

**Inmates Make War: Convict Labor at State Penitentiaries in the Antebellum
and Civil War South, 1796-1865**

by

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Abstract

Throughout the antebellum period, Southern state legislators sought to create financially self-sustaining penitentiaries that also reflected modern practice by encouraging inmate rehabilitation through silent reflection and physical labor. Prisoners provided a captive, reliable, and inexpensive workforce, but their use as labor attracted criticism from competing local artisans and mechanics' organizations. This competition between costly private and cheap convict labor led to conflict that only abated temporarily when demand for prison goods increased during the Civil War. Workshops at state penitentiaries became major manufactories for the Confederate army, as well as citizens and slaves. Inmates spun millions of yards of cloth and assembled thousands of uniforms, shoes, tents, wagons, weapons, and other items. The hardships of war required unprecedented interstate cooperation between southern governors, which included exchanging prisoners and products. The Union army targeted Confederate penitentiaries for either occupation or destruction. The modern prison industrial complex maintains elements of the experimental southern prison workshops established over two centuries ago.

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Introduction

During the antebellum period, Southern state legislators sought to create financially self-sustaining penitentiaries that also encouraged rehabilitation through silent reflection and physical labor. European Enlightenment ideals had discouraged widespread use of the death penalty, led to the reform of existing penal codes, and influenced new methods of punishment. The concept of personal liberty that inspired the American Revolution inadvertently contributed to a rise of disobedience in the Early Republic. As crime increased across the nineteenth century United States the public demanded intervention by state governments. They responded by constructing penitentiaries to alleviate public concerns, assert central power, create a well-ordered society, and maintain control of the masses. As these institutions spread across the United States before the Civil War, the renowned Russian author Fyodor Dostoyevsky in 1861 cautioned the world that, “The degree of civilization in a society can be judged by entering its prisons.”¹

The rise of the antebellum market economy energized the expansion of prison workshops and convict labor across the South. Convicts provided a captive workforce, but attracted criticism from local artisans and mechanics who opposed competition from felons trained at the taxpayer’s expense. Animosity developed between costly private and cheaper convict labor, but abated temporarily with the conversion to producing military supplies during the Civil War. Southern penitentiary workshops that emerged in the antebellum era adjusted to wartime demand and created the foundations of the modern prison industrial complex. In recent decades convict labor has swelled within an ever-expanding inmate population causing renewed public debate regarding conditions, wages, profits, and competition.

¹ Mark E. Kann, *Punishment, Prisons, and Patriarchy: Liberty and Power in the Early American Republic* (New York: New York University Press, 2005), 43-50; Dale M. Brumfield, *Virginia State Penitentiary: A Notorious History* (Charleston: History Press, 2017), 7.

The following chapters build upon the work of economic and carceral historians.

Lawrence Friedman highlights the disorganized nature of the criminal justice system in the early nineteenth century and emphasizes that penitentiaries were “new social inventions.” David Rothman notes that penitentiaries ironically developed as a central element of the criminal justice system during the Jacksonian period. Norval Morris and David J. Rothman trace the extraordinary changes in prisons’ design and role in society from ancient Egypt, Rome, and Medieval Rome to the present day. They point out that the construction of penitentiaries across the United States in the 1830s ironically occurred in a height of national democratic sentiment. Rothman emphasizes that prisons and factories bore a resemblance in appearance and routine.²

Any examination of early American prisons must consider the influence of the European Enlightenment upon methods of discipline, incarceration, and punishment. Michel Foucault famously described the evolution of penology in four sections focused on torture, punishment, discipline, and the prison. Foucault pointed out that investigation, sentencing, punishment, and rehabilitation came to dominate psychiatric expertise, criminal anthropology, positivist criminology, and scientific classification. Adam J. Hirsch focuses on the ideological origins of incarceration in the United States with a case study of Massachusetts. Rothman, Foucault, and Hirsch provide an essential base of knowledge regarding the evolution of penology in Europe and the United States.³

Southern prisons emerged during the period known as the Industrial Revolution.

Rothman emphasizes that the era’s prisons and factories bore a startling resemblance in

² Lawrence M. Friedman, *Crime and Punishment in American History* (New York: Basic Books, 1993); David J. Rothman, “Perfecting the Prison: The United States, 1789-1865,” in *The Oxford History of the Prison: The Practice of Punishment in Western Society*, ed. Norval Morris and David J. Rothman (New York: Oxford University Press, 1998).

³ David J. Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (Boston: Little Brown, 1971); Michel Foucault, *Discipline & Punish: The Birth of the Prison* (Paris: Editions Gallimard, 1975); Adam J. Hirsch, *The Rise of the Penitentiary: Prisons and Punishment in Early America* (New Haven: Yale University Press, 1992).

appearance and routine. Dario Melossi and Massimo Pavarini examine penal policy and social change in Europe and the United States through a Marxist analysis that establishes a connection between the rise of the capitalist mode of production and the origins of the modern prison. Melossi identifies the workhouses of Europe as an effort to control the emerging proletariat. Pavarini highlights the contradiction between the legal equality and autonomy of the worker in the marketplace versus the factory. He analyzes productivity within the solitary and silent systems of prison management in relation to new conceptions of the “ideal worker.” Michael Ignatieff notes that western society underwent social, class, and economic changes as a result of the Industrial Revolution. He asserts that the economic, ideological, and social connections between prison reformers and new industrial employers led to the transformation of penitentiaries into well-ordered manufactories.⁴

The establishment of penitentiaries also centralized justice, demonstrated urban modernity, and reinforced the power of the state to punish citizens. Rebecca McLennan points out the irony of an “unfree” institution in a “free” society, and emphasizes the centrality of productive labor to the nineteenth century penal system. Blake McKelvey underscores that prisons played a crucial role in the preservation of an ordered society, while Pieter Spierenburg argues that penitentiaries replaced vigilance committees to maintain order as part of the transition from a stateless society to a pacified rural area. Edward Ayers particularly shows the influence of slavery upon southern penal codes and public skepticism toward penitentiaries

⁴ Dario Melossi and Massimo Pavarini, eds., *The Prison and the Factory: Origins of the Penitentiary System* (London: Macmillan Press, 1981); Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (New York: Pantheon Books, 1978).

across the South. He confronts perceptions of honor and violence in the “Old South” by studying patterns of crime before and after the Civil War.⁵

Studies of state prisons, in contrast, provide quite limited information regarding the contributions of convict labor to Confederate supply. In 1936, Charles Ramsdell addressed the Southern Historical Association, calling for attention to the extremely important but neglected subjects of supply and logistics within Confederate historiography. The daunting prospect of collecting scattered receipts, reports, correspondence, and private accounts, however, delayed a thorough examination of convict labor during the war.⁶

Studies of Civil War prisons instead are dominated by a fascination with Union and Confederate military camps and stockades. The standard works of William Hesseltine, William Marvel, and Charles Sanders reveal horrific tales of suffering and death by prisoners of war. Those temporary facilities are excluded here, however, as they were not involved in the prison industry. Instead, the following chapters will focus on lesser known convict labor at eight southern penitentiaries—all of which became Confederate manufactories—to better understand their overall contribution to the economy and war effort.⁷

Several questions regarding the production of military supplies with convict labor deserve attention. What were the sizes and composition of the inmate populations in 1860 and

⁵ Rebecca McLennan, *The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal State, 1776-1941* (New York: Cambridge University Press, 2008); Blake McKelvey, *American Prisons: A History of Good Intentions* (Montclair: Patterson Smith, 1977); Pieter Spierenburg, “From Amsterdam to Auburn: An Explanation for the Rise of the Prison in Seventeenth-Century Holland and Nineteenth-Century America,” *Journal of Social History*, 20.3 (Spring 1987): 453-54; Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the Nineteenth-Century American South* (New York: Oxford University Press, 1984).

⁶ Charles W. Ramsdell, “The Control of Manufacturing by the Confederate Government,” *The Mississippi Valley Historical Review* 8 (December 1921): 231-49.

⁷ William Hesseltine, *Civil War Prisons: A Study in War Psychology* (Columbus: Ohio State University Press, 1930); William Marvel, *Andersonville: The Last Depot* (Chapel Hill: University of North Carolina Press, 1994); Charles W. Sanders, Jr., *While in the Hands of the Enemy: Military Prisons of the Civil War* (Baton Rouge: Louisiana State University Press, 2005); Angela M. Zombek, “Transcending Stereotypes: A Study of Civil War Military Prisons in the Context of Nineteenth-Century Penitentiaries and Penal Development at the Ohio, Virginia, and D.C. Penitentiaries and at Camp Chase, Castle Thunder, and Old Capitol Military Prisons,” (Ph.D. Diss., University of Florida, 2012).

1865? Who opposed competition from convict labor and why? What were the quality, quantity, and variety of goods manufactured in prison workshops? How were the products marketed over time and who purchased them? How effective was this prison industry in supplying the Confederate military? Did these workshops operate efficiently, as a disorganized mess, or something in between? And finally, what does the story of convict labor at state penitentiary workshops reveal about the ability of a predominantly rural, agricultural society to mobilize and fight a modern war?⁸

Any analysis of convict labor at eight southern state penitentiaries requires scrutinizing an array of sources scattered from Texas to Washington D. C. Published government records, official prison records, governors' papers, financial reports, private account books, Confederate records, and local newspapers all provide the foundation for an in-depth study of the workshops and prisoners. Penitentiary financial reports and official Confederate records help determine output levels of the workshops throughout the war. An investigation of those output levels is central to understanding the impact of convict labor, provides evidence of early prison industry, and expands the study of logistics in American military history.

The analysis of convict labor also depended upon digitized and traditional federal records. The Hathi Trust and Boston Athenaeum digital collections offered access to official state legislative documents, as well as penitentiary reports. Until recently, Cornell University's

⁸ Paul W. Keve, *The History of Corrections in Virginia* (Charlottesville: University Press of Virginia, 1986); Larry R. Findlay Sr., *History of the Georgia Prison System* (Frederick: Publish America, 2007); Thomas P. Gore, Herbert N. Russell and O. P. Caldwell, *History of the Tennessee Penal Institutions, 1813-1940* (Nashville: Tennessee State Penitentiary, 1940); Robert David Ward and William Warren Rogers, *Alabama's Response to the Penitentiary Movement, 1829-1865* (Gainesville: University Press of Florida, 2003); William B. Taylor, *Brokered Justice: Race, Politics, and Mississippi Prisons, 1798-1992* (Columbus: Ohio State University Press, 1993); Mark T. Carleton, *Politics and Punishment: The History of the Louisiana State Penal System* (Baton Rouge: Louisiana State University Press, 1971); Clyde Crosley, *Unfolding Misconceptions: The Arkansas State Penitentiary, 1836-1986* (Arlington: Liberal Arts Press, 1986); Donald R. Walker, *Penology for Profit: A History of the Texas Prison System, 1867-1912* (College Station: Texas A&M University Press, 1988); Robert Perkinson, *Texas Tough: The Rise of America's Prison Empire* (New York: Metropolitan Books, 2010); Angela Y. Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003); Curtis R. Blakely, *America's Prisons: The Movement Toward Profit and Privatization* (Baton Rouge: Brown Walker Press, 2005).

Making of America digital database included *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, which provides official correspondence related to military interactions with state penitentiaries. That has since moved to Hathi Trust. Expansive collections of digitized military records such as the *Civil War Compiled Service Records* and the *Confederate Papers Relating to Citizens or Business Firms, 1861-1865* contained itemized receipts from the penitentiary to Confederate officers. The census identifies the name, age, sex, occupation, place of birth, date of incarceration, and crime of inmates in each penitentiary. The National Archives and Records Administration digitized these voluminous collections, which document the quality, quantity, price, and profitability of goods, as well as the prisoners of each state. Digitized local newspapers documented fires, riots, and escapes, as well as public debates of incarceration and convict labor.⁹

The chapters further utilized research from collections held at federal, state, and local repositories. Official reports of the penitentiary superintendents, lessees, doctors, chaplains, and inspectors were archived at state libraries or archives. Governor's papers revealed correspondence between the wartime governors and prison officials regarding supplies and pardons. The proceedings of state legislatures and general assemblies contained discussions of penal codes, appropriations, appointments, and legislation related to penitentiaries. Master's theses and doctoral dissertations were found at university libraries, archives, and special collections. Ultimately, the location of essential penitentiary records varied from state to state.

Southern legislatures adopted elements of prison reform from prevailing penology in Europe and the northern states. In England, architect John Howard built the Wymondham Gaol

⁹ For more information on digitized military records and primary sources, see www.fold3.com, <http://cdm.bostonathenaeum.org/cdm/>, http://collections.library.cornell.edu/moa_new/. For more information on digitized census and newspapers, see <http://home.ancestry.com:80>, www.genealogybank.com, www.newspapers.com, chroniclingamerica.loc.gov/, www.uttyler.edu/vbetts/newspaper_titles.htm.

and advocated a system of total silence, solitary confinement at night, and labor in large workrooms. The gaol segregated the inmates by sex, class, and degree of criminality. In the United States, Quakers in Pennsylvania advocated prison reform with a strong emphasis on introspection through religious study. Philadelphia doctor and essayist Benjamin Rush insisted upon labor, solitude, and silence as the essential elements of reform. In 1789 the Walnut Street Jail in Philadelphia consisted of solitary cells that completely isolated prisoners with only task work and a Bible. Finally, the Auburn system of prison management that emerged in 1816 in New York spread throughout the North and South. Proponents favored the profitability of the workshops and praised the combination of religion, education, and labor. The Auburn system required labor in workshops during the day, isolation in cells at night, and silence at all times.¹⁰

The Auburn system eventually became the dominate model in the South, but not everywhere. Advocates of prison reform in Virginia publicly debated virtues and vices of the prevailing systems. As early as 1800 the Virginia State Penitentiary operated a combination system in which every prisoner served the initial six months in solitary confinement before joining the labor force. Inmates also existed within a class system that determined access to the workshops and lodging. The Virginia system differed from its counterparts regarding the role of religion in moral reform, and the assumption that labor should be punitive rather than reformative. Overcrowding at the penitentiary required multiple inmates to lodge together, which made enforcing silence nearly impossible and created a dangerous environment.

¹⁰ *London Morning Chronicle*, August 6, 1835; Kann, *Punishment, Prisons, and Patriarchy*, 159; McLennan, *The Crisis of Imprisonment*, 35-6, 53-60; Harry Elmer Barnes, "The Historical Origin of the Prison System in America," *Journal of the American Institute of Criminal Law and Criminology* 12 (May 1921): 53-5; Jennifer Graber, "Engaging the Trope of Redemptive Suffering: Inmate Voices in the Antebellum Prison Debates," *Pennsylvania History: A Journal of Mid-Atlantic Studies* 79 (Spring 2012): 215; Henry Theodore Jackson, "Prison Labor," *Journal of the American Institute of Criminal Law and Criminology* 18 (August 1927): 224; Matthew W. Meskell, "An American Resolution: The History of Prisons in the United States from 1777 to 1877," *Stanford Law Review* 51 (April 1999): 855.

This study finally asserts that the adoption of convict labor in the antebellum era created an early prison industrial complex that became essential to the Confederacy during the Civil War. Eight thematic chapters focused on each state reveal cooperation among penitentiaries and collaboration across state lines. Thus, the dissertation will begin by exploring Virginia in the East, and conclude with Texas in the West. In addition to examining the workshops and prison goods, each chapter will investigate the establishment, expansion, and manufacturing capabilities of the workshops, as well as the living conditions, daily routine, and demographics of the prisoners. The impact of convict labor on the Confederacy's ability to wage a modern war will be assessed throughout the study.

During the first half of the nineteenth century Southern legislatures built state penitentiaries across the South (see Illustration 0.1). Virginia amended its penal laws in 1796 and four years later opened a prison designed by English architect Benjamin Henry Latrobe. In 1810 the Georgia General Assembly purchased a copy of the Virginia State Penitentiary blueprints. On January 24, 1817, Governor David B. Mitchell announced the Georgia State Penitentiary suitable to accept prisoners. The inmates worked in a dozen shops, built railroad cars during the 1850s, and operated an armory for the Confederacy. In 1822 Governor William Carroll of Tennessee petitioned his counterparts regarding prison administration and received responses from the governors of Virginia and seven other states. The Tennessee State Penitentiary opened in Nashville on January 1, 1831, and quickly expanded to include a lucrative stonecutting department. These state penitentiaries were all built on the outskirts of the capital city.

The inmates labored in carpentry, blacksmith, cooper, shoe, harness, and wagon shops to manufacture popular items sold on the open market. Meanwhile, the population spread into the

Old Southwest. In early 1835 the Louisiana State Penitentiary in Baton Rouge welcomed prisoners who worked in the brickyard, textile mill, and fourteen other shops. Notable architect William Nichols supervised the construction and five years later served as the State Architect of Mississippi. On April 15, 1840, the Mississippi State Penitentiary in Jackson opened with six shops and textile mill. The Arkansas penitentiary in Little Rock began accepting prisoners in June 1841, who labored in a carriage factory and seven other shops. In Wetumpka, the Alabama State Penitentiary registered the first inmate on October 27, 1841, and employed the prisoners in a dozen workshops that built carriages and wagons sold in Montgomery. Finally, the Texas State Penitentiary in Huntsville resembled the prison complex in Jackson, and opened on October 1, 1849. By the mid-nineteenth century, in short the vast majority of southern states had modified penal codes to incarcerate felons, built prisons that built on the experiences of others, and strove to make profits from the incarcerated.

Southern penitentiaries were initially built to house an average two hundred inmates, but constantly expanded to accommodate an ever-increasing population. Prison officials documented characteristics and descriptions of all incoming inmates. The most common antebellum southern convict was White, male, and between twenty and forty years of age. He was likely to have been sentenced to four-to-six years for larceny, manslaughter, forgery, attempt to murder, or burglary. The inmate populations were typically split between natives of the state, others from surrounding states, and foreign countries. The highest percentage of foreign-born inmates was from Ireland, followed by Germany and England. The vast majority on convicts were common laborers, but their previous occupations ranged from physicians to ditch diggers.

Southern penitentiaries incarcerated prisoners ranging from adolescents to the elderly. The youngest prisoner in Tennessee was only eight years old in 1847 when he arrived in

Nashville. He was sentenced to life in prison for the murder of his four-year-old sister in Johnson County. During his incarceration, the boy received five lashes for being short of work in the harness shop. Governor William Trousdale later determined the crime was accidental and pardoned the boy after three years in prison. Conversely, John Harkley was convicted of assault to kill in Adams County, Mississippi, and remained in prison at 106 years of age. Elderly and enfeebled prisoners performed jobs outside of the workshops, while the adolescent inmates worked alongside matured criminals.

Female inmates inhabited southern prisons in far lower numbers than their male counterparts. Most penitentiaries lacked separate facilities for females, who crowded into common rooms or temporary cells. The women, and sometimes their children, engaged in alternate forms of labor away from the workshops. The penitentiaries in Virginia and Louisiana held the highest number of African-American women. On December 11, 1848, the Louisiana State Legislature mandated that children born to enslaved African-American women who served life sentences became state property at the age of ten. Between 1849 and 1862 the sheriff of East Baton Rouge Parish auctioned eleven children on the county courthouse steps. Several of those children were purchased by former prison officials who owned slaves and operated plantations.

Southern penitentiaries deprived the men and women who inhabited them of their freedom and liberty. Certain aspects of early incarceration were comparable to slavery, but a key distinction was that the enslaved were born into servitude without choice and with limited opportunities to gain freedom. Conversely, the convicts who toiled in penitentiary workshops committed felonies and experienced forced labor as a result of willful criminal activity. Still, those who received life sentences for violent crimes experienced separation from their families, became subservient to penitentiary rules, lived a surveilled and regimented existence, endured

forced labor and torture, saw few opportunities to escape, and faced ostracism from the community upon release.

Guards at the penitentiary maintained control, enforced strict discipline, and compelled inmates to work with corporal punishment. The whip consisted of a leather strip that measured between three-to-five inches wide and ten inches long attached to a wooden handle. Tennessee instituted an iron sweatbox that faced direct sunlight in the yard with only a small grill for ventilation. Officials nonetheless considered solitary confinement the most extreme form of punishment. Inmates endured complete darkness for up to thirty days with a diet of bread, water, and occasional vegetables. Despite being an espoused goal, many scholars, including L. Mara Dodge, David Garland, Mary Gibson, Jennifer Graber, and Michael Ignatieff, all agree that early penitentiaries failed at reform but excelled at punishment.¹¹

Overcrowding and harsh treatment sometimes forced multiple prisoners to lodge together and created a dangerous atmosphere for guards. Inmates resisted labor, conditions, administration, routines, and discipline of prison life. They set fire to workshops, cell houses, and textile mills. Between 1800 and 1861 the penitentiaries suffered at least thirteen fires ranging in size that caused nearly \$500,000 in damages. As a result, officials ordered the replacement buildings to be constructed with “fireproof materials,” additional cisterns, and fire engines on site. Despite these costly setbacks, state legislatures consistently appropriated large sums to rebuild, expand, and modernize.

Opposition to convict labor meanwhile became a class issue, uniting citizen mechanics across the state and leading to the formation of many early labor associations. Legislators were

¹¹ L. Mara Dodge, *“Whores and Thieves of the Worse Kind”: A Study of Women, Crime, and Prisons, 1835-2000* (Dekalb: Northern Illinois University Press, 2002); David Garland, *Punishment and Modern Society: A Study in Social Theory* (Chicago: University of Chicago Press, 1990); Mary Gibson, “Global Perspectives on the Birth of the Prison,” *American Historical Review*, 116 (October 2011): 1040-63; Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (New York: Pantheon Books, 1978).

inundated with petitions and local newspapers denounced the “short sighted policy.” An editor in Georgia cautioned legislators against turning the prison into “a money-making machine.” Critics of convict labor suggested building textile mills to compete with northern factories. Artisans in Montgomery mobilized in 1843 to demand the penitentiary manufacture cotton bagging, followed by Little Rock two years later. The Mechanics Association of Baton Rouge met in New Orleans in 1846, to adopt resolutions against competition from inmates. The Georgia Mechanics Convention met in 1851 in Atlanta, where the members called for a State Mechanical Institute, broader membership, and adherence to the traditional system of apprenticeship. Two years later the citizens of Nashville proposed completely abolishing mechanical labor at the penitentiary.

The disruption of regional, national, and international trade from 1861 throughout the Civil War forced the Confederacy to rely upon domestic production of supplies necessary on the home front and battlefield. An investigation of penitentiary workshops is essential to better understand the contributions of convict labor and the prison industry to the war effort, Confederate supply, and the relationship between the home front and the military. Such an analysis will determine the quantity and quality of supplies manufactured for soldiers and civilians, as well as figures of inmates incarcerated, released, and pardoned throughout the war. Few remnants of these institutions survived, therefore this study will help preserve the historical memory of vanished landscapes.

The Civil War forced southern prison manufactories to adapt to wartime conditions. Throughout the war, inmates manufactured thousands of shoes, uniforms, blankets, army tents, weapons, cartridges, and wagons for the Confederacy. The southern penitentiaries operated as factories that supplied soldiers, civilians, and slaves. In 1861 the Georgia penitentiary converted

into a State Armory that produced “Georgia Rifles,” cartridges, and bayonets. Louisiana prisoners made hundreds of knapsacks, haversacks, belts, and tents, and sold two-thirds of all cloth to the Confederate Quartermaster Department. The Arkansas penitentiary supplied thousands of shoes, uniforms, and knapsacks, and hundreds of wagons, drums, tents, and cartridge boxes. In Tennessee the inmates repaired muskets and manufactured musket balls, cartridges, boxes, belts, wagons, and other items. Thousands of tents and wagon covers from water-resistant canvas were sewn by convicts in Alabama. The textile mill in Mississippi produced large amounts of cloth for uniforms, tents, and blankets, while the inmates made carriages, boxes, and belts. Similarly, the textile mill in Texas supplied millions of yards of cloth to soldiers, civilians, and slaves during the war. These penitentiary workshops contended with shortages of supplies and manpower throughout the conflict.

State penitentiaries had burdened southern state treasuries in the antebellum era, but the onset of the Civil War created profitable new markets for prison goods. State assemblies and private lessees eagerly contracted with the Confederate Quartermaster and Ordnance Departments to supply myriad military supplies from textiles for uniforms, blankets, tents, and wagon covers, to carpentry and blacksmithing products such as wagons, caissons, wheelbarrows, buckets, bayonets, swords, and rifles. The quantity and quality of prison goods varied according to the size and skills of the inmate population, capabilities of the workshops, and availability of raw materials. Furthermore, an *ad hoc* depot system and inadequate transportation infrastructure complicated the delivery of supplies from the home front to soldiers on the battlefield. Antebellum industrial investment determined each state’s manufacturing capacity, and penitentiary workshops significantly contributed to meeting wartime demands.

The Union army accordingly targeted Confederate state penitentiaries for occupation or destruction. Southern governors pardoned convicts who enlisted in the Confederate army and released the remaining inmates amid chaotic evacuations. Nashville surrendered on February 23, 1862, followed by Baton Rouge three months later. Federal soldiers assumed control of both penitentiaries and operated military prisons on the grounds. On May 17, 1863, soldiers under the command of Union General William Tecumseh Sherman destroyed the penitentiary complex in Jackson. General Frederick Steele occupied Little Rock in September, and soldiers under General Sherman destroyed the penitentiary in Milledgeville on November 23, 1864. The Confederate government abandoned Richmond on April 2, 1865, and the inmates ransacked the workshops before setting fire to the prison. The Alabama State Penitentiary avoided occupation by Union forces until the end of the war. Meanwhile, it was Confederate soldiers who forcefully stole items from the Texas State Penitentiary in December 1863, and besieged the prison for twenty-one days at the end of the war.

Southerners operated and endured dual systems of justice until 1865. The courts imposed sentences and the penitentiaries incarcerated citizens. Meanwhile, slave owners and overseers engaged in cruel forms of plantation justice and corporal punishment. The Civil War accomplished the goals of preserving the Union and emancipating the enslaved, but it is noteworthy that Section One of the Thirteenth Amendment to the United States Constitution prohibited slavery and involuntary servitude, “except as punishment for crime whereof the party shall have been duly convicted.” This explicit infringement on the rights of the incarcerated has since been characterized as a “loophole for slavery.” The desire to increase profits from utilizing cheap convict labor held across the South, but the destruction of penitentiaries, lingering racist

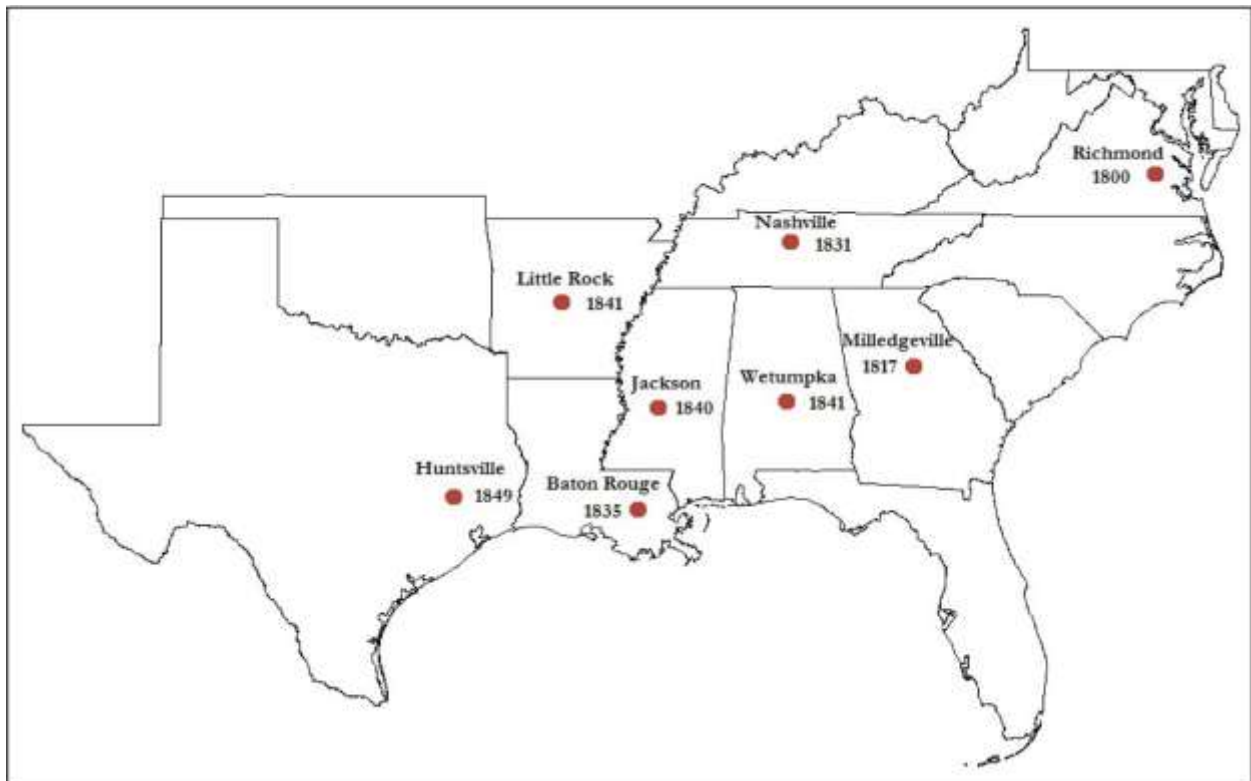
attitudes, and discriminatory legal policies morphed into a brutal system of convict leasing that reigned for decades.¹²

The present-day prison system did not emerge from a process of continuity, but instead from variance and rupture. Still, the basic principles of the Auburn system that led southern legislatures to build workshops and utilize convict labor continue to shape the carceral landscape in surprising ways. Southern penitentiaries gained access to new and profitable markets during the War of 1812 and the Civil War that demonstrated convict labor could offset the cost of incarcerating felons. After the war, convict lease systems, a new generation of prison labor, and the incarceration of mass numbers of African Americans developed on that often forgotten antebellum and Civil War foundation. In fact, the ability to maintain low production costs and achieve high profits inspired private companies in the twentieth century to join the United States Department of Defense as employers of convict labor. Thus, the modern prison industrial complex that today manufactures clothing, furniture, electronics, law enforcement equipment, and military supplies developed from the penitentiary workshops of the Early Republic, the Antebellum South, and the Confederacy.

¹² Leading works include: James Q. Whitman, *Harsh Justice: Criminal Punishment and the Widening Divide between America and Europe* (New York: Oxford Press, 2003); Rebecca M. McLennan, *The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal State, 1776-1941* (Cambridge: Cambridge University Press, 2008); Keri Leigh Merritt, *Masterless Men: Poor Whites and Slavery in the Antebellum South* (Cambridge: Cambridge University Press, 2017).

Illustration 0.1

Map of Southern State Penitentiaries with Years of Establishment.



Source: Map obtained from the public domain and modified by Brett J. Derbes.

Chapter One:

The Virginia State Penitentiary in Antebellum Richmond (1796-1859)

Virginia was the first southern state to reform penal statutes and build a state penitentiary after the Revolutionary War. The Commonwealth provided an example for other southern states while modifying prevailing prison management systems in an effort to create a unique reformatory experience. The prisoners endured a mandatory period of solitary confinement and engaged in silent, forced, communal labor by day. During the antebellum years the penitentiary endured financial panics and evolved to meet the challenges of security, overcrowding, and health hazards. Nonetheless, the workshops steadily improved the quality, quantity, and variety of items available for sale on the open market. The inmates initially produced household goods, but the workshops converted to the manufacture of military supplies during the War of 1812. This wartime market proved profitable and foreshadowed a future dependency on local production five decades later during the Civil War.

The Virginia courts initially maintained the English “Bloody Code” in which over two hundred crimes earned the death sentence. The first public hanging in the new capital of Richmond occurred on January 25, 1782, at gallows erected at the southeastern base of Shockoe Hill. In 1796 the General Assembly of Virginia followed the examples of Pennsylvania and New York in decreasing physical and corporal punishment in favor of incarceration. Widespread slavery shaped the Virginia system, however. The entrenched southern institution of slavery embodied a system of power and control that yielded financial benefits to slave owners and agricultural products to free society. Meanwhile, the dungeons, jails, and prisons in Virginia symbolized the power and control of the state over citizens who violated the law. Slave owners

locally administered a system of plantation justice, and those who lost slaves to the state as the result of punishment for crime could apply for compensation. Thus, the penitentiary system that developed in Virginia served as the intersection of punishment for both free and enslaved persons.¹

Thomas Jefferson first took interest in penal reform and served as chairman of the Committee of Revisers in 1777, which proposed legislative reform to the penal code. He opposed the death penalty except in the case of treason or murder and initially supported hard labor on public works. While overseas in Lyon, France, Jefferson obtained penitentiary blueprints that emphasized solitary confinement. He submitted designs to the Virginia General Assembly on August 13, 1785, for a small-scale radial, octagonal penitentiary “in the hope that it would suggest the idea of labor in solitary confinement instead of that on the public works.” Over a decade later, in 1796, Representative George Keith Taylor advocated building a state penitentiary and sponsored changes to the Prison Code based upon Jefferson’s suggested revisions. The penalty for first-degree murder remained “hanging by the neck,” while crimes such as robbery and burglary earned sentences of three to ten years.²

The penitentiary bill authorized Federalist Governor James Wood to locate land in or near the capital of Richmond for purchase by the Commonwealth. The bill stipulated that buildings should be built with brick and other “fireproof materials,” and include enough cells to

¹ Harry M. Ward, *Public Executions in Richmond, Virginia: A History, 1782-1907* (Jefferson: McFarland and Company, 2012), 10, 14, 19; Hilary Louise Coulson, “The Penitentiary at Richmond: Slavery, State Building, and Labor in the South’s First State Prison,” (Ph.D. Diss., University of California, San Diego, 2016), 4-6; Paul W. Keve, *The History of Corrections in Virginia* (Charlottesville: University Press of Virginia, 1986), 14.

² Richard Silverman, “Latrobe’s Design for the Virginia Penitentiary,” (M. A. Thesis, University of Vermont, 1988), 19-20; Keve, *History of Corrections in Virginia*, 3, 15-6; Ward, *Public Executions in Richmond, Virginia*, 11, 19; Dale M. Brumfield, *Virginia State Penitentiary: A Notorious History* (Charleston: History Press, 2017), 16-7, 20; Charles Richmond Henderson, ed., *Penal and Reformatory Institutions* (New York: Charities Publication Committee, 1910), 30; Mary Agnes Grant, *History of the State Penitentiary of Virginia* (M. A. Thesis, College of William and Mary, 1936), 38-43; Edward L. Ayers, *Vengeance & Justice: Crime and Punishment in the 19th Century American South* (New York: Oxford University Press, 1984), 38; Brumfield, *Virginia State Penitentiary*, 17-8.

hold two hundred inmates. The law also required “significant walls” around the complex to prohibit communication with the outside and prevent escapes. The General Assembly appropriated \$30,000 for the initial construction costs.³

At least four applicants responded to the General Assembly’s request for penitentiary designs. Jefferson resubmitted his previous plans. Samuel Dobie had supervised construction of the existing State Capitol, while George Hadfield served as the first superintendent at the United States Capitol. British architect Benjamin Henry Latrobe had just relocated to Norfolk in March 1796, following the tragic death of his wife and mother, and subsequent bankruptcy amid turmoil in Europe. His previous experience in London included constructing and remodeling police stations and prison facilities. Latrobe arrived in Richmond in early April, where he designed the homes of several prominent citizens. In an intellectual world dominated by the observations of nature, his penitentiary design was influenced by his observation of a colony of wasps in the drawing room of his property in Prince William County. He dissected the nest to reveal a semi-circular design of cells for holding spiders and other insects. Combining elements from English workhouses, the Pennsylvania solitary system, and the wasp nest, Latrobe created a plan that included solitary confinement, accommodations for females, and communal workshops to utilize convict labor.⁴

Representative Herbert L. Cain presented Latrobe’s preliminary plans to Governor Wood on March 14, 1797. The cells were arranged in a half-circle with arched windows on the outside and access from balconies on each level. The cells varied in size to accommodate between two to twelve prisoners. A large courtyard formed in the center with a wall connecting the two ends

³ Grant, *History of the State Penitentiary of Virginia*, 44-7, 52; Keve, *History of Corrections in Virginia*, 17; Coulson, “The Penitentiary at Richmond,” 60, 83-4; Brumfield, *Virginia State Penitentiary*, 16-9.

⁴ Silverman, “Latrobe’s Design for the Virginia Penitentiary,” 10-1, 21-2, 31; Brumfield, *Virginia State Penitentiary*, 19; Keve, *History of Corrections in Virginia*, 16; Coulson, “Penitentiary at Richmond,” 32, 34-5, 45-6.

of the building (see Illustration 1.1, 1.2, 1.3, 1.4, 1.5, and 1.6). The General Assembly favored individual lodging at night, but the state simply could not afford to build the facility as fully envisioned by Latrobe. They avoided the expenses associated with solitary work within cells while still requiring that all prisoners experience solitary confinement. On June 25, Governor Wood approved the design and paid Latrobe \$150 for the plans.⁵

The assembly considered a location at Grace and Franklin Street, but worried residents sent a petition to Governor Wood requesting a more remote location. On March 30, 1797, Thomas Rutherford, a former Justice of the Peace and member of the House of Burgesses, offered twelve acres on the west side of Richmond. The penitentiary site was located approximately one mile southwest of the state house on a high vantage point between two ravines near the James River (see Illustration 1.6). Eight residents there signed a letter that warned the location lacked adequate clean water for a penitentiary, but the assembly disregarded their warning.⁶

Governor Wood appointed Major Thomas Callis, at the recommendation of Representatives Francis Corbin, H. B. Brooks, and Wright Gatewood, as superintendent of construction. The initial phase of construction in the spring included preparing the foundation and digging an artesian well. Superintendent Callis complained to Wood in a letter in August regarding the foundation quality and questioned the design. In response, Latrobe accused Callis of incompetence. Officials laid the cornerstone at a ceremony on August 7, 1797, but construction slowed from continuous inclement weather. Callis advertised for workers in the

⁵ Keve, *History of Corrections in Virginia*, 16, 18, 24, 29; Silverman, "Latrobe's Design for the Virginia Penitentiary," 11, 21-2, 35, 38-9; Coulson, "The Penitentiary at Richmond," 60; Grant, *History of the State Penitentiary of Virginia*, 52, 62; Brumfield, *Virginia State Penitentiary*, 19-20; Ayers, *Vengeance & Justice*, 38; Henderson, ed., *Penal and Reformatory Institutions*, 31.

⁶ Brumfield, *Virginia State Penitentiary*, 18-9, 22; Grant, *History of the State Penitentiary of Virginia*, 65, 114; Coulson, "The Penitentiary at Richmond," 70.

spring to lay two million bricks, set up scaffolding, and place stone. He requested 64,230 feet of pine timber of varying lengths and 6,000 feet of white oak planks.⁷

Latrobe, meanwhile, traveled to Philadelphia in 1798 to examine the Walnut Street Penitentiary, visit relatives, and pursue other architectural work. Governor Wood encouraged him to return to the project in Richmond, but Latrobe met his future wife and committed to the Bank of Philadelphia. Latrobe only returned to Richmond in July, where his extended absence led to calls for his removal. He estimated the cost of completing the penitentiary at \$39,832.80 and gradually abandoned the project to relocate to Philadelphia. Governor Wood appointed John Clarke, superintendent of the state armory, to supervise the remainder of construction.⁸

The adoption of a state penitentiary required the creation of administration. The City Court of Richmond appointed a board of twelve unpaid inspectors, the Board of Visitors, which created the operational procedures, rules and regulations, and expectations of prisoners and keepers. The visitors inspected the penitentiary on a weekly basis and submitted quarterly reports. The first board consisted of businessmen, the attorney general, and a minister. On March 25, 1800, the General Assembly approved the appointment of Martin Mims, who served as a brick contractor during construction, as the first superintendent of the penitentiary. Mims did not have any previous experience related to prison management, but nonetheless held the position for six years.⁹

⁷ Keve, *History of Corrections in Virginia*, 17-8; Brumfield, *Virginia State Penitentiary*, 22; Grant, *History of the State Penitentiary of Virginia*, 53, 63-4; Coulson, "The Penitentiary at Richmond," 61-2; *The Observatory, or, A View of the Times* (Richmond, Virginia), March 12, 1798; H. W. Flournoy, *Calendar of State Papers and Other Manuscripts from May 16, 1795, to December 31, 1798, Volume 8* (Richmond: James E. Goode, 1890), 418-19.

⁸ Keve, *History of Corrections in Virginia*, 19-20; Coulson, "The Penitentiary at Richmond," 47-8, 64-7; Brumfield, *Virginia State Penitentiary*, 24; Brumfield, *Virginia State Penitentiary*, 25.

⁹ Coulson, "The Penitentiary at Richmond," 91, 115-16; Keve, *History of Corrections in Virginia*, 29, 35; Brumfield, *Virginia State Penitentiary*, 25, 32; Grant, *History of the State Penitentiary of Virginia*, 68. The treasury paid the keeper \$1,200 annually, the turnkey earned \$260.66, and the clerk received \$625.

Democratic-Republican Governor James Monroe announced that the partially completed penitentiary could accept prisoners on that same March 25. Thomas Merryman arrived on April 1st to serve a five-year sentence for murder. Twenty others joined him throughout the year (see Table 1.1). The penitentiary's new administration implemented a new penal philosophy that connected local jails, courts, and constables to a central state authority. Taxes paid for clothing, food, and healthcare for the inmates, but the penitentiary quickly accumulated unanticipated costs, the most expensive of which involved conveying convicts to Richmond from across the state. The sheriffs and guards who traveled up to twenty miles per day and received \$1.04 daily and \$0.04 per mile to transport convicts from local jails after trial. By 1804 the transportation of thirty-four convicts had cost \$3,132.09. Sheriffs and deputies swore an oath to use as few guards as possible, but certain routes took up to two weeks from the western sections of the state.¹⁰

Following sentencing in court the convicts traveled to the penitentiary in Richmond. A clerk recorded the name, crime, sentence, and date of all incoming prisoners. Guards stored away their personal clothing and replaced it with two pairs of shoes, stockings, and osnaburg uniforms. Male inmates wore a short jacket, waistcoat, and overalls. Female prisoners received two short gowns, two petticoats, and two osnaburg shifts. The uniforms were typically drab yellow, brown, or blue cloth, along with brown linen shirts. Visitors did not view the interior of the penitentiary without written permission. Guards extinguished the lights at nine o'clock in the evening and patrolled throughout the entire night.¹¹

All inmates began their stay in solitary confinement for "no more than one half, nor less than one twelfth" of their sentence. Communal sleeping cells measured twelve feet long, by six

¹⁰ Keve, *History of Corrections in Virginia*, 27; Coulson, "The Penitentiary at Richmond," 79-80, 83, 69, 101; Grant, *History of the State Penitentiary of Virginia*, 66; Brumfield, *Virginia State Penitentiary*, 25, 28.

¹¹ Coulson, "The Penitentiary at Richmond," 87-9; Keve, *History of Corrections in Virginia*, 35, 54, 57; Grant, *History of the State Penitentiary of Virginia*, 47; Brumfield, *Virginia State Penitentiary*, 27.

and a half feet wide, by nine feet high. The inmates received straw mattresses, blankets, tin pans, and a waste bucket. Solid oak doors to the cells provided security, but limited supervision by the guards and created opportunities for prisoners to scheme. The stone walls and wooden floors were constantly damp, while the stench of body odor and open toilet buckets filled the cells where the inmates ate their meals. It soon became obvious that the Virginia State Penitentiary suffered from poor planning. The penitentiary suffered from a shortage of fresh water as residents had warned, while the building did not include a sewage system. Inmates emptied waste into the nearby ravine, where it collected into a stagnant pool until rain provided temporary relief. The prison lacked any heat source, weather and freezing winds from the James River during the winter months left the inmates shivering in cold cells with barred windows.¹²

After six months of solitary confinement the inmates joined the labor force, either to utilize an existing skill or to learn a new trade. Prisoners worked silently in workshops. The inspectors acknowledged, "It would be impossible to obtain an entire separation of the convict from one another, without providing a different apartment for the labor, as well as the lodging of each individual." Legislators expected inmates to perform labor "consistent with their sex, age, health and ability," in workshops "where the materials are not easily embezzled or destroyed." Prisoners worked eight hours from November to January, nine hours in February and October, and ten hours for the remainder of the year. The first prison industries were wagon making, shoemaking, and nail manufacturing, all under the direction of assistant keeper Henderson Stile. Inmates learned unfamiliar trades and were predictably less productive than trained artisans. By

¹² Angela A. Zombek, "Transcending Stereotypes: A Study of Civil War Military Prisons in the Context of Nineteenth-Century Penitentiaries and at Camp Chase, Castle Thunder, and Old Capitol Military Prisons," (PhD dissertation, University of Florida, 2012), 61, 143; Coulson, "The Penitentiary at Richmond," 85-90, 97, 147; Brumfield, *Virginia State Penitentiary*, 20, 25, 30-1; Keve, *History of Corrections in Virginia*, 25-6, 36-9, 58-9; Ayers, *Vengeance & Justice*, 38.

1804 the workshops reported \$13,054.00 in sales, as well as \$3,524.66 of manufactured articles and raw materials on hand.¹³

The keeper, inspectors, and mayor also reviewed violations to assign disciplinary actions. Those who broke the rule of mandatory silence were punished with a gag the following day, except to eat and drink. The gag forced open their jaw and restricted breathing. Other violations resulted in verbal reprimands, reduced rations, lashes with a whip, and solitary confinement. Penitentiary regulations permitted up to thirty-nine lashes on the bare back of the inmates for “disobedience, profane cursing and swearing, indecent behavior, idleness and other breaches of duty and good order.” The Board of Visitors further created a classification system that ranked the inmates according to discipline and performance in the workshops, and determined privileges at the workshops, access to raw materials, and increased communication with guards and officials. Inmates who exhibited good behavior were permitted to grow their hair and beards back during their final six weeks of confinement in order to ease their transition back into free society.¹⁴

The Virginia State Penitentiary was one of the earliest state prisons to include separate facilities for female inmates. They were most commonly incarcerated for larceny, poisoning, and arson. Their time was occupied with nineteenth-century gender normative activities that included spinning, weaving, sewing, and washing clothes. The female population never exceeded 6 percent, and the majority was Black. Forced separation from the male inmates limited the movement of females within the facility. While the women lived, worked, and slept in their quarters, they exercised outdoors in an open yard in the corner of the complex. Their

¹³ Grant, *History of the State Penitentiary of Virginia*, 47-8, 72, 75-6; Coulson, “The Penitentiary at Richmond,” 93; Brumfield, *Virginia State Penitentiary*, 18; *Virginia Argus*, December 15, 1804; *Richmond Enquirer*, December 25, 1804.

¹⁴ Keve, *History of Corrections in Virginia*, 29, 56; Coulson, “The Penitentiary at Richmond,” 91, 94-5, 122-23; Zombek, “Transcending Stereotypes,” 121; Brumfield, *Virginia State Penitentiary*, 34, 40.

accommodations consisted of six individual cells and a workroom on the first floor, along with six more cells, another workroom, and a six-bed dormitory on the second and third floors.¹⁵

The penitentiary housed both the free and the enslaved. The legislature required the prison to house fugitive slaves within the first six months of operation. It held slaves accused of crimes and charged the owners ten cents per day for boarding. The state compensated owners for the value of their lost property, but the market value of a slave decreased as a result of criminal behavior. The penitentiary design did not permit officials to segregate the convicts in the workshops. Ultimately, the legislature empowered the governor to approve the transport of condemned slaves for sale outside of the United States. The number of Free Blacks in Virginia meanwhile doubled from 12,000 in 1790 to nearly 30,000 by 1810, despite laws that expelled freed slaves from the state, prohibited reentry, increased the possibility of re-enslavement, and imposed harsh penalties for committing crimes. Nonetheless, throughout the antebellum years the inmate population consisted of 74 percent White male inmates.¹⁶

The prison soon played a key supporting role in the state history. In the summer of 1800 an enslaved man named Gabriel Prosser led an aborted slave rebellion in Richmond. Among other things, he planned to release incarcerated slaves and steal weapons stored at the penitentiary. The plot failed after two fearful slaves confessed. The militia patrolling throughout Richmond forced Prosser and his accomplices to flee to the banks of the James River. He escaped aboard a ship to Norfolk, but was apprehended after it docked. The authorities transferred Prosser back to the penitentiary on September 27. He stood trial for insurrection and was hanged on October 7 outside the prison where authorities held his twenty-four co-

¹⁵ Coulson, "The Penitentiary at Richmond," 88-9, 120-21; Zombek, "Transcending Stereotypes," 61, 149-50; Keve, *History of Corrections in Virginia*, 26.

¹⁶ Coulson, "The Penitentiary at Richmond," 73-4, 86, 96, 105, 126; Keve, *History of Corrections in Virginia*, 29, 46-7, 50-1.

conspirators. Governor Monroe wrote to Thomas Jefferson after the tenth hanging questioning whether additional executions were required as a deterrent to similar rebellions. The trials and executions continued until October 24. As a result of the Prosser insurrection, the General Assembly authorized a paid militia known as the Public Guard with barracks in downtown Richmond. The guard patrolled the penitentiary, armory, Capitol Square, and other public buildings.¹⁷

The initial lack of perimeter security around the penitentiary had led to escapes and allowed outsiders to pass contraband through the windows at night. One Jeremiah Whitson escaped on August 30, 1800, for example, by removing the window grating from his cell and simply walking away. The Prosser rebellion led to renewed concerns with security over the next few years. In 1804, the officials improved the wooden fence around the perimeter.

Superintendent Mims meanwhile expressed dissatisfaction with the performance of the Public Guard in a letter to Democratic-Republican Governor John Page. He reported the escape of three prisoners who smuggled tools into their cell, dismantled the door lock, entered the yard, and escaped without being detected. On May 8, 1804, six inmates set a small fire in the upper level of the north wing and took several assistant keepers hostage. Reinforcements arrived shortly thereafter, but the northwest wing sustained nearly \$25,000 in damages.¹⁸

Public criticism of the penitentiary's security, not surprisingly, increased. In 1805 an investigative committee found systematic problems. It determined that "the success of the

¹⁷ Ward, *Public Executions in Richmond, Virginia*, 21-8; Coulson, "The Penitentiary at Richmond," 71-3; Brumfield, *Virginia State Penitentiary*, 27-8; Keve, *History of Corrections in Virginia*, 29. For more information on Gabriel Prosser's Rebellion see Douglas R. Egerton, *Gabriel's Rebellion: The Virginia Slave Conspiracies of 1800 and 1802* (Chapel Hill: University of North Carolina Press, 1993); James Sidbury, *Ploughshares into Swords: Race, Rebellion, and Identity in Gabriel's Virginia, 1730 to 1810* (Cambridge: Cambridge University Press, 1997); Michael L. Nicholls, *Whispers of Rebellion: Narrating Gabriel's Conspiracy* (Charlottesville: University Press of Virginia, 2012).

¹⁸ Keve, *History of Corrections in Virginia*, 26, 32; Zombek, "Transcending Stereotypes," 61, 164-65; Brumfield, *Virginia State Penitentiary*, 29.

institution essentially depends upon principals, which, in practice, have not been duly regarded.” Inmates conversed frequently and worked in groups as large as nine in the workshops. Each cell lodged up to four inmates, which facilitated continuous communication, schemes, and escapes. The committee scolded, “the convicts are not confined to labor with sufficient strictness. The product of that labor does not reimburse the commonwealth the expense of their sustenance and confinement.” The committee’s fear of group escapes seemed prescient. On February 8, eight prisoners procured a key to the solitary cells, dug through the brick wall about three feet below the surface, and burrowed upward until they surfaced outside the building. Two of the prisoners were caught, a third later surrendered, but five escaped. A court martial sentenced the sentry to seventy lashes for failing to stop the escape and discharged him from the company. As a result, the General Assembly increased the detachment of the Public Guard stationed at the penitentiary and required the presence of a commissioned officer at all times. Guards patrolled the grounds and rotated every two hours.¹⁹

The penitentiary housed its most famous convict in 1807. Former Vice President Aaron Burr was charged with treason for plotting against the Jefferson Administration and preparing an expedition against Spanish territories. He had traveled down the Ohio River with nearly a dozen boats, eighty men, and ammunition, apparently with the intention of attacking New Orleans and raising an army to overtake the Texas territory in northern Mexico. Captured and charged, he arrived at Eagle Tavern in Richmond on March 24, 1807, where he remained under guard until other accommodations were found. The penitentiary held Burr from June 27, until the trial on August 2. He wrote to his daughter Theodosia in July, “I have three rooms in the third story of the penitentiary, making an extent of one hundred feet. My jailer is quite a polite and civil man –

¹⁹ Grant, *History of the State Penitentiary of Virginia*, 71, 73-4; Keve, *History of Corrections in Virginia*, 39-40; Brumfield, *Virginia State Penitentiary*, 30; *Norfolk Gazette and Publick Ledger*, February 12, 1806; *Impartial Observer*, December 8, 1806; Zombek, “Transcending Stereotypes,” 111-12.

altogether unlike the idea one would form of a jailer.” The trial captured the attention of the entire nation, but after nearly a month the jury found Burr not guilty of treason.²⁰

That year, the penitentiary also modified its policies as the result of investigations and changes in leadership. Superintendent Mims resigned on March 31. Democratic-Republican Governor William H. Cabell solicited replacements but preferred an applicant from the well-regarded Pennsylvania system. He received a recommendation for Abraham Douglass, clerk of the Board of Visitors of the Walnut Street Jail in Philadelphia, and shortly thereafter appointed him as superintendent. Governor Cabell also motivated penitentiary workshop sales by granting a 15 percent commission to the superintendent and turnkey. In response, the workshops immediately produced net profits of \$7,700 in 1807. An inspector noted, “An entire change is visible, not only in cleanliness, but in the work manufactured, and above all the great change which in the convicts, instead of laziness and insolence and studying mischief, the convicts perform their labor with cheerfulness, which must be attributed to the mode of conduct in the keeper.”²¹

The workshops expanded to produce a variety of goods. A visitor noted, “All the branches conducted within its walls have flourished.” Inmates completed ironwork on carriages to mount between thirty-two or thirty-seven brass and iron cannon of varying sizes owned by the Commonwealth. In 1808 the workshops manufactured \$64,195.52 worth of goods for a profit of \$9,436.71. The following year sales decreased to \$46,926.03 worth of goods for a profit of

²⁰ Grant, *History of the State Penitentiary of Virginia*, 76-81; Keve, *History of Corrections in Virginia*, 63-4; Henderson, ed., *Penal and Reformatory Institutions*, 31; *Staunton Eagle*, August 28, 1807; Brumfield, *Virginia State Penitentiary*, 33-4. For more information on the Aaron Burr conspiracy see James E. Lewis Jr., *The Burr Conspiracy: Uncovering the Story of an Early American Crisis* (Princeton: Princeton University Press, 2017); Nancy Isenberg, *Fallen Founder: The Life of Aaron Burr* (New York: Viking, 2007); H. W. Brands, *The Heartbreak of Aaron Burr* (New York: Anchor Books, 2012); Buckner F. Melton, *Aaron Burr: Conspiracy to Treason* (New York: John Wiley and Sons, 2002).

²¹ Grant, *History of the State Penitentiary of Virginia*, 82; Keve, *History of Corrections in Virginia*, 33-4; Brumfield, *Virginia State Penitentiary*, 32-3; *Staunton Eagle*, December 25, 1807;

\$5,292.37, but in 1810 increased to \$50,997.24. Local businessman meanwhile competed to earn the designation as penitentiary general agent. One of them, Mann S. Valentine, opened a penitentiary store in 1810 on Shockoe Hill. He sold penitentiary goods such as cut nails, sprigs, wrought nails, cut brads, broad and narrow axes, hatchets, mat axes, peck axes, grubbing hoes, bridles, halters, horse collars, buckets, lines, cords, twine and yarn, boots and shoes. The penitentiary added spinning machinery at a considerable expense and the installation disrupted labor in other departments.²²

Prison workshops thus increasingly competed with local artisans and mechanics. In 1812 William Campbell, a former member of the House of Delegates from Washington County, became superintendent at the penitentiary, while William Anderson served as general agent. Anderson relocated the penitentiary store and noted improvement in the quality of the nails from the penitentiary. In an advertisement he acknowledged competition between penitentiary manufactures and “similar articles sold in Richmond.” Anderson emphasized his low prices, as well as improved workmanship, the result of superior management, experienced workmen, and quality materials. As sales accumulated, the state employed agents across Virginia, who received a five percent commission. Abraham and Silas Smith, for example, sold penitentiary goods at their store in Staunton, while Francis Follett opened a new store in Petersburg.²³

When the War of 1812 broke out, the prison administration converted the workshops to the production of military supplies. Convicts produced 7,652 infantry cartridge boxes; 3,383 United States cartridge boxes; 2,140 cavalry cartridge boxes; 1,808 holster and belts; 572

²² *Petersburg Intelligencer*, October 7, 1808; *Virginia Argus*, December 16, 1808, February 21, 1809; *Norfolk Gazette and Publick Ledger*, March 21, 1808; *Leesburg Washingtonian*, February 6, 1810; Keve, *History of Corrections in Virginia*, 33; *Richmond Enquirer*, February 8, 1810, November 27, 1810, February 2, 1811; Grant, *History of the State Penitentiary of Virginia*, 84; Brumfield, *Virginia State Penitentiary*, 33-4.

²³ *Richmond Enquirer*, July 5, 1811; *Virginia Argus*, August 15, 1811; Keve, *History of Corrections in Virginia*, 35; Grant, *History of the State Penitentiary of Virginia*, 85; Brumfield, *Virginia State Penitentiary*, 34.

artillery sword scabbards; 10 gun boxes; and 257 bayonet scabbards valued at \$26,546.30.

Inmates washed and baled tents at the penitentiary. The workshop profits totaled \$18,974.24, of which the keeper received \$2,976.46. Shortly thereafter the governor reduced the commission to 2.5 percent and reduced the keeper's salary to \$1,800.²⁴

Whether because of patriotism or simply a desire to leave the prison, Governor James Barbour in September 1812 received twenty-three petitions for pardons from prisoners who wanted to join the military. An inmate named "Vaughn" wrote, "I have been [held] to this place for the term of twelve years...and at this time [am] willing to take up arms in the defense of my country." Conversely, from April to November 1813, the penitentiary held thirty British Royal Navy prisoners of war captured during the Royal's Navy's blockade of the Elizabeth River. When the war concluded, the quartermaster general of Virginia ordered enough surplus materials stored to supply an army of twelve thousand men in the case of emergency. The war revealed the military as a profitable new market for prison goods. The conversion to producing wartime supplies and incarceration of prisoners of war would be repeated nearly fifty years later during the American Civil War.²⁵

By the end of the war, the inmate population also had grown steadily enough to create overcrowding and a need to expand (see Table 1.2). In 1815, the inspectors pointed out that 208 inmates resided in only 200 cells, and the clerk began documenting the number of slaves incarcerated (see Table 1.3). A legislative committee pointed out that up to twelve prisoners slept in the larger cells, and suggested enclosing the penitentiary complex with a twelve-foot brick wall to create a larger yard for additional cell houses, workshops, exercise spaces, and even

²⁴ *Petersburg Intelligencer*, February 21, 1812; *Virginia Argus*, January 13, 1814; Grant, *History of the State Penitentiary of Virginia*, 85.

²⁵ Brumfield, *Virginia State Penitentiary*, 33-5; Keve, *History of Corrections in Virginia*, 40; *Richmond Enquirer*, September 29, 1812; *American Beacon*, December 9, 1815.

a garden. Superintendent Douglass seems to have received partial blame. He applied for reappointment in 1816, but Democratic-Republican Governor Wilson Cary Nicholas and inspectors instead appointed Samuel P. Parsons, who had previously served on the Board of Visitors that was responsible for outlining the requirements of prisoners, guards, and keepers. Parsons notably advocated for more humane treatment, less solitary confinement, and an enlarging the prison.²⁶

Post-war editorials meanwhile highlighted the prodigious increase of crime in Virginia that contributed to the overcrowding at the penitentiary. Journalists speculated that the recent war had spread vices acquired in camp rendering some men “totally unfit for the calm pursuits of common life.” Others suggested that peace in Europe led violent veterans to relocate to the United States. The excessive use of alcohol certainly contributed to criminality, the editors assumed. Yet, the editorial identified the penitentiary system as “the chief cause of increase of crime,” due to the indiscriminate mixing of convicts and the practice of releasing hardened criminals to the public. The editors noted, “We observe by perusing the papers by the last mail, that the progress of crime in the United States is unprecedented in the annals of our country...The Penitentiary system we approve of, but we cannot approve of whipping posts, cutting off ears.”²⁷

The rapid increase in crime that accompanied urbanization led other states to reform laws, examine prison management systems, and, build penitentiaries. The penitentiary in Richmond operated a prison management system that incorporated elements from prevailing models and influenced subsequent systems. In 1816, the Auburn Prison opened in New York. There, William Brittain and Elam Lynds established their new style of management. Inmates

²⁶ Coulson, “The Penitentiary at Richmond,” 35, 96-7, 108, 115-16; Keve, *History of Corrections in Virginia*, 37, 40; Grant, *History of the State Penitentiary of Virginia*, 86; Brumfield, *Virginia State Penitentiary*, 35.

²⁷ *Herald of the Times*, September 18, 1820; *Republican Constellation*, December 5, 1818.

marched in lockstep and labored in communal shops during the day, but slept in solitary confinement at night while the guards imposed silence at all times. The Pennsylvania and New York penal systems assumed that labor was reformatory for convicts, while southern penitentiaries had considered it primarily punitive. The penitentiary in Richmond also differed from its northern counterparts regarding the necessity of religious instruction in the reformatory process. The prison complex did not initially include a chapel or regular religious instruction from clergy. It is still noteworthy that elements of the Virginia system existed in the Auburn system, but preceded it by nearly two decades.²⁸

Following the war years, the penitentiary in Richmond underwent a series of administrative changes. Superintendents and inspectors collectively opposed short sentences and argued that rehabilitation could not be accomplished in less than two years. Perhaps with an eye to their own remuneration, they added that longer terms yielded experienced inmates and more productive workshops. The General Assembly responded. In 1817, the legislature abolished the Board of Visitors and authorized the governor to appoint a five-man Board of Directors. The new board insisted upon selling prison goods at both the penitentiary and the agent's store. In response, General Agent Matthew H. Rice invited the public and merchants to inspect the quality of the goods at his store. Meanwhile, an editorial by "Beccaria" bemoaned the requirement of retrieving items at the penitentiary according to the keeper's schedule, and wondered how many customers would continue to do so "merely to save the difference in the price of the work at the penitentiary and at the shops of others." He warned that prison goods "will so completely overstock the market as to produce a great loss." The workshops did not disrupt the market

²⁸ Coulson, "The Penitentiary at Richmond," 113-14, 116-17, 145; Zombek, "Transcending Stereotypes," 47; Keve, *History of Corrections in Virginia*, 38; Henderson, ed., *Penal and Reformatory Institutions*, 31-2; Brumfield, *Virginia State Penitentiary*, 29.

enough at this stage, however, to distract mechanics from their focused attacks against Free Black competitors.²⁹

The workshops expanded over two decades but the increased sales revenue could not offset the operating costs. The transportation of convicts and overhead expenses still limited the profit margin. From 1816 to 1820 the treasury paid out \$266,723.10 and the penitentiary accumulated a debt of \$109,533.52. The subsequent Panic of 1819 wreaked havoc on the Virginia economy generally, yet by 1821 nearly 64 percent of the state's budget was allocated for penitentiary related expenses. In addition to financial struggles, the penitentiary did not meet reformative expectations. On November 30, Superintendent Parsons admitted, "Although the internal police is good and the convicts generally orderly and attentive to their business; still it is doubtful whether many are reformed by the example...I am more confirmed in the opinion, that with a suitable building, a well-organized system of good management, the Penitentiary may become a public benefit."³⁰

The combination of financial and moral failures led other southern states to favor the Auburn system. Nearly two decades after the introduction of the penitentiary, the public began debating the benefits of incarceration against corporal punishment. A local citizen wrote to the *Alexandria Gazette*, "For one man who would prefer death to the penitentiary, there are a hundred who would select the other alternative...If death addresses itself the most powerfully to the imagination, we should resort to it." Meanwhile, legislators argued that the penitentiary represented, "one of the distinct lines of separation between a barbarous and an enlightened age." The committee, superintendent, and legislators all documented unruly conditions due to

²⁹ Keve, *History of Corrections in Virginia*, 58; Grant, *History of the State Penitentiary of Virginia*, 109-10; *Richmond Commercial Compiler*, July 10, 1817; *Richmond Enquirer*, July 24, 1821.

³⁰ *Richmond Whig*, February 16, 1841; Coulson, "The Penitentiary at Richmond," 80-1; Brumfield, *Virginia State Penitentiary*, 37, 47; Grant, *History of the State Penitentiary of Virginia*, 87-8.

overcrowding. Superintendent Parsons pointed out an instance in which “several male inmates” broke into the apartment of a female inmate “with her assistance.” The female became pregnant and delivered the first child born at the penitentiary. An editorial by “One of the People” noted failures of the system’s dual purpose of reform and deterrence. He insisted, “Its operation has rather been that of a great Lancastrian school for the dissemination of rascality.” Public demand for change might have influenced the appointment of Edmund Pendleton Jr., former clerk of the Committee of Propositions and Grievances, as superintendent in 1822, but he only served for two years before Samuel Parsons returned to the position.³¹

Overcrowding and the aging structure remained a primary problem. Superintendent Parsons and Governor James Pleasants utilized a variety of methods to combat it at the penitentiary. Each year approximately one-sixth to one-half of the prisoners received pardons to alleviate overcrowding at the penitentiary. Still, the inspectors commented, “It is remarkable that so few of the convicts die, when we reflect that they are almost totally deprived of healthy air, and literally crowded together at night in close and small rooms.” Prison reports indicate that inmates died each year from a variety of illnesses that arose from unsanitary conditions. In 1822, in part to deal with overcrowding, the General Assembly determined that any Free Black who committed an offense punishable by confinement in the penitentiary could be sold into “absolute slavery.” As a result, the state sold forty-four Free Black citizens into slavery over four years. The legislature repealed the law after four years, however, for being, “incompatible with every

³¹ *Alexandria Gazette*, November 9, 1822, February 14, 1824; Ayers, *Vengeance & Justice*, 55; Coulson, “The Penitentiary at Richmond,” 118-22; *Richmond Enquirer*, January 31, 1824; *Journal of the House of Delegates of the Commonwealth of Virginia, Begun and Held at the Capitol, in the City of Richmond, on Monday the Fourth Day of December, One Thousand Eight Hundred and Twenty* (Richmond: Thomas Ritchie, 1820), 14.

principal of morality and justice, and directly repugnant to the just, humane, and liberal policy of Virginia.”³²

The inmate population continued to increase despite the efforts to discharge convicts in any manner possible. Prisoners sometimes responded to the overcrowded conditions with sabotage and arson. Alarm bells rang at the penitentiary shortly after midnight on August 8, 1823. A fire began in the eastern end of the shoe shop on the east side of the semicircular building. Officers determined the flames were out of control and endangered lives. The turnkeys released most of the prisoners with assistance from the Public Guard and citizens. A few inmates remained trapped on the upper levels inside locked cells, but the firemen forcefully removed the iron gratings and broke through the brick walls. Armed citizens marched the convicts from a valley below the prison to the portico of the State Capitol. There were no reported attempts to escape by the 244 inmates, who “behaved remarkably well.” The entire complex was damaged except for a few of the cells, dining room, and kitchen. Completed wagons and ploughs were nearly all saved, but the timber supply burned. The Penitentiary Committee had recommended replacing the shingle roof with a slate roof in January, but the legislature failed to appropriate money for the change. Officials estimated the value of the semicircular building at \$140,000, and the central building of workshops worth nearly \$50,000. Repairs to the penitentiary began the following day and utilized convict labor.³³

The fire at least created an opportunity to examine the existing layout and consider remedies for overcrowding. A critical editorial summarized the shortcomings of the penitentiary design, especially the room layout rooms. Supporting the Auburn system, the author noted,

³² Keve, *History of Corrections in Virginia*, 44, 52, 58; Ayers, *Vengeance & Justice*, 62.

³³ Brumfield, *Virginia State Penitentiary*, 37; Keve, *History of Corrections in Virginia*, 52-3; Grant, *History of the State Penitentiary of Virginia*, 88-90; *Alexandria Gazette*, August 12, 1823; *Richmond Enquirer*, August 12, 1823, August 15, 1823; Coulson, “The Penitentiary at Richmond,” 103-4.

“Pennsylvania, New York, and we believe Louisiana are at present erecting penitentiaries upon new principals,” and reminded readers that, “evil communication corrupts the morals.” A guard of thirty men secured the penitentiary throughout reconstruction. Male convicts returned to the penitentiary on September 13, while the female inmates remained at the armory for an extended time. On December 6, the General Assembly passed a resolution requesting alterations to cell design during reconstruction. Other suggested additions included adding a hospital and solitary cells on the upper floors, along with a new brick wall around the penitentiary that measured seventeen-feet-tall and 317-feet-long on each side with sentry posts on two opposite corners. The legislators suggested slate covering on the new roof and sheet iron interlaid within the plank floors to prevent the spread of fire. A gutter system could collect water in cisterns with a step wheel to raise water for a fire engine and other machinery.³⁴

The state legislature ordered the repairs and additions to the penitentiary on March 9, 1824, with an appropriation of \$38,000. On March 30, Superintendent Parsons advertised for 500 to 800 pieces of stone, 1,500,000 bricks, slate to cover the roofs, and a large quantity of timber. During construction the workers discovered five subterranean apartments originally built to serve as solitary dungeons. Construction continued throughout the summer, and by August convict labor completed the two workshops in the main building and connecting walls. The east and west wings of the semi-circular building were repaired and covered with slate. The west wing now included a hospital apartment, female lodgings, and a kitchen. The east wing added thirty-six new cells, for a total of 180 total cells. The large female apartment became several

³⁴ *Richmond Enquirer*, August 12, 1823, December 4, 1823, December 23, 1823, February 5, 1824; *Alexandria Gazette*, August 23, 1823, September 13, 1823, September 16, 1823, February 14, 1824; Grant, *History of the State Penitentiary of Virginia*, 99; Brumfield, *Virginia State Penitentiary*, 40.

solitary cells to allow segregation by race. Repairs and additions neared completion by November.³⁵

In response to the disastrous fire, Superintendent Parsons meanwhile instated stricter rules, regulations, and consequences for both prisoners and guards. Punishments included multiple lashes, food deprivation, and solitary confinement. Inmates who broke silence received twenty-four hours of solitary confinement, followed by ten lashes and forty-eight hours of confinement for subsequent violations. Guards used force to compel prisoners to work and administered discipline for violations, while also inspecting the health, cleanliness, and morals of the inmates.³⁶

From 1800 to 1824 the penitentiary received 1,366 prisoners. Nearly 10 percent, or 130 inmates, died while incarcerated (see Table 1.2). The following year Superintendent Parsons acknowledged the high mortality rate and admitted solitary confinement was a factor. Politicians and prison officials now searched for ways to improve conditions at the penitentiary.

Democratic Governor William Branch Giles also instructed Superintendent Parsons to investigate other state penitentiaries for new methods to improve discipline and management in Richmond. Parsons visited the Eastern State Penitentiary in Philadelphia. He still favored Virginia's system, and offered no specific critique in a letter to Governor Giles. Instead, Parsons praised the fact that only one White woman was incarcerated. Still, recidivism was a problem as seventy-five inmates served second, third, and fourth terms (see Table 1.1).³⁷

³⁵ Coulson, "The Penitentiary at Richmond," 110; Brumfield, *Virginia State Penitentiary*, 38, 42; *Richmond Enquirer*, March 30, 1824, August 20, 1824; Grant, *History of the State Penitentiary of Virginia*, 90-4; Keve, *History of Corrections in Virginia*, 55.

³⁶ Coulson, "The Penitentiary at Richmond," 122-24; Brumfield, *Virginia State Penitentiary*, 47; Keve, *History of Corrections in Virginia*, 37.

³⁷ Brumfield, *Virginia State Penitentiary*, 47; *Richmond Enquirer*, December 2, 1828; *Alexandria Gazette*, December 28, 1827; Coulson, "The Penitentiary at Richmond," 150, 169; Grant, *History of the State Penitentiary of Virginia*, 125.

State government through the next decade continued to see the prison as a profit-maker. In 1827 the General Assembly appropriated \$3,000 to purchase a steam engine and machinery for a wool factory. Parsons advertised for an assistant--“a man of regular habits, strict integrity, prompt and active”--who specialized in weaving and was capable of instructing others in drawing and weaving. The new building housed the spinning and carding rooms divided into six enclosures on the first floor and seven on the upper level. The weaving building also included thirteen cells, which increased the total number of individual sleeping cells to 127.³⁸

Despite the expansion, the penitentiary officials and legislature continued to search for ways to combat overcrowding and increase revenue. The courts sentenced a steady stream of convicts and officials attempted to manage the inmate population. The inmate population reached 167 in 1825, consisting of prisoners from ten states and six countries, including ten from Ireland. In 1825 the General Assembly instated a two-year minimum on all sentences for Whites and a five-year minimum for Free Blacks. Over the next three years the laws in Virginia allowed Free Blacks convicted of crimes to be held temporarily at the penitentiary and sold into slavery outside of the state. Within two years, thirty-five Free Blacks were enslaved as a result. Wider trends regarding slavery also affected the prison. Slave traders in New Orleans and other southern cities increasingly marketed slaves from the Commonwealth to potential buyers. In the following three decades nearly 280,000 slaves from Virginia relocated across the Deep South, including more than 600 slave convicts sold down the river by the state (see Table 1.3).

³⁸ Grant, *History of the State Penitentiary of Virginia*, 104-6, 112-13; *Richmond Enquirer*, March 19, 1830.

Governor Giles did help repeal the law on February 12, 1828, so that Free Blacks served time in the penitentiary rather than being enslaved.³⁹

Superintendent Parsons resigned on March 25, 1828, to direct an internal improvement project near Philadelphia, Pennsylvania. The General Assembly elected Charles Stephen Morgan, who had previously served in both the Virginia House and Senate, as keeper of the penitentiary, at the relatively youthful age of thirty-three. The inspectors described Superintendent Morgan as “a gentleman of great industry and ingenuity.” Morgan argued for an increase of mandatory minimum sentences to five years to allow inmates to adopt temperance and master a trade. Conversely, he cautioned against terms longer than seventeen years, except for murder, as the prisoners often became despondent and unruly. Morgan’s wife and other local women volunteered to instruct female inmates on Sundays, but it is unclear whether it was educational or religious. Morgan requested that visitors avoid the shops and interior of the prison. He explained, “I feel that it is wrong to inflict further humiliation upon the prisoner by subjecting him to the gaze of this class.” He worked in the prison system for the subsequent twenty-seven years.⁴⁰

Under Superintendent Morgan’s direction the penitentiary also revised the expectations of inmates, guards, and officials. The assistant keeper of each ward purchased raw materials for the associated workshop, monitored the manufacturing process, delivered finished products to the agent, and drafting invoices. In a manner remarkably similar to the Auburn system,

³⁹ Keve, *History of Corrections in Virginia*, 52; Brumfield, *Virginia State Penitentiary*, 40-1; Coulson, “The Penitentiary at Richmond,” 125; Ervin L. Jordan, Jr., *Black Confederates and Afro-Yankees in Civil War Virginia* (Charlottesville: University Press of Virginia, 1995), 5; Grant, *History of the State Penitentiary of Virginia*, 104; Philip J. Schwartz, *Slave Laws in Virginia* (Athens: University of Georgia Press, 2010), 194. For more information see Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge: Harvard University Press, 2013); Anthony Gene Carey, *Sold Down the River: Slavery in the Lower Chattahoochee Valley of Alabama and Georgia* (Tuscaloosa: University of Alabama Press, 2011).

⁴⁰ Henderson, ed., *Penal and Reformatory Institutions*, 57; Keve, *History of Corrections in Virginia*, 43-4; *Alexandria Gazette*, March 30, 1832; Brumfield, *Virginia State Penitentiary*, 45.

inspectors reported the conversion to management. Most of the prisoners lodged and ate separately. To pass the time, inmates engaged in carding, spinning, and weaving cotton and wool fabrics in the textile factory. Prisoners also manufactured textiles of different patterns and various colors. General Agent Thomas G. Moncure reported that a fulling mill neared completion at the penitentiary, and promoted sales of winter clothing and shoes for male and female slaves to farmers and merchants at his store near Market Bridge on Main Street. He also advertised wrought nails, wagons, ploughs, harness, and wood-ware at reduced prices. The majority of inmates labored in the harness, carpentry, and blacksmithing shops, where they fabricated cars for the Chesterfield Railroad.⁴¹

Yet, production capacity in the workshops dropped precipitously from the loss of inmates who suffered from the prison's unhealthy conditions. From 1826 to 1833, the penitentiary received 615 prisoners, of which two hundred would eventually die. The stagnant pool of wastewater near the penitentiary allegedly spread "offensive miasma," throughout the cells and workshops, yet was not drained for several more years. Richmond also suffered an outbreak of cholera in September and October 1832 that affected the entire complex, including Superintendent Morgan, who nearly died. The penitentiary's physician paid for medicines out of his own meager salary, and admitted to four fatal cases on September 24th. Only one week later the outbreak spread and Morgan reported forty-five prisoners affected, which temporarily suspended business at the penitentiary.⁴²

By late October 1833, the cholera outbreak in Richmond had killed nearly 450 citizens as well as twenty-nine convicts. An editorial suggested, "Better they should escape, or had been

⁴¹ Coulson, "The Penitentiary at Richmond," 123-24; *Alexandria Gazette*, March 30, 1832; *Richmond Enquirer*, October 12, 1832.

⁴² Grant, *History of the State Penitentiary of Virginia*, 114, 125; Keve, *History of Corrections in Virginia*, 43, 59; *Richmond Enquirer*, October 2, 1832.

hanged at first, than that they should be compelled to meet death in so horrid a form.” In desperation, inmates constructed six large windows with grates and blinds on the south wall, and expanded the north wall outward by one hundred feet to increase ventilation within the complex. The legislature passed a resolution to improve the water supply by laying new pipes, but economic instability from the Panic of 1837 delayed the project for five long years. The separate hospital building neared completion, but the physician worried that the poor diet would still contribute to ill health, especially scurvy. As a result, the board suggested adding a garden to increase vegetables in the diet. Within four years the inmates raised crops on nearly five acres.⁴³

Across the globe, the penitentiary in Richmond began to attract the gaze of reformers and activists. In 1833, a London merchant and influential leader in the British prison reform movement, William Crawford, toured seventeen prisons in the United States on behalf of the British government (see Illustration 1.7). He damned the solitary cells in Richmond as “calculated to inflict bodily suffering by darkness, cold and disease, than to leave the prisoner to the natural and beneficial effects of silence and separation...The cells are cold and damp, and an instance has occurred of a prisoners feet having been frozen while confined there.” He added that the prisoners did not receive moral instruction or attend religious services until 1835. Each cell included a Bible, but a shortage of lighting and literacy mitigated its use. Crawford further wrote that visitors, including family members, were not permitted within the interior of the prison, except in the case of illness. Superintendent Morgan defended this policy by arguing that visitors drained staff time, increased disciplinary problems, and humiliated the inmates. Instead,

⁴³ Grant, *History of the State Penitentiary of Virginia*, 105, 116, 118-19, 123, 128; Brumfield, *Virginia State Penitentiary*, 43-4, 46-7; Keve, *History of Corrections in Virginia*, 41, 60; Coulson, “The Penitentiary at Richmond,” 172-73; *Richmond Whig*, February 16, 1841; *Lynchburg Virginian*, March 29, 1832; *Alexandria Gazette*, September 25, 1832, October 26, 1832; *Richmond Enquirer*, May 21, 1833, September 20, 1833.

he permitted one letter every three months. Crawford finally questioned why prisoners were not permitted to perform labor or engage in moral reflection while in solitary confinement.⁴⁴

Closer to home, the Richmond penitentiary attracted attention from reformers based in the United States. In March 1833 representatives from the Boston Prison Discipline Society inspected the penitentiary and suggested abandoning the policy of mandatory solitary confinement. Superintendent Morgan required prisoners to spend one week in solitary every three months, as well as their final month of the sentence. The visitors described solitary as “a dungeon,” with no heat or natural light. Guards chained prisoners to damp, frigid walls. The negative report brought a response. The legislature ended the requirement for solitary confinement on March 9. Morgan refused to comply. He maintained the practice informally for almost five more years, supposedly as a deterrent. Whippings remained the most common punishment, however. They occurred in private, under the direction of the superintendent. Inmates who received lashes were laid over a barrel, with one person holding their head and shoulders while another held their feet. The whip consisted of a broad strip of leather with a wooden handle. As an example, a black female inmate received six lashes in 1833 for talking to a prisoner through the drainpipe of the cell. Crawford’s report noted, “the females are not subject to the same regulations as the men, either in their general movement or as it regards solitary confinement.”⁴⁵

⁴⁴ 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: n.p., 1834), 106-16; Keve, *History of Corrections in Virginia*, 38-9, 41, 56-7; Coulson, “The Penitentiary at Richmond,” 172-74; Zombek, “Transcending Stereotypes,” 146; Ayers, *Vengeance & Justice*, 38; Brumfield, *Virginia State Penitentiary*, 31; Jordan, Jr., *Black Confederates and Afro-Yankees in Civil War Virginia*, 166.

⁴⁵ Coulson, “The Penitentiary at Richmond,” 110-12, 175; Keve, *History of Corrections in Virginia*, 41-3, 57-8; Grant, *History of the State Penitentiary of Virginia*, 116-20; Henderson, ed., *Penal and Reformatory Institutions*, 55; Zombek, “Transcending Stereotypes,” 122, 124; Crawford, *Report of William Crawford, esq. on the Penitentiaries of the United States*, 109.

Such criticisms continued for a decade. In 1842 the Boston Prison Discipline Society rated the Virginia Penitentiary as “defective” in its design and “very bad” for a lack of religious instruction. After the noted prison reformer Dorothea Dix visited the penitentiary, she complained, “The state prison at Richmond, Virginia, is destitute of a chaplain, and of those general provisions for instruction, which are so important in prisons.” Dix questioned whether working in the workshops endangered the inmates’ health due to poor ventilation. She emphasized that physical labor should be balanced with access to religious services, chaplains, and Bibles.⁴⁶

Beyond the moral issues surrounding the Richmond penitentiary, economic issues remained paramount. They particularly soured Superintendent Morgan’s relationship with the local community. Convict labor increasingly competed with local industry, and finally it too attracted attention from the public nationwide. Silas M. Stillwell, the Whig Candidate for Lieutenant Governor of New York in 1834, wrote a letter that reached both the General Assembly and mechanics of Virginia. He voiced complaints against “competition with the state itself.” He suggested that the prison system was “defrauding the people of the state, to dispose of the labor of the convict for less than it is worth.” He proposed instead that the labor of the convicts be applied to public works, including the construction of marble or stone academies or colleges across the state. He also supported using convict labor to provide materials for the construction of canals or railroads. In Virginia, however, working men’s organizations remained focused on competition from Free Black merchants and artisans.⁴⁷

Indeed, most people thought that the prison needed to be making more money, not less. Penitentiary officials, legislators, board members, and the public all expressed frustration that the

⁴⁶ Coulson, “The Penitentiary at Richmond,” 152-53, 179-80, 183.

⁴⁷ *Richmond Whig*, September 26, 1834; *Richmond Enquirer*, May 21, 1841.

penitentiary remained a drain on the treasury after four decades of operation. From October 1832 to September 1840, the treasury paid out \$98,332.44 to the penitentiary, while agents received large commissions and deposited only \$51,630.44. The Panic of 1837 disrupted the economy in Virginia into the mid-1840s, and sales conducted on credit were not always paid in a timely manner. The prisoners supplied \$20,500.95 of clothing to the Richmond lunatic hospital, but the penitentiary still accumulated a negative balance of \$26,201.05 over the period. The largest expense remained the high cost of transporting convicts over the eight-year period, which totaled \$44,538.36, or an average of \$5,567.29.⁴⁸

In response to the need to make money, the penitentiary among other things operated a quasi-slave market. In the first four decades the prison in Richmond held a total of 2,028 prisoners including 1,539 White men, twenty-seven White women, 412, black men, and fifty black women (see Table 1.2). In 1839 the General Assembly directed the treasury to pay the cash price to the owners of convicted slaves. To avoid a financial disaster, the assembly further empowered the governor commute death sentences in favor of sale and transportation.

Convicted slaves sat idly while awaiting deals with traders, who often resorted to various illegal schemes. This process reimbursed cash to the state and provided the appearance of punitive action. In 1843 the General Assembly increased the minimum sentence for Whites to three years, but maintained that for Free Blacks at five years.⁴⁹

Within the Richmond business community the position of penitentiary storekeeper increasingly became a coveted position due to the generous commissions. Yet fraud also became an issue. General Agent J. G. Watson advertised penitentiary goods at his store located on the

⁴⁸ *Richmond Whig*, February 16, 1841; *Alexandria Gazette*, January 13, 1842. Grant, *History of the State Penitentiary of Virginia*, 122-23. Despite the economic hardships the workshops achieved sales of \$18,068.72 in 1838 and increased to \$21,652.37 by 1841.

⁴⁹ Keve, *History of Corrections in Virginia*, 47-9, 52; Zombek, "Transcending Stereotypes," 226; Brumfield, *Virginia State Penitentiary*, 48; Grant, *History of the State Penitentiary of Virginia*, 130.

cross street leading from Main Street to Mayo's Bridge. On February 12, 1841, the Board of Directors presented a report with criminal charges against the general agent. An investigative committee confirmed the charges, and found Watson to be "utterly and wholly incompetent for the discharge of the duties of the office." An editorial commented, "Whigs will not assume the responsibility of continuing in office an individual convicted by his own admissions." Yet the vote for general agent in the House of Delegates on February 22 resulted in a split between the allegedly corrupt Watson with seventy-eight votes, a man named John Wight with seventy-three, and three for other men. An editorial asked, "What motives induced these gentlemen to vote for an incompetent officer, we know not." Another editorial criticized the legislature as "the weakest, the most idle, and the most fractious, that in twenty years we had ever seen here," and suggested, "No man in Virginia but a member of Assembly could have beaten Wight."⁵⁰

In 1846 the General Assembly revised the Code of Virginia in an effort to increase regulation and sales revenue. The changes permitted the governor to fill a vacancy of the superintendent or general agent of the penitentiary if the death, resignation, or incapacity to perform the duties of the office, until the General Assembly confirmed the position by election. The governor could also appoint a replacement during a recess until the assembly identified a successor. The general agent was permitted to continue personal business, but was expected to prioritize the sale of articles manufactured at the penitentiary. He received an 8 percent commission on all sales, 6 percent on jobs for the Commonwealth, and 2.5 percent on sales at auction authorized by the Board of Directors. The superintendent or general agent purchased provisions with approval from the Board of Directors and certification by the auditor for

⁵⁰ *Lynchburg Virginian*, August 17, 1840; *Richmond Whig*, February 23, 1841, March 7, 1843.

payment out of the public treasury. The board reviewed a weekly account of deliveries, sales, work done, and the cash received each week at the penitentiary.⁵¹

Despite all of its activities, the penitentiary remained a drain on the treasury, despite the efforts of legislators and officials. In 1846 Democratic Governor William Smith wrote: “The penitentiary institution is not as productive, it seems to me, as it should be.” He then warned that “every year this balance is increasing.” He recommended renting the workshops to the highest bidder, as had been done in other states. An editorial by “Justice” responded that the current directors, superintendent, and agent were not responsible for the large expenditures of former years, but even he admitted, “Great errors, extravagances, and defalcations may have taken place.” The superintendent reported a balance of \$7,204.43, but the deduction of \$3,905.74 to the general agent reduced the net profit to \$3,298.69. The superintendent reported sales of \$26,565.17 along with \$45,551.19 from the general agent for a total of \$72,116.36, which included \$8,000 for the treasury. From 1844 to 1848, the penitentiary netted an annual profit of \$1,980. The storekeeper paid \$4,500 into the treasury in 1845 and 1846, followed by \$8,000 in 1847, and \$10,500 in 1848. A subsequent editorial questioned the accuracy of the figures, and whether expenditures offset the deposits. Another anonymous author questioned the system of management and agreed with Smith about leasing the penitentiary.⁵²

Governor Smith was not done. He called for an investigation. It determined that the penitentiary cost \$135,546.11 from May 6, 1797, to October 1, 1806, and \$68,336.99 from October 1816 to October 1836, for an aggregate of \$203,883.40. Charges on the account from 1806 to 1816 were unknown. From 1816 to 1847 it showed a loss of \$431,033.47. An editorial

⁵¹ *Revision and Digest of the Criminal Code of Virginia* (Richmond: Shepherd and Colin, 1846), 293-98, 302-6.

⁵² *Richmond Enquirer*, December 7, 1847, December 5, 1848; *Richmond Whig*, December 14, 1847; Brumfield, *Virginia State Penitentiary*, 47.

by “Economy” cautioned, “In these times of high taxes, it behooves the legislature to look about and retrench every item of useless expenditure,” encouraging an immediate investigation into the finances of the penitentiary. He questioned why the general agent should earn \$176.79 for \$2,509.87 of improvements at Capitol Square. “Economy” pointed out that operations netted \$795.36 for two years, but the cost of transporting convicts reached \$8,582.70 annually. He agreed with suggestions to lease the penitentiary for at least \$20,000. In conclusion, he reminded readers, “Retrenchment is a Democratic principle and a Whig practice. The taxes are becoming oppressive.”⁵³

Scathing criticism such as this, as well as from reformers finally led directly to changes at the penitentiary. In 1849 “a friend to the prisoner” insisted, “though he is no longer a citizen, he is still a man, and has a right to be treated as a man.” He noted that other states appointed chaplains and teachers to improve education and decrease recidivism, while objecting to meeting on stools in a shoe shop rather than a suitable accommodation for public worship. Superintendent Morgan countered that the convicts attended a religious service every Sunday, performed by Millerite, Presbyterian, Baptist, Episcopalian, or Methodist preachers on different occasions. During these services the guards would release half of the inmates at a time to gather in the shoe shop. Everyone bowed their heads during prayer, sang hymns, and listened during the remarks of the clergymen. Visitors nonetheless described the image of young prisoners as the “most painful sight to us.” Meanwhile, local ladies visited on Sunday afternoons to deliver separate religious instruction to the females. The recidivism rate in Virginia, 1 to 16 and less than its counterparts in Pennsylvania and New York, encouraged Morgan to request the necessary funds for a full-time chaplain at the penitentiary.⁵⁴

⁵³ *Richmond Whig*, April 30, 1852.

⁵⁴ *Richmond Whig*, March 13, 1849, April 6, 1849; *Alexandria Gazette*, June 17, 1851.

Public opposition to convict labor, conversely, did not gain momentum in Virginia until the 1850s. Nestled within an editorial debate regarding convict labor, “Y.M.T.” questioned: “But has the State the moral right to use the labor of the convict to the injury of any class of person?” He determined that convict labor did not infringe on the right to his own labor, and the right to make that labor as profitable as possible. He further argued that the state “possessed of his liberty,” and thus could inflict punishment in the form of labor before concluding, “The state has as much right to work her convicts, as I have to make a man work for me, whose labor I have purchased for one year.” In 1852 the *Virginia Dispatch* reprinted an article in which Reverend John Spear of Boston advocated education to prevent crime and emphasized the moral aspects of reformation. He suspected that it cost less to educate than to build prisons. Spear addressed the complaints of mechanics against unequal competition created by convict labor, and asked, “Is it not better that he should be made to support himself than that the people should be made to support him?” He reminded the audience, “The greatest rogues are those of the greatest cunning that escape detection,” and applauded Virginia for the liberal allowance given to each convict upon discharge.⁵⁵

The penitentiary’s leadership remained more concerned with profit-and-loss. It struggled to become profitable due to the financial handicaps of transportation and reimbursements. The treasury still spent tens of thousands of dollars by compensating slave owners upon the execution of their slaves after conviction. Between 1846 and 1851 the treasury paid \$25,363 to owners for twenty-seven slaves but recovered only \$19,270 from the sale of the slaves. A letter to the editor of the *Richmond Whig* described seeing convict slaves from Virginia for sale illegally in open slave markets in Georgia. The author demanded: “Is it not outrageous to impose our convict negroes on the people of Georgia or any other State, and ought not those people to know of the

⁵⁵ *Christian Banner*, February 22, 1850; *Richmond Dispatch*, April 23, 1852.

imposition?” The editors of the *Montgomery Messenger* reported, “The thirteen penitentiary “peculiar institutions” would soon corrupt as many hundreds of good negroes. We hope they will not be brought to Alabama.” The *Richmond Dispatch*’s editors agreed, writing, “Those convicts are sold again in the Southern States in violation of comity between the states,” and confirmed, “Alabama has complained of it.” Attempts to offset the cost of reimbursing slave owners created conflicts with surrounding states and contributed to the overall financial distress.⁵⁶

The most costly setbacks at the penitentiary resulted from sabotage by inmates. The prison caught fire again on December 7, 1855, shortly after 8 o’clock in the evening. Guards sent a message to the armory and a detachment of forty men responded to the blaze. The Richmond fire company and a large group of armed citizens arrived to provide assistance. Authorities could not prove whether the steam engine caught fire or an inmate lit a bundle of greasy wool in the carding room, but the disaster occurred after the inmates were forced to work unusually late in the workshops. The inmates pumped water for Phoenix Engine No. 3 at a plug near the front gate, but flames consumed the shoe and tailor shops. The outside of the main cell building caught fire briefly but the prisoners could return to their cells after the flames were extinguished. Inmate Eliss Helms escaped during the chaos by simply stealing a fireman’s overcoat to conceal his prison uniform. The fire restricted workshop sales to \$45,421 for the year, which otherwise could have been as high as \$70,000. Thus, the fiery disaster cost money in the form of repairs and lost sales revenue.⁵⁷

⁵⁶ Coulson, “The Penitentiary at Richmond,” 193-95; *Richmond Whig*, July 2, 1852; *Alexandria Gazette*, October 1, 1857; *Richmond Dispatch*, December 9, 1857.

⁵⁷ *Richmond Enquirer*, December 12, 1854; Keve, *History of Corrections in Virginia*, 53-4; Brumfield, *Virginia State Penitentiary*, 52.

The Panic of 1857 forced officials to explore options hiring the inmates outside the walls. As tobacco factories temporarily closed in Richmond the number of unemployed Free Black citizens that committed crimes for survival increased. In response, Governor Henry A. Wise approved legislation that allowed Free Black and slave convicts to work outside of the penitentiary on public works to alleviate overcrowding. On May 15, businessman N. B. French hired fifteen Black convicts to construct a turnpike in Tazewell for six months. This antebellum arrangement marked the earliest example of convict leasing in Virginia. The James River and Kanawha Company then hired seventy-eight male and five female convicts for the North River improvement project (see Illustration 1.8). The company described the inmates as “superior to the ordinary class of hired negroes or foreign laborers, over whom no such control can be successfully exercised.”⁵⁸

In sum, Virginia built its state penitentiary decades ahead of other southern states and thus provided a flawed model to the rest of the South. The prison in Richmond operated a unique management and discipline system that was never widely emulated by others. The initial design created problematic lodging arrangements and the facility continually suffered from overcrowding. From 1800 to September 1858, the penitentiary held a total of 3,578 prisoners. The inmate population included 2,657 White inmates, of whom forty-eight were women, and 873 Free Blacks of which ninety-three were females (see Table 1.2). The penitentiary held at least 743 convict slaves with 727 transported and sold outside the state and 24 deaths (see Table 1.3). Throughout the antebellum era the prison population was nearly three-fourths White and mostly male, but the makeup changed constantly thanks to 562 pardons, 596 deaths, seventeen escapes, and 2,052 discharges. The prison gradually modified the Virginia system to include better

⁵⁸ Coulson, “The Penitentiary at Richmond,” 199-200; Ayers, *Vengeance & Justice*, 62, 67, 95; *Alexandria Gazette*, May 11, 1858, September 14, 1858, November 29, 1858; *Richmond Dispatch*, May 28, 1858; Brumfield, *Virginia State Penitentiary*, 53.

hospitals, improve health, and increase access to religious services and in so doing increasingly resembled the Auburn system.⁵⁹

The penitentiary in Richmond finally operated within a slave society that certainly influenced the adoption of forced labor. Inmates learned trades within the walls and produced a wide variety of goods that sold on the open market for considerable revenue. The workshops faced challenges from expensive materials, shortages of manpower shortages from illness, corrupt general agents, and destructive fires. Despite their efforts, inmates never generated enough revenue to make the penitentiary a profitable enterprise. The most profitable years for the workshops occurred during the War of 1812, when the military created a new market and purchased supplies from the penitentiary. One of the earliest examples of the profitability of the prison industrial complex, that is to say, occurred in wartime Richmond. The widening of sectionalism throughout the country during the turbulent 1850s increased the prospect of a civil war that could devastate the nation but again financially benefit the workshops and put the prison in the black.

⁵⁹ *Alexandria Gazette*, December 23, 1858; Brumfield, *Virginia State Penitentiary*, 47-8.

Table 1.1

Inmates Received at the Virginia Penitentiary in Richmond, 1800-1825.

Date	1 st Offense	2 nd or 3 rd Offense
1800	21	
1801	33	
1802	44	
1803	55	
1804	41	
1805	50	
1806	40	
1807	54	3
1808	37	1
1809	40	4
1810	25	1
1811	34	1
1812	49	5
1813	52	0
1814	34	3
1815	44	6
1816	68	6
1817	71	4
1818	49	6
1819	68	5
1820	92	5
1821	73	4
1822	105	5
1823	98	9
1824	59	4
1825	46	3
Total	1382	75

Source: Grant, *History of the State Penitentiary of Virginia*, 107.

Table 1.2

Inmate Population at the Virginia State Penitentiary in Richmond, 1800-1859.

