CHAPTER II

"THE BRUTALITIES OF THE TOWN": CRUELTY TO ANIMALS, THE URBAN ENVIRONMENT, AND THE RISE OF ORGANIZED HUMANE WORK

In early 1866, a New York Times editorial entitled “Work for the Idle” lamented the disinclination of wealthy citizens “to undertake any political or other public responsibility on the score of its distastefulness to their nervous sensibility.” The author deplored the lack of a society for the prevention of cruelty to animals like the one in England. “There are many noble charities in our city,” he noted, “but there are few or none for the supervision and remedy of evils which offend the eye and shock the feelings.”

As the writer may have known, Henry Bergh, a cultured swell who had previously expressed only modest public-mindedness, was then preparing to launch such an organization. Within a few months, Bergh would garner publicity as the most visible figure in the nascent animal protection movement. Bergh, assisted by a few agents and collaborators, pioneered an aggressive, flamboyant, and controversial style of investigating cruelty, and challenging its perpetrators.

At the same time, the campaigns and activities of Bergh’s American Society for the Prevention of Cruelty to Animals (ASPCA) reflected a special convergence between rising social interest in animals’ protection and problems of urban life tied to the presence

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of animals. Popular demand for action on a range of public matters that involved animals directly or indirectly gave the ASPCA far-reaching influence on the affairs of New York City.

The ASPCA was the first animal protection society in the United States, and for many years it remained the best known. However, the mistreatment and suffering of animals was on the minds of other Americans besides Bergh in the immediate post-Civil War years. Even before the war, George Angell and Emily Appleton in Boston, Caroline Earle White, S. Morris Waln, and Richards Muckle in Philadelphia, and Mary E. Lord in Buffalo had been thinking about the need for organized action to curb cruelty. Another Buffalo resident, Millard Fillmore was in the habit of remonstrating with drivers who mistreated animals.²

These individuals were not alone in their enthusiasm, for, after humane work commenced in the late 1860s in the three largest American cities, it quickly spread throughout the nation. Within a decade of the ASPCA’s founding, citizens in 32 American states and six Canadian cities had established similar organizations. Humane society founders articulated and acted upon widespread concerns about public cruelty and its brutalizing influence, the needless suffering of animals, the control of unrestrained violence, and the moral and religious duty of kindness. But, like Henry Bergh and the

ASPCA, they too were responding to the extraordinary pressures and tensions created by a swiftly modernizing urban industrial society, with all of its implications for animals.

**Henry Bergh and His Work**

Sometime during 1863, on the streets of St. Petersburg, Russia, an American serving a brief term as Secretary of the American Legation became indignant at the sight of a peasant driver beating a horse. The American, Henry Bergh, attired in the gold lace of his diplomatic uniform, ordered his own carriage to a halt and commanded the man to drop his whip at once. Startled by Bergh’s imperious presence, the peasant complied.³

This episode was not the first instance of Bergh’s revulsion at seeing cruelty. The son of an accomplished and wealthy New York shipbuilder, Bergh spent many years traveling in Europe and the Near East. In his diaries from the 1840s, he recorded disturbing incidents at Granada and Corinth in which drivers beat their horses severely with whips to make them go faster. In April 1848, Bergh witnessed a bullfight at the Plaza de Toros in Seville that shocked him deeply.⁴

At the outbreak of the Civil War, Bergh was in London, where he participated in a series of patriotic events that brought together like-minded Americans. Subsequently, he led a committee to raise money from sympathetic British citizens and expatriate loyalists for the purchase of 40 cannons that were sent to New York. In 1862, through the influence of Secretary of State William H. Seward, Bergh became the Secretary of the

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American Legation in the court of Czar Alexander II, an appointment he had been seeking for four or five years. The cultured and aristocratic New Yorker was a popular figure within the court, and this may have created some friction in his relationship with American ambassador Cassius Clay. Bergh soon resigned his office, a decision he later attributed to ill health brought on by the climate.  

On the way home from Russia in early 1865, Bergh and his wife Mathilde sojourned in England for a few months. There, he attended a memorial service for the martyred Lincoln, where, in all likelihood, he met Lord Harrowby, president of the Royal Society for the Prevention of Cruelty to Animals (RSPCA). He certainly attended the RSPCA’s annual meeting and visited with its longtime secretary, John Colam. In June 1865, Bergh returned to New York with the intent of forming an analogous society in the United States.  

Bergh probably engineered the coverage of cruelty to animals that appeared in Frank Leslie’s Illustrated Newspaper during the latter half of 1865. He formally  

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6 For the RSPCA’s account of Bergh’s interaction with its officers, see “Henry Bergh,” Animal World 3 (1 Oct. 1872), 209-10; and “The Late Henry Bergh,” Animal World 19 (2 Apr. 1888), 49-50.
announced his plans to launch an animal protection society in a January 20, 1866 circular, and, on February 8, he delivered a well-attended address at Clinton Hall. Bergh proved himself an accomplished organizer, and his mobilization of New York City's social elite was swift. By April 10, with the help of State Senator Charles Folger, Bergh had secured a special charter of incorporation from the state legislature, despite the opposition of streetcar and slaughterhouse interests in the New York Assembly, who foresaw potential trouble from the proposed society. This act of incorporation recognized the ASPCA's quasi-public character and anticipated its assumption of responsibility for matters that were or might come under public regulation. It extended the ASPCA's powers to enforce all laws for the protection of animals throughout the state.⁷

Bergh's success depended heavily upon his ability to walk the gauntlet of shifting political fortunes and alliances in Gilded Age New York. His board included other Republicans and Protestants like himself, but he cultivated excellent relations with prominent Tammany Democrats, including William Tweed, James T. Brady, and John T. Hoffman, who as Mayor of New York City and then as Governor of New York State provided critical support. Through key alliances with local and state politicians,

