report*.

## 6c. Nineteenth-Century Interviews

Leslie C. Patrick-Stamp

Barriers to inmates' communication with the outside world have been and continue to be one of the most effective methods for ensuring the continuity of ignorance about all aspects of the penitentiary. The exclusion of prisoners' views have persisted and become entrenched in peoples' minds as legitimate.

Interviews of inmates must be contextualized, for these interviews exhibit different characteristics and interests depending on when they were conducted and by whom. During Eastern State Penitentiary's first twenty years, visitors from the United States and abroad made Cherry Hill one of the regular stops on their tours of Philadelphia. European visitors, however, were the only ones who recorded inmates' perceptions. Another aspect of this context is the debate between the Pennsylvania and Auburn systems. Depending on which system a visitor believed to be the best method of penal reform, he or she would view Eastern State Penitentiary and its inmates accordingly.<sup>295</sup>

From its inception, however, Eastern State inmates were allowed visitors. The act which established Eastern State as a penitentiary also authorized not only certain officials of the state, but also the "Acting Committee of the Philadelphia Society for Alleviating the Miseries of Public Prisons" to visit inmates.<sup>296</sup>

The earliest account which includes prisoners' perspectives on their incarceration continues to be accepted as the most credible. Beaumont and Tocqueville's *On the Penitentiary System in the United States*, the book resulting from their 1831 visit to this country's penal institutions contains translated, verbatim interviews that occurred between the authors and the inmates.

Religious beliefs occupied a central place in both authorities' and prisoners' ideas about incarceration at Eastern State Penitentiary, and in some respects both groups exhibited similar characteristics. Authorities intended that solitude should produce a penitent individual. Interviewed prisoners confirmed that the solitude of separate confinement had an affect on them, one however based on dread. Work and religion kept them "sane."

At least one prisoner interviewed by Tocqueville and Beaumont had been at Walnut Street Prison before confinement at Eastern State Penitentiary. He explained in vivid

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<sup>295</sup>Visitors sympathetic to the Pennsylvania system included: Gustav de Beaumont & de Tocqueville, *On the Penitentiary System in the United States, and its Application in France: With An Appendix on Penal Colonies, and Also Statistical Notes*, trans. Francis Lieber (Philadelphia: Carey, Lea and Blanchard, 1833; Chicago: Library Resources, 1970, text-fiche); William Crawford, *Report of William Crawford, Esq., On The Penitentiaries of the United States, Addressed to His Majesty's Principal Secretary of State for the Home Department* (London: 1835); Dr. Nicolaus Heinrich Julius (1834), Frederic A. Demetz & Guillaume Blouet. Unsympathetic visitors included: Louis Dwight, *Report of the Boston Prison Discipline Society* (Boston: 1827, 1828, 1835, 1836, 1839, 1842, 1849, 1850) [cf. Teeters & Shearer, p. 207, n. 3-10]

<sup>296</sup>Teeters and Shearer, pp. 30-31.

detail the circumstances leading to his arrests and imprisonment at both institutions, as well as the differences between the two:

I was fourteen or fifteen years old when I arrived in Philadelphia. I am the son of a poor farmer in the west, and I came in search of employment. I had no acquaintance, and found no work; and the first night I was obliged to lie down on the deck of a vessel, having no other place of rest. Here I was discovered the next morning; the constable arrested me, and the mayor sentenced me to one month's imprisonment as a vagrant. Confounded during my short imprisonment with a number of malefactors of all ages, I lost the honest principles which my father had given me; and on leaving the prison, one of my first acts was to join several young delinquents of my own age, and to assist them in various thefts. I was arrested, tried, and acquitted. Now I thought myself safe from justice, and, confident in my skill, I committed other offences, which brought me again before the court. I was sentenced to an imprisonment of nine years in Walnut street prison.

Ques. Did not this punishment produce in you a feeling of the necessity of correcting yourself?

Ans. Yes Sir; yet the Walnut street prison has never produced in me any regret at my criminal actions. I confess that I never could repent them there, or that I ever had the idea of doing it during my stay in that place. But I soon remarked that the same persons reappeared there, and that, however great the finesse, or strength of courage of the thieves was they always ended by being taken; this made me think seriously of my life, and I firmly resolved to quit for ever so dangerous a way of living, as soon as I should leave the prison. This resolution taken, I conducted myself better, and after seven years' imprisonment, I was pardoned. I had learnt tayloring in prison, and I soon found a favourable employment. I married, and began to gain easily my sustenance; but Philadelphia was full of people who had known me in prison; I always feared being betrayed by them. One day, indeed, two of my former fellow prisoners came into my master's shop and asked to speak to me; I at first feigned not to know them, but they soon obliged me to confess who I was. They then asked me to lend them a considerable sum; and on my refusal, they threatened to discover the history of my life to my employer. I now promised to satisfy them, and told them to return the next day. As soon as they had gone, I left the shop also, and embarked immediately with my wife for Baltimore. In this city, I found easy employment, and lived for a long time comfortably enough; when one day my master received a letter from one of the constables in Philadelphia, which informed him that one of his journeymen was a former prisoner of Walnut street. I do not know

what could have induced this man to such a step. I own him my being now here. As soon as my employer had read the letter, he sent me indignantly away. I went to all the other taylor's in Baltimore, but they were informed of what had happened, and refused me. Misery obliged me to seek labour on the rail road, then making between Baltimore and Ohio. Grief and fatigue threw me after some time into a violent fever. My sickness lasted a long time, and my money was at an end. Hardly recovered, I went to Philadelphia, where the fever again attacked me. When I was convalescent, and found myself without resources, without bread for my family; when I thought of all the obstacles which I found in my attempts to gain honestly my livelihood, and of all the unjust persecutions which I suffered, I fell into a state of inexpressible exasperation. I said to myself: Well then! since I am forced to do it, I will become a thief again; and if there is a single dollar left in the United States, and if it were in the pocket of the president, I will have it. I called my wife, ordered her to sell all the clothes which were not indispensably necessary, and to buy with the money a pistol. Provided with this, and when I was yet too feeble to walk without crutches, I went to the environs of the city; I stopped by the first passenger, and forced him to give me his pocket-book. But I was arrested the same evening. I had been followed by the person whom I had robbed, and, my feebleness having obliged me to stop in the neighbourhood, there were not great pains necessary to seize me. I confessed my crime without difficulty, and I was sent here.

Ques. What are your present resolutions for the future?

Ans. I do not feel disposed, I tell you freely, to reproach myself with what I have done, nor to become what is called a good Christian; but I am determined never to steal again, and I see the possibility of succeeding. If I leave in nine years this prison, no one will know me again in this world; no one will have known me in the prison; I shall have made no dangerous acquaintance. I shall be then at liberty to gain my livelihood in peace. This is the great advantage which I find in this penitentiary, and the reason why I prefer a hundred times being here to being sent again to the Walnut street prison, in spite of the severity of the discipline which is kept up in this penitentiary.<sup>297</sup>

When Tocqueville and Beaumont questioned inmates at Eastern State Penitentiary about its *rehabilitative potential*, they generally encountered positive responses from their informants. Many of the inmates they spoke to had served sentences in Eastern State Penitentiary's predecessor, the Jail and Penitentiary House at Walnut Street. For these men and women, Eastern State Penitentiary was not a "den of vice and crime" that Walnut Street had been. Noah Boyer (#22), an African American, had been a farmer

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<sup>297</sup>Beaumont and Tocqueville, pp. 194-96.

before being sentenced to Eastern State Penitentiary for burglary. His sentence to Eastern State Penitentiary in 1830 was the second time he had been convicted. Boyer's first sentence had been in Walnut Street Prison. Boyer told his visitors that in the old prison, "it requires but a few days, for a person not very guilty to become a consummate criminal."<sup>298</sup> Another inmate, #00, had been a physician before imprisonment at Eastern State Penitentiary. This inmate was in charge of the pharmacy and spoke to Tocqueville and Beaumont "of the various systems of imprisonment, with a freedom of thought which is situation makes very extraordinary":

The discipline of this penitentiary appeared to him, taken in its entire operation, mild, and calculated to produce reformation. "For a well educated man, "he says, "it is better to live in absolute solitude than to be thrown together with wretches of all kinds. For all, isolation favours reflection, and is conducive to reformation."<sup>299</sup>

During the 19th century, inmates consistently referred to reading or religious devotion and work as their salvation. One inmate had been at Eastern State Penitentiary only eight days when Tocqueville and Beaumont interviewed him. They came upon #00 "reading the Bible. He seemed calm and almost contented." During the first days of his imprisonment, "solitude seemed insufferable to him. He was neither allowed to read nor to work."<sup>300</sup>

John Wilson, a weaver, received ten years at Eastern State Penitentiary for robbing the U.S. mail in 1830. When this interview was conducted, Evans was serving his fourth time in prison. His three previous sentences had been served at Walnut Street Prison:

No. 50.--Thirty-seven years old; in relapse: paints energetically the vices which prevail in Walnut Street, where he has been imprisoned.

If they had put me here for my first crime, he said, I never should have committed a second; but one always leaves Walnut street worse than he enters it. Nowhere but here, is it possible to reflect.

*Ques.* But the discipline of this penitentiary is very severe?

*Ans.* Yes, Sir; particularly in the beginning. During the first two months, I was near falling into despair. But reading and labour have gradually comforted me.<sup>301</sup>

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<sup>298</sup>Beaumont and Tocqueville, p. 191. Vital Statistics from: Records of the Department of Justice, Eastern State Penitentiary, *Population Records: Descriptive Registers, 1829-57 (#1-3742) (1 vol.), 1858-75 (#s3743-4777) (part)*, RG-15, Roll #400.

<sup>299</sup>Beaumont and Tocqueville, pp. 196-97. The #00 designation is that of the authors'; they did not record some prisoners' numbers.

<sup>300</sup>Beaumont and Tocqueville, p. 196.

<sup>301</sup>Beaumont and Tocqueville, pp. 192-93. Vital Statistics from Records of the Department of Justice, Eastern State Penitentiary, *Population Records: Descriptive Registers, 1829-57 (#1-3742) (1 vol.), 1858-75 (#s3743-4777) (part)*, RG-15, Roll #400.

Not all inmates viewed their separate confinement positively. One prisoner, #69, was in good physical health, "but his mind dejected." He told Tocqueville and Beaumont: "I do not believe...that I ever shall leave this cell alive; solitude is fatal to the human constitution; it will kill me."<sup>302</sup>

Eastern State Penitentiary's cells also attracted interviewers' attention in the beginning and at the end. Unfortunately, only one inmate interviewed by Tocqueville and Beaumont spoke of his cell:

*Ques.* Do you believe your little yard might be dispensed with, without injury to your health?

*Ans.* Yes, by establishing in a cell a continued current of air.<sup>303</sup> Separate confinement, in theory, meant inmates had no contact with anyone except officially designated visitors for the duration of their imprisonment. One nineteenth century inmate's remarks reveal the impact of this isolation:

*Ques.* Do you often see the wardens?

*Ans.* About six times a day.

*Ques.* Is it a consolation to see them?

*Ans.* Yes, sir; it is with joy I see their figures...<sup>304</sup>

*Visitation* assumed different meanings during Eastern State Penitentiary's opening and closing years. During its early years, prisoners were supposed to have no contact with relatives, friends, or news of what the world outside was like. Allowed no visitors except those proscribed by the 1829 law and prohibited from verbal communication with each other, inmates did not evidence knowledge of the external environment. Beaumont and Tocqueville recorded inmates' responses to questions about their families, thus allowing some insight into the deprivations they suffered:

No. 85.--Has been here two months; convicted of theft. Health good, but his mind seems to be very agitated. If you speak of his wife and child he weeps bitterly. In short, the impression produced by the prison, seems very deep.<sup>305</sup>

Another inmate Tocqueville and Beaumont encountered in a similar state had been in the penitentiary three weeks, and appeared "to be plunged in despair:"

<sup>302</sup>Beaumont and Tocqueville, pp. 193-94.

<sup>303</sup>Beaumont and Tocqueville, p. 189.

<sup>304</sup>Beaumont and Tocqueville, p. 188.

<sup>305</sup>Beaumont and Tocqueville, pp. 191-92.

This unfortunate man sobbed when speaking of his wife and children, whom he never hoped to see again. When we entered his cell, we found him weeping and labouring at the same time.<sup>306</sup>

Beaumont and Tocqueville did not explicitly address human contact, but they did find one instance where animals had been emotionally important to prisoner #28: "This summer, a cricket entered my yard; it looked to me like a companion. If a butterfly, or any other animal enters my cell, I never do it any harm."<sup>307</sup> This prisoner, John King, had been convicted of murder and sentenced to serve four years at Eastern State Penitentiary.<sup>308</sup> Tocqueville and Beaumont described him as having denied "strongly having committed the crime, for which he was convicted; confesses to have been a drunkard, turbulent, and irreligious."<sup>309</sup>

During Eastern State Penitentiary's initial years, visitors to the institution expressed a keen interest in interviewing inmates. Excepting Dickens, those who recorded their interviews and impressions expressed some skepticism about the veracity of inmates' stories.

Perhaps the most difficult to prove is that authorities probably selected certain inmates for the authors to interview. Only one of the visitors, G. Combe, describes in detail the process by which certain individuals were chosen for interviews. Of the process by which visitors saw and spoke to inmates, Combe wrote:

In conversing with the prisoners I found them seemingly resigned and cheerful; but place little reliance on appearances presented to a casual visitor of a prison, especially when he is accompanied by an officer. He will be shown only the best cases, while the convicts will be agreeably excited by his visit and feel little disposition to complain to one who has no power to relieve them, and in the presence of a person whose displeasure they dread, and against whom every complaint would be an accusation. At the same time justice requires me to state, that Mr. Wood offered to introduce us to any cells we chose to point out; and gave me the conviction that he had no secrets to conceal.<sup>310</sup>

Without fail, each of the European visitors recognized the divided racial character of American society. Although they did not necessarily make an explicit connection between slavery and penal servitude, these visitors examined and questioned institutions which kept people in one form of bondage or another.

<sup>306</sup> Beaumont and Tocqueville, p. 198.

<sup>307</sup> Beaumont and Tocqueville, p. 188 (#28).

<sup>308</sup> Vital Statistics fr. Records of the Department of Justice, Eastern State Penitentiary, *Population Records: Descriptive Registers, 1829-57 (#1-3742) (1 vol.), 1858-75 (#s3743-4777) (part)*, RG-15, Roll #400.

<sup>309</sup> Beaumont and Tocqueville, p. 187.

<sup>310</sup> G. Combe, *Notes on the United States of North America, during a Phrenological Visit in 1838-9-40* (Philadelphia: Carey and Hart, 1841; Chicago: Library Resources, 1970, text-fiche), p. 223.



In 1834 William Crawford, appointed by Britain's Home Department to investigate the feasibility of the American models of imprisonment, visited Eastern State Penitentiary. As a result of his observations, Crawford submitted a report that was generally favorable to the Pennsylvania System.

Crawford also interviewed inmates; one related a tale of misfortune similar to the one delivered by Tocqueville and Beaumont's informant. Crawford was fully aware of the sentiments against solitary confinement, and directed his questions to "the effects which it had produced upon the health, mind, and character of the convict."<sup>311</sup> The inmate interviewed by Crawford had been incarcerated previously at Walnut Street for another offense. He had been pardoned and released, but soon found himself in Eastern State Penitentiary:

I intended to behave well, and I went for that purpose into the State of Ohio where I hoped that my former character would be unknown and I might set out anew in life. I got employment and was doing well, when unfortunately I one day met a man who had been a convict here at the same time as myself. I passed him feigning not to know him: he followed me and said, 'I know and will expose you, so you need not expect to shun me. It is folly to set out to be honest. Come with me and drink, and we will talk over old affairs.' I could not escape from him: my spirits sunk in despair, and I went with him. The result you know.<sup>312</sup>

In 1834 Edward Abdy came to the US from England and during his stay in Philadelphia he visited Eastern State Penitentiary. Abdy recorded his impressions of inmates at Eastern State Penitentiary, especially his observations of and conversations with black prisoners:

I conversed alone with eight of the colored prisoners. The greater part had fallen into crime through want and ignorance. Two of them had taken no more than was necessary to satisfy the exigencies of the moment. One had been convicted of receiving goods, knowing them to have been stolen. His account was, that he had been requested by some strangers, to assist in carrying a bundle. He owned he had committed petty depredations occasionally; so that he was condemned, in all probability, in consequence of his bad character. He seemed fully aware of this, and promised, without any canting professions, to amend his life. He was a mere boy, deprived of parental care--his mother being dead, and his father at a distance. Another had been sentenced to eight years' imprisonment for an offence, which any unprincipled woman might fasten on any man. He declared his innocence, and ascribed his misfortune to a spirit of revenge in his

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<sup>311</sup>Crawford, p. 11.

<sup>312</sup>Crawford, pp. 12-13.

master's wife, whose bad character he had exposed. If it was true, as he asserted, that his master owed him 150 dollars for work, a better reason might be found for the charge. It is hardly probable, however, that the jury would come, unbiassed by prejudice, to the examination of a question, involving considerations peculiarly odious to their feelings. Mr. Wood [the Warden], who had known him from a boy, spoke very favorably of his character. One young man had been committed for cutting and stabbing, when detected in an attempt to steal. He seemed an old offender, and a bad subject. One, an elderly man, had passed a considerable part of his life in different gaols. He had, however, had "a call," and was sure he should be preserved in future from temptation. Though he stuttered very much, he had made up his mind to turn preacher, on his discharge. He seemed to think the Lord would open his mouth. Whatever the amount of his own faith might be, the keepers had but little in his sincerity. Another of these convicts, who had been a slave, declared that he had been so much insulted in the North, that he would rather return to his former condition, than again undergo so many mortifications. Another was a runaway slave, who had stolen a suit of clothes in the depth of winter, to supply the place of the wornout garments he had on at the time.

Such is the history of these cases, as they presented themselves indiscriminately to my inquiries. Most of them were, I believe, as they were narrated. One or two, the keeper, to whom I repeated what had been told me, declared to be falsely stated. In general, however, there was an air of candor and sincerity about the men, that could not well have been assumed. At least it was unaccompanied with canting or professions. One of them corrected me when I said to him--"This, then, is your second offence." "No, Sir!" was his reply--"it is my third." The keepers spoke well of them. The colored prisoners, he told me, were generally quiet and well-behaved. From what I saw on this occasion, I am led to believe that want of work, ignorance, and the difficulty of finding unprejudiced witnesses and juries, are the chief causes that have led so many of this unfortunate race to the prisons and penitentiaries of this country. I would not draw a hasty or sweeping conclusion from the few isolated facts thus brought under my notice: but I would submit it to the consideration of any candid man, whether it is just to ascribe any given circumstance to a physical peculiarity, when the common motives that actuate human beings are sufficient to account for it.<sup>313</sup>

In 1838 Harriet Martineau, visiting from England, published *Retrospect of Western Travel* in which she recorded some of her observations and encounters with the men at

<sup>313</sup>E[dward]. S. Abdy, *Journal of a Residence and Tour in the United States of North America, From April 1833, to October, 1834*, Three vols. (London: John Murry, 1835), pp. 149-51. Courtesy: Library Company of Philadelphia.

Eastern State Penitentiary. Martineau may have been the first woman allowed to visit and interview inmates at Cherry Hill. The Board of Inspectors, moreover, granted her permission to visit the inmates without being accompanied by the Eastern State Penitentiary turnkey.<sup>314</sup>

Perhaps the most famous and controversial account written during the nineteenth century is Charles Dickens' description of his visit to Eastern State in 1842. Dickens' account of Eastern State's prisoners has been dismissed as hyperbole because he accepted the prisoners' tales of woe presumably without critically assessing the veracity of his sources' information.

There was an English thief, who had been there but a few days out of seven years: a villainous, low-browed, thin-lipped fellow, with a white face; who had as yet no relish for visitors, and who, but for the additional penalty, would have gladly stabbed me with his shoemaker's knife. There was another German who had entered the jail but yesterday, and who started from his bed when we looked in, and pleaded, in his broken English, very hard for work. There was a poet, who after doing two days' work in every four-and-twenty hours, one for himself and one for the prison, wrote verses about ships (he was by trade a mariner), and 'the maddening wine-cup,' and his friends at home. There were very many of them. Some reddened at the sight of visitors, and some turned very pale. Some two or three had prisoner nurses with them, for they were very sick; and one, a fat old negro whose leg had been taken off within the jail, had for his attendant a classical scholar and an accomplished surgeon, himself a prisoner likewise. Sitting upon the stairs, engaged in some slight work, was a pretty coloured boy. 'Is there no refuge for young criminals in Philadelphia, then?' said I. 'Yes, but only for white children.'<sup>315</sup>

All authors, including Dickens, were undoubtedly selective in the information they chose to emphasize, and they fundamentally agreed with the validity of the institution's practices and authority's perspectives. It would seem that including prisoners' perspectives in their works was for the purpose of demonstrating the judiciousness of Eastern State Penitentiary and its ability to reform the offender. Only Dickens differed, and he was severely chastised for doing so, although this censure occurred under the guise of objectivity on the part of his critics.<sup>316</sup> It should be noted, then, that Dickens'

<sup>314</sup>Harriet Martineau, *Retrospect of Western Travel* (London: Saunders and Otley, 1838; Chicago: Library Resources, 1970, text-fiche), p. 129.

<sup>315</sup>Dickens, p. 135. The mariner to whom Dickens refers is George Ryno, whose poem "Our City Not A Paradise" is excerpted elsewhere.

<sup>316</sup>Most evident in Shearer and Teeters, *Cherry Hill*, pp. 113-32. They go to great lengths to show the faults in Dickens' assumptions and conclusions. Yet, they do not acknowledge that Dickens visited the Tombs when in New York, and portrayed a much crueller and harsher system of punishment than he did in his descriptions of the Pennsylvania system. Pennsylvania might be characterized by melancholy; New York by barbarity. Dickens, *American Notes*, pp. 107-111. On the other hand, Pennsylvania system advocates may have been highly disturbed by Dickens' portrayal of Boston's prison, where "the unfortunate

assumption of prisoners' perspectives as legitimate should be no more subject to criticism than authorities who believed prisoners to be manufacturing stories for their listeners' benefit. Dickens, more than any visitor to Eastern State Penitentiary, exposed the cruelty of incarceration. He went to no greater lengths in doing this, however, than Eastern State Penitentiary's advocates who were intent upon showing the prison's benevolence and achievements. Dickens' Pennsylvania prisoners, like the characters in his novels, were pitiable creatures; something authorities and their successors could not tolerate, especially since Eastern State Penitentiary's separate system of confinement and labor faced vehement challenge by the Auburn penal system of separate confinement and congregate labor.

Another aspect of selectivity is evident in each author's focus upon the institution's reformatory potential. Again, Dickens alone stands out in this regard; although he too was selective. Perhaps because he was in search of the pathos in prisoners' circumstances, he was able to capture it.

Dorothea Lynde Dix, renowned prison reformer, had a natural interest in Eastern State. In her *Remarks on Prisons and Prison Discipline in the United States*, however, the only piece of information from an inmate that Dix included was a letter written by a prisoner to his former employer. She claimed the letter "represents the condition of most of the prisoners."<sup>317</sup> Dix, however, offers no evidence that she actually visited with or interviewed the prisoners at Eastern State Penitentiary.

Fredrika Bremer, Swedish author, visited the United States in 1853. During her journey, she toured Eastern State Penitentiary and recorded her impressions that were later published in *America in the Fifties: Letters of Fredrika Bremer*. She also gave no indication that she had visited with or interviewed prisoners.<sup>318</sup>

Philanthropic visits, and therefore records of prisoners' perspectives, probably ceased during the Civil War. Despite their different motivations for visiting the penitentiary and interviewing its inhabitants, all of the visitors held in common a belief in the institution's reformatory potential. Even Dickens, despite his otherwise scathing criticisms of the Pennsylvania system, was "convinced that [its intention] is kind, humane, and meant for reformation."<sup>319</sup>

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or degenerate citizens of the State are carefully instructed in their duties both to God and man; are surrounded by all reasonable means of comfort and happiness that their condition will admit of; are appealed to, as members of the great human family, however afflicted, indigent, or fallen; are ruled by the strong Heart, and not by the strong (though immeasurably weaker) hand." *Ibid.*, p. 69. These statements quite probably fitted Louis Dwight's needs to make his case against Pennsylvania.

<sup>317</sup>Dix, pp. 71-72.

<sup>318</sup>Adolph Benson, ed., *America in the Fifties: Letters of Fredrika Bremer* (New York: American-Scandinavian Foundation, 124; Chicago: Library Resources, 1970, text-fiche), pp. 154-56.

<sup>319</sup>Dickens, p. 129.

## 6d. Women In Eastern State Penitentiary

Leslie C. Patrick-Stamp

In all countries women commit fewer crimes than men, but in none is the disproportion of criminals of the two sexes so great as in ours...Unhappily, the small number of crimes committed in our country by women, has caused a comparative neglect of female criminals. Public attention has hardly turned itself toward this subject, and yet none claims it in a higher degree.<sup>320</sup>

As Francis Lieber observed in 1833, women inmates initially received little attention from penal authorities or the Society for Alleviating the Miseries of Public Prisons. One might be tempted to think otherwise, however, upon reviewing the activities of the Society. When the Society submitted its memorial to the Supreme Executive Council of Pennsylvania protesting conditions at the Walnut Street Jail in 1789, the circumstances of women imprisoned there were listed among their numerous concerns. According to the Society, prisoners generally suffered from lack of adequate clothing and diet. Moreover, keepers at the old Jail did not separate the sexes, a practice that caused major concern to penal reformers.<sup>321</sup> The women who were imprisoned at the Walnut Street Jail also suffered privations specific to their sex. In their memorial the Society complained: “In cases where women are imprisoned, having a child or children at the breast, they have only the allowance of a single person.”<sup>322</sup> The Society also told the Supreme Executive Council of “a common practice for the women to procure themselves to be arrested for fictitious debts in order to gain admission among the men.”<sup>323</sup> The Society’s Memorial resulted in the Jail and Penitentiary House at Walnut Street, the first such prison to serve an entire state. The results for women inmates, though, seem not to have been quite so advantageous.

By the time Eastern State opened in 1829, women no longer necessarily sought “to gain admission among the men.” Rather, they were prosecuted for many of the same crimes and sentenced by the courts to serve prison sentences similar to men. Although their numbers were never large, their presence in the state penitentiary suggests certain similarities with and important differences from other penal institutions that housed women as well as men. However, women constitute the least examined group in Eastern State Penitentiary.

<sup>320</sup>Beaumont and Tocqueville, p. xiii.

<sup>321</sup>As evidenced in the Society for Alleviating the Miseries of Public Prisons *Memorial* “To the Representatives of the Freemen of the Commonwealth of Pennsylvania, in General Assembly” reprinted in Roberts Vaux, *Notices of the Original and Successive Attempts to Improve the Discipline of the Prison at Philadelphia and to Reform the Criminal Code in Pennsylvania* (Philadelphia: Kimber and Sharpless, 1826), pp. 22-23.

<sup>322</sup>Negley K. Teeters, *They Were In Prison: A History of the Pennsylvania Prison Society, 1787-1937* (Chicago: John C. Winston, 1937), p. 449 (Appendix I).

<sup>323</sup>Teeters, *They Were In Prison*, p. 449.

Neither Nicole Hahn Rafter nor Estelle Freedman, historians of women's punishment, acknowledge Eastern State Penitentiary or the women imprisoned within its walls. Nicole Hahn Rafter asserts that the first state institution to hold felons was New York's Newgate Prison, which opened in 1797. On this point she is mistaken, because in 1794 the Jail and Penitentiary House at Walnut Street also imprisoned women.<sup>324</sup> According to Hahn Rafter, women in Newgate faced the following conditions: their quarters separated; chambers accommodated eight people; they had a courtyard entirely distinct from that of the men; they were not isolated completely, however, from the rest of prison life; they had no matron; but huddled together in one room they were able to protect each other from lascivious turnkeys; they were required to wash and sew.<sup>325</sup>

Hahn Rafter asserts that the treatment of men and women felons changed about 1820 with the inauguration of New York's Auburn State prison.<sup>326</sup> Although the supposed benefits of penitentiary discipline accrued to men, it was not extended to women until the 1830s. Hahn Rafter claims that women became pawns in a heated dispute between Auburn and Sing Sing wherein neither institution wanted female inmates as part of their charge. Arguments against their incarceration in these institutions focused on shunning women as a particularly difficult type of prisoner. Each prison, Hahn Rafter finds, "made strenuous efforts to ensure that females would be sent to the other location."<sup>327</sup>

Estelle Freedman only mentions the "Pennsylvania system" of incarceration in passing, describing it as "used by Quakers in Philadelphia since the turn of the century, [it] isolated each prisoner in a separate cell and required total silence, both day and night. Left alone, except when the Bible was read to him (sic), the prisoner might repent his crimes and even achieve religious conversion."<sup>328</sup> Like Hahn Rafter, Freedman does not acknowledge that women were present in the population at Eastern State; although both examinations cover the period during which Eastern was in use.

Both Hahn Rafter and Freedman find that there was an increase in women's criminal convictions and imprisonments during the middle of the nineteenth-century. Women's incarceration rates at Eastern State, however, did not increase dramatically until 1880, when eleven women received prison sentences at the Cherry Hill prison. Using the Annual Reports to determine the number of females sentenced to Eastern for selected years for which information was available between 1830 and 1920, it becomes apparent

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<sup>324</sup>Inspectors of the Jail and Penitentiary House, *Prison Sentence Docket*, vol. 2 (Philadelphia: City Archives, 1794-1835). Eleanor Higgins, a black woman, was sentenced to WSP on 2 December 1794 for larceny. She probably was not the first woman sentenced to Walnut Street; but since the first book of the *Prison Sentence Docket* is missing she must be counted as such.

<sup>325</sup>Nicole Hahn Rafter, *Partial Justice: Women, Prisons, and Social Control* (second edition) (New Brunswick: Transaction, 1990), pp. 4-5.

<sup>326</sup>Hahn Rafter, p. 5. She does not account for the argument between separate and congregate systems and how this disagreement affected women's imprisonment. In other words, she does not acknowledge Eastern State Penitentiary.

<sup>327</sup>Hahn Rafter, p. 5.

<sup>328</sup>Estelle B. Freedman, *Their Sisters' Keepers: Women's Prison Reform in America, 1830-1930* (Ann Arbor: University of Michigan, 1981), p. 9.

that the numbers of females committed were always extremely small as compared to the number of men sentenced to the penitentiary.

1830:	Men =	49	(100%)
	Women =	0	
1860:	Men =	253	(97.7%)
	Women =	6	(2.3%)
1870:	Men =	310	(98.4%)
	Women =	5	(1.6%)
1880:	Men =	448	(97.6%)
	Women =	11	(2.4%)
1890:	Men =	515	(97.7%)
	Women =	12	(2.3%)
1900:	Men =	67	(98.3%)
	Women =	6	(1.7%)
1910:	Men =	399	(97.6%)
	Women =		(2.4%)
1920:	Men =	516	(98.9%)
	Women =	6	(1.1%)

Finally, the authors of *The Prison at Philadelphia*, still the most authoritative book on Eastern State Penitentiary, devote two paragraphs specifically to describing women's predicament at Cherry Hill. Although the information they provide is confined to two paragraphs, it is instructive nonetheless:

In 1836 there were so many females at Cherry Hill that it was deemed necessary to secure a matron for the women's block. Mrs. Harriet B. Hall, a "woman of christian character and discipline" was appointed by the inspectors who "felt confident that many of the unhappy females would be reclaimed from vice and wretchedness and restored to paths of virtue and true happiness." Women were committed to Eastern Penitentiary until 1922 when those remaining were transferred to the State Industrial Home for Women at Muncy or to county jails. During the early years the women were housed in the upper gallery of Block 7, but for many years prior to their eventual removal Block 2 was set aside for their incarceration.<sup>329</sup>

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<sup>329</sup>Teeters and Shearer, p. 86.

The records of the Board of Inspectors provide more information about Mrs. Hall's appointment as the Female Overseer. Warden Wood wrote "I believe I have found a suitable person to take charge of the Female prisoners in the person of Harriet Hall." Among the qualifications recommending Mrs. Hall were the fact that she was a widow, 45 years of age, and had no children. She also had parents from whom she was unwilling to be separated. The most notable recommendation for Mrs. Hall, however, was her father: The Warden recorded that "John W. Allen, is known to most of the Inspectors as well [as] to myself, and all who know him, I am sure believe him to be unexceptionable for integrity and uprightness."<sup>330</sup>

An examination of the extant documents in conjunction with Teeters' and Shearer's account also reveals that the first women sent to Eastern State Penitentiary were African American, entering the penitentiary on 30 April 1831. Warden Samuel R. Wood simply noted in his Daily Journal these women "being the first females received."<sup>331</sup> He did not mention where they would be housed or what provisions they would be given. Amy Rogers, #73, and Henrietta Johnson, #74, the first two women entering Cherry Hill, received prison sentences from Philadelphia courts for manslaughter. Rogers received a three year sentence and Johnson received six years. Johnson became a cook while she was in the prison. Both women had been convicted previously for committing other offenses: one prior offense for Rogers and two prior offenses for Johnson. Since both women had been previously convicted, they probably had spent their first sentences at the Jail and Penitentiary House on Walnut Street. The other two women who entered the prison, Ann Hinson (# 100) and Eliza Anderson (#101), had also been convicted in Philadelphia courts for manslaughter.<sup>332</sup> Ann Hinson and Eliza Anderson were scheduled to be released on 10 December 1833, but the Warden would not do so because they "were sentenced to give bail or security in the sum of \$100, which not being able to do, they were obliged to remain. #100 [Ann Hinson] cried all day."<sup>333</sup> Warden Wood "called Judge Gibson" about their situation on 11 December and by 16 December he had "obtained security and discharged them."<sup>334</sup>

Although female inmates may not have been, and probably were not entirely forthcoming, their perspectives on imprisonment are perhaps the most deeply buried and least exhumed for examination. Female prisoners at Eastern State Penitentiary granted interviews to visiting reformers like Beaumont and Tocqueville as well as Charles Dickens. However, the women who visited Eastern State do not indicate in their writings that they interviewed the female inmates. In 1831, when conducting an "Inquiry into the Penitentiary at Philadelphia," Beaumont and Tocqueville included women among the prisoners they interviewed, one of whom was the same Amy Rogers (#73). That Rogers

<sup>330</sup>Board of Inspectors of Eastern State Penitentiary, *Report, November 21, 1835* (Harrisburg: Pennsylvania State Archives), n. p.

<sup>331</sup>*Warden's Daily Journal*, 30 April 1831, Volume I (1829-1855), no page numbers. RG 15: Records of the Department of Justice, Bureau of Corrections, Eastern State Penitentiary (Harrisburg: Pennsylvania State Archives).

<sup>332</sup>Teeters and Shearer, p. 86.

<sup>333</sup>*Warden's Daily Journal*, 10 December 1833.

<sup>334</sup>*Warden's Daily Journal*, 11 and 16 December 1833.



was probably imprisoned previously at Walnut Street is suggested by her response to questions from Beaumont and Tocqueville. Rogers informed her interviewers that Eastern State Penitentiary was "very superior to Walnut Street Prison." In response to their question, "why," Rogers stated: "Because it makes one think."<sup>335</sup>

What these women thought about, however, remains unknown since few seem to have recorded that information. The extant record from Warden Samuel Wood's Daily Journal is but one example disclosing how these women were perceived upon the moment of their arrival during Eastern State's early years of operation [See Attached]. These first years in which information was recorded about the women who entered Eastern State Penitentiary suggest that further research is necessary to determine the quality of their lives status while in the prison. Among the more revealing statements in the Warden's account is his mention of "the ladies corner" in 1837, which may have been where all of the female inmates were housed at that point. He does not discuss the tasks they were assigned, nor the provisions they were allowed. On the other hand, the Warden was very careful to record improprieties committed by females. Ann Steel (#627) was carefully noted as having been pregnant when she arrived at Eastern; hence relieving the men in the institution of possibly being charged with responsibility for her pregnancy. Warden Wood also expressed his personal opinions about some women's guilt, as he did in the case of Rachel Fink (#975) whom he believed murdered her child. The Warden also expressed his concern for those women whose well-being beyond the prison was doubtful. He discharged Elizabeth Lennon (#872) on 3 December 1838 since her time had expired; but on 28 January 1839 he once again admitted Lennon since "the girl expressed her willingness to stay all winter if we would keep her."

Finally, the Warden mentions the "Female Committee" visiting the prison in January, 1839. Although a group of women from the Society of Friends, known as "the Ladies Committee," began visiting female prisoners at Arch Street in 1823, and informal cooperation between the Prison Society and "the Ladies Committee" had existed since approximately that time, it was not until 1852 that the "Female Committee" received recognition from the Prison Society for their efforts "so full of feeling and compassion for those unfortunate females who had erred against society."<sup>336</sup> Teeters and Shearer, however, provide no specific information about this group's efforts on behalf of the women at Eastern State.

The Warden was not the only male to record his encounters with and opinions about the female prisoners at Eastern State. Charles Dickens, during his 1842 visit to the prison, recorded his impressions of women's condition:

There were three young women in adjoining cells, all convicted at the same time of a conspiracy to rob their prosecutor. . . [One young girl] was very penitent and quiet; had come to be resigned, she said (and I believe her); and had a mind at peace. `In a word, you are happy

<sup>335</sup>Beaumont and Tocqueville, p. 193. Rogers was the only female interviewed by these visitors.

<sup>336</sup>Negley K. Teeters, *They Were In Prison: A History of the Pennsylvania Prison Society, 1787-1937* (Chicago: John C. Winston, 1937), pp. 248-9, 250, 251.

here?' said one of my companions. She struggled--she did struggle very hard--to answer. Yes; but raising her eyes, and meeting that glimpse of freedom overhead, she burst into tears, and said, 'She tried to be; she uttered no complaint; but it was natural that she should sometimes long to go out of that one cell: she could not help *that*,' she sobbed, poor thing!<sup>337</sup>

Once again Dickens came under attack, this time for his portrayal of these women's pathos. The moral instructor identified each of the women--Louisa Harman, Elizabeth Thompson, and Ann Richards--all of whom were of varying degrees of African descent, and all of whom were variously guilty so far as he was concerned. Harman, who had earned a seven year sentence was said to have "no proper sense of her sin. . . She has lived two years in a house of ill fame." Thompson "weeps very much; denies any participation in the crime; says she knew the two girls. . . Says she was kept by L[ewis] A[lbright] and kept for such purposes (to ensnare and rob, I suppose). She had no business to be in such company but was accidently there and not privy to their design to rob. Has a husband who left her; does not know where he is; has two children; wept when she mentioned them; lived with her mother opposite those girls." Finally, Ann Richards, "also says Lewis Albright brought her from New York where she lived in a house of ill fame; had lived so one year; says she took the money like 1174 [Harman] in feeling no compunction or fear of God but melancholy."<sup>338</sup>

William Peter, Great Britain's consul-general issued the strongest denunciation of Dickens' account:

The "three young women in adjoining cells" . . . having nothing "very sad" in their looks, or in any way calculated to move "the sternest visitor to tears." They have been a kind of decoy ducks for keepers of low brothels and were convicted of conspiracy to rob their prosecutor. They came to prison quite ignorant and untaught, but now read, write, cipher, and word remarkably well. One of them (she to whom Mr. Dickens particularly refers) told me that their imprisonment had been "a very good thing" for them all, and that she did not know what would have become of them had they not been sent there--that they have been very bad girls, and used to be drunk from morning to night--and indeed, "had no comfort or peace except when drunk." She hopes now that she shall be able to earn an honest livelihood. Her parents (who are respectable coloured people in another state, and from whom she ran away at fifteen) are now reconciled and have written to say that they will recieve, and do what they can for her when she comes out of prison. She has become an excellent seamstress, and they are now all out of prison, in good service and said to be conducting themselves with propriety.<sup>339</sup>

<sup>337</sup>Dickens, *American Notes*, p. 136. Italics original.

<sup>338</sup>Teeters and Shearer, p. 132.

<sup>339</sup>Teeters and Shearer, p. 132.

Regardless of which account one chooses to believe, the fact remains that these women had ideas about their imprisonment that often differed from their jailers, and their stories changed depending on the person to whom they spoke. Unfortunately, it seems that there were few efforts after Dickens' to record prisoners' perspectives.<sup>340</sup>

By the end of the nineteenth century, another method of chronicling women's presence in the Penitentiary was used. According to Teeters and Shearer, "Prison policies and practices change slowly, but they do change, in large measure through necessity of events."<sup>341</sup> Two practices that reflected the necessity of events were the ascendance of phrenology, pseudo-science in vogue at Eastern State between 1855 and 1865,<sup>342</sup> and the development of photography. Together these two developments made it possible to improve the practice of becoming acquainted with a prisoner's countenance and to record the individual's image for posterity. The practice of becoming acquainted with a female inmate's countenance received authority with the turn of the century publication of Caesar Lombroso's and William Ferrero's *The Female Offender*; the now famous tome in which the authors argued for classification of offenders based upon anthropometry, an attempt to measure the anomalous biological and social conditions which produced criminals.<sup>343</sup>

Photography and phrenology cum anthropometry converged at Eastern, leaving a few shreds of evidence in the form of photographs accompanied by measurements of the female offenders[see attached]. Two photographs from an earlier era also survive, and the caption below one of these rare documents reveals one woman's resistance to the authority of the police. It states: "Mamie Wells. Pickpocket. Undressed in Police Station."

Constant agitation by female reformers coupled with worsening conditions for women incarcerated at Eastern State Penitentiary eventuated in their complete removal from the institution by 1923. In their second paragraph describing the conditions of women at Eastern State, the authors of *The Prison at Philadelphia* assert:

The inspectors of Cherry Hill had long complained because women were housed in the Philadelphia prison. Several petitions were sent to the legislature calling for a special institution for female convicts. Eventually the plea was recognized, and the act of July 25, 1913, provided for the creation of the State Industrial Home for Women,

<sup>340</sup>This account does not include the records of the Visiting Committee of the Philadelphia Prison Society, which this author was unable to acquire.

<sup>341</sup>Teeters and Shearer, p.133.

<sup>342</sup>Teeters and Shearer, p. 136.

