Trial and Error at Allegheny:
The Western State Penitentiary
1818-1838

The history of Pennsylvania has long been mined by students interested in humane reform and movements for social betterment. Oddly enough, however, one of the outstanding contributions of the state to the cause of social progress—the impetus and the direction it gave to the penal reform movement of the late eighteenth and early nineteenth centuries—has received relatively little recognition from historians generally. Yet in its day the "Pennsylvania System" of prison discipline not only commanded the attention of the leading criminologists of this country, but literally circled the globe. Within a century it had not only set the pattern for most of the penal systems of Western Europe, but had even traveled as far afield as the Republic of China.

As early as 1682 the soil was prepared for the later flowering of penal reform in Pennsylvania. The Great Law, proposed by William Penn and enacted by the Assembly in that year, was in itself a milestone of reform, substituting imprisonment at hard labor for the barbarous penalties prescribed by the vengeful English laws of the day. This enlightened course suffered a temporary setback in 1718,
when the Quaker Assembly, probably under pressure from the Crown, agreed to the enactment in Pennsylvania of much of the harsh English code with many of its atrocities. Sentiment in the province, however, continued strong against the cruelties of this tradition. With the achievement of independence, penal reform ranked high on the list of desiderata. The reforms of 1786 drew their inspiration both from the earlier colonial tradition and from the active movements for penal reform then current in Continental Europe and in England itself. The act of September 15, 1786, aiming at punishment and reform rather than revenge, emphasized as penalties forfeiture of property, restitution, fines, and imprisonment, rather than corporal and capital punishment. When, in 1794, capital punishment was reserved for first-degree murder alone, the Pennsylvania code became a model for enlightened reform in other states and countries.

From the experimental legislation of the 1780's solitary confinement and imprisonment at hard labor finally emerged as the typical penalties for felonies in Pennsylvania. Faced with the need for the immediate provision of adequate prison facilities, the legislature hit upon the simple expedient of remodeling and reorganizing the Walnut Street Jail of the City and County of Philadelphia. Under acts of 1789 and 1790 this institution was remodeled and reconstituted to serve as a joint county jail and state prison. Ably administered under forward-looking systems of classification, discipline, and industry, this remarkable hybrid institution quickly rose to a position of fame among reformers and humanitarians of the day. Its early promise, however, was not long sustained. Overcrowding and legislative neglect conspired to turn the pride of the Commonwealth into its shame. After 1800 the Walnut Street Prison became increasingly notorious for its evils and abuses.

The ensuing steps whereby a divided citizenry and a lumbering legislature attempted to bring into being an effective penal and penitentiary system provide a pathetic example of the difficulties of democratic processes. In the end, however, the epochal success of the final product was no mean vindication of the halting, fumbling struggle. It was at first proposed to relieve the overcrowding at Walnut Street by constructing a bridewell on Arch Street, Philadel-

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1 William Bradford, writing in 1792, asserted that the features of the English code had been adopted in order to retain the Quaker privilege of equating affirmations with oaths.
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Philadelphia. Surviving records supply a somewhat hazy history of this ill-conceived and belated structure. Not only was it inordinately long in the building, but it appears to have been totally unsuited for any of the various uses to which it was put. Meanwhile, to the protests of public-spirited citizens against the disgraceful conditions at Walnut Street Prison were added complaints from the counties against the expense of conveying prisoners to Philadelphia and accusations that the administration of the institution was enriching itself by unfair charges.²

Into this atmosphere of unrest came three petitions which finally aroused the Assembly to action. On February 13, 1817, came one from the inhabitants of Allegheny County “praying for the erection of a penitentiary in the western section of this commonwealth.” On January 6, 1818, came another from the Inspectors of the Philadelphia (Walnut Street) Prison urging that a new prison be constructed on the principle of solitary confinement.³ On January 12, the Philadelphia Society for the Alleviation of the Miseries of Public Prisons penned a memorial recommending the “expediency of erecting Penitentiaries in suitable parts of the State, for the more effectual employment and separation of the Prisoners, and of proving the efficacy of Solitude. . . .”⁴ Apparently as a direct result of these proddings, the Assembly passed an act on March 3, 1818, providing “that a penitentiary on the principle of solitary confinement of convicts as the same now is or hereafter may be established by law, shall be erected on the public land adjoining the town of Allegheny.” The act appropriated $60,000 for this purpose and further stipulated that the building be “constructed on the plan exhibited to the Legislature by the Inspectors of the Prison of the City and County of Philadelphia.” It also authorized the selling of the Walnut Street Prison, the transfer of the prisoners to Arch Street, and the use of the funds for the erection of a second new penitentiary in or near the city of Philadelphia.⁵

² E.g., the petition from the Crawford County Commissioners, presented Dec. 22, 1817, which also urged the creation of a new prison in a central part of the state. Journal of the Twenty-Eighth House of Representatives of the Commonwealth of Pennsylvania (1817–1818), 378–379, hereafter cited as House Journal with year dates.

³ Ibid. (1816–1817), 412; ibid. (1817–1818), 163.


The provisions relating to Philadelphia were never implemented; the history of the Eastern State Penitentiary stemmed rather from a later act passed in 1821. In the West, however, action was prompt and energetic. The Select and Common Councils of Pittsburgh, as authorized by the act, appointed five commissioners—James Ross, Walter Lowrie, David Evans, George Stevenson and William Wilkinson—to supervise the erection of the first full-fledged penitentiary of the Commonwealth. As early as May 20, the Commissioners fixed the site of the institution—"north of the extended course of the main street leading through the centre of the town of Allegheny," fifty feet from the western edge of town—and arranged to advertise for bids.