⁷ “Everyday Barbarities,” Frank Leslie's, 30 Sept. 1865, 1, 23; “The Brutalities of the Town,” Frank Leslie's, 28 Oct. 1865, 1, 84; and “New York City Enormities—Horses and Pavements,” Frank Leslie's, 9 Dec. 1865, 1, 179; “Local News,” N. Y. Times, 9 February 1866, 4; Noble, “Christian and Henry Bergh,” 30; ASPCA, Objects, Laws, Etc., Relating to the American Society for the Prevention of Cruelty to Animals (1866); Roswell McCrea, The Humane Movement: A Descriptive Survey (New York: Columbia University Press, 1910), 149; and Steele, Angel in Top Hat, 38. Frank Leslie was a strong supporter of the ASPCA. The case for Bergh's agency in securing early publicity is strengthened by an obituary that notes he spent a year maturing his plans for an organization after he returned home in 1865 and that the ASPCA had "practically been in existence for a year" before official incorporation. See "Death of Henry Bergh," N. Y. Times, 13 Mar. 1888, 8.
Republicans and Democrats, Bergh built up the ASPCA and insulated it from the attacks of its enemies.\(^8\)

At the same time, Bergh could not always rely upon elite networks of influence to advance the ASPCA’s mission or to spare animals from suffering. Those same social and political networks included many individuals who were at odds with Bergh’s own notions of what humane treatment was, and how far it should extend. Some owned or held shares in the streetcar companies whose daily operations Bergh and his agents interrupted, or the slaughtering establishments whose practices the ASPCA challenged. Some even favored pursuits like pigeon shooting and fox hunting that came under repeated attack from the organization. There was no unified elite at Henry Bergh’s back, either to protect him or to support his goals.\(^9\)

Publisher James Gordon Bennett, Jr. and politician A. Oakey Hall exemplified Bergh’s ambivalent relations with his social peers. At times, as in the case of streetcar overcrowding, Bennett threw the support of his *New York Herald* behind Bergh. On the other hand, Bennett deeply resented the ASPCA’s interference with the pigeon shoots in which he and his friends participated. As for Hall, he played a critical role in the ASPCA’s early years as District Attorney of New York City, advising the organization and supporting its work through prosecution and enforcement. By the time Hall became Mayor, however, his opinion of Bergh had changed, and he tried to curb the ASPCA’s authority in several matters, most notably its halting of streetcars to redress the


\(^{9}\) Steele, *Angel in Top Hat*, 219.
overloading that so badly taxed the horses who drew them, and its interference with pigeon shoots. Later, as an attorney in private practice, Hall often represented Bergh’s opponents and made no secret of his enthusiasm for these confrontations.

At the outset, Bergh decided against a campaign to reinvigorate New York State’s 1829 anti-cruelty statute, reasoning that a long neglected and badly outmoded measure should not be the basis for an ambitious new effort. Just days following the grant of the ASPCA’s charter, Bergh took a set of proposed laws to an acquaintance in the State Senate, and, on April 19, “An Act Better to Prevent Cruelty to Animals” passed. Its critical clause stated that “Every person who shall, by his act or neglect, maliciously kill, maim, wound, injure, torture or cruelly beat any horse, mule, ox, cattle, sheep or other animal belonging to himself or another, shall upon conviction, be adjudged guilty of a misdemeanor.” A second clause addressed the common problem of abandoning worn out and unwanted animals, and carried the same misdemeanor penalty.10

Once the bill became law, Bergh followed the same path that Richard Martin, champion of the 1822 English legislation, had taken after his own success. He stationed himself on the streets and admonished those drivers he saw mistreating their animals. The charter’s seventh section provided that the police force cooperate with the ASPCA

and its members and agents, so, when moral suasion alone proved ineffective, Bergh sought the assistance of police officers to secure arrests.\textsuperscript{11}

In fact, any citizen could cause an arrest to be made under the statute by presenting information to a policeman about acts of cruelty or neglect. A citizen could also seek someone’s arrest by making a complaint before a magistrate, after obtaining the name and address of the offender and recording details of the incident. The magistrate might then issue a summons to the accused, requesting that he appear. In the proper circumstances, if the accused were likely to abscond or to ignore the summons, a magistrate might issue a warrant for his apprehension. The ASPCA advised all New Yorkers that they could count on the organization to conduct a prosecution if the facts of a case were compelling.\textsuperscript{12}

While anyone judged guilty of a misdemeanor under the statute could face punishment of up to a year in jail, or a fine of up to $250, or both, the threshold for cruelty to animals was actually much lower. For beating an animal, cruel confinement, or for driving a lame horse, the fine ranged from $10 to $25, with an occasional sentence of one day in prison. Abandonment typically resulted in a $25 fine. Only the most serious cruelties, like conspicuous acts of sadism, brought greater punishment.\textsuperscript{13}

\textsuperscript{11} "Humanity in New York," N. Y. Tribune, 16 Mar. 1878, 3. The charter provided that “the police force of the city of New York, as well as of all other places where police organizations exist, shall, as occasion may require, aid the Society, its members or agents, in the enforcement of all laws which are now, or may hereafter be, enacted for the protection of dumb animals.”

\textsuperscript{12} "Cruelty to Animals," N. Y. Tribune, 3 Aug. 1866, 5; and New York Sun, 8 Oct. 1866, 3.