<sup>343</sup>Caesar Lombroso and William Ferrero, *The Female Offender* (New York: D. Appleton, 1920). Teeters and Shearer do not acknowledge Lombroso and Ferrero as influencing administrators at Eastern State, although examination of the *Annual Reports* for 1890 and 1900 reveals an increased number of convicts in the latter report whose "crime cause" was "inherent depravity." Although she does not acknowledge Eastern State, responses by female prison reformers critical of Lombroso and Ferrero will be found in Freedman, pp. 109-25.

located at Muncy in Lycoming County. This institution was ready for the reception of convicted females who had been housed at Cherry Hill and in the various county jails of the state. The women were removed from Block 2 of the Philadelphia prison during the autumn of 1923, much to the relief of the staff and doubtlessly also to the women themselves. The last woman to be removed was taken to Moyamensing County Prison in Philadelphia on December 12, 1923.<sup>344</sup>

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<sup>344</sup>Teeters and Shearer, p. 223.

6e. Excerpts from Warden's Daily Journal, Vol. I, 1833-1855:<sup>345</sup>

Leslie C. Patrick-Stamp

1833

December. 10 - The time of Numbers 99-100-101 expired today and I discharged Number 99. The other two (females) were sentenced to give bail or security in the sum of \$100 which not being able to do they were obliged to remain. Number 100 cried bitterly all day.

December. 11 - Called Judge Gibson relative to Numbers 100 and 101. Dr. Bacon and Wm. Hood visited.

December. 16 - Having obtained security for Numbers 100 and 101 discharged them.

1835

July 16 - Arrived from Philadelphia.- Elizabeth Rival (Number 409) and Rachel Williams (Number 410) both convicted of robbery and sentenced to one year each.

August. 9 - Arrived from York County., 3 prisoners - Elisa Johnson (Number 411) for arson 7 years, ? Benson (Number 412) and James Byers (Number 413) both for larceny 18 months each.

October 5 -Ten females admitted - Hannah Brown (Number 507), Matilda Cherry (Number 508), Mary Pass (Number 509), Sarah Vance(?) (Number 510), Wilhelmina (?) (Number 511), Kesia Powell (Number 512), Elisa Spence (?) (Number 513), Elisa Smith (Number 514), Mary Jones (Number 515).

October 12 - Arrived from Philadelphia. County prisoners Elizabeth Butler (Number 578) larceny 3 years - a mulatto  
Elisa Connelly (Number 589) poisoning, 5 years - a mulatto

December, 9 - Received from Arch prison - Ann Morgan al Elizabeth Eartlick (Number 539) convicted of larceny and sentenced to 3 years. She has been acting as nurse that prison but attempted to escape and was sent here having been originally sentenced to this place.

1836

May 26 - Died this morning - Elisabeth Johnson (Number 411) Dr. Bache here.

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<sup>345</sup> *Warden's Daily Journal*, Volume I (1829-1855) (Harrisburg: Pennsylvania State Archives), n.p.  
Thanks to Sharon Gerarge, without whose invaluable assistance this information never would have been collected.

June 24 - Received from ? County - Elisa Smith (Number 600) convicted of larceny and sentenced to 3 years.

July 16 - Discharged Numbers 409 and 410. Elisabeth Rival and Rachel Williams their time having expired.

August. 23 - Received a pardon a few days ago for Iase Davidson (Number 590) and I sent her into town this evening to Hopkins who will take her name.

August 26 - Dr. Bache visited - Received from Dauphin County 6 prisoners - Ann Steel (Number 627) robbery two years (a black and pregnant); Marchy Thomas (Number 628) black, larceny 18 months; Sam Anderson (Number 629) larceny 18 months; In. Blackford (Number 630) larceny 18 months; David Fayette (Number 631) convicted with Ann Steel for robbery 3 years; and Sam Hilo (Number 632) assault and battery with intent to kill - 3 years.

September. 22 - This evening about 8 - Ann Steel Number 627 was delivered of a male child - she came in pregnant.

October. 5 - Dr. Bache here. Received from city Court - Sarah Anderson (Number 646) and Margaret Beard (Number 647) both convicted of robbery and sentenced to 5 years.

### 1837

March 27 - Dr. Darrach visited - the time of Matilda Cherry expired yesterday and I discharged her.

April 21 - The time of the following prisoners expired today and I discharged all except one - David Crabb Number 250, Marchy Graves Number 385, Marcia Evans Number 381 and S. Williams Number 387. Number 381 remained to be taken away by her friends. Dr. Darrach here.

April 22 - Marcia Evans friends came for her and she went away.

June 1 - Received from Montgomery County - Matilda M. Farland (Number 758).

June 24 - Received from Philadelphia County. 5 prisoners - Nancy Murry (Number 707) for receiving stolen goods - 2 years-- Lavina Johnson (Number 708) receiving stolen goods - 2 years.

September. 18 - Dr. Darrach visited also the ladies corner.

September 27 - Received a pardon for Marcy Pass - arrangements having been made by the friends of Marcy Pass we sent her to them in the carriage, little hopes can be entertained of her recovery but I fear she does not feel her situation.

1838

January 16 - The time of Elisa Davis (Number 558) expired and she was discharged.

January 21 - Received from Mifflin County. - Elizabeth Lennon (Number 872) for larceny - 1 year.

February. 19 - Discharged Marcy Thomas.

April 12 - Discharged Elizabeth Eyses - whose time has been expired for some time but she has been waiting to get a place.

August. 3 - Lavinia Johnson (Number 768) died this morning after a protracted sickness - the time of Sally Moon terminated but as no place was provided for her she preferred staying a few days.

September. 1 - The time of Matilda M. Farland (Number 758) expired today and she was sent to Thomas Floyd where she was received to be sent to a good place.

September. 12 - from Lehigh County Court - Rachel Fink (Number 975) misdemeanor in concealing the death of her child - one year and a day. I believe she killed her.

October. 18 - Discharged Elisa Lennox (Number 659) - whose time expired, whose time here has been 2 years- Not any better, I fear.

November 11 - Received from city Court - Jacob Eckfield (Number 999) Ann Morgan al Ann Wilson (Number 1000) and John Robinson (Number 1001) all for larceny - the first 2 for 3 years, the last for 2 1/2 years - Ann Morgan is our old (Number 539)

November 16 - Margaret Beard (Number 647) who has been a long time unwell died last night.

November 17 - Received from City Court - Catherine Young (Number 1012) larceny - 3 years.

December. 3 - Time expired of inmate Brown (Number 709) a Colored male and Elizabeth Lennon (Number 872) who has been here 1 year and I discharged them. The female had been provided with a place to which she was taken.

1839

January 28 - Williamson sent here Elizabeth Lennon - he having taken her when discharged - the girl expressed her willingness to stay all winter if we would keep her. I concluded to allow her to remain - Dr. Darrach and the Female Committee visited.

February. 11 - Dr. Darrach and the Female Committee visited

March 16 - Received from City Court Mary Morris (Number 1070) a mulatto. III.



## 6f. Sidebar: George Ryno: Prisoner Poet, 1840-1850

Leslie C. Patrick-Stamp

Here stand a court-house, where at any time,  
 The eye may rest upon the tools of crime,  
 And see *blind Justice*,--nay, she is not blind  
 Not here, at least,--in galling fetters bind  
 The light offence, if, sad perchance, it be  
 Clad in the garb of chilling poverty  
 --"Our City Not A Paradise"  
 Henry Hawser (nee, George Ryno)

While Dickens' record of his visit to ESP aroused considerable controversy, he also uncovered the fact that within the prison walls were men who wrote of their trials and tribulations. The excerpt above comes from the collection of verse by George Ryno, written during his incarceration at ESP. Ryno's story, though, has received little attention outside that given it by Teeters and Shearer who explained the circumstances surrounding his imprisonment and said virtually nothing of his poetry.

Admittedly, the collection of verse, *Buds and Flowers, of Leisure Hours*, is "a kind of doggerel"<sup>346</sup> that perhaps warrants little attention from literary scholars. Conforming to the earliest literature by convicted American criminals in its purely confessional character, Ryno wrote *Buds and Flowers* as a moral lesson to others who might follow his unfortunate path down the road to intemperance.

However, one verse in the poem "Our City Not A Paradise" suggests Ryno's critical comprehension of the unjust circumstances surrounding his and others' imprisonment:

While murder, arson, incest, treason, rape,  
 Display the might dollar and escape;--  
 Here Teague O'Mull got five years for a riot,  
 While three were all they gave to Dr. Dyott;  
 And here, that English radical, with breast,  
 As foul and foetid as a harpy's nest,--  
 That fiend in human shape,--the murderer Wood,  
 His hands imbrued in a daughter's blood,  
 Held up the dollar to corruption's view,  
 And cheated Ketch, the hang-man, of his due.  
 But rioting is worse, I must confess,  
 Than swidling widows and the fatherless,--  
 Or, in a furious drunken fit, to slaughter  
 An amiable, and all-accomplished daughter;--

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<sup>346</sup>Teeters and Shearer, *The Prison at Philadelphia*, p. 126.

As Paddy often swears, "by this and that,"  
 Those rascals each deserved a hemp cravat.  
 Here, after swearing oaths, not loud but deep,  
 The wooden-headed jurors fall asleep,  
 And childless judges have the power to doom  
 The friendless prisoner to a living tomb.  
 Be sharp, or they'll convict you in a trice,--  
 More proofs our city's not a Paradise.<sup>347</sup>

George Ryno entered ESP for the first time on 10 July 1840, found guilty on two counts of larceny in the General Sessions Court of Philadelphia. He received a three-year sentence. The prison authorities described him as "thirty years old; sailor, swarthy complexion; hazel eyes; dark hair; 5' 9 1/2"; foot, 9 3/4"; long scar on left cheek near mouth, letters G. R. tattooed on right arm." He was discharged when his time expired on 10 July 1843 as a prisoner who "reads and writes; drinks; [and is] single."<sup>348</sup>

While an inmate Ryno was observed by the moral instructor, who viewed him as

. . . reckless and hardened. Little or no sense of shame.  
 Parents respectable; has been 7 or 10 years at sea, most of the  
 time in the Navy of U.S. Seems of a light trifling spirit.  
 Disposed to smile at the introduction of any serious topic.  
 Brother twice in this prison and died here. Father, since head  
 keeper of Trenton prison and a cruel and bad man, said to  
 be."<sup>349</sup>

When Dickens visited ESP in 1842, Ryno was among the inmates he found worthy of remark in *American Notes*: "There was a poet, who after doing two days' work in every four-and-twenty hours, one for himself and one for the prison, wrote verses about ships (he was by trade a mariner), and 'the maddening wine-cup,' and his friends at home."<sup>350</sup>

Although Dickens' description of Ryno per se did not provoke response from ESP advocates, his overall description of the penitentiary as "rigid, strict, and hopeless solitary confinement" did.<sup>351</sup> William Peter, consul-general of Great Britain and stationed in Philadelphia, was dispatched by the Society to "make [an] investigation of Dickens's charges some time in early 1844."<sup>352</sup> Peter found that

<sup>347</sup>Henry Hawser (nee, George Ryno), *Buds and Flowers, of Leisure Hours* (Philadelphia: George W. Loammi Johnson, 1844), p. 56.

<sup>348</sup>Teeters and Shearer, p. 126.

<sup>349</sup>Teeters and Shearer, p. 127.

<sup>350</sup>Charles Dickens, *American Notes*, National Library Edition, vol. 14 (New York: Bigelow, Brown and Co., 1868), p. 135.

<sup>351</sup>Dickens, p. 129.

<sup>352</sup>Teeters and Shearer, p. 115.

[Ryno] had been discarded by his father some years before for intemperate habits; he received on quitting the prison \$30 for extra work, besides the \$50 for the copyright of his book. He is now in respectable business, reconciled with his father, and respectably married (his wife knew of his imprisonment). He frequently visits the warden and is, to all appearance, well in mind, body, and circumstances.<sup>353</sup>

Despite the verse from "Our City Not A Paradise," George Ryno's account of the circumstances leading to his imprisonment agreed not with Dickens, however, but more conformed to those of the authorities and Peter's findings:

The author of the following pages, during a period of involuntary exclusion from society, devoted his leisure hours to reading and reflection, and the while, he composed these fugitive pieces, now offered to the reader. They were written at intervals, during three years, the term of his imprisonment. Born of respectable parents, he, in his early years, became imbued with the love of roaming, which so controlled his disposition, that when young he left his father's roof, and passed the larger portion of his time at sea, and in foreign climes. Intemperance consigned him to a prison. Justice to a system of prison discipline, which has received the severe and unjust criticism of many intelligent persons, has induced him to lay before the public the results of its operation upon himself, as the best and most indisputable refutation of the condemnation it has received. . .

He regards his confinement at Cherry Hill, the happiest event of his life. It has dissolved improper connections, remodelled his tastes, improved his mind, and, he trusts, made better his heart. He is neither morose, imbecile, dispirited, or deranged, and whatever reformation his imprisonment may have produced, he can attribute it to the separate seclusion from evil example and worse precept, which must necessarily follow the indiscriminate congregation of offenders, in a place of punishment.<sup>354</sup>

Ryno's claim at reformation, however, proved premature. "He was convicted of larceny and entered the prison . . . on January 27, 1848, sentenced from Philadelphia to two years and one month." He was discharged from ESP on 27 February 1850.<sup>355</sup>

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<sup>353</sup>Teeters and Shearer, p. 127.

<sup>354</sup>Hawser, "Preface."

<sup>355</sup>Teeters and Shearer, p. 127.

## 6g. Prisoners' Correspondence: 1845

Leslie C. Patrick-Stamp

Imprisonment did not diminish individuals' desires for contact with the outside world, and it did not necessarily impress upon some inmates and other concerned parties the truth of their convictions and sentences to Eastern State. At the Pennsylvania State Archives there is a small, inconspicuous folder, containing correspondence to and from Eastern State inmates written in 1845.

Transcribed below are those few remaining fragments documenting some aspects of prisoner life. Given the small number of documents, these letters can by no means be considered representative of prisoners' lives. They offer, however, yet another glimpse into inmates' personal circumstances that will not be found in other documents.

There is, however, a common thread throughout these documents. To varying degrees the authors dispute the authorities' decision to imprison the individual at Eastern State. Handwritten, sometimes by the author and at other times by a scribe, these remnants of communication between inmates and the outside world are barely legible. The collection of letters only represents one side of the correspondence between friends, spouses, a mother to her son, siblings, authorities, and the father of the inmate's victim.

The correspondence has been organized in chronological order. For the reader's sake, punctuation and spelling have been silently changed, except for the last letter transcribed. Illegible portions have been designated by a question mark enclosed by brackets:

The first letter, from one brother to another, suggests that news from the outside world could have been devastating:

Dear Sir, I take this opportunity to answer your letter and to let you know that we are all well and I hope these few lines may find you enjoying the same and you write that you wanted money. But the letter laid so long that I was afraid that you were gone but if you will write in return I will send you the money and if you write again, direct your letter to Townsbury post office [?] County, New Jersey and then will be [?] To act it right away and your son died the 23 of December and left the world very [determined?] and the disease we could not tell and if you have any feeling for your wife that is more than she has for you because she is keeping company with other men and has been ever since September last. But you are welcome with me and you wrote that you were pardoned but [?] are out of prison. Write in hast and I will send it in haste and remember you well [?]

Reuben Deal<sup>356</sup>

<sup>356</sup>Reuben Deal to William Deal, March 29, 1845. RG15: Records of the Department of Justice, Bureau of Corrections: Eastern State Penitentiary, "Letters from Prisoners, 1845."

Although Catherine Wise's son caused her grief, she continued to believe in him and religion in his temporal and spiritual salvation.

Dear Son,

Under pleasant circumstances I [seriously?] know how to address you in this most trying moment. But still I am the same tender mother that I [?] have been, and as the time of your liberation is at hand your mother's doors are open and [?] [?] Ready to embrace you although your destiny has caused me much trials and hurt. ...[Illegible] I may say days notwithstanding all my grief...to see you which will repay me for my pain. I want you as soon as you possibly can get home to come in [?] are to [?] that you [?] return forgiven of your sins adopted into the [?] of heaven and [?] hereafter to the glory of God and the satisfaction of your mother and the good of your soul.

Your affectionate Mother,

Catherine Wise

The best of the friends are in good health as well as my self and all wish to see you if you cannot come and I wish you would [?] write us as soon as possible what your intentions are and if you leave Philadelphia to any other place write as soon as you are settled don't forget.<sup>357</sup>

Fanny Brumage, wife of William Brumage who was imprisoned at Eastern, used a scribe to express her sentiments for her absent husband as well as to inform him of her health and living situation:

To William Brumage, Cherry Hill Prison

Dear Husband, I write you these lines to let you know that I am still much afflicted and have lost one of my eyes. Still living with Mrs. Fox. I wish to know how you are. I feel very sorry for your unhappy state. I hope that God will satisfy[?] it for your good that you ever hereafter. Mind what kinds of company you keep. I shall be much pleased to hear from you shortly.

I still remain your wife in love,

her

Fanny x Brumage  
mark<sup>358</sup>

<sup>357</sup>Catherine Wise to Frederick N. Wise. April 6, 1845. RG15: Records of the Department of Justice, Bureau of Corrections: Eastern State Penitentiary, "Letters from Prisoners, 1845."

<sup>358</sup>Fanny Brumage to William Brumage, April 12, 1845. RG15: Records of the Department of Justice, Bureau of Corrections: Eastern State Penitentiary, "Letters from Prisoners, 1845."

One month later, Mrs. Brumage again wrote to her imprisoned husband. Her health remained poor, and she continued to live with another female. Whether she had received a reply to the previous letter remains unknown:

Dear Husband,

It is once more I avail myself of the happiness to write you a few lines to inform you that I am as well as usual, all but my head and eyes.

I hope by the blessing of God you are well in body and that God will bless your unhappy afflictions to the salvation of your soul. Nothing can be worse than self [?] can do nothing for you but to pray for you. I hope you will find a [?] of grace in the prison house and a God to help in [?]. I never expect to have but one eye yet I hope with that seek the Lord see that which will make for my future happiness.

I still live with Mrs. Sarah Fox, Garden Street, no [?].

No more at present, but still remain your dear wife in love until death.

her

Fanny x Brumage  
mark<sup>359</sup>

Apparently John Adams promised to get William Miller released from Eastern, but no progress had been made. Miller's scribe, one of the Inspectors, was barely literate:

Mr. John Adams Sir,

I have taken the pains to get the Liberty of the [?] inspectors of the Prison to write to your honor to inform you that I am well At This Present time in health, But not in mind [?] to that good old Promise that you made to me in regard to have Me partishoned out. I thought that I [would] draft you a line to put you in remembrance of it. I hope that you will not take it as offense that I think you're under any obligation to so do no further than by the agreement that you had to me you made the proposal yourself to due so I am told you if you were not satisfied that when I returned I would satisfy you and you said you were perfectly satisfied I have laboured under a great [?] of heaven of you but [?] has risen up for me yet but if your honor will please to [?] a partishon for me I will be very thankful to your honor and I will make you satisfied as I am [?] can return to you and get all the [?] that you can in [?] they will [?] as well as my [?] and then give it to my wife and she will git sum<sup>360</sup>

<sup>359</sup>Fanny Brumage to William Brumage, May 25, 1845. RG15: Records of the Department of Justice, Bureau of Corrections: Eastern State Penitentiary, "Letters from Prisoners, 1845."

<sup>360</sup>William Miller to John Adams, April 20th, 1845. RG15: Records of the Department of Justice, Bureau of Corrections: Eastern State Penitentiary, "Letters from Prisoners, 1845."

As the following letter reveals, an inmate's family did its best to survive without him. This letter also demonstrates how some inmates might have been able to remain in contact with events occurring in what would have been "their world" were they not imprisoned. This letter is particularly valuable because it suggests a consciousness on the writer's part that because of their class position the prisoner did not receive due consideration by authorities to whom petitions on his behalf requesting a pardon were submitted. A wife to her husband wrote:

Beloved husband,

I now take this opportunity to inform you that I am well and I hope that these few imperfect lines may find you enjoying the same blessing. Your children are also well the babe is a fine fat boy. I have not named him. I wish you to do that yourself. Your friends have taken about calling him after you but I have reserved the name for you so I shall expect you to send a name when you write again. Your children have not forgotten you. They talk about you every day. They often say when will papa be home. Our friends are all about some of them are [?]. Your mother is not very well at present though her health is about as it used to be. She, as well as your brother and sisters, feel very bad about you. My father and mother have not been very well this winter and spring. I can see that they decline quite fast. Mother wishes to live to see you again. None of your friends have forgotten you. Milton was married the 8 of February to Phebe Ann Vandeburgh. I was at the wedding. They were married at father's. Elder Mott married them. If you had been there I should have been happy, but you can better imagine my feelings than I can describe them. I received another letter from you bearing date February 15. I should have answered it before now but Gomen had gone to Harrisburg with a petition to get you pardoned. When he arrived the Governor was ill so that he could not see him. He went from there to Philadelphia to see you if possible to to get [?] from the warden of your behaviour. He could not find the warden. Elder Mott wrote a letter to the warden to recommend you to the governor if [he could?]. Gomen left the petition and a letter which I sent to the governor with Win Merrifield to present to the Governor. He returned a few days ago with the sad intelligence that the Governor refused to pardon you at present. The letter affected him very much, but his excuse was that [?] had made such work pardoning that he did not like to [?]. Portor pardoned 25 murders and almost every thing but you. The petition to the [?] governor had between three and four hundred signers. All the respectable [?] of Community signed it. If the warden should send [?] if he has not perhaps it might induce him to let you [?] yet. But if you have got to stay there your time out, content yourself as well as you can. Do not mourn about your family. It will do us no good. But anticipate the time when if we live we shall see happier days than we

see at present. The men in power little cares about the angius of our bosom. I must own that I am quite unhappy and must remain so until you have your liberty. Your first letter relieved me of some trouble to think your overseers are kind and agreeable to you and you are well treated is a great consolation to me but how aggravating it is to my feelings to see the guilty [?] wretch walking about the streets and you innocent torn from your family and friends and confined in prison. But the Lord has suffered it to be so and we ought not to murmur nor repine at our lot. He suffered Job to be afflicted without a cause. The scripture say that the false witness shall not go unpunished. They will have their reward. But that cannot relieve us not withstanding the exertions of your friends to console me. I feel very sad. I fear that you are more unhappy than myself. If I could know that you enjoy any peace of mind it would relieve me greatly. Your brother and sister in the west have not been informed of your situation. Mrs. Tripp did not want Harmon to know it nor do any of us wish to afflict him. Barns wrote in the winter that he was coming back this spring. Isaac moved away last fall so I am deprived of their society. Lee appeared to count and [?] all the first week but Dean did not offer to do anything with him. He only arrested him to prevent him from being a witness for you. I was quite surprised to see in your letter if answered postage must be paid for the postage of my letter and those that Elder Mott wrote was paid and that is all the letter that has been wrote to my knowledge. And if it was not marked it was the post master's fault. I wish you to write as soon as you have permission. No more at present. Only I remain yours until Death,

Caroline Daily<sup>361</sup>

The author of the following letter is somewhat more optimistic about chances for its recipient's innocence to be acknowledged by the authorities:

Dear Mary,

Am I [?] this one oppportunity but I do not know whether it is lawful or not that I should write. But I came out to see how you were and I thought I would bring you a few words of conciliation. For you are there innocent. We all know but the [?] of [?] does not. But [?] convinced you and the Judge had to sentence but he was not satisfied with your guilt himself and that he gave you the lightest sentence and the same...[there is a hole in the letter]...They have got us a pentision [?] of the [?] has finds it and your counsel and mister [?] is going to Harrisburg themselves for Mister Osh said that he could not rest until you were [?] and the governor will pardon you both before long and

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<sup>361</sup>Caroline Daily to Martin B. Daily, April 20th, 1845 (Lackawanna). RG15: Records of the Department of Justice, Bureau of Corrections: Eastern State Penitentiary, "Letters from Prisoners, 1845."



try to make yourself happy--:and don't forget we are all well at present  
and I hope to find you [?] at present.

William Rison[?]<sup>362</sup>

Jason Mahan was not only literate (as compared to the others), but also very familiar with the precepts of the Society for Alleviating the Miseries of Public Prisons.

Dear Brother

I have received a communication from father, of the 7th instant, [?]my mournful situation,--My situation would be truly mournful indeed, were I guilty as [?] in the newspapers of April last, as to being caught in the act of melting the base core...in company with James Higgins, and George W. Custer it is not my intention nor to go into detail but I will briefly observe that I was arrested in Second Street, had not seen Higgins that day, and Curtis, I never saw him nor heard of and until I saw him at the Police Office, I believe that God in his providence will yet provide a way to let the truth be known.

I had given out the intention of even trying to put the case in its true colors, until the 13th day of July last, we were addressed by a Quaker Lady, who dwelt much on my individual case and said she in defense to be guided by the spirit of truth, and that the truth was mighty and would prevail.--In my case this can only be accomplished by the arrest of the individual for whose crimes I suffer,

I do not wish this made known to any until I am liberated, or it may augment the difficulties of his arrest.

My usage, since I have been here, has been very kind by the Warden and Overseers. My health was very good for two or three months but recently it has not been so good. I have been afflicted with a swelling and numbness occasional. I presume by the dampness of the cell.

The inspectors say it is their desire to treat every prisoner with humanity and kindness, and I believe this is fulfilled on their part (with one exception) and that is, the visitation of the prisoners.

It appears from the latter end of the 25th Chapter of Matthew that visiting the prisoner was an important requisition inasmuch that for the neglect thereof an everlasting cause is announced in verse 41st--I will not however censure the inspectors here but I will merely observe that if the prisoner's family or friends were more frequently suffered to visit him there would be [?] yet fewer cases of insanity than now are, I

<sup>362</sup>William Rison to Mary, no date. RG15: Records of the Department of Justice, Bureau of Corrections: Eastern State Penitentiary, "Letters from Prisoners, 1845." The cover states: "[?]will please read this to her as she cannot read."

am very confident that this assertion can be sustained by philosophical reasoning.

Will thee please to ask Francis to call on William Wilkinson and request him to call to see me. I am told that an attorney can get admittance without difficulty. Robert M. Lec[?] said he would call but he has not yet been here,

I hope I shall not entirely lose my health in this place, for I had just completed my improved method of strict [?], by which I could cast several hundred pages a day

Immediately after my trial, Mr. Walter, the prosecuting attorney came to me and said that after a little, measures should be taken for my liberation, I think it likely he had some idea that I was implicated unjustly.

The case of Patrick Lyons excited commiseration, and if the full truth ever is made manifest, mine will do the same. Do not understand me to plead entirely guiltless, but this I say that the [?] that was done at my place was done without my knowledge or consent.

Tell Mary that if she will call on Townsend Sha[?] in Second Street a few doors below Market Street (at the corner of Trotters Alley and [?] Second Street,) he can inform her whether I am well or not, as he is one of the Prison Society and visits here occasionally.

Thy Affectionate Brother  
Jason M. Mahan<sup>363</sup>

Much of the following letter is illegible. Its author pleaded with the father of a man slain by a fellow inmate for forgiveness. So much of the letter is unreadable that it is virtually impossible to discern the crime, much less the circumstances surrounding it.

Sir, I am one of the many that has broke the laws of my country, as well as those of my God and for which cause I now find myself in prison, a poor convict, an outcast of society. But my chief object in writing to you is to ask your forgiveness in neglecting to warn you of intended robbery and murder of a sickly boy should he make a noise I will knock him in the head and [?] him behind the back log was the words he [??] of to me. If I do not mistake the time, it was in the month of February, 1845 or near about that time, and at the same time he told me your name, which I took down on a slate that I had in my hand or had laid on the pipes to see what he wanted with me, for he

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<sup>363</sup>Jason M. Mahan to Zephaniah Mahan, September 15, 1845. RG15: Records of the Department of Justice, Bureau of Corrections: Eastern State Penitentiary, "Letters from Prisoners, 1845."

had [?] sometime before I [?] him, and if I mistake not I think it was on a Sunday----I asked him what his reason was for knocking the boy in the head. To this I think he said that your boy had done him an injury on one of his sisters and something about a cat, I forget what it was. And when I asked what he intended to rob you for he actually said because you had cheated his father out of his wages. He also told me that he intended to ravish a [?] girl and kill her too. But give no reason for so doing as I can think of. But the first time he spoke to me about you was in May 1842 and of another man whose name I have in my book. But do not know him or you [?]. Do I know [?] you live he also told me that how he and his father stole your chickens and how his father took them by the head and wings whilst he cut their throats with his father's pen knife, and many such like things such as cabbage, potatoes, corn and so forth, all which he and his father took home, and how his father had often [?] him to watch his mother to keep her from prostitution [?] from whiskey and [?] he had to do with his sister Sarah some things too shameful to name, whether true or false I do not know. But this I know, he was worse than a brute itself a [?] which is enough to make the stoutest of man been crazy if crazy he is which to my opinion he is deranged and a lot of his wits be times for I know him a long [?] for near 3 years of and on and at sometimes I am as confident that he would have knocked me in the head as I hold this pen, from at one time he graises my shoulder with a large stone that broke a flower pot at my feet but at this time I was [?] him from [?] himself as I called it from a [?] stone he [?] me about or [?] and even after words I called him [?] back to shame him.----

Sir, I have nothing the [?] against him that makes me say what I do towards him but to show you that he was beside himself [?] times, and mostly after absuing himself and especially when he did it 4 and 5 times a day at such times I know from what he told me that he was as crazy as allowing innocence he is to be pitied and in another he is not [?] how he of him brought up by his parents [?] in place of cutting throats he might not have done what he has done. Sir, I am very sorry that I did not give you timely notice of him to you. I then should(?) [?] him clear of your son's beloved according to the bible for I am in one sense my brother's keeper and [?] to [?] give you warning let it be heeded or not, but sir I did name a thing to a friend(?) of mine that treats the subject so lightly that I never thought of it more on [?] of done so [?] after had not the [?] his committed then referring to my book to see if any note had him taking of it I find your name and others. Sir I sincerely ask your pardon for my omission of my duty towards you and your son---

Sir if my oath could be a bound I have many more things to state that I have not saved single word about [?] been but I think the council for

George [?] would not let it pass and the court will do without me as I am a convict and my oath is null and void without a pardon and as for a pardon I will not except of one unless it comes from them that keep me in here and even then I do not know if I would [?] pardon I could very easily get one and my [?] full of good money besides, from what I know of. I merely mention this to you that should you ever hear of a very large gang of [blank] [?] taken in to [?], keeping that this is no [??] of me [illegible] ([?] I know this take a [?] but my life is at stake on the other hand)

Sir these very words I am gone to [??] to [?] the same time he told me of his intending to murder your son to wit--now [?] so shamed you go to West Chester so shame you wish come back here and so shame as you [?] that your boy in the head so sure you will be hung [?] what impulsion caused me to use these words to him. I know [?] for I am not a religious man [?] should of thought it was so and [?] by god himself as a [?] to him--

Sir, I have [??] of the murder [?] but to the best of my knowledge I never heard him say [?] but (knock him in the head) was the word he made [?] of a sin [??] this in order to [?] my conscience and ask your forgiveness and as for the next I must ask of him that is able to forgive all sins, which I pray god in Christ [?] to [?] me in neglecting to do my duty towards saving the life of your son--and permit me to say that in future whether in or out of prison I hope to do to others as I would have others do to me.

Samuel J. Parsons als. Samuel J. [?]<sup>364</sup>

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<sup>364</sup>Samuel J. Parsons to Mr. Patton, June 15, 1845. RG15: Records of the Department of Justice, Bureau of Corrections: Eastern State Penitentiary, "Letters from Prisoners, 1845."

## 6h. Sidebar: Prisoner "Romance," 1862

Leslie C. Patrick-Stamp

The anthropologist Jacob Gruber found just what the historian of prisoners' perspectives has always wanted to discover: evidence of intimacy behind ESP's walls. In 1965 Gruber published an article for the *Germantown Crier*, "Prisoner Romance." In that article Gruber reprinted one side of the letters that had been exchanged between two inmates in 1862, Elizabeth Velora Elwell and Albert Green Jackson. Their correspondence was carried on while the Civil War raged, though the writers made no mention of it.

As Gruber pointed out, the existence and content of these letters would not be so remarkable in any other setting. At ESP in 1862, however, inmates were still theoretically confined in separate quarters. Moreover, female inmates were kept well apart from men, in "...cells in the gallery, or second floor, of block seven, close to the apartments of the prison officials and the administrative offices."<sup>365</sup> Yet, somehow, Elwell and Jackson met while in prison, and by 1862 they had an "established relationship:"

It is with in my lonsome sell that I take my pen in hand to in form you that my heart was very sad after leaving you to night but hope to see you every day. But my dear Albert there is a time coming when we will not have to run when anyone is coming. But my dear we can be like cats to play hide and seek and run when the dogs comes to bark at us. It is hard to be in hear and my dear if I can do enything to make the time slipe away I wood be very glad to do it. You need not be afraid of my telling enything. I wood cut my one throat first for I do not like them well enough. Oh dear my pen is broken and I can hardly wright. Tell me where bouts your parents live and when I get out I will come and see you my dear friend if I may call you and hope you are. God nose my heart I am your true friend. I have not mutch to wright to night. Can you read back handed wrighting? I think that man was down to do did not no mutch. Poor devils ought to be glad to get a chance to talk to enyone. Juley sends you her love. Oh dear Albert my heart is broken for you. Do not think me flatering for I am not. I wished I could tare them slats of the gate so I could see. I will have to clean up stones to morrow. You must not let them hear you speek of me my dear. There is but one thing that you must be carfull not to let them cetch you standing at the gate for they will mistrust us. Well my dear I am going wright deviltry now.

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<sup>365</sup>Jacob W. Gruber, "Prison Romance," *Germantown Crier* 17 (Sept., 1965): 82.

You have been dead longer than I have. Can you tell me where I can get a we drop of gin?<sup>366</sup>

The contents of Elwell's letter to Jackson clearly reveal that they were defying not only the separate confinement requirement, but many other aspects of the prison as well. Unlike her predecessors, Elwell did not demonstrate any fondness for the authorities, she desired to damage the physical structure (even if only a wish), she viewed imprisonment as death not reformative, and finally she desired a "drop of gin," an unfathomable idea for a woman, much less one imprisoned.

Elwell's social status before prison is evident in her writing, fraught with misspellings and grammatical errors. Gruber investigated the official prison records, discovering that she had been "...a servant girl[.]" She was "accused of taking merchandise from a store and "certain property" of the United States mail. Brought to trial in Bradford County...she was found guilty by a jury and sentenced to one and a half years in the Eastern State Penitentiary."<sup>367</sup> The object of Elwell's affections, Jackson, had also come from disadvantaged circumstances. Jackson "had been a "house of refuge boy," an inmate of Philadelphia's early rehabilitation center for juvenile delinquents. On his release from the House of Refuge, he was bound out as an apprentice barber."<sup>368</sup> Unfortunately Gruber either did not find or chose not to reprint Jackson's replies to Elwell.

Although these excerpts are drawn from only one such liaison, undoubtedly others existed. As these fragments reveal, prisoners' desires for sustained and constructive human relations endured, despite authorities' and society's actions to the contrary.

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<sup>366</sup>Gruber, p. 82.

<sup>367</sup>Gruber, p. 82.

<sup>368</sup>Gruber, p. 82.

## 6i. Daily Operation

Michele Taillon Taylor

Another area of inquiry still to be explored is that of the daily management of the prison during the nineteenth century. Some information is available for the 1830s from Thomas McElwee's Report to the Legislature of 1834. This document provides random glimpses into such matters as diet, work, staffing and provisioning the institution.

### Diet

The food provided to the prisoners was plain but sufficient, though sparing in fruits and vegetables. McElwee reported that prisoners were provided with one pint of "coffee" or cocoa "made from the cocoa nut" for breakfast. For dinner, their main meal, they typically received three quarters of a pound of boneless beef or a half a pound of pork; one pint of soup and as many potatoes as he or she wished. Occasionally boiled rice replaced potatoes. For supper, "Indian mush" was the standard. The prisoner was provided with one half gallon of molasses per month, with salt given when requested, and vinegar, as a favor. Turnips and sauerkraut were occasionally doled out. Every day the prisoner was provided with one pound of bread.<sup>369 13</sup>

One of the cooks was a prisoner named Samuel Parker. He worked in the "convict kitchen"<sup>370 14</sup>. Originally he had been in the navy, then he had ran tavern and oyster house. He had been convicted to jail for three years and one month. He was let out from his cell daily to help with cooking. This indicates that prisoners did, in fact, work outside their cells early on in the life of the prison. Another prisoner, an anonymous black man, was released from his cell to saw the wood for the bakehouse and kitchen. Pork, flour, turnips, potatoes, lard, sugar and tea were stored. Sugar arrived by the barrel - a hogshead of fine "Santa Cruz sugar" weighing 1500 lbs. was kept in the bakehouse. Another hogshead of molasses was kept near the stable. In the 1830s the meat, potatoes and soup were delivered to the prisoners in large tin circular kettles placed on three wagons (named Franklin, Washington and Lafayette). Coffee was ground in the front building in small wooden boxes under the coffee mill. It was brought in large tins from the city.<sup>371 15</sup>

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13. T. B. McElwee, *A Concise History of the Eastern State Penitentiary of Pennsylvania, Together with a Detailed Statement of the Proceedings of the Committee, Appointed by the Legislature, Dec 6, 1834* (Philadelphia: Neall and Massey, 1835), 14. Further information on prisoner diet and general care may be found in F. Rector, *Health and Medical Services in American Prisons and Reformatories* (New York: The National Society of Penal Information, Inc., 1929); and J. S. Gould, *A Report on Food and Diet, with Observations on the Dietetical Regimen, Suited for Almshouses, Prisons, and Hospitals; Also on Heating, Ventilation, etc., with Practical Recommendation* (New York: Board of Commissioners of Emigration and the Board of Governors of the New York Almshouse Department, William C. Bryant and Company, 1852).  
370

14. McElwee, 205.  
371

15. McElwee, 205-209.

The prisoner cook, Parker, provided evidence in his testimony, of the quality of the food served to the prisoners. He complained that Samuel Wood had ordered a switch from coffee for breakfast to cocoa. The latter was made from coconut shells. "The women who (carried) it off ...the Baltimore clippers, used to call this cocoa dust PINK-ROOT". Parker claimed that it was poor quality, "frequently sour - very bad indeed" and sweetened with equally poor quality molasses.<sup>16</sup> Parker explained that he cut the meat for the prisoner's meals overnight, then cooked it in the morning by steam in wooden pots. Unlike the cocoa, the "pork was pickled - corn-fed pork -- very fine", and beef was brought in every other day by the butcher. Oysters were occasionally brought in from town.<sup>372</sup> <sup>17</sup> Milk and cream were delivered from Maguire's tavern, just south of the penitentiary.<sup>18</sup>

Warden Wood had hired Richard Blundin as underkeeper of the prison in the early 1830s. Blundin lived with his family in apartments on the west side of the front building. Initially some cooking and baking was done in his apartment although it is not clear how much. Blundin's wife did the food shopping for the prison.<sup>19</sup> Local millers supplied the prison with flour regularly from 1832 until a ten horse power grist mill was built over the Cook House and Boiler Room to reduce costs in 1834.<sup>20</sup> Mrs. Blundin shopped for other food supplies including butter, sugar, coffee, tea and molasses from various markets. They were located generally within the vicinity of the prison, including Garden and Callowhill Sts., the southeast corner of Market and Decatur, the northwest corner of Eighth and Vine, Thirteenth and Callowhill. The warden raised hogs and a garden.<sup>373</sup> <sup>21</sup>

#### The Organization of Work and Provisioning of Supplies at the Prison

McElwee's report indicated that in 1834 there was a staff at the prison that consisted of, among others, a warden, underkeeper, a watchman, laborer, principal overseer and five overseers, including a head carpenter, carpenters, butcher, blacksmiths (Leonard Phleger who lived at Maguire's tavern and had also commuted earlier from Carlton St, Schuylkill Sendon and Front), dyer, bricklayer, cabinet maker, two drivers and the gate keeper. This may not have been the entire staff. Witnesses testifying in the McElwee report, also mentioned prisoners working outside their cells, including the prisoner cook referred to above, the woodcutter, and the warden's apprentice baker who had been convicted of larceny.<sup>22</sup> Other prisoners did labor for the prison inside their cells, e.g. Alfred Merrick, an Englishman who kept and dispensed pharmaceuticals from his cell.<sup>23</sup>

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16. McElwee, 209.  
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17. McElwee, 209

18. McElwee, 227.

19. McElwee, vol. 1, 35-36, 263 and vol. 2, 80.

20. R. Vaux, *Brief Sketch of the Origin and History of the State Penitentiary for the Eastern District of Pennsylvania at Philadelphia* (Philadelphia: McLaughlin Brothers, 1872), 66.  
373

21. McElwee, vol. 2, 86.

22. McElwee, 117-8.

23. McElwee, 192.



We have scant information on the provisioning of construction and prison labor material, though warden's journals and receipt books (see above) could shed more light on this issue. In McElwee's report, witnesses mentioned that lumber was often acquired for the prison from the Lehigh Coal and Navigation Company in Kensington.<sup>374</sup> <sup>24</sup> The document also noted that the prison did business with the stonemill at Ridge and Coates.<sup>375</sup> <sup>25</sup> In addition, building material at the prison was also recycled, e.g. the principal materials composing the stable and dyehouse came from bricks, rafters and window frames taken from old buildings in the yard.<sup>26</sup>

The daily life in the prison, the provision of food, construction and labor materials, the nature of the work that took place during the nineteenth century at ESP, and the contributions of talented or trained workers and inmates to the running of that institution, are hardly known to historians. The picture that has been handed down to twentieth century scholars has been painted by administration spokesmen and propagandists of the separate system in annual reports and other official sources. The 1834 McElwee document, written to record a dissenting interpretation of a scandal that took place in the prison under warden Wood's watch, is interesting to scholars because it recorded the testimonies of prisoners and workers whose version of prison life was rarely heard. Perhaps investigations into charges of abuses that took place in 1897, (two month of state legislative hearings were recorded in typed testimony located at the State Record Office in Harrisburg)<sup>376</sup> <sup>27</sup> and 1903, can also give researchers a richer and more multi-dimensional understanding of prison life than is provided by the contrived yearly reports of administrators and inspectors. Further research into these areas should enrich our picture of the day to day functioning of ESP and the lives of its inmates.