Date	White Male	White Female	Free Black Male	Free Black Female	Total
1800					21
1801					19
1802					41
1803					68
1804					87
1805					90
1806					118
1807					113
1808					124
1809					121
1810					121
1811					112
1812					112
1813					117
1814					114
1815					106
1816					122
1817					158
1818					171
1819					168
1820					191
1821					211
1822					209
1823					220
1824					211
1825					191
1826					154
1827	135	2	8	2	147
1828	142	2	13	1	158
1829					149
1830					155
1831					168
1832					165
1833	84		31	9	124
1834	94	1	28	7	130
1835	115	1	36	8	160
1836					
1837					
1838	120	2	48	9	179
1839	112	3	58	8	181
1840					179
1841					
1842					196
1843					

1844	119		71		190
1845					
1846	140	3	78	4	225
1847	129	2	76	4	211
1848	116	1	81	2	200
1849	119	1	75	4	199
1850	126	1	58	4	189
1851	139	1	64	3	207
1852	139		84	3	226
1853					264
1854					
1855	220	1	74	15	310
1856	222	0	78	14	314
1857	218	2	84	9	313
1858	240	4	13	3	261
1859	243	6	84	8	341

Source: 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: n.p., 1834), 113; *Alexandria Gazette*, March 30, 1832, January 13, 1842, December 23, 1858, September 5, 1853, October 6, 1853; December 23, 1858, March 15, 1861; *Virginia Argus*, February 8, 1804; *Richmond Enquirer*, January 25, 1805, February 2, 1811; *Winchester Philanthropist*, January 13, 1807; *Virginia Argus*, February 21, 1809; *Richmond Enquirer*, December 2, 1828, August 13, 1833; *Lynchburg Virginian*, December 3, 1829; *Richmond Whig*, October 10, 1834, July 7, 1835; Grant, *History of the State Penitentiary of Virginia*, 75, 104, 123, 129, 137-38; Zombek, "Transcending Stereotypes," 226, 228; Keve, *History of Corrections in Virginia*, 40, 51, 53; Jordan, Jr., *Black Confederates and Afro-Yankees in Civil War Virginia*, 167.

Table 1.3

Number of Slaves at the Virginia State Penitentiary in Richmond, 1815-1859.

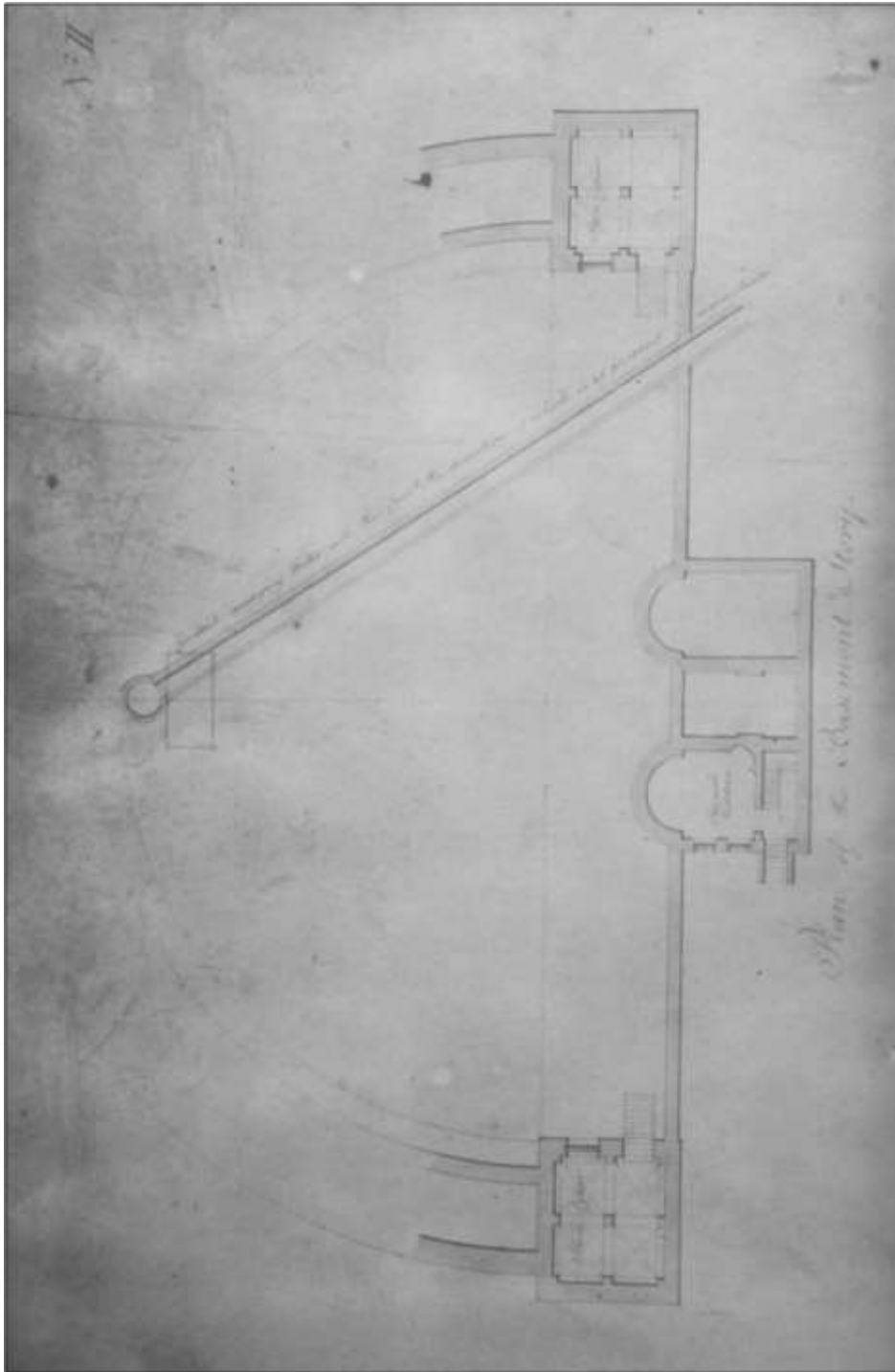
Year	Male Slave	Female Slave	Sold, Pardoned, or Returned	Died
1815	1		1	
1816	2		2	
1817	10		9	1
1818	17	2	18	1
1819	13	2	15	
1820	11	2	13	
1821	5		5	
1822	9	1	10	
1823	9		9	
1824	27	4	29	2
1825	16		22	2
1826	13	1	23	
1827	21	1	32	2
1828	14		14	1
1829	20	2	22	
1830	15	3	18	
1831	36		36	
1832	14	1	14	1
1833	15	1	44	
1834	15	5	20	
1835	9	1	10	
1836	10	1	11	
1837	16	6	22	
1838	3	2	5	
1839	14	1	13	2
1840	17	5	21	1
1841	12	1	12	1
1842	13		13	
1843	6		6	
1844	11	1	11	1
1845	16	1	17	
1846	4		4	
1847	6		6	
1848	11	1	12	
1849	10	2	11	1
1850	10	1	11	
1851	23	3	26	
1852	16	6	20	1
1853	8	2	9	1
1854	28	6	33	1
1855	25	4	28	1
1856	26	7	33	1
1857	27	9	35	
1858	22	4	1	1

1859	22	5	1	2
Totals	649	94	727	24

Source: *Annual Report of the Board of Directors of the Penitentiary Institution, Year ending September 30, 1860* (Richmond: William F. Ritchie, 1860), 31; *Annual Report of the Board of Directors of the Penitentiary Institution, Year Ending September 30, 1864* (Richmond: William F. Ritchie, 1864), 21; *Alexandria Gazette*, October 6, 1853.

Illustration 1.1

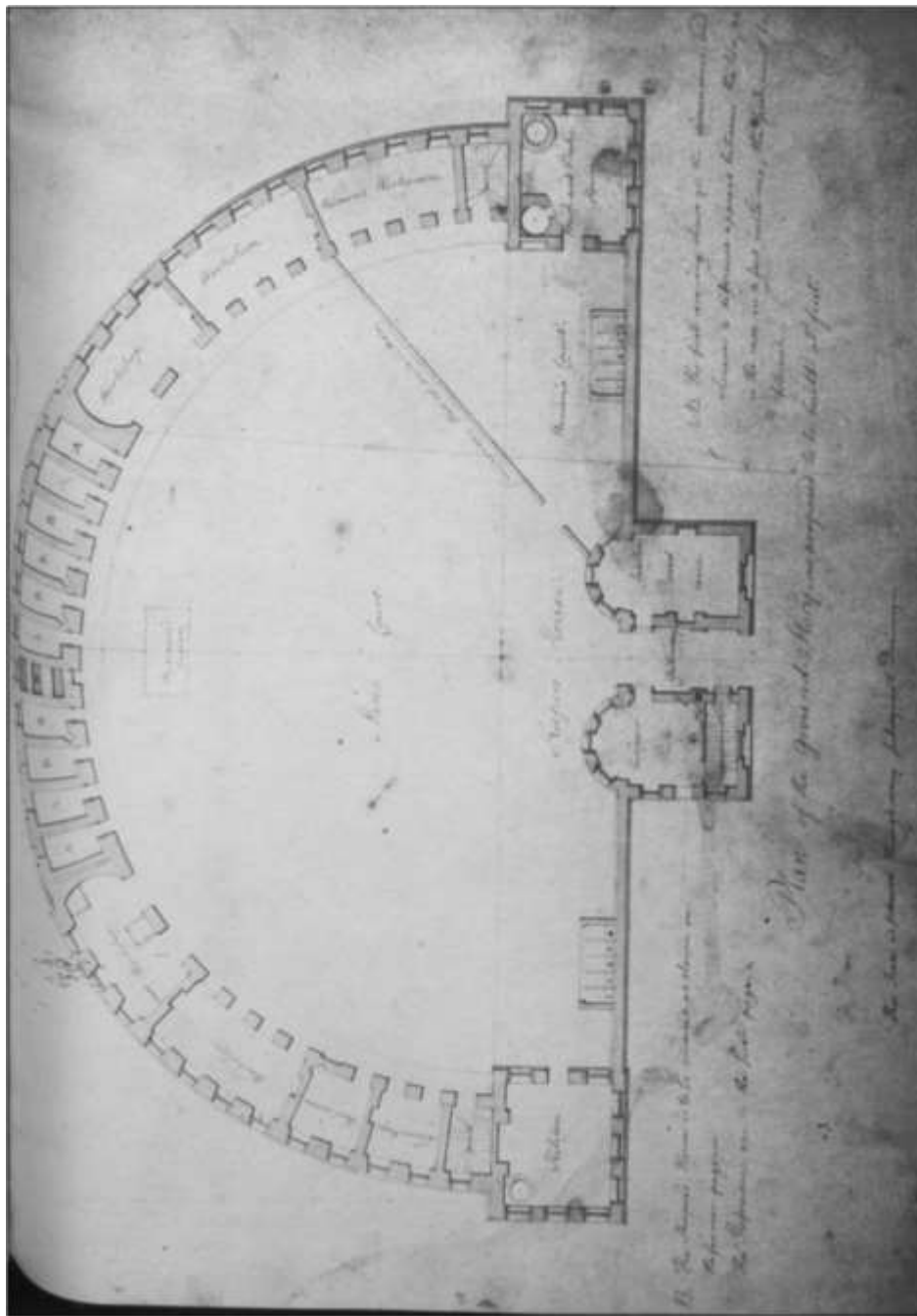
Ground Plan of the Virginia State Penitentiary, 1796, Detail 1.



Source: Mary Agnes Grant, *History of the State Penitentiary of Virginia* (M.A. thesis, College of William and Mary, 1936), 56.

Illustration 1.2

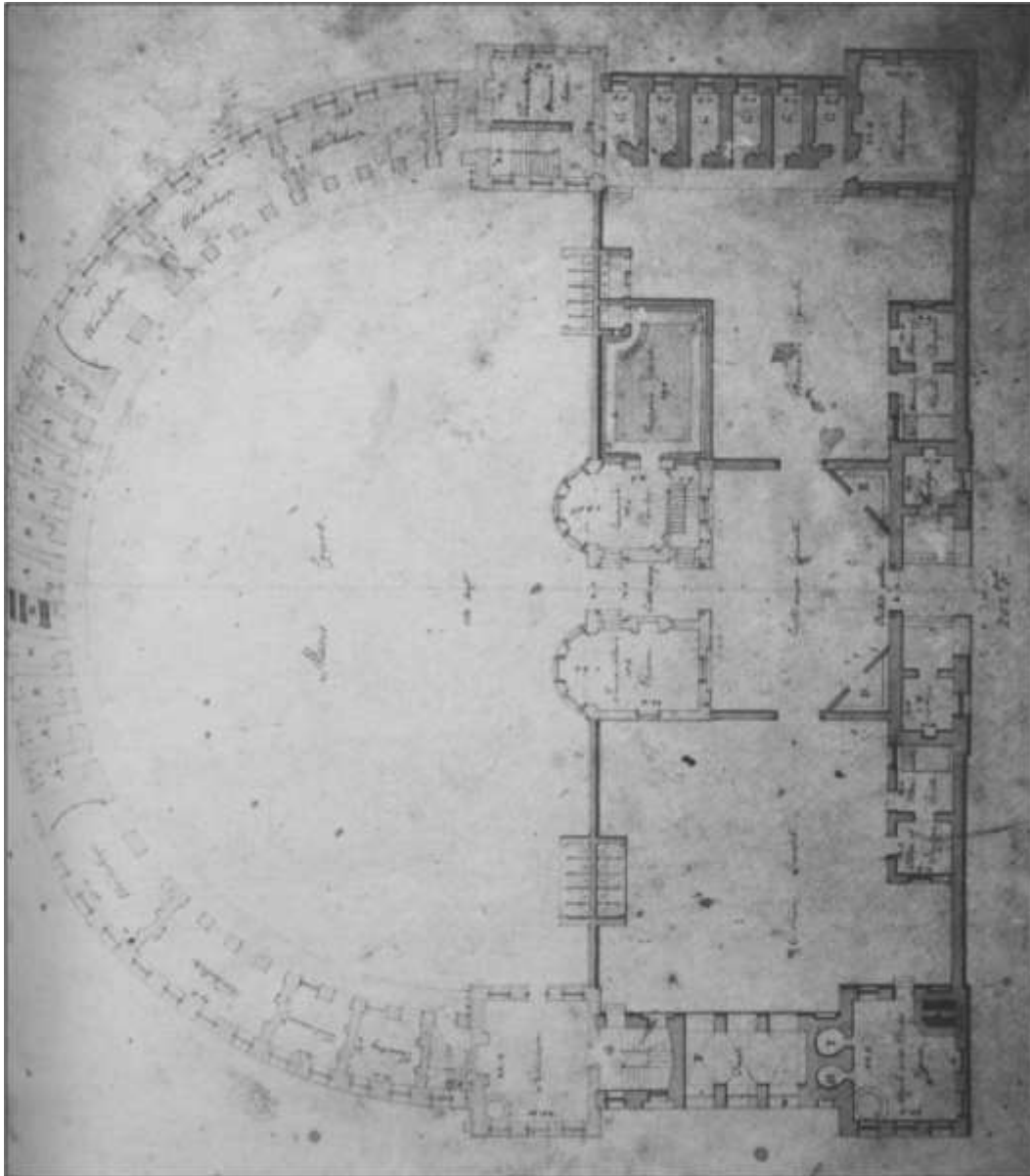
Ground Plan of the Virginia State Penitentiary, 1796, Detail 2.



Source: Mary Agnes Grant, *History of the State Penitentiary of Virginia* (M.A. thesis, College of William and Mary, 1936), 58.

Illustration 1.3

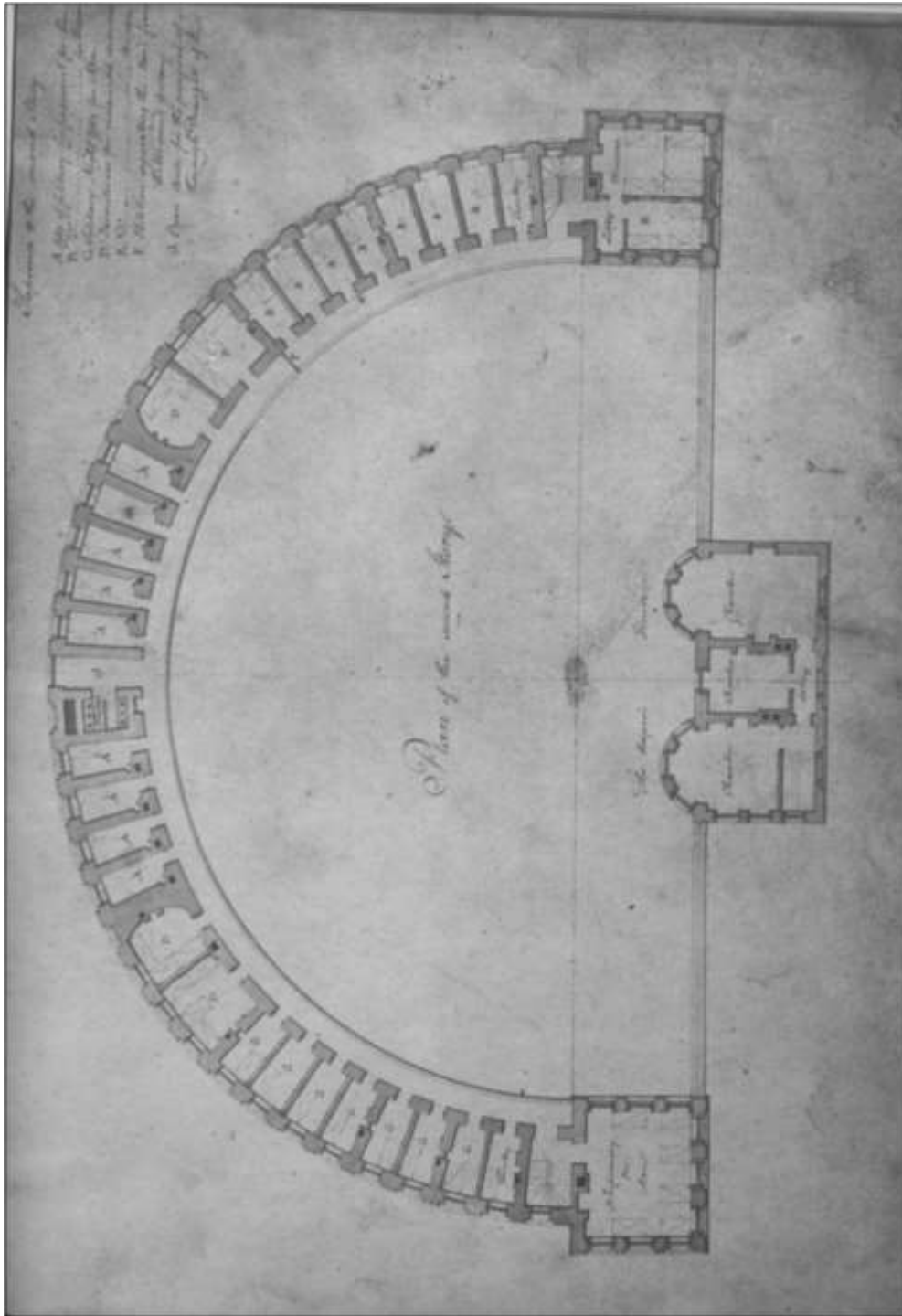
Ground Plan of the Virginia State Penitentiary, 1796, Detail 3.



Source: Mary Agnes Grant, *History of the State Penitentiary of Virginia* (M.A. thesis, College of William and Mary, 1936), 59.

Illustration 1.4

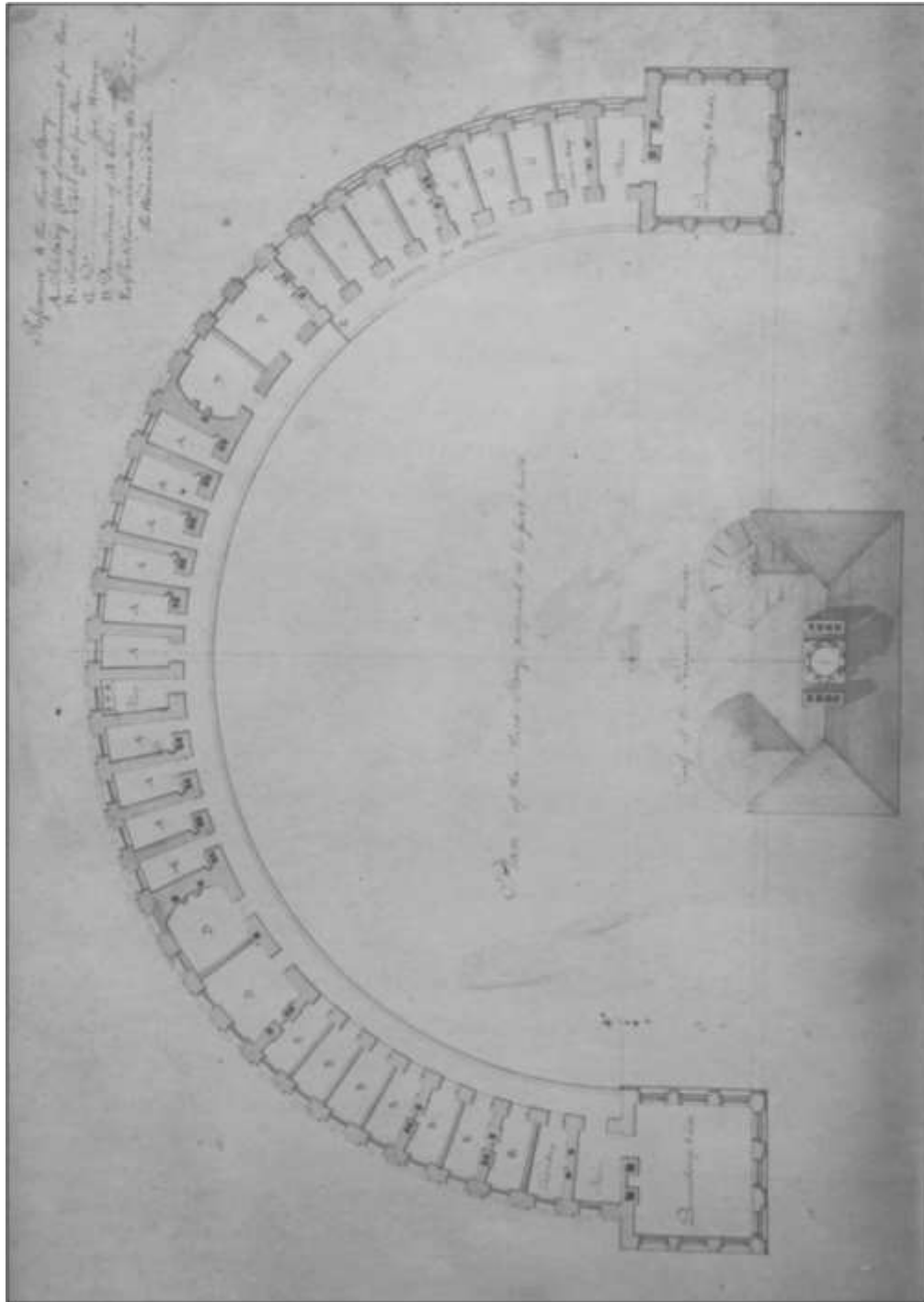
Ground Plan of the Virginia State Penitentiary, 1796, Detail 4.



Source: Mary Agnes Grant, *History of the State Penitentiary of Virginia* (M.A. thesis, College of William and Mary, 1936), 60.

Illustration 1.5

Ground Plan of the Virginia State Penitentiary, 1796, Detail 5.



Source: Mary Agnes Grant, *History of the State Penitentiary of Virginia* (M.A. thesis, College of William and Mary, 1936), 61.

Illustration 1.6

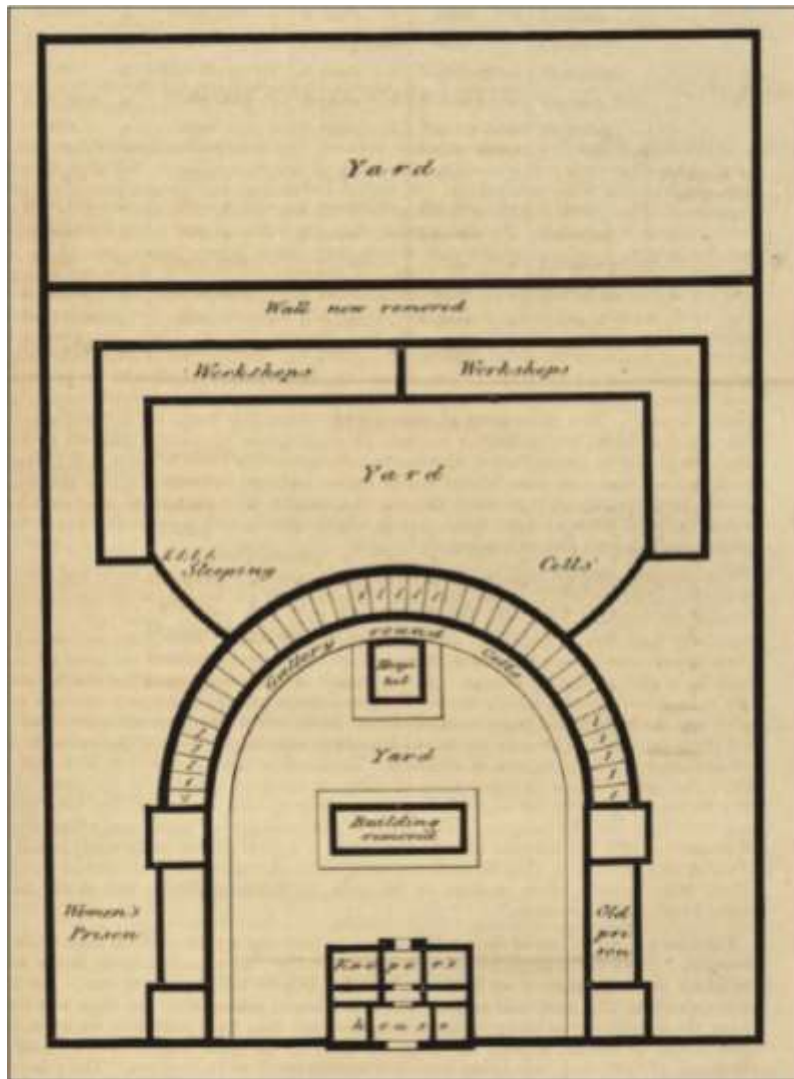
Front View of the Virginia State Penitentiary, 1830.



Source: Mary Agnes Grant, *History of the State Penitentiary of Virginia* (M.A. thesis, College of William and Mary, 1936), 115.

Illustration 1.7

Plan of the Virginia State Penitentiary, 1834.



Source: 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: n.p., 1834),

Illustration 1.8

Detail of a Map of Richmond, Virginia, circa 1856.



Source: Detail from Moses Ellyson, *Map of the City of Richmond*, 1856.

Chapter Two:

The Virginia State Penitentiary in Civil War Richmond (1859-1865)

Throughout the antebellum period, the Virginia State Penitentiary had struggled with the challenges of overcrowding, financial mismanagement, and opposition from competitors. Neither the new prison discipline system or prison expansion were intended for the positive benefit of convicts, but rather for the financial benefits of convict labor. After the two major fires the General Assembly invested large sums of money to maintain and rebuild the prison. With each opportunity the legislature built additional workshop buildings, but did not address the need for a new cell house. The dilemma of overcrowding thus persisted well into the Civil War. Instead of adding cells, antebellum governors pardoned antebellum felons to reduce the prison population, the legislature permitted slave convicts to be transported and sold outside of the state, and prison officials leased inmates to companies for labor outside the prison walls. Yet peacetime profits remained elusive. Although inmates manufactured a wide variety of products in the workshops for sale on the open market, ever-increasing convict transportation costs and exorbitant commission payments to general agents diminished even the most profitable years.

The Civil War changed the equation. Virginia was the only Confederate state with previous experience converting prison workshops to wartime production. The penitentiary in Richmond operated throughout the conflict and the workshops accumulated considerable sales revenue during the conflict (see Illustration 2.1 and 2.2). The outbreak of war halted expansion at the prison and a disastrous fire altered the variety of goods produced early in the conflict. As the war progressed the penitentiary underwent administrative changes and struggled to maintain the necessary personnel to provide security and instruction in trades. Nonetheless, the

workshops maintained production despite prohibitive costs, a growing scarcity of raw materials, and manpower problems involving both guards and inmates. Wartime governors pardoned dozens of convicts for military service, while the superintendents leased hundreds of other inmates to work in local factories and to build fortifications. Inmates in Richmond contributed to the Confederate war effort in many ways until the widespread destruction of the city in April 1865.

After twenty-six years of service as superintendent, Charles S. Morgan died on February 15, 1859. Democratic Governor Henry A. Wise appointed James F. Pendleton, former clerk of the Smyth County Court, who served in that capacity for three years. Pendleton inherited the dilemma of overcrowding. In order to relieve the pressure, he furthered the policy of leasing convicts outside of the prison walls. As an example, twenty-two male convicts helped build the Trans-Alleghany Lunatic Asylum in far-off Weston (now in West Virginia) from October 1859 to January 1860. N. B. French hired thirteen prisoners, Thomas Rosser and Company employed thirty-six male and seven female prisoners, the Bibb brothers leased sixty-eight male and nine female inmates, and the J. R. and Kanawha Company hired forty-three male and two female inmates. In 1860 the penitentiary also received a total of \$11,030.86 from convicts hired out on the public works and reported \$21,680.01 in sales from the workshops.¹

On March 13, 1860, in the aftermath of John Brown's Raid, the General Assembly re-authorized the enslavement, transportation, and sale into slavery of Free Blacks convicted of felonies. Primarily a security issue, this legislation also promised to affect the racial dynamic of

¹ Paul W. Keve, *The History of Corrections in Virginia* (Charlottesville: University Press of Virginia, 1986), 46; *Alexandria Gazette*, January 23, 1860; Dale M. Brumfield, *Virginia State Penitentiary: A Notorious History* (Charleston: History Press, 2017), 54; *Richmond Dispatch*, March 14, 1860; *Report of the Superintendent of the Virginia Penitentiary, March 1861* (Richmond: William F. Ritchie, 1861), 7-8; Frederick Johnson, ed., *Memorials of Old Virginia Clerks, Arranged Alphabetically by Counties, with Complete Index of Names, and Dates of Service from 1634 to the Present Time* (Lynchburg: J. P. Bell Company, 1888), 370.

the prison population. The decade began with an inmate population of 367 total convicts that included Free Black and enslaved convicts, while White prisoners remained the majority. In 1860 the average inmate was a single White male aged fifteen to thirty-years-old. The inmate population also included twelve women and one twelve-year-old girl. The average prisoner had received a term of three years and eight months for either grand larceny, murder in the second degree, burglary and larceny, forgery and counterfeiting, or horse stealing. Nearly 75 percent of the prisoners were born in Virginia, with the remainder from seventeen other states, eight foreign countries, including fifteen from Ireland. The administration described the population as generally healthy. Physician W. A. Patteson reported improved health among the inmates as a result of an improved diet, but also suggested purchasing thirty or forty acres of land to raise additional vegetables.²

A correspondent of the *Petersburg Express* visited the penitentiary just prior to the war and described the manufacturing operation. He praised the inmates' workmanship as, "durable, neatly finished, and of as good a quality, as any I have seen in Petersburg, Richmond, Baltimore, Philadelphia, or New York." In the storeroom where all the woolen and cotton fabrics were manufactured and packed, he saw large piles of cloth for winter wear, made for purchase by Richmond merchants. The shoe department was the largest and employed nearly one hundred inmates who stitched, sewed, hammered, and pegged. The prison showroom also included terrapins, pin cushions, walking canes, and other articles crafted by prisoners during their personal time. The sale of those items paid for medicine and "delicacies," with the balance paid to inmates upon discharge. The cells appeared clean, each equipped with a Bible, mirror, two cots, pillows, sheets, and blankets. The correspondent ascended two to three flights of stairs to

² *Annual Report of the Board of Directors of the Penitentiary Institution, Year ending September 30, 1860* (Richmond: William F. Ritchie, 1860), 6-8, 23-9, 37-8; *United States 1860 Federal Census*, NARA roll M653_1353, Page 472.

the separate cells holding fourteen female convicts and several children. Women at the prison sewed, knitted, washed, and ironed prison uniforms.³

The prison workshops operated at peak levels on the eve of the war, but sales revenue still did not yield a profit. In 1860 the penitentiary showed an increase of \$12,380.43 from the previous year, yet Superintendent Pendleton reported a negative balance of \$3,559.76. Storekeeper R. M. Nimmo reported \$55,451.92 in sales, from which he received \$4,436.15 in commissions. As in the past, the generous commission rate of the general agent undercut profits. Broken down by category, the shoe and harness shops employed seventy-six inmates and sold \$6,815.95 worth of products. Fifty-five convicts worked in the blacksmith and axe making shop, where they crafted 10,131 pole axes and other items worth \$6,158.52. The weaving department included forty-six inmates who reported \$7,036.87 in sales. The wheelwright and carpentry shops of forty inmates only sold \$4,823.98 of finished products.⁴

Almost immediately after taking the position, Superintendent Pendleton renewed calls to enlarge the penitentiary, which contained only 168 cells for 367 prisoners. Overcrowding still forced officials to lease prisoners outside of the walls, where they were prone to injuries and found opportunities to escape. Inmate Alexander Wright notoriously liberated himself on November 10, 1860, while employed at Capitol Square. Quietly slipping away from dinner, he made his way into the governor's kitchen, where he changed clothes and strolled past the guards. Convict labor beyond the prison nonetheless continued. Robert F. and D. G. Bibb employed thirty-eight prisoners to work on the Virginia and Kentucky Railroad, while Rosser & Launis hired nine more. The James River and Kanawha Canal Company leased twenty-seven prisoners. Some observers on the eve of war envisioned expanding the system. An editorial in the

³ *Richmond Whig*, May 11, 1860.

⁴ *Annual Report of the Board of Directors of the Penitentiary Institution, Year ending September 30, 1860*, 5-6, 12-19, 32-3, 35.

Alexandria Gazette suggested that utilizing convict labor in the coalmines could be “far more profitable than in attempting to employ them in mechanical pursuits.”⁵

In December 1860, the general agent showed outstanding debts of \$15,100.78, and a large supply of axes, woolens, and shoes on hand worth \$16,217.29. Meanwhile, the Board of Directors reported \$59,455.63 worth of manufactured articles waiting unsold at the penitentiary in addition to stock at the agent’s store. The shoe department required a \$15,000 appropriation simply to purchase raw materials. The General Assembly raised fresh concerns about the penitentiary after reviewing the profits and losses. Following an audit, Nimmo became the focus of their unhappiness. The legislators reported that Nimmo had not participated as expected, stating that “At this time it was impossible either for the agent to present, and consequently for the directors to audit an exact balance between the agent and the commonwealth.” A new investigation into the previous decade revealed discrepancies between the penitentiary and storekeeper accounts varying from \$2,000 to \$10,000. The angry assembly then passed a resolution declaring the penitentiary, “an incubus on the State Treasury for several years past.” Meanwhile, the Penitentiary Committee insisted that the agent limit the sale of manufactured goods on credit and collect all payments within two quarters. A special committee investigated the possibility of hiring out prisoners to dress granite for a new penitentiary and State Capitol, as well as distributing the stock on hand and leasing the existing prison. In his response, Representative James A. Seddon offered a resolution authorizing Governor John Letcher to

⁵ *Richmond Dispatch*, February 9, 1860; *Annual Report of the Board of Directors of the Penitentiary Institution, Year ending September 30, 1860*, 21, 33; *Alexandria Gazette*, November 13, 1860; *Richmond Whig*, March 22, 1861; *Report of the Board of Directors of the Virginia Penitentiary, March 1861* (Richmond: William F. Ritchie, 1861), 5, 9.

improve and expand the existing complex using convict labor. Thus, the legislature was poised to both reform and expand the penitentiary on the eve of war.⁶

On January 7, 1861, the General Assembly opened a special session with a response to the election of Abraham Lincoln. Governor Letcher suggested a national convention and constitutional amendments to preserve the Union, but in the instance of disunion he favored unity with the Border States. Following the secession of five Deep South states, the Virginia legislature adopted a joint resolution on January 21 that stated, “Every consideration of honor and interest demand that Virginia shall unite her destiny with the slaveholding states of the south.” On February 13, an elected secession convention met in Richmond for discussions that ultimately lasted into May. Well into April, conditional Unionists held the majority. The debate shifted in favor of secession only following the firing on Fort Sumter in April and the subsequent call for troops to put down the rebellion from President Lincoln. With Henry A. Wise breathing down their necks, the convention adopted the ordinance of secession by a vote of 88-55 on April 17, and voted to provisionally secede on the condition of a statewide ratification. Ten days later, Virginia offered to join the Confederate States of America with Richmond as the capital. On May 23, voters across the state approved the secession ordinance by a vote of 125,950 to 20,373.⁷

Virginia enlisted at least 192,924 soldiers during the war, which accounted for nearly 15 percent of the entire Confederate army. The state’s industry proved vital to the Confederate cause. The transportation of troops, supplies, and civilians along Virginia railroads also proved essential during the war. Virginia led all southern states in 1861 with 1,800 miles of existing

⁶ *Report of the Committee on Finance Relative to the Penitentiary of Virginia* (Richmond: William F. Ritchie, 1861), 3-4; *Alexandria Gazette*, March 26, 1861; *Alexandria Gazette*, April 6, 1861.

⁷ Kenneth W. Noe, *Southwest Virginia’s Railroad: Modernization and the Sectional Crisis in the Civil War Era* (Tuscaloosa: University of Alabama Press, 2003), 96-7; Richard F. Selcer, *Civil War America, 1850 to 1875* (New York: Facts on File, 2006), 231.

railway, and the capital invested only trailed Louisiana at \$38,548 per mile. Richmond served as a junction for five major railroad lines that facilitated the movement of people and goods in and out of the capital. The Virginia Central ran north to Hanover Junction, while the Richmond, Fredericksburg, and Potomac ran north to Fredericksburg. The Richmond and York River ran east to West Point. The Richmond and Danville ran southwest to Burkeville and Danville, while the Richmond and Petersburg ran south to Petersburg. The outbreak of war halted most expansion of railroads in Virginia and the existing tracks deteriorated throughout the conflict. The Richmond and Danville Railroad replaced worn out track by cannibalizing materials from smaller spurs and branches. As the war progressed the Virginia and Tennessee Railroad became a strategically vital connector to the western theater. The penitentiary workshops located at the center of Confederate power, Virginia's transportation web, and its industrial, provided essential goods that Confederate quartermasters distributed along these rail lines.⁸

Prison production quickly shifted to war manufacture. Administration initially tasked White felons with manufacturing munitions, while Free Black and slave convicts went out to build fortifications outside the city. As a method to further contribute to the war effort, inspectors recommended operating a tanning yard to process hides from soldier camps, and pointed out the availability of a state-owned lot a short distance north of the prison. Meanwhile, Joseph R. Anderson and Company, the Confederacy's largest industrial plant, hired dozens of inmates at the Tredegar Iron Works to help produce munitions, ships, canons, and railways for

⁸ Selcer, *Civil War America, 1850 to 1875*, 269; Robert C. Black, *The Railroads of the Confederacy* (Chapel Hill: University of North Carolina Press, 1998), 3-4, 9, 124, 176-77; Noe, *Southwest Virginia's Railroad*, 110-11.

the Confederacy. The facility was Virginia's largest iron manufacturer and located just south of the prison.⁹

Overcrowding increased at the penitentiary during the war and officials pursued a variety of options to remedy the problem. The inmate population ranged from 300 to 380 prisoners in penitentiary designed to hold only 250 (see Table 2.1). The administration initially focused on reducing numbers through the rental or sale of African-American prisoners. Existing laws in Virginia authorized the sale of slave convicts upon the condition that the slave was transported beyond the limits of the Confederacy. Superintendent Pendleton hired out inmates for upwards of \$175 per month for each male slave convict, while women and children brought \$50 per month (see Table 2.2). Often the work was brutal. Hired-out prisoners suffered abuse and injury at work projects, which sometimes resulted in lengthy recoveries and sometimes death. The penitentiary physician declared, "These men bear marks of hard usage, and some are rendered worthless for life." Laws regulated the number of lashes administered by the prison guards, but company overseers were not as restrained. In May 1861, twenty-four inmates returned in poor condition from the public works. Ben Cane and Ransom Hayward suffered from chronic diarrhea and fatigue. Cane spent six weeks in the hospital before dying from his stomach ailment, while Sam returned "feeble, badly used, and much whipped." Two weeks later, John Gaines arrived at the prison to receive treatment for lacerations. The physician noted, "numerous scars, from severe whipping, over almost every part of his body."¹⁰

⁹ Hilary Louise Coulson, "The Penitentiary at Richmond: Slavery, State Building, and Labor in the South's First State Prison," (PhD dissertation, University of California, San Diego, 2016), 207-8; *Message of the Governor of Virginia and Accompanying Documents* (Richmond: William F. Ritchie, 1862), 10, 18-9; John Knot, Confederate Papers Relating to Citizens or Business Firms, 1861-65, NARA, RG 109, M346, Roll 0557, document 27.

¹⁰ Angela A. Zombek, "Transcending Stereotypes: A Study of Civil War Military Prisons in the Context of Nineteenth-Century Penitentiaries and at Camp Chase, Castle Thunder, and Old Capitol Military Prisons," (PhD dissertation, University of Florida, 2012), 166; Coulson, "Penitentiary at Richmond," 200-3, 209-11; Brumfield, *Virginia State Penitentiary*, 53-4; *Message of the Governor of Virginia and Accompanying Documents*, 15.

Brutality was not simply a function of hiring out prisoners, however. Within the prison, guards compelled prisoners to engage in labor by force with various forms of discipline, which sometimes crossed the line from punishment to torture. One former guard insisted that Superintendent Pendleton was “not the proper man to be entrusted with the interests of an establishment of such magnitude.” He then mentioned a prisoner who secretly kept a private journal about “prison affairs” until it was found by the guards. Pendleton sent the inmate to solitary confinement in the dungeon for ten days after he received lashes. The inmate remained there for nearly a year, from July 18, 1860 until March 10, 1861. The physician ordered his release only after “his constitution and health were completely undermined and destroyed.” As a result of the cruel treatment, the inmate never regained his health and was unable to return to the workshops.¹¹

The prison workshops supplied numerous goods to the Confederate military, but a fire early in the war modified the workshops’ output. In April 1861, the general agent’s store on Pearl Street sold shoes, wagon and cart harness, wagons, carts, wheelbarrows, wardrobes, safes, striped and plaid cottons, flannels, kerseys, and linseys. The earliest receipt to the Confederate military occurred on April 3, when Agent Nimmo sold two wagons worth \$290 to Captain W. S. Wood in Richmond. Then a devastating fire occurred at six o’clock in the evening on July 1. It destroyed both the weaving shops and axe factory. Only a heavy rainstorm kept the flames from spreading to other parts of the penitentiary. The shops manufacturing uniforms for Confederate soldiers nonetheless lost a large supply of cloth to the disaster. Officials estimated \$5,000 in damage, and replacement textile machinery was difficult to obtain due to the Union blockade. An editorial lamented, “The recent burning of the shops of the institution, especially those containing the looms for weaving, damaged the efficiency of the prison very much.” Governor

¹¹ *Richmond Examiner*, February 12, 1862.

Letcher later pardoned inmate Joseph P. Davis who assisted efforts to suppress the fire. He wrote, "I have never seen a man who exerted himself to a greater degree to save property."¹²

Throughout 1861 the Confederate military purchased thousands of items from the workshops. The largest single receipt occurred in August with the purchase of 1,125 shoes, 384 pole axes, and 312 axes worth \$3,440.75. A collection of thirty-three receipts from throughout 1861 totaled \$23,172.91 and reveals the panoply of prison manufacture. The receipts record the purchase of 2,798 pairs of shoes, 512 pole axes, 414 axes, fifty-six wheelbarrows, and thirty-seven wagons. The prisoners also produced tent related items including seven wall tents, 133 common tents, 19,816 tent pins, 6,302 tent buttons, eighty-four tent slides, and two hundred tent poles. The Confederate military purchased hundreds of other items for cavalymen including seven hundred horse strings, sixty-nine hip straps, 103 back straps, ninety-two martingales, fifty cheek straps, fifty-three cheek reins, eight double reins, 206 collars, 114 saddles, 184 bridles, eighty-eight couplings, and forty-six harnesses. The inmates also repaired ambulances and sold sixty-eight pounds of flannel to the military prior to the fire in the weaving shops.¹³

As the war progressed Governor Letcher pardoned increasing numbers of convicts to join a Confederate army desperate for manpower. He released thirty-two inmates in 1861 and forty-six the following year, at a time when enlistments were dwindling. In April 1861, for example, he pardoned John Peterman on a recommendation from the judge in his case, eleven jurors, the Commonwealth's attorney, and a sheriff. Letcher also pardoned Washburn Ashby to join an artillery company and utilize his blacksmith skills. In the spring Andrew J. Parsons, John

¹² *Richmond Enquirer*, August 30, 1861, July 2, 1861; Brumfield, *Virginia State Penitentiary*, 55; Mary Agnes Grant, *History of the State Penitentiary of Virginia* (M.A. thesis, College of William and Mary, 1936), 134; *Richmond Examiner*, November 28, 1861, December 5, 1861; *Communication Relative to Reprieves, Pardons, Etc., 1863* (Richmond: William F. Ritchie, 1863), 3.

¹³ R. M. Nimmo, *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA, RG 109, M346, Roll 0743.

Adams, and Bartley P. Lee, all of whom “worked laboriously in extinguishing the fire,” received pardons and enlisted. Later in the year he released Nicholas Chesnut, Zebedee Wright, and Opie Staite to join the army. In November, Governor Letcher pardoned James Milam, who already had been wounded twice but wanted to rejoin his regiment.¹⁴

Richmond’s proximity to Union territory and the distinction as the Confederate capital meant the city was immediately impacted by the war in many other ways. The rapid influx of soldiers, citizens, and slaves into the city increased crime and kept the penitentiary filled beyond capacity. Meanwhile Richmond became a center for prisoner of war camps. Nearly one thousand prisoners of war arrived at military prisons in Richmond following the First Battle of Manassas on July 21, 1861. The penitentiary, however, was unable to hold prisoners of war due to the growing overcrowding of civilian convicts at the complex. Instead, the military converted a number of large warehouses and tobacco factories converted into hospitals, prisons, storehouses, or guard barracks. Confederate authorities modified a three-story tobacco warehouse owned by Liggon and Company into a military prison to hold soldiers awaiting exchange. Richmond most infamously held over 4,000 soldiers at Libby Prison, a warehouse owned by the Libby family, and more at Castle Thunder, another converted tobacco warehouse. By 1862, Greanor and Palmer’s factory, Barrett’s factory, and a building on the corner of Eighteenth and Main Street also held Union officers.¹⁵

The workshops meanwhile experienced stoppages due to shortages of manpower and lack of raw materials. The shops suffered from a shortage of borax and anthracite coal until a limited

¹⁴ *Communication Relative to Reprieves, Pardons, Etc., 1861* (Richmond: William F. Ritchie, 1861); *Communication Relative to Reprieves, Pardons, Etc., 1863*, 5, 7-9, 11.

¹⁵ Selcer, *Civil War America, 1850 to 1875*, 269; William H. Jeffrey, *Richmond Prisons, 1861-1862: Compiled from the Original Records Kept by the Confederate Government* (St. Johnsbury: Republican Press, 1893), 7-8; Frances H. Casstevens, *George W. Alexander and Castle Thunder: A Confederate Prison and Its Commandant* (Jefferson: McFarland and Company, 2004), 46; William C. Harris, *Prison Life in the Tobacco Warehouse at Richmond* (Philadelphia: George W. Childs, 1862), 13, 165.

supply was found to resume operations. The penitentiary clerk reported the tailors, cobblers, and saddlers lost 4,869 days of work from the lack of supplies. The rebuilt axe factory lost 2,227 days' worth of labor, while the weaving shop lost 2,438 days for a total of 9,534 days. The report also estimated a loss of \$14,820.75 from sheer idleness. The penitentiary workshops nonetheless fulfilled one-fifth of all annual orders placed during February and March. The Confederate military purchased 5,445 shoes, 1,788 axes, and hundreds of other items. Two orders included cavalry supplies such as twenty-five hip straps, 120 belly straps, sixty back straps, fifty martingales, twenty-five cheek straps, twenty-six cheek reins, sixty-four collars, seventy-four bridles, and sixty couplings worth \$2,335. The largest order took place in February with 2,185 shoes and 492 axes worth \$8,672.50. The workshops then abruptly halted producing shoes and sold few leather goods for the remainder of the year. In the meantime, inspectors suggested employing the prisoners to build additional cell buildings on the west side of the complex outside of the existing perimeter and enclose the buildings with a new extended wall.¹⁶

As the war entered a second year, hardships mounted in overcrowded Richmond and more citizens resorted to crime. The inmate population increased to 408 convicts with 301 of them residing inside the penitentiary (see Table 2.1). Joseph R. Anderson hired one hundred additional prisoners to work at the Tredegar Iron Works, while Rosser and Company employed five enslaved prisoners. A John Hagan leased one female slave, while the Bibb brothers hired one female Free Black inmate.¹⁷

¹⁶ Coulson, "The Penitentiary at Richmond," 211-12; *Message of the Governor of Virginia and Accompanying Documents* (Richmond: William F. Ritchie, 1862), 9-10, 17; R. M. Nimmo, Confederate Papers Relating to Citizens or Business Firms, 1861-65, NARA, RG 109, M346, Roll 0743, document 74.

¹⁷ *Messages of the Governor of Virginia Published in Pursuance of a Resolution of the House of Delegates, Adopted March 30, 1863* (Richmond: William F. Ritchie, 1863), 49; *Annual Report of the Board of Directors of the Penitentiary Institution, Year Ending September 30, 1862* (Richmond: William F. Ritchie, 1862), 33.

Wartime shortages and rapid inflation meanwhile fostered complaints about war profiteering and speculation. The *Richmond Examiner* reported woolens “as precious as golden fleece,” and complained that factory cloth had increased from eight cents to seventy-five cents per yard, while the price of flannel had skyrocketed from thirty cents per yard to two dollars per yard. The legislature responded by creating a Committee on Extortion to investigate companies that supplied the Confederate military with uniforms and equipment. Quartermaster General Alexander R. Lawton meanwhile attempted to implement total control of Confederate manufacturing through price controls, conscription, and tax-in-kind policies. In Virginia, Quartermaster L. R. Smoot struggled to supply soldiers, citizens, and slaves across the state. He admitted, “It will suffice that I found the manufacturing interest of this commonwealth under contribution to the Confederate States government, and that the supplies required could not be secured in great part within the state.” A local correspondent questioned why the inmates were not supplied with enough raw materials at the workshops. He pointed out that, “able-bodied mechanics are now almost doing nothing.”¹⁸

In such a climate, the prison could not escape scrutiny. Some of it was personal. In February 1862 a local editorial demanded an investigation of the convicts hired out from the penitentiary to determine if payments were deposited in the treasury. The author mentioned a contract between Governor Letcher and Thomas Rosser and Company for ten Free Black and thirteen slave convicts for the Covington and Ohio Railroad. An inmate was allegedly pardoned, arrested, and sent back to the penitentiary, while another fractured his leg but remained on the paperwork. Furthermore, the editorial questioned whether Superintendent Pendleton’s son was

¹⁸ *Richmond Whig*, October 25, 1862, November 1, 1862; Harold S. Wilson, *Confederate Industry: Manufactures and Quartermasters in the Civil War* (Jackson: University Press of Mississippi, 2002), 61, 116; *Richmond Examiner*, August 22, 1862. For more information on wartime shortages see Andrew F. Smith, *Starving the South: How the North Won the Civil War* (New York: St. Martin’s Press, 2011); William Blair, *Virginia’s Private War: Feeding Body and Soul in the Confederacy, 1861-1865* (Oxford: Oxford University Press, 1998).

employed as a delivery clerk at the penitentiary while studying at the Richmond Medical College. Nine days later, a response stated that a slave convict named Billy was in fact pardoned, but the state paid the expense returning to his master. The other inmate, James Hubbard, broke his leg in early March and returned to the penitentiary to recover. Indeed, his name was later mistakenly inserted into another contract with the governor. An investigation determined Pendleton's son was not employed as the delivery clerk for more than three months, but also revealed that he employed a female mulatto inmate at his home as a cook with a young male as a personal servant.¹⁹

Most of the scrutiny, however, fell on the already-controversial Nimmo. The war had created a lucrative market for prison goods, but the legislature also marveled at the persistent financial troubles. The General Assembly delayed electing the penitentiary general agent to allow a full review of the incumbent. The Nimmo accounts documented \$50,251.29 in manufactured goods received since January, and rendered accounts for supplies totaling \$24,000. He promised to procure receipts and settle his accounts as soon as possible. Nimmo never followed through. All communications abruptly ended without any kind of settlement. His debts seriously crippled business operations at the penitentiary, and the House of Delegates passed a resolution on April 1, 1862, formally removing Nimmo as general agent, ostensibly for failure to renew his bond at the prescribed time. Governor Letcher thereafter appointed representatives Thomas S. Haymond, Andrew Johnston, and Charles Campbell to investigate the penitentiary. Their report determined that Nimmo was "inefficient and negligent," warning that, "unless

¹⁹ Coulson, "The Penitentiary at Richmond," 203-4; *Richmond Examiner*, February 3, 1862, February 12, 1862, March 3, 1862.

something is speedily done to secure the services of men of industry, energy, and business qualifications, the institution will become a very heavy burden upon the treasury.”²⁰

Shortly thereafter, Governor Letcher appointed former Representative John Knoté as the new general agent. The General Assembly capitalized upon the administrative change to review and modify the professional responsibilities at the penitentiary more generally. Inspectors insisted the purchase of raw materials should be assigned to one officer “whose knowledge of the wants of the institution, and of the most profitable employments for its labor.” The general agent’s store was almost a mile away from the penitentiary, and the inspectors suggested changing the store’s location to improve communication with the superintendent. They requested quarterly financial statements and recommended the superintendent and general agent should earn commissions to encourage communication and increase business.²¹

While the General Assembly focused on Nimmo, the considerable task of operating the workshops and ensuring the quality of work required a considerable prison staff. Assistant Keeper George K. Crutchfield Jr. acted as the gatekeeper and clerk, while Henry R. Jones kept, copied, and prepared voluminous inventories. Assistant Keeper J. B. Jones supervised 109 inmates in the first ward in the boot, shoe, harness, and tailor shops. Assistant William P. Seay supervised the axe shop in the second ward, while Assistant Keeper John Jacobs managed forty-six prisoners in the second ward as an officer and head of the blacksmith shop. He kept the ward books and aids in making sales of work. Officer John F. Meenly oversaw twenty-one convicts in the third ward spinning and weaving department, which was destroyed by fire the previous year. Assistant Keeper John Freeman supervised forty inmates in the fourth ward carpenters and wheelwright shops, which were most active departments. He kept the ward books and

²⁰ *Richmond Whig*, April 1, 1862; *Message of the Governor of Virginia and Accompanying Documents*, 1862, v-vi, 14.

²¹ *Message of the Governor of Virginia and Accompanying Documents*, 1862, 7-8.

supervised manufacturing and sales. Assistant Keeper Simeon Grimsley overlooked 116 prisoners in the fifth ward and managed the front yard, kitchen, and clothing departments.²²

As the war progressed the penitentiary struggled to employ an adequate number of guards and administrators necessary for the burgeoning inmate population. The Board of Directors and penitentiary inspectors were alarmed especially by inadequate oversight at the workshops. They chided, “One man cannot well overlook a hundred convicts at work inspect materials, keep his ward books, and perform other duties.” They further cautioned, “When a man finds it impossible to do all the duty that is imposed upon him, he is apt to relax his efforts, to do less than he is really able to do, and to do it more negligently.” The lumber was scattered and finished woodwork was found in disarray. Inmates cut leatherwork, but the inspectors suggested an officer should oversee the shop to control waste and prevent theft. The clerk documented all orders, articles manufactured, delivery time, price, and refused orders. Inspectors cautioned, “It is only by attention to details of this kind that individuals can succeed in mechanical and manufacturing pursuits.”²³

By the end of 1862 the workshops increasingly focused on producing high-demand items, while other inmates assisted military efforts outside of the penitentiary. In 1862 the shoe shop employed eighty-five inmates who produced 8,077 pairs of shoes, seventy-seven pairs of new boots, and fifty-one pairs of footed boots worth \$34,809.79. The steam engine was rebuilt along with machinery for the axe and blacksmith departments. It employed forty-one inmates who produced 6,212 pole axes and significant repair work. The fire had early in the war destroyed

²² *Message of the Governor of Virginia and Accompanying Documents, 1862*, 20-4; Geo K. Crutchfield, Confederate Papers Relating to Citizens or Business Firms, 1861-65, NARA, RG 109, M346, Roll 0215, document 110. George K. Crutchfield Jr. applied to Confederate Secretary of the Treasury Christopher G. Memminger on January 29, 1862 for a position in the Treasury Department based upon his experience in the brokerage business and two years employment at the Bank of the Commonwealth.

²³ *Message of the Governor of Virginia and Accompanying Documents, 1862*, 12-4.

the textile machinery, which limited operations afterward to a few handlooms. Nonetheless, the weaving department employed twenty-two inmates who supplied 302 yards of cassimere and jeans, ninety-two yards of flannel, 489 yards plaid and striped cotton, 271 yards of counterpane, and 1,073 yards of carpet. The wheelwrights and carpenters department employed thirty-six inmates who produced thirty wagons, sixty-five carts, 404 wheelbarrows, and twenty-one safes and wardrobes. The general agent earned \$6,327.38 for sales at the penitentiary store. Inmates continued to be leased outside of the prison walls. Superintendent Pendleton documented 3,300 days of labor at Capitol Square, 1,248.5 days at Camp Winder and Hollywood Cemetery, fifty days by sixty inmates on the fortifications around Richmond, and fifty hands employed by the Confederate government for nine months.²⁴

Confederate soldiers utilized thousands of items from the penitentiary workshops throughout 1862. A collection of fifty-one receipts totaled \$42,637.86 and included 5,445 pairs of shoes, 443 pole axes, 4,669 axes, 851 army pikes, fourteen wagons, seventy-three wheelbarrows, and ten carts. The workshops continued to supply the cavalry, but at a reduced rate. The workshops provided 109 horse strings, fifty-seven hip straps, 208 belly straps, eighty-two martingales, forty-one cheek straps, forty-two cheek reins, 116 collars, 138 bridles, ninety-two couplings, and seventeen harnesses. The prisoners built twenty-five tables for military officers and continued to repair ambulances.²⁵

Expensive raw materials nonetheless combined with a shortage of manpower to produce lackluster results for the year. Sales decreased by at least 50 percent in three of the largest

²⁴ *Annual Report of the Board of Directors of the Penitentiary Institution, Year Ending September 30, 1862*, 5-6, 8, 10-8.

²⁵ R. M. Nimmo, *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA, RG 109, M346, Roll 0743; *Virginia Penitentiary, Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA, RG 109, M346, Roll 1057; John Knot, *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA, RG 109, M346, Roll 0557.

wards. The general agent earned \$2,920.99 from \$36,512.40 in sales at the penitentiary store. Meanwhile, the state paid out \$3,316 in compensation to masters of slaves who received the death sentence, and \$5,900 for slave convicts transported and sold. The cost of supporting and transporting all convicts reached a staggering \$22,132.09. As a result, Superintendent Pendleton reported a balance against the institution of \$84.14. Sales from the workshops simply could never overcome the considerable expense of transporting prisoners and compensating the general agent.²⁶

As the books remained in the red, the state looked at various ways to cut losses. Women and children at the penitentiary cooked, cleaned, and washed laundry. Yet, the commissioners described them in 1862 as “useless and unprofitable,” and opposed “the additional burden of young children.” A White female inmate cared for a three-year-old girl, while a Free Black woman employed on the public works raised a two-year-old boy. A female slave convict employed outside the penitentiary mothered a four-year-old boy and an infant. Childcare, the commissioners concluded, cut into profits. As children born at the penitentiary to enslaved inmates became state property, Governor Letcher recommended auctioning off the children who were at the prison. He depicted this as humane, saying that “through no fault of or misconduct of their own – they have committed no crime, and humanity requires that some disposition be made of them.” A supportive editorial pointed out that “Some provision of law is necessary to authorize these infants to be disposed of. Perhaps it would comport with the dictates of humanity to restore them to the former owners of the mothers, that their relatives and

²⁶ R. M. Nimmo, Confederate Papers Relating to Citizens or Business Firms, 1861-65, NARA, RG 109, M346, Roll 0743; Virginia Penitentiary, Confederate Papers Relating to Citizens or Business Firms, 1861-65, NARA, RG 109, M346, Roll 1057; John Knot, Confederate Papers Relating to Citizens or Business Firms, 1861-65, NARA, RG 109, M346, Roll 0557; *Annual Report of the Board of Directors of the Penitentiary Institution, Year Ending September 30, 1862*, 5, 22; *A Financial Statement by the Auditor of Public Accounts, January 1863* (Richmond: William F. Ritchie, 1863), 10.

connections might be afforded the opportunity to take care of them during their infancy.” The author suggested that former owners should be required to refund a portion of the value paid by the state for the mother.²⁷

Productivity at the workshops also declined due to illness and injury. The physician reported that sickness and mortality were higher in 1862 than in any single year in recent memory, with thirteen deaths from a variety of illnesses including phthisis, cholera, fever, and chronic diarrhea. Superintendent Pendleton estimated a total of 13,352 days lost in 1862 worth \$15,643. Idle prisoners remained confined in their cells, which contributed to the spread of disease and overcrowding of the hospital. The inspectors nonetheless praised the hospital and general policing of the premises. The problem, they decided, was food. Illnesses from poor diet and injuries, they estimated, resulted in 2,827 lost days of labor. Diet at the prison declined due to the exorbitant prices of meat, vegetables, medicines, soap, vinegar, clothing, and bedding. They agreed with the surgeon regarding the need raise more vegetables in the garden. The physician also recommended prohibiting tobacco in the prison for health and safety. He insisted, “Its use never did any man any good, is purely sensual, and does many men great harm.” Tobacco was a considerable expense, a source of filth in the rooms, and an “impairment of the digestive organs of the convicts.”²⁸

Inadequate production resulted from more than illness, however. Open inmate resistance developed in 1862. The inmates struck out against forced labor and crowded conditions by

²⁷ *Annual Report of the Board of Directors of the Penitentiary Institution, Year Ending September 30, 1862* (Richmond: William F. Ritchie, 1862), 34; Coulson, “The Penitentiary at Richmond,” 202-3; Ervin L. Jordan, Jr., *Black Confederates and Afro-Yankees in Civil War Virginia* (Charlottesville: University Press of Virginia, 1995), 168; *Richmond Enquirer*, January 8, 1863; *Message of the Governor of Virginia and Accompanying Documents* (Richmond: William F. Ritchie, 1863), xiii-xiv; *Journal of the House of Delegates of the State of Virginia for the Session of 1863-1864* (Richmond: William F. Ritchie, 1863), xviii.

²⁸ *Annual Report of the Board of Directors of the Penitentiary Institution, Year Ending September 30, 1862*, 25-30; Zombek, “Transcending Stereotypes,” 6, 19, 93; *Message of the Governor of Virginia and Accompanying Documents, 1862*, 13.

damaging property and trying to escape. On the night of December 5, 1862, three convicts escaped and a fourth was seriously injured in the attempt. The inmates had manufactured “false keys” and attempted “a mutiny of a very serious character.” Guards discovered that the revolvers reserved for assistant keepers were sabotaged with the percussion tubes stopped full of wax. Two sleeping guards, James Moore and Cornelius Gardner, woke up to investigate noises in a small guardroom and resisted an attempt by prisoners to open the door. In response, Governor Letcher suggested a law to punish neglect of duty severe enough to “cure the evil,” but he did not mention previous requests from superintendents for additional guards.²⁹

Underperformance at the workshops and searing revelations of mismanagement led to an abrupt change in the penitentiary administration. Superintendent Pendleton had made every effort to employ the prisoners, and complained, “If materials had been furnished as called for, and ordered by you, my present report would have shown a prosperity unknown in its history.” He explained, “without the power or means to keep the work shops in active operation, nothing was left for me to do but to practice the strictest economy in clothing and feeding the prisoners, compatible with their health and comfort.” He further lamented: “No one can regret more than myself the loss of labor in the penitentiary during the last year,” concluding that, “It would have certainly been very agreeable to me to have retired from my official duties, leaving this institution in a prosperous condition...as this is the last annual report I shall make to you.”³⁰

The penitentiary leadership changed midway through the war. A former sheriff and delegate to the assembly from Hampshire County, Charles Blue, became superintendent in November, but died after only two months. Another delegate, Collin Bass of Roanoke County,

²⁹ *Message of the Governor of Virginia and Accompanying Documents* (Richmond: William F. Ritchie, 1863), xv-xvi, 10-11; *Richmond Enquirer*, January 8, 1863; Zombek, “Transcending Stereotypes,” 166.

³⁰ *Annual Report of the Board of Directors of the Penitentiary Institution, Year Ending September 30, 1862*, 7; *Richmond Enquirer*, January 3, 1863; *Message of the Governor of Virginia and Accompanying Documents, 1862*, xv; *Richmond Whig*, January 23, 1863.

took over on January 2, 1863. Bass reported little stock on hand, and complained that the debts of his predecessors complicated his efforts to purchase materials. He added that the prisoners “consist of worthless, diseased, depraved, and lazy characters, fished up as it were from the worst form of society, without trades, unwilling to learn, skulk from duty and at every point possible destroyed materials.” He especially noted nearly thirty female inmates were confined “where they cannot be worked to any profit.” Bass thus echoed previous superintendents who insisted that three years should be shortest sentence, to allow the convicts to learn a trade. The rest of the penitentiary administrative staff remained intact for the remainder of the war.³¹

Bass soon realized that he had inherited a financial mess. On January 23, 1863, the Board of Directors notified Governor Letcher of over \$11,000 in outstanding debts thanks to former agent Nimmo. They suggested that they sell two acres of land owned by the state near the penitentiary to pay off the debts and purchase raw materials. Three days later the board sent a letter to the General Assembly requesting an appropriation to cover the shortage. The penitentiary clerk and general agent temporarily handled all sales and purchases in cash. Addressing the proverbial elephant in the room, Governor Letcher voiced confusion regarding how the penitentiary reported sales with profits upwards of \$35,000, yet the balance sheet for the prison instead showed an overall debt of \$10,000. He wondered, “I do not see how profits should have been made upon every branch of manufactures, and yet the institution should not have been able to pay its expenses, and at the same time yield something very handsome to the State Treasury.” Letcher pointed out that the Georgia State Penitentiary profited \$27,774.74 including \$10,000 deposited in the treasury, while the Alabama State Penitentiary netted \$27,000 annually. He begrudgingly admitted the comparison showed, “how inefficient, negligent, and

³¹ *Richmond Examiner*, March 21, 1862; *Richmond Whig*, March 21, 1862; Keve, *History of Corrections in Virginia*, 65; Grant, *History of the State Penitentiary of Virginia*, 134-35; *Message of the Governor of Virginia and Accompanying Documents*, 1862, 15.

careless has been the management here.” An editor of the *Richmond Enquirer* asked, “How long before we can say as much for the Virginia Penitentiary?”³²

The inability to generate consistent profits limited salaries at the penitentiary amid rising inflation of the Confederate currency. During his short time as superintendent, Blue wrote to the General Assembly on February 25 to strongly encourage increasing salaries for the guards, explaining that, “They cannot live, at present prices of produce on the pittance the law allows them...I trust you will urge immediate action upon this important subject, as the balance of the guard may resign at any moment, when we would be left without any protection whatever to the interior of the penitentiary.” Several men also had applied as guards to avoid conscription, but the superintendent was blocked from hiring anyone enlisted in the army. Low wages and the lure of draft exemptions attracted “questionable characters” that the superintendent concluded were “potentially dangerous for convicts.” His suspicions proved correct. In June 1863, newly elected Superintendent Bass discovered a plan among the prisoners to attack the guards and escape. Three inmates confessed the plans. A few prisoners still revolted in the workshops at the arranged time, but the alerted guards maintained control. Bass requested an increase in the salaries of the subordinate officers which was granted five months later.³³

Virginia’s location within the Confederacy meant the soldiers and citizens were directly impacted by the war. During the war the population of the Richmond swelled four-fold to nearly 120,000, with an influx of government officials, soldiers, and refugee citizens. The average

³² *Richmond Enquirer*, November 22, 1862, January 8, 1863, January 26, 1863; *Governor’s Communication Transmitting the Report of the Directors of the Penitentiary, January 1863* (Richmond: William F. Ritchie, 1863), 5-6; *Message of the Governor of Virginia and Accompanying Documents, 1863*, xiii-xiv.

³³ *Messages of the Governor of Virginia Published in Pursuance of a Resolution of the House of Delegates, Adopted March 30, 1863*, 51-2; *Richmond Whig*, June 5, 1863; Coulson, “The Penitentiary at Richmond,” 213; *Sketches of the Acts and Joint Resolutions of the General Assembly of Virginia* (Richmond: William F. Ritchie, 1864), 7. The superintendent earned \$3,750, assistant keepers earned \$1,500. The superintendent could earn up to an additional \$1,000 and assistant keepers \$500 if the profits of the institution exceeded the expenses. The surgeon and clerk earned \$2,000 annually, while the interior guards earned \$4 per day.

citizen could not afford the skyrocketing cost of living in the city. The price of bacon increased from \$0.12 to \$1.50 per pound, butter from \$0.23 to \$3, and coffee from \$0.12 to \$5 per pound. On the morning of April 2, 1863, several hundred working-class women armed with axes, knives, pistols, and hatchets gathered at the home of Governor Letcher to demand “Bread or Blood!” The unruly mob swept across the commercial district, where they looted at least a dozen stores and warehouses before the Public Guard and soldiers regained control.³⁴

Following the chaotic downtown riot Superintendent Bass again complained that female, old, decrepit, and deranged inmates contributed little to no labor. He described the inmate population as “worthless, diseased, depraved, and lazy characters, fished up... from the worst form of society,” and that they were not “worked to any profit for want of room.” The penitentiary held twelve women throughout 1863, including an eleven-year-old girl. One of them, Mary Jackson, stood trial on October 20 for her role organizing and participating in the “Bread Riot,” and received a term of five years. She was later pardoned after the governor learned that her three sons served in the Confederate army. As overcrowding increased, the penitentiary had gradually reallocated vacant female cells for male inmates. As a result, the women huddled together in a room “so small that work cannot be done.” Conditions for female prisoners dramatically declined from the once progressive accommodations.³⁵

As hardships increased across Virginia, the House of Delegates debated the best ways to utilize convict labor to assist citizens and support the war effort outside of the walls. On September 14, 1863, Representative Andrew J. Deyerle directed the Committee on Confederate Relations to confer with the Confederate authorities regarding inmates on government work.

³⁴ Grant, *History of the State Penitentiary of Virginia*, 135; Michael Chesson, “Harlots or Heroines? A New Look at the Richmond Bread Riot,” *Virginia Magazine of History and Biography* 92 (April 1984): 131-75; Douglas O. Tice, “Bread or Blood!': The Richmond Bread Riot,” *Civil War Times Illustrated* 12 (1974): 12-9.

³⁵ Zombek, “Transcending Stereotypes,” 95, 97; Coulson, “The Penitentiary at Richmond,” 214; *Richmond Enquirer*, October 10, 1863; *Alexandria Gazette*, October 21, 1863.

Governor Letcher received a request to permit the Virginia Central Railroad Company and Virginia and Tennessee Railroad Company to hire convicts. On September 23, Representative Luther D. Haymond suggested impressing the Chesterfield coal pits and employing prisoners to supply to citizens of Richmond with coal, wood, and timberland. In mid-December, Representatives Elisha Barksdale Jr. and James V. Brooke requested the Committee on the Penitentiary examine the possibility of purchasing a coalmine and employing the convicts. Meanwhile, Representative A. M. Keiley favored leasing the penitentiary to the highest bidder as in other states.³⁶

By 1863 the workshops contended with currency inflation and expensive raw materials. A collection of fifty-eight receipts from 1863 totaled \$95,665.25, and included 3,828 axes, 2,472 pole axes, sixty-eight wheelbarrows, and thirty-four carts. The workshops continued to produce reduced amounts of cavalry supplies, including sixty-six horse strings, twenty-nine hip straps, 117 belly straps, eighty-three back straps, seven cheek reins, 248 collars, seven saddles, 122 bridles, thirty-seven harnesses, and 115 four-horse harnesses. The shoe shops only sold fifty pairs of shoes for the year, but increased the production of four hundred trace chains and 12,220 pounds of wool rags. The largest order worth \$15,480 occurred in December, and included 1,224 pole axes, thirty-six axes, thirty-six axe helves, and seventeen wheelbarrows. The *Richmond Enquirer* confirmed, “The penitentiary of the State of Virginia is a State manufactory, which has rendered the most important services to the army and to the people during this war.”

³⁶ Zombek, “Transcending Stereotypes,” 93; *Richmond Enquirer*, September 16, 1863; *Journal of the House of Delegates of the State of Virginia for the Called Session of 1863* (Richmond: William F. Ritchie, 1863), 4, 15, 21, 25, 33, 59, 67, 85.

Sales to the Confederate military remained steady throughout the year with nearly double the revenue from the previous year.³⁷

The record sales recorded at the workshops in 1863 did not remedy the financial problems of the penitentiary, however. The general agent earned a remarkable \$17,210.33 in commissions, while the penitentiary concluded the year with a \$9,000 debt to the treasury. Compensation for the board of directors and the salaries of the superintendent, seven assistant keepers, the clerk, and the surgeon, and eight interior guards only totaled \$13,048. Henry R. Jones wrote to Confederate Secretary of War James A. Seddon requesting a new position to better support his family, complaining that: "I am now acting as clerk of the penitentiary upon a salary of \$600 which I find inadequate beyond all endurance." The cumulative hardships of the war threatened the stability of the prison administration.³⁸

Frustration with the failing financial model led to more structural changes within the penitentiary. The General Assembly abolished the office of storekeeper and the Board of Directors. Superintendent Collin Bass was re-elected on February 10, 1864, to manage the entire penitentiary, approve all sales, and make payments to the treasury. New Governor William Smith, who had served before the war, appointed a purchasing clerk and a commission to examine the penitentiary each quarter. The changes required Bass to deposit all sales revenue and profits from convict labor into the treasury each month. All expenditures for purchasing raw materials and other expenses were then drawn from the treasury. The superintendent could

³⁷ *Richmond Enquirer*, January 7, 1864; John Knot, Confederate Papers Relating to Citizens or Business Firms, 1861-65, NARA, RG 109, M346, Roll 0557, document 27; Virginia Penitentiary, Confederate Papers Relating to Citizens or Business Firms, 1861-65, NARA, RG 109, M346, Roll 1057, document 28.

³⁸ *Richmond Enquirer*, September 10, 1863, November 9, 1863; Henry R. Jones, Confederate Papers Relating to Citizens or Business Firms, 1861-65, NARA, RG 109, M346, Roll 0521, document 43; *Sketches of the Acts and Joint Resolutions of the General Assembly of Virginia*, 7. The General Assembly increased the salary of the superintendent to \$3,750, assistant keepers to \$1,500. The superintendent earned up to an additional \$1,000 and assistant keepers up to \$500 if the profits exceeded the expenses. The physician and clerk earned \$2,000, while the interior guards earned only \$4 per day.

receive an advance up to \$20,000 for purchases, but he could only apply once every three months. Legislators expected the restructured system would yield greater profits by centralizing decision making within the office of the superintendent.³⁹

Meanwhile, the need for men in the army increased. In January and February, Governor Smith pardoned thirty soldiers and Confederate sympathizers, including Lieutenant Francis Devine, who had suffered a wound at Gettysburg. James Organ of the Ninth Regiment of Louisiana Volunteers was convicted of robbery while drunk, but his commander testified to his “irreproachable character” and “gallant conduct in the face of the enemy.” Thomas W. Wilkinson committed grand larceny, but belonged to the Fourth Regiment of Alabama Volunteers. A seventeen-year-old boy named William H. Jollet already served in the Confederate army for two years, and a very young Henry J. Clarke spent twenty-eight months with the Washington Artillery of New Orleans before his arrest. Edgar Harman of the Richmond Blues earned “the opportunity to wipe out the stigma on his name and redeem his character.” Governor William Smith pardoned seventy-two inmates overall throughout the year. The penitentiary was far beyond capacity and the governor used his authority to ease the overcrowding by returning desperately needed soldiers to the battlefield.⁴⁰

In early 1864 the Union army began an offensive campaign from the Rappahannock to the James River. Major General Ulysses S. Grant instructed General George Meade, “Lee’s Army will be your objective point. Wherever Lee goes there you will go also.” The Union campaign in Virginia soon became a bloody war of attrition. Governor Smith admitted, “I have

³⁹ *Journal of the House of Delegates of the State of Virginia for the Session of 1863-1864*, 131-32; *Sketches of the Acts and Joint Resolutions of the General Assembly of Virginia*, 5-6; *Acts of the General Assembly of the State of Virginia, Passed at Session of 1863-64, in the Eighty-Eighth Year of the Commonwealth* (Richmond: William F. Ritchie, 1864), 14-20.

⁴⁰ Charles Royster, *The Destructive War: William Tecumseh Sherman, Stonewall Jackson, and the Americans* (New York: Vintage Books, 1991), 332-33; *Richmond Enquirer*, January 19, 1865; *Governor’s Communication on the Subject of Pardons, Reprieves, etc., in 1864* (Richmond: William F. Ritchie, 1864), 3-9.

exercised the pardoning power with liberality in the short term cases, especially when the convicts were soldiers or would make such. I thought it better to restore them to their commands or to the enrolling officer, as the case might be, after a confinement sufficiently long to vindicate the majesty of the law, than to protract an unprofitable confinement.” In March and April Governor Smith steadily pardoned potential soldiers. One, named Augustus Simcoe was employed by General John Winder as a detective, but committed a crime while in pursuit of a suspect. The governor decided Joseph Stevens’ sentence was too short to learn a trade and “the country needed soldiers.” James A. Clarke returned to the Letcher Artillery after his release, and Francis N. Grant enlisted in the army. James R. Shumaker was only eighteen years old, but earned a pardon to “establish himself the character of a good soldier and upright worthy man.” S. J. Berry was seventeen-years-old with defective eyes, but the governor approved his release “as he would make a soldier.”⁴¹

The pardons did little to alleviate the dangerously overcrowded conditions, however. The prison remained a pressure cooker. On the evening of March 6, 1864, three prisoners attempted to escape by breaking the arch over their room in the upper gallery. The prisoners planned to cut a hole through the roof and scale down the front building using a rope made of thread stolen from the shoe shop. Superintendent Bass and an officer learned of the scheme and set a trap. Four days later an eighteen-year-old inmate, John Conway, attempted to steal a guard’s gun and was killed after it accidentally discharged. In the confusion John Gunnels escaped, but was captured only two miles away. On March 14, James Kelly assaulted Officer Charles S. Maurice in the shoe shop with a broken piece of grindstone. Another prisoner, James Clendenin, intervened and earned a pardon from Governor Smith for saving Maurice’s life. This increase in

⁴¹ Wilson, *Confederate Industry*, 104-5; *Governor’s Communication on the Subject of Pardons, Reprieves, etc., in 1864*, 11-15; War Department, *A Compilation of the Official Records of the Union and Confederate Armies*, Series 4, Volume 3 (Washington: Government Printing Office, 1900), 922. Hereafter cited as *O.R.*

escapes was further reflected by those involving inmates leased outside of the prison walls. Throughout the year Joseph R. Anderson and Company reported thirty-six escapes and five deaths.⁴²

The penitentiary workshops meanwhile required honorable and reliable officers who were experts in various trades. Superintendent Bass reiterated the difficulty of hiring such men at such low salaries. He lamented, “I have appointed the best I could get for the utterly insufficient salaries allowed by law: but it has resulted in disappointment and a great loss to the state.” Assistant keeper John Jacob of the blacksmith department became ill and died on May 3. His death left a noticeable vacancy that greatly affected the production of axes. Superintendent Bass reported that entire shops sat idle. He purchased large amounts of costly raw material in an attempt to utilize the labor source in coming year. He concluded, “I have deemed it prudent to press the manufacture of all the material that can be procured, all of which will be demanded by the wants of the country, and must be as valuable as money lying idle.”⁴³

By 1864 the workshops struggled to supply wartime materials to the Confederate military. The shortage of raw materials, especially timber and leather, coupled with problems of skilled oversight, limited the variety of items manufactured. The spread of illness among the inmates disrupted productivity at the workshops. The inflation of Confederate currency led to higher prices being paid for the available goods, but production nonetheless fell dramatically throughout 1864. A collection of forty-one receipts totaled \$123,294.41, and included 345 pairs of shoes, 1,428 pole axes, 150 axes, 963 axe helms, 542 buckets, fifty-three wheelbarrows, ten

⁴² *Richmond Examiner*, January 4, 1864; *Richmond Enquirer*, March 16, 1864; Zombek, “Transcending Stereotypes,” 166; *Richmond Whig*, March 11, 1864; *Governor’s Communication on the Subject of Pardons, Reprieves, etc., in 1864*, 11; *Annual Report of the Board of Directors of the Penitentiary Institution, Year Ending September 30, 1864* (Richmond: William F. Ritchie, 1864), 22.

⁴³ *Annual Report of the Board of Directors of the Penitentiary Institution, Year Ending September 30, 1864*, 3-4.

carts, and one wagon. The production of cavalry supplies nearly halted, with only twenty-six horse strings, sixty-nine collars, twenty-six bridles, twenty-nine harnesses, and sixteen sets of “horse related tools.” Meanwhile, the weaving department suffered after John F. Meanley abruptly resigned due to inadequate pay. The physician documented 112 prisoners admitted to the hospital for a loss of 2,241 days of work. The most common complaints were amputations, lacerations, bruises, fever, and diarrhea.⁴⁴

After nearly four years of war, the Confederate States of America strained under the ever-increasing weight of growing financial pressures. In the capital at Richmond, Superintendent Bass attempted to reassure buyers that, “the prices may appear sometimes to be high, yet at all times for the like article are lower than the prevailing prices in the market.” Bass searched endlessly for ways to make money. He introduced the manufacture of many small wares, which had not been done before, and offered general repairs of every kind. The penitentiary received \$6,847.67 in cash for convicts and transports hired to Joseph R. Anderson and Company, which still owed \$15,449.45. The penitentiary documented outstanding debts of \$508 from the Ordnance Department of Virginia and \$1,242.90 from the Confederate States for maintaining prisoners. Superintendent Bass reported \$53,353.07 in cash for sales made at the penitentiary, \$48,838.74 of sales made on credit at the penitentiary, and \$86,723.34 in manufactures delivered to the general agent, who returned \$26,462.77 of merchandise when the position was eliminated. In 1864 the penitentiary profited \$7,284.07, but the general agent received a staggering \$13,180.04 in commissions from \$164,750.63 in sales.⁴⁵

⁴⁴ Virginia Penitentiary, Confederate Papers Relating to Citizens or Business Firms, 1861-65, NARA, RG 109, M346, Roll 1057, document 28; John Knot, Confederate Papers Relating to Citizens or Business Firms, 1861-65, NARA, RG 109, M346, Roll 0557, document 27; *Annual Report of the Board of Directors of the Penitentiary Institution, Year Ending September 30, 1864*, 5, 23-4, 26-8.

⁴⁵ *Annual Report of the Board of Directors of the Penitentiary Institution, Year Ending September 30, 1864*, 3-5, 8-10.

During the final months of the war sales contracted to within the penitentiary walls. Superintendent Bass requested additional personnel to assist with the paperwork of the delivery clerk and gatekeeper. The purchasing clerk constantly searched outside of Richmond for increasingly scarce and costly raw materials. Governor Smith shipped several small lots of cotton abroad, and imported leather, steel, and a variety of other articles. He complained, "It is almost impossible to obtain materials in the existing condition of the country, and true economy requires us to encounter the hazards of the blockade business that we may draw our supplies from abroad." His annual message echoed previous governors and superintendents who requested longer minimum sentences. Smith lamented, "It is mortifying to the pride of the Virginia to see our gallant soldier in the field in a state of want and destitution, while the soldiers of other States more enterprising have every comfort which they require."⁴⁶

Just outside of Richmond, Union and Confederate armies were engaged in a ten-month siege along their lines around Petersburg. At the Battle of Five Forks on April 1, 1865, Union forces overwhelmed Confederate General Robert E. Lee's army and the people of Richmond and the government began evacuating the city. At that time, approximately one hundred inmates worked outside of the prison walls with 287 inside the penitentiary (see Table 2.1 and 2.2). Trains packed with government officials and panicked citizens fled the city. The Public Guard and penitentiary officers abandoned their posts. Governor Smith left shortly after midnight for Lynchburg en route to Danville. Confederate officials burned the tobacco warehouses and storage depots to deprive the Union army of supplies. The prisoners reportedly "made instruments of escape out of their iron bedsteads, and set fire to the building." The mob set

⁴⁶ War Department, *O.R.*, Series 4, Volume 3, 919-922; *Annual Report of the Board of Directors of the Penitentiary Institution, Year Ending September 30, 1864*, 5. John R. Moss served as the receiving, delivery, and gate clerk, while George K. Crutchfield acted as clerk and assistant to Superintendent Bass.

additional fires throughout the city that destroyed homes, businesses, government buildings, and churches.⁴⁷

Union soldiers contained the fires and gradually restored civil order in Richmond. The destruction included the penitentiary hospital and administration buildings, as well as the remaining records. On May 9, President Andrew Johnson dissolved Governor Smith's administration and appointed Francis H. Pierpont to serve as military governor. Pierpont had spent the war as the provisional governor of the restored government of Virginia in Alexandria. Eighty-seven recaptured inmates began repairing damage to the burned out penitentiary. In December, Governor Pierpont requested an appropriation to reimburse the cost of repairs to the prison. He noted, "All the books and records of the penitentiary were carried off last spring by the late superintendent. We have been unable to recover them, and great inconvenience has been experienced by the want of them." Military control in Virginia extended to the penitentiary. Union Captain J. M. Schoonmaker served as the commandant of all prisons in Richmond, while J. B. Holmes became superintendent. The Twentieth New York State Militia acted as prison guards, with Lieutenant Lyman Hoysradt placed in charge of retrieving the escaped convicts from May 5 to July 12. Ultimately, the soldiers recaptured 160 inmates by November to assist with repairs.⁴⁸

The war led to dramatic changes in Virginia society and at the state penitentiary. On February 8, 1865, the Senate of Virginia of the restored republic ratified the Thirteenth Amendment to the United State Constitution, which ended slavery and involuntary servitude

⁴⁷ Coulson, "The Penitentiary at Richmond," 214-16; Keve, *History of Corrections in Virginia*, 65-6; Grant, *History of the State Penitentiary of Virginia*, 137-38; Brumfield, *Virginia State Penitentiary*, 64-5.

⁴⁸ Keve, *History of Corrections in Virginia*, 67; Grant, *History of the State Penitentiary of Virginia*, 135, 137-38; Edward L. Ayers, *Vengeance & Justice: Crime and Punishment in the 19th Century American South* (New York: Oxford University Press, 1984), 186; *Alexandria Gazette*, May 3, 1865; Coulson, "The Penitentiary at Richmond," 216-17; Brumfield, *Virginia State Penitentiary*, 64-5.

“except as a punishment for crime whereof the party shall have been duly convicted.” This opening led James Pendleton to return to his former position as superintendent in February. Soon thereafter the workshops resumed the previous industries. The inmates continued to work outside the walls on public works projects such as turnpikes, railroads, canals, and coalmines.⁴⁹

In the latter half of 1865, several southern states, including Virginia, enacted laws known as “Black Codes” which prohibited the movement of freed slaves, and maintained white supremacy. In Virginia, those convicted of crimes were sent to the penitentiary or “unregulated employment” on public works. Within two years, inmate demographics dramatically shifted from the longstanding white majorities to a population of 419 African Americans and 116 Whites. The convict work program expanded dramatically during reconstruction to provide labor for rebuilding railroads. The General Assembly did not lease the entire penitentiary as in other southern states, but Virginia certainly participated in the brutal convict leasing system being adopted across the South. Indeed, in some ways, it had pioneered it already.⁵⁰

Throughout the antebellum era and Civil War the penitentiary struggled to become a profitable enterprise. The keepers leased inmates and the workshops steadily increased production, but the gross sales were completely offset by overhead, transportation costs, and excessive commissions to general agents. Escorting convicts from courts across the state drained thousands of dollars from the penitentiary accounts on a monthly basis. As the inmate population grew, the prison required additional guards and keepers to manage the workshops. Shortly after the war, Governor Pierpont revealed that the penitentiary agent had earned 8

⁴⁹ Brumfield, *Virginia State Penitentiary*, 66-8.

⁵⁰ Brumfield, *Virginia State Penitentiary*, 69-72; Coulson, “The Penitentiary at Richmond,” 220. For more information on convict leasing in Virginia see, Matthew Mancini, *One Dies Get Another: Convict Leasing in the American South, 1866-1928* (Columbia: University of South Carolina Press, 1996); Douglas A. Blackmon, *Slavery By Another Name: The Re-enslavement of Black Americans from the Civil War to World War II* (London, Icon Books, 2008); Talitha L. LeFlouria, *Chained in Silence: Black Women and Convict Labor in the New South* (Chapel Hill: University of North Carolina Press, 2015).

percent on each transaction, which generated a salary equivalent to an appeals court judge. In a report to the General Assembly he quipped, “It is strange that this abuse has been so long continued.” The financial model of the penitentiary certainly would have benefitted from changing the general agent’s pay from commission to salary much earlier. Legislators envisioned a self-sustaining penitentiary, but were unable to meet that expectation.⁵¹

The Virginia system of prison management emerged shortly after the American Revolution as part of a national movement to revise state penal codes and improve upon the existing European models. It combined the elements of silence and labor from the prevailing systems in Pennsylvania and New York, but incorporated radical forms of solitary confinement and underemphasized the role of religion in rehabilitation. The Virginia system evolved over several decades to resemble the Auburn system that was adopted across the South. However, a flawed architectural design and the failure to build additional cell houses consistently negated the possibility of lodging prisoners in individual cells. As a result, inmates in Richmond suffered higher rates of illness and the guards contended with escapees with more regularity.

The penitentiary in Richmond operated throughout the entire Civil War despite challenges that arose from wartime conditions, manpower shortages, and shortages of raw materials. A collection of 181 receipts from the Confederate military confirmed at least \$284,770.43 in sales from the penitentiary workshops. The variety of goods manufactured by the inmates depended upon the availability of raw materials and operable machinery. The Confederate military became the primary buyer of prison goods. The carpentry shops sold at least fifty-two wagons, fifty-seven carts, and 250 wheelbarrows. The blacksmith shops supplied 9,063 axes, 4,855 pole axes, 851 army pikes, 3,082 axe helves, and 615 chains. The military purchased at least seven wall tents, 133 common tents, 19,816 tent pins, 6,302 tent buttons,

⁵¹ Brumfield, *Virginia State Penitentiary*, 66-7.

eighty-four tent slides, and two hundred tent poles. The leather shops sold 8,638 pairs of shoes, 982 horse straps, 155 hip straps, 596 belly straps, 295 back straps, 174 martingales, ninety-one cheek straps, and 102 cheek reins. The shops also provided at least 639, collars, 121 saddles, 121 saddles, 470 bridles, 180 couplings, 129 harnesses, and 118 four-horse harnesses. During the final year of the war the inmates performed unusual labor including the installation of at least 1,216 panes of glass throughout Richmond.⁵²

The workshops remained operational throughout three financial panics, and two wars. Penitentiaries showed the value of convict labor and demonstrated the reliability of a captive workforce. The wartime experiences of Virginia revealed a profitable market for military supplies that helped lead to the postwar rise of the modern prison industrial complex.

⁵² John Knot, Confederate Papers Relating to Citizens or Business Firms, 1861-65, NARA, RG 109, M346, Roll 0557, document 27; Virginia Penitentiary, Confederate Papers Relating to Citizens or Business Firms, 1861-65, NARA, RG 109, M346, Roll 1057, document 28; R. M. Nimmo, Confederate Papers Relating to Citizens or Business Firms, 1861-65, NARA, RG 109, M346, Roll 0743, document 74; George K. Crutchfield, Confederate Papers Relating to Citizens or Business Firms, 1861-65, NARA, RG 109, M346, Roll 0215, document 109; Geo K. Crutchfield, Confederate Papers Relating to Citizens or Business Firms, 1861-65, NARA, RG 109, M346, Roll 0215, document 110.

Table 2.1

Inmate Population at the Virginia State Penitentiary in Richmond, 1860-1865.

Date	White Male	White Female	Free Black Male	Free Black Female	Total
1860	290	5	87	7	389
1861	289	3	81	6	379
1862	240	3	61	9	313
1863	250	3	27	9	289
1864	255	3	27	6	291
1865					287

Sources: *Annual Report of the Board of Directors of the Penitentiary Institution, Year ending September 30, 1860* (Richmond: William F. Ritchie, 1860), 20; *Annual Report of the Board of Directors of the Penitentiary Institution, Year ending September 30, 1862* (Richmond: William F. Ritchie, 1862), 33; *Alexandria Gazette*, December 13, 1860; *Message of the Governor of Virginia and Accompanying Documents* (Richmond: William F. Ritchie, 1863), xviii; *Annual Report of the Board of Directors of the Penitentiary Institution, Year Ending September 30, 1864* (Richmond: William F. Ritchie, 1864), 21; Coulson, "The Penitentiary at Richmond," 96-7, 108; Zombek, "Transcending Stereotypes," 226, 228.

Table 2.2

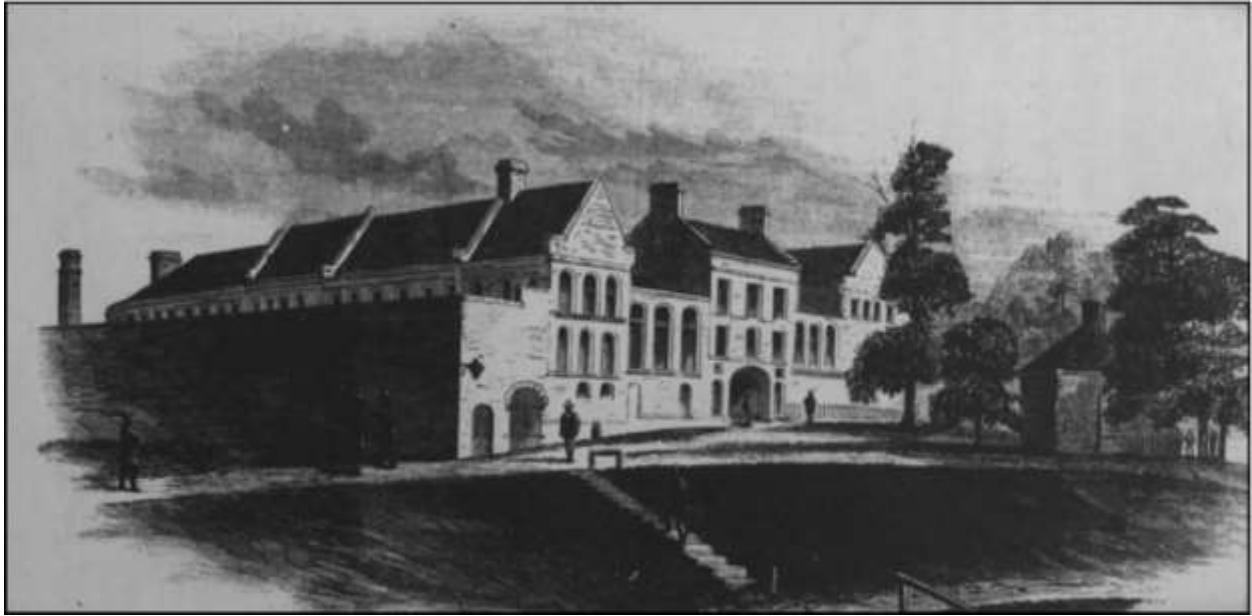
Number of Slaves at the Virginia State Penitentiary in Richmond, 1860-1865.

Year	Male Slave	Female Slave	Sold, Pardoned, or Returned	Died
1860			15	5
1862	61	9	74	21
1863	69	11	78	21
1864	45	7	273	7

Source: *Annual Report of the Board of Directors of the Penitentiary Institution, Year ending September 30, 1860* (Richmond: William F. Ritchie, 1860), 21, 31; *Annual Report of the Board of Directors of the Penitentiary Institution, Year ending September 30, 1862* (Richmond: William F. Ritchie, 1862), 33; *Annual Report of the Board of Directors of the Penitentiary Institution, Year Ending September 30, 1864* (Richmond: William F. Ritchie, 1864), 21.

Illustration 2.1

Wood Engraving of the Virginia State Penitentiary, 1865.



Source: Mary Agnes Grant, *History of the State Penitentiary of Virginia* (M.A. thesis, College of William and Mary, 1936), 136. Wood engraving produced from a sketch by J. R. Hamilton.

Illustration 2.2

Virginia State Penitentiary in Richmond, April 1865.



Source: Library of Congress Prints and Photographs Division, Washington D.C.

Chapter 3

The Georgia State Penitentiary in Milledgeville (1816-1864)

Georgia followed Virginia as the second Southern state to construct and operate a state penitentiary, but it took nearly twelve years of debate. In 1803, the General Assembly called for establishment of a new town named in honor of Democratic-Republican Governor John Milledge. The town of Milledgeville developed west of the Oconee River on land recently occupied by Creek Indians. During the next year, Governor Milledge suggested that the legislature establish a penitentiary system while softening the harsh physical punishments of the existing penal code. On December 12, 1804, the General Assembly, still located in Louisville, not only declared Milledgeville to be the new capital of Georgia, but also designated a site there for the future state penitentiary (see Illustration 3.1).¹

While the government quickly moved west, years of inaction on the penitentiary followed. In 1810 the General Assembly finally appointed a committee to review criminal punishment, and appropriated \$10,000 towards establishing a state penitentiary. Support came from the press. In February, the *Georgia Journal* detailed the financial advantages of convict labor at the Virginia State Penitentiary. The editors “hoped that every legislature, of every state in the Union, may adopt the idea [of a penitentiary] and extend the benefits of the penitentiary

¹ Glenn McNair, *Criminal Injustice: Slaves and Free Blacks in Georgia’s Criminal Justice System* (University of Virginia Press, 2009), 161-62; Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the Nineteenth-Century* (New York: Oxford University Press, 1984), 34-5; Andrea N. Mitchell, “The Georgia Penitentiary at Milledgeville,” (M. A. Thesis, Georgia College and State University, 2003), 18; <http://www.georgiaencyclopedia.org/articles/history-archaeology/georgia-penitentiary-milledgeville>, accessed December 10, 2014. This was the north square which later became the main campus of Georgia College; Leola Selman Beeson, *History Stories of Milledgeville and Baldwin County* (Macon: J.W. Burke Company, 1943), 86-9.

system to their own citizens.” The Georgia Legislature subsequently purchased a copy of the Virginia State Penitentiary blueprints.²

The General Assembly finally approved a new penal code in 1811, seven years after Milledge’s call to arms, “with the view of softening the rigors of our penal code.” The new code reduced the number of capital offenses from 160 to 20 as part of a national trend to limit or abolish the death penalty. New regulations also required officials to segregate male and female inmates at all times. War with Great Britain, which in Georgia involved its western frontier, delayed a great deal of legislation. Only following the War of 1812 did Democratic-Republican Governor David B. Mitchell urge completion of the penitentiary, primarily as a way to alleviate public worries regarding increased crime. In 1816, the legislature appropriated nearly \$60,000 to begin construction of the penitentiary. On October 30, the *Georgia Journal* described the buildings in great detail. On December 19, Governor Mitchell signed an “Act to Carry into Effect the Penal Code of this State, and the Penitentiary System Founded Thereon” into law.

