CHAPTER VIII

"NO DISTINCTION": CLASS, CONSCIENCE, AND PRIVILEGED CRUELTRIES

It is a curious and interesting fact that each person regards Mr. Bergh's proceedings with the utmost complacency—indeed, every one is inclined to encourage his self-sacrificing devotion to the comfort of the brute creation—until his own profit or amusement is interfered with.

"The Vagaries of Mr. Bergh,"
New York Post, 26 January 1872

The far-reaching implications of the kindness-to-animals ethic were reflected in the humane movement's determination to challenge the abuse of animals whenever and wherever it flourished. Campaigns against working class recreation that involved cruelty, such as dog fighting, ratting, and animal baiting, and campaigns to eliminate the common cruelties of working class occupations that involved contact with animals were undeniably important in SPCA work. However, citizens from other social strata and an array of corporate and institutional interests routinely offended humane principles too, and American animal protectionists did not hesitate to condemn or to prosecute these parties. Their determination to eliminate the mistreatment and neglect of animals frequently moved humane advocates to action both across and within the boundaries of class. They challenged cruelty regardless of its perpetrators' social or professional standing, because the humane ethic compelled it.¹

¹ All of the following works convey the implication that animal protection was primarily about social control of the lower classes, and some do worse by altogether neglecting other dimensions of humane reform. Most do not discuss humanitarian efforts to challenge the cruelty of privileged or corporate actors. The weight some authors give to the British context accounts for their failure to perceive
Bergh, for example, never failed to underscore the inaccuracy and injustice of the charge that the ASPCA maintained a different set of standards for the wealthy and the powerful. In 1867, when the New York Citizen chastised him for inordinate attention to animal fighting while the corporate abuse of streetcar and omnibus horses flourished, Bergh responded that he was working hard in pursuit of the wealthy who committed crimes against animals too. Other newspapers came to his defense, perhaps more cognizant of the restriction that courts and magistrates had placed on Bergh's efforts to arraign executive officers of the railway companies for the cruelty practiced daily upon their lines. Few who knew him doubted that Bergh would gladly have prosecuted the heads of streetcar companies if only the law and/or the court system had made it possible.

After several years of watching the horsecar campaign, the Herald noted that Bergh had "done a good deal to humanize the class of men who own horses used for working purposes, whether they belong to individuals or corporations." An editorial in the Post went further, applauding Bergh's consistency: "Mr. Bergh makes no distinction between a poor cartman and a wealthy corporation. He compels the latter to treat its animals with kindness, and after two or three of these overloaded cars have been stopped peremptorily

by his order, we see four horses used on every car, whenever the tracks are in bad conditions, during the remainder of the season.”

Bergh and his associates hastened to point out that the ASPCA enjoyed the support of many of New York City’s poorer citizens, some of whom, he once wrote to Angell, made small donations to further its work. In 1874, the New York Times addressing the charge of Bergh’s biases, described incidents in which Bergh took one impoverished offender home for a good meal, while the man’s horse was being cared for in a private stable. Other stories of Bergh’s kindness and sympathy, even toward those he challenged or arrested for cruelty to animals, also circulated.

In fact, although Bergh was more than willing to extend his vigilance and his prosecutions beyond the working men and women of New York to both corporations and his social peers, time and time again he encountered determined opposition to his efforts to do so. In an 1878 interview, Bergh told the Tribune that he did “not think that the poor and uncultured classes are our most formidable antagonists or are the most cruelly disposed.” On the contrary, he continued, “it is the rich and intelligent who oppose me

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3 For Bergh’s letter to Angell, see Mass. Ploughman 27 (21 Mar. 1868), 1. ASPCA Board Secretary William Waddell made a similar claim in ASPCA, Ann. R. 1867, 1. Beyond anecdotal testimony, however, there is little evidence of substantial or active working class support for the ASPCA. On Bergh’s kindness to the poor, see “Justice to the Dumb Race,” N. Y. Times, 1 Feb. 1874, 8; “Gossip,” Harper’s Weekly, 21 Feb. 1874; and C. C. Buel, “Henry Bergh and his Work,” Scribner’s 17 (Apr. 1879), 883. A few other instances are described in Steele, Angel in Top Hat (New York: Harper and Bros.), 256. While possibly apocryphal, these accounts still reflected perceptions of Bergh’s clemency.
most bitterly with their fox hunts, bull fights, racing, pigeon matches, and like sport. . . .
All we have to dread among the lower classes are curses, and a fight perhaps. But the
rich meet us with well-bred insolence, and are the hardest to influence."4

Apart from being hard to influence, the privileged classes were often the source of
anti-ASPCA invective. Just several years after the ASPCA’s formation, the Times noted
that “it has sometimes been the fashion in more respectable quarters to cry down the good
work of this Society, and to magnify only its mistakes.”5 As Bergh would discover,
criticism from such quarters was not always something he could shake off, as it
sometimes led his own board members to counsel or to insist upon restraint.

Whatever their personal inclinations, humane leaders like Bergh found that class
and corporate power did sometimes determine how much progress they could make in
dealing with a particular issue. For instance, Bergh was highly successful in his
campaign to suppress the use of dogs for carting by garbage, swill, and rag collectors,
occupations generally pursued by the poorest of immigrant peoples, principally German
and Irish. In June 1866, Bergh made an initial complaint to the Board of Health, which
denied having jurisdiction in the matter. By the next spring, however, the ASPCA
president had secured a state law that prohibited the unlicensed use of dogs for such
purposes in New York’s cities and incorporated villages. Arrests for failure to procure a
license or failure to muzzle dogs in hot weather began that summer.6

5 “Mr. Bergh and His Work,” N. Y. Times, 8 Aug. 1869, 4.
6 Edward Buffet Manuscript, vol. 1, American Society for the Prevention of Cruelty to Animals
Archive, New York, NY [ASPCA-NY]; and Steele, Angel in Top Hat, 126.
Unlike rag pickers, streetcar company executives, pigeon shooters, and medical experimenters had the political and social power to withstand Bergh's challenges. They found it much easier to thwart humanitarian objectives by securing exemptions from anti-cruelty statutes, litigating their concerns in court, and restraining humane society leaders by means of pressure applied upon and through their board members. In such situations, class did serve to limit the extent and impact of humane initiative. Yet this was not so much because leaders like Bergh, Caroline Earle White, and George Angell were themselves bound by class attitudes, but because the social, political, economic, and cultural networks in which they had to operate constrained them from going as far as they wanted.