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24. McElwee, vol. 2, 57.

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25. McElwee, vol. 2, 41.

26. McElwee, vol 2. 66.

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27. N. Teeters, *The Prison at Philadelphia: Cherry Hill* (New York: Columbia University Press, 1957), 108.

## 7. Prison Labor at Eastern State Penitentiary, 1829-1865

Finn Hornum

At Eastern Penitentiary the architectural arrangements permitted labor in isolation at the opening of the institution.

(T)he new industrial system was "administered according to the "public account" plan, with a slight mixture of the "piece-price" variety of the contract system. The prison authorities purchased the "stock and manufactures" needed and then sold the manufactured product to the contractors. This was done to prevent the "demoralizing contact and intercourse" between contractor's agents and the prisoners, which would have resulted from an application of the true "piece-price" system.<sup>377</sup>

It is significant that the public account system became the dominant arrangement at Eastern throughout the nineteenth century and was not abandoned at that institution until the state-use system was mandated by law in 1915. By insisting on the merits of this system, even when it proved antiquated and unproductive, the difficulties encountered by the vast majority of institutions dominated by contract labor did not affect Eastern to the same degree. At Western Penitentiary, where the solitary system of confinement was abandoned when a law of 1869 permitted congregation of prisoners, a major change in prison industries took place. Power machinery, not employed until after 1915 at Eastern, was introduced on a large scale and the contract system prevailed until 1883. In that year contract convict labor was prohibited in Pennsylvania by law and this created havoc with the practices at Western, but left Eastern's system relatively untouched.<sup>378</sup>

Since the advantages of contract labor were one of the major arguments raised in favor of the Auburn System, it is relevant to examine that labor system in greater detail. During the penitentiary period, prison labor soon came to be seen as a primary vehicle for producing revenue for state government. Not only was it intended that the earnings from the labor of the prisoners would make the institutions self-sufficient, but it was anticipated that profit could be derived from the exploitation of their labor power. The contract system was introduced to advance these objectives. It also served to increase the power of the prison administrator. By negotiating and awarding contracts the warden had the opportunity to dispense patronage and favors and their "repayment" served as a nice fringe benefit for an ambitious administrator. The payment of wages to the inmates, practiced in the early Walnut Street institutions, soon went by the board.

At New York's Auburn Penitentiary, the original labor system followed the "piece-price" model which had been authorized by the state legislature in 1817, but within a year this was found impractical and the prison was permitted to manufacture goods on its own account and sell it on the open market, the so-called "public account" system. In 1821,

<sup>377</sup>Barnes (1927), p. 169; partially quoted from Journal of the Senate, 1830-31.

<sup>378</sup>Barnes (1927), *Op. Cit.*, pp. 184-185

however, contract labor was authorized by law and the following workshops were established within the institution under the supervision of outside contractors: a cooper shop, a tool shop, a shoemaker's shop, a tailor's shop, a weaver's shop, a blacksmith's shop, and a turner's shop.<sup>379</sup>

Under the Auburn system hard, unremitting labor became a fetish. It was considered an essential rule of life outside the prison and since all of the prisoner's time belonged to the state, it was considered natural that the fruits of the prisoners' labor should help defray the cost of operating the institutions. This philosophy was well expressed by Warden Elam Lynds:

Obedience to the law of society is all that is asked from a good citizen. It is this which the criminal ought to learn: and you teach him much better by practice than by theory. If you lock up in a cell, a person convicted of a crime, you have no control over him: you act only upon his body. Instead of this, set him to work, and oblige him to do everything he is ordered to do; you thus teach him to obey, and give him the habits of industry; now I ask, is there anything more powerful than the force of habit? If you have succeeded in giving to a person the habits of obedience and labor, there is little chance of his ever becoming a thief.<sup>380</sup>

Prison labor was used both in the construction of the institutions and to generate a profit for the state during their operation. The shift in emphasis from reformation to exploitation appealed to both politicians and the public, since profitability avoided the use of public funds derived from taxation. In the early years, most of the penitentiaries, did indeed report a considerable profit. Auburn and Sing Sing reported sufficient income from contract labor to cover operating expenses. The warden at New Hampshire's Concord Prison, Moses Pilsbury, reported a four-year profit of almost \$7,600 during the early 1820s. Charlestown claimed a profit of almost \$18,000 over two years and Wethersfield had produced a net income of over \$17,000 between 1827 and 1831, also under the leadership of Moses Pilsbury. The average cost per prisoner per day was about fifteen cents for food, clothing, and surveillance. Wethersfield and Baltimore penitentiaries were the cheapest to run, while Auburn was the most expensive. The wardens generally insisted that they could produce profitability if they were left free to select and supervise the contractors.<sup>381</sup> But not everyone was impressed with the contract system.

In New York the profits were condemned by free labor as unfair competition. Stonecutters, coopers and weavers, in particular, felt threatened by contractors using cheap labor in the penitentiaries and petitioned the state legislature several times between 1821 and 1845. To the argument that the number of convicts were too small to have an

<sup>379</sup>O. Lewis, *Op. Cit.*, pp. 104-106; Gustave DeBeaumont and Alexis DeTocqueville, *On the Penitentiary System in the United States*. (1964) (1831). Carbondale, IL: Southern Illinois University Press. pp. 68-72

<sup>380</sup>Quoted in Beaumont and Tocqueville, p. 199

<sup>381</sup>O. Lewis, *Op. Cit.*, pp. 131-132

effect on the free market, they charged that fraud and favoritism were used in awarding the contracts and that special trades were severely affected. They argued that the "reward" of working at a trade was incompatible with the objective of punishment. Besides, they believed, discharged convicts will not be hired by honest citizens and will degrade the craft to the detriment of free journeymen. There was sufficient agitation (200,000 signatures on one petition) to persuade the legislature to enact restrictions in 1835. Only trades making articles imported from abroad were permitted and only convicts who had already learned a trade before incarceration were allowed to work in domestic trades.

Since the legislation did not specify the same trade, the wardens were able to circumvent the law by assigning inmates to domestic contracts if they had any trade at all! The wardens were unable to persuade the contractors to give up their most lucrative contracts and, throughout the 1830s, contracts included bootmaking, shoemaking, coopering, locksmithing, saddlery, tailoring, blacksmithing, hatmaking, carpentry and the manufacture of cotton bed ticking and brass clocks! Such wardens as Elam Lynds and Robert Wiltse gained their favorable reputations with the legislature by employing a large proportion of their convicts and producing substantial profits, even though it was known that the productivity came at the cost of brutal treatment of the prisoners. Later legislative committees, in the early 1840s, even recommended the abolition of the contract system in New York and the substitution of a state-use system, but got absolutely nowhere.<sup>382</sup>

Prisoners were not entitled to any compensation for their work. Rather, as the strong advocate of the Auburn system, the Boston Prison Discipline Society stated as early as 1827:

Prisoners should defray by the fruits of their own labor in prison their expenses of food and clothing, medical care, moral and religious instruction, if possible the salaries of the officers and guards, and also the expenses of their own conviction and transportation.<sup>383</sup>

Beaumont and Tocqueville thought this system excessively severe and suggested allowing the prisoner to work for himself after he had completed his assigned tasks for the day, even if he did not receive these earnings until he left the prison.<sup>384</sup>

A prison labor routine of long hours was designed. In New York, for example, the convicts were up at five o'clock to work for two hours before breakfast. After breakfast, they returned to the workshops for three hours and forty-five minutes, breaking for one hour and fifteen minutes at noon for lunch. After lunch they had four hours and forty-five minutes additional work until sunset. The weekly workday averaged ten hours and included Saturdays.<sup>385</sup>

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<sup>382</sup>O. Lewis, *Op. Cit.*, pp. 130-144; Beaumont and Tocqueville, *Op. Cit.*, pp. 68-72

<sup>383</sup>O. Lewis, p. 93

<sup>384</sup>Beaumont and Tocqueville, pp. 70-71

<sup>385</sup>David J. Rothman, *The Discovery of the Asylum*. (1971). Boston: Little, Brown and Company. p. 104

Gideon Haynes' history of Charlestown Penitentiary in Massachusetts shows that the profitability of contract labor did not continue its initial promise. At Charlestown the first contract was signed in 1807 employing twenty inmates at the plating and harness business, but already seven years later, the Board of Directors expressed dissatisfaction with the attempts to make the institution self-sustaining through its labor system. Expenses, they claimed, were much too high to be covered by the profits from the contracts, the convicts were often unfit for labor of any kind, and there were not sufficient suitable types of labor available. At that time the trades in operation were stone hammering, shoemaking, brush making, coopering, cabinet making, spike and nail manufacturing and only shoemaking was profitable. Although the profitability picked up during the 1830s and 1840s, the Civil War cut off trade with the South and several contracts were closed out. The prison sought to become competitive with the factory system in the free market by installing machinery but this was not permitted. The wages paid by the contractor for prison labor were only one third to one half of free market wages and clearly constituted unfair competition. While army contracts replaced some of the canceled contracts, idleness became a serious problem.

Haynes still believed that contract labor was preferable to the state account system, as long as the warden limited the power of the contractors to interfere with the management of the prison. He felt that for the state to carry out business on its own would require a major capital outlay and the hiring of "an army of officers, agents, and salemen" plus a warden with knowledge of several branches of business to be successful.<sup>386</sup>

Similar developments occurred in other states. In New York, testimony by Warden Hubbell of Sing Sing in 1866 disclosed that contract labor at that institution had only been profitable during the Wiltse and Seymour administrations in the 1830s. However, contracts had led to profits within the state's county penitentiaries in the 1840s and 1850s, where Louis Pilsbury's superintendency enforced centralized control over the "scheming" contractors and assured a high level of efficient productivity.<sup>387</sup>

As Haynes' comments suggest, one of the major problems with the contract system was the contractor's intervention in the management of the penitentiary. Especially damaging was the practice of granting "overwork" to favored prisoners in return for bribes. Although this enabled at least some inmates to earn something on the side, it caused much jealousy and resentment among the majority of prisoners who did not receive any compensation at all. There were also instances where contractors swindled the state by reporting healthy inmates disabled or incompetent in order to pay them less. Hubbell estimated that such practices caused Sing Sing a loss of \$200,000 over a twenty-years period.<sup>388</sup>

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<sup>386</sup>Gideon Haynes, *Pictures from Prison Life: An Historical Sketch of the Massachusetts State Prison*. (1869). Boston: Lea and Shepard. pp. 101-103, 123, 223-225; Samuel Walker, *Popular Justice: A History of American Criminal Justice*. (1980). New York: Oxford University Press. pp. 70-73

<sup>387</sup>Philip Klein, *Prison Methods in New York State*. (1969) (1920). New York: AMS Press. p. 254

<sup>388</sup>Klein, *Op. Cit.*, pp. 255-256

As this overview of the dominant prison labor system demonstrates, the major problems with the contract system were: (1) that prison management had nothing to do with its operations, (2) that it lent itself to exploitation of the incarcerated labor force, and (3) that it, as recognized by the agitation of manufacturers and labor organizations, was - or had the potential to be - unfair competition in the free marketplace. In contrast, the combination of the public account system and the piece-price system practiced at Eastern did not have these undesirable features. In the public account system the inspectors of the prison, through the warden, purchased the raw materials and marketed the final product in the free market. Under the piece-price system, which was employed to a more limited extent, an external contractor might or might not furnish the raw material but purchased the finished product. The prison provided the necessary tools and machinery and supervised the work through its overseers.

While this type of labor system placed a considerable burden upon the prison administration, it appears to have worked satisfactorily in the early years of the institution.<sup>389</sup> The first warden, Samuel Wood, was a strong believer in the importance of prison labor and supervised the installation of equipment and the assignments of inmates to the various handicraft industries that were suitable for production in the individual cells. All prisoners, with the exception of those who were too ill or feeble were assigned to a trade and given the necessary "vocational instruction." The very first prisoner, Charles Williams, was put to work making shoes.

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<sup>389</sup>Teeters and Shearer, *Op. Cit.*, pp. 141-150; Barnes (1927), *Op. Cit.*, pp. 168-169, 184-186, 221-258; O. Lewis, *Op. Cit.*, pp. 217-252

Table: Prison Industries at Eastern State Penitentiary 1829-65 (Source: Harry E. Barnes, The Evolution of Penology in Pennsylvania. (1927) pp. 226-230 and Annual Reports)

Year	Weaving Spinning	Shoemaking	Woodwork Chairmaking	Cane Seating	Cigar Making	Stocking Weaving	Jobbing (Misc.)	Idle
1829	No Information Available							
1830	34	9					11?	
1831 <sup>390</sup>	43	18	5				12	9
1832 <sup>391</sup>	43	32	4				5?	
1833 <sup>392</sup>	59	52	5				41?	
1834 <sup>393</sup>	70	83	6				12	47
1835	No Information Available							
1836	No Information Available							
1837	159	156					33	10
1838								
-39 <sup>394</sup>	155	148	4				73	37
1840								
-51	No Information Available							
1852 <sup>395</sup>	84	60	19	46			62	15
1853	81	60	19	46			18	14
1854	No Information Available							
1855								
-59 <sup>396</sup>	163	162	21	137	4		93	
1860	No Information Available							
1861 <sup>397</sup>	22	62	5	23	2			47
1862	6	44	4	34	8			26
1863	4	83	6	43	6			15
1864	6	50	10	46	9			14
1865	4	58	8	93				66

<sup>390</sup>Barnes: 169 According to the Senate Journal, 1831-32, the miscellaneous occupations included 4 in blacksmithing, 2 in lockmaking, 2 in wool-packing, and 1 each in carriage-making, tailoring, cooking and washing.

<sup>391</sup>Barnes: 169 According to the Senate Journal, 1932-33, the miscellaneous occupations included 5 as blacksmiths and "the remainder were distributed in sundry minor occupations and in the domestic service.

<sup>392</sup>Barnes: 169 Senate Journal, 1833-34

<sup>393</sup>Barnes: 169 Senate Journal, 1934-35

<sup>394</sup>Based upon legislative investigative commission report on the occupational distribution of the prison population in 1838/39. "Jobbing/Misc." includes woolpicking (24), sewing (20), blacksmithing (4), cooks (2), tailors (2) and one each of the following: fireman, baker, turner, gunsmith, cooper, last-maker, engineer and apothecary.

<sup>395</sup>Occupational distribution of prison population during the year 1852. Based on Board of Inspectors Annual Report. "Jobbing/Misc." includes blacksmithing (4), tailoring (4) and "miscellaneous work about the institution" (54)

<sup>396</sup>Five year summary (1855-59) of job assignments given to 580 prisoners *received*, reported in Board of Inspectors Report for 1860. "Jobbing/Misc." includes "domestics" (75) (not clear whether these are women inmates or those doing institutional maintenance), varnishing (8), boot-crimping (3), broom-making (3), burnishing (3) and blacksmithing (1).

<sup>397</sup>1861-72 statistics refer to occupations assigned to prisoners *received* in that particular year.

He had had no previous experience, but it was reported by Warden Wood that within four days he had made a pair of shoes that passed inspection. By 1831, Charles Williams was making as many as ten pairs of shoes daily.<sup>398</sup>

Shoemaking and weaving became the two dominant trades for about fifty years. The table above shows the variety of work assignments and, where the information is available, how many prisoners were assigned to each.

During the first three years, the profit from the prisoners' labor met all the expenses of maintenance (not including official salaries) and even had a surplus. In 1833 and 1834, however, losses were reported, allegedly due to a general business depression in the country and because the state failed to provide enough capital to that the prison industries could be maintained at the highest level of efficiency.<sup>399</sup> Losses were also incurred during the depression of 1837, which interrupted the new industrial system and caused the accumulation of unsold goods, according to that year's annual report. A more serious fiscal problem arose during the Panic of 1857, because of the failure of creditors during this economic downturn. The inspectors report that the institution also lost part of its capital fund for manufacturing, which had been invested in the failed Bank of Pennsylvania. The financial uncertainties of industry during the Civil War also affected the productivity of the penitentiary.

Nevertheless, the industriousness of the prisoners was continuously praised by the inspectors and the warden during the early years and they pointed with pride to the system's success in effecting reformation. As Barnes has so cogently emphasized, the prison authorities "not only stressed industry within the prison, but also urged with remarkable vigor and consistency for fifty years the necessity of a comprehensive system of vocational instruction for all the youth of Pennsylvania, to the end that the economic causes of crime might be up-rooted at their source."<sup>400</sup>

They believed that labor kept the prisoner's mind occupied and thus excluded reflections on sin and crime. Furthermore, they argued that the learning of a craft prepared the prisoner for a self-supporting economic existence once released from the institution. While reformation may have been their dominant motive, one suspects with Barnes, that the limited emphasis on fiscal success was "a defense reaction which developed as part of the generally unsatisfactory status of the industrial system....when viewed in its economic aspects alone."<sup>401</sup> During the few periods when the institution was relatively prosperous, the inspectors proudly referred to this fact, but when the productivity was low they congratulated themselves at having escaped the materialistic exploitation of inmates typical in the contract system! As pointed out above, the contract system had its own problems with economic viability, but there is little doubt that the handicraft industries

<sup>398</sup>Teeters and Shearer, *Op. Cit.*, p. 144

<sup>399</sup>Barnes (1927), *Op. Cit.*, p. 169

<sup>400</sup>Barnes, (1927), p. 222-223

<sup>401</sup>Barnes (1927), *Op. Cit.*, p. 223



practiced in individual cells could never be as financially rewarding as the workshop manufacturing supervised by private contractors in the Auburn-type institutions.

Until 1850 weaving and shoemaking employed most of the prisoners at Eastern. A few were employed in picking over oakum and wool, perhaps the most tedious and unrewarding occupations aside from the infamous treadmill. In 1850 the making of cane seats for chairs supplanted oakum-picking and this became one of the most important industries within a few years. Chair-making also was introduced during this period. Starting in 1844, the annual reports included the earnings from the various industries and enables us to calculate the total earnings as well as noting the most profitable.

Table: Earnings from Prison Industries, Eastern State Penitentiary, 1844-1865. ( Source: Harry Elmer Barnes, The Evolution of Penology in Pennsylvania, 1927: p. 234

Year	Total Earnings	Most Profitable Industry:	Amount
1844	\$17,475	Weaving	\$11,740
1845	12,655	Weaving	6,535
1846	15,877	Weaving	8,700
1847	14,474	Weaving	8,167
1848	13,452	Weaving	7,725
1849	11,907	Weaving	6,189
1850	12,181	Weaving	6,504
1851	13,886	Shoemaking	5,154
1852	11,051	Weaving	4,448
1853	13,607	Weaving	4,637
1854	16,185	Weaving	6,061
1855	16,450	Weaving	5,229
1856	15,908	Weaving	6,136
1857	17,051	Weaving	5,889
1858	14,786	Weaving	5,600
1859	18,449	Weaving	6,437
1860	16,811	Weaving	6,101
1861	12,018	Shoemaking	4,698
1862	13,810	Shoemaking	5,782
1863	14,411	Shoemaking	7,132
1864	13,893	Shoemaking	5,602
1865	14,189	Shoemaking	5,486

The decline in weaving at the start of the Civil War exemplify the problem of cellular manufacturing. Progress in the technology of mechanical weaving made competition by the handlooms of the penitentiary impossible as it was later to do with shoemaking as well.

Outside of Pennsylvania the contract labor system prevailed with varying degrees of financial success. Eastern, however, stayed purposefully away from these developments and stuck to its own system of industrial administration. As Barnes points out:

The closest approximation to a shop arrangement that was ever realized at Cherry Hill before this date (1913) was the practice, as far as possible, of segregating the various industries by cell groups or wings, so as to have a wing of weavers, a wing of shoemakers, and a wing of chair-makers and cane-seaters.<sup>402</sup>

The inspectors took "particular pride in declaring their freedom from the octopus of the contract and machinery system and in condemning the latter in vigorous terms.<sup>403</sup> They criticized the contract system for favoring the interest of the outside contractor rather

<sup>402</sup>Barnes (1927), *Op. Cit.*, p. 240

<sup>403</sup>Barnes, pp.240-241

than the reform of the prisoners. They argued that the inmates' motivation to reform was destroyed as they saw their labor sold in advance as a form of involuntary servitude.

A final point of difference between the contract system and the public account system, as practiced at Eastern, was the "overwork" allowance permitted to the prisoners as early as 1841. In the annual report for that year, the inspectors state:

The practice here is to allot to the prisoner, as soon as he is proficient in the trade he is employed at, a moderate task, estimated at the actual cost of his maintenance. After this is performed, the balance of his labor is credited to him, and the amount paid on his release from prison.<sup>404</sup>

After 1852 a regular system allowing the prisoners one half of the excess of their labor product above the cost of their maintenance, was established probably contributing to productivity and inmates' morale. Annual statistics on the number of prisoners receiving overwork allowances and the amount distributed as credit for overwork were published on a fairly regular basis until 1917.<sup>405</sup> In contrast, inmate wages were not part of the contract system, although some contractors exploited inmates by paying them for additional work on the sly.

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<sup>404</sup>Barnes, p. 242 - underlining added for emphasis

<sup>405</sup>Barnes (1927), *Op. Cit.*, pp. 243-244

## 8. Neighborhood and Prison Management during the Early Nineteenth Century

Michele Taillon Taylor

In 1821, the Commonwealth of Pennsylvania purchased an eleven-acre property in Philadelphia County for the site of ESP. It had originally been the country seat of Benjamin and Joseph Warner. This was one of sixteen tracts considered for purchase. The property had been an orchard, hence the local name Cherry Hill. The land was located on the crest of a slight hill known as Bush Hill. A street, known as Francis Lane (later Coates Street, now Fairmount Avenue) bordered the property by the time of the purchase. Contemporary accounts refer to the site as "one of the most elevated, airy and healthy sites in the vicinity of Philadelphia."<sup>406</sup> The site's distance from the city, two miles northwest of Center Square in a rural setting, provided the prison with comparative isolation from the constant threat of epidemics endemic to urban environments. Its relatively elevated location also ensured distance from unhealthy swamps, and the salubrious ventilation of breezes.

ESP was built in what became, in 1827, the District of Spring Garden. With the exception of the small village of Francisville to the east of ESP, the area was mostly made up of country seats and, apart from these, had no residential development. This can be seen in John Cook's Map of Philadelphia from 1796 and in William Allen's Plan of The City of Philadelphia from 1828. A migration of important philanthropic and reform institutions began from the city to the Bush Hill and Francisville area during the early years of ESP.<sup>407</sup> These included the House of Refuge (1826 - originally just south of Francisville on Francis Lane); Girard College for Orphans (1832-1848 - on Girard and Ridge Rds.); and the "Small Pox Hospital" or City Hospital for patients with infectious diseases. The latter was the first of these institutions to be located in this neighborhood, on the southwest corner of Francis Lane and Nineteenth Street. It had been established in 1818 as a Pest Hospital by the Board of Health close to the eighteenth century country seat belonging to the Hamilton family (Buttonwood St. between Sixteenth and Seventeenth). During the yellow fever epidemic of 1793 that residence had been used as a makeshift hospital for city dwellers suffering from the illness.<sup>408</sup> It set the precedent for the establishment of institutions for the sick and undesirable in this area throughout the nineteenth century. Other such institutions continued to be located near the prison before and after the consolidation with the city. Examples included Saint Joseph's Hospital on Green Hill, on Girard Avenue near Girard College,<sup>409</sup>; and the second House of Refuge with a segregated unit for black children, just south of Girard College on Poplar St., seen in the A. McElroy map "Philadelphia" of 1851. Smedley's Atlas of Philadelphia of 1869 showed a "Home for Friendless Children" on Brown and Twenty-third Sts. The C.M.

<sup>406</sup>N. Teeters, Negley, and J. Shearer, *The Prison at Philadelphia: Cherry Hill* (New York: Columbia University Press, 1957), 56.

<sup>407</sup>E. Oberholtzer, *Philadelphia, A History of the City and its People* (Philadelphia: S. J. Clarke Publisher, 1912), 76.

<sup>408</sup>R. Webster, *Philadelphia Preserved* (Philadelphia: Temple University Press, 1976), 283; R.A. Smith, *Philadelphia as it is in 1852: Being a Correct Guide to all the Public Buildings* (Philadelphia: Lindsay and Blakiston, 1852), 265-266.

<sup>409</sup>Smith, 266.

Hopkins' "City Atlas of Philadelphia by Wards" of 1875 indicated a "German Hospital" on Girard and Corinthian.

In 1831, a Poudrette lot had been introduced into the Spring Garden area, adjacent to the prison on the northeast side. This indicated that this neighborhood, especially the area next to the prison, had been identified at this point as being of questionable status, predominantly non-residential, and an appropriate location for disamenities. (A comparable poudrette lot was to be placed in the Southern Liberties.) The Spring Garden lot had been bought by the Board of Health in 1831 to remedy the city's pressing need for a dumping site for its privies.<sup>410</sup> The lot or factory (the night soil was converted into manure) was a problem for the prison. In the Annual Report of 1850 the physician mentioned that the smell from the lot was particularly offensive in a northeast wind.<sup>411</sup> The lot was closed in the early 1850s.

In the area of land just south of the prison, from Broad Street between Callowhill and Spring Garden Streets westward including the old Bush Hill site, we see the development of a band of heavy industry beginning in the 1830s. This area quickly became the center of Philadelphia's production of capital equipment. The first major manufacturer to be established was Baldwin Locomotive Works (Broad and 15th, Buttonwood and Hamilton), soon joined by the Norris Locomotive Works, the Bush Hill Ironworks, Rush and Muhlenberg (stationary steam engines), William Sellers & Co. (leading manufacturer of machine tools), and William B. Bement & Son (also machine tools). Other industries in the area were the Monumental Marbleworks (in Francisville), and the Pennsylvania Soap Works and William Wood & Co. (cotton and woolen goods), the latter two moving to the area by mid-century. These firms came to the Spring Garden/Bush Hill district because of its open land and accessibility through good rail connections (Philadelphia and Columbia RR). These were both essential to capital equipment builders who required large factories, ready access to raw materials like coal and iron and ability to ship their products.<sup>412</sup>

The establishment of industries and institutions around the general area of the penitentiary fostered the growth of a residential population that worked in these places. In the 1830s certain employees of the prison such as the warden, the superintendent, his family, and some workers resided in the prison. Others boarded in the city or at Thomas Maguire's tavern across the street from ESP.<sup>413</sup> Workers in local manufacturers also initially traveled out from the city, but that was an extreme inconvenience. The first street

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<sup>410</sup>See Board of Health Minutes, September 30, 1830 - September 25, 1832, unpaginated, City Archives, Philadelphia.

<sup>411</sup>*Annual Report for Eastern State Penitentiary Number 21*, (1850).

<sup>412</sup>E. Wolf, "The Origins of Philadelphia's Self-depreciation," *Pennsylvania Magazine of History and Biography*, 104 (January 1969):69; and J. K. Brown, "The Baldwin Locomotive Works, 1831-1915: A Case Study in the Capital Equipment Sector," (Ph.D. dissertation, University of Virginia, 1992), 10.

<sup>413</sup>See T. B. McElwee, *A Concise History of the Eastern State Penitentiary of Pennsylvania, Together with a Detailed Statement of the Proceedings of the Committee, Appointed by the Legislature, vols. 1-2, December 6, 1834* (Philadelphia: Neall and Massey, 1835) for accounts of some of the employees. Maguire was also county commissioner.

railway lines drawn by horse cars were not introduced until after consolidation in 1855 and intra-urban travel was not cheap until the end of the century.<sup>414</sup>

The population of the Spring Garden ward grew exponentially from 1820 to 1860, from 3,498 to 32,091 souls.<sup>415</sup> Maps of the period show that residences were beginning to cluster around institutions such as ESP. (*Smedley's Complete Atlas of Philadelphia*, 1862). The rapid growth of the neighborhood was not without its problems. In 1849, a *New York Tribune* reporter, George Foster, wrote that the "'districts' of Spring Garden, Northern Liberties...have become infested with...the most graceless vagabonds and unmitigated ruffians...". Foster went on to decry the "gambling houses of Spring Garden, Southwark and Moyamensing."<sup>416</sup> Who were the populations that had moved into this area? Alan Burnstein, in four maps tracing the immigration of German and Irish populations in Philadelphia from 1850 to 1880, shows inroads of German immigrants in the Spring Garden area with gradual increases in population size by the 1880s. The large numbers of breweries in maps of that period indicate a substantial German population. Less skilled, the Irish were scattered throughout the city, though clustered around Spring Garden by 1850 in response to the area's burgeoning industry. By 1880 Burnstein finds a concentration of Irish population in that area.<sup>417</sup> On the other hand, in the nineteenth century few African-Americans resided in the Spring Garden district. (The census tract of the city for 1850 indicates that in the Spring Garden district only 1356 out of a total of 58,854 inhabitants were of African ancestry. That number remained roughly constant throughout the nineteenth century despite population growth). In response to the population growth, maps of the city from the second half of the nineteenth century show a dramatic increase in single dwelling housing, beginning with consolidation.

Research on ESP has just begun to explore the relationship between that institution and the local neighborhood as they evolved throughout the nineteenth century. Questions about who worked at the prison, delivered goods and services, and where they lived, still remain to be addressed. Some of these may be answered by a review of Warden's Journals, Minute Books of the Board of Inspectors, and warden's Receipt Books all located in the Division of Public Records in Harrisburg. The relationship between ESP and other neighborhood institutions is also intriguing. Many prominent Philadelphians were connected with both ESP and Girard College, for instance, including Roberts Vaux, Francis Lieber, John Sergeant, Richard Vaux, and Joseph Chandler. This connection could also be seen with builders (e.g. Jacob Souder) and mechanics and laborers. One would assume that this was the case with suppliers of all sorts. What contributions did the neighborhood make to the operations of such a huge complex as the prison? Did they change over time? Finally, what relationship did the prison have with local churches,

<sup>414</sup>R. Weigley, "The Border City in Civil War," in *Philadelphia, a 300-year History*, R. Weigley, ed. (New York, London: W.W. Norton & Company, 1982), 379.

<sup>415</sup>*Smedley's Complete Atlas of Philadelphia*, 1862.

<sup>416</sup>G. R. Taylor, "'Philadelphia in Slices' by George G. Foster," *Pennsylvania Magazine of History and Biography* 93 (Jan 1969): 23-72.

<sup>417</sup>A. Burnstein, "Immigrants and Residential Mobility: the Irish and German in Philadelphia, 1850-1880" in *Philadelphia: Work, Spaces, Family, and Group Experience in the Nineteenth Century*, T. Hersberg, ed., (Oxford and New York: Oxford University Press, 1981), 181-182, and maps 3-4.

ward and city governments, volunteer societies, i.e. what was its function in the local social and political fabric?

## § IIB. Growth and Accommodation, 1866-1923

### 1. Reactions to the New Developments in Penology, 1866-1923

Finn Hornum

The late nineteenth century saw the emergence of new ideas about the nature of crime and punishment. The writings of criminal anthropologists (often referred to as the "positive school of criminology") had shifted the emphasis from the focus on the criminal act to that of the criminal, who was perceived as less than human, either by nature or by nurture. Lombroso's early conception of the "born criminal", a throwback to an earlier stage of evolution biologically conditioned to commit crime, was widely debated by both scholars and correctional practitioners. Later views added environmental factors, especially the corrupting influences of urban life, to the causes of the criminal's behavior. The growing numbers of immigrants to American society caused special concern as they were believed to constitute inferior human material to begin with and their settlement in the urban slums further conditioned them toward criminality.

In addition to this essentially pessimistic view about the nature of the offender there was a strong belief in social progress. Social Darwinism proposed that the "civilized" societies of the world had evolved to their high state of development through the survival of the fittest. It was unthinkable that the developing superiority of the human intellect, embodied in the professional classes, could not design a method for reconstituting the criminal's nature. The growing successes of the medical profession, furthermore, suggested to many that crime was a moral disease for which a definitive cure might be developed. Increasingly, therefore, the philosophy of punishment shifted in the direction of rehabilitation, or "reformation", as it was called at the time.<sup>418</sup> Thus, the new vision of the aim of imprisonment embodied two crucial and connected policies: individualized treatment leading to a cure of the offender and the determination of the proper length of incarceration by expert assessment of the convict's progress.<sup>419</sup>

The Declaration of Principles drawn up in the first national gathering of prison administrators and reformers in Cincinnati, Ohio (1870) strongly endorsed the recommended measures to implement this philosophy. Using Alexander Maconochie's innovative incarceration scheme at the prison colony at Norfolk Island, off the coast of Australia and Sir Walter Crofton's three-staged "Irish System" as models, the Declaration urged the establishment of a reformatory system, which included indeterminate sentencing, a progressive grading scheme, and a parole system. The opening of the first reformatory at Elmira, New York, under the leadership of Zebulon Brockway, demonstrated the practicality of these measures - albeit in modified form - and led to the erection of similar institutions for youthful offenders across the country.

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<sup>418</sup>Anthony Platt,*The Child-Savers: The Invention of Delinquency*. (2nd Ed.). (1977). Chicago: University of Chicago Press. pp. 15-45

<sup>419</sup>Francis T. Cullen and Karen E. Gilbert, *Reaffirming Rehabilitation*. (1982). Cincinnati: Anderson Publishing Co. pp. 11-12



With the popularity of the reformatory idea, it was inevitable that the penitentiaries would begin to adopt some of its principles. The indeterminate sentence was first extended to the Ohio penitentiary at Columbus in 1883 with a grading system and parole eligibility for first offenders.<sup>420</sup> Other states manifested considerable ambivalence until the mid-nineties, when court decisions finally upheld the constitutionality of reformatory sentences. By 1898 twenty-five states had parole laws and by 1915 all of the northern states had incorporated the indeterminate sentence by statute. The parole system was also accepted in all of the western states except California but was only made applicable to juveniles in the South. The grading and mark systems were highly popular but difficult to implement because of the mixed sentencing practices.<sup>421</sup>

Pennsylvania's experience with changing sentencing practices and in-state opposition to the reformatory principles of indeterminacy and parole illustrate the difficulties within the penitentiary system. After years of lobbying by the Pennsylvania Prison Society and strenuous opposition from some wardens and boards of inspectors, commutation based upon records of disciplinary infractions was finally authorized in 1901. Shortly afterwards, a battle began over the introduction of an indeterminate sentence structure for the penitentiaries. Again the Pennsylvania Prison Society was opposed by Warden Michael Cassidy of Eastern State Penitentiary, but the organization's lobbying efforts resulted in a minimum -maximum sentencing structure, where the minimum could no exceed one fourth of the maximum. However, within two years this system was emasculated by an amendment that allowed the minimum to be up to one day less than the maximum. Not until 1923 was a minimum sentence not to exceed half the maximum adopted. Parole was permitted after the expiration of the minimum term.<sup>422</sup>

The use of a grading system as a basis for classification of inmates was also debated vigorously in Pennsylvania. Eastern's management continued to oppose the system. As early as 1868, after having heard about the merits of the Irish System, the inspectors wrote: "Like all novelties, it is highly estimated. Experience will divest it of all its attractions. Just now, it is the newest phase of convict treatment, and most applauded where least understood."<sup>423</sup> Warden Cassidy strongly opposed the reformatory system. After attending a meeting of prison officials in New York, he declared: "After hearing so much of herding and grading, congregation and classification, I am the more fully convinced that the individual treatment (the Pennsylvania System's most recent expression for its separate system was the "individual treatment system") for people that have to be cared for in prison for punishment of crime, is the simplest and most philosophical, and is productive of better results."<sup>424</sup> However, his contemporary at Western State Penitentiary, Edward S. Wright, developed a three part classification system as early as 1872. Modeled after Elmira, the prisoner was initially placed in second grade. With six-months good conduct he would be advanced to first grade with

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<sup>420</sup>McKelvey, *Op. Cit.*, p. 155

<sup>421</sup>McKelvey, pp. 156-160, 246-247, 256

<sup>422</sup>Barnes (1927), *Op. Cit.*, pp. 312-327

<sup>423</sup>Teeters and Shearer, *Op. Cit.*, p. 219

<sup>424</sup>Barnes (1927), *Op. Cit.*, p. 335

more privileges and the benefit of commutation. If he committed a serious violation, he was reduced to third grade and deprived of privileges.<sup>425</sup>

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<sup>425</sup>Barnes (1927), pp. 336-340

## 2. Governance, 1870-1923

Finn Hornum

The renewed national interest in reform of the penitentiary systems, which began with the founding of the National Prison Association (later renamed the American Prison Association and, in modern times, the American Correctional Association) focused attention on the issues of governance and administration. Although the new reformatories basically copied the system of relatively autonomous local boards for each institution, there were some attempts to restructure state influence through more centralized "boards of control." At the Toronto meeting of the National Prison Association in 1887, for example, there was a good deal of discussion about the autonomy of the warden. One speaker proposed that while wardens should continue to be appointed by the prison board, they should then be given complete authority to appoint all the subordinate officers and run the institution as they saw fit, with only a review power given to the board. In the subsequent animated discussion between Warden Michael Cassidy of Eastern State Penitentiary and Warden Gardiner Tufts of the Massachusetts Reformatory at Concord, Cassidy vehemently agreed with the speaker while Tufts expressed many reservations about giving such power to a single person.<sup>426</sup>

An attempt to centralize the administration of the reformatory and penal institutions in Pennsylvania was made through the Act of April 24, 1869. This act created a Board of Public Charities composed of five commissioners appointed for a term of five years by the governor. The Board was authorized to appoint a field agent to execute such responsibilities as yearly visits to all the state-aided charitable and correctional institutions in the state. The Board was required to submit annual reports to the legislature and was given general supervision over all expenditures of these institutions. It could also make recommendations for necessary changes and reforms. The institutional boards remained unchanged, however, and it is evident that the Board of Public Charities had no real control over the daily administration of the institution. (Barnes, 1927: 194-195) It was not until the second decade of the twentieth century, that such central boards of control began to assume stronger administrative and coordinating roles.<sup>427</sup>

In 1909 the appointing power of the Board of Inspectors was shifted to the Governor. In 1915 the creation of a prison labor commission under the Board of Public Charities enhanced centralized control by placing industrial production in the state penitentiaries and the state reformatory under its administration. Major change did not come, however, until 1921 when the Department of Public Welfare was established. The Act of May 25, 1921, which has been described as "one of the most forward-looking and advanced measures with respect to the centralizing of the public control of the defective, dependent and delinquent classes,"<sup>428</sup> created a department headed by a Commissioner of Public Welfare and authorized the establishment of a bureaucracy to carry out the work of the agency. It also established a Commission of Public Welfare, composed of nine members

<sup>426</sup>National Prison Association, *Proceedings*, 1887.

<sup>427</sup>Barnes (1927), *Op. Cit.*, pp. 194-195

<sup>428</sup>Barnes (1927), *Op. Cit.*, p. 196

including the respective Commissioners of Public Welfare, of Labor and Industry, and of Health. The Commission was designed to advise and to have general supervisory over the policies of the department. The department was given complete supervisory responsibility for all "state institutions", which included "all penal, reformatory and correctional institutions". It also had supervision over county prisons, institutions and agencies for juvenile delinquents and dependent children, hospitals for the insane and the feeble-minded, institutions for the deaf and inebriates, state-aided charitable institutions, and a long list of other human services. A separate Bureau of Restoration (later renamed the Bureau of Correction) had formal supervision over the penal and correctional institutions. Pennsylvania, through this act, followed in the footsteps of many other states, including the neighboring state of New Jersey which had created a similar central board of control in 1918.<sup>429</sup>

Local supervisory boards continued to exist but lost much of their authority and the change in governance policy was received with mixed emotions. The institutions and their local boards feared that the central board would see "the institutions as population figures on charts in their offices in the capitol, losing sight of or ignoring the differences in the problems represented by a home for juvenile delinquents and an old soldiers' home,...or between a large congregate prison for men and a small reformatory for women built on the cottage system." It was also recognized, however, that a central board of highly influential citizens might champion institutional causes more effectively.<sup>430</sup>

In Pennsylvania, according to Barnes:

While the creation of the Department of Public Welfare has been a great boon to the public institutions of Pennsylvania in many ways, its effect on the penal and correctional institutions has not ... been too fortunate. ... Pennsylvania is too large and populous to make it possible for any one department to administer all the institutions equally well. As a result ... the state hospitals and charitable institutions have received the major support and solicitude of the Department of Public Welfare, while the prisons and correctional institutions have been relatively slighted. The Bureau of Correction became a sort of "poor relation" or "stepson" in the Department.<sup>431</sup>

At Eastern, the institutional administration continued to be under the board of inspectors (later renamed the Board of Trustees), with the five members appointed by the governor from the taxable citizens of Philadelphia County. They continued to receive no remuneration other than their expenses and had the power to appoint the warden, chaplain, chief clerk, physician, moral instructor, and (since 1909) one or more parole officers. They fixed salaries, formulated the in-house rules, and had charge of the purchase of raw materials and the sale of manufactured goods. However, much of their

<sup>429</sup>Barnes, pp. 196-200

<sup>430</sup>Mary B. Harris, *I Knew Them In Prison*. (1936). New York: The Viking Press. pp. 108-110

<sup>431</sup>Harry Elmer Barnes, *Pennsylvania Penology - 1944: A Report on Penal and Correctional Institutions and Correctional Policy in the State of Pennsylvania*. (1944). State College, PA: The Pennsylvania Municipal Publications Service. p. 9

autonomy was now subject to the approval of the central office bureaucracy in Harrisburg. This became apparent when Dr. Ellen C. Potter, the new head of the Department of Public Welfare, intervened successfully in dealing with the ineffective administration of Warden Robert J. McKenty superseding the powers of the Board.<sup>432</sup>

The warden continued to have the power to appoint and dismiss all subordinates and was responsible for the system of prison discipline. The internal life of the institution during this era of the "big house" prisons did not, in fact, change much. The traditional custodial prisons had most commonly been operated by their wardens as independent fiefdoms under the more or less benevolent oversight of a board of trustees, and had evolved a pattern of maintaining control by "reaching an accommodation with favored inmates and the inmate power structure."<sup>433</sup> As more centralized state control over the institutions began to be implemented, this accommodation was largely left intact but it was now formalized into the classification of the state's institutions on the basis of security level; maximum, medium and minimum security. This security grading was used as resource by which the administration could use the lesser security levels to reward inmates who cooperated with staff and obeyed institutional rules. Thus, the entire system constituted a hierarchical punishment and reward structure where those who complied with the rules and participated in the formal programs of the system could be expected to move relatively rapidly through the system from the maximum security prison at the top of the hierarchy to the minimum institution at the bottom. Since security and control were the system's goals, the allocation of resources to each institution emphasized hardware and the strengthening of the custodial staff at the expense of program development. The central administrative agency had only moderate and reactive control over the individual institutions, being limited to supplying resources and settling disputes between institutions. Custody staff, organized according to a military model, was in power within the institutions.<sup>434</sup>

The wardens at Eastern during this period were:

1870-1881	Edward Townsend
1881-1900	J. Michael Cassidy
1900-1904	Daniel Bussinger
1904-1905	Joseph Byers
1905-1908	Charles Church
1908-1923	Robert J. McKenty

Again, very little information is available about these wardens. Townsend was a Philadelphia dentist. Cassidy, who served for the longest uninterrupted period, was the first true career warden. He had started in the prison as an overseer in 1861. Bussinger, Byers, Church and McKenty, who served at a time when the system was changing radically, had problems both with discipline and with the deteriorating prison labor situation. It is widely reported that McKenty's successor, Colonel John C. Groome, had

<sup>432</sup>Barnes (1944), *Op. Cit.*, p. 9

<sup>433</sup>Eric H. Steele and James B. Jacobs, "A Theory of Prison Systems," in George C. Killinger et al. (Eds.), *Penology: The Evolution of Corrections in America*. (2nd Edition) (1979). St. Paul, MN: West. p. 189

<sup>434</sup>Steele and Jacobs, *Op. Cit.*, pp. 189-193

to tighten up the regime and fire a sizable part of the personnel due to the "lax practices" of the previous regime.