² Mary P. Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” (M. A. Thesis, Georgia State University, 1974), 19, 26-8. The committee included Thomas Spalding, William Davis, Freeman Walker, and William Barnett; Andrea N. Mitchell, “The Georgia Penitentiary at Milledgeville.” (M. A. Thesis, Georgia College and State University, 2003), 1, 19, 28; *Georgia Journal*, February 13, 1810, March 20, 1811. The keeper reported \$50,997 in revenue and \$4,500 in profit from articles manufactured by 116 inmates.

The act regulated the administration, discipline, supervision, personnel, clothing, and other matters at the penitentiary.³

After nearly a full year of construction, Governor Mitchell proclaimed the penitentiary suitable to accept prisoners on January 24, 1817, and the first inmates arrived on March 10. The Board of Inspectors met ten days later at the Statehouse, where they elected Captain Samuel Tinsley as the first principal keeper (see Table 3.1). Tinsley was a veteran of the Revolution and Indian Wars under General Anthony Wayne. Legislators notably suggested including workshops to provide vocational training for inmates as well as a method to generate revenue for operating expenses. The completed buildings included cell house for male prisoners with three stories and a warden's house. Construction continued on the female unit and several two-story workshops. The penitentiary design included porticoes, balconies, and watchtowers on each corner of the

³ Larry R. Findlay Sr., *History of the Georgia Prison System* (Baltimore: Publish America, 2007), 32; Beeson, *History Stories of Milledgeville and Baldwin County*, 86; James C. Bonner, "The Georgia Penitentiary at Milledgeville, 1817-1874," *Georgia Historical Quarterly* 15 (Fall 1971): 303; McNair, *Criminal Injustice*, 163; Bryan Vila and Cynthia Morris, eds., *Capital Punishment in the United States: A Documentary History* (Westport: Greenwood Press, 1997), 24-8; Ayers, *Vengeance and Justice*, 43; Samuel Walker, *Popular Justice: A History of American Criminal Justice* (Oxford: Oxford University Press, 1998), 76; Walden, "History of the Georgia Penitentiary at Milledgeville, 1817-1868," 26, 29, 31, 33, 35-6, 38-40; Mitchell, "Georgia Penitentiary at Milledgeville," 19, 21-2, 38-9. Inmate clothing consisted of one short coat, one pair of overalls, one waistcoat made of brown cloth, two pairs of shoes, two pairs of yarn stockings, two shirts, and two pairs of trousers made of osnaburg. Female inmates received two short gowns, two petticoats made of blue plains, two shifts made of osnaburg, two pairs of shoes, two pairs of yarn stockings, and two blue linen or cotton neck handkerchiefs. Amanda Johnson, *Georgia as Colony ad State* (Atlanta: Walter W. Brown Publishing Co., 1938), 206; Larry E. Sullivan, *Prison Reform Movement: Forlorn Hope* (Boston: Twayne Publishers, 1990), 9; *Georgia Journal*, June 16, 1813, October 30, 1816, March 11, 1817. Officials selected Mr. Robertson as architect of the penitentiary and Mr. Allen as the contractor; George White, *Statistics of the State of Georgia Including an Account of Its Natural, Civil, and Ecclesiastical History* (Savannah, 1849), 85.

wall. The General Assembly insisted upon a brick wall twenty feet tall and two and a half feet thick to “add much to the appearance of the building,” as well as increase security.⁴

Principal Keeper Tinsley moved ahead with convict labor. The legislature adopted the Auburn system of prison management, and Tinsley hired contractors for the workshops and placed advertisements to purchase materials for carriage making and cabinetry, while the inmates began manufacturing carriages, shoes, and saddles for sale to local farmers. In August 1818, Tinsley hired Isaac T. Cushing, a local resident who initiated blacksmithing at the penitentiary. Twenty-four guards oversaw security and wore State Militia uniforms. Prison regulations required inmates to work eight to ten hours everyday except Sunday. The rules permitted thirty minutes for breakfast and one hour for lunch and dinner. The inmates’ diet at that time consisted of “6 oz. of bacon or pork, or 10 oz. of fresh or pickled beef, 1¼ lb. of corn meal, ½ pint of molasses, and a like proportion of salt and vinegar.”⁵

The penitentiary began as a burden upon the treasury. Public criticism increased in 1818 as the facility ran a deficit of \$2,400 within two years. By 1820 the inmate population reached sixty-four inmates. The General Assembly recommended constructing additional workshops, digging another artesian well, and purchasing a fire engine to safeguard the investment (see Table 3.2). In 1826, the General Assembly appointed Peter J. Williams, a well-known land

⁴ Bonner, “Georgia Penitentiary at Milledgeville, 1817-1874,” 303; Sullivan, *Prison Reform Movement*, 9; Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 32-6, 40-1; Mitchell, “Georgia Penitentiary at Milledgeville,” 22, 34-36. The following year the position of turnkey was eliminated, and the principal keeper became appointed by the General Assembly; *Georgia Journal*, October 30, 1816, March 11, 1817, March 18, 1817, December 23, 1817; Lucius Q. C. Lamar, *A Compilation of the Laws of the State of Georgia* (Augusta T. S. Hannon, 1821), 1096; Beeson, *History Stories of Milledgeville and Baldwin County*, 86; White, *Statistics of the State of Georgia Including an Account of its Natural, Civil, and Ecclesiastical History*, 85; *Milledgeville Reflector*, December 23, 1817.

⁵ Bonner, “Georgia Penitentiary at Milledgeville, 1817-1874,” 306-7; Adiel Sherwood, *A Gazetteer of the State of Georgia* (Philadelphia: J.W. Martin and W.K. Boden, 1829), 146. Mitchell, “Georgia Penitentiary at Milledgeville,” 39-40; Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 38-9; *Georgia Journal*, March 11, 1817, December 23, 1817; *Milledgeville Reflector*, November 10, 1818; <http://www.rootsweb.ancestry.com/~gabaldw2/penitentiary.html>, accessed 11/14/2014. The principal keeper advertised flour mill screws, saw mill cranks, inks and gudgeons for tub mills, saw and grist mill irons, general blacksmith work, house and wagon bells, and carriage springs manufactured by the inmates.

speculator, as principal keeper. The personnel change coincided with a fire that damaged several workshops. Two years later, the governor assumed direct responsibility for appointing penitentiary employees and making recommendations for changing regulations. As a result, the principal keeper typically changed with each administration (see Table 3.1). Despite personal and political differences, each administration tended to continue focusing on limiting expenditures and increasing profits from the sale of prison goods.⁶

The prisoners resisted convict labor by damaging equipment and with acts of arson. On May 2, 1831, another fire consumed the entire roof of the main penitentiary structure. Inspectors reported, “The whole of the interior buildings of the penitentiary were consumed by fire, together with a large quantity of its manufactured articles and raw materials.” They estimated the financial loss to total nearly \$150,000. In response, the General Assembly appropriated funds to rebuild with “fireproof materials.” The legislature continued to envision the prison as a profit-maker, however.⁷

Principal Keeper Charles C. Mills’ management led to substantial industrial profits despite national economic troubles. In 1832, the Joint Standing Committee on the Penitentiary identified the blacksmith and wagon departments as the most profitable branches of business, while the harness, shoe, and carpentry shops were “tolerable.” Despite the Panic of 1837, a legislative appropriation expanded the cabinet shop, which led to profits “upwards of eight

⁶ Findlay Sr., *History of the Georgia Prison System*, 35; Bonner, “Georgia Penitentiary at Milledgeville, 1817-1874,” 307-8. Annual food costs amounted to \$4,000, while the administrative costs exceeded \$10,000; *Southern Recorder*, November 28, 1820, December 24, 1822; Mark V. Wetherington, *The New South Comes to Wiregrass Georgia, 1860-1910* (Knoxville: University of Tennessee Press, 1994), 20; Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 55, 59-60, 64-5; *Georgia Journal*, August 15, 1820, May 29, 1821, January 4, 1825; Mitchell, “Georgia Penitentiary at Milledgeville,” 38, 40-1, 46-7, 51-2; Anna Maria Green Cook, *History of Baldwin County, Georgia* (Anderson: Keys-Hearn Printing Co., 1925), 35; Bonner, “Georgia Penitentiary at Milledgeville, 1817-1874,” 311-13.

⁷ Mitchell, “Georgia Penitentiary at Milledgeville,” 52; Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 46, 73, 82; *Georgia Federal Union*, May 5, 1831; *Gettysburg Compiler*, May 4, 1831; Bonner, “Georgia Penitentiary at Milledgeville, 1817-1874,” 309.

thousand dollars,” within the next two years. Mills embraced a philosophy that “the superintendent of a penitentiary should be a monarch, but not a tyrant.” He instituted a system of rewards and milder punishments, as well as a Bible class and a Sunday school taught by a visiting chaplain. The inmates responded in 1837 by setting two small fires in the workshops.⁸

Throughout the 1830s and 1840s political control of the Executive in Georgia vacillated between Whig and Union governors, which fueled constant administrative change at the penitentiary. Newly elected Union Governor Charles J. McDonald appointed Charles H. Nelson, Major General of the Twelfth Division of the Georgia Militia, as principal keeper on January 2, 1840 (see Table 3.1). Penitentiary rules and regulations became increasingly harsh during his tenure. In extreme disciplinary cases the guards whipped inmates ten to forty times with a lash made from a five-inch-wide and ten-inch-long piece of leather fastened to a wooden handle. The officers later substituted a paddle made from a four-foot-long and three-inch-thick, flattened piece of wood filled with holes. Chaplains engaged in inmate rehabilitation through regular Sunday services.⁹

As in other southern states, citizens and mechanics opposed competition from convict labor. In March 1840, the Board of Inspectors and town laborers appealed to the Baldwin County grand jury to prohibit prison goods from being sold in town, and stop inmates from performing labor outside the prison walls. In 1841, the legislature passed an act requiring the

⁸ Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 57, 82, 91, 94-5. In his annual message of 1836, Governor William Schley noted the penitentiary reported a \$10,000 surplus in assets. Boston Prison Discipline Society Reports, *Reports of the Boston Prison Discipline Society, 1826-1854* (Montclair: Patterson Smith, 1972), 67; <http://www.rootsweb.ancestry.com/~gabaldw2/penitentiary.html>, accessed 11/14/2014. In 1835 the legislature appointed Wilkins Hunt as Principal Keeper to fill the vacancy left by Col. Charles C. Mills; *Senate Journal*, (1836), 27; Bonner, “Georgia Penitentiary at Milledgeville, 1817-1874,” 310; Mitchell, “Georgia Penitentiary at Milledgeville,” 36-7, 42, 78-9.

⁹ <http://www.rootsweb.ancestry.com/~gabaldw2/penitentiary.html>, accessed 11/14/2014; Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 53, 101; Mitchell, “Georgia Penitentiary at Milledgeville,” 49, 76; Bonner, “Georgia Penitentiary at Milledgeville, 1817-1874,” 311; Lewis W. Paine, *Six Years in a Georgia Prison* (New York, n.p., 1851), 83-4; Boston Prison Discipline Society Reports, 4:67-68; Findlay Sr., *History of the Georgia Prison System*, 34.

sale of prison goods to be made in cash or notes payable to the Central Bank. The sale of prison goods depended upon the availability of credit, but the General Assembly yielded to public demand. Further legislation stipulated the time, place, and procedure for auctions of prison goods. In his annual message, Whig Governor George W. Crawford acknowledged that the Milledgeville mechanics had united in opposition against convict labor in skilled trades. The mechanics emphasized a high cost of living and raw materials, and complained that prison goods created a saturated local market that hurt them personally.¹⁰

The penitentiary had burned repeatedly throughout its history. On November 7, 1843, prisoners attempting to escape caused yet another fire. The Milledgeville *Federal Union* reported that inmates, “succeeded in arranging and connecting a train of combustible materials, shavings, spirit of turpentine, etc., through the entire length of the shops in which painting and wood work were carried on.” Flames engulfed all of the workshops with an estimated damage of nearly \$30,000. An elderly Milledgeville resident recalled that the inmates screamed in terror during the conflagration and begged to be released. Principal Keeper Nelson reportedly responded, “No, Damn you, you set it on fire and now you shall burn with it.” No inmates actually perished in the fire, but the prospect of rebuilding again led the Superintendent Nelson’s departure. Coincidentally, the Whig Party regained political control with the election of Governor Crawford, and the legislature appointed Colonel Anderson W. Redding of Harris County to replace Nelson (see Table 3.1). Redding led a quick recovery and Governor Crawford

¹⁰ Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 102; Mitchell, “The Georgia Penitentiary at Milledgeville,” 43; *Augusta Chronicle*, November 23, 1843.

celebrated a net income of \$8,987.83 at the penitentiary, where leatherwork became a profitable industry.¹¹

Descriptions of the prison from the inside during this period are rare, but one inmate described his incarceration at the penitentiary during the 1840s. On April 3, 1845, Lewis Paine was charged with “negro stealing” after allegedly assisting a runaway slave named “Samson” escape. He received a sentence of seven years and arrived in Milledgeville on August 22. Prison guards removed his irons in the blacksmith shop before transferred him to the cell building for his uniform. Paine initially worked in the cabinet shop and then the carriage shop. He left there due to the “mean and petty tyrant” overseer. Finally, he worked in the blacksmith shop, which granted more liberty than the other shops.¹²

That same year, renowned New England social reformer Dorothea L. Dix visited the penitentiary and donated books to the inmate library. Dix was in the midst of touring penitentiaries and asylums across the South to ensure inmates and patients received humane treatment. Paine fondly recalled her visit, writing, “I shall always remember her with the kindest emotions of my heart.” He recalled that Dix sent “a present in the form of a library.” He often spent more than five hours reading books each day, and kept a lamp hidden within his cell to read at night. By 1847, the reading material available to Paine included newspapers from

¹¹ Mitchell, “Georgia Penitentiary at Milledgeville,” 53, *Federal Union*, November 14, 1843. Nelson called on the ‘Metropolitan Grays’ and ‘Baldwin Blues’ militias to guard the prisoners while temporarily removed from their cells for safety; Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 102-3, 114-15; Bonner, “Georgia Penitentiary at Milledgeville, 1817-1874,” 310; C. H. Nelson, Principal Keeper, to Governor George W. Crawford, November 10, 1843,” in Penitentiary Records; Cook, *History of Baldwin County*, 35; <http://www.rootsweb.ancestry.com/~gabaldw2/penitentiary.html>, accessed 11/14/2014. A fire company under the command of Captain Kenan saved the cell buildings from damage. *Augusta Chronicle*, November 23, 1843.

¹² Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 123-24; *House Journal*, (1845), 25; Paine, *Six Years in a Georgia Prison*, 15-20, 27-9, 35-8, 73, 76-80.

“various parts of the Union.” Paine and the other inmates appreciated it, “for once more we were put in communication with the world.”¹³

Female inmates inhabited the penitentiary, but in far lower numbers than their male counterparts. From 1817 to 1850, twenty women resided in the prison. All but three eventually received executive pardons from their sentences. Women served sentences for a variety of crimes including arson, larceny, vagrancy, perjury, counterfeiting, horse stealing, and murder. Construction of a female cell building stalled, however, due to financial constraints and the “minimal number of female inmates.” In the meantime, the women lived together in a single room on the second floor near the kitchen and the penitentiary chapel. They labored away from the workshops as well, instead sewing, cleaning, and cooking.¹⁴

As production increased at the penitentiary workshops, competition with private industry led to renewed public outcry against convict labor. On July 4, 1851, the Georgia Mechanics Convention met in Atlanta, with an audience of nearly five hundred attendees. Among other things, the members requested the creation of a State Mechanical Institute and a membership that adhered to the traditional system of apprenticeship. But they also opposed the instruction of prisoners in mechanical trades that typically required five to six years of apprenticeship by free citizens. The convention cautioned that adopting mechanical employments for criminals “inflicts insult and degradation upon the law-abiding mechanics of the State.” The mechanics suggested

¹³ Mitchell, “Georgia Penitentiary at Milledgeville,” 75; Paine, *Six Years in a Georgia Prison*, 76-82; Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 126.

¹⁴ Mitchell, “Georgia Penitentiary at Milledgeville,” 65, 67. Prostitution was often interpreted as vagrancy. Robert S. Davis, *The Georgia Black Book: Morbid, Macabre, and Sometimes Disgusting Records of Genealogical Value* (Easley: Southern Historical Press, 1987), 53-134; Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 50-1; W. McDowell Rogers, “Free Negro Legislation in Georgia Before 1865,” *Georgia Historical Quarterly* 16 (1932): 27-37; Keri Leigh Merritt, *Masterless Men: Poor Whites and Slavery in the Antebellum South* (Cambridge: Cambridge University Press, 2017), 192.

that convict labor could be better utilized on common roads, un-navigable waterways, plank and railroads, as well as labor in coalmines and marble quarries.¹⁵

The political landscape of Georgia shifted between Democrat and opposition control in the 1850s, which resulted in administrative change at the penitentiary. In 1852 the General Assembly appointed Major Lewis Zachry to replace Redding as superintendent. The change led to improved conditions. The prison library now included non-political newspapers, while new regulations permitted writing letters to relatives. Inmates conversed in the yard on Sundays, and their diet improved with the addition of fresh vegetables from the prison garden. Additionally, inmates who demonstrated good behavior earned two days deducted from their term for each month without disciplinary infractions.¹⁶

Changes also were in the offing when it came to manufacture. In late 1851, Democratic Governor George W. Towns recommended the inmates manufacture both railroad cars and iron rails for the state's railroads. The General Assembly appropriated funds to build a new workshop to construct and repair railroad cars for the state. Over the next ten months, the car shop produced thirty-five boxcars, five break cars, twenty platform cars, and fifteen stock cars for a profit of \$9,625. According to Superintendent Lewis Zachry, thirty inmates averaged 220 hours of work at the car shop during that time period. He hoped the legislature could appropriate funds to enlarge the shop to employ three-times as many inmates. Zachry also boasted that six

¹⁵ *Savannah Republican*, July 10, 1851.

¹⁶ Mitchell, "Georgia Penitentiary at Milledgeville," 50-51; Bonner, "Georgia Penitentiary at Milledgeville, 1817-1874," 311, 313; *Acts of the General Assembly of the State of Georgia, 1840* (Milledgeville: 1841), 131, 141; Paine, *Six Years in a Georgia Prison*, 73; T. Conn Bryan, *Confederate Georgia* (University of Georgia Press, Athens, 1953), 101; U.S. Census Office, 8th Census, 1860, *Manufactures of the United States*, 729-30; <http://www.rootsweb.ancestry.com/~gabaldw2/penitentiary.html>, accessed 11/14/2014.

weeks of convict labor nearly completed construction of the railroad spur connecting the penitentiary car shop with the Eatonton and Gibson Railroad (see Illustration 3.2).¹⁷

The state-owned Western and Atlantic Railroad that connected Atlanta to Chattanooga benefitted financially from convict labor. General Superintendent George Yonge reported an annual increase of ninety-nine freight cars, including eighty manufactured at the penitentiary. The company provided the materials and paid an agreeable amount for convict labor. Yonge recommended, “that the Road receive all that can be furnished by the Penitentiary, which would be about twelve cars per month; or as many as we shall have the ability to pay for; as these cars compare favorably with any others in the State, at a reasonable charge, and it is believed makes a fair return to that institution.” Manufacturing railroad cars with convict labor proved lucrative. On October 1, 1855, Book Keeper William A. Williams identified profits of \$47,449.44 from manufactured articles and job work, as well as \$13,468.59 of profit from the construction of thirty-two boxcars, three baggage cars, and five platform cars. Meanwhile, the car shop superintendent received orders to produce cars “as rapidly as he can.”¹⁸

The election of Democratic Governor Joseph E. Brown in 1857 led to the appointment of three different superintendents. The first occurred on January 10, as the General Assembly appointed Colonel William Turk (see Table 3.1), who had served in the Seminole Wars and was an inferior court judge. He lamented the dilapidated condition of the penitentiary and workshops

¹⁷ <http://www.rootsweb.ancestry.com/~gabaldw2/penitentiary.html>, accessed 11/14/2014. The legislature also appointed Col. Gholston as Book Keeper, Col. Peter Fair as Inspector, and Dr. C. J. Paine as Physician; Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 111, 129; Bonner, “Georgia Penitentiary at Milledgeville, 1817-1874,” 310; *Report of the Principal Keeper 1852 and 1853* (Milledgeville, N.P., 1853), 1-7; Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 129.

¹⁸ *Reports of the Superintendent and Treasurer of the Western & Atlantic Rail-Road, to His Excellency Howell Cobb, the Thirtieth of September, 1853* (Atlanta: Ware and Eddleman’s Job Office, 1853), 10-1, 14. The treasurer allocated \$97,500 for the purchase of 150 freight cars over the next year. *Report of the Principal Keeper and Book Keeper of the Penitentiary of Georgia, for Political Years 1854 and 1855, Ending Oct. 4th, 1855* (Milledgeville: Federal Union Power Press, 1855), 3-5, 9, 11-2, 14-5, 17; *Reports of the Superintendent and Treasurer of the Western & Atlantic Rail-Road, to His Excellency Herschel V. Johnson, on the Thirtieth September, 1855* (Atlanta: Kay’s Mammoth Book and Job Office, 1855), 6; Merritt, *Masterless Men*, 234.

that only accommodated one hundred inmates. As a result, the General Assembly appropriated \$30,000 for a three-story workshop, 100-feet-long by 50-feet-wide, that would accommodate seventy workers. Another new building, a four-story brick structure 200-feet-long by 30-feet-wide, contained a dining hall, chapel, storeroom, and hospital. The penitentiary now accommodated a total of 192 inmates divided into four wards. The following year, the General Assembly appointed General Eli McConnell, a war veteran, Indian Agent, prominent businessman, and state representative. McConnell abruptly resigned as superintendent on October 1, 1860, due to illness and was replaced by James A. Green, a millwright from Jackson, who served in that capacity for five years.¹⁹

By 1860, the state of Georgia boasted a prosperous and diverse economy. The state assessed \$686,326,086 in taxable property, including the Western and Atlantic Railroad, valued at over \$8,000,000. Railroad track mileage had reached 1,404 miles, and the cost of construction reached \$29,057,742. Northern travel author Frederick Law Olmstead reported, “I have travelled on more than five hundred miles on the Georgia roads, and I am glad to say that all of them seem to be exceedingly well managed.” Investment in railroads varied widely across the South, but Georgia boasted the second most with \$27,632,690. The state-owned-and-operated Western & Atlantic Railroad earned \$450,000 or 10 percent on its investment in 1860. The use of convict labor to manufacture cars contributed to the profits. Book Keeper Williams reported \$59,835.77

¹⁹ Bonner, “The Georgia Penitentiary at Milledgeville, 1817-1874,” 310-11, 314; Mitchell, “Georgia Penitentiary at Milledgeville,” 51; <http://www.rootsweb.ancestry.com/~gabaldw2/penitentiary.html>, accessed 11/14/2014; *Annual Report of the Principal Keeper and Book Keeper of the Georgia Penitentiary, for the Fiscal Year Ending Oct. 5, 1857* (Milledgeville: n.p., 1857), 2-3, 5-7; Jeannette Holland Austin, *The Georgia Frontier, Volume 2: Revolutionary War Families to the Mid-1800s* (Baltimore: Jeannette Holland Austin, 2005), 429; *Augusta Chronicle*, November 13, 1860; *Annual Report of the Principal Keeper and Book Keeper of the Georgia Penitentiary, for the Fiscal Year Ending October 1st, 1860* (Milledgeville: Boughton, Nisbet, and Barnes, 1860), 3-5, 14-32.

of manufactured articles from his predecessor, which included \$1,950 for three boxcars and \$7,800 in bills receivable for cars.²⁰

National events, however, dampened such rosy economic reports. Following the election of Abraham Lincoln as President of the United States, the Georgia Assembly met on November 8, 1860, for a special message from Governor Brown. He requested an appropriation of \$1,000,000 for a general military fund. Brown then advocated for immediate secession in an open letter on December 7. The legislature authorized the enlistment of ten thousand volunteer state troops. By January 11, 1861, four other states had seceded from the Union, and Senator Robert Toombs encouraged the Georgia to become the fifth. On January 19, delegates to the Georgia Secession Convention adopted an Ordinance of Secession by a vote of 208 to 89. Governor Brown ordered the coastal defenses, including Fort Pulaski, and federal arsenal seized in preparation for war. The Confederate bombardment of Fort Sumter began on April 12. By May 4, an estimated 18,000 Georgians volunteered for military service.²¹

The onset of the Civil War brought many things to Georgia, but often overlooked is that that war both created a new market for prison goods and changed public perceptions of convict

²⁰ Bryan, *Confederate Georgia*, 48, 64, 101, 110; U.S. Census Office, 8th Census, 1860, *Statistics of the United States*, 295-98, 331; U.S. Census Office, 8th Census, 1860, *Manufactures of the United States*, 82, 729-30; Bonner, "Georgia Penitentiary at Milledgeville, 1817-1874," 315; *Annual Report of the Principal Keeper, 1860* (Milledgeville, 1860), 14-21; Frederick L. Olmstead, *The Cotton Kingdom: A Traveler's Observations on Cotton and Slavery in the American Slave States, 1853-1861* (Cambridge: Da Capo Press, 1996), 212; *Savannah Daily Morning News*, February 15, 1861; Robert C. Black III, *The Railroads of the Confederacy* (Chapel Hill: University of North Carolina Press, 1998), 3-4, 9-10, 30, 43. The gauge of track varied across the South, but Georgia adhered to a standard of five feet between "T" bar rails. Several lines including the Central, Macon & Western, Southwestern, and Georgia Railroads invested in slaves; *Report of the Comptroller-General, Made to the Governor, October 16, 1863* (Milledgeville: Boughton, Nisbet, Barnes, and Moore, 1863), 7-9; *Report of the Comptroller-General of the State of Georgia, Made to the Governor, October 18, 1864* (Milledgeville: Boughton, Nisbet, Barnes, and Moore, 1864), 8; *Report of the Comptroller-General, 1865*, I, 6; *Annual Report of the Principal Keeper and Book Keeper of the Georgia Penitentiary, for the Fiscal Year Ending October 1st, 1860* (Milledgeville: Boughton, Nisbet, and Barnes, 1860), 3-5, 14-32.

²¹ Michael P. Johnson, *Toward a Patriarchal Republic: The Secession of Georgia* (Baton Rouge: Louisiana State University Press, 1977), 121; Bryan, *Confederate Georgia*, 1-9, 22; Allen Daniel Candler, ed., *Confederate Records of the State of Georgia, Volume I* (Atlanta: Charles P. Byrd, 1911), 19-57, 206, 208, 211, 241-44, 740-47; Allen Daniel Candler, ed., *The Confederate Records of the State of Georgia, Volume II* (Atlanta: Charles P. Byrd, 1911), 13-16; Richard F. Selcer, *Civil War America, 1850 to 1875* (New York: Facts on File, 2006), 226, 231.

labor at the penitentiary workshops. The legislature never passed any appropriations to directly support the penitentiary during the war, preferring to spend money on its regiments. Instead, the institution had to become self-sustaining. Remarkably, it produced considerable revenue to the state war effort as well as much-needed goods (see Table 3.5).²²

According to the 1860 *Federal Census*, the penitentiary held 231 inmates. As a group, the prison population was homogenous. The most common wartime inmate could be described as an Anglo male between 21 and 40 years of age. An overwhelming majority reported their place of birth as Georgia, South Carolina, or North Carolina. They were likely to have been sentenced within the previous four years for larceny, manslaughter, forgery, attempt to murder, or burglary. The vast majority were common laborers, but their previous occupations ranged from physicians and engineers to brick layers and ditch diggers. The near absence of an African-American male population resulted from the widespread use of corporal punishment on plantations, as well as the financial loss incurred from incarcerating a slave (see Table 3.2).²³

At the onset of war the penitentiary complex itself included over a dozen buildings inside and outside of the walls (see Illustration 3.2). Improvements completed in late 1861 included new workshops, and a brick building containing a chapel and dining room. Additionally, the cell-house buildings underwent complete renovations. The facility shared the Milledgeville public square with two academies on the west end, as well as three dwellings and a courthouse. A wartime resident of Milledgeville, E. A. Tigner, recalled playing at Penitentiary Square as a child, and hearing the guard call out “eight o’clock and all’s well,” every evening. Tigner would

²² Bonner, “Georgia Penitentiary at Milledgeville, 1817-1874,” 311, 316; Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 140.

²³ Federal Census 1860, Milledgeville, Georgia, (Washington D.C.: Government Printing Office, 1860).

later produce the most accurate description of the plan and workings of the penitentiary at the time of the Civil War (see Illustrations 3.1 and 3.2).²⁴

Within the first few months of 1861, the prison workshops converted to manufacturing military supplies. The legislature's Joint Standing Committee on the Penitentiary promised that the inmates would be "incessantly engaged in furnishing all kinds of equipment to our brave and eager soldiery. And should there be a protracted conflict, now that most of the convicts are skilled in this kind of labor, it cannot but prove a most economical and important auxiliary in securing our independence. Thus we may be enabled to avail ourselves of crime at home to assist in repelling or destroying the criminal invaders on Southern soil." Clearly, the General Assembly understood the value of convict labor and the capability of the workshops to manufacture military supplies.²⁵

The state moved quickly to put the prison on a war footing. On April 8, 1861, with tensions between Washington and the Confederates about to explode at Fort Sumter, Adjutant General Henry C. Wayne wrote to Colonel H. A. Chastain at the Augusta Arsenal instructing him to send twenty-five bullet molds for model 1842 muskets, as well as "one of each other kind of Bullet mould [sic] at the Arsenal," to Captain Thomas H. Bradford at Milledgeville. Wayne planned to manufacture cartridges at the penitentiary in an effort to "get up supplies for all of our arms." On June 21, with the war in effect, Green wrote to Assistant Quartermaster Colonel Ira R. Foster notifying him of the recent preparation of forty large bails of flannel blankets and

²⁴ Beeson, *History Stories of Milledgeville and Baldwin County*, 86-8; *Union Recorder*, May 5, 1938. Tignor conferred with over a dozen residents and former employees of the penitentiary to render a drawing by Vernon Layton, a talented artist from Washington County. The citizens who contributed included T. L. McComb, S. F. Hancock, Dr. H. D. Allennnn, W. H. Stembridge, Walter Paine, John Edwards, Captain W. T. Conn, Captain C. W. Ennis, and his son J. Howard Ellison and her brother Adam Brooks, John Kyle, Willis Pritchard, and Ben Clark.

²⁵ Walden, "History of the Georgia Penitentiary at Milledgeville, 1817-1868," 138.

fifteen large boxes of soldier clothing worth \$1,000. Green noted the workshops held 150 tents on hand, but expected to have 200 within a few days.²⁶

The workshops began producing ammunition for Confederate soldiers over a year before the General Assembly officially established a State Armory at the penitentiary. On July 20, 1861, Green wrote to Wayne regarding recent unlabeled shipments of six boxes of cartridges manufactured at the penitentiary workshops. Green informed Wayne that each box contained “5,000 Ball Cartridges, the balls cast in the Harper’s Ferry Rifle mould [sic].” Wayne requested the ammunition on June 30, for soldiers at Camp McDonald near Kennesaw. Green noted that each cartridge contained “60 grains Rifle powder.”²⁷

Tents, however, became one of the most common items produced in the prison industrial complex of the Confederacy. On July 12, Book Keeper Thomas T. Windsor responded to General Wayne regarding efforts to obtain high-quality waterproof cloth for manufacturing tents. Windsor received a sample of cloth from D. A. Jewell of the Rock Mill Factory in Warrenton, Warren County, and sent a piece for Wayne to examine. Windsor described the material as full fifteen-ounce duck cloth measuring twenty-eight inches wide, produced at a cost of \$0.32 per yard. Jewell estimated the mill’s machinery produced nearly 200 yards per day. From then on the penitentiary workshops primarily utilized the material for manufacturing tents.²⁸

²⁶ Wayne to Chastain, April 8, 1861, *Adjutant General’s Letter Book, Feb. 1, 1861-Oct. 8, 1864, A.G.O. Volume B-44, Part 1* W.P.A. Project No. 5993 (compiled 1940), 241; Green, James A., Folder, Records, Georgia Archives.

²⁷ James Green, *Defense - Adjutant General – Ordnance Records, 1861-1864*, 022-01-017, Folder 1706, Georgia State Archives, Morrow, Georgia; Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 139; *Annual Report of the Principal Keeper and Book Keeper of the Georgia Penitentiary, for the Fiscal Year Ending 1st October, 1862* (Milledgeville: Boughton, Nisbet, and Barnes, 1862), 4-5.

²⁸ Thomas F. Windsor, *Defense - Adjutant General – Ordnance Records, 1861-1864*, 022-01-017, Folder 4636, Georgia State Archives, Morrow, Georgia; D. A. Jewell, *Confederate Papers Related to Citizens or Business Firms, 1861-65*, NARA M346, Record Group 109, roll 0505, document number 197. Receipts from later in the war revealed that during an eleventh month period Jewell supplied the Confederate military with 75,135 yards of osnaburg cloth, 21,750 pounds of yarn valued at \$176,612.38.

The steady supply of waterproof cloth and seemingly endless demand for tents and other supplies pushed the workshops to capacity throughout the war. In August 1861, the penitentiary had supplied 222 small tents and thirty-two wall tents worth \$3,686.00 to Assistant Quartermaster Captain Thomas H. Bomar. On August 20, Green wrote to Colonel Foster regarding the shipment of five hundred haversacks, as well as a forthcoming shipment of an unspecified quantity of canteens the following day. On October 19, Governor Brown ordered Green to send 210 common tents and sixteen wall tents for Colonel Cowart and Colonel Watkins' Regiments.²⁹

On November 22, Samuel F. Alexander of the Committee on the Penitentiary, boasted that all departments created a “highly prosperous institution.” He declared, “Since the commencement of the war between the North and South, the Penitentiary has been of incalculable service to our State in the Confederate cause.” He pointed out that convict labor proved, “a most economical and important auxiliary in securing our independence.” The committee, however, noted continuing objections to interactions between young minor offenders and older hardened criminals.³⁰

There had been other problems. Prisons are infamous for escapes, and the Georgia State Penitentiary had dealt with nearly one hundred attempts by 1861. The war did not stop that. Indeed, the largest escape attempt in the facility's history took place in the early chaotic months of the Civil War. On July 30, at 3 o'clock in the morning, a group of twelve or fourteen inmates attempted to break out. One of the inmates had fashioned a false key, distracted the guard by feigning illness, and released his fellow convicts. The group placed a wooden plank from the

²⁹ Candler, *Confederate Records of the State of Georgia, Volume 2*, 68; James A. Green, *Confederate Papers Related to Citizens or Business Firms, 1861-65*, NARA M346, Record Group 109, roll 0375, document number 14; Green, James A., Folder, Records, Georgia Archives.

³⁰ *Journal of the Senate of the State of Georgia, at the Annual Session of the General Assembly, 1861* (Milledgeville: Boughton, Nisbet and Barnes, 1861), 131-34; *Daily Federal Union*, November 23, 1861.

roof of the machine shop to the outer wall. While running across to freedom, William Rozier and John Wheeler died from gunshot wounds, while Samuel Oakes broke his back jumping from the wall. Prison officials recaptured three inmates, but four remained at large.³¹

In his annual message, delivered in November 1861, Governor Brown nonetheless praised the penitentiary, focusing on profits. It now held assets totaling \$64,812.32, and did not require any appropriation for the upcoming fiscal year. By November, the Joint Committee on the Penitentiary proclaimed that the facility already proved “incalculable service to [the] state [and to] the Confederate cause.” The committee chairman predicted the facility would remain self-sustaining, if not a source of revenue during the war.³²

Brown and the General Assembly continued to encourage domestic production of wartime supplies within the state, in part to lessen dependence on the Confederate Government in Richmond. Creating a new state armory was part of that effort. The initial steps towards establishing a new State Armory in Milledgeville began on December 9, 1861, when the Georgia House of Representatives introduced a bill to authorize the “manufacture and purchase of arms for the public defence, and to appropriate for the same.” On December 12, the bill passed with funds raised through the sale of 8 percent bonds. During the afternoon session of the legislature on December 24, the Military Committee proposed a bill authorizing Brown to spend \$350,000 for the purchase of muskets and bayonets manufactured at the penitentiary workshops. The legislature expected Brown to employ convict labor, as well as an armorer, superintendent, and

³¹ *Southern Recorder*, July 30, 1861; *Augusta Chronicle*, August 1, 1861.

³² *Macon Telegraph*, November 27, 1861; Mitchell, “Georgia Penitentiary at Milledgeville,” 44-5; *Senate Journal*, (1861), 132.

master artisans. The workshops on the first level of the penitentiary would be converted into the State Armory.³³

The state hired Peter Jones to be the new facility's Master Armorer. Prior to the war, Jones had worked alongside his eldest son Charles at the Harpers Ferry armory. Jones visited the Tredegar Iron Works in Richmond, as well as the North Carolina armory in Fayetteville, in search of machinery, patterns, and models. At another armory in Columbia, South Carolina, Jones purchased machinery. Once in Milledgeville, he began patterning the two-band "Georgia Rifle" after the U.S. Model 1855 Springfield rifle he had helped produce at Harpers Ferry, with a rounded, winged lock plate, British trigger guards, and lock screw washers similar to the Whitney Enfield rifle. The barrel and lock meanwhile would resemble parts of an 1841 Mississippi Rifle. The initial Georgia Rifles were to fire .58 caliber rounds like a Springfield rifle, but Jones soon switched to the similar .577 caliber in July 1862, in order to conform with Confederate standards that reflected imported British Enfields and their ammunition. The sword bayonets for the rifles also resembled the U.S. Model 1855 pattern, with a grooved mortise designed to fit a stud on the barrel. The State Armory bayonets initially featured brass hilts, but later models changed to wooden hilts due to cost (see Illustration 3.5, 3.6, 3.7, 3.8, 3.9, and 3.10).³⁴

³³ Bryan, *Confederate Georgia*, 25, 28; Candler, ed., *Confederate Records of the State of Georgia*, II, 266, 332-35, 354-55; *Journal of the Senate of the State of Georgia, 1861*, 243, 252, 261; Candler, ed., *Confederate Records of the State of Georgia*, III, 90; *Southern Recorder*, August 12, 1862, December 24, 1861; *Augusta Daily Constitutionalist*, November 9, 1862; Walden, "History of the Georgia Penitentiary at Milledgeville, 1817-1868," 139; Georgia, *Laws*, (1861), 61; Mitchell, "Georgia Penitentiary at Milledgeville," 44; Claud E. Fuller and Richard D. Steuart, *Firearms of the Confederacy* (Lawrenceville: Quarterman Publications, Inc., 1944), 175-76; *Columbus Daily Enquirer*, December 25, 1861; *Charleston Mercury*, August 20, 1862; Gluckman, Arcadi and L. D. Satterlee, *American Gun Makers* (Harrisburg, Pennsylvania: Stackpole Company, 1953), 73.

³⁴ *Federal Census 1860*, NARA Roll: M653_1355, Page 764, Image 114; *Macon Telegraph*, August 14, 1862; Leighton Young, "The Georgia Armory Rifle," *Southern Sentinel* 11 (November 2013): 5; Peter Jones, *Confederate Papers Related to Citizens or Business Firms, 1861-65*, NARA M346, Record Group 109, roll N/A, document number 6. The Ordnance Department paid \$68.60 of hotel bills and housekeeping. Jones traveled with six family members, three boxes, and two chests.

Inmates meanwhile participated in the Confederate war effort by manufacturing railroad cars, tents, shoes, cotton cards, rifles, swords, bayonets and myriad other items. A sample of orders during the winter of 1861 demonstrates the successful conversion to manufacturing wartime supplies, especially tents (see Table 3.4). On December 6, 1861, Assistant Keeper Charles G. Talbird wrote to Assistant Quartermaster Captain W. J. Williford in Savannah, regarding delivery of 50 army tents and 500 knapsacks. One week later, he authorized another delivery of two shipments totaling sixty-nine tents to Williford. On December 16, an additional twenty-two tents arrived in Savannah, along with a second order of 500 knapsacks and sixty tents. Twelve days later, an additional 300 knapsacks departed for Savannah.³⁵

A year into the war, the early shortage of muskets and rifles meanwhile led Governor Brown to propose the unconventional idea of raising a battalion armed with pikes. Instead, on February 18, 1862, the *Southern Federal Union* encouraged all readers to send old muskets to Peter Green at the penitentiary, where they could be quickly repaired and made ready for use defending the state. One month later, the newspaper reported that the workshops had repaired nearly one thousand muskets the previous two months. Weapons collected and repaired at the State Armory went to arsenals at Augusta, Savannah, and Chattanooga. By February 21, the armory had repaired nearly one thousand muskets, and expected to complete the first Georgia Rifles within a few days.³⁶

The State Armory by then operated with a combination of hired skilled artisans and convict labor. On March 29, 1862, Major Lachlan H. McIntosh advertised for “3 First rate

³⁵ Green, James A., Folder, Records, Georgia Archives, Morrow, Georgia.

³⁶ *Southern Federal Union*, February 18, 1862, March 18, 1862; Candler, ed., *Confederate Records of the State of Georgia*, II, 190-201, 345-46, 351, 353. The pike had a six-foot staff to which was attached an eighteen-inch knife; Beverly M. DuBose III, “Manufacture of Confederate Ordnance in Georgia,” http://americansocietyofarmscollectors.org/wp-content/uploads/2013/03/B015_DuBose.pdf, accessed 12/16/2014. Between March and September, Georgia mechanics and artisans manufactured more than twelve thousand pikes; Bryan, *Confederate Georgia*, 26; McIntosh to Jackson, March 13, 1862, Henry Rootes Jackson Papers, Georgia Historical Society, Savannah, Georgia; *Federal Union*, March 21, 1862.

Machine Forgers, for the State Armory at Milledgeville.” As the months progressed, the inmate population decreased due to releases, pardons, and a dramatic decrease in civil prosecutions. That required more free laborers. On July 10, Major McIntosh placed another advertisement requesting “Twenty good machinists for employment at the Georgia Armory.” He sought skilled artisans for the positions considered unsafe for convict labor.³⁷

On August 8, 1862, General Wayne and Major McIntosh presented Governor Brown with the first Georgia Rifle, complete with a sabre bayonet, completely manufactured at the State Armory. The *Macon Telegraph* described it as “equal in workmanship and efficiency to any manufactured on this continent.” The musket included a plate inserted in the breach with the inscription, “Presented to His Excellency J. E. Brown, Governor of Georgia,” below the Georgia coat of arms. Wayne announced, “We are now prepared to manufacture rifled muskets and rifles, according to Army patterns, and on the principle of interchange with them, equal in workmanship and efficiency, to any made on this continent.” He concluded, “In after years, when peace shall once more be restored to the land, this rifle will be a pleasing memento to you and to your descendants, of the part you are now playing in these troublous time.”³⁸

As the war progressed, the need for additional railroad cars as well as shoulder arms ensured steady profits for the car shop at the penitentiary. On June 18, 1862, a report members of the Railroad Committee included statements from a master carpenter, who insisted “the cars built by the State Penitentiary are equal to those built in any shop in Georgia.” The superintendent pointed out that a recent increase in shipment of coal from Tennessee required additional cars to be manufactured at the penitentiary workshop. He pointed out, “It is a profitable business, and one likely to continue.” The net earnings for 1862 totaled \$27,474.74

³⁷ *Augusta Daily Constitutionalist*, April 4, 1862; *Macon Telegraph*, April 23, 1862, August 19, 1862.

³⁸ *Macon Telegraph*, August 14, 1862, September 13, 1862; *Augusta Daily Constitutionalist*, September 13, 1862; *Southern Federal Union*, August 19, 1862.

before Green deposited \$10,000 into the State Treasury (see Table 3.5). He allocated the remaining \$17,474.74 to purchase raw materials, but lamented that inflation of Confederate currency increased prices “one to five hundred per cent higher.”³⁹

One continuing factor that threatened to cut into that profitable production, however, was labor. The growing Confederate Army and disruption of county courts led to fewer civilians being convicted of criminal acts on the home front. In October 1862, Green reported an inmate population of only 188 men and five women. Demand for convict labor and military supplies from the penitentiary and armory workshops remained steady throughout the war.⁴⁰

Despite siphoning off manpower, the military relied on the penitentiary workshops to supply ever-increasing amounts of prison goods. Book Keeper Windsor pointed out debts from the State including \$10,679.20 for military equipment, \$4,114.60 of salt sacks, \$2,020.15 for convict labor at the Statehouse, \$8,480.15 for convict labor at the State Arsenal, as well as \$824.85 of manufactured goods on hand. He allotted \$49,034.71 to purchase lumber, hides, bark and other raw materials for manufacturing shoes, wagons, furniture, and other goods worth \$129,564.42. The physician also highlighted a Roseola epidemic that affected about one

³⁹ *Report of the House Committee on Western and Atlantic Railroad* (Milledgeville: N.P., 1862), 13; Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 144; *Southern Recorder*, October 30, 1862; *Annual Report of the Principal Keeper and Book Keeper of the Georgia Penitentiary, 1st October, 1862*, 2-6, 15-22. The officers of the penitentiary included James A Green as Principal Keeper, Charles G. Talbird as Assistant Keeper, Thomas T. Windsor as Book Keeper, George D. Case as Physician, and Rev. C. W. Lane as Chaplain. The wood shops reported 21,000 feet of oak and poplar, as well as 41,500 feet of pine lumber. The shoe shops noted 250 pounds of common and fine shoe thread, as well as 1583 leathers prepared for shoes. The Tannery reported 62 hides in lime, 4,500 pounds of leather, and 160 gallons of tanner’s oil. The blacksmith shop held well over 5,000 pounds of iron used for axles and boxes for axels. The tailor shop reported 2,500 pounds of cotton for mattresses, 170 pounds of cotton rope, and 107 Army coats; *Annual Report of the Comptroller General of the State of Georgia, Made to the Governor, October 21, 1862* (Milledgeville: Boughton, Nisbet, Barnes, 1862), 7, 10, 48.

⁴⁰ *Annual Report of the Principal Keeper and Book Keeper of the Georgia Penitentiary, 1st October, 1862*, 2-6.

hundred inmates in May. He worried, “Soon, I fear, one of the worst evils of the war will be experienced in the want of medicines to restore the sick to health.”⁴¹

The legislature worried about a different problem. In November 1862, legislature investigated alleged fraud at the penitentiary shoe department. Confederate Agent A. P. Bell contracted with Assistant Quartermaster Captain William Bacon in Atlanta for 1,000 pairs of shoes, at \$3.50 a pair. Bell increased the order to 2,000 pairs of shoes, but only paid \$2,932.50. He then sold the shoes to a private individual, instead of the Confederate Army, for \$5,726.90. Ultimately, the penitentiary was not obligated to fulfill the remainder of the contract. The committee described the conduct of all three major characters in the incident as unsatisfactory, and recommended Bell’s dismissal from the army. The committee referred the matter to the Secretary of War.⁴²

On November 4, 1862, Jones submitted a detailed list of the quantity and value of tools fabricated for the armory. The materials and labor expended to repair 2,176 arms, restock 160 arms, and alter 21 arms totaled \$1,980.96. Additionally, Jones reported 104 Georgia Rifles manufactured at an expense of \$4,722.35. He explained that a delay in receiving heavy oak timber for tilt hammers and the loss of two experienced forge workers had negatively impacted production. Jones also pointed to the inadequacy of the existing steam engine, and questioned the failure to install a new engine for the past six months. Finally, he complained that the inmates were not trained machinists, and admitted, “The prospect of making Guns by convict labor is not very flattering under existing circumstances.” Jones opposed the \$1.25 per day charge for convict labor, which raised production costs. He concluded that the rifles could be

⁴¹ *Annual Report of the Principal Keeper and Book Keeper of the Georgia Penitentiary, 1st October, 1862*, 27-31; *Southern Recorder*, October 30, 1862.

⁴² Mitchell, “Georgia Penitentiary at Milledgeville,” 45; Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 142-44. The Joint Committee consisted of Alexander, D. R. Mitchell, Lewis Zachary, Robert Hest, and Milton Candler.

produced at a cost of \$15 or \$18 including the cost of convict labor. Brown was satisfied. In his annual message on November 6, Brown praised Jones' ability to obtain or fabricate the required machinery, and lauded, "Col. Green's able and faithful management of the Institution is entitled to high commendation."⁴³

On November 12, the Military Committee of the House formally inspected the State Armory. General Wayne and Major McIntosh escorted committee members to meet Jones and tour the workshops. At the barrel forging department powerful tilt hammers fabricated gun barrels and readied them for boring. Gunsmiths fabricated and assembled all the gunlock, gun mountings, and lock work parts in the machine shop. A finishing room for sabre bayonets operated alongside several storage and assembly rooms. Committee members also viewed demonstrations of the main spring to ensure quality, strength, and durability. In the case hardening room gunsmiths smoothed the surface to produce a bright color. An oxidation process in the bluing room partially protected metal parts from rusting. In the stocking and forging rooms the hammers, tumblers, and ramrods were forged and stocks completed. Finally, gunsmiths assembled and readied the muskets for shipment in the finishing room. Committee members were impressed. One remarked, "In a point of excellence the guns made at this State Armory are equal to any from the Armories of the old Government."⁴⁴

⁴³ *Annual Report of the Adjutant and Inspector General of the State of Georgia, Made to the Governor, October 31, 1862.* (Milledgeville: Boughton, Nisbet, and Barnes, 1862), 17-8, 22-4. The cost of tools and labor totaled \$5,402.16, while expenditures including labor reached \$4,560.77; *Augusta Daily Constitutionalist*, October 30, 1862, November 9, 1862; *Annual Message of Governor Joseph E. Brown to the Georgia Legislature, Assembled November 6, 1862* (Milledgeville: Boughton, Nisbet, and Barnes, 1862), 10, 22; Bonner, "Georgia Penitentiary at Milledgeville, 1817-1874," 316; James C. Bonner, *Georgia's Last Frontier: The Development of Carroll* (Athens: University of Georgia Press, 2010), 55. The State Armory provided Bowden College with 100 muskets and cavalry swords. *Senate Journal* (1862), 13, 25; Walden, "History of the Georgia Penitentiary at Milledgeville, 1817-1868," 140; *Journal of the House of Representatives of the State of Georgia at the Annual Session of the General Assembly, Commenced at Milledgeville, November 6, 1862* (Milledgeville: Boughton, Nisbet, and Barnes, 1862), 13-4, 26.

⁴⁴ *Macon Telegraph*, November 20, 1862; *Confederate Union*, November 18, 1862.

The armory primarily supplied custom rifles to Confederate soldiers from Georgia, but the prison industrial complex demonstrated cooperation across stateliness. The Sixty-Third Georgia Infantry formed in December 1862, for example, and received Georgia Rifles prior to being garrisoned at Fort McAllister, Fort Thunderbolt, and Rosedew Island along the coast. On December 9, G. F. Cross, the newly appointed Superintendent of the Georgia State Armory, wrote Major W. S. Downer, Superintendent of the Virginia State Armory in Richmond. He asked whether Downer had received a recent shipment and requested a payment of \$978.17. He also suggested an investigation into the whereabouts of the material and payment. Major McIntosh meanwhile placed an advertisement soliciting for 15,000 gunstocks measuring five feet by four inches thick. He requested “lots of from five hundred to eight hundred per month.” He stipulated the gunstocks should consist of “seasoned black walnut, free from knots and sap, not brash, light, worm-eaten or in any manner decayed, straight grained and not kiln dried.”⁴⁵

With winter approaching, the General Assembly sought to increase domestic production of cloth. The Georgia textile industry included thirty-three large-scale mills in Columbus, Athens, Augusta, Roswell, Milledgeville, Eatonton, Macon, Thomaston, Sparta, and Lawrenceville that manufactured sheeting, shirting, osnaburg, cassimere, and spinning yarn. Yet, the industry struggled due to the scarcity of manpower, cotton cards, and carding machinery. The legislature determined that citizens with local access to cotton and spinning wheels would be best assisted by the penitentiary workshops manufacturing cotton cards. The carding process disentangled, cleaned, and intermixed cotton fibers in preparation for spinning. A pair of cotton cards resembled two wooden paddles with rows of short metal wires, similar to a

⁴⁵ Gordon L. Jones, *Confederate Odyssey: The George W. Wray Jr. Civil War Collection at the Atlanta History Center* (Athens: University of Georgia Press, 2014), 172, 174; G. F. Cross, *Confederate Papers Related to Citizens or Business Firms, 1861-65*, NARA M346, Record Group 109, roll 0212, document number 105; *Macon Telegraph*, January 3, 1863, January 17, 1863. McIntosh placed an advertisement for 25,000 feet of walnut plank measuring at least two inches thick for delivery at the armory.

brush, to grasp cotton and wool fibers. On November 21, the legislature passed a resolution sending Jones to inspect the cotton card manufacturing operation of Lee and Company in Cartersville. The resolution instructed him to inquire into the terms of interest the business and machinery could be purchased by the state.⁴⁶

Following his inspection, Jones communicated with Governor Brown regarding the production of cotton cards at Lee and Company. The company would not dispose of their entire interest, but would sell the state half interest for \$100,000. Jones had analyzed the machinery and manpower at the company, and determined a maximum output of thirty pairs of cards per day. He noted that in “ordinary times” pairs of cards could be produced at a cost of thirty cents per pair, but currently sold for at least \$10 per pair. Jones described the existing factory as small with hand-operated machinery, and not fitted with shafting for steam-propelled machinery. Jones finally suggested that the machinery be relocated to one of the penitentiary workshops. Governor Brown subsequently recommended that the state either pay Lee and Company \$20,000 for machinery and patterns, or \$40,000 for half interest in the two machines. On December 6, the General Assembly appropriated \$100,000 to construct a cotton card manufactory. Brown contracted with Devine, Jones, and Lee to relocate the machinery, which created cards by attaching wire and tacks to sheep, goat, deer, and dog hides.⁴⁷

The public demand for cotton cards also encouraged Governor Brown and the General Assembly to invest in yet another industry at the penitentiary. An author using the pseudonym ‘Aristides,’ recommended on December 5, 1862, that the legislature authorize payment of \$60,000 to Messieurs Lee and Company for a half interest in the company, as well as funding to

⁴⁶ *Augusta Daily Constitutionalist*, November 20, 1862, November 23, 1862; Bryan, *Confederate Georgia*, 28, 103-4; Candler, ed., *Confederate Records of the State of Georgia*, II, 266, 332-35, 354-55.

⁴⁷ *Macon Telegraph*, December 3, 1862; *Augusta Daily Constitutionalist*, December 2, 1862; U. S. Census Office, 8th Census, 1860, *Manufactures of the United States, 1861*; Candler, *Confederate Records of the State of Georgia*, Vol. 4., 450-53, 460-1, 666-67.

duplicate twenty carding machines. He estimated each machine could produce thirty pairs of cards per day, which totaled 600 pairs per day or 15,600 pairs a month. If each card sold for \$10 per pair, then the machines could generate \$1,872,000 annually. Cards sold for as much as \$30 per pair, but wartime conditions led to a fixed price between \$2 and \$3. Aristides concurred, “this is a time and an occasion when the State may wisely step in to aid in relieving the necessities of her people by the proposed investment in a private business.”⁴⁸

The cotton card factory became operational. It displayed a pair of Whittemore pattern cotton cards for inspection on December 20, 1862 (see Illustration 3.11). Green encouraged citizens to deliver both tanned and raw hides to the penitentiary. On December 28, the *Mobile Register and Advertiser* reported that the cotton card factory was producing thirty pairs of cotton cards per day. By January 1863, other local newspapers advertised cards manufactured at the penitentiary complex. One advertisement notified the public that dog skins made the best leather for manufacturing cards. The editor quipped, “The great question is now presented to the people of Georgia whether they will do without dogs or clothes.”⁴⁹

In a letter to the *Southern Recorder*, a reader known as “C” applauded the efforts of General Wayne, Major McIntosh, and Green, all of whom had “brought about a complete change in this State Institution, so long an expense to the State.” He pointed to the recent profit of over \$20,000 by the penitentiary. Regarding the cotton card factory specifically, he praised Messieurs Lee and Company for importing a pattern machine through the Union naval blockade at great cost and danger. On January 28, the *Montgomery Weekly Advertiser* added, “An agent of the

⁴⁸ *Augusta Daily Constitutionalist*, December 5, 1862; *Confederate Union*, December 9, 1862; *Acts of the General Assembly of the State of Georgia, Passed in Milledgeville, at an Annual Session in November and December 1862, also Extra Session of 1863* (Milledgeville: Boughton, Nisbet, and Barnes, 1863), 8-9.

⁴⁹ *Augusta Daily Constitutionalist*, December 30, 1862; *Confederate Union*, December 23, 1862, January 13, 1863. Governor Brown appointed Rev. F. L. Brantley to replace Rev. C. W. Lane as chaplain of the penitentiary; *Mobile Register and Advertiser*, December 28, 1862; *Southern Recorder*, December 23, 1862; *Macon Telegraph*, January 9, 1863; *Augusta Daily Constitutionalist*, January 30, 1863.

State of Florida has made arrangements for a supply of cards from the card making machines now in operation in Milledgeville, under the authority of Georgia.” The Confederate prison industry expanded the interstate exchange of goods, while the penitentiaries increasingly cooperated across state lines.⁵⁰

The cotton card factory initially depended on a supply of raw materials from the public. Windsor requested, “good leather five inches wide and twenty-two inches long, which will make one pair.” Citizens would receive fifty cents per finished hide and twenty-five cents for unfinished hides, as well as \$3 for large hides that produced six pairs of cards. Windsor cautioned that only good quality hides could be accepted, however, and he reserved the right to throw away poor quality hides without compensation. He encouraged citizens to attach a description of the hides sent to the penitentiary complex.⁵¹

On February 9, 1863, the Executive Department issued its official policy for distributing the initial 3,300 pairs of cards manufactured. The policy favored larger counties with higher populations, which received up to forty pairs of cards each. Governor Brown ordered Justices of the Inferior Courts in each county to distribute cards among soldiers’ families and indigent citizens in alphabetical order. Brown explained, “As each county will wish to be the first supplied, all cannot be gratified. As some must necessarily be supplied before others, and I wish to show partiality to none.” On February 11, Windsor posted a notice informing the public that all cotton cards had to be paid for with skins or leather, while payment with any form of currency would not be accepted.⁵²

⁵⁰ *Southern Recorder*, January 27, 1863; *Montgomery Weekly Advertiser*, January 28, 1863; *Confederate Union*, January 13, 1863. The Committee on the Penitentiary included Messrs. Zachry, Carswell, Briscoe, Barker, Giddens, Thrasher, Gresham, Brown, Cantrell, Harper, Beall, Lavender, Smith, Bloodworth, Slappey, Pitts, Beall, Bleckley, Underwood, Jackson, Key, and Scott.

⁵¹ *Southern Recorder*, February 24, 1863

⁵² Candler, *Confederate Records of the State of Georgia, Volume 2*, 360-64; Bryan, *Confederate Georgia*, 103-4; *Southern Recorder*, February 17, 1863; *Confederate Union*, March 17, 1863.

By March, the factory had manufactured 1,777 pairs of cotton cards, and reached a capacity of one hundred per day. Yet, the penitentiary workshops, cotton card factory, and State Armory all suffered from competition for scarce raw materials. On March 26, 1863, Governor Brown confirmed that the card factory could manufacture 100 pairs of cards per week only with a steady supply of wire. The state purchased two additional machines, one for manufacturing cards and the other for producing filleting, a narrow band of cloth used to attach the wires. The penitentiary workshops expanded production by fabricating eleven new machines, including five to manufacture cards, three for wool cards, and three for filleting. Brown reported the recent delivery of another 1,070 pairs of cards. He expressed frustration nonetheless, as enough wire to produce 12,000 pairs of card was not delivered, as promised by Devine, Jones, and Lee.⁵³

Not everyone in Georgia supported the cotton card manufacture, however. On March 26, 1863, Representative William Mitchell submitted a resolution requesting Governor Brown detail his reasoning for establishing the cotton card factory. Mitchell called for a committee of three to investigate the matter, but the General Assembly provided other forms of oversight. An “An Act to increase and fix the compensation of the employees of the Penitentiary of this State during the present war between the United States and the Confederate States,” introduced on April 17, passed the following day. Oddly, during the summer of 1863, the penitentiary administration reverted briefly to include two former keepers.⁵⁴

While prison labor produced cotton cards, weapons manufacture lagged. From the late summer of 1862 through the spring of 1863, the State Armory only manufactured 350 rifles. The increased scarcity of materials and redirection of machinists to the card factory negatively

⁵³ Candler, *Confederate Records of the State of Georgia, Volume 2*, 360-64, 395-98. Governor Brown sent agents to obtain wire from Messieurs Russell Brothers and Company of Dalton.

⁵⁴ *Augusta Daily Constitutionalist*, May 29, 1863; Green, James A., Folder, Records, Georgia Archives. He mentioned that enameled cloth purchased by Capt. Hanks from Scott in Macon produced the tents; Jones, *Confederate Odyssey*, 170.

impacted the armory. Outside forces matters as well, as the procurement of rifles shifted from domestic production to British imports through blockade-runners. As foreign imported rifles became readily available, these cheaper and better quality arms reduced demand for Georgia rifles.⁵⁵

As the war progressed, the Confederacy faced increased manpower shortages that affected the prison in various ways. The officers and guards of the penitentiary, gunsmiths and mechanics at the State Armory all initially received draft exemptions, as did employees of the card factory. That was not a popular decision with some soldiers. On August 25, a reader known only as “Confederate Soldier” wrote the editors of the *Confederate Union* lambasting young southern men who “have taken refuge within the wall of the Georgia Penitentiary.” Conversely, on September 8, an editorial in the *Southern Recorder* praised the Milledgeville Manufacturing Company and the Georgia penitentiary for employing the “industrious poor of Milledgeville.” The author, known only as “L,” pointed out that Green had invested over \$25,000 within the local community, especially among soldiers’ wives and daughters for sewing services. He encouraged the legislature to renew all contracts with the two manufactories for “the good of the soldiers and citizens.” In the fall, Governor Brown called for the organization of home defense companies across the state. On August 1, 1863, fifty-six members of Green’s Company of Infantry, known as the State Armory Guards, enlisted in Milledgeville (see Table 3.7 and 3.8).⁵⁶

⁵⁵ Jones, *Confederate Odyssey*, 170.

⁵⁶ *Confederate Union*, August 25, 1863; *Southern Recorder*, September 8, 1863, April 9, 1864; *Southern Recorder*, September 29, 1863, August 4, 1863; James A. Green, *Confederate Papers Related to Citizens or Business Firms, 1861-65*, NARA M346, Record Group 109, roll 0375, document number 14; Capt Garrison's Co, Infantry (Ogeechee Minute Men) AND Capt Green's Co, Infantry (State Armory Guards), *Compiled Service Records of Confederate Soldiers Who Served in Organizations from the State of Georgia*, NARA M266, Record Group 109, roll 0604, document number 105. The fifty-six members of Green’s Company of Infantry, known as the State Armory Guards, enlisted on August 1, 1863, and served as local defense of Milledgeville.

The penitentiary complex diversified industry throughout 1863 to efficiently utilize convict labor and increase profits. The comptroller's report on October 16, noted \$15,304.11 net earnings from the cotton card factory after expenses totaling \$80,716.08 that included \$17,600 refunded by the penitentiary on an advance for making salt sacks. Funding for the manufacture and purchase of arms from the Georgia Armory reached \$84,497.42. The card factory expenses included \$1,000 for machinery, \$3,200 for enameled cloth, and \$5,000 for relocation and rental of machinery. An additional \$10,000 funded Solomon L. Waitzfelders, the son of a local merchant, for travel overseas to purchase 600 pounds of wire for cotton cards. Brown acknowledged the card factory failed to meet expectations, but insisted it still provided a "great service to the people." He recommended a \$200,000 appropriation for the purchase of wire, which proved difficult to acquire in large quantities either domestically or through the naval blockade.⁵⁷

On October 20, 1863, Major McIntosh sent General Wayne a table documenting the Ordnance Bureau operations over the previous year. McIntosh identified materials and machinery worth \$93,903.36, but noted that value could be nearly five times higher due to inflation of the Confederate currency. He reported a sum of \$10,555.32 paid for material, sold, and work done in the State Armory over the past year. Jones lamented that manufacturing

⁵⁷ *Annual Report of the Comptroller General, of the State of Georgia, Made to the Governor, October 16, 1863* (Milledgeville: Boughton, Nisbet, Barnes, and Moore, 1863), 7, 17-8, 73-5, 109, 112, 114-19. The armory supplied fifty-one muskets and a quantity of repaired shotguns valued at \$2,499. The State Armory incurred expenses for the Chief of Ordnance \$1,944, Master Armorer \$1,500, and a Clerk \$1,200. The State Cotton Card Factory accrued expenses including: Superintendent \$1,500, Clerk (duties performed by clerk of Armory) \$300, Salesman (duties performed by the penitentiary book keeper) \$250, Receiver of hides and leather (duties performed by Foreman of Wagon Shop) \$120. Thomas M. Bradford served as guard of the Magazine and Military Storekeeper at Milledgeville, where he earned \$600. Rev. C. W. Lane served as penitentiary chaplain in 1862, but was replaced by Rev. F. L. Brantly in 1863. The penitentiary payroll included: Principal Keeper \$2,000, Assistant Keeper \$1,360, Book Keeper \$1,360, Inspector \$500, Physician \$600, Chaplain \$200, Foreman of Shoe Shop \$1,200, Foreman of Tannery \$1,200, Foreman of Car and Blacksmith Shop \$1,200, Foreman of Brick Work and Building \$800, Foreman of Wagon Shop \$800, Commissary and Lt. Guard \$933.33, Capt. of Guard \$53.33 per day and rations, Guards \$1.33 per day and rations. *Annual Message of Governor Joseph E. Brown, to the Georgia Legislature, Assembled November 5, 1863* (Milledgeville: Boughton, Nisbet, Barnes, and Moore, 1863), 3, 26-7.

thirteen cotton card machines distracted mechanics from the armory. He documented 422 arms completed, with 142 on hand, as well as the cost of materials and labor worth \$14,209.81. The expense of labor and materials to repair 2,833 arms totaled \$1,522.61.⁵⁸

Despite those costs, some civilian employees believed that their pay was insufficient. On November 23, employee E. F. Kennedy wrote to General John H. Winder, who served as Assistant Inspector General in Richmond, requesting permission to send his wife and child under the “flag of truce” to Baltimore, where his parents lived. Kennedy complained that wages at the State Armory did not accommodate increased expenses in Milledgeville, and he worried that he could not financially support his family.⁵⁹

Early in 1864, the penitentiary received renewed public attention, but not for manufacturing supplies. On January 23, Nellie Bryant and three other female inmates escaped. Bryant had previously aided her husband’s escape from Macon Jail. She boldly left a note behind directing Green how to dispose of her belongings. She even apologized for her bad penmanship that resulted from “digging through the wall with a pair of scissors.” Three of the women allegedly disguised themselves as men in clothes fashioned from sheets and blankets. The Unionist escapees traveled by train through Madison to Augusta, allegedly with the goal of destroying the Augusta Arsenal and powder works. Two of the women, still disguised as men, actually enlisted in the military company guarding the arsenal. A prison guard foiled the plot

⁵⁸ *Report of the Adjutant and Inspector General with Accompanying Papers, for the Year 1862-63* (Milledgeville: Boughton, Nisbet, Barnes, and Moore, 1863), 33-4. Major McIntosh referred to an act of the General Assembly from December 6, 1862, ordering the conversion of the State Armory into a card factory; Lachlan McIntosh, *Defense - Adjutant General – Ordnance Records, 1861-1864*, 022-01-017, Folder 2808, Georgia State Archives, Morrow, Georgia.

⁵⁹ David H. Slay, *Georgia Civil War Manuscript Collections: An Annotated Bibliography* (Tuscaloosa: University of Alabama Press, 2011), 217; E. F. Kennedy letter, MS 458, Georgia Historical Society, Savannah, Georgia; *Journal of the Senate of the State of Georgia, at the Annual Session of the General Assembly, Begun and Held in Milledgeville, the seat of Government, in 1863* (Milledgeville: Boughton, Nisbet, Barnes, and Moore, 1863), 30; Andrew L. Slap and Frank Towers, eds., *Confederate Cities: The Urban South during the Civil War Era* (Chicago: University of Chicago Press, 2015), 153.

when he caught up with the women and took them into custody. He telegraphed, “I have caught all of the women, I will be home tomorrow.” Green approved the manufacture of an iron cage constructed especially for Bryant, and extended her sentence by four years. The incident nonetheless became a black eye to the prison’s management.⁶⁰

On March 8, the penitentiary officers thwarted another potential escape, this time involving armed convicts. An infamous English inmate known as “Captain Martin,” was convicted of stealing a boat in Savannah named the *Wanderer*, which previously gained fame as the last American ship to participate in the African slave trade. During a search for stolen card clothing, the penitentiary officers found a stash of “two or three hundred ball cartridges, which had been secreted by the convicts.” Martin himself possessed a large supply of pistol and musket caps. The inmates planned to force an escape with the use of firearms, ammunition, and powder from the State Armory. Green defended himself, stating that cartridge production consisted of “only folding of the paper and fixing of the ball which was done within the walls, and that the powder was added outside, both under strict watch, so that none could be abstracted.”⁶¹

In his 1864 annual report, Green identified available assets of \$16,930.96 with an additional \$174,238.75 of stock on hand. He documented a comprehensive list in 1864 of the goods manufactured by inmates at the penitentiary workshops (see Table 3.3). Green also discussed the possibility of moving the State Armory and card factory outside of the penitentiary

⁶⁰ *Macon Telegraph*, January 27, 1864; Hugh T. Harrington, *Civil War Milledgeville: Tales from the Confederate Capital of Georgia* (Charleston: History Press, 2005), 45-6; Mitchell, “Georgia Penitentiary at Milledgeville,” 56; *Southern Recorder*, February 2, 1864; *Confederate Union*, January 26, 1864, February 2, 1864.

⁶¹ Erik Calonius, *The Wanderer: The Last American Slave Ship and the Conspiracy that Set its Sails* (New York: St. Martin’s Griffin, 2006), 188, 207, 240; *Southern Recorder*, February 16, 1864, March 8, 1864. The penitentiary and State Armory consisted of nearly 300 inmates and employees, while the Cotton Card Factory employees and families also included 300 people.

to a location where the machinery could utilize waterpower. He also noted difficulty in enforcing the legislative requirements segregating free and convict labor within workshops.⁶²

The penitentiary complex still benefited from convict labor, but the industries increasingly required raw materials and skilled artisans to operate. Windsor reported net earnings of \$69,193.60 in 1863, and \$52,262.64 in 1864. He noted the “enormous prices that had to be paid for provisions,” the decrease in merchandise produced, and an increased scarcity of raw materials that year. The penitentiary spent \$104,619.63 on lumber, hides, bark, and other materials. The value of manufactured goods, including shoes and furniture, totaled \$152,198.38. Windsor reported expenses that included \$32,260.10 to hire employees at the State Armory, and \$3,624.25 for employees at the card factory.⁶³

The General Assembly finally appropriated operational funding to the penitentiary complex, and especially to the armory and cotton card factory. The state comptroller identified \$52,975.26 of special appropriations to Major McIntosh in 1863 and 1864 for the manufacture and purchase of arms at the Georgia Armory. Other expenses included \$12,428.35 to Major McIntosh, \$15,796.01 for 2,400 pounds of card wire from E. Louis Lowe in 1863, and

⁶² *Annual Report of the Principal Keeper and Book Keeper of the Georgia Penitentiary, for the Fiscal Year Ending 1st October, 1864* (Milledgeville: Boughton, Nisbet, Barnes, and Moore, 1864), 2-6, 16-24. The officers of the Georgia Penitentiary consisted of Principal Keeper Green, Assistant Keeper Talbird, Book Keeper Windsor, Physician Case, and Rev. F. L. Brantley as Chaplain. The wood shops held 15,000 feet of pine lumber, while the wagon shop reported \$8,732.75 of lumber, buggy springs, hubs, and spokes, as well as \$1,000 in unfinished work. The shoe shop noted \$4,761 of leather, buckles, and other items, while the tannery accounted for the largest amount at \$142,895 of leather, hides, lime, tanners, and oil.

⁶³ *Annual Report of the Principal Keeper and Book Keeper of the Georgia Penitentiary, 1864*, 27-30.

\$31,003.99 for 1,500 pounds of card wire in 1864. The state appropriated \$88,652 to provide 8,784 pairs of cotton cards for indigent families in each county.⁶⁴

On October 20, 1864, Major McIntosh reported a sum of \$21,501.77 for materials sold and work done in the State Armory. Peter Jones vacated his position at the armory to fulfill his duties as a member of the State Armory Guard, but newly appointed Master Armorer W. B. Wernwag provided detailed information from his two predecessors. He explained that introducing the cotton card factory combined with a scarcity of skilled labor to disrupt production at the armory. Wernwag remained optimistic that recent alterations could facilitate the production of 100 guns per month if the raw materials could be acquired. The armory had manufactured 213 guns the previous year with fifty-two on hand. The cost of fabricating the new arms totaled \$25,662.38, while the workshops repaired 4,094 arms at a cost of \$11,568.10.⁶⁵

In retrospect, all of that was about to become moot. On May 4, 1864, Union General William T. Sherman crossed into Georgia with an army of nearly 100,000 soldiers, intending to destroy the Confederate Army of Tennessee and occupy Atlanta. On May 18, Governor Brown issued a proclamation requiring all commissioned officers of the State Militia to immediately report to General Wayne at Atlanta “to receive further orders, and to aid during the present emergency.” In another proclamation, issued on July 9, Brown praised the employees, officers,

⁶⁴ *Annual Report of the Comptroller General of the State of Georgia, Made to the Governor, October 17, 1864* (Milledgeville: Boughton, Nisbet, Barnes, and Moore, 1864), 18-9, 68, 78-80, 89, 129-34. The report detailed the name of every recipient of a gun furnished by the state, which included 50 rifles and muskets worth \$3,214. The Comptroller reported the expenses of the penitentiary as: Principal Keeper \$2,500, Assistant Keeper \$1,360, Book Keeper \$1,360, Inspector \$500, Physician \$600, Chaplain \$200, Foreman of Shoe Shop \$1,200, Foreman of Tanner \$1,200, Foreman of Car Shop \$800, Foreman of Blacksmith Shop \$800, Foreman of Brick work and Building \$800, Foreman of Wagon Shop \$800, Commissary \$1,500, Capt. of Guard \$53.33 per month and rations, Guard \$1.33 per day and rations. The State Armory reported expenses including: Chief of Ordnance \$1,944, Master Armorer \$2,500, Clerk, \$1,000. The State Card Factory listed expenses including: Superintendent \$1,500, Salesman (duties performed by book keeper of penitentiary) \$600, Receiver of hides and leather (duties performed by foreman of Wagon Shop) \$240. A \$900 salary for the Military Storekeeper at Milledgeville for Thomas M. Bradford, who also served as Guard at the Magazine for an additional \$900.

⁶⁵ *Annual Report of Jared L. Whitaker, Commissary General of Georgia, September 30, 1864* (Milledgeville: Boughton, Nisbet, Barnes, and Moore 1864), 13-8; *Augusta Chronicle*, December 22, 1864.

and guards of the penitentiary, State Armory and card factory, who drilled twice a week as a military company. The Union Army became a looming threat. Following a forty-day siege, Sherman's army group occupied Atlanta on September 3, 1864. He found Atlanta's military-industrial complex in smoldering ruins, as the Confederates had set fires before they evacuated. On the night of September 15, a second fire started by Federal soldiers devastated much of what was left of the city. Sherman divided his army into two equal wings that spread out over fifty miles during the subsequent "march to the sea." General Henry W. Slocum oversaw the left wing that approached Milledgeville.⁶⁶

On November 17, Governor Brown informed the General Assembly of an impending attack and asked permission to call out the entire population in defense of the capital. Brown also ordered General Foster to make preparations for relocating valuable state property, including record books, documents, and furniture from the Statehouse and governor's mansion. Finally, he informed Foster of his intention to offer pardons to inmates who agreed to enlist in the Confederacy military. He expected the inmates to assist in removing property in the penitentiary, arsenal, armory, as well as the quartermaster and commissary departments. Brown fully anticipated the destruction of government buildings and the penitentiary complex.⁶⁷

On that same November 17, with Sherman nearing the capital, Governor Brown visited the penitentiary, where the inmates were "drawn up into a line." He delivered a brief speech appealing to their patriotism and offered conditional pardons to those who agreed to assist in moving state property and enlist in the Confederate military. The following morning, a Senate

⁶⁶ Bryan, *Confederate Georgia*, 156-58, 166-170; *Southern Recorder*, May 24, 1864; Candler, *Confederate Records of the State of Georgia*, Volume 2, 714; *Confederate Union*, July 12, 1864.

⁶⁷ Bryan, *Confederate Georgia*, 166-170; *Milledgeville Confederate Union*, December 6, 1864; *Columbus Daily Times*, December 16, 1864; Gen. O. O. Howard, "Sherman's Advance From Atlanta," in Robert Underwood Johnson, ed., *Battles and Leaders*, Vol. 4 (New York: Yoseloff, 1956), 663-66; Walden, "History of the Georgia Penitentiary at Milledgeville, 1817-1868," 146, Avery, *History of the State of Georgia*, 308.

bill for “State Defense” granted pardons to inmates who volunteered in the Confederate service for the duration of the war and served faithfully. Ultimately, 122 inmates enlisted (see Table 3.6). Brown organized the former convicts into a military company and appointed “a very intelligent man” and “celebrated burglar” Dr. Ezekiel Roberts as the captain. Brown then delivered “a neat, beautiful, patriotic speech, referring very tenderly to the circumstances incident to their pardoning, restoration to citizenship and their duties as southern patriots.” Roberts’ Company promptly volunteered to aid in moving valuable property to the trains.⁶⁸

General Wayne at that moment commanded a force composed of penitentiary guards, former inmates, and cadets from the Georgia Military Institute, as well as two companies of infantry and an artillery battery from the 27th Georgia Battalion of Volunteers. His small force totaled only about 450 men and boys. They traveled south to Gordon on November 21, at 2

⁶⁸ Mitchell, “Georgia Penitentiary at Milledgeville,” 83-4; Avery, *History of the State of Georgia*, 308-9; Bryan, *Confederate Georgia*, 168; *Southern Recorder*, December 20, 1864; *Augusta Daily Constitutionalist*, November 26, 1864; Bonner, “Georgia Penitentiary at Milledgeville, 1817-1874,” 316; George S. Bradley, *The Star Corps* (Milwaukee, 1865), 192; Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 146-48; Diary of William Gibbs McAdoo, November 19, 1864, Family Papers of Brice M. Clagett, Washington, D. C.; Benton R. Patterson, *Ending the Civil War: The Bloody Year from Grant’s Promotion to Lincoln’s Assassination* (Jefferson: McFarland, 2012), 228; Harrington, *Civil War Milledgeville*, 48.

o'clock in the afternoon and briefly engaged Union soldiers there before boarding a train bound for the Oconee River Bridge, on the east side of Milledgeville (see Illustration 3.4).⁶⁹

Federal troops entered Milledgeville on the afternoon of November 22. In his memoirs, General Sherman admitted that he ordered the destruction of the “arsenal and its contents, and of such public buildings as could be easily converted to hostile uses.” Union soldiers from the Fourteenth Corps burned the arsenal on the east side of the square, and detonated the fireproof magazine with dynamite. Conflicting accounts exist regarding who set the penitentiary ablaze (see Illustration 3.3). Union Chaplain G. S. Bradley of the Thirty-third Indiana Infantry wrote that the penitentiary was ablaze when he entered the city at 5 o'clock in the morning. The *Southern Recorder* reported that female inmates set the fire during an attempt to escape amid the chaos. The *Federal Union* in contrast insisted that Union soldiers burned the penitentiary along

⁶⁹ Bonner, “Sherman at Milledgeville in 1864,” 275, 277-8; *Augusta Daily Constitutionalist*, December 17, 1864; Stephen F. Fleharty, *Our Regiment* (Chicago: n.p., 1865), 114; Samuel Toombs, *Reminiscences of the War* (Orange, 1878), 177-78; Bonner, “Georgia Penitentiary at Milledgeville, 1817-1874,” 316. Over the following weeks nearly half of the former inmates deserted their military assignments; *Senate Journal*, (February, 1865), 15; *Official Records*, Ser. I, Vol. XLIV, 1, Ser. I, LIII, 32; Patterson, *Ending the Civil War*, 228; William R. Scaife and William H. Bragg, *Joe Brown's Pets: The Georgia Militia, 1861-1865* (Macon: Mercer University Press, 2004), 218-21. Over the following weeks nearly half of the former inmates deserted their military assignments; Charles C. Jones Jr., *The Siege of Savannah in December, 1864, and the Confederate Operations in Georgia and the Third Military District of South Carolina During General Sherman's March from Atlanta to the Sea* (Albany: Joel Munsell, 1874), 46-7. General Wayne arrived at Gordon by train with 450 men and a battery of 6 artillery pieces; William H. Bragg, *Joe Brown's Army: The Georgia State Line, 1861-1865* (Macon: Mercer University Press, 1987), 117; *Macon Telegraph*, December 9, 1864; *Official Records*, series 1, vol. 53, pp. 32, series 1, vol. 53, pp. 35-6; *Reports of the Operations of the Militia, From October 13, 1864, to February 11, 1865, By Maj. Generals G. W. Smith and Wayne, Together With Memoranda By Gen. Smith, For the Improvement of the State Military Organization* (Macon: Boughton, Nesbit, Barnes, and Moore, 1864), 16-23. The Oconee River guards consisted of Heyward's Cavalry Company from South Carolina, two pieces of artillery under Lt. Huger, a Hartridge's Company of the 27th Battalion of Georgia Reserves.

with the arsenal, railroad depot, and powder magazine. Union troops targeted machinery in the armory, according to the editor, but the card factory machinery had survived intact.⁷⁰

During the evening of November 23, Confederate General Joseph Wheeler sent a courier notifying Colonel Jones of his crossing at Blackshear's Ferry. Later that night, Captain John Weller's company of the Fourth Kentucky Mounted Infantry joined the defenders at the Oconee Bridge. Captain Weller recalled, "The convicts were dressed in prison garb, and were hardened in appearance, but calm and brave. The cadets were, of course, very young, some of them certainly not over fourteen years of age."⁷¹

According to "One Who Was There," the company of convicts fought well with few exceptions, and Captain Roberts fought fearlessly. The men held their position for two days and nights before yielding to the Union soldiers. In his official report, General Wayne noted, "The Roberts' Guards (convicts) generally behaved well. Their Captain, Roberts, is a brave and daring man. Enclosed is a list of those of the Company, who, sharing the fortunes of our troops, have returned to this place and been furloughed for thirty days. I recommend them for the full pardon conditionally promised" (see Table 3.6).⁷²

The citizens of Milledgeville declined to celebrate Thanksgiving Day. Union General Hugh J. Kilpatrick held a mock session of the Georgia State Legislature with nearly one hundred

⁷⁰ Bonner, "Sherman at Milledgeville in 1864," 274, 286-87, 317; Bradley, *Star Corps*, 190, 192-93; Julian W. Hinkley, *A Narrative of Service with the Third Wisconsin Infantry* (Madison: n.p., 1912), 148; Walden, "History of the Georgia Penitentiary at Milledgeville, 1817-1868," 150, 152-53; *Augusta Daily Constitutionalist*, November 27, 1864, December 17, 1864; David P. Conyngham, *Sherman's March Through the South* (New York: n.p., 1865), 255; *Frank Leslie's Illustrated Newspaper*, January 14, 1865; William Tecumseh Sherman, *Memoirs of General William T. Sherman* (New York: D. Appleton and Company, 1876), 190; *Southern Recorder*, December 20, 1864; *Federal Union* (Georgia), December 6, 1864; *Senate Journal, 1865 Extra Session*, 21-2; Bryan, *Confederate Georgia*, 170; Findlay Sr., *History of the Georgia Prison System*, 36. At least one female inmate escaped and fled to a Union camp; *Federal Union*, December 6, 1864; Bryan, *Confederate Georgia*, 167; *Official Records*, series 3, vol. 5, pp. 401; Fleherty, *Our Regiment*, 113-14.

⁷¹ *Augusta Daily Constitutionalist*, December 17, 1864; *Reports of the Operations of the Militia, From October 13, 1864, to February 11, 1865*, 16-23; Jones Jr., *The Siege of Savannah in December, 1864*, 48-9.

⁷² *Reports of the Operations of the Militia, From October 13, 1864, to February 11, 1865*, 16-23; *Official Records*, series 1, vol. 53, pp. 35-7; Walden, "History of the Georgia Penitentiary at Milledgeville, 1817-1868," 152; Bradley, *Star Corps*, 193; *Macon Telegraph*, December 9, 1864; *Southern Recorder*, December 20, 1864.

soldiers from the Twentieth Corps to rescind the ordinance of secession and debate reconstruction policy. Union soldiers wreaked havoc on fences, gardens, and private yards across the city before departing toward Sandersville. On the morning of November 25, Confederate Lieutenant General William J. Hardee visited the bridge. By the evening, the defenders were short of ammunition. Shortly after midnight Hardee ordered a retreat.⁷³

Following the sacking of Milledgeville, Sherman moved on to the east and Confederate and state authorities reentered the city. Inspectors described the penitentiary workshops as “completely destroyed” with major damage to the cell house roof that rendered the facility useless for the final months of the war. On January 21, 1865, a frustrated Green submitted a letter of resignation to Governor Brown. He concluded he could no longer oversee the damaged penitentiary with “the limited number of officers and Guard you have restricted me to.”⁷⁴

During the Civil War the penitentiary complex expanded beyond the original industries to include an armory and cotton card factory. Its workshops produced at least 7,557 canteens, 1,782 small tents, 17,360 haversacks, 246,600 musket cartridges, 2,771 bayonets, and 1,179 Georgia Muskets for Confederate soldiers. From March 1861 to November 1864, the penitentiary complex manufactured at least 448,866 items that resulted in at least \$163,930.98 in net earnings for the State (see Table 3.3, 3.4, and 3.5). The antebellum workshops successfully

⁷³ Jones Jr., *The Siege of Savannah in December, 1864*, 49-50; *Augusta Daily Constitutionalist*, November 24, 1864, December 3, 1864. State Congressman Hawkins and Major McIntosh were captured and later paroled; *Reports of the Operations of the Militia, From October 13, 1864, to February 11, 1865*, 16-23; Wilson, *Confederate Industry*, 209; Bonner, “Sherman at Milledgeville in 1864,” 287; *Southern Recorder*, December 20, 1864; James A. Connolly, “Major Connolly’s Diary,” *Transactions of the Illinois State Historical Society for the Year 1928* (Springfield, 1928): 409-10; Fred Joyce [John Weller], “From Infantry To Cavalry,” Part IV, *Southern Bivouac*, Vol. 3 (March 1885): 299-301; Gen. O. O. Howard, “Sherman’s Advance From Atlanta,” 663-66; <http://www.rootsweb.com/~orphanhm/oconee.htm>, accessed 1/3/2015.

⁷⁴ Candler, *Confederate Records of the State of Georgia, Volume 2*, 812; Mitchell, “Georgia Penitentiary at Milledgeville,” 84; *Southern Recorder*, December 20, 1864; Telamon Culyer Collection, 1865 folder, Special Collections, University of Georgia Library; Walden, “History of the Georgia Penitentiary at Milledgeville, 1817-1868,” 155.

converted to the production of wartime supplies, and operated efficiently largely with a reliable workforce until the arrival of Sherman and the Union Army left it in ruins.⁷⁵

⁷⁵ James A. Green, "List of Military Equipment Made at Georgia Penitentiary and Sent Forward to Various Points," File Folder, Georgia Archives; *Macon Telegraph*, November 27, 1861; Mitchell, "The Georgia Penitentiary at Milledgeville," 44-5; *Annual Report of the Principal Keeper and Book Keeper of the Georgia Penitentiary, 1st October, 1862*, 2-6, 15-22; *Annual Report of the Principal Keeper and Book Keeper of the Georgia Penitentiary, 1st October, 1864*, 27-30; Jones, *Confederate Odyssey*, 170; *Report of the Adjutant and Inspector General with Accompanying Papers, for the Year 1862-63*, 33-4; Lachlan McIntosh, *Defense - Adjutant General - Ordnance Records, 1861-1864*, 022-01-017, Folder 2808, Georgia State Archives, Morrow, Georgia. *Augusta Chronicle*, December 22, 1864.

Table 3.1

Principal Keepers of the Georgia Penitentiary, 1817-1866.

Name	Appointment Date
Captain Samuel Tinsley	March 20, 1817
Cornelius McCarty	December 18, 1817
Major Philip Cook	December 20, 1820
General Daniel Newnan	December 16, 1823
Peter Jones Williams	November 1, 1824
Anderson Abercrombie	January 1, 1829
Major Philip Cook	June 25, 1829
Charles C. Mills	January 2, 1832
Wilkins Hunt	April 1, 1835
John Bates	October 5, 1836
Thomas W. Alexander	December 8, 1837
General Charles Haney Nelson	January 2, 1840
Anderson Westmoreland Redding	January 1, 1844
William W. Williamson	January 1, 1848
Lewis Zachry	January 1, 1852
William Turk	January 2, 1854
General Eli McConnell	January 1, 1858
James Addison Green	October 20, 1860
Wiley C. Anderson	February 10, 1865
Overton H. Walton	August 8, 1868
John Darnell	August 10, 1869
S. A. Darnell	December 30, 1871

Source: Walden, "History of the Georgia Penitentiary at Milledgeville, 1817-1868," 165; *Descriptive Inventory: Georgia Prison Commission, 1817-1936*, Record Group 21, Georgia Department of Archive and History, Atlanta, Georgia.

Table 3.2

Inmate Population at the Georgia State Penitentiary, 1817-1865.

Year	Persons of Color	White Male	White Female	Total
1817				
1819		60		60
1820		64		64
1828		90		90
1830		96		96
1831		98	1	99
1832		88		88
1835		104		104
1839		153	6	159
1840		155		155
1841	1	155	4	160
1844		127	2	129
1845		120	2	122
1853		134	2	136
1854		149		149
1855		179		179
1856		159		159
1857		160	2	162
1858		191	1	192
1859		205	2	207
1860		241	2	243
1861		206	4	210
1862		178	5	183
1863		160	3	163
1864		145	6	151
1865		173	4	177

Source: Walden, "History of the Georgia Penitentiary at Milledgeville, 1817-1868," 100, 101, 116, 144; Bonner, "The Georgia Penitentiary at Milledgeville, 1817-1874," 315; Milledgeville *City Gazette and Daily Advertiser*, August 4, 1819; <http://www.rootsweb.ancestry.com/~gabaldw2/penitentiary.html>, accessed 11/14/2014; Report of the Principal Keeper of the Penitentiary of Georgia, 1839, Georgia Archives, Atlanta, Georgia; *Augusta Chronicle*, November 11, 1845; *Report of the Principal Keeper of the Penitentiary of Georgia for Political Years 1852 and 1853, Ending October 4th, 1853*, 9; *Report of the Principal Keeper and Book Keeper of the Penitentiary of Georgia, for Political Years 1854 and 1855, Ending Oct. 4th, 1855*, 3; *Annual Report of the Principal Keeper and Book Keeper of the Georgia Penitentiary, for the Fiscal Year Ending Oct. 5, 1857*, 2; *Annual Report of the Principal Keeper and Book Keeper of the Georgia Penitentiary, for the Fiscal Year ending 1st Oct., 1858*, 2; *Annual Report of the Principal Keeper and Book Keeper of the Georgia Penitentiary, for the Fiscal Year Ending October 1st, 1860*, 3; *Annual Report of the Principal Keeper, 1860*, 14-21; Sherwood, *A Gazetteer of the State of Georgia*, 146; *Annual Report of the Principal Keeper of the Georgia Penitentiary, for the Fiscal Year Ending 1st of October, 1862*, 3; *Annual Report of the Principal Keeper and Book Keeper of the Georgia Penitentiary, for the Fiscal Year Ending 1st October, 1864*, 3.

Table 3.3

List of Military Equipment Made at Georgia Penitentiary, 1861.

Item	Quantity
Canteens (without straps)	7,557
Canteen Straps	8,597
Flannel Shirts	1,092
Small Tents	1,782
Set Tent Poles	2,196
Small Pins for Tents	34,892
Haversacks	17,360
Coats	1,727
Paper Fuse	2,000
Sharps Cartridges	73,000
42. Musket Cartridges	246,600
Ball and Buck Cartridges	17,000
Pistol Cartridges	1,700
Gun Slings	17
Waist Belt Buckles	2,485
Brass Sliders	12
Knapsacks	6,257
Wall Tents	131
Wall Tent Flies	130
Sets Wall Tent Poles	154
Sets Wall Tent Pins	1774
Knapsack Straps	80
Cartridge Boxes	5,367
Pistol Cases	100
Waist Belts	4,973
Cap Pouches	4,775
Cartridge Box Straps	61
Bayonet Scabbards	3,937
Sabers	248
Sabre Bayonet Scabbard	91
Brass handle	151
Wood handle	2,620
Besides a lot of Camp Furniture	
Total Items	448,866

Source: James A. Green, "List of Military Equipment Made at Georgia Penitentiary and Sent Forward to Various Points," File Folder, Georgia Archives.

Table 3.4

Textile Manufactures from the Georgia State Penitentiary, 1861-1863.

Date	Enameled Cloth	Knapsacks	Small Tents	Wall Tents	Salt Sacks	Cost
6/21/1861			200			N/A
8/20/1861		500				N/A
8/22/1861			147 @ \$13			\$1,911.00
8/26/1861			75 @ \$13			\$975.00
8/29/1861				32 @ 25		\$800
12/1/1861			50 @ 13			\$650
12/6/1861		500	50 @ 13			N/A
12/11/1861			60 @ \$13			\$780
12/13/1861			40 @ \$13			\$520
12/14/1861			29 @ \$13			\$377
12/17/1861			22 @ \$13			\$286
12/21/1861		500	60 @ \$13			\$780
12/28/1861		300				N/A
12/30/1861			44 @ \$13			\$572
1/13/1862			9 @ \$13			\$117
2/1/1862			82 @ \$13			\$1,066
7/29/1862	10,000 yards					\$13,500
9/11/1862	330 7/8 yards					N/A
12/9/1862						\$978.17
8/1/1863					11,356 @ \$0.10	\$1,135.60
8/1/1863					2,860 @ \$0.06	\$171.60
9/22/1863				63 @ \$100		\$6,300.00
Total	10,330 7/8	1,800	868	95	14,216	\$30,919.37

Source: G. F. Cross, *Confederate Papers Related to Citizens or Business Firms, 1861-65*, NARA M346, Record Group 109, roll 0212, document number 105; James A. Green, *Confederate Papers Related to Citizens or Business Firms, 1861-65*, NARA M346, Record Group 109, roll 0375, document number 14.

Table 3.5

Annual Net Earnings at the Georgia State Penitentiary, 1861-1864.

Year	Net Earnings
1861	\$15,000.00*
1862	\$27,474.74
1863	\$69,193.60
1864	\$52,262.64
Total	\$163,930.98

Source: *Macon Telegraph*, November 27, 1861; Mitchell, "The Georgia Penitentiary at Milledgeville," 44-5; *Senate Journal*, (1861), 132; *Annual Report of the Principal Keeper and Book Keeper of the Georgia Penitentiary*, 1st October, 1862, 2-6, 15-22; *Annual Report of the Principal Keeper and Book Keeper of the Georgia Penitentiary*, 1st October, 1864, 27-30.

* Estimated total based upon available financial data.

Table 3.6

Georgia State Penitentiary Inmates Paroled to Defend Milledgeville, 1864.

Name
Abels, A. G.
Agan, John
Beavers, Robert
Bowman, W. G.
Brown, W. M.
Bustle, W.
Colton, M. C.
Craven, T. C.
Donaldson, J.
Fowlkes, Eana
Gallaway, Wilson
Gillespie, W.
Golden, J. T.
Henderson, John
Hollis, D. G.
Hudgins, Anderson
Hulsey, Joseph
Humphries, W. L.
Jackson, Robert
Jones, Henry J.
Jones, James
Lester, John W.
Moses, Jeremiah
Penfield, A. M.
Rainwater, Z.
Rasberry, W.
Reed, J. M.
Roberts, E. A.
Rooney, Thomas
Sellars, S. T.
Smith, W.
Stornland, J. E. L.
Tuggle, Thomas
Turner, W. H.
Watkins, Beverly
Watts, Leander
Williams, P.
Wilson, James
West, John R.
Woods, W.

Source: *Reports of the Operations of the Militia, From October 13, 1864, to February 11, 1865, by Maj. Generals G. W. Smith and Wayne, Together with Memoranda by Gen. Smith, for the Improvement of the State Military Organization* (Macon: Boughton, Nesbit, Barnes, and Moore, 1865), 16-23.

Table 3.7

20th Senatorial District, 320th Militia District, Baldwin County, Georgia.