Although it was the West which thus rose to action, it was the East which had charted the course and laid down the conditions. The minutes of the Board of Inspectors of the Walnut Street Prison record that one of its members, Thomas Bradford, had not only met with both houses of the legislature, but had actually drafted the penitentiary bill, which was passed with only "a slight amendment." It was the Philadelphia group which wrote into the act the provision that the new penitentiary be built upon the basic principle of solitary confinement. This principle had been growing in favor with both European and American penal authorities, and was a reaction against the earlier indiscriminate mixing of all ages and types. Not content with this general provision, however, the Philadelphians had gone on to designate in the act the specific plan to be used for the building.

The origin and subsequent development of this plan are not entirely clear. The printed act refers to it only as "the plan exhibited to the Legislature by the inspectors of the prison of the city and county of Philadelphia." The bill as introduced had credited the plan to William Strickland and had provided for his appointment as supervising architect. In the course of debate, however, the clause crediting the plan to Strickland was eliminated and the Commissioners at

6 Western State Penitentiary, Commissioners... for the Erection, Proceedings... cited as Commissioners Proceedings, Division of Public Records, Pennsylvania Historical and Museum Commission. All manuscripts cited in this article are in the Division of Public Records at Harrisburg.

Pittsburgh were empowered to appoint their own supervising architect. On May 22 they unanimously chose Stephen Hills for this post. Nearly a month later they complained to the Secretary of the Commonwealth that they were still awaiting the arrival of the plan, having only "a drawing purporting to be a copy . . . but not certified as such." This drawing they found quite inadequate for the letting of contracts, as it gave neither dimensions "nor any adequate scale from which they can be calculated." There appears to be no record of the action taken on this request, indeed, no proof as to whether anything beyond a preliminary sketch was ever submitted to the Assembly or forwarded to Pittsburgh. Not even the authorship of this sketch can be proved from documentary evidence. A contemporary critique, however, preserved among the papers of John Haviland, refers to the prison as designed by Strickland. On January 29, 1821, Strickland himself petitioned the House, "praying compensation for designing a plan of the Penitentiary now building at Pittsburg and which was adopted by the legislature." The bill introduced for his compensation passed the House, but was defeated in the Senate after lengthy debate. It is clear from the foregoing that Strickland was intimately connected with the plan; at the same time it is apparent that, for reasons unknown to us, his petition for payment was rejected by the Commonwealth.

No copy of the original plan nor any of the working drawings are known to exist today. Two variant contemporary reproductions have survived—one in William Crawford's *Report on the Penitentiaries of the United States*, published by order of the British government in 1835, the other in the journal of the Pennsylvania House of Representatives for 1827–1828. These plans, however, presumably represent the building as actually constructed, not as it appeared on the

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9 Magnus M. Murray, Clerk of the Commissioners, to Thomas Sergeant, Secretary of the Commonwealth, June 13, 1818.
10 Possibly related is payment by the Commonwealth, about a year later, of fifty dollars to John A. Hills, son of Stephen Hills, for "drawing" or "copying" a plan of the penitentiary. Commissioners Proceedings, July 28, 1819; *Pennsylvania Archives, Ninth Series*, VII, 5208.
11 Haviland Papers, Vol. I, Manuscripts of the Somerset Archæological and Natural History Society. The author wishes to express his appreciation to the University of Pennsylvania Library and to Agnes Addison Gilchrist for permission to consult these papers.
original plan, from which the completed structure differed in several respects. To what extent the finished building was the product of Strickland's considered judgment must remain problematical.

Whatever the origin and subsequent development of the plan, its adoption was a catastrophe, both architecturally and financially. It has been suggested that the design shows the influence both of the famous prison at Ghent, in the Austrian Netherlands, and of the fantastic theoretical Panopticon conceived by Jeremy Bentham and his brother. One might almost say that it appropriated the worst features of both buildings and combined them in the most inappropriate manner. The prison as constructed consisted of an outer octagonal wall, within which were placed a front building for administrative purposes and a single large ring-shaped cell building. The latter consisted of a double row of cells, back to back, each cell fronting on an open vestibule in such a way that the adjacent vestibules formed a continuous covered passageway around both the inner and outer sides of the ring. The tiny cells, "about 7 feet by 9 in the clear," received their sole supply of light "through the narrow gratings of a heavy iron door, hung on stone jambs 3 feet thick, after passing through an out door, and across a vestibule 6 feet deep." It seems likely that a central observation building was originally intended for the waste space in the center of the ring. The construction of the whole was heavy and massive, "wholly unsuited for any purpose except a fortress."

Whatever the plans or drawings at their disposal, the Commissioners at Pittsburgh proceeded with the granting of bids during the summer. They had selected a high, relatively level site, commanding a beautiful view of both Allegheny and Pittsburgh—a site hardly utilized to its fullest potentialities by a prison without windows. It was convenient to the river, along which the building materials were to be transported, and was within a quarter of a mile of a quarry opened for stone. It was perhaps an omen of future difficulties that the workmen struck sand in digging the foundations.

13 House Journal (1829-1830), 634-635.
14 By act of Mar. 8, 1823, the Assembly granted the Commissioners permission to postpone indefinitely the erection of a central building. Acts of the General Assembly (1822-1823), 63.
15 Harry Elmer Barnes, The Evolution of Penology in Pennsylvania (Indianapolis, Ind., 1927), 139.
For eight long years the work went slowly on. In July, 1819, Stephen Hills resigned, after serving about a year, to take charge of the building of the State Capitol in Harrisburg. David Evans, one of the Commissioners, was appointed in his place. As early as November, 1819, the necessity of further funds became obvious. Pointing out that the plan of the building had been thrust upon them, the Commissioners disclaimed all responsibility for expense. They estimated that an additional $30,000 would be needed for completion. By the following February, Superintendent Evans found it necessary to consult the Assembly concerning changes in plan. The ensuing legislation authorized construction of strong isolation cells in the basement of the panopticon, substitution of stoves for fireplaces, construction of a cistern or reservoir within the outer wall, and discretionary changes in the number and position of doors, windows, and chimneys—providing that no changes be made in outer dimensions nor in the "plan or system of solitary confinement." Of the requested appropriation, the Assembly said nothing.¹⁶