While Bergh normally took advantage of every opportunity to prosecute wealthy and elite citizens, the ASPCA made special efforts in cases that involved individual acts of sadism or intentional cruelty. In 1866, a veterinarian was convicted of cruelty for having bashed in a horse's head with an iron bar, and, in 1870, a judge reprimanded a veterinary surgeon who had been arraigned for fatally mutilating another horse. In June 1871, in a widely publicized incident, Bergh attempted to prosecute a doctor named James Comins for extreme cruelty. Comins had set an elaborate trap in his backyard into which he lured cats whose wailing disturbed him. His actions in trapping the cats and knocking them dead distressed Comins's neighbors, some of whose pets the doctor caught and killed. Several newspapers took Comins's side, claiming that he had acted to protect his elaborate flower garden. Although Justice Bixby ordered Comins held over for trial, the Court of Special Sessions eventually discharged the case, siding with the
doctor. This setback did not deter Bergh, and he continued to prosecute the wealthy whenever he and his agents believed that they could provide sufficient evidence.\(^7\)

**Sport**

Of all the privileged cruelties he challenged, none took up more of Bergh’s time and energy than pigeon shoots. In these contests, birds whose wings had been clipped were expelled from spring-loaded boxes to flutter a few feet above the ground as competing shooters rained bullets down upon them. In April 1869, Bergh stopped a pigeon shoot scheduled to take place in New York City. The action caused consternation on the part of several of the ASPCA’s members, including A. K. Gardiner. Bergh also faced the opposition of Theodore Roosevelt’s uncle, Robert B. Roosevelt, politician, outdoorsman, and editor of the *Citizen and Round Table*. Roosevelt condemned the ASPCA’s interference and threatened to test the law directly by staging a shoot. While approving Bergh’s robust reply, Elbridge Gerry and other ASPCA board members intervened to block his further pursuit of the matter, assuring him, Bergh wrote Roosevelt, “that in their opinion the humane cause for which we labor would be better consulted by a suspension of its interference for the present.” Eventually, however, Bergh issued a warning that the ASPCA would arrest and prosecute offenders who

violated the statute by shooting at domestic fowl for sport, amusement, or financial stake.\footnote{Steele, Angel in Top Hat, 220; and ASPCA, Ann. R. 1870, 15-19.}

The caution of Bergh's advisors was not unwarranted, given the social and political context in which the ASPCA had to function. At least one of the judges before whom its cruelty cases frequently came was an enthusiastic participant in the shoots. Reluctantly, Bergh himself came to appreciate that "to have pursued the pigeon men would have been to injure the cause generally."\footnote{On Recorder Hackett's enthusiasm for pigeon shoots, see "The Great Pigeon Match," N. Y. Sun, 10 Apr. 1871, 2; "Pigeon Shooting," N. Y. Times, 25 Jan. 1872, 2; and "Bergh: A Short Interview with the Great Animal Protector," St. Louis Republican, 5 Dec. 1873, 5.} Despite such considerations, however, Bergh continued to employ other methods to interfere with the shoots. He became a strong promoter of alternatives like the "gyro-pigeon" and the glass ball. Bergh also exploited the fact that rumors of his agents' determination to shut down the matches usually lessened attendance and gate receipts.\footnote{"Ira Paine and Mr. Bergh," N. Y. Sun, 30 Jan. 1871, 3; "Pigeon Shooting," Our Dumb Animals [hereafter ODA] 4 (Jan. 1872), 167; and "Pigeon-Shooting Illegal," ODA 6 (Apr. 1874), 96. On the "gyro-pigeon," see "The Gyro-Pigeon," N. Y. Times, 9 Jan. 1873, 2; "A Trial of the Gyro-Pigeon," N. Y. Times, 10 Jan. 1873, 8; and ASPCA, Ann. R. 1873, 41. On the glass ball, see ASPCA, Ann. R. 1878, 8, 44-45.}

Bergh sometimes took his case to the court of public opinion, stopping short of prosecution. In December 1871, he publicly admonished James Gordon Bennett, Jr., for his participation in such events. "That there should be found a man in a Christian land capable of deriving pleasure from the mutilation and agony of one of the tamest and most gentle of all the feathered race . . . may be cited as a bad omen for civilization," Bergh charged. After this skirmish, and a public statement in defense of pigeon shooting by the
Blooming Grove Park Association, a New York Post editorialist came to Bergh's defense: "The pigeon-slaughterers are quite willing that Mr. Bergh should stop a dog-fight. But when he interferes with the 'primary school of shooting practice' his act is an insolent 'vagary,' for which he must be laughed at and reviled."\textsuperscript{11}

On January 5, 1872, after ASPCA agents and several police officers armed with a warrant broke up a shoot at Fleetwood Park, Ira Paine, one of the participants with a stake in the gate-money, sued him for $1,000. The pigeon shooting issue proved the end of Bergh's friendly relationship with A. Oakey Hall, who as District Attorney during 1866 had proved so helpful to the ASPCA. Now, as Mayor, Hall determined to settle the question of whether the police had authority to prohibit pigeon shooting. Hall directed the police board to seek a legal opinion about whether its officers could interfere with pigeon shoots, making it clear that he did not think they had the right to do so.\textsuperscript{12}

In early 1874, Judge McAdams of the Marine Court dismissed Paine's complaint against Bergh, ruling that "the shooting of the birds was a needless mutilating and killing within the [anti-cruelty] statute." The court did not accept the claim of the plaintiff, who had also worked as an entertainer doing blackface minstrelsy, that he was a "professor" engaged in the occupation of teaching gentlemen how to shoot. Gerry's argument that the men had not been shooting animals for food but as part of an illegal wager, and Horace Claflin's testimony about the horrible sight of dying and wounded birds on the


grounds of his nearby country home also influenced the decision. This was a decisive victory for Bergh. Soon after, both Paine and Bogardus, another one of the region’s most accomplished shooters, began to use glass balls instead of pigeons.\textsuperscript{13}