## 2a. Eastern State Penitentiary Population and Number of Cells

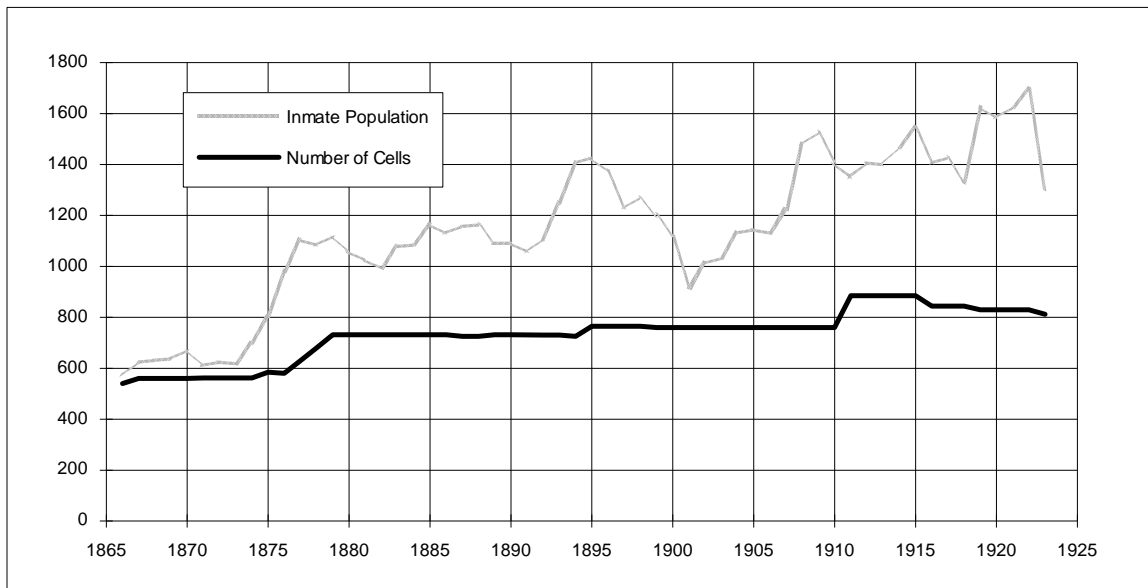
Jeffrey A. Cohen  
Michael E. Schuldt

## Inmate population and number of cells, 1866 - 1923

	Population	source	Cells	source
1866	569	a	564	c
1867	626	a	560	c
1868	630	a		
1869	638	a		
1870	671	a		
1871	614	a	562	e
1872	623	a		
1873	618	a		
1874	697	a		
1875	801	a	585	c
1876	977	a	580	e
1877	1106	a	630	e
1878	1087	a	680	c
1879	1117	a	732	e
1880	1055	a		
1881	1025	a	730	c
1882	995	a		
1883	1076	a		
1884	1081	a	732	e
1885	1161	a	732	e
1886	1131	a	732	e
1887	1158	a	725	e
1888	1160	a	725	e
1889	1090	a	732	e
1890	1091	a	732	e
1891	1059	a	731	f
1892	1104	a	730	c
1893	1248	a		
1894	1407	a	725	c
1895	1424	a	765	c
1896	1374	a	765	c
1897	1227	a		
1898	1267	a		
1899	1199	a	760	e
1900	1115	a		
1901	913	a		
1902	1009	a		
1903	1031	a		
1904	1131	a		
1905	1142	a		
1906	1130	a		
1907	1225	a		
1908	1480	a		
1909	1527	a		
1910	1407	a		
1911	1350	a		
1912	1406	a		
1913	1401	a		
1914	1463	a		
1915	1545	a		
1916	1407	a	844	g
1917	1427	a		
1918	1327	a		

	Population	source	Cells	source
1919	1623	a	830	c
1920	1581	a		
1921	1620	a		
1922	1696	a		
1923	1304	a	812	c

- c Mentioned in Board of Inspectors' annual report for following year
- e Mentioned in annual report of Board of Public Charities for following year.
- f Unid. newspaper, Jan. 1892
- g ESP pamphlet, 1916





### 3. New Construction and Alterations, 1866-1923

(Unless specifically cited, documentation is provided in Appendix A, by date, and Appendix C, by location.)

#### 3a. Accommodation, 1866-1900

Jeffrey A. Cohen

With the penitentiary's water and heating systems finally in more stable and reliable condition after improvements of the early 1860s, one might have expected only modest changes at the penitentiary in the years that followed. But a new crisis in the form of overcrowding struck the prison, soon bringing its population well above its 540 cells (counting the paired upper cells in blocks 4 through 7, presumably with their connecting doors sealed, as two separate cells). On 1 January 1867 there were 569 prisoners at ESP. The cause for this rise was variously attributed to more severe sentences, more frequent and severe crimes, to increased rural migration to the city, and also to a large influx of what were called "army prisoners." They were described as "insubordinate and unproductive," the "refuse" of military camps and hospitals after the war. The inspectors pressed the legislature to fund the building of additional cells, suggesting a second story be added to block 1, increasing its length and that of blocks 2 and 3. Meanwhile, prison authorities had to combine prisoners in a single cell, usually combining sane with insane prisoners with the thought that such an association would be less likely to be communicative of criminality.

The state responded to a request for \$167,000 with an appropriation of \$43,000 for alterations. About half this sum was expended during that year in the construction of a twenty-cell addition to the end of block, and it was completed in 1869. In this work the prison "had the services of Mr. Cassidy, one of the overseers, who superintended the work, and made all the working plans, thus saving the expense of an architect." He had also devised new sliding doors from the corridor to the cells.

Michael John Cassidy had been at work at the prison since 1861, starting as a carpenter and being promoted to overseer the following year. A surviving ledger at PSA shows that he was in charge of the chairmaking shop on block 3. In the mid-1880s, a few years after he was promoted to warden, Cassidy was recalled as having been a young carpenter who had run with the machine in the "bloody 4th" ward, one whose instinct had been trained by the boss of the 4th, William McMullen. He was a volunteer fireman with the Hibernia Hose Company, a pugnacious avocation, and was said to have seen "a good bit of the rough classes." But he reportedly became fast friends with Richard Vaux. His improved cells--at sixteen feet some four feet deeper than the older ones on the block, and well served by their service systems--were proudly touted in the inspectors' annual report as "no doubt the most complete and perfect yet erected at any penitentiary." They had wanted to use prison labor for the construction work, but the inmates' "want of architectural knowledge" prevented this, or possibly prevented it to the scale hoped for. Counting these, the number of cells reported in 1871 was 560, some of these presumably double cells.

Perhaps mindful of the overcrowding and overlong sentences, the state passed a commutation law that went into effect in July 1869, allowing some early thinning of the

ranks, but the population reported at each year's end would not descend back below the number of cells for several decades. "It is not possible now to give each convict separate rooms," the inspectors complained in 1871, "and no option is believed to exist by the Inspectors to refuse to receive those sentenced and delivered at the prison."

Accommodations to complete separation mounted, generally with official silence except in pleas to the legislature for more cells. "Employment is universally enjoined separately," they maintained in 1875, "to the extent to which the trades carried on admit of, and in association when the nature of the industry renders the opposite system impracticable." One toll of this doubling up was noted in 1873: inmate no. 6917 was killed in his cell by his cellmate.

In 1871 some repairs were made to the warden's quarters, to the east of the main gate; at the time it was stated that none had been made since 1829. A room was built for reception of convicts, probably in the yard of the opposite wing. And in November 1875 Richard Vaux ordered doorways to the cells inserted into the corridor walls of block 2; an 1872 photograph (fig. D3.1) shows that block 1 already had them, and the presence of shops in double cells in block 3 suggests that they did as well.

By 1877 some cells that had been paired or assigned other uses were again counted as cells, but the total number, 580, accommodated 911 inmates. That year the state appropriated \$55,000, and the following year nearly \$30,000 more, permitting the erection of blocks 8 and 9, with about 50 cells each (totals vary), block 10, with 32 cells, and an extension of 20 cells to the far end of block 3. Block 10 was wedged between block 1 and 2, creating a secondary intersection east of the octagonal hub. The first of these was built between May and December 1877, and the others were completed by 1879, adding 152 cells to bring the prison's total to 732. By then, however, the population had topped 1000. The new cells in blocks 8, 9, and 10 were deeper, 18 feet deep with two 5 1/2 foot skylights. The new cells in block 3 were 20 feet deep (see figs. D12.1 - D12.4). Again, the design and drawings were by Cassidy. Prison labor did much of the construction work, in the minds of the inspectors affirming the evils of the congregate system. The new cells were described in 1880 as "intended to stimulate his [the inmate's] moral character, by cleanliness and order, and to afford a freedom from many annoying and irritating causes which are injurious, when existing as incident to the treatment enforced on convicts." Cassidy, called the architect, apparently worked closely with Richard Vaux, who was credited with the ventilation system and devising the angled mirrors at the junction of blocks 8 and 9 that permitted view of them from the central rotunda.

As part of this extension, Cassidy devised a new one-story brick office building for himself and a clerk (figs. D2.1, D2.7). This was nestled between the extended axial corridor, the north flank of block 9, and the angle between the corridor and the first southern cells of block 1.

Nearly as soon as the extension to block 3 was completed, 20 cells at the end of the block, probably the new ones, were assigned for hospital use. Despite the added cells, the numbers of inmates still exceeded them by far, leaving only 435 cells occupied singly in 1881.

The prison was considered by some as an unusually uncoercive institution. Prisoners were not required to wear striped prison garb or to get frequent shaves and haircuts; many kept canaries, played instruments (one had an organ in his cell), and decorated their cells to their own liking. Roses were cultivated in yards and sold on the outside. Some spoke of the 10,000-volume library at center as excellent. Others recalled cruelties, more the acts of individual guards than the system. But if a man behaved like a gentleman, one former inmate wrote, he was treated as one. A Cincinnati reporter wrote in 1886 that "the cells in the penitentiary are[,] . . . Warden Cassidy believes[,] better than any room you can get at the seashore for \$25 a week."

A large model of the prison made in the mid-1880s shows other features: new boiler houses with stacks and fenestrated cupolas at the inner end of the north sides of block 1 and 3. Patterned paths laid out in the yards between blocks 2 and 3, and between blocks 6 and 7. By 1900, a fountain would be added between blocks 5 and 6. Other details emerge from descriptions from the 1880s: prisoners communicated through the sewer pipes, and even fed each other through them when they were punished by being deprived food; some women worked in the washhouse between blocks 5 and 6; newcomers in the 1880s spent their initial days on the block 4 gallery; inmates could receive supervised family visits once every three months.

Consumption was starting to become more of an issue by the late 1880s. About 1885 ESP physician J. William White had a gymnasium built on block 3, and exercises were done by 6 inmates at a time, while masked. Organized labor was starting to mobilize against competition from an underpaid captive force, leading ESP's authorities to repeatedly emphasize that no power machinery was used, minimizing any competitive effect with free labor. In 1889 only 399 were alone in their cells. That year electric lighting went into operation, and about that time a new generating plant was devised, probably in the boiler house along block 3. The Huntingdon Reformatory for young first-time offenders opened in 1889, allowing ESP to release some in that category. In 1892 there was a quarantine for consumptives at the "lower end" of block 1.

At the end of 1893 the population had reached 1248 in 725 cells, and once again a new block was commenced, this, block 11, wedged between blocks 2 and 3 as a near mirror image to block 10. It was built between June and December 1894 to a plan by Cassidy, warden since 1881, and overseer William H. Johnson. It had 35 cells, raising the total to 760. The new block displaced stable and blacksmith shops, which were removed to other parts of the site, presumably north of block 7 and west of block 3, respectively. The work on block 11 was all done by inmates, at a great savings in cost. It was paid for through economies in operation creating an emergency fund rather than through a legislative appropriation; this was presented as a measure that could not wait for the legislature, which now met only every other year.

The population continued to increase, nearly doubling the number of cells, but this was moderated somewhat in the mid-1890s. Meanwhile, two problems rose to critical levels: the number of deaths due to tuberculosis began to grow noticeably; and the with the Muehlbronner Act in 1897, the state began to severely limit the amount of productive labor

that could be performed at the prison, idling a large percentage of the workforce. Death took away its most vocal champions, Vaux and Cassidy. By the turn of the century, the institution faced a critical juncture.

3b. Renewal, 1900-23 unless otherwise cited, (see appendices A or C for sources)  
Jeffrey A. Cohen

The state initiated a wide-ranging renovation in the first years of the new century, some projects undoubtedly motivated by health issues, but others dedicated to a general improvement of the supporting facilities. Architect William S. Vaux, Jr. surveyed the entire ground in April 1900 and with his partner George S. Morris devised plans for a number of new buildings that were carried out in the first eight years of the new century. Vaux (1872-1908) was a cousin of the recently deceased Richard Vaux, longtime inspector and champion of ESP. William's elder brother George served as an inspector from 1898-1905. William Vaux's death came, ironically, from a disease his renovations were intended in part to combat, tuberculosis.<sup>435</sup>

At his alma mater, Haverford College, he had some experience with dynamos and boilers for its power plant, and his first project at ESP seems to have been a new boiler and engine house with an enormous chimney stack (all demolished in the 1950s) was completed between blocks 3 and 4 in 1901. This provided heat and light for the entire prison, and replaced several boiler houses appended to individual blocks. Several other buildings followed: in 1903-04 a storehouse addition was built on the northwest of the existing kitchen and gristmill building. A new industrial building was built between blocks 5 and 6 in 1905-07 "to house goods and operate various portions of manufacturing departments," including a stocking press (it was later used as a laundry and chapel/auditorium). A new shop building (demolished in the 1950s) north of the new boiler was added in the same years to house carpentry, blacksmith, and pipe shops. And a new emergency hospital (demolished in 1937) for contagious diseases was added in 1907-08 between blocks 2 and 3.

All four new buildings were of rusticated granite with a modest amount of Gothic detail that offered a characterizing to the grouped industrial windows. In addition, there were major improvements to water, heating, electrical and drainage systems, along with general renovations to the cell blocks, the grounds, and especially the hospital facilities in block 3. Alterations there provided a new operating room, a new skylit ward on the second story with about 16 beds, and special, well-ventilated ground-story cells with their own open yard for tuberculosis patients. Most of the labor was that of prisoners, who had been similarly engaged on construction projects since warden Cassidy's new blocks some four decades earlier.

The Inspectors' continual appeals were apparently successful in finally convincing the legislature of the need for more separate cells, particularly for those they felt were most at risk from association, first offenders. The state funded a new cellblock, block 12, built by the prisoners in 1909-11 and holding 120 cells. This, like the coeval garage building, was constructed of reinforced concrete, giving these new buildings less of a dour guise, though the new block with its three tiers of identical openings introduced a cold and mechanistic countenance for a system of "individual treatment."

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<sup>435</sup>Frank Willing Leach, "Old Philadelphia Families: Vaux," *North American* (Phila.), 22 Nov. 1908.

## 4. Building Systems Changes, 1866-1923

### 4a. Overview

David G. Cornelius

Several significant eras of construction can be discerned in the architectural history of Eastern State Penitentiary. The first, the Haviland era, representing the initial construction of Cherry Hill (1822-36) has already been described, along with the decades immediately following which were characterized by some modifications and improvements but no noteworthy new construction.

The extension of Cellblocks 1 (1869-70) and 3 (1879), the construction of the new Cellblocks 8, 9, and 10 (1877-79), and finally of Cellblock 11 (1894), all represent physical manifestations of the final efforts to maintain and restore the Pennsylvania System in the face of radical contrary pressures within and outside the walls. As such, the construction employed was a conservative extrapolation of Haviland's work, updated in an evolutionary, rather than revolutionary, manner, by the introduction of new systems such as steam heating and gas lighting. Perhaps the preference of Michael Cassidy for performing his own design work, without benefit of professional architects and engineers, was indicative of an increasingly beleaguered attitude.

Only at the end of Cassidy's tenure, in 1899, were outside architects, George Spencer Morris and William S. Vaux, Jr. (whose relationship to Roberts and Richard Vaux doubtless influenced this selection) retained. During the first decade of the twentieth century, Morris and Vaux instituted a major campaign of new construction and modernization. At least two implicit objectives can be seen in this work. The first was to bring Eastern State Penitentiary into some semblance of conformance with newer industrially-oriented penal facilities, an endeavor to be forever frustrated by the physical constraints of the site. The second was to compensate for the success and relative modernity of Haviland's original work, which had paradoxically inhibited necessary updating in the subsequent decades. Significantly, the designs of Morris and Vaux and the work which followed were no longer self-referential to Haviland's penitentiary, but deferred to external models: in Morris and Vaux's new castellated mode can be seen allusions both to reformatories such as at Huntingdon and (without apparent irony) to the collegiate Gothic of universities and high schools; whereas the new concrete Cellblock 12 (1908-11)--apparently built without the participation of Morris and Vaux in a reversion to in-house design--strongly resembles Alcatraz, completed the year that Cellblock 12 was begun. The work of this era radically transformed the penitentiary visually and functionally, and permitted its effective operational lifetime to be extended by half a century.

A important physical feature of Eastern State Penitentiary, which facilitated the adaptation of the complex to technological change, was the system of subterranean passages beneath the cellblock corridors. The oldest of these were constructed as air supply ducts by Haviland, but after the rapid demise of the hot air system were easily retrofitted to accommodate high pressure hot water, steam, and possibly gas. Michael

Cassidy recognized the functionality of the tunnels and replicated them in the cellblocks which he designed; a series of drawings by Cassidy shows the use of the tunnels for steam supply and condensate return and soil lines (the last being a distinct improvement on Haviland's design, which ran the lines under the exercise yards). Under Morris and Vaux the tunnels were extensively rebuilt and extended, and the vital services within them (water, steam supply and return, and electricity) rationalized and modernized. Upon the obsolescence of these services, the process was essentially repeated in the 1950s. Essentially the tunnels were a permanent structural armature accommodating shorter-lived infrastructure and its expansion and replacement, a phenomenon later intellectualized by Louis I. Kahn ("servant space") and Richard Rogers. Their present interest lies, from the viewpoint of architectural history, in the layers of technological evidence which they could contain (the study of which is currently impeded by hazardous materials) and, from that of adaptive reuse, in their potential to accommodate future building services.

#### 4b. Structure and Envelope

David G. Cornelius

The extensions and new cellblocks designed by Michael Cassidy were based on those of Haviland, but with a few significant departures (figs. D12.1 and D22.2). All of the Cassidy blocks were single-story. To better accommodate trade handicrafts and, in part, to compensate for the lack of exercise yards, the cells were made deeper, with the consequence that the roof pitches became shallower, in turn necessitating the use of sheet metal roofing. The barrel vaults of the cells were typically segmental in section; Haviland's had been semicircular. Brick masonry was used more extensively in the new blocks, for nonvisible corridor and demising walls; this was consistent with other Cassidy-era construction in the complex (fig. A16), including the warden's office, the new receiving room northwest of the main portal, and alterations to the upper portions of the observatory and connecting links. Indeed, all of the cellblock masonry became thinner, as can be seen on the end wall of the extended Cellblock 1, where the unresisted thrust from the barrel vaults, exacerbated by their segmental section, led to distortion of the wall plane and the subsequent introduction of wall anchors. Generally speaking, the quality of the workmanship is somewhat poorer than in the Haviland buildings, as exemplified by the aforementioned problem and by poorly bonded masonry, with attendant vault failure, at some of the interfaces between old and new work. Stonework is random rubble with small-sized stones and indifferent mortar bedding. Perhaps this is a reflection on the dependence on amateurs--Cassidy and his inmates--for supervision and construction.

Contemporary industrial architecture was adapted for the new Morris and Vaux buildings constructed after 1900. The reconstructed kitchen is a surviving example, with heavy timber mill construction in the ancillary areas and trussed girders (timber, with iron or steel rods) supporting the raised monitor of the main kitchen space; both areas use cast iron connectors characteristic of good contemporary practice.

Also during the Morris and Vaux period, although not perhaps under their direct supervision, reinforced concrete made its first appearance at the penitentiary, in the new Cellblock 12 (1908-11) and the contemporary stable, later a garage; concrete was to be again used in subsequent decades for Cellblocks 13 and 14 and various additions, such as workshops and the tuberculosis penthouse, to existing buildings. The 1908 usage of the material was relatively early, especially considering the resident resources employed; by comparison the Jacob Reed's Sons Store of 1904-05, one of the first reinforced concrete commercial buildings in the city, employed a proprietary system from a New York consultant.



#### 4c. Sanitary Plumbing

David G. Cornelius

The cellblocks and cellblock extensions constructed under the supervision of Michael Cassidy appear to have directly replicated the water closet design of Haviland, despite the availability in the last quarter of the nineteenth century of more sophisticated fixtures with traps and flush tanks. Cassidy's sole improvement seems to have been to relocate the soil lines to the utility tunnels below the corridors, which permitted the drains to be pitched for more effective cleansing. Cassidy's longitudinal section (fig. D12.1), interestingly if cryptically, appears to indicate the flushing mechanism, with the supply tank, overflow and gate at the high end of the soil line and with a robust valve at the low end.

In conjunction with the Morris and Vaux renovations in the first decade of the twentieth century, the by-then hopelessly outmoded Haviland sanitary plumbing was finally replaced by conventional contemporary fixtures and piping on a block-by-block basis between 1907 and 1912.<sup>436</sup> One interesting exception might have been the "Klondike" punishment cells, where a 1924 inventory of the "barbarous" environmental conditions alludes to the presence of iron toilets.<sup>437</sup> The same article comments on the provision of water by spigot, implying the absence of sinks; this situation reflected the original cell fitout and apparently persisted in a few cellblocks for the duration of the penitentiary's functional existence.

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<sup>436</sup> Annual Report 78-83 [1908-13]; Annual Report 79 [1920]; Annual Report 1924 [Chronological Notes].

<sup>437</sup> *Philadelphia Inquirer*, May 29, 30 1924.

#### 4d. Water Supply

David G. Cornelius

The reconstruction of the reservoir and pump engine in 1863 appears to have effectively addressed problems of water quantity in times of low municipal reservoir levels. City water quality, however, became an grave problem in the late nineteenth and early twentieth centuries. Recorded in a 1900 medical report were twenty-three cases of typhoid, five of which were fatal, attributed to drinking the municipal water. In immediate response the penitentiary began distilling the potable supply; unfortunately some prisoners continued to drink the unboiled tap water.<sup>438</sup> The absence of any capability for filtration or treatment at the Fairmount Waterworks, combined with the increasing pollution of its watershed, ultimately led to its closing in 1911 and replacement by newer facilities at Belmont and elsewhere.<sup>439</sup>

One of the highest priorities of Morris and Vaux was the total modernization of the prison infrastructure, beginning with the construction of the so-called belt line, a 6" water main almost circling the central radial building group.<sup>440</sup> The route of the belt line appears on several plans of the penitentiary (figs. A15, A16 and A19); the entrance of the system through the Fairmount Avenue wall east of the Administration Building is still prominently visible. The belt line apparently served the penitentiary without significant modification for the remainder of its operational existence.

In conjunction with Morris and Vaux's general program of upgrading the penitentiary plumbing system, the bathtubs originally installed in the 1840s were replaced by showers except, as noted, in the women's cellblock.<sup>441</sup> The logical inference would be that the bathrooms, previously centralized in Cellblock 4, were at this time relocated to each of the cellblocks; Morris and Vaux's plans, however, do not distinguish the bathrooms from cells. By 1927 the provision of shower rooms in each cellblock had definitely been effected.<sup>442</sup>

An 1872 description locates the penitentiary laundry at the outer end of Cellblock 7, exploiting the adjoining steam heat boiler for hot water.<sup>443</sup> Power for the washing machine was somewhat more primitive, relying upon four men turning cranks. By 1900 the laundry was its present location, between Cellblocks 5 and 6, although not in its present building (fig. A16). The latter, designed by Morris and Vaux, was curiously described in the contemporary account, as the storage building, into part of which the laundry was fitted out, as if an afterthought.<sup>444</sup>

<sup>438</sup>Annual Report 70, February 1900; Annual Report 73, January 1903; Annual Report 77, January 1907 [Chronological Notes].

<sup>439</sup>Gibson and Wolterstorff, *Fairmount Waterworks*, 38.

<sup>440</sup>Acts of Assembly 19, March 15, 1899; Minutes, Board of Inspectors, January 5, 1901; Annual Report 72, January 1902; Annual Report 73, January 1903 [Chronological Notes].

<sup>441</sup>Annual Report 75, January 1905 [Chronological Notes].

<sup>442</sup>Garrett and MacCormick, *Handbook of American Prisons and Reformatories*, 836-43 [Chronological Notes].

<sup>443</sup>Vaux, *Brief Sketch*, 64 [Chronological Notes].

<sup>444</sup>Annual Report 76, January 1906 [Chronological Notes].



## 4e. Heating

David G. Cornelius

In 1871 the conversion to steam heating, recently completed for the existing cellblocks, was extended to the Administration Building, with the rather monumental Néo-Grec cast iron radiators still extant replacing in function Haviland's coal stoves.<sup>445</sup> Presumably at least some of the fireplaces continued to be used as room amenities; as previously noted, the marble surrounds for the stoves survived until 1953, as did the chimneys until they were demolished to below the roof some time after a ca.1954 aerial photograph (fig. B5).

The Cassidy era additions extended the use of the steam heating system, which was functioned satisfactorily in the eyes of the penitentiary management. As late as 1894, Cellblock 11 had a separate boiler for heating, noted as the most expensive item in the project.<sup>446</sup>

The cells were generally not equipped with manufactured radiators; the iron piping was instead fabricated on site to obtain much the same effect, with a continuous run turned back on itself multiple times (fig. D21.11). In view of frequent improvements to the system, it is difficult to date the surviving steam installations in the penitentiary; their forms can be imagined to have empirically evolved from the simple layouts of the early Perkins system. By the early twentieth century, the work was generally performed by prison labor, at a fraction of the cost of purchased appliances.<sup>447</sup>

With the construction of the power plant between Cellblocks 3 and 4 in 1901, the heat source for space heating was centralized for the first time.<sup>448</sup> The existing steam lines were connected to the new plant by an extended tunnel system, with the intention of upgrading the heating as a second phase. A 1905 entry refers to covering unprotected pipes, which is presumably a reference to insulation in the corridors or tunnels, since the piping to be effective obviously remained exposed within the cells.<sup>449</sup> In 1919 further major upgrading of the heating system was undertaken, including the addition or replacement of a power house boiler.<sup>450</sup>

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<sup>445</sup>Annual Report 43, March 1872 [Chronological Notes].

<sup>446</sup>Annual Report 65, February 1895 [Chronological Notes].

<sup>447</sup>The existence of a plumber's shop and the training of the inmates in plumbing and steamfitting was mentioned several times in the 1900s Annual Report 77, January 1907; Warden's Daily Journal, 9 September 1907; Annual Report 81 (1911) for 1910. Earlier, during the 1897 investigation of the prison, an interviewed convict reported doing steamfitting in the prison: *Testimony from Legislative Investigation Pertaining to...the Eastern State Penitentiary* (Harrisburg, Pennsylvania State Archives), 1805.

<sup>448</sup>Annual Report 72, January 1902 [Chronological Notes].

<sup>449</sup>Annual Report 75, 1905 [Chronological Notes].

<sup>450</sup>Annual Report 90, 1920 [Chronological Notes].

## 4f. Ventilation and Daylighting

David G. Cornelius

The Cassidy cellblocks, which lacked exterior exercise yards but which benefited from a one-story configuration, apparently dispensed with the various ventilation devices designed by Haviland; this could be attributed with equal plausibility to ignorance of the principles involved or to awareness of the failure of their application. Ventilation theory of a sort was postulated by Richard Vaux and Michael Cassidy, who discoursed on "the direct relation of local currents of ground electricity to the better circulation of introduced air;" a theory perhaps enthusiastically received from a now-forgotten pseudoscientific pamphlet.<sup>451</sup> Doubtless of more real benefit to the prisoners was Cassidy's provision of two operable skylights for each cell.

Not explicitly described or explained in the available documentation is a conspicuous modification to the building exteriors, the addition of large clerestory monitors at discrete intervals (two or three to a building) over the corridors of the two-story Haviland cellblocks. The monitors seem to have been added gradually over an extended period: they do not appear in Demetz and Blouet's interior perspective of Cellblock 7, in early aerial perspectives, or in a photograph taken from the Administration Building tower in the 1850s or '60s (fig. A12); whereas the extremely detailed post-1877 model (fig. A13) shows monitors on Cellblocks 4, 5 and 6, but not yet 7. Because of their distant spacing, these clerestories tend to create isolated pools of daylight and contribute little to the overall lighting of the corridors. Almost certainly, their purpose was to improve ventilation, specifically of the poorly aired second story cells, which doubtless also suffered from stagnant hot air in summer. In cross-section the large monitors, intentionally or coincidentally, increased the resemblance of Eastern State Penitentiary to Pentonville, although functionally without the benefit of fire-aided ventilation. Similar modifications on a smaller scale were also made to the one-story blocks. Cellblock 1 is of particular interest with three types of corridor skylights: conical skylights identical to those originally used in the cells, and smaller and larger rectangular clerestory units.

Effective ventilation remained an urgently desired designed criterion in building undertaken after 1900, most vitally in the Cellblock 3 hospital, with its airy windows and adjoining yards.<sup>452</sup> This work represented a concerted effort to address the symptoms and control the transmission of tuberculosis of the lungs which, reflecting the outside pathologies of American urban life, was the principal cause of mortality in the penitentiary from the mid-nineteenth century until the development of effective drugs around World War II.<sup>453</sup> Regardless of honorable intentions, however, the actual access of inmates to breathable fresh air deteriorated through the twentieth century, as the constricted site became increasingly filled with workshops and additional cellblocks.<sup>454</sup> With the exception of small local fans in some of the workshops, little advantage was

<sup>451</sup> Annual Report 50, January 1880, 107; Annual Report 51, January 1881, 42 [Chronological Notes].

<sup>452</sup> Annual Report 70, February 1900 [Chronological Notes].

<sup>453</sup> Refer to the Annual Reports, reports of the Board of Public Charities, etc. between 1839 and 1926, which show a gradual decline in tuberculosis deaths after 1900 [Chronological Notes].

<sup>454</sup> *Philadelphia Evening Ledger*, March 24, 1933 [Chronological Notes].

taken of the increasing availability of mechanical ventilation devices; this was probably due in part to the limitations of the direct current electrical system.

#### 4g. Artificial Lighting and Power

David G. Cornelius

Electric lighting, in the forms of both arc lights and incandescent lights, for exterior and interior applications respectively, were introduced at Eastern State Penitentiary between 1888 and 1890, completely replacing gas light by 1891.<sup>455</sup> This was a relatively forward-looking development; the first electric street lighting in Philadelphia had been installed in as recently as 1882. The prison authorities were pleased both with the superior quality of electric light and with its economics; whereas gas was purchased from an outside utility, the penitentiary was able to generate electricity on-site. The first generating plant, much as several previous activities, utilized the boiler of the reservoir engine house and comprised four dynamo units.

On the recommendation of Morris and Vaux, a new central power plant was constructed between Cellblocks 3 and 4 in 1902.<sup>456</sup> The new plant replaced the reservoir engine house complex, the satellite boiler houses in the individual cellblocks, and a somewhat larger boiler house in Cellblock 3 whose removal facilitated the relocation of the hospital in its stead.

The new plant, with its multiple dynamos and coal-fed boilers, represented a major improvement, but would be quickly rendered insufficient by both the increasing loads associated with the marketing of convenience appliances and by subsequent political events. Much as Haviland was handicapped by designing standard room layouts prior to the decision to have handicrafts within the cells, Morris and Vaux did not anticipate the 1913 legislation officially abolishing the remnants of the Pennsylvania System and permitting the use of power machinery at Eastern State Penitentiary.<sup>457</sup> Within a few years a system designed primarily for lighting was found to be badly overtaxed for industrial power requirements.

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<sup>455</sup> Acts of Assembly 63, May 7, 1889; Annual Report 61, March 1891; newspaper account, January 7, 1892; Annual Report 62, March 1892 [Chronological Notes].

<sup>456</sup> Acts of Assembly 19, March 1899; Minutes, Board of Inspectors, January 5, 1901; Annual Report 72-74, 1902-04 [Chronological Notes].

<sup>457</sup> Act #395, July 7, 1913 [Chronological Notes].

## 5. Prisoners' Presence and Perspectives, 1866-1923

### 5a. Introduction

Leslie C. Patrick-Stamp

By 1870, inmates at Eastern State Penitentiary no longer captivated visitors' interest or imagination. During the latter years of the nineteenth century, however, inmates' predicament did attract the attention of a legislative committee appointed to investigate the penitentiary. Between 1893 and 1895 one prisoner, number A5732, compiled and illuminated a book of statistics on inmates at Eastern. Prisoners also attracted the attention of newly developing technology which would be used to capture and preserve their images. By the second decade of the twentieth century, at least one inmate again published a book of poetry. Women, during the last year that this chronological period includes, were transferred from Eastern State to the first prison for females in Pennsylvania.

The demographic composition of the prison changed in few respects. Men between the ages of 20 and 29 still constituted the largest proportion of the male population received at the prison. Women continued to be a small number of the inmates sentenced to the penitentiary at Cherry Hill. African Americans still comprised a disproportionate percentage of the population sentenced to the prison. The vast majority of inmates had been born in Pennsylvania. Most of the offenses that inmates had committed were against property.

One aspect of the demographic composition of Eastern State did change dramatically, however. This change, of which there are two dimensions, had to do with the prison population born outside of the United States. First, the number of countries in which men had been born increased. In 1880 men of foreign birth came from eleven countries, Germany leading with 23 men having been born there. By 1920, eighteen countries were represented by men sentenced to Eastern State. Second, whereas during the nineteenth century the primary group of foreign-born inmates arrived in the United States from Germany, Ireland, and England. By 1910 the majority of inmates born abroad informed the clerk that they had been born in Italy. In 1900 only six men gave the clerk Italy as their place of birth, and in 1910, 31 men did the same. Although men of Italian birth were the largest group of foreign-born inmates received, they alone did not add to the increased diversity of Eastern's foreign born population. New to the population were men who had been born in Bulgaria, Persia, Poland, Russia, and Servia (sic). No longer did men from Germany and Ireland dominate the foreign-born population received at Eastern State.

As in the previous period, the male population remained segregated along racial lines, although no documents refer explicitly to this institutional arrangement. Nor have extant materials been uncovered to disclose the housing arrangements for women. Perhaps the documents most revealing of an inmate's perspective on the qualitative dimensions of life in Eastern State will be found in the poem entitled "Tale of a Walled Town," excerpted



herein, and the testimony by Henry Yost, an ex-inmate, before the legislative committee that investigated conditions at Eastern in 1897.

## 5b. Inmate Population Trends and Statistics, 1860-90

Leslie C. Patrick-Stamp  
Michael E. Schuldt

When Eastern State began operation in 1829 with only nine prisoners, the foundation for recording certain vital statistics was fairly well established.<sup>458</sup> Incoming prisoners' names, the courts in which they had been tried, their offenses, sentences, prosecutors, ages, a physical description, and the method by which they departed were reported. Accounts of incoming prisoners at Eastern State during its first decades resembled this method. However, at Eastern State each prisoner was assigned a number by which he or she was referred to. Later during the nineteenth century, other variables such as educational background, domestic relations, mental condition, crime cause, and habits were recorded.

Statistics, of course, can be manipulated to make any point. Here the object is to provide the reader with a general profile of some characteristics of the men and women who reached the destination assigned to them by the courts in which they had been found guilty. The figures used for graphs are only extracted from those years that correspond to the decennial census. Unfortunately, authorities were not consistent in their record keeping procedures, and therefore in some instances certain information is not available. The most thorough records, therefore, are from the period between 1860 and 1920. The graphs are composed from the number of people received at the prison, rather than those present or remaining during any given year, since it was at the point of entry to prison that the most thorough information about each individual inmate was recorded. Furthermore, when an inmate arrived is the only point at which an individual count is possible, as all other categories do not allow for the necessary isolation.<sup>459</sup> The variables presented here have been selected because they are the least subjective for initiating a profile of the people sent to Eastern State. Other variables, such as crime cause and education, were not selected because of their subjective nature.

Eastern State Penitentiary's inmate population grew steadily, and within 41 years it surpassed the number of prison cells available for the separate confinement of individuals. Between 1829 and 1865, 5,320 men and women entered the prison. Throughout these years there were enough cells to individually confine inmates. By the end of the second period (1866-1923), Eastern State's population received increased five-fold, numbering 27,821 men and women. Although the number of prisoners grew, by 1870 the number of cells was inadequate to accommodate the aggregate of individuals who were in the prison each year. Whereas there were 671 inmates occupying the prison in 1870, there were only 560 cells. Hence, separate confinement ceased long before it

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<sup>458</sup>This method began with the first state prison, established in 1790. Inspectors of the Jail and Penitentiary House at Walnut Street, *Prison Sentence Dockets*, 3 vols. (Philadelphia, 1794-1835), n. p.

<sup>459</sup>The basis for this approach will be found in W. E. B. DuBois, *The Philadelphia Negro: A Social Study* (New York, 1967; repr. 1899), p.235, n. 1.

was officially abandoned in 1913. By 1920 there were only 830 cells for 1,581 inmates.<sup>460</sup>

Explained and elaborated upon below are the variables used to compose the graphs that will be found following this introduction.

### Race

White men constituted the largest percentage of the population sentenced to Eastern State Penitentiary. There is, however, a disparity that might be overlooked by such a statement. Although they comprised small numbers that remained fairly constant over time, the percentage of African American men sentenced to Eastern State always remained overrepresented relative to the city and more strikingly relative to the state.

### Gender

Since women were always such a small percentage of the population at Eastern, a graph has not been included. Unlike other prisons that incarcerated both male and female inmates, women always constituted less than 3% of the population sentenced to the penitentiary. Although black women were represented by smaller real numbers than white women, their percentage of the female population grew over time, and by the twentieth century they outnumbered white women sentenced to Eastern State. Hence race and gender converged to make "the lot of black females was the harshest of all those coming before Philadelphia courts."<sup>461</sup>

### Age

Throughout the duration of Eastern State, men between the ages of 20 and 29 were the largest age-group of males sentenced to the penitentiary. In terms of age range, the youngest male was sentenced in 1890 at the age of 13, and the oldest was sentenced the same year at the age of 72. Women's ages, however, ranged between 30 and 49. The ages among women extended from 12 (1870) to 59 (1880).

### Nativity

Men sentenced to Eastern had been born primarily in Pennsylvania, followed by those born in other states. Men born in other countries reached the highest point in 1860, encompassing 28% of the male population sentenced to the prison, but this population's numbers declined thereafter. Although the number of men born in foreign countries declined after 1860, the number of countries outside of the United States in which they had been born doubled by the twentieth century. Furthermore, the places of birth for those men born outside of the U.S. changed considerably between Eastern's early and [middle?] years.

The pattern of women's nativity was similar to men; namely most females sentenced to Eastern State had been born in Pennsylvania and other states. Unlike men, however, the

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<sup>460</sup>For a complete listing of the number of cells at Eastern throughout its years of operation cf. Sections IIIA.4c and IIIB.2a and IIIC.2a in this *Report*.

<sup>461</sup>Rowe, "Black Offenders," p. 704.

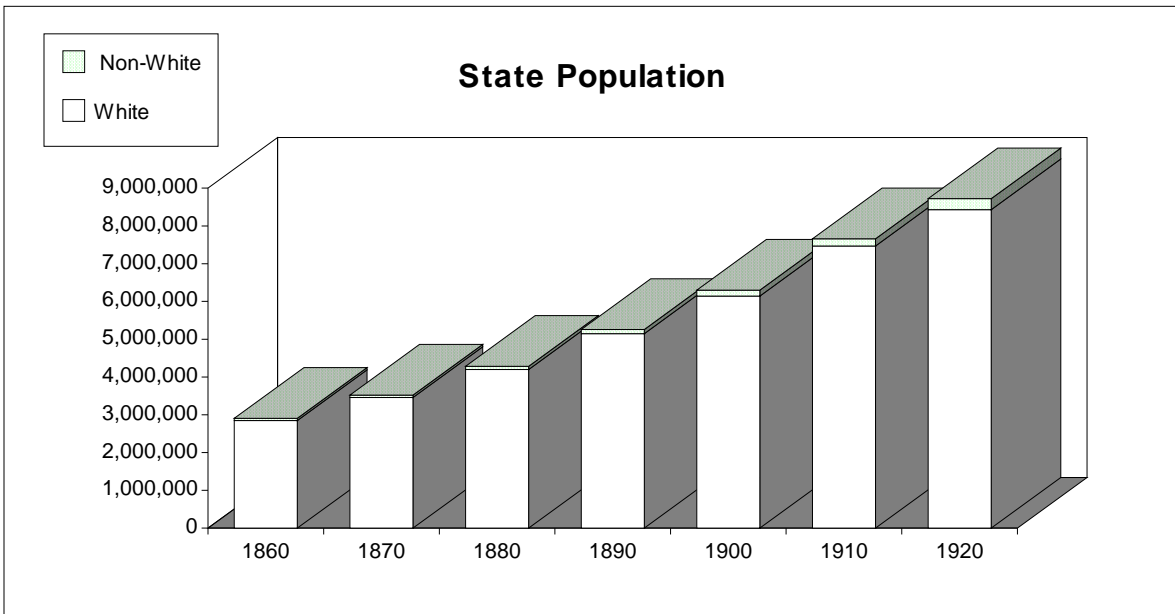
number of women born outside of the United States and sentenced to Eastern steadily declined.