\textsuperscript{13} Examples are from ASPCA, Ann. R. 1867. A sadistic attack on a cat brought a fishmonger one month’s imprisonment. See unsourced article (Sept./Oct. 1879), ASPCA-NY, SBK 8: 93.
Significant interpretive problems quickly arose. Defendants sometimes argued that the creatures they were accused of harming did not come within the definition of "animal" specified in the law. Indicted parties also claimed that some practices, such as the use of live birds for targets and the docking of horses' tails, were outside the ambit of the statute. In 1867, Bergh succeeded in pushing through a broader measure that addressed certain shortcomings of the 1866 act. The new law applied to "any living creature," closing a loophole that accused parties had exploited during the ASPCA's first year of activity. The legislation's sponsors also removed the word "maliciously" from the statute. As with earlier anti-cruelty enactments, the difficulty of establishing malicious intent sometimes made it possible for offenders to escape conviction.\textsuperscript{14}

The 1867 legislation further expanded the definition of "cruel" to include acts that deprived animals of necessary sustenance, needlessly mutilated them, or caused them to suffer specified cruelties. In addition, the new statute incorporated prior legislation that criminalized animal fights (passed ten years before the formation of the ASPCA). It also prohibited the inhumane transport of animals, and required the licensing of dog carts, still widely used by the city's rag collectors and trash pickers.\textsuperscript{15}

However, the most striking feature of the 1867 revision was its provision for ASPCA authority to enforce the law without the assistance of police. All designated


\textsuperscript{15} The 1866 and 1867 laws, and prior legislation, are reprinted in ASPCA, \textit{Ann. R. 1868}, 75-89.
agents of the ASPCA, deputized by the sheriff of a county, could make arrests and bring offenders before the proper court. Arrests without a warrant were permissible only when the humane agent saw the offense in full, and, wherever practicable, the ASPCA officer was to defer to a policeman.\textsuperscript{16}

In \textit{City of Eros}, Timothy Gilfoyle compares the ASPCA with three other organizations formed in New York City in the years following the Civil War. In Gilfoyle's analysis, these groups—the Society for the Suppression of Vice (1873), the Society for the Prevention of Cruelty to Children (1874), and the Society for the Prevention of Crime (1878)—exemplified the private vigilantism that George Templeton Strong predicted would "replace the debilitated public instruments of law enforcement." According to Gilfoyle, each prevention society had a single vice as its focus, each enjoyed quasi-public authority granted by the state, each relied on the incremental passage and strict enforcement of pertinent laws, and each was left to develop its own methods to enforce compliance. Membership and administration included the most prominent citizens, and women were typically absent from leadership. Finally, all of the prevention societies benefited from the support of sympathetic mayors.\textsuperscript{17}

\textsuperscript{16} ASPCA, \textit{Laws and Ordinances}, 14. The 1867 New York statute was the model for anti-cruelty legislation in about forty states. See Animal Welfare Institute (AWI), \textit{Animals and Their Legal Rights}, 4th ed. (Washington, DC: AWI, 1990), 5. There were variations on the grant of police power to humane societies from state to state. A 1914 study estimated that approximately seven had full power without public authority (as in New York), thirteen had full power with confirmation, and eleven had semi-police powers. In about fourteen instances, the states appointed humane officers. See Frank B. Williams, "The Administration of the Law for the Prevention of Cruelty to Animals," in Samuel McCune Lindsay, ed., \textit{Legislation for the Protection of Animals and Children} (New York: Columbia University Press, 1914), 9.

The vice society organizers, Gilfoyle suggests, “developed an ideology that justified extralegal, nonviolent vigilantism and a disregard for legally created local government institutions.” This use of public power by private groups saw its worst application in the excesses of Anthony Comstock and the Society for the Suppression of Vice. Gilfoyle argues that the preventive societies, of which the ASPCA was the first, were grounded in the assumption that the laws were adequate in the various spheres of their activity but that enforcement was lax.\(^\text{18}\)

In the case of the ASPCA, however, Gilfoyle’s characterization oversimplifies. Bergh and his supporters certainly considered the prior animal protection law inadequate, and they did not even attempt to resurrect it. They acted with the conviction that law enforcement agencies, even at their best, had virtually never enforced prior anti-cruelty statutes, and on the related supposition that they were not likely to do so in the future.\(^\text{19}\)

Nevertheless, the ASPCA did not always benefit from the support of sympathetic politicians and/or an elite citizenry. A. Oakey Hall was far from alone in resisting the efforts of the ASPCA. So did other prominent New Yorkers when Bergh began to focus on acts of cruelty in which they participated—most notably, pigeon shooting and fox hunting—or on equine mutilation surgeries they condoned—like tail-docking. Several of the men who signed Bergh’s initial petition for an anti-cruelty society discontinued their support once they discovered just how serious he was about rooting out cruelty.

\(^\text{18}\) Gilfoyle, *City of Eros*, 188.

\(^\text{19}\) It is worth noting that British legislation never conferred the power to arrest upon office-bearers of the RSPCA. Inspectors and constables of the RSPCA did (and do) not enjoy police or quasi-police authority; its representatives acted as informants and prosecutors. This caused intense debate. See “The Late Henry Bergh,” *Animal World* 19 (2 Apr. 1888), 49; and Lindsay, *Legislation for the Protection of Animals and Children*, 7, n1. On variations in assignment of police authority, see Lindsay, ibid., 8-12.
Moreover, Bergh’s ASPCA did not act with disregard for legally created local institutions of government. Rather, it sought to spur those institutions—be they aldermanic councils, police departments, or boards of health—to fulfill their responsibilities. Bergh was not simply free to impose his personal will on those who misused or mistreated animals in the city. The courts of New York, moreover, had a lot to say about the methods the ASPCA used to enforce compliance, and the viability of the cases it sought to prosecute.