When a police officer stopped a Jerome Park shoot involving James Gordon Bennett, Carroll Livingston, and several other members of the Sparrow Club, the shooters had had enough. In 1875, working through political contacts in Albany, they attached a rider to the anti-cruelty bill that the ASPCA was promoting in the legislature. The rider specified that “nothing in this act shall be construed as prohibiting the shooting of birds for the purpose of human food.” It was a clause that might be construed to protect their shoots if necessary. The issue never came to a test, however, for on April 13, 1875, the pigeon shooters’ supporters secured a majority for another bill that placed their merriment entirely outside the orbit of the anti-cruelty statute. This bill passed when Bergh conceded a compromise, so that a bill granting the ASPCA the power to confiscate paraphernalia used for dog and cock fighting would not be challenged. This bartering was yet another reminder that political influence would determine the fate of many humane initiatives once they came into the legislative arena.\textsuperscript{14}


As it happened, the slaughter of pigeons in New York State would continue for another quarter century. Subsequent legislative efforts during the 1880s to prohibit the pastime went nowhere, much to the frustration of Bergh and supportive citizens like Thurlow Weed. By that time, however, pigeon shooting had begun to draw steady criticism from newspapers in New York and other communities. Even so, the pigeon shooters’ exemption held up through the 1890s. Only in the early years of the twentieth century did the ASPCA gather sufficient political support for a bill to ban the shoots in New York State. By then, pigeon shoots had fallen out of favor with upper class sportsmen in North America, just as they had in Great Britain.15

Humanitarians in Massachusetts and Pennsylvania also launched serious challenges to the cruel pastimes of the privileged classes. Throughout the 1870s, watching Bergh’s campaigns, Massachusetts advocates expressed their disapproval of pigeon shooting in their own state. In 1874, the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) attempted its first prosecution, singling out a member of the Tremont Shooting Club in Boston, which willingly permitted humane agents to make a test case of one bird’s shooting, in the interests of clarifying the scope of the anti-cruelty statute. Chagrined at having received the first case of this kind, the judge ruled against the MSPCA, mainly on the grounds that the shooter had intended to kill, not to

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mutilate or inflict suffering upon, the bird. The judge expressed his doubt that the shooting of pigeons would ever come within the spirit or scope of the Massachusetts antici­
cruelty statute, and encouraged the MSPCA to seek specific legislation. In 1879, George Angell took dead aim at the pigeon shoots, launching a legislative campaign to prohibit them altogether. His initiative gained the support of some 400 Protestant clergymen in Massachusetts, and the proposed law passed by a margin of two to one.\(^\text{16}\)

In Pennsylvania, the shoots proved more difficult to abolish. In 1870, animal protectionists there saw their bill to prohibit pigeon shooting go down to defeat in the state legislature. In 1871, the PSPCA declared its interest in prosecuting a pigeon shooting case, but officials did not believe a conviction could be secured in Philadelphia courts, despite the fact that the city’s newspapers applauded Bergh’s attempts to prosecute participants in New York State. In 1884, state legislators killed another bill to prohibit shoots. Finally, in the late 1880s, Caroline White and the Women’s Pennsylvania Society for the Prevention of Cruelty to Animals (WPSPCA) mounted a vigorous attempt to indict pigeon shooting under the state’s anti-cruelty statute. On December 14, 1887, agents arrested an attorney and several other men for killing birds before a “fashionable assemblage” at the Philadelphia Gun Club. The participants were found guilty and fined $20 each. Two years later, after an appeal, Judge Yerkes of the Bucks County Court of Common Pleas ruled that the activity was a violation of the state’s 1869 anti-cruelty statute making it a misdemeanor to “wantonly or cruelly ill-treat,

\(^{16}\) "Our First Pigeon-Shooting Case," \textit{ODA} 7 (Dec. 1874), 52; and George T. Angell, \textit{Autobiographical Sketches and Personal Recollections} (Boston: American Humane Education Society, n. d.), 62-64.
overload, beat or otherwise abuse any animal.” Unfortunately, the Pennsylvania Supreme Court did not sustain the lower court convictions. The Chief Justice emphasized that, while cruelty could occur at pigeon shoots, the evidence in that particular case did not appear to warrant such a charge. A shooter who had only wounded a pigeon, but who immediately killed it afterward, was not guilty of “wantonly or cruelly ill-treating or abusing” it. This was a setback, and one from which the campaign did not recover. In 1903, 1905, 1911, 1915, and 1925, supportive politicians introduced bills in the Pennsylvania legislature to criminalize pigeon shooting as a misdemeanor. All failed.\(^\text{18}\)

The MSPCA and WPSPCA sought to abolish other forms of elite cruelty in their states as well. One of the most objectionable was fox hunting. In 1888, the Supreme Judicial Court of Massachusetts ruled in the MSPCA’s favor in *Commonwealth v. Turner*, holding that the hunting of a captive fox did constitute cruelty under the state statute. The case emerged from the MSPCA’s 1887 prosecution of a man for conducting a foxhunt after he had received specific warnings that he would be arrested if he did so.\(^\text{19}\)


\(^{19}\) *Commonwealth vs. Turner*, 145 Mass. 296. The MSPCA celebrated the case as having thrown “the protection of the law around every wild beast in Massachusetts, whether in menagerie or roaming the woods and fields. They may be killed, but they cannot be tormented.” See “Most Important Decision on Fox-Hunting and the Protection of All Other Wild Animals,” *ODA* 20 (Dec. 1887), 77.
Following suit, the WPSPCA publicly challenged fox hunting in southeastern Pennsylvania. In 1890, Caroline Earle White's son, an attorney, helped to prosecute two employees of a hunt club that let its hounds chase and kill a tame fox “with unwarrantable cruelty.” The court fined the two men $20 each, plus costs. “I have been thinking of this prosecution for three years,” White revealed, “and waited until I could do so no longer. I cannot fail to discern the inconsistency of allowing rich men to worry tame foxes unmolested and to arrest a poor man for working a lame or galled horse that may be the sole support of himself and his family.” In 1901, White’s attempt to secure prohibitive legislation in the state failed.