#### Prior Sentences

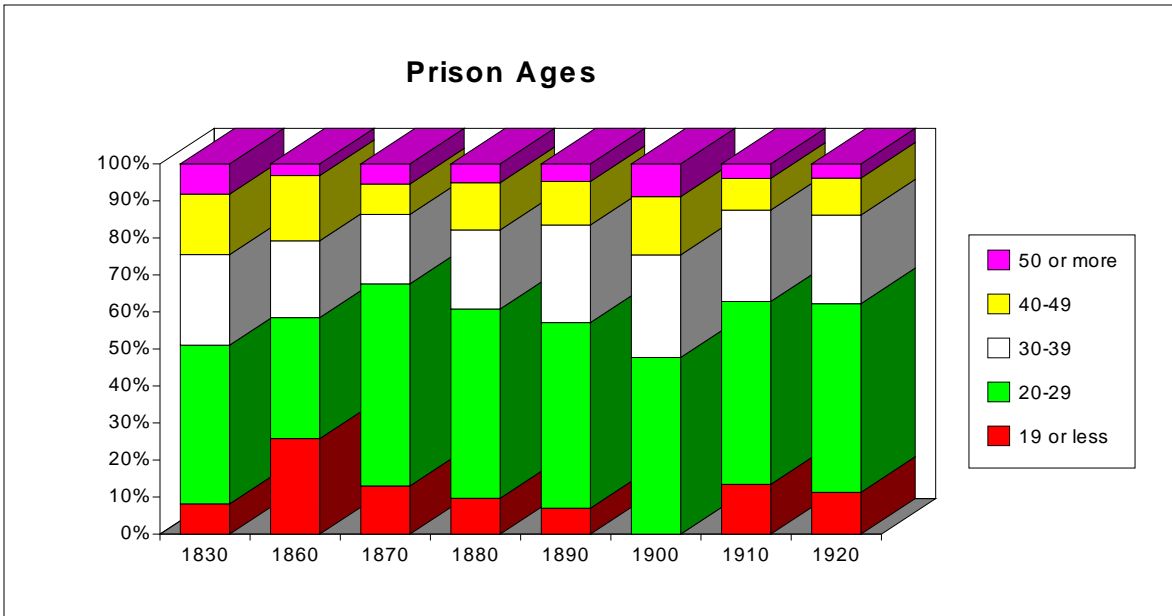
Throughout this history, the vast majority of men and women sentenced to Eastern State were in prison for the first time in their lives. However, by 1890 men with five or more convictions numbered 14:323 (2.7%), the largest number of men with so many prior convictions. Women, on the other hand, comprised 29.4% of the categories beyond no prior convictions.



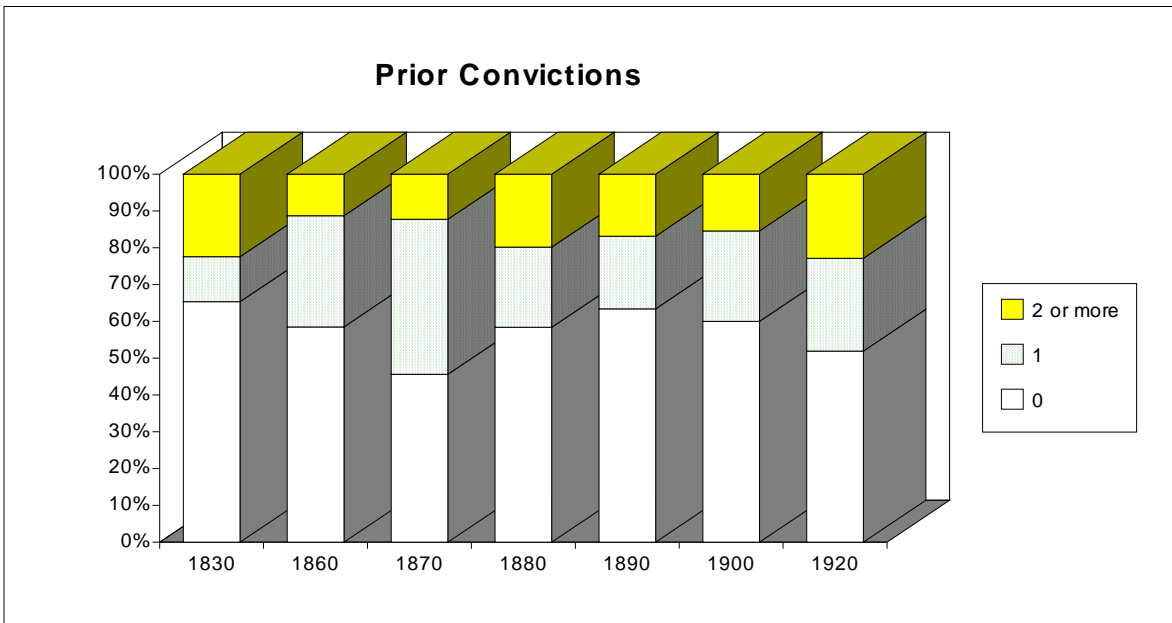
	1860	1870	1880	1890	1900	1910	1920
Non-White	40	39	70	101	84	95	145
White	219	276	389	426	267	314	377



	1860	1870	1880	1890	1900	1910	1920
Non-White	56,956	65,342	85,875	109,757	160,451	192,398	287,291
White	2,849,259	3,456,609	4,197,016	5,148,257	6,141,664	7,467,713	8,432,226



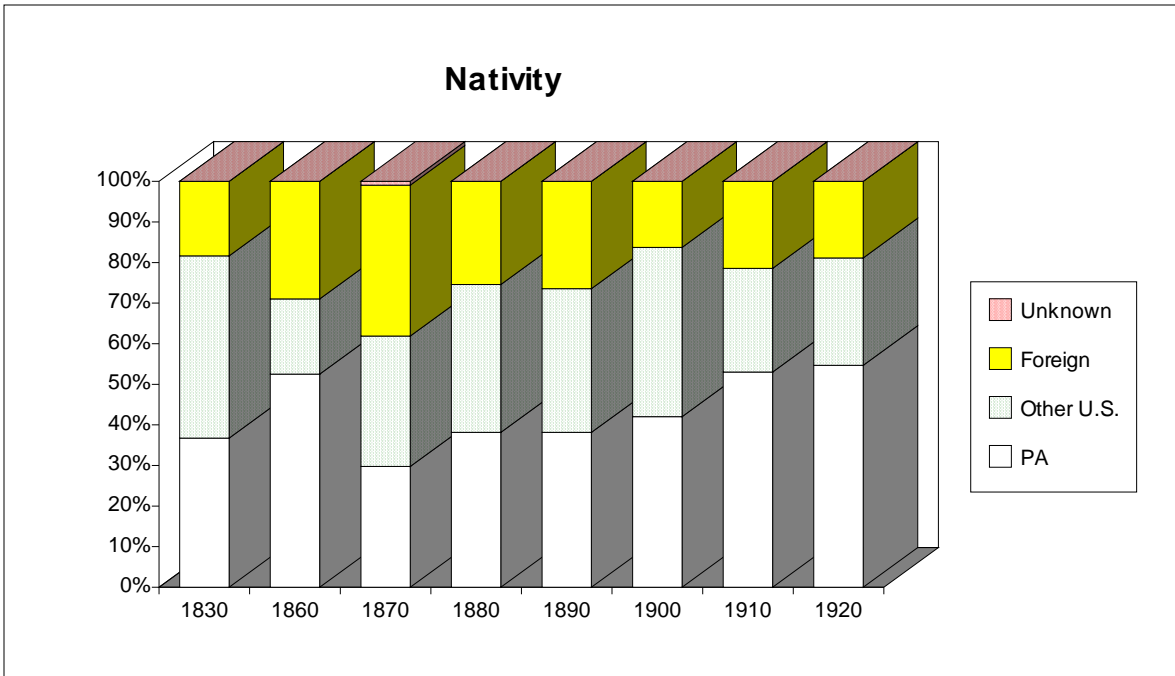
	1830	1860	1870	1880	1890	1900	1910	1920
19 or less	4	41	41	44	37	*	55	59
20-29	21	52	172	232	264	167	202	266
30-39	12	33	59	97	139	97	101	125
40-49	8	28	26	58	62	55	35	52
50 or more	4	5	17	23	25	31	16	20



	1830	1860	1870	1880	1890	1900	1910	1920
0	32	93	52	268	331	210	**	243
1	6	48	48	100	103	86		243
2 or more	11	18	14	91	88	54		107

\* The Annual Report for 1890 does not follow this grouping by age.

\*\* No information on prior convictions is available in the Annual Report for 1910.



	1830	1860	1870	1880	1890	1900	1910	1920
Pennsylvania	18	136	64	114	150	*147	220	258
Other U.S.	22	48	69	109	139	*146	106	175
Foreign	9	75	80	76	104	57	89	89
Unknown	0	0	2	0	0	0	0	0

\* The Annual Report for 1910 does not distinguish between those born in PA and Other United States. Total of 293 is split between the two.

## 5c. Investigation of Eastern State Penitentiary, 1897

Leslie C. Patrick-Stamp

Eastern State Penitentiary's reputation for benevolent reform was challenged three times within its first one hundred years of operation. On each occasion--1834, 1897, and 1903--the prison's authorities were brought before legislative committees appointed to inquire into prison management and its inmates physical and mental condition. Each investigation was distinctive. In 1835 licentious and immoral practices engaged in by "officers, agents, and females," "embezzlement of misapplication of the public provisions and public property," "cruel and unusual punishment inflicted by order of the Warden upon refractory convicts," and "substituting [the Warden's] individual caprice or discretion for the decisions of the law" were among the charges leveled against Eastern's administration in the investigation of 1834.<sup>462</sup> The 1834 investigation, like the two which followed, concluded with the institution's administration receiving mild reprimands. This investigation, however, was unlike the others in that it was challenged in a minority report written by one of the committee members, Robert McElwee. Both the majority and minority reports of this investigation are succinctly summarized in Teeters' and Shearer's *The Prison at Philadelphia, Cherry Hill*.<sup>463</sup>

Neither the 1897 nor the 1903 investigations have received as much attention as the investigation of 1834 and McElwee's rebuttal. The 1897 investigation resulted from charges that insane convicts were mistreated and their numbers were being deliberately undercounted. These allegations will be presented here, for there has been little recognition of the role played by individuals who did or did not challenge the administration of Warden Cassidy. The 1903 investigation occurred because it was charged that there were irregularities in the furnishing of food, inadequate supervision of work and accounts. Prisoners' perspectives regarding this investigation should be examined in the future.

The transcripts of the 1897 investigation still sit in their original form at the Pennsylvania State Archives, seemingly hardly touched since they were stored almost 100 years ago. Yet, within these folders of loose pages is a story that has not received much attention. It is not a story told from prisoners' perspectives--they would not provide the legislative committee with information contrary to that presented by the prison authorities. Rather, the other side of the 1897 investigation had to be brought forth by two individuals, not constrained by fear of the prison's authorities, and who were willing to step forward and refute claims of prison authorities' benevolent treatment of inmates, particularly the insane.

The 1897 investigation has been selected for inclusion here because it was prompted by one of the criticisms that endured throughout Eastern State's history, namely that separate confinement caused insanity. By 1897 debate raged whether separate confinement caused insanity. According to Teeters and Shearer, the charges which prompted an

<sup>462</sup>Negley K. Teeters and John D. Shearer, *The Prison at Philadelphia, Cherry Hill--The Separate System of Penal Discipline: 1829-1913* (New York: Columbia University, 1957), pp. 98, 99.

<sup>463</sup>Teeters and Shearer, pp. 93-107.



investigation of Eastern State Penitentiary's management in 1897 alleged "cells of the prison were in a filthy condition, that the diet was of inferior grade, and that there existed an attitude of indifference if not cruelty toward some of the inmates, especially those who were insane."<sup>464</sup> Judge James Gay Gordon, an eminent Philadelphia jurist, testified on the fourth day of the hearings. In his opening statement, the Judge's beliefs about Eastern State's authorities mistreatment of their charges became immediately apparent:

I wish now to charge the Inspectors of the Eastern Penitentiary with falsehood in their official reports; with conscious and deliberate misstatements before this Committee under oath. I wish to charge them with cruelty and inhumanity in the discharge of their duties, with neglect, with incompetence. I wish to charge them with secreting evidence, with fabricating evidence. I wish to charge them with intimidating witnesses. I want to present the proof seriatim against every one of them; and I am glad they are all here.<sup>465</sup>

Judge Gordon cited specific instances of physical abuse suffered by prisoners, and called the committee's attention to one particular inmate, Archibald White, an Eastern State prisoner whose specific circumstances embodied all of the reasons for Gordon's charges against the prison. In November, 1896, Gordon had been approached by Archibald White's aunt, who begged him to have White removed to an insane asylum. White's aunt informed Gordon that her nephew was "sick and dying, that he was insane, that his nose had been broken by the brutality of a keeper."<sup>466</sup> Gordon consented to visit White at Eastern, and described graphically his first visit to Eastern:

I asked Mr. Cassidy to let me see the prisoner, Archibald White. Mr. Cassidy shambled along and, after some time, said 'White's in a very bad way.' I replied, 'I wish to see him.' He blew his whistle, and an overseer in one of the corridors came up, to whom he said something and gave some manual direction. Mr. Cassidy asked me to sit down. Withdrawing a space from that corridor, I waited, engaged in ordinary conversation, for probably about ten minutes, when I said, 'Mr. Cassidy, why can't I see White?' He said, 'They are bringing him here, they are dressing him.' Why, I said, 'was he naked?' He said, 'Yes, he will keep no clothes upon him.' 'Where is he?' 'He is in the cell.' I said, 'Take me there; there is where I want to see him.' I went down and I found lying upon his cell floor, in an absolutely empty cell--an emaciated man, filthy in his person, filthy in all his surroundings, unable to rise; who, when spoken to by me, raised hi head up but could not get upon his feet. Mr. Cassidy dominantly commanded him to

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<sup>464</sup>Teeters and Shearer, pp. 107-108. Neither Teeters and Shearer nor Barnes, however, include any substantive remarks from the prisoners' testimonies. Cf. Barnes, pp. 376-384.

<sup>465</sup>Anonymous, *Testimony from Legislative Investigation Pertaining to the Management of and the Conditions and Treatment of Prisoners in the Eastern State Penitentiary* (Harrisburg: Pennsylvania State Archives, 1897), Record Group 15, #1746 (2 boxes), p. 516.

<sup>466</sup>Anonymous, *Testimony*, p. 517.

rise, but it was futile. He could not. I requested an overseer to go in and lift him. He was lifted up on his feet and brought out to me, into the corridor. For twenty minutes I strove to get that man to speak. He uttered not a word, he wouldn't. Mr. Cassidy told him to speak, that he could if he wanted to, that he knew how to behave and that he was doing this purposely. Not one word would he utter. Across his nose was a great gash that had been recently stitched--deep, long. I asked Mr. Cassidy to withdraw, and alone I sought to get this man to speak. I couldn't get a word from him. He was so feeble that I had to hold him or he would have fallen in my arms. I said to Mr. Cassidy, 'Put him back, he won't talk; this man is a dement, he ought not to be here--when does his term expire?' He replied 'In February.' That was but three months to come. Mr. Cassidy said, 'No, he is malingering, he is not insane.' 'Well,' I said, 'Mr. Cassidy, your prison physician won't say that.' He said 'I don't know whether he will or not.'<sup>467</sup>

Gordon then produced one piece of evidence after another demonstrating that White's mental condition justified his placing him in an institution for the insane. Finally, Gordon produced White, whose physical condition after his removal from Eastern had improved dramatically. Since his admission to the State Hospital at Norristown in November, White "gained nearly fifty pounds in six months. When I took him out of here he couldn't walk without assistance, he could not arise from a chair--he can scarcely do it now. This man has not opened his mouth for six months. Dr. Richardson will tell you, as well as the report of the Commission, that he is a hopeless dement."<sup>468</sup>

The legislative committee interviewed numerous individuals associated in various capacities with the prison, including twenty-two inmates then incarcerated at Eastern. "Prisoners were designated not by their names but by numbers. From this he [Chairman Seyfert] made selections at random, and the prisoners whom he indicated by the numbers were produced in turn before the Committee."<sup>469</sup>

Chairman Seyfert promised each prisoner immunity upon delivery of his or her testimony, stating: "This is a Committee of the Legislature investigating complaints in the Penitentiary, if there are any; and if you have any complaint to make you may state it openly and frankly, as we will protect you from being punished for anything you may state truthfully."<sup>470</sup>

Despite the apparently objective selection process and the promise of protection to prisoners who testified, almost all of the inmates had nothing negative to say about the prison's management. The committee was consistent in the questions they asked each inmate who appeared to testify, inquiring about prison food, labor, exercise, cells and cell

<sup>467</sup> Anonymous, *Testimony*, pp. 518-20.

<sup>468</sup> Anonymous, *Testimony*, p. 522.

<sup>469</sup> Anonymous, *Testimony*, p. 1380.

<sup>470</sup> Anonymous, *Testimony*, p. 1380.

mates, comparison of Eastern to other prisons, and prisoners' treatment by their overseers.

Even the inmates who had observed and worked with Archibald White would not criticize prison management. According to Prisoner #6458, White had fallen over and "hit his nose on the edge of the bath tub; he fell right over."<sup>471</sup> This account was confirmed and elaborated upon by Prisoner #6356. When asked how White happened to fall, Prisoner #6356 responded:

A. He was crawling up on the side of it [the bath tub] and his feet slipped and he struck his nose on the edge of the tub?(sic)

Q. Did you see him do it?

A. Yes, sir.

Q. Was his nose badly injured?

A. That I cannot tell.

Prisoner #6356 also provided the committee with information about the temperature of the water in which White had been bathed, "it was sometimes cold and sometimes warm." And when asked whether a club had been used on White and if he had been bruised, Prisoner #6356 responded: "[T]hey never had to use a club; they would pull him this way and that way to wash him."<sup>472</sup>

Not all prisoners who testified before the investigative committee, however, offered entirely favorable accounts of Eastern. Prisoner #8788 asserted that Western Penitentiary was "a palace to this place [Eastern]." When asked why, he responded: "In the first place, there is no solitary confinement. The victuals are better there in every regard. Third, there is shop work and communication with fellow prisoners; that is, there were at the time I was there."<sup>473</sup>

The Committee consistently asked each inmate about food and labor. Prisoner #6801 claimed that these aspects of prison life had been better at Baltimore and Sing Sing:

Q. How was the food?

A. That grub was better there [Baltimore].

Q. You say that it was better at Sing Sing. How do you account for it?

A. Oh, the food was a great deal better, we got a good many nice things, we got hot rolls and butter there. . .

Q. You have had some experience in the congregate system and in this system. Do you know what the congregate system is?

A. That is where they all work together? . . . Yes. In one sense it is altogether better to work in the shops. Your time passes quicker, and you are fitter to go to work when you get up; but some times you work too hard under the contract system.<sup>474</sup>

<sup>471</sup> Anonymous, *Testimony*, p. 1131.

<sup>472</sup> Anonymous, *Testimony*, p. 1135.

<sup>473</sup> Anonymous, *Testimony*, pp. 1381, 1382.

<sup>474</sup> Anonymous, *Testimony*, pp. 1141, 1142.

Prisoner #6583 was one of two women who testified before the committee. She had been at Eastern four years and five months, and due to be released shortly. Prisoner #6583 testified as to her mistreatment by the authorities, mistreatment that had ceased only recently:

A. Well, gentlemen, when I was down there [where?] and they rang the bell, there were two young men outside of my gate and they began to talk to me. I answered them back, and she [who?] said it wasn't just right and that the few things I said weren't altogether right. It was in the corridor. I began to pound and knock down - - - (sic) I wanted to know why she couldn't give me a good report to the Warden. So they took me down to the Insane ward and kept me for nine months. Then she came and I went back. She said I called her out of her name because she called me out of my name. I thought it was out of my name because it was through her ignorance and I didn't think she was right. Then they kept me without food for going on seven days. I didn't take any food because I didn't want it.

Q. You had some food?

A. No, I had bread and water for seven days. So then she gave me back my food. Well, now, I am down there now.

Q. Is the Matron, or whoever is in charge of you, kind to you?

A. They are kind enough now. I find them all right enough now.<sup>475</sup>

As this prisoner's responses suggest, she seems to have had difficulty remaining coherent. In fact, at one point during the inquiry, the reporter parenthetically noted that she "talk[ed] in a rapid and almost unintelligible way. Her sentences were disconnected and partly inaudible..."<sup>476</sup> Although Prisoner #6583 attempted to challenge testimonies of inmates who claimed that Eastern State authorities were benevolent toward prisoners, the circumstances of her own plight seem to have overwhelmed her and rendered her insensible.

It should not be surprising that the testimonies lack scathing criticisms of Eastern State Penitentiary and its management. These inmates probably were quite well aware of not only what they faced during this investigation, but also what awaited them upon their return to the prison. In the first place, Gordon testified before the prisoners were called to do so. Moreover, authorities from the prison were in the audience during inmates' testimonies. Word of Gordon's allegations would have traveled rapidly through the prison population; and given Cassidy's reputation for inmates to support Gordon's charges might have been hazardous. Despite the Committee's assurance of immunity to prisoners, all of these individuals would return to Eastern after they provided the Committee with the requisite information. Finally, Legislators' questions about conditions at Eastern were leading, composed to solicit positive responses about the institution from the inmates. An investigation held no protection for them once it was concluded. For only one individual, however, did these restrictions not apply--Henry Yost, ex-convict.

<sup>475</sup> Anonymous, *Testimony*, p. 1444.

<sup>476</sup> Anonymous, *Testimony*, p. 1445.

Henry Yost was not invited nor was he randomly selected to speak before the Legislative Investigation Committee. Rather, Yost approached the Committee and "stated that he desired to tell the Committee of how he was treated and of what was going on in the institution when he was an inmate of it." Yost also knew exactly what it would take for him to fulfill his desire to speak before the Committee. He asserted that "he had met the Chairman at the gate twice and had understood that the Chairman would send for him before the investigation closed."<sup>477</sup> Clearly Seyfert had undertaken no such endeavor. By publicly disclosing his exchange with the Chairman of the Committee, Yost threatened to compromise both Seyfert and the integrity of the investigation itself. (For a transcript of Yost's testimony, see Appendix D.)

Despite Judge Gordon's allegations and Henry Yost's first-hand experiences with the prison authorities at Eastern State, the legislative committee concluded its investigation by issuing a positive disposition toward the management of the prison. These prisoners' attempts to add their voices to the record, on the other hand, only earned them further enmity, hence perhaps a reason for their absence from the historical record. Upon completing its inquiry, the committee denounced Judge Gordon, and by extension the prisoners, for having made charges against the institution such that the investigation was necessary: "...[T]he officious hunting from cell to cell to elicit complaints from irresponsible criminals undergoing their sentences, is an abuse of the privilege of a prison visitor and a distinct offense against the interests of the Commonwealth; because it cannot fail to excite false hopes and insubordination among the convicts, which are injurious to them and subversive of all the objects for which prisons are maintained."<sup>478</sup>

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<sup>477</sup> Anonymous, *Testimony*, p. 1803.

<sup>478</sup> Teeters and Shearer, p. 110 quoting Report of the Committee in *Journal of the Senate of Pennsylvania*, II (1897), pp. 2298-2305.

## 5d. Sidney Ware: Eastern State Artist and Statistician

Leslie C. Patrick-Stamp

These *Illuminated Statistics* probably would not command the attention of arts critics under “normal circumstances.” Prisoner art is by no means unusual, but this book of illuminated statistics is in that it is one of the rare and carefully preserved artifacts left by an Eastern State inmate. Between 1893 and 1895 these statistics were compiled and the illustrations were drawn by Prisoner number 5732, Sidney Ware. Ware served a life sentence at Eastern State Penitentiary, once the Court of Oyer and Terminer for Dauphin County finally decided that would be his fate in 1891. The proceedings against Ware, who was charged with and found guilty of murder, had begun in 1889. That Ware was guilty of committing murder was never contested; only the degree of the murders committed was at issue, and therefore so too was the final sentence of the court: whether or not Ware would hang. Ware’s case took almost two years, and throughout the duration of the trials his crime as well as his interest in art attracted recognition by the press.

On Saturday night, 4 May 1889, Morris Miller and Frederick Kindler were murdered “on the basement steps leading into the bar room of the Valley house in Lykens, Pennsylvania.” Sidney Ware was accused of the murders and Henry Johns was named as his accomplice.<sup>479</sup> The trial for the murders of Miller and Kindler did not begin, however, until 26 September 1889. August Bryer, who owned the Lykens Valley House, was the first person to testify. The reporter paraphrased Bryer’s testimony:

It was in his bar room that the disturbance occurred which resulted in the shooting. He said Johns, Weir and London came in his house about 10 o’clock on the evening of May 4, 1889, and drank a round of beer, but did not pay for it. After that they sat down to a table and commenced a game of euchre. Weir sat behind the card playing party with a slate in his hands drawing a picture. Weir wanted something to drink and something to eat but he refused to give it to him because he had no money. Motter, Warner, Morris and Henry Miller, Kindler, Hoffman, Daniel and Shultz came in the house about an hour later and joined the cardplayers. At 20 minutes of 12 o’clock he ordered them out on account of the lateness of the hour and invited them up for a “night cap” before they retired. He thought that there had been no ill feeling among any of the party but they insisted on remaining in the bar room to play cards had they wanted to borrow money to bet on the game. He finally succeeded in getting some of [the] men to go out and Johns then started a fight. The party in the bar room then went out on the pavement and joined the fighters. He then saw Weir fire two shots and saw Morris Miller and Kindler fall. He saw no blows being

<sup>479</sup> *Commonwealth vs. Sydney Weir and Henry Johns*, Clerk of Courts, Dauphin County, *Oyer and Terminer Docket* (Harrisburg: County Clerk of Courts, June, 1889), p. 73. Case #139-03. In case #138-03, Weir is also given the alias Ware. Thanks to Carol Arnold, of the Clerk of Courts Office, for her assistance in finding this material.

struck, except by Johns, who seemed to be very aggressive. He was sure that nobody had struck Wier, and he was positive that none of them were drunk, except London.<sup>480</sup>

Messieurs. Cowden, Daniel, Hoffman, Henry Miller, and Warner, who had been present the evening of 4 May, also testified. All of the men affirmed Ware's sobriety and that he shot Morris Miller and Frederick Kindler. Additionally, a number of other men from Lykens testified that Ware was "quiet, a good citizen, and had a good reputation."<sup>481</sup>

The next day of the trial, Ware took the stand and testified "in his own defense." Paraphrased by the reporter, Ware recounted the events of the evening providing details that the other witnesses had not referred to in their testimonies:

After drinking six glasses of beer, keeping tally in card games for the others. Kindler made a challenge to play Johns for \$10 a side. Johns wanted Weir to lend him money, but he had no money either. Words were passed and Weir wanted to go home. Succeeded in getting Johns out. (Prisoner described position.) Was dragged down the steps by the throat. "For God's sake give me a fair show." Used my strength. Felt some one feeling my hip pocket. I put my hand around and pulled out my revolver, but did not shoot until three men made a rush at me. My strength was gone and I pulled the trigger to protect myself. I received another blow on the head, and fired again. Was physically exhausted after the shooting. Went home, and remained there until I was arrested. Was taken to Bryer's saloon and placed before the two men who were shot.<sup>482</sup>

Ware's testimony differs from the others'. First, he had been struck on the head, a point no other witness raised. Second, Ware claimed to have fired the shots in self-defense, again an issue not raised by any of the other witnesses. Finally, he did not claim to have been drawing during the card game, but keeping score instead. Although this last point may seem minor, it does raise the issue as to whether or not Ware considered himself an artist.

The trial that had begun in September, 1889 still had not been resolved in 1890. On 20 March 1890, "Judge Simonton handed down a decision....overruling the motion for a new trial." Ware's attorney had challenged the verdict proclaiming his client guilty of first degree murder that had been arrived at by the jury. The Judge, however, upheld the earlier decision; although he also expressed his conviction that Ware's case would be

<sup>480</sup>“Shall He Be Hanged Or Not: The Life of Sidney Weir Hangs Upon Slender Threads,” *Harrisburg Daily Patriot*, September 27, 1889, pp. 1, 2. In the early newspaper articles, Sidney Ware's name was spelled as Weir. Thanks to Malcolm Williams for collecting this and all extant newspaper articles pertaining this case.

<sup>481</sup>“What Say You, Guilty Or Not: The Fate of Sidney Weir Now Rests with Twelve Men, *Harrisburg Daily Patriot*, September 28, 1889, p. 1.

<sup>482</sup>“What Say You,” pp. 1-2.

appealed to the Supreme Court of Pennsylvania.<sup>483</sup> The reporter chronicled Ware's response to the Judge's pronouncement:

He reviewed the testimony at great length, and said there had been a fight in the saloon, in which he became involved; that he had been abused, thrown down, was dazed, breathless, and believed he was in danger of great bodily harm, that he fired merely to protect himself, without intention of doing harm to any one. He thought that his previous character, as testified to by a number of prominent citizens of Lykens, was not a murderer at heart; that he had never done any person wrong previously; that many people in that vicinity were prejudiced against him, which was shown by one person who said that he would convict him whether he was guilty or not; that the district attorney had misconstrued the testimony in several particulars; that the "fuss" in the saloon was not a mere friendly scuffle but a fight; that the noise heard by Mr. Bateman and his wife was caused by the fight inside, and not by any scuffle on the stairway.<sup>484</sup>

Ware's methodical response to the charges and the testimonies was to no avail, however, as the Judge sentenced him "to be hanged at such time as may be fixed by the governor."

Sidney Ware was not the only person who believed he should not be hanged. On 1 December 1890 an article appeared in the *Harrisburg Patriot*, announcing that "papers are now in circulation for and against the commutation of Sidney Ware's death sentence." "Ladies...working energetically to save Ware's neck from the noose" favored commutation of the death sentence, and on the other side of the issue was an unspecified group that "desire[d] to give evidence to the pardon board that the commutation of the murderer's death sentence is not a unanimous desire of the people."<sup>485</sup> By 17 December Ware's case was before the Board of Pardons. At that hearing, Ware's attorney presented petitions and letters requesting commutation, among which "was one signed by thirty members of the bar, and another by a juror in the case named Buser. Among the letters one was from Ware's mother, who is in England, and one from Judge Simonton recommending the board to review the reasons given in the motion for a new trial." The article concluded by observing the sanguine posture of Ware's lawyers, who "expressed a belief that they would save their client's neck."<sup>486</sup> Whereas the reporter did not agree with Ware's attorneys' disposition, the attorneys' optimism proved to be justified.

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<sup>483</sup>"Judge Simonton Hands Down An Elaborate Opinion Overruling the Motion," *Harrisburg Daily Patriot*, March, 20, 1890, p. 1.

<sup>484</sup>"Sentence of Death," *Harrisburg Daily Patriot*, March 20, 1890, p. 1.

<sup>485</sup>"For and Against Commutation," *Harrisburg Daily Patriot*, December 1, 1890.

<sup>486</sup>"Will Ware's Neck Be Save?: An Earnest Effort Is Made By His Counsel To Do So," *Harrisburg Daily Patriot*, December 17, 1890.



Sidney Ware spent twenty months in Dauphin County Prison before a final disposition in his case was issued. During the final months of his imprisonment in Dauphin County, Ware's artistic endeavors once again came to the attention of the press:

Sidney Ware's Latest Subjects.

Sidney Ware, the artist, of Dauphin county prison, has just finished two new subjects in oil, entitled "Off Naraganset Pier"--a moonlight scene--and "A Shore Sketch," a beautiful marine and landscape view combined. The sketches are both handsomely executed.<sup>487</sup>

Although at first sight the article's author appears to compliment Ware's artistic ability, closer examination of the text reveals his choice of terms to be tacitly directed at Ware's offense rather than his art work. Although Ware's artistic interests were recognized before and during imprisonment, other of his abilities were not.

Sidney Ware's attorneys finally succeeded in convincing the board of pardons to appeal to the governor to commute the death sentence; therefore he would serve a life sentence at Eastern State Penitentiary.<sup>488</sup> Once Sidney Ware arrived at Eastern State, however, nothing in the *Descriptive Register* suggests he had undertaken such an arduous journey. Nor does the *Descriptive Register* furnish any information about Ware's life before his conviction, other than that he had been born in England, he was 24 years old when he arrived at the prison, and he had been employed as a coal miner.<sup>489</sup>

Once imprisoned at Eastern State Ware only undertook the *Illuminated* project for approximately two years, between 1893 and 1895. No information is available as to why he began or ended it when he did. Ware not only illustrated the pages of the *Illuminated Statistics*, but he also compiled the available figures, and in some instances provided explication that suggest a level of critical consciousness about the predicament of the prisoner. This book of *Illuminated Statistics*, however, is of value for more than its art work alone. It and its artist embody the tensions that imprisonment symbolized.

Whether Ware compiled the statistics or copied those given to him remains unknown. Nevertheless, the choice of certain topics--illiteracy, education, degree of skill in the trades, domestic affairs, habits, cause of crime, and the nationality of inmates (figs. G1.1-1.13)--suggests on the part of the collector an interest in the sociological and economic conditions from which the men and women at Eastern had come. One only need examine the *Annual Report* for 1890, summarized elsewhere in this report, to recognize that the men and women at Eastern State came from environments where the denial of economic advantage played a considerable role in their circumstances.

<sup>487</sup>"Sidney Ware's Latest Subjects," *Harrisburg Daily Patriot*, November 29, 1890.

<sup>488</sup>Direct documentation for this assertion is not available. Rather it is based upon subsequent developments. The exact date of the governor having commuted Ware's sentence could not be found, although RG26: Commutation File for the years in question was perused.

<sup>489</sup>RG15: Records of the Department of Justice, Bureau of Corrections--Eastern State Penitentiary, *Descriptive Register* (Harrisburg: Pennsylvania State Archives, 1884-95), p. 224. Microfilm #0402, Roll #3.

Sociological concepts are not the only influences evident in Ware's illuminations. Many of his illustrations derived from the popular literature of the era, images which depicted the evils of gambling, idleness, and intemperance. In this respect, Ware's illuminations upheld the tenets of penal reform which asserted vices was a certain path to ruin (fig. G1.2, G1.13). Conversely, industriousness was a favored attribute in literature, as is suggested by Ware's use of pollinating bees to illuminate a table accounting for the degree to which an inmate had acquired skills in a trade in 1895 (fig. G1.9).

More subtle, though, is Ware's criticism of prison confinement. The very act of recording this information suggests the monotony of Ware's sentence to life imprisonment at Eastern State. We cannot know with certainty that Ware chose to undertake to collect or illuminate these statistics. It seems likely, however, that he did choose the particular images used to illuminate each drawing. He used certain unmistakable symbols of convicts' oppression; such as the bars from behind which a convict mournfully gazes (fig. G1.1), or the ball and chain border for the chart listing the counties from which prisoners were sent to Eastern (fig. G1.3).<sup>490</sup>

When Sidney Ware arrived at Eastern State in 1891, he was "known" as an artist. This intelligence resulted from the portraits he painted during his imprisonment in Dauphin County while awaiting the decision whether or not to hang him for the murders he had committed. Despite the dire circumstances he confronted, these illuminated statistics suggest that Ware did not languish while he was imprisoned. Yet, Ware does not seem to have entirely accepted the tenets of penal reform, as is implied by his choice of certain illustrations that accompany the quantitative information he so meticulously recorded. The illuminated statistics by Sidney Ware serve as one instructive point of departure for exploring the tensions imprisonment at Eastern State embodied.

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<sup>490</sup>Thanks to Linda Reese of the Pennsylvania State Archives for making available the book of *Illuminated Statistics* and special thanks to Professor Richard Waller for photographing it.

## 5e. Copper Printing Plates, 1909-14

Leslie C. Patrick-Stamp

One of the most unusual and mysterious collections of prisoners' images can be found in a file of Copper Printing Plates, consisting of fourteen men's portraits taken between 1909 and 1914. The pictures that were reproduced from the copper printing plates do not appear in the file of photographs of Eastern inmates, and they have not been reprinted in any of the major secondary literature on Eastern State Penitentiary. All of the inmates wore suits and ties as they first squarely faced the camera and then provided their profiles. Other than their dress, however, these men appear to have had nothing else in common. Since each man was identified by the number assigned to him upon entering Eastern State, it was possible to acquire information specific to every individual (see listing below).

The process used to capture the likeness of an individual evolved throughout the nineteenth century; it was complicated and possibly expensive. Preliminary research found the following information. A photographic image was captured onto a plate, used in the mass production of the same picture. By the middle of the century, the process involved the use of a plate of metal or glass, on which a coating of light sensitive gelatin was applied. When a photographic negative was applied, certain parts of the gelatin hardened. The basic nature of the process was that the non-hardened parts of the gelatin would swell in water. An electrotype cast was then taken from the gelatin matrix and used to print a relief image.<sup>491</sup> By 1881, the process was refined to the point that the first successful, commercial, method for creating letterpress half-tones was patented.<sup>492</sup> However, the physical process alone describes little about *why* this method was used to capture prisoners' images.

Given that less complicated forms of photography were also available and that they were used by authorities at Eastern State, the choice of these individuals for this particular form of portrait remains, in large part, a mystery. That other photographic methods were used by Eastern authorities is confirmed by the existence of three pictures taken of incoming prisoners during the same period (see attached pictures). The use of this latter method, on which an inmate's physical measurements were also included, would seem preferable as it provided the authorities with more information than the copper printing plates alone. The only information included on the copper printing plates was an inmate's assigned number.

The information provided by further investigating one man's record makes possible the deduction that these men's portraits were captured for the copper printing plates upon their arrival to serve prison sentences at Eastern. Homer Cleveland Wiggins, inmate number 6389 (see picture), was received at Eastern State Penitentiary on 21 November 1912, having been sentenced to serve between nineteen and twenty years for second degree murder. On 20 August 1913, Wiggins escaped from Eastern State. Although the

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<sup>491</sup>Michael Twyman, *Printing 1770-1970* (London: Eyre and Spitiswoode, 1970), p. 30. Thanks to Malcolm V. Williams for researching this information.

<sup>492</sup>Twyman, p. 31.

details surrounding Wiggins' escape are not available, the record does reveal his fate. Wiggins died in Willmington (sic) on 28 September 1913. Wiggins' death while escaped from the prison, then, clearly reveals that his portrait was not captured on a copper plate for the purpose of distributing "wanted" posters. Why this process was used for these particular individuals, then, shall remain a mystery until further research is undertaken on this small but potentially promising collection.

Copper Printing Plates File, 1909-14

RG 15: Dept. of Justice, Bureau of Corrections, Eastern State Penitentiary, 14 items:

Prisoner Numbers<sup>493</sup>

B5030	B5608
B5280	B5653
B5287	B5656
B5396	B5692
B5401	B5745
B5425	B5943
B5556	B7273
B5588	B6389

#5030

Name - James Bick al Vack

Age - 25

Color - Black

County - Carbon

Crime - Burglary

2nd conviction

Sentence - 7 years

Fine 5

Date Received - 7/15/09

Date Discharged - 2/18/14

#5280

Name - Edward McCormack

Age - 24

Color - White

County - Luzerne

Crime - larceny & b.b.w.

2 convictions

Sentence - 1 - 4 years

Date Received - 2/7/10

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<sup>493</sup>Details about each individual were acquired from Department of Justice, Bureau of Correction, Eastern State Penitentiary, Population Records, *Descriptive Books, Lists, Registers* (Harrisburg: Pennsylvania State Archives). Thanks to Sharon Gerarge and Malcolm Williams for assistance with collecting this information.

date Date Discharged - 6/26/13 - returned 9/21/13

#5287

Name - Frank Books

Age - 26

Color - Black

County - Dauphin

Crime - Larceny

4 convictions

Sentence - 9 mo to 3 yrs

Date Received' - 2/10/10

date Date Discharged - 4/20/12

#5396

Name - Edward Height al Haight al Parks

Age - 24

Color - White

County - Philadelphia

Crime - Burglary

Sentence - 2 - 10 years

2 convictions

fine - 1

Date Received - 5/17/10

date Date Discharged - 9/20/13

#5401

Name- Thomas Connelly

Age - 19

Color - White

County - Philadelphia

Crime - Forgery

Sentence - 2 yrs 6 mo - 10 yrs

2 convictions

fine - 1

Date Received - 5/24/10

date Date Discharged- 9/20/13

? pardoned 11/22/21

#5425

Name - George Davis al Downs al Thos. Smith

Age - 44

Color - White

County - Philadelphia

Crime - Larceny from person

Sentence - 1 - 5 years

Date Received - 6/14/10

date Date Discharged - 9/20/13  
returned - 8/12/14  
died - 3/16/15

#5556

Name - Frederick Robinson  
Age - 24  
Color - White  
County - Delaware  
Crime - assault & intent to rape  
Sentence - 2 yrs - 8 yrs  
2 convictions  
fine - 20  
Date Received - 10/18/10  
date Date Discharged - 9/29/13

#5588

Name - Milton Taylor al Tomlinson  
Age - 28  
Color - White  
County - York  
Crime - larceny & R. S. G.  
Sentence - 9 mos to 3 years  
Date Received - 11/14/10  
date Date Discharged - 2/29/12  
1/17/3

#5608

Name - Harvey al. Robert al. Howard Witman  
Age - 45  
County - Lebanon  
Crime - Larceny  
Sentence - 9 months to 3 years  
Date Received - 12/8/10  
date Date Discharged - 4/19/13 - Time Out 6/17/14

#5653

Name - Edward Betts  
Age - 30  
Color - White  
County - Lycoming  
Crime - Break & enter freight car  
Sentence - 1 - 4 years  
2 convictions  
fine - 100  
Date Received - 1/25/11

date Date Discharged - 11/26/13

#5656

Name - Edward Reese

Age - 36

Color - White

County - York

Crime - assault & battery - aggravated assault

Sentence - 1 - 5 years

1st conviction

fine - 1

Date Received - 1/27/11

date Date Discharged - 10/22/12

#5692

Name - Eugene Butler al Wilson al Gleason

Age - 20

Color - White

County - Chester

Crime - larceny

Sentence - 9 mos - 3 yrs

2nd conviction

fine - 2.5

Date Received - 3/6/11

date Date Discharged - 12-21-12

#5745

Name - Charles H. Cadow

Age - 22

Color - White

County - Montour

Crime - burglary

Sentence - 1 - 5 yrs

1st conviction

fine - .06

Date Received - 4/13/11

Date Discharged - 1/27/ 14

#5943

Name - Blair Hastins al Blaire al Halston

Age - 22

Color - White

County - Cumberland

Crime - larceny

Sentence - 9 mos - 3 years

2 convictions

Date Received - 11/17/11  
Date Discharged - 6/11/14

#6263

Name - Frank Walker al Chas. Taylor al Livingston  
Age - 39  
Color - White  
County - Philadelphia  
Crime - intent to steal  
Sentence - 6 - 8yrs 1 mo  
5 convictions  
fine - 1  
Date Received - 8/14/12  
Date Discharged - 8/28/18  
Escaped - 8/20/13 - returned 9/4/13

#6389

Name - Homer Cleveland Wiggins  
Age - 17  
Color - White  
County - Philadelphia  
Crime - murder 2nd degree  
Sentence - 19-20 years  
Date Received - 11/2/12  
Escaped - 8/20/13  
Died in Willmington (sic) - 9/28/13



## 5f. Sidebar: "A Tale of a Walled Town," 1921

Leslie C. Patrick-Stamp

Canio the Tenth  
 Slow fades the day into the night;  
*Toll slowly!*  
 And slower still returns the light  
 That never is but halfway bright.