Thus was set the pattern for the Commissioners' annual reports, which were to consist of summaries of progress, petitions for changes in plan, and appeals for funds. Meanwhile Superintendent Evans was sent to New York "for the purpose of obtaining information on the subject of the penitentiary."¹⁷ Nothing better illustrates the hand-to-mouth nature of the whole undertaking than the rather elementary task awaiting him upon his return—the determination of the dimensions of the individual cells. The length was unfortunately fixed at only nine feet, the width at approximately six to seven feet, with uniform variation in width owing to the circular plan. No sooner was this problem settled than another arose. It now appeared that the springs in the neighborhood would be inadequate to supply a sufficient stream of water through the culvert basic to the plumbing system. The only alternative, the installation of pumps to be manned by convicts, would contravene the solitary confinement prescribed by law. Weary of consulting Harrisburg, the harassed Commissioners at length requested general authority to make such alterations in the

¹⁷ Commissioners Proceedings, June 13, 1821. The solitary wing of Auburn Prison was nearing completion at about the time of Evans' visit.
plan as would not deviate from the system of solitary confinement. When more than a year passed without legislative action, Evans was again dispatched to Harrisburg, and early in 1823 the Assembly—with more alacrity than foresight—approved the elimination of the culvert and the substitution of privies. The same act authorized the Commissioners to suspend the erection of the central building “as long as they may deem proper.” Whatever may have been the exact nature of this proposed building, its omission from the completed structure left the prison without any central observation point.

By January, 1825, the Commissioners, advising that a portion of the penitentiary might be ready for occupancy within the year, urged the legislature to provide for the reception of prisoners and the government of the institution. At the same time, they called attention to a new difficulty. In a suit involving the Western University of Pennsylvania, it had been ruled that the legislature had no right to alienate public lands of the town of Allegheny. The state had no title to the ground on which it was building the penitentiary! This difficulty was quickly solved by obtaining a release from the landholders of the town. Not until the following January, however, were the Commissioners finally prepared to announce that the prison, albeit in an unfinished state, would be ready for occupancy on July 1, 1826. In April, the Assembly provided for its government by creating a Board of Inspectors, serving without compensation and modeled after the governing body of the Walnut Street Prison. This board was established as a self-perpetuating unit of nine members, initially selected by the City Councils of Pittsburgh, the commissioners of Allegheny County, and the judges of the Court of Quarter Sessions. It was practically autonomous in its powers, being required only to publish accredited financial accounts annually in the Pittsburgh newspapers. It does not even appear to have been required to submit an annual report, although it did so in 1826.

18 Perhaps such a one as suggested in Bentham’s Panopticon? See Jeremy Bentham, “Panopticon; or, the Inspection House,” Works, IV, 37-172; data based on the Commissioners Proceedings and the Acts of the General Assembly (1822-1823), 63.

19 Commissioners Proceedings, January-March, 1825; Commissioners Annual Report, VIII (1825), ibid.

20 Act of Apr. 10, 1826, Acts of the General Assembly (1825-1826), 280-282. The writer has been unable to find annual reports for 1827 or 1828. The revision of the penal code in 1829 required the submission of annual reports.
The initial pages of the minute book of the Inspectors are missing. The meeting of June 19, however, gives their names as Darragh, McCandless, Hannen, Davis, Robinson, Leckey, Avery, Riddle, and Brackenridge. John Darragh was president, A. Brackenridge, secretary, Hugh Davis, treasurer. At this meeting the board proceeded to the election of a staff of five—principal keeper, first assistant keeper, clerk, and two physicians. John Hannen was named principal keeper and promptly resigned as Inspector. Neville B. Craig was chosen to fill the vacancy. On July 1, 1826, the Commissioners for the erection of the penitentiary met with the Inspectors at the prison to deliver over to them such portions of the building as had been completed—the exterior walls and gates, the front building, two of the towers, the northwest section of cells, separate cells for “female convicts,” and the kitchen. Many of the furnishings were already in place. Both the Commissioners and the Inspectors were satisfied that the building could be occupied without serious inconvenience and without prejudice to the principles of solitude and safety.

The same solid satisfaction evident in the records of both Commissioners and Inspectors glows in the report of the commissioners appointed by the legislature to examine the building and the accounts. Here, at last, was a prison worthy of the highest praise and commendation.

The board of commissioners, on examining this work, were highly gratified with its execution. The materials are of the most durable and best quality that could be procured in the country. Its construction and workmanship is neat and substantial, and exhibits a beautiful specimen of architecture, and does much credit to the commissioners and architect who superintended its erection.

The prison seems, indeed, to have been a magnificent specimen of workmanship. In 1829, an enthusiastic visitor called it “beyond question, the finest piece of masonry in the United States.”

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21 Western Penitentiary, Inspectors Minute Book, June 19, 1826. Apparently the physicians were not employed full time.
22 Commissioners Proceedings; Inspectors Minutes.
24 Anne Royall, Mrs. Royall’s Pennsylvania, or Travels Continued in the United States (Washington, 1829), 53.
books and accounts of the Western Commissioners were found upon inspection to be both explicit and satisfactory, in strong contrast to those of the Eastern Penitentiary, which began its career under a cloud of scandal.\textsuperscript{25} The total cost, exclusive of furnishings, was $178,206.85\frac{1}{2}$, leaving an unexpended balance of $714.14\frac{1}{2}$. Total cost with furnishings was $183,091.87\frac{1}{2}$.