Science

There was another category of privileged cruelty that rankled humane advocates and drew their steady criticism—the use of animals in physiological research and classroom demonstrations. A deep antipathy toward vivisection was, with few exceptions, characteristic of the founding generation of animal protectionists. Experimentation upon animals was a relatively new phenomenon practiced on a very small scale when the American anti-cruelty societies began their work. Yet, for humanitarians, it was a distinctive cruelty, one that stemmed not from the ignorance, neglect, or casual expediency so characteristic of common instances of animal abuse, but from the deliberate design of learned and rational men. For many animal advocates, who

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could remember a time when virtually no acts of cruelty were punishable by law, the achievement of humane standards that all must obey was epochal. Vivisection seemed retrogressive and especially objectionable.

In his first address on animal cruelty, at New York's Clinton Hall on February 8, 1866, Henry Bergh excoriated vivisectionists. By September, Bergh was embroiled in public debate over animal experiments with John C. Dalton, Professor of Physiology at the College of Physicians and Surgeons. During the winter of 1867, as Bergh attempted to secure the enactment of a revised statewide anti-cruelty statute, incorporating provisions suggested by the ASPCA's first year of activity, he encountered opposition from experimental scientists determined to gain exemption from its reach. The ASPCA president denounced vivisection in a speech before the New York Assembly on February 1, 1867, and traded charges with Dalton about the utility of animal experimentation and the reliability of Bergh's evidence concerning its cruelties.21

After April 12, 1867, however, when the new anti-cruelty act passed, words were Bergh's only recourse, for Section 10 stated that none of its provisions would "be construed to prohibit or interfere with any properly conducted scientific experiments or investigations . . . performed . . . under the authority of the Faculty of some regularly incorporated Medical College or University in the State of New York." Although in later years others would interpret the clause in ways that might permit some prosecutions, Bergh believed it to have effectively prohibited him from any interference, at least with

the city’s major medical and scientific institutions. Nevertheless, he continued to have agents attend lectures and gather intelligence from students and others, and his passion about the issue remained intense. In his office Bergh hung a lithograph portrait of the experimenter Magendie, writing underneath it, "A French physiologist, otherwise known as the 'Prince of Torturers,' who dissected, alive, 40,000 dumb animals, and ere he died confessed that vivisection was a failure!"  

Bergh's principal local opponents in the controversy were Dalton and Dr. Austin Flint, Jr. of Bellevue Hospital. Although some scholars have suggested that antivivisection arguments evolved from a narrow focus on cruelty to include claims of the uselessness of animal experiments, Bergh was an early advocate of the latter charge, and the utility of vivisection was certainly at issue in his first exchanges with Dalton. The two skirmished intermittently during the 1870s, as the debate over restriction in the United Kingdom spilled over into the American press. Bergh believed Dalton responsible for the failure of the ASPCA's legislative campaigns against vivisection in both 1867 and 1874.  

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During 1879-80, Bergh launched one final if unrealistic offensive in the legislature. This time he sought support for a bill that would make it a misdemeanor to conduct any animal experiments. He also attempted, without success, to stop the city’s sale of pound animals to Bellevue Hospital experimenters. These gambits prompted Dalton and others to undertake a sustained public defense of experimentation. Dalton challenged Bergh’s veracity in a series of published letters that explored the sources for his claims and the nature of his alleged misrepresentations. Dalton and his colleagues asserted that painful vivisection was an exceptional occurrence, most procedures then being performed under the influence of ether. As it turned out, opposition to Bergh’s legislation was so thorough that the vote against it was unanimous in committees of both houses. Bergh gained little more than an opportunity to deliver a speech in its support to a joint committee of the Assembly in February 1880.24

After the 1880 campaign, Bergh concluded that legislation to curb vivisection was a futile objective. Moreover, he explicitly rejected the suggestion that he “ask for a modification of the system of vivisection, rather than its unqualified abolition.” It was not a practice with which he was inclined to compromise, and anything less than

abolition was unacceptable. Instead Bergh focused his energy on public criticism of experimentation.  

After Bergh's death in 1888, the ASPCA backed away from the issue of animal experimentation, citing the New York anti-cruelty statute to explain its inability to intervene. ASPCA president John Haines stated his regret at the organization's "want of legal authority to officially prevent such cruelties," and suggested that it would act swiftly to prosecute any case where it believed it could "reach the perpetrator." The ASPCA remained aloof from the issue until a series of regulationist bills surfaced in the New York Assembly beginning in 1908.

In Philadelphia, Caroline Earle White and her colleagues confronted the vivisection issue from the earliest stage of their work in municipal animal control. In their care, the pound had become a safe, redemptive space, and a means for dealing with the cruelty and public anxiety that surrounded the stray dog problem. But the matter did not end with their entry into the public debate over animal control and rabies. Within weeks of the takeover of the pound by the Women's Branch of the Pennsylvania SPCA (WPSPCA\(^{27}\)), a serious challenge to the women's authority and values emerged, when medical experimenters led by S. Weir Mitchell made a request to procure dogs from the shelter. In the ensuing confrontation, White and her backers would pit their will against


\(^\text{26}\) "Dr. Phelps's Experiment," N. Y. Times, 26 Nov. 1890, 9; and "Society News," JOZ 5 (Mar. 1896), 39.

\(^\text{27}\) Although it would be some years before the Women's Branch of the Pennsylvania Society for the Prevention of Cruelty to Animals incorporated itself as the Women's Pennsylvania Society for the Prevention of Cruelty to Animals (WPSPCA), I use one acronym throughout this chapter for clarity.
the doctors' professional authority. The animal rescue work that the Philadelphia women originated was not, as one author has posited for their French counterparts, "an escape from a dangerous and masculine scientific world." To the contrary, animal rescue brought them face to face with that world, a world in which doctors and scientists were actively seeking to establish their own social and political influence.28

Before the WPSPCA took over animal control responsibilities, Philadelphia vivisectors had been able to acquire dogs from municipal employees at the pound, who were happy to part with a few for either convenience or remuneration. This supply of animals abruptly ended once the transfer of responsibility to the WPSPCA took place. In early November 1870, Mitchell wrote White asking for an "order enabling me to select from the dogs before they are killed by your agents, as such are needed for my studies." White replied,

The term "studies" being rather indefinite, I beg to state that, if you wish dead dogs for dissection, I shall be happy to give you an order for as many as you may desire; but if your studies require the cutting up or torture of live animals, as I am led to believe from reports of them which have reached me, I must decline to aid you in any way—the object of the organization over which I preside being the prevention of cruelty to animals.29