Name	Age	Birthplace	State Armory Guards	Occupation
Adams, M.	17	Georgia	No	Card Maker
Adams, R. N.	44	Georgia	No	Card Maker, Pioneer Card Factory
Allen, W.	15	Georgia	No	Card Maker, Pioneer Card Factory
Anderson, J. G.	33	Georgia	No	Sgt. of Guard, Penitentiary
Bailey, W. P.	16	Georgia	No	Wool Spinner
Beall, Jerry	56	Georgia	No	Farmer
Bayne, A. F.	27	Georgia	No	Card Maker, Pioneer Card Factory
Beland, J. W.	36	North Carolina	No	Factory
Bivins, J. T.	17	Georgia	No	Watchman, Central Railroad
Bivins, W. R.	51	Georgia	No	Agent, Central Railroad
Blythe, B. W.	26	Tennessee	No	Machinist, Card Factory
Brantley, Timothy	23	Georgia	Corporal	Card Maker, Pioneer Card Factory
Brooks, N. B.	42	South Carolina	Private	Card Maker
Brooks, S. E.	32	Alabama	No	Minister
Brown, S. B.	45	New York	No	Merchant
Bynum L. H.	40	North Carolina	No	Overseer, Penitentiary
Calloway, A. W.	44	Georgia	No	Overseer, Penitentiary
Cameron, Andrew J.	35	Georgia	Sergeant	Overseer, Penitentiary
Cameron, D. W.	32	Georgia	Private	Foreman, Pioneer Card Factory
Candler, E. S.	49	N/A	No	Postmaster
Caraker, Daniel	44	North Carolina	Private	Card Maker, Pioneer Card Factory
Caraker, Jacob	31	Georgia	No	Capt. of Guard, Penitentiary
Caraker, William	34	Georgia	No	Overseer, Penitentiary
Case, G. D.	54	N/A	No	Physician, Penitentiary
Castleberry, J. J.	37	Georgia	No	Card Maker, Pioneer Card Factory
Castleberry, W. H.	24	Georgia	No	Card Maker, Pioneer Card Factory
Cay, W.	16	Georgia	No	Farmer
Clark, J. M.	39	Pennsylvania	No	Druggist
Cole, A. C.	17	Georgia	No	Card Maker
Cole, L. D.	40	Georgia	No	Overseer, Penitentiary
Collins, James R.	26	Alabama	Private	Card Maker, Pioneer Card Factory
Compton, P. M.	53	Georgia	No	Merchant
Cook, Benny	55	South Carolina	No	Printer
Cowart, W. J.	17	Georgia	No	Wool Spinner
Cozart, P. H.	22	New Jersey	Sergeant	Card Maker
Cromwell, N. M.	56	Maryland	No	Forger, Card Factory
Cross, G. F.	28	Virginia	No	Clerk, Georgia Armory
Cushing, J. F.	48	North Carolina	No	Clerk, Constable
Davis, Anderson	57	North Carolina	No	Georgia Armory
Davis, James	17	South Carolina	No	Factory Worker
Debord, W.	50	North Carolina	No	Card Maker, Pioneer Card Factory
Denton, B. F.	27	Georgia	No	State Printer
Denton, J. A.	16	Georgia	No	Wool Spinner
Denton, R.	41	Georgia	No	Overseer, Penitentiary

Dunlap, J.	25	New York	No	State Printer
Edwards, D. M.	50	North Carolina	No	Merchant
Edwards, Garner	58	North Carolina	No	Physician
Ellison, E. C.	18	Georgia	Private	Card Maker, Pioneer Card Factory
Ellison, W. V.	47	Georgia	No	Butcher
Estes, C.	21	Georgia	No	Overseer, Penitentiary
Estes, H.	38	Georgia	No	Overseer, Penitentiary
Estes, L.	28	Georgia	No	Overseer, Penitentiary
Evans, Levi	30	Georgia	Private	Card Maker
Fair, O. H.	18	Georgia	No	Farmer
Fair, P.	57	Georgia	No	Merchant, Justice Inferior Court
Gann, Jacob	40	Germany	No	Merchant, Government Agent
Gann, J. J.	29	Georgia	No	Wool Spinner
Gardner, George A.	17	Connecticut	No	Mechanic
Gardner, R. E.	46	New Jersey	No	Blacksmith
Geiger, J.	27	Bermuda	No	Shoemaker
Grant, E. H.	33	Georgia	Private	Gunsmith, Georgia Armory
Green, James A.	47	Georgia	No	Principal Keeper, Penitentiary
Green, Joseph W.	24	Georgia	Captain	Gun Smith, Georgia Armory
Green, L. P.	49	Georgia	No	Overseer, Penitentiary
Grieve, F. G.	25	Georgia	No	Deputy Clerk, Superior Court
Gullinger, ?	33	Germany	No	Barber
Haas, Jacob	42	Georgia	No	Express Agent
Haas, John	54	Virginia	No	N/A
Harderson, ?	35	Georgia	No	Supervisor, Central Railroad
Harrison, J. P.	19	Georgia	No	State Printer
Haug, George	47	Germany	No	Shoemaker
Haygood, James	57	South Carolina	No	City Marshall
Heath, Robert	37	Georgia	No	Overseer, Penitentiary
Higgins, David	28	Georgia	Private	Gunsmith, Georgia Armory
Higgins, H. H.	37	South Carolina	Private	Gunsmith, Georgia Armory
Higgins, R. G.	26	Georgia	Private	Gunsmith, Georgia Armory
Hook, W. H.	33	Georgia	No	Wool Spinner
Hooks, J. T.	28	Georgia	Private	Gunsmith, Georgia Armory
Hutchins, G. W.	47	South Carolina	No	Mechanic
Hutchins, R. B.	23	Georgia	Private	Card Maker
Jarrett, J. A.	46	Kentucky	No	N/A
Jeffers, A. O.	39	N/A	No	N/A
Johnson, W. H.	17	Georgia	No	State Printer
Jones, Peter	59	Pennsylvania	Private	Master Armorer, Georgia Armory
Jones, S. T.	24	Maryland	Corporal	Machinist, Card Factory
Kennedy, E. F.	36	Tennessee	Private	Machinist, Card Factory
Kidd, S. J.	29	Maryland	No	Book Binder
Lancaster, Washington	32	Georgia	Private	Gunsmith, Georgia Armory
Lavender B. T.	18	Georgia	No	Wool Spinner
Lawler, P. H.	48	Virginia	No	Clerk
Leonard, Benjamin J.	47	Georgia	No	Wool Spinner
Leonard, J. B.	36	Georgia	No	Wool Spinner
Leonard, W. J.	37	Georgia	No	Wool Spinner
Lewis, Wesly	18	Georgia	Private	Card Maker, Pioneer Card Factory
Linch, M. G.	40	Georgia	No	Merchant

Mahon, Elias	50	North Carolina	No	Farmer
Miklejohn, T. J.	39	Georgia	Private	Card Maker, Pioneer Card Factory
Miller, Fred	17	Ireland	No	Watch Maker
Miller, Joseph	44	Georgia	No	Watch Maker
Miller, Stephen	58	North Carolina	No	State Printer
Moore, J. N.	28	Georgia	No	State Printer
Moreland, J. H.	47	Georgia	No	Gunsmith, Georgia Armory
Munday, C. B.	32	New York	No	Telegraph Operator
McCombs, R. A.	41	Georgia	No	Farmer
McCoy, J. C.	16	Georgia	No	Wool Spinner
McLaughlin, A. M.	35	North Carolina	No	Card Maker, Pioneer Card Factory
Nasworthy, James	45	Georgia	No	Wool Spinner
Nelson, George P.	27	Georgia	Sergeant	Machinist, Card Factory
Nesbit, J. H.	38	Georgia	No	Editor, State Printer
Orme, C. D.	19	Virginia	Corporal	Machinist, Pioneer Card Factory
Orme, R. M.	35	Georgia	No	Editor
Ostrom, A. C.	28	New York	No	Engineer, Central Railroad
Owens, W. J.	29	North Carolina	No	Factory
Parks, G. W.	59	Georgia	No	Wool Spinner
Perfountain, J.	48	Canada	No	N/A
Potter, G. W.	32	Georgia	No	Wool Spinner
Quillian, W. E.	26	N/A	No	Clerk, Post Office
Reid, S.	37	Georgia	No	Wool Spinner
Ringland, George	59	N/A	No	Printer
Robison, W. G.	48	North Carolina	No	Merchant
Sanders, S. M.	26	Georgia	No	Wool Spinner
Scarborough, C. C.	31	Georgia	No	State Printer
Schultz, H.	37	Russia	No	Tailor
Shaw, John	23	South Carolina	Private	Machinist, Card Factory
Shaw, Thomas D.	33	Georgia	3 rd Lieutenant	Gunsmith, Georgia Armory
Singleton, S.	55	Georgia	No	Shoemaker
Skinner, F.	39	N/A	No	Wool Spinner
Slayton, B. T.	50	South Carolina	Private	Card Maker, Pioneer Card Factory
Smith, James	19	N/A	1 st Lieutenant	N/A
Smith, R. D.	18	Georgia	Private	Card Maker
Spiers, James	36	Georgia	Private	Gunsmith, Georgia Armory
Staley, Joseph	40	England	Private	Gunsmith, Georgia Armory
Staneze, Henry	37	England	No	Gunsmith, Georgia Armory
Stephens, W. M.	27	Georgia	No	Conductor
Stetson, James	17	N/A	No	N/A
Stevens, T. F.	58	Mississippi	No	Government Agent
Supple, James	39	Ireland	Private	Watchmaker
Talbird, C. G.	46	South Carolina	No	Assistant Keeper, Penitentiary
Taylor, P. T.	56	North Carolina	No	Farmer
Taylor, William	23	Washington D.C.	No	Gunsmith, Georgia Armory
Thomas, James L.	31	South Carolina	No	Wool Spinner
Thompson, J. T.	16	Georgia	No	Wool Spinner
Vardman, S. V.	42	South Carolina	1 st Sergeant	Overseer, Penitentiary
Vaughan, Clayton	45	South Carolina	No	Overseer, Penitentiary
Vaughn, R. M.	16	Georgia	No	Card Maker, Pioneer Card Factory
Waitzfelder, E.	53	Germany	No	Merchant

Waitzfelder, L.	33	Germany	No	Factory
Walls, A. J.	17	Georgia	No	Wool Spinner
Walls, E. H.	32	Virginia	No	Wool Spinner
Walls, J. B.	35	Virginia	No	Wool Spinner
Walls, J. M.	19	Georgia	No	Wool Spinner
Webb, W. H.	18	Georgia	Private	Card Maker, Pioneer Card Factory
Windsor, T. T.	48	South Carolina	No	Book Keeper, Penitentiary
Wofford, John P.	40	South Carolina	Private	Card Maker, Pioneer Card Factory
Worsham, E. C.	34	Georgia	Private	Machinist, Card Factory
Wright, C. H.	50	California	No	Machinist

Source: Nancy J. Cornell, *1864 Census for Re-Organizing the Georgia Militia* (Baltimore: Genealogical Publishing Company, 2000), 9-11; Capt Garrison's Co, Infantry (Ogeechee Minute Men) AND Capt Green's Co, Infantry (State Armory Guards), *Compiled Service Records of Confederate Soldiers Who Served in Organizations from the State of Georgia*, NARA M266, Record Group 109, roll 0604, document number 105;

<http://www.rootsweb.ancestry.com/~gabaldw2/1864census.html>, accessed 6/28/2014;

http://www.rootsweb.ancestry.com/~gatroup2/green_companyinfantry.htm, accessed 6/30/2014.

Table 3.8

Green's Company Infantry, State Armory Guards, 1864.

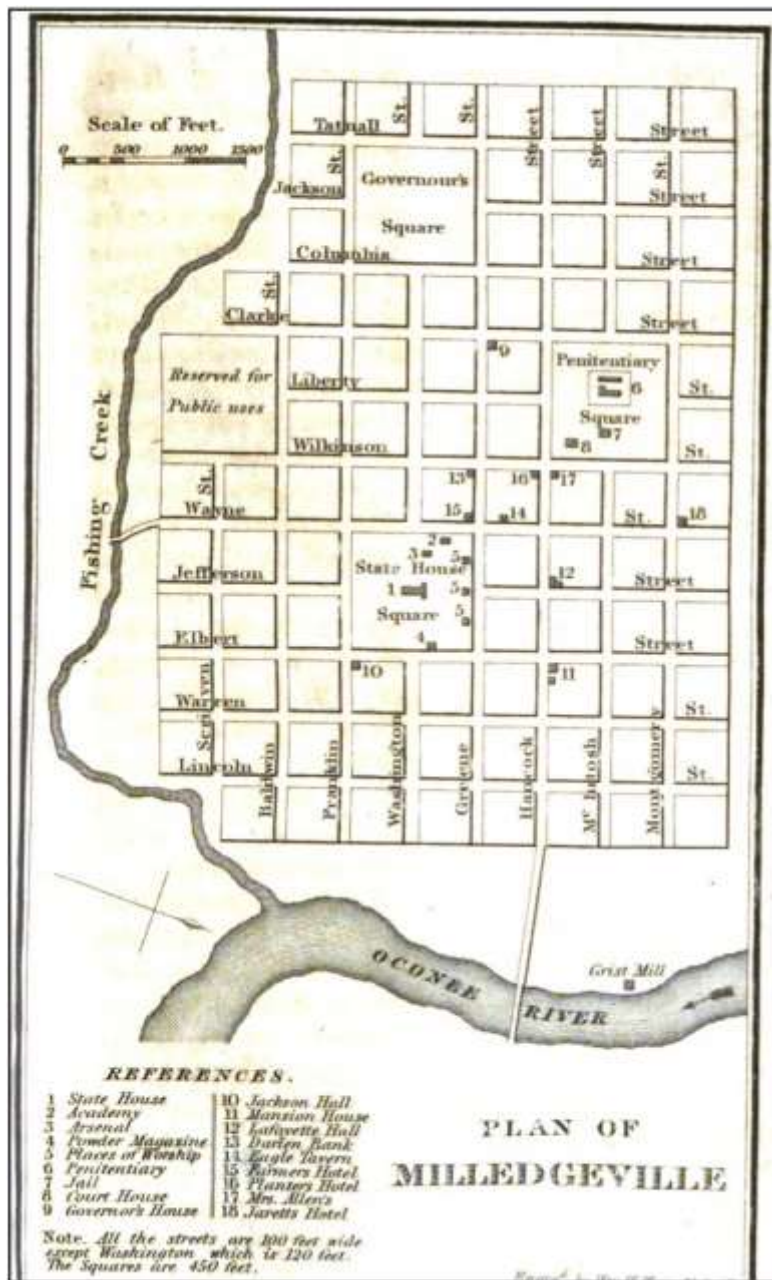
Name	Rank	Occupation
Boatwright, Samuel	Private	
Brantly, Timothy	Corporal	Card Maker, Pioneer Card Factory
Brooks, N. B.	Private	Card Maker
Calloway, R. C.	Private	Card Maker
Cameron, Andrew J.	Sergeant	Overseer, Penitentiary
Cameron, D. W.	Private	Foreman, Pioneer Card Factory
Caroker, Daniel	Private	Card Maker, Pioneer Card Factory
Collins, James R.	Private	Card Maker, Pioneer Card Factory
Cozart, P. H.	Sergeant	Card Maker
Ellison, E. C.	Private	Card Maker, Pioneer Card Factory
Evans, Levi	Private	Card Maker
Fowler, John M.	Private	
Grant, E. H.	Private	Gunsmith, Georgia Armory
Gray, Henry P.	Private	
Green, Joseph W.	Captain	Gunsmith, Georgia Armory
Higgins, David	Private	Gunsmith, Georgia Armory
Higgins, H. H.	Private	Gunsmith, Georgia Armory
Higgins, R. G.	Private	Gunsmith, Georgia Armory
Hooks, J. T.	Private	Gunsmith, Georgia Armory
Hutchins, R. B.	Private	Card Maker
Jones, Charles P.	Private	
Jones, Peter	Private	Master Armorer, Georgia Armory
Jones, S. T.	Corporal	Machinist, Card Factory
Kennedy, E. F.	Private	Machinist, Card Factory
Lancaster, Washington	Private	Gunsmith, Georgia Armory
Lewis, Joel	Private	
Lewis, Wesly	Private	Card Maker, Pioneer Card Factory
Mappin, J. W.	Corporal	
Marshall, Josiah	Private	
McLane, John C.	Private	
Micklejohn, T. J.	Private	Card Maker, Pioneer Card Factory
Milton, T. J.	Private	
Nelson, George P.	Sergeant	Machinist, Card Factory
O'Brien, M.	Private	
Orme, C. D.	Corporal	Machinist, Pioneer Card Factory
Palmer, J. A.	Private	
Pitts, J. Thomas	Private	
Shaw, John	Private	Machinist, Card Factory
Shaw, Thomas D.	3 rd Lieutenant	Gunsmith, Georgia Armory
Sherlock, James H.	Private	
Simpson, Thomas W.	Private	

Slayton, B. F.	Private	Card Maker, Pioneer Card Factory
Smith, James	1 st Lieutenant	
Smith, R. D.	Private	Card Maker
Spiers, James	Private	Gunsmith, Georgia Armory
Staley, Joseph	Private	Gunsmith, Georgia Armory
Stephens, John H.	Private	
Supple, James	Private	Watchmaker
Taylor, Walter	2 nd Lieutenant	
Vardaman, S. V.	1 st Sergeant	Overseer, Penitentiary
Webb, W. H.	Private	Card Maker, Pioneer Card Factory
Williams, Robert F.	Sergeant	
Wofford, B. H.	Private	
Wofford, John P.	Private	Card Maker, Pioneer Card Factory
Worsham, E. C.	Private	Machinist, Card Factory

Source: Capt. Garrison's Co, Infantry (Ogeechee Minute Men) AND Capt. Green's Co, Infantry (State Armory Guards), *Compiled Service Records of Confederate Soldiers Who Served in Organizations from the State of Georgia*, NARA M266, Record Group 109, roll 0604, document number 105;
http://www.rootsweb.ancestry.com/~gatroup2/green_companyinfantry.htm, accessed 6/30/2014.

Illustration 3.1

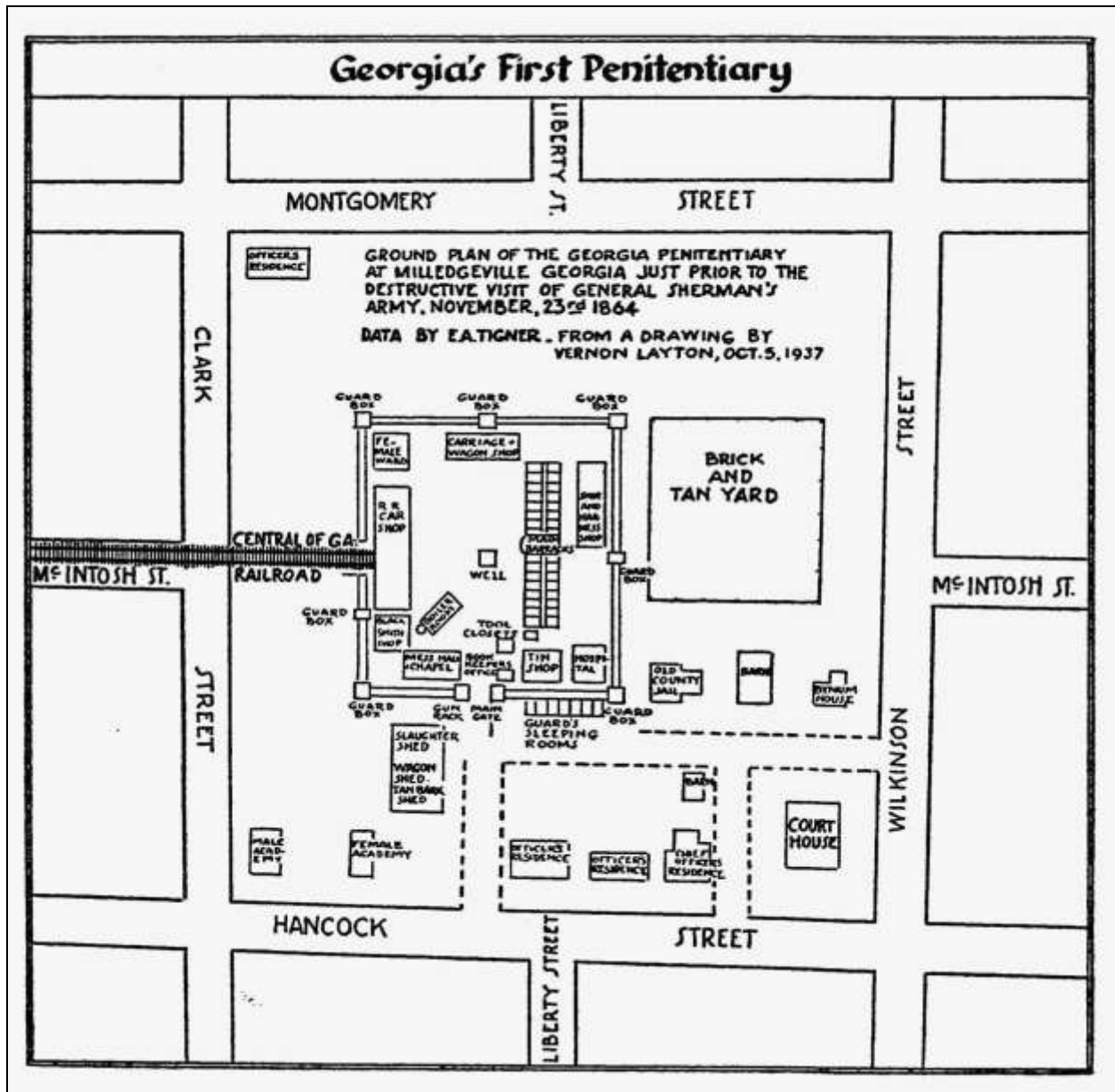
Penitentiary Square in Milledgeville, circa 1829.



Source: Adiel Sherwood, *A Gazetteer of the State of Georgia* (Philadelphia: J.W. Martin and W.K. Boden, 1829), 140.

Illustration 3.2

Layout of the Georgia penitentiary in Milledgeville, circa 1860.



Source: Hargett Rare Book and Manuscript Library, University of Georgia Libraries.

Illustration 3.3

Georgia State Penitentiary Burning, November 1864.



Source: Frank Leslie, *Illustrated Newspaper*, January 14, 1865.

Illustration 3.4

Oconee River Bridge, East of Milledgeville, Georgia, undated.



Source: <http://www.rootsweb.com/~orphanhm/oconee.htm>, accessed 1/3/2015. Geoff Walden Photography, November 25, 1995

Illustration 3.5

Georgia Rifle Manufactured in 1862.



Source: <http://www.oldsouthantiques.com/os3149p38.htm>, accessed 4/5/2015.

Illustration 3.6

Georgia Armory Engraving on Georgia Rifle Manufactured in 1862.



Source: <http://www.oldsouthantiques.com/os3149p38.htm>, accessed 4/5/2015.

Illustration 3.7

Reverse of Georgia Rifle Manufactured in 1862.



Source: <http://www.oldsouthantiques.com/os3149p38.htm>, accessed 4/5/2015.

Illustration 3.8

Bayonet Manufactured at the Georgia Armory, circa 1862.



Source: <http://www.oldsouthantiques.com/os1357p1.htm>, accessed 4/5/2015.

Illustration 3.9

Georgia Armory Engraving on a Bayonet Manufactured in 1862.



Source: <http://www.oldsouthantiques.com/os1357p1.htm>, accessed 4/5/2015.

Illustration 3.10

Brass Hilt Bayonet Manufactured at the Georgia Armory in 1862.



Source: <http://www.oldsouthantiques.com/os1357p1.htm>, accessed 4/5/2015.

Illustration 3.11

Whittemore Pattern Cotton Cards.



Source: <http://www.rubylane.com/item/881025-ALAR-cotcard/Vintage-Whittemore-Patent-Cotton-Carder>, accessed 1/7/2016.

Chapter 4

The Tennessee State Penitentiary in Nashville (1829-1865)

Tennessee was the third Southern state to establish a penitentiary. The first state constitution of 1796 permitted corporal punishment. County jails overflowed with suspects of varying ages, class, and gender until the courts passed judgment. On September 24, 1807, Democratic-Republican Governor John Sevier, the region's great hero of the Revolution, pointed out that "most respectable sister states" already had abolished the death penalty. In response, the General Assembly limited public corporal punishment. The earliest efforts to establish a state penitentiary began soon thereafter. On November 8, 1813, the legislature authorized county clerks to accept voluntary contributions to finance construction of a state prison. The effort raised only \$2,000. Democratic-Republican Governor Joseph McMinn, a successful merchant, then recommended building a state prison with state funds, but financing stalled for more than a decade due to intrastate sectionalism, with the opposition concentrated among the fiscally conservative voters in East Tennessee. The legislature meanwhile debated possible locations with a majority favoring a location west of the Cumberland Mountains.¹

Democratic-Republican Governor William Carroll, a veteran and merchant, advocated both building a penitentiary and amending the criminal code. He warned in 1821 that,

¹ *Report of the Committee on the Removal of the Penitentiary, Adopted by the Commercial Club of Nashville* (Nashville: Brandon, 1891), 1-2; E. Schultz, "'Running the Risks of Experiments': The Politics of Penal Reform in Tennessee, 1807-1829," *Tennessee Historical Quarterly* 52 (Summer 1993): 88-9; Gary Shockley, "A History of the Incarceration of Juveniles in Tennessee, 1796-1970," *Tennessee Historical Quarterly* 43 (Fall 1984): 230; Jesse Crawford Crowe, "The Origin and Development of Tennessee's Prison Problem, 1831-1871," *Tennessee Historical Quarterly* 15 (June 1956): 111-12; E. Bruce Thompson, "Reforms in the Penal System of Tennessee, 1830-1850," *Tennessee Historical Quarterly* 4 (December 1942): 292, 296; Larry D. Gossett, "The Keepers and the Kept: The First Hundred Years of the Tennessee State Prison System, 1830-1930," (Ph. D. Diss., Louisiana State University and Agricultural and Mechanical College, Dissertation, 1992), 23-8; Yoshie Lewis and Brian Allison, *Tennessee State Penitentiary* (Charleston: Arcadia Publishing, 2014), 11; Tennessee, Department of Correction, *Prison Records, State of Tennessee, 1831-1992, Agency History, Tennessee Prison System, Record Group 25*, Tennessee State Library and Archives, Nashville (hereafter referred to as Tennessee Agency History).

“imprisonment under our present system is no cure for vice; it is rather a school for it.” The effort still moved slowly. Four years later, in 1825, the legislature required Carroll to gather data on existing penitentiaries in northern and eastern states. The following year he sent a circular letter to other state governors requesting detailed information regarding the cost, size, discipline, profits, labor, and general administration. He received responses from the governors of Kentucky, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, and Virginia. The content of those responses remains elusive, but Governor John Tyler of Virginia confirmed that the “advantages would seem...to be manifest over the old system of punishment – a system which cut-off the chance of reform, by cutting off the life of the victim.”²

Sam Houston succeeded Carroll as governor in 1827. Democratic-Republican Governor Houston, identified with Andrew Jackson, focused primarily on internal improvements. Progress toward a state prison lagged. He abruptly resigned on April 16, 1829, due to a personal scandal. In October, Governor Carroll, representing state political forces increasingly at odds with native son President Andrew Jackson and supporters of Houston, won a second term. He quickly directed the legislature to revise the criminal code and fund the construction of a state prison as he had advocated for years. Carroll’s efforts finally led the Senate to approve a prison bill on October 22 by a vote of twelve to seven. A House amendment stipulated Nashville as the location. A few days later, on October 28, the General Assembly passed “An act to provide for building a public jail and penitentiary house in this state,” and appropriated \$25,000 for construction. The legislature selected three commissioners and directed them to purchase up to

² *Report of the Committee on the Removal of the Penitentiary*, 2-3; Schultz, “Running the Risks of Experiments,” 90, 92; Thompson, “Reforms in the Penal System of Tennessee, 1830-1850,” 296-97.

ten acres of land, procure plans approved by other states, and erect a fireproof prison large enough to contain at least two hundred convicts.³

The commissioners turned to local residents John Boyd and Andrew Haynes regarding ten acres of ideal land between Lower Franklin and Charlotte roads in Nashville, which they agreed to sell for \$1,700. The commissioners then selected David Morrison, who designed the Methodist Church and President Andrew Jackson's Hermitage in Nashville, as architect. They sent him to investigate the designs of existing northern penitentiaries in New York, Pennsylvania, Connecticut, Maryland, and Massachusetts, but avoided the southern example in Virginia. Morrison recommended adopting the cutting-edge Auburn system of prison discipline developed in New York, but suggested replicating the prison in Wethersfield, Connecticut.⁴

Construction of the penitentiary began on April 1, 1830, near the corner of Sixteenth and Church Streets (see Illustration 4.2). The prison complex that followed consisted of a main building and two wings built of limestone, like the facility in Connecticut. The outside wall measured twenty feet high and averaged four feet in thickness. The buildings contained two hundred cells measuring seven and one-half feet in length, three and one-half feet in width, and seven feet in height. A small grate at the top of each cell door provided minimal ventilation. The project cost almost \$50,000 by completion (see Illustration 4.1).⁵

³ Schultz, "Running the Risks of Experiments," 92-4; Tennessee Agency History; Thompson, "Reforms in the Penal System of Tennessee, 1830-1850," 299-300; *Report of the Committee on the Removal of the Penitentiary*, 4-5, 9; Gossett, "Keepers and the Kept," 28-9, 30-1. Robert C. Foster, Joseph Woods, and Moses Ridley were elected by the General Assembly as the first commissioners of the penitentiary.

⁴ *Report of the Committee on the Removal of the Penitentiary*, 9-10; Gossett, "Keepers and the Kept," xii, 31-4, 37-8; Thompson, "Reforms in the Penal System of Tennessee, 1830-1850," 299, 300-1; Randall G. Sheldon, "Slave to Caste Society: Penal Changes in Tennessee, 1830-1915," *Tennessee Historical Quarterly* 38 (Winter 1979): 463; Shockley, "History of the Incarceration of Juveniles in Tennessee, 1796-1970," 231; James Patrick, *Architecture in Tennessee, 1768-1897* (Knoxville: University of Tennessee Press, 1981), 121.

⁵ Thompson, "Reforms in the Penal System of Tennessee, 1830-1850," 302; Lewis and Allison, *Tennessee State Penitentiary*, 13; Crowe, "Origin and Development of Tennessee's Prison Problem, 1831-1871," 112, 114, 118; Schultz, "Running the Risks of Experiments," 94; Nicolas Fischer Hahn, "Female State Prisoners in Tennessee: 1831-1979," *Tennessee Historical Quarterly* 39 (Winter 1980): 485-86.

Governor Carroll announced on January 1, 1831, that the penitentiary had reached “a proper state and condition for the reception of convicts.” He then appointed board of five inspectors who were to submit annual reports to the legislature and select the keeper, physician, and clerk. The board selected John McIntosh, who worked at the Kentucky State Penitentiary for ten years, to become the first keeper at the penitentiary. In Nashville the prison clerk was required to record the name, height, age, complexion, hair and eye color, and obvious peculiarities of inmate as they arrived from county jails. Clerks further documented the number of convicts, offenses committed, ages, previous occupations, birthplaces, place of residence, terms of imprisonment, employment, and financial reports. The revised criminal code punished all felonies with incarceration except for first-degree murder and accessory before the fact to first-degree murder. The first prisoner to enter the prison was George Washington Cook, a twenty-two year old cook who arrived on January 21 to begin a two-year sentence for stabbing a man. The inmate population rose from twenty-one in 1831, to sixty-one in 1832 (see Table 4.1). A majority of the inmates were common laborers who committed larceny and horse stealing.⁶

The new Code of Tennessee outlined the requirements and expectations of the officials and inmates in some detail. Keeper McIntosh reviewed all letters and selectively permitted relatives or friends to speak with convicts regarding family or property matters. He furnished each prisoner with a bed, blanket, and two pieces of clothing. Each cell contained a mattress, toilet bucket, and a few other items. The law required segregation of men and women at all

⁶ *Journal of the House of Representatives of the State of Tennessee, at the Nineteenth General Assembly, Held at Nashville* (Nashville: F. S. Heiskell, 1831), 140-41; Crowe, “Origin and Development of Tennessee’s Prison Problem, 1831-1871,” 112; H. Blair Bentley, “Andrew Johnson and the Tennessee State Penitentiary,” *East Tennessee Historical Society’s Publications* 47 (1975): 37; *Nashville Union and American*, January 13, 1854; *The Code of Tennessee, Enacted by the General Assembly of 1857-1858* (Nashville: E. G. Eastman and Company, 1858), 958, 966; Gossett, “Keepers and the Kept,” 35-6; *Convict Record Book (1831-1874)*, Record Group 25, Prison Records (1831-1922), Tennessee State Library and Archives, Nashville; *Report of the Inspectors and Agent of the Tennessee State Penitentiary* (Nashville: n.p., 1833), 8; *Report of the Committee on the Penitentiary in the House of Representatives, October 17, 1832* (Nashville: Allen A. Hall, 1832), 6.

times as well as separate lodging at night. In keeping with the Auburn system, inmates maintained silence “unless by the express permission, and in the presence of the agent.” Their meals consisted of bread, meat, vegetables, and “plenty of good clean water twice a day.” Prisoners received also one pint of coffee per day, and “a reasonable quantity of chewing tobacco.” Religious services took place on Sunday “as often as practicable.” A part-time chaplain offered the Sunday services, and distributed Bibles and other religious tracts. Prison regulations required all inmates to wash themselves every morning and men to shave at least once per week.⁷

The “Auburn system” included a particular emphasis on profit rather than reformation. Forced labor offset the expense of incarceration and generated profits for the state treasury. The Tennessee criminal code stipulated that convicts, “shall be kept at labor, when in sufficient health,” and perform labor “best adapted to his or her age, sex, and state of health, having due regard to that employment which is most profitable.” Officials initially employed the inmates in shoe and hat making, blacksmithing, and stonecutting. Labor foremen instructed prisoners, reviewed productivity in the workshops, and reported infractions to the guards and keeper.⁸

As elsewhere, competition from convict labor soon led to conflict with local mechanics and artisans. Opponents of the penitentiary purported poor discipline, improper conduct, and unprofitable workshops, yet in 1832 those workshops earned a profit of \$2,474.50 (see Table 4.2). The Penitentiary Committee chairman responded to complaints by stating, “It is hoped, that this will put a stop to the objections which have been often urged against the Penitentiary on

⁷ *The Code of Tennessee*, 952, 967-69; Gossett, “Keepers and the Kept,” 37-8, 44; Crowe, “Origin and Development of Tennessee’s Prison Problem, 1831-1871,” 113, 121; *Acts of the State of Tennessee, 1846*, 203-4; Thompson, “Reforms in the Penal System of Tennessee, 1830-1850,” 301-2.

⁸ Crowe, “Origin and Development of Tennessee’s Prison Problem, 1831-1871,” 114; Shockley, “History of the Incarceration of Juveniles in Tennessee, 1796-1970,” 229, 231-32; *Code of Tennessee, 1857-1858*, 966-67; Gossett, “Keepers and the Kept,” 46.

account of its expensive cost to the State.” Prisoners also labored on the penitentiary itself. During the first year of operation the inmates graded the yard and dug a large reservoir. They fabricated several cell doors in the blacksmith shop, and built a small residence for the clerk and storage for the public arms.⁹

Like true Jacksonians, the officials selected guards—all men—based upon patronage, friendship, and loyalty, rather than experience or ability. The guards worked twelve hours a day, seven days a week, for an annual salary of \$400. They stood watch in the four towers, counted inmates at the housing unit, and marched prisoners in silent lockstep to and from the workshops. Unmarried guards boarded in housing located outside of the walls on the property.¹⁰

Guards inflicted punishments on those who refused to work or destroyed materials with up to thirty days of solitary confinement. The Penitentiary Committee approved the methods of discipline adopted by the legislature as favorable and comparable with other prisons. Violations of the rules or failure to meet quotas resulted in corporal punishment from guards in the form of whippings, placement in a sweatbox, or solitary confinement. The whip was a three-inch wide strap of harness leather attached to a wooden handle. Inmates received up to thirty-nine lashes on the back while being held across the whipping post in the yard. The sweatbox measured approximately three feet square by five feet high, and was constructed from solid iron sheeting. The box faced direct sunlight in the yard with only a small grill for ventilation. Yet as elsewhere, the guards came to consider solitary confinement as the most extreme form of

⁹ *Report of the Committee on the Penitentiary in the House of Representatives, October 17, 1832*, 4-6; *Report of the Inspectors and Agent of the Tennessee State Penitentiary, 1833*, 2; Thompson, “Reforms in the Penal System of Tennessee, 1830-1850,” 302; Gossett, “Keepers and the Kept,” 38-9.

¹⁰ Gossett, “Keepers and the Kept,” 303-6; *Code of Tennessee, 1857-1858*, 953, 966-67; Hahn, “Female State Prisoners in Tennessee: 1831-1979,” 488-89; *Acts of the State of Tennessee, 1846*, 203-4.

punishment. Inmates endured complete darkness for up to thirty days with a diet of bread, water, and occasional vegetables.¹¹

Prison regulations further required inmates to clean their cells with “tar and vinegar” in an attempt to control disease. Nonetheless, in 1833 a cholera outbreak killed six prisoners, who were buried on the prison grounds near the hospital. After the disease appeared on June 2, officials suspended labor in the workshops within a few days. In retrospect, the lack of plumbing and close quarters contributed to the epidemic. Nearly every inmate suffered symptoms of the disease, which halted production for almost three months. Governor Carroll and the Penitentiary Committee praised the keepers, guards, and prison physician for showing “zeal and devotion” during the outbreak. The inspectors nonetheless lamented, “The institution would at the end of the year have shown a handsome profit, but for the fatal ravages of the Cholera.”¹²

The legislature responded by authorizing construction of a new hospital building. The inmates built a new two-story building in 1833 that measured two hundred feet long and thirty-two feet wide. The convicts expanded the complex to include a shoemaker shop, cooper shop, stone department, tailor, hatter shop, blacksmith, wagon making, carpentry, turner and painter, and bricklayer department. From 1835 to 1837, sales from the workshops totaled \$35,346.30 with a profit of \$14,430.41 (see Tables 4.2 and 4.3). In 1837 the inmates built two sheds for raw materials and rebuilt the hastily constructed foundation of the carpenter, shoe, harness, hatter,

¹¹ Gossett, “Keepers and the Kept,” 30, 38, 280, 282-85; *Report of the Committee on the Removal of the Penitentiary*, 5; Schultz, “Running the Risks of Experiments,” 86; *Report of the Committee on the Penitentiary, 1832*, 5; *Code of Tennessee, 1857-1858*, 967.

¹² Gossett, “Keepers and the Kept,” 40, 45-6; Thompson, “Reforms in the Penal System of Tennessee, 1830-1850,” 302-3; Crowe, “Origin and Development of Tennessee’s Prison Problem, 1831-1871,” 119; *Report of the Committee on the Penitentiary, 1832*, 7; *Report of the Inspectors and Agent of the Tennessee State Penitentiary, 1833*, 2-3. Governor William Carroll, R. C. Foster, Sam G. Smith, and Moses Ridley acted as the penitentiary inspectors.

and cooper shops. They also excavated an artesian well to a depth of forty-eight feet in an effort to reduce the dependency on prisoners hauling water from neighboring springs.¹³

The mechanics and tradesmen of Nashville continued to complain, sending a memorial to the legislature claiming that the existing system of convict labor was “detrimental to the interests of free labor,” and produced a demoralizing effect on their industries. Citizens from Williamson and Davidson County sent another petition requesting the legislature to regulate the prices by the standard of auction sale valuation. A memorial prepared by citizens of Franklin County contained over two hundred signatures against “infringement upon the rights and interests of Mechanics of Tennessee.” Nonetheless, a joint committee of the legislature determined, “it would not only be improper but ruinous to the penitentiary to attempt either of the plans proposed by the petitioners...It would in effect destroy the institution to place it in the power of an association of mechanics to furnish a standard of prices to the keeper.”¹⁴

The inmate population increased from sixty-seven in 1833 to ninety two in 1835 (see Table 4.1). The majority of inmates were from Tennessee, North Carolina, South Carolina, and Virginia. On February 20, 1836, the legislature passed a law that commuted terms of imprisonment by up to two days for every month of permissible conduct. Keeper H. I. Anderson reported in 1839 that the increased prison population “made it necessary to fit up the east wing.” The inmates flagged the floor with stone and fabricated the stairway, walks, and seventy-two cell doors. The penitentiary now held 154 inmates from thirteen states, Washington D.C., Cuba, Ireland, Wales, Italy, France, and England (see Table 4.2). Through introductory interviews the officials determined that eighty-one inmates could read and write, thirty-seven could only read,

¹³ *Report of the Inspectors and Agent of the Tennessee State Penitentiary, 1833*, 1-2, 4-6, 8; *Report of the Joint Committee on the Penitentiary, 1837*, 11, 15-16.

¹⁴ *Report of the Joint Committee on the Penitentiary, 1837*, 3-4, 7-13; Shockley, “History of the Incarceration of Juveniles in Tennessee, 1796-1970,” 231-32; Gossett, “Keepers and the Kept,” 49-50; Crowe, “Origin and Development of Tennessee’s Prison Problem, 1831-1871,” 115.

seventeen spelled minimally, and nineteen were “wholly destitute of learning.” The population included eighty-three married and seventy-one single men. At least sixty-one prisoners attributed their criminality to alcohol. The interviews revealed sixty-six habitual drunks, eighty-two occasional drinkers, and only six temperate convicts.¹⁵

The incarceration of the first woman in 1840 meanwhile required the guards to modify procedures to segregate the inmates. Elizabeth Henderson was convicted of larceny on October 3, in Bradley County. She began a three-year term, but received a general pardon and departed the prison on November 6. Over the next twenty-five years a total of thirty-three women served terms ranging from two years to life at the penitentiary. In 1841, Democratic Governor James K. Polk requested “suitable apartments” for the women, as well as the power to commute death sentences in favor of life imprisonment, which contributed to subsequent overcrowding at the prison.¹⁶

The inmate population swelled to 178 by 1841, including twenty-six under the age of twenty, as well as the first African American woman (see Table 4.1). Interviews with the inmates at the time revealed that eighty-four were alcoholics and thirty were “common drunkards” with limited religious instruction and “tolerably fair education.” Meanwhile, only two inmates identified as temperate, with good morals and a common education. In the early 1800s drinking alcohol was regarded as a necessity for practical and social reasons, but

¹⁵ *Report of the Inspectors and Agent of the Tennessee State Penitentiary, 1833*, 1-2, 4-6, 8; *Report of the Committee on the Penitentiary, 1832*, 6; *Report of the Keeper of the Penitentiary, 1837* (Nashville: S. Nye and Company, 1837), 9, 10, 13-4; Shockley, “History of the Incarceration of Juveniles in Tennessee, 1796-1970,” 232; *Public Acts Passed at the First Session of the Twenty-First General Assembly of the State of Tennessee, 1835-1836* (Nashville: J. Nye and Company, 1836), 171-72; Thompson, “Reforms in the Penal System of Tennessee, 1830-1850,” 302; Gossett, “Keepers and the Kept,” 57, 281; *Reports of the Inspector and Keeper of the Tennessee Penitentiary, for the Two Years Ending September 30, 1855* (Nashville: G. C. Torbett and Company, 1855), 15; *Report of the Superintendent of the Tennessee Penitentiary, to the General Assembly of Tennessee, October 12, 1839* (J. George Harris, 1839), 3, 9-10, 12, 15.

¹⁶ *Report of the Inspectors and Agent of the Tennessee Penitentiary* (Nashville: J. George Harris, 1841), 19; Gossett, “Keepers and the Kept,” 41, 253-54; Hahn, “Female State Prisoners in Tennessee: 1831-1979,” 488; Crowe, “Origin and Development of Tennessee’s Prison Problem, 1831-1871,” 117.

overindulgence disrupted society and negatively impacted families. As a result, churches across New England, especially the Methodist Church, encouraged moderation. Consumption of alcohol increased into the 1830s as the American Temperance Society encouraged abstinence and moral reform. The penitentiary inspectors in Nashville suggested the interviews provided “incontestable proof of the baneful effects of intemperance.”¹⁷

The numbers of persons incarcerated continued to grow steadily, reaching 194 prisoners by 1843. Tennessee adopted the “rule of sevens,” which considered children below seven years of age unable to form criminal intent. Nearly 14 percent of the inmates at that point were younger than twenty years old (see Table 4.1). The youngest prisoner was only eight years old when he arrived at the penitentiary on April 2, 1847, the youngest convict incarcerated in Tennessee. He was sentenced to life in prison for the murder of his four-year-old sister in Johnson County. The orphans had previously lost their parents in a fire and passed into the custody of a series of relatives. The girl was fatally injured in a fall and died after two days. During his incarceration, the boy received five lashes for being short of work in the harness shop. Democratic Governor William Trousdale later determined the crime was accidental and pardoned him after he served three years.¹⁸

By the mid-1840s, the prison had grown large enough to both directly and indirectly influence the local economy. Petitions to the legislature meanwhile continue to oppose

¹⁷ Gossett, “Keepers and the Kept,” 282; *Report of the Inspectors and Agent of the Tennessee Penitentiary, 1841*, 3-7, 11-14. Penitentiary inspector included R. C. Foster, John Harding, and William Carroll. For more information see W. J. Rorabaugh, *The Alcoholic Republic: An American Tradition* (Oxford: Oxford University Press, 1979); Robert Nash Parker and Linda-Anne Rebhun, *Alcohol and Homicide: A Deadly Combination of Two American Traditions* (New York: State University of New York Press, 1995); Matthew Warner Osborn, *Rum Maniacs: Alcoholic Insanity in the Early American Republic* (Chicago: University of Chicago Press, 2014); Henry William Blair, *The Temperance Movement: Or, The Conflict Between Man and Alcohol* (Boston: William E. Smythe, 1888); Joseph R. Gusfield, *Symbolic Crusade: Status Politics and the American Temperance Movement* (Urbana: University of Illinois Press, 1986).

¹⁸ Shockley, “History of the Incarceration of Juveniles in Tennessee, 1796-1970,” 230; Sheldon, “Slave to Caste Society,” 463; *Report of the Keeper of the Penitentiary, Delivered in Both Houses of the General Assembly of Tennessee, October, 1851* (Nashville: W. F. Bang and Company, 1851), 19; Gossett, “Keepers and the Kept,” 269.

competition, requested regulation of prices, and bemoaned introducing felons into respectable professions. The Penitentiary Committee acknowledged the complaints but determined that “the complaints have very little foundation in fact. A much greater injury is sustained by the mechanical interest from the extensive importation of domestic manufactured articles by the merchants of Nashville... which ought to be manufactured here.” The quantity of imported manufactured goods, the committee stated was tenfold the amount sold at the penitentiary.¹⁹

Whig Governor James C. Jones fulfilled a campaign promise by directing the legislature to “lessen the direct competition with our free citizens.” Instead, the General Assembly dominated by Whigs approved additional prison manufactures. On January 30, 1844, it further authorized convict labor for construction of the new state capitol for up to five years. The act stipulated the quality of stone for the building, and assigned the superintendent with locating and purchasing a stone quarry in close proximity to the penitentiary. Representative Anthony W. Johnson amended a general appropriation to authorize the superintendent to purchase a quarry and employ the inmates in stonework. The agent and inspectors collected outstanding debts and sold stock on hand before receiving an appropriation of \$10,000 for the project.²⁰

Sales at the penitentiary meanwhile shifted from a credit system to accepting cash or exchanges of raw materials. Farmers regularly purchased goods at the penitentiary on credit. In 1840, the inspectors admitted, “The manner of doing business in this country renders it almost impossible to sell extensively for cash.” They suggested prohibiting new accounts below a

¹⁹ *Report of the Inspectors and Agent of the Tennessee Penitentiary 1841*, 7; Gossett, “Keepers and the Kept,” 49; Sheldon, “Slave to Caste Society,” 463; *Report of the Joint Select Committee to Whom was Referred Sundry Resolutions and a Memorial in Relation to the Penitentiary* (Nashville: J. George Harris, 1840), 3-6. The sub-committee included P. Anderson, John A. Aiken, H. Frey, A. Coleman, and James H. Carson.

²⁰ Crowe, “Origin and Development of Tennessee’s Prison Problem, 1831-1871,” 115-16; Gossett, “Keepers and the Kept,” 46-7, 50-1; Bentley, “Andrew Johnson and the Tennessee State Penitentiary,” 32; *Acts Passed at the First Session of the Twenty-Fifth General Assembly of the State of Tennessee, 1843-1844*, 235-36, 252; Crowe, “Origin and Development of Tennessee’s Prison Problem, 1831-1871,” 116; *Report of the Committee on the Removal of the Penitentiary*, 5; Thompson, “Reforms in the Penal System of Tennessee, 1830-1850,” 303.

specified amount. As a result of the new system, the workshops accumulated a profit of \$18,239.70 from 1843 to 1845 (see Table 4.2).²¹

Sanitary conditions at the penitentiary continued to directly affect production at the workshops. A measles outbreak occurred in February 1844 and persisted for almost three months. Agent Anderson reported that over the previous two years 29 inmates died from cholera, marasmus, consumption, dropsy, chronic diarrhea, brain fever, inflammation of the stomach, drowning during an escape, and old age. The prison population declined to 189 inmates (see Table 4.1). The legislature in reaction directed the superintendent to build a new outhouse with “a pit and chimney.” The prisoners initially had deposited waste on the property, but expanded the workshops and built a new cell wing on that ground. In the meantime, they hauled waste to an adjacent lot. The prison physician, Dr. Felix Robertson, suggested expanding the yard and extending the walls north of Charlotte Road to increase air circulation within the complex.²²

By 1841 the penitentiary had cost the state a total of \$70,109.97, including a new two-story brick workshop and other improvements in 1841 that cost \$5,746.11. From 1845 to 1847 the workshops accumulated \$51,640.25 in sales and a comparable profit of \$13,798.00 (see Table 4.2). In 1847 the inmate population reached 195, and the legislature diverted nearly half of the inmates to construction at the capitol building (see Table 4.1). The following year, the legislature designated \$50,000 per year to employ seventy stonecutters, two setters, eight

²¹ *Report of the Joint Select Committee, 1840*, 5; *Report of the Inspectors and Agent of the Tennessee Penitentiary*, 7; Shockley, “History of the Incarceration of Juveniles in Tennessee, 1796-1970,” 231; Gossett, “Keepers and the Kept,” 46.

²² *Acts Passed at the First Session of the Twenty-Fifth General Assembly of the State of Tennessee, 1843-1844*, 252; *Report of the Keeper of the Penitentiary, Delivered in Both Houses of the General Assembly of Tennessee, 13th October 1845* (Nashville: W. F. Bang and Company, 1845), 3-4, 12, 27; *Report of the Keeper of the Penitentiary, 1845*, 4, 12, 17-19; *Acts of the State of Tennessee, Passed at the First Session of the Twenty-Sixth General Assembly, for the Years, 1845-1846* (Knoxville: James C. Moses, 1846), 203; Thompson, “Reforms in the Penal System of Tennessee, 1830-1850,” 304; Crowe, “Origin and Development of Tennessee’s Prison Problem, 1831-1871,” 118; Gossett, “Keepers and the Kept,” 41-2.

laborers, and fund the salary of the architect. Keeper McIntosh regretted that “the profits are not shown to be as large as they would have been in the absence of any change from their former mode of labor.” He reported net gains of \$11,847 for 1847 and 1848, but local journalists questioned his accounting of \$15,000 worth of convict labor at the Capitol, and \$3,000 for a steam engine, as well as the need for an appropriation of \$25,000.²³

The General Assembly was encouraged to improve conditions for prisoners by outside forces. The famous advocate for mentally ill and prisoner rights, Dorothea Dix, visited in October 1847 to evaluate the penitentiary and advocate for a new lunatic asylum. She spent a week in Nashville. Whig Governor Neill S. Brown, legislators, and other state officials extended “the most flattering attentions,” including an offer by to commission a marble bust of her. Dix visited with Jane Erwin Yeatman Bell, the wife of prominent politician John Bell, and accompanied the couple to Washington after his election to the United States Senate. In response to her visit the legislature appropriated \$100 on February 5, 1848, to purchase “suitable moral and religious books” for the prison library.²⁴

On February 14, 1850, James Shropshire and his wife Nancy arrived at the penitentiary from Hawkins County. She arrived pregnant and became mentally unstable. Then the infant died shortly after birth. Governor Trousdale considered a pardon for the wife but he was unable to contact a family member to take custody of her. Keeper McIntosh also was unsuccessful at

²³ *Report of the Inspectors and Agent of the Tennessee Penitentiary, 1841*, 4; *Report of the Inspectors and Agent of the Tennessee Penitentiary to the General Assembly of Tennessee, October 14th, 1847* (Nashville: B. R. McKennie, 1847), 4, 6, 10; *Report of the Inspectors and Agent of the Tennessee Penitentiary, 1847*, 3-4, 8. W. B. Shapard, John N. Esselman, and John Thompson served as the inspectors. *Acts of the State of Tennessee Passed at the First Session of the Twenty-Seventh General Assembly, for the Years, 1847-1848* (Jackson: Gates and Parker, 1848), 127; *Nashville Union and American*, November 17, 1853;

²⁴ *Acts of the State of Tennessee, 1848*, 446; Margaret Muckenhaupt, *Dorothea Dix: Advocate for Mental Healthcare* (New York: Oxford University Press, 2003), 72; David Gollaher, *Voice for the Mad: The Life of Dorothea Dix* (New York: Free Press, 1995), 244; Thomas J. Brown, *Dorothea Dix: New England Reformer* (Cambridge: Harvard University Press, 1998), 138, 145, 170; Charles Schlaifer and Lucy Freeman, *Heart's Work: Civil War Heroine and Champion of the Mentally Ill, Dorothea Dix* (New York: Paragon House, 1991), 42.

transferring her to the Lunatic Asylum, and opposed releasing her to the public. She petitioned the legislature, which allowed her to remain at the penitentiary, where she died the following year. From 1849 to 1851 twenty-seven other inmates died from a variety of illnesses including cholera, consumption, inflammation of the bowels, congestive fever, and suicide. On May 22, an inmate committed suicide by cutting his throat with a smuggled knife during the intake procedures. The prison physician attributed the act of suicide to mental distress upon entering the facility.²⁵

The ever-increasing prison population meanwhile forced fourteen pairs of inmates to lodge together in violation of the Tennessee law. In 1851 the prison held 214 convicts including a fourteen-year old, three fifteen-year-olds, two seventeen-year-olds, and nine eighteen-year-olds (see Table 4.1). Keeper McIntosh recommended a second penitentiary in Memphis to remedy the overcrowding dilemma, and declined reappointment. A short time later, on January 1, 1852, the inspectors elected Charles M. Hays, former Deputy Marshall of the Middle Division, as agent and keeper of the penitentiary. Construction at the capitol that year occupied 133 inmates, while the penitentiary workshops employed eighteen blacksmiths, five wagon makers, fifteen coopers, eleven cabinet makers, eight shoe makers, four tailors, two painters, two carders, two turners, two engineers, one miller, three shop tenders, two cooks, two washers, one nurse, two cleaning cells and wings, and one sewing. The workshops thrived and accumulated sales of \$32,866.50 for a profit of \$15,908.36 (see Table 4.2).²⁶

²⁵ *Acts of the Tennessee, Passed at the First Session of the Twenty-Eighth General Assembly, for the Years, 1849-1850* (Nashville: McKennie and Watterson, 1850), 429; Thompson, "Reforms in the Penal System of Tennessee, 1830-1850," 303-4; *Report of the Keeper of the Penitentiary, 1851*, 6, 21; Gossett, "Keepers and the Kept," 286-87; *Athens Post*, May 23, 1851.

²⁶ *Athens Post*, January 2, 1852; *Fayetteville Observer*, October 20, 1853; *Loudon Free Press*, November 25, 1853; Shockley, "History of the Incarceration of Juveniles in Tennessee, 1796-1970," 232; *Report of the Keeper of the Penitentiary, 1851*, 5, 7, 9, 12-13; *Report of the Inspectors and Keeper of the Penitentiary, 1853*, 3, 9.

Overcrowding at the penitentiary reached a crisis point when the population hit 240 in 1853 (see Table 4.1). The addition of thirty-two additional cells brought the total to 232, but a population of 240 inmates forced Agent Hays had to continue violating the law requiring solitary confinement at night. Hays now echoed McIntosh's previous suggestions to establish a second penitentiary in western Tennessee, which would receive the largest percentage of inmates. The *Fayetteville Observer* highlighted overcrowding and advocated a second prison with separate apartments for female prisoners with "appropriate employment."²⁷

Agent Hays also placed an emphasis on the combating the causes of criminal behavior, with the statistics compiled again pointing to alcohol. Interviews with inmates revealed that 127 of 240 were intoxicated at the time of their crimes. Hays noted, "Another proof, if any more were needed, of the baneful consequences of a great and growing evil which besets the path of young and old, almost from the cradle to the grave." He added that education reduced criminality, and noted that sixty-three inmates identified as completely illiterate. The chaplain, John Morrow, held religious services every Sunday and was optimistic that, "Wretched as is the moral character of most of them, I am of the opinion that it might be improved by providing them with an experienced Christian minister."²⁸

Agent Hays did not forget about making a profit, however. He also pointed out a shortage of cash and raw materials for the workshops upon his arrival at the penitentiary. Nonetheless, from 1851 to 1853, the penitentiary earned \$111,605.46 with \$56,455.11 in proceeds from the workshops and \$55,150.35 from labor at the capitol (see Table 4.2). Reports stated the complex was "prosperous and flourishing condition in all its departments." Hays

²⁷ *Report of the Inspectors and Keeper of the Penitentiary, 1853*, 7, 9-10, 17, 21, 32; *Fayetteville Observer*, October 20, 1853; *Loudon Free Press*, November 25, 1853; Gossett, "Keepers and the Kept," 52.

²⁸ *Report of the Inspectors and Keeper of the Penitentiary, 1853*, 7, 10, 17, 21, 32; Gossett, "Keepers and the Kept," 52; Crowe, "Origin and Development of Tennessee's Prison Problem, 1831-1871," 117; Shockley, "History of the Incarceration of Juveniles in Tennessee, 1796-1970," 231; *Loudon Free Press*, November 25, 1853.

pointed out, “Had the work done by the convicts been performed by other persons, the state would have had to pay the whole \$55,150.35 above mentioned, instead of only paying the last appropriation of \$20,000.” Yet he warned the legislature, “It is, I think, a short-sighted view to consider Penitentiaries merely as self-sustaining, money-making institutions, rather than reformatory and corrective.”²⁹

The biggest problems for the prison suddenly came from the top. The election of Democratic Governor Andrew Johnson in 1853 brought a turning point to the penitentiary and its workshops. Johnson was a former tailor who publically sympathized with the recurring complaints of mechanics, artisans, craftsmen, and ‘common men’ generally against competition from convict labor at what he derisively called the “State Mechanic Institute.” He had previously expounded against training felons crafts in the Tennessee legislature and the United States Congress. In a series of *Nashville Union and American* editorials in June 1853, “A Mechanic” asked, “Is it not treating your mechanics as though they were an inferior or disgraceful set of citizens?” He warned, “after these rogues serve a few years of apprenticeship in the State Penitentiary, they are turned out mechanics, to set up shop along the side of the honest man, or they are employed by the honest mechanic, not knowing their characters and, as it is customary for the mechanic to board his own hands, they are taken into his family. As a general rule these rogues have no principal. They are soon found offering courtship to the mechanic’s daughter, which has been done in our own city of Nashville.” He suggested the prisoners manufacture bagging and rope to bail cotton instead of handicrafts.³⁰

²⁹ *Report of the Inspectors and Keeper of the Penitentiary, 1853*, 3, 5-7, 9; *Loudon Free Press*, November 25, 1853.

³⁰ Bentley, “Andrew Johnson and the Tennessee State Penitentiary,” 28; *Nashville Union and American*, June 4, 1853.

Editor Elbridge G. Eastman of the *Nashville Union and American* provided a platform for Governor Johnson. He referred to Johnson as the “Mechanic Statesman” in a series of editorials that thanked him for “hearty and constant support.” Elbridge described the penitentiary as “one of the worst insults to the mechanic, that ever was carried into effect.” The editor encouraged mechanics across the state to hold meetings on the matter. On November 30, empowered local Nashville mechanics and their supporters gathered at the Old Representative Hall to discuss a proposal to abolish mechanical labor all together at the penitentiary. The attendees elected a committee who addressed letters statewide requesting support. Samuel P. Ament was a well-known leader within the community who wrote on agriculture, schools, convict labor, and a mechanic’s institute. He spoke for nearly an hour at the meeting and received enthusiastic applause. A local medical doctor, W. K. Bowling, then called for unity against “mechanical institutes, where murderers, thieves, burglars, are instructed in the various branches of mechanism, and regularly graduated and sent forth to compete with honest and deserving men.” Ament directed “every mechanic [to] rise up—not in arms, but with a voice loud enough to be heard by the law makers, and cry aloud, till their voices should be heard and heeded.”³¹

On December 20, 1853, Johnson nominated Ament, G. I. Sloan, and George W. Smith to serve as inspectors of the penitentiary. Sloan was a personal friend of the governor who also owned a large quarry near Knoxville that supplied marble for the interior of the new capitol building. Governor Johnson further wanted to get rid of Agent Hays in favor of Richard White. The inspectors were willing to remove Hays, but instead chose Jesse W. Page, a local river boat captain and merchant. Representative Samuel B. Moore entered a motion to reconsider the vote, and Governor Johnson responded by dismissing the inspectors and appointed a second set. The

³¹ *Nashville Union and American*, May 12, 1853, May 29, 1853, October 4, 1853, October 6, 1853, November 17, 1853; *Fayetteville Observer*, May 26, 1853

Senate complied by approving Aris Brown, B. W. Hall, and Isaac Paul, who again defied Johnson by re-electing Hays. For reasons that remain murky, they then reconsidered and oddly held a second vote that finally elevated Johnson's choice, White, to keeper on March 6, 1854. A joint committee of five then investigated the situation by interviewing nine witnesses including contractors, prison officials, and Johnson. The investigation determined that Paul had awarded illegal contracts for carpentry to his father and brickwork to his son. It also revealed that White personally benefitted from charging guards \$100 each for housing, while Brown received payments for unapproved sales of firewood at penitentiary.³²

Legislative shenanigans and patronage issues did little to defuse continuing mechanic unrest with prison industries as stirred up by the governor. In the General Assembly, Senator Robert M. Clemons and Representatives William J. Sykes, James Hayes Reagan, and James D. Richardson—all Democrats—presented petitions from citizens who opposed convict labor. *Nashville Union and American* editor John L. Marling, simultaneously reminded readers that competition from prison reduced prices and flooded the profession with criminals, forcing honest mechanics to leave Nashville. He favored the practice of manufacturing textiles, rope, and bagging, as at the state penitentiaries of Louisiana and Mississippi. He also suggested operating a cotton factory and the fabricating railroad iron to ease competition with local mechanics and benefit the treasury from statewide railroad construction. New agent White responded to the mechanics' complaints by writing that "Having nothing to propose that is preferable to the present plan, being unable to build up a better system I will not tear down the old."³³

³² Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (Oxford: Oxford University Press, 1999), 630; Bentley, "Andrew Johnson and the Tennessee State Penitentiary," 37-43; *Nashville Union and American*, January 3, 1854, January 14, 1854, January 18, 1854, March 9, 1854; *Reports of the Inspector and Keeper of the Tennessee Penitentiary, for the Two Years Ending September 30, 1855* (Nashville: G. C. Torbett and Company, 1855), 6, 12.

³³ *Nashville Union and American*, November 10, 1853, January 3, 1854, January 5, 1854, January 6, 1854, February 4, 1854; *Reports of the Inspector and Keeper of the Tennessee Penitentiary, 1855*, 17.

At this critical juncture the prison received a new black eye when on March 29, 1855, two inmates set a fire that swept through the northeast corner of the prison complex. Dan Bell and William N. York worked in the engine room and accumulated decayed wood or “spunk” into a large ball wrapped in cotton. They placed it in a box packed with shavings on timber near the ceiling of the lower story of the north wing. The flames destroyed all the shops and damaged half of the cells in the main building. Hundreds of citizens came out to assist the fire company in extinguishing the flames and guarding the prisoners. One mentally disturbed inmate, Joseph Connor, died from suffocation after he re-entered a cell against orders. The damaged cells required a temporary increase in guards to prevent outbreaks and escapes. A third inmate betrayed Bell and York to prevent their escape and notified guards of the plot. Bell confessed to the crime, stood trial for arson, and was found guilty. The estimate of damage ranged from \$75,000 to \$100,000. The inspectors temporarily prohibited visitors at the penitentiary.³⁴

The governor and inspectors met on April 5 and determined to immediately rebuild. The inspectors borrowed \$20,000 from the Bank of Tennessee and Planters’ Bank, hoping that the legislature would “legalize our acts, having done the best we could and having acted for the best, and promptly appropriate a sufficient sum of money to pay off our notes so given, and to meet such other liabilities as we have necessarily made for rebuilding in part, and for machinery.” The work lasted two months under the direction of inspector Isaac Paul. The rebuilding project created larger workshops, but the number of cells remained inadequate for the existing population. The prison population held at 240 in 1855, which included two White women and eight Black Women (see Table 4.1). Agent White again reminded the legislature that the

³⁴ Bentley, “Andrew Johnson and the Tennessee State Penitentiary,” 33; Yoshie and Allison, *Tennessee State Penitentiary*, 16; *Nashville Union and American*, April 6, 1855; *Fayetteville Observer*, April 12, 1855, October 18, 1855; *Athens Post*, April 13, 1855; *Reports of the Inspector and Keeper of the Tennessee Penitentiary, 1855*, 6, 12.

prisoners exceeded the number of cells. He noted the recent addition of a large cistern, and suggested enlarging the prison yard for additional cell houses and workshops. Meanwhile, on September 13, the guards prevented another blaze when they found inmate William Peterson in possession of spunk, rags, and turpentine. The inspectors suggested making any attempt to burn the penitentiary a crime punishable by the death penalty.³⁵

The penitentiary reported revenue of \$124,428.90 in 1855, with \$68,159.18 from labor at the capitol and \$56,269.72 from workshop sales. Profits set a record at \$42,070.51, but losses from the fire reached \$38,775.25 (see Table 4.2). The slim profits that year did little to change the governor's course. In his annual address, Johnson claimed that "This institution has, so far, failed in all the leading objects of its creation." He continued, "the penitentiary exerts no beneficial moral influence on society, in or out of the penitentiary, and that it is now, and has been, an incubus on the treasury, and will most likely continue so, unless the whole establishment undergoes a thorough change." Johnson again encouraged the legislature to protect civilian mechanics by "excluding, as far as possible, all the branches of mechanism from the penitentiary." On November 6, the legislature responded, debating the "evils of the Penitentiary system." Several legislators requested solutions from the governor and wondered, "At what sort of labor should the convicts be employed to avoid this, and at the same time be profitable to the state?"³⁶

More debate followed throughout the legislative session of 1856. The General Assembly at length approved a payment of \$22,000 on January 4, to reimburse inspectors Paul, Brown, and

³⁵ Bentley, "Andrew Johnson and the Tennessee State Penitentiary," 34; *Reports of the Inspector and Keeper of the Tennessee Penitentiary, 1855*, 7-9, 15-7, 40, 43; *Athens Post*, April 6, 1855; *Nashville Union and American*, November 6, 1855; *Fayetteville Observer*, December 20, 1855; *Daily Nashville True Whig*, November 5, 1855.

³⁶ *Fayetteville Observer*, October 18, 1855; *Nashville Union and American*, October 12, 1855, November 14, 1855; *Reports of the Inspector and Keeper of the Tennessee Penitentiary, 1855*, 13-14, 24.

B. W. Hall for re-building the workshops. The legislature also appropriated \$20,000 for operating expenses and the construction of an additional building with at least one hundred new cells. The Assembly further encouraged the purchase of a burial ground within a few miles of the penitentiary, and extending the prison walls to the Charlotte Turnpike (see Illustration 4.6). During a House debate of “The Liquor Question,” Representative Runnels pointed to evidence from the penitentiary report and concluded, “I am prepared to say, but for the fact of intemperance we would not to day have more than fifty men in the penitentiary.”³⁷

Frustrated with legislative expansion plans, Governor Johnson openly opposed the reappointment of White as keeper. He attempted to replace the inspectors as well, but the Whig-dominated Senate, known as the “Immortal Thirteen,” refused his nominations. In Tennessee the legislature elected the vast majority of civil servants and top governmental officials, which exacerbated tensions between the Whigs and Democrats. The board of inspectors from 1854 continued to serve. Brown did resign as inspector on March 17, and on April 1, Governor Johnson appointed William H. Hagans to fill the vacancy. Hagans declined and three days later the two remaining inspectors replaced Agent White with David C. Love, a longtime treasury clerk at the penitentiary. White refused to relinquish control of the penitentiary, however, and appeared in court on June 13 to present evidence in his favor. Judge Nathaniel Baxter ruled in favor of the two inspectors, but the Tennessee Supreme Court decided that the election required

³⁷ *Report of the Committee on the Removal of the Penitentiary*, 6; *Acts of the State of Tennessee, Passed at the First Session of the Thirty-First General Assembly, for the Years, 1855-1856* (Nashville: G. C. Torbett and Company, 1856), 130-31, 550; *Nashville Daily Patriot*, February 7, 1856.

three voting members and thus ruled the election null and void. Ultimately, White remained keeper and agent of the penitentiary.³⁸

A fresh review of financial records by Agent White revealed irregularities. White discovered that the existing debt of \$31,321.56 was previously documented incorrectly in the account books. He assured the General Assembly, “I have no doubt that after the work upon the State Capitol is finished, the Prison will become a source of cash revenue.” The inspectors confirmed existing debts of \$17,000, and the legislature required the clerk to maintain two parallel sets of financial records. From 1855 to 1857 the penitentiary earned \$184,026.95 with \$51,970.04 from labor at the Capitol and \$132,056.91 from workshop sales and other labor. Ultimately, the net profit for two years totaled \$35,564.19 (see Table 4.2).³⁹

At the prison itself, problems emanating from overcrowding continued. By 1857 the inmate population had reached 286, which included sixteen convicts under the age of twenty and one below the age of fifteen (see Table 4.1). Prison officials attempted to lodge adolescent prisoners on the second level away from the older and violent inmates, but overcrowding thwarted their efforts to segregate by age. On January 14, 1857, the Assembly approved construction of a new block of additional cells. Twelve days later, the state entered a two-year \$37,000 contract with Alexander George and John Robins, who began construction and

³⁸ *Nashville Union and American*, November 13, 1855, February 21, 1856, March 13, 1856, March 19, 1856, April 1, 1856; Bentley, “Andrew Johnson and the Tennessee State Penitentiary,” 44; *Athens Post*, February 15, 1856; *Nashville Daily Patriot*, April 5, 1856; *Fayetteville Observer*, April 10, 1856; *Nashville Union and American*, June 13, 1856; *Memphis Daily Appeal*, January 27, 1857; *Report of the Agent and Keeper of the Tennessee Penitentiary for the Two Years Ending September 30, 1857* (Nashville: G. C. Torbett and Company, 1857), 3-4; LeRoy P. Graf and Ralph W. Haskins, eds., *The Papers of Andrew Johnson, Volume 2, 1852-1857* (Knoxville: University of Tennessee Press, 1970), 357-58, 360; Hans Louis Trefousse, *Andrew Johnson: A Biography* (New York: W. W. Norton, 1989), 90-1.

³⁹ *Report of the Agent and Keeper of the Tennessee Penitentiary, 1857*, 4-8, 16; *Daily Nashville Patriot*, November 17, 1857; *Clarksville Chronicle*, November 27, 1857.

installation of tin gutters and pipes for collecting rainwater. The work concluded in September. Inspector Samuel H. Webb confirmed the quality of work.⁴⁰

The prison complex had incarcerated over nearly two-dozen women, yet the various expansions and additions did not include separate and designated quarters for women inmates. Agent White declared, “No woman should be sentenced to the Tennessee penitentiary until the state makes better provision for their care.” In the meantime, he favored pardoning all women inmates. In 1857 the women felons included Susan Jones, a twenty-one year old cook from Tennessee convicted of manslaughter, and an African American woman inmate, known only as Lizzie, who received lashes on eight separate occasions for being “disrespectful to the guard,” “stealing food,” and “sassing a guard.” Nancy Martin and her mother Agnes soon joined them. In September, Nancy was indicted for infanticide of her child, along with her father, mother, and sister in separate trials. Nancy was convicted of murder in the second degree and sentenced to sixteen years and four months. Her parents were also convicted of second-degree murder and sentenced to ten years. Only her sister was acquitted of the crime.⁴¹

In the absence of adequate lodgings, the women inmates slept and sewed in temporary holding cells located on the upper level of the administration building. The cells lacked plumbing and so the women depended on the “willingness” of guards to haul water upstairs for baths under observation from the male guards. They received coarse cotton undergarments and blue denim dresses with vertical stripes. The women worked six days of the week in silence without visits from family members or children. They adhered to the other standard regulations and discipline that included restricted diet, solitary confinement, lashes, and the box. The men

⁴⁰ *Report of the Agent and Keeper of the Tennessee Penitentiary, 1857*, 9-11, 42-6; Gossett, “Keepers and the Kept,” 269-70; *Memphis Daily Appeal*, November 12, 1858.

⁴¹ Gossett, “Keepers and the Kept,” 53, 283; *United States 1860 Federal Census*, NARA roll M653_1246, page 182; *Athens Post*, September 17, 1858; *United States 1860 Federal Census*, NARA roll M653_1246, page 182.

regularly traveled past the administration building in route to the workshops, however, and the women communicated with them from the windows.⁴²

That, however, was the least of the prison's problems. The election of Democratic Governor Isham G. Harris in 1857 led more changes in leadership at the penitentiary. In November 1857, the inspectors elected William H. Johnson as agent. One local editor described him as "a gentleman of enterprise, industry and fine business qualifications." Johnson soon claimed to discover four separate plots to burn down the prison. There were also escape attempts. In April 1858, three inmates who had faked illness smuggled tools to cut a hole through the roof of the east wing. There they used a rope crafted from bedding to reach the ground. Officials captured recovered two of the men within an hour, but the third escaped to "places unknown." In the aftermath, the chaplain expressed doubts that the prison could "ever become schools of reform for the unfortunate, the ignorant and the vicious."⁴³

The legislative session of 1858 not surprisingly included several debates related to the controversial penitentiary. In January, Representative Archibald G. McDougal introduced a bill preventing Free Blacks convicted of any felony from being released at the end of their term. Across the South southern legislatures regulated the movement and conduct of Free Blacks, and in some cases refused them to settle or enter. Instead, the bill proposed that the felons be retained at the penitentiary to earn enough money to pay for their transportation to the west coast of Africa. Representative T. O. Harris proposed hiring out ex-convicts to earn the money necessary for colonization, while Representative A. F. Goff advocated providing the ex-convicts with the option of being sold into slavery, as well as a \$25,000 appropriation to improve the

⁴² Gossett, "Keepers and the Kept," 53, 255-57; Crowe, "Origin and Development of Tennessee's Prison Problem, 1831-1871," 117.

⁴³ *Report of the Agent and Keeper of the Tennessee Penitentiary, 1857*, 10-12; Gossett, "Keepers and the Kept," 59; *Report of the Condition of the Tennessee Penitentiary* (Nashville: E. G. Eastman and Company, 1859), 5, 8-9; *Daily Nashville Patriot*, November 30, 1857; *Athens Post*, December 5, 1857.

penitentiary. Representative Hill suggested permitting the governor to draw \$10,000 from the treasury for repairs or additions at the prison. In an effort to improve public relations, the General Assembly also required Agent Johnson to deliver \$300 worth of furniture free to the president of the Nashville House of Industry.⁴⁴

The inmate population reached 378 in 1859, including three White women, eight black men, and one black woman (see Table 4.1). Sixty foreign inmates hailed from nine countries including thirty from Ireland and ten from Germany. Recidivism was a growing issue; prison officials noted that ten inmates were serving a second sentence and five were serving a third. James R. Tarlton served five separate sentences for larceny. He initially entered the penitentiary for three years in 1832 at the age of thirty-one, and worked in the cooper's shop. He returned in 1837 to serve a six-year term and switched to cabinet making. In 1843 he began a ten-year sentence, and returned in 1854 for three more years. Tarlton worked as a hospital steward throughout those thirteen years. He began a fifth sentence in 1859, but failing eyesight limited his employment as a tender.⁴⁵

Reverend William H. Wharton suspected that not just men such as Tarlton, but the majority of inmates, were beyond rehabilitation. He nonetheless hoped that “by earnest and persevering effort in the right direction, may be reclaimed and restored to society.” In his opinion, the majority of inmates had committed minor offenses due to their ignorance and neglected education. Wharton classified 120 inmates as religious, while forty converted to Christianity while within the prison walls. He noted that thirty-three identified as Catholic,

⁴⁴ *Nashville Union and American*, January 15, 1858, March 13, 1858; *Public Acts of the State of Tennessee, Passed at the First Session of the Thirty-Second General Assembly, for the Years 1857-1858* (Nashville: G. C. Torbett and Company, 1858), 410; *Report of the Committee on the Removal of the Penitentiary*, 6. For more information see Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: New Press, 2007); Susan Eva O'Donovan, *Becoming Free in the Cotton South* (Cambridge: Harvard University Press, 2007).

⁴⁵ *Report of the Condition of the Tennessee Penitentiary, 1859*, 15, 44, 46, 48; *United States 1860 Federal Census*, NARA roll M653_1246, page 182; *Fayetteville Observer*, April 14, 1859.

eighteen as Baptist, eleven Methodist, seven Presbyterian, five Episcopalian, four Lutheran, and one of the Swedenborgian Church. Wharton also opposed incarcerating convicts guilty of petit larceny in the penitentiary. He insisted that short sentences did not allow time to master a new workshop skill, and raised concerns as well that inmates' morals were further degraded by interaction with violent offenders.⁴⁶

In 1858 the prison complex continued to expand to accommodate the continuous flow of new convicts. The legislature responded to the latest inmate population crisis with a \$10,000 appropriation for an additional cell house. The inspectors agreed upon a location and construction lasted from May until January 1, 1859. Agent Johnson invited the public to view the new four-story building. It included 120 cells, which brought the total to 352. The inspectors estimated the building's value at \$34,000. The prison complex further added three cisterns within the walls and one outside to supplement the summertime water supply for the inmates and machinery.⁴⁷

State health officials meanwhile encouraged the legislature to authorize a subterranean sewer system to increase sanitation, and to replace the system of hauling barrels of waste to the Cumberland River. Agent Johnson asked the General Assembly, "What shall be done with the excrement arising in the prison in the future?" A local architect named Heiman later oversaw the installation of subterranean sewers at the penitentiary. He suggested sixteen self-acting water closets and a main sewer to terminate 450 feet from the prison yard. Heiman predicted that construction would not require significant rock excavation, and advised connecting the plumbing

⁴⁶ *Report of the Condition of the Tennessee Penitentiary, 1859*, 51-53.

⁴⁷ *Report of the Committee on the Removal of the Penitentiary*, 6; *Nashville Union and American*, October 6, 1859; *Athens Post*, March 25, 1859; *Report of the Condition of the Tennessee Penitentiary, 1859*, 5, 8-9; Crowe, "Origin and Development of Tennessee's Prison Problem, 1831-1871," 117; Shockley, "History of the Incarceration of Juveniles in Tennessee, 1796-1970," 231; Gossett, "Keepers and the Kept," 53; *Report of the Condition of the Tennessee Penitentiary*, 5, 8-9.

with the City Water Works. He estimated the project required 3,225 feet of 3-inch pipe to connect with a 4-inch pipe located at the corner of Spring and McLemore Streets. An additional 900 feet of pipe within the prison brought the total to 4,125 feet. Heiman proposed the installation of two fireplugs and estimated the project would cost \$8,302.⁴⁸

As the penitentiary grew, agents, physicians, chaplains, and inspectors had also suggested expanding the yard and extending the walls to the northern boundary of the property. Finally, on November 18, 1859, a Senate resolution requested an estimate of the cost of extending the wall northward to the Charlotte Turnpike and construct additional workshops. Agent Johnson estimated \$28,480 for an enclosing wall 1,625 feet in length and twenty-five feet high, with an average thickness of three feet and six inches. The proposal included a two-story building for workshops, sale-house, and a hospital on the second story. Johnson estimated that the materials, labor, and a five percent contingency totaled \$54,364.80. A local newspaper editor quipped, “Governments, however, are never good financiers, never manage pecuniary interests successfully or well, and ours forms no exception to the general rule in this respect.”⁴⁹

The legislature met in the midst of the secession winter to debate the political crisis. Already deep fissures between East, Middle, and West Tennessee widened as secession approached. Those divisions extended to the prison. On February 15, 1860, the House changed course long enough to consider a \$32,000 appropriation for enlarging the penitentiary grounds and additional buildings. Instead, Representative B. F. Butler proposed allocating \$75,000 for a new penitentiary in Knoxville. Representative H. B. S. Williams also advocated for a new East

⁴⁸ Gossett, “Keepers and the Kept,” 42; Crowe, “Origin and Development of Tennessee’s Prison Problem, 1831-1871,” 43, 118; Hahn, “Female State Prisoners in Tennessee: 1831-1979,” 488; *Nashville Union and American*, October 6, 1859; *Fayetteville Observer*, October 20, 1859; *Report of the Condition of the Tennessee Penitentiary, 1859*, 5-6, 8-9, 49-50.

⁴⁹ *Nashville Union and American*, October 6, 1859, November 29, 1859; *Fayetteville Observer*, October 20, 1859.

Tennessee prison, but Representative DeWitt Clinton Senter instead supported construction of a new prison in Memphis. Meanwhile, Representative Edward H. East urged relocating the existing penitentiary on a river south of Nashville and selling the present buildings and grounds. Representative George V. Hebb favored leasing out the penitentiary above all other proposals. Finally, Representative Thomas McNeilly suggested three commissioners, one from each division of the state, investigate the most suitable site and report to the governor, comptroller, treasurer, and inspectors. Ultimately, the efforts to approve a second penitentiary withered away in committee.⁵⁰

The people and politics of Tennessee were as divided as the nation. Union loyalty concentrated in the yeoman-dominated mountains of East Tennessee, while the planter-dominated lands of West Tennessee strongly supported secession. Governor Isham G. Harris and Tennessee Democrats leaned toward secession. On February 9, the voters defeated a convention referendum, but Harris called the legislature back into session following President Abraham Lincoln's request for troops. Harris determined that the secession convention process took too long and instead urged the legislature to declare independence. On May 6, the legislature declared Tennessee an independent state, and authorized a force of 55,000 soldiers. The next day, the legislature entered into a "military league" with the Confederate States of America. On June 8, Tennessee became the eleventh state to secede from the Union when the

⁵⁰ *Nashville Union and American*, February 15, 1860, March 25, 1860.

voters ratified the ordinance of secession by a vote of 102,172 to 47,238. The eastern counties voted nearly two-to-one to stay in the Union.⁵¹

Nashville became the second largest city in the Confederacy after New Orleans, and quickly became a center of wartime production in the war's Western Theater. Nearly 30,000 people inhabited the city and surrounding areas including 1,000 Free Blacks and 5,000 slaves. The city already operated as a regional distribution center for liquor and wine houses, drug firms, grocery companies, hardware wholesalers, as well as a hub for five railroads (see Illustration 4.5). At the onset of the war, the city included 73 manufacturing establishments that employed 1,318 people. The fertile agricultural region beyond contained numerous gunpowder mills that supplied other Confederate states. Nashville was even briefly a potential site for the capital of the Confederacy. Its strategic location along the Cumberland River and connection to three major railroads also made it a prime target of the Union army.⁵²

As Nashville began to adjust to war manufacture, the penitentiary took on new meaning. The workshops rapidly shifted to varied war production. On May 24, 1861, the editor of the *Nashville Union and American* visited the penitentiary workshops where he observed sixty-five

⁵¹ Stephen V. Ash, *Middle Tennessee Society Transformed 1860-1870: War and Peace in the Upper South* (Baton Rouge: Louisiana State University Press, 1988), 9-10; Emory M. Thomas, *The Confederate Nation, 1861 to 1865* (New York: Harper & Row, 1979), 87, 94; Richard F. Selcer, *Civil War America, 1850 to 1875* (New York: Facts on File, 2006), 226; Thomas L. Connelly, *Civil War Tennessee: Battles and Leaders* (Knoxville: University of Tennessee Press, 1979), 3-6; James B. Jones, Jr., *Tennessee in the Civil War: Selected Contemporary Accounts of Military and other events, Month by Month* (Jefferson: McFarland & Company, 2011), 22; Ed Huddleston, *The Civil War in Middle Tennessee, in Four Parts* (Nashville: Parthenon Press, 1965), 15; Stanley F. Horn, *Tennessee's War, 1861-1865: Described by Participants* (Nashville: Tennessee Civil War Centennial Commission, 1965), 14-8; Peter Maslowski, *Treason Muse Be Made Odious: Military Occupation and Wartime Reconstruction in Nashville, Tennessee, 1862-85* (Millwood: KTO Press, 1978), 6-11. For information on social and political divisions in Tennessee, see Kenneth W. Noe and Shannon H. Wilson, eds., *The Civil War in Appalachia: Collected Essays* (Knoxville: University of Tennessee Press, 1997).

⁵² Horn, *Tennessee's War, 1861-1865*, 19-20; Selcer, *Civil War America, 1850 to 1875*, 231; Horn, "Nashville During the Civil War," 5, 8; Connelly, *Civil War Tennessee: Battles and Leaders*, 14-15; Walter T. Durham, *Nashville, The Occupied City: The First Seventeen Months-February 16, 1862, to June 30, 1863* (Nashville: Tennessee Historical Society, 1985), 3-6; Ash, *Middle Tennessee Society Transformed 1860-1870*, 24; Stephen D. Engle, *Don Carlos Buell: Most Promising of All* (Chapel Hill: University of North Carolina Press, 2006), 179; Jack H. Lepa, *The Civil War in Tennessee, 1862-1863* (Jefferson: McFarland & Company, 2007), 4; Huddleston, *Civil War in Middle Tennessee, in Four Parts*, 17; Maslowski, *Treason Muse Be Made Odious*, 11-12.

men making cartridges at a rate of 20,000 per day. Additionally, thirty other men repaired and cleaned muskets. Other inmates manufactured cap boxes, cartridge belts, haversacks, camp chairs, stools, cots, military chests, and other items. On June 28, the legislature authorized Agent Johnson to borrow \$10,000 from the Bank of Tennessee to purchase raw materials for shoes, hats, and military supplies. In July, Johnson advertised, "I am now preparing to go largely into the manufacture of wood hats, army shoes, and negro brogans." He encouraged citizens to procure wool and leather to exchange at the penitentiary for the "highest market prices."⁵³

The penitentiary found other ways of supporting the Confederacy. Some involved livestock. In August 1861, Assistant Quartermaster J. B. Clements notified the public that all mules branded with "TA" on the right shoulder belonged to the Tennessee Army. He offered a "liberal reward" for delivery of lost mules to Agent Johnson at the penitentiary. The Confederate States of America also reimbursed Johnson \$87 on October 28 for keeping and pasturing fifty-eight head of beef cattle for three weeks. The next month, the workshops completed and delivered twenty four-horse wagons, sixty-eight sets of four-horse harness, and six boxes for packing to Captain John S. Schaaff at the Ordnance Office in Nashville. The conversion to military products increased sales at the workshops, and from 1859 to October 1861, the penitentiary recorded a net profit of \$32,729.68 (see Table 4.2).⁵⁴

The penitentiary never operated an official armory during the war, but ammunition manufacture nonetheless became a primary occupation for inmates. A receipt from October 4, identified Johnson as "agent for Powder Works Refinery." The prison workshops produced at least 118,000 buck and ball cartridges, 6,000 holster pistol cartridges, 8,000 Tennessee rifle

⁵³ Jones, Jr., *Tennessee in the Civil War*, 19; *Memphis Daily Appeal*, May 28, 1861; *Public Acts of the State of Tennessee, Passed at the Extra Session of the Thirty-Third General Assembly, April, 1861* (Nashville: J. O. Griffith & Company, 1861), 93; *Daily Nashville Patriot*, July 23, 1861.

⁵⁴ *Nashville Union and American*, August 15, 1861; W. H. Johnson, *Confederate Papers Related to Citizens or Business Firms, 1861-65*; *Athens Post*, October 18, 1861.

cartridges, 6,000, blank cartridges, 8,000 Mississippi rifle cartridges. The inmates also molded 225,000 Navy rifle balls, 6,843, musket balls, and 35,000 Enfield balls. A receipt from November 4, for \$505.18, included the labor of four inmates for five days. On December 20, Agent Johnson sent a payment of \$4,522.65 to the Atlanta Arsenal in Georgia, but the receipt did not identify the items exchanged. A second receipt on January 6, 1862, confirmed interstate trade between the penitentiary and the Atlanta Arsenal, noting the original voucher “was destroyed by fire.”⁵⁵

During the winter of 1861-62, the penitentiary workshops also produced shoes and military accoutrements for the war effort. From October 22, 1861, to January 21, 1862, the workshops supplied at least 2,836 pairs of shoes and 87 pairs of boots worth \$7,467, as well as \$40.25 for replacing 161 horseshoes. Ingraham and Lee’s House Furnishing Depot in Memphis meanwhile advertised goods from the “Nashville Penitentiary” that included cedar chests, pails, buckets, dippers, cups, covered cans, and camp chairs (see Illustration 4.3). The workshops later received payment for 333 small cartridge boxes, 361 cartridge boxes for artillery, fifty tap boxes, and twelve repaired cartridge boxes from the Ordnance Office. A second receipt from March 10, totaled \$3,147.79 for twelve chairs, a writing desk, forty-eight buckets, six saddlers clamps, 204 cap boxes, 510 boxes for buck and ball cartridges, sixty-eight boxes for canon cartridges, two poplar tables, cartridge patterns, and various castings. A third partial receipt for \$1,473.60 included hired labor.⁵⁶

As the war progressed into its second year, the Union army’s two-pronged advance under Generals Ulysses S. Grant from Illinois and Don Carlos Buell from Kentucky suddenly

⁵⁵ W. H. Johnson, *Confederate Papers Related to Citizens or Business Firms, 1861-65*; Tennessee, *Confederate Papers Related to Citizens or Business Firms, 1861-65*, NARA M346, Record Group 109, roll 1016, document number 227.

⁵⁶ W. H. Johnson, *Confederate Papers Related to Citizens or Business Firms, 1861-65*; *Memphis Daily Appeal*, April 1, 1862.

threatened Middle Tennessee. Governor Harris responded by offering conditional pardons to inmates who enlisted in the Confederate army. Reverend W. H. Wharton reported:

I have...witnessed with much satisfaction; the cheerful alacrity and unremitting diligence with which the prisoners have labored for the State in the last few months in preparing the materials of war, much of it being extra work performed voluntarily on their part, to which they were stimulated by a most commendable and patriotic ardor; they have labored faithfully for the country, and many of them, young men placed in confinement for minor offences, might be judiciously selected as objects of executive clemency, who would gladly engage in the defense of our homes and our liberty, and who would endeavor to atone for the misdeeds of the past by acts of bravery and heroism upon the battlefield.

A frustrated Unionist newspaper editor later scoffed. He wrote, “Think of a professed minister of God advising the release of convicts-murderers, burglars, robbers, and incendiaries, to aid rebels in their infernal work of destroying the Government and driving out honest citizens from their homes!”⁵⁷

As 1862 began, Grant requested permission from Major General Henry Halleck to exploit Confederate weakness at Fort Henry on the Tennessee River at the state border with Kentucky. Grant’s appearance on the Confederate flank led Confederate General Albert Sidney Johnston to retreat from Bowling Green, Kentucky, to Nashville. He commanded only 11,000 soldiers to defend the minimally fortified capital. Johnston determined that Nashville was indefensible after the fall of Fort Donelson and had to be evacuated. The citizens of Nashville learned of the fall of

⁵⁷ *Nashville Daily Union*, June 28, 1862.

Fort Donelson on February 16, and began to panic, riot, and loot throughout the city. Chaplain Robert F. Bunting of Terry's Texas Rangers wrote, "I have seen sorrow before—private and public calamity, but never have I witnessed such a scene as the evacuation of Nashville. God forbid that I must ever see it again in any other city." Confederate Brigadier General John B. Floyd and Colonel Nathan Bedford Forrest arrived in Nashville the following morning and began restoring order by placing guards at all the government and public stores. For three days Confederate soldiers hurriedly loaded war material and foodstuffs onto boats at the wharf and railroad cars at the depot. On February 19, Johnston and Floyd destroyed the suspension bridges across the Cumberland and evacuated the capital. At four o'clock in the morning on February 20, soldiers burned the armory and ordnance works west of the penitentiary to prevent it from falling into enemy hands.⁵⁸

Union General William "Bull" Nelson's troops were the first to arrive in Nashville, on February 23. They promptly hoisted the United States flag above the Capital building. The following day Buell arrived and established his headquarters at the St. Cloud Hotel. Mayor Cheatham surrendered the city to Buell on the morning of February 25, and publicly requested that, "business be resumed, and all our citizens, of every trade and profession, pursue their regular vocations." General Grant arrived on February 27, but only stayed for a few hours, long enough to meet with the widow of President James K. Polk and with Buell.⁵⁹

⁵⁸ Horn, *Tennessee's War, 1861-1865: Described by Participants*, 40-47, 58, 60-70; Horn, "Nashville During the Civil War," 8-10; Durham, *Nashville, The Occupied City*, 8, 29-35; Connelly, *Civil War Tennessee*, 24; Thomas, *The Confederate Nation, 1861 to 1865*, 127-28; Earl J. Hess, *The Civil War in the West: Victory and Defeat from the Appalachians to the Mississippi* (Chapel Hill: University of North Carolina Press, 2012), 34-41; Jones, Jr., *Tennessee in the Civil War*, 67-68; *Official Records*, Series I, Volume 7, page 648-664; Maslowski, *Treason Muse Be Made Odious*, 14-5.

⁵⁹ Horn, "Nashville During the Civil War," 10-1; Durham, *Nashville, The Occupied City*, 46-51, 55-6; Hess, *The Civil War in the West*, 42; Engle, *Don Carlos Buell*, 177-79, 183, 185, 188; *Official Records*, Series I, Volume 7, page 424-429, 648-664; Maslowski, *Treason Muse Be Made Odious*, 15.

The Federal occupation of Nashville required President Lincoln to implement early political reconstruction strategies. Lincoln favored a quick process to welcome loyal state governments back into the Union. Buell, an advocate of “soft war,” emphasized the need for soldiers to act responsibly, maintain law and order, and facilitate daily functions of business and life. Lincoln soon appointed former Governor Andrew Johnson as the nation’s first military governor in Tennessee, commissioning him as a brigadier general. Buell wrote to his superior, General George B. McClellan, “to hear that it is proposed to organize a provincial government for Tennessee. I think it would be injudicious at this time. It may not be necessary at all.” The appointment of a military governor led to an overlap in authority regarding civil and military matters, which created confusion and disagreements between Johnson, Buell, and later Buell’s replacement Major General William S. Rosecrans.⁶⁰

Nashville remained a political battleground for the remainder of the war. President Lincoln and Governor Johnson agreed that only Unconditional Unionists should serve in state government, and that emancipation had to be a precondition of any reconstruction plan. Secessionists resisted occupation and undermined the military authority of the Union soldiers. Union authorities employed population control tactics including censorship, surveillance, confiscation, and a pass system that limited movement and communication outside the army lines. Major General William S. Rosecrans later created a force of secret police commanded by Colonel William Truesdale to combat traitors, smugglers, and spies throughout Nashville. The secret police angered both loyal and rebellious citizens by using questionable methods to obtain intelligence information. Governor Johnson believed that the force damaged the Union cause. By mid-April 1862, two months after the occupation began, the military had arrested between

⁶⁰ Maslowski, *Treason Muse Be Made Odious*, 14-15, 19-22, 37; Durham, *Nashville, The Occupied City*, 57, 228.

nearly one hundred rebellious citizens. The circuit, chancery, and magistrate's courts resumed daily sessions on May 1, and Johnson ordered the arrest of all disloyal citizens who either engaged in seditious language or refused to take the oath of loyalty. He instructed the provost marshal to send the offenders to the penitentiary, military prison, or banish them south across the Federal lines.⁶¹

Union Brigadier General Robert B. Mitchell, who was temporarily stationed in Tennessee, strongly urged all citizens to take the oath of loyalty or face banishment. He hired tripled the number of clerks to process citizens taking oaths of allegiance and receiving paroles. By the end of May nearly ten thousand citizens of Nashville had taken the oath to avoid incarceration, but many still faced financial penalty or forced relocation.⁶²

Union occupation and mass arrests brought dramatic changes to the state prison. On June 2, 1862, James Calvert became the latest keeper of the penitentiary. He invited the public in to view the workshops. One editor reported, "The Penitentiary was of immense advantage to the warlike preparations of the rebels in Tennessee, from the number of workmen whose labor they could control in a body more effectually than if they had been slaves." Union military officials housed both civilian and military prisoners at the penitentiary and employed them in the workshops for the Union cause. The editor found irony that "as the rebellion was started by rogues outside of the Penitentiary, it should be helped on by the labor of rogues inside of it."⁶³

⁶¹ Maslowski, *Treason Muse Be Made Odious*, 34-7, 56-8, 62-3, 85, 126; Horn, *Tennessee's War, 1861-1865*, 172-73; Durham, *Nashville, The Occupied City*, 198-99, 205; Horn, "Nashville During the Civil War," 12; *Report of the Condition of the Tennessee Penitentiary, 1865*, 10; *Augusta Chronicle*, May 9, 1862; LeRoy P. Graf and Ralph W. Haskins, eds., *The Papers of Andrew Johnson, Volume 5, 1861-1862* (Knoxville: University of Tennessee Press, 1979), 387, 462; Huddleston, *The Civil War in Middle Tennessee, in Four Parts*, 28-30.

⁶² Maslowski, *Treason Muse Be Made Odious*, 60-2; War Department, *Union Provost Marshals' File of Papers Relating to Individual Civilians, 1861-1867*, M0345, 300 rolls RG 109, National Records and Archives Administration, Washington, D.C.

⁶³ *Nashville Daily Union*, June 28, 1862; *Report of the Condition of the Tennessee Penitentiary, 1865*, 4.