The impressive structure was still far from completion at the time of its opening. Not only were the Inspectors faced with an unfinished and untried building, they were also called upon to administer a penal code based upon hard, congregate labor in a prison built for solitary confinement. Revision of the code had not kept pace with even the tardy progress of the building. In 1821, a committee on the penitentiary system had brought in a strong recommendation for punishment by solitary confinement without labor, but the resultant bills had failed of passage. Again, in 1822 and in 1823, other attempts to bring the penal code into line with the plan for solitary confinement died on the floor of the House. At length, in 1826, after prod-dings by Governor Schulze, the legislature called for the appointment of a committee to study practices throughout the nation and to recommend a thorough revision of the code. Not until 1829, after a bitter struggle between this committee and the Philadelphia reform-ers, was a compromise code finally adopted. As late as December, 1827, some thrifty souls were urging commutation of sentences to labor on the Pennsylvania Canal.\textsuperscript{26}

For three years, then, the Inspectors at Pittsburgh were left to improvise as best they could. Having adopted a set of regulations, they received their first prisoner on July 31, 1826, only to find that the building proved unequal to the occasion. At their very next meeting the Inspectors addressed a request to the building Com-missioners for the preparation of "a convenient place for bathing and cleaning convicts previous to their being placed in their cells." The next problem was the occupation of prisoners already received. On September 4, the principal keeper was directed to purchase tools and materials for shoemaking and to "procure from the master workmen


\textsuperscript{26} \textit{House Journal} (1827-1828), 90.
of Allegheny town or Pittsburg employment for the convicts on the most favorable terms."27

The first annual report of the Inspectors shows them facing a difficult situation but rising manfully to the challenge. Calling attention to the discrepancy between a code which sentenced to hard labor and a prison built for solitary confinement, they suggested the desirability of instituting employment generally and of reserving solitary confinement as a more severe punishment. Two of the prisoners, they observed, had already been set at work with good effect. Inspector Brackenridge, in a reply to the committee on revision of the penal code, urged the use of the ample space in the center of the prison for the construction of workshops at a modest cost of $3,000. His view was to institute the Auburn system of congregate labor by day and solitary confinement at night.

As to my opinion, individually, I am decidedly in favor of compelling convicts to severe labor. I have no idea of supporting a parcel of rogues in idleness at the public expense, under the visionary notion of sending them out into society again virtuous and regenerated.28

Turning to the necessity of exercising the prisoners, the Inspectors pointed out the impossibility of solitary exercise in the prison as constructed, but advised that this could be remedied at "trifling expense" by building separate yards in front of the cells of one or two sections. Brackenridge estimated that this and other needed alterations would not cost more than $2,000. In conclusion, the Inspectors raised a searching question. If the counties were to pay the maintenance of the individual prisoners, who was to pay the expenses at such times as the prison might be vacant?29

To these difficulties was added the rude shock of Hiram Lindsay's escape on the night of April 2, 1827. Some idea of the actual practice of solitary confinement at this date may be gleaned from the observa-

27 Inspectors Minutes, August and September, 1826; Receiving Docket (1826–1876), July 31, 1826.
28 Reply of Inspectors to Interrogatories of the Committee on Revision of the Penal Code, House Journal (1827–1828), II, 584. However earnest, these vigorous sentences suggest a basically negative penal philosophy which hardly boded well for the success of the institution.
tion that the escape was effected "through the aid of a colored woman, who from feelings of humanity, on the part of her Keepers was not confined to her cell." The Commissioners, presumably unaware of the circumstances and obviously feeling the need to vindicate their building, respectfully requested that the Inspectors inquire into the cause and nature of the escape and prepare a "report for the public eye." The embarrassed Inspectors, however, advised the Commissioners that, although an official report was available to them personally, as well as to "any respectable citizens," it was "inexpedient to offer any copy thereof for publication." Eventually, the Commissioners officially blamed the escapes (six in number by January, 1828) on the continuing presence within the prison yard of workmen engaged in completing the building. Ladders and scantling had been left within the reach of prisoners.  

As a result of Lindsay's escape, a night watch was ordered instituted. At the same time the descriptive list of the convicts was supplemented with an alphabetical list. Problems, however, continued to multiply, as the building rapidly proved itself utterly unsuited for its purpose. In April, 1827, the physicians reported an untoward number of rheumatic and catarrhal complaints among the hapless inmates. In July, the Inspectors appointed a committee to "represent to the Commissioners of the Penitentiary the inconvenient state of the privies." In August, the physicians requested that measures be taken for the better ventilation of the cells. The year 1828 brought no improvements. The too-frequent use of the pardoning power kept the prisoners agitated and restless. The physicians, blaming the dampness of the cells for the rheumatism and the diet for the incidence of scrofula, asked whether the prisoners might not be allowed to exercise. A monthly report stated ironically that the "system of close confinement" was "uniformly kept . . . as far as the construction of the Penitentiary will admit." By August, 1828, the note of exasperation is clear.

The Board of Inspectors have themselves viewed the means by which two of the prisoners . . . have escaped and it only remains for the visiting Inspectors to remark, that the prison as constructed by law was placed in their hands to manage and direct, without the power to alter its arrange-

30 Commissioners Proceedings, Nov. 22, 1827; Commissioners Annual Report, X (1827), ibid.; Inspectors Minutes, Feb. 6, 1828.
ments. In its own construction it has afforded the means by which the escape has been effected. . . .

It may not be amiss at this time, to notice, that the total neglect of all pecuniary provision by the last legislature, has left the establishment without the means of subsistence and has prevented the Board from increasing the means of security by the employment of a night watch and other measures, which have been frequently the subject of discussion.31

At the same meeting, the Board rejected the resignation of the principal keeper. Added to all these difficulties was the problem of heating. The only stoves, apparently, were placed at intervals along the piazza. At these the prisoners seem to have warmed themselves in turn, causing the physicians to complain that the alternation between the hot air of the stoves and the cold air of the cells was more prejudicial to health than would be rigid confinement in the chilly cells.32

Under the circumstances, the Inspectors took what measures they could. Flat broke, they authorized the service of prisoners for cooking and other work. At the same time they boldly asserted their intention to bill the counties proportionately for the salaries of the administration. They approved a plan for exercising the prisoners and asserted some control over pardons by forbidding keepers to give certificates of good conduct except upon application of the Inspectors. They addressed two memorials to the legislature—one seeking an appropriation for alterations and the support of the administration, the other praying for such enactments as would enable them “effectually to organize and sustain the Penitentiary.”