Above all, Gilfoyle’s characterization, emphasizing the form of the ASPCA, overlooks the broad scope of its activities, most of which did not involve coercion—legal or extralegal. The organization carried on a wide range of programs, removing injured and dead animals from the streets, providing ambulances and derricks, advising city and state officials on policy matters, endowing fountains, and publishing veterinary literature. Law enforcement was one of its functions, but it did not define the ASPCA or its founder’s approach to the work.  

As it happens, there was a more compelling impetus for giving the ASPCA legal power than preoccupation with the debilitated character of law enforcement in Gilded Age New York—the growing perception that animals were factors in most of the city’s most urgent and threatening sanitary problems. In February 1866, even as the ASPCA was being formed, the state legislature granted sweeping powers to the New York City Metropolitan Board of Health to guard against an anticipated outbreak of cholera and to

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pursue other public health objectives. Under its leadership, the city began a massive clean-up campaign and a broad program of sanitary reform, with substantial cooperation from the metropolitan police, whose officers helped to enforce the Board's decisions. According to prevailing miasmatic theories of disease, animals, alive and dead, contributed to the filthy atmosphere in which cholera and other diseases were thought to thrive. In this context, Bergh's proposal for a voluntary association that, among other duties, would address the many public health problems associated with the presence of animals in the metropolis, was certain to be well received.\footnote{21 “Cruelty to Animals,” N. Y. Times, 2 Aug. 1853, 6; and Charles E. Rosenberg, The Cholera Years (Chicago: University of Chicago Press, 1962), 191, 202-3, 232.}

The Incorporation of Animals

Animals did not disappear from the post-Civil War urban environment as some have suggested; instead, they were engulfed by it. In part, the success of the humane societies lay in their willingness to address commonly held but badly neglected concerns about unregulated animal populations, the integrity of the food supply, and the effects of cruel treatment, poor husbandry, and bad management of animals on human welfare. The increasing population density of both humans and animals—and the attending demands for meat, labor, and other products derived from animals—generated new and challenging problems. Initially, at least, industrialization's expanding need for power of all kinds actually increased demand for animal labor—to meet the requirements of agriculture, canal and railroad networks, urban mass transit, and the burgeoning national market. There were, moreover, significant sectors of the economy that not only relied upon non-
human animals but contradicted the notion of a firm boundary between country and city. Organized animal protection was not part of a nostalgic or pastoral vision; it was a human response to animals’ misery.22

Horses, of course, were the most highly visible non-human participants in urban life, and important factors in the economy. No animals came in for more abuse than those who pulled the stages, the ice carts, the butchers’ wagons, and transports moving people and products from one place to another in the city. In the post-Civil War era, things only got worse, as urbanization generated unreasonable expectations concerning equine speed, strength, and endurance. Team horses drew enormous loads, and defective pavements, clogged routes, and slippery footing made frequent stops and starts necessary. “Even with the best of feed and care,” one journalist noted, “the average service of a horse in this over-work is but four years.” Apart from the burdens they drew, there was the punishing abuse that animals suffered at the hands of humans. Demands for rapid

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transit, increased payload, and other imperatives of the urban economy helped to make
the lashing, flogging, and beating of horses a common sight.  

Horses also stood at the center of the city's severe congestion. In addition to
carts, a variety of horsecars, omnibuses, wagons, and hackney coaches filled the streets.
In New York City, the strains and tensions of accelerated urbanization and
industrialization, exacerbated by the inefficiency of a horse-drawn age, were especially
pronounced. Some intersections were blocked in a perpetual traffic jam. Omnibus
drivers were notorious for their recklessness, and their vehicles shifted from one side of
the street to the other to pick up or discharge passengers.

Finally, horses were at the heart of many of the most pressing sanitary and public
health problems in the urban environment. Feeding, watering, and stabling them
presented numerous practical challenges, while equine waste, a potent source of odor,
dirt, and disease, accumulated in massive and unmanageable quantities, severely taxing
street cleaning agencies and enterprises. Dead carcasses of horses and other animals
littered the streets and floated in the river, fueling public anxiety about the spread of
disease. There was also the problem of zoonotic infection; glanders, a respiratory disease

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23 "A Day on the Docks," *Scribner's* 18 (May 1879), 45. The image of a carter striking a horse
became iconic in the ASPCA seal. The image first appeared in the Oct. 28, 1865 issue of *Frank Leslie's*.
The seal featured a female allegorical figure intervening against a man beating a horse with a wheel rung.
One unverified account says it was the design of an artist from Tiffany's to whom Frank Leslie provided a
rough sketch. Another claim assigns credit to John Wood Dodge, who painted a portrait of Bergh in 1878;
claimed credit in a letter to Emily Appleton, telling her "the sketch was rather felt by me than designed—it
was a reflection from my heart." See Bergh to Emily Appleton, 11 Jan. 1868, ASPCA-NY, LBK 3: 256-57.
Bergh sent each new society an electrotype of the seal; this led to its widespread adoption.

24 "Through Broadway," *Atlantic Monthly* 18 (Dec. 1866), 717; and "The Position of the Horse in
easily communicated from one horse to another, and from horses to humans, killed seventeen people in Massachusetts during the period 1861-1885.25

In the fall of 1872, a severe epidemic crippled the horse stock along the eastern seaboard. The outbreaks in New York, Philadelphia, and Baltimore were particularly severe, forcing thousands of people to walk to their destinations, and laborers had to pull carts, wagons, and other conveyances by their own power, or by using oxen.26 Public appreciation of animal power dramatically heightened during this and succeeding epizootic events, as did general understanding of the importance of kind and sensitive care to the conservation and well-being of animals. Even as these rapidly spreading equine plagues decimated the horse population of the major metropolitan centers, they gave animal protectionists opportunities to advance practical arguments for animal welfare. Humane societies participated in the public debate over whether and how afflicted animals should be relieved from work, and the best methods of preventive care. Hard as it was on the horses, epizootics brought human dependency upon them into sharp focus.27

25 “How Disease is Generated in New York,” Frank Leslie’s, 20 August 1870, 359. On the glanders statistic, see Teigen, “Dogs, Dollars, and Horse Sense,” op. cit.