The visitors who answered Calvert's invitation in June provided the most detailed wartime description of the penitentiary, workshops, and products. The main building, wings, and workshops enclosed a large open square (see Illustration 4.2). The visitors noted several enormous cisterns with a capacity of over 400 gallons. In June the civilian inmate population included 323 men and five women. The state segregated twenty-five political prisoners charged with serving the rebel army, refusing to take the oath, incendiary conduct or language, or selling contraband goods. Twenty inmates worked as coopers in a workshop described as "a pleasant place to stroll through," where the air filled with the "perfume of the fragrant cedar." The visitors described the water cans, toy churns, tools, buckets, pails, and tubs that "would throw a housewife into ecstasies." The second story included the cabinet and carving shop, which employed twenty-two inmates. The finishing and storeroom held a variety of finished products (see Illustration 4.6). A large furniture room employed ten men who crafted items from walnut. The coach department produced several types of light vehicles such as family coaches, buggies, toy wagons, and wheelbarrows.⁶⁴

The right wing of the penitentiary contained a large shoe manufactory that employed one hundred and sixty-seven men. The inmates also produced cap and cartridge boxes, shoes, harness, and other leather articles. The workshops dedicated all finished products to the military, while citizens could no longer purchase goods from the penitentiary. In another room four inmates made shuck, hair, and cotton mattresses. The first floor consisted of the kitchen and a large dining hall with 350 seats and measuring 130 feet in length. The turning shop hummed with the whirl of numerous chisels and planing machines, as well as the sound of the adjoining gristmill. The blacksmith shop included twelve forges operated by twenty-five inmates. The workshops produced several types of army wagons. The hospital building appeared neat and

⁶⁴ *Nashville Daily Union*, June 28, 1862.

clean, with only ten patients. The bell rang at six o'clock to signal the convicts to form two long lines and pass in single file to eat dinner before entering their cells for the night. The procession of inmates displayed "the stolid face, the dark and sullen brow, the restless and dangerous eye, the cowed and stealthy glance, the hardened and indifferent gaze, and at times a face of pale unutterable sadness, the index of an aching heart."⁶⁵

The clergy of Episcopalian and Catholic churches that remained loyal to the Union were not disrupted during the Union occupation. However, on June 28, Governor Johnson gathered other Nashville clergymen, including Reverend Wharton of the penitentiary. Johnson directly questioned Wharton's loyalty, to which he responded, "my very first temporal allegiance is due to Tennessee, and am ready to go whichever way she goes. But I am a citizen of a higher government than that." Johnson referred to a recent report from Wharton that commended, "the cheerful alacrity and diligence with which the prisoners, in the Penitentiary, have labored for the State in the last few months, in preparing the materials of war. Johnson chastised Wharton for his support of releasing and arming felons, and turned him over to the provost marshal."⁶⁶

Johnson then required the clergymen to take the oath of allegiance. They refused. Johnson summarily had them interred in the prison. A local editor humorously referred to Calvert as keeper of the "Nashville Theological Seminary and School of the Prophets." Johnson defended the arrests by stating, "I punish these men, not because they are priests, but because they are traitors, and enemies of society, law, and order. They have poisoned and corrupted boys and silly women, and inculcated rebellion, and now let them suffer the penalty... These men have stolen the livery of heaven to serve the devil in, but I am determined they shall feel the power of the government which they have sought to destroy." In late July, Johnson directed Provost

⁶⁵ *Ibid.*

⁶⁶ *Nashville Daily Union*, June 29, 1862; Maslowski, *Treason Muse Be Made Odious*, 54-55; Durham, *Nashville, The Occupied City*, 156-57, 162.

Marshal Colonel Jonathan Martin to transport four of the ministers to Camp Chase military prison in Columbus, Ohio. Martin sent another priest south of Federal lines, while another was too sick for transportation.⁶⁷

The Union army soon converted the penitentiary into a military prison for Confederate soldiers, which tripled the inmate population. For much of the remainder of the war, the Union Government of Tennessee leased inmates to the Federal Government. The House Committee on Military Affairs considered a resolution to require the superintendent of the penitentiary to hire free White labor to supplement the convict labor in order to manufacture cotton and woolen goods operational day and night except on Sundays. In early October 1862, Private John Hill Ferguson of the Tenth Illinois Infantry visited the penitentiary and described the inmates engaged in woodwork, tailoring, stone making, blacksmithing, and hewing and dressing free stone and marble. He noted that the prison was “mostly filled at the present time with Secesh prisoners.” In October, the workshops held \$36,334.45 of finished products, unfinished work, and material.⁶⁸

The nearby Battle of Stones River at Murfreesboro between troops commanded by Confederate General Braxton Bragg and Rosecrans was fought from December 31 through January 2. It resulted in a combined total of nearly 24,000 killed, wounded, and missing soldiers. Nashville was flooded with injured and dying from the battlefield. It also acquired new prisoners. Some wore blue. In the days prior to the battle, the Fifteenth Pennsylvania Cavalry

⁶⁷ *Macon Telegraph*, July 24, 1862, August 7, 1862; *Nashville Daily Union*, July 9, 1862; *Chattanooga Daily Rebel*, October 17, 1862. Methodist minister Edmund W. Sehon and the others were discharged from Camp Chase after two months despite refusing to “pollute his soul with a vile oath of allegiance to the Washington despotism.” Sehon insisted that he “was not in arms nor actively engaged in the war in any capacity.” *Winchester Daily Bulletin*, October 22, 1862; Graf and Haskins, eds., *The Papers of Andrew Johnson, Volume 5, 1861-1862*, xlvii-xlviii, 490, 517; Maslowski, *Treason Muse Be Made Odious*, 54-5. For more information see Lucius G. Wedge, “Andrew Johnson and the Ministers of Nashville: A Study in the Relationship Between War, Politics, and Morality,” (Ph. D. Diss., University of Akron, 2013).

⁶⁸ Gossett, “Keepers and the Kept,” 56; Tennessee Agency History; *Memphis Daily Appeal*, December 23, 1862; *Report of the Condition of the Tennessee Penitentiary, 1865*, 8; Jones, Jr., *Tennessee in the Civil War*, 106.

refused orders to march with the army to the front, and were placed under arrest. On January 17, 1863, Secretary of War Edwin M. Stanton ordered that the Pennsylvanians be treated in a humane manner in a proper place. Major N. H. Davis, Assistant Inspector-General of the Union Army, reported 315 of the mutinous soldiers at the city workhouse, 95 in the jail yard, five in the penitentiary, for a total of 415 prisoners. Colonel John A. Martin, Provost Marshall of the Eighth Kansas Volunteers, reported that the prisoners were held in the workhouse, a large hall, in the center of the building, in jail, and in tents in the jail yard (see Illustration 4.4). The soldiers arrived with blankets, clothing, and cooking supplies and received standard rations for soldiers. Martin complained about the small yard, but acknowledged, “it was the only safe place at the provost marshal’s disposal in the city.” On January 19, Stanton authorized the release of all soldiers who agreed to resume duty, but nearly 208 remained in confinement, all men who were convinced that the unit would soon be disbanded.⁶⁹

During the war, however, confinement in the prison was less than secure. By 1863, Union authorities noted an unusual number of successful escapes. In September 1863 William Truesdale’s secret police discovered a network of rebellious citizens who assisted escapees from the penitentiary and smuggled medicine and weapons across army lines. The affidavit of John Bunyan, a policeman in the department, attested that he was sent in September 1862, to investigate the reason escapees from the prisons of Nashville. After being placed in the penitentiary as part of an undercover operation, an inmate named White informed Bunyan of a widow, a Mrs. Samuels, who lived on Union Street and assisted escapees. Bunyan approached the house posing as a paroled soldier from the penitentiary. Mary Samuels admitted that, “it was no uncommon thing for them to take out one or two a week.” She boasted to smuggling files and

⁶⁹ Durham, *Nashville, The Occupied City*, 208-15; War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series 1, Volume 20, Part II, page 158-59, 345-50, 362-63, 373-75, hereafter cited as *Official Records*.

saws within cakes and pies for the prisoners to “cut their way out.” Mary and her daughter also admitted to creating maps of Nashville’s fortifications and forging passes to smuggle spies and escapees in carriages across the river at the Buena Vista ferry (see Illustration 4.5).⁷⁰

Secret police officers Charles H. Ball and George Walker meanwhile investigated Dr. John Rolfe Hudson, who lived near the penitentiary and was another known Confederate sympathizer. Ball met Hudson through his relationship with Roberta Samuels, and posed as a Confederate spy from Lieutenant Colonel Turner Ashby’s Virginia Cavalry. Ball introduced George Walker as a “Mr. Hamilton,” a Confederate prisoner on parole. Another policeman, Henry Newcomer, contacted Hudson on February 13, as “one of General [Joseph] Wheeler’s spies.” Hudson bragged about being watched by detectives, and avoiding arrest by “playing his cards right.” He boasted to Newcomer that he played an “important part” in the recent escape of seventeen men from the penitentiary. Charles H. Williams, who also boarded at the Samuels house, confessed to Ball of a scheme with John Samuels involving “pistols that he had procured for the purpose of sending south to the Confederates.” Williams even sold a pistol to Ball for \$75, offering to procure fifty more guns before his capture. Ultimately, John, Roberta, Anna, and Mary Samuels were arrested on February 1, 1863, as smugglers and dealers of contraband goods.⁷¹

On March 7, 1863, police raided Hudson’s home and office. They found nine revolvers, three shotguns, two muskets, one rifle, three bags of bullets, three bottles of morphine, and ninety-nine ounces of quinine. Hudson was imprisoned at the penitentiary and his wife held at

⁷⁰ War Department, *Union Provost Marshals' File of Papers Relating to Individual Civilians, 1861–1867*, M0345, 300 rolls RG 109, National Records and Archives Administration, Washington, D.C.

⁷¹ Horn, “Dr. John Rolfe Hudson and the Confederate Underground in Nashville,” 42-52; War Department, *Union Provost Marshals' File of Papers Relating to Individual Civilians, 1861–1867*, M0345, 300 rolls RG 109, National Records and Archives Administration, Washington, D.C.; Maslowski, *Treason Must be Made Odious*, 72; Stephen E. Towne, *Surveillance and Spies in the Civil War: Exposing Confederate Conspiracies in America’s Heartland* (Athens: Ohio University Press, 2015), 66; Linus Pierpont Brockett, *Scouts, Spies, and Heroes of the Great Civil War* (Cincinnati: E. R. Curtis & Company, 1892), 98-100.

home under house arrest until Colonel Martin sent both of them into Confederate lines. On May 4, General Rosecrans ordered the transfer of the entire Samuels family from Nashville to Camp Chase military prison in Columbus, Ohio, for “doing everything in their power to assist Rebels.” Rosecrans also ordered the transfer of Fannie Battles and Harriet Booker, women were convicted of aiding rebels as mail carriers and smugglers.⁷²

Governor Johnson arrested hundreds of other Confederate sympathizers and filled the penitentiary and yard with the “fairest, and best, and most accomplished women of Nashville.” Throughout the summer, Colonel Martin arrested civilians who refused the oath, and transported the prisoners to northern prisons or banished them to the Confederacy. In May, for example, he transported six men to Alton Prison, sent twenty-four men north of the Ohio lines, and dispatched 108 men, seventy-eight women, thirty-five children, and other family members south towards Vicksburg. On July 24, Major William M. Wiles requested permission from Johnson to occupy “Wing No. 1” entirely with military prisoners. Three days later Rosecrans vented, “The City Prison here is a disgrace to humanity—there is no place where the prisoners can be put, without you will allow us to use one wing of the penitentiary—will you do it?” Johnson then instructed, “Any portion of the prison will be occupied necessary for the putting it under General Rosecrans directions.” The inmate population declined to 156 after Johnson’s discharges and pardons.⁷³

⁷² Horn, “Dr. John Rolfe Hudson and the Confederate Underground in Nashville,” 42-52; Durham, *Nashville, The Occupied City*, 254-55; Maslowski, *Treason Must be Made Odious*, 72; Towne, *Surveillance and Spies in the Civil War*, 66; Brockett, *Scouts, Spies, and Heroes of the Great Civil War*, 98-100; Lewis and Allison, *Tennessee State Penitentiary*, 17-8.

⁷³ Durham, *Nashville, The Occupied City*, 227; *Report of the Condition of the Tennessee Penitentiary, 1865*, 10; LeRoy P. Graf and Ralph W. Haskins, eds., *The Papers of Andrew Johnson, Volume 6, 1862-1864* (Knoxville: University of Tennessee Press, 1983), 301, 303; *Daily Bulletin*, October 25, 1862; *Nashville Daily Union*, November 7, 1862; *Memphis Daily Appeal*, January 5, 1863, June 6, 1863; *Nashville Daily Union*, May 15, 1863, May 29, 1863, August 9, 1863.

The penitentiary workshops meanwhile remained operational throughout the Union occupation. The workshops sold \$53,673 worth of goods in 1863 alone (see Table 4.2). Agent Calvert regretted the results were not as favorable as desired, and reminded the legislature that a shortage of materials led to idleness among half of the inmates for several months. He also noted a contract with the United States to supply inmates to build fortifications near the prison. On January 2, 1864, R. H. Campbell became keeper and agent of the penitentiary following Calvert's abrupt resignation. Financial irregularities seem to have been at the root of the resignation. Agent Campbell later reported a, "small loss has been sustained," which he insisted could not be avoided under the existing circumstances. Campbell noted that a large number of financial assets brought forward from 1862 were "utterly worthless." The legislature instructed the Attorney General to examine the debt of \$50,132.18 to determine if the accumulation occurred since 1858, and pursue legal proceedings against the former keepers.⁷⁴

The military prisoner population grew steadily at the penitentiary during the final year of the war. In mid-June, Colonel John G. Parkhurst reported 170 military prisoners confined at the penitentiary, including eighty-two workers on the Northwestern Railroad who had attempted a labor strike. Upon agreeing to deduct the cost of transportation from their wages, they were released and fired. Captain James H. Polk from the Sixth Tennessee Cavalry was captured in Hickman County in 1864, and served time in the penitentiary. Polk copied "various songs composed and those sung in prison" into the back of an address book that included "Triple Barred Banner" and "The Guerilla's Serenade." On June 10, a convicted bushwhacker from East Tennessee, James M. Fraley, was hanged by the neck from a scaffold in the prison yard. In October and November, eleven inmates escaped the prison despite improved fortifications. A

⁷⁴ Crowe, "Origin and Development of Tennessee's Prison Problem, 1831-1871," 122; *Acts of the State of Tennessee, 1865*, 26-7; *Report of the Condition of the Tennessee Penitentiary, 1865*, 4-6, 8, 33. The inspectors included J. J. Robb, E. F. Mulley, and W. P. Jones.

recently paroled soldier was shot and killed on January 7, “prowling near the wall” in an attempt to assist the escape of his companions. Despite construction of an additional wooden wall around the prison escapes persisted with at least seven occurring in 1864.⁷⁵

In October 1864, a tourist to Nashville, Elvira J. Powers, visited the penitentiary with a group of northern visitors. She examined the tobacco factory and workshops where the inmates crafted pails, tubs, bureaus, tables, stands, large chests, and wardrobes (see Illustration 4.7). Powers purchased a cup as a souvenir but considered the forced silence a “terrible punishment.”

Over fifteen months, from October 1863 through January 1865, Major General George Thomas sent forty-two former soldiers to the penitentiary from the Military Commission for a variety of crimes that included murder, robbery, larceny, horse stealing, rape, aiding guerillas, bushwhacking, desertion, mutiny, and violations of the oath of allegiance. As the war entered the final winter, nearly 2,400 military prisoners crowded the yard and buildings. The men suffered from scurvy due to inadequate diets, and existed in near constant confinement. Each cell lodged at least two inmates who slept upon the stone floors due to a shortage of bedding. To somewhat accommodate the overcrowding, Union military officials modified three brick walls measuring three feet high with pieces of sheet iron to cook for one hundred and fifty inmates at a time. To improve conditions the officials also supplied a large range stove, iron bedsteads, and new clothing for the inmates. A Union army surgeon advocated bathing facilities to improve

⁷⁵ Graf and Haskins, eds., *The Papers of Andrew Johnson, Volume 6, 1862-1864*, 744-45; *Brownlow's Knoxville Whig*, June 18, 1864; James H. Polk, *Capt. J. H. Polk's Handwritten Songbook Kept While Prisoner of War, January 8, 1864*, Tennessee State Library and Archives, Nashville, Tennessee; *Memphis Daily Appeal*, June 11, 1864; *Report of the Condition of the Tennessee Penitentiary* (Nashville: William Cameron and Company, 1865), 39, 44-5; *Memphis Daily Appeal*, January 8, 1864.

health among the inmates after smallpox killed six inmates between May 1864 and January 1865.⁷⁶

On January 21, 1865, Agent Campbell submitted an inventory list of articles belonging to the penitentiary and included as assets in the financial records. The list included quantities and values for all items ranging from cots, chairs, medical supplies, plates, utensils, benches, desks, and scales worth \$2,021. In February, the civilian inmate population fell to 107 after fifty-six discharges under the Act of 1836, twenty-one pardons from Governor Johnson, and one pardon from President Lincoln. There the numbers essentially remained until the end of the war.⁷⁷

The legislature passed an act to enlarge the penitentiary on May 24, and elected William P. Johnson, the nephew of President Andrew Johnson, as keeper with James Johnson as his deputy. The act increased the keeper's salary to \$2,000 annually, and changed the election of the penitentiary keeper to a joint vote of the legislature. After the war the inspectors discovered that previous administrations had compiled a debt of nearly \$40,000. Confederate Quartermaster Moses Cruise had accumulated a debt of \$16,727 alone at the penitentiary. The commissioners attempted to collect \$14,015.26 in rent from the Federal government for occupying the penitentiary until September 30, 1865. The inspectors noted the roof on the north end of the western workshop had collapsed, and water damage decayed the floors down to the lower level dining room. The cisterns lacked water as a result of dilapidated gutters and pipes, which meant the inmates could not bathe with any regularity. A short time later Agent Johnson reported the dilapidated roof on the west workshop repaired and machinery put back in order. He noted a large quantity of finished harness were cleaned, oiled, and prepared for sale. Despite his efforts,

⁷⁶ *Report of the Condition of the Tennessee Penitentiary, 1865*, 52-3; *Appendix, Senate Journal, 1865-1866* (Nashville: S. C. Mercer, 1866), 100-2; Jones, Jr., *Tennessee in the Civil War*, 236; Hahn, "Female State Prisoners in Tennessee: 1831-1979," 488; Gossett, "Keepers and the Kept," 56; *Report of the Condition of the Tennessee Penitentiary, 1865*, 46; *Nashville Daily Union*, December 1, 1865.

⁷⁷ *Report of the Condition of the Tennessee Penitentiary, 1865*, 38-9.

the penitentiary incurred a net loss of \$1,128.54, which Johnson insisted was “unavoidable” due to insufficient funds to purchase raw materials.⁷⁸

On August 9, 1866, former Confederate general Bushrod R. Johnson arrived at the penitentiary to read and fulfill the general orders authorizing the release of twenty remaining military prisoners. Johnson called out their names, delivered the orders, and released them from the prison. Thomas Hooks, convicted of being a guerrilla the previous March and condemned to hang, also received commutation and release. He was astounded and paused a moment before answering and walked slowly towards the general. Johnson said, “Mr. Hooks, if I give you permission to go home, will you promise me to never get drunk, and will you be a good Christian the remainder of your life?” Hooks replied, “I don’t use liquor, and as to becoming a Christian, I will endeavor to do that which is right.” He reportedly turned “pale as death” and a tear gathered in his eye as he uttered, “I go home to my mother now. I never could think that God would suffer me to be confined in this loathsome prison for the time indicated in the order placing me here.”⁷⁹

The inmates of the Tennessee State Penitentiary, men like Thomas Hooks, had labored in workshops, quarries, and construction sites for over three decades. Throughout the antebellum era and Civil War nearly 2,500 men and thirty-five women provided convict labor that financially benefited the treasury, but prompted a backlash from citizen mechanics and artisans across the state. The prison expanded regularly to accommodate the ever-increasing number of prisoners and operated more than a dozen separate workshops. From 1831 to 1861 the inmate population increased from twenty-one people to over four hundred, while accumulating at least

⁷⁸ *Report of the Committee on the Removal of the Penitentiary*, 6; *Acts of the State of Tennessee, Passed at the First Session of the Thirty-Fourth General Assembly, for the Year 1865* (Nashville: C. Mercer, 1865), 26-7; *Brownlow’s Knoxville Whig and Rebel Ventilator*, August 16, 1865; Horn, “Nashville During the Civil War,” 21-22; *Appendix, Senate Journal, 1865-1866*, 97-8, 100-3; *Nashville Daily Union*, December 1, 1865.

⁷⁹ *Daily Union and American*, August 10, 1866.

\$634,707.43 in sales. The workshops converted to the production of wartime supplies for the Confederate army until the surrender and evacuation of Nashville. The Union army occupied the penitentiary for the remainder of the war, and filled the yard with over 2,000 military prisoners. Union control brought nothing new to prevailing ideas about labor and profit. The workshops remained operational throughout the conflict, although shortages of raw materials, changes in leadership, and overcrowding dramatically reduced sales and profits. The facility survived the war intact and soon served as the center of a brutal system of convict leasing that existed in Tennessee until the turn of the century.⁸⁰

⁸⁰ Hahn, "Female State Prisoners in Tennessee: 1831-1979," 488.

Table 4.1

Number of Inmates, Tennessee State Penitentiary, 1831-1865.

Year	White Male	White Female	Black Male	Black Female	Total
1831					21
1832	59		2		61
1833	65		2		67
1835					92
1837					122
1839	151		3		154
1841	172		5	1	178
1843					194
1845	173	4	7	5	189
1847	179	3	7	6	195
1849					192
1851					214
1852					218
1853	224	2	14		240
1855	230	2	8		240
1857	274	2	9	1	286
1859	366	3	8	1	378
1860					403
1862	357	5			362
1863					156
1864					170
1865					200
1866					551

Sources: Gossett, "The Keepers and the Kept: The First Hundred Years of the Tennessee State Prison System, 1830-1930," 233; *Report of the Committee on the Penitentiary, 1832*, 6; *Report of the Inspectors and Agent of the Tennessee State Penitentiary, 1833*, 8; *Report of the Joint Committee on the Penitentiary, 1837*, 14; *Report of the Keeper of the Penitentiary, 1837*, 9, 10; *Report of the Superintendent of the Tennessee Penitentiary, to the General Assembly of Tennessee, October 12, 1839*, 9; *Report of the Inspectors and Agent of the Tennessee Penitentiary, 1841*, 11; *Report of the Keeper of the Penitentiary, 13th October 1845*, 8; *Report of the Inspectors and Keeper of the Penitentiary, Delivered in Both Houses of the General Assembly of Tennessee, October, 1853*, 17; *Reports of the Inspector and Keeper of the Tennessee Penitentiary, for the Two Years Ending September 30, 1855*, 28; *Report of the Agent and Keeper of the Tennessee Penitentiary for the Two Years Ending September 30, 1857*, 20; *Report of the Condition of the Tennessee Penitentiary, 1859*, 15; *United States 1860 Federal Census*, NARA roll M653_1246, page 182; Graf and Haskins, eds., *The Papers of Andrew Johnson, Volume 6, 1862-1864*, 744-45; *Report of the Condition of the Tennessee Penitentiary*, 10, 39; *Appendix, Senate Journal, 1865-1866*, 113; Crowe, "Origin and Development of Tennessee's Prison Problem, 1831-1871," 123.

Table 4.2

Financial Figures from the Tennessee State Penitentiary, 1831-1865.

Year	Total Income	Manufactures Sold	Capitol Construction	Profit
1832				\$2,474.50
1833	\$23,223.53	\$15,800.23		\$6,552.48
1835				\$9,214.49
1837	\$61,562.31	\$35,346.30		\$14,430.41
1839	\$72,227.87	\$51,768.72		\$8,111.29
1841	\$88,565.72	\$54,813.19		\$13,655.02
1845	\$107,395.55	\$76,146.23		\$18,239.70
1847	\$127,479.37	\$51,640.25		\$13,798.00
1851	\$50,434.18	\$32,866.50		\$15,908.36
1853	\$111,605.46	\$56,455.11	\$55,150.35	\$86,163.84
1855	\$149,506.56	\$56,269.72	\$68,159.18	\$46,598.43
1857	\$184,026.95	\$132,056.91	\$51,970.04	\$35,464.19
1859	\$205,314.45	\$188,741.82		\$54,826.62
1861	\$107,015.80	\$50,205.66		\$32,729.68
1862	\$90,007.80			\$6,714.14
1863	\$53,673			\$5,547.04 (loss)
1864	\$48,382.37	\$29,011.56		\$2,679.14 (loss)
1865	\$49,816.47	\$9,908.76		\$1,128.54 (loss)

Sources: *Report of the Committee on the Penitentiary in the House of Representatives, October 17, 1832, 4; Report of the Inspectors and Agent of the Tennessee State Penitentiary, 4-7; Report of the Joint Committee on the Penitentiary, 1837, 4, 12; Report of the Keeper of the Penitentiary, 1837, 8; Report of the Superintendent of the Tennessee Penitentiary, to the General Assembly of Tennessee, October 12, 1839, 9; Report of the Inspectors and Agent of the Tennessee Penitentiary, 1841, 5-6, 10; Report of the Keeper of the Penitentiary, Delivered in Both Houses of the General Assembly of Tennessee, 13th October 1845, 3-5; Report of the Inspectors and Agent of the Tennessee Penitentiary to the General Assembly of Tennessee, October 14th, 1847, 4, 6; Report of the Keeper of the Penitentiary, Delivered in Both Houses of the General Assembly of Tennessee, October, 1851, 7; Report of the Inspectors and Keeper of the Penitentiary, October, 1853, 5-7, 12, 14, 16; Reports of the Inspector and Keeper of the Tennessee Penitentiary, for the Two Years Ending September 30, 1855, 13-4, 24-5; Report of the Agent and Keeper of the Tennessee Penitentiary for the Two Years Ending September 30, 1857, 16, 18; Report of the Condition of the Tennessee Penitentiary, 1859, 12-13; Report of the Condition of the Tennessee Penitentiary, 5-8, 35-37; Athens Post, October 18, 1861; Appendix, Senate Journal, 1865-1866, 97, 110-11.*

Table 4.3

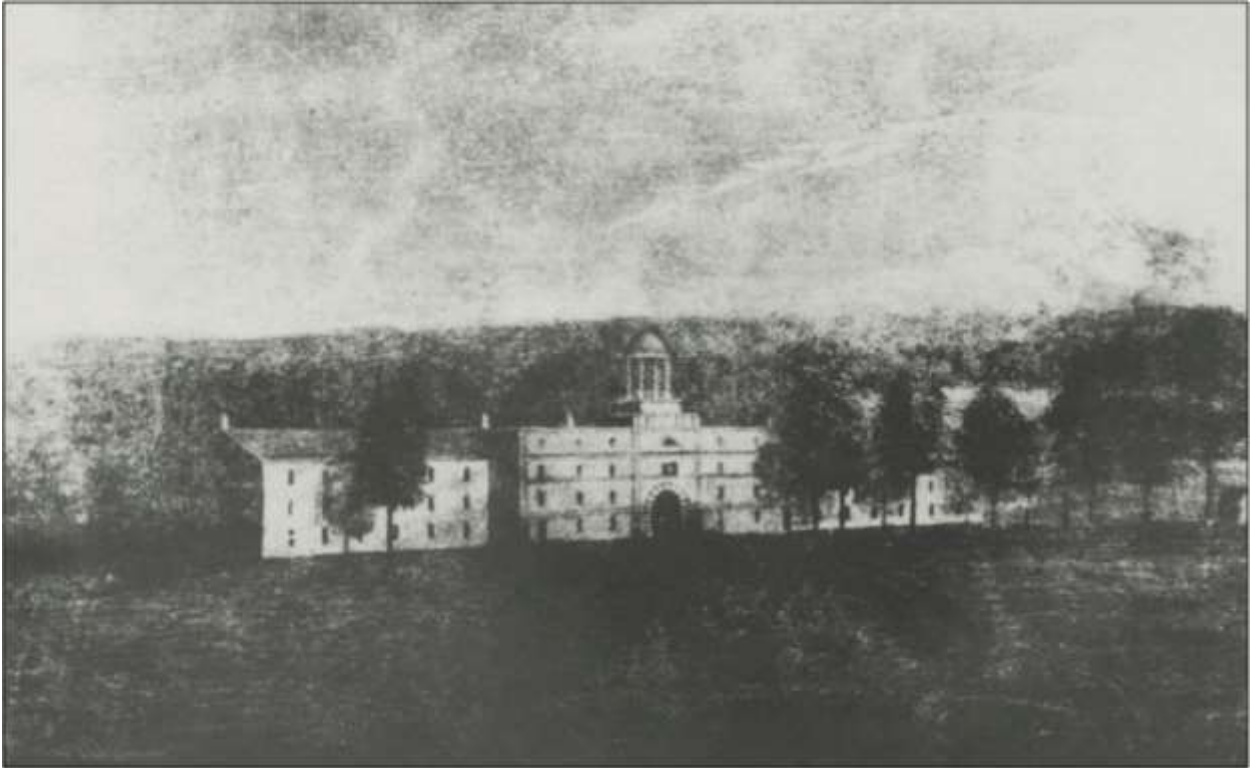
Sales at the Tennessee State Penitentiary, 1833-1839.

Department	1833	1837	1839
Shoe and Harness	\$2,562.55	\$3,332.86	\$4,304.22
Cooper	\$478.90	\$1,944.05	\$2,641.16
Stone	\$2,443.38	\$11,213.11	\$7,492.35
Tailor	\$1,727.32	\$4,449.80	\$5,041.20
Hatter	\$2,277.32	\$4,123.05	\$3,746.23
Blacksmith	\$3,203.27	\$6,830.41	\$3,725.90
Wagon Maker	\$1,879.46	\$6,140.77	\$6,372.53
Carpenter	\$2,780.33	\$4,568.33	\$7,645.93
Chair, Turning, Painter	\$677.71	\$1,079.78	\$2,022.32
Laborer	\$715.03		
Bricklayer	\$1,013.63		

Sources: *Report of the Inspectors and Agent of the Tennessee State Penitentiary* (Nashville: N.P., 1833), 7; *Report of the Keeper of the Penitentiary, 1837*, 8; *Report of the Superintendent of the Tennessee Penitentiary, October 12, 1839*, 9.

Illustration 4.1

Tennessee State Penitentiary, circa 1830.



Source: Courtesy of the Tennessee State Library and Archives

Illustration 4.2

Detail of a City Map of Nashville, Tennessee, circa 1861.



Source: United States Army. Military Division Of The Mississippi. Chief Engineers Office, and O. M Poe. Map of Nashville, Tennessee. [186] Map. Retrieved from the Library of Congress, <https://www.loc.gov/item/2003630459/>, accessed on 6/30/2017.

Illustration 4.3

Advertisement for Goods from the Tennessee State Penitentiary, 1862.

HOME MANUFACTURED

JUST received from the
Nashville Penitentiary

Cedar Chests,
" Pails,
" Piggins,
" Dippers,
" Cups,
" Covered Cans,
CAMP CHAIRS!

At
INGRAHAM & LEES'
House Furnishing Depot,
223 Main street, Brinkley Block.

1862

Source: *Memphis Daily Appeal*, April 1, 1862.

Illustration 4.4

Tennessee State Penitentiary, 1864.



Source: T. M. Schleier Photograph from the Collection of Herb Peck.

Illustration 4.5

Detail of a Transportation Map of Nashville, 1862.



Source: Weyss, J. E., and N Michler. Topographical sketch of the environs of Nashville, Tennessee. [S.l.: s.n, 1862] Map. Retrieved from the Library of Congress, <https://www.loc.gov/item/2007627475/>, accessed on 7/6/2017.

Illustration 4.6

Cedar Water Bucket Manufactured by Inmates, circa 1863.



Source: <https://www.google.com/culturalinstitute/beta/exhibit/OQLyTM6pEr4IKw>, accessed 6/26/2017.

Chapter 5

The Louisiana State Penitentiary in Baton Rouge (1832-1862)

The state of Louisiana served as a gateway to the western frontier of the United States. Settled by the French and Spanish prior to statehood, New Orleans boasted the largest population of any southern city and attracted business, travelers, and immigrants from across the world. Louisiana also became the third southern state to build a state penitentiary, and it emulated the textile mills operated by convict labor in Tennessee, Georgia, Alabama, and Mississippi. The prison in fact became the largest textile manufacturer in the state and influenced Texas to adopt a similar model. Throughout the antebellum era the prison workshops supplied cheap clothing to local planters in exchange for cotton, but competition from convict labor as elsewhere led to opposition from citizen mechanics across Louisiana until 1861. During the Civil War, the penitentiary workshops devoted supplies of cloth, uniforms, shoes, and tents to soldiers until the fall of Baton Rouge and Union occupation.

The widespread sickness of inmates in parish jails was the major factor in the decision to build a state penitentiary in Louisiana. In 1819 Democratic-Republican Governor Jacques P. Villeré first recommended the addition of a penitentiary, but was unsuccessful. The state continued to confine prisoners in a colonial-era Spanish jail in New Orleans that had a capacity of 135 prisoners. During a visit to the city in 1832, the famous French political observer Alexis de Tocqueville commented, “In locking up criminals, no thought is given to making them better but simply to taming their wickedness; they are chained like wild beasts; they are not refined but brutalized.”¹

¹ Mark T. Carleton, *Politics and Punishment: The History of the Louisiana State Penal System* (Baton Rouge: Louisiana State University Press, 1971), 8; Leon Stout, “Origin and Early History of the Louisiana Penitentiary” (M. A. Thesis, Louisiana State University, 1934), 12; *Baton Rouge Gazette*, January 14, 1832.

Nothing happened to rectify the situation, however, until 1832. On January 3, National Republican Governor Andre B. Roman called for a new house of correction. Following weeks of debate, an “Act to Establish the Louisiana Penitentiary” passed on March 16. Governor Roman appointed five commissioners and the legislature appropriated \$50,000 to purchase a lot in Baton Rouge from John Christian Buhler Jr., a local lawyer, to build a prison that emulated the penitentiary in Wethersfield, Connecticut. Additionally, as elsewhere in the South, the legislature adopted the Auburn system of prison management.²

The costs related to the penitentiary accumulated quickly and outpaced the expectation of the General Assembly. The legislature initially appropriated \$10,000 and appointed a Board of Commissioners to superintend construction. The board accepted proposals for the project at the office of Secretary of State until September 3, 1832. Throughout the summer A. H. Legendre, clerk of the board of commissioners, solicited coarse sand, lime, bricks, stone, and carpentry work at the site. In June 1833 nearly one hundred convicts and a force of guards from the parish jail in New Orleans relocated to Baton Rouge to assist with construction. By April 1834, Legendre had started accepting proposals for the final plastering work and roof. The first prisoners arrived at the completed upper cell house in early 1835, after the state passed an annual appropriation of \$10,000 and purchased an additional eight acres from landowners Raphael Legendre and John Buhler to expand the prison yard, garden, and workshops. The penitentiary buildings formed four sides of a hollow square (see Illustration 5.1). The facility consisted of a three-story brick structure along St. Anthony Street. The north wing contained a hospital,

² Carleton, *Politics and Punishment*, 8; Burk Foster, “Slaves of the State,” *The Angolite* 25 (July/August 2000): 42-4; Stout, “Origin and Early History of the Louisiana Penitentiary,” 21, 27; Thurston H.G. Hahn III and Susan Wurtzburg, *Hard Labor: History and Archaeology at the Old Louisiana State Penitentiary, Baton Rouge, Louisiana* (Fort Worth: General Services Administration, 1991), 2-3; *Baton Rouge Gazette*, March 17, 1832; *Acts Passed at the Third Session of the Tenth Legislature of the State of Louisiana, begun and Held in the City of New Orleans, January 2, 1832* (New Orleans: Stroud & Pew, 1832), 110-11; *Annual Report of the Board of Directors, Clerk and Officers of the Louisiana Penitentiary, at Baton Rouge for the Year Ending December 31, 1854* (New Orleans: Emile La Sere, 1855), 22-23.

provision room, workshops, and the original warden house on the southwest corner. In 1836 the legislature appropriated \$15,000 to enable completion of the main building and construction of a store for the clerk.³

The legislature established the rules and regulations for administration of the penitentiary. Governor Roman appointed Hippolyte LaNoue, a local merchant, as the first warden. Paul Choppin, a sugar planter, became captain of guard, Samuel L. Isett, the former grand secretary of Baton Rouge's Grand Masonic Lodge, was the clerk. Seven inspectors of the penitentiary served with consent of the Senate. The warden could employ up to thirty guards in addition to the captain of the guard. Prisoners wore an iron ring around the right leg with a chain attached to their waist and fastened by a belt. The inspectors initially recommended the manufacture of cotton bagging to avoid competition with local artisans, but instead the legislature appropriated nearly \$15,000 by 1839 for machinery to manufacture coarse cotton and wool cloth. The inmates soon were employed in textile production, tailoring, shoe shops, brick manufacturing, leather tanning, joinery, carpentry, forge work, cabinet making, painting, and blacksmithing. Finished articles were delivered to the clerk, who recorded the orders and sales of each week.

³ *Baton Rouge Gazette*, August 25, 1832, June 15, 1833, July 27, 1833, April 12, 1834, October 4, 1834; Foster, "Slaves of the State," 44-45. The building measured 154 feet wide from north to south, 244 feet long from East to West, and was completely surrounded by a 24-foot-high wall. The facility consisted of a U-shaped complex that included a lower cell house of two hundred, 7-foot-by-3.5-foot cells, and an upper cell house of 240 cells. Stout, "Origin and Early History of the Louisiana Penitentiary," 29, 31-32, 35-36, 46-47; Hahn and Wurtzburg, *Hard Labor*, 3; *Acts Passed at the Second Session of the Eleventh legislature of the State of Louisiana, Ben and Held in the City of New Orleans, December, 9, 1833* (New Orleans: Jerome Bayon, 1834), 99-101; *Acts Passed at the First Session of the Twelfth Legislature of the State of Louisiana, Began and Held in the City of New Orleans, January 5, 1835* (New Orleans: Jerome Bayon, 1835), 128, 234; *New Orleans Commercial Bulletin*, October 30, 1835.

Laws prohibited the clerk from selling articles on credit below \$50, which the warden hoped would mitigate unpleasant feelings from citizen competitors.⁴

The penitentiary complex suffered from inadequate security from the start. On May 6, 1839, a bloody revolt occurred after three inmates in the wheelwright and saddler's shop attacked two guards and wrestled away their pistols. The prisoners fired at Captain Choppin and Samuel Isett, who narrowly avoided being killed. In response, Isett wounded a prisoner in the leg while Captain Choppin mortally wounded the ringleader. Meanwhile, a riot spread throughout the rest of the prison. Colonel Andrew Matta, a veteran and wealthy merchant, led a group of armed citizens to the penitentiary to regain control. The prisoners received severe whippings as punishment and at least one prisoner died while trying to escape. The incident prompted questions from the legislature regarding methods of improving security at the prison.⁵

The legislators and penitentiary administrators emphasized labor as the primary component of reform. Laws limited convicts to work only eight hours per day, but the Penitentiary Committee recommended an amendment to allow work from sunrise to sunset. In 1839 the workshops sold \$18,695.95 of products with the balance of convict labor used to improve the grounds. As elsewhere, artisans and mechanics subsequently opposed the addition of a retail store, where the public could inspect and purchase prison-made fabrics, shoes, barrels,

⁴ Royal Arch Masons Grand Chapter, *From the Convention Held June 11th, 1818, to the Annual Convocation Held June 9, 1856* (Manchester: W. E. Moore, 1896), 359; Anonymous, *Makers of America: Biographies of Leading Men of Thought and Action, the Men who Constitute the Bone and Sinew of America Prosperity and Life, Volume 3* (Washington, D. C.: B. F. Johnson, 1917), 554; *Acts Passed at the Second Session of the Twelfth Legislature of the State of Louisiana, Began and Held in the City of New Orleans, January 4, 1836* (New Orleans: Jerome Bayon, 1836), 153-54. The captain of the guard earned \$1,200 per year and the guards earned \$30 per month. *Acts Passed at the First Session of the Thirteenth Legislature of the State of Louisiana, Began and Held in the City of New Orleans, January 2, 1837* (New Orleans: Jerome Bayon, 1837), 100-1; *Acts Passed at the Second Session of the Thirteenth Legislature of the State of Louisiana, Began and Held in the City of New Orleans, December 11, 1837* (New Orleans: Jerome Bayon, 1838), 108; *Acts Passed at the First Session of the Fourteenth Legislature of the State of Louisiana, Begun and Held in the City of New Orleans, January 7, 1839* (New Orleans: J. C. de St. Romes, 1839), 76; *Baton Rouge Gazette*, June 20, 1840, October 8, 1840. Visitors purchased passes for \$0.25 to review the workshops and premises.

⁵ *New Orleans Times-Picayune*, May 7, 1839.

and plain cabinetry. An investigative committee nonetheless spoke in the highest terms of the management and predicted that the prison would produce revenue to state in a short time. The Penitentiary Committee favored the manufacture of coarse cotton and woolen cloth, to provide the most profitable employment for prisoners. Warden LaNoue used the legislative appropriation to purchase machinery for manufacturing coarse cotton and woolen goods, which eventually employed about thirty-five inmates and produced 400 yards of cloth per day. The addition of a tanyard increased the production of shoes. The committee estimated \$32,542 of construction labor by convicts and \$50,823.83 of articles sold from the workshops. Clerk Isett targeted planters in advertisements for “Negro shoes” at \$15 per dozen and offered an arrangement of other boots, shoes, and brogans.⁶

By 1840 the penitentiary held 174 inmates including seven female slaves and two children (see Table 5.1). Women worked in the laundry, where they washed and ironed clothing. The vast majority of the prisoners were White, but the penitentiary held an average of three slaves per year. Louisiana’s slave code compensated owners for their monetary loss when slaves received life sentences, but the rate varied depending on market value. The committee recommended sentencing slave convicts to permanently work on the chain gang in the city of New Orleans. Each cell included a Bible, but Warden La Noue requested a full-time chaplain. The committee responded, “It is believed that no penitentiary in the Union is without its chaplain or without some equivalent provision for the religious and moral improvement of this erring portion of our race.”⁷

As in other southern states, the implementation of convict labor emboldened the mechanics of Baton Rouge to form an association to protect their craft from government

⁶ *Baton Rouge Gazette*, February 22, 1840, April 11, 1840.

⁷ *Baton Rouge Gazette*, October 8, 1840; Nobles, “Gazing Upon the Invisible,” 6.

interference. The inspectors encouraged pursuing convict labor with the least impact upon the community. Yet as the New Orleans *Times-Picayune* acknowledged, “This subject has produced excitement and discussions in the other states where similar establishments exist.” The mechanics of East Baton Rouge held a meeting on the evening of June 5, 1841, with D. F. Reeder, a carriage maker and steamboat captain, called as the chair and J. Hueston, editor of the *Baton Rouge Gazette*, as secretary. They appointed a committee of three to draft a constitution for the Mechanics Society of Baton Rouge. They noted, “Mechanics societies when well and wisely governed have long proved themselves among the most useful of social institutions.” The mechanics of Baton Rouge complained that convict labor seriously affected their interests and rendered their avocations so fruitless that those with families could barely afford to remain in the city. They erroneously claimed that penitentiaries in other states that manufactured luxuries typically imported and suggested the production of silk as a valuable staple for the state.⁸

Meanwhile, unrest continued within the prison’s walls until it reached a fiery climax. A common and costly form of resistance from prisoners was the sabotage and destruction of equipment at the penitentiary. An alarm sounded at 10 o’clock at night on November 4, 1841, when a fire was discovered in the north wing of the penitentiary. Starting in the shoe shop, the incendiary blaze consumed the entire wing. Local firemen and concerned citizens helped extinguish the flames and secure the inmates. The damaged sections included the hospital, shoemaker, tailor, and carpenters shop, and a provision room. The legislature appropriated funds to rebuild the damaged wing. Overcrowded conditions at the penitentiary meanwhile contributed to dangerous conditions and financial woes. In 1843 the legislature passed an amendment to

⁸ *Baton Rouge Gazette*, June 12, 1841, July 24, 1841.

incarcerate Free Blacks, and judges were permitted to double or triple sentences on second and third offenses, while a fourth conviction earned a life imprisonment.⁹

Democratic Governor A. Mouton lamented, “The penitentiary has been and is a heavy burden on the treasury,” which was maintained by a \$20,000 annual appropriation and cost the state nearly \$450,000 to date. The mounting costs associated with the prison led to major changes in administration and operations. Mouton conferred with counterparts in other states and the legislature sought methods to relieve the state of the annual investment in the penitentiary. On March 25, 1844, the legislature approved an act to lease the penitentiary and approved a contract with McHatton, Pratt, and Company for a term of eight years. The lessees took possession of the penitentiary on October 12, but retained former inspector Daniel Barbee as warden, Captain F. M. Kent, a veteran and attorney, as head of the guard, and Samuel Isett a clerk. A new law designed to placate local mechanics also limited the variety of mechanical work undertaken by convicts. Local papers hailed it as, “a great benefit to the honest and hard working mechanics, whom the institution for some years has so seriously injured.” Thus, the legislature removed the financial burden and decreased hostility from citizen mechanics.¹⁰

The new lessees adopted an effective financial model and improved operations. By 1845 the workshops earned \$47,194.64 annually from sales, with a profit of \$12,417.26 (see Table 5.2). After several years of discussion in the legislature, the lessees added ten looms for the

⁹ *New Orleans Times-Picayune*, November 9, 1841, March 20, 1843. Inspectors of the penitentiary included William B. Scott, Thomas G. Davidson, James McCaleb, C. W. Comly, James N. Brown, Daniel Barbee, and D. Tomlinson. *Baton Rouge Gazette*, May 6, 1843. The legislature set the salaries at \$1,800 warden, \$1,000 captain of guard, \$1,000 clerk, and \$600 physician. Four assistant wardens earned \$45 per month, guards earned \$30 per month, and runners earned \$25 per month

¹⁰ Hahn and Wurtzburg, *Hard Labor*, 5, 21; Fisher-Giorlando, “Women in the Walls,” 19; Foster, “Slaves of the State,” 46. When the lease with McHatton, Pratt, & Company expired in 1849, the state entered into a new contract with McHatton, Ward, & Company until 1855. Stout, “Origin and Early History of the Louisiana Penitentiary,” 58-9, 66; Carleton, *Politics and Punishment*, 10; *Journal of the Senate, Second Session of the Sixteenth Legislature of Louisiana* (New Orleans: Alexander C. Bullitt, 1844), 3, 37, 44-50; *Opelousas Patriot*, November 7, 1844.

manufacture of bagging, in order to produce over 1,000 yards per day with the help of an experienced machinist from Lowell, Massachusetts. The textile factory soon averaged 9,000 yards of cloth per week on eighteen looms. The largest number of inmates worked as weavers, cobblers, and brick makers, however. In a single year the prisoners produced 114,000 bricks, as well as hundreds of jackets, pantaloons, bed sacks, shirts, sheets, and socks. Planters purchased products at Ward, Jonas, and Company on Common Street, and a large shipment went by steamboat to markets in Kentucky.¹¹

The new lessees also improved conditions for the inmates. Visitors commented on the cleanliness, systematic order, and silence. Meals consisted of wheat bread with beef or pork for breakfast, followed by corn, bread, soup and beef or pork for lunch, and mush and molasses for dinner. Prisoners received forty-five minutes for breakfast and one hour for lunch and dinner. The inmates retrieved meals from a numbered table and ate alone in their cells. The visitors noticed phrases written on the cell walls including, "If from society we learn to live, 'Tis solitude should teach us to die."¹²

A small library opened within the prison as another introduced as a method to improve temperament and productivity. In April 1845, Dorothea Dix visited the penitentiary following her inspections in Georgia and Alabama, and supplied the library with sixty dollars' worth of new reading materials. Chaplain A. E. Goodwin at the prison suggested more literature in foreign languages, including more Bibles. Over a decade the library grew to nearly 500 volumes that included subscriptions to *Harpers Monthly*, *Scientific American*, *Illustrated Journal Universal*, *Arthur's Home Gazette*, and the *Metropolitan*. The additional reading material

¹¹ *New Orleans Times-Picayune*, October 18, 1844, January 10, 1845, July 16, 1845; *Baton Rouge Gazette*, May 4, 1844, October 19, 1844, June 7, 1845, June 21, 1845; *Journal of the Senate, Second Session of the Sixteenth Legislature of Louisiana*, 37, 44-50.

¹² *New Orleans Times-Picayune*, October 2, 1844.

improved the discipline and mood of the inmates, as well as informed them of news from outside the walls.¹³

The improvements made by the lessees and legislative changes did not satisfy everyone, however. Mechanics still complained that the state had established a monopoly in its penitentiary system. During a meeting of the State Mechanics Society, its president demanded, “Let us take experience from older states and crush the hydra that would oppose us,” and encouraged mechanics across the state to write to their representatives. On March 5, 1846, Representative Preston W. Farrar presented a petition from a number of mechanics in New Orleans, while yet another petition from the New Orleans Mechanics’ Society requested an appropriation for support similar to the prison workshops. A scathing editorial in the New Orleans *Daily Delta* charged that “The state has made a commerce of crime, and to the injury of the honest and industrious, reaps a profit from the punishment of the vicious and depraved.” The editor suggested employing convict labor instead on public works to drain the swamps, build levees, and improve roads. An editorial in the *Baton Rouge Gazette* reminded readers that, “Prisoners were sent there as a punishment for some crime, not to make money for the lessees.”¹⁴

Another problem involved children. The penitentiary in Baton Rouge held more of them than any other antebellum southern prison. By 1848 the prison held six (see Table 5.1). On February 24, John Henry Pryor Womack of the Louisiana House of Representatives offered a bill stating that all children born to African American slaves incarcerated for life were the legal property of the state. It provided for the disposal of slave children born in the penitentiary to

¹³ *Opelousas Patriot*, March 27, 1845; *New Orleans Times-Picayune*, October 2, 1844, April 21, 1846; *Annual Report of the Board of the Directors, Clerk, and Officers of the Louisiana Penitentiary, at Baton Rouge, for the Year Ending December 31, 1854* (New Orleans: Emile la Sere, 1855), 3, 17, 21. The physician recommended enlarging the hospital. The chaplain suggested an appropriation to fund a school teacher to assist in the education and reformation of the inmates.

¹⁴ *New Orleans Times-Picayune*, March 6, 1846; *New Orleans Daily Delta*, March 22, 1846; *Baton Rouge Gazette*, January 23, 1847, February 7 1846, March 13, 1852.

female convicts. At the age of ten these children would be auctioned to the highest bidder, with the proceeds ironically going to the state treasurer as part of the free-school fund (see Illustration 5.2). Sales records for the East Baton Rouge County Sheriff indicate that over the nearly twenty years eleven children were taken from their mothers at penitentiary and auctioned on the steps of the county courthouse, for a total of \$7,591 (see Table 5.4 and 5.5). Thus, the female inmates suffered from both inadequate facilities and cruel legislation.¹⁵

By October 1849 the workshops included a bagging and rope factory, cotton and wool factory, foundry, finishing shop, shoemaker shop, and a brick shop. The workshops sold \$67,152.56 worth of goods for a profit of \$16,737.41 after expenses (see Table 5.2). A second lease was approved on October 2, 1852, for a term of five years to the private firm of McHatton, Pratt, and Company. A few envious legislators favored returning the penitentiary to state control, but the majority preferred the reliability of lessee payments to financial risk.¹⁶

The penitentiary by then also served as a local attraction. Visitors described the walled interior yard as, “the coolest place, after the State House, in Baton Rouge.” They observed that prisoners wore numbered uniforms that corresponded with their cell and used pewter plates for meals. Guards escorted visitors and kept constant watch over the facility with double-barrel shotguns, pistols, and clubs. The force consisted of twenty-five during the day and twelve at

¹⁵ *Louisiana Times Picayune*, February 25, 1848; *Acts Passed at the Extra Session of the Second Legislature of the State of Louisiana, Held and Begun in the City of New Orleans, on the 4th Day of December, 1848*, (New Orleans: n.p., 1848), 3-4; *Annual Report of the Auditor of Public Accounts, to the General Assembly of the State of Louisiana* (Baton Rouge: Tom Bynum, 1861), 4; Moran, “The Negro Dependent Child in Louisiana, 1800-1935,” 54-5; Marianne Fisher-Giorlando, “Women in the Walls: The Imprisonment of Women at the Baton Rouge Penitentiary, 1835-1862,” within Burk Foster, Wilbert Rideau and Douglas Dennis, *The Wall is Strong: Corrections in Louisiana* (Lafayette: University of Louisiana at Lafayette, 1995), 17, 19; Jeff Forret, “Before Angola: Enslaved Prisoners in the Louisiana State Penitentiary,” *Louisiana History* 54 (Spring 2013): 133-71; Brett J. Derbes, ““Secret Horrors”: Enslaved Women and Children in the Louisiana State Penitentiary, 1833-1862,” *Journal of African American History* 98 (Spring 2013): 277-90.

¹⁶ *Baton Rouge Gazette*, March 13, 1852; Foster, “Slaves of the State,” 46. When the lease with McHatton, Pratt, & Company expired in 1849, the state entered into a new contract with McHatton, Ward, & Company until 1855. This lease required the firm to pay 25 percent of total profits, or a minimum annual fee of \$1,000. Stout, “Origin and Early History of the Louisiana Penitentiary,” 58-59, 66; Carleton, *Politics and Punishment*, 10; Hahn and Wurtzburg, *Hard Labor*, 5.

night. Prisoners could voluntarily attend religious service on Sunday led by either Presbyterian or Catholic clergy. Yet one visitor recalled, “As I wandered through the machine-shops and looked at and smelt the shaven, dirty, greasy, deadly-sallow ruffians, I could not help shuddering with disgust.” He noted a fifteen year-old boy tending to the spindles and another young boy who lost an eye from a disease while incarcerated. The visitor determined, “The worst criminals in the world, because they are the offscourings [sic] of every nation of the world, are the criminals of New Orleans.”¹⁷

The decade that followed was a period of modernization and expansion for the textile mill in Baton Rouge. In 1851 the penitentiary sold \$57,968.82 of sheeting, twills, linseys, and yarns for a profit of \$12,639.67 with a payment of \$4,000 to the treasury. The following year an appropriation of \$40,000 funded the addition of 200 new cells on a third story, and expanded the factory to 2,300 spindles and sixty looms that produced 2,000 yards of cloth per day (see Table 5.3). Throughout the decade the workshops sold 1,003,038 yards of cotton and woolen cloth, and nearly 2,500,000 bricks. The legislature and lessees had invested \$143,000 in machinery, tools, and raw material for the workshops. Nonetheless, the legislature appropriated funds to accommodate further expansion (see Table 5.1).¹⁸

The lessees focused on productivity to maintain profits, even when it came to Louisiana’s racial mores. The revised statutes of the penitentiary in 1852 stated that inmates serving a life sentence should not be employed alongside other inmates and that all Black convicts, whether

¹⁷ *New Orleans Weekly Delta*, August 15, 1852.

¹⁸ *Report of the Board of Control of the Louisiana Penitentiary to the General Assembly, January 1, 1852* (New Orleans: Emile La Sere, 1852), 2, 5, 6, 8; *Report of the Board of Directors of the Louisiana Penitentiary* (New Orleans: Emile la Sere, 1854), 3-7, 17; *Appendix, Report of the Board of Directors of the Louisiana Penitentiary, January 2, 1854* (New Orleans: Emile La Sere, 1854), 4-6; *Annual Report, 1856*, 6; Foster, “Slaves of the State,” 46; *Message of Robert C. Wickliffe, Governor of the State of Louisiana Together with an Appendix Containing the Report of the Penitentiary Agents for the Year 1856* (Baton Rouge: Printed at the Office of the Daily Advocate, 1857), 23; *New Orleans Daily Delta*, February 6, 1852; *New Orleans Weekly Delta*, August 15, 1852.

slave or free, should work separately from White inmates. The lessees responded that the statute was impractical and would disrupt productivity.¹⁹

Illness sometimes disrupted the workshops. Outbreaks of smallpox temporarily halted production during 1851 and again in 1855. Physician G. W. Christine reported that nearly one-fourth of the inmates were stricken with yellow fever in 1854, which resulted in three deaths. The following year, physician Thomas J. Buffington noted that the inmates slept on mattresses on damp and dirty floors and recommended elevated folding beds to improve cleanliness and health. Another physician, F. M. Hereford, recommended adding cisterns to improve cleanliness and reduce outbreaks of disease.²⁰

Throughout the antebellum period the women and children inmates were housed separately from males. In the 1850s the number of female inmates had increased from fifteen to twenty, and the number of children increased to ten (see Table 5.1). An 1855 Board of Control Report noted, “From the present arrangement of apartments for female convicts, it is impossible to keep them clean; being two large unfinished rooms, occupied in common by women and children.” Female slave convicts usually received harsher sentences than their White counterparts, including life sentences for offenses such as arson, attempt to poison, murder, manslaughter, poisoning, robbery, striking a White, wounding a White, wounding a mistress, and wounding an overseer. Twenty-two female slave inmates were from rural Louisiana parishes,

¹⁹ *Report of the Board of Control of the Louisiana Penitentiary to the General Assembly, January 1, 1852*, 5,

²⁰ *Report of the Board of Control of the Louisiana Penitentiary to the General Assembly, January 1, 1852*, 7. The physician reported deaths from heart attack, diarrhea, chronic syphilis, as well as one suicide. *Report of the Board of Directors of the Penitentiary of the State of Louisiana* (New Orleans: Emile la Sere, 1853), 3-8; *Report of the Board of Directors of the Louisiana Penitentiary* (New Orleans: Emile la Sere, 1854), 3-7, 17; *Annual Report, 1854*, 22-23.

but fifteen were born in the District of Columbia, Florida, Maryland, North Carolina, South Carolina, and Virginia.²¹

During the first three decades of operation, at least sixty-one women were admitted to the penitentiary (see Table 5.1). Of those women thirty-three were slaves, five were free women of color, and twenty-three were White. A female slave named Celeste from St. Landry Parish was sentenced to life in prison by a court composed of Justices of the Peace and ten slave owners for striking a White woman. The board of directors recommended her pardon and commented, “she appears to be at least one hundred years of age, scarcely able to sit or stand.” Twenty-six African American female slaves received life sentences altogether, and at least ten gave birth to children that were sold into slavery (see Table 5.4 and 5.5). The identities of the fathers were officially unknown, however several former lessees and clerks who owned nearby plantations purchased the children.²²

The considerable profits yielded by lessees during the 1850s meanwhile created a desire within the legislature to stop leasing. On May 1, 1855, the penitentiary briefly returned to state control, but the legislature did not pass an appropriation to support the facility. The board

²¹ Fisher-Giorlando, “Women in the Walls,” 17-20; Nobles, “Gazing Upon the Invisible,” 7, 10; Hahn and Wurtzburg, *Hard Labor*, 5; *Message of Robert C. Wickliffe, 1856*, 3, 9, 21-23, 27-32, 71; *Report of the Board of Control of the Louisiana Penitentiary to the General Assembly, January 1, 1852*, 7; *Annual Report of the Board of the Directors, Clerk, and Officers of the Louisiana Penitentiary, at Baton Rouge, for the Year Ending December 31, 1854* (New Orleans: Emile la Sere, 1855), 21-23; *Appendix, Report of the Board of Directors of the Louisiana Penitentiary, January 2, 1854* (New Orleans: Emile La Sere, 1854), 3-4, 8-14, 17-8; *Annual Report of the Auditor of Public Accounts to the Legislature of the State of Louisiana, January 1858* (Baton Rouge: John Claiborne, 1858), 2-11, 17.

²² *Eighth Census of the United States, Population Schedule, 1860*, roll M653_408, page 550, image 105-6, 108-9; Fisher-Giorlando, “Women in the Walls, 17-9; *Sheriff’s Sales, Book F*, p. 154, East Baton Rouge County Clerk Office, Louisiana, Baton Rouge; *Seventh Census of the United States, Population Schedule, 1850*, roll M432_229, page 181A, image 366; *Eighth Census of the United States, Population Schedule, 1860*, roll M653_408, page 536, image 94; *Eighth Census of the United States, Slave Schedule, 1860*, M653, page 15. For more information on the fluctuating prices of children within the domestic slave trade, see Wilma King, *Stolen Childhood: Slave Youth in Nineteenth-Century America* (Bloomington: Indiana University Press, 1995); Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Cambridge: Harvard University Press, 1999); Steven Deyle, *Carry Me Back: The Domestic Slave Trade in American Life* (New York: Oxford University Press, 2005); Diana Ramey Berry, ““In Pressing Need of Cash”: Gender, Skill, and Family Persistence in the Domestic Slave Trade,” *Journal of African American History* 92 (Winter 2007): 22-36.

claimed the penitentiary management, discipline, and labor have “never been better.” The warden, however, noted that a large proportion of the convicts were not profitably employed during state control, which became a dead expense when the cost of provisions was unusually high. The textile factory produced an underwhelming 671,548 yards of cloth and 828 bales of cotton batting. The inmates still produced 2,239,410 bricks and 1,268 barrels, despite the physician reporting an epidemic of cholera that resulted in twenty-one deaths. Democratic Governor Paul Octave Hebert became frustrated with the situation. He solicited Samuel M. Hart and William S. Pike to again lease the penitentiary, for a six-year term, and he obtained a \$10,000 loan from the Citizens’ Bank to provide for essential expenses.²³

The southern state penitentiaries that operated textile mills experienced a higher number of fires. Louisiana’s was no different. Inspectors in Louisiana identified the picking rooms as a danger to the whole factory in 1855, and authorized the lessees to construct a fire-proof structure separate from the factory. However, the legislature did not heed the warning, and on June 2, 1856, a fire in the pickery completely destroyed the cotton factory, foundry, and carpentry shop. The disaster at least provided an opportunity to modernize and expand the textile mill to double production levels (see Table 5.3). An investment of nearly \$125,000 facilitated the purchase of the most modern machinery, as well as the building of new structures, including a factory building, engine house, dressing room, fire-proof pickery, cotton warehouse, stable, granary, washhouse, and separate cells for female inmates. Hart and Pike wrote that they were “fully prepared to repair or make anew any part of the cotton machinery that may be damaged or

²³ *Annual Report of the Board of Directors of the Louisiana Penitentiary, to the Governor of the State of Louisiana, January 1856* (New Orleans: John Claiborne, 1856), 3-6, 11-12, 30, 43-9; *Report of the Committee on the Penitentiary, to the Legislature of the State of Louisiana* (Baton Rouge: J. M. Taylor, 1859), 1.

broken.” The lessees purchased new machinery from eastern cities with a line of credit supplied by the Louisiana State Bank.²⁴

Prisoners fabricated the necessary bricks and provided the labor to construct the new structures. Despite the use of convict labor, the new additions cost \$36,122.31, more than the funds appropriated. Improvements to the workshops included two steam engines, two hundred looms, and a fire-proof cotton warehouse with a 1,200 bale capacity. In addition, \$14,576.80 was spent on the construction of a water reservoir. The workshops required 20,000 gallons of water daily, and the reservoir was expected to hold 3,214,230 gallons that would supply enough water for at least 160 days. The financial panic of 1857 affected the sale of penitentiary goods, which resulted in nearly \$36,923.28 of stock remaining on hand. Nonetheless, the sales reached \$134,248.38 and resulted in a profit of \$65,374.75 (see Table 5.2).²⁵

Rapid expansion of the penitentiary workshops outpaced the inmate population, but was pivotal to increase profits. From April 1857 to December 31, 1860, the factory accumulated \$861,170.60 of sales, for a profit of \$350,203.13. The textile mill remained the most lucrative use of convict labor, the most reliable source of profit, and subject to fewer contingencies than the other workshops. The factory consisted of 5,632 spindles and 200 looms that produced nearly 12,000 yard of cotton goods per day with a consumption of fifteen bales of cotton (see Table 5.3). Local plantations supplied cotton, while wool was purchased from both local farms and Texas. The state’s leading newspaper was enthusiastic: “The successful introduction of cotton manufacture into our State Penitentiary, shows how profitable this species of industry may

²⁴ *New Orleans Crescent*, January 21, 1857; *Message of Robert C. Wickliffe, 1856*, 3, 9, 21-23, 27-32, 71; *Annual Report of the Auditor of Public Accounts to the Legislature of the State of Louisiana, January 1858* (Baton Rouge: John Claiborne, 1858), 2-11, 17; *Inventory and Appraisement of Materials and Provisions on Land at the Louisiana Penitentiary, April 1, 1862, Delivered to S. M. Hart and Co., Agents for the State of Louisiana* (Baton Rouge: J. M. Taylor, 1862), 14. A pickery is a large warehouse where loose cotton is stored prior to being spun into thread.

²⁵ *Message of Robert C. Wickliffe, 1856*, 3, 9; *Annual Report of the Auditor of Public Accounts to the Legislature of the State of Louisiana, January 1858*, 2-11.

be made at the South . . . the profits of the institution are large.” A Special Committee appointed to examine the accounts and vouchers found them entirely correct and satisfactory.²⁶

After nearly twenty-five years of operation the penitentiary workshops had reached optimal levels. In 1860 the textile factory sold 1,757,315 yards of cotton cloth, and 3,276 bales of osnaburg, twills, linseys, and jean fabric. Meanwhile, the shoe shop produced at least sixty pairs of brogans in a single month. The brickyard sold 2,268,805 bricks, and the cooper shop produced a large number of carriages, wagons, and wheelbarrows. The foundry and blacksmith fabricated pig iron, bar iron, sheet iron, sheet brass, sheet copper, and castings useful in repairing the textile and hemp factory. The workshops sold at least \$474,841.27 in products from 1860 to 1861. The lessees reported an additional \$158,909.68 of stock on hand at the penitentiary, at Menard & Vignaud clothing store, and in route to St. Louis that would eventually yield considerable profits. Still, On January 1, 1861, William S. Pike wrote to Governor Thomas O. Moore to request a loan of \$100,000 from the Louisiana State Bank to cover a large portion of the bond.²⁷

Louisiana remained a slave society where 331,726 slaves accounted for half of the entire population and endured a lifetime of forced labor. Republican candidate Abraham Lincoln did not appear on the presidential election ballot in Louisiana, and Southern Democrat John C.

²⁶ *Louisiana Times Picayune*, May 12, 1859, August 10, 1859, September 11, 1861; *Report of the Board of Control of the Louisiana Penitentiary to the General Assembly, December 31, 1859* (Baton Rouge: J. M. Taylor, 1859), 4-6, 15-16; Hahn and Wurtzburg, *Hard Labor*, 6; *Annual Report, 1858*, 3-6, 20-21, 26; *Report of the Board of Control of the Louisiana Penitentiary* (Baton Rouge: J. M. Taylor, 1859), 3-9, 61-9, 71-2; *New Orleans Crescent*, March 8, 1861; *Report of the Special Committee on the Penitentiary, Appointed to Examine the Books, Accounts and Vouchers, and All Matters Connected Therewith, to the Legislature of the State of Louisiana* (Baton Rouge: J. M. Taylor, 1861).

²⁷ *Report of the Board of Control of the Louisiana Penitentiary to the General Assembly, January 1861* (Baton Rouge: J. M. Taylor, 1861), 3-5, 12, 15-16; *Report of the Special Committee of the Louisiana Penitentiary Appointed to Examine the Books*, 3. A twill is a versatile fabric distinguishable by diagonal ribs on its face, and a soft, smooth finish. Gabardine, serge, and denim are all examples of twill fabrics. Osnaburg is a coarse, strong, plain-weave, medium to heavy fabric that is usually made of cotton. Linsey is a coarse linen fabric. “William S. Pike,” *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 0801, document 157.

Breckenridge won with 22,681 votes. It became the fourth state to join the Confederacy when a state convention adopted the Ordinance of Secession by a vote of 113 to 17 on January 26, 1861. In response to the outbreak of hostilities at Fort Sumter and subsequent Union invasion of the South the Pelican State enlisted 82,276 Confederate soldiers during the Civil War.²⁸

Shortages plagued the Confederacy throughout the war and the call for goods from state penitentiaries was constant. The initially porous United States Navy blockade of 3,549 miles of Confederate coastline reached New Orleans by July 1861. Southern manufacturers struggled to meet the demands of the Confederacy, and a system of blockade running developed in order to import unavailable products. However, supplemental clothing was not a high priority item for blockade-runners. Shortages in Louisiana were offset to a considerable degree through increased production at the penitentiary workshops.²⁹

Delivering supplies to Confederate soldiers largely depended on an inadequate and somewhat chaotic system of southern railroads. Twelve companies in Louisiana had constructed a mere 395 miles of track by 1861. The geography of swamps, marshes, bayous, and rivers provided a challenging environment for construction companies, resulting in the highest cost per mile in the South at \$40,223 per mile. During the war the railroads strained to accommodate the needs of both civilians and the military. Trains were packed with soldiers, civilian passengers,

²⁸ Jefferson Davis Bragg, *Louisiana in the Confederacy* (Baton Rouge: Louisiana State University Press, 1941), 34-6; Richard F. Selcer, *Civil War America, 1850 to 1875* (New York: Facts on File, 2006), 226, 231; John D. Winters, *The Civil War in Louisiana* (Baton Rouge: Louisiana State University Press, 1963), 1, 7, 13.

²⁹ Kerby, *Kirby Smith's Confederacy*, 155, 158, 161-65. Bell Irvin Wiley, *The Life of Johnny Reb: The Common Soldier of the Confederacy* (Baton Rouge: Louisiana State University Press, 1978), 113; Stephen R. Wise, *Lifeline of the Confederacy: Blockade Running During the Civil War* (Columbia: University of South Carolina Press, 1988), 3, 8, 13, 21-24; Mary Elizabeth Massey, *Ersatz in the Confederacy* (Columbia: University of South Carolina Press, 1952), 11; John D. Winters, *Civil War in Louisiana*, 60. For more information on blockade running and the importation of supplies into the Confederacy, see James A. Irby, *Backdoor at Bagdad: The Civil War on the Rio Grande* (El Paso: Texas Western Press, 1977); James W. Daddysman, *The Matamoros Trade: Confederate Commerce, Diplomacy, and Intrigue* (Newark, DE: Associated University Presses, 1984); Phillip E. Myers, *Caution and Cooperation: The American Civil War in British-American Relations* (Kent, OH: Kent State University Press, 2008).

baggage, mail, and a wide variety of wartime supplies. Inefficiency in the official distribution system was appalling, aggravating, and fatal to the support system for soldiers.³⁰

On the other hand, at the onset of the Civil War the penitentiary workshops offered efficient and reliable convict labor. The prisoners were overwhelmingly White males aged twenty to forty years, born in southern states, convicted of violent crimes, and serving life sentences. The most common crimes committed were murder, larceny, robbery, manslaughter, burglary, and offenses “against White people.” The inmate population had risen steadily to 390 by 1861, which was split between 242 native born and 148 foreigners including 63 from Ireland (see Table 5.1). The engine room required six inmates to operate the two steam engines that powered the workshops. The cotton and wool factory required 240 inmates to operate at full capacity: four in the pickery, eight in the lap room, forty-six in the carding room, eighty-one in the spinning rooms, twelve workers in the dressing room, seventy-four workers along with six overseers in the weaving room, and nine workers in the press room. Additional inmates were employed in the kitchen, hospital, and other workshops. A shortage of inmates forced the textile mill to operate below full capacity at times during the war.³¹

The penitentiary workshops quickly became an essential manufactory for Confederate soldiers. Convicts crafted thousands of items in addition to the millions of yards of cloth from the textile mill. A collection of forty-three receipts to various officers of the Ordnance

³⁰ William Watson, *Life in the Confederate Army* (Baton Rouge: Louisiana State University Press, 1995), 248; James L. Nichols, *Confederate Quartermaster in the Trans-Mississippi* (Austin: University of Texas Press, 1964), 19, 85, 90-92, 104; Lawrence Esteville Jr., *Confederate Neckties: Louisiana Railroads in the Civil War* (Ruston: McGinty Publications, 1989), 1, 3-4, 9-10, 13, 19-21, 39-41, 60-61, 83; Robert C. Black III, *The Railroads of the Confederacy* (Chapel Hill: The University of North Carolina Press, 1952), 4; Angus James Johnston Jr., *Virginia Railroads in the Civil War* (Chapel Hill: The University of North Carolina Press, 1961), 11, 13; Mary Elizabeth Massey, *Erstatz in the Confederacy: Shortages and Substitutes on the Southern Homefront* (Columbia: University of South Carolina Press, 1952), 15, 125-28; *Message of Robert C. Wickliffe, 1856*, 5, 10, 14.

³¹ *Appendix Report, 1854*, 8-14, 17-18; *Louisiana Times Picayune*, December 7, 1861; *Report of the Committee on the Penitentiary, 1858* (Baton Rouge: J. M. Taylor, 1858), 7, 18.

Department in New Orleans document \$92,855 worth of goods produced at the penitentiary. The first delivery on May 27, 1861, to Colonel J. T. Winnemore at the Ordnance Department in New Orleans, included 221 common tents with pins and poles and thirty-four wall tents with pins and poles worth \$4,673.50. During the first six months of the war the workshops supplied 8,160 feet of yellow pine plank, 2,286 feet of cypress plank, 17,692 brass buttons, 12,572 bronze buttons, 790 knapsacks, and 350 cloth belts worth \$15,869.97. The workshops provided a steady stream of essential items throughout the early months of the war.³²

The conflict opened a new market for other prison goods. The textile mill expanded to produce several varieties of finished cloth, including shirting, burlaps, and osnaburg available for sale on site or through private merchants. Confederate quartermasters in Louisiana purchased upwards of two-thirds of the goods manufactured at the penitentiary during the war. By September 1861 the workshops spun enough wool yarn to produce 30,000 pairs of woolen socks. An inspection of the state depot in New Orleans revealed, “The materials were all of very good quality brand new and manufactured at the Baton Rouge Penitentiary, having been made up afterwards in this city by the ladies of the different associations.” The variety of textiles produced at the penitentiary effectively supplied Louisiana’s Confederate soldiers with clothes, blankets, and tents.³³

Demand for clothing placed tremendous pressure on the penitentiary to supply cloth to soldiers, civilians, and slaves across the state. The penitentiary textile mill became a leading

³² “Louisiana Penitentiary” *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 0600, document 160; “William S. Pike,” *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 0801, document 157; “McHatton, Pike, and Co.,” *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 0632, document 24; “Samuel M. Hart,” *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 0417, document 34.

³³ *Louisiana Times-Picayune*, September 6, 1861, September 10, 1861, September 11, 1861, September 18, 1861, October 3, 1861, December 5, 1861, December 7, 1861; Hahn and Wurtzburg, *Hard Labor*, 6. Burlap is a densely constructed, heavy-weight, plain-weave fabric with a coarse texture. Shirting is a plain-weave fabric with even or close to even thread counts and often made of cotton.

supplier as cloth as spinning wheels became precious commodities across the South. Wearing homespun cloth was considered a sign of Confederate patriotism and it became the most common material for clothing during the war. The lessees personally donated generous amounts of material to clothe Louisiana Confederate units, including Captain Henry A. Rauhman's Company. Similarly, Democratic Governor Thomas O. Moore spent \$11,845.42 from his personal account to purchase prison cloth for Confederate volunteers.³⁴

The penitentiary textile mill supplied cloth to ladies aid societies that sewed uniforms for Confederate soldiers. The secretary of the Campaign Sewing Society reported, "We also tender our hearty thanks to Messrs. Pike and Hart, and the many merchants, of the place, who so generously supplies us with material for the outfit of four companies. We are happy to say that we were enabled to supply them with every necessary article, and have yet on hand nearly enough to fit out another company." In Baton Rouge the Campaign Sewing Society worked tirelessly at the church of Reverend W. R. M. Linfield to produce 1,771 pieces of clothing within a single month. Homespun became the most common material for clothing during the war. A popular Civil War song entitled, "The Homespun Dress," celebrated southern girls who wore homespun and supported the southern cause. The mill donated large amounts of yarn to local aid societies for the knitting of socks for the soldiers, including a bale of spun yarn to the family members of Confederate soldiers from Baton Rouge. The renewal of home manufacturing was essential to provide clothing for civilians, soldiers, quartermasters, and slaves. The people of Louisiana directly benefited from the availability of penitentiary cloth.³⁵

³⁴ Richard N. Current, *Encyclopedia of the Confederacy*, 4 vols. (New York: Simon and Schuster, 1993), 1:356; Baton Rouge *Daily Advocate*, May 3, 1861, May 16, 1861; *Louisiana Times-Picayune*, December 7, 1861; Winters, *Civil War in Louisiana*, 59; Clara E. Solomon, "Diary of a New Orleans Girl, 1861-1862" Typescript, Louisiana Room, Louisiana State University Library, 48. Several companies hired scores of females to manufacture drawers; they were paid \$1.25 for each dozen pairs made.

³⁵ *Baton Rouge Daily Advocate*, May 26, 1861, June 5, 1861, June 25, 1861. The Campaign Sewing Society produced 1,211 pieces total. Notable ladies aid societies in Louisiana included the Ladies Volunteer Sewing

Textiles from the prison thus became the most available fabric in southern Louisiana. The Confederate States Clothing Manufactory in New Orleans produced uniforms from cloth manufactured by the prisoners. By late 1861 Louisiana began issuing shell jackets of brown or light-blue grey penitentiary cloth. State contractors in Baton Rouge delivered uniforms to the Third Louisiana Infantry Regiment in September 1861. Sergeant W. H. Tunnard described them as “manufactured in the State Penitentiary, and were of a substantial material known as jeans, being of greyish-blue color, with the exception of Company K, which was dark brown.” He noted, “The outfit infused a new feeling and spirit amongst the men.” The prisoners employed in the workshops certainly contributed to the war effort and made an impact beyond the walls.³⁶

The new wartime markets for cloth and military supplies proved highly profitable to the lessees. From January to November 1861, the penitentiary recorded \$79,568.48 in profit, which was split between the lessees and the state. The textile mill produced 3,032,615 yards of cloth from 3,525 bales of cotton and 70,395 pounds of wool. The penitentiary supplied essential winter clothing to Confederate soldiers, which the *Daily Delta* described as, “a heavy, warm and stout article...equal to the best woolen goods used for soldiers.” On April 1, 1862, Governor Thomas O. Moore re-appointed Hart and Pike as agents of the business operations of the

Society, the Ladies Volunteer Aid Association of Lafourche, and the New Orleans Society of Ladies in Aid. Massey, *Ersatz in the Confederacy*, 79-89; Current, *Encyclopedia of the Confederacy* (New York: Simon and Schuster, 1993), 1:357; Nichols, *Confederate Quartermaster in the Trans-Mississippi*, 23; George C. Rable, *Women and the Crisis of Southern Nationalism* (Chicago: University of Illinois Press, 1989), 138-39. For more information on home front textile production, see Paula Mitchell Marks, *Hands to the Spindle: Texas Women and Home Textile Production, 1822-1880* (College Station: Texas A&M University Press, 1996).

³⁶ Winters, *Civil War in Louisiana*, 60; New Orleans *Daily Picayune*, April 2, June 16, 1861, February 8, 28, 1862; *New Orleans Crescent*, February 8, 1862; W. H. Tunnard, *A Southern Record: The History of the 3rd Regiment Louisiana Infantry* (Fayetteville: Arkansas University Press, 1997), 69; Ron Field, *American Civil War Confederate Army* (London: Brassey's, 1996), 51, 53; Time Life, “Echoes of Glory: Arms and Equipment of the Confederacy” (New York: Time Life, 1996), 129-132; Carl Moneyhon, and B. Roberts, *Portraits of Conflict, Louisiana* (Fayetteville: University of Arkansas Press, 1990), 164.

penitentiary. The lessees were expected to provide a \$150,000 bond, but instead signed a letter acknowledging a debt of \$100,000 to Governor Moore.³⁷

The penitentiary workshops thus entered the second year of the war as a major supplier to the Confederate military. The shops produced at least fifty-four wheelbarrows, 449 water buckets and dippers, and at least 1,500 cart bodies and wheelbarrow wheels. On April 1, 1862, Hart and Company provided an inventory and appraisal of goods on hand that detailed an abundance of raw materials, replacement parts, and belts on hand. The textile factory held 891 bales of cotton and at least \$44,293.51 of cotton and wool, either in process or on looms. The tailor shop contained twine for tents, tent poles, enameled cloth, seventy-four common tents, eighty-seven pairs of linsey pants, and thirty-six linsey shirts. The brickyard stored 853,864 bricks, while the foundry and blacksmith contained large amounts of scrap iron, castings, iron ties, wrought iron, and brass or copper sheeting. The carpenter and cooper shop contained a turning lathe, one circular saw, seven workbenches, two iron vices, four moulding planes, two joining planes, and numerous other tools. The machine shop and foundry contained three forges, two workbenches, three vices, a grindstone, a gear-cutting engine, one upright drilling machine, one planing machine, three turning engines, and one brass furnace.³⁸

A serious threat appeared to these enterprises, however, with the fall of New Orleans to the U.S. Navy in April 1862. In anticipation of the Union occupation of Baton Rouge later in the year, some inmates were relocated, and the lessees shipped much of the machinery by river and railroad to Clinton for temporary storage. Business at first continued as usual. The lessees notified planters of the opportunity to exchange cotton for “slave clothing” and other goods. The

³⁷ *New Orleans Times Picayune*, December 7, 1861; *Baton Rouge Tri-Weekly Gazette and Comet*, December 7, 1861, January 25, 1862; *New Orleans Daily Delta*, February 1, 1862; “Samuel M. Hart,” *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 0417, document 34.

³⁸ *Inventory and Appraisement, 1862*, 3-8, 10-11.

offer was available to every planter “so far as it can be done without interfering with the requirements of the government for clothing volunteers and the uses of the army.” On April 12, nearly all the prisoners remained employed in the textile mill that averaged 12,000 yards per day. The final receipt to the Ordnance Department was the largest single receipt ever and included thirteen hospital tents, 225 wall tents, 1,210 common tents, and 1,000 yards of jean cloth. Receipts from the Ordnance Department during the first year of the war documented at least sixteen hospital tents, 353 wall tents, 680 Sibley tents, 3,612 common tents, and 2,276 knapsacks. The forgery and blacksmith shops crafted a wide variety of wagon parts including 211 iron, 146 brass, 105 bronze wagon boxes, as well as eight hundred iron pickets. The Confederate soldiers of Louisiana directly benefitted from convict labor.³⁹

The arrival of the Union army ended production at the penitentiary workshops. Shortly after the naval occupation of New Orleans by Union Admiral David Farragut on April 25, 1862, the state government fled the city. On May 9, Federal sailors occupied Baton Rouge. The 7th Vermont Infantry, King's Ohio Battery, and the 1st Wisconsin moved up from New Orleans and camped on the prison grounds (see Illustration 5.3). At about 5 o'clock in the morning on May 16, a revolt took place in the penitentiary. Immediately after forming in line to go to breakfast, inmate Thomas Dawson gave a signal and seized the captain of the guard. Other convicts immediately rushed out of the line to prevent a guard from firing upon them. Meanwhile, other prisoners seized iron bars, hammers, and tools from the workshops in an attempt to break down the south gate. The guards fired upon the crowd as one of the convicts stole a pistol and caused a small fire in the carding room of the textile mill. Armed citizens responded promptly to contain the prisoners. The responders succeeded in putting down the revolt and restored order within a

³⁹ *New Orleans Crescent*, April 5, 1862; *Baton Rouge Tri-Weekly Gazette and Comet*, April 12, 1862; “McHatton, Pike, and Co.,” *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 0632, document 24.

few minutes. Witnesses praised several Black convicts, who extinguished flames in the factory and assisted in putting down the rebellion.⁴⁰

Union General Benjamin Butler appointed Moses Bates to serve as warden of the penitentiary at Baton Rouge on June 12. Bates was a native of Plymouth, Massachusetts, where he edited the *Rock and Worcester Times* for several years. He previously served as assistant engineer of fortifications and superintendent of construction for the Department of the Gulf, but he did not have any experience in prisons or law enforcement. Confederate Major General Earl Van Dorn attempted to retake Baton Rouge from nearly 3,500 Union troops, but failed in the Battle of Baton Rouge on August 5, 1862. Federal forces prepared to leave the city later in August, however, allowing Confederate state officials to return for several weeks. The disposition of the prison became a problem. Butler's first impulse was to burn it down. Then on August 14, during the withdrawal, Bates informed Butler that he was in possession of several children between the age of one and ten years old born in the prison of female convicts. He mentioned the state law that proclaimed the children property of the state, but also described the stipulation that they could not be sold into slavery until they reached ten years of age. Bates wondered what should be done with the children since the penitentiary was being abandoned. Two days later, Union Captain R. S. Davis, the acting assistant Adjutant-General for the Department of the Gulf, wrote to Union Colonel Halbert E. Paine in Baton Rouge, "With regard to the prisoners in the penitentiary, whatever disposition you make of them do not bring them down here (New Orleans)."⁴¹

⁴⁰ Hahn and Wurtzburg, *Hard Labor*, 8; *Baton Rouge Tri-Weekly Gazette and Comet*, May 17, 1862.

⁴¹ Bearss, Edwin C. "The Battle of Baton Rouge." *Louisiana History: The Journal of the Louisiana Historical Association* 3 (Spring, 1962): 77-128; *Louisiana Times Picayune*, June 22, 1862; *New Orleans Daily Delta*, September 9, 1862; *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington D. C., 1880-1901) (hereafter cited as *Official Records.*), ser. 1, vol. 15, p. 552; *New Orleans Daily True Delta*, February 25, 1865.

The appeal from Bates temporarily saved the penitentiary from destruction. On August 19, 1862, General Butler wrote, "I am inclined to countermand my order for burning the town (Baton Rouge)," especially, "the public charitable and penal institutions . . . wherein the orphan, the insane, and the helpless are confined and housed." The following day Butler responded to Superintendent Bates, writing, "Sir: I certainly cannot sanction any law of the State of Louisiana which enslaves any children of female convicts born in the State prison. Their place of birth is certainly not their fault. You are therefore to take such care of them as would be done with other destitute children. If these children were born of female convict slaves possibly the master might have some claim, but I do not see how the State should have any." Ultimately, the army brought the other convicts to New Orleans and confined them in the city workhouse.⁴²

After the Federals left Baton Rouge in August, the former lessees of the penitentiary made repeated attempts to relocate inmates and machinery to safe areas. On August 20, B. W. Clark, the adjutant of the Fourth Louisiana Infantry, informed Captain Alexander Hooe of the Sixth Regiment of the Wisconsin Infantry that Provost Marshall W. Killborn in New Orleans offered the lessees of the penitentiary transports to remove inmates and machinery. The following day Major James DeBaun of the Ninth Louisiana Battalion of Partisan Rangers reported, "The Federals have released all the convicts from the penitentiary. All the negroes that were in the penitentiary have been uniformed and armed. This information regarding the penitentiary I have received from a convict who is now in my camp." Nearly a month later, on September 17, Confederate Brigadier General Daniel Ruggles suggested to Brigadier General William Beall, "Protect the machinery in the penitentiary; recover any taken away, and place it all under charge of the police jury of the Parish East Feliciana." Despite these precautions, a portion of the machinery was captured in Clinton, where Federal troops burned it. Private

⁴² *Official Records.*, ser. 1, vol. 15, pp. 553-54; Bearss, "The Battle of Baton Rouge," 126.

citizens in Baton Rouge bought a few weaving machines and documented them for future retrieval.⁴³

The loss of the penitentiary workshops, convict labor, and machinery ultimately was a considerable setback to the supply of goods within the Confederate Trans-Mississippi Department. Governor Moore wrote President Jefferson Davis in June, “The State Penitentiary and the manufactories at New Orleans have hitherto furnished clothing for the army and plantations. These sources of supply are cut off. We have nothing to depend on but hand looms, and the cards for them cannot be supplied at any cost, the few that are to be had selling at thirty times their old price.” The Union occupation of New Orleans, coupled with the fall of Vicksburg in July 1863, made resupply from east of the Mississippi River difficult for the remainder of the war.⁴⁴

Moses Bates meanwhile became involved in a scandal when the penitentiary textile mill could no longer obtain cotton. General Butler issued a special order requiring all cotton to be offered to the superintendent of the penitentiary before being shipped to market. This effort yielded some temporary relief, but the inmates were idle again a short time later due to the shortage of raw materials. During the second stoppage a “foreign Jew” named Zeigler sent a load of cotton aboard a quartermaster transport in violation of the order. General Butler ordered it to be returned to Baton Rouge and seized by Provost Marshall William H. Leamans. Bates accused Zeigler of obtaining the permit to ship cotton from his clerk through false representation. However, Zeigler insisted that he was compelled by Bates to sign the permit. He was arrested

⁴³ *Official Records*, vol. 15, pt. 1, p. 130, 801-2, 807; Winters, *Civil War in Louisiana*, 123; *Vicksburg Whig*, September 30, 1862; *Louisiana Times-Picayune*, December 4, 1864; Foster, “Slaves of the State,” 47; *Shreveport Semi-Weekly News*, September 5, 1862; *Vicksburg Whig*, September 30, 1862; *Memphis Appeal*, May 16, 1863.

⁴⁴ Thomas O. Moore to Jefferson Davis, June 2, 1862, *Official Records*, vol. 15, pt. 1, pp. 747-49.

and taken to New Orleans, where he was released and told not to return to Baton Rouge, despite his outstanding business of \$20,000.⁴⁵

In March, Bates petitioned Major General Nathaniel Banks for a meeting to discuss his legal matter. The Bates scandal persisted for the remainder of the year. On August 5, a special agent of the Adams Express Company, who was also Bates' son, sent a messenger with \$2,000 in soldier remittances aboard the steamer *Whiteman* in New Orleans. Zeigler was onboard in a private room with a notorious New Orleans prostitute named Kate Kingston. The steamer collided with a Union gunboat and killed a large number of wounded soldiers. In the chaos, Zeigler abandoned his female companion, and managed to get ashore with the carpetbag of money intended for the soldiers. He was apprehended in New Orleans with \$1,800, where he blamed the theft on a comrade and fled the state. Bates traveled north on business and did not return to New Orleans until December 4. Zeigler filed charges against Bates, and General Butler ordered an investigation into the matter. The board of inquiry determined there was no cause of concern against Bates, and instead found that Zeigler was guilty of willful perjury.⁴⁶

Ultimately, Federal authorities abandoned the penitentiary in Baton Rouge. They brought the fifty-three remaining convicts to New Orleans and confined them in the city workhouse. On August 16, 1864, they transferred them to the parish prison under the immediate control of the Sheriff Alfred Shaw and Captain J. V. Bofill. While departing Baton Rouge for Vicksburg, Union soldiers under the command of General J. W. Davidson, chief of cavalry for the Military Division of West Mississippi, set a devastating fire in November that reduced the capacity to hold prisoners. The *Brookhaven Telegraph* reported that "one hundred negroes and four hundred horses and mules" burned to death during the fire, but a large number of horses and

⁴⁵ "Moses Bates," Union Citizens File, NARA M345, group 109, roll 0020.

⁴⁶ *Ibid.*

mules were reportedly saved. The Committee of Examination on the Damage to Public Buildings at Baton Rouge estimated a financial loss of nearly \$74,219.25 as a result of the war. The repairs included the female prison at \$2,224.75, with an additional \$1,475 to rebuild the garden and female prison fencing.⁴⁷

The winter months were often miserable for soldiers, and those of 1863-1864 were among the coldest on record in Louisiana state history. Brutal temperatures created intense hardship for some Confederate soldiers who relied on the Quartermaster Department to provide winter clothes, shoes, blankets, tents, and a myriad of other manufactured goods. Shoes wore out quickly, and soldiers sometimes left trails of bloody footprints as they marched. It was not coincidental that before the harsh winter of 1863, the Union Army had seized the Confederate state penitentiaries in Baton Rouge, Little Rock, and Nashville. Those valuable manufacturing facilities had ceased production, creating a noticeable decline in the availability of clothing, tents, blankets, shoes, and wagons. Such shortages of crucial supplies contributed to the leading cause of death of Confederate soldiers throughout the Civil War, disease.⁴⁸

The penitentiary in Baton Rouge was built to replace inadequate local jails and as a response to rising crime in the decades following statehood. As elsewhere in the South, legislators adopted a prison management system that emphasized profitability over rehabilitation. The diverse inmate population of Louisiana included the largest percentage of foreign prisoners

⁴⁷ *Mobile Advertiser and Register*, December 14, 1864; Kerby, *Kirby Smith's Confederacy*, 20, 28; Foster, "Slaves of the State," 41, 47-48, 50, The original state penitentiary remained in use for several decades as a receiving station, hospital, clothing factory, shoe shop, and site for executions. The land where the prison was once located is currently occupied by a federal building and United States Court House. Hahn and Wurtzburg, *Hard Labor*, 3, 6-8, 11, 14-16; *Galveston Weekly News*, December 3, 1862; Kimberly S. Hanger, *A Medley of Cultures: Louisiana History at the Cabildo* (Baton Rouge: Louisiana Museum Foundation, 1996), 10; *Inventory and Appraisement, 1862*, 14; *Acts Passed by the Twenty-Seventh Legislature of the State of Louisiana, in Extra Session at Opelousas, December, 1862 & January, 1863* (Natchitoches: Louis Dupleix, 1864), 23; *Brookhaven Telegraph*, December 1, 1864; *New Orleans Daily True Delta*, February 25, 1865.

⁴⁸ M. Jane Johansson, ed., *Widows by the Thousand: The Civil War Correspondence of Theophilus Perry, 1862-1864* (Fayetteville: University of Arkansas Press, 2000); Richard Lowe, *Walker's Texas Division C.S.A.: Greyhounds of the Trans-* (Baton Rouge: Louisiana State University Press, 2004), 108.

in the South, as well as a considerable presence of women and children prisoners. The penitentiary eventually became a self-sustaining enterprise when the expanded textile mill reached a peak capacity of over 2.5 million yards of cloth and earned impressive profits for the lessees and state treasury.

During the Civil War the penitentiary workshops briefly became a Confederate manufactory that supplied soldiers, citizens, and slaves. The textile mill produced millions of yards of finished cloth for uniforms, blankets, and tents, while the workshops crafted thousands of knapsacks, belts, buttons, wagon boxes, and ploughs. The loss of the facility in early 1862 resulted in a noticeable decline in both the quantity and quality of clothing available to Confederate soldiers in the Trans-Mississippi Theater. Union control of the Mississippi River disrupted Confederate supply and contributed to the shortage of uniforms and other textiles for the remainder of the war. The penitentiary in Baton Rouge was abandoned by the Union authorities and partially destroyed by fire. As in other southern states, the inmate population would transform dramatically from predominantly White to an African American majority after the war. The brutal system of convict leasing that emerged in Louisiana during Reconstruction would build upon the use of convict labor for profit established in the antebellum years.

Table 5.1

Number of Inmates, Louisiana State Penitentiary, 1835-1865.

Year	Black Male	Black Female	White Male	White Female	Total
1835					91
1839					182
1840	25	7	141	1	174
1841					195
1842					206
1843	0	6	182	1	189
1844	0	6	170	0	176
1846					183
1847		13			172

1848					152
1849					194
1850	62	12	173	2	249
1851	65	13	219	3	300
1852	65	13	217	3	298
1853	82	15	186	0	273
1854	82	15	186	0	283
1855	85	15	191	4	295
1856	99	17	237	3	356
1857	89	12	232	4	337
1859	93	16	219	2	330
1860	92	15	233	3	343
1861	105	17	355	3	390
1863					44
1864					46
1865	22	4	26	1	53
Total	861	179	2,612	27	5,077

Sources: *Report, 1852*; *Appendix Report, 1854*; *Annual Report, 1854*; *Message of Robert C. Wickliffe, 1856*; *Report of the Committee on the Penitentiary; Annual Report, 1858*; *Report, 1859*; *Report, 1861*; *Report of the Special Committee of the Louisiana Penitentiary*; Foster, Rideau and Dennis, *The Wall is Strong*; *New Orleans Times Picayune*, December 7, 1861, May 8, 1863; *New Orleans Daily True Delta*, February 25, 1865.

Table 5.2

Sales and Profit at the Louisiana State Penitentiary, 1838-1865.

Year	Sales	Profit
1840	\$18,695.95	
1845	\$47,194.64	\$12,417.26
1846		\$19,798.40
1849	\$67,152.56	\$16,737.41
1851	\$57,968.83	\$12,639.67
1855	\$85,817.38	\$54,956.92
1857	\$134,248.38	\$65,374.75
1860	\$474,841.27	

1861

\$79,568.48

Sources: *Baton Rouge Gazette*, April 11, 1840; *New Orleans Daily Delta*, March 22, 1846, February 6, 1852; *New Orleans Times-Picayune*, January 12, 1847, December 7, 1861; *Message of Robert C. Wickliffe*, 1856, 3, 9.

Table 5.3

Textile Production at the Louisiana State Penitentiary, 1851-1861.

	1851	1853	1857	1859	1860	1861
Spindles	N/A	2,300	5,632	5,632	5,632	5632
Yards	N/A	1,003,038	1,194,071	2,638,714	1,757,315	3,032,615
Annual Profit	\$12,639.67	\$44,791.44	\$65,374.75	\$13,911.27	\$36,401.89	\$79,568.48

Sources: *Report*, 1852; *Appendix Report*, 1854; *Annual Report*, 1854; *Message of Robert C. Wickliffe*, 1856; *Report of the Committee on the Penitentiary*; *Annual Report*, 1858; *Report*, 1859; *Report*, 1861; *Report of the Special Committee of the Louisiana Penitentiary*; *Louisiana Times-Picayune*, February 20, 1858; January 24, 1861; December 7, 1861.

Table 5.4

Female Slave Inmate Mothers and Children, 1835-1862.