Not only were the Inspectors without funds, they were still without any legal system of discipline. The whole question of the sentencing of prisoners and the mode of punishment was blocked in the Assembly by the bitter struggle between the advocates of congregate labor and the proponents of solitary confinement. The committee appointed in 1826 to revise the penal code had taken its duties earnestly. After considerable travel and study it had finally laid before the Assembly a report that was a model of detailed discussion and enlightened recommendation. Examining the question from all

31 Ibid., Aug. 19, 1828. The preceding references are also from the minutes for 1827 and 1828.
32 Ibid., Jan. 14, 1829.
angles, and citing copiously from experience elsewhere, the committee based its proposed code upon the adoption of the mixed, or Auburn, system. It recommended alternating congregate labor by day with solitary confinement by night, reserving complete solitude for special cases.  

Meanwhile, the champions of solitude had not been idle. Even before the committee submitted its report, the Senate, in a move rejected by the House, had determined to seek an opinion from the Commissioners for the Erection of the Eastern Penitentiary. The Inspectors of Western, who had already committed themselves in favor of introducing labor, were not consulted. Four days following the presentation of the report recommending the mixed system, the Eastern Commissioners submitted a vigorous appeal for solitary confinement without labor. Three days later, the Philadelphia Society for Alleviating the Miseries of Public Prisons presented a memorial strongly urging continuous separate confinement, but suggesting the introduction of solitary labor in the cells. The deadlock continued through the session of 1827-1828, and was still unresolved when the memorial from Western, praying for action, reached the floor of the House. Three more months were to pass before the advocates of rigid solitude succeeded in gaining their point. At long last, on April 23, 1829, the governor signed the law which unequivocally established the famous Pennsylvania System of solitary confinement at labor as punishment for all higher crimes.

The new law constituted a comprehensive reform of many aspects of the penal system. The basic concept of imprisonment at solitary labor was thoroughly implemented and systematically organized. No access was to be had to any prisoner except by the Inspectors, members of grand juries, and certain specified officials. Exceptions were to be only for "highly urgent reasons" and with the express permission of the Inspectors. The Board of Inspectors was reduced in number to five members. Whereas it had formerly been a locally appointed body with the privilege of filling its own vacancies, all

appointments to it were now to be made by the Supreme Court. The Inspectors were to visit the prisoners at least twice monthly, speaking with each prisoner in complete privacy, hearing and investigating complaints. They were required to submit annual reports to the Assembly. The warden was to see each prisoner at least once daily, to keep a journal and other records. The overseers were to inspect each prisoner thrice daily, to see that meals were delivered, and to superintend labor. The law further prescribed in detail the records to be kept concerning individual prisoners. It directed that the expenses of "maintaining and keeping the convicts" were to be borne by the counties in which they were convicted. The act ended with specific appropriations, including $3,000 to Western Penitentiary to adapt the building to the new provisions.\(^{35}\)

The new law was perhaps successful as a political compromise. It undoubtedly fathered a highly successful penitentiary system, widely imitated throughout the civilized world. At the same time it rendered hopelessly obsolete the two-year-old $185,000 penitentiary on the hills above the Allegheny. It was manifestly impossible to set the prisoners at any sort of labor in the tiny, poorly ventilated cells practically devoid of light. The appropriation of $3,000 for remodeling, probably based upon the earlier estimate of the cost of erecting facilities for congregate labor, was a preposterous gesture. John Hannen at once resigned as principal keeper. In his place the Inspectors elected John Patterson, a man of evident energy and imagination. The act itself dissolved the old Board of Inspectors, which was to be replaced by the appointees of the Supreme Court. Only two Inspectors, Irwin and Robinson, survived the shake-up. Their new colleagues were John McDonald and Joseph Patterson, with William Wilkins as secretary.\(^{36}\)

The first annual report of the new Inspectors confirmed the difficulties reported earlier. Not even solitary confinement could be effectively achieved in the awkwardly planned building. The system of heating by stoves along the piazza, which necessitated opening the doors between the individual vestibules, was only one of many conditions rendering communication easy among the inmates. While the


\(^{36}\) Inspectors Minutes, May 7, June 27, and July 3, 1829.
Inspectors felt that some of these difficulties might be overcome, they confessed themselves at a loss to conceive any system whereby labor could be introduced into the cells. Indeed, they questioned the feasibility of either teaching or practicing trades effectively in individual cells of any sort. They did recommend the immediate remodeling of the “huge untenable fabric” of the front building so as to afford adequate housing for four families of employees instead of “but uncomfortable accommodation” for one. Finally, in the interest of furthering reformation and improving morale, they urged the importance of employing a salaried religious instructor, of sharply curtailing the use of the pardoning power, and of providing financial security for the management. As a result of this report, the Assembly appropriated further funds for the purposes of remodeling the front building and the cells, of introducing employment among the prisoners, and of installing a heating system.37

It became increasingly evident, however, that more thoroughgoing measures were needed. The increasing complaints against the building culminated in the warden’s report of 1830.

Its location I consider very injudicious, being at too great a distance from a stream of water sufficient to carry away the filth necessarily discharged from an institution of this kind. . . . The apartments and partition walls immediately between the Warden’s dwelling and the interior yard of the prison obstruct the view, and prevents the necessary inspection from the Warden’s apartments. The cells being arranged in a circular form, only a part can be seen at one view, and when several convicts are unlocked for the purpose of labour or exercise, and are distributed along the line in front of their cells, some of them are necessarily a part of the time out of the view of the overseer. . . . A well constructed prison is free from recesses and covert places; but this prison abounds in those evils. The construction and arrangement of the cells are such as to afford the convicts every facility to evil communications, to the utmost extent, which can possibly be effected by conversation. . . . It is no easy matter with the greatest caution, for the keeper to approach the apartments of convicts for the purpose of inspection, without giving notice of his approach, either by unlocking and moving upon its hinges a heavy door, by passing along a gravel walk in front of the cells, in open view of the prisoners, or by entering the passage or vestibule immediately in front of the cells. . . . And while the keeper is inspecting one section or division of cells, the remaining three-fourths of the prison is

The apartments are so arranged that the keeper cannot inspect the convicts without being himself inspected. We have no bath, no utensils or conveniences [in the cells] for washing, no large vault with a sewer for the reception and discharge of filth.