Slaughterhouses and the businesses that processed their byproducts comprised the most notorious metropolitan "nuisance industries." Animal carcasses and offal littered the streets, and discarded parts and viscera formed a large portion of the refuse carried off by swill and garbage men, who later sold it for conversion into soap, grease, animal feed, fertilizer, or boned instruments. The complex of auxiliary industries tied to the slaughter and consumption of animals, including soap factories, gut and bladder cleaning enterprises, fat-melting operations, and tanneries, constituted a serious concern for health authorities in every major city. The noise, odor, and effluvia these places produced led many citizens to demand their prohibition within certain districts.²⁸

Prior to the formation of the ASPCA, the Board of Health prohibited the slaughter of animals at any site exposed to public view, required the connection of all slaughtering establishments to the sewers, and instituted a permit system. By August 1866, the city's 180 slaughterhouses and their secondary industries accounted for so many of the complaints fielded by the Board that it moved to prohibit altogether the slaughter of animals in the city's "built up portions." Health authorities enforced their control by arresting those butchers who operated filthy or substandard slaughterhouses in violation of prior orders. The Board of Health antagonized slaughterers, drovers, and yard keepers by requiring that killing be conducted at 110th Street, outside the city limits. The Board


also prohibited driving cattle through the city between sunrise and 10 p.m., and the police attempted to enforce this ordinance, although as late as 1873 butchers and drovers were still trying to evade it.29

Milk too was the subject of consternation and complaint, because of its production in "swill" dairies--subterranean "factory farms" where cows--fed exclusively on distillery refuse--lived in squalor, misery, and disease. A considerable amount of dairy production took place in New York City, and large herds of cows languished in abysmal stables within its limits. Some reformers believed the milk emanating from these sources was a powerful vector for diseases, including cholera. The swill milk issue first surfaced during the 1820s, and a series of brief reform campaigns arose and faltered right through the late 1850s.30

The urban dog roundup, an annual extermination of loose and unattended animals conducted to allay anxieties and reduce the threat of rabies in summertime, also aroused public concern. The chaotic, brutal quality of the roundups offended many citizens, and


the popular prejudices about dogs and rabies that fueled these frenzied slaughtering campaigns were the subject of endless commentary. As early as 1836, a chronicler of New York living deplored the “slaughter of the innocents” that took place in the summer time, when the likelihood of rabies transmission was thought to be highest. The city’s common council set a bounty on the head of every stray or loose-running dog, motivating certain citizens to canicidal frenzy, and leading to both theft and importation of animals from the surrounding communities. In 1845, commenting on the disagreeable aspects of life in New York, Lydia Maria Child also condemned the dog-killers’ “Reign of Terror.” “Twelve or fifteen hundred of these animals have been killed this summer; in the hottest of the weather at the rate of 300 a day. The safety of the city doubtless requires their expulsion; but the manner of it strikes me as exceedingly cruel and demoralizing,” Child wrote. “The poor creatures are knocked down on the pavement, and beat to death. Sometimes they are horribly maimed, and run howling and limping away. . . . [The] dog-killers themselves are a frightful sight, with their bloody clubs, and spattered garments.”

A quarter of a century later, the same deadly progression of events was still being enacted every summer. In this frenzied seasonal ritual, policemen, dogcatchers, and bounty-seeking vigilantes in cities across the United States enforced licensure laws and

captured or killed unmuzzled dogs running loose.\textsuperscript{32} The annual extermination campaign was a familiar item in the nineteenth-century press, which teemed with articles, editorials, and illustrations concerning bounties on dogs, rabies, muzzling, dog pounds, dog-catchers, dog brokers, poundkeepers, and related subjects. One Harper's Weekly illustration offered a series of vignettes: dogs crammed into the wagon, an irate crowd hurling stones at the catchers, the pitiable anguish of a poor woman who could not afford to redeem her pet from the poundkeepers, and the piqued annoyance of the society dame who could.\textsuperscript{33}

In the years following the Civil War, the presence and use of animals in all of these largely unregulated contexts taxed the ability of government authorities to ensure order and public health. This made it possible for anti-cruelty societies to work closely with municipal agencies in addressing the issues generated by the incorporation of animals into urban life. As quickly as they formed, societies for the prevention of cruelty to animals began to assist governments with some of the most basic services in an animal-reliant economy. They operated horse ambulances that allowed for the efficient removal and conveyance of disabled or dead animals from the crowded thoroughfares. Their agents worked to revive exhausted animals on the street, sparing them from the more severe remedy of a police revolver. They provided derricks, slings, harnesses, and

\textsuperscript{32} On the chase, see “Mad Dogs in Chicago,” \textit{N. Y. Times}, 24 Feb. 1874, 3. Such scenes were memorably recorded in illustrations. In one, terrified pedestrians scatter to the sidewalks as a policeman taking cover aims his pistol at a stray. In another, a policeman fires even before a nearby crowd can disperse. See “The Heated Term in New York—Shooting a Mad Dog,” Harper’s Weekly, 2 Aug. 1879, 605; and “New York City—The Mad Dog Epidemic,” Frank Leslie’s, 9 Jan. 1886, 345.

other equipment for the rescue of animals, especially horses, from sewers, excavations, tunnels, and other sites. They also assumed responsibility for the destruction of all irredeemably disabled animals, and for the handling of abandoned work animals and other strays who roamed the streets.34

Humane groups also positioned themselves as sources of information and action concerning veterinary health matters, especially in relation to the horse populations of the nation’s largest cities. They were active in debates about the negative impact of street salting on hooves and legs, the treatment of glanders and farcy, the succor of overheated horses, and the training and care of balky, vicious, and uncooperative animals for urban service.