Mother's Name	Child's Name	Crime	Term	Entered Penitentiary	Where Sentenced	Place of Birth
Unknown	Celeste					
Unknown	Frederick					
Unknown	Alfred					
Azaline	Joseph & Emilene	Attempt to Poison	Life	March 27, 1839	St. Landry Parish	Louisiana
Marceline	Henrietta	Assaulting a White	Life	April 7, 1853		

Rhoda	William	Arson	Life	March 11, 1839	New Orleans	Maryland
Francis	Clara Williams & Emily	Arson	Life	April 6, 1846	New Orleans	Virginia
Marealito	Peter					
Unknown	Priscilla					
Susan	Washington	Poisoning	Life	June 1, 1851	St. Landry Parish	Virginia
Jinny	Joe Wilson	Attempt to Poison	Life	March 2, 1859	St. Landry Parish	Louisiana
Lucinda	Eli	Attempt to Poison	Life	May 3, 1855	Tensas Parish	Virginia
Unknown	Joseph					

Sources: *Report, 1852; Appendix Report, 1854; Annual Report, 1854; Message of Robert C. Wickliffe, 1856; Report of the Committee on the Penitentiary; Annual Report, 1858; Report, 1859; Report, 1861; Report of the Special Committee of the Louisiana Penitentiary; Eighth Census of the United States, Population Schedule, 1860, roll M653_408, page 550, image 105-6, 108-9.*

Table 5.5

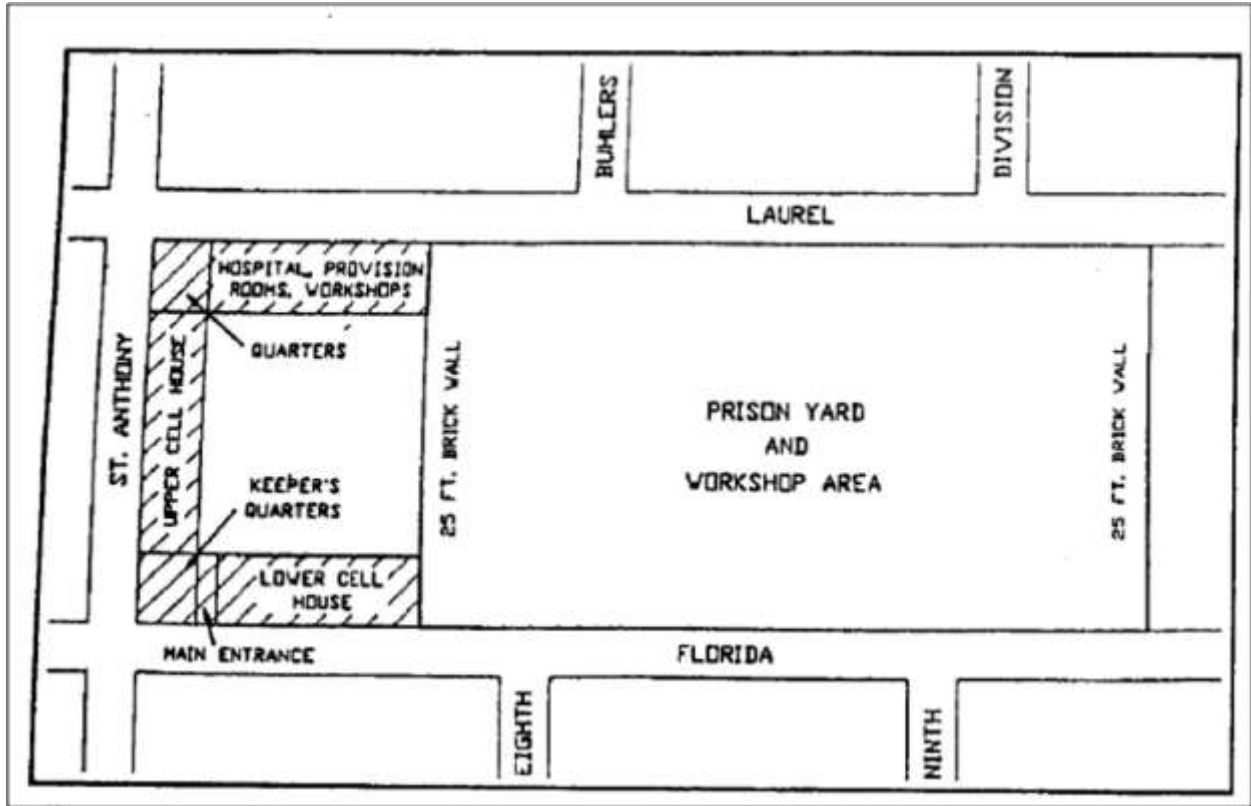
Louisiana State Penitentiary Child Auction Details, 1849-1862.

Sources: *Report, 1852; Appendix Report, 1854; Annual Report, 1854; Message of Robert C. Wickliffe, 1856; Report of the Committee on the Penitentiary; Annual Report, 1858; Report, 1859; Report, 1861; Report of the Special Committee of the Louisiana Penitentiary; Eighth Census of the United States, Population Schedule, 1860, roll*

Mother's Name	Child's Name	Date Auctioned	Price	Purchaser's Name
Unknown	Celeste	December 1, 1849	\$470	Charles G. McHatton
Unknown	Frederick	December 1, 1849	\$226	Charles G. McHatton
Unknown	Alfred	June 5, 1852	\$580	Charles G. McHatton
Azaline	Joseph & Emilene	December 3, 1853 May 4, 1861	\$800 \$575	James A. McHatton
Marceline	Henrietta	December 2, 1854	\$600	Samuel L. Isett
Rhoda	William	December 1, 1855	\$605	Timothy Fay
Francis	Clara Williams & Emily	June 18, 1859 Evacuated April 1862	\$1,025	William S. Pike
Marealito	Peter	November 12, 1859	\$1,000	E. W. Willis
Unknown	Priscilla	April 7, 1860	\$1,010	John Hill
Susan	Washington	May 4, 1861	\$700	William Greennalt
Jinny	Joe Wilson	Evacuated April 1862		
Lucinda	Eli	Evacuated April 1862		
Unknown	Joseph	Evacuated April 1862		

M653_408,page 550,image 105-6, 108-9; *Sheriff's Sales, Book F*, p. 154; *Sheriff's Sales, Book G*, p. 237; *Sheriff's Sales, Book H*, p. 6-7; *Sheriff's Sales, Book H*, p. 51; *Sheriff's Sales, Book H*, p. 221-23; *Sheriff's Sales, Book H*, p. 258; *Sheriff's Sales, Book H*, p. 275-6; *Sheriff's Sales, Book I*, p. 44-5; *Sheriff's Sales, Book I*, p. 45-6.

Diagram of the Louisiana State Penitentiary, undated.



Source: Hahn and Wurtzburg, *Hard Labor*, 4.

Illustration 5.2

East Baton Rouge Parish Courthouse Front Entrance, 1857.



Source: Courtesy of the State Library of Louisiana.

Illustration 5.3

Union Army at the Louisiana State Penitentiary, April 1862.



Source: Courtesy of the Andrew D. Lytle Album Photograph Collection, Mss. 3708, Louisiana and Lower Mississippi Valley Collections at Louisiana State University Libraries, Hill Memorial Library, Special Collections.

Chapter 6

The Mississippi State Penitentiary in Jackson (1836-1863)

Mississippi was the fifth southern state to modernize its penal code and establish a penitentiary. Legislators as elsewhere adopted the Auburn system and funded workshops operated by convict labor. Shortly thereafter, mechanics in Jackson complained that prison goods disrupted the free market and petitioned the legislature for protections against competition. The textile mill built at the penitentiary expanded into the largest of its kind in Mississippi and attracted attention from other states. Gubernatorial appointment of prison leadership led to constant change, despite Democratic political dominance. The prison workshops and mill yielded nonetheless handsome profits, which kept the legislature from leasing the facility.

The Civil War created a new market for prison goods that dramatically increased sales from the penitentiary workshops. Convict labor produced a wide variety of wartime supplies, including tents, clothe, shoes, belts, buttons, and other items. Sales to the Confederate military generated the highest profits ever recorded at the workshops. Two years into the war, however, an advancing Union army threatened the penitentiary complex and forced an unprecedented transfer of convicts across state lines to Alabama. Union soldiers caused widespread destruction in Jackson that included setting ablaze the penitentiary complex.

One of the first public buildings constructed in the Mississippi Territory in 1798 was a jail located in Natchez. In 1802, Territorial Governor William C. C. Claiborne, a Democratic-Republican, criticized conditions at the Adams County jail. Seven years later he addressed the territorial legislature, advocating for a state penitentiary. Mississippi achieved statehood on December 10, 1817, and two years later Democratic-Republican Governor David Holmes likewise emphasized the need for a house of incarceration in his annual message. In 1821, the

legislators chose a settlement on the Pearl River at LeFleur's Bluff as the location for Jackson, the new capital city. That same year, the state assumed financial responsibility for the expenses of prisoners in county jails, and renewed debate regarding the construction of a penitentiary followed. In 1827, Democratic Governor Gerard C. Brandon explained to the legislature that convict labor could make the institution a self-supporting asset, and spare the "enormous burden" of reimbursing local jails.¹

Population growth in Mississippi during the 1830s led to rapid urbanization and increased crime. The legislature finally passed a joint resolution in December 1831, calling for the erection of a state penitentiary, but the effort stalled due to financial constraints. Two years later, a new act was passed to provide for the erection of a statehouse and other public buildings in Jackson. National Republican Governor Charles Lynch then appointed John Lawrence of Nashville, Tennessee, as State Architect. Construction of the capitol began in 1834, but delays led to the firing of Lawrence in October 1835. At the time, William Nichols served as State Architect of North Carolina. He had supervised construction of the state penitentiary in Louisiana, and designed the statehouses of North Carolina and Alabama. He now insisted to Governor Lynch that he possessed "more experience in the construction of state Capitols than

¹ Lyra Gordon Shivers, "A History of the Mississippi Penitentiary," (M. A. Thesis, University of Mississippi, 1930), 2-4; Steve Sullivan, "Prison Without Walls: A History of Mississippi's State Penal System," (n. p., 1978), 14, 16-7; Paul B. Foreman and Julien R. Tatum, "A Short History of Mississippi's State Penal Systems," *Mississippi Law Journal* 10 (April 1938): 256; Paul Hardin Kapp and Todd Sanders, *The Architecture of William Nichols: Building the Antebellum South in North Carolina, Alabama, and Mississippi* (Jackson: University Press of Mississippi, 2015), 186-8; Dunbar Rowland, *Mississippi: Comprising Sketches of Counties, Towns, Events, Institutions, and Persons, Arranged in Cyclopedic Form* (Atlanta: Southern Historical Publishing Association, 1907), 384; Jim Woodrick, *The Civil War Siege of Jackson Mississippi* (Charleston: History Press, 2016), 17; Mary Carol Miller, *Lost Landmarks of Mississippi* (Jackson: University Press of Mississippi, 2002), 113; William D. McCain, *The Story of Jackson: A History of the Capital of Mississippi, 1821-1951, Vol. 1* (Jackson: J. F. Hyer Publishing, 1953), 45; William Banks Taylor, *Brokered Justice: Race, Politics, and Mississippi Prisons, 1798-1992* (Columbus: Ohio State University Press, 1993), 13.

any other individual in the Union.” As a result, Nichols became the State Architect of Mississippi in November.²

On February 26, 1836, Governor Lynch signed an act that appropriated \$75,000 to establish a state penitentiary capable of housing at least two hundred inmates. The following day, the governor signed an additional act that placed construction under the jurisdiction of the Commissioner of Public Buildings. It allotted \$999 to purchase, “not less than four, nor more than ten acres of ground.” On April 7, Lynch, Nichols and two additional commissioners selected eight acres bounded by President, West, Mississippi, and High streets. Nichols’ plan for the buildings included a three-story structure consisting of a round center and two wings containing several offices, workshops, a kitchen, a dining room, an infirmary, and a chapel. The main building would contain 150 cells, each measuring seven feet long, seven feet high, and three and one-half feet wide.³

Construction began in April, but economic turmoil from the Panic of 1837 caused the public to reconsider the investment and slowed progress at the site. On February 21, 1838, Nichols reported the completion of brickwork on the keeper’s house and east wing, but carpentry work was ongoing. The roof of the main building received a fireproof covering while inmates continued painting, installing glass, and finishing the ironwork indoors. The first story included offices for the inspectors, wardens, and clerks, as well as the prison’s kitchen, and laundry. The upper floor housed a hospital, apothecary’s shop, and rooms for guards. Mississippi’s three-

² McCain, *Story of Jackson*, 32; Miller, *Lost Landmarks of Mississippi*, 113-14; Woodrick, *Civil War Siege of Jackson Mississippi*, 17; Penitentiary 1840-1938 Subject File, Mississippi Department of Archives and History, Jackson, Mississippi, hereafter cited as MDAH; Mills Lane, *Architecture of the Old South: Mississippi & Alabama* (New York: Abbeville Press, 1989), 72; Kapp and Sanders, *Architecture of William Nichols*, 61-3, 123-6, 178-9, 185-6, 188-91, 195.

³ Shivers, “History of the Mississippi Penitentiary,” 8-9; Sullivan, “Prison Without Walls,” 18, 21-2; Taylor, *Brokered Justice*, 15; Foreman and Tatum, “Short History of Mississippi’s State Penal Systems,” 256; Penitentiary 1840-1938 Subject File, MDAH; McCain, *Story of Jackson, Vol. 1*, 45; Miller, *Lost Landmarks of Mississippi*, 115; Kapp, *The Architecture of William Nichols*, 195. The two other commissioners were Perry Cohea and George Finucane.

storied penitentiary resembled a castle and ultimately contained one hundred and fifty cells (see Illustration 6.1). As in other southern states, the legislature adopted the Auburn system of prison discipline, including convict labor in workshops. The exterior wall required one and a half million bricks, manufactured by convict labor at a brickyard adjacent to the penitentiary. Nichols suggested this method could save money and noted, “such at least was done in finishing the penitentiary at Baton Rouge.”⁴

During the administration of Democratic Governor Alexander G. McNutt, the legislature approved two additional acts concerning the penitentiary administration. The first passed on February 15, 1839. It stipulated that the governor should appoint three inspectors every two years. One year later, on February 18, 1840, a joint meeting of the legislature elected a local attorney and farmer, Colonel Charles M. Hart, as the first superintendent. Other penitentiary employees were to include an assistant keeper and a clerk, both appointed to two-year terms by the legislature. Three days later, a legislative committee was formed to investigate the public buildings. It immediately recommended the construction of “a temporary wooden enclosure” around the wing of the penitentiary where “convicts might be received, safely kept and put to labor, and their services made useful in working on the present building and aiding in its completion.” On February 22, the legislature passed an appropriation of \$30,000 for the penitentiary, which brought construction costs to \$105,000.⁵

⁴ Taylor, *Brokered Justice*, 15, 19; McCain, *Story of Jackson, Vol. 1*, 46-7; Sullivan, “Prison Without Walls,” 26, 53-4.

⁵ *Vicksburg Daily Whig*, February 20, 1840; *South-Western Farmer*, July 29, 1838; *Journal of the Senate of the State of Mississippi, at an Adjourned Session Thereof, Held in the City of Jackson* (Jackson: C.M Price, 1841), 193-94, 215-6; McCain, *Story of Jackson, Vol. 1*, 47; Keri Leigh Merritt, *Masterless Men: Poor Whites and Slavery in the Antebellum South* (Cambridge: Cambridge University Press, 2017), 232-33; Shivers, “History of the Mississippi Penitentiary,” 9; Sullivan, “Prison Without Walls,” 26-8, 30-1. The superintendent’s annual salary was \$3,000.00 and the clerk’s was \$1,500.00. Expenditures from June 13, 1836, to November 8, 1841, totaled \$136,848.63.

Prisoners arrived at the penitentiary on April 15, 1840, roughly thirty-one years after Governor Claiborne first called for a state penitentiary in Mississippi. The first inmate, William McBride, was a native of Ireland who had received a seven-year term for manslaughter. Officials documented the name, age, place of birth, and crime of all incoming convicts. The inmates exchanged personal clothing for a uniform consisting of one pair of pants, a jacket, a pair of shoes, a cap, and one blanket. By November, twenty-eight prisoners resided in twenty-five completed cells, each furnished with a Bible, a mattress, and bed covering (see Table 6.1). Meals consisted of at least three quarters of a pound of beef or one-half pound of pickled pork per day, as well as seasonal vegetables. Regulations required inmates to bathe once a week in winter and twice a week in summer.⁶

The initial prisoners were White, male, and ranged in age from 18 to 52 years old, with birthplaces in twelve states and four foreign countries. Three served time for violent crimes, but the majority had committed larceny, burglary, horse stealing, and “negro stealing.” Mississippi law forbade the physical punishment of female convicts, but permitted whipping male prisoners or placing them in solitary confinement with a diet of bread and water. Upon release, the state provided a suit of clothing and ten dollars to the inmates.⁷

Solitary confinement and silence gave ample time for inmates to read, but only in approved literature. The library included religious papers, various newspapers, *Harper’s Weekly*, *Frank Leslie’s Weekly*, *Scientific American*, *Illustrated Christian News*, *Atlantic Monthly*, and *Popular Science Monthly*. Prison life was otherwise uncomfortable. The

⁶ McCain, *Story of Jackson*, Vol. 1, 47; Taylor, *Brokered Justice*, 15-6; Foreman and Tatum, “Short History of Mississippi’s State Penal Systems,” 256-57; Shivers, “History of the Mississippi Penitentiary,” 14-5; Sullivan, “Prison Without Walls,” 30-1, 40.

⁷ Miller, *Lost Landmarks of Mississippi*, 116; Rowland, *Mississippi*, 385; *Penitentiary Accounting and Administration Records*, Series 2678, Box 30391, MDAH; Penitentiary 1840-1938 Subject File, MDAH; *The Journal of the Senate of the State of Mississippi, at an Adjourned Session Thereof, Held in the City of Jackson*, 204-6, 215-6, 220-23.

ventilation system consisted of small open windows with bars at the end of the cell opening to the outside. Cold air permeated throughout the winter months with no method to heat the cells. Inmates largely warmed themselves by exercise, although several workshops maintained fires to conduct manufacturing. Prisoners worked during the daytime unless physically incapacitated, while the superintendent supervised them in trades, “beneficial to the public.” On November 22, 1840, the blacksmith, carpenter and wheelwright, tailor, and shoe shop recorded \$3,829.67 worth of labor related to the construction of public buildings.⁸

The inmate population reached thirty-four prisoners in 1841, including one woman from New York (see Table 6.1). Elizabeth Stansal had been sentenced to a three-year sentence for grand larceny. On January 12, she submitted a petition to the Mississippi House of Representatives explaining that she was “the idol of a father’s and mother’s affection, brought up by them in the peaceful, virtuous and happy pursuits of rural life, but in an evil hour, the villain came; one of your sex, and by the most artful wiles, the most solemn protestations of love, she became the victim of perfidy and crime.” Ten days later she received a pardon from Governor McNutt.⁹

Politicians meanwhile debated the virtue of corporal punishment, considering those methods of discipline were most commonly reserved for slaves. In all likelihood, whippings and beatings occurred inside the penitentiary away from public view. While the law certainly forbade physical punishment of female inmates, it permitted shaving their heads for disciplinary

⁸ *The Journal of the Senate of the State of Mississippi, at an Adjourned Session Thereof, Held in the City of Jackson*, 222-23, 249; McCain, *Story of Jackson, Vol. 1*, 47-8; Taylor, *Brokered Justice*, 18; *The Journal of the Senate of the State of Mississippi, at an Adjourned Session Thereof, Held in the City of Jackson*, 210; *Penitentiary Accounting and Administration Records*, Series 2678, Box 30391, MDAH. The stock documented \$662.50 from the blacksmith shop, \$225.00 from the carpenter shop, \$135.00 from the shoe shop, \$500.00 from the wheelwright, as well as fourteen Bibles worth \$7, loom and fixtures worth \$20.00, a spinning machine worth \$125.00, and \$237.50 in unsold goods; Sullivan, “Prison Without Walls,” 30, 40-4, 47-8, 53-5.

⁹ *Mississippi Free Trader*, February 18, 1841; McCain, *Story of Jackson, Vol. 1*, 47; Penitentiary 1840-1938 Subject File, MDAH.

infractions. In 1841, a joint committee investigated the still-new penitentiary and found that “many breaches of the rules for the discipline and government have been committed, and that the keeper has been guilty of several acts of sever harshness and cruelty towards the convicts.” Still, Superintendent Hart remained in his position and was reappointed by Democratic Governor Tilghman Tucker the following year.¹⁰

In the summer of 1843, Hart employed gangs of convicts at “rambling outdoors labor,” but the effort was not profitable. Meanwhile, the various other workshops recorded an annual profit of \$2,909.25. The penitentiary additionally made money by holding runaway slaves for up to six months. Owners could collect the slave by paying a fee or, after six months, the slave was sold at auction. Meanwhile, prison labor had become a political issue. Artisans and mechanics in Jackson became vehemently opposed to competing with felons. Citizens’ petitions to the legislature demanded the penitentiary workshops limit themselves to manufacturing coarse cotton fabrics, bale rope, and bagging. Countless appeals to the legislature warned that convict labor would ruin “several mechanical and manufacturing trades” performed by “honest and unimpeachable” free citizens. These appeals had no appreciable impact. Indeed, on February 24, 1844, the legislature began efforts to expand “great industrial establishment,” by appropriating \$15,000 to purchase wool carding machinery and an iron foundry.¹¹

The administration of Democratic Governor Albert G. Brown led to change at the penitentiary. In February 1844, he appointed Major Benjamin G. Weir, a mechanic and veteran,

¹⁰ *The Journal of the Senate of the State of Mississippi, at an Adjourned Session Thereof, Held in the City of Jackson*, 193-207; Charles C. Bolton, *Poor Whites of the Antebellum South: Tenants and Laborers in Central North Carolina and Northeast Mississippi* (Durham: Duke University Press, 1994), 110-11; Shivers, “History of the Mississippi Penitentiary,” 19-12; E. Bruce Thompson, “Reforms in the Penal System of Mississippi, 1820-1850,” *Journal of Mississippi History* 7 (April 1945): 51-74. Sullivan, *Prison Without Walls*, 36-9; McCain, *Story of Jackson, Vol. 1*, 48; Foreman and Tatum, “Short History of Mississippi’s State Penal Systems,” 257.

¹¹ Foreman and Tatum, “Short History of Mississippi’s State Penal Systems,” 257; Bolton, *Poor Whites of the Antebellum South*, 111; Shivers, “History of the Mississippi Penitentiary,” 15-6; Sullivan, *Prison Without Walls*, 55-70; McCain, *Story of Jackson, Vol. 1*, 48; Taylor, *Brokered Justice*, 21-3.

to replace Hart as superintendent. Shortly thereafter, Weir advertised, “Penitentiary Stores: The undersigned offers for sale, on the most accommodating terms, at the Mississippi Penitentiary, a great variety of useful articles.” Prison goods included wagons, carts, drays, carryalls, buggies, carriages, sulkies, spinning wheels, reels, cooper’s ware, chairs, cribs, washstands, tables, wardrobes, safes, plows, boots, shoes, and harnesses. Convicts repaired carriages and wagons, and worked as cabinetmakers, blacksmiths, cobbler, and harness makers. The workshops recorded a net profit of \$1,337 in 1844, which rose to \$5,110.12 the following year. That summer, the prisoners manufactured 900,000 bricks at the prison brickyard for the lunatic asylum.¹²

Within a few years of operation, resentment of convict labor arose among the mechanics, businessmen, and aspiring politicians of Mississippi. Senator T. L. Sumrall encouraged a change in convict labor in 1842, and gained support from Governor McNutt the following year. By 1843 tradesmen across the state mobilized and sent petitions to the legislature recommending a slow transition to textile production. One candidate suggested that convict artisans released into the community threatened the “demise of southern womanhood.” As in other southern states, cheap prison goods flooded the open market, to the dismay of merchants and mechanics.¹³

Superintendent Weir suggested building a large-scale textile mill at the penitentiary to remedy the lackluster profits. After consulting with northern machinists, he provided an estimate of \$13,100 to the legislature for a fifteen-horsepower steam engine, 240 spindles for wool, 544 spindles for cotton, along with fourteen looms and wages for a machinist. In July 1844, Weir purchased “very costly” wool-carding machines from David Griffey’s foundry in Cincinnati,

¹² *Weekly Mississippian*, March 27, 1844; Shivers, “History of the Mississippi Penitentiary,” 16-8; Sullivan, “Prison Without Walls,” 55, 57-8; Taylor, *Brokered Justice*, 22; McCain, *Story of Jackson, Vol. 1*, 48.

¹³ Taylor, *Brokered Justice*, 22-3; Merritt, *Masterless Men*, 233; *Jackson Mississippian*, August 6, 1845; McCain, *Story of Jackson, Vol. 1*, 83; *Mississippi Southron*, April 28, 1842, July 14, 1842; *Mississippi State Telegraph*, August 31, 1842.

Ohio, and offered to card wool “entirely free from burs” for eight cents per pound. To accommodate the expansion Weir advertised two “Pearces celebrated Spinning Machines” for sale.¹⁴

Public debate in Mississippi regarding the merits of convict labor focused on competition, profitability, and rehabilitation. Some citizens opposed the state spending tax revenues to instruct felons in trades that required apprenticeship. Merchants opposed the introduction of inmate-produced consumer goods into the marketplace at lower costs. Even politicians insisted that former convicts could pose as respectable citizens and “marry some innocent and unsuspecting woman, who, when it is too late, will discover, that she has married a cold hearted villain, and that she has been receiving the embraces and caresses of a man polluted by crime and degraded by imprisonment.” This time, the legislature reacted. On March 5, 1846, it enacted a bill to change the labor of convicts in the penitentiary. The law instructed the superintendent to purchase an engine and machinery, and use inmates to construct a cotton factory building. Convict labor produced 250,000 bricks for the factory as well as a State Lunatic Asylum, while concurrently building a brick wall surrounding the Capitol.¹⁵

The state government was confident of success. In his 1846 annual address, Democratic Governor Joseph Mathews predicted, “the experiment will in the end prove highly successful and satisfactory, and that the prison will thence cease to be a charge on the Treasury.” Not long after Dorothea Dix visited the legislature and penitentiary during her southern tour, and as elsewhere donated a small library for the inmates. Dix was impressed with Mississippi, relatively speaking. In her book, *Remarks on Prisons and Prison Discipline in the United States*, she listed Mississippi as one of only six prisons she felt worthy of honorable mention. Still, the workshops

¹⁴ *Weekly Mississippian*, March 7, 1844, July 26, 1844, December 4, 1844; *Brokered Justice*, 23.

¹⁵ Taylor, *Brokered Justice*, 22-4; *Jackson Mississippian*, September 9, 1846.

suffered a loss of \$844.53 that year, and furthered the trend with an underwhelming profit of only \$85.15 in 1847. The board of inspectors attributed the financial downturn to the construction of the factory building and an epidemic of illness among the inmates.¹⁶

By 1848 the inmate population had reached eighty-nine. The oldest inmate, John Harkley, was 106 years old. He had been convicted of murder. The youngest prisoner, William Morrison, was sixteen years old and convicted of larceny. As the inmate population climbed the tailor shop at the penitentiary was no longer able to meet the demand of clothing convicts with uniforms. Democratic Governor Joseph W. Matthews appointed Joseph R. Moseley, a wealthy planter, to serve as superintendent in early 1848. Moseley obtained permission from the legislature to install a steam-powered textile mill. Inmates began spinning cotton yarn in February. In July, he ordered eight power looms, one dressing frame, and one set of warping bars from a firm in Patterson, New Jersey. Moseley predicted the machinery would consume one bale of cotton and produce six hundred yards of osnaburg per day. He also complained that the existing steam engine was not sufficient to operate the expanded machinery. Moseley especially bemoaned the insufficient supply of water for the engine, and requested four additional cisterns to alleviate the need to haul water. He also noted that many of the workshop

¹⁶ *Vicksburg Daily Whig*, January 21, 1846; *Mississippi Southron*, February 7, 1844, September 30, 1846; *Mississippi Free Trader*, January 12, 1848, February 2, 1848; Shivers, "History of the Mississippi Penitentiary," 17; Sullivan, "Prison Without Walls," 67.

tools were “worn out and useless.” Nonetheless, the inspectors determined that the penitentiary would in a short time “be able to sustain itself wholly, if not become a source of revenue.”¹⁷

The switch to manufacturing textiles indeed proved profitable for the state. By 1849 the prison mill manufactured 1,700 yards of osnaburgs, 300 yards of linseys, and 400 pounds of yarn weekly. The following year, Superintendent Moseley increased the capacity of the mill to 6,000 yards per week. He initially disposed of the surplus products through public auctions held in Jackson, but then asked the legislature for permission to “establish agencies in different points in the state and at Memphis, Tennessee, for the sale of the goods now manufactured in the penitentiary.” As production increased still more, he opened agencies in Mobile, New Orleans, and St. Louis. Moseley meanwhile detailed the amount of stock, tools, and productivity at the workshop. From December 1848, to November 1849, the sale of manufactured goods from the workshops totaled \$20,941.50 for a net profit of \$1,408.84. In 1849 the penitentiary paid \$3,092.85 into the State Treasury, followed by \$1,305.95 in 1850, and \$2,500.00 in 1851.¹⁸

Not everyone was pleased with the success of the inmate-run workshops, however. A local mechanic complained:

¹⁷ *Annual Reports of the Several State Officers to the Executive. January 1, 1849* (Jackson: Price and Fall, 1849), 5, 8-9, 19-23, 28-9. John C. Carpenter, Charles Scott, and G. C. Smith served as inspectors. The Auditor of Public Accounts, George T. Swann, distributed \$10,486.10 in Pay Warrants to the penitentiary. State Treasurer Richard Griffith reported disbursements at the Treasury during the past year on account of the penitentiary for \$10,979.85; Merritt, *Masterless Men*, 233; Shivers, “History of the Mississippi Penitentiary,” 17-8; *Penitentiary Accounting and Administration Records*, Series 2678, Box 30391, MDAH. From December 1, 1847, to November 30, 1848, a recapitulation of receipts documented \$656.53 from the blacksmith shop, \$4,845.35 from the wheelwright shop, \$1,295.96 from the shoe shop, \$1,570.92 from the weaver, tailor, and wool carder shop, \$1,481.29 from the cotton factory, and \$5,184.08 from the brick yard; Penitentiary 1840-1938 Subject File, MDAH; *Appendix, Mississippi House Journal, 1861-1862*, 8; Miller, *Lost Landmarks of Mississippi*, 116; John Hebron Moore, *The Emergence of the Cotton Kingdom in the Old Southwest* (Baton Rouge: Louisiana State University Press, 1988), 226; *Natchez Courier*, December 4, 1849; Taylor, *Brokered Justice*, 23-4.

¹⁸ Moore, *Emergence of the Cotton Kingdom in the Old Southwest*, 226-27; *Vicksburg Sentinel*, February 7, 1852; *Annual Reports of the Several State Officers to the Executive. January 1, 1849*, 34-8. Penitentiary Clerk, D. N. Burrows, detailed receipts of \$30,387.00 and expenditures of \$28,978.16. Shivers, “History of the Mississippi Penitentiary,” 18; *Weekly Mississippian*, May 18, 1849; *Mississippi Free Trader*, March 7, 1849, January 16, 1850, March 24, 1852; *Penitentiary Accounting and Administration Records*, Series 2678, Box 30391, MDAH; *Board of Inspectors Book*, Series 1562, Box 7737, MDAH.

We all recollect the indignation which was at one time excited against our legislators for permitting convicts in the penitentiary to learn trades, the products of which might come in competition with our mechanics. This was the subject of meetings in every county in the State, at which solemn resolutions were passed deprecating the practice in the strongest terms and urging the repeal of the laws and total change of the system. These meetings, the strong remonstrances [sic], and influence of the persons engaged in them, had the desired effect, and the State was driven out of the field as a competitor in vending the products of the mechanical industry of her penitentiary convicts.

The inspectors, in other words, had broken their promises to prevent convicts from entering “those branches of domestic industry by which our mechanics – the most useful and profitable members of society – support themselves and their families.”¹⁹

Expansion continued despite such workers’ concerns. Early in 1850, Democratic Governor Joseph W. Matthews recommended expanding the factory, purchasing a new engine, and creating a penitentiary sales office. As a result, the legislature appropriated \$14,000 to purchase an engine with “sufficient power to propel three times the amount of machinery now in use for the manufacture of cotton and wool.” The inspectors meanwhile recommended two changes to help the inmates away from their labors, the appointment of a permanent chaplain and expanding the library at the penitentiary. On March 9, the state’s senate passed an act to purchase books for the prison library. A chaplain performed religious instruction every Sunday morning throughout the year and attended to the duties of the librarian by exchanging prisoners books once every two weeks, or as often as necessary. He wrote, “I believe the library which

¹⁹ *Mississippi Free Trader*, May 14, 1849, May 16, 1849.

now contains the respectable number of 400 volumes is one of the best benefactions ever made by the State for the benefit of the unfortunate prisoners.” The chaplain thanked several citizens of Jackson for donating valuable books for the library. He devoted Sunday afternoons to teach reading and writing, and noted “their progress in learning has been steady and valuable.”²⁰

Successful production did not solve all the problems of the penitentiary workshops, as local Jackson manufacturers continued to damn the prison as an unfair competitor. For example, on December 8, 1851, Superintendent Moseley reported difficulty in arranging a fair price for the goods locally, because “some of the merchants of Jackson contending that they should have them at lower prices than I should retail them to others.” Additionally, he received “great complaints and dissatisfaction on the part of the planters and country people,” that felt the benefit of the lowest prices should be extended to all the people. The public was keenly aware of the benefits of convict labor towards the profits of the state.²¹

The newly purchased machinery at the penitentiary cotton factory became operational on July 1, 1852. The inmates produced about 4,000 yards of osnaburgs, 1000 yards of linseys, and 1,000 pounds of cotton yarn per week. Union Democratic Governor Henry S. Foote appointed John Duncan, a lawyer from Yalabusha County, as superintendent On February 4, 1852, but he quickly resigned and was replaced by state auditor Flemming L. Swann. He established a large reservoir for water to cool the engine on the grounds adjacent to the penitentiary, while the state purchased another forty acres of land where the inmates cleared over 1,300 cords of wood. The penitentiary clerk documented the occupations of convicts within the workshops. He reported fifty-five in the cotton factory: nine manufacturing wagons and chairs, six cutting and hauling

²⁰ Foreman and Tatum, “Short History of Mississippi’s State Penal Systems,” 257; McCain, *Story of Jackson, Vol. 1*, 48; Shivers, “History of the Mississippi Penitentiary,” 18; Sullivan, “Prison Without Walls,” 58-9, 66; *Mississippi Free Trader*, March 27, 1850; *Board of Inspectors Minute Book*, Series 1562, Box 7737, MDAH; Shivers, “History of the Mississippi Penitentiary,” 19.

²¹ *Board of Inspectors Minute Book*, Series 1562, Box 7737, MDAH.

wood, six cooking, washing, and sweeping, two blacksmithing, two shoemaking, one milling, and one sewing or repairing clothes. In 1852, the inspectors reported receipts for goods totaling \$26,359.96 and expenditures of \$15,982.85.²²

Expansion of industrial operations, however, took place without modernization of the physical plant. Democratic Governor John J. McRae appointed Enos P. Russell, former deputy clerk of the Chancery Court, as superintendent on January 13, 1854. Russell lamented the dilapidated condition of the relatively new penitentiary buildings, especially the front entrance. He also pointed out that the land acquired by his predecessor was nearly cleared of all timber, because the workshops consumed 1,800 cords annually. Most importantly, Russell acknowledged growing problems in quality control since the expansion of textile production. Complaints from merchants and planters regarding the recent inferiority of goods manufactured at the penitentiary spurred action. Russell inspected the products and determined “it was impossible to sell them at the established rates.” He estimated total sales less than 50,000 yards of cloth. Worried that many merchants and planters would cease to purchase goods from the penitentiary altogether, Russell assured he had made reforms, “speedily as possible,” and that the goods now manufactured are of a much better quality.”²³

In 1854, Superintendent Russell reported a net gain of \$4,683.27, while highlighting numerous mechanical delays that had affected production. The following year, the textile factory and workshops sold \$34,533.05 of goods, but accumulated \$40,512.93 in expenditures for a net profit of \$5,979.88. Expenditures included covering the main penitentiary building in

²² *Board of Inspectors Book*, Series 1562, Box 7737, MDAH. C. R. Clifton, C. H. Manship, and J. C. Napier served on the Board of Inspectors. The raw materials and manufactured goods totaled \$14,559.93, and the penitentiary officer salaries totaled \$8,489.27. Shivers, “History of the Mississippi Penitentiary,” 20; Foreman and Tatum, “Short History of Mississippi’s State Penal Systems,” 257-58; *Weekly Mississippian*, January 9, 1852; *Mississippi Free Trader*, March 12, 1852.

²³ *Annual Report of the Superintendent of the Mississippi Penitentiary, 1855* (Jackson, N.P, 1855), 8-10.

tin, and repairing the residence of the superintendent. Professor Lewis Harper, the state geologist, further examined the prison grounds and reported to the legislature regarding the possibility of digging an artesian well.²⁴

The inspectors, however, stressed prison sales practices rather than costs incurred. They warned that “the business of the Penitentiary is done in part by agents at a distance. And while it is believed that frequent change in any business whatever is often attended with usually not the most desirable... it is the deliberate opinion of the Board that the present policy of selling goods and establishing agencies by the Superintendent should be abolished and an agency established within the limits of Jackson.” As a result, Superintendent A. M. Hardin closed the outlets in the other cities and focused on sales at the penitentiary.²⁵

Then disaster struck. On the night of November 1, 1857, around eight o’clock in the morning, a fire began in the southeast corner of the upper story of the wool and cotton factory. The Jackson Fire Company No. 1 suppressed the flames with assistance from citizens, legislators, and visitors, but the factory was completely destroyed. An otherwise unidentified male slave owned by Democratic Governor John J. McRae burned to death during the chaotic efforts to save the building. The inmates, however, remained locked in their cells at a safe distance from the flames. Following an investigation, the inspectors determined the fire was “probably the work of an incendiary.” Superintendent Hardin reported that while the building originally cost \$8,115.75, the estimated financial loss was \$25,563.04. On November 18, the

²⁴ Lewis Harper, *Preliminary Report of the Geology and Agriculture of the State of Mississippi* (Jackson: E. Barksdale, 1857), 284-85, 295-96; *Board of Inspectors Minute Book*, Series 1562, Box 7737, MDAH. J. C. Napier, C. H. Manship, and Thomas Graves served on the Board of Inspectors.

²⁵ *Annual Report of the Superintendent of the Mississippi Penitentiary, 1855*, 11-2, 24, 27; Moore, *Emergence of the Cotton Kingdom in the Old Southwest*, 226.

legislature appropriated \$40,000 to restore the cotton factory, and purchase a fire engine and hose.²⁶

Rebuilding the penitentiary was not without its critics. Democratic Governor William McWillie admonished, “I have no faith in Penitentiaries as places for the reformation of criminals; but on the contrary, they are rather school for vice...Let the people be educated and you will have fewer convicts and your Penitentiary will be sufficiently large. Ignorance and vice generally go hand in hand.” Nonetheless, on December 2, 1858, the legislature appropriated \$30,000 for the use of the manufacturing department with an additional \$5,000 to build fifty-four additional cells on a fourth story under the direction of Joseph French. Hardin traveled to the Northeast, where he spent \$28,614.40 for the new machinery.²⁷

By 1859 the inmate population consisted of eighty-three men from Southern states, twenty-seven from Northern states, and fifty-three foreigners (see Table 6.1). Thirty-seven of the convicts were from Ireland, and only ten were born in Mississippi. Chaplain Thomas D. Ozanne reflected: “The more I mingle with the men, the more I find that some attempt at mental culture would materially aid the Chaplain in his labors. They need employment in the hours of seclusion, as much as in the hours of labor.” He praised the recent purchase of slates and

²⁶ Penitentiary 1840-1938 Subject File, MDAH. The following day, legislators reimbursed \$1,500 to Governor McRae for the loss of his slave property. Shivers, “History of the Mississippi Penitentiary,” 20-1; Sullivan, “Prison Without Walls,” 59; McCain, *Story of Jackson, Vol. 1*, 48-9; *Laws of the State of Mississippi, Passed at a Regular Session of the Mississippi Legislature, Held in the City of Jackson, November, 1857*, 41; Moore, *Emergence of the Cotton Kingdom in the Old Southwest*, 226.

²⁷ Foreman and Tatum, “Short History of Mississippi’s State Penal Systems,” 258; Sullivan, “Prison Without Walls,” 59, 63-4; *Journal of the House of Representatives, of the State of Mississippi* (Jackson: E. Barksdale, 1859), 34; Penitentiary 1840-1938 Subject File, MDAH; *Laws of the State of Mississippi, Passed at a Called Session of the Mississippi Legislature, Held in the City of Jackson, November 1858*, 131-33; McCain, *Story of Jackson, Vol. 1*, 49; Shivers, “History of the Mississippi Penitentiary,” 22-3; *Appendix, 1859, Report of the Mississippi Penitentiary* (Jackson: E. Barksdale, 1859), 5-6.

schoolbooks for self-instruction, and requested Bibles, New Testaments, and other “good books” for the inmates.²⁸

Production and profits, however, remained upmost. Soon enough after the fire, prison textile production was back up and running. According to Superintendent Hardin, the inmates “spun our first yarn” on November 14, 1858. The newly completed textile factory was one of the largest mills in Mississippi. It employed a workforce of 150 inmates that operated 2,304 cotton spindles, 24 cotton carding machines, 76 looms for weaving osnaburgs, and four looms for cotton twills. Hardin purchased the new machinery from a firm in Paterson, New Jersey, and the looms from Bridesburg, Pennsylvania. Machinery on the lower story included eighty looms, two steam dressers, a corn mill, a wood lathe, a cutting engine, an iron lathe, a wool mule, a wool braker, wool condenser, and a wool finisher. The cotton mill was two stories high and measured 200 feet long and 66 feet wide. The original artesian well was “too small” for the new manufactory and “could not reach the proper depth to accomplish the objective.” A second well halted at a depth of 500 feet on January 5, 1859, due to the abrupt death of the well digger. All in all, a visiting journalist boasted, “no factory in the Southern States...can compete with it in size, durability, and the perfect system observed in all its parts.”²⁹

By 1860 the city of Jackson operated a variety of retail, commercial, and industrial businesses, including a cotton mill, foundry, carriage and buggy factory, marble works,

²⁸ *Appendix, 1859, Report of the Mississippi Penitentiary*, 2, 13, 38; Sullivan, “Prison Without Walls,” 64.

²⁹ Moore, *Emergence of the Cotton Kingdom in the Old Southwest*, 226; *Jackson Mississippian*, December 9, 1857, January 6, 1858, August 11, 1858; *Board of Inspectors Minute Book*, Series 1562, Box 7737, MDAH; Taylor, *Brokered Justice*, 27; Robin Smith and Ron Field, *Uniforms of the Civil War: An Illustrated Guide for Historians, Collectors, and Reenactors* (Guilford: Lyons Press, 2001), 172; *Appendix, 1859, Report of the Mississippi Penitentiary* (Jackson: E. Barksdale, 1859), 3-5, 8. John Napier, C. H. Manship, and Thomas Graves served on the Board of Inspectors. The upper story machinery included 14 cotton cards, 2 drawing heads, 2 drawing frames, 3 speeders, 6 spinning frames, 2 reels, 2 warpers, spooler, and batting card. The cotton factory operated one steam engine with a 4 foot stroke and 16 inch cylinder, supplied by 3 boilers with 42 inch diameters. For more information of Rogers, Ketchum & Grosvenor, see Brian Morrell, “The Evolution of the Rogers Locomotive Company, Paterson, New Jersey,” *Northeast Historical Archaeology* 4 (Winter 1974): 17-23.

blacksmiths, gun makers, bookbinders, and a frame emporium. Local merchants and artisans continued to bemoan the competition from convict labor as they had done from the beginning. On January 24, the legislature received a new petition asking the state to “prevent the manufacturing Mechanical and agricultural implements, machinery, &c, by convict labor.” It demurred as usual. The Penitentiary Committee’s report concluded: “The convicts ought, and necessarily must be employed...and if competition is unjust to mechanics, it is equally unjust to compete with manufacturers. Should the Legislature recognize the validity of the argument of the petitioners, then the convicts could not employed at all.”³⁰

In October 1860, the prison population peaked at 219, while the cotton factory reported nearly \$80,000 in gross sales (see Table 6.1). The average inmate by that date was between 20 and 39 years old and primarily convicted of larceny, manslaughter, or “negro stealing.” The prisoners hailed from twenty-seven places with the highest number from Ireland, followed by Mississippi, Tennessee, and Georgia. The inmates held a wide variety of previous occupations from physician and watchmaker to stone cutter and upholsterer. The most common vocations, however, included farmer, laborer, and carpenter.³¹

The transportation of raw materials to the penitentiary and prison goods to market relied increasingly on the development of railways across the state. In 1860, the Memphis and Ohio Railroad ran north to south in the eastern part of the state, while the Mississippi Central Railroad and New Orleans, Jackson, and Great Northern Railroad ran north and south in the middle of the state. The Southern Mississippi Railroad ran east and west through the center of the state. The city of Jackson was centrally located in this railroad network and served as a major railroad

³⁰ Woodrick, *Civil War Siege of Jackson Mississippi*, 18; *Journal of the House of Representatives, of the State of Mississippi*, 313-14.

³¹ Penitentiary 1840-1938 Subject File, MDAH; *Appendix, Mississippi House Journal, 1861-1862*, 8, 91; Taylor, *Brokered Justice*, 27; *Federal Census 1860*, NARA, Roll: M653_582, Page: 521, Image 53.

junction. Meridian served as a second major junction to the east. By 1861, Mississippi possessed 797 miles of track overall, which cost \$22,986,370.³²

On January 7, 1861, one hundred delegates gathered in Jackson to debate the possibility of joining with other Southern states to form a separate nation. Two days later, they voted 84-15 in favor of secession. Mississippi became the second state to leave the Union. The vast majority of railroad construction halted throughout the war, although two lines became operational in the early months of 1861. On March 1, the partially completed Mississippi & Tennessee Railroad offered free use of the line to the state and the Confederate government for military purposes. In mid-April a connection between Memphis and Louisville opened, followed that summer by the Mississippi & Tennessee Railroad.³³

The legislature ratified the constitution of the Confederate States of America on March 29, 1861. At least 103,414 soldiers from Mississippi would serve in the Confederate army during the war. Meanwhile the penitentiary workshops switched to producing wartime supplies. Agent H. C. Smythe sent orders to the Quartermaster General of the Army of Mississippi, Colonel William Barksdale, consisting of 111 tents, 1,046 yards of linsey, and 54 feet of rope worth \$2,488.96. Throughout late April, Smythe sent several additional orders to W. C. Falkner in Saulsbury, Tennessee, including 324 feet of rope, 25 bales of Lowells, and 5 gunnysacks with buttons. Superintendent Hardin filled an order for 49 complete tents and two hospital tents that were designated for Colonel Falkner, Captain James Franklin Kerr, and the local Jackson Artillery. A list of orders from Barksdale to Superintendent Hardin dated April 16 to May 31,

³² Robert C. Black III, *The Railroads of the Confederacy* (Chapel Hill: University of North Carolina Press, 1998), 3-4, 6, 84, 290; Woodrick, *Civil War Siege of Jackson Mississippi*, 18.

³³ Sullivan, "Prison Without Walls," 70; Black III, *Railroads of the Confederacy*, 50, 84; Woodrick, *Civil War Siege of Jackson Mississippi*, 18.

totaled \$11,995.75, and included 4,360 buttons, 4360 slides, 474 tents, 188 sets of tent poles, 17 tent flies, 861 feet of rope, and cloth for 184 tents.³⁴

Throughout 1861 the workshops produced thousands more items for the Confederate military. For example, Superintendent Hardin documented thirty-three orders dated June to July 1861, totaling \$11,153.47. The list included 513 complete tents, four large tents, two hospital tents, 25 sets of poles, six tent flies, 84 feet of rope, and 1012 yards of Lowells. On August 1, W. P. Millan wrote Democratic Governor John J. Pettus to inform him that the ladies of Natchez wished to donate “several hundred pounds of wool” and “have it put into cloth (jeans).” Millan asked if it could be “made up” in the penitentiary for the local volunteer soldiers. On August 31, Hardin sent an order to Colonel Madison McAfee in Jackson that totaled \$2,471.85. The order consisted of two gun carriages, 681 waist belts, 714 cross belts, and 617 cartridge boxes.³⁵

In his annual address of 1861, Governor Pettus reminded citizens that the “magnitude and duration” of the Civil War had not been fully appreciated. To the governor, “the vast interests” involved in the war “exceed anything contended for by armies in modern times.” He cautioned, “We must triumph or perish!” The October receipts from the cotton factory reached a new high of \$17,641.85 (see Table 2). Between November 1, 1860, and October 31, 1861, the new textile factory manufactured \$88,743 worth of goods. The available account records from seven months of 1861 reveal sales totaling \$59,134.51, with \$3,402.83 being paid into the State Treasury (see Table 3). Official reports from the clerk identify \$52,531.18 from the cotton factory, \$5,354.99 from the wood shop, \$771.82 from the shoe shop, and \$476.52 from the smith

³⁴ Richard F. Selcer, *Civil War America, 1850 to 1875* (New York: Facts on File, 2006), 231; Rowland, *Mississippi*, 414; H. C. Smythe, *Confederate Papers Related to Citizens or Business Firms, 1861-65*, NARA M346, Record Group 109, roll 0959; A. M. Hardin, *Confederate Papers Related to Citizens or Business Firms, 1861-65*, NARA M346, Record Group 109, roll 0404. The list identified the recipients as Captains Macon, Bozman, McElroy, Butler, Wharton, Williams, Gage, Red, Wade, Singleton, Hemphill, Hudson, Aldredge, Day, Miller, Dickson, and Barnes.

³⁵ A. M. Hardin, *Confederate Papers Related to Citizens or Business Firms, 1861-65*, NARA M346, Record Group 109, roll 0404; *Correspondence and Papers, Mississippi Governor (1859-1863: Pettus)*, MDAH.

shop. Financial records from the months not located could potentially double these figures (see Table 6.2).³⁶

Meanwhile, the prison offered another wartime commodity. Governor Pettus received at least fourteen written requests for pardons from inmates or their loved ones. On January 5, 1862, M. S. Ward of Ward and Foote Attorneys at Law, sent a letter to Judge J. W. Thompson regarding B. F. Jackson, a convict who was pardoned by Pettus. Ward arranged for Jackson to join “the cavalry company now in camp,” because his brother belonged to the same company, “and his mother wishes them to be together.” He requested that a duplicate letter from Thompson related to the pardon be sent to Pettus. On February 12, John B. Nevett sent a letter to the governor requesting a pardon for Patrick Fitzgerald. Nevett insisted that Fitzgerald was innocent of committing murder; that he was only present at the killing. On March 1, Charles Campbell, an inmate at the penitentiary, wrote “I am convinced that a conflict, the most bloody and terrific is about to be inaugurated, one in which Mississippi, especially will need the services of every man in whose arm there is sufficient strength to hold a sword or lift a musket.” He begged, “I humbly and respectfully ask to be permitted to take part in the same and share equally with our brave and gallant brothers now upon the tainted field.” Campbell continued, “From the depths of my prison home, from the silence and solitude of my dark, cold cell. My petitions are humbly offered.”³⁷

Goods, not manpower, remained the prison’s most important offering, however. On January 15, 1862, the legislature directed the superintendent and clerk to maintain a “Cotton Book” detailing the amount and quality of all wool and cotton purchased and the fabric sold. In

³⁶ *Message of Governor John J. Pettus, to the Legislature of Mississippi, Delivered on the Fifth Day of November, 1861* (Jackson: N. P., 1861), 7-8; *Penitentiary Accounting and Administration Records*, Series 2678, Box 30391, MDAH; Moore, *Emergence of the Cotton Kingdom in the Old Southwest*, 227; *Jackson Mississippian*, March 13, 1860; *Brandon Republican*, May 18, 1863; *Macon Telegraph*, May 25, 1863.

³⁷ *Correspondence and Papers, Mississippi Governor*, MDAH.

September, the penitentiary cotton factory accumulated receipts totaling \$53,378.23, which allowed \$41,266.36 to be deposited in the Treasury (see Table 6.2 and 6.3). But problems followed. In October, an epidemic of typhoid fever swept through the penitentiary that killed two inmates. Disaster struck again on November 5, at a building near the penitentiary complex that manufactured munitions. At half past three o'clock in the afternoon the two-story brick munitions laboratory exploded. The *Mississippian* reported:

All the men and women employed in the building at the time, had been hurled to instantaneous destruction. Shockingly mangled bodies of both sexes lay around in the most horrible positions, besides blackened and disfigured as to almost defy identity as human beings! One man had a leg torn off and his brains literally blown out. The body of a poor girl was hanging by one foot to the limb of a tree, she was evidently dead, but her clothes were still burning. Other bodies were blown to the distance of from fifty to one hundred and fifty yards, and presented a mutilated and most shocking appearances. The package of powder and shells were yet continually exploding as the fire of the burning ruins reached them, and many who attempted to go nearer, in order to render assistance...were thus warned to desist until the danger was over...In a short time the friends and relatives of the unfortunate victims were on the spot, and scenes of the most affecting and heart-rending character took place as the awful fatality was known.

Doctors frantically searched the debris in an attempt to save the injured, but only the sentinel survived. The report concluded, "This cause that led to this tragic occurrence...remains a

mystery...The other buildings of this Arsenal were comparatively uninjured, but some of the buildings in the immediate vicinity were considerable damaged.”³⁸

The loss of laborers due to disease and accident, not to mention wartime conditions beyond prison walls, led to an unprecedented step. On December 5, 1862, the inspectors reported that the looms and spindles in the factory again were briefly idle due to a reduced inmate population. As a result, on December 22, the legislature considered a resolution allowing the superintendent to hire “free White labor” to supplement convict labor in order to “keep the machinery of the Penitentiary for the manufacture of cotton and woolen goods in constant employment both day and night, excepting Sundays.” Finally, on December 29, the legislature authorized the superintendent to contract and employ additional labor in the workshops.³⁹

Despite numerous setbacks and labor issues, 1862 was a profitable year for the prison. A near complete set of monthly financial records for the year reveal that the penitentiary workshops accumulated at least \$168,338.21 in gross sales, and deposited \$51,266.36 in the State Treasury (see Table 6.2 and 6.3). The reports document receipts of \$144,164.47 from the cotton factory, \$16,295.96 from the wood shop, \$3,510.27 from the shoe shop, and \$4,367.51 from the smith shop (see Table 6.2). Dr. S. C. Farrar meanwhile reported that the typhoid epidemic subsided from the previous year, and the inmate population again was healthy besides a few cases of pneumonia. He noted that the inmates enjoyed an abundance of sweet potatoes and other

³⁸ *Laws of the State of Mississippi, Passed at a Regular Session of the Mississippi Legislature, Held in the City of Jackson, November & December 1861, and January, 1862* (Jackson: Cooper & Kimball, 1862), 279-80; *Penitentiary Accounting and Administration Records*, Series 2678, Box 30391, MDAH; *Journal of the House of Representatives of the State of Mississippi, December Session of 1862, and November Session of 1863* (Jackson: Cooper & Kimball Steam Printers and Binders, 1864), 103; Sullivan, “Prison Without Walls,” 70-1.

³⁹ *Laws of the State of Mississippi, Passed at a Called and Regular Session of the Mississippi Legislature, Held in Jackson and Columbus, December 1862 and November 1863* (Selma: Cooper & Kimball, 1864), 79; *Board of Inspectors Minute Book*, Series 1562, Box 7737, MDAH; Taylor, *Brokered Justice*, 27; *Journal of the House of Representatives of the State of Mississippi, December Session of 1862, and November Session of 1863*, 21, 26.

vegetables, as well as “the best bacon the country afforded.” Regarding convict labor, he noted that they seemed “cheerful in the discharge of their duties.”⁴⁰

That did not mean they wanted to remain behind bars. In 1863, as his term drew to a close, Governor Pettus continued to receive a steady flow of requests for pardons. For example, on February 19, 1863, Mexican citizen Francisco Gomez wrote that, “a war has broke out between the two sections of the country and France has invaded Mexico.” He “earnestly wish(ed) to assist in expelling the invader...Patriotism, is, as you are aware of, one of the noblest impulses of the human heart, and that the whole race posses it in common, is undeniable.” Another request from Mary Waldrop pleaded for the release her son, Elias. She wrote that her son was “very anxious to get out to join the army,” but admitted that, “he has done very bad and has departed from the way that his father and I have raised him.” Regardless, she pleaded with Pettus to, “Console a poor widow woman,” by releasing Elias so he could “fight for his country.” The governor did not grant any of the requests. Yet, another inmate, M. J. Skelton, wrote to Judge J. H. Ham regarding the process of obtaining a pardon after completing half of his sentence. He claimed that he was in the process of obtaining a letter of recommendation from Superintendent Hardin. Skelton pleaded, “my brother arrives in Jackson about two weeks from the date of this” and explained, “he will be enabled to procure my pardon in time to accompany him in the army. It has always been my wish to assist in expelling the invader, and I hope you will not hesitate to assist me in getting the opportunity.” He suggested that if Hardin wrote the governor requesting a pardon, “for the purpose of joining the army,” that he believed it would be granted. Despite the numerous appeals, Pettus did not approve any of the requested pardons.⁴¹

⁴⁰ *Penitentiary Accounting and Administration Records*, Series 2678, Box 30391, MDAH; *Board of Inspectors Minute Book*, Series 1562, Box 7737, MDAH; *Journal of the House of Representatives of the State of Mississippi, December Session of 1862, and November Session of 1863*, 103.

⁴¹ *Correspondence and Papers, Mississippi Governor*, MDAH.

Business was booming, meanwhile, thanks to the war. From January to May 1863, the penitentiary workshops accumulated receipts totaling \$141,762.01, which nearly equaled the entire previous year. In the single month of April the prison's sales reached \$81,574.84. On April 1, 1863, Agent Russell sent 3,486 pounds of washed wool and 2,959 pounds of unwashed wool worth \$8,927.75 to Captain W. M. Gillespie of the Quartermaster Department in Jackson. Two days later, Russell shipped an order of 96 sets of tent poles, 30 sets of wall tent poles, and two sets of hospital tent poles worth \$150.50. From January 1861 to May 1863, the penitentiary workshops accumulated sales of at least \$369,234.73, and deposited at least \$131,000 into the State Treasury (see Table 6.2 and 6.3).⁴²

The war in Mississippi changed dramatically by summer. On May 14, 1863, the army of Union General Ulysses S. Grant seized Jackson from the south during the campaign to capture Vicksburg. The Battle of Jackson ended a period of panic regarding the prison and its inmates. As Grant approached the city, Governor Pettus understood that there were, "convicts willing to take up arms in defense of their country." He decided to pardon many more of them, to be mustered into service and distributed to the different regiments from the state. He noted, however, that "a considerable number of convicts" remained in the penitentiary, men who were unwilling or unable to muster into the army. The governor described those convicts as, "mostly old men," whom he released without pardon as the Union Army approached.⁴³

⁴² E. P. Russell, *Confederate Papers Related to Citizens or Business Firms, 1861-65*, NARA M346, Record Group 109, roll 0893; Taylor, *Brokered Justice*, 27; *Penitentiary Accounting and Administration Records*, Series 2678, Box 30391, MDAH; *Journal of the House of Representatives of the State of Mississippi, December Session of 1862, and November Session of 1863*, 91, 96-7, 99; Smith, *Mississippi in the Civil War*, 96.

⁴³ Shivers, "History of the Mississippi Penitentiary," 26-7; William M. Robinson Jr., *Justice in Grey: A History of the Judicial System of the Confederate States of America* (Cambridge: Harvard University Press, 1941), 97; *Journal of the House of Representatives of the State of Mississippi, December Session of 1862, and November Session of 1863*, 90, 102-3; War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series 4, Volume 2, page 919-20, (hereafter cited as *Official Records*).

But the worst of the worst remained. On May 2, Pettus telegraphed Governor John Gill Shorter of Alabama that, “twenty three convicts in [the] Mississippi penitentiary [were] disloyal and dangerous men.” He requested that Alabama “receive them temporarily” in that state’s penitentiary. “In case of necessity” wrote Pettus, “I will send them under guard.” Shorter agreed to Pettus’ request, but later admitted to Warden Meriwether G. Moore that he regretted making this appropriation, although, “I could not refuse it in view of the present condition of affairs in Mississippi.” Shorter instructed Moore to “make needful provision at once for their safe-keeping and maintenance.” Moore traveled to Montgomery, where he and Shorter agreed that the prisoners should be kept in solitary confinement to avoid the cost of additional guards. The Alabama board of penitentiary inspectors characterized the prisoners from Mississippi as “men who were long sentenced and of the most abandoned and desperate characters, Lincolnites of the deepest dye—every man would have deserted to the enemy.” Supervised by a detachment of four men, the Mississippi prisoners traveled aboard railroad cars for the trip to Montgomery, arriving in Wetumpka on May 8, 1863.⁴⁴

Meanwhile, Confederate General Joseph Johnston arrived in Jackson by train on the evening of May 13, with news that Grant was rapidly advancing towards the capital. Johnston met with Brigadier General John Gregg, who had fought unsuccessfully at Raymond the previous day. Brigadier General W. H. T. Walker’s brigade arrived from Savannah, Georgia, but it amounted to only six thousand soldiers to defend Jackson. Johnston instructed Lieutenant General John Pemberton, commanding the Vicksburg garrison, to attack Grant near Clinton. The

⁴⁴ Shivers, “History of the Mississippi Penitentiary,” 26-7; Wilson, *Confederate Industry*, 192; Robert W. Dubay, *John Jones Pettus: Mississippi Fire-Eater: His Life and Times, 1813-1867* (Jackson: University Press of Mississippi, 1973), 176; *Correspondence and Papers, Mississippi Governor*, MDAH; *Journal of the House of Representatives of the State of Mississippi, December Session of 1862, and November Session of 1863*, 102-3; Robert David Ward and William Warren Rogers, *Alabama’s Response to the Penitentiary Movement, 1829-1865* (Gainesville: University Press of Florida, 2003), 117-19; Timothy B. Smith, *Mississippi in the Civil War: The Home Front* (Jackson: University Press of Mississippi, 2010), 39; Foreman and Tatum, “Short History of Mississippi’s State Penal Systems,” 259; Rowland, *Mississippi*, 418; Sullivan, “Prison Without Walls,” 71-2.

disastrous Battle of Champion Hill ended any attempt to save Jackson. Early on the morning of May 14, the Union army advanced within two miles of the capital, and by noon most of the citizens and remaining Confederate soldiers had retreated towards Canton. The Confederate evacuation resulted in citywide looting. Citizens, former slaves, and remaining convicts ransacked shops until Union soldiers arrived and restored order at two o'clock in the morning.⁴⁵

The next day, Grant instructed General William Tecumseh Sherman to destroy anything with military value in the city. Soldiers set fire to a number of structures including arsenal buildings, the government foundry, a gun carriage factory, and the railroad depot. On May 17, the penitentiary cotton factory went up in flames. There are conflicting reports regarding the responsible party. Penitentiary officials claimed that one of Grant's lieutenants destroyed the penitentiary mills, but Sherman asserted the penitentiary fire was ignited "by some convicts who had been set free by the Confederate authorities."⁴⁶

Whoever started the fire, it was devastating. The flames devoured the main building, front building, shoe and tailor's shop, and the cotton shed containing about three hundred bales of cotton. In total, twelve rooms, the hospital, the apothecary, offices, numerous storerooms, and the private residence of the sergeant of the guard were destroyed. Incinerated storerooms once held 10,000 pounds of bacon, three hogsheads of sugar, a supply of salt, and two hundred bushels of corn and potatoes. The blacksmith shop, stables, and superintendent's house escaped

⁴⁵ *Augusta Daily Constitutionalist*, May 23, 1863; Ben Wynne, *Mississippi's Civil War: A Narrative History* (Macon: Mercer University Press, 2006), 111; Woodrick, *Civil War Siege of Jackson Mississippi*, 23-7.

⁴⁶ Moore, *Emergence of the Cotton Kingdom in the Old Southwest*, 230; *Brandon Republican*, March 18, 1863; Ulysses S. Grant, *Personal Memoirs of U. S. Grant* (New York, 1892), I, 507; Wynne, *Mississippi's Civil War*, 111; Wilson, *Confederate Industry*, 192; Smith, *Mississippi in the Civil War*, 40; Shivers, "History of the Mississippi Penitentiary," 26; Sullivan, "Prison Without Walls," 72; Moore, *Emergence of the Cotton Kingdom in the Old Southwest*, 227; Woodrick, *Civil War Siege of Jackson Mississippi*, 27; *Macon Telegraph* May 25, 1863; Foreman and Tatum, "Short History of Mississippi's State Penal Systems," 259; Miller, *Lost Landmarks of Mississippi*, 116; *Journal of the House of Representatives of the State of Mississippi, December Session of 1862, and November Session of 1863*, 95-6; *Official Records*, Series 1, Volume 24, part 1, page 754; Smith, *Mississippi in the Civil War*, 73.

destruction, but the blacksmith shop was later destroyed in July during a second Union occupation of Jackson following the fall of Vicksburg. Overall, Superintendent Hardin determined the damage was “so much so that I think it doubtful whether it can ever be repaired for the purposes originally intended.”⁴⁷

More than buildings were lost. Superintendent Hardin detailed all the tools and machinery destroyed. The machinery was entirely demolished, and now was “valueless,” except as scrap iron. The cotton factory lost a stock of nearly 1000 yards of Lowells and fifty bundles of cotton yarns. Hardin noted that the demand “for the articles we manufactured” was so great that it “precluded the possibility of ever having on hand more than a few pieces at a time of Osnaburgs and a few bundles of cotton yarns.” Governor Pettus concluded that one steam engine and “a lot of iron and copper,” was all that could be salvaged from the debris. He directed Colonel Uncas Bourne, Chief of Ordnance, to transport all valuable materials to Meridian, and to sell the copper to the Confederate Government for the manufacture of percussion caps.⁴⁸

Local newspapers documented the vast destruction in Jackson beyond the penitentiary. Fire destroyed all the houses on the south side of Pearl Street, State Street, and those across from City Hall. Other damaged structures included the Governor’s mansion, Confederate Quartermaster’s office, the post office, numerous sheds or warehouses, 300 bales of cotton, a railroad depot, a Catholic Church, and an Episcopal Church. The charred businesses included the *Mississippian* office, the *Baptist* office, Charles B. Green’s cotton factory, J. W. Phillips’

⁴⁷ *Journal of the House of Representatives of the State of Mississippi, December Session of 1862, and November Session of 1863*, 95-6; Shivers, “History of the Mississippi Penitentiary,” 26; Sullivan, “Prison Without Walls,” 72; *Penitentiary Accounting and Administration Records*, Series 2678, Box 30391, MDAH.

⁴⁸ *Journal of the House of Representatives of the State of Mississippi, December Session of 1862, and November Session of 1863*, 89-90, 95-6, 102; *Official Records*, Series 4, Volume 2, page 919-20; Wilson, *Confederate Industry*, 192.

factory, J. A. Stevens' foundry, S. P. Bailey's cotton shed, M. J. Bakewell's house, J. Green's Banking House, Joseph D. Ambrozier's grocery, W. H. Allen and A. W. Legon's store, Thomas Graves' large brick building, T. L. Lemley's hat factory, C. S. Knapp's dentistry office, Captain L. Jullian's bookstore and bindery, and J. W. Robinson's warehouse, rope factory, and saltpetre works. At least three hundred slaves were emancipated and given commissions in the Union army. Union soldiers damaged records at the State Archives by tearing out pages of bound volumes and defacing them with "Remember Grant, Remember Sherman, and Remember U.S." The Board of Inspectors' minute book included, "Then, here came the blamed Yankees under Tecump [sic] Sherman – blue bellies – and burned the penitentiary with fire." Estimates placed the total loss of property as high as \$5,000,000.⁴⁹

Agent Russell was confident that if the prison had not been destroyed it would have produced revenue to the State for 1863 of at least \$125,000, "clear of all expenses." In spite of the destruction, Mayor C. H. Manship praised the superintendent and agent as deserving "the highest commendation for the faithful and efficient manner in which the affairs of the Institution have been conducted for the past two years." He added that before its demise the prison was "a most prosperous and flourishing condition at the time, yielding considerable revenue to the State, and of almost incalculable benefit to the people."⁵⁰

One anticipated problem remained from Grant's incursion, what to do with the allegedly hardened criminals and Unionists sent to Alabama. No legal provision existed that would have allowed prisoners convicted in another state to serve their terms in Alabama. Thus, the

⁴⁹ Moore, *Emergence of the Cotton Kingdom in the Old Southwest*, 230; *Brandon Republican*, May 18, 1863; Grant, *Personal Memoirs of U. S. Grant*, I, 507; *Augusta Daily Constitutionalist*, May 23, 1863; *Macon Telegraph*, May 25, 1863; Dunbar Rowland, *Twelfth Annual Report of the Director of the Department of Archives and History of the State of Mississippi from November 1, 1912, to October 31, 1913* (Nashville: Brandau-Craig-Dickerson Company, 1914), 28; *Board of Inspectors Minute Book*, Series 1562, Box 7737, MDAH.

⁵⁰ *Journal of the House of Representatives of the State of Mississippi, December Session of 1862, and November Session of 1863*, 97, 99; Smith, *Mississippi in the Civil War*, 96; *Journal of the House of Representatives of the State of Mississippi, December Session of 1862, and November Session of 1863*, 102.

inspectors thought Alabama “had no right to work them or control them whatever...In fact, no justification at all.” A frustrated Warden Meriwether Gaines Moore could not release the convicts and he could not work them. He assumed that the Mississippi convicts should be treated according to his state’s laws and regulations, but Moore wrote to Governor Pettus to ascertain “the rules of your prison in discharging the convicts.” In November 1863, Pettus requested the convicts be “put to work and treated exactly as your own convicts.,” expressing surprise that the prisoners had “remained idle so long.”⁵¹

On July 4, 1863, the same day that Vicksburg fell to Grant, Warden Moore struck out a new course. He compiled a list of the names of the Mississippi prisoners in his prison “who say they are willing to enlist in the Confederate Service.” The list included nineteen inmates ranging from twenty to forty years old. Their crimes were overwhelmingly non-violent, with most convicted of larceny. Nearly half of the inmates were foreigners; seven came from Ireland. Two days later, Shorter wrote to Pettus, enclosing the list of prisoners from the state of Mississippi confined at the penitentiary in Wetumpka. Those inmates all could serve in the Confederate army, he suggested. Shorter requested a mustering officer from Mississippi to forward “necessary orders for their enlistment.”⁵²

The penitentiary in Jackson required significant repairs and the legislature remained committed to convict labor. On November 18, 1863, the legislature empowered Governor Pettus to remove machinery and materials purchased for the penitentiary for the purpose of making salt. On December 5, the legislature passed “an act relative to the establishment of a temporary

⁵¹ *Correspondence and Papers, Mississippi Governor*, MDAH; Ward and Rogers, *Alabama’s Response to the Penitentiary Movement, 1829-1865*, 119-20.

⁵² *Journal of the House of Representatives of the State of Mississippi, December Session of 1862, and November Session of 1863*, 102-3; *Correspondence and Papers, Mississippi Governor*, MDAH. The inmates included Sidney White, Charles Johnson, Robert Benson, Samuel Thompson, M. L. McNeil, J. Johnson, James Powers, T. W. Gorrin, A. Thompson, J. Davidson, Frank Jones, M. McMahan, John Wilson, F. O’neal, J. B. Branch, J. Welch, S. Carlisle, M. Higgins, and H. Wahlo.

penitentiary,” which authorized the superintendent to select a “suitable building in this State at a point as secure from danger of invasion by the enemy,” to serve as a secondary prison. The legislature appropriated \$50,000 to offset the cost of converting the building. If faced with another Union invasion, the superintendent could remove the inmates to a safe location and employ them “in or upon any of the State works carried on, in or out of the State.”⁵³

Still nothing happened. Warden Moore meanwhile forwarded his governor’s views to the inspectors regarding the legality of working the Mississippi convicts. On December 24, 1863, the inspectors wrote to the new Alabama Governor, Thomas H. Watts. He pointed out that the legislature had passed a law on August 29 authorizing the detention and supervision of prisoners from outside the state. After ten months of solitary confinement the Mississippi convicts finally were permitted to exercise in the cell room under special guard. Hardin reported that the prisoners had been placed in solitary confinement until recently, but were “now engaged at the usual labors of that institution by the request of the late Governor. However, Hardin’s main purpose was to arrive at a “definite understanding with the State of Alabama in regard to the expenses the State may incur on their account.” The following year, the State of Mississippi sent a \$10,281 bill to the Alabama Penitentiary for boarding, shoes, clothing, and cash paid to discharged inmates. Ultimately, Mayor C. H. Manship later approved a final bill of \$18,803.50 bill for expenses related to the convicts. Superintendent Russell admitted that there was “a considerable amount still outstanding and due which I am endeavoring to collect as rapidly as the

⁵³ *Laws of the State of Mississippi, December 1862 and November 1863, 182-84, 230-31.*

times will admit.” According to Russell, most the debtors were refugees who were returning home and that their accounts would be closed “as soon as possible.”⁵⁴

While the saga of the Alabama prisoners dragged on, the main problem concerned the incinerated penitentiary itself. Penitentiary inspector C. R. Dickson introduced a motion for a requisition to be made to the Auditor of Public Accounts for \$10,000 for repairs to the penitentiary. Instead, on May 16, 1864, a new motion led to discontinuing repairs to the penitentiary. The governor directed the superintendent to visit the salt works in Alabama to arrange employing convicts in that effort. The penitentiary sat abandoned for the remainder of the war, while convicts served their sentences in overcrowded county jails, salt mines, or in uniform. Only on December 5, 1865, did the Reconstruction legislature appropriate \$25,000 for repairs (see Illustration 6.2). Six months later, inmates returned to the penitentiary in Jackson to begin a new era.⁵⁵

⁵⁴ *Correspondence and Papers, Mississippi Governor*, MDAH; Ward and Rogers, *Alabama's Response to the Penitentiary Movement, 1829-1865*, 120; *Journal of the House of Representatives of the State of Mississippi, December Session of 1862, and November Session of 1863*, 97; *Board of Inspectors Minute Book*, Series 1562, Box 7737, MDAH.

⁵⁵ *Board of Inspectors Minute Book*, Series 1562, Box 7737, MDAH; *Reports and Statements*, MDAH; *Journal of the House of Representatives of the State of Mississippi, December Session of 1862, and November Session of 1863*, 99; Miller, *Lost Landmarks of Mississippi*, 115, 117-18; Foreman and Tatum, “Short History of Mississippi's State Penal Systems,” 259; Sullivan, “Prison Without Walls,” 77-9; Taylor, *Brokered Justice*, 31-6.

Table 6.1

Number of Inmates, Mississippi State Penitentiary, 1839-1865.

Year	Male
1840	26
1841	34
1842	56
1843	68
1844	84
1845	86
1846	89
1847	85
1848	89
1849	86
1850	83
1851	78
1852	82
1853	82
1854	95
1855	82
1856	95
1857	105
1858	144
1859	170
1860	207
1861	210

Sources: Penitentiary 1840-1938 Subject File, Mississippi Department of Archives and History, Jackson, Mississippi; *Appendix, Mississippi House Journal, 1861-1862*, 104; *Annual Reports of the Several State Officers to the Executive. January 1, 1849*, 30; *Board of Inspectors Book*, Series 1562, Box 7737, MDAH; Shivers, "History of the Mississippi Penitentiary," 17, 21-2; *The Southron*, September 30, 1846; *Mississippi Free Trader*, March 14, 1849; *Annual Report of the Superintendent of the Mississippi Penitentiary, 1855*, 24; *Hinds County Gazette*, December 8, 1858; *Appendix, 1859, Report of the Mississippi Penitentiary*, 2, 22-30, 38, 46.

Table 6.2

Monthly Financial Records from the Mississippi State Penitentiary, 1860-1863.

Year	Month	Cotton Factory	Wood Shop	Shoe Shop	Smith Shop	Total
1860	June	\$2,244.36	\$150.60	\$136.90		\$12,815.14
	July	\$1,693.32	\$391.50	\$389.32	\$15.00	\$3,541.85
	November	\$846.64	\$102.65	\$91.30		\$1,148.66
	Totals	\$4,784.32	\$644.75	\$617.52	\$15.00	\$17,505.65
	Workshop Total	\$6,061.59				
1861	January	\$8,784.05	\$177.05	\$112.40	\$7.72	\$10,815.52
	February	\$3,370.34	\$61.80	\$19.75		\$5,186.19
	May	\$2,607.36	\$152.90	\$12.35	\$1.00	\$5,942.24
	August	\$5,720.28	\$456.32	\$168.50	\$72.64	\$6,417.74
	September	\$8,192.14	\$539.59	\$19.60	\$59.41	\$8,810.74
	October	\$17,641.85	\$602.02	\$367.22	\$329.75	\$18,940.84
	December	\$6,215.16	\$3,365.31	\$72.00	\$6.00	\$9,658.47
	Totals	\$52,531.18	\$5,354.99	\$771.82	\$476.52	\$65,771.74
	Workshop Total	\$59,134.51				
1862	February	\$12,447.10	\$277.23	\$609.63	\$36.50	\$13,370.46
	March	\$7,471.35	\$712.50	\$356.87	\$23.95	\$8,564.67
	April	\$3,449.41	\$3,140.92	\$504.70	\$713.11	\$7,808.14
	May	\$14,652.49	\$1,641.37	\$91.55	\$106.68	\$16,292.09
	June	\$6,960.31	\$3,509.68	\$263.70	\$335.99	\$11,069.68
	July	\$8,110.00	\$1,021.14	\$204.70	\$91.95	\$9,427.79
	August	\$14,919.25	\$1,311.95	\$300.57	\$546.73	\$17,078.50
	September	\$53,378.23	\$649.88	\$630.15	\$1,531.45	\$56,189.71
	October	\$3,424.05	\$2,548.03	\$335.40	\$833.25	\$7,140.73
	November	\$13,370.72	\$1,233.76	\$79.75	\$136.40	\$14,820.63
	December	\$5,981.56	\$249.50	\$133.25	\$11.50	\$6,375.81
	Totals	\$144,164.47	\$16,295.96	\$3,510.27	\$4,367.51	\$168,138.21
	Workshop Total	\$168,338.21				
1863	January	\$14,250.17	\$775.75	\$476.00	\$540.98	\$16,002.90
	February	\$12,503.79	\$597.86	\$499.05	\$134.87	\$13,733.51
	March	\$19,384.10	\$806.75	\$487.50	\$622.86	\$21,304.21
	April	\$81,574.67	\$528.15	\$490.75	\$1,118.10	\$83,711.67
	May	\$5,458.71	\$1,318.65	\$67.50	\$125.80	\$6,970.66
	June	\$3,054.45	\$57.50	\$32.00	\$183.40	\$3,321.35
	July	\$2,000.00				\$2,000.00
	September	\$11,643.28				\$11,643.28
	October	\$3,430.82	\$148.05			\$3,578.84
	Totals	\$153,299.99	\$4,232.71	\$2,052.80	\$2,726.01	\$162,266.42
	Workshop Total	\$162,311.51				
	Totals	\$354,779.96	\$26,528.41	\$6,952.41	\$7,585.04	\$413,682.02

Source: *Penitentiary Accounting and Administration Records*, Series 2678, Box 30391, Mississippi Department of Archives and History, Jackson; McCain, *Story of Jackson*, Vol. 1, 49.

Table 6.3

Mississippi State Penitentiary Deposits and Withdrawals, 1861-1863.

Year	Month	Drawn from Treasury	Paid into Treasury	
1860	June	\$10,283.28		
	July	\$1,052.71		
	November	\$108.07		
1861	January	\$1,734.30	\$1,735.40	
	February	\$1,734.30		
	May	\$3,168.63		
	August			
	September			
	October		\$687.00	
	December		\$980.43	
	1862	February		
		March		
April				
May				
June				
July				
August				
September			\$41,266.36	
October				
November			\$10,000.00	
December				
1863		January		\$5,000.00
	February		\$10,000.00	
	March		\$10,000.00	
	April		\$52,000.00	
	May			
	June			
	July			
	September		\$8,156.00	
	October			
	Totals		\$18,111.29	\$139,825.19

Source: *Penitentiary Accounting and Administration Records*, Series 2678, Box 30391, Mississippi Department of Archives and History, Jackson; McCain, *Story of Jackson*, Vol. 1, 49.

Illustration 6.1

Mississippi State Penitentiary, circa 1861.



Source: Photograph Collections, PI/STR/1982.0015/Box 22/Folder 1, MDAH.

Illustration 6.2

Mississippi State Penitentiary, 1869.



Source: Photograph Collections, PI/CI/J33.5/Box 3/Folder 18, MDAH.

Chapter 7

The Arkansas State Penitentiary in Little Rock (1838-1863)

Arkansas was a new western frontier state with an expanding population and economy when it became the sixth in the South to fund a state penitentiary. Like so many other state legislatures, the General Assembly favored the Auburn system of prison management that employed the prisoners in workshops for financial gains. Similarly, convict labor in Arkansas attracted opposition from local mechanics, who organized an association, petitioned the assembly, and instituted boycotts of prison goods. Inadequate security at the penitentiary led to escapes in the early years and resulted in three disastrous fires that financially crippled the institution. And as elsewhere in the South, the workshops struggled to find profitable markets until the military demands of the Civil War. The inmates supplied thousands of items including uniforms, shoes, wagons, tents, and knapsacks to Confederate soldiers until the Union army occupied Little Rock. It converted the penitentiary into a military prison for the remainder of the war.

Arkansas became a state in the summer of 1836. The initial steps to establishing a state penitentiary in Arkansas occurred on December 18, 1837, when the General Assembly passed a resolution that permitted Governor Democratic James S. Conway to procure plans and estimates. During the following year, “An Act Establishing a Penitentiary” went to committee for consideration, and the assembly paid \$100 to John Haviland for a set of designs. He was a young English architect who relocated from Russia to America in 1816 at the urging of John Quincy Adams, and built the first Presbyterian Church and St. Andrew’s Episcopal Church in Philadelphia. On December 17, 1838, almost a year to the day after the original resolution,

Conway signed the bill authorizing construction of the penitentiary. Only two days later, the Committee on the Penitentiary initiated a bill to modify the penal code to reduce corporal punishment. The committee instructed three appointed commissioners to select a large plot of land within five miles of Little Rock. Ultimately, the state purchased 92.41 acres from Representative Peter T. Crutchfield about a mile west of town, for twenty dollars per acre. The location was an elevated site near the Arkansas River that would accommodate the penitentiary for more than seventy years.¹

Construction of the prison in 1839 began a significant long-term investment by the legislature. The General Assembly appropriated \$20,000 and entered into a contract with two former commissioners of the penitentiary. C. L. Jeffries was an attorney and hotel owner, while William Gilchrist served as Grand Master of the Grand Masonic Lodge of Louisiana and was active in Democratic state politics. They solicited large amounts of lumber including 13,000 feet of plank, 9,000 feet of sheathing plank, and 100,000 shingles. The initial work required brick makers and stonecutters to build the foundation, and advertisements encouraged carpenters and plasterers to submit bids. The design was modeled after the Eastern Penitentiary in Philadelphia, with ninety-six cells and four workshops. The commissioners of the penitentiary, however, favored the Auburn system of prison management. On December 19, 1840, the General Assembly transferred the duties of the commissioners to the Commissioner of Public Buildings,

¹ *Acts Passed at a Special Session of the General Assembly of the State of Arkansas* (Little Rock: Woodruff & Pew, 1838), 140; *Journals of the Special Session of the General Assembly of the State of Arkansas* (Little Rock: Woodruff & Pew, 1838), 96; *Journals of the Second Session of the General Assembly of the State of Arkansas* (Little Rock: Woodruff & Pew, 1838), 8, 116, 130, 320. C. L. Jeffries, William Gilchrist, and E. A. More were elected commissioners of the penitentiary on December 14, 1838; *Weekly Arkansas Gazette*, January 23, 1839, July 24, 1839; Marcus Whiffen and Frederick Koeper, *American Architecture: 1607-1860, Volume 1* (Cambridge: Massachusetts Institute of Technology Press, 1983), 159; Hiram U. Ford, "A History of the Arkansas Penitentiary to 1900," (M. A. Thesis, University of Arkansas, 1936), 9-12, 14. The committee consisted of: Thomas Culp, Izard County, E. B. Alston, Johnson County, P. H. Swain, Mississippi County, James Smith, Arkansas County, William F. Moore, Jackson County; *Journal of the Arkansas House of Representatives, 1838*, 88-89, 95, 249, 261-62; *Journal of the Arkansas General Assembly, 1840*, 252; The Arkansas Penitentiary Study Commission, Report of the Arkansas Penitentiary Study Commission, January 1, 1968, 2.01; John L. Ferguson, "A History of the Arkansas Penitentiary," Vertical File, Arkansas Historical Commission, Little Rock, Arkansas, 1.

who was elected by a joint vote of the assembly for a two-year term. The first commissioner was Thomas Thorn, a mechanic and farmer who would also serve as superintendent of the penitentiary.²

On Christmas Eve of 1840, the assembly enacted a law allowing the warden to utilize convict labor for construction. Objections from local craftsmen soon followed. An editorial in the *Arkansas Star* on August 6, 1840, written by “Mechanic,” identified dangers in prison construction labor to the “interests and rights of our manufacturing and producing classes.” He asked, “Does not every mechanic discover at a glance, that this state monopoly of our different trades, is a direct tax levied upon us as a body, and dragged from us whether we will or not?” The author directed attention to examples in New York and Tennessee, and cautioned, “If our brother mechanics of those states could answer you, thousands of voices from the crowded cities and the less populous country towns, from every hill and vale of their wide spread boundaries, would cry out to you in language too audible to be misunderstood, that their profits have been curtailed, their rights and liberties assailed, their respectability and standing impaired.” He insisted, “Now is the time for us to strike for our insulted rights and interests. Attack the monster while yet in its infancy. If we procrastinate, it will increase daily in strength, until we find ourselves unable to combat it with the most distant prospect of success.”³

The pleas from “Mechanic” fell on deaf ears, as the state continued to use prison labor to build the prison. On the afternoon of November 25, 1840, members of the assembly visited to

² The Arkansas Penitentiary Study Commission, Report 1968, 2.01; Lewis Barnard, “Old Arkansas State Penitentiary,” *The Arkansas Quarterly* 13 (Autumn, 1954): 321; Ford, “History of the Arkansas Penitentiary to 1900,” 14-15; *Journal of the Arkansas General Assembly, 1840* (Little Rock: George H. Burnett, 1840), 252; Ferguson, “History of the Arkansas Penitentiary,” 1; *Journal of the Arkansas House of Representatives, 1840* (Little Rock: George H. Burnett, 1840), 412-13; *Weekly Arkansas Gazette*, August 14, 1839, February 19, 1840.

³ *Arkansas Star*, August 6, 1840. For more information see Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class, 1788-1850* (Oxford: Oxford University Press, 2004), 71-4, 145, 347. According to Wilentz the unraveling of the “one-party” factionalism of the Era of Good Feelings and the rise of Jacksonian Democrats anticipated the collapse of the old mechanics’ interest.

the site to examine the progress. The committee determined it was “an advantageous and eligible one in every point of view.” Their investigation also revealed disagreement between the former commissioners and Governor Conway regarding the prison design, but determined, “the plan upon which the building is now progressing, taking into consideration the cheapness and the change from solitary confinement to that of labor.” The committee then recommended an appropriation of \$40,000 to complete construction, although, a minority report criticized his materials and brickwork.⁴

After nearly a year of construction the cell house neared completion. The first inmate arrived on May 12, 1841, to a penitentiary still encumbered with rubbish. The original agent, N. Faulkner, soon ordered gathering prisoners to clean the grounds, dig a well, and cultivate fields for crops. With little security around the perimeter the first escape occurred within a month. On June 4, prisoner Rawly O. Knapp attacked injured the turnkey, stole his pistol, and ran. He was captured twelve days after the state posted a \$200 reward.⁵

Prison life in the new facility was Spartan but apparently humane. The prison code required the clerk to document each prisoner’s name, weight, height, age, color of eyes, color of hair, complexion, county where convicted, nativity, and period of confinement. Other regulations required labor in the workshops to be conducted with the least possible amount of communication among the prisoners. Male and female convicts were to be kept separate at all times, and women were not employed in the workshops. Male prisoners had to keep their hair cut short, shave regularly, and receive clean shirts at least once a week. The inmates were

⁴ *Arkansas Star*, December 3, 1840, December 17, 1840; *Weekly Arkansas Gazette*, February 3, 1841.

⁵ *Weekly Arkansas Gazette*, June 9, 1841, June 16, 1841; *Helena Southern Shield*, June 18, 1841; The Arkansas Penitentiary Study Commission, Report 1968, 2.01-02; Ford, “History of the Arkansas Penitentiary to 1900,” 17-18, 39-40; *Journal of the Arkansas House of Representatives, 1842* (Little Rock: n.p, 1842), 40, 49-52, 69-72; Ferguson, “History of the Arkansas Penitentiary,” 1; *Journal of the Arkansas House of Representatives, 1846* (Little Rock: B. J. Borden, 1846), 47-50; Barnard, “Old Arkansas State Penitentiary,” 321.

furnished with comfortable clothes and bedding and fed regularly, but the initial over abundance of salted provisions, combined with a lack of sunlight and damp quarters, led to scurvy.⁶

From the first, the General Assembly had expected the penitentiary to become financially self-supporting. Yet it soon accumulated unexpected costs and became a drain upon the state treasury. In late 1842 the General Assembly reimbursed \$708 to each William Gilchrest and Elijah A. More and \$713 to C. L. Jeffries, who all rendered services as commissioners of the penitentiary. On February 3, the assembly appropriated another \$5,069.36 for general support, as well as \$4,500 for officer salaries and other expenses. But there were limits. In May 1843, James McVicar, a stonecutter and former Deputy Grand Master of the Grand Lodge of the Arkansas, became agent at the penitentiary. When McVicar advertised for 50,000 pounds of pork on October 23, the Committee on the Penitentiary inquired why forty convicts required such a large amount. Yet on November 15, the Senate instructed the committee on the judiciary to consider passing a law to pay sheriffs for conveying convicts to the penitentiary. The subsequent cost of transporting convicts from across the state contributed greatly to the prison's long-term financial woes.⁷

Profits from prison labor theoretically would lessen these costs, but the potential financial impact on others continued to galvanize local citizens. Mechanics in Little Rock held a meeting at the City Hall on June 11, with a sympathetic Representative Henry F. Shaw of the penitentiary committee presiding as the chair. Shaw's participation demonstrated the willingness of the legislature to listen to the complaints. The participants called for a change at the penitentiary, to

⁶ Ford, "History of the Arkansas Penitentiary to 1900," 42, 44; *Journal of the Arkansas House of Representatives, 1842*, 69; *Journal of the Arkansas House of Representatives, 1846*, 48-50; The Arkansas Penitentiary Study Commission, Report 1968, 2.02; Ferguson, "History of the Arkansas Penitentiary," 2.

⁷ *Acts Passed at the Fourth Session of the General Assembly of the State of Arkansas* (Little Rock: Eli Colby, 1843), 140-41, 164, 192-93; *Weekly Arkansas Gazette*, November 15, 1843, November 13, 1844, November 20, 1844. The penitentiary committee included Representatives Reyburn, Irvin, Maxwell, Shaw, and Newton. *Arkansas Banner*, December 4, 1844; *Washington Telegraph*, November 27, 1844; *Arkansas Intelligencer*, December 7, 1844.

“prevent their unjust and ruinous competition with the mechanics of the city and country.” The attendees officially formed the “Mechanics’ Association of Little Rock,” and appointed committee of seven representatives to draft the constitution and by-laws. According to the mechanics, convict labor caused, “a great damage and grievance to the mechanics of this place, inasmuch as it has caused many to resort to some other employment, or leave the state to obtain a livelihood.” The senior editor of the *Arkansas Banner* suggested the manufacture of bale rope and bagging “would be the best and most prosperous labor for the penitentiary convicts.” He pointed out that other states received revenue from their penitentiaries by directing their labor to one branch that did not require as much mechanical skill. The meeting had some impact. On November 27, the House of Representatives debated alternative forms of convict labor in an attempt to avoid conflict with local mechanical industries, but failed to pass any legislation.⁸

The issue continued to fester into 1846. An editorial in the June 8 *Weekly Arkansas Gazette* reminded citizens to consider convict labor during the upcoming elections. Representative Shaw wrote, “We feel it due to ourselves to state more fully our objections to the present mode of employing the convicts.” He emphasized the central complaint that “the labor of the convicts is disposed of for much less than any one could procure an honest livelihood, it affects us much in a pecuniary way.” Shaw instead favored employing the prisoners to manufacture bagging and bale rope and pointed to the Kentucky Penitentiary as an example of success. He admitted, “as to the advantages of growing hemp we are not so well informed, but if other states find it profitable, we see no reason why Arkansas should not find it equally so.” Congressional Representative Thomas W. Newton agreed, writing that “The day I hope is not far distant when we shall be able at least to manufacture our own cotton and wool into coarse cloth and negro clothing...and I can see no good reason why the experiment should not be made in our

⁸ *Arkansas Banner*, June 18, 1845.

penitentiary.” He preferred solitary confinement as the best mode of punishment. Meanwhile, Jason Lawson Jr. insisted, “I am opposed to convict labor in every form and shape.” Charles P. Bertrand, an attorney in Little Rock, agreed, “I do not favor the teaching of convicts the mechanic arts.” Meanwhile local farmer, Richard Fletcher, quipped, “Actions speak louder than words,” and promised mechanics to “favor their views.” Representative Peter T. Crutchfield, who had provided the land for the penitentiary, promised “to effectuate a thorough and complete reformation in our penitentiary system.”⁹

The penitentiary still did not prosper. Its workshops suffered from a lack of capital, and a systematic boycott from the mechanics limited the success. Taxpayers across the state paid at least \$3,000 annually through the treasury to support the penitentiary while the price of prisoner-made ploughs, wagons, and carriages allegedly disrupted the market in Little Rock. The *Washington Telegraph* pointed out that the legislature in Mississippi had changed their system of convict labor and appropriated \$4,000 to purchase machinery for manufacturing cotton and woolen textiles. There were in fact recurrent attempts to establish a cotton factory at the penitentiary in Little Rock, but in 1846 three handlooms produced only twenty yards of cloth per day. The inmates produced a variety of other goods in the workshops but the prison population was not large enough to offset expenses.¹⁰

Adding to problems for prison officials was the fact that inmates resisted both forced labor and unfavorable conditions through costly acts of sabotage. An alarm in Little Rock sounded at sunset on August 6, 1846, after flames were detected at the penitentiary. Several prisoners had revolted, escaped their cells, and proceeded to burn down the entire facility. Citizens captured the convicts and locked them in the city jail. Governor Thomas Stevenson

⁹ *Weekly Arkansas Gazette*, June 8, 1846, July 13, 1846.

¹⁰ *Journal of the Arkansas House of Representatives, 1846*, 48-50; *Arkansas Intelligencer*, February 21, 1846; *Washington Telegraph*, April 1, 1846.

Drew later pardoned prisoners whose assistance was “highly praiseworthy.” But the massive fire had destroyed nearly all of the prison’s supplies, tools, clothing, and bedding, with only \$1,680.76 worth of property saved from the flames. A rigorous public debate ensued. Citizen mechanics opposed rebuilding the penitentiary because of the competition from the prisoners. Amongst the ideas floated were putting prisoners to work in local manufactories. Some vehemently opposed the suggestion. A local hatter, John Davis, asked in an editorial, “Would you be willing that a son of yours should be apprenticed in a shop where there were half a dozen of these reformed convicts employed? We think not, at least, if you had any regard for your child.” The Penitentiary Committee insisted that, “to turn the convicts loose upon the community . . . would be an outrage upon the people of the State, and an evil far greater than any reasonable expense which may be incurred in rebuilding.” Meanwhile a local millwright from Scotland, George Alexander Brodie, meanwhile offered to lease the penitentiary for \$5,000 per year and “manufacturing suitable clothing for our black population.”¹¹

During the first decade of operation the penitentiary had expanded, but struggled to meet expectations. From 1841 to 1846 the prison held 45 inmates, of which 43 were White males, one Native American, and a White woman (see Table 7.1). The majority were between 20 and 40 years of age, but eleven were considered youths. Most were American citizens from eighteen states, but twelve were foreign with four from Ireland. Prior to incarceration eighty-three were

¹¹ Arkansas Penitentiary Study Commission, Report 1968, 2.02; Ferguson, “History of the Arkansas Penitentiary,” 2; Ford, “History of the Arkansas Penitentiary to 1900,” 19-20, 40, 44; *Journal of the Arkansas House of Representatives, 1846*, 47-51; Garland E. Bayliss, “The Arkansas State Penitentiary Under Democratic Control, 1874-1896,” *Arkansas Historical Quarterly* 34 (Autumn, 1975): 195; Joseph Gaston, *Portland, Oregon, Its History and Builders: In Connection with the Antecedent Explorations, Discoveries, and Movements of the Pioneers that Selected the Site for the Great City of the Pacific, Volume 2* (Portland: S. J. Clarke, 1911), 59; Calvin R. Ledbetter Jr., “The Long Struggle to End Convict Leasing in Arkansas,” *Arkansas Historical Quarterly* 52 (Spring 1993): 3-4; Barnard, “Old Arkansas State Penitentiary,” 322; *Arkansas Intelligencer*, August, 8, 1846; *Journal of the Arkansas Senate* (Little Rock: B. J. Borden, 1846), 1846, 118-119, 147; *Acts of the Arkansas General Assembly, 1846*, 118-119; *Weekly Arkansas Gazette*, August 10, 1846, October 19, 1846, November 2, 1846; *Arkansas Banner*, November 4, 1846, December 23, 1846; *Washington Telegraph*, December 30, 1846.

farmers, laborers, loafers, and “gentlemen of leisure who made their living by preying upon the laboring, industrious, and producing class of the community.” Meanwhile, twenty-nine had previous knowledge of trades that ranged from brick mason to gunsmith. The most common offense was larceny, followed by murder, horse stealing, and burglary with an average term of five years. Throughout the decade seven prisoners died, one was shot, and twenty escaped with only seven captured.¹²

On December 23, 1846, the legislature appropriated \$10,000 to rebuild a two-story cell house with at least eighty-four cells. Then on January 23, 1847, Governor Drew solicited proposals for rebuilding the penitentiary “on or near the site of the one recently destroyed by fire.” George Alexander Brodie, the local wheelwright, entered into a two-year contract on May 1, to feed, clothe, and guard thirty-five inmates at the penitentiary. Regarding his decision to bid Brodie wrote, “I knew I had not got a hold of a money making contract...not a single bid but my own was made to rebuild it.” Twenty-four inmates had earned \$2,000 at the workshops while eight elderly or invalid prisoners worked as cooks, washers, and waiters. Brodie consulted a report of the New York Prison Association to discover the average prisoner in the United States earned 23 cents per day with a cost of 15 cents per day for a daily profit of 8 cents per prisoner. He pointed out that the relatively small inmate population in Little Rock would not accommodate the overhead under that financial model. Brodie directed construction of a new building with eighty-four cells, three dungeons, a kitchen, a storeroom, a hospital, and a chapel. A local preacher volunteered his services so that prisoners could read Bibles and other religious works. Brodie also emphasized the need to build a significant wall inclosing the entire complex, at an estimated a cost of \$40,000. Despite his best efforts, the penitentiary maintained an average debt

¹² *Arkansas Intelligencer*, December 9, 1848; *Weekly Arkansas Gazette*, December 14, 1848.

of \$5,000. He proclaimed, “No person can take the institution as now is and make it support itself.”¹³

Arkansas followed the example of other southern states to alleviate its financial woes. On February 24, 1849, Democratic Governor Richard C. Byrd announced the decision to lease the penitentiary for two years with a bond of \$10,000. John H. Hammack, a former sheriff, took charge of the prison on April 16. Reported a lack of clothes, beds, blankets, stoves, fireplaces, tools, and records. The penitentiary at that time held thirty-eight inmates from eleven states, as well as a small number of fugitive slaves waiting to be legally retrieved by their owners, released from the prison, or sold (see Table 7.1). The inmate population ranged from sixteen to fifty years old, and the most common crimes remained larceny and manslaughter. A joint committee reported the condition of the inmates was “deplorable” and an “abomination” to the state.¹⁴

Shortly thereafter, two convicts escaped to the roof of the cell house at two o’clock in the morning on March 28, 1850, and promptly set it ablaze. The prisoners were all retrieved and temporarily confined in the city jail. Thus, within the first ten years of operation the penitentiary in Little Rock burned twice. The second blaze deepened the state’s financial hole and stirred new debate within the legislature. On December 16, 1850, Representative G. W. Foreste delivered a speech against rebuilding the penitentiary suggesting, “that it might remain a blackened, blasted ruin, monumental of the folly of those who have managed it with wasteful extravagance and want of wisdom.” He warned, “It will continue to be a drain upon the public treasury through all time to come, as our own experience, and the history of such establishments

¹³ Ibid.