We have no infirmary or any accommodations for the sick. The walls enclosing the apartments of the female convicts, are not of sufficient height effectually to secure a separation of the sexes; the cells too small and dark ever to be used as working rooms, and no work shops or other conveniences for the introduction and prosecution of productive labour. There is no solitary confinement here. This prison is peculiarly adapted to separate social confinement, which must be expected to produce very different results.

Subsequent reports of legislative investigating committees confirmed and even sharpened the details. In order to provide exercise necessary for the health of men given no labor, it was necessary to release the prisoners in the yard fifty or more at a time, where they walked, laughed, and talked together at least an hour a day. The weekly cleaning of the privies necessitated the services of an entire section of convicts, superintendence by the entire staff, and the opening of one of the outer gates, through which the convicts passed in and out, two by two. In contrast to the new Eastern Penitentiary, where the labor of the convicts paid for an appreciable portion of the expenses, the western institution was a heavy burden upon the counties and produced no reformation. The senatorial committee, in particular, blamed all these woes upon the plan of the building, while commenting favorably upon the Board of Inspectors and lavishing high praise upon Warden Patterson for his decisiveness, businesslike procedures, and discriminating judgment.

Among the various individuals and committees inspecting the prison at this time was the president of the board of the Eastern Penitentiary, who added his opinion to the universal condemnation of the building. Whether as a result of this visit or on his own initiative, Warden Patterson, on November 30, 1831, wrote to Governor

39 The famous Eastern State Penitentiary had opened its doors in October, 1829, about three years after its ill-starred western counterpart.
Wolf advising that the entire prison within the inner walls be torn out and rebuilt along the lines of the Eastern Penitentiary.\textsuperscript{41} The Inspectors, capitalizing on the financial discontent of the counties forced to pay the upkeep of the idle throng of convicts, enlisted the support of the county commissioners in bringing pressure to bear upon the Assembly. In 1832, investigating committees from both houses confirmed the recommendation of the warden, and on February 27, 1833, Governor Wolf signed an act authorizing the demolition of the cell building and the construction of one hundred eighty-four new cells upon whatever plan the Inspectors should approve as best suited to the implementation of the new laws.\textsuperscript{42}

In contrast to the legislature, the Inspectors were not men to dally or lose time in debate. Within six days after the passage of the act, they instructed their secretary to approach John Haviland, architect of the successful Eastern Penitentiary, on the subject of reconstructing the Western. By March 30, Haviland was engaged at a handsome salary.\textsuperscript{43} He at once proposed a prison patterned after the Eastern Penitentiary, which was based upon the classic radial plan developed in England\textsuperscript{44} and subsequently elaborated and popularized by Haviland himself in this country. The structure erected at Allegheny by Haviland consisted of three straight wings with cells on both sides of long corridors. These wings radiated from a semicircular observation building erected immediately behind the old front building. Each wing was two stories in height, the cells on the upper story being reached by galleries. The design included some improvements over the original Eastern Penitentiary pattern. The roofs were of solid slabs of stone rather than arches of masonry. In the second block offset galleries were substituted for hanging galleries, facilitating the problems of observation and silent approach. The water closets in the individual cells were of improved design.\textsuperscript{45} Money was no object with this master builder. As the project grew, so did the expense, ever a few jumps ahead of the lagging legislature.

\textsuperscript{41} Patterson to Wolf, Nov. 30, 1831.
\textsuperscript{42} Inspectors Minutes, Jan. 1, 1833; Senate Journal (1832–1833), I, 289–293; Laws of the General Assembly (1832–1833), 55.
\textsuperscript{43} Inspectors Minutes, Mar. 5 and 30, 1833.
\textsuperscript{44} See Journal of Joshua Gilpin (1789).
Haviland's improvements gave good promise for the future. The immediate effect, however, was highly disruptive. Because of the shortage of cells during the time some were being torn down and others being built, it was frequently necessary to place two prisoners in a single cell. In addition, many of the prisoners were congregated for work on the reconstruction. The free and unavoidable intercourse of these convicts with the outside workmen rendered the prison little better than a county jail, complained the warden in begging for more guards. Indeed, he wrote the governor, a conspiracy of thirty or forty prisoners working on the building had narrowly been thwarted. On the other hand, the warden himself, in an effort to supply occupation to others of his demoralized charges, frankly overrode the law of solitary confinement on the grounds of expediency, and congregated groups for both shoemaking and oakum picking. Both he and the Inspectors again took occasion to condemn the indiscriminate use of the pardoning power which kept the minds of the prisoners agitated and diverted from attempts at reformation. They further complained that a decision of the Mayor's Court of Pittsburgh, which had remitted the sentence of an escapee for the time he was at large, subverted all principles of discipline and good behavior. Under these conditions, reported a House committee, there was no hope for the reformation of prisoners. All thoughts were centered on either escape or pardon.\footnote{Patterson to Wolf, Nov. 21, 1834; House Journal (1833-1834), II, 532-534.}

Not all was negative, however. With the occupation of a portion of the new cells, in June, 1834, hopes and spirits rose. Warden Patterson visited the Eastern Penitentiary to observe the practice of separate employment there. In November, he wrote to Governor Wolf of his enthusiasm for the system of solitary labor, in so far as its introduction had been feasible. Already the labor of the convicts was defraying half the maintenance expenses. There was less difficulty in governing the convicts, the chances of escape were diminished, the punishment was more certain. The penitentiary was more a terror to would-be evildoers; commitments were decreasing in number.\footnote{Patterson to Wolf, Nov. 21, 1834. Throughout this period it was common to interpret every fluctuation in the prison population as an indication of the success or failure of the penitentiary system in reforming or deterring evildoers.} The task of religious instruction was also easier under the new arrange-
ments. Instruction in reading was being given. Still, suggested the warden, moral suasion was not enough. He recommended permitting corporal punishment for refractory convicts and instituting a system of overwork as a positive incentive to prudent conduct.\textsuperscript{48} He also reiterated the plea for permission to engage a paid religious instructor, and pointed out the desirability of a library.