Taking account of the ASPCA’s expanding sphere of influence in New York State, after just a few months of existence, the Times noted that the organization had moved from “the correction of occasional complaints of cruelty” to participation in “grave questions of scientific and practical economy.”35 The ASPCA’s relationships with public agencies in New York City and its acknowledged expertise on animal-related matters were reflected in its publications. Its manual on laws and ordinances contained not only anti-cruelty statutes but also regulations bearing on speed and obstruction in

34 “A Horse Saved by the Kind Treatment of Mr. Bergh,” Frank Leslie’s, 9 Nov. 1867, 125-26; and “Truck for the Transportation of Disabled Animals,” Frank Leslie’s, 24 July 1869, 295, 300. For W. P. Bodfish’s depiction of agents loading a horse onto an ambulance, see Harper’s Weekly, 14 Jan. 1888, 29, with story on p. 34. On the derrick, see ASPCA, Ann. R. 1876, 22-23.

traffic, food adulteration, sanitary concerns, the disposal of dying or dead animals, herding and driving cattle, muzzling, and the removal of manure and offal.\textsuperscript{36}

**Pragmatic Interest**

Arguments that underscored the value of proper care and usage were conspicuous in animal protection literature from the earliest days of humane work. In their efforts to spare animals from cruelty, nineteenth-century advocates frequently stressed the probability that kind treatment would bring rewards in the form of animals' longer years of usefulness, health, and/or enhanced market value. Whatever their enthusiasm for the claim that, well cared for, animals were more valuable and useful to human beings, animal protectionists recognized its public appeal. It was not a heartfelt argument but rather an unsentimental one that acknowledged the social context in which humane workers had to operate, and the realities of a world in which animals were widely used and abused.\textsuperscript{37}

Humanitarian pragmatism had its counterparts in the scientific and agricultural fields, where similar considerations generated proposals for professional veterinary education. In the 1850s and 1860s, veterinary medicine and veterinary education remained backward and undeveloped in the United States. Horse doctors, farriers, and assorted quacks still commanded a large share of work in the field. By the mid-1860s,

\textsuperscript{36} ASPCA, \textit{Laws and Ordinances Relating to the Prevention of Cruelty to Animals} (1872).

the need for professionally trained veterinary scientists appeared especially urgent, in
light of wasting epidemics that resulted in massive losses of both cattle and horses.38

The diffusion of veterinary medical information was a serious enterprise in an
economy that depended so heavily upon animals, and, to some extent, the
underdeveloped character of American veterinary medicine left the field open to humane
organizations. Once professional veterinary education did take hold, humane advocates
collaborated with veterinarians in the dissemination of information on animal welfare,
training, and disease. In New York, Henry Bergh worked closely with Dr. Alexander
Liautard (1835-1918), founder of the American Veterinary College and editor of the
American Veterinary Review. Liautard served as a consultant in the wide variety of
veterinary matters within the ASPCA’s ambit, and Bergh reciprocated by strongly
endorsing the mission of veterinary education.39

Over the years, humanitarians found that the argument for kindness as a means of
ensuring animals’ greater utility fulfilled an additional purpose. In the right situations, it
could serve as a shield against the charge of humane work’s excessive sentimentality.

“Our industries, our commerce, the supply of our necessities and our comforts depend
largely upon the animal world,” Richards Muckle observed. “The work of humane

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1854, 64-66; and “Cattle Plague,” American Institute, Ann. R. 1868-1869 (1869), 315-18. On the early
history of professional veterinary medicine, see Everett B. Miller, “Private Veterinary Colleges in the
1981): 583-93; and Robert H. Dunlop, and David J. Williams, Veterinary Medicine: An Illustrated History

39 “How Horses Should Be Treated When They are Affected by the Heat,” N. Y. Times, 23 July
1868, 2; ASPCA, Ann. R. 1871, 35; “Physicians for Animals,” N. Y. Times, 1 Oct. 1878, 8; “The
Times, 23 Apr. 1918, 13; “Alexandre Francois Liautard,” JAVMA 53 (1918): 296-99; and Dunlop and
Williams, Veterinary Medicine, 655-56.
societies in seeking to secure proper protection and care for the dumb creation is not, therefore, as so many seem to suppose, a mere matter of sentiment, but it is the careful fostering of our leading commercial and social interests.”

Humanitarians came to understand that their reliance on practical arguments could be turned against them. Those who abused or used animals harshly often employed the same rationale to stave off scrutiny and intervention. No one, they would claim, had a greater stake in an animal’s well-being than the man who profited by it. “The old arguments that were urged with tedious iteration in defense of human slavery are daily repeated in behalf of cattle slavery,” Pennsylvania Society for the Prevention of Cruelty to Animals (PSPCA) Secretary Pliny Chase observed. “Not only are we continually confronted with the alleged rights of property, but we are assured . . . that the personal interest of the owner is a sufficient guarantee against any unnecessary abuse.”

Advocates were also concerned that the focus on economically useful animals would obscure the broader implications of the humane ethic. “There are a great many persons,” Bergh once commented, “who while admitting that it is a great wrong to cruelly treat a horse, an ox, a dog, or other useful domestic animal . . . fail to appreciate the full significance of the sentiment of humanity, which regards the infliction of needless pain and suffering, even on the meanest and most obnoxious living thing, still as cruelty.”