Mitchell probably precipitated the exchange as a dramaturgical engagement, and the general character of his reply suggests that the request for access was itself the principal experiment in his mind. Responding to White’s charge that the term “studies” was

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28 Kathleen Kete, The Beast in the Boudoir: Petkeeping in Nineteenth-Century France (Berkeley: University of California Press, 1994), 17. The doctors’ actions were part of a larger struggle for professional status and cultural authority. The medical profession did not yet enjoy the commanding social or political power that it would enjoy only a few years later. Paul Starr, The Social Transformation of American Medicine (New York: Basic Books, 1982).

indefinite, Mitchell countered, “I wanted the dogs to use them in testing the power of a new medicine, and I needed others to enable me to ‘study’ through experiments, certain obscure phenomena of diseased nerves.” Mitchell’s colleague Dr. Horatio Wood had gone to the WPSPCA headquarters some days earlier to make the very same request, although, as Mitchell later conceded, scientists had the wherewithal to procure animals elsewhere if they chose.30

For her part, White was well aware of vivisection as it was being practiced in the city at that time, knowing a good deal more about the subject than she averred. Treating Mitchell’s request as a deliberate artifice, she responded with authority. On November 9, 1870, she called a special meeting of the WPSPCA board to explain the circumstances under which the controversy had arisen. The vivisectors had procured a signed order from Mayor Fox authorizing the surrender of animals, but the shelter manager had refused to comply. White and Adele Biddle then visited the mayor, who claimed that he had given the doctors his authorization without “due consideration.” He then ceded the matter to the women to resolve as they wished.31

At a second meeting of the WPSPCA board, two days later, White’s colleagues adopted a resolution “approving the action of our President in refusing to allow any of the dogs under the charge of the Society to be taken from the shelter for purposes of


31 White to Bergh, Mar. 9, 1867, in Buffet Manuscript. “Bergh’s War on Vested Cruelty,” vol. 8; and Minutes of Special Meeting, Nov. 9, 1870, Women’s Branch, PSPCA, Women’s Humane Society [WHS], Bensalem, PA.
vivisection.” They further resolved that “whether vivisection be justified or not, under any circumstances, it would be the height of inconsistency that such an organization as ours should lend its assistance in any way, shape or form.”32

After his first undated missive, Mitchell sent letters on November 7 and 11 that pressed White to divulge whether her decision had the full sanction of her board or “its governing body,” a less than subtle reference to the male-controlled board of the Pennsylvania Society for the Prevention of Cruelty to Animals (PSPCA), the WPSPCA’s parent organization. Not content with her November 13 assurance that the WPSPCA board supported her decision unanimously, Mitchell wrote directly to its Executive Committee two days later. Now he took issue with White’s implications concerning cruelty in science, claiming that her letters, in toto, constituted a charge of cruelty against him personally. On December 20, after a month’s delay, the Executive Committee responded with a disquisition on the humane society’s accountability to the public trust and its responsibility to private donors who supported its mission.33

Morris Waln, the PSPCA’s esteemed president, endorsed White’s actions from his deathbed, precluding any appeals to the men’s society. “I hope your branch will remain firm as a rock, and not yield an inch,” Waln wrote her. “According to my ideas, the dogs and the Pound are in your possession for the time being, and no one has any right to interfere with you.” The experimenters’ subsequent effort to have the WPSPCA board’s

32 The resolution was included in White to Mitchell, Nov. 13, 1870, in Appendix, Women’s Branch, PSPCA, Ann. R. 1871, 13.

decision overruled by the City Council was unsuccessful. The doctors lacked sufficient professional stature and cultural éclat to overcome the political and moral authority of influential citizens who disliked vivisection and were skeptical of its value. In March 1871, the Philadelphia City Council formalized the control of White and her coworkers by passing an ordinance authorizing the mayor to contract with the WPSPCA “for the taking up, killing, and removing of dogs found running at large in the City.” Dogs fitted with a wire muzzle to prevent their biting, and properly collared with their owners’ names inscribed, were exempted from this roundup.34

With some exceptions, the press supported the shelter management. Noting that the women had set out to address the problems stemming from the dog roundup and the fears of hydrophobia, one editorialist asked, “Will it be credited that these ladies, in an organization of this sort, have been asked to become purveyors for the vivisectionists? Will it surprise anyone that they refused? It is as if, in the old times, Mrs. Lucretia Mott and the Abolition Society had been asked to capture and return fugitive slaves.”35

The local medical press was not so sympathetic. The Medical Times minced no words, noting wryly that “some years ago a number of gentlemen formed in this city an association to prevent cruelty to animals; and this body has since done a large amount of good and honest work.” The experiment went wrong when “a number of women


conceived the idea that a female branch was desirable, although why they could not have joined the men it is hard to see, except that they wanted a little more chance for sentimentality. . . . The amount of sentimentalism . . . in connection with this whole matter tempts us to say certain unpleasing truths.  

In the wake of the confrontation, the WPSPCA moved quickly to republish some of the extant English-language literature critical of experiments, most notably veterinarian George Fleming’s essay, *Vivisection*, originally produced by the Royal Society for the Prevention of Cruelty to Animals (RSPCA). White shared Henry Bergh’s strong convictions concerning vivisection but proved to be a more rational and enterprising critic over the long span of her life. In 1876, inspired by the agitation over the Cruelty to Animals Act in England, she and her colleagues got a bill to prohibit vivisection in classroom demonstrations introduced in the Pennsylvania legislature, where it quickly drew the opposition of Philadelphia medical institutions. Although the

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36 “Sentiment vs. Science,” Medical Times, 1 Aug. 1871, in WPSPCA SBK, WPSPCA Papers, HSP. An editorial in the Philadelphia Bulletin, 6 Feb. 1871, also offered withering criticism. In the years that followed such stigmatization of women’s humane concerns and work as “sentimental” became the characteristic approach of medical experimenters. At first, they merely ridiculed the women’s knowledge and intentions. Over time, however, the medical community’s response increasingly consisted of outright dismissals of woman’s sentiment as neurotic and disturbed. Ultimately, defenders of experimentation went so far as to classify concern for animals as a form of mental illness with its own diagnosis. The misogyny and condescension of experimental physiologists thus equated criticism of animal research with hysteria. See “Love Animals? Hate Animals? You Have a Disease!” New York American, 23 Mar. 1913. Lee Papers, Vivisection SBK 5; and Craig Buettinger, “Anti-Vivisection and the Charge of Zoophil-Psychosis in the Early Twentieth Century,” The Historian 55 (Winter 1993), 277-88. Medical writer James Peter Warbasse advanced the theory of zoophil-psychosis in *The Conquest of Disease Through Animal Experimentation* (New York: D. Appleton and Co., 1910), 158-61.
bill failed, White stayed with the issue, and in 1883 she founded America’s first anti-vivisection society at a meeting held in the offices of the PSPCA.\(^{37}\)