The year 1835, the year of great anticipation, opened on a sour note. The investigating committees of the legislature, opposing the warden's recommendation that the prison be completed with all possible dispatch, brought in the opinion that the original plans were unnecessarily extensive. At the same time they tartly criticized the nature of the new construction.

So far as mere animal comforts are concerned, the prisoners in the Western Penitentiary are in a condition far above thousands of your fellow citizens who have never thought of committing an outrage upon society. It is much to be doubted if the practice of building palaces for your convicts will have a tendency to lessen crime or improve the morals of the community.\textsuperscript{49}

Of the $65,000 recommended in this unenthusiastic report the Assembly appropriated but $14,440.\textsuperscript{50} As both the Inspectors and warden were quick to point out in their bitter reports, it was impossible to carry forward any adequate program either of construction or industry. In order to save building materials from the elements, it became necessary to reintroduce convict labor in construction, thereby utterly disrupting the newly instituted solitary system. The industries languished for lack of raw materials. Moreover, the warden, doubting that the expenses of the institution could ever be met by solitary labor, bluntly recommended the erection of shops to permit a greater diversification of industry. With the retardation of the building program, the prison had become so overcrowded that it was again necessary to place two and even three prisoners in a cell. Such portions of the building as had already been rebuilt were far from perfect. The heating was so deficient that a new system was mandatory. Furthermore, through the crevices created by expanding and contracting heating pipes the prisoners in adjoining cells con-

\textsuperscript{48} Inspectors Annual Report (1834), \textit{House Journal (1834–1835)}, II, 849–851. Under a system of overwork, a portion of the surplus of a convict's earnings is set aside for his own use.

\textsuperscript{49} \textit{House Journal (1834–1835)}, II, 584.

\textsuperscript{50} \textit{Laws of the General Assembly (1834–1835)}, 231. As if in final insult, the same act appropriated $60,000 for construction at Eastern Penitentiary.
versed at will; failing this, they communicated freely through the pipes of the water closets. With the impossibility of enforcing any consistent system of punishment or reformation, the penitentiary had become a byword in the countryside. Nor was this all. The physician complained that solitary confinement in the new cells, without exercise yards, was ruinous to the health of the prisoners. As if this were not enough, the free and honest workers of the Commonwealth began petitioning the Assembly against the competition of prison labor.51

In the midst of all this sound and fury Warden Patterson suddenly resigned. As there is a gap in the minutes of the Board of Inspectors from May 23 to June 27, 1836, there is no record either of circumstances or motives. On June 27, the Inspectors, having failed to procure the services of one Alba Fisk, entertained the application of Armistead Beckham, who was unanimously elected on July 4. It is rather tantalizing that Patterson resigned at just the time when a number of the penitentiary’s problems were solving themselves. A few months previous, the legislature had finally granted the necessary appropriations. At the same meeting at which they elected Beckham, the Inspectors awarded a new heating contract. Within a year the building was completed. While these material problems were being resolved, the new warden undertook “a thorough and radical reform of the Institution.” At his request the Inspectors invited Samuel R. Wood, warden of Eastern Penitentiary, to act as warden at Western for a few days and to submit recommendations. Wood, who had never had to engineer on the spot the rebuilding of a prison full of convicts, was of course shocked at the conditions he found. Most of the prisoners were at large in the yard, some at work, others “at play, laughing, singing, and conversing.” He at once laid down two principles as cardinal—the prevention without exception of all communication between prisoners, and the initiation of profitable employment, the introduction of which he outlined. In the interest of security he advised certain changes in the routine assignment of duties. With true Quaker thrift he prescribed a more economical diet.52

Warden Beckham dedicated himself without reserve to the implementation of this program. For him it was not a hypothesis to be tested, it was a creed to be followed. Whether because of this steadfast conviction, or because of the rapid completion of the building and the availability of funds, the atmosphere from the time of his appointment was one of steady progress. Within several months nearly all the prisoners were employed and a system of overwork had been instituted. Within two and a half years profits from the industries were completely relieving the counties of maintenance payments—an achievement of which not even the exemplary Eastern Penitentiary could boast. The new heating contractor introduced new collars at the points where the pipes ran through the walls, effectively eliminating that means of communication between prisoners. With the stricter enforcement of the solitary system, subordination, industry, docility and reform became the order of the day. Not only did the rate of commitments drop, but the inmate population included only two repeaters. The Inspectors boasted that the crime rate of the Commonwealth was less than half that of the neighboring state of New York. Even the physician, who had strongly opposed the system, concluded that its apparent unhealthfulness had stemmed from the too-early introduction of convicts into damp new cells in which the plaster had not thoroughly dried. When the convicts were kept steadily at labor, he continued, their confinement did not seem prejudicial to health. Sufficient and varied good food, rigid cleanliness of cell and person, free ventilation, and the enforcement of firm but humane discipline—these were the bases for good health. A relaxed discipline, on the other hand, seemed injurious to both morals and physique. The great remaining want, reiterated through the years by all concerned, was the need for a salaried religious instructor to promote the work of reformation. There was, however, a Bible in every cell, many of which were being read by convicts who before their admission had been illiterate.