For us no dawn-bird sounds his horn;  
 Nor matin-song of lark upborne,  
 Doth tell us of the radiant morn  
 That's born anew.

There's but the clang of iron wards,  
 That pierce the heart as sharpened swords,  
 And weave their harsh, dissonant chords,  
 Our dreaming through.

The day is welcome, though it bring  
*Toll Slowly!*  
 Nor good, nor ill, nor anything,  
 Save surcease from that brood that cling  
 Beneath the midnight's sable wing,

And sit beside our heavy bed,  
 Until the morning dawn in red,  
 Recalling that was done and said  
 In lawless mood.

For always when God's lamps are lit,  
 What sandess doth upon us sit,  
 Who watch the bird of darkness flit  
 Through Solitude.

Knowing that never home-lamps burn  
*Toll Slowly*  
 For us; nor any fond hearts year  
 For us, who do no more return.

O bitter 'tis to lie forgot  
 Of humankind, and friendly thought,  
 The while both soul and body rot  
 A wall behind!

The excerpt from this poem captures the melancholy of one prisoner's life. Prisoner B8266 had been sentenced to Eastern State in 1916. Although the state stripped him of his name when he was sentenced to serve a minimum of ten and a maximum of thirteen years in prison, it did not do so permanently. William Stanley Braithwaite was instrumental in publishing B8266's book of poetry, and thereby returning to him part of his identity. In undertaking to publish the book, Braithwaite declared that "A Walled Town deserves to be famous."<sup>494</sup> Apparently it never achieved that status, as it now can be found in only a very few repositories.

Braithwaite, who visited Rea while the latter was incarcerated at Eastern State Penitentiary, explains some of the circumstances which led to Rea's long-term imprisonment there:

In this narrative B. 2866 tells the story of a man's life, the pitiful childhood, the rudderless youth, the love that came with manhood for the woman who became the evil star of his destiny. For this woman, through his passion for her, the man rifled the costly possessions of others to satisfy her rapacious hunger for luxuries...

Apprehended for his thefts he was sent to prison for seven years, and on being released returned to find his wife another man's mistress. Then it was, the poem relates, he committed the deed for which he is now paying the penalty.<sup>495</sup>

Braithwaite's account, however, conflicts with the Eastern State record of inmate B8266. It would seem that Braithwaite chose to exercise prudence in electing not to disclose certain aspects of B8266's identity. Braithwaite stated: "I cannot give his real name, though I know it, and there are some facts about his life I cannot reveal, though the knowledge of them has explained for me a good many things in the poem."<sup>496</sup> The identity of B8266, Clarence Alexander Rea, was perhaps best left concealed since he had worked as a magazine writer before conviction and sentencing to Eastern State. As Braithwaite indicated, Rea had been in prison prior to this sentence; but the record indicates that he spent eighteen months, not seven years, at Huntingdon for larceny. Braithwaite also described B8266 as

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<sup>494</sup>B. 8266, \_\_\_\_\_ Penitentiary, *A Tale of a Walled Town and Other Verses* (Philadelphia: Lippincott, 1921), p. 14. Courtesy: Library Company of Philadelphia. Thanks to Philip Lapsansky for bringing this publication to the author's attention. Why Braithwaite, an African American literary giant, visited Rea, a white convict, while the latter was incarcerated at Eastern is not known. Braithwaite does not mention the basis for their encounter, nor is there any mention of his visit to the Philadelphia prison in one of the more recent anthologies of Braithwaite's work. Cf.: Philip Butcher, *The William Stanley Braithwaite Reader* (Ann Arbor: University of Michigan, 1972).

<sup>495</sup>Ibid., pp. 11-12.

<sup>496</sup>B.8266, p. 8.

married, but that description is also contradicted in the *Descriptive Register* (see attached).<sup>497</sup>

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<sup>497</sup>Department of Justice, Bureau of Correction, Eastern State Penitentiary, Population Records, *Descriptive Books, Lists, Registers, 1915-16* (Harrisburg: Pennsylvania State Archives).

## 6. Prison Labor, 1866-1923

Finn Hornum

Although labor agitation against convict labor began as early as 1823, when the mechanics of New York City petitioned the state legislature to abolish the competition of prison labor, it continued with ever-increasing intensity throughout the nineteenth and early twentieth century and, after the Civil War, the pressures on the state legislatures resulted in restrictive contract labor laws throughout the country. The severe depressions in the mid-seventies and eighties spurred on agitation from both manufacturers and free labor. At the same time, the factory system in the penitentiaries was no longer profitable. In addition, investigations of the contract system had revealed that it led to severe disciplinary problems. In Sing Sing, for example, Warden Hubbell described how the contractors had received permits to give prisoners tobacco, medicines, and various food delicacies. Eventually, this resulted in an exchange of contraband items between the foremen and the inmates, with those prisoners without resources having to engage in exploitative overtime work.<sup>498</sup>

While restrictions were imposed on the kind of labor permitted (by prohibiting the use of power machinery) and on the amount of goods that might be produced, the major criticisms focused on the contract labor system. There was considerable debate, however, about what type of system should replace it. The leader of the reformatory movement, Zebulon Brockway, proposed the adoption of a piece-price scheme to provide incentives for reformation. John Altgeld felt that the major reasons for the lack of productivity in prisons were its involuntariness and lack of wages for work done. He suggested that convicts should be paid wages nearly equal to current wages in the free market and then charged with the total expense of their upkeep. The surplus would then be placed to the convict's credit to help support family and dependents while he/she was incarcerated. The time of discharge would also be tied to the extent of surplus earnings attained.<sup>499</sup> But such radical proposals were unacceptable to prison authorities in the more conservative states. The piece-price system was strongly opposed, for example, by Warden Michael Cassidy of Eastern State Penitentiary, where the separate system of confinement at hard labor still used the traditional handicrafts methods in individual cells, which excluded the possibility of factory-type production.<sup>500</sup>

In 1887 the Federal Government, under Democratic political control, sent a clear signal regarding contract labor by abolishing the system for federal prisoners in all institutions. Many states soon followed suit with anticontract legislation. Ohio, New Jersey and Illinois abolished the contract system, went temporarily over to the piece-price system and eventually adopted a state account plan. New York prohibited future renewal of contracts and its Fassett Law (1889) endorsed the piece-price and state account alternatives. In 1894 the Empire state passed a constitutional amendment, which

<sup>498</sup>Fredrick H. Wines, "Historical Introduction," in Charles R. Henderson, *Prison Reform*. (1910). New York: Russell Sage Foundation. p. 9

<sup>499</sup>John Altgeld, *Our Penal Machinery and its Victims*. (1886) (1884). Chicago: A.C. McClurg and Company. pp. 95-135

<sup>500</sup>McKelvey, *Op. Cit.*, p. 119

completely abolished both the contract and piece-price alternatives and implemented the state-use system in all state prisons. Massachusetts went completely over to the state-use system before the turn of the century and it was this system that won federal approval through the strong endorsement by the United States Industrial Commission in 1900. In the other Northeastern and Midwestern states the prison labor system adopted depended upon the extent of labor/ business agitation and the political control in the state legislatures, with Republican legislators generally opposed to any interference with the prison labor system, the Democrats maintaining an anti-contract approach. The Western states, for the most part, continued the territorial prohibition against contract labor and experimented either with state account or the lease-system.<sup>501</sup>

In Pennsylvania, the first great victory for free labor came in the act of June 13, 1883, which abolished contract convict labor in all state and county penal institutions in Pennsylvania. As soon as the existing contracts expired, all inmates were to be employed in behalf of the state and to be paid wages equal to the amount of their gross earnings minus costs of trial, board, lodging and clothing. Later the same month, the legislature decreed, in the act of June 20, 1883, that all goods made in penal institutions and sold in Pennsylvania were to be marked with the words, "convict made," and the name of the institution. In 1891 the eight-hour day was also introduced in all penal institutions.<sup>502</sup> It was, however, the 1897 Muehlbronner Act that had the most wide-ranging and, from the prison authorities' point of view, most disastrous effects.

Under this act, Pennsylvania completely prohibited the use of power machinery in its prisons and left the state without a viable alternative, except for the traditional handicrafts produced in the separate cells. The act also restricted the number of prisoners employed in manufacture of brooms, brushes, and hollow-ware to five percent of the institutional population. Only ten percent were to be employed in the manufacture of any other kind of goods, wares, articles, or things manufactured elsewhere in the state, except for mats and matting, for which manufacturing was permitted by twenty percent of the inmates.<sup>503</sup>

While the acts of 1883 and 1891 disrupted the industrial system at Western Penitentiary, which had changed over to the contract system in 1870, the Muehlbronner Act affected Eastern as well. In the annual reports of 1897 and 1898 the inspectors complained bitterly about the restrictions.

There could never be placed on a statute-book more monstrous legislation than this. It is a disgrace to the intelligence of the Nineteenth Century. Every prisoner should be compelled to work - to work hard for eight or ten hours every day. It would produce greater reformation in the character of the prisoners than all other means combined. This Act produced a strange contradiction. Every prisoner sent to the Eastern Penitentiary is condemned by the law to solitary

<sup>501</sup>Klein, *Op. Cit.*, pp. 261-264; McKelvey, *Op. Cit.*, pp. 115-128

<sup>502</sup>Barnes (1927), *Op. Cit.*, p. 249

<sup>503</sup>Barnes (1927), *Op. Cit.*, p. 250

confinement at hard labor, and yet this act forbids putting ninety per centum of those thus sentenced to any labor whatever.<sup>504</sup>

The effects on prison industries in Pennsylvania were indeed as predicted and the problem of idleness pervaded the system. Barnes, quoting statistics by E. Stagg Whitin, contends that out of a total of 2,900 able-bodied male prisoners nation-wide in 1909, 2,073 were listed from Pennsylvania. The employment trends at Eastern State Penitentiary during this entire period is shown below and indicates the seriousness of the problem as well.<sup>505</sup>

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<sup>504</sup>Quoted in Barnes (1927), p. 251

<sup>505</sup>Barnes (1927), p. 251

Table: Prison Industries at Eastern State Penitentiary 1865-1913 (Source: Harry E. Barnes, The Evolution of Penology in Pennsylvania. (1927) pp. 226-230 and Annual Reports)

Year	Weaving Spinning	Shoe- making	Woodwork Chairmaking	Cane Seating	Cigar Making	Stocking Weaving	Jobbing (Misc.)	Idle
1866 <sup>506</sup>	54	68	9	98				108
1867	45	93	6	75				54
1868	67	65	1	46				56
1869	51	68	7	74				80
1870	36	90	11	69				80
1871	43	84	6	47				41
1872	52	115	8	31				88
1873 <sup>507</sup>	40	121	18	101	27		88	235
1874	40	213	17	119	35		118	184
1875	43	351	40	178	64		40	175
1876	49	297	44	122	76		80	296
1877	55	237	8	59	90		173	235
1878	60	263	1	130	44		141	326
1879	35	330		100	50	175	138	152
1880	62	173		79	41	236	158	154
1881	80	133	2	84	12	200	106	238
1882	35	154		92	39	226	117	223
1883	5	111		84	53	271	112	238
1884	10	107		71	25	334	232	158
1885	10	111	3	10	35	335	250	214
1886	6	111	3	63	31	323	213	155
1887	10	114	3	63	27	401	129	107
1888	10	40	4			303	130	462
1889	10	36	2	40	4	308	201	277
1890	11	52		43		319	130	291
1891	10	44		51	10	264	127	296
1892	7	44		59	3	33	75	766
1893		24		81		69	124	795
1894	11	23					91	1156
1895		36		61			146	1024
1896	10	24		52			101	879

<sup>506</sup>1861-72 statistics refer to occupations assigned to prisoners *received* in that particular year. The Annual Report of 1866 (issued March, 1867) shows different numbers than those given by Barnes. It is possible that this was the actual occupational distribution of the resident population. These incomplete numbers are: 108 weaving, 169 shoemaking, 21 woodworking, 128 caning, 20 making and mending clothing (all women) and unknown numbers winding yarn, shoefitting, chairmaking, and jobbing; 30 were listed as idle.

<sup>507</sup>Starting in 1873 the annual reports include the occupational distribution of the resident population - *not* those received. Discrepancies still found when compared to annual reports: Annual Report of 1880 gives the labor census as follows: 70 weaving, 381 shoemaking, 77 women's shoemaking, 31 woodworking, 82 caning, 140 weaving stockings, 46 woolpicking, 7 smiths, 16 women sewing on prison work and 201 idle.

Year	Weaving Spinning	Shoe- making	Woodwork Chairmaking	Cane Seating	Cigar Making	Stocking Weaving	Jobbing (Misc.)	Idle
1897	5	32		72	5		91	960
1898 <sup>508</sup>	10	22		73	5		60	908
1899	10	28		51	5		53	896
1900	8	27		53	4		54	716
1901	8	20		45	5		47	770
1902		17		71	7	53	164	630
1903	18	24		55	18	76	581	270
1904	15	34		62	31	196	362	386
1905	18	33		68	28	96	428	388
1906	18	30		71	25	98	298	551
1907	18	19		92	17	98	376	836
1908	20	25		98	15	114	460	692
1909-11	No Information Available							
1912 <sup>509</sup>	6	15		28	18	151		177
1913	9	17		44	20	210		211

Were other alternatives possible under this restrictive convict labor legislation? The reformatory system, begun at Elmira in 1876, provided a possible substitute; the establishment of a formal system of industrial or vocational training, ostensibly one of the major aims of labor of the founders of the Pennsylvania system.

The work program in the reformatories represented a major shift in emphasis. Whatever system of prison labor was followed in the penitentiaries, it had been performed for the benefit of the government. At Elmira two prison industries, brush-making and hollow-ware manufacturing, were initially introduced on a public-account basis and operated profitably, but when the New York state legislature shifted to contract labor and soon thereafter outlawed all productive work in prisons and reformatories, Superintendent Brockway, who was well aware of the complaints of free labor, was ready with a new system based upon the argument that work at Elmira was for the good of the inmate to help him adjust socially. Accordingly, he established workshops for "vocational training" and, by the turn of the century, thirty-four major trades were represented in that institution.<sup>510</sup> In fact, a number of reformatory wardens were actively involved in lobbying for changes in the reformatory and prison labor systems. In the early 1880s, Brockway was influential during the New York prison labor investigations in advancing the principles of industrial instruction introduced at Elmira and Superintendent Frank Moore of Rahway Reformatory in New Jersey was responsible for framing a bill which

<sup>508</sup>In 1898 the effects of restrictive prison labor legislation enacted in 1897 can be clearly seen. In addition to "jobbing" the following were listed separately and included in the "Jobbing/Misc." category: Brushmaking (78 in 1903, 79 in 1904), mats (20 in 1903) and "apprentices", possibly emphasizing vocational training to avoid restrictions, as had been done in reformatories, (213 in 1903, 142 in 1907 and 123 in 1908)

<sup>509</sup>The 1912-16 data are based on in-prison occupations of those *discharged* during that period.

<sup>510</sup>Z.R. Brockway, *Fifty Years of Prison Service*. (1969) (1912). Montclair, NJ: Patterson-Smith. pp. 229, 232, 297, 360



abolished contract labor and established a prison labor commission to supervise all penal and reformatory industries in that state.<sup>511</sup> While Pennsylvania's reformatory, the Huntingdon Industrial Reformatory, opened in 1889, did indeed introduce an efficient system of manual training, it was not as successful in avoiding the effects of labor laws as Elmira and the two penitentiaries were not very favorably disposed toward the reformatory philosophy and principles.

The table above also illustrates the shift in institutional occupations. Shoemaking continued as an important job assignment until the end of the 1880s, when the handicraft-method of making shoes could no longer compete with the machinery assisted manufacturing in the free market. Woodworking and chair-making, which had experienced a slight revival in the 1870s, all but died out in the 1880s and disappeared by 1890. Caneseating manufacturing fluctuated, reaching its height in the 1870s, but employing only fifty to eighty men fairly continuously until the implementation of the state-use system in 1915. A new industry, cigar-making was introduced in 1873, but never employed a large number of inmates. It was the introduction of the manufacturing of hosiery - "stocking weaving" - that employed the largest number of prisoners after its introduction in the seventies and, although it was "wholly wiped out as a result of the 'panic' of 1893, it was reintroduced in 1902 and remained until 1916 the most important of the institutional industries."<sup>512</sup>

The difficult prospects for prison labor did not diminish until the legislature, on July 25, 1913, passed an act authorizing the governor to appoint a commission to study the labor situation. This Penal Commission on the Employment and Compensation of Prisoners consisted of several prominent individuals, including a national expert on prison labor, Professor Louis N. Robinson and Albert H. Votaw of the Pennsylvania Prison Society, which participated actively in the investigation of the existing conditions in the state and county prisons. Their recommendations, which were for the most part enacted into law on June 1, 1915, included the following reforms: (1) the employment of inmates under the state use system at Eastern Penitentiary, Western Penitentiary, and the Pennsylvania Industrial Reformatory at Huntingdon, (2) the establishment of the administrative structure to implement the state-use system, (3) the purchase of a farm property to be used in connection with Eastern Penitentiary, and (4) the modification of the existing wage system in the three state institutions.<sup>513</sup>

This act repealed the old limitations on the proportion of inmates to be employed in various industries and imposed the eight-hour workday. State -use meant that all labor should "be for the purpose of the manufacture and production of supplies for said institutions, or for the Commonwealth or for any county thereof, or for any public institution owned, managed, and controlled by the Commonwealth."<sup>514</sup> It also included manufacture of building materials for state institutions and roads and for the purpose of industrial training. The system was administered by a three-member Prison Labor

<sup>511</sup>Brockway, *Op. Cit.*, p. 233; Barnes (1927), *Op. Cit.*, p. 210

<sup>512</sup>Barnes (1927), p. 225

<sup>513</sup>Barnes (1927), pp. 252-254

<sup>514</sup>Barnes (1927), *Op. Cit.*, pp. 254-255

Commission, constituted by one member from each of the governing boards of the two state penitentiaries and the reformatory. The Commission was authorized to determine the industries and provide proper tools and machinery and was in charge of all sales. It was also responsible for setting inmate wages which, depending upon the value of the labor and the "willingness, industry and good conduct of the prisoners," within the specified limited of ten to fifty cents per day.<sup>515</sup>

Unfortunately, the legislation failed to make the state-use system mandatory and imposed no obligations upon public institutions to purchase the products of prison labor, only resorting to free market procurement when these goods were not available. While the Commission employed about one hundred inmates in the making of shoes and hosiery under the state-use criteria at Eastern, this did not go very far toward alleviating the idleness.<sup>516</sup>

As in the earlier period, it is possible to locate the most productive industry and to calculate the total yearly earnings from Barnes' statistics derived from the annual reports. The chart on the following page illustrates these trends.

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<sup>515</sup>Barnes (1927), p. 255

<sup>516</sup>Barnes (1927), pp. 256-257

Year	Total Earnings	Most Profitable Industry:	Amount
1866	\$ 21,428	Cane-Seating	\$ 8,729
1867	26,722	Cane-Seating	9,665
1868	24,989	Cane-Seating	9,219
1869	31,260	Cane-Seating	10,730
1870	26,000	Cane-Seating	8,891
1871	22,332	Shoemaking	8,244
1872	No Information Available		
1873	20,497	Shoemaking	8,534
1874	23,085	Shoemaking	8,137
1875	17,497	Shoemaking	8,041
1876	25,954	Shoemaking	9,795
1877	22,898	Shoemaking	7,427
1878	21,557	Shoemaking	7,940
1879	29,088	Shoemaking	15,998
1880	37,238	Shoemaking	26,866
1881	62,207	Hosiery	24,875
1882	48,830	Hosiery	19,346
1883	53,259	Hosiery	22,569
1884	56,332	Hosiery	25,772
1885	54,024	Hosiery	31,323
1886	63,407	Hosiery	36,446
1887	63,657	Hosiery	37,167
1888	60,269	Hosiery	34,074
1889	47,660	Hosiery	28,240
1890	55,001	Hosiery	35,417
1891	49,369	Hosiery	31,525
1892	41,117	Hosiery	21,970
1893	33,989	Hosiery	15,639
1894	20,273	Hosiery	6,386
1895	17,742	Hosiery	4,996
1896	15,324	Cane-Seating	3,889
1897	17,336	Cane-Seating	5,190
1898	19,593	Cane-Seating	6,478
1899	20,830	Hosiery	8,185
1900	20,185	Hosiery	6,132
1901	17,649	Cane-Seating	7,995
1902	20,032	Cane-Seating	7,651
1903	15,332	Cane-Seating	7,200
1904	20,667	Hosiery	10,257
1905	18,991	Hosiery	11,400
1906	21,291	Hosiery	11,480
1907	No Information Available		
1908	23,753	Hosiery	16,231
1909	28,007	Hosiery	23,361
1910	20,192	Hosiery	13,529
1911	20,417	Hosiery	12,928
1912	30,626	Hosiery	22,586
1913	30,304	Hosiery	22,342
1914	32,887	Hosiery	24,878
1915	43,389	Hosiery	36,598

## § IIC. Redefinition, 1923-1970

### 1. Eastern State Penitentiary during the Rehabilitation Era, 1923-1970

Finn Hornum

The opposition to the philosophies of the reformatory movement and the "new penology" of the "progressives" in the late decades of the 19th and the first two decades of the 20th century had left Eastern State Penitentiary well behind other Pennsylvania state institutions and much of the rest of the country. The bankruptcy of the separate system, legally abandoned in 1913 after being a fiction for more than forty years, could have been dealt with by implementing some of these new ideas, but ideological resistance among the institution's managers coupled with the difficulties of adapting to a congregate system in an antiquated physical plant, dealing with overcrowding, and an almost hopeless labor situation prevented change. Such scholars as Barnes and Teeters further agree that the penological developments of the 1920s, 1930s and 1940s, the beginning of the so-called "era of rehabilitation," largely bypassed Eastern State due to the apathy connected with the constantly anticipated closing of the institution and its replacement by the facility at Graterford.

In a 1959 journal article Francis Allen outlined the basic assumptions underlying "the rehabilitative ideal", the rise of which, he stated, has been the common theme in the administration of criminal justice in the last fifty years. These assumptions, which have dominated theoretical and scholarly inquiry with the ascendancy of the behavioral and social sciences, can be briefly summarized as follows: (1) Human behavior is a product of antecedent causes which can be discovered through scientific investigation, (2) such knowledge makes possible the scientific control of human behavior, and (3) therapeutic measures derived from these findings should be employed on convicted offenders in order to change their future behavior in a law-abiding and conforming direction.<sup>517</sup>

By the end of World War II this rehabilitative ideal had become the major objective of corrections. It has been suggested that the rehabilitation philosophy is the result of the confluence of two historical movements, the ascendancy of democracy with its view of the perfectibility of human nature and the development of the behavioral sciences.<sup>518</sup> . It was the increasing use of the indeterminate sentence, which brought clinicians to the prisons. This sentencing mode, although it had varied manifestations in different jurisdictions and rarely achieved the aim of complete indeterminacy, called for individual attention to the offender. It spurred on the development of clinical classification schemes which would diagnose the prisoner's "illness" and motivated the design of appropriate treatment modalities to "cure" him/her. Although case studies of criminals in prisons had been started by such pioneers as Dr. William Healy, Dr. Bernard Glueck, Dr. W. T. Root and Dr. W. J. Ellis during the early part of the century, it was after World War II that the various professions were given a major role to play in the nation's state prisons. They

<sup>517</sup>Francis A. Allen, "Legal Values and the Rehabilitative Ideal," in Richard Quinney (Ed.), *Crime and Justice in Society*. (1969) (1959). Boston: Little, Brown and Co. p. 449

<sup>518</sup>Fogel, *Op. Cit.*, p. 50

entered the renamed "correctional" institutions with a vengeance. They came from social work, psychiatry, psychology, education, medicine and the clergy and insisted on becoming a significant and influential segment in the institutional environment.<sup>519</sup>

These developments were slow to become accepted in Pennsylvania. It was not until the creation of the reorganized Bureau of Correction in 1953, that the potential for bringing Pennsylvania in line with such progressive states as California existed. In 1954 the venerable Eastern State Penitentiary became two institutions. (The following text is based primarily on the personal recollections of the author, who served as researcher and staff developer for the American Foundation and, later, as a consultant to the warden of the institution between 1963 and 1970)

The Eastern Diagnostic and Classification Center, headed by Director John Shearer, acted as the central reception and classification unit for all offenders sentenced to state prison sentences in the eastern part of the state. As was true in other states with centralized classification schemes, convicted offenders would initially be committed to EDCC for diagnostic study and classification and a Central Classification Committee would then determine the appropriate institution, where they would serve their time. The central classification process, which typically lasted four to eight weeks, involved the inmate in interviews with specialized staff hired for this purpose and, based on their reports, a "Classification Summary" was prepared and presented to the Committee. At EDCC there were interviews with reception and identification clerks to determine the facts and circumstances surrounding the instant criminal offense(s) and the inmate's prior criminal record; with the physician and his staff to identify medical and dental problems; with the educational staff for verification of school records and academic testing; with the caseworkers for the preparation and verification of a complete social and personal history; with a vocational director to verify work history and current skills and aptitudes; with the psychologists for personality testing and a clinical interview; and, if deemed appropriate, with a psychiatrist to deal with any apparent mental illness.

At the Classification Committee meeting, chaired by the Director of EDCC and attended by representatives from the "clinical" departments, from the parole board, and from the custodial staff, the classification summaries were reviewed and the inmates called in for a brief interview. After an inmate had left the room, the committee discussed the case and made a decision as to future institutional commitment. This decision was then submitted to the Bureau for approval and arrangements were made to transfer the inmate to the sentencing institution. In 1954, the committee could recommend to keep the individual at SCIPHA (the State Correctional Institution at Philadelphia), which was now the "receiving" institution at Eastern, or to transfer him to one of the following state correctional institutions: Pittsburgh, Huntingdon, Rockview, Graterford, or Camp Hill. The latter was still used primarily for juveniles and immature young, adult offenders. Women offenders were committed directly to the State Correctional Institution at Muncy. In 1960, the State Correctional Institution at Dallas, originally designed to serve defective delinquents, was opened and added to the institutional alternatives.

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<sup>519</sup>Fogel, *Op. Cit.*, pp. 50-55; Bartollas and Miller, *Op. Cit.*, pp. 28-30

During the early 1960s the issue of closing Eastern's outmoded plant again came up for debate. The Bureau of Correction, with the support of several state legislators and prison reformers, began to consider plans for the construction of a new state correctional facility in Philadelphia to replace Eastern. With the assistance of the American Foundation Studies in Correction (later renamed as Institute of Correction), an independent organization founded in the memory of Judge Curtis Bok and funded by the Edward Bok fortune, a taskforce of criminal justice professionals, academic penologists, and prison reformers was brought together to study the problem and draw up a conceptual design for the new institution.

There was considerable debate about the desirability and feasibility of tearing down the old physical plant or to leave it, at least partially, intact as a historical monument. The plans to build a new institution in Philadelphia were never implemented, but a gradual phase-out was approved. The Foundation's directors, initially Dr. Clyde Sullivan, a clinical psychologist with correctional experience in California and, later, Mr. Frank Loveland, formerly Assistant Director of the U.S. Bureau of Prisons and one of the national experts in classification, hired several young criminologists to research the system and to provide technical assistance to the Bureau at EDCC-SCIPHA as the phase-out of the facility developed.

At this time the population incarcerated in the eight state institutions was around 7,000 but declining. While most institutions were operating below capacity, there were serious problems with overcrowding at the EDCC section of Eastern. Central classification procedures moved very slowly and there was a dire need for additional, and better qualified, staff to expedite the diagnostic process. With the retirement of the center's first director, John Shearer, the head psychologist at Graterford, Dr. John Barbash, was brought to EDCC to deal with these needs. American Foundation staff conducted a survey of the process and suggested numerous staff and procedural changes to the Bureau. Dr. Joseph F. Mazurkiewicz was brought in from Delaware as the new Director of EDCC (he later became Director of Treatment Services and the last warden at Eastern) and he hired and began an intensive training program of several additional caseworkers, psychologists, and teachers. Through the active collaboration between Bureau management, EDCC-SCIPHA personnel and the technical assistance of the American Foundation the classification process was improved both quantitatively and qualitatively. An orientation group counseling program, group therapy sessions for sentenced inmates, and a pre-release program were implemented. In-service training of both the social work and psychology departments were carried out and further staff development, through the use of student interns and scholarship assistance to staff wanting to complete a higher degree, were provided. During the last five years of its existence, the State Correctional Institution in Philadelphia became, for the first time in its history, a rehabilitation or treatment-oriented facility with a high level of staff motivation and morale.

This development was fully in tune with the changing philosophy within the Bureau's central office. A new Deputy Commissioner for Operations, Allyn Sielaff, who was a lawyer with a strongly liberal penological philosophy, was assigned the task of

completing the closing of Eastern and facilitate the transfer of both staff and inmates to Graterford. When Sielaff became Commissioner in 1970, many of the Bureau's regulations were revised to reflect a more humanistic orientation in the treatment of prisoners and community corrections, in the form of furloughs, work and educational release, and community treatment facilities, became the main focus of a reintegration philosophy. Both the clinical and custodial staff, who had been at Eastern, became important players in the state-wide implementation of this philosophy and came to occupy management positions throughout the Pennsylvania correctional system.

## 2. Governance, 1954-1970

Finn Hornum

During the early years following World War II a new pattern of prison governance emerged in several states. The earlier system, where the wardens of the individual prisons had reported administratively to the central government of the state through a board of trustees or a board of control, which might also have oversight responsibility for other state agencies, began to disappear. The President's Commission on Law Enforcement and the Administration of Justice found, in its 1965 survey of state correctional institutions, that a centralized administration of adult correctional facilities prevailed in all but three jurisdictions. Only thirteen states actually vested administration in a separate department of corrections, while 34 states used a multi-functional central agency to house its correctional administration.<sup>520</sup> Some states, for example New York and California, centralized correctional operations under a separate state department. Others, such as Wisconsin, Ohio, Minnesota, New Jersey and Washington, grouped all state-operated institutions, including mental health facilities, children's homes, juvenile reform schools, and adult prisons, under a single department. In New Jersey, for example, there was a Department of Institutions and Agencies and the prisons came under that department's Division of Corrections.

The greater emphasis on rehabilitation and treatment also produced new organizational arrangements within the correctional system as a whole. A few states, notably California, began to adopt what has been called a "differentiated" system. Based on the assumption that criminality can be diagnosed and treated and locating the multiple causes of crime in psychological or sociological factors, differentiation of appropriate treatments is needed. Thus, the inmate population must be grouped, i.e. diagnosed and classified, according to amenability to specific treatment modalities and housed in institutions specializing in the appropriate technique. Classification by age, type of offense, clinical diagnosis, length of sentence, and geography has typically been utilized as a basis for such institutional and/or program assignments. The system's goals become the optimal utilization of people- changing resources and such resources are allocated to the professional staff. The central administrative agency must play a strong and proactive role as it is responsible for diagnosing, planning and coordinating the use of resources. Professionals, especially psychologists, doctors and social workers, constitute the group in control within the institutional structure.<sup>521</sup>

Such developments came relatively late to the Commonwealth of Pennsylvania. In 1944 Governor Edward Martin appointed a commission to study the problems in the penal system. The Ashe Commission, headed by Stanley Ashe, who had been warden at Western State Penitentiary since 1924 and was a nationally recognized penologist, recommended a unified correctional system for the Commonwealth, reflecting the thinking of such academics as Harry Elmer Barnes. These recommendations were not

<sup>520</sup>President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Corrections*. (1967). Washington D.C.: U.S. Government Printing Office. pp. 177-184

<sup>521</sup>Steele and Jacobs, *Op. Cit.*, pp. 193-198.



acted upon for another ten years and it was to be the crisis precipitated by the escapes and riots in 1952-53, that finally changed the system.

On November 30, 1952 nine inmates made a mass escape from Western State Penitentiary by overpowering the guards. When these inmates were indicted in January, 1953 rioting broke out at the Pittsburgh and Rockview institutions. At Pittsburgh, guards were held hostage and fire was set in the license tag factory as the state police surrounded the institution. At Rockview no less than 575 inmates were involved. While the disturbances were quickly settled by negotiations, the warden of Western was fired and a captain in the state police, James M. Monroney, was made acting warden for the next two years. The governor appointed Major General Jacob Devers (Ret.) to conduct an investigation of the causes of the riots and, within a short time, the Devers Committee identified seven major causes and made twenty-eight recommendations to deal with the problems. Since the causes included such problems as inadequate financial support for corrections, the employment of sub-standard correctional personnel, the lack of professional leadership and political domination and motivation of management, the committee suggested the establishment of a separate Bureau of Correction, headed by a Commissioner, within the Department of Justice and advocated the integration of all correctional institutions and two central classification centers under this new administration.

The legislature finally acted expeditiously. Effective September 1, 1953 the Bureau of Correction and its organizational structure were established and most of the Devers Committee recommendations were authorized. The new Bureau was headed by Commissioner Arthur T. Prasse, at the time the Superintendent of the Camp Hill institution, and he was to be assisted by a Deputy Commissioner for Treatment and a Deputy Commissioner for Operations. During the next two years Commissioner Prasse implemented the remaining recommendations by centralizing management in the Bureau's office at Camp Hill, establishing two Correctional Diagnostic and Classification Centers (WDCC at Western and EDCC at Eastern), changing the governance of Rockview and Graterford from two "branch" institutions to autonomous units, and beginning a more systematic program of training personnel. By 1955 the remaining powers of the board of trustees were abolished by Governor Leader. All facilities became "State Correctional Institutions" and all wardens became "Superintendents." Guards now became "Correctional Officers" and the staff was expanded to include various clinical and professional personnel.<sup>522</sup>

The wardens during these final years of the institution were:

1923-1928	John C. Groome
1928-1945	Herbert Smith
1945-1953	Cornelius Burke
1953-1955	Walter Tees
1955-1956	Frank G. Martin

<sup>522</sup>Judith R. Smith, *30th Anniversary Commemorative History: The Bureau of Correction and its Institutions*. (1983). SCI Huntingdon: Pennsylvania Bureau of Correction. pp. 1-4

1956-1961	William J. Banmiller
1961-1966	Alfred T. Rundle
1966-1968	Joseph Brierly
1968-1970	Joseph Mazurkiewicz

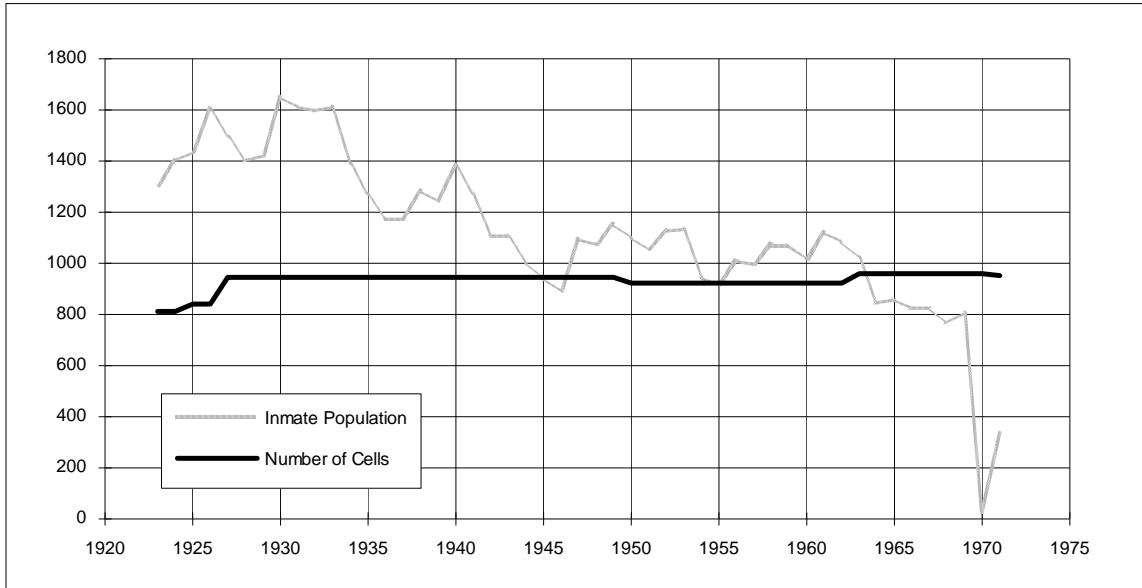
## 2a Eastern State Penitentiary Population and Number of Cells

Jeffrey A. Cohen  
Michael E. Schuldt

## Inmate population and number of cells, 1924 - 1971

	Population	source	Graterford Population	ESP	EDCC	Cells	source
1924	1398	a					
1925	1431	a					c
1926	1605	a	1				
1927	1490	j	60				
1928	1401	j	415				
1929	1420	j	758				
1930	1648	j	814				
1931	1612	j	1145				
1932	1595	j	1362				
1933	1610	j	1524				
1934	1387	j	1492				
1935	1273	j	1836				
1936	1174	j	1740				
1937	1170	j	1831				
1938	1281	j	1907				
1939	1242	j	1955				
1940	1379	j	1905				
1941	1273	j	1948				
1942	1108	j	1825				
1943	1107	j	1566			945	h
1944	1001	j	1589			945	
1945	940	j	1725				
1946	893	j	1744				
1947	1094	j	1801				
1948	1073	j	1848				
1949	1151	j	1899				
1950	1101	j	1923			923	k
1951	1052	j	1797				
1952	1127	j	1722				
1953	1132	j	1701				
1954	944	j		746	198		
1955	916	j		750	166		
1956	1011	j		773	238		
1957	993	j		766	257		
1958	1070	j		799	271		
1959	1070	j		892	178		
1960	1013	j		817	196		
1961	1119	j		775	344		
1962	1084	m					
1963	1018	m				960	n
1964	843	m					
1965	855	m					
1966	822	m					
1967	823	m					
1968	764	m					
1969	806	p					
1970	28	q					
1971	336	r				952	r

- a Population chart, 1829 - 1931, photocopy c. 1829 annotated by typewriter to c. 1932  
 Pennsylvania State Archives, Harrisburg (courtesy Richard Fulmer)
- c Mentioned in Board of Inspectors' annual report for following year
- h Report, H.E. Barnes, N.K. Teeters, A.G. Fraser, 1944
- j Warden's Daily Journal, PA State Archives, Harrisburg (notes from Richard Fulmer)
- k American Prison Association, State and National Correctional Institutions of U.S. and Canada (Jan. 1950)
- m PA Statistical Abstracts 1961 - 70
- n Philadelphia Inquirer, 23 Dec. 1967
- p Philadelphia Inquirer, 11 Sept. 1969
- q Philadelphia Inquirer, 15 Apr. 1970
- r Ev. Bulletin, 15 Apr. 1970



### 3. New Construction and Alterations, 1923-70 (see appendices B or C for sources)

#### 3a. Control and Adaptation 1923-53

Jeffrey A. Cohen

One possibility that had long appealed was relocation to the country, something mentioned in an 1885 annual report, reiterated in Public Charities reports for 1908 and 1909, the 1915 relocation proposal and report of the commission on prison labor. This promised not only more healthful surroundings and ample space for recreation, but also the prospect of agricultural work. The prison's Board of Trustees, which had replaced the Board of Inspectors, looked again to this possibility in 1924 when they put forward a very specific proposal: a large new prison within 35 miles of city, but in country, containing some 2000 acres, with employment in farming, reforestation, and healthful outdoor activities. The legislature responded in May 1925, seeking a rural site meeting almost these exact stipulations, leading to the purchase of the Graterford site and the erection of the buildings beginning in 1928, using prisoners bused over and later residing in temporary barracks there. By 1930 some 800 resided in the first completed cell block. That number rose to about 1800 within a few years, allowing the population at the old Cherry Hill site to drop from a pre-Graterford high of 1696 at the close of 1922 (the count of 1917 inmates at the close of 1928 must have included many already quartered at Graterford) to 1269 in 1933. Graterford would function for decades as the farm branch of Eastern State Penitentiary, under the same warden and administrative structure.