Initially, the American Anti-Vivisection Society (AAVS) sought legal restriction with the hope of cooperation from the medical fraternity. When after four years its leaders found no support among medical scientists for this policy of compromise, they abandoned it in favor of total abolition.\(^{38}\) In contrast to dogmatic leaders like Bergh and the English anti-vivisectionist Frances Power Cobbe, whom she nevertheless admired, White remained reflective, flexible, and pragmatic in her activism. Over the next three decades, the AAVS supported approaches ranging from modest regulation to total prohibition. In 1893, a *Journal of Zoophily* editorial affirmed that the AAVS was not against all experiments upon animals. It opposed “only experiments that are painful. For example, when an animal is put beyond suffering by the local or general effect of an anesthetic, or by a narcotic . . . and while in this state of insensibility to pain is experimented upon, and then put to death before regaining consciousness, we do not greatly object.” Charged with inconsistency in regard to pending legislation, White maintained that “although we should be very glad to stop vivisection entirely, we proposed nothing in that Bill but to prevent it for class demonstration or illustration and


in addition to prevent by any one person who might be alone, the repetition of any experiment that had already been performed and its results ascertained.”

White demonstrated greater leadership and initiative on the vivisection issue than either Bergh or Angell. In 1892, she and her colleagues launched the Journal of Zoophily, which devoted more space to vivisection than any other publication. White also began to engage defenders of experimentation in periodical pieces for which she drew upon medical literature to make her case. White caused a stir on two separate occasions when her humane agents arrested animal experimenters for cruelty and neglect. In 1890, the WPSPCA attempted to prosecute Dr. Benjamin Shimwell of the Medico-Chirurgical College, after an eyewitness claimed that a dog had howled in pain both during and after an extremely cruel procedure in the medical scientist’s laboratory. Although the evidence introduced at trial did not lead to conviction, White discounted charges that the WPSPCA had acted irresponsibly in its pursuit of the matter.

Several months later, WPSPCA agents arrested Professor William E. Ashton for the neglect and mistreatment of dogs upon whom he had experimented at his “vivisection hospital” at Eighth and Spruce Streets. The WPSPCA charged him with a misdemeanor.

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40 White's letter to Pennsylvania legislators, correcting W. W. Keen's claims about the recovery rate of those who underwent brain surgery, provides a typical example; “Society News,” JOZ 2 (June 1893), 83. For White's use of medical literature, see “The Practice of Vivisection,” Forum (Mar. 1890), 106-16.

under the Pennsylvania anti-cruelty statute. Ashton was conducting experiments visible to his neighbors in a boarding house, a situation that created some personal resentment as well as public offense, and the Board of Health, like the humane society, had initiated action against him. Eyewitnesses reported that Ashton had failed to provide any food, water, or care to the dogs after performing experiments on the surgical treatment of wounds to the stomach and intestine. On the advice of colleagues, Ashton requested a jury trial in order to vindicate the legal status of vivisection in the state. But the showdown never occurred, for the WPSPCA declined to prosecute when the medical fraternity of the city expressed its determination to line up in defense of the doctor.  

White defended the WPSPCA's several attempts to prosecute vivisectors by pointing to the lack of legislation on the subject, and to the positive outcome of the RSPCA's 1874 prosecution of Eugene Magnan in Norwich, England. While this prosecution also failed, White noted, it led directly to a law for the restriction of vivisection, the 1876 Cruelty to Animals Act. Something else too was at stake, White asserted, pointing out that an animal experimenter guilty of cruelty ought to be handled in the same manner as a privileged fox hunter had been some months before. No one's pet practice, she argued, should be exempt from humane scrutiny.  


It was rare for the horses of the well-to-do to experience overloading or excessive use of the whip. But they did endure such questionable procedures as docking and clipping, and suffered under the restraint of the checkrein and the bit burr. Bergh, Angell, White, and other animal protectionists attacked these painful practices and procedures inflicted upon horses by upper class citizens and their hired help. Here, too, they found determined opposition and considerable hostility to their efforts—much of it coming from their communities’ most affluent residents.

In winter 1875, for example, Bergh antagonized wealthy New Yorkers when he arrested the coachman of a prominent publisher’s wife outside of A. T. Stewart’s retail store for failing to blanket the clipped (shorn) horses drawing her carriage. Bergh’s ongoing campaign against clipping carried an implicit condemnation of those who tolerated or encouraged cruelty toward the animals they owned. Although Bergh attributed the practice to the indolence of groomsmen, he believed their employers guilty of “selfish unconcern” in failing to address this cruelty. The ASPCA president cited numerous veterinary authorities in support of his claim that the practice was unhealthy and inhumane.

One of the devices that most disturbed animal protectionists was the checkrein, the use of which Bergh called “one of the most conspicuous acts of cruelty for which the upper or wealthy classes are distinguished.” The checkrein harnessed a horse’s head to

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his body in an unnatural position, preventing him from throwing his weight into his
collar. Animal advocates believed that it was strictly a prejudice of fashion without any
utility. They thought it was tolerated by horse owners, drivers, and teamsters alike on the
assumption that people liked to see a horse with his head up high. Humane societies in
the United States marshaled expert opinion from veterinarians in opposition to the device,
and participated in debates about humane alternatives. The checkrein could frustrate a
horse, diminish his strength, injure his mouth, spoil his disposition, and ruin his health.
The major SPCAs circulated literature on the question right into the first decade of the
twentieth century.45