A House investigating committee visiting in March, 1837, not only expressed high satisfaction with the administration, but also took occasion to eulogize the beneficent effects of the Pennsylvania System when strictly enforced. It combined severe punishment with humane

54 Inspectors Annual Report (1836), House Journal (1836–1837), II, 438–443; ibid. (1837), in Inspectors Minutes; ibid. (1838) ([Harrisburg? 1839?]).
reformation. The prisoner underwent total deprivation of liberty, almost complete social isolation; his mind was granted no diversion. Shut out from "evil association and vicious example," his thoughts turned of necessity to reflection on the consequences of his evil. His social contacts were limited to helpers caring for his moral uplift. Ignorant of the names, appearance, and crimes of his fellow prisoners, he would not be tempted into evil confederation upon his release. Rather would he re-enter society with fixed moral principles and useful industrial training.

As regards the prison itself, the committee noted that, since the privy pipes were now emptied of water for only brief periods daily, communication through them was cut to a minimum. It advised further attention, however, to this one remaining means of communication. It also urged the importance of more frequent visitation of the individual prisoners in the interest of promoting moral reformation. It denied that the competition of prison labor with free labor was appreciable.

By the middle of 1837, the nineteen-year-old State Penitentiary for the Western District of Pennsylvania had achieved maturity. Perhaps the years of expense, heartache, recrimination and bungling had not been quite in vain, for out of the tumult and the shouting had emerged the vindicated Pennsylvania System with its solid contributions to penological reform. The development and success of this system has deservedly long been credited to the Eastern Penitentiary at Philadelphia. It would seem time to ask, however, to what extent the fumbling experimentation at Allegheny may have cleared the way for the more effective solution of penal problems.

In the first place, the ridiculous failure of the Strickland-Hills-Evans building not only dramatically pointed out the key importance of architecture in any penal program, but thoroughly discredited the much-advocated circular plan as a basis for prison buildings. The advantages of radial, or at least rectilinear, construction were clearly indicated by the difficulties experienced at Allegheny. The importance of ventilation, illumination, proper facilities for cleansing and sewage were painfully evident. All sorts of lesser technical faults pointed out pitfalls to be avoided in future construction. Administrative experimentation had yielded more positive results. The concept of the concentration of authority in an autonomous local board,

55 House Journal (1836-1837), II, 711-716.
serving without compensation, had been effectively transferred from the Walnut Street Prison to the Western Penitentiary. The method of appointing this board, however, had been revised so as to bring it ultimately under state rather than local control. In spite of its extensive local powers, the board was made responsible to the state by obligatory annual reports and through the free use of the legislative investigating committee. During this period the penal law of 1829 had laid down the framework of prison personnel and had prescribed the nature of the detailed reports to be kept. While the form and scope of these records probably stemmed from Philadelphia rather than Pittsburgh, it is interesting to remember that Warden Patterson had early recommended the advisability of the exchange of at least the names of prisoners among the various prisons of the several states. The basic importance of attaching a qualified salaried religious or moral instructor to the staff, the equivalent of the psychotherapy of our day, had early been pointed out at Western. In 1830 the value of a library had been suggested; by 1834 instruction in reading was specifically mentioned in the annual report.

In the very first report the unsuitability of solitary confinement without labor as a system of prison discipline had been strongly stated. The necessity of some provision for both occupation and exercise was continually called to the attention of the legislature. Whether from this or other causes, Eastern Penitentiary, upon its opening in 1829, contained provision for both. It was following complaints from Western that the act excluding jurors as visitors at the prisons was passed. No action was taken, on the other hand, on the continual protests of inspectors, wardens, and investigating committees against the executive abuse of the pardoning power.\textsuperscript{56}

Experience at Western had further shown that the new legal and administrative policies could not be implemented without consistent and adequate financial policies. The early hand-to-mouth system, with ill-defined responsibilities and haphazard procedures, was gradually replaced by a coherent system. Administrative expenses were met by appropriations payable by executive drafts; maintenance of prisoners was clearly designated as the responsibility of the county of conviction. In view of the great expenses to the counties, there was an increasing attempt to defray as large a portion as possible of

\textsuperscript{56} In the first four years, twenty-three out of 125 prisoners at Western were pardoned by executive clemency. Western Penitentiary, Receiving Docket.
maintenance cost by prison labor. In 1838, the earnings more than canceled out the charges for maintenance at the western prison. Not only was the system working, it was paying its own way.

In brief, the first twenty years of the Western Penitentiary demonstrated the very grave difficulties and obstacles involved in the introduction of a system of solitary confinement. The history of bungling at the institution at Allegheny, with its many inconsistencies, compromises, contradictions and absurdities, cast glaring light upon the pitfalls and stumbling blocks. It also proved, in the end, that, with determined conviction, versatile imagination, and sufficient funds, the system of solitary confinement with labor could be made to work; that, in the face of doubts and misgivings, it could in the end win praise from legislators, inspectors, wardens, physicians, and moral instructors alike.

The annual report of 1838 was a swelling paean aglow with glad tidings. For the next twenty years, the Inspectors of the Western Penitentiary outdid even their more celebrated Eastern brethren in the praise they lavished upon the cherished Pennsylvania System. Year after year they extolled its beneficent effects with an aggressive and lofty self-satisfaction which in the end invites almost as much suspicion as admiration. The victory of Warden Beckham at Allegheny was, indeed, not only the triumph of conviction over obstacles, it was also the triumph of Philadelphia over Pittsburgh. For, however naturally the system of solitary labor grew out of the reforming zeal of Quaker Philadelphia, it was hardly suited to the practical energetic temper of the Scotch-Irish outpost at the head of the Ohio. And however valiantly it may have flourished by those foreign waters, it remained an exotic plant. It was in Philadelphia, city of its birth, that it achieved its fullest development and most impressive vigor.

It is not surprising that the eulogies of the system from the Western Penitentiary ended almost immediately after the death of Warden Beckham in 1858. Within a decade the Inspectors were urging upon the legislature the merits of a classified system of discipline, and were again seeking permission to institute congregate labor. A new era of penal reform was at hand, and this time the restless Western Penitentiary was to take the lead away from its more conservative eastern counterpart in implementing in Pennsylvania the progressive doctrines of a later day.

Philadelphia

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