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41 PSPCA, Ann. R. 1875, 22.

42 ASPCA, Ann. R. 1873, 2.
“Riddle of the Nineteenth Century”

Henry Bergh’s motivations have perplexed several generations of historians, just as they did many contemporaries, one of whom designated him the “Riddle of the Nineteenth Century.” Why did Bergh become involved in humane work? Why would a middle-aged dandy exchange a life of dilettante comfort and aristocratic satisfactions for the burden of launching a social movement, and a career in which he roamed the streets of New York confronting some of its most horrible sights and conditions?

In part, Bergh’s motivation did lie in the ethnic and class biases of his station. He frequently framed the problem of cruelty to animals as a shortcoming of the urban underclass, and evinced special disdain for the Irish, who operated many of the animal fighting and swill milk establishments that he and his agents raided. “When you came over here,” Bergh once admonished a crowd of onlookers who had gathered to watch him remonstrate with a man whipping a horse, “you thought a free country was a place where you could do whatever you liked. That’s a mistaken idea of a free country.”

Even before he launched the ASPCA, Bergh’s prejudices were in evidence. In correspondence with General Daniel Butterfield, his nephew by marriage, Bergh revealed a strong anti-democratic perspective, characterized by opposition to universal suffrage.

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43 Morris, “Riddle of the Nineteenth Century.” op cit.

and apparent admiration for the advantages of military despotism. Once the ASPCA formed, the growing political power of the Irish sometimes stood in the way of Bergh’s attempts to strengthen its influence. In a letter to State Senator Augustus Elwood that reflected his momentary despair over the future of the organization, Bergh lamented his difficulties in securing legislation against cruelty to animals, and blamed Assemblyman Dennis Burns and other Irish-American legislators—“our foreign rulers.” Decrying the retrogressive spirit in the legislature, and identifying it with Burns, Bergh plaintively opined, “Shall a foreign semi-barbarian be suffered to impress his savage instincts on the conscience and legislation of this great state?” Most of the time, however, Bergh was not so frank, because his relations with the Tweed Ring and the Democratic Party left him in a complex political position vis-à-vis the Irish-American electorate.45

Contemporaries certainly perceived some striking personal contradictions in the ASPCA president. While compassionate toward animals, Bergh displayed a punitive streak when it came to the treatment of criminals, supporting both corporal and capital punishment. Nor was he opposed to the corporal discipline of children; at the founding meeting of the New York Society for the Prevention of Cruelty to Children, Bergh told the audience that, while “anxious to protect children from undue severity,” he was “in

favor of a good wholesome flogging.” In his later years, Bergh was enthusiastic about a bill to punish wife-beaters by administering lashes.46

To his credit, Bergh did show a remarkable consistency throughout his career in challenging cruelty to animals wherever he found it. The ASPCA did not function merely as an association of elite citizens who harried working class New Yorkers. Bergh recognized and challenged animal abuse among middle-class, upper class, and corporate actors, too. Some of the most determined and successful opponents of humane reform came from these groups.

While it is true that Bergh sometimes employed a daring and confrontational style, he and his agents observed careful limits. Bergh never carried weapons and refused to let his agents do so. He discharged one of his earliest superintendents for clubbing one alleged violator. “The statute provides ample means short of violence,” Bergh wrote, “to arrest and punish offenders, and it is a mockery of our profession of mercy and forbearance to inflict cruelty on a human being, while asserting the rights of inferior animals.”47

46 “Bergh, Williams, Men and Brutes,” Daily Graphic, 20 Oct. 1879, ASPCA-NY, SBK 8: 128; “Prevention of Cruelty to Children,” N. Y. Times, 28 Dec. 1874, 2; Henry Bergh, Letter to the Editor, 17 Jan. 1881, ODA 13, 9 (Feb. 1881), 68; and Steele, Angel in Top Hat, 259-60. While some commentators liked to lump Bergh together with Comstock, such a characterization does inadequate justice to him, to the ASPCA as an institution, and to the humane movement as a social and cultural phenomenon. The anti-cruelty societies did not focus so single-mindedly on the policing of working class conduct, lifestyles, and amusements as the vice societies of their era. Moreover, Bergh was no Comstock. His vigorous challenge to cruelty did not include interference with the mails, the carrying and use of weapons, or the hounding of violators to their deaths. It is telling that Republican orator Robert G. Ingersoll, who bitterly attacked Comstock and fought anti-vice campaigns as the founder of the National Liberal League (1876), was a strong admirer of Bergh’s ASPCA. See Robert G. Ingersoll, “Is Avarice Triumphant,” North American Review 152 (June 1891), 675; and idem, “Thomas Paine,” North American Review 155 (Aug. 1892), 183.