Although the commencement of Graterford led many, including Harry Elmer Barnes, author of the authoritative 1927 book Evolution of Penology in Pennsylvania, to expect that the Cherry Hill facility would be discarded in a few years, investment in the interim in its physical fabric indicates that many in power must have had different expectations. In April 1926 the trustees approved the erection of a new cell block with 117 cells on 3 stories. "Its architect and engineer [was] a Harvard graduate, who was convicted of passing forged checks." Construction began immediately, and the block was completed the following April at a cost of \$56,324.41. It was built of reinforced concrete by prison labor. Block 14, bent into the tight sliver between block 11 and block 3, the hospital, was meant for the segregation of younger prisoners.

After the removal of legal strictures on congregation in 1913, Eastern State started to discover a new normality with organized social activities. There are some unspecific early references to yards being converted for shop use in the nineteenth century, but schools and workshops now began to replace more of the ranges of cell yards in a sweeping campaign that soon claimed them all. The leading productive industry was hosiery manufacture, although only a small proportion of the population was permitted to work at that, others working on the institution's account at maintenance, service, and in the "hobby shops"; when the strictures on productive labor were finally lifted in 1925, several kinds of mechanized workshops were fitted up in the old yard ranges. Photographs in the prison's annual report for that year show workers assembled at large machines in the shoe shop, weaving shop, and the printing department.

In the mid-1920s security became a strong focus. Warden Groome responded with sweeping changes through the guard staff, many of them replaced by military veterans. Sentry boxes of wood, later replaced by brick, were built atop the corner towers and powerful Krag repeating rifles and Thompson submachine guns provided to the guards there; iron gates were placed at the inner ends of the cellblocks corridors. A new intermediate iron gate was added to the two in the front portal. The warden's offices were moved back to the front building, abandoning their decades-old location on the entrance corridor, between cellblock 9 and 1, close to the center, where they were "were accessible and under the observation of all prisoners passing through the building." And visitation to inmates, which formerly was held in special cells within each block, was consolidated into the east basement of the front building, where a barrier was erected between inmate and visitor to prevent the passing of contraband.

The main disciplinary measure early in the century was confinement to the "Klondike," on the gallery of cellblock 4, with the window covered over and the cells painted black. The prisoner would be put on a diet of bread and water, and would be placed without clothes into the damp, dark, unfurnished cell. It was probably in the early to mid-1920s that what was called cellblock 13, actually an attached ten-cell range of small cells added to the north side of the end of block ten, was built to provide for a more serious form of administrative segregation.

## 3b. Redefinition 1953-70 (see appendices B or C for sources)

Jeffrey A. Cohen

In August 1953 a state law was passed moving prison matters from the Department of Welfare to the Department of Justice under a Bureau of Corrections, to which the boards of trustees of seven state institutions would report. The new Commissioner, Arthur T. Prasse, was given the authority to set apart portions of the two state penitentiaries for correctional, diagnostic, and classification purposes, and the long-planned reconfiguration of Eastern State finally went into effect at the start of the following year. A pamphlet at its opening connected this new effort to "to the humanity and hopefulness" of the old Pennsylvania System.

Eastern would now be the site of two entities: the State Correctional Institution at Philadelphia, or SCIPHA, a new maximum security prison for 500; and Eastern Correctional Diagnostic and Classification Center, one of two centers statewide devised for study, classification and assignment of new prisoners to the system. The ECDCC operated cellblock 14 and its nearby yard as a place of relative segregation from the rest of the population. Fraternization was intended to be restricted, although meals, clinic, chapel, and visiting facilities were shared with SCIPHA. New arrivals would spend about eight weeks there. During its first six months of operation in 1954, 678 convicts were received for processing, more than two-thirds of them then transferred to other institutions. Staff offices for the diagnostic center were installed in block 3, the former hospital block, now called the clinic, and in the administration building.

In fact, this was more of an administrative change than a physical one, and even the changes in spatial use were limited: block 14 had been used as a receiving block for classification since 1934. But the nature of the process and the resources devoted to it seem to have increased dramatically. The rest of the prison does not seem to have changed radically, except for the continuation of a major renovation effort begun a few years earlier with a \$300,000 appropriation under Cornelius J. Burke, warden since 1945. The most dramatic aspect of this was the replacement in 1951 of the old wooden, shingled observation tower at center, which was dismantled and replaced with one of corrugated metal sheathing on a steel frame. The image of a new engineered modernity inhabiting the retained old forms, throwing off stolid and aging vestiges, even extended to the clock face, with brightly contrasting arabic numerals in place of the dimmer roman numerals. Described by authorities as a "firetrap," the central tower was remembered by one of its inmate dismantlers with a certain reverence: he described it as extremely well built, all mortised and tenoned and dovetailed, with pegged timbers of solid oak. It seems to have been the original tower from the 1820s. The renovations also included steel staircases in the corner towers, new shower rooms in the cellblocks, demolition of the old power plant between blocks 3 and 4, and long-needed upgrading of various service systems.

Other changes lay in the offing. One was a new block with 34 cells for administrative segregation, erected in 1956-59. This new block, block 15, replaced the old "Klondike" of block 13, with only 10 cells, and was commonly referred to as "solitary" or "death

row." New recreation space was permitted by the demolition of the shop building north of the power plant in the late 1950s. A new chapel/auditorium was projected as early as 1953, at a estimated cost of \$220,000; the state does not seem to have made an appropriation for it until late 1959, and preliminary plans drawn by Albert F. Dagit the following year show a long rectangular building replacing the eastern portion of cellblock 2. Working drawings and specifications were produced the following year, but the project was never realized. A new dental laboratory was underway in 1954 to train dental technicians and make dentures for the prison system; a new two-story building was projected for machinery and tools for construction and maintenance; also, a new Administration building and a garage outside the walls, and a more comfortable visiting room inside. Of these last four projects only the latter came to fruition, when designs from 1962 by architects Keast & Hemphill were commenced two years later. This dramatically extended the facilities in the basement of the east side of the administration building, extending them out into the former warden's garden.

A riot in 1961 spurred renewed criticism of the antiquated fabric and its residential location, bringing forth another flurry of proposals for its replacement. A task force appointed by the legislature made a three-year study. Noting that Pennsylvania's "contribution to the science of corrective penology in modern times has been negligible," they recommended more psychiatric and psychological services, along with sweeping reforms of the county prison system. The legislature acted on the proposals, which included measures for replacing Eastern with a five-part complex combining a facility for reception and guidance; a medical center; a correctional treatment center; a personnel training institute; and a correctional research facility. The old fabric would be sold to the city for recreational or other use.

Once again stated intentions did not translate into execution. A planned relocation to a large site near Downingtown was defeated in 1967 by Republican legislators from that area. The city was offered the facility if it could help find a replacement site, and parcels at the Navy Yard, near Fort Mifflin, and in southwest Philadelphia were the subjects of discussions as late as 1970. Finally, in September of 1969, it was announced that the prison would close in one year. Nearly half of the 800 held would be sent to Graterford, where there were vacant cells, and the others would be sent to the appropriate institutions as their classification was completed. The staff of 235 would be offered the chance to transfer. Better recreational and training opportunities at Graterford, excessive maintenance costs at Cherry Hill, and a shortage of staff in the correctional system were all cited as reasons for the decision, but Warden Brierly recalled opposition to Eastern's "philosophy"; others alluded to political motives. The penitentiary closed officially in January 1970, leaving behind only a maintenance force of 43 prisoners; in April the last of them left.



## 4. Building Systems Changes, 1923-70

### 4a. Overview

David G. Cornelius

Beginning with the first recommendation, made in 1915, to close Eastern State Penitentiary, and accelerating with the construction of Graterford State Prison in the 1920s, all subsequent construction and system modifications at the penitentiary represented weighing the needs to extend the life of the institution for the immediate future against a reluctance to invest unduly in a facility which would ultimately be closed. The documentation suggests phases of inaction, leading to system deterioration, which would in turn provoke remedial action to the extent necessary to physically sustain the community.

### 4b. Structure and Envelope

David G. Cornelius

Reinforced concrete continued to be the most typical structural system for buildings and additions up to World War II, including Cellblocks 13 and 14, the penthouse addition to the Cellblock 3 hospital, and the shop infill between Cellblocks 1 and 10. The new Bertillon and parole offices constructed adjoining Cellblocks 8 and 9 in 1940-41 were steel-framed with reinforced concrete roof slabs, reflecting the same concerns about security and fire safety which governed Haviland's use of masonry vaults; an interesting historical detail of this project is that either the structural or reinforcing steel was apparently fabricated at Graterford.<sup>523</sup>

Buildings constructed after World War II, including the guards' lounge, the new visiting building, and the second-floor schoolrooms alongside of Cellblock 1, exploited the lighter and more economical construction systems of the period, including open web steel joists ("bar joists") and precast plank and corrugated steel decks with built-up roofing; the first two buildings had concrete masonry bearing walls with stone veneer, the school, exposed concrete masonry. An exception was Cellblock 15, the robustly-built stone and concrete maximum security wing of 1958.<sup>524</sup>

The observatory watch tower above the central rotunda, an element of Haviland's original fabric, was restructured in steel with corrugated metal cladding in 1952.<sup>525</sup>

At an unknown date in the last decades of the Penitentiary's operation, the slate roofs of the cellblocks were replaced with asphalt shingles. A similar surface was applied to the tower and link roofs of the Administration Building, with the shingles nailed through what could be Haviland's original copper roofing.

<sup>523</sup>Warden's Daily Journal, October 31, November 30, December 31 1940; March 31, June 30, October 31 1941 [Chronological Notes].

<sup>524</sup>Warden's Daily Journal, April 28, 1958 [Chronological Notes].

<sup>525</sup>Reconstruction plans for center tower, 1 June 1950, working drawings Jack S. Steele Co., architects and engineers...revised 29 July 1952 [Chronological Notes].

#### 4c. Water Supply

David G. Cornelius

During the 1930s the building services of Eastern State Penitentiary, along with those of other state institutions, were documented with state and Federal funding for future planning purposes.<sup>526</sup> Water lines within the buildings were modernized on one further occasion, in the early 1950s.<sup>527</sup> Only at this time was sufficient domestic hot water heating capacity provided to permit hot water to be supplied to the individual cells.

The existing shower rooms in the cellblocks were renovated, with new ceramic tile finishes as part of the 1951-52 building systems modernization.<sup>528</sup> Foot baths were added seven years later.<sup>529</sup>

A 1933 description mentions a new centrifugal dryer as the exception to generally out-of-date laundry equipment, mostly steam-operated.<sup>530</sup> Presumably the laundry facilities were generally updated in the 1950s, at which time a water softener was installed.<sup>531</sup>

The same 1933 source was more critical of the state of the kitchen equipment, including archaic coal ranges and steam kettles, which could have conceivably survived from prior to Morris and Vaux; refrigerator shortcomings were just being addressed by installation of a new unit. The most remarkable deficiency was the lack of hot water for dish washing, requiring the inmates to carry their dirty dishes back from the mess to their cells; absurdly, the cells did not have hot water either, requiring water to be delivered specifically for dish washing purposes. Later kitchen improvements are not specifically documented.

#### 4d. Heating and Ventilation

David G. Cornelius

As a larger portion of the penitentiary site was enclosed to accommodate workshops and other facilities characteristic of a congregate system, the building services had to be extended to serve the new spaces. In 1923, for example, steam heat was provided to nine new shops.<sup>532</sup>

<sup>526</sup>Commonwealth of Pennsylvania. A Review of the Four-Year Period, 1931-34 Inclusive [Chronological Notes].

<sup>527</sup>*Philadelphia Evening Bulletin*, June 8, 1952; Pennsylvania Department of Justice...ECDCC, 1954 [Chronological Notes].

<sup>528</sup>*Philadelphia Evening Bulletin*, June 8, 1952 [Chronological Notes].

<sup>529</sup>Warden's Daily Journal, September 16, 1959 [Chronological Notes].

<sup>530</sup>Cox et al., *Handbook of American Prisons and Reformatories*, 823-40 [Chronological Notes].

<sup>531</sup>*Philadelphia Evening Bulletin*, 8 June 1952 [Chronological Notes].

<sup>532</sup>Annual Report 1924 [Chronological Notes].

In conjunction with the transition from on-site steam generation to purchased steam, the heating system was radically revamped in the late 1930s.<sup>533</sup> Further system modernization was undertaken in 1951-52, when all functions of the central plant were finally abandoned.<sup>534</sup>

On at least two separate occasions, penitentiary employees were accused of punishing inmates by confining them to overheated spaces in close proximity to steam lines.<sup>535</sup>

#### 4e. Artificial Lighting and Power

David G. Cornelius

By 1923 Eastern State Penitentiary's self-reliance in energy matters had begun to be compromised with the installation of a connection to the Philadelphia Electric Company power grid, initially intended as an emergency backup in event of the failure of the Penitentiary plant.<sup>536</sup> This marked the beginning of trend which was typical for many large urban multibuilding institutions, which began the century with self-contained power plants but gradually abandoned the plants for utility power. The causes were to various degrees economic, as utilities achieved greater scale economies of operation than were attainable by the institutions; functional, as the local plants could no longer adequately meet increasing peak service demand; and due to the eventual standardization of electrical services with respect to current (DC at ESP until the 1950s, which was unsuitable for powering equipment motors of any kind), voltage and phase. The inherent capacity limitations of the penitentiary plant previously described, despite numerous upgrades, persisted and were documented in a 1933 description of insufficient power for simultaneously operating workshops and illuminating cells.<sup>537</sup>

Total dependence on P.E.C.O. for electricity and steam was acknowledged in the 1950s, when the power plant was finally closed and demolished. At the same time conductors were rationalized in rigid conduit and cable trays in the tunnels, lighting fixtures were replaced, and a new electrical room with emergency batteries (later supplemented by a fossil-fuel powered emergency generator) was constructed in the west administration building yard.<sup>538</sup>

<sup>533</sup> *Philadelphia Evening Ledger*, September 1, 1938; *Philadelphia Inquirer*, November 4, 1939; Minutes, Board of Trustees, March 14, 1940 [Chronological Notes].

<sup>534</sup> *Philadelphia Evening Bulletin*, June 8, 1952 [Chronological Notes].

<sup>535</sup> *Philadelphia Evening Ledger*, September 1, 1938; *Philadelphia Inquirer*, *Philadelphia Evening Bulletin*, August 27, 1953; *Philadelphia Inquirer*, August 30, 1953, noting typical interior temperatures of about 90 degrees; interview with H. B., former prisoner, who claimed prisoners were deliberately scalded to death on steam pipes [Chronological Notes].

<sup>536</sup> Annual Report 1924 [Chronological Notes].

<sup>537</sup> Cox et al., *Handbook of American Prisons and Reformatories* [Chronological Notes].

<sup>538</sup> *Philadelphia Evening Bulletin*, June 8, 1952 [Chronological Notes].

## 5. Inmate Perspectives, 1923-70

### 5a. Introduction

Leslie C. Patrick-Stamp

No reliable source of statistical information is extant for this period. The *Annual Reports* ceased publication in 1929, hence eliminating one source that provided quantitative information on various characteristics of the prison population.

Despite the absence of quantitative data, this period yields perhaps the best examples of prisoners' perspectives in the form of their writing and recently conducted interviews. During this period inmates Eastern State produced their own publication, *The Eastern Echo*, although prisoners' accounts of its origins conflict with each other. Another source of information about the prison will be found in the two "autobiographical" accounts by Willie Sutton.

The most recent and richest source of prisoners' perspectives will be found in the interviews of them separately conducted by Hal Kirn and Richard Fulmer. These interviews reveal myriad aspects of imprisonment not otherwise acknowledged except in earlier interviews. These interviews have been extracted to present some of the same issues explored during the nineteenth century. Conditions of the cells, relations with the prison authorities, the prison's ability to rehabilitate the offender, the ex-prisoner's view of the penitentiary's purpose, survival, and the importance of companionship are among some of the issues that continued to be important to inmates. Some aspects of imprisonment clearly changed, however. Women's absence from Eastern State Penitentiary was taken for granted, as opposed to their presence having been an unquestioned reality during the nineteenth century. In only one instance could an ex-prisoner from the latter group recall anything about the presence of females. We also learn that during the middle of the twentieth century the prison was finally desegregated, a question that never was addressed in the earlier history of the prison or the interviews with prisoners. Homosexuality, regardless of its general acceptance in the present scholarly literature, assumes a different meaning to men who had been imprisoned at Eastern State.

One cannot write about Eastern State Penitentiary and overlook what has been described as the greatest escape attempt in its history, when # men dug their way out of the prison through an elaborately designed tunnel. The 1945 escape attempt has received attention from various individuals and in numerous sources. However, one group that has not received attention are those prisoners who participated in that escape attempt as well as those who learned of it through oral tradition. Recounted here are their conflicting accounts of the 1945 escape attempt.

Finally, this section concludes with the ironic narrative of Matthew Epps, a man who began a career at Eastern State as a guard. He later served time at Eastern State as a prisoner. Epps' narrative embodies many of the conflicts, tensions, and contradictions one might expect to find upon further examination of prisoners' perspectives.

Taken together, these documents shed some further illumination on what otherwise remains a fragmented and dimly lit topic. They should be considered significant if for no other reason than the fact that knowledge about the institution and its inhabitants is heightened, even if through accounts that conflict with each other.

## 5b. The (In)Famous Willie Sutton and the 1945 Escape Attempt

Leslie C. Patrick-Stamp

There is no single truth about prison from inmates' perspectives. Perhaps no event recorded in Eastern State Penitentiary's history better captures this assertion than the conflicting accounts of the escape attempt from Eastern State Penitentiary on 3 April 1945. Until recently only three descriptions of the escape reached the public, the official record and Willie Sutton's two autobiographical accounts, all of which conflict with each other.<sup>539</sup>

William Francis Sutton was perhaps one of Eastern State Penitentiary's most famous, or infamous, inmates. Better known as Willie Sutton, he was one of America's leading bank robbers. In both of his autobiographies Sutton claimed that he robbed nearly 100 banks along the eastern corridor; but he never physically harmed anyone in doing so. For his exploits while in Philadelphia, Sutton received a sentence to serve between twenty-five to fifty years in Eastern State Penitentiary. During his incarceration, one of the most celebrated prison breaks occurred, one which Sutton vividly though differently describes in each of his memoirs.

Sutton was the only Eastern State Penitentiary inmate to attract a publisher's attention during the 1970s, twenty-five years after the escape was attempted. To this date, and with the probable exception of official records, its contents stand unchallenged. However, unpublished accounts refute some of the information that Sutton put forth as facts. But, Willie Sutton was known for being a "good story teller."

Indeed, Sutton vividly describes Eastern State Penitentiary as it had been originally conceived, almost as if he had been there in 1829 when it opened. His description provides a contrast to what the institution was like when he did arrive in 1934, and it illuminates the way in which inmates' lives were affected by the architectural design of the previous century:

By the time I got there, of course, things had changed. There were no longer any machines in the cells, and the corrugated ceiling back there had been replaced by a slanted window which could be held open by a notched pole--making Oscar Wilde's imagery of the "tent of blue" literally true. And, of course, most of the prisoners were allowed to mix freely. Nevertheless, living conditions are permanently fixed by architecture. They had yardout, but what they still didn't have was a yard. While I was in isolation they'd take us out for an hour a day and allow us to stand in a tiny fenced-off area against the wall and breathe the air. The other prisoners would take their yardout in the little triangles of space between the cellblocks.<sup>540</sup>

<sup>539</sup>Willie Sutton with Edward Linn, *Where The Money Was: The Memoirs of a Bank Robber* (New York: Viking, 1976), pp. 156-190 and Quentin Reynolds, *I, Willie Sutton* (New York: Farrar, Strauss and Young, 1953), pp. 170-175.

<sup>540</sup>Sutton, *Where The Money Was*, p. 157.

From the moment he arrived in 1934, Sutton had determined to escape from Eastern. In fact, the 1945 effort was his second attempt to do so. Sutton's lengthy accounts of the details and the prison's architecture are reproduced in their entirety, for they provide a rare view of the prison's physical structure from the perspective of one confined within its walls.

Sutton's account of that escape written in 1953, however, differs considerably from the one he produced in 1976. In the first account, Sutton assumed the leadership in organizing all of the men involved in the escape attempt. In the second memoir, although Sutton still occupied center stage, the importance of the group of men involved in the escape assumed greater significance and the details of the escape were elaborated upon to a greater degree.<sup>541</sup> (See appendix E for pages from *I, Willie Sutton And Where The Money Was.*)

Sutton's accounts also conflict with other prisoners' recollection of the event. In his interviews with ex-inmates, Hal Kirn made a special effort to ask inmates about their memories of the 1945 escape and Willie Sutton's role in it. Their recall conflicted not only with Sutton's but with each other as well.

H. B., who had been incarcerated at Eastern State Penitentiary when the breakout occurred, told Kirn the prisoners' reactions when they heard about the escape:

A lot of hoopla, hoorays, and so on and so forth because not everybody got out on that either. Let's see. I know that Dave Ackins made it. Barney Grace got out. He was the one that came back and rang the front door to come back in. Russ from twelve block was out on it. He did return but loaded with something like 18 or 20 bullets in him. He was all mangled up afterwards. Bruner Zamantsky was involved in it. His brother Vic was supposed to go out but didn't. He was over on seven gallery down in the back end. There were a couple of others, I can't think of their names right at the instant. But part of the reason they got caught so quickly in which I figured you might be leading to next was because Derrick King had shot a policeman out there in the evening and nobody here knew about it because the radio shut down at ten o'clock so nobody was aware of it and the neighborhood was still hot as a tube at pistol with the police running around so they popped up, all got picked up right away.<sup>542</sup>

H. B. also recounted something that Sutton failed to mention in his autobiography--he taught in prison: "The education here was zilch except for Willie Sutton teaching reading and Dave Ackins teaching writing to the inmates..."<sup>543</sup>

<sup>541</sup>Reynolds, *I, Willie Sutton*, pp. 170-75; Sutton, *Where The Money Was*, pp. 178-96.

<sup>542</sup>H. B. interview with Hal Kirn, *Eastern State Penitentiary Oral History Project*, (Transcribed from Video Tape), p. 5. Permission has not been granted to use this individual's name.

<sup>543</sup>Hal Kirn, H. B., p. 4.

J. C., also an inmate at Eastern State Penitentiary during the escape attempt, directly challenged Sutton's story, telling Kirn that "Willie Sutton was a myth." J. C. credited Sutton with being "a premier bank robber...when bank robbing was an art." J. C. told a story different from H. B., though, when the subject turned to Sutton's role in the escape:

...[S]uddenly Willie Sutton started hanging back at semi-block, well the men that were involved in the digging at that time when they saw him hanging around the back of cell block, they stopped their digging and they waited and waited and waited for him to go back where he would go. So finally he wasn't moving so they grabbed him in front of third block Tenuto and Bochi. Well Tenuto was a killer. He was a killer. They grabbed him and said what the hell are [you] doing back in seventh block. Well Willie Sutton, he said look I heard something's going down. He says I want to get the hell out too. And they told him look go back to where you belong, don't ever come back there again. Don't ever come back there again with a threat. When the time comes, you will know. The day before the escape he was notified. At the breakfast time, come back to the cell block, and I like I said at that time he could walk back and forth anywhere. He went back there and he was the last one out. The other 10 had already escaped when he got there and he went out the tunnel. He was invited to go along, but when they were arrested he was the high profile criminal. Therefore, he got notoriety except notoriety because when they went out of here he wrote a book about it. He wrote a book about where the money is and all about the escape like he had done the whole thing himself. And which you can't blame him.<sup>544</sup>

D. B.'s recollection of the escape more closely resembled Sutton's. D. B. took Kirn and his camera crew to the "cell where Willie Sutton and eleven other men escaped," and in answering Kirn's questions, he provided some further details about the men's efforts:

A total of twelve men through a hole that was created in the wall and they made a tunnel to the outside wall, and this is how they got out and came out of Fairmount Avenue.

*Ques.* How did they get rid of the dirt?

*Ans.* They took it out in bags and dumped it out in the yard, flushed it down the toilet and also they came upon a creek down there in the tunnel, and they started throwing the dirt in there. An[d] eventually they got it done. It took them about a year, and they got it to the wall and they came out on Fairmount Avenue. One of the fellows got shot up pretty bad later one. The others all got caught.

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<sup>544</sup>J. C. interview with Hal Kirn, *Eastern State Penitentiary Oral History Project* (Transcribed from Video Tape), pp. 7-8. Permission has not been granted to use this individual's name.



*Ques.* What about light?

*Ans.* They had light down there. They had a fan down there. They had it all shored up, so it wouldn't cave in.

*Ques.* How long did it take them to dig it?

*Ans.* It took them a good year. A good year before it was done.

*Ques.* Anything else you can think? What happened to the guys?

*Ans.* Well they all got caught eventually.

*Ques.* You said one guy was shot.

*Ans.* One guy got shot pretty bad. Got shot seven or eight times but he survived. The rest of them all got caught.

*Ques.* Did you meet Sutton?

*Ans.* Yeah I knew Sutton real good.

*Ques.* What was he like?

*Ans.* A real nice guy. A gentleman.

We are looking at the cell that Willie Sutton and eleven other men escaped from. They created a hole in the wall and eventually they got it in deep enough where one man could go in there and dig and with a panel up in the wall again, it didn't show a hole there because a cabinet was hanging on the wall so you couldn't see a hole. And little by little, the hole got bigger and bigger and bigger, and they took turns digging, and they would bring the dirt out and throw it in the yard or down the toilet, and later on they came upon a creek and they started throwing the dirt in there. An[d] eventually they got it done. It took them about a year, and they got it to the wall and they came out on Fairmount Avenue. One of the fellows got shot up pretty bad later one. The others all got caught.

*Ques.* Talk about what they did in their cells?

*Ans.* At night when they were locked in their cell, in this particular cell where the hole was at, there was a dummy put in the bed, and that guy would be in the hole digging and the other guy would be in his bed and sometimes the officer would say what's the matter with Bill or they would say he ain't feeling too good, you know. He couldn't tell if it was a dummy, you know, because it had real hair and all.

*Ques.* What was Willie Sutton like?

*Ans.* He was a reall classy guy. A gentleman. Very intelligent. Good education. Nice guy.

*Ques.* A good story teller too wasn't he?

*Ans.* Oh Yeah. He was well read.<sup>545</sup>

The 1945 escape attempt lived in the memories of men imprisoned at Eastern State Penitentiary. Cliff Redden had not been at the prison when the 1945 escape attempt occurred; but he had heard that Sutton was not involved:

The fellows all say that Willie Sutton had nothing to do with it at all. He had too much heat on him here. They were watching him because he was considered an escaped man. But Cloney and Batchy and different guys like that, I think even Tenuto, the Angel, St. John they called him, I think these were the guys that dug the tunnel, and I read that they were the guys that dug that tunnel, and it was full of rats from what I heard. You know, they were running around in there and rats and they's have to kill a rat now and then, but it was a long haul.<sup>546</sup>

Finally, one inmate who had been a participant also wrote about the 1945 escape attempt, but his account never reached a publisher's desk. "The Leaking Pen," a narrative of the twelve men who escaped from Eastern State Penitentiary, is believed to have been written by James F. Van Sant (Botchie), one of the fugitives.<sup>547</sup> "The Leaking Pen," verse written in couplets, captures the spirit of defiance among the men who resorted to desperate means in their efforts to escape. It also refutes the centrality of Sutton's role in the escape attempt:

Twelve of the boys in the Eastern Pen,  
Were serving their time that had no end;  
When out of nowhere there appeared a hole  
Which Kliney had dug--just like a mole.

Fore more than a year he'd worked at the task,  
"Fore freedom", he said, "I'd work like an ass.  
The digging was rough, at times really rocky,  
With cave-ins a plenty that made the work sloppy.

First came the shaft, which was quite a job,

<sup>545</sup>D. B. interview with Hal Kirn, *Eastern State Penitentiary Oral History Project* (Transcribed from Video Tape), pp. 19-21. Permission has not been granted to use this individual's name.

<sup>546</sup>Cliff Redden interview with Hal Kirn, *Eastern State Penitentiary Oral History Project* (Transcribed from Video Tape), p. 11. Permission has been granted to use this individual's name.

<sup>547</sup>Van Sant has been identified as the possible author by Milton Marks of the Preservation Coalition.

For working upside down caused his head to throb.  
 And then nearing the bottom of the depth he'd set,  
 He found the earth was damp fro his very own sweat.  
 His tunnel outward could be no truer,  
 For with the aim of a marksman he hit the sewer.  
 And with a gleam in his eye, and joy in his heart,  
 He studied the sewer, then tore it apart.

The gas fumes were strong, they turned his eyes,  
 Put little he cared as the dired flied.  
 So into the sewer went the diret and the rocks,  
 After he first made sure that no drains would be blocked.

With a downward dip and a slight bend,  
 Kleiny headed for the wall and journey's end.  
 Now the sewer was filling, as the dirt flew fast  
 And he had to make room for the matter to pass.

So into the sewer he had to crawl,  
 To make room for the dirt to fall.  
 The rats down there were big and fat;  
 When Kleiny crawled in, the wondered "Who Dat?"

On rat in particular, Waldo by name,  
 Was a very big rascal and seemed quite tame.  
 And in wonderment he watched the dirt and rock fall,  
 "Much more of this," he thought, "and where the hell will I crawl?"

So day after day Kleiny made the long haul,  
 With a prayer in his heart, that he'd soon reach the wall.  
 To his digging he kept, to his hope he'd cling,  
 Within a month he'd make the damn thing.

And one day while working and giving his all  
 He stopped in amazement, for there stood the wall;  
 He worked like a beaver, clearing a space,  
 And his joy was supreme when they came face to face.<sup>548</sup>  
 Six men were caught the same day, and Willie Sutton was the first man taken:

More would have made it, but some one was peeking,  
 Who told the Warden that his jail was leaking.  
 From that moment on, the cops came strutting,  
 And the first one they grabbed was Willie Sutton.<sup>549</sup>

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<sup>548</sup>[James F. Van Sant], "The Leaking Pen," Courtesy Milton Marks, Preservation Coalition, p. 1. All spellings original.

According to this poem's author, Sutton's only role was to join the other men in escaping, a quite different account than Sutton portrayed in his autobiography. Upon being captured, the men were sent to isolation:

Stripped to the skin they were put in the klondyke,  
And in their birthday suits they all looked alike.  
The weather was cold, it made them all shiver,  
All but poor Bowers, who was shot int he liver.

In waltzed the warden, with Hanging Harry,  
Snarling, "Till the other are caught, in here you will tarry".  
Judge McDevitt asked Webb, "Did you dig that hole?".  
"Not me", said Webb, "do I look like a mole?".

The warden, still snarling, began to prance,  
Webb modestly cut in, "May I have my pants?".  
"So its pants you want, eh?" the warden sneered:  
"Oh, go drop dead", all the boys jeered.<sup>550</sup>

According to the chronology, Sutton would have been among those participating in this spirited act of defiance that these prisoners displayed in their contempt for Eastern State Penitentiary authorities while remaining fiercely loyal to each other.

The poem provides one further insight into Sutton's account of what happened after some of the men were captured. Sutton does not, however, discuss his defiant stance at the hearing which put them in isolation:

Eleven days have passed, and the police have caught ten,  
Who were given a hearing in Easter Pen;  
O'Malley was the Judge, Carruthers the D.A.,  
Star-chambers their method in every way.

All through the hearing little was said,  
Till Sutton protested, the O'Malley turned red,  
"You say it's illegal", he screamed at Willie,  
Why this sort of thing is common in Philly".<sup>551</sup>

The 1945 escape has received considerable attention and lives in the memories of many people who have been associated with Eastern State. Although it was perhaps the most spectacular, the 1945 attempt was by no means the first effort by inmates to escape from

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<sup>549</sup>[Van Sant], p. 2. The fact that Sutton was the first captured conforms to all accounts, though reasons for that differ.

<sup>550</sup>[Van Sant], p. 3.

<sup>551</sup>[Van Sant], p. 4. Sutton's account of what happened to the ten captured men is on p. 186 of *Where The Money Was*.

Eastern. The *Warden's Daily Journal*, for instance, records escape attempts almost from the very beginning of the institution.<sup>552</sup> Teeters and Shearer, as well, chronicle escape attempts until 1884.<sup>553</sup> Newspapers also carried accounts of endeavors to escape from Eastern State.

Despite the massive walls coupled with a pervasive ideology of penal reform that endured throughout its history, Eastern State administration and its advocates did not succeed in convincing all convicts that they belonged imprisoned. Rather, as the 1945 escape attempt reveals, prisoners exercised "amazing ingenuity,"<sup>554</sup> even if riddled with conflicting accounts.

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<sup>552</sup>*Warden's Daily Journal*, RG15: Department of Justice: Bureau of Corrections, Eastern State Penitentiary.

<sup>553</sup>Teeters and Shearer, pp. 179-191.

<sup>554</sup>Teeters and Shearer, p. 191.

5c. Prison Journalism: The Eastern Echo

Leslie C. Patrick-Stamp

## Credo of the Penal Press

--Via AGRICOLA

The Penal Press endeavors to calendar man in his challenge to remain productive in a censored existence. For man must live with himself in spite of all hazards; and think regardless of physical enslavement; and to the end, realize a need to be wanted and, to be needed.

Such thinking and determination has taught society that even in the air of degeneration there can be born fresh hope and progress. For through the rapid projection of ideas casting a shadow, lies the little peoples' will, the redemption of lost causes and the media for voice.

Herein are voices not individuals, but individuals that are instruments to progress democratically dedicated.<sup>555</sup>

Eastern State Penitentiary's second inmate publication, *The Eastern Echo*, represents yet another fragment of prisoners' perspectives.<sup>556</sup> Publication began in 1956, and the *Eastern Echo* strived to "[reflect] a rather unique[,] candid picture of an isolated and sorely neglected segment of humanity which no other mass media of communication [could] equal."<sup>557</sup> Superintendent Brierly's "mixed feelings" that *The Eastern Echo* would be used as "a potential tool in the hands of the criminal; a tool to be used by him against society after his arrest and incarceration, such as the jimmy bar, the shiv and the gun" proved to be unfounded.<sup>558</sup> Throughout its history, the magazine received recognition and support from inmates as well as from members of professional communities who found it worthwhile to engage in published discussion and debate about one of American society's most pressing issues.

Unfortunately *The Eastern Echo's* beginnings are shrouded in conflicting recollections. In the tenth anniversary issue (1966), Tommy Williams, an Eastern inmate, summarized *The Eastern Echo's* auspicious origins:

The *Eastern Echo* is the magazine printed here at the State Correctional Institutional (sic) at Philadelphia. It had its beginning ten years ago as a fledgling 20 page affair. Its inception can be attributed to the ideas and official sanction of many. Included was Mr. Frank G.

<sup>555</sup>L. J. Biancone (PPA Dispatch), "The Saga of the Penal Press" Part II *The Eastern Echo* 4 (Winter, 1959): 15. The author wishes to thank Dr. Richard Fulmer, Department of Social Work, Millersville University for making available the few remaining copies that he had of *The Eastern Echo*.

<sup>556</sup>The first publication from Eastern State was entitled *The Umpire*, published only in 1913, and reported news about athletic activities in the prison.

<sup>557</sup>L. J. Biancone (PPA Dispatch), "The Saga of the Penal Press," Part III *The Eastern Echo* 4 (Winter, 1959): 33.

<sup>558</sup>Joseph R. Brierly, "The Superintendent Speaks," *The Eastern Echo* 12 ((1966): 3.

Martin (Warden at that time - now deceased) and the official treatment staff. However the plans, groundwork and first edition can be credited to one man, Jerry Culp, the magazine's first editor. His goals regarding the *Eastern Echo* could not be set in motion by himself as he was due to be released from prison soon after the "*Echo's*" first publication date. Knowing this, he wrote his first and last editorial as a sort of credo, which successive editors have vainly sought to follow.<sup>559</sup>

J. C., who was editor of *The Eastern Echo* in 1956, when interviewed by Hal Kirn in 1993, remembered its origins somewhat differently. Corvi recalled that the magazine came about when "Dr. Morello and a few other officials came down and asked us what we thought about having our own magazine. Well nobody was enthused about it but it was a feather in their cap, not ours, but we figured why not. So we went along with it. . . Bobby Heineman was the first editor and he more or less buttered up to the officials. He gave them what they wanted. But we told them we want no censorship, want free reign, to do anything we want, print anything we want, yeah sure, absolutely, sure."<sup>560</sup>

Despite differences of opinion as to the magazine's origins, *The Eastern Echo's* purpose generally conformed to that subscribed to by the penal press. This belief, although apparently challenged at various points in its history, was upheld in the final extant volume of the magazine:

The *Eastern Echo's* main premise has been a magazine written by and for the inmates of the specific institution publishing same. This premise was taken from the general creed of the Penal Press. The "*Echo*" has added another sentence, though not written as clearly, was understood by the many staff writers who have contributed articles throughout the years. This addition embraces the idea that this magazine is designed to help inmates by speaking through them and for them, if for any reason they are unable to do so themselves. In doing this, to present opinions directly applicable to his incarcerated condition.<sup>561</sup>

Not only did inmates write for the publication, but legal, medical, and scholarly professionals did so as well. For instance, the renowned professor of Sociology, Negley Teeters, published an abbreviated version of "On Public Institutions" in the Winter, 1959 volume of *The Eastern Echo*.<sup>562</sup> Another volume of *The Eastern Echo* was entirely

<sup>559</sup>Tommy Williams, "History of *The Eastern Echo*" *The Eastern Echo* 12 (1966): 14.

<sup>560</sup>J. C. interview with Hal Kirn, *Eastern State Penitentiary Oral History Project*, (Transcribed from Video Tape), p. 5. However, according to Williams' chronology, Heinemann followed J.C. as editor. Williams, "History of *The Eastern Echo*," p. 14. Permission has not been granted to use this individual's name.

<sup>561</sup>Williams, "History of *The Eastern Echo*," p. 15. Cf. "so here i am," *The Eastern Echo* 12 (1966): 40-41 included herewith.

<sup>562</sup>The lengthier version of this article appeared subsequently in *Journal of the Lancaster Historical Society* 64 (1960): 85-164.

devoted to the debate over the insanity defense, with members from the legal and medical communities contributing articles to the publication. Furthermore, the Superintendents of Eastern State also contributed their remarks, which seemingly reflected each man's outlook toward his charges, and, more importantly, seems to have determined the magazine's general content and tone.

*The Eastern Echo* exhibited a decidedly different character under the supervision of Superintendents Banmiller and Brierly. Although three issues survive from the period of Banmiller's administration and only one issue survives from Brierly's (this volume was one which celebrated *Eastern Echo's* tenth anniversary), noticeable differences in the contents are evident. During Banmiller's administration, the magazine's editors expressed concern "to open the door of a new understanding between society and inmates."<sup>563</sup> No such statement graces the opening pages of the issue published during Brierly's reign. The contents of the latter volume more closely resemble a public relations effort rather than an examination of the pressing issues concerning imprisonment in American society that had been addressed under the prison's previous administration.<sup>564</sup>

Although only four issues of *The Eastern Echo* are extant, they remain an invaluable source of information provided by and about the men who were incarcerated within Eastern's walls. Williams listed the subjects covered by the magazine as "parole and commutation, juvenile delinquency, psychology and psychiatry in prisons, worldwide penal treatment, prison reform, modern penology, criminal law, prison labor..."<sup>565</sup> This catalogue of topics, however, does not begin to capture the knowledge and talent bound within the magazine's covers.

As the following excerpts from *Eastern Echo* articles should suggest, prisoners who wrote for the magazine were fully capable of exercising critical judgment, even with respect to themselves. Their writings demonstrate that they directly confronted some of the most formidable issues with respect to their incarceration.

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<sup>563</sup>"Inset," *The Eastern Echo* 4 (Winter, 1959): 1.

<sup>564</sup>Admittedly this observation is based on access to only one issue of *The Eastern Echo* published during Brierly's administration. Therefore, if considered an inappropriate generalization, it can be removed.

<sup>565</sup>Williams, "History of *The Eastern Echo*," p. 15.



## 5d. Prisoners' Perspectives: Modern Interviews

Leslie C. Patrick-Stamp

Well, the way it was built. It was built on a wagon wheel. You could see everything. You could stand in the middle, the center there, and look down around the whole prison which made it very unique. It was pretty hard to get by. In other words, the walls outside, if you look at the walls outside, they were like twenty-five and thirty feet in the air. But inside, they were like sixty or seventy feet in the air.

--J. D. to Hal Kirn

You're a criminal so stay a criminal. The inmates don't want it and neither does the institution. The Parole Board doesn't want it either. What would they do if every man broke the law. No more prisoners, no more prisons to run. You've gotta have the inmates to run the prison and you gotta have prisoners to have prisons.

--L. B. to Richard Fulmer

Male and female prisoners interviewed during the nineteenth century, particularly those interviewed by Beaumont and Tocqueville, compared Eastern State to the old Walnut Street Prison. The accommodations of the new penitentiary in 1831 compared to the crowded conditions of what had once been a jail. Those interviewed in the last decade of the twentieth compared Eastern to Graterford, the latter being relatively new when many of them had been imprisoned. By the time these men arrived, Eastern State was approaching the same level of disrepute that the Jail and Penitentiary House at Walnut Street had.

Eastern State Penitentiary finally closed in 1970. Few men survive from the years during which it had been in operation. These Eastern survivors' memories have been captured by Hal Kirn and Richard Fulmer, who separately, have continued the tradition begun by Tocqueville and Beaumont in conducting interviews with people imprisoned at Eastern State Penitentiary. The most recent attempts to document prisoners' perspectives are perhaps the most thorough.

The content of prisoner interviews changed over time, in part probably because their interviewers' interests and techniques for conducting them did. Their outlooks changed, as well, because social conditions both inside and outside of the prison milieu had. Presented here are excerpts from the most recent interviews conducted of prisoners incarcerated at Eastern State Penitentiary. These selections have been chosen because they most dramatically reveal, according to the ex-prisoners, the degree to which change had or had not occurred throughout Eastern State Penitentiary's history.