¹⁴ *Weekly Arkansas Gazette*, February 20, 1847; *Arkansas Intelligencer*, December 9, 1848, September 15, 1849. The overhead expenses included superintendent \$1,000, four guards \$1,000, feeding and clothing prisoners \$1,600, and fuel, lights, and medicine \$400. *Journal of the Arkansas House of Representatives, 1848* (Little Rock: n.p., 1848), 497, 499; The Arkansas Penitentiary Study Commission, Report 1968, 2.02; Russell P. Baker, “Inmates in the Arkansas State Penitentiary 1850,” *Arkansas Family Historian* 51 (March 2013): 13-4; Ford, “History of the Arkansas Penitentiary to 1900,” 21-22, 44-8; Private leasing of the penitentiary occurred from 1847 through 1858, and returned in a modified form following the Civil War. *Arkansas Banner*, January 8, 1850.

in our sister states, most conclusively show.” Nonetheless, the General Assembly approved a bill to try again. This time, they would build a wall composed of square granite blocks dressed with a smooth surface to enclose an area measuring 300 by 350 feet. Other additions included three workshops covered with slate or zinc, and a new two-story building to house the keeper and subordinate officers. The fire-damaged main building would be converted to include a kitchen, hospital, chapel, schoolroom, and suitable stoves to provide heat for the cells during the winter.¹⁵

Securing a reliable contractor to rebuild the penitentiary a third time proved challenging. John B. Robins, a former judge, attorney, and veteran, won the contract for \$50,000, but he refused to enter a written contract or provide bond as required by law. A second contract for \$58,000 was went to Horace B. Allis, a local planter, who took charge of the penitentiary as both builder and keeper on April 7, 1851. He abandoned the project after one year when the state auditor withheld a quarterly payment for his failure to meet expectations. The first known advertisements for penitentiary goods appeared during Allis’ short tenure as keeper and listed, shoes, 50,000 split laths, three good wagons, coopers ware, cabinet ware and bedsteads for sale at his store on the corner of Rock and Markham Street. On November 24, 1852, Robins and Alexander George, a local merchant, entered into a third contract to complete the additions within two years. On August 24, 1853, George advertised six wagons, wheelbarrows, well buckets, window sash, cedar ware, and coarse shoes at his store near the Lower Landing.¹⁶

¹⁵ *Washington Telegraph*, April 3, 1850; *Weekly Arkansas Gazette*, March 29, 1849, December 27, 1850, February 28, 1851.

¹⁶ *Weekly Arkansas Gazette*, December 8, 1845, April 5, 1849, March 7, 1851, January 16, 1852, May 14, 1852, October 1, 1852, December 31, 1852; *Arkansas Banner*, June 24, 1851, November 25, 1851; *Journal of the Senate for the Ninth Session of the General Assembly of the state of Arkansas* (Arkadelphia: R. L. Pegues, 1852), 19-22, 276-79, 295-300.

Arkansans, however, continued to demand government investment in prison-produced cotton textiles. The *Arkansas Gazette* promoted construction of a factory in Little Rock, listed the price of raw materials, and suggested an appropriation of \$15,000 from the General Assembly. The machinery would produce at least 360 yards of cloth, and 100 pounds of yarn daily. Noted South Carolina manufacturer William Gregg wrote, “I have looked forward with more than ordinary anxiety for the completion of your subscription list for a cotton factory at Little Rock . . . and if we can make insurance against fire, it would be well to convert our Penitentiary into a Cotton Factory.” A machinist named Enoch N. Steadman from Gallatin, Tennessee, wrote to Arkansas General Assembly on November 24, 1852, with a suggestion to follow the example of Tennessee, which had established a textile mill of 1400 spindles and thirty looms capable of producing 200 pounds of yarn, 200 yards of twilled jean, 225 yards of linsey, and 675 yards of osnaburg daily. He submitted a bid to construct a new brick building and purchase machinery within four years for \$45,000, but the state did not offer a contract to build a mill.¹⁷

As in other southern states, the penitentiary remained a huge expense, one that legislators constantly sought to escape. An investigative committee noted the General Assembly had approved twenty-four appropriations from 1838 to 1851 that totaled \$134,662.55. The various administrations spent \$124,589, with less than \$10,000 of inventory to show for that investment. Representative W. J. Howard lamented, “There has not a dollar been received by the state from the penitentiary since it was established.” The committee concluded that Arkansas was “simply too poor to maintain a penitentiary system,” and recommended leasing some inmates to work on levees or roads, while others could be pardoned, exiled, or transferred to another state

¹⁷ Griffin, “Pro-Industrial Sentiment and Cotton Factories in Arkansas, 1820-1863,” 132, 136; *Journal of the Arkansas House of Representatives, 1852*, 369; *Weekly Arkansas Gazette*, December 31, 1852; *Journal of the Senate for the Ninth Session of the General Assembly of the state of Arkansas*, 278-80.

penitentiary. Instead, on February 17, 1853, Democratic Governor Elias Nelson Conway approved a new two-year lease with Alexander George and John Robins for the sum of \$26,248. The following month a frustrated assembly passed, “An act to provide for the building of a Stone Wall around the Penitentiary House of this State.” The contract with George and Robins also called for construction of a one hundred and fifty foot long and forty-foot wide workshop with two stories, and a new permanent wall to surround the facility (see Illustration 7.3). Inmates completed the wall and workshop on September 15, 1854, and Governor Conway defended the investment by explaining that, “Without such improvements it will remain, as heretofore, a tax upon the Treasury.”¹⁸

Over the next three years, George and Robins focused on construction projects and general improvements to the complex. On January 12, 1855, the General Assembly appropriated \$18,000 to build another workshop, improve the roof of the main building, and grade the yard. Two years later, the assembly noted the absence of facilities for female inmates and appropriated \$37,000 to build a separate building to serve as a hospital, female cell house, and female workplace. George and Robins added eighty-four new cells and a two-story building for a mess hall, kitchen, and hospital. They also erected a smoke house and a blacksmith shop with six fireplaces, and added five feet to the outer wall and sawed stone to improve the appearance. A new gutter system collected rainwater into a forty thousand gallon cistern to supply the engine and defend against fires. An appropriation of \$400 financed the cistern, pump, and eight hundred feet of fire hose. The cost of the wall, buildings, and repairs totaled \$81,248. In the midst of the

¹⁸ The Arkansas Penitentiary Study Commission, Report 1968, 2.03; Ford, “History of the Arkansas Penitentiary to 1900,” 25, 28; *Journal of the Arkansas House of Representatives, 1852* (Arkadelphia: R. L. Pegues, 1852), 359-360, 364-66; Ferguson, “History of the Arkansas Penitentiary,” 2-3; *Acts Passed at the Ninth Session of the General Assembly of the State of Arkansas*, 93-5, 128, 198-99, 231, 233-34, 244; *Weekly Arkansas Gazette*, February 18, 1853; *Journal of the Senate for the Tenth Session of the General Assembly of the State of Arkansas* (Little Rock: Johnson & Yerkes, 1855), 258-69.

Panic of 1857 the inspectors questioned whether the penitentiary “will ever cease to be an incubus, a cancer, and a leech upon the state treasury, under the present system.”¹⁹

The penitentiary by then held eighty-nine inmates including one Native American, two Free Blacks, and two runaway slaves (see Table 7.1). The population was evenly split between single versus married, as well as between the illiterate versus those who could read or had a common education. Additionally, forty-nine identified as temperate while thirty-nine were intemperate. The lessees suspected a connection between education, substance abuse, and crime. In the aftermath of the two fires the lessees tightened security to convey power and control over the inmates. The prisoners could not leave their workstations without permission, and were not permitted to speak or even look at visitors. Other regulations insisted on solitary confinement at night and did not allow any tool or instrument in the cells. Inmates were allowed only twenty-five minutes for dinner and fifteen minutes for other meals. The prisoners could not begin eating until everyone was seated and were not permitted to leave until a signal was given to rise and march silently in double file lines to their cells.²⁰

After six years of continuous rebuilding and expansion, the newest version of the penitentiary showed promise. Yet in an unexpected letter on February 10, 1859, George and Robins requested to be relieved from the responsibility and expense of keeping the convicts “as

¹⁹ *Acts passed at the Tenth Session of the General Assembly of the State of Arkansas* (Little Rock: Johnson & Yerkes, 1855), 19-20, 130-32, 215, 256; Message of Governor Elias N. Conway, 1856, 5-6; *Reports of the Superintendent and Keepers, October 10, 1856* (Little Rock: Johnson & Yerkes, 1856), 3; *Journal of the Arkansas Senate, 1856* (Little Rock: Johnson & Yerkes, 1856), 98; Ford, “History of the Arkansas Penitentiary to 1900,” 29-30; *Acts of the Arkansas General Assembly, 1856* (Little Rock: Johnson & Yerkes, 1856), 127; The Arkansas Penitentiary Study Commission, Report 1968, 2.03; Ferguson, “History of the Arkansas Penitentiary,” 3; Bayliss, “Arkansas State Penitentiary Under Democratic Control, 1874-1896,” 196; *Acts passed at the Eleventh Session of the General Assembly of the State of Arkansas* (Little Rock: Johnson & Yerkes, 1857), 127-30, 145-46; *Journal of the Arkansas Senate, 1859*, 483; *Report of the Committee on the Penitentiary, December 21, 1858* (Little Rock: Johnson & Yerkes, 1858), 4-5; *Journal of the Arkansas House of Representatives, 1859* (Little Rock: Johnson & Yerkes, 1859), 6, 8; *Weekly Arkansas Gazette*, November 10, 1860.

²⁰ *Journal of the Arkansas House of Representatives, 1859*, 5-6, 8; *Report of the Superintendent and Keepers of the Arkansas Penitentiary, made to the Governor, for 1857 and 1858* (Little Rock: Johnson & Yerkes, 1858), 13-7; *Report of the Committee on the Penitentiary, Made Dec. 21, 1858* (Little Rock: Johnson & Yerkes, 1858), 3-5.

early as practicable.” One week later, the General Assembly passed an act to lease the penitentiary grounds, buildings, and convicts to the highest bidder for four years. Democratic Governor Elias Conway published a detailed description of the penitentiary complex stipulating, “The state does not own any of the bedding, clothing, furniture, tools, or implements in use at the penitentiary, but the contractor will have to procure all such articles at his own cost.” In early 1859 an act for “The Encouragement of Prisoners in the Penitentiary,” provided for the commutation of as much as two days per month for good behavior by inmates not serving life sentences. A chaplain preached at least once every Sunday to the inmates. Each cell in the prison was supplied with a Bible donated by the American Bible Society. Thus, the inmates might have been compelled to follow the regulations and engage in reformatory self-reflection through religious studies.²¹

In late 1859 the General Assembly finally leased the penitentiary to Andrew J. Ward, who operated a successful carriage-making business in Little Rock and who served as president of the Mechanics’ Institute (see Illustration 7.1). He selected his staff from among the best-managed penitentiaries in the northern United States, and took control of the prison on February 7, 1860. The change in leadership presented an opportunity for critics of convict labor to influence the penitentiary. Democratic Governor Henry Massey Rector noted that other state penitentiaries in Texas, Louisiana, and Tennessee manufactured cotton and wool textiles as the most suitable employment for prisoners. He reminded everyone, “The mechanical skill employed in the penitentiary competes with, and in many cases, supplants the citizen mechanics.” Massey estimated the machinery to produce 2,000 yards of cloth daily could be

²¹ *Weekly Arkansas Gazette*, March 5, 1859, November 10, 1860; *Washington Telegraph*, March 16, 1859; Ford, “History of the Arkansas Penitentiary to 1900,” 50-51; *Report of the Superintendent and Keepers of the Arkansas Penitentiary, made to the Governor, for 1859 and 1860* (Little Rock: Johnson & Yerkes, 1860), 4.

purchased for \$35,000. Ward agreed to introduce machinery to manufacture rope and bagging to compete with northern manufactories rather than local mechanics.²²

The new leadership instated new rules and regulations that established an even more thorough and strict system of discipline. The usual punishment became being chained in a dark solitary cell, where the diet consisted of only bread and water. Offenders were deprived of books, tobacco, and bedding. Colonel Archibald H. Rutherford, former Indian Agent and State Treasurer, served as superintendent and agreed that additional workshops needed to be built to fully employ the prisoners. Governor Rector celebrated, “It is gratifying to know that our state has the means to pay for enlarging the penitentiary, erecting workshops, buying machinery, and converting the institution into a manufacturing establishment, which would render it a source of revenue instead of a tax upon the treasury.”²³

The inmate population grew steadily over the decades to a sizable workforce capable of mass production. In 1860 eight guards oversaw 124 prisoners, which included one White female, two Native Americans, three Free Blacks, and three runaway slaves (see Table 7.1). The most common crimes remained larceny, horse stealing, and murder, with an average term of five years. The prisoners were largely literate with common education, as only thirty-five had “no education.” The majority were single men, but forty-one had families. The penitentiary by 1860

²² *Report of the Superintendent and Keepers of the Arkansas Penitentiary, made to the Governor, for 1859 and 1860*, 3-4, 14-19; *Journal of the House of Representatives for 1860 and 1861* (Little Rock: Johnson & Yerkes, 1861), 21, 29-34, 100-1, 437-38; Ledbetter Jr., “Long Struggle to End Convict Leasing in Arkansas,” 4; *Message of Elias N. Conway, Governor of Arkansas to Both Houses of the General Assembly; November 6, 1860* (Little Rock: Johnson & Yerkes, 1860), 4; *Weekly Arkansas Gazette*, February 18, 1860; Bayliss, “Arkansas State Penitentiary Under Democratic Control, 1874-1896,” 196; Ford, “History of the Arkansas Penitentiary to 1900,” 50; The Arkansas Penitentiary Study Commission, Report 1968, 2.03; Ferguson, “History of the Arkansas Penitentiary,” 3.

²³ The Arkansas Penitentiary Study Commission, Report 1968, 2.04; Ford, “History of the Arkansas Penitentiary to 1900,” 31; Ferguson, “History of the Arkansas Penitentiary,” 3; *Acts of the Arkansas General Assembly, 1860*, 119-20, 275; *Report of the Superintendents and Keepers of the Arkansas Penitentiary, Made to the Governor, for 1859 and 1860*, 4. From 1838 to 1860 state expenditures for the state penitentiary totaled more than \$250,000 without achieving self-sustainability or substantial profits. *Report of the Superintendent of the Penitentiary, 1860* 1-3; *Message of Elias N. Conway, November 6, 1860* (Little Rock: Johnson & Yerkes, 1861), 8-13.

also housed convicts born in nineteen states, with twenty-five from Tennessee, and fourteen foreign prisoners represented five countries with seven from Ireland. Physician Charles Peyton reported the inmates were in general good health with only two cases of typhoid. Chaplain D. L. G. McKenzie, a local Methodist preacher, praised the disciplinary changes and recommended expanding the library to improve mood, morals, and comfort. After nearly twenty years of trial and error the penitentiary seemingly had found a balance of solitary confinement, religion, and labor to encourage reformation. National affairs, however, were about to disrupt.²⁴

President Abraham Lincoln was not on the ballot for the 1860 election in Arkansas and his call for 75,000 troops after the attack on Fort Sumter did not resonate. On the afternoon of May 6, 1861, delegates at the State Convention adopted the secession ordinance by a vote of 69 to 1. Thus, Arkansas became the ninth state to leave the Union. Several prominent citizens of Little Rock, including Andrew Ward, signed a resolution supporting secession and Confederate nationalism. It declared, “We are ready to embark ‘our lives, our fortunes, and our sacred honors’ in the rebellion.” On May 13, the convention adopted a resolution specifically suspending the writ of habeas corpus for convicts in the penitentiary in order to retain them until their terms expired. Within six months Arkansas enlisted at least 16,400 soldiers, all of whom required a variety of military supplies. Lieutenant General Theophilus H. Holmes oversaw command of the District of Arkansas from his headquarters at Little Rock. Ward contracted with

²⁴ Russell P. Baker, “Inmates in the Arkansas State Penitentiary 1860,” *Arkansas Family Historian* 54 (Summer 2016): 31-4; Ford, “History of the Arkansas Penitentiary to 1900,” 121-22, 124; Messages and Documents 1859-1860, Report of the Keepers George and Robins, October 1, 1860, 3-4; *Report of the Superintendent and Keepers of the Arkansas Penitentiary, made to the Governor, for 1859 and 1860*, 3-4, 14-19, 22-4.

Holmes as well as Confederate quartermaster and ordnance officers in Little Rock and Fort Smith to provide prison goods for soldiers.²⁵

Manufacturing facilities in Arkansas were largely unprepared to produce war materials. Seventeen establishments produced boots and shoes, but their combined output was small. The entire state only operated four clothing manufactures, one for hats, sixty-one leather crafters, twenty-two saddle and harness makers, and eleven wool carding establishments. The prison workshops soon emerged to fill the gap. The prison employed the inmates as blacksmiths, coopers, shoemakers, wagon makers, and chair makers. They produced wartime necessities for Confederate soldiers that included gun carriages, wagons, caissons, tents, harness, boots, shoes, clothing, cartridge boxes, belts, camp chests, stools, cots, and drum heads.²⁶

Early in the war, the Confederate central government provided funds to the states for uniforms and equipment in what was known as the “commutation” system. These funds were

²⁵ *Ordinances of the State Convention, which convened in Little Rock, May 6, 1861* (Little Rock: Johnson & Yerkes, 1861), 13; Richard F. Selcer, *Civil War America, 1850 to 1875* (New York: Facts on File, 2006), 252. By the end of the war an estimated 58,815 men enlisted in Arkansas units. Robert L. Kerby, *Kirby Smith's Confederacy: The Trans-Mississippi South, 1863-1865* (Tuscaloosa: University of Alabama Press, 1972), 2, 5; Michael B. Dougan, *Confederate Arkansas: The People and Policies of a Frontier State in Wartime* (Tuscaloosa: University of Alabama Press, 1976), 63-3; Mark K. Christ, ed., *The Die is Cast: Arkansas Goes to War, 1861* (Little Rock: Butler Center Books, 2010), 26. Only Isaac Murphy, an astronomer from Madison County, voted against the secession ordinance. Bobby Roberts and Carl Moneyhon, *Portraits of Conflict: A Photographic History of Arkansas in the Civil War* (Fayetteville: University of Arkansas Press, 1987), 25; Mark K. Christ, ed., *Rugged and Sublime: The Civil War in Arkansas* (Fayetteville: University of Arkansas Press, 1994), 8. Leo Elmer Huff, “The Military Board in Confederate Arkansas,” *Arkansas Historical Quarterly* 26 (Spring, 1967): 82, 86; *Arkansas True Democrat*, November 7, 1861; *Arkansas, Report*, 2.04; Ted R. Worley, “The Civil War Comes to Van Buren,” *Arkansas Historical Quarterly* 25 (Summer, 1966): 149; *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, 128 vols. (Washington D. C.: Government Printing Office, 1890-1901), Series 1, Volume 53, Page 672-673 (hereafter referred to as *Official Records*). For more information on Gen. Theophilus H. Holmes, see Walter C. Hilderman III, *Theophilus Hunter Holmes: A North Carolina General in the Civil War* (Jefferson: McFarland and Company, 2013).

²⁶ Leo Elmer Huff, “Confederate Arkansas: A History of Arkansas During the Civil War,” (M. A. Thesis, University of Arkansas, 1964), 232-33; Joseph C. G. Kennedy, *Population of the United States in 1860, Compiled From the Original Returns of the Eight Census, Under the Direction of the Secretary of the Interior* (Washington: Government Printing Office, 1864), 599; Jane Zimmerman, “The Convict Lease System in Arkansas and the Fight for Abolition,” *Arkansas Historical Quarterly* 8 (Autumn, 1949): 172; Anne J. Bailey, and Daniel E. Sutherland, eds., *Civil War Arkansas: Beyond Battles and Leaders* (Fayetteville: The University of Arkansas Press, 2000), 56; Ferguson, “History of the Arkansas Penitentiary,” 3; *Report of the Superintendents and Keepers, 1859 and 1860*, 6-9; Kerby, *Kirby Smith's Confederacy*, 66, 74. Caissons are horse-drawn vehicles with wither two or four wheels and are used to carry artillery ammunition and coffins.

used in part by the Military Board in Arkansas to support the clothing and equipment manufactory at the penitentiary, which offered established workshops and a reliable labor force that possessed the necessary skills to manufacture clothing and shoes for the military. A workshop at the penitentiary also provided the necessary dimensions for a small textile mill, and the introduction of textile machinery at least allowed the facility to furnish quantities of clothing that smaller private factories could not. By the summer of 1861, the workshops reportedly had produced “a large lot of army clothing” and “a great many shoes for soldiers.”²⁷

The Military Board patterned the issued uniform on the pre-war uniform of the U. S. Army, with a frock coat, trousers, and forage cap made of gray woolen jean material. The uniforms produced at the penitentiary consisted of grey woolen jean material with black or blue cuffs and collars. The “Arkansas frock coat” was a single-breasted garment with either eight or nine buttons, constructed from either “butternut” or “sheep’s grey” wool that was woven onto an unbleached or brown cotton warp. Uniforms supplied to the 18th and 23rd Arkansas Infantry consisted of either grey or brown frock coats, jean trousers, and matching grey forage caps.²⁸ Phillip Dangerfield Stephenson of the 13th Arkansas Infantry described the prison-made uniform he received in mid-September of 1861:

Lieutenant Bartlett roared as I tried one thing after another. I finally emerged-and it was a sight! I had on a long frock coat of coarse brown cloth, butternut color, very tight, buttoned up to the chin on my long rail-like body. My pants, of the same stuff, were

²⁷ Huff, “Confederate Arkansas,” 242; Ron Field, *The Confederate Army, 1861-1865, Virginia and Arkansas* (Oxford: Osprey Publishing, 2006), 35.

²⁸ Field, *American Civil War Confederate Army*, 84; Field and Smith, *Uniforms of the Civil War*, 236; Field, *Confederate Army, 1861-1865, Virginia and Arkansas*, 35. Butternut refers to a yellow or brown colored uniform worn by Confederate soldiers. Sheep’s grey refers to a light-gray colored wool uniform that retains some natural wool texture and color. Warp refers to yarn arranged lengthways on a loom that forms the threads through which yarns are woven.

a mile too big, baggy as sacks, legs rolled up at the bottom. Our uniforms were mostly the same dirt color, the coats having brass buttons and black cuffs and collars. My hat, a common light colored wool, was passable to fit by my shoes, coarse brogans, were a No. 9, and a No. 8!²⁹

The widespread shortage of clothing at the beginning of the war caused the equipping of soldiers to be a difficult endeavor, but prison production again helped. In Little Rock, Confederate authorities converted Theatre Hall into a workshop that turned out seventy-five pairs of pants and two hundred jackets made from penitentiary cloth for the 1st Arkansas Infantry. By September 12, 1861, the women of Little Rock provided entire uniforms for Company A of the 6th Arkansas Infantry, known as the “Capitol Guards.” In early October, Company D of the 3rd Arkansas Cavalry also received clothing from the “ladies of Little Rock.” A group known as “The Daughters of the South” occupied the federal courtroom at the capital and converted it into a workshop for the manufacture of clothing. Mary J. Ward served as president of the Daughters of the South and more than likely acquired cloth from her husband at the penitentiary. Meanwhile, the Daughters of the South produced complete uniforms for the “Crawford Artillery.”³⁰

Amidst the manufacture of war supplies, an expansion of the cell house and workshops neared completion in September (see Illustration 7.2). Inspector Thomas C. Peek reported the

²⁹ Nathaniel C. Hughes Jr., ed., *The Civil War Memoirs of Philip Dangerfield Stephenson* (Baton Rouge: Louisiana State University, 1995), 18; Ron Field, *Confederate Army, 1861-1865, Virginia and Arkansas*, 36.

³⁰ Field, *Confederate Army, 1861-1865, Virginia and Arkansas*, 37; Christ, *Die is Cast*, 45; Dougan, *Confederate Arkansas*, 70; Ted R. Worley, “The Civil War Comes to Van Buren,” *Arkansas Historical Quarterly* 25 (Summer, 1966): 149-50; Eno, “Activities of the Women of Arkansas During the War Between the States,” 6, 8-9; *Arkansas Weekly Gazette*, May 11, 1861.

inmates were treated humanely, and well fed, clothed, and disciplined. During a special session of the Arkansas General Assembly in mid-November 1861, the legislature abolished the office of penitentiary, and those duties were assigned to the prison physician. In his message, Governor Rector agreed with other suggested improvements to sanitary conditions. He wrote, "The fate of a convict is deplorable at best. All that can, ought to be done by the government to comfort and soothe them in affliction." Healthy inmates at the penitentiary were vital to the production of supplies.³¹

Concerning the prison's productivity, the *Arkansas True Democrat* reported in late October 1861:

The Arkansas penitentiary has been made a useful institution during the present war . . . Mr. Ward, the energetic contractor, tells us that by spring he will have turned out 10,000 pairs of boots and shoes for the soldiers . . . The most of our readers are aware that the penitentiary was leased for a term of years, with a view to the introduction of machinery to spin and weave cotton goods. For this purpose an appropriation was made for the erection of buildings for the factory and additional cells for the prisoners. But the breaking out the war checked this enterprise and the contractor has wisely set the convicts to work making such things as were needed by the troops.³²

In a subsequent message to the legislature on November 5, Governor Rector announced that Arkansas had raised twenty-one regiments of at least 22,400 soldiers. Two weeks later,

³¹ *Acts Passed at the Thirteenth or Special Session of the General Assembly of the State of Arkansas, 1861* (Little Rock: Johnson & Yerkes, 1861), 29, 63.

³² *Arkansas True Democrat*, October 31, 1861.

Superintendent Rutherford reported to the legislature that the penitentiary workshops had completed 3,000 sets of uniform, 8,000 pairs of shoes, 250 wagons, 100 sets of wagon and artillery harnesses, 500 drums, 200 tents, 600 knapsacks, and 500 cartridge boxes for Arkansas regiments. Governor Rector boasted, “The penitentiary is paying its own expenses, and has afforded many facilities in equipping the troops.” He noted that many of the inmates were “skillful mechanics, and the products of their labor command high remunerative prices.” The penitentiary also was utilized as a place of detention for deserters and prisoners of war. On December 11, 1861, Confederate Colonel Solon Borland reported that “some 40 . . . prisoners had already been sent to Little Rock.” On March 23, 1862, Union Brigadier General Frederick Steele wrote Major General Henry W. Halleck, “I have been informed that all the prisoners of war taken by the rebels in Missouri and Arkansas are confined in the penitentiary at Little Rock.”³³

Rector suggested the facility could become a self-sustaining institution by expanding the manufacture of woolen and cotton textiles. He pointed out that cotton and wool were easily obtained at excellent prices, and referred to successful textile mills within the state penitentiaries of Louisiana, Tennessee, and Texas. The Arkansas *True Democrat* reported on the production levels of textiles at the Texas State Penitentiary in Huntsville, and lamented, “what a pity it is that we had not begun a year sooner to get machinery for the penitentiary here. Everything was being put in readiness for the reception of the machinery when the war commenced and prevented it.”³⁴

³³ *Message of Gov. Henry M. Rector, to the General Assembly of Arkansas, in Extra Session, Nov. 6, 1861*, 1-5; *Official Records*, Series 1, Volume 8, Part 1, Page 636, 710; Leo Elmer Huff, “The Military Board in Confederate Arkansas,” *Arkansas Historical Quarterly* 26 (Spring, 1967): 82, 86, 94; The Arkansas Penitentiary Study Commission, Report 1968, 2.04, Ted R. Worley, “The Civil War Comes to Van Buren,” *Arkansas Historical Quarterly* 25 (Summer, 1966): 149.

³⁴ *Message of Gov. Henry M. Rector, to the General Assembly of Arkansas, in Extra Session, Nov. 6, 1861*, 1-5; *Arkansas True Democrat*, December 17, 1862.

During the second year of the war the penitentiary workshops and local societies remained the primary source of uniforms for Arkansas Confederate units. The 19th Arkansas Infantry, 20th Arkansas Infantry, and 1st Arkansas Cavalry received uniforms made from grey jean material most likely produced at the penitentiary workshops. Governor Rector reported, “I take pleasure in mentioning the efficiency of the officers connected with the state’s prison, and the material aid afforded by the institution in carrying on the war.”³⁵

Soldiers often did not like Arkansas uniforms, however. General Sterling Price’s Missourians received an issue of poorly colored uniforms in northwest Arkansas in early March 1862. These uniforms were constructed at the Little Rock penitentiary from wool, cotton jean, and osnaburg manufactured at the Texas State Penitentiary in Huntsville. In February 1862, Ephraim Anderson of the 2nd Missouri Infantry received clothing at Boston Mountain, Arkansas, and recalled:

Our regiment was uniformed here; the cloth was of rough and coarse texture, and the cutting and style would have produced a sensation in fashionable circles: the stuff was white, never having been colored, with a goodly supply of grease – the wool had not been purified by any application of water since it was taken from the back of the sheep. In pulling off and putting on the clothes, the olfactories were constantly exercised with a strong odor of that animal . . . Our brigade was the only body of troops that had these uniforms issued to them, and were often greeted with a chorus of

³⁵ *Message of Gov. Henry M. Rector, to the General Assembly of Arkansas, in Extra Session, Nov. 6, 1861*, 1-5; Field, *American Civil War Confederate Army*, 84; *Message of Governor Henry M. Rector to the General Assembly of the State of Arkansas, Delivered November 1862* (Little Rock: Johnson & Yerkes, 1862), 29; Dougan, *Confederate Arkansas*, 107.

ba-a-as . . . Our clothes, however, were strong and serviceable, if we did look and feel somewhat sheepish in them.³⁶

Exhaustive research within the *Confederate Papers Relating to Citizens and Business Firms* does not confirm the purchase of prison goods from April 1861 to September 1861. Furthermore, there are few receipts to document the thousands of shoes or 500 wagons reportedly manufactured in 1862 and 1863. Based upon the prices paid for similar items from other state penitentiaries, the receipts for items manufactured by November 1861 should reflect a profit of nearly \$190,950 (see Table 7.2). Additionally, the manufacture of 500 wagons in 1862 and 1863 should have profited Ward an additional \$103,500. Thus, the total value of the supplies could have amounted to \$294,450. Yet, documentation of payment for those items remains elusive.³⁷

The available sources do reveal twenty-eight receipts from Confederate officials to Ward between October 16, 1861, and September 30, 1863 (see Table 7.3). The only two receipts from 1861 document the sale of office equipment from the carpentry shop, and a variety of iron parts manufactured by the blacksmith shop. Similarly, the receipts from January to October 1862 identify myriad small items ranging from wagon wheels, canteens, and horseshoes to shoemaker clamps and benches. The only two documented sales of wagons occurred on February 22, 1862, with forty army wagons designated for Brigadier General Albert Pike, and a single wagon supplied to Fort Smith on September 30, 1862. From December 1862 to April 1863 the

³⁶ Adolphus R. Frederick, "Drab: The Forgotten Confederate Color," *Confederate Veteran*, (September-October 1992): 38-39; Ron Field, *The Confederate Army 1861-1865, Missouri, Kentucky, and Maryland* (Oxford: Osprey Publishing, 2008), 10.

³⁷ "A. Burrows," *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 0125; "Mary G. Moore," *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 0708. The receipts from the Alabama State Penitentiary provide price comparisons for the items reportedly produced by Andrew J. Ward. "Andrew J. Ward," *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 1071.

penitentiary workshops primarily manufactured wall tents, “A” tents, wagon sheets, knapsacks, and water buckets. Throughout 1863 the workshops continued to supply small iron parts, wheelbarrows, tent poles, and a variety of other supplies.³⁸

Twenty-eight receipts, moreover, do not corroborate the thousands of items that Ward proclaimed early in the war. Instead, they identify only the sale of 789 tents, 293 wagon covers, 1,432 knapsacks, 223 water buckets, 8 drums, and 41 wagons. The forty wagons supplied for Brigadier General Pike represented the most profitable receipt at \$9,000.00, while the total profits from 1861 to 1863 amounted to only \$32,893.45 (see Table 7.3). This relatively low production of military supplies from the penitentiary workshops contrasts the dramatically larger number of prison goods reported by Ward, and challenges previous estimates of output from the workshops.³⁹

The penitentiary leadership had constructed a building to serve as a textile manufactory prior to the war, but the machinery could not be imported before the disruption of interstate trade and the Union naval blockade of the entire Confederate coast. Nonetheless, on April 9, 1863, Ward and Confederate Quarter Master Major William H. Haynes completed an “Article of Agreement” regarding the funding and importation of textile machinery. They “mutually agreed” for Ward to import machinery capable of manufacturing four thousand yards of cotton or woolen cloth per day before November 1, 1863. Andrew Ward agreed to furnish the Confederate government with cloth as soon as the machinery was operable. The agreement stipulated that Ward must supply \$60,000 worth of cloth at “the actual cost of manufacture” to only the Confederate army. All subsequent cloth supplied could be charged a “reasonable and

³⁸ “Andrew J. Ward,” *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 1071.

³⁹ “Andrew J. Ward,” *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 1071.

fair percentage” determined by a third party. Furthermore, Ward agreed that the machinery should be made operational at “another location” within the Trans-Mississippi Department if Little Rock fell under Union control. The Confederate Government advanced \$60,000 to Ward to purchase and import the machinery, and he agreed to pay a penalty of \$120,000 if the advanced funds were lost. This agreement also authorized Ward to export six hundred bales of cotton through Mexico or Gulf ports. On May 9, an amended contract increased the amount of money advanced, as well as the penalty for “non-compliance.” Six days later Ward confirmed the receipt of \$85,000 from Haynes for the purpose of purchasing and operating textile machinery.⁴⁰

In hindsight, the loophole to relocate the textile mill machinery elsewhere within the Trans-Mississippi Department proved necessary. By September 1863, the army of Union Brigadier General Frederick Steele threatened Little Rock from the north. Valuable machinery at the penitentiary was relocated to “places of safety” to avoid possible destruction as the Union forces approached. On September 10, a portion of Steele’s army crossed a pontoon bridge near Commerce Street, and the penitentiary changed from Confederate to Union control. Federal troops found no convicts in the prison and no one in charge. Concerning the fall of Little Rock,

⁴⁰ “Andrew J. Ward,” *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 1071. The amended contract signed on May 11, 1863, identified Ward as the “principal,” as well as John C. Peay, William E. Ashley, and James Timms of Pulaski County as “securities,” bound to the Confederate States of America in the sum of \$170,000. War Department, *Compiled Service Records of Confederate Soldiers Who Served in Organizations from the State of Texas*, Record Group 109, NARA M323, Roll 0194. Ward fled to Texas, where he enlisted as a 2nd Lieutenant in Company A of Good’s Battalion of Texas Cavalry (Which subsequently became part of Wells’ Regiment Texas Cavalry). He was present at Camp Earle in May 1864, and Camp Duff in July 1864, but absent in August with leave by order of Gen. McCulloch. Ward surrendered as a 1st Lieutenant in Company K of Well’s Regiment Texas Cavalry (Dismounted) in April 1865. Harold S. Wilson, *Confederate Industry: Manufacturers and Quartermasters in the Civil War*, (Jackson: University Press of Mississippi, 2005), 149. Ward presumably received leave after textile machinery was imported through Mexico. Ward and Sylvester S. Munger, a businessman from Houston, operated the Bastrop Cotton and Wool Manufacturing Company for the Confederate Government. *Austin State Gazette*, February 1, 1865; *Galveston Weekly News*, February 1, 1865.

the Confederate commander of the Trans-Mississippi Department, General Edmund Kirby Smith, wrote to his wife, “Everything [officially] has gone wrong.”⁴¹

Federal occupation forces quickly converted the penitentiary into a military prison. By March 1864, it held 114 soldiers and thirty-seven citizens. The population peaked at 718 soldiers in May, with eighty-seven deaths over the summer and sixty-three deaths through the winter. In April, Brigadier General Joseph R. West instructed Lieutenant Colonel J. L. Chandler to “adopt rigid measures for the security of the prisoners in the penitentiary.” He directed Chandler to put as many prisoners in cells as possible and instruct the commanding officer to “redouble his vigilance and that of his guard.” He also asked him “Send as soon as possible tonight 100 bales cotton to a pine tree about 300 yards southwest of the penitentiary.” He mentioned that Captain Mason at the penitentiary should be notified and could provide the exact location. West later wrote to Captain Byron O. Carr to inform about excess cotton bales at the penitentiary to use as fortifications.⁴²

For the duration of the war the penitentiary in Little Rock served as a military prison. Captain J. L. Hodges served as superintendent with a prison fund of \$2,514.29 and hospital fund of \$72,09 to support the facility. On October 5, 1864, Union surgeon T. M. Getty submitted a medical inspection of the military prison. He noted an abundance of water and timber near the penitentiary, described the rations as “good,” but criticized the manner of cooking in open air. Getty identified the prisoners’ clothing as “not very good” and the sanitary conditions as “not good, not clean.” He also identified who occupied each building in the prison complex, which held 287 prisoners of war, fifty political prisoners, fifteen Federal citizens, and 129 Union

⁴¹ Bailey, and Sutherland, eds. *Civil War Arkansas*, 30, 73; Barnard, “Old Arkansas State Penitentiary,” 321-22; Dougan, *Confederate Arkansas*, 106; Kirby Smith to Mrs. Smith, September 10, 1863, Kirby Smith Papers, Southern Historical Collection, University of North Carolina.

⁴² *Official Records*, Series 1, Volume 34, Part 3, Page 339, 361, 414; *Official Records*, Series 2, Volume 8, Page 174, 767-768, 995-1003.

soldiers for a total of 481 inmates. By April 1865 the prison population had decreased to 354, which consisted of twenty-five civilians, thirty-two officers, nine non-commissioned officers, and 215 privates. In late 1865 the Commissary-General of Prisoners, William Hoffman, reported \$3,111.28 allocated for the military prison in Little Rock. Assistant Surgeon Moses R. Greely of the 3rd Minnesota Volunteers served as the physician and reported fifty-six deaths in 1865. In May the remaining prisoners began taking the oath of allegiance and by August the penitentiary only held four military prisoners. Yet the penitentiary became notorious after Union soldiers hanged seventeen year-old David O. Dodd, a suspected Confederate spy, at the facility near the end of the war.⁴³

The antebellum institution never became a self-sustaining enterprise. It attracted opposition from local mechanics and suffered three devastating fires. A delayed investment in a textile mill at the penitentiary until the onset of the Civil War undermined the wartime output of uniforms, blankets, and other textiles from Little Rock. The mill outfitted several Confederate Arkansas units from 1861 into 1863, but did never had the capacity to produce enough clothing to support indigent families, citizens, aid societies, or slaves during the war. Confederate soldiers nonetheless utilized penitentiary goods until Union forces occupied the facility. Like its counterpart in Nashville, the penitentiary in occupied Little Rock became a Union military prison for the remainder of the war. The hardships of Confederate soldiers in Arkansas increased after mid-1863, and as the shortage of clothing increased so did disease related casualties.

Confederate General Theophilus H. Holmes commented, “The troops are in a great measure destitute of clothing, with no prospect of supply from abroad, and dependent almost entirely upon local and domestic manufactures.” The weakness and loss if the Arkansas State Prison had

⁴³ *Daily Arkansas Gazette*, May 18, 1865; *Journal of the Senate of Arkansas, Sessions of 1864, 1864-65, and 1865* (Little Rock: Price & Barton, 1870), 24-5, 128; *Official Records*, Series 2, Volume 7, Page 957-959; *Official Records*, Series 2, Volume 8, Page 174, 501, 536, 767-768, 995-1003.

much to do with that situation.⁴⁴

⁴⁴ James L. Nichols, *The Confederate Quartermaster in the Trans-Mississippi*, (Austin: University of Texas Press, 1964), 26.

Table 7.1

Arkansas State Penitentiary Inmate Statistics, 1841-1861.

Year	Black Male	Black Female	White Male	White Female	Native American Male	Total
1841						17
1847						35
1848						32
1850						38
1853						49
1854	3	3	6	1		53
1856	1		77	1	7	86
1857						90
1858	2		84		1	87
1860	5		116	1	2	124
1861						120
1864						481
1865						354
Total	11		274	2	10	399

Sources: Ford, "History of the Arkansas Penitentiary to 1900," 38, 45; Arkansas Penitentiary Study Commission, *Report 1968*; Baker, "Inmates in the Arkansas State Penitentiary 1850," 13-4; *Arkansas Intelligencer*, December 9, 1848; *Message of Elias N. Conway, 1854*; *Journal of the Senate for the Tenth Session of the General Assembly of the State of Arkansas, 258-69*; *Message of Elias N. Conway, 1856*; *Reports of the Superintendent and Keepers, 1856*; *Report of the Superintendent and Keepers of the Arkansas Penitentiary, made to the Governor, for 1857 and 1858*, 3-5; *Message of Elias N. Conway, 1858*; *Report of the Superintendents and Keepers, 1859 and 1860*; *Inaugural Address of Henry M. Rector, 1860*; *Arkansas True Democrat*, October 31, 1861; *Official Records*, Series 2, Volume 7, Page 957-959; *Official Records*, Series 2, Volume 8, page 174.

Table 7.2

Supplies Reportedly Produced at the Arkansas State Penitentiary, 1861-1863.

Type of Supplies	Amount	Price Per Item	Profit
Uniforms	3,000	\$15.50	\$46,500.00
Shoes	8,000 pairs	\$7.25	\$58,000.00
Wagons	750	\$225	\$168,750.00
Harnesses	100 sets	\$95	\$9,500.00
Drums	500	\$15	\$7,500.00
Tents	200	\$12	\$2,400.00
Knapsacks	1,500	\$2.50	\$1,500.00
Cartridge Boxes	500	\$0.60	\$300.00
Total			\$294,450.00

Sources: Arkansas *True Democrat*, October 31, 1861, November 21, 1861; Kerby, *Kirby Smith's Confederacy*, 66; "A. Burrows," *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 0125; "Mary G. Moore," *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 0708. The receipts from the Alabama State Penitentiary provide price comparisons for the items reportedly produced by Andrew J. Ward. "Andrew J. Ward," *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 1071.

Table 7.3

Receipts at the Arkansas State Penitentiary, 1861-1863.

Invoice Date	Tents*	Wagon Sheets	Knapsacks	Drums	Water Buckets	Wagons	Profit
10/16/1861					2		\$23.50
10/19/1861							\$91.35
1/28/1862							\$39.65
2/22/1862			40				\$126.00
4/1/1862							\$500.00
5/25/1862						40	\$9,000.00
6/14/1862							\$285.00
6/30/1862							\$25.00
7/10/1862							\$40.00
9/30/1862					6	1	\$204.00
10/22/1862					2		\$770.40
12/30/1862	106	25					\$1,239.00
12/31/1862							\$34.00
12/31/1862					40		\$440.50
1/23/1863	204						\$2,114.00
2/10/1863				2			\$30.00
2/26/1863					40		\$40.00
3/1/1863	177	76	76		33		\$2,921.00
3/2/1863				6			\$90.00
3/31/1863	234		589				\$4,302.40
3/31/1863					69		\$69.00
4/1/1863	58	189	727				\$3,889.40
4/1/1863							\$5,422.75
5/22/1863							\$910.00
6/17/1863							\$15.00
9/4/1863	10						\$49.00
9/4/1863		3					\$135.00
9/30/1863					31		\$87.50
Total	789	293	1432	8	223		\$32,893.45

Source: "Andrew J. Ward," *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 1071.

* These numbers include "Wall," "A," "Sibley," and "Hospital" tents.

Illustration 7.1

Advertisement for Ward Carriage Manufactory in Little Rock, 1859.

LITTLE ROCK



CARRIAGE MANUFACTORY.

AT THIS ESTABLISHMENT WILL BE FOUND constantly on hand, or made to order, any and every style of

**CARRIAGE, ROCKAWAY
OR BUGGY,**

Which in quality or material, Workmanship, Beauty and Good Taste, IS UNSURPASSED, by any work manufactured out of the State.

All New Work Warranted for one Year.

Particular attention will be given to REPAIRING. Also HORSE-SHOEING AND FARM WORK.

A. J. WARD.

*P. S. All JOB WORK, after this date, will be CASH, or payable at the end of every month.
Little Rock, February 25, 1859.*

Source: *Arkansas Weekly Gazette*, September 10, 1859.

Illustration 7.2

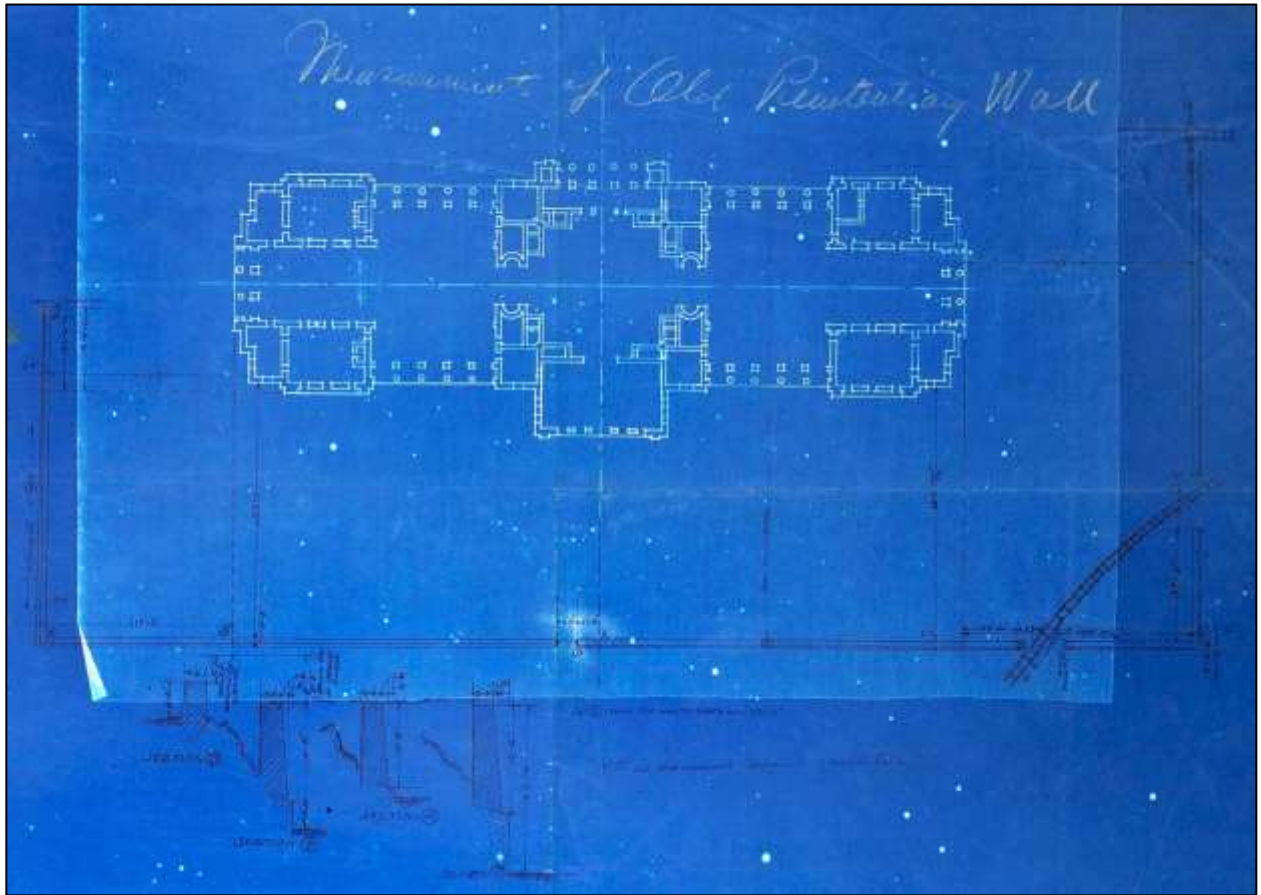
Arkansas State Penitentiary, 1866.



Source: Courtesy of the Arkansas Department of Corrections.

Illustration 7.3

Arkansas State Capitol Blueprint with the Penitentiary Walls, undated.



Source: Arkansas State Penitentiary, Blueprint 1, Cass Gilbert Collection, PR021, 2NW, 2B, Case 6, Drawer 6, New York Historical Society, New York, New York.

Chapter 8

The Alabama State Penitentiary in Wetumpka (1839-1865)

Alabama was the seventh southern state to establish a penitentiary. The General Assembly modeled their facility after the neighboring state of Tennessee, and followed its example by building workshops and adopting the Auburn system. Competition with local mechanics and a flood of cheap prison goods disrupted the market and increased public opposition to convict labor. In 1846 the legislature began leasing the facility in an effort to insulate the State Treasury from the financial burden of operating a penitentiary. A series of lessees expanded the complex during the antebellum years and created a reliable and captive workforce. Inmates shifted to the production of tents, wagon covers, shoes, and other crucial supplies during the Civil War, which generated impressive profits. The workshops operated throughout the conflict, and as noted above accepted prisoners transferred from Mississippi as the Union army advanced across the Confederacy.

The territory of Alabama achieved statehood in 1819, but lacked a prison system for nearly twenty years. The state constitution stipulated that, “It shall be the duty of the General Assembly as soon as circumstances will permit to form a penal code, founded on principles of reformation and not of vindictive justice.” Voters thwarted initial efforts to establish a state penitentiary, however, due to the expense. Democratic Governor John Gayle, who objected to the death penalty, whipping post, branding iron, and pillory, noted that other states had successfully offset the expense of building state penitentiaries by employing convict labor. From 1831 through 1834, Gayle encouraged legislation to create a more civilized criminal code. The

prospect remained bleak as a statewide poll in August 1834, revealed only 7,743 in favor and 22,251 against establishing a penitentiary.¹

Public opposition coupled with economic turmoil from the Panic of 1837 delayed wider changes to the penal code in Alabama. Two years passed until the General Assembly approved legislation on January 26, 1839, during the administration of Democratic Governor Arthur P. Bagby. The “Act to establish a state prison and penitentiary,” stipulated a location “at a place not more than fifty miles from the center of the state to be selected by a joint vote of the legislature,” and appropriated \$30,000 for the purchase of land and begin construction. The bill further “authorized the selection of a committee of three to prepare a code of criminal law, adapted to the penitentiary system of punishment and a set of rule suitable for the organization of the prison.” The General Assembly engaged in rigorous debate and examined the towns of Wetumpka, Centreville, Montevallo, and Marion, which all met the geographic requirement.²

The legislature ultimately approved Wetumpka, a town sixteen miles north of Montgomery, as the site for the penitentiary. The town was bisected by the Coosa River, with West Wetumpka situated in Autauga County, and East Wetumpka in Coosa County. Only a covered bridge built by Horace King, a former slave and master builder, connected the two sides. The General Assembly elected building commissioners to identify an exact location for the penitentiary. The lawmakers strongly favored William Hogan, who had settled in Talladega by 1834 and operated a trade store. Alexander Smith, lived and operated a sawmill in East

¹ *Constitution of Alabama, Adopted August 2, 1819* (Huntsville: John Boardman, 1819), 19. Article VI, Section 19. Mary Ann Neeley, “Painful Circumstances: Glimpses of the Alabama Penitentiary, 1846 to 1852,” *Alabama Review* 44 (January 1991), 3-4; Jack K. Williams, “Crime and Punishment in Alabama, 1819-1840,” *Alabama Review*, 6 (January 1953): 30; Elmore County Heritage Book Committee, *The Heritage of Elmore County, Alabama* (Clanton, 2002), 205; *Huntsville Democrat*, December 24, 1834, June 3, 1835; *Flag of the Union*, September 26, 1835.

² *Huntsville Democrat*, January 26, 1839; *Selma Daily Reporter*, February 2, 1839; Ward and Rogers, *Alabama’s Response to the Penitentiary Movement, 1829-1865*, 45; Elmore County Heritage Book Committee, *Heritage of Elmore County*, 205-6.

Wetumpka, but owned eighty-one acres of land across the Coosa River. Alvin A. McWhorter was an early pioneer of West Wetumpka, where he served as county judge and president of the Democratic Club of Coosa and Autauga County. A lengthy controversy developed as Hogan and Smith proposed a location in East Wetumpka, while McWhorter strongly dissented and resigned in April. His replacement, Seth P. Storrs, was a native of Vermont who lived in West Wetumpka and operated a law office across the river.³

The General Assembly ultimately selected East Wetumpka as the site for the prison. The building commissioners visited the Tennessee State Penitentiary, which provided a tangible model for Alabama. The legislature awarded a contract to architect William H. Thomas of Nashville, Tennessee to construct the penitentiary buildings. He advertised for sixty to seventy construction workers, including quarrymen, stone masons, carpenters, and a blacksmith. A Masonic ceremony celebrated the laying of the cornerstone on March 4, 1840. Hogan became the first warden of the prison, soon nicknamed “the Walls.” The *Wetumpka Argus* described the red brick prison as, “having some architectural beauty.” A main building, ornamented with white marble, faced the north. It measured 125 feet in length, and consisted of three stories with a fourth level topped by a cupola (see Illustration 8.1). The complex encompassed two acres of

³ *Cahawba Democrat*, February 9, 1839; *Wetumpka Argus*, June 5, 1839, April 22, 1840; Ward and Rogers, *Alabama’s Response to the Penitentiary Movement, 1829-1865*, 46-8, 56-7, 59-60. On January 17, 1834, the General Assembly incorporated the east side of the town along with the west side the following day. On January 30, the legislature passed an act that consolidated the east and west into one city. George F. Brewer, “History of Coosa County,” *Alabama Historical Quarterly* 4 (Spring and Summer, 1942): 60-4; *Wetumpka Argus*, January 15, 1840. For more information see J. David Dameron, *Horace King: From Slave to Master Builder and Legislator* (Montgomery: Southeast Research Publishing, 2017); John S. Lupold and Thomas L. French, *Bridging Deep South Rivers: The Life and Legend of Horace King* (Athens: University of Georgia Press, 2004).

land enclosed by brick walls measuring twenty-five feet tall (see Illustration 8.4). Final construction costs exceeded all expectations at \$84,889.⁴

The revised Penal Code of 1841 dramatically reduced capital punishment and established regulations for the penitentiary. The governor appointed three inspectors and a warden, who were then approved by a joint session of the legislature. Hogan oversaw the facility while the inspectors assured that prisoners received fair treatment, adequate food, and decent clothing. The code allowed the appointment of a clerk and physician to assist with the warden's duties. Inmates received religious instruction on Sundays, but depended upon volunteer chaplains. Corporal punishment required written permission from the inspectors, who limited the punishment to thirty-nine lashes for male convicts. This regulation of lashes across the South was guided by the Bible, specifically Deuteronomy 25:3, which read, "Forty stripes he may give him, and not exceed: lest, if he should exceed, and beat him above these with many stripes, then thy brother should seem vile unto thee."⁵

Hogan invited the citizens of Autauga, Coosa, and Montgomery counties to attend a public ceremony and dinner on October 27, 1841, where the commissioners received keys. The first inmate, William Garrett of New York, arrived in January 1842. He was a harness maker sentenced to twenty years for harboring a runaway slave. He later instructed prisoners in the workshops. By March, the inmate population had increased to seventeen, and expanded to 64 by

⁴ *Cahawba Democrat*, February 9, 1839; *Selma Daily Reporter*, February 23, 1839, April 6, 1839; *Wetumpka Argus*, June 19, 1839, December 11, 1839, January 15, 1840, March 4, 1840; *Huntsville Democrat*, November 27, 1841; Ward and Rogers, *Alabama's Response to the Penitentiary Movement, 1829-1865*, 50-2, 60. On May 2, 1839, William Thomas received a contract signed by all three building commissioners, but McWhorter's appeals to the General Assembly delayed construction. *Wetumpka Argus*, February 22, 1843; Neeley, "Painful Circumstances," 4-5. The warden and his family resided on the first floor. Two cell house wings were eighty-five feet in length and contained three stories, which held one hundred and four cells. Elmore County Heritage Book Committee, *The Heritage of Elmore County*, 204-5.

⁵ *Wetumpka Argus*, November 11, 1840, May 19, 1841, February 23, 1842, December 6, 1843. Major Joseph Shannon was elected Clerk with a salary of \$700. *Selma Daily Reporter*, April 24, 1841; Ward and Rogers, *Alabama's Response to the Penitentiary Movement, 1829-1865*, 61-2, 64, 70-3; Neeley, "Painful Circumstances," 6; *Acts of Alabama, 1846*, 9-13. In November of 1841, John Watson, J. M. Armstrong, and S. S. Simmons became the inspectors.

November 1843, including twelve inmates transferred from Mobile County (see Table 8.1). In their first report, the inspectors strongly suggested the construction of a suitable hospitable and the purchase of medicines, hospital stores, books, and instruments. Inmates labored from sunrise to sunset to produce wagons, shoes, cabinetry, harnessed, and saddles, and slowly learned trades including blacksmithing, coopering, tanning, painting, and tailoring. Within a year the workshops sold \$6,543.87 worth of goods, including 25,546 cigars.⁶

As in other southern states, artisans and mechanics in Wetumpka strongly opposed competition from convict labor. As early as December 1843, the *Wetumpka Argus* featured concerned citizens who cautioned, “The mechanic should let his voice be heard before it is too late.” An editorial referred to the penitentiary in Tennessee, where convict labor “is a curse upon the mechanic,” and citizens petitioned the legislature to alter the system. The state suffered as prison goods disrupted the open market and forced “the best and most valuable citizens” to relocate. As a compromise, the editorial suggested employing prisoners to manufacture bagging and rope. The author warned, “There are evils inseparable from any system of convict labor, and it is the duty of a good government not to let those evils oppress the many for the benefit of the few.”⁷

The General Assembly hoped that the sale of prison goods could make the institution a financially self-sustaining enterprise, but legislators grew increasingly frustrated as overhead costs exceeded revenue. From 1841 to 1845, maintenance costs totaled \$53,546.44, while sales

⁶ *Wetumpka Argus*, September 22, 1841, October 27, 1841, June 15, 1842; Ward and Rogers, *Alabama's Response to the Penitentiary Movement, 1829-1865*, 86. Female prisoners were prohibited from being whipped. On October 14, 1844, the wooden shops housing the tannery were destroyed by fire. *Wetumpka Argus*, December 6, 1843; *Jacksonville Republican*, August 9, 1843. By October 1843 the penitentiary workshops included eleven trades. The convicts were dispersed among those trades with ten working on boots and shoes, eight on wagon making, and five on hats. Neeley, “Painful Circumstances,” 5; Elmore County Heritage Book Committee, *Heritage of Elmore County*, 205. William Garrett was pardoned by the State Legislature after his guilt was questioned and substantial evidence could not be produced. *Report of the Inspectors of the Penitentiary* (Montgomery, 1848), 9.

⁷ *Wetumpka Argus*, December 6, 1843.

receipts totaled only \$21,565.75. As in other southern states, fiscal shortages caused the legislature to reconsider operational procedures within the penitentiary. On February 4, 1846, the General Assembly authorized the facility to be leased for a bond of \$25,000 and an annual rent of \$500. The following April, John G. Graham of Coosa County became the first lessee, who served as the warden and held full authority over the convicts from 1846 to 1852. He paid operating expenses and received all profits from the prison workshops. On May 15, 1846, penitentiary inspectors conducted an inventory and appraisal that revealed \$18,272.47 worth of property, tools, and goods on hand.⁸

The penitentiary complex also underwent significant growth during the first lease. Graham spent \$4,396 in the construction of large, secure, and permanent workshops. By March 1847, convicts were employed in the brickyard and as blacksmiths, coach and cabinetmakers, cobblers, hatters, tailors, coopers, and cigar makers. The inmate population consisted of 167 White men, one White woman, and three persons of color (see Table 8.1). The inspectors also the physician's criticism of poor ventilation in the workshops, especially a shoe shop that allegedly contributed to higher rate of sickness and mortality. Prisoners suffered primarily from fever, diarrhea, and rheumatism. In response, inspectors suggested the construction of ventilators above all doorways and cells, addition of windows, improved cleanliness, and encouraged an increase of vegetable matter in the diet.⁹

⁸ Elmore County Heritage Book Committee, *Heritage of Elmore County*, 205-6; *Report of the Inspectors of the Penitentiary*, 6-7, 16. In 1845 the penitentiary inspectors were William S. Kyle, F. McLemore, and R. J. Harrison. Dr. Ames C. Harris filed the medical report, but he C. F. Williams replaced him on March 21, 1846. From 1841 to 1846 the prison workshops produced \$23,589.19 of goods, but only \$16,956.04 worth sold at the penitentiary store. Ward and Rogers, *Alabama's Response to the Penitentiary Movement, 1829-1865*, 84-6; Neeley, "Painful Circumstances," 5-6.

⁹ Elmore County Heritage Book Committee, *Heritage of Elmore County*, 205-6; *Daily Alabama Journal*, May 30, 1851; *Report of the Inspectors of the Penitentiary*, 6-7, 8-9, 13, 16; Ward and Rogers, *Alabama's Response to the Penitentiary Movement, 1829-1865*, 76-7, 88; Neeley, "Painful Circumstances," 7; Governor Martin Papers, Dr. James Harris to Joshua Martin, October 1, 1846, ADAH; Governor Martin Papers, "Names, Ages, Occupations etc. of Convicts in Alabama Penitentiary," November 1, 1846, ADAH.

Penitentiary improvements continued in 1848 with the construction of a chapel and additional workshops, as well as a third wooden building (see Illustration 8.3). Graham experienced difficulty in employing a full time chaplain, and Sunday services relied on local ministers. Prison physician N. S. Jones noted that inmates' health generally improved from changes in diet, but he strongly suggested a separate and improved hospital building. During her tour of southern penitentiaries and asylums, Dorothea Dix visited the prison in 1848. She donated a collection of nearly 300 books of the prison library, which was later expanded with religious tracts donated by Democratic Governor Henry W. Collier in 1851, and an appropriation of \$100 from the legislature.¹⁰

The *Wetumpka Daily State Guard* reported in 1849 that the lessee operated the penitentiary workshops as a "financially advantageous" manufacturing center that included experienced workmen as supervisors. Inmates produced brogans, ladies' and gentlemen's fine morocco and calfskin shoes and boots, wool and beaver hats, barrels, cigars, furniture, road wagons, harnesses, plows, and other blacksmithing goods. Convicts also engaged in tailoring, sign and ornamental painting, milling, stone and marble cutting and polishing, and woodworking. Graham purchased a steam engine at a cost of nearly \$600 to mechanize stone

¹⁰ Ward and Rogers, *Alabama's Response to the Penitentiary Movement, 1829-1865*, 90, 98. The first two-story building measured 185 feet by 30 feet on the North side of the yard. The second two-story building measured 45 feet by 34 feet on the West side of the yard. A third wooden two-story building measured 30 feet by 90 feet on the South side of yard. *Report of the Inspectors of the Penitentiary* (Montgomery: McCormick and Walshe, 1847), 28; Neeley, "Painful Circumstances," 9-10; *Reports of the Inspectors of the Alabama Penitentiary to the General Assembly at its Third Biennial Session in the City of Montgomery, 1851*, (Montgomery: n.p., 1851), 23-5; Lucille Griffith, *Alabama: A Documentary History to 1900*, (Tuscaloosa: University of Alabama Press, 1968), 361; Richard F. Selcer, *Civil War America, 1850-1875* (New York, 2006), 289-90. Dorothea Lynde Dix embarked on a forty-six year crusade to study the harsh treatment of inmates and suggest reforms at jails, asylums, and poorhouses. She traveled over 10,000 miles to examine hundreds of institutions. She petitioned the U.S. Congress and suggested the separation of criminals from the mentally ill. During the Civil War she became superintendent of all Union hospitals, which mean she held the highest government post by any woman during the war.

and woodworking. He allowed local citizens to utilize a new steam-powered gristmill capable of grinding fifteen bushels of corn per hour.¹¹

Despite efforts by Graham to engage with the public, several citizens demanded suggested alternative uses for convict labor. On May 30, 1851, the *Alabama Daily Journal* reported, “Nearly every branch of industry is carried on within its walls, and the presumption is that the lessee is making money.” Through editorials and petitions the citizens of Alabama requested legislative protection for mechanical trades. In a December letter to the editor, “Philander” suggested, “I, for one, would have them placed on our rivers, above the falls . . . in the construction of dams and locks . . . The only problem to be solved is, can the convicts be governed, while thus employed!”¹²

Through the 1850s, the lessee made additional improvements to the penitentiary complex. A dilapidated hospital facilitated the escape of two inmates before a new building was finally constructed. Graham replaced wooden storerooms and small shops, and repaired the blacksmith and carpentry shops that were damaged by a fire in January. Security remained a concern at the prison, as several inmates violently attacked the guards in an attempted escape on April 14, 1852. When Warden Graham’s lease of the penitentiary expired in May, the inspectors urged the state to resume control of the institution. They emphasized that the complex contained “better manufacturing facilities than any other state penitentiary in the country.” The inspectors referenced the profitable textile mill at the neighboring Mississippi State Penitentiary, and noted the availability of a building capable of housing at least one hundred looms. They further

¹¹ Ward and Rogers, *Alabama’s Response to the Penitentiary Movement, 1829-1865*, 90-1. Six years of construction projects totaled \$13,962.90. Neeley, “Painful Circumstances,” 7-8; *Wetumpka Daily State Guard*, March 25 1849, April 3, 1849, September 25, 1849, November 19, 1849; *Reports of the Inspectors of the Alabama Penitentiary to the General Assembly 1851*, 24-5.

¹² *Daily Alabama Journal*, May 30, 1851, December 31, 1851.

suggested the development of a large ironworks to utilize the mineral resources in nearby Shelby and Talladega counties.¹³

Graham's six-year lease of the penitentiary served as a learning experience for everyone involved. He accumulated a personal debt of \$19,658.15 from the bond and value of goods transferred to state ownership. Graham had expended \$17,429.93 in improvements to the facility, but the legislature discovered a debt of \$2,228.22 to the state. Graham contested the balance through October 1853, when he finally assured state agent Nimrod E. Benson that he would pay the remainder as soon as possible.¹⁴

The General Assembly rented out the penitentiary throughout the antebellum era. A pair of Georgia natives, Dr. Meriwether Gaines Moore and Dr. Fleming Jordan, co-leased the penitentiary from 1852 to 1858 for \$650 a year (see Illustration 8.2). Moore was a physician and graduate of the University of Virginia, who later served as warden during the Civil War. Jordan was a physician and wealthy planter in Madison County who owned 134 slaves. The new lessees enlarged the two-story brick building on the south side of the yard, and built a frame shed next the brick building on the north side at a cost of \$4,693.64. Dr. Ambrose Burrows, another

¹³ Neeley, "Painful Circumstances," 13; *Reports of the Inspectors of the Alabama Penitentiary to the General Assembly 1851*, 14-7, 24-5; *Weekly Advertiser*, April 20, 1852.

¹⁴ Governor Collier Papers, N. E. Benson to Henry W. Collier, undated, ADAH; N. E. Benson to John G. Graham, October 10, 1853, Governor Collier Papers, ADAH; Governor Collier Papers, John G. Graham to N. E. Benson, October 21, 1853, ADAH; Neeley, "Painful Circumstances," 14-5; Ward and Rogers, *Alabama's Response to the Penitentiary Movement, 1829-1865*, 101-3.

physician from New York, obtained the following lease for \$1,550.00 a year, which he held from 1858 until 1862.¹⁵

Prison goods sold at Burrows, Holt and Company in Montgomery directly competed with private manufacturers. By 1860, at least 1,459 manufacturing establishments operated across Alabama that included 14 for cotton goods, 6 for woolen goods, 9 for men's clothing, 110 for boots and shoes, and 7 for hats and caps. The residents of Coosa County alone operated 57 manufacturing establishments that included blacksmithing, boots and shoes, bricks, carriages, cooperage, milling, cabinetry, leatherwork, painting, saddles and harness, and wagons. To the west, the people of Autauga County engaged in 49 more manufacturing enterprises that included four for agricultural implements, blacksmithing, shoes, iron castings, leatherwork, sash, doors, and blinds. Convict labor undercut the prices of all local industries.¹⁶

In 1860 the penitentiary employed a warden, minister, department warden, fifteen prison guards, and an outside sentry. The clerk recorded inmates' full name, year of incarceration, age, sex, race, previous occupation, nativity, and crime for all 219 prisoners. Convicts ranged in age

¹⁵ Ward and Rogers, *Alabama's Response to the Penitentiary Movement, 1829-1865*, 103-4, 109; *Reports of the Inspectors of the Alabama Penitentiary for the Years 1852-1853, to the General Assembly* (Montgomery, 1853), 3-4, 24; Elmore County Heritage Book Committee, *Heritage of Elmore County*, 206; Mary K. Peck, "Moore Family History and Cain-Moore House History," Vertical File, Elmore County Museum, Wetumpka. Dr. Meriwether Gaines Moore was born in Oglethorpe County, Georgia, in 1819. He was the son of William H. Moore and Mary Garland Marks, the half-sister of Meriwether Lewis. Dr. Moore married Georgia Spratlin and the couple had several children. He died in 1890 and is buried in the Wetumpka City Cemetery. U. S. Bureau of the Census, *Seventh Census of the United States, 1850, Schedule 1, Free Inhabitants*, NARA, roll M432_9, page 427a, image 478; *Alabama State Census, 1850*, ADAH. Dr. Fleming Jordan was born on July 11, 1804, in Wilkes County, Georgia, to Fleming Jordan Sr. and Martha Gaines Moore, who moved by Madison County, Mississippi Territory, by 1814. He and his wife Lucy had nine children and owned 102 slaves by 1850. U. S. Bureau of the Census, *Eighth Census of the United States, 1860, Schedule 1, Free Inhabitants*, NARA, roll M653_15, page 241, image 241. By 1860 he owned 134 slaves and declared \$280,000 worth of property. <http://www.algw.org/madison/healthbd.htm>, accessed November 21, 2012. Jordan was founding director of the Madison County Board of Health in 1859, and served on the board until 1870. *Huntsville Weekly Democrat*, December 27, 1882. He died in Maysville on December 24, 1882, and is buried in the Jordan family Cemetery in Maysville.

¹⁶ *Manufactures of the United States in 1860; Compiled from the Original Returns of the Eight Census Under the Direction of the Secretary of the Interior* (Washington D.C., 1865), xxi, xxxv, lxvi, lxxiii, clxii, 2, 4, 13, 729. The census identified 159 cotton good establishments in the southern states and 1,091 nationwide; 78 woolen goods establishments in southern states and 1,260 nationwide; 352 men's manufactured clothing establishments in southern states and 3,793 nationwide; 1,365 boot and shoe producers in southern states and 12,487 nationwide; 49 hat and cap makers in southern states and 622 nationwide. *Alabama Daily Confederation*, April 10, 1860.

from seventeen to 70 years old, but the average inmate was White, male and 30 years old. The prisoners had engaged in twenty-eight different crimes, but the most common were murder, larceny, “negro stealing,” burglary, robbery, manslaughter, and attempt to kill. These crimes resulted in prison terms of at least five years, which indicated the majority of prisoners identified in 1860 remained incarcerated throughout the Civil War. Places of birth included nineteen states and thirteen countries from as far away as Maine and Sweden, but the majority of inmates were born in Alabama, Georgia, South Carolina, and Ireland. Previous occupations included forty-five different professions from rat catcher to physician, but the most common were farmers, laborers, sailors, carpenters, shoemakers, and blacksmiths. The convicts were predominately of the inmates were middle aged, unskilled White males, who benefitted from training at the various prison workshops.¹⁷

Prisoners accessed newspapers and magazines through the prison library, and new arrivals brought information regarding national events from outside of the penitentiary walls. Political debates regarding the expansion of slavery in 1850s culminated with the presidential election of Abraham Lincoln to the presidency on November 6, 1860. In Alabama the immediate secessionists debated with cooperationists, who sought an irrevocable constitutional amendment to protect southerner’s property rights and took a wait-and-see approach. A convention met in Montgomery on January 7, 1861, to debate the merits of secession. Immediate secessionist delegates held a slim 53 to 47 majority. By the time the convention met, Alabama military personnel had taken possession of the federal arsenal at Mount Vernon, as well

¹⁷ The published penitentiary reports from 1846 to 1857 provide detailed statistical information including inmate population figures, counties of conviction, nativity, prison term, previous occupations, crimes, conduct, age, race, and sex. The penitentiary reports from 1858 to 1865, in contrast, have not been located at any public or private library or archive. Information on the inmates in the era must be drawn from other sources. U. S. Bureau of the Census, *Eighth Census of the United States, 1860, Schedule 1, Free Inhabitants*, NARA, roll M653_7, p. 115-20. The 1860 census identified 144 of the 219 prisoners as native to southern states, while seventy-three were from northern states or foreign countries.

as Fort Morgan and Fort Gaines on Mobile Bay. On January 11, the delegates in Montgomery voted 61 to 39 in favor of secession rendering Alabama the fourth southern state to leave the Union. In early February, six seceded state established the Confederate States of America with its capital located in Montgomery. The bombardment of Fort Sumter on April 12, led President Lincoln to call for 75,000 recruits to end the rebellion. Alabamians responded to the threat of federal invasion and ultimately enlisted 107,547 soldiers or 2.8 percent of the entire Confederate army. Those soldiers required a variety of wartime supplies, and the Federal blockade of the coast required many items to be domestically produced.¹⁸

During the summer of 1861 Warden Burrows contracted with the Confederate Ordnance Department in Montgomery during the summer of 1861 to provide knapsacks, tents, and wagon covers. A quarrel with the government officials hastened his decision. Democratic Governor Andrew B. Moore complained in July that 3,000 soldiers camped at Auburn in Macon County “have been delayed by the difficulty which exists in procuring tents.” Assistant Quartermaster Major James L. Calhoun replied that it would take weeks to supply nearly 600 tents due to the absence of a government contract for the cloth. Moore pointed out the existence of three factories within twenty-five miles of Montgomery—at Tallassee, Autaugaville, and Prattville—that could turn out 5,000 yards of enameled cloth per day.¹⁹

Purchases of prison cloth remained steady throughout the conflict. On September 14, 1861, Calhoun received the first order, which consisted of 609 small tents, 151 wall tents, 4 Sibley tents, a large Sibley tent, an extra set of wall tent poles, 11 extra sets of small tent poles,

¹⁸ Joseph W. Danielson, *War's Desolating Scourge: The Union's Occupation of North Alabama* (Lawrence: University Press of Kansas, 2012), 6-7, 12, 15, 17, 20; Selcer, *Civil War America, 1850-1875*, 231, 251; Walter F. Fleming, *Civil War and Reconstruction in Alabama* (New York: Columbia University Press, 1905), 27-8, 37, 79, 81-5, 149; Mary Elizabeth Massey, *Ersatz in the Confederacy: Shortages and Substitutes on the Southern Homefront* (Columbia, 1993), 51-3, 161.

¹⁹ Ward and Rogers, *Alabama's Response to the Penitentiary Movement, 1829-1865*, 110. The Ordnance Department paid \$1.50 per knapsack.

and a sample tent. The supplies totaled \$11,271.75, but after repaying a credit for 29,940 yards of cloth the penitentiary profited \$6,181.95. On October 23, Calhoun purchased another \$6,181.25 worth of 572 small tents, 141 wall tents, 3 hospital tents, 7 guard tents, 6 Sibley tents, 7 wagon covers, 24 single draws, and 6 wagon feed troughs. The value of the goods totaled \$11,281.25, but again the penitentiary repaid a \$5,700.00 credit for 30,000 yards of cloth purchased from the Quartermaster Department.²⁰

Throughout the remainder of 1861 the prison goods supplied to the Montgomery Depot varied widely from order to order. A receipt from November 9, documented the delivery of 103 sacks of corn, which equaled 180.5 bushels, along with 59 shuck and bark collars, and two sets of six-horse harnesses to the Montgomery Depot for a total cost of \$367.30. On December 4, Calhoun received 549 small tents, 139 wall tents, 3 hospital tents, 6 Sibley tents, 3 guard tents, and 72 tin spittoons. The goods were valued at \$10,810.75, but the penitentiary paid an outstanding credit of \$8,100.00 for cloth, which reduced profits to \$2,710.75. The final receipt of the year paid warden Burrows \$1,908.00 for 1272 knapsacks delivered to Captain Charles G. Wagner at the Montgomery Arsenal. For reasons that remain unclear, the penitentiary workshops did not supply any additional knapsacks for the remainder of the war.²¹

The production of knapsacks, tents, and wagon covers required large amounts of canvas material. Unlike its counterparts in Texas, Louisiana, Mississippi, and Tennessee, however, the penitentiary workshops in Alabama did not operate a textile mill. The earliest receipts from

²⁰ Gov. Andrew B. Moore to Sec. of War Leroy P. Walker, July 21, 1861, *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington D. C., 1880-1901) (hereafter cited as *O.R.*), ser. 4, vol. 1, p. 493; Fleming, *Civil War and Reconstruction in Alabama*, 157; "A. Burrows," *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 0125. This source includes purchase receipts from the commanders of the Confederate Ordnance Depot in Montgomery to the wardens of the Alabama State Penitentiary, which provided insight into production at the prison workshops. *Montgomery Daily Mail*, November 8, 1860; Confederate States to Dr. A. Burrows, December 28, 1861, NARA M346, group 109, roll 125; Elmore County Heritage Book Committee, *Heritage of Elmore County*, 205.

²¹ "A. Burrows," *Confederate Papers Relating to Citizens or Business Firms, 1861-65*. According to the receipt of purchase 383 knapsacks arrived on September 30, and 889 knapsacks arrived on December 14.

Burrows to Calhoun indicate that the penitentiary purchased the material through the Quartermaster Department, but did not specify the source. The manufacturing town of Tallassee, located only twenty-two miles east of Wetumpka, produced hundreds of thousands of yards of tent cloth, osnaburg, linsey, shirting, sheeting, drilling, brown muslin, and thread for the Confederate Quartermaster Department. Correspondence between Barnett, Micon, and Company and the Montgomery Depot on February 17, 1862, stated “We agree to continue to deliver tent cloth to the Alabama Penitentiary . . . to the extent of fifty-one thousand nine hundred and thirty-two yards at a rate of twenty-five cents per yard.” Delivery of the cloth commenced on January 13, and the company expected to complete the order by April 15. A series of twenty-six receipts from September 1861, to September 1864, revealed that the company ultimately supplied 1,020,432 yards of canvas to the Montgomery Depot, valued at \$640,855.00. Thus, Barnett, Micon, and Company operated as the largest regional supplier of canvas, and its proximity to the penitentiary facilitated the production of thousands of tents at the workshops.²²

The prison workshops delivered two shipments of goods to the Montgomery Depot in early 1862. On January 25, 1862, Calhoun received 628 small tents, 154 wall tents, and a Sibley tent that totaled \$6,304 after paying a \$5,100 credit for 30,000 yards of tent cloth. On February 25, Assistant Commissary Captain M. M. Copeland received one hundred empty boxes for packing hard bread at a cost of \$62.50. It is noteworthy that the Montgomery Depot reduced the

²² “Barnett, Micon and Co.,” *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 0044. Within a month of onset of war, on May 11, 1861, Barnett, Micon, and Co. agreed to supply 50,000 yards of tent cloth and 15,000 yards of wool drilling to Richmond, Virginia. On August 24, 1861, A. Q. M. Maj. J. B. Ferguson wrote to Barnett, Micon, and Co. from Richmond to request an additional 70,000 yards of tent cloth. His letter concluded, “Will take at fair prices all the woolen goods you can make.” A letter also mentioned a negotiation with Maj. Calhoun from the previous November. The price paid by the Confederate Quartermaster Department for tent cloth increased dramatically from \$0.17 per yard in August of 1861 to \$2.45 per yard in September 1864.

price paid for wall tents from \$28 to \$15.25 in February 1862, and in response the workshops did not supply any tents for four months afterward (see Table 8.2).²³

Burrows' lease at the penitentiary came to an abrupt and violent end. A convicted murderer from Poland named Harman Camiskie viciously attacked and killed him on March 15, 1862. In the days prior to the attack, Burrows had whipped the convict for violating prison rules. Camiskie found an opportunity to enact revenge while working in the carpentry shop with an axe. He caught Burrows in a vulnerable moment while he was inspecting a harness and nearly decapitated the warden by striking him on the back of the neck. Camiskie also severely injured the foreman of the woodshop. Two prisoners named Disaboro Rano and Georgie Barrett restrained Camiskie following the attack. As a result, they received pardons and were released from the penitentiary by a special order of Democratic Governor John Gill Shorter. At the trial in September, Camiskie admitted to killing Burrows and claimed that he felt no remorse. On October 17, Camiskie hanged in the prison yard, with the guards and other inmates in attendance.²⁴

Following the murder, the commanders of the Montgomery Depot paid for two shipments of prison goods to the estate of Burrows. On May 19, 1862, a Captain Copeland received a shipment of 70 wooden barrels valued at \$43.75. Calhoun received 1,028 pairs of shoes from the prison workshops on August 4, 1862, specifically designated for the "use of army." The order represented the single largest shipment of prison-made shoes sent to Calhoun, who paid

²³ "A. Burrows," *Confederate Papers Relating to Citizens or Business Firms, 1861-65*.

²⁴ Ward and Rogers, *Alabama's Response to the Penitentiary Movement, 1829-1865*, 110-12; *Mobile Register*, September 11, 1862; *Montgomery Daily Mail*, October 19, 1862; *Mobile Register*, November 15, 1862.

\$7,453.00 to Burrows' estate. Clearly, the wooden barrel and shoe orders were initiated prior to Burrow's murder, but did not arrive in Montgomery until several months later.²⁵

The General Assembly regained control of the penitentiary following the tragic death. Governor Shorter appointed Dr. Meriwether Gaines Moore, a previous lessee, as the new warden (see Illustration 8.2). In his annual message in October, the governor valued the equipment and tools of the penitentiary at \$33,649.33, and approved Moore to spend \$5,250.00 for additional provisions and supplies. Within eight months the new warden repaid the loan and reported the penitentiary account held almost \$27,000. With the legislature satisfied, Moore served as the warden for the remainder of the Civil War.²⁶

From May to December 1862, inmates manufactured thousands of tents, and other supplies. It remains unclear whether the penitentiary continued to purchase enameled cloth from the Montgomery Depot or directly from Barnett, Micon, and Company. During the summer, the Montgomery Depot received 1,803 bell tents and 508 wall tents valued at \$32,989. Calhoun received 164 bell tents, 328 wall tents, 443 "Morgan tents," 977 "Stonewall tents," 480 pairs of Army shoes, 300 mule shoes, and 200 horseshoes worth \$28,042 in the fall. Calhoun's, "Abstract of Articles Issued on Special Requisitions at Montgomery in the Quarter Ending on the 31st of October," revealed that officers from states outside of Alabama requisitioned penitentiary-made tents including Brigadier General Edward D. Tracy of Georgia, who requested six wall tents, and Brigadier General Samuel Bell Maxey of Texas, who requested four wall tents. In the

²⁵ Ward and Rogers, *Alabama's Response to the Penitentiary Movement, 1829-1865*, 112-13; Message of Governor Shorter, 1862, ADAH.

²⁶ "A. Burrows," *Confederate Papers Relating to Citizens or Business Firms, 1861-65*. Thomas Williams oversaw Dr. Burrows' estate. Elmore County Heritage Book Committee, *Heritage of Elmore County*, 205; *Mobile Register*, November 15, 1862.

winter prison workshops manufactured 669 Stonewall tents, 100 Morgan tents, 206 wall tents, and 70 wagon covers valued at \$13,697.50 (see Table 8.2).²⁷

As the war extended into 1863, the workshops steadily produced large number of tents, wagon covers, and other vital items. In early spring Calhoun received 403 Stonewall tents, 37 Morgan tents, 135 wall tents, 340 wagon covers, 1,132 pounds of horseshoes, and 34 pounds of nails valued at \$11,222.75. The blacksmith shops provided goods on a semi-regular basis due to the intense competition for raw materials from other forges. On March 25, 1863, the prison workshops sent one of the largest wartime orders to Montgomery, which consisted of 492 Stonewall tents, 120 wall tents, and 200 wagon covers worth \$12,510. In May, the blacksmith and carpentry shops provided 1,200 pounds of iron, sixteen axles, sixteen poles, sixteen hounds [sic], eight double trees, and 32 standards valued at \$680, while a another order for eight four-horse wagons, and iron axles for two four-horse wagons cost \$1,420. Clearly, the prison workshops incurred no shortage of canvas during the early months of 1863, but sporadic production from the blacksmith demonstrated the fervent competition for vital raw materials.²⁸

On May 18, 1863, Governor Shorter wrote a lengthy letter to Confederate General Braxton Bragg's chief-of-staff, Brigadier General William Whann Mackall describing the manufacturing capabilities of Alabama. Shorter stated, "East of Montgomery, and a few miles north the Montgomery and West Point Railroad, and on the Tallapoosa River, is Tallassee,

²⁷ "Mary G. Moore," *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 0708; "James Lawrence Calhoun," *Compiled Service Records of Confederate General and Staff Officers, and Nonregimental Enlisted Men*, NARA M331, group 109, roll 0045. An abstract of articles issued on special requisitions at Montgomery in the quarter ending on the 31st of October revealed that Capt. R. G. Earle requested three wall tents and thirteen Stonewall tents, Gov. John G. Shorter requested six Stonewall tents, Col. M. W. Harmon requested two wall tents and eight Stonewall tents, Col. John. T. Morgan requested one hundred Stonewall tents, Col. T. C. Deas requested one wall tent, Col. M. Woods requested one Stonewall tent, Maj. Rich Orne requested twenty-six Stonewall tents, Lt. John T. Hester requested one wall tent, Brig. Gen. E. D. Tracy requested six wall tents, and Brig. Gen. S. B. Maxey requested four wall tents. Elmore County Heritage Book Committee, *Heritage of Elmore County*, 205.

²⁸ "Mary G. Moore," *Confederate Papers Relating to Citizens or Business Firms, 1861-65*; Elmore County Heritage Book Committee, *Heritage of Elmore County*, 205.

another manufacturing town from which the Confederate Government is drawing all the tent cloth manufactured into tents at the State Penitentiary, and from which the State has received the greatest quantity of the material for clothing her troops in the Confederate service.” Indeed, Barnett, Micon, and Company delivered a seemingly endless supply of tent cloth and various other textiles to the Montgomery Depot throughout the war, while the penitentiary workshops manufactured large quantities of tents and wagon covers.²⁹

In the spring of 1863, Mississippi and Alabama demonstrated uncommon interstate cooperation. As discussed in a previous chapter, the Union army under the direction of Union General William Tecumseh Sherman approached Jackson. Mississippi Governor John Jones Pettus insisted that Mississippi’s convicts would not be taken or released by Union forces. On May 2, Pettus telegraphed Governor Shorter, writing that, “Twenty-three (23) convicts in the Mississippi penitentiary disloyal and dangerous men. Will you receive them temporarily in your penitentiary? In case of necessity I will send them under guard. Answer by telegram John J. Pettus.” Shorter immediately responded, “Send your convicts here under guard I will receive them.” Moore traveled to Montgomery to consult with Shorter, who suggested the Mississippi convicts be kept in solitary confinement until further notice. Their status, as noted above, became a thorny issue, with the prisoners suffering as a result.³⁰

Convict labor continued, but a slight decline in production occurred throughout 1863 (see Table 8.2). In the summer, Calhoun received 1,198 Stonewall tents, 335 wall tents, 150 wagon covers, 43 large tents, 1,245 small poles, 150 long poles, and 20 four-horse wagons valued at

²⁹ John G. Shorter to Brigadier General W. W. Mackall, May 18, 1863, *O.R.*, ser. 1, vol. 52, pp. 480-81.

³⁰ Ward and Rogers, “Mississippi Prisoners in the Alabama Penitentiary,” 44-6. Forty inmates received pardons and were mustered into the Confederate army, while elderly prisoners were simply released. Other inmates were distributed among the county jails, but 25 extremely dangerous or disloyal convicts remained in the state penitentiary. Telegram, Pettus to Shorter, May 2, 1863, in Dr. M. G. Moore to Governor Thomas H. Watts, undated, RG 27, Volume 52, MDAH. Governor Pettus incorrectly stated that 23 prisoners needed to be transferred, but the correct number was 25.

\$44,625.83. Demand at the Montgomery Depot outpaced supply from the penitentiary workshops in the fall. A correspondence from Calhoun to Major Alfred M. Barbour on September 21, stated, “Can furnish neither blankets, shoes, nor tents. None on hand.” The final orders of 1863 included 123 wall tents, 134 Stonewall tents, 150 wagon covers, 1,251 large tents, 35 tent poles, 24 water buckets, and 4 large tubs costing \$19,806.67. The monthly shipments of prison goods throughout 1863 consisted primarily of tents and wagon covers, but included other items when raw materials were available.³¹

The penitentiary workshops sent goods to the Montgomery Depot for at least three months in 1864. Orders in the spring included 892 Stonewall tents, 279 wall tents, 15 large wall tents, and 1,100 wagon covers valued at \$50,545. The final receipt for prison goods on March 31, documented the delivery of 288 Stonewall tents, 136 wall tents, 200 wagon covers, and 15 large wall tents worth \$13,130.00 (see Table 8.2).³²

Moore again emphasized a scarcity of raw materials and idle inmates, but the receipts from the Montgomery Depot reflect an abrupt stop instead of a gradual decline. Confederate Quartermaster General A. C. Myers built a basic system of distributing military supplies early in the war. His circular on March 24, 1861, outlined the distribution of goods and location of main depots. He sought to remedy competition between officers of the Quartermaster Department, and confirmed Calhoun as the principal officer for District Five in Montgomery. Myers designated eleven main depots of supplies, which included Huntsville and Montgomery in Alabama. In April 1861, he appointed assistant quartermasters responsible for purchasing and

³¹ “Mary G. Moore,” *Confederate Papers Relating to Citizens or Business Firms, 1861-65*; Maj. James L. Calhoun to Maj. A. M. Barbour, September 21, 1863, *O.R.*, ser. 1, vol. 30, p. 730; Elmore County Heritage Book Committee, *Heritage of Elmore County*, 205.

³² “Mary G. Moore,” *Confederate Papers Relating to Citizens or Business Firms, 1861-65*; Brig. Gen. Alexander Asboth to Capt. C. M. Christensen, September 11, 1864, *O.R.*, ser. 1, vol. 35, p. 283. Capt. (later Maj.) Wagner commanded the Montgomery Arsenal, while Maj. Calhoun commanded the Montgomery Depot. Elmore County Heritage Book Committee, *Heritage of Elmore County*, 205.

manufacturing military supplies in Charleston, Montgomery, New Orleans, and San Antonio. In August 1863, General Alexander R. Lawton became the second Quartermaster General of the Confederacy. He sought to maximize the production of supplies across the Confederacy by regulating the processes of fabrication by regional assistant quartermasters. Lawton instructed Assistant Quartermaster George W. Cunningham of Atlanta to inspect all the depots to “Ascertain how far the resources of the country have been made productive.” Cunningham’s report revealed chaotic conditions existed in the departments across the Lower South.³³

While production remained stable, an inadequate and disjointed system of railroads in the Lower South complicated the delivery of prison goods from the depot. In 1860 Alabama operated 643 miles of railroads, which varied in quality and lacked a uniform gauge of railing. At least sixteen different railroads operated within the state, yet Montgomery was not completely connected to Selma to the west or Mobile to the south. Existing lines connected the capital to Atlanta and Columbus, Georgia, to the east and Pensacola, Florida, to the south. Critical gaps posed major obstacles to railroad transportation across Alabama, especially the incomplete central route from Meridian, Mississippi, to Selma and Montgomery. Alabama’s railroads also suffered from excessive wear from traffic and a lack of maintenance. Union Brigadier General Alexander Asboth on September 11, complained, “The Montgomery, Opelika, and West Point

³³ Wilson, *Confederate Industry*, 8, 93, 99-103; Lawton to Cunningham, December 19, 1863, War Department Collection, T131, reel 9; A. C. Myers, Circular, March 24, 1863, *O.R.*, ser. 4, vol. 2, pp. 453-56.

Railroad was repaired but again partially destroyed by Sherman's force." By late 1864 Union generals targeted Alabama's railroads for destruction.³⁴

The final blow was yet to fall. During the winter of 1864-65, nearly 13,000 Union cavalrymen gathered at Gravelly Springs in northwestern Alabama under the command of Brigadier General James H. Wilson. He led a destructive raid through the middle of the state along three routes towards Montgomery and on to Columbus, Georgia. The objective of the raid was to destroy or occupy Confederate stores, depots, factories, mines, and ironworks in largely untouched Alabama, as well as to create a diversion for a Union campaign targeting Mobile. In mid-April 1865, Moore fled Wetumpka ahead of the advancing Federal troops. On April 13, a skirmish occurred at Wetumpka amid Wilson's raid through Alabama to Macon, Georgia. Captain F. S. Whiting and elements of the Fourth Iowa Cavalry proceeded to Grey's Ferry on the Tallapoosa River with orders to destroy the Coosa River Bridge in Wetumpka. Whiting's soldiers failed, but assisted Major John F. Weston of the Fourth Kentucky Cavalry in the capture three steamboats. The cargo included 60 bales of cotton, 12,000 pounds of bacon, 1,100 sacks of

³⁴ Robert C. Black, *The Railroads of the Confederacy* (Chapel Hill, 1998), 3-4, 8-9, 74-75, 153-59, 287-88. The sixteen railroads operating in Alabama included: Alabama & Florida R.R. of Florida, Alabama & Florida R.R. of Alabama, Montgomery & Eufala R.R., Montgomery and West Point R.R., Tuskegee R.R., Mobile & Girard R.R., Mobile & Great Northern R.R., Spring Hill R.R., Mobile & Ohio R.R., Mississippi, Gainesville & Tuscaloosa R.R., Memphis & Charleston R.R., Tennessee & Alabama R.R., Northeast & Southwest R.R., Alabama & Mississippi Rivers R.R., Cahaba, Marion & Greensboro R.R., and the Alabama & Tennessee Rivers R.R. Fleming, *Civil War and Reconstruction in Alabama*, 259-61. Only about twenty to thirty miles of track were constructed during the war years. The Union army destroyed depots, bridges, tracks, cars, and locomotives. Wayne Cline, *Alabama Railroads* (Tuscaloosa, 1997), 3-4; 42, 50, 58, 64. The Memphis & Charleston Railroad stretched across northern Alabama as a segment of the several lines that constituted the only complete route from the Atlantic Ocean to the Mississippi River across the Confederacy. Maj. Gen. Lovell H. Rousseau, Gen. William T. Sherman, Gen James H. Wilson, and Gen. John T. Croxton destroyed dozens of miles of Alabama's railroads from the summer of 1864 through the Spring of 1865. Brig. Gen. Alexander Asboth to Capt. C. M. Christensen, September 11, 1864, *O.R.*, ser. 1, vol. 35, p. 283.

corn, and 50 sacks of salt. Whiting, Weston, and their troops engaged with the Confederate Eighth Alabama Cavalry, who were driven from their camp near Wetumpka.³⁵

The fighting at Wetumpka continued on May 4, 1865, which coincided with the surrender of the Confederate forces in the Department of Alabama, Mississippi, and eastern Louisiana. Meanwhile, Union soldiers of the Sixteenth Army Corps under the command of Major General Andrew J. Smith occupied central Alabama. It remains unclear whether Union soldiers under the command of Whiting, Weston, or a subordinate of General Wilson opened the doors of the penitentiary to release the remaining Alabama and Mississippi prisoners. An inmate named Marooney refused to leave, guarded the facility, and protected the property and machinery until the appropriate Alabama officials arrived and resumed control.³⁶

Sales from the workshops to the Montgomery Depot during the Civil War allowed the penitentiary to finally to become a profitable enterprise. Prisoners produced at least 13,895 tents, 4,710 tent poles, 2,712 wagon covers, 1,508 pairs of shoes, 1,272 knapsacks, and 128 water buckets were manufactured with convict labor during the war (see Table 8.2). Inflation of Confederate currency drove the price of a wall tent from \$15.25 in May 1862 to \$25.00 in January 1864. Similarly, the price of a Stonewall tent increased from \$14.00 to \$22.50.