The fashionable practice of docking—the amputation of a horse’s tail—was the
source of consternation for humane advocates as well, and led to the arrest and
prosecution of wealthy citizens, or their veterinarians and employees, on a number of
occasions. This painful operation involved cutting the tail—composed of bones, muscles,
nerves, and blood vessels—and applying a red-hot iron to stop the bleeding. Docking was
even crueler in its effects. After amputation, humanitarians pointed out, docked horses
could no longer defend against the pain and suffering inflicted by horse flies. Their
misery only worsened as the animals moved downward in the equine economy, into

45 "Improved Driving Reins and Check," Scientific American 15 n. s. 25 (25 Dec. 1866), 418;
Bergh to George Angell, 9 Dec. 1868, ASPCA-NY, LBK 1: 110-11; ASPCA, On the Dangers and Inhuman
Use of the Check-Rein (New York: ASPCA, 1866); George T. Angell, The Check-Rein (Boston: MSPCA,
1872); Henry Bergh, The Horse: His Comfort, Discomfort, and Torture (New York: ASPCA, 1875);
"Horse Torture: The Check-Rein Outrage," N. Y. Herald, 28 Jan. 1883, ASPCA-NY, SBK 9: 40; and
situations where they could not receive the attention and care that docked horses

needed.\textsuperscript{46}

In June 1878, Bergh launched an initiative against the Polo Club, prosecuting James Fraser, the man who cared for its ponies, for docking one animal’s tail the month before. In a case that generated remarkable public interest, Bergh squared off in the courtroom against A. Oakey Hall, the defendant’s counsel, and August Belmont, Jr., counsel for the Polo Club. A veterinary surgeon testified against the practice, along with a disgruntled coachman, since fired, who had witnessed the surgery. Hall, however, stole the show, making light of the proceedings and parading the horse—once owned by General Custer—outside the courthouse during the trial. Bergh’s prosecution was a “put up job,” the former mayor gibed, targeting “the rich men of the Polo Club who did not invite him to their dinners.” Bergh, Hall continued, “had only one hobby—the prevention of cruelty to animals—and like all men with a single hobby he had ridden it to death, and become fanatical in spite of himself.” Hall produced a number of witnesses, including veterinary surgeons, who testified that docking was both common and harmless. This testimony carried the day, and, after several hours’ deliberation, the jury stood at eight for acquittal to four for conviction, and returned a verdict of not guilty.\textsuperscript{47}

In the 1890s, the PSPCA moved aggressively against docking in Philadelphia. In 1891, its agents arrested the coachmen of two prominent citizens for docking the tails of

\textsuperscript{46} ASPCA, Ann. R. 1889, 9; ASPCA, Ann. R. 1894, 5-6; and “What is Docking?” JOZ 4 (Mar. 1895), 32-33. On the arrest of a department store magnate’s son for docking, see “Society News,” JOZ 6 (May 1897), 51. Grooms trying to avoid the labor of caring for the tail were strong advocates of the practice.

\textsuperscript{47} “The Polo Club in Court,” N. Y. Times, 19 June 1878, 8; and “The Polo Club’s Triumph,” N. Y. Times, 20 June 1878, 8.
the horses under their care. The following year, the organization launched an unsuccessful prosecution of Dr. William Zuill, a professor of surgical pathology at the University of Pennsylvania School of Veterinary Medicine, for docking the tail of another leading citizen's horse. Zuill had actually helped the PSPCA in a prior case brought against tail docking, and had cooperated with the organization in several other endeavors. 48

Zuill’s inconsistency exemplified the trouble humane advocates had in getting the veterinary community to take ethical positions concerning the surgical mutilation of animals. Despite the American Veterinary Medical Association’s passage of a resolution that condemned docking, and the occasional public denunciation by forthright practitioners, it thrived so long as wealthy clients preferred to have their horses docked. Individual veterinarians performed the operation frequently, even in those localities where it was unlawful to do so. This was one reason that the anti-cruelty societies found it difficult to suppress. 49

When someone reproached the Women’s Branch of the PSPCA for making an arrest in one tail docking case, Mary Lovell made the Branch’s position plain. “We are unable to see any difference in cruelty done by an affluent or educated person and that done by a poor or ignorant one,” she wrote, “except that the superior advantages of the


former leave him without a shadow of excuse.” Angell too was a staunch critic of tail
docking, frequently deriding what he called “the bobtail aristocracy,” and even offering a
prize for satiric verse that ridiculed the practice and its supporters. During the first
decade of the twentieth century, the MSPCA prosecuted several of Boston’s wealthiest
and most prominent polo players for cruelty to horses resulting from tail docking and the
use of spurs that drew blood. In 1907, the latter offense prompted the PSPCA to
probe one of Philadelphia’s celebrated polo players.50

Although few other humane leaders followed suit, Bergh went so far as to watch
the goings-on at the race track, whose assorted cruelties he thought paralleled those of the
bullfight arena. Bergh condemned the suffering that horses experienced from the whip
and spur, harness galls, excess heat, and track accidents. Bergh’s complaints to the
American Jockey Club’s August Belmont, onetime supporter of the ASPCA, went
unanswered, although he did draw the ire of sportsman Robert Bonner, editor of the New
York Ledger. Two prominent members of the Jockey Club escaped conviction after
roughing up an ASPCA agent and expelling him from the course.51

50 “A Timely Warning,” ODA 17 (Feb. 1885), 174; “The Game of Polo,” and “It is a Mean
Game,” ODA 28 (Oct. 1895), 50; “That Polo Cruelty We Prosecuted,” “That Polo Prosecution,” and “The
Judge’s Polo Decision,” ODA 41 (Nov. 1908), 92; “John B. Moran, Our Late Boston and Suffolk County
District Attorney,” and “The Word No,” ODA 41 (Mar. 1909), 152, 156. On the PSPCA’s prosecution of
Albert Kennedy, see “Polo Player Not Done with SPCA,” North American, 13 July 1907, PSPCA-P A,
SBK 1904-Feb. 1909. Other anti-cruelty societies prosecuted the wealthy for tail docking, although even
laws against the practice were flagrantly flouted by the wealthy, their groomsmen, and their veterinarians;
see AHA, Ann. R. 1901, 5-6; and Hugo Krause, “Why Docking is Tolerated,” National Humane Journal 41
(Sept. 1911), 131-32.