In the 1990s, when Fulmer and Kirn interviewed inmates, not only had that outlook changed, but also the question of the prison's potential for rehabilitation differed from earlier inmates' accounts. When interviewed by Kirn, D. B., for instance, confirmed the highly individualized notion of prison's inability to rehabilitate:

...[P]rison does not rehabilitate you, it is up to you. You know you hear people say yeah, prison will rehabilitate a guy. That is a lot of crap. You are the guy that has got to do it. You are going to decide whether you are going to walk that straight line or go back to the old ways.<sup>566</sup>

Another inmate, R. B., confirms the previous statement when he told Fulmer:

Prison doesn't rehabilitate you. It is a school for two things: #1) To do right when you get out of there and #2) Come out better than when you went in. Prison gives you time to think about what you did. Man has to change himself.<sup>567</sup>

One of these inmates was less generous in his description of Eastern State Penitentiary's purpose:

That's what prisons are, they are trash cans. You became a number to them, state property. If you broke one rule you got punished. It was cruel and unusual punishment. Years ago, we didn't have these court decisions the men do today.<sup>568</sup>

G. N. told Kirn:

Well, I think the entrance to every prison could have the same kid of sign over man's inhumanity to man begins here. There is no story that would be told here that would not be told in the other prisons throughout the same institutions.<sup>569</sup>

Prisoners in both centuries told their interlocutors how they *survived* prison life. By the 20th century, survival in Eastern State Penitentiary had become firmly associated with time and how a man spent his day. For J. C. survival meant "handball, basketball, football, physical games." Days were long; and so too were the nights, especially if a man could not get to sleep. J. C. continues:

...[W]hen I went back to my cell, before I went to my cell, I took my shower, went to dinner, come back, listen to the radio or I read quite a bit, and I would fall asleep and sleep right through the night. You know they guys that would go out in the yard and just sit there, sit there, and bemoaned and bewitched and bitch about everything you know, and go back to their cell and smoke their cigarettes, were up all damn night, you know, bemoaned their fate. I didn't do it. I

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<sup>566</sup>Hal Kirn, D. B., p. 9.

<sup>567</sup>Fulmer, R. B., p. 3.

<sup>568</sup>Fulmer, L. D., pp 1-2.

<sup>569</sup>Kirn, G. N., p. 2.

knowcked myself out so I could sleep. And I slept that way to cut my time short.<sup>570</sup>

Separate confinement had long since disappeared, having been officially abolished in 1913. By the middle of the twentieth century, for social reasons, surviving separate confinement proved to be an impossibility. J. M. told Kirn that gangs "were a necessity:"

Gangs, you know, not in terms of what you may be thinking of as teenage gangs. Gangs in prison in the early 60s was not as we see as a fourteen, fifteen or sixteen year old gang in the city of Philadelphia. Gangs in prison was a necessity amongst racial groups. You could be 35, 40, 50 years old. You generally had to be part of a group in order to survive in prison. You had to be. If not, it would be almost impossible for a person to be a loner in prison.<sup>571</sup>

C. R.'s comments to Kirn about his cell reveal that some changes had been made since the time Tocqueville and Beaumont conducted their interview:

Very bare. You had a little narrow window up at the top of the cell with a clothes prop with notches on it. You could open it up however much you want.<sup>572</sup>

Air circulation, however, did not regulate the temperature in the cell. Nor was the air circulation that much better than it had been in the nineteenth century, according to Charles Gindle:

The heat in the cells wasn't that bad, but you would detect the dampness that was always there. It was just me, I guess some of the things that I see was like the old bastille castle thing was it reminded me.<sup>573</sup>

Roosevelt Grant confirmed Gindle's observation:

I guess all cells was, they were, they were pretty cold in the winter. And hot in the summer because of the ventilation. They only had one window up the top. And it was poor ventilation. So, but most of the time we were in the yard in the hottest part of the day...So most of the time I slept on the floor because it was much cooler, and that bunk was pretty hard, because it was all steel with that mattress.<sup>574</sup>

Grant also described the contents of his cell:

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<sup>570</sup>Hal Kirn, J. C., p. 16.

<sup>571</sup>Hal Kirn, J. M., p. 4.

<sup>572</sup>Hal Kirn, C. R., p. 4.

<sup>573</sup>Charles Gindle to Hal Kirn, p. 7.

<sup>574</sup>Hal Kirn, Roosevelt Grant, p. 5.

There was a bench...A desk. A chair, commode, you know. And they didn't have sinks in there. Running water, you had to go down to the shower to get running water for your, if you wanted to wash up or something in the morning. You know, you had to go down to get a bucket of water.<sup>575</sup>

By the final years of Eastern's operation, there was another fixture that became familiar, although unwelcomed, in many of the men's cells. H. B., for ventilation during the terribly hot summer months, would "slit the window in the top of the cell. And half the time you didn't want to leave that open, because the rats fell in."<sup>576</sup> L. B. remembered not only rats, but bugs as well:

I remember the rats running all over the place. They would hide behind the trash cans and at nighttime, you had to watch out because they would crawl into the prison through the back of the black and then into your cell with you. You had to watch out because there was plenty of that. I also remember the bugs. You had a little propr in your ceiling for the window and the bugs would come in on you. Flying roaches, etc. would come in on you. It wasn't a very nice place to be.<sup>577</sup>

One inmate, however, claimed there had not been a problem with rats, "because there was no food around for them to get in the cells."<sup>578</sup>

The worst "cell" situation at Eastern State in which an inmate could find himself, however, was "the Klondike," more commonly known as isolation. Although Jesse DiGugliemo was never sentenced to isolation, he described it graphically:

The hole is probably about 3 by 3. No windows...You stood up straight. You could bend your legs, but there was nothing there. You got bread and water for food, and they had a doctor...They had them down beneath the cellar....They had to have a doctor examine you before they put you in there because he was the only e who could get you in or get you out. In other words, he examined you every day. You got your bread and water and that was it. If you got thirty days in the hole, that's what you did, thirty days. But if you couldn't make it, and the doctor came and looked at you and seen you was, you know, going a little nuts, they would take you out of there.<sup>579</sup>

A friend of DiGugliemo's, a young man named Jimmy Devlin, spent thirty days in the hole; and when he left, Devlin was almost blind. Despite the darkness and silence,

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<sup>575</sup>Hal Kirn, Roosevelt Grant, p. 5.

<sup>576</sup>H. B. to Hal Kirn, p. 14.

<sup>577</sup>L. B. to Richard Fulmer, p. 1.

<sup>578</sup>Jesse DiGugliemo to Hal Kirn, p. 12.

<sup>579</sup>Jesse DiGugliemo to Hal Kirn, p. 3.

inmates managed to communicate with each other; once again defying the authorities. J. C., who did spend three days in solitary, explains: “You slept and you awoke. You slept and you awoke, and you ate in between. I mean actually you were completely confined by yourself and you could communicate with other men.”<sup>580</sup>

Almost all inmates interviewed by Kirn and Fulmer furnished their interviewers fuller elaboration on their relations with authorities than their nineteenth century predecessors. Jesse DiGugliemo, imprisoned at Eastern between 1937 and 1954 recalled that during those years the penitentiary both imprisoned and employed “a better class of people.” He quickly added, however, “some of them...were very mean. There was (sic) some of them you couldn’t get the right time off of them. They would split your head in a minute.”<sup>581</sup> H. B., at Eastern between 1945 and 1952, also remembered that there were good and bad relations between guards and inmates: “There were some guards...[who] just seemed to have the idea that all inmates were just no good. You treat them like trash. Walk on them, do anything. Then there were other guards that weren’t half bad. They were actually decent....As a Matter of fact some of them were friendly...They didn’t bother you. They didn’t make trouble. They didn’t try to bug you. And if they could, they would work along with you.”<sup>582</sup> J. C., who was in Eastern three different times between 1940 and 1970, compared guards at Eastern to the guards at Graterford, another prison where he had been an inmate. J. C.’s assessment favored Eastern because “if you had a problem and you got out of line, the guard knew your problem. They discussed these with you. They sat down and got personal with you. You weren’t just a figure or just a number. You were personal. You were somebody they could communicate with.”<sup>583</sup> Richard Bell, a contemporary of J.C.’s, also remembered the guards at Eastern positively for the most part:

You got, see, here’s the thing a lot of people fail to realize. You come to jail. You can’t come in and tell these people [authorities] what to do. You come in here, you do what you are told to do, and you’ll get along. Now, if you want to act like a nut, you get treated like a nut, see. You know you got good officer in there, and you know what I mean, then you got some that, you know what I mean that may have a little edge, or a chip on their shoulder, but you gotta know how to work around them.<sup>584</sup>

Inmates’ views of other inmates relations with guards, however, were a different matter. L. B. told Richard Fulmer “There was a certain buddy system between the Philadelphia guards and some of the Philadelphia inmates. But that didn’t go very far. If you were seen talking to a guard you were thought of as a snitch whether you knew that guard on

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<sup>580</sup>J. C. to Hal Kirn, p. 12.

<sup>581</sup>Jesse DiGugliemo to Hal Kirn, p. 8.

<sup>582</sup>H. B. to Hal Kirn, p. 15. [Name not used because permission has not been granted.]

<sup>583</sup>J. C. to Hal Kirn, p. 3.

<sup>584</sup>Richard Bell to Hal Kirn, p. 4.

the street or not. You didn't talk to guards. The only time you talked to a guard was if you had business outside the institution or if you wanted a different guard."<sup>585</sup>

Regardless of how positively guards were generally viewed by ex-inmates, the most vilified people in authority were those guards who were members of the goon squad, "a group of guards that knew how to [do] what was known as bodily harm. They were good at bodily harm. Good at brutal beatings."<sup>586</sup> D. B. recalled the goon squad during the 1940s when "if you hit a guard, you were in trouble." Taking one's complaints to court from prison was not an option. Rather, "They worked you over, I mean they gave you a good beating. And the next shift that came on did the same thing to you, and the following shift come on, did the same thing to you."<sup>587</sup> When Maurice Telley and Charles Gindle were asked about the goon squad, they responded "If you punched a guard, you were in for an ass kicking and it was that simple. It wasn't going back to court, it was dealt with there and that's it."<sup>588</sup> L. B. remembered the goon squad as "men [who] were not to be played with. They were strong and big, and they would use anything available to subdue you. If they had to hit you over the head with a chair, they would."<sup>589</sup> According to H. B., however, the goon squad did not have much of an effect on discipline at the prison, nor were they immune to inmate retaliation: "[T]hey got clobbered themselves a few times. Because if they got mixed up with too many people or the wrong ones, especially some of the Bochi players, they just weren't around any more. They were gone. Somebody would find them dead up behind one of the cell blocks or maybe even in their own cell or wherever."<sup>590</sup>

Many of the men interviewed by Kirn had been at Eastern during Joseph Brierly's administration. Maurice Telley and Charles Gindle remembered Joe Brierly as the Superintendent who "had the respect of the inmates. He was fair. A tough guy but well respected."<sup>591</sup> D. B., who had been through Eastern three times between 1942 and 1968, also remembered Brierly as "a square guy...He was fair. Strict but he was fair."<sup>592</sup> Richard Bell had "nothing to say bad about him," describing Brierly as good...I mean to tell you he would help you if you let him help you...he was just that kind of person."<sup>593</sup>

Other men, like H. B. had been at Eastern during earlier wardens such as Walter Tees and Frank Martin. H. B.'s memories of the difference between the two men demonstrates inmates' abilities to discern the of integrity of an individual:

Walter Tees was a phony from the word go. He was constantly creating trouble. Half the guys that were on punishment blocks were

<sup>585</sup>L. B. to Richard Fulmer, pp. 11-12. . [Name not used because permission has not been granted.]

<sup>586</sup>John McCullough to Hal Kirn, p. 7.

<sup>587</sup>D. B. to Hal Kirn, p. 11.

<sup>588</sup>Maurice Telley and Charles Gindle to Hal Kirn, p. 5

<sup>589</sup>L. B. to Richard Fulmer, p. 4.

<sup>590</sup>H. B. to Hal Kirn, p. 15.

<sup>591</sup>Maurice Telley and Charles Gindle to Hal Kirn, p. 3.

<sup>592</sup>D. B. to Hal Kirn, p. 2. [Name not used because permission has not been granted.]

<sup>593</sup>Richard Bell to Hal Kinr, p. 5.

there because of some of his antics. If he didn't like somebody he got them in all kinds of trouble deliberately. If you played politics it was great. You could get in today and out tomorrow, but if you didn't play politics with him you had to sweat...

I don't know exactly how he worked it, but I know he was tied in solid with the politics outside of the walls. Now Frank Martin was just the reverse. That many had respect for people. Didn't matter whether they were an inmate, whether they were a guard or who they were, and as a matter of fact, he even commented to me one time personally. The walls aren't here to keep you in, they are here to keep the worst crooks out. Which I got quite a kick out of. But Frank Martin was about the only thing that you could possibly say amounted to any form of rehabilitation here.<sup>594</sup>

Just as prisoners viewed the authorities from a variety of perspectives, they also defied them for different reasons and in a variety of ways. Aside from the most obvious form of defiance, namely escape attempts, prisoners were ingenious in their responses to authority. J. C. recalled the story of an inmate barber for the officers, who used his position to retaliate against an officer who was not well liked. The act is reminiscent of that used by female slaves in the kitchens of their owners:

When Tucker would come in, he [the barber] would put him in a chair there, roll him back for the shaving, and when he was through shaving, he would put a hot towel in your face, and he would step out on the side of the door and expectorate into his hands. And go back in and rub it all over Tucker's face. How was the massage? Oh it's fine Mitch. In the meantime, he had the stuff all over his face.<sup>595</sup>

Of course, prisoners were prohibited from the use of alcohol and drugs, gambling, and carrying weapons. Yet, many of the men interviewed provided examples to the contrary. H. B., for instance, always succeeded in hiding his jar of peach brandy from a guard who suspected him of having it.<sup>596</sup>

Animals also provided inmates with emotional sustenance during the twentieth century. J. C. tells a touching story of another inmate, Harry Fricker, and his cat:

Harry Fricker was an inmate here and he was quite a basketball player, and a hell of a nice guy. He had no vices in the prison...However, one time a cat come in here and how it got in we don't know. It might have been under a truck or whatever. So Harry took the cat in and he trained the cat, and that cat was so broken. He would leave the cell to go when he would have to go and go down and drain in back of the

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<sup>594</sup>H. B. to Hal Kirn, p. 3.

<sup>595</sup>J. C. to Hal Kirn, p. 19.

<sup>596</sup>H. B. to Hal Kirn, p. 7.

cell block and come back and jump a little wick in the door where he would pass through and would come in his cell, and it was only like a dog and if Harry should have occasion to leave the cell before the cat did, before the cat awoke, the cat would go out in the yard and look for him until it finally found him and would stay around his feet. And if Harry wanted the cat to go back to the cell, get back to the cell, and that cat would go all the way back to the cell. Harry became very attached to the cat. Wherever you saw the cat, you saw Harry, whenever you saw Harry, you saw the cat. They were inseparable...[T]hey took up Fricker's cat, and they put [it] outside the gate. Well Fricker returned to the cell and found his cat wasn't there. He went in the center and said where is my cat, the center was the focal point of the institution. here's my cat. And they all knew the cat. They all knew Harry. They said Harry we had to put him outside. Well Harry lost control. He attacked the guard, and he kept flailing at the guards. They put him on segregational first block. He was there for maybe two days, and he hung himself.<sup>597</sup>

Some issues either barely or not addressed in the Tocqueville and Beaumont interviews, achieved greater significance in the twentieth century. Nineteenth century prisoners took women's presence in the same prison for granted (since they knew about Walnut Street Prison) and did not seem to find it unusual. Twentieth century inmates, with one exception, did not mention the presence of women; who had been removed to the women's prison in Central Pennsylvania in 1922.<sup>598</sup> J. C. related a story to Kirn about an inmate he personally knew who had been at Eastern when "Cherry Hill was co-ed:"

They had separate quarters of course, separate blocks. But Monk he happened to put a dummy in his cell, and somehow or other got into the woman's quarters, and got in one of the girl's. He spent the night with one of the girls.<sup>599</sup>

Not only did authorities separate the sexes, they kept the men separated according to whether they were black or white. Tocqueville and Beaumont did not question the fact of *racial segregation* at Eastern State Penitentiary, although they assiduously noted an informant's race. Almost all inmates interviewed in the twentieth century commented upon the fact that until the 1960s the institution remained racially segregated. John McCullough recalled his first impression upon entering the gates: "It reminds me of being somewhere in the Deep South. Everything here was basically segregated...Most of the inmates segregated on different blocks. White inmates were segregated on one block. Black inmates were segregated on another block. I guess maybe after my first year in the early sixties, they started making (sic) integration."<sup>600</sup> H. B. recalled that number four

<sup>597</sup>Hal Kirn, J. C., p. 9.

<sup>598</sup>Teeters and Shearer, p. 86.

<sup>599</sup>J. C. to Hal Kirn, p. 17.

<sup>600</sup>John McCullough to Hal Kirn, p. 1.



block “was all Negro.”<sup>601</sup> J. C., who had been in Eastern during the years when segregation was not questioned, believed there was “no racial problem whatsoever.”<sup>602</sup> Richard Bell, who entered Eastern in 1958, observed that there were “whites on one block and blacks on the other. We had to live together. Everybody went along with the program.”<sup>603</sup> On the other hand, Richard Bell recalled how inmates responded to desegregation: “They had the Blocks--whites on one block, and the blacks--and only a few...didn’t want to go for it, so...they just locked them up...I’d say about a couple of weeks later, they blend right in with the rest of them.”<sup>604</sup> Tony and Cisco, contemporaries of Richard Bell’s, had also been at Eastern when it was segregated and later desegregated. When they arrived, “4, 5 and 6 blocks were black and all the other[s] were white. No one bothered anybody. The Y integrated and that’s when it started...They had their handball courts and they own part of the yard and we had no problems.”<sup>605</sup> A. K., in Eastern between 1968 and 1970 didn’t “remember any racial conflicts.” He did, however, remember that there had been two football teams which were racially segregated.<sup>606</sup> Only H. B. could recall each of the blocks and their racial constitution during his incarceration at Eastern. According to H. B., no one seemed to have problems with the segregation, as long as “you stayed out of the generall black areas, if you were white:”

Four block was strictly Negro. Five block was Negro on the lower level on the block level. The gallery was mixed, because that was a punishment gallery. You had black and white up there. Seven block was all white. Eight was basically white. Nine block was basically white. There may have been one or two special cases over there, because that was primarily more or less trustee areas. Two block was mixed, but that was old farts alley. That’s where I belong now. One block was mixed, but that was punishment block. Three block was hospital, that would be mixed. So that covers all the basic blocks. Now twelve block was strictly white. Fourteen block, your top level was black, the other two levels were white primarily.<sup>607</sup>

John McCullough’s observation about why segregation in the prison was encouraged best summarizes its significance: “[Segregation] was encouraged in order to keep the focus off the administration, to keep the focus off of medical care, proper meals, the condition, so basically during the sixties and the fifties, most prisons kept a sort of scheme amongst the inmates to fight amongst themselves so that they wouldn’t be able to look at each other in a collective manner.”<sup>608</sup>

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<sup>601</sup>H. B. to Hal Kirn, p. 1.

<sup>602</sup>J. C. to Hal Kirn, p. 13.

<sup>603</sup>Richard Bell to Richard Fulmer, p. 3.

<sup>604</sup>Richard Bell to Hal Kirn, p. 8.

<sup>605</sup>Tony and Cisco to Richard Fulmer, p. 4.

<sup>606</sup>A. K. to Richard Fulmer, p. 6.

<sup>607</sup>H. B. to Hal Kirn, p. 19.

<sup>608</sup>John McCullough to Hal Kirn, p. 3.

Only a few of the ex-inmates spoke of relationships between men in prison, one of the seemingly most difficult topics to broach. These men recalled an earlier era and attitude toward homosexuality. Although the scholarly literature supports the contention that homosexual relationships also represented a form of emotional attachment in prison, none of the prisoners interviewed by Kirn and Fulmer acknowledged them as such. One inmate explained that cell block one was used for protection “if an inmate was a known homosexual.”<sup>609</sup> H. B., however, claimed that “homosexuals were not segregated in any way, shape, or form. They were just right in with the general population. There was no segregation of any kind except for color.”<sup>610</sup> J. C.’s recollection disagreed with H. B.’s: “Years ago they didn’t mix or mingle, but later on unless they were obvious you know.”<sup>611</sup> D. B. agreed with J. C.’s observations: “When they came in, they found out they were homosexuals. They put them up on fifth gallery. This is where they stayed. They fed them up there. They exercised theme very day, and they didn’t mingle with the other population. Of course, there was (sic) some in the population. They were under cover.”<sup>612</sup> Telley and Gindle asserted “all your homos (sic) were boycotted. Nobody wanted to do anything with them.”<sup>613</sup> Cliff Redden, who had been in Eastern between 1947 and 1955, held a somewhat different view about how homosexuality was viewed during his tenure at the prison: “If you’re not causing any problems, and they hear you’re having a homosexual relationship with someone, I don’t think they would monitor those people at all.”<sup>614</sup> Perhaps the most explicit and personal reflection on homosexuality in Eastern came from H. D., who explained how he “survived:”

At that time [inmates] told you who to talk to and who not to associate with. When you go in there, your character determines what kind of person you are. You have to let yourself [be] known. It’s up to you what you want to do. It’s like this sex business in prison. That’s the first thing that you have to do. If you have a queer (sic) make a pass at you, it’s up to you if you’re going to play the game or not. That happened to me right off the bat, and I grabbed the guy by the shirt collar and said, ‘I didn’t play that kind of stuff. Don’t fuck with D., he don’t play that game.’ That’s all you have to do.<sup>615</sup>

These were the men who survived the Prison at Cherry Hill. They are few, and by no means a representative of the entire population that passed through Eastern State Penitentiary’s gates. Nevertheless, their memories of the prison should be no less valid or legitimate than those who controlled the institution.

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<sup>609</sup>John McCullough to Hal Kirn, p. 3.

<sup>610</sup>H. B. to Hal Kirn, p. 8.

<sup>611</sup>J. C. to Hal Kirn, p. 14.

<sup>612</sup>D. B. to Hal Kirn, p. 5.

<sup>613</sup>Telley and Gindle to Hal Kirn, p. 12.

<sup>614</sup>Cliff Redden to Hal Kirn, p. 15.

<sup>615</sup>H. D. to Richard Fulmer, p. 4.

5e. Matthew Epps--Eastern State Penitentiary Guard and Prisoner  
 Leslie C. Patrick-Stamp

You cannot know some of the restrictions in life without living them. No matter how sensitive you think you are to someone else's conditions or needs, you never really are. I could never appreciate what the inmates went through when I was a guard, but when I became an inmate things changed. You can't do this, you can't do that. It opened my eyes. It was a different time and a different era.<sup>616</sup>

Matthew Epps' story embodies one of the many ironies of imprisonment. Epps was the first African American to become a guard at Eastern State. He was also a prisoner in the very institution where he had been in charge of other inmates.

Epps was hired in 1956, at a time when "most guard jobs were reserved for white males with military experience."<sup>617</sup> Despite the novelty of his presence, according to Epps the adjustment was a fairly easy one. He seems to have been accepted by the guards:

My first job assignment was to work in the center tower. One guard particularly took a liking to me and showed me many valuable things. He shared many of the tricks of the job.

The inmates, as well did not react with anything other than curiosity. Epps recalled to Fulmer:

You sometimes would hear humorous conversations between men like: "You ask him." No, I'm not asking him, you ask him." What they were talking about was how I got the job, where I lived, whether I was married, or whether I went to school. I tried to move the conversation away from the subject.

At the end of the first day, I was asked to stay and work the center tower. By doing this, I had a good opportunity to see the men going in for breakfast. They would point at me and wave. I acknowledged the waves, but I kept remembering not to fraternize with the inmates. It was very difficult.<sup>618</sup>

Generally, Epps seems to have followed the same routine as his fellow guards. Despite the civilities Epps encountered, discrimination did exist. He would hear statements like "Hey, they got a colored guy working here!" Moreover, he had to take a civil service examination, and he was paid 300 hundred dollars more than his white counterparts.<sup>619</sup>

<sup>616</sup>Matthew Epps, interview with Richard Fulmer, 21 July 1992, p. 2.

<sup>617</sup>Epps to Fulmer, 14 July 1992, p. 1.

<sup>618</sup>Epps to Fulmer, 14 July 1992, p. 3.

<sup>619</sup>Epps to Fulmer, 14 July 1992, pp. 3, 7.

Epps, however, handled the transition from a position of authority to one of subordination with equanimity.

I left the penitentiary in '57 and came back in '60. I came in from City Hall on the bus with about 3-4 other men. It was strange because it was the first time I ever came in the little side door. I was put on 14 Block. Lt. "Blinky" Boyle waited for me at the end of the block, as if I heard a lot about this guy and I want to get a good look. Within a week, I was pulled out and sent to Graterford. And seven years later I came back to ESP.<sup>620</sup>

Epps never denied having been a guard, although there was a general belief that he would be favored because he had been one. Some expressed concern that he was returning to Eastern, this time as an inmate; but Epps responded "I [will] adjust." In fact, and perhaps he had been a guard, Epps recalled "some of the guards were a little rough on me. `Don't think you're special because you were a guard,'" he had been warned. Others from among his former colleagues were angry: "How dare you embarrass us by becoming an inmate!"<sup>621</sup>

The general expectation of prisoners was that they would "complain, be loud, be masculine, get misconduct, be ready to knock someone's head off, verbalize your hate and displeasure when someone trie[d] to take something from you. Never let anyone disrepect you. Be verbal. Seem defiant and stand-offish."<sup>622</sup> Epps, however, seems to have done his work and maintained decent relations with certain prisoners and the prison administration.

Having observed both sides of Eastern State, Matthew Epps' summary statement seems most apt:

I think that part of Cherry Hill's mystique was you knew who was who and what was what. If things would get out of hand you knew who was behind it and you knew what had to be done to get things back on track. You still had contact with people of Philadelphia via students, guards, tours, etc. We had the type of inmate that could cool out. The men dealt more with each other.

Eastern was more humane. It was more flexible.<sup>623</sup>

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<sup>620</sup>Epps to Fulmer, 21 July 1992, p. 2.

<sup>621</sup>Epps to Fulmer, 21 July 1992, pp. 2-3.

<sup>622</sup>Epps to Fulmer, 21 July 1992, p. 3.

<sup>623</sup>Epps to Fulmer, 21 July 1992, pp. 5, 6.

## 6. Prison Labor, 1917-1970

Finn Hornum

The Department of Public Welfare was created by an Act of May 25, 1921 in order to centralize the administration of the following state institutions: state hospitals for the insane, institutions for the feeble-minded, almshouses, country homes for the poor, public orphanages, state penal and correctional institutions and country prisons. The supervision of prison labor was initially lodged with the Prison Labor Division within the Bureau of Restoration (later changed to Bureau of Correction) and this Division was made responsible for coordination of the manufacturing and sale of prison products. The institutional managers of the industries, however, could not buy raw materials directly from the free market but had to purchase through the state's Department of Property and Supplies, another administrative unit within the governmental structure. This practice caused much confusion and delays and frequently left the institutions without sufficient goods to carry out their manufacturing processes. Furthermore, the Department of Property and Supplies had no reciprocal, mandatory, obligation to buy the prison-made goods for distribution to other state agencies.<sup>624</sup>

Production in Pennsylvania's prisons was further restricted through national legislation in the 1930s. The federal acts (Hawes-Cooper Act of 1934, Ashurst-Summers of 1935, and an Act of 1940) prohibited interstate commerce of prison goods and strongly advocated the state-use system. Contract labor, which had produced almost a fourth of the total volume of prison goods in 1923, ceased to exist by 1940. The piece-price system dropped from 16% to 0.5% and the public account system from 22% to 16%. State use, which had only produced 18% of the total in 1923, increased to 60% in 1940 while the public works system, dominating in the South, contributed about a fourth of the total volume of prison goods.<sup>625</sup>

In Pennsylvania, Barnes claims (in 1944) that the value of state-use production ran about \$ 1.5 million annually since its implementation in 1921. As World War II led to the establishment of the Federal Work Production Board, its Prison Industries Branch put prisoners to work manufacturing goods for the war effort. In 1943 Pennsylvania institutions performed \$ 350,000 worth of work through such contracts, a rather small proportion in comparison to other states according to Barnes.<sup>626</sup>

The particular state-use system established in Pennsylvania did not resolve the prison labor problems in the state. Barnes lists four major problems with the system. First, prison officials had less pride in the industrial production within the institution since the whole operation was now centralized in Harrisburg. Second, the purchase arrangement through the Department of Property and Supplies led to red tape and delays in forwarding raw materials to the institutions; described by Barnes as "industrial anarchy." Third, the lack of a compulsory purchase law meant that only a small fraction of state purchases (1% of state institutional purchases in 1934) came from

<sup>624</sup>Barnes (1944), *Op. Cit.*, pp. 90-91

<sup>625</sup>Barnes (1944), pp. 91-92

<sup>626</sup>Barnes (1944), pp. 97-98

state prison industries. Lastly, the economic problems of the state during the depression made it almost impossible for the Prison Labor Division to get sufficient appropriations to facilitate industrial expansion.<sup>627</sup>

At Eastern State Penitentiary the situation was even worse than in the other state facilities. Although there were attempts to modify the physical plant to change from the cellular handicraft production to "the big house" industries being implemented in new prisons across the country, there simply was not enough space inside Eastern's walls to set up factory workshops. The chart below shows the types of industries during the second decade of the century and clearly demonstrates the continuation of idleness.

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<sup>627</sup>Barnes (1944), *Op. Cit.*, pp. 98-99

Table: Prison Industries at Eastern State Penitentiary 1914-1918 (Source: Harry E. Barnes, The Evolution of Penology in Pennsylvania. (1927) pp. 226-230 and Annual Reports)

Year	Weaving Spinning	Shoe-making	Woodwork Chairmaking	Cane Seating	Cigar Making	Stocking Weaving	Jobbing (Misc.)	Idle
1914	7	13		42	19	204		217
1915	11	9		24	18	208		308
1916	11			15	13	117		420
1917	No Information Available							
1918 <sup>628</sup>	17	42	11	16	11	38	337	916

Other considerations also prevented major changes at Cherry Hill. As early as 1915 plans were being made for the merging of the two state penitentiaries (Eastern and Western) into one huge centrally located institution. The abandonment of Western and the building of a new Western Penitentiary at Rockview in Centre County had been authorized in 1911 and it soon seemed practical to rectify the problems with Eastern's physical plant to create a single large maximum prison for the whole state. Work was actually begun on two huge maximum security cell blocks, but the plans were abandoned and Rockview was finally completed as a medium security facility with a large farm. The legislature now had the idea of providing a similar institution for the eastern part of the state and the building of the Eastern Penitentiary at Graterford was authorized in 1925. Thus, for at least ten years it seemed a waste of money and effort to invest in the improvement of Eastern. It is very clear in the annual reports of the institution during those years and until 1929, when Graterford was finally opened for the reception of prisoners, that the closing of Eastern was expected by those managing the institution as well.

We have no consistent and systematic information available about the labor situation at Eastern during this period. A selection of excerpts from the annual reports and from the descriptions by various external visitors, however, gives a telling portrait of the difficulties in maintaining any kind of industrial production:

1916-17: The inspectors report that they are pursuing the plan of utilizing the cellyards for the construction of additional buildings to accommodate the increasing demand for shop room, rendered necessary by the plans of the Labor Commission. A census of external occupations held by the 512 prisoners shows that 207 were laborers, 29 drivers, 29 machinists, 14 miners, 14 domestics, 12 firemen and 12 painters!<sup>629</sup>

<sup>628</sup>Distribution of prison population Sept. 4, 1918. This report was divided into "state-use" industries (cane-seating, cigar-making, shoe-making and stocking-weaving) and "institutional account" occupations. The latter included 17 weavers and 11 workers in the carpenter shop and have been listed in the appropriate columns. The remainder includes 166 prisoners employed in "outside" institutional maintenance and 154 employed in "inside" maintenance. In the last category it is interesting to note that 73 "runners" and 13 "school teachers" are included.

<sup>629</sup>*Annual Report, 1917*

1924: The Board of Trustees, submitting their first report to the Governor since 1920 raise major concerns about the antiquated state of the penitentiary: "General improvements and additions to the physical plant have progressed to such a point that their continuance can no longer hope to benefit the institution to any appreciable extent." Failure to accomplish rehabilitation is due to too frequent absence of employment. There is a need for a wage scale since those working on in-house maintenance receive only fifty cents work of tobacco or its equivalent! We have no real control of the workshops now run by the central office. There is a need to revise prison labor laws and to employ prisoners in the building of the new Eastern State Penitentiary. Current workshops include an addition to the garage for auto mechanic workshop, with room for a three-ton truck; three new industries: chamois sewing, rag sewing, caneing shop employing about fifty men each, earning 14 to 26 cents per day; and new carpenter shops in the old cell yards where 28 men are employed making boxes, trays, etc. on orders for private individuals for 75 cents a day.<sup>630</sup>

1925: Board welcomes the passage of legislation to build a new Eastern State Penitentiary and the authorization of the sale of surplus products to other states to help reduce idleness. Also praise the Act's provisions for compensation for maintenance work up to 20 cents/day instead of 1/2 lb. of tobacco. The Board claims 91% of all inmates work 5hrs/day and many 8-10 hours.<sup>631</sup>

1926: Construction of new three-story cell block to house 240 begins. Employment: 274 employed by Prison Labor Industries, Bureau of Restoration, Dept. of Welfare; 205 by the Board of Trustees; 250 pursue individual work making ship models, waste baskets, desks, etc.; 350 work on maintenance and are now paid. 75% of prisoners work every day, 5-8 hours.<sup>632</sup>

1929: New warden finds ESP in best physical condition it has been in during modern times. Almost 900 men working at Graterford construction all summer with 75% of the work being done by inmates. However, caning workshop has been discontinued by Department of Welfare, leaving 60 men idle.<sup>633</sup>

1931: Cox, Bixby and Root in the Handbook of Penal Information: A two day visit in March 1931 showed that 685 of 1819 prisoners were idle, and the remaining prisoners worked only from 8 am to 1 pm.

1932: Board of Trustees admits that the institution is marking time until all of the inmates can be transferred to Graterford. Recent decision to limit Graterford capacity to 2000 was a great disappointment. To prevent idleness, work other than that provided by Welfare Department is done in special shops or in cells and includes woodworking,

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<sup>630</sup> *Annual Report, 1925*

<sup>631</sup> *Annual Report, 1926*

<sup>632</sup> *Annual Report, 1927*

<sup>633</sup> *Annual Report, 1929*



metalwork, painting, and teaching these lines, a training course in auto painting and repair, electrical work, plumbing for some.<sup>634</sup>

1934: A Governor's Committee reports that the products produced at Eastern include clothing, hosiery, underwear, printing, shoes and weaving, but that the majority of the inmates are idle. Explanation: "Because of the expectations of the former Board of Trustees to abandon Cherry Hill and move to Graterford in the near the future, the Cherry Hill institution had been allowed to deteriorate through lack of appropriations for repair and upkeep."

The most thorough description comes from Barnes' report on a visit to the institution in 1943. He noted that the absence of good shops had led to idleness for about 200 inmates. Employed prisoners worked under four different job arrangements: (1) state-use work, which included about 180 men working in Prison Labor Division industries (printing and binding, weaving, tailoring and shoe-making); (2) War Production Board work, which involved 50 men employed with making tent pins; (3) maintenance work, including such domestic chores as cooking, food service, and repairs; and (4) "made" work, involving about 50 men in making toys, woodcarvings, etc. in the hobby and crafts shop. Barnes considered only the print shop as an excellent productive workshop and seriously questioned the legality and desirability of so-called "private concessions" encouraged by the warden as a way of cutting down on idleness. Over the years, apparently, certain inmates had gained almost a monopoly on the manufacture and private sale of ship models, and on shining the shoes and repairing the cars of staff and visitors. There is also evidence of "rather desperate and almost pathetic efforts to find work for the men" in assigning about 200 men to put bobby-pins on cards or in picking over rags for rugs and carpets.<sup>635</sup>

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<sup>634</sup> *Annual Report, 1931-32*

<sup>635</sup> Barnes (1944), *Op. Cit.*, pp. 12-13

## § IID. Post-Closing, 1971-94

### 1. Changes and Prospects

Jeffrey A. Cohen

The state system's inmates who departed ESP for Graterford in April 1970 were not the last prisoners at Eastern. The state agreed to lease the facility to the city for \$1, removing the stipulation about helping acquire a new site, but adding conditions about rehabilitating the structure and paying off state bonds for recent improvements. Almost immediately, a need arose. A violent riot in early July 1970 at the city's critically overcrowded prison at Holmesburg (itself designed after the model of Eastern State in the 1890s) led to the transfer of 35, and eventually hundreds of city prisoners, some convicted and others detained while awaiting trial. This situation continued into 1971, but the state declined to carry through the planned sale to the city until the city agreed to do a comprehensive study of correctional needs.

Dennis Montagna's recent essay, "Philadelphia's Eastern State Penitentiary: These Stone Walls Do Not a Shopping Center Make," in Lynda H. Schneckloth, Marcia F. Feuerstein, and Barbara A. Campagna, Changing Places: Remaking Institutional Buildings (Freedonia, NY, 1992), offers a well-researched narrative of events since the closing of the penitentiary. We have not taken this recent history further, except to offer some additional details in the chronological note section in Appendix B.

But a very brief summary may be in order. ESP was abandoned as a correctional institution in 1971, and for several years the city used the site for storage and other purposes, without devoting major resources to maintenance or security. The elements and vandalism soon took a major toll as deterioration accelerated with the passage of time. Many expected that the site would soon be cleared or sweepingly adapted for reuse. Leading proposals over the 1970s and 1980s included a new correctional institution, housing, recreation, and a supermarket. The City Planning Commission involved itself, and the city transferred the property to the Redevelopment Authority in 1984. But precipitous action was forestalled by a lack of consensus, a more active role on the part of the community, a reluctance on the part of developers, the difficult logistics of adapting or demolishing the fabric, and, most importantly, a new appreciation for the site's historical importance.

ESP had been certified as an historic site by the city in 1958 and placed on the Pennsylvania Register of Historic Places in 1970. It had been accorded the more rarefied standing of National Historic Landmark in 1965. And from the 1950s to the 1980s a host of publications--especially Teeters and Shearer's Prison at Philadelphia: Cherry Hill (1957), Norman Johnston's (1958) and Matthew Baigell's (1965) dissertations and associated writings, and David J. Rothman's Discovery of the Asylum: Social Order and Disorder in the New Republic (1971)--firmly placed ESP among the most important sites, nationally and internationally, in the mental landscape of scholars with a wide range of historical interests. People with like interests played a particularly forceful role in the late 1980s, organizing the ESP Task Force and encouraging a renewed consideration of

the subject. The search for a viable and articulate future for the site has since dominated discussions of its fate.

## 2. Building Systems Deterioration

### 2a. Overview

David G. Cornelius

The long-anticipated closing of the Eastern State Correctional Institute had probably inspired some relaxation of major maintenance by the state prior to the actual event in 1970. All maintenance apparently stopped at some date subsequent to the removal of city prisoners in 1971. By the early 1980s vandals had broken most of the windows, skylights and plumbing fixtures; a veritable jungle of vegetation had covered most of the open spaces and the more hospitable rooftops; and some of the monitors and roofs had collapsed. A chain-reaction of degradation had been initiated. The vegetation clogged and obscured yard drains, causing the surface runoff to be redirected through the cellblock tunnel system. The presence of water in the tunnels, combined with water intrusion through deteriorating roofs and open skylights and with the exclusion of daylight by vegetation, led to a drastic increase in interior humidity and moisture content levels.

The condition of the penitentiary at the end of the decade was exhaustively described in a report commissioned by the Eastern State Task Force in 1989 as one of that organization's first acts.<sup>636</sup> On the basis of recommendations contained in that report, stabilization began in the following year with the removal of most of the vegetation and the beginning of an ongoing process to cover roof openings. A few very dangerous elements have also been selectively demolished.

### 2b. Structure and Envelope

David G. Cornelius

The apt observation of one visitor to the Penitentiary was that the forces of nature represented the construction history played in reverse.<sup>637</sup> Those buildings and building systems added most recently were proving to be the least durable and were in the most advanced state of deterioration; followed by those of the early twentieth century and then of the late nineteenth, with the likelihood being that the process would leave, in the end, only the Haviland work remaining. Although a slight oversimplification, this model has considerable accuracy and merit. The structural systems of the late 1950s and 1960s, which featured open web steel joists fabricated from relatively thin gage metal, have been badly compromised by the corrosion of those members, which have no reserve for sectional loss; the steel deck and precast concrete roof sections which they support are also displaying serious damage from water intrusion. The reinforced concrete structures of the early twentieth century, while less advanced in their decay, are beginning to display spalling due to the inevitable corrosion of their reinforcing. The remaining Morris and Vaux structures are generally in fair condition. The Cassidy-era buildings, although in their generalities similar to those of Haviland, have suffered from the

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<sup>636</sup>Kieran, Timberlake & Harris, *Building Condition Assessment Report* (Philadelphia, 1990).

<sup>637</sup>Carl A. Baumert, Jr., structural engineer, 1983.

comparative deficiency of their detailing and construction. To some degree, relatively sound older buildings have also suffered from more recent decisions: the Haviland cellblocks and administration building are experiencing water intrusion through inferior replacement roofs of recent date; at some time between 1990 and 1992, a parapet applied, as part of the 1958 construction of Cellblock 15, to the south wall of the Cassidy-era Cellblock 12 collapsed, bringing the cellblock wall down with it.

Eastern State Penitentiary, like Philadelphia City Hall, has survived to date through gravity, resisting not only the weather, but also tempering any enthusiasm to demolish it.<sup>638</sup>

## 2c. Building Services

David G. Cornelius

All of the building services of the Penitentiary, which at the time of its abandonment comprised primarily its electrical and plumbing systems, were rapidly destroyed by water intrusion, particularly the regular flooding of the tunnels.<sup>639</sup> What the environment failed to accomplish, time itself achieved: the effective lifespan of such systems is relatively brief, as John Haviland was among the first to learn.

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<sup>638</sup>This applies not only to proposals to level the site, but also to those for its less-than-sympathetic adaptive reuse. A 1983 redevelopment scheme, wherein all but the original Haviland construction would be razed and many of the cellblock demising walls removed, lost considerable momentum when the selective demolition costs were estimated to be between seven and eight million dollars.

<sup>639</sup>Vinokur-Pace Engineering Services, Inc., "Eastern State Penitentiary, Philadelphia, Pa.: Walk-through Inspection of Existing Mechanical/Electrical Systems in the Buildings," August 14, 1989.