³⁵ Fleming, *Civil War and Reconstruction in Alabama*, 71-4; Danielson, *War's Desolating Scourge*, 154; Wilson's Raid: Summary of the Principal Events, *O.R.*, ser. 1, vol. 49, pp. 339-40; Brevet Maj. Gen. James H. Wilson to Brig. Gen. William D. Whipple, June 29, 1865, *O.R.*, ser. 1, vol. 49, p. 363; Col. Wickliffe Cooper, May 3, 1865, *O.R.*, ser. 1, vol. 49, p. 433; Bvt. Brig. Gen. Edward F. Winslow, April 21, 1865, *O.R.*, ser. 1, vol. 49, p. 480; Lt. Col. John H. Peters, April 22, 1865, *O.R.*, ser. 1, vol. 49, pp. 497-8. The three cargo ships taken near Wetumpka were the Henry J. King, Milliner, and Augusta. Brewer, "History of Coosa County," 72; Elmore County Heritage Book Committee, *Heritage of Elmore County*, 205-6.

³⁶ The Mobile Campaign: Summary of the Principal Events, *O.R.*, ser. 1, vol. 49, p. 87; Brewer, "History of Coosa County," 72; Elmore County Heritage Book Committee, *Heritage of Elmore County*, 205-6.

Receipts from the Montgomery Depot document \$299,565.58 worth of prison goods sold during the war.³⁷

In his 1863 annual address, Governor Shorter reported that the penitentiary paid \$75,837.21 into the state treasury, and suggested that the 1862 earnings were nearly as large. Moore separately deposited \$21,103.03 in the bank and held \$2,119.18 in cash for a total of \$103,222.21. Stock on hand totaled \$44,504.24, which led Shorter to announce a total earning of \$147,726.45. A handwritten financial report from Moore to Democratic Governor Thomas H. Watts confirmed \$240,493.90 of receipts that included \$180,358.80 from merchandise and \$18,803.50 from Mississippi for holding its convicts. Prior to fleeing Montgomery, Moore documented \$5,932.84 of cash on hand, as well as 1,126 pairs of shoes valued at \$45,040. Thus, the workshops operated until at least September 1864, and Moore deposited at least \$132,167.21 in the State Treasury. The penitentiary in Alabama outlasted most of its southern counterparts during the war.³⁸

The General Assembly's decision to build a penitentiary with workshops and adopt the Auburn system only paid off during wartime. An initial struggle to become profitable led the legislature to lease out the facility, which insulated the state from any financial burden. The shift to finishing textiles transformed the facility into a lead supplier of tents, wagon covers, and other

³⁷ "Mary G. Moore," *Confederate Papers Relating to Citizens or Business Firms, 1861-65*; "A. Burrows," *Confederate Papers Relating to Citizens or Business Firms, 1861-65*; "James Lawrence Calhoun," *Compiled Service Records of Confederate General and Staff Officers, and Nonregimental Enlisted Men*, NARA M331, group 109, roll 0045; Ward and Rogers, "Mississippi Prisoners in the Alabama Penitentiary," 114; Elmore County Heritage Book Committee, *Heritage of Elmore County*, 206-7. On January 23, 1931, a fire destroyed a portion of the penitentiary. On April 8, 1936, a devastating flood further damaged the facility. By 1941 the penitentiary only held women, and a new women's prison was constructed and renamed the Julia Tutwiler Prison in December 1942. The original penitentiary sat abandoned and portions of the land were sold by 1945. The site is designated by a historical marker, and is utilized by the State Department of Transportation as a storage lot.

³⁸ Governor John Gill Shorter Administrative File, Message of Governor Shorter, 1863, ADAH; Alabama Governor Thomas Hill Watts, Correspondence 1863-1865, SG024872, reel 22, ADAH. Warden Moore's handwritten financial statement for the year ending September 30, 1864, provides some insight into the finances of the penitentiary, but is not entirely clear. The figures do not explain why money is being deposited and received from the State Treasury. The estimated amount of money deposited into the State Treasury includes the \$75,837.21 in 1863, and \$56,330.00 deposited in 1864. County Heritage Book Committee, *Heritage of Elmore County*, 205-6.

supplies to the soldiers during the Civil War. Access to an entirely new market, proximity to raw materials in Tallassee, and priority status with the main Confederate depot in Montgomery allowed the workshops to flourish. Wartime conditions forced unprecedented interstate cooperation and led to the first exchange of convicts between neighboring state penitentiaries. Convict labor significantly contributed to Alabama's war effort and the state treasury throughout the entire conflict, until the Confederacy's collapse.

Table 8.1

Number of Inmates, Alabama State Penitentiary, 1835-1865.

Year	Persons of Color	White Male	White Female	Total*	Total
1842					28
1843					64
1844					102
1845					106
1846	2	147	2	151	121
1847	3	167	1	171	132
1848	3	152	1	156	124
1849			1		119
1850	4	167	1	172	129
1851	3	184	1	188	156
1852	1	151	4		156
1853	1	190			191
1854					198
1855		202	4	279	206
1857	2	212	5	268	219
1858					216
1860		218	1		219
1862					205
1863					250**

Sources: Elmore County Heritage Book Committee, *The Heritage of Elmore County*, 204-6; *Report of the Inspectors of the Penitentiary, 1847*, 2; *Report of the Inspectors of the Penitentiary, 1848*, 8; *Report of the Inspectors and Physician of the Alabama Penitentiary to the Second Biennial Session of the General Assembly of the State of Alabama, November 1849*, 2, 5; *Report of the Inspectors and Physician of the Alabama Penitentiary to the Third Biennial Session of the General Assembly in the City of Montgomery, 1851*, 25; *Reports of the Inspectors of the Alabama Penitentiary for the Years 1852-1853, to the General Assembly*, 17, 24; *Report of the Inspectors of the Alabama Penitentiary to the General Assembly at its Fifth Biennial Session in the City of Montgomery*, 5; *Report of the State Prison Inspectors of the State of Alabama to the Governor and Said State*, 13; Ward and Rogers, *Alabama's Response to the Penitentiary Movement, 1829-1865*, 75, 95, 106; *Mobile Register*, November 15, 1862.

* The first total number is prior to all releases, pardons, discharges, and deaths.

** The population figure for 1863 included the 25 inmates transferred from the Mississippi State Penitentiary.

Table 8.2

Tents Manufactured at the Alabama State Penitentiary, 1861-1864.

Receipt Date	Small Tents	Wall Tents	Large Wall Tents	Bell Tents	Sibley Tents	Hospital Tents	Guard Tents	Morgan Tents	Stonewall Tents
Sept. 14, 1861	609	151			5				
Oct. 23, 1861	572	141			4	3	7		
Dec. 4, 1861	549	139			6	3	3		
Jan. 25, 1862	628	154			1				
May 20, 1862		283		1,023					
July 8, 1862		225		780					
Aug. 19, 1862		127		164				195	200
Sept. 16, 1862		94							316
Sept. 30, 1862		107						248	461
Nov. 4, 1862		130							424
Dec. 1, 1862		76						100	245
Jan. 5, 1863		90							287
Feb. 5, 1863		45						37	116
Mar. 25, 1863		120							492
Apr. 8, 1863		110							385
May 7, 1863		130	3						367
June 2, 1863		150	5						490
June 30, 1863		145							494
July 31, 1863		40	37						214
Aug. 31, 1863		12	7						34
Sept. 30, 1863			20						
Oct. 30, 1863		123	6						134
Jan. 12, 1864		83	15						285
Jan. 12, 1864		73							201
Feb. 1, 1864		38							170
Mar. 3, 1864		85							236
Mar. 31, 1864		136	15						288
Total	2,358	3,007	108	1,967	17	7	10	580	5,839

Sources: "A. Burrows," *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 0125; "Mary G. Moore," *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, NARA M346, group 109, roll 0708.

Illustration 8.1

Alabama State Penitentiary in Wetumpka, undated.



Source: Courtesy of the Elmore County Museum, Wetumpka.

Illustration 8.2

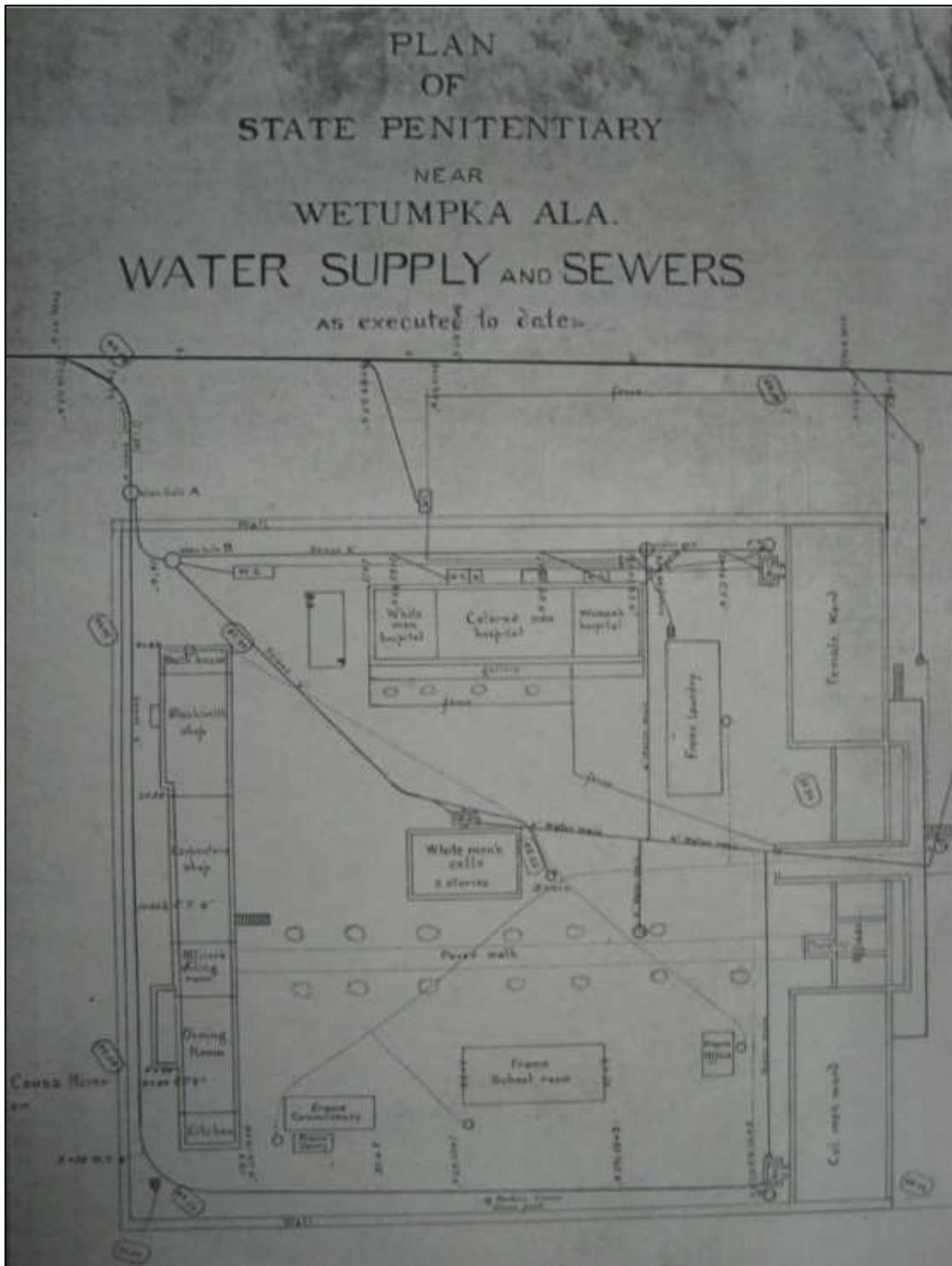
Warden Meriwether Gaines Moore, undated.



Source: Courtesy of Mary Peck and the Elmore County Museum, Wetumpka.

Illustration 8.3

Floor Plan of the Alabama State Penitentiary in Wetumpka, undated.



Source: Courtesy of the Elmore County Museum, Wetumpka.

Illustration 8.4

Alabama State Penitentiary in the Great Flood, April 8, 1935.



Source: Courtesy of the Elmore County Museum, Wetumpka.

Chapter 9

The Texas State Penitentiary in Huntsville (1846-1865)

As the frontier of the United States expanded westward, Texas became the eighth southern state to establish a state penitentiary. It benefited from nearly fifty years of trial and error by counterparts in the South, which helped the legislature to avoid many pitfalls in the design, construction, and management of the facility. Like most of the others, the penitentiary in Huntsville fully implemented the Auburn system of prison management and constructed a large-scale textile mill within the first decade of operation. Local merchants sold the products to farmers and plantation owners, who required considerable amounts of cheap and durable cloth for their enslaved work forces. Citizen mechanics in Texas never faced direct competition from convict labor, and sales easily covered overhead expenses. During the Civil War the prisoners supplied millions of yards of cloth for Confederate soldiers, citizens, and slaves across the state. Indeed it became the prevailing source of revenue for the state and demonstrated the profitability of inmate-operated manufactories.¹

Efforts to establish a state penitentiary began during the Republic of Texas era. The legislature passed an act in 1839 to reserve land, and initially approved construction of a prison on January 4, 1842. A few years later the new state constitution required construction of a penitentiary, “at as early a day as practicable.” In May 1846 the First Legislature of the State of Texas accordingly passed, “An Act to Establish a State Penitentiary,” but the Mexican-American War drained funds and delayed implementation. Following the war in 1848, the legislature

¹ Donald R. Walker, *Penology for Profit: A History of the Texas Prison System, 1867-1912* (College Station: Texas A&M University Press, 1988), 13, 17; James Lynn Nichols, *The Confederate Quartermaster in the Trans-Mississippi* (Austin: University of Texas Press, 1964), 34-5; Robert Lee Kerby, *Kirby Smith's Confederacy: The Trans-Mississippi South, 1863-1865* (Tuscaloosa: University of Alabama Press, 1991), 261.

passed an additional act that permitted the governor to appoint three directors and a superintendent. The state purchased 4.8 acres of land in Huntsville, along with ninety-four acres of nearby timberland. The location technically fulfilled the standards stipulated by the legislature, which insisted on a healthful climate near a navigable body of water. The somewhat navigable Trinity River was close enough in proximity to import machinery, tools, and raw materials. Donations of rock and timber from private citizens ensured construction could begin almost immediately.²

After nearly a decade of the delays the efforts to establish a penitentiary became a reality. Democratic Governor George T. Wood appointed Abner H. Cook, the architect of the Governor's Mansion, to supervise construction of the penitentiary and serve as the first superintendent. Cook had previously served on a committee to draft plans for the Walker County jail, and designed the penitentiary with an L-shape building that occupied two of the three sides of a square. The remaining two walls measured fourteen feet high and three feet thick. On August 5, 1848, the directors ordered the site to be cleared and a well dug. That winter, Governor Wood appointed M. C. Rogers as assistant superintendent. Rogers was an associate of Sam Houston and a native of east Tennessee who had fought in the War of 1812.

² John Sayles and Henry Sayles, *Early Laws of Texas* (Gilbert Book Company, 1891), 299; *Laws Passed by the Sixth Congress of the Republic of Texas* (Austin: S. Whiting, 1842), 23-5; Williamson S. Oldham and George W. White, *A Digest of the General Statute Laws of the State of Texas: To Which are Subjoined the Repealed Laws of the Republic of Texas* (Austin: John Marshall and Company, 1859), 24. Section Fourteen of Article Seven in the Texas State Constitution states "The legislature shall provide for a change of venue in civil and criminal cases; and for the erection of a Penitentiary at as early a day as practicable. *Clarksville Standard*, August 26, 1848; *Weekly Houston Telegraph*, July 20, 1848; *Victoria Advocate*, May 4, 1848, August 3, 1848. Judge William Menefee, Colonel Palmer, and John Brown were appointed as commissioners to select the site of the penitentiary. John W. Thomason Jr., "Huntsville," *Southwest Review* 19 (October 1933 to July 1934): 233; Walker, *Penology for Profit*, 16; Crews, *Huntsville and Walker County, Texas*, 6; Eugene C. Barker and Amesia W. Williams, eds., *The Writings of Sam Houston, 1813-1863*, 8 vols. (Austin: University of Texas Press, 1938), 5:449; H. P. N. Gammel, *The Laws of Texas, 1822-1897*, 10 vols. (Austin: Gammel Book Company, 1898), 3:79-84; Donald R. Walker, "Texas State Penitentiary at Huntsville," *New Handbook of Texas*, 6 vols. (Austin: Texas State Historical Association, 1996): 6:430-32; Kenneth Hafertepe, *Abner Cook: Master Builder on the Texas Frontier* (Austin: Texas State Historical Association, 1992), 43-4. The governor named Henderson Yoakum, J. W. Maxey, and T. G. Birdwell as directors.

Nearly twenty masons, carpenters, and blacksmiths completed the project within a year despite numerous delays from poor weather and shortages of lime.³

Comparatively speaking, the people of Texas did not resent convict labor as vociferously as in other southern states. Mechanics associations had formed at the county level as early as 1848. Their gatherings in Victoria focused on the importance of mechanics within the community and opposed competition from Free Blacks and slaves, but said little about prison manufacture. A few years later, President J. C. Blankenship of the Mechanics Association of Marshall reminded members, “It is the duty of mechanics to resist all attempted calculated to injure their business or degrade it.” They opposed the practice of hiring slave mechanics and vowed “to prevent negro mechanics from being permitted to bring their labor in competition with that of White men.” But again, Blankenship said nothing about the prison. The association encouraged mechanics across the state to cooperate with the movement.⁴

The first inmate entered the partially completed penitentiary complex on October 1, 1849 (see Table 9.1). Within a few months, Abner Cook abruptly resigned from his position as superintendent for unknown reasons and was replaced by Colonel James F. Gillespie, a veteran of the Mexican-American War and a local carpenter. In March, Democratic Governor Peter H. Bell appointed John S. Besser, Robert Smither, and William M. Barrett as directors of the penitentiary. Smither and Barrett were both veterans of the Texas Revolution, while Besser was a Huntsville resident who built the Walker County jail and assisted in drafting the first rules and regulations of the penitentiary. A master blacksmith and carpenter began to train inmates at the workshops, and by 1851 they engaged in wagon-making, small carpentry, and blacksmithing. On April 15, Governor Bell appointed Besser to serve as the Purchasing and Dispersal Agent. In

³ Hafertepe, *Abner Cook*, 43-8; *Weekly Houston Telegraph*, March 1, 1849, August 9, 1849.

⁴ *Texian Advocate*, July 20, 1848, August 3, 1848; *Texas Republican*, May 28, 1853, July 23, 1853, March 17, 1860.

late 1852 the state further established the office of Financial Agent to purchase all raw materials and machinery for the workshops, and at that time elevated Besser to that position. He served in that capacity for nearly every governor over the subsequent decade and provided essential administrative stability.⁵

The penitentiary complex meanwhile developed into a prominent feature in Huntsville. The main buildings contained three separate cellblocks with three tiers. The east prison consisted of eighty-eight cells for males, the west prison included thirty-six cells for female prisoners, and the south prison was the largest with 146 cells for males. Each cell measured six feet wide by eight feet deep and eight feet tall. The main entrance on the north side included an outer and inner gate. A two-story building inside the gates housed the superintendent and his family. Within the complex were smaller buildings for “washing, drying, finishing, and furniture houses,” as well as workshops along the south and east wall (see Illustration 9.1).⁶

The Texas Legislature followed the example of other southern states, not only by adopting the Auburn system of prison management, but determining to employ the convicts in occupations “most profitable and useful to the state.” The Texas legislature especially sought a long-term solution to employ the prisoners and offset operational costs. The Mississippi State

⁵ Hafertepe, *Abner Cook*, 50; Ronald Craig Copeland, “The Evolution of the Texas Department of Corrections” (M. A. Thesis, Sam Houston State University, 1980), 10; Moore, “Texas Penitentiary and Textile Production,” 17-8, 25; Allie Mae Whitley, “Besser, John Slater,” *New Handbook of Texas*, 1:507; *Austin Texas State Gazette*, October 13, 1849. William G. Sansom was a horse thief from Fayette County and the first convict at the penitentiary. Records Relating to the Penitentiary, 1846-1921, Penitentiary Report, October 1, 1849, Folder 10-11, Box 022-4, Texas State Library and Archives Commission, Austin, Texas (hereafter referred to as TSLAC); D’Anne McAdams Crews, *Huntsville and Walker County, Texas: A Bicentennial History* (Huntsville: Sam Houston State University Press, 1976), 6, 8; Donald R. Walker, “Texas State Penitentiary at Huntsville,” 6:430-32; Wyche, “General John Slater Besser,” 2; William S. Speer, *The Encyclopedia of the New West* (Marshall: The United States Biographical Publishing Company, 1881), 175-176; Whitley and Gilmore, “General John Slater Besser,” 35; Lucko, “Prison System,” 341.

⁶ Hafertepe, *Abner Cook*, 43-8; Walker, “Texas State Penitentiary at Huntsville,” 6:430-32; Michael Rugeley Moore, “The Texas Penitentiary and Textile Production in the Civil War Era,” Honors Paper (Honor’s Paper, University of Texas, 1984), Texas Prison Museum, Huntsville, Texas (hereafter referred to as TPM), 12, 14, 16; Barry A. Crouch, “The Fetters of Justice: Black Texans & the Penitentiary During Reconstruction,” *Quarterly of the National Archives and Records Administration* 28 (Fall 1996): 184; Walker, *Penology for Profit*, 14-5.

Penitentiary in Jackson operated a large-scale textile mill with convict labor. The Texas Board of Directors suggested on November 10, 1851, that the penitentiary could be made self-supporting by likewise establishing a textile mill. Governor Peter H. Bell requested a legislative appropriation of \$35,000 to establish a mill operated by inmates within the prison walls. In 1853 he instructed financial agent John S. Besser to inspect the state penitentiaries in Alabama and Louisiana, as well as Mississippi. Besser reported the production of 25,000 yards of cotton and wool fabric in Baton Rouge yielded “handsome profits for the state.” The machinery in Mississippi, in contrast, cost almost \$25,000 and wove only one-third of the amount of cloth as in Louisiana. Ultimately, Besser recommended building a large-scale textile factory similar to Mississippi with the ability to expand if necessary.⁷

Profit, not rehabilitation, thus appears to have been the primary reason to operate the largest textile mill in Texas with convict labor. On February 11, 1854, the legislature approved an “Act to Provide for the Establishment of a Cotton and Woolen Factory in the Penitentiary,” which appropriated \$44,536 for the factory and an additional \$104,526 of forthcoming proceeds for maintenance. Besser traveled twice to the northeast to purchase machinery and arrange shipment to the mill. In April he bought \$40,548.72 worth of equipment including an eighty-horsepower steam engine from Boston. He returned in December to oversee shipment of the machinery, and hired two northern workmen to install the equipment at the penitentiary. Besser later reported that constructing the penitentiary and textile mill cost a total of \$173,000. Textile

⁷ Walker, *Penology for Profit*, 16; Moore, “Texas Penitentiary and Textile Production,” 23, 26-8; Walker, “Texas State Penitentiary at Huntsville,” 6:430-32; Gammel, *Laws of Texas*, 3:1000-1; Field, *Confederate Army 1861-1865, Louisiana and Texas*, 35; *Austin Texas State Gazette*, November 15, 1853, December 27, 1853.

sales ultimately generated large profits and did not compete directly with the existing local industry.⁸

The addition of a textile mill at the penitentiary increased the number of visitors, which was accompanied by unexpected expenses. On August 9, 1856, Agent Besser wrote to Governor Elisha M. Pease regarding charging for admission to the penitentiary. He explained that the workshops were becoming crowded with visitors, which endangered the new machinery and affected productivity. The state also incurred the expense of extra guards, and so the directors decided to charge \$0.25 per visitor for admission. Besser credited \$56.40 to the state and pointed out that at least six other state penitentiaries charged similar rates.⁹

The prison cost the state money in other ways. The factory building and machinery cost a total of \$54,866.30. The steam engine consumed large amounts of water and firewood. The directors requested \$500 to construct gutters for collecting rainwater. A drainage system eventually included cisterns, but a large amount of water remained pumped by hand from wells. A hand lathe purchased in 1854 was vital for inmate machinists to fabricate replacement parts for the factory equipment. There were personnel costs as well. Jacob T. Chandler, a factory agent from Massachusetts, served as the textile mill superintendent for twelve years, along with W. H. Crawford, a blacksmith from Ireland, as his engineer. Their knowledge of the machinery enabled inmates to make repairs and provided operational stability within the workshops.¹⁰

The penitentiary nonetheless boosted the local economy and produced essential clothing for planters and farmers. The textile mill initially consisted of forty looms, 896 spindles for

⁸ Gammel's *Laws of Texas*, 3:1524; Moore, "Texas Penitentiary and Textile Production," 26-29; *Clarksville Standard*, May 29, 1854; *Austin Texas State Gazette*, October 14, 1854; *Texas Republican*, December 13, 1856.

⁹ *Austin Texas State Gazette*, August 16, 1856; Penitentiary Records, July 11, 1850, Folder 12, Box 022-4, TSLAC.

¹⁰ Penitentiary Records, April 26, 1862, Folder 10, Box 022-178, TSLAC; Moore, "Texas Penitentiary and Textile Production," 40-1, 43-4, 69.

cotton, and 200 for wool. Together they produced 12,000 yards of finished cloth per week. After only two years the inmates, in other words, were producing nearly a half million yards of cloth annually. Machinery consumed six bales of cotton per week to produce unbleached and un-dyed gray-goods. A correspondent from Galveston visited Swenson's store in Austin, where he inspected cotton and wool linsey and lowells from the penitentiary. He described them as "much heavier and firmer than the same description of goods brought from the North."¹¹

Changes in leadership at the prison also led to increased profits. In 1858 Governor Hardin R. Runnels appointed Colonel James H. Murray, a planter from Tennessee, as superintendent. From January 1858, to April 1859, the textile mill produced 767,251 yards worth \$117,624. A visitor noted, "Now energy and life seem to be given to all departments of the institution," while another wrote, "Every man is at his post, and seems to understand his duty well and performs it with alacrity." Financial Agent Besser visited Austin on New Years Eve dressed in a full suit manufactured at the penitentiary to display the higher quality cloth. In an effort to increase profits still more, Governor Runnels suggested the legislature appropriate \$46,000 for additional textile machinery. Besser arranged for 60 looms and 2,376 spindles to be delivered to Galveston and transported to Huntsville. The new machinery produced lighter

¹¹ Walker, *Penology for Profit*, 16; Adolphus, "Drab," 38; Paula Mitchell Marks, *Hands to the Spindle: Texas Women and Home Textile Production, 1822-1880* (College Station: Texas A&M University Press, 1996), 63-7; *Dallas Weekly Herald*, October 4, 1856; Walker, "Texas State Penitentiary at Huntsville," 6:430-32; Moore, "Texas Penitentiary and Textile Production," 29, 49; *Palestine Trinity Advocate*, May 20, 1857; *San Antonio Ledger and Texan*, April 17, 1858.

weight cotton, shirting, sheeting, kerseys, and cotton jeans, as well as yarn, thread, and cotton batting. This expansion allowed the factory to produce nearly 1.5 million yards annually.¹²

The operational and financial stability of the penitentiary nonetheless suffered from political patronage. Superintendent Murray and Agent Besser opposed the election of Independent candidate Sam Houston in the gubernatorial election of 1859, in part for personal reasons. The governor's disdain for Besser reportedly extended to his home life. Alexander Terrell, a state judge, was astonished that his friend Houston, "directed that a lean, half-starved stray dog that came to the mansion should not be fed by anyone but himself." According to Terrell, Houston yelled, "How do you like that, General Besser?" and beat the dog with his staff until he howled. Governor Houston added Besser, "I recognize the fact that you have done a great deal for the penitentiary, in fact I think you have done enough, and I propose to pardon you out." As a result, Colonel Thomas Caruthers of Pennsylvania became superintendent, while former assistant superintendent M. C. Rogers assumed the office of Financial Agent. Besser initially refused to turn over the books, papers, monies, goods and other property to his successor, but he ultimately relented. Houston later admitted that his vindictiveness toward him was unjustified, and described the incident as the only mistake of his administration.¹³

¹² *Huntsville Item*, July 24, 1858; *Austin Texas State Gazette*, March 13, 1858, May 15, 1858, June 12, 1858, July 17, 1858, July 24, 1858, January 1, 1859, January 22, 1859; *Dallas Weekly Herald*, September 22, 1858; *Alabama Daily Confederation*, February 7, 1859; *Clarksville Standard*, February 5, 1859; *Houston Tri-Weekly Telegraph*, April 6, 1859, May 11, 1859; *Palestine Trinity Advocate*, September 28, 1859; Moore, "Texas Penitentiary and Textile Production," 45, 49; "Walker County: Before, During, and After the Civil War" Vertical File, Hill County College, Hillsboro, Texas; Marks, *Hands to the Spindle*, 73; Vera Lea Dugas, "A Social and Economic History of Texas in the Civil War and Reconstruction Periods," (Ph.D. Diss., University of Texas, 1963), 159-60.

¹³ *San Antonio Ledger and Texan*, December 3, 1859; *Austin Texas State Gazette*, December 3, 1859, January 7, 1860; *Weekly Houston Telegraph*, February 21, 1860; Speer, *The Encyclopedia of the New West*, 175-76; Whitley, "Besser, John Slater," 507; Whitley and Gilmore, "General John Slater Besser," 35; *Texas Republican*, February 25, 1860; Fredericka Meiners, "The Texas Governorship, 1861-1865: Biography of an Office," (Ph. D. Diss., Rice University, 1974), 21-2, Crow, "A Political History of the Texas Penal System, 1829-1951," 22, 55; James L. Haley, *Sam Houston*, (Norman: University of Oklahoma Press, 2004), 368.

By 1861, the prison nonetheless had achieved some stability. The inmate population of Huntsville shared similar characteristics to other southern penitentiaries. The average inmate was White, single, male, aged twenty to twenty-five, and served a term of two to five years for theft. Prior to the war nearly 25 percent of the men were Mexican. Conversely, the complex held only three females, four Free Blacks, one Mulatto, and one Native American. The design allocated separate facilities for female inmates, but only a few women spent time cooking, cleaning, and sewing at the prison. County sheriffs advertised runaway slaves in the largest local newspaper and conveyed them to the penitentiary for temporary incarceration up to six months. Physician W. A. Raulings reported the prisoners suffered from an outbreak of scurvy that was remedied by the addition of more vegetables to their diet. The vast majority of convicts smoked tobacco and admitted to moderate drinking. The daily loss of ten to thirty inmates workers from sickness certainly affected productivity. Inmates were generally well behaved, but were subject to solitary confinement in a dark dungeon for one to two hours of punishment for any violation of prison regulations.¹⁴

The coming war brought significant changes and challenges. Among other things, Houston was a Unionist who opposed secession and encouraged his fellow Texans to avoid the “calamitous curse of disunion.” In the presidential election on November 6, 1860, nearly 75 percent of Texans ignored him and voted for John C. Breckenridge. Texas joined eight other southern states that did not include Abraham Lincoln on the ballot. The legislature was not scheduled to meet for a year after the election, and Houston did not intend to call for a special

¹⁴ *Biennial Reports of the Penitentiary Board and Superintendent of the Texas State Penitentiary at Huntsville, Texas with Reports of Physician and Chaplain* (Austin: E. W. Swindells, 1882), 49-52; *Clarksville Standard*, June 1, 1861; Penitentiary Records, June 24, 1865, Folder 2, Box 022-181, TSLAC; Penitentiary Records, January 1861, Folder 20, Box 022-9, TSLAC; Directors of the Penitentiary to Governor Francis R. Lubbock, September 16, 1863, Folder 15, Box, 022-4, TSLAC; Physician Report to the Board of Directors, 1860, Folder 1, Box 022-9a, TSLAC.

session. Secessionists as a result planned a convention for Austin, to open on January 28, 1861. The governor responded by calling a special session one week ahead of the gathering. On February 1, the 177 delegates to the convention ignored Houston and voted 166 to 8 in favor of secession. Texas became the seventh state to leave the Union. Texas ultimately enlisted at least 60,012 Confederate soldiers, all of whom required uniforms, blankets, tents, and numerous essential supplies.¹⁵

The demand for military goods created a new market for penitentiary cloth in 1861. Financial Agent M. C. Rogers reported that the Huntsville mill sold \$284,695 in products from 1859 to 1861, including 2,216,330 yards of cotton goods and 184,619 yards of woolen goods. Following the onset of the war he remarked, “A very active demand sprang up for penitentiary fabrics, and cotton is sent to us in sufficient quantities to absorb all the fabrics made and no doubt rests on my mind that more goods will be wanted at the factory than can be made.” The penitentiary textile mill presented a solution to the problem of clothing large numbers of Texan Confederate soldiers.¹⁶

The Huntsville factory reached peak production early in the war. Nearly two-thirds of the convicts were employed in the textile mill, which required 150 men for full operation (see Table 9.1). Superintendent Carothers reported the penitentiary required two to three inmates for sanitation, three to four to collect water, two for washing, and two for weighing supplies. He alerted the Board of Directors of the necessity to increase the prison population or supplement the workshops with slave labor. He informed Democratic Governor Edward Clark that the textile mill could produce “4,000 yards of cotton and 800 to 1,000 yards of woolen cloth per

¹⁵ Randolph B. Campbell, *Gone to Texas: A History of the Lone Star State* (Oxford: Oxford University Press, 2003), 240-42. In a referendum the secessionists won the popular vote 46,154 to 14,747. Richard F. Selcer, *Civil War America, 1850 to 1875* (New York: Facts on File, 2006), 231.

¹⁶ Penitentiary Report, August 31, 1861, Folder 1, Box 022-181, TSLAC.

day.” Governor Clark insisted all convict labor should be committed to the production of fabric for Texas Confederate soldiers, as well as to any organized aid society.¹⁷

Wartime shortages required the citizens of Texas to renew home manufacturing where machinery was available. Citizens, aid societies, and Confederate quartermaster workshops made knapsacks, haversacks, and cloth bags were made from penitentiary cloth. Captain J. D. Adams of the 5th Texas Cavalry pleaded, “Every family throughout this Department, possessed of a spinning wheel and loom, is requested to manufacture as large a quantity of cloth (both woolen and cotton) as the raw material at its command will permit.” The Montgomery County Court purchased enough prison cloth to make “two suits of winter clothes for each of their one hundred and twenty-five men serving in Virginia.” Colonel J. H. Crockett of the 10th Texas Cavalry reported in the *Galveston Weekly News* that ladies in Houston met in parties to sew uniforms, “made of very common strong woolen goods from the penitentiary.” These seamstresses met in the upper room of the telegraph office where several sewing machines were provided.¹⁸

Aid societies across the state requested penitentiary cloth. The “ladies of Harrison County” met every Tuesday morning at ten o’clock at the courthouse to make uniforms, while women in Marshall met on Saturday morning at nine o’clock. Bastrop County submitted an application to the governor for penitentiary cloth to produce winter uniforms for destitute soldiers. J. H. Robinson of Travis County volunteered to collect and deliver four large wagons of uniforms to Texan soldiers in Virginia. The Confederate Adjutant General established depots

¹⁷ Moore, “Texas Penitentiary and Textile Production,” 83; Clayton E. Jewett, *Texas in the Confederacy: An Experiment in Nation Building* (Columbia: University of Missouri Press, 2002), 176; Meiners, “Texas Governorship,” 72; Thomas Carothers to the Board of Directors, September 1861, Folder 18, Box 022-5, TSLAC.

¹⁸ *Austin Texas State Gazette*, July 6, 1861, September 17, 1862; Moore, “Texas Penitentiary and Textile Production,” 145; Robert Pattison Felgar, “Texas in the War for Southern Independence, 1861-1865,” (Ph. D. Diss., University of Texas, 1935), 420; *Houston Tri-Weekly Telegraph*, July 14, 1862; *Austin Tri-Weekly State Gazette*, July 6, 1861.

at Austin, Beaumont, Dallas, Henderson, Houston, Jefferson, Palestine, Sherman, San Antonio, Victoria and Waco to collect donated supplies.¹⁹

Texan Confederate soldiers had initially procured their military clothing locally. Government officials urged soldiers to acquire “one coat, two pairs of pantaloons, two shirts, two pair of drawers, two undershirts, three pairs of socks, two blankets, or one blanket and over-coat, two pair of shoes, one towel, and one hat.” The Confederate Clothing Bureau later assisted volunteers with clothing. Major W. H. Haynes of Mississippi, chief of the bureau, oversaw operations and set up a uniform manufactory in Tyler using prison cloth. Confederate agents south of Huntsville reported to the assistant quartermaster in San Antonio, while those to the north reported to the official in Jefferson. Clothing Bureau depots established at Austin, Houston, Jefferson, Shreveport, Tyler, and Washington produced, gathered, and distributed thousands of shirts, jeans, blankets, and tents from penitentiary cloth.²⁰

Distribution of penitentiary cloth depended upon the same railroads, inland waterways, and marginal roads used by civilians, state agents, and military officers. Travel across Texas was time consuming and dangerous, due to the lack of a developed system of railroads and roads. The largest state in the Confederacy suffered from perhaps the least developed transit system. Prior to the war fifty-eight railway companies were chartered in Texas, but only sixteen of them built the 468 miles of track across the state. Ten railroad lines were operational but the onset of hostilities halted most transportation projects. None lay near Huntsville. As the war progressed the shortage of railroad engines, lack of uniform gauge railing, and poor terminals complicated

¹⁹ *Austin Texas State Gazette*, June 8, 1861, June 22, 1861, July 6, 1861, September 7, 1861, October 5, 19, 1861, June 10, 23, 1863; *Marshall Texas Republican*, May 18, 1861, August, 17, 1861, December 7, 1861, September, 6, 1862, February 19, 1863; *Dallas Herald*, September 18, 1861, November 6, 20, 1861.

²⁰ Field, *Confederate Army 1861-1865, Louisiana and Texas*, 21; Charles W. Ramsdell, *Behind the Lines in the Confederacy* (New York: Greenwood Press, 1944), 79; Nichols, *Confederate Quartermaster in the Trans-Mississippi*, 28, 39; Richard D. Goff, *Confederate Supply* (Durham: Duke University Press, 1969), 135; Kerby, *Kirby Smith's Confederacy*, 380-81; *Marshall Texas Republican*, November 22, 1862.

the resupply of soldiers and civilians. As for river transportation, the prison was at another notable disadvantage. It was located twelve miles from the Trinity River. Planters without access to a navigable river had to haul cotton overland to the penitentiary. Poorly maintained dirt roads complicated the transportation of machinery, raw materials, and finished products. A stagecoach line connected Huntsville to the distant railroad line at Navasota, but a seven-year halt in construction delayed the Phelps Line until well after the war.²¹

In regard to the transportation difficulties in Texas, New Orleans *Picayune* editor George Wilkins Kendall remarked that, "it mattered little how much goods the south made if it could not transport what it had from point of production to place of need." The Houston *Tri-Weekly* editor wondered, "We cannot tell how this is to be accomplished, but are of the opinion that what is to be done, must be done by private enterprise . . . They will suffer before relief we shall prepare for them can possibly get to them." Such inefficiency in the official distribution system was appalling and aggravating for those trying to distribute cloth and other goods from the Texas penitentiary, and it later proved fatal to the support of the soldiers.²²

Other difficulties developed. Unlike most Southern prison, the antebellum facility in Huntsville had avoided a major fire throughout its early history. In early 1861, however, a small blaze in the main cotton warehouse resulted in the loss of \$15,272 of raw material. Rogers took the financial records upon his resignation in December, and did not return them for three months. The textile mill sold at least 1,710,371 yards of cloth in 1861, but a discrepancy of 217,349 yards

²¹ Crews, *Huntsville and Walker County, Texas*, 16-7; Robert C. Black III, *The Railroads of the Confederacy* (Chapel Hill: The University of North Carolina Press, 1952), 4, 7, 160-61, 299; Ashcraft, "Texas," 22-7; Nichols, *Confederate Quartermaster in the Trans-Mississippi*, 91; Mary Elizabeth Massey, *Erstatz in the Confederacy* (Columbia: University of South Carolina Press, 1952), 125-28; Charles W. Ramsdell, "The Confederate Government and the Railroads" *American Historical Review* 4 (July, 1917): 802; S. G. Reed, *A History of the Texas Railroads: and of Transportation Conditions under Spain and Mexico and The Republic and the State* (Houston: St. Clair Publishing Company, 1941), 104-7, 124-26, 517; Kerby, *Kirby Smith's Confederacy*, 64-7; Crews, *Huntsville and Walker County, Texas*, 16-7.

²² Dugas, "Social and Economic History of Texas," 291-92; *Houston Tri-Weekly*, August 27, 1862.

surfaced as Financial Agent Rogers accumulated \$42,114.93 of debt. A mild furor among local newspapers petitioned Governor Clark to re-instate the previous financial agent and superintendent. Ultimately, newly elected Democratic Governor Francis R. Lubbock removed Rogers and re-appointed Besser as financial agent. He had experience, but little knowledge of who owed what to whom. In response, the legislature required quarterly reports from the financial agent to the state comptroller.²³

Despite such problems, penitentiary cloth became the main source of fabric throughout the Trans-Mississippi Theater. From February 8, 1860 to November 30, 1861, the textile mill produced 2,546,420 yards of cloth (see Table 9.2). The total sales were \$346,777.27 with a profit of \$129,304.83. Ragged civilians, ambitious military commanders, unscrupulous speculators, and confused government agents all demanded cloth. As the temperature lowered Superintendent Caruthers reported the inmates manufactured 1,000 yards per day of “goods suited for winter clothing for our troops.” Confederate quartermasters at Galveston and San Antonio each requisitioned 100,000 yards of cloth. Additionally, on October 31, Confederate Quartermaster Irby Morgan of the Army of West Tennessee contracted for half of the output for six months. The *Dallas Herald* reported, “The only factory in the Confederate States that is not charging from seven to ten prices for goods is the Star State Mills, at the Huntsville Penitentiary.”²⁴

A Confederate depot at Houston distributed prison goods throughout the war. From January 1863 to February 1864, the depot distributed 13,691 kepis and hats, 20,925 jackets,

²³ *Houston Tri-Weekly Telegraph*, January 23, 1861; C. W. Laines, ed., *Six Decades in Texas: Or, Memoirs of Francis Richard Lubbock, Governor of Texas in War Time, 1861-63* (Austin: B. C. Jones & Company, 1900), 671-72; Moore, “Texas Penitentiary and Textile Production,” 97; Meiners, “Texas Governorship,” 73, 110-11; Financial Agent Report, August 31, 1861, Folder 14, Box 022-4, TSLAC; *General Laws of the Ninth Legislature of the State of Texas* (Houston: E. H. Cushing, 1862), 25.

²⁴ *Dallas Herald*, November 22, 1862; *Houston Tri-Weekly Telegraph*, September 8, 1862, October 19, 1863, November 9, 1863; *Clarksville Standard*, February 21, 1863; Michael R. Moore, “Production of Cloth at Huntsville Penitentiary, March 16, 1982,” Vertical File, TPM.

40,293 pairs of trousers, 39,407 shirts, 34,507 pairs of drawers, 3,426 pairs of socks, 43,657 pairs of shoes, and 377 great coats. Captain E. C. Wharton of the Houston depot reported that jackets and trousers were often made from penitentiary cloth. Throughout the summer and fall of 1863, the 3rd Texas Volunteer Infantry wore white woolen uniforms made from prison cloth from the San Antonio depot. The 26th Texas Cavalry was outfitted with white woolen kersey uniforms from James P. Spring of the Spring Company of Huntsville, which also sold shirts and drawers from penitentiary cloth. The color was not by choice. The Union naval blockade of the entire Confederate coastline disrupted trade and created scarcities of all kinds. A shortage of dyes, extracts of logwood, and copperas limited the amount of fabric dyed at the penitentiary. Confederate uniforms made from prison cloth were originally light blue and trimmed in yellow, but as commercial dyes became less available, various shades of sheep's gray or brown appeared with black trimming. Huntsville cloth was described as "white (bleached), brown (bleached and dyed) and sheep's gray (natural fleece color; yellowish to brownish-gray)." Confederate soldiers complained about uniforms that seemed to lack any color whatsoever, as they were said to resemble burial shrouds. In early 1863, Major Haynes of the Confederate Clothing Bureau received 110,000 yards of white woolen cloth. General Thomas N. Waul's Texas Legion was issued uniforms of un-dyed white wool in February at Fort Pemberton in Mississippi. The following month, General John G. Walker's Texas Division was well-clad in uniforms that were most likely un-dyed Huntsville woolens. Private Willie H. Tunnard of the 3rd Louisiana Infantry commented on a new uniform while stationed at Snyder's Mill in Mississippi. He noted, "The regiment received a new uniform, which they were ordered to take, much against their expressed wishes. The material was very coarse white jeans." Soldiers from the 26th Louisiana Infantry

expressed misgivings about the white uniforms that became known as the “badge of a conscript.”²⁵

Whatever the aesthetics, the army’s demand for prison cloth remained constant throughout the war. In 1862, western Confederate quartermasters purchased at least 184,241 yards of wool and 765,791 yards of cotton goods that produced an estimated 40,000 uniforms, and 175,000 shirts and pants. On March 6, 1863, the state legislature approved an act to regulate the distribution of penitentiary cloth, and punish those who obtained penitentiary cloth under false pretenses. From December 1, 1861, to August 31, 1863, the penitentiary sold 2,308,716 yards of cotton and 287,214 yard of woolens (see Table 9.2). The Houston *Tri-Weekly* reported, “applications for cloth are filled in the following order: first, the army; second, families of soldiers; and third, the people.” Governor Lubbock proclaimed, “The institution has proven of

²⁵ Frederick R. Adolphus, “Confederate Clothing of the Houston Quartermaster Depot,” *Military Collector and Historian* 48 (Winter, 1996): 173, 177; K.C. MacDonald, “Trans-Mississippi Confederate Uniforms,” 2-3, <http://www.lazyjacks.org.uk/shirts.htm>, accessed 5 January 2011; Frederick R. Adolphus, “The Uniforms, Equipage, Arms, and Accouterments of the 3rd Texas Volunteer Infantry,” *Military Collector and Historian* 62 (Spring, 2010): 5; Frederick R. Adolphus, “The Uniforms, Equipage, Arms, and Accouterments of Debray’s 26th Texas Cavalry,” *Journal of the Company of Military Historians* 61 (Summer 2009): 78; Dugas, “Social and Economic History of Texas,” 287; Adolphus, “Drab,” 37-39; Ron Field, *American Civil War: Confederate Army* (London: Brassey’s, 1998), 39-41, 65; *Report of the Joint Committee of the Legislature of Texas, Concerning Affairs Connected with the Penitentiary, December 1, 1861, to March 31, 1863*, TSLAC. Those units included: General Albert Pike’s Brigade, General Sibley’s Brigade, Colonel E. B. Nichols, Colonel G. W. Carter, Colonel R. R. Garland, Frontier Regiment, Colonel John H. Burnet, Colonel Edward Clark, Colonel R. H. Hubbard, Colonel C. M. Roberts, Colonel H. Randall, Colonel W. B. Ochiltree, Colonel T. C. Bass, Captain Irby Morgan, Lieutenant J. B. Harrall, Major J. F. Minter, Captain T. N. Minter, Major T. S. Moise, Captain J. Fields, Captain J. C. Yarbrow, Captain L. C. DeSisle, Captain J. C. Kirby, Captain H. H. Fisher, Captain A. C. Smith, Captain A. S. Cabbell. The penitentiary also supplied cloth to contractors including W. M. Sledge, Atkinson & Chappell, Compton & Giddings, J. R. Metcalf, R. Fitzhugh, T. M. Shirly, Captain Lemman, and R. Lockhart.

incalculable benefit to the army. In the present condition of the country its importance rises to supreme magnitude.” By 1863 Agent Besser deposited \$1,000,000 into the state treasury.²⁶

Governor Lubbock emphasized his priority to supply Texan Confederate soldiers in all theaters with prison cloth. From December 1, 1861, to March 31, 1863, at least thirty-five units received penitentiary cloth. He forwarded a request for 6,000 yards from Texan Brigadier General John B. Hood in Virginia to Superintendent Carothers. Captain Hiram S. Morgan of Company B of the 18th Texas Cavalry purchased cloth to outfit his troops in gray double-breasted coats, and gray trousers with yellow cavalry stripes on the legs. General Sterling Price’s troops in northwest Arkansas received poorly colored uniforms that were sewn at the Little Rock Penitentiary, but were made from Huntsville cloth. The 16th Texas Cavalry were described as clad in, “faded penitentiary jackets” in late 1863.²⁷

All of this manufacture took its toll. By early 1863 the machinery at the Huntsville factory began to wear down. Proper maintenance of the mill had proven to be the greatest challenge at the penitentiary. Inmates replaced cast iron parts purchased from northern shops with shoddy replacements manufactured by inmates at the blacksmith shop. In January 1863 the State Military Board successfully imported machinery from Germany, as well as \$50,000 worth of castings and parts through Matamoros. These imports improved the deteriorated equipment. On March 6, the state legislature further authorized Financial Agent S. B. Hendricks to purchase

²⁶ Allan Coleman Ashcraft, “Texas: 1860-1866: The Lone Star State in the Civil War” (Ph. D. Diss., Columbia University, 1960), 73, 139-40; Meiners, “Texas Governorship,” 73; Harold S. Wilson, *Confederate Industry: Manufactures and Quartermasters in the Civil War* (Jackson: University Press of Mississippi, 2002), 29; *Dallas Herald*, October 16, 1861; Nichols, *Confederate Quartermaster in the Trans-Mississippi*, 34; Michael R. Moore, “Production of Cloth at Huntsville Penitentiary, March 16, 1982,” Vertical File, TPM; *Message of Governor F. R. Lubbock to the Tenth Legislature of the State of Texas, November 5, 1863* (Austin: State Gazette, 1863), 9-10; *Houston Tri-Weekly Telegraph*, October 3, 1862; Directors of the Penitentiary to Governor Lubbock, September 16, 1863, Folder 15, Box 022-4, TSLAC; *General Laws of the Extra Session of the Ninth Legislature of the State of Texas* (Austin: Texas Almanac, 1863), 20-1.

²⁷ “Report of the Joint Committee of the Legislature of Texas, Concerning Affairs Connected with the Penitentiary, December 1, 1861 to March 31, 1863,” Vertical File, Hill County College; Meiners, “Texas Governorship,” 113; Adolphus, “Drab,” 38; Field, “American Civil War,” 65.

additional machinery. Superintendent Carothers reported ample supplies of cotton, but a shortage of sperm oil idled half of the machinery. Thus, even the import of machinery could not sustain production levels during the final years of the war.²⁸

Impressive profits at the penitentiary did not shield the officers from wartime scrutiny. Financial Agent Besser was accused in newspapers editorials of harboring Unionist sympathies and subsequently became the target of an investigation for mismanagement. In 1863 anonymous penitentiary officials notified Governor Lubbock that Besser failed to turn over his reports to the Board of Directors, and thus inhibited them from delivering the required biennial report to the legislature. Consequently, the state legislature launched an investigation into the penitentiary financial records, as well as his personal conduct. Besser had allegedly bought cotton the previous fall under his personal account, processed it at the textile mill, and financially benefitted from the sales. The cotton in question was valued at twelve cents per pound, but Besser insisted he paid the January price of twenty cents per pound for the finished goods. Ultimately, he stood to benefit personally nearly \$15,000 from this transaction. Other prison officials offered to return 150 bales of the cotton and pay for the remainder at twenty cents a pound, but Besser proclaimed his innocence and claimed the profits. During the investigation Governor Lubbock strongly supported him as “a most efficient and able officer who did not intend to perpetuate a wrong against the state, and should be entitled to the profits received for his cotton.”²⁹

²⁸ *General Laws of the Tenth Legislature (Second Extra Session) of the State of Texas* (Austin: State Gazette Office, 1865), 14; Laines, ed., *Six Decades in Texas*, 671-72; Moore, “Texas Penitentiary and Textile Production,” 98, 105-06, 108-09, 146-47; *General Laws of the Extra Session of the Ninth Legislature of the State of Texas* (Austin: Texas Almanac, 1863), 18; Thomas Carothers to the Board of the Penitentiary, 1865, Folder 19, Box 022-5, TSLAC. The State Military Board consisted of Governor Francis R. Lubbock, Comptroller C. R. Johns, and Treasurer C. H. Randolph. For more information on the board, see Charles W. Ramsdell, “The Texas State Military Board, 1862-1865,” *Southwestern Historical Quarterly* 27 (April 1924): 253-75; Julia L. Vivian, “Military Board of Texas,” *New Handbook of Texas*, 4:725-26.

²⁹ Whitley, “Besser, John Slater,” 507; Jewett, *Texas in the Confederacy*, 160-61; *Houston Tri-Weekly*, May 15, 1863; Meiners, “The Texas Governorship, 1861-1865,” 211-14, 276; Copeland, “The Evolution of the Texas Department of Corrections,” 11; Crow, “A Political History of the Texas Penal System, 1829-1951.” 65.

Critics also accused Besser of favoritism regarding the distribution of goods. They claimed that he employed his son over more qualified individuals, and paid him a questionably high salary. On April 30, the committee reported mismanagement, waste, negligence, and defalcation, but determined the infractions were unintentional. The investigation concluded that Besser was innocent of any wrongdoing. Doubt remained within the press. Governor Lubbock warned Besser, “No public officer, in your situation should purchase and sell to himself.” The governor considered the matter closed, but in November Besser again insisted on being over paid for the finished cloth. Lubbock responded, “I think you created a great error in this cotton transaction; and all the profit you will ever make out of it will never compensate you for the imputations cast against you in regards to it.” Shortly thereafter, Besser paid a comparatively meager \$1,806 to avoid prosecution and tendered his resignation to newly-elected Democratic Governor Pendleton H. Murrah on November 28, 1863.³⁰

Besser’s departure coincided with a downturn in production at the textile mill. As the war entered a third year the penitentiary suffered from a shortage of manpower. An increase in pardons and discharges to fill the military ranks reduced the prison population to 179 convicts in 1863 (see Table 9.1). Superintendent Carothers reported the textile mill operated in, “fine fashion without any major problems,” but noted that the decreased inmate population would eventually interfere with factory operations. Carothers did not care whether additional labor was “slave, White, or men of questionable character,” as long as they “worked hard, and followed specific directions.” He petitioned General John B. Magruder, who commanded the District of Texas, New Mexico, and Arizona, “if you can spare me as many as twenty prisoners (negroes would be preferred) to work in the factory, I will most gladly receive them, and after being

³⁰ Meiners, “The Texas Governorship, 1861-1865,” 211-214, 276; Jewett, *Texas in the Confederacy: An Experiment in Nation Building*, 160-61; Copeland, “The Evolution of the Texas Department of Corrections,” 11; Crow, “A Political History of the Texas Penal System, 1829-1951.” 65.

placed in my charge I would relieve the military department of all expenses in relation to them.” Conversely, Union officers captured from *U.S.S. Harriet Lane* during the Battle of Galveston on January 1, 1863, arrived at the penitentiary, but were segregated from other prisoners. They rarely worked in the mill and were frequent dinner guests at the home of the superintendent.³¹

While the Texas legislature acknowledged the need to maintain a sizable inmate population to operate the textile mill, it worried that allowing inmates from outside the state “could potentially threaten the vital institution.” Nonetheless, demand for prison cloth forced the legislature to authorize the use of the Texas State Penitentiary for the confinement of convicts from Louisiana, Arkansas, and Missouri. The act stipulated that open slots must exist for outside convicts, and the financial burden for transport rested with the state from which they transferred. Governor Murrah suggested that soldiers who deserted and all people encouraging desertion or harboring deserters should be sentenced to hard labor in the penitentiary “for the benefit of those in the field.” The prison authorities also used local slave labor to supplement the convict workforce during the final year of the war.³²

A tangled web of cotton agencies in Texas in 1864 caused “bitter exchanges between quartermasters, state officials, planters, and various other agents.” A circular issued by financial agent S. B. Hendricks announced the distribution of 300,000 yards of cloth to destitute citizens. However, in November, the state legislature approved an “Act Concerning the Distribution of

³¹ Jewett, *Texas in the Confederacy*, 158-59; Moore, “Texas Penitentiary and Textile Production,” 79-80; Thomas Carothers to General John B. Magruder, September 20, 1863, *Official Records*, series 2, vol. 6, pt. 1, pp. 305-6; Copeland, “Evolution of the Texas Department of Corrections,” 178; *Message of Governor F. R. Lubbock to the Tenth Legislature of the State of Texas, November 5, 1863* (Austin: State Gazette, 1863), 9-10.

³² William M. Robinson Jr., *Justice in Grey: A History of the Judicial System of the Confederate States of America* (Cambridge: Harvard University Press, 1941), 105; *Huntsville Item*, November 18, 1864; *Nashville Daily Union*, January 12, 1864; *Houston Telegraph*, October 7, 1864; *General Laws of the Tenth Legislature (Second Extra Session) of the State of Texas* (Austin: State Gazette, 1865), 15; Jewett, *Texas in the Confederacy*, 159; Moore, “Texas Penitentiary and Textile Production,” 99; Meiners, “Texas Governorship,” 278-79; “Walker County: Before, During, and After the Civil War” Vertical File, Hill County College, 2; *General Laws of the Tenth Legislature of the State of Texas* (Houston: Galveston News, 1864), 6-7.

Cloth from the Penitentiary,” which appropriated 600,000 yards of cloth annually for the support of indigent soldiers’ families. County courts gathered lists of the dependents of Texas Confederate soldiers and forwarded them to the financial agent at the prison. The legislation divided the state into six districts, and cloth was distributed within ninety days after applications were submitted. Financial Agent Hendricks reported in May 1865 that 126,212 yards of cloth were already distributed to several counties. Still, the Confederate home front experienced shortages of supplies and manpower that dramatically altered life during the war.³³

Despite challenges on the home front Superintendent Carothers reported the inmates were in remarkable health and the penitentiary was in good condition. The inmate population kept falling, to 118 in 1865 and the workshops and mill eventually required more slaves to be hired to supplement to the workforce (see Table 9.1). The shortage of textile mill employees reduced production, forced machinery to sit idle, and caused the expectations of some citizens to be disappointed. Still, from January 1864 to February 1865 the convicts and enslaved workers produced at least 1,550,832.36 yards of cloth (see Table 9.2). Carothers lamented that the textile mill could not meet the requirements of all Texans as the Confederate military attempted to conscript penitentiary employees.³⁴

The penitentiary in Huntsville was the only southern penitentiary to avoid capture or destruction by the Union army. Yet ironically, it was attacked by Confederate forces on two occasions. Magruder had warned Governor Murrah, “the enemy can have no stronger

³³ Kerby, *Kirby Smith’s Confederacy*, 268; Jewett, *Texas in the Confederacy*, 157; *General Laws of the Tenth Legislature (Second Extra Session) of the State of Texas* (Austin: State Gazette, 1865), 10-4; Nichols, *Confederate Quartermaster in the Trans-Mississippi*, 62; Felgar, “Texas in the War for Southern Independence,” 475-76; James Arthur Irby, “Line of the Rio Grande: War and Trade in the Confederate Frontier, 1861-1865” (Ph.D. Diss., University of Georgia, 1969), 86-7; Ramsdell, “Texas State Military Board,” 273; Report of the Financial Agent, May 31, 1865, Folder 4, Box 022-16, TSLAC.

³⁴ Thomas Carothers to Board of the Penitentiary, 1865, Folder 19, Box 022-5, TSLAC; S. B. Hendricks to the Comptroller of Public Accounts, March 22, 1865, Folder 27, Box 022-9, TSLAC; Michael R. Moore, “Production of Cloth at Huntsville Penitentiary, March 16, 1982,” Vertical File, TPM.

inducement for an advance upon Huntsville than that the penitentiary is used as a manufactory of clothing material for the use of the army,” but he never expected the prison to be attacked by Texan Confederates. On December 5, 1863, soldiers under Colonel James W. White from Captain George A. Dickerman’s Company of the 2nd State Cavalry held financial agent Besser and his family captive as they demanded tents, clothing, and temporary shelter while in route to Houston. From late May until June 1865 over one hundred Confederate soldiers from Galveston again besieged the penitentiary at Huntsville demanding supplies after being discharged. A force of nearly five hundred armed citizens formed for battle to defend the penitentiary. The textile mill sat idle for twenty-one days during the incident and sales were halted during the incident. Penitentiary Board members suggested the employment of a police force of fifty men, at a cost of \$25 a month in addition to provisions, to guard the prison until, “the necessity passed.” Nonetheless, soldiers broke into the penitentiary warehouse on May 31, and distributed at least 54,000 yards of cloth to a mob in Huntsville. Thus, hostilities extended in Texas beyond the official end of the war.³⁵

The penitentiary workshops supplied essential equipment for Texas Confederate soldiers fighting from home to Virginia throughout the entire conflict. From February 8, 1860, to May 31, 1865, convicts produced an estimated 7,246,943.7 yards of osnaburg, white kersey, brown kersey, wool kersey, white plains, wool plains, cotton jeans, and cotton thread (see Table 9.2). Throughout the war the army received upwards of 80 percent of its woolens and 50 percent of

³⁵ *Houston Tri-Weekly Telegraph*, June 14, 1865, June 19, 1865; *Dallas Daily Herald*, July 1, 1865; J. B. Magruder to Governor P. Murrah, *Official Records*, series 1, vol. 26 pt. 2, pp. 519-20; Moore, “Texas Penitentiary and Textile Production,” 146-47; Financial Agent Report, May 31, 1865, Penitentiary Records, Folder 20, Box 022-15, TSLAC; Letter to Penitentiary Commissioners from the Penitentiary Board of Directors, September 8, 1865, Folder 16, Box 022-4, TSLAC; Financial Agent Report, June 6, 1865, Folder 13, Box 022-178, TSLAC; Jewett, *Texas in the Confederacy*, 164; S. B. Hendricks to Governor Murrah, December 6, 1863, Box 022-4, TSLAC; John S. Besser to Governor Murrah, December 8, 1863, Folder 8, Box 301-44, TSLAC; Brad R. Clampitt, “The Breakup: The Collapse of the Confederate Trans-Mississippi Army in Texas, 1865,” *Southwestern Historical Quarterly* 108 (April, 2005): 516.

cottons. From April 1861 to February 28, 1865, the textile mill furnished at least 2,522,722 yards of cloth to the army. Manufactures and women's groups sewed penitentiary cloth into an estimated 66,574 uniforms. A sample of thirty receipts from the superintendents and financial agents to various agents of the Confederate Quartermaster Department totaled \$328,176.06. An average order cost \$10,939.20, but the largest single receipt of \$74,895.95 occurred early in the war on August 7, 1862. Those receipts confirmed that the other penitentiary workshops did not produce other items for sale on the open market. The prison textile mill also boosted the local economy by purchasing at least 8,754 cotton bales from May 1861 to August 1865.³⁶

Texas was the final southern state to establish a penitentiary during the Antebellum Era. The legislature avoided crippling financial troubles and the necessity to lease the facility by investing in a profitable form of employment that did not compete with local mechanics. In wartime the textile mill grossed at least \$2,388,541 from the sale of prison goods, with average quarterly cash balance of \$206,267.86 (see Table 9.2). The penitentiary became the largest income source for the state by contributing more than 38 percent of the total net receipts. Financial agents deposited \$3,101,532.86 into the State Treasury. Union soldiers did not directly threaten the facility, but wartime shortages affected production (see Illustration 9.2). The absence of quality parts from northern states hindered operations at the textile mill and reduced the quality of fabric. Similarly, the steadily declining inmate population left machinery idle and

³⁶ Michael R. Moore, "Production of Cloth at Huntsville Penitentiary, March 16, 1862," Vertical File, TPM. Confederate quartermasters purchased at least 451,588 yards of woolen cloth, 507,291 yards of cotton jeans, and 1,376,260 yards of osnaburg. Financial Agent Report, March 5, 1863, Folder 21, Box 022-9, TSLAC; Moore, "Texas Penitentiary and Textile Production," 109, 148; "John S. Besser," Union Citizens File, NARA M346, group 109, roll 0062, document 38; "Texas State Penitentiary," Union Citizens File, NARA M346, group 109, roll 1018, document 74; "Thomm Carothers," Union Citizens File, NARA M346, group 109, roll 0143, document 210; Walker, *Penology for Profit*, 17; Report of the Financial Agent, March 1861, Folder 20, Box 022-9, TSLAC; John S. Besser to Governor Lubbock, January 17, 1863, Folder 24, Box 022-9, TSLAC; S. B. Hendricks to Governor Lubbock, April 1863, Folder 25, Box 022-9, TSLAC; Financial Agent Report, March 5, 1863, Folder 21, Box 022-9, TSLAC; Nichols, *Confederate Quartermaster in the Trans-Mississippi*, 34-35; Kerby, *Kirby Smith's Confederacy*, 261; Financial Agent Report, May 31, 1865, Folder 20, Box 022-15, TSLAC; *ibid.*, August 14, 1865; *ibid.*, September 1865; *ibid.*, November 30, 1865; *ibid.*, May 1865; S. B. Hendricks to the Comptroller of Public Accounts, Folder 11, Box 022-12, TSLAC.

required a supplemental workforce. Ultimately, convict labor at the Texas State Penitentiary exceeded any realistic production expectations and provided many Texan soldiers with cloth throughout the Civil War.³⁷

³⁷ Edmund Thornton Miller, "A Financial History of Texas," *Bulletin of the University of Texas* 37 (July 1916): 140; Moore, "Texas Penitentiary and Textile Production in the Civil War," 114; Michael R. Moore, "Production of Cloth at Huntsville Penitentiary, March 16, 1982," Vertical File, TPM; Kerby, *Kirby Smith's Confederacy*, 66, 261; Walker, *Penology for Profit*, 17; Jewett, *Texas in the Confederacy*, 150; Dugas, "Social and Economic History of Texas," 287; *Message of Governor F. R. Lubbock to the Tenth Legislature of the State of Texas, November 5, 1863* (Austin: State Gazette, 1863), 9-10.

Table 9.1

Texas State Penitentiary Inmate Statistics, 1849-1865.

Year	Black Male	Mexican Male	White Male	White Female	Native American	Total
1849						3
1850						10
1851						27
1855						75
1859						190
1860						211
1861		15	139	1		155
1863						179
1864						218
1865	33	20	57		2	118

Sources: Penitentiary Report, October 1, 1849, Folder 10, Box 022-4, Penitentiary Records; J. S. Besser to Governor Bell, July 11, 1850, Folder 12, Box 022-4, *ibid.*; Penitentiary Report, August 31, 1861, Folder 1, Box 022-181, *ibid.*; Thomas Carothers to the Penitentiary Board of Directors, Folder 18, Box 022-5, *ibid.*; Thomas Carothers to the Board of the Penitentiary, 1865, Folder 19, Box 022-5, *ibid.*; Financial Agent Report, January 17, 1860, Folder 20, Box 022-9, *ibid.*; June 24, 1865, Folder 2, Box 022-181, *ibid.*

Table 9.2

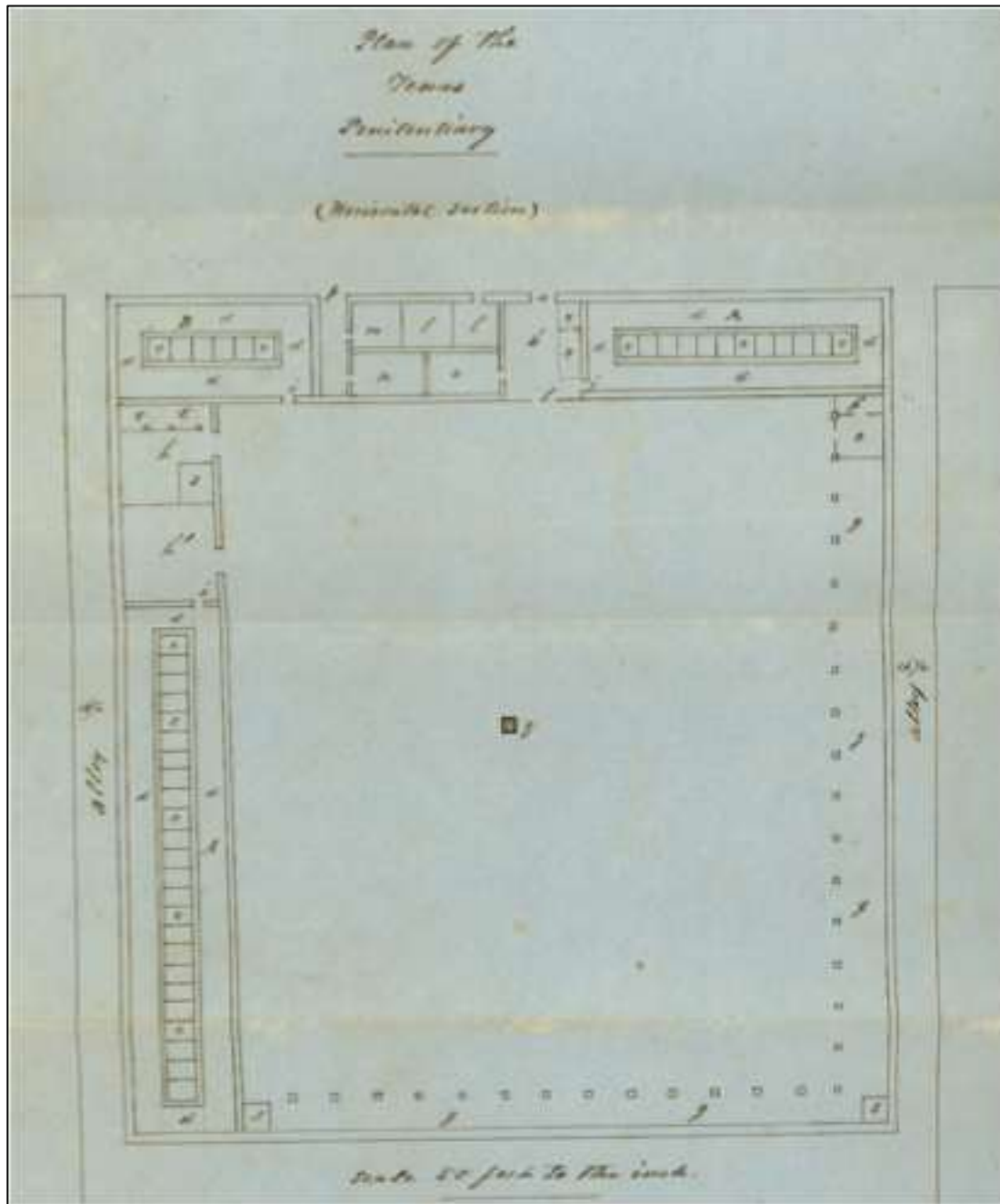
Textile Production at the Texas State Penitentiary, 1860-1865.

	1860	1861	1862	1863	1864	1865
Yards	1,200,474	1,710,371	1,611,151	1,387,081	1,001,582	334,752
Annual Profit	\$142,347	\$308,531	\$366,777	\$426,920	N/A	N/A

Sources: Michael R. Moore, "Production of Cloth at Huntsville Penitentiary, March 16, 1862," Vertical File, TPM; Financial Agent Report, March 1861, Penitentiary Records, Folder 20, Box 022-4, TSLAC; Financial Agent Report, August 31, 1861, *ibid.*, Folder 14, Box 022-4, TSLAC; Wilson, *Confederate Industry*, 29; Besser to Governor Lubbock, January 17, 1863, Penitentiary Records, Folder 24, Box 022-9, TSLAC; Besser to Governor Lubbock, March 5, 1863, Folder 21, Box 022-9, TSLAC; Financial Agent Report, February 20, 1865, May 31, 1865, August 14, 1865, September 1865, November 30, 1865, Folder 20, Box 022-15, TSLAC; Financial Agent Report, August 31, 1865, Folder 4, Box 022-16, TSLAC.

Illustration 9.1

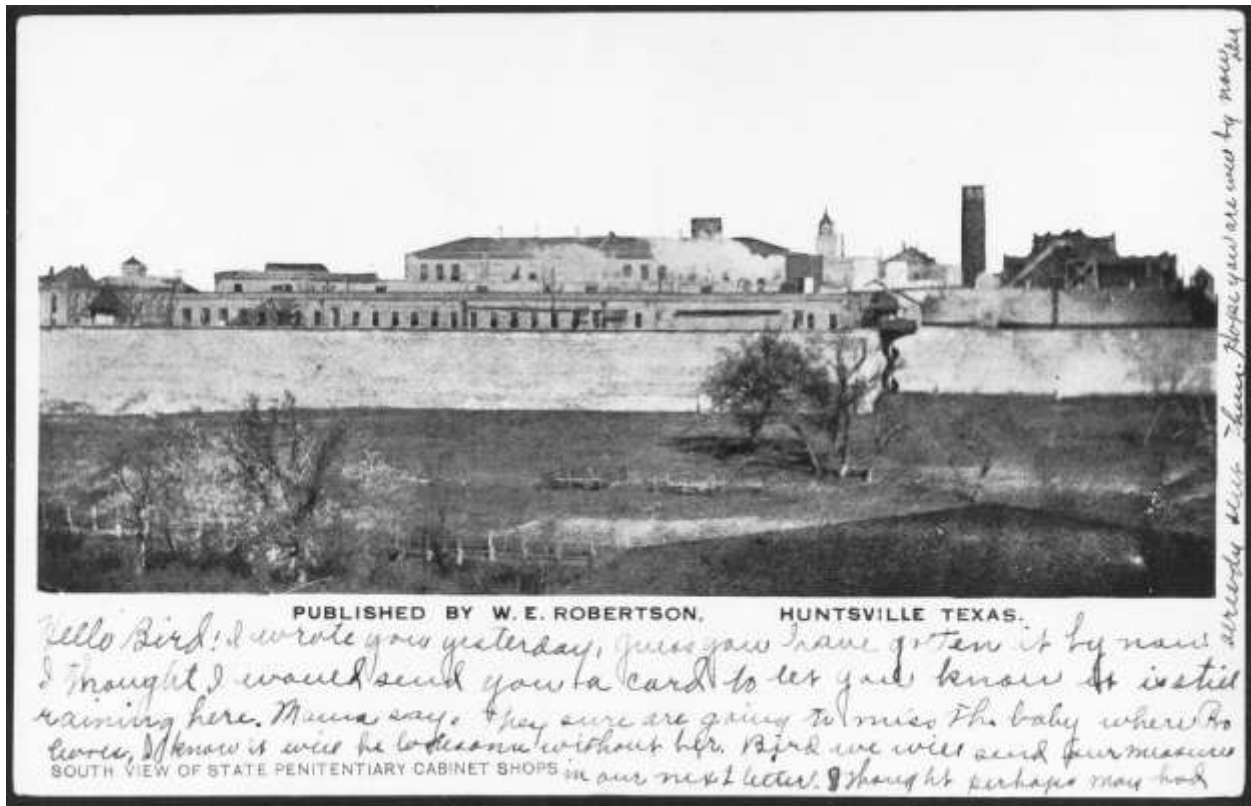
Design Sketch of the Texas State Penitentiary, 1849.



Source: Penitentiary Records, Folder 10, Box 022-4, Texas State Library and Archives Commission, Austin Texas. Courtesy of the Texas State Library and Archives Commission.

Illustration 9.2

South View of the Cabinet Shops, circa 1870.



Source: www.walkercountytreasures.com/displayimage.php?album=10&pid=685, accessed 11/7/2017.

Conclusion

A nationwide emphasis on personal liberty and an increase in urban crime following the American Revolution led state legislatures to reform penal codes and replace public corporal punishment with incarceration. In the South these widespread policy changes occurred within a slave society built upon racial division and forced labor. The emergence of state penitentiaries across the South beginning in the early 1800s signaled a degree of social modernity and demonstrated the state's power to enforce laws, surveil a criminal class, and participate in the market economy. Southern legislatures also invariably funded penitentiaries that utilized convict labor in an effort to achieve self-sustaining enterprises that yielded revenue to state treasuries.

The Auburn system emerged in New York in 1816 and became the prevailing model across the South. Legislatures approved prison complexes with communal workshops, where convicts worked silently in the daytime and lodged alone at night. Virginia led the way in 1800 by combining elements from emerging systems in Pennsylvania and New York, but enforced rigid solitary confinement for all incoming convicts before they joined the workforce. Design flaws and poor planning created overcrowded conditions complicated efforts to isolate prisoners in the evenings. The southern inmate population increased steadily from 21 in 1800 to 250 in 1830, but exploded to 2,139 by 1860 (see Table 10.1). Increased criminal activity after the financial panics of 1819, 1837, and 1857 forced expansion at the facilities. Convict labor at workshops, textile mills, and outside the walls generated considerable revenue for state treasuries.

Penitentiaries became essential institutions for the state and centers of attraction for citizens. They were among the largest structures in southern cities at the time. The legislatures

employed skilled architects to create structurally sound and aesthetically pleasing houses of incarceration. The *Wetumpka Argus* described the state prison in Alabama as, “having some architectural beauty.” It included a red brick main building ornamented with white marble and topped with a cupola. English architect Benjamin Henry Latrobe designed a unique U-shaped penitentiary in Virginia, while William Nichols supervised construction of the fortress-like prisons of Louisiana and Mississippi. A board of commissioners in Tennessee selected David Morrison, who previously worked on President Andrew Jackson’s Hermitage. Englishman John Haviland followed his time at St. Andrew’s Episcopal Church in Philadelphia by designing the prison in Arkansas. Abner H. Cook added the Texas State Penitentiary to his list of state buildings, which included the Governor’s Mansion and the Neill-Cochran House in Austin. These structural works of art became popular attractions for state residents and tourists of the South.

State penitentiaries entered the physical and political landscape of most southern capital cities in the 1830s and 1840s. These imposing structures warned visitors of the rule of law and reminded citizens of the repercussions of committing crime. Yet in Alabama, Louisiana, and Texas the prisons were located 16, 80, and 157 miles away from their respective seats of government. The effects of crime resonated across all social, racial, and political lines. In Virginia the issue gained support from Federalists, while in Louisiana and Alabama the National Republicans favored incarceration. Southern Democratic governors called on legislators to reform penal codes, reflect new values, and break with previous legal traditions. The rise of Jacksonian Democracy emboldened a spoils system that rewarded supporters with political positions. Thus, locating penitentiaries near the seat of state political power further enabled patronage that often disrupted beneficial continuity within prison administration.

Political appointments occasionally resulted in corruption among leadership at the penitentiaries. In Virginia, General Agent R. M. Nimmo was investigated for inaccurate records, suspected of embezzling prison funds, and removed from his position. Accusations of fraud at the shoe shop in Georgia generated a legislative investigation that resulted in the dismissal of a Confederate agent. Following the Union occupation of New Orleans, Superintendent Moses Bates was arrested for fraud and expelled from Baton Rouge. Meanwhile, John S. Besser served as financial agent in Texas for over a decade, until Governor Sam Houston replaced him with M. C. Rogers for purely personal and political reasons. Rogers held the position for only two years and completely mismanaged the accounts before his abrupt resignation. Governor Francis R. Lubbock reappointed Besser, but a scandal involving a cotton purchase on a personal account led to his second dismissal in 1863. Thus, criminality was a common trait among both prisoners and administrators.

The appointment of penitentiary officials occasionally led to conflict between southern governors and state legislatures. In Tennessee, competition between Whig and Democrats overturned the state government nearly every election of the 1830s and 1840s. The election of Governor Andrew Johnson in 1853 resulted in administrative turmoil for the penitentiary. Johnson selected multiple sets of inspectors in an attempt to influence who served as keeper of the penitentiary, but the Tennessee Supreme Court thwarted his efforts. The governors in Virginia, Tennessee, Louisiana, and Texas maintained the most direct control over the appointment of penitentiary leadership, but Democratic dominance in those states resulted in stability. The General Assembly in Georgia vacillated between Whig, Constitutional Union, and Democrat control, which led the position of principal keeper at the penitentiary to change eighteen times in fifty years.

Southern legislatures primarily invested in penitentiaries to combat crime and enact a more humane system of justice. But the allure of generating profits from convict labor garnered attention away from combating recidivism and improving rehabilitation. Profits from the workshops were constantly undercut by the expense of conveying convicts from across the state, housing runaway slaves, and paying exorbitant commissions to general agents. The state legislatures of Louisiana, Arkansas, and Alabama leased their entire penitentiaries as a way to remove the annual financial burden. John B. Robins and Alexander George leased the facility in Arkansas, but the legislature continued to appropriate funds to expand the workshops. Meanwhile, in Louisiana the lessees expanded a textile factory into the largest of its kind in the prewar South. Ultimately, leasing made money, but it did not financially insulate southern states from further investing tax money into the prison system.

Inmates resisted forced labor and harsh discipline by feigning illness, sabotaging equipment, escaping, and committing arson. At least sixteen fires occurred at southern penitentiaries that resulted in \$755,272 worth of damage and rebuilding costs (see Table 10.2). The prison in Virginia burned on four occasions, while its counterpart in Georgia was ablaze three times. Officials ordered the penitentiaries rebuilt with fireproof materials, additional cisterns, and water hoses on site. Despite costly setbacks, state legislatures repeatedly appropriated large sums to rebuild, expand, and modernize equipment. By the end of the Civil War the penitentiaries in Virginia, Georgia, Louisiana, and Mississippi lay in ruins, which furthered deficits into the postwar period.

Penal reforms of the early 1800s encouraged rehabilitation through silent reflection and labor in workshops, as well as improved personal hygiene, education, and religion. Physicians played a pivotal role at the facility, but earned meager salaries to monitor inmates' health and

maintain balanced prison diets. Clerks in Tennessee and Arkansas conducted inmate interviews that revealed rates of high alcohol consumption and low levels of education among the convicts. In Arkansas, Agent Charles M. Hays directly connected criminality to education and substance abuse. He determined that more than half of the 240 prisoners were intoxicated at the time of their offense. In Virginia, the penitentiary physician strongly suggested prohibiting tobacco to improve health and safety, while the prisoners in Tennessee received rations of chewing tobacco. Doctors encouraged convicts to shave regularly and clean their cell with lime to combat the spread of epidemics. Nonetheless, southern inmates suffered relatively high mortality rates.

Chaplains focused their efforts on the spiritual, moral, educational rehabilitation of convicts. The penitentiary in Virginia did not originally employ a priest or make Sunday worship services available, but after several decades it joined its counterparts with regular religious instruction. Most prison cells came furnished with a Bible, but illiteracy rates ran high among the criminal class of the South. Reverend William H. Wharton of Tennessee confirmed the assertions of Agent Hays in Arkansas, that most felons committed minor offenses due to neglected education. Chaplains became de-facto schoolteachers and the legislatures made small appropriations for books and magazines. Inmates read popular literature such as *Harpers Monthly*, *Scientific American*, *Illustrated Journal Universal*, *Arthur's Home Gazette*, *Metropolitan*, *Frank Leslie's Weekly*, *Illustrated Christian News*, *Atlantic Monthly*, and *Popular Science Monthly*. Famous social reformer Dorothea L. Dix inspected every southern state penitentiary, except the one in Texas, and donated small collections of books to improve living conditions. Early prison administrators, such as Agent Charles Hays of Tennessee, invested in education to reduce criminal behavior and encouraged literacy by expanding prison libraries.

Southern legislatures adopted the Auburn system and built workshops without considering any impacts upon the business community. Opposition to convict labor spurred citizen mechanics to gather at meetings, author newspaper editorials, form organizations, boycott stores, petition legislatures, and become candidates for office. The Mechanics' Society of Baton Rouge that formed in 1841 effectively lobbied the legislature to limit the variety of prison trades within three years. Andrew J. Ward of Arkansas served as president of the Mechanics' Institute prior to leasing the penitentiary during the Civil War. Similarly, Governor Andrew Johnson of Tennessee worked as a tailor and sympathized with the complaints of citizens against convict labor. In Texas, most of the inmates worked in a large textile factory and mechanics' associations were more focused on competition from Free Blacks and slaves. The penitentiaries consumed large sums of taxpayer money to build workshops that instructed felons in trades sought after by honest citizens. Convict-mechanics who trained in the prison workshops faced scorn outside of the walls for bypassing the traditional system of apprenticeship. As a result, former convicts were ostracized and encountered difficulty utilizing the skills learned behind bars. The introduction of convict labor further affected southern communities by lowering wages and displacing existing businessmen and merchants.

The establishment of penitentiaries across the South generated uncommon communication between governors and unprecedented cooperation across state lines. Southern legislatures sent representatives to examine other states and governors petitioned each other for prison blueprints. Samuel P. Parsons of Virginia inspected the Eastern State Penitentiary in Philadelphia, while Financial Agent John S. Besser of Texas visited the penitentiaries in Louisiana and Mississippi to review the textile machinery. By 1845 prison goods manufactured at the workshops in Baton Rouge travelled north by steamboat to markets in Kentucky. A Union

blockade of the entire Confederate coastline limited the availability of imported goods and increased dependence on domestic production. Inmates at the textile mill in Huntsville wove cloth in 1861 that was transported to Arkansas, where prisoners in Little Rock sewed the fabric into uniforms. As dye became scarce in Huntsville, a flurry of white Confederate uniforms spread across southern battlefields. In the spring of 1863, Governor John Jones Pettus of Mississippi telegraphed Governor John Gill Shorter of Alabama with an emergency request to transport dangerous inmates ahead of the Union army's arrival in Jackson. Shorter's acceptance initiated the first known transfer of convicts across state lines.

The military emerged as the largest single purchaser of penitentiary goods. Convicts in Virginia produced thousands of cartridge boxes, holsters, belts, and scabbards for the United States army during the War of 1812. Fifty years later, the Civil War created a new market for prison goods, temporarily ceased complaints from citizen mechanics, and generated record profits at the prison workshops. Southern penitentiaries became Confederate manufactories that produced myriad items for the war effort (see Table 10.3). Textile mills in Louisiana, Mississippi, and Texas supplied at least 10,903,558 yards of cloth to Confederate soldiers, civilians, and slaves. Collectively, the workshops amassed large quantities of essential items including 22,945 haversacks, 22,420 tents, and 21,069 shoes. Prisoners in Alabama sewed 13,895 tents from enameled cloth, while Georgia's convicts fabricated 336,600 cartridges and 1,179 rifles inside a State Armory. Sales from prison workshops to the Confederate military nearly doubled each year of the war from \$475,814.31 in 1861 to its peak of \$2,281,999.22 in 1864 (see Table 10.4). After four years of battle Union forces occupied or destroyed six of the eight Confederate penitentiaries, nonetheless, the workshops amassed \$5,060,956.49 worth of

sales. Clearly, wartime conditions created a sense of urgency that yielded exceptional output at the workshops.

Throughout the Antebellum and Civil War eras, the inmate population of the South was overwhelmingly White, male, single, and middle-aged, with limited education and a tendency to suffer from substance abuse. Cells filled with low-skilled laborers convicted of larceny, murder, and assault as the state extended its power over the working class. Inmate records reveal the rapid onset of recidivism and the identification of a criminal class. Beyond the White male majority, southern prisons during legal slavery held smaller numbers of Native Americans, Mexicans, Free Blacks, slaves, women, and children. The inmate population included hundreds of foreign convicts from over a dozen countries. A noticeable majority of them came from Ireland, as a result of widespread anti-Irish sentiment from Protestants and Nativists. Thus, state penitentiaries served as an intersection of justice for all races, sexes, and nationalities.

The vast majority of southern states lacked adequate facilities for incarcerated women. Female prisoners crowded together in communal rooms, where they worked and slept under constant surveillance from exclusively male guards. Virginia and Louisiana incarcerated the highest number of women, while other states reduced the female population through executive pardon. An especially unsettling aspect of southern incarceration was the presence of young convicts and the children. In Louisiana, the legislature passed a law in 1848 allowing the sale of children born to enslaved female convicts. The fathers were not identified in any records, but former prison officials purchased eight of the twelve children auctioned at the county courthouse. Clearly, women convicts suffered punishment far beyond the term sentenced by the courts. Visitors to the penitentiary in Virginia remarked at the presence of youthful felons, and nearly 14

percent of the prisoners were under the age of twenty in Tennessee, where the youngest inmate ever held was only eight years old.

Free Black inmates inhabited most southern prisons and worked alongside their White counterparts in the workshops, despite requests from the legislature to enforce rigid segregation. The penitentiary in Virginia held the highest number of Free Blacks in the South, and at least thirty-five of them were enslaved from 1823 to 1828 for simply committing crimes. Throughout the Antebellum Era southern states maintained dual systems of justice in which the courts enforced laws and prisons held citizens. Meanwhile, slave owners and overseers engaged in cruel forms of plantation justice and corporal punishment. Yet in Virginia the penitentiary became a slave depot. Courts reimbursed partial value for slaves, prison officials leased enslaved prisoners outside of the walls, and the state sold more than 600 convict slaves in distant markets. Similarly, the penitentiaries in Louisiana, Mississippi, Arkansas, and Texas all held runaway slaves until the owners reimbursed housing and conveying costs.

Dramatic change swept the entire southern prison system as a result of the Civil War. The destruction of Southern penitentiaries, postwar financial turmoil, violent racism toward recently emancipated citizens, and an influx of African American convicts soon led to the implementation of a brutal convict leasing system across the South, a practice that held until almost 1930. Convict labor transformed into work gangs reminiscent of prewar slavery. It rebuilt railroads, mined coal and phosphate, harvested turpentine, and grew crops across the South. It also took on a starkly different racial caste. For example, in Tennessee the presence of African Americans skyrocketed from 5 percent in 1860 to 62 percent in 1869. The Thirteenth Amendment to the United States Constitution prohibited slavery and involuntary servitude, “except as punishment for crime whereof the party shall have been duly convicted.” This

explicit infringement on the rights of the incarcerated has since been characterized as a “loophole for slavery.”¹

The United States currently incarcerates over two million prisoners and debates of prison reform, wages, and competition with private industry gained renewed interest from citizens, celebrities, and politicians. Advocates of inmate labor applaud rehabilitation, bemoan solitary confinement, and downplay the economic ramifications. Meanwhile, adversaries highlight recidivism rates, underscore human rights, and emphasize the economic perils of employing felons. By 2015, thirty-seven states permitted private corporations to contract inmate labor. Federal Prison Industries (FPI), also known as UNICOR, is a wholly-owned government corporation established by the United State Congress on June 23, 1934, to protect society and reduce crime by preparing inmates for successful reentry through job training. The Bureau of Prisons divided inmate work assignments into institutional, farming, public service, and prison industries. Nationwide UNICOR employs more than 12,000 federal inmates at eighty prison factories in twenty-nine states to manufacture products purchased by the Department of Defense

¹ Randall G. Sheldon, “Slave to Caste Society: Penal Changes in Tennessee, 1830-1915,” *Tennessee Historical Quarterly* 38 (Winter 1979): 463-65; Jesse Crawford Crowe, “The Origin and Development of Tennessee’s Prison Problem, 1831-1871,” *Tennessee Historical Quarterly* 15 (June 1956): 123. For more information on convict leasing see, Matthew J. Mancini, *One Dies, Get Another: Convict Leasing in the American South, 1866-1928* (Columbia, 1996); Karen A. Shapiro, *A New South Rebellion: The Battle Against Convict Labor in the Tennessee Coalfields, 1871-1896* (Chapel Hill: University of North Carolina Press, 1998); Talitha L. LeFlouria, *Chained in Silence: Black Women and Convict Labor in the New South* (Chapel Hill: University of North Carolina Press, 2015); Douglas A. Blackmon, *Slavery by Another Name: The Re-enslavement of Black Americans from the Civil War to World War II* (London: Icon, 2008); Henry Kamerling, *Capital and Convict: Race, Region, and Punishment in Post-Civil War America* (Charlottesville: University of Virginia Press, 2017); David M. Oshinsky, *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* (New York: Simon and Schuster, 1997); Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (London: Verso, 1996); Marie Gottschalk, *The Prison and the Gallows: The Politics of Mass Incarceration in America* (Cambridge: Cambridge University Press, 2006); Milfred C. Fierce, *Slavery Revisited: Blacks and the Southern Convict Lease System, 1865-1933* (New York: University of New York, 1994).

and other federal agencies. The modern prison industrial complex furthered aspects of the workshops established at state penitentiaries nearly two centuries ago.²

As global wages steadily increase the benefit of outsourcing overseas will yield lower profits to corporations dependent upon cheap labor. Federal prisoners employed by UNICOR earn \$0.23 to \$1.25 per hour, while private enterprises pay inmates \$0.93 to \$4.73 per day. Many of those inmates perform specialized labor that earns as much as \$33 per hour in the private sector. The prison industrial complex employs over 600,000 prisoners and generates nearly \$2.4 billion in annual revenue. A multitude of corporations have utilized convict labor including IBM, Boeing, Dell, Compaq, Hewlett-Packard, Motorola, AT&T, Texas Instruments, Microsoft, Honda, British Petroleum, Nordstrom, Revlon, Macy's, Victoria's Secret, and Starbucks. The drive for profit, demand for cheap labor, and corporate expectation to maintain low costs ensures that prison workshops remain in use. Occasionally consumers still object to felons handling their products or personal information, but history suggests that as long as convict labor remains plentiful, profitable, and cost efficient, then it will be utilized.

² Angela Y. Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2011), 84-104; Curtis R. Blakely, *America's Prisons: The Movement Toward Profit and Privatization* (Baton Rouge: Brown Walker Press, 2005), 14-5; Frederick W. Derrick, Charles E. Scott, and Thomas Hutson, "Prison Labor Effects on the Unskilled Labor Market," *American Economist* 48 (Fall, 2004): 74-81; <http://scar.gmu.edu/newsletter-article/prisons-united-states-inmates-policies-and-profits>, accessed August 14, 2016; http://www.unicor.gov/FAQ_General.aspx, accessed, July 15, 2016.

Table 10.1

Inmate Population of Southern State Penitentiaries, 1800-1865.

Year	Virginia	Georgia	Tennessee	Louisiana	Mississippi	Arkansas	Alabama	Texas	Total
1800									21
1801	19								19
1802	41								41
1803	68								68
1804	87								87
1805	90								90
1806	118								118
1807	113								113
1808	124								124
1809	121								121
1810	121								121
1811	112								112
1812	112								112
1813	117								117
1814	114								114
1815	106								106
1816	122								122
1817	158								158
1818	171								171
1819	168	60							228
1820	191	64							256
1821	211								211
1822	209								209
1823	220								220
1824	211								211
1825	191								191
1826	154								154
1827	147								147
1828	158	90							248
1829	149								149
1830	155	96							251
1831	168	99	21						288
1832	165	88	61						314
1833	124		67						191
1834	130								130
1835	160	104	92	91					447
1836									
1837			122						122
1838	179								179
1839	181	159	154	182					676
1840	179	155		174	26				534
1841		160	178	195	34	17			584
1842	196			206	56		28		486
1843			194	189	68		64		515
1844	190	129		176	84		102		681
1845		122	189		86		106		503
1846	225			183	89		121		618
1847	211		195	172	85	35	132		830
1848	200			152	89	32	124		597

1849	199		192	194	86		119	3	793
1850	189			249	83	38	129	10	1,491
1851	207		214	300	78		156	27	982
1852	226		218	298	82		156		980
1853	264	136	240	273	82	49	191		1,235
1854		149		283	95	53	198		788
1855	310	179	240	295	82		206	75	1,387
1856	314	159		356	95	86			1,010
1857	313	162	286	337	105	90	219		1,512
1858	261	192			144	87	216		900
1859	341	207	378	330	170			190	1,616
1860	389	243	403	343	207	124	219	211	2,139
1861	379	210		390	210	120		155	1,464
1862	313	183	362				205		1,063
1863	289	163	156	44			250*	179	1,081
1864	291	151	170	46		481		218	1,357
1865	287	177	200	53		354		118	1,189

* The population figure for 1863 included the 25 inmates transferred from the Mississippi State Penitentiary.

Table 10.2

Cost of Repairs from Fires at Southern State Penitentiaries, 1800-1861.

Year	State	Cost
1804	Virginia	\$25,000
1823	Virginia	\$190,000
1826	Georgia	\$5,000*
1831	Georgia	\$150,000
1841	Louisiana	\$20,000*
1843	Georgia	\$30,000
1846	Arkansas	\$10,000
1850	Arkansas	\$20,000
1850	Alabama	\$5,000*
1855	Virginia	\$30,000
1855	Tennessee	\$75,000
1856	Louisiana	\$110,000
1857	Mississippi	\$40,000
1860	Texas	\$25,000
1861	Texas	\$15,272
1861	Virginia	\$5,000
Total		\$755,272

*estimates of smaller fires

Table 10.3

Goods Produced at State Penitentiaries, 1861-1865.

State	VA	GA	TN	LA	MS	AR	AL	TX	Total
Wagons	52		24			291			367
Shoes	8,638		2,923			8,000	1,508		21,069
Pole Axes	4,855								4,855
Axes	9,063								9,063
Tents	140	1,782		4,661	1,153	789	13,895		22,420
Wagon Covers						293	2,712		3,005
Saddles	121								121
Harness	129		68			100			297
Haversacks		17,360		2,276	5	2,032	1,272		22,945
Cartridges		336,600	146,000						482,600
Musket Balls			266,843						266,843
Bayonets		2,771							2,771
Rifles		1,179							1,179
Canteens		7,577							7,577
Boxes			1,464	462	617	500			3,043
Buttons				40,564	4,360				44,924
Uniforms						3,000		66,574	69,574
Cloth Yards				3,032,615	624,000*			7,246,943	10,903,558

*Estimate based on average output from 1850s

Table 10.4

Sales from State Penitentiaries, 1861-1865.

State	1861	1862	1863	1864	1865	Total
Virginia	\$23,172.91	\$42,637.86	\$95,665.25	\$123,294.41		\$284,770.43
Georgia	\$15,000.00	\$27,474.74	\$69,193.60	\$52,262.64		\$163,930.98
Tennessee	\$107,015.80	\$90,007.80	\$53,673.00	\$48,382.37	\$49,816.47	\$348,895.44
Louisiana	\$63,191.84	\$24,535.50				\$87,727.34
Mississippi	\$59,134.51	\$168,338.21	\$162,311.51			\$389,784.23
Arkansas*	\$190,950	\$51,750.00	\$51,750.00			\$294,450.00
Alabama	\$17,349.25	\$82,287.75	\$129,429.58	\$64,195		\$293,261.58
Texas	n/a	\$331,581.69	\$662,307.00	\$1,993,864.80	\$210,383.00	\$3,198,136.49
Total	\$475,814.31	\$818,613.55	\$1,224,329.94	\$2,281,999.22	\$260,199.47	\$5,060,956.49

* Combination of Confederate receipts and inventory lists

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