47 Bergh to Archibald H. Campbell, 12 Oct. 1871, ASPCA-NY, Unnumbered LBK.
Most contemporaries saw Bergh not so much as an Anthony Comstock as a Don Quixote. The ASPCA president was a highly recognizable figure in New York City, and cartoonists’ caricatures were a minor industry in New York’s publishing world. These representations could be quite unflattering, and often played upon the themes of Bergh’s supposed indifference to human suffering and his purportedly maudlin sentimentality about animals. The alleged absurdity and extravagant nature of Bergh’s schemes to help animals also inspired satire and comic art.\textsuperscript{48}

Very few believed that Bergh’s actions stemmed from deep devotion to animals, and he professed no special love for them, although he claimed to have abhorred cruelty from an early age. The frequent sight of terrible animal abuse abroad made him determined to address the problem in his home country. A self-confident aristocrat before he arrived in Russia, Bergh came to believe that patrician authoritarianism and his own commanding physical stature could be harnessed to accomplish social good. Moreover, his compassion for animals, especially horses, certainly grew over many years of humane work.\textsuperscript{49}

Although Bergh himself would never have affirmed it, others have posited a psychological explanation for his activism. Thwarted in his efforts to launch careers as a dramatist and then as a diplomat, Bergh, James Turner suggests, was determined to make something meaningful of an overly self-indulgent life. An enthusiastic Anglophile, he

\textsuperscript{48} Buel, “Henry Bergh and his Work,” 1872; and Morris, “Riddle of the Nineteenth Century,” 415-16. Bergh seemed to take special satisfaction in having successfully launched the humane movement in America despite the opprobrium and ridicule this sometimes brought upon him.

might also have been attracted by the appealing social éclat of the SPCA concept as he encountered it in England, and the prospect of being the first to bring this beneficent cause to the United States. Many years later, Bergh proudly claimed that he had often had occasion to think that his mission on earth was "simply to act as a medium or mediator for the upper and lower animals."  

Like other humane advocates, Bergh sometimes advanced the argument of human self-interest, calling for a broader doctrine of simple fairness based on the utility and service of animals. "I was never specially interested in animals," Henry Bergh once told an interviewer. "I always had a natural feeling of tenderness for creatures that suffer, but what struck me most forcibly was that we were deriving such immense benefits from these creatures and gave them in return not the least protection." In 1884, reacting to the death of two worn-out street car horses who died on the way to the slaughtering yard, Bergh commented, "It's a shame that the animal most useful in the world should be treated the worst."  

Perhaps the most compelling explanation for his attraction to the cause lies in Bergh's oft-professed belief that unchecked cruelty to animals could result in the decline of a civilized nation. "In the history of nations," he told one audience, "we find that in their period of decline wild beast shows, in which animals were made to tear each other 

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50 James C. Turner, Reckoning with the Beast: Animals, Pain, and Humanity in the Victorian Mind (Baltimore: Johns Hopkins University Press, 1981), 47; and Bergh to Lester Wallack, 7 Nov. 1881, NYHS.

51 "Henry Bergh's Good Work," New York Mail, 7 June 1884, ASPCA-NY, SBK 9: 134; and "Left to Die of Heat and Thirst," New York Sun, 10 Sept. 1884, ASPCA-NY, SBK 9: 145. The argument that humans owed animals a practical debt had a longer history; see "On Cruelty to Animals," American Museum or Universal Magazine (Feb. 1792), 54-56.
until the pavement of the arena was red with blood, formed the favorite pastime of the
masses. . . . When a nation delights in witnessing exhibitions of cruelty, its dissolution is
near."52

In part, Bergh’s anxiety emanated from his experiences abroad. The Russian
incidents provoked his fear that if no one from the enlightened stratum sought to stop
cruelty it might become endemic within a given society. The Spanish bullfights recalled
the decadence of a bloodthirsty Roman empire in decline, its most refined citizens in rapt
enthusiasm over an escalating cycle of sacrifice that came to include not just animals but
Christian bishops. Anglo-Saxon America had to guard itself against the importation of
such pursuits and the degeneracy they implied.53

Yet this conviction also drew on Bergh’s observations about the United States
itself, for, as he discovered, disturbing cruelties had already taken hold. Medical
scientists were beginning to adopt the practice of vivisection, then gaining popularity on
the European continent. Pretentious socialites, reveling in the dissolute pursuits of the
English aristocracy, were shooting pigeons and chasing foxes. Streetcar monopolies and
livestock interests, intent upon profits, were operating without regard for either people or
animals. Finally, there were the Irish, who, if not brought under the civilizing influence
of citizens with better manners, might, through their cruelty, put not only the American

52 “A Plea for ‘Our Dumb Slaves,’” York Monthly Review 20 July 1870, PSPCA-PA, SBK 1866-
1877.

53 It was no coincidence that Bergh’s Clinton Hall speech enumerated these cruelties. Bergh
returned again and again to the decadence of the ancient world and the brutality of the Spanish bullfight as
markers of degradation to which the United States must not fall. See Henry Bergh, “Cruelty in Horse-
Racing at Jerome Park,” N. Y. Times, 24 June 1868, 8; Bergh, Putnam County Address, 5, and “Lecture on
Cruelty to Animals,” N. Y. Times, 11 June 1869, 8.
character but the Republic itself in jeopardy. Systematic kindness to animals could be a bulwark against all these threats to the nation.

Conclusion

A combination of revulsion to cruelty and concern that unchecked violence toward animals would inevitably demoralize its perpetrators, with grave risks for American society, drove Henry Bergh’s attraction to animal protection. However, Bergh’s ASPCA and its sister organizations around the country also arose and flourished in response to numerous challenges associated with the incorporation of animals into an urban industrial society. Taking advantage of contemporary demands for action to confront animal-related nuisances in New York City, Bergh brought something more to these problems than energy and zeal for their resolution. He insisted on the acknowledgment of animal suffering as a central dimension in each of them. This emphasis proved historic in its implications, expanding solutions predicated on human self-interest to include concerns about the welfare of animals in their own right.

Bergh’s work also inspired numerous imitators around the country, who launched societies for the prevention of cruelty to animals in their own communities. There was plenty of work to be done, for, despite the fact that animals were implicated in many of the most pressing problems and challenges of the urban environment, their well-being virtually never came up as a consideration in reform efforts. By assigning weight to the interests of animals themselves, the anti-cruelty societies differed from all other entities, public and private, that addressed these various issues. This would be their unique and lasting contribution.