51 “Cruelty in Horse-Racing at Jerome Park,” N. Y. Times, 24 June 1868, 8; and Steele. Angel in
Top Hat, 86-91. Several major humane societies attempted to prosecute acts of cruelty associated with the
steeplechase, too. Despite their efforts on this issue, however, they did not achieve the same level of
success as they did in campaigns against docking, clipping, and the check rein. See “Steeplechasing,”
90; “Henry Bergh on Steeplechasing,” National Humane Journal 14 (July 1886), 102; and “Cruelty to
"he was on the right side": The Fall of Henry Bergh, Jr.

During two decades of campaigning, Henry Bergh condemned virtually every upper class recreation involving cruelty to animals, thinking such activity to be in violation of the 1867 statutory language prohibiting the "needless mutilation or killing of living creatures." However, the associations and hobbies of Bergh's board members sometimes impeded his ability to address these cruelties. Of fox hunting, an ASPCA writer, probably Bergh or his nephew, noted wryly, "This pastime of the indolent imitators of foreign do-nothings seems to enjoy a quasi-success, if killing time, killing a terrified fox, and occasionally breaking a leg of the wrong animal engaged in the jumping of fences, may be regarded as such." Nevertheless, Bergh was reluctant to campaign against it because two ASPCA board members, Royal Phelps and N. M. Beckwith, were enthusiasts.52

The tension surrounding prosecution of prominent citizens for their preferred cruelties surfaced more powerfully after Bergh's death in 1888. Despite advances in public opinion, Bergh's nephew and namesake Henry Bergh, Jr., who succeeded him as president of the ASPCA, quickly ran into trouble with the sporting crowd. In fact, Bergh, Jr. ran so afoul of them that it cost him his office, which he enjoyed for a little less than one year. In the fall of 1888, August Belmont, Jr. and other wealthy members of the Hempstead Coursing Club adopted the practice of baiting captive rabbits for dog coursing on Long Island. Bergh, Jr. placed the legal authority of the ASPCA behind a campaign to

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52 ASPCA, Ann. R. 1883, 7; and Steele, Angel in Top Hat, 219.
suppress the practice. At about the same time, he also demonstrated his independence by attempting to prosecute a young banker for docking and cauterizing the tails of horses at a Long Island stock farm. In these several matters, young Bergh affronted some ASPCA board members who belonged to the same social networks as the targeted cruelists. What they would tolerate from the founder, it seemed, they would not tolerate from his namesake. By the time of the ASPCA annual meeting on March 12, 1889, the anniversary of his uncle’s death, Bergh, Jr. was in serious trouble. Once the meeting began, he and Elbridge Gerry traded charges, some of which focused on Bergh’s dismissal of Superintendent Charles Hankinson for alleged drinking on the job. However, at least one person in attendance believed that Gerry’s ambition to control both the NYSPCC and the ASPCA lay at the heart of the row. Thirteen board members under Gerry’s leadership proposed an amendment to the by-laws that would have rendered Bergh subject to the authority of the Executive Committee in all matters. A large number of rank and file members—mostly women but including his uncle’s erstwhile but always reverent antagonist, P. T. Barnum—came to Bergh’s rescue and defeated these proposals. Nevertheless, preferring to spare the organization any further conflict, the younger Bergh tendered his resignation at a subsequent meeting of the Board of Managers, and it was accepted. His brother, Edwin, the founder’s other nephew, also resigned from the Board at this time. Many close observers thought this the definitive moment in the ASPCA’s turn toward cautious toleration of many societal cruelties. The true details of the fight would remain obscure, “but one thing is certain,” the Tribune observed. “When young
Mr. Bergh fought rabbit-coursing and the docking of horses’ tails he was on the right side.

Conclusion

The SPCAs challenged individual and institutionalized animal abuse wherever they found it, and their commitment to the prevention of cruelty led humane advocates to act within an expansive field of concerns. Without question, working class cruelty to animals often drew their attention. However, animal protectionists made earnest attempts to prosecute wealthy “sports,” fancy ladies, animal experimenters, and other members of the middle and upper classes. In pursuit of humane objectives, they called medical institutions, railway companies, slaughtering firms, and other corporate entities to account. Convinced that humans had a responsibility to treat animals kindly, humane advocates were not timid about asserting this principle consistently across class boundaries or in opposition to corporate or institutional power.

Organized animal protection was a movement focused broadly on the well being of animals. Its supporters viewed the modification of human behavior—regardless of

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53 "Henry Bergh’s Nephew," New York Star, 24 Mar. 1888, ASPCA-NY, SBK 10: 63; “In Mr. Bergh’s Place,” N. Y. Times, 24 Mar. 1888, 8; American Field, 8 Dec. 1888; and N. Y. Tribune, 13 Mar. 1889, “Henry Bergh Not Forced Out,” N. Y. Tribune, 14 Mar. 1889, “Opponents of Mr. Bergh: Elbridge T. Gerry Led the Fight Against the Young Man,” N. Y. Tribune, 14 Mar. 1889, “Rabbits Lose a Friend: Henry Bergh Deposed from the Presidency of the SPCA,” N. Y. World, 14 Mar. 1889, and Untitled Article, N. Y. Tribune, 15 Mar. 1889, ASPCA-NY, SBK 13: 15. Henry Bergh, Jr. returned to the ASPCA as a board member in 1908. By that time, however, the organization was completely inactive on certain fronts, most notably in challenging upper class sporting pursuits that involved animals. Pigeon shooting, which it did target, had by then lost its social éclat. Its president, Colonel Alfred Wagstaff, Jr., was a gunner and fly fisherman who had assisted Bergh during the early years of the ASPCA’s existence while serving in the state assembly. Wagstaff presented the bill to suppress pigeon shooting in the 1873 legislature. The ASPCA certainly did not initiate any campaigns against blood or field sports during his term as president (1906–1921). “There is no cruelty in fishing,” Wagstaff commented. “The trout has not the slightest sensation of pain when he is hooked. That has been proved beyond a doubt. . . . I don’t believe in shaking things up or in hasty and sweeping reforms.”
class—as a necessary element in securing their goals. The unifying motivation behind humane advocates' efforts remained the pain and suffering animals experienced at the hands of the thoughtless, the unknowing, and the unconcerned. Animal protectionists followed a consistent strategy of confronting cruelty wherever it arose. Humaneness was a dynamic principle and the SPCA a *sui generis* institution.